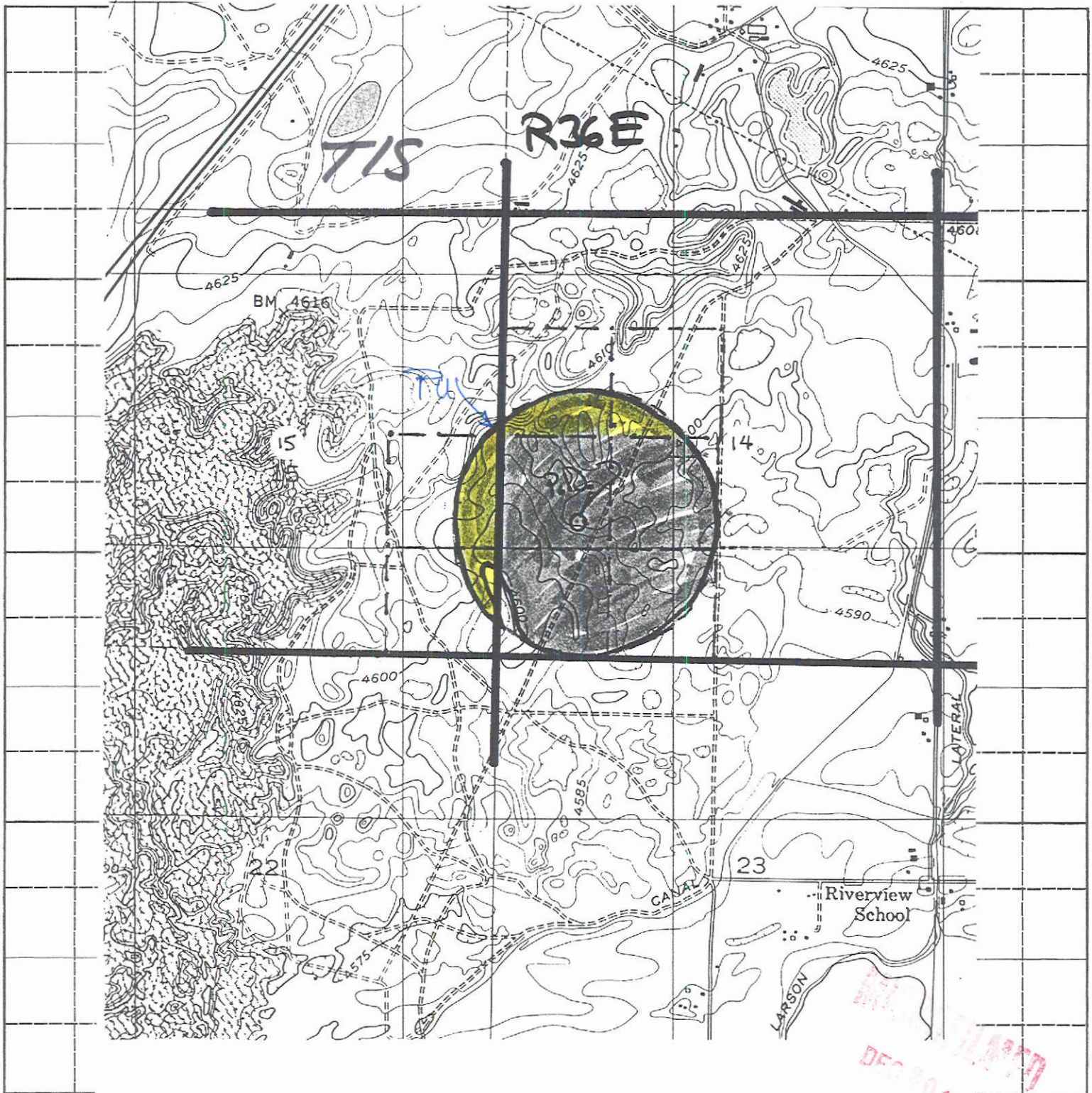


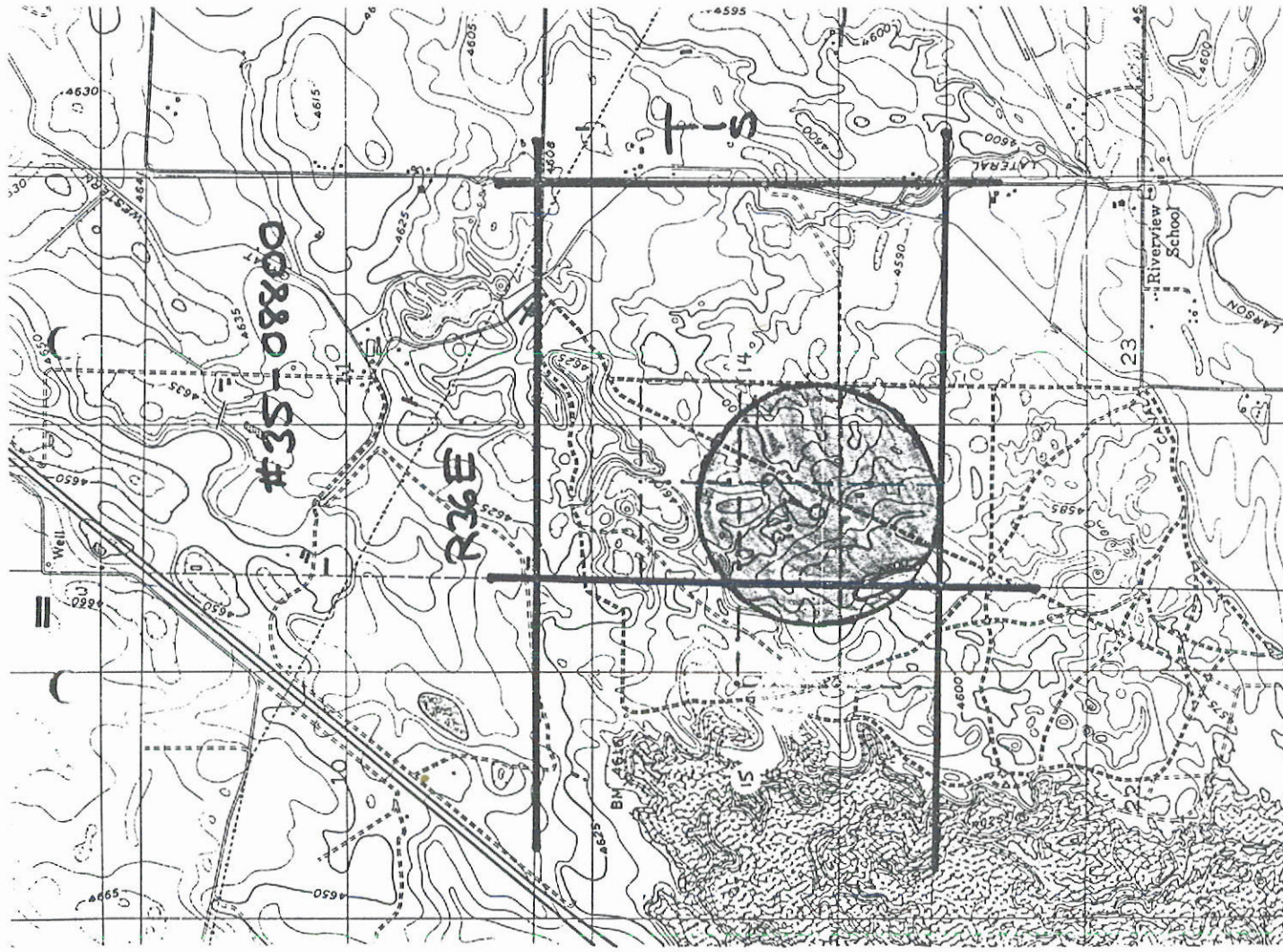
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

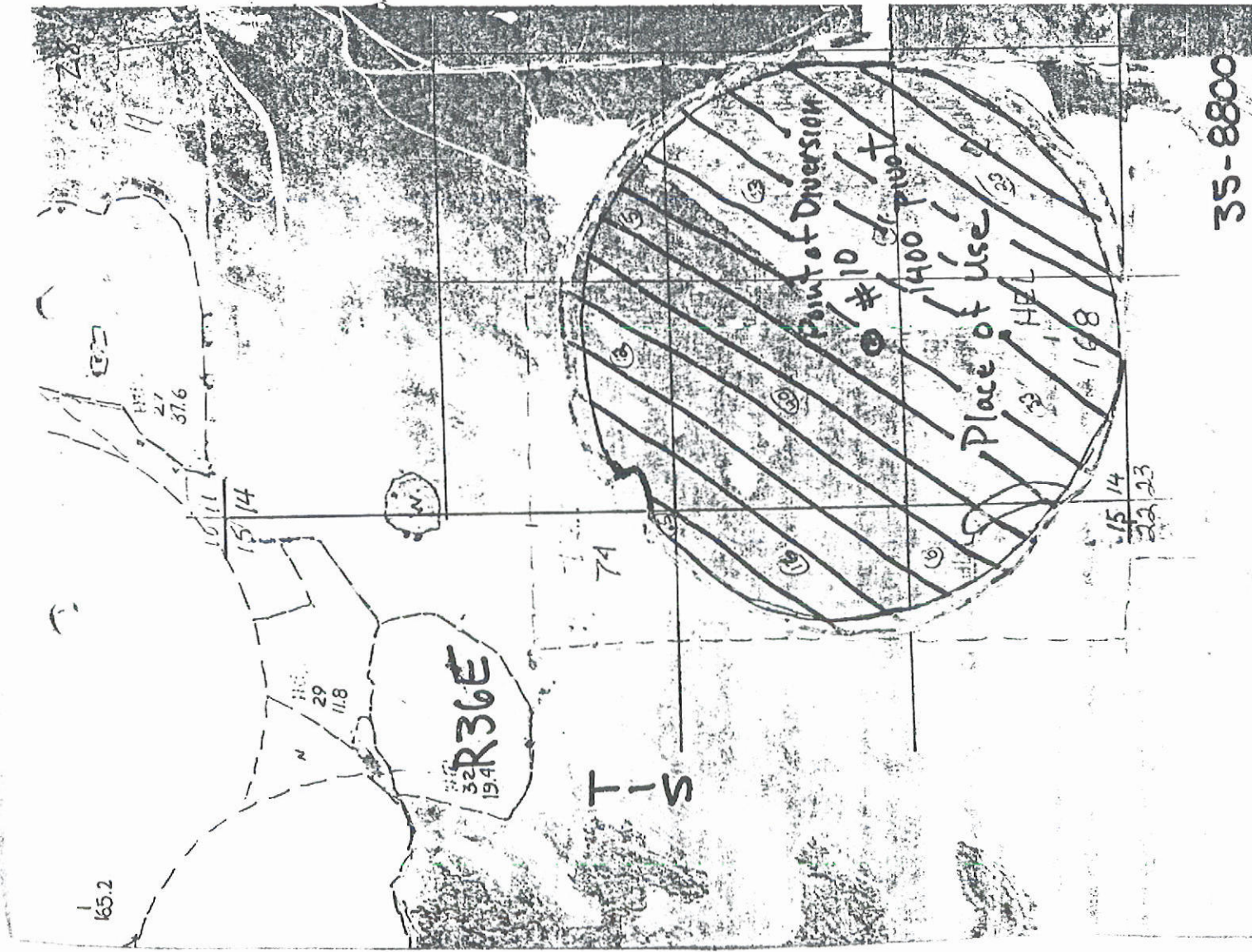


Scale: 2 inches equal 1 mile.

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.

Brent Stenmark
(Applicant)





35-8800



Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	27 7532	BRENT STOLWORTHY,	GROUND WATER	01S36E14	10	10	15	15	5	5											60
Permit	35 9053	BRENT STOLWORTHY FAMILY LTD PARTNERS,	GROUND WATER	01S36E14							8	1.5									9.5
Right	35 8800	BRENT STOLWORTHY FAMILY LTD PARTNERSHIP,	GROUND WATER	01S36E14							16	8	33.5	40	39	27					163.5
Right	35 9053	BRENT STOLWORTHY FAMILY LTD PARTNERSHIP,	GROUND WATER	01S36E14							16	8	33.5	40	39	27					163.5
Right	1 181B	WOODVILLE CANAL CO, V R PUGMIRE, O A JOHANNESSEN,	SNAKE RIVER	01S36E14					X	X	X	X									0

↑ ↑ ↑ ↑ ↑ ↑

OL w/35-8800
& maybe 01-00181B?

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	35 9053	BRENT STOLWORTHY FAMILY LTD PARTNERS,	GROUND WATER	01S36E15				1									12			6	19
Right	35 8800	BRENT STOLWORTHY FAMILY LTD PARTNERSHIP,	GROUND WATER	01S36E15				1									20			12	33
Right	35 9053	BRENT STOLWORTHY FAMILY LTD PARTNERSHIP,	GROUND WATER	01S36E15				1									20			12	33
Right	1 162F	SCOTTISH AMERICAN MORTGAGE CO,	SNAKE RIVER	01S36E15	X	X															0
Right	1 163F	SCOTTISH AMERICAN MORTGAGE CO,	SNAKE RIVER	01S36E15	X	X															0
Right	1 164F	SCOTTISH AMERICAN MORTGAGE CO,	SNAKE RIVER	01S36E15	X	X															0
Right	1 165F	SCOTTISH AMERICAN MORTGAGE CO,	SNAKE RIVER	01S36E15	X	X															0



OL w/ 35-8805

TOIS, R31E

PLACE OF USE

NO GOV
LOTS

POD

35-09053



130.0

T243
3394

T24942
3394

NHEL 1 2 3 4 5 6
12.6 7.1 12.4 45

NHEL 1 2 3
38.3 13.2

NHEL 4
60.9
T24687
1891

344
29.4

T24624
36.49

T255
HEL 76
130

HEL 2
46.5

HEL 1
15.6

T015, R36E

POU
35-09053

POU
35-08800

HEL 3
68.5

NHEL 4
72.6

T25681
4064

69.3

35-09053



14 13
23 24

15 14
22 23

3AC

1AC

14.5AC

6AC

STOLWORTHY PART

CENTER POND

IRRIGATION

10/3

POINT OF
DIVERSION
WELL



EXTREME
LEFT VIEW
OF PLACE
OF USE
SOUTH WEST



PERMIT
NUMBER

35-09053

STOL WORTHY PART.

IRRIGATION

2013

WEST VIEW
OF PLACE OF
USE



NORTH WEST
VIEW OF
PLACE OF
USE



PERMIT
NUMBER

35-09053

STOLWORTHY PART.

IRRIGATION

3713

NORTH VIEW
OF PLACE OF
USE



NORTH EAST
VIEW OF
PLACE OF
USE



PERMIT
NUMBER

35-09053

RECEIVED

NOV 21 1995

Department of Water Resources
Eastern District Office

DEPT. OF WATER RESOURCES
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718
(208) 525-7161
Fax: (208) 525-7177

NOTICE OF APPLICATION
FOR WATER RIGHT

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

*P.D. rights
high no water*

35-09053
STOLWORTHY FAMILY LTD
PARTNERSHIP, BRENT
3669 S. Holmes
Idaho Falls, Idaho 83404
Source: GROUNDWATER
Diversion Pt: NESW, Sec. 14, T. 01S,
R. 36E, in Bingham County.
Use: IRRIGATION (0.430 CFS)
Total Diversion: (0.430 CFS).
Date Filed: 10/18/1995
In: BINGHAM COUNTY
T01S, R36E, S14, SWNW, SENW,
S15, SENE, NESE, SESE
28.5 ACRES TOTAL.

35-09054
STOLWORTHY FAMILY LTD
PARTNERSHIP, BRENT
3669 S. Holmes Ave.
Idaho Falls, Idaho 83404
Source: GROUNDWATER
Diversion Pt: SWNW, Sec. 23, T. 01S,
R. 36 E, in BINGHAM County.
Use: IRRIGATION (0.280 CFS)
Total Diversion: (0.280 CFS).
Date Filed: 10/18/1995
In: BINGHAM County
T01S, R36E, S22, NENE, SENE, S23,
NENW, NWNW, SWNW, SENW, NESW,
NWSW
18.5 ACRES TOTAL.

The permit(s) will be subject to all prior
water rights. Protests must be filed with
the applicant and the Director, Dept. of
Water Resources, along with a \$25.00 fil-
ing fee, Eastern Region, 900 N. Skyline,
Idaho Falls, Idaho, 83402, on or before
NOVEMBER 20, 1995.

KARL J. DREHER
Director

(2678)
Pub.: 11/2, 9

Legals

AFFIDAVIT OF
PUBLICATION

County of Bingham)

State of Idaho)

I, Jacqueline Graham do
solemnly Legal

swear that I am the Coordinator of
The Morning News, which is a daily news-
paper of general circulation, published
each day except Sunday at Blackfoot,
Bingham County, Idaho, said newspaper
having been so published at Blackfoot,
aforesaid for more than one year past;
that said newspaper heretofore complied
with all the provisions of Chapter 154 of
the Sessions Laws of Idaho of 1911, ap-
proved March 11, 1911, and duly desig-
nated, pursuant to law, a particular day
of the week as the day on which legal no-
tices required by law or by the order of
any Court of competent jurisdiction within
the State of Idaho shall be published to-
wit: of each week; that the notice at-
tached hereto and which is a part of this
affidavit and part of the proof of publi-
cation was published in said issue of said
newspaper 2 consecutive weeks
the first publication having been made on
the 2nd day of Nov.,
1995; and the last publication having
been made on the 9th day of
Nov., 1995; that said notice
was published in the regular and entire
issue of every number of the paper as
aforesaid during the period and time of
publication, and that notice was pub-
lished in the newspaper and not in a sup-
plement.

On this 16th day of Nov., in
the year 1995, before me a Notary
Public of said State, personally appeared
Jacqueline Graham,

known or identified to me to be the per-
son whose name is subscribed to the with-
in instrument, and being by me first duly
sworn, declared that the statements
therein are true, and acknowledged to
me that he executed the same.

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires:

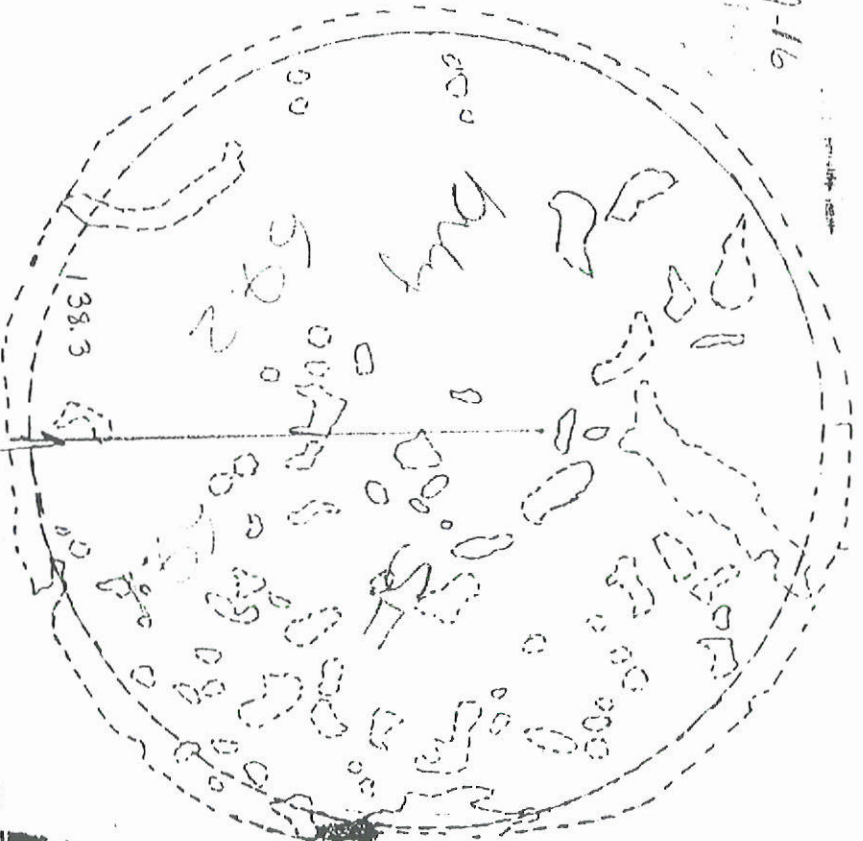
November 10, 2000

Affidavit Processing Fee. \$5.00

MICROFILMED

DEC 20 1995

A-16



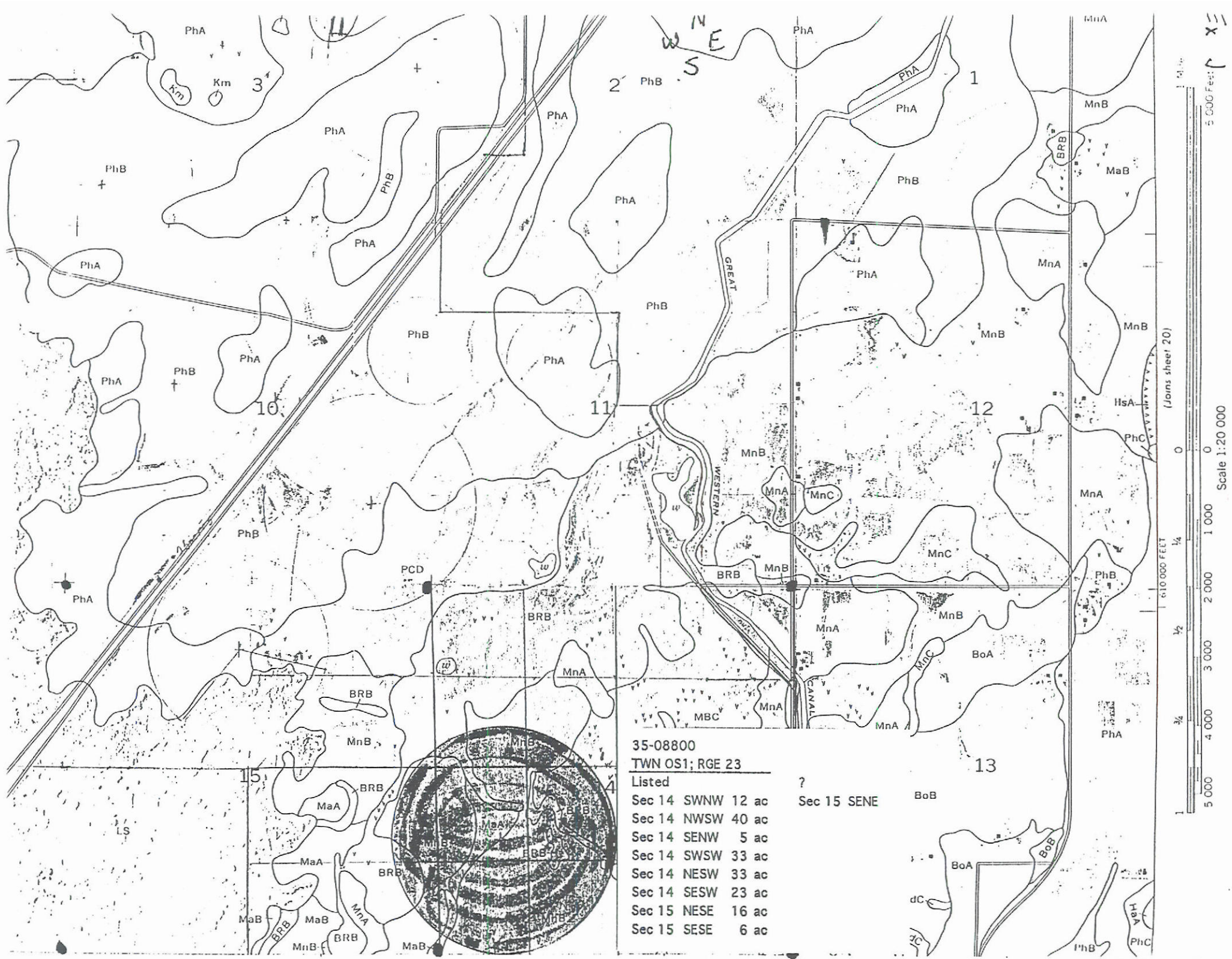
15' 14"
22 23

A-16
T-21

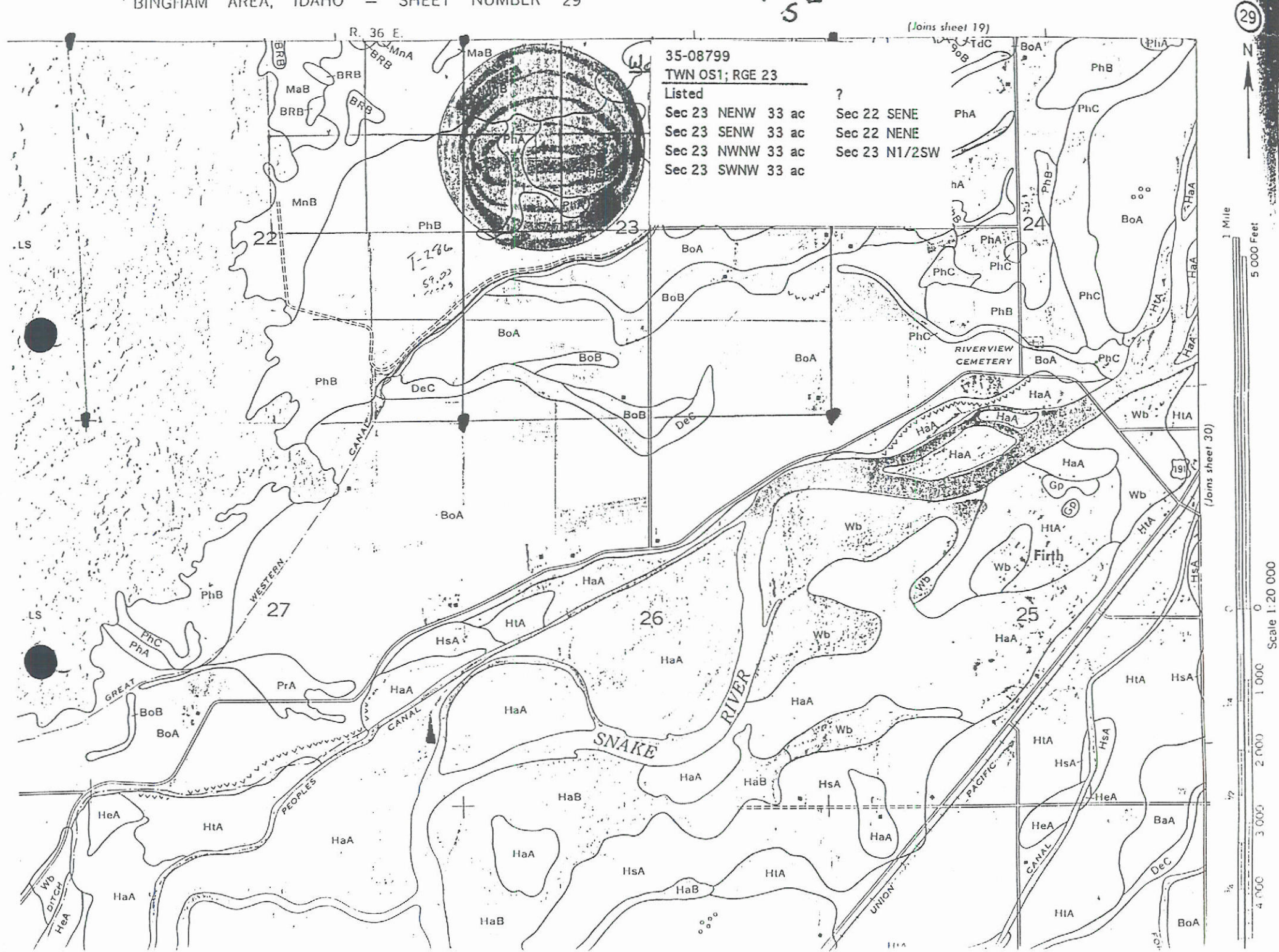


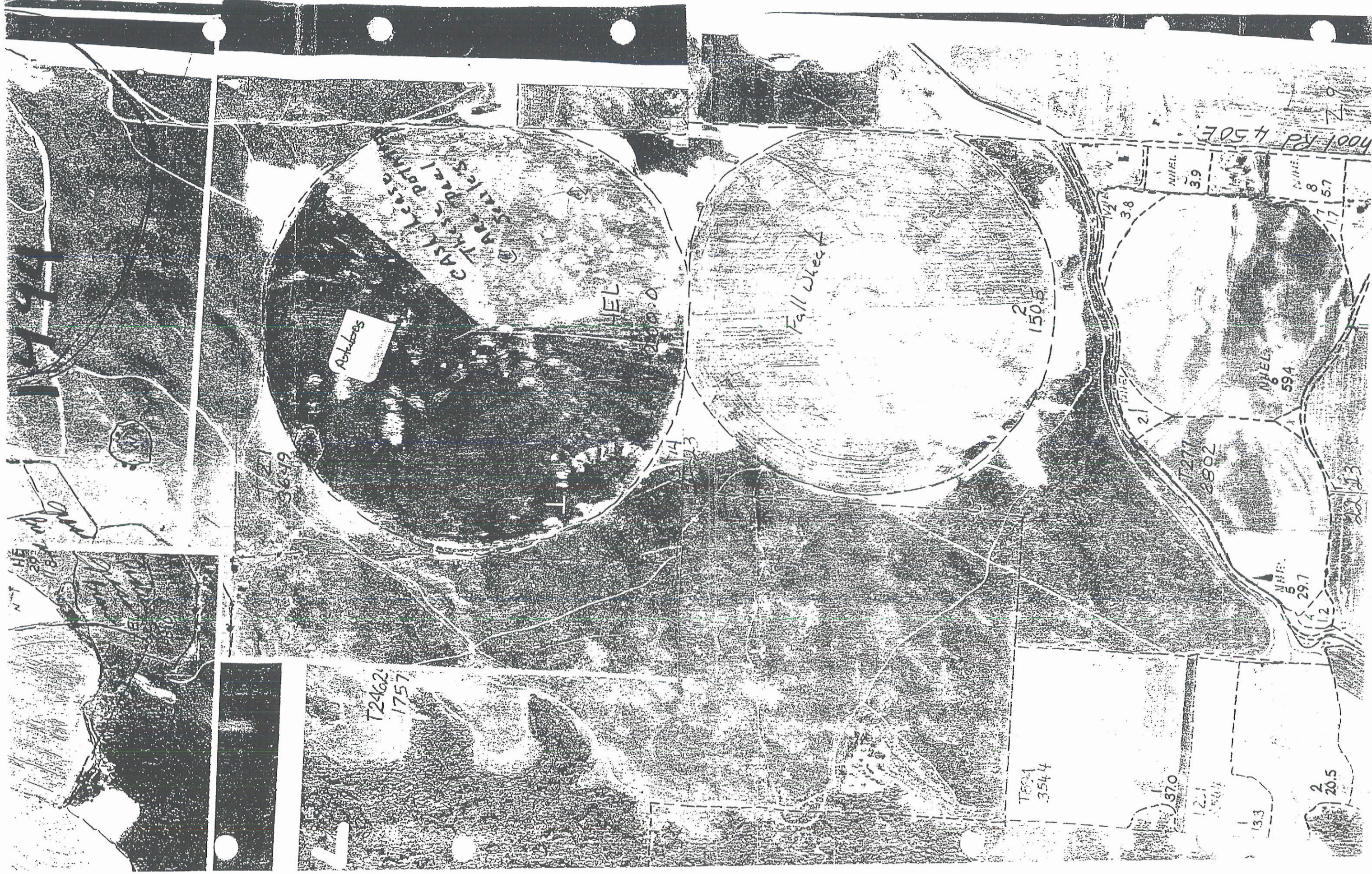
DEC 20 1995

MINUTEMAN



BINGHAM AREA, IDAHO - SHEET NUMBER 29





A-16
T-21



15/24

A-16
T-21



Brent, here is your
map for A-16 farm
I figured the acres
on both pivots.
Give a crop report on
this ground in June.

Yara

UNCLASSIFIED

DEC 20 1995

See Y9

DEC 23 1995

23

hl

83

HEL

T

6

194

DEC 20 1995

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-09053

Priority: October 18, 1995

Maximum Diversion Rate: 0.43 CFS

It is hereby certified that BRENT STOLWORTHY FAMILY LTD PARTNERSHIP
PO BOX 1567
IDAHO FALLS ID 83403 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated October 18, 1995; and has
submitted Proof of Beneficial Use on January 11, 1996. An examination indicates that the works have a
diversion capacity of 3.11 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

04/01 to 10/31

DIVERSION RATE

0.43 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, Twp 01S, Rge 36E, B.M., BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	36E	14							16.0	8.0	33.5	40.0	39.0	27.0					163.5
01S	36E	15				1.0									20.0			12.0	33.0

Total Acres: 196.5

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 28.5 acres within the place of use described above in a single irrigation season.
2. Right 35-08800 is also diverted through the point of diversion described above.
3. Rights 35-08800 and 35-09053 when combined shall not exceed a total diversion rate of 3.11 cfs, a total annual maximum diversion volume of 786.0 af at the field headgate, and the irrigation of 196.5 acres.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

MICROFILMED

FEB 04 2002

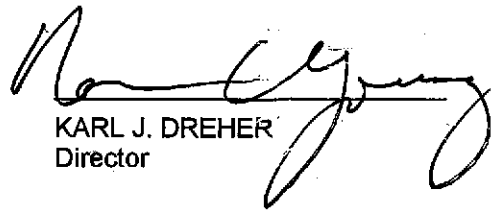
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-09053

5. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
6. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

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

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


KARL J. DREHER
Director

MICROFILMED
FEB 04 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-09053

RECEIVED
JAN 25 2002
DEPARTMENT OF WATER RESOURCES

Date of Priority: October 18, 1995

Maximum Diversion Rate: 0.43 CFS

Comes now BRENT STOLWORTHY FAMILY LTD PARTNERSHIP
C/O BRENT STOLWORTHY
3669 S HOLMES

IDAHO FALLS ID 83404 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 35-09053, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	0.43 CFS

LOCATION OF POINT OF DIVERSION:

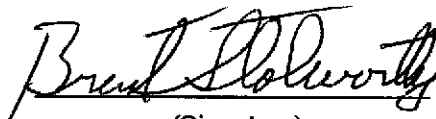
GROUND WATER SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, Twp 01S, Rge 36E, B.M., BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	36E	14							16.0	8.0	33.5	40.0	39.0	27.0					163.5
01S	36E	15				1.0									20.0		12.0		33.0

Total Acres: 196.5

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 19 day of Jan, 2002.


(Signature)

MICROFILMED
SEP 04 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-09053

FOR DEPARTMENT USE ONLY

Preliminary check by hw Fee = \$50.00 Receipted by DA # C059477 Date 1.25.02

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 35-09053 with the following:

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 28.5 acres within the place of use described above in a single irrigation season.
2. Right 35-08800 is also diverted through the point of diversion described above.
3. Rights 35-08800 and 35-09053 when combined shall not exceed a total diversion rate of 3.11 cfs, a total annual maximum diversion volume of 786.0 af at the field headgate, and the irrigation of 196.5 acres.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
6. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

Witness my hand this 25TH day of January, 2002.


KARL J. DREHER
Director

MICROFILMED

FEB 04 2002

RECEIVED

JAN 10 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

FOR OFFICE USE ONLY
Amt. of Fee \$: 100.00
Receipt No. 0034411
Receipt By: gwo
Date Received: 1-11-96

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form 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, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 35-09053 Telephone No. 529-3891
2. Name(s) of Permit Holder(s): Brent Stolarz Family Limited Partnership
3. Mailing Address: 5669 South Holmes Ave Idaho Falls Id 83404
4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. Full / yr. 81
 - a. Well Driller: _____ Drilling Permit Number: _____
 - b. **OPTIONAL:**
Pump Horsepower: 125 hp Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: .43 cfs OR _____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes _____	or	No <u>✓</u>
	Has the measuring device been installed?	Yes _____	or	No <u>✓</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes _____	or	No <u>✓</u>
	Has the measurement port been installed?	Yes _____	or	No <u>✓</u>
8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Shawn Stolarz Telephone Number: 529-3891
(801) 750-5611
Address: 3669 South Holmes Ave Idaho Falls

10. The information given on this form 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.

Signature of permit holder: Shawn Stolarz Executive Sec Date: JAN 10 1996
(include your title, if on behalf of company or organization)

This is to correct error in the # of irrigated acres of previously irrigated field

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 35-09053

Proposed Priority: October 18, 1995 Maximum Diversion Rate: 0.43 CFS

This is to certify, that BRENT STOLWORTHY FAMILY LTD PARTNERSHIP
3669 S HOLMES
IDAHO FALLS ID 83404

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	0.43 CFS

LOCATION OF POINT(S) OF DIVERSION: NWSW , Sec. 14, Township 01S, Range 36E
BINGHAM 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>
01S	36E	14	SWNW 8.0	SENW 1.5		9.5
		15	SENE 1.0	NESE 12.0	SESE 6.0	19.0

Total number of acres irrigated: 28.5

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1996.
2. Subject to all prior water rights.
3. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
7. This permit does not authorize the development and irrigation of new land not previously irrigated.

MICROFILMED

DEC 20 1995

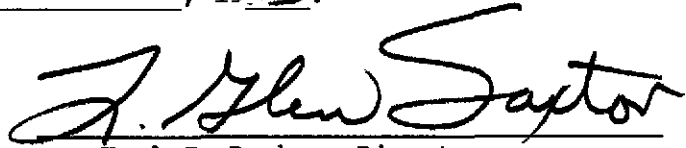
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-09053

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

18th day of December, 1995.


for Karl J. Dreher, Director

RECORDED

DEC 20 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 35-9053

To appropriate the public waters of the State of Idaho

- (Shown)
1. Name of applicant Brent Stolworthy family Ltd. Partnership Phone 525-3535
529-38814
Post office address 3669 S Holmes, Idaho falls, Idaho 83404
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is _____ $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 14 Township 01S Range 36E B.M. Bingham County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .435 for Irrigation purposes from April 1 to Oct 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .435 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump; circle pivot

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~~ Existing well diameter is 20" inches; proposed depth of well is 150' feet.
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? 1982; Drilling firm _____;
Well was drilled for (well owner) _____
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
1 years (minimum 1 year).

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	
01S	36E	14							8	1.5									9.5
		15				1									12		6		19.0

Total number of acres to be irrigated 28.5

10. Describe any other water rights used for the same purposes as described above. 35-08800 on adjacent acres

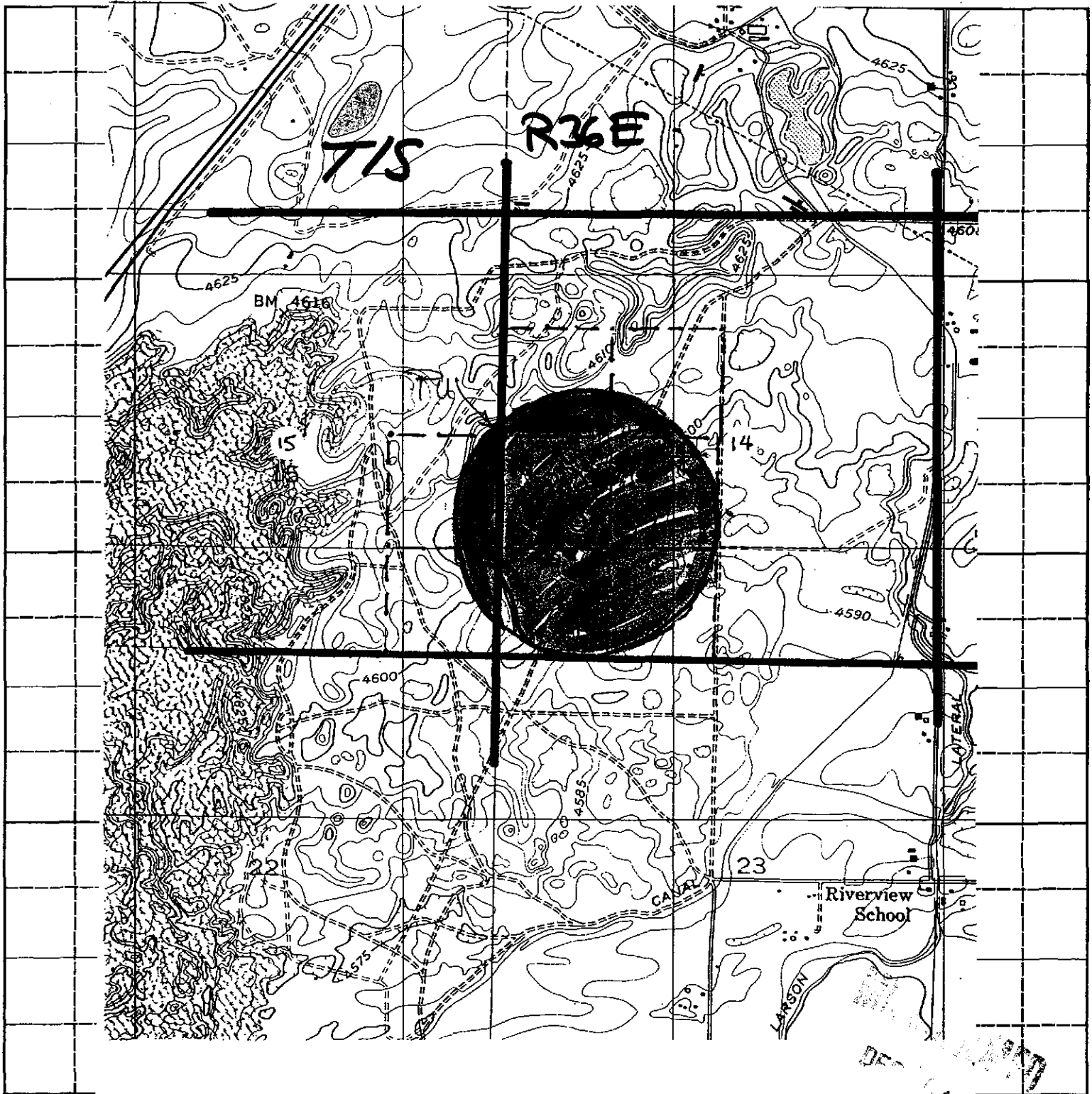
- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: See Shelley Reems' letter of Sept 7, 1995 to Shawn Stalworthy

RECORDED

DEC 20 1995

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.

Burt Stenmark
(Applicant)

Received by HWT Date 10-18-95 Time _____ Preliminary check by HWT
Fee \$ 100.00 Received by HWT # E021628 Date 10-18-95
Publication prepared by RB Date 11-2-95 Published in Morning News
Publication approved RB Date 12-5-95

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:

MICROFILMED

DEC 20 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 28, 2002

BRENT STOLWORTHY FAMILY LTD PARTNERSHIP
PO BOX 1567
IDAHO FALLS ID 83403

RE: License No. 35-9053 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a copy of the approved Application for Amendment.

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

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:kit

Enclosure(s)

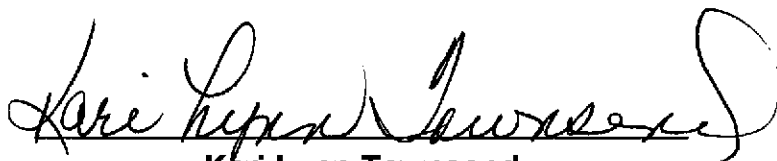
MICROFILMED
JAN 31 2002

CERTIFICATE OF MAILING

I hereby certify that on January 28, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 35-9053

**BRENT STOLWORTHY FAMILY LTD PARTNERSHIP
PO BOX 1567
IDAHO FALLS ID 83403**

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

**Kari Lynn Townsend
Secretary**

**MICROFILMED
FEB 04 2002**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

MICROFILMED
FEB 04 2002

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED
FEB 04 2002

Mr. Stahwartz -
Please note your
AZ address on the
Application for
Amendment.

Thank You,
Kari Lynn Townsend

1.14.02

My address for My Business
is P.O. Box 1567 Idaho Falls, Idaho
83403

The AZ address is a part time
Winter Home

RECEIVED

PHONE # 7259
7259-351-
7259

JAN 25 2002

DEPARTMENT OF WATER RESOURCES

MICROFILMED

FEB 04 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Re: Service Requested

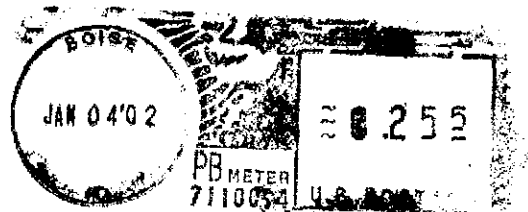
Permit 35-09053-
Phoned Mr. Falls address - they
gave me new address for
Great Stalwaertly:

1418 W. Clear Spring Dr
Gilbert AZ 85233

Letter re sent
Kari Lynn
1.14.02

NOT DELIVERABLE
AS ADDRESSED -
UNABLE TO FORWARD

RESORT
FIRST CLASS



RECEIVED

JAN 14 2002

Department of Water Resources

Brant Stalwaertly
1418 W. Clear Spring Dr
Gilbert AZ 85233

MICROFILMED

FEB 04 2002

83720-0098





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 4, 2002

BRENT STOLWORTHY FAMILY LTD PARTNERSHIP
C/O BRENT STOLWORTHY
3669 S HOLMES
IDAHO FALLS ID 83404

RE: Water Right Permit No. 35-09053

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

Place(s) of Use – Permissible Place of Use

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

MICROFILMED
FEB 04 2002

LICENSE REVIEW CHECKLIST

Permit No. 35-9053 Date: 1-3-2002 Reviewer: Kay Walker

Change/OK

Name/Address

fix phone #

Source

ok

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

Point of Diversion:

ok

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use

Rec PPU-
same as
35-8800

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s): 35-8800

File reviewed Profile reports printed ✓

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.43 cfs
Fee Limit 1.0 cfs
Measured 3.11 cfs
Theoretical ok cfs

Recommended Total Diversion Rate

over
0.43

Water Uses

0.43

ok Change (P46)

Season of Use per new Standards

4-1 10-31

Irrigation 0.43 cfs af
Stockwater 0.43 cfs af
Domestic 0.43 cfs af
0.43 cfs af
Total 0.43 cfs 786 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (106/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

cfs x 1.9835 x days = af (vs) 28.5 acres x 4.0 (FHR) = 116.5 x 4.0 = 786* - 672 licensed under 35-8800
3.0 (con)

Remarks:

W36 (35-8800) W35, 048

Additional Conditions

Watermaster Control
GW Measurement/Measuring Device
Other
Trust R55 - remove 051)
Non-trust (048)

GW Dist?

Water Msmt. Dist?

Crit. GWMA?

GWMA?

Government Lots?

Advance Priority? yes If yes, explain why below.
no

SRBA Claim?

no - not req'd

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

S06

Capacity of well = 3.11 cfs
 total acres = 196.5

$$35-8800 = 168 \text{ ac}$$

$$35-9053 = \frac{196.5}{88.5}$$

$$0.0158 \text{ cfs/ac} \times 88.5 = 0.415 \text{ cfs}$$

$$196.5 \text{ ac} \mid 3.11 \text{ cfs}$$

Limited to 0.43
 cfs by permit

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-8800

WATER RIGHT NUMBER: 35-8800

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRENT STOLWORTHY FAMILY LTD PARTNERSHIP PO BOX 1567 IDAHO FALLS, ID 83403 (208)529-3891

Priority Date: 06/09/1989

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	3.000 CFS	672.00 AF
	<u>Total Diversion:</u>	3.000 CFS	672.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 14, Twp 01S, Rge 36E, B.M.
BINGHAM County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	36E	14							16.0	8.0			33.5	40.0	39.0	27.0			163.5
01S	36E	15				1.0									20.0		12.0		33.0

Total Acres: 196.5

Conditions of Approval:

1. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
2. 049 The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

Remarks:

1. General This right is limited to the irrigation of 168 acres within the place of use described above in a single irrigation season.
This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-8800

Comments:

1. kwalker 1/3/2002 Shape File

Comment: Created GIS shape for this license while working on Permit 35-9053. This shape does not agree with the number of acres licensed in each 40 acre tract. I believe that the GCBD for this area is off and that is the reason for differences in number of acres in each 40.

Dates and Other Information:

Licensed Date: 10/2/1995

Decreed Date:

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Form 219
5/88

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

FEB 02 1995

Department of Water Resources

A. GENERAL INFORMATION

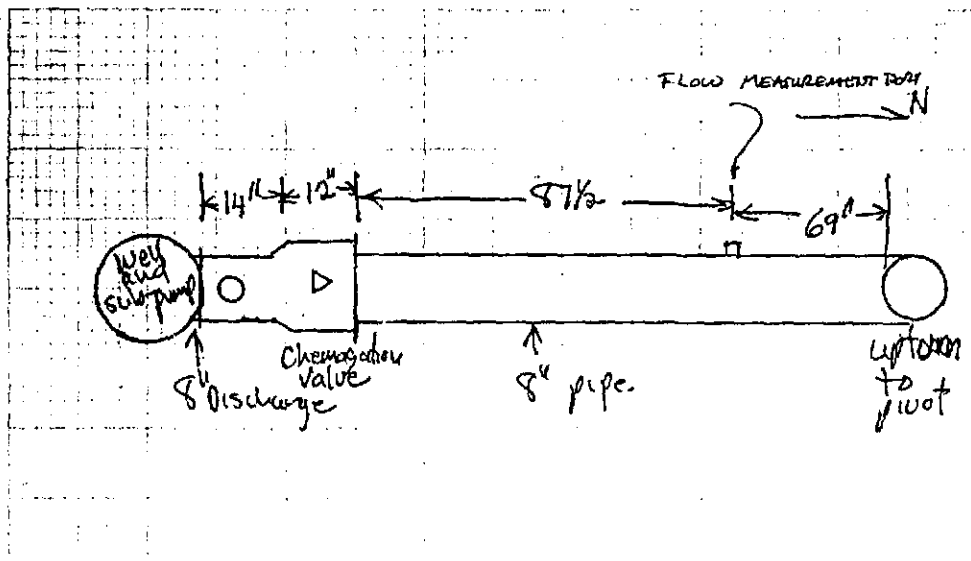
1. Owner: Brent Stolworthy Family LTD Partnership Permit No. 35-8800
Current Address: 3669 S Holmes Idaho Falls, Id. 83404 Phone No. 357-7239
2. Accompanied by: Brent Stolworthy EXAM. DATE: 06/25/91
Address: Same Phone No. Same
Relationship to Permit Holder: holder
3. Source: ground water tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: N.A. ☐ Copies Attached
2. Other water rights with same point of diversion: N.A. ☐ 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" = M/A

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☒ Aerial Photo Attached (required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

System Description (continued)

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

well, pump, 1400' pivot

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#10	US MOTOR	125	710338-083	Aurora	8" disch

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

5. Point(s) of Diversion:

Ident. No.	Gov't Lot	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
10				14	15	36E	Bingham	USFA Cult. on site inspection

6. Place(s) of Use:

Indicate Method of Determination											
Place(s) of Use		NE 1/4		NW 1/4		SW 1/4		SE 1/4		Totals	
		NE 1/4	SW 1/4	NE 1/4	SW 1/4	NE 1/4	SW 1/4	NE 1/4	SW 1/4		
Twp.	Rge.	Sec.	1/4	1/4	Sec.	1/4	1/4	Sec.	1/4	1/4	1/4
15	36E	14								6	154
		15								6	14
15	36E	14									146
		15								6	22
											168

* See attached memo. BC

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
pressure gage		Ashcroft		120386	0-160 psi	
Cox-Hall	Pitot	Cox		120386	8"	

2. Measurements:

pump discharge pressure -
 COX HALL H₁ - Low H
 $37.10 - 3.40 = 33.7$
 $37.15 - 3.25 = 33.9$
 $37.20 - 3.30 = 33.9$ $V_h = 28.8$

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method: Cox-Hall mhw; 3.11 cfs Also see upbl pump test for 3.09 cfs .

2. Alternate Method for Checking Purposes: Allow 3.00 cfs as permit asks!

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 = _____ (8)
 Panel Input HP: (8) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 168 \text{ acres} \times 4 \text{ af} = 672 \text{ af}$
 $V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 3.00 \text{ cfs} \times 214 \text{ d} \times 1.9835 = 1273.4$
 $V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 672 \text{ af}$

2. Volume Calculations for Other Uses:

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Permit shows point of Diversion as TIN, R36E, Sec 14 -
point of Diversion is actually T1S, R36E, Sec 14
Permit shows place of use as TIN, R36E, Sec 14 and 15
place of use is actually T1S, R36E, Sec 14 and 15

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
irrigation	4-1	10-31	3.00	672
Totals:			3.00 cfs	672 afg

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 ALAN W. PARIS
Signature Alan W. Paris
Certification Date _____
Field Report Preparation Date _____

CONSULTANT SEAL

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

 * UTAH POWER AND LIGHT COMPANY *
 * PUMP TEST REPORT *

#10

BRENT STOLWORTHY
 LOCATION: JOHNSON NORTH PUMP
 MOTOR MAKE: US MOTORS
 PUMP MAKE: AURORA

ACCOUNT NO.: 438001974
 METER NO.: D25Y36167
 MOTOR HP: 125

TYPE OF IRRIGATION: 1 CENTER PIVOT @ 173 ACRES
 TYPE OF CROPS: ALL 173 ACRES IN GRAIN IN 1984

DATE TESTED: 22 JULY 1985

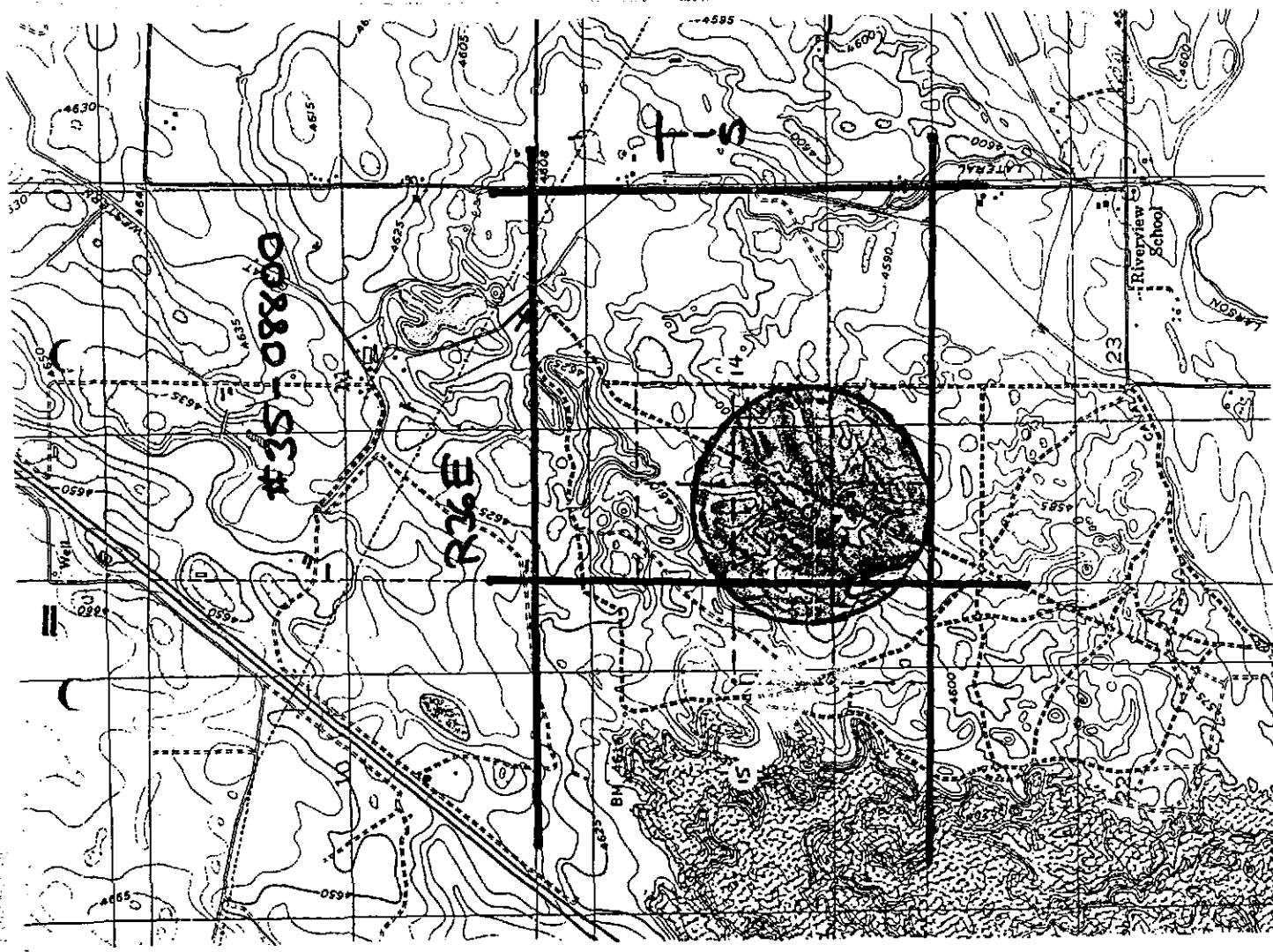
ASSISTED BY: MARLO HARKER

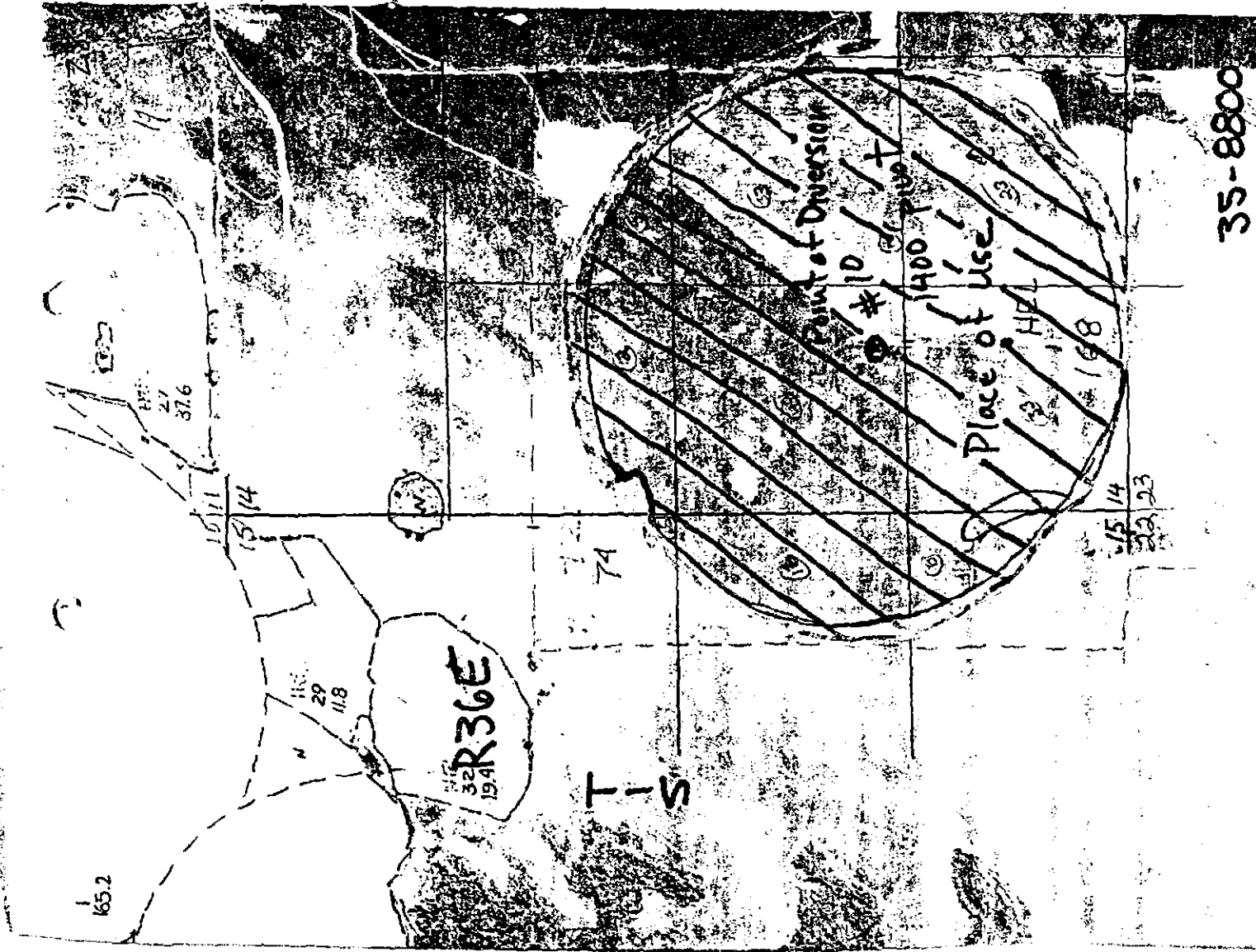
1. TOTAL RATED HORSEPOWER		125 HP
2. NUMBER OF ACRES IRRIGATED		173.0 AC
3. STANDING WATER LEVEL		77 FT
4. PUMPING WATER LEVEL		86 FT
5. WELL DRAWDOWN		9 FT
6. DISCHARGE PRESSURE		82 PSI
7. FLOWRATE	3.09 CFS	1385 GPM
8. ELECTRICAL HORSEPOWER INPUT AT TEST	112.80 KW	151.20 HP
9. AVERAGE SEASONAL BILLING KW	113.95 KW	
10. WATER HORSEPOWER OUTPUT AT TEST		96.33 HP

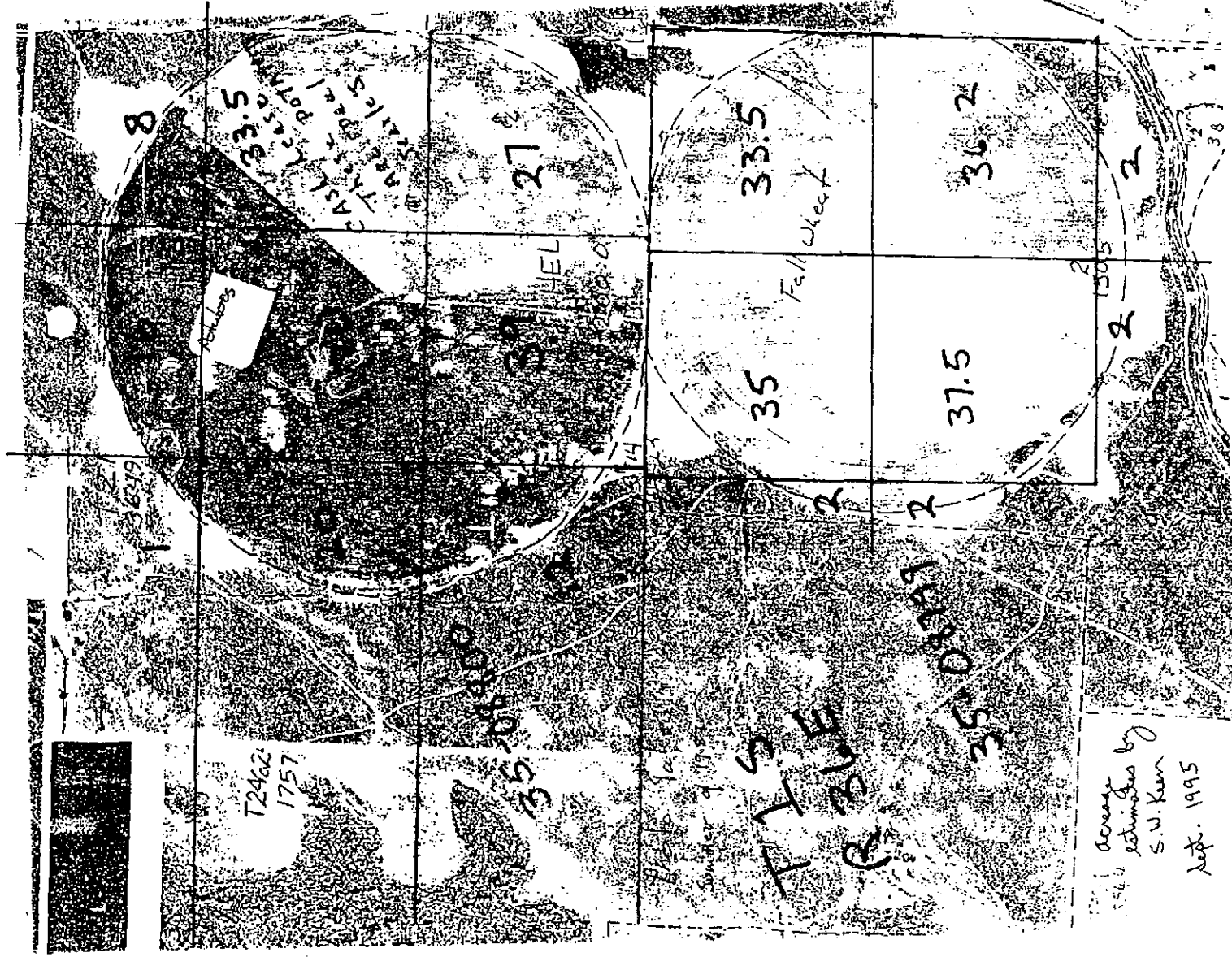
 * COMPARISON OF PUMPING PLANT EFFICIENCIES *

	OPERATING CONDI- TIONS AT PRESENT	OPERATING CONDI- TIONS AT ACCEPTED EFFICIENCY
11. OVERALL PLANT EFFICIENCY	63.7 %	69.0 %
12. ACRE-FEET PUMPED / YEAR	123.4 AF	123.4 AF
13. INCHES OF WATER APPLIED / YEAR	8.6 IN	8.6 IN
14. KILOWATT HOUR USE / YEAR	55140 KWH	50912 KWH
15. AVERAGE HOURS OPERATED / YEAR	484 HOURS	484 HOURS
16. TOTAL COST / YEAR	\$ 1501	\$ 1386
17. AVERAGE COST / ACRE-FOOT	\$ 12.16	\$ 11.23
18. AVERAGE COST / KILOWATT HOUR	2.72 CENTS	2.72 CENTS
19. AVERAGE COST / OPERATED HOUR	\$ 3.10	\$ 2.86
20. AVERAGE COST / ACRE	\$ 8.68	\$ 8.01
21. SAVINGS AT ACCEPTED EFFICIENCY		\$ 115

35-8800







Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
RIGHT	35 8800	BRENT STOLWORTHY FAMILY LTD PARTNERSHIP	GROUND WATER	01S38E14	10	10	15	15													60
RIGHT	35 8800	BRENT STOLWORTHY FAMILY LTD PARTNERSHIP	GROUND WATER	01S38E14																	9.6
RIGHT	35 8800	BRENT STOLWORTHY FAMILY LTD PARTNERSHIP	GROUND WATER	01S38E14																	163.6
RIGHT	35 8800	BRENT STOLWORTHY FAMILY LTD PARTNERSHIP	GROUND WATER	01S38E14																	163.6
RIGHT	11B1B	WOODVILLE CANAL CO. V.R. PUGHIRE, O.A. JOHANNSEN	SNAKE RIVER	01S38E14					X	X	X	X									0

↑ ↑ ↑ ↑ ↑ ↑

OL w/35-8800
& maybe 01-0018/B?

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	35800	BRENT STOLWORTHY FAMILY LTD PARTNERSHIP	GROUND WATER	01S28E15													12				19
Right	35800	BRENT STOLWORTHY FAMILY LTD PARTNERSHIP	GROUND WATER	01S28E15				1									20			12	33
Right	35800	BRENT STOLWORTHY FAMILY LTD PARTNERSHIP	GROUND WATER	01S28E15				1	5								20			12	33
Right	1162F	SCOTTISH AMERICAN MORTGAGE CO.	SNAKE RIVER	01S28E15	X	X															0
Right	1163F	SCOTTISH AMERICAN MORTGAGE CO.	SNAKE RIVER	01S28E15	X	X															0
Right	1164F	SCOTTISH AMERICAN MORTGAGE CO.	SNAKE RIVER	01S28E15	X	X															0
Right	1165F	SCOTTISH AMERICAN MORTGAGE CO.	SNAKE RIVER	01S28E15	X	X															0



OL w/ 35-8805

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JAN 16 1998
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-09053

1. Owner: BRENT STOLWORTHY FAMILY LTD PARTNERSHIP Phone No. (208) 529-3891

Current Address: 3669 SHOLMES AVE, IDAHO FALLS, ID 83404

2. Accompanied by: SHAWN STOLWORTHY EXAM DATE: 7/22/96

Address: SAME Phone No. (208) 357-7239

Relationship to Permit Holder: SON

3. Source: GROUNDWATER tributary to: N/A

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: 35-0880

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion: NO GOV LOTS

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	NW	SW	14	01S	36E	BIDHAM	U.S.G.S. TOPO MAP / NAIP PHOTOS

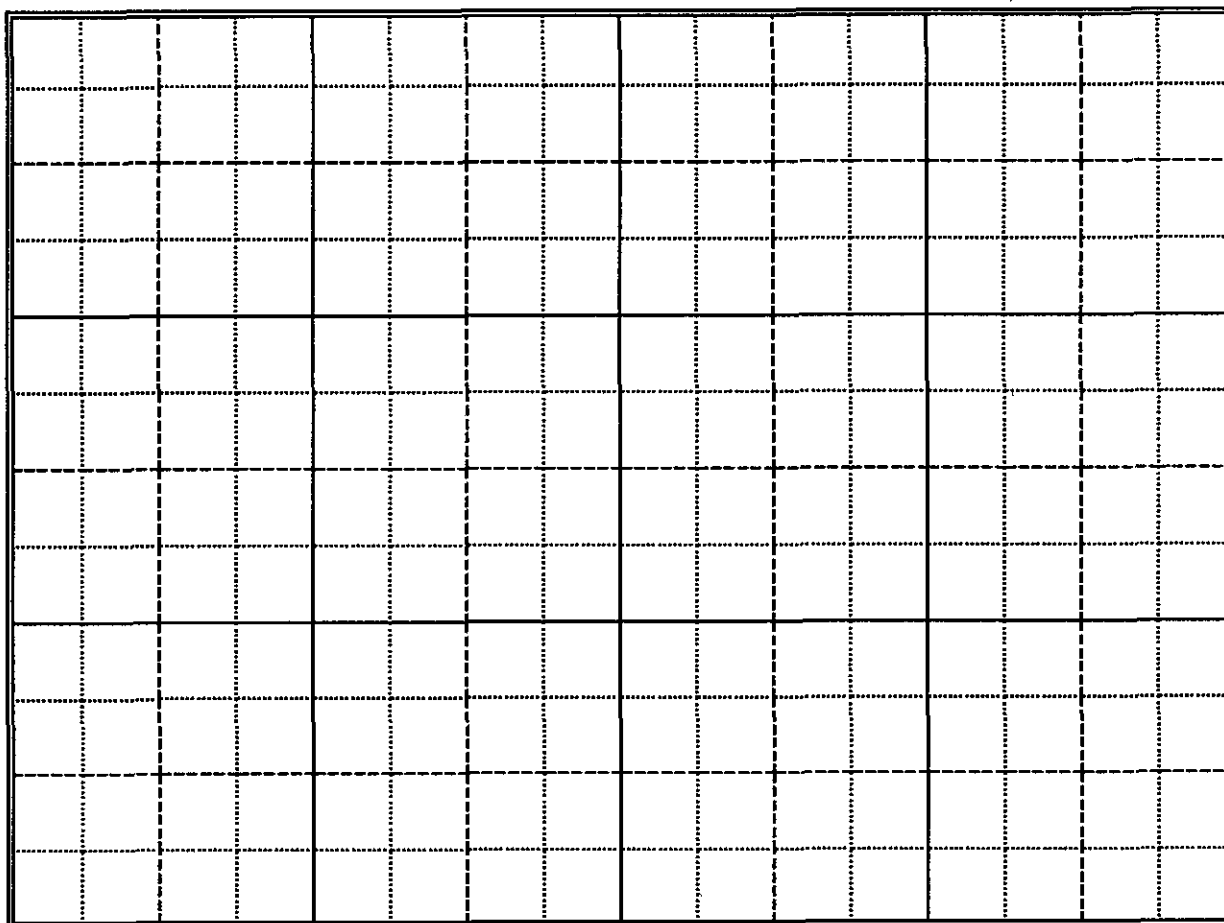
2. Place(s) of Use: NO GOV LOTS

Indicate Method of Determination ON SITE INSPECTION

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	36E	14							4.5	6									10.5
01S	36E	15				1											3		4
																			14.5

TOTAL

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. *SEE ATTACHMENTS*



Scale: 1" = _____

_____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

_____ Aerial Photo Attached (required for irrigation of 10+ acres)

_____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
<i>CENTER PLOOT</i>	<i>W.S. ELECT.</i>	<i>125</i>	<i>9100336-083</i>	<i>R2143609</i>	<i>8"</i>

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
<i>SONIC FLOW METER</i>	<i>TYPE-FLYTE</i>	<i>TE-P</i>	<i>POLYSONIC</i>	<i>7M0263</i>		

2. Measurements: *SEE TAPE.*

E. NARRATIVE/REMARKS/COMMENTS

VERTICAL TURBINE PUMP SUPPLIES WATER TO AN ELEVEN
HIGH PRESSURE
TOWER, CIRCLE PILOT WITH END GUN.

SYSTEM DOES NOT HAVE GATE VALVE BETWEEN PUMP AND PILOT.

Have conditions of permit approval been met? ☒ yes ☐ no

EXCEPT AS NOTED

F. FLOW CALCULATIONS

Measured Method:

$$Q = \text{THEORETICAL} = 3.45 \text{ CFS}$$

$$Q = \text{POLYSONIC METER} = 2.88 \text{ CFS.}$$

Additional Computation Sheets Attached

$$\text{LIC. \# 35-08800} = 3.0 \text{ CFS}$$

$$35-08800 = 168 \text{ AC.}$$

$$35-09053 = 14.5 \text{ AC.}$$

$$182.5 \text{ AC.}$$

$$3.0 \text{ CFS} / 182.5 = 0.016 \text{ CFS/AC.}$$

$$14.5 \text{ AC} \times 0.016 = 0.23 \text{ CFS}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 14.5 \text{ AC} \times 4.0 = 58 \text{ AFA}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.23 \text{ CFS} \times 214 \times 1.9835 = 97.62 \text{ AFA}$$

$$V = \text{Smaller of } V_{LR} \text{ and } V_{D.R.} = 58 \text{ AFA}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

THIS PERMIT 35-09053 WHEN USED IN COMBINATION
WITH LICENSE # 35-08800 SHALL NOT EXCEED 3.0 CFS.

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/1	10/31	0.23 CFS	58 AFA
Totals:			0.23 CFS	58 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

I. AUTHENTICATION

Field Examiner's Name SIMPKINS Date 4/8/97

Reviewer _____ Date _____

SEAL

MODE SELECT DATA SET

DATA SET MODE
? PRINTER

35-09053

PRINTER USE
? YES

MODE SELECT
INPUT

OUTER DIAMETER
8.0098 IN.

PIPE MATERIAL
? CS:SS

WALL THICKNESS
0.1079 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
5.807 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

07-22 10:1800 *R
+002.90 % #12

MODE SELECT
T0 CHECK

0291.3 MMSEC
100.02 % T0

07-22 10:1900 *R
+ 1.291E 36PM

2.880FS

Model limit 200cm

35-09053

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Water District No. 1
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

STOLWORTHY
35-09053
SONIC TAPE

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = [(Hp) (8.814) (Eff)] \div [Lift + (psi \times 2.308)]$$

$$Hp = \text{Horsepower} = \underline{125}$$

$$Eff = \text{Efficiency} = \underline{.7} \quad (\text{Usually } 70\%)$$

$$\text{Lift: } (\text{Static Level} + \text{Assumed Draw down})$$

$$\text{Static Water Level} = \underline{60} \text{ ft.}$$

$$\text{Assumed Draw down} = + \underline{2} \text{ ft.}$$

$$\text{Lift} = \underline{62}$$

USED
PUMP TEST
LOG 1985

OR

$$\text{Measured Dynamic Water Level} = \underline{\hspace{2cm}} \text{ ft.}$$

$$psi = \text{Operating Pressure} = \underline{70} \text{ psi ASSUMED}$$

$$Q_{cfs} = \left[\frac{125}{Hp} \times 8.814 \times \frac{.7}{Eff} \right] \div \left[\frac{62}{Lift} + \left(\frac{70}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\underline{1,548.2} \right] \div \left[\underline{223.56} \right]$$

$$Q_{cfs} = \underline{3.449} \text{ cfs}$$

PERMIT NO. 35-09053

TMS. R31E

PLACE OF USE

POD

**NO GOV
LOTS**

**Riverview
School**

35-09053

0.061

243
25394

72494
3394

3	1	2	12.6
7.1			

工部局

60.9

T29687
1891

161

770

HEL 76

13.0

14E1

246.5

2

五

5

TOIS, R3LE

HEL
385

4

72.6

POL
35-09053

7454c

64c

PO4
25-08800

2

3Ae

69.3

71

23 24

22

FIELD EXAM NOTES

EXAM # 35-09054

DATE OF EXAM 7/22/96

PERMITEE NAME STOLWORTHY

OTHER WATER RIGHTS SAME POD YES - OLD RIGHT

OTHER WATER RIGHTS SAME POU YES - OLD RIGHT - SAME PIVOT / 6 ROWS

PUMP #1 HP 125 MAKE U.S. Electric SERIAL # 9100336-083 R 2143609
COLOR AND DESCRIPTION White / Orange
OUTPUT DIAMETER 8" SYSTEM PRESSURE _____ PSI WELL DEPTH _____
STATIC H2O _____ WELL DEPTH _____ DYNAMIC PUMP _____
PSI GAGE TYPE None CHECK VALVE ☒ [Y] [N] GATE VALVE [Y] ☒ [N]

PUMP #2 HP _____ MAKE _____ SERIAL # _____
COLOR AND DESCRIPTION _____
OUTPUT DIAMETER _____ SYSTEM PRESSURE _____ PSI WELL DEPTH _____
STATIC H2O _____ WELL DEPTH _____ DYNAMIC PUMP _____
PSI GAGE TYPE _____ CHECK VALVE [Y] [N] GATE VALVE [Y] [N]

BOOSTER PUMP #1 HP _____ MAKE _____ SERIAL # _____
COLOR AND DESCRIPTION _____

BOOSTER PUMP #2 HP _____ MAKE _____ SERIAL # _____
COLOR AND DESCRIPTION _____

CIRCLE PIVOT ☒ [Y] [N] NUMBER OF TOWERS 11 PIVOT LENGTH 135'
PRESSURE ☒ [H] [L] Approx

End Exam

HAND LINES [Y] [N] NUMBER OF LINES _____ LENGTH OF LINES _____

RAIN BIRDS PER LINE _____ NOZZEL DIAMETER _____

SURFACE WATER TYPE OF MEASUREING DEVICE _____

AA METER PIGMY METER WEIR OR FLUME BUCKET/WATCH _____

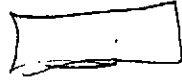
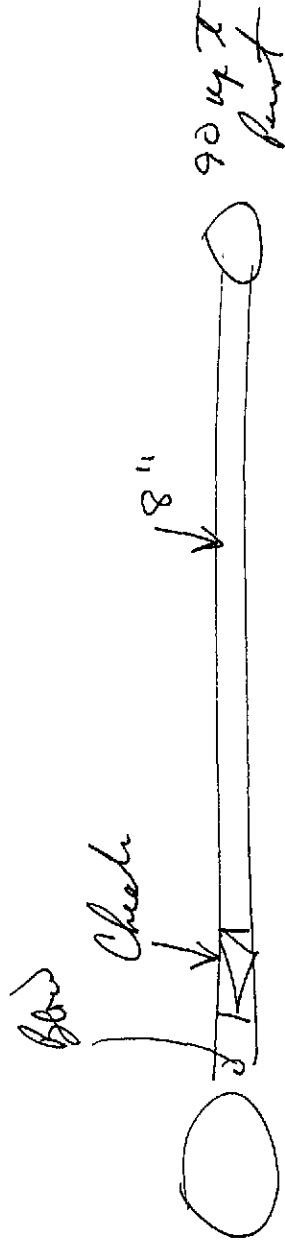
This permit is to cover ground covered by pivot (old right)
not listed on that right but watered by pivot.

Comece not watered

35-09053

USE BACK OF PAGE FOR SKETCH AND MEASUREMENTS OF SYSTEM

To Hole



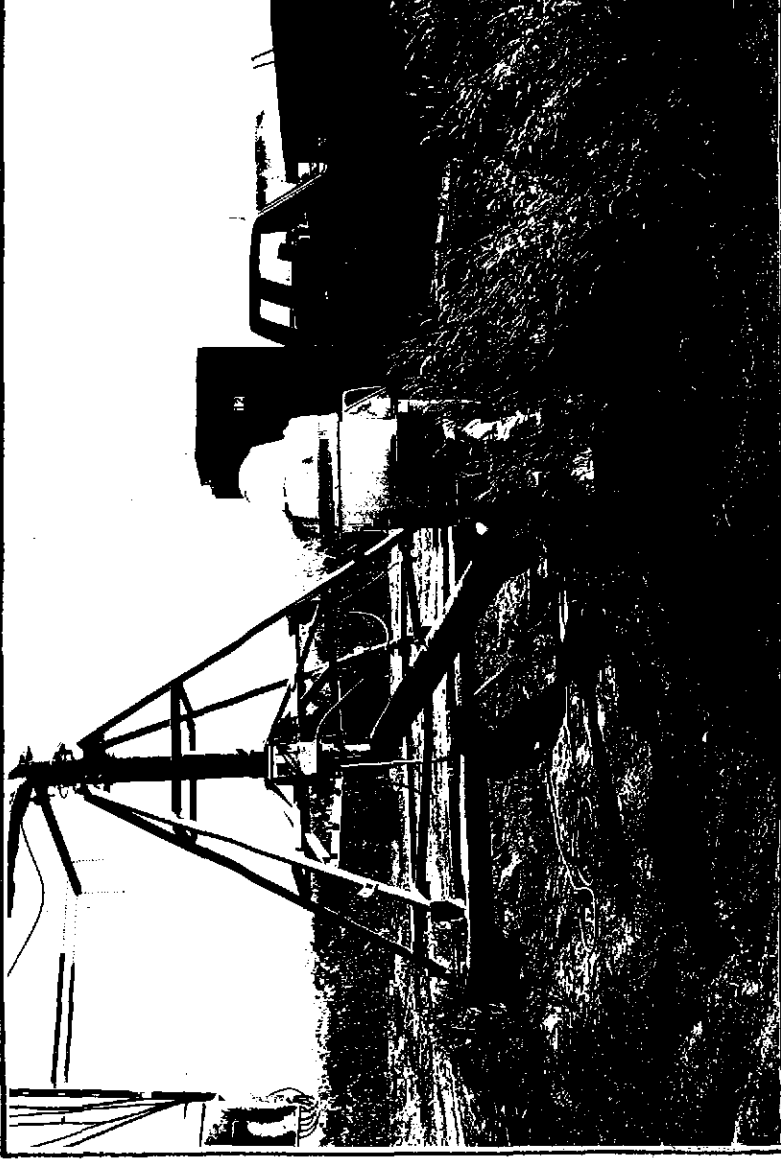
35-09053

STOLWORTHY FARM

CENTER POND

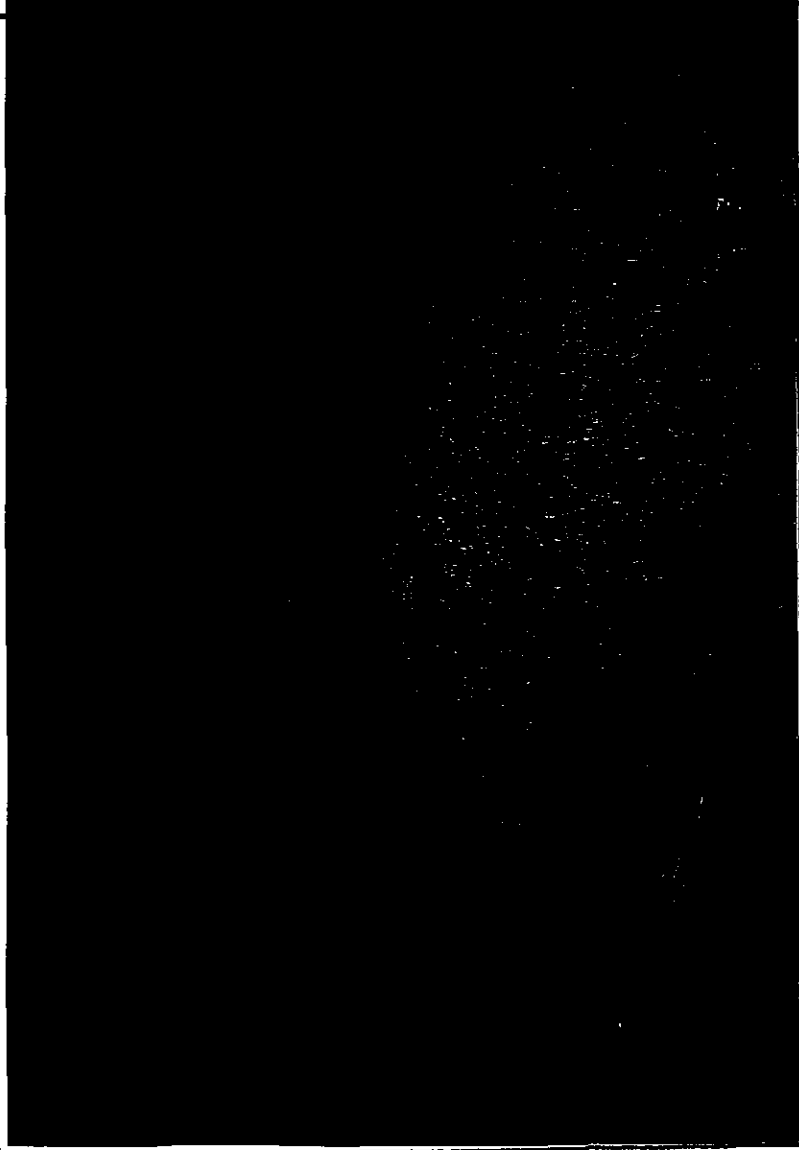
IRRIGATION

12/3



POINT OF
DIVERSION
WELL

EXTREME
LEFT VIEW
OF PLACE
OF USE
SOUTH WEST

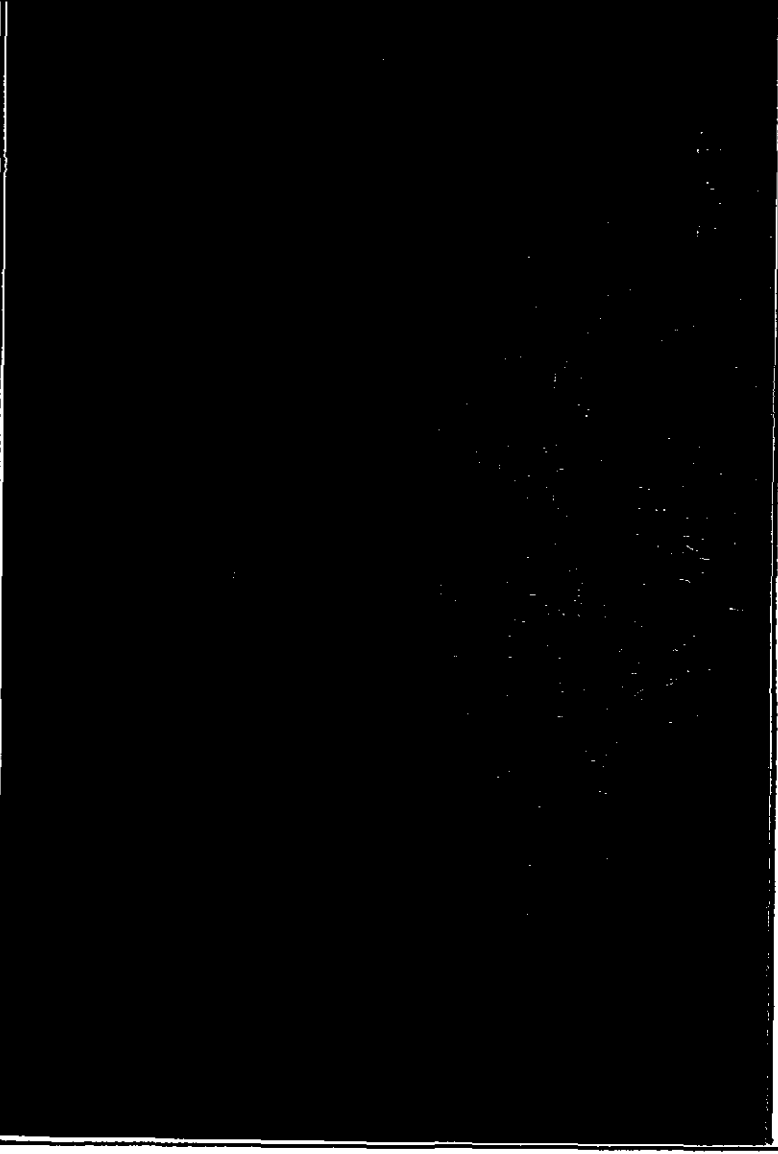
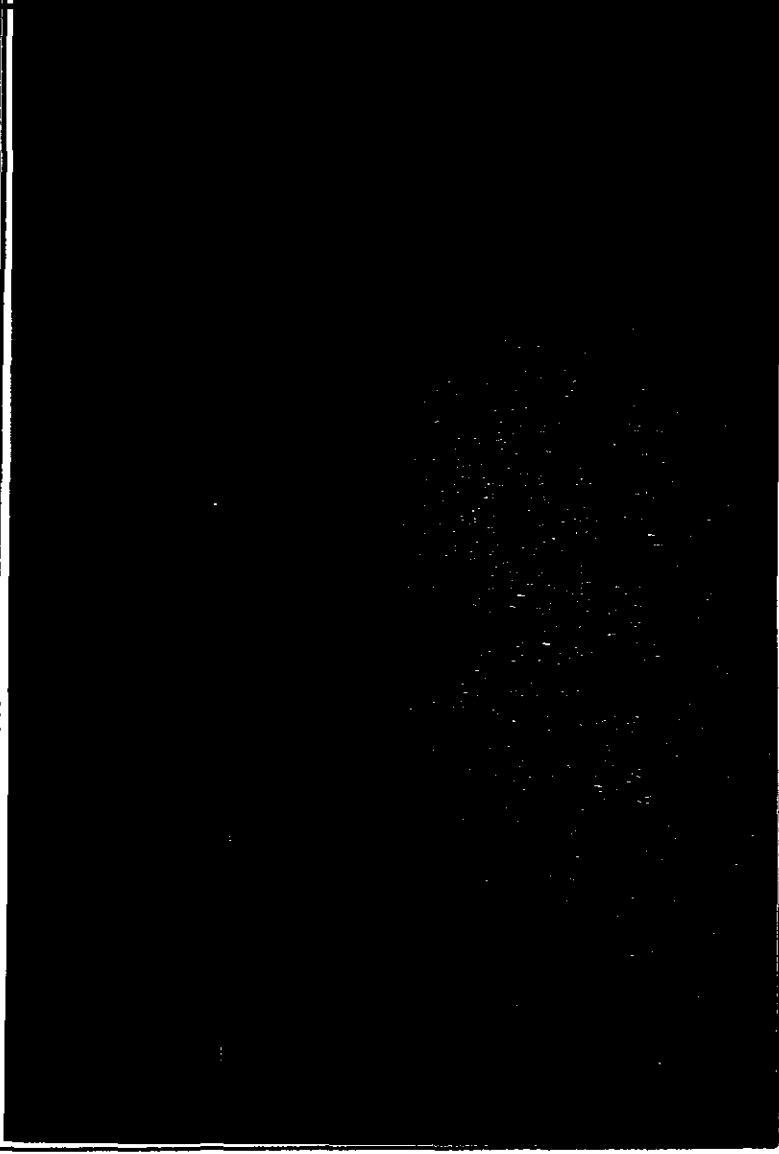


PERMIT
NUMBER

35-09053

STOL WORTHY BAPT.

1KR16A7700

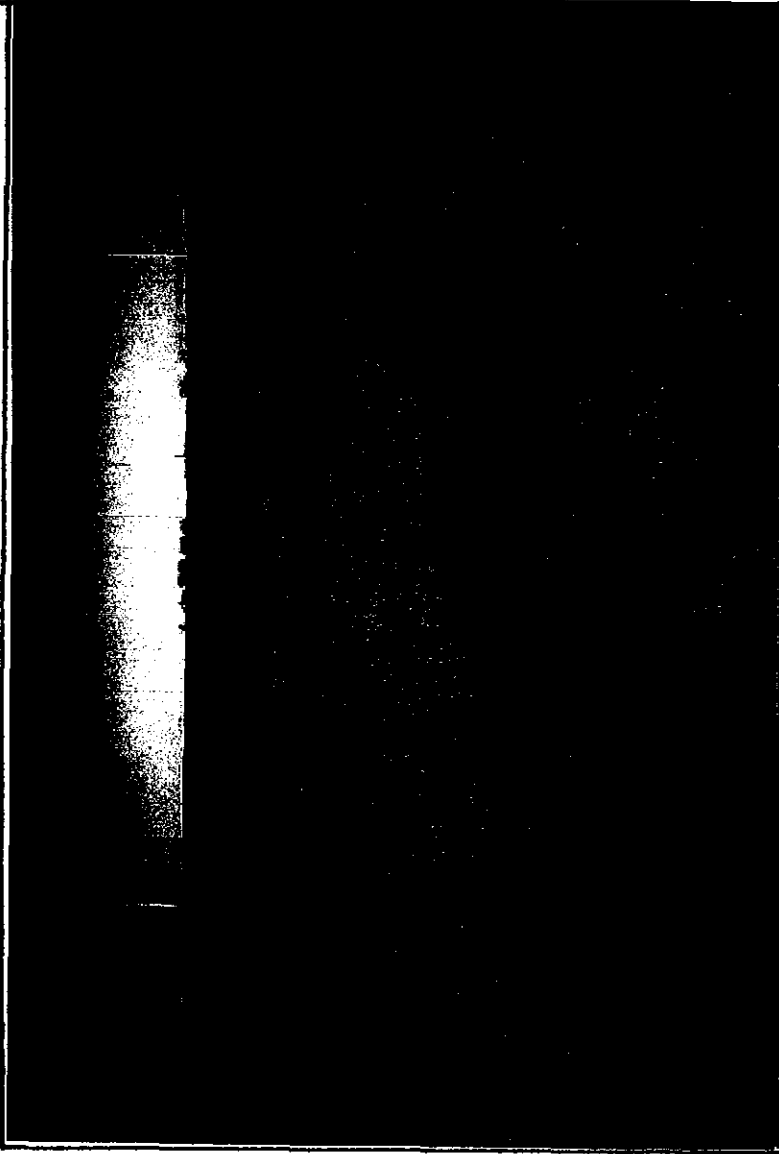
273	WEST VIEW OF PLACE OF USE	
NORTH WEST VIEW OF PLACE OF USE		35-09053
PERMIT NUMBER		

STOLWORTHY PART.

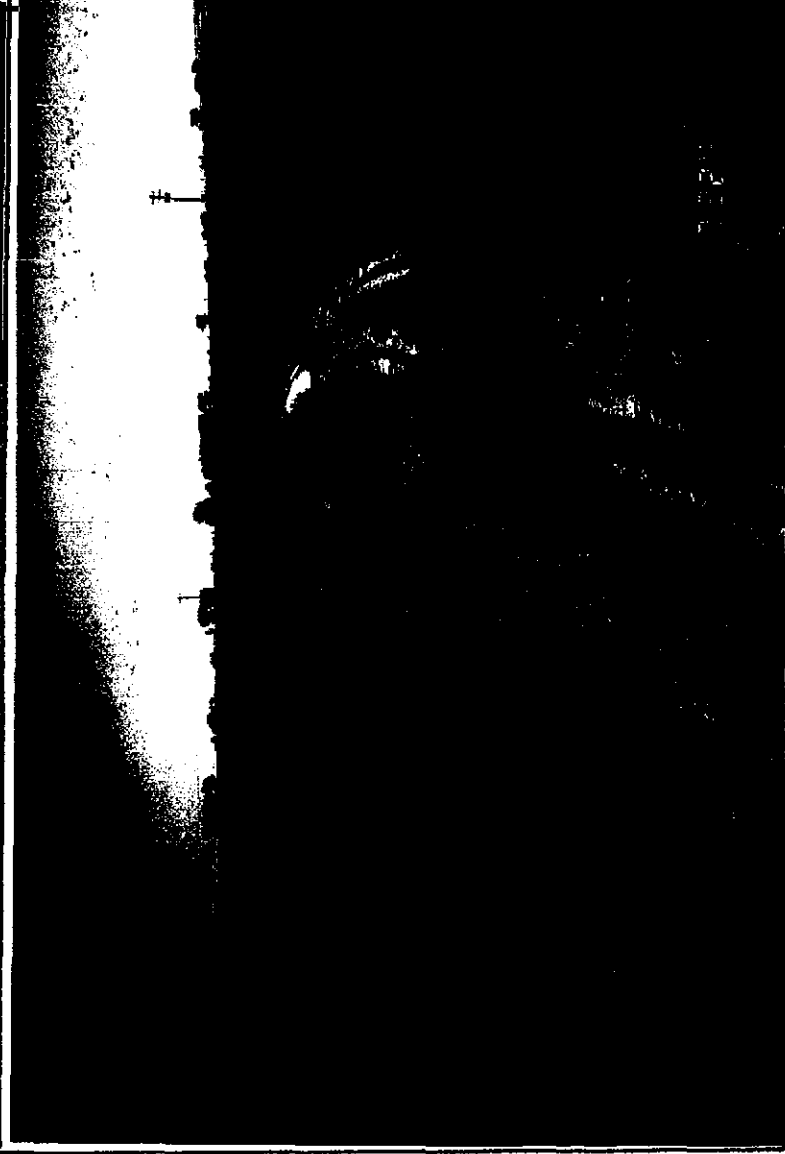
IRRIGATION

35/3

NORTH VIEW
OF PLACE OF
USE



NORTH EAST
VIEW OF
PLACE OF
USE



PERMIT
NUMBER

35-09053

January 26, 1996

BRENT STOLWORTHY FAMILY LTD PARTNERSHIP
3669 S HOLMES
IDAHO FALLS ID 83404

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-09053

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 EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED
JAN 30 1996

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 35-09053 Reviewed by [Signature] Date 1-25-96

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? _____
yes Address same as permit? _____
yes Proof timely received? _____ Correct Uses? _____
If not, complete calculation below.

SOURCE OF WATER

_____ Surface water source
✓ Ground water source
no Drilling permit required?
+ Copy in the file? Drilling Permit No. _____
+ Amount paid for permit _____ Correct?
no Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
100.00 Amount Submitted
yes Correct?
no Required?
+ Installed?
+ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	$\begin{array}{c} - \\ = \\ + \end{array}$	_____
Date proof due	_____		_____
No. of days late	_____		_____
Priority Date	_____		_____
New Priority Date	_____		_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address [Signature] Proof Made 1-10-96



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 18, 1995

BRENT STOLWORTHY FAMILY LTD PARTNERSHIP
3669 S HOLMES
IDAHO FALLS ID 83404

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 35-09053

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

Enclosed is 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 licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

RECEIVED

DEC 20 1995

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 35-9053 Name: Stowman Ptnship Date: 12/14/95 Ad OK? ☒
Correct Fee? ☒ Receipt #: E021028 Priority: 10/18/95 ☒ Gvmt Lts: ☒

AREA OF CONCERN? Pre-1987 use - No/Yes ESRP Mor GWMA ~~Trust~~/Non-trust
PROTESTED: - 020(Protest Agr) or W19(See Final/Prelim Order)

SYSTEM COMPLETED:

Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17

GROUNDWATER: <✓ FLO-CH>

+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, ~~065~~(if GW use SW 1st)

Drilling Permit:

Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink is regulated):

Water District (~~dem~~) - 005 (req) WD # _____ <SEE MAP & LISTING>
+ 0.2 cfs - 028(may report)-01J(meas dev)-P08
=/- 0.2 cfs - 028(may report)-01H(lock dev)-P01 or No MD
=/+ 5 a. irr. - 028(may report)
In-WD + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M

RIVER BASINS (*Surface water):

Snake R (01) - 11A-P04, NA
(02/03-irr) - 007-P07 (w/remark WB9-† Weiser), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064(regulated uses), 047-P04(Payette Lake), NA

USE:

Domestic (surface) - 021(Boise R † L Peak); 27A(Payette R); NA
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-P10;044(N 1000 Spr)
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);
+25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA

LOCATION:

Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - 1 <SEE CODE CHART>
~~Trust~~ - ~~051-052-053-054~~ (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-land owner - 004 (PD/PU)

OTHER CONDITIONS: -

STANDARD REMARKS: - Dwob

BENEFICIAL USE DUE: - 12-1-1996

COMMENTS: -

MEMORANDUM

DATE: December 13, 1995
TO: File No. 35-09053 & 35-09054
FROM: Cindy Zimmerman *g*.
SUBJECT: Partners

=====

Per telecon with Shawn Stolworthy today, the partners of Brent Stolworthy Family Ltd. Partnership are Brent Stolworthy, Ilene Stolworthy, Nicol Bybee, Bart Stolworthy, Shawn Stolworthy, and Stacey Stolworthy.

UNRECORDED
DEC 20 1995

Dist. for staffing 10-19-95
Submitted for advertising 10-19-95

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATIONS FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HWT DATE 10-19-95 APPLICATION NO. _____
Brent Stolworthy Family Ltd. Partnership
REQUIRED INFORMATION

☒ **Name** (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ **Address**
☒ **Source** (See USGS Quad for names of water sources)
☒ **Point of Diversion** (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ **County**
☒ **Quantity** (flow and/or volume)
☒ **Period of Use**
☒ **Nature of proposed use** (Include description of use.)
☒ **Description of diverting works**
☒ **Time required for beneficial use of water**
☒ **Place of use or acres irrigated**
☒ **Map**
☒ **Signature** (If applicant is corp. partnership, or municipality, title of signator is required)
☒ **Fee**
☒ **Yes** ☐ **No*** In form to receipt

ADDITIONAL INFORMATION

Overlapping place of use (Describe source & relationship to present application on the back.)

☒ **Overlapping point of diversion**
☐ **Yes** ☐ **No** Field check required
☐ **Yes** ☐ **No** Field check by _____
☐ **Yes** ☐ **No** Field report attached
☐ **Yes** ☐ **No** Critical groundwater area
☐ **Yes** ☐ **No** Groundwater management area
☐ **Yes** ☐ **No** Send dam safety information
☐ **Yes** ☐ **No** Send power requirement letter
☐ **Yes** ☐ **No** Send fish farm requirement letter
☐ **Yes** ☐ **No** Power residency affidavit
☐ **Yes** ☐ **No** Power efficiency form
☐ **Yes** ☐ **No** Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)

☐ **Yes** ☒ **No** Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT
Need evidence of Divulment prior to 1987
Date Requested _____

PROCESSING ☒ Yes ☒ No In form for advertising
☒ Yes ☒ No Statewide advertising
☒ Yes ☒ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO None Idaho Dept. of Health & Welfare U.S. BLM
Idaho Dept. of Fish & Game U.S. Forest Service
Idaho Dept. of Lands Water District
Adjudication Bureau Unit Other

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☒ Yes ☐ No Protests received
Final date for protest 11-20-95
☒ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☒ Yes ☐ No Recommendations, attached
☒ Yes ☐ No Measuring device required
☒ Yes ☐ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. _____
☒ Yes ☐ No Special conditions of approval or cover letter below. _____

See below for additional information
Date of priority recommended 10-18-1995
By HLJ Date 12-5-1995

STATE OFFICE REVIEW

See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

* Field exam for license 35-08800 should provide
data to License 35-09053. HLJ

LOCAL PUBLIC INTEREST

Comments received from

<u>City</u>	<u>Idaho Fish & Game</u>	<u>Irrigation District</u>
<u>County</u>	<u>Idaho Health & Welfare</u>	<u>Canal Company</u>
<u>Reservations</u>	<u>Division of Environment</u>	<u>Other</u>

Project impacts/implications report

COMMENTS

[illegible]

RECEIVED

NOV 21 1995

Department of Water Resources
Eastern District Office

DEPT. OF WATER RESOURCES
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718
(208) 525-7161
Fax: (208) 525-7177

NOTICE OF APPLICATION
FOR WATER RIGHT

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

35-09053
STOLWORTHY FAMILY LTD
PARTNERSHIP, BRENT
3669 S. Holmes
Idaho Falls, Idaho 83404
Source: GROUNDWATER
Diversion Pt: NESW, Sec. 14, T. 01S,
R. 36E, in Bingham County.
Use: IRRIGATION (0.430 CFS)
Total Diversion: (0.430 CFS).
Date Filed: 10/18/1995
In: BINGHAM COUNTY
T01S, R36E, S14, SWNW, SENW,
S15, SENE, NESE, SESE
28.5 ACRES TOTAL.

35-09054
STOLWORTHY FAMILY LTD
PARTNERSHIP, BRENT
3669 S. Holmes Ave.
Idaho Falls, Idaho 83404
Source: GROUNDWATER
Diversion Pt: SWNW, Sec. 23, T. 01S,
R. 36 E, in BINGHAM County.
Use: IRRIGATION (0.280 CFS)
Total Diversion: (0.280 CFS).
Date Filed: 10/18/1995
In: BINGHAM County
T01S, R36E, S22, NENE, SENE, S23,
NENW, NWNW, SWNW, SENW, NESW,
NWSW
18.5 ACRES TOTAL.

The permit(s) will be subject to all prior
water rights. Protests must be filed with
the applicant and the Director, Dept. of
Water Resources, along with a \$25.00 fil-
ing fee, Eastern Region, 900 N. Skyline,
Idaho Falls, Idaho, 83402, on or before
NOVEMBER 20, 1995.

KARL J. DREHER
Director

(2678)
Pub.: 112, 8

Legal
AFFIDAVIT OF
PUBLICATION

County of Bingham)

State of Idaho) ss
I, Jacqueline Graham do
solemnly Legal

swear that I am the Coordinator of
The Morning News, which is a daily news-
paper of general circulation, published
each day except Sunday at Blackfoot,
Bingham County, Idaho, said newspaper
having been so published at Blackfoot,
aforesaid for more than one year past;
that said newspaper heretofore complied
with all the provisions of Chapter 154 of
the Sessions Laws of Idaho of 1911, ap-
proved March 11, 1911, and duly desig-
nated, pursuant to law, a particular day
of the week as the day on which legal no-
tices required by law or by the order of
any Court of competent jurisdiction within
the State of Idaho shall be published to-
wit: of each week; that the notice at-
tached hereto and which is a part of this
affidavit and part of the proof of publi-
cation was published in said issue of said
newspaper 2 consecutive times
the first publication having been made on
the 14th day of Nov.,
1995, and the last publication having
been made on the 14th day of
Nov., 1995, that said notice
was published in the regular and entire
issue of every number of the paper as
aforesaid during the period and time of
publication, and that notice was pub-
lished in the newspaper and not in a sup-
plement.

On this 14th day of Nov., in
the year 1995, before me a Notary
Public of said State, personally appeared
Jacqueline Graham

known or identified to me to be the per-
son whose name is subscribed to the with-
in instrument, and being by me first duly
sworn, declared that the statements
therein are true, and acknowledged to
me that he executed the same.

[Signature]
Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires:

November 10, 2000

Affidavit Processing Fee: \$5.00

RECEIVED

DEC 20 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

OCTOBER 25, 1995

THE MORNING NEWS
P.O. BOX 70
BLACKFOOT, ID 83221

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 20, 1995.

Yours truly,

Rita Bodell
Secretary

Encl.

RECEIVED

DEC 20 1995

Diversion Pt: NESW Sec 14 T 01S R 36E in BINGHAM County.

Date Filed: 10/18/1995

In: BINGHAM County

SWNW
SENE

SENW
NESE

SESE

28.5 ACRES TOTAL

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DEC 20 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 25, 1995

BRENT STOLWORTHY
FAMILY LTD PARTNERSHIP
3669 S HOLMES
IDAHO FALLS ID 83404

RE: Notice of Application for Permit No. 35-09053 & 35-09054

Dear Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the applications in the Morning News on November 2 & 9, 1995. The advertisement will be published for two consecutive 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 final processing of the applications and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,


Harold W. Jones
Water Right Supervisor

HWJ/rb

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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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 7, 1995

SHAWN STOLWORTHY
3669 SOUTH HOLMES AVE
IDAHO FALLS ID 83404

RE: Permit Nos. 35-08799 and 35-08800

Dear Shawn:

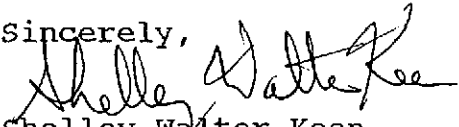
Thank you for the information you sent me regarding the pivot irrigation developed under permits 35-08799 and 35-08800. As we discussed, I have enclosed the necessary licensing amendments for your signature. As you review them, you will see that they reflect permissible places of use in which the entire irrigated areas are listed as the places of use, but conditions limit the actual use in any single year to no more than 168 acres under 35-08800 and 132 acres under 35-08799. You will also see that the maximum number of acres I could confirm under 35-08800 was 196.5, not 200 as reported by the Bingham County CFSA.

Because the place of use for each right will include tracts not listed on the permits, the \$50.00 amendment fee is required for each right. Please submit the amendments and their fees within 14 days.

We have also discussed the fact that you will need additional water rights for the acres not covered by 35-08799 and 35-08800. I think you have submitted convincing evidence to demonstrate that your entire development occurred prior to Nov. 19, 1987. Therefore, despite the moratorium on new consumptive water development in your area, I think IDWR can process new applications for that development completed by Nov. 19, 1987. Please take your evidence and a copy of this letter to our office in Idaho Falls to file your applications.

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

Sincerely,


Shelley Walter Keen
Water Rights Supervisor

SWK
Enclosures

DEC 20 1995

Shawn Stolworthy
3669 South Homes Ave.
Idaho Falls, ID. 83404
(208) 529-3891

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JUL 20 1995

Department of Water Resources

July 18, 1995

Shelly Walter Keen
IDWR
1301 N Orchard
Boise, ID 83706

RE: WATER RIGHT NOS. 35-08799 AND 35-08800

Dear Shelly

During a phone conversation on July 17th about the above two water rights, you stated that you need proof that we were irrigating this land before Nov. 19, 1987. I sent a 1985 crop report in the previous letter, however the acreage's were inaccurate. You stated that a letter from the ASCS office that addressed the acreage change would be sufficient proof to show that we were irrigating 200 acres and 150 acres prior to November 19, 1987. Enclosed is a letter from the ASCS office in Blackfoot. It states that there were acreage discrepancies on both fields. It lists the years that they were corrected. I am also including a photocopy of the ASCS airphoto for these two pivots. This airphoto was taken during the early summer of 1987 previous to Nov. 19, 1987. It shows the irrigation pattern of the pivots and the amount of land irrigated in the crop year of 1987. These two pivots have been irrigating the same amount of land since 1982. The pivots travel and irrigate the same area year after year regardless of crop acreage estimations.

Let me know if there are any problems getting the acreage discrepancy solved.

Sincerely, Shawn Stolworthy

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007 03 1995

United States
Department of
Agriculture

Consolidated
Farm Service
Agency

Idaho County CFSA Office
1600 Highland Drive
Blackfoot, ID 83221
785-2090

July 17, 1995

Dear Mr. Keen,

There are two pivots that have been reported by Stolworthys for the past few years. These acreages were reported are as follows:

1994	pivot 1	200.0 acres	Pivot 2	150.5
1993		168.0 A.		150.5
1992		168.0 A.		150.5
1991		168.0 A.		150.5
1990		168.0 A.		150.5
1989		168.0 A.		150.5
1988		168.0 A.		131.0

In 1989 they requested a remeasurement of Pivot 2 because they didn't agree with our measurements. We determined in was incorrect and changed the acreage to 150.5.

In 1994 they requested a remeasurement of Pivot 1 because they didn't agree with our measurements. It was determined the 168.0 acres were not correct and the Pivot was corrected to show 200.0 A.

The photos we use were taken in 1987. The field boundary used to determine the acreage of 168.0 was not correct and was changed to meet the boundary made by irrigation. This boundary is very noticeable from the '87 photo. I can not explain why our field boundary was not correct.

Sincerely
Steve Fullmer
Steve Fullmer, CED

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007 86

June 12, 1995

Shelly Walter Keen
IDWR
1301 N Orchard
Boise, ID 83706

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JUN 19 1995

Department of Water Resources

RE: WATER RIGHT NOS. 35-08799 AND 35-08800

Dear Shelly

I received a letter concerning the above water rights stating that they were in the process of being licensed. It indicated that the permits were to be amended. I have reviewed the amendments and concur with the point of diversion, rate of diversion and annual volume. However, there is a discrepancy with the place(s) of use description. I called you and discussed our options for correcting the acreage's. You indicated the best solution would be to sign the amendments and then apply for the extra acres. We would also need to prove we were irrigating this land before 1987. I then indicated that the circular pivots traveled into areas of sections which were not recorded on the amendments. Some other questions about the filing fee were brought up. If we change the acres on both amendments or include all the sections the pivot travels in I will feel the fee is justified.

The places of use are two circular pivots. These pivots were originally installed by Murice Johnson & Sons under a lease agreement with Brent Stolworthy the land owner. Johnson's defaulted on the lease and Brent Stolworthy took control of the ground and pivots in 1985 crop year. This ground has been irrigated since 1982. The order and pricing forms for the pivots which were installed are included as exhibits A & B. Exhibits C & D are the system specifications for these two pivots obtained from Mountain Ag in Blackfoot. These two pivots have continued to be known as the Johnson pivots since Brent Stolworthy has farmed them. Exhibits E & F are two soil samples from Stukenholtz Laboratory that show that we farming the "Johnson pivots" in 1985. I also included as exhibit G the buy out agreement Brent Stolworthy made with Steiner Finical Corporation to buy the pivots which Johnson's installed. It includes the descriptions of the pivots, pumps and a legal description where the pivots are located. Exhibits H & I are ASCS crop report and cropping map.

I included as Exhibit J is a map to show the location of the pivots. The map was photocopied from the Soil Survey. I drew in the pivots in as close to scale as I could. I drew in the section lines to help determine the legal descriptions and I include the legal descriptions to the right of the pivots. The "Listed" descriptions are the ones on the applications for amendment. These description locations are colored in aqua on the map. The "?" descriptions are the ones not include on the applications for amendment. They are colored lime green on the map. I included the latest ASCS air photo and acreage's as exhibit K. I also put in some previous ASCS maps to show earlier acreage estimations. The earlier estimations were small because of rocky spots in the field that weren't farmed but were irrigated. The whole field is farmed now and is irrigated the same as it has always been since the pivots were installed.

The pivot for the application 35-08799 is a 150.5 acre 9 tower pivot and the application refers to an applied acreage of 132 acres. The pivot enters into section 22 of TWN 01S RGE 36E and into the SW quarter of section 23 of the said township and range. The area in the application for the license doesn't include this area. The pivot is the same pivot that was installed originally. The area to which the water is applied is the same as it has been since 1982 when the pivot was installed. The pivot has not been modified. The discrepancy could have originated because the ASCS previously reported the acreage of this pivot to be smaller than it was. We noticed in farming the area that the

OCT 03 1995

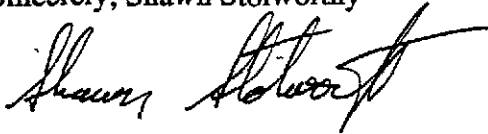
DEC 20 1995

ASCS area didn't seem accurate so we requested that they remeasure the field. The latest ASCS acreage report puts this pivot at 150 acres. This is consistent with our own estimations.

The pivot for the application 35-08800 is a 200 acre pivot and the application refers to an applied acreage of 168 acres. This also is the original pivot and the area it waters is the same as it has always been. The ASCS previously reported the acreage at 175 acres. The latest ASCS acreage report puts this pivot at 200 acres. This is consistent with our own estimations.

Please review this matter and correct the acreage's. Feel free to contact me at (208) 529-3891 if you have any questions. I will await your response at the following address: 3669 South Holmes Ave., Idaho Falls, Idaho 83404

Sincerely, Shawn Stolworthy



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DEC 20 1995

☐ INFORMATION OF PHONE ORDER
☐ NEW ORDER
DATE _____

OK & IDENT.

Dealer Mountain Ag., Inc. Purchase Order No. M 7 # 2
Customer Murice Johnson & Sons Address _____
Shipping Date March 10, 1982 Via _____
Lockwood Acceptance _____ Dealer Signature Dick Robertson
Deposit _____ SO No. _____ Ser. No. _____

PIVOT SPEC.	Pivot Model No. <u>2265</u>		No. of Towers <u>9</u>		System Length <u>1359</u>		Ft.	
		Height Standard	☒ ~~XB~~		Low Profile		☐	
	Non Towable	☒ ~~XB~~		Towable		☐		
	Center Gearbox 50:1	☒ ~~XB~~		30:1		☐		
	Tire 11 x 22.5 Std	☐		11.2 x 24 New (Opt.)		☐		
	14.9 x 24 Flo (Opt.)	☒ ~~XB~~		16.9 x 24 Hi Flo (Opt.)		☐		(Special order only)

SPAN SPECIFICATION	PIVOT TYPE:		6-5/8" Std.	☐	8" Optional	☒	Speedi Tow	☐	Dualinear	☐	\$ 150
	BASE MACHINE:		1-14 Spans	☐	15 - 21 Spans	☐					\$ 2945
	Qty.	Length	Pipe D		Gearbox		Unit				
	2	129	6 5/8		5		3670		\$ 7340		
	5	148	6 5/8		6		4160		\$ 20800		
	2	166	5		5		4195		\$ 8390		
									\$		
									\$		
									\$		
	END BOOM		Length	18.5					\$ 225		

8 GA. ELEC. CABLE (Required as per table) ☐

Total No. of Towers	15	16	17	18	19	20	21
Required Spans of 8 Ga. Wire	4	6	8	9	10	11	12

Quantity _____ \$/Tower _____ \$ _____

TOWABLE SYSTEM 5" GB ☐ 6" GB ☐ Quantity _____ \$/Tower _____ \$ _____

Tow Frame ☐ \$ _____

Tow Cable ☐ \$ _____

OTHER 14.9 Tine \$ 1980

Tow Press \$ 205

IQP - Extra Light \$ 100

Auto Restart By Pass Switch \$ 215

Painbird 103 CDS [Don't Ship] \$ 565

Auto End Gun \$ 765

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

System Total \$ 42380

HYDRAULIC SPECIFICATIONS

W0830- _____ G.P.M. 1050 PSI 80 Sprinkler Type 17" N5 Rainbird

SPACING: Wide ☐ Narrow ☒ Standard Impact ☐ Spray Nozzle ☐ Other _____

SPRAY NOZZLE MOUNTING: Std. 45° ☐ Optional 90° Elbow Pkg. L00886-00464 ☐

END GUN 103 CDS- Booster Pump 2 HP ☐ 5 HP ☐ None ☐

PRESSURE REGULATORS PSI _____ FLOW Hi ☐ Med ☐ Low ☐ (Furnished by Lockwood ☐ Dealer ☐)

SPECIAL NOTE: Sprinkler packages supplied from Gering Stock are Impact, Rainbird Std. Angle, Spray Nozzle, Spraying Systems Flood Jet. Other types including regulators will be shipped direct from Sprinkler Manufacturer.

Discounts:	Comments:
623/Ken L.	27026.00

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OCT 03 1995

☐ CONFIRMATION OF PHONE ORDER
☐ NEW ORDER
DATE _____

OR IDENT.

Dealer Mountain Ag., Inc.
Customer Maurice Johnson & Sons
Shipping Date March 10, 1982
Lockwood Acceptance _____
Deposit _____ SO No. _____

Purchase Order No. MJ#1
Address _____
Via _____
Dealer Signature [Signature]
Ser. No. _____

PIVOT SPEC.	Pivot Model No. <u>2285</u>		No. of Towers	11	System Length	<u>1618</u>	Ft.
		Height Standard	☒	Low Profile	☐		
	Non Towable	☒	Towable	☐			
	Center Gearbox 50:1	☒	30:1	☐			
	Tire 11 x 22.5 Std	☐	11.2 x 24 New (Opt.)	☐			
	14.9 x 24 Flo (Opt)	☒	16.9 x 24 Hi Flo (Opt.)	☐		(Special order only)	

SPAN SPECIFICATION	PIVOT TYPE:		6-5/8" Std.	8" Optional	Speedi Tow	Dualinear	
	BASE MACHINE:		1-14 Spans	15 - 21 Spans			
	Qty.	Length	Pipe D		Gearbox	Unit	
	7	129	8		6	4220	\$ 29540
	2	148	6 5/8		6	4160	\$ 8320
	2	166	5		5	4195	\$ 8390
							\$
							\$
							\$
END BOOM	Length	75'					\$ 284705

8 GA. ELEC. CABLE (Required as per table) ☐

Total No. of Towers	15	16	17	18	19	20	21
Required Spans of 8 Ga. Wire	4	6	8	9	10	11	12

Quantity _____ \$/Tower _____ \$ _____

TOWABLE SYSTEM 5" GB ☐ 6" GB ☐ Quantity _____ \$/Tower _____ \$ _____

Tow Frame ☐ \$ _____

Tow Cable ☐ \$ _____

OTHER Add Wire \$ 150

Temp-Press Shut down \$ 205

TDCA Package-Extra Light \$ 100

Auto Restart-By Pass Switch \$ 215

Rainbird 103 [Don't Ship] \$ 565

Auto End Gun \$ 465

220 x 11 14.9 Tires \$ 2,200

_____ \$ _____

_____ \$ _____

System Total \$ 54205

W0830- _____ G.P.M. 1400 PSI 90 Sprinkler Type 17° Rainbird
 SPACING: Wide ☐ Narrow ☒ Standard Impact ☐ Spray Nozzle ☐ Other _____
 SPRAY NOZZLE MOUNTING: Std. 45° ☐ Optional 90° Elbow Pkg. L00886-00464 ☐
 END GUN 103 Rainbird CCS Booster Pump 2 HP ☐ 5 HP ☐ None ☐
 PRESSURE REGULATORS PSI _____ FLOW Hi ☐ Med ☐ Low ☐ (Furnished by Lockwood ☐ Dealer ☐
 SPECIAL NOTE: Sprinkler packages supplied from Gering Stock are Impact, Rainbird Std. Angle, Spray Nozzle, Spraying Systems Flood Jet. Other types including regulators will be shipped direct from Sprinkler Manufacturer.

Discounts: <u>622/Ken I.</u> 	Comments: <u>33770.00</u> 	MICROFILMED 1962 A3 10
---	--	-------------------------------

Brent Stoworthy

RAIN BIRD 10 DEG. LAPS/SB

RAIN BIRD CASE NO. -9087
LOCKWOOD CORPORATION
GERING, NEBRASKA

MOUNTAIN AG - JOHNSON #1

LOCKWOOD 2285 - 1982

TOTAL GALLONS PER MINUTE - 1400.00
PIVOT PRESSURE (PSI) - 80.00
ENDGUN GALLONS PER MINUTE 155.00
NUMBER OF TOWERS - 11
TOTAL LENGTH (FT) - 1615.27
PIPE OUTSIDE DIAMETER (IN) - 8.000
6.625
5.000

1609' + 60' ENDGUN = 1669'
200.96 ACES

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THIS SYSTEM WILL ALSO DELIVER:

	PSI -10%		PSI +10%
PIVOT PRESSURE (PSI)	72.00	80.00	88.00
TOTAL GPM	1328.16	1400.00	1468.33
END GUN GPM	147.05	155.00	162.57
END PRESSURE (PSI)	49.94	55.68	61.44
PRESSURE LOSS (PSI)	22.06	24.32	26.56

PIVOT PRESSURE IS MEASURED AT THE TOP OF THE ELBOW AT THE PIVOT POINT.

ALL CALCULATIONS ARE BASED ON THE ASSUMPTION THAT THE
GROUND ELEVATION IN THE FIELD DEVIATES NO MORE THAN
PLUS OR MINUS TEN FEET FROM THE ELEVATION OF THE PIVOT.

Ex. 1

RAIN BIRD 10 DEG. LAPS/SB

RAIN BIRD CASE NO. -9088
LOCKWOOD CORPORATION
GERING, NEBRASKA

1355' + 6' ENDGUN = 1415'
144.5 ACES

MOUNTAIN AG - JOHNSON #12

LOCKWOOD 2265 - 1982

TOTAL GALLONS PER MINUTE	-	1050.00
PIVOT PRESSURE (PSI)	-	80.00
ENDGUN GALLONS PER MINUTE	-	141.00
NUMBER OF TOWERS	-	9
TOTAL LENGTH (FT)	-	1355.81
PIPE OUTSIDE DIAMETER (IN)	-	6.625
		5.000

MINIMUM
DEC 20 1995
CCT 03 1995

THIS SYSTEM WILL ALSO DELIVER:

	PSI -10%		PSI +10%
PIVOT PRESSURE (PSI)	72.00	80.00	88.00
TOTAL GPM	996.12	1050.00	1101.25
END GUN GPM	133.76	141.00	147.88
END PRESSURE (PSI)	52.63	58.64	64.68
PRESSURE LOSS (PSI)	19.37	21.36	23.32

PIVOT PRESSURE IS MEASURED AT THE TOP OF THE ELBOW AT THE PIVOT POINT.

ALL CALCULATIONS ARE BASED ON THE ASSUMPTION THAT THE
GROUND ELEVATION IN THE FIELD DEVIATES NO MORE THAN
PLUS OR MINUS TEN FEET FROM THE ELEVATION OF THE PIVOT.

Ex. 10

Ex E

STUKENHOLTZ LABORATORY

Addison Avenue East

Box 353

TWIN FALLS, IDAHO 83301

208-734-3050

Report For: Blake Lulloff 5540-41 Report No.
4-13-85 Date Received
4-15-85 Date Reported

NAME: BRENT STOLWORTHY
"S Johnson Pivot"

Sample 1

Sample 2

SOIL TEST DATA

Sample 1

Sample 2

	Sample 1	Sample 2	Sample 1	Sample 2	SAMPLE IDENTITY
pH	8.0	7.9	560	560	CROP
SALTS, mmhos/cm	1.0	1.0	100 bu	100 bu	YIELD GOAL
SODIUM, meq/100g	0.3	0.4	Total of 130		ACRES
CEC, meq/100g	17	17	potatoes	Potatoes	CROP RESIDUE
EXCESS Lime, %	3.5	2.0	0	0	Tons/Acre
ORGANIC Matter, %	1.80	1.65	0	0	INTENDED MANURE
ORGANIC N, lb/A	40	35			Tons/Acre
N. ATE-N, ppm	7	6			NUTRIENTS PREVIOUSLY APPLIED

			NUTRIENT RECOMMENDATIONS, LB/ACRE		
ORGANIC N, lb/A	40	35	95	95	NITROGEN
N. ATE-N, ppm	7	6	65	65	P ₂ O ₅
PHOSPHORUS, ppm	17	16	0	0	K ₂ O
POTASSIUM, ppm	330	350	0	0	CALCIUM
CALCIUM, meq/100g	13.6	12.9	0	0	MAGNESIUM
MAGNESIUM, meq/100g	2.7	2.8	0	0	SULFATE-S
SULFUR, ppm	22	44	0	5	ZINC
ZINC, ppm	1.8	1.5	0	0	IRON
IRON, ppm	9.9	8.9	0	0	MANGANESE
MANGANESE, ppm	6.0	7.2	0	0	COPPER
COPPER, ppm	1.1	1.0	0	0	BORON
BORON, ppm	1.1	1.1	0	0	ELEMENTAL SULFUR
REMARKS					

MICROFILMED

STANDARD TWIN FALLS

DEC 26 1995

OCT 23 1995

Our letters and reports are for the exclusive use of the client(s) to whom it is addressed.
 Its communication to others or use in advertising is not authorized.

Supervised by:

Dr Dale Stukenholtz

Ex. F

STUKENHOLTZ LABORATORY

Addison Avenue East
Box 353
TWIN FALLS, IDAHO 83301
208-734-3050

Report For: Blake Lulloff 5542-43 Report No.
4-13-85 Date Received
4-15-85 Date Reported

NAME: BRENT STOLWORTHY
N Johnson Pivot

SOIL TEST DATA	Sample 1	Sample 2	E ₁	W ₁	SAMPLE IDENTITY
pH	7.9	7.8	Barley	560 BARLEY	CROP
SALTS, mmhos/cm	1.0	0.8	100 Bu	100 bu	YIELD GOAL
SODIUM, meq/100g	0.1	0.05	Total of 170		ACRES
CEC, meq/100g	14	10	Grain -2	Grain -2	CROP RESIDUE Tons/Acre
EXCESS Lime, %	9+	0.9	0	0	INTENDED MANURE Tons/Acre
ORGANIC Matter, %	2.0	1.1	0	0	NUTRIENTS PREVI- OUSLY APPLIED

	Sample 1	Sample 2	NUTRIENT RECOMMENDATIONS, LB/ACRE		
ORGANIC N, lb/A	40	30	130*	140*	NITROGEN
NITRATE-N, ppm	6	7	100	60	P ₂ O ₅
PHOSPHORUS, ppm	12	16	0	0	K ₂ O
POTASSIUM, ppm	270	250	0	0	CALCIUM
CALCIUM, meq/100g	11.9	8.7	0	0	MAGNESIUM
MAGNESIUM, meq/100g	1.7	1.6	20	0	SULFATE-S
SULFUR, ppm	12	80+	5	6	ZINC
ZINC, ppm	1.4	1.2	0	0	IRON
IRON, ppm	12.8	10.7	0	0	MANGANESE
MANGANESE, ppm	5.4	4.7	0	0	COPPER
COPPER, ppm	1.2	0.9	0	11	BORON
BORON, ppm	0.8	0.5	0	0	ELEMENTAL SULFUR

REMARKS

*Add extra N in the water according to tissue tests.

STANDARD-TWIN FALLS

DEC 20 1995

OCT 30 1995

Our letters and reports are for the exclusive use of the client(s) to whom it is addressed.
Its communication to others or use in advertising is not authorized.

Supervised by:

Drs Stukenholtz & Buhidar

Lease Number 481A Basic Rent Commencement Date 6-18-85
Acceptance Date 6-18-85 First Basic Rent Due Date 6-18-85

LESSEE INFORMATION

Brent Stolorthy & Ilene Stolorthy
FULL LEGAL NAME

Doing Business As:

Billing Address: Route 3, Box 294
STREET ADDRESS
Idaho Falls, Idaho 83401
CITY STATE ZIP

Corp. ☐ State
P' ship ☒ State
Prop' ship ☒
Contact: Brent Stolorthy
(208) 529-3891
TELEPHONE NUMBER(S)

EQUIPMENT INFORMATION

Quantity	Description: Model No., Serial No., Unit Price	Cost
One	2265 - 9 Tower Lockwood Center Pivot Irrigation System S/N: 821636AA with options	\$
One	2265 - 11 Tower Lockwood Center Pivot Irrigation System S/N: 821330AA with options	\$
One	100 HP Aurora Deep Well Turbine S/N: 3X271602	\$
One	125 HP Aurora Deep Well Turbine S/N: 3X271601	\$
	Pivot Tie In: 28 - 8' Steel	\$
	2 - 8' Check Valves; 2 - 30 Amp Disconnect	\$
	(IF NECESSARY, USE ATTACHMENT FOR ADDITIONAL DESCRIPTION)	\$
	TAX OR OTHER APPLICABLE CHARGES (SPECIFY)	\$
	TOTAL COST TO LESSOR	\$ 45,000.00

**PRINCIPAL
EQUIPMENT LOCATION**

<u>NW$\frac{1}{4}$ & Sect. 14, TWP-1S, R-36E and</u> <u>NW$\frac{1}{4}$ of Sect. 23, TWP-1S, R-36E</u> STREET ADDRESS OR LEGAL DESCRIPTION			<u>Brent Stolworthy & Ilene Stolworthy</u> LAND OWNER	
<u>Shelley</u> CITY	<u>Bingham</u> COUNTY	<u>Idaho</u> STATE	<u>Idaho</u> STATE IN WHICH EQUIPMENT WILL BE USED	

BASIC RENTAL/LEASE INFORMATION

Term of Lease: 4 0 Beginning 6-18-85 Ending 6-18-89 LEASE RATE FACTOR .2831922
YEARS MONTHS ACCEPTANCE DATE LEASE TERMINATION DATE

Payment No.	Amount	Use Tax	Payment Frequency	First Due Date	Last Due Date
<u>1 - 4</u>	<u>\$ 12,743.20</u>	<u>\$</u>	<u>Annual</u>	<u>6-18-85</u>	<u>6-18-88</u>
<u>—</u>	<u>\$</u>	<u>+</u>	<u>\$</u>	<u>—</u>	<u>—</u>
<u>—</u>	<u>\$</u>	<u>+</u>	<u>\$</u>	<u>—</u>	<u>—</u>

Interim Rent: \$ 0 per day for — days from Acceptance Date to Basic Rent Commencement Date,
due on —, Total Amount Payable: \$ — Taxes and other Charges Payable
by Lessee (specify item and amount) —

(PROPERTY TAX, LICENSE FEES, ETC.)

Total Amount Payable by Lessee: \$ — Security Deposit: —

Investment Tax Credit: To the Lessor ☒ Basic Rent Payable in Advance ☒ Insurance 0
Lessee ☐ 337 Arrears ☐ Cost \$ 0

OCT 03 1985

The Stipulated Loss Value Schedule attached hereto and Paragraph 11 hereof determine Lessee's liability if the Equipment is destroyed, lost or stolen before the end of the term of the Lease.

This Lease is not terminable by Lessee prior to the end of the term.

Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor the personal property described above (the Equipment) upon the following terms and conditions:

1. **Rent and Term.** Lessee shall pay Lessor at the address above, or as Lessor otherwise directs in writing, Interim Rent and Basic Rent (the Rent) in the amounts and on the dates specified above and shall be obligated to pay on demand all other amounts owing pursuant to this Lease. Lessee shall be obligated to pay interest at the highest permissible rate on any overdue Rent or other late payment.

2. **Net Lease.** Regardless of any defect in or damage to the Equipment or any dispute Lessee might have with the manufacturer, installer or any other person, including Lessor, Lessee shall have no rights against Lessor and is unconditionally obligated to pay all Rent and other amounts owing under this Lease unless the obligation is terminated according to the express terms of this Lease. Without limiting the foregoing, Lessee waives the right to assert against an assignee of Lessor, for security or other purposes, any defense, counterclaim, or setoff which it might assert against Lessor.

3. **Security Deposit.** On the Delivery Date, Lessee shall deposit with Lessor the security deposit specified above as security for Lessee's punctual performance of its obligations under the Lease. The security deposit shall bear interest at 3%, compounded annually. If Lessee defaults in any of its obligations, Lessor, in addition to its other rights, may keep all or part of the deposit and apply it toward curing the default or toward reimbursing itself for any expense related to Lessee's default. If Lessor expends all or part of the deposit to cure a default or to reimburse itself for expenses, Lessor will pay on demand an amount sufficient to return the security deposit to its original amount.

11. If, at the end of the term of the Lease, Lessee is not in default, the security deposit plus accrued interest, or any balance remaining, shall be returned to Lessor. The security deposit is not an advance payment of any rent or a measure of Lessor's damages.

4. **No Lessor Warranty.** LESSEE HAS SELECTED THE EQUIPMENT AND IS SATISFIED THAT THE EQUIPMENT IS SUITABLE FOR ITS PURPOSES. LESSOR HAS NOT MADE AND DOES NOT MAKE BY SIGNING THIS LEASE ANY WARRANTY, EITHER EXPRESS OR IMPLIED, AS TO THE EQUIPMENT, INCLUDING ITS MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE. LESSOR IS NOT RESPONSIBLE OR LIABLE TO LESSEE OR ANY OTHER PERSON FOR ANY LOSS OR DAMAGE CAUSED BY OR ARISING IN ANY WAY IN CONNECTION WITH THE EQUIPMENT.

IN SIGNING THIS LEASE, LESSEE HAS RELIED ONLY ON THE TERMS OF THE LEASE AND NOT ON ANY STATEMENTS OR PROMISES MADE BY ANYONE ELSE. IF THE EQUIPMENT IS NOT PROPERLY INSTALLED OR DOES NOT OPERATE AS WARRANTED BY THE SUPPLIER OR IS UNSATISFACTORY FOR LESSEE, LESSEE AGREES THAT IT SHALL CONTINUE TO PAY ALL RENT DUE UNDER THE LEASE AND SHALL MAKE ANY CLAIM ONLY AGAINST THE SELLER NAMED IN THE PURCHASE ORDER FOR THE EQUIPMENT. Lessor authorizes Lessee, during the term of this Lease, at Lessee's expense, to assert all of Lessor's rights under any warranty on the Equipment.

5. **Acceptance.** Lessee shall furnish Lessor with an Acceptance Certificate, in the form attached hereto (a) acknowledging receipt of the Equipment in good condition and repair, and (b) accepting the Equipment as satisfactory in all respects for the purposes of this Lease.

6. **Title to Equipment.** The Equipment is and will at all times remain, the personal property of Lessor, regardless of whether it is affixed to realty. Lessee agrees to provide Lessor with appropriate documents protecting Lessor's title to the Equipment. If required by Lessor, Lessee shall display notice of Lessor's ownership of the Equipment by affixing to each item of Equipment an identifying decal or label.

7. **Taxes; Liens; Indemnities.** Lessee agrees to pay and save Lessor harmless from all taxes arising out of the lease, possession and use of the Equipment and agrees to reimburse Lessor for all taxes paid by Lessor due to its ownership of the Equipment (except for any taxes measured by the income or profit of Lessor). Lessee will discharge, at its own expense, any lien on the Equipment whether created by Lessee or any other person. If any reports or returns are to be made under this paragraph, Lessee shall so notify Lessor and make such report or return as directed by Lessor.

LESSEE ASSUMES ALL RISK AND LIABILITY AND AGREES TO INDEMNIFY AND HOLD LESSOR HARMLESS FROM ALL CLAIMS, LIABILITIES OR EXPENSES FOR PERSONAL INJURY, DEATH OR PROPERTY DAMAGE ALLEGEDLY ARISING IN ANY WAY IN CONNECTION WITH THE EQUIPMENT. LESSEE SHALL, UPON WRITTEN NOTICE BY LESSOR OF THE ASSERTION OF ANY OF THE ABOVE, ASSUME FULL RESPONSIBILITY FOR THE DEFENSE THEREOF. THESE INDEMNITIES SHALL SURVIVE THE TERMINATION OF THIS LEASE.

8. **Insurance.** Lessee shall carry casualty insurance covering the full replacement cost of the Equipment and public liability insurance insuring both Lessor and Lessee against damages and claims for personal injury, death and property damage. Public liability insurance shall be in the form and with a company satisfactory to Lessor and shall provide for not less than \$500,000 insurance for injury or death of persons and \$100,000 property damage. Lessee shall pay all premiums and shall furnish to Lessor such evidence of coverage as is satisfactory to Lessor. Lessee hereby irrevocably appoints Lessor its attorney-in-fact for all purposes in connection with such insurance policy. Any expense of Lessor in adjusting or collecting insurance shall be borne by Lessee. Lessee shall not make any adjustments with insurers except with the written consent of Lessor.

9. **Repair, Maintenance, Use, Alterations.** Lessee at its own expense shall install and maintain the Equipment in as good mechanical condition and running order as when accepted, normal wear and tear excepted, according to the applicable manufacturer's specifications, standard maintenance manuals and warranty programs. Lessee shall use the Equipment lawfully, in accord with the manufacturer's recommendations, and in Lessee's regular and normal business, and shall not lend the Equipment or allow its use by any other person. Lessee shall not modify the Equipment or install anything on the Equipment (other than to comply with any laws or regulations) without Lessor's prior written consent.

10. **Removal, Inspection and Return of Equipment.** The Equipment shall not be removed from the Equipment Location without Lessor's prior written consent. Lessor shall have the right to inspect the Equipment or any records pertaining to the Equipment at any reasonable time. Upon the termination of the Lease the Equipment shall, at Lessee's expense, be prepared for shipment in a manner acceptable to the shipper, in the condition required by paragraph 9 hereof. Upon the expiration of the term of this Lease or any renewal term, if requested by Lessor, Lessee will provide for suitable storage of the Equipment on Lessee's property nearest the last use of the Equipment for a period of up to six (6) months at no cost or expense to Lessor. During the period of such storage, Lessee shall not use the Equipment or take any action that would decrease its value.

11. **Loss or Damage.** If the Equipment is damaged beyond repair, lost or stolen (an Event of Loss), then Lessee shall pay on the Due Date immediately following such Event of Loss, the Stipulated Loss Value in excess of insurance proceeds actually received by Lessor. Lessee shall furnish to Lessor, no later than such Due Date, such proof of the Event of Loss as Lessor may reasonably require. Lessor may enter the premises where the Equipment is kept in order to inspect it and to arrange for its disposal. Upon receipt by Lessor of all amounts due and payable pursuant to this Lease, this Lease shall be deemed terminated. Lessor shall reimburse Lessee, up to Stipulated Loss Value paid by Lessee, from any insurance or other proceeds received from the disposition of Equipment suffering an Event of Loss. If the Equipment is damaged, but can be repaired, Lessee shall repair it at its sole cost and expense so that it is in the condition required by Paragraph 9, and this Lease shall continue in full force and effect. Lessor agrees to release any proceeds from insurance received in connection with such damage to Lessee upon receipt of satisfactory evidence that the Equipment is in the condition required by paragraph 9 hereof.

12. **Default.** Any one of the following shall, at the option of Lessor, constitute a default by Lessee: (a) failure by Lessee to make any payment of Rent within ten days of the Due Date; or (b) failure by Lessee to comply with or perform any of the provisions of this Lease, including all supplements and attachments; or (c) the institution by or against Lessee or its property of a proceeding in bankruptcy, receivership, insolvency or reorganization or the application for or Lessee's consent to any arrangement or composition with creditors; or (d) the death or judicial declaration of incompetence of Lessee, if an individual; or (e) the occurrence of any of the above-described events with respect to any guarantor or any other party liable for payment or performance of this Lease.

13. **Remedies.** Upon the occurrence of any default and at any time thereafter, Lessor may choose to declare this Lease to be in default and may choose to do one or more of the following: (a) proceed in court to enforce Lessee's performance of the Lease covenants or to recover damages for Lessee's breach; (b) by notice in writing terminate this Lease, whereupon all rights of Lessee to the use of the Equipment shall absolutely terminate, but Lessee shall remain liable as provided below. Lessee, if so requested by Lessor, shall at Lessee's expense promptly return the Equipment to the possession of Lessor in the condition required by Paragraph 9 of this Lease, or Lessor may choose to enter upon the premises where the Equipment is located and remove it, without liability for damage to the premises due to removal, by summary proceedings or otherwise. Lessee shall, without further demand, immediately pay to Lessor an amount equal to any unpaid Rent due and payable for all periods up to and including the Due Date following the date on which Lessor has declared this Lease to be in default, plus an amount equal to the Stipulated Loss Value of the Equipment, computed as of such Due Date. Following the return of the Equipment to Lessor under this paragraph, Lessor shall proceed to sell the Equipment in such manner as it shall deem appropriate. The proceeds of such sale shall be applied by Lessor (a) first, to all Lessor's costs resulting from the default and the exercise of its remedies and (b) second, to reimburse Lessee for the Stipulated Loss Value previously paid by Lessee. Any surplus remaining thereafter shall be retained by Lessor. Lessor has the right to choose among the remedies available to it and to exercise any or all of them at any time after a default by Lessee. A waiver of one default by Lessor does not apply to any future defaults.

14. **Purchase and Renewal Option.** If Lessee is not in default at the end of the term of this Lease, Lessee may deliver a written notice to Lessor not later than ninety (90) days prior to the end of the term of this Lease, electing to purchase, or renew the Lease for the Renewal Term with respect to all, but not fewer than all, items of Equipment for a purchase price or renewal rate equal to the "Fair Market Value" or the "Fair Market Rental Value" of the Equipment, in the condition required by paragraph 9 hereof, as of the end of the term of this Lease. Fair Market Value and Fair Market Rental Value shall equal the value in an arm's length transaction between an informed and willing buyer-seller (other than (i) a lessee currently in possession or (ii) a used equipment dealer) and an informed and willing seller or lessor under no compulsion to sell or lease and shall not include costs of removal from the Equipment Location. If on or before sixty (60) days prior to the expiration of the term of this Lease, Lessor and Lessee are unable to agree upon the Fair Market Value or Fair Market Rental Value of the Equipment, it shall be determined on the basis set out above by an independent appraiser selected by Lessor and approved by Lessee (such approval not to be unreasonably withheld). The appraiser shall inform Lessor and Lessee of such determination within fifteen (15) days following appointment. The appraisal shall be binding upon both Lessor and Lessee.

Upon payment of the purchase price to Lessor, Lessor shall execute and deliver a bill of sale (without representations or warranties except that such Equipment is free and clear of all encumbrances by or in favor of any person claiming by, through or under Lessor) and such other documents as may be required to release the Equipment from the terms of this Lease and to transfer title to the purchaser, in such form as may reasonably be requested by Lessee, all at Lessee's expense.

15. **Miscellaneous.** The terms of this Lease shall not be altered in any manner except by written instrument signed by Lessor and Lessee and shall be binding upon and inure to the benefits of their permitted successors and assigns.

If there are two or more Lessees under this Lease, the obligations of the Lessees hereunder shall be joint and several.

If Lessee fails to perform any of its agreements, Lessor may itself perform, and the amount of any payment plus Lessor's reasonable expenses in connection with such performance, together with interest at the highest rate permissible shall be deemed additional Rent, payable by the Lessee on demand.

This Lease is not assignable by Lessee without the prior written consent of Lessor.

This Lease shall be construed in accordance with, and shall be governed by, the laws of the state of the Equipment Location. The unenforceability of a particular provision of this Lease in one jurisdiction shall not make the rest of the Lease invalid or make such provision unenforceable in any other jurisdiction. To the extent permitted by applicable law, Lessee hereby waives any provision of law which renders any provision hereof prohibited or unenforceable in any respect.

LESSEE REPRESENTS AND WARRANTS THAT ALL CREDIT AND FINANCIAL INFORMATION SUBMITTED TO LESSOR IN CONNECTION WITH THIS LEASE OR AT ANY OTHER TIME IS TRUE AND CORRECT. Lessee hereby requests Lessor to purchase the Equipment from the seller and to lease the Equipment to Lessee on the terms and conditions of this Lease set forth herein. Upon written acceptance hereof signed at Lessor's office by an authorized employee of Lessor, Lessor agrees to purchase the Equipment and lease the Equipment to Lessee.

THIS LEASE IS NOT CANCELLABLE. LESSEE HAS READ AND AGREES TO THE TERMS, PROVISIONS AND CONDITIONS HEREOF.

IN WITNESS WHEREOF, LESSEE HAS HEREBY EXECUTED THIS LEASE THIS _____ DAY OF _____, 19____.

DO NOT SIGN WITHOUT READING

LESSEE:
By *[Signature]*
Title _____

By *[Signature]*
Title _____

ACCEPTED _____, 19____

By *[Signature]* Lessor

(Authorized signature)

By *[Signature]* Title _____

Title _____

RECEIVED
DEC 20 1995

USB口 A、A+C

REPORT OF ACREAGE

NOTE: Section 374 of the Agricultural Adjustment Act of 1938, as amended, authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary; however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.

PAGE

of

KEY	OPERATOR	FARM NO.	NAME AND ADDRESS	FARM LAND	CROP LAND	OPERATOR	OTHER INTERESTED PRODUCERS			ASSIGNMENT	
							KEY	NAME AND ADDRESS	OTHER FARMS	CROP	JOB
1	OP	16	Brent Stolworthy Rt. 3 Box 294 Idaho Falls, ID 83401	160	147	2675	A 488				
		518	46 0008 7		518	36 4085 2					
2	OW	16	Gerald Stolworthy/Son Rt 3 Box 294 Idaho Falls, ID 83401				A-488				
			Sec. 23 T1S R 36E				1985				
							OTHER				
							WLC				

DEC 20 1995

Sec. 23 TIS K 36E

OTHER
WLC 10

SECTION I - FARM FIELD REPORT (Note: Grey Shaded Area For County Office Use Only)

CROP OR LAND USE SUMMARY

[illegible]

13. TOTAL OPERATOR REPORT

198.4

69.1

14. TOTAL DETERMINED ACREAGE

DATE

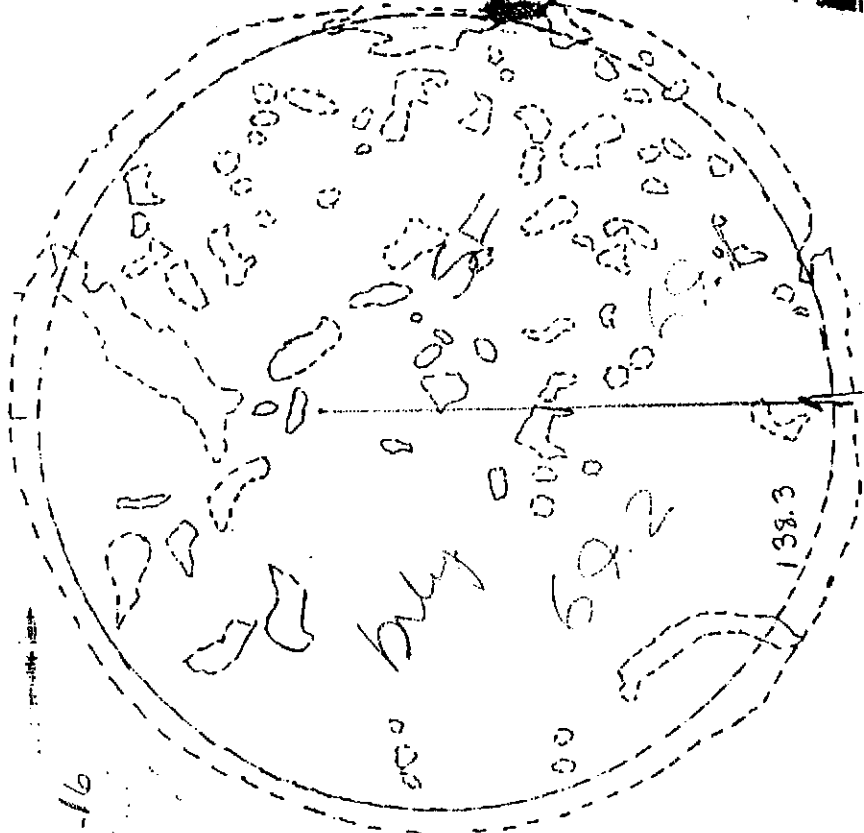
8. OPERATOR'S SIGNATURE

DATE

SECTION II - OPERATOR'S CERTIFICATION

I certify to the best of my knowledge and belief that the acreages of crops and land uses listed herein are true and correct. I understand that an inaccurate acreage report could result in a payment reduction or loss of program benefits and/or reduction in future allotments, and quotas when applicable.

DEC 20 1965



15' 14"
22' 33"

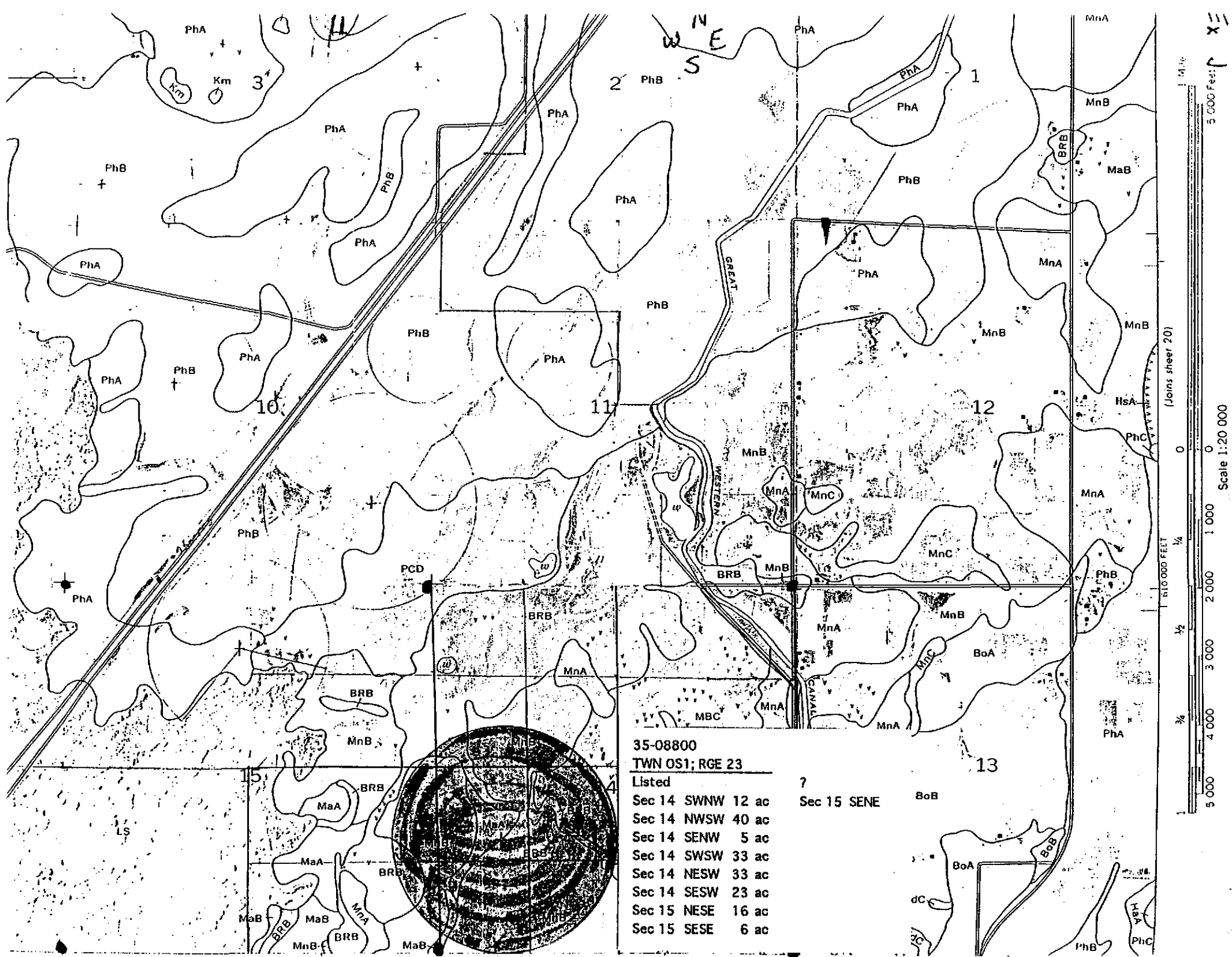
A-16
T-21



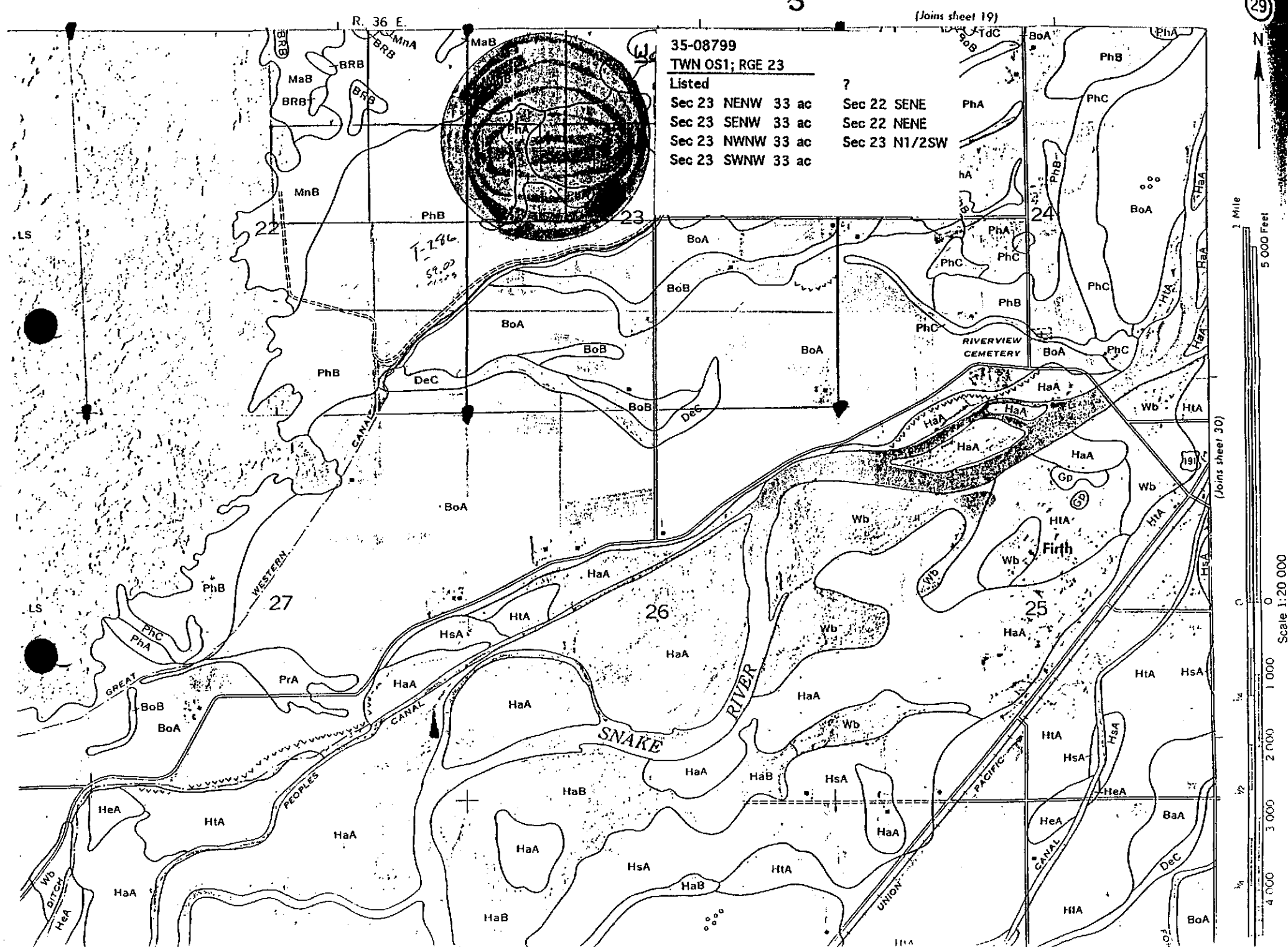
A-16 DEC 20 1995

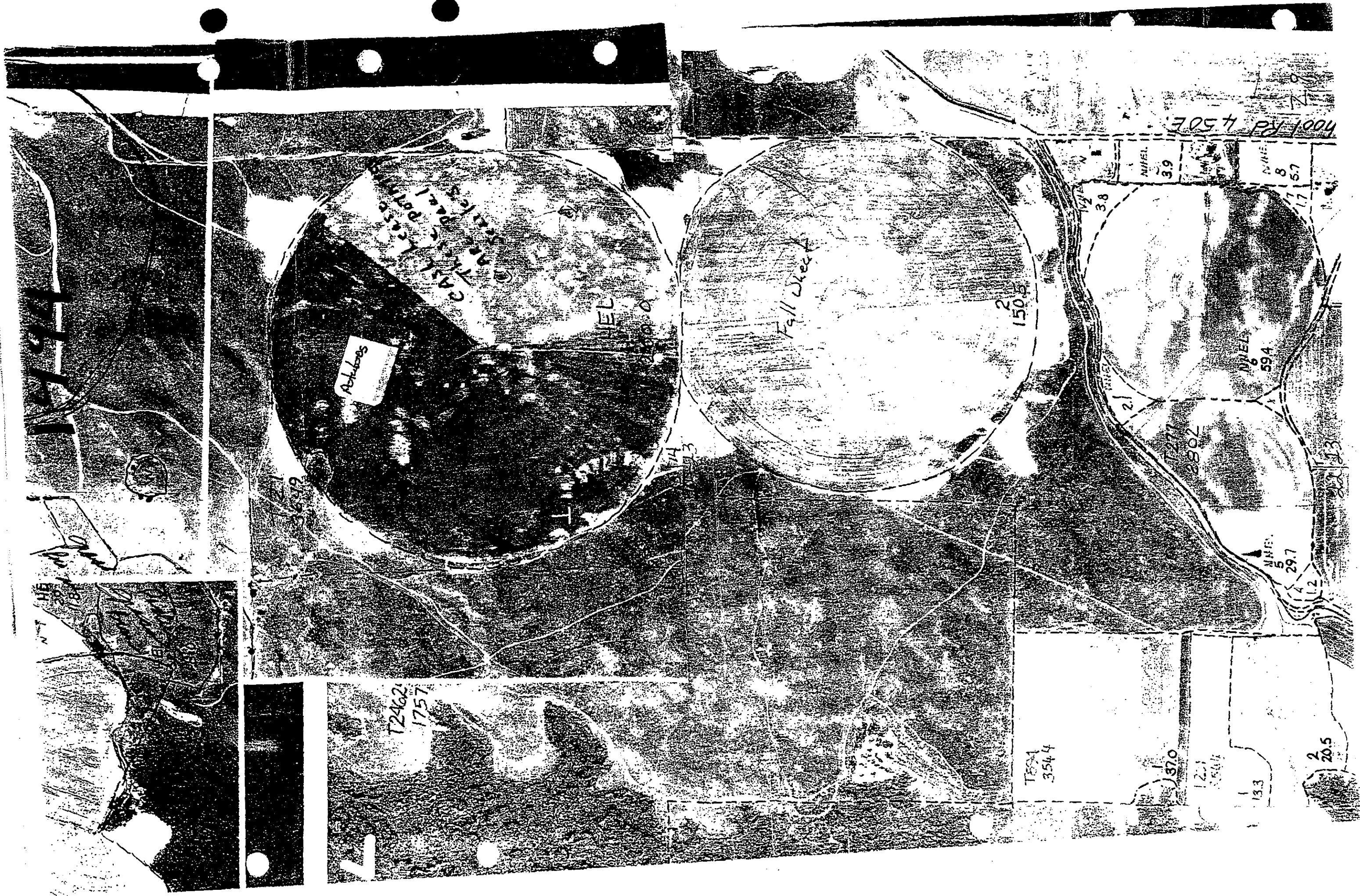
129.2

537 03 1995



BINGHAM AREA, IDAHO - SHEET NUMBER 29





A-16
T-21

138.3

A-16
T-21

A
129.2

Brent, here is your
map for A-16 farm
I figured the acres
on both pivots.
Give a crop report on
this ground in June.

Elera

UNRECORDED

DEC 20 1995

See Y9

565
12 1995

323
514

HEL

T

DEC 20 1995