

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: A29-07658
Date Received: 3/22/1990
Receipt No: EQ7496
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VIRGIL GERMER 208-775-3782
Address: 5268 W. PORTNEUF RD.
INKOM, ID 83245-0000

Name: LAURA GERMER 208-775-3782
Address: 5268 W. PORTNEUF RD.
INKOM, ID 83245-0000

2. Date of Priority: AUG 25, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	35E	23	NE	SE			BANNOCK

5. Description of diverting works:
WELL/ PUMP 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	0.150		45.50
FIRE PROTECTION	01/01	12/31	0.150		

7. Total Quantity Appropriated is:
0.150 C.F.S. (and/or) 45.50 A.F.A.

8. Total consumptive use is 32.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-07658

Page 1

Date: 03/22/90

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	35E	23	NE	SE		IRR	13.0
Section Acres							13.0
Total Acres							13.0

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:
29-04067, 10698

14. Remarks:

15. Basis of Claim: LICENSE

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: 0

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): *Virgil J. Korman* Date: 3/22/90
Date: _____

State of Idaho)
County of Bonneville) ss.

Subscribed and sworn (or affirmed) before me this 22 day
of March 19 90 *Dore Carls*
Notary Public

Seal

Residing at Heise, Id
My Commission Expires 2/26/96

Log for claim A29-07658

Spatial Dynamics LTD

9/8/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	23	NESE	13	12	
Totals:			13	12	

5/2/01 Overlapping w/ 29-04067 + 29-19698

1) Carter is getting back to me about shapes regarding
Acresage.

DATE: 05/18/00
PAGE: 259

Audit: 03/22/90 DCARLSON 03/01/93 FRAZEE 03/29/95 POST-STD 04/12/00 CVANDERM

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07658

Priority: August 25, 1982

Maximum Diversion Rate:

0.15 CFS

Maximum Diversion Volume:¹

45.5 AF

This is to certify, that VIRGIL GERMER
LAURA GERMER

5268 W. PORTNEUF RD.

INKOM, ID 832450000

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 25, 1982; and has submitted Proof of Beneficial Use on October 1, 1987. An examination indicates that the works have a diversion capacity of .150 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.15 CFS	45.5 AF
FIRE PROTECTION	01/01 to 12/31	0.15 CFS	
	Totals	0.15 CFS	45.5 AF

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 23, Township 07S, Range 35E
BANNOCK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	35E	23	NESE	13		13

Total number of acres irrigated: 13

PLACE OF USE: FIRE PROTECTION, same as IRRIGATION use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

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MAR 20 1990

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07658

CONDITIONS/REMARKS:

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 15TH
day of MARCH, 1990.

Acting for R. Keith Higginson, Director

MICROFILMED

MAR 20 1990

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 Virgil or Laura Germer Phone 775-3782

Post office address Rt. 2, Inkom, Idaho 83245

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 23 Township 7S

Range 35E B.M. Bannock County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.28 for Irrigation purposes from 3-15 to 11-15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.28 for Fire Protect purposes from 1-1 to 12-31 (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. 0.28 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, pump, mainline to hand
lines

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 6 inches; proposed depth of well is 100 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: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 23 Township 7S

Range 35E B.M.

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

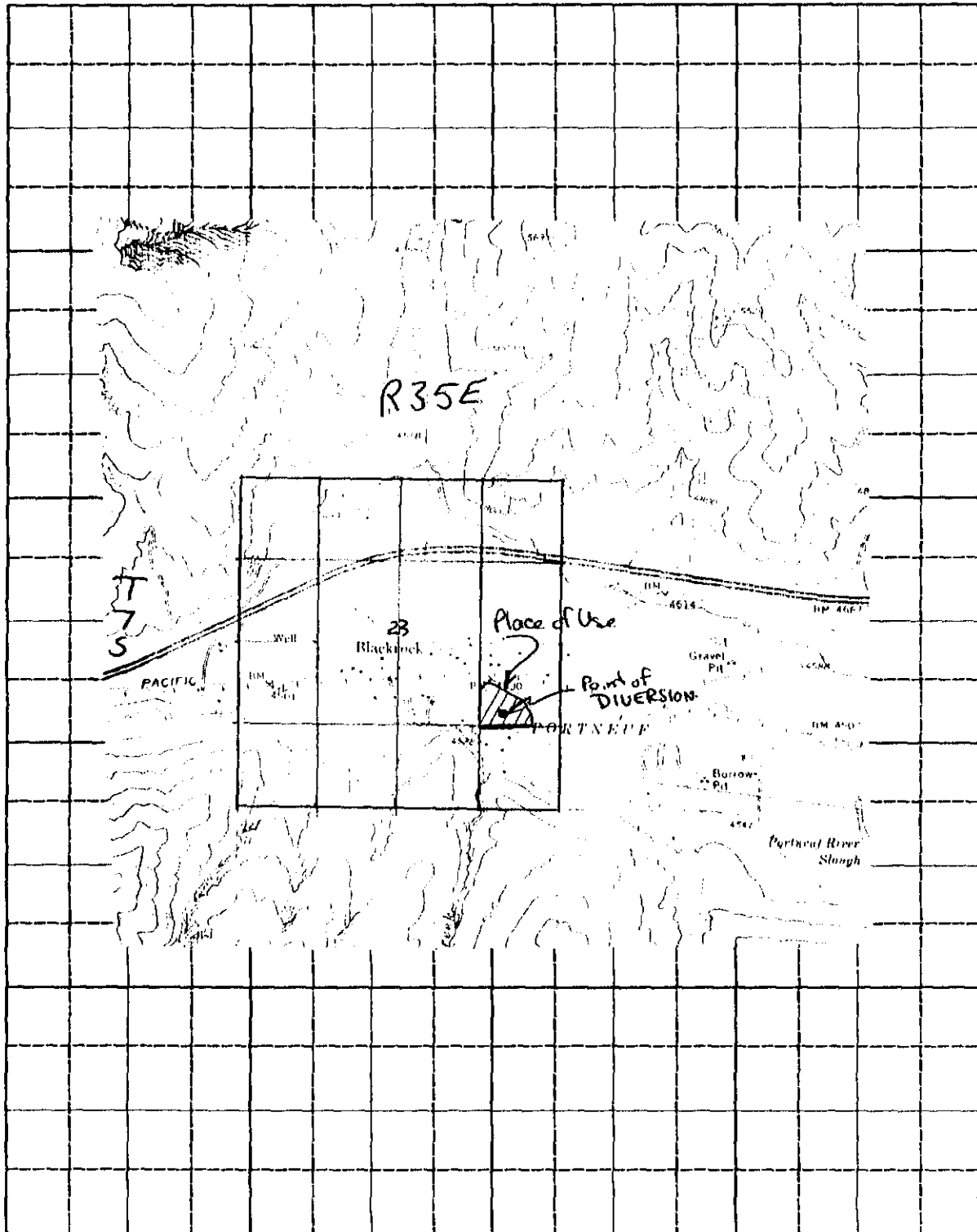
(3) List number of each kind of livestock to be watered _____

(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: _____

Fire Protection for single domestic home

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.

Virgil J. Gerner
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JAN 20 1989

Department of Water Resources

A. GENERAL INFORMATION

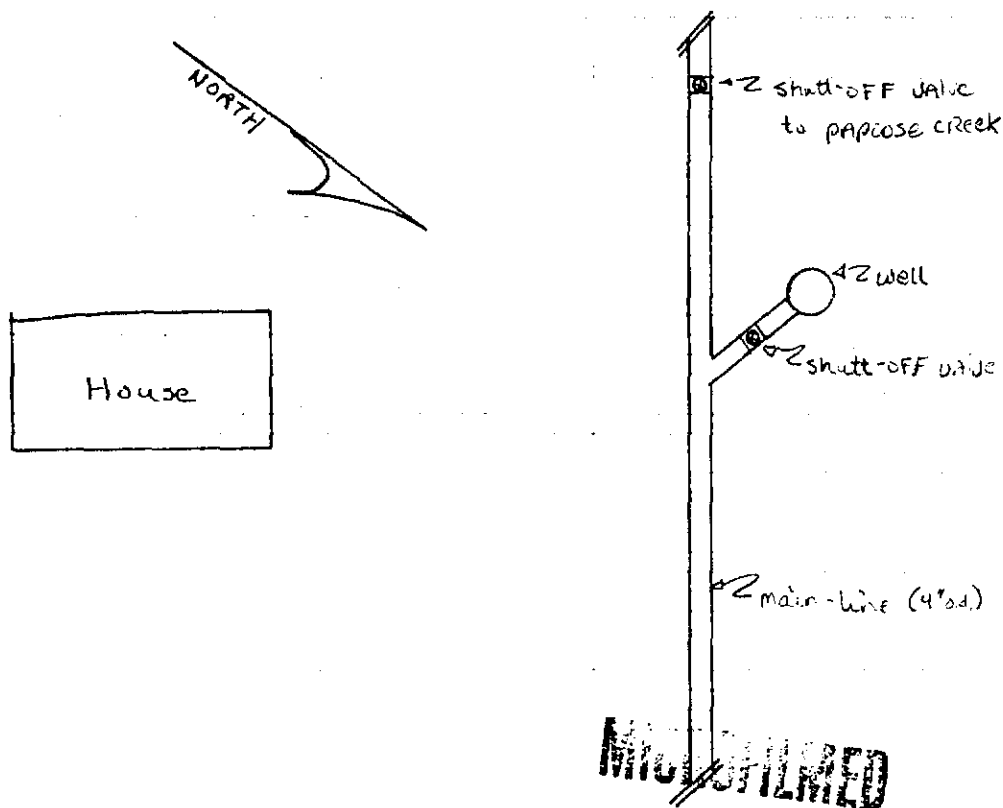
1. Owner: Virgil or LAURA GERMER Permit No. 29-7658
Current Address: 5268 W. Portneuf Rd. Inkom Idaho Phone No. 775-3782
2. Accompanied by: OWNER EXAM. DATE: 5-23-85
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Groundwater tributary to —

B. OVERLAP REVIEW

1. Other water rights with same place of use: 29-4067, claim to a water
Right for Papoose Creek ☐ Copies Attached
2. Other water rights with same point of diversion: NO
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = No Scale

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

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MAR 20 1990

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pitot gauge		Ashcroft			0-160 psi	

2. Measurements:

8 psi 8 psi 8 psi 8 psi 10 psi 10 psi 7 psi 6 psi 6 psi 6 psi 6 psi 6 psi 6 psi 7 psi

4 psi 4 psi
2 2 birds by house

Average Pressure = 6.9 psi

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: $d = 5/32"$ nozzle is average size of the 3 sizes observed.
bird 5 p.m. from bird chart on page 20 L for "Vol" and then interpolated for 7 psi.
 $Q_{birds} = (2.25 \text{ g.p.m.})(29 \text{ birds})/448.8 = 0.15 \text{ c.f.s.}$

2. Alternate Method for Checking Purposes:

$$\text{Theoretical } Q = \frac{(3 \text{ hp})(8.814)(0.8)}{(90') + (2.31)(6.9)} = 0.2 \text{ c.f.s.}$$

PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (13 \text{ ac})(3.5) = 45.5$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (0.15)(245)(1.9835) = 72.89$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 45.5$$

☒ Volume Calculations for Other Uses:

RECORDED

MAR 20 1950

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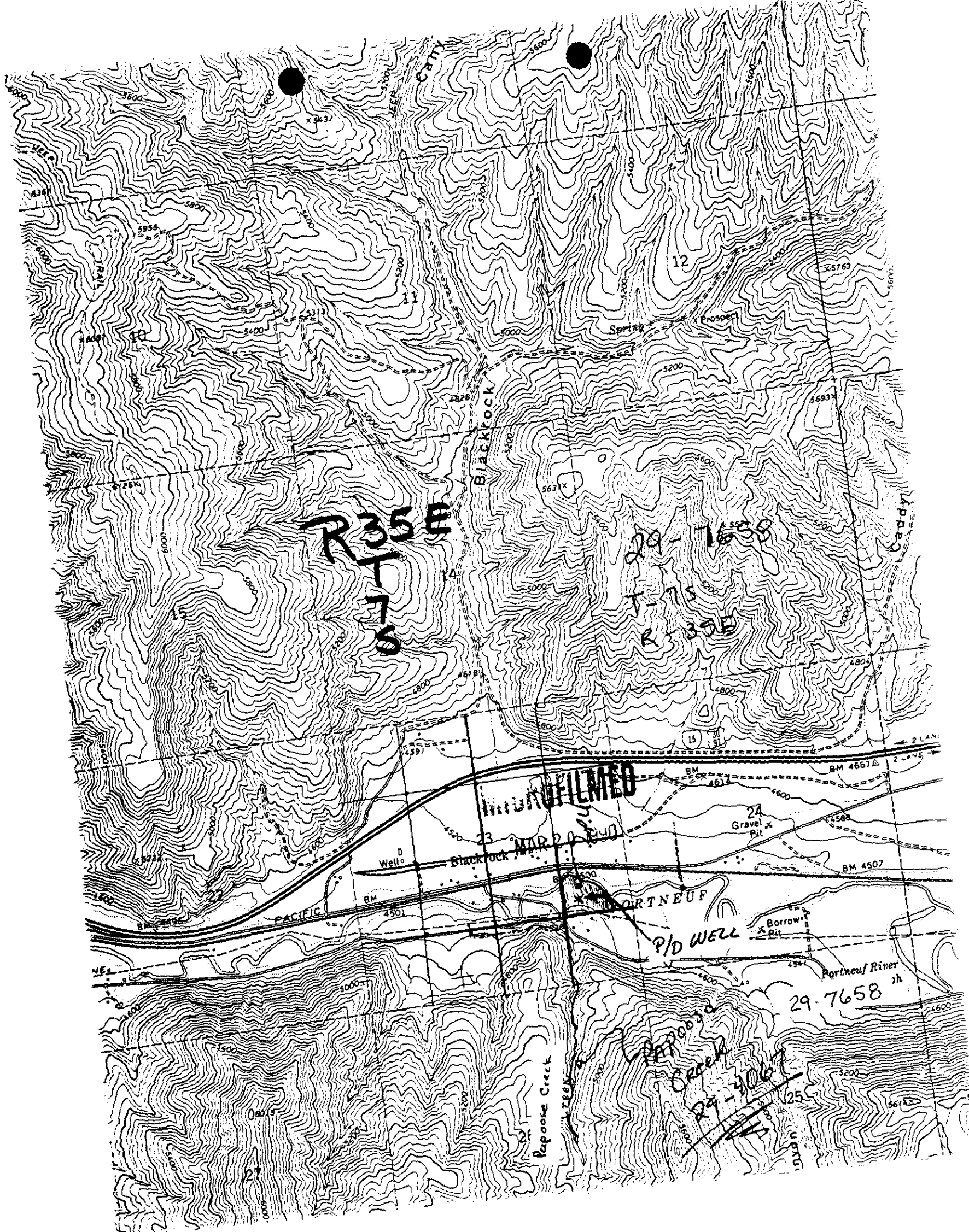
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29-7658

29-7658



GRAY YOUNG
BRUCE BELZER
Attorneys at Law
J. R. Simplot Company Legal Department
999 Main Street, Suite 1300
P.O. Box 27
Boise, ID 83707
(208) 389-7318
(208) 389-7515 Telefacsimile

Attorneys for J. R. Simplot Company

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CASSIA

In Re the General Adjudication
of Rights to the Use of Water
From the Snake River Drainage
Basin Water System.

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States;
The State of Idaho;
and All Claimants to the Use
of Water from the Snake River
Basin Water System,

Respondents.

ALICE FOSHA, HELEN FLINT, and
BEVERLY ADAMS, individuals,

Plaintiffs,

vs.

A. KENNETH DUNN, Director of the
Department of Water Resources
of the State of Idaho,

Twin Falls County
Civil Case No. 39576

and

Cassia County
Civil Case No. 13770-12-83

NOTICE OF APPEARANCE

*Don modified thru
C.A.N. program.
4-1-92*

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APR 0 1993

Department of Water Resources
Eastern District Office

MICROFILMED

APR 12 1994

Defendants.)

IN THE MATTER OF THE GENERAL)
DETERMINATION OF RIGHTS TO THE)
USE OF GROUNDWATER DIVERTED)
FROM SECTIONS 19, 20, 21, 28, 29,)
30, 31, 32, AND 33, T. 11 S.,)
R. 27 E., B.M.)

A. KENNETH DUNN, Director of the)
Department of Water Resources)
of the State of Idaho,)

Counterplaintiff,)

vs.)

ALICE FOSHA, HELEN FLINT, and)
BEVERLY ADAMS, individuals,)

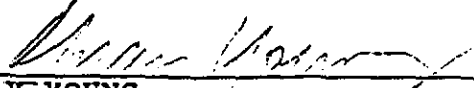
Counterdefendants.)

TO ALL PARTIES:

GRAY YOUNG, Assistant General Counsel, J. R. Simplot
Company, hereby enters his appearance as co-counsel on behalf
of J. R. Simplot Company in this action. All notices to
J. R. Simplot Company should be delivered to the following
address:

Gray Young
Bruce Belzer
J. R. Simplot Company
Legal Department
999 Main Street, Suite 1300
P.O. Box 27
Boise, ID 83707

DATED this 20th day of January, 1992.

By 
GRAY YOUNG
Assistant General Counsel

4507v11-20-92/1:42

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APR 12 1994

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF APPEARANCE was mailed this 20th day of January, 1992, in an envelope with sufficient first-class postage prepaid thereon to the following:

Idahome Farms, Inc.
1925 Oakley Avenue
Burley, ID 83318

Dennis Jay Harper
Star Route
Declo, ID 83323

Roland Allen Land &
Livestock
Star Route
Malta, ID 83342

Mark J. Taylor
Strong & Hanni
5th Floor, Boston Building
Salt Lake City, UT 84111
Attorney for Fosha, et al.

Leo A. Jardine
Jardine, Linebaugh,
Brown & Dunn
Suite 400
370 East South Temple
Salt Lake City, UT 84111
Attorney for Raft River Ranches, Inc.

A. Lynne Krogh-Hampe
Deputy Attorney General
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706-2237


VICKI SPANGLER

MICROFILMED

APR 12 1994

INPUT: SELECTION:FRAZER-NAME-SIMPLOT.SEL

TYPE OF ACTION: ADD
MODIFY ALL FIELDS FLAG:LAST NAME: YOUNG, GRAY OR BRUCE BELZER
ADDRESS LINE 1: J R SIMPLOT CO LEGAL DEPT
ADDRESS LINE 3: PO BOX 27
CITY: BOISEFIRST NAME:
ADDRESS LINE 2:999 MAIN ST STE 1300
STATE: ID ZIP: 837070027 PHONE NUMBER: (208) 389-7318

36-02208 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02212 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02213 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02542 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
36-02619 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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A01-04058 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A01-10101 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-00006 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-00015 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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A02-10026 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A02-10049 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A22-07423 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A22-07451 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A24-07113 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A24-07164 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A24-07165 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE

*You have N.O.A. copy.
- Sel*

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Department of Water Resources
Eastern District Office

*Printout attached to ea. listing?
J. R. Smith*

APR 12 1994
MICROFILMED

INPUT: SELECTION:FRASEE-NAME-SIMPLOT.SEL

TYPE OF ACTION: ADD
MODIFY ALL FIELDS FLAG:

LAST NAME: YOUNG, GRAY OR BRUCE BELZER
ADDRESS LINE 1: J R SIMPLOT CO LEGAL DEPT
ADDRESS LINE 3: PO BOX 27
CITY: BOISE

STATE: ID ZIP: 837070027

FIRST NAME:
ADDRESS LINE 2:999 MAIN ST STE 1300
PHONE NUMBER: (208) 389-7318

A25-13297 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A25-13298 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A27-02138 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
A27-02168 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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A33-02076B ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE
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A36-04179 ATTORNEY NAME SUCCESSFULLY ADDED TO NAME FILE

APR 12 1994
FILED

SD-0601-2 Last Name: GERMER

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
	GERMER						
	VIRGIL	C	A29-07659	08/25/1982	GROUNDWATER	0.040	04 STOCK 43 DOMEST
	LAURA	C	A29-07659	08/25/1982	GROUNDWATER	0.040	04 STOCK 43 DOMEST
	VIRGIL	C	A29-10698	06/10/1928	PORTNEUF RI	0.260	01 IRR
	VIRGIL	C	R29-07659	08/25/1982	GROUNDWATER	0.040	04 STOCK 43 DOMEST
	LAURA	C	R29-07659	08/25/1982	GROUNDWATER	0.040	04 STOCK 43 DOMEST
	VIRGIL T	C	A29-04067	04/01/1945	PAPOOSE CRE	0.260	01 IRR
	VIRGIL	C	A29-07658	08/25/1982	GROUNDWATER	0.150	01 IRR 49 FIRE
	LAURA	C	A29-07658	08/25/1982	GROUNDWATER	0.150	01 IRR 49 FIRE
	LAURA	C	A29-10698	06/10/1928	PORTNEUF RI	0.260	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

Modified all
+ AZ9-10101 - Crossall
Suffield - A+R AZ9-04064B
✓ - 10103

Palmer AZ9-10102
Matthews A+R AZ9-04064C
Thompson AZ9-04064D

ATTN: NOA
to each record
A + R?

N.O.A.

MICROFILMED

APR 12 1994

Reed W. Larsen
RACINE, OLSON, NYE, COOPER
& BUDGE, CHARTERED
P.O. Box 1391 - Center Plaza
Pocatello, ID 83204-1391
Telephone: (208) 232-6101

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 Drainage Basin
Water System,

Case Nos. 39576 ✓
41798

The State of Idaho, ex rel.
R. Keith Higginson in his official
capacity as director of the Idaho
Department of Water Resources,

AMENDED NOTICE OF
APPEARANCE

Petitioner,

vs.

Document No.
92-01-011

United States; State of Idaho; and
all unknown claimants to the use
of water from the Snake River
Drainage Basin Water System,

Respondents.

THERON J. SMITH and CARMA B.
SMITH, husband and wife,

Plaintiffs,

vs.

AMENDED NOTICE OF APPEARANCE - 1

MICROFILMED

APR 12 1994

JAY SCOFFIELD and TARA)
SCOFFIELD, husband and wife;)
GRACE PALMER, a single person;)
BILLIE JEANNE CROXALL, a single)
person; VIRGIL T. GERMER and)
LAURA GERMER, husband and wife;)
KEITH HIGGINSON, director of the)
Idaho Department of Water Resources,)
and JOHN DOES I, II, III and IV,)
Defendants.)

TO: THE ABOVE-NAMED PLAINTIFFS AND THEIR ATTORNEY OF RECORD:

COMES NOW Reed W. Larsen, of the firm of Racine, Olson, Nye, Cooper & Budge, Chartered, and hereby enters an amended appearance on behalf of Defendants Virgil Germer and Laura Germer, husband and wife, Thomas R. Thompson and Tracy Thompson, husband and wife, and Joseph E. Matthews and Tahna Matthews, husband and wife, in the above matter and hereby gives notice of their representation by the firm of Racine, Olson, Nye, Cooper & Budge, Chartered. All future pleadings and correspondence and notice should be sent to the undersigned counsel.

Thomas R. Thompson and Tracy Thompson are the predecessors in interest to the property owned by the Defendant Grace Palmer and Joseph E. Matthews and Tahna Matthews are the successors in interest of property owned by Billie Jean Croxall, Defendants in the above action, and as such they are proper parties to appear and defend this litigation.

AMENDED NOTICE OF APPEARANCE - 2

MICROFILMED

APR 12 1994

DATED this 21 day of December, 1991

RACINE, OLSON, NYE, COOPER
& BUDGE, CHARTERED

By 

REED W. LARSEN

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 31 day of December, 1991, a true, correct and complete copy of the foregoing was mailed, postage prepaid, to the following:

Thomas J. Holmes
P.O. Box 967
Pocatello, ID 83204

Isaac McDougall
P.O. Box 4048
Pocatello, ID 83205

Billie Jeanne Croxall
5230 W. Portneuf Road
Inkom, ID 83245

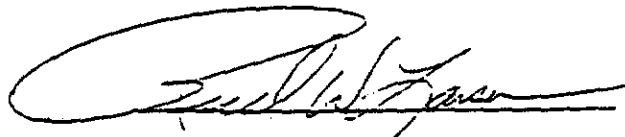
Grace Palmer
5208 W. Portneuf Road
Inkom, ID 83245

Jim Jones
Attorney General
Statehouse, Room 210
Boise, ID 83720

Peter C. Monson
U.S. Attorney
Land & Natural Resources Div.
Indian Resources Section
P.O. Box 44378
Washington, D.C. 20026

A. Lynne Krogh-Hampe
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

Jay and Tara Scofield
5195 West Portneuf Road
Inkom, ID 83245



AMENDED NOTICE OF APPEARANCE - 3

MICROFILMED

APR 12 1994