

**STARTING
LEFT
SIDE OF
FILE**

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	41-07076	Lanny N. Permann	4.80
Full Assignment	41-07076	Timothy P. Deeg	4.80

Late Proof

Due 1/1/97

Received 1/15/97

MICROFILMED

FEB 07 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JAN 13 1997

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 41-070716 Telephone No. (208) 226-5588

2. Name(s) of Permit Holder(s): Timothy P. Deeg

3. Mailing Address: 2957 Deeg Road, American Falls, Idaho 83211

4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. 7 / yr. 92

a. Well Driller: Sherman Couch Drilling Permit Number: 41-92-\$-002

b. OPTIONAL:
Pump Horsepower: 500 Pressure (psi): 40 Dynamic pumping level (ft): 520'

5. Use(s) (as authorized by the water right permit):

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

Irrigation (No. of acres): 240A Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 4.80 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes <u>X</u> or No _____
	Has the measuring device been installed?	Yes <u>X</u> or No _____
Flow Measurement Port:	Is a flow measurement port required?	Yes <u>X</u> or No _____
	Has the measurement port been installed?	Yes <u>X</u> or No _____

8. Fee Enclosed: \$ 200.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Timothy P. Deeg Telephone Number: (208) 226-5588
(208) 220-5588
Address: 2957 Deeg Road, American Falls, ID 83211

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Timothy P. Deeg Date: 1/9/97
(include your title, if on behalf of company or organization)

FEB 07 1997

NOV 14 1996

State of Idaho
Department of Water Resources

RECEIVED \$25 Jones
501908
NOV 15 1996 11/14/96

Department of Water Resources
Southern Region

ASSIGNMENT OF PERMIT

Department of Water Resources

I, Lanny N. Permann, hereby assign to Timothy P. Deeg
of 2957 Deeg Road, American Falls, Idaho 83211
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 41-07076
to appropriate the public waters of the State of Idaho.



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

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

Made this 14th day of August, 19 95.

Lanny N. Permann
Permit Holder

Marcia Permann
Spouse of Permit Holder

State of Idaho)
County of Pomer) ss.

On this 19th day of Sept, 19 95, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

S. Jay
Notary Public residing at

American Falls, ID

My commission expires:
Feb 18, 2000

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Exhibit "B"

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STATE OF IDAHO
APPROVED

RECEIVED

Department of Water Resources

APPLICATION FOR AMENDMENT OF A PERMIT

OCT 04 1995

To change the point of diversion and/or the place of use Department of Water Resources
Southern Region

Comes now Lanny N. Permann Phone _____
of (address) 2918 Cold Creek Road, American Falls, ID 83211, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 41-07076, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 9S, Range 31E, B.M.,
County of Power. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 4.80 for Irrig. purposes from 5-1 to 10-31 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	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 $\frac{1}{4}$	
9S	30E	12		33	33		33			33									132
9S	31E	6													27	27	27	27	108

Total number of acres to be irrigated = 240

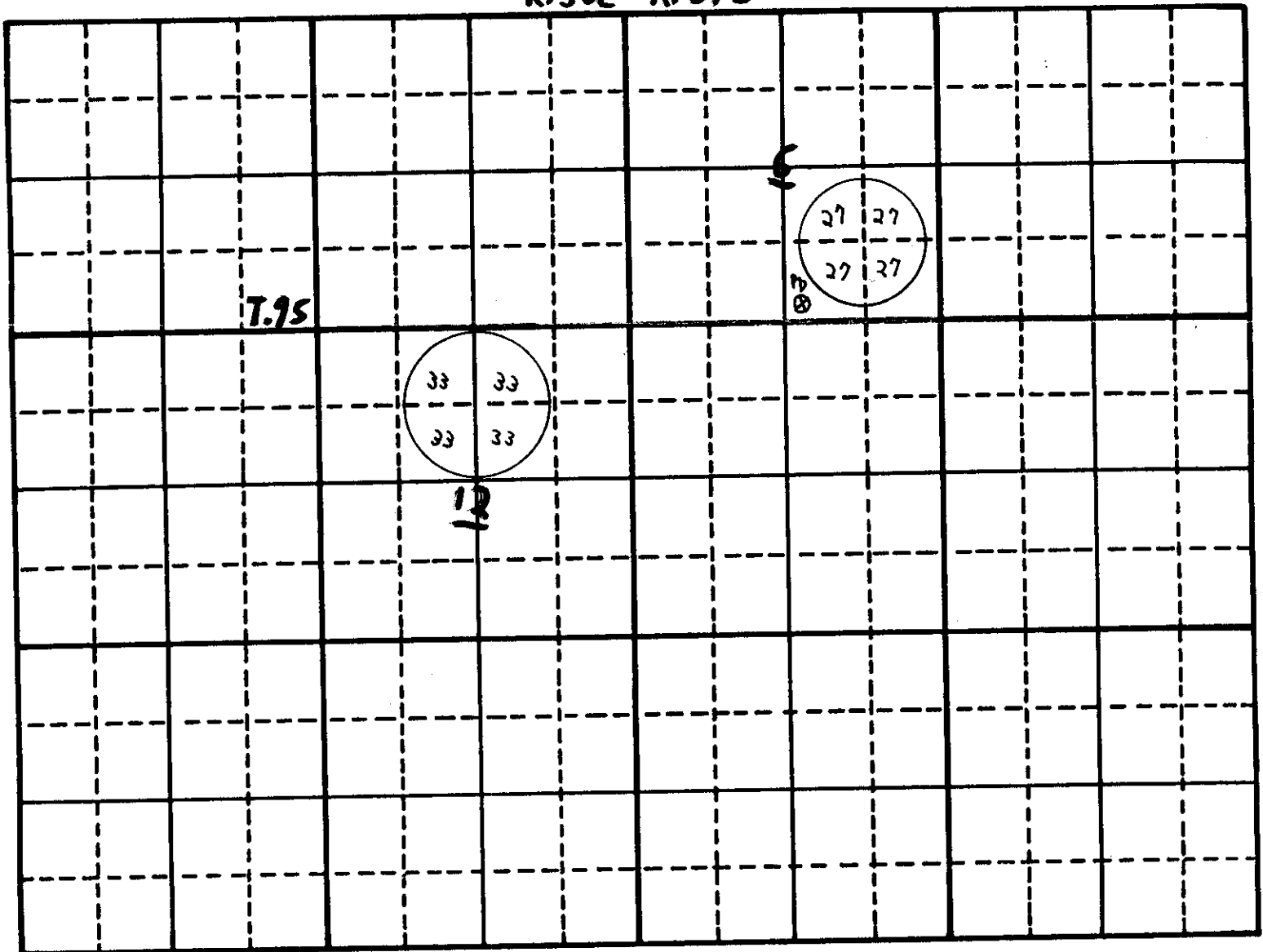
4. a. Who owns the property at the point of diversion? Timothy P. Deeg
b. Who owns the land to be irrigated or the place of use? Ernest Permann and Otto Deeg
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: Lanny Permann is selling to Timothy P. Deeg (see attached
contract); Tim Deeg owns the property for the new diversion, and is leasing
the property from Ernest Permann and Otto Deeg (see attached leases) where
the proposed place of use is.

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Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

R. 30E R. 31E



Scale: 2 inches equal 1 mile.

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

Signed at Enda Sandy Bank NMFLB, this 19 day of Sept, 19 95.

Lanny R. Remann
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by CS Fee = \$50.00 Received by JP Date 10-4-95 5018546
Publication prepared by MB Date 10/30/95 Published in Power Co. Press
Publication dates 11/8 + 11/15/95

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby approve the above referenced application for amendment. See the attached sheet for the conditions of approval.

Witness my hand this

8th

day of

December

19 95

MICROFILMED

L. Glen Saxton
Chief, Water Allocation Bureau

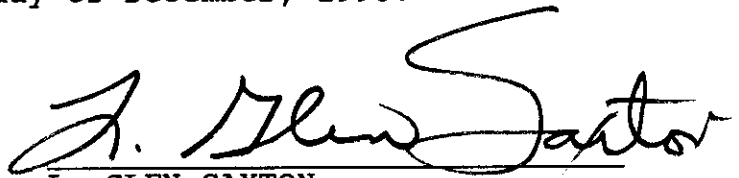
DEC 11 1995

CONDITIONS OF APPROVAL

Amendment of Permit No. 41-07076

1. The previous conditions as set forth in Permit No. 41-07076 must be met.
2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Dated this 8th day of December, 1995.


L. GLEN SAXTON
Chief, Water Allocation Bureau

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DEC 11 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
41-07076 IN THE NAME OF)
LANNY N. PERMANN)
_____)

ORDER

This matter having come before the Idaho Department of Water Resources (department), as a result of a response by the permit holder to an order issued by the department, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On November 9, 1994, the Director of the department issued an Order for Temporary Stay of Development and Notice of Formal Proceedings (order) in connection with certain permits within the Eastern Snake River Plain Aquifer for which proof of beneficial use of water has not been filed with the department.

2. On January 30, 1995, the holder of Permit No. 41-07076 (permit) filed a response to the order with the Director in connection with Order Condition 2.B.1) to show that the permit holder has a substantial investment in facilities to divert and beneficially use water authorized for diversion under the permit.

CONCLUSIONS OF LAW

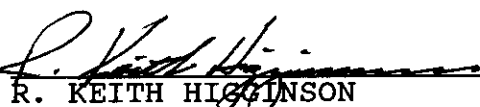
1. The permit holder has provided sufficient evidence to demonstrate that substantial investment has been made in facilities to divert and beneficially use the water contemplated under the permit.

2. The Director should allow the permit holder to continue the development authorized by the permit.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the permit holder is authorized to continue with development under terms of the existing permit.

Dated this 1st day of FEBRUARY, 1995.


R. KEITH HIGGINSON
Director

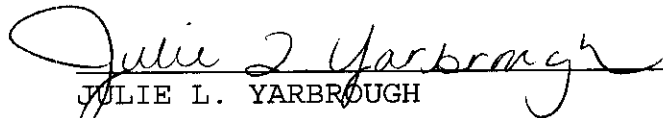
RECORDED

FEB 15 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 2nd day of February, 1995,
I mailed a true and correct copy, postage prepaid, of the foregoing
ORDER to the following:

Lanny N. Permann
c/o Kent Foster
HOLDEN KIDWELL HAHN & CRAPO
P.O. Box 50130
Idaho Falls, ID 83405


JULIE L. YARBROUGH
Senior Secretary


FEB 15 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPROVED PERMITS)
FOR THE APPROPRIATION OF GROUND)
WATER FROM THE EASTERN SNAKE RIVER)
PLAIN AQUIFER FOR WHICH PROOF OF)
BENEFICIAL USE HAS NOT BEEN)
SUBMITTED AND IS NOT PAST DUE)

**ORDER FOR TEMPORARY
STAY OF DEVELOPMENT AND
NOTICE OF FORMAL PROCEEDINGS**

The Director of the Idaho Department of Water Resources (Director), having responsibility for the administration of the appropriation of the water of the state of Idaho, the protection of rights to the use of water within the state, the protection of the public interest in the waters of the state and the conservation of the water resources of the state enters the following Findings of Fact, Conclusions of Law and Order for temporary stay; and provides the following notice of formal proceedings:

FINDING OF FACTS

1. On May 15, 1992, the Director issued an order establishing a moratorium on the processing and approval of applications for permit to appropriate water from all surface and ground water sources upstream from the USGS Gauge on the Snake River near Weiser, Idaho. On April 30, 1993, the Director issued an Amended Moratorium Order covering the Eastern Snake River Plain Aquifer. The 1994 session of the Idaho Legislature enacted section 42-1806, Idaho Code, requiring that the moratorium relating to the the Eastern Snake River Plain area shall continue in effect until December 31, 1997.

2. The state of Idaho has experienced seven (7) recent years of drought conditions resulting in lowered ground water levels and decreased discharge from surface water sources. The Idaho Legislature has authorized a study to examine the implications of these changes and the relationships between surface and ground water resources. The study is expected to be completed in approximately two (2) years.

3. Delivery calls have been made by the holders of senior-priority surface and ground water rights against the holders of junior-priority ground water rights from the Eastern Snake Plain Aquifer which could result in the curtailment of diversion and use of water under junior-priority ground water rights including rights which might otherwise be developed under permits which are the subject of this order and notice.

FEB 15 1995

CONCLUSIONS OF LAW

1. Section 42-1805, Idaho Code, provides in part as follows:

In addition to other duties prescribed by law, the director of the department of water resources shall have the following powers and duties:

... (7) After notice, to suspend the issuance or further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of minimum flow provisions of the state water plan.

2. Water Appropriation Rule 55.02. of the Department of Water Resources (IDAPA 37.03.08055.02) provides as follows:

02. PERMITS

a. To the extent a permit has not been developed, the director may cancel, or modify permits for which proof of beneficial use has not been submitted in a designated geographical area as an extension of Rule 55.01.

b. Notice of the director's action to cancel or modify permits shall be by:

i. Summary Order served by certified mail upon the affected permit holders in the designated area.

ii. Publication of the order for three (3) consecutive weeks in a newspaper or newspapers of general circulation in the area.

c. Objections to the director's action shall be considered under the department's adopted rules of procedure and applicable law.

3. Rule of Procedure 104 of the Department of Water Resources (IDAPA 37.01.01104) provides in part as follows:

Formal proceedings may be initiated by a document from the agency informing the party(ies) that the agency has reached an informal determination that will become final in the absence of further action by the person to whom the correspondence is addressed, provided that the document complies with the requirements of Rules 210 through 280.

4. Protection of prior rights to the diversion and use of surface and ground water of the Eastern Snake River Plain Aquifer

FEB 15 1995

and the Snake River may require that the further development of water under existing undeveloped permits be suspended indefinitely to assure that the effects and conditions caused by drought, changes in irrigation practices and resulting aquifer recharge, and diversion and use of ground water from the aquifer under prior established water rights are properly evaluated.

5. Section 42-204, Idaho Code, provides in part as follows:

Every holder of a permit which shall be issued under the terms and conditions of an application filed hereafter appropriating twenty-five (25) cubic feet or less per second must, within one (1) year from the date upon which said permit issues from the office of the department of water resources, commence the excavation or construction of the works by which he intends to divert the water, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted through no fault of the holder of such permit by circumstances, over which he has no control.

ORDER

IT IS THEREFORE, HEREBY ORDERED as follows:

1. The owners of all permits to appropriate ground water within the boundaries of the Eastern Snake Plain Aquifer, as that area is defined by Rule 50 of the rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11), shall, effective immediately upon receipt of this order, temporarily stop further development under the permit until the Director authorizes further development.

2. The owners of all permits for appropriation of ground water within the boundaries of the Eastern Snake River Plain Aquifer shall on or before February 1, 1995, either:

A. File proof of beneficial use to cover the extent of diversion and beneficial use of water that has been accomplished prior to receipt of this order; or

B. File a response with the Director in this proceeding to satisfy the requirements of either subparagraph 1) or 2) below:

1) Document with supporting information that a "substantial investment" has been made, prior to receipt of this order, in facilities to divert and beneficially use water under the permit that merits the granting of additional time to complete all or part of the project. Substantial investment means an actual expenditure or written commitment for development of the project which meets the following requirements:

FEB 15 1995

- a) The actual expenditure or written commitment for the diversion and related equipment must equal or exceed the amount of fifteen thousand dollars (\$15,000) or exceed twenty five (25) percent of the estimated cost of the system for diverting and beneficially using the water, whichever is less; and
- b) The actual expenditure or written commitment must have been made before receipt of this order.

2) Request an indefinite stay in the development period for the project, or any part of the project for which a substantial investment has not been made, until the conditions that resulted in this order have been alleviated if such should ever occur. Upon approval of any such stay, no further development is to occur until such time as the department has issued an extension of time setting a date for completion of the project.

3. Failure to submit either proof of beneficial use or a satisfactory response shall result in cancellation of the permit without further notice.

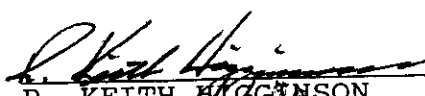
4. Before receiving approval for either additional time to complete a project under subparagraph 2.B.1) or a stay under subparagraph 2.B.2) above, the owner of the permit shall provide information to demonstrate compliance with the provisions of Sections 42-204, Idaho Code, with respect to commencing and diligently proceeding to develop the project authorized under the permit.

5. This order does not prevent the Director from reviewing continued development of a permit on a case-by-case basis if,

a. The Director determines that protection and furtherance of the public interest justifies continued development of a permit; or

b. The Director determines that continued development and use of water will have no effect on prior water rights because of its location, insignificant consumption of water or mitigation provided by the permit holder to offset injury to other rights.

Dated this 9TH day of NOVEMBER, 1994.


R. KEITH HIGGINSON
Director

FEB 15 1995

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DEC 17 1993

For Office Use Only
\$15 Fee Received by DW
Date 12/17/93
Receipt No. 029251

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 41-07076

Name(s) of Permit Holder: LANNY N. PERMANN

Mailing Address: 2918 Cold Creek Rd., American Falls, ID 83211

Date Proof is Due January 1, 1994 Telephone No. 226-2097

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Applicant has caused sprinkler irrigation systems to be designed for
his property and it is calculated that the development cost thereof.
Applicant also caused an irrigation well to be drilled in the summer
of 1992 to the depth of 540' and there is a static present water level of
390 feet. Costing \$ 35,000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

A testing of the well revealed not sufficient water to develop all of the
ground permitted. A new well will have to be drilled since the old one is
too crooked to deepen any further and applicant does not have the money to
drill another well at this time.

Permit holder(s) request an extension to January 1, 1999

FEE: \$15.00

Lanny N. Permann
(Signature)

*If other than permit holder, Power of Attorney must be supplied.

FEB 15 1995

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to January 1, 1997.

Signed this 21st day December, 1993

L. Glen Saxton
L. GLEN SAXTON, Chief
Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 41-07076

Proposed Priority: September 11, 1985 Maximum Diversion Rate: 4.80 CFS
This is to certify, that **LANNY N. PERMANN**

2918 COLD CREEK RD.
AMERICAN FALLS, ID 83211

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

IRRIGATION	05/01 to 10/31	4.80 CFS
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LOCATION OF POINT(S) OF DIVERSION:

NWSE Sec. 5, Township 09S, Range 30E
POWER County

PLACE OF USE: IRRIGATION
TWN RGE SEC

	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S 30E 5	NENE 40	NWNE 40	SWNE 40	
	SENE 40	NWSE 40	SWSE 40	240

Total number of acres irrigated: 240

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **January 1, 1994**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
7. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

RECORDED

REC 67 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 41-07076

CONDITIONS/REMARKS:

8. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

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

25th day of January, 1991.

R. Keith Higginson
for R. Keith Higginson, Director

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FEB 17 1991

Form 202
3/78
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SEP 11 1985
Department of Water Resources
Southern District Office

Ident. No. 41-7076

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

JUN 24 1985

To appropriate the public waters of the State of Idaho

Department of Water Resources
Southern District Office

1. Name of applicant LANNY N PERMANN Phone 226-2097

Post office address HC 76 - Box 2050 American Falls ID. 83201

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

3. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 5 Township 9S

Range 30E B.M. Power County, additional points of diversion if any: _____

None

4. Water will be used for the following purposes:

Amount 4.8 cfs for Spunkley Irrigation purposes from May 1st to Oct. 31st (both dates inclusive)

Amount 720 for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated:

a. 2704.8 cubic feet per second and/or b. 720 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Mainline w/ Pump with a flow meter

b. Height of storage dam N/A feet, active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet, materials used in storage dam: N/A

Period of year when water will be diverted to storage N/A to N/A inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 250-400 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation: N/A
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
T9S	R30E	5	X	X	X	X										X	X		240

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. _____

9. a. Who owns the property at the point of diversion LARRY N PERMAN

b. Who owns the land to be irrigated or place of use LARRY N PERMAN

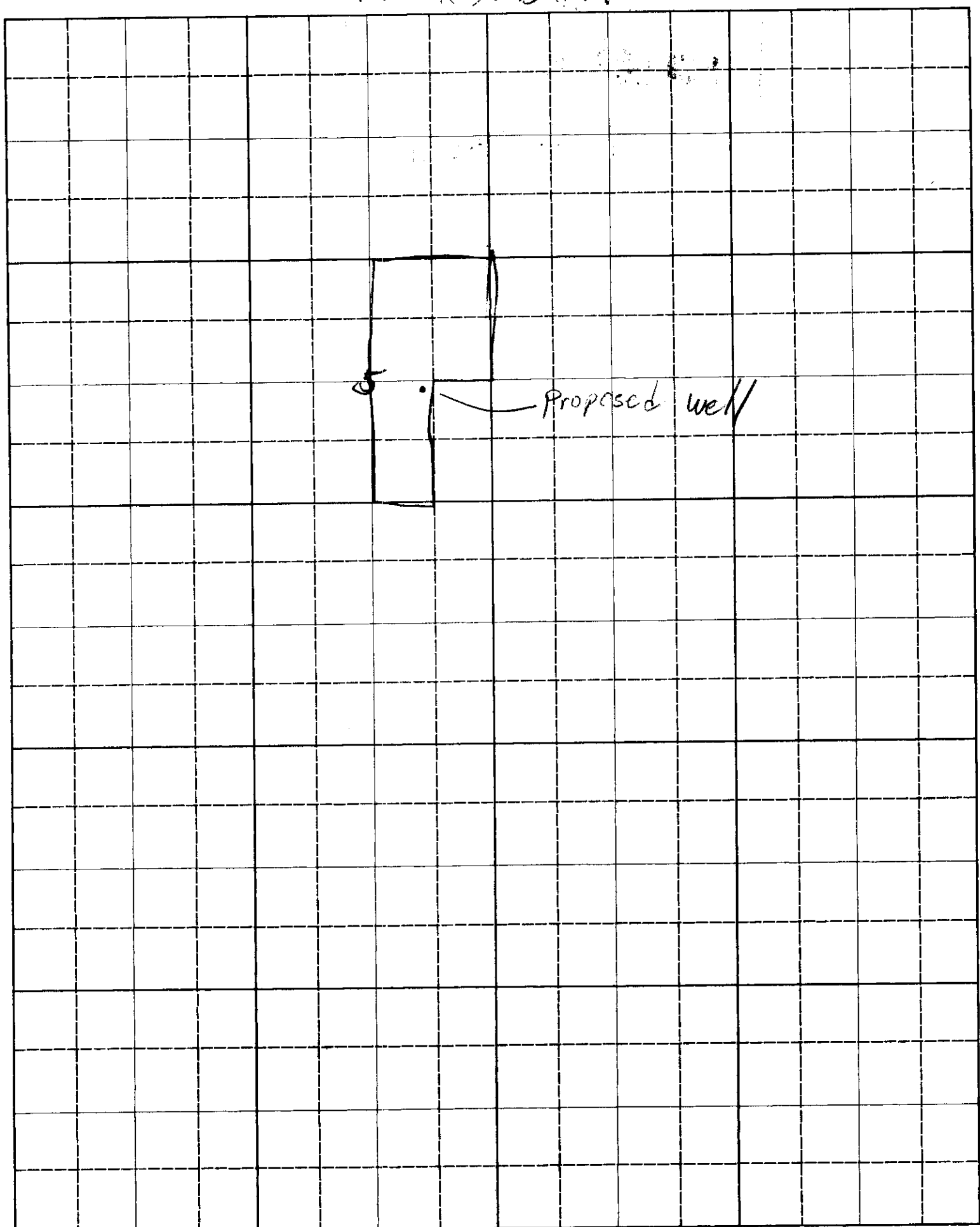
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

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

T9S R30E BM



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.

MICROFILMED
FEB 07 1991

Lanny N. Peumans
(Applicant)
HC 76 Box 2050
am Falls, IDA
83211

Received by maria Date 9-11-85 Time 12:45 p
macfa 6-24-85
Received by CW Date 6-18-85 Time 12:45
Preliminary check by TB Fee \$ 125.00
Receipted by maria Date 9/11/85
Publication prepared by M. Baldwin Date 4/23/90
Published in Pomer Co. Press
Publication dates 5/2 + 5/9/90
Publication approved M. Baldwin Date 6/5/90
Protests filed by: _____

Copies of protests forwarded by: _____
Hearing held by _____ Date _____
Recommended for approval denial by LD

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: _____

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

Director

FILED

FEB 67 1991

State of Idaho
County of Power

MAY 16 1990
Department of Water Resources
Eastern District Office

Erma Crompton being first duly sworn on oath, states:
That she is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:
That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 2 day of may 1990 and the date of last publication being the 9 day of may 1990

(Signed)

State of Idaho
County of Power

On this 16 day of may in the year of 1990, before me, a Notary Public, personally appeared Erma Crompton, 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 she executed the same.

Brett Crompton
Notary Public for Idaho
Residing at American Falls, Idaho
My commission expires: June 8, 1991

FEB 07 1991

NOTICE OF APPLICATION FOR
WATER RIGHT
The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

41-07066
GARRY, KATHLEEN D.
SPEITH, KERRY G.
378 TYBEE
AMERICAN FALLS, ID 832110000
Source: GROUNDWATER

Diversion Pt: SENW Sec 7 T 09S R 30E

Use: IRRIGATION (.280 CFS)
Total Diversion: (.280 CFS)

Date Filed: 4/8/1983

In: T09S R30E S07 SWNW SENW
14.0 ACRES TOTAL

41-07067
WALKER, MERRILL E.
WALKER, DONNA D.
BOX 336
ROCKLAND, ID 83271

Source: GROUNDWATER

Diversion Pt: SENW Sec 5 T 10S R 31E

Use: IRRIGATION (.690 CFS)
Total Diversion: (.690 CFS)

Date Filed: 5/3/1983

In: T10S R31E S03 SWNW SENW
80.0 ACRES TOTAL

41-07068
ROCKLAND VALLEY RANCHES
BOX 934
ROCKLAND, ID 83271

Source: ROCK CREEK
Tributary: SNAKE RIVER

Diversion Pt: SENW Sec 15 T 09S R 30E

Use: IRRIGATION (2,000 CFS)
Total Diversion: (2,000 CFS)

Date Filed: 4/26/1983

In: T09S R30E S14 SWSW SESW
NESE SWSE SESE
S1S SWNE SENW NESW NESE
NWSE SESE
S2S NENE NWNE SWNE SENE
NENW NWNW SENW
369.0 ACRES TOTAL

41-07069
WALKER, ONA
WALKER, GLENNA
ROCKLAND, ID 83271

Source: GROUNDWATER

Diversion Pt: NESW Sec 33 T 09S R 31E

Use: IRRIGATION (.100 CFS)
STOCKWATER (.050 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.100 CFS)

Date Filed: 4/28/1983

In: T09S R31E S33 NESW NWSW
5.0 ACRES TOTAL

41-07071
DEEG, TIMOTHY P.
HC 76 BOX 2130
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Total Diversion: (.197 CFS)

Date Filed: 7/13/1983

In: T09S R 31E S06 SWSE
11.0 ACRES TOTAL

41-07072
BOTTRUFF, CHARLES R.
BOTTRUFF, TERESA
3712 REGISTER RD.
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: NENW Sec 7 T 09S R 30E

Use: IRRIGATION (.160 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.220 CFS)

Date Filed: 8/12/1983

In: T09S R30E S07 NENW
8.0 ACRES TOTAL

41-07073
ALLEN, JEFF D.
P.O. BOX 311
ROCKLAND, ID 83271

Source: ROCK CREEK, EAST FORK
Tributary: ROCK CREEK

Diversion Pt: NWNE Sec 10 T 10S R 31E
NWNE Sec 11 T 10S R 31E

Use: IRRIGATION (.400 CFS)
Total Diversion: (.400 CFS)

Date Filed: 3/21/1984

In: T10S R31E S03 SWSE
25.0 ACRES TOTAL

41-07074
PERMANN, LANNY N.
2918 COLD CREEK RD.
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: NWSE Sec 5 T 09S R 30E

Use: IRRIGATION (4,800 CFS)
Total Diversion: (4,800 CFS)

Date Filed: 9/11/1983

In: T09S R30E S05 NENE NWNE
SWNE SENE NWSE SWSE
240.0 ACRES TOTAL

41-07075
MONTROSS, ERNIE
MONTROSS, COLEEN
BOX 299
ROCKLAND, ID 832710000

Source: GROUNDWATER

Diversion Pt: SENENE Sec 36 T 09S R 30E

Use: IRRIGATION (.150 CFS)
Total Diversion: (.150 CFS)

Date Filed: 9/22/1984

In: T09S R30E S36 NENE
5.0 ACRES TOTAL

The permit(s) will be subject to all
prior rights. Permits must be filed
with the Director, Dept. of Water
Resources, Southern Region, 222
Shoshone Street East, Twin Falls,
Idaho 83301 on or before MAY 21,
1990.

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 31, 1997

Timothy P. Deeg
2957 Deeg Rd.
American Falls, ID 83211

RE: Permit No. 41-07076

Dear Mr. Deeg:

The department recently acknowledged receipt of the proof of beneficial use submitted in connection with this permit, therefore, I am returning the voided extension of time request.

I have initiated the process to refund the \$50.00 filing fee submitted with the extension. You should receive the refund within seven (7) and ten (10) business days under separate cover.

If you have any questions regarding this matter, please contact me at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

C: IDWR - Region, Fiscal

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

January 30, 1997

TIMOTHY P DEEG
2957 DEEG RD
AMERICAN FALLS ID 83211

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 41-07076

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Please be advised that Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

If you have questions concerning the field examination, contact the **SOUTHERN** Regional Office in Twin Falls, at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

C: IDWR - Region

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JAN 13 1997

Department of Water Resources

2957 Deeg Road
American Falls, ID 83211
January 10, 1997

State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Attn: Julie L. Yarbrough
Senior Secretary

Dear Ms. Yarbrough,

I am returning the signed Request for Extension of Time for water right Permit No. 41-07076. It appears the Request for Extension of Time will be denied. I ask that the Department reconsider the application if it is denied, based on due diligence. However, should the Department still deny the Request for Extension of Time, I am forwarding a completed copy of Proof of Beneficial Use along with the required payment.

Should you have any additional questions, please contact me.

Sincerely,



Timothy P. Deeg

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FEB 07 1997

Enc.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 6, 1997

Timothy P. Deeg
2957 Deeg Rd.
American Falls, ID 83211

RE: Permit No. 41-07076

Dear Permit Holder:

I have returned the Request for Extension of Time submitted for the above referenced water right. Before the department can process the extension request, it must be signed by the permit holder or authorized representative.

Please sign on the hi-lighted line and return the extension request as soon as possible to avoid any further delays in processing.

Please contact me at (208)327-7900 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Julie L. Yarbrough".

JULIE L. YARBROUGH
Senior Secretary

Enclosure

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FEB 07 1997

MEMORANDUM

To: File 41-07076
From: L. Glen Saxton
RE: **EXTENSION OF TIME REQUEST**
Date: January 2, 1997

I have reviewed the application for extension of time and have determined the following:

1. On December 21, 1993, pursuant to the authority in Section 42-204 paragraph 5, Idaho Code, the department approved a request for extension of time in which to submit proof of beneficial use of water.

2. The department can approve an additional 3-month extension of time pursuant to Section 42-204, paragraph 1, Idaho Code. The 3-month period is the difference in the amount of time between November 9, 1994 on which date the department issued an Order for Temporary Stay of Development and Notice of Formal Proceedings in connection with development under terms of the permit and February 1, 1995 which is the date the department issued an order authorizing continued development under the permit.

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 2, 1997

TIMOTHY P DEEG
2957 DEEG RD
AMERICAN FALLS ID 83211

ASSIGNMENT ACKNOWLEDGMENT LETTER

RE: Permit No. 41-07076

Dear Permit Holder:

The Department acknowledges receipt of the correspondence and assignment of permit form transferring ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

The department is currently processing the Extension of Time Request submitted for the above referenced permit.

Please contact me at (208)327-7953 if you have any questions regarding this matter.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

C: IDWR - Regional Office

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FEB 07 1997

October 31, 1996

LANNY N PERMANN
2918 COLD CREEK RD
AMERICAN FALLS ID 83211

PROOF DUE NOTICE

RE: PERMIT NO. 41-07076

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1997. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

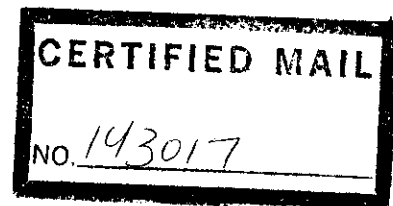
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

FEB 07 1997





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DECEMBER 8, 1995

LANNY N PERMANN
2918 COLD CREEK RD
AMERICAN FALLS ID 83211

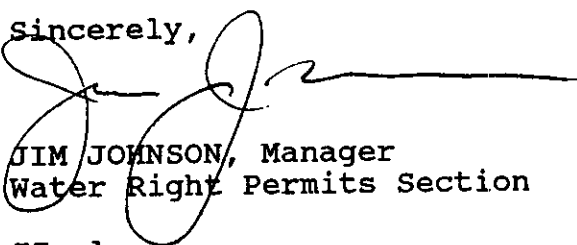
RE: Permit No. 41-07076

Dear Water Right Holder:

Enclosed is a copy of your approved Application for Amendment submitted in connection with the above referenced permit.

If you have any questions concerning this document, please contact me at (208) 327-7946.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

Enclosure

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DEC 11 1995

COPY

**CONTRACT OF SALE
AND
SECURITY AGREEMENT**

THIS CONTRACT is made and entered into as of this 19 day ^{Sept.}~~August~~, 1995, by LANNY N. PERMANN, of Power County, Idaho, hereinafter referred to as "Seller", and TIMOTHY P. DEEG of Power County, Idaho, hereinafter referred to as "Buyer", and whose residence address is 2957 Deeg Road, American Falls, Idaho 83211,

WITNESSETH:

In consideration of the mutual covenants set forth herein the parties agree as follows:

1. Sale.

Seller hereby agrees to sell to Buyer on the performance of the agreements of Buyer as hereinafter set forth, and to convey or cause to be conveyed by the legal owner or owners thereof free and clear of liens and encumbrances, excepting any liens or encumbrances that may have attached by reason of any act or deed of Buyer, the following described water right permit issued to Seller by the Idaho State Department of Water Resources:

Permit to Appropriate Water Right, No. 41-07076, with a proposed priority of September 11, 1985, for 4.80cfs of groundwater for the irrigation of 240 acres of land. (A copy of said permit is attached hereto as Exhibit "A").

2. Payment and Purchase.

Buyer agrees to buy the above described permit and to pay Seller therefore the sum of THIRTY-SIX THOUSAND DOLLARS (\$36,000.00), in lawful money of the United States of America, in the following manner:

A. Buyer has paid to Seller upon the execution of this Agreement the sum of THREE HUNDRED SIXTY DOLLARS (\$360.00) or one percent (1%) of the purchase price, receipt whereof is hereby acknowledged by Seller.

B. The balance of the purchase price, in the amount of THIRTY-FIVE THOUSAND SIX HUNDRED FORTY DOLLARS (\$35,640.00), together with interest thereon at the rate of eight percent (8%) per annum commencing February 20,

DEC 11 1995

1996, shall be paid by Buyer pursuant to the terms and conditions of the Promissory Note in the form of Exhibit "C" attached hereto.

C. Said Promissory Note shall be secured by a good and sufficient financing statement in the form of Exhibit "D" attached hereto.

All payments shall first be applied to the payment of accrued interest and then to the reduction of the principal balance of the purchase price. Buyer is given the right of making additional payments of principal at any time without incurring any prepayment penalty, provided, however, that any such additional principal prepayments shall be applied to the deferred balance of the purchase price in the reverse order of maturity and the making of such additional payments shall not in any way waive or excuse Buyer from making the next ensuing regular payment promptly as the same becomes due. Interest shall cease on additional payments of principal upon the date of such payments.

3. Documents of Conveyance.

Contemporaneous with the execution of this Contract, Seller shall execute an Assignment in the form of Exhibit "B" attached hereto and deliver such Assignment to Buyer for filing with the Idaho Department of Water Resources.

4. Escrow.

All payments to be made by Buyer upon the deferred balance of the purchase price under the terms of this Contract and the Promissory Note in the form of Exhibit "C" attached hereto shall be paid through the offices of First Security Bank of Idaho, American Falls Office, P.O. Box 250, American Falls, ID 83211, hereby designated as Escrow Agent under the terms of this Contract. Simultaneously with the execution of this Contract, Buyer and Seller shall execute Escrow Instructions to the Escrow Agent in the form of Exhibit "F" attached hereto. This Contract, together with such Escrow Instructions, shall constitute the directions and instructions to the Escrow Agent with respect to such escrow and shall define and describe the obligations of said Escrow Agent. The following documents shall be placed in escrow with the Escrow Agent:

A. An executed copy of this Contract of Sale and Security Agreement.

B. An executed copy of the Assignment in the form of Exhibit "B" attached hereto.

RECORDED

DEC 11 1995

C. An executed Promissory Note in the form of Exhibit "C" attached hereto.

D. An executed financing statement (UCC-1) in the form of Exhibit "D" attached hereto.

E. An executed release of collateral (UCC-3) in the form of Exhibit "E" attached hereto.

F. Four executed copies of the Escrow Instructions in the form of Exhibit "F" attached hereto.

When Buyer shall have paid to the Escrow Agent the entire balance of the purchase price, together with accrued interest in the manner and at the time specified in the Promissory Note referred to herein, and upon compliance with all of the terms and conditions of this Contract and said Promissory Note, the papers held in escrow shall be delivered to Buyer by the Escrow Agent. In the event Buyer defaults on this obligation, and said default remains after any notice which may be provided hereafter, the Escrow Agent shall deliver all of the papers placed in escrow to Seller. The initial and all other charges of the Escrow Agent shall be divided equally between Seller and Buyer.

5. Amendment of Permit.

The objective of this Contract is to permit Buyer to change the point of diversion and place of use of the referenced water right permit (Exhibit "A") to Buyer's property for the irrigation of up to 240 acres thereof. The parties agree that simultaneously with the execution hereof, Seller shall also execute the Application for Amendment of Permit to Appropriate Water Right No. 410-07076 in the form attached hereto as Exhibit "G" which shall then be filed by Buyer with the Idaho Department of Water Resources, Buyer paying the filing fees therefore. The parties agree to cooperate in every appropriate way in the processing of such application by the Idaho Department of Water Resources to the end that said Application for Amendment might be approved by the Idaho Department of Water Resources to enable Buyer to irrigate up to 240 acres of Buyer's land pursuant thereto.

6. Contingencies.

This agreement is expressly hereby made contingent upon the following items:

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DEC 11 1995

A. The formal approval by Idaho Department of Water Resources of the Application for Amendment of said water right permit.

B. Buyer successfully obtaining financing for the construction of the well and the installation of the center pivot sprinkler irrigation system for the proper irrigation of Buyer's land to be irrigated pursuant to said water right.

In the event either contingency has not been fully satisfied on or before the time for the payment of the first annual installment required by the Promissory Note attached hereto, and upon Buyer furnishing a copy of a formal decision of the Department of Water Resources denying said application for amendment or written communication from a financing institution rejecting Buyer's application for financing of the proposed well and center pivot sprinkler irrigation equipment to the Escrow Agent, this agreement shall terminate and no longer be of any force or effect. Upon the happening of either of such events, the Escrow Agent shall cancel the escrow and return the appropriate documents to Seller and to Buyer.

7. Default.

A. The following or any of them shall constitute an event of default under the terms of this Contract:

(1) If Buyer shall fail to make payment of the amounts set forth herein or to perform any other term, covenant or condition of this Contract and the Promissory Note and the Financing Statement referred to herein following thirty (30) days written notice of default sent from Seller to Buyer in the manner specified herein, which notice shall specify Buyer's default.

(2) If Buyer shall commit any act of bankruptcy or be adjudged bankrupt or insolvent as defined by the federal bankruptcy laws, or shall suffer the continuance of any bankruptcy or insolvency proceedings under any law for a period in excess of thirty (30) days, shall make an assignment for the benefit of creditors or apply for, consent to, or suffer the appointment of a receiver, trustee, or liquidator of his business or of all or a major portion of his assets, or should any governmental agency or court of competent jurisdiction assume custody or control of any substantial portion of Buyer's assets, Seller at his option may declare such event a breach and a default.

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DEC 11 1995

B. Upon the occurrence of an event of default, and the failure, neglect or refusal of Buyer to cure the same during any notice period required for such default specified above, without further notice to Buyer, Seller shall be entitled to close the escrow and receive all documents and instruments contained therein, and effectuate such rights and remedies against Buyer as are then available to Seller under the terms of this Contract and the Financing Statement referred to herein and the laws of the State of Idaho, including, without limitation, the following remedies:

(1) Declare all obligations of Buyer under the terms of this Contract and the Promissory Note referred to herein immediately due and payable in full and proceed with any actions authorized by the laws of the State of Idaho to collect any and all amounts due and owing by Buyer to Seller and enforce all obligations of Buyer to Seller.

(2) Bring any action authorized under the laws of the State of Idaho to foreclose the security interest secured by the Financing Statement referred to herein.

C. The remedies provided in this Contract are cumulative and the exercise of any remedy by Seller shall not be exclusive of the right to affect any other remedy allowed Seller under the terms of this Contract or by law or equity.

D. Any delay by Seller in enforcing the terms of this Contract or any considerations or departures therefrom shall not operate to waive or be deemed a waiver of the right to require compliance that is full and to the letter of this Contract or to thereafter require performance by Buyer in strict accordance with the terms of this Contract.

E. In the event that any remedy granted to Seller under the terms of this Contract is held void or unenforceable, Seller shall nevertheless have all of the other remedies provided in this Contract that are not contrary to law.

F. The notice of default required to be given by Seller to Buyer in the event of Buyer's failure or neglect to perform the terms, covenants, or conditions of this Contract as hereinabove provided, shall be prepared in duplicate and delivered to the Escrow Agent named in this Contract and shall be deemed to have been given as of the date a copy of said notice is sent by the Escrow Agent by registered or certified mail addressed to Buyer, at the post office address where Buyer is to receive notices as provided in this Contract, or at such other address as Buyer shall have from

DEC 11 1995

time to time furnished in writing to said Escrow Agent, and duly placed in the United States Mails with sufficient postage.

G. In the event that Seller elects to hire an attorney to prepare the notice of default, Buyer shall pay, in addition to any sums required to be paid to cure said default or in addition to any other performance required by Buyer to cure said default, the costs of preparation of said default notice and the costs charged by the Escrow Agent, if any, to deliver said notice of default, and said default shall not be cured unless and until said costs are paid. The notice of default shall specify the amount of said costs.

8. Enforcement.

Should either party default in the performance of any of the covenants or agreements contained herein, such defaulting party shall pay to the other party all costs and expenses, including, but not limited to, a reasonable attorney's fee, including such fees on appeal, which the offended party may incur in enforcing this Contract or in pursuing any remedy allowed by law for breach hereof, whether such is incurred by the filing of suit or otherwise.

9. Binding Effect.

This Contract shall be binding upon and inure to the benefit of the heirs, personal representatives, administrators, successors and assigns of the parties hereto.

10. Notice to Parties.

Service of any notice permitted or required under the terms of this Contract shall be deemed complete upon the depositing of the same in the United States Mail, by Certified or Registered Mail, addressed to Buyer at: 2957 Deeg Road, American Falls, Idaho 83211; or mailed to Seller at: 2918 Cold Creek Road, American Falls, Idaho 83211, as the case may be, or such other address as either shall hereafter in writing to the other and to the Escrow Agent designate, or by causing said notice to be served personally upon Buyer, or on Seller, as the case may be.

DEC 11 1995

11. Law.

This Contract shall be interpreted, construed and governed by the laws of the State of Idaho.

12. Counterparts.

This Contract has been executed in several counterparts, each of which shall be deemed to be an original.

13. Captions to Paragraphs.

The captions to the paragraphs of this Contract have been inserted for the purpose of convenience and ready reference. They do not purport to, and shall not be deemed to, define, limit or extend the scope of the clauses to which they pertain.

14. Survival of Terms.

The terms and provisions of this Contract shall survive the closing and the execution and delivery of instruments of transfer and conveyance. The terms of this Contract shall not be merged out by the execution and delivery of the instruments of transfer and conveyance.

15. Waiver.

A waiver of any default or breach of any term of this Contract shall not be deemed to be a waiver of any simultaneous or subsequent breach of the same or any other term of this Contract. All waivers must be in writing and must be signed by Seller. No failure or delay of Seller to exercise any right or remedy hereunder shall operate as a waiver.

16. Attorneys.

The law firm of Holden, Kidwell, Hahn, & Crapo, P.L.L.C., drafters of this agreement, have acted as attorneys for Buyer and as such have in no way advised Seller in regard to this agreement or any other matters.

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DEC 11 1995

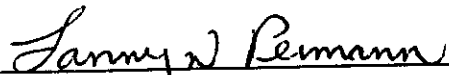
17. Exhibits.

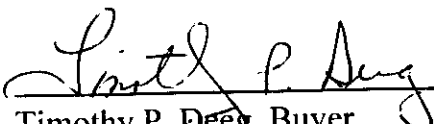
All exhibits attached to this Contract are incorporated into this Contract and made a part hereof by reference.

18. Severance and Validity.

In the event any provision of this Contract or any part thereof shall be determined by any Court of competent jurisdiction to be invalid, void, or otherwise unenforceable, the remaining provisions hereunder or parts thereof, shall remain in full force and effect, and shall in no way be effected, impaired or invalidated thereby, it being agreed that such remaining provisions shall be construed in a manner most closely approximating the intention of the parties with respect to the invalid, void or unenforceable provision or part thereof.

IN WITNESS WHEREOF, the parties have caused their names to be subscribed, all as of the day and year first above written.


Lanny N. Permann, Seller


Timothy P. Deeg, Buyer

DEC 11 1995

STATE OF IDAHO)
)ss.
County of Power)

On the 19 day of ~~August~~^{Sept}, 1995, before me, the undersigned, a notary public, in and for said State, personally appeared LANNY N. PERMANN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

S. Say Coleman
Notary Public for Idaho
Residing at American Falls
My Commission Expires: Feb 18, 2000

(seal)

STATE OF IDAHO)
)ss.
County of Power)

On the 19 day of ~~August~~^{Sept}, 1995, before me, the undersigned, a notary public, in and for said State, personally appeared TIMOTHY P. DEEG, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

S. Say Coleman
Notary Public for Idaho
Residing at American Falls
My Commission Expires: Feb 18, 2000

(seal)

G:\WPDATA\KWF\1246\DEEG0627 CTR.sjw

Affidavit of Publication

State of Idaho

County of Power

Erma Crompton being first duly sworn on oath, states:

That she is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

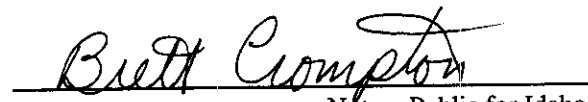
That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 8 day of November 1995 and the date of the last publication being the 15 day of November 1995.


Signed

State of Idaho

County of Power

On this 22 day of November in the year of 1995, before me, a Notary Public, personally appeared Erma Crompton, 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 American Falls, Idaho
My commission expires: June 8, 1999

Proposed change for water permit

Published in The Power County Press,
Nov. 8 & 15, 1995.

NOTICE OF AMENDMENT TO A WATER PERMIT

Notice is hereby given that LANNY N. PERMANN, 2918 COLD CREEK ROAD; AMERICAN FALLS ID 83211 has applied to the Department of Water Resources to change the point of diversion and place of use for the following described water right.

WATER RIGHT AS RECORDED:

Permit No.: 41-07076

Source: groundwater

Priority: 9/11/1985

Amount: 4.8 cfs

Use: irrigation (5/1-10/31)

Point of Diversion: NW1/4SE1/4, S5, T9S, R30E; Power County.

Place of Use: 240 acres within NE1/4, W1/2SE1/4, S5, T9S, R30E.

WATER RIGHT TO BE CHANGED AS FOLLOWS:

Point of Div: SW1/4SE1/4, S6, T9S, R31E; Power County

Place of Use: 240 acres within W1/2NE1/4, E1/2NW1/4, S12, T9S, R30E; SE1/4, S6, T9S, R31E.

Any protest against approval of the proposed amendment must be filed with the Director, Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before November 27, 1995. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

OK
MB
12/4/95

RECEIVED
DEC 11 1995

RECEIVED

DEC 01 1995

Department of Water Resources
Southern

THE POWER COUNTY PRESS
P.O. BOX 547
174 IDAHO ST.
AMERICAN FALLS, ID. 83211

RECEIVED

NOV 27 1995

Department of Water Resources
Eastern District Office

Southern
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
900 N. SKYLINE DR.
IDAHO FALLS, ID. 83402

STATEMENT DATE:
ACCOUNT NUMBER:

11/30/95
DEPTOFWA

STATEMENT OF ACCOUNT
=====

		CHARGES	PAYMENTS		BALANCE
11/01/95	OPENING BALANCE			\$	52.52
11/09/95	PAYMENT - THANK YOU		52.52		0.00
11/15/95	LEGAL: CHANGE PERMIT	40.20			40.20
	<i>Amendment</i>				
	41-07076				
			AMOUNT DUE:	\$	40.20

MB
12/4/95
OK

CURRENT	12.32-
31 - 60 DAYS	52.52
61 - 90 DAYS	0.00
90 + DAYS	0.00
TOTAL DUE	40.20

We appreciate your business.

DEC 11 1995

**NOTICE OF AMENDMENT TO A
WATER PERMIT**

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Karl J. Dreher, Director

Published in the Power County Press on
11/8 & 11/15/95.

MICROFILMED

DEC 11 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

October 31, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

POWER COUNTY PRESS
174 IDAHO STREET
AMERICAN FALLS ID 83211

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

MICROFILMED

DEC 11 1995

NOTICE OF AMENDMENT TO A WATER PERMIT

Notice is hereby given that LANNY N. PERMANN, 2918 COLD CREEK ROAD; AMERICAN FALLS ID 83211 has applied to the Department of Water Resources to change the point of diversion and place of use for the following described water right.

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Permit No. 41-07076
Source: groundwater
Priority: 9/11/1985
Amount: 4.8 cfs
Use: irrigation (5/1-10/31)
Point of Diversion: NW1/4SE1/4, S5, T9S, R30E; Power County.
Place of Use: 240 acres within NE1/4, W1/2SE1/4, S5, T9S, R30E.

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Karl J. Dreher, Director

Published in the Power County Press on 11/8 & 11/15/95.

MISSOURI

DEC 11 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

October 30, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

LANNY N PERMANN
2918 COLD CREEK ROAD
AMERICAN FALLS ID 83211

Re: Application for Amendment, 41-07076

Dear Mr. Permann:

The Department of Water Resources acknowledges receipt of your application for amendment of a permit.

This office has scheduled advertising the application in the Power County Press on 11/8 & 11/15/95. 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. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

cc: Kent W. Foster Esq.
PO Box 50130
Idaho Falls ID 83405

OCT 31 1995

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS, P.A.
DALE W. STORER
MARIE T. TYLER
JOHN G. SIMMONS
ROBERT M. FOLLETT
FREDERICK J. HAHN, III

WEST ONE BANK BLDG.
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83403

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9188

RECEIVED

OCT 04 1995

Department of Water Resources
Southern Region

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

September 25, 1995

IDAHO DEPARTMENT OF
WATER RESOURCES
222 Shoshone Street East
Twin Falls, ID 83301

Re: Application for Amendment of a Permit

Gentlemen:

We are enclosing for filing an Application for Amendment of a Permit together with our check in the amount of \$50.00 for the filing fee. We would appreciate it if you could process this application as rapidly as possible. Please let us know how we might be of assistance. We would very much appreciate being kept informed. We will look forward to hearing from you as soon as it is convenient.

Very truly yours,



Kent W. Foster

Enclosure

G:\WPDATA\KWF\1246\IDWR0925 LTR:sjw

RECEIVED

DEC 11 1995

FORWARD WHITE COPY TO WATER RESOURCES



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 2, 1995

RE: Permit No. 41-07076 in the name of Lanny N. Permann

Dear Interested Parties:

I have enclosed a copy of the **ORDER** which authorizes you to continue with development of the above referenced water right under the terms of the existing permit.

If you have any questions regarding the enclosed order, please feel free to contact me at (208)327-7953.

Sincerely,


JULIE L. YARBROUGH
Senior Secretary

Enclosure

RECEIVED

FEB 15 1995

RHA
Glen

Law Offices
HOLLAND, KIDWELL, HAHN & CRAPO, P.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS, P.A.
DALE W. STORER
MARIE T. TYLER
JOHN G. SIMMONS
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
JAMES K. SLAVENS

WEST ONE BANK BLDG.
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

January 26, 1995

RECEIVED
JAN 30 1995

Department of Water Resources

Mr. Higginson, Director
IDAHO DEPARTMENT OF WATER
RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Re: In the matter of approved permits for the appropriation of groundwater from the Eastern Snake River Plain Aquifer for which proof of beneficial use has not been submitted and is not past due. (Water Permit No. 41-07076).

Dear Mr. Higginson:

Our office has been contacted by Mr. Lanny N. Perman, 2918 Cold Crk. Rd. American Falls, Idaho 83211 regarding a copy of the "Order For Temporary Stay of Development and Notice of Formal proceedings" which he recently received referencing his water right permit no. 41-07076. Mr. Perman has accomplished most of the work that needs to be done in connection with the development of the well permitted but has still not been totally successful in obtaining adequate water to complete his project. Mr. Perman has therefore asked us to file this response to the order dated November 9, 1994.

Mr. Perman's desire is to comply with the provisions of paragraph 2.B.1)a) of the order. In order to do so, we have enclosed a copy of the Mr. Perman's letter to us with a copy of the driller's log, the driller's invoice, and a number of the checks showing expenditures in excess of \$15,000.

We therefore request on behalf of the Permans that Permit No. 41-07076 be exempted from the provisions of the order of November 9, 1994, and that the permit not be cancelled.

RECEIVED

FEB 15 1995

Mr. Higginson, Director
January 26, 1995
Page 2

Thank you for your kind attention to this matter. We will look forward to receiving confirmation in writing from your office as soon as it is convenient.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kent W. Foster".

Kent W. Foster

pc. Lanny Perman

Enclosure

G:\WPDATA\KWF\1246\PRMN0126.LTR:sjw

FEB 15 1995

Lanny N. Permann
2918 Cold Creek Rd.
American Falls, ID 83211
(208) 226- 2097

RECEIVED JAN 20 1995

RECEIVED
JAN 30 1995

January 19, 1995

Department of Water Resources

Dear Kent W. Foster

In regards to our phone conversation on Jan. 19, 1995. Here is a history of our permit No. 41-07076. On January 29, 1991 we recieved a permit approval notice from the Department of Water Resources.

Because of low crop yields on the dry farm we were not able to begin construction of well until January 1992. Gary Vollmer was who we chose to do the well drilling. He drilled to the depth of 430 ft. before finding any water at all. We continued to drill to the depth of 540 ft. At that point the water had come up in the well and was standing at 390 ft. The well driller was not able to tell how much water was actually there at this depth but felt there was enough for our needs. So he pulled off the well. At this point we had over 28,000 dollars invested in the well drilling. He charged us \$52/ft. to drill the well. We did not have to case any of the hole, so no added expense there. We had an agreement with the well driller that we would pay for this expense over a period of time and not in one lump sum. The payments are made from Feb. 1992 through July 1993 as the checks show. Enclosed is a copy of the bill from Gary Vollmer. IN October of 1992 we had Agricultural Services out of Blackfoot test pump the well to see how much water we actually had. The test pump results showed that there was not sufficient water for our needs. They did not have any kind of metering device, but they estimated the flow at app. 200 G.P.M. The cost of test pumping was \$4,135.00, which brought our expenses now to \$32,215.00.

Our permit was to expire on Jan. 1, 1994. So we filed for an extension on the permit. We were granted an extension until Jan. 1, 1997. But because of the drought on the dry farm we have not been able to do any further construction. So we are now at this point.

Also the total of the checks being enclosed do not total up to the \$28,080.00 that was charged by Gary Vollmer because we purchased some of the fuel that he used to operate the well drilling rig while he was drilling our well. And that fuel was deducted from the total bill.

If you have any questions or need any further information please contact us.

Thank You,

Lanny N. Permann

Lanny N Permann
1-19-95

RECEIVED
FEB 15 1995

RAY VOLLMER DRILLING CONTR. ,TOR

Well Owner Lanny Perman

Address _____

Owner's Permit No. _____

Type of Well drivation

() New Well () Deepened () Replacement

Size of Well _____

Size of Casing: Thickness _____ Diameter _____

Amount of Casing: From _____ To _____

Perforated: () Yes () No

Number	From	To
--------	------	----

Perforations feet feet

Surface: () Yes () No

To What Depth _____

Material Used in Seal _____

Location of Well _____

County _____

1/4 1/4 Sec. , T. N/S, R E/W

Water Level _____

Well Test _____

Date Started _____ Completed _____

Driller's Signature[illegible]

Rt. 1; Box 67

No

INVOICE DATE	SALESMAN
3-10-92	Jany
SHIP TO	

YOUR ORDER NO.	DATE SHIPPED	SHIPPED VIA	F.O.B. POINT	TERMS	QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
					5	well	5200 ft	\$28,080.00
						2/28/92		5,000.00
								23,080.00
						Pol. 3-10-92		1,500.00
								\$21,580.00
						Pd. 3-13-92		1,500.00
								20,080.00
						Has change to LANNY By <u>Aug</u> = 145.25		
						Pol. 4-14-92		8,000.00
						468.63 changed By <u>Aug</u>		12,080.00
						145.25		6,000.00
						Pol. Aug 24-92		6,080.00
						613.88		2,000.00
						Have not declared		4,080.00
						Pol. Oct 13-92		2,000.00
						Layne Pump = <u>Turned</u>		
						Pol. Dec 14-92		2,000.00
						Abrams Pump = <u>Turned</u>		2,080.00
						Walker = <u>Turned</u>		613.88
						Have not declared		14,66.12
						Fuel from above		475.00
						Pol. 4-21-93		991.12
						Hay Rows		126.75
								864.37
						7-12-93		500.00
						May -		364.37

3000

8,000

11

5

16

TERMS: Accounts are due on the 10th of the month following purchase date and become past due 30 days after date of purchase. Past due accounts will be charged 1 1/2% INTEREST PER MONTH (18% ANNUAL RATE). Title to the above listed merchandise shall remain with the seller until paid for. Purchaser agrees to pay all reasonable attorney fees & collection costs if seller deems it necessary to force collection of this account.

I certify that the property which I have here purchased will be used by me for the following purposes. ☐ Directly and primarily in the process of producing tangible personal property by mining, manufacturing, processing, or for farming and repair equipment used primarily as described above.

PURCHASER

PURCHASER

FEB 15 1995

Thank You

685

LANNY N. OR MARCIA PERMANN
 SSN 518-48-0758 SSN 519-52-1406
 2918 COLD CREEK RD. 226-2097
 AMERICAN FALLS, ID 83211

8/24 19 92 92-155/1241

PAY TO THE ORDER OF Gary Vollmer \$ 6000 ⁰⁰/₁₀₀

Six Thousand & no DOLLARS

MEMO Well Marcia Permann

1: 124 101555:05 024940 9 0685 "0000600000"

953

LANNY N. OR MARCIA PERMANN
 SSN 518-48-0758 SSN 519-52-1406
 2918 COLD CREEK RD. 226-2097
 AMERICAN FALLS, ID 83211

11/16 19 92 92-155/1241

PAY TO THE ORDER OF Agricultural Services \$ 4,135 ⁰⁰/₁₀₀

Four Thousand One Hundred Thirty Five & no DOLLARS

MEMO Test Pump Well Marcia Permann

1: 124 101555:05 024940 9 0953 "0000413500"

1404

HANGING L FARMS
 LANNY, MARCIA OR BRIAN PERMANN
 2918 COLD CREEK ROAD 226-2097
 AMERICAN FALLS, ID 83211

92-185/1241

11/24 19 92

Pay to the order of Water Resources \$ 200 ⁰⁰/₁₀₀

two hundred & no DOLLARS

For dilling permit Brian Permann

1: 001404 1: 124 101856: 065122148 "0000020000"

RECEIVED MED
 15 1995

HANGING L FAI
LANNY, MARCIA OR BRIAN PERMANN
2918 COLD CREEK ROAD 226-2097
AMERICAN FALLS, ID 83211

1472

92-185/1241

Pay to the
order of

Gary Wallmer

april 14 1992

\$ 8,000⁰⁰/₁₀₀

Eight thousands ⁰⁰/₁₀₀

Dollars



VALLEY BANK

POCATELLO OFFICE
P.O. BOX 2599
POCATELLO, IDAHO 83206

For well

Lanny W. Permann

⑈001472⑈ ⑆124101856⑆ 065122148⑈

⑈0000800000⑈

HANGING L FARMS
LANNY, MARCIA OR BRIAN PERMANN
2918 COLD CREEK ROAD 226-2097
AMERICAN FALLS, ID 83211

1445

92-185/1241

Pay to the
order of

Gary Wallmer

2-28 1992

\$ 5,000⁰⁰/₁₀₀

Five thousands ⁰⁰/₁₀₀

Dollars



VALLEY BANK

POCATELLO OFFICE
P.O. BOX 2599
POCATELLO, IDAHO 83206

For well

Lanny W. Permann

⑈001445⑈ ⑆124101856⑆ 065122148⑈

⑈0000500000⑈

HANGING L FARMS
LANNY, MARCIA OR BRIAN PERMANN
2918 COLD CREEK ROAD 226-2097
AMERICAN FALLS, ID 83211

1453

92-185/1241

Pay to the
order of

Gary Wallmer

3-10 1992

\$ 1,500⁰⁰/₁₀₀

Fifteen Hundred ⁰⁰/₁₀₀

Dollars



VALLEY BANK

POCATELLO OFFICE
P.O. BOX 2599
POCATELLO, IDAHO 83206

For well

Lanny W. Permann

⑈001453⑈ ⑆124101856⑆ 065122148⑈

⑈0000150000⑈

HANGING L FARMS
LANNY, MARCIA OR BRIAN PERMANN
2918 COLD CREEK ROAD 226-2097
AMERICAN FALLS, ID 83211

1456

92-185/1241

Pay to the
order of

Gary Wallmer

3-13 1992

\$ 1,500⁰⁰/₁₀₀

Fifteen Hundred ⁰⁰/₁₀₀

Dollars



VALLEY BANK

POCATELLO OFFICE
P.O. BOX 2599
POCATELLO, IDAHO 83206

For well

FEB 15 1992
Lanny W. Permann

⑈001456⑈ ⑆124101856⑆ 065122148⑈

⑈0000150000⑈

LAN. N. OR MARCIA PERMANN
SSN 518-48-0758 SSN 519-52-1406
2918 COLD CREEK RD. 226-2097
AMERICAN FALLS, ID 83211

978

12-14 1992 92-155/1241

PAY TO THE ORDER OF Gary Wallmer \$2,000.00
Two Thousands \$100 DOLLARS

Key Bank of Idaho
American Falls Office
P.O. Box 289
American Falls, Idaho 83211

MEMO Well Lanny N. Permann

⑆124101555⑆05 024940 9⑈ 0978 ⑈0000200000⑈

HANGING L FARMS 51793
LANNY, MARCIA OR BRIAN PERMANN
2918 COLD CREEK ROAD (208) 226-2097
AMERICAN FALLS, IDAHO 83211

1044

7-12 1993 92-1/1241

PAY TO THE ORDER OF Gary Wallmer \$500.00
Five Hundred \$100 DOLLARS

WESTONE BANK West One Bank, Idaho
Pocatello Office 43
Post Office Box 1709
Pocatello, Idaho 83204

FOR Drilling Lanny N. Permann

⑈001044⑈ ⑆124100019⑆1000071208⑈ ⑈0000050000⑈

HANGING L FARMS
LANNY, MARCIA OR BRIAN PERMANN
2918 COLD CREEK RD. 226-2097
AMERICAN FALLS, ID 83211

1737

4-21 1993 92-185/1241

PAY TO THE ORDER OF Gary Wallmer \$475.00
Four Hundred Seventy Five \$100 DOLLARS

Valley Bank
P.O. Box 2599 - Pocatello, ID 83206-2599

FOR Well Lanny N. Permann

⑈001737⑈ ⑆124101856⑆065122148⑈ ⑈0000047500⑈

LANNY N. OR MARCIA PERMANN
SSN 518-48-0758 SSN 519-52-1406
2918 COLD CREEK RD. 226-2097
AMERICAN FALLS, ID 83211

693

Oct 13 1992 92-155/1241

PAY TO THE ORDER OF Gary Wallmer \$2,000.00
Two Thousands \$100 DOLLARS

Key Bank of Idaho
American Falls Office
P.O. Box 289
American Falls, Idaho 83211

MEMO Well Drilling Lanny N. Permann

⑆124101555⑆05 024940 9⑈ 0693 ⑈0000200000⑈

FEB 15 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 9, 1994

LANNY N PERMANN
2918 COLD CREEK RD
AMERICAN FALLS ID 83211

RE: Water Right No. 41-07076

Certified Mail No. 141761

Dear Water Right Holder(s):

Enclosed is a copy of an Order for Temporary Stay of Development and Notice of Formal Proceedings in connection with the above referenced water right permit. Also enclosed is a form and instructions for filing proof of beneficial use of water.

If you have questions related to the order and its effect upon your permit, please feel free to contact the department.

Sincerely,

A handwritten signature in cursive script that reads 'L. Glen Saxton'.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

RECEIVED

FEB 15 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 21, 1993

Lanny N. Permann
2918 Cold Creek Rd.
American Falls, ID 83211

RE: Permit No. 41-07076

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to January 1, 1997. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extensions based on due diligence.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

C: IDWR-Regional Office

FEB 15 1995

Cavaness & Boomer

BEN CAVANESS
HENRY R. (Hank) BOOMER

ATTORNEYS-AT-LAW
376 Roosevelt - P.O. Box 70
American Falls, Idaho 83211

Telephone
(208)226-2562
Fax (208)226-2578

December 15, 1993

Karen L. Gustafson
Idaho Dept. of Water Resources
Statehouse Mail
Boise, ID 83720-9000

RECEIVED
DEC 17 1993
Department of Water Resources

Re: Request for Extension of Time

Dear Ms. Gustafson:

Enclosed is a Request for Extension of Time that I have prepared on behalf of Lanny N. Permann.

Also enclosed is our check in the amount of \$15. If additional information or fees are required, please advise.

Very truly yours,



Ben Cavaness

BC:mh

Encl.

15 1995

October 31, 1993

LANNY N. PERMANN
2918 COLD CREEK RD.
AMERICAN FALLS ID 83211

PROOF DUE NOTICE

RE: PERMIT NO. 41-07076

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

FEB 15 1995

CERTIFIED MAIL

NO. 140868



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 29, 1992

Mr. Lanny Permann
2918 Cold Creek Road
American Falls, ID 83211

Re: Permit No. 41-07076

Dear Mr. Permann:

This letter is to clarify any questions you may still have concerning our telephone conversation of Friday, January 24, 1992.

In reference to the above referenced permit, our records indicate that proof of construction of beneficial use of the water must be submitted on or before January 1, 1994. Sixty days prior to this date, (October 31, 1993), the department will send you notification that proof is due. If, at that time, your project is not complete, you may also apply for an extension of time. The department may or may not grant the extension.

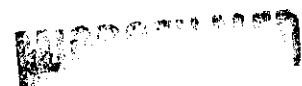
Section 42-204, Idaho Code, only allows for extensions based on certain criteria. Some of the criteria is government intervention, litigation, or due diligence. In order to be granted an extension based on due diligence, you must have diligently pursued the completion of your project. If no work has been done, the Department would be unable to grant your extension of time.

Our records also indicate that you should have begun construction on your project one year from the date of issuance of your permit, or January 25, 1992. Since this is a condition of the permit, you are legally required to begin construction by that date.

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager



FEB 15 1995

December 30, 1991

OK
01-02-92

State of Idaho
Dept. of Water Resources
1301 North Orchard Street,
Statehouse Mail,
Boise, Idaho 83720

RECEIVED
JAN 02 1992

Department of Water Resources

Re: Permit No. 41-07076

Dear Sir or Madaam:

Enclosed is a copy of the permit approval notice that we received stating that we need to commence excavation or construction within one year of the date permit was issued.

I had a phone conversation with one of your employees last week regarding this letter.

We are in the process of getting things put together but we have not received a commitment from Idaho Power in regards to the power source.

They are conducting a survey that they have not yet completed and cannot give us a commitment until this is done.

So we do not want to start construction until we have a firm commitment from Idaho Power.

If there is a problem with this and we must begin construction in Jan. 1992 please inform us.

Thankyou.

Sincerely,

Lanny N. Permann
Lanny N. Permann

RECEIVED

FEB 15 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 29, 1991

LANNY N. PERMANN
2918 COLD CREEK RD.
AMERICAN FALLS, ID 83211

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 41-07076

Dear Permit Holder:

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

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

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

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well

FEB 15 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 29, 1991

LANNY N. PERMANN
2918 COLD CREEK RD.
AMERICAN FALLS, ID 83211

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RECEIVED

FEB 07 1991

so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

MICROFILMED

FEB 67 1991

24-Apr-1990

LANNY N PERMANN
HC 76 BOX 2050
AMERICAN FALLS ID 83211

Re: Application for Permit No. 41-07076

Dear Applicant (s):

On March 25, 1988 the Federal Energy Regulatory Commission (FERC) issued an order satisfying the last condition to make the Swan Falls Agreement effective. The Department is now prepared to proceed with the normal processing of your application.

This office will be advertising the application in the Power County Press on 5/2 & 5/9/90. A period of ten days after the last publication will be allowed for the submittal of protests.

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

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

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

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301
(208)734-3578

APRIL 23, 1990

POWER COUNTY PRESS
174 IDAHO STREET
AMERICAN FALLS, ID 83211

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before MAY 21, 1990.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

110-23-1

41-07076

PERMANN, LANNY N.
2918 COLD CREEK RD.
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: NWSE Sec 5 T 09S R 30E

Use: IRRIGATION (4.800 CFS)
Total Diversion: (4.800 CFS)

Date Filed: 9/11/ 1985

In: T09S R30E S05	NENE	NWNE	SWNE	SENE
	NWSE	SWSE		

240.0 ACRES TOTAL

41-07076

SEP 11 1985

The permit(s) will be subject to all prior water rights. Protests must be filled with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, Idaho 83301 on or before MAY 21, 1990.

R. KEITH HIGGINSON, Director

Published 5/ 2/1990 & 5/ 9/1990

L. N. PERMANN
2918 Cold Creek Rd
AM FALLS
ID 83211



IDAHO DEPARTMENT of WATER Resources

201 N. ORCHARD

House

89720

DEAR Sirs;

Can you Tell me what - tag

Well Permitt NO. 41-07076 is or any
idea when it will be Processed.

RECEIVED

JUN 08 1989

JUN 07 1989

Department of Water Resources

Sincerely yours

LANNY N. PERMANN

2918 Cold Creek Rd.

AMERICAN FALLS

IDAHO

83211

contacted by phone
6-14-89 Jd

September 4, 1985

Lanny N. Permann
H. C. 76 Box 2050
American Falls, Idaho 83211

Dear Sirs:

My reason for needing this water permit is due to the fact that this ground is made up of sandy loamy soil in a hot, dry rock area.

This ground is on the Snake River Plain which is necessary for water to make ground more productive and manageable due to the elements of nature.

The crops which are in need of water consist of wheat, hay and cattle pasture.

I certainly hope you will consider my need for water in this area.

Thankyou,
Sincerely,

Lanny N. Permann
Lanny N. Permann

MAILED

FEB 47 1991