

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-07609
Date Received: 5/01/1990
Receipt No: 5013961
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOSEPH C. BURGESS 208-523-6043
Address: 248 E. 11TH STREET
IDAHO FALLS, ID 83404

AND/OR
Name: BARBARA A. SMITH 208-523-6042
Address: IDAHO FALLS, ID 83404

2. Date of Priority: JUL 27, 1981

3. Source: TWO MILE CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	36E	36	NW	SW			BANNOCK

5. Description of diverting works:
PIPE TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.180		

7. Total Quantity Appropriated is:
0.180 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 22.9 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	36E	35	NE	SE		IRR	4.0
						Section Acres	4.0
		36	NW	SW		IRR	5.0
						Section Acres	5.0
						Total Acres	9.0

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
AC. IRR. = 9.18.

15. Basis of Claim: PERMIT

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

39576
A29-07609
5/1/90

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) JOSEPH C. BURGESS and/or BARBARA A. SMITH Phone (208) 523-6043Mailing Address 248 E. 11th STREET, IDAHO FALLS, ID. Zip 834042. Date of Priority (Only one (1) per claim) ~~7/30/81~~ 7/27/81 JCB3. Source of water supply (a) TWO MILE CREEK, F/K/A GOORENDUGH CREEK
which is tributary to (b) PORTNEUF RIVER4. a. Location of existing point of diversion is: Township 8S Range 36E Section 36,* 1/4 of NW 1/4 of SW 1/4, Govt. Lot, N/A B.M., County of BANNOCKAdditional points of diversion if any: NONEb. If instream flow, beginning point of claimed instream flow is: N/A

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. See Exhibit B attached. August 1987
changed from ditch to 1 1/4" ID pipe to place of use.

MICROFILMED

NOV 13 1992

* See Exhibit A attached

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3/15 to 11/15 amount 0.18 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.18 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 22.95 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) NONE

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
85	36E	35													4.36				4.36
		36										4.82							4.82

Total number of acres irrigated 9.18

11. In which county (ies) are lands listed above as place of use located? _____

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None (X)

14. Remarks:

APPLICATION FOR PERMIT, IDENT. # 29-7609, APPROVED BY DWR, 9/24/
81. (See Exhibit B attached), PROOF OF BENEFICIAL USE FILED 2/11/85. (See
Exhibit C attached), FIELD EXAMINATION FEE PAID 5/8/86. (See
Exhibit D attached).

MICROFILMED

NOV 13 1992

Last Name BURGESS and/or SMITH Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

* See p.3 of EXHIBIT B attached

MICROFILMED

MICROFILMED

NOV 13 1992

Last Name BURGESS &/or SMITH Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit X
Decree _____
If applicable provide IDWR Water Right Number 29-7609
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do X do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 4

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Joseph Charles Burgess Date 5/11/90
Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this 12th day of May 1990

SEAL

Notary Public Angela Petersen

Residing at Idaho Falls, ID

My Commission Expires 1-11-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

NOV 13 1992

Last Name BURGESS and/or SMITH Ident. Number _____

Copies White-State, Yellow-Claimant

Water Right Number - 29-07609

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***

BURGESS

JOSEPH C.

1 - 48 W. STARR AVE.

2 -

3 -

City- COLUMBUS

State- OH Zip- 43201

Phone -

SMITH

BARBARA A.

1 -

2 -

3 -

City-

State- Zip-

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
07/27/1981 15 EASTERN P - PERMIT+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
TWO MILE CREEK PORTNEUF RIVER+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

08S 36E 36 NW SW (5) BANNOCK

+ - - - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 03/15 11/15 0.180

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.180 0.0+ - - - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

08S 36E 35 NE SE 4.0 01 IRRIGATION (5) BANNOCK

08S 36E 36 NW SW 5.0 01 IRRIGATION (5) BANNOCK

Total Acres: 9.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - - - - - - - - - - - Remarks - - - - - +

GEN AC. IRR. = 9.18.

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

02/28/01 11:10:28
Page 2

Water right number - 29-07609

Prefix Translation: WATER RIGHT

+ - - - - Old Water Right Numbers - - - - - +

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

+ - - - - Conditions of Approval - - - - - +
005 - Use of water under this right is subject to control by the
- watermaster of State Water District No. 29H.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - -Comments- - - - - +
No Comments Found

+ - - Audit Fields - 09/22/87 05/22/88 CONVERT

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

| | | | | | |
|-------------------|--------------|-----------------|--------------|--------------------|-------|
| Proof Due Date | - 09/01/1986 | Field Exam Made | - 00/00/0000 | Field Exam Fee | - R |
| Approved/Denied | - 09/24/1981 | Protested Date | - 00/00/0000 | Swan Falls | - Y |
| Proof Made Date | - 05/16/1985 | Hearing Date | - 00/00/0000 | Temporary Right | - P |
| Exam to S.O. Date | - 00/00/0000 | Verified Date | - 00/00/0000 | DLE/Carey Act | - 1 |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District | - 29H |
| Licensed Date | - 00/00/0000 | Appl Received | - 00/00/0000 | Transfer/Amended | - |
| Presumption Flag | - | Name Connector | - | POU Ownership Flag | - |
| SRBA Decreed Flag | - | | | | |

Log for claim A29-07609

Spatial Dynamics PJM

8/22/00

| TR | SEC | QQ | Acres
Claimed | Acres
Found | COMMENT |
|---------|-----|------|------------------|----------------|---------------|
| 08s36e | 35 | NESE | 4 | 40 | Indiscernible |
| 08s36e | 36 | NWSW | 5 | 40 | Indiscernible |
| Totals: | | | 9 | 80 | |

AJ5809NP
No. A29-07609

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 175

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|---------------|---|------------------|------------|-----------------------|-------------------|---------------------|
| C | JOSEPH C BURGESS
248 E 11 ST
IDAHO FALLS ID 83404
(208) 523-6043 | 07/27/1981 | IRRIGATION | 03-15 11-15 | 0.180 CFS | |
| | | | | | TOTAL DIVERSION: | 0.180 CFS |
| | | | | | CONSUMPTIVE USE: | 22.90 AFA |

C BARBARA A SMITH
IDAHO FALLS ID 83404
(208) 523-6042

Water Source: TWO MILE CREEK

Tributary to: PORTNEUF RIVER

Stage: PERMIT

Point(s) of Diversion: T08S R36E S36 NWSW

BANNOCK County

Place of use Legal Description for: IRRIGATION

| | | | | NE | | | | NW | | | | SW | | | | SE | | | | | |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|-----|
| T | R | S | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : | SUM |
| 08S | 36E | 35 | : | | | | | | | | | | | | | | | | | : | 4.0 |
| 08S | 36E | 36 | : | | | | | | | | | | | 05 | | | | | | : | 5.0 |
| | | | | | | | | | | | | | | | | | | | | TOTAL ACRES | 9.0 |

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00067 A29-02044A A29-02044E

Conditions of Approval:

- 005 - Use of water under this right is subject to control by the
- watermaster of State Water District No. 29H.

Remarks: GEN AC. IRR. = 9.18.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 29H

Field Inspection Flag:
Presumption Flag:

Audit: 05/01/90 DCARLSON 07/28/94 THOMPSON 03/29/95 POST-STD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Joseph C. Burgess &/or Barbara A. Smith Phone 254-3624

Post office address Route #1, McCammon, ID 83250

2. Source of water supply Two Mile Creek which is a tributary of Portneuf River

3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36 Township 8S

Range 36E B.M. Bannock County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.18 for irrigation purposes from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 0.18 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Ditch from creek to place of use.

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

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

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

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

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M.

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

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

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

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

RECORDED

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

| TWP | RANGE | SEC. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|------|-----|-----|-----|--------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 8S | 36E | 35 | | | | | | | | | | | | | 4.36 | | | | 4.36 |
| | | 36 | | | | | | | | | 4.82 | | | | | | | | 4.82 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres to be irrigated 9.18

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

9. a. Who owns the property at the point of diversion Applicant

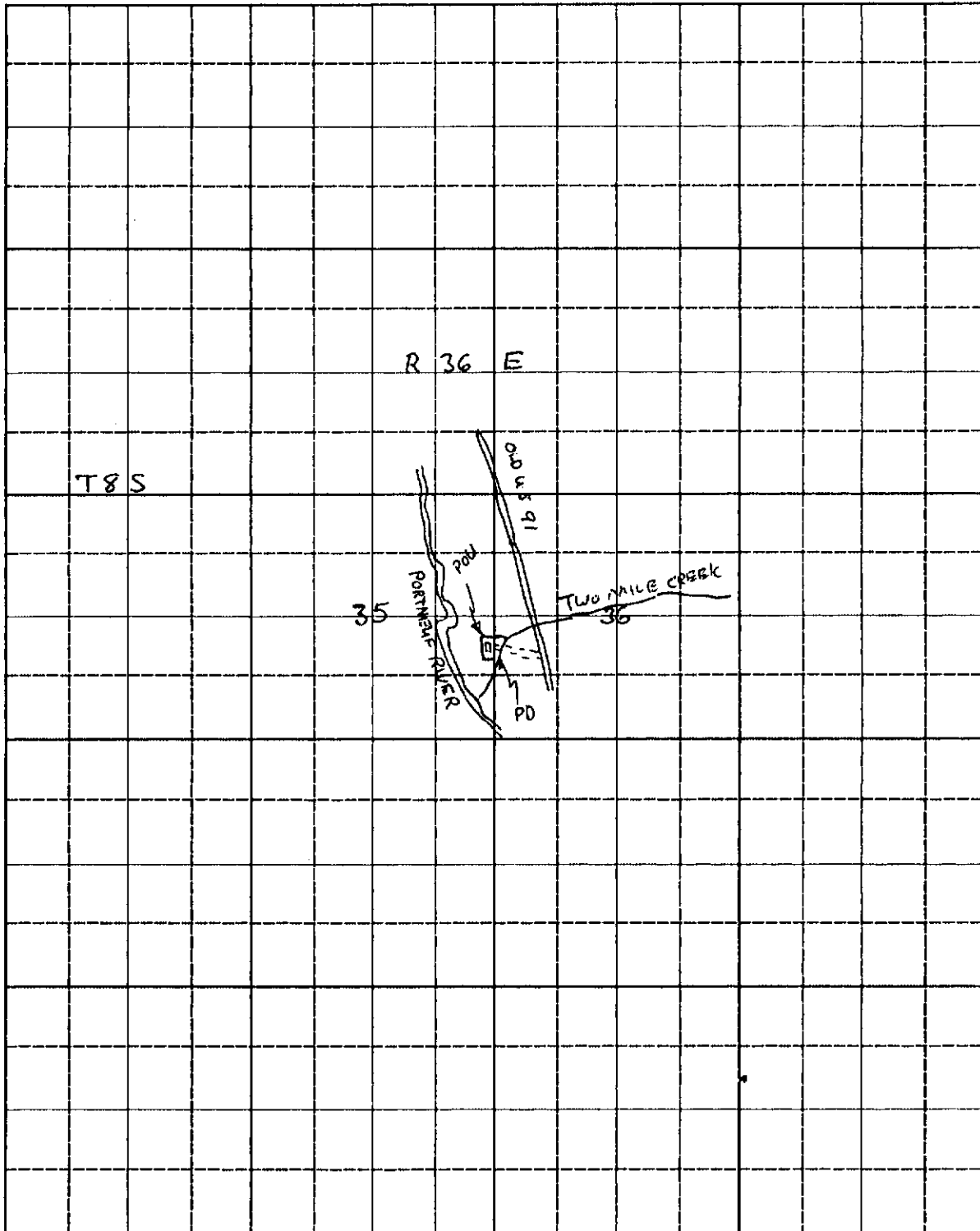
b. Who owns the land to be irrigated or place of use Applicant

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

10. Remarks _____

100

11. 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.

Joseph Parks Bryan
(Applicant)

Proposed Priority 7/27/1981

Received by SLB Date 7-27-81 Time 11Am.
Preliminary check by HGJ Fee \$ 30.00
Receipted by SLB #19005 Date 7-27-81 92-254 #19005
Publication prepared by kw Date 7/30/1981
Published in Idaho State Journal
Publication dates 8/06/81 & 8/13/81
Publication approved kw Date 8/3/81
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by EMC RC

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. 29-7609, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:
 - a. SUBJECT TO ALL PRIOR WATER RIGHTS.
 - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 19 86.
 - c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
 - d. Other: Use of water under this permit is subject to control by the watermaster of State Water District No. 29H, Marsh Creek.

Witness my hand this 24th day of September, 19 81.

A. Glen Saxton
Chief, Operations Bureau



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

May 9, 1986

Joseph C. Burgess
Barbara A. Smith
571 Gladstone
Idaho Falls, Idaho 83401

Dear Mr. Roth:

Attached herewith is Departmental receipt No. 39613 in the amount of \$50.00 for your field exam.

Thank you for your prompt attention.

Sincerely,

Michele Davis
Michele Davis
Office Secretary

STATE OF IDAHO
Department of Water Resources

Boise, Idaho, May 8, 1986

No 39613

RECEIVED FROM Smith & Burgess
Fifty Dollars AND NO/100 of McCammon \$ 50.00
DOLLARS

FOR

| | | | |
|------------------|----|----|----|
| 1 Exam Fee | \$ | 50 | 00 |
| Permit # 29-7609 | \$ | | |
| | \$ | | |
| | \$ | | |
| | \$ | | |
| TOTAL - - - | \$ | 50 | 00 |

EXAM FEE
1238-120

Michele Davis

MICROFILMED

NOV 13 1992

EXHIBIT U

FORM A

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 29-7609

Name(s) of Permit Holder: Joseph C. Burgess &/or Barbara A. Smith

Post Office Address: 48 West Starr Avenue, Columbus, Ohio 43201

Telephone No. (614) 294-2723

Source of Water: Two Mile Creek

Extent of Use: Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation 9.18 (acres)

Other/Remarks _____

Indicate the date water was first diverted and beneficially used under this permit: 30 September 1981

Measuring Device: Required? _____ Yes _____ X No
Installed? _____ Yes _____ X No

Flow Measurement Port: Required? _____ Yes _____ X No
Required? _____ Yes _____ X No

Person to contact to accompany the Department representative during field examination: Mart Welch

(Name)

Rt. 1, McCammon, Idaho 83250

(208) 254-3293

(Address)

(Telephone number)

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

11 February 1985

Date

Joseph C. Burgess
Signature of Permit
(and Title, if appropriate)

MICROFILMED
NOV 13 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Joseph C. Burgess &/or Barbara A. Smith Phone 254-3624

Post office address Route #1, McCammon, ID 83250

2. Source of water supply Two Mile Creek which is a tributary of Portneuf River

3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36 Township 8S

Range 36E B.M. Bannock County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.18 for irrigation purposes from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 0.18 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Ditch from creek to place of use.

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

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

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

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

8. Description of proposed uses:

a. If water is not for irrigation:

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

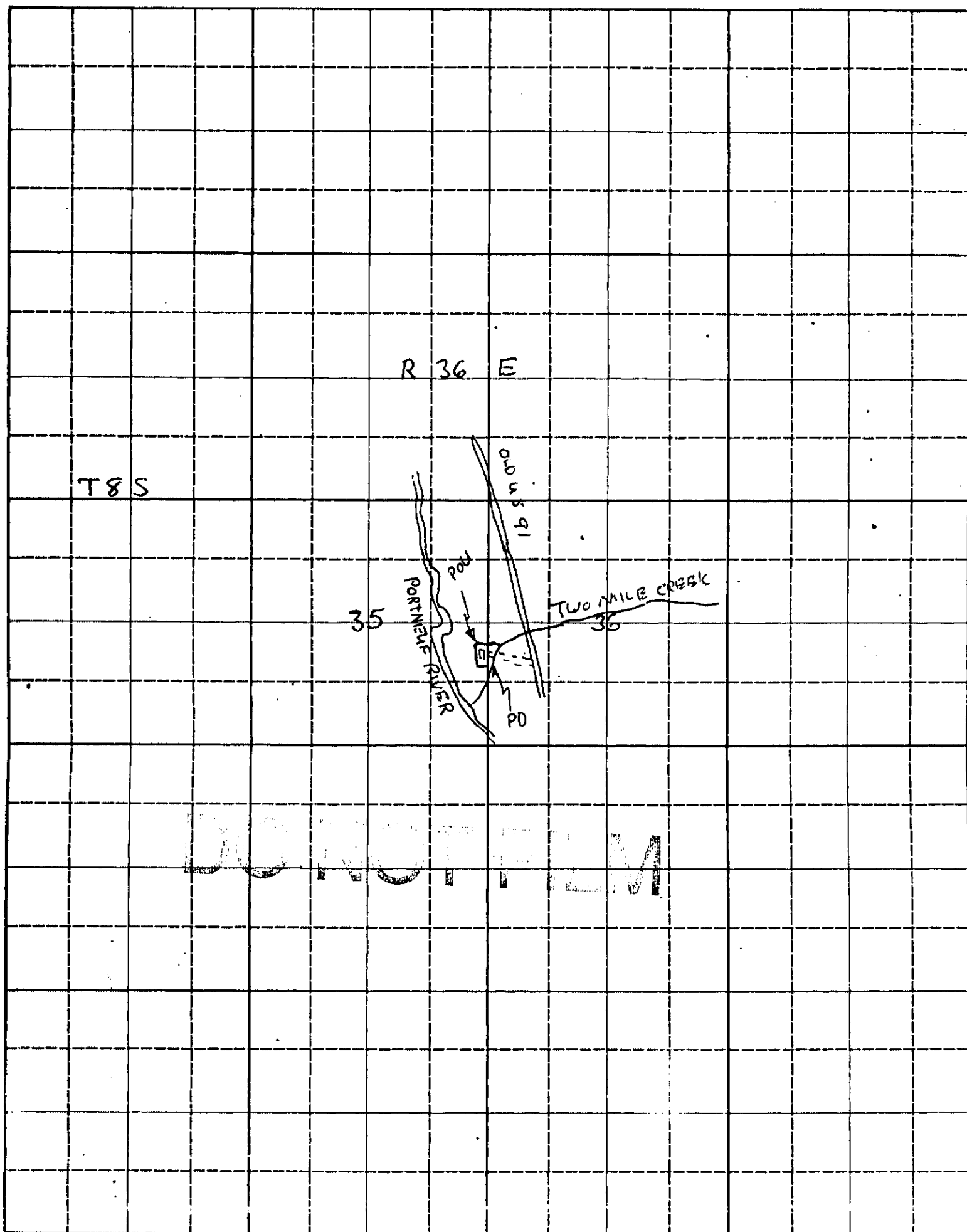
(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

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

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

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

11. 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.

Joseph H. Sayers
(Applicant)

Proposed Priority 7/27/1981

Received by SLS Date 7-27-81 Time 11Am

Preliminary check by HUT Fee \$ 30.00

Receipted by SLS #19005 Date 7-27-81 92-284 #19005

Publication prepared by kw Date 7/30/1981

Published in Idaho State Journal

Publication dates 8/06/81 & 8/13/81

Publication approved kw Date 8/3/81

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC RC

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. 29-7609, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: Use of water under this permit is subject to control by the watermaster of State Water District No. 29H, Marsh Creek.

Witness my hand this 24th day of September, 19 81.

A. Glen Saxton
Chief, Operations Bureau

WARRANTY DEED

For Value Received

GEORGE DENNIS GOODENOUGH, a single man, dealing with his sole and separate property the grantor, do hereby grant, bargain, sell and convey unto

JOSEPH CHARLES BURGESS and BARBARA ANN SMITH, Husband and Wife

whose current address is

Rural Rt. 1, McCammon, Idaho 83250

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

See Exhibit "A", attached and incorporated by reference herein.

Including, but not limited to, all water, water rights, ditch rights and irrigation ditches belonging or in anywise appertaining thereto and all right, title and interest in and to that portion of the water systems, if any, situated on the immediately described real property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee s, that he is the owner in fee simple of said premises; that they are free from all incumbrances except those set out in Exhibit "B", which is attached and incorporated by reference herein.

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: July 2, 1979

George Dennis Goodenough
GEORGE DENNIS GOODENOUGH

STATE OF IDAHO, COUNTY OF Blaine
On this 2nd day of July, 19 79
before me, a notary public in and for said State, personally appeared

GEORGE DENNIS GOODENOUGH

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that he executed the same.

Nancy B. Bilyeu
Notary Public
Residing at Blaine, Nevada, Idaho
Comm. Expires December 31, 1981

NANCY B. BILYEU

Notary Public, State of Nevada
Blaine, Nevada
My Commission Expires Jan. 16, 1981

EXHIBIT A -

BURGESS & SMITH

EXHIBIT "A"

A parcel of land situated in the Northeast quarter of the Southeast quarter of section 35 and the Northwest quarter of the Southwest quarter of section 36, township 8 South; range 36 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

Commencing at the East quarter corner of section 35, said point being marked by a Bannock County brass cap stamped L.S. 968; thence North $89^{\circ}50'44''$ West along the latitudinal centerline of said section 35, 350.00 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South $0^{\circ}13'12''$ West, 350.97 feet to the true point of beginning, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence continuing South $3^{\circ}06'15''$ West, 144.93 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South $28^{\circ}52'00''$ East, 321.72 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South $11^{\circ}25'29''$ East, 316.48 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South $8^{\circ}10'08''$ West, 63.21 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South $89^{\circ}50'44''$ East, 199.39 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South $8^{\circ}51'21''$ East, 178.78 feet to the South 1/16th line of said section, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South $89^{\circ}56'09''$ East along said South 1/16th line, 285.19 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence North $16^{\circ}54'44''$ West, 240.18 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence North $83^{\circ}50'08''$ West, 132.39 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence North $1^{\circ}44'50''$ West 43.79 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence North $23^{\circ}23'21''$ West 81.09 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence North $3^{\circ}48'54''$ East 116.83 feet, said point marked by a 1/2 inch iron pin tagged L.S. 968; thence South $72^{\circ}25'52''$ East 146.48 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence North $1^{\circ}52'30''$ East 316.51 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South $89^{\circ}20'10''$ West 286.93 feet to the East line of Section 35, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence North $0^{\circ}13'12''$ East along said East line 228.22 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence North $89^{\circ}50'44''$ West 350.00 feet to the true point of beginning.

Excepting therefrom the following described parcel:

A parcel of land situated in the Northeast quarter of the Southeast quarter of section 35 and the Northwest quarter of the Southwest quarter of section 36, Township 8 South, Range 36 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

Commencing at the East quarter corner of Section 35, said point being marked by a Bannock County brass cap stamped

L.S. 968; thence North 89°50'44" West along the latitudinal centerline of said section 35, 350.00 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South 0°13'12" West 350.97 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence continuing South 3°06'15" West, 144.93 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South 28°52'00" East, 321.72 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South 11°25'29" East, 316.48 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South 8°10'08" West, 63.21 feet, said point being marked by a 1/2 inch iron pin tagged L.S. 968; thence South 89°50'44" East, 199.39 feet; thence South 8°51'22" East, 94.00 feet to true point beginning of exception; thence continuing South 8°51'22" East 19.87 feet; thence North 31°57'34" East 118.22 feet; thence North 21°26'00" East 85.15 feet; thence North 1°44'50" West 43.79 feet; thence North 23°23'21" West 81.09 feet; thence North 3°48'54" East 116.83 feet; thence South 88°17'36" West 24.15 feet; thence South 1°54'50" East 115.88 feet; thence South 20°57'29" East 99.38 feet; thence South 21°26'00" West 99.53 feet; thence South 28° 17'28" West 105.28 feet to the true point of beginning of the exception.

EXHIBIT "B"

ENCUMBRANCES

Taxes for 1979 and subsequent years;

Easement to Utah Power and Light Company, for pole lines,
recorded February 18, 1942, in Book 85, No. 126, Records of
Bannock County, Idaho (NW 1/4 SW 1/4, SEC. 36 -8-36).