

State of Idaho
Department of Water Resources
Water Right License

AMENDED

AMENDED

WATER RIGHT NO. 25-07344

Priority: July 29, 1983

Maximum Diversion Rate: 0.11 CFS
Maximum Diversion Volume: 3.2 AF

It is hereby certified that VERLE LANDON And
DONNA LANDON
5087 S 52 E
IDAHO FALLS ID 83406 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 29, 1983; and has
submitted Proof of Beneficial Use on February 20, 1986. An examination indicates that the works have
a diversion capacity of 0.13 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	0.2 AF
DOMESTIC	01/01 to 12/31	0.11 CFS	3.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L2 NW¼NE¼ Sec. 1, Twp 01N, Rge 38E, B.M. BONNEVILLE County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	38E	1		X															
				L 2															

PLACE OF USE: DOMESTIC, same as Stockwater

CONDITIONS OF APPROVAL

1. Domestic use is for 5 homes.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 25TH day of July, 2002.

Acting for 
KARL J. DREHER
Director

MICROFILMED
AUG 15 2002

BEFORE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF CORRECTING)
WATER RIGHT LICENSE NO. 25-7344)
_____)

**PRELIMINARY ORDER
CORRECTING LICENSE**

This matter having come before the Department of Water Resources (Department) as a result of an internal review of water right records, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On August 30, 1988, the Department issued Water Right License 25-7344 (license) to David Loertscher.
2. A recent Department review of water right records found that a description of the authorized beneficial use of water was inadvertently omitted from the license.
3. Section 42-219, *Idaho Code*, requires the “purpose for which such water is used” to be included on water right licenses.
4. The Department field examiner who verified the water use developed under Permit 25-7344 reported that water is diverted for domestic and stock watering purposes.
5. On May 25, 2001, the Department received a Notice of Change in Water Right Ownership reporting that Verle Landon and Donna Landon are the new owners of the license.

CONCLUSIONS OF LAW

1. The license does not accurately portray the water use developed in accordance with Permit 25-7344.
2. Under Section 42-219, *Idaho Code*, the Department has a statutory obligation to issue a water right license that accurately portrays the water right developed in accordance with the permit.
3. The Department should re-issue the license with all the required elements of the right, including the purpose of use.

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ORDER

IT IS HEREBY ORDERED that the license issued by the Department on August 30, 1988, is **CORRECTED** to include a description of the purpose of use and an ownership change as set forth in the Amended Water Right License issued on this date in conjunction with this order.

Dated this 25TH day of July, 2002.


NORMAN C. YOUNG
Administrator, Water Management Division

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

RECEIVED

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

MAY 25 2001

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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
_____	25-7344	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

2. The following **REQUIRED** information must be submitted with this form:

- A. ~~The appropriate FILING FEE. See instructions for fee amounts.~~ ^{25.00} ~~25.00~~
- 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)

DAVID W. LOERTSCHER

BO NE IDAHO

4. New Owner/Claimant(s)

VERLE + DONNA LANDON

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

5087 SO 52E JF

City, State and ZIP Code

IDAHO FALLS IDA. 83406

New Telephone Number

208) 529-6852

5. Date you acquired the property

1996

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AUG 08 2001

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) Zeke Landon
(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 W Date 5-22-01 Fee 25.00
 Received by W Date 5-22-01 Receipt No. E026731
 Processed by _____ AJ Date _____ WR _____ Date _____

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AUG 08 2001

Warranty Deed

For Value Received

DAVID W. LOERTSCHER, A WIDOWER, BY THOMAS F. LOERTSCHER HIS ATTY IN FACT
DWAIN V. LOERTSCHER AND BARBARA D. LOERTSCHER, HUSBAND AND WIFE

the grantor s, do hereby grant, bargain, sell and convey unto

VERLE K. LANDON AND DONNA J. LANDON, HUSBAND AND WIFE

whose current address is

5087 S 52ND E IDAHO FALLS ID 83406

the grantee s, the following described premises, in BONNEVILLE

County Idaho, to

BEGINNING AT THE NORTH EAST CORNER OF LOT 4, BLOCK 4, VALLEY VIEW HEIGHTS,
DIVISION NO. 1, BONNEVILLE COUNTY, IDAHO; RUNNING THENCE SOUTH 90.58
FEET ALONG THE EAST LINE OF SAID LOT 4 TO THE TRUE POINT OF BEGINNING;
RUNNING THENCE SOUTH 13° WEST 102.75 FEET; THENCE SOUTH
76'30" EAST 14.14 FEET TO THE NORTH EAST CORNER OF LOT 1; BLOCK 7 OF
SAID VALLEY VIEW HEIGHTS; THENCE SOUTH 14° WEST 129.90 FEET TO THE
SOUTH EAST CORNER OF SAID LOT 1; THENCE NORTH 77° WEST 122.86 FEET TO
THE SOUTH WEST CORNER OF SAID LOT 1; THENCE SOUTH 13° WEST 20.00 FEET;
THENCE SOUTH 77° EAST 169.34 FEET TO THE WEST LINE OF COMORE LOMA SUBDIVISION,
DIVISION NO. 1; THENCE NORTH 259.40 FEET TO THE TRUE POINT OF BEGINNING

DO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
heirs and assigns forever. And the said Grantor s do hereby covenant, and with the said
Grantee s, their heirs and assigns in fee simple of said premises; that they are free from all incumbrances

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

INSTRUMENT NO.	933259
DATE	12-10-96
INST. CODE	205
FICHE NO.	11915-18
FEE	3.00
STATE OF IDAHO) COUNTY OF BONNEVILLE) ss.	
I hereby certify that the within instrument was recorded.	
BY <u>Thomas F. Loertscher</u> Deputy Request of <u>Verle K. Landon</u>	

5087 S 52ND E
ID. 83406

David W. Loertscher
DAVID W. LOERTSCHER
Barbara D. Loertscher
BARBARA D. LOERTSCHER
David W. Loertscher by Thomas F. Loertscher his attorney in fact
DAVID W. LOERTSCHER BY
THOMAS F. LOERTSCHER HIS ATTY IN FACT

STATE OF IDAHO, COUNTY OF
On this 27th day of July, 1996,
before me, a notary public in and for said State, personally appeared

DWAIN V. LOERTSCHER AND
BARBARA D. LOERTSCHER

known to me to be the person whose name s ARE
subscribed to the within instrument, and acknowledged to me that
THEY executed the same.

Michelle Lee

Residing at Sandwich, Utah

Notary Public
Idaho

STATE OF IDAHO }
COUNTY OF } ss.
Bonneville

On this 25th day of July, in the year 1996, before me, a Notary
Public, personally appeared Thomas F. Loertscher
known to me to be the person whose name is subscribed to the within instrument
as the attorney in fact of David W. Loertscher
and acknowledged to me that he subscribed the name of David
W. Loertscher
thereto as principal, and (her) (his) own name, attorney in fact.

Residing at Idaho Falls, ID
Com. Expires 02/27/98
Notary Public

COPIES AVAILABLE

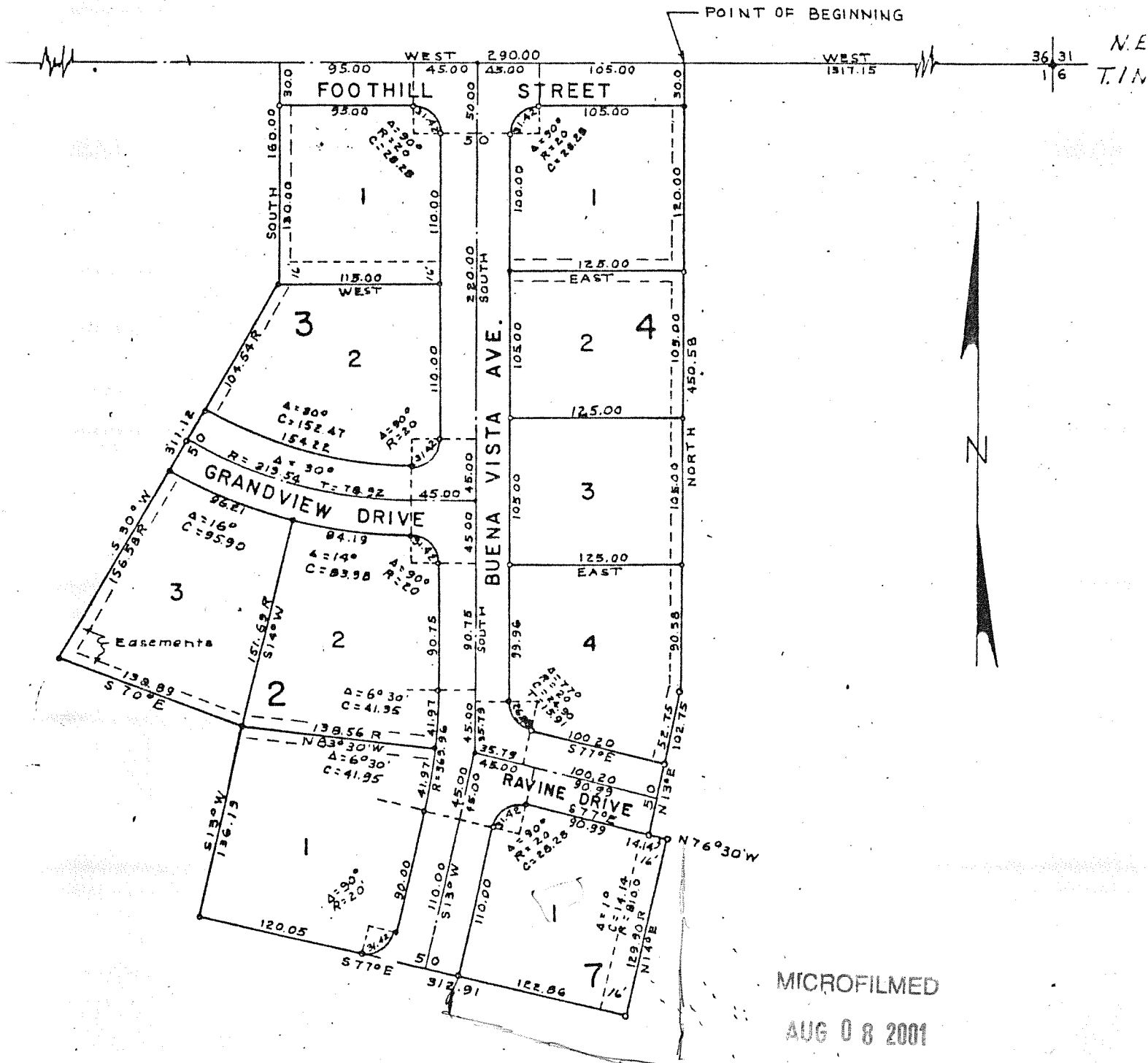
MICROFILMED

AUG 0 820001

VALLEY VIEW HEIGHTS

DIVISION NO. 1
BONNEVILLE COUNTY, IDAHO

PART OF
NE 1/4 SEC. 1, T. 1 N., R. 38 E. B. B. & M.
SCALE: 1" = 100' OCTOBER 1959



Utility Easements are B' through each lot.

MICROFILMED
AUG 08 2001

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

AMENDED

WATER RIGHT NO. 25-07344

AMENDED

Priority: July 29, 1983 Amount: 0.11 CFS 3.2 AFA

This is to certify, that DAVID W. LOERTSCHER
RT. 7 BOX 112

IDAHO FALLS, ID 83401 has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated June 29, 1983, and
has submitted proof to the Department of Water Resources on February 20, 1986, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of .130 cfs of water from a **GROUNDWATER**
source and that a water right has been established as follow:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
<u>LOCATION OF POINT OF DIVERSION(S):</u> LOT 2(NWNE), Sec. 1, Township 01N, Range 38E BONNEVILLE County			

PLACE OF USE: STOCKWATER

TWN RGE SEC

01N 38E 1 LOT 2(NWNE)

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Domestic use is for 5 homes.

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 30th
day of August, 1988.

Director

SEP 20 1988

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 25-07344

Priority: July 29, 1983 Amount: 0.11 CFS 3.2 AFA

This is to certify, that DAVID W. LOERTSCHER
RT. 7 BOX 112

IDAHO FALLS, ID 83401 has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated June 29, 1983, and
has submitted proof to the Department of Water Resources on February 20, 1986, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of .130 cfs of water from:

source and that a water right has been established as follow:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
-----------------------	----------------------	--------------------------	---------------

<u>LOCATION OF POINT OF DIVERSION(S):</u>	LOT 2(NWNE), Sec. 1, Township 01N, Range 38E BONNEVILLE County
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<u>PLACE OF USE:</u>	STOCKWATER
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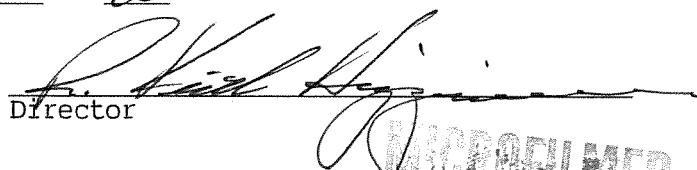
<u>TWN RGE SEC</u>

01N 38E 1 LOT 2(NWNE)

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Domestic use is for 5 homes.

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 14th
day of June, 1988.


Director

RECORDED

SEP 20 1988

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
	)	
NO. 25-7344 IN THE NAME	)	ORDER ADVANCING
	)	DATE OF PRIORITY
OF DAVID W. LOERTSCHER	)	
_____	)	

This matter having come before the Department of Water Resources (Department) as a result of preparing Permit No. 25-7344 for the issuance of a license, the Department makes the following Findings of Fact, Conclusions of Law, and Order pursuant to the provisions of Idaho Code.

FINDINGS OF FACT

1. On March 18, 1985 the Department approved Application for Permit No. 25-7344 to appropriate the public waters of the State of Idaho with a priority of June 29, 1983.

2. On May 28, 1986 the Department sent the permit holder a notice that a license examination fee was required before an examination could be conducted to confirm the extent of use developed under the permit.

3. The fee was due on July 27, 1986, 60 days from the date of the notice; however, the fee was not received until August 26, 1986, 30 days late.

CONCLUSIONS OF LAW

1. The Director may advance the priority date of the permit one day for each day the fee was late, pursuant to the provisions of Section 42-217, Idaho Code.

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SEP 20 1988

2. The date of priority of Permit No. 25-7344 should be advanced 30 days.

ORDER

IT IS HEREBY ORDERED that the date of priority of Permit No. 25-7344 is advanced to July 29, 1983.

Dated this 11th day of April, 1988.

A. Glen Saxton
Chief, Operations Bureau

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SEP 20 1988

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 David W. Loertscher Phone 523-7796

Post office address Rt. #7, Box 112, Idaho Falls, ID 83401

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

3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1 Township 1N

Range 38E B.M. Bonneville County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.11 cfs for domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.02 cfs for stockwater 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. 0.11 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 with lines to 5 homes
and stock troughs. Static water level 185' with 5 hp pump

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 8 inches; proposed depth of well is 250 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 1 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: NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1 Township 1N

Range 38E 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 30 head cattle

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 5.

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

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

[illegible]

Total number of acres to be irrigated

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

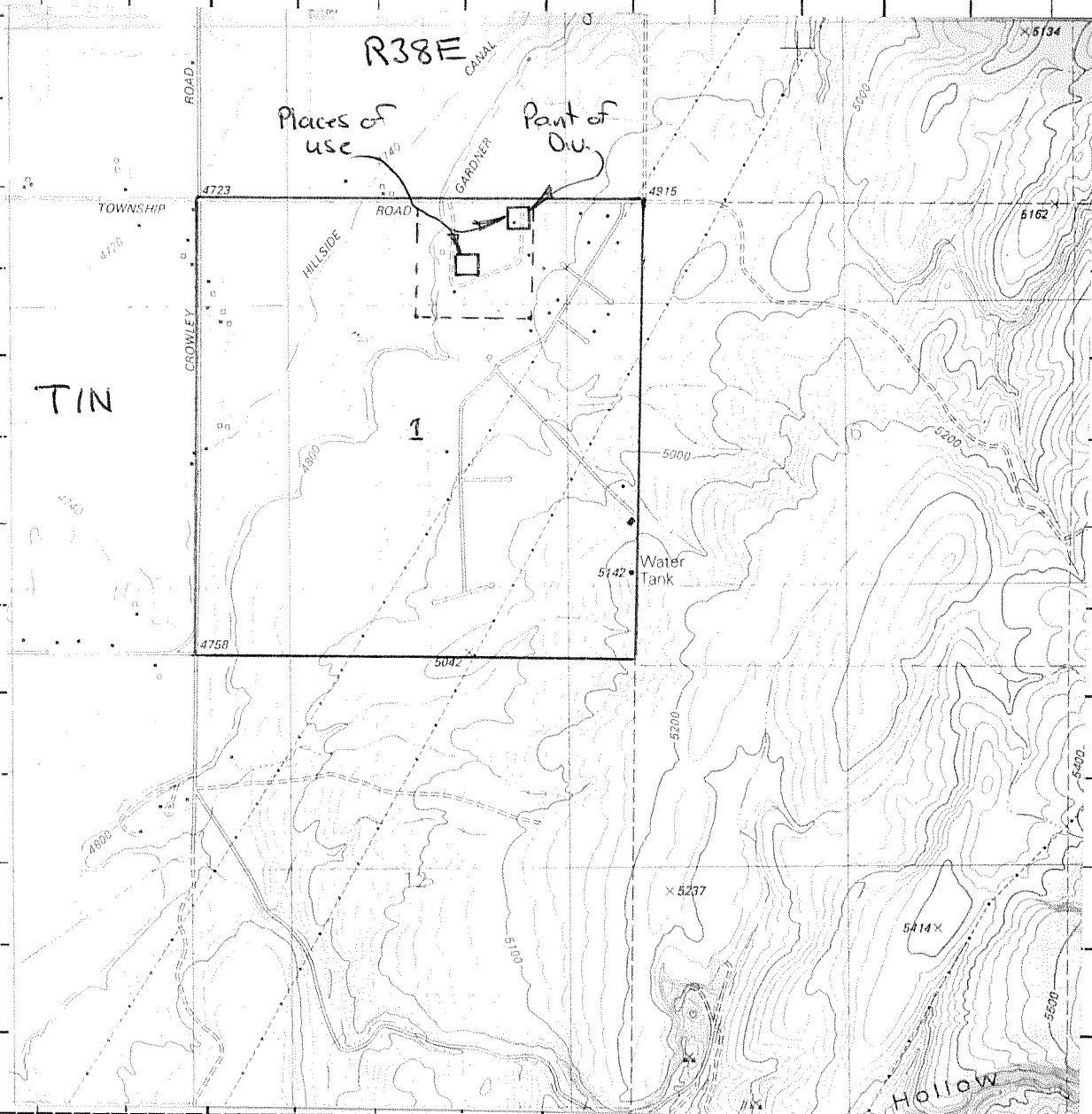
b. Who owns the land to be irrigated or place of use (Refer to "C")

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Duaine V. Loertscher, Verl Landon, Charles Tauser, and
applicant own places of use. Agreement made for use of well.

10. Remarks

This image shows a single page of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

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.

David W. Loertschen
(Applicant)

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Assist by HWT

Received by CW Date 6-29-83 Time 5:00pPreliminary check by S.M. Fee \$ 30⁰⁰Receipted by CW Date 6-30-83 # 22206Publication prepared by BP Date 7/20/83Published in Past RegisterPublication dates 7/28 - 8/4/83Publication approved CW Date 8-8-83Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC CW

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. 25-7344, 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 April 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: The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 18th day of March, 1985.

A. Glen Sayton
Chief, Operations Bureau

Proof of Publication
The Post-Register

RECEIVED

AUG 8 1983

Department of Water Resources
Eastern District Office

State of Idaho, }
County of Bonneville } ss.

I, Ted Delezene, first being duly sworn, depose and say: That I am the Foreman of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 28th day of July, 1983, last publication having been made on the 4th day of August, 1983, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 5th day of August, 1983

Deon R. Napier
Notary Public

My commission expires September 30, 1984

B10, 1M,

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

25-7316

HARRISON, STEVE
VIRGIN, VIRIL
BALL, CECIL
RT. 2, BOX 198, IDAHO FALLS, ID 83401
Source: GROUNDWATER
Date Filed: 04/25/1983
Diversion Pt: NWNW Sec 34 T 03N R 38E
Use: STOCKWATER (0.02 CFS); DOMESTIC (0.08 CFS)
In: NWNW Sec 34 T 03N R 38E

25-7342

STANGER, RICHARD F. &/or EDITH M.
996 S. EMERSON AVE., IDAHO FALLS, ID 83401
Source: GROUNDWATER
Date Filed: 06/27/1983
Diversion Pt: SENW Sec 22 T 03N R 39E
Use: COMMERCIAL (0.04 CFS); DOMESTIC (0.06 CFS)
In: NENW Sec 22 T 03N R 39E

25-7344

LOERTSCHER, DAVID W.
RT. 7, BOX 112, IDAHO FALLS, ID 83401
Source: GROUNDWATER
Date Filed: 06/29/1983
Diversion Pt: NWNE Sec 01 T 01N R 38E
Use: STOCKWATER (0.02 CFS); DOMESTIC (0.11 CFS)
In: NWNE Sec. 01T 01N R 38E

25-7345

WHEATLEY, BYRON
EMPEY, KEITH
RT. 2, BOX 434A, IDAHO FALLS, ID 83401
Source: GROUNDWATER
Date Filed: 06/29/1983
Diversion Pt: SESE Sec 29 T 03N R 38E
Use: DOMESTIC (0.06 CFS)
In: SESE Sec 29 T 03N R 38E

25-7346

OLTMANN, R. JAN &/or DONNA
RT. 7, BOX 155, IDAHO FALLS, ID 83401
Source: GROUNDWATER
Date Filed: 06/29/1983
Diversion Pt: SWSW Sec 10 T 01N R 38E
Use: STOCKWATER (0.05 CFS); DOMESTIC (0.06 CFS)
In: SWSW Sec 10 T 01N R 38E

25-7347

OLTMANN, R. JAN &/or DONNA
RT. 7, BOX 155, IDAHO FALLS, ID 83401
Source: GROUNDWATER
Date Filed: 06/29/1983
Diversion Pt: SESE Sec 16 T 01N R 38E
Use: STOCKWATER (0.12 CFS); DOMESTIC (0.06 CFS)
In: SESE Sec 16 T 01N R 38E

25-7351

DEES, MR. OR MRS. ELDON G.
RT. 3, BOX 128, IDAHO FALLS, ID 83401
Source: GROUNDWATER
Date Filed: 06/24/1983

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

July 22, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BEARD ST. CLAIR GAFFNEY MC NAMARA
JARIN O HAMMER
2105 CORONADO
IDAHO FALLS ID 83404-7495

RE: Change of Ownership for Water Right 25-7344

Dear Mr. Hammer:

According to your e-mail of June 18, 2003, your clients for the above listed water right have decided to file a Statutory Claim rather than proceed with the ownership change. You also asked to have any materials you had provided for the ownership change returned to you.

Our responding e-mail asked that you provided a letter for our file regarding the decision of your clients. To date, no such letter has been received.

In accordance with your request, all support data provided for the ownership change is enclosed.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kari Lynn Townsend', is written over a horizontal line.

Kari Lynn Townsend
Secretary

KLT:k

Enclosure

MICROFILMED

SEP 03 2003

Townsend, KariLynn

To: hammer@idahofallslaw.com**Subject:** RE: Water Right 25-07344

Hi Jarin . . .

Thanks for the updated info. I have discussed this with Jeff Peppersack and he wants to have a letter from you to put into our file regarding this decision of your clients.

Please reference the water right number in your correspondence.

Thank you,

Kari Lynn

-----Original Message-----

From: Jarin [mailto:hammer@idahofallslaw.com]**Sent:** Wednesday, June 18, 2003 10:06 AM**To:** KTOWNSEN@idwr.state.id.us**Subject:** FW: Water Right 25-07344

Kari:

They have decided to file a statutory claim of right. We do not need you to file the change in ownership. If possible, please send back any materials I sent to you. Thanks.

Jarin

-----Original Message-----

From: Townsend, KariLynn [mailto:KTOWNSEN@idwr.state.id.us]**Sent:** Tuesday, June 17, 2003 12:52 PM**To:** 'hammer@idahofallslaw.com'**Subject:** RE: Water Right 25-07344

Hi Jarin . . .

I am following up with you to get the current status of this change of ownership vs. statutory claim filing for the Landon/Watts/Elrod/Fresh/Baker Street Properties folks for the subject water right.

Please let me know if they have come to a decision regarding this or do they still need more time.

Thanks for you help.

Kari Lynn

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

RECEIVED

MAR 03 2003

DEPARTMENT OF WATER RESOURCES

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 (under the "split" heading), 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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
25-7344					

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) is 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) VERLE LANDON AND DONNA LANDON
4. New Owner/Claimant(s) SEE ATTACHED SHEET
 Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address SEE ATTACHED SHEET
- City, State and ZIP Code _____
- New Telephone Number () SEE ATTACHMENT
5. Date you acquired the property SEE ATTACHMENT

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Attachment – State of Idaho
Department of Water Resources
Notice of Change in Water Right Ownership

1. Background on ownership of water right no. 25-7344

David W. Loertscher and Maurine V. Loertscher (Loertscher 1) were the original owners of water right no. 25-7344 (water right). The water right related to a domestic well dug sometime in 1979. The original water right license showed that the use for the water right was for "stockwater." However, the conditions/remarks section of the license stated domestic use was for 5 homes. See original copy of water right license for water right no. 25-07344 included with this attachment.

In 1986 Loretscher 1 conveyed 1/5 interest in the well and water right to R. Curtis Fresh and Janiece G. Fresh (Fresh), husband and wife. See copy of deed dated April 9, 1986 and recorded as instrument no. 702814 in Bonneville County, Idaho on April 10, 1986. Loertscher 1 and Fresh held water right no. 25-7344 and the well as tenants in common, with Loretscher 1 holding a 4/5 interest and Fresh holding a 1/5 interest.

In 1990, Loertscher 1 and Fresh entered into a water well agreement with other parties for use of water right no. 25-7344. See copy of Water Well Agreement dated March 20, 1990, recorded as instrument no. 783322 in Bonneville County, Idaho on March 20, 1990 (water well agreement).

Under the water well agreement, Loertscher 1 and Fresh agreed to supply water for culinary purposes to the following parties owning the following real property:

Verle K. Landon and Donna J. Landon, husband and wife (Landon):

Lot 1, Block 7, Valley View Heights, Division No. 1, to the County of Bonneville, State of Idaho, according to recorded plat thereof.

James C. Prince and Marsha G. Prince (Prince):

Lot 1, Block 4, Valley View Heights, Division No. 1, to the County of Bonneville, State of Idaho, according to recorded plat thereof.

Lamar S. Hayward and Laina C. Hayward, husband and wife (Hayward):

Lot 2, Block 3, Valley View Heights, Division No. 1, to the County of Bonneville, State of Idaho, according to the recorded plat thereof.

David V. Loertscher and Carla Loertscher, brother and sister (Loertscher 2) :

Beginning at a point which is West 2311.07 feet and South 1000.66 feet of the Northeast Corner of Section 1, Township 1 North, Range 38 East of the Boise Meridian; thence East 202.61 feet; thence 56.08 feet along a curve to the right, having a Central Angle of 64°16' and a Radius of 50.00 feet; thence South 25°44' East 271.04 feet; thence West 426.95 feet; thence North 37°23'40" East 68.53 feet; thence North 178.00 feet; thence East 20.00 feet; thence North 40.00 feet to the point of beginning. Containing 2.00 acres.

Fresh:

Beginning at a point that is West 2311.07 feet and South 1000.66 feet of the Northeast corner of Section 1, Township 1 North, Range 38 East of the Boise Meridian; thence East 125.00 feet; thence North 200.00 feet; thence West 250.00 feet; thence South along the center line of the canal 200.00 feet, more or less, to a point approximately 125.00 feet West of the point of beginning; thence East approximately 125.00 feet to the point of beginning.

On June 16, 1993, Loertscher 1 transferred his 4/5 interest in the well and water right no. 25-7344 to Landon, Hayward, and Loertscher 2, and Bradley D. Johnson and Tamra K. Johnson (Johnson). Johnson was the successor in interest to Prince under the well agreement by virtue of

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Johnson's purchase of Prince's property. See copy of Deed of Interest in Well recorded July 20, 1993 as instrument no. 855295 in Bonneville County, Idaho.

Today, most of the parties owning the well and water right no. 25-7344 have changed because after June 16, 1993, most of the original parties sold their real property that has the right to the well and water right. The parties currently owning the real property that contains the right to the well and water right no.25-7344 are as follows:

Owner as of 6/16/93	Current Owner
Landon	Landon
Johnson	Clay and Cindy Elrod, husband and wife (see copy of deed)
Hayward	Bruce and Kerry Watts, husband and wife (see copy of deed)
Loertscher 2	Baker Street Properties, LLC (see copy of deed)
Fresh	Fresh

Landon mistakenly filed water right no. 25-7344 in his name. The water right should have been recorded as being owned by the current owners, each owner having a 1/5 interest in the water right as tenants in common.

2. Plat of property

See plat of Valley View Heights, Division No. 1 showing location of current owners and location of well.

3. New Owner/Claimants

The new owner/claimants are:

Verle K. Landon and Donna J. Landon, husband and wife; Bruce and Kerry Watts, husband and wife, Clay and Cindy Elrod, husband and wife, Janiece G. Fresh, a single person, and Baker Street Properties, LLC. Each party owns an undivided one-fifth interest in water right no. 25-07344 as tenants in common.

Verle K. Landon and Donna Landon	3500 Maiben Ave. Ammon, ID 83406
Bruce and Kerry Watts	4970 S 52 East Idaho Falls, ID 83406
Clay and Cindy Elrod	4931 S 52 nd E Idaho Falls, ID 83406
Jeniece G. Fresh	5062 E 49 South Idaho Falls, ID 83406
Baker Street Properties, LLC	4976 E 49 th S Idaho Falls, ID 83406

4. Date you acquired the property

The current owners acquired the real property that included a one-fifth interest in water right no.25-07344 as follows:

Current Owner	Date acquired real property
Verle K. Landon and Donna J. Landon	Owned real property before transfer of right in well and water right. See warranty deed dated May 31, 1972, recorded as instrument no. 789622 in Bonneville County, Idaho on July 10, 1990.
Bruce and Kerry Watts	See warranty deed dated August 20, 1998, recorded as instrument no. 975319 in Bonneville County, Idaho on August 21, 1998.
Clay and Cindy Elrod	See warranty deed dated May 26, 1999, recorded as instrument no. 998061 in Bonneville County, Idaho on May 27, 1999.
Jeniece G. Fresh	See warranty deed dated April 9, 1986, recorded as instrument no. 702814 in Bonneville County, Idaho on April 10, 1986.
Baker Street Properties, LLC	See warranty deed dated July 15, 1996, recorded as instrument no. 924398 in Bonneville County, Idaho on July 16, 1996.

5. Signature of New Owner(s) or Claimant(s)

Verle K. Landon
Verle K. Landon

Donna J. Landon
Donna J. Landon

Verle K. Landon

Tony Elrod

Clay Adkins

Cindy Elrod

Bruce Watts
Bruce Watts

^{KW}
Kerry Watts

Jeniece G. Fresh
Jeniece G. Fresh

Baker Street Properties, LLC

By: _____

Its: _____

20,863

702814

WARRANTY DEED

Warranty deed made ~~April~~ Sept. 9th, 1986, between David W. Loertscher and Maurine V. Loertscher, husband and wife, residing at Route 7, Township Road, Idaho Falls, Idaho, from now on collectively referred to as Grantor, and R. Curtis Fresh and Jeniece G. Fresh, husband and wife, whose current address is Route 7 Township Road, Idaho Falls, Idaho, from now on collectively referred to as Grantee. Grantor and Grantee are referred to in the singular and by the pronouns his or him for ease of reading regardless of actual number or gender. The deed is to be interpreted as though the proper number and gender had been used.

Grantor, in consideration of \$10.00 and other good and valuable consideration to him paid, the receipt of which is acknowledged, does grant, bargain, sell, and convey to grantee, his heirs, successors and assigns, the real property located in the County of Bonneville, State of Idaho, described as follows:

Parcel 1

(Grantor conveys to grantee all of parcel 1)

Beginning at a point that is west 2,311.07 ft. and south 1,000.66 ft. of the NE corner of Section 1, Township 1 north, range 38 east of the Boise Meridian; thence east 125.00 ft.; thence north 200.00 ft.; thence west 250.00 ft.; thence south along the centerline of the canal 200.00 ft., more or less, to a point approximately 125.00 ft. west of the point of beginning; thence east approximately 125.00 ft. to the point of beginning.

Parcel 2

(Grantor conveys to grantee an undivided 1/4th interest in parcel 2)

Beginning at the Northwest corner of Valley View Heights, Division No. 1, Bonneville County, Idaho; being in the Northeast quarter of Section 1, Township 1 North, Range 38 East of the Boise Meridian; running thence South along the West side of said subdivision 160.00 feet; thence S. 30°00'W. 311.12 feet; thence S. 70°E. 138.39 feet; thence S. 13°W. 136.19 feet; thence S. 77°E. 354.8 feet more or less to the West line of Comore Loma Subdivision, Division No 1, Bonneville County, Idaho; running thence South along said Comore Loma Subdivision 631.7 feet more or less to the Southwest corner of Lot 10, Block 2 of said Comore

Loma Subdivision; said point being also the Northeast corner of Comore Loma Subdivision, Division No. 2; running thence West 607.29 feet to a point on a curve with a radius of 225.88 feet and a tangent that bears S.18°43'28"E; thence to the right along said curve 78.41 feet; thence S. 1°10'W. 162.83 feet; thence West 600 feet more or less to the centerline of a canal; thence North along the centerline of said canal 1700 feet more or less to the North line of said Section 1; thence East 750 feet more or less to the point of beginning; containing 31 acres more or less.

Excepting the following parcels of property:

- A. Beginning at a point which is West 2311.07 feet and South 1000.66 feet of the Northeast Corner of Section 1, Township 1 North, Range 36 East of the Boise Meridian; thence East 202.31 feet; thence 56.08 feet along a curve to the right, have a central angle of 64°16' and a radius of 50.00 feet; thence South 25°44' East 206.04 feet; thence 117.72 feet along a curve to the right having a central angle of 26°54' and a radius of 225.88 feet; thence South 1°10' West 162.83 feet; thence West 600 feet more or less to the centerline of a canal; thence North along the centerline of said canal 576 feet more or less; thence East 125 feet more or less to the point of beginning. Containing 6.00 acres more or less.
- B. Beginning at a point that is west 2,311.07 ft. and south 1,000.66 ft. of the NE corner of Section 1, Township 1 north, range 38 east of the Boise Meridian; thence east 125.00 ft.; thence north 200.00 ft.; thence west 250.00 ft.; thence south along the centerline of the canal 200.00 ft., more or less, to a point approximately 125.00 ft. west of the point of beginning; thence east approximately 125.00 ft. to the point of beginning.
- C. Quonset building 100' x 51'.
- D. 2 - 10,000 bu graneries
2 - 8,000 bu graneries
1 - 2,000 bu graneries

Together with:

1. All improvements, tenements, hereditaments, appurtenances, reversions, remainders, rents, issues and profits.

2. A 1/5th interest in the well, water, water rights, and distribution system supplying water to the residential home located on the above described property. The well is located in Lot 2, of Section 1, Township 1 north, Range 38 east of the Boise Meridian and on the south end of Valley View Heights subdivision. It furnishes water to the property conveyed by this deed and the following four homes:

(1) One residence located on the following described property: Beginning at a point that is west 2,311.07 ft. and south 1,000.66 ft. of the northeast corner of Section 1, Township 1 north, Range 38 east of the Boise Meridian; thence east 202.61 ft.; thence 56.08 ft. along a curve to the right, having a central angle of 64°16" and a radius of 50.00 ft.; thence south 23°44" east 296.04 ft.; thence 117.79 ft. along a curve to the right having a central angle of 26.54 ft. and a radius of 225.88 ft.; thence south 01°10" west 162.83 ft.; thence west 600.00 ft., more or less, to the centerline of the canal; thence north along the centerline of said canal 576.00 ft., more or less; thence east 125.00 ft., more or less, to the point of beginning;

(2) One residence located on Lot 1 of Block 7 of Valley View Heights Subdivision;

(3) One residence located on Lot 2 of Block 3 of Valley View Heights Subdivision;

(4) One residence located on Lot 1 of Block 4 of Valley View Heights Subdivision;

The 1/5th interest in the water system includes necessary easements for the conveyance of the water from the well to the Grantee's property and easements for the maintenance of the well and distribution system. The 1/5th interest carries with it the responsibility to share 1/5th of all operating and capital costs associated with the system.

3. Right of access to the property conveyed by this deed via Loertscher Lane, which is an existing roadway located on properties owned by Grantor in Lot 2, Section 1, Township 1 north, Range 38 east of the Boise Meridian.

Subject To:

1. 3/4th of the taxes and assessments for 1986, and all taxes and assessments for subsequent years.
2. All facts, rights, claims and interests ascertainable by inspection of the property or by inquiry of persons in possession.
3. Unpatented mining claims, reservations and exceptions in patents or in acts authorizing their issuance.
4. All reservations, restrictions, easements, roads and road rights of way, ditches and ditch rights of way, power lines and power line rights of way, zoning restrictions, governmental regulations and protective covenants of record and applicable to the conveyed property as recorded in the real property records of Bonneville County, Idaho. Grantee acknowledges the land being conveyed is zoned A-1, Bonneville County zoning and that the ability to use the property for nonsingle family dwelling is in question. Grantee is also familiar with the Bonneville County case number 32722, the South Fork Coal Union v. The Board of Commissioners of Bonneville County, and acknowledges he is taking the property subject to the effects of that decision. Grantor is making no warranty or representation regarding the permissible uses of the property. Grantee accepts the property subject to all existing ambiguities concerning its permitted use.
5. Grantee will assume and pay as of April 1, 1986, all utilities, insurance and maintenance costs associated with the conveyed property.

Grantee and his heirs and assigns shall have and hold a fee simple estate in the premises subject to the exceptions listed in this deed. The property is held as the community property of the Grantee.

Grantor, for himself and his heirs or successors, covenants with Grantee his heirs, successors and assigns, that Grantor is lawfully seised in fee simple of the property; that he has good right to convey; that the property is free from all encumbrances except as otherwise noted in this deed; and that Grantor and his heirs or successors will forever warrant and defend all of the property so granted to grantee, his heirs, successors and assigns, against every person lawfully claiming any part of the property.

Signed at Idaho Falls, Idaho, on April 9th, 1986.

David W. Loertscher
David W. Loertscher

Maurine V. Loertscher
Maurine V. Loertscher

STATE OF IDAHO)
County of Bonneville) ss.

On this 9th day of April, in the year 1986, before me, Walter J. Beard, an Idaho notary public, personally appeared David W. Loertscher and Maurine V. Loertscher, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Walter J. Beard
Notary Public for Idaho
Residing at Idaho Falls
My commission expires 5-7-88

(SEAL)

65356:44:86-076

INSTRUMENT NO.	102874
DATE	4-10-86
INSTR. CODE	3042-36
	10.100

[Signature]

APR 10 1986

RECORDED

702014

Warranty Deed

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INSTRUMENT NO. 783322
 DATE 3-20-20
 INSTR. CODE 6304-21
 FICHE NO. 3
 FEE
 STATE OF IDAHO)
 COUNTY OF BONNEVILLE)
 I hereby certify that the within
 instrument was recorded.
 Ronald L. Dato,
 County Recorder
 By [Signature]
 Request of

WATER WELL AGREEMENT

83322

BONNEVILLE COUNTY
CLERK

90 MAR 20 PM 4:52

The effective date of this agreement is March 20th, 1990.
 Request of

2. Parties.

David W. Loertscher and Maurine V. Loertscher, husband and wife, of
Bonne, Idaho from now on called
 "Loertscher1."

Verle K. Landon and Donna J. Landon, husband and wife, of
5087 S. 52nd E., IDAHO FALLS, ID from now on called "Landon."

Jarnes C. Prince and Marsha E. Prince, husband and wife, of
4931 S. 52nd E., IDAHO FALLS, ID from now on called "Prince."

Lamar S. Hayward and Laina C. Hayward, husband and wife, of
4970 S. 52nd E., IDAHO FALLS, ID from now on called "Hayward."

R. Curtis Fresh and Jeniece G. Fresh, husband and wife, of
5062 E. 49th S., IDAHO FALLS, ID from now on called "Fresh."

3. Background.

a. The parties own the following real properties located in Bonneville County, Idaho:

Landon:

Lot 1, Block 7, Valley View Heights, Division No. 1, to the County of Bonneville, State of Idaho, according to recorded plat thereof.

Prince:

Lot 1, Block 4, Valley View Heights, Division No. 1, to the County of Bonneville, State of Idaho, according to the recorded plat thereof.

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Hayward:

Lot 2, Block 3, Valley View Heights, Division No. 1, to the County of Bonneville, State of Idaho, according to the recorded plat thereof.

Fresh:

Beginning at a point that is West 2311.07 feet and South 1000.66 feet of the Northeast corner of Section 1, Township 1 North, Range 38 East of the Boise Meridian; thence East 125.00 feet; thence North 200.00 feet; thence West 250.00 feet; thence South along the center line of the canal 200.00 feet, more or less, to a point approximately 125.00 feet West of the point of beginning; thence East approximately 125.00 feet to the point of beginning.

Loertscher1/Fresh:

Loertscher as to a 3/4 interest and Fresh as to a 1/4 interest in the following described property: Beginning at the Northwest corner of Valley View Heights, Division No. 1, Bonneville County, Idaho; being in the Northeast Quarter of Section 1, Township 1 North, Range 38 East of the Boise Meridian; running thence South along the West side of said subdivision thence South along the West side of said subdivision 160.00 feet; thence S 30° 00' W 311.12 feet; thence S 70° E 138.39 feet; thence S 13° W 136.19 feet; thence S 77° E 354.8 feet, more or less, to the West line of Comore Loma Subdivision, Division No. 1, Bonneville County, Idaho; running thence South along said Comore Loma Subdivision 631.7 feet, more or less, to the Southwest corner of Lot 10, Block 2 of said Comore Loma Subdivision; said point being also the Northeast corner of Comore Loma Subdivision, Division No. 2; running thence West 607.29 feet to a point on a curve with a radius of 225.88 feet and a tangent that bears S 18° 43' 28" E; thence to the right along said curve 78.41 feet; thence S 1° 10' W 162.83 feet; thence West 600 feet, more or less, to the centerline of a canal; thence North along the centerline of said canal 1700 feet, more or less, to the North line of said Section 1; thence East 750 feet, more or less, to the point of beginning.

b. There is a water well, pump and pressure tank located on the Loertscher1/Fresh property. There is also a main pipeline running northeast from the well from which individual hook up lines run to the parcels owned by Landon, Prince and Hayward. A separate line runs southwest servicing Fresh and a parcel of property owned by David V. Loertscher and Carla Loertscher, brother and sister. This property is described in addendum A and is from now on called the Loertscher2 property.

c. The well pump, pressure tank and the main pipelines running northeast and southwest are called the "water system." The water system does not include the well or the individual hook up lines to the main pipeline, but includes the main pipeline running southwest to the Loertscher2 property.

d. The present well replaced an older drilled well and a still older hand dug well, both owned by Loertscher1. These older wells furnished water to properties owned by Loertscher1, his son Dwaine V. Loertscher, Landon and Tawzer. When the older drilled well began to pump sand, Loertscher agreed to drill a new well and to provide up to five culinary water hook ups. These culinary water hook ups correspond to single family dwelling hook ups on the properties now owned by Loertscher2, Landon, Prince, Hayward and Fresh. Loertscher1, Landon, Tawzer and Dwaine V. Loertscher contributed toward the expenses of drilling the new well.

e. The water right for the new well was issued as water right no. 25-07344 in Loertscher1's name. The water right includes a well stock watering right. The unused well capacity was reserved by Loertscher1 for future development. In 1986 Loertscher conveyed a 1/5 ownership in the new well to Fresh. The rights in the water system are owned 1/5 each by Loertscher2, Landon, Prince, Hayward and Fresh.

f. As consideration for the culinary water hook ups, Loertscher2, Landon, Prince, Hayward and Fresh each agreed to pay a monthly fee of \$15 to cover the costs of operating the water system. The electricity for running the water system has been metered through Landon's private meter and they have been obtaining reimbursement from a part of the monthly fees.

g. In order to clarify the rights of ownership and use of the water system, the parties wish to enter into this written agreement.

In consideration of the mutual covenants and obligations of this agreement, and other good and valuable consideration, the parties agree as follows.

4. Well Ownership.

The parties confirm that Loertscher1, as to an undivided 4/5 interest, and Fresh, as to an undivided 1/5 interest, are the owners of the well serving the water system. Loertscher1 also has a stock watering right from the well as reflected by water right no. 25-07344 issued by the Idaho Department of Water Resources. Loertscher1's and Fresh's ownership also includes all of the well's capacity in

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excess of the culinary water delivery obligations to the Landon, Prince, Hayward and Fresh properties.

5. Water System Ownership.

The water system is jointly owned by Loertscher2, Landon, Prince, Hayward and Fresh, each having an undivided 1/5 ownership. The present users of the water system are Loertscher2, Landon, Prince, Hayward and Fresh.

6. Use of Water System.

a. Loertscher2, Landon, Prince, Hayward and Fresh shall each be entitled to a beneficial use of water from the well through the water system for culinary purposes for one single-family dwelling on each of their respective properties, not exceeding 13,000 gallons per day. Loertscher1 retains his existing stock watering right and Loertscher1 and Fresh retain all undeveloped or unused capacity of the well in excess of the culinary uses by Loertscher2, Landon, Prince, Hayward and Fresh.

b. Loertscher1 and Fresh may at any time install their own delivery system for purposes of developing the excess capacity of the well. Loertscher1 may also utilize his stock watering right through the water system or by installing his own delivery system. Loertscher1 shall be considered a user of the water system only if he utilizes water from the water system. Loertscher1 and Fresh may at any time develop and use the excess capacity of their well. All such development and use of the well's excess capacity shall be subject to the terms of this agreement affecting the five culinary uses specified in paragraph 6a. This agreement shall not govern the installation and use of any water delivery system installed by Loertscher1 and Fresh as a part of developing the well's excess capacity.

c. The use of the water system may not be expanded by any water system user without the express written consent of Loertscher1 and Fresh. Nothing in this agreement shall be interpreted as a guarantee by Loertscher1 or Fresh that the well will at all times provide an adequate supply of well water to meet the culinary uses specified in paragraph 6a. If there is an inadequate supply of water in the well, Loertscher1's and Fresh's only obligation shall be to reduce their non-water system uses, if any, to an amount necessary to meet the five culinary supply requirements. If that reduction is not sufficient to meet the culinary supply requirements, Loertscher1 and Fresh shall not have any obligation to enlarge or deepen the well or make any other well improvements.

d. If Loertscher1 or a majority of the users of the water system reasonably believe that a user of the water system is exceeding the permitted culinary use, Loertscher1 or such majority of users may require that a water meter be installed on one or all of the individual hook up lines. The cost of a meter and its installation shall be paid for by the owner on whose hook up line it is installed.

e. Culinary use shall mean domestic and household purposes, including the watering of lawns, flowers, gardens, shrubs and trees on the properties included in the water system, but not exceeding 13,000 gallons per day. No other use shall be permitted without the express written consent of Loertscher1 and Fresh.

f. A water system user may at any time withdraw from the water system, provided he is current in the payment of all obligations owed under this agreement. The withdrawing user is responsible at his own expense in disconnecting his individual hook up line and assuring that the water system supply pipeline is properly sealed.

7. Water System Maintenance/Operation.

a. The cost of operating the water system includes all maintenance, repair and replacement of the pump, pressure tank and existing main pipeline and electrical. These costs shall be shared equally by the parties using the water system at the time the maintenance, repair or replacement is required. Maintenance, repair and replacement of individual hook up lines shall be the responsibility of the party using the line.

b. If meters are installed as provided in paragraph 6d, the costs of operating the water system under paragraph 7a shall be paid by the parties in proportion to their use of water provided by the water system.

c. Landon shall be responsible for the management of the water system. Management shall include the collection of the \$15 monthly fee from those parties using the water system and the scheduling and payment of all maintenance, repair and replacement. At Landon's request, the parties using the water system shall install a separate electrical meter and share the expense as provided in paragraph 7d. Landons shall be accountable to the other parties for the funds collected and spent. Landon may at any time withdraw from the management of the water system. Upon notice of withdrawal from management, the users of the water system shall designate another member of the group to manage the water system as they shall agree.

d. If necessary, the monthly fee shall be increased to meet ongoing operation expenses. The parties using the water system shall also pay for all extraordinary operating expenses on an equal basis or, if meters are installed, in proportion to their use of water.

e. Any water system user who does not pay his monthly fee or is in breach of any other provision of this agreement may have his water supply disconnected unless he cures the breach within 30 days after receipt of written notice specifying the nature of the breach. Notice of breach shall be considered sufficient if signed by one or more of the persons then using the water system or signed by either Loertscher1 or Fresh. Service of notice may be made by hand delivery or by sending it certified U.S. mail, postage prepaid, to the appropriate address in paragraph 2.

8. Easements.

a. Loertscher1 and Fresh grant to the water system users necessary easements over and across the Loertscher1/Fresh property for access to the water system for the conveyance of water from the well to the users' property and for purposes of maintenance, repair and replacement of the water system. The necessary easements shall continue for so long as the water system is used by the parties for the purposes specified in this agreement. The necessary easements shall inure to, run with, and benefit the properties included in the water system. The users of the water system shall be jointly and separately liable for all damage caused by their joint or separate use of the necessary easements. The water system users shall restore the surface of the easement to the same condition as existed prior to making any repair, maintenance or replacement.

b. The parties using the water system grant reciprocal necessary easements to the extent the water system crosses any portion of their respective properties. The extent of such easements shall be as reasonably necessary to maintain, repair and replace that portion of the water system lying upon the property and shall continue in duration so long as the water system is used for the purposes specified in this agreement. Each of these easements shall reciprocally inure to, run with, and benefit the other properties included in the water system.

9. Termination.

This agreement may be terminated, discontinued or amended in writing at any time by the unanimous consent and agreement of the owners.

10. Binding Effect.

This agreement binds the parties, their heirs, personal representative, agents, successors and assigns and shall be enforced and interpreted under Idaho law.

Dated this 20th day of March, 1990.

David W. Loertscher
David W. Loertscher

Maurine V. Loertscher
Maurine V. Loertscher

Verle K. Landon
Verle K. Landon

Donna J. Landon
Donna J. Landon

James C. Prince
James C. Prince

Marsha G. Prince
Marsha G. Prince

Lamar S. Hayward
Lamar S. Hayward

Laina C. Hayward
Laina C. Hayward

R. Curtis Fresh
R. Curtis Fresh

Jeniece G. Fresh
Jeniece G. Fresh

MICROFILMED

SEP 03 2003

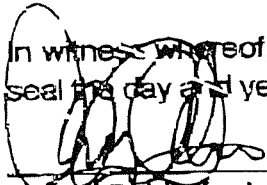
STATE OF IDAHO)

)ss.

County of Bonneville)

On this 20th day of March, 1990 personally appeared before me, the undersigned, a Notary Public in and for said State, personally appeared David W. Loertscher and Maurine V. Loertscher, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.


Notary Public for Idaho

Residing at: DRISSE

My commission expires: 6-28-94

(Seal)



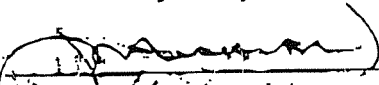
STATE OF IDAHO)

)ss.

County of Bonneville)

On this 20th day of March, 1990 personally appeared before me, the undersigned, a Notary Public in and for said State, personally appeared Verle K. Landon and Donna J. Landon, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.


Notary Public for Idaho

Residing at: ~~DRISSE~~ IDAHO FALLS

My commission expires: 4/14/93

(Seal)

MICROFILMED

SEP 03 2003

B - WATER WELL AGREEMENT

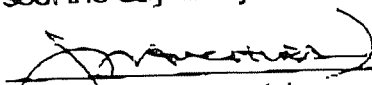
STATE OF IDAHO)

)ss.

County of Bonneville)

On this 20th day of March, 1990 personally appeared before me, the undersigned, a Notary Public in and for said State, personally appeared James C. Prince and Marsha G. Prince, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.


Notary Public for Idaho

Residing at: 1 Datto Falls

My commission expires: 4/14/93

(Seal)

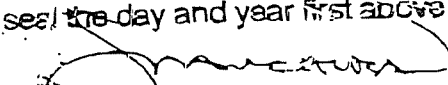
STATE OF IDAHO)

)ss.

County of Bonneville)

On this 20th day of March, 1990 personally appeared before me, the undersigned, a Notary Public in and for said State, personally appeared Lamar S. Hayward and Laine C. Hayward, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.


Notary Public for Idaho

Residing at: 1 Datto Falls

My commission expires: 4/14/93

(Seal)

9 - WATER WELL AGREEMENT

MICROFILMED

SEP 03 2003

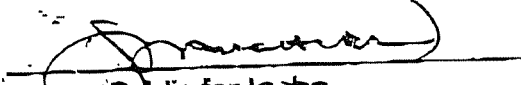
STATE OF IDAHO)

)ss.

County of Bonneville)

On this 26th day of March, 1990 personally appeared before me, the undersigned, a Notary Public in and for said State, personally appeared Curtis Fresh and Jeniece G. Fresh, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.


Notary Public for Idaho

Residing at: 10000 Fous

My commission expires: 4/14/93

(Seal)

Loentscher:

DGF:km:90-079

G0079A12

MICROFILMED

10 - WATER WELL AGREEMENT

SEP 03 2003

ADDENDUM A**Loertscher2:**

Beginning at a point which is West 2311.07 feet and South 1000.66 feet of the Northeast Corner of Section 1, Township 1 North, Range 38 East of the Boise Meridian; thence East 202.61 feet; thence 56.08 feet along a curve to the right, having a Central Angle of $64^{\circ}16'$ and a Radius of 50.00 feet; thence South $25^{\circ}44'$ East 271.04 feet; thence West 426.95 feet; thence North $37^{\circ}23'40''$ East 68.53 feet; thence North 178.00 feet; thence East 20.00 feet; thence North 40.00 feet to the point of beginning. Containing 2.00 acres.

MICROFILMED

SEP 03 2003

855295

DEED OF INTEREST IN WELL

1. Date

June 16, 1993

855295

2. Parties

Grantor: David W. Loertscher and Maurine V. Loertscher, husband and wife,
of 1359 Bone Road, Iona, ID

Grantees: Verle K. Landon and Donna J. Landon, husband and wife, of 5087 South 52nd East, Idaho Falls, ID (Landon); Bradley D. Johnson and Tamara K. Johnson, husband and wife, of 4931 South 52nd East, Idaho Falls, ID (Johnson); Lamar S. Hayward and Laina C. Hayward, husband and wife, of 4970 South 52nd East, Idaho Falls, ID (Hayward); and David V. Loertscher and Carla Loertscher, brother and sister, of 1359 Bone Road, Iona, ID (Loertscher).

3. Background

3.1. Grantors own an undivided 3/4 interest as tenant in common in the described real property. The other undivided 1/4 interest is owned by R. Curtis Fresh and Jeniece G. Fresh, husband and wife.

3.2. There is a well on the real property. Grantors own an undivided 4/5 interest as tenant in common in the well. In 1986 grantors conveyed the other undivided 1/5 interest to R. Curtis Fresh and Jeniece G. Fresh, husband and wife (Fresh).

3.3. The water right for the well was issued as water right no. 25-07344 in grantor, David W. Loertscher's name only. The water right includes a stock watering right. As a part of the 1986 conveyance grantors conveyed a 1/5 interest in the water right to Fresh, but grantors reserved the full stock watering right.

3.4. In a water well agreement recorded March 20, 1990, instrument no. 783322, certain rights to use water from the well were confirmed in James C. Prince and Marsha G. Prince, Fresh, and in grantees, Landon, Loertscher, and Hayward. (Grantee Johnson is the successor in interest to Prince under the well agreement by virtue of Johnson's purchase of Prince's property.) In that agreement all the well's undeveloped or unused capacity in excess of the rights confirmed in grantees and Fresh were reserved 4/5 to grantor and 1/5 to Fresh.

3.5. The purpose of this instrument is to convey to grantees grantor's undivided 4/5 interest in the well and grantor's 4/5 undivided interest in the undeveloped or unused capacity of the well under water right no. 25-07344. This instrument does not convey grantor's undivided 3/4 interest as tenant in common to the real property, nor does it convey grantor's fully reserved stock watering right under water right no. 25-07344.

3.6. After the conveyance is made, grantor shall continue to own an undivided 3/4 interest in the real property, no interest in the well itself, and no interest under water right no. 25-07344, except for the full stock watering right out of the well under water right no. 25-07344 which grantors reserve for use on the described real property.

MICROFILMED

DEED OF INTEREST IN WELL - PAGE 1
SEP 03 2003

3.7. Except as this grant changes the undivided interests, the terms of the recorded well agreement shall continue to be in full force among the parties (grantees and Fresh) who signed it and grantee Loertscher who was benefited by it. Grantor's rights to his retained stock watering right shall also continue to be governed by the well agreement to the extent its terms apply to the stock watering right.

4. Consideration

Ten Dollars and other good and valuable consideration, receipt of which is acknowledged.

5. Grant

For the consideration stated, grantor does now grant, bargain, sell, and convey to grantee Landon an undivided 1/5 interest, to grantee Johnson an undivided 1/5 interest, to grantee Hayward an undivided 1/5 interest, and to grantee Loertscher an undivided 1/5 interest, all as tenants in common, and to grantees' respective heirs and assigns forever, the following transferred interest in the property described in this deed.

5.1. Transferred interest

Grantor's 4/5 undivided interest in the undeveloped or unused capacity of the well under water right no. 25-07344 and grantor's undivided 4/5 interest in the well located on the property described in this deed, but excepting and reserving to grantor the full stock watering right out of the well under water right no. 25-07344 which grantors reserve for use on the described real property; and

Subject to background paragraphs 3.5 through 3.7.

5.2. Property description

Beginning at the Northwest corner of Valley View Heights, Division No. 1, Bonneville County, Idaho; being in the Northeast Quarter of Section 1, Township 1 North, Range 38 East of the Boise Meridian; running thence South along the West side of said subdivision thence South along the West side of said subdivision 160.00 feet; thence S 30°00'W 311.12 feet; thence S70°E 138.39 feet; thence S13°W 136.19 feet; thence S 77° E 354.8 feet, more or less, to the West line of Comore Loma Subdivision, Division No. 1, Bonneville County, Idaho; running thence South along said Comore Loma Subdivision 631.7 feet, more or less, to the Southwest corner of Lot 10, Block 2 of said Comore Loma Subdivision; said point being also the Northeast corner of Comore Loma Subdivision, Division No. 2; running thence West 607.29 feet to a point on a curve with a radius of 225.88 feet and a tangent that bears S18° 43'28"E; thence to the right along said curve 78.41 feet; thence S1° 10'W 162.83 feet; thence West 600 feet, more or less, to the centerline of a canal; thence North along the centerline of said canal 1700 feet, more or less, to the North line of said Section 1; thence East 750 feet, more or less, to the point of beginning.

MICROFILMED

SEP 03 2003

6. Warranties

Grantor, for himself, his heirs, successors and assigns, covenants with grantee, his heirs, successors, and assigns as follows:

Grantor is currently the owner of the transferred interest described in this deed.

Grantor has good right to convey the transferred interest described in this deed to grantee.

The transferred interest described in this deed is free from all encumbrances, except as otherwise shown in this deed.

7. Construction

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

David W. Loertscher
David W. Loertscher
Maurine V. Loertscher
Maurine V. Loertscher

STATE OF IDAHO)

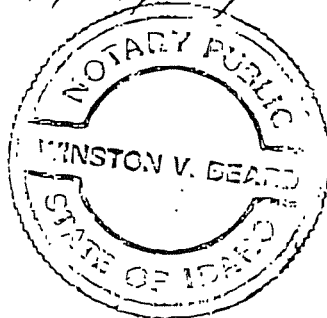
) ss.

County of Bonneville)

On July 20, 1993, before me, Winston V. Beard, an Idaho Notary Public, personally appeared David W. Loertscher and Maurine V. Loertscher, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

In witness, I have set my hand and affixed my official seal the day and year in this certificate first above written.

Winston V. Beard
Notary Public for Idaho
Residing at: 2 Idaho Falls, Idaho
Commission expires: 5/27/94



DED-WELL.DOC

INSTRUMENT NO.	<u>855295</u>
DATE	<u>7-20-93</u>
INST. CODE	<u>356</u>
FICHE NO.	<u>8940-32</u>
FEE	<u>9.00</u>
STATE OF IDAHO) COUNTY OF BONNEVILLE)	
I hereby certify that the within instrument was recorded.	
Ronald J. Ingmore, County Recorder	
By	<u>Ruth Aray</u> Deputy
Request of	<u>Beard, Sh. Clair</u>

DEED OF INTEREST IN WELL - PAGE 3

MICROFILMED

SEP 03 2003

2/12/02

PARCEL RPO52400070010 A CODE AREA - 03000

MA

++ACTIVE++

NAME / ADDRESS

CNT N

TYPE QTY

MKT VALUE

TAX

\$817.80

LONDON, VERLE K &

15

12000

CANCEL

LONDON, DONNA J

37

81343

ROA

DATE PAID 0/00/00

BALANCE \$817.80

5087 S 52ND E

IDAHO FALLS

ID 83406

COMMENTS

LEGAL DESCRIPTION

BANK

LOT 1, BLOCK 7,

VALLEY VIEW HEIGHTS

NE1/4, SEC 1, T 1N, R 38

TOTAL

93343

HOME EXEM

40672

CB EXEM

HARDSHIP

DEED REF.# 789622 WD OLD DEED REF.#

USE CODE

LANDFILL

LIBRARY

NEW APR.

PROPERTY ADDRESS

OLD #

05087 S 052ND E

83406

FLAG

ACTIVE

NEXT PARCEL #

A

FUNCTION CF3=TRACK

MICROFILMED

SEP 03 2003

557 76164
789622

WARRANTY DEED

THIS INDENTURE, Made this 31st day of May, 19 72
by and between DANIEL R. YOUNG and BERENICE YOUNG, his wife.

of the County of Bonneville, State of Idaho, the parties of the first
part, and VERLE K. LANDON and DONNA J. LANDON, his wife,

of the County of Bonneville, State of Idaho, the parties of the second
part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
Ten and No/100----- DOLLARS
lawful money of the United States of America, and other good and valuable considerations, to them
in hand paid by parties of the second part, the receipt whereof is hereby acknowledged, have
granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm
unto the said parties of the second part and to their heirs and assigns forever, all the follow-
ing described real estate, situate in the County of Bonneville, State of Idaho, to wit:

Lot One (1), Block Seven (7), Valley View Heights, Division
No. 1, Bonneville County, Idaho, according to the recorded
plat thereof.

Subject to the reservations, restrictions and protective
covenants for said Addition, and to easements as disclosed
by the recorded plat of said Addition and as shown by the
records of Bonneville County, Idaho

789622
350
633-31
6.00
JUL 10 PM 4:14

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto be-
longing or in anywise appertaining, and the reversion or reversions, remainder and remainders, rents,
issues and profits thereof, and all estate, right, title and interest in and to the said property as well in
law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, to-
gether with the appurtenances, unto the parties of the second part, and to their heirs and
assigns forever. And the said parties of the first part, and their heirs, the said premises
in the quiet and peaceable possession of the said parties of the second part, and their heirs
and assigns against the said parties of the first part and their heirs and against all and
every person and persons, whomsoever lawfully claiming or to claim the same, shall and will WAR-
RANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their
hands and seals the day and year first above written.

Signed, sealed and delivered in the
presence of

Daniel R. Young (SEAL)
Berenice Young (SEAL)
Verle K. Landon (SEAL)
Donna J. Landon (SEAL)
MICROFILMED

SEP 03 2003

STATE OF IDAHO

County of Bonneville

ss.

On this 1st day of June, in the year 1972 before me
the undersigned, a Notary Public in and for the State of Idaho, personally
appeared DANIEL R. YOUNG and BERENICE YOUNG, his wife,

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

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

Dane E. McDonald

Notary Public

Residing at Idaho Falls, Idaho

My Commission Expires 6/25, 1974

No.

WARRANTY DEED

TO

Dated 1st, 19

STATE OF IDAHO

County of

ss.

I hereby certify that this instrument
was filed for record at the request of

at 1 minutes past 1 M., this
day of June, 19
in my office and duly recorded in
Book 1 of 1, at
page 1

Ex-Officio Recorder

By 1 Deputy

Fees \$ 1

MICROFILMED

SEP 03 2003

3/12/02

MA

++ACTIVE++

PARCEL	RPO52400040010	A	CODE	AREA	-	03000	TYPE-				
NAME / ADDRESS		CNT	N	TYPE	QTY	MKT	VALUE	TAX		\$938.14	
ELROD, CLAY A &				15			12000	CANCEL			
ELROD, CINDY IRENE				37			98717	ROA			
								DATE PAID	0/00/00		
								BALANCE		\$938.14	

4931 S 52ND E

IDAHO FALLS ID 83406

LEGAL DESCRIPTION
LOT 1, BLOCK 4,
VALLEY VIEW HEIGHTS
NE1/4, SEC 1, T 1N, R 38

TOTAL	110717	HOME EXEM	49359
		CB EXEM	
		HARDSHIP	

NEW APR.
PROPERTY ADDRESS
04931 S 052ND E

DEED REF.# 998061	WD	OLD DEED REF.# 830221	WD
USE CODE	LANDFILL	LIBRARY	
OLD #			
83406			

FLAG

FUNCTION CF3=TRACK

ACTIVE

NEXT PARCEL #

A

MICROFILMED

SEP 03 2003

WARRANTY DEED

BRADLEY D. JOHNSON and TAMRA K. JOHNSON, husband and wife, as GRANTOR,
for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto
CLAY A. ELROD and CINDY IRENE ELROD, husband and wife, as GRANTEE,
whose address is 4931 South 52nd East, Idaho Falls Id 83406, and Grantee's successors and assigns, all of the following described real property, to-wit:

Lot 1, Block 4, Valley View Heights, Division No. 1, to the County of Bonneville, State of Idaho, according to the recorded plat thereof.

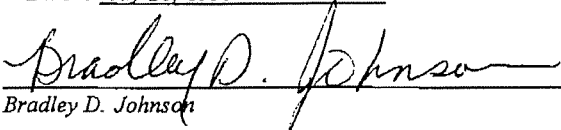
SUBJECT TO the 1999 and subsequent years general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

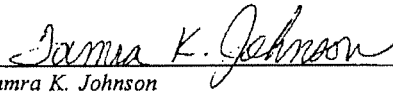
TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for himself and his successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: May 26, 1999

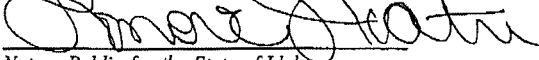

Bradley D. Johnson


Tamra K. Johnson

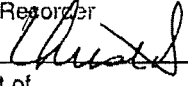
STATE OF IDAHO)
) ss
COUNTY OF Bonneville)

On May 26, 1999, before me, the undersigned, personally appeared
Bradley D. Johnson and Tamra K. Johnson

known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.


Notary Public for the State of Idaho
Commission Expiration Date: 1/28/2003

NOTARY PUBLIC
LENORE J. KATRI
STATE OF IDAHO
Residing at Idaho Falls, Idaho
My Commission Expires Jan. 28, 2003

INSTRUMENT NO.	<u>998061</u>
DATE	<u>5-27-99</u>
INST. CODE	<u>205</u>
IMAGED PGS	<u>1</u>
FEE	<u>3-</u>
STATE OF IDAHO) COUNTY OF BONNEVILLE) ss	
I hereby certify that the within instrument was recorded.	
Ronald Longmore, County Recorder	
By 	Deputy
Request of	

Bonneville Land & Title Co.

NAME / ADDRESS
WATTS, BRUCE THERIS &
WATTS, KERRY GAY

IT N TYPE QTY MKT VALU
15
37
12000
95692

TAX \$917.20
CANCEL
ROA
DATE PAID 0/00/00
BALANCE \$917.20

4970 S 52ND E

IDAHO FALLS ID 83406

COMMENTS

LEGAL DESCRIPTION
LOT 2, BLOCK 3,
ALLEY VIEW HEIGHTS
1/4, SEC 1, T 1N, R 38

BANK

TOTAL 107692 HOME EXEM 47846
CB EXEM

PROPERTY ADDRESS
4970 S 052ND E

NEW APR.

DEED REF.# 975319 WD OLD DEED REF.# 955576 WD
USE CODE LANDFILL LIBRARY
OLD #
83406

FLAG

FUNCTION CF3=TRACK

ACTIVE

NEXT PARCEL #

A

MICROFILMED

SEP 03 2003

975319

BLT T-14219

WARRANTY DEED

FLOYD M. McNUTT and VIOLA R. McNUTT, husband and wife, as GRANTOR,
for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto
BRUCE THERIS WATTS and KERRY GAY WATTS, husband and wife, as GRANTEE,
whose address is 4970 South 52nd East, Idaho Falls Id 83406, and Grantee's successors and assigns, all of the following described real property, to-wit:

Lot 2, Block 3, Valley View Heights, Division No. 1, to the County of Bonneville, State of Idaho, according to the recorded plat thereof.

SUBJECT TO the 1998 and subsequent years general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.
Grantor, for himself and his successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.
In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: August 20, 1998

Floyd M. McNutt
Floyd M. McNutt

Viola R. McNutt
Viola R. McNutt

STATE OF IDAHO)

COUNTY OF Bonneville) ss

On August 20, 1998 before me, the undersigned, personally appeared
Floyd M. McNutt and Viola R. McNutt

known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Lenore J. Katri
Notary Public for the State of Idaho
Commission Expiration Date: 1/28/2003

NOTARY PUBLIC
LENORE J. KATRI
STATE OF IDAHO

Residing at Idaho Falls, Idaho
My Commission Expires Jan. 28, 2003

INSTRUMENT NO.	975319
DATE	8-21-98
INST. CODE	205
FICHE NO.	13587-01
FEES	3.00
STATE OF IDAHO)	
COUNTY OF BONNEVILLE) ss	
I hereby certify that the within instrument was recorded.	
By <i>Ruth Avery</i> Deputy	

Bonneville Land & Title Co.

497 N. Capital Ave * P.O. Box 51690 * Idaho Falls, ID 83405-1690 * (208) 524-6600

1998 AUG 21 AM 9 36

BONNEVILLE COUNTY
RECORDER

975319

MICROFILMED

2003

2/12/02

PARCEL RPO1N38E010646 A CODE AREA - MI 03000

NAME / ADDRESS CNT N

BAKER STREET PROPERTIES LLC

1

6,916

3

798

19

NET TAXABLE VALUE

28,439

4976 E 49TH S

31

1,046

32

19,679

NO C.B. EXEMPTION

IDAHO FALLS ID 83406

LEGAL DESCRIPTION

29.769 A W1/2 NE1/4,
SEC 1, T 1N, R 38 (RA)

1998 COMBINATION

SALVAGE VALUE

28,439

HOME EXEM
ALLOWED YEAR
DISALLOWED YR

PROPERTY ADDRESS

05062 E 049TH S

83406

DEED #

COMMENTS: 2000 AC

NEXT PARCEL #

A

CF1-Exit CF4-Appraisal

CF5-Tax

CF8-Tax Master

CF9-MobileHomes

924398

MICROFILMED

SEP 03 2003

14-10625-AM
ATLC
924398

Warranty Deed

For Value Received

DAVID W. LOERTSCHER, A WIDOWER, DAVID V. LOERTSCHER, AN UNMARRIED PERSON,
DWAIN V. LOERTSCHER AND BARBARA D. LOERTSCHER, HUSBAND AND WIFE, AND KARLA LOERT-
SCHER NKA KARLA LOERTSCHER CANNON, A MARRIED PERSON DEALING WITH SOLE & SEPARATE
the grantors, do hereby grant, bargain, sell and convey unto AKA CARLA LOERTSCHER PROPERTY

BAKER STREET PROPERTIES, LLC

whose current address is

4976 E 49 S IDAHO FALLS, ID 83406

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

SEE ATTACHED EXHIBIT "A"

INSTRUMENT NO.	924398
DATE	7-16-96
INST. CODE	205
FICHE NO.	11577-14
FEE	90
STATE OF IDAHO COUNTY OF BONNEVILLE	
I hereby certify that the within instrument was recorded.	
Recorded by County Recorder	
By <i>[Signature]</i> Registrar of	

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,
ITS heirs and assigns forever. And the said Grantor S do hereby covenant to and with the said
Grantee, that THEY ARE the owners in fee simple of said premises; that they are free from all incumbrances

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

Dated: JULY 15, 1996

David W. Loertscher by Thomas F. Loertscher His Attorney in fact
DAVID W. LOERTSCHER BY THOMAS F. LOERTSCHER
HIS ATTY IN FACT
Karla Loertscher Cannon Barbara D Loertscher
KARLA LOERTSCHER NKA KARLA LOERTSCHER CANNON
AKA CARLA LOERTSCHER
BARBARA D. LOERTSCHER

STATE OF IDAHO, COUNTY OF BONNEVILLE

On this 15TH day of JULY, 1996,
before me, a notary public in and for said State, personally
appeared DWAIN V. LOERTSCHER AND

BARBARA D. LOERTSCHER AND
KARLA LOERTSCHER NKA KARLA
LOERTSCHER CANNON AKA KARLA LOERTSCHER
known to me to be the person whose names ARE
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Notary Public
Idaho Falls, Idaho
Residing at
Comm. Expires 02/27/98

David V. Loertscher by Thomas F. Loertscher His Attorney in fact
DAVID V. LOERTSCHER BY THOMAS F. LOERTSCHER
HIS ATTY IN FACT

STATE OF IDAHO BONNEVILLE COUNTY
ON THIS 15TH DAY OF JULY, 1996, BEFORE ME, A
NOTARY PUBLIC, PERSONALLY APPEARED THOMAS F.
LOERTSCHER KNOWN TO ME TO BE THE PERSON WHOSE NAME
IS SUBSCRIBED TO THE WITHIN INSTRUMENT AS THE
ATTORNEY IN FACT OF DAVID W. LOERTSCHER AND DAVID
V. LOERTSCHER AND ACKNOWLEDGED TO ME THAT HE
SUBSCRIBED THE NAME OF DAVID W. LOERTSCHER AND
DAVID V. LOERTSCHER THERETO AS PRINCIPAL AND HIS
OWN NAME ATTORNEY IN FACT. *Denison G. Galt*

EXHIBIT A

TRACT I:

Baker Property
Beginning at the Northwest corner of Valley View Heights, Division No. 1, Bonneville County, Idaho, being in the Northeast quarter of Section 1, Township 1 North, Range 38 East of the Boise Meridian; running thence South along the West side of said subdivision 160.00 feet; thence South 30°00' West 311.12 feet; thence South 70° East 138.39 feet; thence South 13° West 136.19 feet; thence South 77° East 354.8 feet more or less to the West line of Comore Loma Subdivision, Division No. 1, Bonneville County, Idaho; running thence South along said Comore Loma Subdivision 631.7 feet more or less to the Southwest corner of Lot 10, Block 2 of said Comore Loma Subdivision; said point being also the Northeast corner of Comore Loma Subdivision, Division No. 2; running thence West 607.29 feet to a point on a curve with a radius of 225.88 feet and a tangent that bears South 18°43'28" East; thence to the right along said curve 78.41 feet; thence South 1°10' West 162.83 feet; thence West 600.00 feet more or less to the centerline of a canal; thence North along the centerline of said canal 170.00 feet more or less to the North line of Section 1; thence East 750.00 feet more or less to the POINT OF BEGINNING:

Excepting the following parcels of property;

Baker Property
A. Beginning at a point which is West 2311.07 feet and South 1000.66 feet of the Northeast Corner of Section 1, Township 1 North, Range 38 East of the Boise Meridian, Bonneville County, Idaho; thence East 202.61 feet; thence 56.08 feet along a curve to the right, have a central angle of 64°16' and a radius of 50.00 feet; thence South 25°44' East 296.04 feet; thence 117.79 feet along a curve to the right having a central angle of 26°54' and a radius of 225.88 feet; thence South 1°10' West 162.83 feet; thence West 600.00 feet more or less to the centerline of a canal; thence North along the centerline of said canal 576.00 feet more or less; thence East 125.00 feet more or less to the POINT OF BEGINNING.

Fry
B. Beginning at a point that is West 2311.07 feet and South 1000.66 feet of the Northeast corner of Section 1, Township 1 North, Range 38 East of the Boise Meridian, Bonneville County, Idaho; thence East 125.00 feet; thence North 200.00 feet; thence West 250.00 feet; thence South along the centerline of the canal 200.00 feet, more or less, to a point approximately 125.00 feet West of the POINT OF BEGINNING; thence East approximately 125.00 feet to the POINT OF BEGINNING.

London
C. Beginning at the North East Corner of Lot 4, Block 4, Valley View Heights, Division No. 1, Bonneville County, Idaho; running thence South 90.58 feet along the East line of said Lot 4 to the TRUE POINT OF BEGINNING; running thence South 13° West 102.75 feet; thence South 76°30' East 14.14 feet to the North East Corner of Lot 1; Block 7 of said Valley View Heights; thence South 14° West 129.90 feet to the South East Corner of said Lot 1; thence North 77° West 122.86 feet to the South West Corner of said Lot 1; thence South 13° West 20.00 feet; thence South 77° East 169.34 feet to the West line Comore Loma Subdivision, Division No. 1; thence North 259.40 feet to the TRUE POINT OF BEGINNING.

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APR 3 2003

EXHIBIT A (Continued)

TRACT II:

Baker Properties

Beginning at a point which is West 2311.07 feet and South 1000.66 feet of the Northeast Corner of Section 1, Township 1 North, Range 38 East of the Boise Meridian, Bonneville County, Idaho; thence East 202.61 feet; thence 56.08 feet along a curve to the right, have a central angle of $64^{\circ}16'$ and a radius of 50.00 feet; thence South $25^{\circ}44'$ East 296.04 feet; thence 117.79 feet along a curve to the right having a central angle of $26^{\circ}54'$ and a radius of 225.88 feet; thence South $1^{\circ}10'$ West 162.83 feet; thence West 600.00 feet more or less to the centerline of a canal; thence North along the centerline of said canal 576.00 feet more or less; thence East 125.00 feet more or less to the POINT OF BEGINNING.

*Excepted out under original
deed. 702814.*

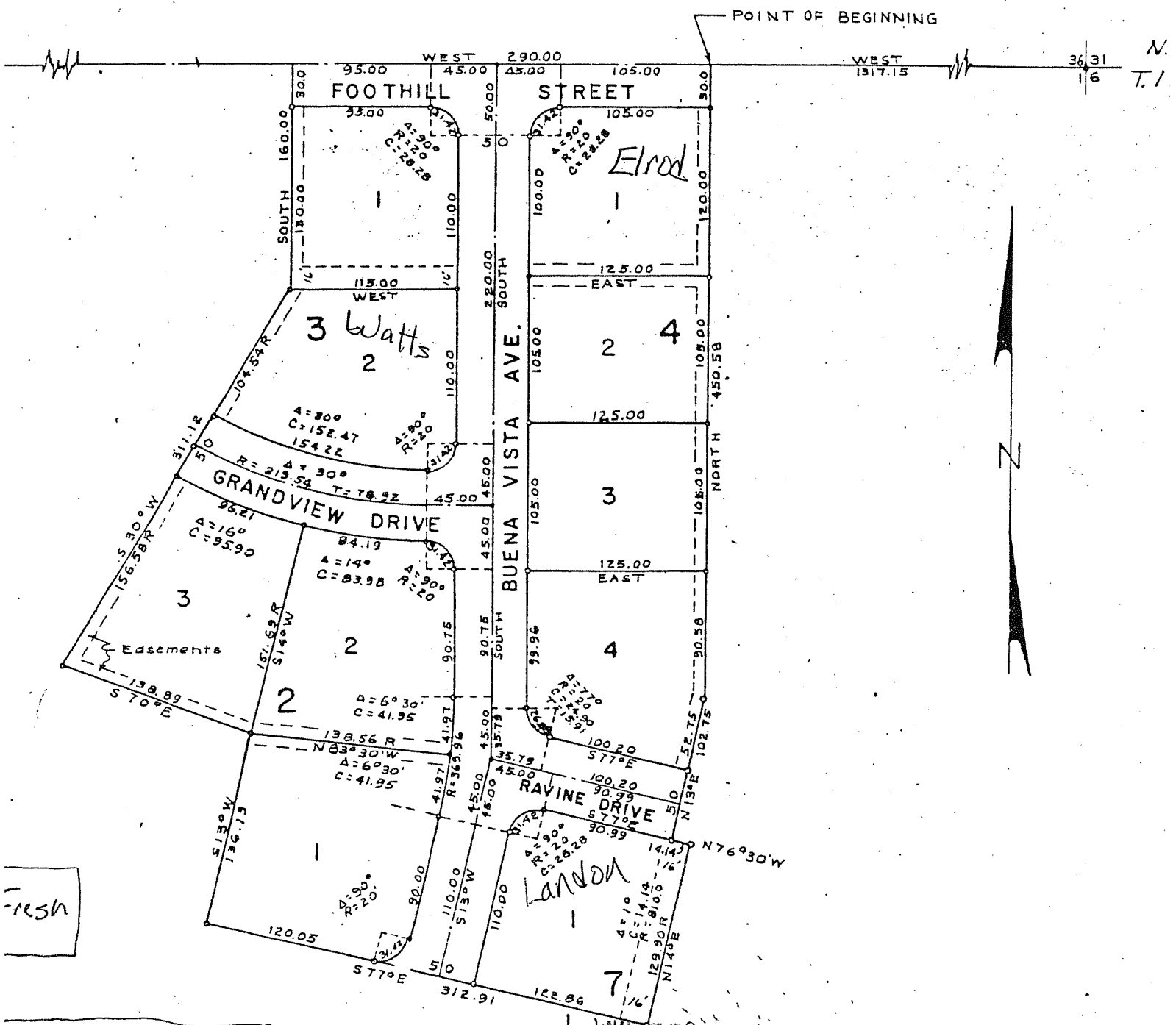
MICROFILMED

APR 3 2003

VALLEY VIEW HEIGHTS

DIVISION NO. 1 BONNEVILLE COUNTY, IDAHO

PART OF
NE 1/4 SEC. 1, T. 1 N., R. 38 E. B. B. & M.
SCALE: 1" = 100' OCTOBER 1959



Utility Easements are 8' through each lot.

25-7344

MEMORANDUM

Date: March 4, 2003

To: WR File No. 25-7344

From: Jeff Peppersack 

Re: Ownership Change

Ownership change submitted March 3, 2003 results in changes as shown below and on attached map.

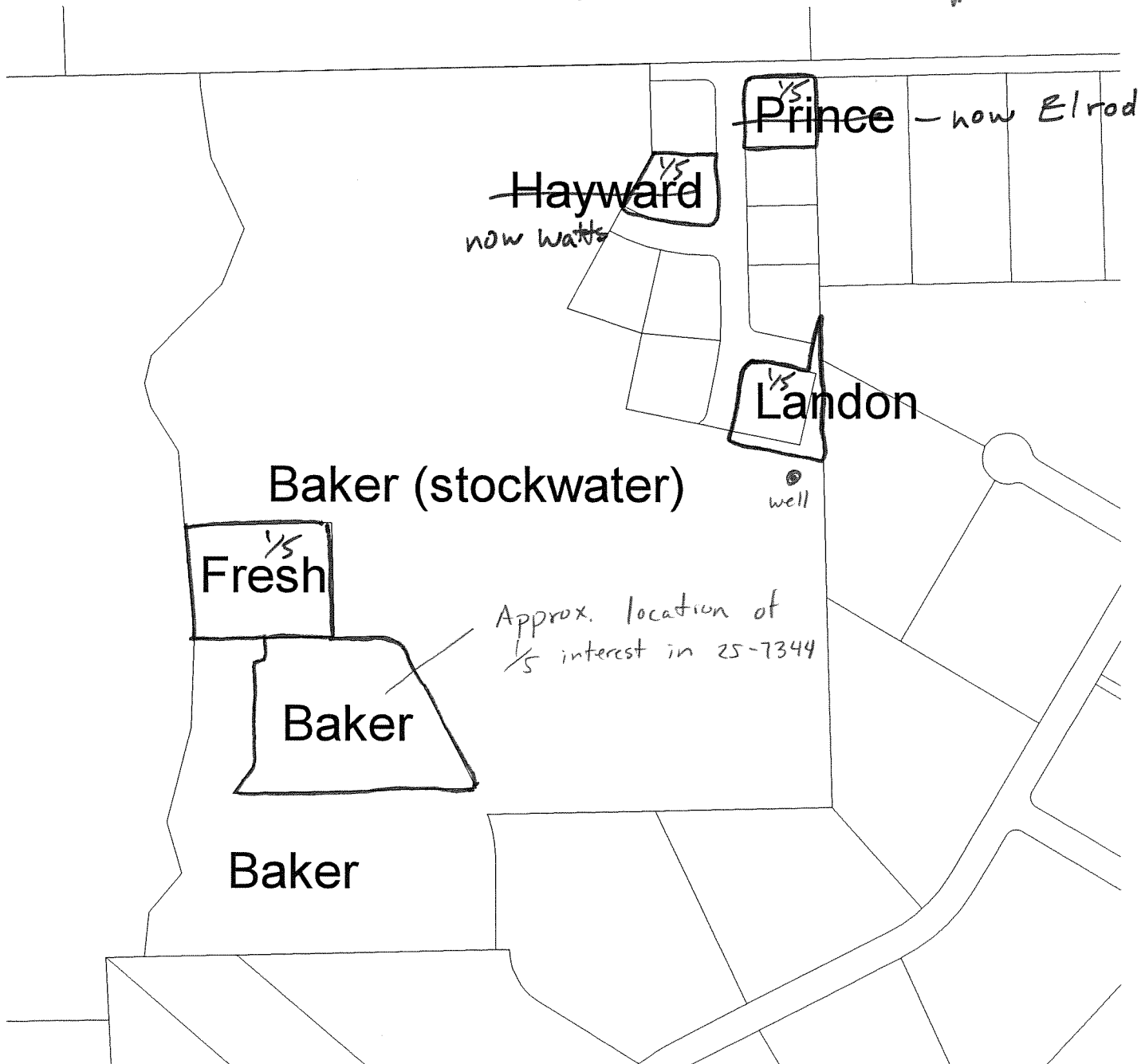
1. Landon – 1/5 undivided interest in domestic use
2. Watts – 1/5 undivided interest in domestic use.
3. Elrod – 1/5 undivided interest in domestic use.
4. Fresh – 1/5 undivided interest in domestic use
5. Baker Street Properties – 1/5 undivided interest in domestic use and all of stockwater use.

Jarin Hammer, attorney, has been informed that the right (as a whole) may need to be claimed in the SRBA; but the individual uses may be deferrable domestic uses.

MICROFILMED
SEP 03 2003

25-7344

ownership review 3/4/03 *JP*



0.1

0

0.1

MICROFILMED

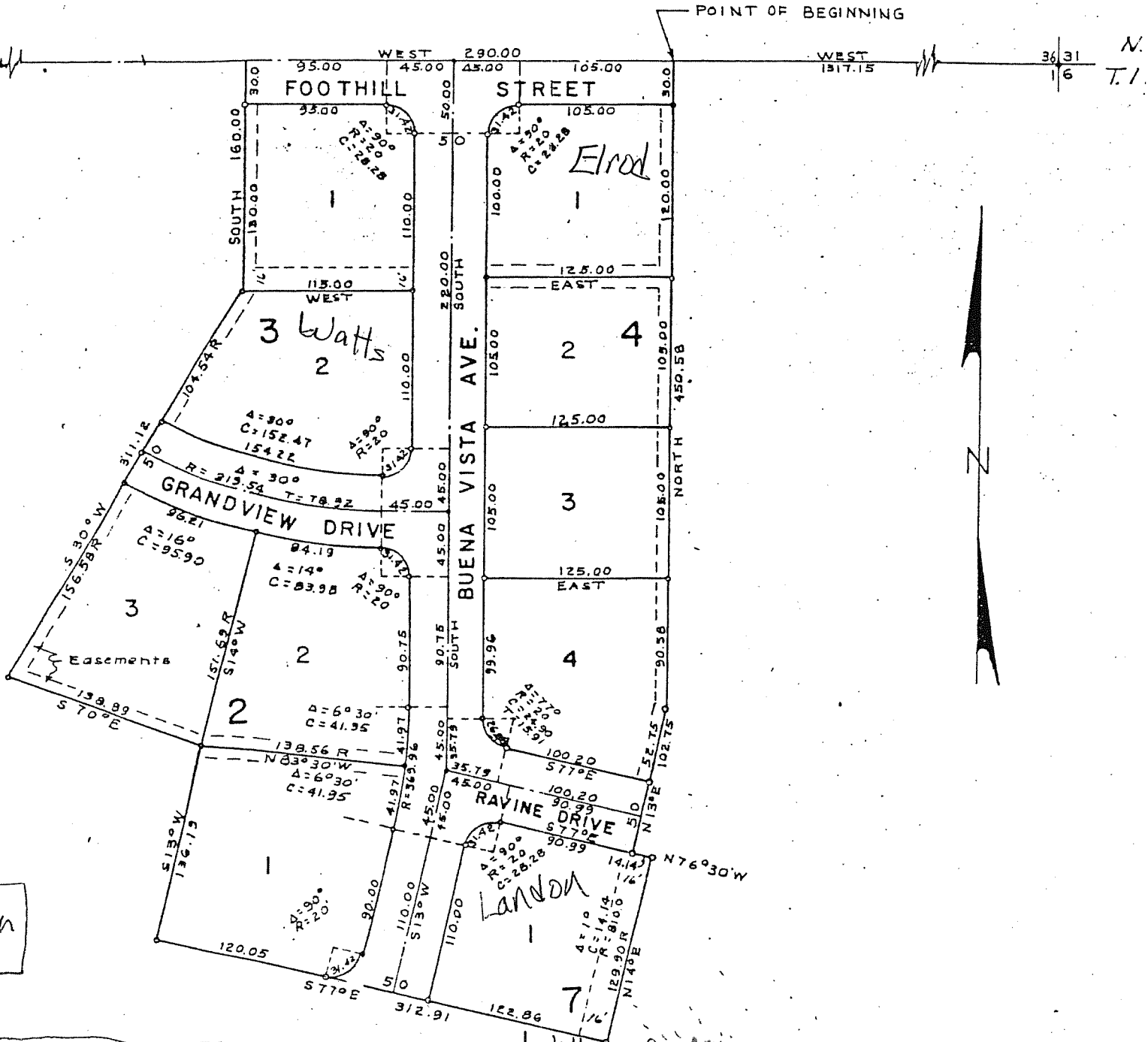
SEP 03 2003

0.2 Miles



VALLEY VIEW HEIGHTS
DIVISION NO. 1
BONNEVILLE COUNTY, IDAHO

PART OF
NE 1/4 SEC. 1, T. 1 N., R. 38 E. B. B. & M.
SCALE: 1" = 100' OCTOBER 1959



1-165H

Baker St. Properties, LLC

Well and Pump
MICROFILMED
SEP 03 2003

Utility Easements are 8' through each lot.

BEARD ST. CLAIR GAFFNEY McNAMARA

Jarin O. Hammer • Attorney at Law



RECEIVED

MAR - 3 2003

Department of Water Resources

WINSTON V. BEARD

JOHN G. ST. CLAIR

MICHAEL D. GAFFNEY

HARLOW J. McNAMARA

GREGORY C. CALDER

D. GARY PETERSON

JARIN O. HAMMER

JARED W. ALLEN

LAURIE BAIRD GAFFNEY

CHAD A. CAMPOS

KARI MARIE CAMPOS

February 25, 2003

Jeff Peppersack
Idaho Department of Water Resources
1301 North Orchard St.
Boise, Idaho 83706

Re: Water Right No. 25-07344 – Notice of Change in Water Right Ownership

Dear Mr. Peppersack:

As we discussed on the telephone, I am requesting the Idaho Department of Water Resources (IDWR) change the names in the ownership of water right no. 25-07344.

I have included with this letter a completed Notice of Change in Water Right Ownership (Notice) for water right no. 25-07344. Verle Landon and Donna Landon had erroneously filed as the owners on this water right. As explained in the notice, there are five persons that have a one-fifth undivided interest in the water right. These persons are as follows:

- (1) Verle K. Landon and Donna J. Landon, husband and wife (Landons),
- (2) Bruce and Kerry Watts, husband and wife (Watts),
- (3) Clay and Cindy Elrod, husband and wife (Elrods),
- (4) Jeniece G. Fresh, a single person (Fresh), and
- (5) Baker Street Properties, LLC, an Idaho limited liability company (Baker).

The Notice has been signed by the Landons (original owners of water right no.25-07344), Watts, Elrods, and Fresh. Baker has not signed the notice. However, Baker should be listed as an additional owner based on the documentation provided with the notice.

I have also included with this letter a copy of the original water right license for water right no. 25-07344.

February 26, 2003

Please send me any copies of correspondence you send to the current owners of water right no. 25-07344.

We request that you make the change as soon as possible. There are pending sales of residential lots. If you have any questions please call me at (208) 557-5207.

Sincerely,

A handwritten signature in black ink that reads "Jarin O. Hammer". The signature is written in a cursive style with a large, stylized "J" and a checkmark at the end.

Jarin O. Hammer



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 26, 2002

VERLE LANDON
DONNA LANDON
5087 S 52 E
IDAHO FALLS ID 83406

RE: Water Right License 25-7344

Dear Mr. and Mrs. Landon:

The Department of Water Resources (IDWR) has issued the enclosed amended Water Right License for Water Right 25-7344. The amended license is a **preliminary order** issued by the Department pursuant to §67-5243, *Idaho Code*. It supersedes the Water Right License issued on August 30, 1988. **The preliminary order can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described in the enclosed information sheet.**

If you have questions, please contact me at (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

Enclosure

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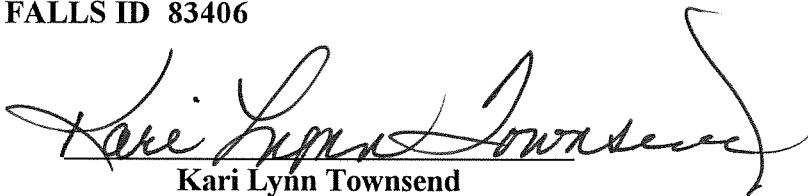
AUG 15 2002

CERTIFICATE OF MAILING

I hereby certify that on the **26th** day of **July, 2002**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 25-7344

**VERLE LANDON
DONNA LANDON
5087 S 52 E
IDAHO FALLS ID 83406**


**Kari Lynn Townsend
Secretary**

MICROFILMED
AUG 15 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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AUG 15 2002

Walker, Kay

From: Carlsen, Ernie
Sent: Monday, February 11, 2002 12:00 PM
To: Walker, Kay
Cc: Keen, Shelley
Subject: This license is missing some vital elements. Can it be re-issued?

Page 1 02/11/2002

IDAHO DEPARTMENT OF WATER RESOURCES
 Water Right Report 25-7344
 WATER RIGHT NUMBER: 25-7344

Owner Type Name and Address

Original Owner DAVID W LOERTSCHER
 RT 7 BOX 112
 IDAHO FALLS, ID 83401
 Current Owner VERLE LANDON
 5087 S 52 E
 IDAHO FALLS, ID 83406
 (208)529-6852
 Current Owner DONNA LANDON
 5087 S 52 E
 IDAHO FALLS, ID 83406
 (208)529-6852

Priority Date: 07/29/1983
 Basis: License
 Status: Active

Source Tributary
 GROUND WATER

Beneficial Use From To Diversion Rate Annual Volume

-

Total Diversion: 0.110 CFS 3.20 AF

Location of Point(s) of Diversion

GROUND WATER L2 NW1/4NE1/4 Sec. 1, Twp 01N, Rge 38E, B.M.
 BONNEVILLE County

Place of Use

-

Conditions of Approval:

-

Remarks:

1. General Domestic use is for 5 homes.

Comments:

-

Dates and Other Information:

MICROFILMED
 AUG 15 2002

2/11/2002

Page 2 02/11/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 25-7344

Dates and Other Information:

Licensed Date: 8/30/1988
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Kay, I was helping an attorney this morning who represents the present owner of the POU for this license and noticed there are some important elements missing.

Can this be issued?

Thanks

Ernie

MICROFILMED

AUG 15 2002

2/11/2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

June 15, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

VERLE LANDON
DONNA LANDON
5087 S 52 E
IDAHO FALLS ID 83406

RE: Change of Ownership for Water Right 25-7344

Dear Water Right Holder(s):

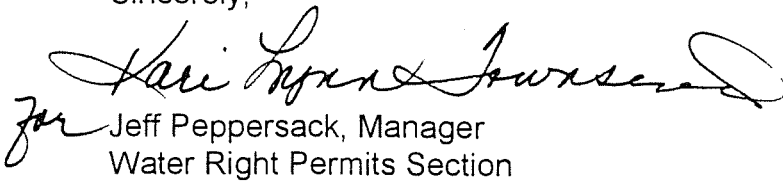
The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Also enclosed is an Application for Permit as per your request.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,


for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED
AUG 08 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

FAX TRANSMITTAL COVER SHEET

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DATE: 6.15.01

TO:

Verle London

208-529-9279

Phone 208-589-5085

FROM:

Kari Lynn Townsend

IDWR

~~DOCUMENT~~

DESCRIPTION:

Verle - Here is a proof of report
showing you and your wife as current
owners of Water Right License 25-1344.

The original letter will be mailed
on Monday, 6.18.01 along with an
application for permit and the declaration
of Covenants we spoke of.

COVER SHEET + 2 PAGES

PLEASE CONTACT Kari Lynn Townsend IF YOU DON'T RECEIVE THIS
ENTIRE DOCUMENT 327-7941

MICROFILMED

AUG 08 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 13, 1988

RE: Water Right No. 25-7344

David Loertscher
Rt. 7, Box 112
Idaho Falls, ID 83401

Dear Mr. Loertscher:

Enclosed is an amended copy of the water right license issued on the above referenced water right. The original license we sent to you on June 15, 1988 failed to list the source of water. This error has been corrected.

If you have any questions concerning this matter, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

SEP 20 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

June 15, 1988 DIRECTOR

copy

DAVID W. LOERTSCHER
RT. 7 BOX 112
IDAHO FALLS, ID 83401

RE: PERMIT NO. 25-07344

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

SEP 20 1988

April ²⁶~~18~~, 1988

DAVID W. LOERTSCHER
RT. 7 BOX 112
IDAHO FALLS, ID 83401

RE: Permit No. 25-7344

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

Also enclosed is an order advancing the date of priority of this right due to late submittal of the examination fee.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED
SEP 20 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

Permit No. _____

1. Measurement Calculations

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

$$Q = \frac{5 \text{ hp} \times 8.814 \times .8 \text{ eff}}{200' + (2.308 \times 35 \text{ psi})} = 0.125 \approx 0.13 \text{ cfs}$$

b) Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

c) Volume Calculations for Other Uses:

2. Overlap Review

a) Other water rights with same place of use: _____

b) Other water rights with same point of diversion: _____

c) Analysis:

RECEIVED
SEP 20 1988

10 day

- Date 1-22-88

MICROFILMED

SEP 20 1988

CALCULATION OF NEW PRIORITY DATES
LATE EXAM FEES

FOR PERMIT NO. 25-7344

BY: Kay Walker
1-22-88

	<u>DATE</u>	<u>NUMBER OF DAYS</u> <u>(From Table of Days</u> <u>Between Two Dates)</u>
A. EXAMINATION FEE NOTICE SENT	5-28-86	148
B. DATE FEE DUE(60 days)	7-27-86	208
C. DATE FEE RECEIVED	8-26-86	238
D. NUMBER OF DAYS LATE (C - B)		30
E. ORIGINAL PRIORITY DATE	6-29-83	180
F. NEW PRIORITY DATE (D + E)	7-29-83	210

REMARKS:

MICROFILMED

SEP 20 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

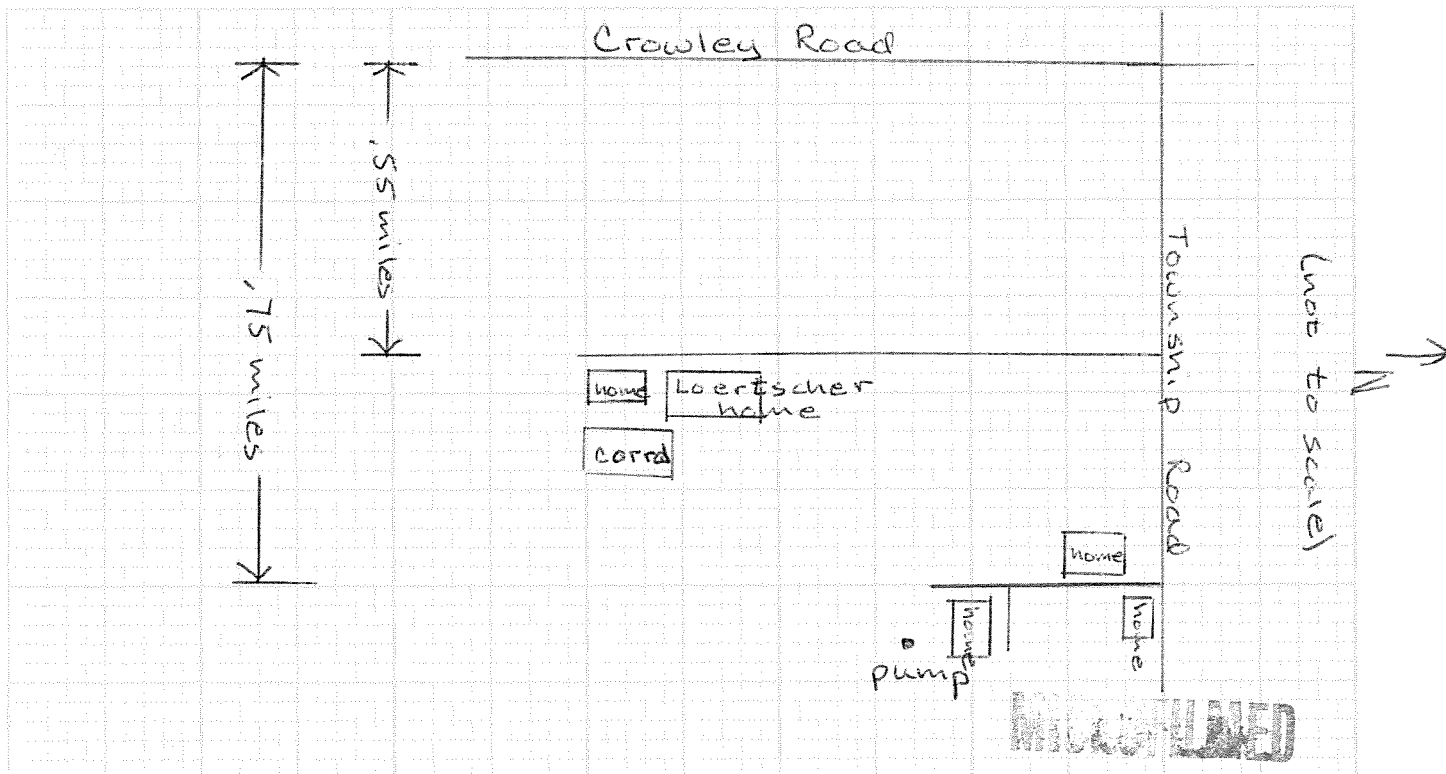
Permit No. 25-7344
1. Owner: David W. Loertscher Phone No. 523-7796
Current Address: Rt #7 Box 112 Idaho Falls ID 83401
2. Accompanied by: applicant EXAM. DATE: 6/16/87
Address: see above Phone No. see above
Relationship to Permit Holder: owner
3. Source: groundwater tributary to NA

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: _____
_____ ☐ 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.

SEP 20 1988

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).

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

5 hp submersible pump with lines to five houses and stock troughs. Currently, less than 10 horses use stock troughs, and there are no cattle

☐ See Remarks on page 4 for continuation

- 4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	Z		NW	NE	1	1 N	38 E	Bonneville	USGS

6. **Place(s) of Use:**

Indicate Method of Determination USGS

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	
1 N	38 E	1		X															
				L-2															

MICROFILMED

SEP 20 1988

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

no measurements were possible

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

allow 0.11 cfs for 5 homes
Theoretical $Q = 5hp \times 8.814 \times .8$
 $\frac{200' \text{ lift} \times (2.308 \times 35psi)}{2.308 \times 35psi} = 0.12 \text{ cfs}$

F. 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:

$V_{i.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{i.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

5 homes x 0.6 afg per home = 3.0 afg

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SEP 20 1988

H. REMARKS AND OVERLAP REVIEW ANALYSIS

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic	1/1	12/31	.11	3.0
Stockwater	1/1	12/31	.02	0.2
Totals:			.11 cfs	3.2 afa

2. 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

J. AUTHENTICATION

Field Examiner's Name Carol Slaughterbeck

Signature Carol Slaughterbeck

Certification Date 8-4-1987

Field Report Preparation Date _____

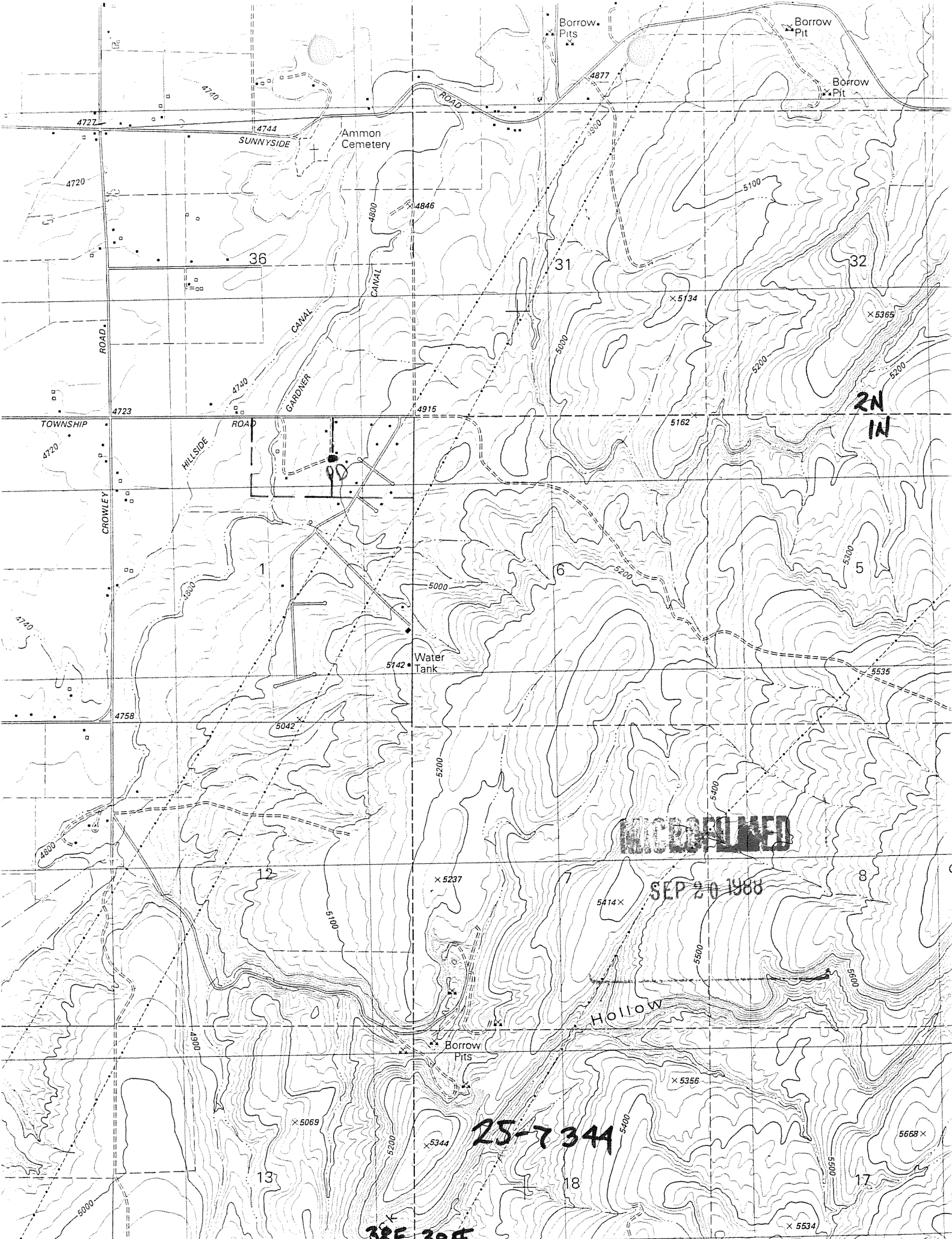
CONSULTANT SEAL

Joe McLean

- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

RECEIVED

SEP 20 1988



IN 30E

~~25-7361~~
7344

Basic

1a	2a	3a	4a	5a	6a	7a	8a	9a	10a
10.66	10.66	10.59	10.53	10.46	10.40	10.34	10.28	10.22	10.16

2

1

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SEP 20 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

Ernest
25-7344
Permit No.
8-28-86
eg

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval
- ☒ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index Kaw 30 MAR 87 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of exam(s) attached?
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____

Check of P/U index Kaw 30 MAR 87 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of water right(s) attached?
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____

Aerial Photo

Required? ☐ yes ☐ no If yes: ☐ copy attached?

Scheduling Letter sent? _____ (Initial and date)

☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☐ Fully completed and signed Field Report Form
- ☐ Photographs of Point of Diversion and Place of Use
- ☐ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed C.S. 6-16-87 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent [Signature] 8-3-87 (Initial and date)

Exam Reviewed by Manager of Regional Office S.M. 9-15-87 (Initial and date)

Exam Date Entered in Computer _____ (Initial and date)

Exam sent to State Office _____ (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

4/86

For Office Use Only
Fee Received 50.00
Date 8-26-86
Receipt # 19852
Receipt by HW5
Sent to S.O. 9-5-86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EXAMINATION FEE INFORMATION

1. Permit No. 25-7344

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: David W. Loertscher

3. Post Office Address: Rt. 7 Box 112 Idaho Falls, ID

Telephone No. 523-7796

4. Source of Water: Groundwater

5. Extent of Use:

Domestic 5 (No. of households) Stockwater Varies (No. and type of stock)

Irrigation _____ (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted 0.11 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

1983

8. Person to contact to accompany the department representative during the field examination:

See above **MICROFILMED**

(Name)

SEP 20 1988

(Address)

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

8-26-86
Date

David W. Loertscher
Signature of Permit Holder (and title, if appropriate)

over retained for 1st



State of Idaho
DEPARTMENT OF WATER RESOURCES

JOHN V. EVANS
Governor

May 28, 1986

A. KENNETH DUNN
Director

25-7344
LOERTSCHER, DAVID W.
RT. 7, BOX 112
IDAHO FALLS, ID 83401

CERTIFIED MAIL 0013417

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

RECEIVED

SEP 20 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

APRIL 2, 1986

DAVID W. LOERTSCHER
RT. 7, BOX 112
IDAHO FALLS ID 83401

RE: Permit No. 25-7344

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161 or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,
s/HAROLD W. JONES
Sr. Resource Agent

MICROFILMED

SEP 20 1988

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FEB 20 1986

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED

FEB 21 1986

Department of Water Resources

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. 25-7344

Name(s) of Permit Holder: David W. Loertscher

Post Office Address: Rt 7 Box 112 Idaho Falls Id 83401

Telephone No. 523-7796

Source of Water: Groundwater

Extent of Use:

Domestic 5 (number of households)

Stockwater 30 head range cattle (number and type of stock)

Irrigation _____ (acres)

Other/Remarks _____

Indicate the date water was first diverted and beneficially used under this permit: 29 June 1983

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☐ No

Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☐ No

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

Same
(Name)

(Address)

(Telephone Number)

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

20 Feb 1986
Date

David W. Loertscher
Signature of Permit Holder (and Title, if appropriate)

MICROFILMED

3-13-86
mt

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
JANUARY 31, 1986

138739

LOERTSCHER, DAVID W.
RT. 7, BOX 112
IDAHO FALLS, ID 83401

PROOF DUE NOTICE

RE: PERMIT NO. 25-7344

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF THE ABOVE REFERENCED WATER PERMIT WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE APRIL 1, 1986. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER A COMPLETED PROOF OF BENEFICIAL USE FORM OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

LOERTSCHER, DAVID W.
RT. 7, BOX 112
IDAHO FALLS, ID 83401

MARCH 28, 1985

RE: PERMIT NO. 25-7344

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

YOU SHOULD BE AWARE THAT THE GROUND WATER YOU PROPOSE TO DIVERT IS LOCATED WITHIN A DRAINAGE BASIN WHERE SURFACE WATERS ARE REGULATED DURING THE MONTHS OF LOW FLOW. IT IS POSSIBLE THAT DIVERSION OF GROUNDWATER MAY HAVE AN ADVERSE IMPACT ON THESE SURFACE WATER FLOWS. INFORMATION AVAILABLE TO US AT THIS TIME DOES NOT WARRANT REFUSING TO ISSUE PERMITS IN YOUR AREA, BUT WE DO CAUTION THAT DIVERSIONS OF GROUND WATER ARE NOT ALLOWED TO DEplete FLOWS AVAILABLE FOR SURFACE WATER USERS WITH EARLIER PRIORITY DATES. SITING YOUR WELL AS FAR FROM SURFACE SOURCES AS POSSIBLE AND CASING OUT UPPER WATER PRODUCING ZONES MAY REDUCE THE POTENTIAL FOR INTERFERENCE.

WE HAVE ENCLOSED INSTRUCTIONS ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT. ALSO ENCLOSED FOR YOUR CONVENIENCE IS THE STATEMENT OF BENEFICIAL USE POSTCARD THAT MUST BE SUBMITTED WHEN YOUR PROJECT IS COMPLETED.

MICROFILMED

RE: PERMIT 25-7344

PAGE 01
MARCH 28, 1985

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Steve McCormick APPLICATION NUMBER: 25 7344

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.

Field check by: _____

Date: _____

Comments: _____

☐ Yes ☒ No Field check required.

☐ Yes ☒ No Critical groundwater area.

☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____

☐ Yes ☒ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☒ Idaho State Health Department. Copies sent by: CW Date: 7-21-83
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____

- ☒ Yes ☐ No* In form for advertising.
Final date for protests: Aug 15, 1983
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 8-8-83
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 01
6-29-83 Date of priority recommended.
Special conditions of approval or cover letter. _____

app. released in 3rd S.F. dismissal

By: Ernest Carlson Date: Feb 13, 1985

MICROFILMED

STATE OFFICE REVIEW:

105, L16 04

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- ☐ See attached sheet for more information.

By: KW Date: 3/1/85

FEB 20 1985

Department of Water Resources



STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

DIVISION OF ENVIRONMENT

150 North 3rd Avenue
Pocatello, Idaho
83201

RECEIVED

JUL 25 1983

Department of Water Resources
Eastern District Office

25 July 1983

David W. Loertscher
Route #7, Box 112
Idaho Falls, Idaho 83401

Re: Application #25-7344
(Bonneville County)

Dear Mr. Loertscher:

We have been apprised of your application for a permit to appropriate the public waters of the State of Idaho to provide domestic water to five families (individual connections).

By regulation, your proposed water system is defined as a "private" system and, therefore, not subject to the jurisdiction of the Department. Omission from our jurisdiction, however, does not preclude compliance with any local requirements; further, you should be aware, expansion of the system to provide service to ten or more individual connections changes the classification of the system to "public" at which time you would be expected to meet the requirements of the Idaho Regulations for Public Drinking Water Systems. The regulations set forth minimum requirements for construction, water quality, monitoring, and maintenance and operation. On the premise that, at some future time, you may wish to provide additional service, we would encourage you to comply with the regulations at this time relative to the construction of the facility.

If you require a copy of these rules and regulations, please forward your request to: Administrative Procedures Section
Department of Health and Welfare
Division of Support Services
10th Floor, 450 West State
Boise, Idaho 83720

The cost of this booklet is \$4.40, and your check should accompany the request.

By copy of this letter we are advising the District Seven Health Department, Idaho Falls, of your intention.

If we may be of any assistance in this matter, please do not hesitate to contact us.

Sincerely,

Elmer W. Smith

Elmer W. (Bill) Smith, P.E.
Environmental Engineer

MICROFILMED

EWS/md

CC: Ernest Carlsen, DWR, Idaho Falls

EMPLOYED



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

July 21, 1983

RE: Application for Permit No. 35-8168 WESTERN CAMINO LEASING
25-7344 LOERTSCHER
11-7323 BEAR LAKE LODGE ESTATES

Idaho State Health Department
150 North Third
Pocatello, ID 83201

Gentlemen:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is August 15, 1983, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure (3)

MICROFILMED

25-2344

LOERTSCHER, DAVID W.

RT. 7, BOX 112, IDAHO FALLS, ID 83401

Source: GROUNDWATER

Date Filed: 06/29/1983

Diversion Pt: NWNE Sec 01 T 01N R 38E

Use: STOCKWATER,	(0.02 CFS)
DOMESTIC	(0.11 CFS)

In: NWNE Sec 01 T 01N R 38E

Proofed
by phone
BP 7/26/83

MICROFILMED