

RECEIVED

AUG 29 2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

KEYPUNCHED

GENERAL INFORMATION

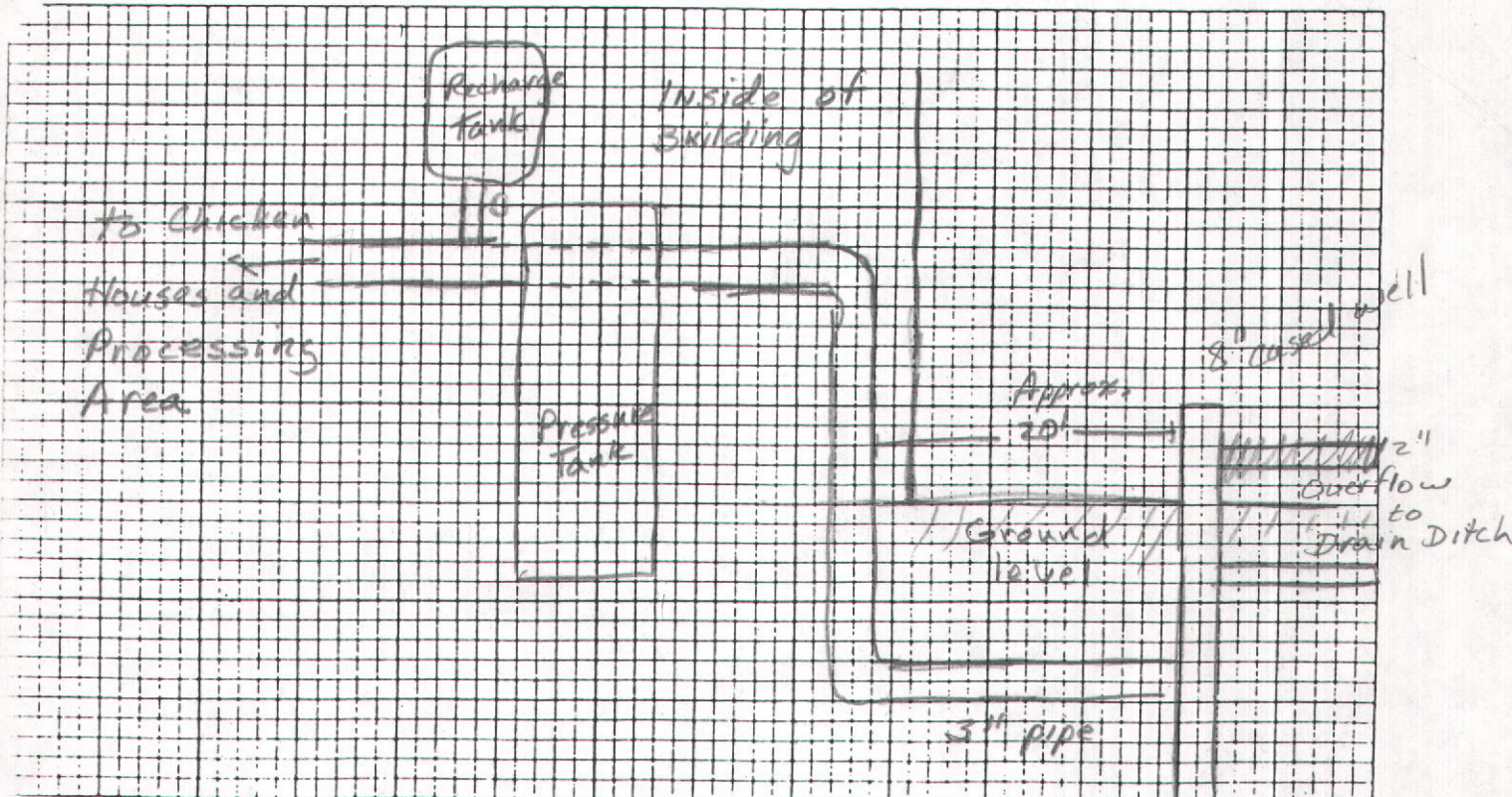
1. Owner: Merrill's Egg Farm Permit No. 63-10115
 Current Address: 1125 East State, Eagle, ID 83616 Phone No. 939-6328
 2. Accompanied by: Reed Merrill EXAM. DATE: 6-23-86
 Address: Same Phone No. _____
 Relationship to Permit Holder: Owner
 3. Source: Groundwater tributary to _____

OVERLAP REVIEW

1. Other water rights with same place of use: 63-2406 Wastewater (Drainage Dist) 63-0285
Winter-Surface water (Boise River Irr.) 63-5170 Merrill's Egg Farm ☒ Copies Attached
 2. Other water rights with same point of diversion: 63-5170 Merrill's Egg Farm Groundwater
Industrial & domestic & yard. ☐ Copies Attached ☐ Copies of Field Exam's Attached

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



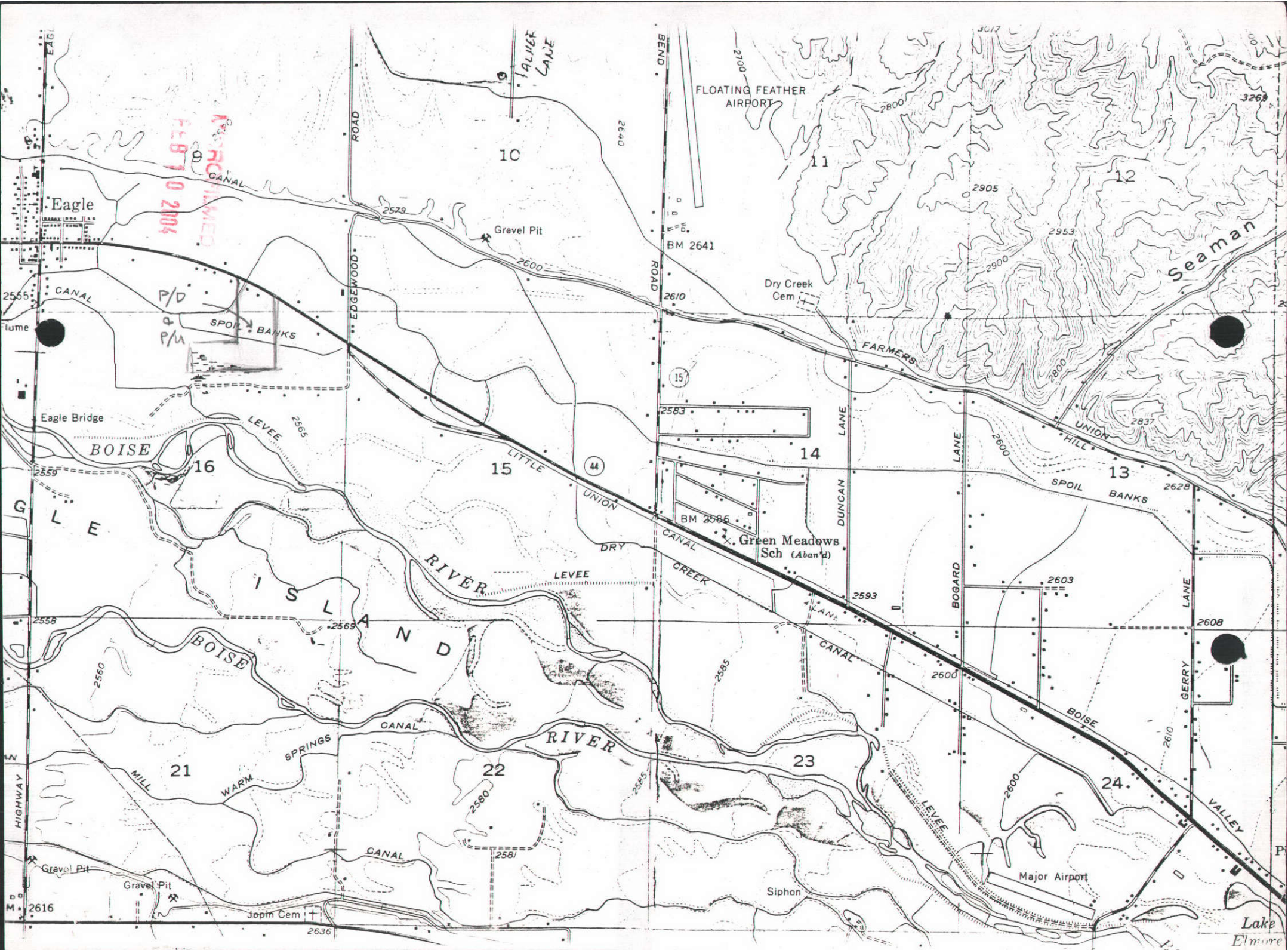
6/10: 1" = Not to Scale

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2. ☒ Copy of U.S.G.S. Quadrangle Attached
 Showing location(s) of point(s) of diversion and
 place(s) of use (required)
☒ Photo of Diversion and System Attached

- ☐ Aerial Photo Attached
 (required for irrigation of 10 acres or more)





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State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-10115

Priority: June 30, 1983

Maximum Diversion Rate: 0.31 CFS
Maximum Diversion Volume: 33.6 AF

It is hereby certified that ROCKY MOUNTAIN FITNESS INC
875 E PLAZA DR
EAGLE ID 83616 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 30, 1983; and has
submitted Proof of Beneficial Use on October 14, 1983. An examination indicates that the works have a
diversion capacity of 0.34 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	0.31 CFS	33.6 AF

LOCATION OF POINT OF DIVERSION:

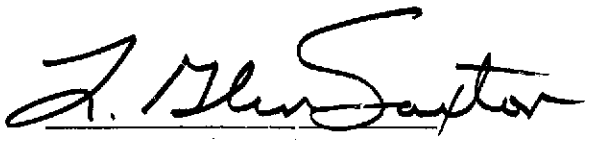
GROUND WATER NW¼NE¼ Sec. 16, Twp 04N, Rge 01E, B.M., ADA County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 01E 16		X															

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 26th day of December, 2003.


for KARL J. DREHER
Director

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Articles of Amendment

To the Secretary of the State of Idaho

Pursuant to Title 30, Chapter 1, Idaho Code, the undersigned corporation amends its articles of incorporation as follows:

1. The name of the corporation is: Merrill's Egg Farm, Inc.
2. The text of the amendment is as follows:

01 FEB -5 AM 9:35

SECRETARY OF STATE
STATE OF IDAHO

At a meeting of the Board of Directors/Shareholders on November 27, 2000, the following amendment was adopted.

1. As the corporation is no longer in the business of producing eggs, the name of the corporation will be changed from:
Merrill's Egg Farm, Inc.
To:
Rocky Mountain Fitness, Inc.

Other matters of business conducted:

2. Reid P. Merrill was elected as President of the Corporation.
His address:
3073 E Red Tail Dr.
Eagle, ID 83618

3. Richard P. Craycroft was elected as Vice-President/Secretary/Treasurer.
His Address:
211 N Sierra View Way
Eagle ID 83616

4. Reid P. Merrill was chosen as the new Registered Agent.

Registered Office and
Mailing address for Rocky Mountain Fitness, Inc.
875 East Plaza Dr.
Eagle, ID 83618
208 939-3876

3. The Date of the adoption of the amendment was Nov. 27, 2000.

4. Manner of Adoption:

The number of shares outstanding and entitled to vote was: 9480.

The number of shares cast for and against the name change amendment was:

Shares For: 9480.

Shares Against: 00

The number of shares cast for and against the new officers was:

Shares For: 9480.

Shares Against: 00

Dated: Jan. 31, 2001.

Signed by:



Richard P. Craycroft.
Vice-President.

Registered Agent



Reid P. Merrill

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FEB 1 9 2004

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 63-12115.

Name(s) of Permit Holder: Merrill, Egg Farm, Inc.

Post Office Address: 1125 East State St

Eagle Idaho 83616 Tel. No. 208-939-6328

Source of Water: under ground

Extent of Use:

☒ Domestic	<u>1</u>	(number of households)
☒ Stockwater	<u>300,000 chickens</u>	(number and type of stock)
☒ Irrigation	<u>2</u>	(acres) <u>sprinkler</u>
☐ Other		

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

Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No

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

10-10-83
Date

R. Merrill
Signature of Permit Holder

MERRILL'S EGG FARM, INC.
1125 EAST ST. ST.
EAGLE, IDAHO 83616



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

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 Merrills Egg Farm Inc. Phone 939-6328
Post office address 1125 East State Eagle, Id 83616
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 16 Township 4N
Range 1E B.M. Ada County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.31 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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.31 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well and distribution system. Well is equipped with a 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 220 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial

use is Comp. Allow 1 yr. 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 16 Township 4N
Range 1E 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 300,000 chickens

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

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

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*

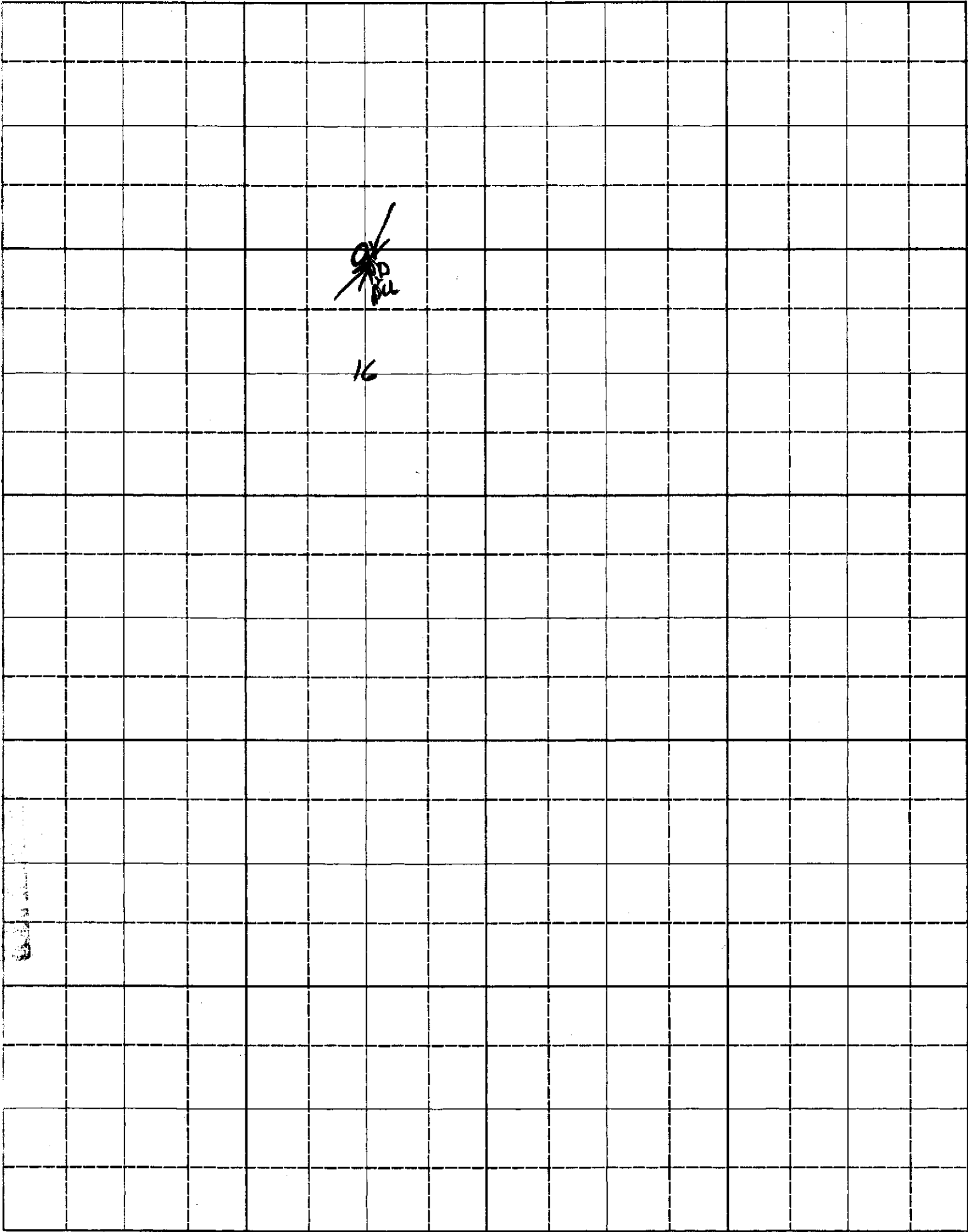
9. a. Who owns the property at the point of diversion *Applicant*

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

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

10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Ruth Menid
(Applicant)

Proposed Priority 6/30/1983

Received by SL Date 6/30/83 Time 3:00 pm

Preliminary check by JS Fee \$ 45 # 26882

Receipted by mm Date 6-30-83

Publication prepared by JP Date 7/28/83

Published in Statesman

Publication dates 8/4 & 8/11

Publication approved see Date 8/18/83

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by OBS RC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-10115, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 19 84.
- 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:

Witness my hand this 26th day of August, 1983.

J. Glen Saxton
Chief, Operations Bureau

NOTICE OF APPLICATION
FOR WATER RIGHT

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

63-10105

CITY OF MERIDIAN

728 MERIDIAN ST.,

MERIDIAN, ID 83642

Source: GROUNDWATER

Date Filed: 06/29/1983

Diversion Pt: NWSE Sec. 06 T 03N

R 01E

Use: MUNICIPAL (2.80 CFS)

P/U: Within the city limits of

Meridian

63-10106

CONESCO OF IDAHO

P.O. BOX 5275, 2600 S. LIBERTY,

BOISE, ID 83705

Source: GROUNDWATER

Date Filed: 06/29/1983

Diversion Pt: SWSE Sec 19 T 03N

R 02E

Use: DOMESTIC (0.04 CFS)

In: SWSE Sec 19 T 03N R 02E

63-10108

MATTHEWS, DALE C. &/or MARY J.

609 E. BERGESON, BOISE, ID 83706

Source: GROUNDWATER

Date Filed: 06/27/1983

Diversion Pt: NESE Sec 26 T 03N

R 02E

Use: IRRIGATION (0.06 CFS)

DOMESTIC (0.04 CFS)

In: NESE Sec 26 T 03N R 02E

FOR 2 ACRES

63-10110

DISOTELL, DON &/or JO MARIE

RT. 1, P.O. BOX 388, EAGLE, ID 83616

Source: GROUNDWATER

Date Filed: 06/24/1983

Diversion Pt: SWSE Sec 30 T 05N

R 01E

Use: IRRIGATION (0.09 CFS)

DOMESTIC (0.04 CFS)

In: SWSE Sec 30 T 05N R 01E

FOR 3 ACRES

63-10114

ALLEN, KENNETH &/or NEVA

2906 HAVEN DR., EAGLE ID 83616

Source: GROUNDWATER

Date Filed: 06/30/1983

Diversion Pt: NENW Sec 31 T 04N

R 01W

Use: IRRIGATION (0.10 CFS)

DOMESTIC (0.04 CFS)

In: NENW Sec 31 T 04N R 01W

FOR 5 ACRES

63-10115

MERRILLS EGG FARM INC.

1125 E. STATE, EAGLE, ID 83616

Source: GROUNDWATER

Date Filed: 06/30/1983

Diversion Pt: NWNE Sec 16 T 04N

R 01E

Use: STOCKWATER (0.31 CFS)

In: NWNE Sec 16 T 04N R 01E

63-10116

LEADBETTER, DONALD &/or

MILDRED

7766 GREEN ACRES DR.,

BOISE, ID 83709

Source: GROUNDWATER

Date Filed: 06/30/1983

Diversion Pt: SWSW Sec 03 T 02N

R 01E

Use: IRRIGATION (0.03 CFS)

DOMESTIC (0.04 CFS)

In: SWSW Sec 03 T 02N R 01E

FOR 1 ACRES

63-10119

WARE, RONALD &/or PATRICIA

7901 APACHE WAY, BOISE, ID 83703

Source: UNNAMED SLOUGH trib. to

BOISE RIVER

Date Filed: 07/11/1983

Diversion Pt: NESW Sec 24 T 04N

R 01E

Use: IRRIGATION (0.03 CFS)

In: NESW Sec 24 T 04N R 01E

FOR 1 ACRES

63-10120

J.D. ALDECOA & SON INC.

12 MESA VISTA DR., BOISE, ID 83705

Source: GROUNDWATER

Date Filed: 06/29/1983

Diversion Pt: NWNW Sec 09 T 02N

R 03E

Use: IRRIGATION (0.80 CFS)

STOCKWATER (0.08 CFS)

DOMESTIC (0.04 CFS)

In: NWNW Sec 09 T 02N R 03E

FOR 40 ACRES

63-10122

BRUSH, HAROLD R. &/or

PATRICIA R.

RT. 1, BOISE, ID 83703

Source: GROUNDWATER

Date Filed: 06/27/1983

Diversion Pt: SENW Sec 29 T 05N R

02E NESE Sec 30 T 05N

R 02E

Use: IRRIGATION (2.00 CFS)

DOMESTIC (0.16 CFS)

In: SWNE SENW SWSW Sec 29 T 05N

R 02E NESE SESE Sec 30 T 05N R

02E FOR 110 ACRES

The permit(s) will be subject to all

prior water rights. Protests must be

filed with the Director, Dept. of Water

Resources, Western Region, State-

house, Boise, Idaho 83720 on or before

AUGUST 22, 1983.

KENDUNN

Director

Pub. August 4, 11, 1983

2000

STATE OF IDAHO)

) ss.

COUNTY OF ADA)

Susan K. Mayer

, being duly
sworn, deposes and says: That she is the Principal
Clerk of The Idaho Statesman, a daily newspaper
printed and published at Boise, Ada County, State
of Idaho, and having a general circulation therein
and which said newspaper has been continuously and
uninterruptedly published in said County during a
period of twelve consecutive months prior to the
first publication of the notice, a copy of which
is attached hereto; that said notice was published
in the regular edition of The Idaho Statesman for

two

insertions, beginning with the

issue of August 4, 1983, and ending with the
issue of August 11, 1983.

Subscribed and sworn to before me this 11th

day of August, 1983.

Notary Public for Idaho, Residing at Boise, Idaho

RECEIVED

AUG 12 1983

Department of Water Resources



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

December 29, 2003

ROCKY MOUNTAIN FITNESS INC
875 E PLAZA DR
EAGLE ID 83616

RE: License No. 63-10115 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license. The license 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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Because proof of beneficial use was submitted in connection with this permit prior to November 19, 1987, the right must be claimed in the ongoing Snake River Basin Adjudication. Failure to claim the right in the SRBA will result in loss of the right. For information about filing a claim, please call IDWR at 208-334-2190.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

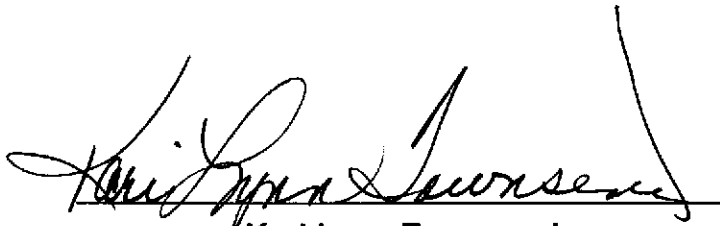
CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

63-10115

**ROCKY MOUNTAIN FITNESS INC
875 E PLAZA DR
EAGLE ID 83616**

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

**Kari Lynn Townsend
Secretary**

**MICROFILMED
FEB 10 2004**

**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).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
FEB 10 2006

Comment Report

63-10115

1. kwalker 12/23/2003 License Recommendation

Comment: The permit holder failed to respond to my letter requesting information on the use of water as of today. The water is supposedly used for landscape irrigation and filling swimming pools at Rocky Mountain Fitness in Eagle. We tried to get the permit holder to submit information concerning the water uses so we might issue the license for a commercial use which would require a licensing amendment. Since we got no response to our correspondence we will issue the license as found developed at the time of field exam in 1986. A fire destroyed Merrills egg farm in November of 1989 and the was split into facilities. Rocky Mountain Fitness & Recreation now owns the property and well found in our 1986 exam. It should also be noted that the permit holder was required to claim this permit in the SRBA (proof made in October, 1983) but that has not been done. Even if we issue a license for this permit if it is not claimed in the SRBA the right could be lost.

2. kwalker 12/23/2003 Volume

Comment: In review of this permit for licensing, it was determined that we should only allow enough volume for the stockwater use (300,000 chickens). The permit was issued for stockwater use only, no cleanup component. 100 chickens can be allowed 10 gallons per day per field examiners handbook. We are recommending a volume of 33.6 afa for this license.

3. CURTIS 3/27/1991 RETURNED FIELD EXAM

Comment: THE DATE OF FILING OF PROOF OF BENEFICIAL USE UNDER THIS RIGHT REQUIRES THE FILING OF A SRBA CLAIM. A CLAIM HAS NOT BEEN FILED AS OF THIS DATE; THEREFORE, THE FIELD EXAM HAS BEEN RETURNED TO THE REGION TO 1) SEEK A CLAIM AND RESOLVE DISCREPANCIES OR 2) DISALLOW THE RIGHT.

4. kwalker 9/2/2003 Ownership

Comment: The name has been changed on this permit pursuant to Articles of Amendment dated 1/31/2001. This document shows that Merrills Egg Farm Inc has only had a name change to Rocky Mountain Fitness Inc. In talking with Jeff Peppersack it was determined that this document can be used to change the ownership of this permit. See document in file.

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FEB 10 2004



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

September 4, 2003

ROCKY MOUNTAIN FITNESS INC
875 E PLAZA DR
EAGLE ID 83616

RE: Water Right Permit No. 63-10115

Dear Permit Holders:

We have received the Articles of Amendment to the Secretary of State that changes the name of Merrill's Egg Farm, Inc. to Rocky Mountain Fitness, Inc. Enclosed you will find a water permit report which shows we have completed the name change on this permit.

Permit 63-10115 was issued for a stockwater use for 300,000 chickens, from a well. We need to know exactly what the use of the water from the well is at this time. How much land do you irrigate from the well? We need to know how many square feet (or acres) are being irrigated. How much water is used for filling the swimming pools? You told me that you only fill the pools once a year but we need to know how many pools there are and the dimensions of each in order to determine how much water is being utilized. Once we receive the information requested, we will do some calculations to determine if your water needs can be covered under a commercial use. If so, we will request that you amend the permit to change the nature of use from a stockwater use to a commercial use.

The Department will hold further processing of your permit for 30 days to allow submittal of the requested information. The Department upon request and sufficient justification for an extension may grant additional time. After that time, if adequate information is not received, the Department will issue a preliminary order to void the permit.

If you have any questions in regard to this matter, please do not hesitate to contact me at 327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Kw:k
Enclosure

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FEB 4 9 2004



ROCKY MOUNTAIN

Fitness & Recreation

RECEIVED

JUL - 3 2003

Department of Water Resources

07/01/2003.

Kay Walker
Sr. Water Resource Agent
1301 North Orchard Street
Boise, Idaho 83706

Dear Ms. Walker:
Re: Water Right Permit No. 63-10115

I have enclosed a brief history of Merrill's Egg Farm, Inc., (actually written for another purpose,) to explain how Merrill's Egg Farm, Inc. became Rocky Mountain Fitness, Inc. Also enclosed is a copy of the Articles of Amendment for the name change, stamped by the Secretary of State's office.

All Ada county water rights belonging to the previously named Merrill's Egg Farm, Inc. should still belong to Rocky Mountain Fitness, Inc.

We do wish to retained our water rights.

The well in question now provides irrigation water for the Rocky Mountain Business Park and, occasionally, water for the Rocky Mountain Fitness swimming pools. All of the necessary applications should already have been submitted by our general contractor when the fitness center facilities and the business park were built.

In the case they were not properly performed, can you submitted to us the proper applications, etc., which we need to provide to you to properly preserve out water rights.

Thank you.

Richard P. Craycroft.
Manager.

MICROFILMED
FEB 10 2004

875 East Plaza Drive Suite 101 Eagle, Idaho 83616
Phone: 208-939-3878 Fax: 208-939-9454

A Brief History of
ROCKY MOUNTAIN FITNESS & RECREATION CENTER, LLC.

In 1952 Reid W. Merrill, the Idaho State Poultry Extension Officer, purchased 5 acres in Eagle, Idaho and began his own egg producing farm. It was incorporated as Merrill's Egg Farm, Inc. in 1966.

By 1989 Merrill's Egg Farm, Inc. was the second largest egg producing farm in Idaho, owning 45 acres of land in Eagle, and 400 acres, mostly farm land, in Emmett, Idaho. As Eagle was changing from a farming community to an upper-scale bedroom community of Boise, Idaho; plans were made to eventually move the farm to Emmett. In November, 1989 a fire destroyed all but the oldest hen barns, the processing facilities, and other buildings, and destroying 300,000 laying hens.

All facilities were rebuilt in Emmett, leaving 45 unoccupied acres in Eagle for development. After reconstruction, it was decided, in 1997, to split the business in two. Two LLCs were created. Merrill's Egg Farm, LLC, to be owned by Reid W Merrill and his son, Galan R Merrill, to continue the farming portion of the business. All egg farm facilities and land in Emmett were transferred to this entity. Rocky Mountain Fitness & Recreation Center, LLC, was created with the idea of creating a fitness club. Forty of the forty-five acres in Eagle were transferred into this entity, to be owned by Reid P Merrill, son, and Richard P Craycroft, stepson.

In order to obtain the financing for the fitness facility, it was necessary to develop the forty acres into a business park and begin land sales.

In the year 2000 the two businesses were completely split in two and Merrill's Egg Farm, Inc., which was now owned wholly by Reid P Merrill and Richard Craycroft, was renamed Rocky Mountain Fitness, Inc.

As of 2001 Merrill's Egg Farm, LLC no longer has any legal or business ties with Rocky Mountain Fitness, Inc. or Rocky Mountain Fitness & Recreation Center, LLC.

As of 1997 Rocky Mountain Fitness, Inc. (formerly Merrill's Egg Farm, Inc.) owns Rocky Mountain Fitness & Recreation Center, LLC.

Rocky Mountain Business Park, legally Merrill Subdivision #1 and Merrill Subdivision #2, was divided into about 15 commercial lots. Average size of each lot was 1 acre. Five acres were set aside for the fitness facility. Other land was used for the required roads and transferred to the Ada County Highway District.

In 1999, for tax saving purposes, Reid P Merrill and Richard P Craycroft started Iron Eagle Development, LLC. to serve as the commercial lot selling agent for Rocky Mountain Fitness.

Cost of construction of the fitness facility was just under 4 million dollars. Development of the Business Park ran another 3 million dollars. Ultimately, loans for the financing of the Fitness facility totaled 3.2 million dollars. Loans for the financing of the business park totaled 1.2 million. The rest of the money for construction and development

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was raised through the fitness facility operations, personal loans, and commercial lot sales.

As of August 2002, only three lots, or 4 acres, in the business park remain unsold. Rocky Mountain Fitness & Recreation Center, LLC. began operations in December, 1997, in a three thousand square foot, former egg farm warehouse while financing was obtained for and construction of the 50,000 square foot facility began. This facility was completed in March 1999. It opened with 1,500 paying members. membership at the Eagle facility now totals 4,400.

In 2000 an opportunity to purchase the equipment of and lease of a bankrupt facility in Boise, Idaho arose. This resulted in a second, Boise location, in a 15,000 square foot facility, with 1,200 paying members.

For a description of our facilities and amenities please visit our website at:
rockymountainfitness.com

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FEB 10 2004



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

June 16, 2003

MERRILLS EGG FARM
3610 STAR LN
EMMETT ID 83617

RE: Water Right Permit No. 63-10115

Dear Permit Holders:

We are in the process of reviewing the above referenced permit and find that the egg farm in Eagle is no longer there. If you will recall, this permit is for stockwater use for 300,000 chickens, from a well. The field examination was conducted in June of 1986 and we need to find out what your intentions are in regard to this permit.

If you have sold all the property where the egg farm was located, as it appears on the Ada County tax lot information that we have, you may no longer have any interest in pursuing a license for this permit. If this is the case, please sign and submit the enclosed relinquishment form so we can clear the permit from our records.

Please contact me within the next 30 days and let me know what your intentions are in regard to this matter if you do not wish to relinquish the permit. The phone number at my desk is 327-7944. Thanks for your help in resolving this matter.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Kw:k
Enclosure

6-25-03
Rick Craycroft called -
of Rocky Mtn. Fitness
use the well - want
to retain this right
KW

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FEB 10 2004

MEMORANDUM

TO: File 63-10115
FROM: Sharla
DATE: March 21, 1991
RE: Returned Field Exam

On this date, the field exam report for the above referenced file was returned to the region. According to the date proof of beneficial use was filed for this right, an adjudication claim is needed and has not yet been filed.

The region will solicit the claim and based upon response, either the field exam will be returned with the claim after being reviewed by the region for discrepancies, or the right will be disallowed in the Director's Report for failure of the holder to submit the claim.

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FEB 18 2004

RECEIVED

AUG 29 2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

KEYPUNCHED

GENERAL INFORMATION

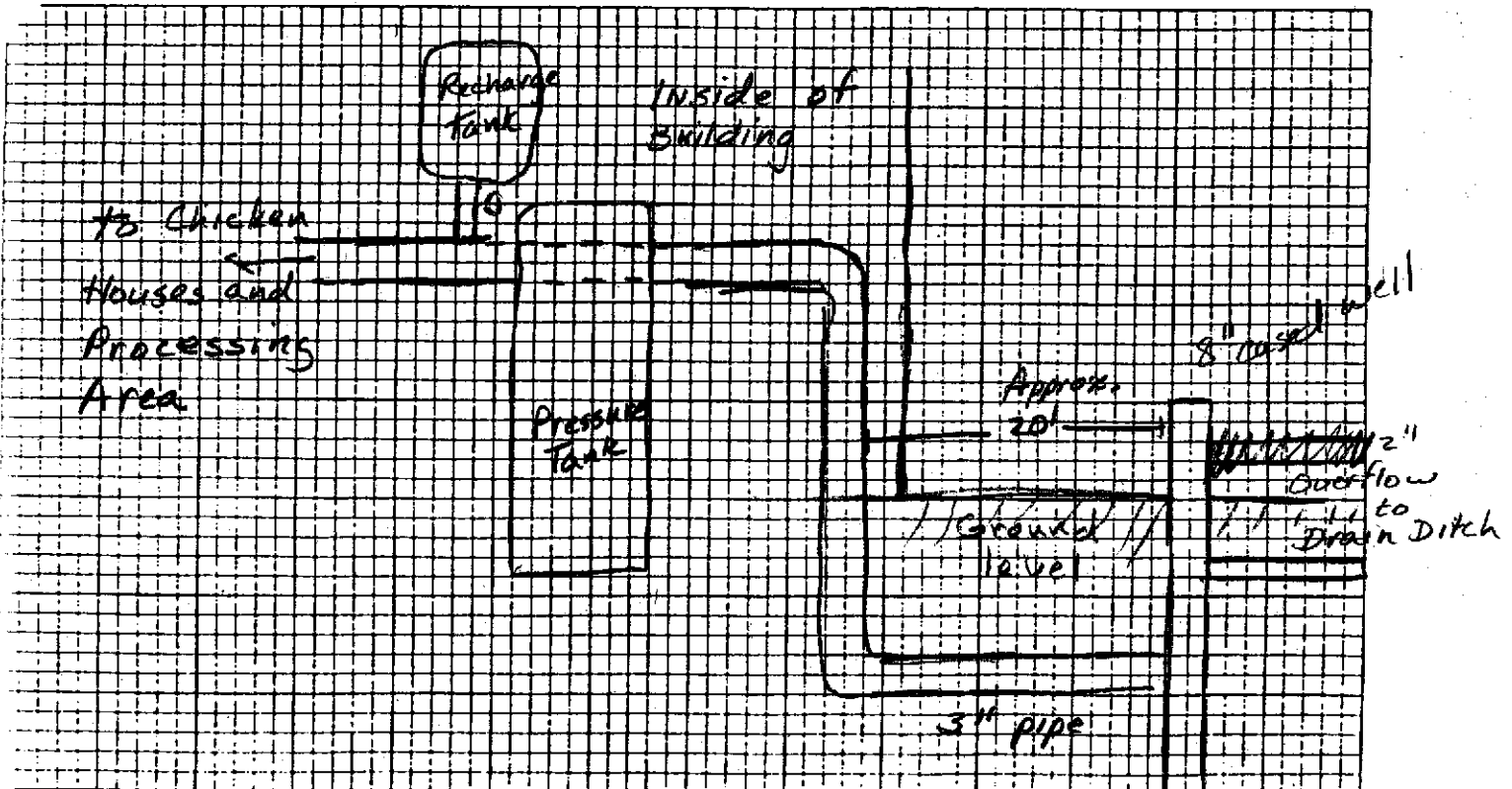
1. Owner: Merrill's Egg Farm Permit No. 63-10115
 Current Address: 1125 East State, Eagle, ID 83616 Phone No. 939-6328
 2. Accompanied by: Reed Merrill EXAM. DATE: 6-23-86
 Address: Same Phone No. _____
 Relationship to Permit Holder: Owner
 3. Source: Groundwater tributary to _____

OVERLAP REVIEW

1. Other water rights with same place of use: 63-2406 Wastewater (Drainage Dist) 63-0285
Winter-Surface water (Boise River Irr.) 63-5170 Merrill's Egg Farm Copies Attached
 2. Other water rights with same point of diversion: 63-5170 Merrill's Egg Farm Groundwater
Industrial & domestic & yard. ☐ Copies Attached ☐ Copies of Field Exam's Attached

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

Note: 1" = Not to Scale

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2. ☒ Copy of U.S.G.S. Quadrangle Attached
 Showing location(s) of point(s) of diversion and
 place(s) of use (required).
☒ Photo of Diversion and System Attached

- ☐ Aerial Photo Attached
 (required for irrigation of 10 acres or more)

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

8" Cased well with artesian pressure, 220' deep.
 5 hp submerged pump, make unknown. 3" main-
 line to buildings. Water used for washing
 eggs and watering chickens (300,000 birds)
 Irrigation for lawn primarily from older 4"
 well (63-5170) Both wells can provide for
 in plant domestic use. Pressure gauge at pressure
 tank read 45 psi.

☐ 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
	Unknown	5	Unknown	Submersible	

*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
			NW	NE	16	4N	1E	Ada	topographic map

6. Place(s) of Use:

Indicate Method of Determination Topographic map

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	
4N	1E	16		X															

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Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

2. Measurements: estimate - BASED ON 5 FPS IN PIPELINE3" ID pipe optimum velocity 5 ft/sec

$$(1.5)^2 \pi = 7.069 \text{ in}^2 \quad 7.069 \text{ in}^2 \left(\frac{1 \text{ ft}^2}{144 \text{ in}^2} \right) = .049 \text{ ft}^2$$

$$.049 \text{ ft}^2 (5 \text{ ft/sec}) = 0.25 \text{ cfs}$$

$$300,000 \text{ chickens} \quad 300,000 \left(\frac{10 \text{ gal}}{100 \text{ gal}} \right) \left(\frac{100,223 \text{ cfs}}{1440 \text{ gal/day}} \right) = .046 = .05 \text{ cfs}$$

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached1. Measured Method: NO MEASUREMENT MADE

2. Alternate Method for Checking Purposes:

$$Q = \frac{8.8 \text{ H.P.}}{2.31 (\text{PSI}) + 2} (.80) = \frac{8.8 (5)}{2.31 (45)} (.80) = .34 \text{ cfs}$$

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:

 $V_{ir} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \text{N/A}$ $V_{or} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \text{N/A}$ $V = \text{Smaller of } V_{ir} \text{ and } V_{or} = \text{N/A}$ MICROPIPING

2. Volume Calculations for Other Uses:

$$\frac{.25 \text{ cfs}}{\text{day}} \left(\frac{1.98 \text{ af}}{\text{cfs day}} \right) \left(\frac{365 \text{ days}}{1 \text{ year}} \right) = 180.7 \text{ af}$$

$$\frac{.31 \text{ cfs}}{\text{day}} \times \frac{1.98 \text{ af}}{\text{cfs day}} \times \frac{365 \text{ days}}{\text{yr.}} = 224.1 \text{ af} \leftarrow \text{USE THIS AMOUNT BASED ON theoretical (Item No. E2)}$$

FEB 10 2004

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Water used in processing (cleaning) eggs, watering
 300,000 chickens, and in plant domestic use
 Theoretical optimum flow is .25 cfs
 Artesian pressure had & water level in the well at the
~~surface~~ ~~at~~ the ground level.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion 31 Q (cfs) *	Annual Volume V (afa)
	From	To		
Stock water & ~~Industrial~~	1-1	12-31	.25 cfs	780.7 afa 224.1 afg
Totals:				

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 Carter FritschleSignature Carter Fritschle

Certification Date _____

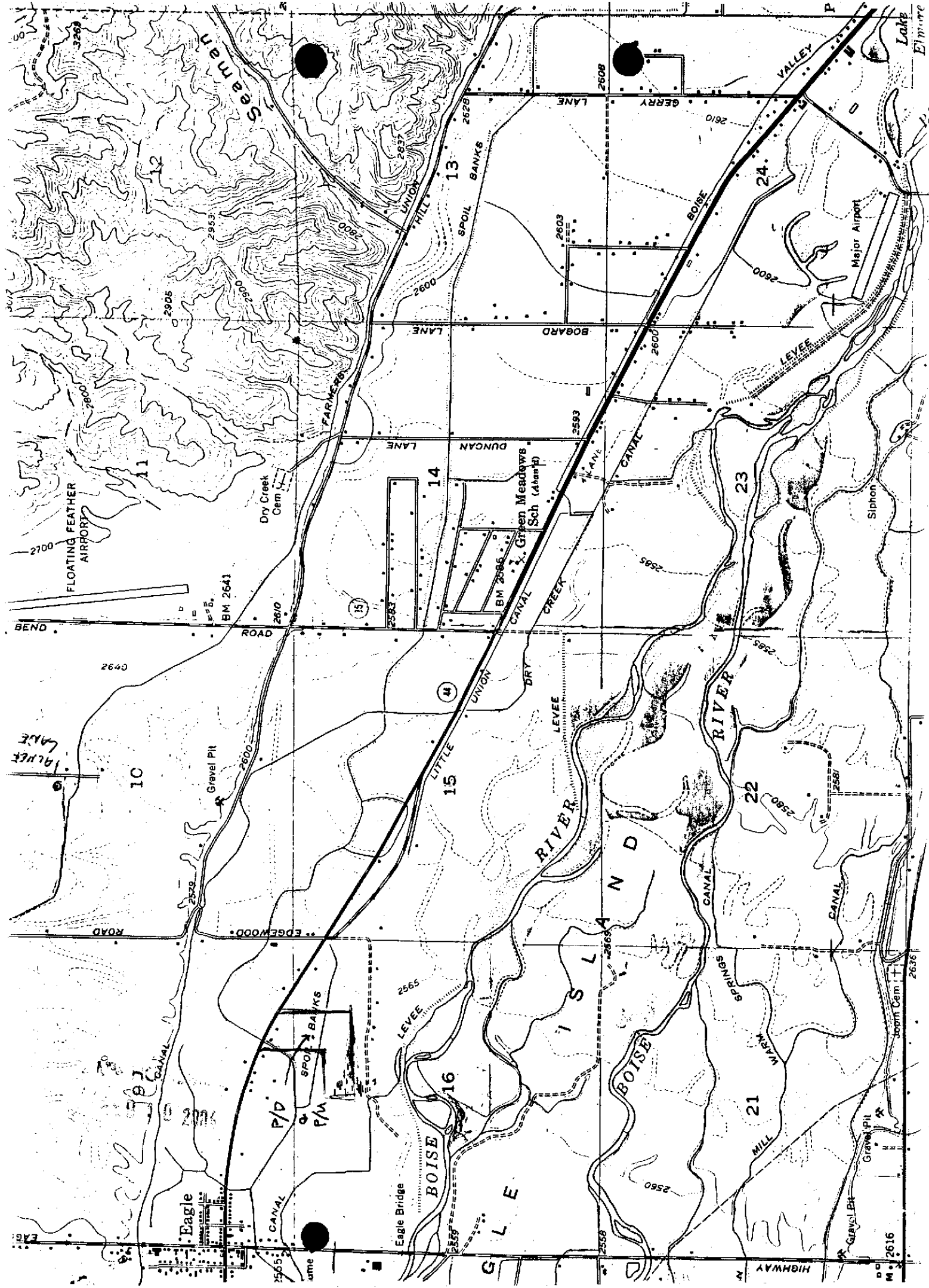
Field Report Preparation Date 6-23-86P
8/13/86

CONSULTANT SEAL

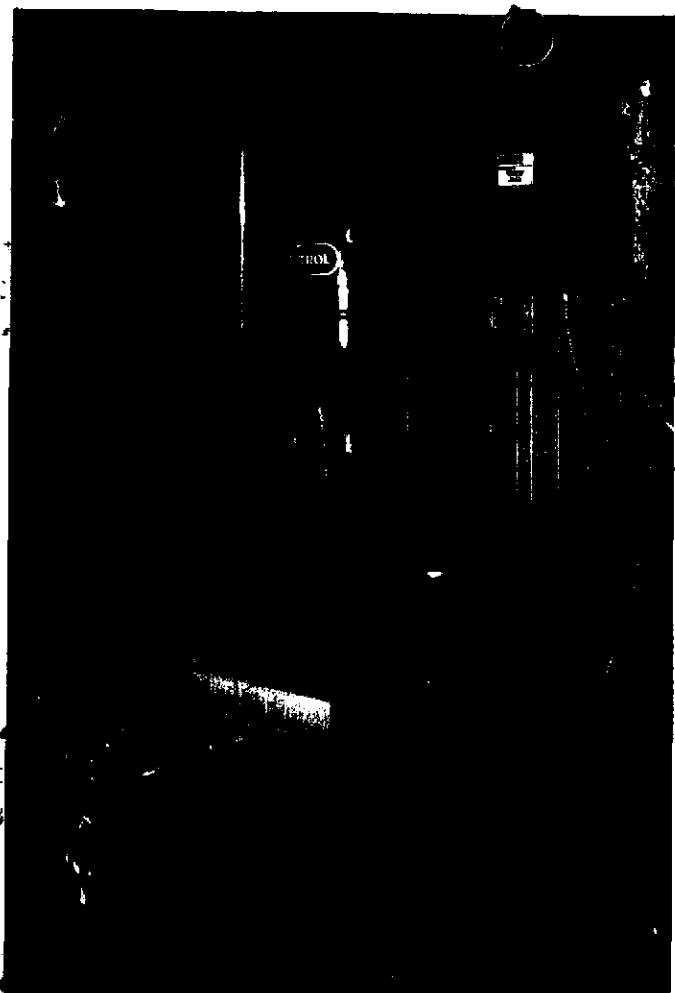
K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

* BASED ON THEORETICAL IN ITEM NO. E2

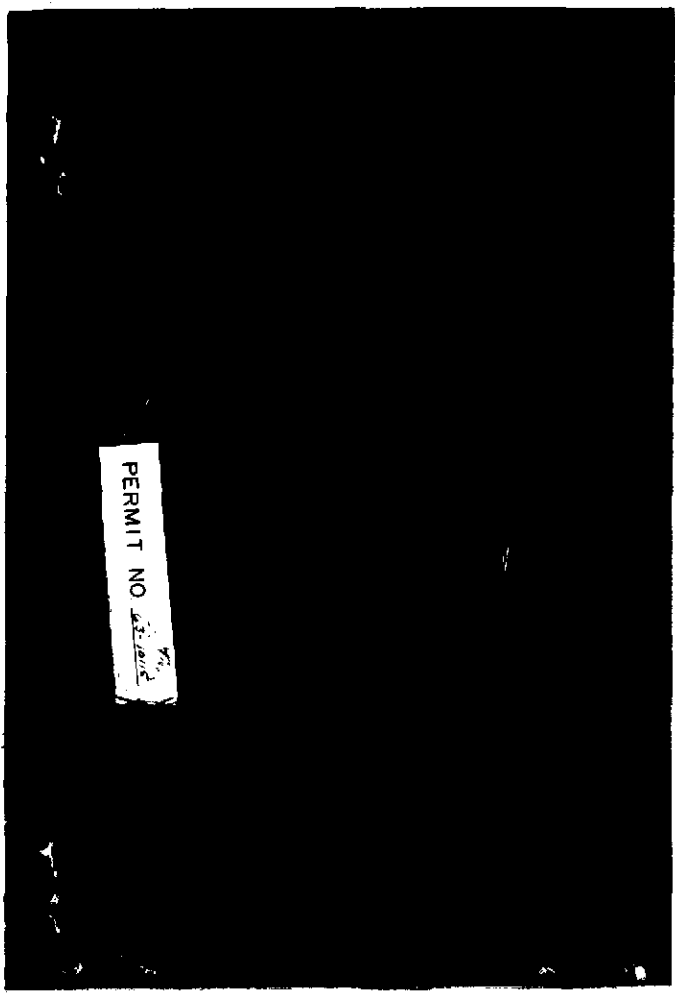
MICROFILMED
 FEB 10 2004

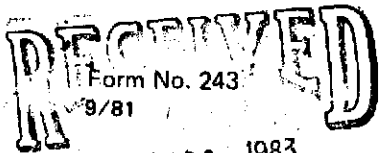


63-10115



MICRO
FEB 10 2004





Claim No. 63-5170

JUN 29 1983
Department of Water Resources
Western Regional Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Merrills Egg Farms Inc.
(Name of Claimant)
1125 E. State Eagle Idaho 83616 Telephone No. 939-6328
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) July 1962

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Groundwater tributary to _____

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: Chicken watering year round

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.15 cfs</u>	Use	<u>Stock water</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 NE 1/4, Sec. 16 Twp. 4N Rge. 1E B.M., County of Ada
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Well, Pump, + Pipelines 4" well 1hp pump 84' deep

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
<u>4N</u>	<u>1E</u>	<u>16</u>		X															

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible
Chicken watering of 100,000 chicks

NOTE: Include here the type and number of stock watered: 100,000 chickens

(7) If you are claiming water as a member of an organization, list name of organization: _____

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(The following section contains handwritten notes or signatures.)

POPULATION

TIME

10

16

15

x

o

15

State of Idaho)
County of Ada) ss.

says that he, she, they subscribed the foregoing claim
matters and facts therein are true to the best of the

Rend W Menell

June

Nancy M. Matheway
Notary Public

Life

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FEB 10 1984

Received by DL Date 6/30/83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by 665 Date 11/7/83 claimant by: _____
\$30.00 fee received by an Date 6-30-83 #26882
Published in State Statist
Dates 11/24 & 12/1/83

CONVERSATION MEMORANDUM

DATE 6/18/86

FILE 63-10115

NAME OF PARTY Reid Merrill

EMPLOYEE Jan Thunte

RE: Appt. for field exam

Mr. Merrill phoned today & said
we could come out anytime during
the week of 6/23 - 6/27. We will go
exam Mon. 6/23.

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FEB 10 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

APRIL 25, 1984

MERRILLS EGG FARM INC.
1125 E. STATE ST.
EAGLE ID 83616

RE: Permit No. 63-10115

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 334-2190 or in person in the third floor State Towers Building, 450 West State Street, Boise.

Sincerely,
s/Judy Pense
Secretary

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FEB 10 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

MERRILLS EGG FARM INC.
1125 E. STATE
EAGLE, ID 83616

SEPTEMBER 14, 1983

RE: PERMIT NO. 63-10115

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.

PLEASE BE ADVISED THAT NUMEROUS PRIOR APPLICATIONS FOR PERMIT HAVE BEEN FILED TO APPROPRIATE WATER FROM YOUR SOURCE, TO BE USED ON DESERT LAND ENTRY AND/OR CAREY ACT LANDS. DEVELOPMENT OF THESE WATER RIGHTS IS CURRENTLY PREVENTED BY THE U.S. BUREAU OF LAND MANAGEMENT. HOWEVER, IF THE LANDS ARE RELEASED FOR DEVELOPMENT, THE ASSOCIATED WATER RIGHTS WILL RECEIVE WATER PRIOR TO YOUR WATER RIGHT ENCLOSED. THEREFORE BE SURE TO ANALYZE THE FUTURE IMPACT OF THESE RIGHTS BEFORE MAKING A MAJOR INVESTMENT IN A WATER SUPPLY SYSTEM.

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.

SINCERELY,

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

ENCLOSURE

UNRECORDED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY Jan J. J. J.

APPLICATION NUMBER: 68-10115

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.
☐ 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.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

COMMENT - AMOUNT OF WATER IS HIGH ACCORDING TO SOME TABLES
BUT NO OFFICIAL AMNT. CHICKENS DRINK IS ESTABLISHED.

SEND COPIES TO:

- ☒ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☒ Other _____

Copies sent by: _____ Date: _____

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: August 22, 1983 ✓
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 8/12/83 ✓
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application. 30' 26882
☒ Publication dates and paper, recorded on application. the Idaho Statesman
☒ Protests, dates, withdrawal, etc., recorded on application. 8/4+8/11/83
☒ 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? _____
✓ 6/30/83 Date of priority recommended.
Special conditions of approval or cover letter. _____

By: OBS Date: 8/22/83

STATE OFFICE REVIEW:

SLW/LII, LK return tax Assessment notice

- ☐ See attached sheet for more information.

By: _____ Date: 8/24/83

RECEIVED

AUG 23 1983

Department of Water Resources

63-10115

MERRILLS EGG FARM INC.

1125 E. STATE, EAGLE, ID 83616

Source: GROUNDWATER

Date Filed: 06/30/1983

Diversion Pt: NWNE Sec 16 T 04N R 01E

Use: STOCKWATER (0.31 CFS)

In: NWNE Sec 16 T 04N R 01E

FILED