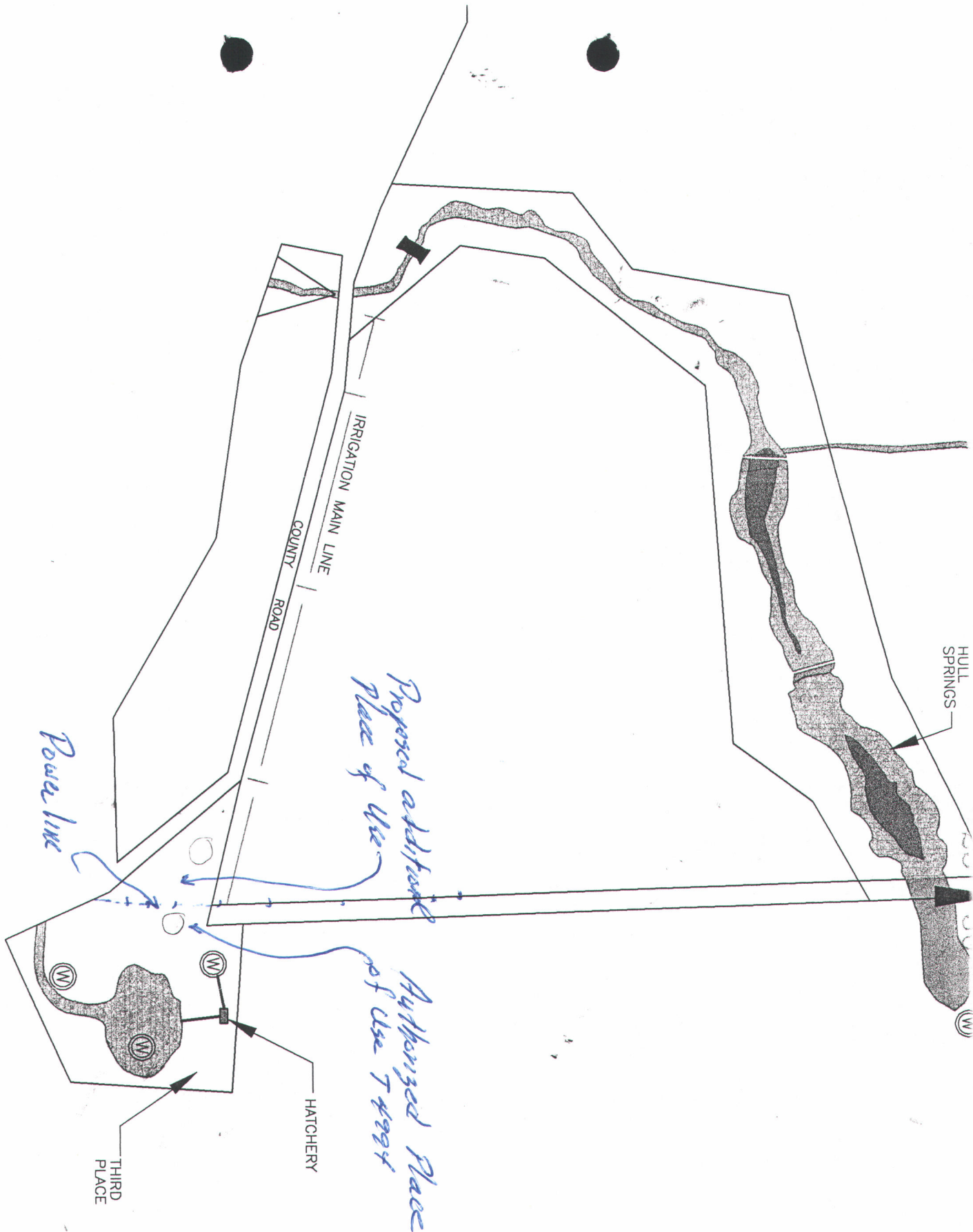




MICROFILMED
JUN 12 1998

RECEIVED

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

MAR 31 1997

Department of Water Resources

Name of applicant North Fork Energy Inc Phone 208-328 2306Post Office address P.O. Box 5405 Boise, ID 83705

A. PURPOSE OF TRANSFER

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

2. Describe the reason for the proposed changes To add existing and new artesian well points of diversion to restore original discharge rates

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>35-07097</u>	<u>09/30/1969</u>	<u>4.00</u>	<u>Fish Prop. & Domestic</u>	<u>01-01</u> to <u>12-31</u>
<u>35-07098</u>	<u>08/02/1969</u>	<u>20.00</u>	<u>Fish prop.</u>	<u>01-01</u> to <u>12-31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 24.0 cubic feet per second and/or 1.2(domestic) acre-feet per annum.
3. Source of water Springs and artesian wells tributary to American Falls reservoir
4. Point(s) of Diversion:

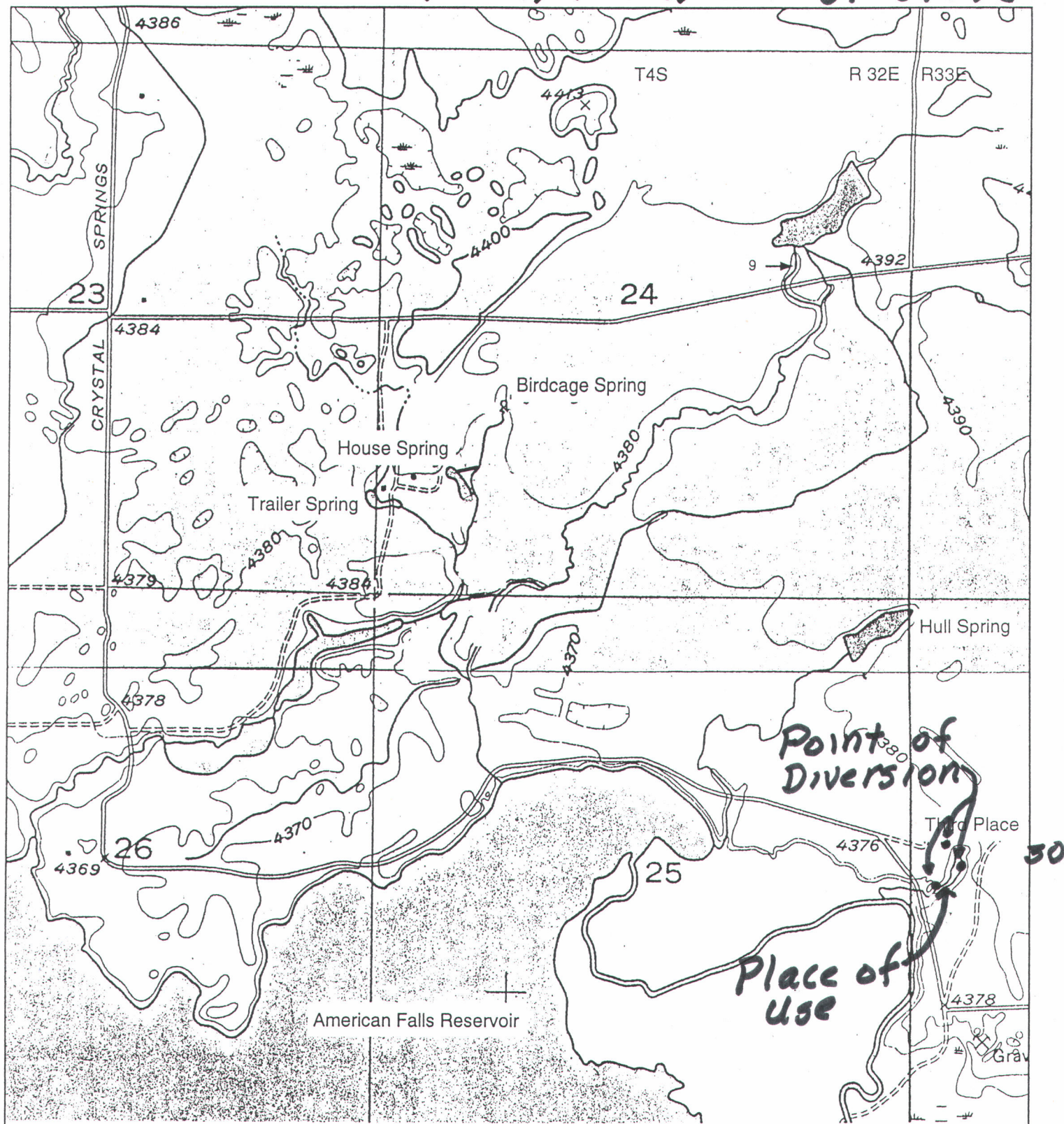
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SW	SW	NW	30	4S	33E	BINGHAM	Springs & Two wells (existing)
	NW	NW	SW	30	4S	33E	BINGHAM	Springs & One well (existing)
	SW	SW	NW	30	4S	33E	BINGHAM	Two wells (to be drilled) NEW
	NW	NW	SW	30	4S	33E	BINGHAM	Two wells (to be drilled) NEW

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4S	33E	30							H			H							

Total acres _____

NORTH FORK ENERGY - CRYSTAL SPRINGS 37-07097-37-07098



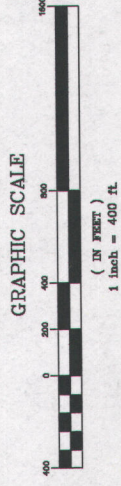
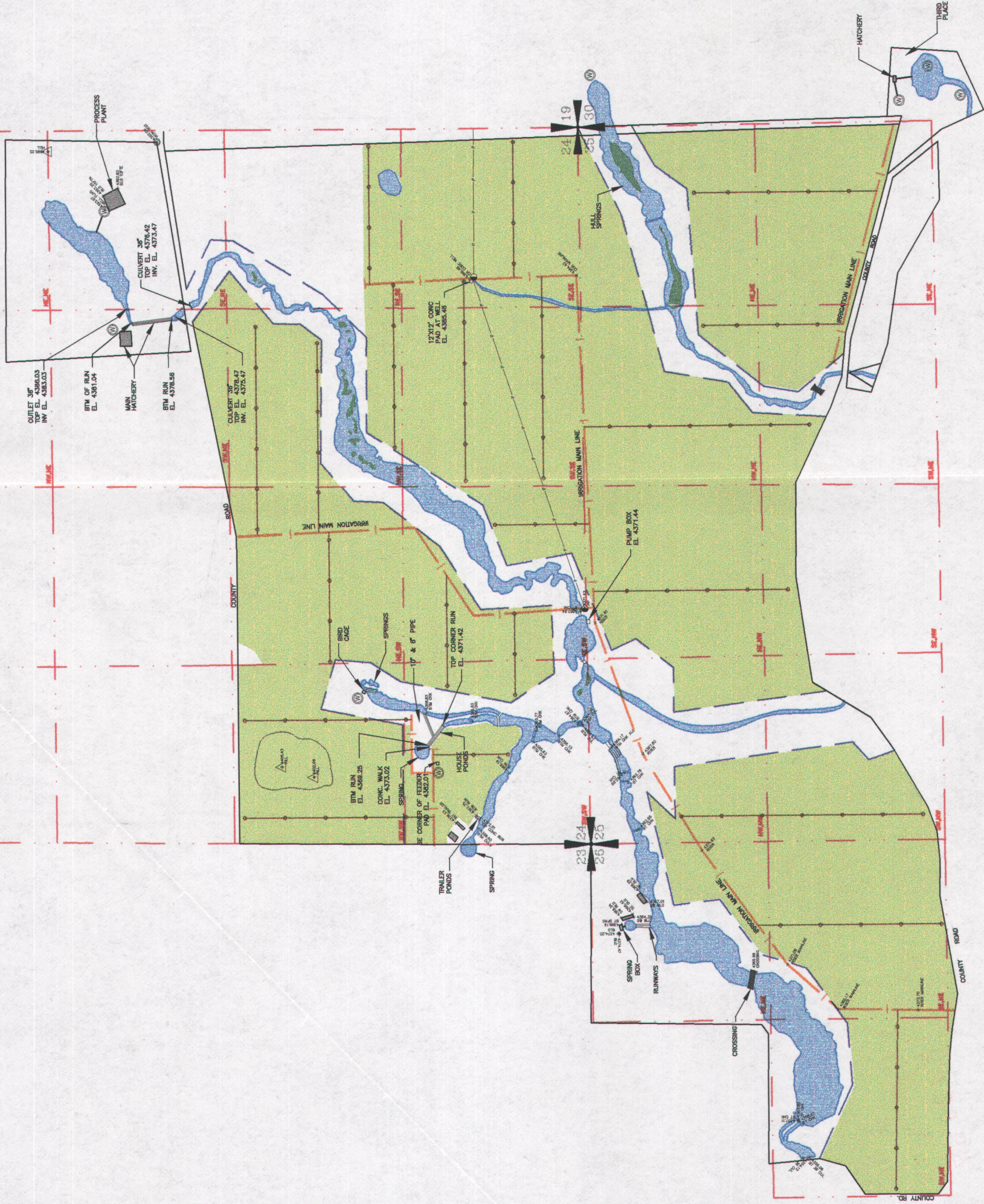
MICROFILMED
MAY 20 1997

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

14 13
23 24

13 18
24 19

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



SITE PLAN



NORTH FORK ENERGY INC.

JOB NO.:	96061	SHEET	1
DATE:	09-15-96	DATE:	09-15-96
DRN. BY:	LME	CHECKED BY:	L.D.J.
DATE:	09-15-96	DATE:	09-15-96
DATE:	09-15-96	DATE:	09-15-96

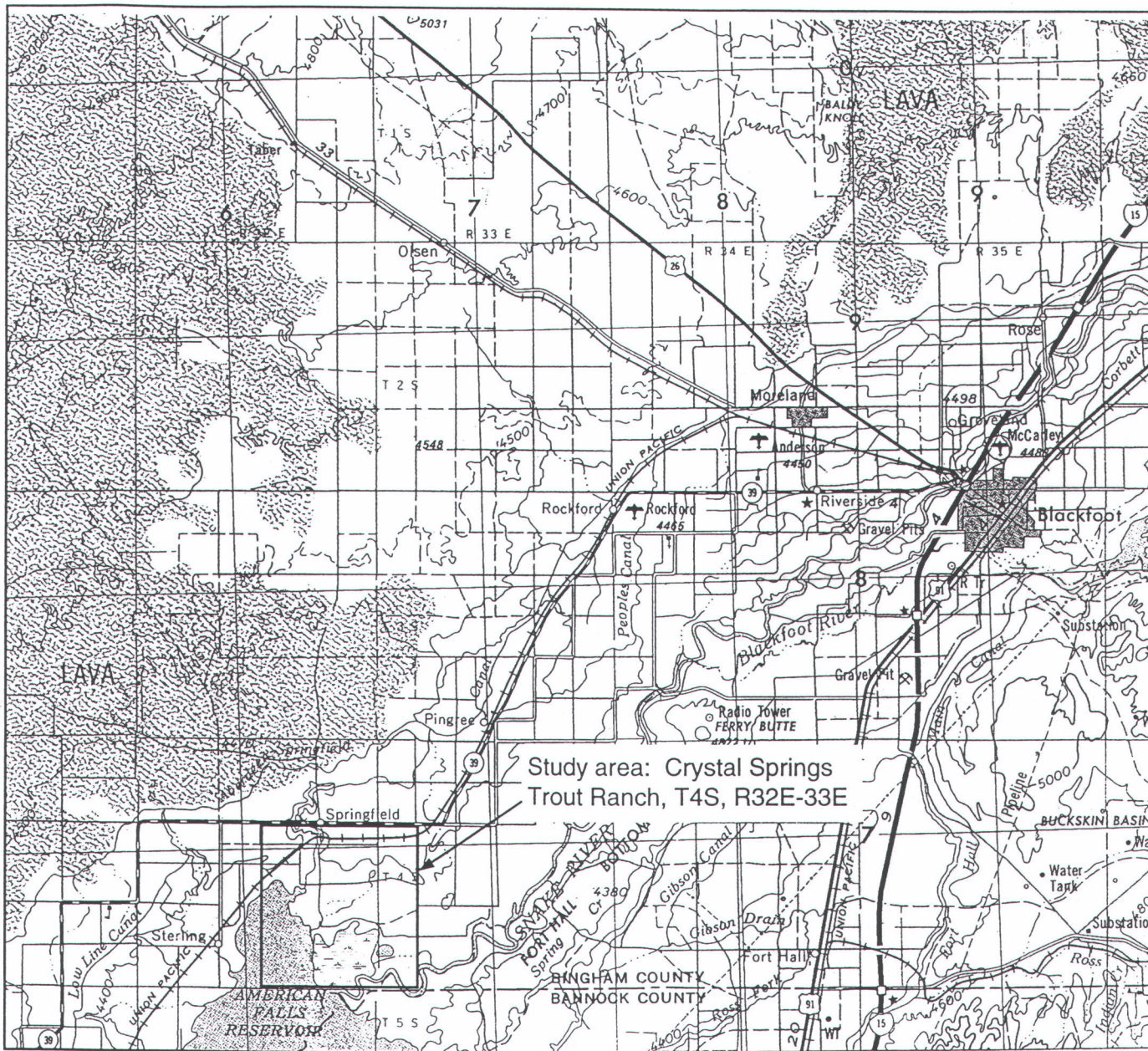


Figure 1. Vicinity map.

MICROFILMED
MAY 20 1997

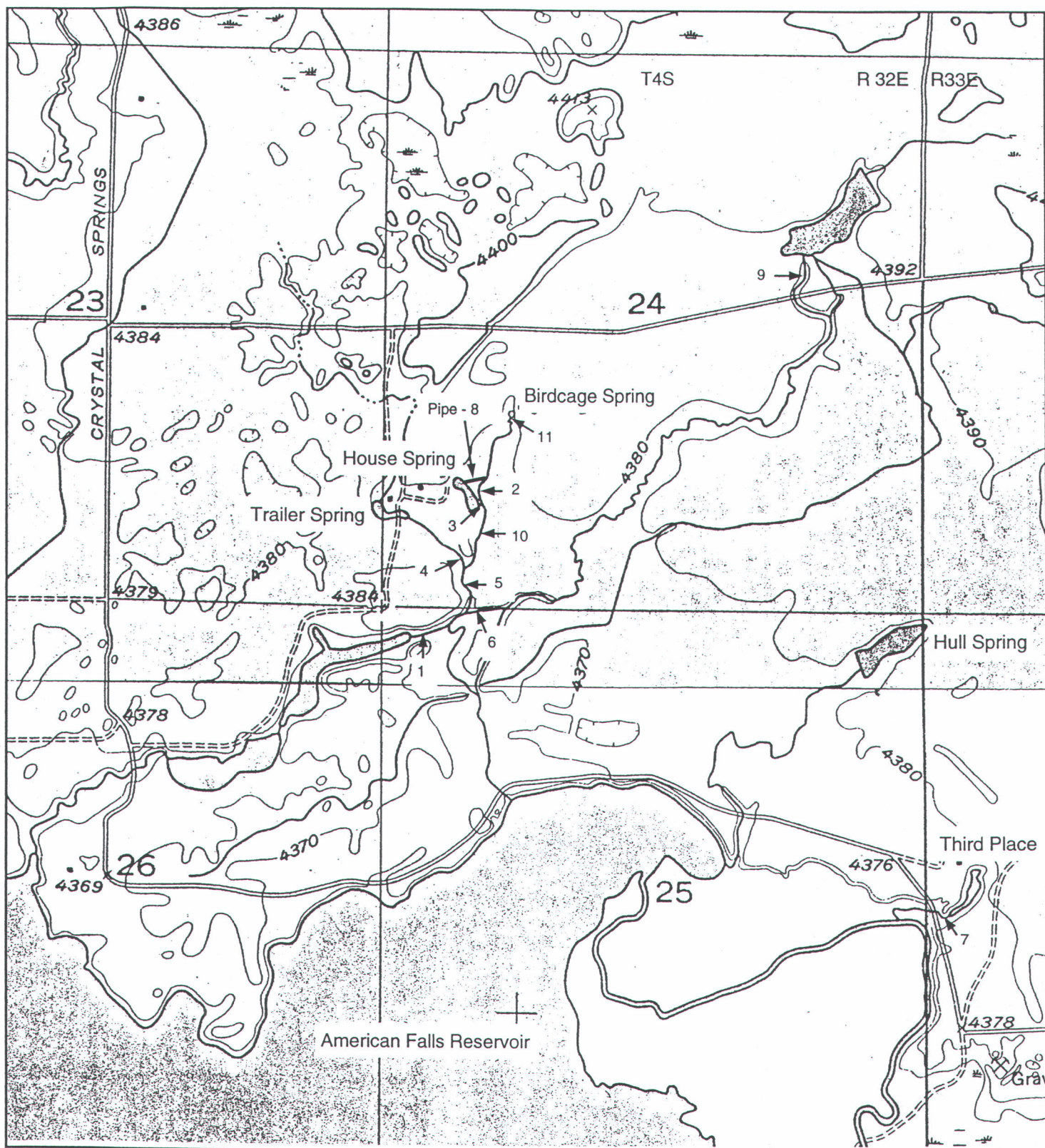


Figure 2. Site plan showing springs and measurement locations.

MICROFILMED
MAY 20 1997

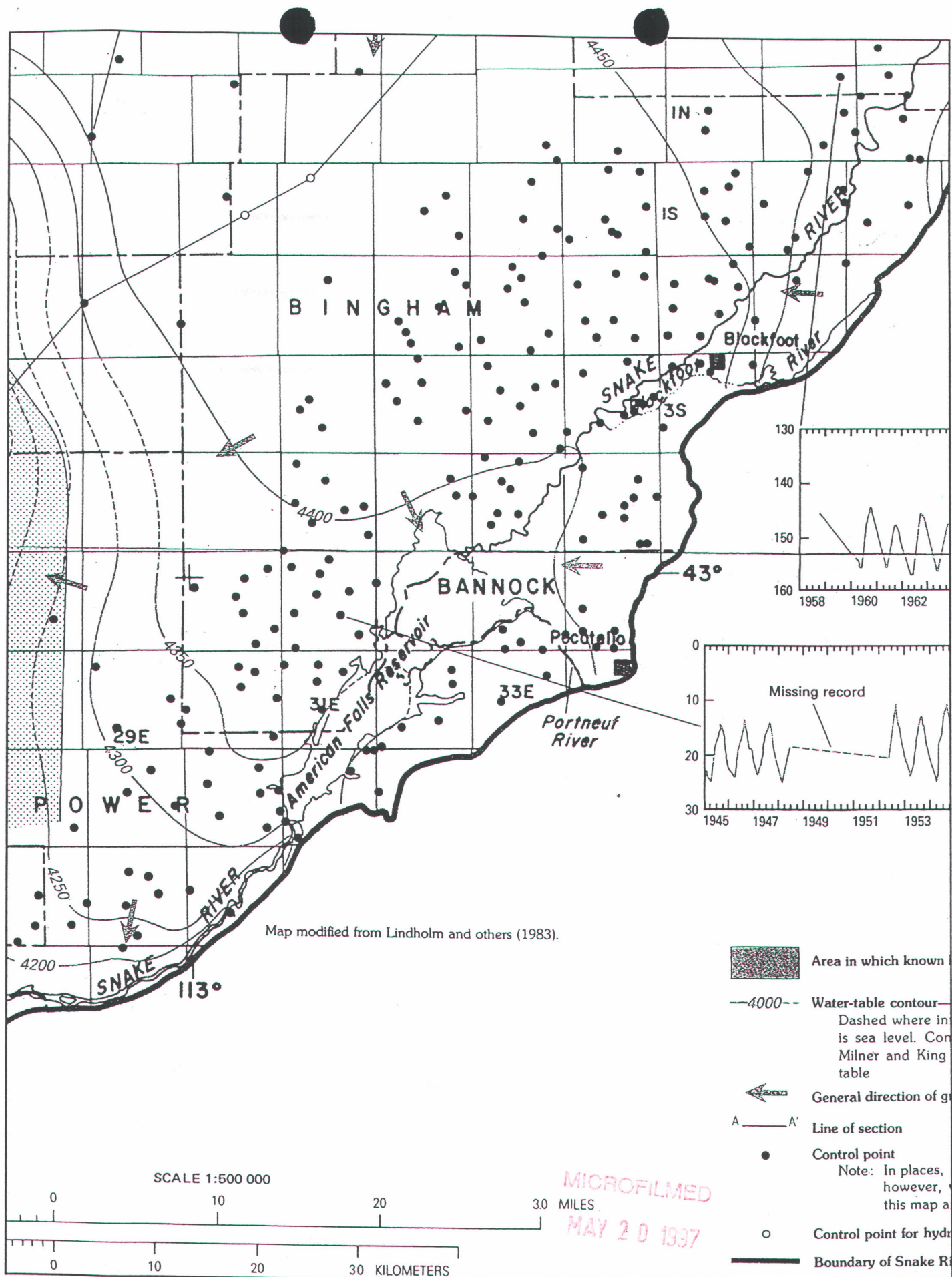
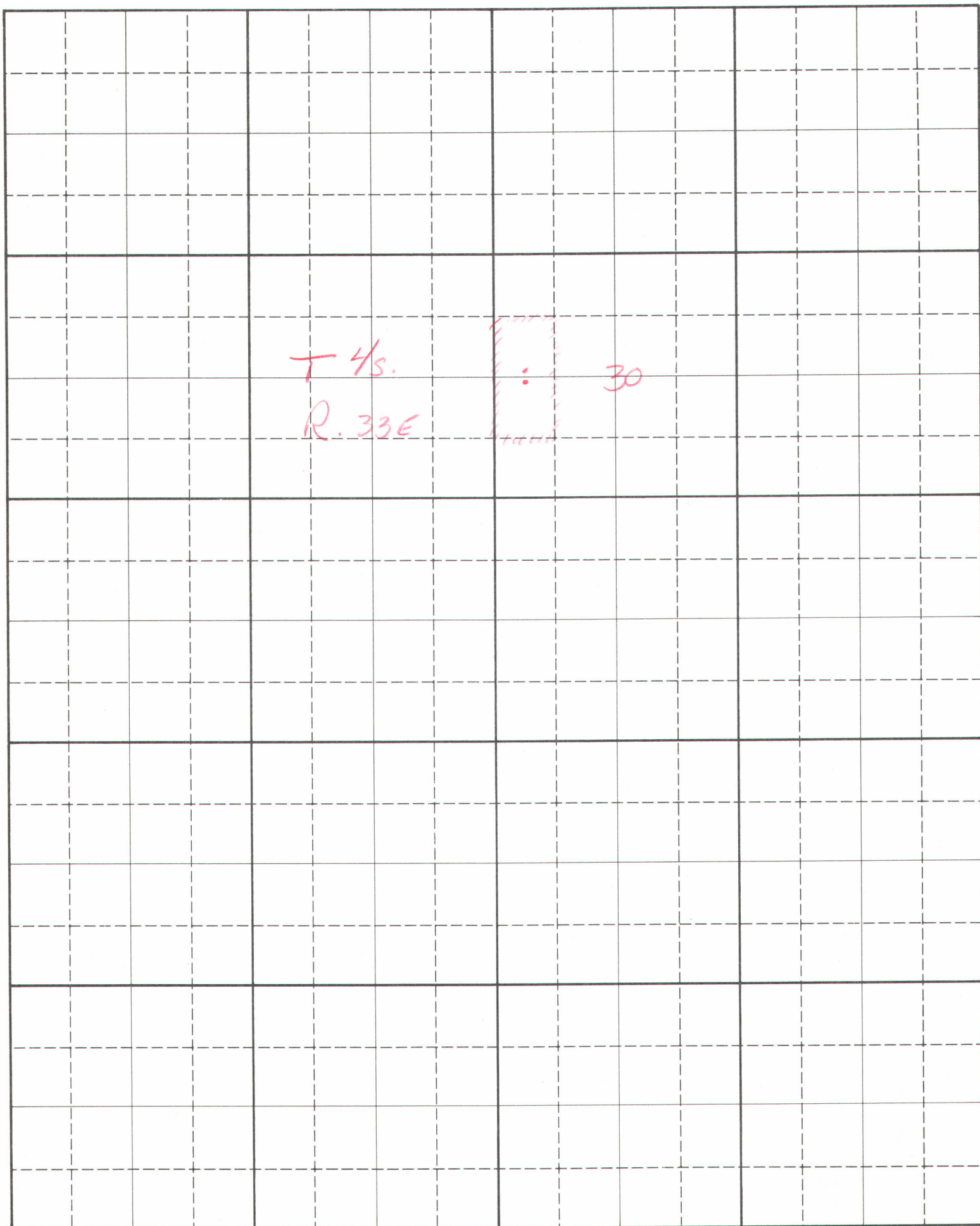


Figure 7. A portion of USGS map HA 703 showing water table contours in Spring 1980 for the Eastern Snake Plain Aquifer.



11. Map of proposed project:



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.


(Applicant) General Partner

35 7097

RECEIVED

SEP 19 1969

Department of Reclamation

AFFIDAVIT of PUBLICATION

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Houghland Farms, Springfield, Idaho, has on August 22, 1969, applied for permit under application No. 35-7097 to divert 4.0 cubic feet per second of water from a groundwater source. Water will be diverted by wells, pumps, motors and pipe within the NW1/4 SW1/4 and SW1/4 NW1/4, Sec. 30, T. 4S, R. 33 E, B.M., Bingham County and is to be used from January 1 to December 31 for fish propagation and domestic purposes in the NW1/4 SW1/4 and SW1/4 NW1/4, Sec. 30, T. 4S, R. 33 E, B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON,
State Reclamation Engineer
(2150)
Pub.: 9-11 and 18

County of Bingham

State of Idaho

} ss.

I, Drury R. Brown do solemnly

swear that I am the publisher of The Blackfoot News which is a daily newspaper of general circulation published each day except Saturday and 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 11th day of September, 1969,

and the last publication having been made on the 18th day of Sept., 1969; 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 18th

day of September, 1969.

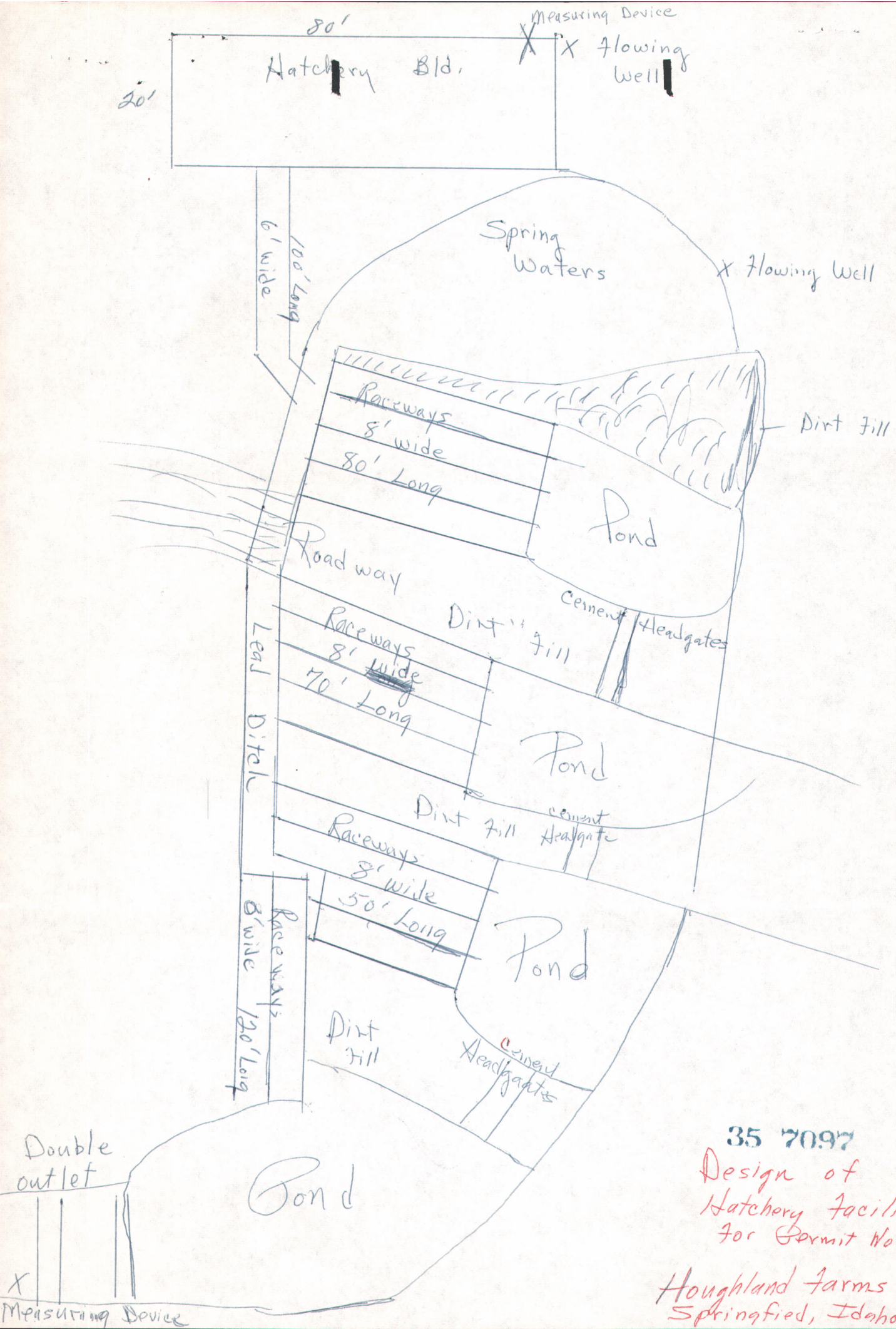
Raye Dayton
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho

My commission expires
~~June 1, 1968~~

November 10, 1972

35 7097

Bill submitted
9-19-69
H.A.



35 7097
Design of
Hatchery facilities
for Permit No. 35-7097
Houghland Farms
Springfield, Idaho

AFFIDAVIT OF
PUBLICATION

County of Bingham)

ss

State of Idaho)

I, Jacqueline Graham do
solemnly Legal

RECEIVED

MAR 23 1998

Department of Water Resources
Eastern Region

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

**NOTICE OF CORRECTION
APPROVED TRANSFER #4994
NORTH FORK ENERGY, INC.**

NOTICE IS HEREBY GIVEN that the above approved transfer in the name of North Fork Energy, Inc., P.O. Box 5405, Boise, Idaho, 83705, was advertised on January 30 and February 6, 1997, and proposed adding well sites to their existing Fish Propagation licenses #35-07097 and #35-07098. One of

the wells approved for the NWSW, Sec. 30, T4S, R33E, could not be installed due to power lines in the area. The true location is 150' to the west of the original site in the SENE, Sec. 25, T4S, R32E, Bingham County.

Any protest against the granting of this application as a result of this correction must be filed with the applicant and the Idaho Department of Water Resources, 900 N. Skyline Drive, Idaho Falls, Idaho, 83402, along with a \$25.00 fee on or before March 30, 1998.

KARL DREHER
Director

(3642)
Pub.: 3/12, 19

swear that I am the Coordinator of The Morning News, which is a daily newspaper of general circulation, published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1911, approved March 11, 1911, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue of said newspaper 2 consecutive Weeks the first publication having been made on the 12th day of March, 1998, and the last publication having been made on the 19th day of March, 1998; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

Jacqueline Graham
On this 19th day of March, in the year 1998, before me a Notary Public of said State, personally appeared Jacqueline Graham

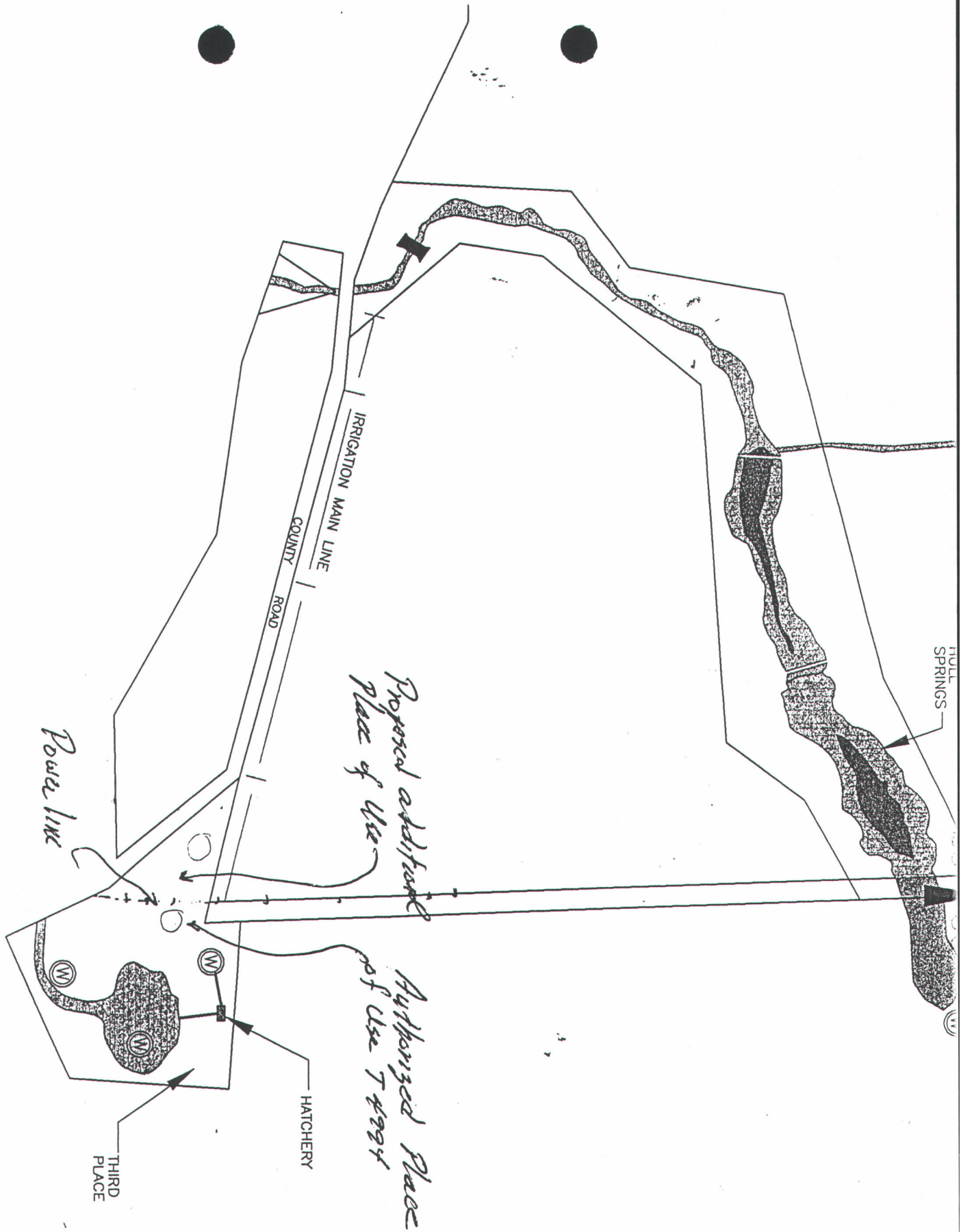
known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Page 1 of 2
Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires:

November 10, 2000

Affidavit Processing Fee. \$5.00

MICROFILMED
JUN 12 1998



MICROFILMED
JUN 12 1998

$$\frac{02.1}{36.1}$$

OVERHEAD POWER

PARCEL D
56.35 ACRES

END 1964 B.L.M.
BRASS CAP

PREVIOUS SURVEY

END 1/2" I.H.
W/CAF H.L.S. BOB

CRYSTAL SPRINGS I VC

SECRET

WR0749NP

No. T35-07098

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/23/97

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NORTH FORK ENERGY INC PO BOX 5405 BOISE ID 83705 (208) 328-2306	08/02/1969	FISH PROPAGATION	01/01 12/31	20.000 CFS	
					TOTAL DIVERSION:	20.000 CFS

Water Source: GROUNDWATER
SPRINGSTributary to:
SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion: T04S R33E S30 SWNW SWSWNW NWSW NWNWSW BINGHAM County

Point of Diversion Name(s):

Name	Rate	Number
T04S R33E S30 SW NW 4 WELLS		
S30 SW SW NW SPRINGS		
S30 NW SW 3 WELLS		
S30 NW NW SW SPRINGS		

Place of use Legal Description for: FISH PROPAGATION

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
04S 33E 30 :															

Pou County: BINGHAM

Other Water Rights with Same Point(s) of Diversion and Source:

35-07097 35-07098 35-08782 T35-07097

Other Water Rights Listing Overlapping Place(s) of use:

35-02016 35-07142

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

The total instantaneous diversion of water from all points of diversion under Transfer No. 4994 shall not exceed 24.00 cfs.

RECEIVED

MAR 26 1997

Department of Water Resources
Eastern Region

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

NOTICE OF PROPOSED
CHANGE OF A WATER RIGHT
NO. T4994

Notice is hereby given that North Fork Energy, Inc., P.O. Box 5405, Boise, Idaho, 83705, has applied to the Department of Water Resources to add diversion points to the waters of springs and artesian wells tributary to American Falls Reservoir. The rights sought to be changed are evidenced by licenses and recorded as follows:

No.: 35-07097

Source: Groundwater

Amount: 4.00 cfs

Priority: 09/30/1969

Point(s) of Diversion: SWNW, NWSW, Sec. 30, T04S, R33E, Bingham County, cfs for domestic use from 01/01 to 12/31 within the SWNW, NWSW, Sec. 30, T04S, R33E, B.M.

No.: 35-07098

Source: Springs tributary to American Falls Reservoir

Amount: 20.0 cfs

Priority: 08/02/1969

Point(s) of Diversion: SWNW NWSW, Sec. 30, T04S, R30E, Bingham County.

The amount of 20.00 cfs is used for fish propagation from 01/01 to 12/31 within the SWNW NWSW, Sec. 30, T04S, R33E, B.M.

TO BE CHANGED
AS FOLLOWS:

The water will be diverted from the SWSWNW (springs and two existing wells) NWNWSW (springs and one existing well) SWSWNW (two wells to be drilled) NWNWSW (two wells to be drilled) Sec. 30, T04S, R. 33E, B.M. and used for domestic use and fish propagation within the SWNW NWSW, Sec. 30, T04S, R33E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Drive, Idaho Falls, Idaho, 83402, together with a protest fee of \$25 on or before February 18, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

(3149)
Pub.: 1/30; 2/6

AFFIDAVIT OF
PUBLICATION

County of Bingham)

State of Idaho)

I, Jacqueline Graham do
solemnly Legal

swear that I am the Coordinator of The Morning News, which is a daily newspaper of general circulation, published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1911, approved March 11, 1911, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue of said newspaper 2 consecutive weeks the first publication having been made on the 30th day of Jan, 1997, and the last publication having been made on the 6th day of Feb, 1997; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

Jacqueline Graham
On this 28th day of Feb, in the year 1997, before me a Notary Public of said State, personally appeared Jacqueline Graham,

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

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

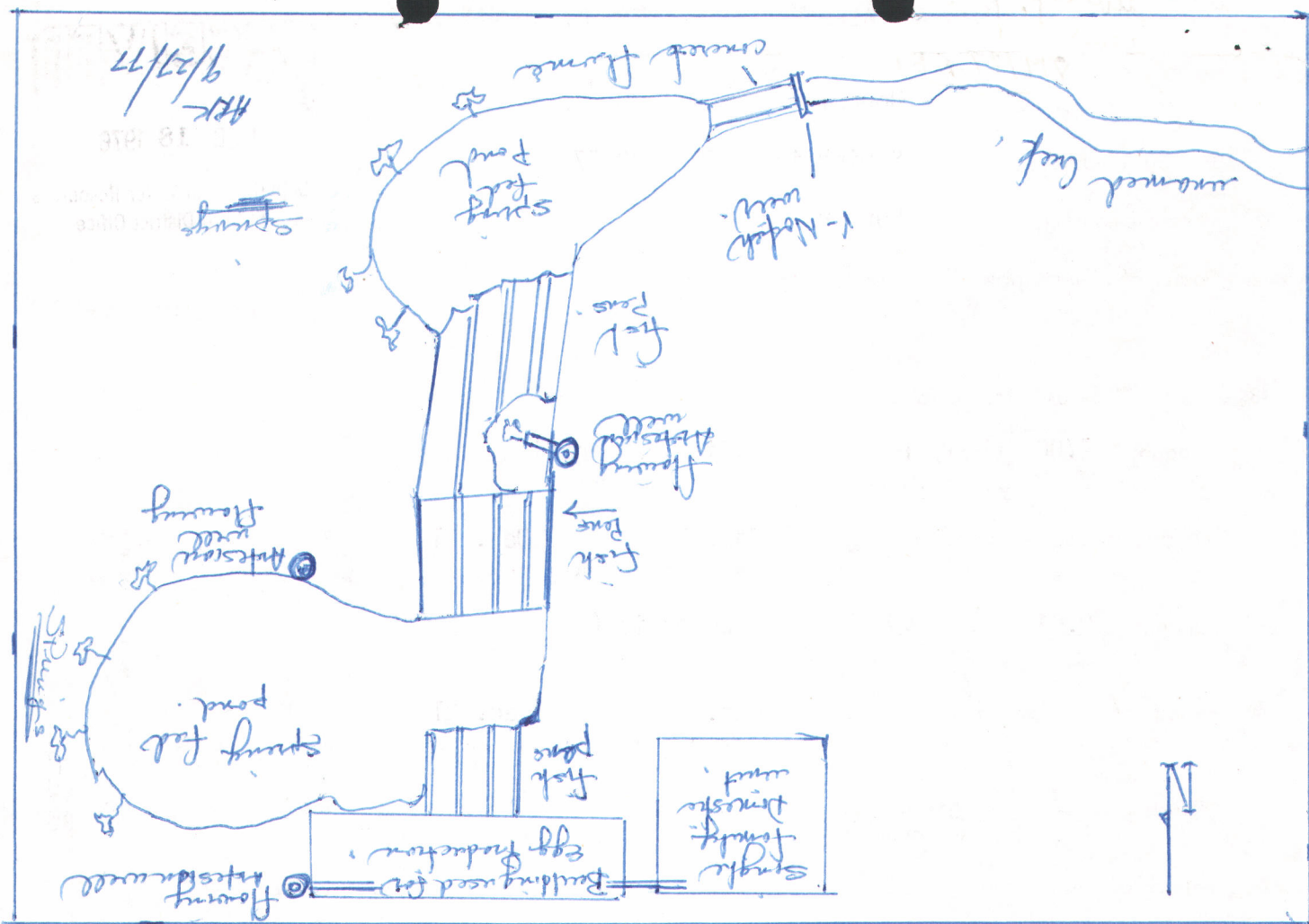
October 16, 2002

Affidavit Processing Fee. \$5.00

MICROFILMED

MAY 20 1997

Diagram of System



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5278
WATER RIGHT NO(S). 35-07097/35-07098

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

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-07097 :			
FISH PROPAGATION	01/01 to 12/31	4.00 CFS	
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
Priority: 09/30/1969			
Right No. 35-07098 :			
FISH PROPAGATION	01/01 to 12/31	20.00 CFS	
Priority: 08/02/1969			
	TOTAL:	* 24.00 CFS	** 1.2 AF

SOURCE

GROUNDWATER
SPRINGS

SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 25, Township 04S, Range 32E
SWNW , Sec. 30, Township 04S, Range 33E
SWSWNW , Sec. 30, Township 04S, Range 33E
NWSW , Sec. 30, Township 04S, Range 33E
NWNWSW , Sec. 30, Township 04S, Range 33E
BINGHAM County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

04S 33E 30

SWNW

NWSW

PLACE OF USE: DOMESTIC, same as FISH PROPAGATION use

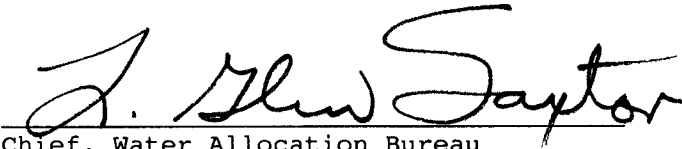
MICROFILMED
JUN 12 1978

TRANSFER NO. 5278
WATER RIGHT NO(S). 35-07097/35-07098

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. The right holder shall accomplish the change authorized by this transfer by April 30, 2002.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 6. The total instantaneous diversion of water from all points of diversion under Transfer No. 5278 shall not exceed 24.00 cfs.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of the diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
8. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
- ** 9. Right Nos. 35-07097 and 35-07098 are limited to historic facility and diversion volumes as determined by the Snake River Basin Adjudication.
10. Multiple springs are located within SWSWNW and NWNWSW of S30, T04S, R33E.
11. Four wells are located within the SWNW and two wells are located within NWSW of S30, T04S, R33E.

Dated this 9th day of June, 1998


Chief, Water Allocation Bureau

MICROFILMED
JUN 12 1998

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant North Fork Energy Inc Phone 208-328 2306

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

~~RECEIVED~~

A. PURPOSE OF TRANSFER

1. X! Change point of diversion ! Add diversion point ! Change place of use
! Change nature of use ! Change period of use ! Other

Department of Water Resources

2. Describe the reason for the proposed changes	To change an artesian well point of diversion
---	---

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

1.	Right Number	Priority	Amount (cfs/acre ft)	Nature of Use	Period of Use	
	35-07097	09/30/1969	4.00	Fish Prop. & Domestic	01-01	to 12-31
	35-07098	08/02/1969	20.00	Fish prop.	01-01	to 12-31
	35-07097	9/30/1969	0.04	Domestic	01-01	to 12-31
						to

2. Total amount of water being transferred 24.0 cubic feet per second and/or 1.2(domestic) acre-feet per annum.

3. Source of water Springs and artesian wells tributary to American Falls reservoir

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SW	SW	NW	30	4S	33E	BINGHAM	Springs & Two wells(existing)
	NW	NW	SW	30	4S	33E	BINGHAM	Springs & One well (existing)
	SW	SW	NW	30	4S	33E	BINGHAM	Two wells(to be drilled)
	NW	NW	SW	30	4S	33E	BINGHAM	One well(to be drilled)
	SE	SE	NE	25	4S	32E	BINGHAM	One well (to be drilled)

5. Lands irrigated or place of use:

[illegible]

MICROFILMED

JUN 12 1998

Total acres

PART 1

6. General Information:

- a. Description of diversion system Springs and artesian wells. Flow from springs and wells is or will be piped to the head of raceways. Discharge from raceways flows down to American Falls Reservoir
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
No Yes
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
- d. Remarks:
Additional point of diversion is necessary to provide flexibility to the water supply system for the fish facility ,
trestore discharge.to licensed amounts, and to avoid power lines along the section line between Section 30, T4SR33E and
Section 25 T4S R25E. See attached letter from C.E. Brockway P.E. 11/1/1997

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

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

MICROFILMED
JUN 12 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-07097 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 4994 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice

☒ Warranty Deed

☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date of priority 09/30/1969

5. Water is used for the following purpose:

amount 4.00 for Fish propagation purposes from 01-01 to 12-31
(cfs/ac-ft)
amount 0.04 for Domestic purposes from 01-01 to 12-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.00 cubic feet per second and/or 1.2(domestic) acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SW	NW		30	4S	33E	Bingham	Third place spring and wells
	NW	SW		30	4S	33E	Bingham	Third place spring and wells
	SW	SW	NW	30	4S	33E	BINGHAM	Two wells(to be drilled)
	NW	NW	SW	30	4S	33E	BINGHAM	Two wells(to be drilled)

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4s	33e	30							H			H							

MICROFILMED
JUN 12 1998

Total acres _____

9. Describe any other water rights used for the same purpose as described above 35-07098

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

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

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

2. Point(s) of Diversion:

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

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

MICROFILMED
JUN 12 1998

Total acres _____

Transfer No. 4994
Page 5 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-07098 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 4994 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

! Tax notice

X! Warranty Deed!

Other _____

3. Source of water Springs tributary to American Falls reservoir4. Date of priority 08/02/1969

5. Water is used for the following purpose:

amount 20.0 for Fish propagation purposes from 01-01 to 12-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 20 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SW	NW		30	4S	30E	Bingham	Third Place spring
	NW	SW		30	4S	30E	Bingham	Third Place spring
	SW	SW	NW	30	4S	33E	BINGHAM	Two wells(to be drilled)
	NW	NW	SW	30	4S	33E	BINGHAM	Two wells(to be drilled)

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4s	33e	30							H			H							

Total acres _____

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

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

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

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

2. Point(s) of Diversion:

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

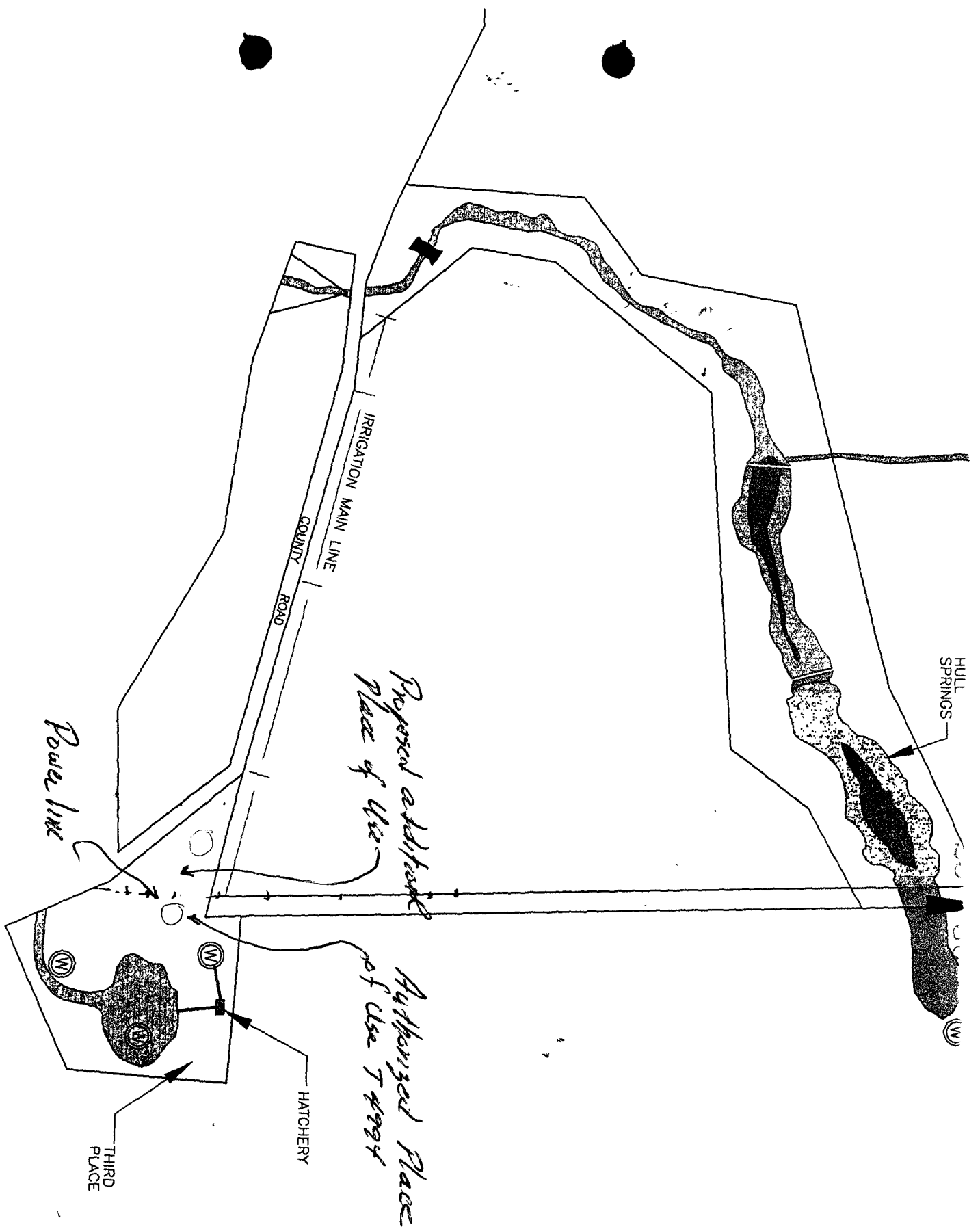
5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

MICROFILMED

JUN 12 1998

Total acres _____



MICROFILMED
JUN 12 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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

See attached portion of USGS Quad sheet and survey map by Harper-Leavitt Engineering Inc.

MICROFILME

JUN 12 1998

PART 3**B. CHANGES IN NATURE OF USE**

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

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

Entire flow from springs and wells discharges into Americean Falls reservoir

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

There are no diversions downstream of this facility and no change in net use will occur. The only change from the rights as described in Transfer 4994 will be the change of one point of diversion from the SWSWNW Section 30 T4S R33E to SESENE Section 25 T4S R32E, a distance of about 150 feet.

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

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

Subscribed and sworn to before me this

5th day of February, 19 98
Hugang R. Sanchez
 (Signature of Applicant) ~~TRANSFER~~

Cynthia L. Parrish-Jones
 (Notary Public)

My commission expires

July 27, 2003**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by HWT Date 2-9-98

Protest filed by _____

Prelim. check by _____ Fee \$100⁰⁰Received by HWT #E023883 Date 2-9-98Published in Morning News

Copies of protest forwarded by _____

Pub. dates Mar 12 & 19, 1998

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☒ Approval ☐ Denial

_____ rec'd.

by PDC

Copy of transfer sent to lien holder _____

MICROFILM
JUN 12 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4994
WATER RIGHT NO(S). 35-07097/35-07098

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

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-07097 :			
FISH PROPAGATION	01/01 to 12/31	4.00 CFS	
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
Priority: 09/30/1969			
Right No. 35-07098 :			
FISH PROPAGATION	01/01 to 12/31	20.00 CFS	
Priority: 08/02/1969			
TOTAL:		* 24.00 CFS	** 1.2 AF

SOURCE

GROUNDWATER
SPRINGS

SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 30, Township 04S, Range 33E
SWSWNW , Sec. 30, Township 04S, Range 33E
NWSW , Sec. 30, Township 04S, Range 33E
NWNWSW , Sec. 30, Township 04S, Range 33E
BINGHAM County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

04S 33E 30

SWNW

NWSW

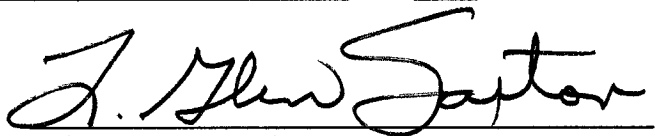
PLACE OF USE: DOMESTIC, same as FISH PROPAGATION use

TRANSFER NO. 4994
WATER RIGHT NO(S). 35-07097/35-07098

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this transfer will be regulated by the watermaster of State Water District No. 01.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 6. The total instantaneous diversion of water from all points of diversion under Transfer No. 4994 shall not exceed 24.00 cfs.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
8. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
- ** 9. Right Nos. 35-07097 and 35-07098 are limited to historic facility and diversion volumes as determined by the Snake River Basin Adjudication.
10. Multiple springs are located within SWSWNW and NWNWSW of S30, T04S, R33E.
11. Four wells are located within the SWNW and three wells are located within NWSW of S30, T04S, R33E.

Dated this 23rd day of April, 1997.


Chief, Water Alloc. Bureau

Page 1 of 8

STATE OF IDAHO

Transfer No. 4994

RECEIVED

DEPARTMENT OF WATER RESOURCES

MAR 3 1 1997

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Department of Water Resources
Name of applicant North Fork Energy Inc Phone 208-328 2306
Post Office address P.O. Box 5405 Boise, ID 83705

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point (S) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To add existing and new artesian well points of diversion to restore original discharge rates

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

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|-------------------|--------------------|----------------------------------|------------------------------|
| <u>35-07097</u> | <u>09/30/1969</u> | <u>4.00</u> | <u>Fish Prop. & Domestic</u> | <u>01-01</u> to <u>12-31</u> |
| <u>35-07098</u> | <u>08/02/1969</u> | <u>20.00</u> | <u>Fish prop.</u> | <u>01-01</u> to <u>12-31</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 24.0 cubic feet per second and/or 1.2(domestic) acre-feet per annum.
3. Source of water Springs and artesian wells tributary to American Falls reservoir
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SW	SW	NW	30	4S	33E	BINGHAM	Springs & Two wells(existing)
	NW	NW	SW	30	4S	33E	BINGHAM	Springs & One well (existing)
	SW	SW	NW	30	4S	33E	BINGHAM	Two wells(to be drilled) NEW✓
	NW	NW	SW	30	4S	33E	BINGHAM	Two wells(to be drilled) NEW✓

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4S	33E	30							H			H							

Total acres _____

PART 1

6. General Information:

a. Description of diversion system _____ Springs and artesian wells. Flow from springs and wells is or will be piped to the head

of raceways. Discharge from raceways flows down to American Falls Reservoir

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

contracts?

No _____

Yes _____

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

d. Remarks:

Additional points of diversion are necessary to provide flexibility to the water supply system for the fish facility and to

restore discharge to licensed amounts.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

RECEIVED

MAR 31 1997

A. DESCRIPTION OF RIGHT AS RECORDED

Department of Water Resources

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-07097 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice

☒ Warranty Deed

☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date of priority 09/30/1969

5. Water is used for the following purpose:

amount 4.00 for Fish propagation purposes from 01-01 to 12-31
(cfs/ac-ft)
amount 0.04 for Domestic purposes from 01-01 to 12-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.00 cubic feet per second and/or 1.2(domestic) acre-feet per annum

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SW	NW		30	4S	33E	Bingham	Third place spring and wells
	NW	SW		30	4S	33E	Bingham	Third place spring and wells

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4s	33e	30							H			H							

Total acres _____

9. Describe any other water rights used for the same purpose as described above 35-07098

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

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

- | | | | | |
|----|-------------|-----|---------------|----|
| 1. | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

[illegible]

Total acres

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

- | | | | | |
|----|-------------|-----|---------------|----|
| 1. | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |
| | amount | for | purposes from | to |
| | (cfs/ac-ft) | | | |

2. Point(s) of Diversion:

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

5. Lands irrigated or place of use:

[illegible]

Total acres

Transfer No. 4994
Page 5 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-07098 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

! Tax notice

X! Warranty Deed!

Other _____

3. Source of water Springs tributary to American Falls reservoir4. Date of priority 08/02/1969

5. Water is used for the following purpose:

amount 20.0 cfs for Fish propagation purposes from 01-01 to 12-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 20 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SW	NW		30	4S	30E	Bingham	Third Place spring
	NW	SW		30	4S	30E	Bingham	Third Place spring

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4s	33e	30							H			H							

Total acres _____

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

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

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

- | | | | | | |
|----|-------------|-----|---------------|----|-------------|
| 1. | amount | for | purposes from | to | amount |
| | (cfs/ac-ft) | | | | (cfs/ac-ft) |
| | amount | for | purposes from | to | amount |
| | (cfs/ac-ft) | | | | (cfs/ac-ft) |
| | amount | for | purposes from | to | amount |
| | (cfs/ac-ft) | | | | (cfs/ac-ft) |

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

[illegible]

Total acres

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

- | | | | | |
|----|--------|-----|---------------|----|
| 1. | amount | for | purposes from | to |
| | amount | for | purposes from | to |
| | amount | for | purposes from | to |

2. Point(s) of Diversion:

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

5. Lands irrigated or place of use:

[illegible]

Total acres

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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

See attached portion of USGS Quad sheet and survey map by Harper-Leavitt Engineering Inc.

PART 3**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

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

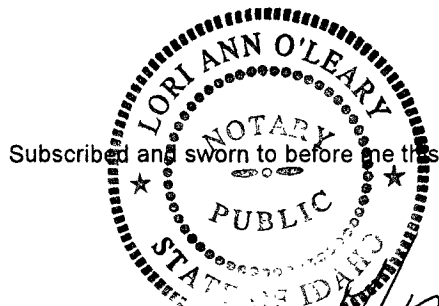
Entire flow from springs and wells discharges into American Falls reservoir

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

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

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

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



Subscribed and sworn to before me this

My commission expires

NORTH FORK ENERGY, INC.Gugony R. Lanchbury TREASURER

(Signature of Applicant)

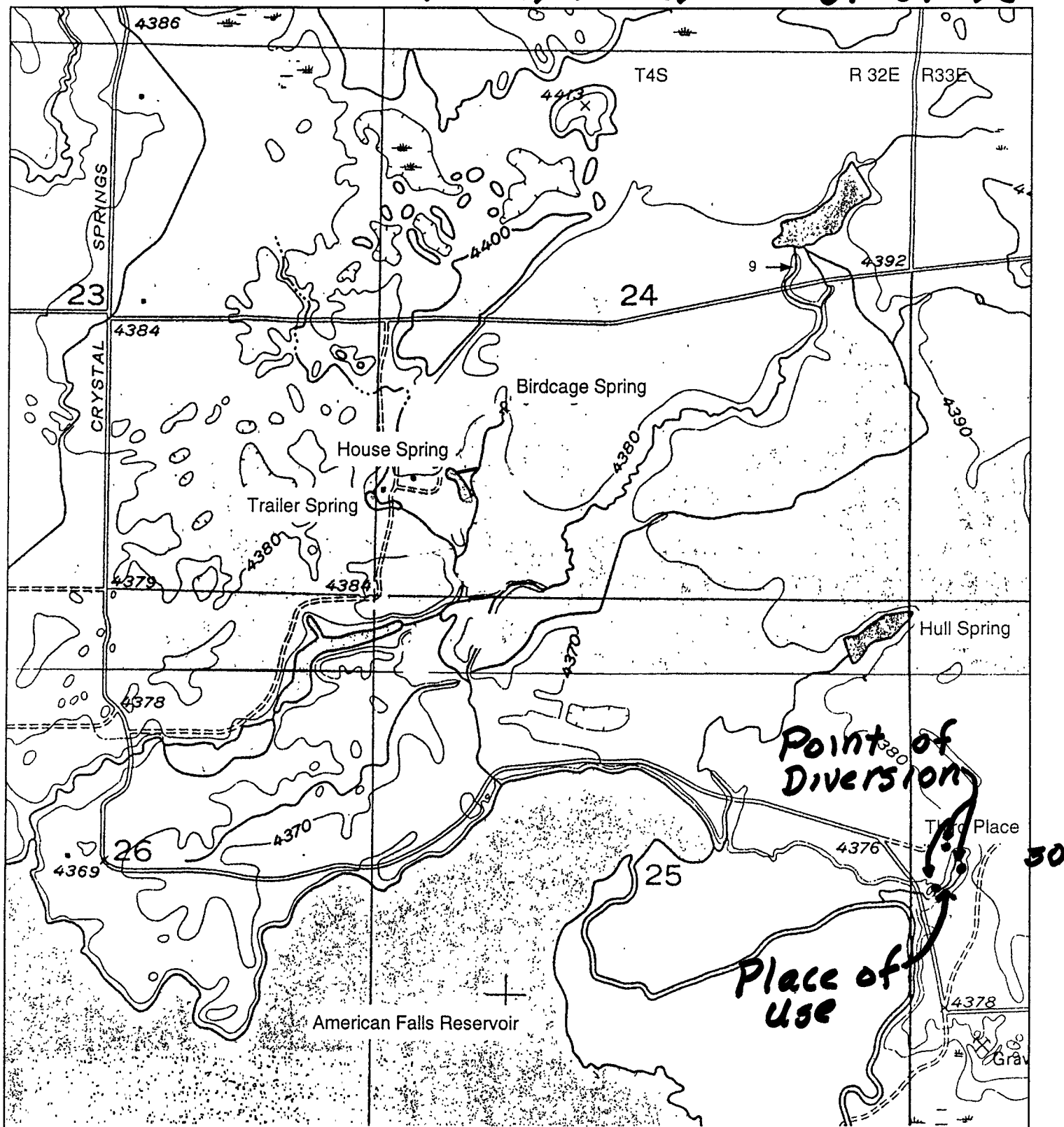
2nd day of December, 19 96[Signature]

(Notary Public)

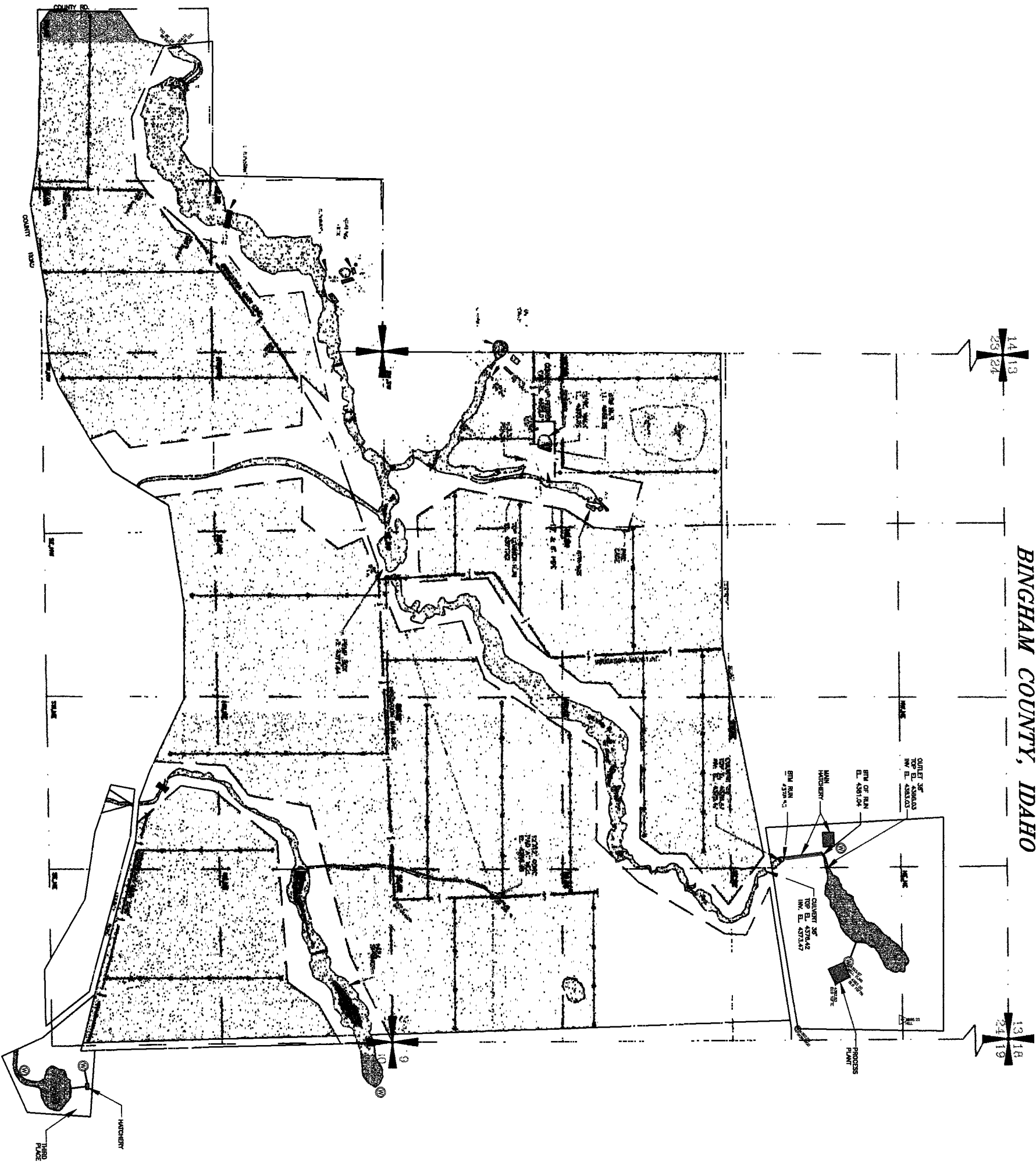
FOR DEPARTMENT USE ONLYTransfer contains 8 pages and 5 attachmentsReceived by Jo Date 12-4-96 Protest filed by _____Prelim. check by _____ Fee 100.00Receipted by HWT #E022813 Date 12-11-96Published in Morning News and statewide Copies of protest forwarded by _____Pub. dates January 30 & February 6, 1997 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for Approval ! Denial_____ rec'd. _____ by KDC

Copy of transfer sent to lien holder _____

NORTH FORK ENERGY - CRYSTAL SPRINGS 37-07097-37-07098



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



445327

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO

PLEASE RECORD AND RETURN TO:
Richard D. Heaton
PO Box 5405
Boise ID 83705

FEE 1500 REC SDP

96 JUN 27 AM 11:04

RECORDED AT THE REQUEST OF
North Fork Energy

MAIL TAX STATEMENTS TO:
NORTH FORK ENERGY, INC.
P.O. Box 5405
Boise, Idaho 83705

WARRANTY DEED

For Value Received **WESTERN STAR FARMS, INC.**, an Idaho corporation, the Grantor, does hereby grant, bargain, sell and convey unto **NORTH FORK ENERGY, INC.**, an Idaho corporation, the Grantee, whose address is 4414 S. Gekeler Lane, Boise, Idaho 83705 the following described premises, in BINGHAM COUNTY, IDAHO more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. The Grantor does hereby covenant to and with the Grantee that they are the owner in fee simple of said premises; that it is free from all encumbrances except current year's taxes, levies, and assessments, and except restrictions, reservations and easements of record and easements visible upon the premises, and that it will warrant and defend the same from all lawful claims whatsoever.

DATED: April 25, 1996

GRANTOR:

WESTERN STAR FARMS, INC.

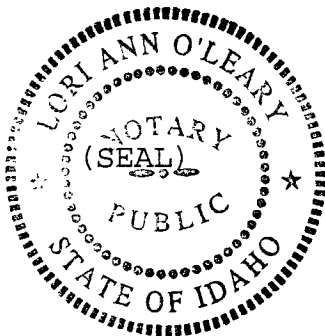
By:

Charles B. Beymer
Charles B. Beymer, President

STATE OF IDAHO)
County of ADA) ss

On this 25th day of April, 1996, before me, the undersigned Notary Public for the state of Idaho, personally appeared Charles B. Beymer, President of **WESTERN STAR FARMS, INC.**, the corporation which executed the foregoing document, known to me or identified to me to be the person whose name is subscribed to the foregoing, and acknowledged to me that he executed the same for and on behalf of the corporation and in its name.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



[Signature]
Notary Public for the state of Idaho

Residing at: Boss, Idaho

My commission expires: 7/17/2001

EXHIBIT A

THAT PORTION OF THE FOLLOWING LEGAL DESCRIPTION

PARCEL I:

Part of the NE¼ of Section 24, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as:

Beginning at a point on the West line of a county road that is S 0°13'14" W 1001.26 feet along the section line and N 89°40'08" W 57.90 feet from the Northeast corner of said Section 24 and running thence S 1°11'42" W 1128.14 feet along said West line to the North line of a county road; thence S 80°53'08" W 813.33 feet along said North line; thence S 81°36'36" W 753.22 feet along said North line; thence N 2°55'53" W 1377.93 feet; thence S 89°40'08" E 1642.24 feet to the point of beginning.

PARCEL II:

Part of Section 24, 25 and 26, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as:

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

PARCEL IIA:

Part of Section 25, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as:

Beginning at a point on the Southerly line of a county road that is S 88°51'23" W 104.34 feet from the East ¼ corner of said Section 25 and

EXHIBIT A (Continued)

running thence S 88°51'23" W 435.46 feet along the monumented American Falls Reservoir right-of-way line; thence N 59°21'28" W 624.41 feet along said right-of-way line; thence leaving said right-of-way line N 81°25'15" W 525.11 feet; thence N 70°36'20" W 384.05 feet along an existing fence line; thence N 11°04'21" E 187.45 feet along said fence line to the South line of said county road; thence S 84°13'41" E 354.63 feet along said South line; thence S 74°46'41" E 1242.62 feet along said South line; thence S 38°16'17" E 429.83 feet along said South line to the point of beginning.

PARCEL III:

Part of Section 30, Township 4 South, Range 33 East, Boise Meridian, Bingham County, Idaho, described as:

Beginning at a point that is N 00°04'26" E 377.02 feet along the section line and East 80.90 feet from the West $\frac{1}{4}$ corner of said Section 30 and running thence S 85°45'02" E 511.11 feet; thence S 3°57'29" W 492.04 feet; thence S 65°54'48" W 475.69 feet to the East line of a county road; thence N 23°57'42" W 351.58 feet along said east line; thence N 39°11'07" W 516.08 feet along said East line; thence leaving said East line S 75°50'39" E 443.76 feet; thence N 1°30'06" W 110.13 feet to the point of beginning.

EXCEPT: Beginning at the Northwest corner of Lot 3, in Section 30, Township 4 South, Range 33 East, Boise Meridian, Bingham County, Idaho; thence S 13°40 $\frac{1}{2}$ ' E 584.6 feet to a point, thence S 0°25 $\frac{1}{2}$ ' E 545.3 feet to a point, thence S 31°43' W 260 feet, more or less, to the Southwest corner of said Lot 3, thence N 0°14 $\frac{1}{2}$ ' W along the West line of said Lot 3, 1335.1 feet, more or less, to the Point of Beginning.

Lying within the bounds of Sections 24, 30 and the following described legal:

Section 25:

N $\frac{1}{2}$ N $\frac{1}{2}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$; ALSO: Beginning at the Southeast corner of NE $\frac{1}{4}$ of said Section; thence N 0°07' W 1336.4 feet, more or less, to the Northeast corner of the S $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section; thence S 89°40' W along the North line of Said S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section, 3945.4 feet, more or less, to the Northwest corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence S 0°10' W along the West line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, 403.5 feet to a point; thence N 79°12 $\frac{1}{2}$ ' E 688.8 feet to a point, thence N 87°28 $\frac{1}{2}$ ' E 651.1 feet to a point; thence S 58°24' E 558.7 feet to a point; thence S 37°22' E 386.5 feet to a point; thence N 35°26' E 250.3 feet to a point; thence S 14°34' E 411.8 feet to a point; thence S 74°21 $\frac{1}{2}$ ' E 299.7 feet to a point; thence N 67°11 $\frac{1}{2}$ ' E 391.3 feet to a point; thence S 55°55' E 616.5 feet, more or less, to the South line of said S $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 25; thence N 89°50' E along said South line of said S $\frac{1}{2}$ NE $\frac{1}{4}$, 503.3 feet, more or less, to the Point of Beginning.

SECTION 26:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, and commencing at the Southeast corner of the NE $\frac{1}{4}$ of Section 26, thence West 160 rods; thence North 67 rods; thence East 13 rods; thence North 13 rods; thence East 147 rods; thence South 80 rods to the Point of Beginning.

EXHIBIT A (Continued)

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

TRACT A: A tract of land in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, more particularly described as follows: Beginning at a point on the West line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ that is N 0°04' W 681.8 feet from the Southwest corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence N 0°04' W along the West line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ 429.8 feet to a point; thence N 81°48' E 297.5 feet to a point; thence N 49°25' E 288.2 feet to a point; thence S 43°48' E 166.2 feet to a point; thence S 49°19' W 828.0 feet, more or less, to the Point of Beginning.

TRACT B: A tract in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, more particularly described as follows: Beginning at the Quarter corner between Sections 25 and 26, thence S 89°13 $\frac{1}{2}$ ' W along the South line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, 392.1 feet to a point; thence N 73°40' E 408.5 feet to a point; thence N 69°41' E 349.7 feet to a point; thence S 40°48' W 304.7 feet, more or less, to the South line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25; thence S 89°51' W along the said South line of SW $\frac{1}{4}$ NW $\frac{1}{4}$ 128.7 feet, more or less, to the Point of Beginning.

TRACT C: A tract of land in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, more particularly described as follows: Beginning at the Southeast corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence S 89°51' W along the South line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ 1070.9 feet to a point; thence N 55°49' E 981.5 feet to a point; thence N 35°09 $\frac{1}{2}$ ' E 455.4 feet, more or less, to a point on the East line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, thence S 0°12' W along the East line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, 921 feet, more or less, to the Point of Beginning.

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Department of Water Resources
Eastern Region

Spring Discharge Patterns and Groundwater Analysis

Crystal Springs Area

Springfield, Idaho

COPY

Brockway Engineering, PLLC

September 10, 1996

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MAR 14 1997

Introduction

This report presents the results of a groundwater investigation of the Snake River Plain aquifer in the vicinity of Crystal Springs Trout Ranch. The trout facility diverts water from various distinct springs and artesian wells issuing from lowlands just north of American Falls Reservoir approximately two miles south of Springfield, Idaho. After being used in the facility for trout rearing and processing, the water returns to the reservoir via the Crystal drain. A vicinity map is provided in Figure 1, and a map showing the various springs and open channels is given in Figure 2. In addition, a detailed site plan is given in Appendix A, which shows springs, wells, channels, and facilities.

Since approximately the mid-1980s or earlier, spring discharge in the region has been declining, to the point where the full water right of Crystal Springs Trout Ranch cannot be secured and historical production cannot be maintained. Therefore, it is desired to drill an additional well or wells to supplement the existing spring and well discharges.

The purpose of this study is to document discharges and discharge trends at several points from 1989 to the present, and to estimate groundwater table contours and flow lines to determine the impact on the aquifer and the Snake River from additional ground water diversion..

Discharge measurements

Discharge measurements were made at 15 points within the Crystal Springs Ranch water supply and distribution system on four separate occasions. These

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points are denoted on Figure 2. Not all points were measured on all occasions. Descriptions of the measurement locations are given in Table 1, and a summary of all measurements is given in Table 2. Some of the discharges are accumulations of other discharges measured. For example, flow at points 2, 3, and 4 should be nearly equal to the flow at point 5.

Table 1. Discharge measurement names and descriptions

Number	Description
1	Crystal Main at old concrete flume
2	Birdcage Spring channel between inflow from House and Trailer springs
3	House pond outflow
4	Trailer pond outflow
5	House + Trailer + Birdcage, i.e. Birdcage channel below inflow from House pond
6	Hatchery 1 at old concrete structure
7	Third Place
8	Birdcage pipe - bypass from Birdcage channel to House ponds
9	Main Hatchery Spring - east raceway
10	Birdcage channel between House and Trailer inflows
11	Head of Birdcage Spring - not including well inflow
12	"CB" Spring - east of Trailer Ponds
13	Processing plant well
14	Hatchery well
15	Hull Spring and artesian well - at River Road

Most discharges were measured using a propeller-type open-channel velocity meter using the standard USGS flow measurement procedure. At points #8 and #13, flow through a pipe was determined by measuring the velocity in the end of the pipe using a current meter and determining the area of flow in the partially full

pipe. At point #14, the flow was measured with a bucket and stopwatch at an overflow into raceways.

Discharges were measured at approximately the same time each year, to minimize fluctuations due to seasonal effects. Many of the measurements show a decrease over the last 7 years. The Hatchery 1 flow (#6) has decreased 37%, and the Main Crystal flow (#1) has decreased 16%. Flows at these two points are good indicators of the overall pattern of the spring flow, since they represent accumulations of several discharges from the aquifer.

Table 2. Summary of discharge measurements

Number	5/16/89	6/7/89	6/6/90	7/29/96
1	43.14		43.65	36.35
2		3.76	3.16	
3		7.04	6.55	9.42
4		6.90	6.28	8.24
5		17.32	23.01	18.67
6		22.48	19.51	14.22
7		6.29	11.44	12.23
8		0.00	0.77	1.54
9			16.47	13.07
10				9.52
11				1.06
12				1.89
13				2.28
14				0.36
15				1.31

During the 1989 and 1990 measurements, the raceways and ponds were maintained at maximum levels for fish production. During the 1996

measurements, there was no commercial fish production in the raceways or main production ponds so the wetted areas were decreased. Larger flows could be expected in 1996 since bank storage was minimized and seepage areas decreased.

At some of the springs, discharge has increased slightly. Flow from House Spring and Trailer Spring has increased 34% and 19%, respectively. This occurred while Birdcage Spring decreased 56% (the flow from Birdcage Spring was found by adding flows 2 and 8, estimating flow 2 by flow 10 minus flow 3 for the 7/29/96 measurement).

A further verification of the general pattern of spring flow in this region may be found from the USGS gauging station on Spring Creek at Sheepskin Road. Spring Creek is a spring-fed stream running northeast to southwest between the Snake River and Fort Hall. Figure 3 shows monthly and annual average flow rates since the gauge was installed in 1980. The pattern clearly shows a peak in 1985, followed by a general downward trend. The periods 1989 - 90 and 1993 - 1995 were periods of recovery, but in general the trend has been downward. Although no known measurements of the Crystal Springs Trout Ranch discharges were made before 1989, they have most likely followed a similar pattern.

The USGS measured and reported daily flows of Crystal Waste Nr. Springfield (Station Number: 13069532) for the period April 1985 through February 1988. This record as shown in Figure 4 is not sufficient to determine a long term trend; however, it appears to show a decline over the period of record.

Groundwater flow analysis

To determine the impact on the aquifer of the construction of an additional artesian well or wells on the site, an analysis of the water table north of American Falls Reservoir was performed. The study area encompasses the entire Crystal Springs site, as shown on Figure 5. Well logs were obtained from microfiche on file with the Idaho Department of Water Resources. The locations of these 21 well logs with respect to the springs and the reservoir are shown on Figure 5. Each grid on this figure represents one 40-acre quarter-section.

Water table information at each well location was estimated by the driller's reported depth to water at the time of drilling. Ground surface elevations for each well were estimated from contour lines on a 7.5-minute USGS quadrangle map. The groundwater elevation was then found by subtracting the depth to water from the estimated ground elevation. Because driller's estimates are often inaccurate, and because the wells were drilled in different years and at different times of the year, some water level data may be inconsistent with the surrounding data. One water table estimate was found to be inconsistent; it was excluded from the analysis. Logs for three artesian wells in this area are on record. The potentiometric surface for an artesian well will be above the ground elevation by some distance. However, the shut-off head was not reported on driller's logs so it is not possible to determine this distance. These three wells were also excluded from the analysis.

Based on the remaining 17 wells, groundwater contours were created using the Surfer contouring package. The resulting groundwater flow pattern is given in Figure 6. Both the water table contour lines and the flow lines are shown. The flow lines indicate the direction of groundwater flow. Within the Crystal Springs Trout Ranch site, the groundwater flow is directly toward the reservoir. Water withdrawn from a well would not impact groundwater users west of the site.

The computed flow directions are consistent with the general flow patterns in the Eastern Snake Plain Aquifer as depicted by the U.S. Geological Survey. Figure 7 is a photocopy of a portion of the map depicted on Hydrologic Information Atlas HA 703 (1988) which shows the water table contours on the Eastern Snake Plain Aquifer during Spring 1980. The area of the Crystal Springs Ranch study is outlined on Figure 7.

Conclusions

Spring flows and artesian well flows which comprise the ground water diversions for fish production on the Crystal Springs Trout Ranch have declined over the last seven years and probably have been declining since a peak in 1985.

The combined discharges utilized by the Crystal Springs Trout Ranch measured in 1989, 1990 and 1996 are below licensed discharges. Diversions could be increased to licensed amounts historically diverted by construction of a strategically located artesian well or wells.

The direction of ground water flow from the Crystal Springs Trout Ranch is toward and into American Falls Reservoir.

Surface flow from all of the Crystal Springs Ranch diversions for fish production returns to the Snake River (American Falls Reservoir) in Section 26 T4S R32E through the Crystal Waste or directly into the reservoir from the Third Place spring channel.

Enhancement of non-consumptive diversions from the aquifer adjacent to the reservoir to historical diversion rates from springs and wells will not change the net historical flow into the reservoir.

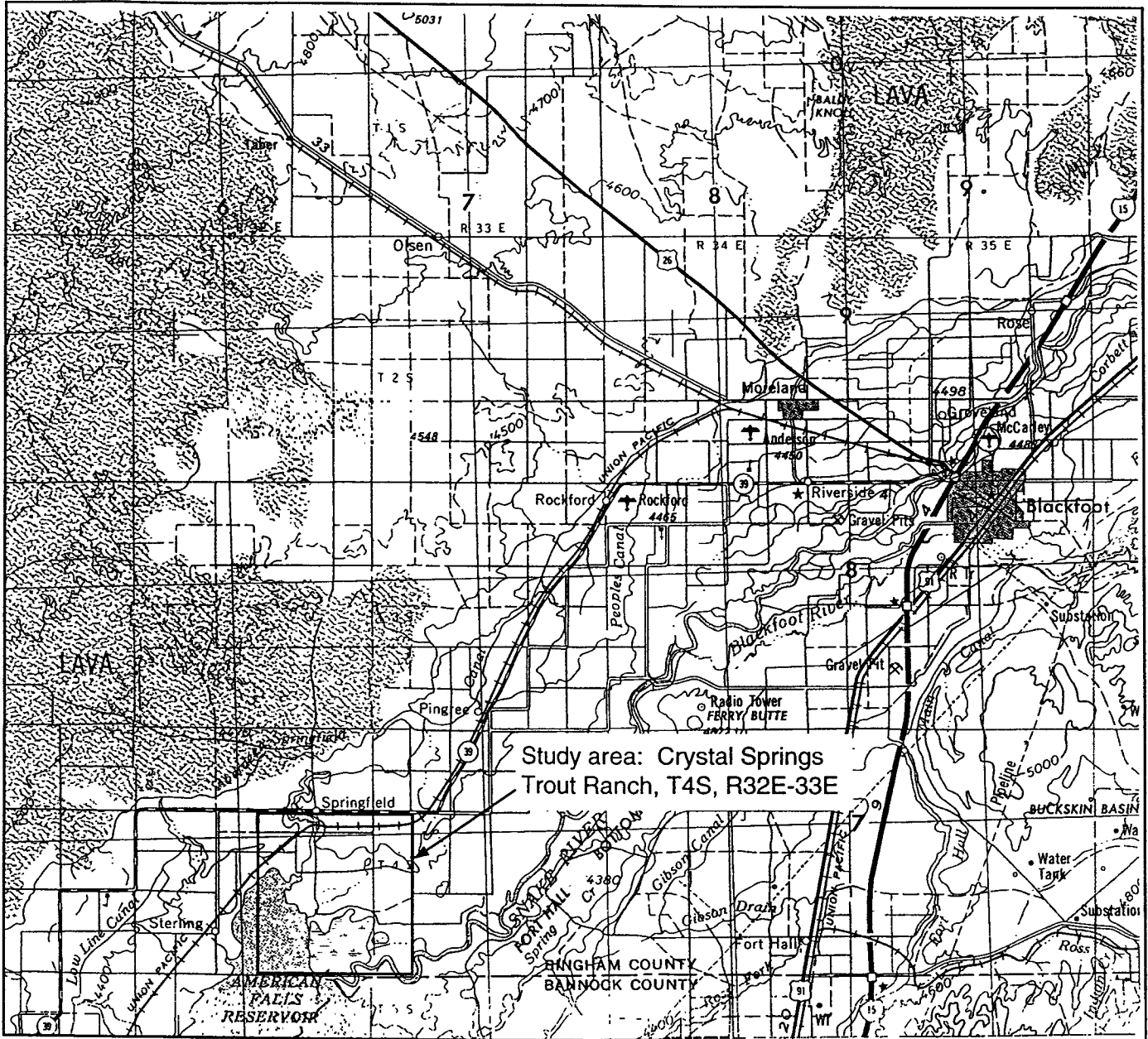


Figure 1. Vicinity map.

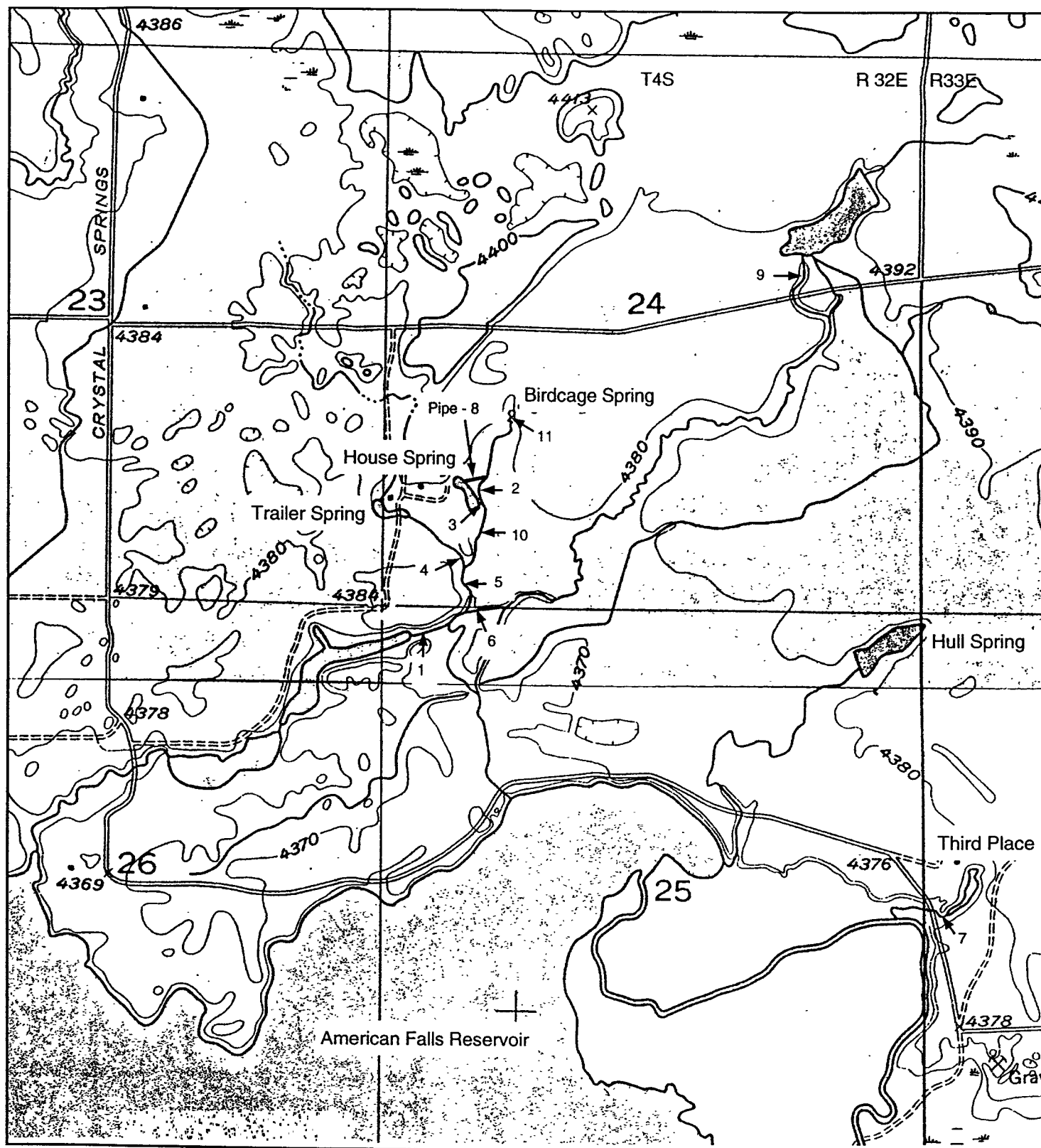


Figure 2. Site plan showing springs and measurement locations.

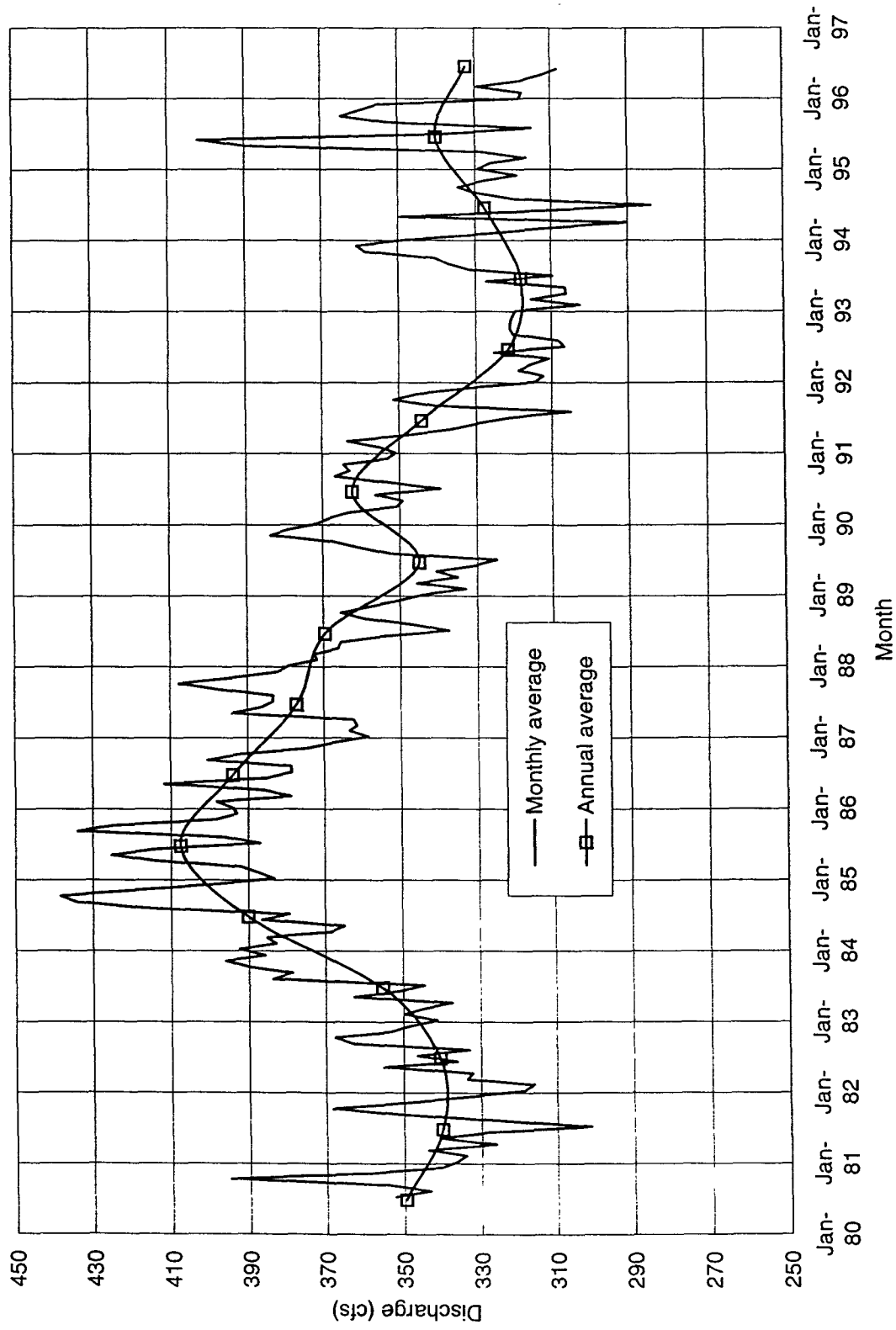


Figure 3. Observed monthly and annual flow in Spring Creek at Sheepskin Road (USGS station 13075983).

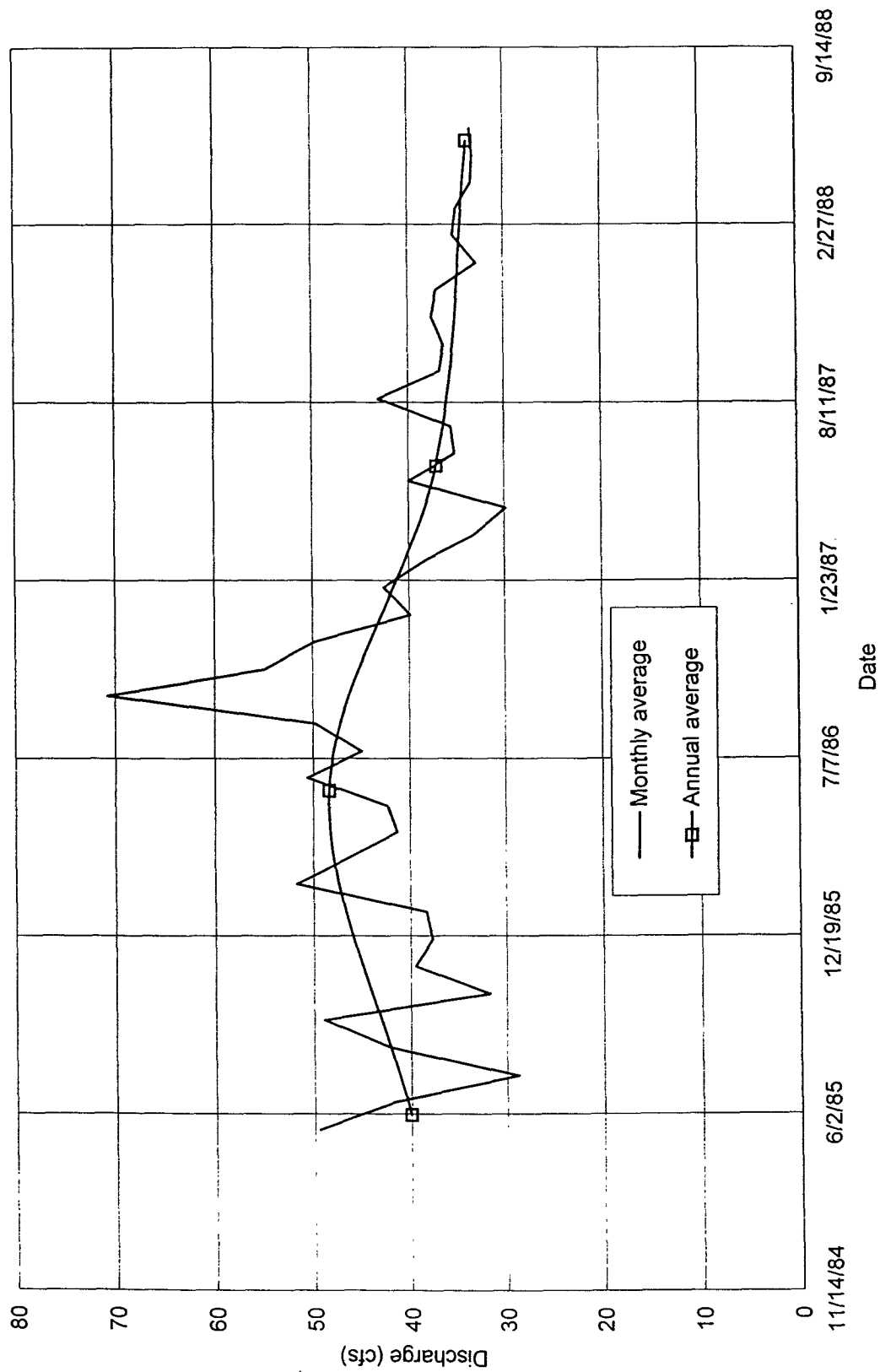


Figure 4. Observed monthly and annual flow in Crystal Waste (USGS station 13069532)

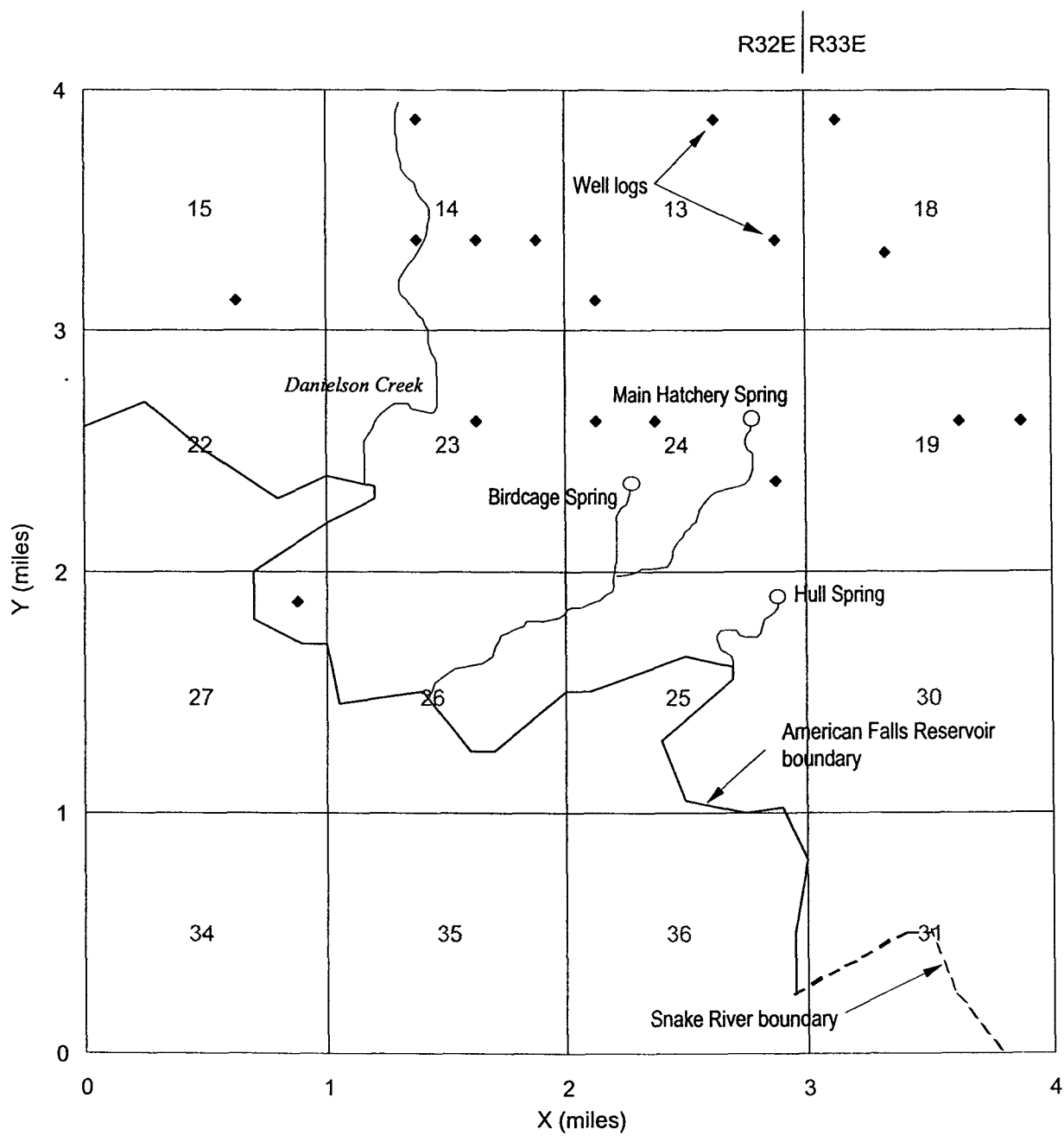


Figure 5. Study area showing major springs and streams, the locations of driller's logs used to estimate aquifer flow patterns, and the constant-elevation boundaries formed by the reservoir and the Snake River.

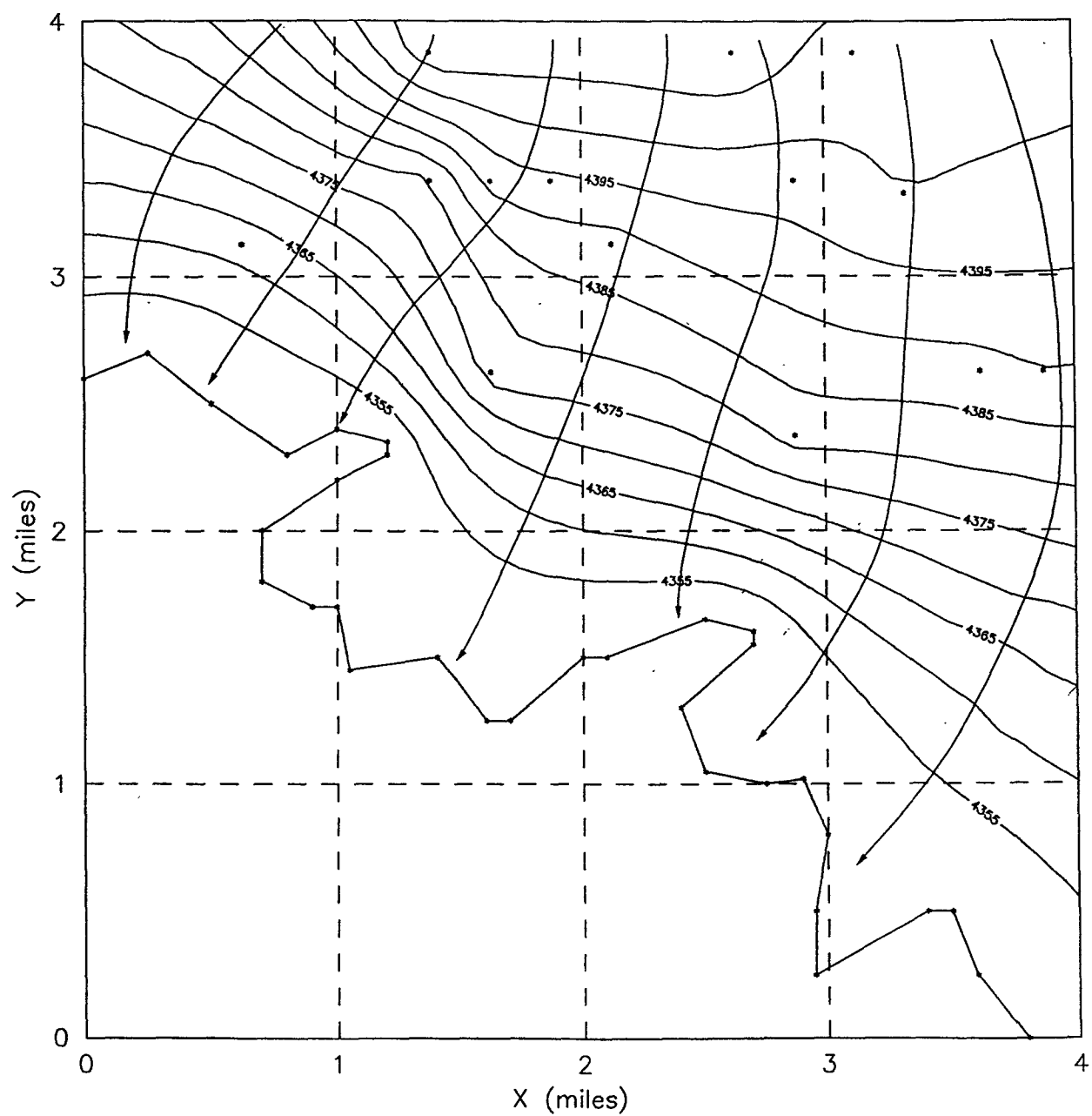


Figure 6. Estimated groundwater contour lines and flow paths.

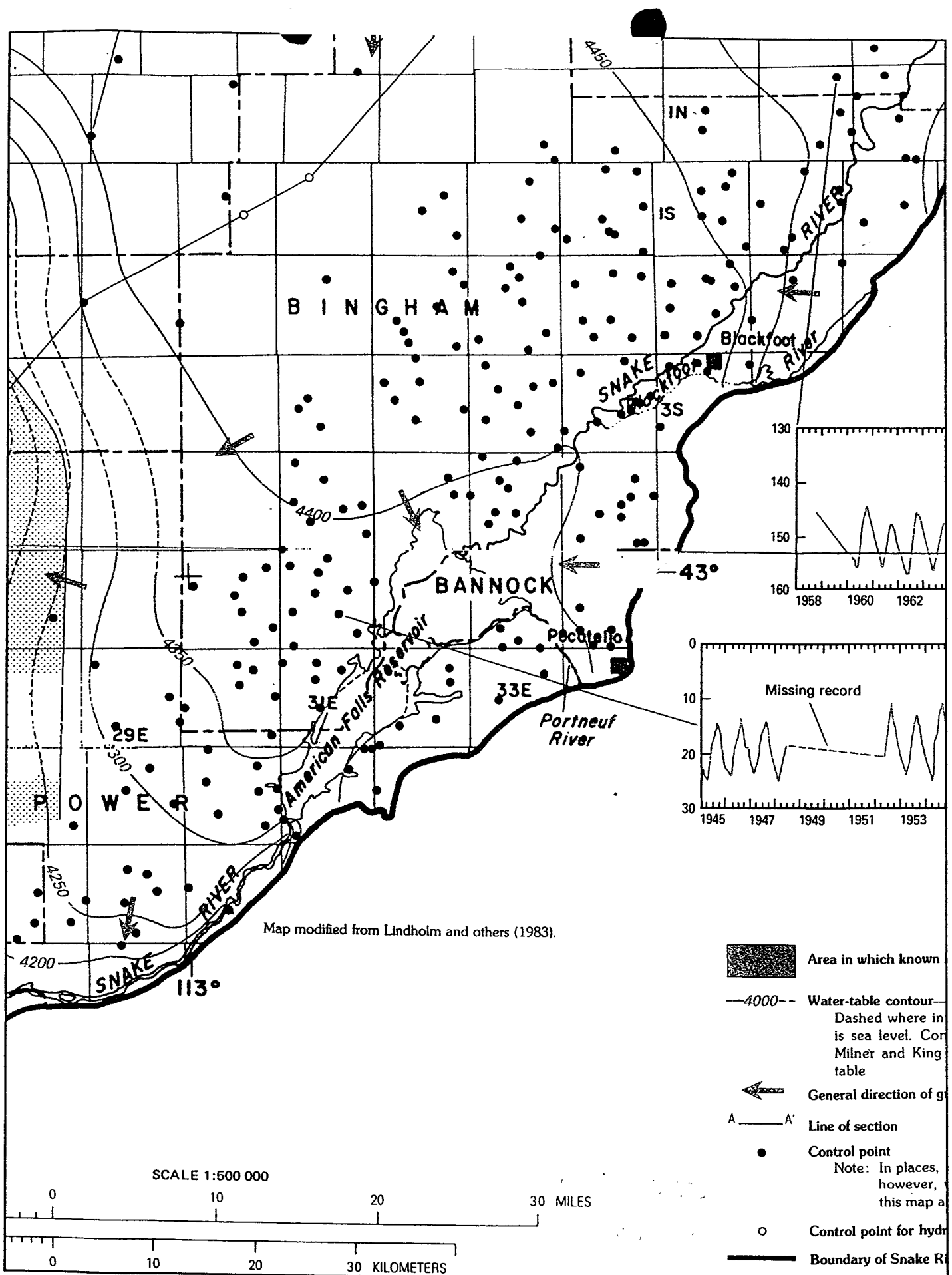
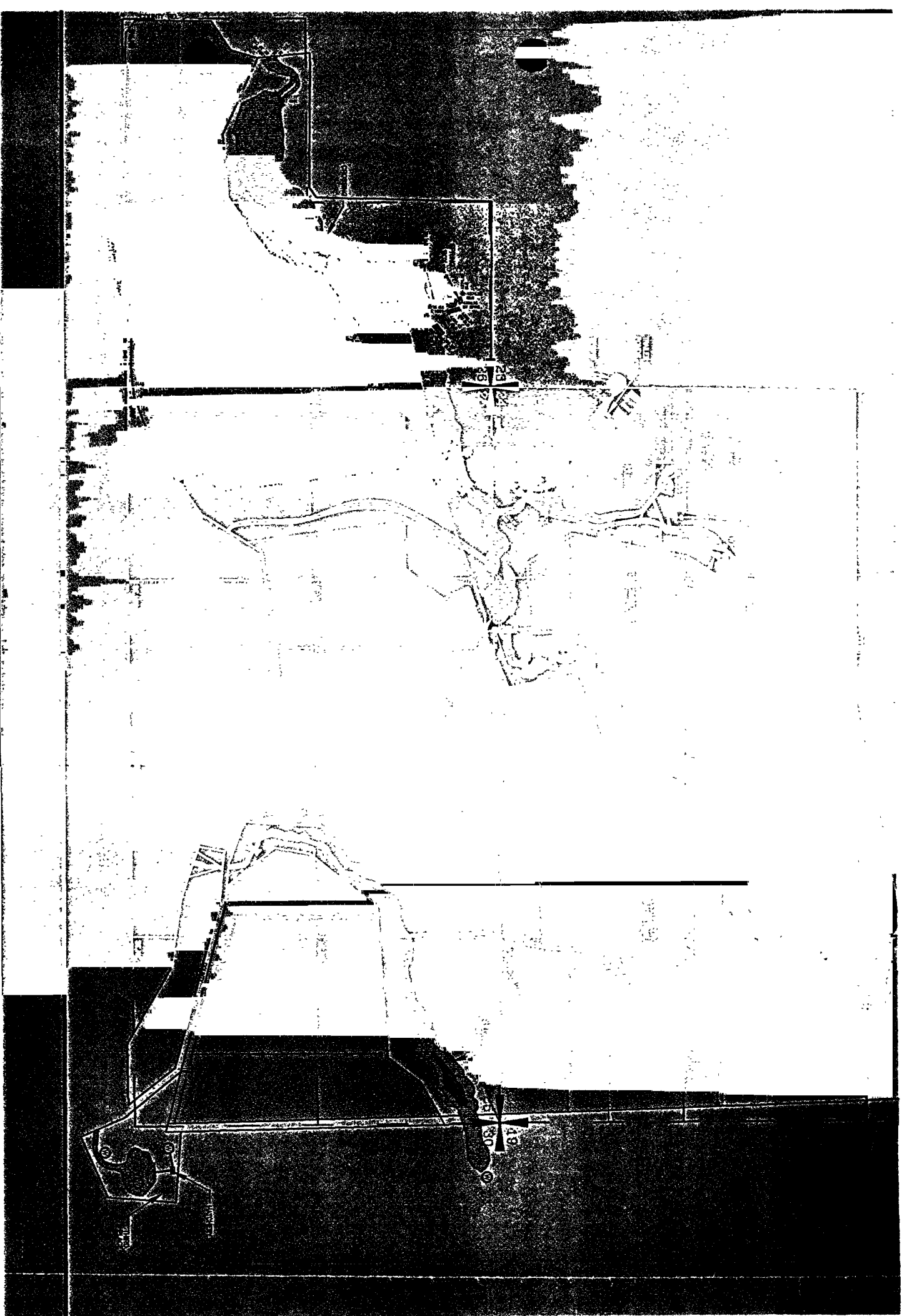


Figure 7. A portion of USGS map HA 703 showing water table contours in Spring 1980 for the Eastern Snake Plain Aquifer.

APPENDIX A



Narrative in Support of Water Right Transfers
North Fork Energy Inc.
C.E. Brockway PhD P.E.

Three water right transfers submitted by North Fork Energy Inc were intended to accomplish two objectives:

1. To provide additional diversion points in order to restore original licensed or claimed discharges from springs and artesian wells
2. Document the historical and current places of use established since the commencement of fish propagation in 1945

Spring and artesian well flows have been decreasing since at least the early 1980's based on measured flows of indicator springs in the area. A 1996 hydrologic report by Brockway Engineering entitled Spring Discharge Patterns and Groundwater Analysis-Crystal Springs Area -Springfield, Idaho documents the groundwater flow patterns in the area and current and the historical flows of indicator springs. A copy of that report is attached. Water measurements of springs and wells and the total flow in Boom Creek(historical local name for Crystal Springs drainage) indicate that flows are below historical flows and lower than licensed discharges. The report also indicates that the non-consumptive water supply can be increased by strategically located artesian wells without decreasing the net historical gain to American Falls Reservoir.

The three transfers address decreasing flows and necessary changes in place of use for three production areas for the facility. The home place which includes hatchery 1, raceways, and the processing plant involves the original spring and two artesian wells covered under two licensed ground water rights and a statutory claim. The second area is a series of springs and one artesian well referred to locally as Bird Cage, House, and Trailer springs. This area involves one beneficial use claim and includes raceways and earthen ponds. Discharge from the home place and the Bird Cage complex flow together into Boom Creek where they have been used in earthen ponds and raceways before discharging to American Falls Reservoir.

The third area is locally called Third Place and involves two licenses including springs and three artesian wells serving a hatchery and raceways and domestic water. Water from this site flows directly into American Falls Reservoir.

Water supplies at all three production sites are below historical and/or licensed flows and the transfers involve additional planned well sites for restoration of the flows.

State of Idaho
Department of Water Resources

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FEB 19 1982

ASSIGNMENT OF PERMIT

Department of Water Resources
Eastern District Office

I, Houghland Farms, Inc., hereby assign to Aetna Life Insurance Company
of 151 Farmington Avenue, Hartford, Connecticut, 06156.
Address

CHECK ONE

- ☒ All my right, title, and interest in and to Permit No. 35-7097
to appropriate the public waters of the State of Idaho.
This assignment is given as security for a loan in connection with
a mortgage upon the land to which the water is appurtenant.
☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

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

Made this 22nd day of March, 19 79.

Houghland Farms Inc
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Bingham) ss.

On this 22nd day of March, 19 79, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Dwight E. Baker
Notary Public residing at
Idaho Falls

My commission expires:
12-3-79

MICROFILMED
MAY 20 1987

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

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

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

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Fish			
Propagation	from <u>January 1</u> to <u>December 31</u>	at <u>4.0</u> cfs and <u>N/A</u>	
Domestic	from <u>January 1</u> to <u>December 31</u>	at <u>.04</u> cfs and <u>1.2 acre feet</u>	
	from _____ to _____	at _____ cfs and _____	

(both dates inclusive)

Subject, however, to the condition that no more than 4.00 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
N/A acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30,
Twp. 4S, Rge. 33E, B.M. in the County of Bingham

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4S	33E	30						X			X								

Total number of acres irrigated _____

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

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

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

Director

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 35-7097

IN THE NAME OF HOUGHLAND FARMS

ORDER OF REINSTATEMENT

WHEREAS, on August 22, 1969, Houghland Farms applied to the Department of Water Resources (formerly the Department of Reclamation) for a permit to appropriate 4.00 cubic feet per second of groundwater to be diverted from within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, Twp. 4S, Rge. 33E, B.M., Bingham County, to be used for fish propagation and domestic purposes; and,

WHEREAS, on January 15, 1971, the Department approved said application and issued Permit No. 35-7097 with the conditions that application of water to beneficial use and proof of construction of works be submitted to the Department on or before January 1, 1976; and,

WHEREAS, on October 31, 1975, the Department notified the permit holders by certified mail that proof of beneficial use was due and instructed the permit holders as to the steps to be taken to make said proof; and

WHEREAS, on January 7, 1976, the Department notified the permit holders that Permit No. 35-7097 had lapsed for failure to submit proof of beneficial use of water; and,

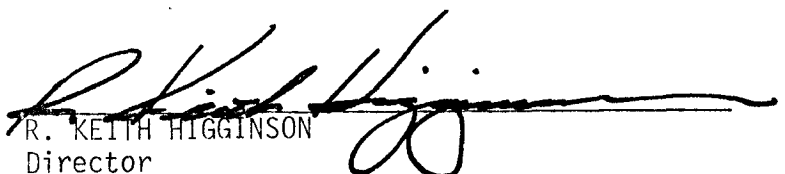
WHEREAS, on February 9, 1976, the Department received the required proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

WHEREAS, the permit holders have provided a reasonable showing as to why said permit should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 35-7097 be REINSTATED and the priority advanced to September 30, 1969.

Dated this 14 day of February, 1976.


R. KEITH HIGGINSON
Director

Identification No. 35-7097
Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

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

APPROVED

1. Name of applicant Houghland Farms
post office address Springfield, Idaho 83277
2. Source of water supply Groundwater which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30 Township 4S
Range 33E B.M. Bingham County; additional points of diversion if any: _____
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, T. 4S, R. 33E, B.M.
- b. If water is not consumed, it will be discharged into Channel of Am. Falls Res. _____ at a point in NW $\frac{1}{4}$
of SW $\frac{1}{4}$ of Section 30 Township 4S Range 33E B.M. Bingham
4. Water will be used for the following purposes:
Amount 4.0 for Fish prop. purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .04 for domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 4.00 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Drilled wells, pumps, motors, pipe

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 8 inches; proposed depth of well is 165 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 \$ 4,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SW NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30 Township 4S
Range 33E 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 two.
(5) If water is to be used for other purposes describe: Fish propagation.

35 7097

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no text or other markings on the paper.

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

Applicant

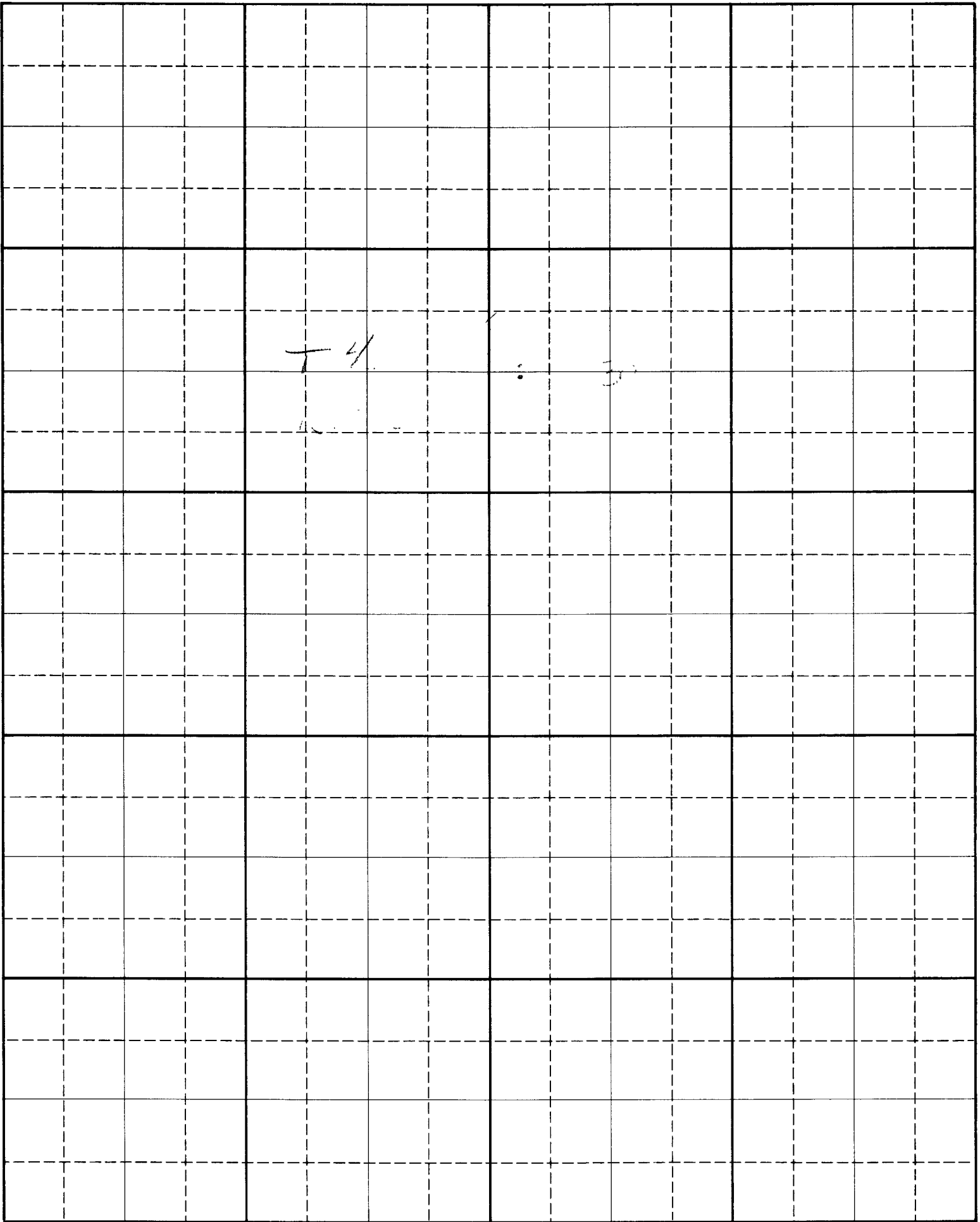
None

Abstract

TOTALS

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

11. Map of proposed project:



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.


(Applicant)

Received by Mr. [Signature] Date 8-22-69 Time 3:15 PM
Preliminary check by Mr. [Signature] Fee \$ 35.00
Receipted by Mr. [Signature] Date 8-22-69
Publication prepared by Mr. [Signature] Date 9-1-69
Published in Idaho State Engineer
Publication dates 9-1-69 to 9-15-69
Publication approved Mr. [Signature] Date 9-19-69
Priority reduced to _____ Reason _____

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by Mr. [Signature]

APPROVED

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-7097, 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 January 1, 19 76.

c. Other: The permit holder shall permanently install and maintain as part of the diverting works measuring devices of a type approved by the department.

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

Witness my hand this 15th day of January, 19 71.

[Signature]
State Reclamation Engineer

STAFF ANALYSIS

COMMENTS: See comment for 35-7098

Applied:	Qty. _____	Use _____	Period _____	AF/A _____	AF _____
	Qty. _____	Use _____	Period _____	AF/A _____	AF _____
	Qty. _____	Use _____	Period _____	AF/A _____	AF _____
Maximum:	Qty. _____	Use _____	Period _____	AF/A _____	AF _____
	Qty. _____	Use _____	Period _____	AF/A _____	AF _____
	Qty. _____	Use _____	Period _____	AF/A _____	AF _____

ACTION: Approved _____ Denied _____

Conditions of approval or reason for denial: _____

ENGINEERING

By

Title

Date _____

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

ss.

I, Drury R. Brown do solemnly

swear that I am the publisher of The Blackfoot News which is a daily newspaper of general circulation published each day except Saturday and 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 11th day of September, 1969,

and the last publication having been made on the

18th day of Sept., 1969; 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.

Drury R. Brown

Subscribed and sworn to before me this 18th

day of September, 1969.

Raye Dayton

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho

My commission expires
~~June 1, 1969~~

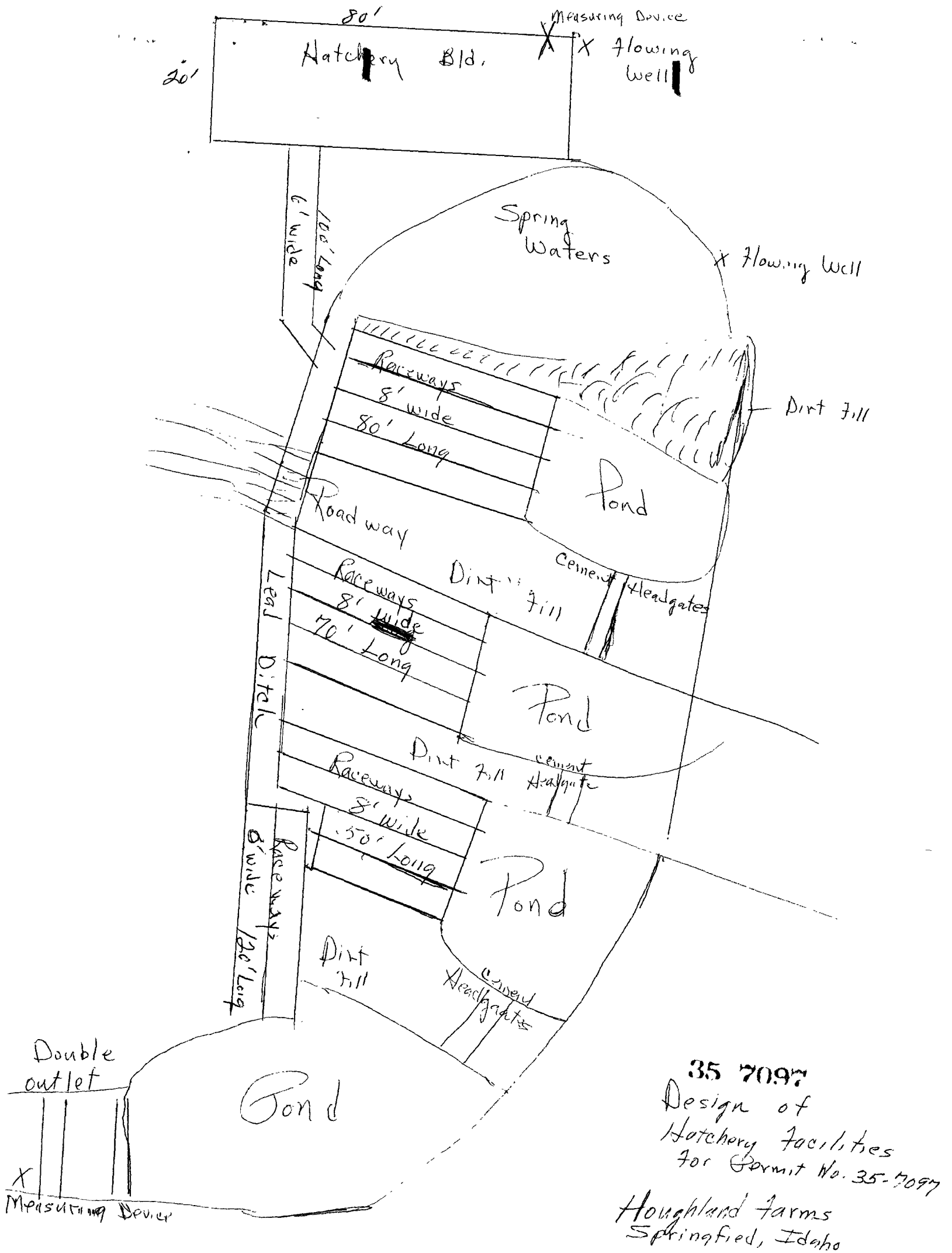
November 10, 1972

NOTICE OF PUBLICATION FOR WATER

Ho: F.
Id: Id.
applies under applica-
tion to divert 4.0
cubic ft. of water
from a well Water
will be wells,
pumps, within
the N. NW1/4
NW1/4, R. 33
E. B. M. and
is to run from
Decer- propaga-
tion tion in the
NW1/4, /4,
Sec. M.
ca.
pa.
ter
th
(215
Pub.: and

35 7097

Bill submitted
9-19-69
x.H.

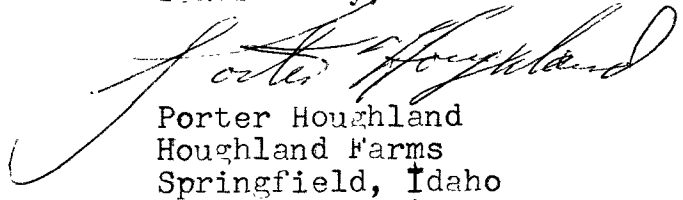


Gentleman:

Based on the preliminary design, we expect to produce approximately 10,000 lbs. of fish per second foot of water. The maximum capacity will be 200,000 lbs. for 20 second feet of water.

Construction has begun and completion is due June 1, 1970. Full operation of the hatchery is anticipated by December 1971.

Yours Truly,



Porter Houghland
Houghland Farms
Springfield, Idaho

Springfield, Idaho
November 21, 1969

Departments of Fish and Game

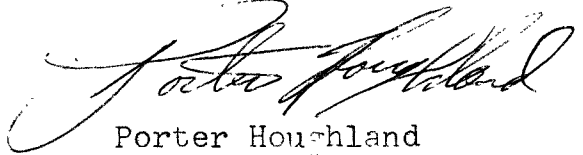
Dear Sirs:

Enclosed please find applications for Permit No. 35-7097 from Houghland Farms.

We are enclosing a financial report from the Idaho Bank and Trust of Blackfoot, Idaho with whom we bank; a preliminary design of the hatchery facilities; and a justification sheet for water rights requested.

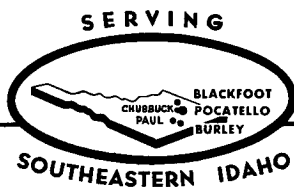
Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Porter Houghland".

Porter Houghland
Houghland Farms
Springfield, Idaho

35 7097



MARVIN W. SMITH
ASS'T. VICE PRESIDENT

IDAHO BANK AND TRUST Co.

MEMBER FEDERAL DEPOSIT INSURANCE CORPORATION

BLACKFOOT, IDAHO

November 21, 1969

STATE OF IDAHO
Department of Reclamation
State House
Boise, Idaho

Gentlemen:

At the request of Porter Houghland of Houghland Farms, he has asked us to reveal to you sources of funds available to Houghland Farms for expenses in connection with construction of additional facilities for Fish Hatchery.

Houghland Farms have maintained balances in this bank for several years with a high of five to six figures. They, also, have an approved line of credit at any time they may need same at a high five or six figures. These funds have always been ready for them in case the need arises.

We highly recommend them as to their managerial ability and the way they conduct their operation. We would consider any program they attempt to complete would be done in a very businesslike manner. We highly recommend them as excellent credit risk.

Very truly yours,

MARVIN W. SMITH
Ass't Vice President

MWS:bb

35 7097



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

June 9, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

NORTH FORK ENERGY INC
PO BOX 5405
BOISE ID 83705

RE: Water Rights 35-07097/35-07098 (Transfer 5278)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5278). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

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

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

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

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information.

Enclosed are orders which extend the dates for completion of the changes authorized under transfers 5030 and 5055 to June 30, 2002. These orders now provide a five (5) year development period from the time the transfers were approved.

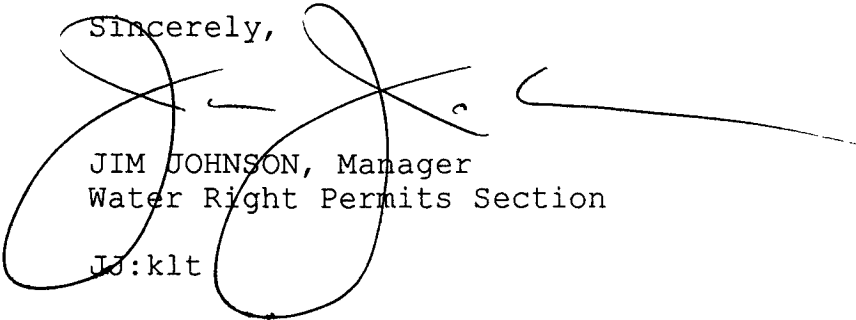
MICROFILMED

JUN 12 1998

Also enclosed is approved transfer 5278 which supersedes prior transfer 4994. The department did not issue an extension order in connection with transfer 4994, since the approval of transfer 5278 supersedes transfer 4994 and provides for an April 30, 2002 completion date.

If you have any questions regarding this matter, please call me at 208-327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosures

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JUN 12 1998

CERTIFICATE OF MAILING

I hereby certify that on the **9th** day of **June, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHTS 35-07097/35-07098 (Transfer 5278)

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


Kari Lynn Townsend
Secretary

MICROFILMED

JUN 12 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

June 9, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RONALD D CARLSON
WATERMASTER
900 N SKYLINE
IDAHO FALLS ID 83402

RE: TRANSFER OF WATER RIGHTS 35-07097/35-07098 (Transfer 5278)

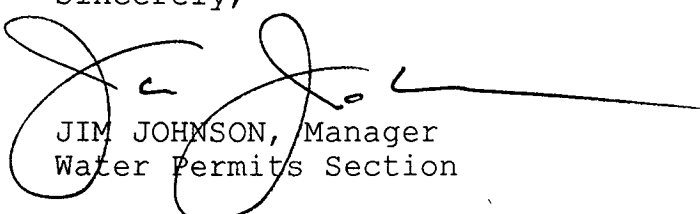
Dear Ron:

Enclosed is a copy of the recently approved Transfer of Water Rights for the above referenced water right (Transfer 5278) in the names of North Fork Energy Inc.

Also enclosed is a copy of the reviewers notes.

If you have any questions, please call me at (208) 327-7947.

Sincerely,



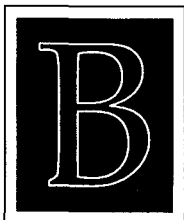
JIM JOHNSON, Manager
Water Permits Section

JJ:klt

Enclosures

MICROFILMED

JUN 12 1998



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JUN 08 1998

Department of Water Resources

June 4, 1998

Mr. Glen Saxton
Idaho Dept. of Water Resources
1301 N. Orchard Street
Boise, Idaho 83706-2237

Subject: Request for additional Time to Complete Changes Authorized
by Transfers 4994, 5030 and 5055

Dear Glen

The transfers for North Fork Energy Inc. which we recently discussed require a significant endeavor to complete the works required by the original conditions of the order. As you may recall, the three transfers contemplated the drilling of up to 16 new artesian wells to bring the flow from the springs and existing artesian wells to historically permitted levels. Transfers 4944, 5030, and 5055 allowed up to one year from the date of signing of the order to complete the development. This resulted in original completion dates of April 23, 1998, June 30, 1998 and June 30, 1998 respectively for the transfers. Application was made on August 19, 1997 for a reconsideration of the time to complete the works and an order was issued on December 17, 1997 granting an extension of time only on Transfer 5030 to June 30 1999.

North Fork Energy Inc., recognizing that drilling of this number of wells is a major task, purchased a well drilling rig, hired a licensed driller, and has proceeded to develop the wells as fast as possible. These wells are large diameter (24 inch) wells and are drilled in the artesian system. Casing, grouting, and drilling procedures are considerably more time consuming and meticulous when aquifer separation and protection are required in the artesian environment.

To date, North Fork Energy has drilled 5 wells out of the 15 contemplated under all three transfers. It has required approximately 2 months per well which is excellent progress considering the nature of the drilling, size of hole, and the fact that a percussion drill is being used rather than a rotary rig. It is estimated that the cost of each well, including amortization of the equipment, materials and labor has averaged about \$15,000 per well. This is a considerable savings over contracted drilling but is still a significant investment to date and the projected costs may exceed \$150,000 to complete.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

MICROFILMED

JUN 12 1998

The following table shows the progress made within the last 11 months toward completing the work.

Table: Well Drilling Activities North Fork Energy Inc. June 1997-May 1998

Transfer No and Local Name	Existing Wells	Authorized Wells	Newly Drilled	Remaining
4944 Third Place	4	7	2	1
5030 Home Place	2	10	3	5
5055 Birdcage/Traile r	1	5	0	4
Total	7	22	5	10

I believe the Company has proceeded diligently and certainly intends to complete the project, but will not be able to complete the works in the currently allotted time. The progress to date has been faster than expected and I anticipate that the remaining drilling will not progress nearly as fast. Even at the accelerated pace that has been achieved to date, drilling the remaining 10 wells would require two more years. I am therefore requesting, on behalf of North Fork Energy, that the time to complete the works be extended to June 30, 2002. With reasonable progression and finances available, this extension is not unreasonable.

If you have any questions please call me at 208 736 8543

Sincerely,



C. E. Brockway, P.E.

cc: B. Beymer
G. Landsberry:

MICROFILMED

JUN 12 1998

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

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JUN 12 1998

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED

JUN 12 1998

MEMORANDUM

TO: Files 35-07097 & 35-07098

FROM: Pam Skaggs²⁸/State Office

SUBJECT: Transfer 5278

DATE: June 5, 1998



Transfer 5278 was filed to change a groundwater point of diversion under Rights 35-07097 and 35-07098.

This transfer is a modification of previously approved Transfer 4994. When the applicant was ready to begin drilling the new well proposed in the NWSW, S30, T04S, R33E, it was found that the location of power lines precluded use of that site. By moving beyond the power lines the point of diversion needed to be relocated within SENE, S25, T04S, R32E.

Conditions are recommended the same as the previous transfer with minor changes to the location of the wells. Conditions include watermaster control, drilling permit requirements, multiple points of diversion/measuring devices, water quality, facility volumes and standard transfer conditions.

MICROFILMED
JUN 12 1998

TRANSFER REVIEW SHEET

(04-98)

Transfer # 5278
4994 Correction to T4994Date Reviewed 6-6-98
CBRight(s) 35-07097 _____
35-07098 _____
_____✓ WRQ/Split Summary NA Run POU Comparison Report

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

Proof of Ownership NA - P/D change - Previous transfer 4994

_____Transfer ✓ All of Right _____ Portion of Right
Resulting Split(s) NONE

_____Check Transfer Against Recorded Right Season/Vol. NA(1) ✓ Priority (2) ✓ Use (3) ✓ Season (4) ✓ Rate (5) ✓ Volume(6) ✓ Source (7) P/D (8) ✓ P/U (9) NA Proof/Owner (10) ✓ Map(11) 01 Water District (12) yes Pertinent Conditions (13) No Expansion

WM signed off approval as Region Mgr.

(7) Drop 1 P/D NWSW, S30 - Add 1 P/D SENE, S25

_____"R" records don't reflect approved Transfer 4994. Last Audit Stamp 10-03-96

_____Transfer Remarks T17/R43 remarks WB4 & other 2 wells NWSW + 1 (New) well in SENE
Conditions R04, 0416, T07, T08, T08 Modify #PD remark Sec 25, 45, 30E.
4-30-2002 per LGS 6-9-98 ✓

_____Database/Processing Notes Standard ✓ Non-Standard
T files

_____"T" Files Update Complete ✓ Approval Form ✓ Transfer Memo ✓
Database Updated Following Approval 6-9-98 Memo/Form Files Deleted 6-9-98
CB

WR0749NP
No. T35-07097

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/05/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NORTH FORK ENERGY INC PO BOX 5405 BOISE ID 83705 (208) 328-2306	09/30/1969	FISH PROPAGATION DOMESTIC	01/01 12/31 01/01 12/31	4.000 CFS 0.040 CFS	1.20 AFA
TOTAL DIVERSION:					4.000 CFS	

Water Source: GROUNDWATER
SPRINGS

Tributary to:
SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion:	T04S R32E S25	SENE				BINGHAM County
	R33E S30	SWNW	SWSWNW	NWSW	NWNWSW	BINGHAM County

Point of Diversion Name(s):

	Name	Rate	Number
T04S R32E S25	SE NE 1 WELL		
R33E S30	SW NW 4 WELLS		
S30	SW SW NW SPRINGS		
S30	NW SW 2 WELLS		
S30	NW NW SW SPRINGS		

Place of use Legal Description for: FISH PROPAGATION

NE				NW				SW				SE							
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	:	NENW	NWNW	SWNW	SENE	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
04S	33E	30	:	:	:	:	F	:	:	:	F	:	:	:	:	:	:	:	:

Place of use location for DOMESTIC is the same location as described for: FISH PROPAGATION

Pou County: BINGHAM

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks: GEN The total instantaneous diversion of water from all points of diversion under Transfer No. ~~4994~~⁵²⁷⁸ shall not exceed 24.00 cfs.

Remarks: Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of the diversion that is acceptable to the watermaster and will provide suitable control of the diversions.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

Right Nos. 35-07097 and 35-07098 are limited to historic facility and diversion volumes as determined by the Snake River Basin Adjudication.

Multiple springs are located within SWSWNW and NWNWSW of S30, T04S, R33E.

Four wells are located within the SWNW and two wells are located within NWSW of S30, T04S, R33E.

Dates: App. Received: Priority Date: 09/30/1969
Proof Due Date: 01/01/1976 Proof Made Date: 10/17/1975
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 04/12/1982

Misc: Water District Number: 01 Field Exam Fee:

Comments: Date: 04/07/1997 User-ID: PSKAGGS Subject: TRANSFER 4994
Transfer No. 4994 adds points of diversion & identifies both groundwater & springs as sources under Right Nos. 35-07097 & 35-07098.

Date: 06/05/1998 User-ID: PSKAGGS Subject: TRANSFER 5278
Transfer 5278 was filed as a correction to approved Transfer 4994 and changes a point of diversion. The original location was not possible due to power lines.

Audit: 06/05/98 PSKAGGS 06/05/98 PSKAGGS

WR0749NP
No. T35-07098

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/05/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NORTH FORK ENERGY INC PO BOX 5405 BOISE ID 83705 (208) 328-2306	08/02/1969	FISH PROPAGATION	01/01 12/31	20.000 CFS	
					TOTAL DIVERSION:	20.000 CFS

Water Source: GROUNDWATER
SPRINGS

Tributary to:
SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion:	T04S R32E S25	SENE				BINGHAM County
	R33E S30	SWNW	SWSWNW	NWSW	NWNWSW	BINGHAM County

Point of Diversion Name(s):

			Name	Rate	Number
T04S	R32E	S25	SE NE 1 WELL		
	R33E	S30	SW NW 4 WELLS		
		S30	SW SW NW SPRINGS		
		S30	NW SW 2 WELLS		
		S30	NW NW SW SPRINGS		

Place of use Legal Description for: FISH PROPAGATION

NE				NW				SW				SE							
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
04S	33E	30	:	:	:		F	:	:		F	:	:	:	:				:

Pou County: BINGHAM

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks: GEN The total instantaneous diversion of water from all points of diversion under Transfer No. 5278 shall not exceed 24.00 cfs. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of the diversion that is acceptable to the watermaster and will provide suitable

Remarks: control of the diversions.
Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
Right Nos. 35-07097 and 35-07098 are limited to historic facility and diversion volumes as determined by the Snake River Basin Adjudication.
Multiple springs are located within SWSWNW and NWNWSW of S30, T04S, R33E.
Four wells are located within the SWNW and two wells are located within NWSW of S30, T04S, R33E.

Dates: App. Received: Priority Date: 08/02/1969
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 08/07/1979

Misc: Water District Number: 01 Field Exam Fee:

Comments: Date: 04/07/1997 User-ID: PSKAGGS Subject: TRANSFER 4994
Transfer No. 4994 adds points of diversion & identifies both groundwater & springs as sources under Right Nos. 35-07097 & 35-07098.

Date: 06/05/1998 User-ID: PSKAGGS Subject: TRANSFER 5278
Transfer 5278 was filed as a correction to approved Transfer 4994 and changes a point of diversion. The original location was not possible due to power lines.

Audit: 06/05/98 PSKAGGS 06/05/98 PSKAGGS

[illegible]

(Menu _____)

[illegible]

(Menu _____)

INTER-DEPARTMENT MEMO

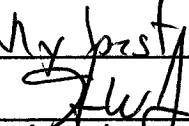
TO: Pam S.SUBJECT: Notice of CorrectionFROM: H.W. JONESDATE: 4-2-98

You & I discussed this before I advertised. The only problem with transfer #4994 (approved) is when applicants went on site to drill, there was a power line in the way & they had to shift over 150' west. This of course crossed a 1/4 of 1/4 line.

All that's needed is a "slight" adjustment to tr. 4994. Hopefully this touch of creativity is welcome!

☒ For your information

☐ Response required

My best

signature

2-17-98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HWT

1. Right number 35-0797 ¹³⁵⁻⁰⁷⁹⁸ Applicant North Park Energy

2. Type of right: ☐ Decree ☐ License ☐ Claim

3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Other _____

4. Check:

a. ☐ Source ☐ Priority ☐ Amount ☐ Purpose ☐ Period of use

b. ☐ Description of original point of diversion.

c. ☐ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☐ All of right.

b. ☐ Part of right (NOTE: Part B should be filled in only if part of the right is owned by the applicant)

c. ☐ Check description of point(s) of diversion.

d. ☐ Check description of place of use.

e. ☐ Check map (shows p.d. and p.u. after transfer).

f. ☐ Check for correct signature, notarization, and fee.

g. ☐ Check proof of ownership of right &/or land from which water is transferred.

h. ☐ Check for expansion in use of right. Comments _____

i. ☐ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) _____

j. ☐ Is use within a Watermaster District? ☐ Yes ☐ No

If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Is transfer published correctly? ☐ Yes ☐ No

3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* _____

4. By RDL Date 4/23/98

* All uses within Watermaster Districts require special conditions.

RECEIVED
APR 29 1998
Department of Water Resources

T5278
Correction to T4994

AFFIDAVIT OF PUBLICATION

County of Bingham)

State of Idaho)

I, Jacqueline Graham do
solemnly Legal

swear that I am the Coordinator of
The Morning News, which is a daily news-
paper of general circulation, published
each day except Sunday at Blackfoot,
Bingham County, Idaho, said newspaper
having been so published at Blackfoot,
aforesaid for more than one year past;
that said newspaper heretofore complied
with all the provisions of Chapter 154 of
the Sessions Laws of Idaho of 1911, ap-
proved March 11, 1911, and duly desig-
nated, pursuant to law, a particular day
of the week as the day on which legal no-
tices required by law or by the order of
any Court of competent jurisdiction within
the State of Idaho shall be published to-
wit: of each week; that the notice at-
tached hereto and which is a part of this
affidavit and part of the proof of publi-
cation was published in said issue of said
newspaper 2 consecutive Weeks
the first publication having been made on
the 12th day of March,
1998 and the last publication having
been made on the 19th day of
March 1998; that said notice
was published in the regular and entire
issue of every number of the paper as
aforesaid during the period and time of
publication, and that notice was pub-
lished in the newspaper and not in a sup-
plement.

On this 19th day of March in
the year 1998, before me a Notary
Public of said State, personally appeared
Jacqueline Graham

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

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

November 10, 2000

Affidavit Processing Fee. \$5.00

**RECEIVED
MAR 23 1998**

Department of Water Resources
Eastern Region

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

**NOTICE OF CORRECTION
APPROVED TRANSFER #4994
NORTH FORK ENERGY, INC.**

NOTICE IS HEREBY GIVEN that the above
approved transfer in the name of North Fork
Energy, Inc., P.O. Box 5405, Boise, Idaho,
83705, was advertised on January 30 and
February 6, 1997, and proposed adding
well sites to their existing Fish Propagation
licenses #35-07097 and #35-07098. One of

the wells approved for the NWSW, Sec. 30,
T4S, R33E, could not be installed due to
power lines in the area. The true location is
150' to the west of the original site in the
SENE, Sec. 25, T4S, R32E, Bingham
County.

Any protest against the granting of this ap-
plication as a result of this correction must
be filed with the applicant and the Idaho
Department of Water Resources, 900 N.
Skyline Drive, Idaho Falls, Idaho, 83402,
along with a \$25.00 fee on or before March
30, 1998.

KARL DREHER
Director

(3642)
Pub.: 3/12, 19

**MICROFILMED
JUN 12 1998**



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 3, 1998

NORTH FORK ENERGY
PO BOX 5405
BOISE ID 83705

RE: Application for Transfer #4993

Dear Applicant:

This office is currently in the process of advertising the application in the Morning News on MAR. 12 & 19, 1998. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ/sc

MICROFILMED

JUN 12 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

March 3, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MORNING NEWS
PO BOX 70
BLACKFOOT ID 83221

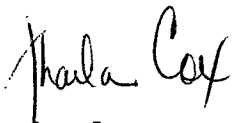
Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before March 30, 1998.

Yours truly,


Sharla Cox
Secretary

Enc.

*mailed
3/3/98
SC*

MICROFILMED

JUN 12 1998

NOTICE OF CORRECTION
APPROVED TRANSFER #4994 - NORTH FORK ENERGY INC

Notice is hereby given that the above approved transfer in the name of North Fork Energy, Inc PO Box 5405, Boise ID 83705, was advertised on Jan 30 and Feb 6, 1997 and proposed adding well sites to their existing Fish Propagation licenses #35-07097 and #35-07098. One of the wells approved for the NWSW Sect 30 T4S R33E could not be installed due to power lines in the area. The true location is 150' to the west of the original site in the SENE SECT 25 T4S R32E, Bingham County.

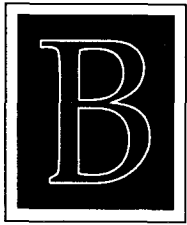
Any protest against the granting of this application as a result of this correction must be filed with the applicant and the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls ID 83402, along with a \$25.00 fee on or before March 30, 1998.

KARL DREHER
DIRECTOR

Published in the Morning News on Mar, 12 & 19, 1998.

MICROFILMED

JUN 12 1998



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

FEB 09 1998

Department of Water Resources
Eastern Region

January 28, 1997

Mr. Ron Carlson
Idaho Dept. of Water Resources
900 North Skyline Drive
Idaho Falls, ID 83402-6105

Subject: Addition of Point of Diversion Water Right Numbers 35-07097 and 35-07098, Transfer No 4994 North Fork Energy Inc. New Point of Diversion

Dear Ron:

As we discussed recently I am submitting the transfer application for the above rights to change the point of diversion of one of the artesian wells to miss a power line. As I discussed in my letter of November 1, 1997, the points of diversion allowed under approved Transfer No 4994 authorizes the drilling of additional artesian wells within the 'Third Place' area of the Crystal Springs Ranch to bring the total diversion up to licensed amounts. Existing springs and wells are located in Sec 30 T4S R33E and it was anticipated that any new development would occur within that section.

The location of the well is in the SE SE NE Sec 25 T4S R32E, just west of the power line. Since the change in point of diversion is only about 150 feet from the authorized point of diversion, it is my understanding that the proposed transfer can likely be approved without the normal processing procedure. Drilling of the well in the Section 25 area between the county road and the existing springs would not have any different affect on the hydrology of the area than the authorized location.

Sincerely,

C. E. Brockway
C. E. Brockway, P.E.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D.

706 SUNRISE
BOULEVARD
NORTH

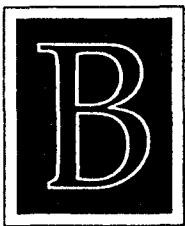
TWIN FALLS,
IDAHO 83301

208•733•0938
208•734•2580

FAX: 736•1746

MICROFILMED

JUN 12 1998



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

November 1, 1997

Mr. Ron Carlson
Idaho Dept. of Water Resources
900 North Skyline Drive
Idaho Falls, ID 83402-6105

By FAX U.S. Mail to follow

Subject: Addition of Point of Diversion Water Right Numbers 35-07097 and 35-07098, Transfer No 4994 North Fork Energy Inc.

Dear Ron:

Transfer No 4994 authorizes the drilling of additional artesian wells within the 'Third Place' area of the Crystal Springs Ranch to bring the total diversion up to licensed amounts. Existing springs and wells are located in Sec 30 T4S R33E and it was anticipated that any new development would occur within that section.

The driller is ready to begin construction of an additional well in the 'Third Place' area and my original siting of this first well anticipated a location near the west boundary of the SW SW NW of Section 30 as shown on the accompanying map. It appears however, that the power line which runs along the section line between Sec 30 T4S R33E and Sec 25 T4S R32 E precludes the location of the well at the proposed site without endangering the drill rig and drillers or locating too close to existing wells.

The most feasible location is just west of the power line in the SE SE NE Section 25 T4S R32E or approximately 150 feet west of the section line. This would allow additional separation between the new and existing wells and prevent any potential problems with the power line. However, this would place the new well in a different 40 acre tract than that authorized in Transfer 4994. Since the driller is ready to move on to this site, is it possible to obtain authorization to add the SE SE NE Section 25 T4S R32E as a point of diversion under Transfer 4994 or some other procedure without applying for an additional transfer? Drilling of a well or wells in the Section 25 area between the county road and the existing springs would not have any different affect on the hydrology of the area than the authorized location.

I did not anticipate the problem with the power line in preparing the application for Transfer 4994 or I would have applied for the additional point of diversion. I hope that this additional can be accomplished without a new application or advertising since the driller is anxious to begin and take advantage of the good weather.

MICROFILMED

JUN 12 1998

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D.

706 SUNRISE
BOULEVARD
NORTH

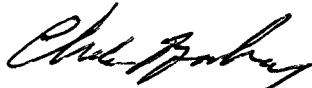
TWIN FALLS,
IDAHO 83301

208•733•0938
208•734•2580

FAX: 736•1746

I will call you on Tuesday November 4 to discuss the possibilities. Thanks for your consideration.

Sincerely,

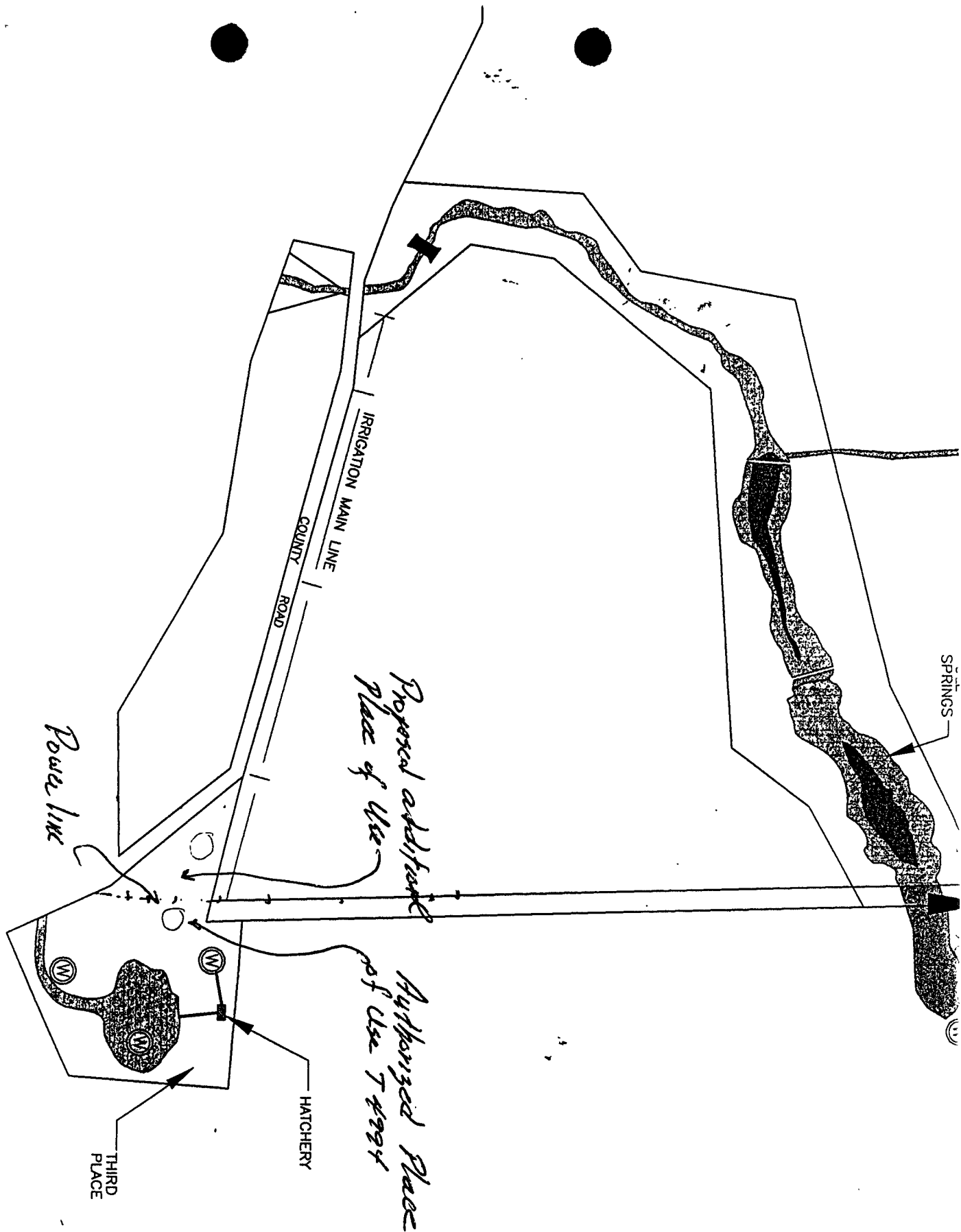
A handwritten signature in cursive script, appearing to read "C. E. Brockway".

C. E. Brockway, P.E.

cc: B. Beymer-Crystal Springs Ranch
Enclosures 1. Map of "Third Place" area
2. Copy of Transfer 4994

MICROFILMED

JUN 12 1998



MICROFILMED

JUN 12 1938

02.3
36.1

OVERHEAD POWER

PARCEL D
56.35 ACRES

END 1/2" I.H.
W/CAF. H.L.S. BOE

END 1964 B.L.M
BRASS CAP

1938

PREVIOUS
SURVEY

Sheet

三

CRYSTAL SPRINGS 140



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

April 28, 1997

PHILIP E. BATT
GOVERNOR

NORTH FORK ENERGY INC
PO BOX 5405
BOISE ID 83705

KARL J. DREHER
DIRECTOR

RE: Water Right No. 35-07097/35-07098
Transfer No. 4994

Dear Water Right Holder:

The accompanying **transfer approvals** should be considered and treated as **preliminary orders** of the department issued pursuant to section 67-5243, Idaho Code. They can and will become final orders without further action of the Department unless a party petitions for reconsideration and/or files a brief as described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

RECEIVED
MAY 20 1997

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

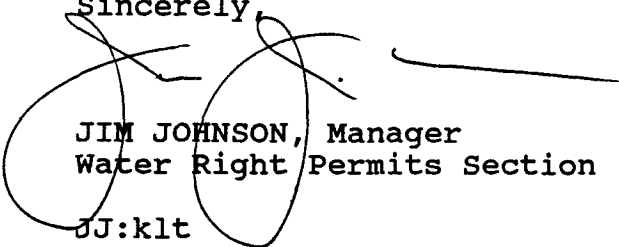
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district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

- i. A hearing was held,
- ii. The final agency action was taken,

- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

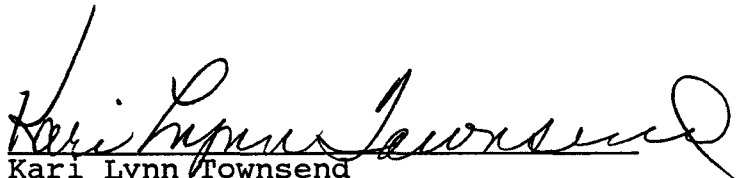
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of April, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDERS (APPROVED TRANSFERS)** to the person(s) listed below:

WATER RIGHT NO(S): 35-07097/35-07098

NORTH FORK ENERGY INC
PO BOX 5405
BOISE ID 83705


Kari Lynn Townsend
Secretary

MEMORANDUM

TO: FILE NOS. 35-07097 & 35-07098

FROM: PAM SKAGGS/^{JS}STATE OFFICE

SUBJECT: TRANSFER NO. 4994 *J*

DATE: April 9, 1997

=====

Transfer No. 4994 adds points of diversion and identifies both ✓
springs and groundwater as sources under Right Nos. 35-07097 and
35-07098.

Right No. 35-07097 originally identified groundwater from artesian
wells, and Right No. 35-07098 identified multiple springs in the
same area. These two sources are interrelated and the transfer
proposes to add four new wells to increase the diversions to
historic, licensed rates of diversion.

A report of spring discharge patterns and groundwater analysis by ✓
Brockway Engineering was submitted with the transfer application.
The report describes groundwater contours flowing directly towards
American Falls Reservoir where water diverted under these rights is
returned. The proposed wells providing non-consumptive diversions
from the aquifer adjacent to the reservoir should not change the
net flow to the reservoir.

Recommended conditions include drilling permit requirements,
watermaster control, multiple points of diversion/measuring
devices, water quality, historic facility and diversion volumes
subject to SRBA, and standard transfer conditions.

100-1000000
100-1000000

TRANSFER REVIEW SHEET
(02-97)

Transfer # 4994

Date Reviewed 4-7-97 Q8

Right(s) 35-07097 _____
35-07098 _____

WRQ11 Print Split Summary NA Run POU Comparison Report

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

Proof of Ownership NA P/D Change

Transfer ✓ All of Right _____ Portion of Right
Resulting Split(s) None

Check Transfer Against Recorded Right Season/Vol. NA

(1) ✓ Priority (2) ✓ Use (3) ✓ Season (4) ✓ Rate (5) ✓ ^{Fish} Volume
(6) ✓ Source (7) ✓ P/D (8) ✓ P/U (9) NA Proof/Owner (10) ✓ Map
(11) 01 Water District (12) NO Pertinent Conditions (13) NO Expansion

(5) No licensed volumes or info. - subject SRBA & historic limits.
(6) Springs & flow on each rt. (Springs trib. to Snake River)
(7) Add P/Ds - 4 wells

Spring - Artesian Wells - Connected GW source flows to American Falls Res.

Transfer Remarks ^{Springs & Div. 4 Facility Volumes/SRBA modified} 4 wells (SUNW) 3 wells (NWSW) (IT1 & R43) (025) WD
Conditions R04, T07, T08, T09, 0410 INT

Database/Processing Notes Standard ✓ Non-Standard _____
T files

WR_Reports File 4FORK.tis Transfer Memo Complete ✓
File Deleted 04-23-97 Database Updated 04-23-97 Q8

WR0749NP
No. T35-07098

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/23/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NORTH FORK ENERGY INC PO BOX 5405 BOISE ID 83705 (208) 328-2306	08/02/1969	FISH PROPAGATION	01/01 12/31	20.000 CFS	
TOTAL DIVERSION:					20.000 CFS	

Water Source: GROUNDWATER
SPRINGS

Tributary to:
SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion: T04S R33E S30 SWNW SWSWNW NWSW NWNWSW BINGHAM County

Point of Diversion Name(s):

Name	Rate	Number
T04S R33E S30 SW NW 4 WELLS		
S30 SW SW NW SPRINGS		
S30 NW SW 3 WELLS		
S30 NW NW SW SPRINGS		

Place of use Legal Description for: FISH PROPAGATION

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
04S 33E 30 : : F : F : :															

Pou County: BINGHAM

Other Water Rights with Same Point(s) of Diversion and Source:

35-07097 35-07098 35-08782 T35-07097

Other Water Rights Listing Overlapping Place(s) of use:

35-02016 35-07142

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks: The total instantaneous diversion of water from all points of diversion under Transfer No. 4994 shall not exceed 24.00 cfs.

Remarks: Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of the diversion that is acceptable to the watermaster and will provide suitable control of the diversions.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

Right Nos. 35-07097 and 35-07098 are limited to historic facility and diversion volumes as determined by the Snake River Basin Adjudication.

Multiple springs are located within SWSNW and NWNWSW of S30, T04S, R33E.

Four wells are located within the SWNW and three wells are located within NWSW of S30, T04S, R33E.

Dates: App. Received: Priority Date: 08/02/1969
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 08/07/1979

Misc: Water District Number: 01 Field Exam Fee:

Comments: Date: 04/07/1997 User-ID: PSKAGGS Subject: TRANSFER NO. 4994
Transfer No. 4994 adds points of diversion & identifies both groundwater & springs as sources under Right Nos. 35-07097 & 35-07098.

Audit: 01/22/97 RBODELL 04/07/97 PSKAGGS 04/08/97 PSKAGGS 04/23/97 PSKAGGS
04/23/97 PSKAGGS

WR0749NP
No. T35-07097

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/23/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NORTH FORK ENERGY INC PO BOX 5405 BOISE ID 83705 (208) 328-2306	09/30/1969	FISH PROPAGATION DOMESTIC	01/01 12/31 01/01 12/31	4.000 CFS 0.040 CFS	1.20 AFA
TOTAL DIVERSION:					4.000 CFS	

Water Source: GROUNDWATER
SPRINGS

Tributary to:
SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion: T04S R33E S30 SWNW SWSWNW NWSW NWNWSW BINGHAM County

Point of Diversion Name(s):

	Name	Rate	Number
T04S R33E S30 SW NW	4 WELLS		
S30 SW SW NW	SPRINGS		
S30 NW SW	3 WELLS		
S30 NW NW SW	SPRINGS		

Place of use Legal Description for: FISH PROPAGATION

NE				NW				SW				SE												
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	:	---	---	---	---	---	---	:
04S	33E	30	:					F						F		:							:	

Place of use location for DOMESTIC is the same location as described for: FISH PROPAGATION

Pou County: BINGHAM

Other Water Rights with Same Point(s) of Diversion and Source:

35-07097 35-07098 35-08782 T35-07098

Other Water Rights Listing Overlapping Place(s) of use:

35-02016 35-07142

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing

Conditions of Approval:

- Snake River Basin Adjudication.

Remarks:

The total instantaneous diversion of water from all points of diversion under Transfer No. 4994 shall not exceed 24.00 cfs. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of the diversion that is acceptable to the watermaster and will provide suitable control of the diversions.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

Right Nos. 35-07097 and 35-07098 are limited to historic facility and diversion volumes as determined by the Snake River Basin Adjudication.

Multiple springs are located within SWSWNW and NWNWSW of S30, T04S, R33E.

Four wells are located within the SWNW and three wells are located within NWSW of S30, T04S, R33E.

Dates:	App. Received:	Priority Date:	09/30/1969
	Proof Due Date: 01/01/1976	Proof Made Date:	10/17/1975
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date: 04/12/1982		

Misc: Water District Number: 01 Field Exam Fee:

Comments: Date: 04/07/1997 User-ID: PSKAGGS Subject: TRANSFER NO. 4994
Transfer No. 4994 adds points of diversion & identifies both groundwater & springs as sources under Right Nos. 35-07097 & 35-07098.

Audit: 01/22/97 RBODELL 04/07/97 PSKAGGS 04/08/97 PSKAGGS 04/23/97 PSKAGGS

S E L	Water Right No.	Name Last, First	O W N	Priority Date	STG/ STS	Source	Use Desc	Y S
—	35-07097	AETNA LIFE INSURANCE	C	09/30/1969	L/	GROUNDWATER	FISH DOMEST	WR
—	T35-07097	NORTH FORK ENERGY IN	C	09/30/1969	L/	GROUNDWATER	FISH DOMEST	WR
—	—	—	—	—	—	—	—	—
—	A35-07097	NORTH FORK ENERGY IN	C	09/30/1969	L/	GROUNDWATER	FISH DOMEST	AJ
—	R35-07097	NORTH FORK ENERGY IN	C	09/30/1969	L/	GROUNDWATER	FISH DOMEST	AJ

```
(Enter=Continue)      (GOLD7=This Query)      (GOLD8=Cancel)      (Menu _____)
Natural 2.1/7V      OVR      LIB=PRODLIBS      Last key was ENTR
```

T# 4994

SD-0611-2 Basin: 35 Starting Water Right: 07098

S	Water	Name	O	Priority	STG/	Use	S
E	Right No.	Last, First	W	Date	STS	Desc	Y
L			N				S
-	35-07098	HOUGHLAND FARMS	C	08/02/1969	L/	SPRINGS	WR
-	T35-07098	NORTH FORK ENERGY IN	C	08/02/1969	L/	SPRINGS	WR
-	A35-07098	NORTH FORK ENERGY IN	C	08/22/1969	L/	SPRING	AJ
-	R35-07098	NORTH FORK ENERGY IN	C	08/02/1969	L/	SPRINGS	AJ

END OF DATA...ENTER MENU OPTION AND/OR PRESS ENTER TO CONTINUE

(Enter=Continue) (GOLD7=This Query) (GOLD8=Cancel) (Menu _____)
Natural 2.1/7V OVR LIB=PRODLIBS Last key was ENTR

T#4994

INTER-DEPARTMENT MEMO

TO: PAM SKAGGS

SUBJECT: Tv 4994

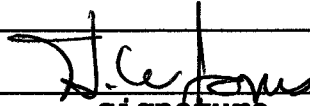
FROM: H.W. Jones

DATE: 3-27-97

I will let Brockaway's report carry the ball on this one. (See attached to transfer)

☒ For your information

☐ Response required


signature

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: HLJ

1. Right number 35-07097 + 35-07098 Applicant North Fork Energy Inc
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☐ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments _____
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) NA
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? WDO1

Sent copy to
Crystal at Nels on, Rosholt
Tucker
Also copy of
Breakaway Report
2-5-97

FINAL PROCESSING REVIEW BY: _____

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

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____

RECEIVED

MAR 3 1997

Department of Water Resources

4. By RLC Date 3/26/97

ad 50 1-22-97
TR 50 2-5-97

RECEIVED

MAR 26 1997

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

NOTICE OF PROPOSED
CHANGE OF A WATER RIGHT
NO. T4994

Notice is hereby given that North Fork Energy, Inc., P.O. Box 5405, Boise, Idaho, 83705, has applied to the Department of Water Resources to add diversion points to the waters of springs and artesian wells tributary to American Falls Reservoir. The rights sought to be changed are evidenced by licenses and recorded as follows:

No.: 35-07097

Source: Groundwater

Amount: 4.00 cfs

Priority: 09/30/1969

Point(s) of Diversion: SWNW, NWSW, Sec. 30, T04S, R33E, Bingham County, cfs for domestic use from 01/01 to 12/31 within the SWNW, NWSW, Sec. 30, T04S, R33E, B.M.

No.: 35-07098

Source: Springs tributary to American Falls Reservoir

Amount: 20.0 cfs

Priority: 08/02/1969

Point(s) of Diversion: SWNW NWSW, Sec. 30, T04S, R33E, Bingham County.

The amount of 20.00 cfs is used for fish propagation from 01/01 to 12/31 within the SWNW NWSW, Sec. 30, T04S, R33E, B.M.

TO BE CHANGED
AS FOLLOWS:

The water will be diverted from the SWSWNW (springs and two existing wells) NWNWSW (springs and one existing well) SWSWNW (two wells to be drilled) NWNWSW (two wells to be drilled) Sec. 30, T04S, R. 33E, B.M. and used for domestic use and fish propagation within the SWNW NWSW, Sec. 30, T04S, R33E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Drive, Idaho Falls, Idaho, 83402, together with a protest fee of \$25 on or before February 18, 1997. The protest must send a copy of

KARL J. DREHER
Director

AFFIDAVIT OF
PUBLICATION

County of Bingham)

State of Idaho) ss

I, Jacqueline Graham do
solemnly Legal

swear that I am the Coordinator of The Morning News, which is a daily newspaper of general circulation, published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1911, approved March 11, 1911, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue of said newspaper 2 consecutive with the first publication having been made on the 20th day of Jan, 1997, and the last publication having been made on the 20th day of Feb, 1997; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

Jacqueline Graham
On this 20th day of Feb, in the year 1997, before me a Notary Public of said State, personally appeared Jacqueline Graham,

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

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

October 16, 2002

Affidavit Processing Fee. \$5.00

The Idaho Statesman

P O BOX 40, BOISE, IDAHO 83707-0040

LEGAL ADVERTISING INVOICE

Amount Due
\$74.28

Account Number/Trans. #		Identification	
100564		Notice of Proposed Change of a Water Right No. T4994	
Ordered By	P.O. Number	Rate	Run Dates
Rita Bodell		NT	January 30, February 6, 1997
Rita Bodell IDAHO DEPARTMENT OF WATER RESOURCES Eastern Region 900 N. Skyline Drive Idaho Falls ID 83402-1718		Estimated Inches	Real Inches
		# Affidavits	Legal Number
		1	6827

RECEIVED

FEB 10 1997

LEGAL NOTICE NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T4994

Notice is hereby given that North Fork Energy, Inc., P.O. Box 5405, Boise, ID 83705, has applied to the Department of Water Resources to add diversion points to the waters of springs and artesian wells tributary to American Falls Reservoir. The rights sought to be changed are evidenced by licenses and recorded as follows:

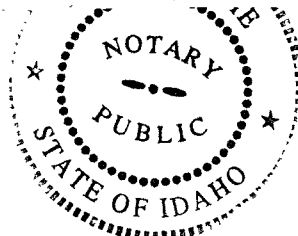
No.: 35-07097
Source: groundwater
Amount: 4.00 cfs
Priority: 09/30/1969
Point(s) of Diversion: SWNW NWSW SEC 30 T04S R33E, Bingham County
The amount of 4.00 cfs is used for fish propagation and .04 cfs for domestic use from 01/01 to 12/31 within the SWNW NWSW SEC 30 T04S R33E, B.M.

No.: 35-07098
Source: springs tributary to American Falls Reservoir
Amount: 20.0 cfs
Priority: 08/02/1969
Point(s) of Diversion: SWNW NWSW SEC 30 T04S R33E, Bingham County
The amount of 20.00 cfs is used for fish propagation from 01/01 to 12/31 within the SWNW NWSW SEC 30 T04S R33E, B.M.

TO BE CHANGED AS FOLLOWS:
The water will be diverted from the SWSWNW (springs and two existing wells) NWNWSW (springs and one existing well) SWSWNW (two wells to be drilled) NWNWSW (two wells to be drilled) SEC 30 T04S R 33E, B.M. and used for domestic use and fish propagation within the SWNW NWSW SEC 30 T04S R33E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of \$25 on or before February 18, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director



LINDA PORTER

being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip

insertion(s) beginning with the issue of
January 30, 1997
and ending with the issue of
February 6, 1997

Linda Porter

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 6th day of February in the year of 1997, before me, a Notary Public, personally appeared LINDA PORTER known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho
Residing at:

Boise, Idaho

My commission expires:

5/97

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040

LEGAL ADVERTISING INVOICE

Amount Due
\$74.28

Account Number/Trans. # 100564	Identification Notice of Proposed Change of a Water Right No. T4994		
Ordered By Rita Bodell	P.O. Number NT	Rate January 30, February 6, 1997	Run Dates
Rita Bodell IDAHO DEPARTMENT OF WATER RESOURCES Eastern Region 900 N. Skyline Drive Idaho Falls ID 83402-1718		Estimated Inches 1	Real Inches 6827

RECEIVED

FEB 10 1997

LEGAL NOTICE NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T4994

Notice is hereby given that North Fork Energy, Inc., P.O. Box 5405, Boise, ID 83705, has applied to the Department of Water Resources to add diversion points to the waters of springs and artesian wells tributary to American Falls Reservoir. The rights sought to be changed are evidenced by licenses and recorded as follows:

No.: 35-07097
Source: groundwater
Amount: 4.00 cfs
Priority: 09/30/1969
Point(s) of Diversion: SWNW NWSW SEC 30 T04S R33E, Bingham County

The amount of 4.00 cfs is used for fish propagation and .04 cfs for domestic use from 01/01 to 12/31 within the SWNW NWSW SEC 30 T04S R33E, B.M.

No.: 35-07098
Source: springs tributary to American Falls Reservoir
Amount: 20.0 cfs
Priority: 08/02/1969
Point(s) of Diversion: SWNW NWSW SEC 30 T04S R30E, Bingham County
Pub: Jan. 30 & Feb. 6, 1997 6827

Elizabeth Burrum, one great-granddaughter, Maegan Marie daughter, Elizabeth Jane Sanders and she was preceded in death by one Jessica and Rachel Atkinson of Boise. Mrs. of St. Louis, Mo., Mike, Michelle, grandchildren, Brodie and Dustin Sand-

LINDA PORTER

being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterrupted published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip

insertion(s) beginning with the issue of
January 30, 1997
and ending with the issue of
February 6, 1997

Linda Porter

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 6th day of February in the year of 1997, before me, a Notary Public, personally appeared LINDA PORTER known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

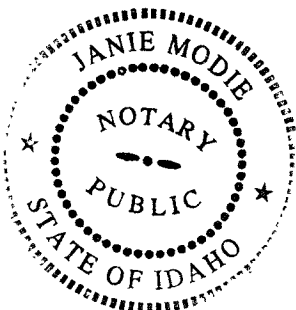
Janie Madie

Notary Public for Idaho
Residing at:

Boise, Idaho

My commission expires:

5/97



**NOTICE OF PROPOSED CHANGE OF A WATER
RIGHT NO. T4994**

Notice is hereby given that North Fork Energy, Inc., Box 5405, Boise, ID 83705, has applied to the Department of Water Resources to add diversion points to the waters of springs and artesian wells tributary to American Falls Reservoir. The rights sought to be changed are evidenced by licenses and recorded as follows:

No.: 35-07097 Source: groundwater
Amount: 4.00 cfs Priority: 09/30/1969
Point(s) of Diversion: SWNW NWSW SEC 30 T04S R33E, Bingham County

The amount of 4.00 cfs is used for fish propagation and .04 cfs for domestic use from 01/01 to 12/31 within the SWNW NWSW SEC 30 T04S R33E, B.M.

No.: 35-07098 Source: springs tributary to
American Falls Reservoir
Amount: 20.0 cfs Priority: 08/02/1969

Point(s) of Diversion: SWNW NWSW SEC 30 T04S R30E, Bingham County

The amount of 20.00 cfs is used for fish propagation from 01/01 to 12/31 within the SWNW NWSW SEC 30 T04S R33E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the SWSWNW (springs and two existing wells) NWNWSW (springs and one existing well) SWSWNW (two wells to be drilled) NWNWSW (two wells to be drilled) SEC 30 T04S R33E, B.M. and used for domestic use and fish propagation within the SWNW NWSW SEC 30 T04S R33E, B.M.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before February 18, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

PUBLISH: January 30 and February 6, 1997

Notice of Publication
OF IDAHO
OF TWIN FALLS } SS.

Emily McKnight Department of being first duly sworn upon oath, depose
that I am principle clerk of the TIMES-NEWS, published daily, at
Idaho, and do solemnly swear that a copy of the notice of advertisement, as per
tached, was published in the regular and entire issue of said newspaper, and not in any
t thereof, for two consecutive days,

beginning with the issue dated Jan. 30, 19 97,
and with the issue dated Feb. 6, 19 97.

and I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Sunday, of which newspapers prior to consolidation had been published under said names in said city and county and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper discontinued daily publication under said name in said city and county continuously and uninterruptedly. I do further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published; and that at the head of the editorial column of said combined newspapers, and in each issue of said newspapers, Thursday is announced as the day on which said legal notices will be published.

IDAHO
OF TWIN FALLS

6th day of Feb. in the year of 1997, before me,
I, personally appeared Emily McKnight,
notified to me to be the person whose name subscribed to the within instrument, and being by me first duly
advised that the statements therein are true, and acknowledged to me that he executed the same.

Juana R. Feltman
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5/19/2000

NOTICE OF PROPOSED CHANGE OF A WATER

RIGHT NO. T46

Notice is hereby given

Illegally climb bridge.

County of Publication
STATE OF IDAHO
COUNTY OF TWIN FALLS } SS.

RECEIVED

FEB 07 1997

No 29014

(two wells to be drilled) SEC 30 T04S R33E, B.M. and
SWNW NWSW SEC 30 T04S R33E, B.M. and
must be filed with the Idaho Department of Water Re-
sources, 900 N. Skyline Dr., Idaho Falls, ID 83402
together with a protest fee of \$25 on or before February
18, 1997. The protestant must also send a copy of the
protest to the applicant.
KARL J. DREHER, Director

PUBLISH: January 30 and February 6, 1997

I, Emily McKnight Department of being first duly sworn upon oath, depose
and say that I am principle clerk of the TIMES-NEWS, published daily, at
Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per
clipping attached, was published in the regular and entire issue of said newspaper, and not in any
supplement thereof, for two consecutive days,
commencing with the issue dated Jan. 30, 19 97,
and ending with the issue dated Feb. 6, 19 97.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho
Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except
Monday, both of which newspapers prior to consolidation had been published under said names in said city and county
continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since
such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said
newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated
as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be
published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each
issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 6th day of Feb. in the year of 1997, before me,
a Notary Public, personally appeared Emily McKnight,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly
sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Jewell R. Feltman
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5/19/2000

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 02/06/97INVOICE NO. 134792Account No. 446600Description 134792NOTICEOFAPROPOSE**LEGAL ADVERTISING
INVOICE**Times 2Lines 30

Tab. Lines _____

SOLD TO: IDAHO DEPT. OF WATER RESOURCES
900 N. SKYLINE
IDAHO FALL ID 83402

\$ 90.00

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 134792NOTICEOFA attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 01/30, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 01/30/97, and the last publication thereof being on the 02/06/97, and said 134792NOTICEOFA was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

day of _____ 1997

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires _____

134792

**NOTICE OF A PROPOSED CHANGE OF A WATER RIGHT
NO. T4994**

Notice is hereby given that North Fork Energy, Inc., P.O. Box 5405, Boise, ID 83705, has applied to the Department of Water Resources to add diversion points to the waters of springs and artesian wells tributary to American Falls Reservoir. The rights sought to be changed are evidenced by licenses and recorded as follows:

Source: groundwater

Priority: 09/30/1969

Amount: 4.00 cfs

Point(s) of Diversion: SWNW NWSW SEC 30 T04S R33E, Bingham County

The amount of 4.00 cfs is used for fish propagation and .04 cfs for domestic

use from 01/01 to 12/31 within the SWNW NWSW SEC 30 T04S R33E, B.M.

No: 35-07098

Source: springs tributary to American Falls Reservoir

Priority: 08/02/1969

Amount: 20.0 cfs

Point(s) of Diversion: SWNW NWSW SEC 30 T04S R30E, Bingham County

The amount of 20.00 cfs is used for fish propagation from 01/01 to 12/31 within

the SWNW NWSW SEC 30 T04S R33E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the SWNW (springs and two existing wells)

NWNWSW (springs and one existing well) SWSWNW (two wells to be drilled)

NWNWSW (two wells to be drilled) SEC 30 T04S R33E, B.M. and used for domes-

tic use and fish propagation within the SWNW NWSW SEC 30 T04S R33E, B.M.

Any protests against approval of the proposed change must be filed with the

Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402,

together with a protest fee of \$25 on or before February 18, 1997. The protestant

must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in the Lewiston Morning Tribune on January 30 and February 6,

1997

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No.: 35-07097 Source: groundwater
Amount: 4.00 cfs Priority: 09/30/1969
Point(s) of Diversion: SWNW NWSW SEC 30 T04S R33E, Bingham County
The amount of 4.00 cfs is used for fish propagation and .04 cfs for domestic use from 01/01 to 12/31 within the SWNW NWSW SEC 30 T04S R33E, B.M.

No.: 35-07098 Source: springs tributary to American Falls Reservoir
Amount: 20.0 cfs Priority: 08/02/1969
Point(s) of Diversion: SWNW NWSW SEC 30 T04S R30E, Bingham County
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TO BE CHANGED AS FOLLOWS:

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KARL J. DREHER
Director

Published in the Times News on January 30 & February 6, 1997

/

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KARL J. DREHER
Director

Published in the Lewiston Morning Tribune on January 30 & February 6, 1997



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KARL J. DREHER
Director

Published in the Idaho Statesman on January 30 & February 6, 1997

✓

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KARL J. DREHER
Director

Published in the Morning News on January 30 & February 6, 1997



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 22, 1997

NORTH FORK ENERGY INC
PO BOX 5405
BOISE ID 83705

RE: Notice of Application for Transfer No. 4994

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application for transfer of water rights 35-07097 & 35-07098. This office is currently in the process of advertising the application in the Morning News and statewide on January 30 & February 6, 1997. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,


Harold W. Jones
Water Right Supervisor

HWJ/rb



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

January 22, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MORNING NEWS
PO BOX 70
BLACKFOOT ID 83221

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before FEBRUARY 17, 1997.

Yours truly,

Rita Bodell
Secretary

Enc.

April 5, 1982

RE: License No. 35-7097

Houghland Farms
Springfield,
Idaho 83277

Gentlemen:

Our office acknowledges receipt of Assignment of Permit for the above referenced water right. However, in reviewing the file I find that the Permit has been licensed.

In Idaho, a licensed water right is considered real property and can be acquired when the property to which it is appurtenant to is purchased. Proof to owning the water right is proof of owning the property.

Therefore, I have put the Assignment of Permit into the file for future reference only and no other action will be taken.

If you have any questions please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

cc: Aetna Life Insurance Company
151 Farmington Ave.
Hartford, CT 06156

NOT RECORDED

MAY 20 1982



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

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

December 30, 1980

Houghland, Farms, Inc.
Springfield,
Idaho 83277

Dear Sirs,

RE: License No. 35-7097

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:mr

Enclosure

MICROFILMED

RECEIVED

FEB 18 1976
328-2260

Phone 328-2200
Department of Water Resources
 Phone Eastern District Office

3. Water will be used for the following purposes:

Other uses: _____

- [illegible]

TOTAL ACREAGE

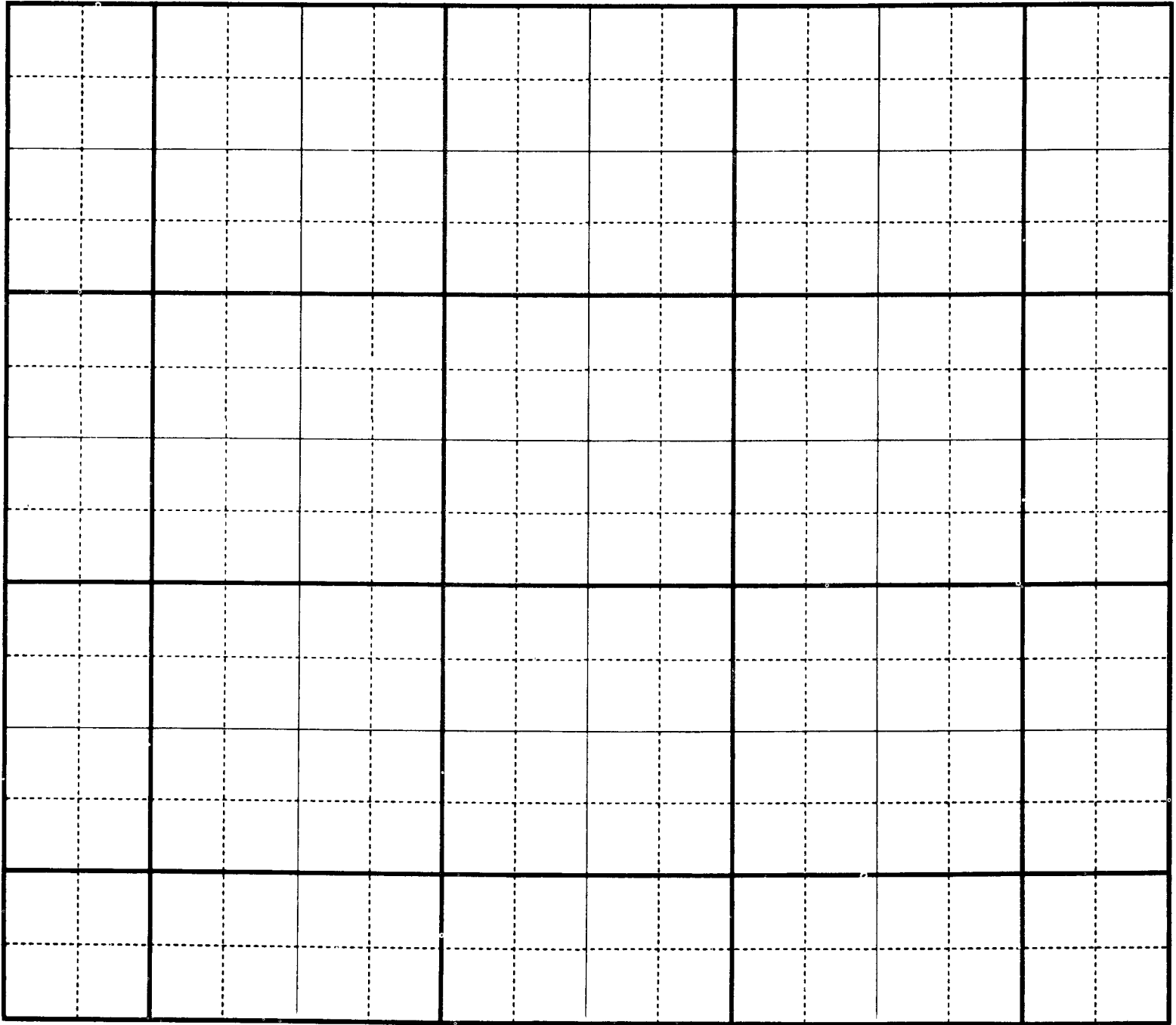
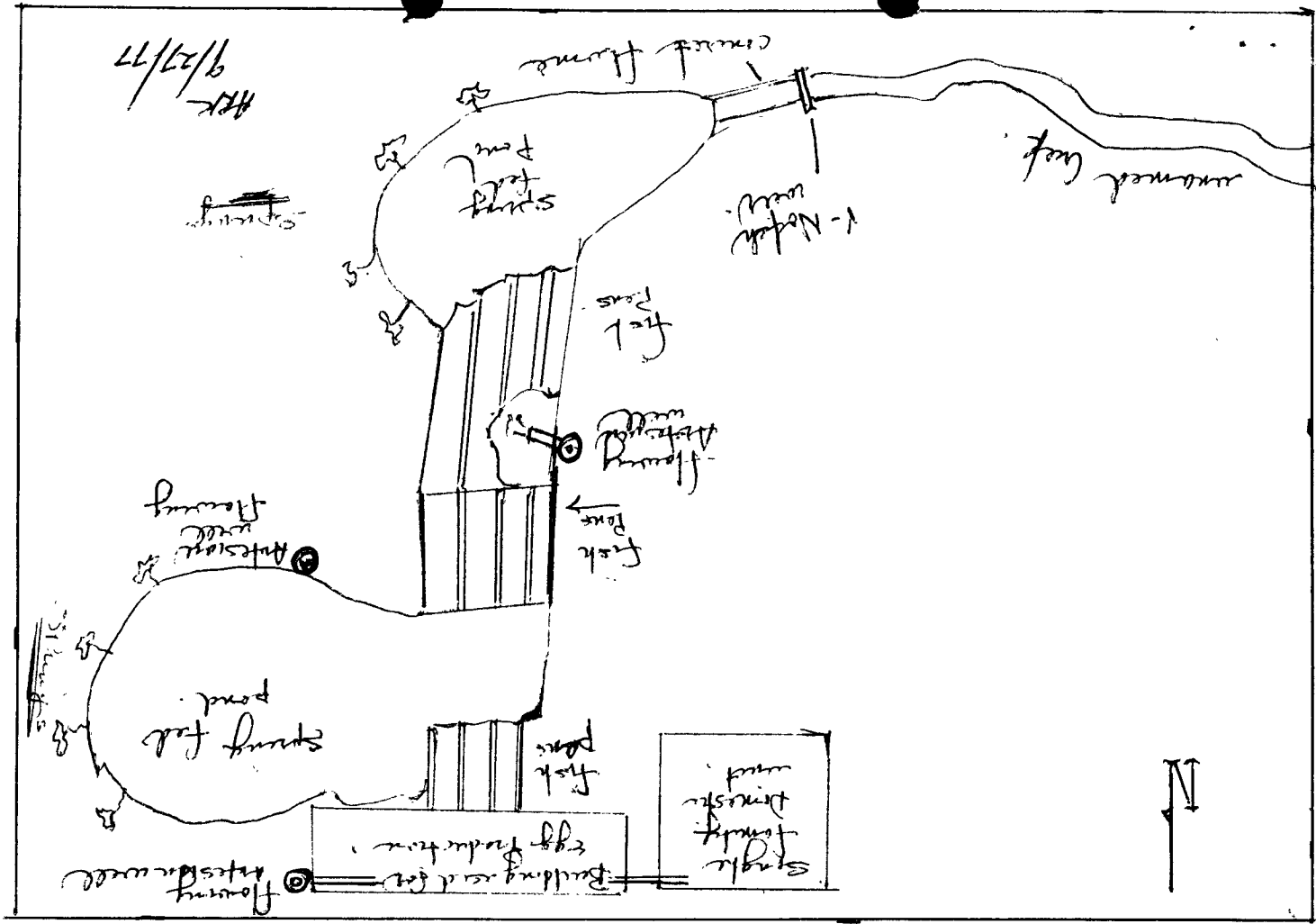


Diagram of System



OTHER WATER RIGHT REVIEW

Houghland Farms have

(35-7138)
35-7139
35-7140)

3 water rights.

None of these are
related to this right.
(They are all irrigation)

Jim
12/12/80

DATE OF EXAM 9/27/77

ACREAGE
Found n/a
Recommended n/a

Irrigation Requirement n/a Ac Ft/Ac

USE
Irrigation Q = 0.04 c.f.s. V = 1.20 AF/Ann. from Jan 1 to Dec 31
Domestic Q = 0.04 c.f.s. V = 1.20 AF/Ann. from Jan 1 to Dec 31
Livestock Q = 0.04 c.f.s. V = 1.20 AF/Ann. from Jan 1 to Dec 31
Fish Propagation Q = 7.00 c.f.s. V = nonconsumptive from Jan 1 to Dec 31
Q tot = 7.04 c.f.s. V = 1.20 AP/yr from Jan 1 to Dec 31

Is water co-mingled? yes X no

Name source: unamed springs discharge into fish ponds
twp. 4 S N/S, Rge 33 E E/W, B.M., Sec. 30, Sub. SW 1/4 NW 1/4 SW 1/4 County Brigham

Exchange? yes no X

Name source exchanged with: n/a
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4 County

Point of injection: n/a
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4 County

Point of exchange: n/a
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4 County

Total Q measured 8.62 c.f.s. Method of measurement Weir
Total Q recommended 4.04 c.f.s. Meter No. n/a Type V-Notch Condition good (metal edged)
Total V recommended non-consumptive

Recommended Amendments:

P.D.
Place of Use
Other
None

MEASUREMENT CALCULATION:
Head measured 1.65 ft., Q = 2.49 [H]^{2.48} Domestic Q = 0.04 c.f.s.
Q = 2.49 [1.65]^{2.48} = (2.49)(3.46) = 8.62 c.f.s.
Fish pup. V = non consumptive Domestic V = 1.20 AP/yr.

SYSTEM DESCRIPTION:
Groundwater from 3 flowing artesian wells is comingled with surface water from multiple unamed springs all of which discharge into a large system of fish ponds. The water flows south west and into a small unamed creek tributary to American Falls Reservoir. The weir is set in a concrete flume where the fish ponds empty into the creek. 2 Buildings are supplied their domestic needs by this water.

REMARKS:
Rainbow trout are raised in this facility almost exclusively for the purpose of egg production. The same mature eggs are transported to a hatchery in Buhl Idaho where they are hatched raised and sold for their meat. System shown & described by Porter Houghland owner.

Examiner's Signature Anthony R. Kozlowski Date 9/27/77
Checked by Rodney A Parker Date
Approved by Date

HOUGHLAND FARMS, INC.

Springfield, Idaho 83277

Phone (208) 328-2260

RECEIVED

NOV 19 1980

Department of Water Resources

November 14, 1980

David R. Tuthill Jr. P.E.
Dept. of Water Resources
450 W. State Street
Boise, Idaho 83720

Dear Mr. Tuthill,

Regarding your letter of October 27, concerning license on
Permit No. 35-7007.

When this well was developed it was equipped with an 8" flanged pipe, with 8" valve, with flanged extension to fish raceways. Shortly after it was installed, trespassers or vandals shut off the valve and killed thousands of fingerling trout. Due to this unfortunate experience, the valve was removed and the 8" flanged pipes were connected so there would be no further chance of an accidental shut down.

If at any time the water needs to be shut off, there is a valve in storage for this purpose on the premises.

I hope this would satisfy the Section of the Idaho Code referred to in your letter and that you can complete the processing of this water right.

Sincerely,


Porter Houghland
Houghland, Farms, Inc.
Springfield, Idaho 83277

MICROFILMED

October 27, 1980

Mr. Porter Houghland
Houghland Farms
Springfield, Idaho 83277

Dear Mr. Houghland:

A review of our files indicates that we have been withholding the issuance of a license on Permit No. 35-7097 pending the installation of controlling devices on artesian wells within the W₂SW₄ Sec. 30, Twp. 4 S., Rge. 33 E., B.M.

Section 42-1602, Idaho Code, states that "... it shall be unlawful for the owner, tenant, or occupant of the land upon which such well is situated... to permit the water to unnecessarily flow or to go to waste..." Therefore, we feel that issuance of the water right license prior to installation of such controlling works is not warranted.

Please provide this office with evidence of installation of said controlling works prior to December 31, 1980, so that we can complete processing of this water right.

Sincerely,

DAVID R. TUTHILL JR., P. E.
Supervisor, Water Allocation Section

DRT:jg

File

RECEIVED

OCT 19 1979

Department of Water Resources

MEMORANDUM

TO: Dave Tuthill *DT*

FROM: Rod Parker

RE: 35-7097 (Houghland Farms)

DATE: October 17, 1979

A field exam to check on the status of the flowing wells at Houghland Farms (Clear Springs Trout Farm) on Friday 12, 1979. The artesian wells are still flowing uncapped with no control valves apparent on any of the pipes.

Put *Call up R/W*
10/17/80

MICROFILMED



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

M E M O R A N D U M

TO: Tony Kozlowski
FROM: Dave Tuthill *Dave*
DATE: September 5, 1979
RE: 35-7097 (HOUGHLAND FARMS)

We have discussed your recommendation to delay issuance of a license on Permit No. 35-7097 due to a lack of control facilities on the artesian wells. The license will be delayed as you request; however, we should make another field examination to insure that the wells are still uncapped.

Please notify us of the results of a current field exam. Meanwhile, we will insure that the other Houghland Farm permits are licensed so that this permit is more obvious.

Thanks, Dave

MICROFILMED



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

March 12, 1979

Houghland Farms, Inc.
Springfield, ID 83227

Gentlemen:

As requested in a phone call to this office, I have enclosed a copy of Water Right License No. 35-7098.

Permit Nos. 35-7097 and 35-7138 are still in permit form. Affidavits have been submitted as proof to beneficial use. Before licensing, a field examination must be made by a representative of this department.

Permit Nos. 35-7139 and 35-7140 are still in permit form. Field examinations have been made, and the permits are in the process of being licensed. A copy of the license will be sent to you when completed.

If you have any questions or need further assistance, please do not hesitate to contact us.

Sincerely,

Roberta Garrett
Records Supervisor

Enclosure

ENCLOSURE



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

Memo to file

35-7097

Houghland Farms

A field examination for permit 35-7097 was completed on 9/27/77. A rough draft license was completed the same day. The examination revealed that three flowing artesian wells had not been equipped with shut-off valves that could completely curtail the flow of groundwater from the wells. A letter was written to Porter Houghland requesting that he install the required valves. This letter was sent on February 28, 1978 requesting verification that the valves had been installed. To date we have not received the requested verification.

Before a license is issued on this permit, the wells should be equipped with the shut-off valves. I am forwarding this exam to you for final action.

Anthony R. Kozlowski
Senior Water Resource Agent

4/11/79

MICR

February 17, 1976

Re: Permit No. 35-7097

Houghland Farms, Inc.
Springfield, Idaho
83277

Gentlemen:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for ~~the~~ above referenced permit. Enclosed is an Order of Reinstatement; please note that the priority has been advanced to September 30, 1969.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell when this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field examination, please contact our Eastern Regional Office.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:JFR

Enclosure

RECEIVED
OCT 17 1975

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Identification No. _____

Permit No. 35-7097

RECEIVED
FEB 8 1976
Jaw

Department of Water Resources

1. a) Name of Permit Holder Houghland Farms, Inc.
b) Post Office Address Springfield, Idaho
2. Permit Number 35-7097
3. Date of Priority that you are prepared to establish 8-22-69
4. a) Source from which water was appropriated Groundwater
b) Location of the point of diversion: NW 1/4 SW 1/4, Section 30
Township 4 S, Range 33 E, Boise Meridian, Other points of diversion:
SW 1/4 NW 1/4 Sec. 30 T 4 S. R. 33 E.B.M.
5. a) The amount of water and use to which the water has been applied:
amount 4.0 c.f.s. for Fish Prop. purposes from Jan 1 to Dec 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount .04 c.f.s. for Domestic purposes from Jan 1 to Dec 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 4.04 cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Ag-Services, Inc. Blackfoot, Idaho
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Artesian wells flow into pond and stream
b) Describe the type and size of measuring device which you have installed at your point of diversion: None Cement Parshall flumes and V Notch Weir
c) Give well drillers name and address and date the well was completed
Webb Drilling - Blackfoot, Idaho May 1969
July 1969
June 1970

IDAHO DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE
L. G. HOLMES
FALLS, IDAHO 83401

2-17-76
j

MD

Life

James B. Smith
Notary Public residing at *Blackfoot, ID*

State of Idaho)
County of Bingham) ss.

56-14-75


 J. Edgar Hoover
 (Signature)

Total number of acres irrigated -

TWP.	RANGE	SEC.	NE¼				NW¼				SE¼				SW¼				NE¼				NW¼				SE¼				SW¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivi-

Place of use is same as Points of Diversion - used for Fish propagation

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place

RECEIVED

FEB 9 1976

Department of Water Resources

Springfield, Idaho
February 2, 1976

R. Keith Higginson, Director
State Of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 837 20

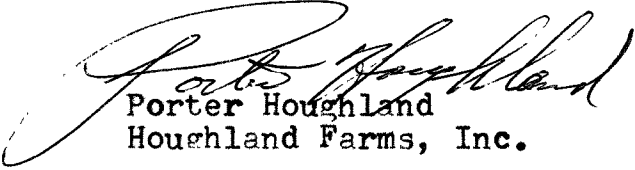
Dear Mr. Higginson,

In regards to your letter dated January 7, 1976, concerning Permit No. 35-7097. We wish to reinstate the permit.

The cement Parshall Flumes were installed in 1973 at the point of diversion. These were constructed to accomodate the V notch weirs. The weirs were stolen by duck hunters in the fall of 1973.

Please notify us if any further information is needed to reinstate this permit.

Sincerely,


Porter Houghland
Houghland Farms, Inc.



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

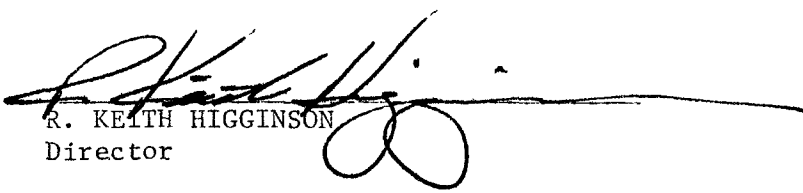
January 7, 1976

Houghland Farms
Springfield, Idaho
83277

Gentlemen:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 35-7097 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.


R. KEITH HIGGINSON
Director

RKH:jg

WATER RESOURCE BOARD:

John F. Streiff
Chairman

Franklin Jones

George L. Yost
Vice-Chairman

M. R. Hansen

Donald R. Kramer
Secretary

James W. Goetz

Edwin C. Schlender
Member

Joseph L. Northrup



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

October 31, 1975

CERTIFIED MAIL

#138020

Re: Permit No. 35-7097 & 35-7098

*see 35-7098
for cert.
card.*

Houghland Farms
Springfield,
Idaho 83277

Gentlemen:

One of the conditions of approval of your water Permit No. 35-7097, 35-7098 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before January 1, 1976. Enclosed is an affidavit form which must 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 affidavit 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.

MICROFILMED

R. Keith Higginson

R. KEITH HIGGINSON
Director

COPY

RKH:jg
Enc: Proof affidavit (2)

WATER RESOURCE BOARD:

John F. Streiff
Chairman

Franklin Jones
Member

George L. Yost
Vice-Chairman

M. Reed Hansen
Member

Donald R. Kramer
Secretary

Scott W. Reed
Member

Edwin C. Schlender
Member

Joseph H. Nettleton
Member

January 22, 1971

Re: Permit Nos. 35-7097 and 35-7098

Houghland Farms
Springfield,
Idaho 83277

Gentlemen:

Enclosed are copies of your approved Applications for Permit Nos. 35-7097 and 35-7098. 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 points of diversion has been placed upon your permits. We are enclosing a letter describing different types of measuring devices accepted by this office.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

Enclosures: Copy of Permit No. 35-7097
Copy of Permit No. 35-7098
2 informationa letters

35 7097

Identification No. 35-7097
Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

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

1. Name of applicant Houghland Farms
post office address Springfield, Idaho 83277
2. Source of water supply Groundwater which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30 Township 4S
Range 33E B.M. Bingham County; additional points of diversion if any: _____
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, T. 4S, R. 33E, B.M.
- b. If water is not consumed, it will be discharged into Channel of m. Falls at a point in NW $\frac{1}{4}$
of SW $\frac{1}{4}$ of Section 30 Township 4S Range 33E B.M. Bingham
4. Water will be used for the following purposes:
Amount 4.0 for Fish prop. purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .04 for domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 4.00 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Drilled wells, pumps, motors, pipe

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 8 inches; proposed depth of well is 165 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 \$ 4,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
SW NW
(1) Give the place of use of water: NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30 Township 4S
Range 33E 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 two.
(5) If water is to be used for other purposes describe: Fish propagation. 35 7097

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

December 10, 1970

Re: Applications for Permit Nos. 35-7097
35-7098

Mr. Porter Houghland
HOUGHLAND FARMS
Springfield, Idaho 83277

Dear Mr. Houghland:

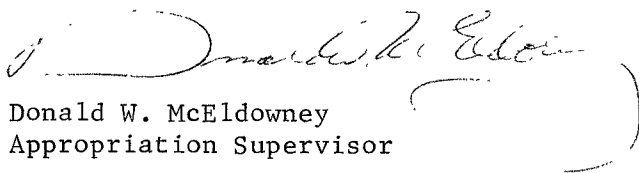
Thank you for supplying the justification in connection with a fish propagation.

We would request one additional item before the Department issues your permits. We are enclosing a front copy of each of the applications, and it is noted under item 3b that information is requested concerning the point at which water will be discharged, if not consumed, and into what the water will be discharged.

Will you please identify the discharge point and what the water will be discharged into for each of the applications? The Department can immediately take action on your applications.

Your cooperation in this matter has been appreciated.

Very truly yours,


Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: copies of first pages of above referenced applications

35 7097



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

December 10, 1970

Re: Applications for Permit Nos. 35-7097
35-7098

Mr. Porter Houghland
HOUGHLAND FARMS
Springfield, Idaho 83277

Dear Mr. Houghland:

Thank you for supplying the justification in connection with a fish propagation.

We would request one additional item before the Department issues your permits. We are enclosing a front copy of each of the applications, and it is noted under item 3b that information is requested concerning the point at which water will be discharged, if not consumed, and into what the water will be discharged.

Will you please identify the discharge point and what the water will be discharged into for each of the applications? The Department can immediately take action on your applications.

Your cooperation in this matter has been appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: copies of first pages of above referenced applications

35 7097

INSTRUCTIONS TO DELIVERING EMPLOYEE



Show to whom, date, and
address where delivered



Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

1

22336

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

3

35 7097

11-6-70

35-7097

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE \$300



**RETURN
TO** 

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**

NAME OF SENDER

STREET AND NO. OR P.O. BOX

DEPARTMENT OF WATER ADMINISTRATION

STATEHOUSE - ANNEK #2

POST OFFICE, STATE, AND ZIP CODE

BOISE, IDAHO 83707

35 7097

November 5, 1970

Re: Applications for Permit No. 35-7097 & 35-7098

Houghland Farms
Springfield,
Idaho 83277

Gentlemen:

On October 21, 1970, the Department requested additional information in connection with the above referenced applications for permit.

Please be advised that if we have not received a reply from you on or before December 1, 1970, your applications will be voided pursuant to Section 42-204 of the Idaho Code.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

CERTIFIED MAIL # 22336

35 7097

October 21, 1970

Re: Application for Permit No. 35-7098
35-7097

Houghland Farms
Springfield, Idaho

Gentlemen:

In order to complete the processing of your application, we will require some additional information. Please submit the total dimensions of each of the ponds, so that we may determine the volume required per pond. Also, please advise us as to the number of water changes you plan to make.

Your assistance in this matter is appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cm

35 7097

October 22, 1969

Re: Application for Permit No. 35-7097

C
Houghland Farms
Springfield
Idaho

Gentlemen:

O
In order to further consider your application for permit, we will require additional information not included with your application.

- P
Y
1. A financial statement indicating the resources available to complete the project as described in the application (see Section 42-203, IC).
 2. A preliminary design of the hatchery facilities, indicating the size of raceways, general layout, the size of pipelines or other diversion works and such other information as will fully describe the method and means of diversion and verify the need for the quantity of water you have asked to appropriate.
 3. A justification, based upon the preliminary design and the estimated production of the hatchery, for the amount of water requested.
 4. An estimated schedule of construction giving dates for the start of construction, the finish of construction, and the date that full operation of the hatchery is anticipated.

You should be aware that all applications, if approved, will require the installation and maintenance of adequate measuring devices, both at the point of diversion and the point of return of the water to the creek. These devices must be of a type approved by the Department of Reclamation; they can be of any generally recognized standard measuring device type. You should include the installation of these devices in your preliminary plans for construction.

35 7097

Page 2
October 22, 1969
Houghland Farms

I would appreciate receiving this information by November 23, 1969.
Thank you for your cooperation.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:sc

C
O
P
Y

NOTICE OF APPLICATION
FOR WATER

Notice is hereby given that Houghland Farms, Springfield, Idaho, has on August 22, 1969, applied for permit under application No. 35-7097 to divert 4.0 cubic feet per second of water from a groundwater source. Water will be diverted by wells, pumps, motors and pipe within the NW1/4 SW1/4 and SW1/4 NW1/4, Sec. 30, T. 4S, R. 33 E, B.M., Bingham County and is to be used from January 1 to December 31 for fish propagation and domestic purposes in the NW1/4 SW1/4 and SW1/4 NW1/4, Sec. 30, T. 4S, R. 33 E, B.M. Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON,
State Reclamation Engineer
(2150)
Pub.: 9-11 and 18

September 4, 1969

Re: Application for Permit No. (35-7097)
35-7098) - Houghland Farms

Blackfoot News
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 ample 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 date. If you cannot publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Legal notices (2)

35 7097

1

1

2.2.

35 7097