

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 22-7190
Date Received: 8/24/1988
Receipt No: E001639
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

WAHOO INC Phone: (208)356-3178

3930 E 2000 N
SUGAR CITY ID USA 83448

2. Date of Priority: 07/30/1976

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	41E	7	SE SE SE	MADISON	

5. Description of diverting works:

WELL, PUMP & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	2.8	
STOCKWATER	10/01	5/01	0.07	

7. Total Quantity Appropriated is:
2.8 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
06N	41E	7	NE NE	IRRIGATION	37
			NW NE	IRRIGATION	33

SW	NE	IRRIGATION	37
SE	NE	IRRIGATION	38
NE	SE	IRRIGATION	37
NW	SE	IRRIGATION	40
SW	SE	IRRIGATION	38
SE	SE	IRRIGATION	37
SE	SE	STOCKWATER	

Section Acres 297

Total Acres 297

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

14. Remarks:

THIS RT. WHEN COMBINED WITH ALL OTHER RTS. SHALL PROVIDE NO MORE THAN 0.02 CFS/AC NOR MORE THAN 3.5 AF/AC FOR THE LANDS ABOVE

STOCKWATER RIGHT NOT INCLUDED UNDER ORIGINL LICENSE. WATER HAS BEEN USED TO WATER LIVESTOCK FROM DATE WELL PUT IN. PRIOR TO WELL STOCK WATERED FROM EAST TETON CANAL WHICH NO LONGER RUNS WATER DURING THE WINTER. IRRIGATION WELL SUPPLEMENTS SURFACE WATER RIGHTS

15. Basis of Claim: License

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: A22-07190
Date Received: 8/15/1988
Receipt No: 6001341
Received By: 6001369-1639
EN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WAHOO & BHA, INC.
Address: C/O GRANT ASHCRAFT
3930 E. 2000 N.
SUGAR CITY, ID

208-356-3178

83448

2. Date of Priority: JUL 30, 1976

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	41E	7	SE	SE	SE		MADISON

5. Description of diverting works:
WELL, PUMP & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.800		
STOCKWATER	10/01	05/01	0.070		

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

A.F.A.

8. Total consumptive use is 742.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR 300 HEAD OF RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	41E	7	NE	NE		IRR	37.0

A22-07190

Page 1

Date: 08/15/88

A2207190



007 23 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	41E	7	NW	NE		IRR	33.0
			SW	NE		IRR	37.0
			SE	NE		IRR	38.0
			NE	SE		IRR	37.0
			NW	SE		IRR	40.0
			SW	SE		IRR	38.0
			SE	SE		IRR	37.0
			SE	SE		STOCK	
						Section Acres	297.0
						Total Acres	297.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
ENTERPRISE & EAST TETON.

14. Remarks:
THIS RT. WHEN COMBINED WITH ALL OTHER RTS. SHALL PROVIDE NO MORE THAN 0.02 CFS/AC NOR MORE THAN 3.5 AF/AC FOR THE LANDS ABOVE. STOCKWATER RIGHT NOT INCLUDED UNDER ORIGIANL LICENSE. WATER HAS BEEN USED TO WATER LIVESTOCK FROM DATE WELL PUT IN. PRIOR TO WELL STOCK WATERED FROM EAST TETON CANAL WHICH NO LONGER RUNS WATER DURING THE WINTER. IRRIGATION WELL SUPPLEMENTS SURFACE WATER RIGHTS.

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 x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am President of _____
Title

CAHOO Inc., that I have signed the foregoing
Organization
document in the space below as President of _____
Title

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

Grant Ashurst
Signature of Authorized Agent

President of CAHOO Inc.
Title and Organization

15 Aug 88
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of August 19 88

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 6-94

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: 1

For Organizations:

I do solemnly swear or affirm that I am President of BHA Inc, that I have signed the foregoing document in the space below as President of BHA Inc and that the statements contained in the foregoing document are true and correct.

Boyd B. Ashcraft
Signature of Authorized Agent
President BHA Inc
Title and Organization
Aug 24, 1988
Date

State of Idaho)
County of Bonneville) ss.

Subscribed and sworn (or affirmed) before me this 24 day
of August 19 88

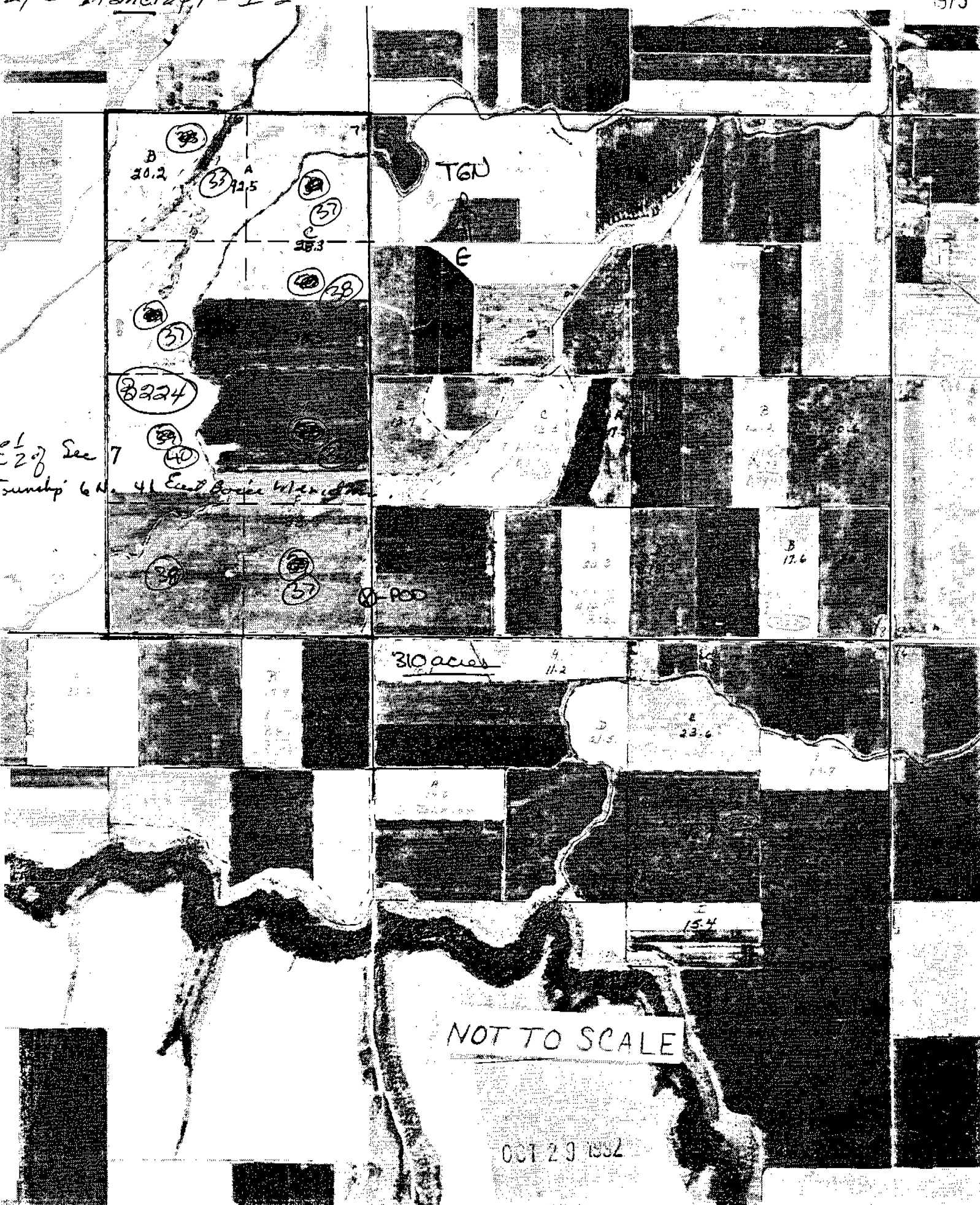
Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls, Idaho
My Commission Expires 6-94

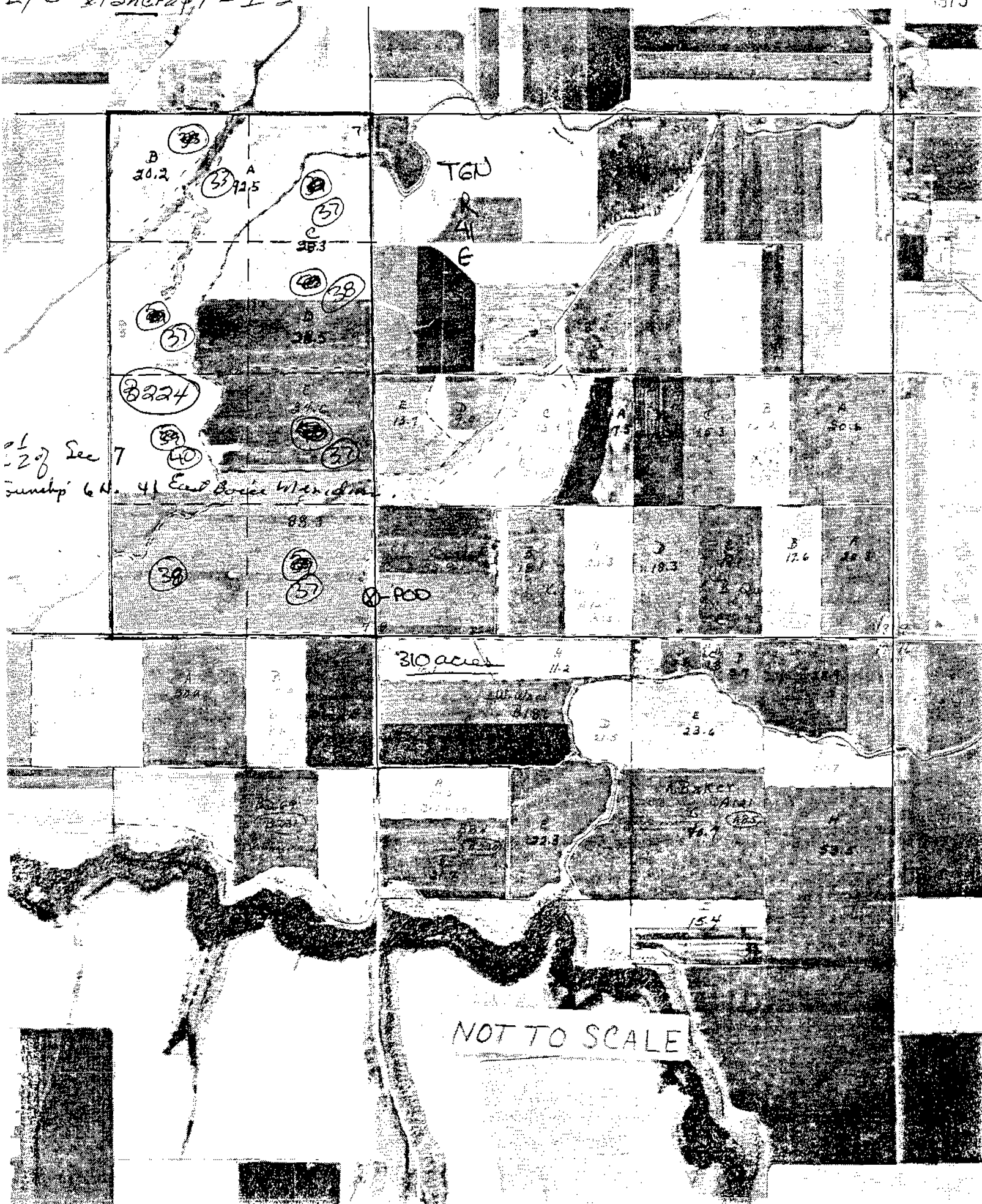
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1973



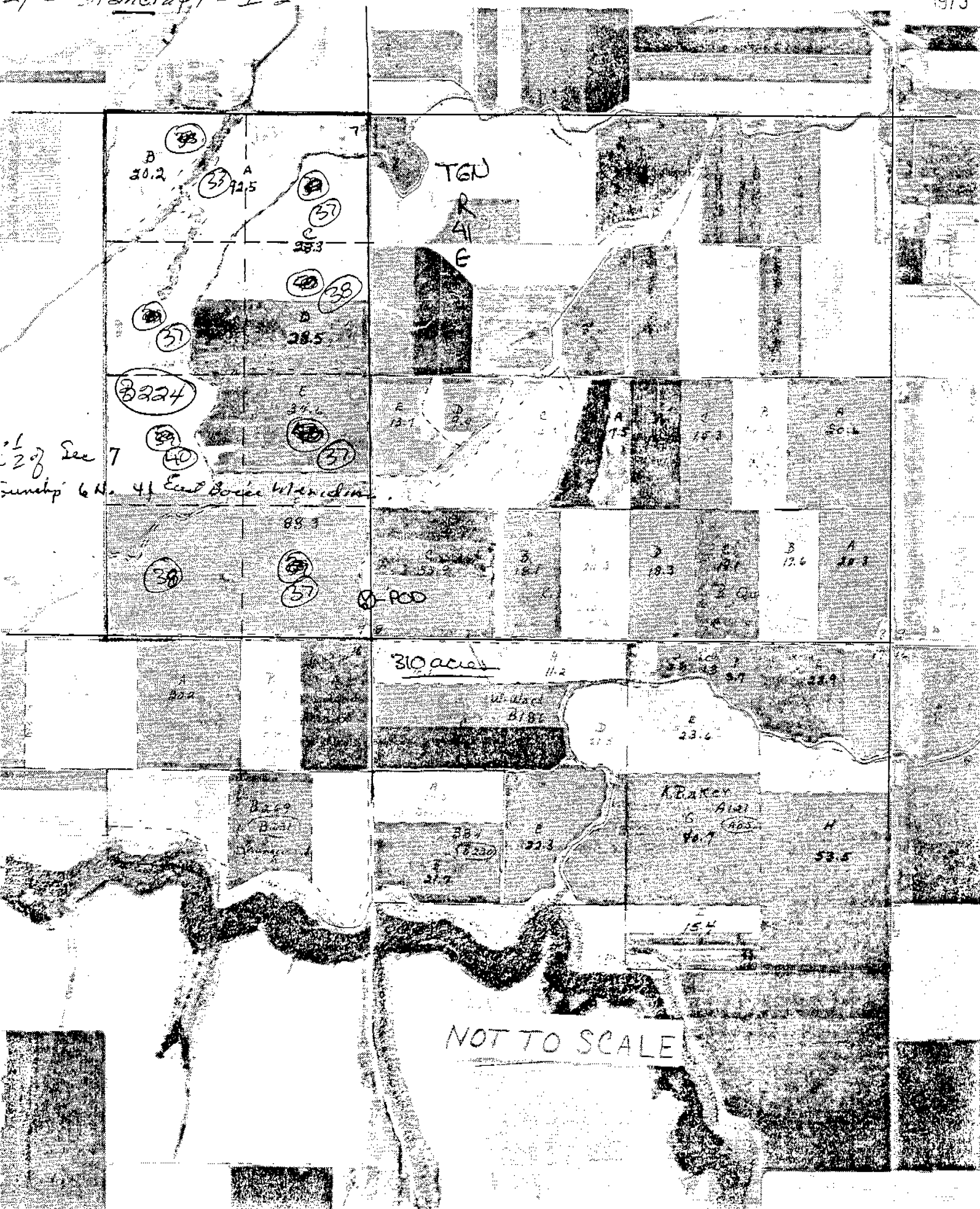
B/G Ashcroft-I 3

1973



B/G Ashcraft-I 3

1973



1973





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 7, 2001

WAHOO INC
3930 E 2000 N
SUGAR CITY ID 83448

RE: CHANGE IN OWNERSHIP FOR A22-07190

Dear Claimant:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Cheri Vandermeulen
Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water	Adjudication	Water	Adjudication
Right No(s).	Claim No(s).	Right No(s).	Claim No(s).
	Split		Split

21-7190

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
 - B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
 - C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
- OR**
- If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) WAHOO & BHA - Inc.
3930 E. 2000 No. Sugar City ID. 83448
4. New Owner/Claimant(s) WAHOO Inc.
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
3930 E. 2000 No.
Sugar City, ID. 83448
(208) 356-3178
5. Date you acquired the property 13 FEB 1996

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Uphill Inc. by Grant Oberst Pres.
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

FOR VALUED RECEIVED, consisting of exchange of like kind property, B.H.A., Inc., an Idaho corporation, with its principal place of business at 2983 East 2000 North, Sugar City, Idaho 83448, hereinafter called "Grantor", does hereby grant, bargain, exchange and convey unto WAHOO, Inc., an Idaho corporation, the principal place of business of which is at 3930 East 2000 North, Sugar City, Idaho 83448, hereinafter called Grantee, the following described real property in Madison County, Idaho, to-wit:

All of Grantor's undivided one half interest in and to the following described real property:

The East One-Half of Section 7, Township 6 North, Range 41 East, Boise Meridian.

Together with 35 shares of the capital stock of the East Teton Canal Company, 185 shares of the Capital Stock of the Enterprise Canal Company, and all Fremont-Madison Irrigation District allotment appurtenant to said land.

With the conveyance provided for in this Warranty Deed, Grantee shall own full interest in fee simple of the property above described.

Subject to easements of record or in existence for roads, ditches and utilities.

Together with all water and water rights, ditch and ditch rights, appurtenant thereto.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TOGETHER With any and all improvements and appurtenances thereto; rents, issues and profits thereof; and reversions and remainders.

Grantor covenants and warrants that fee simple title, to the property, is conveyed to Grantee by this Deed, free from all encumbrances.

DATED This 13th day of February, 1996.

B.H.A., Inc.

BY:

Boyd B. Ashcraft
Boyd B. Ashcraft

ATTEST:

Helen Ashcraft
Helen Ashcraft

State of Idaho)
County of Madison) SS

260919

I hereby certify that the within instrument was filed APR. 18 1996

19 at 1622 M., and recorded on Film

260919

Fee 900

by BETH B. REESE, Recorder

Deputy

At the request of

Ricky Thatcher Andrus

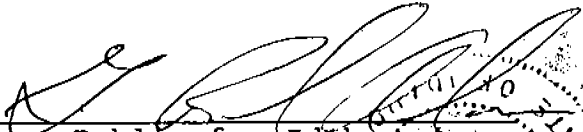
STATE OF IDAHO)
County of Madison) ss.

On this 13th day of February, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared Boyd B. Ashcraft and Helen Ashcraft, known to me to be the President and Secretary, respectively, of B.H.A., Inc., the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

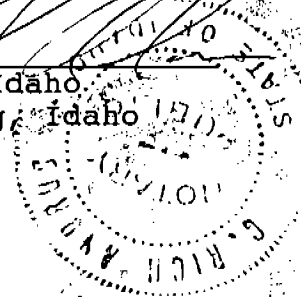
MICROFILMED

260919

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.



Notary Public for Idaho
Residing at Rexburg, Idaho
Commission Expires:



Log for claim 22-07190

Spatial Dynamics LTD

8/14/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06n41e	7	NENE	37	38	
06n41e	7	NWNE	33	38	
06n41e	7	SWNE	37	39	
06n41e	7	SENE	38	38	
06n41e	7	NESE	37	38	
06n41e	7	NWSE	40	38	
06n41e	7	SWSE	38	37	
06n41e	7	SESE	37	36	
Totals:			297	302	

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 22-7190 Priority July 30, 1976 Amount 2.80 cfs

THIS IS TO CERTIFY, that WaHoo & Bha Inc.
of Sugar City, Idaho, has complied with the terms and conditions of Permit
No. 22-7190 issued pursuant to Application for Permit dated July 30, 1976,
and has submitted proof to the Department of Water Resources on March 10, 1981,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.80 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>2.80</u> cfs and	<u>1039.5</u> acre feet
	from _____ to _____	_____ cfs and	_____
	from _____ to _____	_____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 2.80 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1039.5 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Twp.
6N, Rge. 41E in the County of Madison

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6N	41E	7	37	33	37	38									37	40	38	37	297

Total number of acres irrigated 297

This right when combined with all other rights shall provide no more than 0.02 cfs
per acre nor more than 3.5 afa per acre for the lands above.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30TH day of
November, 19 82.

Acting for the Director

Norman C. Young

22 7190

Identification No. _____

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant WAHOO & BHA Inc. Phone: _____
 post office address Rt. #1, Sugar City, Idaho
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 7 Township 6N
 Range 41E B.M. Madison County; additional points of diversion if any: _____

 b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
 of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
 Amount 4.00 for Irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
 a. 4.00 cubic feet per second and/or
 b. _____ acre feet per annum.
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. well, 150 Hp. pump and
sprinkler system

 b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
 capacity _____ acre feet, materials used in storage dam: _____
 Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
 c. Proposed well diameter is 14 inches; proposed depth of well is 354 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
 is 5 years.
 b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
 a. If water is **not** for irrigation:
 (1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
 Range _____ B.M. _____
 (2) Amount of power to be generated: _____ hp under _____ feet of head.
 (3) List number of each kind of livestock to be watered: _____

 (4) Name of municipality to be served _____, or number of families to be
 supplied with domestic water: _____
 (5) If water is to be used for other purposes describe: _____

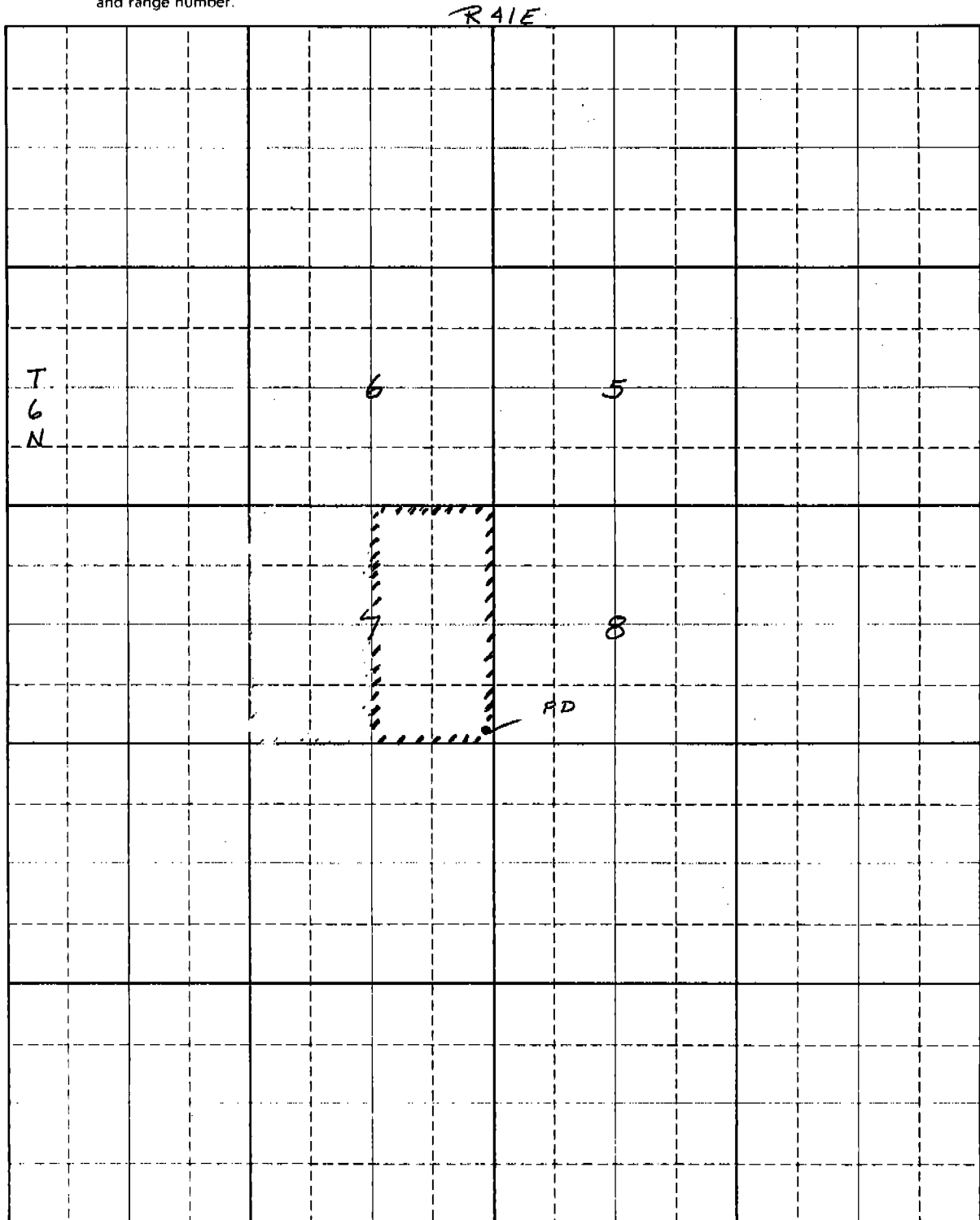
[illegible]

c. Describe any other water rights used for the same purposes as described above. Water Rights in Enterprise and East Teton

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

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.

Witness my hand and seal this 1st day of August 1900.

B. H. A. [Signature] [Signature]
(Applicant)

Proposed Priority 7-30-76

Received by CU Date 7-30-76 Time 10:45A.

Preliminary check by RDC Fee \$ 55.00

Received by CU Date 7-30-76 # 2495

Publication prepared by CU Date 8-05-76

Published in Refinery Journal

Publication dates Aug 12 + 19, 1976

Publication approved Yes Date 8/30/76

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial By RDC BDF

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. 22-7190, 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 81.
- c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

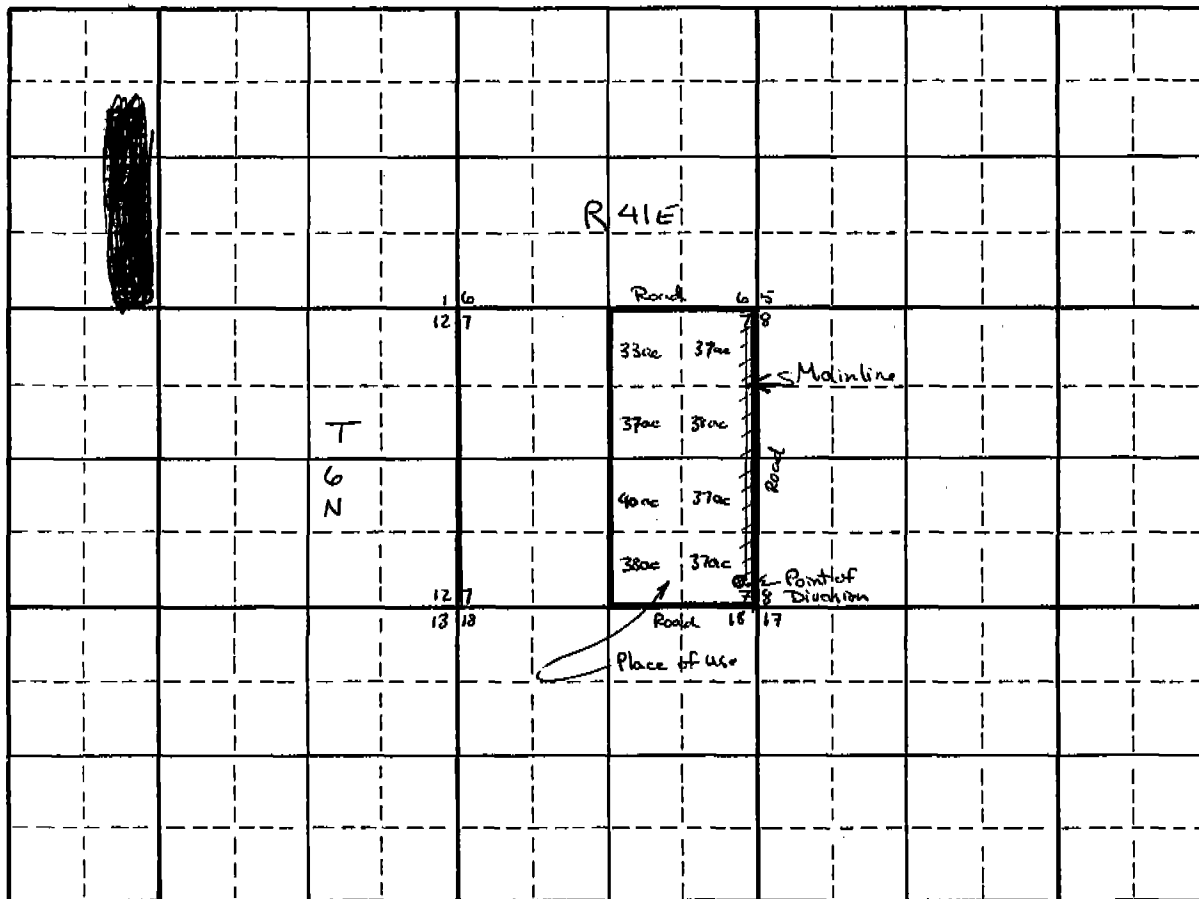
2. Denial of said application is for the following reasons: _____

Witness my hand this 4 day of September 19 76.


Director

No overlapping rights

MAP (Attach Aerial Photo)

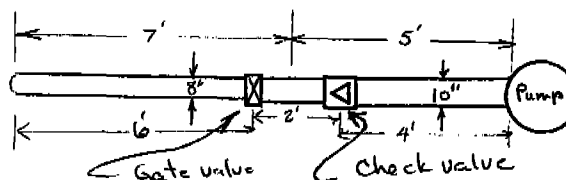


SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



N



Point(s) of diversion: SE 1/4 of SE 1/4, Sec 7, T6 N, R41E BM.

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6 N	41 E	7	37	33	37	38									37	40	38	37	247

Recommended Amendments:

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

Examiner's Signature KC Wilson

Checked by HL Jones

Approved by [Signature]

Date 9-1-81

Date 9-2-81

Date 1-82

