

RECEIVED

APR 7 1975

Department of Water Resources
Eastern District Office

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Don E. Everingham, Rt. No. 1, Firth, Idaho, has on 3-14-75, submitted Application No. 35-7489, for a permit to appropriate 4.8 cubic feet per second of water from a ground-water source by means of well and pump within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 3S, R. 32E, B.M., Bingham County; to be used from Apr. 1 to Nov. 1 for the irrigation of 240 acres within the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 30, T. 3S, R. 32E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before April 7, 1975.

R. KEITH HIGGINSON
Director
(4185)
Pub.: 3-20, 27

29 aw

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

) ss.
)

I, Drury R. Brown do solemnly

President

swear that I am the of The Blackfoot News which is a daily newspaper of general circulation published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1933, approved March 11, 1933, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: Friday 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

Friday issue of said newspaper 2 consecutive

weeks, the first publication having been made on

the .. 20th .. day of .. March 19 .. 75 ..

and the last publication having been made on the

... 27th ... day of ... March 19 .. 75; 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.

Subscribed and sworn to before me this ... 4th ..

day of April 19 75

Patricia A. Johnson

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1975

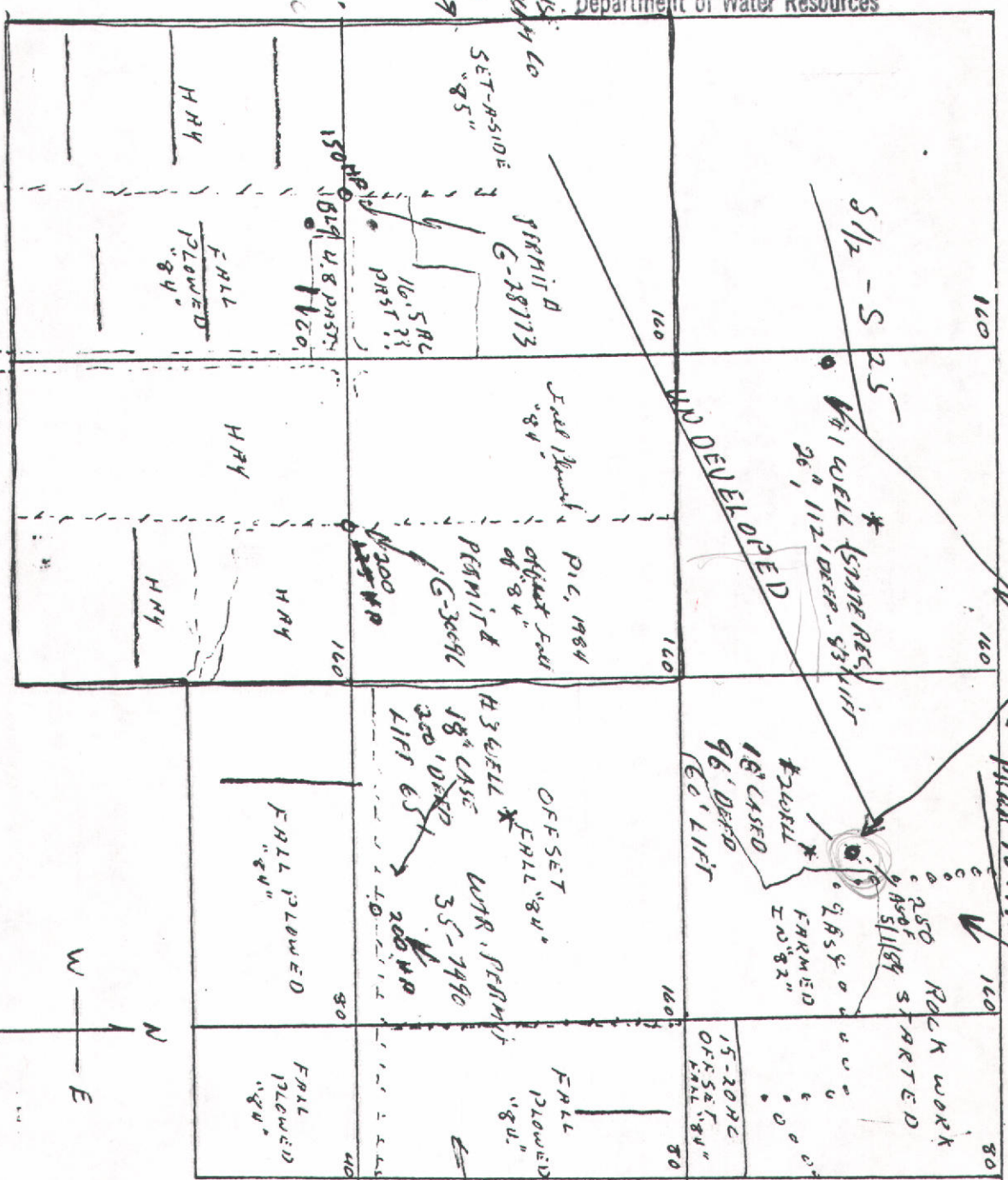
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Department of Water Resources

WITH PERMIT - TENTATIVE (SEE 30)
#15 35-7488 & 357489
* R completed

2 paid to 1991



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APR 08 1993

TS SS RACE 32
E BOISE HI BUILDING
CO

SEC 3/

1561 AC.

PIPE
O PAMMS
00000 REC, WK,

* See attached

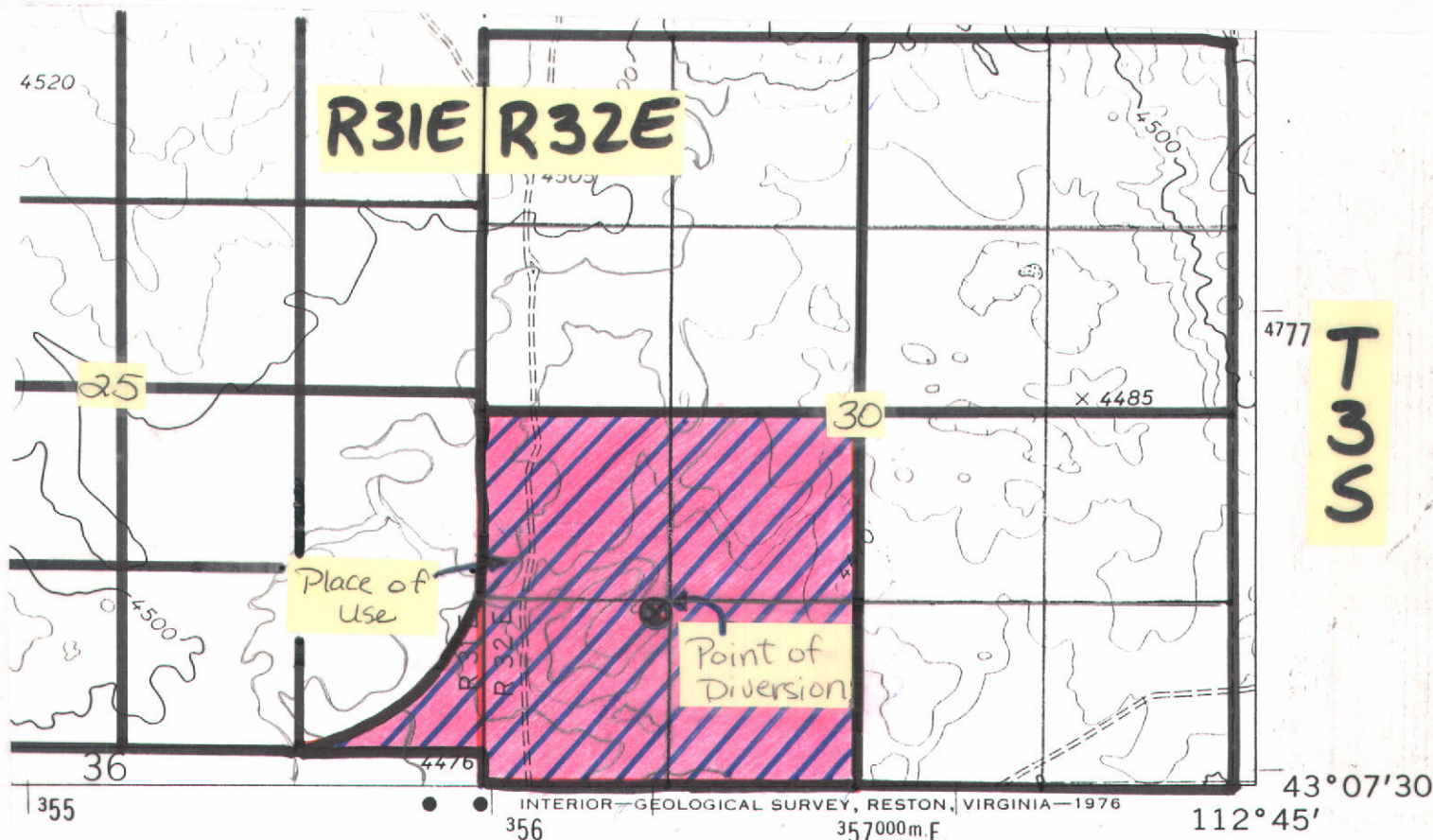
Stet Wets Bend

Wells H.S.

125 HP PUMP - LOCATED
E 1/2 SEC 36

VERIFIED 3/11/85 BY DE. EVERINGHAM

<u>DATA PROVIDED BY</u>		<u>S</u>
①	JERRY NEWM 3/11/85	
②	WOLF AEROCNET 3/10/85	3/11/85



ROAD CLASSIFICATION

Primary highway, hard surface..... Light-duty road, hard or improved surface.....

Secondary highway, hard surface..... Unimproved road.....

☐ Interstate Route ☐ U. S. Route ☐ State Route

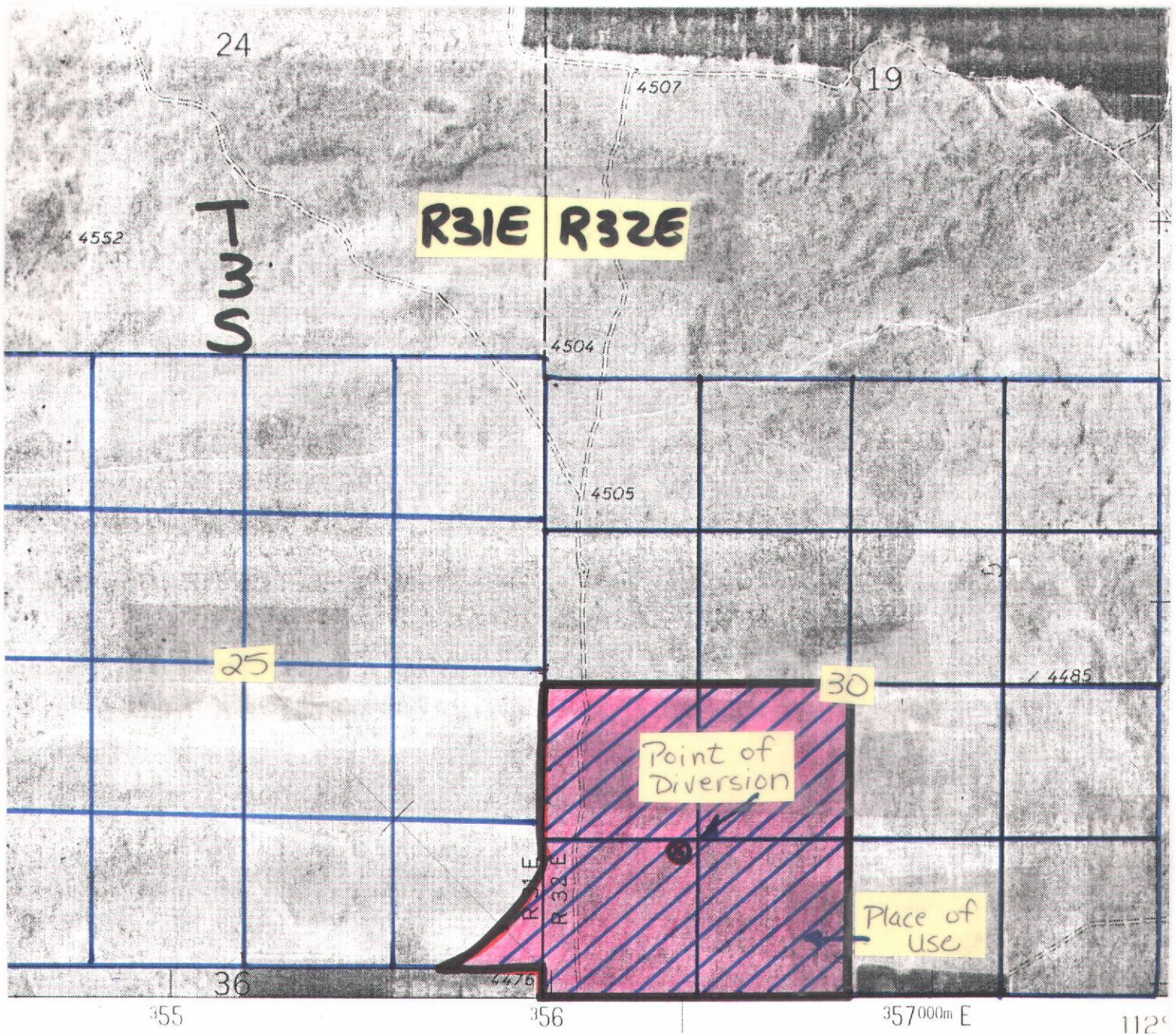
LOCATION

35-7489

COFFEE POINT NE, IDAHO
N4307.5—W11245/7.5

(SPRING)
3470 II S

Z-



35-7489

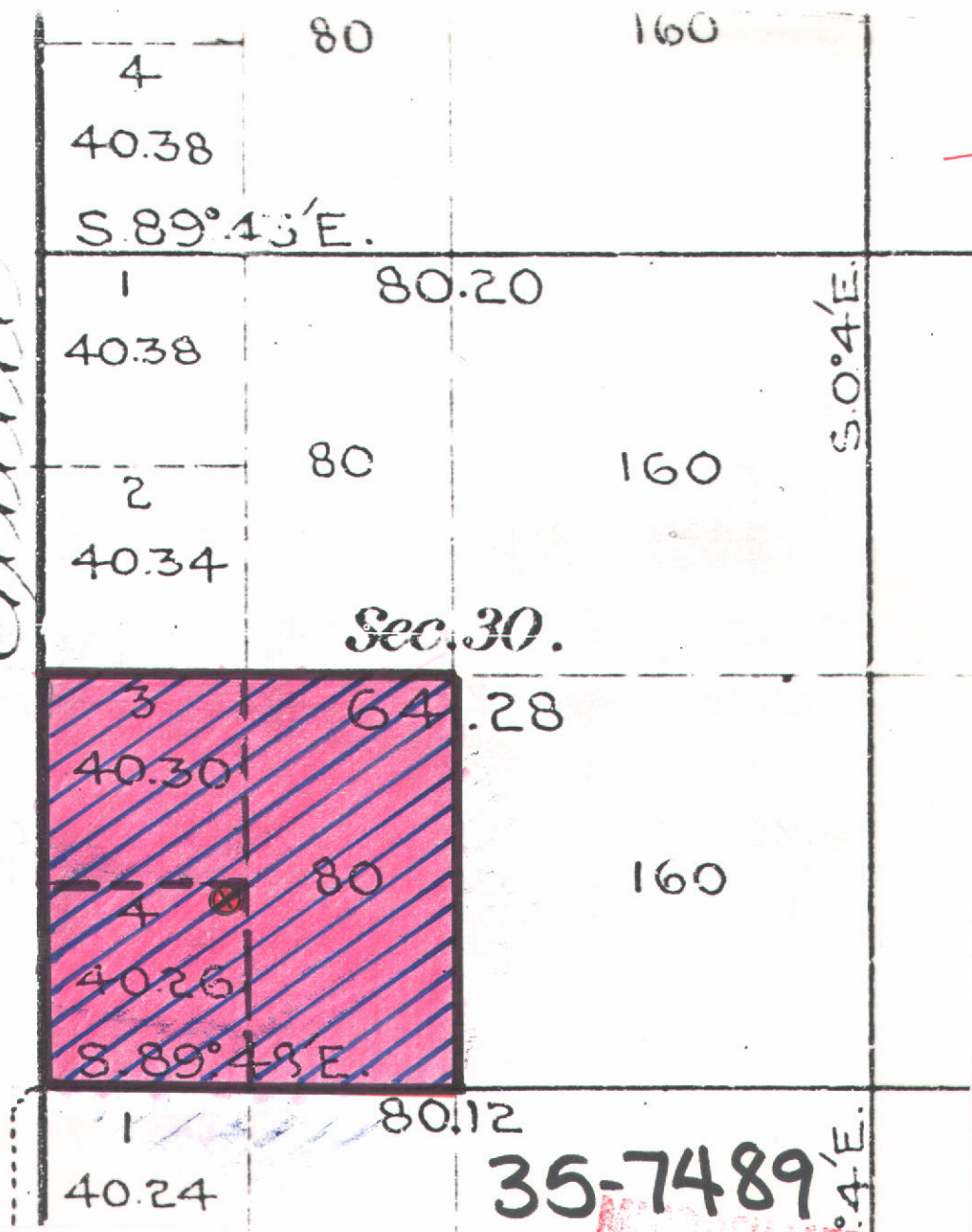
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FEB 18 2003

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
35-2685 ✓			35-7490 ✓		
35-9032 - <i>APPL. FOR PERMIT</i>			35-11713		
35-2599 ✓			35-13046 ✓		
35-7488 ✓					
35-7489 ✓					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Grandview Farms
PO Box 834, Blackfoot, ID 83221
4. New Owner/Claimant(s) James W. Baker, d/b/a Grandview Farms
 Name Connector (Check one: [] and, [] or, [] and/or)
- New Mailing Address PO Box 577
- City, State and ZIP Code Blackfoot, ID 83221
- New Telephone Number (208) 785-2310
5. Date you acquired the property 12/27/2003

See file 35-2599 for support data

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MAR 11 2003

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

James W. Baker

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by [Signature] Date 2/18/03 Fee \$200.00 \$2500 x 8
 Receipted by [Signature] Date 2/18/03 Receipt No. 6067437
 Processed by [Signature] AJ Date _____ WR _____ Date _____

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APR 11 2000

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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SEP 03 1998

Please print or type. Attach pages with additional information. Instructions are on the back of this page. Department of Water Resources
Incomplete forms will be returned.

1. Water Right Number(s) 35-07489
Adjudication Claim Number(s) _____
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Wulf Lebrecht E & L Farms
P.O. Box 834, Blackfoot, ID 83221
4. New Owner/Claimant(s) Grandview Farms
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address P.O. Box 834
City, State and ZIP Code Blackfoot, ID 83221
New Telephone Number (208) 785- - 4559
5. Date you acquired the property January 1996
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated 167.6 Number and type of stock _____
Diversion rate in CFS 3.35 Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) *Wulf H. Lebrecht* **RECEIVED** Date 8-31-98
MAR 11 2002 Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights, and, if a required claim for the water right has not been filed, to file the needed claim.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures, or if you have questions about completing this form, please contact your nearest IDWR office or call 1-800-451-4129.

If you need additional space to describe or explain any of the items on the form, please attach additional sheets to the form as you may require.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believe there are water rights for the property but the numbers are unknown, you may wish to call IDWR or come into an office of IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or" or "and/or". If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign, however only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. If the property you have purchased is only a portion of the property owned by the former owner/seller, you may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190

IDWR Southern Region, 222 Shoshone St. E., Twin Falls, ID 83301-6105 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-07489

Priority: March 14, 1975

Maximum Diversion Rate: 3.35 CFS
Maximum Diversion Volume: 670.4 AF

This is to certify, that WULF LEBRECHT
E & L FARMS

PO BOX 834
BLACKFOOT ID 83221

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 14, 1975; and has submitted Proof of Beneficial Use on January 4, 1990. An examination indicates that the works have a diversion capacity of 4.060 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	3.35 CFS	670.4 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 4(SWSW), Sec. 30, Township 03S, Range 32E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03S	31E	25	SESE 7			7
	32E	30	NESW 40	Lot 3(NWSW) 40.3	Lot 4(SWSW) 40.3	
			SESW 40			160.6
				Total number of acres irrigated:		167.6

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

APR 08 1993

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-07489

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 36TH
day of MARCH, 1983.

Acting for *R. Keith Higginson*, Director

APR 13 1983

State of Idaho
Department of Water Resources

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MAR 12 1993

APPROVED

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-07489

Department of Water Resources

Date of Priority: March 14, 1975

Maximum Diversion Rate: 3.35 CFS
Maximum Diversion Volume: 670.4 AF

Comes now

WULF LEBRECHT
E & L FARMS

PO BOX 834
BLACKFOOT ID 83221

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 35-07489, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	3.35 CFS <i>4.6</i>	670.4 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 4(SWSW), Sec. 30, Township 03S, Range 32E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03S	31E	25	SESE 7			7
	32E	30	NESW 40	Lot 3(NWSW) 40.3	Lot 4(SWSW) 40.3	160.6
			SESW 40			

Total number of acres irrigated: 167.6

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Blackfoot, this 10 day of Mar, 1993.

Wulf H. Lebrecht
(Signature)

APR 08 1993

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-07489

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee = 20⁰⁰ Received by KW # E018344 Date 10 Mar 93

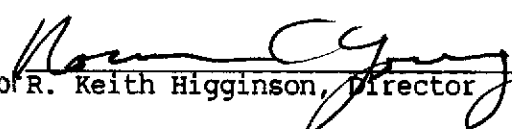
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 35-07489 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

Witness my hand this 30TH day of MARCH, 1993.


Acting for R. Keith Higginson, Director

APR 08 1993

State of Idaho

Department of Water Resources

ASSIGNMENT OF PERMIT

I, Don E. Everingham, hereby assign to E & L Farms, Wulf Lebrecht

of ~~P.O. Box 788, Pocatello, ID 83201~~ P.O. Box 834, Blackfoot, ID 83221
Address

All my right, title, and interest in and to Permit No. 35 7489
to appropriate the public waters of the State of Idaho.

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 that portion of the permit being assigned by listing the acreage
within each 40 acre subdivision, the point of diversion and the amount of
water in cubic feet per second for direct diversion, or acre feet for storage)

Made this 6th day of March, 19 90.

Don E. Everingham
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Bingham) ss

On this 6th day of March, 19 90, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Faran Smith
Notary Public residing at
Bingham County, Blackfoot, Idaho 83221

s e a l

My commission expires:
June 6, 1994

MICROFILMED

JUN 21 1990

ok gini

For Office Use Only
Fee Received 15.00
Date 10-28-85
Receipt # 37271

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit
proof of beneficial use on a water right permit

MAR 26 1985

Department of Water Resources

Department of Water Resources

DON E. EVERINGHAM of BOX 1717 HANFORD, CA. 93232
(Name) (Address)

State of IDAHO, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the State of Idaho No. 35-7489.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before APRIL 1, 1985.

That he has heretofore performed the following work described under said permit: ROCK RECLAMATION,
(This must be filled out! If no work has been completed put none.)
FLOWED AND BRUSH REMOVED, (FENCED NOT COMPLETED)
BIDS BEING TAKEN FOR PUMP & IRRIGATION
SYSTEM.

Costing \$ 5,200.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:

FINAL DEVELOPEMENT WILL BE COMPLETED BY
(AUG. 1987)
LITIGATION INVOLVING REPOSSESSION HAS CAUSED
DELAY TO PRESENT Named in Swan Falls Law Suit

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to April 1, 1990
MAY 30, 1989, 19 87
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME.

Don Everingham
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to April 1, 1990. IT IS FURTHER ORDERED that the Department reserves jurisdiction of the permit for the purpose of adding any applicable conditions to protect the public interest.

Signed this 13th day of November, 19 85.

A. Glen Saxton
Chief, Operations Bureau

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

RECEIVED

APR 1 1980

To provide additional time in which to submit
proof of beneficial use on a water right permit

DocuSign

DON E EVERINGHAM of 1466 SHANON IDAHO FALLS
(Name) (Address)

State of IDAHO, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Waters of the State of Idaho No. 35 7489.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before 1 APRIL, 19 80.

That he has heretofore performed the following work described under said permit: _____

Plowed ground, chopped brush purchased some
portable mainline and pump unit

Costing \$ 10,000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Price of crops and cost of interest
money has forced a delay on development
at this time

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to 1 APRIL, 19 85.

Don E. Everingham
By Don E. Everingham (Signature)
Power of Attorney

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit proof of beneficial use of water be advanced to April 1, 1985.

Signed this 4th day of April, 19 80.

J. Glen Saxton

MICROFILMED

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, which are intended to constitute a Power of Attorney:

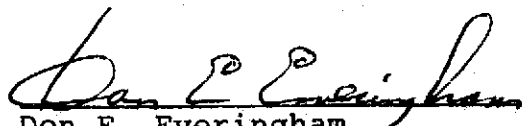
That we the undersigned, Don E. Everingham and Lila M. Everingham, husband and wife, acting jointly and severally, do hereby appoint D. E. EVERINGHAM of Idaho Falls, Idaho, my (our) attorney-in-fact, to act as follows, to-wit:

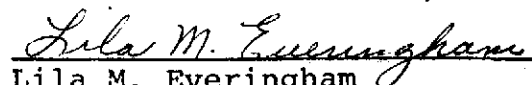
In my (our) name, place and stead in any way or manner whatsoever, which I myself (we) could do, if I (we) were personally present, with respect to the following matters and each and all of them, to-wit:

To sell and contract to sell any and all real property and personal property owned by me (us) or in which I (we) have any interest and to execute, acknowledge, and cause to be recorded any and all deeds, conveyances, assignments, or transfers which it may be necessary or desirable for me (us) to execute and deliver, including contract of sale, amendments or addendums to existing contracts of sale relating to real estate and personal property owned by me or (us) in which I (we) have any interest, present or contingent, in the County of Bing-ham or elsewhere including the right to enter into, execute and deliver escrow agreements relating to said property.

Giving and granting unto my (our) said attorney-in-fact sole and complete power and authority to do and perform all and every act and thing whatsoever, requisite, convenient or necessary to be done in and about the premises or anything whatsoever, I (we) hereby ratifying and confirming all that he shall lawfully do or cause to be done by virtue of these presents.

IN WITNESS WHEREOF, I (we) have hereunto set my (our) hand(s) and seal(s) this 15th day of December, 1976.

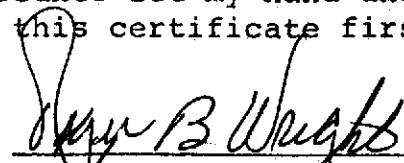

Don E. Everingham


Lila M. Everingham

STATE OF IDAHO)
) ss
County of Bonneville)

On this 15th day of December, 1976, before me the undersigned Notary Public, personally appeared Don E. Everingham and ~~Lila M. Everingham~~, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

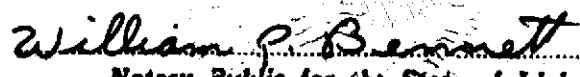
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.


Notary Public for Idaho
Residing at Idaho Falls

On this 16 day of DECEMBER in the year 1976, before me WILLIAM P. BENNETT, a Notary Public in and for said State, personally appeared LILA M. EVERINGHAM

known to me to be the person... whose name... IS subscribed to the within instrument, and acknowledged to me that She 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.


Notary Public for the State of Idaho

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 35-7489

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 18th day of August, 1978.


C. STEPHEN ALLRED
Director

Identification No. _____

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
 (TYPE OR PRINT IN INK)

1. Name of applicant Don E. Everingham Phone: 346-6067
 post office address Rt. #1, Box 196A, Firth, Idaho
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30 Township 3S
 Range 32E B.M. Bingham County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
 of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
 Amount 4.8 for Irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
 a. 4.8 cubic feet per second and/or
 b. _____ acre feet per annum.
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. Well, pump & sprinkler system

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
 Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 18 inches; proposed depth of well is 96 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
 b. Estimated construction cost is \$ 25,000.
8. Description of proposed uses:
 a. If water is **not** for irrigation:
 (1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
 Range _____ B.M. _____
 (2) Amount of power to be generated: _____ hp under _____ feet of head.
 (3) List number of each kind of livestock to be watered _____

 (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____
 (5) If water is to be used for other purposes describe: _____

RECEIVED
 DEPARTMENT OF WATER RESOURCES
 BOISE, IDAHO

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

TWP.	RANGE	SEC.	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	NE 1/4	NW 1/4	SW 1/4	SE 1/4
3S	32E	30									40	40	40	40		40	40	
																		240
			NE 1/4				NW 1/4				SW 1/4				SE 1/4			
TOTALS																		

Total number of acres to be irrigated 240

c. Describe any other water rights used for the same purposes as described above None

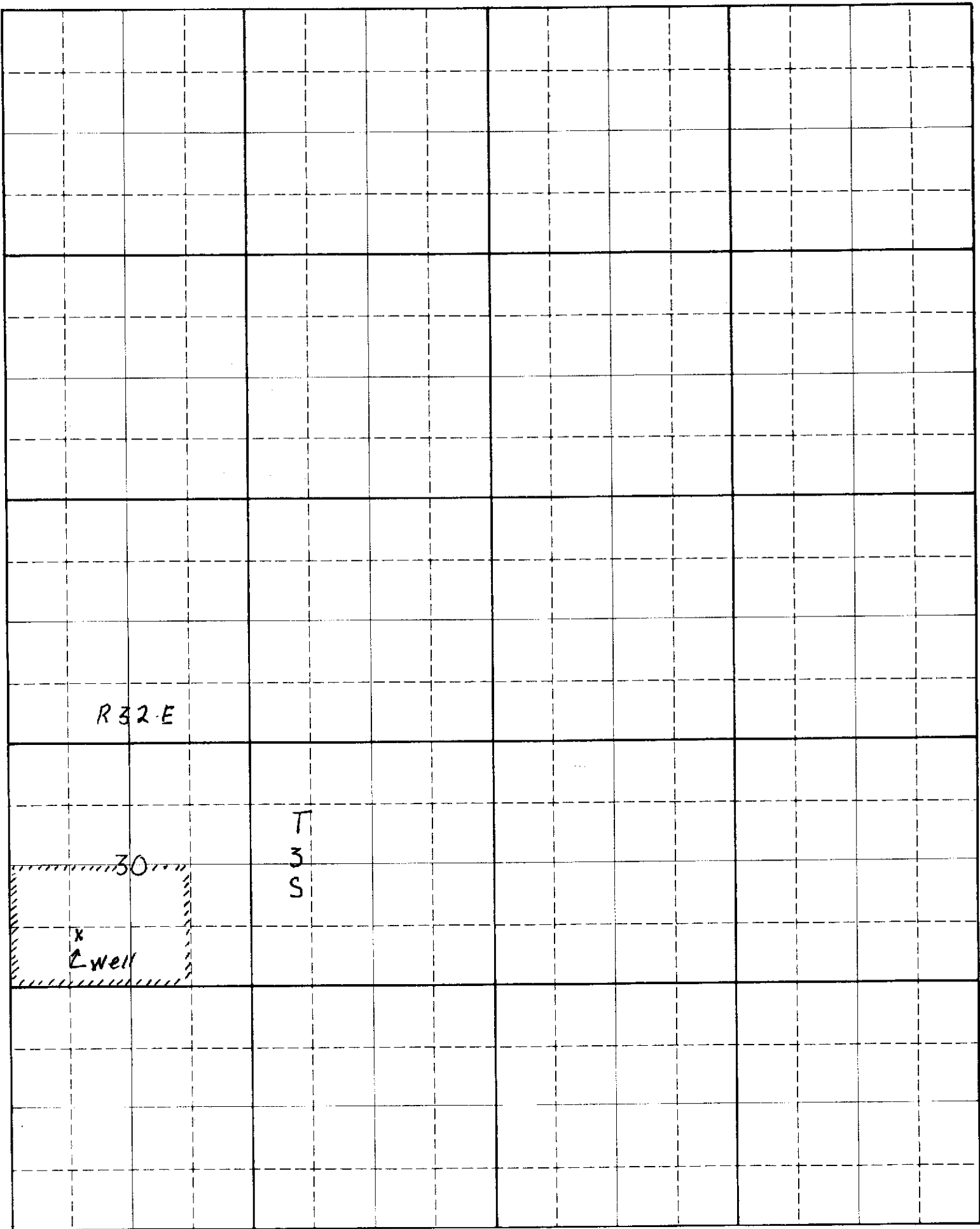
9. a. Who owns the property at the point of diversion Applicant

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

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

10. Remarks

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



Scale: 2 inches equal 1 mile

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

Don C. Everingham
(Applicant)

3-14-1975

Received by DL Date 3-14-75 Time 8:50 AM
Preliminary check by DL Fee \$ 65.00
Receipted by DL Date 3-14-75 # 4138
Publication prepared by DL Date 3-14-75
Published in Blackfoot Herald
Publication dates 3/20 & 3/27/75
Publication approved DL Date 4-07-75
Priority reduced to _____ Reason _____
Protests filed by: _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by JHJ

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. 35-7489, and said application is hereby APPROVED

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1980.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons:

Witness my hand this 10 day of April 1975

Director

[Signature]

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 35-7489

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

LH 3-14-75

(1) " "

In form to receipt yes

(2) " "

Send Copies to:

Idaho State Health Department
Idaho Fish and Game Department
NA Bureau of Land Management

(3) " "

NA Request Special Use Permit from U.S.F.S.
NA Request Easement from B.L.M.
Request Information from Applicant

(4) " "

In form for advertising yes

(5) " "

Platted on Map No.

(6) " "

NA Located within Water District No.

(7) " "

Critical groundwater area: yes no ✓

(8) " "

Groundwater levels:

 Declining, ✓ Stable, Increasing

(comment) 45 31E 20666 1973

(9) " "

Other rights on the same place of use NO

(10) " "

Comments: No other G.W. rights platted.

(11) MB 4-7-75

Affidavit of Publication received(date) 4-7-75

(12) " "

Final date for protests April 7, 1975
Protests received: yes no X

(13) LH 4-7-75

All requested information received from agencies or applicant: yes NA no

(14) " "

Action recommended:

✓ Approve Deny

3-14-75 Proposed Priority

 Reason for Reduction

✓ Measuring device required

 See attached sheet for other conditions of approval

 No special conditions for approval

(15) District Eastern

By Loren O'Hallum Date April 7, 1975

RECEIVED

Department of Water Resources
Eastern District Office

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Don E. Everingham, Rt. No. 1, Firth, Idaho, has on 3-14-75, submitted Application No. 35-7489, for a permit to appropriate 4.8 cubic feet per second of water from a ground-water source by means of well and pump within the SE 1/4 SW 1/4, Sec. 30, T. 23, R. 32E, B.M., Bingham County, to be used from said water for the irrigation of 240 acres within the SE 1/4 SW 1/4, Sec. 30, T. 23, R. 32E, B.M.

If issued, said permit will be subject to the water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 225 Lincoln Road, Idaho Falls, Idaho, 83401, on or before April 7, 1975.

R. KEITH HIGGINSON
Director
(4185)
Pub.: 3-20, 27

29

AFFIDAVIT of PUBLICATION

County of Bingham
State of Idaho

} ss.
}

I, Drury R. Brown do solemnly

President

swear that I am the of The Blackfoot News which is a daily newspaper of general circulation published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1933, approved March 11, 1933, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: Friday 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

Friday issue of said newspaper 2 consecutive weeks, the first publication having been made on the .. 20th .. day of .. March 19 .. 75 ..

and the last publication having been made on the .. 27th .. day of .. March 19 .. 75 ..; 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.

Subscribed and sworn to before me this 4th ..

day of .. April 19 75 ..

Patricia A. Johnson

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1975



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 20, 2003

JAMES W BAKER
GRANDVIEW FARMS
PO BOX 577
BLACKFOOT ID 83221-0577

RE: Change of Ownership for Water Rights 35-2599, 35-2685, 35-7488, 35-7489,
35-7490, 35-11713 and 35-13046

Dear Water Right Holder(s):

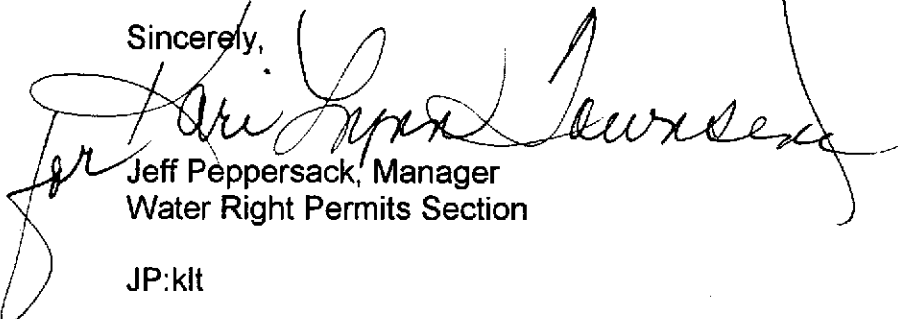
The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

In addition to the above listed water rights you included Water Right 35-9032 in the request for ownership change. Water Right 35-9032 is currently an Application for Permit and is on Moratorium Hold at our Eastern Region office in Idaho Falls. There is no fee required to change ownership on an Application for Permit, however an Assignment of Application of Permit form is required to complete your request. I have enclosed that form for your convenience. Please complete the assignment form and return it to our Idaho Falls office. A request for refund has been sent to our Fiscal Section to return the fee paid for Water Right 35-9032.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

4/2 11 2003



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

March 31, 1993

WULF LEBRECHT
E & L FARMS
PO BOX 834
BLACKFOOT ID 83221

RE: WATER RIGHT NO. 35-07489

Dear Water Right Holder(s):

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

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

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APR 08 1993

Handwritten signature

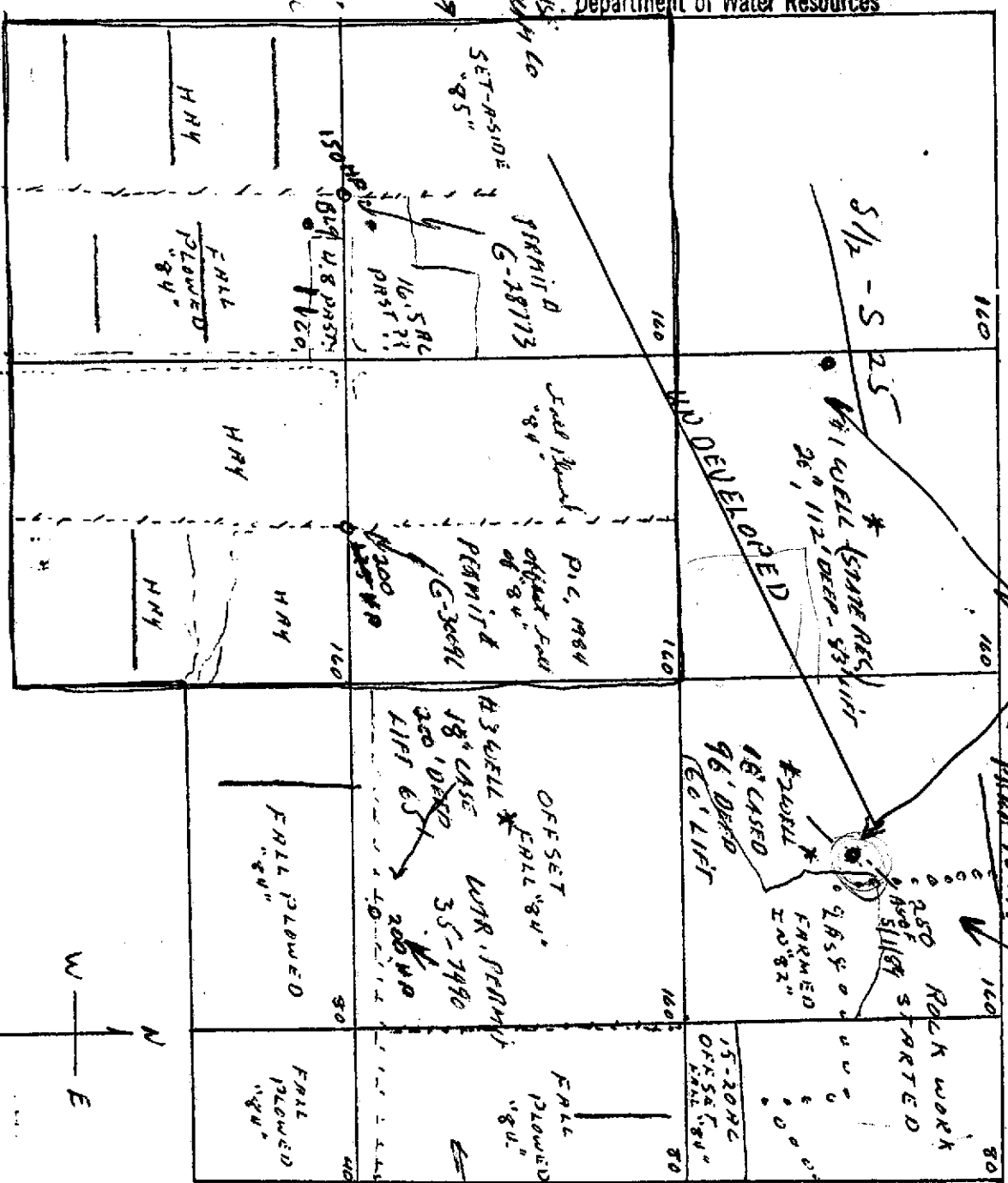
RECEIVED

MAR 12 1993

Department of Water Resources

WITH PERMIT - TEMPORARY
 415 35-7488 & 357489
 TO BE COMPLETED
 FROM TO 1991

SEC 30



TS-3 SOUTH
 RANGE 31 E BOISE
 MERIDIAN 36
 360 AC

2. DOMESTIC
 1. 415

125 HP PUMP - LOCATED
 E 1/2 SEC 30

VERIFIED 7/11/85 BY DE. EVERINGHAM
 DATA PROVIDED BY

- ① JERRY MEYER 3/11/85
- ② WALT KERN 7/10/85

N
 W — E

PIPE
 PUMPS
 REC.WK.

APR 08 1993

TS 35 RANGE 32
 E BOISE MERIDIAN
SEC 31

* All attached
 Act with Dept
 well logs &
 well #5



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

March 3, 1993

WULF LEBRECHT
E & L FARMS
PO BOX 834
BLACKFOOT ID 83221

RE: WATER RIGHT NO. 35-07489

Dear Water Right Holder(s):

We previously forwarded to you an Amendment for Water Permit so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received the amendment. If we do not receive it within fifteen (15) days, we will assume you no longer have any interest in the permit and cancellation proceedings will begin. Enclosed for your convenience is another amendment form in the event the first one was misplaced.

If you have any questions, please contact us.

Sincerely,

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

APR 08 1993



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

February 9, 1993

WULF LEBRECHT
E & L FARMS
PO BOX 834
BLACKFOOT ID 83221

RE: WATER RIGHT NO. 35-07489

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 15 days.

If you do not concur with these findings or if you have any questions, please contact us within the 15-day period.

Sincerely,

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

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APR 08 1993

LICENSE REVIEW CHECKLIST

Permit # 35-07489

Date 02-05-93
38

	Yes	No	
NAME	☐	☒	Address Change?
PRIORITY DATE	☐	☒	Advance? _____
	☐	☒	Memo to Advance _____
	☐	☒	Order to Reinstate Needed? _____
TOTAL CFS	☐	☒	Incorrect Fee for rate recommended? _____
	☒	☐	Disagree with Actual Measurement? _____
	☒	☐	<u>1167.6 x .02 = 3.35 cfs (IRR)</u>
	☐	☒	Disagree with Theoretical? _____
	☐	☒	Limited by Capacity? <u>4.06 cfs</u>
TOTAL VOLUME			Rate/ac <u>4.0</u> AFA Irr. Season <u>C</u>
			<u>4-1 to 10-31</u> Standard Irr. Season
			<u>Same/Reduced 1 Day</u> Season Recommended
	☒	☐	Disagree with Examiner's Calculations? _____
	☒	☐	<u>1167.6 x 4.0 = 670.4 cfs (IRR)</u>
	☒	☐	Limited by Flow? <u>3.35 x 214 x 1.9835 = 1422 > 670.4</u>
SOURCE	☐	☒	Changes? Clarification of <u>Originally</u>
	☐	☒	<u>Intended</u> source _____
	☐	☒	Notice of Intent to Void. _____
P/D	☒	☐	Verify with Map
	☐	☒	Amendment Needed? <u>Change S ESW to S WSW</u>
	☐	☒	Is Overlap Analysis a Consideration? _____
P/U	☒	☐	Verify with Map
	☐	☒	Amendment Needed? <u>Add S ESE, S 25, 35, 31 E</u>
	☐	☒	Is Overlap Analysis a Consideration? _____
USES	☐	☒	Change(s) in Nature of Use? _____
	☐	☒	Amendment Needed? _____
REMARKS	☐	☒	Multiple P/Ds in 1/4 1/4? _____
	☐	☒	Non-Irr. Uses _____
	☐	☒	Special Overlap Condition _____
	☐	☒	Other _____
CONDITIONS	☐	☒	Measuring Device
	☐	☒	W/Master Control
	☒	☐	Overlap
	☐	☒	Water Quality
			DATES/MISC
			☐ Water Dist.
			☐ App Rec'd
			☐ Exam Made

COMMENTS: Amend P/D + P/U

LICENSE _____ AMEND ☒ SPECIAL PARAGRAPH _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
OCT 26 1992

Department of Water Resources

A. GENERAL INFORMATION

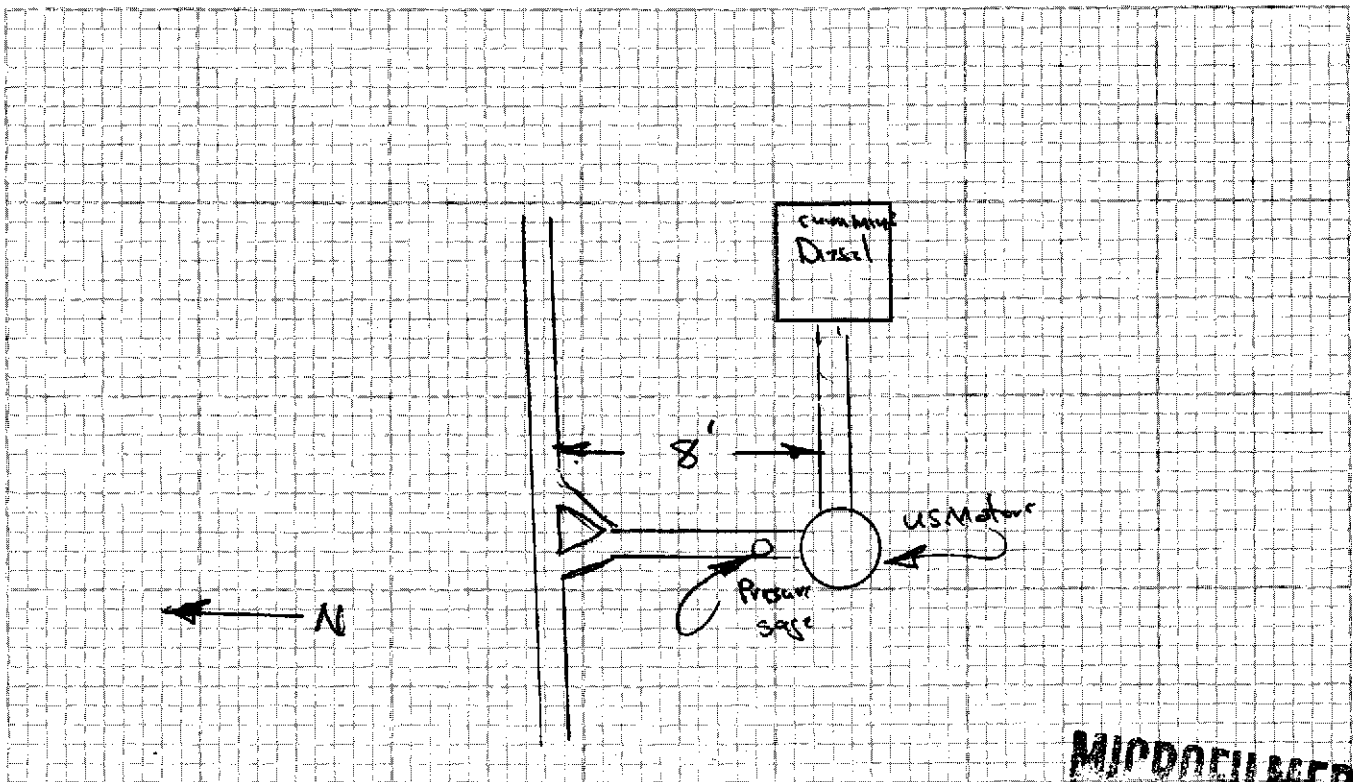
1. Owner: Don Everingham Permit No. 35-1489
Current Address: P.O. Box 834 Blackfoot, ID Phone No. _____
2. Accompanied by: Brian Lebricht EXAM. DATE: 6-2-92
Address: Blackfoot, ID Phone No. 328-2405
Relationship to Permit Holder: Renter
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE ☐ Copies Attached
2. Other water rights with same point of diversion: None ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

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

APR 08 1993

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

Well - pump to sprinklers (8 1/4 lines) - 1/4 line does SSSB 7500 on section 25 next to pivot. Heads set at 57' with maintain pressure at 64 psi. The 335 hp motor (drill) in place is a replacement engine. Applicant ordinarily uses a 135 hp diesel.

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Cummins	335	NA		
	U.S. Motors		NA	NA	

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

5. Point(s) of Diversion:

[illegible]

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

[illegible]

Do not use this space

APR 08 1993

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pressure gage						

2. Measurements:

Need sonic meter
 (32 psi on 5/32 nozzle 1/4 mile from pump)
 (Substitute diesel)
 Theoretical: $\frac{335 \text{ hp} \times 8.814 \times 0.8 \text{ cff}}{57' \text{ lift} + (2.3 \times 64 \text{ psi})} = \frac{2362.2}{204.2} = 11.56 \text{ cfs}$

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: Theoretically (ordinarily uses 135 hp diesel) Limit to 0.02 cfs/ac = 3.35 cfs
 $\frac{135 \text{ hp} \times 8.814 \times 0.7}{57' \text{ lift} + (2.3 \times 64 \text{ psi})} = \frac{4.07 \text{ cfs}}{4.07 \text{ cfs}}$
 2. Alternate Method for Checking Purposes: Capacity

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)
 Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)
 Water HP: (3) x (4) ÷ 8.8 = _____ (5)
 Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)
 Meter Input HP: (6) x 1.34 = _____ (7)
 Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)
 Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (167.6)(4.0) = 670.4 \text{ afa}$
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \frac{(4.1)(214)(1.9835)}{3.35} = \frac{1740}{1422}$
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 670.4 \text{ afa}$

2. Volume Calculations for Other Uses:

RECORDED
 APR 08 1993

H. REMARKS AND OVERLAP REVIEW ANALYSIS

I recommend 3.35 cfs (167.6 ac @ 0.02 cfs/ac)

Lined area for remarks and analysis.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use		Period of Use		Rate of Diversion	Annual Volume
Irrigation		From 4/1	To 11/1	3.35 cfs	670.4 ac-ft

2. Recommended Amendments

- ☒ Change P.D. as reflected above
- ☐ Change P.U. as reflected above
- ☐ Add P.D. as reflected above
- ☐ Add P.U. as reflected above
- ☐ None
- ☐ Other

J. AUTHENTICATION

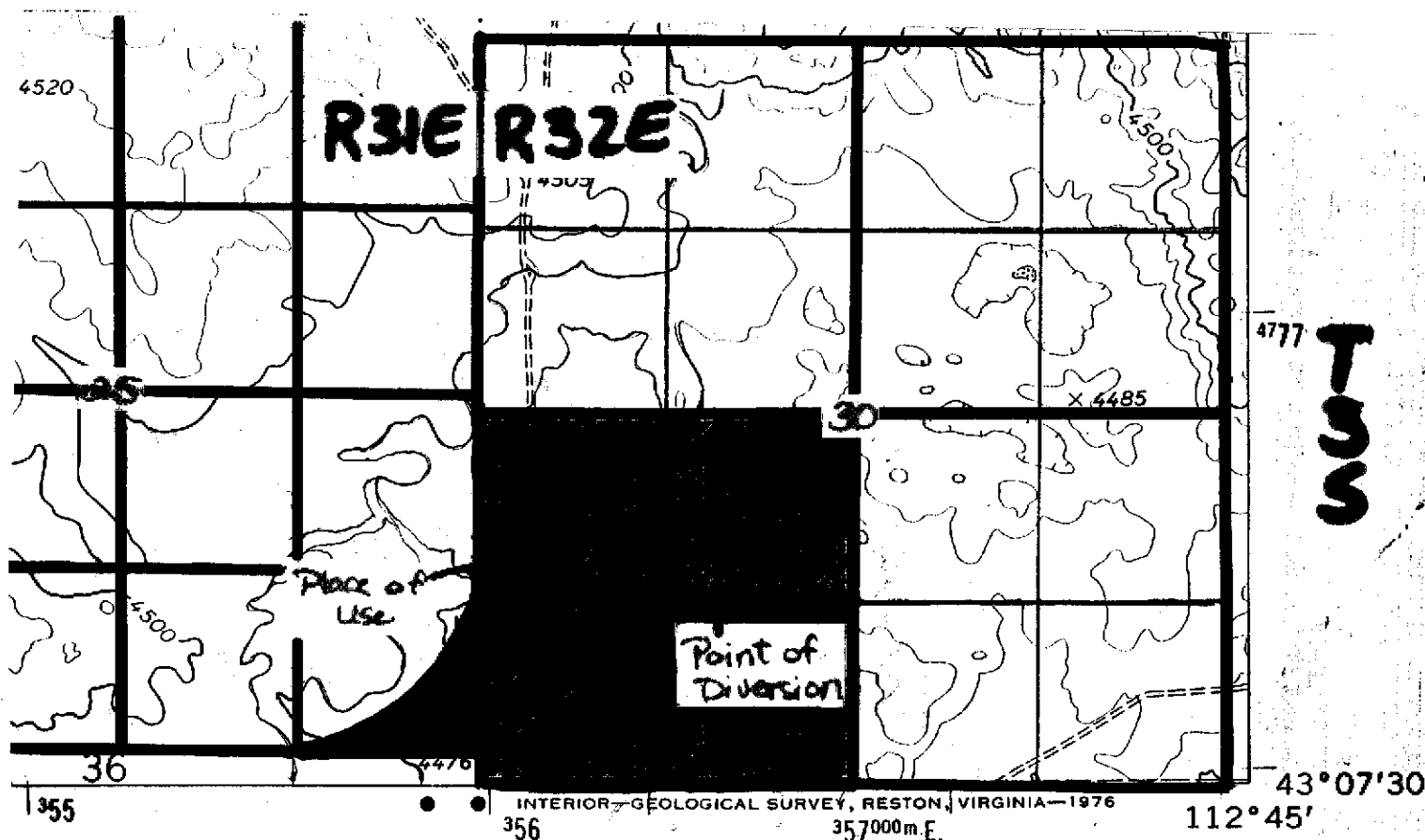
Field Examiner's Name: Harold W. Jones
Signature: [Signature]
Certification Date: _____
Field Report Preparation Date: _____

CONSULTANT SEAL

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

11/11/11

APR 08 1993



ROAD CLASSIFICATION

Primary highway, hard surface _____ Light-duty road, hard or improved surface _____

Secondary highway, hard surface _____ Unimproved road _____

☐ Interstate Route ☐ U. S. Route ☐ State Route



UNFILMED

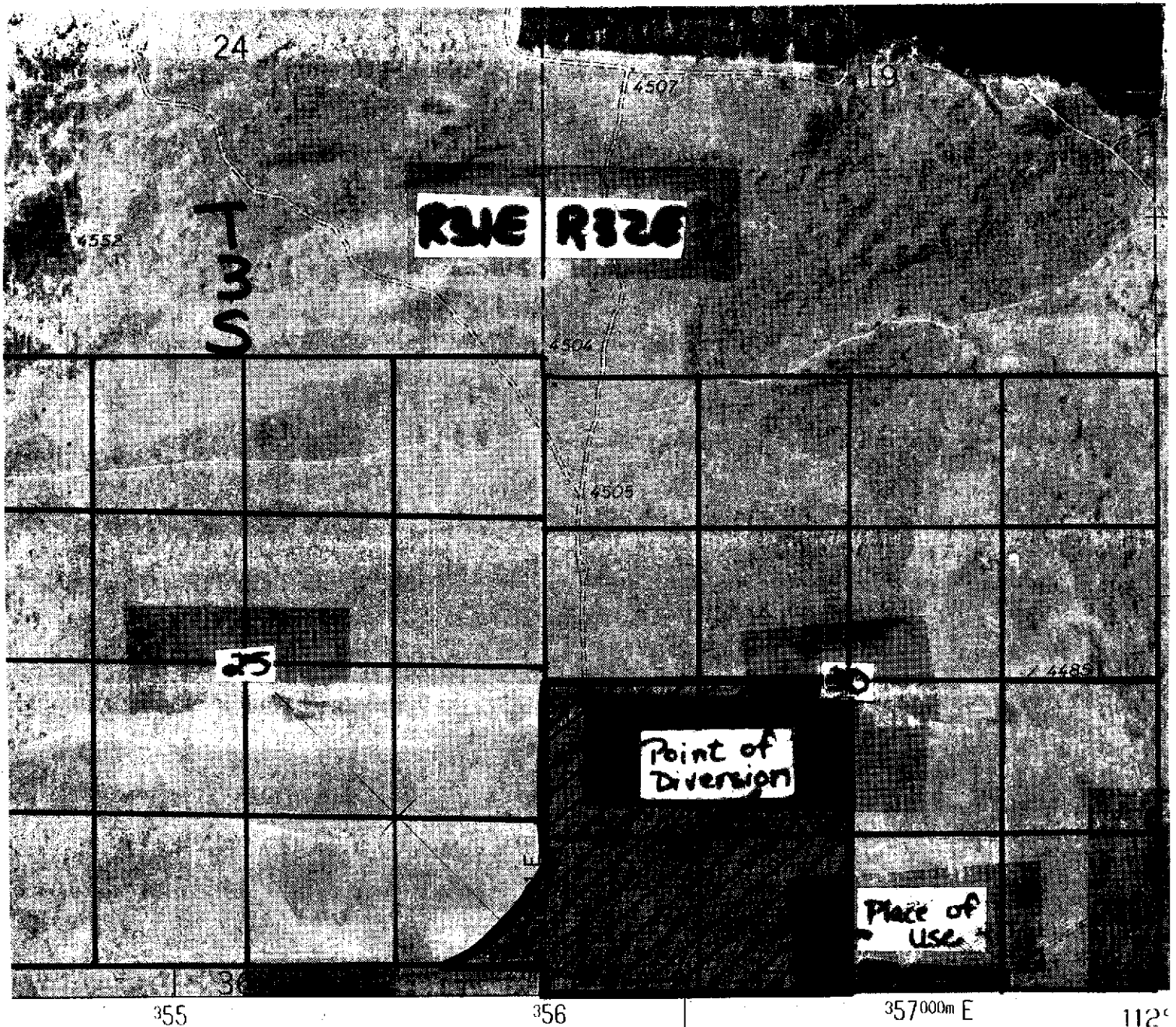
8 1993

35-7489

COFFEE POINT NE, IDAHO
N4307.5—W11245/7.5

(SPRING 11 047 3470 11 5

Z-



35-7489

APR 08 1993

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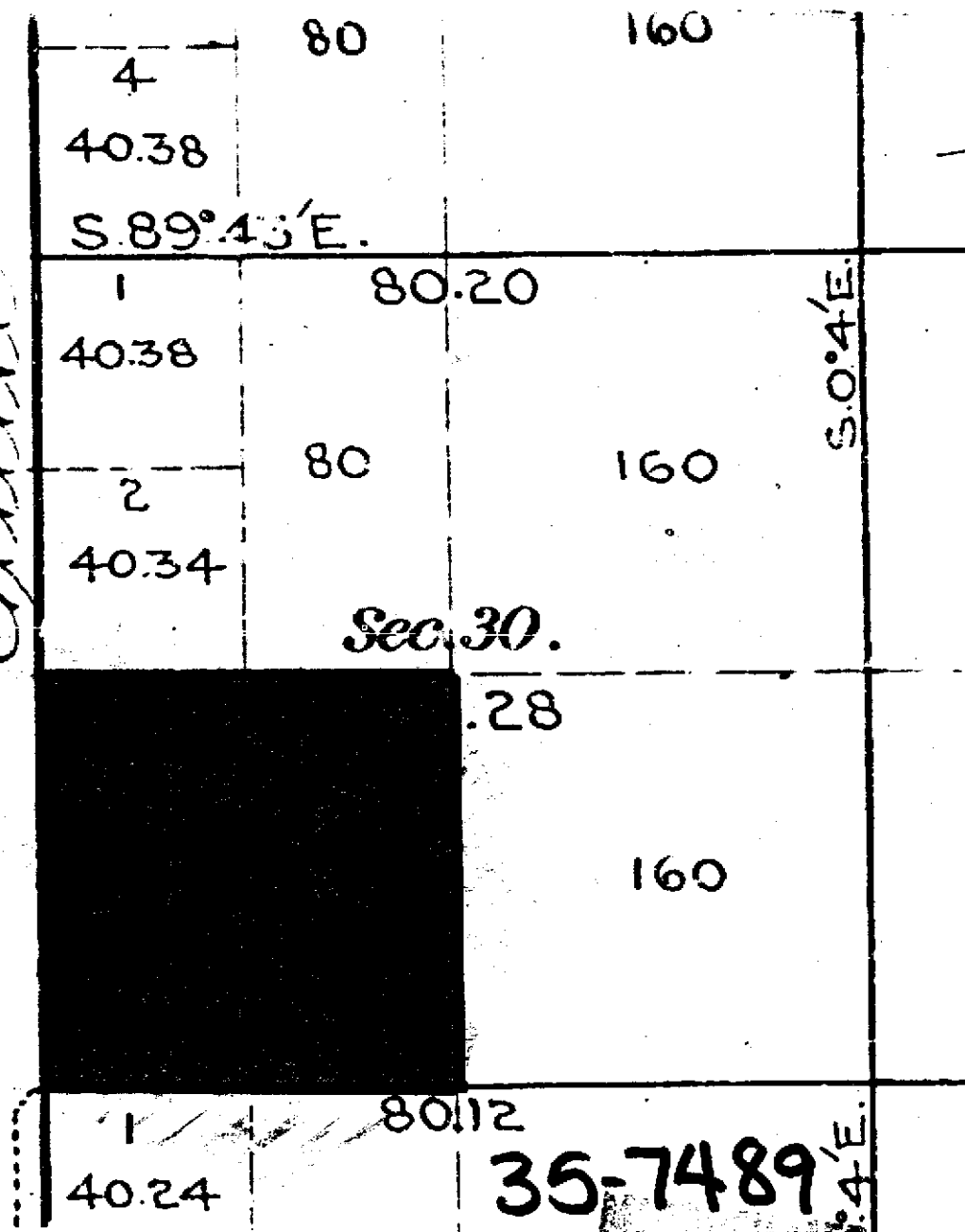
R32E

1

T
3
S

M

Guide



APR 08 1993

June 14, 1990

Wulf Lebrecht
E & L Farms
P. O. Box 834
Blackfoot, ID 83221

Dear Mr. Lebrecht:

Re: Permit No. 35-7489

This office acknowledges receipt of the partial assignment conveying this permit to both of you. The partial assignment has been entered into the department's records.

The department received the proof of beneficial use form. The next step is for the department to conduct the field inspection to confirm and determine the extent of beneficial use. I cannot tell just when the representative from our Eastern Regional office will conduct the exam, but he will try to contact you or your representative prior to being in the area.

If you have questions, please contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

c: Region

MICROFILMED

JUN 21 1990

RECEIVED

JAN 04 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

Department of Water Resources

For Office Use Only
 Fee Received 200⁰⁰
 Date 12-28-89
 Receipt # ED1422
 Receipt by RB
 Reviewed by RA
 Sent to region

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

Permit No. 357489Name(s) of Permit Holder: Don E. EvringhamPost Office Address: P.O. Box 834, Blackfoot, ID 83221Telephone No. 208-785-4559Source of Water: Ground Water

Extent of Use:

Domestic (number of households) Stockwater (number and type of stock)Irrigation XX 240 Acres 220 (acres) Other/Remark Total rate and/or volume for which proof is submitted 4.8 cfs acre-feetShow the date water was first diverted and beneficially used under this permit: May 1979

* Measuring Device: Required? ☒ Yes ☒ No
 Installed? ☐ Yes ☒ No
 Fee enclosed \$
 (See License Examination Fee Schedule)

Flow Measurement Port: Required? ☒ Yes ☐ No
 Installed? ☒ Yes ☐ No

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

Wulf Lebrecht 785-4559 or Brian Lebrecht 236-81
 (Name) (Telephone Number)

P.O. Box 834 2726 West 500 South
Blackfoot, ID 83221 Sterling, ID 83210

(Address)

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

* 12-28-1989

Date

Wulf Lebrecht
 Signature of Permit Holder (and title, if appropriate)

RECEIVED

JUN 21 1990

~~P.O. Box 788~~

~~Pocatello, ID 83201~~

March 6, 1990

P.O. Box 834

Blackfoot ID
83221

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

RECEIVED
MAR 27 1990

Department of Water Resources

Attention: Rita I. Fleck

RE: Permit No. 35-7489

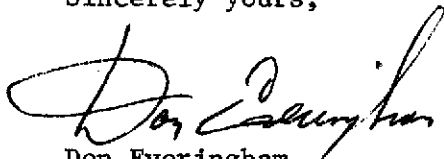
Dear Ms. Fleck:

Please find enclosed the assignment of permit on the above mentioned permit.

Mr. Wulf Lebrecht is an acting partner in E & L Farms and has been given permission from Mr. Don Everingham to sign any papers that are necessary to act on behalf of E & L Farms.

Don Everingham has assigned this permit over to E & L Farms today with Wulf as acting partner to take care of necessary paper work. If you have any further questions or need additional information, please feel free to contact us at the above mentioned address.

Sincerely yours,



Don Everingham
Partner

DE/ts

MICROFILMED

JUN 21 1990

February 28, 1990

Wulf Lebrecht
P. O. Box 834
Blackfoot, ID 83221

Dear Mr. Lebrecht:

Re: Permit No. 35-7489

On January 4, 1990, the department received a proof of beneficial use form. The form was signed by you for Don E. Everingham.

Before the department can accept the proof, evidence showing that you have the authority to sign for Mr. Everingham or evidence that you now own this property is needed. Your other option would be to have Mr. Everingham assign the permit to you. Enclosed is an assignment form.

Note that proof is due on April 1, 1990. Some action should be taken by then or the permit will lapse.

If you have questions, please contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED

JUN 21 1990

November 18, 1985

Don E. Everingham
Box 1717
Hanford, CA 93232

Dear Mr. Everingham:

Re: Permit No. 35-7488 and 35-7889

Enclosed is a copy of the approved request for extension of time for each of the above referenced permits. The proof due dates have been extended to April 1, 1990.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

RECEIVED

STAFF VIEW OF REQUESTS FOR EXTENSION TIME

Permit No. 35-7489

BASIC INFORMATION ABOUT EXTENSION REQUEST

Check for the following:

- Y Date received stamp
Y Extension received within six months of due date (if greater than, return extension)
OK Fee received and receipted
Y Name and signature same as on permit
Y Address change? If so, complete coding sheet
✓ Source of water the same?
Y Extension previously approved?
N Do conditions of approval restrict the extension?

Indicate basis: _____

REASON FOR GRANTING EXTENSION

- ____ Due diligence
 ____ Work completed - Adequate to show due diligence?
 ____ Cost incurred - Adequate to show due diligence?
YES Litigation Y Swan Falls No Dismissed from Swan Falls
 ____ Have supporting documents been submitted?

Date litigation completed _____

Date litigation began 1977Total period of delay = max 5 yrsProof due date Apr. 1, 1980

NEW PRIORITY DATE _____

____ Delayed by a governmental agency

____ Permit holder provided supporting documents?

REASON FOR DENIAL _____

RECOMMENDATION FOR ACTION

Recommend approval based on litigation - suggest approving for 5 yrs.

Additional conditions:

- N Reinstate: Date extension received _____ = _____
 Proof due date _____ = _____
 No. of days late _____
 Priority date _____ = _____

ADJUSTED PRIORITY DATE _____

- ✓ Is there commencement of works?
✓ Prepared coding sheet? - *address*
✓ Change rolodex card

Reviewed by ry

Date

11-12-1985

MICROFILMED

LAW OFFICES

JONES and CHRISTENSEN, Chartered

P. O. BOX 967 - 405 WEST WHITMAN

(208) 232-5911

POCATELLO, IDAHO 83204-0967

RECEIVED

OCT 28 1985

October 24, 1985

LAMONT JONES
CRAIG W. CHRISTENSEN
DOUGLAS K. MERKLEY

Department of Water Resources

Department of Water Resources
Statehouse
Boise, ID 83720

Attention: Rita Fleck

Re: Permit Nos. 35-7488 and 35-7489

Gentlemen:

Pursuant to our telephone conversation concerning the above-referenced Permits, I am enclosed the following documents which substantiate the statements made in my letter of October 17, 1985, a copy of which is enclosed for your reference, to wit:

1. Copy of Everingham/Richtron Real Estate Agreement;
2. Copy of Escrow Agreement with Idaho Bank and Trust;
3. Copy of the Utah Court's Order of December 27, 1982, reflecting litigation in Utah;
4. Copy of Agreement between Everingham and Consolidated Western Farms;
5. Copy of Escrow Agreement covering the sale to Consolidated Western Farms;
6. Copy of Voshell letter re: default and return of escrow documents to Everingham;
7. Cover letter of Jones and Christensen acknowledging receipt of escrow documents held by Mr. Voshell in the Everingham/Consolidated Western Farms transaction;

*These items, 1 thru 7, are in file
35-7489.*

MICROFILMED

Department Water Resources -2- October 24, 1985

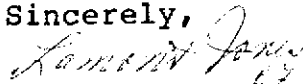
8. Assignment to Everingham of Share Crop Farm Lease covering real property under Everingham/ Consolidated Western Farms Contract. (The Assignee, Milton R. Goff and Associates, d/b/a Springfield Properties was the same entity the Utah District Judge had named as Trustee in the Court Order referenced in paragraph 3.

9. Copy of the Complaint filed to quiet title to the real property in question.

The last enclosure is our check in the sum of \$15.

Best regards.

Sincerely,



Lamont Jones

bf

MICROFILMED

October 17, 1985

Department of Water Resources
Statehouse
Boise, ID 83720

Re: Permit Numbers 35-7488 and 35-7489

Gentlemen:

Please find enclosed request for extension of the above-referenced permits, duly executed by Mr. Everingham.

I represent Mr. Everingham with respect to the land to which these permits have been issued and have been asked to address the reason why Mr. Everingham has not been able to prove up on the Permits within the time provided by law.

In 1978 Mr. and Mrs. Everingham owned substantial property in Bingham County, Idaho, which included the properties to be covered by the permits above-referenced. In March of that year the Everinghams sold the property under a Real Estate Contract to Richtron Financial Corporation who took possession of the real property with the agreement excrowed at Idaho Bank and Trust Company in Blackfoot.

The Richtron Corporation defaulted in 1982, and as a result of the default all the documents in escrow with Idaho Bank and Trust Company were redelivered to Mr. Everingham's then attorney, Mr. Jack Voshell of Idaho Falls. Even though Mr. and Mrs. Everingham had the documents concerning the property in their possession, Richtron still claimed ownership of the property and was involved in a dispute concerning the ownership with another corporation, in the District Court for the County of Davis, State of Utah. In 1983, the Everinghams entered into an Agreement with the Consolidated Western Farms, Inc., which was a Utah Corporation, and it was believed by the Everinghams that this corporation was the successor in interest of the Richtron Financial Corporation with whom they had previously dealt. A copy of this agreement was escrowed with their then attorney Jack Voshell in Idaho Falls.

MICROFILMED

Thereafter, when Consolidated Western Farmers, Inc. defaulted upon the payments due upon the Contract, demand was made upon Mr. Voshell for the return of all documents and this was accomplished in April of 1985, at which time the Everinghams also took possession of the real property in question.

Although Consolidated Western Farmers, Inc. claims no further interest under the Contract and has disclaimed any further interest in the Everingham Land, Richtron Financial Corporation and a company called Frontier Investments have both recorded a Notice that they claim some right, title, and interest in the Everingham Property. No Quiet Title Suit was started prior to the 30th day of September of this year against the last named corporations because the 30th of September was the final payment date due upon both the Everingham Contracts above-referenced and consequently, the entire amount due upon the Contract has not been tendered the two corporations still claiming some interest in the property have no defense to a quiet title action at this time.

Notwithstanding the quiet title litigation which will clear the title to the property, Mr. and Mrs. Everingham are in possession of the property and can satisfy all requirements of the permits in order to prove up on them. By reason of the Contracts above-referenced, the Everinghams did not have possession or control of the property between March 1978 and April 1983.

If any additional information is required, please advise.

Best regards.

Sincerely,

Lamont Jones

bf

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

EXTENSION OF TIME

October 28, 1985

Jones and Christensen
P. O. Box 967
Pocatello, ID 83204-0967

PERMIT NO. 35-7589, Don E. Everingham

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 37271.

Roberta Garrett
Records Supervisor

Enclosure

cc Don E. Everingham

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

September 24, 1985

Don E. Everingham
Box 1717
Hanford, CA 93232

Dear Mr. Everingham:

Re: Permit Nos. 35-7488 and 35-7489

Enclosed are the two requests for extension of time submitted to this office on March 26, 1985 for the above referenced permits.

In April of 1980, the department granted extension of time requests for both permits based on due diligence. The Idaho Code prohibits the department from granting any more extensions for this reason. However, the department can consider additional requests based on delay by a governmental agency or litigation when the title of water comes in question.

The enclosed requests state that litigation is a reason for delay of development. When you return the extension requests, supply evidence of the litigation. This could be a copy of the complaint filed with the court and a copy of the decree or agreement resolving the litigation or any other document you might have. Also, each extension request must be submitted with a \$15 filing fee.

Please return the requests with supporting documentation of the litigation and filing fee to this office before November 1, 1985 to keep the permits in good standing. If nothing is received, the permit will lapse.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720

RECEIVED

FEB 5 1985

Department of Water Resources

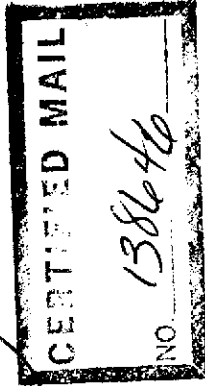
MICROFILMED



3

Returned to sender
FORWARDING ORDER EXPIRED

35-7489



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83726
(208) 334-4440
CERTIFIED MAIL

RECEIVED

MAR 5 1985

EVERINGHAM, DON E.
1466 SHARON
IDAHO FALLS, ID 83401

PROOF DUE NOTICE

Department of Water Resources

JANUARY 31, 1985

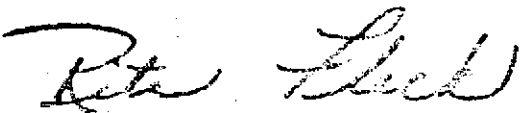
DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 35-7489 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE APRIL 01, 1985. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A 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 OR EFFECT.

SINCERELY,



RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Rita Eluk

DATE 2-21-1985

TO File 35-7849

SUBJECT Returned B/U Notice

The Bingham Co. Assessor's Office has
an address of 1466 Shannon, Idaho Falls
or Don E. Everingham Trustee, 531
Wellington Way, Vacaville, CA 95688.

I sent a copy of the notice to each
address.

 MICROFILMED
SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

L38646

EVERINGHAM, DON E.
1466 SHARON
IDAHO FALLS, ID 83401

PROOF DUE NOTICE

JANUARY 31, 1985

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 35-7489 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE APRIL 01, 1985. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A 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.

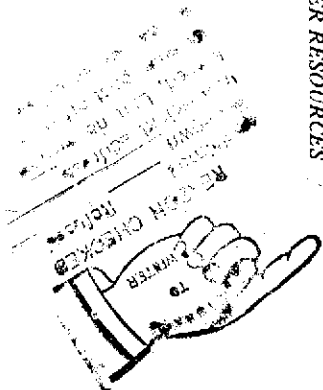
SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720



Mr. Don Everingham
Route 1, Box 196A
Firth, Idaho 83236

Department of Water Resources

AUG 27 1979

RECEIVED
FIRST CLASS
MICROFILMED

AUTHORIZED TIME FOR RETURNING WAS

AUTHORIZED TIME FOR RETURNING WAS

April 4, 1980

Don E. Everingham
1446 Sharon
Idaho Falls, ID 83401

Dear Mr. Everingham:

Re: Permit Nos. 35-7488 and 35-7489

Enclosed is a copy of each of the approved requests for extension of time. The time within which to submit proof of beneficial use is extended to April 1, 1985.

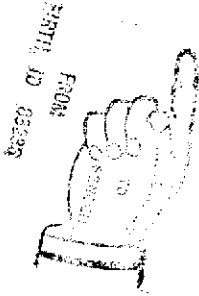
Sincerely,

JAN GROVER
Water Rights Supervisor

JGkrf

Enclosures

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

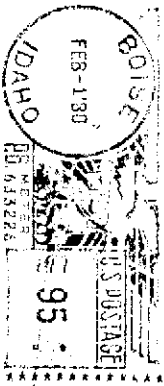


*1466 Sharon Falls
Idaho Falls*

Department of Water Resources

FEB 6 1980

RECEIVED



CE 1017732

UNDELIVERABLE AS ADDRT.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

EVERINGHAM, DON E.
RT. 1 BOX 196A
FIRTH, ID 83236

101713

JANUARY 31, 1980

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 35-7489 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE APRIL 01, 1980. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

RECEIVED
JAN 31 1980



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

August 17, 1979

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the Regional Office nearest to you.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosures

Northern Region Office
Rt. #5, Box 203 Government Way
Coeur d'Alene, Idaho 83814

Eastern Region Office
1515 Lincoln Street
Idaho Falls, Idaho 83401

Southern Region Office
1041 Blue Lake Blvd. North
Twin Falls, Idaho 83301

Western Region Office
92 S. Cole Road
Boise, Idaho 83705

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

April 10, 1975

Re: Permit No. 35-7489 & 35-7490

Mr. Don Everingham
Route 1, Box 196A
Firth, Idaho 83236

Dear Mr. Everingham:

Enclosed are copies of your approved applications for permit issued on the above referenced numbers. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permits. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

MICROFILMED

March 14, 1975

RE: Application for Permit No. 27-7052 - Empey
" " " No. 35-7488 - Everingham
" " " No. 35-7489 - "
" " " No. 35-7490 - "

The Blackfoot News
P.O. Box 70
Blackfoot, Idaho 83221

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:CW

Bill submitted 4-7-75 by MB

Enc: Legal Notice (4)

RECEIVED

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Don E. Everingham, Rt. No. 1, Fifth, Idaho, has on 3-14-75, submitted Application No. 35-7489, for a permit to appropriate 4.8 cubic feet per second of water from a ground-water source by means of well and pump within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T. 3S, R. 32E, B.M., Bingham County, to be used from Apr. 1 to Nov. 1 for the irrigation of 240 acres within the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 30, T. 3S, R. 32E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before April 7, 1975.

R. KEITH HIGGINSON
Director

(4185)
Pub.: 3-20, 27

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Don E. Everingham,

Rt. #1, Firth, Idaho

has on 3-14-75 submitted Application No. 35-7489

for a permit to appropriate 4.8 cubic feet per second ~~acre feet per annum~~

of water from a ground-water source

by means of well and pump

within the SE¹/₄SW¹/₄, Sec. 30, T. 3S, R. 32E, B.M., Bingham County;

to be used from Apr. 1 to Nov. 1

for the irrigation of 240 acres

within the SW¹/₄, W¹/₂SW¹/₄, Sec. 30, T. 3S, R. 32E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before April 7, 1975.

R. KEITH HIGGINSON

Director

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