

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

**NOTICE OF EXISTING
WATER RIGHT PERMIT**

Presently recorded as follows:

35-07488

EVERINGHAM, Don E.
P.O. Box 1717
Hanford, CA 932320000
Source: GROUNDWATER
Diversión Pt: SESW, Sec. 25, T. 03S, R.
31E.
Use: IRRIGATION (6.400 CFS); Total Diver-
sion: (6.400 CFS).
Priority: 3/14/1975.
In: T03S, R31E, S25, NESW, NWSW,
SWSW, SESW, NESE, NWSE, SWSE, SESE.
320.0 ACRES TOTAL.

35-07837

HOFFMAN, Paul
HOFFMAN, Margaret
P.O. Box 461
Aberdeen, Id. 832100000
Source: GROUNDWATER
Diversión Pt: SESE, Sec. 21, T. 05S, R.
29E; NWNE, Sec. 24, T. 05S, R. 30E.
Use: IRRIGATION (6.400 CFS); Total Diver-
sion: (6.400 CFS).
Priority: 1/22/1979.
In: T05S, R29E, S21, NWSE, SWSE, SESE,
S28, NWNE, SWNE, NENW, SENW; R30E,
S24, NWNE, SWNE.
320.0 ACRES TOTAL.

35-07873

O HAIRE, Margaret
8756 Clovis Drive
Boise, Idaho 83709
Source: GROUNDWATER
Diversión Pt: SESE, Sec. 18, T. 05S, R.
30E.
Use: IRRIGATION (3.200 CFS); Total Diver-
sion: (3.200 CFS).
Priority: 9/21/1979.
In: T05S, R30E, S18, NESE, NWSE, SWSE,
SESE.
160.0 ACRES TOTAL.

35-07876

O HAIRE, Margaret
8756 Clovis Drive
Boise, Idaho 83709
Source: GROUNDWATER
Diversión Pt: NENW, Sec. 18, T. 05S, R.
30E.
Use: IRRIGATION (3.200 CFS); Total Diver-
sion: (3.200 CFS).
Priority: 9/21/1979.
In: T05S, R30E, S18, NENW, NWNW,
SWNW, SENW.
160.0 ACRES TOTAL.

35-07877

O HAIRE, Margaret
8756 Clovis Drive
Boise, Id. 83709
Source: GROUNDWATER
Diversión Pt: SESW, Sec. 18, T. 05S, R.
30E.
Use: IRRIGATION (3.200 CFS); Total Diver-
sion: (3.200 CFS).
Priority: 9/21/1979.
In: T05S, R30E, S18, NESW, NWSW,
SWSW, SESW.
160.0 ACRES TOTAL.

35-07885

GEHRING, Ferdinand
740 Calder
American Falls, Id. 83211
Source: GROUNDWATER
Diversión Pt: SWNW, Sec. 18, T. 06S, R.
30E; SWSW, Sec. 18, T. 06S, R. 30E; SWSE,
Sec. 20, T. 06S, R. 30E.
Use: IRRIGATION (16.000 CFS); Total
Diversión: (19.200 CFS).
Priority: 1/02/1980.
In: T06S, R30E, S18, NENW, NWNW,
SWNW, SENW, NESW, NWSW, SWSW,
SESW, NESE, NWSE, SWSE, SESE, S20,
NENW, NWNW, SWNW, SENW, NESW,
NWSW, SWSW, SESW.
800.0 ACRES TOTAL.

35-07931

WILLIAM P. PHILLIPS & SONS
904 N. 1200 W.
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversión Pt: NESE, Sec. 19, T. 01S, R.
34E, NWSE, Sec. 19, T. 01S, R. 34E; SWSE,
Sec. 19, T. 01S, R. 34E; SESE, Sec. 19, T.
01S, R. 34E.
Use: IRRIGATION (4.870 CFS).
STOCKWATER (.130 CFS).
Total Diverción: (5.000 CFS).
Priority: 1/20/1981.
In: T01S, R34E, S19, NENE, NWNE,
SWNE, SENE, NESE, NWSE, SWSE, SESE.
320.0 ACRES TOTAL.

35-07932

WILLIAM P. PHILLIPS & SONS
904 N. 1200 W.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversión Pt: SWSW, Sec. 18, T. 01S, R.
34E.
Use: IRRIGATION (4.800 CFS).
STOCKWATER (.130 CFS).
Total Diverción: (4.930 CFS).
Priority: 1/20/1981.
In: T01S, R34E, S18, NESW, NWSW,
SWSW, SESW, SWSE; S19, NWNW.
320.0 ACRES TOTAL.

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho)

I, Ted Townsend do
solemnly

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

newspaper two consecutive weeks,

the first publication having been made on the

4th day of January, 19 90,

and the last publication having been made on the

11th day of January, 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 16th day of January, in
the year 1990 before me a Notary Public of said State,
personally appeared

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

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

Affidavit Processing Fee \$5.00

31E.
Use: IRRIGATION (6.400 CFS); Total Diver-
sion: (6.400 CFS).
Priority: 3/14/1975.
In: T03S, R31E, S25, NESW, NWSW,
SWSW, SESW, NESE, NWSE, SWSE, SESE.
320.0 ACRES TOTAL.

35-07837

HOFFMAN, Paul
HOFFMAN, Margaret
P.O. Box 461
Aberdeen, Id. 832100000
Source: GROUNDWATER
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29E; NWNE, Sec. 24, T. 05S, R. 30E.
Use: IRRIGATION (6.400 CFS); Total Diver-
sion: (6.400 CFS).
Priority: 1/22/1979.
In: T05S, R29E, S21, NWSE, SWSE, SESE,
S28, NWNE, SWNE, NENW, SENW; R30E,
S24, NWNE, SWNE.
320.0 ACRES TOTAL.

35-07873

O HAIRE, Margaret
8756 Clovis Drive
Boise, Idaho 83709
Source: GROUNDWATER
Diversión Pt: SESE, Sec. 18, T. 05S, R.
30E.
Use: IRRIGATION (3.200 CFS); Total Diver-
sion: (3.200 CFS).
Priority: 9/21/1979.
In: T05S, R30E, S18, NESE, NWSE, SWSE,
SESE.
160.0 ACRES TOTAL.

35-07876

O HAIRE, Margaret
8756 Clovis Drive
Boise, Idaho 83709
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Diversión Pt: NENW, Sec. 18, T. 05S, R.
30E.
Use: IRRIGATION (3.200 CFS); Total Diver-
sion: (3.200 CFS).
Priority: 9/21/1979.
In: T05S, R30E, S18, NENW, NWNW,
SWNW, SENW.
160.0 ACRES TOTAL.

35-07877

O HAIRE, Margaret
8756 Clovis Drive
Boise, Id. 83709
Source: GROUNDWATER
Diversión Pt: SESW, Sec. 18, T. 05S, R.
30E.
Use: IRRIGATION (3.200 CFS); Total Diver-
sion: (3.200 CFS).
Priority: 9/21/1979.
In: T05S, R30E, S18, NESW, NWSW,
SWSW, SESW.
160.0 ACRES TOTAL.

35-07885

GEHRING, Ferdinand
740 Calder
American Falls, Id. 83211
Source: GROUNDWATER
Diversión Pt: SWNW, Sec. 18, T. 06S, R.
30E; SWSW, Sec. 18, T. 06S, R. 30E; SWSE,
Sec. 20, T. 06S, R. 30E.
Use: IRRIGATION (16.000 CFS); Total
Diversión: (19.200 CFS).
Priority: 1/02/1980.
In: T06S, R30E, S18, NENW, NWNW,
SWNW, SENW, NESW, NWSW, SWSW,
SESW, NESE, NWSE, SWSE, SESE, S20,
NENW, NWNW, SWNW, SENW, NESW,
NWSW, SWSW, SESW.
800.0 ACRES TOTAL.

35-07931

WILLIAM P. PHILLIPS & SONS
904 N. 1200 W.
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversión Pt: NESE, Sec. 19, T. 01S, R.
34E, NWSE, Sec. 19, T. 01S, R. 34E; SWSE,
Sec. 19, T. 01S, R. 34E; SESE, Sec. 19, T.
01S, R. 34E.
Use: IRRIGATION (4.870 CFS).
STOCKWATER (.130 CFS).
Total Diversión: (5.000 CFS).
Priority: 1/20/1981.
In: T01S, R34E, S19, NENE, NWNE,
SWNE, SENE, NESE, NWSE, SWSE, SESE.
320.0 ACRES TOTAL.

35-07932

WILLIAM P. PHILLIPS & SONS
904 N. 1200 W.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversión Pt: SWSW, Sec. 18, T. 01S, R.
34E.
Use: IRRIGATION (4.800 CFS).
STOCKWATER (.130 CFS).
Total Diversión: (4.930 CFS).
Priority: 1/20/1981.
In: T01S, R34E, S18, NESW, NWSW,
SWSW, SESW, SWSE; S19, NWNW.
240.0 ACRES TOTAL.
Permits not developed by July 1, 1985, are
being reprocessed in compliance with Section
42-203D, Idaho Code. Protests against the
continuance of permits must be filled with the
Director, Dept. of Water Resources,
Statehouse Mail, Boise, Idaho, 83720, on or
before JANUARY 22, 1990. Protests must be
based on the public interest criteria of Section
42-203C, Idaho Code, only.

R. KEITH HIGGINSON
Director

(628)
Pub.: 1/4, 11

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho)

I, Ted Townsend do
solemnly

swear that I am the Publisher of
The Morning News which is a daily newspaper of
general circulator published each day except Sunday
at Blackfoot, Bingham County, Idaho, said newspaper
having been so published at Blackfoot, aforesaid for
more than one year past; that said newspaper
heretofore complied with all the provisions of Chapter
154 of the Sessions Laws of Idaho of 1933, approved
March 11, 1933, and duly designated, pursuant to law,
a particular day of the week as the day on which legal
notices required by law or by the order of any Court of
competent jurisdiction within the State of
Idaho shall be published to-wit: of each week; that the
notice attached hereto and which is a part of this af-
fidavit and part of the proof of publication was
published in said issue or said
newspaper two consecutive weeks,

the first publication having been made on the
4th day of January, 19 90,

and the last publication having been made on the
11th day of January, 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 16th day of January, in
the year 1990 before me a Notary Public of said State,
personally appeared

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

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

Affidavit Processing Fee \$5.00

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. 35-7488, for a permit to appropriate 6.4 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. 25, T. 3S, R. 31E, B.M., Bingham County; to be used from Apr. 1 to Nov. 1 for the irrigation of 320 acres within the S 1/2, Sec. 25, T. 3S, R. 31E, 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

(4184)
Pub.: 3-20, 27

29

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

) ss.
)

I, Drury R. Brown do solemnly

swear that I am the Publics President 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 newspaper² 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

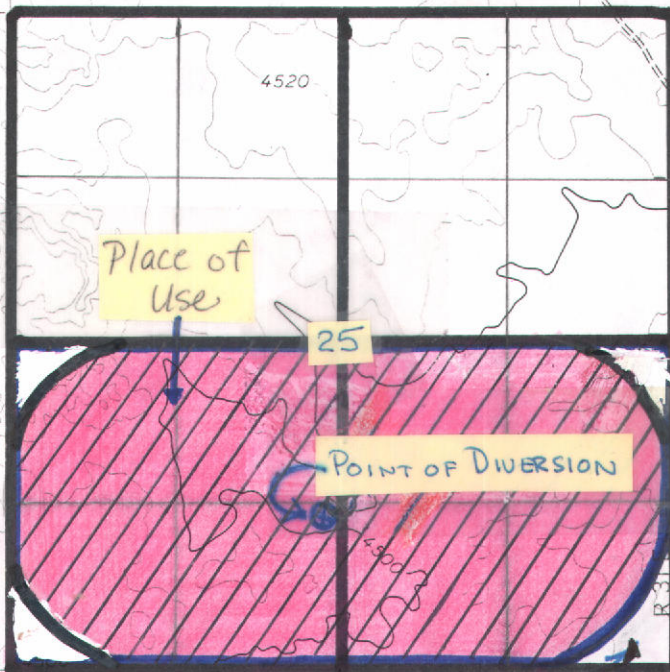
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1975

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35-7488

R31E

T3S



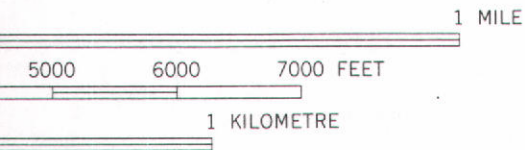
Corner irrigated by 35-7489 CLASSIFICATION

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

Se ha **35-7488**..... Unimproved

Interstate Route U. S. Route

FEB 17 1993



T35

26 25
35/36

Place of
Use

35-7488

R31E

Point of
Diversión

Pivot

Pivot

35-7489
Point
in
center

25
36/30
31

RECORDED
FEB 17 1993

RECEIVED

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
P.O. 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 P.O. 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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 FEB 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. Foster

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 <i>[Signature]</i>	Date <i>2/18/03</i>	Fee <i>\$200.00</i>	<i>\$25.00 X 8</i>
Receipted by <i>[Signature]</i>	Date <i>2/18/03</i>	Receipt No. <i>5067437</i>	
Processed by <i>[Signature]</i>	AJ Date _____	WR _____	Date _____

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MAR 11 2003

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-07488

Priority: March 14, 1975

Maximum Diversion Rate: 4.24 CFS
Maximum Diversion Volume: 1168.0 AF

This is to certify, that DON E EVERINGHAM
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 March 13, 1990. An examination indicates that the works have a diversion capacity of 4.240 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	4.24 CFS	1168.0 AF

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 25, Township 03S, Range 31E
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>ACRES</u>	<u>TOTAL</u>
03S	31E	25	NESW 40	NWSW 33	SWSW 33		
			SESW 40	NESE 33	NWSE 40		
			SWSE 40	SESE 33			292

Total number of acres irrigated: 292

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. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
6. The Director retains jurisdiction of the right issued to change, add or remove any requirement as determined to be appropriate.

FEB 17 1993

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-07488

CONDITIONS/REMARKS:

7. 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.
8. This right is for water held in trust by the state and is subject to review to determine availability of water for the use and to reevaluate the public interest on or after February 5, 2010.

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 15TH day of FEBRUARY, 1993.

Acting for R. Keith Higginson, Director

FEB 17 1993

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF EVALUATING	)	
WHETHER DEVELOPMENT OF 20,000 ACRES	)	
OF IRRIGATED LAND WOULD	)	MEMORANDUM DECISION
CAUSE A SIGNIFICANT REDUCTION	)	& ORDER
IN TRUST WATER AVAILABLE FOR	)	
POWER PRODUCTION	)	

This matter having come before the Director of the Idaho Department of Water Resources (IDWR) as a result of the Swan Falls water right settlement, the Director finds, concludes and orders as follows:

FINDINGS OF FACT

1. "Trust water" is that portion of an unsubordinated water right used for hydropower generation purposes which is in excess of a minimum stream flow established by state action.

2. Section 42-203C(1), Idaho Code, provides as follows:

If an applicant intends to appropriate water which is held in trust by the state of Idaho pursuant to subsection (5) of Section 42-203B, Idaho Code, the director shall consider, prior to approving the application, the criteria established in Section 42-203A, Idaho Code, and whether the proposed use, individually or cumulatively with other existing uses, or uses reasonably likely to exist within twelve (12) months of the proposed use, would significantly reduce the amount of trust water available to the holder of the water right used for power production that is defined by agreement pursuant to subsection (5) of Section 42-203B, Idaho Code, and, if so, whether the proposed reduction is in the public interest. (emphasis added).

3. The IDWR conducted a study to estimate the reduction in hydropower generation which would result from the development of the first 20,000 acres of newly irrigated land (new development) authorized under the Swan Falls settlement. The study included several steps as follows:

- a) Identify the location of the potential new development and the related water sources;
- b) Estimate the net depletion resulting from new irrigation development of these lands;

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c) Route the reduced flows through the aquifer and surface flow systems to the affected power plants;

d) Compute the loss in potential generation at each plant resulting from the reduced flows.

4. Step a) in Finding of Fact No. 3. was accomplished by plotting land location as shown by the water right applications and permits being considered. The 20,000 acres are generally located as follows:

Acreage	General Location	Water Source
9,885	Snake River Plain	Snake Plain Aquifer
5,315	Valleys adjacent to the Plain	GW trib. to Snake Plain Modeled area
4,800	Scattered areas	GW and surface water from areas not trib. to Snake Plain Modeled area

20,000 acres

5. Step b) in Finding of Fact No. 3. was accomplished using simulation models which have previously established the "base" flows conditions.

6. Step c) in Finding of Fact No. 3. involved a groundwater component and a surface water component. Withdrawals from the Snake Plain aquifer and from the tributary valleys affect the water in storage in the aquifer. Storage changes alter the gradients which eventually reduce aquifer discharges. If a new withdrawal is continued long enough, the aquifer outflows will be reduced by an amount approaching the magnitude of the withdrawal and resulting depletion.

7. The IDWR digital model of the Snake Plain aquifer (groundwater model) was used to simulate this process and predict the outflow reductions after 15, 30, 45 and 60 years of annual withdrawals by new irrigation development at the assumed locations. The results of the groundwater model run indicate that aquifer outflows would be reduced by the following percentages of the annual depletion:

Year	Outflow Reduction (Acre Feet)	Percent of Annual depletion (%)
15	4,600	23
30	9,000	45
45	14,700	73
60	15,200	76

8. Significant reduction should be determined by evaluating the depletion when its effect on the river is fully felt. Incremental change in the percent of annual depletion is very small sixty (60) years after the first

FEB 14 1990

depletion. The percent of annual depletion in the 60th year adequately represents the long-term effect of aquifer depletions on Snake River flows.

9. The groundwater model predicts that approximately eighty percent (80%) of the reduction in river flow would occur in the Milner to King Hill reach with the remainder (20%) occurring between Blackfoot and Minidoka Dam.

10. The IDWR routed the reduced flows through the aquifer and river system using a digital model of the Snake River system (river model). This model and its computed base conditions are described in "Stream Flows in the Snake River Basin, 1985 Conditions of Use and Management" Open-File Report, September 1986. The groundwater depletion was input to the river model assuming uniform depletions each month.

11. The river model computes flows at numerous points in the Snake Plain Basin including sites at, or near to, the power plants. These computed flows were used to compute power generation and were compared to similarly computed generation for base flow conditions.

12. The annual reduction in hydropower generation 60 years after the development of 20,000 new acres is estimated to be approximately 2.8 million KWH in power facilities upstream from the Murphy gage on the Snake River.

13. In cooperation with staff of the Idaho Public Utilities Commission (IPUC), IDWR determined the rate impact of lost hydropower generation caused by the new development in the trust water area of the Snake River basin assuming that new thermal generation capacity is obtained to replace the lost hydropower generation.

14. The cost impact to the rate base of replacing the lost hydropower generation with thermal generation capacity must be considered in the evaluation of any significant reduction in hydropower generation, but the statutes and Water Appropriation rules do not require consideration of impacts to the rate base resulting from other aspects of the new development such as new pumping loads.

15. Step d) of Finding of Fact No. 3. was determined using an IPUC power supply model (power model) associated with the rate making process. Data from the 1966-1985 period was used to establish a base flow. The depletions were then input to the power model and the difference in ability to meet firm load requirements and to make economic spot market sales and purchases was determined. A comparison of the output of the power model run to base conditions produced increased total IPCO power supply costs due to Snake River depletions.

16. The power model shows that the impact of reduced hydropower generation at IPCO's facilities on the Snake River above the Hell's Canyon complex as a result of the development of 20,000 new acres will result in an average increase in IPCO's power costs of \$159,553 per year which is approximately five one hundredths of one percent (0.05%).

17. During certain periods of each year there generally is unappropriated water in the Snake River. During these periods, a new

FEB 14 1990

appropriation of water has no effect upon IPCO's water rights or ability to generate hydropower.

CONCLUSIONS OF LAW

1. The development of 20,000 new acres which results in an average increase in power rates of five one hundredths of one percent (0.05%) will not cumulatively cause a significant reduction in IPCO's hydropower generation capability at hydropower generation facilities upstream from the Hells Canyon complex on the Snake River.
2. The hydropower generating facilities of IPCO which are affected by reductions in river flow represent approximately 25% of IPCO's hydropower generating capacity as compared to the Hells Canyon complex facilities which represent approximately 75% of IPCO's hydropower generating capacity. The Hell's Canyon facilities are subordinated to later in time consumptive uses and are not properly included as a part of the evaluation of significant reduction. (Water Appropriation Rule 5,3,1,4.).
3. The reduction in IPCO's hydropower generation capability caused by new development is such that the timing of the reduction, either on an annual basis or a long term basis, need not be considered by IDWR. The computer model studies show that it would take approximately 15 years for aquifer outflow to the Snake River to be reduced 23% of net new withdrawal. By the 60th year outflow would be reduced by 76% of the new depletion. Other factors present in a dynamic system as large as the Snake Plain aquifer will have more effect on the discharge of the Snake River than decreases caused by this amount of new development.
4. Staff of the IPUC advises that the effect of reduced hydropower production on "unit cost" is not a proper factor to consider when analyzing the effect of reduced flows to hydropower generating facilities. IPUC generally considers hydropower facilities to have zero unit or production costs. Thermal facilities on the other hand do have associated unit costs such as the cost of fuel.
5. The IDWR is unaware of any contract or regulatory permits including FERC licenses which require IPCO to produce or to maintain capability to produce hydropower at specific levels.
6. Approval of applications for permit or permits which propose the development of the first 20,000 acres of newly irrigated land with water from the Snake Plain aquifer will not either individually or cumulatively cause a significant reduction in the water supply available to the holder of a water right used for power production purposes.
7. The development proposed by Permit No. 35-7488 will not either individually or cumulatively cause a significant reduction in the water supply available to the holder of a water right used for power production purposes.
8. Permit No. 35-7488 should be continued without special conditions related to Section 42-203C(2), Idaho Code.

MICROFILMED

FEB 14 1990

ORDER

It is, therefore, hereby ORDERED that Permit No. 35-7488 is hereby continued subject to the following conditions:

1. Proof of construction of works and application of water to beneficial use shall be submitted to IDWR on or before April 1, 1990.
2. The use of trust water authorized by this right is subject to review 20 years after the date of this order to determine availability of trust water and to reevaluate the public interest.
3. Diversion and use of trust water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
4. The Director retains jurisdiction of this right to change, add or remove any requirement as determined to be appropriate.
5. All conditions of approval contained in Permit No. 35-7488 are incorporated into and made part of this order.

Dated this 5TH day of FEBRUARY, 1990.


R. KEITH HIGGINSON
Director

RECEIVED
FEB 14 1990

State of Idaho
1301 N. Main
Boise, Idaho 83720
(208) 327-7900

**NOTICE OF EXISTING
WATER RIGHT PERMIT**
Presently recorded as follows:

35-07488

EVERINGHAM, Don E.
P.O. Box 1717
Hanford, CA 932320000
Source: GROUNDWATER
Diversión Pt: SESW, Sec. 25, T. 03S, R.
31E.
Use: IRRIGATION (6.400 CFS); Total Diver-
sion: (6.400 CFS).
Priority: 3/14/1975.
In: T03S, R31E, S25, NESW, NWSW,
SWSW, SESW, NESE, NWSE, SWSE, SESE.
320.0 ACRES TOTAL.

35-07837

HOFFMAN, Paul
HOFFMAN, Margaret
P.O. Box 461
Aberdeen, Id. 832100000
Source: GROUNDWATER
Diversión Pt: SESE, Sec. 21, T. 05S, R.
29E; NWNE, Sec. 24, T. 05S, R. 30E.
Use: IRRIGATION (6.400 CFS); Total Diver-
sion: (6.400 CFS).
Priority: 1/22/1979.
In: T05S, R29E, S21, NWSE, SWSE, SESE,
S28, NWNE, SWNE, NENW, SENW, R30E,
S24, NWNE, SWNE.
320.0 ACRES TOTAL.

35-07873

O-HAIRE, Margaret
8756 Clovis Drive
Boise, Idaho 83709
Source: GROUNDWATER
Diversión Pt: SESE, Sec. 18, T. 05S, R.
30E.
Use: IRRIGATION (3.200 CFS); Total Diver-
sion: (3.200 CFS).
Priority: 9/21/1979.
In: T05S, R30E, S18, NESE, NWSE, SWSE,
SESE.
160.0 ACRES TOTAL.

35-07876

O-HAIRE, Margaret
8756 Clovis Drive
Boise, Idaho 83709
Source: GROUNDWATER
Diversión Pt: NENW, Sec. 18, T. 05S, R.
30E.
Use: IRRIGATION (3.200 CFS); Total Diver-
sion: (3.200 CFS).
Priority: 9/21/1979.
In: T05S, R30E, S18, NENW, NWNW,
SENW.
160.0 ACRES TOTAL.

35-07877

O-HAIRE, Margaret
8756 Clovis Drive
Boise, Id. 83709
Source: GROUNDWATER
Diversión Pt: SESW, Sec. 18, T. 05S, R.
30E.
Use: IRRIGATION (3.200 CFS); Total Diver-
sion: (3.200 CFS).
Priority: 9/21/1979.
In: T05S, R30E, S18, NESW, NWSW,
SWSW, SESW.
160.0 ACRES TOTAL.

35-07885

GEHRING, Ferdinand
740 Calder
American Falls, Id. 83211
Source: GROUNDWATER
Diversión Pt: SWNW, Sec. 18, T. 06S, R.
30E; SWSW, Sec. 18, T. 06S; R. 30E; SWSE,
Sec. 20, T. 06S, R. 30E.
Use: IRRIGATION (16.000 CFS); Total
Diversión: (19.200 CFS).
Priority: 1/02/1980.
In: T06S, R30E, S18, NENW, NWNW,
SWNW, SENW, NESW, NWSW, SWSW,
SESW, NESE, NWSE, SWSE, SESE, S20,
NENW, NWNW, SWNW, SENW, NESW,
NWSW, SWSW, SESW.
800.0 ACRES TOTAL.

35-07931

WILLIAM P. PHILLIPS & SONS
904 N. 1200 W.
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversión Pt: NESE, Sec. 19, T. 01S, R.
34E, NWSE, Sec. 19, T. 01S, R. 34E; SWSE,
Sec. 19, T. 01S, R. 34E; SESE, Sec. 19, T.
01S, R. 34E.
Use: IRRIGATION (4.870 CFS).
STOCKWATER (.130 CFS).
Total Diverción: (5.000 CFS).
Priority: 1/20/1981.
In: T01S, R34E, S19, NWNE, NWSE,
SWNE, SESE, NWSE, SWSE, SESE.
320.0 ACRES TOTAL.

WILLIAM P. PHILLIPS & SONS
904 N. 1200 W.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversión Pt: SWSW, Sec. 18, T. 01S, R.
34E.
Use: IRRIGATION (4.800 CFS).
STOCKWATER (.130 CFS).
Total Diverción: (4.930 CFS).
Priority: 1/20/1981.
In: T01S, R34E, S18, NESW, NWSW,
SWSW, SESW, SWSE, S19, NWNW.
240.0 ACRES TOTAL.

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho)

I, Ted Townsend do
solemnly

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

newspaper two consecutive weeks

the first publication having been made on the
4th day of January, 19 90,

and the last publication having been made on the
11th day of January, 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 16th day of January, in
the year 1990 before me a Notary Public of said State,
personally appeared

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

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

Affidavit Processing Fee \$5.00

31E.
Use: IRRIGATION (6.400 CFS); Total Diver-
sion: (6.400 CFS).
Priority: 3/14/1975.
In: T03S, R31E, S25, NESW, NWSW,
SWSW, SESW, NESE, NWSE, SWSE, SESE.
320.0 ACRES TOTAL.

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HOFFMAN, Margaret
P.O. Box 461
Aberdeen, Id. 832100000
Source: GROUNDWATER
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20E, NWNW, Sec. 24, T. 06S, R. 30E.
Use: IRRIGATION (6.400 CFS); Total Diver-
sion: (6.400 CFS).
Priority: 1/22/1979.
In: T05S, R29E, S21, NWSE, SWSE, SESE,
S28, NWNW, SWNE, NENW, SENW, R30E,
S24, NWNW, SWNE.
320.0 ACRES TOTAL.

35-07873

O HAIRE, Margaret
8756 Clovis Drive
Boise, Idaho 83709
Source: GROUNDWATER
Diversions Pt: SESE, Sec. 18, T. 05S, R.
30E.
Use: IRRIGATION (3.200 CFS); Total Diver-
sion: (3.200 CFS).
Priority: 9/21/1979.
In: T05S, R30E, S18, NESE, NWSE, SWSE,
SESE.
160.0 ACRES TOTAL.

35-07876

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Diversions Pt: NENW, Sec. 18, T. 05S, R.
30E.
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sion: (3.200 CFS).
Priority: 9/21/1979.
In: T05S, R30E, S18, NENW, NWNW,
SENW.
160.0 ACRES TOTAL.

35-07877

O HAIRE, Margaret
8756 Clovis Drive
Boise, Id. 83709
Source: GROUNDWATER
Diversions Pt: SESW, Sec. 18, T. 05S, R.
30E.
Use: IRRIGATION (3.200 CFS); Total Diver-
sion: (3.200 CFS).
Priority: 9/21/1979.
In: T05S, R30E, S18, NESW, NWSW,
SWSW, SESW.
160.0 ACRES TOTAL.

35-07885

GEHRING, Ferdinand
740 Calder
American Falls, Id. 83211
Source: GROUNDWATER
Diversions Pt: SWNW, Sec. 18, T. 06S, R.
30E; SWSW, Sec. 18, T. 06S, R. 30E; SWSE,
Sec. 20, T. 06S, R. 30E.
Use: IRRIGATION (16.000 CFS); Total
Diversions: (19.200 CFS).
Priority: 1/02/1980.
In: T06S, R30E, S18, NENW, NWNW,
SWNW, SENW, NESW, NWSW, SWSW,
SESW, NESE, NWSE, SWSE, SESE, S20,
NENW, NWNW, SWNW, SENW, NESW,
NWSW, SWSW, SESW.
800.0 ACRES TOTAL.

35-07931

WILLIAM P. PHILLIPS & SONS
904 N. 1200 W.
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversions Pt: NESE, Sec. 19, T. 01S, R.
34E, NWSE, Sec. 19, T. 01S, R. 34E; SWSE,
Sec. 19, T. 01S, R. 34E; SESE, Sec. 19, T.
01S, R. 34E.
Use: IRRIGATION (4.870 CFS).
STOCKWATER (.130 CFS).
Total Divergence: (5.000 CFS).
Priority: 1/20/1981.
In: T01S, R34E, S18, NESW, NWSW,
SWSW, SESW, SWSE, S19, NWNW.
320.0 ACRES TOTAL.

35-07932

WILLIAM P. PHILLIPS & SONS
904 N. 1200 W.
Blackfoot, Id. 83221
Source: GROUNDWATER
Diversions Pt: SWSW, Sec. 18, T. 01S, R.
34E.
Use: IRRIGATION (4.800 CFS).
STOCKWATER (.130 CFS).
Total Divergence: (4.930 CFS).
Priority: 1/20/1981.
In: T01S, R34E, S18, NESW, NWSW,
SWSW, SESW, SWSE, S19, NWNW.
240.0 ACRES TOTAL.

Permits not developed by July 1, 1985, are
being reprocessed in compliance with Section
42-203D, Idaho Code. Protests against the
continuance of permits must be filled with the
Director, Dept. of Water Resources,
Statehouse Mail, Boise, Idaho, 83720, on or
before JANUARY 22, 1990. Protests must be
based on the public interest criteria of Section
42-203C, Idaho Code, only.

R. KEITH HIGGINSON
Director

(628)
Pub.

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho) ss

I, Ted Townsend do
solemnly

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

newspaper two consecutive weeks,

the first publication having been made on the

4th day of January, 19 90,

and the last publication having been made on the

11th day of January, 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 16th day of January, in
the year 1990 before me a Notary Public of said State,
personally appeared

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

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

Affidavit Processing Fee \$5.00

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 35-7488 IN THE
NAME OF DON E. EVERINGHAM

)
) ORDER OF REINSTATEMENT
)
)

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before April 1, 1990; and,

WHEREAS, Sec. 42-218a, Idaho Code provides that the Department notify a permit holder sixty days prior to the proof due date; and,

WHEREAS, the Department sent notice to the permit holder by certified mail that proof was due with instructions as to the steps to be taken to make said proof; and,

WHEREAS, the proof of beneficial use form and fee were timely received on March 13, 1990 by our Eastern Region of the Department of Water Resources; and,

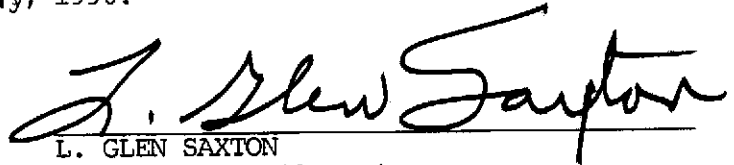
WHEREAS, on April 18, 1990, the department sent the notice of lapsing for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, Sec. 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting a timely proof of beneficial use;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 35-7488 be REINSTATED with no advance in priority.

Dated this 10th day of July, 1990.


L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED

JUL 26 1990

FROM

Tim

DATE

4/

TO

File

SUBJECT

SEND CORRESPONDENCE to:

Wulf Lebrecht

c/o Teddy Scott

P.O. Box 834

Blackfoot, ID.

83221

MICROFILMED

FEB 14 1990

SIGNATURE

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

OCT 21 1985

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. 35-7488

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

APRIL 1, 19 85

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.)

AND REMOVAL, PLOWED AND REMOVE BRUSH, PURCHASE
PROPANE ENGINE, AND (FENCED NOT COMPLETED)

Costing \$ 19,420.00

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

FINAL DEVELOPMENT WILL BE COMPLETE AND

WATER WILL BE PUMPED BY AUG. 1989

(LITIGATION INVOLVING REPOSSESSION HAS CAUSED
DELAY TO PRESENT) Named in Swan Fall Law Suit.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations
under said permit to MAY 30, April 1, 1990 19 89
(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 the proof of beneficial use is extended to April 1, 1990. IT IS
FURTHER ORDERED that the Department reserve 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.

J. Glen Saylor
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

Department of Water Resources

DON E. EVERINGHAM of 1466 SHARON 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 7488.

That under the terms and conditions of said permit, work thereunder was required to be completed on or
before 1 APRIL, 1980.

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

Plowed ground, chopped brush, purchased some
logs and propane engine

Costing \$ 7500.00

That he is unable to complete the remainder of the work within the required time for the following
reasons, to-wit: Price of logs and cost of internet
money have 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, 1985.

Don E. Everingham
(Signature)*
By J.R. Sweeney
Attorney at Law

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 is extended to April 1, 1985.

Signed this 4th day of April, 1980.

L. Glen Saxton

RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 35-7488

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

MICROFILMED

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 25 Township 3S
Range 31E B.M. Bingham County; additional points of diversion if any: _____

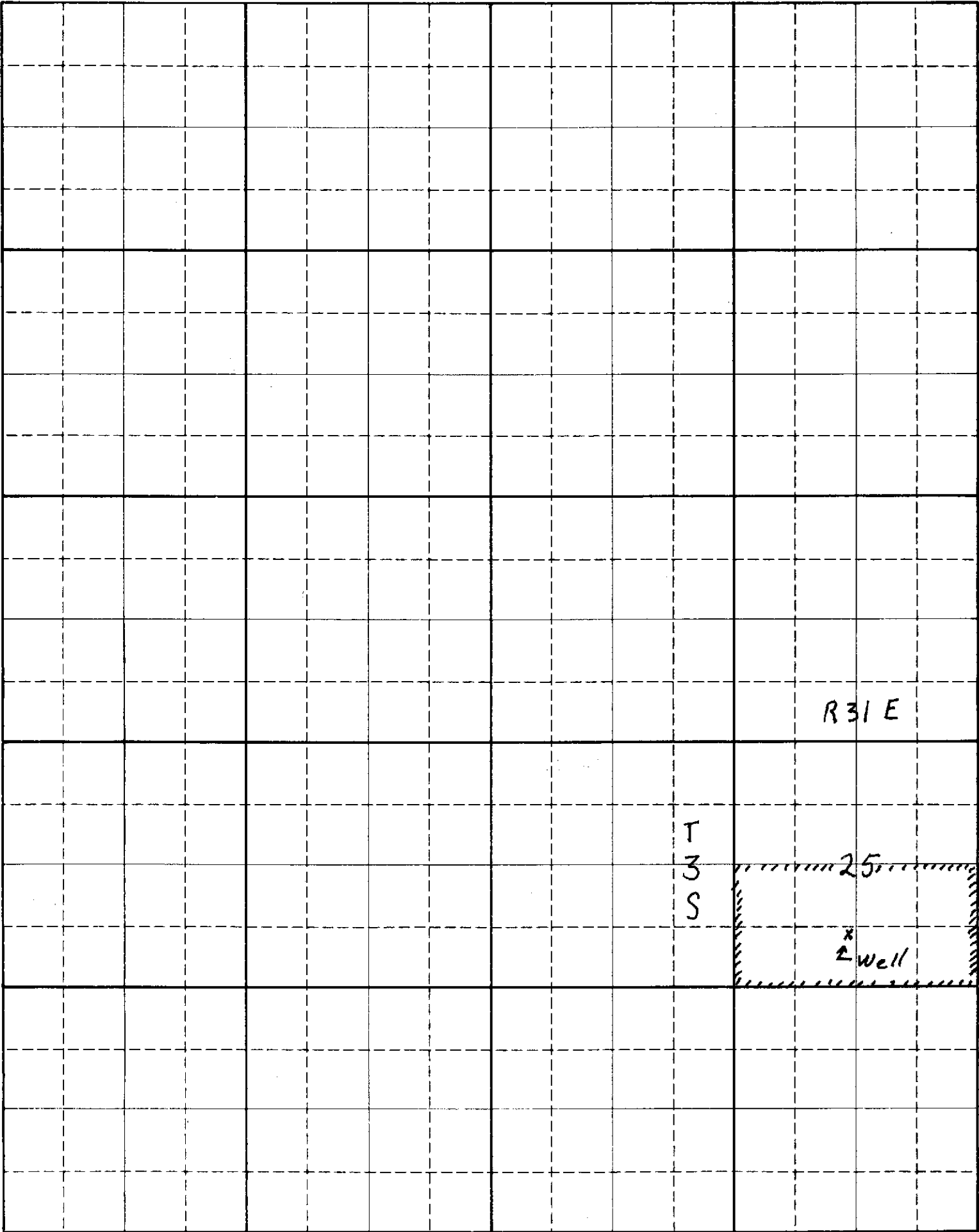
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 6.4 for Irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount XXXXXXXX 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. 6.4 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 20 inches; proposed depth of well is 112 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: _____

MICROFILMED

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 E. Cunningham
(Applicant)

3-14-1975

Proposed Priority

Received by WJ Date 3-14-75 Time 8:50A

Preliminary check by WJ Fee \$ 85.00

Received by WJ Date 3-14-75 # 4138

Publication prepared by WJ Date 3-14-75

Published in Blackfoot Herald

Publication dates 3/20 & 3/27/75

Publication approved WJ 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 WJ

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. 35-7488, 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, 19 80.

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 15 day of April 19 75.

Director

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 35-2488

- ☒ 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) " "

- 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) 4531E 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

(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'Halloran Date April 7, 1975

RECEIVED

APR 12 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 4.4 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. 25, T. 23N, R. 31E, B.M., Bingham County to be used from Apr. 1 to Nov. 1 for the irrigation of 3.5 acres within the SE 1/4, Sec. 25, T. 23N, R. 31E, 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.

KEITH HIGGINSON

Director

(4184)

Pub.: 3-20, 27

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

ss.

I, Drury R. Brown do solemnly

~~swear~~ **swear** that I am the ~~Public~~ **Public** President 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, 1975

and the last publication having been made on the 27th day of March, 1975

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, 1975

Patricia A. Johnson

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

RECEIVED



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):

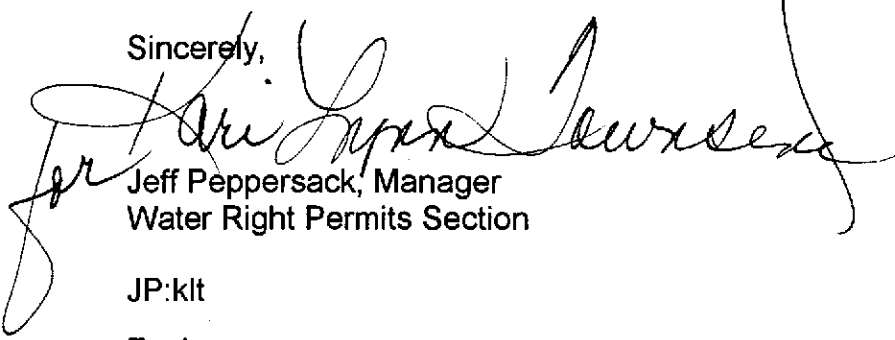
The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

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

MAR 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

February 16, 1993

DON E EVERINGHAM
PO BOX 834
BLACKFOOT ID 83221

RE: WATER RIGHT NO. 35-07488

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

A handwritten signature in cursive script that reads 'Pamela Skaggs'.

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

MICROFILMED

FEB 17 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
OCT 26 1992

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-7488

1. Owner: Don Everingham Phone No. _____

Current Address: P.O. Box 834 Blackfoot, ID

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: No

☐ Copies Attached

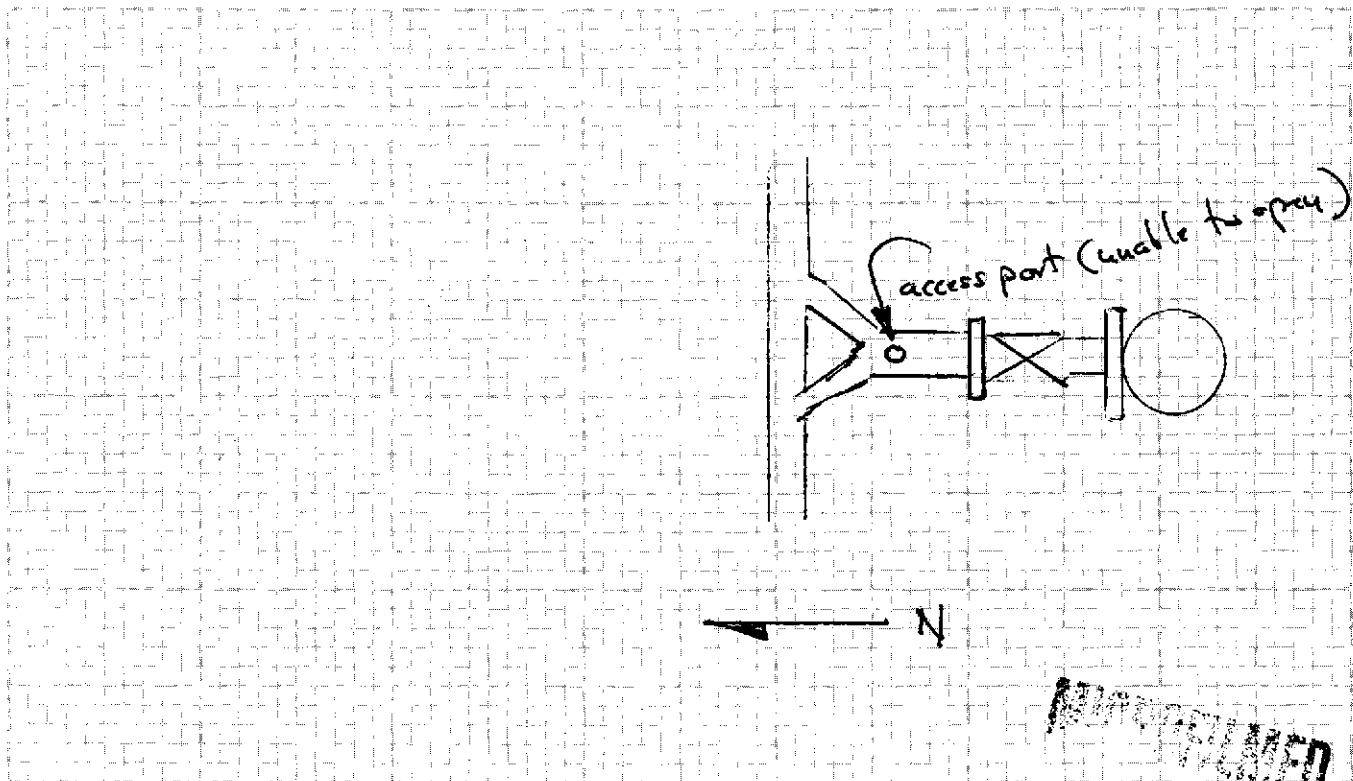
2. Other water rights with same point of diversion: NO

☐ 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).

☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).

RECEIVED
FEB 17 1993

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

Well & pump with 2 Pumps (8 & 9 towers) (132' +)
3 corners out but SSE is in. Maximum pressure 60 psi.
Bottom of well is 87'. Corner in SSE is irrigated by another
well in Section 30.

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	G.E.	150	JL791718	NA	NA
Motor Make					
Hp					
Motor Serial No.					
Pump Make					
Pump Serial No. or Discharge Size					

**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

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

Theoretical: $150 \text{ hp} \times 8.814 \times \frac{.7}{28} = \frac{925.5}{1057.7} = 4.85 \text{ cfs}$
 $80' \text{ lift} + (2.3 \times 60 \text{ psi}) = 218' = 4.24 \text{ cfs} \checkmark$
Capacity

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

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

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (292)(4.0) = 1168 \text{ afa}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (4.24)(214)(1.9835) = 1800 \text{ afa}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 1168 \text{ afa}$

2. Volume Calculations for Other Uses:

FEB 17 1993

H. REMARKS AND OVERLAP REVIEW ANALYSIS

I recommend 4.24 cfs as per theoretical capacity estimate.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>Irrigation</i>	<i>4/1</i>	<i>11/1</i>	<i>4.24</i>	<i>1168</i>
Totals:			<i>4.24 cfs</i>	<i>1168</i>

2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

HAROLD JONES

Signature

[Signature]

Certification Date

Field Report Preparation Date

CONSULTANT SEAL

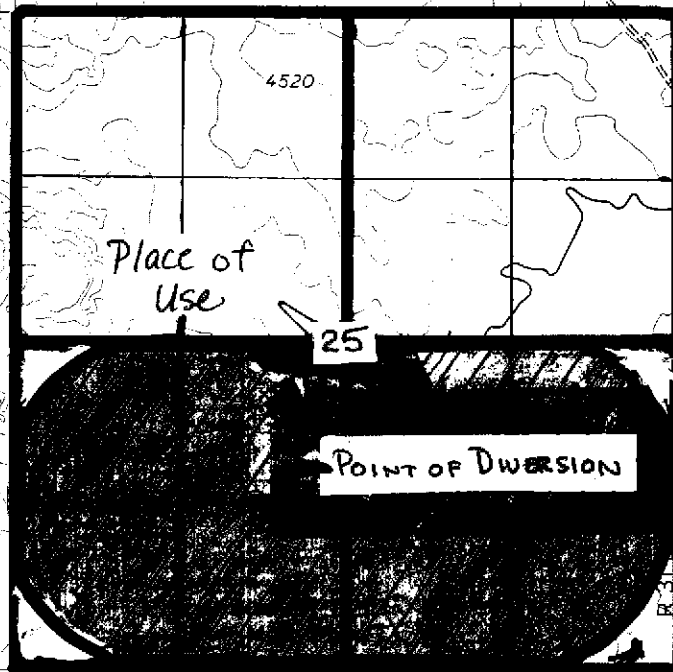
K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

APPROVED

FEB 17 1993

35-7488

R31E



Place of Use

POINT OF DIVERSION

53
6 MI.

354 47'30" 355

INTERIOR-GEOLOGICAL SURVEY, RESTON, VA 20192
356 357000m E.

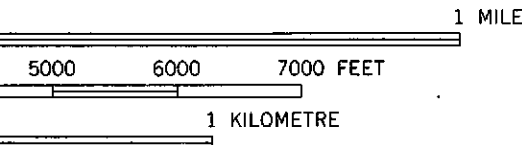
Corner irrigated by 35-7489 CLASSIFICATION

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

Se ha 35-7488 Unimproved

Interstate Route U. S. Route

FEB 17 1993



CT
OF 1929

135

25

Place of
use

35-7488

Point of
Diversion

R31E

←
35-7489
Point
of
Diversion

25

RECEIVED
APR 30 1990

Department of Water Resources

P.O. Box 834
Blackfoot, ID 83221
April 27, 1990

Mr. L. Glen Saxton
Chief, Water Allocation Bureau
State of Idaho
Dept. of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

*Ack sent to
Mr. Everingham at
The above address.*



Dear Mr. Saxton:

Please find enclosed photo copies of a letter that was addressed to Mr. Don Everingham dated April 16, 1990 signed by you and copies of PROOF OF BENEFICIAL USE and a RECEIPT For Monies Paid to the Idaho Dept. of Water Resources. All the photo copies are in regard to your permit # 35-07488.

Mr. Don E. Everingham is the owner of the above-mentioned permit, but Mr. Wulf A. Lebrecht is leasing Mr. Everingham's farm which this permit # is involved with. Mr. Everingham is residing in California and I am the bookkeeper for Mr. Wulf Lebrecht, who is responsible for filing the permits and paying the required fees to keep these permits active. The situation is a bit confusing, but once you review the enclosed photo copies I think you will find the everything has been done properly. Please take note of the address correction on the "PROOF OF BENEFICIAL USE". All further correspondence should be directed to that address. If you have any further questions or concerns, please feel free to contact myself or Mr. Wulf A. Lebrecht at the above-mentioned address. Your immediate attention to this matter will be greatly appreciated.

Sincerely,



Trudy Scott, Bookkeeper

CC: Don Everingham

Enclosures

MICROFILMED

JUL 20 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

DON EVERINGHAM
531 Willington
Vacaville, CA 95688

4/20 T.H.O.V.
Pls. only telecon
Don
April 16, 1990
Let's hear from you
Got the rain

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

LAPSE NOTICE

RE: PERMIT NO. 35-07488

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated January 31, 1990. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. Glen Saxton

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

LGS:RF

MICROFILMED

JUL 20 1991

RECEIVED

Form 217
08/89

MAR 13 1990

Department of Water Resources
Eastern District Office

COPY

STATE OF IDAHO

For Office Use Only
Amt. of Fee \$ 250
Date 13 Mar 1990
Receipt No. ED12315
Received by KCU

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

Permit No. 35-07488

Telephone No. 208-785-4559

Name(s) of Permit Holder(s): Don E. Everingham

Post Office Address: P.O. Box 834, Blackfoot, ID 83221

Source of Water: Irrigation

If ground water, well driller's name: _____

Date drilled: _____

Extent of Use:

Domestic _____ (No. of households)

Irrigation 300 (No. of acres)

Stockwater _____ (No. and type of stock)

Other _____

Total rate and/or volume for which proof is submitted 6.4 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: 3-20-90

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

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

OR

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

Fee Enclosed: \$ 250.00 (See License Examination Fee Schedule)

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

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

785-4559
Telephone No.

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.

MICROFILMED

JUL 23 1990

3-6-90
Date

Don E. Everingham
Signature (and title if on behalf of a company or organization)

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: E012015

Date: 03/13/90
Time: 09:06:28

Received
From: GRANDVIEW FARMS

Type of Payment	Program Acct Class	Amount
PROOF OF BENEFICIAL USE 35-07488	0630122 1238 6490	\$250.00
	Total	\$250.00

CHECK 201

Idaho Department of Water Resources

Region: EASTERN

Signature: Keith C Wilson

MICROFILMED

JUL 2 • 1990

DON E. EVERINGHAM
P.O. Box 834
Blackfoot, ID 83221

July 18, 1990

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-07488

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

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

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

Enclosure

MICROFILMED

JUL 25 1990

RECEIVED
Form 217
08/89

MAR 13 1990

Department of Water Resources
Eastern District Office

RECEIVED
MAR 15 1990

For Office Use Only
Amt. of Fee \$ 250.00
Date 13 Mar 1990
Receipt No. E012315
Received by KCW

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

Permit No. 35-07488 Telephone No. 208-785-4559

Name(s) of Permit Holder(s): Don E. Everingham

Post Office Address: P.O. Box 834, Blackfoot, ID 83221

Source of Water: Irrigation

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:
Domestic _____ (No. of households) Irrigation 300 (No. of acres)
Stockwater _____ (No. and type of stock) Other _____

Total rate and/or volume for which proof is submitted 6.4 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: 3-20-90

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

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

OR

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

Fee Enclosed: \$ 250.00 (See License Examination Fee Schedule)

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

Wulf Lebrecht, P.O. Box 834, Blackfoot, ID 83221 785-4559
Name Telephone No.

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.

MICROFILMED

JUL 23 1990

3-6-90
Date

Don E. Everingham
Signature (and title if on behalf of a company or organization)

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

DON EVERINGHAM
531 Willington
Vacaville, CA 95688

April 16, 1990

LAPSE NOTICE

RE: PERMIT NO. 35-07488

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated January 31, 1990. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

LGS:RF

MICROFILMED

JUL 23 1990

CERTIFICATION OF MAILING

I hereby certify that on 4-18-90
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 8, 1990

RE: Permit No. 35-7488

Don E. Everingham
Box 1717
Hanford, CA 93232

Dear Permit Holder(s):

Enclosed is an order that authorizes you to continue development under Permit to Appropriate Water No. 35-7488. Please note in condition #1., page five of the order that you must develop your system and beneficially use the water prior to April 1, 1990. Failure to beneficially use the water before April 1, 1990 could result in a loss of your water right permit.

Please note the conditions of approval contained in your permit and the continuation order. You must comply with the conditions to fully complete beneficial use.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

TL:sc

INDEXED

FEB 14 1990

DON E. EVERINGHAM
P.O. BOX 1717
HANFORD, CA 932320000

January 31, 1990

138191

PROOF DUE NOTICE

RE: PERMIT NO. 35-07488

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 April 1, 1990. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

FEB 14 1990

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

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

DECEMBER 26, 1989

The Morning News
Box 70
Blackfoot, ID 83221

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before JANUARY 22, 1990.

Yours truly,

SHARLA CURTIS
Secretary

Encl.

RECORDED

FEB 14 1990

NOTICE OF EXISTING WATER RIGHT PERMIT

Presently recorded as follows:

35-07488 ✓

EVERINGHAM, DON E. ✓
P.O. BOX 1717 ✓
HANFORD, CA 932320000 ✓

Source: GROUNDWATER ✓

Diversion Pt: SESW ✓ Sec 25 T 03S R 31E ✓

Use: IRRIGATION (6.400 CFS) ✓
Total Diversion: (6.400 CFS) ✓

Priority: 3/14/1975 ✓

In: T03S R31E S25

NESW ✓
NESE ✓

NWSW ✓
NWSE ✓

SWSW ✓
SWSE ✓

SESW ✓
SESE ✓

320.0 ACRES TOTAL ✓

Permits not developed by July 1, 1985, are being reprocessed in compliance with Section 42-203D, Idaho Code. Protests against the continuance of permits must be filled with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before JANUARY 22, 1990. Protests must be based on the public interest criteria of Section 42-203C, Idaho Code, only.

R. KEITH HIGGINSON, Director

Published 1/04/1990 & 1/11/1990

NOTIFIED

FEB 14 1990

RECEIVED
APR 18 1989

IDAHO DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

Department of Water Resources

Permit No. 357488

IF YOU ARE NOT INTERESTED IN HAVING YOUR PERMIT PROCESSED,
PLEASE COMPLETE AND RETURN THE ENCLOSED RELINQUISHMENT FORM.

INSTRUCTIONS: Please answer the following questions as
thoroughly as possible and submit the \$20.00 readvertisement
fee if applicable.

1. Did irrigation occur on the lands identified under your
permit prior to July 1, 1985? Yes _____ No X

If yes, you are requested to submit clear evidence that shows the
number and location of acres irrigated.

Aerial photographs taken prior to July 1, 1984, located in area
ASCS offices, are best forms of evidence. Photos submitted to the
the Department must be accompanied by a signed statement from an
ASCS representative which verifies the photo date and that the
lands were irrigated prior to July 1, 1984. If ASCS does not have
photos for the land and/or time in question, you must have the ASCS
provide the Department with a statement that photos are not avail-
able and then proceed to submit other forms of suitable evidence.

2. Please state the number of acres you have irrigated under this
permit since July 1, 1985. NONE

3. If you have not irrigated lands under this permit, please
state the number of acres you plan to complete. approx 280 acres

NOTE: You must submit the \$20.00 readvertisement fee if any or
all of the lands were not irrigated before July 1, 1985.

4. If the permit is a supplemental filing please identify other
water rights which are used on the same land.

NONE

Use the reverse side of this form if you wish to add any comments.

I hereby assert that the responses provided above are true to the
best of my knowledge. I understand that any willful misrepresentations
may result in voiding of the application.

Permit Holder Wally H. L. L. L.

Date 4-17-89

RECEIVED

FEB 14 1990

IDAHO DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

5. REMARKS/COMMENTS:

[illegible]

IMMEDIATE

FEB 14 1990

P.O. Box 834
Blackfoot, ID 83221
June 27, 1989

RECEIVED
JUL 05 1989

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

RE: Permit No. 35-7488 (in the name of Don E. Everingham)

Dear Mr. Luke:

Please find enclosed our response to your letter dated May 19, 1989 requesting information required by water appropriation rule 4,5.

Rule 4,5,3,6,1.: Project Design: The project will consist of (1) 200 horsepower pump and column with approximate cost of \$11,000. Mainline of 5,280 feet @ 4.00/ft. making a cost of \$21,120 and 14 handlines with 33 pipe each which will cost \$42,000, and estimated power cost to get power to pump will be \$20,000. Making the total cost of the project an estimated cost of \$94,120.

Rule 4,5,3,6,2.: Crop rotation will be grain the first year, $\frac{1}{2}$ alfalfa & $\frac{1}{2}$ potatoes the second year, and then back to grain the third year. Total acreage consists of 320 acres and the farmable acres are 290 acres estimated.

Rule 4,5,3,6,3.: The different type of jobs that will be created from this project will be backhoe operator to dig the main line and recover the trench. A pump rig to reach water. Construction Laborers to get lines and mainline in operation. Power men to string power lines to site. All this work will take approximately 2 months which all these different people will be working off and on until the project will be complete. After the project is complete 2 people will move the handlines that work will last approximately 6 months.

Rule 4,5,3,6,5.: Electricity will be used to divert the water with the estimated usage as being 216,500 kilowat hours @ .03/kilowat hour. Conservation methods will be to use the pump and electricity only when needed.

Rule 4,5,3,6,6.: Return water will be located at the same location as the pump. Conservation methods will be using proper check valves at discharge.

Rule 4,5,3,6,7.: All irrigation will be used involving a partnership involving Don E. Evringham owning 75% and Wulf A. Lebrecht owning 25%.

I hope that this information is adequate and efficient. Please let me know if you have any questions. I can be reached at 785-4559

Sincerely yours,

*Wulf Lebrecht by
Trudy Scott*

RECEIVED

FEB 14 1990



United States
Department of
Agriculture

Conservation
Service

765 West Judicial
Blackfoot, ID 83221

Department of Water Resources
1301 N. Orchard
Statehouse mail
Boise, ID 83720

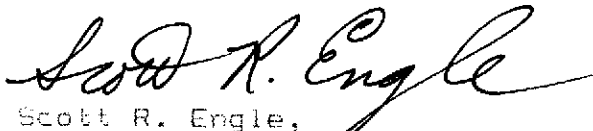
ATTEN: Tim Luke

RECEIVED
JUL 23 1989

Department of Water Resources

In regard to the Wulf Lebrecht application for permit #357488, we have been asked to supply irrigated cropland capability information for the SE1/4, SW1/4 sec. 25, T3S R31E. This land lies outside the soil survey boundaries. This land has not been soil surveyed at this time. It is planned for soil survey this summer which means the information should be available next winter.

If you have any questions about this lack of information please contact me at 785-6505.


Scott R. Engle,
District Conservationist

MICROFILMED

FEB 14 1990



The Soil Conservation Service
is an agency of the
Department of Agriculture



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 19, 1989

RE: Permit No. 35-7488 (in the name of Don E. Everingham)

Wulf Lebrecht
c/o Trudy Scott
P.O. Box 834
Blackfoot, ID 83221

NOTICE OF INFORMATION REQUIRED BY WATER APPROPRIATION RULE 4,5.

Dear Permit Holder:

The Department acknowledges receipt of the Trust Water Information Questionnaire and appropriate re-advertising fee for the above referenced permit. On behalf of the Department, I wish to thank you for your cooperation in providing the requested fee and information.

In the letter that accompanied the questionnaire, I informed you that you would need to submit additional information required by Water Appropriation Rule 4,5. if the undeveloped portion of the permit exceeds 200 acres.

The returned questionnaire indicates that you wish to pursue completion of the irrigation project as proposed under your permit. The project includes more than 200 acres and is therefore subject to the additional information requirements of Rule 4,5.

I wish to call your attention to the specific requirements under Rule 4,5. (copy enclosed). In particular, you must submit the information outlined in Rules 4,5,3,6,1. through 4,5,3,6,7. Note that Rule 4,5,3,6,4. is not applicable to your permit.

The information must be submitted within 30 days of the date of this notice. Failure to submit the required information within the time period allowed will be cause for the Department to advance the priority of the permit by the number of days that the information submittal is late. The

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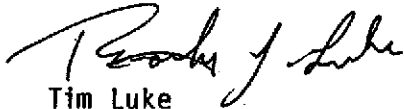
FEB 14 1990

Page 2

Department may grant an extension of time in which to submit the information upon request and a showing of good cause. Requests for extension of time must be in writing.

Please contact me at this office or call me directly at 327-7864 if you have any questions concerning the contents of this notice and/or the information requested under Rule 4,5.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tim Luke", written in a cursive style.

Tim Luke
Sr. Water Resource Agent

MICROFILMED

FEB 14 1990

Don E. Everingham
P.O. Box 1717
Hanford, Ca. 93232

APR 04 1989

Department of Water Resources

April 3, 1989

State of Idaho
Dept. of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, Id. 83720

Atten: Mr. Tim Luke
Ref. Permit # 35-7488

Dear Mr. Luke

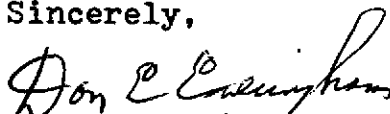
The Ref. Permit and well has been in continuous use since 1925. Apparently the proper records have not been established or reported.

The farm is being operated under E & L FARM. I am a principle as well as Wulf Lebrecht, the operating partner. Upon your Jan. 30, 1989 notice Mr. Lebrecht completed the form and turned them into your Idaho Falls office. He is continuing to work with that office on this and other pending permits for the farm.

I hope this clears up the permit notice as per your 3/30/89 letter.

Thanks for your second note.

Sincerely,


Don E. Everingham

cc: Wulf Lebrecht
Farm File

RECORDED

FEB 14 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [REDACTED]

March 30, 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Don E. Everingham
Box 1717
Hanford, CA 93232

Re: Permit No. 35-7488

Dear Mr. Everingham:

NOTICE OF PENDING ORDER CANCELING PERMIT

On April 15, 1975, the Department of Water Resources (department) issued Permit No. 35-7488 which authorized the diversion of 6.4 cfs of water from groundwater for the irrigation of 320 acres.

The department mailed a letter and questionnaire to you on January 30, 1989 in connection with the permit. The letter provided notice that the department was reviewing the permit in connection with development which was not complete prior to July 1, 1985.

This letter also requested that you return the department's questionnaire concerning any prior development under the permit and/or your plans for pursuing completion of the proposed project. The correspondence further requested that you submit with the questionnaire either a readvertisement fee in the amount of twenty (\$20) dollars and/or evidence showing that development under the permit was complete prior to July 1, 1985. Finally, the letter notified you that failure to submit the required fee or information within 30 days of the date of the letter was cause for the department to cancel the permit.

The purpose of this letter is to provide a second and final opportunity for you to submit the requested information. If you fail to respond to this inquiry within fifteen (15) days of the date of this letter, the Department will issue an order canceling the permit pursuant to Water Appropriation Rule 4,2,3,4.

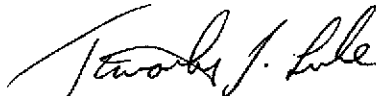
If no development has been completed as authorized by the permit, and you are no longer interested in pursuing the development, please complete and return the enclosed relinquishment form.

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FEB 14 1990

Please feel free to contact me if you have any questions concerning this matter.

Sincerely,



Tim Luke
Sr. Water Resource Agent

Enclosure:1

c: Region

RECEIVED

FEB 14 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 30, 1989

RE: PERMIT NO. _____

Dear PERMIT HOLDER:

Due to the Swan Falls litigation, development proposed by the enclosed permit may have been delayed. The Department is presently reviewing the permit and may authorize completion of development proposed under the permit.

The purpose of this letter is to determine: (1) the extent of development under the permit, and (2) your continued interest in developing or completing development under the permit.

Enclosed are two forms which will help the Department expedite the reprocessing of the permit.

Please complete and return the enclosed questionnaire if you wish to continue with your plans of development or have completed all or a portion of your development before July 1, 1985.

Please complete the enclosed relinquishment form and return it to the Department if you have abandoned or have no interest in continuing with your plans for development of the project.

If the entire project was not completed prior to July 1, 1985, and you still wish to proceed with your plans of development, then you must submit a \$20.00 re-advertisement fee to the Department as required by Water Appropriation Rule 4,2,3. and Section 42-221F, Idaho Code.

Failure to return the questionnaire and pay any required re-advertisement fee within thirty (30) days of the date of this letter is cause for the Department to cancel the permit.

If the incomplete portion of your project is for irrigation of more than 200 acres, the Department will issue a notice requesting additional information as required by Water Appropriation Rule 4.5. (copy enclosed).

RECORDED

FEB 14 1990

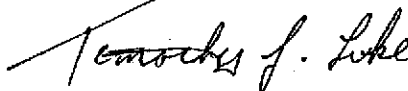
Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 334-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke - Water Allocation/Trust Water

Please note that a copy of your permit is enclosed. The permit number is shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Agent

Enclosures

MICROFILMED

FEB 14 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

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STAFF VIEW OF REQUESTS FOR EXTENSION TIME

Permit No. 35-7488

BASIC INFORMATION ABOUT EXTENSION REQUEST

Check for the following:

- ☒ Date received stamp
☒ Extension received within six months of due date (if greater than, return extension)
☒ Fee received and receipted
☒ Name and signature same as on permit
☒ Address change? If so, complete coding sheet
☒ Source of water the same?
☒ Extension previously approved?
☒ 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?
☒ Litigation Yes Swan Falls No Dismissed from Swan Falls
 ☐ Have supporting documents been submitted?

Date litigation completed _____

Date litigation began _____

Total period of delay =

Proof due date

NEW PRIORITY DATE

Delayed by a governmental agency

Permit holder provided supporting documents?

REASON FOR DENIAL _____

RECOMMENDATION FOR ACTION

*Recommend approval - litigation
 recommend allowing five yrs for development.*

Additional conditions:

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

ADJUSTED PRIORITY DATE

=====

- ☒ Is there commencement of works?
☐ Prepared coding sheet?
☐ Change rolodex card

Reviewed by

Date

11-13-1985**MICROFILMED**

LAW OFFICES

JONES and CHRISTENSEN, Chartered

P. O. BOX 967 - 405 WEST WHITMAN

(208) 232-5911

POCATELLO, IDAHO 83204-0967

LAMONT JONES
CRAIG W. CHRISTENSEN
DOUGLAS K. MERKLEY

October 24, 1985

RECEIVED

OCT 28 1985

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;

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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
67.

Lamont Jones

bf

MICROFILMED

AGREEMENT FOR PURCHASE OF REAL AND PERSONAL PROPERTY

AGREEMENT made this 31ST day of March, 1978, by and between DON E. EVERINGHAM and LILA M. EVERINGHAM, his wife, of 400 Sunset Avenue, Stevens Point, Wisconsin, and D. E. EVERINGHAM, JR. and MARY K. EVERINGHAM, his wife, of 1466 Shanon, Idaho Falls, Idaho, hereinafter collectively referred to as Sellers, and RICHTRON FINANCIAL CORPORATION, a Utah Corporation, by its duly authorized officers, with its principal office and business address at 2650 Washington Blvd., Ogden, Utah, hereinafter referred to as Buyer.

RECITALS:

1. Sellers own certain real and personal property located in Bingham County, Idaho, as more particularly described on Schedule "A", attached hereto and by this reference made a part hereof.

2. Sellers desire to sell said real and personal property to Buyer and Buyer desires to purchase said real and personal property from Sellers upon the terms and conditions hereinafter set forth:

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties jointly and severally agree as follows:

1. SALE OF PROPERTY. Sellers, for the consideration herein mentioned, agree to sell and convey to the Buyer and Buyer, for the consideration herein mentioned, agrees to purchase from the Sellers that certain real and personal property located in Bingham County, Idaho, as more particularly described on Schedule "A" attached hereto.

2. PURCHASE PRICE. Buyer hereby agrees to pay Sellers consideration totaling FIVE HUNDRED SEVENTY FIVE THOUSAND (\$575,000.00) DOLLARS, which shall be allocated as follows:

Exhibit "A"

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<u>Description</u>	<u>Amount</u>
Improvements and personal property as described on Schedule "A"	\$150,000.00
Real property as described on Schedule "A"	386,600.00
Farming consultation fee	13,600.00
Existing soil preparation, tilling and standing and unharvested crops and feed	24,800.00
Total Consideration	<u>\$575,000.00</u>

3. PAYMENT OF PURCHASE PRICE AND PREPAID INTEREST.

Buyer shall pay to Sellers contemporaneously with the execution of this agreement the sum of EIGHTY THOUSAND (\$80,000.00) DOLLARS, which shall be allocated and paid as follows:

A. The sum of \$13,600.00 as and for an earned and non-refundable farming consultation services to be rendered to Buyer by Sellers for a period of one year commencing on the date of this agreement. Sellers shall incur no liability due to any crop failure or other liability arising out of Sellers' consultation services.

B. The sum of \$24,800.00 as and for compensation for existing soil preparation, tilling, and standing and unharvested crops and fee.

C. The sum of \$10,000.00 as a payment on principal.

D. The sum of \$31,600.00 in prepaid interest, calculated at the rate of 8% per annum from March 30, 1978, to December 31, 1978, upon the unpaid principal balance of \$526,600.00.

E. The remaining principal balance of \$526,600.00 due Sellers after receipt of the payments hereinabove described, shall be paid as follows:

(1) Buyer shall pay to Sellers on or before the 31st day of May, 1979, the sum of \$21,000.00, and in addition shall, on or before the 30th day of September, 1979, pay to Sellers the sum of \$21,128.00, said amounts representing payment of interest accrued from January 1, 1979, to December 31, 1979.

(2) Buyer shall pay to Seller on or before May 31, 1980, the sum of \$21,000.00 and in addition shall, on

or before the 30th day of September, 1980, pay to Seller the sum of \$21,128.00, said amounts representing payment of interest accrued on the unpaid principal balance from January 1, 1980, to December 31, 1980.

(3) Commencing in 1981, Buyer shall make semi-annual payments to Seller in the sum of \$21,000.00 on or before the 31st day of May and the sum of \$32,640.00 on or before the 30th day of September of each year continuing through September 30, 1985, at which time the Buyer shall pay the Sellers the entire remaining unpaid principal balance due under this agreement together with all accrued interest unpaid at said date.

F. The parties hereto mutually understand and agree that for the mutual benefit and convenience of the parties and as a material part of the consideration hereof, the payments required of Buyer pursuant to this agreement through the year 1980 will result in prepayment, in part, of interest as it will accrue and further understand and agree that after January 1, 1981, all payments made upon this agreement shall be applied first to the payment of accrued interest and second to payment of the unpaid principal sums due hereunder.

4. PREPAYMENT PRIVILEGE. Buyer shall have the right to prepay any and all principal sums due under this agreement at any time upon 90 days prior written notice to Sellers; provided however, that credit for such prepayment shall be given only upon the last payment due hereunder and although interest shall cease to accrue upon such principal sums as the same are prepaid, the payments hereinabove specified to be made as interest or as interest and principal, shall continue to be paid as hereinabove provided, with appropriate credit to be given to the Buyer at the time of complete and final payment due the Sellers hereunder.

5. ESCROW. Sellers and Buyer agree that in order to facilitate the transfers of title to be made pursuant to this agreement, an escrow shall be established with the Idaho Bank and Trust Company, Blackfoot, Idaho.

The parties agree that at the time of closing, the Sellers shall deposit in said escrow the following documents, with instructions to deliver the same to Buyer upon its performance as herein specified, to-wit:

- A. One of the triplicate signed original copies of this Agreement.
- B. A Warranty Deed executed by the Sellers, conveying the above described real property to the Buyer.
- C. A Bill of Sale selling and transferring title to the above described personal property from the Sellers to the Buyer and a termination statement terminating the UCC Financing Statement filed in connection therewith. (To be delivered to Buyer upon payment of \$80,000.00 on the principal balance due hereunder.)
- D. Appropriate licenses and water permits.
- E. A Purchaser's Title Insurance Policy upon the real property made the subject of this Agreement.

and the Buyer shall deposit in escrow with said escrow agent:

- A. New or continuation insurance policies insuring the improvements and personal property made the subject of this Agreement as in this Contract provided with premiums thereon to be prepaid by Buyer.
- B. In advance of due dates, each year, sums adequate to pay real property taxes and personal property taxes: Pro-rata shares of the parties for the 1978 taxes on said property (1/4 to Sellers 3/4 to Buyer) shall be prepaid through the escrow so as to avoid penalty and interest.

The parties agree that all costs and expenses involved in establishing and maintaining said escrow shall be borne equally by Sellers and Buyer.

6. SPECIAL PROVISION CONCERNING PERSONAL PROPERTY.

The Buyer understands and agrees that this agreement shall be,

and is, a security agreement in relation to the irrigation equipment described on Schedule "A" and with respect to which the parties agree to execute and properly record a UCC Financing Statement, securing the interest and equity of the Sellers therein until such time as \$80,000.00 has been paid upon the principal sum due from the Buyer to the Sellers, at which time Sellers agree to release and terminate said Financing Statement; provided, however, that with the consent of Sellers, which consent shall not be unreasonably withheld, Buyer shall be entitled to replace any of said irrigation equipment with equipment of like kind, in which event the equity of Buyer in the equipment purchased to replace any of the equipment sold or traded shall vest in Seller, it being understood that the purpose of this paragraph is to insure Seller that the irrigation equipment being sold pursuant hereto shall be maintained for the time specified herein both as to quantity and quality.

7. EXISTING ENCUMBRANCES. Both parties acknowledge and agree that the property being purchased by Buyer is subject to a mortgage dated March 14, 1975, in an original amount of \$19,850.00, in favor of William J. DeMott and Mary Lou DeMott, and Blair Heinz and Kay Heinz, which mortgage has an unpaid balance as of April 1, 1978, of \$12,282.20, and is payable annually on November 1 of each year in payments of \$3,970.00 principal plus accrued interest. Both parties further acknowledge and agree that the property being purchased by Buyer is subject to a mortgage in favor of Equitable Life Assurance Society of the United States, which mortgage is in an original amount of \$175,000.00 and is dated August 11, 1975, and has an unpaid balance as of April 1, 1978, including accrued interest, of \$177,775.42, said mortgage being payable annually on June 1 of each year in the sum of \$5,250.00 principal, plus accrued interest. In connection with these two encumbrances, Sellers agree to continue to pay the same according to their terms, and to indemnify and hold Buyer harmless with respect thereto. In order to insure that

Sellers do not become delinquent with respect to the payments on said mortgages and so that the same shall be fully paid and satisfied prior to the payment in full by Buyer to Sellers under this agreement, the parties agree that Buyer may file a request for notice of default with the holders of both of said mortgages, and that in the event Sellers default in the annual payments provided for with respect thereto, Buyer may, at its option, pay and discharge the same and receive credit on the amount then remaining due hereunder in the amount of any such payment or payments and thereafter the payments herein provided to be made, may, at the option of the Buyer, be suspended until such time as such suspended payments equal the sums advanced as aforesaid.

8. TAXES AND ASSESSMENTS. Buyer agrees to pay all real property taxes, water assessments and all like charges connected with the real and personal property being sold pursuant to this agreement from and after the 30th day of March, 1978.

9. TIME OF ESSENCE. It is agreed that time is of the essence of this agreement.

10. CONDITION OF PROPERTY. Sellers agree that at the time of closing of this agreement all pumps, motors, wells, fences, mainline, and sprinkling systems being purchased pursuant to this agreement shall be in good repair and in working condition except that Buyer agrees to accept the Mel Brown Pivot System in its "as is" condition. The Sellers further agree that all buildings, sheds, grainerys and the mobile home shall at the time of closing be in as good a condition as when visually inspected by the Buyer on January 26, 1978.

11. REMOVAL OF IMPROVEMENTS. The Buyer covenants and agrees that all buildings and improvements located on the real property being purchased pursuant hereto shall remain on the site of the real property during the term of this agreement unless or until written consent is given by the Sellers to remove or make other disposition of the same.

12. DEFAULT. In the event of the failure to comply with the terms hereof by the Buyer, or upon failure of the Buyer

to make any payment or payments when the same shall become due, or within sixty days thereafter, the Sellers may deliver to the Buyer, through the escrow agent provided for above, a notice in writing, the same to be delivered either personally to the Buyer or by certified or registered mail, written receipt requested, addressed to the Buyer at its business address stated above, said notice to advise the Buyer in what respect it has failed to comply with the terms and conditions hereof. In the event the Buyer shall then fail to remedy any matter in default within thirty days after receipt of said notice as herein provided, then, at the option of the Sellers:

A. Sellers may cancel this Contract and declare it null and void and be relieved and released from all obligation to convey said real property, and all payments made under this Contract Agreement shall be retained by Sellers and applied as liquidated damages for the breach of this Contract by Buyer and for the use of the premises during possession thereof by the Buyer. Sellers shall have the right to re-enter and take possession of the premises and shall be re-vested with the title thereto, and all property additions, and substitutions placed upon, or used by the Buyer upon, the premises during the term of this Contract shall belong to the Sellers and remain with and upon said subject lands, or,

B. Sellers may bring suit and recover judgment for all delinquent installments, and otherwise seek specific performance of the obligations of the Buyer hereunder, or,

C. Sellers may declare the entire remaining unpaid balance of this Contract to be due and payable forthwith and recover said balance from the Buyer, if necessary, by legal proceedings and upon receiving such full payment, plus costs and fees incurred, Sellers will then convey the premises to the Buyer as herein provided.

The remedies set forth above are to be considered as optional remedies and not as a waiver of any right or remedy the

Sellers may otherwise have at law or equity to enforce this Contract or to seek relief from its breach. Use of a certain remedy on one occasion shall not prevent the Sellers, at their option, from resorting to any other available remedy in the event of a subsequent default.

13. ATTORNEY'S FEES. In case suit is brought to enforce any of the terms of this contract, the prevailing party shall be entitled to recover a reasonable attorney's fee fixed by the court, together with such other costs as may by law be authorized.

14. INSURANCE. The Buyer agrees that it will keep the improvements and personal property made the subject of this agreement fully insured at the Buyer's own cost and expense, with loss, if any, payable to the Sellers or Sellers' mortgagee and the Buyer as their respective interest may appear, as follows:

A. The house upon the premises shall be insured against loss by fire or other risks included under extensive coverage for not less than TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00);

B. The shop for not less than TWELVE THOUSAND AND NO/100 DOLLARS (\$12,000.00);

C. The farrowing house for not less than TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) and

D. The wood grainery for not less than TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00); and

E. The existing irrigation equipment hereinabove identified shall be insured against loss by fire, theft and other insurable hazards in the sum of not less than EIGHTY THOUSAND AND NO/100 DOLLARS (\$80,000.00).

Evidence of said insurance coverage shall be furnished to the Sellers in writing including all renewal insurance policies for the full term of this Agreement.

15. ASSIGNABILITY. The parties hereto agree that Buyer shall have the right to assign all its rights and interest in this

agreement and in and to a part or all of the real or personal property being purchased pursuant hereto, provided that in the event of such assignment, Buyer shall give notice thereof in writing by certified mail, with request for receipt to be returned thereon, to Sellers and to the above named escrow agent. Such notice shall clearly state the name or names of each person, corporation, partnership or firm to whom the assignment is made and their complete mailing addresses and if a corporation organized other than in Idaho, the name and address of the Idaho Registered Agent of such corporation for the purpose of service of process. If less than all of the Buyer's interest is assigned, such notice shall state the exact interest assigned. It is further agreed that no assignment by Buyer shall be made or become valid and binding upon the Sellers unless any and all such assignees agree to assume each and every obligation of the Buyer hereunder and to take such interest subject to all the conditions of this agreement, and Buyer and their assigns agree that only the laws of the State of Idaho shall be applicable hereto.

16. BINDING EFFECT. It is understood that the stipulations herein set forth are to apply to and bind the heirs, successors, personal representatives and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

SELLERS

BUYER

Don E. Everingham
Don E. Everingham

RICHTRON FINANCIAL CORPORATION

Lila M. Everingham
Lila M. Everingham

By Paul H. Richtron
President

D. E. Everingham, Jr.
D. E. Everingham, Jr.

ATTEST:

Mary K. Everingham
Mary K. Everingham

Marlin K. Jurn
Secretary

(SEAL)

STATE OF WISCONSIN)
COUNTY OF PORTAGE) ss.

On this 10 day of April, 1978, before me the undersigned Notary Public, personally appeared DON E. EVERINGHAM and LILA M. EVERINGHAM, his 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.

William P. Bernhardt
Notary Public for Wisconsin
Residing at: 7571 Ashland Ave. Wauwatosa
My Commission Expires: May 15, 1981

STATE OF IDAHO)
COUNTY OF BONNEVILLE) ss.

On this 31 day of March, 1978, before me the undersigned Notary Public, personally appeared D. E. EVERINGHAM, JR., and MARY K. EVERINGHAM, his 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.

David J. Smith
Notary Public for Idaho
Residing at Idaho Falls
My Commission Expires: 6/15/80

STATE OF IDAHO)
COUNTY OF BENNETT) ss.

On this 31 day of March, 1978, before me the undersigned Notary Public, personally appeared PAUL H. RICHINS and Marlin K. Richins ~~Stuart Richins~~, known to me to be the President and ^{active} Secretary respectively of the Corporation that executed the foregoing instrument, and acknowledged to me that such Corporation 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: 4/2/79 David J. Smith
Notary Public for Idaho

SCHEDULE "A"

PARCEL 1: Township 3 South, Range 31, East of the Boise Meridian, Bingham County, Idaho:
Section 36: ALL EXCEPTING: Commencing at the Southwest Corner of Section 36; thence East along the South Section line a distance of approximately 700 feet, more or less, to a point 60 feet beyond the Northwest Corner of Section 1, Township 4 South, Range 31, E.B.M., thence North a distance of 26 feet; thence West a distance of 700 feet, more or less, to the West boundary line of Section 36, Township 3 South, Range 31, E.B.M.; thence South along the West Section line of said Section 36 a distance of 26 feet to the Point of Beginning.

Township 3 South, Range 32, East of the Boise Meridian, Bingham County, Idaho:
Section 31: Lots 1, 2, & 3 W 1/2 NE 1/4; E 1/4 NW 1/4; NE 1/4 SW 1/4; NW 1/4 SE 1/4

PARCEL 11: Township 3 South, Range 31, E.B.M., Bingham County, Idaho

~~Section 36: E 1/4 NE 1/4~~ 35-7488

~~Section 36: E 1/4 NE 1/4~~

~~Section 36: E 1/4 NE 1/4~~

~~Section 36: E 1/4 NE 1/4~~

IMPROVEMENTS AND PERSONAL PROPERTY

- 1 - House with basement approximately 1,100 sq. feet
- 1 - Hog pen - divided stalls 15' x 25' - cinder block
- 31- 1/4 mile 4" and 3" sprinkler hand lines (McDowell Ball & Socket)
- 1 - Mel Brown Pivot sprinkler, as is
- 1 - Steel shed 20' x 40'
- 1 - Wood grain bin, + or - 4,000 bushels
- 2 - 3,000 bushels steel grain bins
- 1 - 5,000 bushels steel grain bin
- 1 - 1,000 bushels steel grain bin
- 1 - 8' x 40' house trailer
- 1 - 250 hp Propane engine (Waukisha) - value \$7,500.00
- 1 - 75 hp Pump
- 1 - 125 hp Pump
- 1 - 200 hp Pump



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 23, 1985

Don E. Everingham
Box 1717
Hanford, CA 93232

PERMIT NO. 35-7488

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. 37250.

Roberta Garrett
Records Supervisor

Enclosure

cc Jones and Christensen

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(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. 35-7488 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

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

DEPARTMENT OF WATER RESOURCES

STATEHOUSE

BOISE, IDAHO 83720

RECEIVED

FEB 3 1985

Department of Water Resources

FORWARDING ORDER FORM



FOR
279



MICROFILMED

CERTIFIED MAIL

NO.

138645

INTER-DEPARTMENT MEMO — 1

FROM

Pete Flick

DATE

2-21-1985

TO

File 35-7488

SUBJECT

Returned B/k 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

138645

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. 35-7488 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

April 4, 1980

Don E. Everingham
1486 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

JG:rf

Enclosures

APR 11 1980

DeMott Tractor Co., Inc.
2105 Industrial Blvd.
IDAHO FALLS, IDAHO 83401

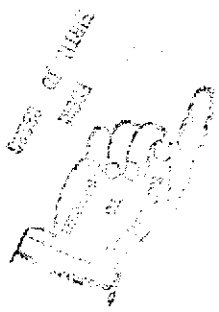


*Department of Water Resources
Statehouse
Boise, Idaho 83720*

DEPARTMENT OF WATER RESOURCES

STATEHOUSE

BOISE, IDAHO 83720



*1466 Shannon
Idaho Falls*

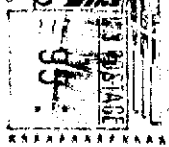
Department of Water Resources

FEB 6 1963

RECEIVED



DB 653220



CERT 104772

UNDELIVERABLE AS ADDRESSEE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

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

161712

JANUARY 31, 1980

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 35-7488 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.

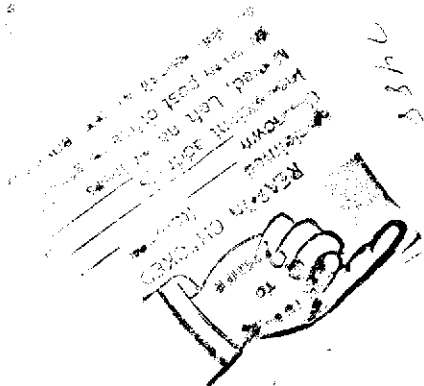
SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

RECEIVED

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



PRESORTED
FIRST-CLASS

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

RECEIVED

AUG 27 1979

Department of Water Resources

~~AUTHORIZED TIME FOR FORWARDING HAS
EXPIRED. PLEASE ADVISE
DEPARTMENT OF WATER RESOURCES~~



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.
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

April 15, 1975

Re: Permit No. 35-7488

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

Dear Mr. Everingham:

Enclosed is a copy of your approved Application for Permit No. 35-7488. 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 permit. 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

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)

MICROFILMED

**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. 35-7488, for a permit to appropriate 6.4 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. 25, T. 3S, R. 31E, B.M., Bingham County; to be used from Apr. 1 to Nov. 1 for the irrigation of 320 acres within the S $\frac{1}{2}$, Sec. 25, T. 3S, R. 31E, 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

(4184)

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. 35-7488

for a permit to appropriate 6.4 cubic feet per second ~~acres feet per annum~~
of water from a ground-water source

by means of well and pump

within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T. 3S, R. 31E, B.M., Bingham County;

to be used from Apr. 1 to Nov. 1

for the irrigation of 320 acres

within the S $\frac{1}{2}$, Sec. 25, T. 3S, R. 31E, 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

Published in the Blackfoot News, Blackfoot, Idaho

on March 20 and March 27, 1975

MICROFILMED

CW-R.
CW-H
CW-H