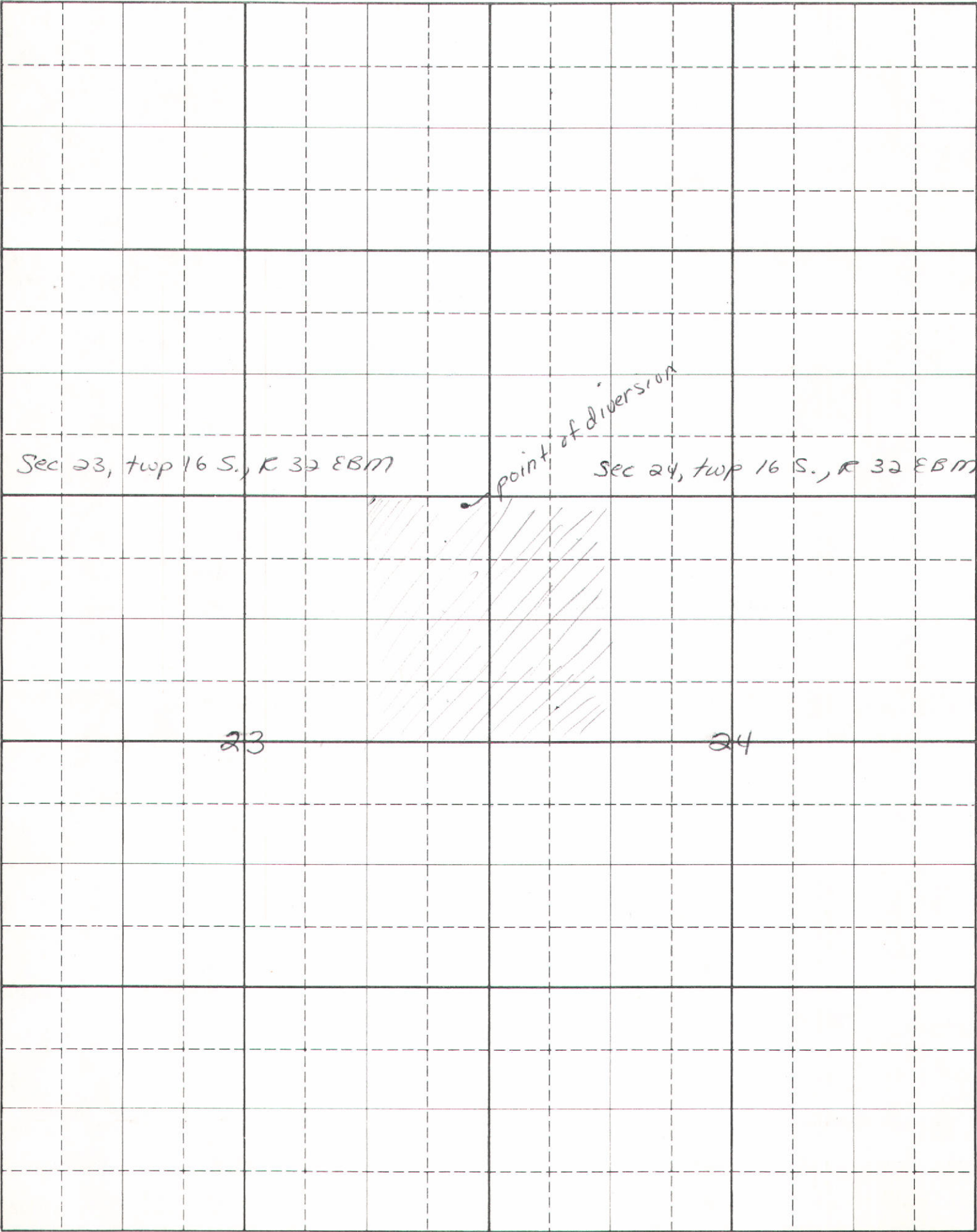


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

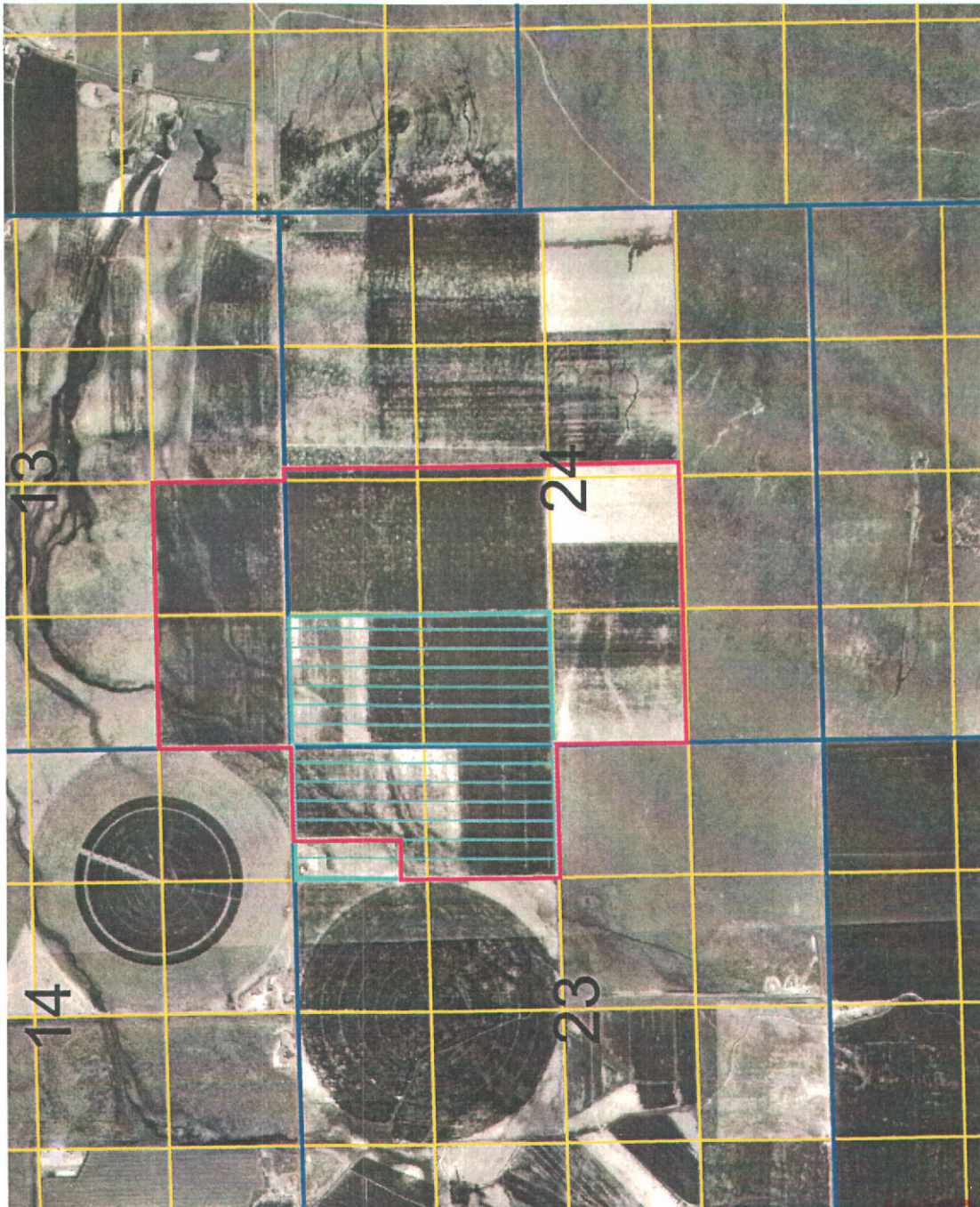


Scale: $\frac{2}{4}$ inches equal 1 mile

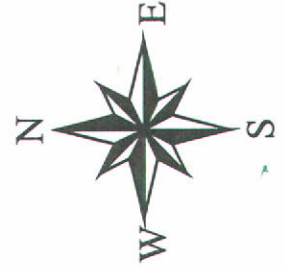
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Waymon Garbrough
(Applicant)

License 17-7062 *- all flynn's*



- Rockhill to flynn deed.shp
- 17-7062.shp
- S16sr33e.shp
- T16s33e.shp
- S16sr32e.shp
- T16s32e.shp



1 Miles

0.5

0

0.5

MICROFILMED

NOV 20 2003

IDWR SUPPLEMENTAL FIELD REPORT
FOR ANNUBAR MEASUREMENT

Measured by: K.C. Wilson
Owner: K. Rockhill

Date 8-31-82
Permit No. 17-7062

Description of well &/or measuring site (give distance to restrictions upstream and downstream): _____

	WEST	N-E
Measured inside diameter of pipe in inches (A)	8"	8"
Size of Annubar used in test	7.981	7.981
State ID# of Annubar Meter used	#191137	#191138
Size Eagle Eye Meter used	10"-80"	2"-13"
State ID# of Meter used	#091471	#091462
Date of Last Calibration of Meter	4-23-82	4-23-82

Observed inches of H2O read on Meter

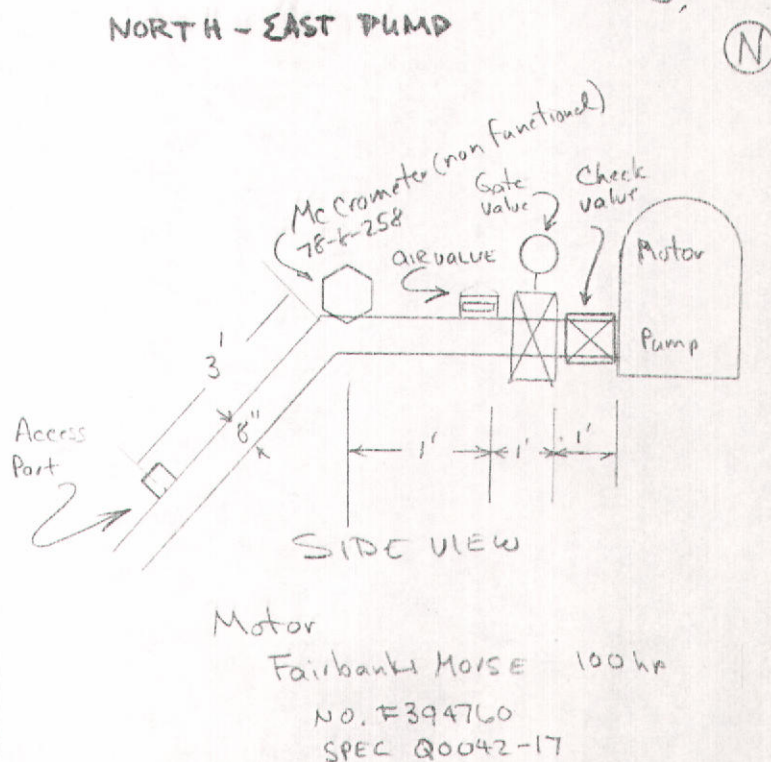
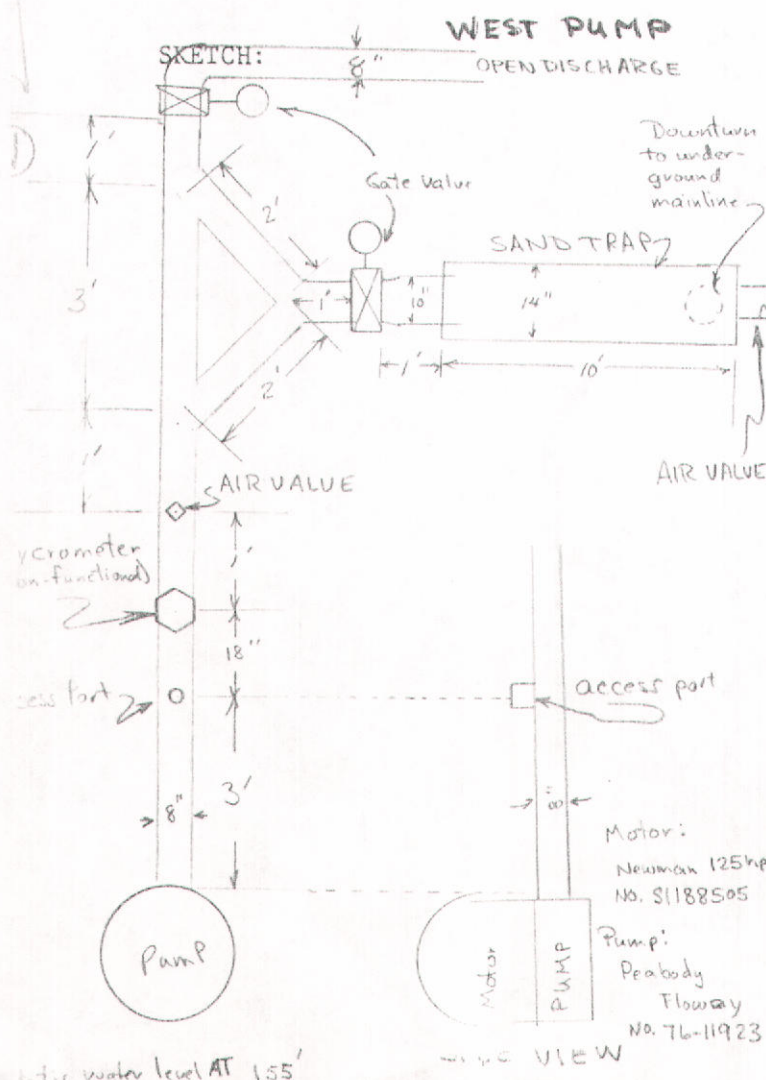
Adjusted inches of H2O from Last Calibration (B)

CALCULATION: $\frac{(3.85) \times (A)^2 \times \sqrt{B}}{448.8} =$

WEST	N-E
13.0	10.5
12.61	10.5534
1.95	1.78 cfs

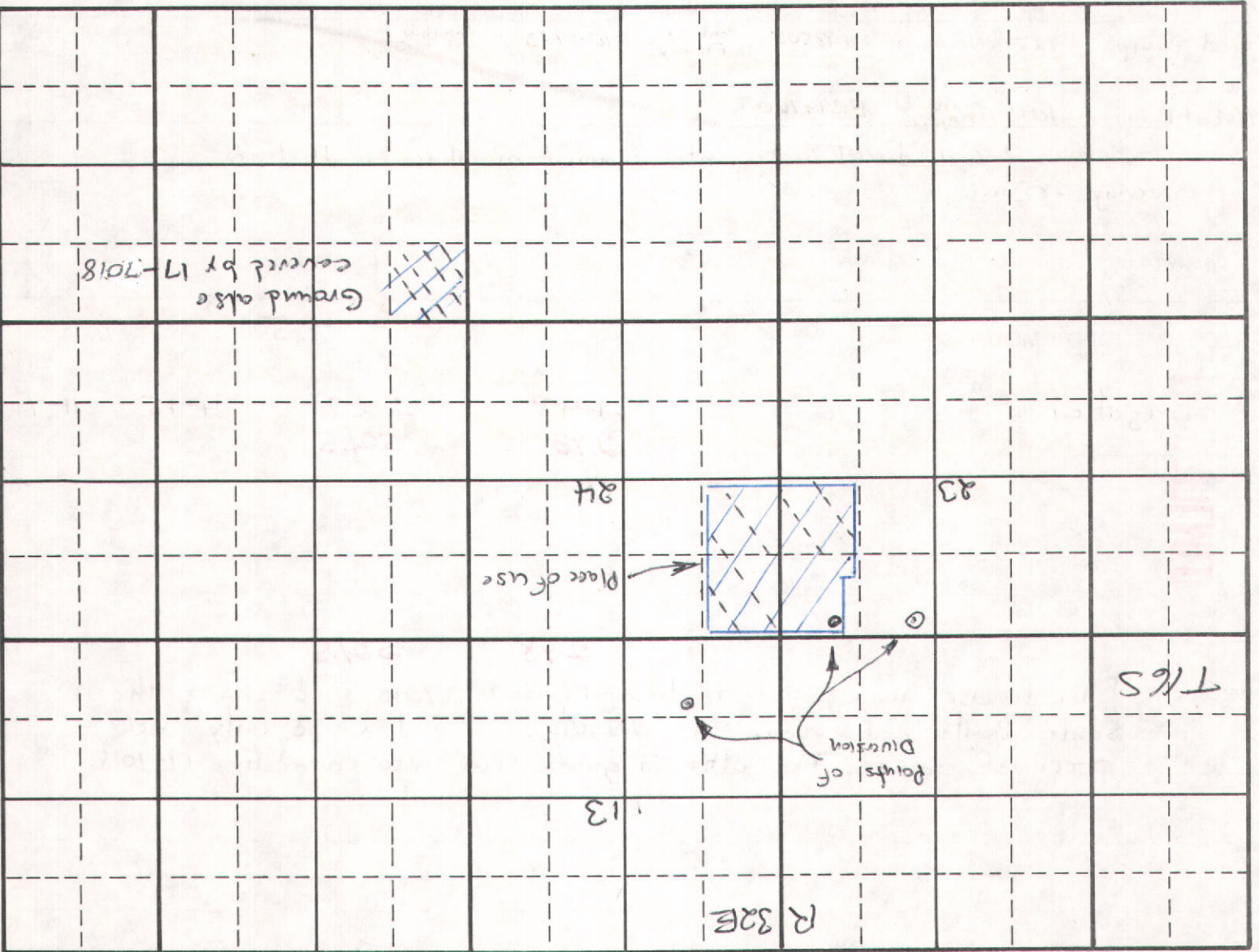
Where A and B are measured in inches and 3.85 is a constant for the model 75 Annubar.

Total - 1674.02 gpm
3.73 cfs



DEVELOPMENT

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)
* See attached sheet

Point(s) of diversion: NENE Sect. 23 T/6S R32E and SE Sect. 13 T/6S R32E

Place(s) of Use

TWP.	RGE.	SEC.	NE%			NW%			SW%			SE%			TOTALS
16 S	32 E	23	NE%	NW%	SE%	NE%	NW%	SE%	NE%	NW%	SE%	NE%	NW%	SE%	70
		24													79

Recommended Amendments:

- ☐ Change P.D. as reflected above
☒ Add P.D. as reflected above
☐ Add P.U. as reflected above
☐ Other

Examiner's Signature

Checked by

Approved by

Date

Date

Date

9-10-82

9-14-82

9-10-82

UNRECORDED

POOR QUALITY ORIGINAL

POOR QUALITY ORIGINAL

NOT TO SCALE



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

RECEIVED
DEC 01 1997

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

DEPARTMENT OF WATER RESOURCES

CLAIM

1. Water Right Number(s) 17-4035, 17-07062, 17-07018
Adjudication Claim Number(s) _____
2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question. WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) LAYNE ROCKHILL - 1100 S 600 W TREMONTON, UT 84337
KENDALL H. ROCKHILL - HEBER CITY, UTAH
4. New Owner/Claimant(s) DAVID & JUDY FLYNN
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 2105 E. 6000 N 1345 FOOTHILL DR
City, State and ZIP Code SALT LAKE CITY, UT 84108
New Telephone Number (801) 583-3101 582-4957 (WORK #)
DAVID
5. Date you acquired the property AUGUST 17, 1995
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated 409 Number and type of stock 175 HEAD
25 L.P.D. 3 IRREGATION
Diversion rate in CFS 5.7 Number of homes / DOMESTIC Other uses 1 STOCK WATER
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) [Signature] Date 1 DEC 1997
[Signature] Date 12-1-97
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

MICROFILMED

MAY 03 1999

WARRANTY DEED

For Value Received, **LAYNE K. ROCKHILL**, and **COLETTE ROCKHILL**, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto **DAVID D. FLYNN** and **JUDY A. FLYNN**, as joint tenants with full rights of survivorship, and not as tenants in common, whose current address is 2795 East Comanche Drive, Salt Lake City, Utah 84108 the Grantees, the following described premises in Oneida County, Idaho, to-wit:

Township 16 South, Range 32 East, Boise Meridian:

Section 13: S $\frac{1}{4}$ SW $\frac{1}{4}$

Microfilm No. 121951
 17 Day August 19 95
 At 1:50 P.M.
 Patricia M. Wright
 Oneida Co. Recorder
 Fee \$ 8.00
 Recorded at Request of
 E. J. Jett

Section 23: Commencing at the Northwest Corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 23; thence running East 1320 feet; thence South 2640 feet; thence West 1320 feet; thence North 1551 feet; thence East 400 feet; thence North 108 feet; thence West 400 feet; thence North 981 feet to the point of beginning. (T-3451 and T-3452)

Section 24: N $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$; and T-3642: Commencing at the North Quarter Corner of said Section 24; thence running East 110 feet; thence South 240 rods; thence West 110 feet; thence North 240 rods to the point of beginning.

TOGETHER with all water and water rights however evidenced, and including water licenses and permits issued by the Department of Water Resources of the State of Idaho numbered 177018 and 177062, for 5.70 c.f.s. of water from underground wells, and a portion of stock watering right under Permit No. 17-04035 for 4.90 acre feet annually or 25 g.p.d. for 175 head of cattle out of a spring North and East of the property in Section 18, Twp. 16 S., R. 32 EBM, to the boundary line of Section 13 on Ranch, as referenced under the Memorandum of Understanding dated April 23, 1984 between D. Lamar Kelly and Annette M. Kelly and Kendall H. Rockhill and Joyce C. Rockhill, recorded April 24, 1984 as Instrument No. 107807, records of Oneida County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. and the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances and that he will Warrant and Defend the same from all lawful claims.

Dated August 16, 1995

Layne K. Rockhill
 LAYNE K. ROCKHILL
Colette Rockhill
 COLETTE ROCKHILL

STATE OF IDAHO
 COUNTY OF ONEIDA, ss.

MICROFILMED

MAY 03 1999

On this 16th day of August, 1995, before me, a Notary Public in and for said State, personally appeared LAYNE K. ROCKHILL and COLETTE ROCKHILL, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



William
Notary Public
Residing at Malad City, Idaho

Comm. Expires: 5-6-97

121951

MICROFILMED

MAY 03 1999

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 17-7062 Priority September 9, 1975 Amount 2.98 cfs
(late proof)

THIS IS TO CERTIFY, that LaMar or Annette Kelly
of Heber City, Utah, has complied with the terms and conditions of Permit
No. 17-7062 issued pursuant to Application for Permit dated August 27, 1975,
and has submitted proof to the Department of Water Resources on December 1, 1981,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of * of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 15</u> to <u>November 1</u>	at <u>2.98 cfs</u>	and <u>521.5 acre feet</u>
	from _____ to _____	at _____ cfs	and _____
	from _____ to _____	at _____ cfs	and _____

(both dates inclusive)

Subject, however, to the condition that no more than 2.98 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
521.5 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13
NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, Twp 16S, Rge 32E in the County of Oneida

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16S	32E	23	30			40													70
		24						39	40										79

* Conclusive Diversion Rate Data Unavailable

Total number of acres irrigated 149

This right when combined with Right No. 17-7018 shall not exceed 7.34 cfs.
This right when combined with all other rights shall provide no more than
.02 cfs per acre nor more than 3.5 afa per acre for the lands above.

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 16th day of

August, 19 83.

Director

RECEIVED

AUG 3 1983

Department of Water Resources

STATE OF IDAHO

Licensing

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Lamar or Annette Kelly Phone

of (address) Heber City, Utah, 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. 17-7062, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE 1/4 SW 1/4, Section 13, Township 16S, Range 32E, B.M.,
County of Oneida. Other points of diversion: NE 1/4 NE 1/4, NW 1/4 NE 1/4, Section 23,
Twp. 16S, Rge 32E

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

Amount 2.98 for Irrigation purposes from April 15 to November 1 (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: No change

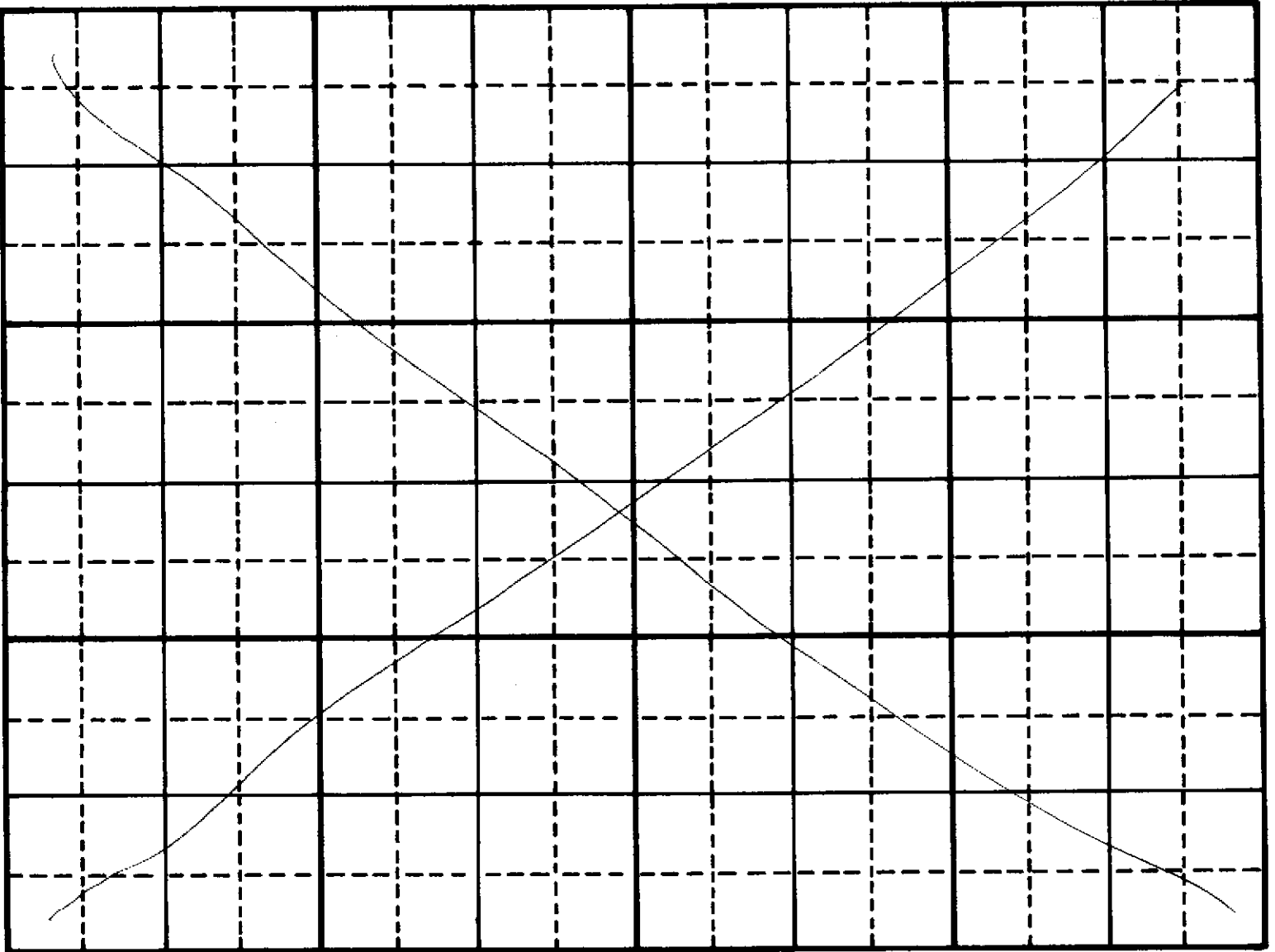
TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated =

4. a. Who owns the property at the point of diversion?
b. Who owns the land to be irrigated or the place of use?
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing:

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

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



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 2:00 p.m., this 20 day of July, 19 83.

(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by _____

Fee = \$20.00

Received by mg

Date

8-4-83 #30171

Published in _____

Date _____

Publication prepared by _____

Publication dates _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, of the Department of Water Resources hereby

APPROVE the above Application for Amendment of Permit No. 17-7062.

Witness my hand this 16th day of

AUGUST

, 19 83.

A. KENNETH DUNN
Director

[Signature]

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT C.F.S.
~~Original Permit~~	~~17 7062~~	~~Wayman Yarbrough~~	~~3.0 cfs~~
~~Partial Assignment~~	~~17-7062A~~	~~Wayman Yarbrough~~	~~1.6 cfs~~
	17-7062B	LaMar or Annette Kelly	1.4 cfs
Assignment	17-7062A	LAMAR KELLY	1.6 cfs

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 1 1981

Department of Water Resources
Eastern District Office

APPLICATION FOR AMENDMENT

APPROVED

Permit No. 17-7062 A E B

Comes now Lamar Kelly of (address) _____

Star Route Box 39-B, Heber City, Utah 84032, 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. 17-7062, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23 Twp. 16S

Rge. 32E, B.M., County of Oneida. Other points of diversion:

NWNE*

-NW-NW Sec. 23; SW SW Sec. 13, all in T16S, R32E, Oneida County

*change made per telecon w/Sherl Chapman, Consultant

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

Amount 3 cfs for irrigation purposes from 4-15 to 11-1 (both dates inclusive)

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

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

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

(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated	160
---------------------------------------	-----

WALKER LINE

[illegible]

OK
Jari

Sherl L. Chapman

CONSULTANT

RECEIVED

921 S. ORCHARD / SUITE N / BOISE, IDAHO 83705 / PHONE 344-6690 SEP 17 1981

Department of Water Resources
Eastern District Office

September 14, 1981

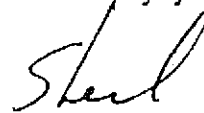
Mr. Ron Carlson
Department of Water Resources
150 S. Shoup
Idaho Falls, Idaho 83401

Dear Ron:

I'm enclosing for inclusion in the file of permit 17-7062, an assignment of permit from Mr. Wayman Yarbrough to Lamar Kelly of Heber City, Utah. Mr. Kelly purchased a portion of the land that Mr. Yarbrough owned, to which the water is appurtenant.

If you have any questions or need additional information, please don't hesitate to contact me.

Sincerely yours,



Sherl L. Chapman
Consultant

SLC:kje
enclosure
cc:Mr. Lamar Kelly

SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

RECEIVED

State of Idaho

Department of Water Resources

FEB 22 1982

SEP 17 1981

ASSIGNMENT OF PERMIT

Department of Water Resources Eastern District Office

I, Wayman Yarbrough, hereby assign to LaMar Kelly

of P.O. Box 39-B, Star Route, Heber City, Utah 84032
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 17-7062
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 22 day of June, 1981.

Wayman Yarbrough
Permit Holder Wayman Yarbrough

Shanna Yarbrough
Spouse of Permit Holder

State of Idaho)
County of Cassia) ss.

On this 26th day of June, 1981, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Shanna Jolley
Notary Public residing at
At. 2 Rupert

My commission expires:
03-84

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 17-7062

ORDER

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

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

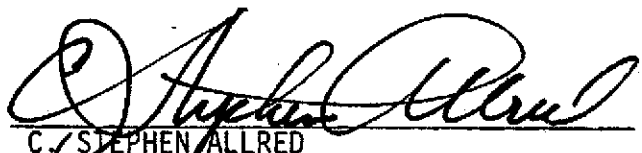
WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

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

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

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

Dated this 18th day of August, 1978.


C. STEPHEN ALLRED
Director

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
NOV 15 1976

APPLICATION FOR EXTENSION OF TIME
NOV 17 1976

Department of Water Resources
Eastern District Office

State of Idaho)
County of Bonneville)

Department of Water Resources

Permit No. 17-7062

Wayman Yarbrough
(name)

of Stone, Idaho
(address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to
Appropriate the Public Waters of the State of Idaho No. 17-7062.

That under the terms and conditions of said permit, work thereunder was required
to be completed on or before December 1, 19 76.

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

Drilled 16" x 335' deep well with 16" x 200' casing with a 12 3/4" liner from
180' to 335' perforated.

Costing \$ 5,000.00

That he is unable to complete the remainder of the work within the required time for
the following reasons, to-wit: Unable to secure finances to purchase sprinkler system
until Spring, 1977.

Wherefore, he asks that the Department of Water Resources extend the time for the
completion of obligations under said permit to December 1, 19 81.

Wayman Yarbrough
(signature) *

Subscribed and sworn before me this 15th day of November, 19 76.

s e a l

Laura D. Halmer
Notary Public residing at
Idaho Falls, Id.

My commission expires Mar 21 1979

ACTION OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED
and the time within which to submit proof of beneficial use be extended to
December 1, 1981.

Witness my hand this 17 day of November, 19 76

John Edward Dunn
Administrator, Operations Division

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available
through the Department of Water Resources, Statehouse, Boise, Idaho 83720.

State of Idaho
Department of Water Resources

RECEIVED

FEB 15 1980 OKJG

Department of Water Resources
Eastern District Office

PARTIAL ASSIGNMENT OF PERMIT

I, Waymon Yarbrough, hereby assign to Lamar Kelly or Annette Kelly
of Star Route Box 39 B. Hever City, Utah 84032
Address

CHECK ONE

☐ All my right, title, and interest in and to Permit No. 17-7062
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. 17-7062 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)

Commencing at a point 400 feet East of the NW Corner of the E $\frac{1}{2}$ NE $\frac{1}{4}$
of Section 23, Township 16 South, Range 32 East, Boise Meridian,
thence running East 920 feet to the NE Corner of said Section 23
thence South 2640 feet, thence West 1320 feet, thence North
1551 feet, thence East 400 feet, thence North 1089 feet to the
point of beginning.

- 70 ACRES NE $\frac{1}{4}$ NE $\frac{1}{4}$ (30 acres) (SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 40 acres) for 1.4 cfs - same
pt. of diversion - per vend. w/ Jean Hawkins (Scott's Land Title Co.) 3/12/80

Made this 13th day of December, 19 77.

Waymon Yarbrough
Permit Holder

Annette Yarbrough
Spouse of Permit Holder

State of Idaho)
County of Oneida) ss.

On this 13th day of December, 19 77, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

Harold Edwards
Notary Public residing at
Malad, Idaho

seal

My commission expires:

MICROFILMED

PARTIAL ASSIGNMENT:

LaMar Kelly or Annette Kelly

Star Route Box 39 B

Hever City, Utah 84032

03/13/80

17 7062

Identification No. _____

Application No. _____

APPROVED STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPLICATION FOR PERMIT**

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant Wayman Yarbrough Phone: 872-8103
post office address Stone, IDAHO2. Source of water supply subterranean which is a tributary of _____3. a. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 23 Township 16S
Range 32 E B.M. ONEIDA County; additional points of diversion if any: _____b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

Amount 3 for irrigation purpose from April 15 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 3 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____

Deep well, cased with pump and electric motorb. Height of storage dam N/A feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years.b. Estimated construction cost is \$ 40,000.

8. Description of proposed uses:

a. If water is **not** for irrigation:(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____

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

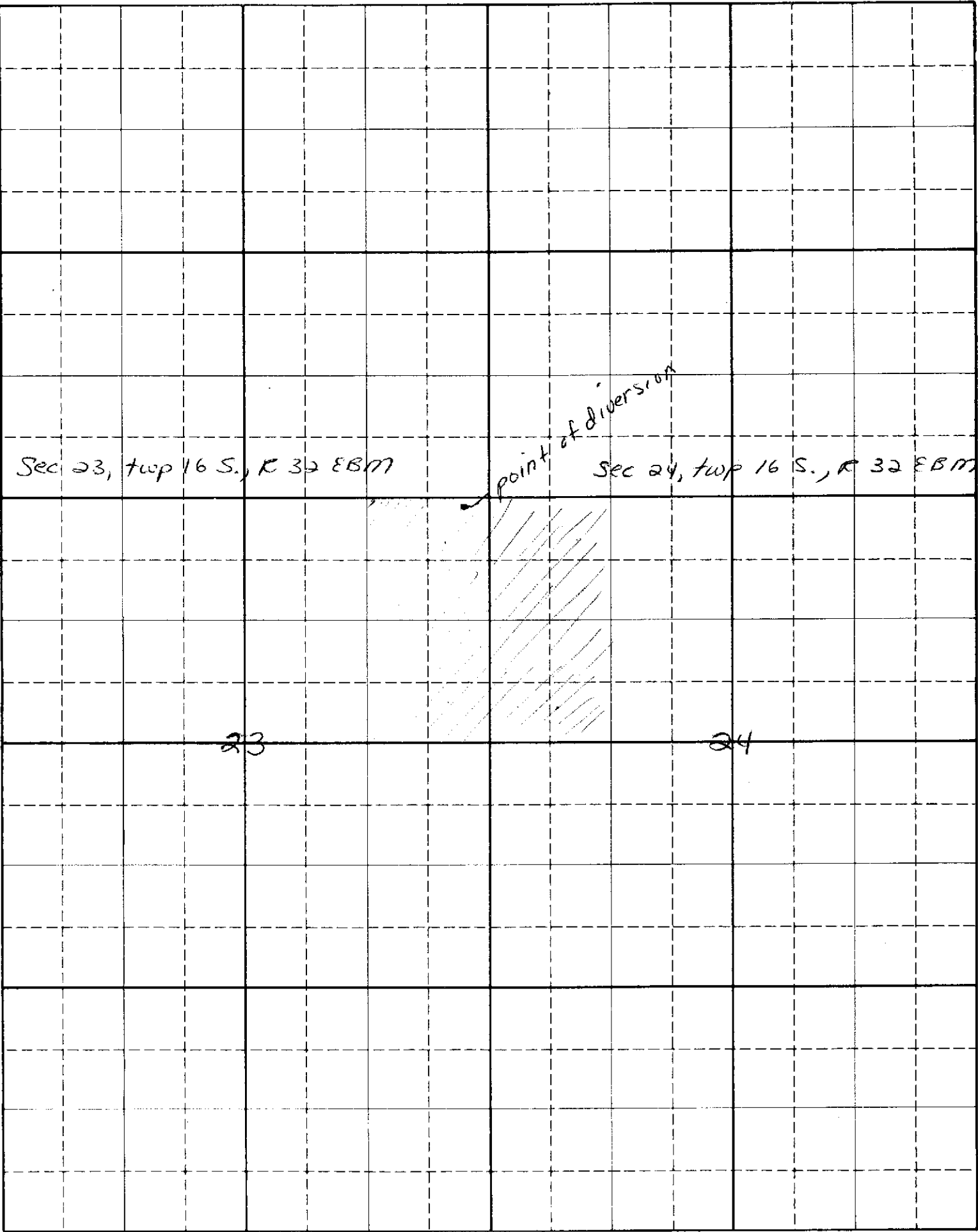
(3) List number of each kind of livestock to be watered _____

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

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

APPROVED

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



Scale: $\frac{1}{4}$ 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.

Waymon Garbrough
(Applicant)

Proposed Priority 8-27-1975

Received by ME Date 8-27-75 Time 10:35
Preliminary check by RDC Fee \$ 45.00
Received by ME Date 8-27-75 # 4344
Publication prepared by MB Date 8-29-75
Published in Idaho Falls
Publication dates Days 4+11, 1975
Publication approved by ME Date 9-15-75
Priority reduced to _____ Reason _____
Protests filed by: _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by RDC

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. 17-7062, and said application is hereby APPROVED

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 19 76.

c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 25 day of November, 19 75

Director

JAN 5 1982

AFFIDAVIT OF PUBLICATION

Department of Water Resources
Eastern District Office

STATE OF IDAHO,

ss.

County of Oneida

Carol H. Hummell being duly sworn,
deposes and says: That she is the Secretary of THE IDAHO ENTERPRISE, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with December 24, 1981, and ending

with the issue of December 31, 1981

Fee \$ 7.50

Subscribed and sworn to before me this 2/4 day

of January, 1982

Carol H. Hummell
Notary Public, Residing at Malad, Idaho

My Commission Expires Sept, 1982

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

NOTICE IS HEREBY GIVEN that Permit No. 17-7062 in the name of LaMar Kelly was issued for the diversion of 3.00 cfs of water from a groundwater source with point of diversion within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 16S, R. 32E, B.M., Oneida County; to be used for the irrigation of 160 (acres) from Apr. 15 to Nov. 1 within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 23, W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 24, T. 16S, R. 32E, B.M.

The permit holder now proposes to amend Permit No. 17-7062 changing point of diversion to the NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ +NE $\frac{1}{4}$, Sec. 23, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, T. 16S, R. 32E, B.M., Oneida County.

Any protest to the proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Idaho Falls, Idaho, 83402, on or before January 11, 1982.

A. KENNETH DUNN
Director

Published in the Idaho Enterprise, Malad, Idaho, on December 24 & 31, 1982.

12-24-31 t2
Lines 35

RECEIVED

SEP 15 1975

Department of Water Resources
Eastern District Office

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Wayman Yarbrough, Stone, Idaho, has on 8-27-75 submitted Application No. 17-7062 for a permit to appropriate 3.00 cubic feet per second of water from a ground-

water source by means of well and pump within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 16S, R. 32E, B.M., Oneida County; to be used from Apr. 15 to Nov. 1 for the irrigation of 160 acres within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 23, W $\frac{1}{2}$ NW $\frac{1}{4}$,

Sec. 24, T. 16S, R. 32E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before September 22, 1975.

R. KEITH HIGGINSON
Director

Published in the Idaho Enterprise, Malad, Idaho on September 4 and September 11, 1975.

AFFIDAVIT OF PUBLICATION

State of Idaho
County of Oneida, ss.

Daniel Heinzel being first duly sworn on his oath, states: That he is clerk of the Idaho Enterprise, a newspaper of general circulation in Oneida County, Idaho published weekly at Malad, 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 said Idaho Enterprise was at all of the times of publication of said notice a newspaper of general circulation made up of at least four pages of at least five columns each, printed from type matter or stereotyped forms of at least seventeen and three fourths inches depth, and said newspaper during all of the times of publication aforesaid had more than 200 bonafide subscribers thereto living within the county of Oneida in which said newspaper was published at regular intervals not less frequently than once a week.

That the annexed notice was published 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 4 day of Sept, 1975 the date of the last publication being the 11 day of Sept, 1975.

Daniel Heinzel
Subscribed and sworn to before me this 11th day of September, 1975.

Daniel O. Jones
Notary Public, residing at Malad, Idaho

My Commission expires the 11th day of Sept, 1975.

Costs:

27 lines at 23c per line first insertion \$ 6.21

lines tabulated at 34 $\frac{1}{2}$ c per line \$

15c per line each subsequent insertion \$ 4.65

TOTAL \$ 10.86

(Rates for legal notices are fixed by Idaho law)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 14, 2003

TIM KELLER
21044 W 10500 S
STONE ID 83252

RE: Water Rights 17-7018 (new numbers 17-7162 and 17-7163),
17-7062 and 17-4035

Dear Mr. Keller:

I have reviewed and revised the ownership of the above water rights per your request and based the following upon warranty deeds found in our files.

Please note that Rt. 17-7018 has been split between the Kelly property and the Flynn property. Due to the splitting of that right, two new numbers have been assigned to each portion. I have enclosed water right reports showing Rt. 17-7162 for the Kelly portion and Rt. 17-7163 for the Flynn portion.

Right 17-7062 is for lands entirely on the Flynn property description so there were no changes made to that water right.

I did not make any changes to the points of diversion described on these licenses. In order to make changes to the authorized points of diversion we would require a transfer of the water rights be submitted.

Right 17-4035 had previously been changed to the Flynn name. The warranty deed for the Flynn property did not include lands covered under this claim so I changed the entire right back to the Kelly ownership. Since that claim did not include a stockwater use I was not able to split it to show that the Flynn's had received a right for their stockwater. I did, however, put a comment in our database that describes the agreement for perpetual delivery of stockwater to the boundary of their property. If you wish to have the stockwater use from the spring recorded with us you may want to amend the claim once you have obtained ownership.

I have enclosed water right reports of each of the rights as they are recorded in our records at this time. I have also attached a map showing where each of the water rights is located, pursuant to your request. Please review all of the rights and let me know if I have not correctly identified the ownership of the lands. I based all of these changes on the warranty deeds submitted by Rockhills in 1984 and then Flynn's in 1999. I have also

MICROFILMED

NOV 20 2003

filed the Memorandum of Understanding that you submitted between the Kellys and Rockhills, in our records so it could be referred to in the future.

If the water right reports correctly identify the rights as they should be recorded, please submit the Notice of Change of Water Right Ownership form (previously sent to you), along with the required documents, and we will be able to change the ownership of the Kelly rights to your name once you have purchased the property. If you need additional forms let me know.

I am sorry for the delay in completing this review for you. If you have any questions or concerns regarding what I have done, please do not hesitate to contact me at (208)327-7944.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is fluid and cursive, with the first name "Kay" and last name "Walker" clearly distinguishable.

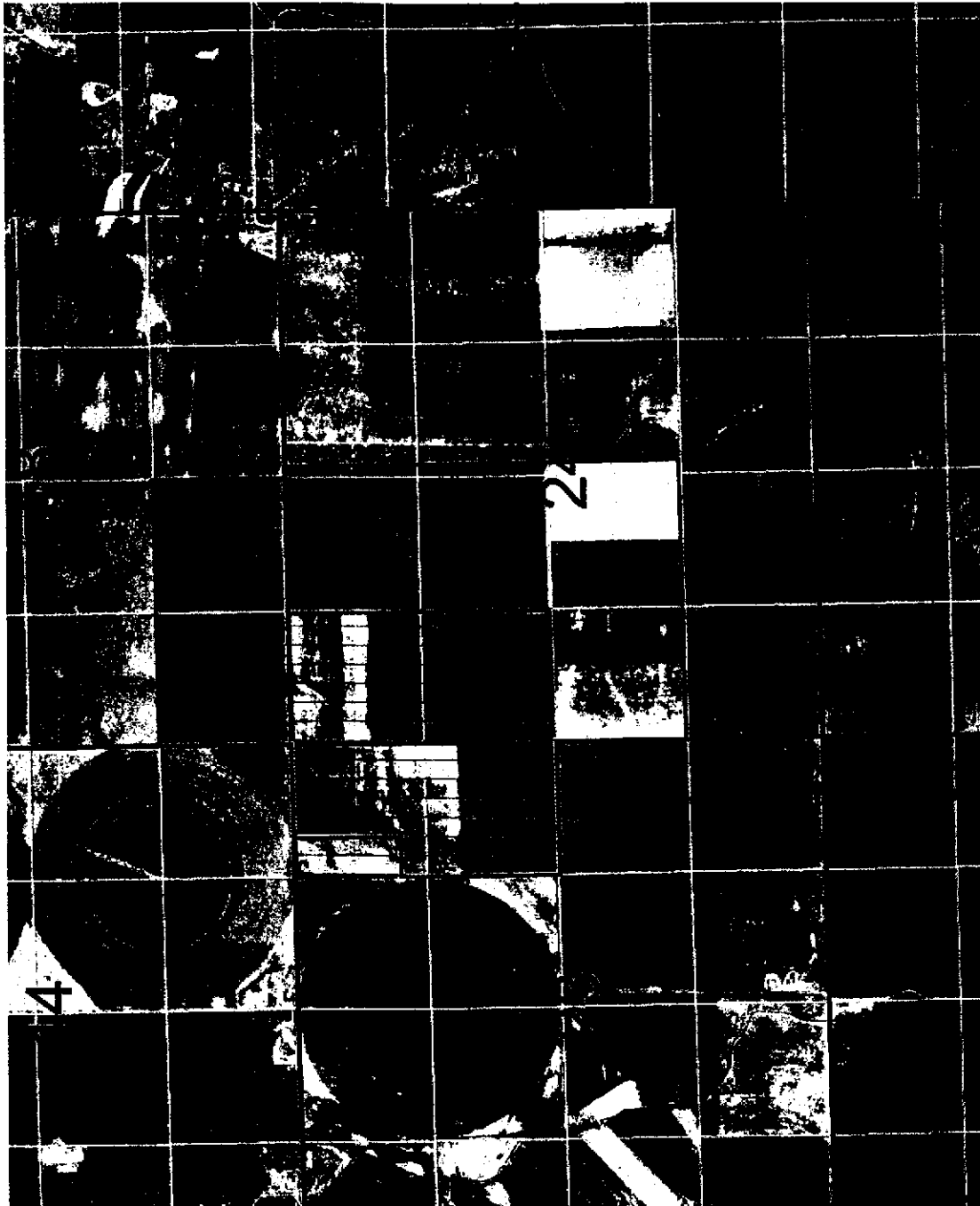
KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosures

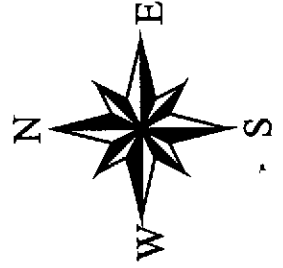
MICROFILMED
NOV 20 2003

all flynn's

License 17-7062



- ☐ Rockhill to flynn deed.shp
- ☐ 17-7062.shp
- ☐ S16sr33e.shp
- ☐ T16s33e.shp
- ☐ S16sr32e.shp
- ☐ T16s32e.shp



1 Miles

0.5

0

0.5

MICROFILMED

NOV 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

April 15, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID FLYNN
JUDY FLYNN
1345 FOOTHILL DR
SALT LAKE CITY UT 84108

RE: Water Rights 17-07062/17-07018/Claim 17-04035

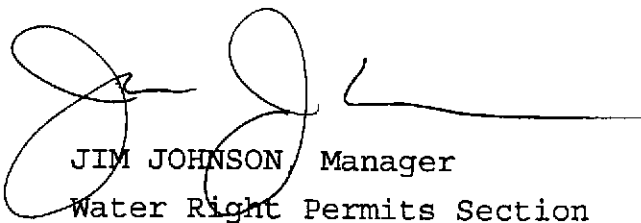
Dear Mr. & Mrs. Flynn:

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

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

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

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED
MAY 03 1999

MEMORANDUM

DATE: December 1, 1997

TO: Files 17-07018 & 17-07062

FROM: Kari Lynn Townsend

RE: Address Change

=====
Mr. Dave Flynn telephoned from a bank in Salt Lake City, UT with some concerns about meeting the time requirements for change of ownership. He had received a letter from Cindy Bird in August of 1996 but due to health problems had been unable to respond before now.

He stated that he had purchased the property in question in 1995 and now wants to get the change of ownership completed. He asked that I fax a copy of the change of ownership form to him (which I did) and he would get it filled out and return it by fax.

Mr. Flynn also stated that while the Stone, ID address is a valid address for him he also has a home at 2795 E Comanche Drive, Salt Lake City, UT 84108. The telephone number at that address is 801-583-3101. He indicated that he would be at this address for a while but did not state how long.

The fax number at the bank in Salt Lake City is 801-524-2140.



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

August 20, 1996

Dave Flynn
2223 W. North String Road
Stone, ID 83280

RE: Water Right 17-07018 and 17-07062

Dear Mr. Flynn:

Per our conversation, I've enclosed the copies of the well logs. These are the only copies that I found in the water right files. I hope the copies will be helpful.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR to July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Enclosed is a change of ownership form. If this applies to your water right, please fill it out and return it to our office.

If you have any questions, please contact us at (208) 327-7941.

Sincerely,

Cindy Bird
Research Specialist

Enclosure

MICROFILMED
MAY 03 1993

1. DRILLING PERMIT NO. 17-95-S-0001-001
Other IDWR No. 17-07062

2. OWNER:

Name Layne Rockhill
Address 1100 S 600 W
City Tremonton State UT Zip 84337

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

A 4x4 grid with 'N' above the top row and 'V' to the left of the leftmost column.

Twp. 16 North ☐ or South ☒
Rge. 32 East ☒ or West ☐
Sec. 23 1/4 NW 1/4 NE 1/4
Gov't Lot _____ County Oreida

Address of Well Site 4 mi. N, 1 mi. E of Stone School City Stone, ID
(Give at least name of road + Distance to Road or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

4. PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK *Repair*

☐ New Well ☒ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☐ Air Rotary ☒ Cable ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	

Was drive shoe used? ☐ Y ☒ N Shoe Depth(s) _____
Was drive shoe seal tested? Y ☐ N ☒ How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
10"	300	500	368	Steel	☐	☒	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☒ Perforations Method Torch

☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Line
301	499	—	220	3/16"		☐	☒
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
40 ft. below ground Artesian pressure MAY 10 3 1993
 Depth flow encountered _____ ft. Describe access port or
 control devices: _____

11. WELL TESTS:

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time

Water Temp. $\approx 55^{\circ}$ Bottom hole temp. $< 85^{\circ}$

Water Quality test or comments:

12. LITHOLOGIC LOG: (Describe repairs or abandonment) Water

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
12"	315	500	Blue-grey to brown- ish-grey sandy clay. Some small gravel, sand, and clay may occur in thin interbeds. 12" casing is cleared from 250' gravel and sand fill.		
RECEIVED MAR 23 1995 Department of Water Resources Southern Region					
RECEIVED MAR 24 1995 Department of Water Resources Eastern District Office					
RECEIVED MAR 24 1995 Department of Water Resources Eastern District Office					
RECEIVED MAR 24 1995 Department of Water Resources Eastern District Office					

Completed Depth 500' (Measurable)
Date: Started 2/24/95 Completed 3/21/95

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Arlo P. Lloyd Drilling Firm No. 102

Firm Official Arlo P. Lind Date Mar 22, 95

and
Supervisor or Operator Alan Lloyd Date 3/24/95
(Sign once if Firm Official & Operator)

May 30, 1984

RE: Water Right Nos. 17-7018 & 17-7062

Kendall H. & Joyce C. Rockhill
Kamas,
Utah 84036

Dear Mr. and Mrs. Rockhill:

We are in receipt of the copy of Warranty Deed transferring partial ownership of the above referenced water right licenses to you. Enclosed for your records are copies of the licenses.

We have placed the Warranty Deed in each of the above files for future information. If you have any questions regarding this matter, please feel free to contact our office.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc

Enclosures

MICROFILMED

RECEIVED

MAY 24 1984

WARRANTY DEED

For Value Received

Department of Water Resources

DAVID LAMAR KELLY and ANNETTE KELLY, husband and wife

the grantor s, do hereby grant, bargain, sell and convey unto

KENDALL H. ROCKHILL and JOYCE C. ROCKHILL, husband and wife

whose current address is

Kamas, Utah

the grantee s, the following described premises, in Oneida County Idaho, to wit:

Township 16 South, Range 32 East, Boise Meridian:

Section 13: S $\frac{1}{2}$ SW $\frac{1}{2}$

Section 23: Commencing at a point 400 feet East of the Northwest Corner of the E $\frac{1}{2}$ NE $\frac{1}{2}$ of Section 23; thence running East 920 feet to the Northeast Corner of said Section 23; thence South 2640 feet; thence West 1320 feet; thence North 1551 feet; thence East 400 feet; thence North 1089 feet to the point of beginning.

Section 24: N $\frac{1}{2}$ SW $\frac{1}{2}$; NW $\frac{1}{2}$; ALSO, Commencing at the North Quarter Corner of Section 24; thence running East 110 feet; thence South 240 rods; thence West 110 feet; thence North 240 rods to the point of beginning.

TOGETHER WITH 5 c.f.s. of water from deep irrigation wells as licensed by the Department of Water Resources of the State of Idaho under Water Right Licenses numbered 17-7062 and 17-7018 under date of August 16, 1983, but reserving to Grantors the balance of 2.34 c.f.s. of water covered by said licenses.

RESERVING unto the Grantors a one-half interest in all oil, gas and mineral rights.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee s, that the y are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: April 23, 1984

Annette Kelly X David Lamar Kelly
By Lamar Kelly Her Attorney X in Fact
ANNETTE KELLY DAVID LAMAR KELLY

MICROFILMED

STATE OF IDAHO, COUNTY OF ONEIDA
On this 23rd day of April, 1984,
before me, a notary public in and for said State, personally appeared

DAVID LAMAR KELLY

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Joan H. H. H. H.
Notary Public

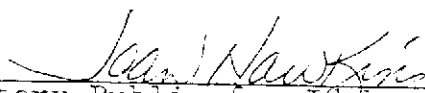
Residing at Malad, Idaho
Comm. Expires Lifetime

Microfilm No 102792
-25 Day April 1984
At Idaho County Idaho
James H. H. H. H.
Oneida Co. Recorder
Fee \$ 2.00 Deputy
Recorded at Request of E. P. H. H.

STATE OF IDAHO)
 : ss.
COUNTY OF ONEIDA)

On this 23rd day of April, 1984, personally appeared before me, a notary public in and for the State of Idaho, DAVID LAMAR KELLY, known to me to be the attorney in fact for Annette Kelly, and acknowledged to me that he executed the same for said Annette Kelly as said attorney in fact.

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



Notary Public for Idaho
Residing at Malad City, Idaho

RECORDED

December 23, 1983

William F. Ringert
Anderson, Kaufman, Ringert & Clark
599 West Bannock Street
P. O. Box 2773
Boise, ID 83701

RE: Lamar Kelly Licenses #17-7018 & #17-7062

Dear Mr. Ringert:

I have reviewed your letter of November 23, 1983, which requests a rehearing on the Lamar Kelly licenses, and have reviewed the department files on the actions that preceded issuance of the water licenses. Because you agreed to represent Mr. Kelly only a short time before the licenses were issued, it may be useful if I summarize the rather extended process that has occurred in this matter.

License No. 17-7018 was based on a permit issued March 28, 1973, authorizing diversion of ground water in the amount of 14 cfs for the irrigation of 710 acres of land. The development was to be completed and proof of beneficial use was to be submitted on or before March 1, 1978. Proof was received on permit No. 17-7018 on February 13, 1978, claiming diversion of 1900 gpm (4.23 cfs) from two wells for irrigation of 560 acres.

Permit No. 17-7062 was issued on November 25, 1975, for 3 cfs of ground water to irrigate 160 acres. Following an extension of time, proof of beneficial use was due December 1, 1981, and was actually received on December 14, 1981.

The department made a complete field examination for licensing purposes for permit No. 17-7018 on July 18, 1979. Three wells were found and measured. The combined flow rate was found to be 2.86 cfs used to irrigate 516 acres of land.

Mr. Kelly entered a request for re-measurement of the wells and on June 17, 1981, Sherl Chapman, a consultant retained by Mr. Kelly, measured the flow from three wells including an apparently recently drilled replacement well. Total flow reported by Mr. Chapman was 9.69 cfs.

December 23, 1983

On August 31, 1982, the department re-measured two of the three wells and found a discharge of 3.73 cfs.

The wide difference in discharge measurements has been explained as resulting from differences in pump efficiency due to wear and because of a declining water level as the irrigation season progresses. However, it is also obvious that the horsepower of pumps on the wells and the well locations have also been changed, which readily explains the measurement difference.

Because of the variance in measurements, the department offered (see my letter of May 17, 1983, to Lamar Kelly and Steven Clyde), to re-measure the discharge under more optimum conditions for Mr. Kelly or, if re-measurement was not acceptable, to issue licenses based upon a reasonable requirement for irrigating the lands found to be irrigated.

Based upon your response of July 1, 1983, on behalf of Mr. Kelly declining the re-measurement option, the department proceeded with licensing at a reasonable rate for irrigation of the land. A letter dated July 13, 1983, was mailed to all concerned listing the details and rationale for the licenses to be issued. No adverse comment or complaint was received during the thirty day comment period allowed. The licenses were then issued in conformance with the data listed in the letter.

Given the thorough review made on this matter by not only the department, but by the other concerned parties prior to licensing, I see little likelihood that additional useful information can be obtained by a hearing. The junior filing has been licensed for essentially the full amount approved in the permit. The well you referred to would have had to have been drilled prior to February 13, 1978, to be considered as development recognizable under permit No. 17-7018. If so, the department's field exam and that of Mr. Chapman and all the subsequent review over the last four years should have identified the oversight.

Most importantly, the licenses were issued without regard for measured diversion rates. The hearing would have to produce data necessary to resolve the variance in measured discharges for those wells that were measured. This has not been resolvable because of the many variables that have been introduced over the years since proof of beneficial use was filed and the first examination made. Unless you can provide an indication of evidence or testimony that will confirm the discharge capability of the development as it was during the authorized permit period, I do not believe an administrative hearing will be useful.

Finally, the period within which the hearing could be requested as authorized under Idaho Code 42-1701A(3) has long since expired.

Sincerely,

A. KENNETH DUNN
Director

AKD:alw

cc: Lamar Kelly, Ken Rockhill, Stephen Clyde, Ron Carlson

EDWARD W. CLYDE
ELLIOTT LEE PRATT
WILLIAM G. GIBBS
RICHARD C. CAHOON
RODNEY G. SNOW
STEVEN E. CLYDE
THEODORE BOYER, JR.
L. MARK FERRE
EDWIN C. BARNES
DOUGLAS G. MORTENSEN
GARY L. PAXTON
NEIL A. KAPLAN
D. BRENT ROSE
JOHN W. ANDERSON
JAMES L. WARLAUMONT
H. MIFFLIN WILLIAMS III
JEFFREY W. APPEL
JENNIFER M. HANSEN

CLYDE, PRATT, GIBBS & CAHOON

ATTORNEYS AT LAW
200 AMERICAN SAVINGS PLAZA
77 WEST SECOND SOUTH
SALT LAKE CITY, UTAH 84101

PHONE 322-2516
AREA CODE 801

TELECOPIER:
(801) 322-2516

OF COUNSEL
FRANK J. ALLEN
ROLAND R. WRIGHT

FILE NO.

December 5, 1983

Mr. A. Kenneth Dunn, Director
Department of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources

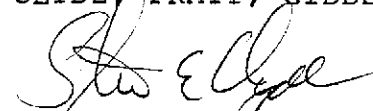
RE: LaMar Kelly - Ken Rockhill
Permits 17-7018 and 17-7062

Dear Mr. Dunn:

I am in receipt of a copy of Mr. Ringert's letter to you of November 23, 1983, in which he requests a rehearing in connection with the above referenced permits. Mr. Rockhill has no objection to the department rehearing this matter. I would, however, appreciate receiving notice of the date, time and place of any such rehearing, as we would like the opportunity to attend the hearing. I doubt we would want to participate in the hearing, in light of the narrow focus of Mr. Ringert's request, but I would like to be present and observe the proceedings on my client's behalf.

Very truly yours,

CLYDE, PRATT, GIBBS & CAHOON


Steven E. Clyde

SEC:khj
cc: W. F. Ringert, Esq.
Ken Rockhill

MICROFILMED

ANDERSON, KAUFMAN, RINGERT AND CLARK
CHARTERED
LAWYERS

THE LAW CENTER
599 WEST BANNOCK STREET
P. O. BOX 2773
BOISE, IDAHO 83701

RICHARD ANDERSON
SAMUEL KAUFMAN
WILLIAM F. RINGERT
D. BLAIR CLARK
ANDREW M. HARRINGTON
JAMES G. MCID
JEFFREY R. CHRISTENSON
JAMES P. KAUFMAN
MICHAEL J. GAFFNEY

EUGENE H. ANDERSON
1902-1970

TELEPHONE (208) 342-4511

November 23, 1983

Mr. A. Kenneth Dunn, Director
Department of Water Resources
Statehouse
Boise, Idaho 83720

RECEIVED
NOV 28 1983

Re: LaMar Kelly
Permits 17-7018 and 17-7062

Department of Water Resources

Dear Mr. Dunn:

I find it necessary, on behalf of the Licensees, LaMar Kelly and Annette Kelly, to request a rehearing with respect to Water Permits Nos. 17-7018 and 17-7062 and with regard to the Licenses issued under those Permits on August 16, 1983.

For some reason, I was not served a copy of the Licenses when they were issued, and was not aware that the Licenses had been issued until we made an inquiry to your Department approximately three (3) weeks ago. Mr. Kelly received the Licenses within two or three days after they were mailed, I believe, but he was not aware that copies were not sent to me and he did not think it necessary to notify me that he had received the Licenses.

I have been advised recently that Mr. Kelly drilled a new well under Permit No. 17-7062, as authorized by the Water Rights section of his Contract with Mr. Rockhill. The problem that arises, and the reason for petitioning for rehearing, is that the proof submitted apparently did not include the production from the new well, and thus the License does not reflect the amount of water applied to beneficial use from that well, and the two Licenses do not take into account the delivery capacity of that well in fixing the combined diversion rate at 7.34 cfs.

I believe the capacity of the new well is approximately 2,300 gallons per minute.

Mr. A. Kenneth Dunn
November 23, 1983
Page 2

I am sending a copy of this letter to Steven E. Clyde,
attorney for Mr. Rockhill.

Please advise.

Yours very truly,

ANDERSON, KAUFMAN, RINGERT & CLARK

By


William F. Ringert

WFR:bar

cc: LaMar Kelly
Sherl L. Chapman
Steven E. Clyde

August 16, 1983

RE: Permit Nos. 17-7018 and 17-7062

LaMar and Annette Kelly
Star Route, Box 39-B
Heber City, UT 84302

Dear Mr. and Mrs. Kelly:

Enclosed are copies of the waterright licenses issued on the above referenced permits. Also enclosed is a copy of your approved application for licensing amendment for Permit No. 17-7062.

If you have any questions concerning these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosures

Sherl L. Chapman

RECEIVED

CONSULTANT

AUG 3 1983

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

Department of Water Resources

August 1, 1983

Mr. Jim Johnson
Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Jim:

ENCLOSURE

Enclosed you will find an application for amendment of permit in the name of Lamar Kelly of Heber City, Utah. This amendment is at the request of the Department for licensing and is submitted under that specific request. It should be noted, however, that Mr. Kelly may not be satisfied with the licensing decision and may appeal at a later date. Because of that potential challenge, we would request that this letter be kept on file with the amendment in case of further action in the future.

If you have any questions, please feel free to call me.

Sincerely yours,



Sherl L. Chapman
Consultant

SLC:kje
enclosure

SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

July 13, 1983

Lamar Kelly
Box 39-B, Star Route
Heber City, UT 84302

RE: Permits 17-7018 & 17-7062

Dear Mr. Kelly:

Mr. William Ringert's letter of July 1, 1983, on your behalf rejects my offer to remeasure the diversion rates from the wells authorized under these permits. I had previously indicated that unless a remeasurement was agreed to by both you and Mr. Rockhill, I would issue a license based upon a reasonable amount of water needed for the lands found under irrigation by the department's examiner. A diversion rate of $5/8$ to $3/4$ miner's inch per acre is common for sprinkler irrigation system design in Idaho. I note that the contract of sale between yourself and Mr. Rockhill for the lands in question provides for a diversion of 5.7 cfs for 400 acres which equals a rate of 0.70 miner's inch per acre. Because this rate is within the range of normal system design, I believe it to be a reasonable rate for licensing the permits.

Accordingly, the permits will be licensed as follows:

Permit No. 17-7018

Name of licensee--Lamar Kelly

Amount of water that can be recognized as beneficially used under

Idaho law: 7.34 cfs Source: Ground water

The maximum quantity diverted shall not exceed 1802.5 acre feet per year.

Point(s) of diversion: SE1/4SW1/4, Sec. 13, NE1/4NE1/4, NW1/4NE1/4,
Sec. 23, T. 16S, R. 32E, B.M.

Beneficial use: Irrigation of 515 acres with S1/2SW1/4, Sec. 13, SE1/4NE1/4,
Sec. 23, S1/2NE1/4, NW/4, N1/2SE1/4, Sec. 24, T. 16S, R. 32E, B.M.

Priority date established: January 31, 1973

Conditions and comments: Conclusive diversion rate data unavailable.

Permit No. 17-7062

Name of licensee--Lamar of Annette Kelly

Amount of water that can be recognized as beneficially used under

Idaho law: 2.98 cfs Source: Ground water

The maximum quantity diverted shall not exceed 521.5 acre feet per year.
Point(s) of diversion: Same as No. 17-7018.
Beneficial use: Irrigation of 149 acres within E1/2NE1/4, Sec. 23,
W1/2NW1/4, Sec. 24, T. 16S, R. 32E, B.M.
Priority date established: September 9, 1975 (Late Proof)

Conditions And Comments:

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

This right when combined with right No. 17-7018 shall not exceed 7.34 cfs diversion rate.

In order for the Department to issue the above license as stated it will be necessary for you to amend permit 17-7062 to add the point of diversion located within the SE1/4SW1/4, Section 13, T. 16S, R. 32E. Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days.

If the amendment application is not filed, the license right 17-7062 will be issued listing only the other two wells as the points of diversion.

If you do not concur with these findings or have any questions please contact us within the 30 day period.

Sincerely

A. KENNETH DUNN
Director

AKD:jvv

cc: Eastern Region
Stephen Clyde
Bill Ringert
Ken Rockhill



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

April 27, 1983

RE: Permit Nos. 17-7018 and 17-7062 A & B

Kendall H. & Joyce C. Rockhill
P.O. Box 86
Kamas, UT 84036

Dear Mr. and Mrs. Rockhill:

Our office is in receipt of your Notice of Interest for the above referenced permits.

Our office will place your Notice of Interest in each permit file for record only. As requested we will send you a copy of all notices &/or correspondences at the Departmental charge of 25¢ per page.

Any action taken on either permit must be executed by Mr. LaMar Kelly, the permit holder.

If you have any further questions, please contact our office.

Sincerely,

ROBYN CARLSON
Chief Clerk

RC:kw

NOTICE OF INTEREST

PLEASE TAKE NOTICE, that the undersigned, KENDALL H. ROCKHILL and JOYCE C. ROCKHILL, his wife, hereby claim an interest in the water and water rights represented by well application Nos. 17-7062 and 17-7018, and also claim the right to livestock water sufficient to water 175 head of cattle on a year-round basis from a certain spring located in the Southwest Quarter of the Southwest Quarter, Section 18, T16S, R32E, Boise Meridian, by virtue of an unrecorded uniform real estate contract dated December 31, 1980 by and between the undersigned as purchasers, and D. Lamar and Annette M. Kelly, as sellers.

The undersigned request that any notices or correspondence given by the Department of Water Resources be sent to the undersigned as the owners of the equitable interest in the above-referenced applications.

DATED this 1st day of April, 1983.

Kendall H. Rockhill
KENDALL H. ROCKHILL
Joyce C. Rockhill
JOYCE C. ROCKHILL

STATE OF UTAH)
 : SS.
COUNTY OF SALT LAKE)

On this 1st day of April, 1983, personally appeared before me KENDALL H. ROCKHILL and JOYCE C. ROCKHILL, the signers of the foregoing instrument who duly acknowledge to me that they executed the same.

Ramon J. Fitzgerald
NOTARY PUBLIC
Residing At: Kanab, Utah

My Commission Expires:

Aug 3 1984

RECEIVED

APR 4 1983

Department of Water Resources
Eastern District Office

April 7, 1983

RE: Request for Copies of Files 17-7018 & 17-7062

Steven E. Clyde, Attorney
Clyde, Pratt, Gibbs & Cahoon
200 American Savings Plaza
77 West Second South
Salt Lake City, UT 84101.

Dear Mr. Clyde:

Enclosed are the copies of material in the above referenced files. All contents of the files have been provided except data processing work sheets and staff recommendations, including rough draft licenses, on the licenses now being developed to be issued on these permits.

The fee for copying is 25¢ per sheet and amounts to \$36.25. Receipt No. 26451 is enclosed in payment of the copies.

Sincerely,

NORMAN C. YOUNG
Administrator
Resources Administration Division

NCY:alw
Enc.

CLYDE, PRATT, GIBBS & CAHOON

EDWARD W. CLYDE, P.C.
ELLIOTT LEE PRATT
WILLIAM G. GIBBS
RICHARD C. CAHOON, P.C.
RODNEY G. SNOW, P.C.
STEVEN E. CLYDE, P.C.
THEODORE BOYER, JR.
L. MARK FERRE
EDWIN C. BARNES
DOUGLAS G. MORTENSEN
THOMAS R. KING
D. BRENT ROSE
JOHN W. ANDERSON
JAMES L. WARLAUMONT
H. MIFFLIN WILLIAMS III
R. DOUGLAS CREDILLE
JEFFREY W. APPEL

ATTORNEYS AT LAW
200 AMERICAN SAVINGS PLAZA
77 WEST SECOND SOUTH
SALT LAKE CITY, UTAH 84101

PHONE 322-2516
AREA CODE 801
TELEX: 453154

OF COUNSEL
FRANK J. ALLEN
ROLAND R. WRIGHT

March 30, 1983

Mr. Ronald D. Carlson
Regional Supervisor
State of Idaho
Department of Water Resources
Western Region
Statehouse
Boise, Idaho 83720

Re: Ken Rockhill-Lamar Kelly Water Right Matters

Dear Mr. Carlson:

RECEIVED

I represent Ken Rockhill. As you know, Ken is purchasing, under contract, certain irrigated farm land from Lamar Kelly in Oneida County, Idaho, together with the water rights appurtenant thereto which are represented by well application Nos. 17-7062 and 17-7018. The parties are having a variety of difficulties with each other which involve these water rights, and certain obligations which Kelly may have perpetually obligated himself to. It also appears we may have some misunderstanding regarding the nature of the water rights being sold, their current status before the Department of Water Resources, and the interests in these water rights which may have been retained by Kelly in accordance with the terms of the above-referenced contract. It would be of great assistance to me if I could receive a copy of everything contained in the two water application files. I have enclosed our check made payable to the Department of Water Resources in an amount not to exceed \$50 to cover the costs of reproduction and mailing. Should this amount be inadequate, please let me know the additional sums required and I will immediately remit the same to you.

Mr. Rockhill is the equitable owner of these two applications by virtue of his contractual interest in the same. I will prepare for his signature a formal notice of interest which he will

CLYDE, PRATT, GIBBS & CAHOON

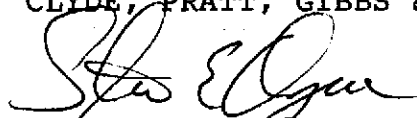
Mr. Ronald D. Carlson
March 30, 1983
Page 2

execute and send to the State Engineer as soon as possible in order to put his interest in these water applications of public record. In the meantime, I would appreciate receiving on Mr. Rockhill's behalf, a copy of any correspondence sent by the Department of Water Resources to anyone involving these applications.

I sincerely appreciate your interests in these matters. If I can answer any questions for you regarding Mr. Rockhill's interests in these applications, of course, please let me know.

Very truly yours,

CLYDE, PRATT, GIBBS & CAHOON


Steven E. Clyde

Enclosure
SEC:rw

cc: Ken H. Rockhill



Sherl L. Chapman

CONSULTANT

921 S. ORCHARD / SUITE N / BOISE, IDAHO 83705 / PHONE 344-6690

November 3, 1982

Mr. Ron Carlson
Department of Water Resources
150 S. Shoup
Idaho Falls, Idaho 83401

RECEIVED
NOV 8 1982
Department of Water Resources
Eastern District Office

Dear Ron:

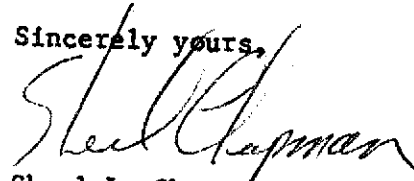
I'm in receipt of your letter of October 22, regarding the Rockhill water measurements in the Curlew Valley. Since I have not been directed otherwise by my client, Mr. Lamar Kelly, I think our position is the same as expressed in my earlier letter to you. Mr. Kelly feels that he has provided the Department of Water Resources with certified water measurements in good faith in an effort to speed licensing of his water right permits. He has expended a great deal of money and time in an effort to streamline the procedure since he was in the process of selling a portion of the ranch. The measurements I took were provided the Department which should have been sufficient to move toward licensing. It is certainly obvious that measurements taken at different times with different equipment will vary to some extent, particularly if there has been mismanagement or accelerated wear and tear of the pumping system. This is not at all unusual and I cannot understand why it creates such a problem at this time.

It appears to us that Mr. Rockhill is certainly using the Department of Water Resources in an effort to escape his contractual obligations. As you and I have discussed before, the Department of Water Resources should not be in the position of settling contractual disputes nor allowing themselves to be put in the position of providing data for potential private litigation. As I indicated before, in order for me to make additional measurements, Mr. Kelly would be put in the position of paying double for the same set of measurements made in his behalf before. I am certain that he does not wish to do this nor do I assume Mr. Rockhill or the Department wish to pay the expense involved. It is our hope that the Department of Water Resources will proceed as rapidly as possible with licensing and then if there are still problems between

Mr. Ron Carlson
November 3, 1982
Page 2

the two parties involved with the quantity of water available or provided by either party, the question can be resolved through negotiation or litigation without the involvement of the Department.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Sherl L. Chapman".

Sherl L. Chapman
Consultant

SLC:kje
cc:Mr. Lamar Kelly



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

Bob Fleener

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

October 22, 1982

Sherl Chapman
921 S. Orchard, Suite N
Boise, ID 83705

RE: Rockhill Water Measurements

Dear Sherl:

In your letter of September 20, 1982 you suggest that the measurements made by our examiners may be lower than those you made because of possible damage to the pump bowls and a partial failure of one of Mr. Rockhill's wells.

Since there have been three measurements made on this system, all of which were substantially different, I recommend that the Department give Mr. Rockhill and Mr. Kelley the next nine months to make what ever repairs they wish to make on their wells and pumps. Next spring we will schedule a date that is agreeable to all parties to go down together and remeasure the system.

If you should wish to make independent measurements with your equipment we will be in a position to resolve any disagreements before we leave the field. Unless you have objections to this proposal or other ideas to resolve this matter we will advise Mr. Rockhill and Mr. Kelley of our intentions.

Yours truly,

Ronald D. Carlson

RONALD D. CARLSON
Regional Supervisor

RDC:nn

RECEIVED DATE 9-15-82

SEP 20 1982

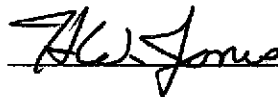
Department of Water Resources

FROM Harold Jones

TO Bob Fleenor

SUBJECT Lamer Kelly - Kin Rockhill + Permits 17-7062 ; 17-7018

Kerth + I went to Stone + checked those wells + ground Mr. Rockhill had purchased from Lamer Kelly. I feel these measurements reflect what's happening at least on this portion of the ground. We did not have the opportunity to check Kelly's portion. However I don't believe Chapman's exam reflects water use via the irrigation lines at all and should be disregarded.

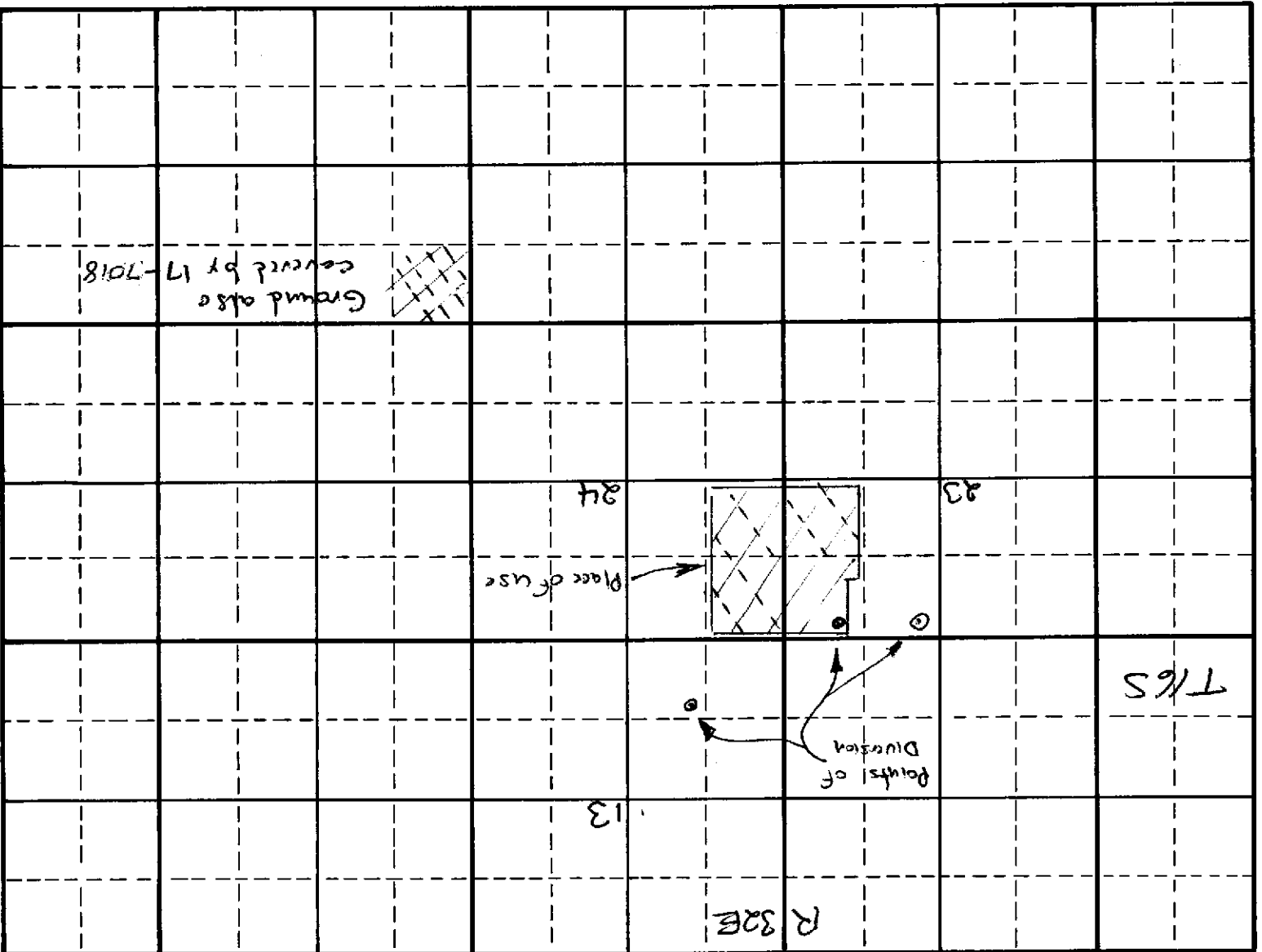


SIGNATURE

Remarks This license has ground that overlaps 17-7018 and shows the same points of diversion. The NENE of Sect. 23 is only new piece of ground. The other 3 quarters are also covered by 17-7018.

NOT RECORDED

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)
* See attached sheet

Point(s) of diversion: NENE Sect. 23 T16S R32E and SSW Sect 13 T16S R32E

Place(s) of Use

TWP.	RGE.	SEC.	NEX			NWY			SWY			SEY			TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
16 S	32 E	23	30			40									70
		24				39	40								79

Recommended Amendments:

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

Examiner's Signature

Checked by

Approved by

Date

9-10-82

Date

9-14-82

Date

17-7062

17-7062 & 17-7062

Rockhill prep.

UNCLASSIFIED

POOR QUALITY ORIGINAL

POOR QUALITY ORIGINAL

A233

A23

A234

A244

718

166

214

72-9

283

144

2924

PO # 06

709

774

PO #

585

2504

PO # 06

1
RECEIVED

Fleeson
Status of this issue?
INTER-DEPARTMENT MEMO — 1
Ney

FROM Harold Jones

AUG 17 1982

DATE Aug 12, 1982

TO Norm Young *(Ney)*

Department of Water Resources

SUBJECT Lamar Kelly - Ken Rockhill File

Mr Rockhill contends that well #3 has + did have a defective water meter at time of Chapman inspection. Mr. Rockhill had to file fins on impeller to make it fit and when I saw meter this summer it was not functioning.

Harold Jones

SIGNATURE

INTER-DEPARTMENT MEMO — 1

DATE Aug 11, 1982

FROM Harold Jones

TO Norm Young

SUBJECT Lamar Kelley - Ken Reedhill
Permits 17-7018 + 17-7062

Mr. Reedhill contends that wells are not capable of producing the water stated in Chapman's exam. He finds the limited number of lines he runs bears this out. I feel uncomfortable with the measurements submitted by Chapman & feel another field exam is needed by a department field agent. Please advise!

Harold W. Jones
SIGNATURE

INTER-DEPARTMENT MEMO — 1

DATE Aug, 11, 1982

FROM Harold Jones

TO Norm Young

SUBJECT Permit 17-7018 + 17-706

Land owned by Rockhill — Sect 13 — SUSW
SESU

Sect 23 — NENE
SENE

Sect 24 NW 1/4
N 1/2 SW 1/2

Mr Rodull states the above wells #1, 2 + 3 (See Kozlowski exam memo)

SIGNATURE

INTER-DEPARTMENT MEMO — 1

DATE May 24, 1982

FROM H.W. Jones

TO Ron

SUBJECT LaMar Kelley

During the first week of May, 1982, a Mr. Kendell Rockhill of Camus, Utah called. His inquiry was about permits that were held by LaMar Kelley in Basin 17. Mr. Rockhill says he has purchased 400 acres from Mr. Kelley and in the sale contract Mr. Kelley guaranteed him a specific amount of water. If this flow was not achieved, Mr. Kelley would provide the additional water.

At this point we have a Field exam and roughdraft that Mr. Kelley has rejected. He then hired Mr. Sherl Chapman to do the exam over. The permits did not have a condition that a certified engineers measurement was acceptable but via conversation it seems that an ok was given for at least one permit.

I am holding the measurements provided by Mr. Chapman (see copy).

Question: Do we accept this measurement and apply it to Mr. Kelley's permits or not? Please advise

H.W. Jones

SIGNATURE

RECEIVED

JUL 21 1982

Department of Water Resources
Eastern District Office

July 19, 1982

Mr. Rex Carlson,

I have bought a farm in Stone Idaho from Lamar Kelly of Heber City, Utah. When we bought the farm we bought the two well permits #17-7062 & #17-7018. Since buying this farm I have never been able to find out what is being done on proving up on these permits. I have a completed purchase agreement contract that guarantees me so much water upon final prove up on these permits. I have received a letter from Mr. Chapman on what the wells produced when he tested them. After farming this ground for 1 1/2 years, I question the amount of water the wells will produce according to Mr. Chapman's report. Since I am the owner of 400 acres & part of the permits I feel like I should receive an assignment of water rights on wells #17-7062 & #17-7018. We now have no voice in acceptance in what is being done with the water & permits I visited with Mr. Jones who was in our area last week & discussed this problem with him. In talking with him he suggested I should send you a copy of the contract which involves the water

RECEIVED

rights on the land I have purchased.

I would like to visit with you or your office & have a more detailed discussion on what is being done or can be done to be fair with everyone involved. I know the water isn't being represented in the manner it was supposed to be.

I will be interested in hearing from you concerning this matter

Sincerely,

Tendall H. Rockhill
Kamas Utah

84036

phone: 783-4457

RECEIVED

EXHIBIT "A" - Additional Agreements to Kelly-Rockhill Real Estate Contract

Survey

A certified survey shall be accomplished to determine the boundary lines between Buyers' and Sellers' properties so as to convey 400 acres to Buyers. The cost of the survey shall be divided equally between Buyers and Sellers.

Water Rights

Sellers shall provide delivery of stock water to Buyers' boundary line in Section 13 in an amount sufficient to water 175 head of cattle on a year around basis.

Sellers shall have the right to drill and equip one new irrigation well under the authority of Idaho Well Application No. 17-7062 to be approximately located in the W1/2 of the W1/2 of the NE 1/4 of the NE 1/4 of Section 23, T16S, R32E of BM, which parcel is now owned by Sellers.

Sellers shall have the right to deliver through the existing buried main line, which by virtue of this Agreement is owned by the Buyers, the water produced from the above described well. Sellers shall, upon written demand from the Buyers, or at Sellers election to do so, place a new buried main line from said new well running directly east to Sellers' property or along existing mainline at Sellers' sole cost and Buyers shall grant a perpetual easement for the installation and maintenance of said line.

Buyers are hereby acquiring Idaho Well Application Nos. 17-7018 and 17-7062, with the understanding that Sellers have the right to drill the new well hereinabove referenced.

When final proof on said applications is made by the Idaho State Water Engineer, Sellers warrant that the Buyers shall have sufficient water to water 400 acres of land with a minimum right to 5.70 C.F.S. of water. Sellers guarantee to deliver an amount necessary to fulfill the minimum right from Sellers' system into Buyer's irrigation system. Well No. 2 shall be excluded from determining the minimum right of 5.70 C.F.S. guaranteed by Sellers to Buyers.

Irrigation Equipment

Sellers hereby transfer nine (9) one-quarter mile side-roll wheel lines in good working condition to the Buyers plus the appurtenant buried main lines. Sellers also transfer the three existing wells to Buyers and the appurtenant pumps, motors, and panels as per the attached Exhibit "B" - Property Map. Sellers guarantee that the irrigation system, excluding Well No. 2, is in good working order, and further guarantees that said system will maintain 60 p.s.i. operating pressure. This guarantee shall expire on July 31, 1981.

Mineral Rights

Sellers hereby retain fifty percent of any and all mineral, oil, gas, hydro-carbon and geothermal rights which may be appurtenant to said property which Sellers may now own. Sellers make no guarantee as to exact amount or percentage of said rights which they now own. Sellers hereby assign to the Buyers fifty percent of any and all rights they may have pursuant to that certain Oil and Gas Lease dated March 16, 1978, recorded as Instrment No. 97728 in the records on Oneida County, Idaho.

Miscellaneous

Buyers represent that they have made an independent inspection of the property, irrigation equipment; and further represent that they are satisfied with condition of same and hereby agree to purchase said property based on their independent investigation and inspection of the property and its appurtenances, subject to the guarantee relative to the irrigation system.

Sellers and Buyers represent that they have sought independent legal review of this entire Contract and its Exhibits hereto attached and are satisfied with the content of same.

Sellers and Buyers represent that C. Patrick Bates Realty, Inc. is the sole agent in this Agreement and Sellers agree to pay a total real estate commission of \$14,000.00 to said agent from the down payment proceeds at closing.

Sellers will obtain written approval of this Agreement from the FmHA office in Malad, Idaho, wherein Buyers will receive assurance that should they perform their obligations under this Agreement that the property will be released free and clear to them.

D.A.R. K.H.B.
G.M.H. S.C.R.

March 29, 1982

RE: Permit No. 17-7062

Lamar Kelly
Star Route, Box 39-B
Heber City, UT 84032

Dear Mr. Kelly:

Enclosed is a copy of the approved application for amendment submitted in connection with the above referenced permit.

If you have any questions concerning this matter, please contact us.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

Sheri L. Chapman

CONSULTANT

921 S. ORCHARD / SUITE N / BOISE, IDAHO 83705 / PHONE 344-6690

March 3, 1982

RECEIVED

MAR 4 1982

Department of Water Resources
Eastern District Office

Mr. Ron Carlson
150 S. Shoup
Idaho Falls, Idaho 83401

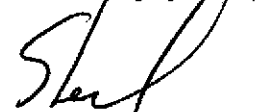
Dear Ron:

Pursuant to our discussion in Idaho Falls on the 22nd, I've reviewed my files and am unsure whether or not I provided you with a certified measurement of the wells on the K-5 Ranch owned by Lamar Kelly for proof of beneficial use under permit 17-7062. As you will remember from our conversation, I have measured all of the wells on the property and Mr. Kelly wishes me to provide those certified water measurements as the water measurements to be considered under his proof of beneficial use for both 17-7018 and 17-7062. It is my understanding from our conversation, that you will accept these measurements for proof of beneficial use and the only examinations that needs to be made for 17-7062 is to verify the land irrigated under the permit.

The reason for Mr. Kelly's concern over this matter is that since he resides in Utah it is difficult for him to be at the ranch at specific times. Additionally, depending upon the examiners schedule, part of the wells may be shut down for hay cutting or other farming activities. Since Mr. Kelly has gone to the time and expense of obtaining certified measurements on the wells, he felt this should be sufficient for that portion of the proof of beneficial use. Additionally, I think that by us providing these measurements your examiner might be able to better examine the property during off season and use the pumping season to examine those water rights that do require measurement of both the water and lands prior to licensing.

If you have any questions or need any additional information, please don't hesitate to call.

Sincerely yours,



Sheri L. Chapman
Consultant

SLC:kje
cc:Mr. Lamar Kelly
enclosure

SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

Sherl L. Chapman

CONSULTANT

921 S. ORCHARD / SUITE N / BOISE, IDAHO 83705 / PHONE 344-6690

WATER MEASUREMENT K-5 RANCH ONEIDA COUNTY, IDAHO

The following is a certified measurement of wells owned by Mr. Lamar Kelly on the K-5 Ranch near Stone, Idaho. The wells were measured on June 17, 1981 and conducted personally by Mr. Sherl L. Chapman, geologic consultant. The following is a tabulation of the measurement, data collected, and the method used to determine the flow. All measurements were made with calibrated standard measuring equipment and are accurate within $\pm 5\%$.

Well #1, located in the SW/4 SW/4, Section 13, T16S, R32E. Measured with a calibrated inline flow meter. The well produced 952 gallons per minute or 2.12 cubic feet per second. The well is equipped with a 75 horsepower vertical turbine, electric motor, serial #29N9785.

Well #2, located in the SE/4 SW/4, Section 13, T16S, R32E. Measurement made utilizing inline, calibrated portable flow meter. Measurement cross checked with inline, McCrometer meter, serial #F394760. Quantity of water produced 1,175 gallons per minute or 2.61 cubic feet per second. The well is equipped with a 440 volt, three phase, 100 horsepower pump.

Well #3, located in the NE/4 NE/4, Section 23, T16S, R32E. Flow measured with a calibrated, inline, portable flow meter. Water produced 1,250 gallons per minute or 2.77 cubic feet per second. The well is equipped with a 125 horsepower, 460 volt, three phase pump.

Well #4, located in the NW/4 NE/4, Section 23, T16S, R32E. Measured with a Collins air/water manometer. The well produced 1,922 gallons per minute or 4.27 cubic feet per second. The well is equipped with a 150 horsepower, 460 volt, U. S. Electric vertical turbine pump.

SPECIALIST IN

GROUND-WATER HYDROLOGY / WATER RIGHTS / WATER WELL DESIGN / GEOTHERMAL RESOURCES

1-801-785-4457

Call Wendell Roddick
Campus, Utah

WATER MEASUREMENT

K-5 RANCH

ONEIDA COUNTY, IDAHO

Page 2

The total flow produced from these four wells for submission of proof of beneficial use under permit 17-7062 is 5,299 gallons per minute or 11.77 cubic feet per second.



INTER-DEPARTMENT MEMO — 1

FROM Kay Walker

DATE 2/19/82

TO File 17-7062

SUBJECT assignment —

The original assignment had been filed away at Eastern — it will be sent over, as per telecon with Bobbie today.

MICROFILMED

Original assignment received in State office 2/22/82

SIGNATURE

Jmi

Jim
Sherl L. Chapman

CONSULTANT

RECEIVED

FEB 16 1982

921 S. ORCHARD / SUITE N / BOISE, IDAHO 83705 / PHONE 344-6690
Department of Water Resources

February 12, 1982

Mr. Jim Johnston
Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Jim:

Pursuant to our telephone conversation of Friday, February 5 regarding permit #17-7062, I am sending to you a copy of my letter dated September 14, 1981 to Ron Carlson and a copy of the assignment of permit from Wayman Yarbrough to Lamar Kelly dated June 22, 1981 and notarized June 26, 1981. I would ask that the Department of Water Resources consider this copy of assignment as formal assignment of the permit and move ahead with licensing of permit 17-7062 in behalf of Lamar Kelly. Because of the difficulty in contacting the parties involved, it is my opinion that it would be quite a bit of trouble to obtain another assignment of permit from Mr. Yarbrough and would delay processing of Mr. Kelly's application for permit.

If you have any questions or need additional information, please don't hesitate to call.

Sincerely yours,



Sherl L. Chapman
Consultant

SLC:kje
cc:Mr. Lamar Kelly
enclosures

September 14, 1981

Mr. Ron Carlson
Department of Water Resources
150 S. Shoup
Idaho Falls, Idaho 83401

Dear Ron:

I'm enclosing for inclusion in the file of permit 17-7062, an assignment of permit from Mr. Wayman Yarbrough to Lamar Kelly of Heber City, Utah. Mr. Kelly purchased a portion of the land that Mr. Yarbrough owned, to which the water is appurtenant.

If you have any questions or need additional information, please don't hesitate to contact me.

Sincerely yours,

Sheri L. Chapman
Consultant

SLG:kje
enclosure
cc:Mr. Lamar Kelly

C
O
P
Y

RECEIVED

FEB 16 1982

State of Idaho
Department of Water Resources

Department of Water Resources

ASSIGNMENT OF PERMIT

I, Wayman Yarbrough, hereby assign to LaMar Kelly
of P.O. Box 39-B, Star Route, Heber City, Utah 84032
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 17-7062
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 22 day of June, 1981.

Wayman Yarbrough
Permit Holder Wayman Yarbrough

Shanna Yarbrough
Spouse of Permit Holder

State of Idaho)
County of Cassia) ss.

On this 26th day of June, 1981, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Shanna Kelly
Notary Public residing at
Rt. 2 Heber

My commission expires:

6-3-84



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

February 12, 1982

RE: Permit No.

17-7062B E A

RECEIVED

FEB 17 1982

Department of Water Resources

Lamar Kelly
Star Route Box 39-B
Heber City, Utah 84032

Dear Mr. Kelly:

We acknowledge receipt of the proof of beneficial use card submitted for the above referenced permit.

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

If you have any questions regarding the field examination, please contact our eastern regional office.

Very truly yours,

BOBBIE R. STEPHENS
Principal Clerk

cc: IDWR - State Office

MICROFILMED

CONVERSATION MEMORANDUM

DATE 2/5/1982

FILE 17-7062

NAME OF PARTY Sherl Chapman

EMPLOYEE Jim Johnson

RE: I called Sherl today concerning the amendment and proof card sent in
by Mr. Kelly.

He will send us a copy of an assignment which apparently was sent to
Eastern Region but never received in the State Office.

No further action should be taken on any part of this file until we
receive a letter from Mr. Chapman.

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

January 20, 1982

RE: Permit No. 17-7062A

Wyman Yarbrough
Stone,
Idaho 83280

Dear Mr. Yarbrough:

Thank you for responding to our letter of October 30, 1981 by submitting a request for extension of time in which to submit proof to beneficial use of water under Permit No. 17-7062A.

We will not, however, be able to accept your request because Section 42-204, Idaho Code, limits the Director to approval of only one extension request. The first request was approved in November, 1976.

We will refund your \$15.00 filing fee rather than processing the request for extension of time. The refund check will be sent under separate cover.

If you still plan to develop the water right in the future, you should refile when you are certain that the project can be completed. If you have any questions, please let me know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure: Extension form

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Jim Johnson

DATE 1/14/1982

TO Ranae Sanders

SUBJECT 17-7062 A - Refund of Extension of Time request fee.

Please send a refund check to Wayman Yarbrough
Stone, Idaho 83280

See attached letter for reason of refund...

SIGNATURE

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY:

KC Wilson

Right Number

17-7062

Applicant

Lamar Kelly

Purpose of Amendment:

☐ Change point of diversion.

☒ Add diversion point(s).

☐ Increase amount.

☐ Change place of use.

☐ Other

CHECK:

☒ Description of amended point(s) of diversion.

☒ Amount, nature and period of use. If increased, delay date of priority.

☒ Description of amended places of use. If expanded, delay date of priority.

☒ Ownership of point of diversion and place of use.

☒ Map.

☒ Signature (must be permit holder).

☒ Fee.

☒ Existing water rights from the same source, amended place of use.

☒ Right number(s)

☒ Yes ☐ No Should amendment be advertised?

☐ Yes ☒ No Should date of priority be delayed? If yes, to what date?

FINAL REGIONAL PROCESSING REVIEW:

☒ Affidavit of publication received.

☒ Amendment published correctly.

☐ Protests processed.

☒ Approve.

☐ Deny.

Conditions

See permit.

RECEIVED

JAN 14 1982

Department of Water Resources

By

EMC

Date

Jan 13, 1982 ✓

STATE OFFICE PROCESSING:

☒ Amendment correct and complete. By

Jam

Date

3/16/82

☐ Approved copy sent to applicant and to Region. By

Date

UNRECORDED

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 17-7062 in the name of LaMar Kelly was issued for the diversion of 3.00 cfs of water from a groundwater source with point of diversion within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 16S, R. 32E, B.M., Oneida County; to be used for the irrigation of 160 acres from Apr. 15 to Nov. 1 within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 23, W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 24, T. 16S, R. 32E, B.M.

The permit holder now proposes to amend Permit No. 17-7062 changing point of diversion to the NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, T. 16S, R. 32E, B.M., Oneida County.

Any protest to the proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Idaho Falls, Idaho, 83402, on or before January 11, 1982.

A. KENNETH DUNN

Director

Published in the Idaho Enterprise, Malad, Idaho, on December 24 & 31, 1981.

RECEIVED
DEC 24 1981
IDaho DEPT. OF WATER RESOURCES

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 17-7062

Name(s) of Permit Holder: Lamar Kelly

Post Office Address: Star Route Box 39-B, Heber City, Utah 84032

Tel. No. 801-654-2347

Source of Water: Ground Water

Extent of Use:

☐ Domestic	_____	(number of households)
☐ Stockwater	_____	(number and type of stock)
☒ Irrigation	<u>160</u>	(acres)
☐ Other	_____	

Measuring Device:	Required?	☐ Yes ☒ No	Installed?	☐ Yes ☒ No
Access Port:	Required?	☒ Yes ☐ No	Installed?	☒ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

11/25/81

Date


Signature of Permit Holder

Lamar Kelly
Box 39 B Star Route
Helen city ut 84032

Department of Water Resources



DEC 14 1981

RECEIVED



RECEIVED

DEC 1 1981

IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water Resources STATEHOUSE

Eastern District Office

BOISE, IDAHO 83720



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

December 7, 1981

RE: Permit No. 17-7062

Lamar Kelly
Star Route, Box 39-B
Heber City, Utah 84032

Dear Mr. Kelly:

Enclosed is the beneficial use card for permit 17-7062 received on December 1, 1981. The beneficial use card is being returned for your signature.

This delay should in no way affect your permit if the beneficial use card is promptly returned.

Please feel free to contact this office for any additional assistance that may be needed.

Sincerely,

KEITH C. WILSON
Sr. Resource Agent

KCW:CW

Enclosure

cc: IDWR - State Office

RECEIVED
DEC 14 1981
Department of Water Resources

RECEIVED

NOV 25 1981

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
Fee Received <u>\$15.00</u>
Date <u>11-25-81</u>
Receipt # <u>12173</u>

REQUEST FOR EXTENSION OF TIME

RECEIVED

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

NOV 30 1981

Department of Water Resources

Wyman Yarbrough

Stone, Idaho 83280

(Name)

(Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of
the State of Idaho No. 17-7062A.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before
December 1, 1981.

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

(This must be filled out! If no work has been completed put none.)

a water supply was developed and has been used on the ground listed

in permit 17-7062. This ground has now been sold to LaMar Kelly with

the exception of ten acres which I retained. An 8-inch well has been
drilled on this property but the sprinkler system has not yet been installed.

Costing \$ 2,500.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
Has not had time available to finish the project.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations
under said permit to December 1, 1986.
(1 yr. minimum, 5 yrs. maximum)

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

Wyman Yarbrough
(Signature)

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be _____

Signed this _____ day of _____, 19 ____.

C
October 1, 1981

Wayman Yarbrough
Stone, ID 83220

O
Dear Mr. Yarbrough:

One of the conditions of approval of your water permit No. 17-7062A was that evidence of the extent of development must be submitted to this office on or before December 1, 1981. (See last page of your approved permit). Enclosed is a postcard which may be used to submit the required proof of beneficial use.

P
If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted. A request for extension of time form is enclosed for your convenience. Please note that a fee of \$15.00 must be submitted with this form.

Y
Either the beneficial use postcard or a request for an extension of time must be received by this department on or before the above-mentioned date, otherwise, the permit will lapse and be of no further force or effect within sixty days.

Sincerely,

RITA L. FLECK
Sr. Secretary

Enclosures

RECEIVED
OCT 11 1981

17-7062 A

INTER-DEPARTMENT MEMO — 1

FROM

DATE

TO

SUBJECT

Wayman Yarbrough
Stone, ID

part A

MICROFILMED

SIGNATURE

IDENT

17-7062

WATER RIGHT
DATA ENTRY LOG

[illegible]



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

December 22, 1980

Dear Wateruser:

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

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

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

Sincerely,

David R. Tuthill Jr.

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

DRT:jg

Enclosures

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

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

Eastern Region Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Western Region Office
92 South Cole Road
Boise, Idaho 83705

RECEIVED
NOV 27 1980

Scott's Land Title Co.

P.O. BOX 145

MALAD CITY, IDAHO 83252

Phone: 766-4000

RECEIVED

February 14, 1980

FEB 15 1980

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources
1414 Lincoln Road
Idaho Falls, Idaho 83401

Gentlemen:

Enclosed is an Assignment of Permit from
Waymon Yarbrough and Shanna Yarbrough to
LaMar or Annette Kelly, for permit No.
17-7062.

If you have any questions regarding this
Assignment, please contact our office.

Very truly yours,

SCOTT'S LAND TITLE CO.



BY: Mrs. Joan Hawkins

jh

Enc.

MICROFILMED

November 22, 1976

Re: Permit No. 17-7062

Wayman Yarbrough
Stone,
Idaho 83280

Dear Mr. Yarbrough:

Enclosed is a copy of the approved application for extension of time in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water has been extended to December 1, 1981.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

September 30, 1976

CERTIFIED MAIL

138969

Re: Permit No. 17-7062

Wayman Yarbrough
Stone,
Idaho 83280

Dear Mr. Yarbrough:

One of the conditions of approval of your water Permit No. 17-7062 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before December 1, 1976. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

November 26, 1975

Re: Permit No] 17-7062

Wayman Yarbrough
Stone,
Idaho 83280

Dear Mr. Yarbrough:

Enclosed is a copy of your approved Application for Permit No. 17-7062. We direct your attention to the conditions of approval as listed on the fourth page.

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

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

MICROFILMED

September 24, 1975

RE: Application No. 17-7062

Mr. Wayman Yarbrough
Stone
Idaho 83280

Dear Mr. Yarbrough:

Your application for permit has been processed and is now ready for final action. However, in checking our records we find that Permit No. 17-7002 in the name of Robin Showell covers these same lands and has requested 3.20 c.f.s for the irrigation of this 160 acre tract.

Because the Idaho Code allows a maximum of one miners inch per acre for irrigation, without justifying that the larger amount is necessary, we cannot complete the processing of your application until such justification has been submitted or until it has been amended to cover different lands.

Please let us know by October 20, 1975, what you propose to do to eliminate the apparent excessive appropriation that now exists on the lands you described.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:Me

RECORDED
INDEXED

September 2, 1975

RE: Application for Permit No. 17-7062

Mr. Richard M. Turnipseed
Division of Water Rights
Northern Area Office
P.O. Box 381
Logan, Utah 84321

Dear Mr. Turnipseed:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and if you have any comments, submit them to our Department as soon as possible. The last date of protest is September 22, 1975, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:MB

Enclosure

RECORDED
INDEXED

August 29, 1975

RE: Application for Permit No. 17-7062 YARBROUGH

Idaho Enterprise
P.O. Box 205
Malad, ID 83252

Gentlemen:

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

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

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
District Engineer

Bill submitted 9-15-75 by me

RDC:MB

Enc: Legal Notice (1)

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Wayman Yarbrough, Stone, Idaho, has on 8-27-75 submitted Application No. 17-7062 for a permit to appropriate 3.00 cubic feet per second of water from a ground-water source by means of well and pump within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, T. 16S, R. 32E, B.M., Oneida County; to be used from Apr. 15 to Nov. 1 for the irrigation of 160 acres within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 23, W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 24, T. 16S, R. 32E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before September 22, 1975.

R. KEITH HIGGINSON
Director

Published in the Idaho Enterprise, Malad, Idaho on September 4 and September 11, 1975.

RECEIVED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Wayman Yarbrough,

Stone, Idaho

has on 8-27-75 submitted Application No. 17-7062

for a permit to appropriate 3.00 cubic feet per second ~~acre feet per annum~~

of water from a ground-water source

by means of well and pump

within the NE1/4, Sec. 23, T. 16S, R. 32E, B.M. Oneida County;

to be used from Apr. 15 to Nov. 1

for the irrigation of 160 acres

within the E1/2NE1/4, Sec. 23, W1/2NE1/4, Sec. 24, T. 16S, R. 32E, B.M.

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

September 22, 1975

R. KEITH HIGGINSON

Director

Published in the Idaho Enterprise, Malad, Idaho

on September 4 and September 11, 1975

MICROFILMED

W.A. RDC - P
CW-A

August 29, 1975

RE: Application for Permit No. 17-7062

Mr. Wayman Yarbrough
Stone
Idaho 83280

Dear Mr. Yarbrough:

Attached herewith is departmental receipt No. 4394 in the amount of \$45.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:MB

Attachment

RECEIVED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. YARBROUGH

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

(1) RDC 8/27/75

In form to receipt YES

(2) 11 11

Send Copies to:

- ☐ Idaho State Health Department
☐ Idaho Fish and Game Department
☐ Bureau of Land Management

(3) 1 11

☒ TURNIPSEED

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

(4) 11 11

In form for advertising YES

(5) 11 11

Platted on Map No. 16532E

(6) 11 11

Located within Water District No. _____

(7) 11 11

Critical groundwater area: yes _____ no _____

(8) 11 11

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) 11 11

Other rights on the same place of use

(10) 11 11

Comments: CHECK 17-7050

THERE APPEARS TO BE AN OVERLAP 17-7002 S.E. FOR SAME
Affidavit of Publication received (date) 9-15-75 LAND

(11) me 9-15-75

(12) me 9-22-75

Final date for protests Sept. 22, 1975

Protests received: yes _____ no ☒

(13) 11 11

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

(14) 11 11

Action recommended:

☒ Approve

8/27/75 Proposed Priority

Reason for Reduction _____

☒ Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

(15) District E

By RDC Date _____

RECEIVED

NOV 75

Department of Water Resources

CONFLICT 17-7002
RESOLVED THRU AMENDMENT

RECEIVED

August 27, 1975

Joan Moon
Scott's Land Title Co.
P.O. Box 145
Malad City, Idaho 83252

Dear Ms. Moon:

Please find enclosed an application for transfer with instructions pursuant to your request of August 26, 1975.

If you need any assistance in completing this application, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:me

Enclosures

MICROFILMED

SCOTT'S LAND TITLE CO.

P. O. Box 145
Telephone 766-4000
Malad City, Idaho 83252

August 26, 1975

Department of Water Resources
Eastern District Office

State of Idaho
Dept. of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Gentlemen:

Enclosed is an Application for Permit from Wayman Yarbrough. Mr. Yarbrough has traded Steven Showell for 80 acres of land in Sec. 23, Twp. 16 S., R. 32 EBM, and is in the process of purchasing 80 acres from Sid Showell in Sec. 24, Twp. 16 S., R. 32 EBM.

The Showell Brothers have a water permit for Sections 23 and 24, with the point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24, Twp. 16 S., R. 32 EBM, in the name of Rollin Showell & Sons. The Showell Brothers would like to have this permit transferred to a piece of property which is located in the SW $\frac{1}{4}$, Sec. 23 and the NW $\frac{1}{4}$, Sec. 26, Twp. 16 S., R. 32 EBM. We would appreciate it if you would send the necessary forms to transfer this permit to this office.

With regards to Mr. Yarbrough's application, if you have any questions, please contact our office.

Very truly yours,

SCOTT'S LAND TITLE COMPANY

BY: *Joan Moon*

JOAN MOON

jm
Enc.

DEPARTMENT OF WATER RESOURCE

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 17-7062 ^A _B

Name(s) of Permit Holder: Lamar Kelly

Post Office Address: Star Route Box 39-B, Heber City, Utah 84032

Tel. No. 801-654-2347

Source of Water: Ground Water

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 160 (acres)
☐ Other

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No
Access Port: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

11/25/81

Date

Lamar Kelly
Signature of Permit Holder

October 1, 1981

Lamar or Annette Kelly
Star Route Box 39-B
Haver City, UT 84032

Dear Mr. and Mrs. Kelly:

One of the conditions of approval of your water permit No. 17-7062B was that evidence of the extent of development must be submitted to this office on or before December 1, 1981. (See last page of your approved permit). Enclosed is a postcard which may be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted. A request for extension of time form is enclosed for your convenience. Please note that a fee of \$15.00 must be submitted with this form.

Either the beneficial use postcard or a request for an extension of time must be received by this department on or before the above-mentioned date, otherwise, the permit will lapse and be of no further force or effect within sixty days.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosures

17-7062B

October 1, 1981

Elmer or Annette Kelly
Star Route Box 39-B
Heber City, UT 84032

Dear Mr. and Mrs. Kelly:

One of the conditions of approval of your water permit No. 17-7062B was that evidence of the extent of development must be submitted to this office on or before December 1, 1981. (See last page of your approved permit). Enclosed is a postcard which may be used to submit the required proof of beneficial use.

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Sincerely,

RITA I. FLECK
Sr. Secretary

Enclosures

17-7062 B

ACT
ION
N OWNER LAST NAME - YARBROUGH
N OWNER LAST NAME - KELLY
N OWNER LAST NAME - KELLY
N ADDRESS LINE 1 - STAR ROUTE BOX 39B
N SOURCE - GROUNDWATER
N STAGE - PERMIT
N DIVERSION POINT - NENE 23 16S 32E
N FROM - 04-15 TO - 11-01 USE - IRRIGATION
N USE - IRRIGATION
N OTHER RIGHTS FOR SAME USE - 17-7062A.

FIRST NAME - WAYMAN
FIRST NAME - LAMAR
FIRST NAME - ANNETTE
CITY - HEVER CITY
STATE - UT ZIP CODE - 84032
ORIG OWNER - 0
ORIG OWNER - 0

PRIORITY - 08-27-1975 COUNTY - ONEIDA
00 0000 0000 0000 0000 0000
000 000 00 00 00 0000

USE DIV. RATE - 1.4000CFS
TOTAL DIV. RATE - 1.4000CFS
AC 30 TRACT SENE AC 40

Blank lines for additional data entry.

INTER-DEPARTMENT MEMO — 1

FROM

DATE

TO

SUBJECT

LaMar Kelly or Annette Kelly
Star Route Box 39-B
Heber City, Utah 84032
Permit #17-7062
PD-NE-NE, Sec. 23, T16S.
P/U-NE-NE, 30Ac. & SE-NE, 40Ac.
Amount-1.4 cfs

part B

MICROFILMED

SIGNATURE



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

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

March 17, 1980

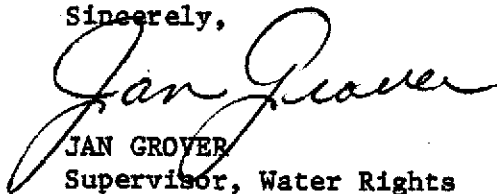
LaMar Kelly or Annette Kelly
Star Route Box 39 B
Heber City, Utah 84032
Permit #17-7062

Dear Wateruser:

This office acknowledges receipt of the partial assignment conveying the above referenced permit to you.

This partial assignment has been entered into the Departments records. Enclosed for your records is a copy of the permit.

Sincerely,


JAN GROVER
Supervisor, Water Rights

JG:jg

Enclosures

MICROFILMED