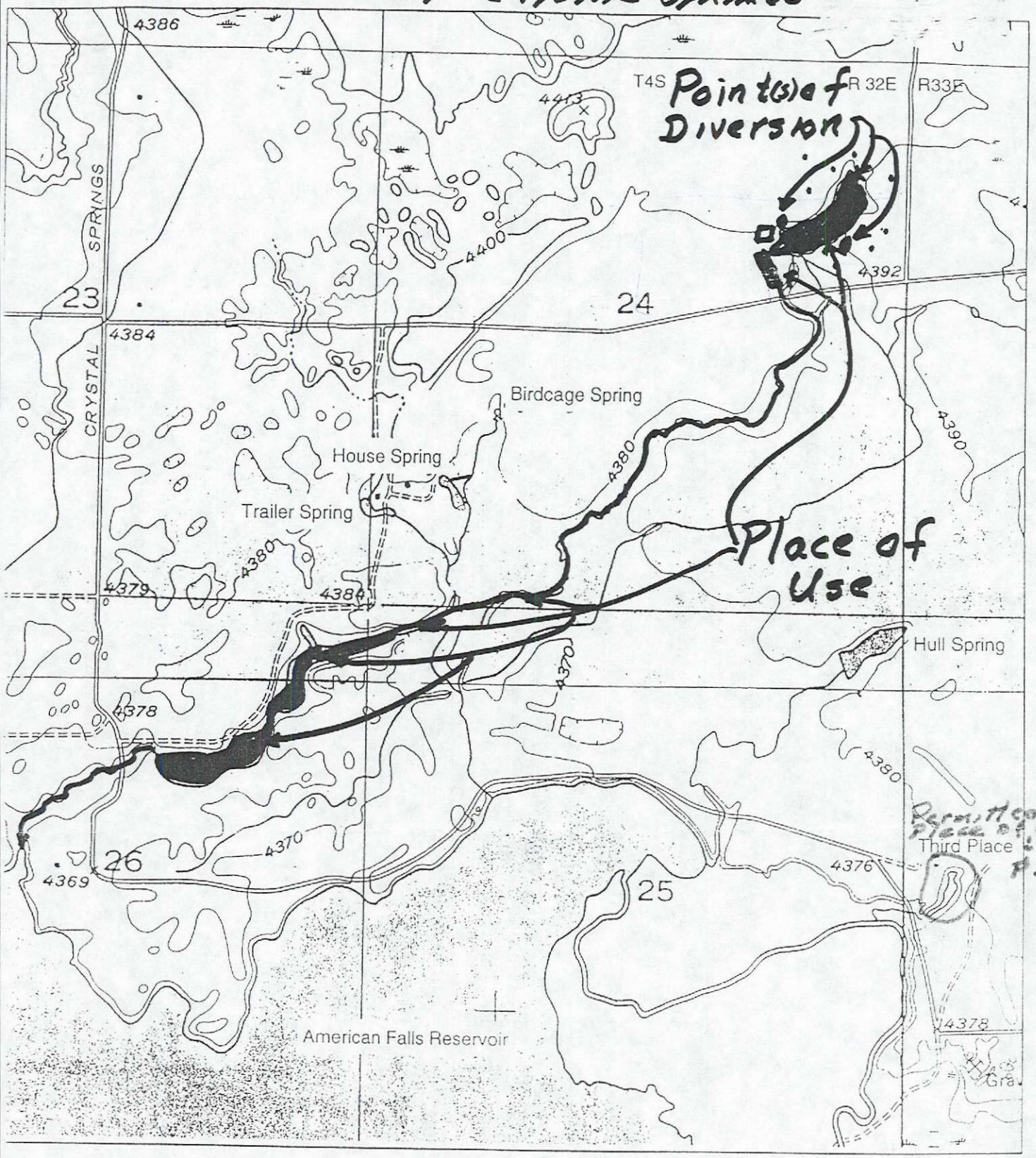
page 5 of 7

T5345

35-08782

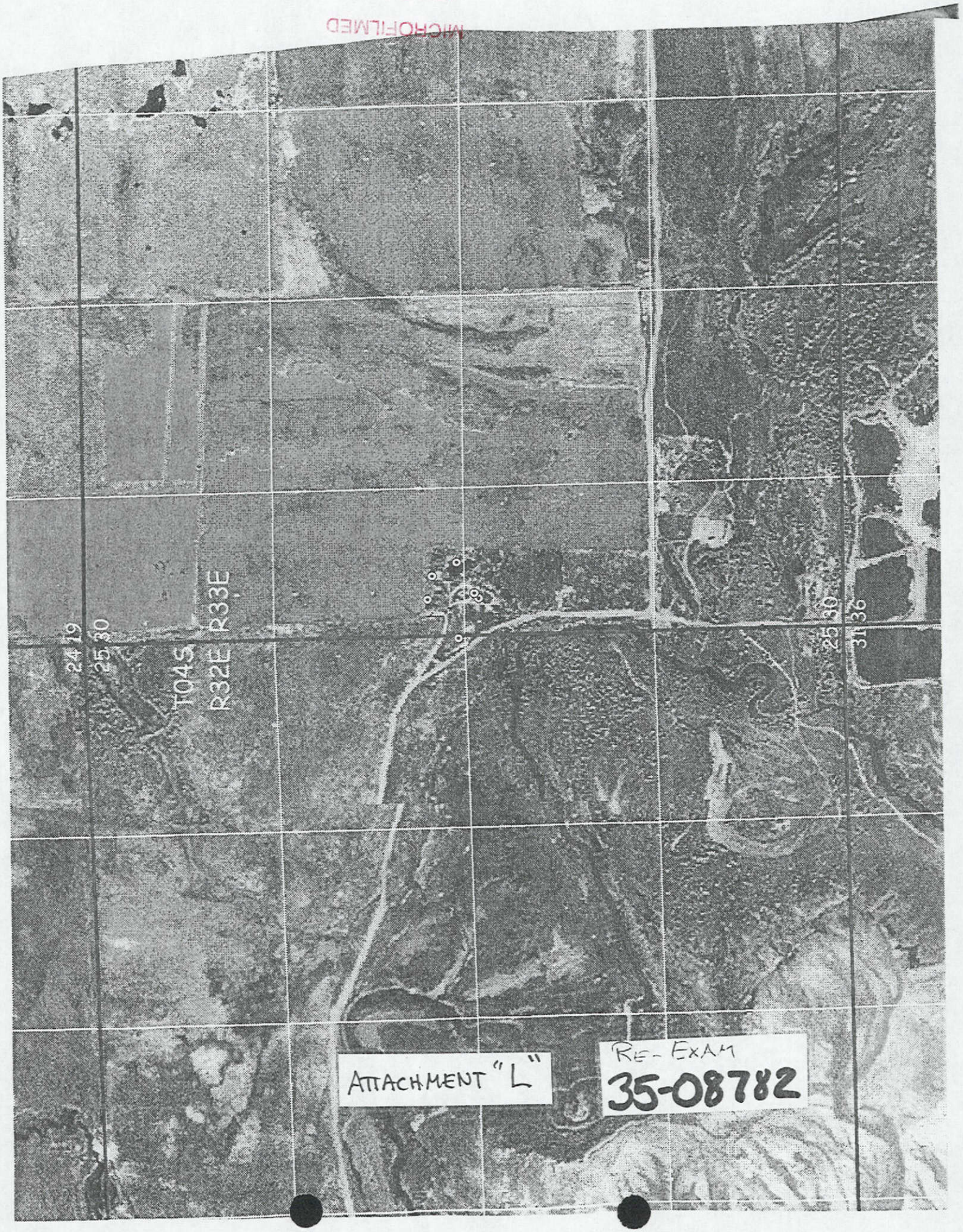
NORTH FORK ENERGY - CRYSTAL SPRINGS




MICROFILMED

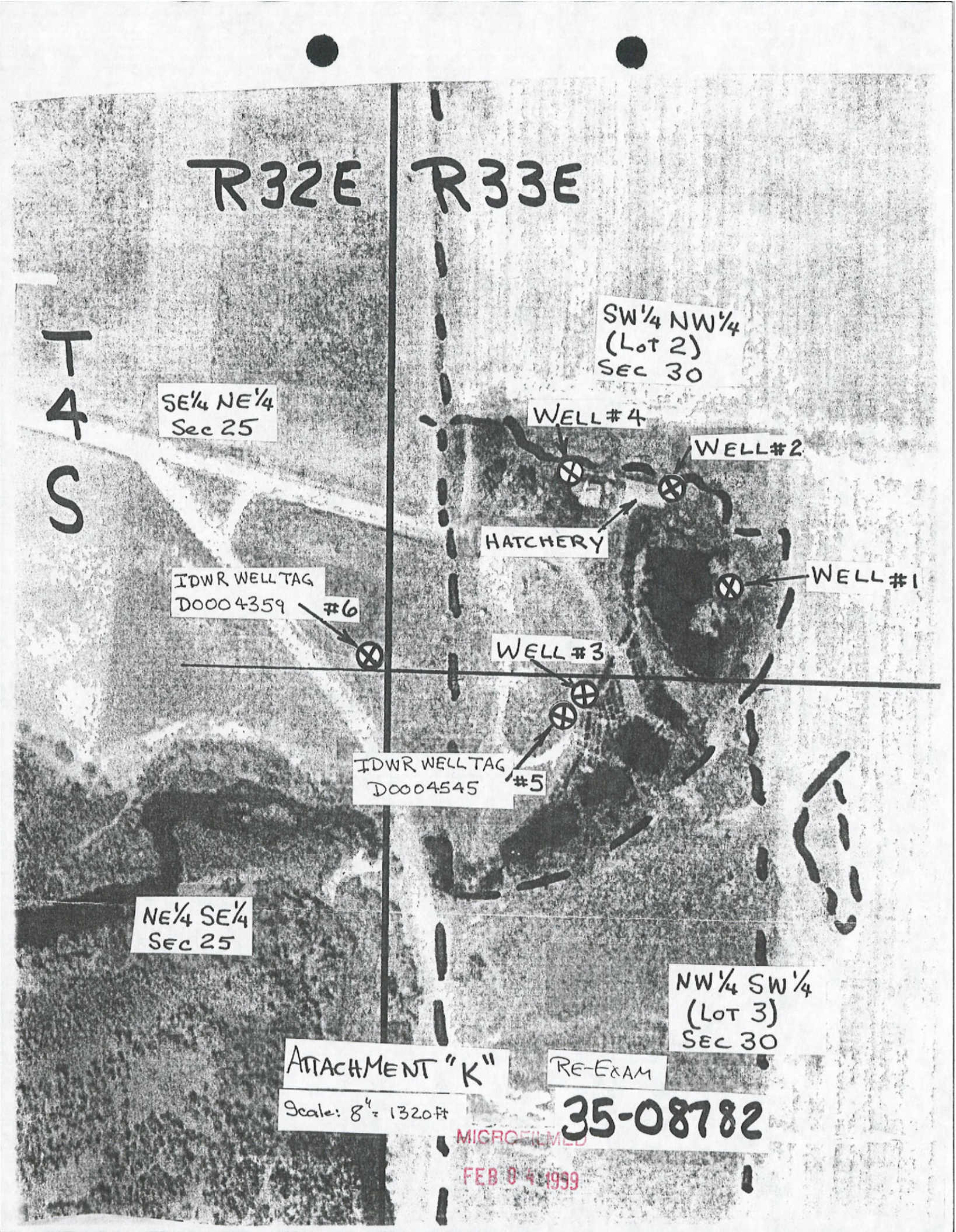
FEB 0 4 1999

FEB 04 1999
MICROFILMED




ATTACHMENT "L"

RE-EXAM
35-08782


R32E
R33E
T
4
S
SW¼ NW¼
(Lot 2)
Sec 30
SE¼ NE¼
Sec 25
WELL #4
WELL #2
HATCHERY
WELL #1
IDWR WELL TAG
D0004359
#6
WELL #3
IDWR WELL TAG
D0004545
#5
NE¼ SE¼
Sec 25
NW¼ SW¼
(Lot 3)
Sec 30
ATTACHMENT "K"
RE-EXAM
Scale: 8" = 1320 ft
35-08782
MICROFILMED
FEB 0 4 1999

FEB 04 1999




ATTACHMENT "L"

RE-EXAM
35-08782

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




MICROFILMED
JUN 19 1990

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.

Golden Eagle Rand (by)
(MANAGER)
Mike Webster (Applicant)

Dept. of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718
(20) 525-7161
Fax (208) 525-7177

**NOTICE OF PROPOSED CHANGE OF A WATER RIGHT T5345**

**NOTICE IS HEREBY GIVEN** that North Fork Energy, P.O. Box 5405, Boise, Idaho, 83705, has applied to the Department of Water Resources to change a point of diversion and change the place of use of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 35-08782
Source: Groundwater
Amount: 4.64 cfs
Priority: 05/23/1989
Point of Diversion: SWNW, Sec. 30, T04S, R33E, Bingham County
The water is used for fish propagation from 01/01 to 12/31 within Sec. 30, T04S, R33E, B.M.

**TO BE CHANGED AS FOLLOWS:**

The applicant intends to transfer the point of diversion to a new well in the NENE or SENE of Sec. 24, T04S, R32E and send the water through the top of the fish production system and then empty into Boom Creek.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Drive, Suite A, Idaho Falls, Idaho, 83402, together with a protest fee of $25 on or before December 7, 1998. The protestant must also send a copy of the protest to the applicant.

**KARL J. DREHER**
**Director**

(3963)
Pub.: 11/19, 26

MICROFILMED
FEB 0 4 1999

RECEIVED
NOV 3 0 1998
Department of Water Resources
Eastern Region

**Legals**

## AFFIDAVIT OF PUBLICATION

County of Bingham )
ss
State of Idaho )

I, Jacqueline Graham do solemnly swear that I am the Legal Coordinator 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 1911, approved March 11, 1911, 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 affidavit and part of the proof of publication was published in said issue of said newspaper 2 consecutive weeks the first publication having been made on the 19th day of Nov 1998; and the last publication having been made on the 26th day of Nov 1998; 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.

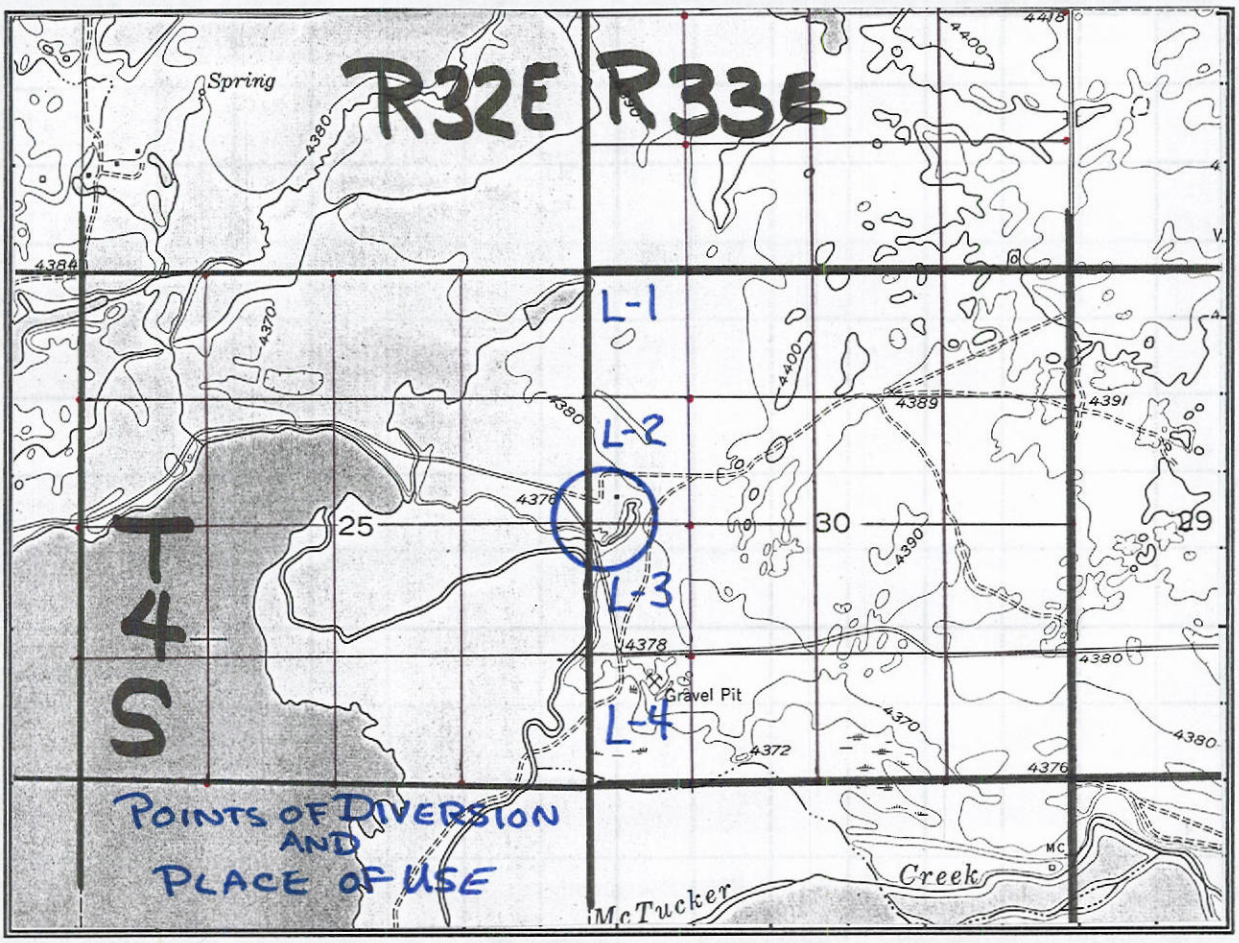
Jacqueline Graham

On this 26th day of Nov, in the year of 1998, before me a Notary Public of the State, personally appeared Jacqueline Graham, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me the first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

NOTARY PUBLIC STATE OF IDAHO — MONTGOMERY SITZMANN

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires:
June 19, 2004
Affidavit Processing Fee.....$5.00

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




Scale: 1" = _____.

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

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

_____ Photo of Diversion and System Attached

4.

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

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

## D. FLOW MEASUREMENTS

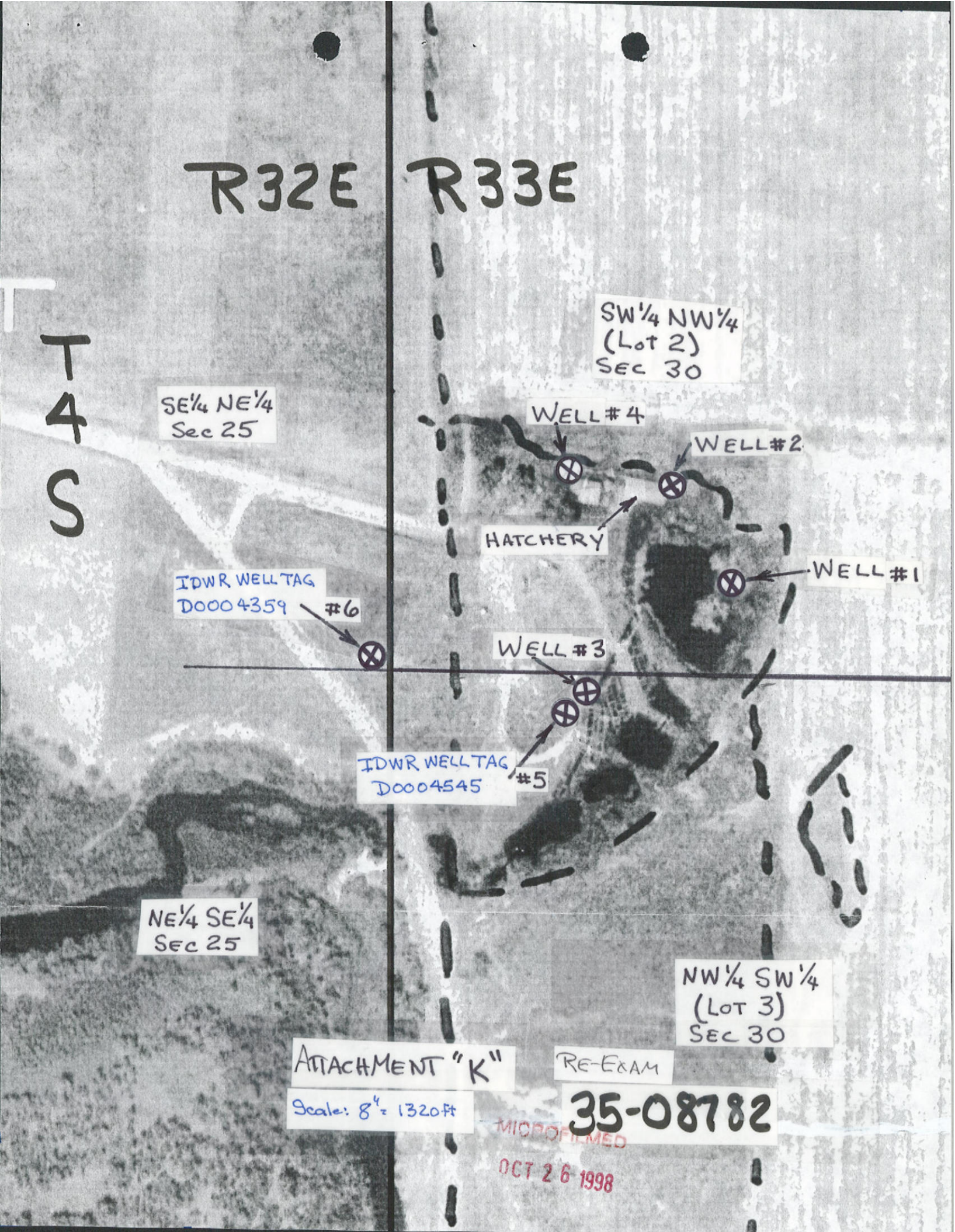
1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|---|---|---|---|---|---|---|
| GPS | | Trimble NAVIGATION | GeoExplorer GPS | 001000 2L7V | | STATE OF ID TAG 196546 |
| | | | | | | |

2. **Measurements:** _____

MICROFILMED
OCT 26 1998

RE-EXAM P2
35-08782


R32E
R33E
T
4
S
SW¼ NW¼
(Lot 2)
Sec 30
SE¼ NE¼
Sec 25
WELL #4
WELL #2
HATCHERY
WELL #1
IDWR WELL TAG
D0004359
#6
WELL #3
IDWR WELL TAG
D0004545
#5
NE¼ SE¼
Sec 25
NW¼ SW¼
(Lot 3)
Sec 30
ATTACHMENT "K"
Scale: 8" = 1320ft
RE-EXAM
35-08782
MICROFILMED
OCT 26 1998




ATTACHMENT "L"

RE-EXAM
35-08782

MICROFILMED
OCT 2 6 1998




#1 WELL # R092219A (NO WELL TAG)
EAST MOST WELL DISCHARGES IN TO POND
SW¼ NW¼ (LOT 2) SEC 30, T4S, R33E

WELL # 1

ATTACHMENT "A"
RE-EXAM

9/22/1998

MICROFILMED
OCT 26 1998

35-08782

WELL R0922194 (EAST MOST WELL OPEN DISCHARGE INTO POND)
(WELL #1)




WELL R0922184 (NO WELLTAG)
WELL JUST EAST OF HATCHERY

WELL #2

SW¼ NW¼ (LOT 2) SEC 30, T4S, R33E

ATTACHMENT "B"

RE-EXAM

9/22/1998

MICROFILMED
OCT 26 1998

35-08782

R0922188
WELL IN SEC 25, T4S, R32E
(WELL #6)

WELL WEST OF
HATCHERY SEC 30
T4S, R33E
LOT 2 (SWNW)
R0922186
(WELL #4)




WELL EAST OF
HATCHERY LOT 2 (SWNW), SEC 30, T4S, R33E (WELL #2)
R0922187

MICROFILMED
OCT 26 1998

ATTACHMENT "C"
Re-Exam
35-08782

9/15/1998




WELL EAST OF POND
R092219A
WELL #1

POND WITH SPRINGS

R092218D
TWO WELLS SOUTH OF HATCHERY
R092218C
WELL #3
WELL #5

WELL EAST OF HATCHERY
R092218F
WELL #2

ATTACHMENT "D"
RE Exam
35-08782

9/15/1998

MICROFILMED
OCT 26 1998

R092218E WELL #4
WELL WEST OF HATCHERY




R092218C
R092218D
TWO WELLS SOUTH OF HATCHERY

WELL EAST OF HATCHERY

R092218F
WELL #2
ATTACHMENT "E"
RECLAM
35-08782

9/15/1998

OCT 26 1998




WELL R0922180 (WELL #5)




WELL #3

WELL R0922180 (NO WELL TAG)

NW 1/4 SW 1/4 (LOT 3) SEC 30, T4S, R33E

ATTACHMENT "F"
Re-Exam
35-08782

MICROFILMED
OCT 26 1998

9/22/1998




WELL R092218E (NO WELL TAG)

WELL LOCATED WEST OF HATCHERY

SW¼ NW¼ (LOT 2) Sec 30, T4S, R33E

WELL # 4

ATTACHMENT "G"

RE-EXAM

35-08782

9/22/1998

MICROFILMED
OCT 26 1998

WELL
R0922180
(WELL#3)




R0922180
WELL TAG D0004645

SOUTH MOST WELL SOUTH OF Hatchery

WELL #5

NW 1/4 SW 1/4 (Lot3) Sec 30,
T4S, R33E

ATTACHMENT "H"
Re-Exam
35-08782

9/22/1998

MICROFILMED
OCT 26 1998

HATCHERY

VIEW NE



WELL IN
Sec 25, T4N
R32E

#6

WELL #6

R092218B



HATCHERY LOCATED
JUST OFF PHOTO
IN THIS LOCATION

POND WITH SPRINGS

VIEW SW

ATTACHMENT
"I"
RE-EXAM

9/15/1998

35-08782

MICROFILMED
OCT 26 1998

R092218B




WELL SENE Sec25, T4S, R32E
WELL TAG D0004359
WELL #6



DITCH from Well Sec25, T4S, R32E

ATTACHMENT "J"
RE-EXAM
35-08782

9/22/1998

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OCT 26 1998

NEGATIVES 35-08782

**KODAK Picture Disk**

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- Send you ictures without stamp!

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- Import and export i s–send on e-mail!
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Your pictures are converted to medium resolution JPE for IBM compatible computers with Windows 3.1 or grea dak Picture Disk included with your 4" Print roll order. off Box on film developing envelope to order today.

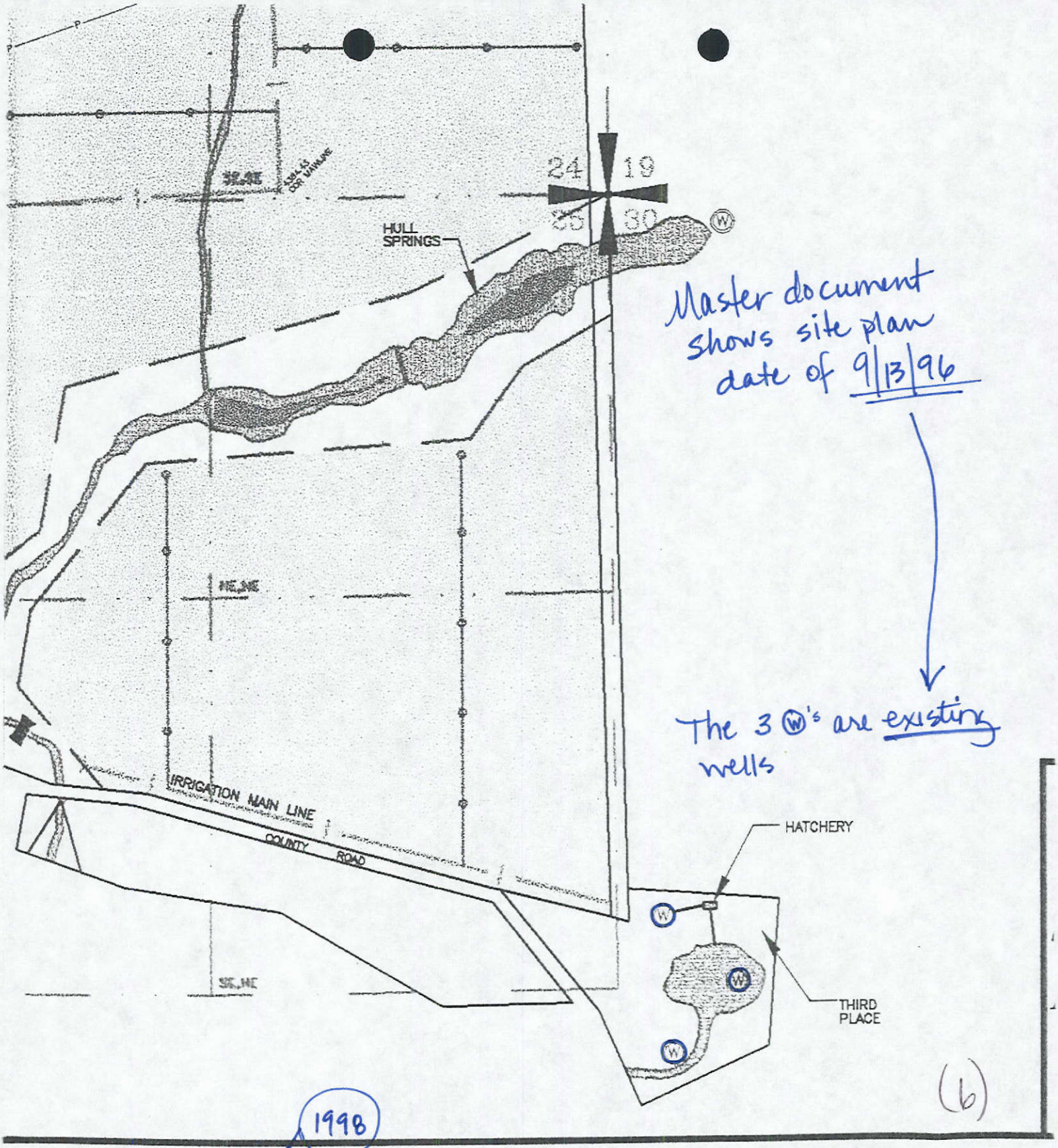


**Available at time of ordering your 4"x 6" prints using your choice of processing ...**

Kodak PREMIUM PROCESSING (35mm or APS film)

OR

RITE AID QUALITY PROCESSING (35mm film only)




Master document shows site plan date of 9/13/96

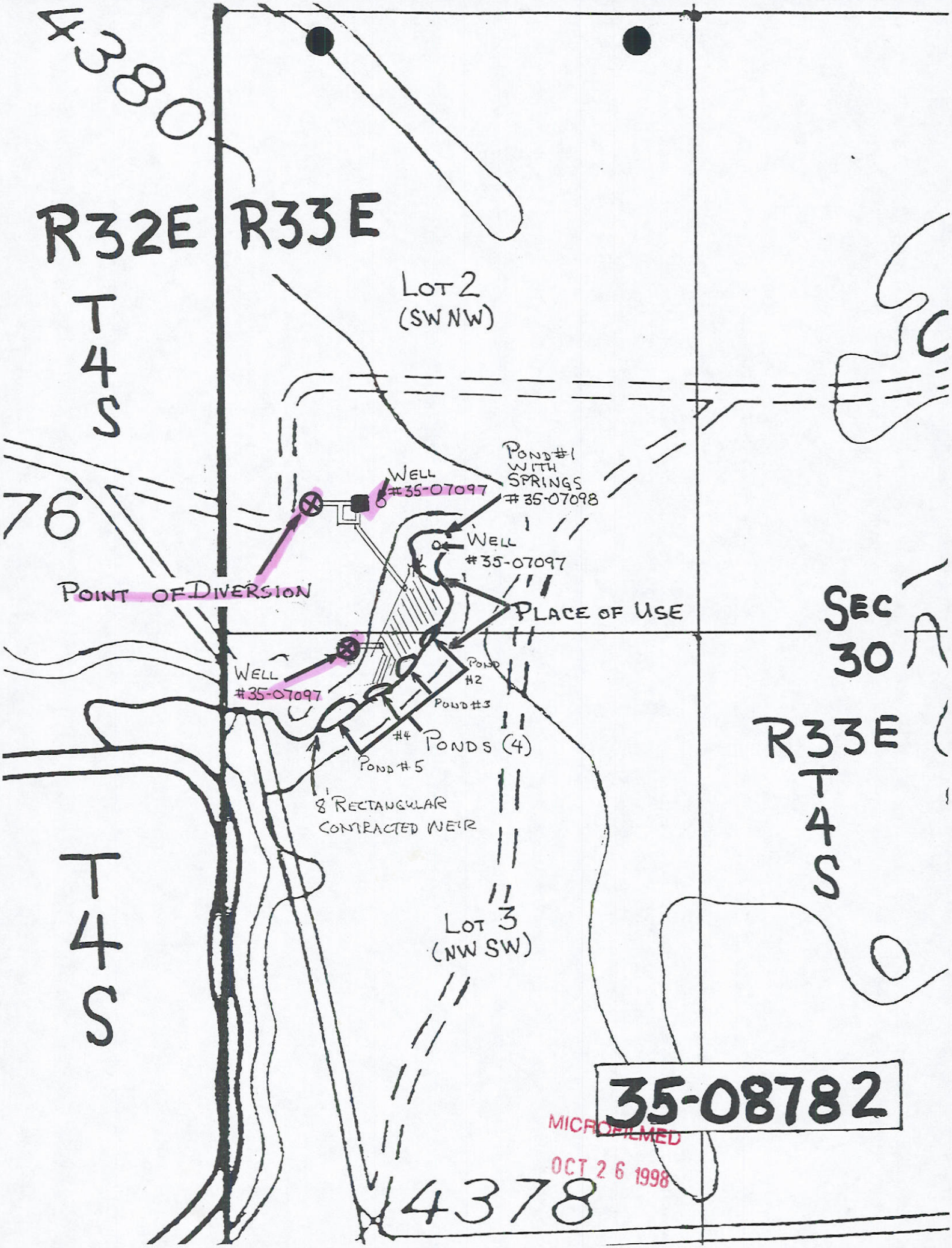
The 3 Ⓦ's are existing wells

(6)

1998

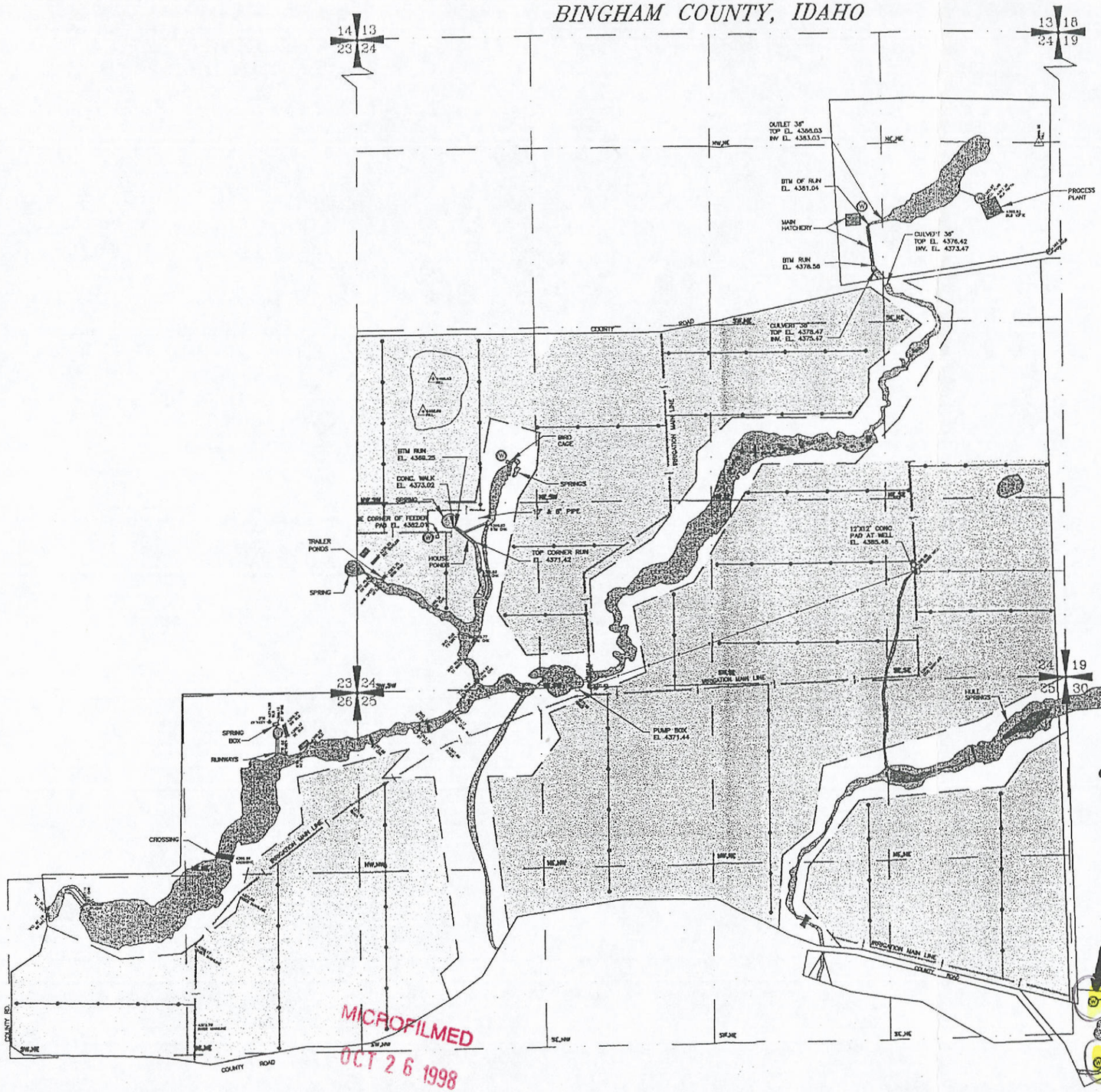
Drilling permits & well logs show 2 new wells drilled in the SWNW, S30, for a total of 4 wells in that ¼¼, which corresponds w/ Transfer Nos. 4994 & 5278.

MICROFILMED
OCT 26 1998


4380
R32E
R33E
T4S
LOT 2
(SW NW)
POND #1
WITH
SPRINGS
#35-07098
WELL
#35-07097
WELL
#35-07097
POINT OF DIVERSION
PLACE OF USE
SEC
30
WELL
#35-07097
POND
#2
POND #3
#4
PONDS (4)
POND #5
8' RECTANGULAR
CONTRACTED WEIR
R33E
T4S
LOT 3
(NW SW)
T4S
35-08782
MICROFILMED
OCT 26 1998
4378

Part o

Section 23, 24, 25, 26, T. 4S., R. 32E., B.M.
BINGHAM COUNTY, IDAHO




LEGEND

- POTENTIAL CONSERVATION EASEMENT
- POWER POLE
- EXISTING WELL/SWELL
- BUILDING
- IRRIGATION MAIN LINE
- HILL
- OVERHEAD POWER
- IRRIGATED LAND
- IRRIGATED LINES

GRAPHIC SCALE

( IN FEET )
1 inch = 400 ft.

POINT OF DIVERSION
S½ S
PLACE OF USE
35-08782

existing wells

9/13/96

MICROFILMED
OCT 26 1998

HE

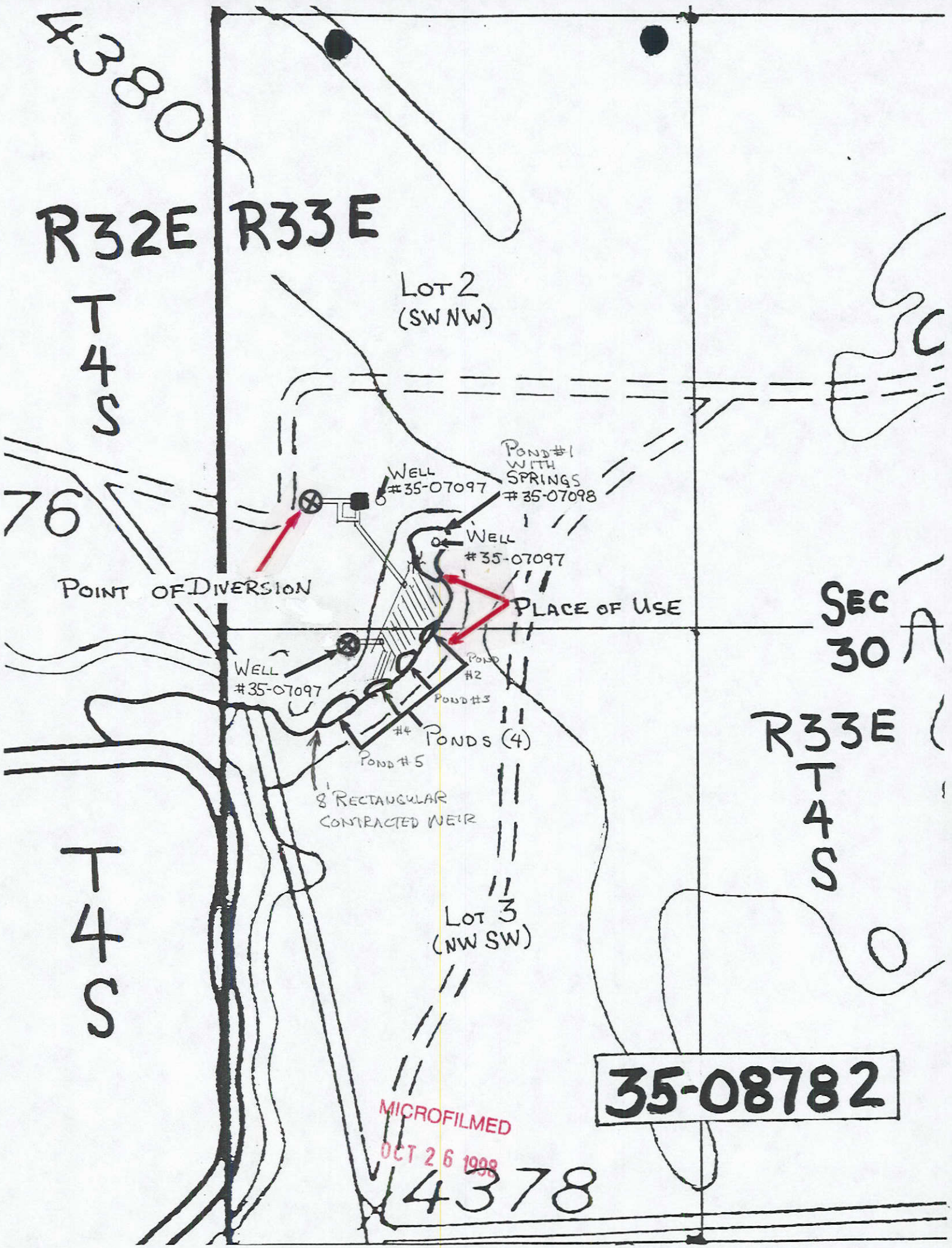
SITE PLAN

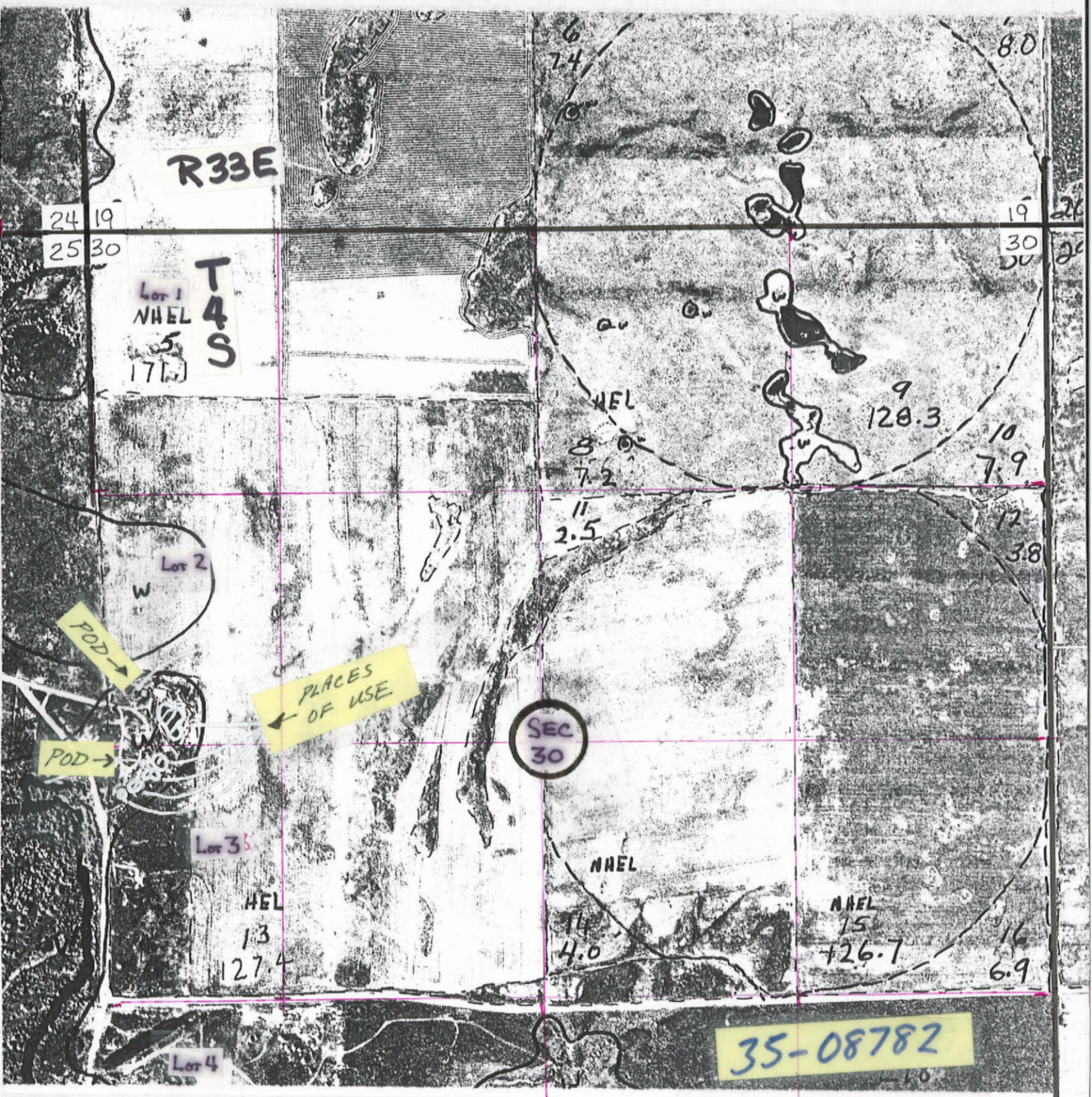
NORTH FORK ENERGY INC.

HARPER–LEAVITT ENGINEERING, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
800 W. JUDICIAL ST., P.O. BOX 868, BLACKFOOT, IDAHO 83221 (208) 785-2577
905 N. CAPITAL AVE., P.O. BOX 50691, IDAHO FALLS IDAHO 83405 (208) 524-0812

| | |
|---|---|
| JOB NO.: | 95061 |
| DATE: | 09-13-96 |
| DRWN. BY: | LME |
| CHCKD. BY: | B.D.J. |
| COPYRIGHT© 1996 HEL ALL RIGHTS RESERVED. | |

SHEET 1 OF 1


4380
R32E
R33E
T4S
LOT 2
(SW NW)
POND #1
WITH
SPRINGS
#35-07098
WELL
#35-07097
WELL
#35-07097
POINT OF DIVERSION
PLACE OF USE
SEC
30
WELL
#35-07097
POND
#2
POND #3
#4
PONDS (4)
POND #5
8' RECTANGULAR
CONTRACTED WEIR
R33E
T4S
LOT 3
(NW SW)
T4S
35-08782
MICROFILMED
OCT 26 1998
4378



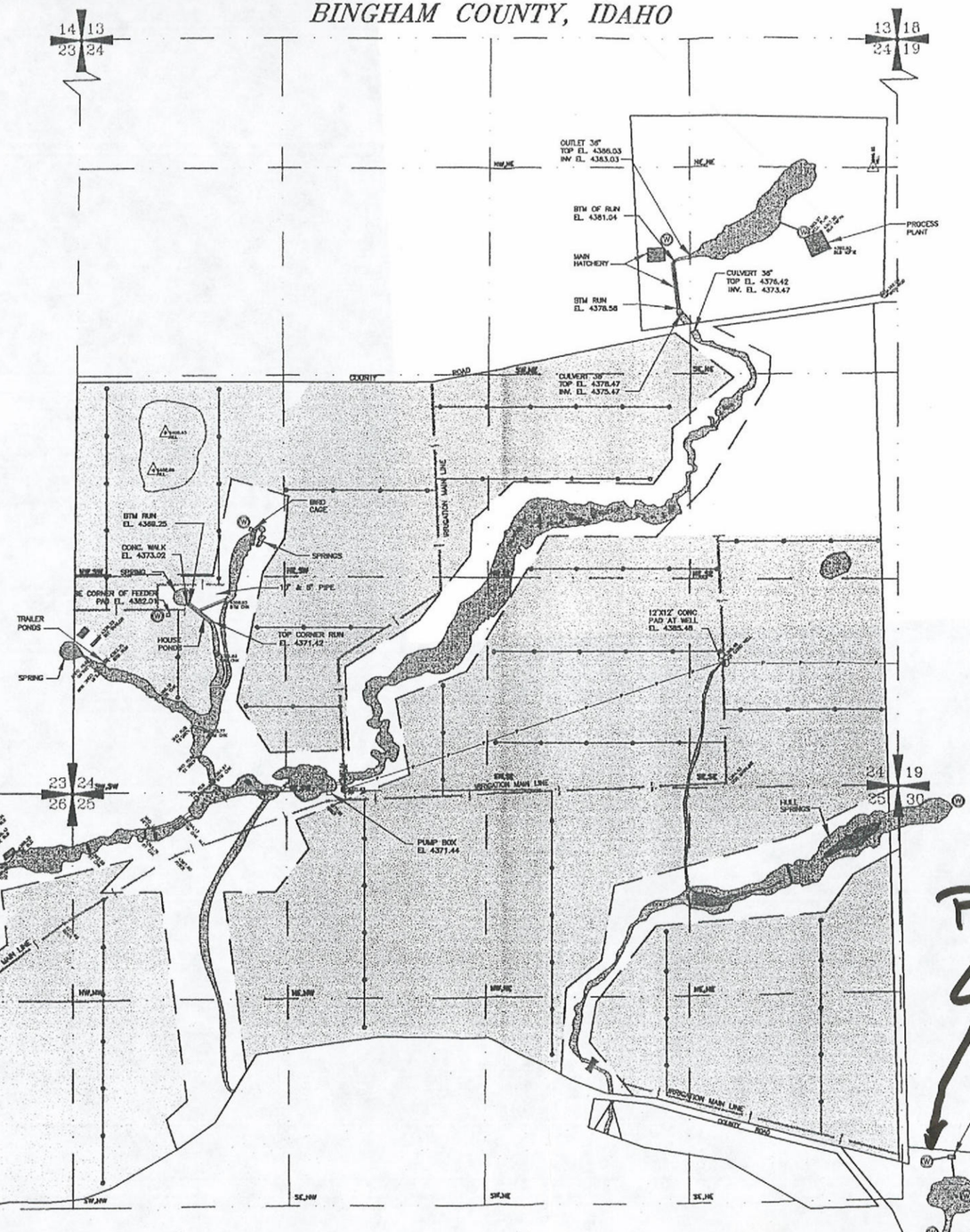

MICROFILMED
OCT 26 1998

1 3030

Part o.

Section 23, 24, 25, 26, T. 4S., R. 32E., B.M.

BINGHAM COUNTY, IDAHO




LEGEND

- POTENTIAL CONSERVATION EASEMENT
- POWER POLE
- EXISTING WELLSWELL
- BUILDING
- IRRIGATION MAIN LINE
- HILL
- OVERHEAD POWER
- IRRIGATED LAND
- IRRIGATED LINES

GRAPHIC SCALE

( IN FEET )
1 inch = 400 ft.

POINT OF DIVERSION

PLACE OF USE

35-08782

HE

SITE PLAN

NORTH FORK ENERGY INC.

HARPER-LEAVITT ENGINEERING, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
800 W. JUDICIAL ST., P.O. BOX 808, BLACKFOOT, IDAHO 83221 (208) 785-2577
965 N. CAPITAL AVE., P.O. BOX 50091, IDAHO FALLS IDAHO 83405 (208) 524-0212

| | |
|---|---|
| JOB NO.: | 96061 |
| DATE: | 09-13-96 |
| DRWN. BY: | LME |
| CHCKD. BY: | B.D.J. |

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SHEET 1 OF 1




Photo's 4-27-1998




FLOW MEASUREMENT SITE

35-08782

MICROFILMED
OCT 26 1998

WELL SITE HATCHERY PHOTO 4-27-1998



8' CONTRACTED WEIR

35-0 8782

MICROFILMED
OCT 26 1998

Golden Eagle

Fish Propagation

1/6




Point of Diversion

10" well

Artesian




Building Containing 11 Fish Raceways

FISH HATCHERY

MICROFILMED
OCT 26 1998

PERMIT NUMBER

35-08782

Golden Eagle

Fish Propagation

2 of 6




Upper pond

Has other springs discharging into this pond.




Discharge point from upper pond.

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OCT 2 6 1998

PERMIT NUMBER 35-08782

Holden Eagle

Fish Propagation

PARTICAL DISCHARGE FROM HATCHERY

3 of 6




Discharge point from upper pond.

start of 14 fish Raceways




Raceways below large upper pond.

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OCT 2 6 1998

PERMIT NUMBER 35-08782

Golden Eagle

Fish Propagation

4/6




Fish Raceway

VIEW DOWNSTREAM




Fish Raceway

VIEW DOWNSTREAM

MICROFILMED
OCT 2 6 1998

PERMIT NUMBER

35-08782

Golden Eagle

Fish Propagation

5 5/6




3rd Pond.




4th Pond.

PERMIT NUMBER 35-08782

MICROFILMED
OCT 26 1998

Golden Eagle

Fish Propagation

6 1/6




VIEW DOWN STREAM OF POND #5 WITH DISCHARGE OVER 8' RECTANGULAR CONTRACTED WEIR

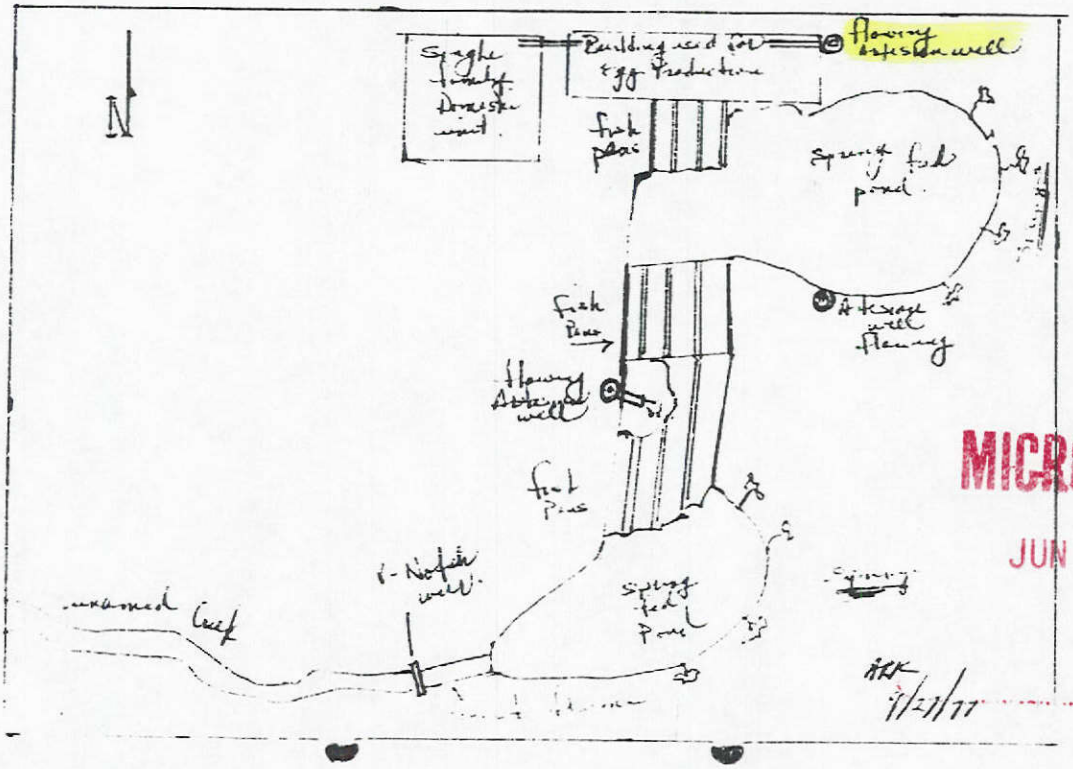



VIEW UP STREAM OF POND #5 WITH DISCHARGE OVER 8' RECTANGULAR CONTRACTED WEIR

PERMIT NUMBER 35-08782

MICROFILMED
OCT 2 6 1998

Diagram of System




MICROFILMED
JUN 19 1990

Form 42-1409(7)

# NOTICE NEW PROPERTY OWNER CHANGE OF WATER RIGHT OWNERSHIP

**Please print or type**
**(see instructions on back of page)**

RECEIVED
JAN 13 1999
Department of Water Resources

**DATE OF CLOSING:** December 23, 1998

**LEGAL DESCRIPTION OF PROPERTY:** Township 45 Range 32E
Section 24, 25, 26 1/4 of ____ 1/4 of ____ 1/4, Govt. Lot ____, BM.
Lot ____, Block, ____, Subdivision/Townsite ____.
If you have additional legal descriptions, please attach separate sheet.

[ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[X] Water Right Number(s) Assigned by IDWR: 35-07138, 35-00007, 35-00028, 35-00029, 35-02016, 35-02014, ~~35-11392~~ 35-11393, ~~35-11394~~, 35-00047, 35-007142, 35-04271, 35-08635, 35-11390, 35-08782, 35-09068, and 35-08679

NOT THIS one

WR# only

[ ] Name and Address of Former Owner/Claimant(s)(Seller): North Fork Energy, Inc., Attn: Greg Lansberry
4414 S. Gekeler Lane
Boise, Idaho 83705

[ ] New Owner/Claimant (Purchaser): John L. Miller

[ ] New Mailing Address: P. O. Box 2260
Napa, California 94558

[ ] New Telephone Number: (707) 224 - 6444

[X] Does the change in ownership result in a splitting of the water right owned/claimed? X yes ___ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
WRN's 35-04271, 35-08635, 35-08782, 35-09068 and 35-08679 are split pursuant to the attached Special Warranty Deed.

[X] Attach proof of ownership, describe proof attached: See attached Warranty Deed and Special Warranty Water Rights, Well Development and Maintenance Agreement and Well Development and Maintenance Easemen
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[X] Signature of New Owner/Claimant(s): John L. Miller Date Dec 28, '98
John L. Miller Date ____

[X] Signature of Former Owner/Claimant(s): NORTH FORK ENERGY, INC. Date ____
By: ____, Its: ____ Date ____
(Signature of former claimant(s) is not required if proof of ownership is attached.)

**FOR IDWR USE ONLY:**
**Initial Review and Data-Entry**
**Date:** **By:**
**Further Action Needed:**

**Further Action Taken**
**Date:** **By:**
**Final Review and Data-Entry**
**Date:** **By:**
**Claim Numbers of Split, if any:**

MICROFILMED
MAY 27 1999

RECEIVED
FEB 11 1999
Department of Water Resources

**Original to be mailed to Idaho Department of Water Resources**
**Copies to Former Owner and New Owner**

WHEN RECORDED, MAIL TO:

John L. Miller
P.O. Box 2260
Napa, California 94558

# WARRANTY DEED

North Fork Energy, Inc., a corporation organized and existing under the laws of the State of Idaho, with its principal place of business in Bingham County, Idaho, GRANTOR, hereby CONVEYS and WARRANTS to John L. Miller, GRANTEE, of Napa County, California, for the sum of TEN DOLLARS and other good and valuable consideration, the following-described tract of land in Bingham County, Idaho:

Beginning at a point on the South line of a County Road that is South 0°13'14" West 2167.35 feet along the Section line and South 81°36'31" West 84.90 feet from the Northeast corner of said Section 24 and running thence south 81°36'31" West 1192.27 feet along said South line; thence South 78°49'32" West 1368.55 feet; thence South 79°16'11" West 402.03 feet; thence South 89°24'11" West 198.67 feet; thence South 89°59'48" West 2075.55 feet along said South line to the West line of said Section 24; thence leaving said County Road South 0°32'53" West 2618.34 feet along the Section line to the South West corner of said Section 24; thence North 89°28'36" West 1325.23 feet along a fence line; thence South 1°04'04" West 1268.04 feet along said fence; thence South 55°28'37" West 90.03 feet; thence North 89°46'17" West 958.92 feet along said fence line to the east line of a county road; thence South 5°14'03" East 199.67 feet along said east line to the Bureau of Reclamation take line; thence along said Bureau of Reclamation take line the following three (3) courses (1) North 48°14'18" East 293.73 feet; (2) thence South 41°37'41" East 168.00 feet; (3) thence South 49°20'46" West 424.73 feet; thence South 16°10'45" West 169.69 feet; thence South 56°11'16" West 256.70 feet; thence South 0°11'21" West 546.83 feet; thence South 53°20'44" East 115.52 feet along said east line to the North line of said County Road; thence South 88°50'14" East 561.72 feet along said North line; thence South 87°40'11" East 149.39 feet; thence North 89°37'03" East 1145.42 feet; thence North 80°18'38" East 264.58 feet; thence South 89°24'55" East 174.18 feet to the Bureau of Reclamation Take Line; thence along said Bureau of Reclamation Take Line the following three (3) courses (1) North 76°17'38" East 235.58 feet; (2) thence North 67°19'32" East 349.70 feet; (3) thence South 41°00'50" West 162.37 feet to the North line of a County Road; thence North 69°59'04" East 56.48 feet; thence North 59°36'35" East 521.39 feet; thence North 53°39'50" East 263.65 feet; thence North 31°17'57" East 502.46 feet; thence North 81°43'25" East 787.30 feet; thence South 89°36'24" East 702.19 feet; thence South 64°24'39" East 620.55 feet; thence South

MICROFILMED, 32E
/ NE 24
MAY 27 1999

5 67°30'02" East 233.65 feet; thence South 84°26'23" East 323.64 feet; thence South 74°29'47" East 1219.71 feet; thence South 75°50'39" East 443.76 feet along said North line; thence leaving said County Road North 1°30'06" West 110.13 feet; thence North 1°26'14" West 2304.88 feet along a fence line; thence North 1°42'30" West 3088.94 feet along said fence line to the Point of Beginning.

**EXCEPTING THEREFROM** the following parcel:

Part of the East Half of the Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho, described as follows:

Beginning at a point in an existing North-South fence line that is North 00°13'14" East 1615.08 feet along the Section line and North 89°34'12" West 33.14 feet from the Southeast corner of said Section 24 and running thence North 01°42'30" West 1509.49 feet along said existing fence line to the south line of an existing County Road; thence South 81°36'31" West 714.85 feet along said South line; thence South 02°48'39" West 834.28 feet; thence South 30°55'57" West 426.02 feet; thence South 44°54'25" West 277.78 feet; thence South 89°34'12" East 1208.22 feet to the Point of Beginning.

**TOGETHER WITH:**

All fixtures and appurtenances located on the described and conveyed real property, including, but not limited to, one trailer home, and all other out buildings located on the property, eight (8) approximately quarter mile long Thunderbird wheeled irrigation lines, two (2) approximately quarter mile long four (4) inch diameter hand irrigation lines, all existing buried main irrigation lines, a 150 horsepower deep well pump and a 100 horsepower centrifugal pump.

**AND SUBJECT TO** all easements and encumbrances of record.

The officers of North Fork Energy, Inc. who sign this Warranty Deed hereby certify that this Warranty Deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of North Fork Energy, Inc. at a lawful meeting properly noticed and duly held, and attended by a quorum.

IN WITNESS WHEREOF, the GRANTOR has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 23 day of December, 1998.

NORTH FORK ENERGY, INC., Grantor

Ronald C. Yanke, President

MICROFILMED
MAY 27 1999

ATTEST:

Richard D Heaton

Richard D. Heaton, Secretary

STATE OF IDAHO )
: ss.
COUNTY OF ADA )

On the 23rd day of December, 1998, personally appeared before me Ronald C. Yanke, who having first been duly sworn by me, did say that he is the President of North Fork Energy, Inc., that he has authority to sign the foregoing Warranty Deed on behalf of North Fork Energy, Inc. by reason of a duly and properly adopted resolution of the board of directors of North Fork Energy, Inc., and that the foregoing Warranty Deed was signed on behalf of North Fork Energy by him.

NOTARY PUBLIC
Residing in the State of Idaho
SEAL:
My commission exp.:

LORI ANN O'LEARY NOTARY PUBLIC STATE OF IDAHO

STATE OF IDAHO )
: ss.
COUNTY OF ADA )

On the 23rd day of December, 1998, personally appeared before me Richard D. Heaton, who having first been duly sworn by me, did say that he is the Secretary of North Fork Energy, Inc., that the President of North Fork Energy, Inc., Ronald C.Yanke, has authority to sign the foregoing Warranty Deed on behalf of North Fork Energy, Inc. by reason of a duly and properly adopted resolution of the board of directors of North Fork Energy, Inc., and that he, Richard D. Heaton, as Secretary of North Fork Energy, Inc., has properly, and pursuant to authority duly granted to him by North Fork Energy, Inc., has signed the foregoing Warranty Deed attesting that the foregoing Warranty Deed was properly signed with authority on behalf of North Fork Energy, Inc.

NOTARY PUBLIC
Residing in the State of Idaho
SEAL: MICROFILMED
My commission exp.: 7/1
MAY 27 1999

LORI ANN O'LEARY NOTARY PUBLIC STATE OF IDAHO

WHEN RECORDED, MAIL TO:

John L. Miller
P.O. Box 2260
Napa, California 94558

# SPECIAL WARRANTY WATER RIGHTS DEED, WELL DEVELOPMENT AND MAINTENANCE AGREEMENT AND WELL DEVELOPMENT AND MAINTENANCE EASEMENT

North Fork Energy, Inc., a corporation organized and existing under the laws of the State of Idaho, with its principal place of business in Bingham County, Idaho, GRANTOR, hereby CONVEYS and WARRANTS to John L. Miller, or nominee, GRANTEE, of Napa County, California, for the sum of TEN DOLLARS and other good and valuable consideration, all right, title and interest in and to the following-described water rights:

Water Right Number ("WRN") 35-07141 for 4.8 cfs for the irrigation of 240 acres, as described in the Water Right License and the Snake River Basin Adjudication Claim Number ("SRBA Claim Number") A35-7141. Grantor believes this right may be reduced through the Snake River Basin General Adjudication to 4.68 cfs for the irrigation of 234 acres. Grantor makes no warranty beyond 4.68 cfs for the irrigation of 234 acres.

Water Right Number ("WRN") 35-07138 for 1.08 cfs for the irrigation of 54 acres, as described in the Water Right License. Grantor believes that SRBA Claim Number A35-07138 may be incorrect. Grantor makes no warranty except as to 1.08 cfs for the irrigation of 54 acres as described in the Water Right License.

WRN 35-00007 for the irrigation of 103 acres, as described in SRBA Claim Number A35-00007. However, Grantor believes the right may be limited to 2.1 cfs in the Snake River Basin General Adjudication. Grantor makes no warranty beyond 2.1 cfs for the irrigation of 103 acres.

WRN 35-00028 for 1.2 cfs for the irrigation of 109 acres, as described in SRBA Claim Number A35-00028.

WRN 35-00029 for .4 cfs for the irrigation of 109 acres, as described in SRBA Claim Number A35-00029.

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MAY 27 1999

WRN 35-02016, as described in SRBA Claim Number A35-02016. Grantor believes that the right may be reduced in the Snake River Basin Adjudication to 1.28 cfs for the irrigation of 64 acres. Grantor makes no warranty beyond 1.28 cfs and 64 acres.

WRN 35-02014, as described in the Water Right License for 1.3 cfs for irrigation as described in the Water Right License.

WRN 35-11390 for 20 cfs for fish propagation as described in SRBA Claim Number A35-11390 and as modified by Transfer Number 5055.

WRN 35-11392 for .04 cfs for the domestic use of one home.

WRN 35-11393 for .04 cfs for the domestic use of one home.

WRN 35-00047. Grantor makes no warranty whatsoever regarding WRN 35-0047.

A portion of WRN 35-007142 for the irrigation of 40 acres. Grantor makes no warranty whatsoever regarding WRN 35-007142.

**TOGETHER WITH** an undivided interest in the following water rights, and subject to the limitations described below:

WRN 35-04271 for 50 cfs for fish propagation as described in SRBA Claim Number A35-04271 and as modified by Transfer Number 5030.

WRN 35-08635 for .72 cfs for fish propagation as described by the Water Right License and as modified by Transfer Number 5030. Grantor believes that SRBA Claim Number A35-08635 may be incorrect. Grantor makes no warranty beyond .72 cfs.

✓ WRN 35-08782 for 4.64 cfs as described in the Water Right License and as modified by pending, unapproved Transfer Number 5345.

WRN 35-09068 for 4.79 cfs for fish propagation and 1. cfs for commercial use under WRN 35-08679. 35-09068 is for 4.79 CFS - Fish Prop.

✓ WRN 35-08679 for 1.0 cfs for commercial use, a r 5030.

As to Water Right Numbers 35-04271, 35-0863-, [illegible] Grantor retains the right to use the described flow for fish propagation purposes only on property retained by the Grantor located in the Northeast Quarter of Section 24, Township 4 South, Range 32 East

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MAY 27 1999

of the Boise Meridian, Bingham County, Idaho. Grantor's use of the water under Water Right Numbers 35-04271, 35-08635, 35-08782 and 35-09068 will be virtually non-consumptive.

As to WRN 35-08679, Grantor retains the right to consumptively use up to 1.0 cfs for commercial purposes, or file a transfer to use the water for irrigation or other consumptive purposes, on property retained by the Grantor located in the Northeast Quarter of Section 24 and the Northeast Quarter of the Southeast Quarter of Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho.

All flows available for use by Grantor or Grantee under Water Right Numbers 35-04271, 35-08635, 35-08782 and 35-09068, and all flows not consumed by Grantor under WRN 35-08679, shall be discharged to Boom Creek by Grantor at the point where Boom Creek intersects the existing Bingham County road in the Northeast Quarter of Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho. All water discharged by Grantor to Boom Creek shall meet all applicable state, federal and local laws, statutes, rules, regulations and ordinances, shall be free from any significant pathogens or disease which might adversely affect fish or wildlife, and shall be fit for the purposes of fish propagation, wildlife, recreation, the natural stream environment and aesthetics.

Grantor hereby conveys to Grantee a partial undivided right in and to Water Right Numbers 35-04271, 35-08635, 35-08782 and 35-09068 and 35-08679 consisting of the right to use the flow discharged by Grantor below the point described for all authorized purposes subject to any required Transfer from the Idaho Department of Water Resources and further subject to the limitations described above.

Neither Grantor nor the Grantee shall file any application for Transfer involving Water Right Numbers 35-04271, 35-08635, 35-08782, 35-09068 and 35-08679 which might in any manner diminish the quantity or quality of water available to the other.

Except as expressly stated otherwise above, Grantor warrants that it is conveying good, marketable, unencumbered title to all of the water rights described above. The same acreage may be an approved place of use for more than one water right. As part of the Snake River Basin General Adjudication, approved flows may be reduced because of this stacking of water rights. Reductions in flow as the result of stacking shall not be considered a breach of Grantor's warranties. As part of the Snake River Basin General Adjudication, small adjustments in approved acreage may be made as the result of the capacity for more precise measurements. Small reductions in acreage as the result of better measurement shall not be considered a breach of Grantor's warranties.

Water Right Number 35-04271, 35-08635, 35-08782, 35-09068 and 35-08679 and Transfer Numbers 5030, 5055 and pending Transfer Number T5345, approved a total of 10 wells to be drilled

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MAY 27 1999

on property retained by Grantor located in the Northeast Quarter of Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho. Three of the wells have been completed. Grantor shall continue to develop two (2) additional wells until the total authorized artesian flow from the wells under the described water right numbers and transfer numbers is obtained, or hydro geological data reasonably acceptable to Grantee indicates that additional wells would not result in a net yield from all of the wells of more than 3 cfs. Grantor shall complete the two (2) additional wells on or before August 1, 1999. While Grantor is not obligated to Grantee to develop the full ten (10) wells authorized under the described water rights and transfers, any water developed by Grantor on property belonging to Grantor located in the Northeast Quarter of Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho shall first be used to satisfy the water rights and transfers that Grantor and Grantee have undivided interests in as described above before being used for any other purpose. Grantor shall submit any proof required under the described water rights and transfers and shall timely take all other steps which may be reasonable and necessary to keep the described water rights and transfers in good standing. Grantor shall reasonably operate and maintain the wells in a condition which will maximize the flow to which the Grantor and Grantee have a right under the described water rights and transfers.

If for any reason Grantor fails to diligently and timely complete development of the two additional wells as described above, or alternatively, Grantor fails to maintain any wells developed by Grantor which are necessary to satisfy the water rights and transfers that Grantor and Grantee have undivided interests in as described above, Grantee shall have an easement and a right of ingress and egress across the property belonging to Grantor located in the Northeast Quarter of Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho for the purpose of developing the two additional wells described above, or maintaining any wells developed by Grantor which are necessary to satisfy the water rights and transfers that Grantor and Grantee have undivided interests in as described above.

All of Grantor's obligations under this Special Warranty Water Rights Deed, Well Development and Maintenance Agreement and Well Development and Maintenance Easement shall run with the land and shall bind Grantors successors and assigns.

The officers of North Fork Energy, Inc. who sign this Special Warranty Water Rights Deed, Well Development and Maintenance Agreement and Well Development and Maintenance Easement hereby certify that this instrument and the agreements and transfers represented thereby was duly authorized under a resolution duly adopted by the board of directors of North Fork Energy, Inc. at a lawful meeting properly noticed and held, and attended by a quorum.

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MAY 27 1999

IN WITNESS WHEREOF, the GRANTOR has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 23 day of December, 1998.

NORTH FORK ENERGY, INC., Grantor

Ronald C. Yanke, President

ATTEST:

Richard D. Heaton, Secretary

STATE OF IDAHO )
: ss.
COUNTY OF ADA )

On the 23rd day of December, 1998, personally appeared before me Ronald C. Yanke, who having first been duly sworn by me, did say that he is the President of North Fork Energy, Inc., that he has authority to sign the foregoing Special Warranty Water Rights Deed, Well Development and Maintenance Agreement and Well Development and Maintenance Easement on behalf of North Fork Energy, Inc. by reason of a duly and properly adopted resolution of the board of directors of North Fork Energy, Inc., and that the foregoing instrument was signed on behalf of North Fork Energy by him.

NOTARY PUBLIC
Residing in the State of Idaho
SEAL:
My commission exp.: 7/22/2001

LORI ANN O'LEARY NOTARY PUBLIC STATE OF IDAHO

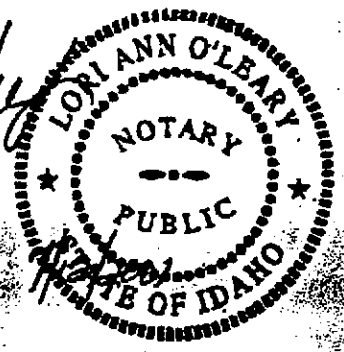
STATE OF IDAHO )
: ss.
COUNTY OF ADA )

On the 23rd day of December, 1998, personally appeared before me Richard D. Heaton, who having first been duly sworn by me, did say that he is the Secretary of North Fork Energy, Inc., that the President of North Fork Energy, Inc., Ronald C. Yanke, has authority to sign the foregoing Special Warranty Water Rights Deed, Well Development and Maintenance Agreement and Well Development and Maintenance Easement on behalf of North Fork Energy, Inc. by reason of a duly and properly adopted

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MAY 27 1999

resolution of the board of directors of North Fork Energy, Inc., and that he, Richard D. Heaton, as Secretary of North Fork Energy, Inc., has properly, and pursuant to authority duly granted to him by North Fork Energy, Inc., signed the foregoing instrument attesting that the foregoing instrument was properly signed with authority on behalf of North Fork Energy, Inc.

NOTARY PUBLIC
Residing in the State of Idaho
SEAL:
My commission exp. [illegible]




MICROFILMED 6
MAY 27 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# TRANSFER OF WATER RIGHT

**TRANSFER NO. 5345**
**WATER RIGHT NO. 35-08782**

This is to certify that: **NORTH FORK ENERGY INC**
**PO BOX 5405**
**BOISE ID 83705**

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| BENEFICIAL USE | PERIOD OF USE | DIVERSION RATE | ANNUAL VOLUME |
|---|---|---|---|
| FISH PROPAGATION | 01/01 to 12/31 | 4.64 CFS | 3353.3 AF |

**SOURCE**

GROUNDWATER

**Priority:** 05/23/1989

**LOCATION OF POINT(S) OF DIVERSION:** NENE , Sec. 24, Township 04S, Range 32E
SENE , Sec. 24, Township 04S, Range 32E
BINGHAM County

**PLACE OF USE:** FISH PROPAGATION

| TWN | RGE | SEC | | | |
|---|---|---|---|---|---|
| 04S | 32E | 24 | SWNE | SENE | SWSW |
| | | | SESW | | |
| | | 25 | NENW | NWNW | |
| | | 26 | NENE | SWNE | SENE |

## CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. A total of 10 wells located within the E1/2NE, S24, T04S, R32E are authorized for use under Right 35-08782.
3. The total number of wells authorized development and use under this transfer approval shall be completed within three (3) years of the date of this approval.
4. The right holder shall submit a map identifying the specific location of all wells developed under this approval within three (3) years of the date of this approval.

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**TRANSFER NO. 5345**
**WATER RIGHT NO. 35-08782**

## CONDITIONS OF APPROVAL AND REMARKS

5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster of State Water District No. 01, Snake River District.
6. The total instantaneous diversion of water from all points of diversion under Transfer 5345 shall not exceed 4.64 cfs, nor a total combined annual volume of 3353.3 af.
7. Approval of Transfer 5345 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
8. Use of water under this right shall be non-consumptive.
9. 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.
10. 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.
11. The right holder shall provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
12. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dated this 14th day of January, 1999.

L. Glen Saxton

Chief, Water Allocation Bureau

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FEB 04 1999

12-92

Page 1 of 7

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5345

RECEIVED

DEC 23 1998

Department of Water Resources

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Name of applicant North Fork Energy Inc Phone 208 328 2306

Post Office address P.O. Box 5405 Boise, ID 83705

### A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes To better utilize water for fish propagation in existing facilities and provide an additional artesian well supply.

### B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.

| Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use | |
|---|---|---|---|---|---|
| 35-08782 | 05/23/1989 | 4.64 | Fish Prop. | 01-01 | to 12-31 |
| | | | | | to |
| | | | | | to |
| | | | | | to |

2. Total amount of water being transferred 4.64 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water artesian well * tributary to Boom Creek

4. ~~Point(s)~~ of Diversion:

| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|---|---|---|---|---|---|---|---|---|
| | | NE | NE | 24 | 4S | 32E | Bingham | 1 well * |
| | | SE | NE | " | " | " | | |
| | | | | | | | | |
| | | | | | | | | |

5. Lands irrigated or place of use: *If the first well drilled does not achieve 4.64cfs, other wells can be approved to do so.

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 4S | 32E | 24 | | | HR | HR | | | | | | | HR | HR | | | | | |
| | | 25 | | | | | HR | HR | | | | | | | | | | | |
| | | 26 | HR | | HR | HR | | | | | | | | | | | | | |
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FEB 04 1999

Total acres _____

Transfer No. 5345

## PART 1

6. General Information:

a. Description of diversion system Spring and artesian wells. Flow from the artesian wells will be piped to the head of raceways or the hatchery. Discharge from raceways flows down Boom Creek to American Falls reservoir

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

☐ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

Transfer of this source to the upstream area of the fish propagation facilities will provide greater efficiency in production and the water supply system.

## ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

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FEB 0 4 1999

Form 1-222
12-90



Transfer No. 5345

**STATE OF IDAHO**
**DEPARTMENT OF WATER RESOURCES**

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 2

*(Attach one copy for each right)*

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:
   a. Decree No. _____ Decreed to _____
      in case of _____ vs. _____
      dated _____ in _____ county of _____
   b. License No. 35-08782 issued by the Idaho Department of Water Resources.
   c. Claim No. _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.
   ☒ Tax notice ☐ Warranty Deed ☐ Other _____
3. Source of water Groundwater tributary to _____
4. Date of priority 05/23/1989
5. Water is used for the following purpose:
   Amount (cfs/ac-ft) 4.64 for Fish Prop. purposes from 01/01 to 12/31
   Amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____
   Amount (cfs/ac-ft) _____ for _____ purposes from _____ to _____
6. Total amount of water under right 4.64 cubic feet per second and/or 3353.3 acre-feet per annum.
7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|---|---|---|---|---|---|---|---|---|
| 2 | | SW | NW | 30 | 4S | 33E | Bingham | |
| | | | | | | | | |
| | | | | | | | | |

8. Lands irrigated or place of use:

| 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 | |
| 4S | 33E | 30 | | | | | | | HR | | | HR | | | | | | | |
| | | | | | | | | | L-2 | | | L-3 | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |

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See attached map Total acres _____

9. Describe any other water rights used for the same purpose as described above 35-04271, 35-08679, 35-08635

## PART 2

Transfer No. 5345

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

### B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

*(if the entire right is to be changed by the applicant, omit part B and C)*

1. Amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   Amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   Amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

3. Lands irrigated or place of use:

| 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 | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |

Total acres _____

### C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. Amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   Amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   Amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

3. Lands irrigated or place of use:

| 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 | |
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MICROFILMED

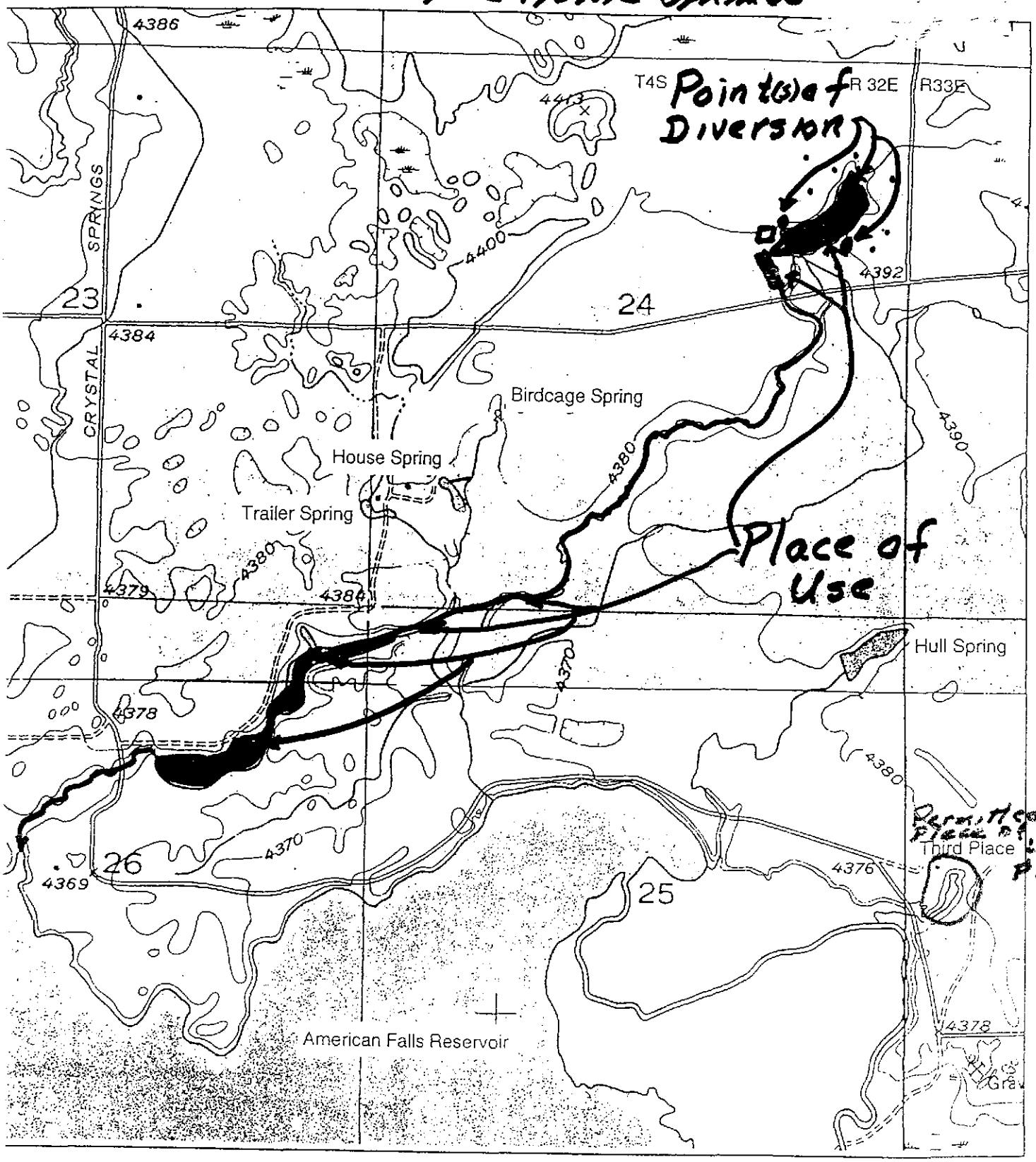
Total acres _____

FEB 0 4 1999

T5345

35-08782

# NORTH FORK ENERGY - CRYSTAL SPRINGS




MICROFILMED

FEB 0 4 1999

Transfer No. 5345

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 3

**A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**

MICROFILMED
FEB 0 4 1999

SCALE: 2 inches equals 1 mile. Draw plan in ink.

Transfer No. 5345

## PART 3

### B. CHANGES IN NATURE OF USE

| 1. New Nature of Use | Amount (cfs/ac-ft) | Hours/days/year | Period of Use |
|---|---|---|---|
| | | | to |
| | | | to |

2. Quantity and quality of return flows and location of discharge:

Entire flow from springs and wells discharges into American Falls reservoir

3. Describe the effects on other water uses resulting from the proposed change:

There are no diversions downstream of this facility and no change in net use will occur

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Gregory R. Sanders TREASURER
(Signature of Applicant)

Subscribed and sworn to before me this 30th day of July, 19 98.

Cynthia L. Parrish-Jones
(Notary Public)

My commission expires July 25, 2003

### FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by HWJ Date 8-3-98 Protest filed by _____

Prelim. check by _____ Fee #100.00 _____

Receipted by HWJ #EQ24521 Date 8-3-98 _____

Published in Morning News Copies of protest forwarded by _____

Pub. dates Nov 19 & 26th 1998. Hearing held by _____ Date

Watermaster recommendation requested on _____ Recommended for [X] Approval [ ] Denial

_____ rec'd. _____ by RDC

Copy of transfer sent to lien holder _____

MICROFILMED

FEB 04 1999

MAKE CHECK PAYABLE TO:
AUDREY PORTER, TAX COLLECTOR
P.O. BOX 190
BLACKFOOT, ID 83221
208-785-8040

# 1997 TAX BILL/RECEIPT

BILL# 6593 CODE AREA 18-00

PARCEL NUMBER
RP0163602 A

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1ST HALF DUE | | 2ND HALF DUE | | FULL DUE | | L | 190 |
| TAX | 115.13 | TAX | 115.13 | TAX | 230.26 | I | 19,110 |
| LATE | | LATE | | LATE | | TOT MV | 19,300 |
| INT | | INT | | INT | | | |
| COST | | COST | | COST | | WAC | .760 |
| TOT | | TOT | | TOT | | TOT ACS | 10.000 |

NORTH FORK ENERGY INC
4414 S GEKELER LN
BOISE ID 83705

| TAXING DISTRICT | RATE | AMOUNT |
|---|---|---|
| STATE | .000000000 | |
| COUNTY | .005226573 | 100.86 |
| SCHOOL 58 | .005976098 | 115.34 |
| S S CEM | .000110681 | 2.14 |
| ABER/SPR FIRE | .000304447 | 5.88 |
| AMBULANCE DIST | .000313404 | 6.04 |
| AMOUNT DUE | .011931203 | 230.26 |

T4S R33E SEC 30
PT T-9607

ATTACHMENT "A"

MICROFILMED
FEB 04 1998

★ ★ ★IMPORTANT ★ ★ ★
PLEASE READ BOTH FRONT AND BACK
★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

********OFFICE COPIES WILL NOT BE PRINTED********
***YOU MUST BRING STUB OR SEND IF PAYING BY MAIL*

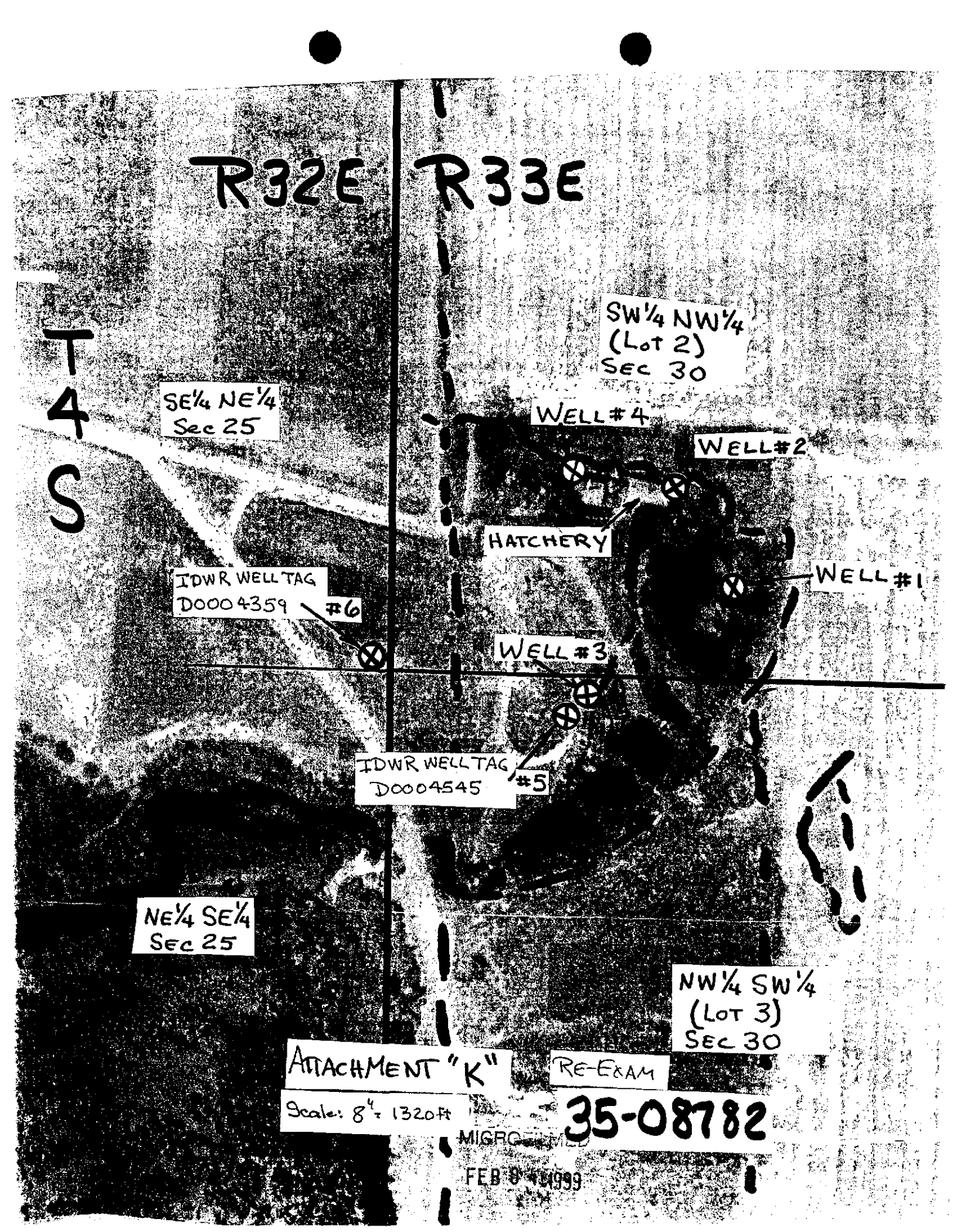
ATTACHMENT "L"

RE-EXAM

35-08782

MICROFILMED

FEB 04 1999


R32E
R33E
T
4
S
SW¼ NW¼
(Lot 2)
Sec 30
SE¼ NE¼
Sec 25
WELL #4
WELL #2
HATCHERY
WELL #1
IDWR WELL TAG
D0004359
#6
WELL #3
IDWR WELL TAG
D0004545
#5
NE¼ SE¼
Sec 25
NW¼ SW¼
(Lot 3)
Sec 30
ATTACHMENT "K"
RE-EXAM
Scale: 8" = 1320ft
35-08782
MICRO
FEB 8 1999

ATTACHMENT "L"

RE-EXAM

35-08782

FEB 04 1999

State of Idaho
Department of Water Resources

# Water Right License

WATER RIGHT NO. 35-08782

**Priority:** May 23, 1989

Maximum Diversion Rate: 4.64 CFS
Maximum Diversion Volume: 3353.3 AF

This is to certify, that NORTH FORK ENERGY INC
PO BOX 5405
BOISE ID 83705 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 23, 1989; and has submitted Proof of Beneficial Use on April 17, 1992. An examination indicates that the works have a diversion capacity of 5.780 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

| BENEFICIAL USE | PERIOD OF USE | RATE OF DIVERSION | ANNUAL VOLUME |
|---|---|---|---|
| FISH PROPAGATION | 01/01 to 12/31 | 4.64 CFS | 3353.3 AF |

**LOCATION OF POINT(S) OF DIVERSION:** Lot 2( SWNW), Sec. 30, Township 04S, Range 33E
BINGHAM County

**PLACE OF USE:** FISH PROPAGATION

| TWN | RGE | SEC | | |
|---|---|---|---|---|
| 04S | 33E | 30 | Lot 2(SWNW) | Lot 3(NWSW) |

## CONDITIONS OF APPROVAL AND REMARKS

LICENSE

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 which 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 shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this right shall be non-consumptive.
6. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. 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.

MICROFILMED
OCT 26 1998

State of Idaho
Department of Water Resources

# Water Right License

WATER RIGHT NO. 35-08782

CONDITIONS OF APPROVAL AND REMARKS

8. The right holder shall provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
9. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
10. The right holder shall maintain a means of measurement and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
11. Rights 35-07097 and 35-07098 are also diverted through the point(s) of diversion described 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 22ND day of OCTOBER, 1998.

Acting for KARL J. DREHER, Director

MICROFILMED
OCT 26 1998

07/94

RECEIVED
MAY 27 1997
Department of Water Resources
Eastern Region

RECEIVED
MAY 30 1997
Department of Water Resources

For Office Use Only
$25.00 Filing Fee
Receipt # E023259
Date 5-27-97

State of Idaho
DEPARTMENT OF WATER RESOURCES

# ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Golden Eagle Ranch (Name of Permit Holder) hereby assign to North Fork Energy, Inc. of P.O. Box 5405, Boise, Idaho 83705 (Full Address and Phone Number) 208-342-8901

All my right, title, and interest in and to Permit No. 35-08782 to appropriate the public waters of the State of Idaho.

~~OR (for partial assignments)~~

The following described portion of my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision, point of diversion location, and the amount of water in cubic feet per second.

_____

_____

_____

Made this 8th day of May, 19 97.

Roger Ferguson owner (Golden Eagle Ranch)
Permit Holder(s)

State of Idaho )
ss
County of MADISON )

On this 8th day of May, 1997, personally appeared before me the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

DIANE CLEMENTS NOTARY SEAL PUBLIC STATE OF IDAHO

Diane Clements
Notary Public

Diane Clements
Signature

My commission expires: 4/22/03

MICROFILMED
JUN 10 1997

RECEIVED
APR 17 1992

Form 217
11/91

Department of Water Resources
Eastern District Office

OFFICE USE ONLY
Amt. of Fee $ 200.00
Date 4-17-92
Receipt No. E017174
Receipt by KW

**STATE OF IDAHO**
**DEPARTMENT OF WATER RESOURCES**

# PROOF OF BENEFICIAL USE

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

1. Permit No. 35-8782 Telephone No. 328-2226/521-1090
2. Name(s) of Permit Holder(s): Golden Eagle Ranch
3. Mailing Address: P.O. Box 519 RexBurg, ID 83440
4. Source of Water: Groundwater

   If **GROUNDWATER**, Well Driller's Name: ~~Deming~~ unknown Date Drilled: ~~1990~~ prior to 7/1/87 (5/20/92 Klg - per conversation with permit holder)

   *OPTIONAL:*
   Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

   Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

   Irrigation _____ (No. of acres) Other Fish Propagation

6. Total rate and/or volume for which proof is submitted 4.64 cfs **OR** _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

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

   **OR**

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

8. Fee Enclosed: $ 200.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

   Mo Caufman 328-2226
   Name Telephone No.

   Crystal Springs of Idaho, Springfield Id
   Address

10. 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.

17 April 92 _____ Manager
Date Signature (and title, if on behalf of a company or organization)

State of Idaho
Department of Water Resources

# Permit To Appropriate Water

NO. 35-08782

**Proposed Priority:** May 23, 1989 Maximum Diversion Rate: 4.64 CFS
This is to certify, that **GOLDEN EAGLE RANCH**
P.O. BOX 519
REXBURG, ID 83440
has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

| BENEFICIAL USE | PERIOD OF USE | RATE OF DIVERSION |
|---|---|---|
| FISH PROPAGATION | 01/01 to 12/31 | 4.64 CFS |

**LOCATION OF POINT(S) OF DIVERSION:** SWNW Sec. 30, Township 04S, Range 33E
BINGHAM County

**PLACE OF USE:** FISH PROPAGATION

| TWN | RGE | SEC | | |
|---|---|---|---|---|
| 04S | 33E | 30 | SWNW | NWSW |

**CONDITIONS/REMARKS:**

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **June 1, 1992.**
2. Subject to all prior water rights.
3. Measuring devices of a type approved by the Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
4. Use of water under this permit shall be non-consumptive.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. 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.
7. 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.
8. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
9. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
10. Assignment or sale of this permit is subject to a determination by the Department that the permit holder has proceeded to develop the permit with due diligence and without speculation.

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JUN 19 1990

State of Idaho
Department of Water Resources

# Permit To Appropriate Water

NO. 35-08782

**CONDITIONS/REMARKS:**

11. Return flow if discharged to a subsurface system must be authorized by a separate injection well permit, and return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.
12. The permit holder shall be required to provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
13. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.

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

4th day of June, 1990.

R. Glen Saxton
for R. Keith Higginson, Director

MICROFILMED
JUN 19 1990

Form 202
6/85

Ident. No. 35 8782

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# APPLICATION FOR PERMIT

## To appropriate the public waters of the State of Idaho

1. Name of applicant Golden Eagle Ranch Phone 356-3813

   Post office address P.O. Box 579 Rexburg ID 83440

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

3. Location of point of diversion is _____ ¼ of SW ¼ of NW ¼, Govt. Lot _____

   Sec. 30 Township 04S Range 33E B.M. Bingham County; additional

   points of diversion if any: _____

4. Water will be used for the following purposes:

   Amount 4.64 (cfs ~~or acre-feet per annum~~) for Fish Propogation purposes from 01/01 to 12/31 (both dates inclusive)

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

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

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

5. Total quantity to be appropriated is (a) 4.64 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. Artesian well, pipeline to fish hatchery

   b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.

   c. ~~Proposed~~ Existing well diameter is 12 inches; proposed depth of well is 250 feet.

   d. Is ground water with a temperature of greater than 90°F being sought? _____

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years (*minimum 1 year*).

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JUN 19 1990

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

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. H/ fish propagation at hatchery III for Crystal Springs Trout Farm.

9. Description of place of use:

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

b. 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 | |
| 04S | 33E | 30 | | | | | | | H | | | H | | | | | | | |

~~President~~ -
Sole proprieter - Roger Ferguson.
P.O. Box 579
Rexburg, ID
83440.

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 35-07097

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: After flowing through fish hatchery water enters Boom Creek ~~which~~ and eventually the Snake River. None of the water is consumptively used by the hatchery.

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JUN 19 1990

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



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JUN 19 1990

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.

Golden Eagle Ranch (by)
(MANAGER)
Mike Webster (Applicant)

Received by EMC Date 5-23-89 Time _____ Preliminary check by _____

Fee $ 125.00 Receipted by EMC # E007828 Date 5-23-89.

Publication prepared by RB Date 3-18-90 Published in Morning News

Publication approved CW Date 3-30-90

## 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:

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JUN 19 1990

JACKSON, R. David
P.O. Box 5[illegible]8
Fort [illegible]all, I[illegible] 83203
Source: GROUNDWATER
Diversion Pt: SESWNW, Sec. 20, T. 03S, R. 34E.
Use: IRRIGATION (.200 CFS).
Total Diversion: (.200 CFS).
Date Filed: 5/31/1989.
In: T03S, R34E, S20, NWNW, SWNW, NESW.
10.0 ACRES TOTAL.

**35-08780**

FIELDING, Gary R.
134 W. 600 N.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: SWSW, Sec. 32, T. 01S, R. 36E.
Use: IRRIGATION (.840 CFS).
Total Diversion: (.840 CFS).
Date Filed: 5/25/1989.
In: T01S, R36E, S31, SWSE; S32, NESW, SESW
42.0 ACRES TOTAL.

**35-08781**

RAY, Jesse W.
RAY, Rosemary
1044 W. 300 S.
Pingree, Id. 83262
Source: GROUNDWATER
Diversion Pt: SWSWSE, Sec. 17, T. 03S, R. 34E.
Use: IRRIGATION (.100 CFS).
Total Diversion: (.100 CFS).
Date Filed: 5/18/1989.
In: T03S, R34E, S17, SWSE.
5.0 ACRES TOTAL.

Check

**35-08782**

GOLDEN EAGLE RANCH
P.O. Box 579
Rexburg, Id. 83440
Source: GROUNDWATER
Diversion Pt: SWNW, Sec. 30, T. 04S, R. 33E.
Use: FISH PROPAGATION (4.640 CFS).
Total Diversion: (4.640 CFS).
Date Filed: 5/23/1989.
In: T04S, R33E, S30, SWNW, NWSW.

**35-08847**

GOODWIN, Steve B.
GOODWIN, Virginia A.
183 S. 1000 W.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversion Pt: NESW, Sec. 9, T. 03S, R. 34E; SWSW, Sec. 9, T. 03S, R. 34E.
Use: IRRIGATION (.800 CFS).
Total Diversion: (.800 CFS).
Date Filed: 10/20/1989.
In: T03S, R34E, S09, NESW, NWSW.
40.0 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, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before MARCH 19, 1990.

R. KEITH HIGGINSON
Director

(707)
Pub.: 3/1,-8

MICROFILMED
JUN 19 1990

RECEIVED
MAR 21 1990
Department of Water Resources
Eastern District Office

# AFFIDAVIT of PUBLICATION

County of Bingham )
)ss
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 circulaton 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 affidavit 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

1st day of March, 19 90;

and the last publication having been made on the

8th day of March, 19 90;

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 19th day of March, in the year 1990 before me a Notary Public of said State, personally appeared [illegible]

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 executed the same.

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

Affidavit Processing Fee..... $5.00

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

May 5, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN L MILLER
PO BOX 2260
NAPA CA 94558

RE: Water Rights 35-08679/35-08782

Dear Mr. Miller:

The Department is in receipt of the correspondence changing the ownership of the above referenced water rights to you. We have modified our records to reflect these changes in ownership and computer-generated reports are enclosed.

Just a reminder, because of a law that went into effect July 1, 1996, all water right owners are required to report change of address or ownership to the department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee to the water right owner. If you have other water rights that haven't had the ownership updated please contact the department as soon as possible.

If you have any questions regarding this matter, please feel free to contact me at (208) 327-7947.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

MICROFILMED
MAY 27 1999

LAW OFFICES
SNOW, CHRISTENSEN & MARTINEAU
A PROFESSIONAL CORPORATION
10 EXCHANGE PLACE, ELEVENTH FLOOR
POST OFFICE BOX 45000
SALT LAKE CITY, UTAH 84145-5000
TELEPHONE (801) 521-9000
FACSIMILE (801) 363-0400
HTTP://WWW.SCMLAW.COM

REED L. MARTINEAU
H. JAMES CLEGG
DAVID W. SLAGLE
A. DENNIS NORTON
ALLAN L. LARSON
JOHN E. GATES
R. BRENT STEPHENS
KIM R. WILSON
MICHAEL R. CARLSTON
DAVID G. WILLIAMS
REX E. MADSEN
MAX D. WHEELER
ROBERT H. HENDERSON
STEPHEN J. HILL
DAVID W. SLAUGHTER
STANLEY J. PRESTON
JOY L. CLEGG
SHAWN E. DRANEY
JOHN R. LUND
RYAN E. TIBBITTS
RODNEY R. PARKER
RICHARD A. VAN WAGONER
ROBERT C. KELLER
ANDREW M. MORSE
CAMILLE N. JOHNSON
TERENCE L. ROONEY
DENNIS V. DAHLE
KOREY D. RASMUSSEN
HARRY H. SOUVALL
SCOTT K. WILSON
LINDA LUINSTRA BALDWIN
DAVID L. PINKSTON
JULIANNE BLANCH
BRIAN P. MILLER
JUDITH D. WOLFERTS
KEITH A. CALL
SCOTT H. MARTIN
HEATHER S. WHITE
ROBERT R. HARRISON

THURMAN & SUTHERLAND 1886
THURMAN, SUTHERLAND & KING 1888
THURMAN, WEDGWOOD & IRVINE 1906
IRVINE, SKEEN & THURMAN 1923
SKEEN, THURMAN, WORSLEY & SNOW 1952
WORSLEY, SNOW & CHRISTENSEN 1967

JOHN H. SNOW 1917-1980

OF COUNSEL
HAROLD G. CHRISTENSEN
GORDON R. HALL
JOSEPH NOVAK

January 7, 1999

WRITER'S DIRECT NUMBER:

(801) 322-9138

RECEIVED
JAN 13 1999
Department of Water Resources

RECEIVED
JAN 19 1999
Department of Water Resources
Eastern Region

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

Attn: Adjudication Bureau

Re: Change of Water Right Ownership

Dear Adjudication Bureau:

My client, John L. Miller, purchased certain water rights from North Fork Energy, Inc., and a partial interest in other North Fork Energy, Inc. rights. Enclosed is a form notifying you of this change.

Please call me if you have questions, comments or concerns.

Very truly yours,

SNOW, CHRISTENSEN & MARTINEAU

Shawn E. Draney

SED/dwb
Enclosure
cc: North Fork Energy, Inc., Former Owner (w/enc.)
John L. Miller, New Owner (w/enc.)

MICROFILMED
MAY 27 1999

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208)327-7900 FAX: (208)327-7866 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

January 14, 1999

NORTH FORK ENERGY INC
PO BOX 5405
BOISE ID 83705

RE: Water Right 35-08782 (Transfer 5345)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5345). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a $100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

MICROFILMED
FEB 0 4 1999

**CERTIFICATE OF MAILING**

I hereby certify that on the **14th** day of **January, 1999,** I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

**WATER RIGHT 35-08782 (Transfer 5345)**

**NORTH FORK ENERGY INC**
**PO BOX 5405**
**BOISE ID 83705**

Kari Lynn Townsend
Secretary

MICROFILMED
FEB 04 1999

# Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. **A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:**

## PETITION FOR RECONSIDERATION

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

## EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

## ORAL ARGUMENT

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

MICROFILMED
FEB 0 4 1999

## CERTIFICATE OF SERVICE

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

## FINAL ORDER

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

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

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

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

## APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

APPROVED
FEB 04 1999

# MEMORANDUM

**TO:** File 35-08782

**FROM:** Pam Skaggs/State Office

**SUBJECT:** Transfer 5345

**DATE:** January 12, 1999

---

Transfer 5345 changes and adds points of diversion, and changes the place of use under Right 35-08782. The applicant is transferring the groundwater source for the fish facility upstream of the current location to provide greater efficiency in production and water supply.

The application identifies two quarter quarters or the E1/2NE, S24, T04S, R32E as the location of at least one (1) well, with plans to drill several wells to provide the full rate of diversion under this right. I contacted the applicant's consultant on this project, Chuck Brockway Sr., and confirmed that no more than 10 wells would be drilled under this transfer approval in the two quarter quarters. A condition requiring the applicant to submit a map of the final location of all wells was included on the approval.

Other recommended conditions include drilling permit requirements, measuring devices & lockable controlling works, right-of-way, licensing conditions and standard transfer conditions.

MICROFILMED

FEB 0 4 1999

# TRANSFER REVIEW SHEET
(07-98)

**Transfer #** 5345 **Date Reviewed** 01-08-98

**Right(s)** 35-08782

✓ **WRQ/Split Summary** NA **SRBA Status** ____ **Run POU Comparison Report**

**B**:Change P/D **C**:Add P/D **D**:Change P/U **E**:Change Nature of Use
**F**:Change Period of Use **G**:Other **H**:Change P/D & Add P/D
**I**:Change P/D & P/U (J):Add P/D & Change P/U

**Proof of Ownership** 97 tax notice - Recent License 10-22-98

**Transfer** ✓ **All of Right** ____ **Portion of Right**
**Resulting Split(s)** NONE

**Check Transfer Against Recorded Right** **Season/Vol.** ____

(1) ✓ Priority (2) ✓ Use (3) ✓ Season (4) ✓ Rate (5) ✓ Volume

(6) ✓ Source (7) ___ P/D (8) ___ P/U (9) ✓ Proof/Owner (10) ✓ Map

(11) (01) GW Water District (12) Yes Pertinent Conditions (13) NO Expansion w/limits

(5) Add wells/Change location. Total of 10 wells E½NE.
(8) Change P/U

* Per Chuck Brockway 01-08-99 a total of 10 wells to be located in E½NE, S24.

**Transfer Remarks** P/D remark modified 3 yrs WS7 WR4 R43 (combined Remark) License Conditions
**Conditions** 046, (T07), T08 (T17)
027, 048, 049, 042, 081

**Database/Processing Notes** **Standard** ✓ **Non-Standard** ____
T file

**"T" Files Update Complete** ✓ **Approval Form** ✓ **Transfer Memo** ✓
**Database Updated Following Approval** ✓ **Memo/Form Files Deleted** ✓
01-14-99 GS

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY



| WATER RIGHT NO. | NAME | OWNER | PRIORITY DATE | STG/STS | SOURCE | USE DESC | SYSTEM |
|---|---|---|---|---|---|---|---|
| 35-08782 | NORTH FORK ENERGY INC | C | 05/23/1989 | L/ | GROUNDWATER | FISH | WR |
| T35-08782 | NORTH FORK ENERGY INC | C | 05/23/1989 | L/ | ARTESIAN WELL | FISH | WR |

T5345

Form 222a
6/78

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES
# TRANSFER ANALYSIS SHEET

8-13-98
T#5345
RECEIVED
DEC 23 1998
Department of Water Resources

INITIAL REVIEW BY: HWJ

1. Right number 35-08782 Applicant NORTH FORK ENERGY
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
   ☐ Other _____
4. Check:
   a. ☑ Source ☑ Priority ☐ Amount ☐ Purpose ☐ Period of use
   b. ☑ Description of original point of diversion.
   c. ☐ Description of original place of use.
5. Amount of land &/or water transferred:
   a. ☒ All of right.
   b. ☐ Part of right *(NOTE! Part B should be filled in only if part of the right is owned by the applicant).*
   c. ☑ Check description of point(s) of diversion.
   d. ☑ Check description of place of use.
   e. ☑ Check map (shows p.d. and p.u. after transfer).
   f. ☑ Check for correct signature, notarization, and fee.
   g. ☑ Check proof of ownership of right &/or land from which water is transferred.
   h. ☑ Check for expansion in use of right. Comments _____
   i. ☑ Check for existing water rights from same source, on land water is being transferred to.
      Right number(s) 35-08679, -08635-04271-00007 ~~-00118~~
   j. ☑ Is use within a Watermaster District? ☑ Yes ☐ No
      If yes, what district? WD01

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☑ Approve
2. ☐ Deny
3. Conditions* MEASURING DEVICE
4. By RDC Date 12/17/98

* *All uses within Watermaster Districts require special conditions.*

T5345

Dept. of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718
(20) 525-7161
Fax (208) 525-7177

NOTICE OF PROPOSED
CHANGE OF A WATER RIGHT
T5345

**NOTICE IS HEREBY GIVEN** that North Fork Energy, P.O. Box 5405, Boise, Idaho, 83705, has applied to the Department of Water Resources to change a point of diversion and change the place of use of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 35-08782
Source: Groundwater
Amount: 4.64 cfs
Priority: 05/23/1989
Point of Diversion: SWNW, Sec. 30, T04S, R33E, Bingham County
The water is used for fish propagation from 01/01 to 12/31 within Sec. 30, T04S, R33E, B.M.

**TO BE CHANGED AS FOLLOWS:**

The applicant intends to transfer the point of diversion to a new well in the NENE or SENE of Sec. 24, T04S, R32E and send the water through the top of the fish production system and then empty into Boom Creek.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Drive, Suite A, Idaho Falls, Idaho, 83402, together with a protest fee of $25 on or before December 7, 1998. The protestant must also send a copy of the protest to the applicant.

**KARL J. DREHER**
**Director**

(3963)
**Pub.: 11/19, 26**

RECEIVED
NOV 20 1998
Department of Water Resources
Eastern Region

Legals

## AFFIDAVIT OF PUBLICATION

County of Bingham )
ss
State of Idaho )

I, Jacqueline Graham do solemnly swear that I am the Legal Coordinator 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 1911, approved March 11, 1911, 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 affidavit and part of the proof of publication was published in said issue of said newspaper 2 consecutive Weeks the first publication having been made on the 19th day of Nov 1998; and the last publication having been made on the 26th day of Nov 1998; 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.

Jacqueline Graham

On this 30th day of Nov, in the year of 1998, before me a Notary Public of the State, personally appeared Jacqueline Graham, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me the first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

MARGERY SITZMANN NOTARY PUBLIC STATE OF IDAHO

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires:
June 19, 2004
Affidavit Processing Fee.....$5.00

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 10, 1998

NORTH FORK ENERGY
PO BOX 5405
BOISE ID 83705

RE: Application for Transfer #5345

Dear Applicant:

This office is currently in the process of advertising the application in the Morning News on November 19 and 26, 1998. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED

FEB 0 4 1999

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 6, 1998

MORNING NEWS
PO BOX 70
BLACKFOOT ID 83221

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated 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 DECEMBER 7, 1998.

Respectfully submitted,

Sharla Cox
Secretary

Enc.

MICROFILMED

FEB 0 4 1999

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5345

Notice is hereby given that North Fork Energy, PO Box 5405, Boise ID 83705, has applied to the Department of Water Resources to change a point of diversion and change the place of use of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 35-08782 Source: Groundwater
Amount: 4.64 cfs Priority: 05/23/1989
Point of Diversion: SWNW SEC 30 T04S R33E, BINGHAM COUNTY
The water is used for fish propagation from 01/01 to 12/31 within SEC 30 T04S R33E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to transfer the point of diversion to a new well in the NENE or SENE of SEC 24 T04S R32E and send the water through the top of the fish production system and then empty into Boom Creek.

Any protests against approval of the proposed changed must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr. Ste A, Idaho Falls, ID 83402, together with a protest fee of $25 on or before December 7, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Morning News on November 19 and 26, 1998.

MICROFILMED
FEB 0 4 1999

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

October 22, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

NORTH FORK ENERGY INC
PO BOX 5405
BOISE ID 83705

RE: WATER RIGHT NO. 35-08782

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a **preliminary order** issued by the Department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:**

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

MICROFILMED
OCT 26 1998

## ORAL ARGUMENT

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

## CERTIFICATE OF SERVICE

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

## FINAL ORDER

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

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

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

MICROFILMED

OCT 26 1998

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

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

Sincerely,

Shelley Walter Keen

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

OCT 26 1998

CERTIFICATE OF MAILING

I hereby certify that on the **22nd** day of **October, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

**Water Right No. 35-08782**

NORTH FORK ENERGY INC
PO BOX 5405
BOISE ID 83705

Kari Lynn Townsend
Secretary

MICROFILMED
OCT 26 1998

**MEMORANDUM**

**TO: File 35-08782**

**FROM: Sharla**

**DATE: July 29, 1998**

**RE: Annual Volume for Fish Propagation Use**

Per a memo dated 1/15/88, volume is calculated this way:

1. Calculate changes per hour:
   total flow into facility x 3600/facility volume(cf) = changes

2. Calcuate annual volume:
   facility volume(AF) x changes x 8760 = AFA

3. Calculate volume given by permitted flow:
   flow rate(cfs) x 1.98 x 365 days = AFA

4. Recommend lower figure

---

1. 4.64 cfs x 3600/ 309,248 cf = 0.05401

2. 7.1 AF x 0.05401 x 8760 = 3359.2 AFA

3. 4.64 cfs x 1.98 x 365 days = 3353.3 AFA

RECOMMENDATION: 3353.3 AFA

MICROFILMED
OCT 26 1998

OVERLAP REVIEW
North Fork Energy

| ORIGINAL LICENSES | 35-07097 | 35-07098 | Remarks | |
|---|---|---|---|---|
| Source | wells | springs | | |
| PD | SWNW (2) NWSW, S30 | SWNW/NWSW, S30 | | |
| PU | SWNW/NWSW, S30 | SWNW/NWSW, S30 | | |
| Rate | 4.00 cfs | 20.00 cfs | | |
| Capacity | 8.62 cfs | 26.64 cfs | | |
| Volume | -- | -- | | |
| | | | | |
| **Transfer 4994** | | | | |
| Source | wells/springs | wells/springs | | |
| PD | SWNW (4 wells) S30 | SWNW (4 wells) S30 | Multiple springs in SWSWNW and | |
| | NWSW (3 wells) S30 | NWSW (3 wells) S30 | NWNWSW, S30 | |
| PU | SWNW/NWSW, S30 | SWNW/NWSW, S30 | | |
| Rate | 4.00 cfs | 20.00 cfs | Transfer limited combined rate of | |
| Volume | -- | -- | 7097 and 7098 to 24.00 cfs | |
| | | | (from all p/d's) | |
| **Transfer 5278** | | | | |
| Source | wells/springs | wells/springs | | |
| PD | SWNW (4 wells), S30 | SWNW (4 wells), S30 | Multiple springs in SWSWNW and | |
| | NWSW (2 wells) SENE (1 well), S30 | NWSW (2 wells) SENE (1 well), S30 | NWNWSW, S30 | |
| PU | SWNW/NWSW, S30 | SWNW/NWSW, S30 | | |
| Rate | 4.00 cfs | 20.00 cfs | Transfer limited combined rate of | |
| Volume | -- | -- | 7097 and 7098 to 24.00 cfs | |
| | | | (from all p/d's) | |
| **35-08782** | Permitted | Examined | | |
| Source | well | well | | |
| PD | SWNW, S30 | SWNW, S30 | | |
| PU | SWNW/NWSW, S30 | SWNW/NWSW, S30 | | |
| Rate | 4.64 cfs | -- | | |
| Capacity | | 5.78 cfs | | |
| Volume | -- | 3353.3 af | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

MICROFILMED
OCT 26 1998

| | | | | |
|---|---|---|---|---|
| The exam made on 35-07097 found a capacity of 8.62 cfs. This measurement, however, was taken from a weir at the end of the ponds. It appears the measurement may have included flow from the springs which are also used in the fish propagation facility. | | | | |
| If the site plan dated 9/13/96 is accurate, the point of diversion measured and recommended under 35-08782 is the same well as 35-07097. If so, a condition limiting the combined rate of diversion to 8.62 will have to be placed on the license for 35-08782. | | | | |
| If the map drawn by the examiner is correct with the third "existing" well being slightly east of the hatchery, the measurement of 5.78 cfs can be added to 8.62 cfs for a total capacity of 14.4 cfs and no combined limitation remark needs to be included on the license. | | | | |
| Also, two new wells were drilled earlier this year in the SWNW, S30. ~~Unless~~ there is now a total of 6 wells in the SWNW, ~~either the well labeled as the p/d for 8782 is actually a new well or the well slightly east of the hatchery is the new well. Is it acceptable to issue a license for a well drilled in 1998 when proof was filed in 1992?~~ NWSW, S30, T4S, R33E and SENE, S25, T4S, R32E | | | | |

MICROFILMED
OCT 2 6 1998

# LICENSE REVIEW CHECKLIST

PERMIT NO. 35-08782 DATE 7/28/98 REVIEWER: SHARLA

Change/OK

NAME OK
Address OK

SOURCE OK Does change clarifiy orig. intended source? If no, Void permit

POINT OF DIV OK chg _ Change (P39 /P47) ✓ Add (P45/P42) Feds - P40

~~W32~~ (multiple in ¼¼)
W36 (overlap)
W59 (subd. desc)

Overlaps: Right(s): 7097/7098
File reviewed ___ Profile reports printed ___

PLACE OF USE OK _ Change (P41/P47) _ Add (P41/P42) Feds - P43

W60 (subd. desc)
W27 (ppu acre limit)

Overlaps: Right(s): _____
File reviewed ___ Profile reports printed ___

PD & PU amend (P37) Feds - P48

RATE OF DIV
Permitted Rate 4.64 cfs
Fee limit 5.00 cfs #200.00
Measured 5.78 cfs
Theoretical — cfs

Recommended Total Div Rate 4.64 cfs

WATER USES OK Change (P46)

| | | | | |
|---|---|---|---|---|
| Fish | 4.64 cfs | 3353.3 af | Irrig - | overlap (R58-R61, R62-R65, R66-R69) |
| | ___ cfs | ___ af | | supp. gw (WB7/065/079) |
| | ___ cfs | ___ af | | overlap spec. combined rts (W35) |
| | ___ cfs | ___ af | | <1acre (W31) |
| | ___ cfs | ___ af | Domestic | (W01/WB5/070/071/075) |
| TOTALS | 4.64 cfs | 3353.3 af | Power | (W42 or W43/025/027/R22 or R23) |

Fish (042) Fire (077) Wtr Quality (081/R07)

Flow rate 4.64 cfs X 365 days X 1.98 = 3353.3 af

REMARKS _____

ADD'L CONDITIONS ___ Watermaster Control WD# ___
___ GW Measurement/Measuring Device
027 Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority ___ yes ✓ no SRBA Claim N/A

Adjust Memo ~~Decree~~ fish chgs. memo
Amend letters P45 P38
P42

P43 Approval
DOV to P&P

Form 219
6/92

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Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# BENEFICIAL USE FIELD REPORT

RE EXAM

## A. GENERAL INFORMATION

Permit No. 35-08782

1. Owner: NORTH FORK ENERGY Phone No. _____

Current Address: P.O. Box 5405, Boise ID 83705

2. Accompanied by: — EXAM DATE: 9-22-1998

Address: — Phone No. 9-15-1998

Relationship to Permit Holder: —

3. Source: GROUNDWATER tributary to _____

## B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

## C. DIVERSION AND DELIVERY SYSTEM

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

| Ident No. | Gov't Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Method of Determination/Remarks |
|---|---|---|---|---|---|---|---|---|---|
| #1 | 2 | SW | SW | NW | 30 | 4S | 33E | BINGHAM | ON SITE/FSA Aerial/GIS FILE R092219A |
| #2 | 2 | SW | SW | NW | 30 | 4S | 33E | BINGHAM | ON SITE/FSA Aerial/GIS FILE R092218F |
| #3 | 3 | NW | NW | SW | 30 | 4S | 33E | BINGHAM | ON SITE/FSA Aerial/GIS FILE R092218D |
| #4 | 2 | SW | SW | NW | 30 | 4S | 33E | BINGHAM | ON SITE/FSA AERIAL/GIS FILE R092218E |
| #5 | 3 | NW | NW | SW | 30 | 4S | 33E | BINGHAM | ON SITE/FSA Aerial/GIS FILE R092218C |
| #6 | | SE | SE | NE | 25 | 4S | 32E | BINGHAM | ON SITE/FSA Aerial/GIS FILE R092218B |

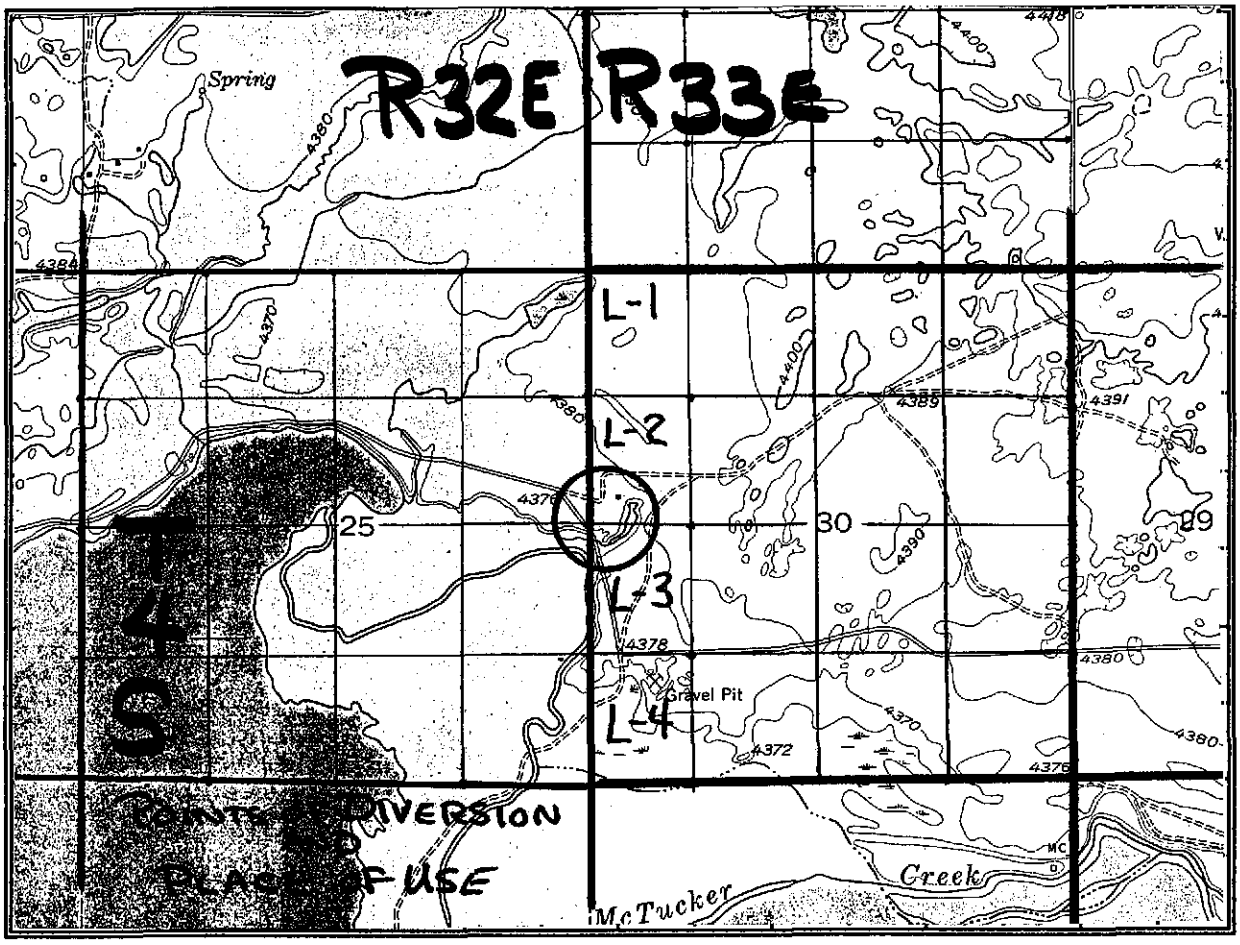
2. **Place(s) of Use:** Indicate Method of Determination _____

| TWP | RGE | SEC | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 4S | 33E | 30 | | | | | | | 4-2 H | | | 4-3 H | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

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




Scale: 1" = _____.

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

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

____ Photo of Diversion and System Attached

4.

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

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

## D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|---|---|---|---|---|---|---|
| GPS | | Trimble NAVIGATION | GeoExplorer GPS | 001000 2L7V | | STATE OF ID TAG 196546 |
| | | | | | | |

2. **Measurements:** _____

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RE-EXAM P2

35-08782

**E. NARRATIVE/REMARKS/COMMENTS** GPS FILES

#6 R092218B - IDWR WELL TAG # D0004359 - WELL SEC 25, T4S, R32E

#5 R092218C - IDWR WELL TAG # D000 4545 - SOUTH & WEST MOST WELL OF PAIR OF WELLS SOUTH OF HATCHERY

#3 R092218D - NO WELL TAG - NORTH & EAST MOST WELL OF PAIR OF WELLS SOUTH OF HATCHERY

#4 R092218E - NO WELL TAG - WELL WEST OF HATCHERY

#2 R092218F - NO WELL TAG - WELL AT NORTH EAST CORNER OF HATCHERY

#1 R092219A - NO WELL TAG - EAST MOST WELL DISCHARGE INTO POND

Of the six wells on this System:

Wells #1, 2, & 3 appear to have been drilled some time ago.

Well #4 (west of Hatchery) appears to be newer than wells #1, 2 & 3, but older than wells #5 and #6.

Wells #5 and #6 appear to be the newest wells and have well tags attached to the well casing.

SEE ATTACHMENTS "A - J" FOR PHOTOS OF SYSTEM

SEE ATTACHMENT "K" ENLARGED FSA Aerial (scale 8" = 1320')

SEE ATTACHMENT "L" NAPP PHOTO WITH GPS SITES LOCATED

Have conditions of permit approval been met? yes ___ no

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RE-EXAM

35-08782

**F. FLOW CALCULATIONS** _____ Additional Computation Sheets Attached

Measured Method:

**G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = _____

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

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = _____

2. Volume Calculations for Other Uses:

**H. RECOMMENDATIONS**

**1. Recommended Amounts**

| Beneficial Use | Period of Use From | Period of Use To | Rate of Diversion Q (cfs) | Annual Volume V (afa) |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | **Totals:** | | |

**2. Recommended Amendments**

___ Change P.D. as reflected above ___ Add P.D. as reflected above ___ None

___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

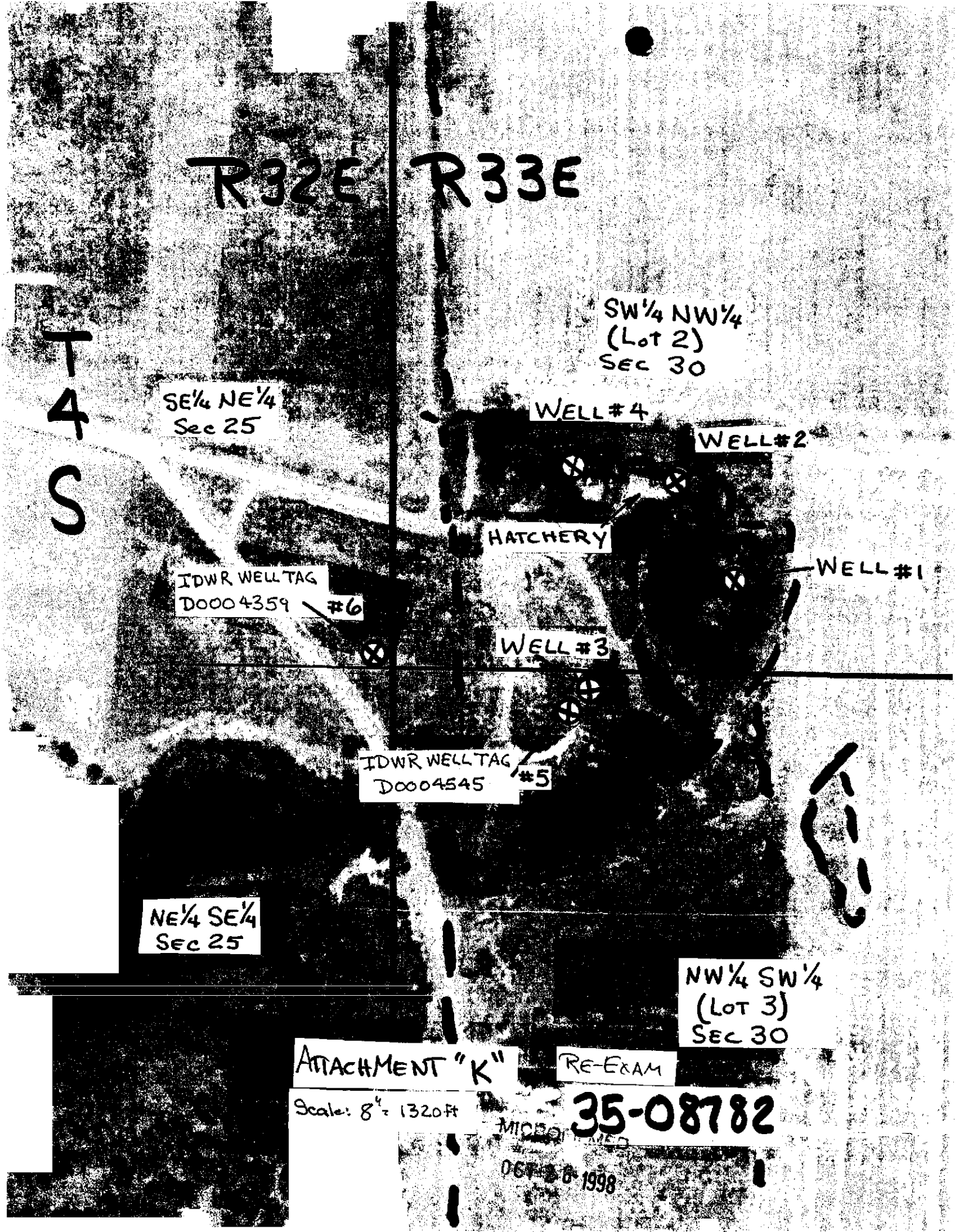
**I. AUTHENTICATION**

Field Examiner's Name KEITH C WILSON Date 9-22-1998

Reviewer _____ Date _____ SEAL

MICROFILMED RE-EXAM

OCT 26 1998 35-08782


R32E
R33E
T4S
SW¼ NW¼
(Lot 2)
Sec 30
SE¼ NE¼
Sec 25
WELL #4
WELL #2
HATCHERY
WELL #1
IDWR WELL TAG
D0004359
#6
WELL #3
IDWR WELL TAG
D0004545
#5
NE¼ SE¼
Sec 25
NW¼ SW¼
(Lot 3)
Sec 30
ATTACHMENT "K"
RE-EXAM
Scale: 8" = 1320ft
35-08782
MICRO
OCT 26 1998

25 30
31 36
T04S
R32E R33E
24 19
25 30
RE-EXAM
35-08782
ATTACHMENT "L"
OCT 2 0 1998



#1 WELL # R092219A (NO WELL TAG)
EAST MOST WELL DISCHARGES IN TO POND
SW¼ NW¼ (LOT 2) SEC 30, T4S, R33E

WELL # 1

ATTACHMENT "A"

RE-EXAM

9/22/1998

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35-08782
OCT 26 1998

WELL R092219A (EAST MOST WELL OPEN DISCHARGE INTO POND)
(WELL #1)




WELL R092218F (NO WELLTAG)
WELL JUST EAST OF HATCHERY

WELL #2

SW¼ NW¼ (LOT 2) SEC 30, T4S, R33E

ATTACHMENT "B"

RE-EXAM

9/22/1998

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35-08782

R0922188
WELL IN SEC 25, T4S, R32E
(WELL #6)

WELL WEST OF
HATCHERY SEC 30
T4S, R33E
LOT 2 (SWNW)
R0922186
(WELL #4)

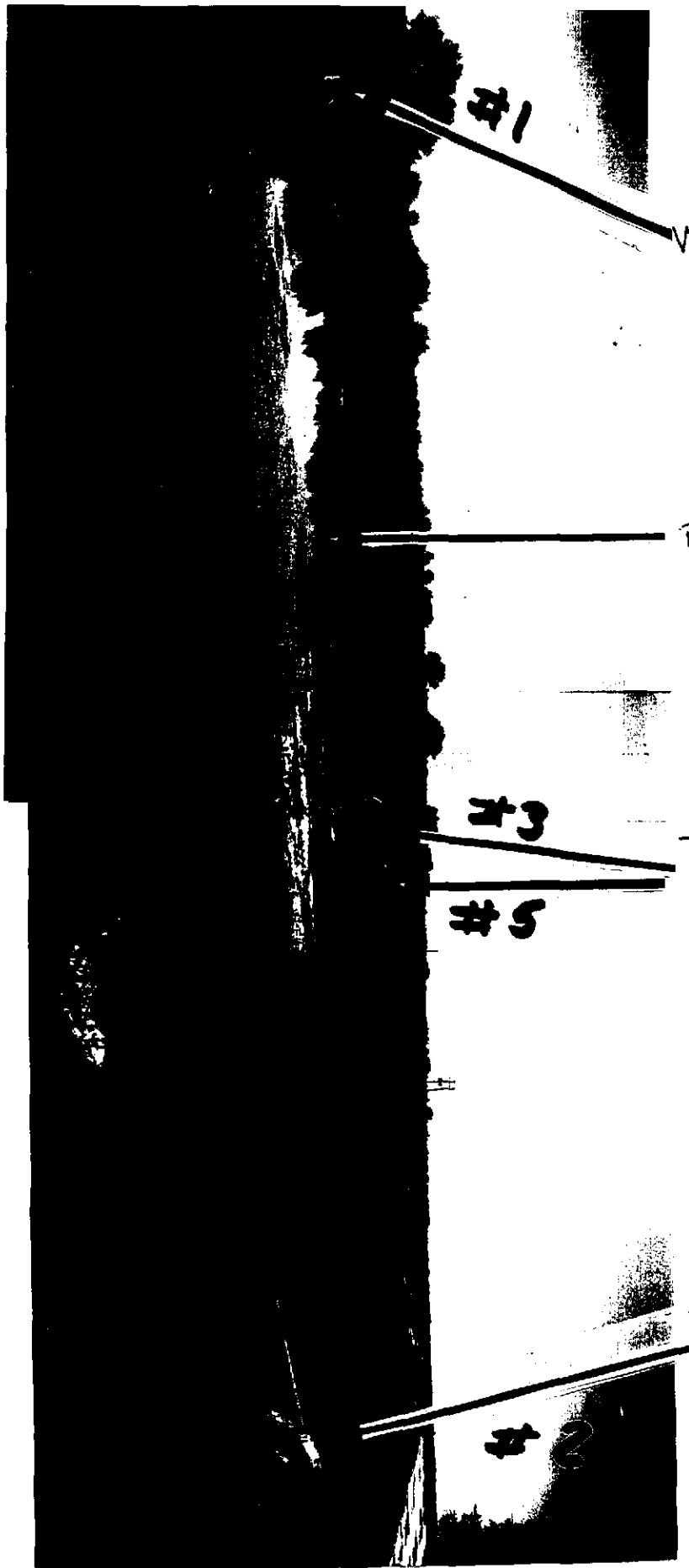



WELL EAST OF HATCHERY LOT 2 (SWNW), SEC 30, T4S, R33E (WELL #2)
R0922187

ATTACHMENT "C"
Re-Exam
35-08782

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9/15/1998




WELL EAST OF POND
R092219A
WELL #1

POND WITH SPRINGS

R092218D
TWO WELLS SOUTH OF HATCHERY
R092218C
WELL #3
WELL #5

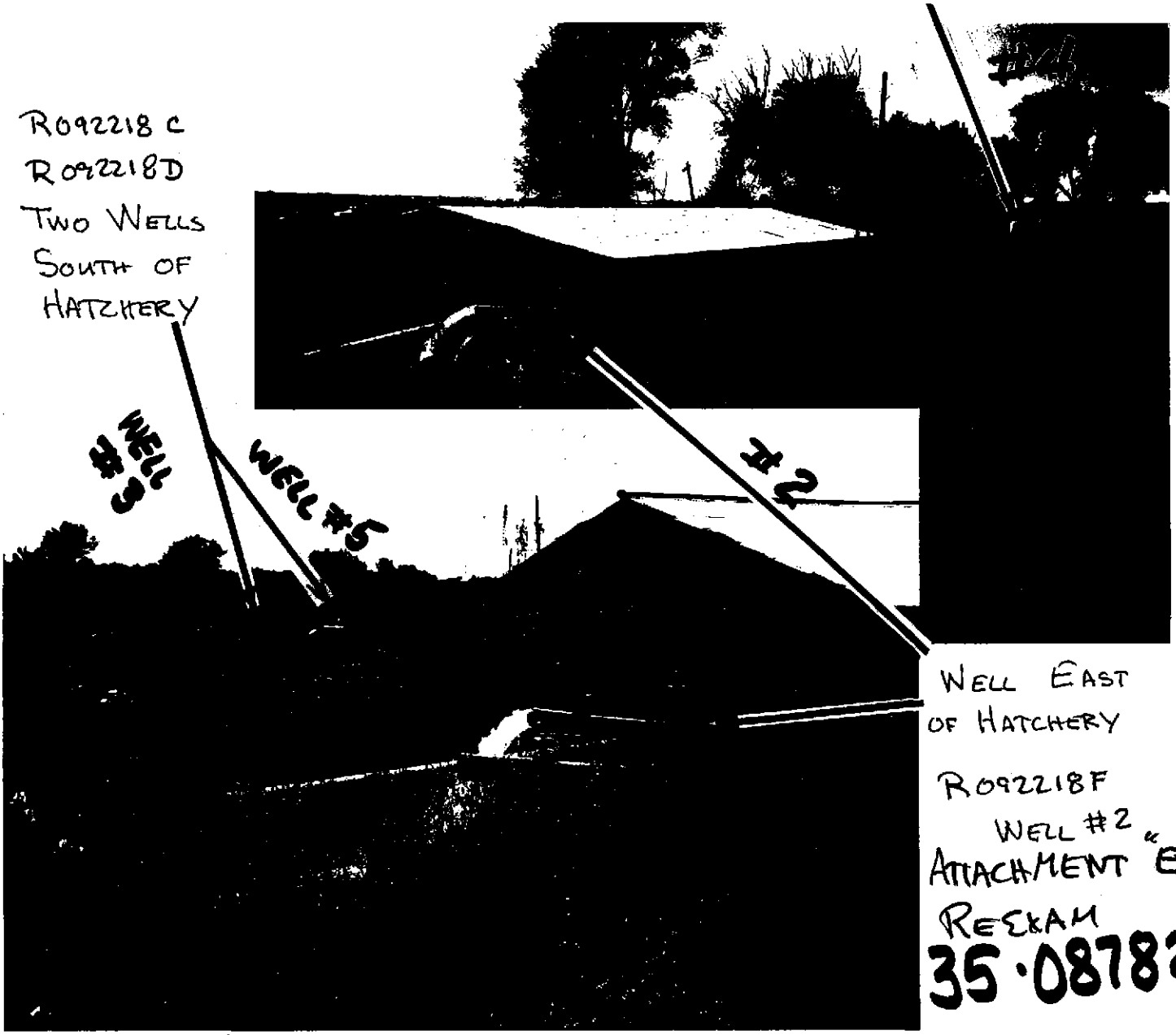
WELL EAST OF HATCHERY
R092218F
WELL #2

ATTACHMENT "D"
RE Exam
35-08782

9/15/1998

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OCT 26 1998

R092218E WELL #4
WELL WEST
OF HATCHERY




R092218F
WELL #2

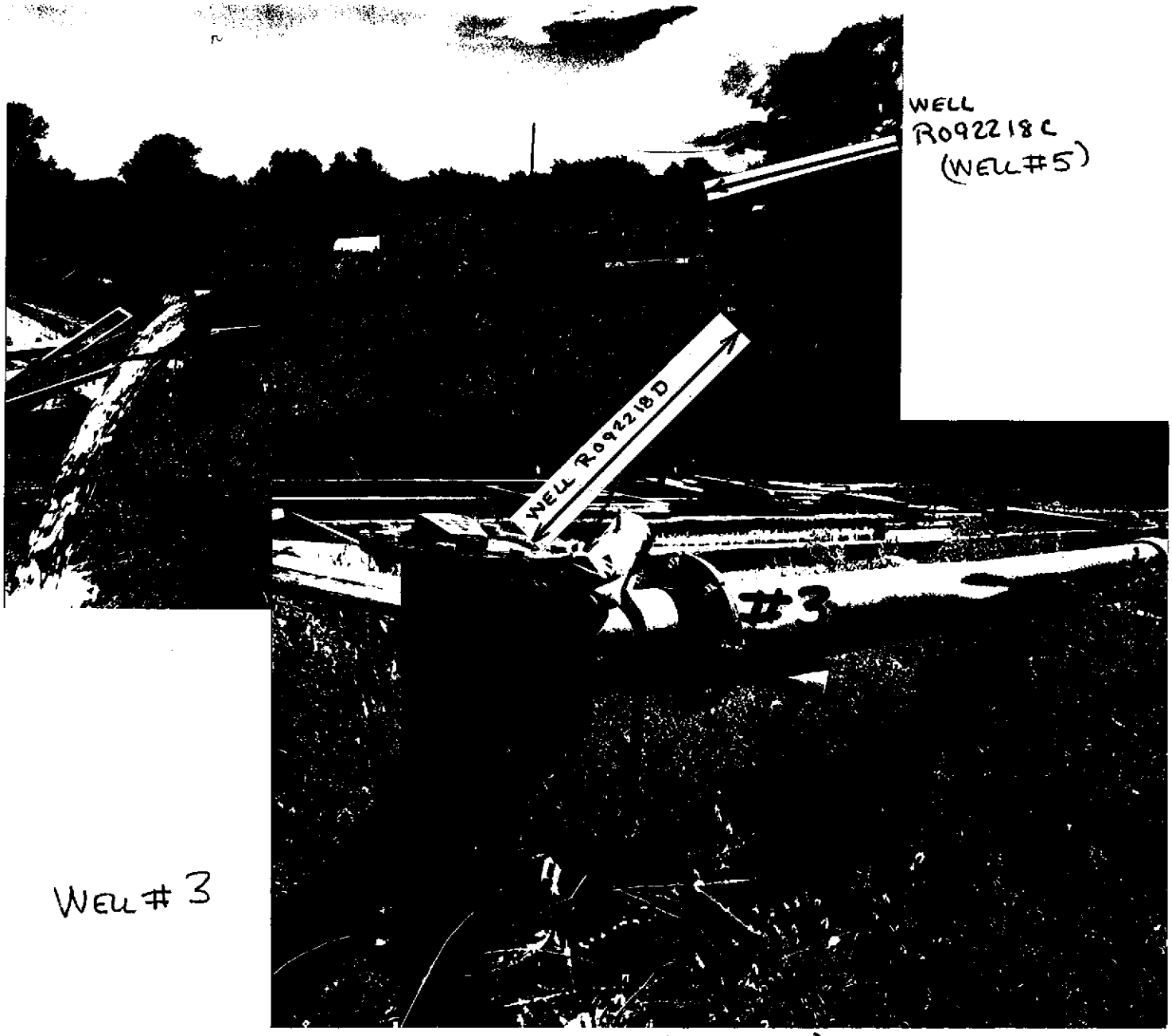
ATTACHMENT "E"

RECLAM

35-08782

9/15/1998

OCT 26 1998




WELL R092218C (WELL #5)

WELL #3

WELL R092218D (NO WELL TAG)

NW 1/4 SW 1/4 (LOT 3) SEC 30, T4S, R33E

ATTACHMENT "F"
Re-Exam
35-08782

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9/22/1998




WELL R0922218E (NO WELL TAG)
WELL LOCATED WEST OF HATCHERY
SW¼ NW¼ (LOT 2) Sec 30, T4S, R33E

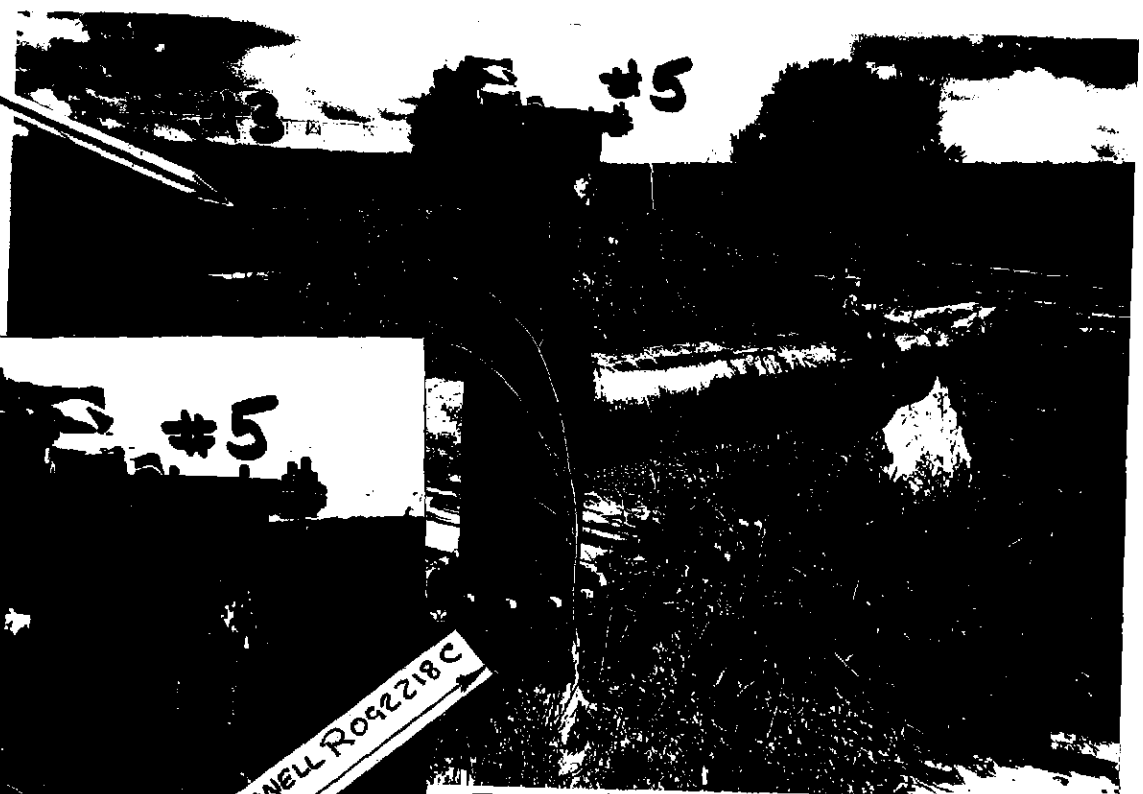
WELL # 4

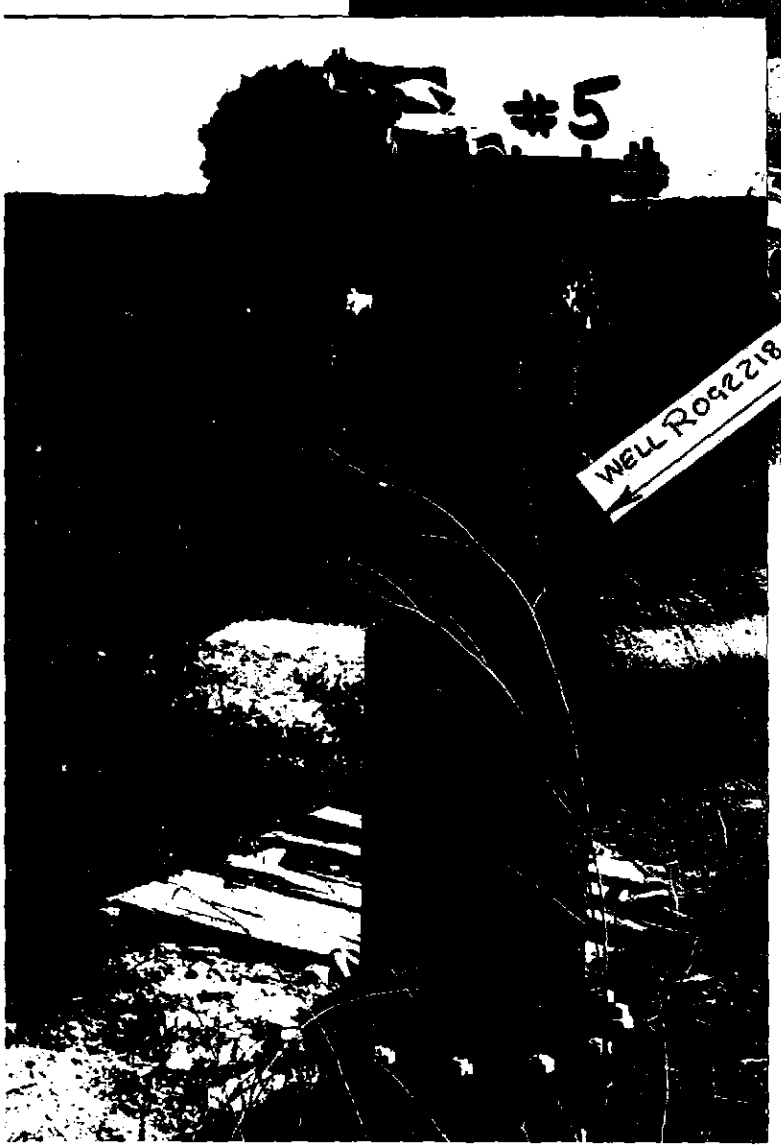
ATTACHMENT "G"
RE-EXAM
35-08782

MICROFILMED
OCT 26 1998

9/22/1998

WELL
R092218D
(WELL#3)




R092218C
WELL TAG D0004645
SOUTH MOST WELL SOUTH OF Hatchery

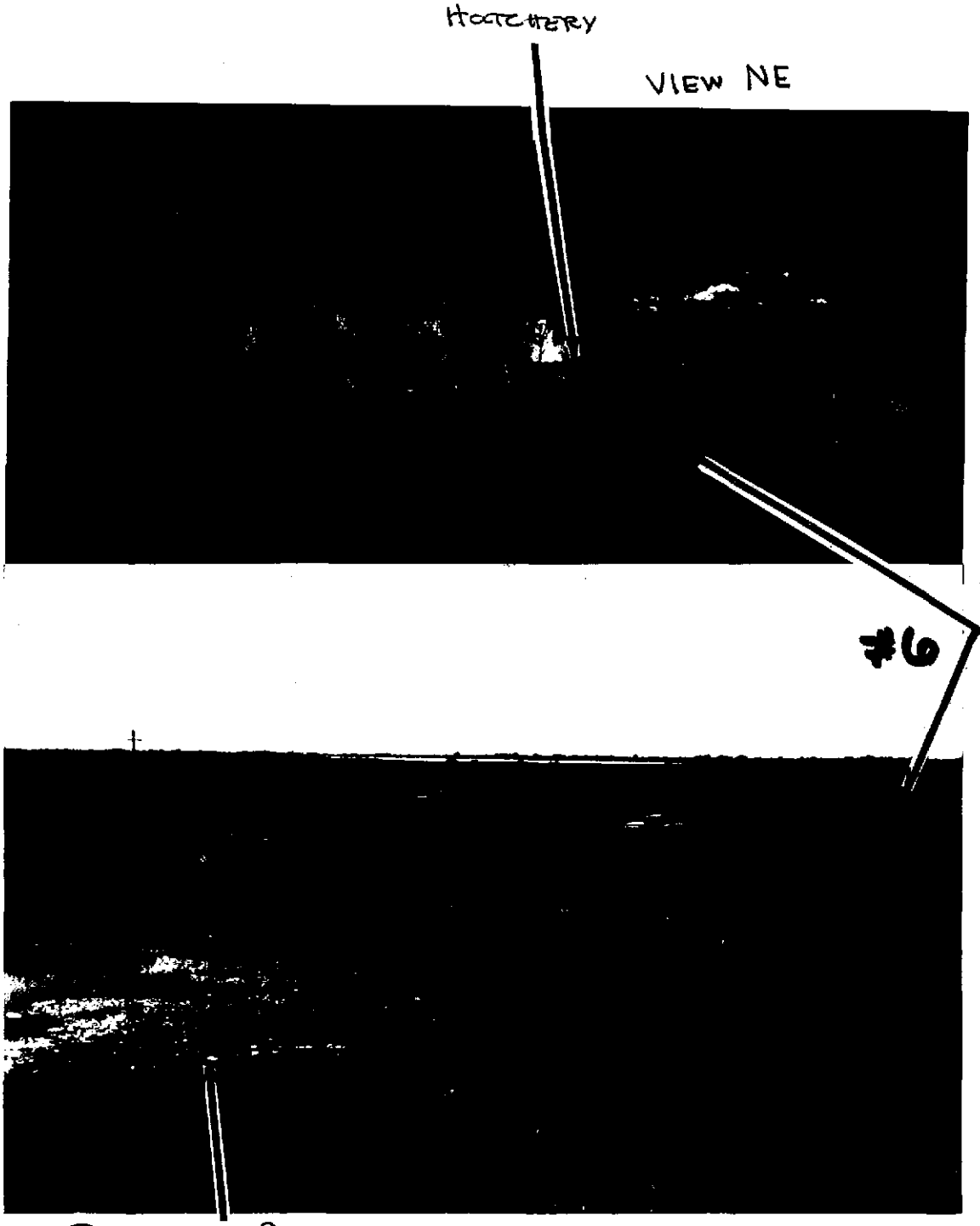
WELL #5

NW¼ SW¼ (Lot3) Sec 30,
T4S, R33E

ATTACHMENT "H"
Re-Exam
35-08782

9/22/1998

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OCT 26 1998




ATTACHMENT "I"

RE-EXAM

35-08782

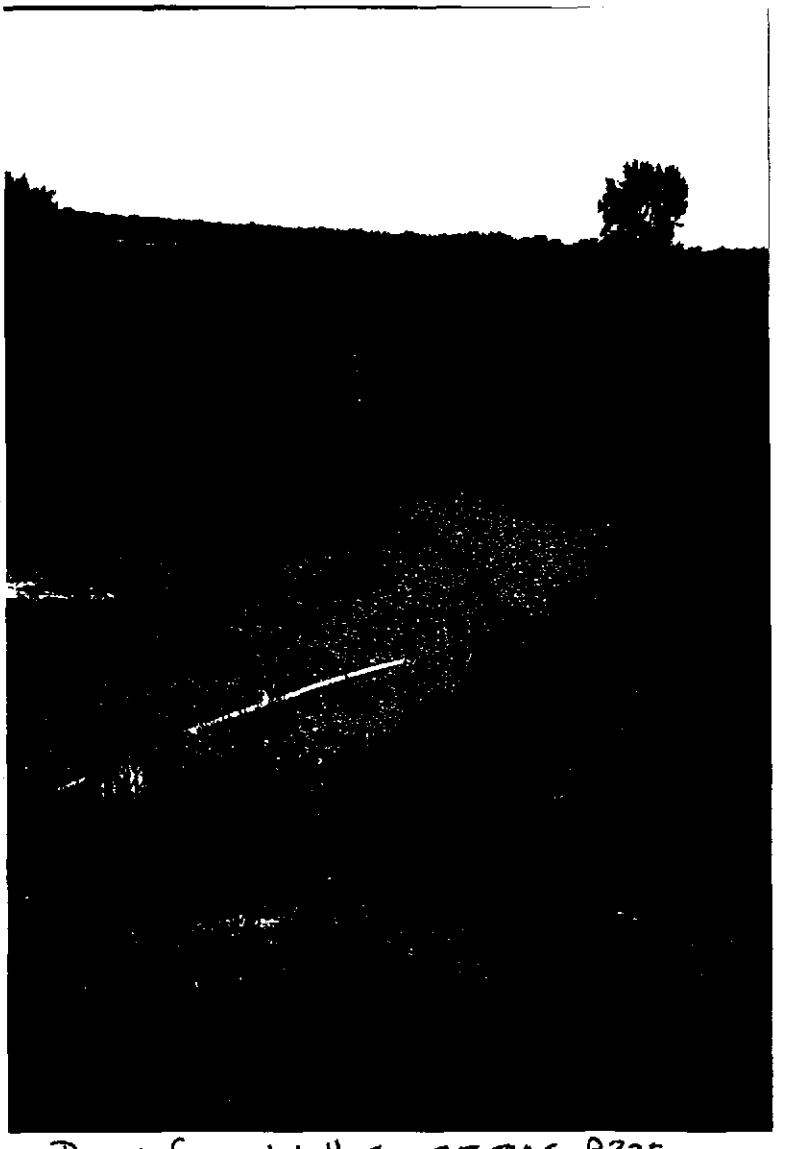
9/15/1998

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R092218B




WELL SENE Sec25, T4S, R32E
WELL TAG D0004359
WELL #6



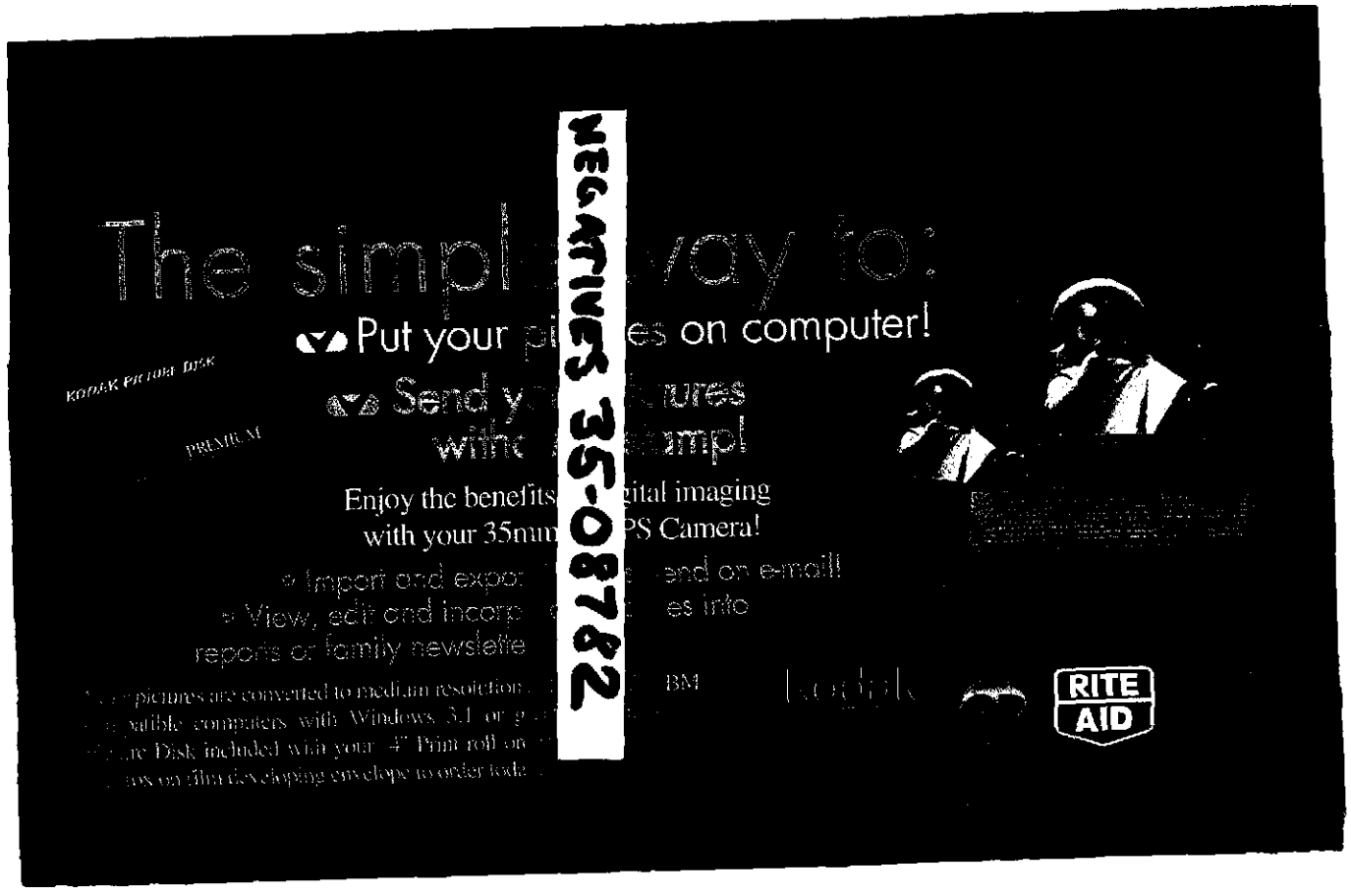
DITCH from Well Sec25, T4S, R32E

ATTACHMENT "J"
RE-EXAM

9/22/1998

MICROFILMED
OCT 26 1998

35-08782


The simpl way to:
Put your pi es on computer!
Send y ures
with amp!
Enjoy the benefits gital imaging
with your 35mm PS Camera!
Import and expor
View, edit and incorp
reports or family newslette
end on e-mail!
es into
pictures are converted to medium resolution
vailble computers with Windows 3.1 or g
re Disk included with your 4" Print roll on
ns on film this shipping envelope to order tod
PREMIUM
NEGATIVES 35-08782
RITE AID

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

# TRANSMITTAL COVER SHEET

**FAX NUMBER: (208) 327-7866**

**DATE:** 9.11.98

**TO:** Skip **FROM:** Sharla Curtis

**DOCUMENT DESCRIPTION:**

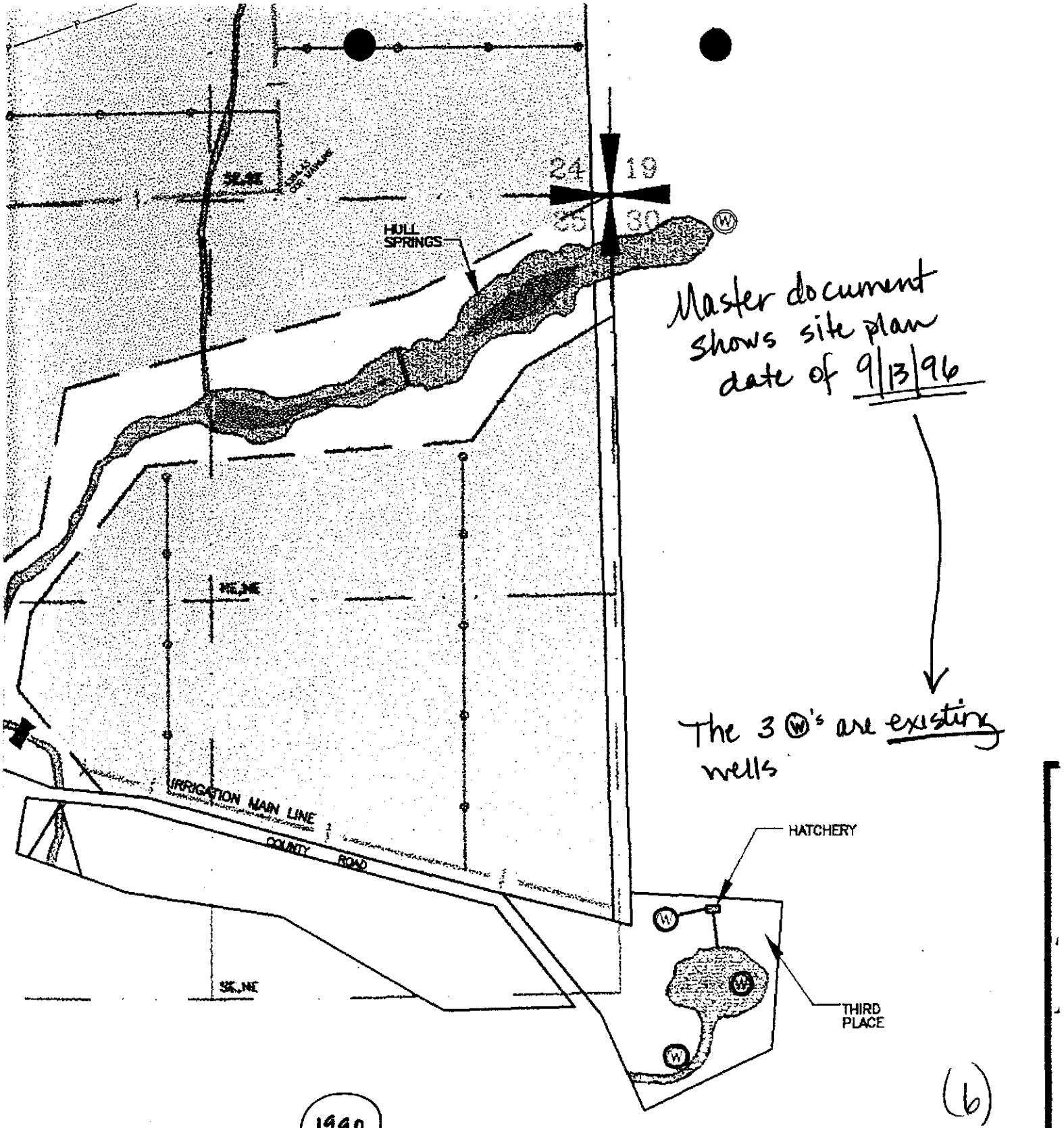
**COVER SHEET + 4 PAGES**

**CONTACT:** Keith Lyons **IF YOU DO NOT RECEIVE ALL THE PAGES**
327-7941

*THANK YOU!*

9/15/98 - spoke w/ Skip - he told me that Keith was going back out today to re-check recommendations in light of my information. Keith or Skip will get back to me ASAP.

MICROFILMED
OCT 26 1998




Master document shows site plan date of 9/13/96

The 3 Ⓦ's are existing wells

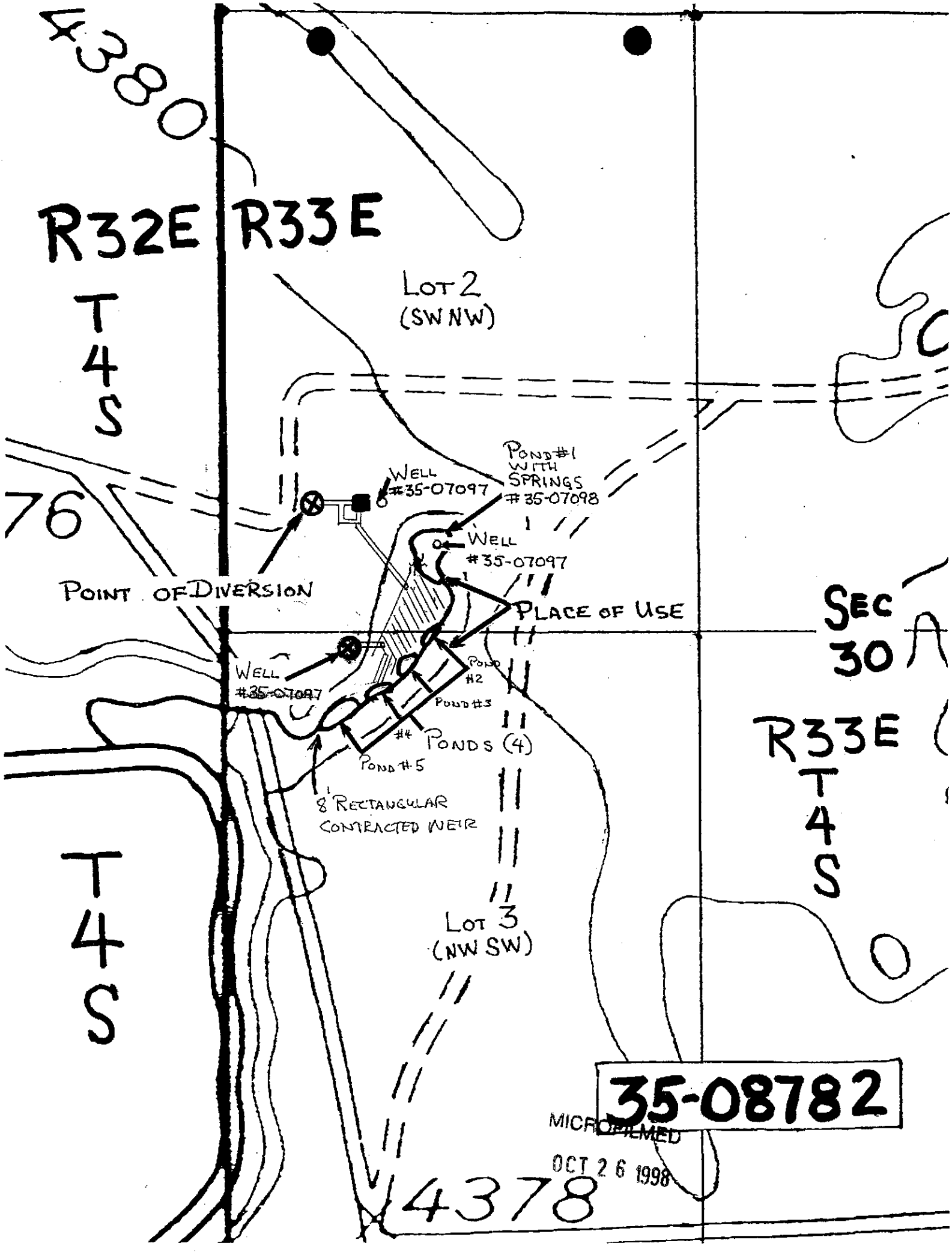
(6)

1998

Drilling permits & well logs show 2 new wells drilled in the SWNW, S30, for a total of 4 wells in that ¼¼, which corresponds with Transfer Nos. 4994 & 5278.

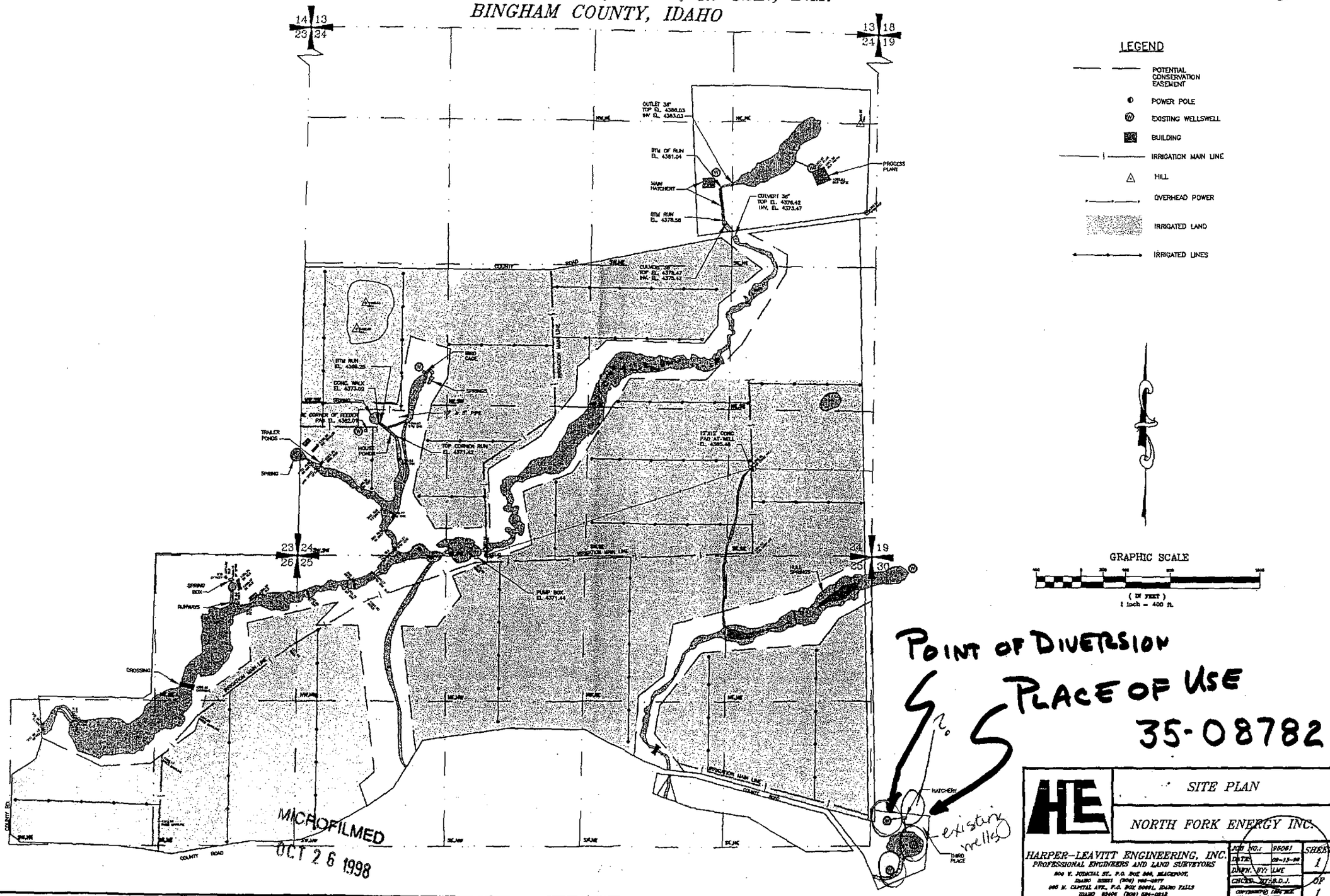
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OCT 26 1998


4380
R32E
R33E
T4S
LOT 2
(SW NW)
POND #1
WITH
SPRINGS
#35-07098
WELL
#35-07097
WELL
#35-07097
POINT OF DIVERSION
PLACE OF USE
SEC
30
WELL
#35-07097
POND
#2
POND #3
#4
PONDS (4)
POND #5
8' RECTANGULAR
CONTRACTED WEIR
R33E
T4S
LOT 3
(NW SW)
T4S
35-08782
MICROFILMED
OCT 26 1998
4378

Part o

Section 23, 24, 25, 26, T. 4S., R. 32E., B.M.
BINGHAM COUNTY, IDAHO




POINT OF DIVERSION
S/2 S

PLACE OF USE
35-08782

MICROFILMED
OCT 26 1998

| | |
|---|---|
| HE | SITE PLAN |
| | NORTH FORK ENERGY INC. |

HARPER–LEAVITT ENGINEERING, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
806 W. JUDICIAL ST., P.O. BOX 808, BLACKFOOT, IDAHO 83221 (208) 785-0577
985 N. CAPITAL AVE., P.O. BOX 50691, IDAHO FALLS IDAHO 83405 (208) 524-0813

| | |
|---|---|
| JOB NO.: | 96061 |
| DATE: | 09-13-96 |
| DRWN. BY: | LMC |
| CHCKD. BY: | G.D.J. |
| COORDINATED WITH ALL BRANCH DIRECTORS. | |
| SHEET | 1 |
| OF | 1 |

9/13/96

Form 219
6/92

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MAY 29 1998
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# BENEFICIAL USE FIELD REPORT RE EXAM

## A. GENERAL INFORMATION

Permit No. 35-08782

1. Owner: NORTH FORK ENERGY Phone No. (208) 342-8901

Current Address: P.O. Box 5405 Boise Id 83705

2. Accompanied by: BISH BEYMOR EXAM DATE: 4-27-1998

Address: _____ Phone No. (208) 328-2505
680-3488

Relationship to Permit Holder: OWNER

3. Source: GROUNDWATER tributary to _____

## B. OVERLAP REVIEW

1. Other water rights with the same place of use: 35-07097/07098

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

## C. DIVERSION AND DELIVERY SYSTEM

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

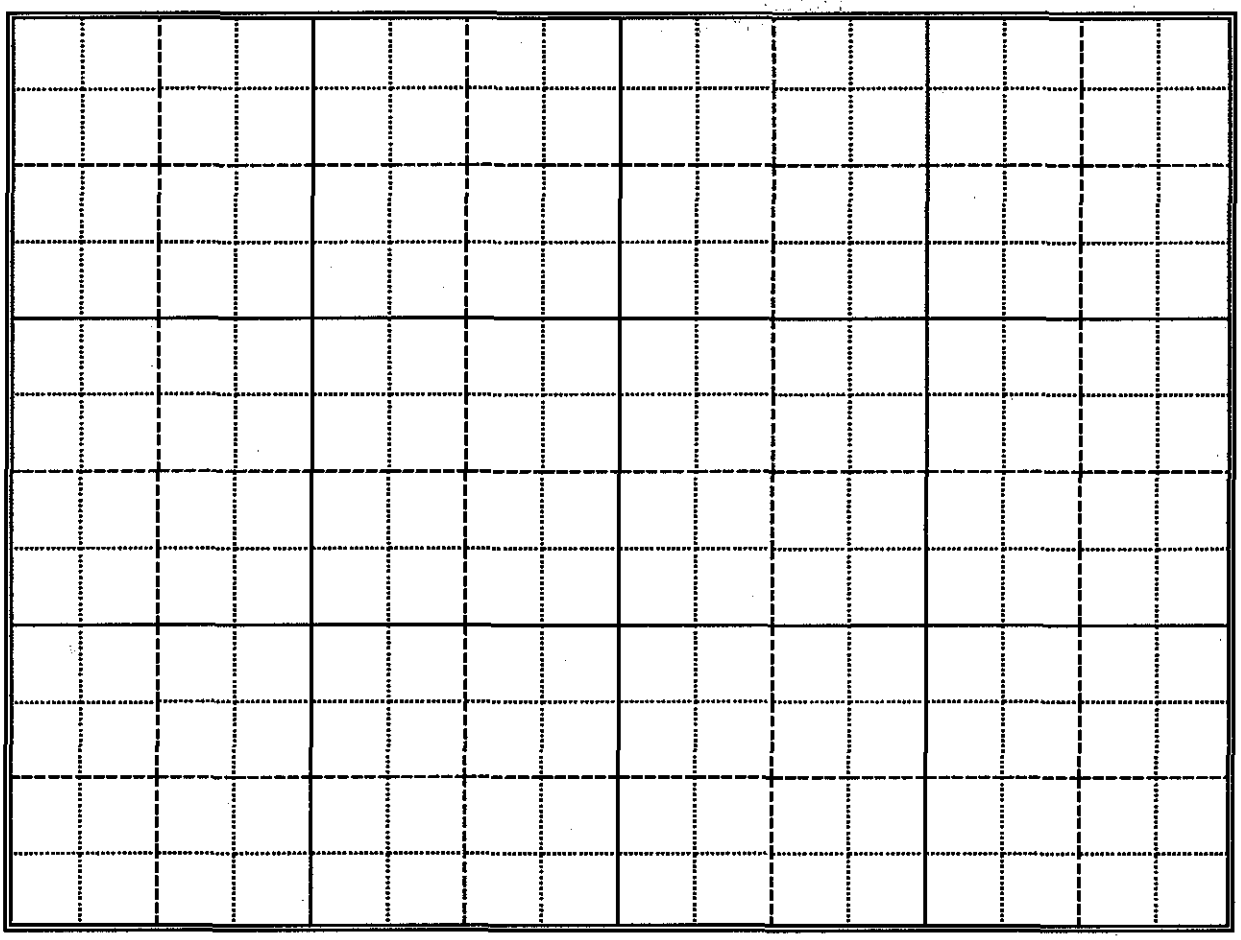
| Ident No. | Gov't Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Method of Determination/Remarks |
|---|---|---|---|---|---|---|---|---|---|
| | 2 | SW | SW | NW | 30 | 4S | 33E | BINGHAM | NAPP Aerials / USGS Quad map / on site |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

2. **Place(s) of Use:** Indicate Method of Determination ON SITE NAPP Photos

| TWP | RGE | SEC | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 4S | 33E | 30 | | | | | | | L-2 H | | | L-3 H | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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OCT 26 1998

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



Scale: 1" = _____.

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

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

_____ Photo of Diversion and System Attached

4.

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

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

## D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|---|---|---|---|---|---|---|
| FLOW METER | Ultrasonic | Polysonics | DCT-7088 | 32736 | | |
| | | | | | | |

2. **Measurements:** Q = 5.78 cfs

MICROFILMED

OCT 26 1998

**E. NARRATIVE/REMARKS/COMMENTS**

ARTESION WELL WITH MAINCINE TO Hatchery then to 25 raceways and 5 PONDS FOR FISH PROPAGATION. Well has a lockable valve.

Total Volume of Ponds & Raceways = 7.1af

Water flow from Artesion Well flows thru a partically filled 12" PVC Pipe with open discharge into the hatchery. No Measuring device at point of diversion. Measurement device at the point of effluent discharge is an 8' wide rectangular contracted weir. (STAFF Gage 0.89' = 21.59 cfs @ time of Exam)

Water from this point of diversion is tributary to American falls Reservoir. Because of the location of this facility any water that would be absorbed into the ground will be tributary to the American Falls Reservoir.

IT IS THE OPENION OF THIS EXAMINER THAT A MEASURING DEVICE FOR THIS POINT OF DIVERSION WOULD NOT BE PRACTICAL BECAUSE THE DISCHARGE PIPE FROM WELL DOES NOT FLOW FULL, PART OF THE FLOW IS DIVERTED JUST BEFORE THE HATCHERY AND IS RECOMBINED WITH THE DISCHARGE FROM THE HATCHERY THEN PIPED TO UPPER POND(#1) & RACEWAYS

Have conditions of permit approval been met? ___ yes ___ no

MICROFILMED
OCT 26 1998

**F. FLOW CALCULATIONS** ✓ Additional Computation Sheets Attached

Measured Method:

Q=5.78 cfs

Limited By Permit = 4.64 cfs

**G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = _____

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

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = _____

2. Volume Calculations for Other Uses:

Total Volume of Raceways & Ponds = 7.1af

**H. RECOMMENDATIONS**

**1. Recommended Amounts**

| Beneficial Use | Period of Use From | Period of Use To | Rate of Diversion Q (cfs) | Annual Volume V (afa) |
|---|---|---|---|---|
| Fish Propagation | 1/1 | 12/31 | 4.64 | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | **Totals:** | 4.64 | |

**2. Recommended Amendments**

___ Change P.D. as reflected above ___ Add P.D. as reflected above ___ None

___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

**I. AUTHENTICATION**

Field Examiner's Name Keith C Wilson Date 4-27-1998

Reviewer _____ Date _____ SEAL

MICROFILMED

OCT 2 6 1998

35-08782

Flow= 5.77 Ft3/S
Vel = 7.52 FPS
Pipe
Material = PVC
OD = 12.490 inche
WT = 0.317 inches
ID = 11.856 inche
Sound Vel.= 7388 FPS
Roughness = 0 Ft
Liner
Material = NONE
Thickness = 0.000 inches
Sound Vel.= 0 FPS
Roughness = 0 Ft
Fluid
Type = WATER
Sound Vel.= 4863 FPS
Viscosity = 1.13
Transducer
Type = S
Mounting = V
Flow
Scale Fact= 0.9700
Offset = 0.00 Ft3/S
Damping = 30 secs
Max Range = 24.53 Ft3/S
Min Range = -24.53 Ft3/S
Cutoff
Low Flow = 0.00
Low Signal= 0.00 %

Flow = 5.68 Ft3/S

Flow= 5.74 Ft3/S
Vel = 7.49 FPS
Net 17753 x1Gal
Pos 17797 x1Gal
Neg 45 x1Gal
SigStr = 100.0%
Cutoff = 0.0%
Reynolds= 571561
Factor =0.947644
SigStr = 100.0%
Margin = 124%
DeltaT= 615.89 ns
SSpeed= 4758.56 FPS
4-20mA = 4.09 mA

Flow = 5.71 Ft3/S
Flow = 5.70 Ft3/S
Flow = 5.67 Ft3/S
Flow = 5.63 Ft3/S
Flow = 5.63 Ft3/S
Flow = 5.69 Ft3/S
Flow = 5.63 Ft3/S

Pipe
Material = PVC
OD = 12.490 inche
WT = 0.317 inches
ID = 11.856 inche
Sound Vel.= 7388 FPS
Roughness = 0 Ft
Liner
Material = NONE
Thickness = 0.000 inches
Sound Vel.= 0 FPS
Roughness = 0 Ft
Fluid
Type = WATER
Sound Vel.= 4863 FPS
Viscosity = 1.13
Transducer
Type = S
Mounting = V
Flow
Scale Fact= 0.9700
Offset = 0.00 Ft3/S
Damping = 30 secs
Max Range = 10.00 Ft3/S
Min Range = -5.00 Ft3/S
Cutoff
Low Flow = 0.00
Low Signal= 0.00 %
Flow = 5.72 Ft3/S

Flow = 5.68 Ft3/S

Flow= 5.74 Ft3/S
Vel = 7.49 FPS
Net 17753 x1Gal
Pos 17797 x1Gal
Neg 45 x1Gal
SigStr = 100.0%
Cutoff = 0.0%
Reynolds= 571561
Factor =0.947644
SigStr = 100.0%
Margin = 124%
DeltaT= 615.89 ns
SSpeed= 4758.56 FPS
4-20mA = 4.09 mA

Flow = 5.71 Ft3/S
Flow = 5.70 Ft3/S
Flow = 5.67 Ft3/S
Flow = 5.63 Ft3/S
Flow = 5.63 Ft3/S
Flow = 5.69 Ft3/S
Flow = 5.63 Ft3/S

Pipe
Material = PVC
OD = 12.490 inche
WT = 0.317 inches
ID = 11.856 inche
Sound Vel.= 7388 FPS
Roughness = 0 Ft
Liner
Material = NONE
Thickness = 0.000 inches
Sound Vel.= 0 FPS
Roughness = 0 Ft
Fluid
Type = WATER
Sound Vel.= 4863 FPS
Viscosity = 1.13
Transducer
Type = S
Mounting = V
Flow
Scale Fact= 0.9700
Offset = 0.00 Ft3/S
Damping = 30 secs
Max Range = 10.00 Ft3/S
Min Range = -5.00 Ft3/S
Cutoff
Low Flow = 0.00
Low Signal= 0.00 %
Flow = 5.72 Ft3/S

Flow = 5.65 Ft3/S

Flow= 5.66 Ft3/S
Vel = 7.39 FPS
Net 7728 x1Gal
Pos 7728 x1Gal
Neg 0 x1Gal
SigStr = 100.0%
Cutoff = 0.0%
Reynolds= 563731
Factor =0.947574
SigStr = 100.0%
Margin = 113%
DeltaT= 601.22 ns
SSpeed= 4757.92 FPS
4-20mA = 4.09 mA

Flow= 5.76 Ft3/S
Vel = 7.52 FPS

Flow = 5.72 Ft3/S

Date and Time
4/27/98 11:26:25

Flow= 5.78 Ft3/S
Vel = 7.53 FPS

Q = 5.78 cfs

Flow = 5.68 Ft3/S

Flow = 5.71 Ft3/S

Date and Time
4/27/98 11:28:24

MICROFILMED
OCT 26 1998

35-08782

35-08782

Table 3 (Continued). Flow over rectangular contracted weirs.

| Head in ft. "H" | Head in inches, approx. | Crest length (L) 1.0 foot | 1.5 feet | 2.0 feet | 3.0 feet | 4.0 feet | For each additional foot of crest in excess of 4 ft. (approx.) |
|---|---|---|---|---|---|---|---|
| | | Flow in cubic feet per second | | | | | |
| 0.60 | 7-3/16 | 1.45 | 2.20 | 2.96 | 4.47 | 6.00 | 1.53 |
| 0.61 | 7-5/16 | 1.49 | 2.25 | 3.03 | 4.59 | 6.14 | 1.55 |
| 0.62 | 7-7/16 | 1.52 | 2.31 | 3.10 | 4.69 | 6.29 | 1.60 |
| 0.63 | 7-9/16 | 1.56 | 2.36 | 3.17 | 4.81 | 6.44 | 1.63 |
| 0.64 | 7-11/16 | 1.60 | 2.42 | 3.25 | 4.92 | 6.59 | 1.67 |
| 0.65 | 7-13/16 | 1.63 | 2.47 | 3.32 | 5.03 | 6.75 | 1.72 |
| 0.66 | 7-15/16 | 1.67 | 2.53 | 3.40 | 5.15 | 6.90 | 1.75 |
| 0.67 | 8-1/16 | 1.71 | 2.59 | 3.47 | 5.26 | 7.05 | 1.79 |
| 0.68 | 8-3/16 | 1.74 | 2.64 | 3.56 | 5.38 | 7.21 | 1.83 |
| 0.69 | 8-1/4 | 1.78 | 2.70 | 3.63 | 5.49 | 7.36 | 1.87 |
| 0.70 | 8-3/8 | 1.82 | 2.76 | 3.71 | 5.61 | 7.52 | 1.91 |
| 0.71 | 8-1/2 | 1.86 | 2.81 | 3.78 | 5.73 | 7.68 | 1.95 |
| 0.72 | 8-5/8 | 1.90 | 2.87 | 3.86 | 5.85 | 7.84 | 1.99 |
| 0.73 | 8-3/4 | 1.93 | 2.93 | 3.94 | 5.97 | 8.00 | 2.03 |
| 0.74 | 8-7/8 | 1.97 | 2.99 | 4.02 | 6.09 | 8.17 | 2.08 |
| 0.75 | 9 | 2.01 | 3.05 | 4.10 | 6.21 | 8.33 | 2.12 |
| 0.76 | 9-1/8 | 2.05 | 3.11 | 4.18 | 6.33 | 8.49 | 2.16 |
| 0.77 | 9-1/4 | 2.09 | 3.17 | 4.26 | 6.45 | 8.66 | 2.21 |
| 0.78 | 9-3/8 | 2.13 | 3.23 | 4.34 | 6.58 | 8.82 | 2.24 |
| 0.79 | 9-1/2 | 2.17 | 3.29 | 4.42 | 6.70 | 8.99 | 2.29 |
| 0.80 | 9-5/8 | 2.21 | 3.35 | 4.51 | 6.83 | 9.16 | 2.33 |
| 0.81 | 9-3/4 | 2.25 | 3.41 | 4.59 | 6.95 | 9.33 | 2.38 |
| 0.82 | 9-13/16 | 2.29 | 3.47 | 4.67 | 7.08 | 9 50 | 2.42 |
| 0.83 | 9-15/16 | 2.33 | 3.54 | 4.75 | 7.21 | 9.67 | 2.46 |
| 0.84 | 10-1/16 | 2.37 | 3.60 | 4.84 | 7.33 | 9.84 | 2.51 |
| 0.85 | 10-3/16 | 2.41 | 3.66 | 4.92 | 7.46 | 10.01 | 2.55 |
| 0.86 | 10-5/16 | 2.46 | 3.72 | 5.01 | 7.59 | 10.19 | 2.60 |
| 0.87 | 10-7/16 | 2.50 | 3.79 | 5.10 | 7.72 | 10.36 | 2.64 |
| 0.88 | 10-9/16 | 2.54 | 3.85 | 5.18 | 7.85 | 10.54 | 2.69 |
| 0.89 | 10-11/16 | 2.58 | 3.92 | 5.27 | 7.99 | 10.71 | 2.72 = 21.59 ✓ |
| 0.90 | 10-13/16 | 2.62 | 3.98 | 5.35 | 8.12 | 10.89 | 2.77 |
| 0.91 | 10-15/16 | 2.67 | 4.05 | 5.44 | 8.25 | 11.07 | 2.82 |
| 0.92 | 11-1/16 | 2.71 | 4.11 | 5.53 | 8.38 | 11.25 | 2.87 |
| 0.93 | 11-3/16 | 2.75 | 4.18 | 5.62 | 8.52 | 11.43 | 2.91 |
| 0.94 | 11-1/4 | 2.79 | 4.24 | 5.71 | 8.65 | 11.61 | 2.96 |
| 0.95 | 11-3/8 | 2.84 | 4.31 | 5.80 | 8.79 | 11.79 | 3.00 |
| 0.96 | 11-1/2 | 2.88 | 4.37 | 5.89 | 8.93 | 11.98 | 3.05 |
| 0.97 | 11-5/8 | 2.93 | 4.44 | 5.98 | 9.06 | 12.16 | 3.10 |
| 0.98 | 11-3/4 | 2.97 | 4.51 | 6.07 | 9.20 | 12.34 | 3.14 |
| 0.99 | 11-7/8 | 3.01 | 4.57 | 6.15 | 9.34 | 12.53 | 3.19 |
| 1.00 | 12 | 3.06 | 4.64 | 6.25 | 9.48 | 12.72 | 3.24 |
| 1.01 | 12-1/8 | | 4.71 | 6.34 | 9.62 | 12.91 | 3.29 |
| 1.02 | 12-1/4 | | 4.78 | 6.43 | 9.76 | 13.10 | 3.34 |
| 1.03 | 12-3/8 | | 4.85 | 6.52 | 9.90 | 13.28 | 3.38 |
| 1.04 | 12-1/2 | | 4.92 | 6.62 | 10.04 | 13.47 | 3.43 |
| 1.05 | 12-5/8 | | 4.98 | 6.71 | 10.18 | 13.66 | 3.48 |
| 1.06 | 12-3/4 | | 5.05 | 6.80 | 10.32 | 13.85 | 3.53 |
| 1.07 | 12-13/16 | | 5.12 | 6.90 | 10.46 | 14.04 | 3.58 |
| 1.08 | 12-15/16 | | 5.20 | 6.99 | 10.61 | 14.24 | 3.63 |
| 1.09 | 13-1/16 | | 5.26 | 7.09 | 10.75 | 14.43 | 3.68 |

MICROFILMED
23
OCT 2 6 1993 35-08782

VOLUME CALCULATIONS:

PONDS

#1 (235' x 132' x 20') 0.4 = 248,160 ft³

#2 (20' x 50' x 4'd) = 4,000 ft³

#3 (60' x 80' x 4'd) = 19,200 ft³

#4 (50' x 50' x 4'd) = 10,000 ft³

#5 (30' x 120' x 4'd) = 14,400 ft³

RACEWAYS:

Headway into Raceways
(9' x 4' x 40') = 1,440

ELEVEN RACEWAYS (11)
(4' x 2.5' x 24') 11 = 2,640 ft³

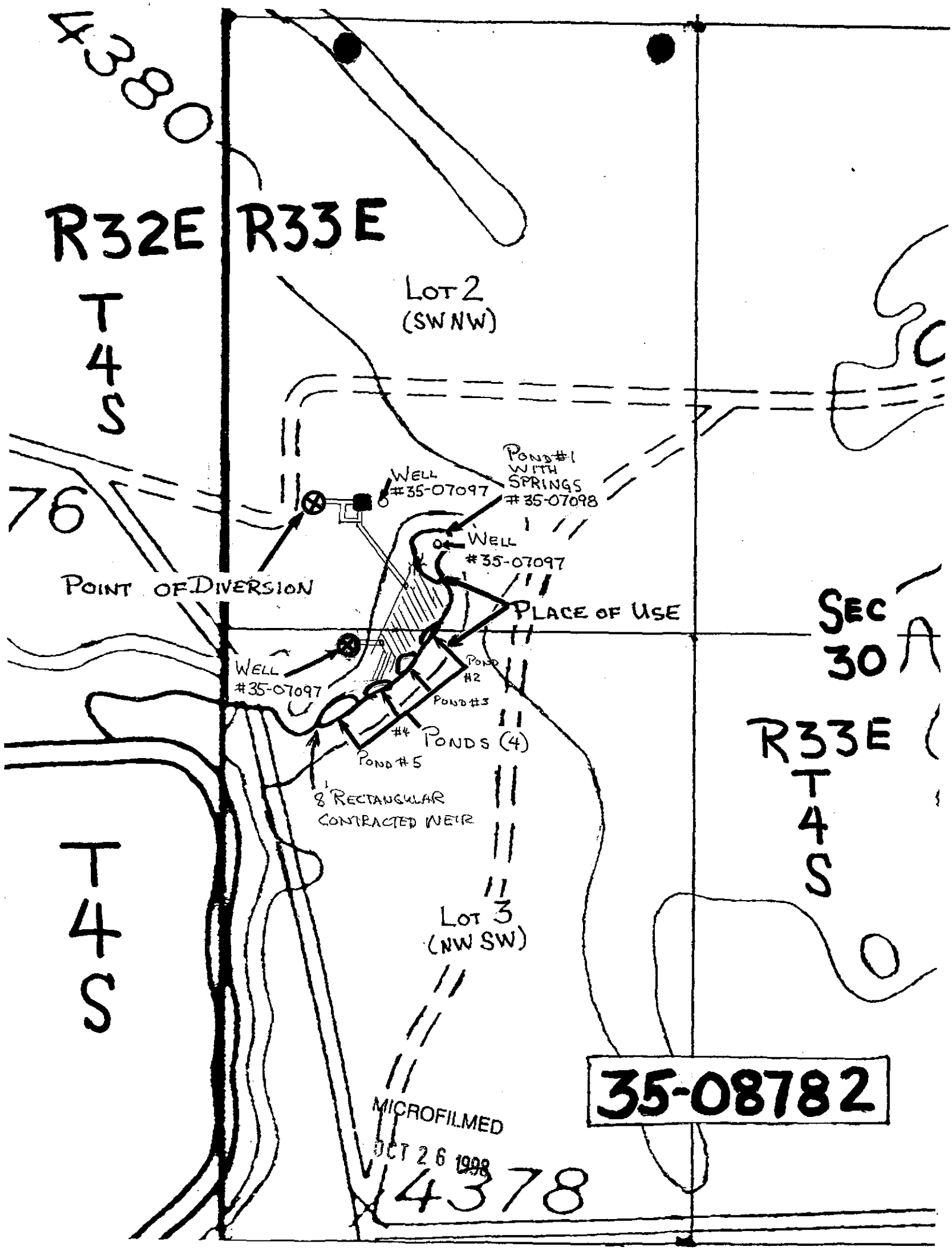
FOURTEEN (14) RACEWAYS
(24' x 8'w x 3.5'd) 14 = 9,408 ft³

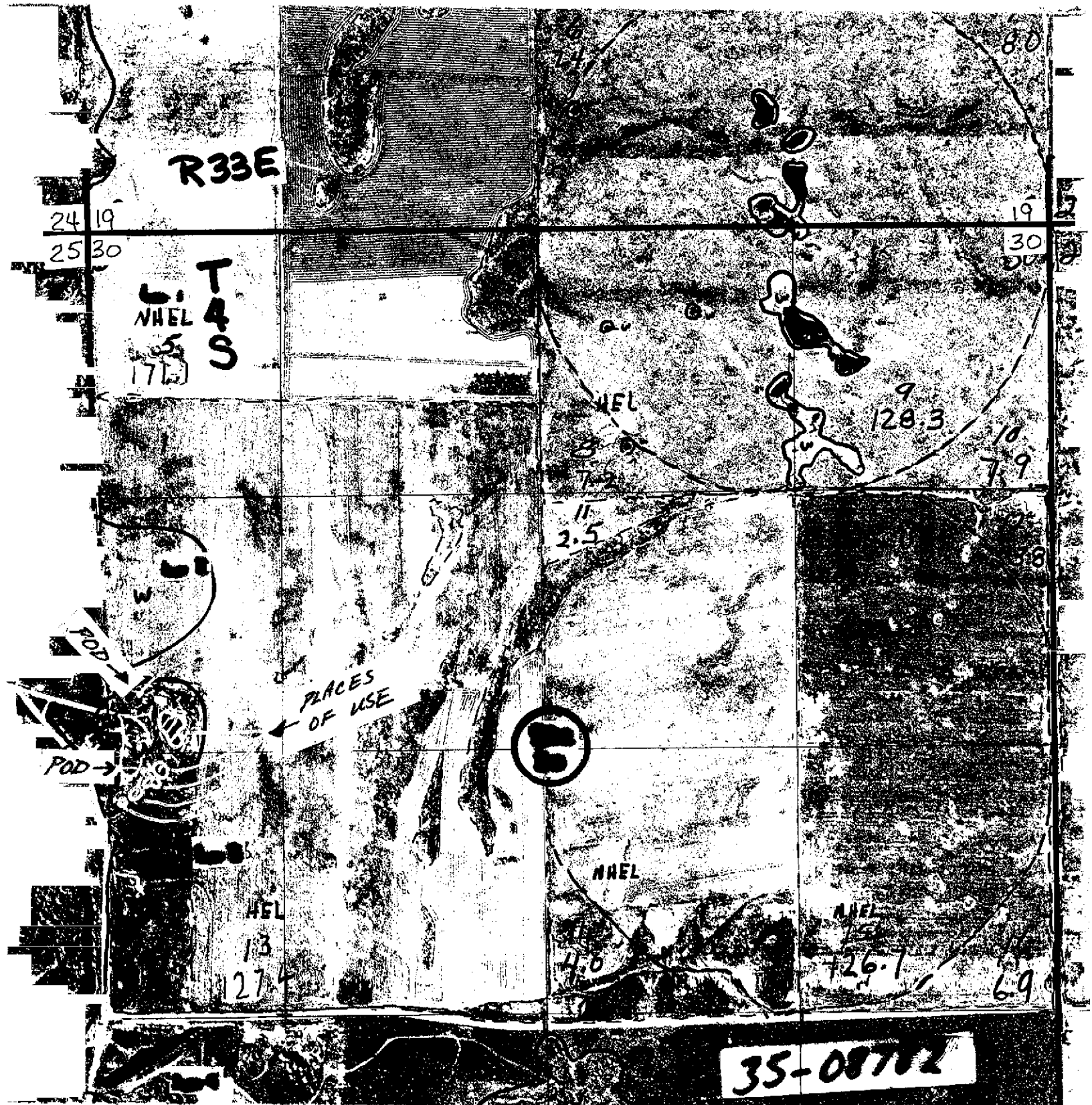
Total Volume = 309,248 ft³ / 43560 ft²/ac

Volume = 7.1 ac-ft

MICROFILMED
OCT 26 1998

PERMIT # 35-08782


4380
R32E
R33E
T4S
LOT 2
(SW NW)
POND #1
WITH
SPRINGS
#35-07098
WELL
#35-07097
WELL
#35-07097
POINT OF DIVERSION
PLACE OF USE
SEC
30
WELL
#35-07097
POND
#2
POND #3
#4
PONDS (4)
POND #5
8' RECTANGULAR
CONTRACTED WEIR
R33E
T4S
LOT 3
(NW SW)
T4S
35-08782
MICROFILMED
OCT 26 1998
4378

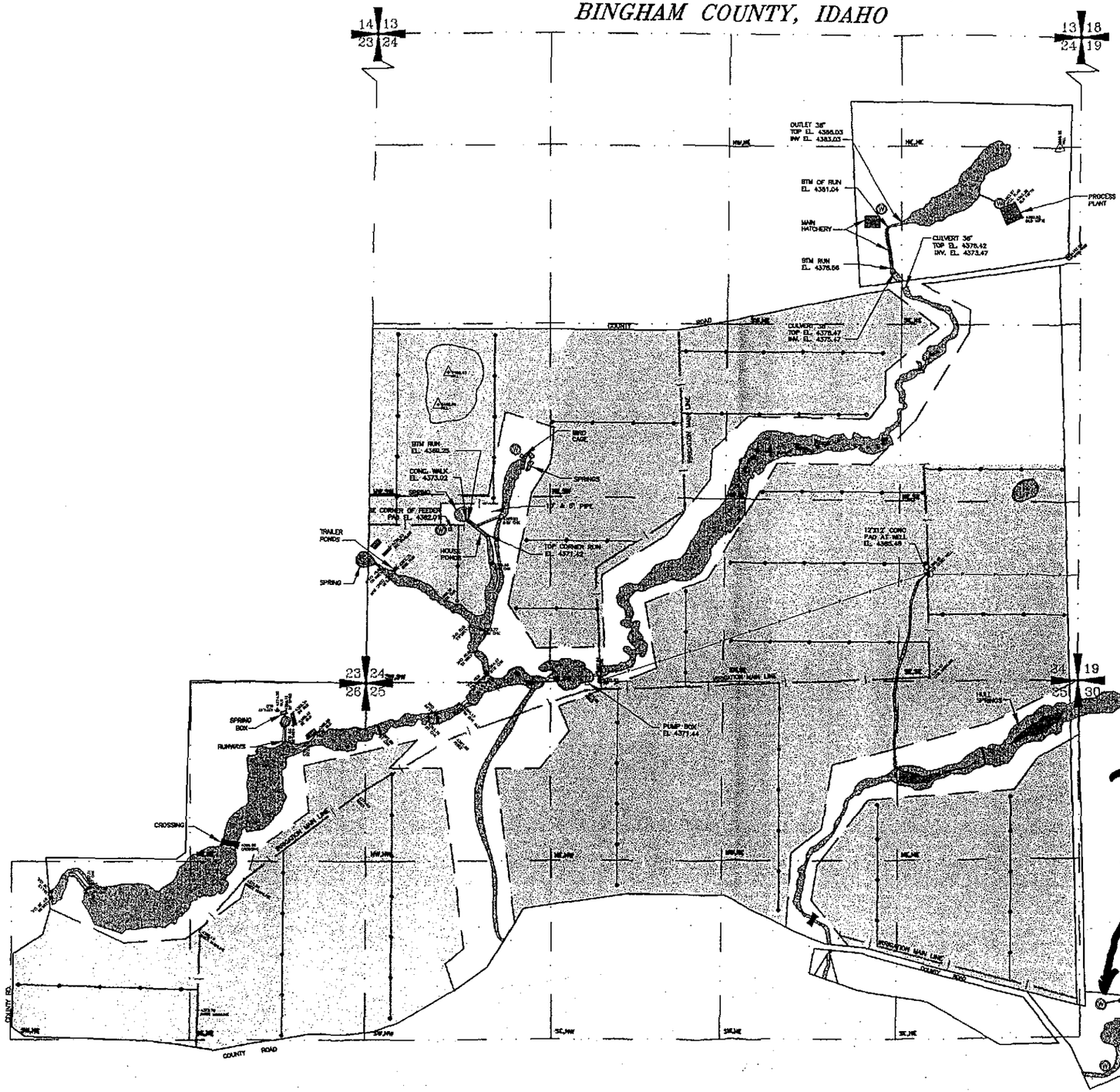



MICROFILMED
OCT 26 1998

Part o

Section 23, 24, 25, 26, T. 4S., R. 32E., B.M.
BINGHAM COUNTY, IDAHO

1 3030




LEGEND

- POTENTIAL CONSERVATION EASEMENT
- POWER POLE
- EXISTING WELLSWELL
- BUILDING
- IRRIGATION MAIN LINE
- HILL
- OVERHEAD POWER
- IRRIGATED LAND
- IRRIGATED LINES

GRAPHIC SCALE

( IN FEET )
1 inch = 400 ft.

POINT OF DIVERSION
PLACE OF USE
35-08782

HE

SITE PLAN

NORTH FORK ENERGY INC.

HARPER–LEAVITT ENGINEERING, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
300 W. JUDICIAL ST., P.O. BOX 906, BLACKFOOT, IDAHO 83221 (208) 785-8777
905 N. CAPITAL AVE., P.O. BOX 50691, IDAHO FALLS IDAHO 83405 (208) 524-0812

| | |
|---|---|
| JOB NO.: | 96061 |
| DATE: | 09-13-96 |
| DRWN. BY: | LME |
| CHECKED. BY: | S.D.J. |

SHEET 1 OF 1

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WELL

Photos 4-27-1998



FLOW MEASUREMENT SITE

35-08782
MICROFILMED
OCT 26 1998

WELL SITE

HATCHERY

PHOTO 4-27-1998



8' CONTRACTED WEIR

35-08782
MICROFILMED
OCT 26 1998

Golden Eagle

Fish Propagation

1/6




Point of Diversion

10" well

Artesian




Building Containing 11 Fish Raceways

FISH HATCHERY

MICROFILMED
OCT 26 1998

PERMIT NUMBER 35-08782

Golden Eagle

Fish Propagation

2 of 6



Upper Pond

Has other springs discharging into this pond.



Discharge point from upper pond.

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OCT 26 1998

PERMIT NUMBER 35-08782

Golden Eagle

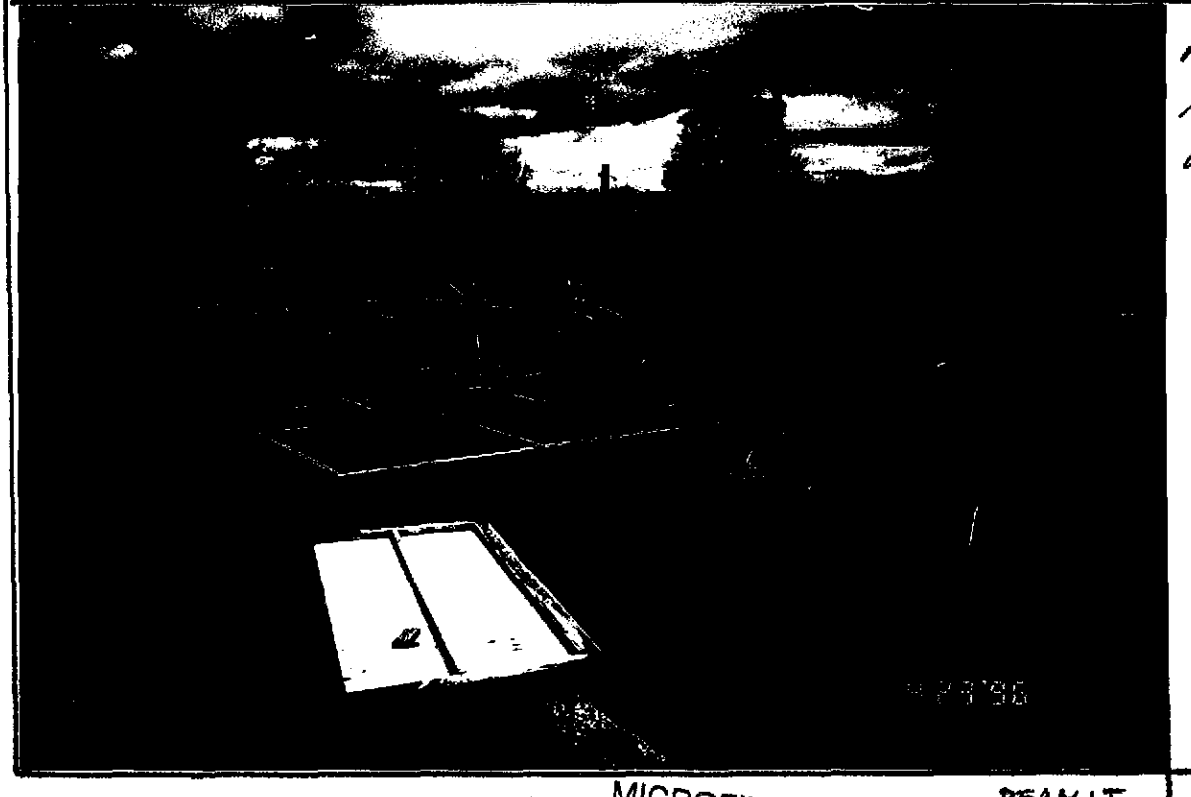
Fish Propagation

PARTICAL DISCHARGE FROM HATCHERY

3 of 6



Discharge point from upper pond. start of 14 fish Raceways.



Raceways below large upper pond.

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OCT 26 1998

PERMIT NUMBER 35-08782

Golden Eagle

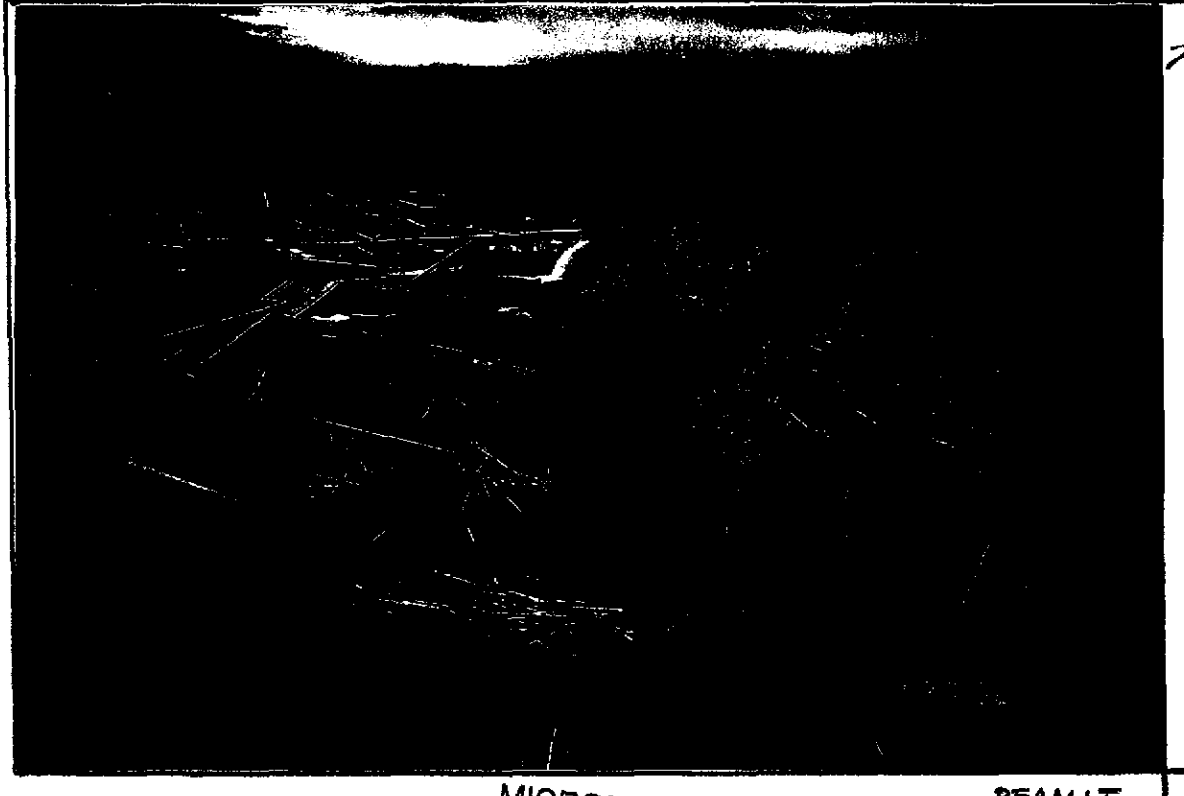
Fish Propagation

4/6



Fish Raceway

VIEW DOWNSTREAM



Fish Raceway

VIEW DOWNSTREAM

MICROFILMED

OCT 26 1998

PERMIT NUMBER 35-08782

Golden Eagle

Fish Propagation

5 5/6



3rd Pond.



4th Pond.

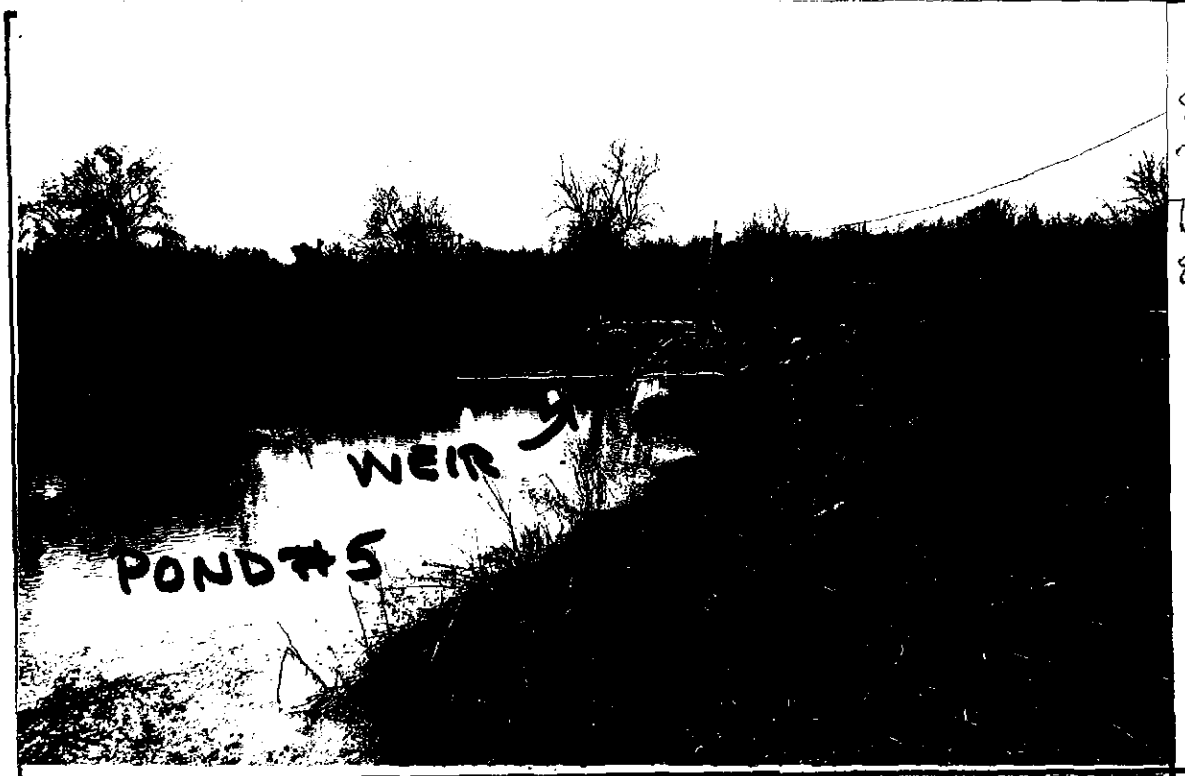
PERMIT NUMBER 35-08782

MICROFILMED
OCT 26 1998

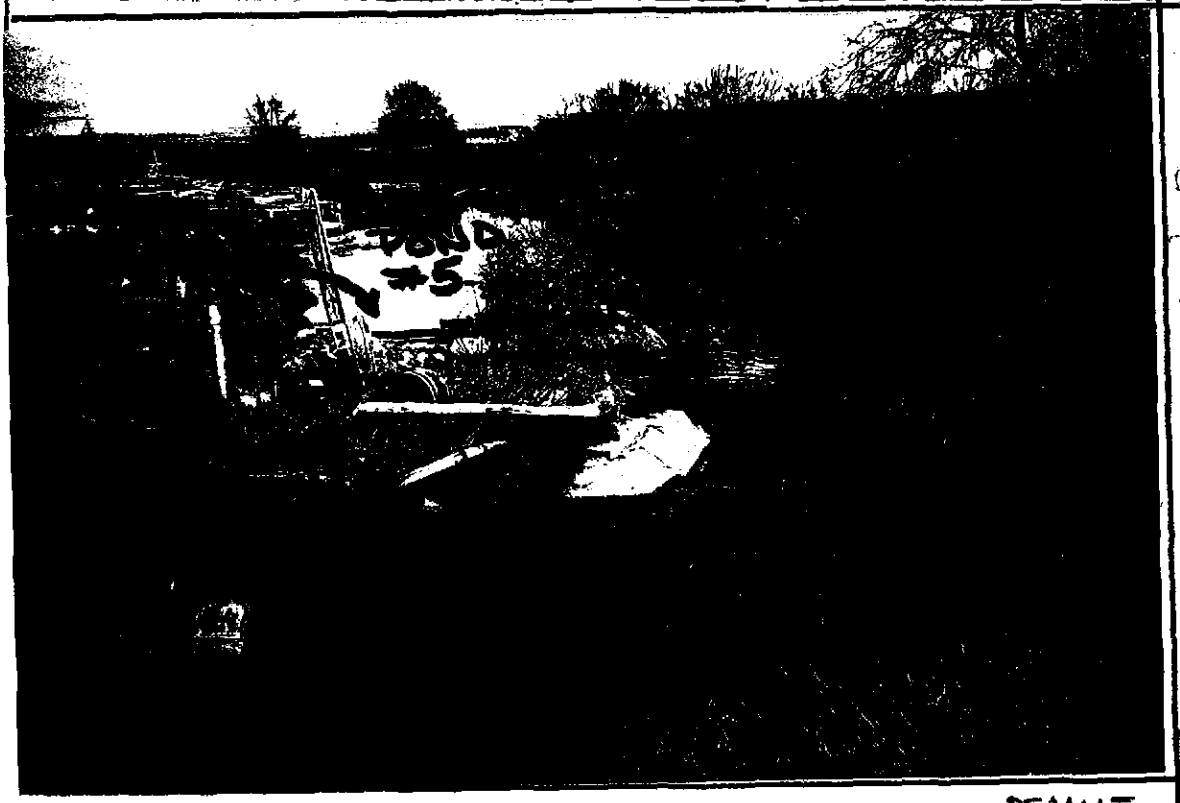
Golden Eagle

Fish Propagation

6 of 6




View Down Stream of Pond #5 with Discharge over 8' Rectangular Contracted Weir




View Up Stream of Pond #5 with Discharge Over 8' Rectangular Contracted Weir

PERMIT NUMBER 35-08782

MICROFILMED

OCT 26 1998

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

June 5, 1997

NORTH FORK ENERGY INC
PO BOX 5405
BOISE ID 83705

RE: OWNERSHIP OF PERMIT NO. 35-08782

Dear New Water Right Holder:

We have received correspondence changing ownership of the above referenced water right permit to you and we have modified our computer records to reflect this change.

Enclosed is a report listing you as current owner of the permit and other important information about your water right. **Please review carefully the Conditions of Approval and Remarks.**

Also, please note that as of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

> If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.
>
> If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a $100 late filing fee.

You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208)327-7947.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosure

MICROFILMED
JUL 10 1997

May 22, 1992

GOLDEN EAGLE RANCH
P.O. BOX 519
REXBURG ID 83440

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08782

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.

I note that the permit issued to you by the department requires the installation of a measuring device to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the measuring device must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

JUN 10 1992

**ANALYSIS SHEET**
**FOR**
**PROOF OF BENEFICIAL USE**

Permit No. 35-08782 Reviewed by Klg Date 4/23/92

GENERAL CONSIDERATIONS

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

TYPES OF USE

Fish Propogation

Correct Uses? yes

SOURCE OF WATER

____ Surface water source
✓ Ground water source
~~yes~~ NA Drilling permit required?
prior to 7/87 ____ Copy in the file? Drilling Permit No. ____
____ Amount paid for permit ____ Correct?
____ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
200 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
no Installed?
no Waiver requested?

PRIORITY CALCULATION

| | | | |
|---|---|---|---|
| Date proof received | NA | | |
| Date proof due | / | - | |
| No. of days late | / | = | |
| Priority Date | / | + | |
| New Priority Date | ✓ | | |

DEFICIENCIES OR ACTION ITEMS - drilled/Corr

proof acceptable

needs a measuring device

DATA ENTRY
New Address ____

Proof Made 4/17/92
5/22/92 Klg

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 27, 1992

Golden Eagle Ranch
P.O. Box 519
Rexburg, ID 83440

Re: Permit No. 35-08782

Dear Permit Holder:

In the department's review of the proof of beneficial use submitted in connection with the above referenced permit, the department was not able to locate a drilling permit which should have been applied for before the opening of your well began. We have also been unable to locate a well log which should have been submitted by your well driller 30 days after completion of the construction of your well.

If you have a drilling permit or a copy of the well log, please provide this office with a copy of each. If you do not have a copy of the well log, please contact your driller and ask that he submit a copy. In your return letter, please be sure to show the above referenced permit number on any documents. Also, please address any correspondence directly to me. Your response, with both forms attached, should be received within 30 days of the date of this mailing.

This information is needed before the department can proceed further with the examination of your system and the eventual issuance of a license of water right.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson

Karen L. Gustafson
Secretary/Records Manager

MICROFILMED
JUN 10 1997

March 31, 1992

GOLDEN EAGLE RANCH
P.O. BOX 519
REXBURG ID 83440

CERTIFIED MAIL
NO. 138733

PROOF DUE NOTICE

RE: PERMIT NO. 35-08782

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

JUN 10 1992

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
June 4, 1990

GOLDEN EAGLE RANCH
P.O. BOX 519
REXBURG, ID 83440

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P35-08782

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.

Please be advised that your plans for fish propagation may be subject to regulations of the Idaho Department of Fish and Game. We suggest that you check with them before starting construction.

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.

MICROFILMED

JUN 19 1990

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

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

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

JUN 1 9

Dist. for staffing 5-24-89 RB

Submitted for advertising 7-7-89

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NON-TRUST HELD

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HWJ DATE 7-7-89 APPLICATION NUMBER 35 8782
Golden Eagle Ranch

REQUIRED INFORMATION

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

ADDITIONAL INFORMATION

- X Overlapping place of use (Describe source & relationship to present application on the back.)
- X Overlapping point of diversion
- ____ Yes ____ No Field check required
  Field check by _____
- ____ Yes ____ No Field report attached
- ____ Yes ____ No Critical groundwater area
- ____ Yes ____ No Groundwater management area
- ____ Yes ____ No Send dam safety information
- ____ Yes ____ No Send power requirement letter
- ____ Yes ____ No Send fish farm requirement letter
- ____ Yes ____ No Power residency affidavit
- ____ Yes ____ No Power efficiency form
- ____ Yes ____ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ____ Yes ____ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ____ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Need evidence of Possessory Interest, Pond size + volumes + number of ponds + pictures

Needed Date Requested

RECEIVED
MAY 17 1990
Department of Water Resources

PROCESSING ✓Yes ___No in form for advertising
___Yes ✓No Statewide advertising
✓Yes ___No Fee amount, receipt date & No. recorded on application

SEND COPIES TO ___Idaho Dept. of Health & Welfare ___U.S. BLM
___Idaho Dept. of Fish & Game ___U.S. Forest Service
___Idaho Dept. of Lands ___Water District
___Adjudication Bureau Unit ___Other_____

FINAL REGIONAL PROCESSING REVIEW

✓Yes ___No Affidavit of publication received
✓Yes ___No Application published correctly. If not, record action taken.

✓Yes ___No Publication dates & paper, recorded on application
___Yes ✓No Protests received
Final date for protest 3-19-90
~~Yes~~ ___No Protests, dates, resolution of protest, recorded on application
___Yes X No Recommendations attached
___Yes X No Measuring device required
X Yes ___No Access port required
O Yes V No Will water be delivered by watermaster? If yes, what Dist. 01-P05
X Yes ___No Special conditions of approval or cover letter below.

___See below for additional information
Date of priority recommended 5-23-89 ✓
By HWS Date 5-11-90 07A 09C 42 44

STATE OFFICE REVIEW P06 P05, P23, P03, P17 02 27 46 48 49 26 01G

___See below for additional information
By tw Date 5-23-90

ADDITIONAL INFORMATION

*overlap with 35-07097

✓Rule 4.5.3 waived as this is an overlap pd. on an Artesian well. Impacts have already been adequately addressed.

Conditions: <02> <01G> <07A>
App. in NON-TRUST area - OK to allow 2 yrs. to develop

State of Idaho

Department of Water Resources

## WATER RIGHT LICENSE

License of Water Right No. 35-7097 Priority September 30, 1969 Amount 4.00 cfs

THIS IS TO CERTIFY, that HOUGHLAND FARMS

of Springfield, Idaho, has complied with the terms and conditions of Permit No. 35-7097 issued pursuant to Application for Permit dated August 22, 1969, and has submitted proof to the Department of Water Resources on February 9, 1976, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 8.62 cfs of water from a groundwater source, tributary to _____, and that the permit holder has applied to a beneficial use an established a right to use water as follows:

| Beneficial Use | Period of Use | Rate of Diversion | Annual Volume |
|---|---|---|---|
| Fish Propagation | from January 1 to December 31 | at 4.0 cfs and | N/A |
| Domestic | from January 1 to December 31 | at .04 cfs and | 1.2 acre feet |
| _____ | from _____ to _____ (both dates inclusive) | at _____ cfs and | _____ |

Subject, however, to the condition that no more than 4.00 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed N/A acre feet per year, said waters to be diverted within the NW¼SW¼, SW¼NW¼, Sec. 30, Twp. 4S, Rge. 33E, B.M. in the County of Bingham

Description and location of place of use:

| Twp. | Range | Sec. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 4S | 33E | 30 | | | | | | | X | | | X | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres irrigated _____

MICROFILMED

JUN 19 1990

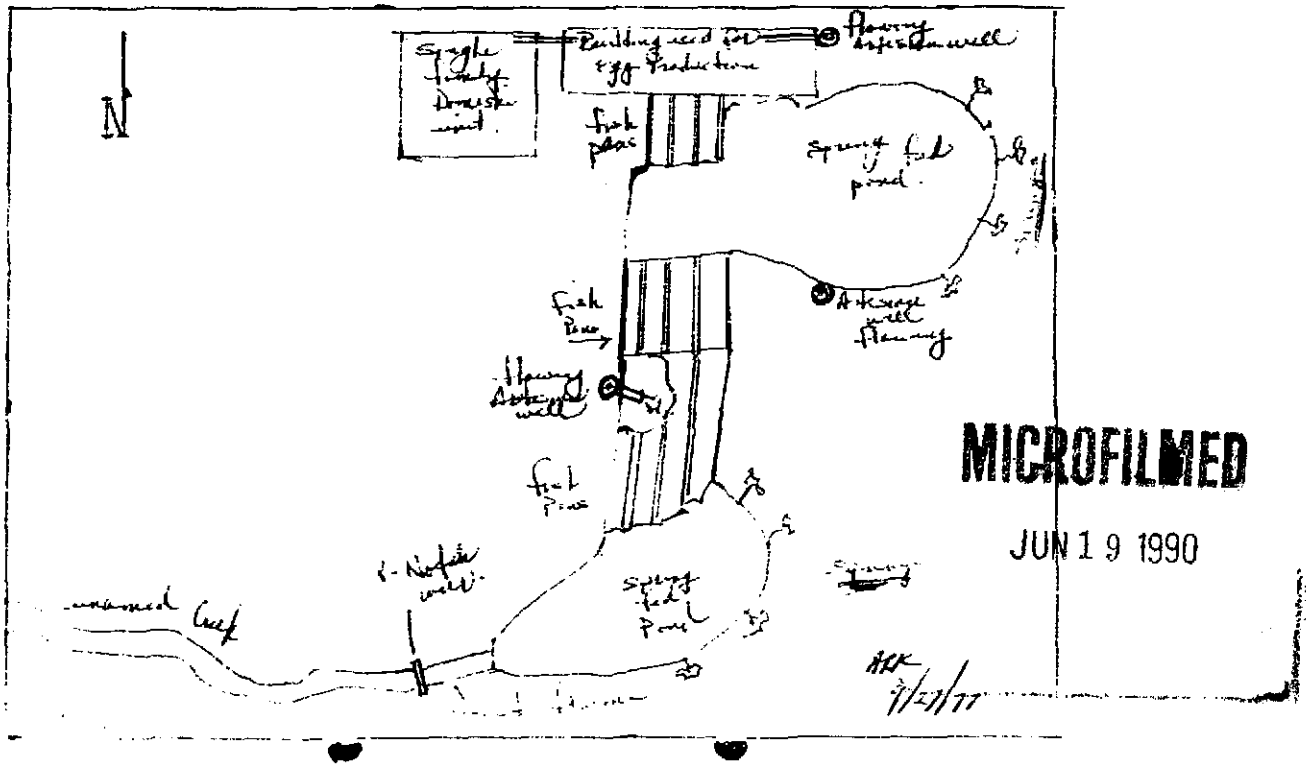
NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 24 day of December, 19 80

Director

Diagram of System




MICROFILMED
JUN 19 1990



RECEIVED
MAY 10 1990
Department of Water Resources
Eastern District Office

# Golden Eagle Ranches

May 9, 1990

Department of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

Dear Mr. Jones

In request to your letter of April 6, 1990, please see attached a Correction Corporate Warranty Deed which is evidence of possessory interest in the Hatchery site. We will have 4 ponds 4x6x150 7,200 cubic feet per pond.

If you have any further questions, please do not hesitate to call.

Sincerely,

Mike A. Webster rcs

Mike A. Webster
General Manager

MAW/rcs

application #35-8782

MICROFILMED
JUN 19 1990

P.O. Box 519 • Rexburg, Idaho 83440 • (208) 356-3716

383462

CORRECTION CORPORATE WARRANTY DEED

THIS INDENTURE, made this 21st, Aug, in the year of our Lord, One Thousand Nine Hundred and Eighty Nine, between Houghland Farms, Inc., an Idaho Corporation, of Springfield, County of Bingham, State of Idaho, the party of the first part, and ROGER FERGUSON and SYBIL FERGUSON, husband and wife, P.O. Box 160, City of Rexburg, 83440, County of Madison, State of Idaho, the parties of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, lawful money of the United States of America, to them in hand paid by the parties of the second part, the receipt of which is hereby acknowledged, does by these presents, Grant, Bargain, Sell, Convey and Confirm unto said parties of the second part, and to their heirs and assigns forever: All that certain lot, place, or parcel of land situated, lying and being in the County of Bingham, State of Idaho, bounded and more particularly described, together with all the estate and rights in and to the real property and in and to the land lying in streets or roads adjoining the real property; all buildings, structures, improvements, fixtures and annexations, access rights, easements, rights-of-way or use, water and water rights, ditches and ditch right, including, but not limited to, 64 cfs. of water from springs and artesian wells for fish production and irrigation, servitudes, mineral rights, licenses, tenements, hereditaments and appurtenances now or hereafter belonging to or pertaining to the real property, as follows, to-wit:

THAT PORTION OF THE FOLLOWING LEGAL DESCRIPTION:

PARCEL I:

Part of the N.E. ¼ of Section 24, Township 4 South, Range 32 East, B.M., Bingham County, Idaho described as:
Beginning at a point on the West line of a county road that is S 0°13'14" W 1001.26 feet along the section line and N 89°40'08" W 57.90 feet from the N.E. corner of said Section 24 and running thence S 1°11'42" W 1128.14 feet along said west line to the North line of a county road; thence S 80°53'08" W 813.33 feet along said North line; thence S 81°36'36" W 753.22 feet along said North line; thence N 2°55'53" W 1377.93 feet; thence S 89°40'08" E 1642.24 feet to the point of beginning.

T-9606

00990.03



RECORDED AT REQUEST OF
JAN 19 1990

T-9606, T-9607

THAT PORTION OF THE FOLLOWING LEGAL DESCRIPTIONS OF PARCEL II, IIA AND III:

PARCEL II:

Part of Sections 24, 25 and 26, Township 4 South, Range 32 East, B.M., Bingham County, Idaho described as:

Beginning at a point on the South line of a county road that is S 0°13'14" W 2179.74 feet along the section line and West 83.95 feet from the N.E. corner of said Section 24 and running thence S 81°36'31" W 1192.27 feet along said South line; thence S 78°49'32" W 1368.55 feet; thence S 79°16'11" W 402.03 feet; thence S 89°24'11" W 198.67 feet; thence S 89°59'48" W 2075.55 feet along said South line to the West line of said Section 24; thence leaving said county road S 0°32'53" W 2618.34 feet along the section line to the S.W. Corner of said Section 24; thence N 89°28'36" W 1325.23 feet along a fence line; thence S 1°04'04" W 1268.04 feet along said fence; thence S 55°28'37" W 90.03 feet; thence N 89°46'17" W 958.92 feet along said fence line to the East line of a county road; thence S 5°14'03" E 379.68 feet along said East line; thence S 16°10'45" W 198.21 feet; thence S 56°11'16" W 256.70 feet; thence S 0°11'21" W 546.83 feet; thence S 53°20'44" E 115.52 feet along said East line to the North line of said county road; thence S 88°50'14" E 561.72 feet along said North line; thence S 87°40'11" E 380.70 feet; thence S 84°18'14" E 186.12 feet; thence S 80°40'02" E 265.21 feet; thence N 80°18'38" E 732.64 feet; thence S 89°24'55" E 271.34 feet; thence N 84°41'36" E 213.19 feet; thence N 69°59'04" E 200.75 feet; thence N 59°36'35" E 521.39 feet; thence N 53°39'50" E 263.65 feet; thence N 31°17'57" E 502.46 feet; thence N 81°43'25" E 787.30 feet; thence S 89°36'24" E 702.19 feet; thence S 64°24'39" E 620.55 feet; thence S 69°30'02" E 233.65 feet; thence S 84°26'23" E 323.64 feet; thence S 74°29'47" E 1219.71 feet; thence S 75°50'39" E 443.76 feet along said North line; thence leaving said county road N 1°30'06" W 110.13 feet; thence N 1°26'14" W 2304.88 feet along a fence line; thence N 1°42'30" W 3088.94 feet along said fence line to the point of beginning.

PARCEL IIA:

Part of Section 25, Township 4 South, Range 32 East, B.M., Bingham County, Idaho described as:
Beginning at a point on the southerly line of a county road that is S 88°51'23" W 104.34 feet from the East ¼ corner of said Section 25 and running thence S 88°51'23" W 435.46 feet along the monumented American Falls Reservoir right-of-way line; thence N 59°21'28" W 624.41 feet along said right-of-way line; thence leaving said right-of-way line N 81°25'15" W 525.11 feet; thence N 70°36'20" W 384.05 feet along an existing fence line; thence N 11°04'21" E 187.45 feet along said fence line to the South line of said county road; thence S 84°13'41" E 354.63 feet along said South line; thence S 74°46'41" E 1242.62 feet along said South line; thence S 38°16'17" E 429.83 feet along said South line to the point of beginning.

PARCEL III:

Part of Section 30, Township 4 South, Range 33 East, B.M., Bingham County, Idaho, described as:

Beginning at a point that is N 00°04'26" E 377.02 feet along the section line and East 80.90 feet from the West ¼ corner of said Section 30 and running thence S 85°45'02" E 511.11 feet; thence S 3°57'29" W 492.04 feet; thence S 65°54'48" W 475.69 feet to the east line of a county road; thence N 23°57'42" W 351.58 feet along said East line; thence N 39°11'07" W 516.08 feet along said East line; thence leaving said East line S 75°50'39" E 443.76 feet; thence N 1°30'06" W 110.13 feet to the point of beginning.

T-9607



(continued)

JUN 19 1990

EXCEPT: Beginning at the NW corner of said Lot 3, thence S 13°40½' E 584.6 feet to a point, thence S 0°25½' E 545.3 feet to a point, thence S 31°43' W 260 feet, more or less, to the SW corner of said Lot 3, thence N 0°14½' W along the West line of said Lot 3, 1335.1 feet, more or less, to the Point of Beginning.

LYING WITHIN THE BOUNDS OF SECTION 24, 30 AND THE FOLLOWING DESCRIBED LEGAL:

Section 25:

N½N½; SW¼NW¼; ALSO: beginning at the SE corner of NE¼ of said Section, thence N 0°07' W 1336.4 feet, more or less, to the NE corner of the S½NE¼ of said Section, thence S 89°40' W along the North line of said S½NE¼ and SE¼NW¼ of said Section, 3945.4 feet, more or less, to the NW corner of said SE¼NW¼, thence S 0°10' W along the West line of said SE¼NW¼, 403.5 feet to a point; thence N 79°12½' E 688.8 feet to a point, thence N 87°28½' E 651.1 feet to a point, thence S 58°24' E 558.7 feet to a point, thence S 37°22' E 386.5 feet to a point, thence N 35°26' E 250.3 feet to a point, thence S 14°34' E 411.8 feet to a point, thence S 74°21½' E 299.7 feet to a point, thence N 67°11½' E 391.3 feet to a point, thence S 55°55' E 616.5 feet, more or less, to the South line of said S½NE¼ of said Section 25, thence N 89°50' E along said South Line of said S½NE¼, 503.3 feet, more or less, to the Point of Beginning.

T-1607

Section 26:

NE¼NE¼, and commencing at the SE corner of the NE¼ of Section 26, thence West 160 rods, thence North 67 rods, thence East 13 rods, thence North 13 rods, thence East 147 rods, thence South 80 rods to the Point of Beginning.

EXCEPTING THEREFROM from Section 25 and Section 26 hereinabove set out: those certain portions of the above described property deeded to the United States of America as disclosed by Deed dated February 11, 1938, recorded February 26, 1938, as Instrument No. 16078, records of Bingham County, as follows:

TRACT A: A tract of land in the SW¼NE¼ of Section 26, Township 4 South, Range 32, E.B.M., Bingham County, Idaho, more particularly described as follows: Beginning at a point on the West line of said SW¼NE¼ that is N 0°04' W 681.8 feet from the Southwest corner said SW¼NE¼; thence N 0°04' W along the West line of the SW¼NE¼ 429.8 feet to a point; thence N 81°48' E 297.5 feet to a point; thence N 49°25' E 288.2 feet to a point; thence S 43°48' E 166.2 feet to a ~~point; thence S 49°19' W 828.0 feet~~, more or less, to the Point of Beginning.

TRACT B: A tract in the SE¼NE¼ of Section 26 and the SW¼NW¼ of Section 25, Township 4 South, Range 32, E.B.M., Bingham County, Idaho, more particularly described as follows: Beginning at the Quarter corner between Sections 25 and 26, thence S 89°13½' W along the South line of said SE¼NE¼ of Section 26, 392.1 feet to a point; thence N 73°40' E 408.5 feet to a point; thence N 69°41' E 349.7 feet to a point; thence S 40°48' W 304.7 feet, more or less, to the South line of said SW¼NW¼ of Section 25, thence S 89°51' W along the said South line of SW¼NW¼ 128.7 feet, more or less, to the Point of Beginning.

TRACT C: A tract of land in the SW¼NW¼ of Section 25, Township 4 South, Range 32, E.B.M., Bingham County, Idaho, more particularly described as follows: Beginning at the Southeast corner of said SW¼NW¼, thence S 89°51' W along the South line of said SW¼NW¼ 1070.9 feet to a point; thence N 55°49' E 981.5 feet to a point, thence N 35°09½' E 455.4 feet, more or less, to a point on the East line of said SW¼NW¼ of Section 25, thence S 0°12' W along the East line of said SW¼NW¼ of Section 25, 921 feet, more or less, to the Point of Beginning.

00991.01, 00991.02, 00992.01, 00992.02, 00990.02, 01636.0

This correction deed is given to correct the legal description in that certain Corporation Warranty Deed recorded December 19, 1986, as Instrument #356696, and Correction Deed recorded March 9, 1989, as Instrument No. 378743 in which said legal description was a surveyed legal on an existing fence line and said surveyed legal description did not coincide with the legal descriptions of record.

RECORDED

JUN 1 9 1990

JECT TO: Easement to Idaho Power Company, recorded April 4, 1947, as Instrument 1288, records of Bingham County, Idaho. Said easement being for power lines. ¼SW¼ of Section 24 and NW¼NW¼ of Section 25-4S-32).

Easement to Idaho Power Company, recorded October 13, 1948, as Instrument No. 7937, records of Bingham County, Idaho. Said easement being for power lines (SW¼SW¼ of Section 24-4S-32, NE¼NE¼NE¼ of Section 26-4S-32; N½NW¼ and NW¼NE¼ of Section 25-4S-32).

Easement to Idaho Power Company, recorded October 13, 1948, in Miscellaneous Book P, as Instrument No. 7938, records of Bingham County, Idaho. Said easement being for power lines. (SE¼SE¼SE¼ of 24-4S-32, NE¼NE¼ of Section 25-4S-32, Lot 2 and SW¼NW¼NW¼ of Section 30-4S-33).

Easement to Idaho Power Company, recorded April 11, 1972, in Book 12, as Instrument No. 168948, records of Bingham County, Idaho. Said easement being for power lines. (25 feet either side of Section line between Section 24-4S-32 and 19-4S-33 and also SE¼SW¼ and S½NE¼ of 24-4S-32 and SW¼SW¼ 19-4S-33)

Easement to Idaho Power Company, recorded March 11, 1975, in Book 17, as Instrument No. 198965, records of Bingham County, Idaho. Said easement being for power lines (N½ 24-4S-32).

Easement to Idaho Power Company, recorded February 29, 1980, in Book 43, as Instrument No. 263311, records of Bingham County, Idaho. Said easement being for power line (W½SW¼ 24-4S-32).

FURTHER SUBJECT to oil and gas lease of record it being understood between the parties that all right, title and interest of HOUGHLAND FARMS, INC., if any, in and to any gas, oil or geothermal leases on the aforedescribed land is transferred to the Grantees, ROGER FERGUSON and SYBIL FERGUSON.

TOGETHER with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said parties of the second part, and to their heirs and assigns forever. The said party of the first part, and their heirs and assigns, warrant the said premises in quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said party of the first part and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warranty and by these presents forever defend.

IN WITNESS WHEREOF, the said party of the first part have hereunto set their hand and seal the day and year first above written.

PORTER HOUGHLAND, President
HOUGLAND FARMS, INC.

MICROFILMED
JUN 19 1990



SEAL
1967
IDAHO

ATTEST OF:

Bonnie Houghland
BONNIE HOUGHLAND, Secretary
HOUGLAND FARMS, INC.

STATE OF Arizona )
:ss
COUNTY OF Mohave )

On this 21st day of August, 1989, before me, a Notary Public in and for the State of Idaho, personally appeared PORTER HOUGHLAND, President of HOUGLAND FARMS, INC., an Idaho Corporation, and BONNIE HOUGHLAND, Secretary of HOUGLAND FARMS, INC., an Idaho Corporatin known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same, on behalf of said Corporation.

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

Jan Bonebrake
NOTARY PUBLIC FOR
Residing at
My Commission Expires March 8, 1991

(SEAL)

383462
BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
15.00 FEE PD
1989 SEP -5 AM 11:44
RECORDED AT THE REQUEST OF
AMERICAN LAND TITLE CO., INC



MICROFILMED
JUN 19 1990

# DEED RECORD, BINGHAM COUNTY

Bk 49 Page 123

No. 3483

THIS INDENTURE, Made this 18th day of August, in the year of our Lord one thousand nine hundred and twenty-six, between Samuel Cooper, sometimes known as Sam, sometimes known as Samuel M. Cooper, and Clara C. Cooper his wife of Sterling County of Bingham State of Idaho the part ies of the first part, and The United States of America of the part y of the second part:

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of thirty-three thousand seven hundred fifty-four and no/100 DOLLARS, lawful money of the United States of America to them in hand paid by the said part y of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm, unto the said part y of the second part, and to its heirs and assigns, forever, all the following described real estate, situated in Bingham County, State of Idaho, to-wit:

~~Act of Congress of June 17, 1902, (32 Stat. L., 388)~~ in pursuance of the provisions of the

The southeast quarter (SE¼) and the southwest quarter (SW¼) of section twenty-five (25); and the southeast quarter (SE¼) of section twenty-six (26), township four (4) south of range thirty-two (32) east Boise Meridian, containing a total of four hundred eighty (480) acres, more or less, according to land office survey, together with all water, water rights, ditches and ditch rights of whatsoever nature appurtenant to the land. Vendor to retain possession of all buildings and improvements on above described land and remove same to land outside of the American Falls Reservoir site prior to January 1st, 1927, or such earlier time as the above described premises may be needed for reservoir purposes.

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

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

IN WITNESS WHEREOF, The said part ies of the first part ha ve hereunto set their hand s and seals, the day and year first above written.

*Signed, Sealed and Delivered in the Presence of*

Samuel Cooper [SEAL]
Sam Cooper [SEAL]
Samuel M. Cooper [SEAL]
Clara C. Cooper [SEAL]

STATE OF IDAHO

COUNTY OF BANNOCK SS

On this 18th day of August in the year 1926, before me the undersigned, a notary public in and for said County, personally appeared Samuel Cooper, sometimes known as Sam Cooper and sometimes known as Samuel M. Cooper, and Clara C. Cooper, his wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

My commission expires Aug. 5th 1929. SEAL B. Marie Aukerman, Notary Public for the State of Idaho, residing at Pocatello, Idaho.

MICROFILMED
JUN 19 1990

Recorded at the request of The Bingham Title & Trust Co., Sept. 15, 1926, at 9:50 A.M.
Recorder's Fees, $
H. A. Benson Recorder.
By Jessie Loyd Deputy.

and 21/100 ($2334.21) DOLLARS, the said Federal Farm Mortgage Corporation, being the high-
nd best bidder therefor;

AND WHEREAS, a Certificate of Sale was duly issued on the 8th day of February, 1937, and
than one year has elapsed since the said sale and no redemption has been made by or on
f of said defendants, or any of them, and whereas the Federal Farm Mortgage Corporation,
w the owner and holder of said Certificate of Sale.

NOW, THEREFORE, H. T. Falk, the said Sheriff of Bingham County, State of Idaho, for and in
ideration of the sum of Twenty Three Hundred Thirty-four and 21/100 ($2334.21) DOLLARS, paid
said premises by the said Federal Farm Mortgage Corporation, the receipt whereof is hereby
owledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain
and convey to the said Federal Farm Mortgage Corporation, and its successors forever, all
he following described premises located and situated in Bingham County, State of Idaho,
it:

Commencing at a point 8 rods South and 40 rods West of the center of Section Twenty-seven,
.ship One North, Range Thirty-seven, East of the Boise Meridian, and running thence due South
rods, thence due West 60 rods, thence due North 152 rods, thence due East 60 rods to the
e of beginning; and

All water and water rights used upon or appurtenant to said property and however evidenced;

Together with all and singular the tenements, hereditaments and appurtenances thereunto
onging or in anywise appertaining.

roved
C. P.
orney
. 7, '38

TO HAVE AND TO HOLD, all and singular the said premises unto the said Federal Farm Mortgage
poration, its successors and assigns, forever.

IN WITNESS WHEREOF, the part. of the first part has hereunto set his hand and seal the day
year in this Deed first above written.

H. T. Falk, Sheriff of Bingham County,
State of Idaho

TE OF IDAHO
ss
NTY OF BINGHAM

On this 14th day of February, in the year 1938, before me, H. William Furchner, personally
peared, H. T. Falk Sheriff of Bingham County, State of Idaho, known to me to be the person
se name is subscribed to the within instrument and acknowledged to me that he, as such
eriff, executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and
r first above written. SEAL

H. William Furchner, Notary Public in and for
The State of Idaho
Residing at Blackfoot, Idaho.

Commission expires October 25, 1941.
corded at the request of Federal Land Bank Feb. 26, 1938 at 9:02 A. M.

Deputy Jno. H. Falk, Recorder

---

. 16078 NEW WORLD LIFE INS. CO. TO ROBERT I. HOUGHLAND ET UX
SPECIAL WARRANTY DEED

HIS INDENTURE, made this 11th day of February A. D. 1938, between NEW WORLD LIFE INSURANCE
MPANY, a corporation, the party of the first part and Robert I. Houghland and Dorothy Houghland,
sband and wife party of the second part.

WITNESSETH, that the said party of the first part for and in consideration of the sum of ONE
DLLAR and other good and valuable considerations to it in hand paid by the party of the second
rt, the receipt whereof, is hereby acknowledged, does by these presents grant, bargain, sell,
nvey and confirm unto the said party of the second part, and to his heirs, and assigns, the
llowing described real property situate and being in the County of Bingham, State of Idaho
o-wit:

Southwest Quarter of Northeast Quarter (SW¼ NE¼); Southeast Quarter of Northwest Quarter (SE¼ NW¼)

Northwest quarter of Southeast quarter (~~NW4~~ $SE_4$) and Southwest quarter ($SW_4$) in Section Twenty-four (24); Northwest quarter of Northeast quarter ($NW_4$ $NE_4$) and North Half of Northwest quarter ($N\frac{1}{2}$ $NW_4$) in Section Twenty-five (25); and commencing at the Northeast corner of Section Twenty-six (26) and running south 160 rods thence due west 160 rods thence due North 67 rods thence due East 13 rods thence due North 13 rods thence due East 67 rods thence due North 80 rods thence due East 80 rods to the place of beginning, all being in Township Four (4) South Range Thirty-two (32) East of the Boise Meridian, containing 519 acres, more or less, according to the government survey thereof with the exception of 14.34 acres condemned by the United State of America for the American Falls Reservoir for right of way purposes, said tract excepted being more particularly described as follows:

TRACT A. A tract of land in the Southwest quarter of Northeast quarter ($SW_4$ $NE_4$) of Section Twenty-six (26), Township Four (4) South Range Thirty-two (32) E. B. M. more particularly described as follows: Beginning at a point on the west line of said Southwest quarter of Northeast quarter ($SW_4$ $NE_4$) that is North 0°04' West 681.8 feet from the southwest corner of said Southwest quarter of Northeast quarter ($SW_4$ $NE_4$): THENCE North 0° 04' West along the west line of the Southwest quarter of Northeast quarter ($SW_4$ $NE_4$) 429.8 feet to a point thence North 81°48' East, 297.5 feet to a point; thence North 49°25' East 288.2 feet to a point; thence South 43°48' East 166.2 feet to a point; thence South 49°19' West 828.0 feet, more or less, to the point of beginning, the above described tract containing an area of 3.58 acres, more or less.

TRACT B. A tract in the Southeast quarter of Northeast quarter ($SE_4$ $NE_4$) of Section Twenty-six (26) and the Southwest quarter of Northwest quarter ($SW_4$ $NW_4$) of Section Twenty-five (25), Township Four (4) South Range Thirty-two (32) E. B. M. more particularly described as follows: Beginning at the quarter corner between Sections Twenty-five (25) and Twenty-six (26) thence South 89° 13½' West along the south line of said Southeast quarter of Northeast quarter ($SE_4$ $NE_4$) of Section Twenty-six (26) 392.1 feet to a point; thence North 73°40' East 406.5 feet to a point; thence North 69°41' East 349.7 feet to a point; thence South 40°48' West 304.7 feet, more or less, to the South line of said Southwest quarter of Northwest quarter ($SW_4$ $NW_4$) of Section Twenty-five (25) thence South 89°51' West along the said South line of Southwest quarter of Northwest quarter ($SW_4$ $NW_4$) 128.7 feet, more or less, to the point of beginning, the above described tract containing an area of 1.25 acres, more or less.

TRACT C. A tract in the Southwest quarter of the Northwest quarter ($SW_4$ $NW_4$) of Section Twenty-five (25) Township Four (4) South Range Thirty-two (32) E. B. M. more particularly described as follows: Beginning at the southeast corner of said Southwest quarter of Northwest quarter ($SW_4$ $NW_4$) thence South 89°51' West, along the south line of said Southwest quarter of Northwest quarter ($SW_4$ $NW_4$) 1070.9 feet to a point; thence North 55° 49' East 981.5 feet to a point, thence North 35°09½' East 455.4 feet more or less to a point on the East Line of Said Southwest quarter of Northwest quarter ($SW_4$ $NW_4$) of Section Twenty-five (25) thence South 0°12' West along the East line of said Southwest quarter of Northwest quarter ($SW_4$ $NW_4$) of Section Twenty-five (25) 921 feet, more or less, to the point of beginning, the above described tract containing an area of 9.51 acres, more or less.

The total area of the above described tracts is 14.34 acres, more or less, together with the following described water rights situate in Bingham County, Idaho, and particularly described as follows. to-wit: 285 Miner's inches of the water rights adjudged by decree dated December 16, 1910, by J. M. Stevens, Judge of the District Court of the State of Idaho, in and for the County of Fremont, in the matter of the Hexburg Irrigation Company, et al., Plaintiffs vs. Teton Irrigati Company, et al., defendants, which said water right was described in said decree as follows:

[illegible] at the head of Boone Creek.'".

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COUNTY OF BINGHAM. ss.

I DO HEREBY CERTIFY, That on this 1st day of July, in the year 1926, before me, Leon J. Chapman, a Notary Public for the State of Idaho, personally appeared Alex Younie and I. C. Collins, known to me to be the President and Secretary respectively of the corporation that executed the within instrument and acknowledged to me that the said corporation executed the same.

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

My commission expires April 6th, 1930. SEAL Leon J. Chapman, Notary Public for the State of Idaho, residing at Blackfoot, Idaho.

Recorded at the request of Neil F. Boyle, July 6, 1926 at 9:08 A.M.

By [illegible] Deputy H. A. Benson, Recorder.

BOISE PAYETTE LBR. CO. TO UNITED STATES OF AMERICA.

THIS INDENTURE, Made this 16th day of June in the year of our Lord one thousand nine hundred and twenty six between Boise Payette Lumber Company, a corporation duly organized and existing under the laws of the State of Idaho and having its principal office in Idaho at Boise in the County of Ada party of the first part, and United States of America party of the second part,

WITNESSETH, That the said party of the first part, having been hereunto duly authorized by resolution of its Board of Directors, for and in consideration of the sum of One thousand five hundred twenty-three and 25/100 ($1523.25) Dollars, lawful money of the United States of America, to it in hand paid by the said party of the second part, in pursuance of the provisions of the Act of Congress of June 17, 1902) 32 Stat. L. 388) the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to their assigned forever, all the following described real estate situated in .....County of Bingham, State of Idaho, to-wit:

The south half of the northeast quarter ($S\frac{1}{2}NE\frac{1}{4}$) and the southeast quarter of the northwest quarter ($SE\frac{1}{4}NW\frac{1}{4}$) of section twenty-five (25), T. 4 South of Range 32 E.B.M., except the following described land: Beginning at the southeast corner of the northeast quarter of Section 25; thence N. 0° 07' W., 1336.4 feet, more or less, to the northeast corner of said south half of northeast quarter ($S\frac{1}{2}NE\frac{1}{4}$); thence S. 89°40' W., along the north line of said S ½ NE¼ and SE¼NW¼, 3945.4 feet, more or less to the northwest corner of said SE¼NW¼; thence S. 0°12' E., along the west line of said SE¼NW¼, 403.5 feet to a point; thence N. 79°1[illegible]' E., 683.8 feet to a point; thence N. 87°28½' E., 651.1 feet to a point; thence S. 73°.4' E., 854.7 feet to a point; thence S. 37°22' E., 386.5 feet to a point; thence N. 85° 58' E., 250.2 feet to a point; thence S. 14°54' E., 411.8 feet to a point; thence S. 74°21' E., 399.7 feet to a point; thence N. 67°11½' E., 391.3 feet to a point; thence S. 85°55' E., 616. 5 feet, more or less to the south line of said $S\frac{1}{2}NE\frac{1}{4}$) of section 25; thence N. 89°50' E., along said south line of the $S\frac{1}{2}NE\frac{1}{4}$ of section 25, five hundred three and 3/10 (503.3) feet, more or less to the point of beginning. The area of the above described excepted tract is 67.02 acres, more or less, leaving the area to be acquired 52.98 acres, more or less.

Also a tract in the northwest quarter of the southwest quarter ($NW\frac{1}{4}SW\frac{1}{4}$) of Section Thirty (30), T. 4 S., R. 33, E.B.M., more particularly described as follows: Beginning at the northwest corner of said $NW\frac{1}{4}SW\frac{1}{4}$; thence S. 13°40½' E., 584.6 feet, to a point; thence S. 0°35½' E., 545.3 feet to a point; thence S. 31°42' W., 260 feet, more or less, to the southwest corner of said $NW\frac{1}{4}SW\frac{1}{4}$; thence N. 0°14½' W., along the west line of said $NW\frac{1}{4}SW\frac{1}{4}$, 1344.1 feet, more or less to the point of beginning. The area of the above described tract

Go in this exception for what Houglands got Deed 38:325

Ignore this for now - nothing to do with Grant

MICROFILMED
JUN 19 1990

13-Feb-1990

Golden Eagle Ranch
P.O. Box 519
Rexburg, ID 83440

RE: Application for Permit No. 35-8782

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Morning News on March 1 & 8, 1990. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

MICROFILMED
JUN 19 1990

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

S T A T E  O F  I D A H O
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

FEBRUARY 13, 1990

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

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before MARCH 19, 1990.

Yours truly,

Rita Bodell
Secretary

Encl.

FILED
JUN 19 1990

35-08782

GOLDEN EAGLE RANCH
P.O. BOX 579
REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: SWNW Sec 30 T 04S R 33E

Use: FISH PROPAGATION ( 4.640 CFS)
Total Diversion: ( 4.640 CFS)

Date Filed: 5/23/1989

In: T04S R33E S30 SWNW NWSW

MICROFILMED
JUN 19 1990

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-[redacted], 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, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before MARCH 19, 1990.

R. Keith Higginson, Director

Published 3/01/1990 & 3/08/1990

MICROFILMED
JUN 19 1990

21-Jul-1989

Golden Eagle Ranch
P.O. Box 519
Rexburg, ID 83440

RE: Application for Permit No. 35-8782

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your application for water right permit. The application has been assigned the identification number listed above. Please refer to this number in all future correspondence.

The Department can not proceed with the processing of your application at this time. It seeks the appropriation of water within the area covered by the civil suit of Idaho Power Company vs. Idaho Department of Water Resources, et al., Ada County Civil No. 81375 (Swan Falls Suit). Until there has been a final resolution to this suit and rules and regulations promulgated for considering new appropriations, the processing of applications in this area has been suspended. During the interim, your application will be held in this office.

The staff in our office will be glad to answer any questions you have concerning the above matter.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor
HWJ/rb

MICROFILMED
JUN 19 1990

3/83

IDENT. NO. 25 8782

# IDAHO DEPARTMENT OF WATER RESOURCES

## WATER RIGHT
## DATA ENTRY LOG

| Initials | Date | Item |
|---|---|---|
| RB | 7-26-89 | Original form entered |
| 〃 | 〃 | Edit Report Correct |
| | | Date Protested |
| | | Date of Hearing |
| | | Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district) |
| | | Record Verified |
| | | Amendment Approved |
| | | Extension Approved |
| | | Partial Proof |
| | | Proof Complete |
| | | Field Exam Received |
| | | Field Exam Accepted and changes entered |
| | | License Updated |
| | | Transfer Updated |
| | | Keypunched by State Office |
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