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William

Ray David
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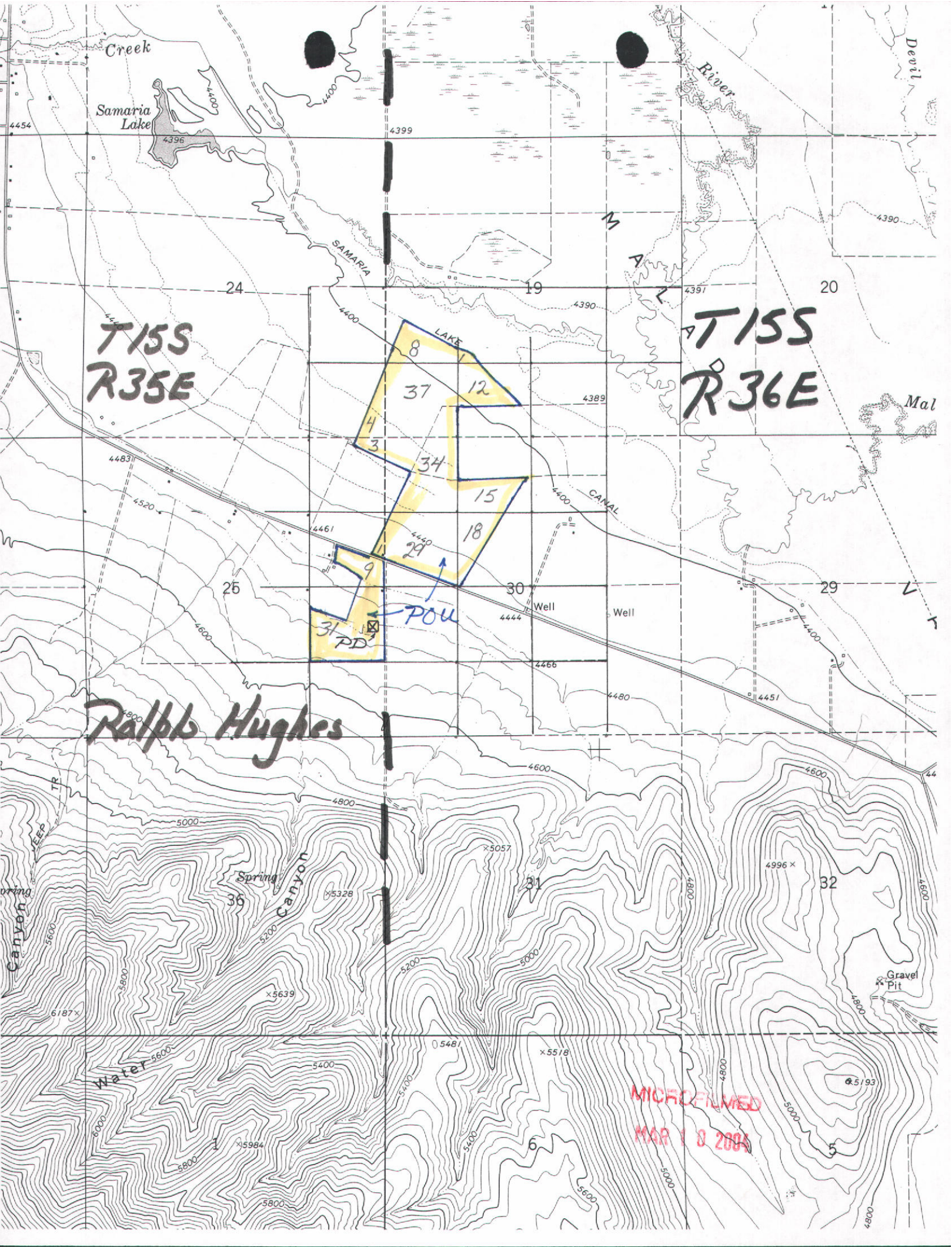
Tom Williams
EXISTING 4 W-11
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Smiling To Williams
Tom W. Williams

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MAR 10 2004



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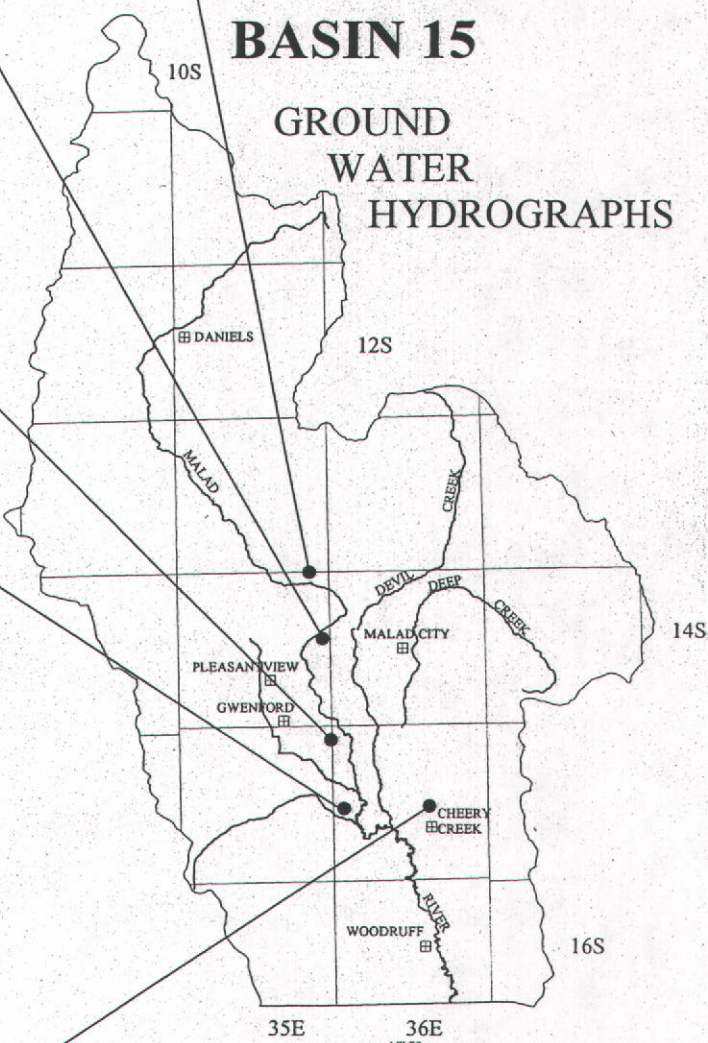
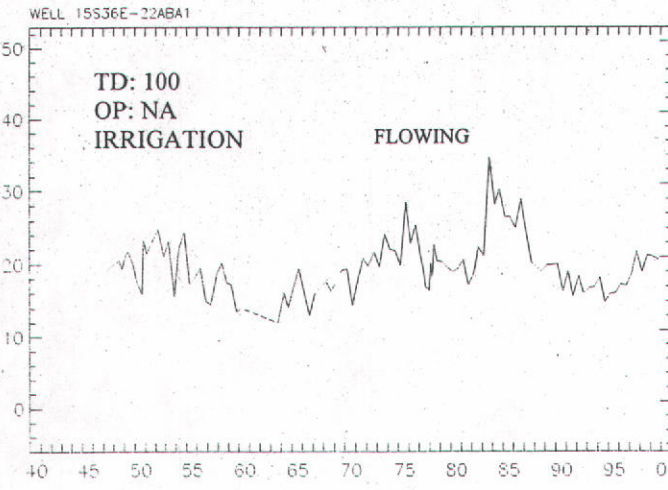
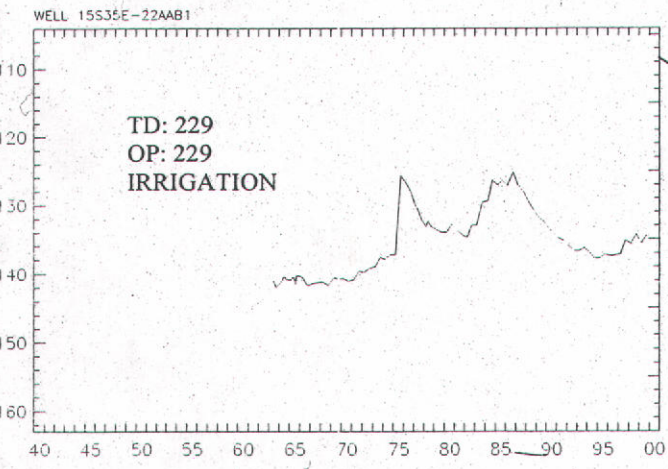
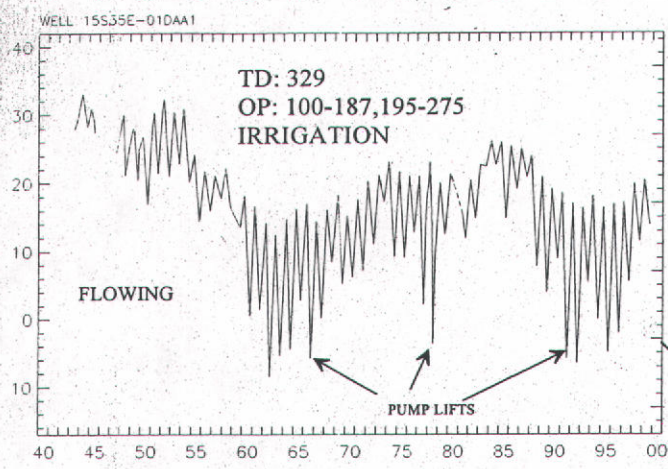
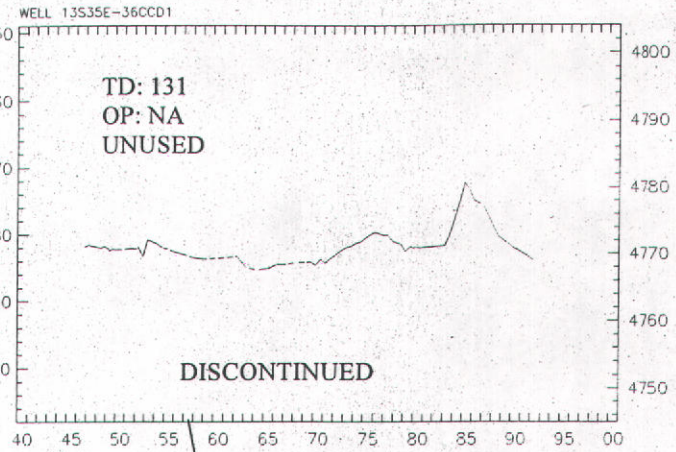
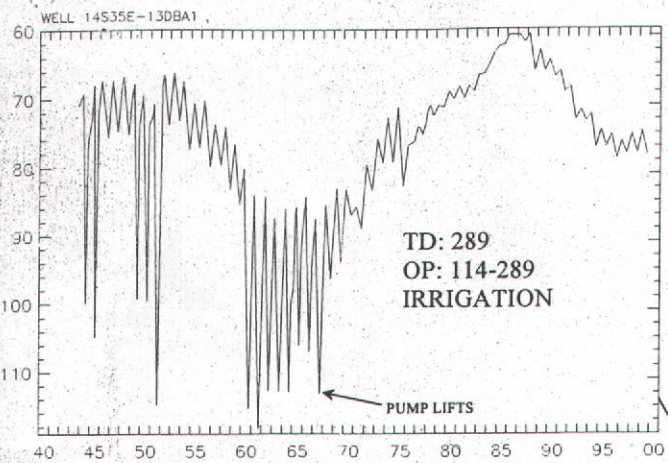
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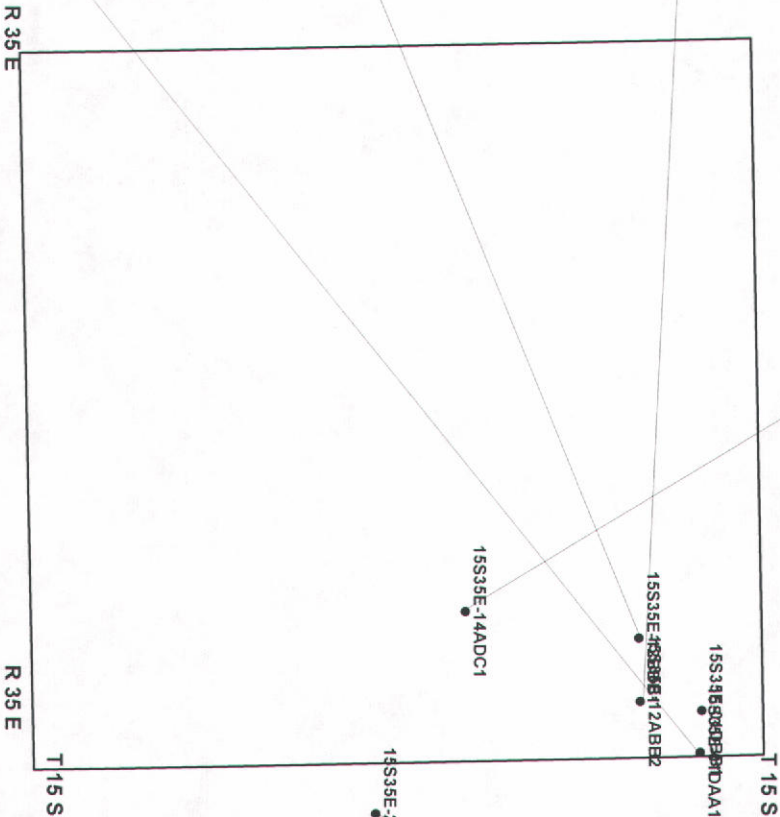
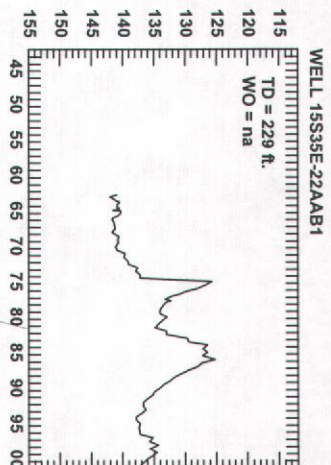
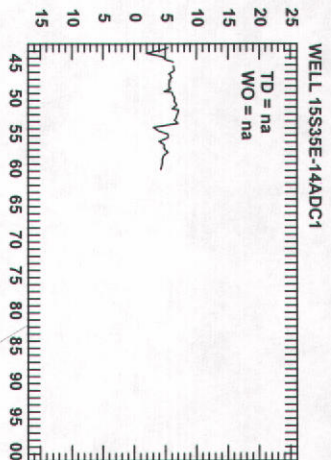
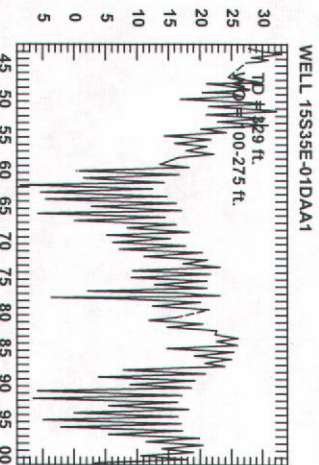
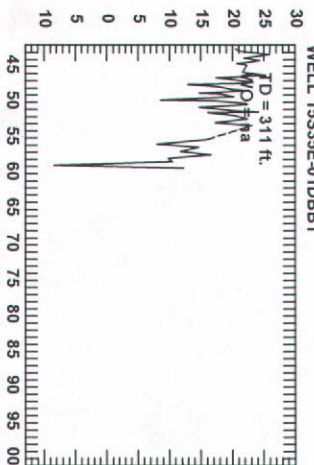
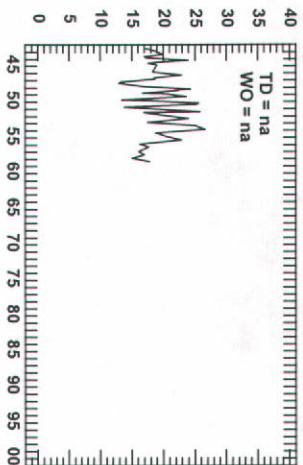
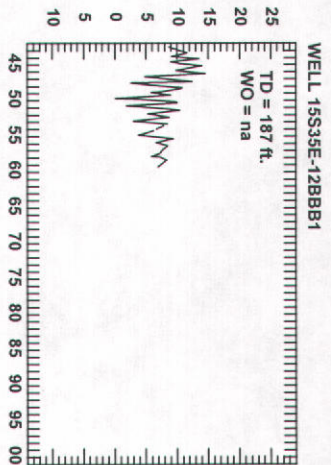
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LEGEND

TD: TOTAL DEPTH
OP: INTERVAL AT WHICH THE WELL IS PERFORATED OR OPEN TO THE AQUIFER.
WATER USE
LEFT SIDE: DEPTH TO WATER
RIGHT SIDE: WATER ELEVATION
BASE: YEAR
ALL MEASUREMENTS IN FEET
CURRENT TO FALL 1999

Hydrographs of Observation Wells in Township 15 South, Range 35 East, B.M.



LEGEND
TD - TOTAL DEPTH
WO - INTERVAL AT WHICH THE WELL
IS REFORMATED OR OPEN TO
WATER BEARING FORMATION
NA - NOT AVAILABLE
... MORE THAN 1 YEAR
BETWEEN DATA POINTS
LEFT SIDE: DEPTH TO WATER
BASE YEAR
ALL MEASUREMENTS IN FEET



IDWR HYDROLOGY SECTION
h/h, 9/9/02

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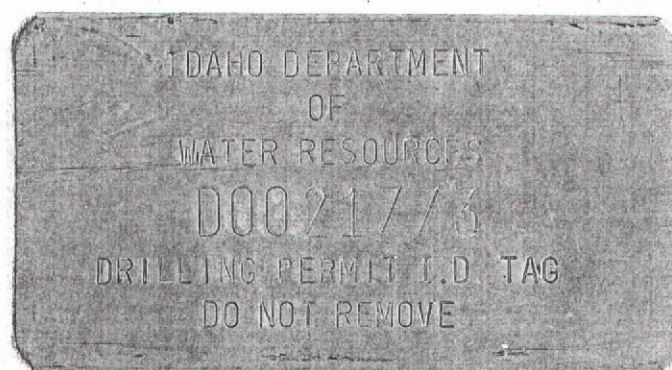
EXHIBIT
Appia 2

T15S
R35E

T15S
R36E

Ralph Hughes

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MAR 10 2004



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MAR 10 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 15-07223

Priority: February 26, 2002

Maximum Diversion Rate: 4.04 CFS

This is to certify, that RALPH HUGHES
3141 W SAMARIA RD
MALAD ID 83252

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

04/01 to 10/31

RATE OF DIVERSION

4.04 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, Twp 15S, Rge 35E, B.M., ONEIDA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S 35E 24				4.0													4.0
15S 35E 25	3.0			10.0									31.0				44.0
15S 36E 19									1.0	8.0	37.0	12.0					58.0
15S 36E 30					15.0	34.0	29.0	18.0									96.0

Total Acres: 202

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2004**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.

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MAR 10 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 15-07223

7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. The well shall be cased with solid steel casing and sealed to prevent water withdrawal from the first 40 feet of the strata from the ground surface. The annular space between the casing and the outer borehole shall be filled with a sealing material approved by IDWR.
9. The old irrigation well, located in the NESE, Section 25, T15S, R35E, shall be properly abandoned by a well driller licensed in the state of Idaho unless the permit holder can establish that water from the well will be diverted for a beneficial use authorized by an existing water right.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 20th day of September, 2003.


KARL J DREHER, Director

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MAR 10 2004

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 15-7223 IN THE) **PRELIMINARY ORDER**
NAME OF RALPH HUGHES)

A hearing was conducted on June 27, 2002 for the above contested matter. Based on the evidence presented at the hearing, the hearing officer finds, concludes, and orders as follows:

FINDINGS OF FACT

1. Ralph Hughes (Hughes) filed application to appropriate water no. 15-7223 on February 26, 2002. The application was protested by Thomas C. Williams (Williams).

2. Application no. 15-7223 proposes the following:

Source: Ground Water
Flow Rate: 4.04 cfs
Purpose of Use: Irrigation
Point of Diversion: NESE, Section 25, T15S, R35E

				<u>Acres</u>
Place of Use:	T15S, R35E,	Section 24	SENE	4
			NENE	3
		Section 25	SENE	10
			NESE	31
	T15S, R36E	Section 19	NESW	1
			NWSW	8
			SWSW	37
			SESW	12
		Section 30	NENW	15
			NWNW	34
			SWNW	29
			SENW	18
Total Acres				202

Season of Use: April 1 – October 31

3. The place of use is also irrigated with surface water supplied by the Samaria Water and Irrigation Company (Samaria Co.). Hughes testified that he owns 8.5 shares of

Samaria Co. stock. Williams testified that four shares of stock represent the right to delivery of 100 miner's inches (2 cubic feet per second) of water for one day (presumably in a week). Williams also testified that eight shares of stock represent the right to delivery of 100 miner's inches of water for two days. Using this same formula, 8.5 shares of stock would represent the right to divert 100 miner's inches of water for 51 hours each week.

4. Without justification for the need for a higher diversion rate, the statutorily authorized maximum flow rate that can be diverted for irrigation of 202 acres is 4.04 cubic feet per second. Surface water delivered by Samaria Co. supplies less than half this amount.

5. The irrigation season for the Malad Valley recognized by IDWR begins on April 1 and extends through October 31. The irrigation season is 214 days or approximately 31 weeks. If a full irrigation supply is available from Samaria Co., Hughes would be able to divert 2.0 cfs for approximately 1,581 hours. A full supply of water from Samaria Co. would provide approximately 264 acre-feet.

6. In the Malad Valley, IDWR will allow a maximum annual diversion volume of 3.5 acre-feet per acre, if needed. If the full annual diversion volume from all sources of water were diverted for irrigation of the Hughes 202 acres, Hughes could divert up to 707 acre-feet of water.

7. Hughes testified that there is insufficient surface water to supply his irrigation needs. The difference between the volume of water provided by Hughes' Samaria Co. shares and the maximum allowable volume confirms Hughes' testimony.

8. In 1947 a well was drilled in the NESE, Section 25, T15S, R35E near the location for the well proposed by this water right application. For purposes of this decision, the well will be referred to as the "old irrigation well." The old irrigation well produced approximately 120 miners inches of water (2.4 cfs).

9. In 1948 or 1949, Hughes purchased some of the property irrigated by the well. In the 1970's Williams acquired property that was also irrigated from the well.

10. Williams discontinued irrigating from the well after he acquired the land because he owned other surface and ground water rights. Diverting water under these other water rights was cheaper than diverting water from the old irrigation well. Hughes or his renters irrigated from the old irrigation well until 1979 or 1980. Hughes' renters ceased diverting water from the old irrigation well in approximately 1980 because the old irrigation well was too expensive to operate.

11. No water right claims were filed documenting beneficial use from the old irrigation well.

12. Hughes and Williams were parties to a lawsuit in which water use by Hughes and Williams was disputed. The parties settled the lawsuit by agreeing, in writing to certain terms and conditions. The court incorporated the agreement into its judgment and order. A portion of the agreement addressed the use of water from the old irrigation well. The parties agreed that all

ground water rights that may have been perfected through beneficial use of water from the old irrigation well had been forfeited.

13. The old irrigation well has not been used for approximately 20 years. No information was presented about any future use of the old well. The old irrigation well should be abandoned unless Hughes can justify use of water from the well under an existing water right.

14. Hughes owns a domestic well located approximately 300 yards north of the old irrigation well. Hughes testified that his domestic well is about 80 feet deep, and that the water level in the well is approximately 40 feet below land surface. Hughes testified that his domestic well was not affected by pumping water from the old well for irrigation.

15. Williams expressed concern that pumping from the proposed well would dry up springs along the Samaria bench along the north section line of Section 25, T15S, R35E. Hughes testified that he filed on these springs in 1988 for stockwater and irrigation uses. The records of IDWR do not reveal any filings by Williams for springs located in Sections 24 or 25.

16. Williams stated that wildlife habitat might be lost if the springs dry up. There was no further evidence presented regarding the use of the springs by wildlife.

17. Williams stated that pumping from the new well might negatively impact nearby domestic wells. He testified that a well owned by Orilla Hughes had failed during the mid-1990's.

18. Hughes testified that the well owned by Orilla Hughes had been a problem well for a long time, and that the problem with water availability was related to the condition of the well.

19. After the hearing, the hearing officer compiled well logs in the vicinity of the proposed well. The hearing officer also gathered hydrographs of water well depth measurements for nearby wells and reports about the ground water resources prepared by IDWR staff. The hearing officer distributed these documents to the parties and informed them he would use the information in reaching a decision.

20. The proposed well is located on upland ground that buffers the hills southwest of Samaria from the Malad River bottom. The first 50 feet of strata from ground surface is comprised of clays or a mixture of clay beds. Water is encountered in wells drilled on the bench at a depth of 50 to 200 feet. Well driller logs for wells located in the northern part of Section 25 report water depths of approximately 60 feet from ground surface.

21. There is an unsaturated zone between ground surface and the aquifer in the vicinity of the springs located by Williams along the north section line of Section 25, T15S, R35E. Based on information available to the hearing officer, the springs are not hydraulically connected to the aquifer from which Hughes proposes to appropriate water. Shallow irrigation return flows probably percolate into the shallow subsurface and resurface as springs. Casing and sealing through the shallow subsurface clay layers (approximately 40 feet) will prevent reduction of the spring flows.

22. IDWR recently reviewed whether there is sufficient ground water in the Malad Basin to sustain additional appropriation. IDWR staff concluded that there is excess water that can be beneficially used. IDWR staff also concluded that water levels have not declined significantly over the period of record.

23. A drilling permit was mistakenly issued to Hughes prior to consideration of this application for permit. Hughes hired a driller who was beginning to drill when IDWR recognized the error. IDWR told the driller and Hughes that the well could not be drilled without a valid water right.

CONCLUSIONS OF LAW

1. Idaho Code § 42-203A states in pertinent part:

In all applications whether protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefore, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

2. The applicant bears the burden of proof for the factors IDWR must consider in Idaho Code § 42-203A.

3. Diversion of water as proposed will not injure other water rights because:

- a. There is no filing representing a water right diverted from the springs in Section 25, T15S, R35E.
- b. There is a hydraulic separation between the springs and the ground water proposed for diversion by this application.
- c. Past diversion from the "old irrigation well" did not negatively affect other wells.

4. IDWR evaluations indicate that there is sufficient water for appropriation of water as proposed by this application.

5. The application is not filed for purposes of speculation and delay. Hughes is anxious to drill the well as indicated by the hiring of a driller and commencement of drilling.

6. The hiring of a driller and the commencement of drilling is evidence Hughes has sufficient financial resources to complete the drilling of a well and irrigation with ground water as proposed.

7. The proposed use of water is in the public interest. Increased irrigation will contribute to better crops and enhanced financial benefit to the applicant and those who work his land. There was no evidence presented to show that the proposed well will negatively affect the springs.

8. The proposed use of water is consistent with principles of conservation of water use in the state of Idaho if the surface water is used first.

ORDER

IT IS HEREBY ORDERED that application to appropriate water no 15-7223, in the name of Ralph Hughes, is **APPROVED** subject to the following conditions:

1. Proof of application of water to beneficial use shall be submitted on or before November 1, 2004.

2. Subject to all prior water rights.

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

4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

6. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.

7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

8. The well shall be cased with solid steel casing and sealed to prevent water withdrawal from the first 40 feet of the strata from the ground surface. The annular space

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between the casing and the outer borehole shall be filled with a sealing material approved by IDWR.

9. The old irrigation well, located in the NESE, Section 25, T15S, R35E, shall be properly abandoned by a well driller licensed in the state of Idaho unless the permit holder can establish that water from the well will be diverted for a beneficial use authorized by an existing water right.

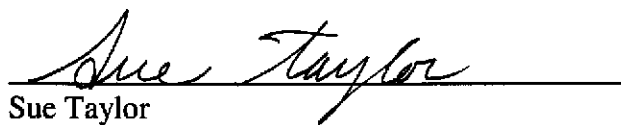
Dated this 20th day of November 2002.



Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of November 2002, I mailed a true and correct copy, postage prepaid, of this Preliminary Order to the following:



Sue Taylor
Senior Secretary

THOMAS WILLIAMS
2643 W SAMARIA RD
MALAD ID 83252

RANDALL BUDGE
PO BOX 1391
POCATELLO ID 83204-1391

766-2682 Receipt to #E027531

Thomas C. Williams
2643 West Samaria Road
Malad, Idaho 83252

RECEIVED
MAR 12 2002
Department of Water Resources
Eastern Region

March 8, 2002

Director, Dept. of Water Resource
Eastern Region
900 North Skyline Dr. Ste. A
Idaho Falls, Idaho 83402

Director of Water Resources:

~~There are~~ several issues as to the protest of this permit 15-7223 for Ralph Hughes of Samaria, Idaho. One being the natural springs directly above and below this property he will drill on.

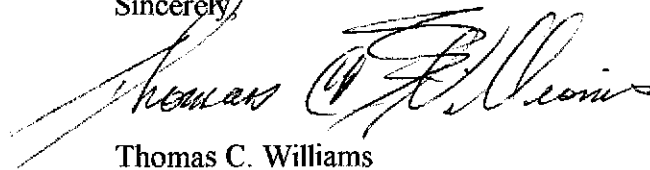
Secondly there is an abandon well of which we were 5/7 owner, Mr. Hughes being 2/7 owner, 20 feet from his proposed well site. This well has not been used for more than two decades.

The main reason for the agreement with Mr. Hughes to abandon this well was the effect it may have on the springs and also our irrigation well within one half mile from his proposed site, if this well was to be reclaimed. My well is in Section 30 and in the past 15 years I have been plagued by low water table. Several culinary wells in this area have had to be either drilled deeper or new ones established because of lowering water tables.

If the permit is allowed, it is feared that the stream coming out of Water Canyon, directly above proposed site, will completely dry up. It at one time, was a large stream flowing all year long, but in 1991 it was piped and several watering troughs placed in order that cattle and wildlife have places to water.

There is meadow land directly below this site with several springs which support the wildlife in this area that could also be affected by this well.

Sincerely,


Thomas C. Williams

Copy mailed to Ralph Hughes

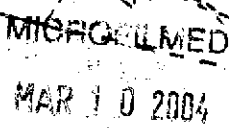
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MAR 10 2004

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F.T. Hall
← guide McRidiana



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Ralph Hughes Phone 208 766-2506
Mailing address 3141 West Samaria Road, Malad Idaho 83252
2. Source of water supply Crookwater which is a tributary of _____
3. Location of point of diversion is Township 15S Range 35E Sec. 25 in the _____ 1/4,
NE 1/4, SE 1/4, Govt. Lot _____, B.M., Owida County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 4.04 for Irrigation purposes from 4-1 to 10-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
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)
5. Total quantity to be appropriated is (a) 4.04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source Well + pump to a pressurized
sprinkler system
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
c. Proposed well diameter is 14" inches; proposed depth of well is 250' feet
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? NO; Drilling firm Mt. West #543;
Well was drilled for (well owner) _____; Drilling Permit No. 77150 - Tag 20021723
7. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in kW.
b. Stockwatering; list number and kind of livestock.
c. Municipal; show name of municipality.
d. Domestic; show number of households.
e. Other; describe fully. _____

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FEB 26 2002

Department of Water Resources
Eastern Region

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MAR 10 2004

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	36E	19									1	8	37	12					58
	36E	30					15	34	29	18									96
15S	35E	24				4													4
		25	3			10									31				44

Total number of acres to be irrigated 202

10. Describe any other water rights used for the same purposes as described above. Shares of Samaria Irrigation

11. a. Who owns the property at the point of diversion? Applicant

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

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

12. Remarks: _____

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Ralph Hughes
 Signature of Applicant (and title, if applicable)

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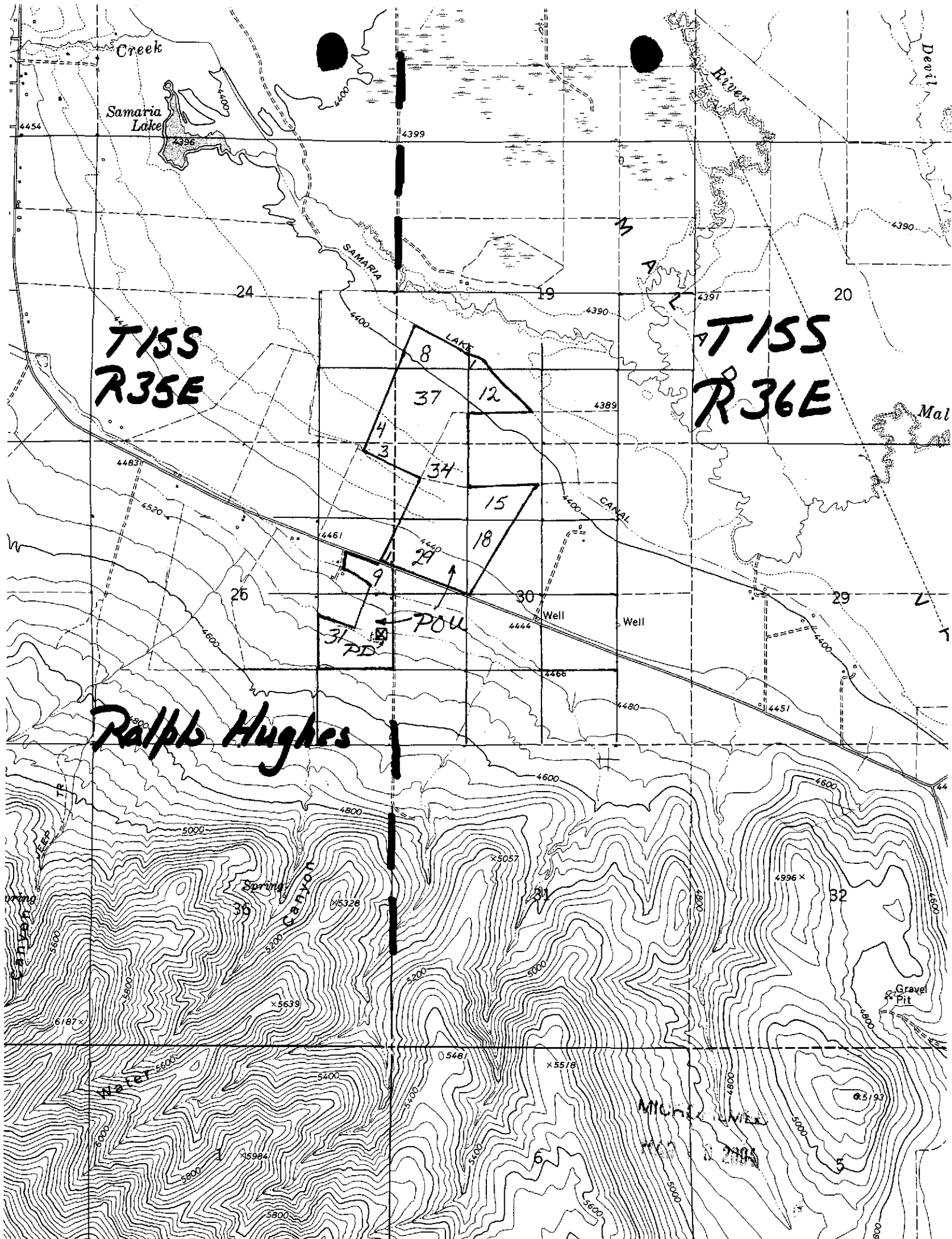
MAR 10 2004

Received by HWT Date 2-26-02 Time _____ Preliminary check by _____

Fee \$ 410.00 Received by HWT # E027480 Date 2-26-02

Publication prepared by SL Date 3/7 & 3/11/02 Published in LA Enterprise

Publication approved _____ Date _____



Creek

Samaria Lake

River

Devil

Mal

T/SS
R35E

T/SS
R36E

Ralph Hughes

POU

PD

MICHELE WEE
R36E

Spring

Gravel Pit

Water

Canyon

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④ 27.7

⑥ 79.1

T800

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MAR 10 2004

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF ONEIDA

THOMAS C. WILLIAMS and MARCENE)
L. WILLIAMS, husband and wife,)

Case No. CV-98-64

Plaintiffs,)

vs.)

RALPH HUGHES and DAVID G.)
HIGLEY and MARIE HIGLEY,)
husband and wife,)

Defendants.)

JUDGMENT

State of Idaho
County of Oneida

I hereby certify that the foregoing is a full, true and correct copy of the original in the above entitled matter.

Witness my hand and affix the seal of said court,
this 18th day of March, 1999.

Clerk of the District Court

[Signature]
Deputy

The above-entitled matter having been set for trial before the Court came on regularly before the Court for hearing pursuant to Order of the Court dated March 10, 1999, and Stipulated Settlement Agreement between the parties on March 12, 1999, at the hour of 10:00 a.m. in the Courtroom of the Oneida County Courthouse, Malad City, Idaho. The Honorable Peter D. McDermott, District Judge, presided.

Plaintiffs Thomas C. Williams and Marcene L. Williams, husband and wife, appeared in person and through their attorney of record, Steven R. Fuller. Defendants Ralph Hughes and David G. Higley and Marie Higley, husband and wife, appeared in person and through their attorney of record, Randall C. Budge of the firm Racine, Olson, Nye, Budge & Bailey, Chartered.

The parties presented to the Court an Agreement executed by the parties for the purpose of fully compromising, settling and resolving the differences and ending this litigation, together with a protest pending before the Idaho Department of Water Resources in the matter of the Application

for Transfer of Water Rights by Samaria Water & Irrigation Company, Transfer No. 5276. The Court having read the Agreement approves the same. Judgment should be entered in accordance therewith. Now, therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The Agreement attached hereto is hereby approved by the Court and incorporated in this Judgment by reference as if set forth fully.
 2. A certified copy of this Judgment and the attached Agreement will be recorded in the Office of the County Recorder of Oneida County, Idaho, and also filed with the Idaho Department of Water Resources for the purpose of establishing the rights, duties and obligations of all parties to the Agreement.
 3. Plaintiffs' Complaint is dismissed with prejudice.
 4. Each of the parties will bear their own attorney fees and costs incurred herein.
- DATED this 12 day of March, 1999.


PETER D. McDERMOTT
DISTRICT JUDGE

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of March, 1999, I served a true and correct copy of the above and foregoing document to the following person(s) as follows:

STEVEN R. FULLER
ATTORNEY AT LAW
PO BOX 191
24 NORTH STATE STREET
PRESTON, ID 83263

[] U.S. Mail
[] Postage Prepaid
☒ Hand Delivery
[] Overnight Mail
[] Facsimile

RANDALL C. BUDGE
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED
P.O. BOX 1391
POCATELLO, ID 83204-1391

☒ U.S. Mail
[] Postage Prepaid
[] Hand Delivery
[] Overnight Mail
[] Facsimile

SAMARIA WATER AND IRRIGATION CO
DAVID EDWARDS, PRESIDENT
CHARLENE TUBBS, SECRETARY
310 SOUTH 5800 WEST
MALAD, ID 83252

☒ U.S. Mail
[] Postage Prepaid
[] Hand Delivery
[] Overnight Mail
[] FACSIMILE


Clerk

AGREEMENT

THIS AGREEMENT made this 12th day of March, 1999, by and between **THOMAS C. WILLIAMS and MARCENE L. WILLIAMS**, husband and wife, (hereinafter "Williams") and **ORILLA BARRY HUGHES**, a single person (hereinafter "Orilla") and **RALPH HUGHES**, a single person (hereinafter "Hughes") and **DAVID G. HIGLEY and MARIE HIGLEY**, husband and wife, (hereinafter "Higley").

WHEREAS, Orilla and Williams are the owners of certain real property located in Oneida County, Idaho, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference together with appurtenant water rights consisting of 19-27/40ths shares of stock in the Samaria Water and Irrigation Company; and

WHEREAS, Hughes is the owner and Higley is the lessee-operator of certain real property located in Oneida County, Idaho, and more particularly described in Exhibit "B" attached hereto and incorporated herein by reference, together with appurtenant water rights consisting of 12-3/4 shares of stock in the Samaria Water and Irrigation Company; and

WHEREAS, a dispute has existed between the parties hereto with regards to the points of diversion and places of use of their respective water rights described which has resulted in litigation pending in Case No. CV-98-64 in the Sixth Judicial District of the State of Idaho in and for the County of Oneida, together with a protest pending before the Idaho Department of Water Resources (hereinafter "IDWR") in the matter of the application for transfer of water right by Samaria Water and Irrigation Company, Transfer No.5276; and

WHEREAS, the parties desire to enter into this agreement for the purpose of fully compromising, settling and resolving their differences and ending the aforesaid litigation and protest pending between them.

NOW, THEREFORE, for and in exchange of the mutual covenants, promises and terms contained herein, the parties hereto agree as follows:

1. The parties agree and recognize that each owns certain water rights associated with shares of stock owned in the Samaria Water and Irrigation Company (hereinafter "Samaria") as set forth below:

Orilla Barry Hughes 7-27/40 shares
 Thomas C. Williams and Marcene Williams 12 Shares
 Total 19-27/40 shares

Ralph Hughes 8-27/40 shares
 David G. Higley and Marie Higley 4 shares

Total 12-27/40 shares

2. The pending protest to Application No. 5276 by Hughes with the Idaho Department of Water Resources against the inclusion of Williams' real property in the designated place of use for Samaria shall be withdrawn by Hughes and IDWR will be authorized and directed to issue the pending Transfer No. 5276 without further notice or hearing. The parties will execute such documents and take such further action as may be required to insure that all of the parties' above described properties are included within the authorized place of use of Samaria in accordance with their applications on file with IDWR.

3. Samaria's existing canal, which presently ends in the NE1/4 of the NW1/4 of Section 25, Township 15 South, Range 35 East, B. M., will be extended to include the private lateral ditch presently utilized by the parties running from the described end of the Samaria Canal in a southeasterly direction through the NE1/4 of Section 25 to a point near the intersection with the East section line where the respective headgates of Williams and Hughes divert water into their private ditches. The parties hereby transfer and convey to Samaria all of their rights, title and interests and an easement for access, maintenance and repair in and to the described ditch. Samaria will thereafter have the sole and exclusive ownership and control of their extended canal and be solely responsible to operate and maintain the canal and to measure and deliver the respective water rights of the parties as described in this agreement, all in accordance with the usual practices and procedures of Samaria.

4. Samaria will cause to be designed and properly installed locking headgates with measuring devices that comply with IDWR specifications at the point where the Hughes (1) and

MICRO
 MAR 10 2004

Williams' (1) headgates are currently located near the East Section line of Section 25, Township 16 South, Range 35 East of the Boise Meridian, and also where Orilla's (2) headgates are located approximately 1/8 mile upstream to the west to insure proper measurement and delivery of the parties' respective water rights. Hughes will pay for their headgate and Williams will pay for their headgate and Orilla's.

5. During the months of December, January and February each year, all water flowing in the lateral ditch servicing the properties of the parties shall be delivered to Hughes, except that Williams shall be provided sufficient water for their actual livestock watering needs, including such additional quantities necessary to insure delivery of stock water during periods of freezing but not to exceed a total of 50 miner's inches (1 cfs).

During the months of November and March each year, and also after the irrigation season commences April 1st and continuing until such time as Samaria begins active management and delivery of irrigation water to it's shareholders and delivery turns are commenced, one-half (1/2) of any available water flowing in the lateral ditch which services all the parties shall be delivered to Williams and Orilla and the other half shall be delivered to Hughes.

Once delivery turns have commenced, each party shall take any excess water available during that party's delivery turn, and the other party's irrigation water would be shut off. When neither party is taking a delivery turn, all excess irrigation water shall be delivered to Hughes. Once Samaria ceases administering the irrigation water through delivery turns in the fall, any excess water flowing in the lateral ditch shall be divided one-half (1/2) to Williams and Orilla and one-half (1/2) to Hughes through the end of November.

6. Notwithstanding any other provision of this agreement, Williams and Hughes shall be entitled to sufficient water from the lateral ditch to meet their reasonable livestock watering needs not to exceed fifteen (15) miner's inches each throughout the year to the extent there is water available from Samaria.

7. Any existing water rights pertaining to the well commonly known as the "Hughes Pump" located on the property of Hughes in the NE1/4 of the SE1/4 of Section 25, Township 15 South, Range 35 East, B.M., are deemed forfeited by the parties due to nonuse pursuant to Idaho Code § 42-222(2). Hughes may level the holding pond and any salvage proceeds received from

(water right 15-2066)

the pump, motor and electrical panel will be disbursed to the owners in accordance with their ownership interests.

8. In addition to the shares of stock each party owns in Samaria, the parties also recognize additional water rights as set forth below:

Orilla Hughes - 1/8 interest in irrigation and livestock water from Alridge Canyon and Big Canyon; 1/2 interest in irrigation and livestock water from Water Canyon.

Ralph Hughes - 1/8 interest in irrigation and livestock water from Alridge Canyon and Big Canyon; 1/2 interest in irrigation and livestock water from Water Canyon.

9. Each party agrees to not interfere with the delivery and use of each other's respective water rights described in this agreement; and, further will cooperate with Samaria and not interfere with the operation and maintenance of the lateral ditch and all diversion and measurement structures and facilities.

10. The parties hereby mutually release and discharge each other from all claims, demands or actions, that each may have whether known or unknown, arising directly or indirectly out of the subject matter of the aforesaid Case No. CV-98-64 in the Sixth Judicial District Court of the State of Idaho in and for the County of Oneida and/or IDWR Transfer No. 5276. This agreement is intended to be a compromise of disputed claims and is not to be construed as an admission by any party.

11. This agreement constitutes the entire agreement between the parties, shall not be modified or amended except in writing signed by the parties; and, shall be binding upon the parties hereto, together with their heirs, successors and assigns.

12. Upon execution this agreement will be filed with the Oneida County District Court in Case No. CV-98-64 and incorporated in a final Judgment dismissing the pending litigation with prejudice. Said Judgment will be recorded in the deed records of Oneida County and filed with IDWR. Williams and Hughes to each bear their own attorneys fees and costs incurred in such action.

MICHAEL

MAR 10 2004

DATED this 12th day of March, 1999.

Thomas C. Williams
THOMAS C. WILLIAMS

Marcene L. Williams
MARCENE L. WILLIAMS

Orilla Barry Hughes
ORILLA BARRY HUGHES

By:

Marcene L. Williams
Marcene L. Williams
Guardian and Conservator of the
Estate of Orilla Hughes, an incapacitated
person.

DATED this 12th day of March, 1999.

Ralph Hughes
RALPH HUGHES

David G. Higley
DAVID G. HIGLEY

Marie Higley
MARIE HIGLEY

ACCEPTANCE AND AGREEMENT OF SAMARIA

Samaria Water and Irrigation Company hereby accepts and agrees to be bound by the terms and conditions of paragraphs 3 through 6 of the foregoing Agreement.

DATED this 16th day of March, 1999.

SAMARIA WATER AND IRRIGATION COMPANY

By: David Edwards
David Edwards, President

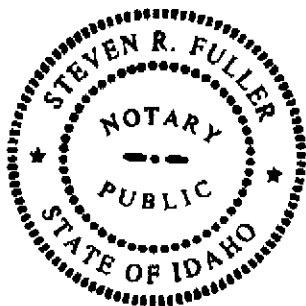
Attested: Robert L. Tubbs
Secretary

STATE OF IDAHO

County of Oneida

)
) ss.
)

On this 16th day of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared David Edwards and Carlean Tubbs, the President and Secretary respectively of Samaria Water and Irrigation Company, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



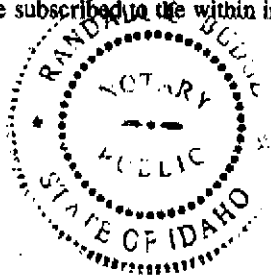
Steven R. Fuller
NOTARY PUBLIC for State of Idaho
Residing at: Picton, ID
Comm. Expires: 2/19/99

STATE OF IDAHO

County of Franklin

)
) ss.
)

On this 12th day of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **THOMAS C. WILLIAMS** and **MARCENE L. WILLIAMS**, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



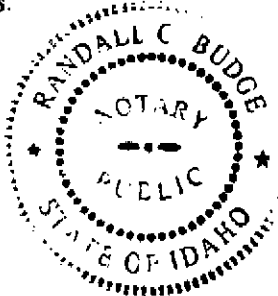
R. Budge
NOTARY PUBLIC for State of Idaho
Residing at: Preston, Idaho
Comm. Expires: 2/19/05
10/11/2000

STATE OF IDAHO

County of Oneida

)
)
)

On this 12th day of March, 1999, before me, the undersigned a Notary Public in and for said State, personally appeared **MARCENE L. WILLIAMS**, known to me to be the person whose name is subscribed to the within instrument as the Guardian and Conservator of the Estate of **ORILLA BARRY HUGHES** and acknowledged to me that she subscribed the name of **ORILLA BARRY HUGHES** thereto as principal, and her own name as Guardian and Conservator of Orilla Hughes.



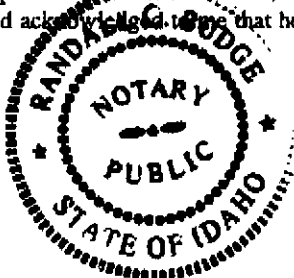
R. Budge
NOTARY PUBLIC for State of Idaho
Residing at: Preston, Idaho
Comm. Exp.: 2/19/05
10/11/2000

STATE OF IDAHO

County of Oneida

)
) ss.
)

On this 12th day of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **RAIMOND HUGHES**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.



R. Budge
NOTARY PUBLIC for State of Idaho
Residing at: Pocatello, Id.
Comm. Expires: 10/11/2000

STATE OF IDAHO

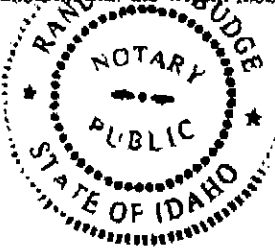
County of Oneida

)

) ss.

)

On this 12 day of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **DAVID G. HIGLEY** and **MARIE HIGLEY**, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Rutledge
NOTARY PUBLIC for State of Idaho
Residing at: Bocatillo, ID
Comm. Expires: 10/11/2000

EXHIBIT "A"**Property owned by Orilla Barry Hughes**

Township 15 South, Range 35 East of the Boise Meridian:

Section 25: Commencing at a point 447.5 feet North along the section to the center of the County Road and North 70°00' West 1109.2 feet along said road from the East Quarter Corner of Section 25, and running thence South 20°00' West 1174.6 feet, thence South 88°30' West 167 feet, thence North 66°00' West 255 feet, thence South 1142.46 feet to the Sixteenth Line, thence West 2468.05 feet along the Sixteenth Line to a point 968 feet East of the West line of Section 25, thence North 12°35' East 371 feet, thence North 65°25' East 1730 feet, thence North 24°04'40" East 1557.37 feet to the center of County Road, thence South 70°00' East 1043.2 feet along said road to the point of beginning.

ALSO,

Township 15 South, Range 35 and 36 East of the Boise Meridian:

Sections 24, 25, 19, 30:

Commencing at a point 474.10 feet North to the North side of the County Road and North 70°00' West 430.15 feet along said road from the East Quarter corner of Section 25, and running thence North 70°00' West 1780.5 feet, more or less, along said road, thence North 23°00' East 1664 feet, thence West 135 feet, thence North 9°00' East 1359 feet, thence North 800 feet, thence North 89°21' East 1196 feet, thence South 62°06' East 163 feet, thence North 89°11' East 1310 feet, thence South 1°30' East 255 feet, thence South 89°21' East 630 feet, thence South 82°31' East 792.17 feet, thence South 17°21'50" West 1211.98 feet, thence West 80 feet, thence North 49°08'30" West 1124.96 feet, thence North 62°06' West 1055.72 feet, thence South 22°55'30" West 2445.9 feet, thence South 71°30' East 850 feet, thence South 28°13' West 1616.55 feet to the point of beginning.

Property owned by Thomas C. Williams and Marcene L. Williams

Township 14 South, Range 36 East of the Boise Meridian

Section 30: E½SW¼, NW¼SE¼.

MICHAEL L. L. L.

MAR 10 2004

*Legal Description of Ralph Hughes
Ranch - Samaria, Idaho*

Exhibit "B"

105926

T-3599
Sec. 19, 24, 25, 30
Twp. 15 So.
Rge. 35 & 36 EBM

Township 15 South, Range 35 East of the Boise Meridian;
Section 25: Commencing at the East Quarter Corner
of Section 25, and running thence North 447.5 feet
along Section Line, to the center of County Road,
thence North 70°00' West 908 feet along center of
County Road, thence South 13°51' West 315.4 feet,
thence South 60°27' East 260 feet, thence South
29°42'30" West 878.7 feet, thence North 62°00' West
346.6 feet, thence South 88°30' West 167 feet, thence
North 66°00' West 255 feet, thence South 1142.46 feet
to the Sixteenth Line, thence East 1843.95 feet to the
Section Line, thence North 1320 feet along the Section
Line to the place of beginning.

ALSO,

Township 15 South, Ranges 35 and 36 East of the Boise
Meridian; Sections 24, 25, 19, 30: Commencing at
a point 474.10 feet North of the North side of the
County Road from the East Quarter Corner of Section
25, and running thence North 70°00' West 430.15 feet
along said Road, thence North 28°13' East 1616.55
feet, thence North 71°30' West 850 feet, thence
North 22°55'30" East 2445.9 feet, thence South 62°06' East
1055.72 feet, thence South 49°08'30" East 1124.96 feet,
thence East 80 feet, thence North 17°21'50" East 1211.98
feet, thence South 82°31' East 1152.83 feet, thence
South 1°17' East 104.7 feet, thence South 87°58' West
2410 feet, thence South 00°37' East 1283 feet, thence
North 86°53' East 980.5 feet, thence South 30°30' West
2303 feet, more or less, to the North side of County Road,
thence North 70°00' West 1390.39 feet, more or less,
along said County Road to point of beginning.

TOGETHER WITH 8 27/40 shares of the capital stock of
the Samaria Water and Irrigation Co.

ALSO, 2/7th interest in the irrigation pump known as
Hughes Pump located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 25,
T15S, R35 EBM, together with the right of use of holding
reservoir in conjunction with said pump.

ALSO, 1/8 interest in and to the water of Alridge (Alred)
and Big Canyon.

ALSO, $\frac{1}{2}$ interest in and to the waters of Water Canyon.

Ralph Hughes

MICROFILMED

MAR 10 2006

Tag No. D0021773
 Water Right Permit No. 15-2066
 Injection Permit No. 77150
15

WELL DRILLER: PLEASE COMPLETE FOR VERBALS
 IDWR Employee Issuing Verbal: _____
 Verbal Issued Date: _____ Time: _____

State of Idaho
 Department of Water Resources

App# 868819
 well # 343473

**APPLICATION FOR DRILLING PERMIT
 (FOR THE CONSTRUCTION OF A WELL)**

Applicant (please print): Ralph Hughes

Mailing Address: 3141 West Samaria Road

City & State Malad ID Zip Code 83252 Telephone (208) 766-2506
☐ Well Owner ☐ Well Operator ☐ Contractor or Other, specify _____

Proposed Well Location: Twp 15S, Rge 35E, Sec 25, NE 1/4 SE 1/4

Gov't Lot No. _____ County Oneida Lat _____:_____:____ Long _____:_____:_____

Street Address of Well Site OFF West Samaria/County Road City Malad

Lot, block and subdivision New well will be right next to old well which no longer works.

Proposed Use of Well:

- ☐ **DOMESTIC:** The use of water for homes, organization camps, public campgrounds, livestock (1,000 head of less) and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC:

☒ Irrigation
☐ Stock

☐ Municipal
☐ Test

☐ Industrial
☐ Other _____

(Describe)

☐ **INJECTION**

- ☐ **MONITORING:** A well bore schematic and map is required for each blanket permit.

No. of proposed wells: _____

Old well was drilled in 1947.

Well Construction Information: Old well wasn't used for 18 years & has siezed 4pt won't work. OLD WELL TO BE ABANDONED + SEALED.

A. ☐ New Well

☐ Modify

☒ Replace COURT ORDER

B. Proposed Casing Diameter 14" Proposed Maximum Depth 250'

C. Anticipated bottom hole temperature:

☒ 85 F or less

(Cold Water Well)

☐ 85 F to 212 F

(Low Temp. Geo. Well)

☐ 212 F or more

(Geothermal Well)

Construction Start Date: OCT. 18, 2001

Anticipated Well Driller: Mike Frandsen (MT. West) Driller's Lic. No. 543

NOTE: The actual well driller must be identified prior to drilling

Applicant's Signature: Ralph Hughes Date: OCT 11, 2001

Title: OWNER

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Permit is Approved Date 11 October 2001

Approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY.

GENERAL CONDITIONS:

This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless extension has been granted.

This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply well must be drilled a minimum of 50 feet and 100 feet respectively from a septic tank.

The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.

Approval of this drilling permit does not authorize trespass on the land of another party.

This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.

This drilling permit does not represent a right to divert and use the water of the State of Idaho.

If a bottom hole temperature of 85 or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.

SPECIFIC CONDITIONS:

ALL SURFACE WATER RIGHTS MUST BE USED
BEFORE WELL USED FOR IRRIGATION
THIS IS A SUPPLEMENTAL well to surface
water rights.

Dennis M. Brown Sr Water Resource Agent
Signature of Authorized Department Representative Title

Receipt No. E027175 Received by DN Fee 800.00 Date Oct 11, 2001

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

Extension expires _____

MICROFILMED
MAR 10 2004

Printed 10/11/2001
Ident No. 771550
Well Tag No. D0021773
Well ID # 343473
Receipt # E027175
Approved Date 10/11/2001

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
DRILLING PERMIT**

Relationship: Owner/Operator
Name: RALPH HUGHES
Address: 3141 WEST SAMARIA ROAD
MALAD ID 83252

Phone: (208) 766 2506

Proposed Well Location: Township 15S, Range 35E, Section 25, NE, SE
COUNTY ONEIDA

Street Address of Well Site: OFF WEST SAMARIA/COUNTY LINE ROAD
MALAD CITY ID

Proposed Use of Well: Irrigation

Well Construction Information:

- A. Replacement
- B. Proposed Surface Diameter: 14 Inches. Proposed Depth 250 Feet.
- C. Anticipated Bottom Hole Temperature: 85F and less

Construction Start Date: Oct 18 2001

Anticipated Well Drilling Company: MOUNTAIN WEST (No. 543)

Applicant's Signature: _____ Date _____

Title: _____

MICROFILM
MAR 30 2004

Well ID # 343473

Well Tag No. D0021773

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This permit is Approved on Thursday, October 11, 2001.

Signature of Authorized Dept. Representative

Title

MICROFILMED
MAR 10 2004

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF ONEIDA

THOMAS C. WILLIAMS and MARCENE)

L. WILLIAMS, husband and wife,)

Plaintiffs,)

vs.)

RALPH HUGHES and DAVID G.)

HIGLEY and MARIE HIGLEY,)

husband and wife,)

Defendants.)

Case No. CV-98-64

JUDGMENT

State of Idaho }
County of Oneida } ss

I hereby certify that the foregoing is a full, true and correct copy of the original in the above entitled matter.

Witness my hand and affix the seal of said court, this 18th day of March 1999.

Clerk of The District Court

By James W. Heston
Deputy

The above-entitled matter having been set for trial before the Court came on regularly before the Court for hearing pursuant to Order of the Court dated March 10, 1999, and Stipulated Settlement Agreement between the parties on March 12, 1999, at the hour of 10:00 a.m. in the Courtroom of the Oneida County Courthouse, Malad City, Idaho. The Honorable Peter D. McDermott, District Judge, presided.

Plaintiffs Thomas C. Williams and Marcene L. Williams, husband and wife, appeared in person and through their attorney of record, Steven R. Fuller. Defendants Ralph Hughes and David G. Higley and Marie Higley, husband and wife, appeared in person and through their attorney of record, Randall C. Budge of the firm Racine, Olson, Nye, Budge & Bailey, Chartered.

The parties presented to the Court an Agreement executed by the parties for the purpose of fully compromising, settling and resolving the differences and ending this litigation, together with a protest pending before the Idaho Department of Water Resources in the matter of the Application

for Transfer of Water Rights by Samaria Water & Irrigation Company, Transfer No. 5276. The Court having read the Agreement approves the same. Judgment should be entered in accordance therewith. Now, therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

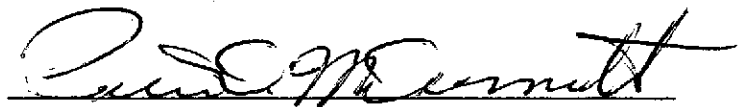
1. The Agreement attached hereto is hereby approved by the Court and incorporated in this Judgment by reference as if set forth fully.

2. A certified copy of this Judgment and the attached Agreement will be recorded in the Office of the County Recorder of Oneida County, Idaho, and also filed with the Idaho Department of Water Resources for the purpose of establishing the rights, duties and obligations of all parties to the Agreement.

3. Plaintiffs' Complaint is dismissed with prejudice.

4. Each of the parties will bear their own attorney fees and costs incurred herein.

DATED this 12 day of March, 1999.


PETER D. McDERMOTT
DISTRICT JUDGE

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1st day of March, 1999, I served a true and correct copy of the above and foregoing document to the following person(s) as follows:

STEVEN R. FULLER
ATTORNEY AT LAW
PO BOX 191
24 NORTH STATE STREET
PRESTON, ID 83263

[] U.S. Mail
[] Postage Prepaid
[✓] Hand Delivery
[] Overnight Mail
[] Facsimile

RANDALL C. BUDGE
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED
P.O. BOX 1391
POCATELLO, ID 83204-1391

[✓] U.S. Mail
[] Postage Prepaid
[] Hand Delivery
[] Overnight Mail
[] Facsimile

SAMARIA WATER AND IRRIGATION CO
DAVID EDWARDS, PRESIDENT
CHARLENE TUBBS, SECRETARY
310 SOUTH 5800 WEST
MALAD, ID 83252

[✓] U.S. Mail
[] Postage Prepaid
[] Hand Delivery
[] Overnight Mail
[] fACSIMILE


Clerk

MICHAEL J. HARRIS
MAR 10 2001

AGREEMENT

THIS AGREEMENT made this 12th day of March, 1999, by and between **THOMAS C. WILLIAMS and MARCENE L. WILLIAMS**, husband and wife, (hereinafter "Williams") and **ORILLA BARRY HUGHES**, a single person (hereinafter "Orilla") and **RALPH HUGHES**, a single person (hereinafter "Hughes") and **DAVID G. HIGLEY and MARIE HIGLEY**, husband and wife, (hereinafter "Higley").

WHEREAS, Orilla and Williams are the owners of certain real property located in Oneida County, Idaho, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference together with appurtenant water rights consisting of 19-27/40ths shares of stock in the Samaria Water and Irrigation Company; and

WHEREAS, Hughes is the owner and Higley is the lessee-operator of certain real property located in Oneida County, Idaho, and more particularly described in Exhibit "B" attached hereto and incorporated herein by reference, together with appurtenant water rights consisting of 12-3/4 shares of stock in the Samaria Water and Irrigation Company; and

WHEREAS, a dispute has existed between the parties hereto with regards to the points of diversion and places of use of their respective water rights described which has resulted in litigation pending in Case No. CV-98-64 in the Sixth Judicial District of the State of Idaho in and for the County of Oneida, together with a protest pending before the Idaho Department of Water Resources (hereinafter "IDWR") in the matter of the application for transfer of water right by Samaria Water and Irrigation Company, Transfer No. 5276; and

WHEREAS, the parties desire to enter into this agreement for the purpose of fully compromising, settling and resolving their differences and ending the aforesaid litigation and protest pending between them.

NOW, THEREFORE, for and in exchange of the mutual covenants, promises and terms contained herein, the parties hereto agree as follows:

1. The parties agree and recognize that each owns certain water rights associated with shares of stock owned in the Samaria Water and Irrigation Company (hereinafter "Samaria") as set forth below:

MICHAEL J. HIGLEY
MAR 10 2000

Orilla Barry Hughes	7-27/40 shares
Thomas C. Williams and Marcene Williams	12 Shares
Total	19-27/40 shares

Ralph Hughes	8-27/40 shares
David G. Higley and Marie Higley	4 shares
Total	12-27/40 shares

2. The pending protest to Application No. 5276 by Hughes with the Idaho Department of Water Resources against the inclusion of Williams' real property in the designated place of use for Samaria shall be withdrawn by Hughes and IDWR will be authorized and directed to issue the pending Transfer No. 5276 without further notice or hearing. The parties will execute such documents and take such further action as may be required to insure that all of the parties' above described properties are included within the authorized place of use of Samaria in accordance with their applications on file with IDWR.

3. Samaria's existing canal, which presently ends in the NE1/4 of the NW1/4 of Section 25, Township 15 South, Range 35 East, B. M., will be extended to include the private lateral ditch presently utilized by the parties running from the described end of the Samaria Canal in a southeasterly direction through the NE1/4 of Section 25 to a point near the intersection with the East section line where the respective headgates of Williams and Hughes divert water into their private ditches. The parties hereby transfer and convey to Samaria all of their rights, title and interests and an easement for access, maintenance and repair in and to the described ditch. Samaria will thereafter have the sole and exclusive ownership and control of their extended canal and be solely responsible to operate and maintain the canal and to measure and deliver the respective water rights of the parties as described in this agreement, all in accordance with the usual practices and procedures of Samaria.

4. Samaria will cause to be designed and properly installed locking headgates with measuring devices that comply with IDWR specifications at the point where the Hughes (1) and

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MAR 10 2003

Williams' (1) headgates are currently located near the East Section line of Section 25, Township 16 South, Range 35 East of the Boise Meridian, and also where Orilla's (2) headgates are located approximately 1/8 mile upstream to the west to insure proper measurement and delivery of the parties' respective water rights. Hughes will pay for their headgate and Williams will pay for their headgate and Orilla's.

5. During the months of December, January and February each year, all water flowing in the lateral ditch servicing the properties of the parties shall be delivered to Hughes, except that Williams shall be provided sufficient water for their actual livestock watering needs, including such additional quantities necessary to insure delivery of stock water during periods of freezing but not to exceed a total of 50 miner's inches (1 cfs).

During the months of November and March each year, and also after the irrigation season commences April 1st and continuing until such time as Samaria begins active management and delivery of irrigation water to it's shareholders and delivery turns are commenced, one-half (1/2) of any available water flowing in the lateral ditch which services all the parties shall be delivered to Williams and Orilla and the other half shall be delivered to Hughes.

Once delivery turns have commenced, each party shall take any excess water available during that party's delivery turn, and the other party's irrigation water would be shut off. When neither party is taking a delivery turn, all excess irrigation water shall be delivered to Hughes. Once Samaria ceases administering the irrigation water through delivery turns in the fall, any excess water flowing in the lateral ditch shall be divided one-half (1/2) to Williams and Orilla and one-half (1/2) to Hughes through the end of November.

6. Notwithstanding any other provision of this agreement, Williams and Hughes shall be entitled to sufficient water from the lateral ditch to meet their reasonable livestock watering needs not to exceed fifteen (15) miner's inches each throughout the year to the extent there is water available from Samaria.

7. Any existing water rights pertaining to the well commonly known as the "Hughes Pump" located on the property of Hughes in the NE1/4 of the SE1/4 of Section 25, Township 15 South, Range 35 East, B.M., are deemed forfeited by the parties due to nonuse pursuant to Idaho Code § 42-222(2). Hughes may level the holding pond and any salvage proceeds received from

952-2860

Orinda

Tom ~~98-64~~ Williams v Hewes & Higby
766-2682 Relph ~~766-2506~~

Higley ~~766-2569~~

MICHAEL B. BAKER

MAY 13 2003

the pump, motor and electrical panel will be disbursed to the owners in accordance with their ownership interests.

8. In addition to the shares of stock each party owns in Samaria, the parties also recognize additional water rights as set forth below:

Orilla Hughes - 1/8 interest in irrigation and livestock water from Alridge Canyon and Big Canyon; 1/2 interest in irrigation and livestock water from Water Canyon.

Ralph Hughes - 1/8 interest in irrigation and livestock water from Alridge Canyon and Big Canyon; 1/2 interest in irrigation and livestock water from Water Canyon.

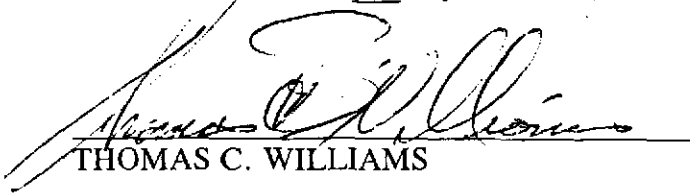
9. Each party agrees to not interfere with the delivery and use of each other's respective water rights described in this agreement; and, further will cooperate with Samaria and not interfere with the operation and maintenance of the lateral ditch and all diversion and measurement structures and facilities.

10. The parties hereby mutually release and discharge each other from all claims, demands or actions, that each may have whether known or unknown, arising directly or indirectly out of the subject matter of the aforesaid Case No. CV-98-64 in the Sixth Judicial District Court of the State of Idaho in and for the County of Oneida and/or IDWR Transfer No. 5276. This agreement is intended to be a compromise of disputed claims and is not to be construed as an admission by any party.

11. This agreement constitutes the entire agreement between the parties, shall not be modified or amended except in writing signed by the parties; and, shall be binding upon the parties hereto, together with their heirs, successors and assigns.

12. Upon execution this agreement will be filed with the Oneida County District Court in Case No. CV-98-64 and incorporated in a final Judgment dismissing the pending litigation with prejudice. Said Judgement will be recorded in the deed records of Oneida County and filed with IDWR. Williams and Hughes to each bear their own attorneys fees and costs incurred in such action.

DATED this th12 day of March, 1999.

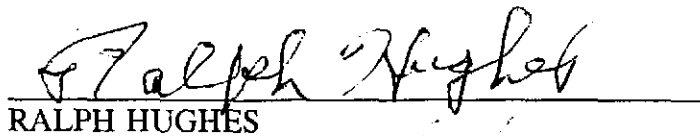

THOMAS C. WILLIAMS

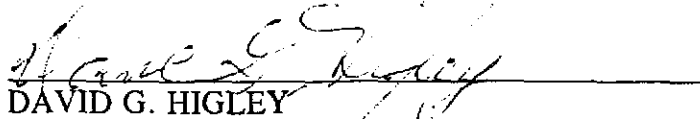

MARCENE L. WILLIAMS

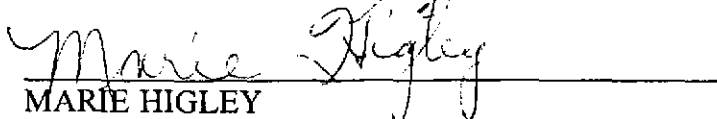

ORILLA BARRY HUGHES

By: 
Marcene L. Williams
Guardian and Conservator of the
Estate of Orilla Hughes, an incapacitated
person.

DATED this th12 day of March, 1999.


RALPH HUGHES


DAVID G. HIGLEY


MARIE HIGLEY

ACCEPTANCE AND AGREEMENT OF SAMARIA

Samaria Water and Irrigation Company hereby accepts and agrees to be bound by the terms and conditions of paragraphs 3 through 6 of the foregoing Agreement.

DATED this 16th day of March, 1999.

SAMARIA WATER AND IRRIGATION COMPANY

By: David Edwards
David Edwards, President

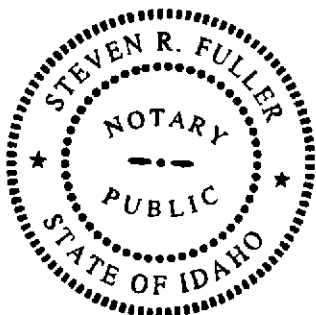
Attested: Carlean Tubbs
Secretary

STATE OF IDAHO

County of Oneida

)
) ss.
)

On this 16th day of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared David Edwards and Carlean Tubbs, the President and Secretary respectively of Samaria Water and Irrigation Company, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



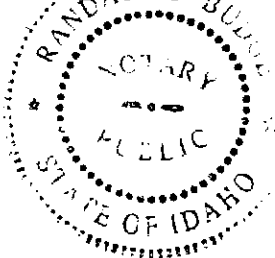
Steven R. Fuller
NOTARY PUBLIC for State of Idaho
Residing at: Picston, ID
Comm. Expires: 2/19/99

STATE OF IDAHO

)
) ss.
)

County of Franklin

On this 12th day of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **THOMAS C. WILLIAMS** and **MARCENE L. WILLIAMS**, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



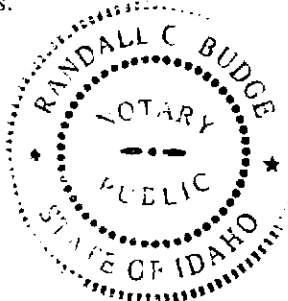
R. Budge
NOTARY PUBLIC for State of Idaho
Residing at: Preston, Idaho
Comm. Expires: 2/19/05
10/11/2000

STATE OF IDAHO

)
)
)

County of Oneida

On this 12th day of March, 1999, before me, the undersigned a Notary Public in and for said State, personally appeared **MARCENE L. WILLIAMS**, known to me to be the person whose name is subscribed to the within instrument as the Guardian and Conservator of the Estate of **ORILLA BARRY HUGHES** and acknowledged to me that she subscribed the name of **ORILLA BARRY HUGHES** thereto as principal, and her own name as Guardian and Conservator of Orilla Hughes.



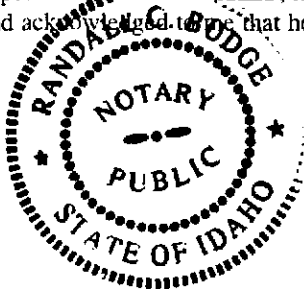
R. Budge
NOTARY PUBLIC for State of Idaho
Residing at: Preston, Idaho
Comm. Exp.: 2/19/05
10/11/2000

STATE OF IDAHO

)
) ss.
)

County of Oneida

On this 12th day of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **RALEIGH HUGHES**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.



R. Budge
NOTARY PUBLIC for State of Idaho
Residing at: Pocatello, Id.
Comm. Expires: 10/11/2000

STATE OF IDAHO

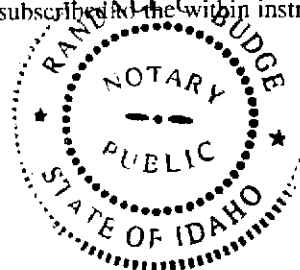
)

) ss.

County of Oneida _____

)

On this 12 day of March, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **DAVID G. HIGLEY and MARIE HIGLEY**, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



R. Budge
NOTARY PUBLIC for State of Idaho
Residing at: Pocatello, ID
Comm. Expires: 10/11/2000

EXHIBIT "A"

Property owned by Orilla Barry Hughes

Township 15 South, Range 35 East of the Boise Meridian:

Section 25: Commencing at a point 447.5 feet North along the section to the center of the County Road and North 70°00' West 1109.2 feet along said road from the East Quarter Corner of Section 25, and running thence South 20°00' West 1174.6 feet, thence South 88°30' West 167 feet, thence North 66°00' West 255 feet, thence South 1142.46 feet to the Sixteenth Line, thence West 2468.05 feet along the Sixteenth Line to a point 968 feet East of the West line of Section 25, thence North 12°35' East 371 feet, thence North 65°25' East 1730 feet, thence North 24°04'40" East 1557.37 feet to the center of County Road, thence South 70°00' East 1043.2 feet along said road to the point of beginning.

ALSO,

Township 15 South, Range 35 and 36 East of the Boise Meridian:

Sections 24, 25, 19, 30:

Commencing at a point 474.10 feet North to the North side of the County Road and North 70°00' West 430.15 feet along said road from the East Quarter corner of Section 25, and running thence North 70°00' West 1780.5 feet, more or less, along said road, thence North 23°00' East 1664 feet, thence West 135 feet, thence North 9°00' East 1359 feet, thence North 800 feet, thence North 89°21' East 1196 feet, thence South 62°06' East 163 feet, thence North 89°11' East 1310 feet, thence South 1°30' East 255 feet, thence South 89°21' East 630 feet, thence South 82°31' East 792.17 feet, thence South 17°21'50" West 1211.98 feet, thence West 80 feet, thence North 49°08'30" West 1124.96 feet, thence North 62°06' West 1055.72 feet, thence South 22°55'30" West 2445.9 feet, thence South 71°30' East 850 feet, thence South 28°13' West 1616.55 feet to the point of beginning.

Property owned by Thomas C. Williams and Marcene L. Williams

Township 14 South, Range 36 East of the Boise Meridian

Section 30: E½SW¼, NW¼SE¼.

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MAR 10 2004

*Legal Description of Ralph Hughes
Ranch - Samaria, Idaho*

Exhibit "B"

105926

T-3599
Sec. 19, 24, 25, 30
Twp. 15 So.
Rge. 35 & 36 EBM

Township 15 South, Range 35 East of the Boise Meridian;
Section 25: Commencing at the East Quarter Corner
of Section 25, and running thence North 447.5 feet
along Section Line, to the center of County Road,
thence North 70°00' West 908 feet along center of
County Road, thence South 13°51' West 315.4 feet,
thence South 60°27' East 260 feet, thence South
29°42'30" West 878.7 feet, thence North 62°00' West
346.6 feet, thence South 88°30' West 167 feet, thence
North 66°00' West 255 feet, thence South 1142.46 feet
to the Sixteenth Line, thence East 1843.95 feet to the
Section Line, thence North 1320 feet along the Section
Line to the place of beginning.

ALSO,

Township 15 South, Ranges 35 and 36 East of the Boise
Meridian; Sections 24, 25, 19, 30: Commencing at
a point 474.10 feet North of the North side of the
County Road from the East Quarter Corner of Section
25, and running thence North 70°00' West 430.15 feet
along said Road, thence North 28°13' East 1616.55
feet, thence North 71°30' West 850 feet, thence
North 22°55'30" East 2445.9 feet, thence South 62°06' East
1055.72 feet, thence South 49°08'30" East 1124.96 feet,
thence East 80 feet, thence North 17°21'50" East 1211.98
feet, thence South 82°31' East 1152.83 feet, thence
South 1°17' East 1047 feet, thence South 87°58' West
2410 feet, thence South 00°37' East 1283 feet, thence
North 86°53' East 980.5 feet, thence South 30°30' West
2303 feet, more or less, to the North side of County Road,
thence North 70°00' West 1390.39 feet, more or less,
along said County Road to point of beginning.

TOGETHER WITH 8 27/40 shares of the capital stock of
the Samaria Water and Irrigation Co.

ALSO, 2/7th interest in the irrigation pump known as
Hughes Pump located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 25,
T15S, R35 EBM, together with the right of use of holding
reservoir in conjunction with said pump.

ALSO, 1/8 interest in and to the water of Alridge (Alred)
and Big Canyon.

ALSO, $\frac{1}{2}$ interest in and to the waters of Water Canyon.

Ralph Hughes

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MAR 10 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 15-7223

Reviewed By: dgibson

Date: November 8, 2004

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:	E027480, C075196		Well driller's report filed?		
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?	X	
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		09/16/2004
Date proof due	-	11/01/2004
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	02/26/2002
New priority date	=	02/26/2002

Deficiencies of Actions Items

Acknowledge proof, request region to contact customer and do a field examination as soon as possible.



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

September 22, 2003

RALPH HUGHES
3141 W SAMARIA RD
MALAD ID 83252

RE: Permit No. 15-7223

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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MAR 10 2004

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

for 
Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

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MAR 10 2006

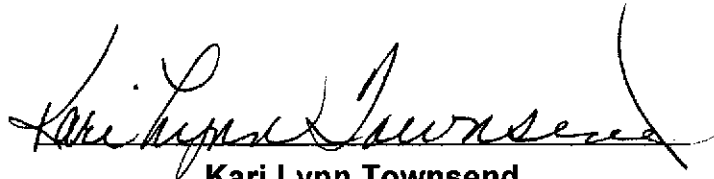
CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

15-7223

**RALPH HUGHES
3141 W SAMARIA RD
MALAD ID 83252**


**Kari Lynn Townsend
Secretary**

Microfilm
MAR 10 2004

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303. (Rules of Procedure 302 and 303).

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MAR 10 2004

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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CERTIFIED MAIL RECEIPT*Domestic Mail Only; No Insurance***Article Sent To:**

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)Restricted Delivery Fee
(Endorsement Required)**Total Postage & Fees**

\$

Postmark
Here

MICROFILMED

MAR 10 2004

THOMAS WILLIAMS
2643 W SAMARIA RD
MALAD ID 83252

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- Certified Mail is not available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and meter.

IMPORTANT: Save this receipt and present it when making an inquiry.

CERTIFIED MAIL RECEIPT

Domestic Mail Only; No Insurance

Postage Paid

Article Sent To:

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

MICROFILMED

Postmark
Here

MAR 10 2004

RANDALL BUDGE
PO BOX 1391
POCATELLO ID 83204-1391

7099 3220 0006 2265 0146

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail or Priority Mail.
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- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and meter.

IMPORTANT: Save this receipt and present it when making an inquiry.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 21, 2002

RANDALL BUDGE
PO BOX 1391
POCATELLO ID 83204-1391

THOMAS WILLIAMS
2643 W SAMARIA RD
MALAD ID 83252

Re: Application for Water Right No. 15-7223

Dear Interested Parties:

The Department of Water Resources (department) has issued the enclosed **Preliminary Order** pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.**

If you have any questions, please call me at (208) 334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Sue Taylor".

Sue Taylor
Senior Secretary

Enclosures

CC: Norm Young
Glen Saxton
Dick Larson
Ralph Hughes
Harold Jones, Eastern

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**Responding to Preliminary Orders Issued
By the Idaho Department of Water Resources**

The accompanying order is a "**Preliminary Order**" issued by the Idaho Department of Water Resources ("department") pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance or files exceptions and briefs as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Hearing Notes -

- Ralph Hughes - 15-7223

Ralph Hughes - 3141 West Samaria Rd.
born 3/4 mile from where he is at
farmer & rancher for 91 years
still owns land

Drilling permit - Exhibit #1
Department issued a drilling permit

Exhibit 3 - tag issued to him
Attempted drilling 15-20 off set from
old well location

Exhibit 2 - map submitted with application
for water right.

New well located approximately 100 feet
north of the old well

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Old well drilled in 1947 -

~~He~~ Levi his brother ~~was~~ was a partner
drilling the well - with someone else

Ralph later became a partner with Levi
in the well. bought ~~in~~ ^{ranch where old well located} in 1948-1949

Used well for irrigation purpose.

Electrical motor & centrifugal pump

Old Well was 190 feet deep -

Flood irrigated w/ the well water

Irrigated lands west, east & north -

Irrigation of 700 acres - supplemented
surface water delivered by Samaria Irrigation
District.

He & Levi
started pumping

Well output was about 120 inches in 1948-49
government measured.

Pumped well until 1980 shut off in
1979 or 1980 - Pumped well every year

Williams claimed control of well -

Williams decided he controlled &
ceased pump.

Hughes leased property at about
the same time.

Always had adequate water

Always sufficient.

Never had to deepen the well

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no mechanical
problems
with pump
& motor
when he
quit

Started pumping in May - run pump
all summer - never shut it off.

"My well" culinary well for Hughes
300 yds north of the old well
80 feet deep - water level is at
40 feet - never had inadequate water -

Culinary

Higley owns well 300 yards to the
north & west - not aware of problems
with the Higley well - "We had a
dry once supplied
by the Higley well -

wife of
brother
Levi

Rella Hughes lives nearby - 1/2 mile away
north & west of the proposed well - this
had some continuing problems but it was
a poor well.

← Difference between 120 inches &

Needs more water
How much water pushan - Has 8 1/2 shares of Samaria water

~~He started~~
Well driller started drilling (Franker)
Dept. told him to stop drilling -

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Old Hughes Rights are forfeited by
Stipulation - paragraph 7 - Court decision

~~Highes~~
Highes
rented land
Williams ceased
pump couldn't
afford to pump

Has Canyon stream dried up -
Yes - Hughes

Williams

Well - not the point -
Not trying to be vindictive
Shouldn't mess with the springs
Concerned about his
springs -

Williams irrigation well located near the
numerical 30 -

springs are located along north section
line of Section 25 -

Williams lane - not concerned about
his domestic well -

Highley ran for 2 years after
Highley is sord law - early 1980's -

X-Exams

Moved in 1973 -

Diesel electric mechanic - worked at Center

No training as an engineer -

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Right to springs? What is the use
Observed any changes?

Water Canyon water rights?
owns $\frac{1}{2}$ & Hughes owns half.
Taken out - one mile away & one thousand
feet higher in elevation

Williams well there when he bought property
in 1973 -

Owens $\frac{2}{3}$ of the well -

Tubbs (~~owns~~ owns other $\frac{1}{4}$

Springs - 1988 Filing - cattle (stock water & irrigation)
Spring flows vary

Owens two wells Erella -

Erella Hughes well dried up - in the
mid 90's

Irrigation 150' deep 100-120 inches ϕ

4 shares 100 a day -
8 shares 100 inches / 2 days

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① Ralph Hughes filed application ^{for permit} to appropriate water ~~no.~~ no. 15-07223 with the Idaho Department of Water Resources (IDWR). Application no. 15-07223 ~~seeks to appropriate 4.04 cubic feet per second (cfs) for irrigation~~. The application was protested by.

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 15-4209

WATER RIGHT NUMBER: 15-4209

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARCENE L WILLIAMS 2643 W SAMARIA RD MALAD CITY, ID 83252 (208)766-2682
Current Owner	THOMAS C WILLIAMS 2643 W SAMARIA RD MALAD CITY, ID 83252 (208)766-2682

Priority Date: 01/01/1939

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

SPRING	NW1/4SE1/4	Sec. 36, Twp 15S, Rge 35E, B.M.
ONEIDA County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	35E	25																	X

Conditions of Approval:Remarks:Comments:

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Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 15-4209

Dates and Other Information:

Licensed Date:
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 10, 2002

Randall Budge
Attorney at Law
P.O. Box 1391
Pocatello, ID 83204-1391

Thomas C. Williams
2643 West Samaria Road
Malad, ID 83252

Re: Protested Application for Water Right no. 15-7223 in the name of Ralph Hughes

Gentlemen:

At the close of the hearing for protest against application for water right no. 15-7223, conducted on June 27, 2002, I stated that I would review the records of the Idaho Department of Water Resources (IDWR) to determine if there was data that would help me consider whether the application should be approved or rejected. I asked IDWR's hydrology section to produce any monitoring well information in the area. I also asked for previous reports prepared by hydrology staff that would help me determine water availability and whether the proposed diversion of water would injure other water rights. Finally, I searched the well drillers reports for information about existing well construction and the geologic formations encountered while drilling.

Enclosed are copies of well drillers' reports for wells drilled in Section 25, T15S, R35E. I also searched for well logs in Section 30, T15S, R35E, but couldn't find any.

Also enclosed are two brief reports written by Shane Bendixson of IDWR. Finally, enclosed is a page of hydrographs of data from wells monitored in T15S, R35E.

I intend to use the information forwarded to you in writing a decision.

Sincerely,


Gary Spackman

Encl.

Cc: Ralph Hughes
Harold Jones, Eastern Region

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MAR 10 2004

MEMORANDUM

December 7, 2000

To: Norm Young and Dennis Dunn

Through: Bob Sutter

From: Shane Bendixsen & Bill Ondrechen

Subject: Large Scale Ground Water Development in the Malad Basin (Basin 15).

It is our understanding that that in the years 2000 and 2001 there have been 31 applications amounting to 154 cfs to divert ground water in the Malad Basin and it is estimated this could increase to 200 cfs by 2002 (per communication Dennis Dunn, IDWR Eastern Office). It is also our understanding that only approximately one third of the new applications are for new development. The rest are for conversion from surface to ground water or supplemental to surface water. Concern has also been raised that the loss of recharge from the surface water delivery system will be lost

Attachment #1 presents the extent of the Malad Basin with ground water elevations and flow directions. No mass measurement has been completed so measurements over time were combined to provide enough data. While only a generalization, it is seen the flow direction is south out of the basin into Utah.

Attachment #2 presents ground water hydrographs. Four are currently monitored by the USGS and one has several 'spot' measurements since 1992 associated with water quality monitoring. As presented, ground water levels fluctuate seasonally and with dry and wet periods, but are still at approximately the same level as they were in the mid 1940's. Well 15S35E-01DAA1 does show a loss of approximately 10 feet, but has remained stable since 1960.

Pluhowski (1968), estimated that approximately 100,000 acre feet of surface and ground move into the basin each year as recharge. Burnham and others (1969), showed that while the limited amount of data prevents a precise estimate, this was a good estimate. Burnham and other's also stated that approximately 50,000 acre feet of ground water left the basin as underflow. This was based on Darcy's equation with an assumed transmissivity and gradient.

Kramber and others (1993), estimated that approximately 52,177 acres was being irrigated with surface and ground water. Assuming the depletion rate of 1.18 AF/Y (Hill, 1989), the total depletion is approximately 62,000 AF/Y. If it is assumed that the majority of water leaving the basin is underflow, Pluhowski's 100,000 AF/Y estimate of

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recharge and Burnham and others estimate of 50,000 AF/Y leaving the basin as underflow closely fits the total depletion rate of 62,000 AF/Y.

Since it is estimated that approximately one third of the new applications are for bringing new land under irrigation this amounts to an additional use of 54 cfs or approximately 2,540 acres. This will create an additional consumptive use of 3,050 acre feet per year or an increase of approximately four percent. The total depletion rate will be 65,000 acre feet per year which is still far below the estimated recharge of 100,000 acre feet per year.

Recharge to the aquifer lost by the conversion from surface water to ground irrigation should be negligible because the surface water will still be used for irrigation on the remaining lands.

Burnham and others (1968) also estimated that water in storage in the upper 300 feet of the aquifer was 1.8 million-acre feet. Therefore the increased depletion to aquifer storage will not be measurable.

Based on our discussions with the State of Utah concerning delivery of natural and stored flow across the state line in the main Bear River, the topic of Idaho's use in the Malad has never been a concern to Utah. Both the surface and ground water in the Utah portion of the Malad Basin become more saline toward south, and they have stated there is limited use of those waters. Most use is made of the relatively cleaner Bear River water.

In closing, ground water levels are approximately the same as they were in the early 1940's. Recharge to the basin is approximately 100,000 AF/Y. Approximately half is lost to evapotranspiration and the other half leaves as underflow. The added four percent increase in total depletion will not be significant relative to the overall Malad Basin water supply.

REFERENCES

- Burnham, W.L., Harder, A.H., and Dion, N.P., 1969, Availability of Ground Water for Large Scale Use in the Malad Valley-Bear River Areas of Southeaster Idaho, An Initial Assessment: U.S. Geological Survey Open File Report.
- Hill, H.W., et al. 1989 Duty of Water Under the Bear River Compact: Field Verification of Empirical Methods for Estimating Depletion. Research Report 125. Utah Agricultural Experiment Station, Utah State University, Logan Utah.
- Kramber, W.J., and others, 1993, Idaho's System of Water Use in the Bear River Basin, published in Geo Info Systems , May 1993, p.48.
- Pluhowski, E.J., 1968, Hydrology of the Upper Malad River, Southeastern Idaho: U.S. Geological Survey open file report.

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June 6, 2000

MEMORANDUM

To: Jeff Peppersack
Through: Bob Sutter
From: Shane Bendixsen & Bill Ondrechen
Subject: Large Scale Ground Water Development in the Malad Basin; Applications 15-07180 through 1507185.

It is our understanding that six new permits to divert ground water in the Malad Basin (Basin 15) have been applied for. Attachment #1 presents the points of diversion and corresponding flow rates. The total diversion rate for the combined six new permits is 28.14 cfs to irrigate 1,407 acres. Based upon the agreed upon depletion rate of 1.18 acre feet per acre (AF/A) by the Bear River Compact, this amounts to a total ground water depletion of 1,660 acre feet per year (AF/Y).

Attachment #2 presents ground water elevations and flow directions based on various measurements since 1950. No mass measurement has been recorded so measurements over time were combined to provide enough data. While only a generalization, it is seen the flow direction is south out of the basin into Utah.

Attachment #3 presents ground water hydrographs. Four are currently monitored by the USGS and one was discontinued in 1992. As presented, ground water levels fluctuate seasonally and with dry and wet periods, but are still are at approximately the same level as they were in the mid 1940's.

Pluhowski (1968), estimated that approximately 100,000 acre feet of surface and ground move into the basin each year as recharge. Burnham and others (1969), showed that while the limited amount of data prevents a precise estimate, this was a good estimate. Burnham and other's also stated that approximately 50,000 acre feet was ground water left the basin as underflow. This was based on Darcy's equation with an assumed transmissivity and gradient.

Kramber and others (1993), estimated that approximately 52,177 acres was being irrigated with surface and ground water. Assuming the depletion rate of 1.18 AF/Y, the total depletion is approximately 62,000 AF/Y. If it is assumed that the majority of water leaving the basin is underflow, Pluhowski's 100,000 AF/Y estimate of recharge and

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Burnham and others estimate of 50,000 AF/Y leaving the basin as underflow closely fits the total depletion rate of 62,000 AF/Y.

The added depletion of 1,660 AF/Y therefore amounts to an increase of approximately two to three percent total depletion (1,660 divided by 62,000). Burnham and others (1968) also estimated that water in storage in the upper 300 feet of the aquifer was 1.8 million acre feet. Therefore the increased depletion to aquifer storage will not be measurable.

Based on our discussions with the State of Utah concerning delivery of natural and stored flow across the state line in the main Bear River, the topic of Idaho's use in the Malad has never been a concern to Utah. Both the surface and ground water in the Utah portion of the Malad Basin become more saline as you move south, and they have stated there is limited use of those waters. Most use is made of the relatively cleaner Bear River water.

In closing, ground water levels are approximately the same as they were in the early 1940's. Recharge to the basin is approximately 100,000 AF/Y. Approximately half is lost to evapotranspiration and the other half leaves as underflow. The added two to three percent increase in total depletion will not be significant relative to the overall Malad Basin water supply.

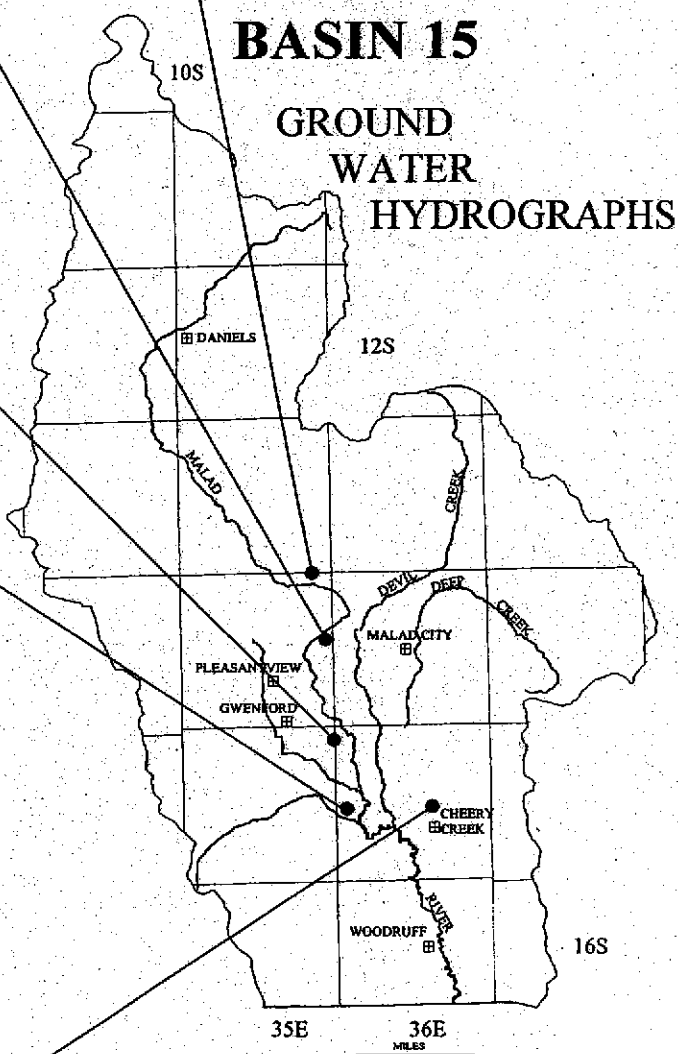
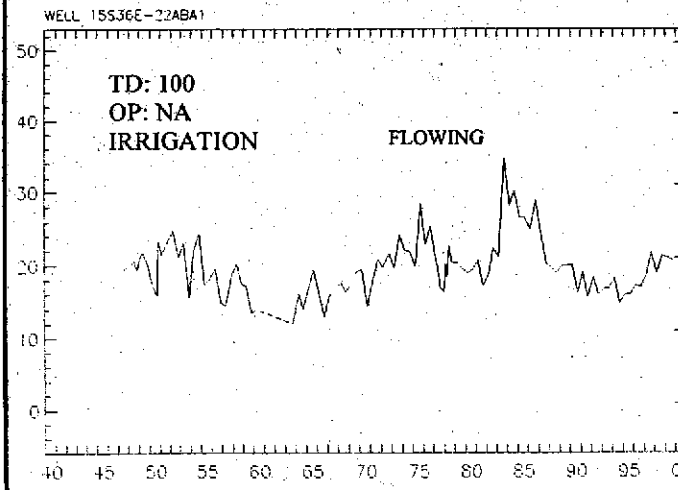
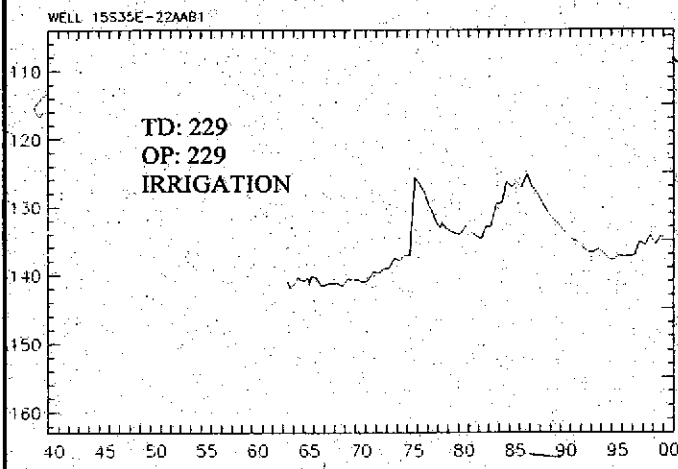
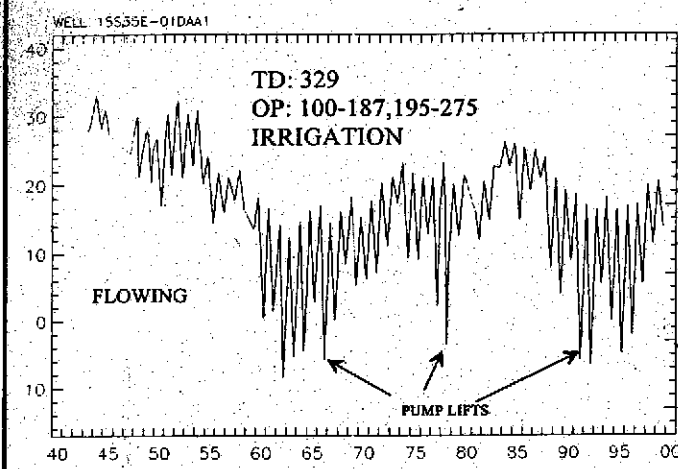
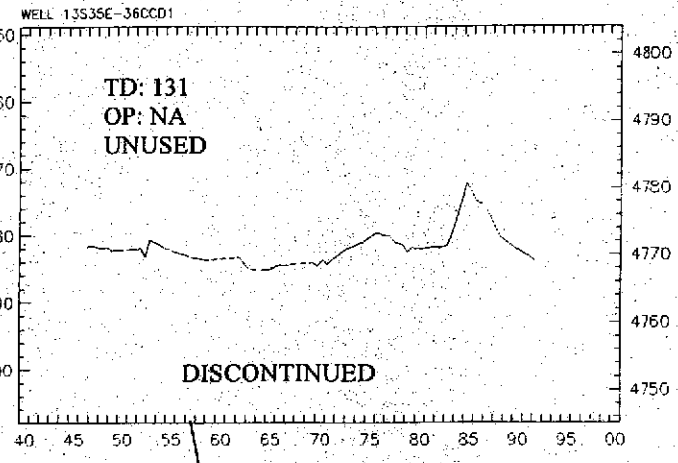
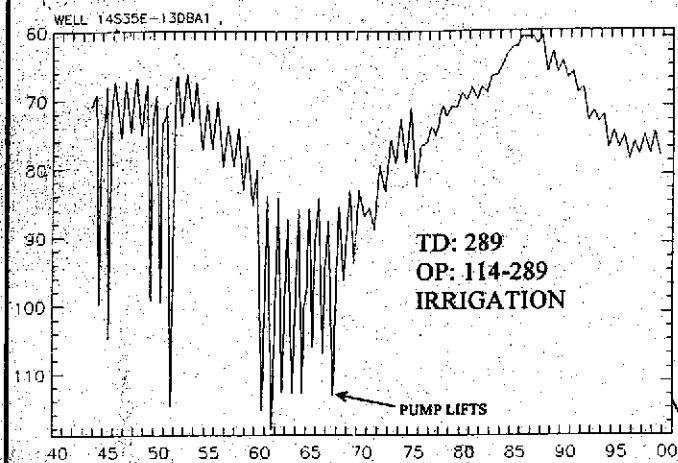
REFERENCES

- Burnham, W.L., Harder, A.H., and Dion, N.P. Dion, 1969, Availability of Ground Water for Large Scale Use in the Malad Valley-Bear River Areas of Southeaster Idaho, An Initial Assessment: U.S. Geological Survey Open File Report.
- Hill, H.W., et al. 1989 Duty of Water Under the Bear River Compact: Field Verification of Empirical Methods for Estimating Depletion. Research Report 125. Utah Agricultural Experiment Station, Utah State University, Logan Utah.
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- Pluhowski, E.J., 1968, Hydrology of the Upper Malad River, Southeastern Idaho: U.S. Geological Survey open file report.

cc Norm Young
 Glenn Saxton

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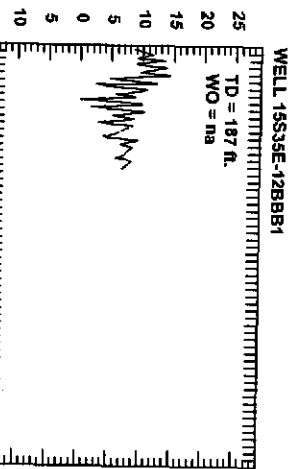
MAR 10 2004



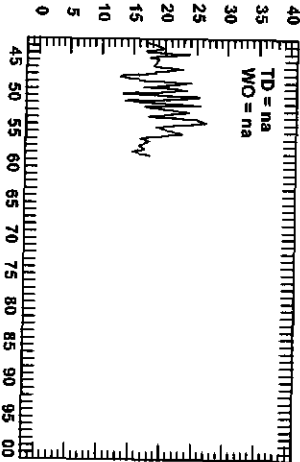
LEGEND

TD: TOTAL DEPTH
OP: INTERVAL AT WHICH THE WELL IS PERFORATED OR OPEN TO THE AQUIFER.
WATER USE
LEFT SIDE: DEPTH TO WATER
RIGHT SIDE: WATER ELEVATION
BASE: YEAR
ALL MEASUREMENTS IN FEET
CURRENT TO FALL 1999

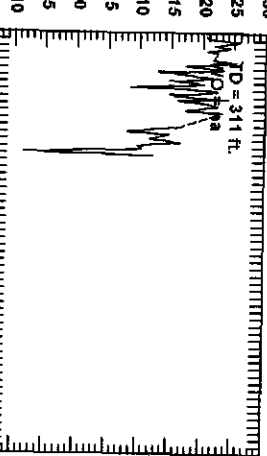
Hydrographs of Observation Wells in Township 15 South, Range 35 East, B.M.



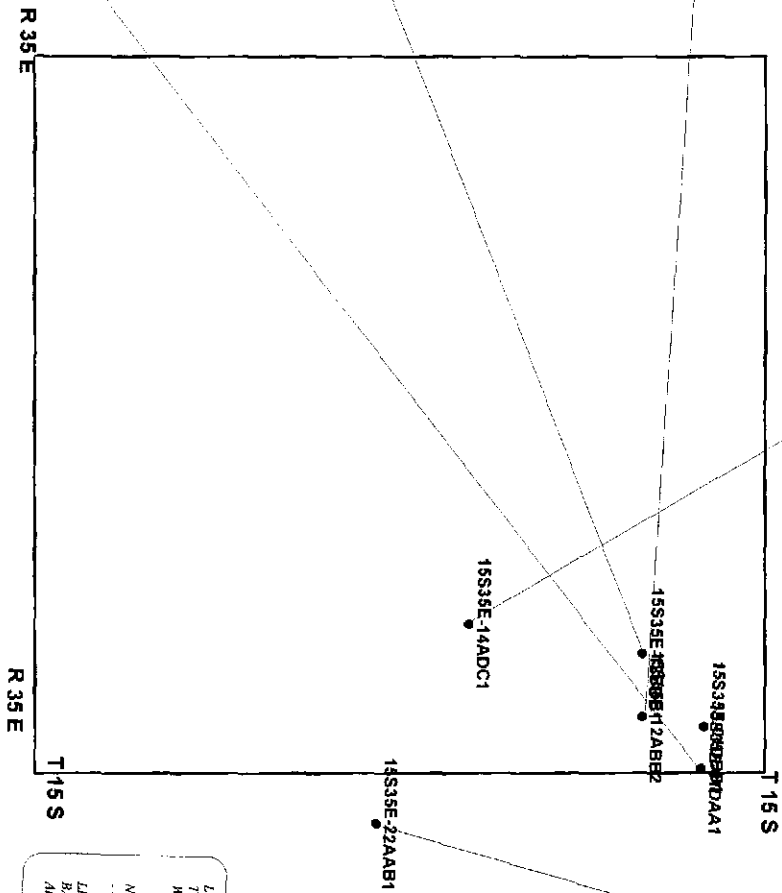
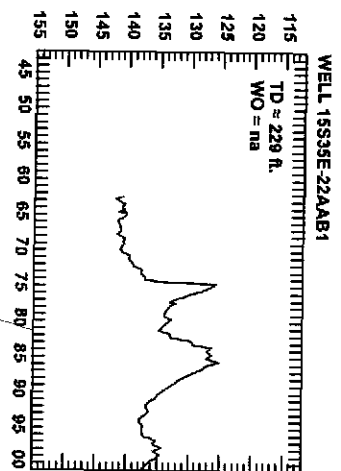
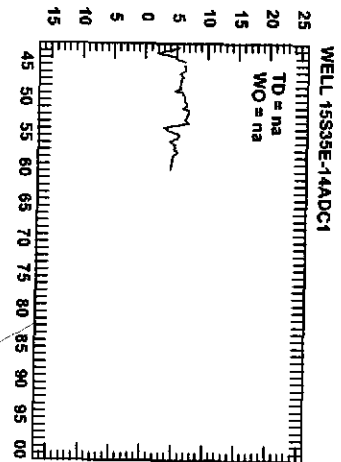
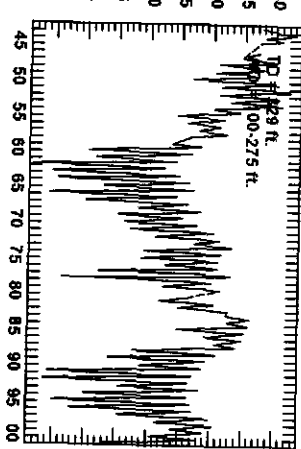
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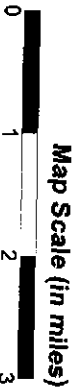
WELL 15S35E-01DBB1



WELL 15S35E-01DAA1



LEGEND
TD: TOTAL DEPTH
WO: INTERVAL AT WHICH THE WELL
IS PERFORATED OR OPEN TO
WATER BEARING FORMATION
NA: NOT AVAILABLE
---: MORE THAN 1 YEAR
BETWEEN DATA POINTS
LEFT SIDE: DEPTH TO WATER
BASE: YEAR
ALL MEASUREMENTS IN FEET



IDWR HYDROLOGY SECTION
hjh, 9/9/02

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Form 238-7
98

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT
Use Typewriter or Ballpoint Pen

Office Use Only		
Inspected by		
Twp	Rge	Sec
1/4	1/4	1/4
Lat	Long	

1. DRILLING PERMIT NO. 15-98-E-0015
Other IDWR No. 0000 4716

11. WELL TESTS:

☐ Pump ☒ Bailer

☐ Air ☐ Flowing Artesian

2. OWNER:
Name Marlynn Halgaty
Address 142 S Samaria Rd
City Myrland City State ID Zip 83252

Yield gal/min	Drawdown	Pumping Level	Time
20	NONE		

Water Temp. 68° Bottom hole temp. 68°

Water Quality test or comments: _____

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

Twp. <u>15 S</u> North ☐ or South ☒	
Rge. <u>35</u> East ☒ or West ☐	
Sec. <u>25</u> NW 1/4 NW 1/4	
Gov't Lot	County <u>ONEIDA</u>
Lat	Long
Address of Well Site <u>142 S SAMARIA</u>	
City _____	

(Give at least name of road & distance to road or landmark)
Lt. _____ Bk. _____ Sub. Name _____

4. USE:

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

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☐ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK		AMOUNT		METHOD
Material	From To	Sacks or Pounds		
<u>Bentonite</u>	<u>0</u> <u>20</u>	<u>6</u>	<u>Ported</u>	

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 123'
Was drive shoe seal tested? ☐ Y ☐ N How? _____

8. CASING/LINER:

Diameter	From To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>6</u>	<u>0</u> <u>121.5</u>	<u>230</u>	<u>5" x 0.1</u>	☒	☐	☒	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____
☐ Screens Screen Type _____

From To	Slot Size	Number	Diameter	Material	Casing	Liner
					☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

45 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access pit or control devices: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From To	Remarks: Lithology, Water Quality & Temperature	Y	N
<u>6</u>	<u>0</u> <u>20</u>	<u>Top Soil - Clay & Gravel</u>	☒	☐
	<u>20</u> <u>30</u>	<u>Gravel</u>	☒	☐
	<u>30</u> <u>40</u>	<u>Clay</u>	☒	☐
	<u>40</u> <u>46</u>	<u>Clay</u>	☒	☐
	<u>46</u> <u>50</u>	<u>Cemented Gravel</u>	☒	☐
	<u>50</u> <u>60</u>	<u>Clay & Rock</u>	☒	☐
	<u>60</u> <u>75</u>	<u>Gravel</u>	☒	☐
	<u>75</u> <u>80</u>	<u>Gravel</u>	☒	☐
	<u>80</u> <u>90</u>	<u>Clay & Gravel</u>	☒	☐
	<u>90</u> <u>105</u>	<u>Gravel</u>	☒	☐
	<u>105</u> <u>113</u>	<u>Gravel</u>	☒	☐
	<u>113</u> <u>123</u>	<u>Gravel</u>	☒	☐

RECEIVED

JUN 8 1998

Department of Water Resources
Eastern Region

RECEIVED

JUN 1 1998

Department of Water Resources

Completed Depth 123 (Measurable)
Date Started 5-27-98 Completed 6-2-98

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 F & E Well Drilling Firm No. 585

Firm Official William T Adams Date 6-6-98

and Supervisor or Operator William T Adams Date 6-6-98

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

MICROFILMED
MAR 10 2004

IDAHO DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

Office Use Only	
Inspected by _____	
Twp _____ Pge _____ Sec _____	
1/4 _____ 1/4 _____ 1/4 _____	
Long: _____	
Flowing Artesian _____	

1. DRILLING PERMIT NO. P000-4117
 Other IDWR No. 15-985-0018-000

2. OWNER:
 Name William J. Higley
 Address 4010 SAM RIVER RD
 City SAM RIVER State ID

3. LOCATION OF WELL by legal description:

Sketch map location [must] agree with written location.

N									

Twp. 15 North ☐ or South ☒
 Rge. 35 East ☒ or West ☐
 Sec. 25 1/4 NE 1/4 SW 1/4
 Gov't Lot _____ County ONEIDA
 Lat: _____ Long: _____

Address of Well Site _____

(Give at least name of road + distance to Road or Landmark)

Lt. _____ Bk. _____ Sub. Name _____

4. USE:

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

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT		METHOD
Material	From	To	Sacks or Pounds		
<u>Red Rock</u>	<u>0</u>	<u>20</u>	<u>12</u>		<u>DOOR BORE</u>

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
<u>6</u>	<u>0</u>	<u>200</u>	<u>20</u>	<u>Steel</u>	☐	☐	☒	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

143 ft. below ground Artesian pressure _____ lb.
 Depth flow encountered _____ ft. Describe access port or control devices: _____

11. WELL TESTS:

Yield gal/min	Drawdown	Pumping Level	Time
<u>5-10</u>		<u>200</u>	<u>1/2 hr</u>

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

Depth first Water Encountered _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
<u>8</u>	<u>0</u>	<u>30</u>	<u>TOP SOIL + ROCKS</u>		
<u>6</u>	<u>30</u>	<u>50</u>	<u>CLAY + ROCKS BECOMING</u>		
<u>6</u>	<u>50</u>	<u>108</u>	<u>CLAY</u>		
<u>6</u>	<u>108</u>	<u>150</u>	<u>ROCKS + GRAVEL</u>		
<u>150</u>	<u>180</u>	<u>200</u>	<u>GRAVEL AND SAND</u>	☒	
<u>180</u>	<u>200</u>	<u>200</u>	<u>ROCKS & CLAY</u>	☒	

JUN 01 1998

RECEIVED

JUN 9 1998

Department of Water Resources

Completed Depth _____ (Measurable)
 Date Started 4-18-98 Completed 4-25-98

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 William J. Higley Firm No. 112Firm Official William J. Higley Date 4-25-98

and _____

Supervisor or Operator _____ Date _____

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

MICROFILMED

MAR 18 2004

238-7
DMD

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT
Use Typewriter or Ballpoint Pen

Office Use Only
Inspected by _____
Twp _____ Rge _____ Sec _____
1/4 _____ 1/4 _____ 1/4 _____
Lat: _____ Long: _____
Pump _____ Bailer _____ Air _____ Flowing Artesian _____

1. DRILLING PERMIT NO. 15-94-E-0009-000
Other IDWR No. _____

2. OWNER:
Name William L. Higley
Address 411 S. 9th St. R1
City _____ State IL Zip 62202

3. LOCATION OF WELL by legal description:
Sketch map location (must agree with written location).

North _____ South _____
East _____ West _____
Twp. 15 North _____ or South _____
Rge. 35 East _____ or West _____
Sec. 25 1/4 _____ 1/4 _____ 1/4 _____ 1/4 _____
Gov't Lot _____ County _____
Lat: _____ Long: _____
Address of Well Site Same
City _____
(Give at least name of road - Distance to Road or Landmark)

4. USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD
☐ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK		AMOUNT		METHOD
Material	From	To	Sacks or Pounds	
<u>Bentonite</u>	<u>0</u>	<u>?</u>		<u>dry Pour</u>

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 135'
Was drive shoe seal tested? ☒ Y ☐ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>6</u>	<u>4 1/2"</u>	<u>135'</u>	<u>20</u>	<u>5-1</u>	☒	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☒ Perforations Method perc cut
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

None ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: _____

11. WELL TESTS:

Yield gal/min	Drawdown	Pumping Level	Time
	<u>None</u>		

Water Temp. _____ Bottom hole temp. _____
Water Quality test or comments: _____

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

Bole Dia	From	To	Remarks: Lithology, Water Quality & Temperature	V	N
<u>9</u>	<u>0</u>	<u>40</u>	<u>Brackish clay</u>		☒
<u>6</u>	<u>40</u>	<u>135'</u>	<u>"</u>		

RECEIVED

NOV 17 1997

Department of Water Resources
Eastern Region

RECEIVED

NOV 24 1997

Department of Water Resources

Completed Depth _____ (Measurable)
Date: Started 6-9-94 Completed _____

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 DB Drilling Firm No. 582

Firm Official _____ Date 11-2-97

and _____

Supervisor or Operator _____ Date _____

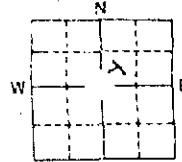
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

MICROFILMED

MAR 10 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE TYPEWRITER OR
BALLPOINT PENState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>TOM CRILLIA HUGHES</u> Address <u>433 SOUTH SAMARITA RD. BOULEVARD</u> Drilling Permit No. <u>LS-72E-008</u> Water Right Permit No. _____	7. WATER LEVEL Static water level <u>45</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Arterial closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ of Quality _____ Does not affect or temperature change pump																																
2. NATURE OF WORK ☐ New well ☐ Deepened ☒ Replacement ☐ Well diameter increase ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)	8. WELL TEST DATA ☐ Pump ☐ Bailor ☒ Air ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> <tr> <td style="text-align: center;"><u>30</u></td> <td></td> <td style="text-align: center;"><u>1.5</u></td> </tr> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped	<u>30</u>		<u>1.5</u>																										
Discharge G.P.M.	Pumping Level	Hours Pumped																															
<u>30</u>		<u>1.5</u>																															
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☒ Stock ☐ Waste Disposal or Injection ☐ Other _____ (Specify type)	9. LITHOLOGIC LOG <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Bore Diam.</th> <th>Depth From To</th> <th>Material</th> <th>Water Yes No</th> </tr> </thead> <tbody> <tr> <td>9</td> <td>0 25</td> <td>BROWN CLAY</td> <td></td> </tr> <tr> <td>9</td> <td>25 40</td> <td>BROWN CLAY & LOOSE ROCK BIG ROCK</td> <td></td> </tr> <tr> <td>40</td> <td>40 45</td> <td>GRAY CLAY</td> <td></td> </tr> <tr> <td>45</td> <td>45 72</td> <td>GRAVEL & WHITE WATER</td> <td></td> </tr> <tr> <td>72</td> <td>72 85</td> <td>BROWN CLAY & ROCK</td> <td></td> </tr> <tr> <td>85</td> <td>85 107</td> <td>SAND</td> <td></td> </tr> <tr> <td>107</td> <td>107 126</td> <td>GRAVEL & GREY ROCK</td> <td></td> </tr> </tbody> </table>	Bore Diam.	Depth From To	Material	Water Yes No	9	0 25	BROWN CLAY		9	25 40	BROWN CLAY & LOOSE ROCK BIG ROCK		40	40 45	GRAY CLAY		45	45 72	GRAVEL & WHITE WATER		72	72 85	BROWN CLAY & ROCK		85	85 107	SAND		107	107 126	GRAVEL & GREY ROCK	
Bore Diam.	Depth From To	Material	Water Yes No																														
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72	72 85	BROWN CLAY & ROCK																															
85	85 107	SAND																															
107	107 126	GRAVEL & GREY ROCK																															
4. METHOD DRILLED ☐ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____	RECEIVED AUG 10 1992 Department of Water Resources Eastern District Office RECEIVED AUG 21 1992 Department of Water Resources																																
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>2.50 inches</td> <td>6 inches</td> <td>18 feet</td> <td>120 feet</td> </tr> <tr> <td>inches</td> <td>inches</td> <td>feet</td> <td>feet</td> </tr> <tr> <td>inches</td> <td>inches</td> <td>feet</td> <td>feet</td> </tr> <tr> <td>inches</td> <td>inches</td> <td>feet</td> <td>feet</td> </tr> </tbody> </table> Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☒ Yes ☐ No How perforated? ☐ Factory ☐ Knife ☒ Torch ☐ Gun Size of perforation <u>1/4</u> inches by <u>2</u> inches <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>45 perforations</td> <td>70 feet</td> <td>112 feet</td> </tr> <tr> <td>perforations</td> <td>feet</td> <td>feet</td> </tr> <tr> <td>perforations</td> <td>feet</td> <td>feet</td> </tr> </tbody> </table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>20</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Puddling clay ☒ SCUFFINGS Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata Describe access port _____	Thickness	Diameter	From	To	2.50 inches	6 inches	18 feet	120 feet	inches	inches	feet	feet	inches	inches	feet	feet	inches	inches	feet	feet	Number	From	To	45 perforations	70 feet	112 feet	perforations	feet	feet	perforations	feet	feet	10. Work started <u>6/15/92</u> finished <u>6/18/92</u>
Thickness	Diameter	From	To																														
2.50 inches	6 inches	18 feet	120 feet																														
inches	inches	feet	feet																														
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Number	From	To																															
45 perforations	70 feet	112 feet																															
perforations	feet	feet																															
perforations	feet	feet																															
6. LOCATION OF WELL Sketch map location must agree with written location.  Subdivision Name _____ Lot No. _____ Block No. _____ County <u>ONEIDA</u> Sec. <u>25</u> T. <u>15</u> S. <u>35</u> E. <u>35</u>	11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>DUBBE DRILLING PUMP</u> Firm No. <u>148</u> Address <u>P.O. Box 4465 BOCADELLO IDAHO 83405</u> Date <u>6/18/92</u> Signed by (Firm Official) <u>M. H. Dubbe</u> and (Operator) <u>Burt Ruediger</u>																																

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

MAY 10 2001

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 15-07223 IN THE)
NAME OF RALPH HUGHES _____)**

**NOTICE OF
HEARING**

On February 26, 2002 Ralph Hughes filed Application 15-07223. The application was protested on March 12, 2002 by Thomas Williams.

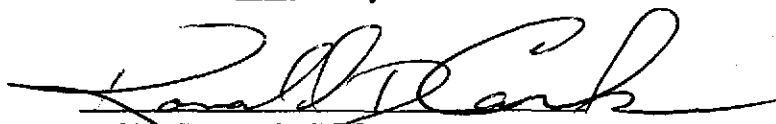
**THE DEPARTMENT HAS NOW SCHEDULED THE MATTER FOR
HEARING ON JUNE 27, 2002, AT 9:30 A.M., AT THE POCA TELLO
AIRPORT CONFERENCE ROOM IN POCA TELLO, ID.**

The hearing will be held in accordance with the provisions of the adopted Rules of Procedure of the Department of Water Resources. A copy of the rules may be obtained from the Department upon request. The presiding officer at the hearing will be Gary Spackman.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the Department within ten (10) days prior to the hearing.

Dated this 28th day of June, 2002.


RONALD D. CARLSON
Regional Manager

NOTICE OF HEARING

MICROFILMED
MAR 16 2004

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of June, 2002, I mailed a true and correct copy, postage prepaid, of foregoing **NOTICE OF HEARING** to the following:

Thomas C Williams
2643 W Samaria Rd
Malad ID 83252

Ralph Hughes
3141 W Samaria Rd
Malad ID 83252

Randall Budge
PO Box 1391
Pocatello ID 83204-1391

SHARLA COX
Administrative Assistant

CERTIFICATE OF SERVICE

MICROFILMED
MAR 10 2004

Hearing For Appia # 15-7223

TAPE #

22-750

Ralph Hughes - Testimony

Appia
* Exhibits 1,243
Offered - Received

#

755-969

Ralph Hughes - Cross examine

#

1005-

Tom Williams Testimony

1418

1427-1734

Tom Williams - Cross examine

1741-2002

"

"

- Gary's Questions

2059

2060 -

Gary's Statements

MICROFILMED

MAR 10 2004

Hearings - Apple 15-7223

<u>NAME</u>	<u>ADDRESS</u>
THOMAS C. WILLIAMS	2643 W. SAMARIA RD. MALAD, ID. 83252
Marcene Williams	2643 W. Samaria Rd. Malad, Id. 83252
Randall C. Bridge	P.O. Box 1391 POC, ID 83204 - Attorney For Applicant
Paul D. Hughes	3141 West Samaria R 83252 Malad, Idaho 83252
Clarence R. Hughes	4030 West Samaria Rd 83252 Malad, Idaho 83252

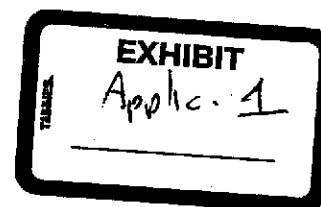
MICROFILMED

MAR 10 2006

Tag No. D0021773
Water Right Permit No. 15-2066
Injection Permit No. _____

WELL DRILLER: PLEASE COMPLETE FOR VERBALS
IDWR Employee Issuing Verbal: _____
Verbal Issued Date: _____ Time: _____

State of Idaho
Department of Water Resources



APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)

Applicant (please print): Ralph Hughes

Mailing Address: 3141 West Samaria Road

City & State Malad ID Zip Code 83252 Telephone (208) 766-2506
☐ Well Owner ☐ Well Operator ☐ Contractor or Other, specify _____

Proposed Well Location: Twp 15S, Rge 35E, Sec 25, NE 1/4 SE 1/4

Gov't Lot No. _____ County Oneida Lat _____:_____:____ Long _____:_____:_____

Street Address of Well Site OFF West Samaria/County Road City Malad

Lot, block and subdivision New Well will be right next to old well which no longer works.

Proposed Use of Well:

☐ DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock (1,000 head or less) and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: ☒ Irrigation ☐ Municipal ☐ Industrial
☐ Stock ☐ Test ☐ Other _____
(Describe)

☐ INJECTION

☐ MONITORING: A well bore schematic and map is required for each blanket permit.

No. of proposed wells: _____

Well Construction Information: Old well was drilled in 1947. Old well wasn't used for 18 years & has siezed up & won't work. Old well to be abandoned & sealed.

A. ☐ New Well ☐ Modify ☒ Replace COURT ORDER

B. Proposed Casing Diameter 14" Proposed Maximum Depth 250'

C. Anticipated bottom hole temperature:

☒ 85 F or less (Cold Water Well) ☐ 85 F to 212 F (Low Temp. Geo. Well) ☐ 212 F or more (Geothermal Well)

Construction Start Date: Oct. 18, 2001

Anticipated Well Driller: Mike Frandsen (MT. West) Driller's Lic. No. 543

NOTE: The actual well driller must be identified prior to drilling

Applicant's Signature: Ralph Hughes Date: Oct 11, 2001

Title: OWNER

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Permit is Approved Date 11 October 2001

Approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY.

GENERAL CONDITIONS:

This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless extension has been granted.

This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply well must be drilled a minimum of 50 feet and 100 feet respectively from a septic tank.

The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.

Approval of this drilling permit does not authorize trespass on the land of another party.

This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.

This drilling permit does not represent a right to divert and use the water of the State of Idaho.

If a bottom hole temperature of 85 or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.

SPECIFIC CONDITIONS:

ALL SURFACE WATER RIGHTS MUST BE USED
BEFORE WELL USED FOR IRRIGATION
THIS IS A SUPPLEMENTAL well to surface
water rights.

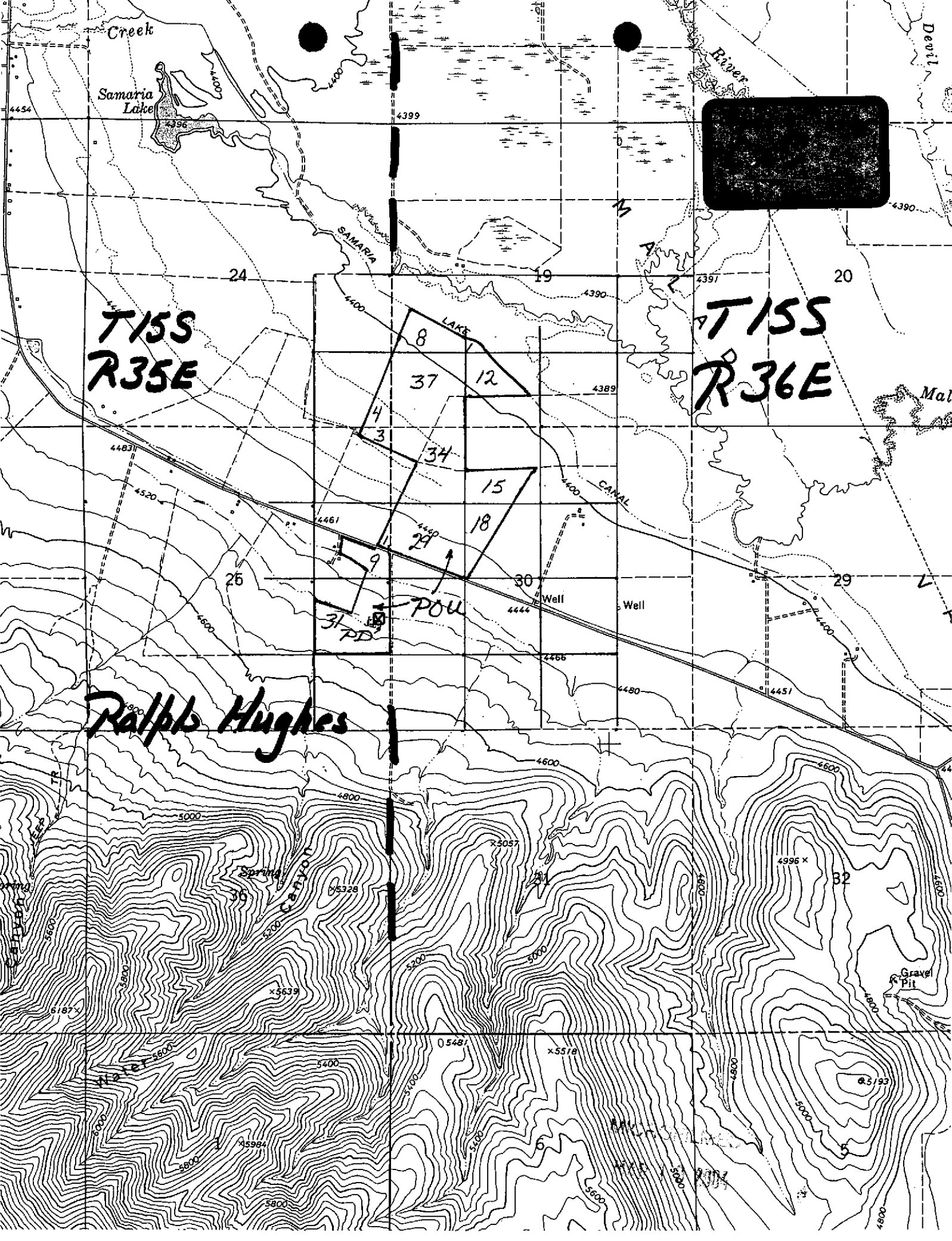
Dennis M. Brown Sr. Water Resource Agent
Signature of Authorized Department Representative Title

Receipt No. E027175 Received by DN Fee 200.00 Date Oct 11, 2001

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

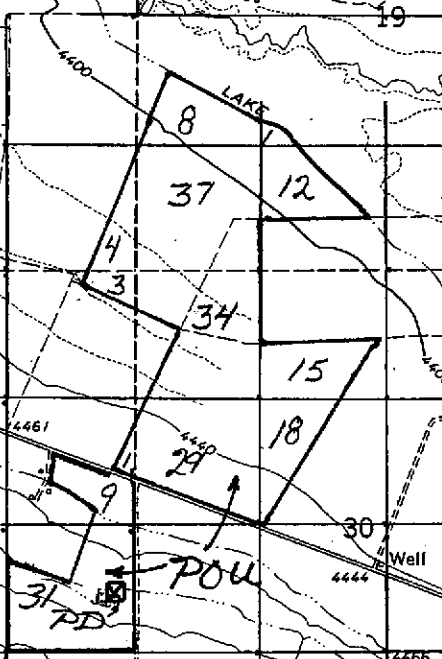
Extension expires _____

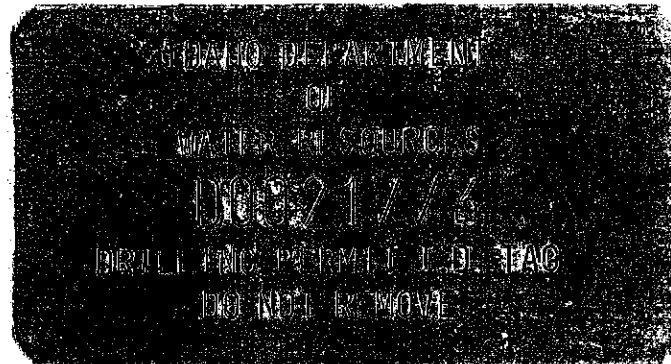


T/SS
R35E

T/SS
R36E

Ralph Hughes





MICROFILMED
MAR 19 2004

Ralph Hughes
3141 West Samaria Rd.
Malad, Idaho 83252

RECEIVED
APR 08 2002
Department of Water Resources
Eastern Region

State of Idaho
Department of Water Resources
900 North Skyline Dr.
Suite A
Idaho Falls, Idaho 83402-1718

Attn: Harold W. Jones

Dear Sir:

In regards to your letter of 03 April 2002 Re: Application to
Permit No. 15-7223.

We feel that our application to drill a new well to supplant
our existing water right to the Samaria Water and Irrigation
Company is very necessary. We feel there will be no adverse
effect on the existing water right of our neighbors or environment
as a well in the same quarter section over twenty years ago had a
marked improvement on the environment adding to water supply in
the meadows and no effect on the canyon stream flow; lack of
heavy snow fall effect the canyon streams more than any other
single cause.

As for as the abandon well that hadn't been pumped in over twenty
years, the late Levi Hughes, Thomas C. Williams' father in-law,
owned controlling interest in that well and chose not to irrigate
even the ground he owned separate from the ground he owned with
his brother, Ralph Hughes. The wells ceased from non use.

Ralph Hughes, having been sued by Thomas C. Williams and Maurcine
Williams over use of water in the Samaria Water and Irrigation
Company in the past, finds it not possible to come to an
agreement on the drilling of this new well. There fore Mr. Hughes
has no other recourse than to use formal proceedings with the
help of your office.

Please advise as to your schedule for a formal proceeding so we
can notify Randy Budge of the date.

Thank You



Clarence R. Hughes
For Ralph Hughes

MICROFILMED
MAR 10 2004

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**RANDALL BUDGE
PO BOX 1391
POCATELLO ID 83204-1391**

MICROFILMED

MAR 1 1999

2. Article Number (Copy from service label)

7001 2510 0007 6760 2716

PS Form 3811, July 1999

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

Andrew M. Lencar

Registered Mail

C. Signature

Andrew M. Lencar

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE

900 N. SKYLINE DR.

IDAHO FALLS, IDAHO 83402

RECEIVED

MICROFILMED

JUN 0 4 2002

Department of Water Resources
Eastern Region

ATTN: 15-75231 0 2004

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

RALPH HUGHES
3141 W SAMARIA RD
MALAD ID 83256

RECEIVED

MAR 10 2004

2. Article Number (Copy from service label)

7001 2510 0007 6760 2725

PS Form 3811, July 1999

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

Ralph Hughes

5-31-03

C. Signature

X *Ralph Hughes* ☒ Agent

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail

☐ Registered ☐ Return Receipt for Merchandise

☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

RECEIVED
JUN 03 2002

Department of Water Resources
Eastern Region

MICROFILMED

ATTN: 15-7223

MAR 10 2004

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**THOMAS C WILLIAMS
2643 W SAMARIA RD
MALAD ID 83252**

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

☐ Agent

☐ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

MICROFILMED

MAR 10 2000

3. Service Type

☒ Certified Mail ☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

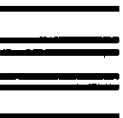
7001 2510 0007 6760 2732

PS Form 3811, July 1999

Domestic Return Receipt

102559-0952

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

ATTN: 15-7223

MICROFILMED

MAY 10 2002

Department of Water Resources
Eastern Region

RECEIVED
JUN 05 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 15-07223 IN THE)
NAME OF RALPH HUGHES)**

**NOTICE OF
HEARING**

On February 26, 2002 Ralph Hughes filed Application 15-07223. The application was protested on March 12, 2002 by Thomas Williams.

**THE DEPARTMENT HAS NOW SCHEDULED THE MATTER FOR
HEARING ON JUNE 27, 2002, AT 9:30 A.M., AT THE POCA TELLO
AIRPORT CONFERENCE ROOM IN POCA TELLO, ID.**

The hearing will be held in accordance with the provisions of the adopted Rules of Procedure of the Department of Water Resources. A copy of the rules may be obtained from the Department upon request. The presiding officer at the hearing will be Gary Spackman.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the Department within ten (10) days prior to the hearing.

Dated this 28th day of June, 2002.



RONALD D. CARLSON
Regional Manager

NOTICE OF HEARING

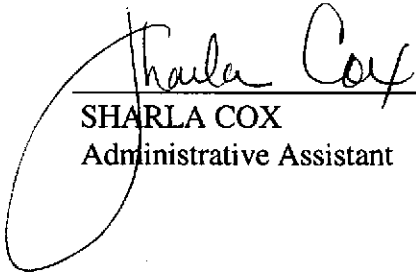
CERTIFICATE OF SERVICE

I hereby certify that on the 29 day of June, 2002, I mailed a true and correct copy, postage prepaid, of foregoing **NOTICE OF HEARING** to the following:

Thomas C Williams
2643 W Samaria Rd
Malad ID 83252

Ralph Hughes
3141 W Samaria Rd
Malad ID 83252

Randall Budge
PO Box 1391
Pocatello ID 83204-1391



SHARLA COX
Administrative Assistant

CERTIFICATE OF SERVICE

Dist for Staffing _____
Submitted for advertising 2-27-02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT ANALYSIS PERMIT

Hughes
INITIAL REVIEW BY HWT DATE 2-26-02 APPLICATION NO. 15-7223

REQUIRED INFORMATION:

- ☒ Name (if applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivision, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee
☒ Yes _____ No* In form to receipt

ADDITIONAL INFORMATION:

- _____ Overlapping place of use (Describe source & relationship to present application on the back)
_____ Overlapping point of diversion
_____ Yes _____ No Critical groundwater area
_____ Yes _____ No Groundwater management area
_____ Yes _____ No Send dam safety information
_____ Yes _____ No Send fish farm requirement letter
_____ Yes _____ No Power residency affidavit
_____ Yes _____ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet)
_____ Yes _____ No **Public Water System**
_____ Yes _____ No **Planning section review**
_____ Yes _____ No **Moratorium Hold file**
_____ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

_____ Date Requested _____

PROCESSING:

- ☒ Yes _____ No In form for advertising
☒ Yes _____ No Statewide advertising
☒ Yes _____ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO:

- | | |
|--|---------------------------|
| _____ Id Dept of Environmental Quality | _____ U.S. BLM |
| _____ Id Dept of Fish & Game | _____ U.S. Forest Service |
| _____ Id Dept of Lands | _____ Water District |
| _____ Adjudication Bureau Unit | _____ Other _____ |

<u> </u>	Yes	<u> </u>	No	Affidavit of publication received
<u> </u>	Yes	<u> </u>	No	Application published correctly. If not, record action taken
<u> </u>	Yes	<u> </u>	No	Publication dates & paper, recorded on application
<u> </u>	Yes	<u> </u>	No	Protests received
				Final date for protest _____
<u> </u>	Yes	<u> </u>	No	Protests, dates, resolution of protest, recorded on application
<u> </u>	Yes	<u> </u>	No	Recommendations attached
<u> </u>	Yes	<u> </u>	No	Measuring device required
<u> </u>	Yes	<u> </u>	No	Access port required
<u> </u>	Yes	<u> </u>	No	Will water be delivered by watermaster? If yes, what District _____
<u> </u>	Yes	<u> </u>	No	Special conditions of approval or cover letter below.

By: _____ Date: _____

ADDITIONAL INFORMATION: _____

Comments received from:

Project impacts/implications report

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 03, 2002

RALPH HUGHES
3141 W. SAMARIA ROAD
MALAD ID 83252

Application to Permit No. 15-7223

Dear Applicant(s):

Enclosed is a copy of a protest filed against approval of the above referenced application. The Department suggests that you contact the protestant(s) directly to determine the nature of the protest and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W Jones
Water Right Supervisor

cc: State Office

HWJ:sc

MICROFILMED

MAR 10 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 03, 2002

THOMAS C WILLIAMS
2643 W SAMARIA RD
MALAD CITY, ID 83252

Application to Permit No. 15-7223

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. A copy of your protest has been sent to the applicant. The Department suggests that you contact the applicant directly for details regarding the application and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-203A, Idaho Code).

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

You will be notified at a later date of the time and place of the conference and/or hearing. Please contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Harold W Jones
Water Right Supervisor

HWJ:sc

cc: State Office

MICROFILMED

MAR 10 2004

2843

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
COUNTY OF ONEIDA)

Kristine D. Smith, begin duly sworn, deposes and says:
That she is the publisher of THE IDAHO ENTERPRISE, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said newspaper 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 21 consecutive weeks in the regular and entire issue of said newspaper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said newspaper 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 the issue of 3-7-2002 and ending with the issue of 3-14-2002

Kristine D. Smith

STATE OF IDAHO)
)
COUNTY OF ONEIDA)

On this 29th day of March in the year of 2002
before me, Lugene P. Hice, a Notary Public,
personally appeared Kristine D. Smith or
identified to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared that
the statements therein are true, and acknowledged to me that she
executed the same.

Lugene P. Hice
Notary public for Idaho
Residing at 34 N. Main Malad, ID
My commission expires: 5-13-2004

NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
15-7223

RALPH HUGHES
3141 W. SAMARIA ROAD
MALAD ID 83252
Point(s) of Diversion: NESE S25
T15S R35E, ONEIDA County
Source GROUND WATER
Use: IRRIGATION 04/01 To 10/
314.04 CFS

Total Diversion: 4.04 CFS
Date Filed: 02/27/2002
Place Of Use: IRRIGATION
T15S R35E S24 SENE
T15S R35E S25 NENE SENE
NESE T15S R36E S19 N E S W
NWSW SWSW SESW T15S
R36E S30 NENW NWNW
SWNW SENW
Number of Acres 202
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N. Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before March 25, 2002.

MICROFILMED
MAR 10 2004

FAX

March 11, 2002

To: Sharla Cox - IDWR - Eastern Regional Office
Fax # (208) 525-7177

From: Lin Buck - BLM - Idaho State Office
Fax # (208) 373-3839

Re: Application for Permit No. 15-07223, Ralph Hughes

Hi Sharla:

Our office reviewed the above water right application for permit from the IDWR New Water Rights filing report dated March 4, 2002 (copy attached).

Our MTP (copy attached) shows:

POUs: T15S R36E S19 NWSW and SWSW may be missing
lot #s.

T15S R36E S30 NWNW and SWNW may be missing a
lot #'s.

BLM does not have a problem with this claim, we are just providing this for your information.

Thank you.

Have a nice day!!



cc: Deena Teel - BLM - Idaho Falls FO
Fax # (208) 524-7505

Pages 4 (includes cover sheet)

MICROFILMED

MAR 10 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 28, 2002

Ralph Hughes
3141 W Samaria Rd
Malad ID 83252

RE: Application for Permit #15-07223

Dear Applicant:

This office is currently in the process of advertising the application in the Idaho Enterprise on March 7 and 14, 2002. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICHAEL W. JONES

MAR 10 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 28, 2002

Legal Notice Department

Idaho Enterprise

PO Box 205

Malad City ID 83252

RE: Application for Permit No. 15-7223

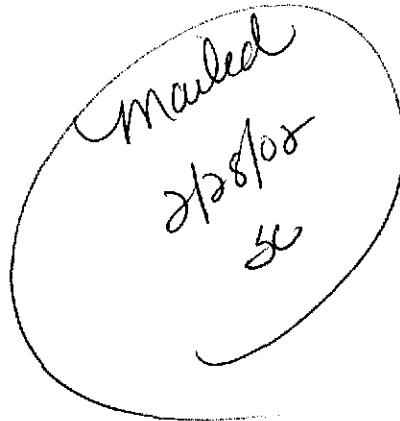
Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before March 25, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



MICROFILMED

MAR 10 2004

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
15-7223

RALPH HUGHES
3141 W. SAMARIA ROAD
MALAD ID 83252

Point(s) of Diversion: NESE S25 T15S R35E, ONEIDA County
Source GROUND WATER

Use: IRRIGATION 04/01 To 10/31 4.04 CFS
Total Diversion: 4.04 CFS

Date Filed: 02/27/2002

Place Of Use: IRRIGATION

T15S R35E S24 SENE

T15S R35E S25 NENE SENE NESE

T15S R36E S19 NESW NWSW SWSW SESW

T15S R36E S30 NENW NWNW SWNW SENW

Number of Acres 202

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before March 25, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on March 7 and 14, 2002

MICROFILMED

MAR 13 2003