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Attorneys for Defendant

**IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF POWER**

ABERDEEN-SPRINGFIELD CANAL  
COMPANY, an Idaho Corporation, JEFFREY  
and CHANA DUFFIN, individually, as  
stockholders, and as husband and wife,

Plaintiffs,

vs.

IDAHO DEPARTMENT OF WATER  
RESOURCES, an executive department of the  
State of Idaho,

Defendant,

and

A&B IRRIGATION DISTRICT, AMERICAN  
FALLS RESERVOIR DISTRICT #2,

**Case No. CV-2014-165**

**AFFIDAVIT IN SUPPORT OF  
MOTION FOR SUMMARY  
JUDGMENT**

BURLEY IRRIGATION DISTRICT,  
MINIDOKA IRRIGATION DISTRICT,  
MILNER IRRIGATION DISTRICT, NORTH  
SIDE CANAL COMPANY AND TWIN  
FALLS CANAL COMPANY,

Defendant-Intervenors.

MEGHAN CARTER, being first duly sworn, deposes and states:

1. I am an attorney representing the Idaho Department of Water Resources ("IDWR"). I am over the age of eighteen and the facts I state below are based on my personal knowledge.

2. On February 24, 2015, Steven T. Howser gave a deposition in the above caption case. An excerpted portion of that deposition is attached as Exhibit A.


3. On February 24, 2015, Jeffery T. Duffin gave a deposition in the above caption case. An excerpted portion of that deposition is attached as Exhibit B.

4. In January of 1992, Vern R. Duffin submitted an application for permit 35-8980 to IDWR. The permit sought to divert ground water for irrigation. A true and correct copy of application for permit 35-8980 is attached as Exhibit C.

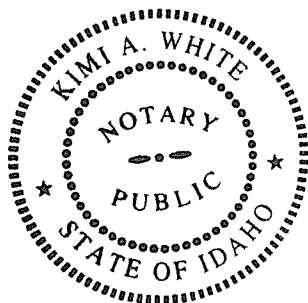
5. On February 29, 2012, the Snake River Basin Adjudication Court issued partial decrees for ground water rights 35-2543 and 35-4246. A true and correct copy of the partial decrees for 35-2543 and 35-4246 are attached as Exhibit D.

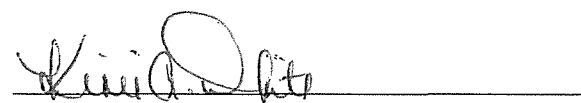
6. On April 24, 2013, IDWR issued a drilling permit to Aberdeen-Springfield Canal Company to drill a recovery well. A true and correct copy of the drilling permit is attached as Exhibit E.

DATED this 4<sup>th</sup> day of March 2015.

  
\_\_\_\_\_  
Meghan Carter  
Deputy Attorney General  
Idaho Department of Water Resources

SUBSCRIBED AND SWORN To before me this 4<sup>th</sup> day of March 2015.



  
\_\_\_\_\_  
NOTARY PUBLIC FOR IDAHO  
Residing at Boise, Idaho  
Commission Expires: 04/01/16

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4<sup>th</sup> day of March 2015, I caused a true and correct copy of the foregoing document to be filed with the Court and served on the following parties by the indicated methods:

*Original to:*

Clerk of the Court  
Snake River Basin Adjudication  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707  
Facsimile: (208) 736-2121

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\_\_\_\_\_  
MEGHAN CARTER  
Deputy Attorney General

# Exhibit A

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF POWER

ABERDEEN-SPRINGFIELD CANAL	)	
COMPANY, an Idaho Corporation,	)	
JEFFREY and CHANA DUFFIN,	)	
individually, as stockholders,	)	
and as husband and wife,	)	
Plaintiffs,	)	
vs.	)	Case No. CV-2014-165
IDAHO DEPARTMENT OF WATER	)	
RESOURCES, an executive	)	
department of the State of	)	
Idaho,	)	
Defendants,	)	

(Caption continued to next page)

30 (b) (6) DEPOSITION OF  
ABERDEEN-SPRINGFIELD CANAL COMPANY  
TESTIMONY OF STEVEN T. HOWSER  
FEBRUARY 24, 2015

REPORTED BY:

CATHERINE L. PAVKOV, CSR NO. 638

Notary Public

Page 2	Page 4
<p>1 (Caption continued)</p> <p>2 and )</p> <p>3 A&amp;B IRRIGATION DISTRICT, )</p> <p>4 AMERICAN FALLS RESERVOIR )</p> <p>5 DISTRICT #2, BURLEY IRRIGATION )</p> <p>6 DISTRICT, MILNER IRRIGATION )</p> <p>7 DISTRICT, MINIDOKA IRRIGATION )</p> <p>8 DISTRICT, NORTH SIDE CANAL )</p> <p>9 COMPANY, and TWIN FALLS CANAL )</p> <p>10 COMPANY, )</p> <p>11 Defendant-Intervenors. )</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 (Appearances continued)</p> <p>2</p> <p>3 For the Defendant Idaho Department of Water Resources:</p> <p>4 Idaho Department of Water Resources</p> <p>5 BY: MEGHAN CARTER and JOHN W. HOMAN</p> <p>6 322 East Front Street, 6th Floor</p> <p>7 Post Office Box 83720</p> <p>8 Boise, Idaho 83720-0098</p> <p>9 meghan.carter@idwr.idaho.gov</p> <p>10</p> <p>11 For the Defendants A&amp;B Irrigation District, Burley</p> <p>12 Irrigation District, Milner Irrigation District, North</p> <p>13 Side Canal Company, and Twin Falls Canal Company:</p> <p>14 Barker Rosholt &amp; Simpson, LLP</p> <p>15 BY: PAUL L. ARRINGTON</p> <p>16 195 River Vista Place, Suite 204</p> <p>17 Twin Falls, Idaho 83301-3029</p> <p>18 pla@idahowaters.com</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 (Appearances continued to next page)</p>
Page 3	Page 5
<p>1 THE 30(b)(6) DEPOSITION OF ABERDEEN-SPRINGFIELD</p> <p>2 CANAL COMPANY, TESTIMONY OF STEVEN T. HOWSER, was taken</p> <p>3 on behalf of the Defendants A&amp;B Irrigation District,</p> <p>4 Burley Irrigation District, Milner Irrigation District,</p> <p>5 North Side Canal Company, and Twin Falls Canal Company</p> <p>6 at the law offices of Racine, Olson, Nye, Budge &amp;</p> <p>7 Bailey, Chtd., 201 East Center, Pocatello, Idaho,</p> <p>8 commencing at 9:42 a.m., on February 24, 2015, before</p> <p>9 Catherine L. Pavkov, Certified Shorthand Reporter and</p> <p>10 Notary Public within and for the State of Idaho, in the</p> <p>11 above-entitled matter.</p> <p>12</p> <p>13 A P P E A R A N C E S:</p> <p>14</p> <p>15 For the Plaintiffs:</p> <p>16 Racine, Olson, Nye, Budge &amp; Bailey, Chtd.</p> <p>17 BY: RANDALL C. BUDGE</p> <p>18 201 East Center</p> <p>19 Post Office Box 1391</p> <p>20 Pocatello, Idaho 83204-1391</p> <p>21 rcb@racinelaw.net</p> <p>22</p> <p>23 (Appearances continued to next page)</p> <p>24</p> <p>25</p>	<p>1 (Appearances continued)</p> <p>2</p> <p>3 For the Defendants American Falls Reservoir District #2</p> <p>4 and Minidoka Irrigation District:</p> <p>5 Fletcher Law Office</p> <p>6 BY: W. KENT FLETCHER</p> <p>7 1200 Overland Avenue</p> <p>8 Post Office Box 248</p> <p>9 Burley, Idaho 83318-0248</p> <p>10 wkf@pmt.org</p> <p>11</p> <p>12 Also Present: JEFFREY DUFFIN</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 A. Well, in some instances, I suspect that it  
2 was just not used. So it was either not drawn from  
3 storage or it was not diverted. The diversion for that  
4 water may or may not have been required.  
5 In other instances, it may have been  
6 rented. Or it may have been used on other lands that  
7 the shareholder owns that are using canal water, which I  
8 suspect is the most common result of taking exclusive  
9 delivery of water through a well, rather than a  
10 headgate.  
11 Q. Okay. And did the Company make -- well,  
12 how am I going to ask this question? Was there any  
13 expectation that these water users would just stay on  
14 ground water forever or would they come back? Did the  
15 Company have any expectation on that?  
16 A. I don't believe that there was -- I don't  
17 recall ever seeing any discussion of the expectation  
18 that those ground-water diversions would become  
19 permanent or that they were temporary. I just don't  
20 think it was discussed.  
21 Q. Was there any discussion about what would  
22 happen if they came back on the system?  
23 A. Recently, yes. The board set a policy  
24 in -- I'd have to look at the date, but it's in the --  
25 it's one of the exhibits in --

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1 Q. In Exhibit 1?  
2 A. I think so. Yeah, in Exhibit 1 in my  
3 Corrected First Affidavit. In December of 2012, the  
4 board set a policy to directly address the issue that  
5 you've asked me about. The board had concerns that as  
6 individuals who were irrigating parcels of their  
7 property exclusively from wells began to call for their  
8 water from the surface system, that that increase in  
9 demand on the system would cause us to revisit our  
10 capacity issues that we had in the '60s and '70s. And,  
11 consequently, set a policy addressing that situation.  
12 Q. So why in -- why was it 2012 that this  
13 discussion came in up?  
14 A. Because in September of 2012, the SRBA  
15 Court, what's the proper term, threw out a settlement  
16 agreement that had been entered into between  
17 Aberdeen-Springfield Canal Company and the State of  
18 Idaho, the Idaho Department of Water Resources, that  
19 provided for mitigation for ground-water rights that  
20 were being used to irrigate lands that had  
21 Aberdeen-Springfield Canal Company shares appurtenant.  
22 Q. Are those ground-water rights the ones you  
23 were speaking of that you filed the protest -- or the  
24 objection to in the SRBA?  
25 A. They are.

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1 Q. So the agreement was -- did you say thrown  
2 out? I just want to use the same term.  
3 A. Yeah.  
4 Q. Thrown out.  
5 A. I don't know if that's actually the proper  
6 term for what he did.  
7 Q. The agreement was thrown out. Those  
8 ground-water rights were still decreed?  
9 A. Yes.  
10 Q. With the -- if I remember correctly,  
11 there's that condition that Kent tried to tell you about  
12 that --  
13 A. Well, it changed in the -- when we dropped  
14 our protest and the State reissued the director's  
15 recommendations. I think the language now is combined.  
16 Q. Combined?  
17 A. With Aberdeen-Springfield Canal Company  
18 water.  
19 Q. And so they still had the ground-water  
20 rights. Why, then, did this decision from the Court --  
21 why was there a concern that this decision would prompt  
22 people to come back?  
23 A. Well, because we'd had -- we had a  
24 request, a call for water, on a piece of ground that had  
25 been -- that had a ground-water right appurtenant, as

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1 well as Canal Company shares. The board recognized that  
2 the rules and laws of the State were such that  
3 individuals that had these ground-water rights were free  
4 to sell, transfer, or do whatever they can legally do  
5 with those ground-water rights.  
6 And since it seemed -- the board was  
7 concerned that shareholders, the head ground-water  
8 rights, they were irrigating lands that also had shares  
9 appurtenant, would transfer those ground-water rights  
10 elsewhere and then demand their water from the canal.  
11 And at some point, as lands came back  
12 under the surface-water portion of the system, the  
13 surface canals, that at some point we would start to see  
14 capacity issues to meet demand at peak irrigation times.  
15 And as a delayed decision might present equability  
16 issues with concern to how shareholders are treated, the  
17 board set this policy before there was any -- well, in  
18 anticipation of those requests.  
19 Q. Okay. So if we're looking at Exhibit 1 of  
20 your affidavit, First Corrected Affidavit --  
21 A. Okay.  
22 Q. Is this the policy that the board created?  
23 A. This is -- the resolution that's mentioned  
24 in the minutes of the regular board meeting,  
25 December 2012 for Aberdeen-Springfield Canal Company,



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1 beginning with, on the first page of that copy of the  
2 minutes, there's a motion by Ray Duffin, seconded by  
3 John Houghland, to adopt in the Company's policies and  
4 procedures the following resolution regarding recovery  
5 headgates.  
6 Q. And the policy begins with that -- the  
7 policy starts with the first whereas?  
8 A. That's correct.  
9 Q. And continues --  
10 A. Through be it further resolved on the  
11 second page.  
12 Q. The second be it further resolved?  
13 A. The second be it further resolved. Thank  
14 you.  
15 Q. And that concludes -- does it conclude at  
16 the bolded motion passed?  
17 A. That's correct.  
18 Q. So who developed the language of this  
19 policy?  
20 A. I did.  
21 Q. Okay. I'm going to go to page --  
22 A. Not solely. You know, there were -- we  
23 developed the language during the board meeting. And so  
24 I would take responsibility for most of the language.  
25 But that was my interpretation of what the board wanted

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1 in the resolution. And then, of course, the language  
2 was settled on before the resolution, before the motion  
3 was -- after the motion was made, before the motion was  
4 passed.  
5 Q. Okay. So let's go to the second page, the  
6 first whereas. If you'll read just that first whereas  
7 for me.  
8 A. Whereas the loss of mitigation for ground  
9 water rights irrigating lands within  
10 Aberdeen-Springfield Canal Company's -- I'm sorry. Let  
11 me start over. Whereas the loss of mitigation for  
12 ground water rights irrigating lands with  
13 Aberdeen-Springfield Canal Company shares appurtenant is  
14 likely to result in the increased demand for delivery  
15 from the Company's surface water system.  
16 Q. Does this paragraph speak to the issue we  
17 were just talking about?  
18 A. Yes.  
19 Q. The SRBA Court decision --  
20 A. Yes.  
21 Q. Okay. Let's continue.  
22 A. Would you like me to continue reading?  
23 Q. Please.  
24 A. Therefore, be it resolved that any call  
25 for delivery from the Company's surface water system

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1 onto lands which have previously -- or which have been  
2 previously irrigated exclusively from a well will be  
3 required to take delivery through a recovery headgate  
4 and that this headgate will be the existing well serving  
5 the property.  
6 Q. What is that paragraph telling me?  
7 A. That paragraph means that if you call for  
8 your water and previously the parcel of land that you're  
9 calling for your water on was irrigated exclusively from  
10 a well, that the Company would require you to take your  
11 canal delivery through that existing well.  
12 Q. So under the language of this paragraph,  
13 could that water user, who was exclusively irrigating  
14 from the well, resume surface deliveries from a surface  
15 headgate?  
16 A. No. This language says that if you call  
17 for water onto lands which have previously been  
18 irrigated exclusively from a well, all right, that you  
19 are required to take that delivery -- or your canal  
20 water delivery from that well.  
21 Q. Any exception to that?  
22 A. Not as yet. Although, I suspect that we  
23 might -- at some point, I'm sure somebody is going to  
24 ask for an exception to that policy. But we haven't  
25 seen a request for an exception to that policy yet.

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1 Q. I want to come back -- we'll come back and  
2 ask a few more questions. I'll just read the last two  
3 paragraphs. Be it further resolved that the landowner  
4 will be required to surrender control of the well to the  
5 Company and will be required to pay for a  
6 Company-approved measuring device to be installed on the  
7 headgate. Be it further resolved that maintenance of  
8 the well and associated equipment (pump, motor, etc.)  
9 will be the responsibility of the landowner.  
10 The well is transferred to the ownership  
11 of the Company, but the landowner still pays everything  
12 associated to the well, am I reading that correctly?  
13 A. No. Ownership is not transferred.  
14 Control.  
15 Q. Control.  
16 A. Control is transferred.  
17 Q. Okay. What does that mean? From the  
18 Company's perspective, what does that mean?  
19 A. Well, the Company doesn't own headgates.  
20 The shareholders own the headgates.  
21 Q. Okay.  
22 A. So shareholders are required to pay for  
23 installation and construction of headgates. Or if they  
24 choose -- or if they apply to have a headgate moved, all  
25 right, they have to pay for that cost. But the

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1 determination that Canal Company recovery water was  
2 available that location. And it's the information that  
3 I presented to the board of directors during their  
4 consideration of approval or consideration of the  
5 application.  
6 Q. Was this the only -- is it Krig or creek?  
7 A. Krig.  
8 Q. Spelled k-r-i-g?  
9 A. That's correct.  
10 Q. Was this the only Krig map that you looked  
11 at?  
12 A. No.  
13 Q. Or provided to the board, I guess I should  
14 say?  
15 A. It -- this is the map that I presented to  
16 the board. It's not the only -- I looked at the entire  
17 season of 2012. Today, 2012 is our most complete data  
18 set. We're getting better every year.  
19 So I used our most complete data set with  
20 our most current model to determine if loss from the  
21 canal was present at the location of the well that the  
22 Application to Change or Add Point of Delivery was  
23 found.  
24 Q. And this, just refreshing my mind, this  
25 particular map shows that at this time, or April 1st to

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1 May 30th period of time of 2012, there was an increase  
2 of approximately up to a half a foot?  
3 A. Yes.  
4 Q. At that --  
5 A. That's correct.  
6 Q. Did you develop this application? Did  
7 you -- where did this application come from, the form of  
8 it?  
9 A. The application? It's based on a form  
10 that has been intermittently used by the Company over  
11 the years to move the headgate or to add a headgate.  
12 I added language to the application to  
13 incorporate what the board intended with respect to  
14 recovery headgates. And I believe I had our attorney  
15 review this. But I don't remember precisely.  
16 The board -- and I don't believe I  
17 included that in any of the affidavits, although it may  
18 be in my discovery, where the board approved the form of  
19 this application, probably in early 2013. I'm not sure.  
20 Q. Okay.  
21 A. The policy came first, application came  
22 second. And then in 2013, April or May -- no, March is  
23 when we saw the first applications come in.  
24 Q. Okay. Let's look at that Duffin  
25 application, again Exhibit 2 to the First Corrected

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1 Affidavit. Question 2, e., it says, existing company  
2 headgate numbers J-2-8, J-2-10.  
3 A. Yes.  
4 Q. Are those the surface delivery points?  
5 A. Those are the surface delivery points on  
6 J lateral.  
7 Q. Are those still in existence?  
8 A. They are.  
9 Q. How long has it been since this property  
10 received water through the surface shares?  
11 A. I really don't know exactly. I can give  
12 you a broad estimate. Since the '70s.  
13 Q. Okay.  
14 A. But part of the parcel received water  
15 after -- it appears or at least my recollection is that  
16 at first one of the parcels stopped taking delivery from  
17 the canal. And then at a later date, the second part  
18 stopped taking delivery from the canal, the second  
19 parcel.  
20 Q. Okay. And then at that point, it was  
21 all -- was it all from the supplemental well?  
22 A. Yeah. We assumed that all of the  
23 irrigation that occurred after that point was from the  
24 well.  
25 Q. Okay. Do you know when the well -- so let

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1 me go back to Question No. 4 on that application. Is  
2 that the location of what we're referring to as the  
3 Duffin well?  
4 A. That's correct.  
5 Q. Do you know when that well was drilled?  
6 A. Only what I've been told. And -- or what  
7 I've heard. I don't even know who told me. But I  
8 believe it was early '70s is when the well was drilled.  
9 Q. Did the Company drill the well or did --  
10 A. No, the Company did not drill the well.  
11 Q. Do you know if a well driller's permit was  
12 acquired for the drilling of the well?  
13 A. I don't know.  
14 Q. This application is dated 2013. In what  
15 seasons was the Duffin well used as a recovery headgate?  
16 A. In the 2013 irrigation season.  
17 Q. Only?  
18 A. Yes. For the 2014 irrigation season, the  
19 Canal Company transferred a portion of its ground water.  
20 Pending outcome of this litigation.  
21 Q. So how did the land get water during 2014?  
22 A. Through the well.  
23 Q. Through the well?  
24 A. Yes.  
25 Q. Did they -- how did they get a right to

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1 divert from the well for 2014?

2 A. The Canal Company leased a portion of its

3 ground-water rights to be used from that location to

4 irrigate those lands.

5 Q. Okay. Sorry. I think you already told me

6 that.

7 A. I did.

8 Q. Sorry. I could tell from the tone of your

9 voice. And I remember now too.

10 So in 2013, they received a -- they

11 received water from the recovery headgate. In 2014,

12 they didn't because of the action that was started with

13 the Department. What was the Company's involvement in

14 that notice of violation process?

15 A. The Company was made aware of the notice

16 of violation by Jeff Duffin. The board instructed me to

17 contact the attorney and start procedures -- or do what

18 was necessary to show the Department of Water Resources

19 that we were operating that well as a recovery headgate

20 as a company.

21 I don't recall if I wrote a letter to the

22 Department. I don't believe I wrote a letter to the

23 Department. I think the board just told me to turn it

24 over to the attorney at that point.

25 And I could talk about what I recall of

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1 the subsequent legal procedures, but that could be off.

2 Q. No. That's all right.

3 A. Okay.

4 Q. Look, see, I'm getting really close. I do

5 have a question for you, another document I want to --

6 A. Was this graph --

7 Q. That graph goes immediately before the

8 invoice. Let me ask you another question really quick

9 before I go to this. I'm going to shift gears just a

10 little bit because I want to make sure in my mind I'm

11 closing the loop. When the Company filed objections to

12 the ground-water rights in the SRBA, is it the Company's

13 position that when the wells are diverting ground water,

14 they're actually diverting seepage from the canals?

15 A. Correct. If you would look at the

16 protests that we filed to those ground-water rights, the

17 protest was based on the source of the water right. And

18 it was the Company's contention at that time, prior to

19 that, and still, that those wells are pumping Canal

20 Company water.

21 Q. Okay. Make sure I don't have another

22 question. But I'm trying to find the -- I'm going to

23 hand you this.

24 You know, I think I'm done for a while on

25 those corrected first and second affidavits. So we can

Page 84

1 set those aside.

2 A. Okay.

3 Q. I'll give you that. Do you recognize --

4 A. This appears to be a copy of the minutes

5 of the board of directors meeting of

6 Aberdeen-Springfield Canal Company from April 3, 1995.

7 And I see it contains the Bates stamp from the discovery

8 requests.

9 Q. And so for everyone, I did copies on the

10 front and back, so they're not going to notice. But you

11 will notice that there's blank pages. That's how it was

12 provided to us, so I just kept those blank pages in

13 there.

14 A. I assumed that was to show that there was

15 nothing on the back side of the pages.

16 Q. All right.

17 A. Or they put the pile in the copier and hit

18 the number.

19 Q. A lot of them were done that way. But for

20 whatever reason, I just wanted to -- I just provided the

21 full document.

22 MR. ARRINGTON: Let's mark this as

23 Exhibit 3.

24 (Exhibit 3 marked.)

25 Q. (BY MR. ARRINGTON) We're going to turn to

Page 85

1 the page that's marked at the bottom ASCC\_01950. You'll

2 notice I've kind of marked a paragraph, that's where

3 we're going to focus our discussions for a few minutes

4 here. Will you read the first sentence of that to me?

5 A. I'm sorry, the -- what you marked?

6 Q. I'm sorry, the mark that begins, a letter

7 (attached).

8 A. Okay. A letter (attached) from Attorney

9 Ling expressing his opinions of the recovery wells as a

10 point of diversion for ASCC water by shareholders was

11 discussed.

12 Q. One more sentence.

13 A. Discussion was also held regarding the

14 motion made on 2/7/95 which instructed the Company to

15 apply for a recovery well permit and definition of

16 related costs.

17 Q. So do you have, in your Company records,

18 the minutes from the 2/7/95 board meeting?

19 A. Yes.

20 Q. Those were not provided. Can we get a

21 copy of those?

22 A. Sure. Really, they didn't get in there

23 somewhere?

24 Q. No. It was one of those redacted pages, I

25 think. I'm assuming it was just an oversight.

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1 clear up. And that way, I think it will be better if I  
2 go, since we're on the -- representing --  
3 MS. CARTER: Yes.  
4  
5 EXAMINATION  
6 QUESTIONS BY MR. FLETCHER:  
7 Q. You were answering some questions about  
8 the capacity problems, and I think you were specifically  
9 talking about the J canal and how the canal was  
10 established and that I think you were implying, and I  
11 may be incorrect, that at some point, once it was  
12 established, you thought you could not go back in and  
13 enlarge the canal?  
14 A. I didn't say that, no.  
15 Q. Okay. Well, you'd mentioned something  
16 about the easement being defined. And I was just  
17 wondering -- I guess my first question is, are your  
18 easements in your Canal Company actually described or  
19 defined somewhere?  
20 A. No.  
21 Q. So --  
22 A. There may be some contained within  
23 individual deeds. But we're not aware of those.  
24 Q. Okay. Do you know of any prohibition that  
25 if you felt as the manager of the district or the

Page 95

1 directors felt, the Canal Company directors felt that it  
2 was -- that a facility needed to be enlarged for  
3 capacity purposes that would prevent you from doing  
4 that?  
5 A. No.  
6 Q. Okay. On the Duffin property, you'd  
7 mentioned earlier the language in the application that  
8 talked about, I think, the J canal had been removed long  
9 ago. Then you went on to testify that a different point  
10 of diversion on the J canal was established for that  
11 property.  
12 A. Yes.  
13 Q. To your knowledge, was water ever  
14 delivered to that property through that alternative or  
15 the second point of diversion?  
16 A. Well, I guess I would have to say, to my  
17 knowledge, my personal knowledge, no. But that's  
18 different than was water ever delivered to that property  
19 from that particular --  
20 Q. Yeah, I'm just asking you what you know.  
21 A. Okay. In my tenure, we've not delivered  
22 water to that parcel from that headgate.  
23 Q. Okay. So I assume -- and this all  
24 occurred in the '70s, correct?  
25 A. I believe so.

Page 96

1 Q. And so since the '70s, how has water --  
2 has that parcel been irrigated?  
3 A. I believe so.  
4 Q. And what is the source of the irrigation  
5 water?  
6 A. Well, I believe they were pumping out of  
7 that well.  
8 Q. Okay. But did that well have a water  
9 right?  
10 A. I don't know.  
11 Q. You don't know if it has a water right?  
12 A. Well, I -- well, I don't know if it had a  
13 water right in the time period you were asking me of. I  
14 believe, and I've been told currently, that there is no  
15 water right on that particular hole in the ground.  
16 Q. Again, I'm just asking you what you know.  
17 So, to your knowledge, has that well ever had a water  
18 right?  
19 A. No. No, it's never had a water right, to  
20 my knowledge.  
21 Q. Okay. So that parcel, the 175 acres that  
22 we're talking about in this litigation, has been  
23 irrigated since the 1970s without a water right?  
24 A. That's incorrect.  
25 Q. Okay. So what water right has it been

Page 97

1 irrigated with?  
2 A. That parcel, the two parcels comprising  
3 190 shares, has had shares appurtenant to that ground  
4 since probably the late 1910s. And the assessments have  
5 always been paid. So any irrigation of that property,  
6 with the assessments being paid, it's the Canal  
7 Company's intention that that was irrigated with Canal  
8 Company water.  
9 Q. Okay. Even though the Company was not --  
10 or diversion was not taking place from a Company  
11 facility during that time?  
12 A. Correct. Although, we're not in  
13 litigation about what happened prior to 2013.  
14 Q. No, I understand. I'm just looking for  
15 history.  
16 A. Our contention is is that every well that  
17 pumps water on to land that has Aberdeen-Springfield  
18 Canal Company shares appurtenant is in fact pumping loss  
19 from the canal, regardless of a status of any other  
20 water right.  
21 Q. Who actually owns the well, the Duffin  
22 well that we're talking about?  
23 A. Jeffrey and Chana Duffin.  
24 Q. So that well is not owned by  
25 Aberdeen-Springfield Canal Company?

<p style="text-align: right;">Page 110</p> <p>1 were drilled?</p> <p>2 A. I -- no.</p> <p>3 Q. Okay.</p> <p>4 A. Only one of these wells has been drilled</p> <p>5 since I've been with the Company, and that's the Simms</p> <p>6 well.</p> <p>7 Q. The Simms well. And that's the one that</p> <p>8 you've referred to as being drilled in 2004?</p> <p>9 A. No. Was it 2004? I thought it was</p> <p>10 earlier than that. It might have been 2004.</p> <p>11 Q. Okay. But that's the only one that's been</p> <p>12 drilled since you were here?</p> <p>13 A. Yes. And the J lateral well, which is not</p> <p>14 completed.</p> <p>15 Q. Correct. Okay. Do you know if Mr. Slaugh</p> <p>16 drilled that well himself or was that a company-drilled</p> <p>17 well?</p> <p>18 A. That was a company-drilled well. That was</p> <p>19 one of the drought wells.</p> <p>20 Q. Okay. And so are all the company-owned</p> <p>21 wells drilled by the Company, were all those --</p> <p>22 A. I don't know.</p> <p>23 Q. Okay.</p> <p>24 A. In the '30s, you know -- well, prior to</p> <p>25 1984, '84, '81, a license to drill a well wasn't</p>	<p style="text-align: right;">Page 112</p> <p>1 differentiate the amount of water coming from the</p> <p>2 supplemental rights from the amount of water coming from</p> <p>3 the shares when you're determining whether or not or how</p> <p>4 much you could recover from that area?</p> <p>5 A. No, we don't monitor or measure diversions</p> <p>6 occurring under ground-water rights issued by the State</p> <p>7 of Idaho.</p> <p>8 Q. Okay.</p> <p>9 A. Okay? We only measure what we deliver.</p> <p>10 Q. All right. And just to make sure that I'm</p> <p>11 clear with the terminology here. A recovery headgate is</p> <p>12 something that is specific to an individual property</p> <p>13 controlling the flow of water from your system to their</p> <p>14 property?</p> <p>15 A. Yes, that's the differentiation. A</p> <p>16 recovery well pumps directly into the canal. A recovery</p> <p>17 headgate supplies recovery water to an individual</p> <p>18 parcel.</p> <p>19 Q. And there's been a lot of -- there's a lot</p> <p>20 of mention within the discovery documents of drainage</p> <p>21 wells and recovery wells and some of that seems</p> <p>22 interchangeable. What is the distinction for</p> <p>23 Aberdeen-Springfield?</p> <p>24 A. Well, the distinction between a drainage</p> <p>25 well and a recovery well is purely semantic.</p>
<p style="text-align: right;">Page 111</p> <p>1 required. So in my discovery, I included every drilling</p> <p>2 record that we have possession of, who paid for that.</p> <p>3 And I -- I assume if we have the drilling record, we did</p> <p>4 the drilling.</p> <p>5 Q. Okay. I think that covers all of the</p> <p>6 specifics on the wells.</p> <p>7 A. Okay.</p> <p>8 Q. So we've had some discussion about</p> <p>9 supplemental rights. Does Aberdeen-Springfield</p> <p>10 differentiate for recovery purposes water from</p> <p>11 supplemental rights versus water from the canal?</p> <p>12 A. Well, Aberdeen-Springfield Canal Company</p> <p>13 takes no responsibility for diversions occurring under</p> <p>14 ground-water rights issued by the State of Idaho. We</p> <p>15 don't consider them. We don't measure them. That's not</p> <p>16 our job.</p> <p>17 Q. So you don't differentiate them when</p> <p>18 you're calculating where recovery water or where you</p> <p>19 could possibly recover water --</p> <p>20 A. I guess I'm not sure what you're asking</p> <p>21 me.</p> <p>22 Q. So you have -- we'll give you a</p> <p>23 hypothetical. You've got a parcel that has shares from</p> <p>24 the Canal Company and a supplemental water right,</p> <p>25 they're both applied to the same area. Do you</p>	<p style="text-align: right;">Page 113</p> <p>1 Q. Okay.</p> <p>2 A. I guess I could go into more detail. Some</p> <p>3 wells that were drilled early on as drainage wells were</p> <p>4 subsequently pumped into a canal or, in some cases,</p> <p>5 applied directly to shareholders' lands. So drain wells</p> <p>6 became recovery wells. They're both covered in the same</p> <p>7 statute. But so much of this occurred prior to there</p> <p>8 being any statute whatsoever.</p> <p>9 MS. CARTER: I think that covers my</p> <p>10 questions. Unless you have any more.</p> <p>11 MR. HOMAN: Just one.</p> <p>12</p> <p>13 EXAMINATION</p> <p>14 QUESTIONS BY MR. HOMAN:</p> <p>15 Q. The Simms well, which was drilled while</p> <p>16 you were there, is there any drilling permits or well</p> <p>17 logs for that particular well?</p> <p>18 A. I don't believe I have a copy of the well</p> <p>19 logs. But we drilled it under a recovery drill permit</p> <p>20 issued by the Department of Water Resources.</p> <p>21 MR. HOMAN: That's all.</p> <p>22 MS. CARTER: I think that's all we have.</p> <p>23 Thank you.</p> <p>24 THE WITNESS: Sure.</p> <p>25</p>

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1 couple of weeks until it comes back. In the drought  
2 years, we used that to supplement flows to the Lowline  
3 Canal.  
4 Q. And how about the Line?  
5 A. The Line well is in the Springfield area.  
6 Depth of well there is a little deceiving. We believe  
7 it's 230 feet. But the casing that is located 20 feet  
8 above the canal. Typical water pumping levels in there,  
9 when we use it, are 50 to 70 feet depth of surface. And  
10 of all of our wells, that one probably gets used the  
11 least.  
12 Q. Was that drilled by the Company?  
13 A. I believe it's one of the drought wells.  
14 Q. So it was drilled by the Company?  
15 A. I believe so, yes.  
16 Q. And when you say it's used the least, is  
17 there some reason for that?  
18 A. Just its location. It's a small-capacity  
19 well. I can only get about two, two and a half cfs out  
20 of it. And it supplies water to the main canal, you  
21 know, above the bifurcation of the Highline and Lowline,  
22 where I probably have 700 or 800 cfs capacity. So  
23 it's -- it doesn't -- it doesn't add a lot to the mix in  
24 its location.  
25 Q. Okay.

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1 A. And so we've only used it in the drought  
2 years.  
3 Q. So on Exhibit 4, are these all of the  
4 recovery wells, other than the J well which we've talked  
5 about and --  
6 A. Those are -- that's -- with the exception  
7 of the J lateral well, which isn't on this, this is the  
8 list of wells that are being used by the Company as  
9 recovery wells, so far as we know.  
10 Q. Okay.  
11 A. There may be more.  
12 Q. Now, when you say there may be more, what  
13 does that mean?  
14 A. Well, there are so many references to  
15 recovery wells and drain wells with the -- over the  
16 course of the history of the Company. We haven't made a  
17 full effort to map the locations of all of those wells.  
18 So it's possible that there are other wells that were  
19 drilled by the Company that are being used for lands  
20 that have shares appurtenant that we're not aware of.  
21 Q. Okay. Does your company draw any  
22 distinction on these recovery wells between who drilled  
23 the well or who owns the well?  
24 A. No.  
25 Q. Makes no difference?

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1 A. No.  
2 MR. FLETCHER: Okay. I think that's all I  
3 have.  
4 MS. CARTER: I thought of one more  
5 question. I apologize.  
6  
7 FURTHER EXAMINATION  
8 QUESTIONS BY MS. CARTER:  
9 Q. The two recovery wells which also have  
10 water rights on them --  
11 A. The recovery headgates or the recovery  
12 wells?  
13 Q. I don't think I know -- mentioned in  
14 Paragraph 2, I do believe -- no. Of your first  
15 affidavit --  
16 MR. FLETCHER: It's Paragraph 4. It is in  
17 the second one.  
18 THE WITNESS: In the second one?  
19 Q. (BY MS. CARTER) Yeah, Paragraph 4 in the  
20 second affidavit. You mention Water Right No. 35-2542  
21 and 35-4246, which provides ground water for the two  
22 Company-owned wells.  
23 A. Yes, those two wells, in addition to being  
24 recovery wells, also have ground-water rights associated  
25 with them.

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1 Q. And how do you distinguish the use between  
2 those? I mean, how often do you use the water rights  
3 versus use it as a recovery well?  
4 A. We don't make that distinction.  
5 Q. Okay.  
6 A. As I understand it, the Water District 120  
7 is responsible for the periodic measurement and  
8 calibration of those wells. I know they contact me once  
9 a year and we arrange to have those pumps turned on so  
10 that they can calibrate the power cost coefficient at --  
11 we just don't make the distinction between whether we're  
12 using a ground-water right or a recovery right.  
13 Q. Okay. And those are the -- I think I  
14 probably got a little bit confused. But those two  
15 rights come out of the Northern Ag wells?  
16 A. No. We temporarily transferred a portion  
17 of our nine cfs ground-water rights to those Northern  
18 Ag II and the Funk well for the 2013 irrigation season.  
19 And then while we discussed with the landowner and  
20 myself installing a headgate and a delivery system from  
21 the canal, and then a -- and then, of course, those  
22 ground-water rights reverted to the Company. And then  
23 in 2014, we transferred the required portion of that  
24 nine cfs to the Duffin well to cover use from that well  
25 for the 2014 irrigation season.

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1 Q. So are those two wells for those two water  
2 rights then listed in these 13 wells?  
3 A. They are. They're the Toevs well and the  
4 Mann well.  
5 MS. CARTER: Okay. Thank you. That is  
6 all I have. Thanks.  
7 THE WITNESS: I would like to add one  
8 thing.  
9 MS. CARTER: Uh-huh.  
10 THE WITNESS: If you'll look through the  
11 discovery, you'll see that those wells were drilled  
12 years prior to the application for water rights on them.  
13 The decision to file on those wells' water rights was  
14 made by the board at some later date. If I recall  
15 correctly, the -- I think the priority date on the Toevs  
16 well is like 1938. And the Mann well, I think, is early  
17 '50s, maybe late '50s. But the wells were in place for  
18 many years before the ground-water rights were applied  
19 for.  
20 MR. ARRINGTON: I don't have anything  
21 else.  
22 MR. FLETCHER: I'm done.  
23 MS. CARTER: I think we're done.  
24 (Deposition concluded at 12:59 p.m.)  
25 (Signature requested.)

Page 123

1 CERTIFICATE OF WITNESS  
2 I, STEVEN T. HOWSER, being first duly sworn, depose and  
3 say:  
4 That I am the witness named in the foregoing  
5 deposition consisting of Pages 6 through 122; that I  
6 have read said deposition and know the contents thereof;  
7 that the questions contained therein were propounded to  
8 me; and that the answers contained therein are true and  
9 correct except for any changes that I may have listed on  
10 the Change Sheet attached hereto.  
11 DATED this \_\_\_\_ day of \_\_\_\_\_, 2015.  
12  
13  
14 STEVEN T. HOWSER  
15 SUBSCRIBED AND SWORN to before me this \_\_\_\_ day  
16 of \_\_\_\_\_, 2015.  
17  
18  
19  
20 NAME OF NOTARY PUBLIC \_\_\_\_\_  
21 NOTARY PUBLIC FOR \_\_\_\_\_  
22 RESIDING AT \_\_\_\_\_  
23 MY COMMISSION EXPIRES \_\_\_\_\_  
24  
25

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1 CHANGE SHEET FOR STEVEN T. HOWSER  
2 Page \_\_\_\_ Line \_\_\_\_ Reason For Change \_\_\_\_  
3 Reads \_\_\_\_  
4 Should Read \_\_\_\_  
5  
6 Page \_\_\_\_ Line \_\_\_\_ Reason For Change \_\_\_\_  
7 Reads \_\_\_\_  
8 Should Read \_\_\_\_  
9  
10 Page \_\_\_\_ Line \_\_\_\_ Reason For Change \_\_\_\_  
11 Reads \_\_\_\_  
12 Should Read \_\_\_\_  
13  
14 Page \_\_\_\_ Line \_\_\_\_ Reason For Change \_\_\_\_  
15 Reads \_\_\_\_  
16 Should Read \_\_\_\_  
17  
18 Page \_\_\_\_ Line \_\_\_\_ Reason For Change \_\_\_\_  
19 Reads \_\_\_\_  
20 Should Read \_\_\_\_  
21  
22 Page \_\_\_\_ Line \_\_\_\_ Reason For Change \_\_\_\_  
23 Reads \_\_\_\_  
24 Should Read \_\_\_\_  
25  
26 Please use a separate sheet if you need more room.  
27  
28 WITNESS SIGNATURE \_\_\_\_\_  
29  
30

Page 125

1 REPORTER'S CERTIFICATE  
2 I, CATHERINE L. PAVKOV, CSR No. 638,  
3 Certified Shorthand Reporter, certify:  
4 That the foregoing proceedings were taken  
5 before me at the time and place therein set forth,  
6 at which time the witness was put under oath by me:  
7 That the testimony and all objections made  
8 were recorded stenographically by me and were  
9 thereafter transcribed by me, or under my  
10 direction.  
11 That the foregoing is a true and correct  
12 record of all testimony given, to the best of my  
13 ability.  
14 I further certify that I am not a relative  
15 or employee of any attorney or party, nor am I  
16 financially interested in the action.  
17 IN WITNESS WHEREOF, I have set my hand and  
18 seal this 2nd day of March 2015.  
19  
20  
21 CATHERINE L. PAVKOV, CSR NO. 638  
22 Notary Public  
23 Post Office Box 2636  
24 Boise, Idaho 83701-2636  
25 My commission expires June 24, 2015.

# **Exhibit B**



IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF POWER

ABERDEEN-SPRINGFIELD CANAL	)	
COMPANY, an Idaho Corporation,	)	
JEFFREY and CHANA DUFFIN,	)	
individually, as stockholders,	)	
and as husband and wife,	)	
Plaintiffs,	)	
vs.	)	Case No. CV-2014-165
IDAHO DEPARTMENT OF WATER	)	
RESOURCES, an executive	)	
department of the State of	)	
Idaho,	)	
Defendants,	)	

(Caption continued to next page)

DEPOSITION OF JEFFREY T. DUFFIN

FEBRUARY 24, 2015

REPORTED BY:

CATHERINE L. PAVKOV, CSR NO. 638

Notary Public

Page 2

1 (Caption continued)

2 and )

3 A&B IRRIGATION DISTRICT, )

4 AMERICAN FALLS RESERVOIR )

5 DISTRICT #2, BURLEY IRRIGATION )

6 DISTRICT, MILNER IRRIGATION )

7 DISTRICT, MINIDOKA IRRIGATION )

8 DISTRICT, NORTH SIDE CANAL )

9 COMPANY, and TWIN FALLS CANAL )

10 COMPANY, )

11 Defendant-Intervenors. )

12

13

14

15

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19

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21

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23

24

25

Page 4

1 (Appearances continued)

2

3 For the Defendants A&B Irrigation District, Burley

4 Irrigation District, Milner Irrigation District, North

5 Side Canal Company, and Twin Falls Canal Company:

6 Barker Rosholt & Simpson, LLP

7 BY: PAUL L. ARRINGTON

8 195 River Vista Place, Suite 204

9 Twin Falls, Idaho 83301-3029

10 pla@idahowaters.com

11

12 For the Defendants American Falls Reservoir District #2

13 and Minidoka Irrigation District:

14 Fletcher Law Office

15 BY: W. KENT FLETCHER

16 1200 Overland Avenue

17 Post Office Box 248

18 Burley, Idaho 83318-0248

19 wkf@pmt.org

20

21 Also Present: STEVEN T. HOWSER

22

23

24

25

Page 3

1 THE DEPOSITION OF JEFFREY T. DUFFIN was taken on

2 behalf of the Defendants A&B Irrigation District, Burley

3 Irrigation District, Milner Irrigation District, North

4 Side Canal Company, and Twin Falls Canal Company at the

5 law offices of Racine, Olson, Nye, Budge & Bailey,

6 Chtd., 201 East Center, Pocatello, Idaho, commencing at

7 2:10 p.m., on February 24, 2015, before Catherine L.

8 Pavkov, Certified Shorthand Reporter and Notary Public

9 within and for the State of Idaho, in the above-entitled

10 matter.

11 A P P E A R A N C E S:

12 For the Plaintiffs:

13 Racine, Olson, Nye, Budge & Bailey, Chtd.

14 BY: RANDALL C. BUDGE

15 201 East Center

16 Post Office Box 1391

17 Pocatello, Idaho 83204-1391

18 rcb@racinelaw.net

19 For the Defendant Idaho Department of Water Resources:

20 Idaho Department of Water Resources

21 BY: MEGHAN CARTER and JOHN W. HOMAN

22 322 East Front Street, 6th Floor

23 Post Office Box 83720

24 Boise, Idaho 83720-0098

25 meghan.carter@idwr.idaho.gov

Page 5

1 I N D E X

2

3 TESTIMONY OF JEFFREY T. DUFFIN:

4 Examination by Mr. Arrington 6

5 Examination by Mr. Fletcher 30

6 Examination by Ms. Carter 36

7 Further Examination by Mr. Fletcher 37

8

9 E X H I B I T S

10 5 Corrected Affidavit of Jeffrey Duffin 8

11 6 Application to Change or Add Point of 8

12 Delivery

13 7 Corrected Affidavit of Jeffrey Duffin 19

14 with attachments

15 8 May 1, 2014 letter to Mr. and Mrs. Duffin, 27

16 from State of Idaho Department of Water

17 Resources, Notice of Violation No. E2014-498,

18 Order to Cease and Desist Unauthorized Irrigation

19 9 May 28, 2014 letter from State of Idaho 27

20 Department of Water Resources, Notice of

21 Violation No. E2014-498; Notice to Cease

22 and Desist Unauthorized Irrigation; Curtailment

23 of Ground Water Use by Water District 120

24 Watermaster

25

Page 10

1 managing that.  
2 Q. Do you still manage that?  
3 A. Yes.  
4 Q. And now you own this -- you own this  
5 property, it's about 175 acres, this particular  
6 property?  
7 A. 175, including the 80 that is actually  
8 owned by LaVerda Barron and Fae Baker. Part of the  
9 parcel that we rent as --  
10 Q. Okay. Let me make sure I'm correct.  
11 We've talked a lot about 175 acres to which 190 shares  
12 are tied.  
13 A. Right.  
14 Q. And I know Mr. Howser mentioned there's  
15 two parcels. One parcel is owned by you, correct?  
16 A. Correct.  
17 Q. And how big is that parcel?  
18 A. I guess it would be approximately a  
19 hundred and -- I guess it would be around 100 acres,  
20 give or take.  
21 Q. Okay. And then there's a separate parcel  
22 owned by who?  
23 A. LaVerda Barron and Fae Baker. I believe  
24 they've both passed away now. So it's in a trust.  
25 Q. And that's approximately --

Page 11

1 A. Approximately 80 acres.  
2 Q. Okay. And together, your property -- when  
3 we talk about the 175 acres, we're talking about your  
4 property and the Baker property?  
5 A. Correct.  
6 Q. Okay. So let me get back to that. You  
7 now own the hundred acres. Do you farm the property?  
8 What do you do with the property?  
9 A. Currently, we just rent it out.  
10 Q. You rent it out?  
11 A. Yes.  
12 Q. Does the same person rent yours and the  
13 Baker property?  
14 A. Yes.  
15 Q. Okay. So let's talk for a few minutes  
16 about the well, the Duffin well as we've been calling  
17 it. You said that that's been there basically your  
18 whole life. Do you know when it was drilled?  
19 A. In visiting with my dad, with all of this  
20 taking place, and he just said the early '70s.  
21 Q. Do you know who drilled it?  
22 A. I'm not sure.  
23 Q. Do you know if your dad -- when did your  
24 dad buy the property?  
25 A. I'm not sure on that, on the date of that.

Page 12

1 Q. Do you know if he owned the property when  
2 the well was drilled?  
3 A. I believe so.  
4 Q. Do you know how deep the well is?  
5 A. I guess I'd say somewhere between 100 and  
6 200 feet, is the depth of the actual hole.  
7 Q. You don't know actually how far down it  
8 goes though?  
9 A. No.  
10 Q. Do you know how far to water, what the  
11 depth to water is?  
12 A. Yeah, I've had the impression that -- I  
13 haven't looked at any recent documents or anything that  
14 would tell me that. But I'd say it's, you know,  
15 somewhere around 75 to 100 feet.  
16 Q. Have you ever measured it?  
17 A. No.  
18 Q. So when you were a child, did you  
19 participate in or did you witness your dad -- was the  
20 well used?  
21 A. Yes.  
22 Q. As you were growing up?  
23 A. Yes.  
24 Q. Was it always used?  
25 A. Yes.

Page 13

1 Q. Did the property ever receive water from  
2 the Aberdeen-Springfield Canal Company?  
3 A. I don't think so. But, I mean, you know,  
4 you're talking -- some of those early years would have  
5 been when I was five or six years old up to being  
6 twelve. So as far as I know, no. But, you know, in  
7 some of those years, could it have been, I can't say  
8 that I was particularly paying attention at that age.  
9 Q. How old were you when you left to go to  
10 college -- or when you left the property, I should say?  
11 A. Probably around 18.  
12 Q. Okay. When your in-laws took over the  
13 property, did you have any involvement with the property  
14 after that, the farming or anything on the property  
15 after that?  
16 A. I just helped my father-in-law rent it  
17 out.  
18 Q. Do you know if they continued to divert  
19 water from the well during that time?  
20 A. Yes, I believe it's been watered out of  
21 that well the whole time that he was in possession of  
22 the land.  
23 Q. And then since you've acquired the  
24 property, have you continually used that well?  
25 A. Yes.

Page 22

1 which one --

2 Q. (BY MR. ARRINGTON) I apologize. I'm  
3 referring to the ground water district assessments.

4 A. Yes, until there's further clarification,  
5 we felt like we should continue to pay the dues, the  
6 assessments.

7 Q. Have you continued to divert the water,  
8 the ground water? Not the recovery water or the  
9 Aberdeen-Springfield water. But the ground water?

10 A. No, we're working with the Canal Company.  
11 We -- I'm under the impression we are operating through  
12 the Canal Company currently.

13 Q. When did you stop diverting ground water  
14 under those permits?

15 A. I believe in 2013, crop year 2013 when we  
16 were working with the Canal Company.

17 Q. Okay. So let's -- we were looking at  
18 Exhibit 6, which was the Application to Change or Add  
19 Point of Delivery. What prompted you to file this  
20 application with the Canal Company?

21 A. As best I can remember, I -- this came  
22 from when I was researching the dual permit, thinking I  
23 had ground water permit and Springfield, you know, Canal  
24 shares also. And it was at that time, visiting with  
25 Steve, you know, that I became aware that there was an

Page 23

1 issue. So at that time, that's when we did this.

2 Q. The issue being --

3 A. That there may be a concern with the  
4 ground water permits. And so I took action as -- I  
5 mean, that was the first time I had any indication that  
6 I thought there was any problem with those ground water  
7 permits.

8 Q. Okay. Now, let me go back and ask one  
9 more question. Back on the assessments question, the  
10 Aberdeen-Springfield assessments, have you continued to  
11 pay Aberdeen-Springfield assessments even though you've  
12 not -- you've been diverting ground water?

13 A. Yes.

14 Q. Do you know if your in-laws paid the  
15 assessments?

16 A. They did.

17 Q. Do you know if your parents, when they  
18 owned it --

19 A. They did.

20 Q. So as far as you know, the assessments for  
21 the Aberdeen have always been paid and kept up to date?

22 A. Yeah. I'm under the impression that  
23 there's been assessments paid for the canal shares all  
24 the way through and for the ground water all the way  
25 through, for both. I had the impression that it had

Page 24

1 both.

2 Q. Okay. So when you filed this application  
3 with the Company, did you have any discussion with the  
4 Company about taking surface water or did you have any  
5 discussion about opening your headgate and delivering  
6 surface water to your property?

7 A. You know, I believe there had to be  
8 discussion on how we were going to get the water at the  
9 time. And I just remember that it was determined that  
10 they would use the well as the headgate.

11 Q. Do you remember how that was determined?

12 A. I don't specifically remember that.

13 Q. And so you identified -- in Paragraph 4 on  
14 Exhibit 6, it says, describe -- or Item No. 4, I should  
15 say, it says, describe the location of the new point of  
16 delivery. Is that your well, the Duffin well?

17 A. I'm not super proficient on -- I would --  
18 without reviewing that, I would say yes.

19 Q. Did anybody from Aberdeen-Springfield come  
20 out and check out the well and do an inspection of any  
21 sort on the well?

22 A. I believe they did. I wasn't specifically  
23 with them, I don't believe. But I'm under the  
24 impression that they did go out and inspect the well.

25 Q. Do you know what they were looking for or

Page 25

1 what they found?

2 A. I can't remember specifically.

3 Q. But at the end of the day, the application  
4 was approved, correct?

5 A. I believe so.

6 Q. And so for the 2013 irrigation season, you  
7 diverted from the well, correct?

8 A. Correct.

9 Q. And paid assessments?

10 A. Yes.

11 Q. Was it treated as a recovery, let me make  
12 sure I have the terms correct, a recovery headgate?

13 A. I'm not super knowledgeable on all the  
14 appropriate terms and how they operate their side of the  
15 business. I just know that I worked with the Canal  
16 Company and they were recovering the water.

17 Q. Did you install a measuring device on the  
18 well?

19 A. I'm not sure what the Canal Company did  
20 for sure.

21 Q. Did you see -- did the Canal Company come  
22 in and inspect it or take measurements throughout the  
23 year?

24 A. I believe they did.

25 Q. When did you become aware that the

# Exhibit C

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

Ident. No. 35 8980

To appropriate the public waters of the State of Idaho

1. Name of applicant VERN R. DUFFIN Phone 397-4100  
Post office address 2142 South, 2800 West, Aberdeen, ID 83210
2. Source of water supply groundwater which is a tributary of Snake River
3. Location of point of diversion is SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_  
Sec. 20 Township 5 S Range 31 E B.M. Bingham County; additional  
points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 2.200 <sup>cfs</sup> for irrigation purposes from April 1 to Nov 1 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 2.2 cfs and/or (b) 330  
cubic feet per second acre feet per annum
6. Proposed diverting works:
  - a. Description of ditches, flumes, pumps, headgates, etc. 100 hpr elec motor, deep well  
turbine pump, static water level 40' - pump set at 120' panel  
and  $\frac{1}{2}$  mile 8" mainline
  - b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity \_\_\_\_\_ acre-feet; period of year when water will be diverted to storage:  
\_\_\_\_\_ to \_\_\_\_\_ inclusive.
  - c. Proposed well diameter is 16" inches; proposed depth of well is 170 feet.
  - d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to the proposed beneficial use is  
one years (minimum 1 year).

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
- Stockwatering; list number and kind of livestock. \_\_\_\_\_
- Municipal; show name of municipality. \_\_\_\_\_
- Domestic; show number of households. \_\_\_\_\_
- Other; describe fully. \_\_\_\_\_

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5 S	31 E	19				30													30
5 S	31 E	20					40	40											80

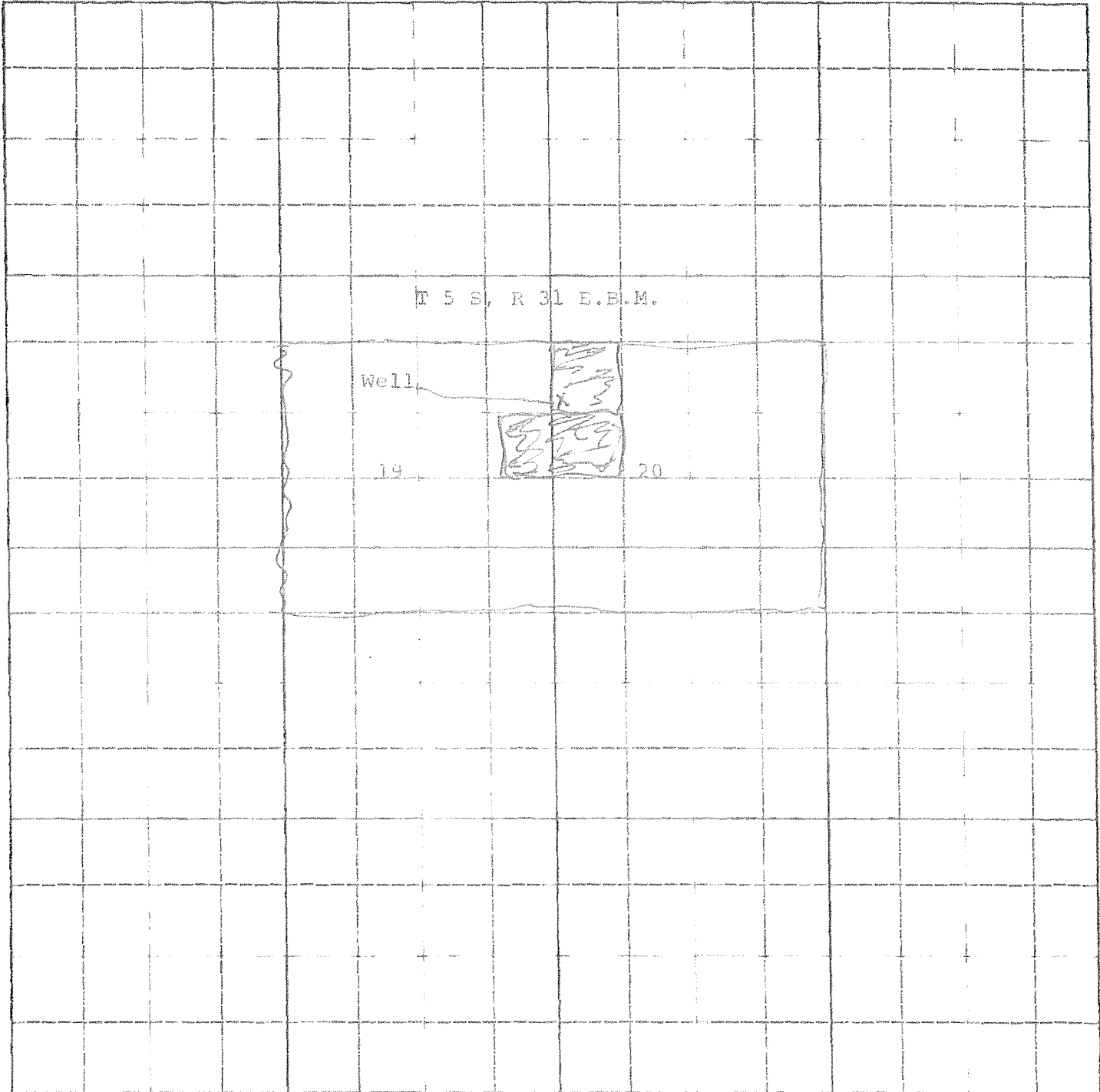
Total number of acres to be irrigated 110

10. Describe any other water rights used for the same purposes as described above. \_\_\_\_\_

- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. \_\_\_\_\_

12. Remarks: This well and system was drilled and used since I purchased this ground from my father in 1971. I just overlooked filing on the the same until now.

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



Scale: 2 inches equal 1 mile.

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

Ken R. Ruffin  
(Applicant)



Received by CU Date 1-16-92 Time 1:05p Preliminary check by KCW  
Fee \$ 8500 Receipted by HUT # E016855 Date 1-16-92  
Publication prepared by RB Date 2-20-92 Published in Morning News  
Publication approved RB Date 3-4-92

### 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. \_\_\_\_\_, and said application is hereby \_\_\_\_\_.

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

\_\_\_\_\_, 19\_\_\_\_.

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

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

# Exhibit D

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
 )  
Case No. 39576 )  
 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 35-02543

DISTRICT COURT - SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

FEB 29 2012

By

Clerk

Deputy Clerk

NAME AND ADDRESS: ABERDEEN-SPRINGFIELD CANAL CO  
PO BOX 857  
ABERDEEN, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 6.00 CFS  
2547.00 AFY

PRIORITY DATE: 08/07/1958

POINT OF DIVERSION: T05S R31E S11 NWNESE Within Bingham County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	6.00 CFS 2547.00 AFY

PLACE OF USE:

61772.6 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary. Place of use is within the area served by Aberdeen-Springfield Canal Company.

The rights listed below are limited to the irrigation of a combined total of 61,772.6 acres in a single irrigation season. Combined Right Nos.: 1-23B, 1-297, 35-2543, and 35-4246.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Eric J. Wildman  
Presiding Judge of the  
Snake River Basin Adjudication

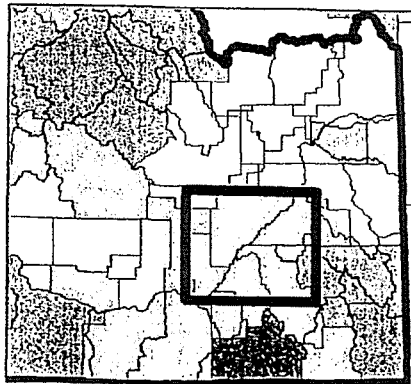


# Aberdeen-Springfield Canal Co

Adjudication Recommendations: 1-23B, 1-297, 35-2543, 35-4246

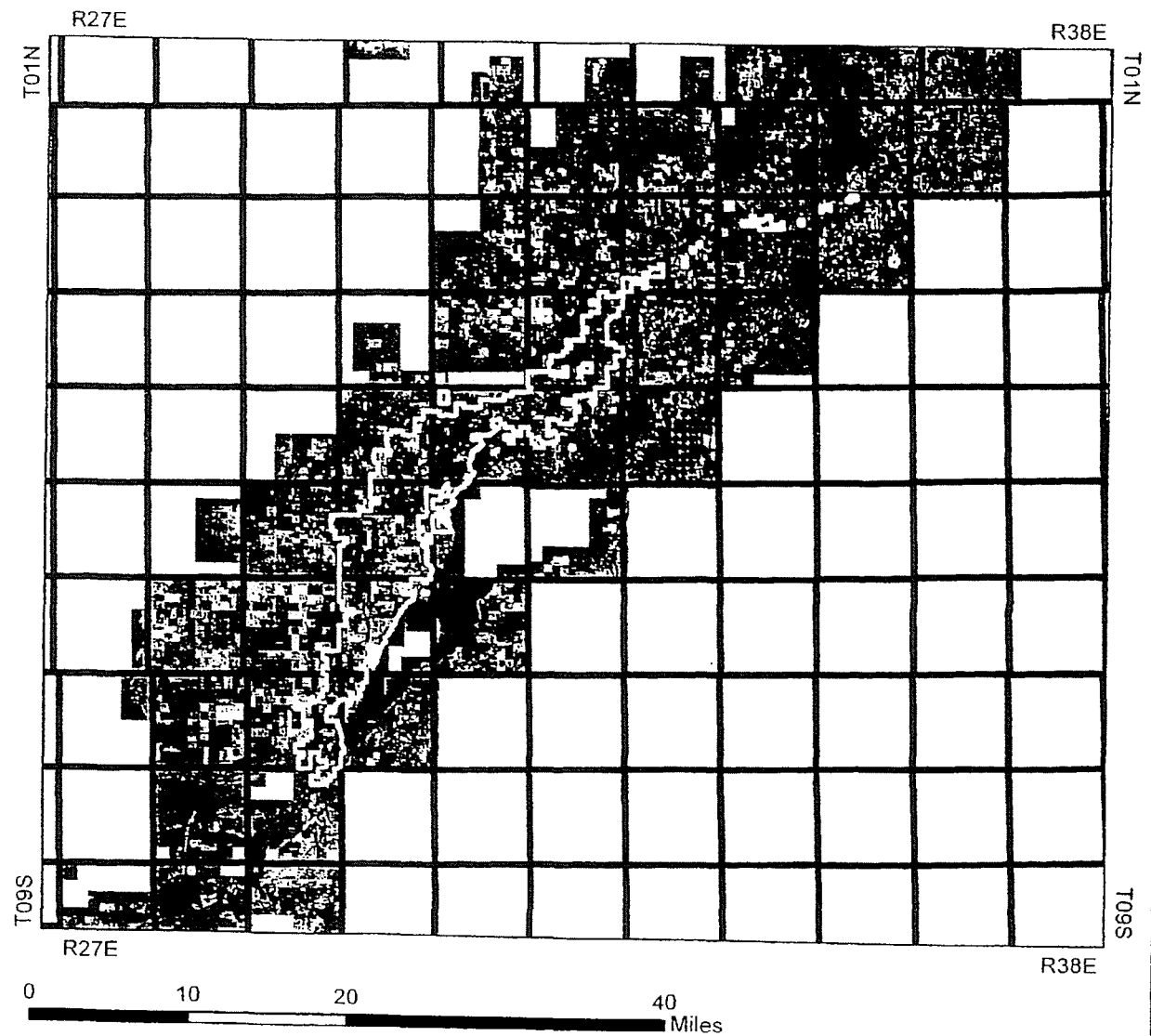
Irrigation Service Area Boundary  
GIS Place of Use Illustration

- Service Area
-  State Outline
-  Townships



Bingham, Power Counties  
IDWR Basin 1

Prepared by Favreau, Danielle  
On January 18, 2012  
1987/88 Aerial Photography



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
 )  
Case No. 39576 )  
 )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 35-04246

DISTRICT COURT - SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

FEB 29 2012

By

Clerk

Deputy Clerk

NAME AND ADDRESS: ABERDEEN-SPRINGFIELD CANAL CO  
PO BOX 857  
ABERDEEN, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 2.44 CFS  
155.00 AFY

PRIORITY DATE: 10/15/1934

POINT OF DIVERSION: T06S R31E S04 SWNW Within Bingham County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE  
Irrigation

PERIOD OF USE  
04-01 TO 10-31

QUANTITY  
2.44 CFS  
155.00 AFY

PLACE OF USE:

61772.6 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary. Place of use is within the area served by Aberdeen-Springfield Canal Company.

The rights listed below are limited to the irrigation of a combined total of 61,772.6 acres in a single irrigation season. Combined Right Nos.: 1-23B, 1-297, 35-2543, and 35-4246.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Eric J. Wildman  
Presiding Judge of the  
Snake River Basin Adjudication

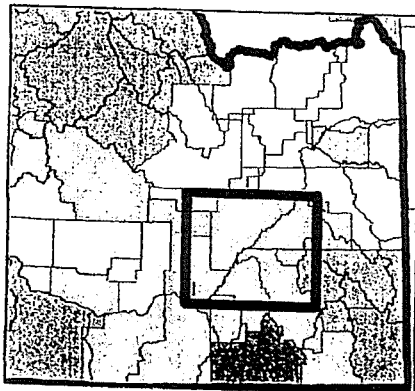


# Aberdeen-Springfield Canal Co

Adjudication Recommendations: 1-23B, 1-297, 35-2543, 35-4246

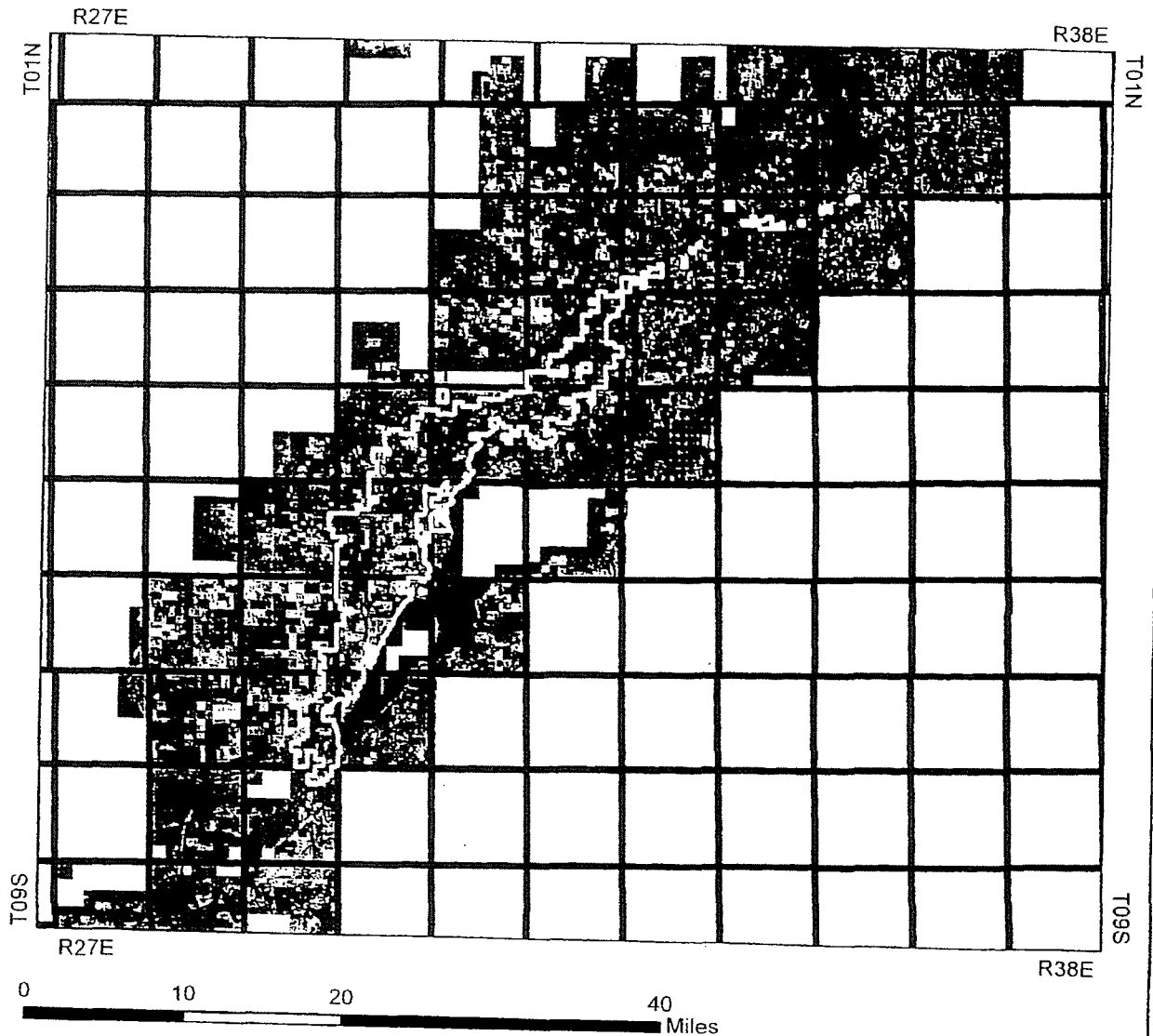
Irrigation Service Area Boundary  
GIS Place of Use Illustration

- Service Area
-  State Outline
  -  Townships



**Bingham, Power Counties**  
**IDWR Basin 1**

Prepared by Favreau, Danielle  
On January 18, 2012  
1987/88 Aerial Photography



# **Exhibit E**



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

April 24, 2013

Steve Howser, General Manager  
Aberdeen-Springfield Canal Company  
P.O. Box 857  
Aberdeen, ID 83210

RE: Drilling Permit for Recovery Well – Use Under I.C. §42-228

Dear Mr. Howser:

Under this cover please find the approved drilling permit for a recovery well (Permit no. 868128). This drilling permit authorizes the construction of a drainage and recovery well intended to recapture water resulting from surface water irrigation by ASCC.

The Idaho Department of Water Resources ("Department") inspected the site and reviewed the information submitted with the drilling permit application. Please review the specific conditions of approval on the drilling permit which detail the well construction completion. The Department looks forward to working with you on this recovery well. Please contact me directly if you have questions concerning this approval. I can be reached at 208-287-4935.

Sincerely,

A handwritten signature in black ink, reading "Thomas F. Neace". The signature is fluid and cursive, with the first name "Thomas" and last name "Neace" clearly legible.

Thomas F. Neace, P.G., Manager  
Groundwater Protection Section

Cc: John Homan, Deputy AG (Boise)



Drilling Permit No.: 868128  
Receipt No.: C096758

Well ID: 434391  
Printed: 04/24/2013

Metal Tag No.: D0020819  
Approved Date: 4/24/2013

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Well Drilling Permit**

Owner Type: Applicant  
Name: ABERDEEN SPRINGFIELD CANAL CO  
Address: PO BOX 857  
ABERDEEN, ID, 83210

Phone: (208)397-4192

Water Right No.:

Proposed Well Location: T: 05S, R: 31E, S: 14, QQQ: SE, QQ: SW, Q: SW  
Latitude ° ' Longitude ° '  
County: BINGHAM

Street Address of Well Site: 350 FEET NORTH OF VANDERFORD ROAD  
ABERDEEN, ID

Lot: Block:  
Subdivision:

Proposed Use of Well: Drainage and Recovery

**Well Construction Information:**

Activity: New Well  
Proposed Surface Diameter: 20 Inches  
Proposed Depth: 100 Feet  
Anticipated Bottom Hole Temperature: 85F and less° F

Proposed Construction Start Date: 4/24/2013  
Well Drilling Company: VOLLMER WELL DRILLING (No. 383)

Applicant's Signature: \_\_\_\_\_ see faxed application \_\_\_\_\_ Date April 24, 2013

Title: \_\_\_\_\_

If approved, this permit authorizes the construction or modification of a well subject to the following conditions:

Drilling Permit No.: 868128  
Receipt No.: C096758

Well ID: 434391  
Printed: 04/24/2013

Metal Tag No.: D0020819  
Approved Date: 4/24/2013

If approved, this permit authorizes the construction or modification of a well subject to the following conditions:

- 1) Perforated casing shall be installed from land surface to the top of the first confining layer or to a depth based on the geologic conditions and approved by the Department.
- 2) Blank casing shall extend below the perforated casing to total depth of the well.
- 3) Blank casing will be installed with a minimum two-inch annular space and be sealed with approved seal material over its entire length.
- 4) Bottom of the casing shall be permanently capped with a 1/4 inch steel welded plate.
- 5) Total depth of the well will not exceed one hundred (100) feet.
- 6) This drilling permit only authorizes the construction of a drainage and recovery well intended to recapture water resulting from surface water irrigation by ASCC.
- 7) This drilling permit is valid for two (2) months from the approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
- 8) This permit does not constitute an approval of the local Health District or the Idaho Department of Environmental Quality which may be required prior to construction of this well. The local Health District should be contacted for septic tank/drainfield locations. Domestic wells must not be drilled closer than 100 ft. from any drainfield and 50 ft. from any septic tank. Public Water Supply wells must not be drilled closer than 100 ft. from any drainfield or septic tank.
- 9) The well shall be constructed by a driller currently licensed in the state of Idaho who must maintain a copy of the drilling permit at the drilling site.
- 10) Approval of this drilling permit does not authorize trespass on the land of another party.
- 11) This permit does not constitute other local, county, state or federal approvals that may be required for construction of a well.
- 12) This drilling permit does not represent a right to divert and use the water of the State of Idaho. If the well being drilled is associated with approved water rights(s) use of the well must comply with conditions of said water right(s).
- 13) If a bottom hole temperature of 85 Degrees F (29.44 oC) or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department of Water Resources immediately.
- 14) Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or its contractors to contact "Dig-line" (Dig-Line is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "Dig-Line " Number for this location is 1-800-342-1585
- 15) Please be advised that this drilling permit should be considered and treated as a preliminary permit. If you are in disagreement with this preliminary permit you have fourteen (14) days of the service date of this permit to petition the Idaho Department of Water Resources for reconsideration, pursuant to

Drilling Permit No.: 868128  
Receipt No.: C096758

Well ID: 434391  
Printed: 04/24/2013


Metal Tag No.: D0020819  
Approved Date: 4/24/2013

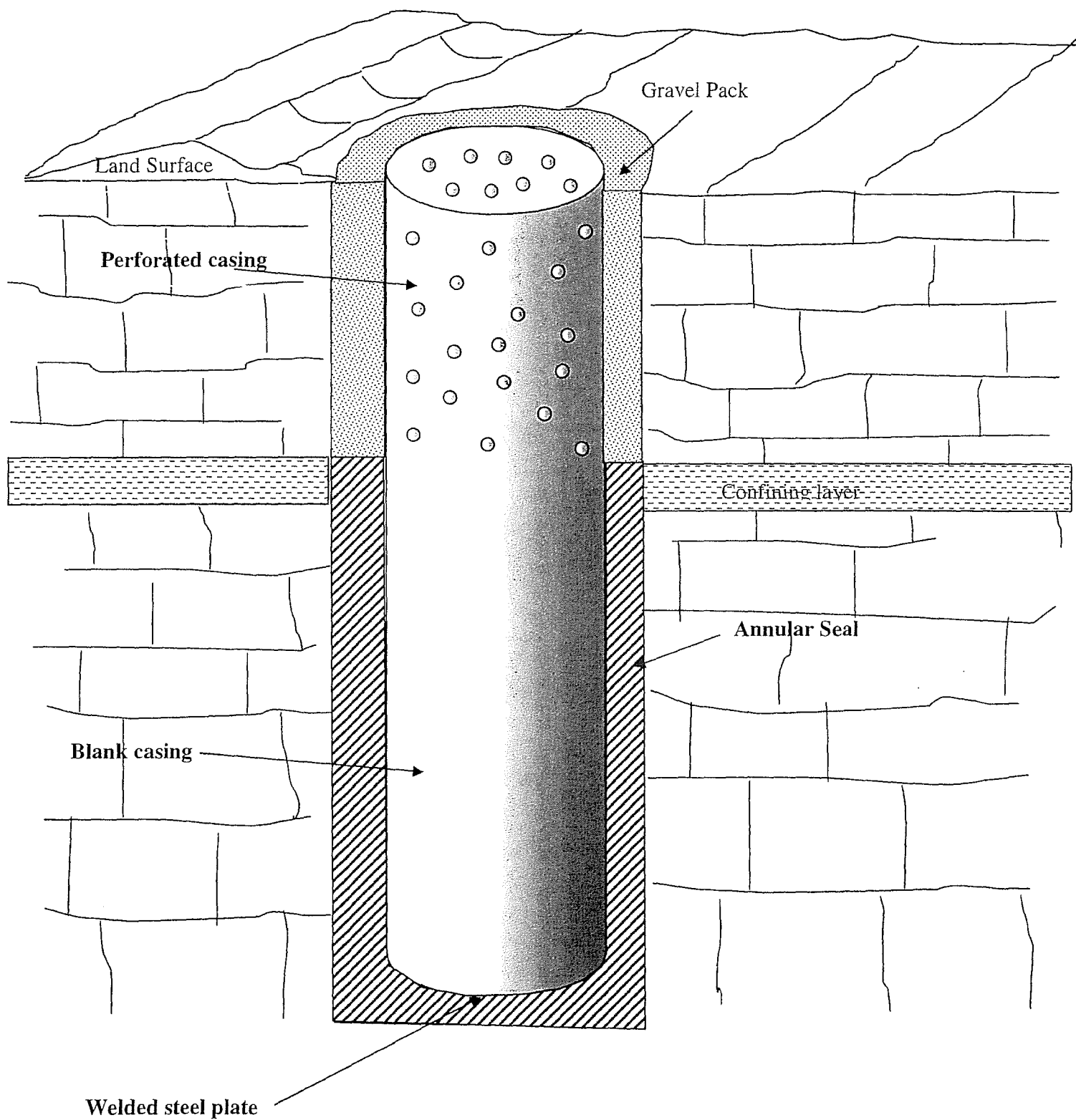
Section 67-5243, Idaho Code.

- 16) The well tag for the drilling permit/start card shall be securely and permanently attached to the well casing through welding or by the use of four closed end domed stainless steel pop rivets. The tag attachment will be done at the time of completion of the well, and prior to removing the drill rig from the drill site.
- 17) Authorization under this permit for the withdrawal of ground water is limited to the recovery of only that water from surface water irrigation by the applicant.
- 18) The required annular seal(s) installed in this well must be completed with IDWR staff or their designee present at the drilling site.
- 19) The well driller must provide at least 24 hours advance notice of the annular seal placement and is responsible for coordinating seal installation inspections with IDWR staff or their designee to avoid unnecessary delays.
- 20) The well driller or applicant must notify the Department 48 hours in advance of drilling the well so that Department staff can be present during drilling.

This permit is Approved on 4/24/2013.

  
Signature of Authorized Dept Representative

  
Title



RECEIVED

Form 235-1  
09/2010

MAR 21 2013  
DEPARTMENT OF  
WATER RESOURCES

Drilling Permit No. \_\_\_\_\_  
Drilling Permit I.D. Tag No. \_\_\_\_\_  
Water Right Permit No. \_\_\_\_\_  
Injection Permit No. \_\_\_\_\_

State of Idaho  
Department of Water Resources  
**APPLICATION FOR DRILLING PERMIT**  
(FOR THE CONSTRUCTION OF A WELL)

1. Property Owner (please print): Aberdeen-Springfield Canal Company

2. Current Mailing Address: P.O. Box 857

City: Aberdeen State: ID Zip Code: 83210-0857 Telephone: (208) 397-4192

3. Proposed Well Location: Twp. 5S, Rge. 31E.B.M., Sec. 14, SE 1/4 SW 1/4 SW 1/4  
(10) (40) (160)  
Gov't Lot No. \_\_\_\_\_ County Bingham Lat. 42°58'52.82"N Long. 112°48'14.78"W

Street Address of Well Location 350' North of Vanderford Rd, 1,250' East of Butte Round Rd City \_\_\_\_\_  
Give at least name of road + Distance to Nearest Road or Landmark  
Lot, block and subdivision \_\_\_\_\_

4. Proposed Use of Well: (Note: Any well drilled for a Public Water Supply requires prior DEQ approval.)

☐ DOMESTIC (42-111a): The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd.

☐ DOMESTIC (42-111b): Any other use if the diversion rate does not exceed 0.04 cfs (18 gpm) and a diversion volume of 2500 gpd.

NON-DOMESTIC: ☐ Irrigation ☐ Municipal ☐ Industrial ☐ Public Water Supply  
☐ Commercial ☒ Other Drainage/Recovery (Idaho Code 42-228)  
(Describe) \_\_\_\_\_

☐ INJECTION

☐ MONITORING: A well bore schematic and map is required. No. of proposed wells: \_\_\_\_\_

5. Well Construction Information:

A. ☒ New well ☐ Modify ☐ Deepening ☐ Replace Previous Well # \_\_\_\_\_

B. Proposed Casing Diameter 20" Proposed Maximum Depth 100'

C. Anticipated bottom hole temperature:

☒ 85°F or less  
(Cold Water Well)

☐ 85°F to 212°F  
(Low Temp. Geo. Well)

☐ 212°F or more  
(Geothermal Well)

6. Construction Start Date: 3/19/2013

7. Drilling Company Name: Vollmer Well Drilling Driller's Lic. No. 383

NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's Signature: [Signature] Date: 3/18/2013

Title: General Manager

Address (if different than owner): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Telephone: \_\_\_\_\_

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is \_\_\_\_\_ Date \_\_\_\_\_

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. **READ CAREFULLY!**

**GENERAL CONDITIONS:**

1. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one(1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare, which may be required before construction of the well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum of 50 feet and 100 feet respectively from a septic tank.
3. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit and the well ID tag at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state, or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho. If the well being drilled is associated with approved water right(s) use of the well must comply with conditions of said water right(s).
7. If the depth of this well exceeds 500 feet or the well is in an area known to have LTG water, bottom hole temperature must be measured and recorded on the Driller's Log, and reported on the Well Driller's Report.
8. If a bottom hole temperature of 85°F or greater is encountered, well construction shall cease and the well driller shall contact the Department immediately.
9. Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (DigLine is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "DigLine" Number for your area is 1-800-342-1585.
10. The stainless steel I. D. tag must be securely and permanently attached to the well casing by the Driller upon completion of the well, and prior to removing the drill rig from the drill site and must remain permanently attached above ground level for the life of the well. The well tag shall be attached by welding at least 3 sides or using four (4) stainless steel, closed-end pop rivets.
11. Any well being replaced by a new well shall be properly abandoned by the well driller prior to removing the drilling equipment, unless otherwise authorized by the department.

**SPECIFIC CONDITIONS:**

\_\_\_\_\_  
Signature of Authorized Department Representative Title

Receipt No. 0096758 Received by HP Fee 200.00 Date 3-21-13

EXTENSION OF DRILLING PERMIT

Extension approved by \_\_\_\_\_ Approval Date \_\_\_\_\_

This extension expires: \_\_\_\_\_