

RECEIVED

Rev 01/15

JAN 17 2017

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

AMENDED

Name of Applicant(s) Carol Stevens Phone 766-4599/520-9430Mailing address 321 North 5400 West Malad, ID 83252 Email maladite@hotmail.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it Attachment #1.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it Attachment #2a.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it Attachment #2b.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it Attachment #3.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it Attachment #4.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Carol Stevens
Signature of Applicant or Authorized Representative

Carol Stevens
Print Name and Title if applicable

1-12-2017
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2.
 Please see attached

SCANNED

FEB 02 2017

This transfer combines my license, 15-2032, my statutory claim, 15-7263, and my portion of license 15-2030A on 192.0 acres to be pumped from two wells.

The point of diversion listed on license 15-2030A, in the NENE of Section 27, T14S, R35E, is in error. No well exists in that QQ.

The point of diversion for 15-2030A is actually located in the SESE of Section 22, T14S, R35E. This is the same well from which 15-7263 has been pumped. Claim 15-7263 is for the additional land that was covered by the well in 1949.

Transfer 965 was filed in 1961 to correct the place of use for right 15-2030. At licensing, the 40 acres owned by Nephi Ipsen in the NWSE of Section 27 were left out of the legal description. Instead, 20 acres in the NENW and 20 acres in the SWNE of Section 26 were mistakenly included.

As a result of the transfer, the 40 acres in the NWSE of Section 27 are covered by right 15-2030B. However, the transfer did not remove the 40 acres of the water right from the NESW and SWNE of Section 26, as it should have done to avoid enlargement issues. For rate calculation purposes, I removed those 40 acres.

At the time of transfer submittal, then, right 15-2030A was appurtenant to the remaining 75 acres as licensed. The legal descriptions are listed below, all in T14S, R35E:

SWSW of Sec 23: 15 acres

NWNW of Sec 26: 40 acres

NENE of Sec 27: 20 acres

I own the SWSW of Section 23 and the NWNW of Section 26, totaling 55 acres of the right.

$1.15 \text{ cfs} / 75 \text{ acres} * 55 \text{ acres} = 0.84 \text{ cfs}$ for the split.

SCANNED
FEB 02 2017

81278

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	15-2032	1.90	Irrigation	04/01 to 10/31	Groundwater
☒ ☐	15-7263	1.11	Irrigation	04/01 to 10/15	Groundwater
☐ ☒	15-2030A	0.84	Irrigation	04/01 to 10/31	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.85 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed _____ cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			NE	SE	22	14S	35E	Oneida	Groundwater	
			SE	SE	22	14S	35E	Oneida	Groundwater	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	35E	22													32				32
		23									40	40	40						120
		26						40											40
Total Acres (for irrigation use)																			192

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Main well with 100 HP pump and south well with 100HP pump tied together with 9 inch main line to 3/4 circle pivot and 4 quarter mile wheel lines.

- b. Who owns the property at the point(s) of diversion? Applicant owns main well; Fox Hollow owns south well.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Written agreement for use of south well

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Lands currently being irrigated will continue to be irrigated, but from 2 wells tied together.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Statutory claims 15-7421 and 15-7262

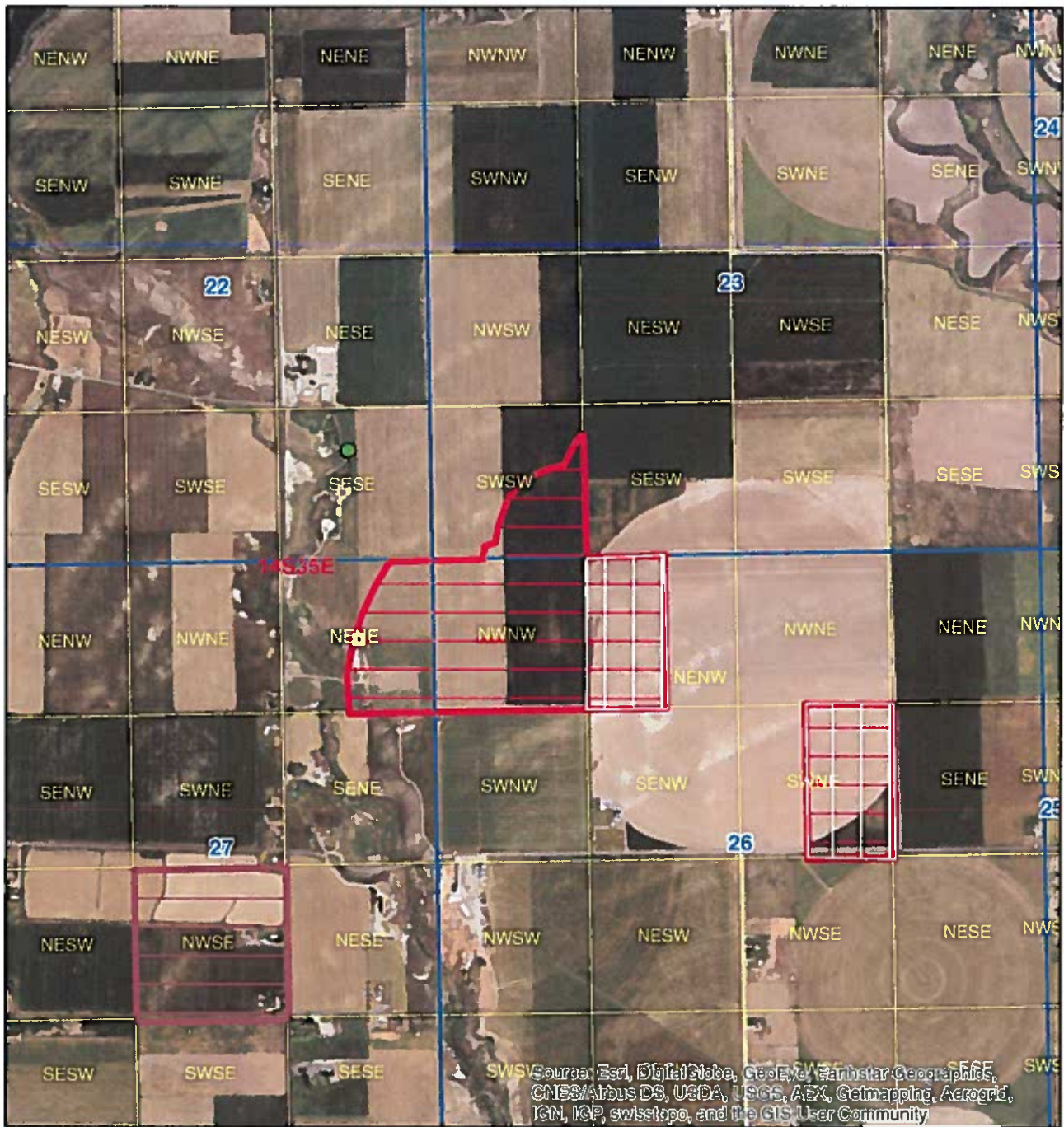
- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

Correction of Transfer 965



2010 Imagery

Legend

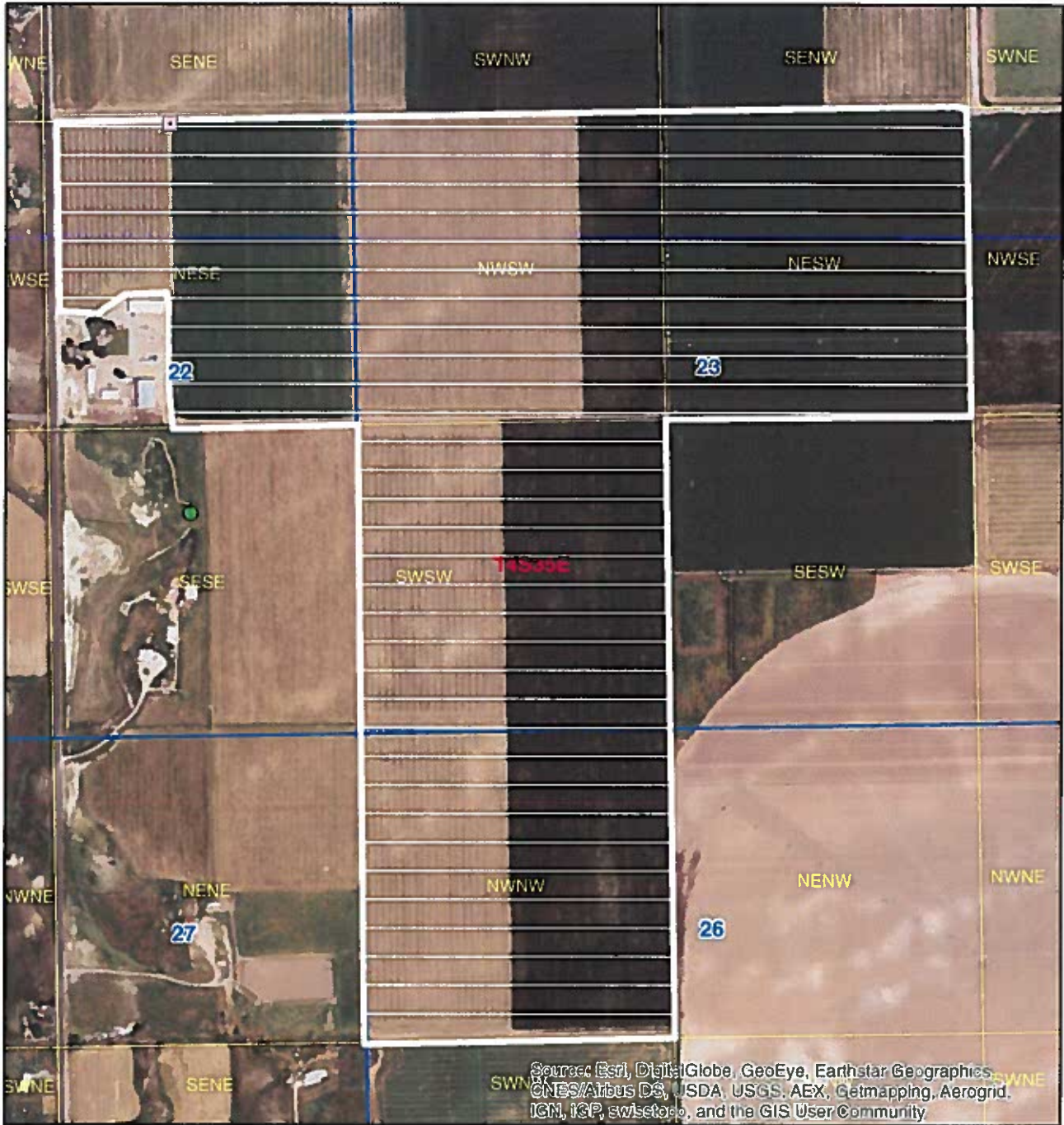
- Actual and Historical 15-2030A POD
- 15-2030A Erroneously Licensed POD
- ▭ 15-2030A Place of Use as Licensed, and Pre-Transfer
- ▭ Portion of 15-2030A Licensed In Error, Not Removed as Part of Transfer 965
- ▭ 15-2019B Place of Use, A Result of Transfer 965
- ▭ Township/Range
- ▭ Sections
- ▭ QQ



0 0.125 0.25 0.5 Miles

81272

15-2032, 15-7263, and Portion of 15-2030A Post-Transfer



2010 Imagery

Legend

Post-Transfer POD

Post-Transfer POD

Post-Transfer_Combined_Place_of_Use

Township/Range

Sections

QQ

81272

1/4/2017

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J STUART DAVIS RFD MALAD CITY, ID 83252

SCANNED
FEB 02 2007

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/4/2017

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A

81272

SCANNED
FEB 02 2017

State of Idaho

License and Certificate of Water Right

Water License No. 19425

Amount 2.3 second feet

Water District No. _____

Priority June 19, 1944

THIS IS TO CERTIFY that J. STUART DAVIS and NEPHI R. IPSEN of Malad, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 22, 1943; that Permit No. 19425 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.5 second feet, was issued thereunder on May 9, 1944, showing that said works were completed on the 1st day of May, 1944; and that on the 25th day of June, 1945.

J. STUART DAVIS and NEPHI R. IPSEN

of Malad, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well (subterranean), a tributary of _____, for the purpose of irrigation and domestic use, under Use Permit No. 19425 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

7 of Licenses at page 4288, on the 19th day of March, 1946;

The right hereby confirmed dates from June 19, 1944;

The Point of Diversion is located 60 rods South and 56 rods West of NE corner Section 27, and in the NE 1/4 NE 1/4 Sec. 27, Tp. 14 S., R. 35 E., B. M. Oneida County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.3 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated	
14 S.	35 E.	23	SW 1/4 SW 1/4	35	15	
		26	SW 1/4 NE 1/4	20	20	
			NE 1/4 SW 1/4	20	20	
		27	NW 1/4 NW 1/4	40	40	
			NE 1/4 NE 1/4	20	20	
		Number of Acres Actually Irrigated				115

Trans #965

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 19th day of March, 1945.

MARK R. KULP

State Reclamation Engineer

(SEAL)

81272

15 2020

SCANNED
FEB 19 1957

1/4/2017

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J STUART DAVIS RFD MALAD CITY, ID 83252

Priority Date: 6/19/1944
Basis: License
Status: Active

Tributary

Source and Point(s) of Diversion

Place Of Use

[illegible]

Conditions of Approval:

- Comments:**

Dates and Other Information

Mitigation Plan: False

Combined Use Limits

SCANNED
FEB 02 2017

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/4/2017

Water Right 15-2030B

Owner Type **Name and Address**

Current Owner NEPHI R IPSEN
MALAD CITY, ID

Current Owner J STUART DAVIS
RFD
MALAD CITY, ID 83252

Priority Date: 6/19/1944

Basis: License

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

DOMESTIC

From

/

To

/

Diversion Rate

1.150 CFS

Volume

Total Diversion

1.150 CFS

Source and Point(s) of Diversion

GROUND WATER

NENE

Sec. 27, Twp 14S, Rge 35E, ONEIDA County

Place Of Use

IRRIGATION within ONEIDA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	35E	27														X			0.0

DOMESTIC Same as IRRIGATION

Conditions of Approval:

1. TRANS. 965.
AC. IRR. UNKNOWN.

Comments:

Dates and Other Information

Licensed Date: 3/19/1946

Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

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

CHAD L. RINDLISBACHER,

Plaintiff,

vs.

CAROL JONES RINDLISBACHER
n.k.a. CAROL STEVENS,

Defendant.

Civil No. CV-2015-131

STIPULATION TO SETTLEMENT

The Plaintiff, Chad Rindlisbacher ("Rindlisbacher"), and the Defendant, Carol Stevens ("Stevens"), having conducted mediation with the Honorable David Kress on January 8, 2016, do enter into the following settlement agreement:

BACKGROUND

1. Rindlisbacher and Stevens were previously married and entered into a mediated settlement agreement in 2009.
2. In 2012, the Ranch Property also known as the Mountain Property was conveyed to Stevens along with 215 acres of farm ground, a home, barns, etc. Rindlisbacher was conveyed approximately 250 acres of farm ground, a business known as Red Hawk Trading and a small

STIPULATION TO SETTLEMENT -- Page 1
Rindlisbacher011316.stipulation.wpd

SCANNED
FEB 02 2017

81272

seed business that, following the divorce, was expanded by Rindlisbacher and has now been operated as the CR Seed business.

3. Even though the farm land had been divided by the parties, various parcels of farm land had debt liens recorded against them.

4. From 2009 through 2011, Stevens and Rindlisbacher each paid half of all the debt payments accrued on the properties.

5. Rindlisbacher claims that in 2009, Rindlisbacher and Stevens reached an agreement that if the Mountain property were to sell, the proceeds would be used to satisfy the Mountain property debt and the remaining balance would be applied to the debt on the farm land that was now owned by Rindlisbacher.

6. Subsequently Stevens sold the Mountain Property and satisfied approximately \$131,000 of debt that was against the Mountain Property and then Stevens retained approximately \$39,000 from the sale of the Mountain Property and did not apply the proceeds to the farm land debt.

7. Rindlisbacher and his wife refinanced the farm land debt in their names but have made demand upon Stevens for repayment of half of the net difference between the Mountain Property debt and the farm property debt.

After recital of the foregoing background, the parties agree to resolve their differences as follows:

A. The farm property deeded to Stevens and the farm property deeded to Rindlisbacher shall remain in place except as hereafter noted Stevens will deed Rindlisbacher a small tract of ground around the East Well. Currently in referencing the attached Exhibit, Rindlisbacher owns 25% of the Main Well and Stevens owns 75% of the Main Well. Rindlisbacher agrees to transfer and,

by this document, does transfer to Stevens all of his interest in the Main Well so Stevens will now own 100% of the Main Well. Rindlisbacher will retain 100% ownership of the East Well and the North Well. The South Well has previously been conveyed to Stevens and the water right associated therewith has been completely transferred to her and is not involved in this agreement.

B. At any time after the execution of this agreement and before May 1, 2016, the mainline that runs from the Main Well to the East Well will be severed and capped by Stevens so the East Well and the Main Well are no longer interconnected. Stevens will water solely from the Main and South Wells and Rindlisbacher will water solely from the East and North Wells.

C. Until satisfaction of paragraph D. and E. below, or adjudication of water rights takes place, Rindlisbacher and Stevens reserve transferring any of the water rights as between Water Rights 15-2032, 15-4023 and 15-7312.

D. Rindlisbacher is in the process of applying for a change of diversion from the East Well to the North Well which would allow for more efficient watering of Rindlisbacher's portion of the farm property. Rindlisbacher agrees to timely pursue the change of diversion and Stevens agrees not to object to any such application which would involve change of diversion for Water Right 15-4023.

E. Once Rindlisbacher's change of diversion is completed, the parties are in agreement that Stevens shall have ownership of Water Right 15-2032 for watering the acreage owned by her and Rindlisbacher will have sole ownership of Water Right 15-4023 and 15-7312 for watering the acreage owned by him. Due to the potential overlapping issues of two of the water rights, the parties agree to cooperate in realigning those water rights once Rindlisbacher has successfully changed his point of diversion for the East Well and Water Right 15-4023.

F. The parties acknowledge that the mainlines are deteriorated; Rindlisbacher will build a new mainline off of the East Well and intends to have such completed in late spring of 2016. In building the new mainline, Rindlisbacher will build it on his land so it will not be on Steven's land. Stevens likewise intends to build a new mainline running from the Main Well and in doing so, will construct her new mainline solely on property owned by her. Stevens will focus on abandoning that portion of the mainline that is on Rindlisbacher's property first. Each party will pay for constructing their own mainline. Neither party is responsible to the other to remove the old deteriorated mainlines currently on the properties.

G. Rindlisbacher shall pay for a survey from the corner pin survey marker near the East Well bordered by the County road surveying off a portion of land that is on property owned by Stevens that will run 50 feet south and 30 feet west from the corner pin marker. Once a sufficient description has been obtained that will satisfy the title company, Stevens will deed that 30 X 50 tract of ground to Rindlisbacher so Rindlisbacher owns that land upon which the East Well is located. Rindlisbacher will fence off that tract of ground on the surveyed line tying into the existing fences of Stevens by May 1, 2016. In the event that size of ground is insufficient to allow a well truck to service the East Well, Stevens is open to negotiating an additional price for any additional land. Notwithstanding the foregoing, the parties are hopeful that the 30 X 50 tract will be sufficient for maintenance access from the County road to the East Well by well rigs.

H. To avoid the litigation risk as to whether or not Rindlisbacher can successfully maintain claim against Stevens for the excess debt assumed by him, Stevens has agreed to pay to Rindlisbacher and Rindlisbacher has agreed to accept the sum of \$42,500 which sum is to be paid by Stevens to Rindlisbacher on or before February 7, 2016.

I. Rindlisbacher agrees that upon receipt of such funds, he will have no more claim against Stevens and each is free and clear of obligations previously set forth regarding the debt of the various properties, application of the proceeds from the mountain ranch and that this payment by Stevens to Rindlisbacher includes a payment for Rindlisbacher's 25% interest in the Main Well and for all claims Rindlisbacher has against Stevens for debt.

J. Each party shall bear their own costs and attorney's fees and each party mutually releases the other from any and all further claims except as set forth in this mediated settlement agreement, which will be submitted to the Court for approval and entry as an order of the Court.

K. Stevens' spouse, Jeff Stevens, and Rindlisbacher's spouse, Kaylene Rindlisbacher, join in approving this Stipulation to Settlement to the extent necessary to bind them to join in any acts necessary to finalize and complete the terms of this stipulated settlement agreement.

L. The exchange of copies of this document and of signature pages by facsimile or by scanned E-mail shall constitute effective execution and delivery of this document as to the parties and may be used in lieu of the original document for all purposes. Signatures of the parties transmitted by facsimile or E-mail shall be deemed to be their original signature for all purposes.

[remainder of page left blank]

DATED this 27 day of Jan, 2016.

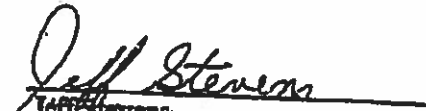

Chad Rindlisbacher

DATED this 1 day of February, 2016.


Carol Stevens

CONSENT AND APPROVAL BY SPOUSES

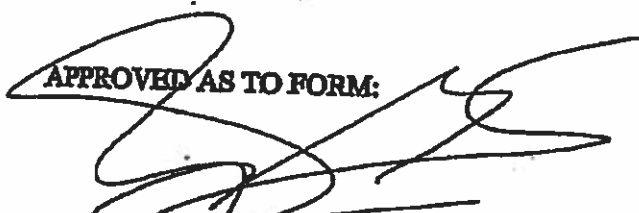
DATED this 1 day of February, 2016.


Jeff Stevens

DATED this 29 day of January, 2016.


Kaylene Rindlisbacher

APPROVED AS TO FORM:


Thomas J. Holmes, Attorney for Plaintiff


Jonathan R. Grover, Attorney for Defendant

Fritz, Cooper

From: Narrvel Hall <naejhall@gmail.com>
Sent: Monday, December 26, 2016 12:35 PM
To: Fritz, Cooper
Subject: Re: Water Right Information Request
Attachments: Scan0007.pdf

I have been unable to find anyone in this neighborhood who is old enough to remember the 1945 date you mention. I have, however, obtained statements from three individuals who are familiar with the operation of the well in the 1950s and later: Douglas Thorpe, Alan Isaacson and Tim Edwards. I have attached copies of their statements. I will continue to look for older witnesses. These three and other long time residents believe that Charles Gardner drilled the well, as well as most of the other early wells in the Malad Valley. Charles has been dead for many years, but by all accounts was meticulous in maintaining drilling logs. His drilling business was taken over by his son Bernard, who did not outlive Charles by a very long time. The business then was taken over by Charles' other son, Cole, who was notoriously lax about record keeping. Cole died about five or six years ago. Cole's widow, Lori, presumably has whatever records have survived regarding the drilling business. She has asserted ownership of the entire estate left by Charles and his wife. I have a history of adversary involvement with Lori Gardner, because I represented another relative, in some estate litigation and it would likely not be productive for me to approach her or her attorney on the subject of the well logs. Her attorney is Craig Parrish of Pocatello (tel. [208-234-1234](tel:208-234-1234)). I do not know where Lori Gardner now resides, but I think she did live in Preston at one time. In view of the present application by Carol Stevens and the upcoming general adjudication, I wonder if the Department of Water Resources could subpoena whatever drilling records Lori Gardner now possesses or controls. Kick this idea up the line and see if the Department can move in that direction. Narrvel Hall

On Thu, Oct 27, 2016 at 10:30 AM, Fritz, Cooper <Cooper.Fritz@idwr.idaho.gov> wrote:

Hi Carol and Narevel,

Thanks to you both for meeting with me yesterday.

The priority date that is stated on the statutory claim is 8/14/1945. So ideally we would get affidavits from people who have been around the valley since then and would vouch that the land has been irrigated since then. In addition to the two people you mentioned yesterday, Tim Willy suggested Tim Edwards as a person who could be a resource.

As far as the exam and what hopefully leads to a subsequent transfer approval, Transfer Processing Memo No. 24 states that "A transfer approval for the water right (or part thereof) based on a [statutory] claim shall incorporate the department's findings regarding the **validity** of the right" (emphasis mine).

Feel free to respond to this email with questions, or call me, 525-7161.

1
81272

SCANNED
FEB 02 2017

STATE OF IDAHO)
 : ss.
County of Oneida)

DECLARATION
OF
DOUGLAS THORPE

RECEIVED
DEC 27 2016
Department of Water Resources
Eastern Region

The undersigned, Douglas Thorpe, solemnly declares as follows:

1. I reside at 785 South 5400 West, Malad (Pleasant View area of Oneida County), Idaho. I have resided in the Pleasant View area for most of my life.

2. I am seventy-two (72) years of age. I have been familiar with the properties owned by Fox Hollow Properties, L.C. in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22 (the POD for the subject well) and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T14S R35E, and with the properties owned by Carol Stevens in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, T14S R35E, and with the irrigation well which serves those properties, since I was a child.

3. I worked in potato fields located on the subject properties in the 1950s. During those years the irrigation well located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22 pumped into a major ditch traversing the property from North to South and was used, along with some Pleasant View Irrigation Co. surface water, to irrigate those portions of the aggregate 160 acre farm (lands now owned by Fox Hollow Property, L.C., Carol Stevens and Tim and Jana Edwards), which could be gravity flood irrigated to the East, South and West of the well.

4. I do not remember when the subject well was drilled, but I do recall that it was in operation at least as early as 1954.

5. In the 1950s and 1960s the water table was much higher than it is today and the subject well served the 160 acre farm using a 60 horse power electric motor.

6. I rented a 15 acre parcel of said farm in 1964-1966 and again in 1967 and flood irrigated that parcel using water from the subject well. Grant Jensen operated the rest of the 160 acre farm during those years and also flood irrigated his operation from the well.

7. The foregoing statements are made from my own personal knowledge and recollection.

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Dated December 18, 2016.



Douglas Thorpe

1398709

81272

SCANNED
FEB 02 2017

STATE OF IDAHO)
 : ss.
County of Oneida)

DECLARATION
OF
ALAN ISAACSON

RECEIVED
DEC 27 2016
Department of Water Resources
Eastern Region

The undersigned, Alan Isaacson, solemnly declares as follows:

1. I reside at 363 South 5400 West, Malad (Pleasant View area of Oneida County), Idaho. I have resided in the Pleasant View area for much of my life.

2. I am sixty-eight (68) years of age. I have been familiar with the properties owned by Fox Hollow Properties, L.C. in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22 (the POD for the subject well) and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T14S R35E, and with the properties owned by Carol Stevens in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, T14S R35E, and with the irrigation well which serves those properties, since I was a child.

3. I worked for Leo Brown, who was then the owner, in fields located on the subject properties in 1964-1967. My parents and their children also ran the farm for Grant Jensen during the period 1969 through 1972. During those years the irrigation well located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22 pumped into a major ditch traversing the property from North to South and was used, along with some Pleasant View Irrigation Co. surface water, to irrigate those portions of the aggregate 160 acre farm (lands now owned by Fox Hollow Property, L.C., Carol Stevens and Tim and Jana Edwards), which could be gravity flood irrigated to the East, South and West of the well.

4. I do not know when the subject well was drilled, but I do recall that it was in operation when I worked on the farm.

5. In the 1960s the water table was much higher than it is today and the subject well served the 160 acre farm using a 60 horse power electric motor.

6. The foregoing statements are made from my own personal knowledge and recollection.

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Dated December 15, 2016.


Alan Isaacson

1396742

81272

SCANNED
FEB 02 2017

STATE OF IDAHO)
 : ss.
County of Oneida)

DECLARATION
OF
TIM EDWARDS

RECEIVED
FEB 27 2016
Department of Water Resources
Eastern Region

The undersigned, Tim Edwards, solemnly declares as follows:

1. I reside at 363 South 5400 West, Malad (Pleasant View area of Oneida County), Idaho. I have resided in the Pleasant View area for much of my life.

2. I am sixty-four (64) years of age. I have been familiar with the properties owned by Fox Hollow Properties, L.C. in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22 (the POD for the subject well) and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T14S R35E, and with the properties owned by Carol Stevens in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, T14S R35E, and with the irrigation well which serves those properties, since my parents, Gene and Wanda Edwards, purchased those properties in 1972 from Jones brothers.

3. I purchased the subject properties from my parents in 1974. In that year the irrigation well located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22 pumped into a major ditch traversing the property from North to South and was used to irrigate those portions of the aggregate 160 acre farm (lands now owned by Fox Hollow Property, L.C., Carol Stevens and Tim and Jana Edwards), which could be gravity flood irrigated to the East, South and West of the well.

4. I do not know when the subject well was drilled, but I have been told that it was in operation at least as early as 1954.

5. The well had a ^{60 HP} 100 horse power electric motor when I purchased the property. I replaced the motor with a new 100 horse power motor. I installed a ten inch (10") main pressure line with risers for sprinkler irrigation and set up wheel lines and hand lines to water substantially the entire 160 acres in about 1974.

6. I sold off eighty (80) acres to Rindlisbachers (now Carol Stevens) and sixty (60) acres to Fox Hollow Properties, L.C. over several years. I assigned half of my interest in the well to each of the respective buyers.

7. The foregoing statements are made from my own personal knowledge and recollection.

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Dated December 15, 2016.


Tim Edwards

1396746

81272

SCANNED
FEB 02 2017