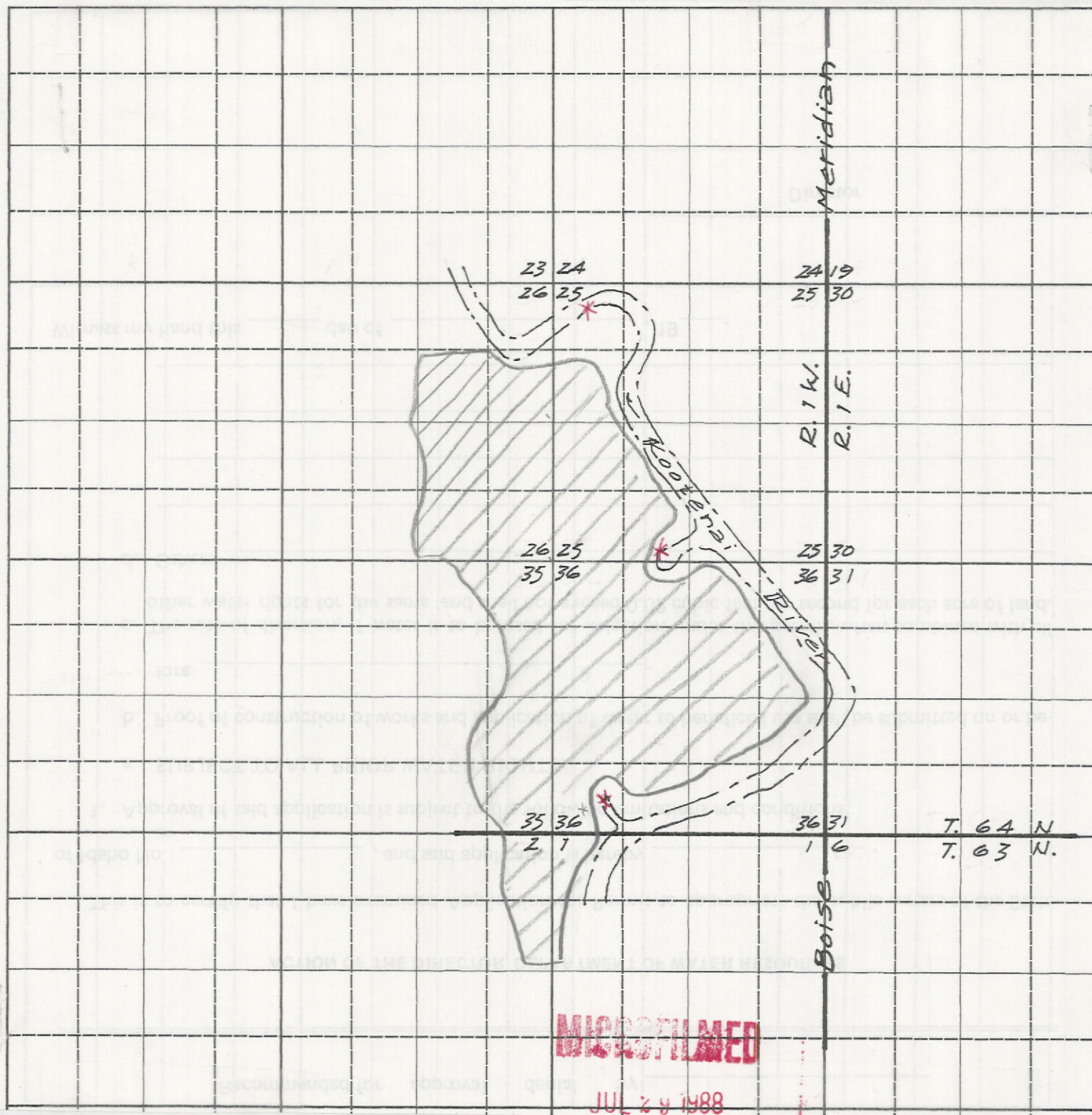


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

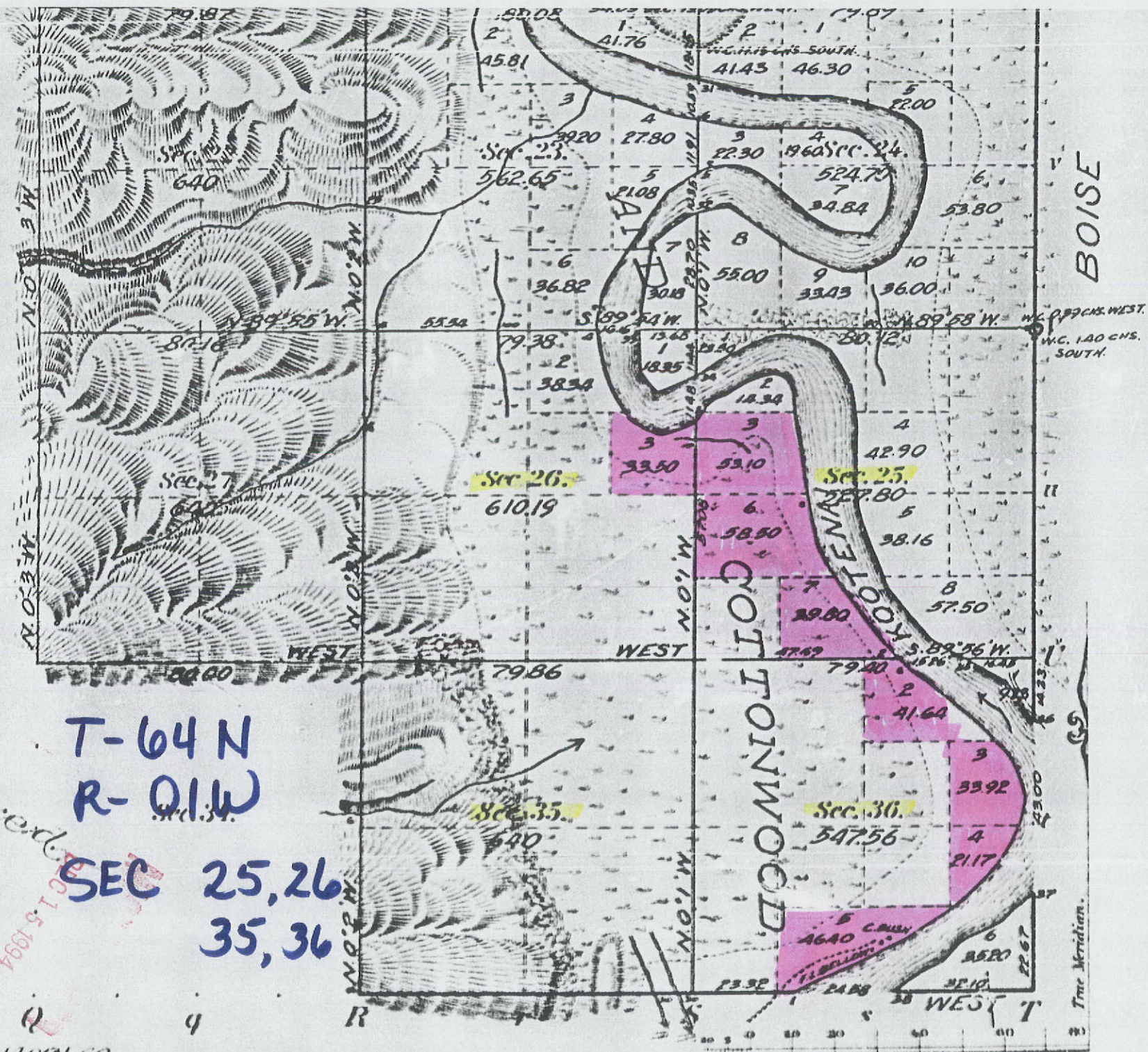


Scale: 2 inches equal 1 mile.

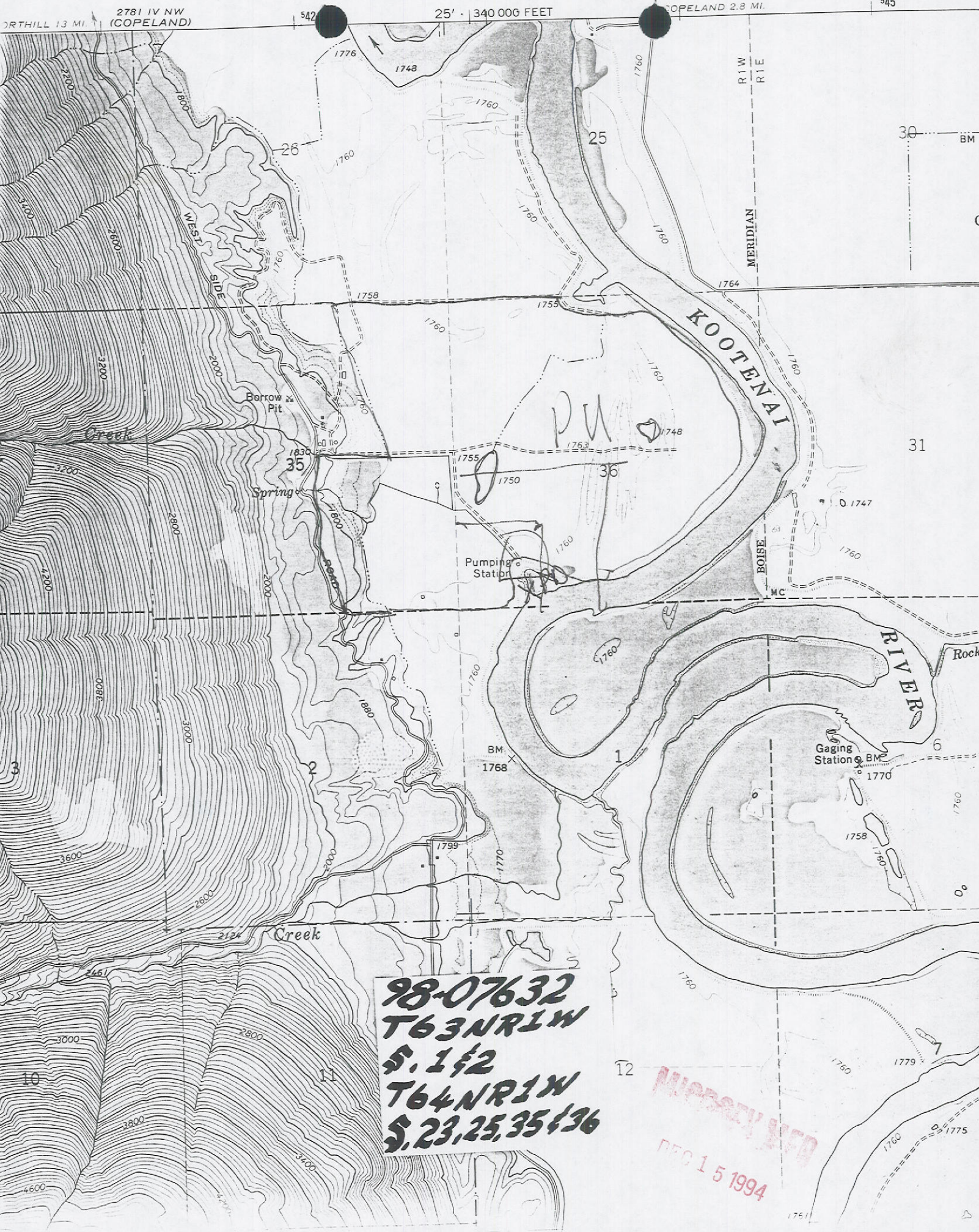
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

John W. Buschman
(Applicant)

VICE PRESIDENT & GENERAL MANAGER
BUSCH AGRICULTURAL RESOURCES, INC.

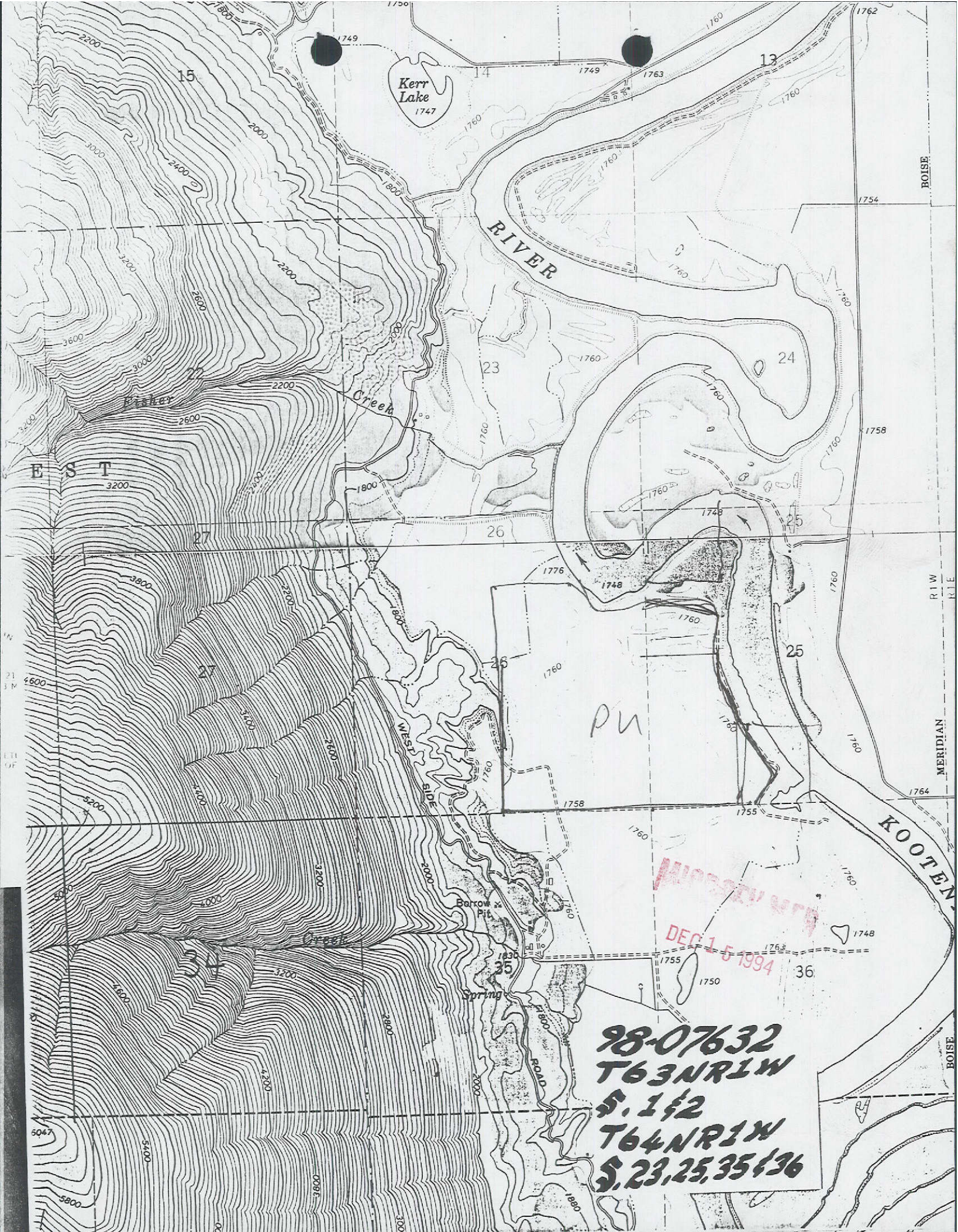


Acres 17091.00.



98-07632
 T63NR1W
 S. 1 & 2
 T64NR1W
 S. 23, 25, 35 & 36

RECEIVED
 DEC 15 1994



Kerr
Lake
1747

RIVER

Fisher

Creek

WEST
SIDE

Barrow

Spring

ROAD

KOOTENAI

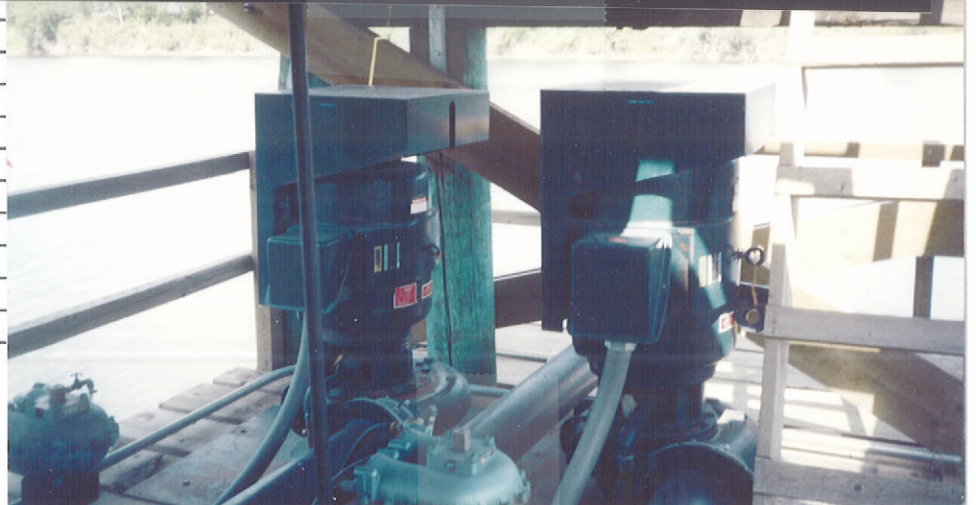
DEC 15 1994

98-07632
T63NR1W
S. 1 & 2
T64NR1W
S. 23, 25, 35 & 36

PERMIT # 98-07632

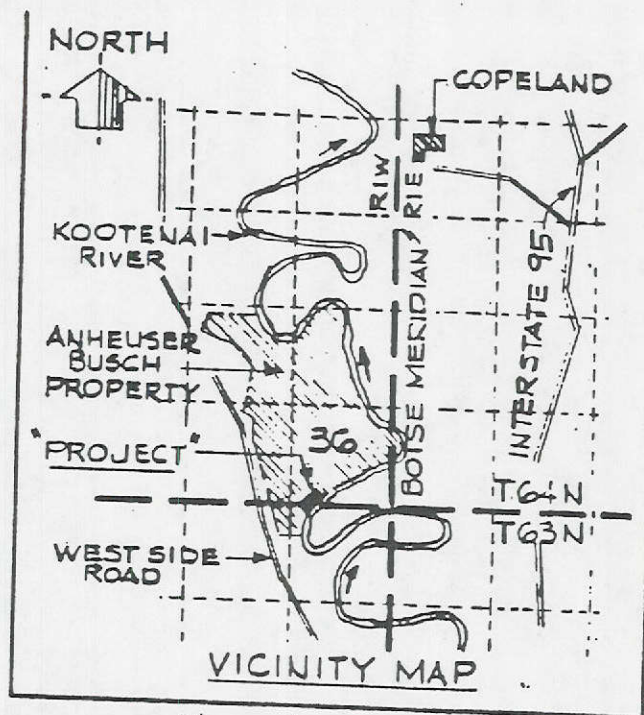
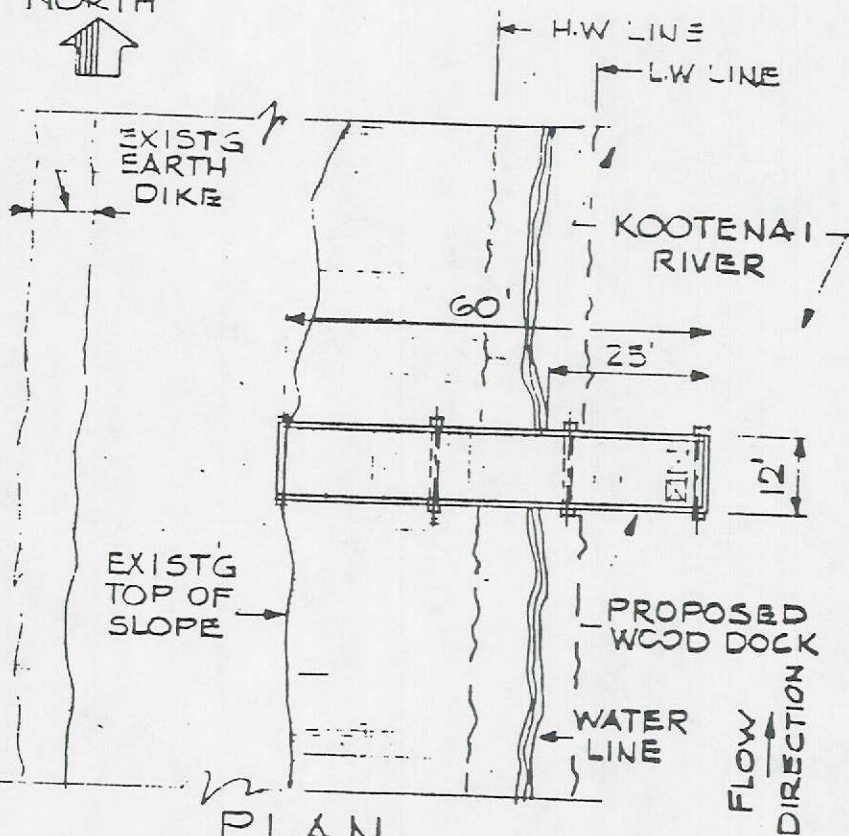
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

pumping
station

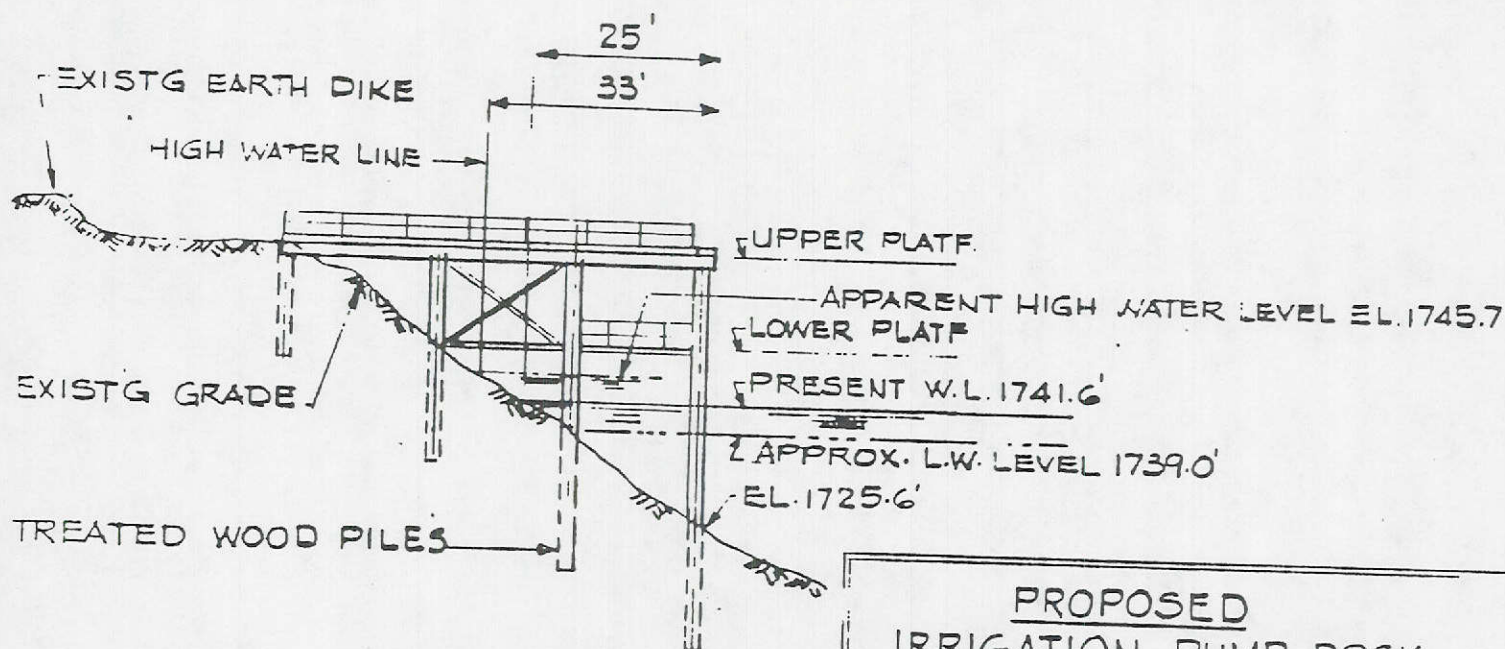


DEC 15 1994

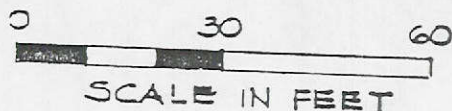
NORTH



LOCATION OF THE DOCK IS
1000 FEET EAST OF THE
S.W. COR. OF SEC 36 T64N RIW



ELEVATION MICROFILMED

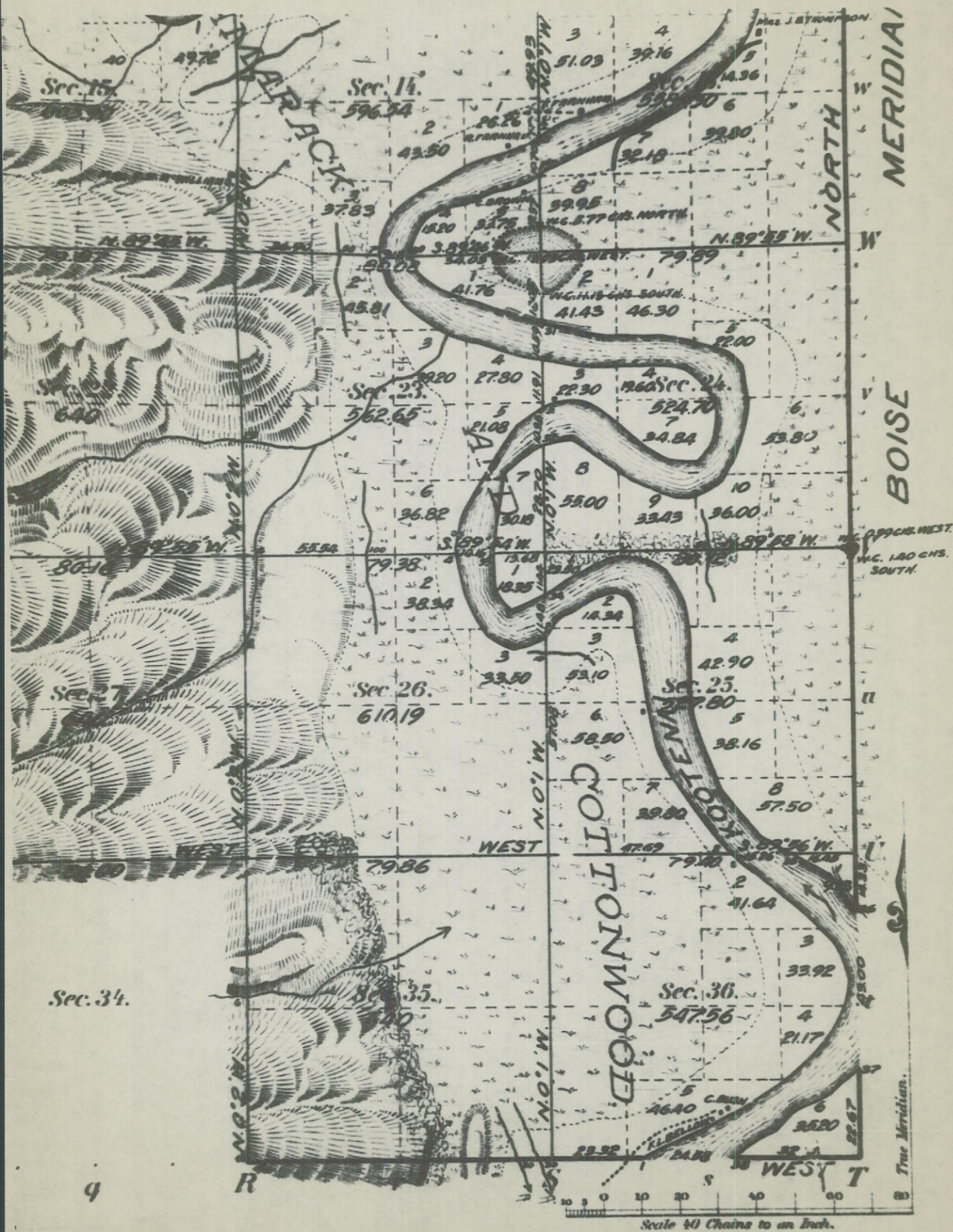


JUL 29 1988

PROPOSED IRRIGATION PUMP DOCK

IN : KOOTENAI RIVER
NEAR : COPELAND
COUNTY : BOUNDARY
STATE : IDAHO
APPLICATION BY :
ELK MOUNTAIN FARMS
DATE : FEB 26, 1987

1 OF 1



inclination
7' 11"

MICROFILMED

JUL 29 1988

The above Map, of Township 1st 61 North of Range 1
Boise Meridian, Idaho, is strictly a
notes of the survey thereof on file in this Office, which have been a
Surveyor General's Office.
Boise City, Idaho,
Joseph C. Stra

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 98-07632

Priority: February 13, 1987

Maximum Diversion Rate:

8.70 CFS

Maximum Diversion Volume:

3150.0 AF

This is to certify, that ELK MOUNTAIN FARMS INC

ONE BUSCH PLACE

ST LOUIS MO 63118-1852

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 13, 1987; and has submitted Proof of Beneficial Use on July 29, 1991. An examination indicates that the works have a diversion capacity of 8.700 cfs of water from:

KOOTENAI RIVER

tributary to COLUMBIA RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	8.70 CFS	3150.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 36, Township 64N, Range 01W
BOUNDARY County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
63N	01W	1	Lot 4 (NWNW) 19	Lot 5 (SWNW) 13		32
		2	Lot 1 (NENE) 29	SENE 13		42
64N	01W	25	Lot 3 (SWNW) 26	Lot 6 (NESW) 5	Lot 6 (NWSW) 40	
			SWSW 39	Lot 7 (SESW) 21		131
		26	SWNE 39	Lot 3 (SENE) 29	NESE 39	
			NWSE 39	SWSE 39	SESE 38	223
		35	NENE 39	NWNE 18	SENE 35	
			NESE 35	NWSE 7	SWSE 5	
			SESE 40			179
		36	Lot 2 (NWNE) 30	SWNE 39	Lot 3 (SENE) 26	
			NENW 38	NWNW 40	SWNW 32	
			SENW 40	NESW 39	NWSW 32	
			SWSW 34	Lot 5 (SESW) 22	Lot 4 (NESE) 19	
			NWSE 40	Lot 5 (SWSE) 12		443

Total number of acres irrigated: 1050

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.

DEC 15 1994

State of Idaho
Department of Water Resources

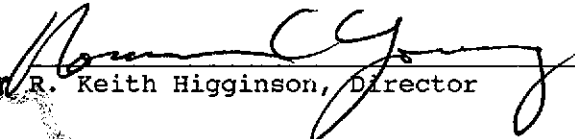
WATER RIGHT LICENSE

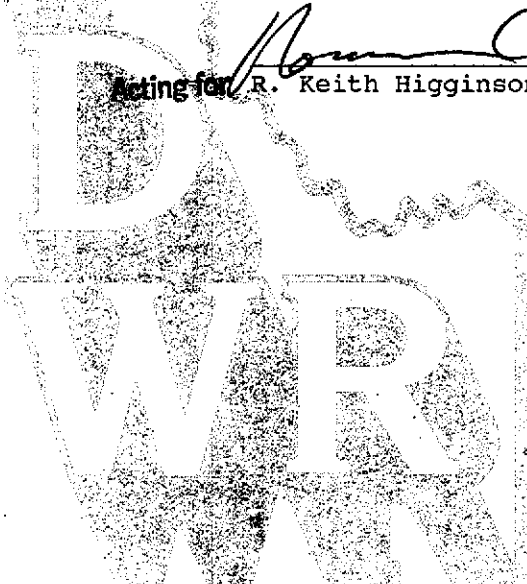
WATER RIGHT NO. 98-07632

CONDITIONS/REMARKS:

3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

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 13TH day of OCTOBER, 1994.

Acting for  R. Keith Higginson, Director



DEC 15 1994

FROM

J. J.

DATE

10/5/89

TO

File # 98-7632

SUBJECT

Please carbon copy any correspondence regarding
action of this file to:

Steven C Wetzel, Attorney at Law
505 Front Avenue

Coeur d'Alene, ID 83814

MICROFILMED

FEB 12 1992

Shark

J. J.

SIGNATURE

RECEIVED

JUL 29 1991

For Office Use Only
 Amt. of Fee \$ 600.00
 Date 7-29-91
 Receipt No. CD21333
 Received by MH

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 98-07632 Telephone No. (314) 577-9987

Name(s) of Permit Holder(s): Busch Agricultural Resources, Inc.

Post Office Address: One Busch Place, St. Louis, MO 63118-1852

Source of Water: Kootenai River

If ground water, well driller's name: N/A Date drilled: N/A

Extent of Use:
 Domestic (No. of households) Irrigation 1500 (No. of acres)
 Stockwater (No. and type of stock) Other

Total rate and/or volume for which proof is submitted 21.0 cfs acre/feet

Show date water was first diverted and beneficially used under this permit: June 1989

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes X No Installed? Yes X No

OR

Flow Measurement Port: Required? X Yes No Installed? X Yes No

Fee Enclosed: \$ 600.00 (See License Examination Fee Schedule)

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

Brad Studer 208-267-8569
 Name Telephone No.

Box R, Backwoods Farm Westside Road, Bonners Ferry, ID 83805
 Address

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

7/24/91 Jerry Walkow
 Date Signature (and title if on behalf of a company or organization)

FEB 12 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Elk Mountain Farms, Inc. Phone (314) 577-3586
Post office address One Busch Place, St. Louis, MO 63118
2. Source of water supply Kootenai River which is a tributary of Columbia River
3. Location of point of diversion is _____ $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 36 Township 64N Range 1W B.M. Boundary County; additional
points of diversion if any: Govt. Lot. 2 & 7, Sec. 25 T64N, R1W (NW 1/4 & SE 1/4 - 2/12/87)
4. Water will be used for the following purposes:
21.0
Amount cfs for irrigation purposes from March 15 to Nov. 15 (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 is (a) 21.0 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. pumps and pipeline (2 pumps at
2,200 gpm each, 125 H.P., 12" pipeline)
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

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JUL 29 1988

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
64N	1W	36		GL2 30	39	GL3 26	38	40	32	40	39	32	34	GL5 22	GL4 19	40	GL5 12		443
64N	1W	25							GL3 26		GL6 5	GL6 40	39	GL7 21					131
64N	1W	26			39	GL3 29									39	39	39	38	223
64N	1W	35	39	18		35									35	7	5	40	179
63N 64N	1W	1						GL4 19	GL5 13										32
63N 64N	1W	2	GL1 29			13													42
PER TEL CON W/ S. WETZEL RGN 2/25/87																			

Gov't. Lots added 5/21/87 - kw

Total number of acres to be irrigated 1,050

10. Describe any other water rights used for the same purposes as described above. _____

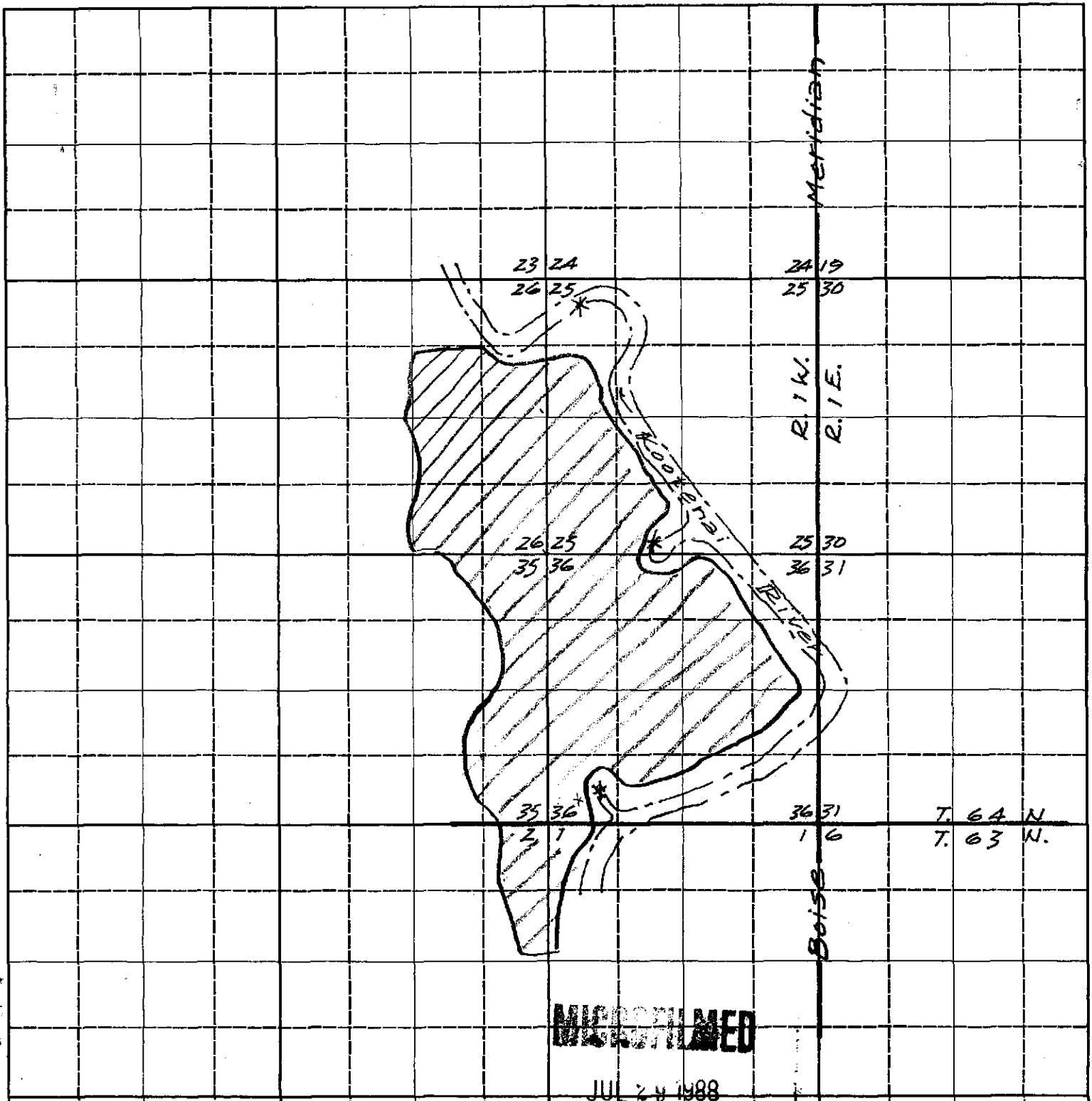
- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

MICROFILMED

JUL 29 1988

13. 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.

John W. Buschman
(Applicant)
VICE PRESIDENT & GENERAL MANAGER
BUSCH AGRICULTURAL RESOURCES, INC.

* 4409

Proposed Priority 2/13/87Received by RGH Date 13/87 Time 3:05 Preliminary check by tkFee \$ 435.00 Received by pms # 38222 Date 2/18/87Publication prepared by pms Date 2/25/87 Published in Bonniers, Ferry Herald
Post RegisterPublication approved pms Date 5/19/87 Idaho Statesman 3/4 & 3/11
Times News
Lewiston Tribune**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. 98-7632, 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 92.

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. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 22nd day of September, 1987.

J. M. Saxton
Chief, Operations Bureau

MICROFILMED

JUL 29 1988

Fee check too large 465⁰⁰
#435.00 Recd 2/17/87

Received by RSA Date 2/13/87 Time 3:05 Preliminary check by L
Fee \$ 435⁰⁰ Receipted by pro # 38222 Date 2/18/87
Publication prepared by pro Date 2/25/87 Published in Bonus Spring Herald
Publication approved pro Date 5/19/87

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. _____, and said application is hereby _____.

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 _____, 19 ____.

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. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

Statewide Adm.
Post Register ✓
Hd. Statesman ✓
✓ Resch on 3/19+20/87 Lewis News
✓ Resch. 4/16+23/87 Lewiston Tribune } 3/5+12/87

MICROFILMED

JUL 29 1988

Kan
I'm really sorry that
I wrote here
I forgot to type
in conditions for the
permit here!

INTER-DEPARTMENT MEMO — 1

FROM

Bob *[Signature]*

DATE

5/19/87

TO

File

SUBJECT Legal Notice Advertising

The problem of the 40-acre tracts being wrong on the advertizing for 4/16 & 23/87 was discussed with Norm Young. He felt that the combination of the 4/16 & 23 adv. and the 3/5 & 12 adv. adequately corrected the legal description.

No need to re-advertise.

MICROFILMED

JUL 29 1988

SIGNATURE



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 14, 1994

ELK MOUNTAIN FARMS INC
ONE BUSCH PLACE
ST LOUIS MO 631181852

RE: WATER RIGHT NO. 98-07632

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:dc

Enclosure

DEC 15 1994

WR0749NP
No. L98-07632

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/26/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ELK MOUNTAIN FARMS INC ONE BUSCH PLACE ST LOUIS MO 63118-1852 (314) 577-9987	02/13/1987	IRRIGATION	03-15 11-15	8.70 CFS	3150.00 AFA
TOTAL DIVERSION:					8.70 CFS	3150.00 AFA

Water Source: KOOTENAI RIVER

Tributary to: COLUMBIA RIVER

Stage: LICENSE

Point(s) of Diversion Capacity: 8.70 CFS

Point(s) of Diversion: T64N R01W S36 SWSW BOUNDARY County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE						
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
			:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
63N	01W	1	:					:		04-19	05-13		:					:						:	32.0	
63N	01W	2	:		01-29		13	:					:					:						:	42.0	
64N	01W	25	:					:		03-26			:	06-05	06-40	39	07-21	:						:	131.0	
64N	01W	26	:			39	03-29	:					:					:	39	39	39	38	:	223.0		
64N	01W	35	:	39	18		35	:					:					:	35	07	05	40	:	179.0		
64N	01W	36	:		02-30	39	03-26	:	38	40	32	40	:	39	32	34	05-22	:	04-19	40	05-12		:	443.0		
TOTAL ACRES																							:	1050.0		

Pou County: BOUNDARY

Other Water Rights with Same Point(s) of Diversion and Source:
98-07632

Other Water Rights Listing Overlapping Place(s) of Use:
98-04109 98-07631 98-07632

Conditions of Approval:

R29 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.0 afa per acre for the
- lands above.

Dates: App. Received: 02/13/1987 Priority Date: 02/13/1987
Proof Due Date: 09/01/1992 Proof Made Date: 07/29/1991
Exam Made Date: 08/03/1992 Exam Sent to S.O.: 10/27/1993
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 12/02/1991 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Date: 12/06/1991 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
L9807632	T63N R01W S 1 KOOTENAI RIVER																	32
	: 04-19 05-13																	
9807632	KOOTENAI R : NO MATCHES FOR THIS POU IN AJ-POU																	32
	: 04-19 05-13																	
L9807632	T63N R01W S 2 KOOTENAI RIVER																	42
	: 01-29 13 :																	
9807632	KOOTENAI R : NO MATCHES FOR THIS POU IN AJ-POU																	42
	: 01-29 13 :																	
L9807632	T64N R01W S25 KOOTENAI RIVER																	131
	: 03-26 : 06-05 06-40 39 07-21 :																	
9807632	KOOTENAI R : NO MATCHES FOR THIS POU IN AJ-POU																	131
	: 03-26 : 06-05 06-40 39 07-21 :																	
L9807632	T64N R01W S26 KOOTENAI RIVER																	223
	: 39 03-29 :																	
9804109	FARNAM CRE : NO MATCHES FOR THIS POU IN AJ-POU																	110
9807632	KOOTENAI R : 30 10 :																	223
9807654	KOOTENAI R : 39 03-29 :																	187
	: 31 : 39 39 39 39 :																	
L9807632	T64N R01W S35 KOOTENAI RIVER																	179
	: 39 18 35 :																	
9804109	FARNAM CRE : NO MATCHES FOR THIS POU IN AJ-POU																	110
9807631	GROUNDWATE : 15 15 :																	
9807632	KOOTENAI R : 0 :																	179
	: 39 18 35 :																	
L9807632	T64N R01W S36 KOOTENAI RIVER																	443
	: 02-30 39 03-26 : 38 40 32 40 : 39 32 34 05-22 : 04-19 40 05-12 :																	
9807631	GROUNDWATE : NO MATCHES FOR THIS POU IN AJ-POU																	1
9807632	KOOTENAI R : 01 :																	443
	: 02-30 39 03-26 : 38 40 32 40 : 39 32 34 05-22 : 04-19 40 05-12 :																	

LICENSE REVIEW CHECKLIST



PERMIT NO. 98-7632 DATE 8-26-94

NAME	Yes ☐	No ☒	Or Address Change? ☐
PRIORITY DATE	☐	☒	Advance? ☐ Advanced to: _____ Order to reinstate needed? ☐ Incorrect fee for rate recommended? <u>NO</u>
SOURCE	☐	☒	Changes or just clarification of originally intended source? _____ Notice of Intent to Void necessary? ☐
POINT OF DIV	☐	☒	Amendment needed? ☐
	☐	☒	Overlaps? ☐
PLACE OF USE	☒	☒	Amendment needed? ☐ Overlaps? <u>Permit 98-7654 (EXAM SENT BACK FOR THIS ONE)</u>
DIV RATE	☐	☒	Measurement Q = _____ Theoretical Q = _____ <u>Pump #1 = 1879 gpm</u> <u>Pump #2 = 2026 gpm</u> } <u>8.70 CFS</u> <u>Capacity: 8.7</u> Combined rates exceed capacity _____ Permit/fee limits: <u>21 CFS</u> Allowable: <u>8.7</u>
	$\frac{8.70}{1050} = .01 \text{ per acre}$		
ANNUAL VOLUME	☐	☒	Season of use: <u>D/3.0 (3-15 to 11-15)</u> Calculations: <u>1050 x 3 = 3150</u> Flow limit: <u>8.7</u> cfs x <u>246</u> x 1.9835 = <u>4245</u> Combined volumes exceed capacity/allowable _____
USES	☐	☒	Change in Nature of Use or additional uses? ☐ Amendment necessary? ☐
REMARKS	☐	☒	Multiple p/d(s) in 1/4 1/4? ☐
	☐	☒	Other ☐
CONDITIONS	☐	☒	Measuring/Locking Devices ☐
	☐	☒	Watermaster control - District ☐
	<u>R29</u>	☐	Irrigation Overlap ☐
	☐	☒	Water Quality ☐
	☐	☒	Other ☐
COMMENTS:	<u>REDUCE RATE TO CAPACITY.</u>		

RECOMMENDED	CFS	VOLUME	LICENSE ☒
<u>Irrigation</u>	<u>8.7</u>	<u>3150</u>	ADJUSTMENT MEMO NEEDED ☐
_____	_____	_____	1ST AMENDMENT LETTER _____
_____	_____	_____	FINAL AMENDMENT LETTER _____
TOTALS			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 01 1993

Department of Water Resources

A. GENERAL INFORMATION

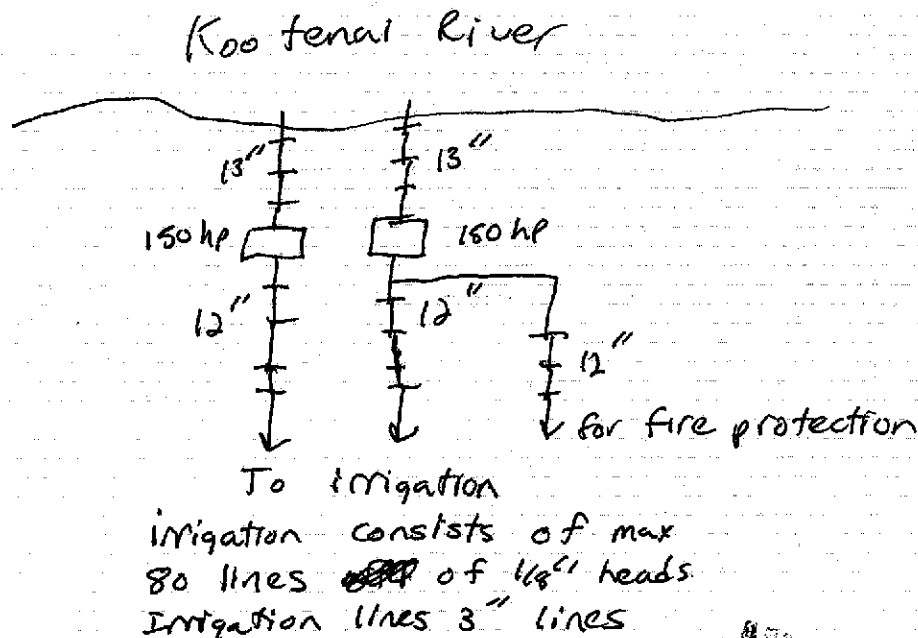
1. Owner: EIK Mountain Farms Inc. Permit No. 98-07632
Current Address: One Busch Place, St. Louis, MO 63118 Phone No. (314) 577-9987
2. Accompanied by: Gary Wittgenstein EXAM. DATE: 8/3/92
Address: Box R, Backwoods Farm, Westside Road Phone No. 267-8569
Bonnars Ferry, ID 83805
Relationship to Permit Holder: employee
3. Source: Kootenai River tributary to Columbia River

B. OVERLAP REVIEW

1. Other water rights with same place of use: permit 98-07654 ☐ Copies Attached
2. Other water rights with same point of diversion: None ☐ 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" = NTS

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
(required for all but single household domestic groundwater, and stockwater).
☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

DEC 15 1994

System Description (continued)

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

water from the River is pumped to the irrigation system with two 150 hp pumps through 12" pipe. one 12" pipe is for fire protection and can be opened up in time of need. Irrigation has a potential of 80 lines of $\frac{1}{8}$ " heads.

☐ 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
	Marathon electric	150	19-03040-6/16-02	Cornell	13 1/4
	Marathon electric	150	19-02606-2/16-01 ~~6/16-01~~	Cornell	13 1/4

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

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

[illegible]

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

Indicate Method of Determination

map

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
63N	01W	1						19	13									32	
		2	29			13												42	
64N	01W	25						26		5	40	39	21					131	
		26			39	29								39	39	39	39	223	
		35	39	18		35								35	07	05	40	179	
		36		30	39	26	38	40	32	40	39	32	34	22	19	40	12	443	

Do not use this space

DEC 15 1964

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
<i>polysonic</i>						
<i>Flow meter-ultrasonic</i>	<i>Time-Flite</i>	<i>Polysonic</i>	<i>74P</i>			

2. Measurements:

on enclosed sheet - 1879 GPM
- 2026 GPM
3905 GPM = 8.70 cfs

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

8.70 cfs

2. Alternate Method for Checking Purposes:

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:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (1050)(3.0) = 3150$

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

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 3150 \text{ AFA}$

2. Volume Calculations for Other Uses:

DEC 15 1994

H. REMARKS AND OVERLAP REVIEW ANALYSIS

- Pump curves show a maximum potential of 4800 GPM
Farm manager stated that pumps were running at capacity.
- Permit 98-02654 pumps water in same system. Used
to keep pressure up @ other end of the system.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3/15	11/15	8.70 cfs	3150
Totals:			8.70 cfs	3150 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 Robert Knoblock
Signature Robert Knoblock
Certification Date _____
Field Report Preparation Date 8/6/92

CONSULTANT SEAL

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

DEC 15 1994

PERMIT # 98-07832

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
FIELD REPORT SUPPLEMENT

AUT ZERO

PHOTOGRAPHS

MODE SELECT
INPUT

OUTER DIAMETER
12.0319 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1350 IN

INNER LINING
? NO LING

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
9.312 IN U

ZERO MODE
AUT ZERO

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

08-03 14:4200 *R
+ 2.026E 3GPM

08-03 14:4300 *R
+ 2.023E 3GPM

08-03 14:4400 *R
+ 2.010E 3GPM

08-03 14:4500 *R
+ 2.016E 3GPM

08-03 14:4500 *R
+002.60 % AI2

08-03 14:4600 *R
+ 2.016E 3GPM

MODE SELECT
T0 CHECK

0437.9 MMSEC
099.65 % T0

OUTER DIAMETER
12.0319 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1350 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
9.312 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

08-03 15:0200 *R
+ 1.879E 3GPM

08-03 15:0300 *R
+ 1.855E 3GPM

08-03 15:0400 *R
+ 1.809E 3GPM

08-03 15:0400 *R
+002.00 % AI2

08-03 15:0500 *R
+ 1.816E 3GPM

MODE SELECT
T0 CHECK

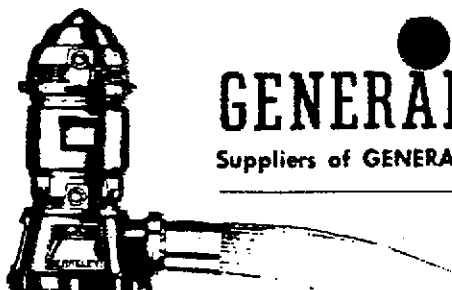
0437.7 MMSEC
099.59 % T0

08-03 15:0600 *R
+ 1.839E 3GPM

*left
pump*

*right
pump,
facing
out
towards
river*

DEC 15 1994



GENERAL IRRIGATION SUPPLY

Suppliers of GENERAL-RAIN Equipment, Aluminum Pipe, Couplers, Sprinklers and Pumps

Phone 701-742-3223, Box 291

Oakes, North Dakota
58474

1231 Acre Project

Name Elk Mountain Farms
Address 1231 Acre Project
City Bonnars Ferry State Idaho Zip 83805

IRRIGATION DESIGN DATA

Soil type Schnorsan Ritz Continuous WHP required 359 HP

Crop Hops Continuous BHP required 417 HP at 86%

Maximum irrigated depth 36" Type of system Hand Move

Maximum water intake rate .2" to .6" Per Hr. Precipitation rate .22" Per Hour

Maximum waterholding capacity 10" 5.6' Hrs. per set 12 Hours

Maximum depletion 50% Acres per set 1.21 Acres 80 Lines
15.4 Acres Per Line

Net Water Replaced 2.2" Sets per irrigation 13

Gross Water Replaced 2.6" Lane spacing 40' x 40'

Peak water use per day .28" per day Type of power Electricity

Irrigation interval 7.86 Days Power cost per hr. \$16.00 Per HP Plus .0165 Per KW Used
23.69 per Hour

Acres to be irrigated 1231 (Per ac. in. applied) 1.17 at 400 hours

Pumping hrs. per day 24 G.P.M. per sprinkler 3.15 1/8" Orifice

G.P.M. per acre 6.62 Number of sprinklers 26400

Total G.P.M. required 8136 G.P.M. Water supply Kootenai River

Static water level while pumping 18 Ft. 8 PSI

Elevation from pump to highest point 6 Ft. 2 PSI

Mainline size 24" through 6" Mainline loss 29 Hd. Ft. 13 PSI

Hose size Hose loss Hd. Ft. PSI

Lateral line size 3" x 1300' Lateral line loss 18 Hd. Ft. 8 PSI

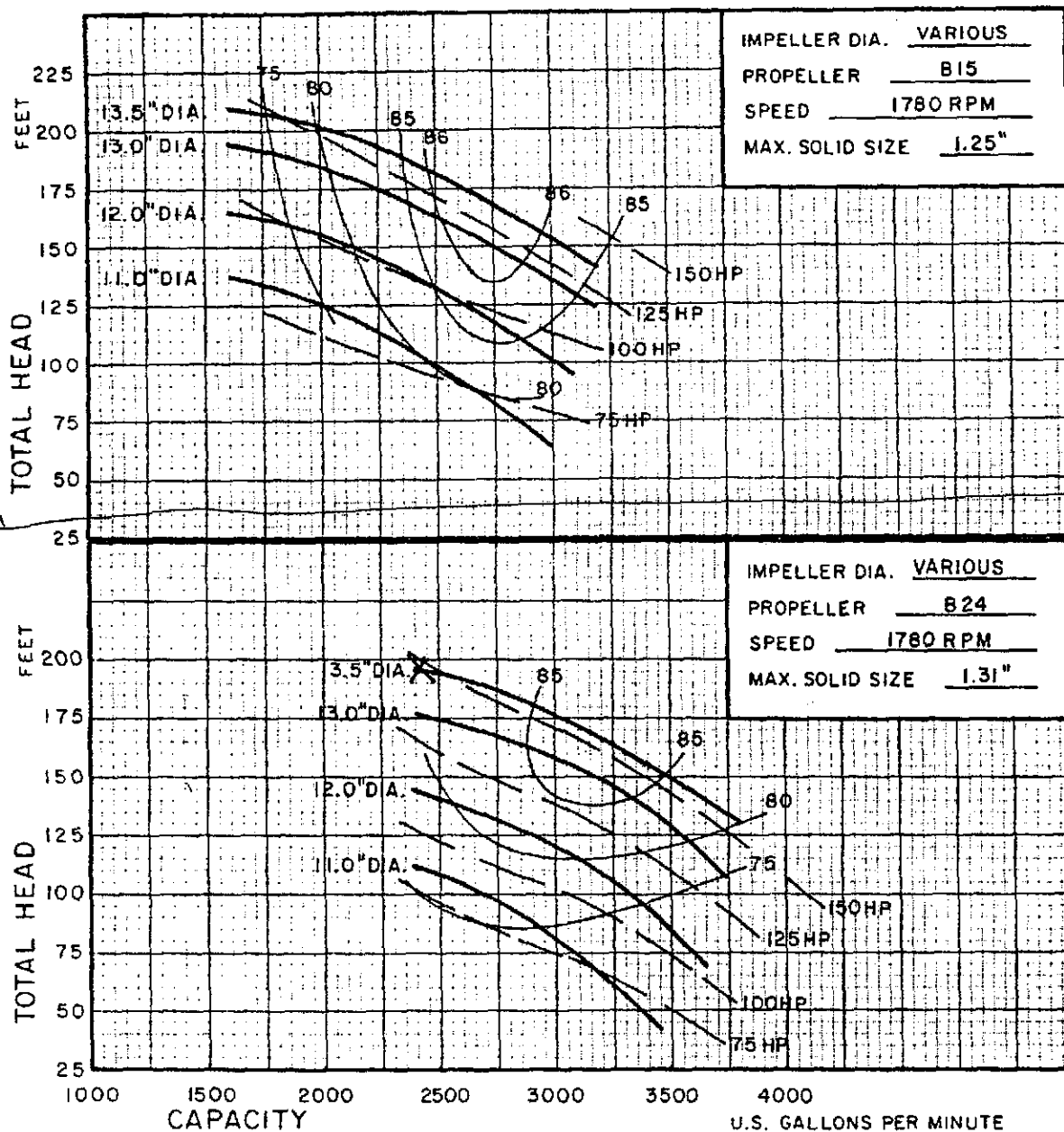
Sprinkler requirement Hd. Ft. 45 PSI

DEC 15 1994 Total 175 Hd. Ft. 76 PSI

6-58
J. 1985

MODEL 6RB VMI
(VERTICAL MOUNT INDUCER)
1800 RPM 60 HERTZ

SUPERSEDES
336-35 DEC. 83

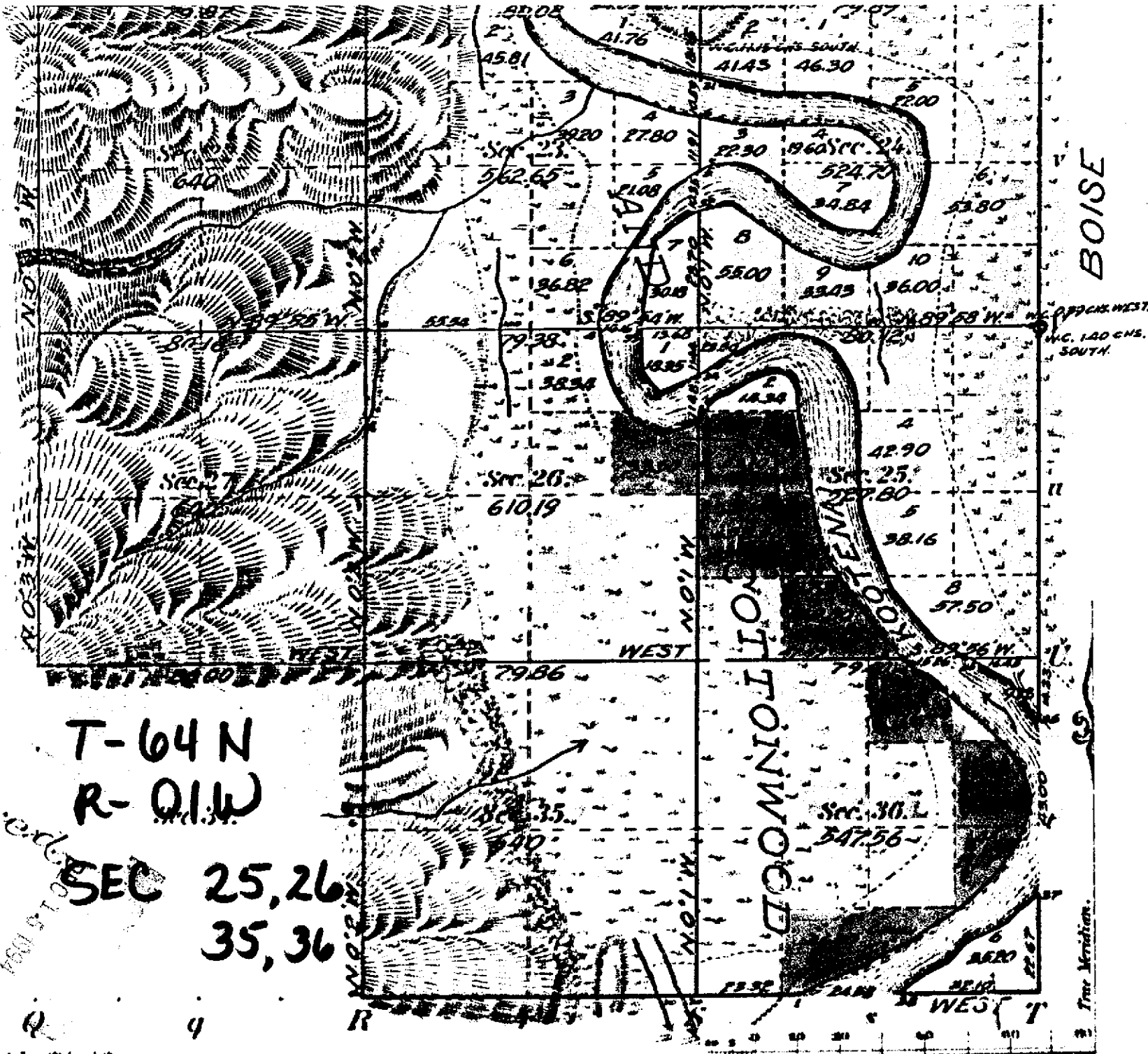


FT. x (.305) = METERS

GPM x (.227) = CUBIC METERS PER HOUR

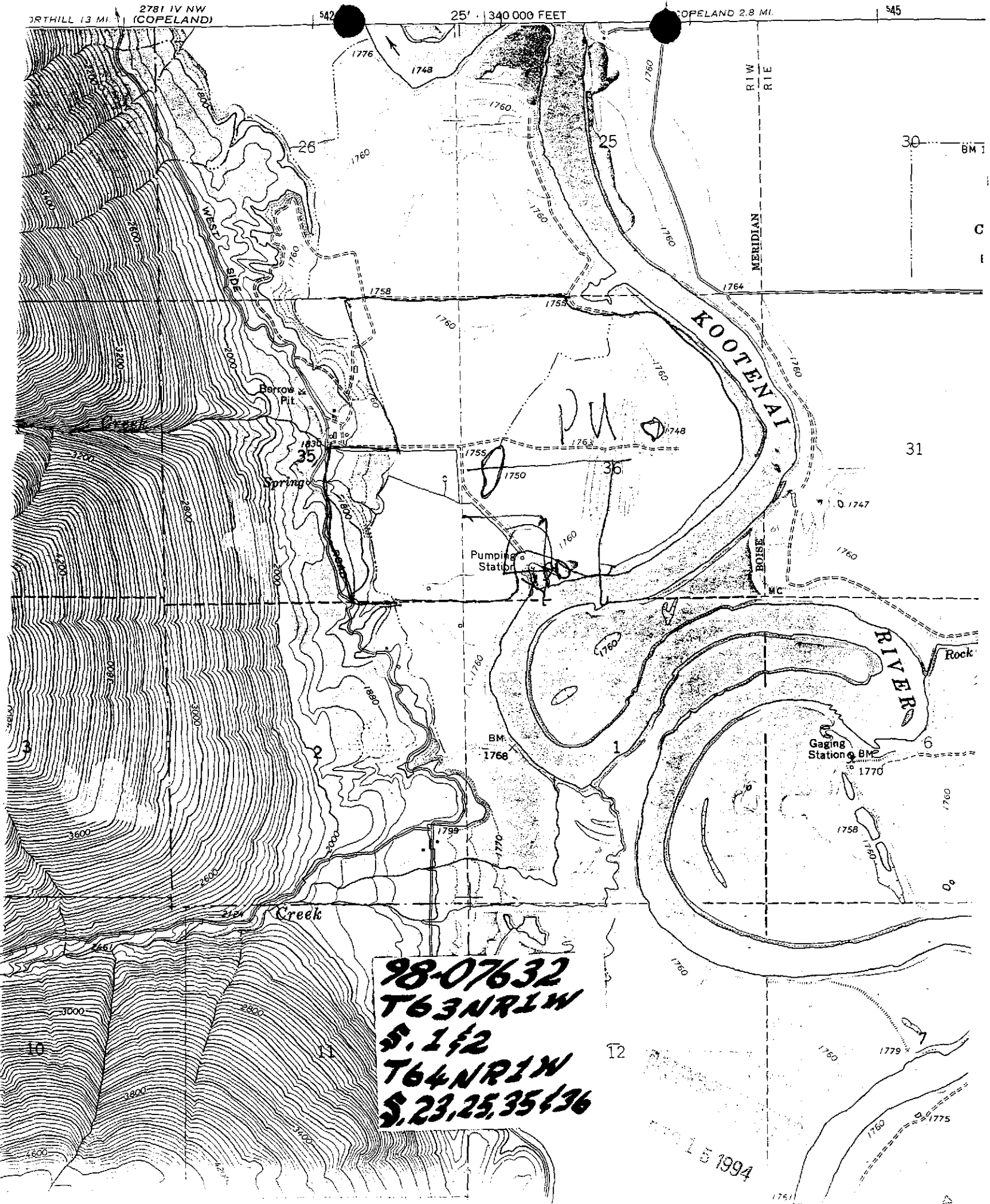
Backwoods pumps are Model 6 RB-150 HP equipped with
B-24 Prop and 13 $\frac{1}{4}$ " impeller Trim

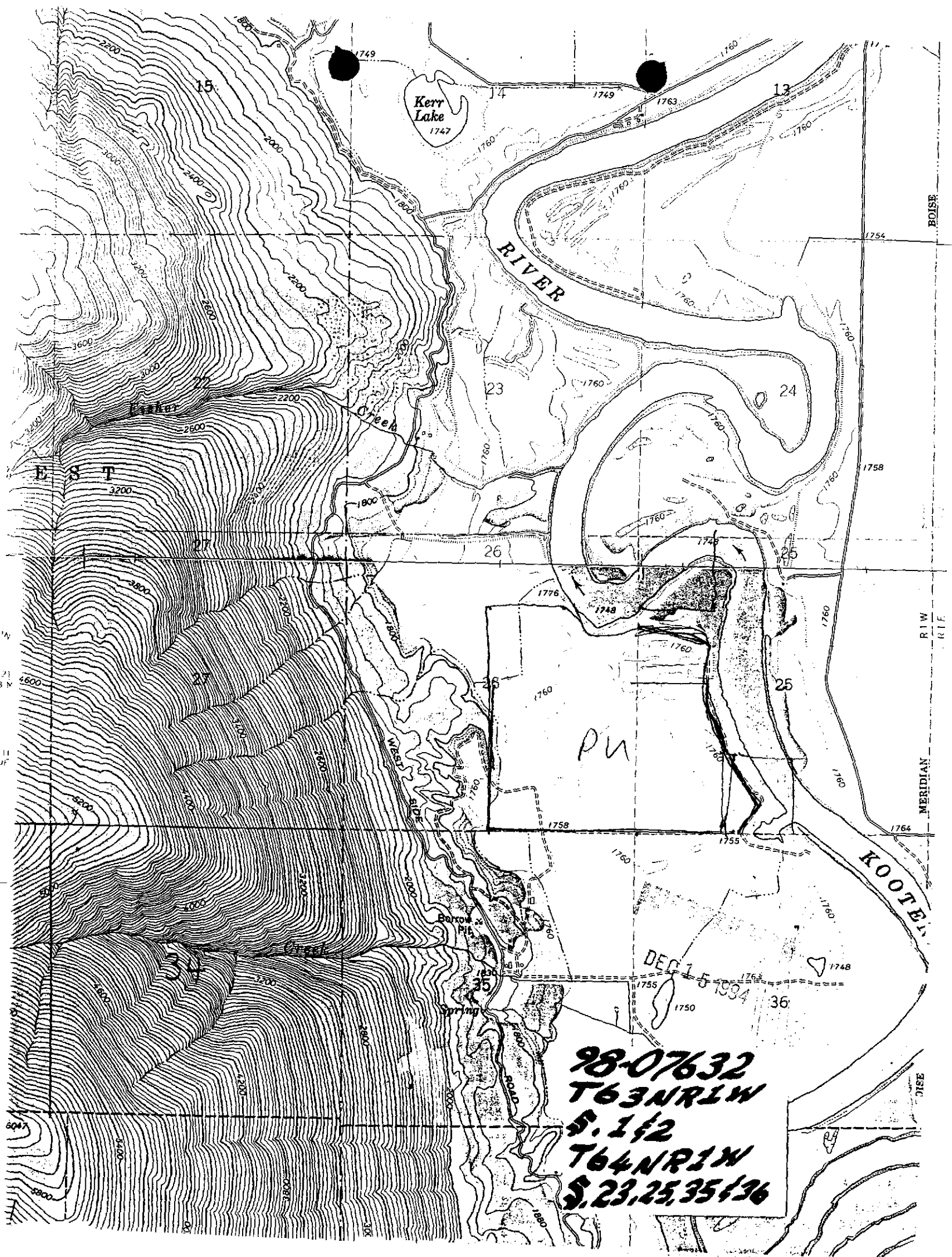
DEC 15 1994



Acres 17091.00.

Scale 10 Chains to an inch.

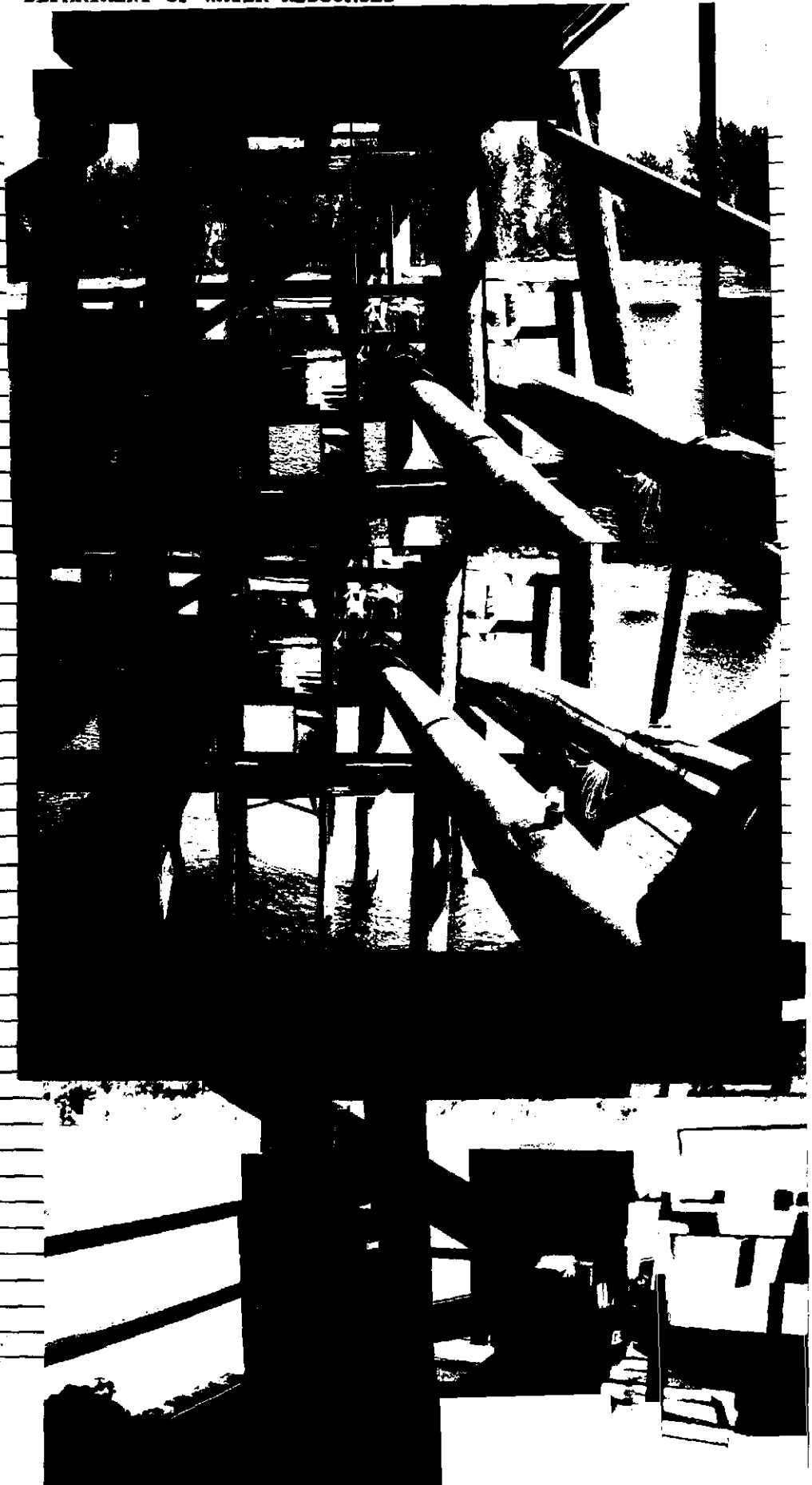




PERMIT # 98-07637

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

pumping
station



DEC 15 1994

December 5, 1991

ELK MOUNTAIN FARMS INC.
ONE BUSCH PLACE
ST. LOUIS MO 631180000

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 98-07632

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the NORTHERN Regional Office in Coeur D' Alene at (208)765-4639.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED
FEB 12 1992



**Busch Agricultural
Resources, Inc.**

ONE OF THE ANHEUSER-BUSCH COMPANIES

RECEIVED
JUL 29 1991

Department of Water Resources

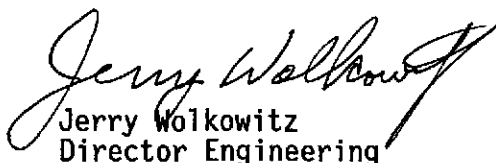
July 24, 1991

State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mall
Boise, Idaho 83720

RE: PERMIT NOS. P98-07631 AND P98-07632
PROOF OF BENEFICIAL USE
ELK MOUNTAIN FARMS - BACKWOODS AND BACKWOODS EXPANSION

Enclosed is the Proof of Beneficial Use for permit nos. 98-07631 and 98-07632 and checks for \$50.00 and \$600.00 respectively, for the license examination fees. Request the necessary actions be taken to develop these permits into a licenses.

If you require any additional information, please contact Theresa Lanctot, Environmental/Operational's Engineer at (314) 577-9987.


Jerry Wolkowitz
Director Engineering

cc: T. Lanctot
D. Ponsness
M. Rapatti
M. Richter
W. Lehman

NOTED

FEB 12 1992

Busch Agricultural Resources, Inc.
One Busch Place
St. Louis, MO U.S.A. 63115-1852
(314) 577-8874
Fax (314) 577-7799

MTN
ELK FALLS
ONE FIRST AVE
ST. LOUIS, MO 63108
JAN 7 '88
P.B. METER

U.S. POSTAGE

18

PLACE
STAMP
HERE

RECEIVED

JAN 12 1988

RECEIVED

JAN 12 1992



Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 98-7632
Name(s) of Permit Holder(s): ELK MOUNTAIN FARMS, INC.
Post Office Address: ONE BUSCH PLACE
ST LOUIS, MO 63118 Tel. No. 314-822-6500

☒ I hereby certify that construction of diversion works for the above referenced permit began on April 24, 1987 (date). I understand that I must

continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diversion works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

12/18/87
Date

John H. Brumman
Signature of Permit Holder

EVANS, KEANE, KOONTZ, BOYD, SIMKO & RIPLEY

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

COEUR D'ALENE OFFICE:

FRED M. GIBLER
CHARLES L. A. COX
STEVEN C. WETZEL
ROBERT J. FASNACHT

KELLOGG OFFICE:

WILLIAM F. BOYD
FRED M. GIBLER
CHARLES L. A. COX

111 MAIN STREET
P. O. BOX 659
KELLOGG, IDAHO 83837-0659
(208) 784-1105
TELECOPY (208) 783-7601

ATTORNEYS AT LAW
FIRST INTERSTATE PLAZA, SUITE 301

505 FRONT AVENUE
COEUR D'ALENE, IDAHO 83814
(208) 664-9287

BOISE OFFICE:

BLAINE F. EVANS
ROBERT J. KOONTZ
LARRY D. RIPLEY
REX BLACKBURN
BRUCE C. JONES
BARTON L. KLINE
JED W. MANWARING
JAMES D. HOVREN
C. NICHOLAS KREMA
BRETT T. DELANGE
BETTY H. RICHARDSON
DAVID W. GRATTON
JON M. BAUMAN
SPENCER M. REESE

OF COUNSEL
KARL JEPPESEN

SUITE 1701, IDAHO FIRST PLAZA
101 S. CAPITOL BLVD.
P. O. BOX 959
BOISE, IDAHO 83701-0959
(208) 384-1800
FACSIMILE (208) 345-3514

April 6, 1989

RECEIVED
APR 10 1989

Department of Water Resources
State of Idaho
State Office
45 West State Street
Boise, ID 83720

Dear Sir or Madam:

Department of Water Resources

I am the attorney of record for Elk Mountain Farms, a subsidiary of Anheuser-Busch, Inc. Our office is in the process of inventorying all water rights which apply to our client's operations in Boundary County. In order to assure adequate communication we would request that in the future any communications to our client also include copies to this office. The water rights numbers for which we have interest include the following: 98-07654, 98-7655, 98-07631, 98-07625, 98-07248, 98-07309, and 98-07632.

Thank you for your assistance on this matter.

Sincerely,


STEVEN C. WETZEL

SCW/tl

cc: Elk Mountain Farms
Anheuser-Busch

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FEB 12 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
SEPTEMBER 25, 1987

ELK MOUNTAIN FARMS, INC.
ONE BUSCH PL.
ST. LOUIS, MO 63118

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 98-7632

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.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE, OR A FLOW MEASUREMENT PORT TO PROVIDE FOR THE INSTALLATION OF MEASURING EQUIPMENT BY THE DEPARTMENT. ENCLOSED PLEASE FIND A LIST OF MEASURING DEVICE OPTIONS, AND SPECIFICATIONS FOR THE INSTALLATION OF THE FLOW MEASUREMENT PORT.

PLEASE NOTE THE REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED A FORM ENTITLED "INSTRUCTIONS FOR PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

GARY SPACKMAN
SUPERVISOR, WATER ALLOCATION SECTION

GS: SC
ENCLOSURES

MICROFILMED

JUL 29 1988

EVANS, KEANE, KOONTZ, BOYD & RIPLEY
A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

COEUR D'ALENE OFFICE:

JAMES P. KEANE
STEVEN C. WETZEL

KELLOGG OFFICE:

WILLIAM F. BOYD
FRED M. GIBLER
CHARLES L. A. COX
DAVID W. LOHMAN

111 MAIN STREET
KELLOGG, IDAHO 83837-0659
(208) 784-1105
TELECOPY (208) 783-9231

FIRST INTERSTATE PLAZA, SUITE 301

505 FRONT AVENUE

COEUR D'ALENE, IDAHO 83814

(208) 664-9287

September 10, 1987

BOISE OFFICE:

BLAINE F. EVANS
ROBERT J. KOONTZ
LARRY D. RIPLEY
KARL JEPSEN
M. KARL SHURTLIFF
REX BLACKBURN
BRUCE C. JONES
KENNETH D. NYMAN
BARTON L. KLINE
JED W. MANWARING
JAMES D. HOVREN

SUITE 1701, IDAHO FIRST PLAZA
101 S. CAPITOL BLVD.
P. O. BOX 959
BOISE, IDAHO 83701-0959
(208) 384-1800
CABLE: EVK

Mr. Jim Johnson
Water Rights Supervisor
State of Idaho
Department of Water Resources
Statehouse
450 West State Street
Boise, ID 83720

RECEIVED
SEP 14 1987

RE: Water Permit No. 98-7632/Elk Mountain Farms, Inc. Department of Water Resources

Dear Mr. Johnson:

In response to your letter of June 19, 1987, Anheuser Busch Company, Inc., through its wholly owned subsidiary, Consolidated Farms, Inc. doing business in Idaho as Elk Mountain Farms, Inc., is extremely interested in completing the water appropriation process. On behalf of Anheuser-Busch Company, Inc. request is made that you continue processing the application for water appropriation. My client, therefore, responds to the questions stated in your June 19th letter as follows:

1. Will the diversion impact existing water rights?

Elk Mountain Farms, Inc. has no reason to believe that any water rights will be impacted by its diversion. The Kootenai River has substantial water flow and should not be adversely affected nor should the other users of water be adversely affected. This conclusion is supported by the fact that after Notice of the proposed appropriation was published, no comments were made.

- 2(a). What volume is to be diverted per year?

3,150 acre feet per year - 3 AF

MICROFILMED

JUL 29 1988

Mr. Jim Johnson
September 10, 1987
Page 2

2(b). What volume is to be consumptively used per year?

2,047 acre feet per year. $= \frac{2,047}{3,150} = 0.65 \text{ AF/AC}$ - ok

3.(a) What are the flow rates for surface sources available during peak and average water demand period?

The peak irrigation months will be June, July and August. The 25 year average river flow for those months are 31,700 cfs, 18,700 cfs and 11,000 cfs, respectively. Irrigation may also take place in the months of March, April, May, September, October and November. The 25 year average river flow for those months are 7,500 cfs, 11,280 cfs, 9,140 cfs, 11,380 cfs and 11,670 cfs, respectively. This data is from the Leonia Gage Station on the Kootenai River. This information was supplied by Bill Ondrechen, Hydrologist, Department of Water Resources. - ok

3.(b). What other sources are available for supplementation of water flow, if necessary? - ok

There appears to be no alternative source.

4. What is the financial feasibility of the plan? - ok

Attached are copies of the Construction Narrative and Plans presented to the Department of Lands together with an interoffice memo reporting that the Board of Directors committed money to complete the development. Said documents are attached as Exhibit A hereto.

5. Solicit comments and submit copies of comments. - ok

Attached are copies of letters specifically sent to governmental agencies at the request of the Department of Lands as well as comments requested by the Department of Lands, Department of Water Resources, and an oral request from this office. Said documents are attached as Exhibit B.

To the best of knowledge of the undersigned, the point of diversion does not fall within a reservation or city and the Idaho Department of Fish and Game, Idaho Department of Health and Welfare Division of Environment and the Drainage District have all been placed on notice of the project. At this time we have not

MICROFILMED

JUL 29 1988

Mr. Jim Johnson
September 10, 1987
Page 3

received any unfavorable comments from any of the specified agencies.

6. Submit names and addresses of directors and officers of the corporation? — o/k

As mentioned previously, Consolidated Farms, Inc. is a wholly owned subsidiary of Anheuser Busch Company. Attached as Exhibit C are documents on file with the State of Idaho, Secretary of State. Those documents indicate that Consolidated Farms, Inc. is registered to do business in the State of Idaho, lists additional information concerning registration, state of incorporation, date of incorporation, registered agent, officers and directors of the corporation as well as authentication of its corporate existence in the State of Delaware.

I would respectfully request that the processing be brought to a rapid conclusion so the project can be concluded and can assist in the building of economic stability of Boundary County. ✓

Sincerely,



STEVEN C. WETZEL

SCW/sc
Encs.

cc: Anheuser Busch Companies
Elk Mountain Farms, Inc.
Robert G. Haynes, P.E.

MICROFILMED

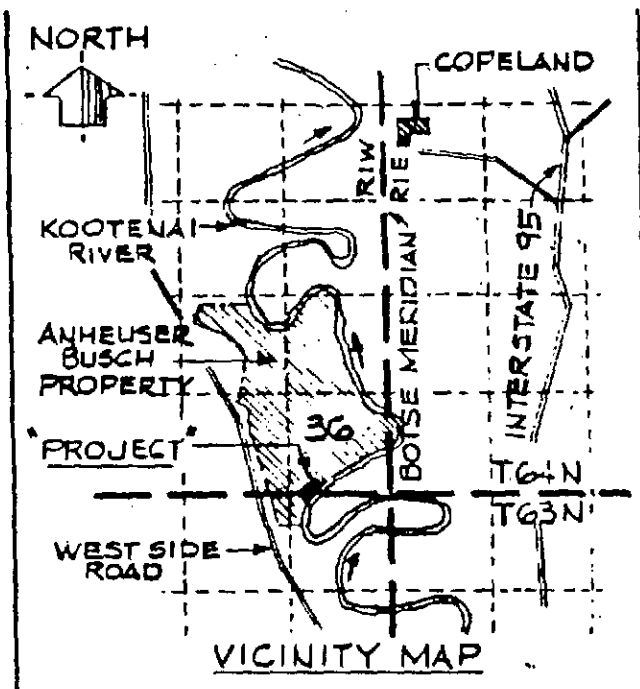
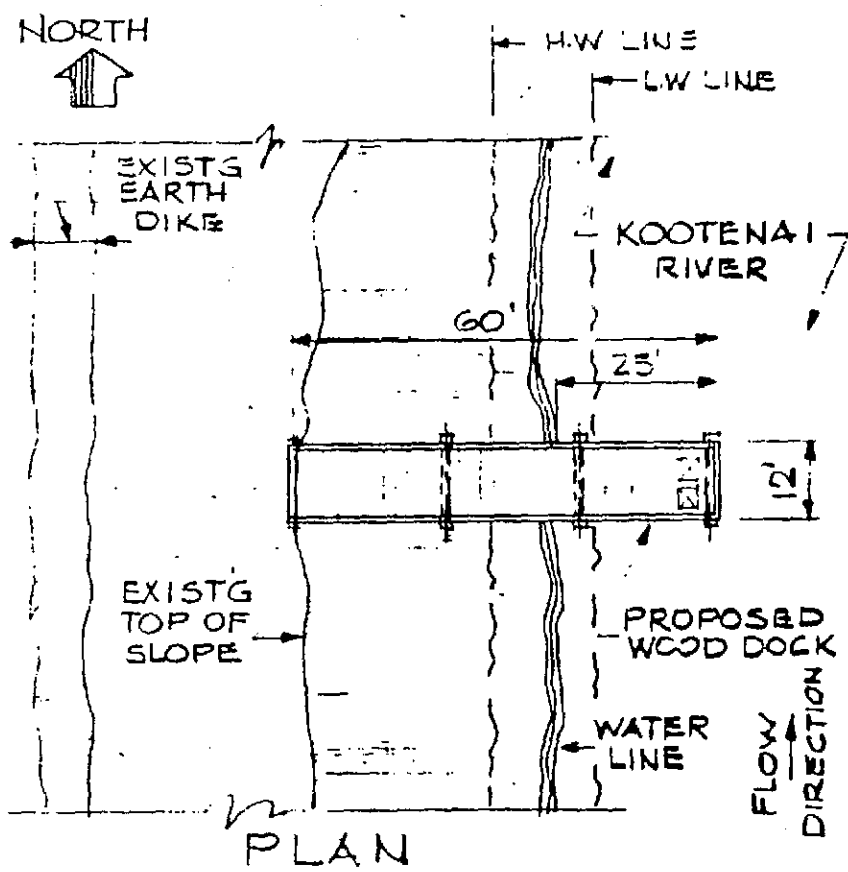
JUL 29 1988

MICROFILMED

JUL 29 1988

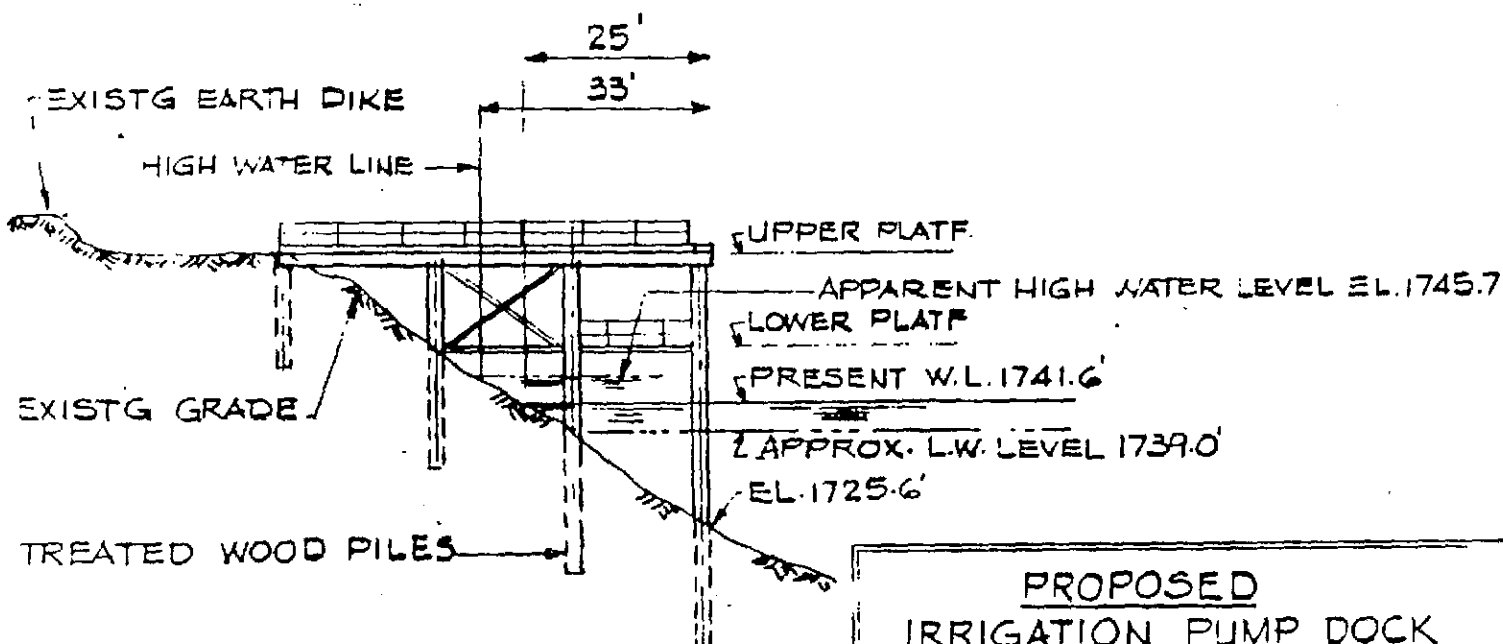
EXHIBIT

A



0 1 2
SCALE IN MILES = 1" = 2 MILES

LOCATION OF THE DOCK IS
1000 FEET EAST OF THE
S.W. COR. OF SEC 36 T64N R1W



ELEVATION MICROFILMED

0 30 60
SCALE IN FEET

JUL 29 1988

**PROPOSED
IRRIGATION PUMP DOCK**

IN: KOOTENAI RIVER
NEAR: COPELAND
COUNTY: BOUNDARY
STATE: IDAHO
APPLICATION BY:
ELK MOUNTAIN FARMS
DATE: FEB 26, 1987

1 OF 1

JOINT APPLICATION FOR PERMIT
U.S. ARMY CORPS OF ENGINEERS
AND
STATE OF IDAHO, DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO, DEPARTMENT OF LANDS

RECEIVED

SEP 14 1987

The Department of the Army permit program is authorized by Section 10 of the River and Harbor Act of 1899 and Section 404 of the Clean Water Act. These laws require permits authorizing structures and work in or affecting navigable waters of the United States and the discharge of dredged or fill material into waters of the United States, including their adjacent wetlands. State permits are required under the State of Idaho, Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act, Section 58-142 et. seq, Idaho Code. This application will meet the requirements of the above agencies.

The applicant has sent copies of this application to the agencies checked: ID Dept. Water Res. - Boise ☐ ,
Cover d'Alene ☒ ; ID Dept. Lands ☒ , Corps of Engineers - Walla Walla ☒ .

PLEASE TYPE OR PRINT

1. Corps of Engineers # _____ Date Received _____		2. State of Idaho # _____ Date Received _____	
3. NAME OF APPLICANT <u>Elk Mountain Farms</u> MAILING ADDRESS <u>One Busch Place</u> <u>St. Louis, MO 63118</u> PHONE Work (314) <u>577-2000</u> Home (314) <u>577-2000</u> Date of Application _____		A. AUTHORIZED AGENT <u>John J. DeSelm</u> MAILING ADDRESS <u>One Busch Place</u> <u>St. Louis, MO 63118</u> PHONE Work (314) <u>577-7064</u> Home (314) <u>577-7064</u>	

5. Location where proposed activity exists or will occur.

Name of waterway Kootenai River Tributary of Columbia River
Near Bonners Ferry Assessor's Desc. (Tax Number or Subdivision, Lot & Block No.)
In or near city or town _____
Boundary Idaho 83805 36 64N 1W
County State Zip Code Section Township Range

6. Describe the proposed activity, including description of the type of structures, if any, to be erected on fills, or pile or float-supported platforms. If additional space is needed, use a separate sheet or Section 15 (Remarks).

Describe the proposed activity in detail: We propose to construct a timber dock, 12'
wide and about 25' beyond the present water level to support two
irrigation pumps.

Describe construction methods and equipment: Will drive the piles from the shore and
construct the timber decking with the use of a crane.

Length of project along the stream or extension into lake or reservoir: 12' wide 25' out into the river

Stream gradient: about 1/3 of a foot/mile

Will material be placed waterward of ordinary high water mark? only the timber dock

Will material be placed in adjacent wetlands? No

Type of fill material: None (i.e. sand, etc.) Material Source: July 29 1988

Volume of material to be placed None (cubic yards)

Will excavation be required? No Disposal Site Location: None

Method of diverting flow, if needed: None

Method of controlling turbidity: ---

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7. Preparation of drawings. A set of original or good quality reproduction drawings must be attached to this application. NOTE: DRAWINGS NO. LARGER THAN 8 1/2 X 11 INCHES IN SIZE. See the instruction pamphlet for instructions and a checklist for completing the drawings.

8. Purpose and intended use:

Commercial _____ Public _____ Private X Other _____

Describe Dock for irrigation pumps

9. Proposed Starting Date May 1, 1987 Estimated Duration 60 days

10. If any portion of the activity is complete indicate month and year of completion _____
Indicate the existing work on the drawings.

11. Names, addresses and telephone numbers of adjoining property owners, lessees, etc., whose property also adjoins the waterway.

Dr. James Smith (208-267-3594)

Flying S Ranch HCR60 Box 260

Bonniers Ferry, Idaho 83805

Ernest G. Krause (505-327-2737)

507 Ava Dr., Farmington, N.M. 87401

Betty V. Southwick

Rt. 1, Box 998, Pottlatch, Idaho 83855

Manuel D.J. Castillo

1750 W. Santa Barbara Ave., Los Angeles, California 90062

12. LEGAL OWNER
IF OTHER THAN
APPLICANT

Eik Mountain Farms

MAILING ADDRESS One Busch Place

City, State,

Zip Code

St. Louis, MO 63118

PHONE

Work (314) 577-2000

Home (314) 577-2000

13. List other applications, approvals or certifications from other Federal, Interstate, state, or local agencies for any structures, constructions, discharges, deposits, or other activities described in this application.

Issuing Agency	Type Approval	Identification No.	Date of Application	Date of Approval
<u>Boundary Co.</u>	<u>Zoning</u>	<u>16</u>	<u>3/2/87</u>	<u>3/2/87</u>
<u>Drainage</u>	<u>District</u>			<u>3/4/87</u>

14. Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein? ☐ YES ☒ NO (If "Yes" explain)

15. Remarks or additional information:

16. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to come upon the above-described location to inspect the proposed or completed work.

Date

Signature of Applicant (Required)

The application must be signed by the applicant. If an authorized agent is to be designated, Item 4 and the following information should be completed.

I hereby designate John J. DeSeim to act as my agent in matters related to this permit application. I understand that if a Federal permit is issued, I must sign the permit.

Date

Signature of Authorized Agency (if applicable)

Signature of Applicant (if applicable)

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device, any material which makes any false, fictitious, or fraudulent statements or representations or makes or uses any false statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both. Do not send a permit processing fee with this application. The appropriate fee will be assessed when a permit is issued.

JUL 29 1988

DO NOT SEND PROCESSING FEE WITH APPLICATION

ELK MOUNTAIN FARMS
PUMP DOCK AND PUMPS

- CONSTRUCTION NARRATIVE -

Elk Mountain Farms proposes to construct a timber dock, 12 feet wide and about 25 feet beyond the present water level, to support two (2) irrigation pumps. The project is expected to begin May 1, 1987 and be complete around July 1, 1987.

Support pilings will be driven from shore, and the timber decking will be constructed with the use of a crane. No excavation will be needed. No spoils will be generated. No material will be placed in the waterway. The irrigation piping will go through the Drainage District dike.

The maximum water level at the time of construction is expected to be El. 1745.7 feet.

Access to the construction site will be by gravel road.

MICROFILMED

JUL 29 1988



ANHEUSER-BUSCH COMPANIES

InterOffice
Correspondence

December 19, 1986

Messrs. Aloys H. Litteken
Thomas R. Billen
Osmond Conrad
Gerald C. Thayer
Stephen R. Beluk
Carl L. Blough**
Ronald S. Burkhardt

John L. Hamilton**
James E. King
Thomas M. McGinnis
John W. Robson**
Gerald F. Wagner
Geoffrey Steinhart**
Paul G. Whitlow**

Busch Agricultural Resources, Inc.

Messrs. Raymond E. Goff
Donald W. Kloth
John A. Brussman

Ms. JoBeth Brown

Messrs. Steve Volland

~~Jerry Wolkowitz*~~

REPORT OF ANHEUSER-BUSCH COMPANIES, INC. BOARD ACTION
MEETING HELD DECEMBER 17, 1986

The following project was approved:

Busch Agricultural Resources, Inc.

Project

Development of Hop Farm
(\$4,900,000 previously appropriated)

Amount

\$9,900,000

* Original project papers are attached.

**Copies of project papers are attached.

John L. Hayward
Secretary

MICROFILMED

JUL 29 1988

EXHIBIT

B

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JUL 29 1968



ANHEUSER-BUSCH COMPANIES

March 9, 1987

Idaho Department of Lands
Northern District
701 River Avenue
P.O. Box 670
Coeur d'Alene, Idaho 83814

Re: Joint Application for Permit to Install
Irrigation Pump Dock and Pumps

Dear Sir or Madam:

Enclosed are two (2) copies of the completed "Joint Application for Permit" forms, two (2) copies of the construction narrative, and two (2) copies of the project drawings. Also included are letters from the Boundary County Zoning and Planning Commission and Drainage District Board indicating approval of the proposed project. The Idaho Department of Water Resources water appropriation approval is expected March 23, 1987.

If you have any questions, or require additional information, please call me at (314) 577-7064.

Sincerely,

ANHEUSER-BUSCH COMPANIES

John J. DeSelm
John J. DeSelm
Environmental Engineer

JJD:cd

RECEIVED

JUL 29 1988



ANHEUSER-BUSCH COMPANIES

March 9, 1987

Idaho Dept. of Water Resources
Northern District
4055 Government Way
Coeur d' Alene, Idaho 83814

Re: Joint Application for Permit to Install
Irrigation Pump Dock and Pumps

Dear Sir or Madam:

Enclosed are two (2) copies of the completed "Joint Application for Permit" forms, two (2) copies of the construction narrative, and two (2) copies of the project drawings. Also included are letters from the Boundary County Zoning and Planning Commission and Drainage District Board indicating approval of the proposed project. The Idaho Department of Water Resources water appropriation approval is expected March 23, 1987.

If you have any questions, or require additional information, please call me at (314) 577-7064.

Sincerely,

ANHEUSER-BUSCH COMPANIES

John J. DeSelm

John J. DeSelm
Environmental Engineer

JJD:cd

RECEIVED

MAR 13 1987



ANHEUSER-BUSCH COMPANIES

March 9, 1987

Corps of Engineers
Coeur d' Alene Office
c/o U.S. Forest Service
1201 Ironwood Drive
Coeur d' Alene, Idaho 83814

Re: Joint Application for Permit to Install
Irrigation Pump Dock and Pumps

Dear Sir or Madam:

Enclosed are two (2) copies of the completed "Joint Application for Permit" forms, two (2) copies of the construction narrative, and two (2) copies of the project drawings. Also included are letters from the Boundary County Zoning and Planning Commission and Drainage District Board indicating approval of the proposed project. The Idaho Department of Water Resources water appropriation approval is expected March 23, 1987.

If you have any questions, or require additional information, please call me at (314) 577-7064.

Sincerely,

ANHEUSER-BUSCH COMPANIES

John J. DeSelm
Environmental Engineer

JJD:cd

MICROFILMED

JUL 29 1988



ANHEUSER-BUSCH COMPANIES

March 9, 1987

Corps of Engineers
Walla Walla District
Bldg. 602, City-County Airport
Walla Walla, Washington 99362

Re: Joint Application for Permit to Install
Irrigation Pump Dock and Pumps

Dear Sir or Madam:

Enclosed are two (2) copies of the completed "Joint Application for Permit" forms, two (2) copies of the construction narrative, and two (2) copies of the project drawings. Also included are letters from the Boundary County Zoning and Planning Commission and Drainage District Board indicating approval of the proposed project. The Idaho Department of Water Resources water appropriation approval is expected March 23, 1987.

If you have any questions, or require additional information, please call me at (314) 577-7064.

Sincerely,

ANHEUSER-BUSCH COMPANIES

John J. DeSelm
John J. DeSelm
Environmental Engineer

JJD:cd

MICROFILMED

JUL 29 1988



received
MAR 20 1987

Region
Government W:
Coeur d'Alene, Idaho 838
Telephone: (208) 765-31

JPV
Sca
cc:
Cenker

March 18, 1987

Mr. Steve Wetzel
Evans, Keane, Koontz, Boyd and Ripley
First Interstate Plaza
Suite 301
505 Front Avenue
Coeur d'Alene, ID 83814

Dear Mr. Wetzel:

In a recent printout of water rights applications, I became aware of your client's application to utilize 2.0 cfs of water from the Kootenai River. Section 36-906(b) of the Idaho Code requires diversions, etc. to be screened and allow for fish passage (see enclosure). The screen mesh size should be no greater than 1/4 inch in diameter and the approach velocity should not be greater than 0.5 feet per second to prevent the entrainment of fry.

We routinely notify people of this regulation when water is being diverted from streams and lakes with fish present. You are not being singled out for any reason.

Thank you in advance for your cooperation.

Sincerely,

Ned Horner

Ned J. Horner
Regional Fishery Manager

NJH:nk

Enclosure

CC: Bureau of Fisheries

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JUL 29 1988

EQUAL OPPORTUNITY EMPLOYER

maintained at the owner's expense and shall be of a sufficient kind and capacity as to accommodate seasonal movements of fish up and down the stream. Said fishway shall be constructed according to plans and specifications approved by the director and such plans shall be incorporated into the overall design of said dam prior to the start of construction. The director, upon request, shall furnish design criteria for such fishway construction.

(b) Screening of Diverted Waters. It is a misdemeanor for any person to operate any mill, factory, power plant or other manufacturing concern run by water power and having either a head or tail race, or for any person to maintain and operate any ditch, flume, canal or other water conduit receiving or taking water from any stream or lake in this state without first installing and maintaining a suitable screen or other device to prevent fish from entering therein; said screens shall be installed and maintained in a manner and to such specifications and at such locations as may be required by the director and at the expense of the owner or operation [operator] of such diversion.

(c) Notification of Need — Screens or Fishways. When a need is found for screens or fishways in planned or existing diversions, dams or obstructions, the director shall order in writing the construction and installation of such screens or fishways. Said order shall specify the type, design and location of said screen or fishway and the time within which said screen or fishway must be installed. Said time shall not be less than thirty (30) days nor more than six (6) months from the date of service of said order.

(d) Removal of Existing Structures — Removal of Abandoned Structures. When it is found that dams or other obstructions which have been placed in the rivers or streams of this state have been abandoned or are not serving any useful purpose and it appears the same are detrimental to the fishery resource, the director may cause the removal of same in such manner as he may see fit. [I.C., § 36-906, as added by 1976, ch. 95, § 2, p. 315.]

Cross ref. Penalty for misdemeanor generally, § 18-113; under fish and game law, § 36-1402.

Sec. to sec. ref. This section is referred to in §§ 36-702 and 36-706.

The bracketed word "operator" in subsection (b) was inserted by the compiler.

36-907. Open passage — Replacement by department — Maintenance by owner. — When it is determined that any existing or proposed dam or obstruction requires a fishway and none has been installed therein, the director shall keep the same open until said fishway is put therein by the owner. Where a fishway has heretofore been constructed and approved by the director and has proved useless or inadequate for such purpose, the director shall have authority to construct a new fishway and to pay the expense of such construction out of the fish and game fund. However, when such fishway is then properly functioning, it shall be maintained and replaced as required at the expense of the person owning the dam or other obstruction. [I.C., § 36-907, as added by 1976, ch. 95, § 2, p. 315.]

MICROFILMED

JUL 29 1988

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STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

DIVISION OF ENVIRONMENT
2110 Ironwood Parkway
Coeur d'Alene, Idaho 83814
(208) 667-3524

August 11, 1987

Steven Wetzel
Evans & Keene
Suite 301
Coeur d'Alene Mines Bldg.
505 Front
Coeur d'Alene, Idaho 83814

RE: Anheuser Busch, Inc. - Bonners Ferry Water Right
Application

Dear Mr. Wetzel:

Per our discussion and my subsequent conversation with Brad Studen, Idaho Department of Water Resources has requested you notify this office of your water right application.

It is our understanding that water usage will be for irrigation purposes at the Bonners Ferry farm and will not cause water quality problems from resultant runoff to surface waters.

As a result, we don't foresee any water quality problems and therefore, have no objections.

Sincerely,

DIVISION OF ENVIRONMENT

Ed Tulloch

Ed Tulloch
Source Control Field Officer

ET/pvc

cc: Larry Koenig, IDHW-DOE, Boise
Robert Haynes, Dept. of Water Resources, CDA

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JUL 29 1988

RECEIVED

JUL 29 1988

EXHIBIT

C

EVANS, KEANE, KOONTZ, BOYD & RIPLEY

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

FIRST INTERSTATE PLAZA, SUITE 301

505 FRONT AVENUE

COEUR D'ALENE, IDAHO 83814

(208) 664-9287

COEUR D'ALENE OFFICE:

JAMES P. KEANE
STEVEN C. WETZEL

KELLOGG OFFICE:

WILLIAM F. BOYD
FRED M. GIBLER
CHARLES L. A. COX
DAVID W. LOHMAN

111 MAIN STREET

KELLOGG, IDAHO 83837-0659

(208) 784-1105

TELECOPY (208) 783-9231

BOISE OFFICE:

BLAINE F. EVANS
ROBERT J. KOONTZ
LARRY D. RIPLEY
KARL JEPPESEN
M. KARL SHURTLIFF
REX BLACKBURN
BRUCE C. JONES
KENNETH D. NYMAN
BARTON L. KLINE
JED W. MANWARING
JAMES D. HOVREN

SUITE 1701, IDAHO FIRST PLAZA

101 S. CAPITOL BLVD.

P. O. BOX 959

BOISE, IDAHO 83701-0959

(208) 384-1800

CABLE: EVK

April 1, 1987

Mr. Ned J. Horner
Regional Fishery Manager
Region I
2320 Government Way
Coeur d'Alene, ID 83814

RE: Diversion of Kootenai River

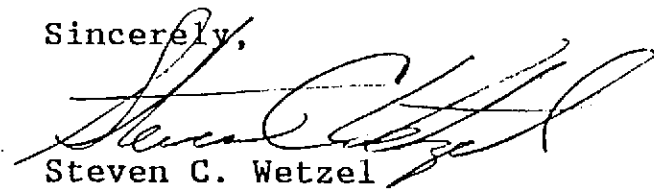
Dear Mr. Horner:

Thank you for your letter of March 18, 1987. A copy of the same has been forwarded to the Environmental Office of Anheuser-Busch in St. Louis, Missouri.

Anheuser-Busch Companies, Inc., through its subsidiary, Elk Mountain Farms, Inc., will, of course, cooperate to protect Idaho's fisheries. If there appears to be any problem after review by corporate headquarters, we will immediately contact you.

Thank you again for your advise.

Sincerely,


Steven C. Wetzel

SCW:vlm

cc: Anheuser-Busch
Environmental Division

MICROFILMED

JUL 29 1988



County of Boundary

P.O. Box 419

Bonnets Ferry, Idaho--83805

February 6, 1987

Department of Lands
P. O. Box 670
Coeur D' Alene, Idaho 83814

Dear Sir,

This letter is in reference to Elk Mountain Farms, Section 36, Township 63, Range 1 W, in Boundary County. This property lies in an agricultural zone.

Elk Mountain Farms is in compliance with our Boundary County Ordinance and Comprehensive Plan.

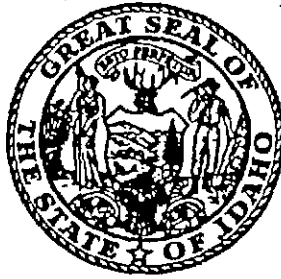
Sincerely Yours,

A handwritten signature in cursive script, reading "Donna Simon".

Donna Simon
Planning and Zoning Secretary

MICROFILMED

JUL 29 1988



County of Boundary

P.O. Box 419

Bonnare Ferry, Idaho--83805

March 2, 1987

Anheuser-Busch
1 Busch Drive
Building 202-4
St. Louis, Missouri 63118

To Whom It May Concern:

Boundary County does not have a Zoning Ordinance which would be applicable to pumping water out of the Kootenai River for irrigation purposes.

Sincerely Yours,

Donna Simon

Donna Simon
Secretary
Boundary County Planning
and Zoning

RECEIVED

MAR 10 5 59 1988

ENVIRONMENTAL ENGRG.
DEPT.

DISTRICT 16 COMMISSIONERS
PORTHILL, IDAHO
MARCH 4, 1987

ELK MOUNTAIN HOP FARMS
P.O. BOX R
BONNERS FERRY, ID 83805

We have given ELK MOUNTAIN HOP FARMS permission to run a pipe line through
the Kootenai River dyke on the Southern Boundary of Section Line 36 in
District 16.

DISTRICT 16 COMMISSIONERS

Robert Neumeyer
J. M. Smith

James M. Smith
Robert Neumeyer

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JUL 29 1988



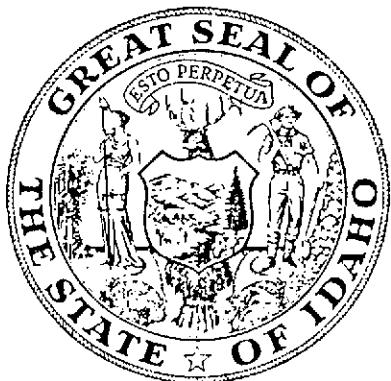
CERTIFICATE OF AUTHORITY
OF

CONSOLIDATED FARMS, INC. dba ELK MOUNTAIN FARMS, INC.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of an Application of CONSOLIDATED FARMS, INC. dba ELK MOUNTAIN FARMS, INC. for a Certificate of Authority to transact business in this State, duly signed and verified pursuant to the provisions of the Idaho Business Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Authority to CONSOLIDATED FARMS, INC. dba ELK MOUNTAIN FARMS, INC. to transact business in this State under the name CONSOLIDATED FARMS, INC. dba ELK MOUNTAIN FARMS, INC. and attach hereto a duplicate original of the Application for such Certificate.

Dated October 30, 1986



Pete T. Cenarrusa

SECRETARY OF STATE

MICROFILMED

Corporation Clerk

JUL 29 1988

APPLICATION FOR CERTIFICATE OF AUTHORITY

(Profit Corporation)

To the Secretary of State of Idaho

Pursuant to Section 30-1-110, Idaho Code, the undersigned Corporation hereby applies for a Certificate of Authority to transact business in your State, and for that purpose submits the following statement:

1. The name of the corporation is Consolidated Farms, Inc. 77 12 9 06

2. The name which it shall use in Idaho is ELK MOUNTAIN FARMS, INC.

(To be used only when required to avoid a conflict with a name already on file. Must be accompanied by a Board of Directors resolution adopting assumed name in Idaho.)

3. It is incorporated under the laws of the State of Delaware

4. The date of its incorporation is March 26, 1973 and the period of its duration is perpetual

5. The address of its principal office in the state or country under the laws of which it is incorporated is The Corporation Trust Co., 1209 Orange St., Wilmington, DE 19801

6. The address to which correspondence should be addressed, if different from that in item 5. One Busch Place, St. Louis, Missouri 63118

7. The street address of its proposed registered office in Idaho is 300 North Sixth Street, Boise, Idaho 83701, and the name of its proposed registered agent in Idaho at that address is CT Corporation System

8. The purpose or purposes which it proposes to pursue in the transaction of business in Idaho are: farming and processing of agricultural crops.

9. The names and respective addresses of its directors and officers are:

Name	Office	Address
SEE ATTACHED		

MICROFILMED
JUL 29 1988

(continued on reverse)

Name

Office

Address

10. The corporation accepts and shall comply with the provisions of the Constitution and the laws of the State of Idaho.
11. This Application is accompanied by a certificate of Corporate Status or Existence, duly authenticated by the proper officer of the state or country under the laws of which it is incorporated.

Dated: September 8, 1986

CONSOLIDATED FARMS, INC.

(Corporation Name)

By

Donald W. Kloth

Its President/ ~~Vice President~~ (please specify)

and

J. Peter Brun

Its ~~Secretary~~ Assistant Secretary (please specify)

STATE OF MISSOURI

CITY

~~XXXXXX~~ OF ST. LOUIS

) ss:

I, Laverne H. Duvall

, a notary public, do hereby certify that on this 8th day of September, 19 86, personally appeared before me Donald W. Kloth, who being by me first duly sworn, declared that (s)he is the President of Consolidated Farms, Inc.

that (s)he signed the foregoing document as President of the corporation and that the statements therein contained are true.

MICROFILMED

JUL 29 1988

LAVERNE H. DUVAL, Notary Public
STATE OF MISSOURI, CITY OF ST. LOUIS
MY COMMISSION EXPIRES 6-10-88

Laverne H. Duvall
Notary Public

CONSOLIDATED FARMS, INC.

OFFICERS

Raymond E. Goff	Chairman of the Board and Chief Executive Officer
Donald W. Kloth	President
David R. Long	Vice President and General Manager
Paul H. Hoskins	Secretary
JoBeth G. Brown	Assistant Secretary
Gerald C. Thayer	Treasurer
Richard N. Hill	Assistant Treasurer
Albert R. Wunderlich	Tax Controller

DIRECTORS

Raymond E. Goff
Patrick T. Stokes
Donald W. Kloth
Louis L. Werner
David R. Long

The address for the officers and directors is:

One Busch Place
St. Louis, Missouri 63118

MICROFILMED

EFFECTIVE 4/16/86

42-11L

JUL 29 1988

CERTIFIED RESOLUTION OF PRESIDENT
AND ASSISTANT SECRETARY OF
CONSOLIDATED FARMS, INC.

OCT 30 1 56 PM '86

SECRETARY OF STATE

The undersigned, being the president and assistant secretary of Consolidated Farms, Inc. (the "Corporation"), hereby certify that the following action was taken and the following business transacted by a majority of the Board of Directors of this Corporation on September 15, 1986:

RESOLVED, that the Board of Directors of this Corporation hereby adopts the assumed name of ELK MOUNTAIN FARMS, for the purpose of registering the Corporation to do business in the state of Idaho.

CONSOLIDATED FARMS, INC.

By: Donald W. Kloth
Donald W. Kloth
President

By: JoBeth Brown
JoBeth Brown
Assistant Secretary

State of Missouri
City of St. Louis

Subscribed and sworn to before me this 28th day of October, 1986.

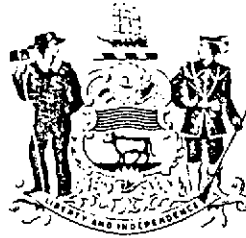
Laverne H. Duvall
Notary Public

LAVERNE H. DUVALL, Notary Public
STATE OF MISSOURI, CITY OF ST. LOUIS
MY COMMISSION EXPIRES 6-10-88

0073W

MICROFILMED

JUL 29 1988

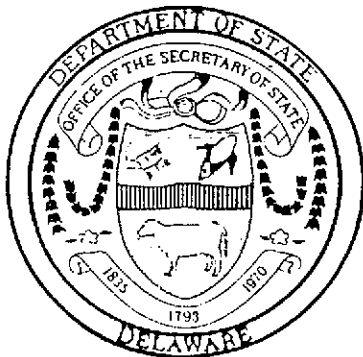


1988 JUL 29 9 06

Office of Secretary of State

I, MICHAEL HARKINS, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY CONSOLIDATED FARMS, INC. IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE DATE SHOWN BELOW.

| | | | | | | | | |



862470213

MICROFILMED

JUL 29 1988

A handwritten signature in cursive script, appearing to read "Michael Harkins".

Michael Harkins, Secretary of State

AUTHENTICATION: 10936056

DATE: 09/05/1986



CERTIFICATE OF CORPORATE STATUS
OF

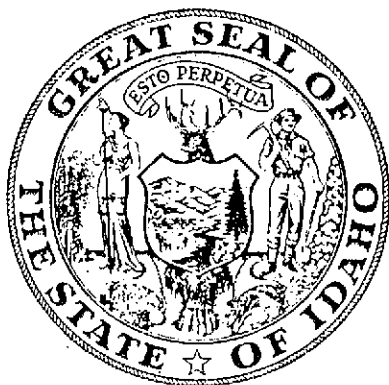
CONSOLIDATED FARMS, INC. dba ELK MOUNTAIN FARMS, INC.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that I am the custodian of the corporation records of this State.

I FURTHER CERTIFY That the records of this office show that the above-named corporation was incorporated under the laws of Delaware and was issued a certificate of authority in Idaho on October 30, 1986.

I FURTHER CERTIFY That the corporation's authority to do business has not been forfeited.

Dated October 30, 1986



Pete T. Cenarrusa
SECRETARY OF STATE

by *Diane Walker*

RECEIVED

JUL 29 1988

State of Idaho

Department of State.

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that I am the custodian of the corporation and limited partnership records of this State.

I FURTHER CERTIFY That the annexed is a full, true and complete transcript of certificate of authority of CONSOLIDATED FARMS, INC. dba ELK MOUNTAIN FARMS, INC., a Delaware corporation, received and filed in this office on the 30th day of October, 1986, as appears of record in this office as of this date.

Dated: October 30, 1986



Pete T. Cenarrusa

SECRETARY OF STATE

by: *Miane Walker*

JUL 29 1988

CONVERSATION MEMORANDUM

DATE 6-30-87

FILE 98-7632

NAME OF PARTY Michael Richter

314-577-2432

EMPLOYEE Jim Johnson

RE: Mr. Richter called asking for
guidance in responding to my
letter of 6-19-87.

He expressed concern
that he may not get response
back from local entities
within the 30 DAYS.

I informed him that
additional time would be
given if needed.

MICROFILMED

JUL 29 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

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

June 19, 1987

Elk Mountain Farms, Inc.
c/o Michael G. Richter
One Busch Place
St. Louis, MO 63118

RE: Application for Permit to Appropriate Water No. 98-7632

Gentlemen:

Pursuant to Water Allocation Rules and Regulations adopted in October of 1986 and a review of your Application for Permit No. 98-7632, we find that more information is needed prior to any further action on the application.

Be advised that we need to have information submitted regarding each of the requirements identified below:

1. Will the diversion impact existing water rights? If so, describe design, construction, or operation techniques which will be used to reduce impact on existing rights.
2. Evaluate the water requirements of proposed project including the following:
 - a) volume to be diverted per year
 - b) volume to be consumptively used per year
3. Set forth the quantity of water available from source including:
 - a) flow rates for surface water sources available during peak and average water demand period
 - b) other sources available for supplementation of water flow, if necessary.
4. Submit a statement of financial feasibility including:
 - a) project design/plans along with cost estimation to complete project
 - b) current certified financial statement that money is committed to complete the development.

MICROFILMED

JUL 29 1988

5. Solicit comments and submit copies of comments from: cities, counties and tribal reservations within which the point of diversion or place of use is located; Idaho Dept. of Fish and Game, Idaho Dept. of Health and Welfare, Div. of Environment, and any irrigation districts or canal companies within which the project is located.

6. Submit names and addresses of directors and officers of corporation

We will withhold any further action towards processing of your application until we receive information regarding the above requested items. Be advised that if we do not hear from you within 30 days, we will assume you are no longer interested in the application and we will take action to void the application.

Sincerely,

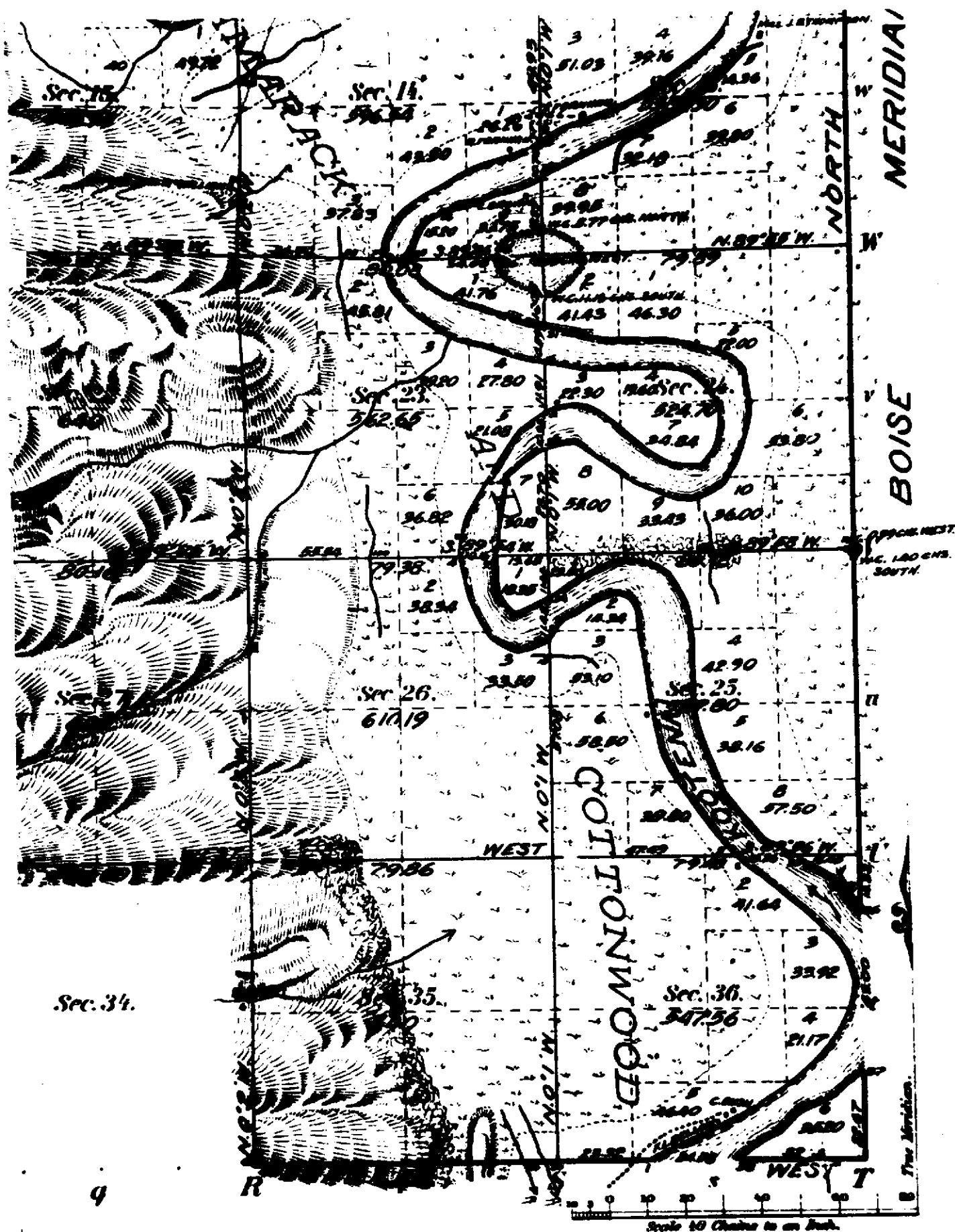
JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosure: Water Appropriation Rules & Regulations

cc: Northern Region

ENCLOSURE

JUL 29 1988

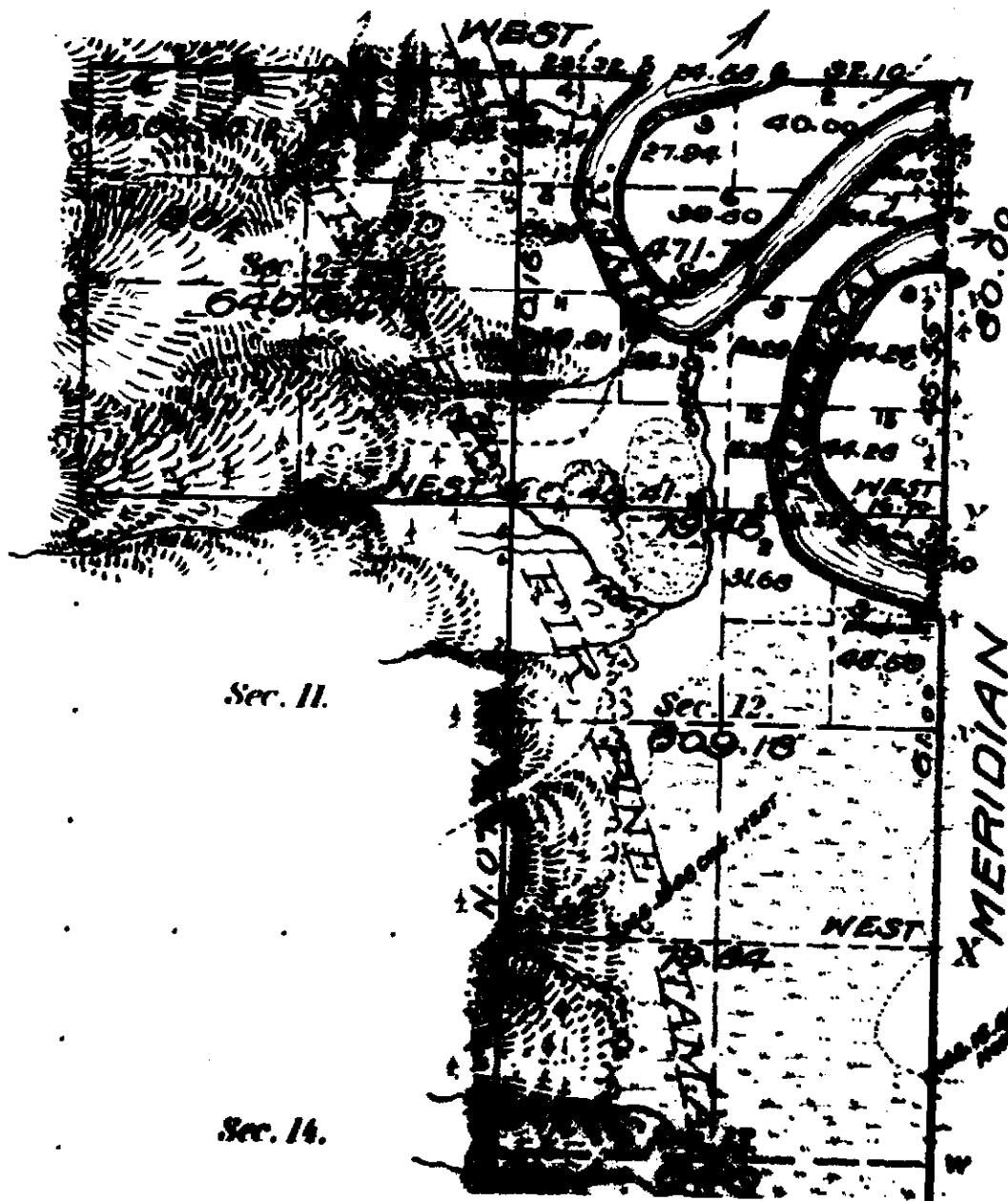


inclinations.

74.

NO 29 1964

C *b* *B* *a*

[illegible]

May 19, 1987

Mr. Steve Wetzel
Evans, Keane, Koontz, Boyd & Ripley
First Interstate Plaza, Suite 301
505 Front Ave.
Coeur d'Alene, Id. 83814

Re: 98-7632

Dear Steve:

As we discussed on the phone, we have completed the advertising of the Elk Mountain application and have sent the application to our State Office for final review and approval.

It will probably be ten days to two weeks before Elk Mountain Farms has the approved application in their hands.

The only item that Elk Mountain Farms may want to be aware of at this point, since they are in the process of constructing their diversion works, is that a measuring device or access port to enable Department personnel to measure the flow of water produced by the system will be required as a condition of approval of the permit. The measuring device or access port can easily be accommodated in the initial system layout but if it is not done during system construction, retrofitting can be a real headache.

If you have any questions, please contact me.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

Microfilm ED

JUL 29 1988

C
O
P
Y

March 30, 1987

Dept. of Lands
Statehouse
Boise, Id. 83720

Re: 98-7632

Gentlemen:

Enclosed is information which may be of interest to your Agency relating to an application recently filed with the Department of Water Resources.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms

Enclosure

MICROFILMED

JUL 29 1988

C
O
P
Y

February 23, 1987

Mr. Steve Wetzel
Evans, Keane, Koontz, Boyd & Ripley
First Interstate Plaza, Suite 301
505 Front Ave.
Coeur d'Alene, Id. 83814

Re: 98-7632

Dear Mr. Wetzel:

The Department of Water Resources acknowledges receipt of your water right application for permit for Elk Mountain Farms, Inc.. The application has been assigned Identification No. 98-7632. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Bonners Ferry Herald. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to the final processing of the application and will notify you of the outcome of this review. When a permit is issued, the applicant will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Enclosed please find your Receipt No. 38222 for the amount of \$435.00.

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

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH/pms
Enc. - Receipt

MICROFILMED

JUL 29 1988

C
O
P
Y

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

Date _____ INVOICE No. _____
Account No. 96475
Description 03370NOTICE
Times 002 Lines 19
Tab Lines _____
TRIBUNE ERROR
\$ N/C

SOLD TO: STATE OF IDAHO
DEPT. OF WATER RESOURCES
4055 GOVERNMENT WAY
COEUR D'ALENE, ID 83814

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

C. M. VIERS, being duly sworn,
deposes and says, I am the LEGAL CLERK
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

03370
NOTICE OF CORRECTION
NOTICE IS HEREBY GIVEN that
Application for Permit No. 98-7632 in
the name of Elk Mountain Farms,
Inc. was advertised incorrectly on
March 5 and 12, 1987.
Part of the legal description for the
place of use was incorrectly adver-
tised as the NWNW SWSW Sec. 1
T36N R01W; whereas, correctly it
should have been NWNW SWSW Sec.
1 T63N R01W.
Protests to the above-referenced
correction must be filed with the Di-
rector, Dept. of Water Resources,
4055 Gov't Way, Ste. 14, Coeur d'A-
lene, Id. 83814 on or before May 4,
1987.

KEN DUNN, Dir.

RECEIVED

1988

Bob:

5/15/87

Steve WETzel was in a hurry to get the
affidavit for Elk Mountain Farms, Inc.
The paper sent it to Boise and they could
not find it.

I called the paper and had them read me the
notice of correction as it ran in the
4/16/87 paper. It was correct.

I called Mr. Wetzel, who was gone for the
afternoon. I left word that the notice
was run correctly and that the paper was
going to send another affidavit up to us.

He said you told him you could write a letter
saying that the application would be approved
if the notice was correct. He is to call
you on Monday about writing the letter.

pms 4:23 pm

NOTICE OF CORRECTION

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 002 time(s). Publication be-
ing on 041687, or once a

week for 002 consecutive weeks, the first
publication thereof being on the 041687, and the last pub-
lication thereof being on the 042387, and said

NOTICE OF CORRECTION

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

C.M. Viers

SUBSCRIBED AND SWORN BEFORE ME THIS THE 15th
day of May, 1987.

Julietta Hamilton
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN that Application for Permit No. 98-7632 in the name of Elk Mountain Farms, Inc. was advertised incorrectly on March 5 and 12, 1987.

Part of the legal description for the place of use was incorrectly advertised as the NWNW SWSW Sec. 1 T36N R01W; whereas, correctly it should have been NWNW SWSW Sec. 1 T63N R01W.

Protests to the above-referenced correction must be filed with the Director, Dept. of Water Resources, 4055 Gov't Way, Ste. 14, Coeur d'Alene, Id. 83814 on or before May 4, 1987.

KEN DUNN, Dir.

Published in the Lewiston Tribune on 4/16 & 23/1987.

RECEIVED

JUL 29 1988

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

98-7632

ELK MOUNTAIN FARMS, INC.
ONE BUSCH PL., ST. LOUIS, MO
63118

Source: KOOTENAI RIVER trib. to
COLUMBIA RIVER

Diversion Pt: SWSW Sec 36 T 64N R
01W LOT 02 (NWNW) LOT 07
(SESW) Sec 25 T 64N R 01W

Use: IRRIGATION (21.0 CFS)

Date Filed: 02/13/1987

In: NWNE SWNE SENE NW¹/₄ SW¹/₄
NESE NWSE SWSE Sec. 36 T64N
R01W; SWNW SW¹/₄ Sec. 25 T64N
R01W; SWNE SENE SE¹/₄ Sec. 26
T64N R01W; NENE NWNE SENE
SE¹/₄ Sec. 35 T64N R01W; NWNW
SWNW Sec. 1 T63N R01W; NENE
SENE Sec. 2 T63N R01W FOR 1050
ACRES.

The permit(s) will be subject
prior water rights. Protests must be
filed with the Director, Dept. of
Water Resources, 4055 Government
Way, Suite 9, Coeur d'Alene, Idaho
83814 on or before MARCH 23, 1987.

KEN DUNN, Dir.

#649 March 4, 11, 1987

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

98-7632

ELK MOUNTAIN FARMS, INC.
ONE BUSCH PL., ST. LOUIS, MO
63118

Source: KOOTENAI RIVER trib. to
COLUMBIA RIVER

Diversion Pt: SWSW Sec 36 T 64N R
01W LOT 02 (NWNW) LOT 07
(SESW) Sec 25 T 64N R 01W

Use: IRRIGATION (21.0 CFS)

Date Filed: 02/13/1987

In: NWNE SWNE SENE NW¹/₄ SW¹/₄
NESE NWSE SWSE Sec. 36 T64N
R01W; SWNW SW¹/₄ Sec. 25 T64N
R01W; SWNE SENE SE¹/₄ Sec. 26
T64N R01W; NENE NWNE SENE
SE¹/₄ Sec. 35 T64N R01W; NWNW
SWNW Sec. 1 T63N R01W; NENE
SENE Sec. 2 T63N R01W FOR 1050
ACRES.

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of
Water Resources, 4055 Government
Way, Suite 9, Coeur d'Alene, Idaho
83814 on or before MARCH 23, 1987.

KEN DUNN, Dir.

#649 March 4, 11, 1987

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Boundary

ss.

DAN DREWRY, MANAGING EDITOR FOR JIM THOMPSON being first duly sworn upon his oath, deposes and says that he is the publisher (or foreman)

PUBLISHER

of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

the advertisement of WATER RIGHT

a #549

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated Mar 4, 1987, and ending with the issue dated _____, 19____.

REFILED

JL 29 1988

Subscribed and sworn to before me this 17 day of March, 1987.

Wa Radwig
Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho.

Department of Water Resources
Northern District
APR 12 1987

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Boundary

ss.

DAN DREWRY, MANAGING EDITOR FOR JIM THOMPSON being first duly sworn upon his oath, deposes and says that he is the publisher (or foreman)

PUBLISHER

of The Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the hereto attached notice; that

the advertisement of WATER RIGHT

a #549

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for 2 consecutive issues, commencing with the issue dated Mar 4, 19 87, and ending with the issue dated _____, 19 ____.

Subscribed and sworn to before me this 17 day of March, 19 87.

Wa Ladwig
Notary Public in and for the County of Boundary, State of Idaho,
residing at Bonners Ferry, Idaho.

APPLICATION FOR
WATER RIGHT

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

98-7632

ELK MOUNTAIN
FARMS, INC.

One Busch PL.,
ST. Louis, MO 63118

SOURCE: KOOTENAI

RIVER trib. to
COLUMBIA RIVER

Diversion Pt: SWSW

Sec 36, T 64N, R 01W
Lot 02 (NWNW) Lot 07
(SESW) Sec 25 T 64N
R 01W

Use: IRRIGATION
(21.0 CFS)

Date Filed: 02/13/87

In: NWNE, SWNE,

SENE, NW $\frac{1}{4}$, SW $\frac{1}{4}$,
NESE, NWSE, SWSE,

Sec. 36 T 64N

R 01W; SWNW, SW $\frac{1}{4}$

Sec. 25 T 64N R 01W;

SWNE, SENE, SE $\frac{1}{4}$

Sec. 26 T 64N

R 01W; NENE, NWNE

SENE SE $\frac{1}{4}$ Sec. 35

T 64N R 01W; NWNW

SWNW Sec. 1 T 63N

R 01W; NENE SENE

Sec. 2 T 63N R 01W

For 1050 Acres.

The permit(s) will be
subject to all prior water
rights. Protests must be
filed with the Director,
Dept. of Water
Resources, Northern
Region, 4055 Governme-
nt Way, Coeur d'Alene,
Idaho 83814 on or before
April 6, 1987.

KEN DUNN, Dir.

PUBLISH: Thursday,
March 19 and 26, 1987.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS

ss.

Department of Water Resources
Northern District Office

No. 17253

I, Pamela Sawyer, being first duly sworn upon

oath, depose and say that I am Phone Clerk of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for two
consecutive weeks, commencing with the issue dated

March 19, 19 87, and ending with the issue dated
March 26, 19 87.

And I do further certify that said newspaper is a consolidation, effective February 16,
1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin
Falls News, published theretofore daily except Monday, both of which newspapers prior to
consolidation had been published under said names in said city and county continuously and
uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday,
until July 31, 1978, at which time said newspaper began daily publication under said name
in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week
designated as the day on which legal notice by law or by order of any court of com-
petent jurisdiction within the state of Idaho, to be published weekly, will be published; and
that at the head of the editorial column of said combined newspapers, and in each issue there-
of, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 27 day of

March, 19 87
Pamela Sawyer

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

MICROFILMED

JUL 29 1988

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 031287 INVOICE No. L00099866

Account No. 96475

Description 99866NOTIC

Times 2 Lines 34

**LEGAL ADVERTISING
INVOICE**

RECEIVED
MAR 26 1987

Tab Lines

29.75

RECEIVED
MAR 30 1987

Department of Water Resources

Department of Water Resources

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

J. L. Blackwell

, being duly sworn,

deposes and says, I am the Legal Clerk

of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established paper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION

attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication beginning on 030587

WEEK for 2 consecutive WEEKS, the first publication thereof being on the 030587, and the last publication thereof being on the 031287, and said

NOTICE OF APPLICATION

was so published in the regular and entire issue of said newspaper and not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

J. L. Blackwell

SUBSCRIBED AND SWORN BEFORE ME THIS THE 19

day of March 1987

Meral M. Lantz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

**NOTICE OF APPLICATION
FOR WATER RIGHT**
The following application(s) have been filed to appropriate the public waters of the State of Idaho:

98-7632
ELK MOUNTAIN FARMS, INC.
ONE BUSCH PL., ST. LOUIS, MO 63118
Source: KOOTENAI RIVER trib. to COLUMBIA RIVER
Diversion Pt: SWSW Sec 36 T 64N R 01W LOT 02 (NWNW) LOT 07 (SESW) Sec 25 T 64N R 01W
Use: IRRIGATION (21.0 CFS)
Date Filed: 02/13/1987
In: NWNE SWNE SENE NW¼ SW¼ NESE NWSE SWSE Sec. 36 T64N R01W;
SWNW SW¼ Sec. 25 T64N R01W;
SWNE SENE SE¼ Sec. 26 T64N R01W;
NENE NWNE SENE SE¼ Sec. 35 T64N R01W;
NWNW SWNW Sec. 1 T36N R01W;
NENE SENE Sec. 2 T63N R01W
FOR 1050 ACRES.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 4055 Government Way, Suite 9, Coeur d'Alene, Idaho 83814 on or before MARCH 23, 1987.
KEN DUNN, Dir.

MICROFILMED

JUL 29 1988

NOTICE

APPLICATION FOR WATER RIGHT

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

98-7832

ELK MOUNTAIN
FARMS, INC.

One Busch Pl.,
ST. Louis, MO 63118

SOURCE: KOOTENAI
RIVER trib. to

COLUMBIA RIVER

Diversion Pt: SWSW

Sec 36, T 64N, R 01W

Lot 02 (NWNW) Lot 07

(SESW) Sec 25 T 64N

R 01W.

Use: IRRIGATION

(21.0 CFS)

Date Filed: 02/13/87

In: NWNE, SWNE,

SENE, NW¼, SW¼,

NESE, NWSE, SWSE,

Sec. 36 T 64N

R 01W; SWNW, SW¼

Sec. 25 T 64N R 01W;

SWNE, SENE, SE¼

Sec. 26 T 64N

R 01W; NENE, NWNE

SENE SE¼ Sec. 35

T 64N R 01W; NWNW

SWNW Sec. 1 T 63N

R 01W; NENE SENE

Sec. 2 T 63N R 01W

For 10.0 Acres.

The permit(s) will be
subject to all prior water
rights. Protests must be
filed with the Director,
Dept. of Water
Resources, Southern
Region, 2148 Fourth
Avenue East, Twin Falls,
Idaho 83301 on or before
March 23, 1987.

KEN DUNN, Dir.

PUBLISH: Thursday,
March 5 and 12, 1987.

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS

ss.

I, Belinda J. Capps

being first duly sworn upon
oath, depose and say that I am Print Clerk of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for Two

consecutive Weeks, commencing with the issue dated

March 5, 1987, and ending with the issue dated

March 12, 1987.

And I do further certify that said newspaper is a consolidation, effective February 16,
1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin
Falls News, published theretofore daily except Monday, both of which newspapers prior to
consolidation had been published under said names in said city and county continuously and
uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday,
until July 31, 1978, at which time said newspaper began daily publication under said name
in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week
has been designated as the day on which legal notice by law or by order of any court of com-
petent jurisdiction within the state of Idaho, to be published weekly, will be published; and
that at the head of the editorial column of said combined newspapers, and in each issue there-
of, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 12th day of

March, 1987.

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

RECEIVED
Department of Water Resources
Northern District

No. 17199

JUL 29 1988

wrong
affidavit
should be
revised on
3/13/87

3/20/87

Proof of Publication
The Post-Register

RECEIVED
MAR 15 1987

Department of Water Resources
Northern District Office

State of Idaho, }
County of Bonneville } ss

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk 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 have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (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 5th day of March, 1987, last publication having been made on the 12th day of March, 1987, 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 13th day of March, 1987.

Notary Public

My commission expires September 30, 1988.

B10

**NOTICE OF APPLICATION
FOR WATER RIGHT**
The following application(s) have been filed to appropriate the public waters of the State of Idaho:
98-7632
ELK MOUNTAIN FARMS, INC.
ONE BUSCH PL., ST. LOUIS, MO. 63118
Source: KOOTENAI RIVER trib. to COLUMBIA RIVER
Diversion Pt: SWSW Sec 36 T 64N R 01W
LOT 02 (NWNW) LOT 07 (SESW) Sec 25 T 64N R 01W
Use: IRRIGATION (21.0 CFS)
Date Filed 02/13/1987
In: NWNE SWNE SENE NW¼ SW¼ NESE NWSE SWSE Sec. 36 T64N R01W;
SWNW SW¼ Sec. 25 T64N R01W;
SWNE SENE SE¼ Sec. 26 T64N R01W;
NENE NWNE SENE SE¼ Sec. 35 T64N R01W;
NWNW SWNW Sec. 1 T63N R01W;
NENE SENE Sec. 2 T63N R01W FOR 1050 ACRES.
The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 4055 Government Way, Suite 9, Coeur d'Alene, Idaho 83814 on or before MARCH 23, 1987.
KEN DUNN, Dir.
Published: March 5, 12, 1987

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JUL 29 1988

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

38.72

Account Name ID. Dept. Water Resources - Norther Region			Account Number #100631	
Address 4055 ~~Gov~~ Government Way		City/State Coeur d'Alene, ID		Zip 83814
Ordered By Pat Stypa	P.O. Number	Rate nt	Run Dates 1987 Mar, 5, 12	
Identification App. for Water Right - Elk Mtn. Farms			Estimated Inches	Real Inches
1 Number of Affidavits Requested				Legal Number #4629

RECEIVED

MAR 16 1987

STATE OF IDAHO)

) ss.

COUNTY OF ADA)

Department of Water Resources
Northern District Office

Deborah Gregory

, 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 Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) ☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of March 5, 19 87

and ending with the issue of March 12, 19 87

Subscribed and sworn to before me this 12th

day of March, 19 87

MILWAUKEE

JUL 29 1988

Conrad Blackburn 8/92
Notary Public for Idaho, Residing at Boise, Idaho

NOTICE OF APPLICATION FOR WATER RIGHT

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

98-7632

Elk Mountain Farms, Inc.
One Busch Pl.
St. Louis, MO 63118

Source: KOOTENAI River trib. to COLUMBIA RIVER

Diversion Pt: SWSW Sec. 36 T 64N R 01W Lot 02 (NWNW) Lot 07 (SESW)

Sec. 25 T 64N R 01W

Use: Irrigation (21.0 CFS)

Date Filed: 02/13/1987

In: NWNE SWNE SENE NW¼ SW¼ NESE NWSE SWSE Sec. 36 T64N R01W;

SWNW SW¼ Sec. 25 T64N R01W; SWNE SENE SE¼ Sec. 26 T64N R01W;

NENE NWNE SENE SE¼ Sec. 35 T64N R01W;

NWNW SWNW Sec. 1 T63N R01W; NENE SENE Sec. 2 T63N R01W;

FOR 1050 ACRES.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Northern Region, 4055 Government Way, Suite 9, Coeur d'Alene, ID 83814 on, or before, MARCH 23, 1987.

KEN DUNN
Director

Pub. Mar 5, 12, 1987

4629

98-7632

ELK MOUNTAIN FARMS, INC.

ONE BUSCH PL., ST. LOUIS, MO 63118

Source: KOOTENAI RIVER trib. to COLUMBIA RIVER

Diversion Pt: SWSW Sec 36 T 64N R 01W LOT 02 (NWNW) LOT 07 (SESW)
Sec 25 T 64N R 01W

Use: IRRIGATION (21.0 CFS)

Date Filed: 02/13/1987

In: NWNE SWNE SENE NW $\frac{1}{4}$ SW $\frac{1}{4}$ NESE NWSE SWSE Sec. 36 T64N R01W;
SWNW SW $\frac{1}{4}$ Sec. 25 T64N R01W;
SWNE SENE SE $\frac{1}{4}$ Sec. 26 T64N R01W;
NENE NWNE SENE SE $\frac{1}{4}$ Sec. 35 T64N R01W;
NWNW SWNW Sec. 1 T63N R01W;
NENE SENE Sec. 2 T63N R01W FOR 1050 ACRES.

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JUL 29 1988

Memorandum from

EVANS, KEANE, KOONTZ, BOYD & RIPLEY

FIRST INTERSTATE PLAZA, SUITE 301 505 FRONT AVENUE
COEUR D'ALENE, IDAHO 83814

(208) 664-9287

TO Mr. Bob Haines DATE February 13, 1987
SUBJECT Elk Mountain Farms, Inc. FROM Steven C. Wetzel

Enclosed please find our check in the sum of \$435.00 in payment of fees for the Application for Permit submitted to your office on this date.

Thank you for your cooperation and assistance.

SCW/sc
Enc.

RECEIVED
FEB 17 1987
Department of Water Resources
Western District Office

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JUL 29 1988