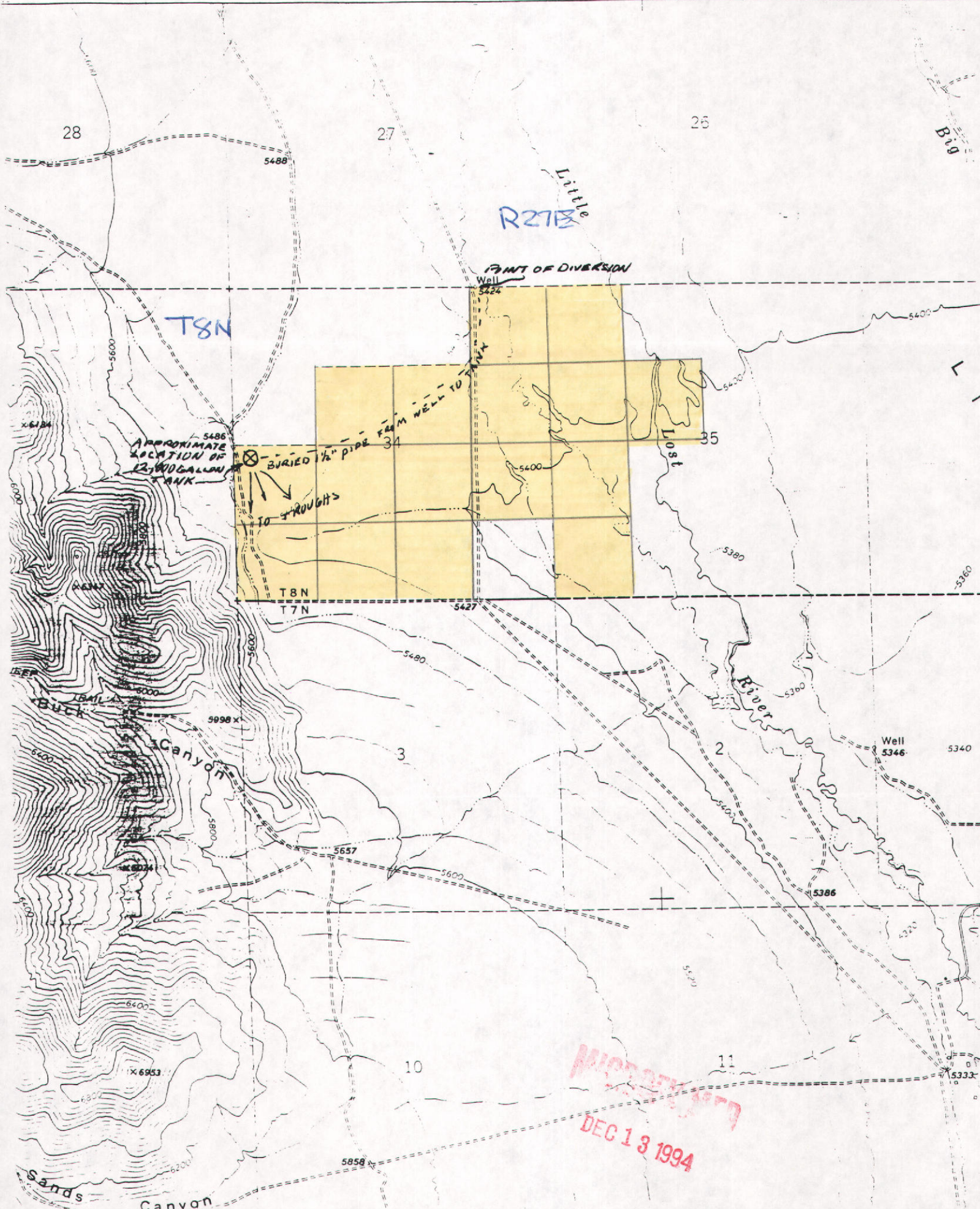


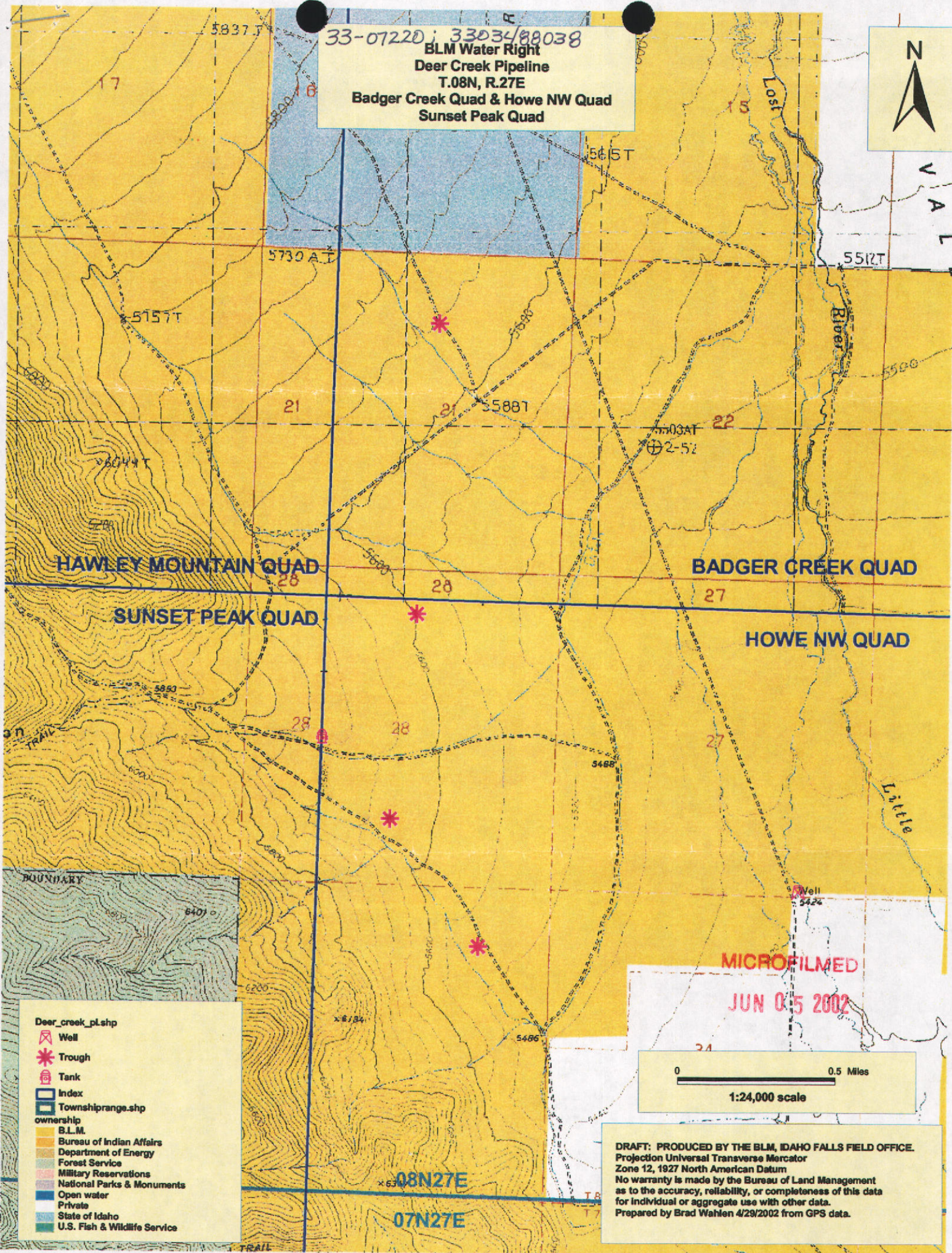
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

5' 320000m E. 321 322 12'3 324 (DIAMOND PEAK) 3372 1'



DEC 13 1994

33-07220; 33034/88038
 BLM Water Right
 Deer Creek Pipeline
 T.08N, R.27E
 Badger Creek Quad & Howe NW Quad
 Sunset Peak Quad

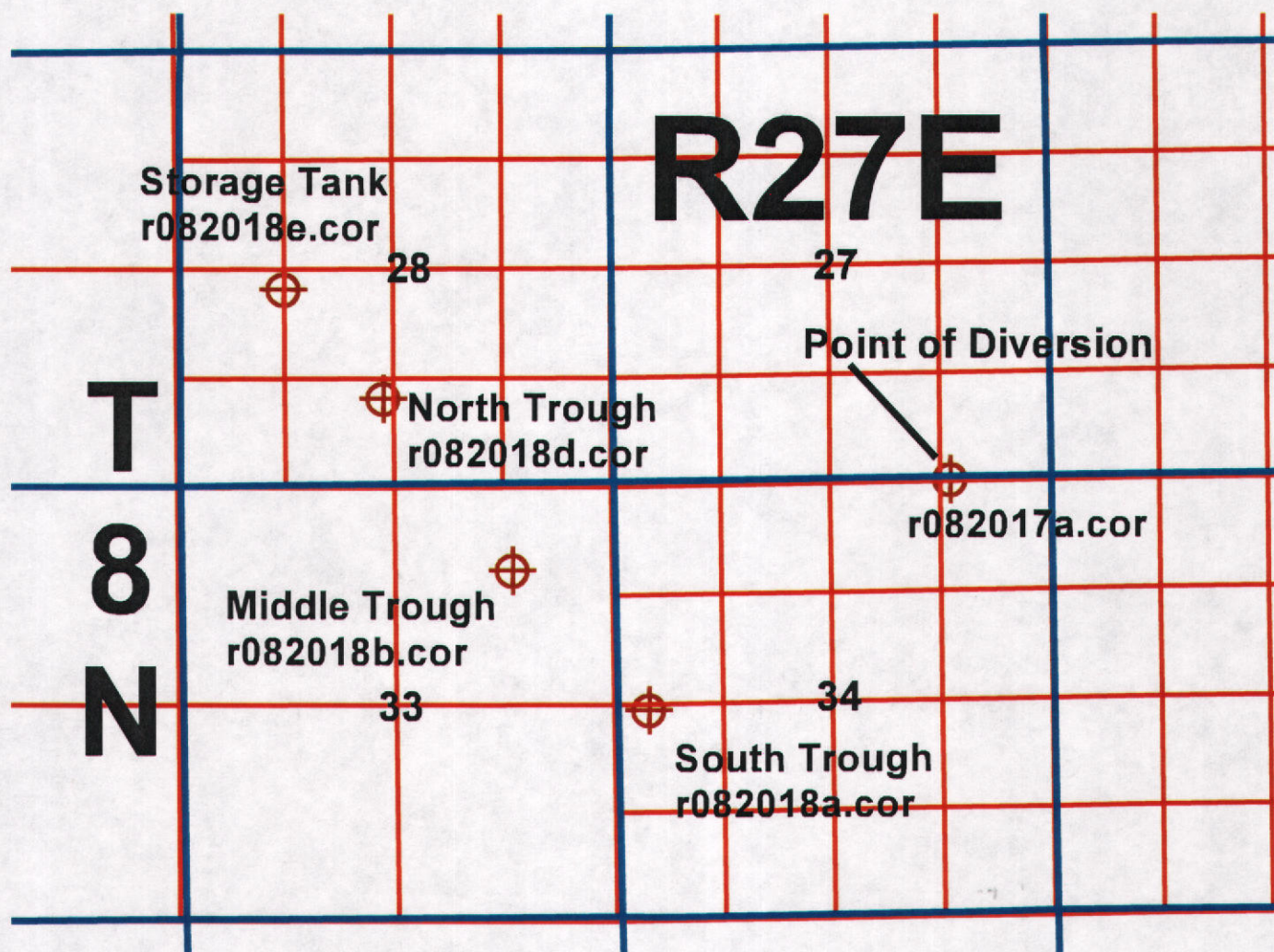


- Deer_creek_plshp
- Well
 - Trough
 - Tank
 - Index
 - Townshiprange.shp
 - ownership
 - B.L.M.
 - Bureau of Indian Affairs
 - Department of Energy
 - Forest Service
 - Military Reservations
 - National Parks & Monuments
 - Open water
 - Private
 - State of Idaho
 - U.S. Fish & Wildlife Service

0 0.5 Miles
 1:24,000 scale

DRAFT: PRODUCED BY THE BLM, IDAHO FALLS FIELD OFFICE.
 Projection Universal Transverse Mercator
 Zone 12, 1927 North American Datum
 No warranty is made by the Bureau of Land Management
 as to the accuracy, reliability, or completeness of this data
 for individual or aggregate use with other data.
 Prepared by Brad Wahlen 4/29/2002 from GPS data.

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 JUN 05 2002

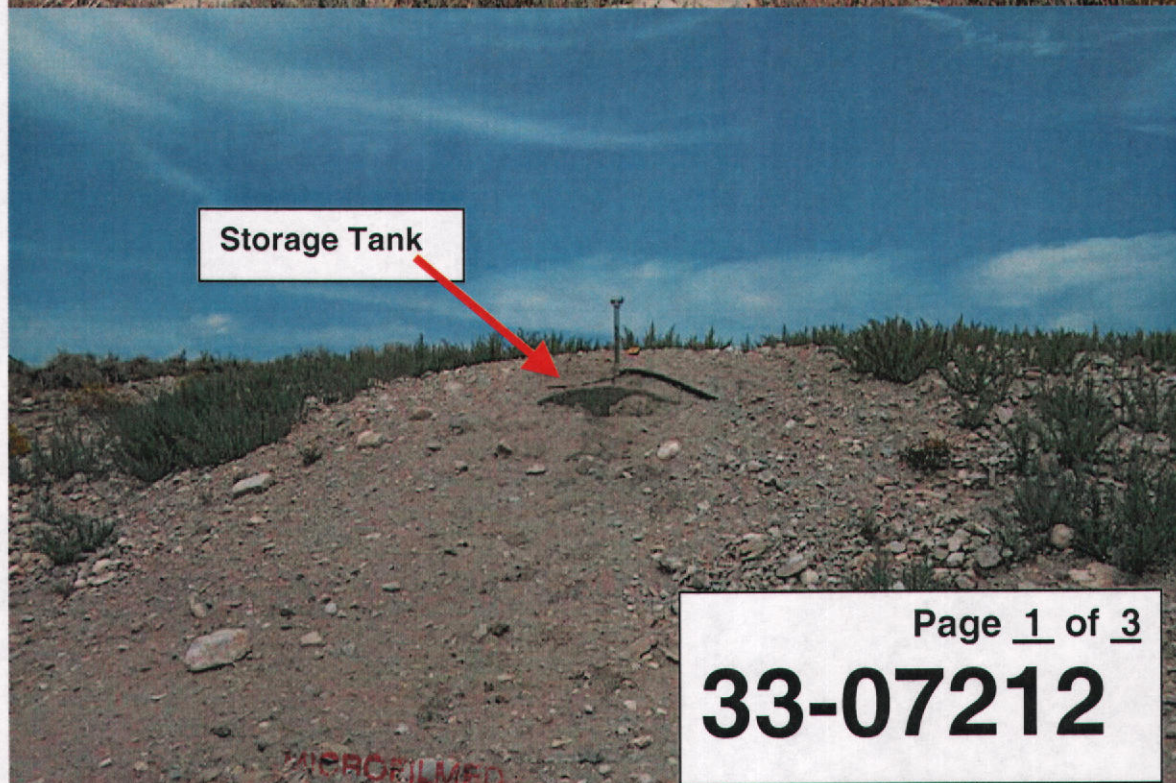
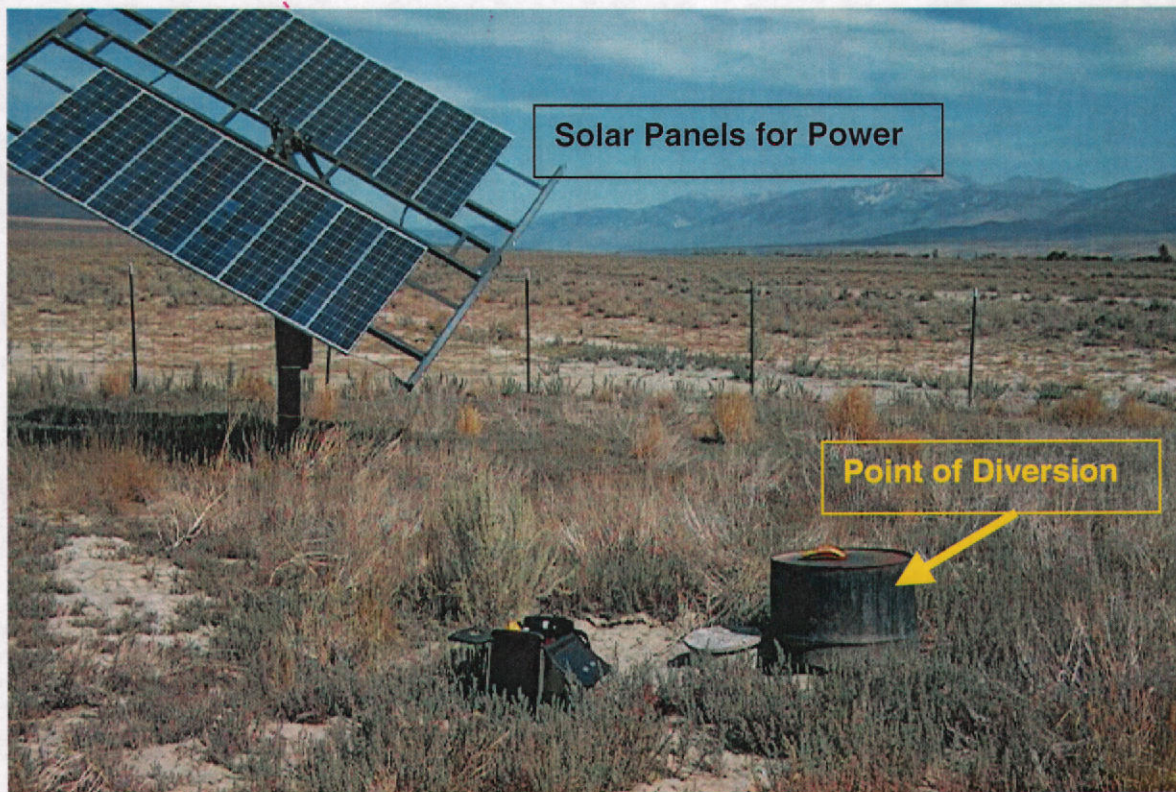


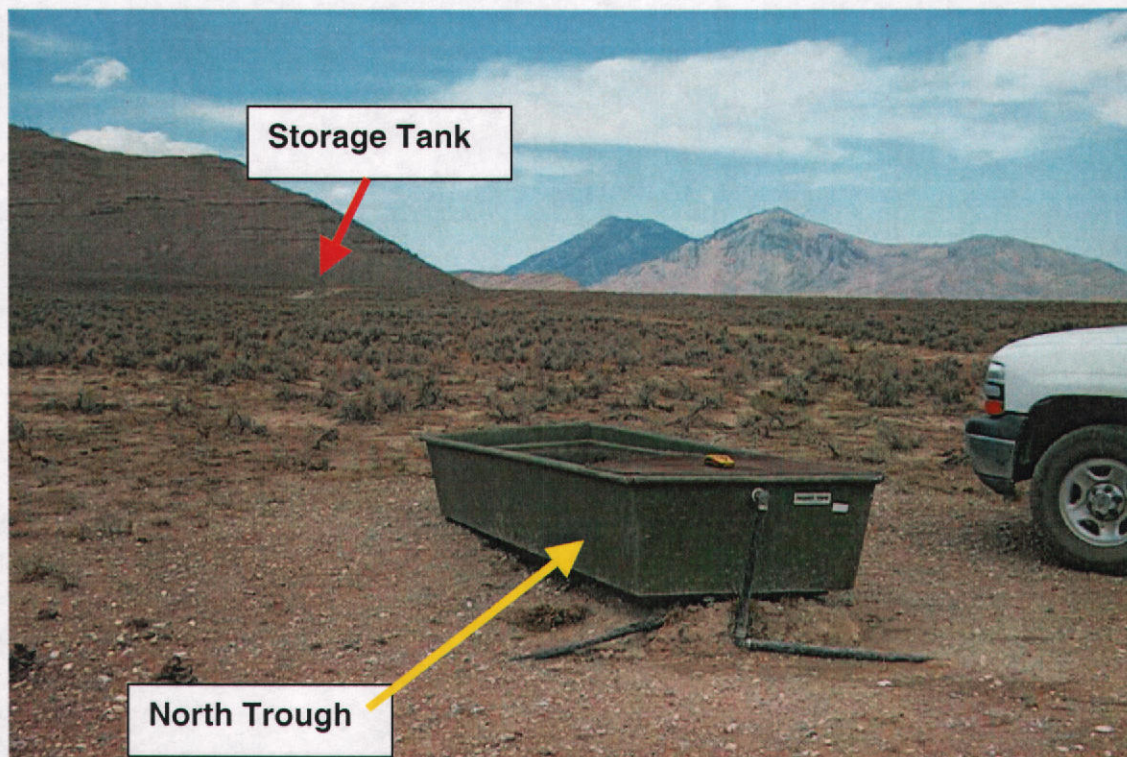
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 **T08n27e.shp**
 **Posnpnt.shp**

33-07212

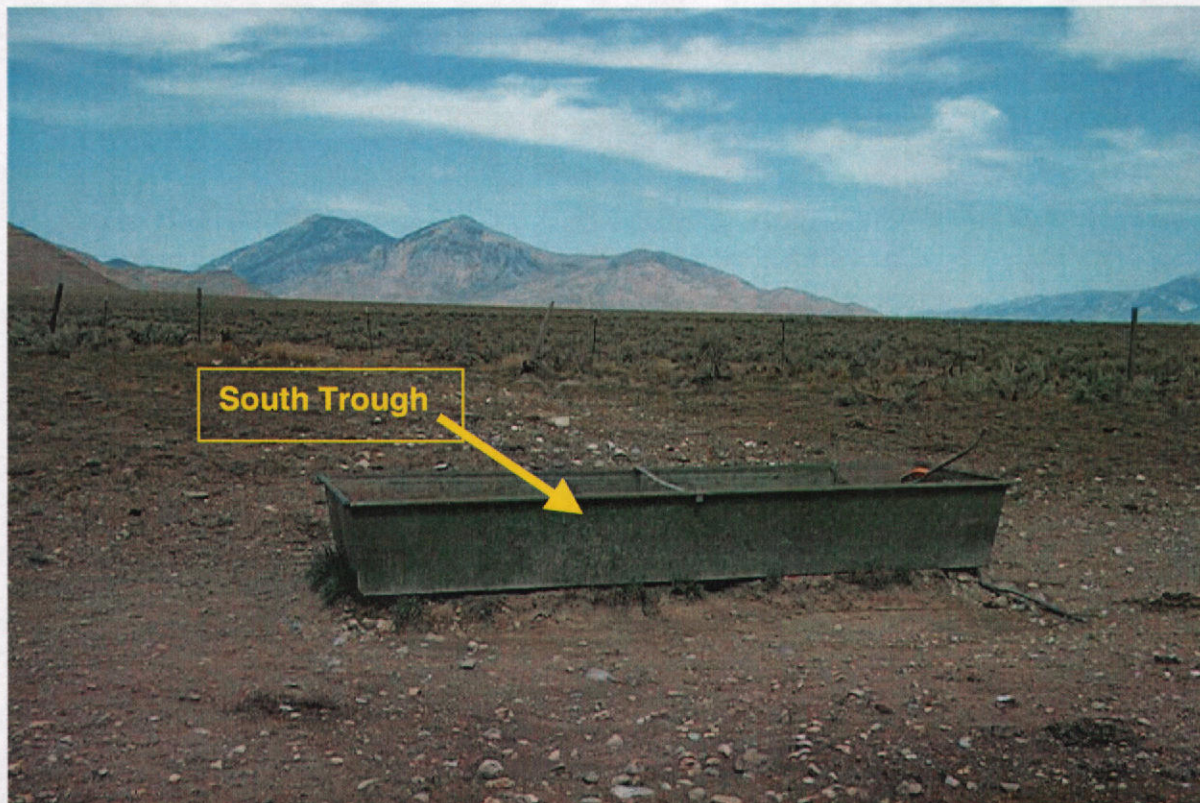
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JUN 05 2002



Page 3 of 3

33-07212

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JUN 05 2002

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 33-07212

Priority: July 12, 1994

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 7.1 AF

It is hereby certified that SAGEWILLOW INC
PO BOX 50130
IDAHO FALLS ID 83405-0130 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated May 17, 1994; and has
submitted Proof of Beneficial Use on July 23, 2001. An examination indicates that the works have a
diversion capacity of 0.02 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
STOCKWATER	04/01 to 11/01	0.02 CFS	7.1 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER NW¼NE¼NE¼ Sec. 34, Twp 08N, Rge 27E, B.M., BUTTE 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	
08N 27E 34											X						

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 16th day of MAY, 2002.

Acting for

KARL J. DREHER
Director

MICROFILMED
JUN 05 2002

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 2055057
Receipt By: [Signature]
Date Received: 7-23-01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 33-7212 Telephone No. (208) 523-0620

2. Name of Permit Holder(s): Sagewillow, Inc.

3. Mailing Address: c/o Holden, Kidwell, Hahn & Crapo, PO Box 50130

City Idaho Falls State ID Zip 83405

4. Source of Water: Groundwater Well is an abandoned irrigation well that may have been drilled in the 1960s.
If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

Well Driller: Unknown Drilling Permit Number: Unknown

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: _____

6. Total rate of diversion and/or volume for which proof is submitted: .02 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 X
Has the measuring device been installed? Yes _____ or No _____

8. Fee Enclosed: \$ 50.00 (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: Jerry Pancheri Telephone Number: (208) 767-3419

Address: HC-65, Box 2104, Howe, ID 83244

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

Signature of permit holder: [Signature] Date: 7/17/01
(include your title, if on behalf of company or organization)

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AUG 08 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 27 1997

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

Department of Water Resources

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

Permit No. 33-07212

Name(s) of Permit Holder: Sage Willow, Inc.

Mailing Address: P.O. Box 50130, Idaho Falls, Idaho 83405-0130

Date Proof is Due: September 1, 1997 Telephone No. (208) 523-0620

Describe what work has been completed toward the development of this water right:

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

Well is drilled and agreement has been worked out with BLM

regarding placement of storage tank, buried water lines and
troughs.

Costing \$ \$10,000+

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

Arrangement with BLM required BLM to file an application for permit as well.
That application was filed March 14, 1997 and has resulted in permit no.
33-07220. The work will be done in cooperation with BLM and cannot be
completed except on the BLM schedule. The two permits should be tied
together so far as completion.

Permit holder(s) request an extension to May 1, 19 2002 (same as BLM permit no. 33-07220)

FEE: \$50.00

Sagewillow, Inc., by Edward W. Danks
(Signature)*

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to September 1, 2001.
IT IS FURTHER ORDERED that the permit is REINSTATED and the date of priority is advanced to July 12, 1994.

Signed this 7 day of November, 19 97

J. Glen Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 33-07212

Proposed Priority: May 17, 1994

Maximum Diversion Rate:

0.02 CFS

This is to certify, that **SAGEWILLOW INC**

PO BOX 50130

IDAHO FALLS ID 83405-0130

has applied for a permit to appropriate water from: **GROUNDWATER**

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

STOCKWATER

04/01 to 11/01

0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 34, Township 08N, Range 27E
BUTTE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

08N 27E 34

NENE

SWNE

SENE

SENE

NESW

NWSW

SWSW

SESW

NESE

NWSE

SWSE

NWNW

SWNW

SENE

NWSW

SWSW

35

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 1997.**
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 right may be affected by an agreement between the protestant and the right holder.
5. Stockwater use is for 900 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

27 day of October, 1994.

R. Keith Higginson
for R. Keith Higginson, Director

DEC 13 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Amended

APPLICATION FOR PERMIT

Amended

To appropriate the public waters of the State of Idaho

1. Name of applicant Sagewillow, Inc. Phone (208) 523-0620
Post office address %Holden, Kidwell, Hahn & Crapo, P.O. Box 50130, Idaho Falls, ID 83405

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

3. Location of point of diversion is _____ $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 34 Township 8N Range 27E B.M. Butte County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .02 for Stockwatering purposes from April 1 to Nov. 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) .02cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 10 hp pump in existing abandoned
irrigation well; 1½" buried plastic pipe to 12,000 gallon tank; buried 1" plastic
pipe to watering troughs

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? No

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

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AUG 18 1994
DEC 1 1994
Department of Water Resources

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. 900 Head range cattle
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	27E	3									S								
		10								S									
8N	27E	28													S	S			
		34	S		S	S				S	S	S	S	S	S	S	S		
		35					S	S	S		S	S	S				*		

Total number of acres to be irrigated _____
 * Change as per letter can with kind factor 5 is not
 HWT

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

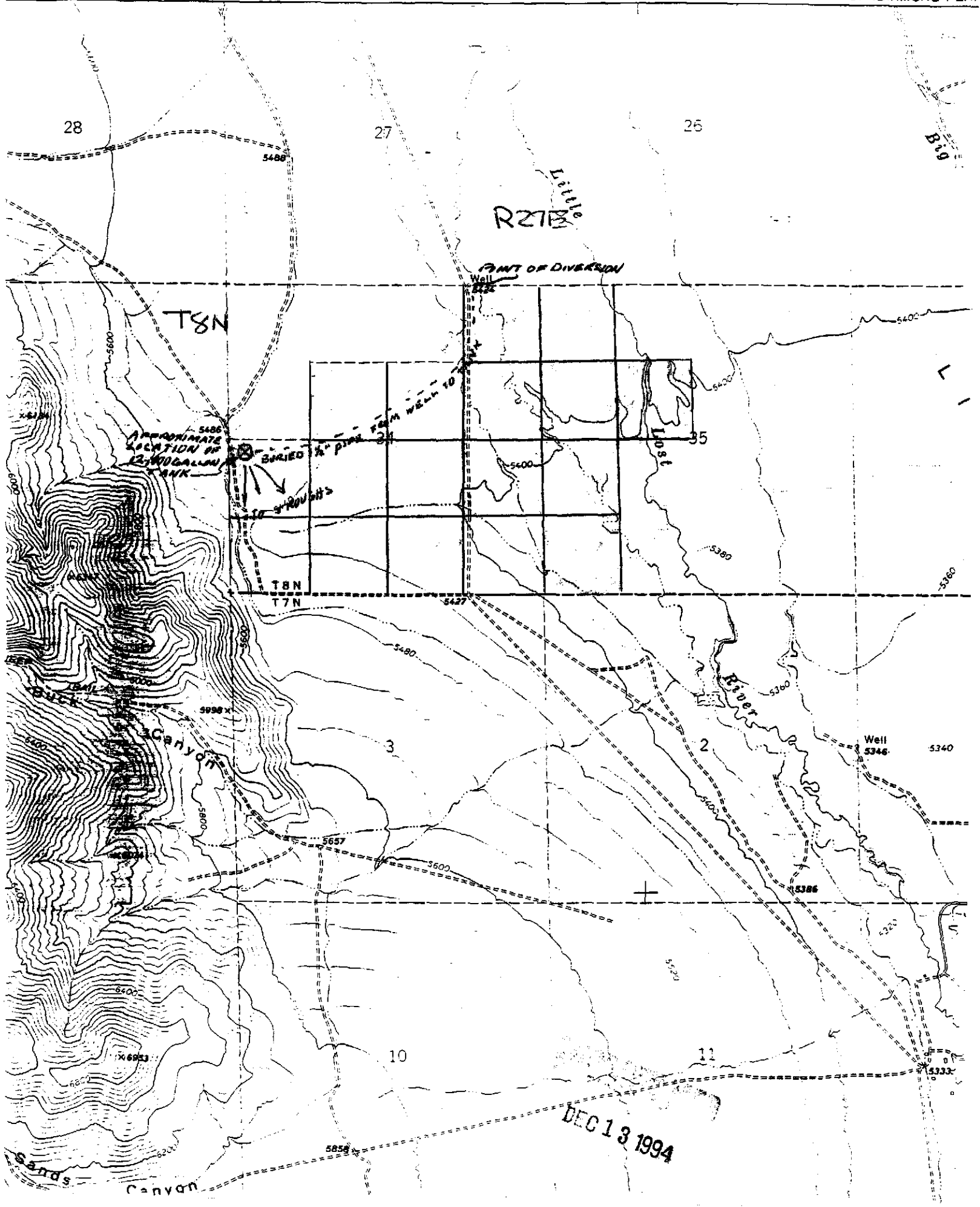
- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: The old irrigation well is approximately 250' deep. If pump will produce 20 gallons per minute, it will need to be operated about 10 hours per day at peak times.

DEC 13 1994

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

5' 320000m E 321 322 12' 3372 11 324 (DIAMOND PEAK)



[illegible]

DEC 13 1994

Sagewillow Inc
Edmund W Dmike Pres
 (Applicant)

(Applicant)

ck #5 19 \$30.00

Received by WM Date 5/1/94 Time 11:42 am Preliminary check by 6-30-94
Fee \$ 30.00 ^{20 gmsd} _{For} Received by HWT # E019979 Date 5-17-94
Publication prepared by RB Date 6-21-94 Published in Arco Advertiser
Publication approved RB Date 6-21-94

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

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

d. 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:

DEC 13 1994



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

May 17, 2002

SAGEWILLOW INC
PO BOX 50130
IDAHO FALLS ID 83405-0130

RE: License No. 33-7212 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

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,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

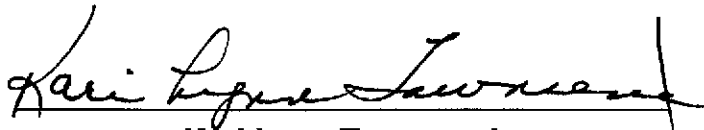
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JUN 05 2002

CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 33-7212

**SAGEWILLOW INC
PO BOX 50130
IDAHO FALLS ID 83405-0130**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
JUN 05 2002**

**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).

**MICROFILMED
JUN 05 2002**

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.

Comment Report

33-7212

1. kwalker 3/28/2002 Condition of Approval on Permit

Comment: While preparing this license, I found a condition of approval on the permit which I did not carry over on the license. The condition stated: Use of water under this right may be affected by an agreement between the protestant and the right holder. I could not find any agreement in the file between BLM and applicant. The applicant amended their application for permit to remove BLM lands and the protest was withdrawn. I have not carried the condition over to this license.

2. kwalker 5/14/2002 License Recommendations

Comment: I received a voice mail from Kent Foster this morning in regard to what should be licensed under this permit. He stated that he had done some research and found that the agreement between BLM and the permit holder was that Sage Willow would be licensed for troughs on private property and BLM would be licensed for troughs on federal property under Permit 33-7220. In light of this, we should prepare a license for Sage Willow that covers the trough developed in Sec. 34 only - no amendment required for this trough. Proof of beneficial use of Permit 33-7220 was just recently submitted so cannot license at this time.

3. CZIMMERM 9/13/1994 CORPORATE OFFICERS

Comment: The corporate officers of Sagewillow, Inc. are: Edmund W Dumke, President; Carol B Dumke, Vice President; and Thomas Praggastis, Secretary/Treasurer.

4. VAULT 9/8/1997 Lapse Notice Sent

Comment: Lapse Notice Sent

5. VAULT 10/28/1997 Extension of Time Received

Comment: Extension of Time Received

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JUN 05 2002



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

May 7, 2002

KENT W FOSTER
PO BOX 50130
IDAHO FALLS ID 83405

RE: Permit No. 33-07212 – Sagewillow, Inc.

Dear Mr. Foster:

I received your letter and the attached information regarding Deer Creek Pipeline from the Bureau of Land Management (BLM). In review of your letter, and our file, I noticed that the BLM has their own water right permit for the same well and some of the troughs our field examiner recommended be licensed under this system. I have enclosed a copy of the BLM's permit for your information.

It appears to me that Mr. Pancheri showed our examiner the troughs that were to be covered under the permit owned by Sagewillow, Inc. The remaining troughs could be covered under the BLM's permit at the time the field examination for Permit 33-07220 is done.

Our examiner also GPS'd the troughs he was shown by Mr. Pancheri and found water use at these locations:

South Trough NWSW, Sec. 34, T8N, R27E – Private land
Middle Trough NENE, Sec. 33, T8N, R27E – BLM land
North Trough SESW, Sec. 28, T8N, R27E – BLM land

If you believe that all the troughs should be covered under the BLM permit, then a relinquishment of the Sagewillow, Inc. permit should be submitted so we don't have duplicated water rights for the same uses. You may want to check with the BLM before relinquishing the Sagewillow permit to make sure they are going to include the south trough that our examiner found located on private land.

Please find out what Sagewillow, Inc. and the BLM want to do in regard to these permits. We will withhold any further action towards the Sagewillow permit until we receive either the licensing amendment or a relinquishment. If Sagewillow only wants the trough in Section 34 covered under their water right, an amendment would not be required.

If you have any questions in regard to this matter, please do not hesitate to contact me at (208)327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosure

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JUN 05 2002

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

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER
SHAN B. PERRY
AMELIA A. SHEETS

US BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

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

Of Counsel
Fred J. Hahn

mw
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MAY - 6 2002

May 2, 2002

Department of Water Resources

Ms. Kay Walker
Sr. Water Resource Agent
1301 N. Orchard
Boise, ID 83706

RE: Water right permit no. 33-07212

Dear Ms. Walker:

In the process of checking to make sure we have the right places of use for the application for amendment you prepared and sent to us, the manager of the ranch contacted BLM and they have provided us with the enclosed letter, map and proof of beneficial use.

Will you please review the letter and map and let us know if you agree that the application for amendment should include five (5) places of use or if there is something else we need to do. Thank you for your kind attention and continued assistance.

Yours very truly,



Kent W. Foster

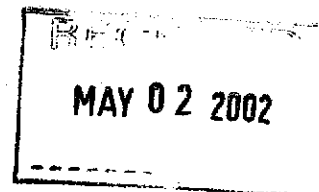
Enclosure

G:\WPDATA\KWF\8149 SAGE WILLOW\Correspondence\Kay Walker letter 50202.wpd:cdv

MICROFILMED
JUN 05 2002

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Upper Snake River District
Idaho Falls Field Office
1405 Hollipark Drive
Idaho Falls, Idaho 83401



In Reply Refer To:
7250

April 30, 2002

MEMORANDUM

TO: The file for 33-07220; 3303488038 (Deer Creek Pipeline)

FROM: Deena Teel

SUBJECT: GPS data collected on 4/25/2002

BLM personnel collected GPS data on the Deer Creek Pipeline on 4/25/2002 using a GeoExplorer III GPS unit (UTM zone 12, NAD 1927). These data indicate that the following legal descriptions should accurately reflect the locations for the well, troughs and water tank on this pipeline:

POD: T.8N, R.27E, S.34 NWNENE (private land owned by Sagewillow, Inc.)

POU: T.8N, R.27E, S.33 NENE (BLM land in Cedarville Allotment)
T.8N, R.27E, S.28 NWNE (BLM land in Cedarville Allotment)
T.8N, R.27E, S.28 SESW (BLM land in Cedarville Allotment)
T.8N, R.27E, S.28 NESW (BLM land in Cedarville Allotment)
T.8N, R.27E, S.21 NWNE (BLM land in Hawley Mountain Allotment)

NOTE: This is a joint water right between BLM and Sagewillow, Inc.

A handwritten signature in black ink, appearing to read "Deena Teel". The signature is fluid and cursive, with a large loop at the end.

cc: Kent Foster, c/o Holden, Kidwell, Hahn & Crapo PLLC
Harold Jones, Idaho Department of Water Resources

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JUN 05 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 33-07220 Telephone No. (208) 524-7500
2. Name of Permit Holder(s): U.S.D.I., Bureau of Land Management
3. Mailing Address: 1405 Hollipark Drive,
City Idaho Falls State ID Zip 83401
4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. unknown / yr. unknown
Well Driller: unknown Drilling Permit Number: unknown (pre-existing well)
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): 675 Range cattle
Irrigation (No. of acres): _____ Other: Wildlife
6. Total rate of diversion and/or volume for which proof is submitted: 0.15 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 ☒
Has the measuring device been installed? Yes _____ or No ☒
8. Fee Enclosed: \$ 50⁰⁰ (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: Mike Stoddard Telephone Number: (208) 524-7500
Address: 1405 Hollipark Dr., Idaho Falls, ID 83401
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Deana Joel - Ecologist
(include your title, if on behalf of company or organization)

Date: 5/1/2002

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JUN 05 2002

33-07220; 33034/00038
 BLM Water Right
 Deer Creek Pipeline
 T.08N, R.27E
 Badger Creek Quad & Howe NW Quad
 Sunset Peak Quad



55(RT)

Deer_creek_pipeline

- Well
- Trough
- Tank
- Index
- Township/Range/Section
- Bureau of Indian Affairs
- Department of Energy
- Forest Service
- Military Reservations
- National Parks & Monuments
- Open water
- Private
- State of Idaho
- U.S. Fish & Wildlife Service

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JUN 05 2002

0 0.5 Miles

1:24,000 scale

DRAFT: PRODUCED BY THE BLM, IDAHO FALLS FIELD OFFICE.
 Projection Universal Transverse Mercator
 Zone 12, 1983 North American Datum
 No warranty is made by the Bureau of Land Management
 as to the accuracy, reliability, or completeness of this data
 for individual or aggregate use with other data.
 Prepared by Brad Watson 4/28/2002 from GPS data.



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

March 28, 2002

SAGEWILLOW INC
PO BOX 50130
IDAHO FALLS ID 83405-0130

RE: Water Right Permit No. 33-07212

Dear Permit Holders:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

✓ **Place(s) of Use**

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

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JUN 05 2002

Comment Report

33-7212

1. kwalker 3/28/2002 Condition of Approval on Permit

Comment: While preparing this license, I found a condition of approval on the permit which I did not carry over on the license. The condition stated: Use of water under this right may be affected by an agreement between the protestant and the right holder. I could not find any agreement in the file between BLM and applicant. The applicant amended their application for permit to remove BLM lands and the protest was withdrawn. I have not carried the condition over to this license.

2. CZIMMERM 9/13/1994 CORPORATE OFFICERS

Comment: The corporate officers of Sagewillow, Inc. are: Edmund W Dumke, President; Carol B Dumke, Vice President; and Thomas Praggastis, Secretary/Treasurer.

3. VAULT 9/8/1997 Lapse Notice Sent

Comment: Lapse Notice Sent

4. VAULT 10/28/1997 Extension of Time Received

Comment: Extension of Time Received

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JUN 05 2002

LICENSE REVIEW CHECKLIST

Permit No. 33-7212 Date: 3-28-02 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: OK

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use OK Change

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s): _____

File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.02 cfs

Fee Limit N/A cfs

Measured _____ cfs

Theoretical _____ cfs

Recommended Total Diversion Rate 0.02

Water Uses OK

Change (P46)

Season of Use per new Standards

Irrigation _____ cfs _____ af

Stockwater 0.02 cfs 7.1 af

Domestic _____ cfs _____ af

_____ cfs _____ af

_____ cfs _____ af

Total 0.02 cfs 7.1 af

~~Irrigation~~ overlap (R58-R61, R62-R65, R66-R69)

~~supp. Gw~~ (WB7/065/104)

~~overlap spec combined rts~~ (W35)

~~<1 acre~~ (W31)

~~Domestic~~ (W01/wb5/070/071/075)

~~Power~~ (W42 or W43/025/027/R22 or R23)

~~Fish~~ (042)

~~Fire~~ (077)

~~Water Quality~~ (106/R07)

~~Payette~~ - (W22/047/27A)

~~Stockwater~~ for US (R37)

Volume Determination

_____ cfs x 1.9835 x _____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks: _____

Additional Conditions _____ Watermaster Control
 _____ GW Measurement/Measuring Device
 _____ Other
 Trust R55 - remove 051)
 Non-trust (048)

GW Dist? _____
 Water Mgmt. Dist? _____
 Crit. GWMA? _____
 GWMA? _____
 Government Lots? _____

Advance Priority? _____ yes
 _____ no

If yes, explain why below.

SRBA Claim? NO

Adjust memo _____

Amend Letters _____ P87, S06

Second Amendment Notice P44 S06

see comment memo of 5/14/02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAR 25 2002

Department of Water Resources
BOISE, IDAHO

A. GENERAL INFORMATION

Permit No. 33-72121. Owner: Sage Willow Inc. Phone No. (208) 523-0620Current Address: P.O. Box 50130, Idaho Falls, ID 834052. Accompanied by: Jerry Pancheri EXAM DATE: 8-20-01Address: Box 2104, Howe, ID 83244 Phone No. (208) 767-3419Relationship to Permit Holder: Manager3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: No2. Other water rights with the same point of diversion: No

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	NENE		34	8N	27E	Butte	R082017A

2. Place(s) of Use:

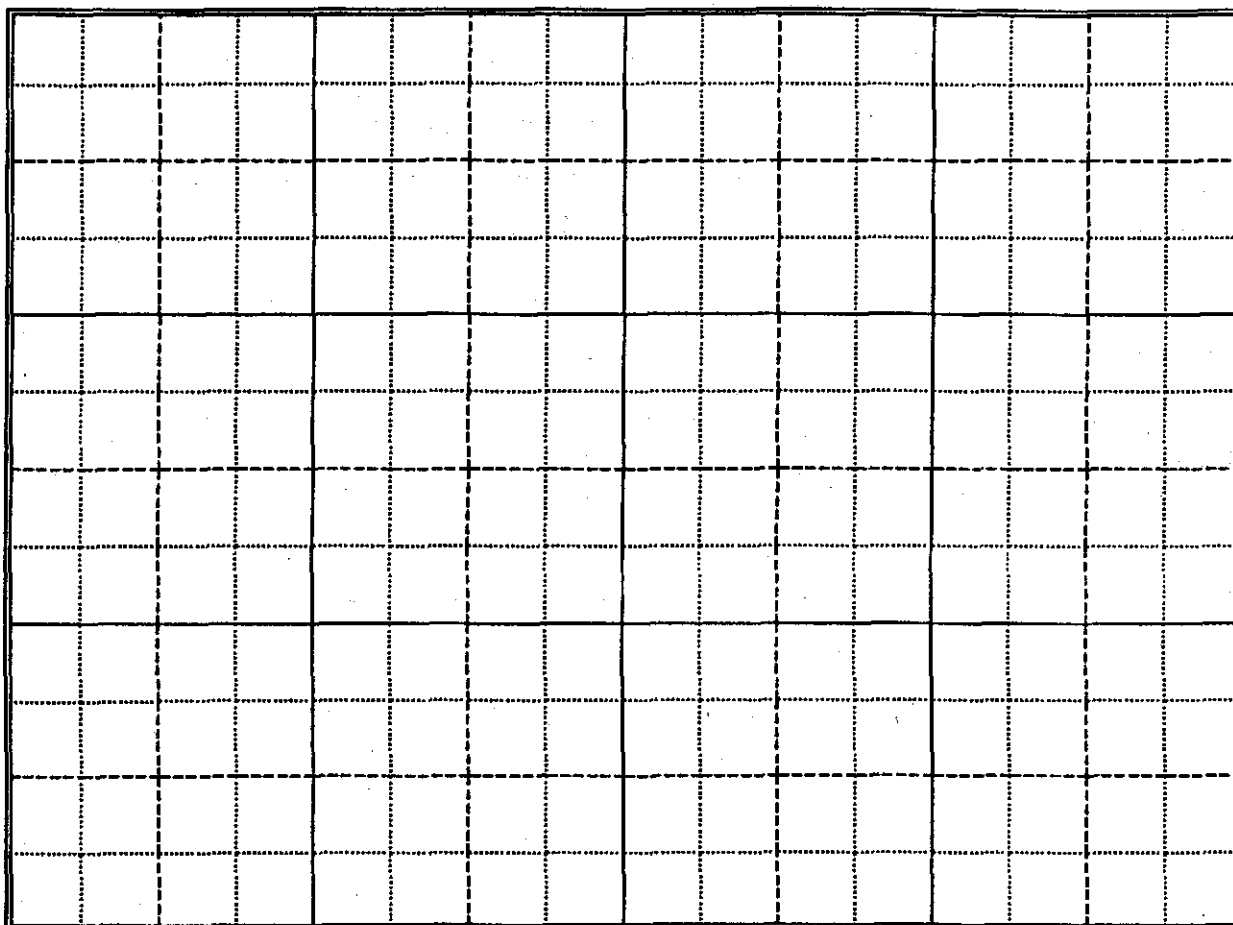
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	27E	28												S					
		33	S																
		34									S								

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3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: NONE Be-minimal comment.

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JUN 05 2002

E. NARRATIVE/REMARKS/COMMENTS

Well → Pump to 10,000 storage tank → gravity flow to three
stock water tanks → 900 total animals

Line to troughs is inch and a $\frac{1}{4}$ pipe.

Jerry is going to call about the size of the motor.

I called Jerry 8-24-01 2:30 no answer.

R082017 A PoD

R082018 A South Trough

R082018 B Middle Trough

R082018 D North Trough

R082018 E Storage Tank 10,000 gallons

Have conditions of permit approval been met? ☒ yes ☐ no

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JUN 05 2002

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$Q = 0.02 \text{ cfs} \quad \text{De-minimus amt}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{D.R} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{I.R} \text{ and } V_{D.R} =$$

2. Volume Calculations for Other Uses:

$$\begin{aligned} \checkmark \text{ Stock} &= 0.02 (1.9835) 214 \text{ days} = 8.5 \text{ af} \\ 900 \text{ stock (12 gpd/acre)} &= 10800 \text{ gal/day} \times 214 \text{ days} = \\ 2311,200 \text{ g/yr} \div 325850 \text{ gal/af} &= 7.1 \text{ af} \end{aligned}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
STOCKWATER	4/1	11/1	0.02 cfs	7.1 af
Totals:			0.02 cfs	7.1 af

2. Recommended Amendments

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

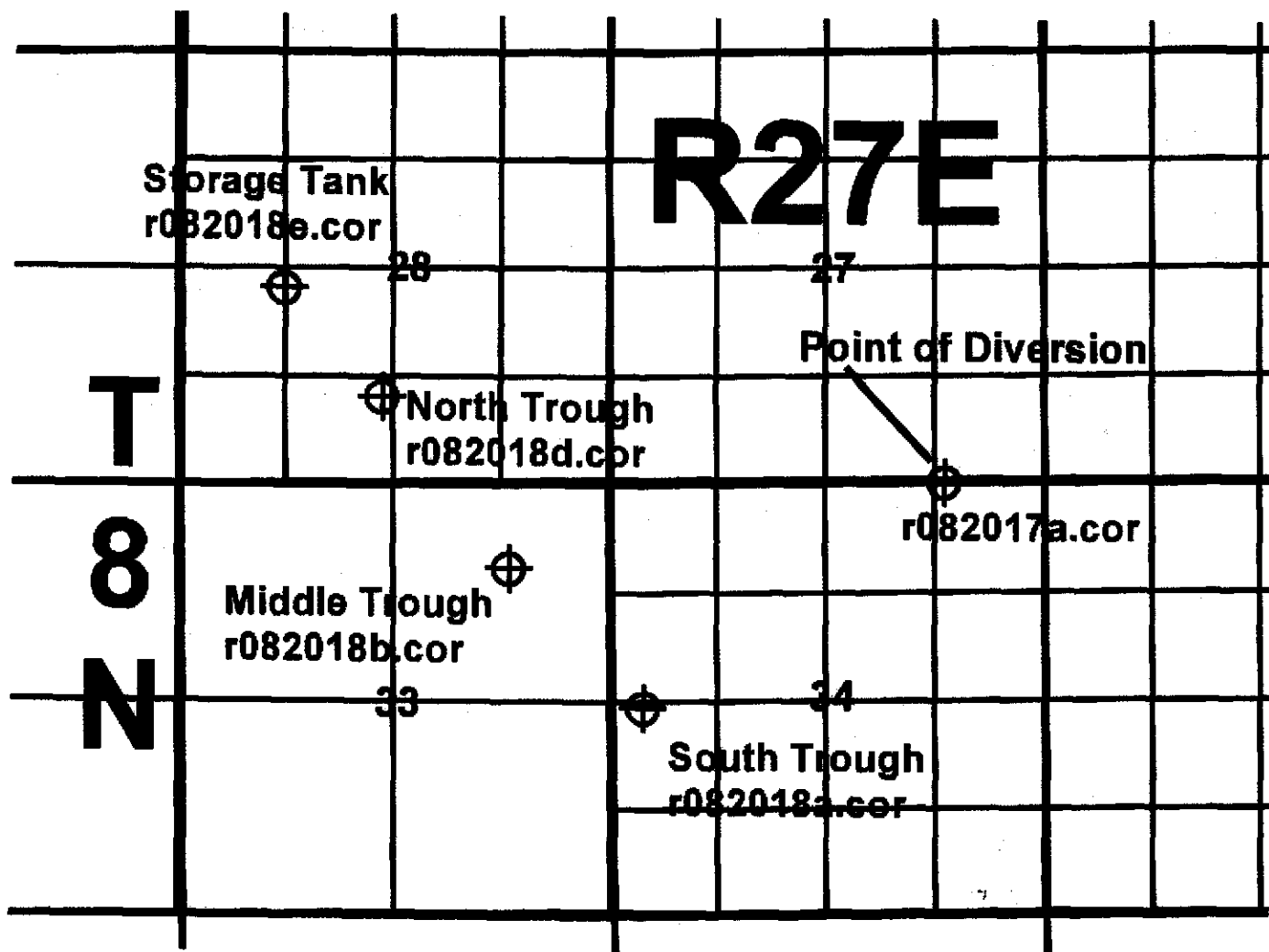
I. AUTHENTICATION

Field Examiner's Name Keith C. Wilson Date 3-4-2002

Reviewer _____ Date _____

MICROFILMED SEAL

WIN 0 5 2002



 Sections.shp

 T08n27e.shp

 Posnpnt.shp

33-07212

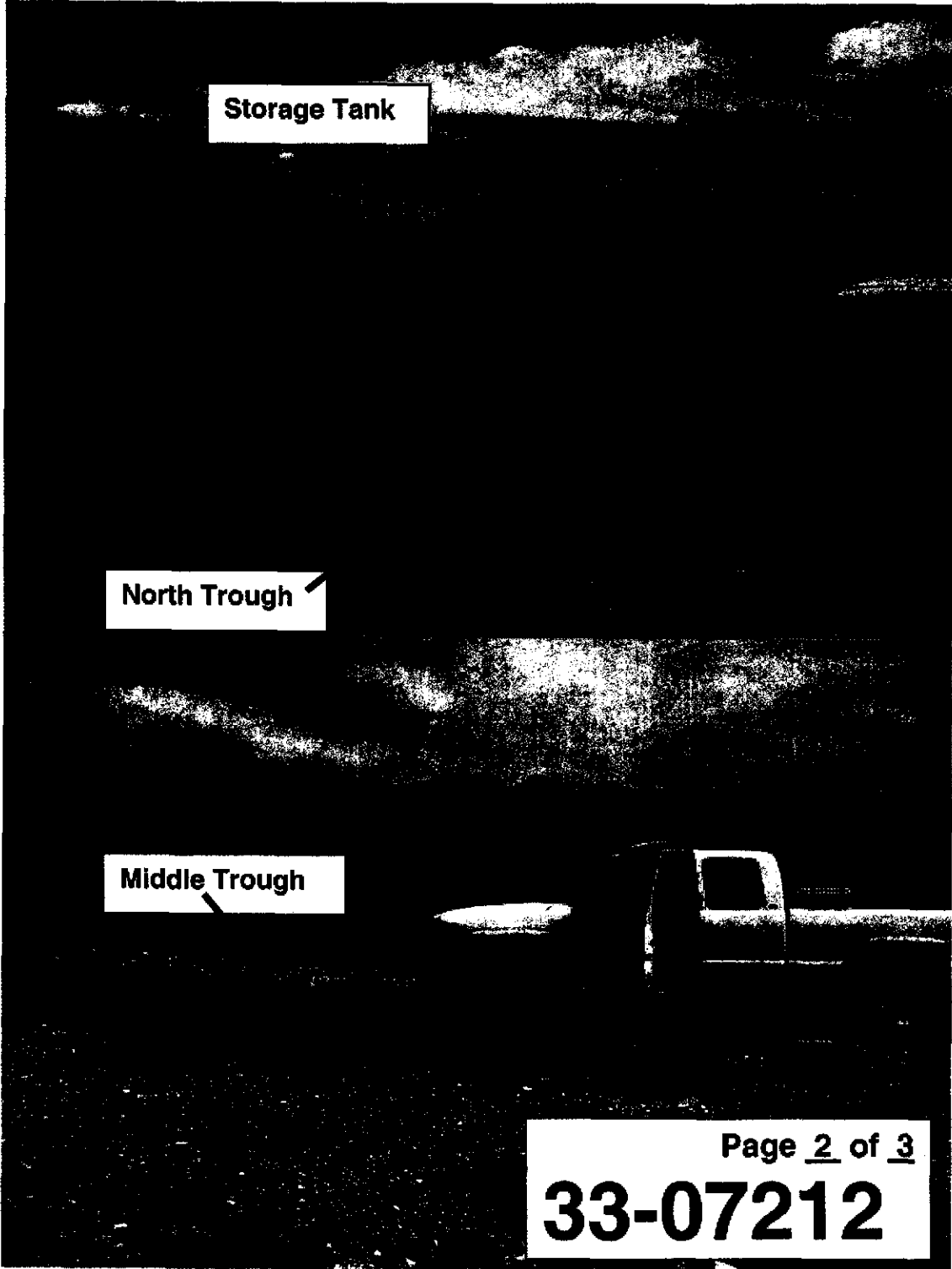
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JUN 05 2002

Storage Tank

Page 1 of 3

33-07212

JUN 05 2002



Storage Tank

North Trough

Middle Trough

Page 2 of 3

33-07212

MICROFILMED

JUN 05 2002



Page 3 of 3

33-07212

MICROFILMED

JUN 05 2002

Law Offices

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

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEDGLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FRIDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER
SHAN B. PERRY
AMELIA A. SHEETS

U.S. BANK OF IDAHO BUILDING
330 SHoup AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

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

FACSIMILE TRANSMITTAL SHEET

DATE: July 31, 2001
TO: Deborah J. Gibson
FAX #: (208) 327-7866
FROM: Kent W. Foster
FAX #: (208) 523-9518

NO. OF PAGES INCLUDING TRANSMITTAL SHEET:

ITEMS SENT: Proof of Beneficial Use Permit No. 33-7212 Sagewillow, Inc.

ORIGINALS: Sent by Mail () Kept on File (✓)

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE (208) 523-0620.

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination or distribution of this communication to other than the intended recipient is strictly prohibited. If you have received this communication in error, please notify us immediately by collect telephone at (208) 523-0620, and return the original message to us at the above address via the U.S. Postal Service. Thank you.

Telecopier Operator

Barbara F. Croft

MICROFILMED
AUG 08 2001

Form NO. 217
6/00

FOR OFFICE USE ONLY

Amt. of Fee \$: 50.00
Receipt No. 0034257
Receipt By: [Signature]
Date Received: 7-23-01STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

- Permit No. 33-7212 Telephone No. (208) 523-0620
- Name of Permit Holder(s): Sagewillow, Inc.
- Mailing Address: c/o Holden, Kidwell, Hahn & Crapo, PO Box 50130
City Idaho Falls State ID Zip 83405
Well is an abandoned irrigation well that may have been
- Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____ drilled in
Well Driller: Unknown Drilling Permit Number: Unknown the 1960s.
- Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): 500 RANGE CATTLE
Irrigation (No. of acres): _____ Other: _____
- Total rate of diversion and/or volume for which proof is submitted: .02 cfs OR _____ acre-feet
- 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 X
Has the measuring device been installed? Yes _____ or No _____
- Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
- Person to contact to accompany the Department representative during field examination of the water system.
Name: Jerry Pancheri Telephone Number: (208) 767-3419
Address: HC-65, Box 2104, Howe, ID 83244
- The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.
Sagewillow Inc
Signature of permit holder: Edward W. Dumble Date: 7/17/01
(include your title, if on behalf of company or organization)

MICROFILMED

AUG 08 2001



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

July 26, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SAGEWILLOW INC
C/O HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405-0130

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 33-07212

Dear Permit Holder:

The department has received the proof of beneficial use form submitted for the above referenced permit. However, upon review of your proof, I find that it contains no information in section 5. This section asks for "Use(s)"(as authorized by the water right permit)." Please confirm to me the actual use of this water right at the present time in order to verify its accuracy.

Additionally, you paid \$50.00 when you submitted this proof. There is no examination fee for permits having ground water rights with a total rate of diversion of 0.04 cfs or less. Therefore, I will request that \$50.00 be refunded to you. A check will be issued by the State of Idaho in approximately 7-10 business days and mailed to you under separate cover.

If you have any questions regarding the refund or the processing of this proof, please contact me at (208)327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office
Fiscal

MICROFILMED

AUG 08 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 33-7212

Reviewed By: dgibson

Date: July 26, 2001

	<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.:		C055057	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?			Measure device waiver requested?		

Priority Calculation

Date proof received	07/23/2001
Date proof due	- 09/01/2001
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 07/12/1994
New priority date	= 07/12/1994

Deficiencies of Actions Items

~~Acknowledge proof.~~ Refund the filing fee. Ask for verification of the water use since no information was on the form. *Acknowledge proof upon receipt of confirmation of water use.*

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

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
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Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

RECEIVED

JUL 23 2001

July 20, 2001

Department of Water Resources

Deberah J. Gibson, Administrative Assistant
Water Allocation Bureau
IDAHO DEPARTMENT OF
WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83702

Re: Permit No. 33-7212

Dear Ms. Gibson:

Enclosed is a completed Proof of Beneficial Use form together with our check in the amount of \$50.00 regarding the above-numbered permit.

Very truly yours,



Kent W. Foster

Enclosures

GA\WPDATA\KWF\8149\Correspondence\Gibson072001.ltr.wpd:ljm

MICROFILMED

AUG 08 2001

June 30, 2001

SAGEWILLOW INC
PO BOX 50130
IDAHO FALLS, ID 834050130

PROOF DUE NOTICE

RE: PERMIT NO. 33-7212

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 September 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed 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.

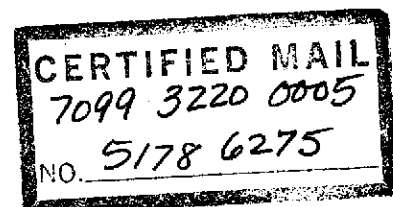
Sincerely,

Deborah J. Gibson, Admin. Asst.
Water Allocation Bureau

Enclosures

MICROFILMED

AUG 08 2001





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

November 7, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Sage Willow, Inc.
PO Box 50130
Idaho Falls, ID 83405-0130

RE: Permit No. 33-07212

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use to **September 1, 2001**. Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of the development during the construction period allowed since the department **will not** be able to grant additional extensions based on due diligence.

Be advised that since the extension request was received after the proof due date of September 1, 1997, it was necessary for the department to reinstate the permit and advance the date of priority to July 12, 1994.

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

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

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED
DEC 08 1997

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 33-07212 Reviewed by Jy Date 11-7-97

BASIC INFORMATION

10-27-97 Date stamp received

no Extension received timely

YLS Fee received and receipted

YLS Name and signature same as permit

no Address Change

BASIS FOR EXTENSION REQUEST

YLS Has adequate work been completed to demonstrate due diligence?

_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN *Recommend extend to Sept. 1, 2001, on basis of due diligence.
Reinstate & advance priority to July 12, 1994.*

PRIORITY CALCULATION

Date extension received	<u>10-27-97</u>	= <u>300</u>
Proof due date	<u>9-1-97</u>	= <u>244</u>
Number of days late	_____	= <u>56</u>
Priority date	<u>5-17-94</u>	= <u>137</u>
New Priority Date	<u>7-12-94</u>	= <u>193</u>

DATA ENTRY

New Address X _____

Change Proof Due Date 9-1-2001

Change Priority Date 7-12-94

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

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

U.S. BANK OF IDAHO BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL HOLDNLAW@SRV.NET

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

October 16, 1997

RECEIVED

OCT 27 1997

Department of Water Resources

L. Glen Saxton, Chief
Water Allocation Bureau
IDAHO DEPARTMENT OF
WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Re: Permit No. 33-07212

Dear Mr. Saxton:

We are enclosing with this letter a request for an extension of time regarding the above numbered permit together with a \$50 fee. If we may provide any additional information, please feel free to call upon us at your convenience. Thank you for your kind consideration.

Yours very truly,



Kent W. Foster

Enclosure

G:\WPDATA\KWF\8149\SAXT1016.LTR:kmc

MICROFILMED
DEC 08 1997

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

September 8, 1997

SAGEWILLOW INC
PO BOX 50130
IDAHO FALLS ID 834050130

LAPSE NOTICE

RE: PERMIT NO. 33-07212

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated June 30, 1997. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 9/8/97
~~a copy~~/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

MICROFILMED

DEC 08 1997

June 30, 1997

SAGEWILLOW INC
PO BOX 50130
IDAHO FALLS ID 834050130

PROOF DUE NOTICE

RE: PERMIT NO. 33-07212

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 September 1, 1997.

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

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

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

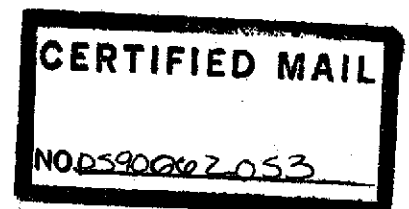
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

DEC 08 1997





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 27, 1994

SAGEWILLOW INC
PO BOX 50130
IDAHO FALLS ID 834050130

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P33-07212

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.

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.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', with a long horizontal line extending to the right.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosures

DEC 13 1994

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 33-7212 Name: Sagewillow Lane Date: 8/26/94 Correct Fee? ✓

AREA OF CONCERN? - No/Yes ESLP 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:

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

*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 - S <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(FERE); 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), 27A(Payette R), NA

OWNERSHIP:

Non land owner - 004 (PD/PU) _____

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

~~OTHER CONDITIONS:~~

REMARKS:

1) w/2 (900 re)

BENEFICIAL USE DUE:

- 9-1-1997

COMMENTS:

- 1) Corp off.

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 33-7212 Name: Sagewillow Lane Date: 8/26/94 Correct Fee? ✓

AREA OF CONCERN? - No/Yes ESRP 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:

Water District(~~dem~~) - WD No.
*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 - \$ <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
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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(FERE); 18B-P09
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Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA
Domestic (surface) - 021(Boise R ↑ L Peak), 27A(Payette R), NA

OWNERSHIP:

Non land owner - 004 (PD/PU)

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

~~OTHER CONDITIONS:~~

REMARKS:

① woz (900 ac)

BENEFICIAL USE DUE:

- 9-1-1997

COMMENTS:

- ① Corp off.

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO
P.L.L.C.

IDAHO FALLS OFFICE

FRED J. HAHN
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P.O. BOX 50130
330 SHOUP AVENUE
IDAHO FALLS, IDAHO 83405

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TELEFAX (208) 523-9518

KEY FINANCIAL CENTER
P.O. BOX 2840
702 W. IDAHO SUITE 810
BOISE, IDAHO 83701

TELEPHONE (208) 343-0820
TELEFAX (208) 343-8078

BOISE OFFICE

TODD J. WILCOX
FREDERICK J. HAHN III
RONALD D. CHRISTIAN

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(1877-1967)
ROBERT B. HOLDEN
(1911-1971)
TERRY L. CRAPO
(1939-1982)
WILLIAM S. HOLDEN
(1907-1988)

September 9, 1994

Cindy Zimmerman, Water Resource Agent
IDAHO DEPARTMENT OF
WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

RECEIVED

SEP 12 1994

Department of Water Resources

Re: Application for Permit No. 33-07212

Dear Ms. Zimmerman:

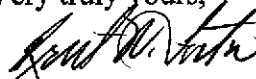
Pursuant to your request of August 26, 1994, the following is a list of the names, titles and addresses of all the corporate officers of Sage Willow, Inc.:

President: Edmund W. Dumke
2416 Plaza Del Grande
Las Vegas, NV 89102

Vice-President: Carol B. Dumke
2416 Plaza Del Grande
Las Vegas, NV 89102

Secretary/Treasurer: Thomas Praggastis
P.O. Box 1656
Sun Valley, ID 83353

Very truly yours,



Kent W. Foster

KWF/sjw

RECEIVED
DEC 13 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

August 26, 1994

SAGEWILLOW INC
% HOLDEN, KIDWELL, HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405-0130

RE: Application for Permit No. 33-07212

Dear Sirs:

I have received your application for permit for domestic use for final review. However, I need a list of the names, titles, and addresses of all the corporate officers of Sagewillow, Inc.

I will hold further processing on your application for 15 days pending your response. Please submit this information as quickly as possible within the 15-day period to prevent any further undue delay in processing your application.

If you have any questions, please feel free to contact me at (208) 327-7944.

Sincerely,

A handwritten signature in cursive script that reads 'Cindy Zimmerman'.

CINDY ZIMMERMAN
Water Resource Agent

c: Eastern Region

DEC 13 1994

Dist. for staffing 5-17-94
Submitted for advertising 5-18-94

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATIONS FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY ALW DATE 5-17-94 APPLICATION NO. 33-7212

Sage Willow Inc.
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 State of 35 acres Little Lost River?
☒ 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 _____

_____ Date Requested _____

RECEIVED
AUG 18 1994

Department of Water Resources

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

ADDITIONAL INFORMATION

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO
P.L.L.C.

IDAHO FALLS OFFICE

FRED J. HAHN
KENT W. FOSTER
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(1939-1982)
WILLIAM S. HOLDEN
(1907-1988)

August 12, 1994

Harold Jones
IDAHO DEPARTMENT OF
WATER RESOURCES
900 N. Skyline Drive
Idaho Falls, ID 83402-1718

RECEIVED

AUG 15 1994

Department of Water Resources
Eastern District Office

RE: Sage Willow/Application Permit #33-07212

Dear Harold:

We are in receipt of your letter of August 10 indicating that BLM has withdrawn its protest with the adjustment in the Application. Is there anything else we need to do to get this permit issued. If so, please let us know and we will try to respond as quickly as possible. Thank you for your kind attention to this matter.

Very truly yours,



Kent W. Foster

G:\WPDATA\SANDRA\00SAGE01.LTR:sjw

RECEIVED
DEC 13 1994

AFFIDAVIT OF PUBLICATION

I, COLLEEN BABCOCK
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco, Idaho,
since March, 1909, do solemnly swear that a copy of
this notice, per clipping attached, was published
weekly in the regular and entire issue of said
newspaper, and not in any supplement thereof,

for 2 consecutive weeks, commencing with
the issue dated July 21, 1994
and ending with the issue dated

July 28, 1994
Colleen Babcock

STATE OF IDAHO }

COUNTY OF BUTTE }

On this 28th day of July
in the year of 1994, before me, a Notary Public,

personally appeared

Colleen Babcock
known or identified to me to be the person whose
name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he
executed the same.

Thomas D. Carr
Notary Public for Idaho

Residing at Arco, ID

My commission expires: 12-30-97

NOTICE OF APPLICATION
FOR WATER RIGHT

The following application has been filed
to appropriate the public waters of the
State of Idaho:

33-07212

SAGEWILLOW INC.

PO BOX 50130

IDAHO FALLS, ID 83405

Source: GROUNDWATER

Diversion Pt: NENE Sec 34 T 08N R 27E

in BUTTE County.

Use: STOCKWATER (.020 CFS)

Total Diversion: (.020 CFS)

Date Filed: 5/17/1994

In: BUTTE County

T08N R 27E S34, NENE, SWNE, SENE,

SENE, NESW, NWSW, SWSW, SESW,

NESE, NWSE, SWSE

S35, NWNW, SWNW, SENW,

NWSW, SWSW

The permit will be subject to all prior
water rights. Protests must be filed with
the Director, Dept. of Water Resources,
Eastern Region, 900 N Skyline, Idaho
Falls, Idaho 83402 on or before AUGUST
8, 1994.

R. KEITH HIGGINSON

Director

Published: 7/21/1994 & 7/28, 1994

DEPT OF AG

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
900 N Skyline

Idaho Falls, Idaho 83402
(208) 525-7161

JULY 14, 1994

THE ARCO ADVERTISER
P.O. DRAWER C
ARCO, ID 83213

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 8, 1994.

Yours truly,

Rita Bodell
Secretary

Encl.

RECEIVED
DEC 13 1994

NOTICE OF APPLICATION FOR WATER RIGHT

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

DEC 13 1994

33-07212

SAGEWILLOW INC
PO BOX 50130
IDAHO FALLS, ID 83405

Source: GROUNDWATER

Diversion Pt: NENE Sec 34 T 08N R 27E in BUTTE County.

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

Date Filed: 5/17/1994

In: BUTTE County
T08N R27E S34

S35

NENE
NESW
NESE
NWNW
SWSW

SWNE
NWSW
NWSE
SWNW

SENE
SWSW
SWSE
SENW

SENE
SESW
NWSW

RECEIVED

DEC 13 1994

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before AUGUST 8, 1994.

R. KEITH HIGGINSON, Director

Published: 7/21/1994 & 7/28/1994

DEC 13 1994

10-Aug-1994

SAGEWILLOW INC
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: App. for Permit of Water Right No. 33-07212

Dear Applicant:

This letter is to advise you that the protest filed by the USDI BLM against approval of the above referenced application has been withdrawn.

If you have any questions, please feel free to contact this office.

Very truly yours,

Harold W. Jones _{rb}
HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

DEC 13 1994

10-Aug-1994

USDI BLM
940 LINCOLN RD
IDAHO FLALS ID 83401

RE: App. for Permit of Water Right No. 33-07212
Sagewillow, Inc.

Dear Mr. Cook:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application.

If you have any questions, please feel free to contact this office.

Very truly yours,

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

HWJ/rb

DEC 18 1994



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho Falls District Office
940 Lincoln Road
Idaho Falls, Idaho 83401

TAKE
PRIDE IN
AMERICA
IN REPLY REFER TO:
7250

August 9, 1994

RECEIVED

AUG 10 1994

Department of Water Resources
Eastern District Office

Harold Jones
Idaho Department of Water Resources
900 N. Skyline
Idaho Falls, Idaho 83402

Dear Mr. Jones,

Upon reviewing the amended application for permit (33-07212) filed by Sagewillow, Inc., this office wishes to withdraw the protest that was filed on June 13, 1994. Please contact Deena Teel at (208) 524-7533 if we can be of any further assistance.

Sincerely,

(for) *LeRoy Cook*
LeRoy Cook
Big Butte Area Manager

DEC 13 1994

LAW OFFICES

HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FALLS OFFICE

FRED J. HAHN
 KENT W. FOSTER
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BOISE OFFICE

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 WILLIAM S. HOLDEN
 (1907-1988)

June 28, 1994

RECEIVED
 JUN 30 1994

Department of Water Resources
 Eastern District Office

Harold Jones
 IDAHO DEPARTMENT OF WATER
 RESOURCES
 900 N. Skyline
 Idaho Falls, Idaho 83402-1718

RE: Application for Permit No. 33-07212

Dear Harold:

Pursuant to our telephone conversation, we are enclosing our check in the amount of \$20 for the Amended Application for Permit and a map which shows the land actually owned by Sage Willow.

The lands shown in yellow in Sections 34 and 35 of Township 8 North, Range 27 East appear to be the only deeded lands of Sage Willow to which water from the well can be brought for stock water purposes. There appears to be about 640 total acres but of course the land east of the Little Lost River in the southeast quarter of the northwest quarter of section 35 will probably not have stock water brought to it from the well.

Again, I am sorry for the blunder; I have tried to blame it on the secretary but of course we all know where the buck stops. In any event thanks for your kind assistance in helping us to correct this problem.

Very truly yours,



Kent W. Foster

Enclosure

G:\WPDATA\SANDRA\00JONE02.LTR:sjw

RECORDED
 DEC 13 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

21-Jun-1994

HOLDEN KIDWELL HAHN & CRAPO
SAGEWILLOW INC
PO BOX 50130
IDAHO FALLS ID 83405

RE: Application for Permit No. 33-07212

Dear Applicant:

Enclosed is a copy of a protest filed against the issuance of the above referenced permit. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for transfer (Idaho Code § 42-203):

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. Is the proposed use contrary to conservation of water resources within the State of Idaho?

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DEC 13 1994

Holden, Kidwell, Hahn & Crapo
Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,

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

HWJ:rb

pc: IDWR - State Office
Enc.

DEC 13 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

21-Jun-1994

USDI BLM
940 LINCOLN RD
IDAHO FALLS ID 83401

RE: Application for Permit No. 33-07212
Sagewillow, Inc.

Dear Mr. Cook:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application (Idaho Code § 42-203) the following are the principle items the Department can consider in either approving or denying the applications for (Idaho Code § 42-203):

1. Will the proposed use reduce the quantity of water under existing 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?

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DEC 13 1994

LeRoy Cook
Big Butte Area Manager
Page 2

5. Will the proposed use under this permit conflict with the local public interest?

6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

The protestant must be prepared to present proof of allegations involving one or more of the six items.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question. The address is as follows:

HOLDEN KIDWELL HAHN & CRAPO
SAGEWILLOW INC
PO BOX 50130
IDAHO FALLS ID 83405

If this office can be of further assistance, please contact us.

Sincerely,

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

HWJ:rb
pc: IDWR - State Office

DEC 13 1994



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho Falls District Office
940 Lincoln Road
Idaho Falls, Idaho 83401



IN REPLY REFER TO:

7250

June 13, 1994

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JUN 16 1994

Harold Jones
Water Right Supervisor
900 N. Skyline Dr.
Idaho Falls, Idaho 83402-1718

Department of Water Resources
Eastern District Office

RE: Application Number 33-07212

Dear Mr. Jones:

This office wishes to protest water right application Number 33-07212 filed by Sagewillow, Inc. The basis for our protest is: 1) five of the places of use (POUs) are located on public land administered by the Bureau of Land Management, and 2) the applicant has not filed a right-of-way application with this office.

Please direct questions to Deena Teel at (208) 524-7533.

Sincerely,

LeRoy Cook
Big Butte Area Manager

524-7505

DEC 13 1994

AFFIDAVIT OF PUBLICATION

I, Colleen Babcock
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco, Idaho,
since March, 1909, do solemnly swear that a copy of
this notice, per clipping attached, was published
weekly in the regular and entire issue of said
newspaper, and not in any supplement thereof,

for 2 consecutive weeks, commencing with
the issue dated JUNE 2, 1994
and ending with the issue dated

JUNE 9, 1994
Colleen Babcock

STATE OF IDAHO }

COUNTY OF BUTTE }

On this 9th day of June

in the year of 1994, before me, a Notary Public,

personally appeared

Colleen Babcock

known or identified to me to be the person whose
name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he
executed the same.

Thomas D. Carr
Notary Public for Idaho

Residing at Arco, ID

My commission expires: 12-30-97

NOTICE OF APPLICATION
FOR WATER RIGHT

The following application has been filed
to appropriate the public waters of the
State of Idaho:

33-07212

SAGEWILLOW INC.

PO BOX 50130

IDAHO FALLS, ID 83405

Source: GROUNDWATER

Diversion Pt: NENE Sec 34 T 08N 27E in
BUTTE County.

Use: STOCKWATER (.020 CFS)

Total Diversion: (.020 CFS)

Date Filed: 5/17/1994

In: BUTTE County

T07N R27E S03 NWSW

S10 SENW

T08N R27E S28 NWSE SWSE

S34 NENE SWSW

S35 SESW

The permit will be subject to all prior
water rights. Protests must be filed with
the Director, Dept. of Water Resources,
Eastern Region, 900 N Skyline, Idaho
Falls, Idaho 83402 on or before JUNE 20,
1994.

R. KEITH HIGGINSON, Director

Published: 6/2/1994 & 6/9/1994

DEC 18 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
900 N Skyline

Idaho Falls, Idaho 83402
(208) 525-7161

MAY 23, 1994

THE ARCO ADVERTISER
P.O. DRAWER C
ARCO, ID 83213

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 JUNE 20, 1994.

Yours truly,

Rita Bodell
Secretary

Encl.

RECEIVED
DEC 13 1994

33-07212

SAGEWILLOW INC
PO BOX 50130
IDAHO FALLS, ID 83405

Source: GROUNDWATER

Diversion Pt: NENE Sec 34 T 08N R 27E in BUTTE County.

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

Date Filed: 5/17/1994

In: BUTTE County			
T07N R27E S03	NWSW		
S10	SENW		
T08N R27E S28	NWSE	SWSE	
S34	NENE	SWSW	
S35	SESW		

DEC 13 1994

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before JUNE 20, 1994.

R. KEITH HIGGINSON, Director

Published: 6/ 2/1994 & 6/ 9/1994

DEC 13 1994

23-May-1994

HOLDEN, KIDWELL, HAHN, & CRAPO
SAGEWILLOW INC
PO BOX 50130
IDAHO FALLS ID 83405

RE: Application No. 33-07212

Dear Water Right Applicant:

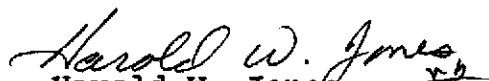
The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the ARCO ADVERTISER on June 2, & 9, 1994. The advertisement will be published for two consecutive weeks, and a period of ten days following the 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

DEC 18 1994