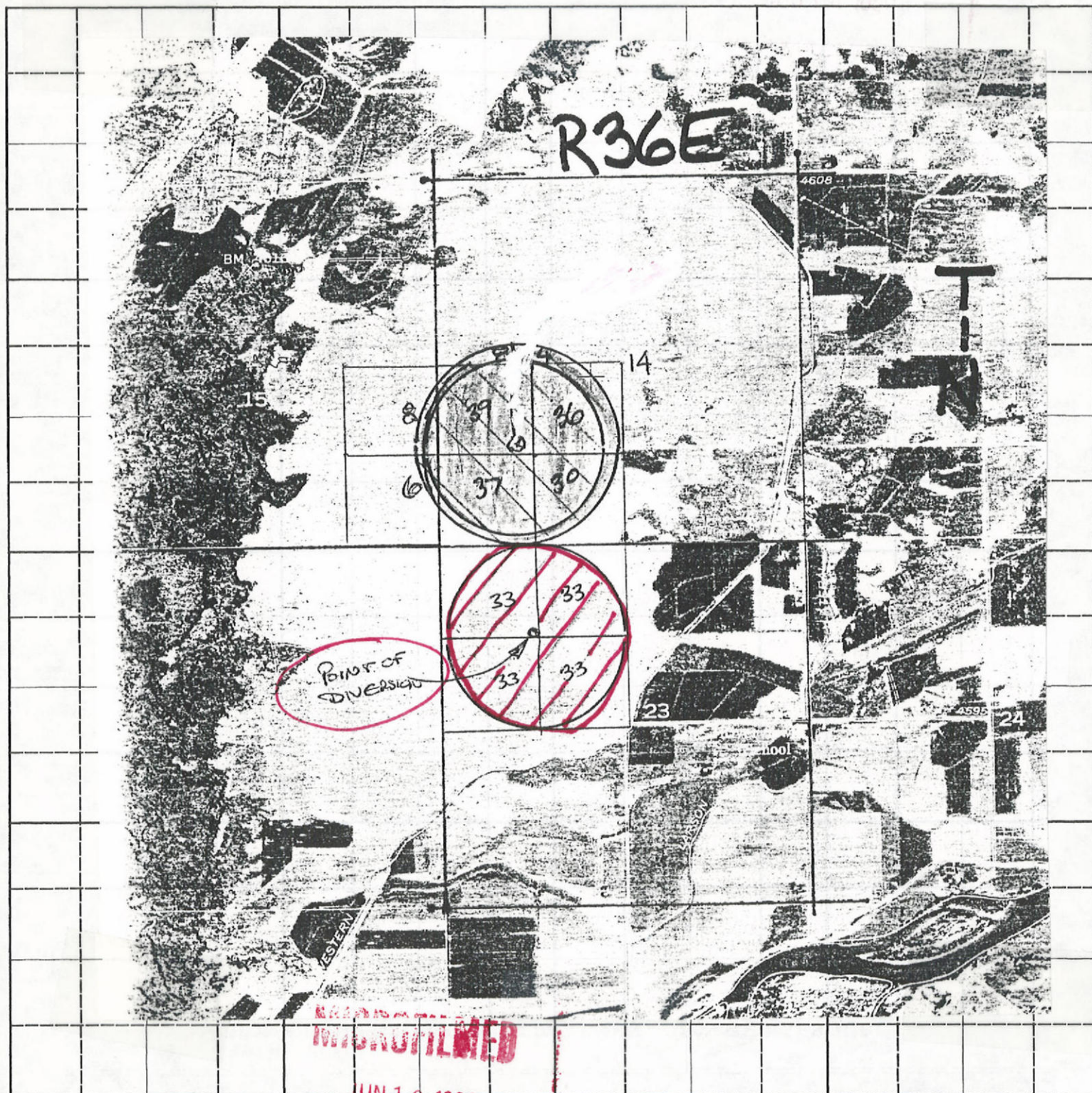


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Ben H. Shively
General Partner
(Applicant)

TITLE

T2462
1757

T21
3649

Potatoes

33.5

CASH LEASE
These potatoes
are paid
5¢/lb

35-08800

12

39

27

HEL

200.0

Photo taken
Summer of 1981

T15
R36E

35-08799

2

35

33.5

Fall wheat

2

37.5

36.2

MICROFILMED

OCT 03 1995

2

150.5

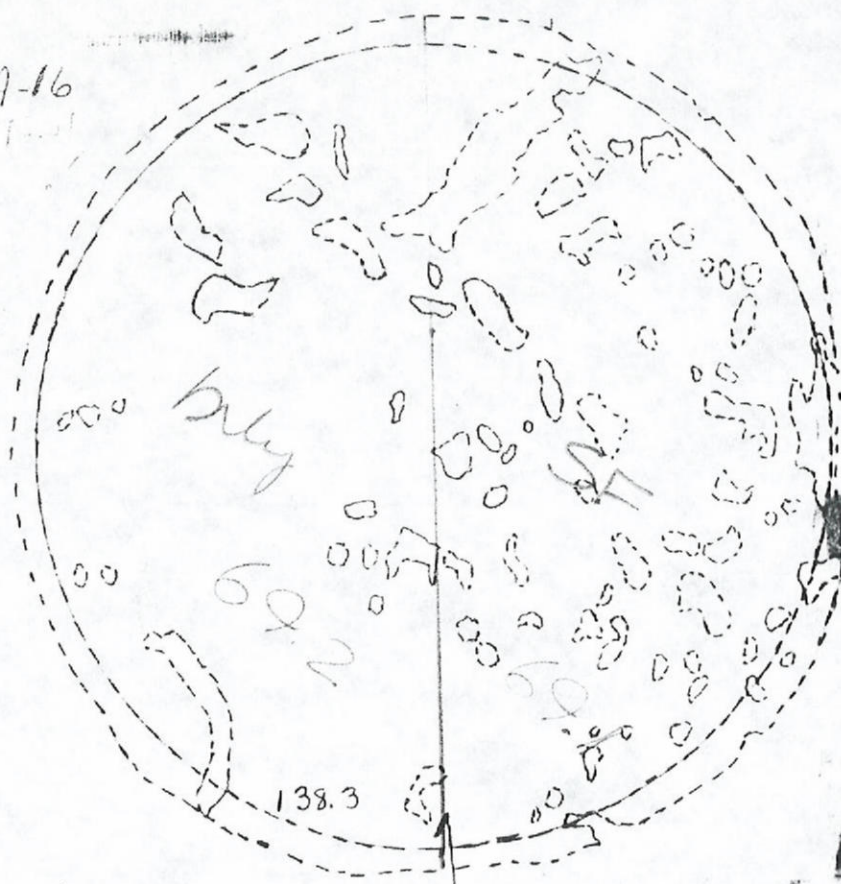
2

2

acreage
estimates by
S.W. Keen
Sept. 1995

A-16

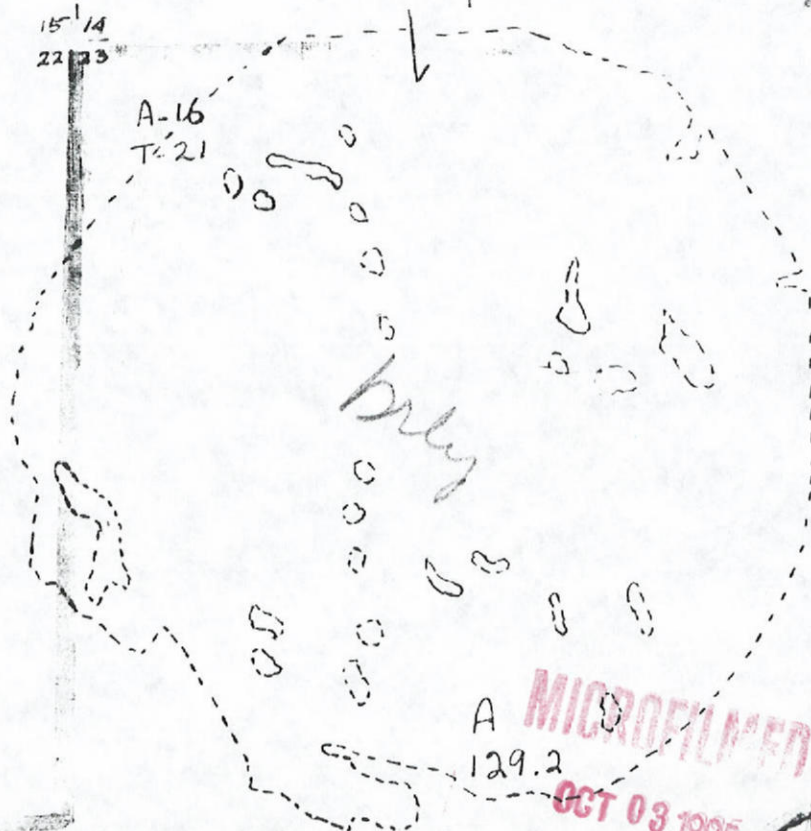
T-21



15-14
22-23

A-16

T-21

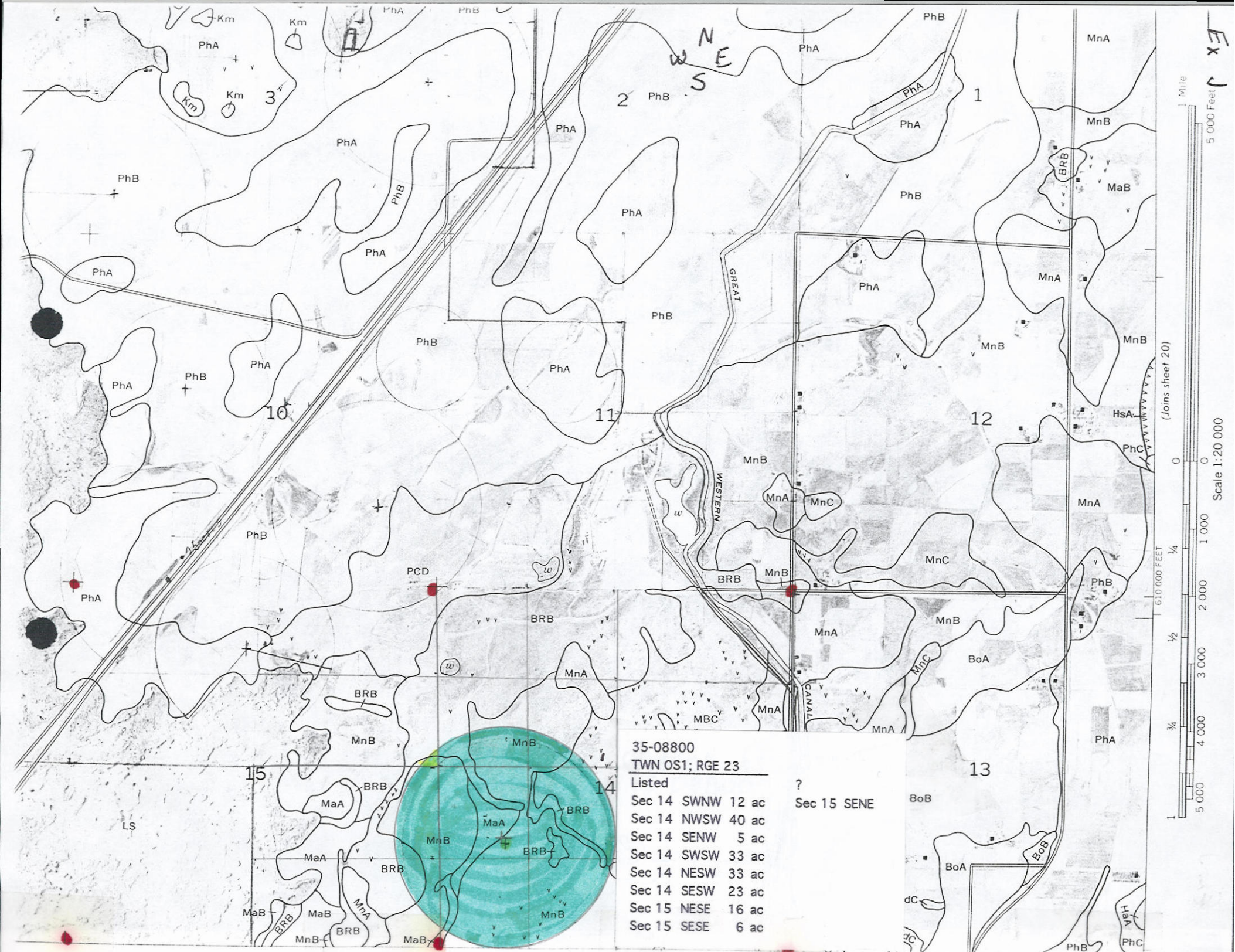


A

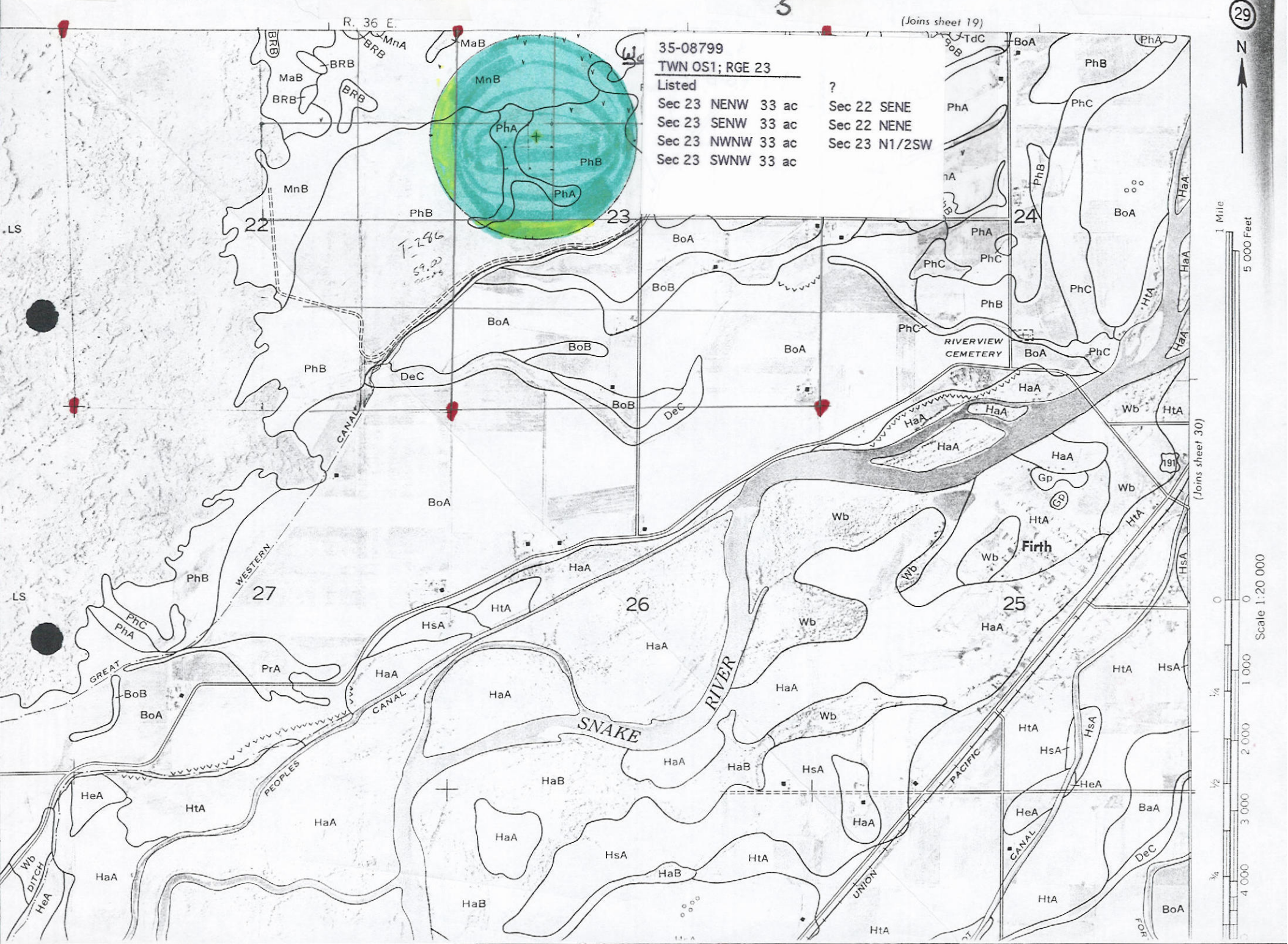
129.2

MICROFILMED

OCT 03 1995



BINGHAM AREA, IDAHO — SHEET NUMBER 29



1994

HE
29
11.8

W

HEL
32
18.0

T21
3649

Rotabags

CASH LEASE
These POTENTIAL
ARE OIL
SEALERS

T2462
1757

HEL

200.0

HE
14
23

Fall wheat

2
150.5

T894
3544

37.0

12.1
3544

13.3

2
20.5

T277
2802

NHEL
6
594

NHEL
5
29.7

NHEL
2
3.8

NHEL
3.9

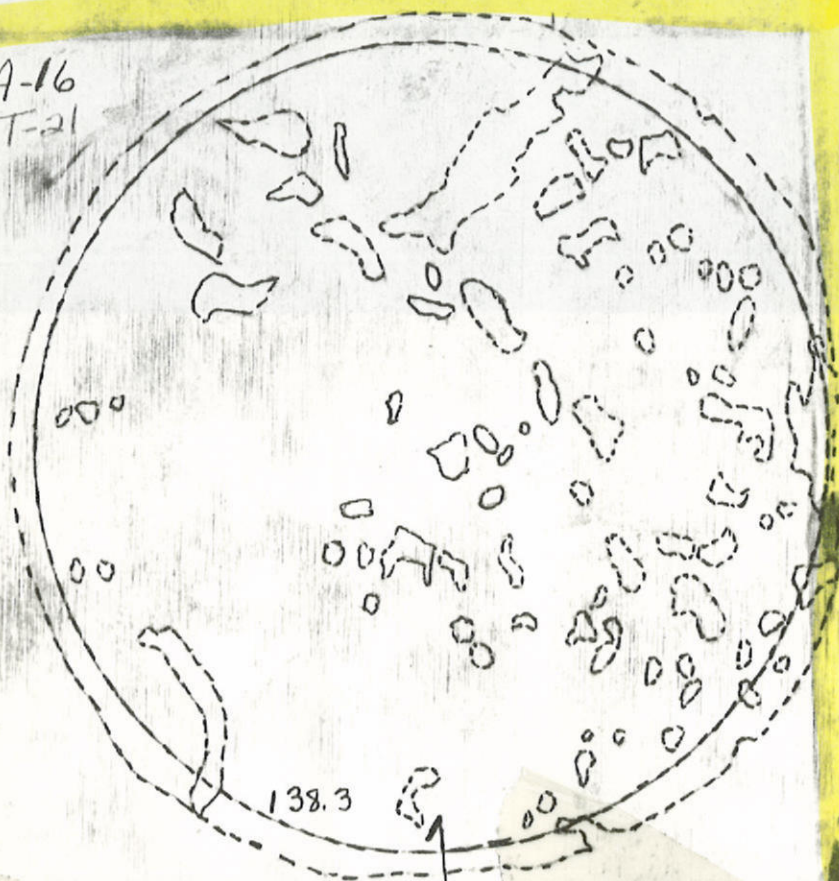
NHEL
8
5.7

HOOT RD. 4.50 E.

22 23

29

A-16
T-21



4-1

15/14
22/23

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.

Elera

B-94

32
194

Extra

721
3649

0000

HEL

168

15 14
22 23

03/03/1995

UNCLASSIFIED

78

See y9

T21
3649

Potatoes

Cash Lease
These potatoes
are real
scalers

T2462
1757

HEL
200.0

5/14
5/14/23

Photo taken
Summer of 1987

Fall wheat

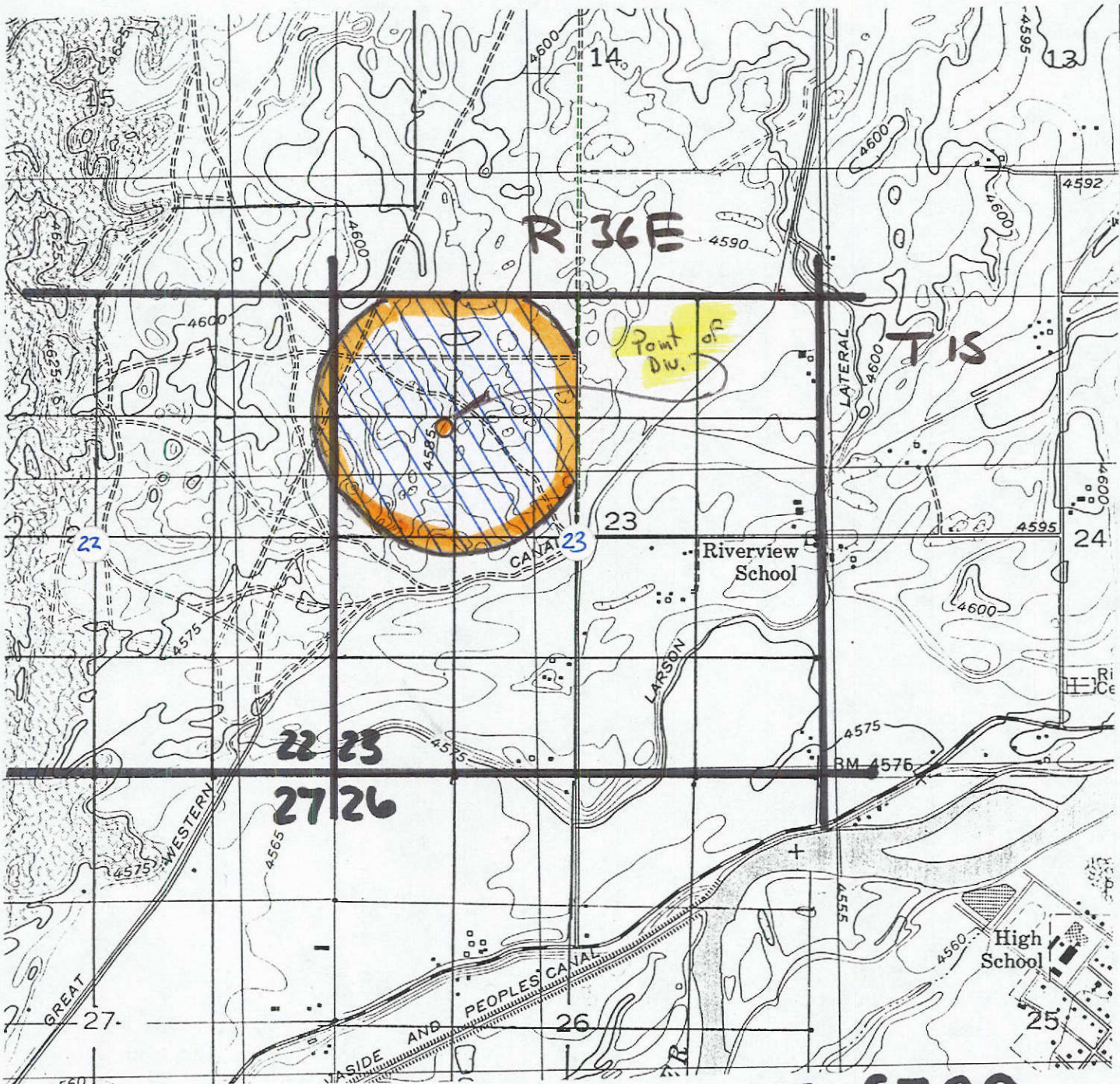
MICRO

OCT 85
28.1
150.5

T254
3544

12
38

35-08799



35-8799

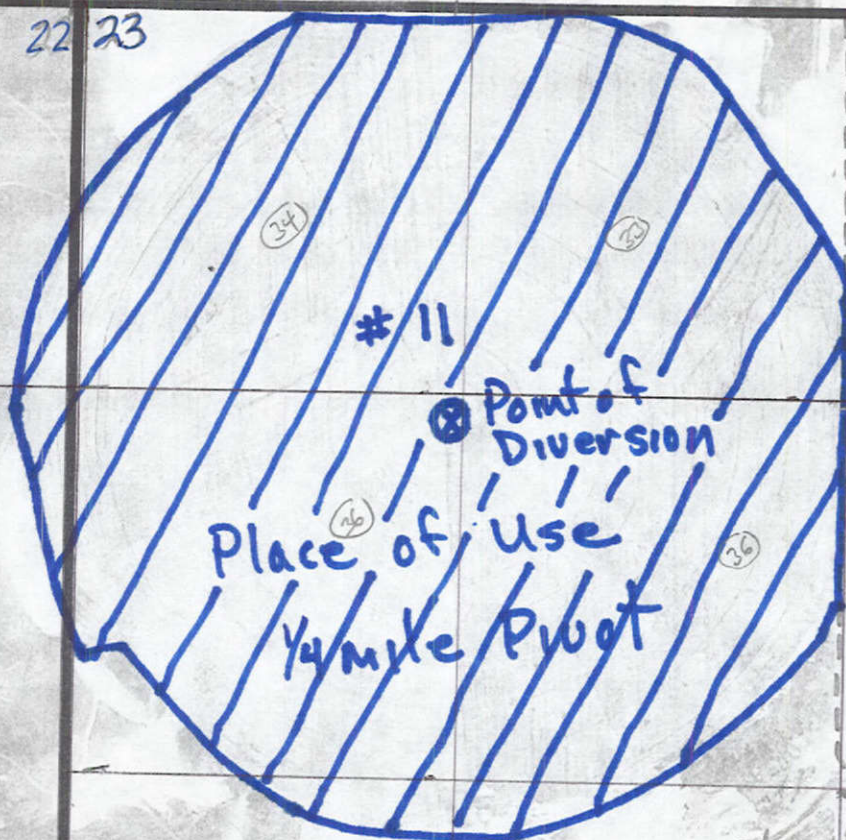
UNRECORDED

OCT 03 1995

R36E

T
1
S

15 14
22 23



GREAT WESTERN CANAL

T292
1992

NUEL
1
22.0

NUE
4
11.2

T253
138

N

16.7

3
8.7

4
12.5

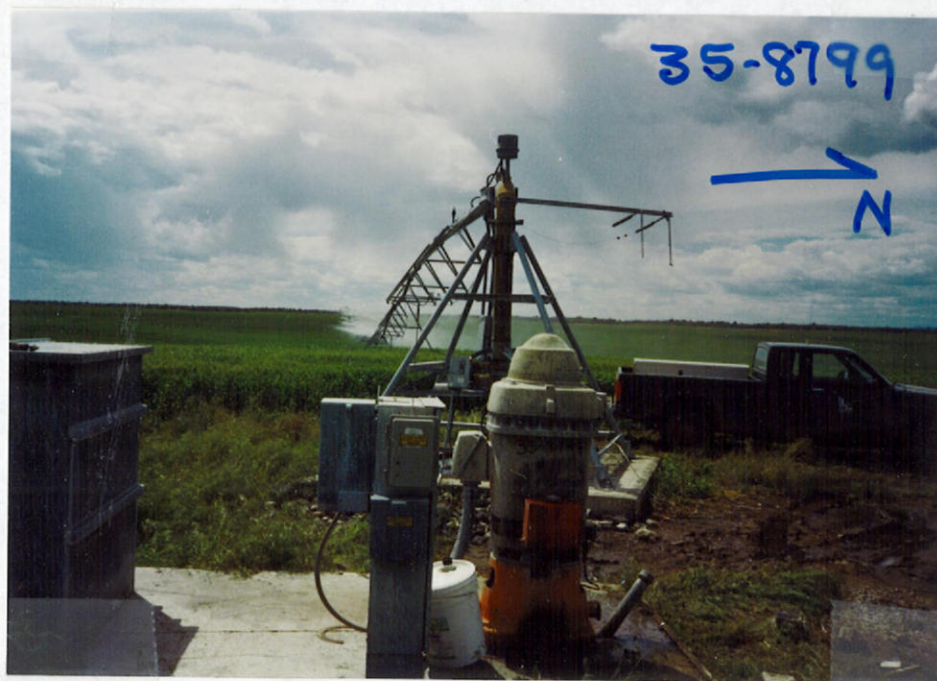
5
7.8

T25150
2893

APPROXIMATE

OCT 03 1995

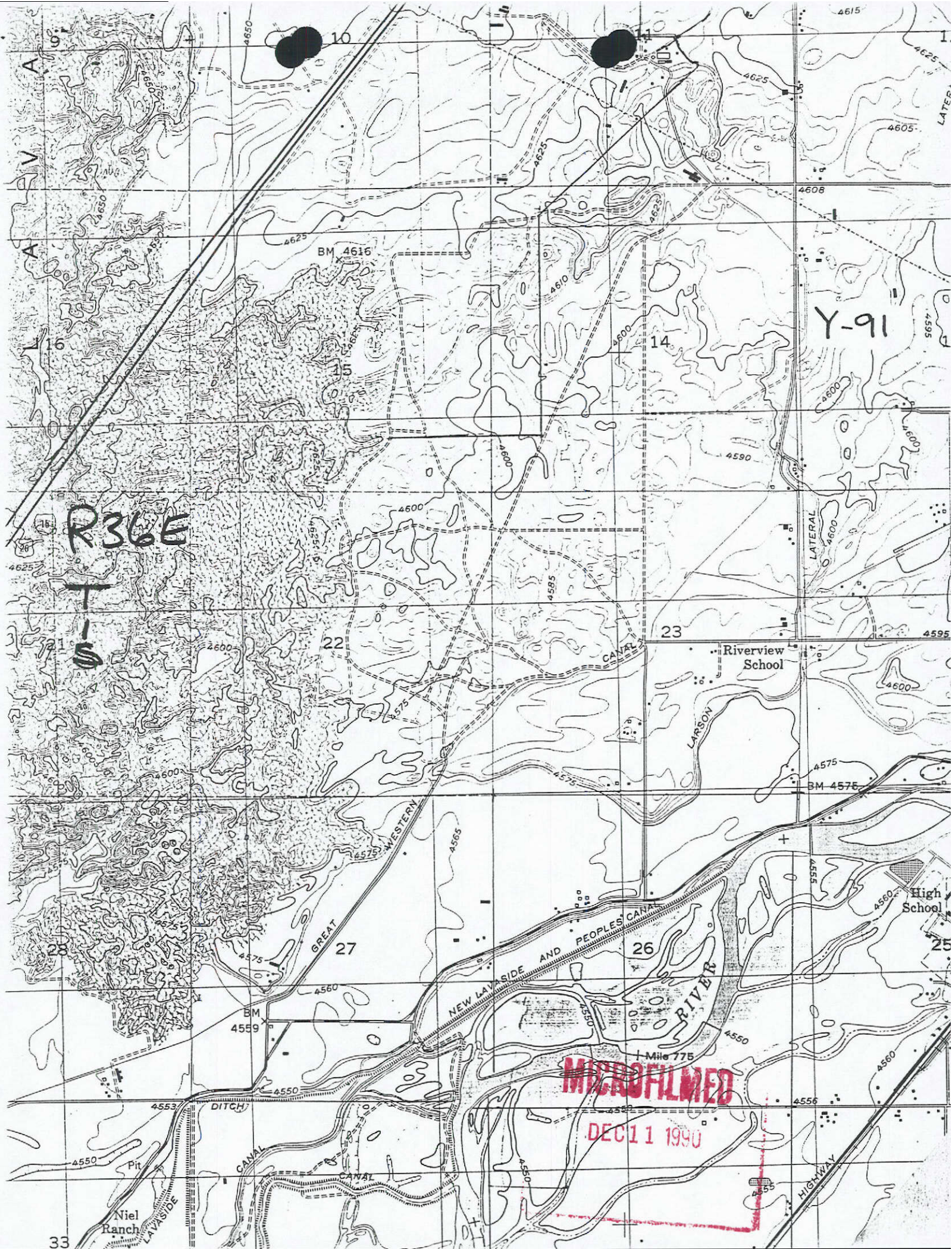
35-8799



Миротен МСН

OCT 03 1995





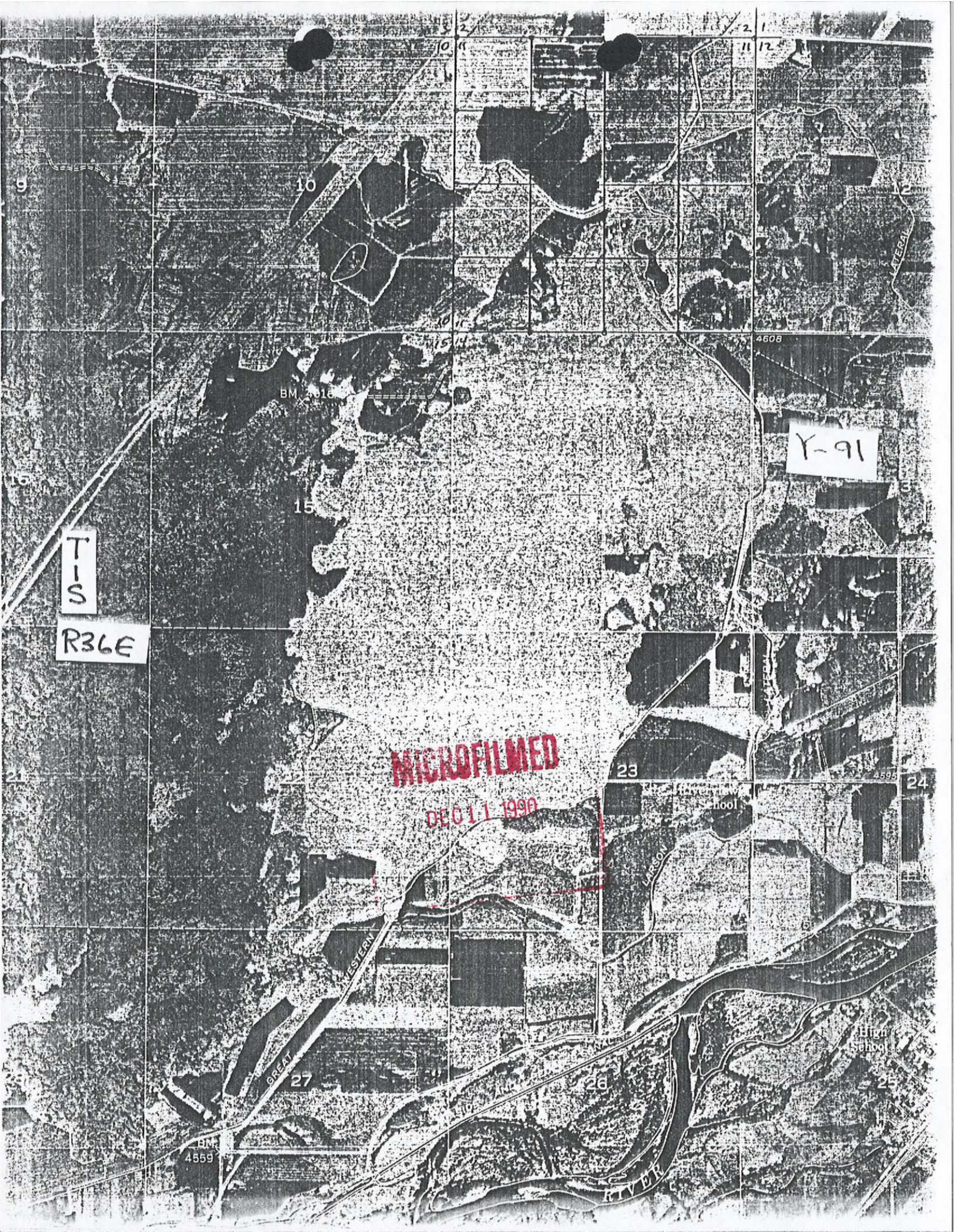
R36E

T16S

Y-91

MICROFILMED

DEC 11 1990



TIS

R36E

MICROFILMED
DEC 11 1990

Y-91

BM 4516

4608

4595

High School

High School

BM 4559

GREAT

WESTERN

LARSON

28

RIVER

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08799

Priority: June 9, 1989

Maximum Diversion Rate: 2.29 CFS
Maximum Diversion Volume: 528.0 AF

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

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated June 9, 1989; and
has submitted Proof of Beneficial Use on July 11, 1990. An examination indicates
that the works have a diversion capacity of 2.290 cfs of water from a GROUNDWATER
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	2.29 CFS	528.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 23, 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	22	NENE 2	SENE 2		4
		23	NENW 33.5	NWNW 35	SWNW 37.5	
			SENW 36.5	NESW 2	NWSW 2	146.5

Total number of acres irrigated: 150.5

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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.

OCT 03 1995

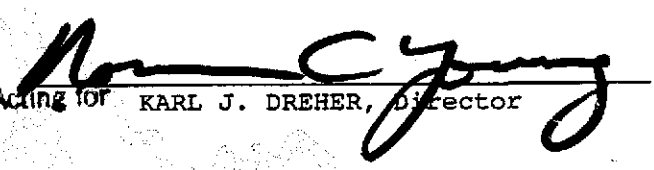
State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 35-08799

CONDITIONS OF APPROVAL AND REMARKS

6. 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.
7. This right is limited to the irrigation of 132 acres within the place of use described above in a single irrigation season.
8. 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.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 2ND day of OCTOBER, 1995.


Acting for KARL J. DREHER, Director

OCT 03 1995

State of Idaho
Department of Water Resources

RECEIVED
SEP 26 1995
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08799

Date of Priority: June 9, 1989 Maximum Diversion Rate: 2.29 CFS
Maximum Diversion Volume: 528.0 AF

Comes now BRENT STOLWORTHY FAMILY LTD PARTNERSHIP
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. 35-08799, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	2.29 CFS	528.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWNW, Sec. 23, 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	22	NENE 2	SENE 2		4
		23	NENW 33.5	NWNW 35	SWNW 37.5	
			SENW 36.5	NESW 2	NWSW 2	146.5

Total number of acres irrigated: 150.5

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 at Idaho Falls, Idaho, this 22 day of Sep, 1995

Brent Stolworthy
(Signature)

OCT 03 1995

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08799

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 50.00 Receipted by JW # C033619 Date 9-26-95

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. 35-08799 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. 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.
6. 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.
7. This right is limited to the irrigation of 132 acres within the place of use described above in a single irrigation season.
8. 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.

Witness my hand this 2nd day of OCTOBER, 1995.

OCT 03 1995

Acting for KARL J. DREHER, Director

RECEIVED

JUL 11 1990

Department of Water Resources
Eastern District OfficeSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USEFor Office Use Only
Amt. of Fee \$ 150.00
Date 7-11-1990
Receipt No. E014976
Received by KLL

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

Permit No. 35-8799 Telephone No. 529 3891Name(s) of Permit Holder(s): Brent Stolworthy Family LTD. PartnershipPost Office Address: 3669 S. Holmes Idaho Falls Id 83404Source of Water: GROUNDWATERIf ground water, well driller's name: _____ Date drilled: Mar 1980Extent of Use:
Domestic _____ (No. of households) Irrigation 132 (No. of acres)
Stockwater _____ (No. and type of stock) Other _____Total rate and/or volume for which proof is submitted 2.64 cfs _____ acre/feetShow date water was first diverted and beneficially used under this permit: April 1980

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

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

OR

Flow Measurement Port: Required? Yes ☒ No Installed? Yes ☐ NoFee Enclosed: \$ 150⁰⁰ (See License Examination Fee Schedule)

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

Name Brent Stolworthy Telephone No. 529-3891
525-6547 (mobile phone)

Address _____

MICROFILMED

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

DEC 11 1990

July 11/90
DateBrent Stolworthy
Signature (and title if on behalf of a company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08799

Proposed Priority: June 9, 1989 Maximum Diversion Rate: 2.64 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 11/01	2.64 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: SENWNW Sec. 23, Township 01N, Range 36E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N 36E 23	NENW 33	NWNW 33	SWNW 33	132
	SENW 33			

Total number of acres irrigated: 132

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1991.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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

7th day of June, 1990

MICROFILMED

JUN 19 1990

[Signature]
for R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant BRENT STOKWORTHY FAMILY LIMITED PART. Phone 529-3891
Post office address 3669 S. HOLMES, IDAHO FALLS, ID. 83404
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 23 Township 1N Range 36E B.M. BINGHAM County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 2.64 for IRRIGATION purposes from 4/1 to 11/1 (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) 2.64 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. WELL w/ 100HP TURBINE
PUMP TO CENTER 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 well diameter is 20" inches; proposed depth of well is 150' feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

RECEIVED
JUN 19 1990

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	
1N	36E	23					33	33	33	33									132

Total number of acres to be irrigated 132

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? APPLICANT

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

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

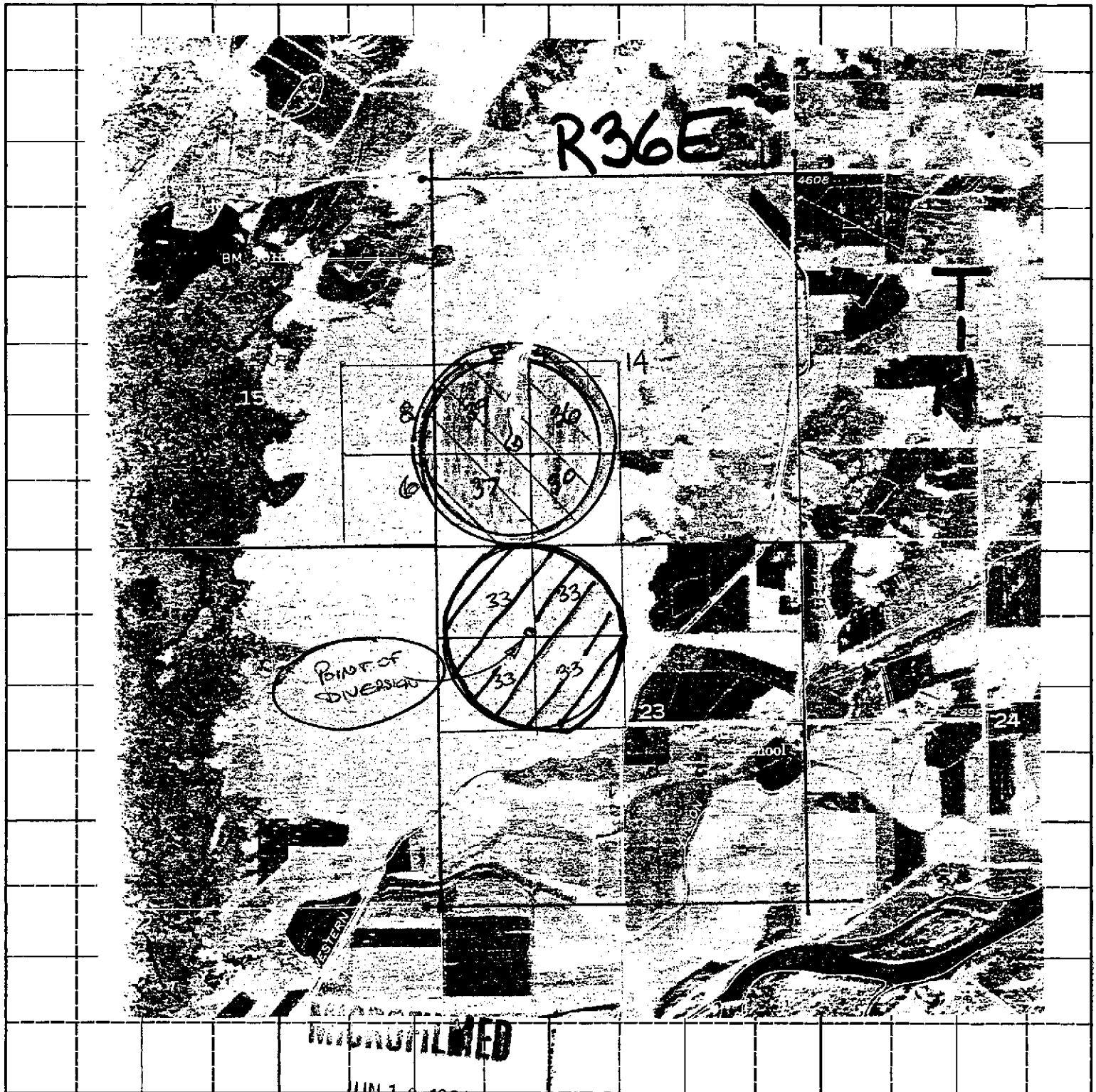
12. Remarks: HAS BEEN IN-PLACE SINCE 1982

PARTNER: BRENT STOLLWORTHY; ILENE STOLLWORTHY NO. ADDRESS
ON APPLICATION.

MICROFILMED

JUN 19 1990

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 A. Staley
(Applicant)

TITLE

Received by EW Date 6-9-89 Time 0930 Preliminary check by _____
Fee \$ 85⁰⁰ Receipted by EW # 6008995 Date 6-9-89
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

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

JUN 19 1990



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:

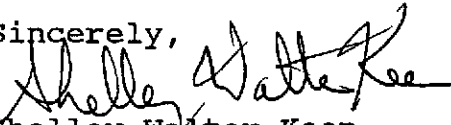
Thank you for the information you sent me regarding the pivot irrigation developed under permits 35-08799 and 35-08800. As we discussed, I have enclosed the necessary licensing amendments for your signature. As you review them, you will see that they reflect permissible places of use in which the entire 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

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OCT 03 1995



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

October 2, 1995

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

RE: WATER RIGHT NO. 35-08799

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved Application for Amendment.

Should you have any questions regarding these documents, please contact me.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED

OCT 03 1995

8

Aboligos

33.5

T2462
1757

1400

35

39

27

HEL

2000.0

Photo taken

Summer of 1987

T L S E
R 30 E

35

33.5

Fall wheat

2

3508449

37.5

36.2

OCT 21 1987

2

2

1500

1 Average
9544 estimates by
S.W. Kern
Sept. 1995

3.8

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

RECEIVED

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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OCT 03 1995

United States
Department of
Agriculture

Consolidated
Farm Service
Agency

Blaine 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 it 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

OCT 09 1995

June 12, 1995

Shelly Walter Keen
IDWR
1301 N Orchard
Boise, ID 83706

RECEIVED

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

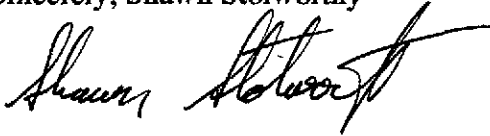
007 08 2227

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

A handwritten signature in cursive script, appearing to read "Shawn Stolworthy".

RECEIVED

OCT 03 1995

☐ CONFIRMATION OF PHONE ORDER
☐ NEW ORDER
DATE

OPTION IDENT.	Dealer <u>Mountain Ag. Inc.</u>				Purchase Order No. <u>#7#2</u>																					
	Customer <u>Marice Johnson & Sons</u>				Address _____																					
PIVOT SPEC.	Shipping Date <u>March 10, 1982</u>				Via _____																					
	Lockwood Acceptance _____				Dealer Signature <u>Dick Rubottom</u>																					
	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 ☒ <u>XB</u>		Low Profile ☐																							
	Non Towable ☒ <u>XB</u>		Towable ☐																							
	Center Gearbox 50:1 ☒ <u>XB</u>		30:1 ☐																							
SPAN SPECIFICATION	Tire 11 x 22.5 Std ☐		11.2 x 24 New (Opt.) ☐																							
	14.9 x 24 Flo (Opt) ☒ <u>XB</u>		16.9 x 24 Hi Flo (Opt.) ☐				(Special order only)																			
	PIVOT TYPE: 6-5/8" Std. ☐ 8" Optional ☒ <u>XX</u>				Speedi Tow ☐ Dualinear ☐		\$ <u>150</u>																			
	BASE MACHINE: 1-14 Spans ☐ 15 - 21 Spans ☐						\$ <u>2945</u>																			
	Qty.	Length	Pipe D	Gearbox	Unit																					
	<u>2</u>	<u>129</u>	<u>6 5/8</u>	<u>5</u>	<u>3670</u>	\$ <u>7340</u>																				
	<u>5</u>	<u>148</u>	<u>6 5/8</u>	<u>6</u>	<u>4160</u>	\$ <u>20800</u>																				
	<u>2</u>	<u>166</u>	<u>5</u>	<u>5</u>	<u>4195</u>	\$ <u>8390</u>																				
						\$ _____																				
						\$ _____																				
END BOOM Length <u>18.5</u>					\$ <u>225</u>																					
OPTIONS & ACCESSORIES	8 GA. ELEC. CABLE (Required as per table) ☐																									
	Total No. of Towers		<table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td></tr> <tr><td>4</td><td>6</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td></tr> </table>										15	16	17	18	19	20	21	4	6	8	9	10	11	12
	15	16	17	18	19	20	21																			
	4	6	8	9	10	11	12																			
	Required Spans of 8 Ga. Wire		Quantity _____ \$/Tower _____ \$ _____																							
	TOWABLE SYSTEM 5" GB ☐ 6" GB ☐ Quantity _____ \$/Tower _____ \$ _____																									
	Tow Frame ☐ \$ _____																									
	Tow Cable ☐ \$ _____																									
	OTHER <u>14.9 Tire</u> \$ <u>1980</u>																									
	<u>Temp Press</u> \$ <u>205</u>																									
<u>ICP - Extra Light</u> \$ <u>100</u>																										
<u>Auto Restart By Pass Switch</u> \$ <u>215</u>																										
<u>Rainbird 103 CDS [Don't Ship]</u> \$ <u>565</u>																										
<u>Auto End Gun</u> \$ <u>165</u>																										
System Total \$ <u>43380</u>																										
HYDRAULIC SPECIFICATIONS	W0830- _____ G.P.M. <u>1050</u> PSI <u>80</u> Sprinkler Type <u>17° N.S. Rainbird</u>																									
	SPACING: Wide ☐ Narrow ☒ Standard Impact ☐ Spray Nozzle ☐ Other _____																									
	SPRAY NOZZLE MOUNTING: Std. 45° ☐ Optional 90° Elbow Pkg. L00886-00464 ☐																									
	END GUN <u>103 CDS</u> 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:
623/Ken L.

Comments:
27026.00

RECORDED

OCT 03 1995

Original-Lockwood File, Copy-Dealer, Copy-Customer

Form No. 564 Rev. 1-64

☐ CONFIRMATION OF PHONE ORDER
☐ NEW ORDER
DATE _____

OF IDENT.	Dealer <u>Mountain Ag., Inc.</u>				Purchase Order No. <u>MIAI</u>																	
	Customer <u>Marica Johnson & Sons</u>				Address _____																	
PIVOT SPEC.	Shipping Date <u>March 10, 1982</u>				Via _____																	
	Lockwood Acceptance _____				Dealer Signature <u>Dick Rubottom</u>																	
	Deposit _____ SO No. _____				Ser. No. _____																	
SPAN SPECIFICATION	Pivot Model No. <u>2285</u>		No. of Towers <u>11</u>		System Length <u>1618</u>		Ft.															
	Height Standard <u>XK</u>				Low Profile ☐																	
	Non Towable <u>XK</u>				Towable ☐																	
	Center Gearbox 50:1 <u>XK</u>				30:1 ☐																	
	Tire 11 x 22.5 Std ☐				11.2 x 24 New (Opt.) ☐																	
	14.9 x 24 Flo (Opt) <u>AX</u>				16.9 x 24 Hi Flo (Opt.) ☐		(Special order only)															
	PIVOT TYPE: 6-5/8" Std. ☐ 8" Optional ☐				Speedi Tow ☐ Dualinear ☐		\$ _____															
	BASE MACHINE: 1-14 Spans ☐ 15 - 21 Spans ☐						\$ <u>3095</u>															
	Qty.		Length		Pipe D		Gearbox Unit															
	<u>7</u>		<u>129</u>		<u>8</u>		<u>6</u> <u>4220</u>															
<u>2</u>		<u>148</u>		<u>6 5/8</u>		<u>6</u> <u>4160</u>																
<u>2</u>		<u>166</u>		<u>5</u>		<u>5</u> <u>4195</u>																
END BOOM		Length <u>75'</u>				\$ <u>158 785</u>																
OPTIONS & ACCESSORIES	8 GA. ELEC. CABLE (Required as per table) ☐																					
	Total No. of Towers		<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td></tr> <tr><td>4</td><td>6</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td></tr> </table>						15	16	17	18	19	20	21	4	6	8	9	10	11	12
	15	16	17	18	19	20	21															
	4	6	8	9	10	11	12															
	Required Spans of 8 Ga. Wire		Quantity _____ \$/Tower _____ \$ _____																			
	TOWABLE SYSTEM 5" GB ☐ 6" GB ☐ Quantity _____ \$/Tower _____ \$ _____																					
	Tow Frame ☐ \$ _____																					
	Tow Cable ☐ \$ _____																					
	OTHER Add Wire \$ <u>150</u>																					
	~~Temp Press Shut down~~ \$ <u>205</u>																					
~~TIGA Package Extra Light~~ \$ <u>100</u>																						
~~Auto Restart By Pass Switch~~ \$ <u>215</u>																						
~~Rainbird 103 [Don't Ship]~~ \$ <u>565</u>																						
~~Auto End Gun~~ \$ <u>465</u>																						
~~220 x 11 14.9 Tires~~ \$ <u>2420</u>																						
System Total \$ <u>54205</u>																						
HYDRAULIC SPECIFICATIONS	W0830- _____ G.P.M. <u>1400</u> PSI <u>90</u> Sprinkler Type <u>17° Rainbird</u>																					
	SPACING: Wide ☐ Narrow ☒ Standard Impact ☐ Spray Nozzle ☐ Other _____																					
	SPRAY NOZZLE MOUNTING: Std. 45° ☐ Optional 90° Elbow Pkg. L00886-00464 ☐																					
	END GUN <u>103 Rainbird CDS</u> 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.																						

OCT 03 1995

Brent Stowworthy

RAIN BIRD 10 DEG. LAPS/SB

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

1609' + 60' ENDGUN = 1669'

200.96 ACES

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

RECEIVED
OCT 03 1995

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. C

RAIN BIRD 10 DEG. LAPS/SB

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

1355' + 60' ENDGUN = 1415'

144.5 ACES

MOUNTAIN AG - JOHNSON #2

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

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.

RECEIVED
OCT 03 1995

Ex. 10

E x 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"

SOIL TEST DATA	Sample 1		Sample 2		SAMPLE IDENTITY
	Sample 1	Sample 2	Sample 1	Sample 2	
pH	8.0	7.9	<i>Handwritten: 5.60</i>	<i>Handwritten: 5.60</i>	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
NITRATE-N, ppm	7	6	95	95	NUTRIENTS PREVIOUSLY APPLIED
PHOSPHORUS, ppm	17	16	65	65	
POTASSIUM, ppm	330	350	0	0	
CALCIUM, meq/100g	13.6	12.9	0	0	
MAGNESIUM, meq/100g	2.7	2.8	0	0	
SULFUR, ppm	22	44	0	0	
ZINC, ppm	1.8	1.5	0	5	
IRON, ppm	9.9	8.9	0	0	
MANGANESE, ppm	6.0	7.2	0	0	
COPPER, ppm	1.1	1.0	0	0	
BORON, ppm	1.1	1.1	0	0	
REMARKS			0	0	

NUTRIENT RECOMMENDATIONS, LB/ACRE

95	95	NITROGEN
65	65	P ₂ O ₅
0	0	K ₂ O
0	0	CALCIUM
0	0	MAGNESIUM
0	0	SULFATE-S
0	5	ZINC
0	0	IRON
0	0	MANGANESE
0	0	COPPER
0	0	BORON
0	0	ELEMENTAL SULFUR

STANDARD TWIN FALLS

OCT 03 1995

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		SAMPLE IDENTITY
	Sample 1	Sample 2	E ₁	W ₁	
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
ORGANIC N, lb/A	40	30	NUTRIENT RECOMMENDATIONS, LB/ACRE		
NITRATE-N, ppm	6	7			
PHOSPHORUS, ppm	12	16	130*	140*	NITROGEN
POTASSIUM, ppm	270	250	100	60	P ₂ O ₅
CALCIUM, meq/100g	11.9	8.7	0	0	K ₂ O
MAGNESIUM, meq/100g	1.7	1.6	0	0	CALCIUM
SULFUR, ppm	12	80+	0	0	MAGNESIUM
ZINC, ppm	1.4	1.2	20	0	SULFATE-S
IRON, ppm	12.8	10.7	5	6	ZINC
MANGANESE, ppm	5.4	4.7	0	0	IRON
COPPER, ppm	1.2	0.9	0	0	MANGANESE
BORON, ppm	0.8	0.5	0	1½	COPPER
REMARKS			0	0	BORON ELEMENTAL SULFUR

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

STANDARD-TWIN FALLS

OCT 03 1995

Ex 6

STEINER | Financial Corporation

EQUIPMENT LEASE

a Market Plaza, San Francisco, CA 94105

Lease Number <u>481A</u>	Basic Rent Commencement Date <u>6-18-85</u>
Acceptance Date <u>6-18-85</u>	First Basic Rent Due Date <u>6-18-85</u>

LESSEE INFORMATION	
<u>Brent Stolworthy & Ilene Stolworthy</u> FULL LEGAL NAME	
Doing Business As: _____	Corp. ☐ State _____
Billing Address: <u>Route 3, Box 294</u> <u>Idaho Falls, Idaho 83401</u> CITY STATE ZIP	P' ship ☒ State _____ Prop' ship ☒ Contact: <u>Brent Stolworthy</u> <u>(208) 529-3891</u> 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		\$ <u>45,000.00</u>

PRINCIPAL EQUIPMENT LOCATION	
<u>NW¼ & Sect. 14, TWP-1S, R-36E and NW¼ of Sect. 23, TWP-1S, R-36E</u> STREET ADDRESS OR LEGAL DESCRIPTION	<u>Brent Stolworthy & Ilene Stolworthy</u> LAND OWNER
<u>Shelley</u> <u>Bingham</u> <u>Idaho</u> CITY COUNTY STATE	<u>Idaho</u> STATE IN WHICH EQUIPMENT WILL BE USED

BASIC RENTAL/LEASE INFORMATION						
Term of Lease: <u>4</u> <u>0</u> Beginning <u>6-18-85</u> Ending <u>6-18-89</u>	YEARS MONTHS	ACCEPTANCE DATE	LEASE TERMINATION DATE	LEASE RATE FACTOR <u>.2831822</u>	%	
Payment No. <u>1 - 4</u>	Amount <u>\$ 12,743.20</u>	Use Tax	Payment Frequency <u>Annual</u>	First Due Date <u>6-18-85</u>	Last Due Date <u>6-18-88</u>	
	\$ _____ + \$ _____					
	\$ _____ + \$ _____					
Interim Rent: \$ <u>0</u> 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: _____		OCT 03 1985		
Investment Tax Credit: To the Lessor ☒ Lessee ☐		Basic Rent Payable in: Advance ☒ Arrears ☐		Insurance Cost \$ _____		

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 4%, 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, Lessee will pay on demand an amount sufficient to return the security deposit to its original amount.

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 Lessee. The security deposit is not an advance payment of any Rent or a measure of Lessor's damages.

4. **No Lessor Warranties.** 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-user (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)

OCT 03 1995

M 7

ASCS-578
(02-02-84)

REPORT OF ACREAGE

USDA-ASCS

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

FARM NO.	NAME AND ADDRESS	FARM LAND	CROP LAND	OPERATOR	KEY	OTHER INTERESTED PRODUCERS		ASSIGNMENT	
						NAME AND ADDRESS	OTHER FARMS	CROP	JOB
16	Brent Stolworthy	160-147	2675	A 488 OWNER	3				
A	Rt. 3 Box 294	U-7	360		4				
OP	Idaho Falls, ID	83401			5				
518	46 0008	7	518 36 4085	2	6				
16	Gerald Stolworthy/Son			A-488 PROGRAM YEAR 1985	6				
A	Rt 3 Box 294				7				
OW	Idaho Falls, ID	83401							

Sec. 23 TIS R 36E

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

TRACT NO.	FIELD NO.	CROP OR LAND USE	CROP OR LAND USE SUMMARY							KEY	SH-ARE	DISPOSITION	GROSS ACRES	DEDUCTIONS		NET ACRES	INIT & DATE
			Wheat	Barley	Oats	Corn	ACR	Sugar Beets	Potato					IDENT./MEAS.	ACRES		
7	21	A		129.2													
		B		69.2													
		C					69.1										
		D															
		E															
		F															
		G															
		H															
		I															
		J															
		K															
		L															
		M															
		N															
		O															
		P															
		Q															
		R															
		S															
		T															
		U															
		V															
		W															
		X															
		Y															
		Z															

13. TOTAL OPERATOR REPORT	198.4	69.1
14. TOTAL DETERMINED ACREAGE		
A. OPERATOR'S SIGNATURE	DATE	B. OPERATOR'S SIGNATURE
		DATE

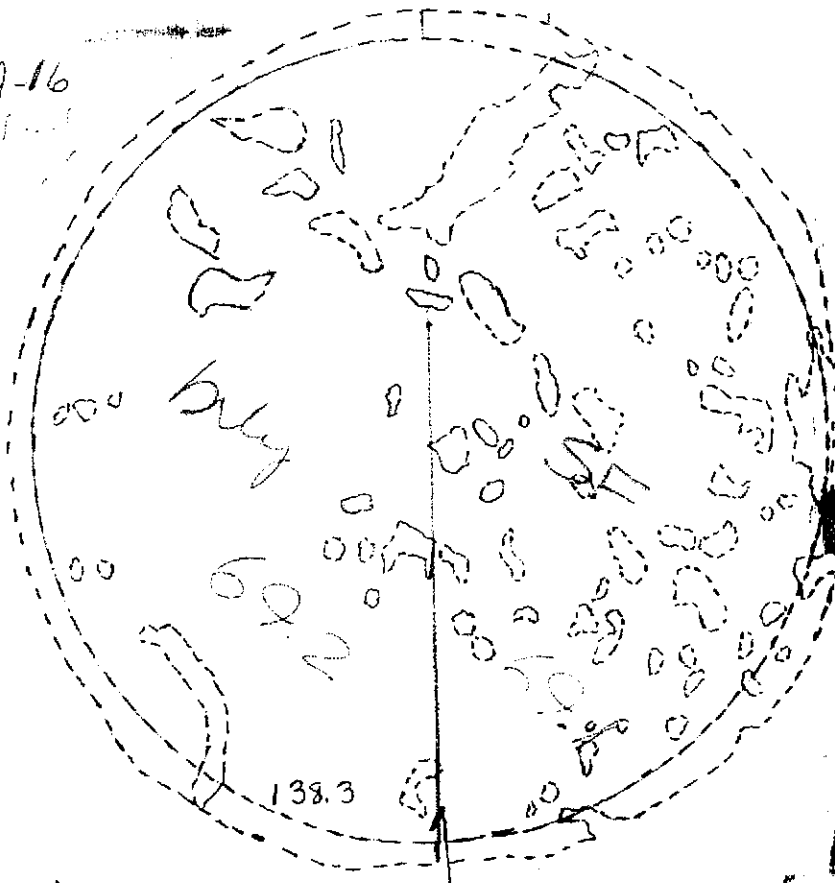
SECTION II - OPERATOR'S CERTIFICATION

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.

C. OPERATOR'S SIGNATURE

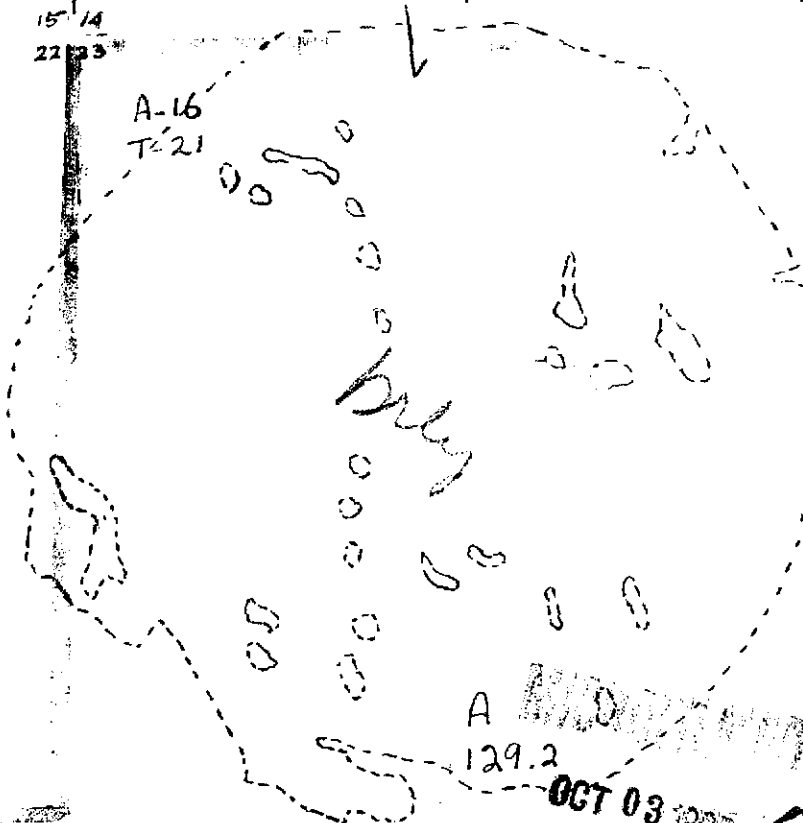
DATE

A-16



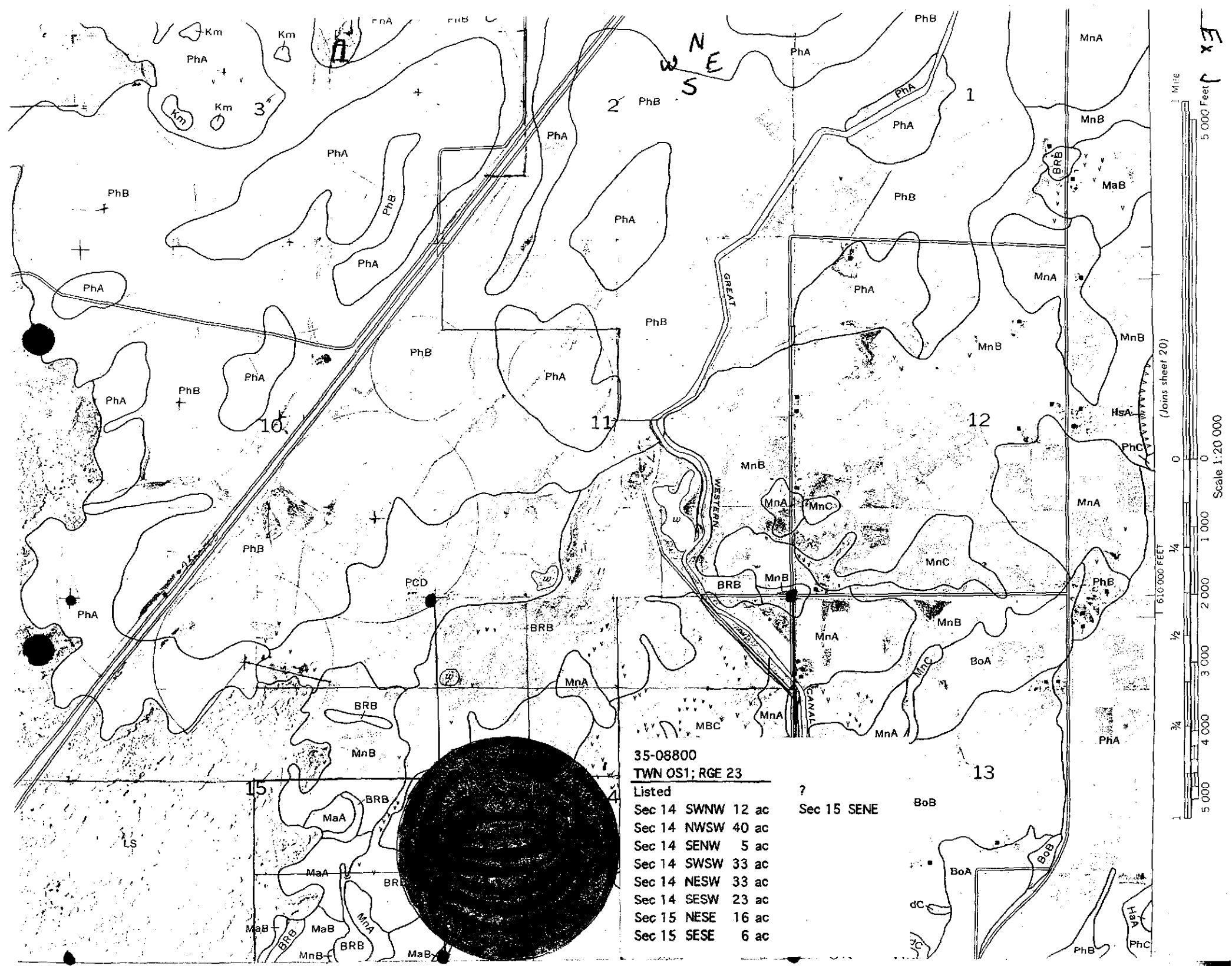
15 1/4
22 23

A-16
T-21

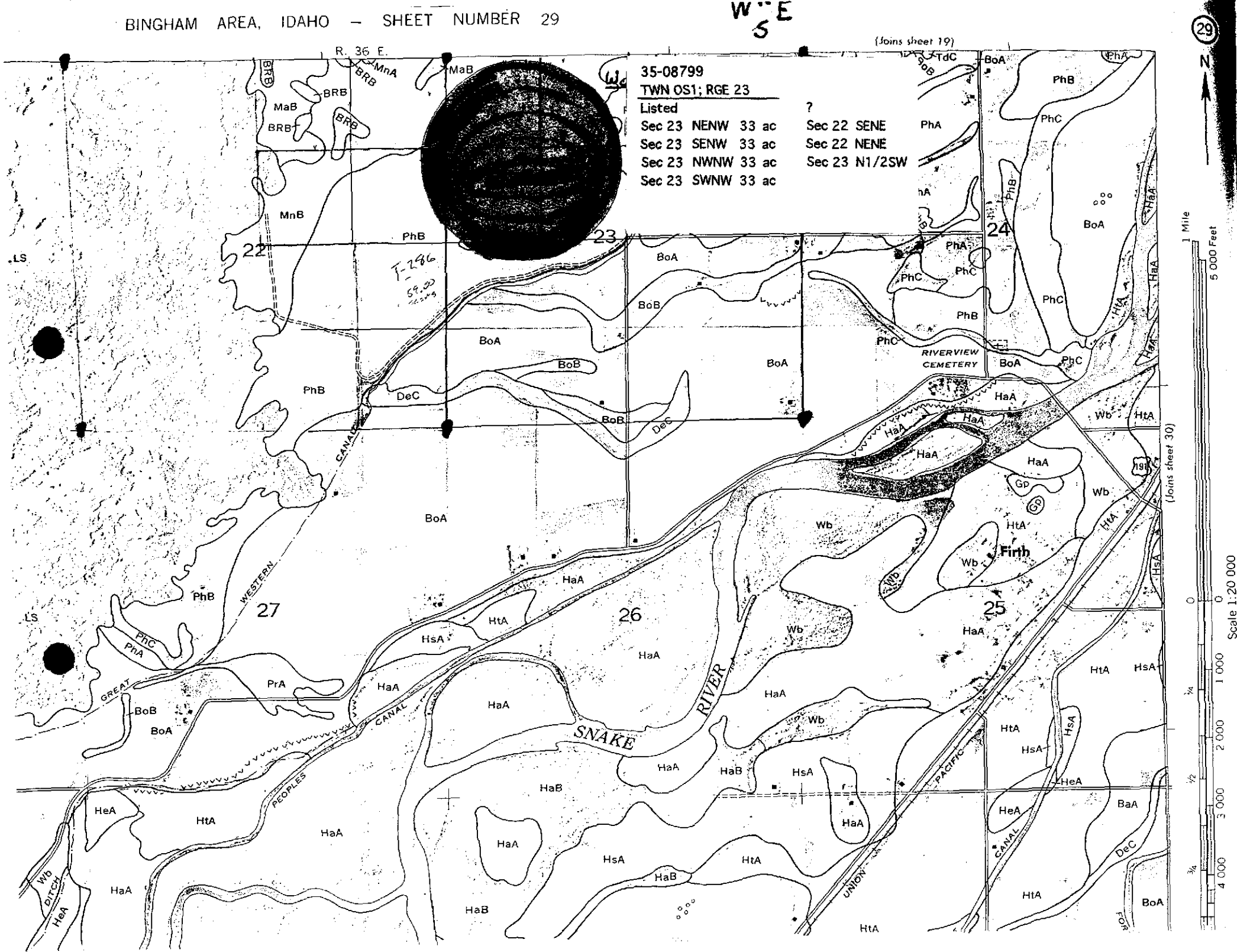


A
129.2

OCT 03 1935

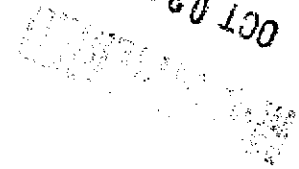


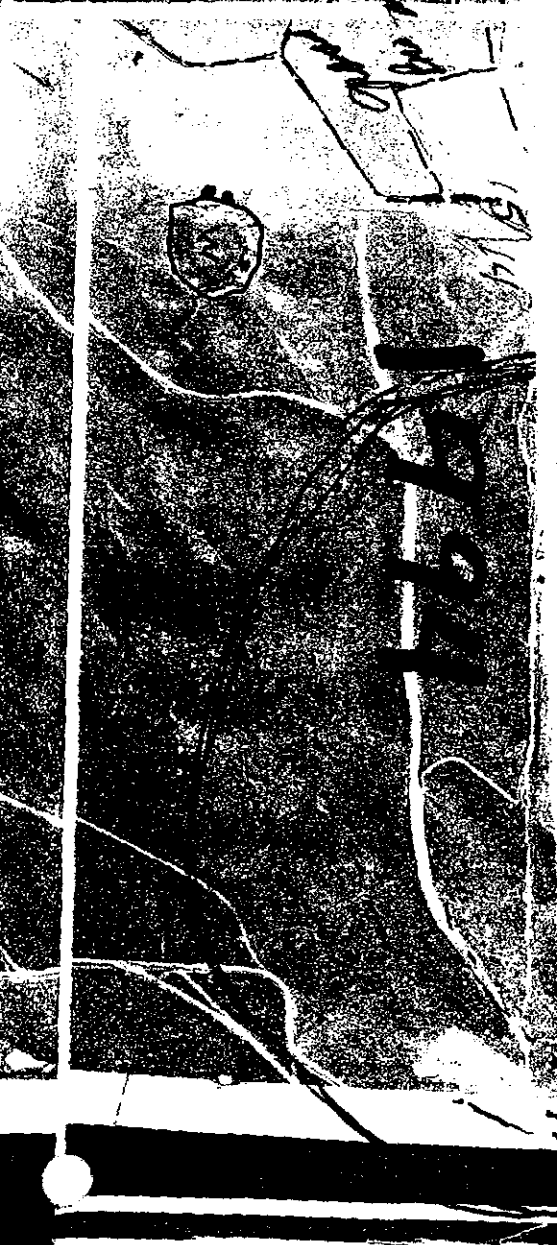
BINGHAM AREA, IDAHO - SHEET NUMBER 29



Ex. J

OCT 03 1955





12462
1757

1594
3544

370

121
3544

133

20.5

121
3899

Adkins

CASH LEASE
THREE POT
ARE SPEL
5000 LBS

HEL

Fall Creek

2
1508

1271
2802

NHEL
594

NHEL
5
29.7

20.13

NHEL
39

NHEL
8
57

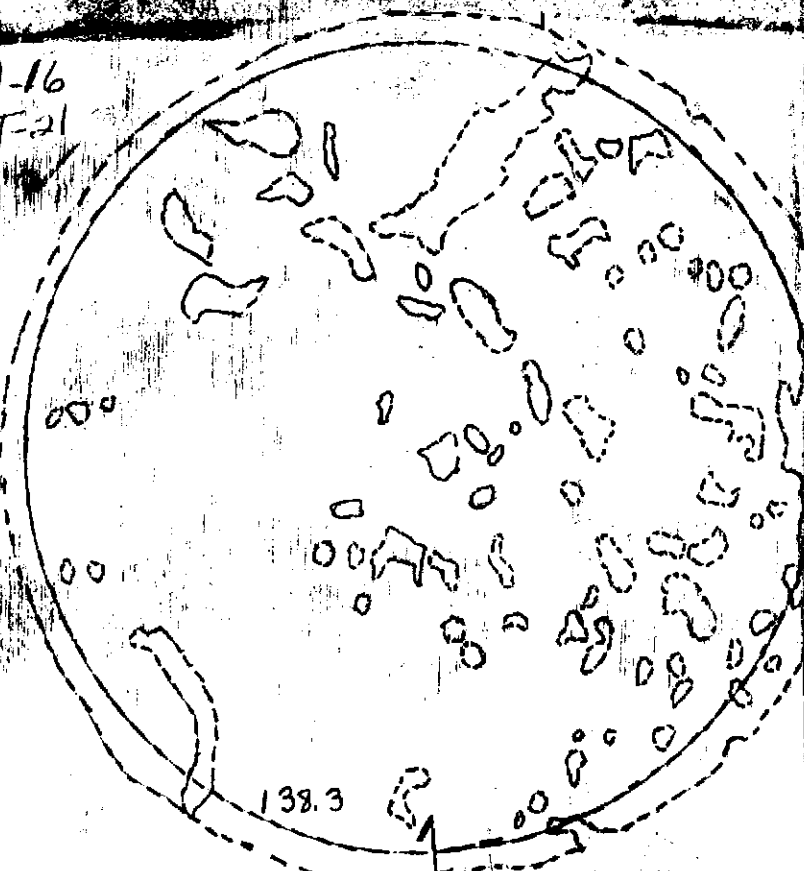
hool Rd 450 E.

ExK

1727

100-447244-100
OCT 03 1995

A-16
T-21



15/6

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.

Elera

Extra



See Y9

81

0051 03 1995

23
14

HEL

T

65

21
3649

Arctos

CASL LACROIX
THREE POT
STARS

HEL

200.0

14
13

Photo taken
Summer of 1982

T2462
1757

Fall Wheat

OCT 2
1505

T2461
3544

38

M E M O R A N D U M

DATE: July 17, 1995

TO: Files 35-08799 and 35-08800

FROM: Shelley W. Keen (SWK)

RE: Irrigated acreage

=====

Shawn Stolworthy called today to discuss the letter I sent him earlier this month. He is going to try to provide documentation of use prior to November 19, 1987, so that we can process a new application for permit for additional acres.

RECORDED

OCT 03 1995



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

July 10, 1995

SHAWN STOLWORTHY
3669 SOUTH HOLMES AVE
IDAHO FALLS ID 83404

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

Dear Mr. Stolworthy:

Thank you for the information you sent me regarding the pivot irrigation developed under permits 35-08799 and 35-08800. I have reviewed the documentation you sent, and I agree that there is an indication that you have been irrigating more than the 168 acres authorized by permit 35-08800 and more than the 132 acres authorized by permit 35-08799. A quick inspection of the aerial photograph copies you sent indicates about 180 acres and 142 acres, respectively. We cannot, however, issue a water right license for more acres than were authorized for development by the permits. Because of this limitation, I can see only three possibilities for describing the places of use for these licenses.

First, we could license the place of use as listed on the amendment forms already sent to you. Second, we could license an alternative 168 and 132 acres within the areas covered by the pivots. Or third, we could issue licenses which list the entire areas but which also bear conditions limiting the actual use to no more than 168 acres and 132 acres in any single year. To utilize the second or third options, I will need evidence showing that the larger place of use was irrigated prior to June 11, 1990, which is the date you submitted proof of beneficial use for the permits.

No matter which of the three options you prefer, you will not be authorized to irrigate more than 168 acres and 132 acres without an additional water right or rights. Under the current moratorium on water development in your area, a new application for permit will probably not be processed unless you can unequivocally demonstrate that you irrigated the larger places of use prior to November 19, 1987. Another option might be to transfer an existing water right to these locations.

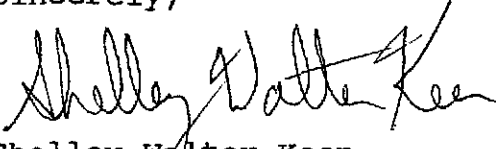
OCT 03 1995

Mr. Shawn Stolworthy
Re: Permits 35-08799 and 35-08800
July 10, 1995
Page 2

As for the fee associated with the permit amendments, the \$50.00 fee for 35-08799 is necessary because the point of diversion is in a different 40-acre tract than permitted. I will attempt to license 35-08800 without the fee unless you decide to change the place of use under the second or third option described above. If the license is to include any 40-acre tracts not mentioned on the permit, the fee will be required.

I will await your decision and further information relative to the choices I outlined above. Please respond within 30 days. If you have any questions, please contact me at 208-327-7946 in Boise.

Sincerely,



Shelley Walter Keen
Water Rights Supervisor

SWK

OCT 03 1995

M E M O R A N D U M

DATE: June 12, 1995

TO: Files 35-08799 and 35-08800

FROM: Shelley W. Keen *SWK*

RE: Irrigated acreage

=====

Sean Stolworthy called today because he is concerned that the proposed licenses for rights 35-08799 and 35-08800 do not cover all the acres irrigated by the two diversion systems. He says that the ASCS has recalculated the acres under 35-08799 at 150 and the acres under 35-08800 at 200. Moreover, he believes our apportionment of the acres within each 40-acre tract is incorrect for 35-08799.

I explained to Mr. Stolworthy that IDWR cannot issue licenses for more acres than were permitted. The applications and permits show 132 acres and 168 acres respectively. As for the number of acres within each 40-acre tract, I told Mr. Stolworthy to send me information he has. I will evaluate any documentation he sends.

We also discussed filing additional applications to pick up the additional acreage. He is in the moratorium area. Therefore, I explained that he would have to collect information showing the development occurred prior to the commencement of the SRBA. He said he would send me the information he is able to collect.

The fees for the licensing amendments are also at issue because there was an attempt to get the POU and P/D corrected from T01N to T01S clear back in 1990. (See the memo by Keith Wilson dated July 11, 1990.) I responded that I would try to get approval of 35-08800 without the amendment. But, because the 40-acre tract changed for the P/D on 35-08799, I said the amendment and fee would be required.

RECEIVED

OCT 03 1995



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

May 30, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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

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

Dear Water Right Holder(s):

The above referenced water rights are in the process of being licensed. However, before licenses can be issued, your permits must be amended to correspond with the findings of the Department's field examiner.

The enclosed Applications for Amendment contain information that will be included on the licenses when they are issued. The amendments reflect changes in the locations of the point(s) of diversion and the place(s) of use descriptions. Please review carefully and if you concur, sign the amendments and return with the \$50.00 (each) filing fee within 14 days.

The last page of the Application for Amendment forms contain lists of CONDITIONS/REMARKS proposed for the licenses when they are issued. These conditions/remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley Walter Keen
Water Right Supervisor

SWK:rl

Enclosures

OCT 03 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
FEB 02 1995
Department of Water Resources

A. GENERAL INFORMATION

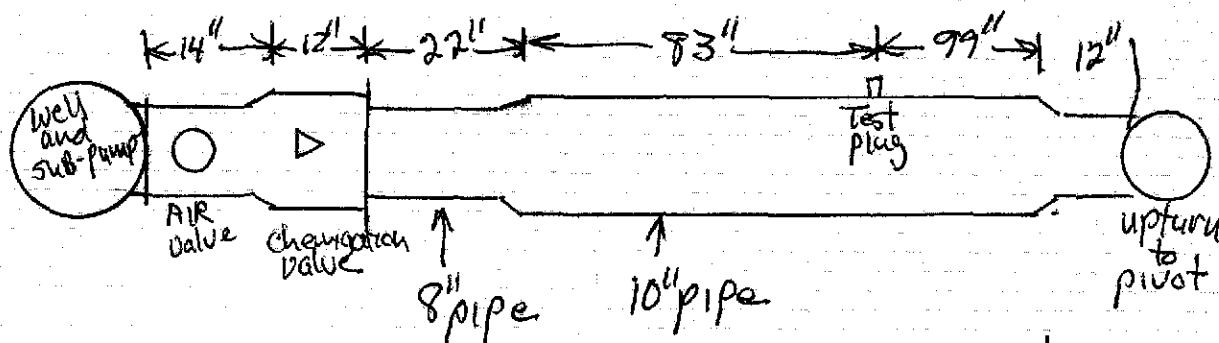
1. Owner: Brent Stolworthy Family Ltd. Partnership Permit No. 35-8799
Current Address: 3669 S. Holmes Idaho Falls, Id. 83404 Phone No. 529-3891
2. Accompanied by: Brent Stolworthy EXAM. DATE: 06/25/91
Address: Same Phone No. Same
Relationship to Permit Holder: Holder
3. Source: ground water tributary 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" = N/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).

OCT 03 1995

System Description (continued)

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

well, pump, to 1/4 mile pivot

More acreage being irrigated than Permit allows.

I am recommending licensing for original P.O.U., only.

[Signature]

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#11	US MOTOR	100	R-9983-04-234 R325185SM	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	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
#11			SW	NW	23	15	36E	Bingham	USGS QMAP MAP and on site inspection

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15	36E	23	33	33	33	33	33	33	33	33									132
		22	2			2													4

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Cox Hall		Cox		120386		
pressure gage		Ashcroft		10P	0-160 psi	

2. Measurements:

pump discharge pressure - 69 psi						
Cox-Hall Hi - 40 h						
19.20 - 11.00 = 8.20						
18.95 - 11.25 = 7.70						
19.10 - 11.10 = 8.00 U _h = 13.5						
7.97						

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

Cox-Hall for 2.29 cfs

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

: Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

V_{I.R.} = (Acres Irrigated) x (Irrigation Requirement) = 132 acres x 4 af = 528 af

V_{D.R.} = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = 2.29 cfs x 214 d x 1.9835 = 972

V = Smaller of V_{I.R.} and V_{D.R.} = 528 af

2. Volume Calculations for Other Uses:

RECEIVED
OCT 03 1985

H. REMARKS AND OVERLAP REVIEW ANALYSIS

permit shows point of diversion and place of use in T1N, R36E, Sec 23 - point of Diversion and place of use actually in T1S, R36E, Sec 23, - place of use also in T1S, R36E, Sec 22, the point of diversion is in the SWNW of sec 22 vice SENWNW

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	2.29	528
Totals:			2.29 cfs	528 afa

2. Recommended Amendments

☒ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☒ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name 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.

RECEIVED

OCT 03 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES
Cox/Hall Meter Flow Calculations

DATE:

06/25/91

PERMIT #

35-8799

MANOMETER READING INCHES OF WATER TO COX/HALLS METER - Vh

COX/HALL
METER #

120386

SYSTEM NAME/NUMBER

11

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

Circumference in Inches = 31.5" CIR

Thickness in Inches = 3/32" T

ID = (0.3183 X CIR) - (2 T) = 9.84" ID

DIFFERENTIAL PRESSURE READING IN INCHES OF H2O

(19.20) - (11.00) = 8.20 H

(18.95) - (11.25) = 7.70 H

(19.10) - (11.10) = 8.0 H

(19.08) - (11.12) = 7.96 H

High reading - Low Reading

DETERMINE Vh FROM CHART USING (H): 13.5 Vh

(Example H = 12.3, Vh = 16.9)

CALCULATION OF FLOW IN CFS:

Q cfs = [(PI/4) X (id)² X Vh] / 448.8

(id) (Vh)

Q cfs = [0.78539 (9.84)² (13.5)] / 448.8

Q cfs = 2.287476 cfs

Q cfs = 2.29 cfs

OCT 03 1995

awp

MEASURED BY

#11

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

NAME: BRENT STOLWORTHY
 LOCATION: JOHNSON SOUTH PUMP
 MOTOR MAKE: US MOTORS
 PUMP MAKE: AURORA

ACCOUNT NO.: 438001975
 METER NO.: D25Y35905
 MOTOR HP: 100

TYPE OF IRRIGATION: 1 CENTER PIVOT @ 120 ACRES
 TYPE OF CROPS: ALL 120 ACRES IN POTATOES IN 1984

DATE TESTED: 22 JULY 1985

ASSISTED BY: MARLO HARKER

1. TOTAL RATED HORSEPOWER		100	HP
2. NUMBER OF ACRES IRRIGATED		120.0	AC
3. STANDING WATER LEVEL		60	FT
4. PUMPING WATER LEVEL		62	FT
5. WELL DRAWDOWN		2	FT
6. DISCHARGE PRESSURE		72	PSI
7. FLOWRATE	2.34 CFS	1048	GPM
8. ELECTRICAL HORSEPOWER INPUT AT TEST	83.69 KW	112.18	HP
9. AVERAGE SEASONAL BILLING KW	84.33 KW		
10. WATER HORSEPOWER OUTPUT AT TEST		60.42	HP

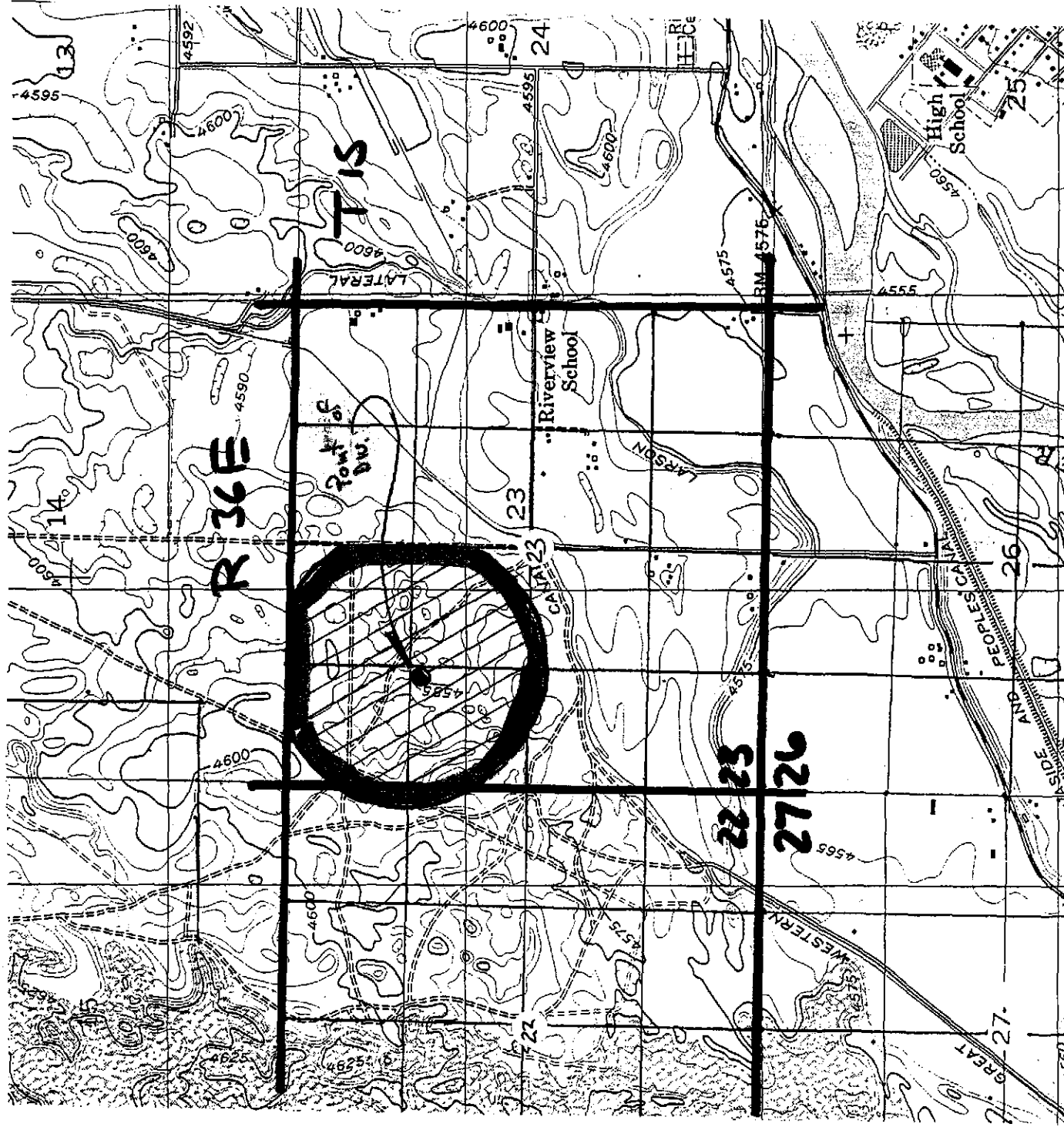
 * COMPARISON OF PUMPING PLANT EFFICIENCIES *

	OPERATING CONDI- TIONS AT PRESENT		OPERATING CONDI- TIONS AT ACCEPTED EFFICIENCY	
11. OVERALL PLANT EFFICIENCY	53.9	%	69.0	%
12. ACRE-FEET PUMPED / YEAR	144.2	AF	144.2	AF
13. INCHES OF WATER APPLIED / YEAR	14.4	IN	14.4	IN
14. KILOWATT HOUR USE / YEAR	63002	KWH	49181	KWH
15. AVERAGE HOURS OPERATED / YEAR	747	HOURS	747	HOURS
16. TOTAL COST / YEAR	\$ 1788		\$ 1396	
17. AVERAGE COST / ACRE-FOOT	\$ 12.40		\$ 9.68	
18. AVERAGE COST / KILOWATT HOUR	2.84	CENTS	2.84	CENTS
19. AVERAGE COST / OPERATED HOUR	\$ 2.39		\$ 1.87	
20. AVERAGE COST / ACRE	\$ 14.90		\$ 11.63	
21. SAVINGS AT ACCEPTED EFFICIENCY			\$ 392	

OCT 03 1985

35-8799

35-08799



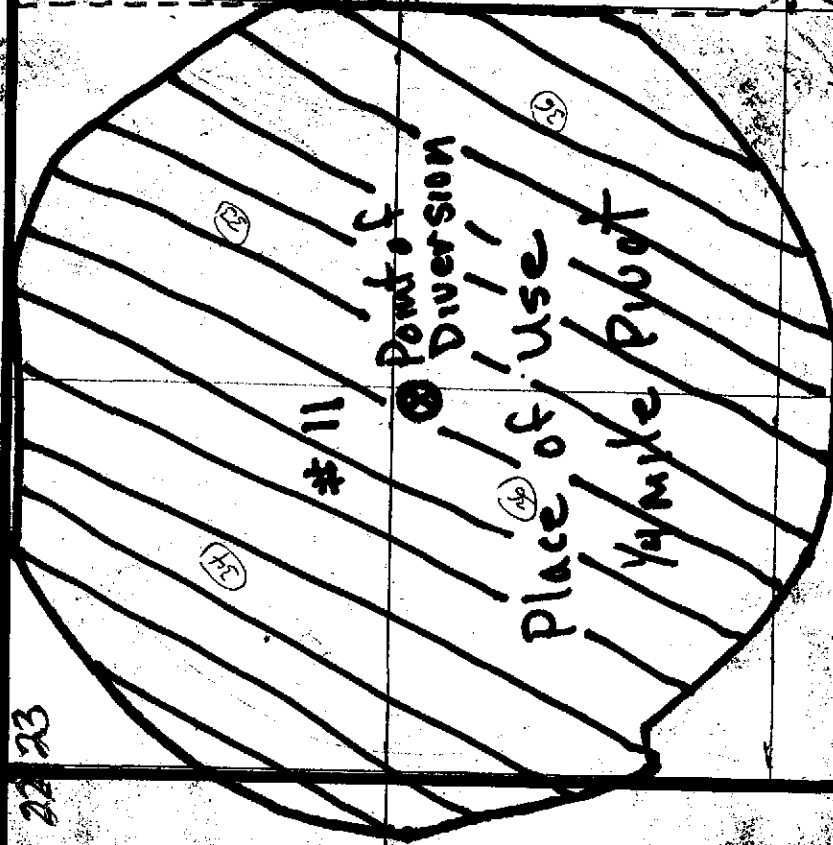
35-8799

OCT 03 1995

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OCT 03 1995

35-8799

Department of Water Resources

WELL INSPECTION FORM

If well is associated with water right, provide WR# 35-8799

Otherwise provide legal description and a sketch map and/or address so that the well can be located easily.

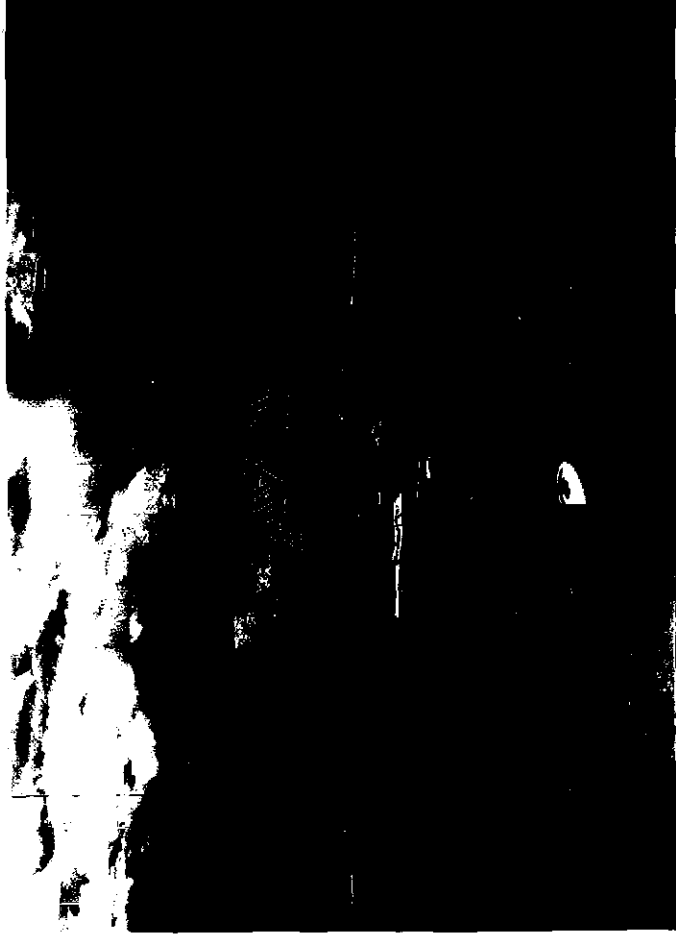
1. Legal Description: TWP 15, Rge 36E, Sec. 23, 1/4 1/4 or Lot .
2. Owner: Brent Stolworthy Family Ltd. Partnership
Address 3669 S. Holmes, City Idaho Falls St Id. 83404
3. Casing $\geq$ 12 inches above ground: Yes ☒ No ☐
4. Access Port: Yes ☐ No ☒ Static Water Level: unknown
Pressure Gauge: Yes ☐ No ☒ Casing Diameter: 14" to 20"
Flowing: Yes ☐ No ☒ Temperature:
5. Are there any obvious construction problems that may be a source for contamination or waste of water: Yes ☐ No ☒

If answer to Item 5 is Yes, describe in remarks and attach photo.

Remarks: _____

OCT 03 1995

66-8799



RECEIVED OCT 10 1966

OCT 03 1965

November 23, 1990

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

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08799

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,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

RECEIVED

DEC 11 1990

FROM: KEITH C. WILSON EASTERN

11 JULY 1990

TO: GARY SPACKMAN - BOISE WATER ALLOCATIONS

SUBJECT: CORRECTION OF LEGAL 35-8799 & 35-8800

AS PER OUR CONVERSATION IT APPEARS THAT THE APPLICATIONS ARE INCORRECT IN LISTING THE LEGAL AS FOLLOWS:

35-8799 - T01N, R36E, SEC 23 FOR BOTH P/D & P/U

35-8800 - T01N, R36E, SEC 14 FOR P/D
SEC 14 & 15 FOR P/U

ATTACHED IS A COPY OF THE U.S.G.S. QUAD OF T01N, R36E, SEC 14, 15, 23.

ALSO ATTACHED IS A COPY OF THE U.S.G.S. QUAD OF T01S, R36E, SEC. 14, 15, 23.

IN OUR CONVERSATION IT SEEMED TO APPEAR THAT THE MAP ON THE APPLICATIONS ARE OF T01S, R36E NOT T01N, R36E AS INDICATED ON THE MAP AND IN THE LEGAL DESCRIPTIONS.

I FEEL THAT THE ERROR IS THE DEPARTMENTS AND THE APPLICATIONS SHOULD BE CORRECTED WITHOUT ANY FEES. (P/U & P/D ARE BOTH WITHIN THE NON-TRUST WATER AREA).


KEITH C. WILSON

I REQUEST THAT THESE APPLICATIONS BE CHANGED AS PER THIS MEMO.

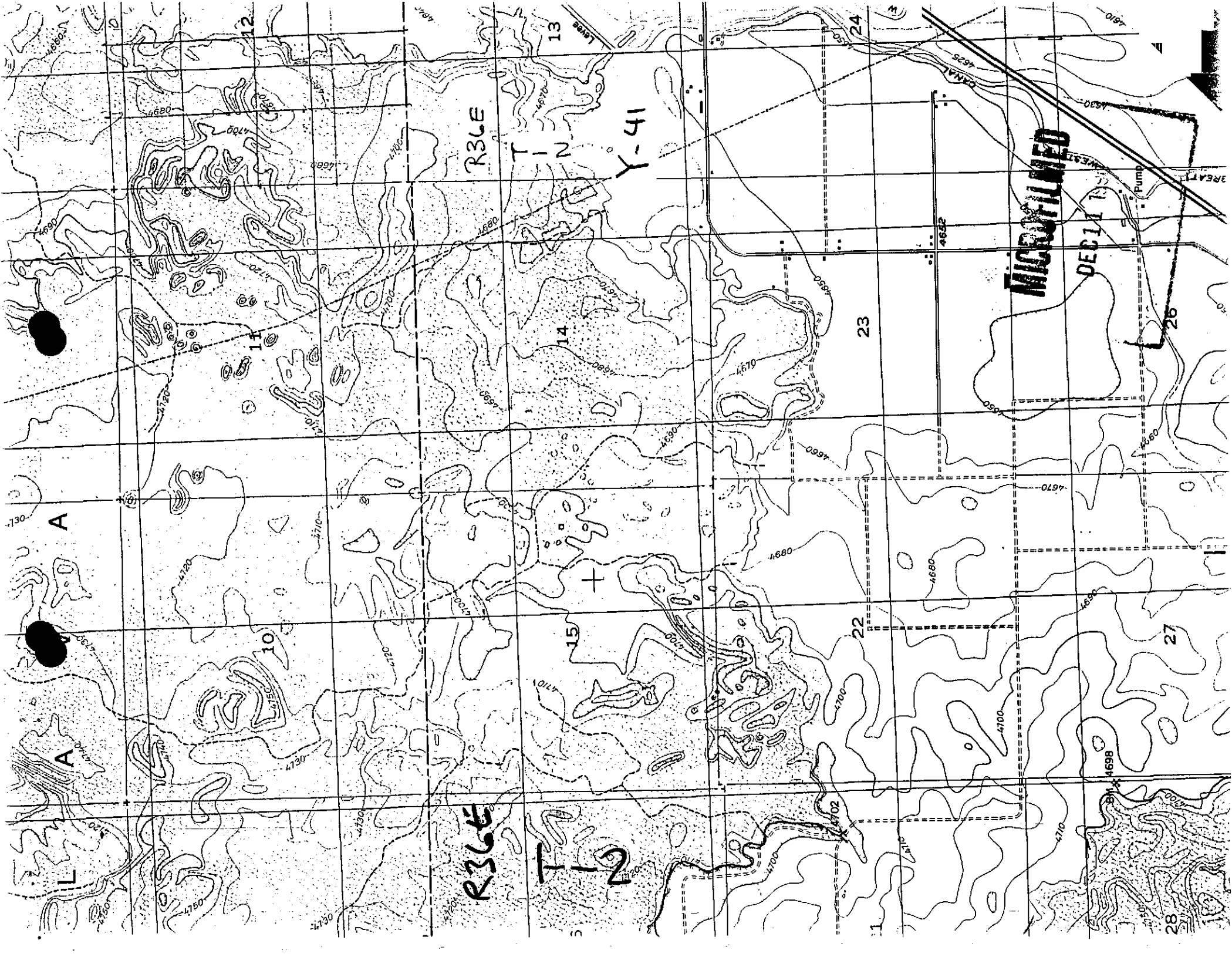

BRENT STOLWORTHY

RECEIVED
JUL 13 1990

Department of Water Resources

MICROFILMED

DEC 11 1990



MICROFILMED

DEC 11 1961

Pump

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R36E

R36E

T1N

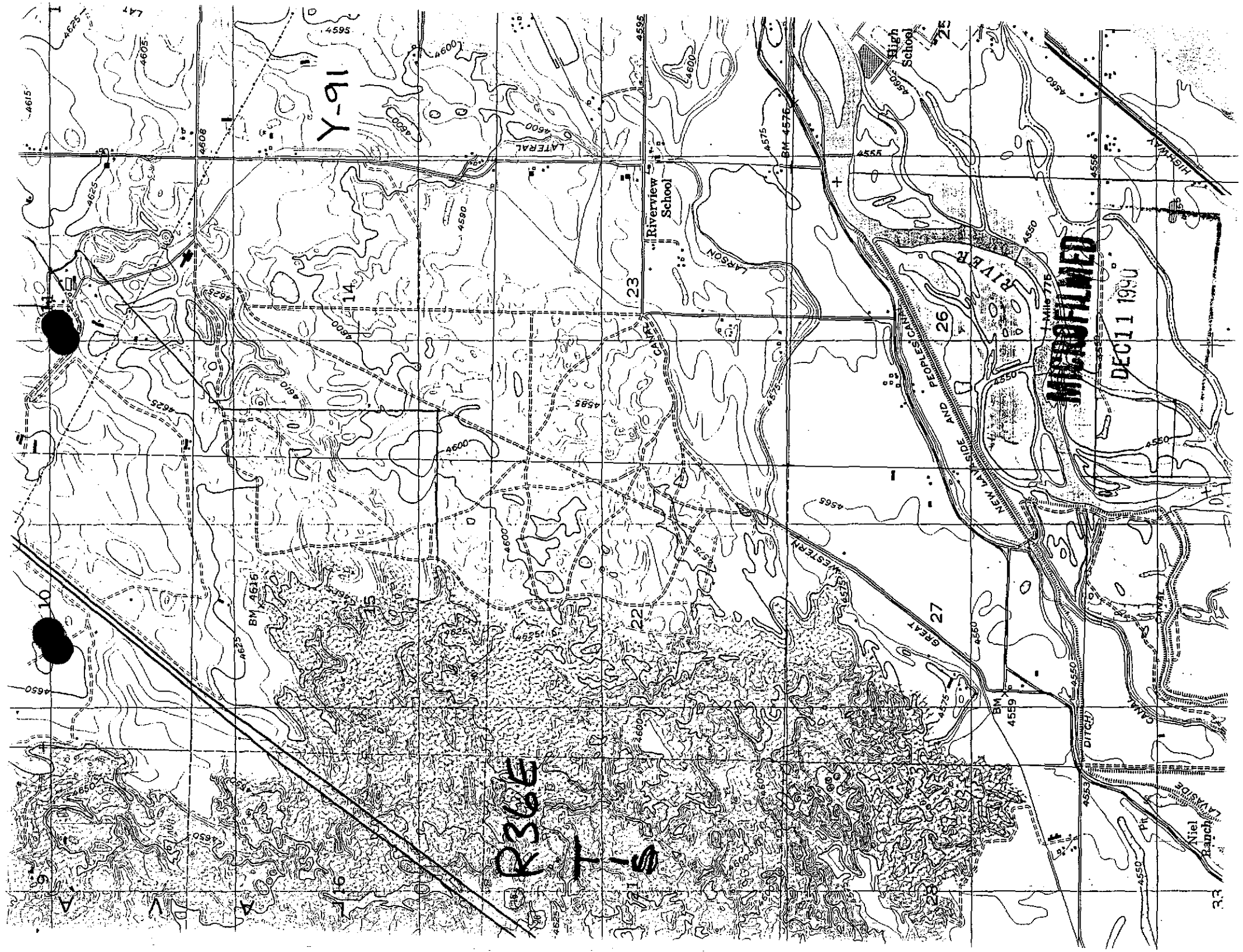
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S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
June 7, 1990

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

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P35-08799

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of

MICROFILMED

JUN 10 1990

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

JUN 19 1990

DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.
Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

NOTICE OF APPLICATION FOR WATER RIGHT

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

27-07485

JOHNSTON, James S.
P.O. Box 698
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: NENWNE, Sec. 35, T. 02S, R.
35E.
Use: IRRIGATION (.800 CFS)
DOMESTIC (.350 CFS)
Total Diversion: (1.000 CFS).
Date Filed: 8/2/1989.
In: T02S, R35E, S35, NENE, NWNW
SWNE.
40.0 ACRES TOTAL.

27-07486

MALM, Wallace E.
MALM, Barbara
349 N. 100 E.
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversion Pt: SWNE, Sec. 19, T. 02S, R.
36E.
Use: IRRIGATION (1.940 CFS).
Total Diversion: (1.940 CFS).
Date Filed: 10/4/1989.
In: T02S, R36E, S19, SWNE, SENE,
NESW, NESE, NWSE.
97.0 ACRES TOTAL.

35-08154

LEBRECHT, Wulf
Sterling, Id. 83279
Source: GROUNDWATER
Diversion Pt: NESW, Sec. 27, T. 03S, R.
31E.
Use: IRRIGATION (3.200 CFS).
Total Diversion: (3.200 CFS).
Date Filed: 6/13/1983.
In: T03S, R31E, S27, NESW, SESW,
NWSE, SWSE.
160.0 ACRES TOTAL.

35-08160

YANCEY, Brice Orley
1264 S. 2700 W.
Aberdeen, Id. 83210
Source: GROUNDWATER
Diversion Pt: NESE, Sec. 4, T. 05S, R. 31E.
Use: IRRIGATION (1.700 CFS).
Total Diversion: (1.700 CFS).
Date Filed: 6/14/1983.
In: T05S, R31E, S04, SWNE, SENE,
SWNW, SENW, NESW, NESE, NWSE.
280.0 ACRES TOTAL.

35-08225

HAROLDSEN, James
79 N. 2200 W.
Pingree, Id. 83262
Source: GROUNDWATER
Diversion Pt: NWNW, Sec. 33, T. 02S, R.
32E.
Use: IRRIGATION (1.700 CFS).
Total Diversion: (1.700 CFS).
Date Filed: 11/7/1983.
In: T02S, R32E, S33, NENW, NWNW,
SWNW, SENW.
160.0 ACRES TOTAL.

35-08790

MA [redacted] [redacted]
MA [redacted] Wayne J.
P.O. Box 149
Moreland, Id. 83256
Source: GROUNDWATER
Diversion Pt: NENE, Sec. 4, T. 02S, R. 34E.
Use: IRRIGATION (1.400 CFS).
Total Diversion: (1.400 CFS).
Date Filed: 5/28/1989.
In: T02S, R34E, S04, NENE, SENE, NESE,
SESE.
70.0 ACRES TOTAL.

35-08791

NEUMAN, Estate of John
NEUMAN, Sam
2033 S. 2900 W.
Aberdeen, Id. 83210
Source: GROUNDWATER
Diversion Pt: NWNW, Sec. 17, T. 06S, R.
31E.
Use: IRRIGATION (1.600 CFS).
Total Diversion: (1.600 CFS).
Date Filed: 6/2/1989.
In: T06S, R31E, S17, NWSW, SWSW.
80.0 ACRES TOTAL.

35-08797

GIBBS, Marjorie M.
P.O. Box 127
Springfield, Id. 83277
Source: GROUNDWATER
Diversion Pt: SWSWNW, Sec. 12, T. 04S,
R. 32E.
Use: IRRIGATION (2.400 CFS).
Total Diversion: (2.400 CFS).
Date Filed: 6/19/1989.
In: T04S, R32E, S11, NENE, SENE, S12,
NWNW, SWNW, NESW, NWSW.
120.0 ACRES TOTAL.

35-08799

BRENT STOLWORTHY FAMILY
LTD. PARTNERSHIP
3669 S. Holmes
Idaho Falls, Id. 83404
Source: GROUNDWATER
Diversion Pt: SENWNW, Sec. 23, T. 01N,
R. 36E.
Use: IRRIGATION (2.640 CFS).
Total Diversion: (2.640 CFS).
Date Filed: 6/9/1989.
In: T01N, R36E, S23, NENW, NWNW,
SWNW, SENW.
132.0 ACRES TOTAL.

35-08800

BRENT STOLWORTHY FAMILY
LTD. PARTNERSHIP
3669 S. Holmes
Idaho Falls, Id. 83404
Source: GROUNDWATER
Diversion Pt: SENWSW, Sec. 14, T. 01N,
R. 36E.
Use: IRRIGATION (3.000 CFS).
Total Diversion: (3.000 CFS).
Date Filed: 6/9/1989.
In: T01N, R36E, S14, SWNW, SENW,
NESW, NWSW, SWSW, SESW, S15 NESE,
SESE.
168.0 ACRES TOTAL.

35-08801

WILLIAMS, J. Stanley
WILLIAMS, Nancy
1286 W. 200 S.
Pingree, Id. 83262
Source: GROUNDWATER
Diversion Pt: NESWSE, Sec. 16, T. 03S, R.
34E.
Use: IRRIGATION (.780 CFS).
Total Diversion: (.780 CFS).
Date Filed: 6/19/1989.
In: T03S, R34E, S16, NWSE, SWSE.
39.0 ACRES TOTAL.

RECEIVED
APR 27 1990

Department of Water Resources

RECEIVED

MAY - 2 1990

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho)

I, Ted Townsend do
solemnly

swear that I am the Publisher of
The Morning News which is a daily newspaper 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 1933, approved
March 11, 1933, and duly designated, pursuant to law,
a particular day of the week as the day on which legal
notices 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 attached hereto and which is a part of this af-
fidavit and part of the proof of publication was
published in said issue or said

newspaper two consecutive weeks,

the first publication having been made on the

5th day of April, 1990;

and the last publication having been made on the
12th day of April, 1990;

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
published in the newspaper and not in a supplement.

On this 23rd day of April, in
the year 1990 before me a Notary Public of said State,
personally appeared

Ted Townsend
known or identified to me to be the person whose
name is subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true and acknowledged to me that he ex-
ecuted the same.

Wayne A. Taylor
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
November 10, 1994

Affidavit Processing Fee \$5.00

35-08

WEBB, Jr., Edward M.
134 S. 1900 W.
Pingree, Id. 83262
Source: GROUNDWATER
Diversion Pt: NESE, Sec. 10, T. 03S, R. 32E.
Use: IRRIGATION (1.240 CFS).
Total Diversion: (1.240 CFS).
Date Filed: 7/3/1989.
In: T03S, R32E, S10, SWNE, SENE, NESE, NWSE, SWSE, SESE.
200.0 ACRES TOTAL.

35-08841

TURPIN, Donald Bruce
907 W. 275 S.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: SESE, Sec. 16, T. 03S, R. 34E.
Use: IRRIGATION (.460 CFS).
Total Diversion: (.460 CFS).
Date Filed: 7/24/1989.
In: T03S, R34E, S16, SESE.
23.0 ACRES TOTAL.

35-08842

JOHNSON, L. Dean
619 W. Highway 26
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: NENWNE, Sec. 25, T. 02S, R. 34E. NWNWNE, Sec. 25, T. 02S, R. 34E.
Use: IRRIGATION (.200 CFS).
COMMERCIAL (.340 CFS).
Total Diversion: (.540 CFS).
Date Filed: 5/28/1989.
In: T02S, R34E, S25, NWNE.

10.0 ACRES TOTAL.

35-08845

CIRCLE H. FARM
c/o Ralph Henderson
5118 Whitaker
Chubbuck, Id. 83202
Source: GROUNDWATER
Diversion Pt: SESE, Sec. 11, T. 04S, R. 33E.
Use: IRRIGATION (1.040 CFS).
Total Diversion: (1.040 CFS).
Date Filed: 9/6/1989.
In: T04S, R33E, S11, NESE, SWSE, SESE.
52.0 ACRES TOTAL.

35-08859

BURKMAN, Doug
285 W. 450 N.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: SENW, Sec. 10, T. 02S, R. 35E.
Use: IRRIGATION (.140 CFS).
Total Diversion: (.140 CFS).
Date Filed: 12/12/1989.
In: T02S, R35E, S10, NENW.
7.0 ACRES TOTAL.

The permit(s) will be subject to all prior water rights. Protests may be submitted, based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho, 83720, on or before APRIL 23, 1990.

R. KEITH HIGGINSON
Director

(745)
Pub.: 4/5, 12

35-08

VANORDEN, Larry E.
VANORDEN, Paunie T.
1054 W. 125 S.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: LOT 2 (NWNENW), Sec. 20, T. 03S, R. 34E.
Use: IRRIGATION (.600 CFS).
Total Diversion: (.600 CFS).
Date Filed: 6/20/1989.
In: T03S, R34E, S20, Lot 8 (NWNE), Lot 9, (SWNE).
30.0 ACRES TOTAL.

35-08805

DVORAK, Judith A.
1876 S. 2900 W.
Aberdeen, Id. 83210
Source: GROUNDWATER
Diversion Pt: SESW, Sec. 6, T. 06S, R. 31E.
Use: IRRIGATION (1.900 CFS).
Total Diversion: (1.900 CFS).
Date Filed: 6/30/1989.
In: T06S, R31E, S06, NESE, SWSE, SESE.
95.0 ACRES TOTAL.

35-08834

WEBB, Jr., Edward M.
134 S. 1900 W.
Pingree, Id. 83262
Source: GROUNDWATER
Diversion Pt: NENE, Sec. 10, T. 03S, R. 32E.
Use: IRRIGATION (1.500 CFS).
Total Diversion: (1.500 CFS).
Date Filed: 7/3/1989.
In: T03S, R32E, S10, NENE, NWNE, SWNE, SENE, S11, NWNW, SWNW.
180.0 ACRES TOTAL.

35-08837

BARTAUSKY, Ed
1037 W. 200 N.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: SWNE, Sec. 29, T. 02S, R. 34E.
Use: IRRIGATION (1.600 CFS).
Total Diversion: (1.600 CFS).
Date Filed: 7/3/1989.
In: T02S, R34E, S29, NWNE, SWNE.
80.0 ACRES TOTAL.

35-08838

PIEPER, George G.
P.O. Box 1174
Pocatello, Id. 83201
Source: GROUNDWATER
Diversion Pt: SWSWNW, Sec. 11, T. 03S, R. 33E.
Use: IRRIGATION (1.300 CFS).
Total Diversion: (1.300 CFS).
Date Filed: 7/3/1989.
In: T03S, R33E, S10, SENE, NESE, S11, SWNW, NWSW, SWSW.
188.0 ACRES TOTAL.

35-08839

WEBB, Jr., Edward M.
134 S. 1900 W.
Pingree, Id. 83262
Source: GROUNDWATER
Diversion Pt: SENE, Sec. 11, T. 03S, R. 32E.
Use: IRRIGATION (.680 CFS).
Total Diversion: (.680 CFS).
Date Filed: 7/3/1989.
In: T03S, R32E, S11, NENE, NWNE, SWNE, SENE, NENW, SENW.
238.0 ACRES TOTAL.

FILED
JUN 19 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

MARCH 27, 1990

The Morning News
Box 70
Blackfoot, ID 83221

Dear Legal Dept.:

Enclosed you will find legal notices 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 APRIL 23, 1990.

Yours truly,

SHARLA CURTIS
Secretary

Encl.

Microfilm

JUN 19 1990

NOTICE OF APPLICATION FOR WATER RIGHT

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

35-08799

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

Source: GROUNDWATER

Diversion Pt: SENWNW Sec 23 T 01N R 36E

Use: IRRIGATION (2.640 CFS)
Total Diversion: (2.640 CFS)

Date Filed: 6/ 9/ 1989

In: T01N R36E S23 NENW NWNW SWNW SENW

132.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before APRIL 23, 1990.

R. Keith Higginson, Director

Published 4/ 5/1990 & 4/12/1990

RECORDED

JUN 19 1990