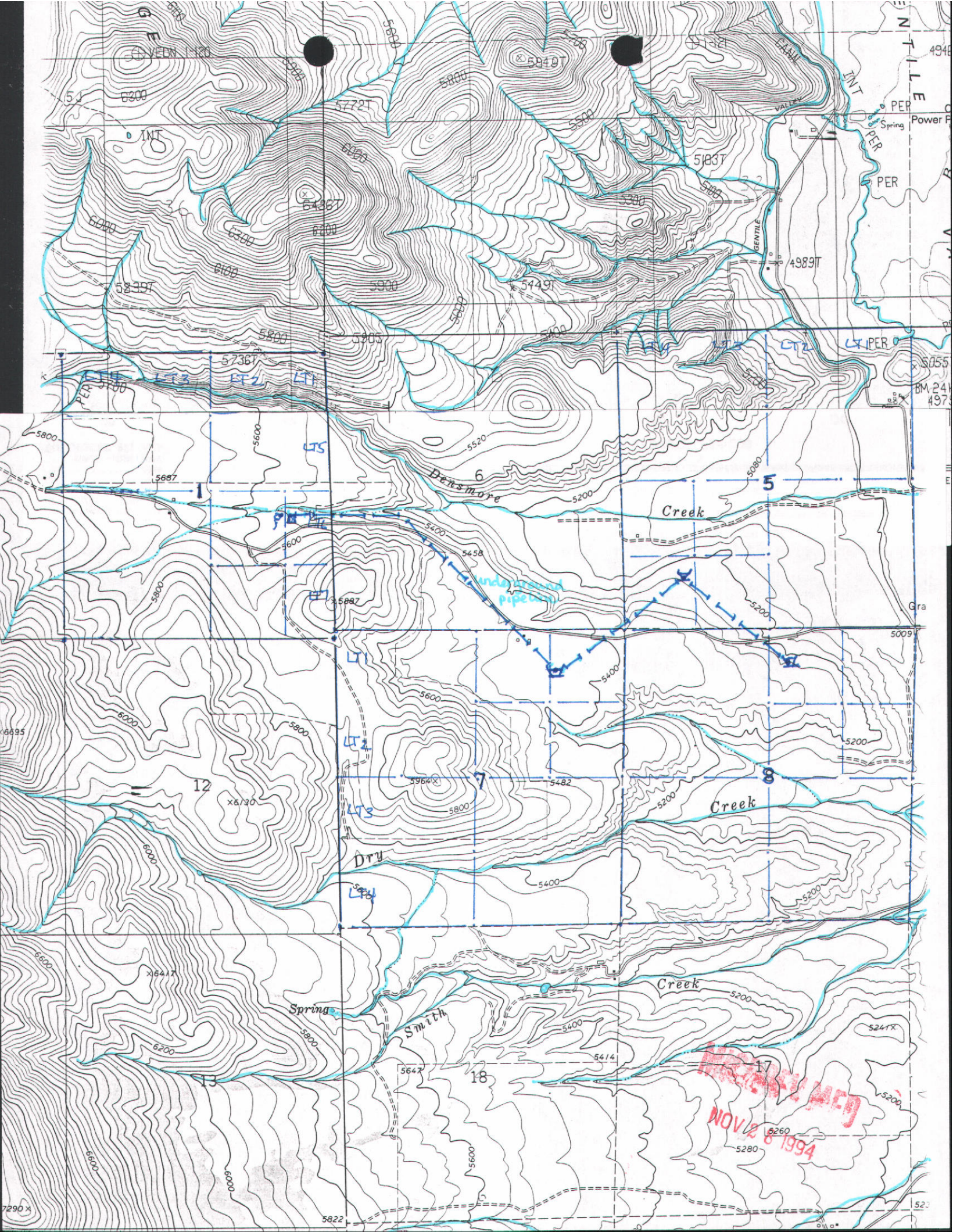
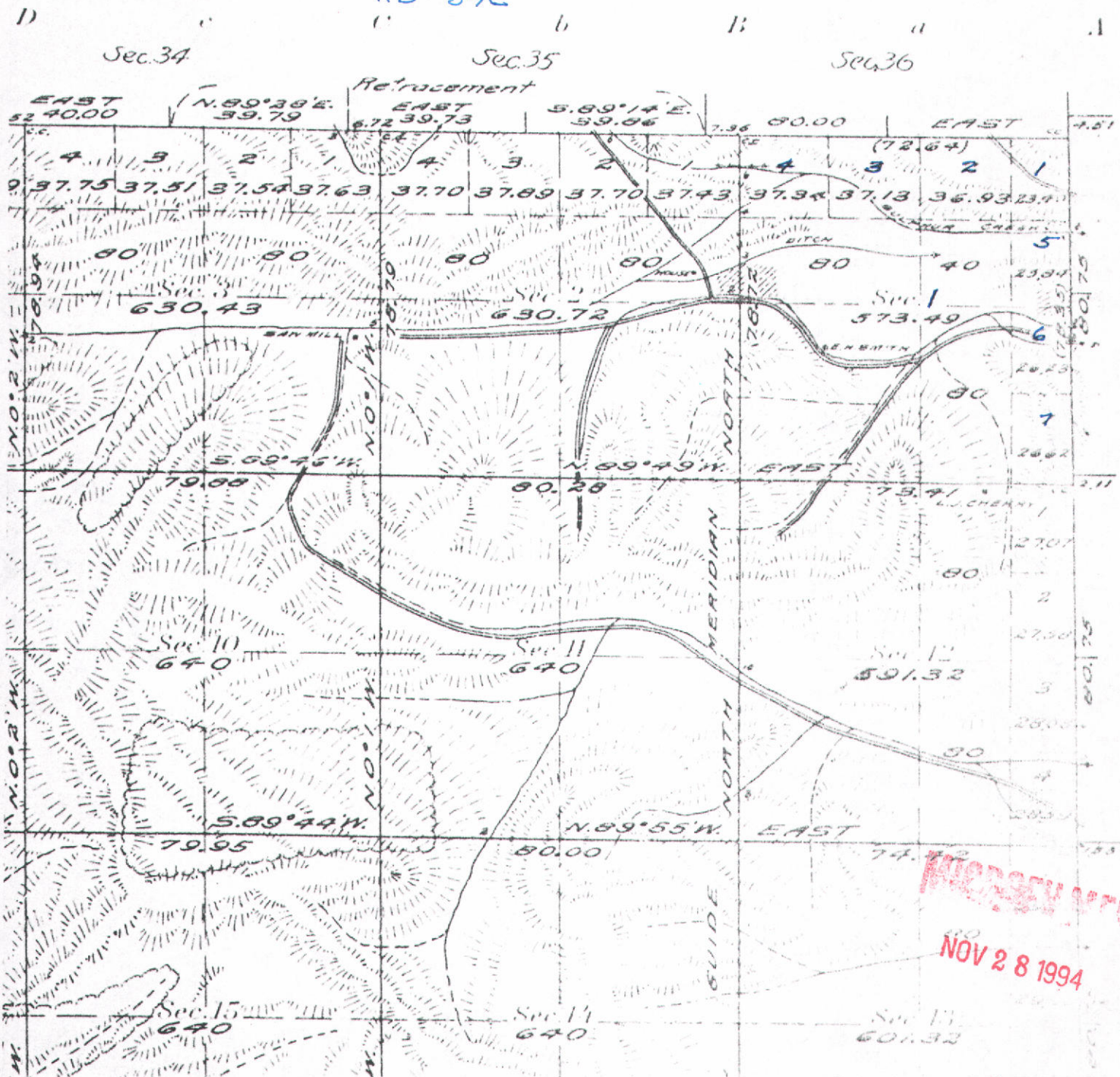




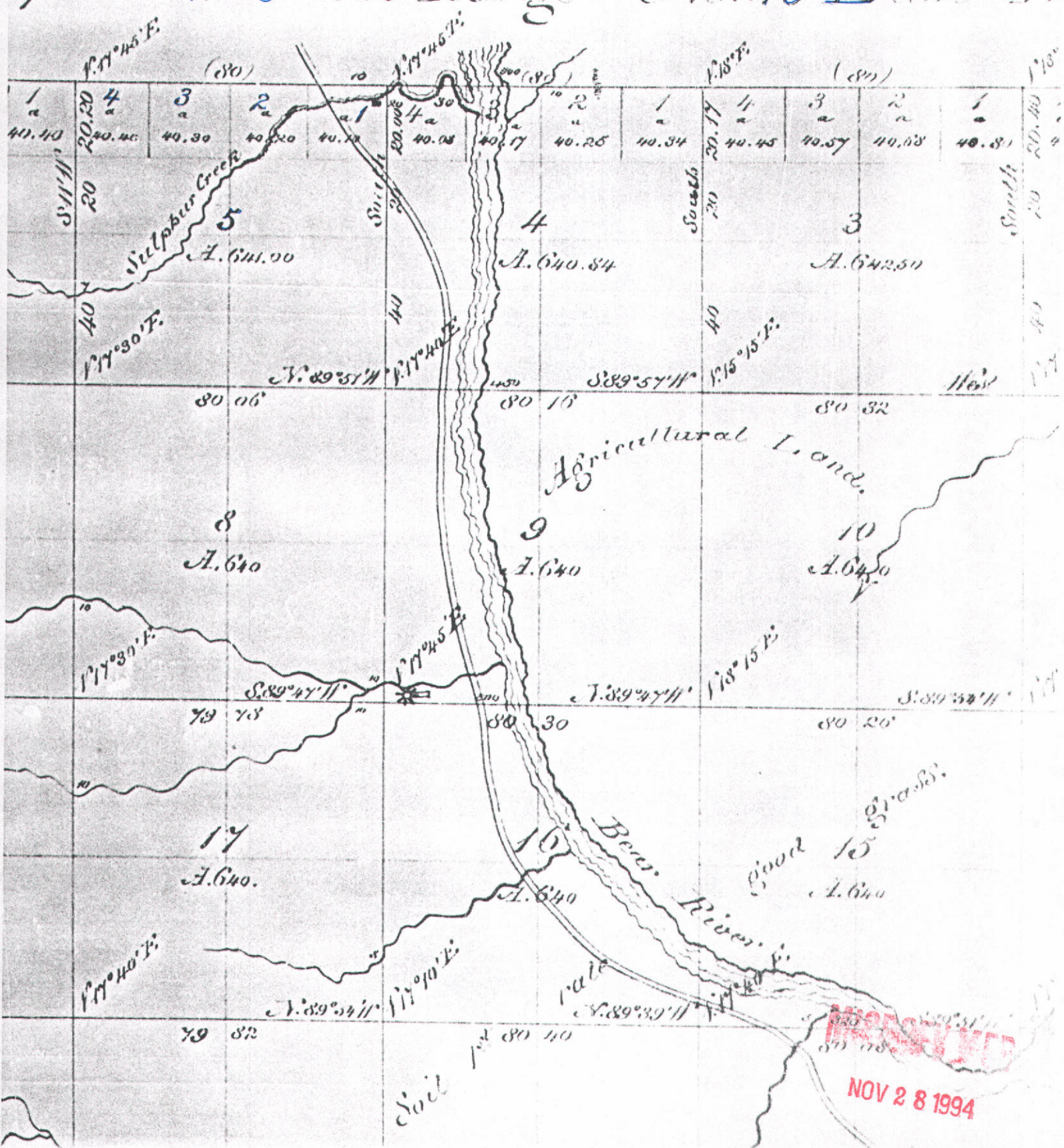
(4-675a)

East of the Boise Meridian, Idaho.

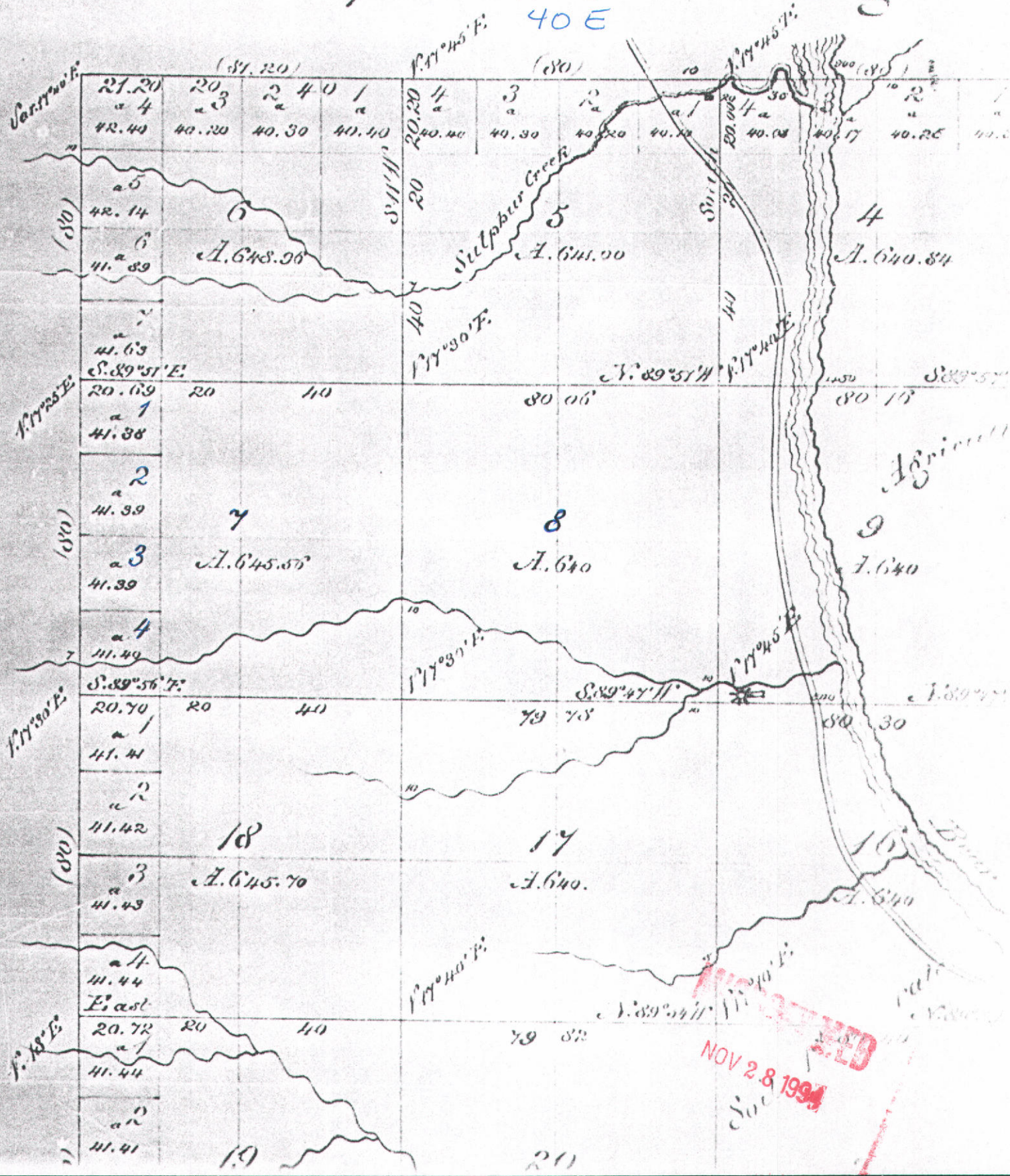
11S 39E



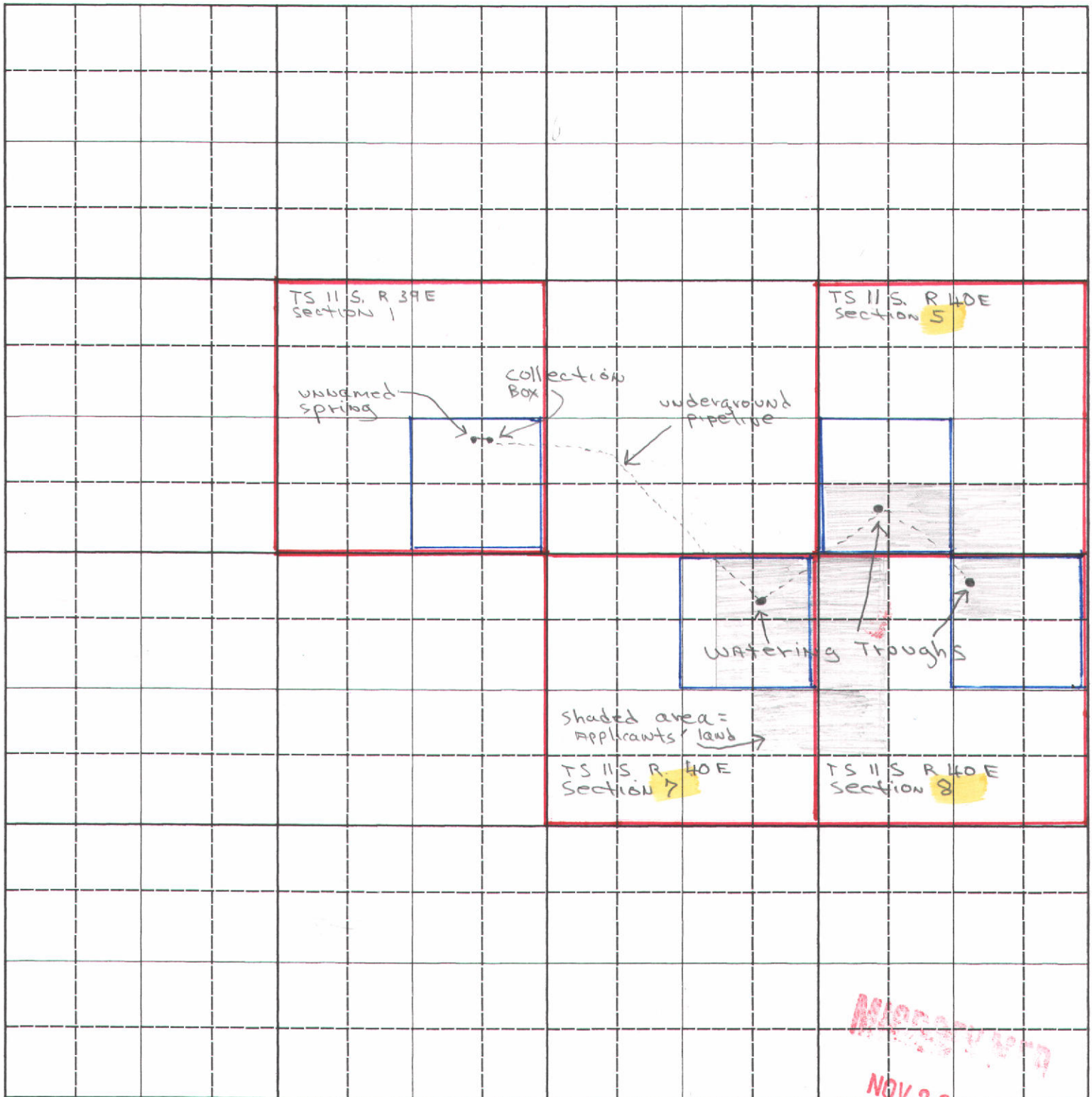
ip N^o 11 South Range No. 40 East B



40 E



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



Scale: 2 inches equal 1 mile.

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

Dwight Carter
Myron R. Carter
(Applicant)

NOV 28 1994

RECEIVED

STATE OF IDAHO

OCT 31 1994

DEPARTMENT OF WATER RESOURCES

C031574

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 13-07525 Telephone No. 208-427-63272. Name(s) of Permit Holder(s): Dwight B. CARTER - H. Douglas CARTER Family Trust3. Post Office Address: 1594 CARTER LN. GRACE Idaho 832414. Source of Water: Spring

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

b. Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use:

Domestic _____ (No. of households) Irrigation _____ (No. of acres)

Stockwater 200 (No. and type of stock) Other _____RANGE CATTLE6. Total rate and/or volume for which proof is submitted 0.02 cfs _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

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

OR

Flow Measurement Port: Required? Yes ☒ No Installed? Yes ☒ No8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

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

Dwight CARTER

Name

208-427-6327

Telephone No.

1680 ROPER LN. GRACE Idaho 83241

Address

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

10/26/94

Date

Dwight Carter

Signature (and title if on behalf of a company or organization)

NOV 3 8 1994

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 13-07525

Proposed Priority: July 19, 1994

Maximum Diversion Rate:

0.02 CFS

This is to certify, that DWIGHT B CARTER
M DOUGLAS CARTER FAMILY TRUST
1594 CARTER LN
GRACE ID 83241

has applied for a permit to appropriate water from:

SPRING

tributary of SINKS

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENWSE , Sec. 1, Township 11S, Range 39E
CARIBOU County

PLACE OF USE: STOCKWATER

TWN RGE SEC

11S 40E	5	SWSW
	7	NENE
	8	NWNE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1995.
2. Subject to all prior water rights.
3. Stockwater use is for 200 range cattle.

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

21st day of October, 1994.

R. Keith Higginson
for R. Keith Higginson, Director

NOV 28 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 13-1525

RECEIVED
SEP 19 1994

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of applicant Dwight B. Carter, and
M. Douglas Carter Family Trust Phone 208-427-6323

Post office address 1594 Carter Lane, Grace, ID 83241

2. Source of water supply Unnamed spring which is a tributary of sinks

3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____

Sec. 1 Township 11 South Range 39 East B.M. Caribou County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

~~One 10 gal.~~
Amount per min for stockwater purposes from Jan 1 to Dec 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.02 cfs
10 gal./min. and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. This is an existing system. An
underground pipe carries water from spring source in NENWSE of Section 1, TS11S,
R39E, Boise Meridian, about 200 feet to a 6'x6'x6' concrete collection box, located in
NWNESE of Sect 1. Water is then piped to 3 troughs with shutoff floats, at places of use.

b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total
reservoir capacity N/A acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

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

d. Is ground water with a temperature of greater than 90°F being sought? No

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
This system has been in use for 4-5 years.
1 years (minimum 1 year).

NOV 28 1994

12. Remarks:

11. a. Who owns the property at the point of diversion? Don W. Gilbert
Dwight B. Carter, and
M. Douglas Carter Family Trust
b. Who owns the land to be irrigated or place of use? M. Douglas Carter Family Trust
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. See attached deeds and explanatory note.

10. Describe any other water rights used for the same purposes as described above. None

Total number of acres to be irrigated.

[illegible]

ponding place of use below. See instructions for standard symbols.

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

9. Description of place of use:

a. Hydropower; show total feet of head and proposed capacity in kW. _____

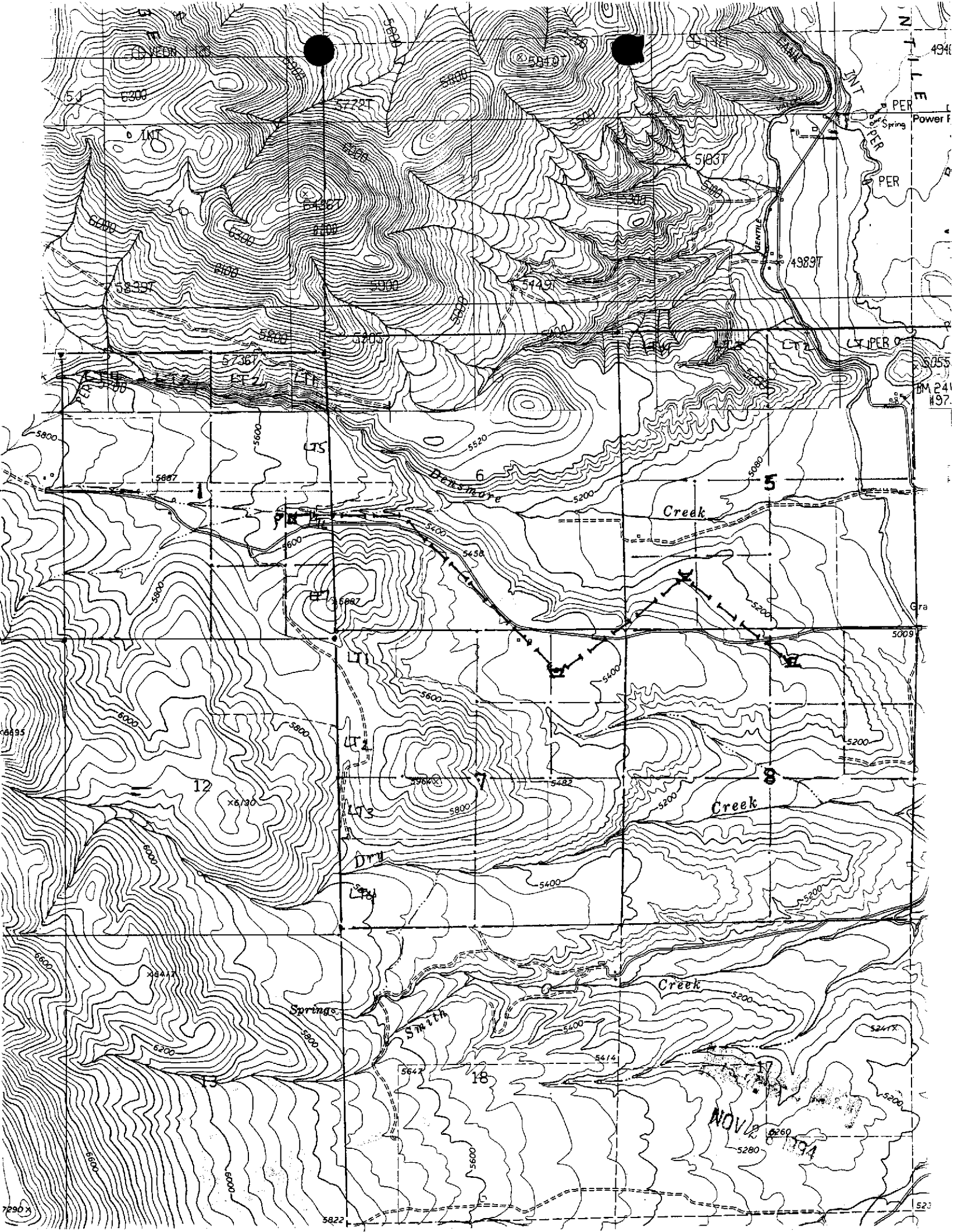
b. Stockwatering; list number and kind of livestock. _____ beef cattle, approximately 200 head _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

8. Description of proposed uses (if irrigation only, go to item 9):



(4-6759)

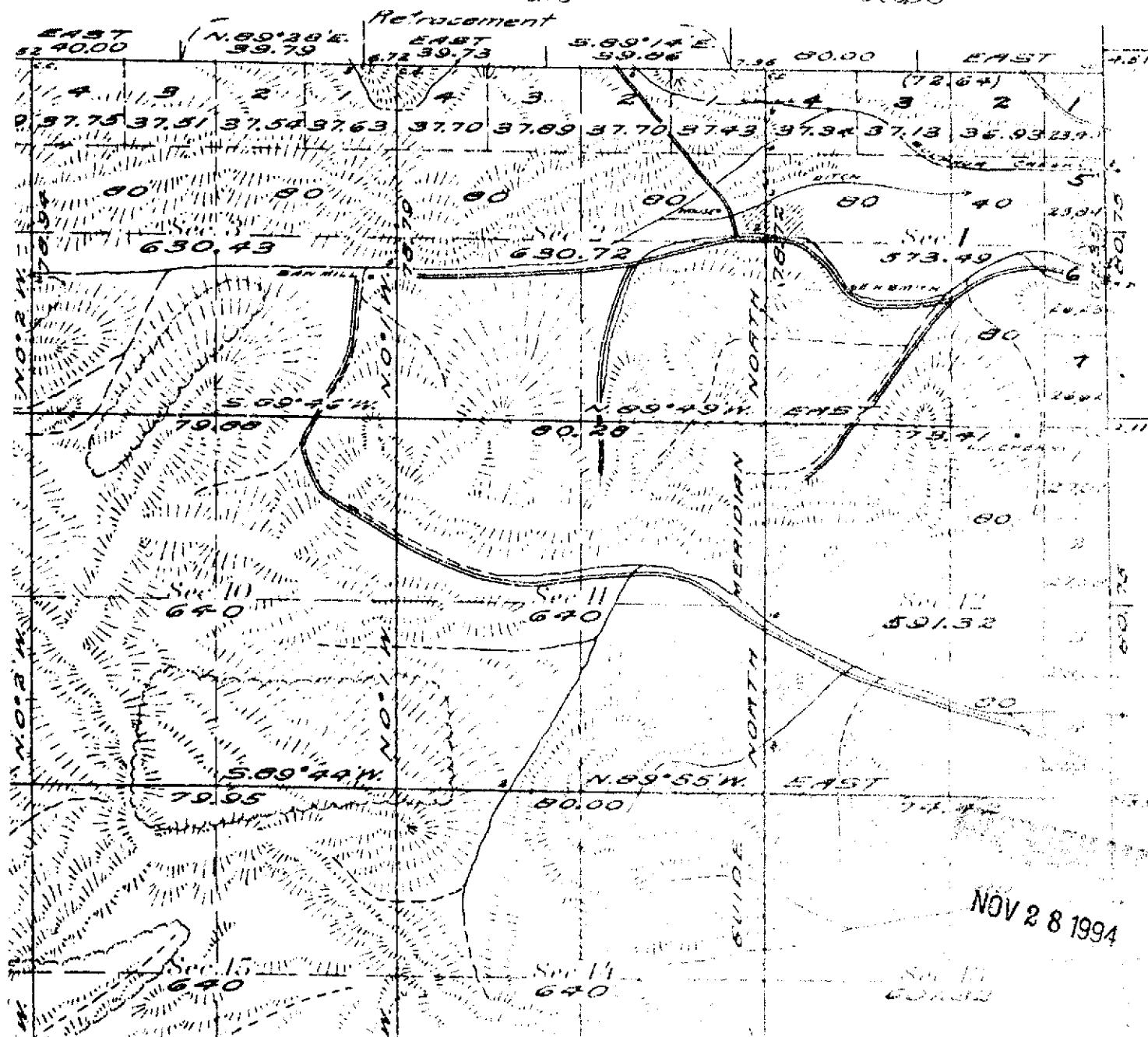
East of the Boise Meridian, Idaho.

11S 39E

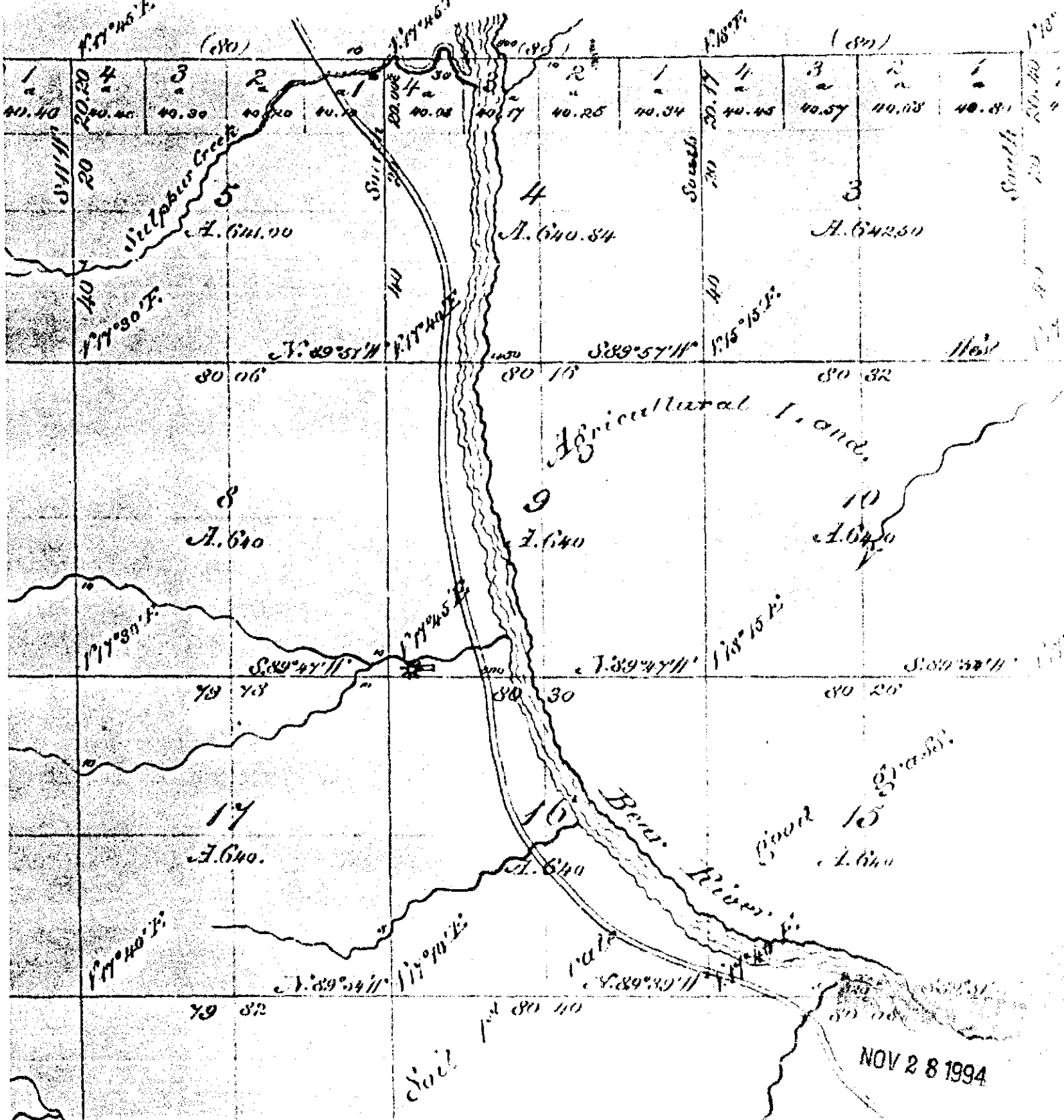
Sec. 34

Sec. 35

50436

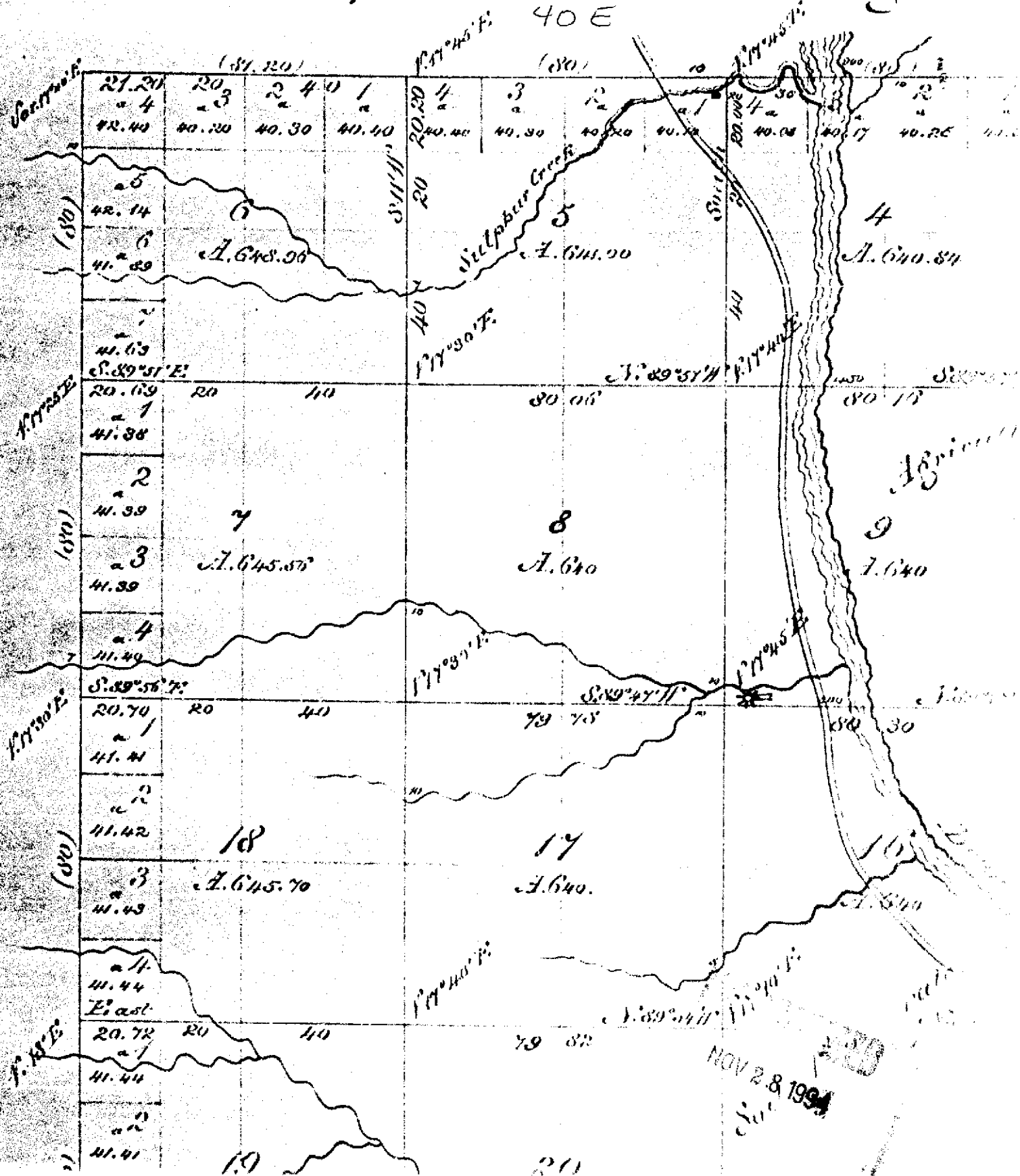


1/2 Sec 11 South Range No. 40 East 1/2



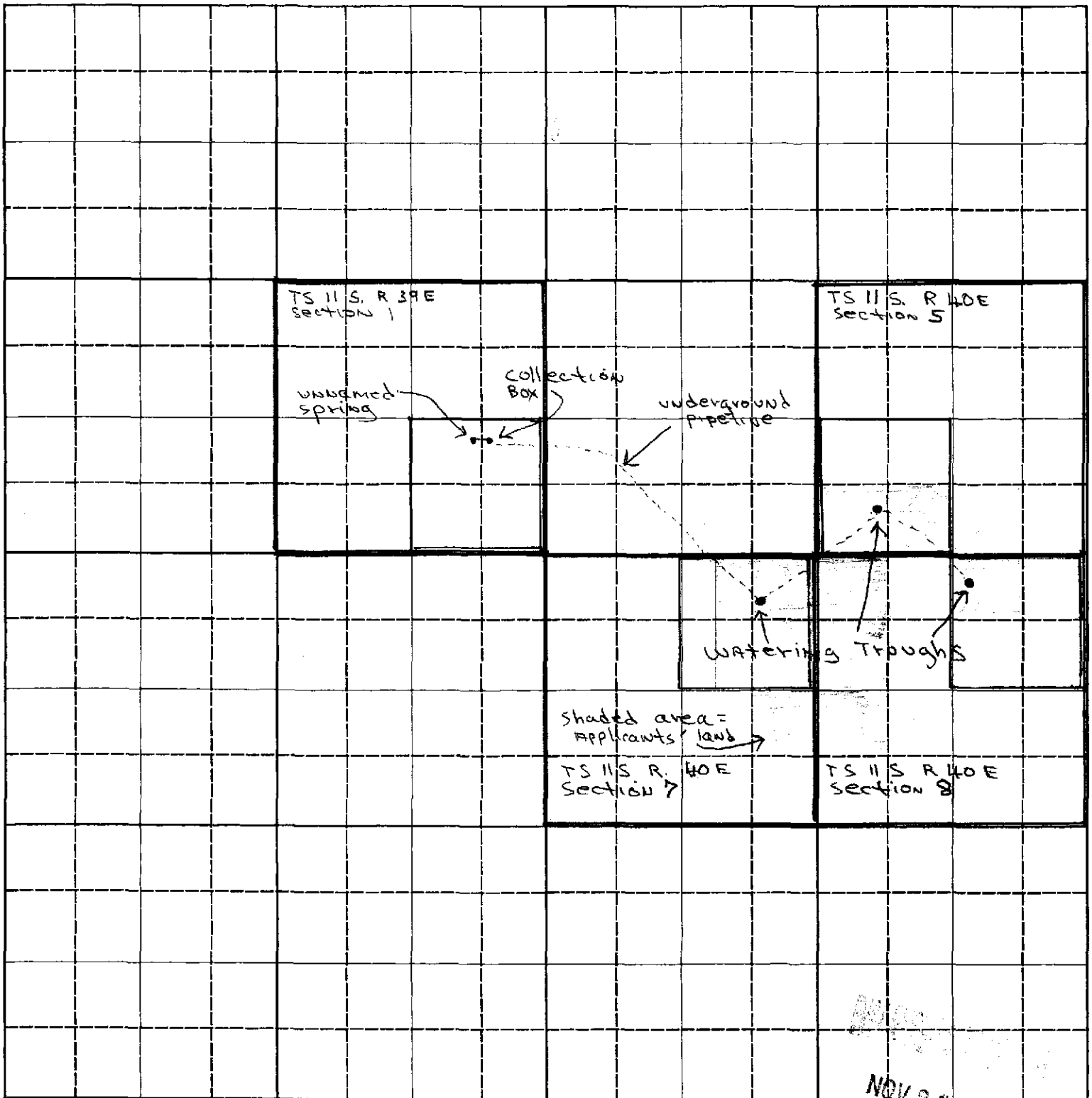
Township N^o 11 South Range

40 E



NOV 28 1994
Soc

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



Scale: 2 inches equal 1 mile.

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

Dwight Carter
Myron R. Carter
(Applicant)

NOV 28 1994
11:52 AM

Received by RB Date 7-19-94 Time 11:52 am Preliminary check by _____
Fee \$ 50.00 Received by HWS # E020004 Date 7-20-94
Publication prepared by RB Date 8-18-94 Published in Caribou County Sun
Publication approved RB Date 8-25-94 Date 9-6-94
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other: _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 13-07525 Reviewed by [Signature] Date 11-15-94

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Stock
Correct Uses? yes

SOURCE OF WATER

✓ Surface water source
 Ground water source
 Drilling permit required?
 Copy in the file? Drilling Permit No.
 Amount paid for permit Correct?
 Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
50.00 Amount Submitted
yes Correct?

MEASURING DEVICE

no Required?
 1 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received
Date proof due
No. of days late
Priority Date
New Priority Date

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address

Proof Made 10-31-94

November 16, 1994

DWIGHT B. CARTER
M DOUGLAS CARTER FAMILY TRUST
1594 CARTER LN
GRACE ID 83241

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 13-07525

Dear Permit Holder:

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

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

NOV 28 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 21, 1994

DWIGHT B CARTER
M DOUGLAS CARTER FAMILY TRUST
1594 CARTER LN
GRACE ID 83241

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07525

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', followed by a horizontal line.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosures

NOV 23 1994

**APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman**

No.: 13-7525 Name: Carter Date: 10/12/94 Correct Fee? ☒

AREA OF CONCERN? - No/Yes BR Mor GWMA Trust/Non-trust
SYSTEM COMPLETED:

No - 26A-P17

Complete in 1 year - P16

Yes

Proof not submitted - P16

Proof submitted - NA

GROUNDWATER:

+ 0.2 cfs <FLO-CH> - T17 (new), 01K (existing), No MD

- 0.2 cfs - No MD <FLOW CHART>

Drilling Permit:

Included w/permit - Permit No. - - - - , P99

Existing well - NA (pre 7/1/87)

No WD permit? - 046-46A(Irr)-46B-P23 (post 7/1/87)

SURFACE WATER: not in WD - T17 (+.2 w/pump), No MD <FLOW CHART>

LOCATION: (Spring/Sinks)

Water District(~~dom~~) - WD No. 11

*Surface water - 005 (req) 01J-P08 <FLOW CHART>

(doesn't sink) or 01H-P01 <FLOW CHART>; No MD

Groundwater - P05 (new irrigation well)

In stream channel - 030 (stream channel alteration)

Irr Dist/Canal Co. - 023 (Twin Falls area)

Drainage Districts - 024

Flood Control Dist. - 063

Boise Front (63) - 058 (-85° GW temp only)

Swan Falls Flag - B <SEE CONDITION CODE CHART>

Trust - 051-052-053-P74 (Consumptive Uses), NA

Non Trust <1> - 048-049 (Consumptive Uses), NA

RIVER BASINS (*Surface water):

Boise R(63) - 05A (if WD), 11E (non-domestic use), NA

Payette R(65) - 064(consump. use), 047-P04(Payette Lake), NA

Snake R(01/02/03) - 11A-P04 (01), 061-P07 (02/03 No WD Cond.), NA

USE:

Fish Propagation - 07A-042 (req) & 010/06A/09E(WQ)-P10
044 (N 1000 Spr)

Irrigation - 03A/057, 803 (if GW use SW 1st) (+5A PU comp), NA

Power - 08A-17K-025-027 (req); 01F (MD) - P19; 09E (WQ) - P10;

+25 cfs-P18: 17G(FERC) or 17M(FERC); 18B-P09

Mining - 054 (req) & 06A/010/09E-P10

Storage (✓ 3 compo.) - 18A (multi MD in WD), 18B-P09 (+10' dam), NA

Domestic (surface) - 021(Boise R ↑ L Peak), 064(Payette R), NA

OWNERSHIP:

Non land owner - 004 (PD/PU)

PROTESTED: - 020 (Prehearing agreement) / W19 (See Order)

OTHER CONDITIONS:

REMARKS:

BENEFICIAL USE DUE: - 10-1-1995

COMMENTS:

WR0749NP
No. P13-07525

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/12/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DWIGHT B CARTER	07/19/1994	STOCKWATER	01-01 12-31	0.02 CFS	
C	M DOUGLAS CARTER FAMILY TRUST 1594 CARTER LN GRACE ID 83241 (208) 427-6323					
TOTAL DIVERSION:					0.02 CFS	

Water Source: SPRING

Tributary to: SINKS

Stage: PERMIT

Point(s) of Diversion:

T11S R39E S01

NENWSE

CARIBOU County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE									
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
11S	40E	5	:											:											:
11S	40E	7	:		S									:											:
11S	40E	8	:			S								:											:

Pou County: CARIBOU

Remarks: Stockwater use is for 200 range cattle.

Dates: App. Received: 07/19/1994 Priority Date: 07/19/1994
Proof Due Date: 10/01/1995 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 11 Field Exam Fee:

Audit: 10/12/94 CZIMMERM

Form No. 202a
4/87

Dist. for staffing 7-21-94
Submitted for advertising 7-22-94

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATIONS FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HWT DATE 7-22-94 APPLICATION NO. 13-7525
Dwight B. Carter
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 subdivisions, 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 signator 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 Field check required
☐ Yes ☒ No Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical groundwater area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit
☐ Yes ☒ No Power efficiency form
☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____

RECEIVED

SEP 14 1994

Department of Water Resources

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

SEND COPIES TO NONE Idaho Dept. of Health & Welfare U.S. BLM
Idaho Dept. of Fish & Game U.S. Forest Service
Idaho Dept. of Lands Water District
Adjudication Bureau Unit Other

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 9-8-94
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☐ No Recommendations, attached
☐ Yes ☐ No Measuring device required
☐ Yes ☐ No Access port required
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist.
☒ Yes ☐ No Special conditions of approval or cover letter below.

See below for additional information
Date of priority recommended 7-19-94
By HWJ Date 9-14-94

STATE OFFICE REVIEW

See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

* Granting of this permit does not imply easement or trespass

LOCAL PUBLIC INTEREST

Comments received from

<u>City</u>	<u>Idaho Fish & Game</u>	<u>Irrigation District</u>
<u>County</u>	<u>Idaho Health & Welfare</u>	<u>Canal Company</u>
<u>Reservations</u>	<u>Division of Environment</u>	<u>Other</u>

Project impacts/implications report

COMMENTS

[illegible]

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

being duly sworn,

deposes and says:

That he is the CO-PUBLISHER of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said

newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

8-24, 1994, and ending

with the issue of 8-31, 1994

Fee \$ 64.07

Subscribed and sworn to before me this 31 day

of Aug, 1994.

Notary Public, Residing at Preston, Idaho

My Commission Expires Aug 11, 1995

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

13-07523
CITY OF WESTON
293 S 2ND E
WESTON, ID 83286
Source: GROUNDWATER
Diversion Pt: NWSW Sec 9 T 16S
R 38E in FRANKLIN County.
Use: MUNICIPAL (2.000 CFS)
Total Diversion: (2.000 CFS)
Date Filed: 7/11/1994
In: The City of Weston

13-07524
ATKINSON, DAL VON
11685 N TREASURETON RD
PRESTON, ID 83263
Source: SPRINGS
Tributary: SINKS
Diversion Pt: SENE Sec 1 T 15S R
39E in FRANKLIN County.
Use: DOMESTIC (.040 CFS)
Total Diversion: (.040 CFS)
Date Filed: 7/18/1994
In: FRANKLIN County T15SR39E
S01 NWNE

13-07525
CARTER, DWIGHT B
FAMILY TRUST, M DOUGLAS
CARTER
1594 CARTER LN
GRACE, ID 83241
Source: SPRING
Tributary: SINKS
Diversion Pt: NENWSE Sec 1 T
11S R 39E in CARIBOU County.
Use: STOCKWATER (.020 CFS)
Total Diversion: (.020 CFS)
Date Filed: 7/19/1994
In: CARIBOU County T11S R40E
S05 SWSW S07 NENE S08 NWNE

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, along with a \$25.00 filing fee to the Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, on or before SEPTEMBER 12, 1994.

NOV 28 1994

13-07525

CARTER, DWIGHT B
FAMILY TRUST, M DOUGLAS CARTER
1594 CARTER LN
GRACE, ID 83241

Source: SPRING

Tributary: SINKS

Diversion Pt: NENWSE Sec 1 T 11S R 39E in CARIBOU County.

Use: STOCKWATER (.020 CFS)
Total Diversion: (.020 CFS)

Date Filed: 7/19/1994

In: CARIBOU County
T11S R40E S05 SWSW
S07 NENE
S08 NWNE

NOV 18 1994

12-Aug-1994

DWIGHT B. CARTER
M. DOUGLAS CARTER FAMILY TRUST
1594 CARTER LN
GRACE ID 83241

RE: Application No. 13-07525

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the CARIBOU COUNTY SUN on 8-18 & 25-1994. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,


Harold W. Jones
Water Right Supervisor

HWJ:rb

NOV 28 1994

Jay R. McKenzie Law Office

Attorney and Counselor

RECEIVED

JUL 19 1994

July 15, 1994

Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
900 North Skyline Drive
Idaho Falls, ID 83402

RE: Dwight B. Carter and M. Douglas Carter Family Trust
Application for Permit

Gentlemen:

Please find enclosed a completed Application for Permit, having to do with spring waters located in Caribou County, Idaho, tributary to sinks, and for use as stockwatering.

I am also enclosing a fee check in the sum of \$50.00 to cover the filing fee herein.

If you have any questions, or if you need additional information, please do not hesitate to give me a call.

Very truly yours,

Jay R. McKenzie
Jay R. McKenzie
Attorney at Law

JRM:bj

Enclosure

NOV 28 1994

Explanatory Note:

The attached deeds show the chain of title for the subject spring, as a "perpetual right to use the waters of spring", together with a "right-of-way over intervening property from said spring" (in Section 1), for use in Sections 7 and 8. George Sivell Smith homesteaded the property where the spring is located, as well as the property to which applicants are successors in interest.

The property where the spring is located is presently owned by Don Gilbert. Gilbert's chain of title also comes through George Sivell Smith, and all deeds on the chain of title include an exception for the above-referenced spring, as well as the above-referenced right-of-way.

RECORDED

NOV 28 1994

Warranty Deed

THIS INDENTURE, Made this seventh day of March in the year of our Lord One Thousand Nine Hundred and fifty-one, between George Sivoll Smith and Ethel E. Smith, husband and wife of Grace, County of Caribou, State of Idaho, the part 103 of the first part, and John S. Smith and Josephine MaRea Smith, husband and wife of Grace, County of Caribou, State of Idaho, the part 103 of the second part:

WITNESSETH: That the said part 103 of the first part, for and in consideration of the sum of Eighty five hundred and no/100 - - - - - lawful money of the United States of America, to them in hand paid by the said part 103 of the second part, whereof is hereby acknowledged, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said part 103 of the second part, and to piece or parcel of land situate, lying and being in the County of Caribou and more particularly described as follows, to-wit:

The East half of the West Half of the Northeast Quarter, of the Northeast Quarter, and the Northeast Quarter of the Southeast of Section Seven; the West Half of the Northwest and the Northwest of the Southwest Quarter of Section Eight; all in Township Eleven North, Range 39 East of the Boise Meridian.

Together with the perpetual right to use of waters of spring for domestic use and right of way over intervening property from said spring located in the Northwest Quarter of the Southeast Quarter of Sec. 8, Township 11 South, Range 39 E. B. M.



Together with all and singular, the tenements, hereditaments and appurtenances, the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said parties of the second part, and to their heirs and assigns forever. And the said part 103 of the first part, and their heirs the said premises in the quiet and peaceable possession of the said part 103 of the second part, and their heirs against the said parties of the first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

George Sivoll Smith [Seal]
Ethel E. Smith [Seal]

_____ [Seal]

For Value Received JOHN S. SMITH and JOSEPHINE MA REA SMITH, husband and wife, the grantors, do hereby grant, bargain, sell and convey unto ERNEST OLSEN and SADIE L. OLSEN, husband and wife, as joint tenants, with full right of survivorship, the grantees, the following described premises, to-wit:

The East Half of the West Half of the Northeast Quarter, the East Half of the Northeast Quarter, and the Northeast Quarter of the Southeast Quarter of Section 7, The West Half of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 8, all in Township 11 South; Range 40 East of the Boise Meridian.

Together with the perpetual right to use of waters of spring for domestic use and right of way over intervening property from said springs located in the Northwest Quarter of the Southeast Quarter of Section 1, Township 11 South, Range 39 East of the Boise Meridian, as now located and used.

The South Half of the Southwest Quarter, and the Southwest Quarter of the Southeast Quarter of Section 5; and the Northwest Quarter of the Northeast Quarter of Section 8; all in Township 11 South, Range 40 East of the Boise Meridian.

(\$15.40 I. R. Stamps)

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantees, Their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances except mortgage in favor of Federal Land Bank and indebtedness due to George Givell Smith and Ethel L. Smith, which said obligations are assumed by the grantees herein, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: August 13, 1957.
B. J. Resten

John S. Smith
Josephine MaRea Smith

STATE OF UTAH, County of Cache

On this 13th day of August, 1957, before me, a notary public in and for said State, personally appeared John S. Smith and his wife, Josephine MaRea Smith, known to me to be the persons who names are subscribed to the within instrument, and acknowledged to me that they executed the same.

At request of Mountain States Realty
August 15, 1957 at 11:35 A.M.
Fee: \$1.50

SEAL

S. L. Hymas Notary Public
Residing at Logan, Utah
Comm. Expires Dec. 30, 1959

COLIN CHESTER
RECORDER

Colin Chester _____
00-*Realty*

Instrument #39644

QUITCLAIM DEED

THIS INDENTURE, Made this Fifteenth day of August, in the year of our Lord one thousand nine hundred and Fifty-seven, between LARGILLIERE COMPANY BANKERS, a corporation, of Soda Springs County of Caribou, State of Idaho, the party of the first part, and DAVID H. FLINT and LOIS FLINT, husband and wife, of Kaysville, County of Davis, State of Utah, the parties of the second part.

WITNESSETH That the said party of the first part, for and in consideration of the sum of #ONE AND NO/100THS (\$1.00) /-----DOLLARS, LAWFUL Money of the United States of America, to it in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM, unto the said parties of the second part, and to their heirs and assigns, all those certain lots, pieces or parcels of land, situate, lying and being in the County of Caribou

NOV 28 1957

QUIT CLAIM DEED

ERNEST OLSEN, individually and as Trustee of the Ernest Olsen Revocable Trust dated July 5, 1985, and SADIE L. OLSEN, individually and as Trustee of the Sadie L. Olsen Revocable Trust dated July 5, 1985, Grantors of North Logan, County of Cache, State of Utah, hereby QUIT CLAIM to DWIGHT B. CARTER, a single man, and M. DOUGLAS CARTER and ELAINE CARTER, Co-Trustees in Trust of the M. Douglas Carter Family Trust dated February 13, 1990, Grantees of 1594 Carter Lane, Grace, Idaho 83241, for the sum of Ten Dollars and other good and valuable consideration, the following described tract of land in Caribou County, State of Idaho:

A perpetual right to use of waters of spring for domestic use and right-of-way over intervening property from said springs located in the Northwest Quarter of the Southeast Quarter of Section 1, Township 11 South, Range 39 East of the Boise Meridian, as now located and used.

WITNESS, the hands of said Grantors, this 14th day of November, A.D. 1991.

Ernest Olsen
Ernest Olsen, individually

Ernest Olsen trustee
Ernest Olsen, Trustee of the Ernest Olsen Revocable Trust dated July 5, 1985

Sadie L. Olsen
Sadie L. Olsen, individually

Sadie L. Olsen Trustee
Sadie L. Olsen, Trustee of the Sadie L. Olsen Revocable Trust dated July 5, 1985

Marla Furlong
Witness

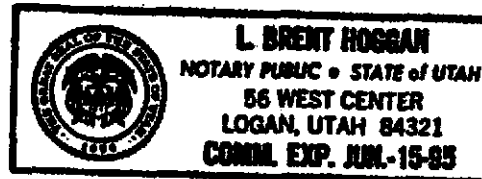
STATE OF UTAH)
 : ss.
County of Cache)

On the 14th day of November, A.D., 1991, personally appeared before me ERNEST OLSEN, individually and as Trustee of the Ernest Olsen Revocable Trust dated July 5, 1985, and SADIE L. OLSEN, individually and as Trustee of the Sadie L. Olsen Revocable Trust

NOV 28 1991

dated July 5, 1985, the signers of the within instrument, who duly acknowledged to me that they executed the same individually and as such Trustees.

L. Brent Hoggan
NOTARY PUBLIC



LBH/rec
ernest.wd
N-2955

STATE OF IDAHO
County of Caribou
Date: Nov 18, 1991
Time: 2:00 PM
Microfilm Records
Recorder: Rebecca A. Jenkins
Deputy: Stephanie L. Anderson
Fee: 6.00

NOV 28 1991

WARRANTY DEED

ERNEST OLSEN, individually and as Trustee of the Ernest Olsen Revocable Trust dated July 5, 1985, and SADIE L. OLSEN, individually and as Trustee of the Sadie L. Olsen Revocable Trust dated July 5, 1985, Grantors of North Logan, County of Cache, State of Utah, hereby CONVEY AND WARRANT to DWIGHT B. CARTER, a single man, and M. DOUGLAS CARTER and ELAINE CARTER, Co-Trustees in Trust of the M. Douglas Carter Family Trust dated February 13, 1990, Grantees of 1594 Carter Lane, Grace, Idaho 83241, for the sum of Ten Dollars and other good and valuable consideration, the following described tracts of land in Caribou County, State of Idaho:

The South Half of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 5, Township 11 South, Range 40 East of the Boise Meridian.

The West Half of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 8, Township 11 South, Range 40 East of the Boise Meridian.

The Northwest Quarter of the Northeast Quarter of Section 8, Township 11 South, Range 40 East of the Boise Meridian.

The East Half of the West Half of the Northeast Quarter, the East Half of the Northeast Quarter, and the Northeast Quarter of the Southeast Quarter of Section 7, Township 11 South, Range 40 East of the Boise Meridian.

LESS the following: Beginning at the ACCEPTED Northwest corner of the East Half of the Northwest Quarter of the Northeast Quarter of Section 7, Township 11 South, Range 40 East of the Boise Meridian, said point being 3214.5 feet East of the Northwest corner of Section 7; thence East along the North line of Section 7, 360.0 feet; thence South 190.0 feet; thence West 360.0 feet; thence North 190.0 feet to the point of beginning.

WITNESS, the hands of said Grantors, this 14th day of November, A.D. 1991.

STATE OF IDAHO
County of Caribou
Date: Nov 18, 1991
Time: 2:00 PM
Microfilm Records
Recorder: Rebecca A. Jenkins
Deputy: Stephanie Landberry
Fee: 6.00

Ernest Olsen
Ernest Olsen, individually
Ernest Olsen Trustee
Ernest Olsen, Trustee of the Ernest Olsen Revocable Trust dated July 5, 1985

NOV 28 1991

Marlea Furlong
Witness

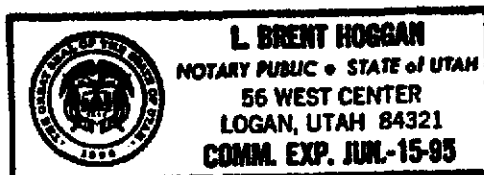
Sadie L. Olsen
Sadie L. Olsen, individually

Sadie L. Olsen, Trustee
Sadie L. Olsen, Trustee of the
Sadie L. Olsen Revocable Trust
dated July 5, 1985

STATE OF UTAH)
 : ss.
County of Cache)

On the 14th day of November, A.D., 1991, personally appeared before me ERNEST OLSEN, individually and as Trustee of the Ernest Olsen Revocable Trust dated July 5, 1985, and SADIE L. OLSEN, individually and as Trustee of the Sadie L. Olsen Revocable Trust dated July 5, 1985, the signers of the within instrument, who duly acknowledged to me that they executed the same individually and as such Trustees.

L. Brent Hogan
NOTARY PUBLIC



LBH/rec
ernest.wd
N-2955

NOV 28 1991