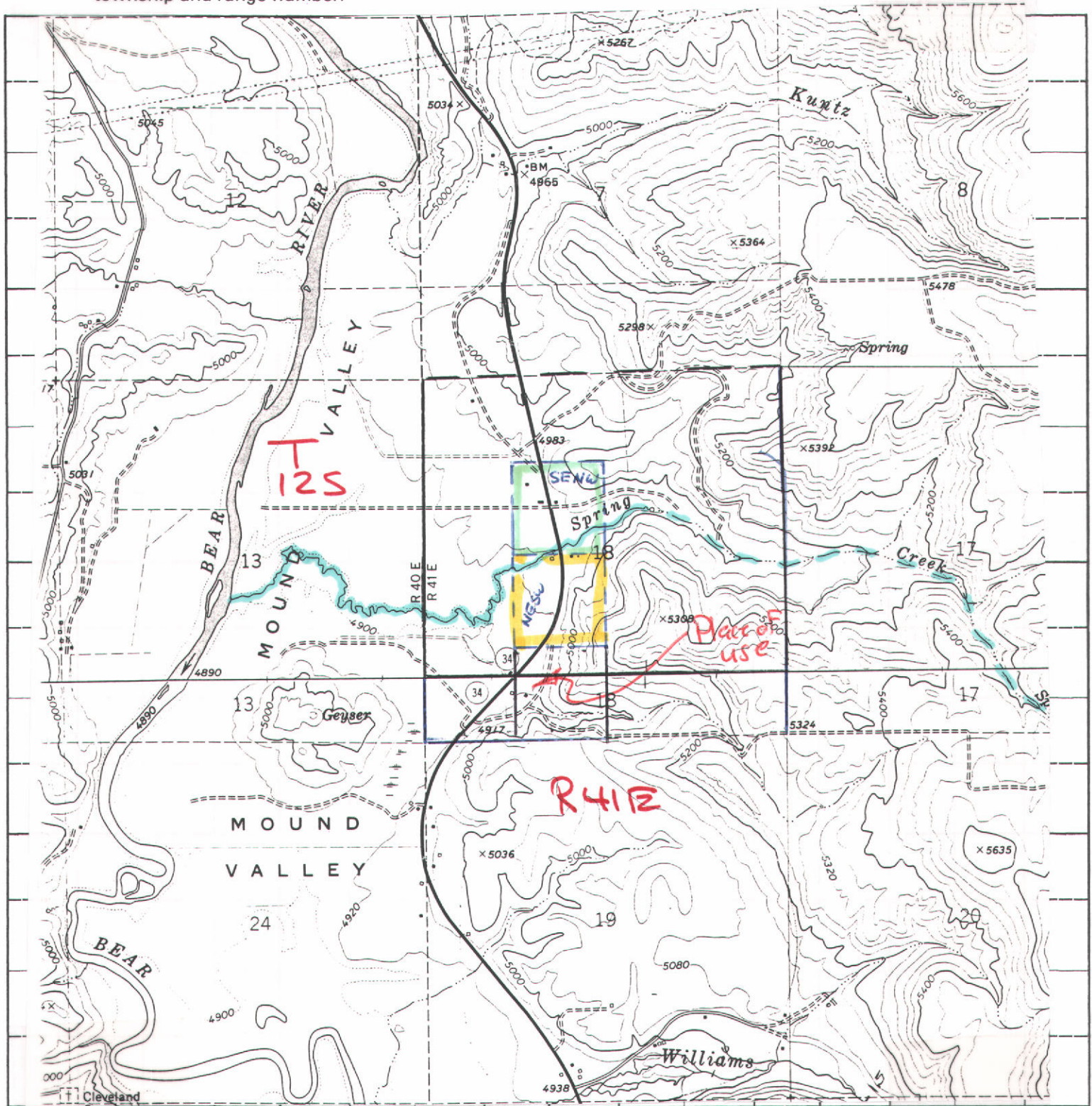


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

DEC 08 1992

Ben A. [Signature]
(Applicant)

MERIDIAN

3996

80

3987

RAIL

WEST

NOTE

3.25

3982

80

3983

SW. 1/4
53932

3983

80

3984

← 160 RLS → 7992

WEST

4
90 RLS

NOTE

T125

SW. 1/4

AS per title - can
with Franklin
Co. assessor.

Ref.

9-24-92

ADJUTANT
GENERAL

3966

3978

80

MICROFILMED

DEC 08 1992

8046

SW. 1/4
640

8005

November 26, 1999

RECEIVED
NOV 16 2004

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT
To change the ownership of a permit

For Office Use Only
\$25 filing fee
Receipt # 2030416
Date 11/16/2004

I, BEN FORSGREN, hereby assign to STEVEN W. & KAREN REEDER
of, 3145 W 5400 S Weston Id 83286 747-3504
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 13-7497 to
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 12th day of Nov, 20 04.

[Signature]
Permit Holder(s)

State of Idaho)
County of CUSTER)ss

On this 12th day of Nov, 20 04, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.

HELEN R. HOWARD
STATE OF IDAHO
NOTARY PUBLIC

SEAL

[Signature]
Notary Public residing at _____

My commission expires: 3/20/10

SCANNED
MAR 01 2005

RECEIVED

NOV 02 2004

227545 1-2

Department of Water Resources
Eastern Region

PR16229

Recorded at the request of

Steve Fuller

8 a.m. SEP 22 2004 2:20 p.m.

V. ELLIOTT LARSEN, RECORDER
By Camille Larsen Deputy
FRANKLIN COUNTY, IDAHO

WARRANTY DEED

FOR VALUE RECEIVED

BEN ROY FORSGREN and JANET T. FORSGREN, husband and wife,

do hereby grant, bargain, sell and convey unto

STEVEN W. REEDER and KAREN F. REEDER, Trustees of the REEDER
FAMILY TRUST,

whose current address is: 3145 West 5400 South, Weston, Idaho 83286
the Grantees, the following described premises in Franklin County, Idaho to wit:

SEE ATTACHED EXHIBIT "A"

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

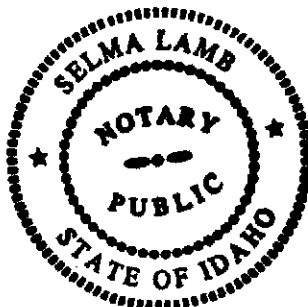
DATED: September 15th, 2004.

BEN ROY FORSGREN JANET T. FORSGREN
BEN ROY FORSGREN JANET T. FORSGREN

STATE OF IDAHO)

County of Custer)

On this 15th day of September, 2004, before me, the undersigned a Notary Public in and for said
State, personally appeared BEN ROY FORSGREN and JANET T. FORSGREN, known to me to be the
persons whose names are subscribed to the within instrument and acknowledged to me that they executed
the same.



Selma Lamb
NOTARY PUBLIC for State of Idaho
Residing at: Stanley, Idaho
Comm. Exp.: 10/15/05

SCANNED

MAR 01 2005

227545 2-2

EXHIBIT "A"

Township 12 South, Range 41 East of the Boise Meridian

Section 18: All that portion of the following described property lying East of Highway No. 34 as set forth in Highway Right of Way Deed recorded July 19, 1965, in Book 53 of Deeds, pages 183 and 395; LOT 4, and SE1/4SW1/4, ALSO, Commencing 80 rods North of the Southwest corner of said Section 18, and running thence East 160 rods; thence North 9 rods; thence West 160 rods; thence South 9 rods to THE POINT OF BEGINNING. (243.00)

ALSO EXCEPTING: Portion of land deeded for highway purposes in Book 53 of Deeds, page 183 and 395, records of Franklin County, Idaho.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD

TOGETHER WITH THE EQUIVALENT OF 12 MINERS INCHES OF IRRIGATION WATER IN THE GEM VALLEY DITCH COMPANY.

SCANNED

MAR 01 2005

Amt. of Fee \$: 150.00
Receipt No. 0033930
Receipt By: [Signature]
Date Received: 11-17-95

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE NOV 16 1995

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

1. Permit No. 13-07497 Telephone No. 427 6334
2. Name(s) of Permit Holder(s): Ben K Forsgren
3. Mailing Address: 15342 N Hwy 34 Thatcher Idaho 83283
4. Source of Water: Spring Creek If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
 - a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____
 - b. **OPTIONAL:**
Pump Horsepower: NA Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: Fish pond
6. Total rate of diversion and/or volume for which proof is submitted: 2.76 cfs OR _____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes _____ or No <u>✓</u>
	Has the measuring device been installed?	Yes _____ or No <u>✓</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes _____ or No <u>✓</u>
	Has the measurement port been installed?	Yes _____ or No <u>✓</u>
8. Fee Enclosed: \$ 150.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Ben Forsgren Telephone Number: 427 6334
Address: 15342 N Hwy 34 Thatcher Idaho 83283
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature]

(include your title, if on behalf of company or organization)

Date: 17 Oct 1995

MICROFILMED

DEC 07 1995

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 13-07497

Proposed Priority: July 13, 1992 Maximum Diversion Rate: 2.76 CFS
This is to certify, that BEN FORSGREN

15342 N HWY 34
THATCHER ID 83283

has applied for a permit to appropriate water from:

SPRING CREEK tributary of BEAR RIVER

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>
FISH PROPAGATION	01/01 to 12/31	2.76 CFS

LOCATION OF POINT(S) OF DIVERSION: SENW , Sec. 18, Township 12S, Range 41E
FRANKLIN County

PLACE OF USE: FISH PROPAGATION
TWN RGE SEC

12S 41E 18 SWSW SESW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1995.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 11.
5. Water used under this right if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
6. The right holder shall be required to provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
7. Measuring devices of a type approved by the Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
8. Use of water under this right shall be non-consumptive.
9. The issuance of this right in no way grants any right-of-way or easement across the land of another.

APPROVED

DEC 08 1992

State of Idaho
Department of Water Resources

Permit To Appropriate Water

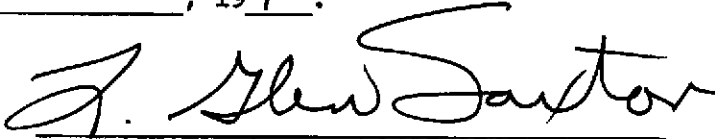
NO. 13-07497

CONDITIONS/REMARKS:

10. Prior to diversion of water under this right, the right holder must obtain the necessary state and federal permits.

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

18th day of November, 1992.


for R. Keith Higginson, Director

RECEIVED
DEC 08 1992

13-7497

Form 202
6/85

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

JUL 13 1992

To appropriate the public waters of the State of Idaho

Department of Water Resources
Eastern District Office

1. Name of applicant Ben Forsgren Phone 427-6334
Post office address 15342 Ne Hwy 34 Thatcher, ID 83283
2. Source of water supply Spring Creek which is a tributary of Bear River
3. Location of point of diversion is _____ 1/4 of SE 1/4 of NW 1/4, Govt. Lot _____
Sec. 18 Township 12S Range 41E B.M. Franklin County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 2.76 ^{cfs} for Fish Propagation purposes from 1-1 to 12-31 (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)
5. Total quantity to be appropriated is (a) 2.76 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. headgate in creek to
ditch to ponds + return flow to creek.
Pond sizes are 200'x50'x5' deep and 150'x100'x5' deep.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? NA
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
3 years (minimum 1 year).

RECEIVED
DEC 08 1992

SECRET

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

11. a. Who owns the property at the point of diversion? William Condit
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. N/A

* Change as per table - con
with applicant 9-29-92 HHS

TWP	RANGE	SEC.	NE%						NW%						SW%					
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%
12S	4E	18														H*	H	H		
			NE%						NW%						SW%					
TOTALS			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%

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.

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. _____

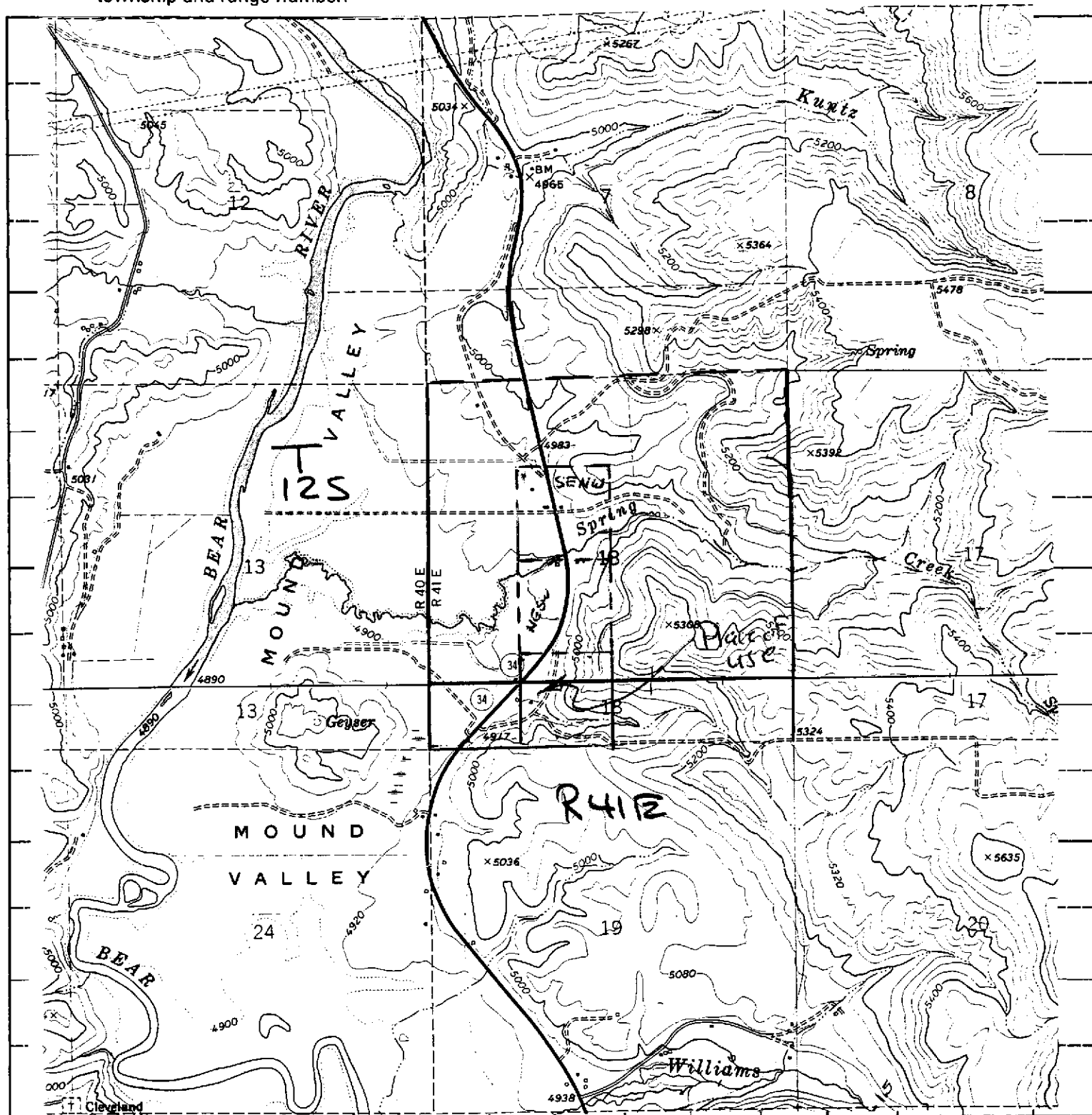
c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

This is a non-consumptive use for fish ponds

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.

DEC 08 1992

Ben A. [Signature]
(Applicant)

DEC 08 1992

e. Other:

permit.

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.

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.

19

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

Idaho No. _____, and said application is hereby _____

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Publication approved _____

Publication prepared by _____

Fee \$ _____

Received by _____

Date 2-13-92 Time 2:20

Preliminary check by _____

Received by _____

E017610

Date 7-13-92

Date 8-6-92 Published in _____

Date 9-3-92

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

J. WALLEN ROSS

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

July 29, 1992, and ending

with the issue of Aug 5, 1992

Fee \$ 36.57

Subscribed and sworn to before me this 5 day

of Aug, 1992.

Notary Public, Residing at Preston, Idaho

My Commission Expires Aug 14, 1995.

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07497

FORSGREN, BEN

15342 N HWY 34

THATCHER, ID 83283

Source: SPRING CREEK

Tributary: BEAR RIVER

Diversion Pt: SENW Sec 18 T 12S R 41E in FRANKLIN County.

Use: FISH PROPAGATION (2.760 CFS)

Total Diversion: (2.760 CFS)

Date Filed: 7/13/1992

In: FRANKLIN County T12S R41E S18 NESW

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before AUGUST 24, 1992.

R. KEITH HIGGINSON, Director

Legal No. 4594 — Publish July 29, Aug. 5, 1992.

REC 08 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 23, 2004

STEVEN W REEDER
KAREN REEDER
3145 W 5400 S
WESTON ID 83286

RE: Change of Ownership for Water Right Permit 13-7497

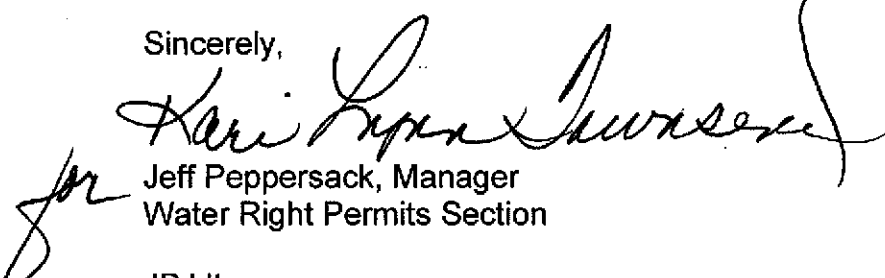
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right permit to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,

for
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

SCANNED

MAR 01 2005

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 13-7497 Reviewed by [Signature] Date 11-29-95

GENERAL CONSIDERATIONS

TYPES OF USE

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

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

MEASURING DEVICE

yes Required?
150.00 Amount Submitted
yes Correct?
yes Required?
no Installed?
no Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

*advise of MD requirement.
Proof acceptable.*

DATA ENTRY

New Address _____ Proof Made 11-16-95



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 29, 1995

BEN FORSGREN
15342 N HWY 34
THATCHER ID 83283

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 13-07497

Dear Permit Holder:

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

Please be advised that one of the conditions of your water right permit requires that the permit holder install and maintain measuring devices at the point of diversion and the point of discharge (refer to condition # 7 of your permit.) This condition must be complied with before the license examination, or you can request in writing, a waiver of the condition.

If you have questions concerning the field examination, 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

MICROFILMED

DEC 07 1995

September 30, 1995

BEN FORSGREN
15342 N HWY 34
THATCHER ID 83283

PROOF DUE NOTICE

RE: PERMIT NO. 13-07497

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 1, 1995.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

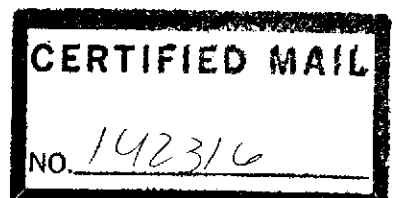
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

DEC 07 1995





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 19, 1992

BEN FORSGREN
15342 N HWY 34
THATCHER ID 83283

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07497

Dear Permit Holder(s):

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

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

Please be advised that water quality is subject to regulations of the Idaho Department of Health and Welfare. We suggest that you check with them before starting construction.

Please be advised that your plans for fish propagation may be subject to regulations of the Idaho Department of Fish and Game. We suggest that you check with them before starting construction.

Sincerely,

BRENDA L. MILLER
Water Resource Agent

BLM:cz

Enclosure

RECEIVED

DEC 08 1992

APPLICATION FOR PERMIT REVIEW

Application #: 13-7497 Date: 11-16-92 Reviewer: Brenda Miller

BMM

SYSTEM COMPLETED:

- No - 26A-P17
- Complete in 1 year - P16
- Yes
- Proof not submitted - P16
- Proof submitted - N/A

GROUNDWATER:

- GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
- NMR <fl ch>, A of C
- LT. 0.2 cfs - No measurement required <flow chart>

Drilling Permit:

- Approved w/permit - P99
- Not included - 046-46A-46B-P23 (after 7/1/87), N/A

SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>

LOCATION:

- Water Districts - WD No. 11
- Surface water - R04, R04-01H-P01(LT.2 w/pump)
- ~~R04-01J-P08~~(GT.2), NMR <flow chart>
- Groundwater - P05
- Irrigation Districts - 023
- Canal Co. Areas - 023
- Drainage Districts - 024
- Boise Front (63) - 058 (Groundwater)
- Swan Falls Flag - (1, Blank or Other)
- Trust - 051-052-053-P74(Consumptive Uses)
- Non Trust <1> - 048-049

RIVER BASINS:

- (Surface Water) Water District Control Condition &....
- Boise (63) - 05A & 11E
- Payette (65) - 047-P04, 059-P71
- Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

USE:

- Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
- 042(req.), 002-P06(MD), 07A(Spec.),
- 044(Policy 5G)
- Power - Use Power Review
- Mining - 06A, 010, or 09E-P10 & 054(req.)
- Storage - 18A-for multiple measuring devices(In WD),
- 18B-P09(Size)
- Rec/Wildlf/Aes - 027(Non-Consumptive)
- Domestic - 021 (Boise River - upstream from L Peak)
- (restricted areas) 27A (Payette River & main tributaries)

OWNERSHIP:

- Non land owner - 004

PROTESTED:

- Agreement - 020

Beneficial Use Due Date: - 12-01-1995

Other Conditions/Remarks: - W20

Within Bear River Mountain Area

TO: BOISE

OCT-20-'92 TUE 12:10 ID:IDWR EASTERN REGION TEL NO: (208) 525-7177

#069 P02

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
BRENT O. ROCHE
FRED J. LEWIS
KIRK B. HADLEY
MITCHELL W. BROWN
ERIC S. MUNN
DAVID E. ALEXANDER

ALSO MEMBER IL & NY BARS

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE
AREA CODE 208
232-6101

FAX
208-232-6109

October 19, 1992

RECEIVED

OCT 20 1992

Department of Water Resources
Eastern District Office

Harold W. Jones
Water Rights Supervisor
Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, ID 83402

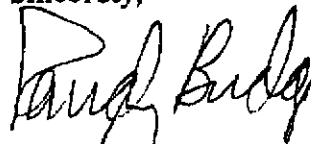
Re: Application for Permit No. 13-07497, Ben Forsgren

Dear Mr. Jones:

Please be advised that Protestant, Last Chance Canal Company, hereby withdraws its Petition for Intervention and Protest against Application for Permit No. 13-07497 filed by Ben Forsgren.

That Last Chance Board reviewed the proposed use with Mr. Forsgren and have concluded that it is non-consumptive and as such, would not adversely affect Last Chance's water rights.

Sincerely,



RANDALL C. BUDGE

RCB/cm

c: Board of Directors/Last Chance Canal
Ben Forsgren
Utah Power & Light Company

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DEC 08 1992

1
MERIDIAN

Section 13

T125

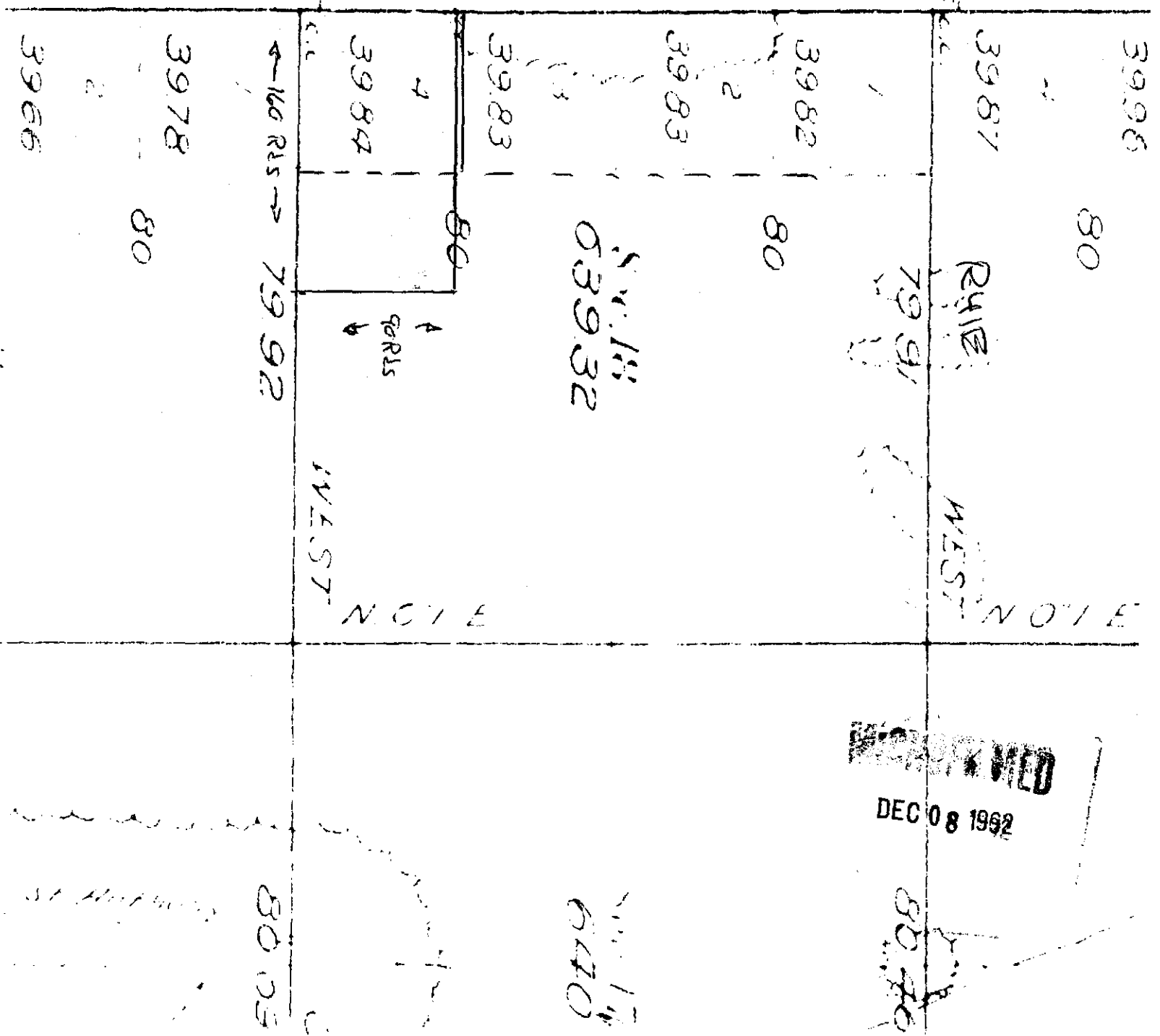
As per title - con
with Franklin
CA assessor

Bluf

9-24-92

ADJUTANT
GENERAL

293 NORTH



DEAN L. ABRAMS
FRANKLIN COUNTY ASSESSOR
38 WEST ONEIDA
PRESTON, ID 83263

THIS IS NOT A BILL

PARCEL NO. 243.00

CATEGORY DESCRIPTION

TAX CODE
LOTS / ACRES 14 MARKET VALUE

10 RUR. WMSIT-CAT 1-9
31 IMP. ON CAT. 10
01 IRRIGTD AGRICUL.
04 MEADOW
05 DRY GRAZING
19 WASTE
32 IMP. ON CAT. 1-12

13.00
28.00
34.00
4.00
4.10

TOTALS 83.10*

35,188*

JUN 30, 1992

TAXPAYERS VALUATION
ASSESSMENT NOTICE
Taxes are based on the valuation listed on this statement
IF THERE ARE ANY QUESTIONS REGARDING THIS STATEMENT NOTIFY THE ASSESSOR'S OFFICE BEFORE

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

TAX ROLL: REAL
PROPERTY ADDRESS
PREVIOUS NUMBER

Mail To:

TN 1-2-3 LOT 4
18-12-41
INST # 179873

FORSGREN, MENDELL
% FORSGREN, BEN ROY
15342 N HIGHWAY 34
THATCHER, ID 83283

ETI

160715 x90v15

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DEC 08 1992

04-Sep-1992

BEN FORSGREN
15342 N HWY 34
THATCHER ID 83283

Dear Mr. Forsgren:

I am ready to send your application for permit for fish propagation to Boise for final disposition. I will need one additional item form you before the packet can be sent. You will need to submit evidence of ownership of the place of use that the ponds will be situated.

If you can send me a copy of your latest tax notice which shows you as the owner of the property in the NESW SEC 18 T12S R41E, then I will forward your file as soon as possible.

Sincerely,


Harold W. Jones
Water Right Supervisor

HWJ/rb

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DEC 08 1992

28-Aug-1992

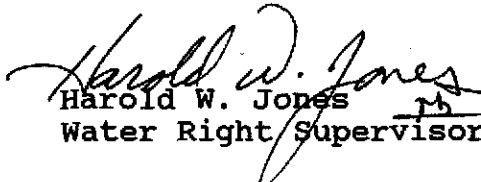
RANDALL BUDGE
PO BOX 1391
POCATELLO ID 83204-1391

Dear Mr. Budge:

I received your protest letter of August 26, 1992, on the Ben Forsgren application #13-07497. The protest date was up on August 24, 1992, and there has not been any other timely protests filed. I will include your protest letter in file #13-07497 when it is sent to Boise for considering since then will be no hearing held.

If you wish to send any data that you feel should be included in the file, please feel free to do so.

Sincerely,


Harold W. Jones rb
Water Right Supervisor

HWJ/rb

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DEC 08 1992

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
BRENT O. ROCHE
FRED J. LEWIS
KIRK B. HADLEY
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER

*ALSO MEMBER IL & WY BARS

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE
AREA CODE 208
232-6101

FAX
208-232-6109

August 26, 1992

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AUG 27 1992

Department of Water Resources
Eastern District Office

Harold W. Jones
Water Rights Supervisor
Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

RE: Application for Permit No. 11-07401, Terry J. Call
Application for Permit No. 13-07497, Ben Forsgren

Dear Mr. Jones:

Please file the enclosed Petitions for Intervention and Protests submitted on behalf of Last Chance Canal Company, Ltd., with respect to the captioned Applications.

Both of these new filings were observed from a review of IDWR's diskettes distributed under date of 8/4 and 8/18. With respect to No. 11-07401, we note in the remarks that the Application was being held pending withdrawal of the drought moratorium. As we assume that there will be no publication with respect to that Application, we nonetheless wish to submit our protest at this time so that it will be of record with IDWR when the moratorium is withdrawn and further processing begins.

Since processing appears to be proceeding with No. 13-07497, we assume that publication has or will be commenced, although we have no information on that, and that it is being treated as a non-consumptive application. If it is determined to be non-consumptive, we likely will withdraw the protest. However, to protect the record and our interests in the meantime we are submitting the protest for filing at this time. Please contact me if you have any questions. Thank you for your assistance.

Sincerely,


RANDALL C. BUDGE

RCB:rr
Enclosures
cc: Last Chance Canal Company

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P.S.

Harold - please provide us with a copy of each of these applications. Also, as we do not have an address other than "South of Soda Springs", would you kindly provide that as well.

RCB

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AUG 27 1992

Department of Water Resources
Eastern District Office

Randall C. Budge
RACINE, OLSON, NYE, COOPER &
BUDGE, CHARTERED
P.O. Box 1391; 201 E. Center
Pocatello, Idaho 83204-1391

BEFORE THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF THE APPLICATION)
TO APPROPRIATE WATER FILED BY)
BEN FORSGREN, APPLICATION)
NO. 13-07497)

**PETITION FOR INTERVENTION
AND PROTEST OF LAST CHANCE
CANAL COMPANY, LTD.**

COMES NOW Protestant, Last Chance Canal Company, an Idaho corporation with its principal place of business in Grace, Idaho, and in support of its Petition for Intervention and to protest the above-captioned application, states as follows:

1. Petitioner holds priority water rights decreed in the matter of Utah Power & Light Company v. Last Chance Canal Co., Ltd., et al., in Equity No. 203, July 14, 1920, more commonly known as the "Dietrich Decree".

2. The water of the Bear River and all of its tributaries were fully adjudicated in said Dietrich Decree. The Bear River below Stewart Dam is fully appropriated and there is no additional water available for new diversions and use.

3. It is Petitioner's practice to protest applications to appropriate water which may adversely affect its rights in the Bear River.

4. Petitioner relies upon its decreed water rights in the Bear River described above, together with supplemental water in Bear Lake acquired from PacifiCorp Electric

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DEC 08 1992

Operations, dba Utah Power & Light Company, pursuant to a contract to provide irrigation water to approximately 150 of its shareholders utilized to irrigate approximately 29,000 acres of fertile farm land in Caribou County, Idaho.

5. Due to drought conditions, Petitioner's natural flow rights in the Bear River have in recent years and continue to be severely curtailed and cut back to satisfy certain earlier priority rightholders downstream in Idaho and Utah. As a result, Petitioner has been forced to increasingly rely upon supplemental irrigation stored in Bear Lake. Due to six consecutive years of drought conditions and the resulting high irrigation demands, the level of Bear Lake has dropped to near record low levels. Presently, there is inadequate storage water in Bear Lake to satisfy the existing irrigation demand. All irrigators, including Petitioner, have had their Bear Lake storage water rights curtailed considerably for the 1992 irrigation season. Should the drought continue, little or no supplemental irrigation water is expected to be available from Bear Lake next year.

6. The applicant's proposed appropriation is in Spring Creek, which is a tributary of the Bear River fully decreed in the Dietrich Decree.

7. The Applicant's proposed appropriation would adversely affect the flows of the Bear River and consequently injure and impair the water rights of the Petitioner and other decreed right holders in the Bear River and its tributaries, as well as the right of Petitioner and other contract rightholders to receive supplemental water from Bear Lake.

8. Additionally, the granting of the proposed Application would conflict with the local public interest by reducing ground water inflow into the Bear River, by causing increased demand upon water stored in Bear Lake, and by reducing the storage water

available in Bear Lake which adversely affects available water for irrigation, power production, recreation, wildlife and other recognized beneficial uses.

9. Additionally, the process and approval of this new application for permit is presently barred by a moratorium order issued and effective May 15, 1992 by R. Keith Higginson, Director, IDWR, which order canceled all applications filed to divert and use surface or ground water in the Bear River drainage in Idaho.

WHEREFORE, Petitioner respectfully requests as follows:

A. That Petitioner be granted leave to intervene in the above matter and be allowed to participate as a protestant in all subsequent hearings.

B. That the application be denied.

C. That Petitioner and its counsel be served with all filings and pleadings and be notified in advance of all hearings on the application. In this regard, Petitioner respectfully requests input with respect to scheduling of hearing dates to accommodate the schedules of interested parties and necessary witnesses.

DATED this 26 day of August, 1992.

RACINE, OLSON, NYE, COOPER &
BUDGE, CHARTERED

By

Randall C. Budge
RANDALL C. BUDGE

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DEC 08 1992

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 26 day of August, 1992, I mailed a true and complete copy of the foregoing document, postage prepaid, to the following:

Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Jody L. Williams
Carly Burton
Legal Department
Utah Power & Light Company
1407 West North Temple, Suite 210
Salt Lake City, Utah 84140

Ben Forsgren
15342 N. Highway 34
Thatcher, Idaho 83283

Don W. Gilbert, President
Last Chance Canal Company
P. O. Box 177
Grace, Idaho 83421



RANDALL C. BUDGE

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DEC 08 1992

OK to advertise.

Dist. for staffing: 14-Jul-1992
Submitted for advertising: 7-15-92

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATIONS FOR PERMIT ANALYSIS SHEET

13~7497

INITIAL REVIEW BY HWS DATE 7-15-92 APPLICATION NO.
APPLICANT NAME: BEN FORSGREN

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
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

What was outcome of ownership of Ray?

Date Requested

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OCT 1 1992

Department of Water Resources

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from

_____ City	_____ Idaho Fish & Game	_____ Irrigation District
_____ County	_____ Idaho Health & Welfare	_____ Canal Company
_____ Reservations	_____ Division of Environment	_____ Other _____

Project impacts/implications report

COMMENTS

29-Jul-1992

PETE PETERSON
WATER DIST 11
2483 RIVERDALE RD
PRESTON ID 83263

RE: Application NO. 13-07497

Dear Sir:

We are enclosing a copy of the application(s) that may be of interest to your department. Please review the application(s) and submit any comments you may have to our Department as soon as possible. The last date of protest is 8-24-1992, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

Harold W. Jones
HAROLD W. JONES *rb*
Water Rights Supervisor

HWJ/rb
enc.

RECEIVED

DEC 08 1992

29-Jul-1992

FISH & GAME
REGION 5
1345 BARTON RD
POCATELLO ID 83201

RE: Application NO. 13-07497

Dear Sir:

We are enclosing a copy of the application(s) that may be of interest to your department. Please review the application(s) and submit any comments you may have to our Department as soon as possible. The last date of protest is 8-24-1992, and we are required to take final action shortly thereafter.

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

Respectfully submitted,


HAROLD W. JONES *rb*
Water Rights Supervisor

HWJ/rb
enc.

RECEIVED

DEC 08 1992

28-Jul-1992

BEN FORSGREN
15342 N HWY 34
THATCHER ID 83283

RE: Application No. 13-7497

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 Preston Citizen on 8-6 & 13-92. 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
HAROLD W. JONES *rb*
Water Rights Supervisor

HWJ/rb

RECORDED
13 08 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

JULY 22, 1992

THE PRESTON CITIZEN
P.O. BOX 472
PRESTON, ID 83263

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before AUGUST 24, 1992.

Yours truly,

Rita Bodell
Secretary

Encl.

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NOTICE OF APPLICATION FOR WATER RIGHT

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

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DEC 08 1992

13-07497

FORSGREN, BEN
15342 N HWY 34
THATCHER, ID 83283

Source: SPRING CREEK

Tributary: BEAR RIVER

Diversion Pt: SENW Sec 18 T 12S R 41E in FRANKLIN County.

Use: FISH PROPAGATION (2.760 CFS)
 Total Diversion: (2.760 CFS)

Date Filed: 7/13/1992

In: FRANKLIN County
 T12S R41E S18 NESW

UNRECORDED

DEC 08 1992

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before AUGUST 24, 1992.

R. KEITH HIGGINSON, Director

Published: 8/ 6/1992 & 8/13/1992

NOTIFIED

DEC 08 1992