Idaho Department of Water Resources
October 13, 1999
Boise, Idaho

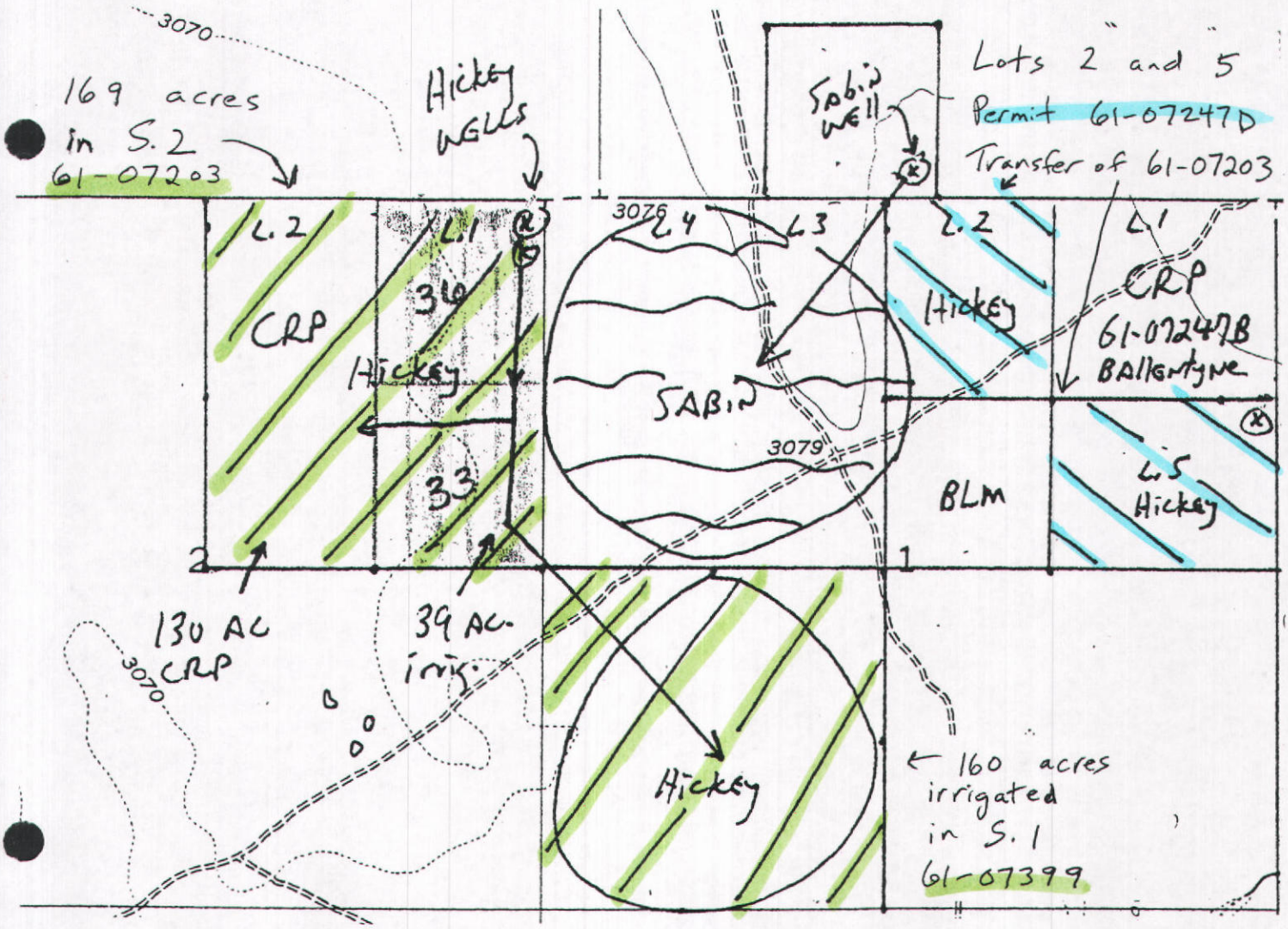
Re: CARL HICKEY

1. Combined Use Limit for 61-07203 and 61-07399 1

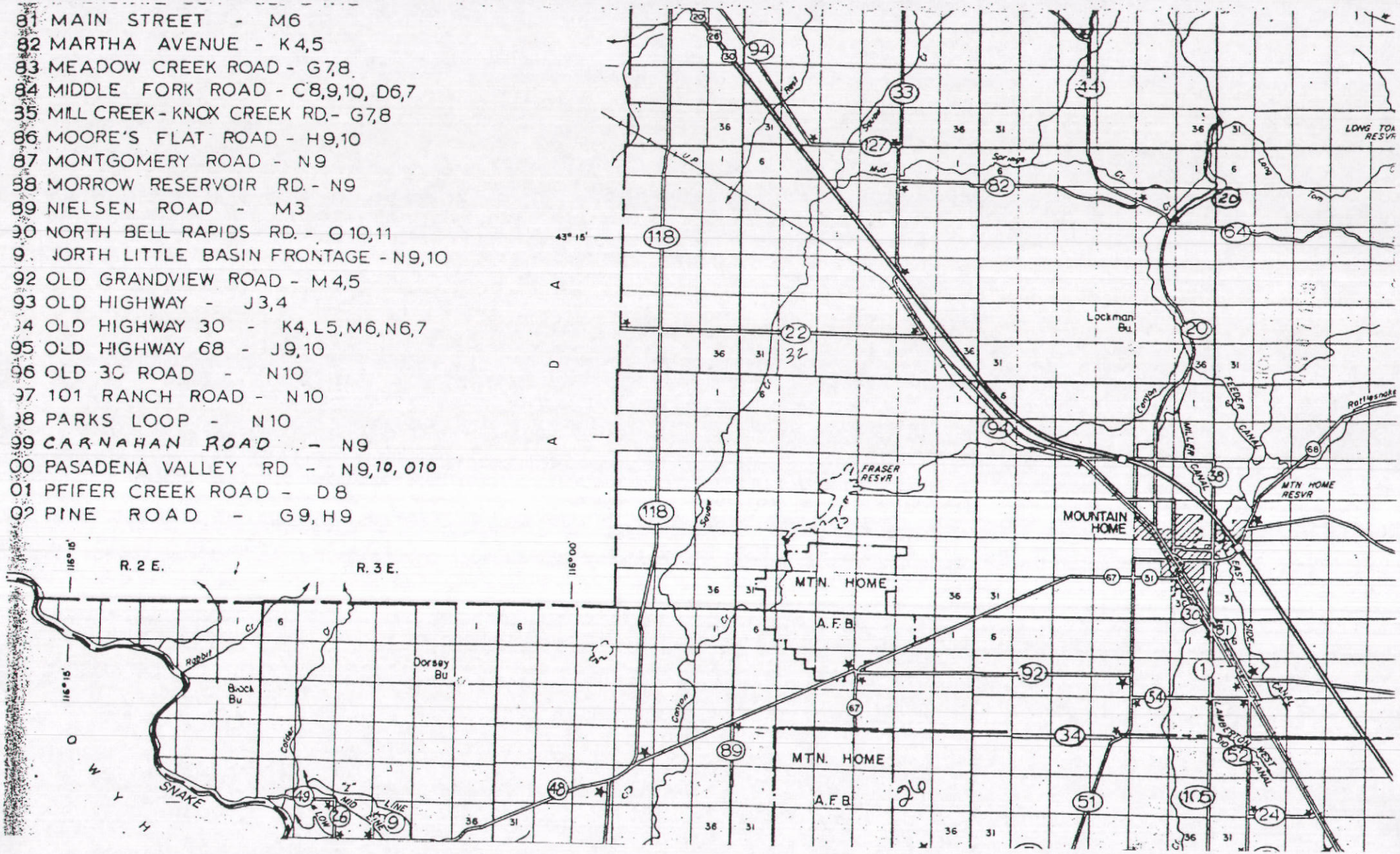
2. Permit No. 61-07247D 2

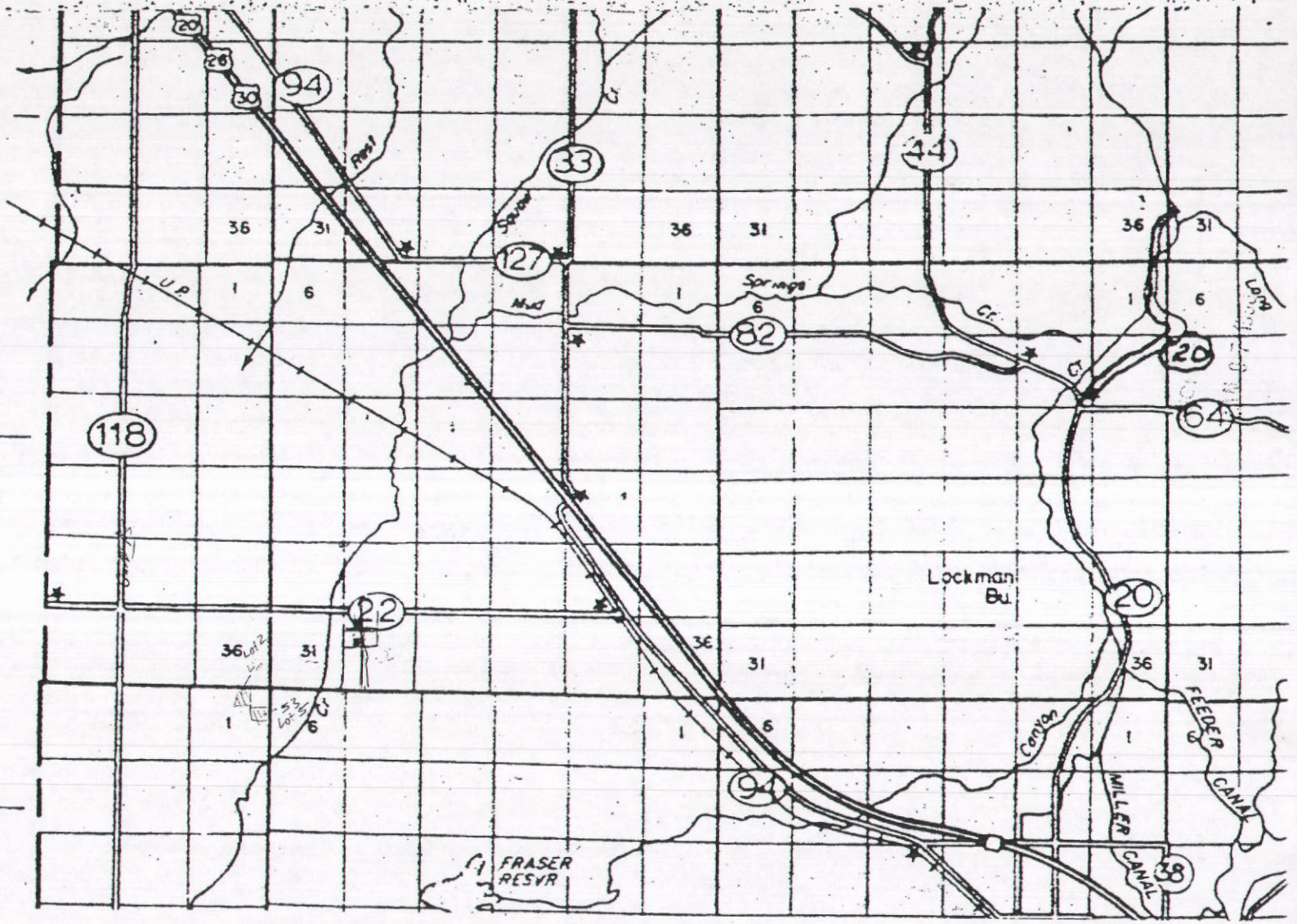
3. Transfer of 61-07203 3

10129901.NMS



81 MAIN STREET - M6
82 MARTHA AVENUE - K4,5
83 MEADOW CREEK ROAD - G7,8
84 MIDDLE FORK ROAD - C8,9,10, D6,7
85 MILL CREEK - KNOX CREEK RD. - G7,8
86 MOORE'S FLAT ROAD - H9,10
87 MONTGOMERY ROAD - N9
88 MORROW RESERVOIR RD. - N9
89 NIELSEN ROAD - M3
90 NORTH BELL RAPIDS RD. - O10,11
9. JORTH LITTLE BASIN FRONTAGE - N9,10
92 OLD GRANDVIEW ROAD - M4,5
93 OLD HIGHWAY - J3,4
94 OLD HIGHWAY 30 - K4, L5, M6, N6,7
95 OLD HIGHWAY 68 - J9,10
96 OLD 30 ROAD - N10
97 101 RANCH ROAD - N10
98 PARKS LOOP - N10
99 CARNAHAN ROAD - N9
00 PASADENA VALLEY RD - N9,10, 010
01 PFIFER CREEK ROAD - D8
02 PINE ROAD - G9, H9




20
26
30
94
33
41
127
82
20
64
118
22
20
91
38
36
31
1
6
Lockman Bu
Canyon
FEEDER CANAL
MILLER CANAL
FRASER RESVR
43° 15'

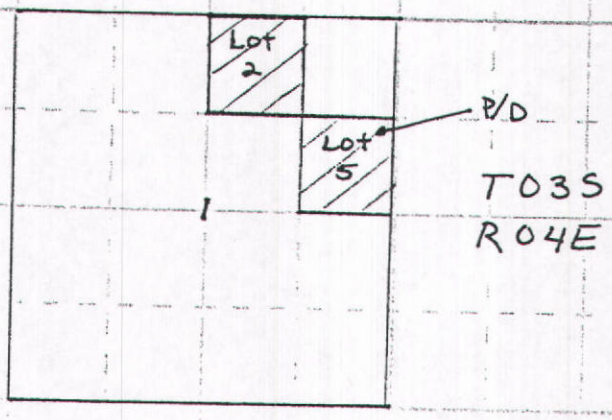
Transfer No. 4328

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

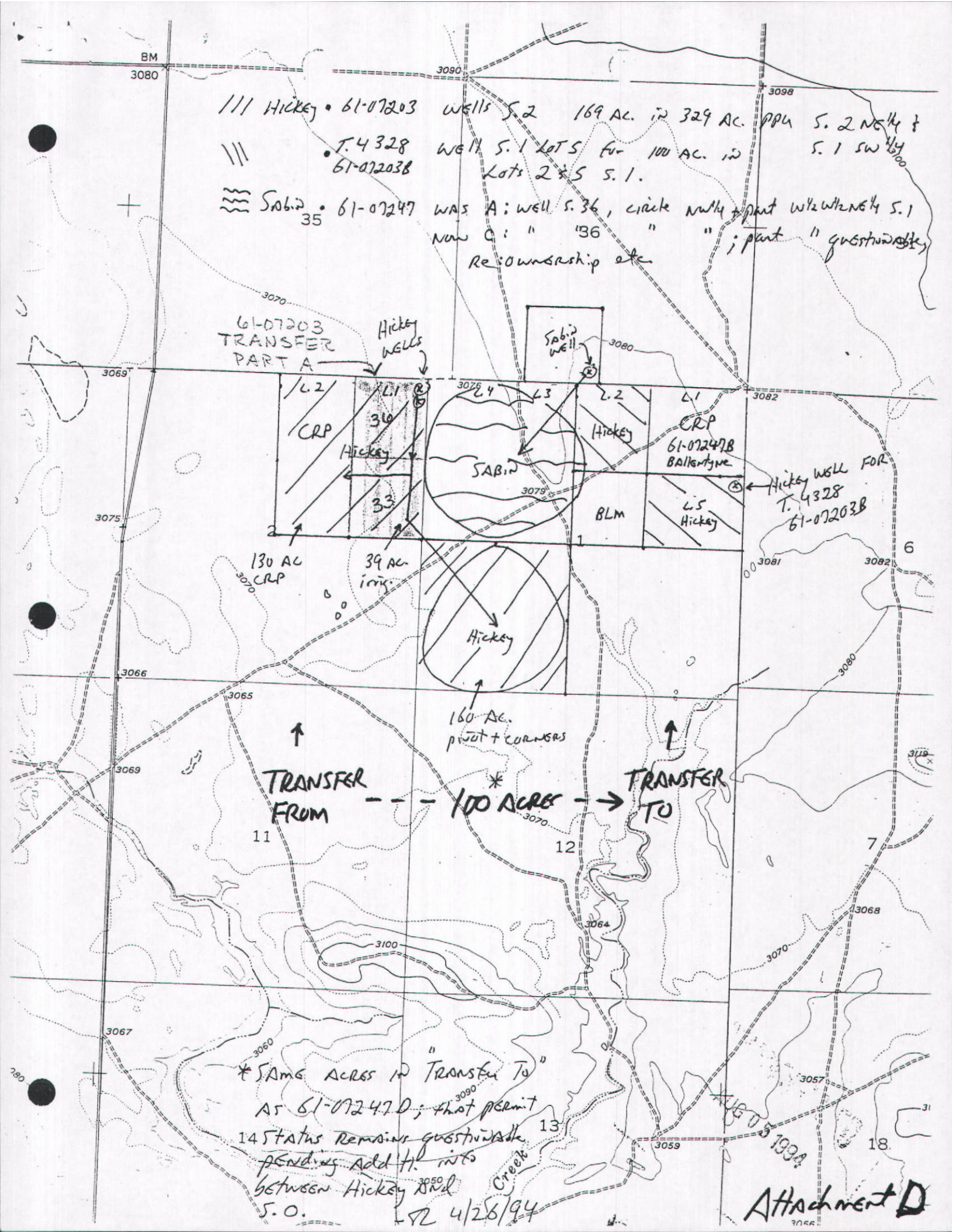
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



AUG 05 1994

SCALE: 2 inches equal 1 mile. Draw plan in ink.


/// Hickey • 61-07203 Wells S.2 169 Ac. in 329 Ac. ppl S. 2 NE¼ & S. 1 SW¼
• T. 4328 61-07203B Well S. 1 Lots 3 & 4 for 100 Ac. in Lots 2 & 5 S. 1.
Sabin • 61-07247 WAS A: well S. 36, circle NW¼ & part W½ W½ NE¼ S. 1
NOW C: " "36 " " ; part " questionable
Re: ownership etc.
61-07203 TRANSFER PART A
Hickey Wells
Sabin well
CRP
Hickey
SABIN
CRP 61-07247B Ballentyne
Hickey well for T. 4328 61-07203B
BLM
130 Ac. CRP
39 Ac. irrig.
160 Ac. pivot + corners
TRANSFER FROM
100 ACRES
TRANSFER TO
11
12
7
6
1
2
3
36
33
L1
L2
L3
L4
L5
3080
3090
3098
3070
3069
3078
3082
3075
3079
3081
3066
3065
3064
3100
3068
3067
3060
3057
3059
3050
Creek
AUG 03 1994
18
13
* SAME ACRES IN "TRANSFER TO" AS 61-07247D; that permit status remains questionable pending Add'l. info between Hickey and S.O.
4/26/94
Attachment D

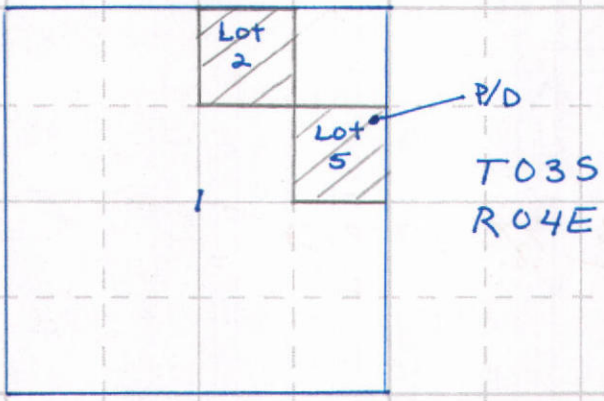
Transfer No. 4328

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

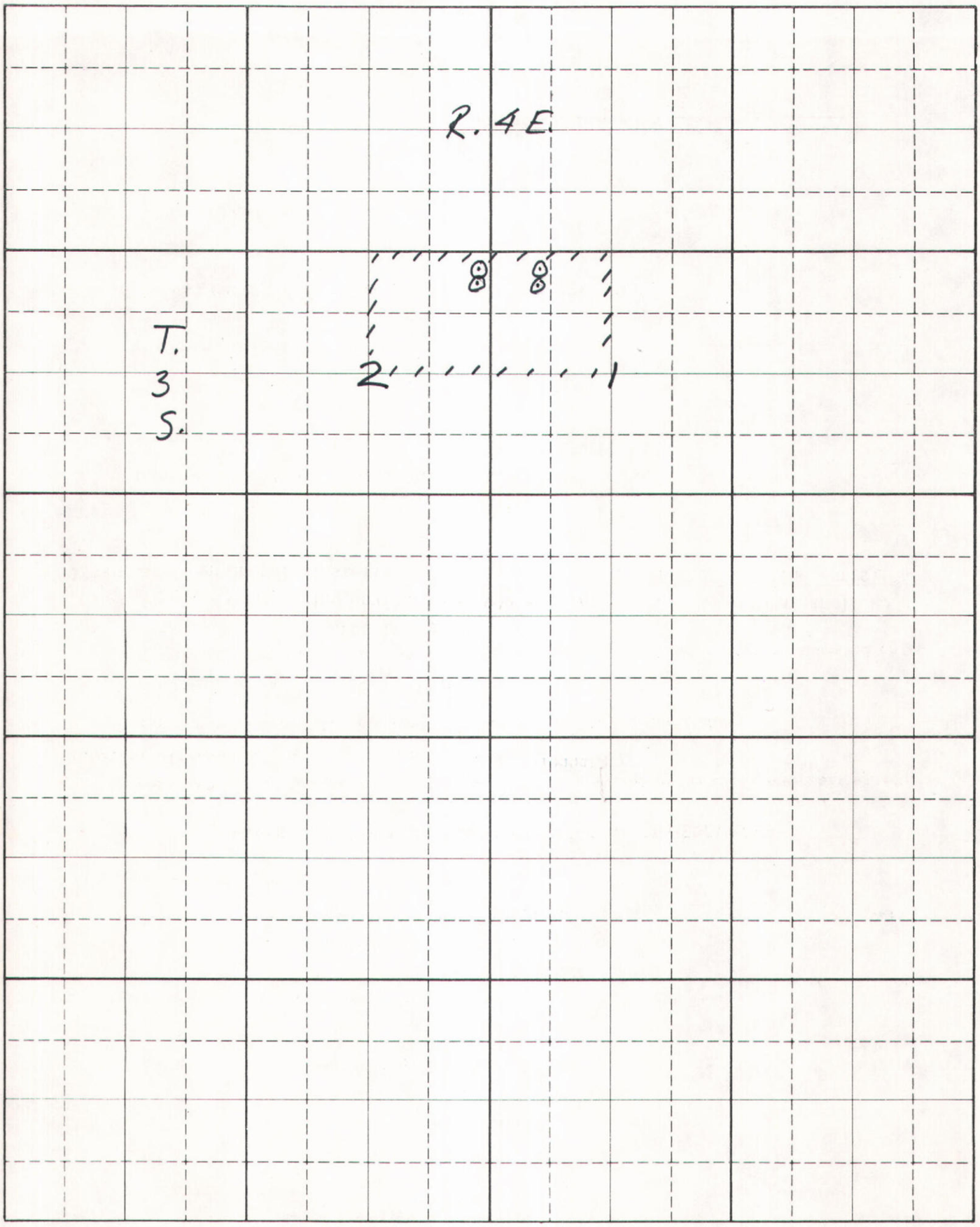
A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



AUG 05 1994

SCALE: 2 inches equal 1 mile. Draw plan in ink.

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

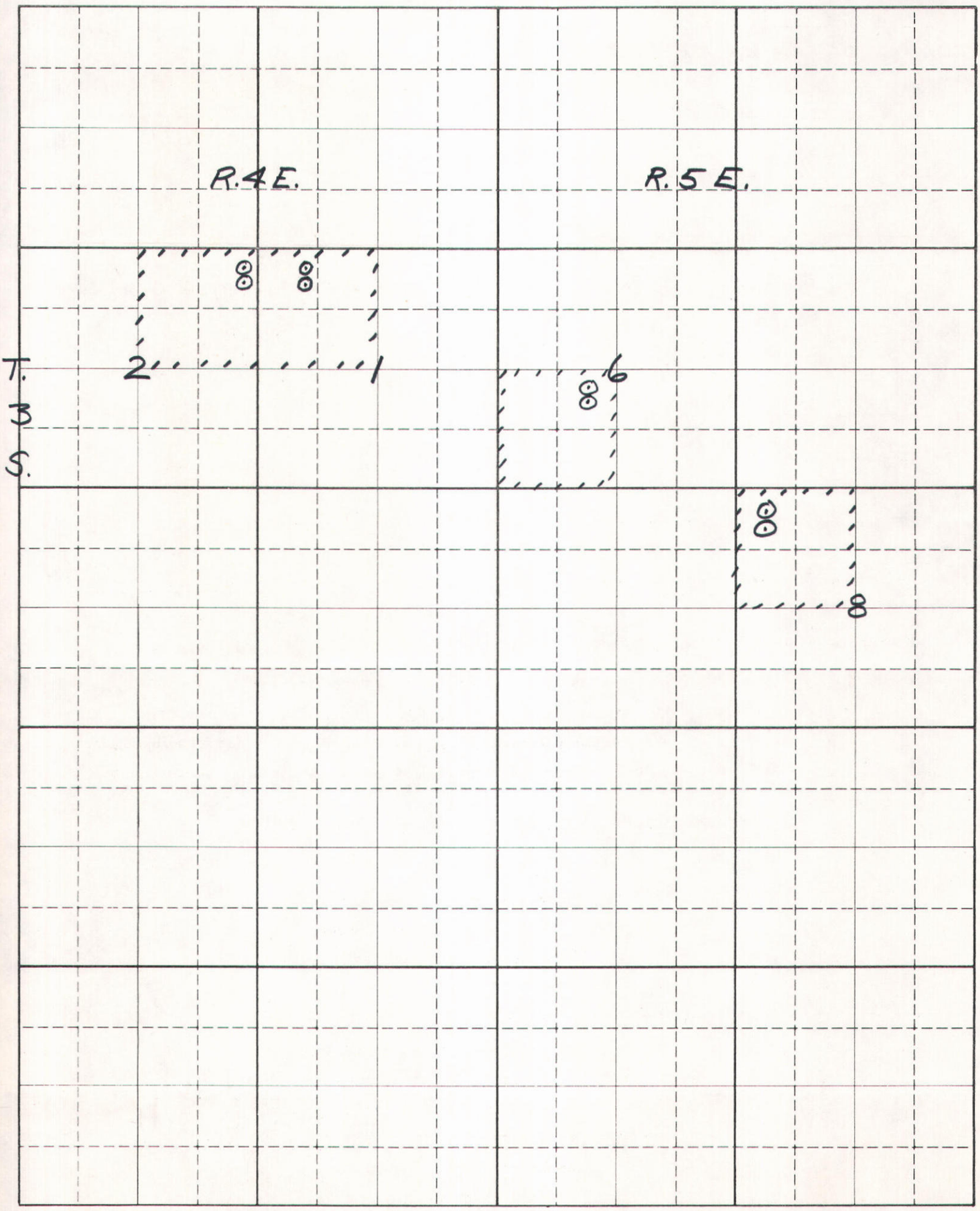


Scale: 2 inches equal 1 mile

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.

Clarence Robert Montieth
(Applicant)

11. 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.

C. Robert Montieth
(Applicant)

Clarence Robert Montieth

RECEIVED
NOV 25 1974
Department of Water Resources

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that CLARENCE ROBERT MONTIERTH 8645 Goddard, Boise, ID has on Nov. 1, 1974 submitted Application No. 61-7203 for a permit to appropriate 13.64 cubic feet per second of water from a groundwater source by means of wells, pumps, sprinklers or gated pipeline, and domestic systems within the (2 pts) Lot 1, (NE¼ NE¼), Sec. 2, (2pts) NW¼NW¼, Sec. 1, T. 3 S, R. 4 E; (2pts) NE¼SW¼, Sec. 6, NW¼NW¼, Sec. 8, T. 3 S, R. 5 E, B.M. Elmore County to be used from Jan. 1 to Dec. 31 for domestic use and from March 15 to Nov. 15 for irrigation of 674 acres within the NW¼, Sec. 1, NE¼, Sec. 2, T. 3 S, R. 4 E, B.M.; SW¼, Sec. 6, NW¼, Sec. 8, T. 3 S, R. 5 E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before Dec. 2, 1974.

R. KEITH HIGGINSON
Director

Published in the Mountain Home News, Mtn. Home, ID on Nov. 14, 1974 and Nov. 21, 1974.

OK 11-25-74 CA

Affidavit of Publication

County of Elmore
STATE OF IDAHO } ss.

I, Lloyd S. Waters ... do solemnly swear that I am the foreman, or publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of publication thereof, was published in said newspaper for ...2.... consecutive weeks, the first publication having been made on the ..14.... day of ..November....., 1974 and the last publication having been made on the .....21..... day of November 1974; every Thursday issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this 21..... day of ..November....., 1974

Vivian M. Watts
Notary Public

MICROFILMED

TYPEWRITER OR ALL POINT PEN

State of Idaho
Department of Water Resources

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Robert Osborn

Address MT HOME

Owner's Permit No. 61-7263

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Other (specify type)

☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 20" inches Total depth 409 feet

Casing schedule: ☐ Steel ☐ Concrete

Thickness	Diameter	From	To
1/4"	20" inches	+1.5 feet	368 feet
	inches	feet	feet
	inches	feet	feet
	inches	feet	feet
	inches	feet	feet

Was casing drive shoe used? ☐ Yes ☒ No

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation ____ inches by ____ inches

Number	From	To
____ perforations	____ feet	____ feet
____ perforations	____ feet	____ feet
____ perforations	____ feet	____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name ____

Type ____ Model No. ____

Diameter ____ Slot size ____ Set from ____ feet to ____ feet

Diameter ____ Slot size ____ Set from ____ feet to ____ feet

Gravel packed? ☐ Yes ☒ No Size of gravel ____

Placed from ____ feet to ____ feet

Surface seal depth 368' Material used in seal ☐ Cement grout ☒ Puddling clay ☐ Well cuttings

Seating procedure used ☐ Slurry pit ☐ Temporary surface casing ☒ Overbore to seal depth

7. WATER LEVEL

Static water level 242 feet below land surface

Flowing? ☐ Yes ☒ No G.P.M. flow ____

Temperature ____ ° F. Quality ____

Artesian closed-in pressure ____ p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☒ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
2900	6.5 INCHES	2 Hrs.

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
20"	0	267	CLAY & SAND		X
	267	278	GRAY LAVA	X	
	278	280	BLACK CINDERS	X	
	280	294	BLACK LAVA	X	
	294	298	RED CLAY		X
	298	385	BLACK LAVA	X	
	385	409	DK BROWN LAVA	X	
10"	392	409			

10.

Work started 16 Dec 76 finished 22 Jan 77

11. DRILLERS CERTIFICATION

Firm Name Hiddleston Drilling Firm No. 35

Address MT HOME IDAHO Date 25 JAN 77

Signed by (Firm Official) Kenneth Hiddleston

and

(Operator) Richard W. Johnson

LOCATION OF WELL

Sketch map location must agree with written location.

N

W E

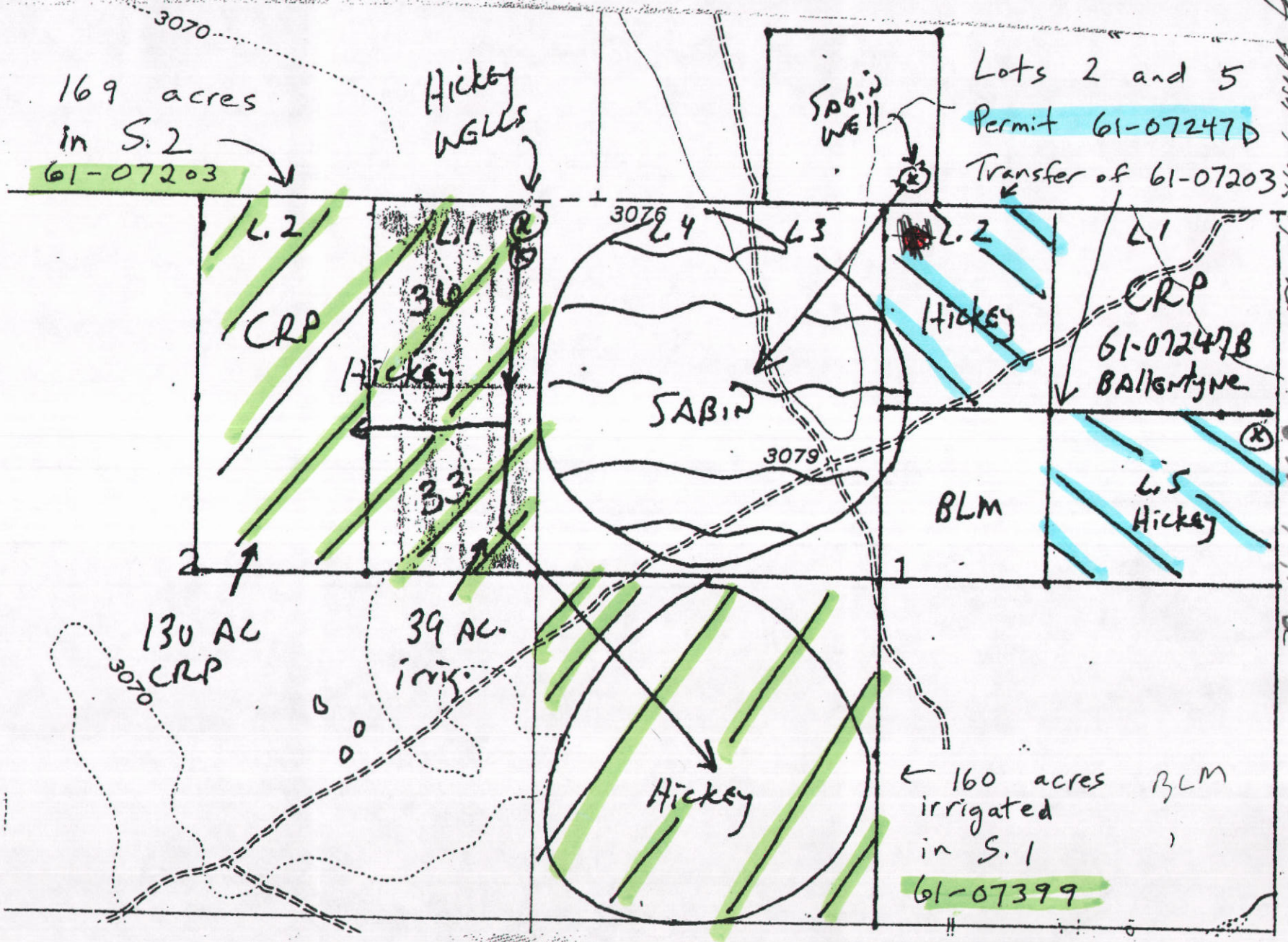
S

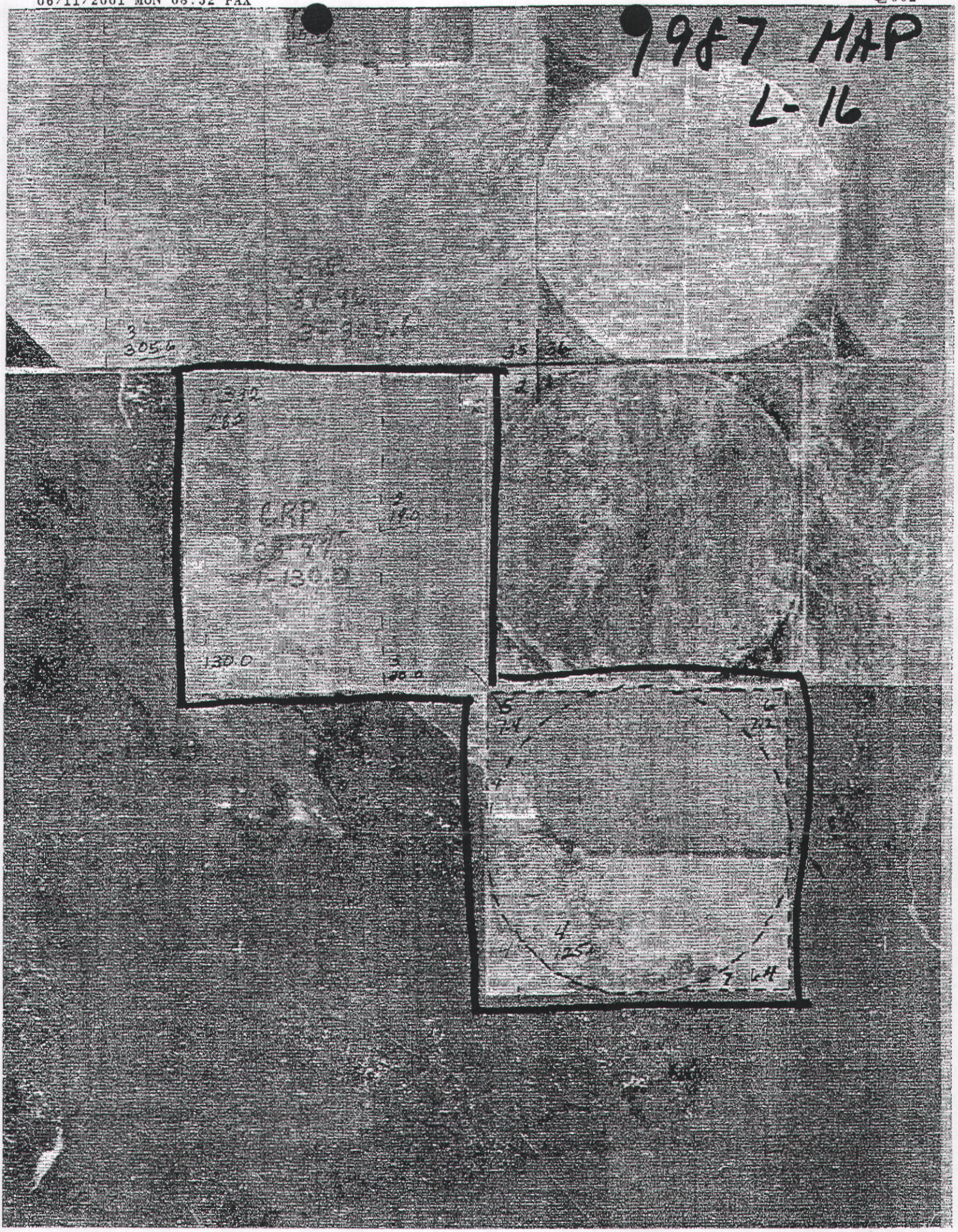
Subdivision Name ____

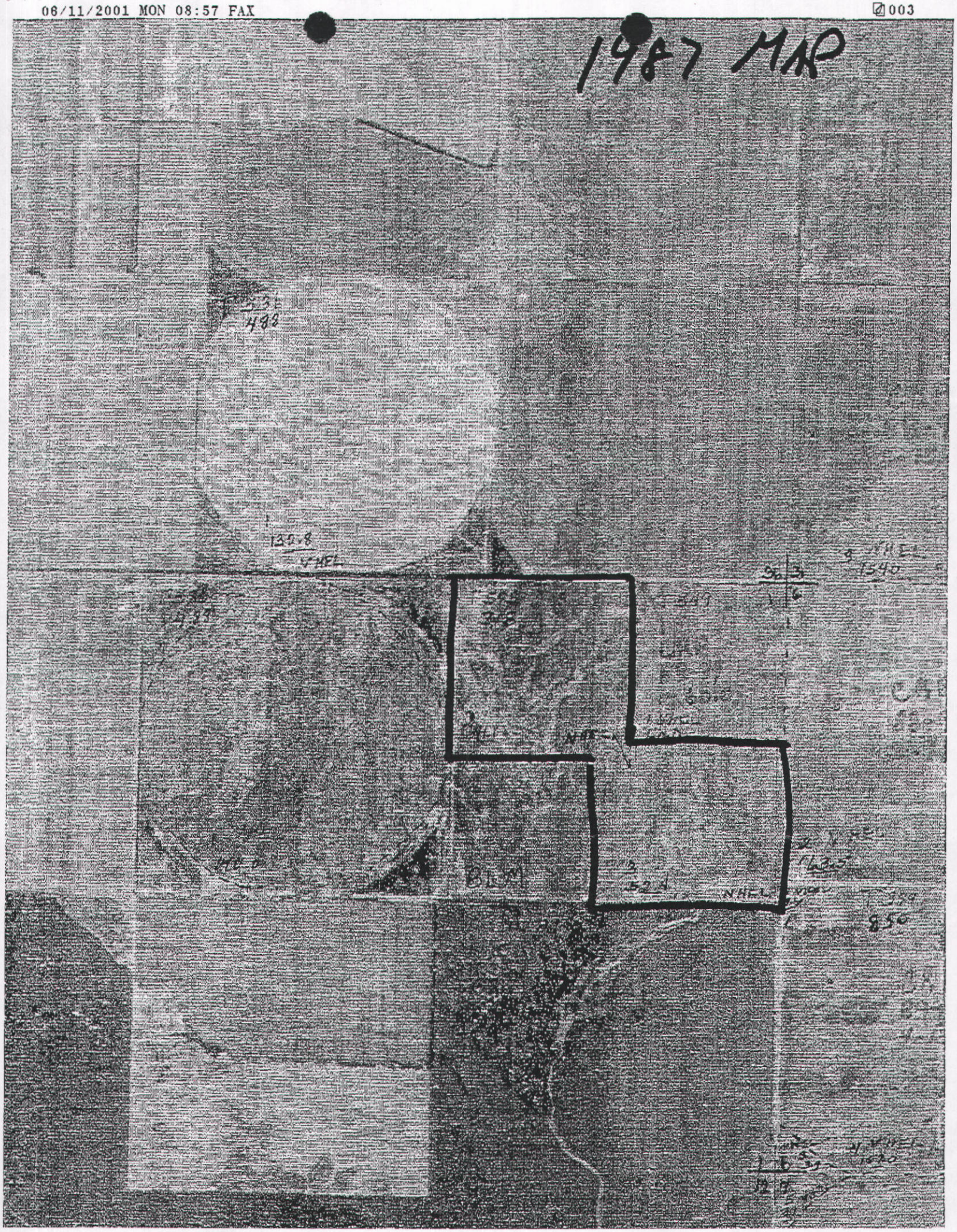
Lot No. ____ Block No. ____

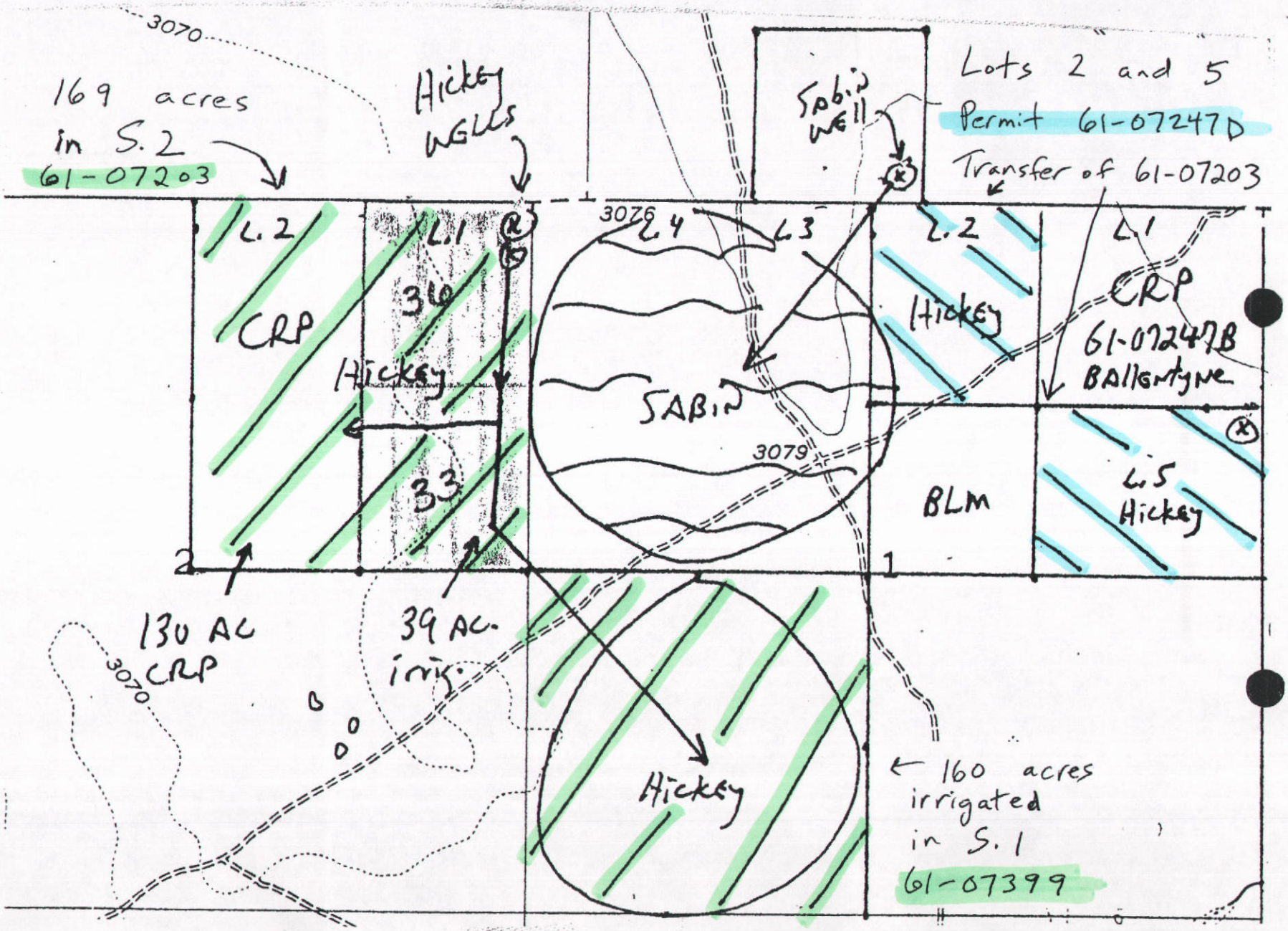
County ELMORE

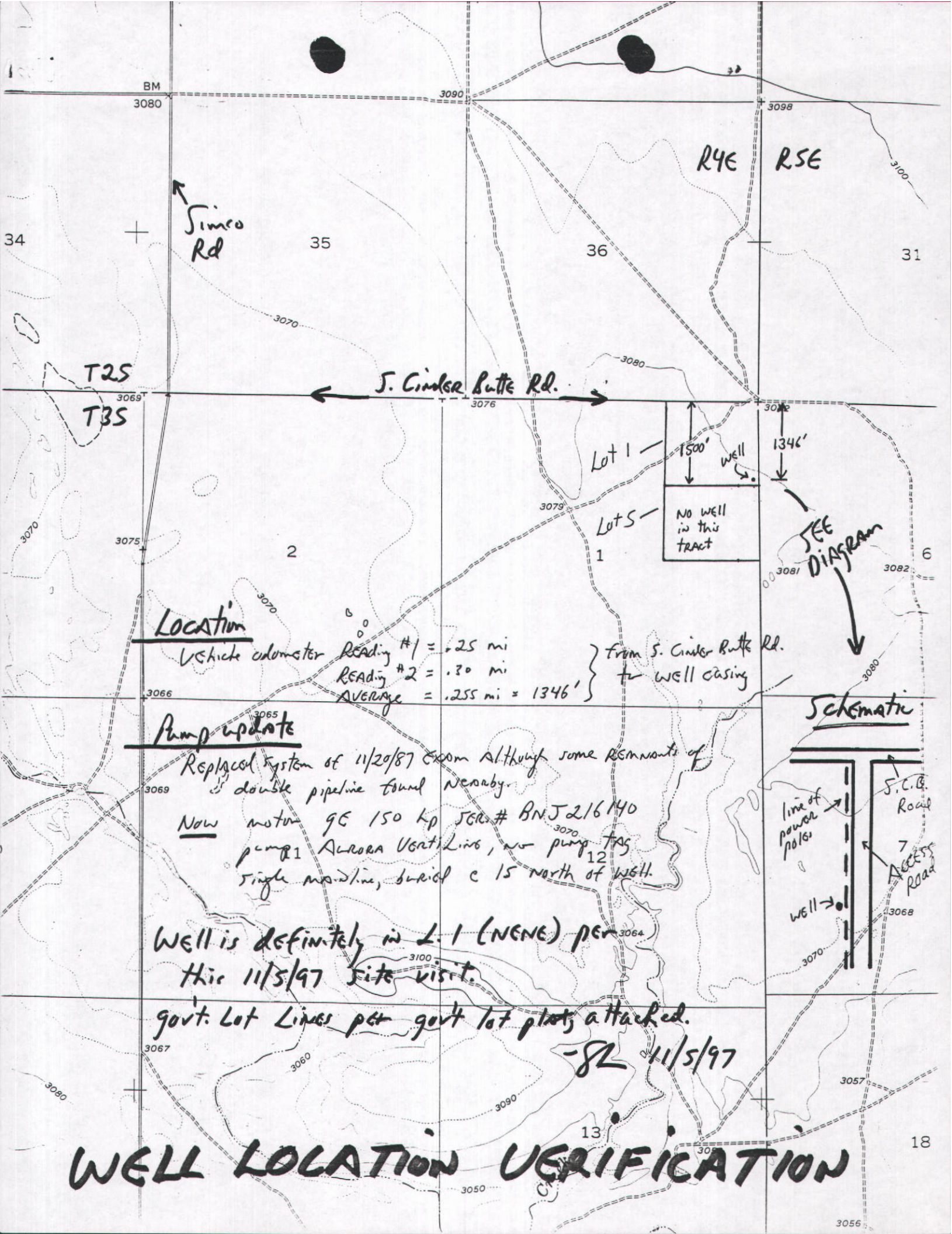
NE ¼ SE ¼ Sec. 1, T. 3 N/S, R. 4 E/W

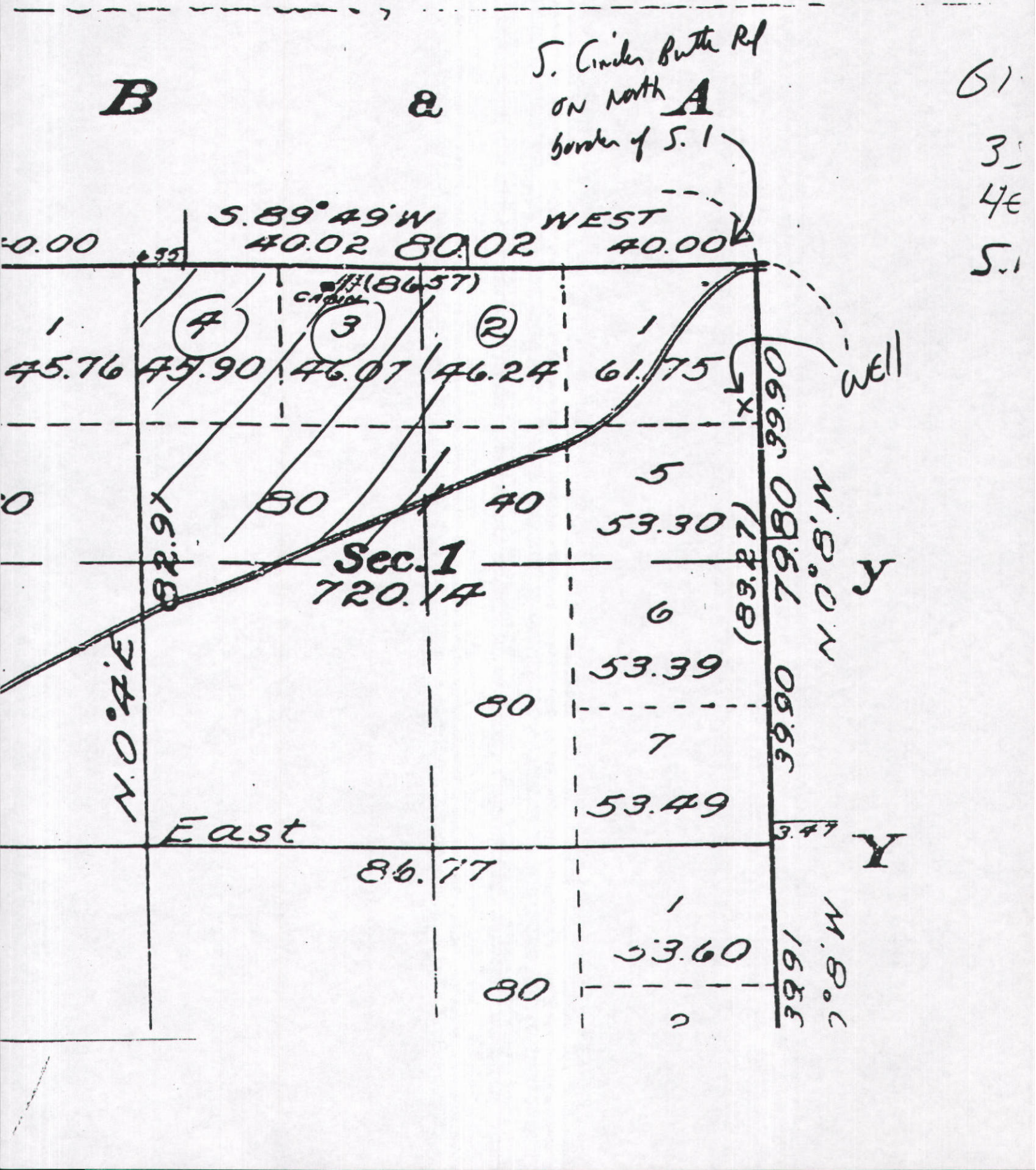

3070
169 acres
in S. 2
61-07203
Hickey wells
Sabin well
Lots 2 and 5
Permit 61-07247D
Transfer of 61-07203
L2
L1
L4
L3
L2
L1
CRP
36
Hickey
3076
Hickey
CRP
61-07247B
Ballentyne
SABIN
3079
33
BLM
L5
Hickey
2
1
130 AC
CRP
39 AC.
irr.
3070
Hickey
← 160 acres
irrigated
in S. 1
61-07399
BLM

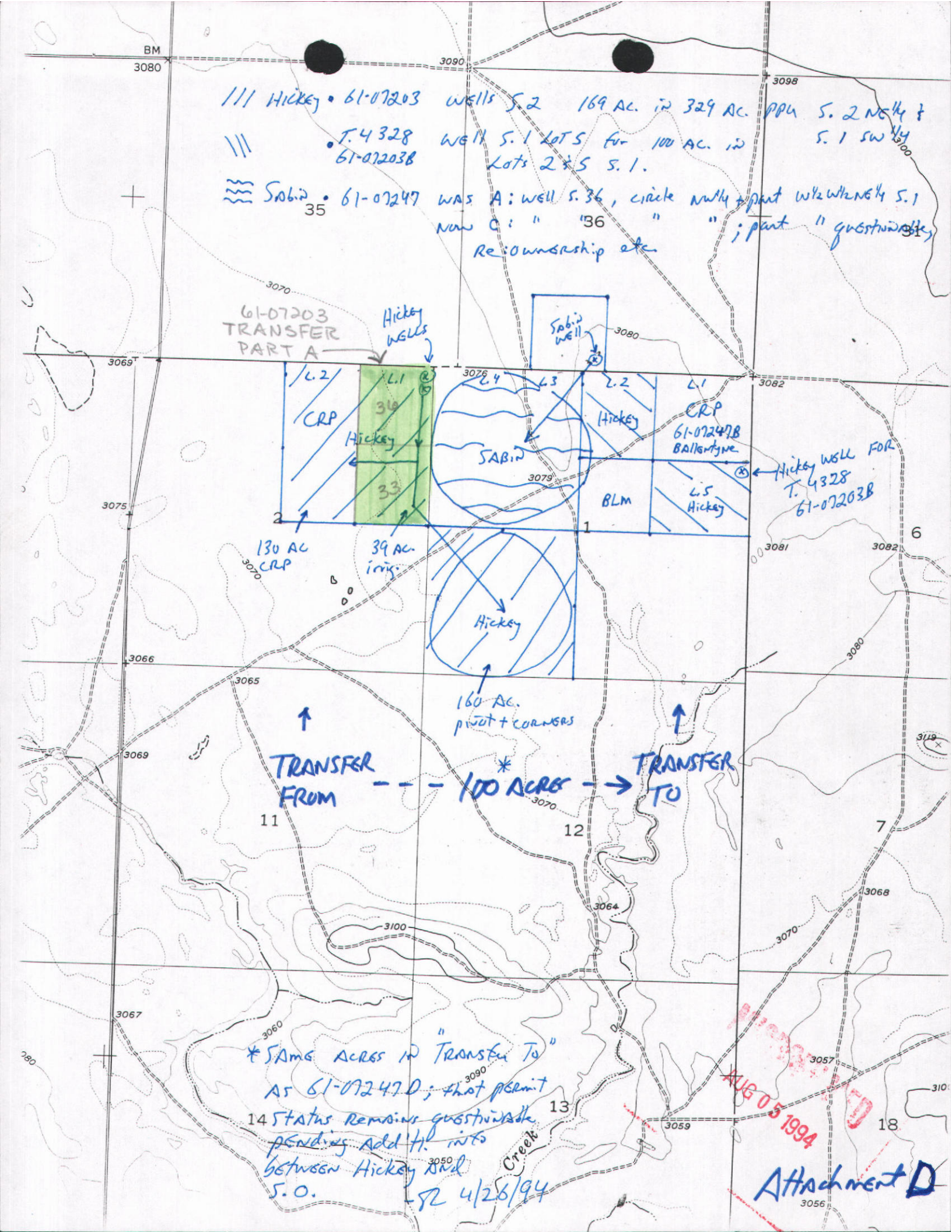

1987 MAP
L-16
CRP
130.0


1987 MAP
BLM


3070
169 acres
in S.2
61-07203
Hickey WELLS
Sabin well
Lots 2 and 5
Permit 61-07247D
Transfer of 61-07203
3076
L.4
L.3
L.2
L.1
CRP
30
Hickey
SABIN
3079
33
Hickey
CRP
61-07247B
Ballentyne
BLM
L.5
Hickey
2
1
130 AC
CRP
39 AC.
irrig.
3070
Hickey
← 160 acres
irrigated
in S.1
61-07399


R4E
R5E
Simco Rd
34
35
36
31
T2S
T3S
S. Cinder Butte Rd.
Lot 1
Lot 5
1500'
1346'
well
No well in this tract
SEE DIAGRAM
2
1
6
12
7
13
18
Location
Vehicle odometer Reading #1 = .25 mi
Reading #2 = .30 mi
Average = .255 mi = 1346'
from S. Cinder Butte Rd. to well casing
Pump update
Replaced system of 11/20/87 except although some remnants of double pipeline found nearby.
Now motor GE 150 hp SER.# BNJ216140
pump Aurora Vertiline, new pump tag
single main line, buried c 15 north of well.
Well is definitely in L. 1 (NENE) per this 11/5/97 site visit.
Govt. Lot Lines per govt lot plats attached.
-SL 11/5/97
Schematic
line of power poles
S.C.B. Road
Access Road
well
WELL LOCATION VERIFICATION


B
&
A
S. Cinder Butte Rd
on North
border of S. 1
S.89°49'W
40.02
80.02
WEST
40.00
0.00
(8657)
4
3
2
1
45.76
45.90
46.07
46.24
61.75
well
5
53.30
80
40
Sec. 1
720.14
6
53.39
80
7
53.49
East
86.77
1
53.60
80
2
N.0°4'E
82.91
(89.27)
N.0°8'W
39.90
79.80
3.47
Y


/// Hickey • 61-07203 Wells S.2 169 Ac. in 329 Ac. PPU S. 2 NE¼ & S. 1 SW¼
• T. 4328 61-07203B Well S. 1 Lots 5 for 100 Ac. in Lots 2 & 5 S. 1.
Sabin • 61-07247 Was A: Well S. 36, circle NW¼ & part W½ W½ NE¼ S. 1
Now C: " " 36 " " ; part " questionable
Re: Ownership etc.
61-07203 TRANSFER PART A
Hickey Wells
Sabin Well
L.1
L.2
L.3
L.4
L.5
CRP
Hickey
Sabin
BLM
CRP 61-07247B Ballentyne
Hickey Well For T. 4328 61-07203B
130 Ac CRP
39 Ac. irrig.
160 Ac. pivot + corners
TRANSFER FROM --- 100* ACRES → TRANSFER TO
*Same Acres in "Transfer To" As 61-07247D; that permit Status Remains questionable pending Add'l. info between Hickey and S.O.
SR 4/26/94
AUG 05 1994
Attachment D

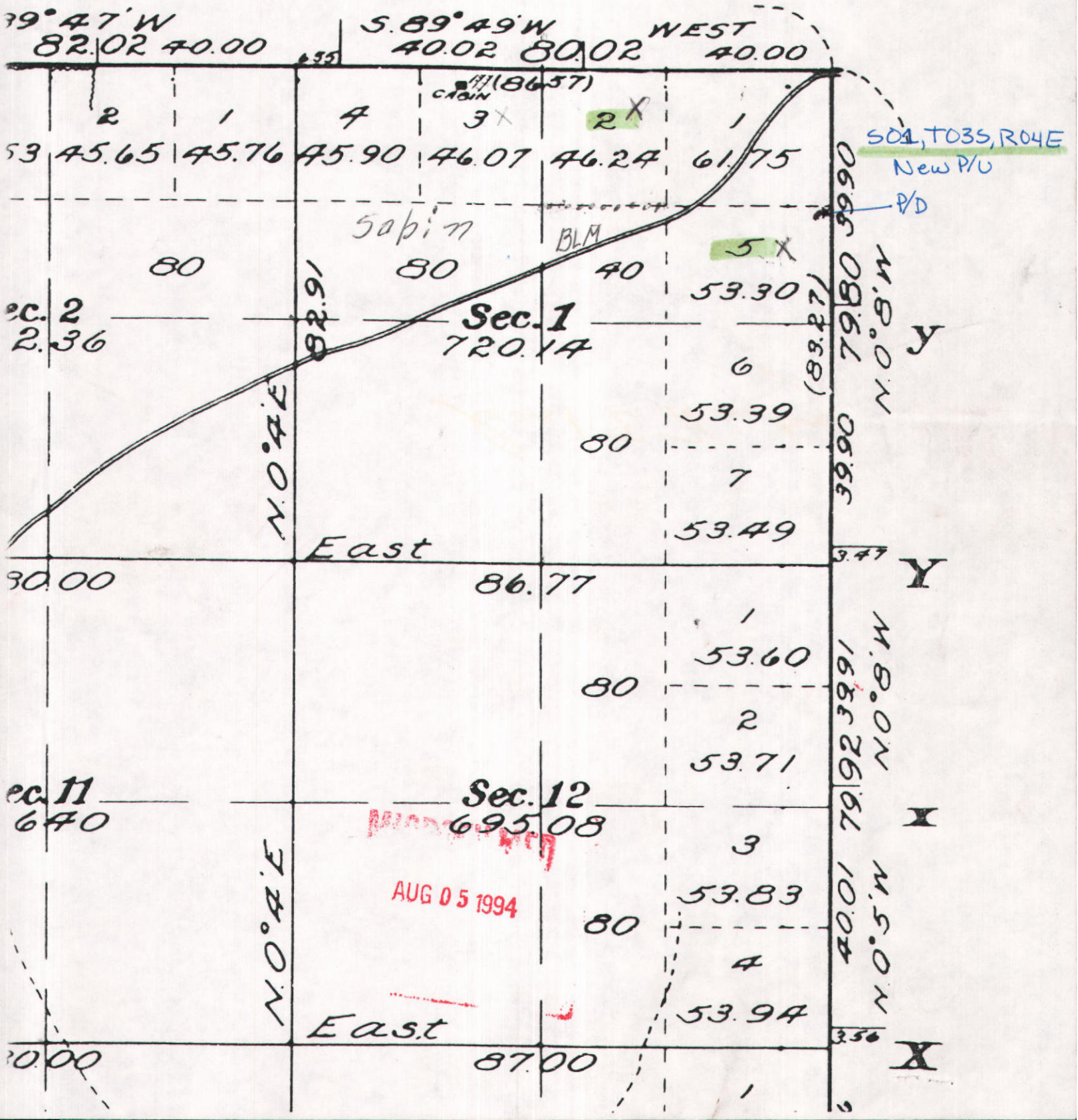
7 of 9

Sec 1 T 3S R 4E

T#4328

Meridian, Idaho.

b B a A



AUG 05 1994

8 of 9

T#4328

159.0

CRP
87-96
3-305.6

3
305.6

Pond

35 36

ORIGINAL P/U
35 4E S2

T 392
285

46

CRP

2
190.0

40

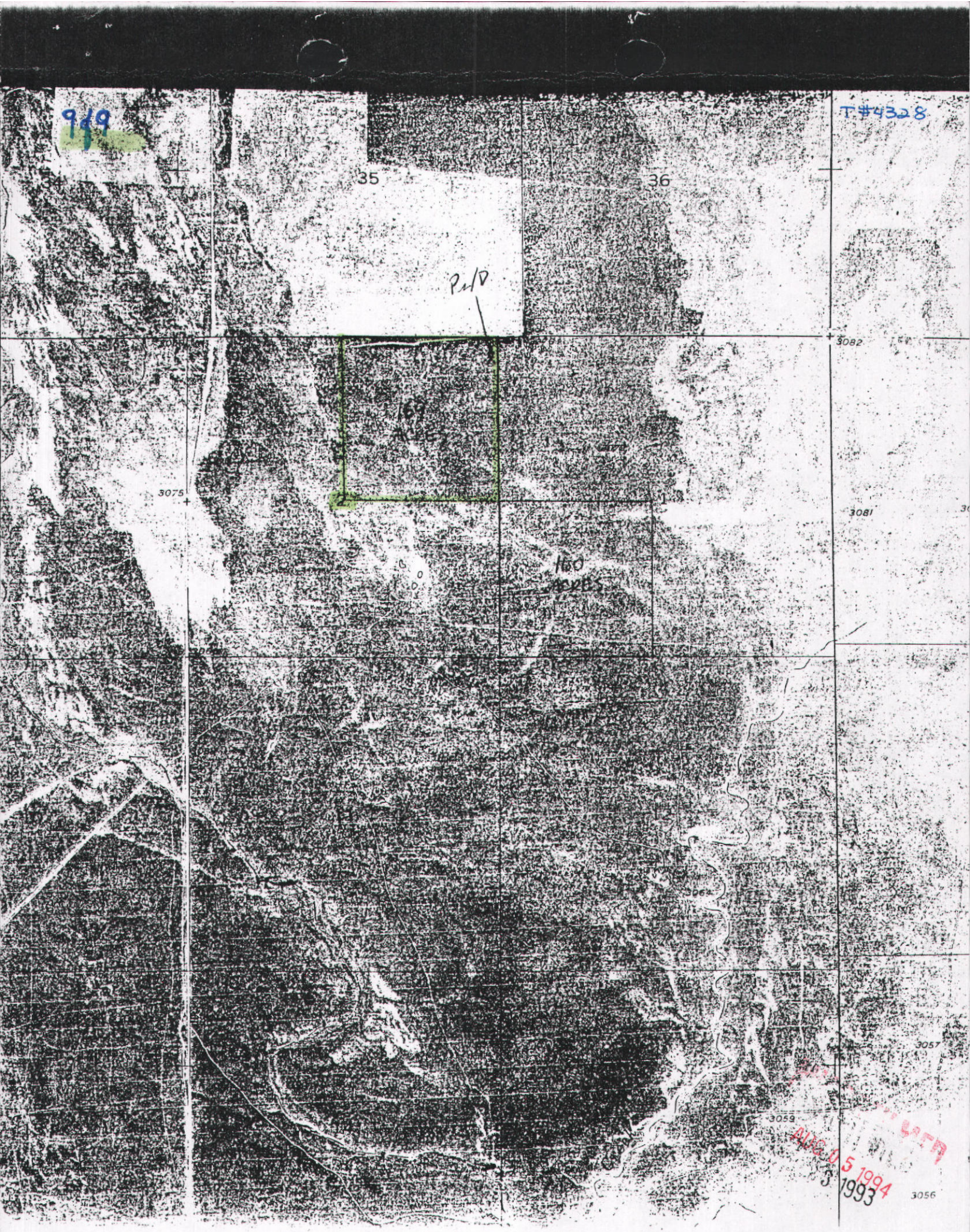
1
130.0

3
120.0

4
160.0

AUG 05 19

HEL
N



35 4E SEC 1 + 2 ORIGINAL P/U

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 09 1992
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 61-07203

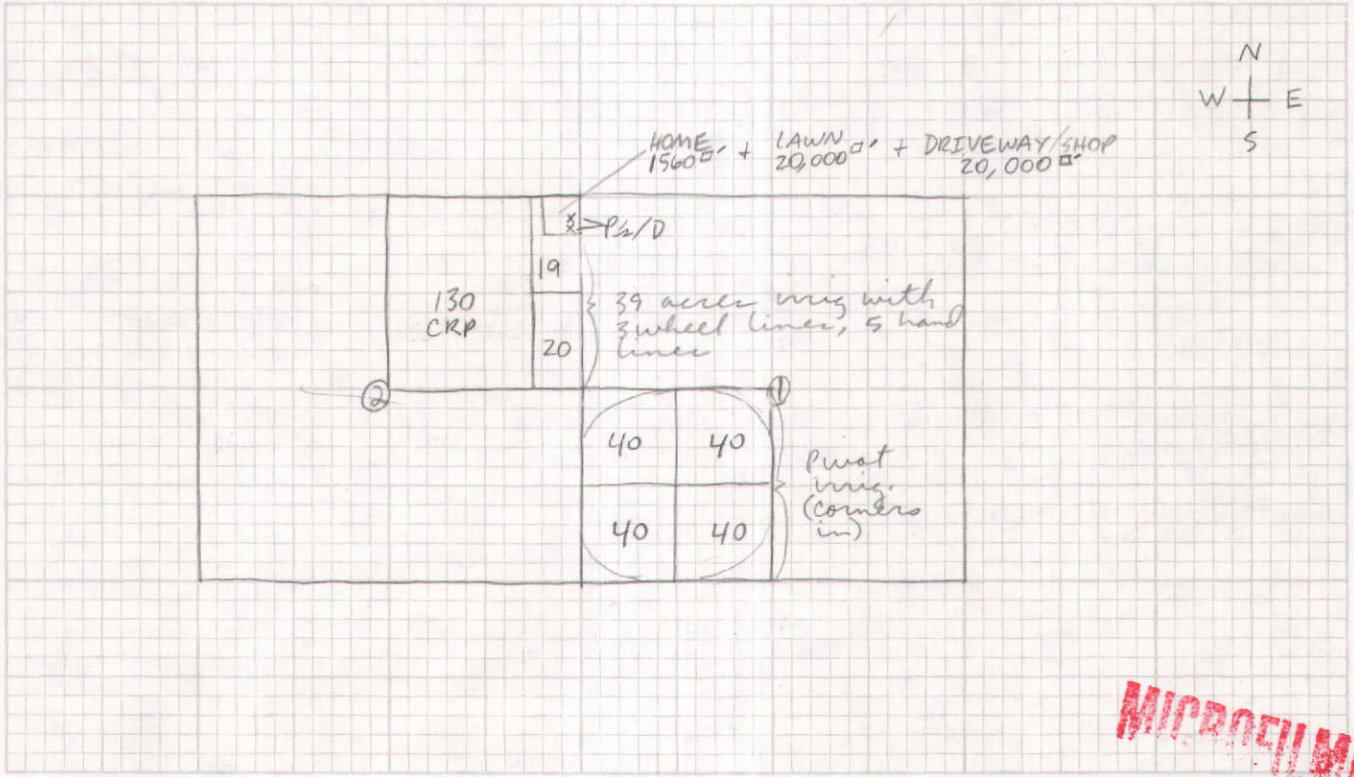
1. Owner: CARL D. HICKEY Phone No. 796-2127
   Current Address: P.O. BOX 243 MTN HOME ID 83647
2. Accompanied by: OWNER EXAM. DATE: 7/31/91
   Address: SAME Phone No. _____
   Relationship to Permit Holder: _____
3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE
   _____ ☐ Copies Attached
2. Other water rights with same point of diversion: 61-07399
   _____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



MICROFILMED
JUL 23 1993

Scale: 1" = NOT TO SCALE

2. ☐ Copy of U.S.G.S. 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 or more).
   ☐ Photo of Diversion and System Attached
   (required for all but single household domestic groundwater, and stockwater.

16" IRRIGATION WELL
200 HP
10" DISCHARGE
LAYNE PUMP

(ROUND SILVER BALL IS A SAND SEPARATER)





6" SUBMERSIBLE
DOMESTIC WELL
5HP

JUL 23 1993



DOMESTIC HOME + LAWN

ACTIVE ACRES IN SEC 2
LOOKING SW





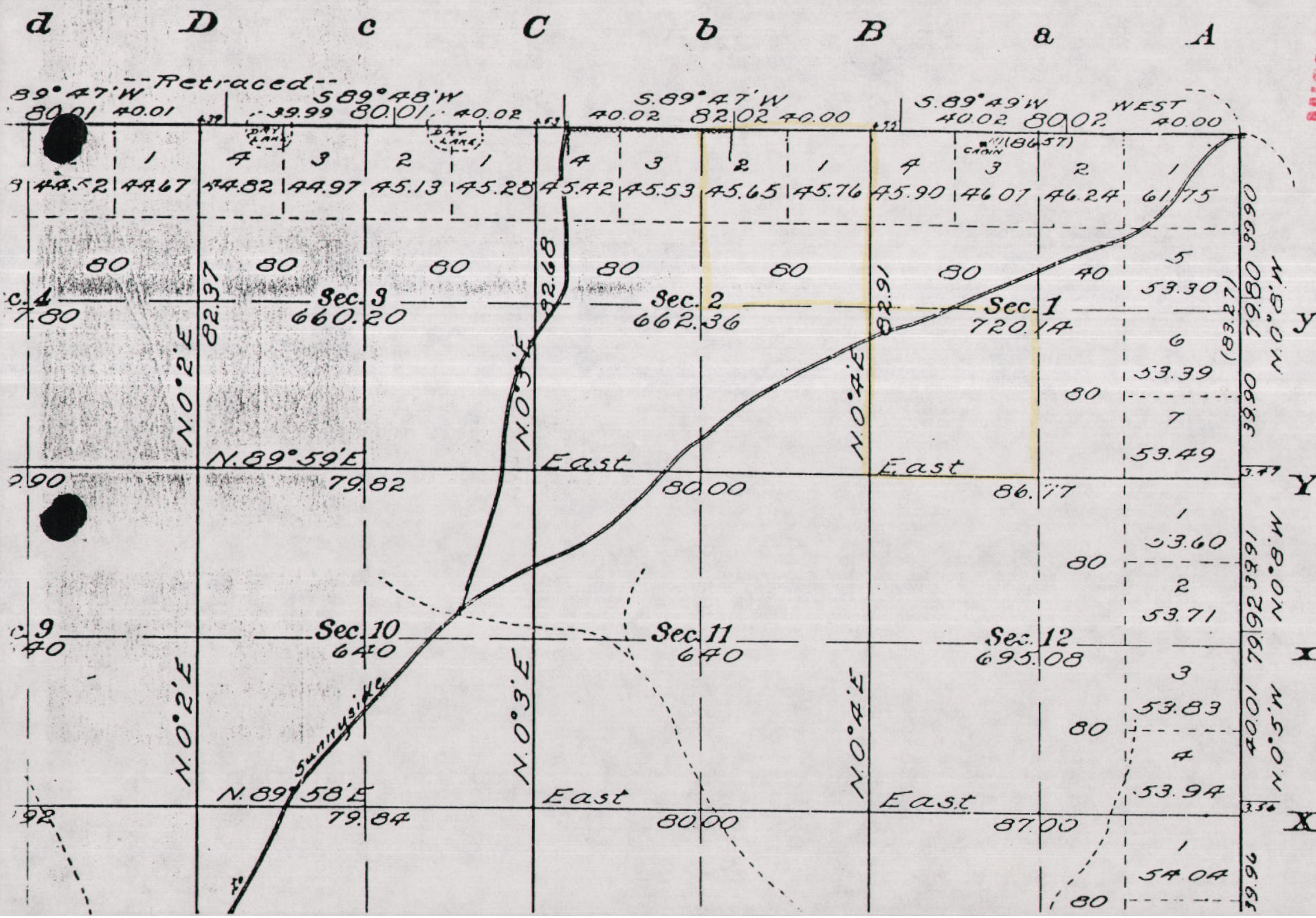
INACTIVE ACRES IN
SECTION 2
LOOKING E

MICROFILMED
JUL 23 1993

(4-675a)

ᴑ 4 East of the Boise Meridian, Idaho.

RECEIVED
JUL 23 1993



T38 R4E Lone Hickey

F-16

8

2E

R4E

27 | 26
34 | 35

T408
299

159.7

35 | 36

RECEIVED
JUL 26 [illegible]

ACTIVE GROUND
INACTIVE GROUND

CRP
87-96
3-305.6

3
305.6

34 | 35
3 | 2

T392
285

CRP
87-96
1-130.0

1
130.0

2
190.0

3
120.0

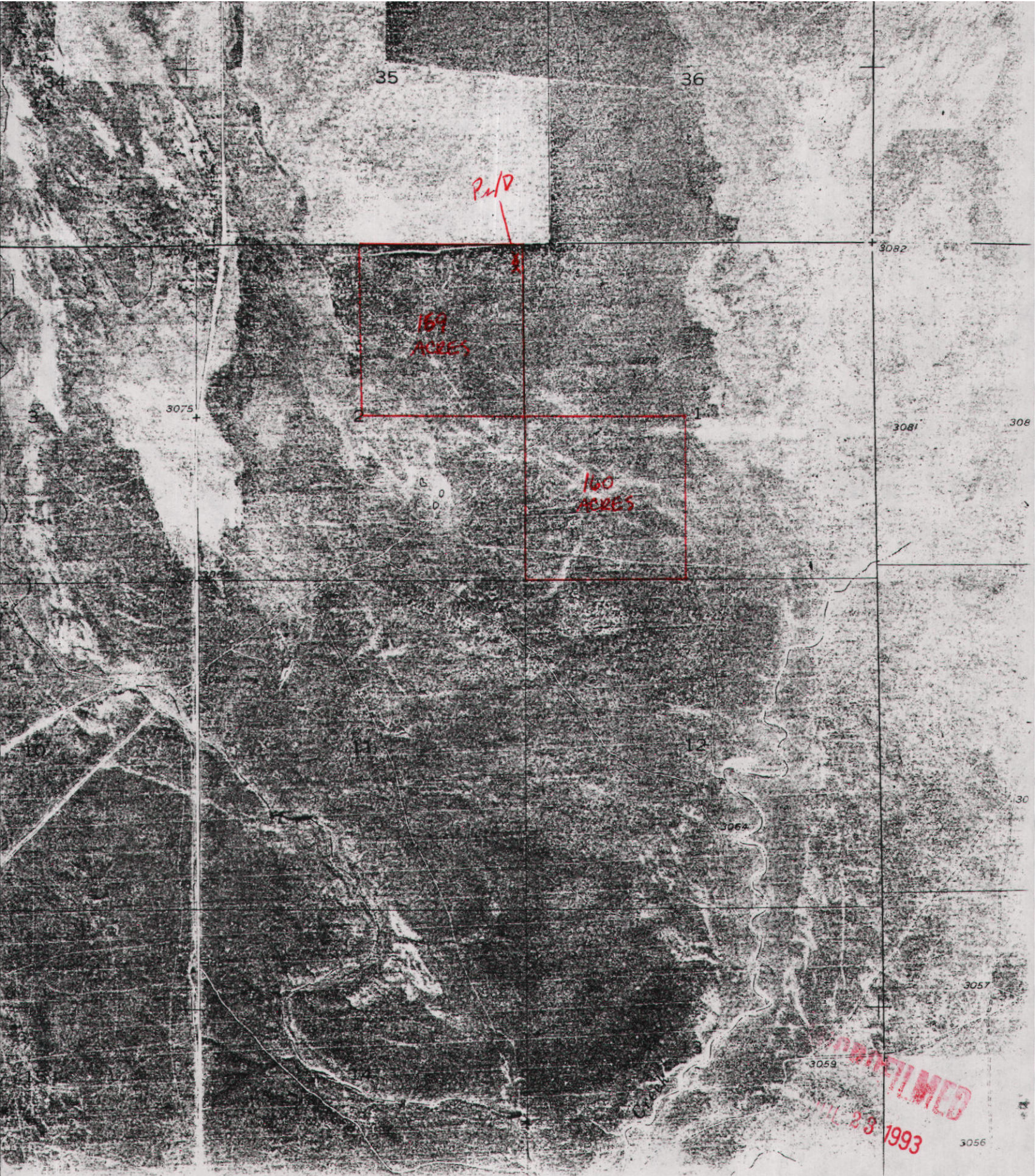
Pond

35 | 36
2 | 1

4
160.0

HEL
N

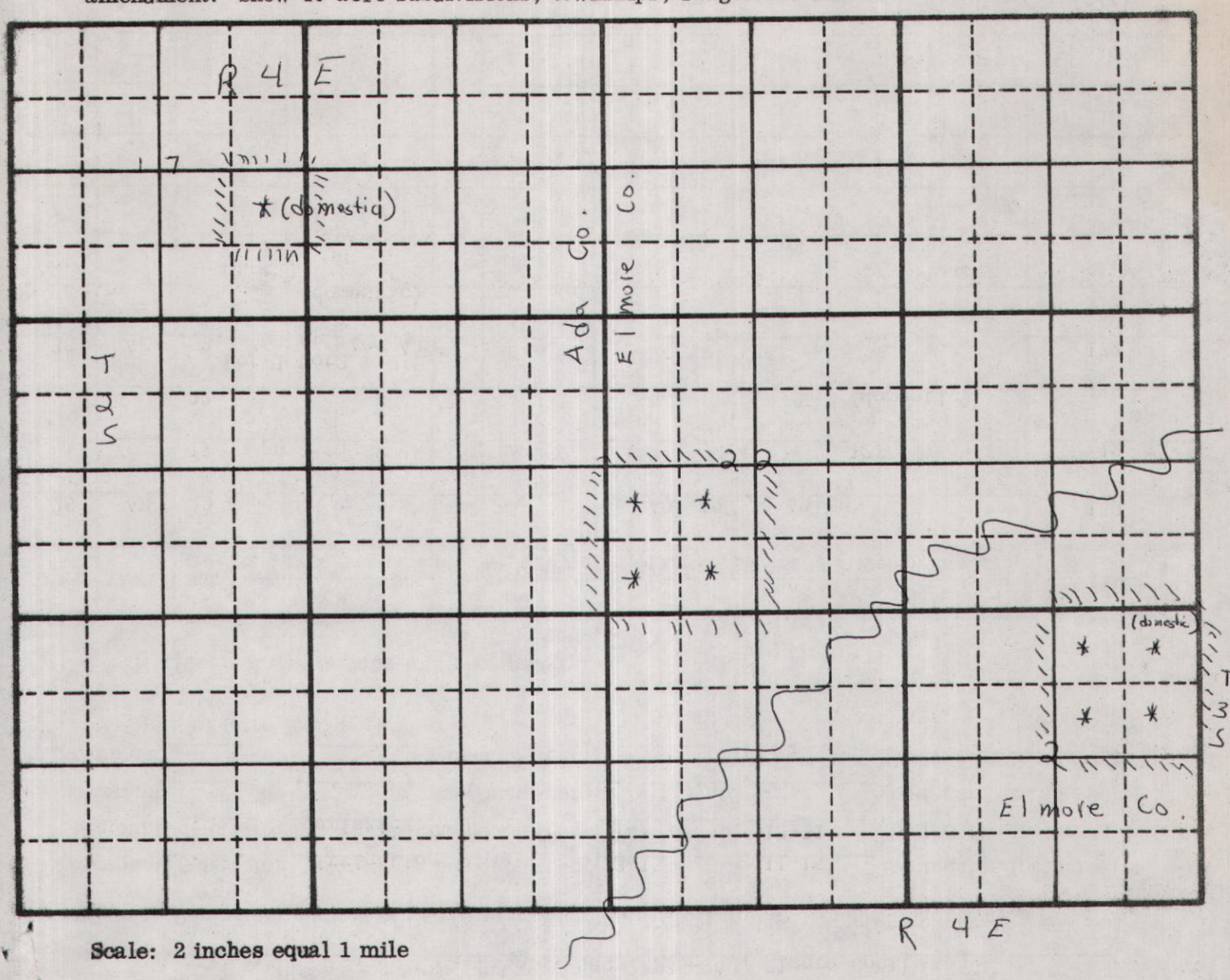
3 | 2
10 | 11



MICROFILMED
JUL 23 1993

35 4E SEC 1 + 2

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Boise, Id., this 12th day of April, 19 76.

Clarence Robert Monteith
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, _____, Director of the Department of Water Resources

hereby _____

_____

_____

_____

Witness my hand this _____ day of _____, 19 _____.

_____
Director

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
JOHN K. SIMPSON
NORMAN M. SEMANKO
TIMOTHY J. STOVER

Twin Falls Office
142 3rd Ave North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

October 12, 1999

VIA FACSIMILE

Norm Young
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706-2237

Re: Carl Hickey

Dear Norm:

Thank you for agreeing to meet with us at 10:00 a.m. tomorrow to continue our discussion of Carl Hickey's water rights situation. We will have materials prepared to facilitate the discussion, which we intend to involve the following:

1. Combined use limit for 61-07203 and 61-07399. The Department decided that 61-07203 should be licensed for irrigation of 169 acres within a 329 acre permissible place of use and that 61-07399 should be relinquished. However, the Department's field examiner had previously found that all 329 acres were irrigated. The only reason the authorized acres were reduced upon further review was because of a duty of water question. The Department determined that the flow rate of 2.29 cfs was enough to irrigate only 169 acres and the rights were licensed this way. This ignores the reality that all 329 acres were actually irrigated. In addition, while the Department determined that the well was capable of producing 1102.7 AFA, the diversion volume recommended in the SRBA is much less. Our proposal is to leave the diversion rate "as is", but allow a combined use on 329 acres under 61-07203 and 61-07399 with a combined volume of 1102.7 AFA. Alternatively, the number of acres should be increased from 169 to a number that can realistically be irrigated with 1102.7 AFA. This would require changes by the Department both through the administrative process and in the SRBA.

2. Permit No. 61-07247D. This portion of the permit was never licensed, apparently because IDWR concluded that it had been abandoned or forfeited through five years of non-use. It is apparent from the file that the reason for non-use from 1988 – 1992 was a foreclosure action on the property. The owners did not irrigate the property because ownership of the land and

appurtenant water rights was clouded by Farmers Home Administration's foreclosure action beginning in 1988. These efforts were abandoned in 1992 and the owners sold the property to Carl Hickey. Hickey has irrigated the property. As a result, this portion of the permit should be licensed. Once it is licensed we intend to file a late claim in the SRBA for the right.

3. Transfer of 61-07203. Because 61-07247D has not been licensed, but Hickey is irrigating the property, the Department apparently advised Hickey to transfer another water right to the property. If the Department agrees with our assessment that 61-07247D should be licensed, we request that the existing transfer of 61-07203 be cancelled so that there is no overlap or stacking of these two rights.

We look forward to meeting with you tomorrow to discuss these matters.

Sincerely,

NORMAN M. SEMANKO

NMS/jl

nms 99\letters\young

Idaho Department of Water Resources
October 13, 1999
Boise, Idaho

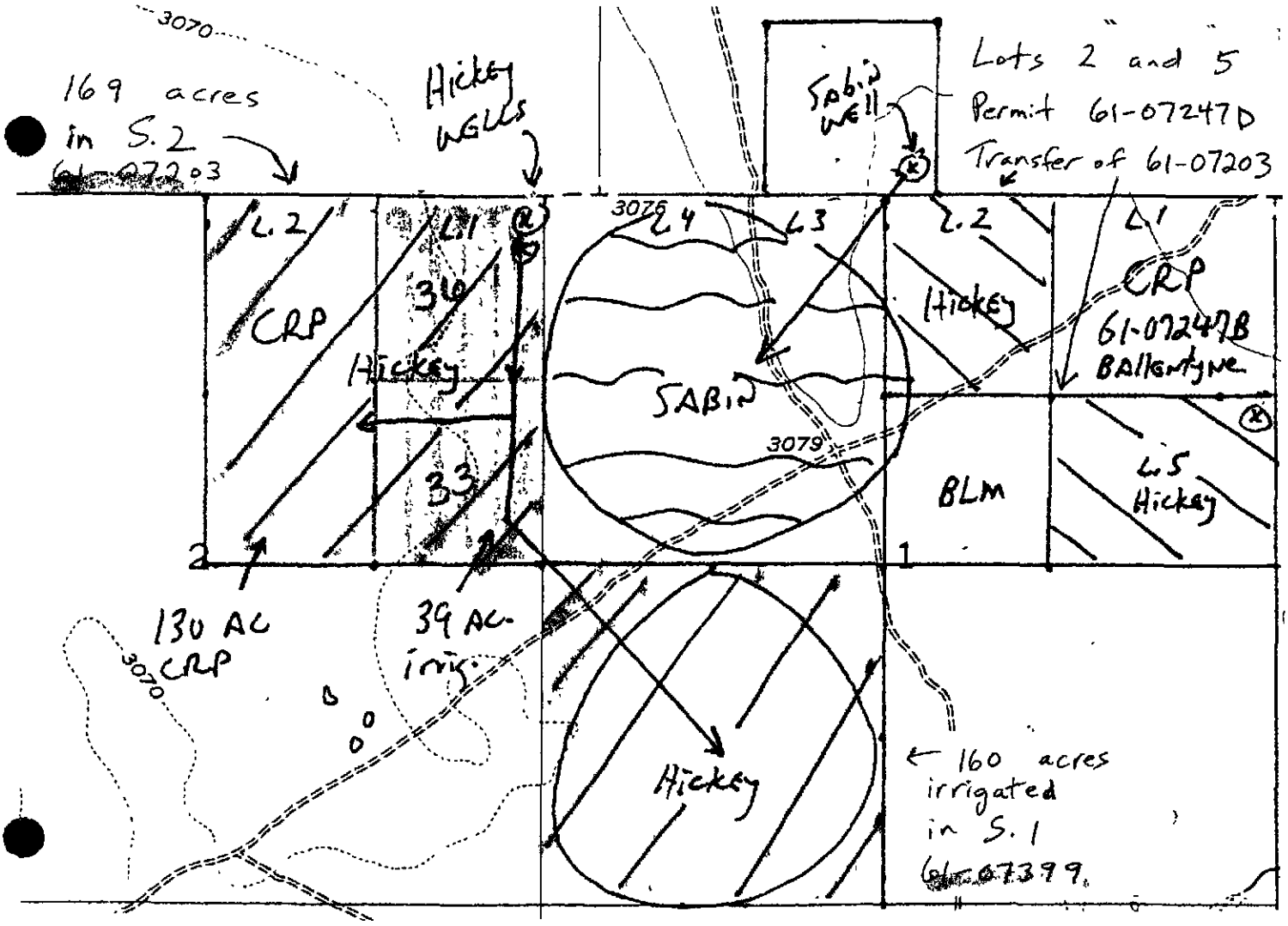
Re: CARL HICKEY

1. Combined Use Limit for 61-07203 and 61-07399 1

2. Permit No. 61-07247D 2

3. Transfer of 61-07203 3

10129901.NMS



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

April 28, 1993

CARL D HICKEY
CONNIE M HICKEY
PO BOX 243
MOUNTAIN HOME ID 83647-0243

RE: WATER RIGHT NO. 61-07203 & 61-07399

Dear Water Right Holder(s):

The above referenced water rights are in the process of being licensed. However, before a license can be issued, your permit no. 61-07203 must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the $20.00 filing fee within 15 days.

Also enclosed is an ORDER reinstating your permit for failure to timely submit the examination fee &/or fee information sheet. Reinstating the permit enabled us to process the right for licensing.

The field examiner found that permit no. 61-07203 represents the total system capacity and recommended that permit no. 61-07399 be relinquished or voided. Enclose is a partially completed relinquishment form for your convenience.

If you do not concur with these findings or if you have any questions, please contact me within the 15-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:cz

Enclosure

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

May 28, 1993

CARL D HICKEY
CONNIE M HICKEY
PO BOX 243
MOUNTAIN HOME ID 83647-0243

RE: WATER RIGHT NO. 61-07203

Dear Water Right Holder(s):

We previously forwarded to you an Amendment for Water Permit so that we could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received the amendment. If we do not receive it within fifteen (15) days, we will assume you no longer have any interest in the permit and cancellation proceedings will begin. Enclosed for your convenience is another amendment form in the event the first one was misplaced.

The field examiner found that permit no. 61-07203 represents the total system capacity and recommended that permit no. 61-07399 be relinquished or voided. Enclosed is a partially completed relinquishment form for your convenience.

If you do not concur with these findings or if you have any questions, please contact us within the 15-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

State of Idaho
Department of Water Resources

APPROVED

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 61-07203

Date of Priority: November 25, 1976 Maximum Diversion Rate: 2.30 CFS
Maximum Diversion Volume: 677.2 AF

Comes now CARL D HICKEY
CONNIE M HICKEY
PO BOX 243
MOUNTAIN HOME ID 836470000 and represents to the Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 61-07203, and requests that the permit be changed as follows:

Source: GROUNDWATER

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	2.26 CFS	676.0 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
	Totals	2.30 CFS	677.2 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NENE), Sec. 2, Township 03S, Range 04E ELMORE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
03S	04E	1	NESW	40	NWSW	40	SWSW	40	
			SESW	40					160
		2	Lot 1(NENE)	43	Lot 2(NWNE)	46	SWNE	40	
			SENE	40					169

Total number of acres irrigated: 329

PLACE OF USE: DOMESTIC

TWN	RGE	SEC	
03S	04E	2	Lot 1(NENE)

RECEIVED
JUL 23 1993

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 61-07203

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Boise, this 3 day of June, 1993

Carl D. Kirkey
(Signature)

RECEIVED
JUL 23 1993

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 61-07203

****

FOR DEPARTMENT USE ONLY

Preliminary check by BC CA Fee = 20.00 Receipted by CA # C027723 Date 6-3-93

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 61-07203 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
7. This right is limited to the irrigation of 169 acres in the place of use described above in a single irrigation season.
8. Two points of diversion are located within the NENE, Lot 1, S02, T03S, R04E.

Witness my hand this 12TH day of July, 1993.

Acting for R. Keith Higginson, Director

JUL 23 19

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 N. Orchard St., Statehouse Mail, Boise ID 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

RELINQUISHMENT
OF
PERMIT

I, Connie M. Hickey, hereby relinquish to the State of Idaho, all my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 61-07399.

Signed this 6th day of July, 1993.

Connie M. Hickey
Permit Holder

Carl D. Hickey
Spouse of Permit Holder

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 61-07203

Priority: November 25, 1976

Maximum Diversion Rate: 2.30 CFS
Maximum Diversion Volume: 677.2 AF

This is to certify, that CARL D HICKEY
CONNIE M HICKEY
PO BOX 243
MOUNTAIN HOME ID 836470000 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 1, 1974; and has submitted Proof of Beneficial Use on April 3, 1980. An examination indicates that the works have a diversion capacity of 2.340 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	2.26 CFS	676.0 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
	Totals	2.30 CFS	677.2 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NENE), Sec. 2, Township 03S, Range 04E
ELMORE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
03S	04E	1	NESW	40	NWSW	40	SWSW	40	
			SESW	40					160
		2	Lot 1(NENE)	43	Lot 2(NWNE)	46	SWNE	40	
			SENE	40					169
					Total number of acres irrigated:				329

PLACE OF USE: DOMESTIC

TWN	RGE	SEC	
03S	04E	2	Lot 1(NENE)

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.

MICROFILMED

JUL 23 1993

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 61-07203

CONDITIONS/REMARKS:

3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
7. This right is limited to the irrigation of 169 acres in the place of use described above in a single irrigation season.
8. Two points of diversion are located within the NENE, Lot 1, S02, T03S, R04E.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 12TH day of July, 1995.

Acting for R. Keith Higginson, Director

JUL 23 1993

MEMORANDUM

To: Files 61-07203 and 61-07399

From: L. Glen Saxton

RE: **REVIEW OF FILES**

Date: May 26, 1999

Jim Johnson forwarded the above referenced files to me indicating that Carl Hickey of Mountain Home has been in contact with him seeking the reinstatement of Permit No. 61-07399 which he relinquished in 1993 at the request of the department. Although the department has received nothing in writing from Mr. Hickey, I reviewed the files to determine if there was a reason why permit no. 61-07399 should not have been relinquished.

My review of the file shows the following:

- All the land under the above referenced permits is within the Cinder Cone Butte Critical Ground Water Area.

- On September 3, 1991, the department conducted a field examination of land irrigated under the permits and found that a total of 329 acres had been irrigated. Of the 329 acres, 160 were in the SW1/4 Section 1 and 169 acres were in the NE1/4 Section 2, all in T3S, R4E, B.M.

- The 329 acres are irrigated from one (1) well located in the NENE Section 2, T3S, R4E, B.M. The measured capacity of the well was 2.29 cfs.

- The rate of 2.29 cfs for 329 acres would provide 0.00687 cfs per acre and is not large enough to irrigate 329 acres at the same time. The needed volume for "full" irrigation of 329 acres is also limited by the rate of diversion.

- The applicant's placement of approximately 130 acres in the CRP program has not prejudiced development of a water right under Permit No. 61-07399. Since the land which was placed in the CRP program is included in the license.

- The license issued by the department on July 12, 1993, clearly shows that no more than 169 acres of the 329 acre permissible place of use can be

irrigated in a single irrigation season. Note Condition of Approval No. 7. which reads as follows:

> 7. This right is limited to the irrigation of 169 acres in the place of use described above in a single irrigation season.

- I can not find a mistake made by the department in asking for the relinquishment of Permit No. 61-07399 and or a reason for the department to consider reinstatement of the permit.

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 09 1992
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 61-07203

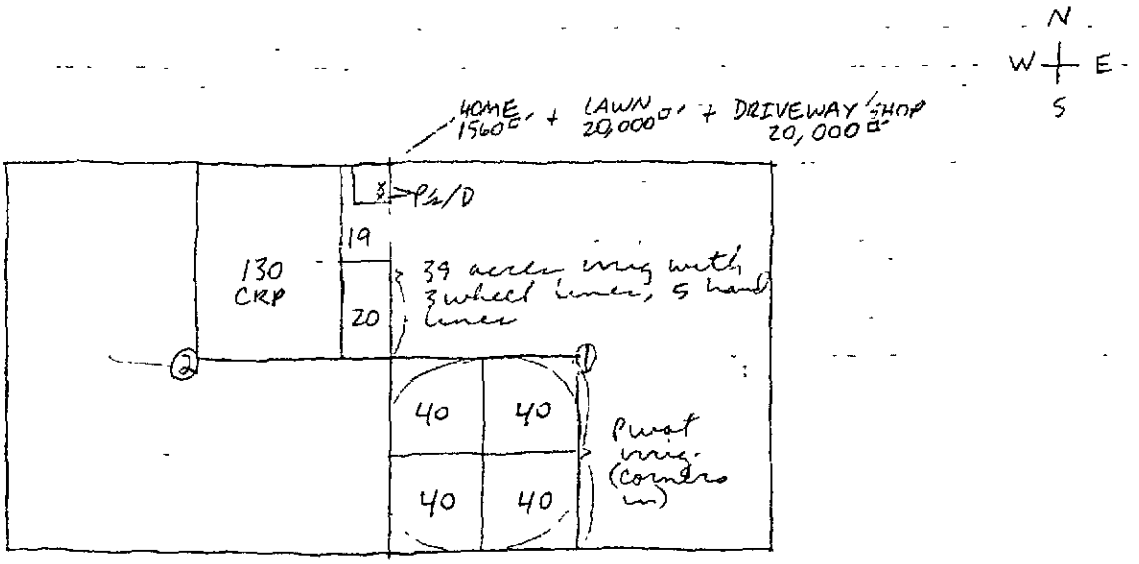
1. Owner: CARL D. HICKEY Phone No. 796-2127
   Current Address: P.O. BOX 243 MTN HOME ID 83647
2. Accompanied by: OWNER EXAM. DATE: 7/31/91
   Address: SAME Phone No. ____
   Relationship to Permit Holder: ____
3. Source: GROUNDWATER tributary to ____

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE
   ____ ☐ Copies Attached
2. Other water rights with same point of diversion: 61-07399
   ____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



APPROVED
JUL 23 1993

Scale: 1" = NOT TO SCALE

2 ☐ Copy of U.S G.S. 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 or more).

☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

A 6" well equipped with a 5 HP submersible pump supplies water to 1 home and lawn. A 16" well equipped with a 200 HP Layne pump supplies water to the 169 acres via 1 pivot, 5 wheel lines and 5 hand lines.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
WELL	US	200	DC-7008230	LAYNE	10"
SUBMERSIBLE	UNKNOWN	5	UNKNOWN	UNKNOWN	

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	1	NE	NE	NE	2	3S	4E	ELMORE	ORTHO PHOTO / ASCS PHOTO

6. **Place(s) of Use:** Indicate Method of Determination

Twp.	Rge.	Sec.	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	Totals
			NE¼				NW¼				SW¼				SE¼				
3S	4E	1									40	40	40	40					160
		~~2~~	~~D~~			~~12~~													~~12~~
3S	4E	2	43	46	40	40													169

329

JUL 23 1993

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. **Measurements:**

IRRIG. THEO: $\frac{200 \cdot 8.8 \cdot .7}{350 + 2.3 \cdot 85}$ = 2.26 cfs
(numer) (gage)

DOM THEO: $\frac{5 \cdot 8.8 \cdot .7}{350 + 2.3 \cdot 20}$ = .08 cfs

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)
Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)
Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)
Meter Input HP: (6) x 1 34 = _____ (7)
Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)
Panel Input HP: (6) x 1 34 = _____ (7) Efficiency. (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: See ATTACHED

V_{IR} = (Acres Irrigated) x (Irrigation Requirement) = ~~192 x 4.5 = 774 AFA~~

V_{DR} = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = 2.26 x 246 x 1.9835 = 1102.1 AFA

V = Smaller of V_{IR} and V_{DR} = ~~774 AFA~~

2. Volume Calculations for Other Uses:
INTERNAL/EXTERNAL DOM: 1.2 AFA, .04 cfs
.04 x 365 x 1.9835 = 29 AFA

RECEIVED
JUL 23 1993

H. REMARKS AND OVERLAP REVIEW ANALYSIS

SEE AHACHED ANALYSIS

NO OTHER WRs USED

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs) 2.26	Annual Volume V (afa) 1102.8
IRRIGATION	3/15	11/15	~~2.26~~ ~~1.18~~	~~774~~ ~~575.8~~
DOMESTIC	1/1	12/31	.04	1.2
Totals:			~~2.3~~ ~~1.22~~ 2.26 cfs	~~775.2~~ ~~577~~ 1102.8 AFA

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

J. AUTHENTICATION

Field Examiner's Name LORI WHITE

Signature Lori White

1/4 1/30/92 Certification Date

Field Report Preparation Date 9/3/91

CONSULTANT'S SEAL

PROFESSIONAL ENGINEER REGISTERED 3909 11/4/92 STATE OF IDAHO DAVID R. TUTHILL, JR.

David R. Tuthill

K. **Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.**

JUL 23 1993

10/25/1992

After reviewing the field exams for 61-07203 and 61-07399 and before sending them on to state office for licensing, Dave Tuthill requested proof that Carl Hickey had actually irrigated all 329 acres at one time. Mr. Hickey was unable to dig up any type of proof. I then set up a meeting between Mr. Hickey, Jim Johnson, and myself on August 25, 1992. Since Mr. Hickey did not have the capacity to irrigate all 329 acres at the time of the field exam, Jim Johnson concluded that permissible place of use should be allowed in this situation to reflect the system's actual use.

ANALYSIS

The 200 hp well has a system capacity of 2.26 cfs. Permit 61-07203 was filed for domestic use and 172 acres, of which 169 are developed with 130 of those inactive (CRP). Permit 61-07399 was filed on the same well for 160 additional acres. The entire system consists of 329 active and inactive acres.

Since the system capacity of 2.26 cfs is not sufficient to irrigate 329 acres at one time, the field exam recommendations are based on permissible place of use.

Because the same permissible place of use is recommended for both 61-07203 and 61-07399 and the total system capacity does not exceed the earlier permit's cfs amount, Dave Tuthill recommended that 61-07203 should represent both rights and 61-07399 be relinquished for simplicity.
(or cancelled)

61-07203: 329 X 4.5 = 1480.5 AFA REQUIRED
2.26 X 1.9835 X 246 = **1102.8 AFA CAPABLE**

Within the 329 acres described in the field exam report, this right is limited to the irrigation of 169 acres in a single irrigation season, 2.26 cfs system capacity, and 1102.8 afa diversion volume.

This right represents 61-07203 and 61-07399.

Permit 61-07399 should be relinquished or Cancelled.

RECEIVED
JUL 28 1993

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 09 1992
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 61-07349

1 Owner: CARL D. HICKEY Phone No. 734-2137

Current Address: P.O Box 243 MTN HOME ID 83647

2. Accompanied by: OWNER EXAM. DATE: 7/31/91

Address: SAME Phone No

Relationship to Permit Holder:

3 Source. GROUNDWATER tributary to

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE

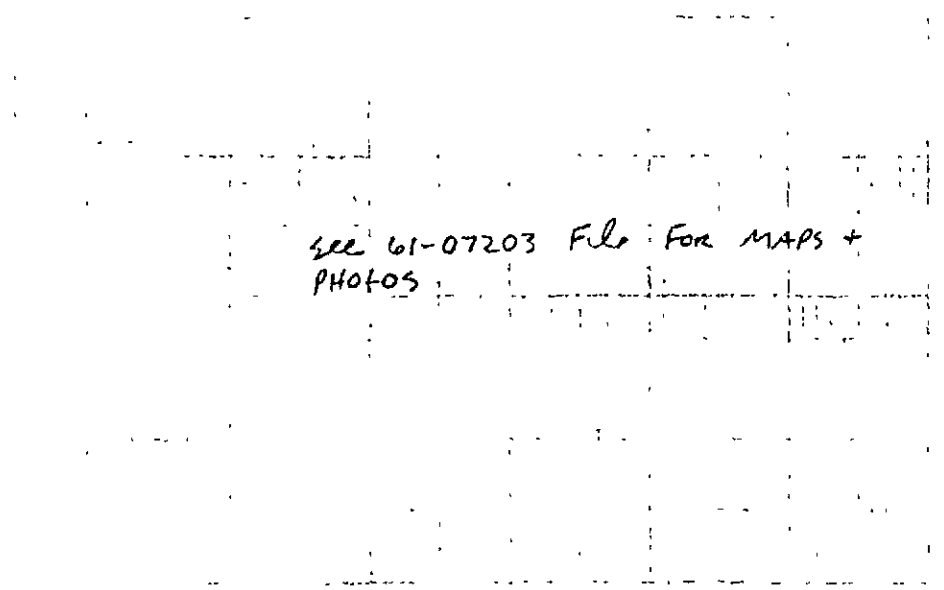
☐ Copies Attached

2. Other water rights with same point of diversion: 61-07203

☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components Indicate weir size/ditch size/pipe i d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____.

2. ☐ Copy of U.S.G S 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 or more)

☐ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No	Pump Make	Pump Serial No. or Discharge Size
WELL	US	200	DX-7008230	LANE	10"

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	1		1.5	NE	2	3S	4E	ELMORE	ORTHO PHOTO / ASCS PHOTO

6. Place(s) of Use: Indicate Method of Determination

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3S	4E	2	43	46	40	40													169
		1									40	40	40	40					160

329

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1

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

2. **Measurements:**

THEO: 200 · 8.8 · .7 = 2.26 cfs

350 + 2.3 · 85 guess

(illegible)

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method

2. Alternate Method for Checking Purposes:

F PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)
Total Head: (1) + (2) = _____ (3) : Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8 8 = _____ (5)
Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)
Meter Input HP: (6) x 1.34 = _____ (7)
Panel Input KW. _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)
Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: SEE ATTACHMENT

V_{IR} = (Acres Irrigated) x (Irrigation Requirement) = _____

V_{DR} = (Diversion Rate (cfs)) x (Days in Irrigation Season) x 1.9835 = _____

V = Smaller of V_{IR} and V_{DR} = _____

2 Volume Calculations for Other Uses.

H. REMARKS AND OVERLAP REVIEW ANALYSIS

SEE AHACHMENT

NO OTHER WRs USED

Recommend this permit be relinquished per attached analysis

I. RECOMMENDATIONS

Recommend cancellation
See Attached analysis dated 10/25/92. DAT

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
IRRIGATION	3/15	11/15	~~4.08~~ 2.26	~~5269~~ 1102.8
Totals:			~~4.08~~ CFS 2.26	~~5269~~ AFA 1102.8 AFA

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

J. AUTHENTICATION

Field Examiner's Name LORI WHITE

Signature Lori White

Certification Date

Field Report Preparation Date 9/5/91

GH V30/92

PROFESSIONAL ENGINEER REGISTERED 3909 11/4/92 STATE OF IDAHO DAVID R. TUTHILL, JR.

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

10/25/1992

After reviewing the field exams for 61-07203 and 61-07399 and before sending them on to state office for licensing, Dave Tuthill requested proof that Carl Hickey had actually irrigated all 329 acres at one time. Mr. Hickey was unable to dig up any type of proof. I then set up a meeting between Mr. Hickey, Jim Johnson, and myself on August 25, 1992. Since Mr. Hickey did not have the capacity to irrigate all 329 acres at the time of the field exam, Jim Johnson concluded that permissible place of use should be allowed in this situation to reflect the system's actual use.

ANALYSIS

The 200 hp well has a system capacity of 2.26 cfs. Permit 61-07203 was filed for domestic use and 172 acres, of which 169 are developed with 130 of those inactive (CRP). Permit 61-07399 was filed on the same well for 160 additional acres. The entire system consists of 329 active and inactive acres.

Since the system capacity of 2.26 cfs is not sufficient to irrigate 329 acres at one time, the field exam recommendations are based on permissible place of use.

Because the same permissible place of use is recommended for both 61-07203 and 61-07399 and the total system capacity does not exceed the earlier permit's cfs amount, Dave Tuthill recommended that 61-07203 should represent both rights and 61-07399 be relinquished for simplicity.

61-07203: 329 X 4.5 = 1480.5 AFA REQUIRED
2.26 X 1.9835 X 246 = 1102.7 AFA CAPABLE

Within the 329 acres described in the field exam report, this right is limited to the irrigation of 169 acres in a single irrigation season, 2.26 cfs system capacity, and 1102.7 afa diversion volume.

This right represents 61-07203 and 61-07399.

Permit 61-07399 should be relinquished.

Revised 10/25/1992 see attached

September 2, 1992

After reviewing the field exams for 61-07203 and 61-07399 and before sending them on to the SO for licensing, Dave Tuthill requested proof that Carl Hickey had actually irrigated all 329 acres at one time. Mr. Hickey was unable to dig up any type of proof. I then set up a meeting between Mr. Hickey, Jim Johnson and myself on August 25, 1992. Since Mr. Hickey did not have the capacity to irrigate all 329 acres at the time of the field exam, Jim Johnson concluded that permissible place of use should be allowed in this situation to reflect the system's actual use.

ANALYSIS (REVISED)

The 200 hp well has a system capacity of 2.26 cfs. Permit 61-07203 was filed for domestic use and 172 acres, of which 169 are developed with 130 inactive (CRP). Permit 61-07399 was filed on the same well for 160 additional acres. The entire system 329 active and inactive acres.

The system capacity of 2.26 cfs is not sufficient for 329 acres to be irrigated at one time. Due to the circumstances listed above, the following recommendations are based on permissible place of use.

RECOMMENDATIONS & CONDITIONS

61-07203: Within the 329 acres described in the field exam report, this right is limited to the irrigation of 169 acres in a single irrigation season.

Right 61-07399 is also diverted through the same p/d described in the field exam report.

Use of this right with right 61-07399 is limited to a total combined diversion rate of 2.26 cfs, a total combined diversion volume of 1102.7 afa and a total irrigation of a combined total of 329 acres in a single irrigation season.

61-07399: Within the 329 acres described in the field exam report, this right is limited to the irrigation of 160 acres in a single irrigation season.

Right 61-07203 is also diverted through the same p/d described in the field exam report.

Use of this right with right 61-07203 is limited to a total combined diversion rate of 2.26 cfs, a total combined diversion volume of 1102.7 afa and a total irrigation of a combined total of 329 acres in a single irrigation season.

REVISED 9/2/92 - SEE ATTACHED

ANALYSIS

THE 200 HP WELL HAS A SYSTEM CAPACITY OF 2.26 CFS. PERMIT 61-07203 WAS FILED FOR DOMESTIC USE AND 172 ACRES, OF WHICH 130 ARE INACTIVE IN THE CRP PROGRAM. PERMIT 61-07399 WAS FILED ON THE SAME WELL FOR 160 ADDITIONAL ACRES. THE ENTIRE SYSTEM COVERS 329 INACTIVE AND ACTIVE ACRES. I RECOMMEND AMENDING 61-07203 TO 172 ACTIVE ACRES WITH THE 1975 PRIORITY AND AMENDING 61-07399 TO COVER THE ADDITIONAL 27 ACTIVE ACRES AND THE 130 INACTIVE ACRES WITH THE LATER 1980 PRIORITY.

THE SYSTEM CAPACITY OF 2.26 CFS IS NOT SUFFICIENT FOR 329 ACRES TO BE IRRIGATED AT ONE TIME. HOWEVER, MR. HICKEY STATED THAT HE HAD IRRIGATED THE ENTIRE 329 ACRES AT ONE TIME BEFORE PUTTING 130 ACRES IN CRP. BECAUSE BOTH RIGHTS ARE PERMITS, THE FLOW RATE FOR EACH HAS BEEN PRO-RATED USING THE 2.26 CFS SYSTEM CAPACITY.

RECOMMENDATIONS

2.26 CFS/329 = .00687 CFS/ACRE
2.26 X 1.9835 X 246 = 1102.7 AFA CAPABLE

61-07203: .0068 X 172 = 1.17 CFS
1.17 X 1.9835 X 246 = 570.9 AFA

61-07399: .0068 X 160 = 1.09 CFS
1.09 X 1.9835 X 246 = 531.9 AFA

CONDITIONS

A. THIS RIGHT, WHEN COMBINED WITH 61-07399, SHALL NOT EXCEED THE SYSTEM CAPACITY 2.26 CFS.

B. THIS RIGHT, WHEN COMBINED WITH 61-07399, SHALL PROVIDE NO MORE THAN 1102.8 AFA.

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	CARL D HICKEY	01/10/1976	IRRIGATION	03-15	11-15	1.99 CFS	
				TOTAL DIVERSION:		1.99 CFS	

Water Source: GROUNDWATER Tributary to: Stage: PERMIT

Point(s) of Diversion: T02S R04E S36 SESW ELMORE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
03S	04E	1		02-46		05-53													99.5
																	TOTAL ACRES		99.5

Pou County: ELMORE

Other Rights: 61-7202 & 61-7203.

Other Water Rights with Same Point(s) of Diversion and Source:
61-07202 61-07247C

Conditions of Approval:
01B - The right holder shall either install a measuring device or
- provide a certified measurement by a professional engineer or
- install and access port or other device as specified by the
- Department.
03A - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.

Dates: App. Received: 12/22/1975 Priority Date: 01/10/1976 (Priority Date Advanced.)
Proof Due Date: 03/01/1981 *Proof Made Date:* 03/20/1981 *(Proof Received Late.)*
Exam Made Date: 10/29/1991 Exam Sent to S.O.: 06/14/1993
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 04/11/94 ZIMMERMA

AUG 05 1994

WR5809NP
No. 61-07247B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/21/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	W. J. BALLANTYNE	01/10/1976	IRRIGATION	03-15	11-15	1.20 CFS	270.00 AFA
C	HERBERT C. HETHERINGTON						
C	JEROLD L. WOOD				TOTAL DIVERSION:	1.20 CFS	270.00 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion Capacity: 10.25 CFS

Point(s) of Diversion: T02S R05E S31 Lot 03(SESW) ELMORE County
T03S R04E S01 Lot 01(NENE) ELMORE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
03S	04E	1	01-60																60.0
																		TOTAL ACRES	60.0

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion and Source:
61-07263 61-07264

Dates: App. Received: 12/22/1975 Priority Date: 01/10/1976 (Priority Date Advanced.)
Proof Due Date: 03/01/1981 Proof Made Date: 05/20/1981 (Proof Received Late.)
Exam Made Date: 11/20/1987 Exam Sent to S.O.:
Licensed Date: 01/06/1989

Misc: Water District Number: Field Exam Fee:

Audit: 06/09/88 CURTIS 07/14/88 CURTIS 08/10/88 CURTIS 02/13/89 CURTIS

AUG 05 1994

Attachment E

61-07247

A — Hergert Farms (used by SABIN)

B — Ballentyne et al

C — Hergert

D — Hickey

* split ownership not clarified until after 1991 Exam of 61-07247A

Where B = License NE¼ S.1

* C = Examined permit (1991) for SABIN NW¼ S.1 & overlaps several acres in extreme West part of W½ NE¼ S.1

* D = Hickey's 100 Ac. in L.2 & S of S.1 where status uncertain. Possible forfeiture - issue pending

MEMORANDUM

Date: March 21, 1994

From: Jim Johnson

To: File

Subject: Review of lands irrigated in lots 2 and 5

Per request from Carl Hickey I have reviewed permit 61-07247.

The question is whether the permit should be licensed showing irrigation of Lots 2 and 5.

Steve Lester conducted an field exam in 1991 and via information gained some how, (Steve is looking into the source)lots 2 and 5 are not recommended on the field exam but rather abandoned.

Mr. Hickey has provided warranty deeds showing transfer of land ownership from the original land owner to himself. At the time of Steve's field exam it was believed that Leland Sabin owned lots 2 and 5 as well as the NW 1/4 of Section 1.

The cause for land not to be irrigated, according to Mr. Hickey is because of litigation. Mr. Hickey will have to provide adequate evidence.

Presently, Mr. Hickey is collecting information to show lot 2 was at one time irrigated.

No further action will be taken until more information is received.

Hickey.mem

JAN 07 1998

MEMORANDUM

Date: March 30, 1994

From: Jim Johnson

To: Cindy

Subject: Assignment

Cindy I am working with Carl Hickey on this permit. As you will find he recently purchased Lots 2 and Lots 5 and wants to irrigate. The portion of the permit he owns may have been lost. He is attempting to find information show delay in water use caused by litigation.

Please review the ownership documents and make data base changes. Do not prepare the correspondence and return the file to me when you are done. Thanks.

done.
CJ.

JAN 07 1993

United States
Department of
Agriculture

Farmers
Home
Administration

2180 American Legion Blvd
Mountain Home ID 83647
Tel. (208) 587-9791
FAX: (208) 587-6630

March 29, 1994

Carl D. Hickey
P.O. Box 243
Mountain Home, Idaho 83647

Dear Mr. Hickey:

As per your request, the following is a brief history of the 120 acres which you purchased in 1993:

The former owners of the FmHA mortgaged property filed bankruptcy in 1984. The bankruptcy was discharged in January of 1987 and closed in December of 1987. In the bankruptcy, the former owners were released of any continuing liability to FmHA. Based upon discussions with the former owners, it appears that they had assumed that FmHA owned the property after the bankruptcy.

Due to a court case in the Midwest, FmHA was unable to begin foreclosure on the property and in 1988, the former borrowers were notified of rights and servicing options available to them as allowed under the Agricultural Credit Act of 1987. Due to further priorities, constraints, etc., FmHA was unable to accelerate the accounts until June of 1992 and begin the foreclosure process.

Due to the limited value of the security (appraised value of $12,000 in 1990, updated in 1991), it was not very cost effective for FmHA to complete the entire foreclosure process, so an effort was made to get the former owners to sell the property was made. After numerous discussions, etc, the former owners did finally agree to sell the property to you in 1992. After numerous delays, all required signatures were eventually obtained and the sale closed in late 1993.

If you have any questions, please contact this office.

Sincerely,

DAVID A. FLESHER
County Supervisor

MICRO FILMED
JAN 07 1933

Non use
1988 - 1992
5 years

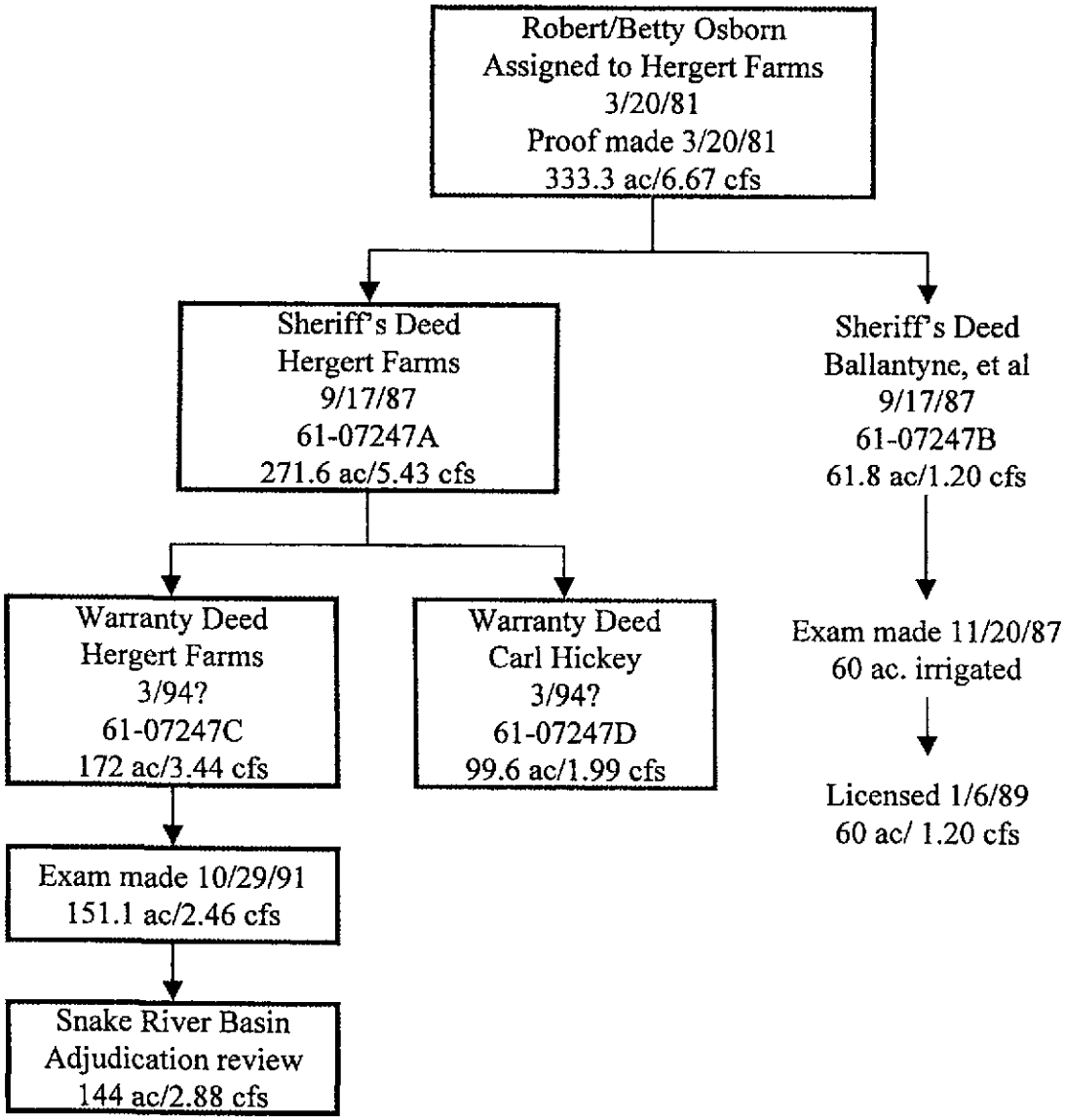
FmHA Farmers Home Administration is an Equal Opportunity Lender
Complaints of discrimination should be sent to
Secretary of Agriculture Washington D C 20250

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
~~Original Application~~	~~61-07147~~	~~Robert E. Osborn~~ ~~Betty F. Osborn~~	~~6.67~~
~~Full Assignment~~	~~61-07147~~	~~Hergert Farms~~	~~6.67~~
	SPLIT INTO PARTS A & B BY ASSIGNMENT		
~~Partial Assignment~~	~~61-07147A~~	~~Hergert Farms~~	~~5.43~~
Partial Assignment	61-07147B	W. J. Ballantyne Edna Ballantyne, Estate of Herbert C. Hetherington Jerold L. Wood Martha Esson	1.20
	PART A SPLIT INTO PARTS C & D BY ASSIGNMENT		
Partial Assignment	61-07147C	Herbert Farms	3.44
Partial Assignment	61-07147D	Carl D. Hickey	1.99

JAN 0 . 1958

RECEIVED AUG 2 5 1999



WARRANTY DEED

For Value Received

BRYCE L. HERGERT AND PENNY E. HERGERT, husband and wife

The grantor , do hereby grant, bargain, sell and convey unto

CARL D. HICKEY a single man

the grantee , whose current address is P.O. BOX 243 Mountain Home, ID 83647

the following described premises, in ELMORE County Idaho, to-wit:

TOWNSHIP 2 SOUTH, RANGE 5 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 32: SE¼NW¼NW¼ (1)

TOGETHER WITH ALL WATER RIGHTS, DITCH RIGHTS AND WELL PERMITS APPURTENANT TO SAID REAL PROPERTY

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , heirs and assigns forever And the said Grantor do hereby covenant to and with the said Grantee , that he the owner in fee simple of said premises, that they are free from all incumbrances

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

Dated:

BRYCE L. HERGERT

PENNY E. HERGERT

276055

STATE OF IDAHO, COUNTY OF ELMORE

On this 15th day of NOVEMBER , 1992 , before me, a notary public in and for the said State, personally appeared

BRYCE L. HERGERT AND PENNY E. HERGERT

known or identified to me to be the person whose name subscribed to the within instrument, and acknowledged to me that executed the same

DENNIS H. WETHERELL NOTARY PUBLIC IDAHO

Notary Public

Residing at MOUNTAIN HOME , Idaho

Comm Expires 5-15-98

STATE OF IDAHO, COUNTY OF ELMORE

I hereby certify that this instrument was filed for record at the request of GUARANTY TITLE, INC.

at 39 minutes past 2:00 o clock P.M.

this AUG 27 1993 day of

19 , in my office, and duly recorded in Book of Deeds at Page

DOLORES ROBISON

Ex-Officio Recorder

By Lynda Van Mar Deputy

Fees $ 3.00

Mail to

MICROFILMED

AUG 27 1993

WARRANTY DEED

For Value Received

KELLY R. HERGERT-BELANGER formerly known as KELLY R. HERGERT, a married woman as her sole and separate property.

The grantor , do hereby grant, bargain, sell and convey unto CARL D. HICKEY, a single man

the grantee , whose current address is P.O. BOX 243
Mountain Home, ID 83647

the following described premises, in ELMORE County Idaho, to-wit:

TOWNSHIP 3 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 1: Lot 2

TOWNSHIP 2 SOUTH, RANGE 5 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO.

SECTION 32: SE¼SW¼NW¼ (2.)

TOGETHER WITH ALL WATER RIGHTS, DITCH RIGHTS AND WELL PERMITS APPURTENANT TO SAID REAL PROPERTY.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , heirs and assigns forever And the said Grantor do hereby covenant to and with the said Grantee , that she is the owner in fee simple of said premises, that they are free from all incumbrances

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

Dated: JULY 30, 1993

Kelly R. Hergert Belanger
KELLY R. HERGERT-BELANGER

276054

STATE OF IDAHO, COUNTY OF ELMORE
On this 30th day of July , 19 93, before me, a notary public in and for the said State, personally appeared KELLY R. HERGERT-BELANGER fka KELLY R. HERGERT

known or identified to me to be the person whose name subscribed to the within instrument, and acknowledged to me that she executed the same

Margaret E. Howard
MARGARET E. HOWARD Notary Public
Residing at, Mountain Home , Idaho
Comm. Expires 06-06-95

STATE OF IDAHO, COUNTY OF ELMORE
I hereby certify that this instrument was filed for record at the request of GUARANTY TITLE, INC.
at 38 minutes past 12:00 o'clock P. M., this AUG 27 1993 day of , 19 , in my office, and duly recorded in Book of Deeds at Page

DOLORES ROBISON
Ex-Officio Recorder
By Linda Kim Moen Deputy
Fees $ 3.00
Mail to

WARRANTY DEED

For Value Received

R. WAYNE HERGERT, aka RICHARD WAYNE HERGERT

The grantor , do hereby grant, bargain, sell and convey unto

CARL D. HICEKY a single man

the grantee , whose current address is P.O. Box 243, Mountain Home, ID 83647

the following described premises, in ELMORE County Idaho, to-wit.

TOWNSHIP 3 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 1: Lot 2

TOWNSHIP 2 SOUTH, RANGE 5 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 32: SE¼SW¼NW¼

TOGETHER WITH ALL WATER RIGHTS, DITCH RIGHTS AND WELL PERMITS APPURTENANT TO SAID REAL PROPERTY.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , heirs and assigns forever And the said Grantor do hereby covenant to and with the said Grantee , that he is the owner in fee simple of said premises, that they are free from all incumbrances

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

Dated JULY 30, 1993

Richard Wayne Hergert

R. WAYNE HERGERT aka RICHARD WAYNE HERGERT

R. Wayne Hergert

276053

STATE OF IDAHO, COUNTY OF ELMORE JULY 1993

On this 30th day of , before me, a notary public in and for the said State, personally appeared

R. WAYNE HERGERT aka
RICHARD WAYNE HERGERT

known or identified to me to be the person whose name subscribed to the within instrument, and acknowledged to me that he executed the same.

Margaret E. Howard

MARGARET E. HOWARD Notary Public

Residing at Mountain Home, Idaho

Comm Expires 06-06-95

STATE OF IDAHO, COUNTY OF ELMORE

I hereby certify that this instrument was filed for record at the request of GUARANTY TITLE, INC.

at 37 minutes past 12:00 o'clock P.M.,

this AUG 27 1993 day of

19 , in my office, and duly recorded in Book of Deeds at Page

DOLORES ROBISON

Ex-Officio Recorder

By Linda VanMeer Deputy

Fees $ 3.00

Mail to

WARRANTY DEED

For Value Received

MONTE E. HERGERT AND VALINDA T. HERGERT, husband and wife

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

CARL D. HICKEY a single man

the grantee , whose current address is

the following described premises, in ELMORE County Idaho, to-wit.

TOWNSHIP 3 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 1: Lot 5

TOGETHER WITH ALL WATER RIGHTS, DITCH RIGHTS AND WELL PERMITS APPURTENANT TO SAID REAL PROPERTY

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee , that he the owner in fee simple of said premises, that they are free from all incumbrances EXCEPT THOSE OF RECORD.

and that t he y will warrant and defend the same from all lawful claims whatsoever.

Dated July 30 1993

Monte E. Hergert
MONTE E. HERGERT

Valinda T. Hergert
VALINDA T. HERGERT

276052

STATE OF IDAHO, COUNTY OF ELMORE JULY 93

On this 30th day of ~~NOVEMBER~~ , 19 ~~92~~ before me, a notary public in and for the said State, personally appeared

MONTE E. HERGERT
AND
VALINDA T. HERGERT

known or identified to me to be the person s whose name s subscribed to the within instrument, and acknowledged to me that they executed the same

Margaret E. Howard
MARGARET E. HOWARD Notary Public
Residing at Mountain Home , Idaho
Comm Expires ~~XXXXXXX~~ 06-06-95

STATE OF IDAHO, COUNTY OF ELMORE

I hereby certify that this instrument was filed for record at the request of

GUARANTY TITLE, INC.

at 36 minutes past 12:00 o'clock P. M.

this AUG 27 1993 day of

19 , in my office, and duly recorded in Book of Deeds at Page

DOLORES ROBISON
Ex-Officio Recorder

By Lindsay Van Meer Deputy.

Fees $ 3.00

Mail to

RECORDED
AUG 27 1993

A Settlement Statement

U S Department of Housing and Urban Development

OMB No. 2502-0265

B Type of Loan

1 ☐ FHA 2 ☐ FmHA 3 ☐ Conv. Unins
4 ☐ VA 5 ☐ Conv. Ins

6. File Number	7. Loan Number	8. Mortgage Insurance Case Number

C NOTE: *This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.*

D NAME AND ADDRESS OF BORROWER: CARL D. HICKEY
P.O. BOX 243
MOUNTAIN HOME, ID 83647

E NAME AND ADDRESS OF SELLER: BRYCE L. HERGERT AND PENNY E. HERGERT

TIN

F NAME AND ADDRESS OF LENDER: FARM HOME ADMINISTRATION

G PROPERTY LOCATION: T2S, R5E
Section 32

H SETTLEMENT AGENT, PLACE OF SETTLEMENT: Guaranty Title, Inc.
206 South 3rd East
Mountian Home, ID 83647

TIN

I SETTLEMENT DATE: November 1992

J. SUMMARY OF BORROWER'S TRANSACTION		K. SUMMARY OF SELLER'S TRANSACTION	
100. GROSS AMOUNT DUE FROM BORROWER:		**400. GROSS AMOUNT DUE TO SELLER:**	
101 Contract sales price	1,000.00	401 Contract sales price	1,000.00
102 Personal property		402 Personal property	
103 Settlement charges to borrower *(from line 1400)*	109.00	403	
104		404	
105		405	
ADJUSTMENTS FOR ITEMS PAID BY SELLER IN ADVANCE:		ADJUSTMENTS FOR ITEMS PAID BY SELLER IN ADVANCE	
106 City/town taxes to		406 City/town taxes to	
107. County taxes to 12-21-92	3.00	407 County taxes to	
108 Assessments to		408. Assessments to	
109		409	
110		410	
111		411	
112		412	
120. GROSS AMOUNT DUE FROM BORROWER ▶	1,112.00	420. GROSS AMOUNT DUE TO SELLER ▶	1,000.00
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:		**500. REDUCTIONS IN AMOUNT DUE TO SELLER:**	
201 Deposit or earnest money		501 Excess deposit *(see instructions)*	
202 Principal amount of new loan(s)		502 Settlement charges to seller *(line 1400)*	-0-
203 Existing loan(s) taken subject to		503 Existing loan(s) taken subject to	
204		504 Payoff of first mortgage loan FmHA	846.75
205		505 Payoff of second mortgage loan	
206		506	
207		507	
208		508	
209		509	
ADJUSTMENTS FOR ITEMS UNPAID BY SELLER		ADJUSTMENTS FOR ITEMS UNPAID BY SELLER	
210 City/town taxes to		510 City/town taxes to	
211 County taxes to		511. County taxes to 12-21-92	
212 Assessments to		512 ~~Assessments~~ Taxes to 8-16-93	27.36
213		513 1992 Taxes	44.04
214		514 1990 Taxes	39.84
215.		515 1991 Taxes	42.01
216		516	
217		517	
218		518	
219		519	
220 TOTAL PAID BY/FOR BORROWER ▶	-0-	520 TOTAL REDUCTIONS IN AMOUNT DUE SELLER ▶	1,000.00
300. CASH AT SETTLEMENT FROM/TO BORROWER:		**600. CASH AT SETTLEMENT TO/FROM SELLER:**	
301 Gross amount due from borrower *(line 120)*	1,112.00	601 Gross amount due to seller *(line 420)*	1,000.00
302 Less amount paid by/for borrower *(line 220)*	(-0-)	602 Less total reductions in amount due seller *(line 520)*	(1,000.00)
303. CASH (☒ FROM) (☐ TO) BORROWER ▶	1,112.00	603. CASH (☐ TO) (☐ FROM) SELLER ▶	-0-

Previous Edition is Obsolete

HUD-1 (3-86) - RESPA HB 4305.2

SUBSTITUTE FORM 1099 SELLER STATEMENT: The information contained in Blocks E, G, H and I and on line 401 (or if line 401 is asterisked, lines 403 and 404) is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported.

SELLER INSTRUCTIONS: If this is all of the real estate was your principal residence, file Form 2119, Sale or Exchange of Principal Residence, for any gain, with your income tax return; for other transactions, complete the applicable parts of Form 4797, Form 6252, and/or Schedule D (Form 1040).

You are required by law to provide (see box 11) with your correct taxpayer identification number. If you do not provide (see box 11) with your correct taxpayer identification number, you may be subject to civil or criminal penalties imposed by law. And, under penalties of perjury, I certify that the number shown on this statement is my correct taxpayer identification number.

Seller's Signature

L

SETTLEMENT CHARGES

		PAID FROM BORROWER'S FUNDS AT SETTLEMENT	PAID FROM SELLER'S FUNDS AT SETTLEMENT
700 TOTAL SALES / BROKER'S COMMISSION BASED ON PRICE $ @ % =			
DIVISION OF COMMISSION (LINE 700) AS FOLLOWS:			
701. $ to			
702 $ to			
703. Commission paid at settlement			
704.			
800. ITEMS PAYABLE IN CONNECTION WITH LOAN:			
801. Loan origination fee %			
802 Loan discount %			
803 Appraisal fee to:			
804 Credit report to:			
805. Lender's inspection fee			
806. Mortgage insurance application fee to			
807. Assumption fee			
808			
809			
810.			
811			
900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE:			
901. Interest from to @ $ / day			
902 Mortgage insurance premium for mos to			
903. Hazard insurance premium for yrs to			
904 *Flood Insurance Premium for* yrs to			
905			
1000. RESERVES DEPOSITED WITH LENDER:			
1001 Hazard Insurance months @ $ per month			
1002. Mortgage insurance months @ $ per month			
1003. City property taxes months @ $ per month			
1004. County property taxes months @ $ per month			
1005. Annual assessments months @ $ per month			
1006 *Flood Insurance* months @ $ per month			
1007. months @ $ per month			
1008. months @ $ per month			
1100. TITLE CHARGES:			
1101 Settlement or closing fee to GUARANTY TITLE, INC.		100.00	
1102 Abstract or title search to			
1103. Title examination to			
1104. Title insurance binder to			
1105. Document preparation to			
1106 Notary fees to			
1107. Attorney's fees to			
(includes above items Numbers)		[redacted]	
1108 Title insurance to			
(includes above items Numbers.)		[redacted]	
1109 Lender's coverage $			
1110 Owner's coverage $			
1111			
1112.			
1113			
1200. GOVERNMENT RECORDING AND TRANSFER CHARGES:			
1201 Recording fees: Deed $ 3.00 ; Mortgage $; Releases $ 6.00		9.00	
1202. City /county tax / stamps: Deed $, Mortgage $			
1203. State tax / stamps. Deed $, Mortgage $			
1204			
1205.			
1300. ADDITIONAL SETTLEMENT CHARGES:			
1301 Survey to			
1302. Pest inspection to			
1303.			
1304			
1305			
1306			
1307			
1400 TOTAL SETTLEMENT CHARGES *(Enter on line 103, Section J and line 502, Section K)* ▶		109.00	

I have carefully reviewed the HUD 1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD 1 Settlement Statement.

Borrower Carl D Rinkey Date 11-25-97 Seller [redacted] Date

MICROFILMED

Borrower Date JAN 07 1998 Seller [redacted] Date

The HUD 1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

Date Settlement Agent Date

WARNING: It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include a fine and imprisonment. For details see: Title

A Settlement Statement

U S Department of Housing and Urban Development

OMB No 2502 0265

B Type of Loan

1 ☐ FHA 2 ☐ FmHA 3 ☐ Conv Unins 4 ☐ VA 5 ☐ Conv Ins

6 File Number | 7 Loan Number | 8 Mortgage Insurance Case Number

C NOTE *This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p o c)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.*

D NAME AND ADDRESS OF BORROWER: CARL D. HICKEY, P.O. BOX 243, MOUNTAIN HOME, ID 83647

E NAME AND ADDRESS OF SELLER: R. WAYNE HERGERT

TIN:

F NAME AND ADDRESS OF LENDER: FARM HOME ADMINISTRATION

G PROPERTY LOCATION: T3S, R4E Section 1; T2S, R5E Section 32

H SETTLEMENT AGENT: GUARANTY TITLE, INC.

PLACE OF SETTLEMENT: 206 South 3rd East, Mountain Home, ID

TIN:

I SETTLEMENT DATE

J SUMMARY OF BORROWER'S TRANSACTION			K SUMMARY OF SELLER'S TRANSACTION	
100. GROSS AMOUNT DUE FROM BORROWER:			**400. GROSS AMOUNT DUE TO SELLER:**	
101 Contract sales price		5,650.00	401. Contract sales price	5,650.00
102 Personal property			402 Personal property	
103 Settlement charges to borrower *(from line 1400)*		112.00	403	
104			404	
105			405	
ADJUSTMENTS FOR ITEMS PAID BY SELLER IN ADVANCE			ADJUSTMENTS FOR ITEMS PAID BY SELLER IN ADVANCE	
106 City/town taxes	to		406 City/town taxes	to
107 County taxes	to 12-31-92	11.00	407 County taxes	to
108 Assessments	to		408 Assessments	to
109			409	
110			410	
111			411	
112			412	
120. GROSS AMOUNT DUE FROM BORROWER ▶		5,773.00	**420 GROSS AMOUNT DUE TO SELLER.** ▶	5,650.00
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:			**500. REDUCTIONS IN AMOUNT DUE TO SELLER:**	
201 Deposit or earnest money			501 Excess deposit *(see instructions)*	
202 Principal amount of new loan(s)			502 Settlement charges to seller *(line 1400)*	-0-
203 Existing loan(s) taken subject to			503 Existing loan(s) taken subject to	
204			504 Payoff of first mortgage loan FmHa	5,075.87
205			505 Payoff of second mortgage loan	
206			506.	
207			507	
208			508	
209			509	
ADJUSTMENTS FOR ITEMS UNPAID BY SELLER			ADJUSTMENTS FOR ITEMS UNPAID BY SELLER	
210 City/town taxes	to		510 City/town taxes	to
211 County taxes	to		511 County taxes	to 8-16-93 106.00
212 Assessments	to		512 Assessments	to
213			513 1992 Taxes	148.15
214			514 1990 Taxes	163.74
215			515 1991 Taxes	156.24
216			516	
217			517	
218			518	
219			519	
220 TOTAL PAID BY/FOR BORROWER ▶		-0-	520 TOTAL REDUCTIONS IN AMOUNT DUE SELLER ▶	5,650.00
300. CASH AT SETTLEMENT FROM/TO BORROWER:			**600. CASH AT SETTLEMENT TO/FROM SELLER:**	
301 Gross amount due from borrower *(line 120)*		5,773.00	601 Gross amount due to seller *(line 420)*	5,650.00
302 Less amount paid by/for borrower *(line 220)*		(-0-)	602 Less total reductions in amount due seller *(line 520)*	(5,650.00)
303 CASH (☒ FROM) (☐ TO) BORROWER ▶		5,773.00	603. CASH (☐ TO) (☐ FROM) SELLER ▶	-0-

Previous Edition is Obsolete

HUD-1 (3-86) RESPA HB 4305.2

SUBSTITUTE FORM 1099 SELLER STATEMENT The information contained in Blocks E G H and I and on line 401 (or if line 401 is asterisked, lines 403 and 404) is important tax information and is being furnished to the Internal Revenue Service If you are required to file a return a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported

SELLER INSTRUCTIONS If this real estate was your principal residence file Form 2119 Sale or Exchange of Principal Residence for any gain with your income tax return, for other transactions complete the applicable parts of Form 4797, Form 6252 and/or Schedule D (Form 1040)

You are required by law to provide [see box H] with your correct taxpayer identification number If you do not provide [see box H] with your correct taxpayer identification number you may be subject to civil or criminal penalties imposed by law and Under penalties of perjury I certify that the number shown on this statement is my correct taxpayer identification number

Seller's Signature

SETTLEMENT CHARGES

		PAID FROM BORROWER'S FUNDS AT SETTLEMENT	PAID FROM SELLER'S FUNDS AT SETTLEMENT
700 TOTAL SALES / BROKER'S COMMISSION BASED ON PRICE $ @ % =			
DIVISION OF COMMISSION (LINE 700) AS FOLLOWS :			
701 $ to			
702. $ to			
703. Commission paid at settlement			
704			
800. ITEMS PAYABLE IN CONNECTION WITH LOAN :			
801. Loan origination fee %			
802 Loan discount %			
803 Appraisal fee to			
804 Credit report to			
805 Lender's inspection fee			
806. Mortgage insurance application fee to			
807. Assumption fee			
808.			
809			
810.			
811.			
900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE :			
901 Interest from to @ $ / day			
902 Mortgage insurance premium for mos. to			
903. Hazard insurance premium for yrs to			
904. *Flood Insurance Premium for* yrs to			
905			
1000. RESERVES DEPOSITED WITH LENDER:			
1001 Hazard Insurance months @ $ per month			
1002. Mortgage insurance months @ $ per month			
1003 City property taxes months @ $ per month			
1004 County property taxes months @ $ per month			
1005. Annual assessments months @ $ per month			
1006 *Flood Insurance* months @ $ per month			
1007 months @ $ per month			
1008 months @ $ per month			
1100. TITLE CHARGES :			
1101. Settlement or closing fee to GUARANTY TITLE, INC.		100.00	
1102 Abstract or title search to			
1103 Title examination to			
1104 Title insurance binder to			
1105 Document preparation to			
1106 Notary fees to			
1107 Attorney's fees to *(includes above items Numbers)*		[redacted]	
1108. Title insurance to *(includes above items Numbers)*		[redacted]	
1109 Lender's coverage $			
1110 Owner's coverage $			
1111			
1112.			
1113			
1200. GOVERNMENT RECORDING AND TRANSFER CHARGES :			
1201 Recording fees Deed $ 6.00 , Mortgage $, Releases $ 6.00		12.00	
1202 City /county tax / stamps Deed $, Mortgage $			
1203 State tax / stamps Deed $, Mortgage $			
1204			
1205			
1300. ADDITIONAL SETTLEMENT CHARGES :			
1301. Survey to			
1302 Pest inspection to			
1303.			
1304			
1305			
1306			
1307			
1400 TOTAL SETTLEMENT CHARGES *(Enter on line 103, Section J and line 502, Section K)* ▶		112.00	

JAN 07 1993

I have carefully reviewed the HUD 1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD 1 Settlement Statement.

Borrower Carol D Kinsley Date 11-25-92 Seller Richard Hergert Date 7-30-93

Borrower _____ Date _____ Seller Kelly R. Hergert Belanger Date _____

The HUD 1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

_____ Date _____ Settlement Agent _____ Date _____

WARNING: It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include a fine and imprisonment. For details see: Title 18 U.S. Code Section 1001 and Section 1010.

WR5809NP
No. 61-07247B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/16/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	W. J. BALLANTYNE	01/10/1976	IRRIGATION	03-15	11-15	1.20 CFS	270.0 AFA
C	HERBERT C. HETHERINGTON						
C	JEROLD L. WOOD				TOTAL DIVERSION:	1.20 CFS	270.0 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion Capacity: 10.25 CFS

Point(s) of Diversion: T02S R05E S31 Lot 03(SE SW)
T03S R04E S01 Lot 01(NE NE)

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
03S	04E	1	01-60																60.0
																	TOTAL ACRES		60.0

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion and Source:
61-07263 61-07264

Dates: App. Received: 12/22/1975 Priority Date: 01/10/1976 (Priority Date Advanced.)
Proof Due Date: 03/01/1981 Proof Made Date: 05/20/1981 (Proof Received Late.)
Exam Made Date: 11/20/1987 Exam Sent to S.O.:
Licensed Date: 01/06/1989

Misc: Water District Number: Field Exam Fee:

Audit: 06/09/88 CURTIS 07/14/88 CURTIS 08/10/88 CURTIS 02/13/89 CURTIS

RECEIVED JAN 07 1993

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	JEROLD L. WOOD	04/01/1976	IRRIGATION	03-15	11-15	2.40 CFS	742.5 AFA
C	EST. OF EDNA BALLANTYNE						
C	MARTHA ESSON				TOTAL DIVERSION:	2.40 CFS	742.5 AFA
C	W. J. BALLANTYNE						
C	HERBERT C. HETHERINGTON						

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion Capacity: 11.36 CFS

Point(s) of Diversion: T02S R05E S31 Lot 03(SE SW)
T03S R04E S01 Lot 01(NE NE)

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
03S	05E	6					03-39	04-43	05-45	38									165.0
																		TOTAL ACRES	165.0

Pou County: ELMORE

Other Water Rights With Same Point(s) of Diversion and Source:
61-07247B 61-07264

Conditions of Approval:
R32 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.5 afa per acre for the
- lands above.

Remarks: This right when combined with rights 61-07247B and 61-07262 shall not exceed 11.36 cfs.

Dates: App. Received: 04/01/1976 Priority Date: 04/01/1976 (Priority Date Advanced.)
Proof Due Date: 05/01/1981 Proof Made Date: 05/08/1981 (Proof Received Late.)
Exam Made Date: 11/20/1987 Exam Sent to S.O.:
Licensed Date: 08/14/1989

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 03/31/88 05/01/88 CONVERT 06/09/88 CURTIS 07/14/88 CURTIS
08/08/89 CURTIS 08/17/89 CURTIS 06/05/90 CURTIS 06/22/90 JOHNSON
07/18/90 JOHNSON

A Settlement Statement

U S Department of Housing and Urban Development

OMB No 2502 0265

B Type of Loan

1 ☐ FHA 2 ☐ FmHA 3 ☐ Conv Unins
4 ☐ VA 5 ☐ Conv Ins

6 File Number

7 Loan Number

8 Mortgage Insurance Case Number

C NOTE *This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p o c)" were paid outside the closing, they are shown here for informational purposes and are not included in the totals*

D. NAME AND ADDRESS OF BORROWER: CARL D. HICKEY
P.O. BOX 243
Mountain Home, ID 83647

E NAME AND ADDRESS OF SELLER: MONTE E. HERGERT AND VALINDA T. HERGERT

TIN:

F. NAME AND ADDRESS OF LENDER: FARM HOME ADMINISTRATION

G PROPERTY LOCATION: T3S, R4E Section 1

H. SETTLEMENT AGENT: Guaranty Title, Inc.
PLACE OF SETTLEMENT: 206 South 3rd East
Mountain Home, ID 83647

TIN:

I SETTLEMENT DATE

J SUMMARY OF BORROWER'S TRANSACTION			K SUMMARY OF SELLER'S TRANSACTION		
100. GROSS AMOUNT DUE FROM BORROWER:			**400. GROSS AMOUNT DUE TO SELLER:**		
101 Contract sales price		5,350.00	401 Contract sales price		5,350.00
102 Personal property			402 Personal property		
103 Settlement charges to borrower *(from line 1400)*		109.00	403		
104.			404		
105.			405.		
ADJUSTMENTS FOR ITEMS PAID BY SELLER IN ADVANCE:			ADJUSTMENTS FOR ITEMS PAID BY SELLER IN ADVANCE:		
106 City/town taxes	to		406. City/town taxes	to	
107. County taxes	to 12-31-92	3.00	407. County taxes	to	
108 Assessments	to		408 Assessments	to	
109.			409.		
110.			410		
111.			411		
112			412		
120. GROSS AMOUNT DUE FROM BORROWER ▶		5,462.00	420 GROSS AMOUNT DUE TO SELLER. ▶		5,350.00
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:			**500. REDUCTIONS IN AMOUNT DUE TO SELLER:**		
201 Deposit or earnest money			501 Excess deposit *(see instructions)*		
202 Principal amount of new loan(s)			502 Settlement charges to seller *(line 1400)*		-0-
203 Existing loan(s) taken subject to			503 Existing loan(s) taken subject to		
204.			504 Payoff of first mortgage loan FmHa		4,876.88
205			505 Payoff of second mortgage loan		
206.			506.		
207			507		
208.			508.		
209			509		
ADJUSTMENTS FOR ITEMS UNPAID BY SELLER:			ADJUSTMENTS FOR ITEMS UNPAID BY SELLER.		
210. City/town taxes	to		510 City/town taxes	to	
211 County taxes	to		511 County taxes	to 8-16-93	75.00
212. Assessments	to		512 Assessments	to	
213			513 1992 Taxes		139.26
214			514 1990 Taxes		126.00
215.			515 1991 Taxes		132.86
216			516		
217			517		
218			518		
219			519		
220 TOTAL PAID BY/FOR BORROWER. ▶		-0-	520. TOTAL REDUCTIONS IN AMOUNT DUE SELLER ▶		5,350.00
300. CASH AT SETTLEMENT FROM/TO BORROWER:			**600. CASH AT SETTLEMENT TO/FROM SELLER:**		
301 Gross amount due from borrower *(line 120)*		5,462.00	601. Gross amount due to seller *(line 420)*		5,350.00
302 Less amount paid by/for borrower *(line 220)*		(-0-)	602. Less total reductions in amount due seller *(line 520)*		(5,350.00)
303. CASH (☒ FROM/ ☐ TO) BORROWER ▶		5,462.00	603 CASH (☐ TO/ ☐ FROM) SELLER: ▶		-0-

Previous Edition is Obsolete

HUD 1 (3-86) - RESPA, HB 4305.2

SUBSTITUTE FORM 1099 SELLER STATEMENT The information contained in Blocks E, G, H, and I and on line 401 (or if line 401 is asterisked, lines 403 and 404) is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported

SELLER INSTRUCTIONS. If this real estate was your principal residence, file Form 2119, Sale or Exchange of Principal Residence, for any gain, with your income tax return; for other transactions, complete the applicable parts of Form 4797, Form 6252 and/or Schedule D (Form 1040).

You are required by law to provide [see box 3] with your correct taxpayer identification number. If you do not provide [see box 3] with your correct taxpayer identification number, you may be subject to civil or criminal penalties imposed by law. and Under penalties of perjury, I certify that the number shown on this statement is my correct taxpayer identification number

L. SETTLEMENT CHARGES

	PAID FROM BORROWER'S FUNDS AT SETTLEMENT	PAID FROM SELLER'S FUNDS AT SETTLEMENT
700. TOTAL SALES / BROKER'S COMMISSION BASED ON PRICE $ @ % =		
DIVISION OF COMMISSION (LINE 700) AS FOLLOWS:		
701. $ to		
702. $ to		
703. Commission paid at settlement		
704.		
800. ITEMS PAYABLE IN CONNECTION WITH LOAN:		
801. Loan origination fee %		
802. Loan discount %		
803. Appraisal fee to		
804. Credit report to:		
805. Lender's inspection fee		
806. Mortgage insurance application fee to		
807. Assumption fee		
808.		
809.		
810.		
811.		
900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE:		
901. Interest from to @ $ /day		
902. Mortgage insurance premium for mos. to		
903 Hazard insurance premium for yrs. to		
904. *Flood Insurance Premium for* yrs to		
905.		
1000. RESERVES DEPOSITED WITH LENDER:		
1001. Hazard insurance months @ $ per month		
1002. Mortgage insurance months @ $ per month		
1003 City property taxes months @ $ per month		
1004. County property taxes months @ $ per month		
1005. Annual assessments months @ $ per month		
1006. *Flood Insurance* months @ $ per month		
1007. months @ $ per month		
1008. months @ $ per month		
1100. TITLE CHARGES:		
1101. Settlement or closing fee to GUARANTY TITLE, INC.	100.00	
1102. Abstract or title search to		
1103. Title examination to		
1104. Title insurance binder to		
1105. Document preparation to		
1106. Notary fees to		
1107. Attorney's fees to *(includes above items Numbers*	[illegible]	
1108. Title insurance to *(includes above items Numbers*	[illegible]	
1109. Lender's coverage $		
1110. Owner's coverage $		
1111.		
1112.		
1113		
1200. GOVERNMENT RECORDING AND TRANSFER CHARGES:		
1201. Recording fees: Deed $ 3.00 ; Mortgage $; Releases $ 6.00	9.00	
1202. City/county tax/stamps Deed $; Mortgage $		
1203. State tax/stamps: Deed $; Mortgage $		
1204.		
1205.		
1300. ADDITIONAL SETTLEMENT CHARGES:		
1301. Survey to		
1302. Pest inspection to		
1303.		
1304.		
1305.		
1306.		
1307.		
1400. TOTAL SETTLEMENT CHARGES *(Enter on line 103, Section J and line 502, Section K)* ▶	109.00	

I have carefully reviewed the HUD 1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

Borrower: X Lowell D. Mickey Date 11-25-92 Seller: Monte E Heyget Date 7-30-93

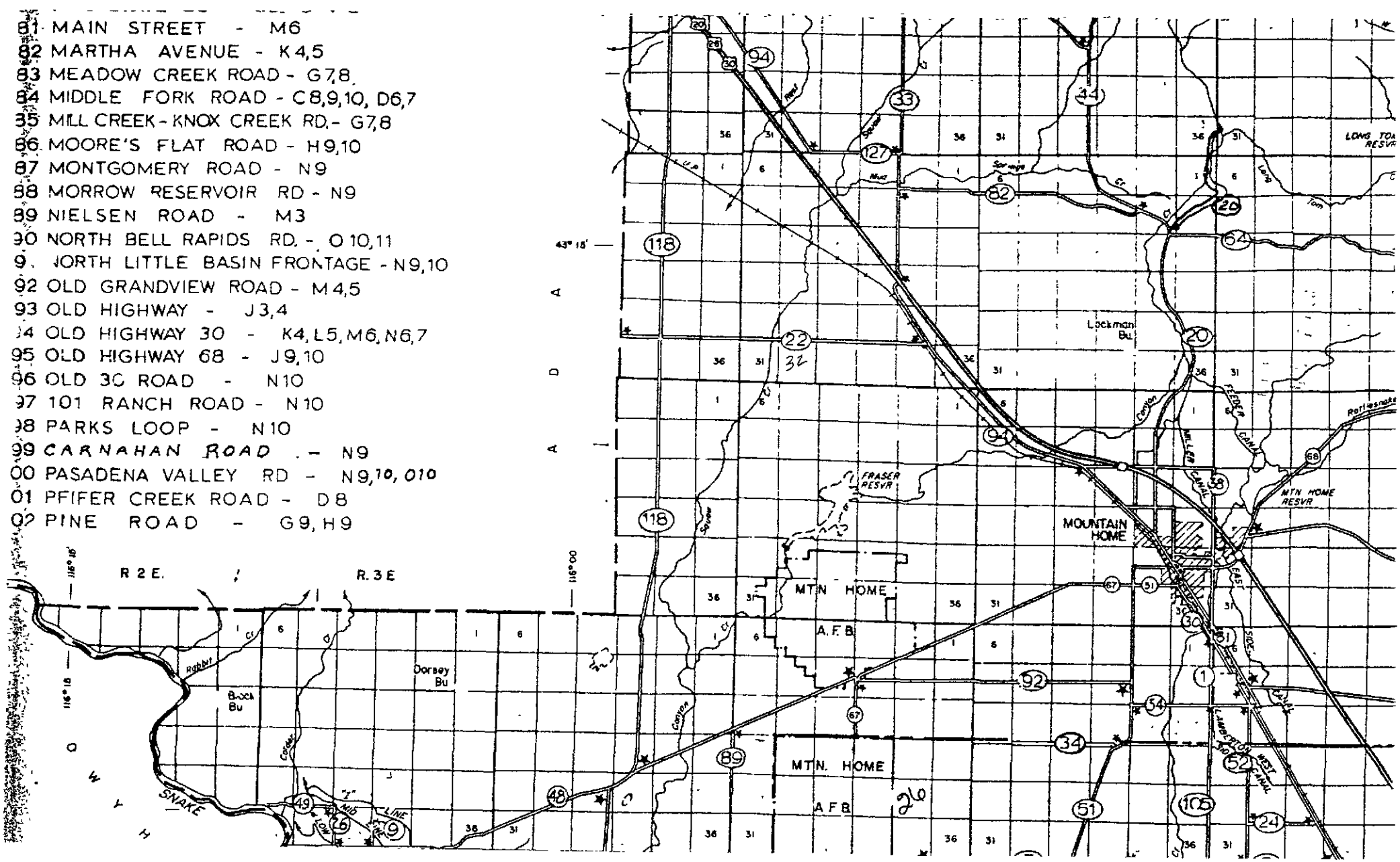
Borrower: _____ Date _____ Seller: Valinda T Heyget Date 7/30/93

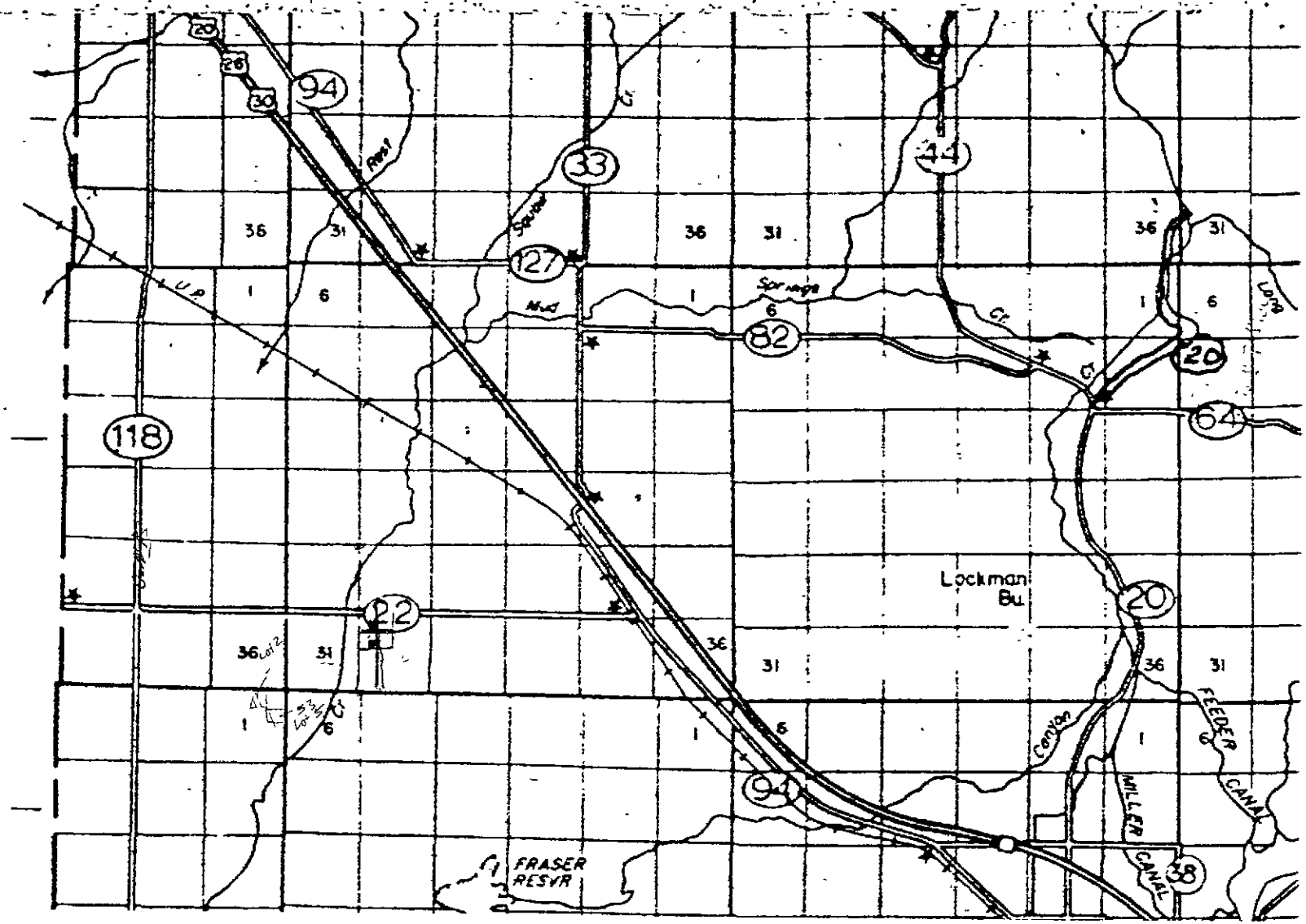
The HUD 1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

_____ Date _____ Settlement Agent _____ Date _____

WARNING: [illegible] for statements to the United States or that of any other [illegible] Title and Improvement Co. Inside [illegible]

81 MAIN STREET - M6
82 MARTHA AVENUE - K4,5
83 MEADOW CREEK ROAD - G7,8
84 MIDDLE FORK ROAD - C8,9,10, D6,7
85 MILL CREEK - KNOX CREEK RD. - G7,8
86 MOORE'S FLAT ROAD - H9,10
87 MONTGOMERY ROAD - N9
88 MORROW RESERVOIR RD - N9
89 NIELSEN ROAD - M3
90 NORTH BELL RAPIDS RD. - O 10,11
9. JORTH LITTLE BASIN FRONTAGE - N9,10
92 OLD GRANDVIEW ROAD - M4,5
93 OLD HIGHWAY - J3,4
94 OLD HIGHWAY 30 - K4, L5, M6, N6,7
95 OLD HIGHWAY 68 - J9,10
96 OLD 30 ROAD - N10
97 101 RANCH ROAD - N10
98 PARKS LOOP - N10
99 CARNAHAN ROAD - N9
00 PASADENA VALLEY RD - N9,10, 010
01 PFIFER CREEK ROAD - D8
02 PINE ROAD - G9, H9




94
33
127
44
82
20
64
118
22
91
Lockman Bu
FRASER RESVR
FEEDER CANAL
MILLER CANAL
Canyon
Creek
Spring
Mud
U.P.
43° 15'

WATER RIGHT NUMBER	NAME	CFS
61-07203	THIS RIGHT SPLIT INTO PARTS A AND B THRU TRANSFER NO. 4328.	
61-07203A	HICKEY , CARL D	0.96
61-07203B	HICKEY , CARL D	1.34

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

July 25, 1994

CARL D HICKEY
PO BOX 243
MOUNTAIN HOME ID 83647-0243

RE: Transfer of Water Right No. 61-07203B

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 4328). Please be sure to thoroughly review the "CONDITIONS/REMARKS:" as listed on the transfer.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

AUG 0 5 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4328
WATER RIGHT NO. 61-07203B

This is to certify that: **CARL D HICKEY**
PO BOX 243
MOUNTAIN HOME ID 836470000

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	1.34 CFS	400.0 AF

SOURCE

GROUNDWATER

Priority: 11/25/1976

LOCATION OF POINT(S) OF DIVERSION: Lot 5(SENE), Sec. 1, Township 03S, Range 04E
ELMORE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES	ACRES	TOTAL
03S	04E	1	Lot 2(NWNE)	46.5	Lot 5(SENE)	53.5		100
					Total number of acres irrigated:			100

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

[illegible]

AUG 0 5 1994

TRANSFER NO. 4328
WATER RIGHT NO. 61-07203B

CONDITIONS/REMARKS:

6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Right No. 61-07203A is limited to the irrigation of 69 acres; 36 acres located in (Lot 1) NENE and 33 acres located in SENE, S02, T03S, R04E.

Dated this 21TH day of July, 1994.

for Chief, Water Alloc. Bureau

RECEIVED

AUG 05 1994

Form I-222
12-92

Page 1 of 9

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4328

RECEIVED
APR 0 6 1994
WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
JUN 0 8 1994
Department of Water Resources

RECEIVED
MAR 3 0 1994
Department of Water Resources

Name of applicant Carl D. Hickey Phone 796-2127

Post Office address P O Box 243, Mt Home ID 83647

A. PURPOSE OF TRANSFER

1 ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☐ Change nature of use ☐ Change period of use ☒ Other Split right/Reduce Acres Part A

2. Describe the reason for the proposed changes Water rights currently on property in question & until resolved Applicant wants to transfer this right from CRP land for use until contract (CRP) expires in 1998.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
61-07203B	11-25-76	1.34 cfs	IRR	4-1	to 10-31
					to
					to
					to

2. Total amount of water being transferred 1.34 cubic feet per second and/or 400 acre-feet per annum.

3. Source of water Groundwater tributary to

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
5		SE	NE	1	3S	4E	Elmore	

5 Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3S	4E	1		Lot2 46.5		Lot5 53.5													100

AUG 05 1994

Total acres 100

PART 1

6. General Information:

a. Description of diversion system Deep well & pump, buried underground lines with solid set sprinkler system/ handlines in future.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ✓ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

No change, Land currently under CRP.

d. Remarks:

Acres reduced under Part A to authorized number of Acres - NO PP/U.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 ____

AUG 05 1994

TRANS NO. 4328

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 61-07203

STAGE: LICENSE

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	2.26 CFS	676.0 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
	Totals	2.30 CFS	677.2 AF

SOURCE

GROUNDWATER

Priority: 11/25/1976

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NENE), Sec. 2, Township 03S, Range 04E ELMORE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC			ACRES			ACRES		ACRES	TOTAL
03S	04E	1		NESW	40		NWSW	40	SWSW	40	
				SESW	40						160
		2	Lot	1(NENE)	43	Lot	2(NWNE)	46	SWNE	40	
				SENE	40						169
							Total number of acres irrigated:				329

PLACE OF USE: DOMESTIC

TWN	RGE	SEC		
03S	04E	2	Lot	1(NENE)

CONDITIONS/REMARKS:

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
3. This right is limited to the irrigation of 169 acres in the place of use described above in a single irrigation season.
4. Two points of diversion are located within the NENE, Lot 1, S02, T03S, R04E.

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AUG 05 1994

PART 2

Transfer No 4328

10 To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes If yes, describe 130 Acres in CRP 6 yrs

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED Part B

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.34 cfs (cfs/ac-ft) for IRR purposes from 4-1 to 10-31
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp	Rge	County	Local name for diversion
1		NE	NE	2	3S	4E	Elmore	

3. Lands irrigated or place of use

Twp.	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3S	4E	2	Lot1 7	Lot2 46	40	7													100

Total acres 100

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)* Part A

1. amount .92 (cfs/ac-ft) for IRR purposes from 4-1 to 10-31
   amount .04 (cfs/ac-ft) for DOM purposes from 1-1 to 12-31
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2 Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge	County	Local name for diversion
1		NE	NE	2	3S	4E	Elmore	

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AUG 05 1994

3. Lands irrigated or place of use: Limited to 69 Acres

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
~~3S~~	~~4E~~	~~51~~									40	40	40	40					~~160~~
3S	4E	52	Lot1 36			33													69
																			69
																			~~229~~

Total acres ~~229~~ 69

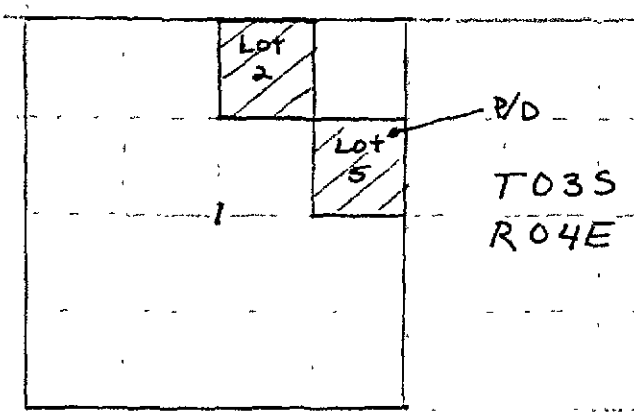
Transfer No. 4328

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



AUG 05 1994

SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Carl D. Hinkey
(Signature of Applicant)

Subscribed and sworn to before me this 30th day of March, 19 94.

Sharla R. Curtis
(Notary Public)

My commission expires 10-6-96

FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and 5 attachments

Received by CB Date 3-30-94 Protest filed by

Prelim. check by SL Fee $50

Receipted by dw #C029911 Date 3/30/94

Published in Mtn Home News Copies of protest forwarded by

Pub. dates 5-4 & 11, 1994 Hearing held by Date

Watermaster recommendation requested on Recommended for ☒ approval ☐ denial

rec'd. by

Copy of transfer sent to lien holder

AUG 0 5 1994

MEMORANDUM

TO: FILE NO. 61-07203

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4328

DATE: July 21, 1994

==========

Right No. 61-07203 is located on ground currently under the CRP Program and not being irrigated. Mr. Hickey wants to use a portion of the right to irrigate other lands that are covered by a questionable water right. He plans to use this right until the problems are resolved or the CRP contract expires on the original place of use.

Transfer No. 4328 was filed to change the point of diversion and place of use under a portion of Right No. 61-07203, splitting the right into parts A and B. The transfer also changes the remaining portion of the right from a permissible place of use to a "regular" irrigation right describing the authorized irrigated acres only.

The original right authorizes 169 irrigated acres within a 329 acre place of use. The transfer splits the right into Part A, 69 acres, and Part B, 100 acres.

Recommended conditions include a measuring device, irrigation overlap, drilling permit requirements and standard transfer conditions.

AUG 0 5 1994

MEMORANDUM

RECEIVED
APR 2 8 1994
Department of Water Resources

TO: FILE

FROM: STEVE LESTER

DATE: APRIL 27, 1994

RE: TRANSFER NO. 4328 FOR 61-07203B (HICKEY)

****

This is a memo of explanation. The applicant seeks to provide irrigation water for 100 acres pending resolution of the validity of a portion of a permit on the 100 acres in question.

The application will change right 61-07203 from a permissable place of use practice to a "normal right" whereby irrigation of 169 acres in a 329 acre base becomes irrigation of 169 acres only. Note that licensing of 61-07203 incorporated acres under 61-07399 (a permit for SW 1/4 S01). Permit 61-07399 has been relinquished. Therefore, it appears that the owner intends to abandon any irrigation in SW 1/4 S01 by limiting irrigation to NE 1/4 S02 via 61-07203A and Lots 2 & 5, S01 via 61-07203B. Also see application remarks.

61-07203A will remain for use on 69 acres in NE 1/4 S02 (39 ac. continued irrigation & 30 ac. in CRP) while 61-07203B will be moved from the other 100 acres in CRP in S02 to irrigate 100 acres in Lots 2 & 5 in S01. Page 8 of the application is an ASCS photo showing the 130 acres in CRP in S02, and this should suffice for verification of such enrollment. See Attachment D for my map portraying the situation.

Since 61-07203 was examined in 1991, no additional verification of use is needed. No change will occur in the rate of flow or volume per acre. Actual irrigation in S01 lots per gov't. lot plat is 99.54 acres. Rounding this up to 100 acres is acceptable.

The land to which water will be moved is now covered by questionable right 61-07247D as a result of a recent split documented at the S.O. (contact Jim Johnson if need info). Some background will be helpful.

I conducted the B.U. exam for 61-07247A in 1991. This was for land irrigated by Sabin (Hergert Farms) in the NW 1/4 and a few bordering acres just to the east in NE 1/4 S01 (center pivot). It was difficult to be exact about the extent of use via the center pivot for the few acres in NE 1/4, but it definitely appeared that the pivot reached into NE 1/4 per topo & ASCS photo while doing the exam.

Mr. Sabin told me that he did not own the non-irrigated acres in Lots 2 & 5 in S01. He was not sure who owned those acres. It appeared at the time of the exam that Lots 2 & 5 were forfeited land (incorrectly labelled as "abandoned" in exam report - forfeited is probably a better term). Subsequent research did not yield any data to show that those acres were irrigated in the five years prior to the exam (ASCS and NAPP information). However, I did not determine who owned the land and thus inadvertently deprived the owner of involvement in settling the forfeiture issue.

SEP 0 9 1994

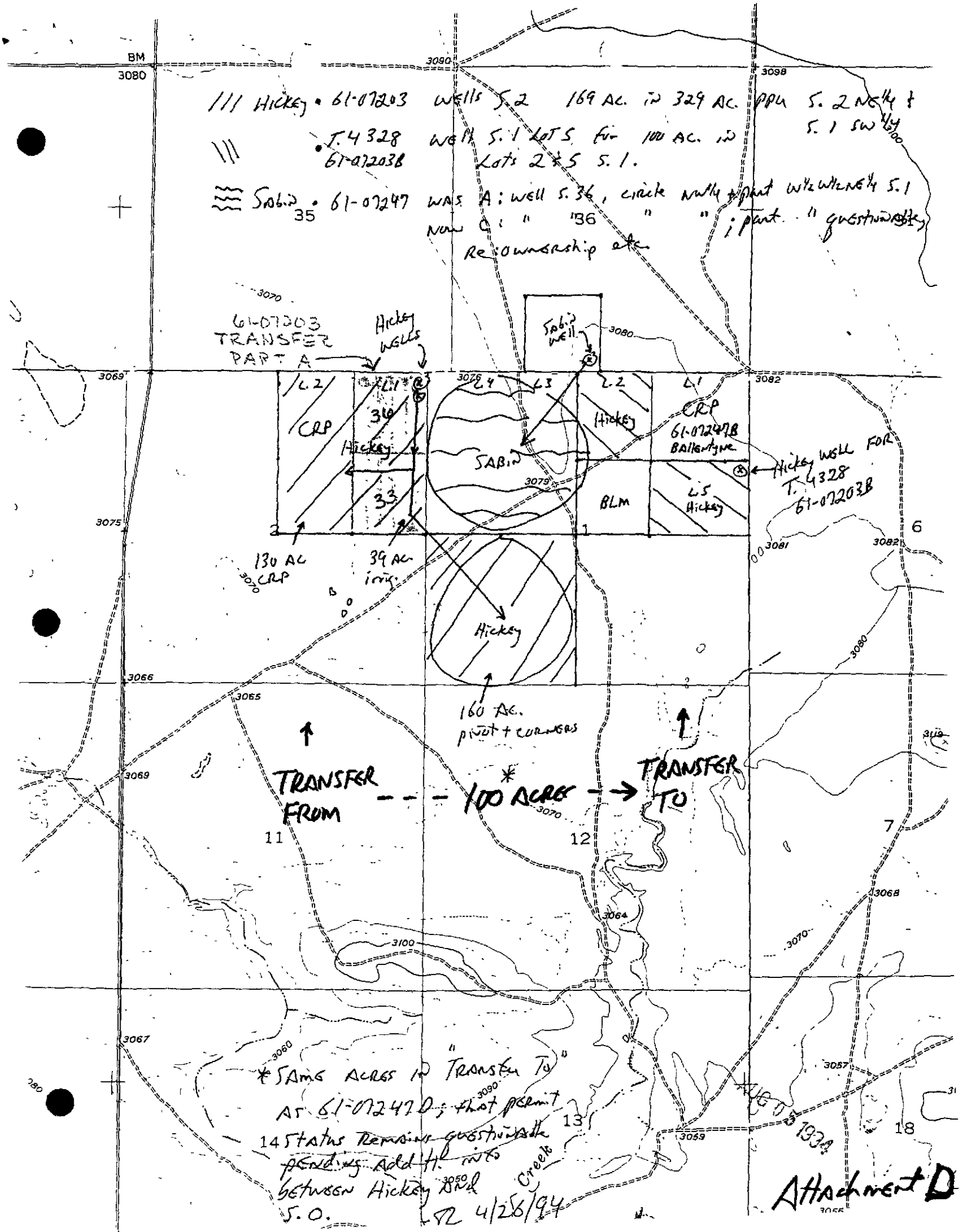
This oversight is being corrected by the recent split of 61-07247A into C (Hergert Farms/Sabin) and D (Hickey). Mr. Hickey is working with Jim Johnson on the issue of forfeiture for D, and I suspect that licensing of C will be delayed pending resolution of the question.

It appears that Mr. Hickey wants to be able to irrigate Lots 2 & 5 while the issue is settled, thus the transfer application was filed.

c: S.O. files 61-07247C & D
61-07399

Region files 61-07247C & D
61-07399 & A61-07399

SEP 09 1994


/// Hickey • 61-07203 Wells S.2 169 Ac. in 329 Ac. PPU S. 2 NE¼ & S. 1 SW¼
• T.4328 61-07203B Well S. 1 Lots 2 & S. 1.
Sabin • 61-07247 WAS A: well S. 36, circle NW¼ & part W½ W½ NE¼ S. 1
35 NOW C: " "36 " " " part " questionable
Re: ownership etc
61-07203 TRANSFER PART A
Hickey Wells
Sabin well
CRP
Hickey
SABIN
CRP 61-07247B Ballentyne
Hickey Well FOR T.4328 61-07203B
BLM
130 Ac CRP
39 Ac irrig.
160 Ac. pivot + corners
TRANSFER FROM
100 ACRES
TRANSFER TO
*SAME ACRES IN TRANSFER TO AT 61-07247D; that permit status remains questionable pending Add'l info between Hickey and S.O.
Creek
4/26/94
Attachment D

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT NO. 61-07203

Notice is hereby given that Carl Hickey of Mtn. Home, ID, has applied to the Department of Water Resources for a Change in Point of Diversion and Place of Use of the following described water right(s) to be changed pursuant to Section 42-222 of Idaho Code:

WATER RIGHT AS RECORDED:

BASIS	License
DATE OF PRIORITY	11-25-1976
SOURCE	Ground Water
AMOUNT	2.30 cfs
USE	Irrigation from 4-1 to 10-31 (2.26 cfs) Domestic from 1-1 to 12-31 (.04 cfs)
POINT OF DIV	Lot 1 (NENE), S02, T03S, R04E, Elmore County
PLACE OF USE	SW 1/4 S01, NE 1/4 S02, T03S, R04E (169 acres per year within 329 acre area total)

WATER RIGHT AS CLAIMED IN SNAKE RIVER BASIN ADJUDICATION:

NUMBER	A61-07203
CLAIMED BY	Carl Hickey
BASIS	Permit
DATE OF PRIORITY	12-4-1975
SOURCE	Ground Water
AMOUNT	3.44 cfs
USE	Irrigation from 3-15 to 11-15 (3.44 cfs) Domestic from 1-1 to 12-31 (.04 cfs)
POINT OF DIV	NENENE, S02, T03S, R04E, Elmore County
PLACE OF USE	NE 1/4, S02, T03S, R04E (172 acres total)

PORTION OF LICENSE 61-07203 & CLAIM A61-07203 TO BE CHANGED AS FOLLOWS:

NUMBER	61-07203B
AMOUNT	1.34 cfs
PRIORITY	11-25-1976
USE	Irrigation from 4-1 to 10-31
POINT OF DIV	An existing well in Lot 5 (SENE), S01, T03S, R04E
PLACE OF USE	Lots 2 & 5 (NWNE & SENE), S01, T03S, R04E (100 acres total)

Water right from 100 acres enrolled in CRP in NE 1/4, S02 will be moved to well in Lot 5, S01 to irrigate 100 acres in Lots 2 & 5, S01 pending resolution of questions about water right currently associated with Lots 2 & 5. Balance of right (61-07203A) will remain for 69 acres in NE 1/4, S02.

AUG 05 1994

Any protest against approval of the proposed water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before May 23, 1994.

R. Keith Higginson
Director

Published in the Mountain Home News on May 4 and 11, 1994.

AUG 05 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF TRANSFER NO 4328)
OF WATER RIGHT NO 61-7203) **PRELIMINARY ORDER**
)

FINDINGS OF FACT

1 On July 12, 1993, the Department of Water Resources ("Department") issued Water Right License 61-7203 ("license") to Carl D Hickey and/or Connie M Hickey for the irrigation of 169 acres located in Sections 1 & 2, T3S, R4E, B.M , with groundwater diverted from a well located in Lot 1 (NE¼NE¼), Section 2, T3S, R4E, B.M

2. On July 21, 1994, the Department approved Application for Transfer No. 4328 ("transfer") submitted in the name of Carl D. Hickey ("right holder") The transfer changed the place of use for 100 acres of the land irrigated under the license to Lot 2 (NW¼NE¼) and Lot 5 (SE¼NE¼), Section 1, T3S, R4E, B M. The transfer also changed the location of the point of diversion for the 100 acres to a well located in Lot 5 (SE¼NE¼), Section 1, T3S, R4E, B M The 100-acre portion of the license affected by the transfer is designated water right no 61-7203B The portion of the license not affected by the transfer is designated water right no 61-7203A

3 On October 2, 2000, the right holder, through his attorney John A Rosholt, asked the Department to rescind the transfer approval to allow the point of diversion and place of use for water right no 61-7203B to revert back to the locations authorized before the transfer was approved The right holder explained that the transfer was intended to be a temporary measure until the Department could determine the final disposition of Water Appropriation Permit 61-7247D, which is also appurtenant to Lot 2 (NW¼NE¼) and Lot 5 (SE¼NE¼), Section 1, T3S, R4E, B M

4 The Department has determined that it should issue Water Right License 61-7247D for the irrigation of Lot 2 (NW¼NE¼) and Lot 5 (SE¼NE¼), Section 1, T3S, R4E, B.M , with ground water diverted from a well located in Lot 5 (SE¼NE¼), Section 1, T3S, R4E, B M

CONCLUSIONS OF LAW

1 The Department is authorized to issue Preliminary Orders changing a prior approval

2 The right holder having shown sufficient cause, the Department should issue a Preliminary Order rescinding the July 21, 1994, transfer approval

ORDER

IT IS THEREFORE HEREBY ORDERED that Transfer 4328 approved on July 21, 1994, is **RESCINDED** and that water right nos. 61-7203A and 61-7203B are re-joined as water right no. 61-7203 as defined in the license.

Dated this 29TH day of JUNE, 2001

NORMAN C YOUNG, Administrator
Water Management Division

WATER RIGHT NUMBER	NAME	CFS
61-07203	THIS RIGHT SPLIT INTO PARTS A AND B THRU TRANSFER NO. 4328.	
61-07203A	HICKEY , CARL D	0.96
61-07203B	HICKEY , CARL D	1.34

PART B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4328
WATER RIGHT NO. 61-07203B

This is to certify that: **CARL D HICKEY**
PO BOX 243
MOUNTAIN HOME ID 836470000

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	1.34 CFS	400.0 AF

SOURCE

GROUNDWATER

Priority: 11/25/1976

LOCATION OF POINT(S) OF DIVERSION: Lot 5(SENE), Sec. 1, Township 03S, Range 04E
ELMORE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES	ACRES	TOTAL
03S	04E	1	Lot	2(NWNE) 46.5	Lot	5(SENE) 53.5		100
						Total number of acres irrigated:		100

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

MODIFIED MCR

AUG 05 1994

TRANSFER NO. 4328
WATER RIGHT NO. 61-07203B

CONDITIONS/REMARKS:

6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Right No. 61-07203A is limited to the irrigation of 69 acres; 36 acres located in (Lot 1) NENE and 33 acres located in SENE, S02, T03S, R04E.

Dated this 21TH day of July, 1994.

for Chief, Water Alloc. Bureau

AUG 05 1994

Form 1-222
12-92

Page 1 of 9

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4328

RECEIVED
APR 0 6 1994
WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
JUN 0 8 1994
Department of Water Resources

RECEIVED
MAR 3 0 1994
Department of Water Resources

Name of applicant Carl D. Hickey Phone 796-2127

Post Office address P O Box 243, Mt Home ID 83647

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
   ☐ Change nature of use ☐ Change period of use ☒ Other Split right/Reduce Acres Part A
2. Describe the reason for the proposed changes Water rights currently on property in question & until resolved Applicant wants to transfer this right from CRP land for use until contract (CRP) expires in 1998.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1 Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
61-07203B	11-25-76	1.34 cfs	IRR	4-1 to 10-31
				to
				to
				to

2 Total amount of water being transferred 1.34 cubic feet per second and/or 400 acre-feet per annum.

3 *Source of water* Groundwater tributary to

4 Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
5		SE	NE	1	3S	4E	Elmore	

5 Lands irrigated or place of use

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3S	4E	1		Lot 2 46.5		Lot 5 53.5													100

AUG 05 1994

Total acres 100

PART 1

6 General Information

a Description of diversion system Deep well & pump, buried underground lines with solid set sprinkler system/ hand lines in future.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ✓ No If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes

c Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer.

No change, Land currently under CRP.

d Remarks

Acres reduced under Part A to authorized number of Acres - NO P/U.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No _____

And said application is hereby _____, subject to the following limitations and conditions

Witness my hand this _____ day of _____, 19 ____.

AUG 05 1994

TRANS NO. 4328

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 61-07203

STAGE: **LICENSE**

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	2.26 CFS	676.0 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
	Totals	2.30 CFS	677.2 AF

SOURCE

GROUNDWATER

Priority: 11/25/1976

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NENE), Sec. 2, Township 03S, Range 04E
ELMORE County

PLACE OF USE: IRRIGATION

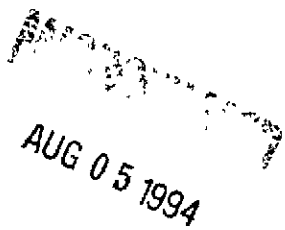
TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
03S	04E	1		NESW 40		NWSW 40		SWSW 40	
				SESW 40					160
		2	Lot 1(NENE)	43	Lot 2(NWNE)	46		SWNE 40	
				SENE 40					169
					Total number of acres irrigated:				329

PLACE OF USE: DOMESTIC

TWN	RGE	SEC	
03S	04E	2	Lot 1(NENE)

CONDITIONS/REMARKS:

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
3. This right is limited to the irrigation of 169 acres in the place of use described above in a single irrigation season.
4. Two points of diversion are located within the NENE, Lot 1, S02, T03S, R04E.



Form 1-222

Page _____ of _____ Transfer No _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by

   a Decree No _____ Decreed to _____

   In case of _____ vs _____

   dated _____ in _____ county of _____

   b License No _____ issued by the Idaho Department of Water Resources

   c Claim No. _____ on file with the Idaho Department of Water Resources

   d Transfer No _____ which produced this right.

2 Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A Check appropriate box below

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3 Source of water _____ tributary to _____

4. Date or priority _____

5 Water is used for the following purpose.

amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

6 Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum

7 Point(s) of Diversion

Lot	¼	¼	¼	Sec.	Twp	Rge.	County	Local name for diversion

8 Lands irrigated or place of use.

Twp	Rge	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9 Describe any other water rights used for the same purpose as described above _____

_____

PART 2

Transfer No 4328

10 To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes If yes, describe 130 Acres in CRP 6 yrs

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED Part B

(If the entire right is to be changed by the applicant, omit part B and C.)

1 amount 1.34 cfs (cfs/ac-ft) for IRR purposes from 4-1 to 10-31
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2 Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp.	Rge.	County	Local name for diversion
1		NE	NE	2	3S	4E	Elmore	

3. Lands irrigated or place of use

Twp.	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3S	4E	2	Lot 1 7	Lot 2 46	40	7													100

Total acres 100

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)* Part A

1 amount .92 (cfs/ac-ft) for IRR purposes from 4-1 to 10-31
amount .04 (cfs/ac-ft) for DOM purposes from 1-1 to 12-31
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion.

Lot	¼	¼	¼	Sec.	Twp	Rge.	County	Local name for diversion
1		NE	NE	2	3S	4E	Elmore	

AUG 05 1994

3 Lands irrigated or place of use: Limited to 69 Acres

Twp.	Rge.	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
~~3S~~	~~4E~~	~~61~~									~~40~~	~~40~~	~~40~~	~~40~~					~~160~~
3S	4E	52	Lot 1 36			33													69
																			69
																			~~229~~

Total acres ~~229~~ 69

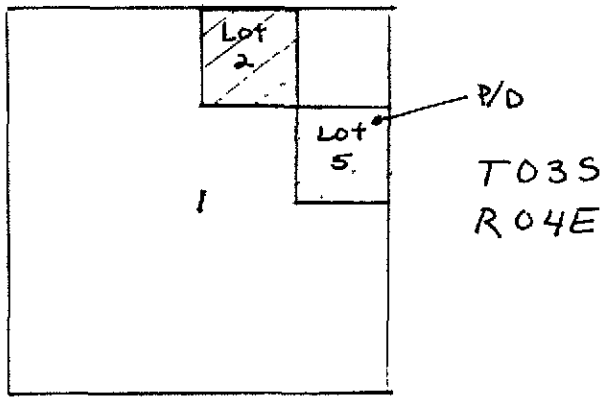
Transfer No. 4328

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. Draw a *map* or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



AUG 05 1994

SCALE: 2 inches equal 1 mile. Draw plan in ink

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2 Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Carl D. Winkey
(Signature of Applicant)

Subscribed and sworn to before me this 30th day of March, 19 94.

Sharla R. Curtis
(Notary Public)

My commission expires 10-6-96

FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and 5 attachments

Received by CB Date 3-30-94 Protest filed by

Prelim. check by SL Fee $50

Receipted by dw #C029911 Date 3/30/94

Published in Mtn Home News Copies of protest forwarded by

Pub dates 5-4 & 11, 1994 Hearing held by Date

Watermaster recommendation requested on Recommended for ☒ approval ☐ denial

rec'd. by

Copy of transfer sent to lien holder

AUG 05 1994

PART A

ORIGINAL

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 61-07203

Priority: November 25, 1976 — Maximum Diversion Rate: 2.30 CFS; Maximum Diversion Volume: 677.2 AF

This is to certify, that CARL D HICKEY
CONNIE M HICKEY
PO BOX 243
MOUNTAIN HOME ID 836470000 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 1, 1974; and has submitted Proof of Beneficial Use on April 3, 1980. An examination indicates that the works have a diversion capacity of 2.340 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	2.26 CFS	676.0 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
	Totals	2.30 CFS	677.2 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NENE), Sec. 2, Township 03S, Range 04E
ELMORE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
03S	04E	1	NESW	40	NWSW	40	SWSW	40	
			SESW	40					160
		2	Lot 1(NENE)	43	Lot 2(NWNE)	46	SWNE	40	
			SENE	40					169
					Total number of acres irrigated:				329

PLACE OF USE: DOMESTIC

TWN	RGE	SEC	
03S	04E	2	Lot 1(NENE)

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.

AUTHORIZED

JUL 23 1993

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 61-07203

CONDITIONS/REMARKS:

3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
7. This right is limited to the irrigation of 169 acres in the place of use described above in a single irrigation season.
8. Two points of diversion are located within the NENE, Lot 1, S02, T03S, R04E.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 12TH day of July, 1995.

Acting for R. Keith Higginson, Director

RECEIVED
JUL 23 1993

State of Idaho
Department of Water Resources

APPROVED

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 61-07203

Date of Priority: November 25, 1976 Maximum Diversion Rate: 2.30 CFS
Maximum Diversion Volume: 677.2 AF

Comes now CARL D HICKEY
CONNIE M HICKEY
PO BOX 243
MOUNTAIN HOME ID 836470000 and represents to the Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 61-07203, and requests that the permit be changed as follows:

Source: **GROUNDWATER**

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	2.26 CFS	676.0 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
	Totals	2.30 CFS	677.2 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NENE), Sec. 2, Township 03S, Range 04E ELMORE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
03S	04E	1	NESW	40	NWSW	40	SWSW	40	
			SESW	40					160
		2	Lot 1(NENE)	43	Lot 2(NWNE)	46	SWNE	40	
			SENE	40					169
					Total number of acres irrigated:				329

PLACE OF USE: DOMESTIC

TWN	RGE	SEC	
03S	04E	2	Lot 1(NENE)

RECEIVED
JUL 23 1993

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 61-07203

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Boise, this 3 day of June, 1993

Grant D. Hinkley
(Signature)

JUL 23 1993

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 61-07203

****

FOR DEPARTMENT USE ONLY

Preliminary check by BC CA Fee = ✓ 20.00 Receipted by CA # C027723 Date 6-3-93

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 61-07203 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
7. This right is limited to the irrigation of 169 acres in the place of use described above in a single irrigation season.
8. Two points of diversion are located within the NENE, Lot 1, S02, T03S, R04E.

Witness my hand this 12TH day of July, 1993.

Acting for R. Keith Higginson, Director

JUL 23

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 61-7203 IN THE NAME OF EARL D. & CONNIE M. HICKEY	**ORDER OF REINSTATEMENT**

This matter having come before the Department of Water Resources (Department) as a result of preparing Permit No. 61-7203 for issuance of a license, the Department finds, concludes and orders:

FINDINGS OF FACT

1. The Department approved Application for Permit No. 61-7203 to appropriate the public waters of the State of Idaho with a proposed priority of DECEMBER 04, 1975.

2. On APRIL 03, 1987 the Department advised the permit holder that a license examination fee was required before an examination could be conducted to confirm the extent of use developed under the permit. The examination fee was due on JUNE 02, 1987.

3. The license examination fee was not paid within one year of the date, and the permit lapsed for failure to pay the license examination fee.

JUL 23 1993

4. The license examination fee was received on MAY 24, 1988, 356 day(s) late.

CONCLUSIONS OF LAW

1. The Director may advance the priority date of the permit one day for each day the license examination fee is late, pursuant to the provisions of Section 42-217, Idaho Code.

2. The date of priority of Permit No. 61-7203 should be advanced 356 day(s).

ORDER

IT IS HEREBY ORDERED that Permit to Appropriate Water No. 61-7203 is reinstated.

IT IS FURTHER ORDERED that the date of priority of Permit No. 61-7203 is advanced to NOVEMBER 25, 1976.

Dated this 8th day of April, 1993.

Chief, Water Allocation Bureau

JUL 23 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 61-7203
IN THE NAME OF EARL D. & CONNIE M. HICKEY

ORDER OF REINSTATEMENT

WHEREAS, on November 1, 1974, Clarence Robert Montierth applied to the Department of Water Resources for a permit to appropriate 3.48 cubic feet per second of water from a groundwater source to be diverted within the NW¼NW¼, Sec. 1; Lot 1 (NE¼NE¼), Sec. 2; Twp. 3S, Rge. 4E B.M., Elmore County, to be used for irrigation and domestic purposes; and,

WHEREAS, on March 17, 1975, the Department approved said application and issued Permit No. 61-7203 with the condition that proof of construction of works and application of water to beneficial use be submitted on or before March 1, 1980; and,

WHEREAS, on May 18, 1976, Permit No. 61-7203 was cancelled as being filed for purposes of speculation; and,

WHEREAS, on October 14, 1976, the Department reinstated Permit No. 61-7203 for 172 acres of land to be irrigated using 3.44 cubic feet per second of groundwater in the NE¼, Sec. 2, Twp. 3S, Rge. 4E and 0.04 cubic feet per second of water for domestic purposes from two points of diversion located in Lot 1, Sec. 2, Twp. 3S, Rge. 4E B.M.

WHEREAS, on December 21, 1977, the permit holder assigned all right, title, and interest in and to Permit No. 61-7203 to Carl D. Hickey and Connie M. Hickey; and,

WHEREAS, on December 31, 1979, the Department notified the permit holders by certified mail that proof of beneficial use was due and instructed the permit holders as to the steps to be taken to make said proof; and,

WHEREAS, on March 26, 1980, the Department notified the permit holders that Permit No. 61-7203 had lapsed for failure to submit proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days from the date of the notice of lapsing; and,

WHEREAS, the permit holders have provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on April 3, 1980;

PROOF FILED

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 61-7203 be REINSTATED and the priority advanced to December 4, 1975.

Dated this 15th day of April, 1980.

L. Glen Saxton

L. GLEN SAXTON

Chief, Operations Bureau

545
750

State of Idaho

Department of Water Resources

ASSIGNMENT OF PERMIT

I, Clarence Robert Montierth, hereby assign to Carl D Hickey Connie M. Hickey

of Box 144 Grandview Idaho
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 61-7203 to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within each 40 acre subdivision, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage)

Made this _____ day of _____, 19____.

x Clarence Robert Montierth
Permit Holder

_____
Spouse of Permit Holder

State of Idaho)
ss.
County of ADA)

On this 21st day of December, 19 77, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

M. Jewell Lord
Notary Public residing at
Boise, Idaho

seal

My commission expires:
Jan 19, 1980

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 61-7203 IN THE NAME OF CLARENCE ROBERT MONTIERTH

ORDER OF REINSTATEMENT

WHEREAS, on November 1, 1974, Clarence Robert Montierth filed application for Permit No. 61-7203 to appropriate 6.96 cubic feet per second of water from a groundwater source, 2 points in Lot 1 (NE¼NE¼), Sec. 2; and 2 points in the NW¼NW¼, Sec. 1; all in Twp. 3S, Rge. 4E, B.M., Elmore County, to be used for domestic purposes and the irrigation of 344 acres within the NW¼, Sec. 1, and the NE¼, Sec. 2, Twn. 3S, Rge. 4E, B.M., Elmore County; and,

WHEREAS, the applicant claimed ownership of the land at the point of diversion and the place of use; and,

WHEREAS, on March 17, 1975, Water Right Permit No. 61-7203 was issued to the applicant; and,

WHEREAS, Permit No. 61-7203 was cancelled on May 18, 1976, as being filed for purposes of speculation; and,

WHEREAS, the permit holder has now supplied additional information that shows that he had an interest in the NE¼, Sec. 2, Twn. 3S, Rge. 4E, B.M., through a working partnership with his father, Herbert R. Montierth, the purchaser of that property; and,

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 61-7203 be REINSTATED for 172 acres of land to be irrigated using 3.44 cubic feet per second of groundwater in the NE¼, Sec. 2, Twp. 3S, Rge. 4E, and 0.04 cubic feet per second of water for domestic purposes from 2 points of diversion located in Lot 1, Sec. 2, Twn. 3S, Rge. 4E.

Dated this 14 day of October, 1976.

A. KENNETH DUNN
Administrator, Operations Division

Identification No. _____

Application No. 61-7205

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant Clarence Robert Montierth Phone: 376-4393

post office address 8645 Goddard, Boise, ID

2 Source of water supply groundwater which is a tributary of _____

3 a Location of points of diversion is Lot 1 (NE) ¼ of (NE) ¼ of Section 2 Township 3 S

Range 4 E B M Elmore County, additional points of diversion if any. (2 pts.) NW¼NW¼, Sec. 1, T. 3 S, R. 4 E

b If water is not consumed, it will be discharged into _____ at a point in _____ ¼

of _____ ¼ of Section _____ Township _____ Range _____ B.M _____

4 Water will be used for the following purposes

Amount ~~6.88~~ Reduced to 3.44 by order of October 14, 1976 for Irrigation purpose from March 15 to Nov. 15 (both dates inclusive)

(cfs or acre-feet per annum)

Reduced to 0.04 per Order dated Oct. 14, 1976

Amount ~~0.08~~ for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)

(cfs or acre-feet per annum)

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

(cfs or acre-feet per annum)

5 Total quantity to be appropriated

a ~~6.96~~ 3.48 cubic feet per second and/or

b _____ acre feet per annum

6 Proposed diverting works

a Description of ditches, flumes, pumps, headgates, etc ~~wells with pumps; pivot sprinklers~~ or gated pipeline; domestic systems.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam _____

Period of year during which storage will occur _____ (Mo Day) to _____ (Mo Day) inclusive.

c Proposed well diameter is 20-24 inches; proposed depth of well is 700 feet

7 a Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years

b Estimated construction cost is $ 120,000.00 .

8 Description of proposed uses

a If water is **not** for irrigation

(1) Give the place of use of water Lot 1 (NE) ¼ of (NE) ¼ of Section 2 Township 3 S

Range 4 E B M

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

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

(4) Name of municipality to be served _____ , or number of families to be supplied with domestic water 2

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

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

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3 S	4 E	1					~~46~~	~~46~~	~~40~~	~~40~~	Deleted by Order dated OCt. 14, 1976								~~172~~
		2	46	46	40	40													172

Total number of acres to be irrigated ~~344~~ 172

c Describe any other water rights used for the same purposes as described above. none

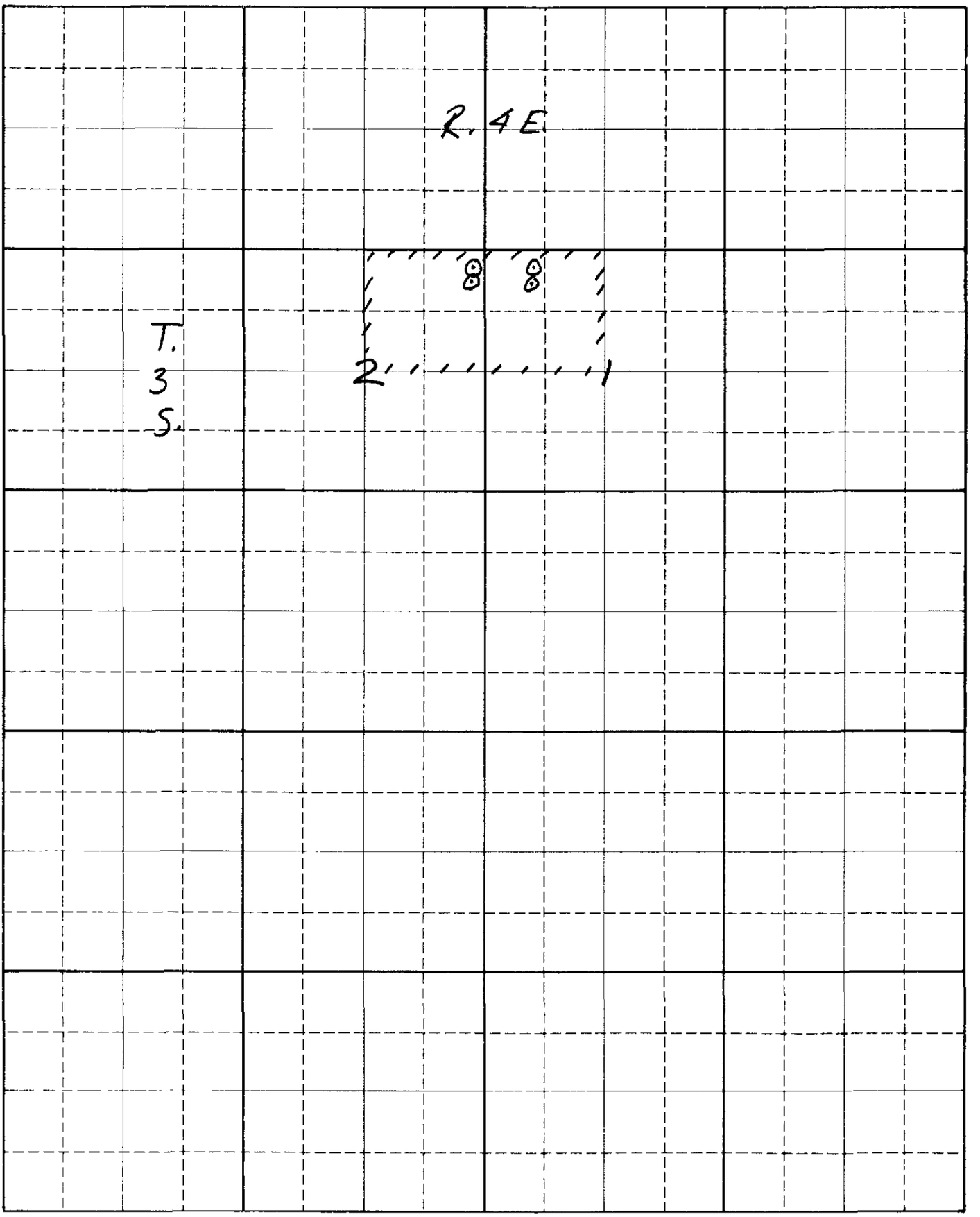
9. a. Who owns the property at the point of diversion Applicant

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

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

10. Remarks

11 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

Clarence Robert Montierth
(Applicant)

Priority Date 11-01-1974

Received by CG Date 11/1/74 Time 10:30 A.M.

Preliminary check by CG Fee $ 85.00

Receipted by SLU Date 1 [illegible] 15382

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

Publication approved _____ Date _____

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for (approval) denial by IDF

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. 61-7203, and said application is hereby APPROVED.

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

   a SUBJECT TO ALL PRIOR WATER RIGHTS.

   b Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1980.

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

2 Denial of said application is for the following reasons _____

Witness my hand this 17 day of March 19 75.

Director

Identification No. _____

Application No 61-7203

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1 Name of applicant Clarence Robert Montierth Phone: 376-4393

post office address 8645 Goddard, Boise, ID 83704

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

3 a Location of two points of diversion is Lot 1 NE ¼ of NE ¼ of Section 2 Township 3 S

Range 4 E B.M Elmore County; additional points of diversion if any. _____

(2pts) NWNW, Sec. 1, T. 3 S, R. 4 E; (2 pts) NESW, Sec. 6, T. 3 S, R. 5 E; (2pts) NWNW, Sec. 8, T. 3 S, R. 5 E, B.M.

b If water is not consumed, it will be discharged into _____ at a point in _____ ¼ of _____ ¼ of Section _____ Township _____ Range _____ B M.

4 Water will be used for the following purposes:

Amount 13.48 (cfs or acre feet per annum) for Irrigation purpose from March 15 to Nov. 15 (both dates inclusive)

Amount 0.16 (cfs or acre-feet per annum) for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)

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

5. Total quantity to be appropriated:

a 13.64 cubic feet per second and/or

b _____ acre feet per annum

6 Proposed diverting works

a Description of ditches, flumes, pumps, headgates, etc wells with pumps; pivot sprinklers or gated pipeline; domestic systems

b Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam _____

Period of year during which storage will occur _____ (Mo Day) to _____ (Mo Day) inclusive

c Proposed well diameter is 20-24 inches, proposed depth of well is 700 feet.

7 a Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years

b Estimated construction cost is $ 240,000.00 .

8 Description of proposed uses

a If water is **not** for irrigation

(1) Give the place of use of water. Lot 1 NE ¼ of NE ¼ of Section 2 Township 3 S Range 4 E B M NE¼SW¼, Sec. 6, T. 3 S, R. 5 E; NW¼NW¼, Sec. 8, T. 3 S, R. 5 E NW¼NW¼, Sec. 1, T. 3 S, R. 4 E.

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

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

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

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

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

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3 S	4 E	1					46	46	40	40									172
		2	46	46	40	40													172
3 S	5 E	6									40	45	45	40					170
		8					40	40	40	40									160

Total number of acres to be irrigated 674

c Describe any other water rights used for the same purposes as described above none

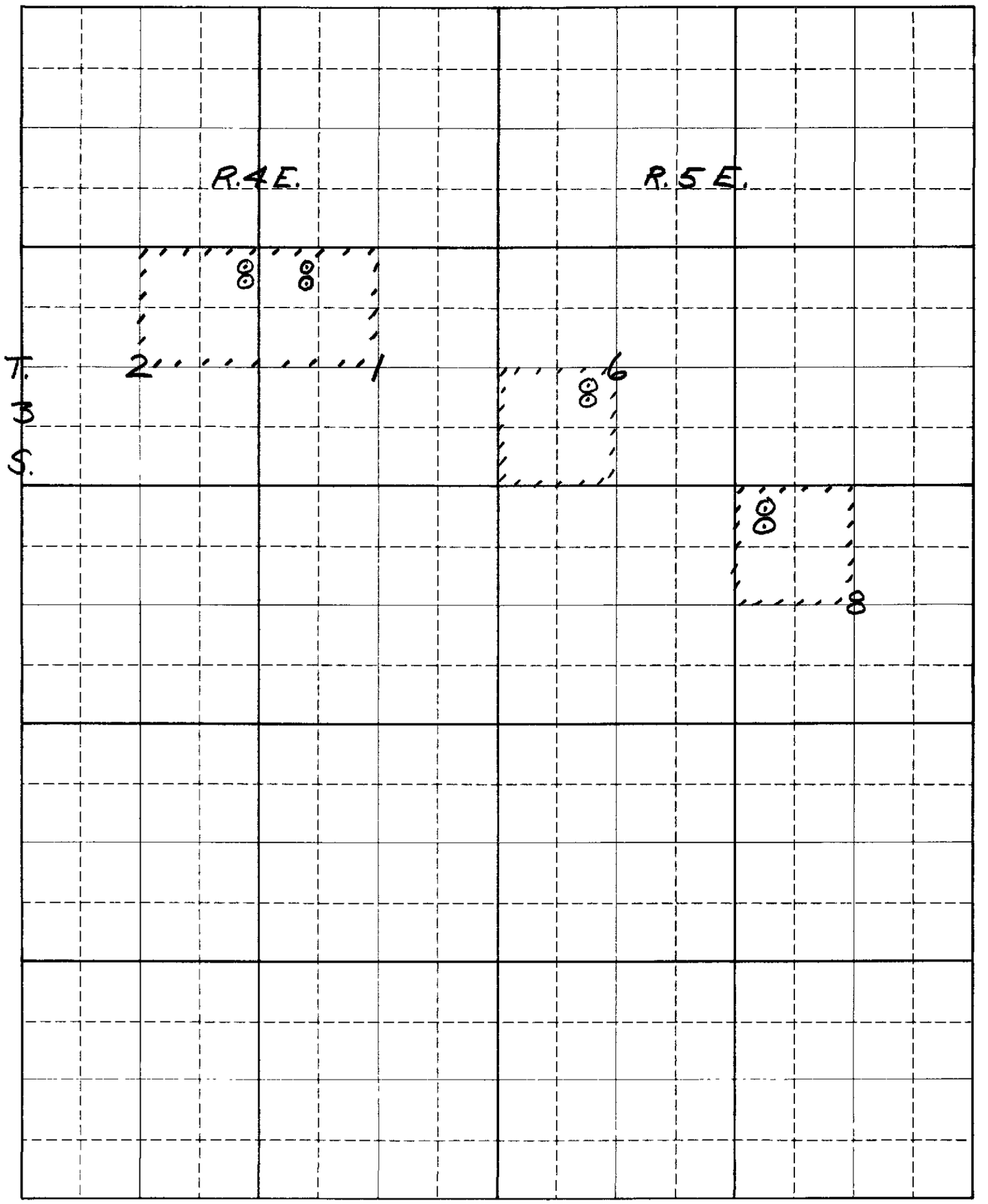
9 a Who owns the property at the point of diversion Applicant

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

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

10. Remarks

11 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.

C. Robert Montieth
(Applicant)
Clarence Robert Montieth

Received by CS Date Nov. 1, 1974 Time 10:30 A.M.

Preliminary check by CS Fee $ 155.00

Receipted by SW Date 11-1-74 # 15382

Publication prepared by CS Date 11-7-74

Published in Mountain Home News

Publication dates Nov. 14 & 21

Publication approved CS Date 11-25-74

Priority reduced to _____ Reason _____

Protests filed by _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

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 Other _____

2 Denial of said application is for the following reasons _____

Witness my hand this _____ day of _____ 19____.

_____

Director

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that CLARENCE ROBERT MONTIERTH 8645 Goddard, Boise, ID has on Nov. 1, 1974 submitted Application No. 61-7203 for a permit to appropriate 13.64 cubic feet per second of water from a groundwater source by means of wells, pumps, sprinklers or gated pipeline, and domestic systems within the (2 pts) Lot 1, (NE¼ NE¼), Sec. 2, (2pts) NW¼NW¼, Sec. 1, T. 3 S, R. 4 E; (2pts) NE¼SW¼, Sec. 6, NW¼NW¼, Sec. 8, T. 3 S, R. 5 E, B.M. Elmore County to be used from Jan. 1 to Dec. 31 for domestic use and from March 15 to Nov. 15 for irrigation of 674 acres within the NW¼, Sec. 1, NE¼, Sec. 2, T. 3 S, R. 4 E, B.M.; SW¼, Sec. 6, NW¼, Sec. 8, T. 3 S, R. 5 E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before Dec. 2, 1974.

R. KEITH HIGGINSON
Director

Published in the Mountain Home News, Mtn. Home, ID on Nov. 14, 1974 and Nov. 21, 1974.

Affidavit of Publication

County of Elmore
STATE OF IDAHO } ss.

I, ... do solemnly swear that I am the foreman, or publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of publication thereof, was published in said newspaper for

..... consecutive weeks, the first publication having been made on the ..... day of ....., 19..... and the last publication having been made on the ..... day of ..... 19.....; every Thursday issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

.....

Subscribed and sworn to me this .....
day of ....., 19.....

.....
Notary Public

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO 61-7203

Owner Type	Name and Address
Current Owner	CARL D HICKEY PO BOX 243 MOUNTAIN HOME, ID 83647 (208)796-2127

Priority Date 11/25/1976
Basis License
Status Active

Source: GROUND WATER
Tributary to:

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	04/01	10/31	2 26 CFS	676 AFA	
DOMESTIC	01/01	12/31	0 04 CFS	1 2 AFA	
Total Diversion			2 3 CFS	677 2 AFA	

Location of Point(s) of Diversion.

GROUND WATER	NENE Lt 1	Sec 02	Township 03S	Range 04E	ELMORE County
GROUND WATER	NENE Lt 1	Sec 02	Township 03S	Range 04E	ELMORE County

IRRIGATION Use
Acre Limit 169

DOMESTIC Use
Number of homes 1

Place(s) of use

Place of Use Legal Description IRRIGATION ELMORE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03S	04E	1		NESW	40		NWSW	40		SWSW	40		SESW	40
		2	1	NENE	43	2	NWNE	46		SWNE	40		SENE	40

Place of Use Legal Description DOMESTIC ELMORE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03S	04E	2	1	NENE										

Total Acres 329

Conditions of Approval

1	R64	This right when combined with all other rights shall provide no more than 0 02 cfs per acre nor more than 4 0 afa per acre at the field headgate for irrigation of the lands above
2	R01	A measuring device of a type approved by this Department shall be maintained as a part of the diverting works

Remarks

1	General	This right is limited to the irrigation of 169 acres within the place of use described above in a single irrigation season
2	General	Two points of diversion are located within the NENE, Lot 1, S02, T03S, R04E

Comments

Author	Date	Subject	Comment
skeen	7/2/2001	Transfer Rescinded	Transfer 4328, which split this right into A & B parts, was rescinded by preliminary order on 6/29/2001 On June 26, 2001, Norm Young and I met John Rosholt, Carl Hickey, Robert Osborn, and Steve Reynolds at Carls house to conduct a brief field inspection of the place of use for rights 61-7203, 61-7399, and 61-7247D The result of this inspection was the decision to issue a license for 61-7247D based on 1977 ASCS photography showing that the place of use was irrigated then. The decision to issue a license for 61-7247D resulted in the agreement to rescind Transfer 4328, which was filed only because it appeared 61-7247D would be voided, and to recombine 61-7203A and 61-7203B into 61-7203 The field inspection also contributed to the decision to reinstate permit 61-7399 and to issue a water right license for 110 acres of development under 61-7399 For more details, please see my memorandum in the water right files

Dates

Licensed Date	07/12/1993
Decreed Date	
Permit Proof Due Date	3/1/1980
Permit Proof Made Date	4/3/1980
Permit Approved Date	3/17/1975
Permit Moratorium Expiration Date	
Enlargement Use Priority Date	
Enlargement Statute Priority Date	
Application Received Date	11/01/1974
Protest Deadline Date	
Number of Protests	0

Other Information

Receipt Number(s)	
State or Federal	
Owner Name Connector	
Water District Number	
Generic Max Rate per Acre	0 02
Generic Max Volume per Acre	4
Combined Acres Limit	279
Combined Volume Limit	1103
Combined Rate Limit	2 3
Civil Case Number	
Old Case Number	
Decree Plaintiff	
Decree Defendant	
Swan Falls Trust or Nontrust	
Swan Falls Dismissed	
DLE Act Number	
Cary Act Number	
Mitigation Plan	False

MEMORANDUM

DATE: July 13, 2001

TO: Water Right Files 61-7203, 61-7247D, and 61-7399

FROM: Shelley W Keen SWK

RE: Licensing

On June 26, 2001, Norm Young and I met John Rosholt, Carl Hickey, Robert Osborn, and Steve Reynolds at Carl Hickey's house to conduct a brief field inspection of the place of use for rights 61-7203, 61-7399, and 61-7247D As a result of the inspection and analysis of information submitted in conjunction with the inspection, IDWR has taken or will take the following actions.

- Issue a license for 61-7247D.
- Rescind Transfer 4328 and recombine 61-7203A and 61-7203B into 61-7203
- Reinstate permit 61-7399 and to issue a water right license for 110 acres of development under the permit.

See below for more details.

61-7247D

IDWR had proposed voiding this permit because the field examiner found no evidence of recent irrigation1991 He concluded that if any irrigation was developed, it was forfeited by at least five years of non-use The authorized development period ended in 1981 The right holder believed that he was entitled to a license, but he could neither produce evidence of use during the development period nor refute the evidence that a long period of non-use had occurred Meanwhile, IDWR has taken the position that forfeiture does not apply to permits. Therefore, the right holder had only to show that beneficial use occurred during the authorized development period In October of 2000 the right holder submitted an affidavit of Robert E Osborn, the original permit holder, stating that he had irrigated the place of use for 61-7247D prior to 1980 At the field inspection mentioned above, John Rosholt provided a photocopy of a 1977 ASCS photography showing that the place of use was irrigated that year

During the field inspection Mr Osborn said that in 1976 he used a portable mainline to irrigate about 160 acres in Govt. Lots 1, 2, and 5 in the NE¼ of Section 1, T3S, R4E, from a well in Section 36 of T2S, R4E. In 1977, according to Mr Osborn, he had a well drilled in Lot 5 (SE¼NE¼) of Section 1 to irrigate the place of use. There is a well log for this well, which still serves as the point of diversion for 61-7247D (Note that although the field examiner found the well to be in Lot 1 (NE¼NE¼), the well is south of the east-west trending mainline, which is on

the line between Lot 1 and Lot 5.) According to Mr Osborn, from 1977 to 1980 he employed a 200 h p pump to divert 3000 gpm (6.68 cfs) from the well to wheel lines irrigating Govt Lots 1, 2, and 5 in the NE¼ of Section 1, T3S, R4E, and 172 acres in the NW¼ of Section 6, T3S, R5E Dividing 6 68 cfs by 332 acres comes to 0 02 cfs per acre

Today the well has a 150 h p pump which, according to operator Steve Reynolds, produces 1200 gpm (2 67 cfs), and it is used to irrigate only Lots 2 and 5 in Section 1, T3S, R4E Lot 1 is irrigated from other wells under right 61-7247B

61-7203

When the Mr Hickey was under the impression that Permit 61-7247D would be voided, he transferred a portion of right 61-7203 to cover 100 acres of irrigation in Lots 2 and 5 in Section 1, T3S, R4E. Now that 61-7247D will be licensed, the transfer is unnecessary It was rescinded by order on June 29, 2001 The removal right 61-7203 from the same place of use as 61-7247D will not be considered an unstacking of rights because the system was operated as if there was only one water right in use

61-7399

In 1991 an IDWR field examiner found that permits 61-7203 and 61-7399 shared a point of diversion located in the NE¼NE¼, Section 2, T3S, R4E, near Carl Hickey's house The examiner also found that only 169 acres of a possible 329 had been irrigated from the well at any one time Because 61-7203 had the earlier priority and could cover 169 acres, the examiner recommended licensing 61-7203 for 169 acres within the 329-acre permissible place of use and voiding 61-7399 In 1993 IDWR licensed 61-7203 as recommended Also in 1993 the permit holder submitted a statement appearing to relinquish all her interest in 61-7399

ASCS crop reports show that in 1988 about 110 acres of the authorized place of use for 61-7399 were irrigated Although no more than 169 acres were irrigated from the shared well, Carl Hickey contends that he should be given credit for some land in the NE¼, Section 2, T3S, R4E, that was enrolled in a federal cropland set-aside program and was, therefore, protected from forfeiture Also, the permit holder, Connie M Hickey, submitted an affidavit stating that she never intended to relinquish the permit if she were entitled to receive a water right license Based on this evidence, permit 61-7399 has been reinstated and a license will be issued for 110 acres of irrigation The diversion when combined with 61-7203 will, however, remain 2.26 cfs for irrigation, which will limit the actual number of acres that can be irrigated in one season It will remain to be seen if the right holder really can irrigate more than 169 acres with only 2.26 cfs

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

July 2, 2001

JOHN ROSHOLT
BARKER, ROSHOLT & SIMPSON
PO BOX 1906
TWIN FALLS ID 83301-1906

RE Carl Hickey's Water Rights

Dear John

Thank you for arranging the opportunity to inspect Carl Hickey's farm last week As we discussed then, I have drafted a licensing amendment to change the point of diversion for Permit 61-7247D Please have Carl sign the amendment form and return it to me with the $50 00 filing fee

I have also enclosed copies of two preliminary orders One reinstates permit 61-7399, and the other rescinds Transfer 4328 These orders will become final unless they are contested in the manner described on the enclosed information sheet within fourteen days

As soon as I receive the licensing amendment for 61-7247D, I will prepare a license for it and one for 61-7399

Also, please note that 61-7247D has not been claimed in the SRBA. In order to preserve the right, a claim should be filed as soon as the license is issued.

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

Sincerely,

Shelley W. Keen

Shelley Walker Keen
Water Rights Supervisor

Enclosures

Cc Carl Hickey

S \SKeen\Nameltrs\rosholt doc

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).

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.

BARKER, ROSHOLT & SIMPSON
ATTORNEYS AT LAW

JOHN A ROSHOLT
ALBERT P BARKER
JOHN K SIMPSON
AMY D CHESTNUT
TRAVIS L THOMPSON

Boise Office
1221 W IDAHO, SUITE 600
P O BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

Twin Falls Office
142 3rd AVENUE NORTH
P O BOX 1906
TWIN FALLS, IDAHO 83301-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

June 11, 2001

RECEIVED
JUN 12 2001
Department of Water Resources

Norm Young
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706-2237

Re. Carl Hickey's Water Rights

Dear Norm:

We received your surprising letter of April 27, 2001, on the above subject.

After discussions with Mr. Hickey, he suggests that he irrigated the NE¼ of Section 2 and the SW¼ of Section 1 during the early 1980's with water represented by permits 61-07203 and 61-7399. The water was not used on the CRP ground as shown on the attached map when it was in CRP

As to your conclusion that any irrigation by Mr. Hickey pursuant to 61-7247D or his predecessor on the NE¼ of Section 1 must now be made under 61-7247C and 61-7202 now operated by people named Van Grouws, and any diversion by Mr. Hickey would have to come from Van Grouws entitlement, is interesting. In the 1970's and 1980's, both Mr Hickey and Mr. Osborn say that they irrigated from a separate well, the point of diversion of which is in the SE¼NE¼ of Section 1 and that 100 acres in the NE¼ of Section 1 was irrigated with that water. (It is now 160 acres since Mr. Hickey acquired Lot #1 (NE¼NE¼), of Section 1 of Township 3 South, Range 4 East, Boise Meridian). They contend this is a separate well. The driller's report appears to have the well properly located (see 61-7263 attached) We have looked up Water Right 61-7263, which has a well in Section 6 to the east, but the Water Right Report has the right acres in the right lots, albeit in Section 6. We think the report and the permit could be a mile off All but the SW¼ NE¼ (BLM) is now being irrigated in the NE¼ of Section 1 from that well

As to the NE¼ of Section 1, the problem started when Mr. Sabin told the SRBA examiner that the Hickey land in the NE¼ of Section 1 had been abandoned ground when it was not We also think a field trip can clear this issue up.

We again emphasize that the relinquishment issue was a misunderstanding. Nobody signs away a water right unless they are under duress or confused. We agree we can also deal with the stacking/unstacking issue when the other issues are resolved

Regards,

John A. Rosholt

JOHN A ROSHOLT

NORMAN M. SEMANKO
Attorneys for Carl Hickey

JAR/jl
cc: Carl Hickey
\jll\jar\letters\young1

USE TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Water Resources

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, **Department of Water Resources within 30** days after the completion or abandonment of the well.

1. WELL OWNER

Name ROBERT OSBORN

Address MT HOME

Owner's Permit No. 61-7263

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Other (specify type)

☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or injection

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 20" inches Total depth 409 feet

Casing schedule: ☐ Steel ☐ Concrete

Thickness	Diameter	From	To
1/4"	20" inches	+1.5 feet	368 feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was casing drive shoe used? ☐ Yes ☒ No

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation ____ inches by ____ inches

Number	From	To
____ perforations	____ feet	____ feet
____ perforations	____ feet	____ feet
____ perforations	____ feet	____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name ____

Type ____ Model No. ____

Diameter ____ Slot size ____ Set from ____ feet to ____ feet

Diameter ____ Slot size ____ Set from ____ feet to ____ feet

Gravel packed? ☐ Yes ☐ No Size of gravel ____

Placed from ____ feet to ____ feet

Surface seal depth 368' Material used in seal ☐ Cement grout ☒ Puddling clay ☐ Well cuttings

Seeding procedure used ☐ Slurry pit ☐ Temporary surface casing ☒ Overbore to seal depth

6. LOCATION OF WELL

Sketch map location must agree with written location.

N

W E

S

Subdivision Name ____

Lot No. ____ Block No. ____

County ELMORE

NE ¼ SE ¼ Sec. 1, T. 3 N/S, R. 4 E/W

7. WATER LEVEL

Static water level 242 feet below land surface

Flowing? ☐ Yes ☒ No G.P.M. flow ____

Temperature ____ ° F. Quality ____

Artesian closed-in pressure ____ p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☒ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
2900	6.5 INCHES	2 HRS.

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
20"	0	267	CLAY & SAND		X
	267	278	GRAY LAVA	X	
	278	280	BLACK CINDERS	X	
	280	294	BLACK LAVA	X	
	294	298	RED CLAY		X
	298	385	BLACK LAVA	X	
	385	409	DK BROWN LAVA	X	
10"	392	409			

10.

Work started 16 Dec 76 finished 22 Jan 77

11. DRILLERS CERTIFICATION

Firm Name MIDDLETON DRILLING Firm No. 35

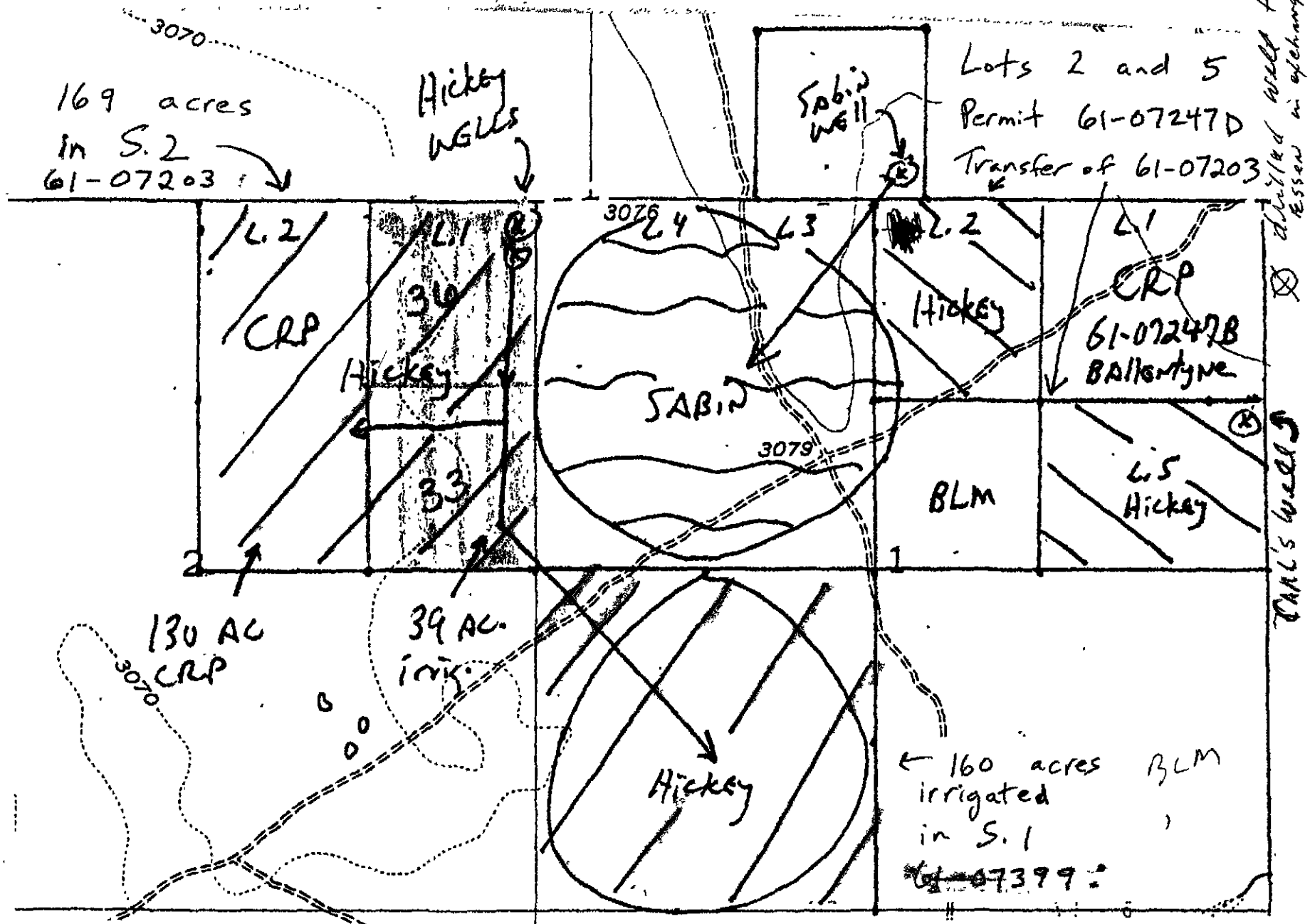
Address MT HOME IDAHO Date 25 JAN 77

Signed by (Firm Official) Kenneth D. Middleton

and

(Operator) Richard W. Johnson

USE ADDITIONAL SHEETS IF NECESSARY

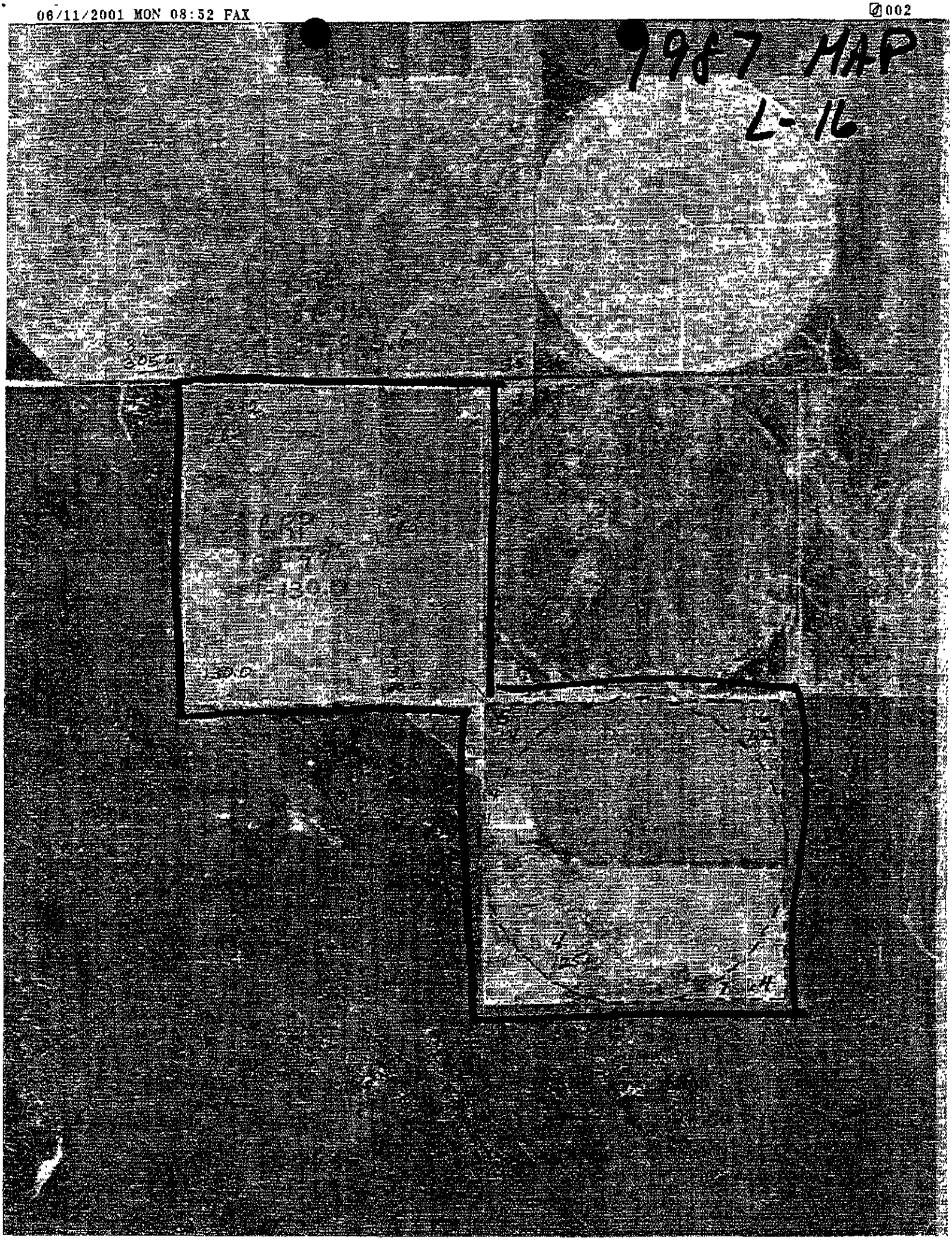

3070
169 acres
in S. 2
61-07203
Hickey
WELLS
Sabin
well
Lots 2 and 5
Permit 61-07247D
Transfer of 61-07203
3076
L4
L3
L2
L1
CRP
34
Hickey
33
SABIN
3079
Hickey
CRP
61-07247B
Ballentyne
BLM
L5
Hickey
2
1
130 AC
CRP
39 AC.
irrig.
3070
Hickey
← 160 acres BLM
irrigated
in S. 1
~~61-07399~~

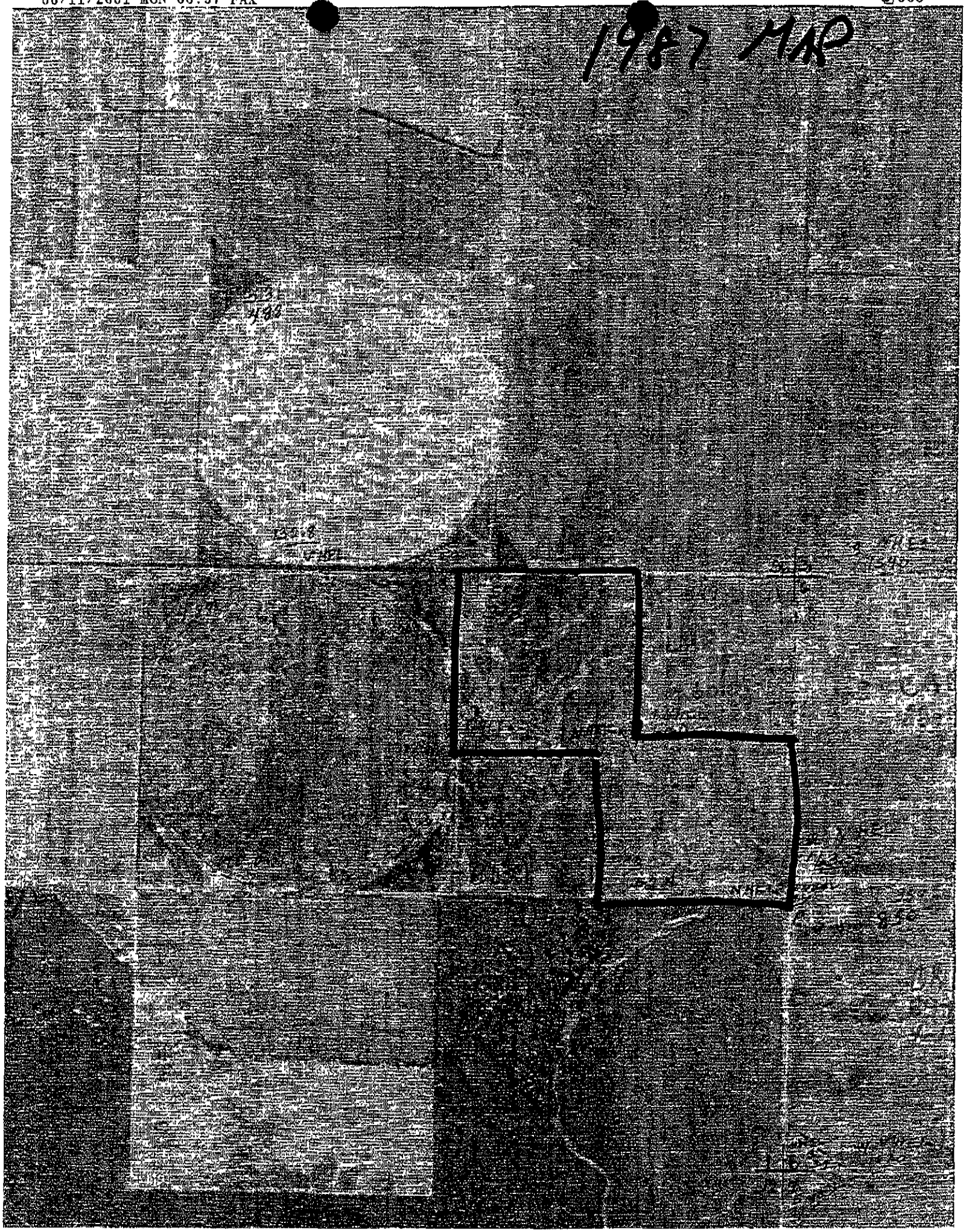
Shelley Ken 6/11/01
~~Norm Tourte~~

Re: Hickey - Ag Services

These may not be
Great But they show
everything irrigated
in 1987.

Jan


1987 MAP
L-16


1987 MAP

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

April 27, 2001

JOHN A ROSHOLT
ROSHOLT, ROBERTSON, & TUCKER, CHTD
PO BOX 1906
TWIN FALLS ID 83303-1906

RE Carl Hickey's Water Rights

Dear John

It has been several months since you submitted information in connection with Carl Hickey's water right filings in the Cinder Cone Butte Critical Groundwater Area. I've finally had an opportunity to review the situation and reach the conclusions summarized below I apologize for the delay in responding

Amendment of License No 61-7203 and Reinstatement of Permit No 61-7399

Water Right License 61-7203 authorizes the irrigation of 169 acres within the NE¼ of Sec 2, T3S, R4E, and the SW¼ of Sec 1, T3S, R4E, in a single irrigation season. Amending License 61-7203 or reinstating Permit 61-7399 would authorize the irrigation of both quarter-sections simultaneously We considered your request that License 61-7203 be amended to authorize 329 acres of irrigation in a single irrigation season, but under the Order of Reinstatement dated October 14, 1976, the permit authorized the irrigation of only 172 acres. The right cannot be amended to authorize the irrigation of 329 acres in one season because doing so would expand the water right beyond the amount authorized by the permit

We also considered your request that we void the relinquishment of Permit 61-7399 In 1993 IDWR recommended relinquishment or voiding of Permit 61-7399 because it appeared that no beneficial use had been developed in addition to what was to be recognized on Water Right License 61-7203 The permit holders relinquished the permit rather than offering evidence demonstrating that beneficial use had been developed in accordance with the permit Notes from our October 13, 1999, meeting indicate that you would obtain aerial photography or other documentation demonstrating that beneficial use of water did occur under Permit 61-7399 during the authorized development period, 1981 to 1990, and that the permit holders did not intend to relinquish the permit According to your letter, aerial photography for that period is not available, so you supplied an affidavit from Mr. Robert E Osborn, who states that he irrigated the entire

place of use authorized under Permits 61-7203 and 61-7399 "during the same season prior to 1980" Because Mr Osborn does not affirm the water use in question during the authorized development period for the permit (Permit 61-7399 was not issued until May of 1981), his statement does not supply the required evidence of water use in accordance with the permit Without information about the water use during the authorized development period, we are unable to reinstate the permit

Licensing of Permit No 61-7247D

When the field inspection was done in 1991, IDWR was unable to confirm that beneficial use of water had been developed in accordance with Permit 61-7247D. The permitted place of use had not been irrigated for several years, if ever, and IDWR could not locate any aerial photography depicting irrigation. According to notes in the file, in October of 1999 you indicated you would submit documentation of the irrigated place of use and the irrigation system capacity For documentation of the irrigated place of use, aerial photography from the authorized development period for the permit, 1976 to 1981, would have been ideal According to your letter, aerial photography for that period is not available, so you supplied an affidavit from Mr Robert E. Osborn, who states that he irrigated the proposed place of use prior to 1980 Mr Osborn also states that he irrigated from the well "believed to be located in the SE SW, Sec 36, T02S, R04E or from another well in the vicinity." It isn't clear what "another well in the vicinity" means, but the well in the SE SW, Sec. 36, T02S, R04E, is the one serving as the point of diversion for water rights 61-7247C and 61-7202, both of which are claimed in the SRBA by Edward and Jeanette Van Grouw Rights 61-7247C and 61-7202 are limited to a total combined diversion rate of 4 64 cfs, which is the diversion capacity from that well

If we were to license 61-7247D on the basis of Mr Osborn's affidavit, the right would share a point of diversion with 61-7247C and 61-7202, and it would have to be included in the combined diversion rate limit Even if he were to transfer right 61-7247D to a different point of diversion, Mr. Hickey would still have to cooperate with the Van Grouws to ensure that the 4.64 cfs diversion rate limit is not exceeded from the two wells. Experience tells me that coordinating ground water diversions between owners of separate wells, even if it were practical from a farming standpoint, is a difficult activity to monitor and regulate, and the Van Grouws are likely to view this as reducing the water diversions allowed under their established rights. Before issuing the license, I would like to see a written protocol describing how Mr. Hickey and the Van Grouws will cooperate to see that the combined diversion limit is not exceeded My thinking on this matter is influenced by the fact that the well is in the Cinder Cone Butte Critical Groundwater Area. If I do not hear from you on this matter by June 30, 2001, I will assume that cooperation protocol cannot be established, and I will issue an order voiding the permit. Meanwhile, Mr Hickey may continue to irrigate the 100 acres in question under the provisions of Transfer No 4328

Cancellation of Transfer No 4328

If a water right is issued for 61-7247D, I am not inclined to view the retraction of Transfer No. 4328 as an unstacking of water rights However, the disposition of Transfer No 4328 can be addressed once the disposition of 61-07247D is finalized.

Once again, I apologize for not responding sooner. I am hopeful that we can now move quickly to bring these items to a conclusion If you have any questions, please contact me or call Shelley Keen at 208-327-7946.

Sincerely,

Norman C Young, Administrator
Water Management Division

Enclosure

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 61-7203 IN THE NAME OF CLARENCE ROBERT MONTIERTH

ORDER OF REINSTATEMENT

WHEREAS, on November 1, 1974, Clarence Robert Montierth filed application for Permit No. 61-7203 to appropriate 6.96 cubic feet per second of water from a groundwater source, 2 points in Lot 1 (NE¼NE¼), Sec. 2; and 2 points in the NW¼NW¼, Sec. 1; All in Twp. 3S, Rge. 4E, B.M., Elmore County, to be used for domestic purposes and the irrigation of 344 acres within the NW¼, Sec. 1, and the NE¼, Sec. 2, Twn. 3S, Rge. 4E, B.M., Elmore County; and,

WHEREAS, the applicant claimed ownership of the land at the point of diversion and the place of use; and,

WHEREAS, on March 17, 1975, Water Right Permit No. 61-7203 was issued to the applicant; and,

WHEREAS, Permit No. 61-7203 was cancelled on May 18, 1976, as being filed for purposes of speculation; and,

WHEREAS, the permit holder has now supplied additional information that shows that he had an interest in the NE¼, Sec. 2, Twn. 3S, Rge. 4E, B.M., through a working partnership with his father, Herbert R. Montierth, the purchaser of that property; and,

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 61-7203 be REINSTATED for 172 acres of land to be irrigated using 3.44 cubic feet per second of groundwater in the NE¼, Sec. 2, Twn. 3S, Rge. 4E, and 0.04 cubic feet per second of water for domestic purposes from 2 points of diversion located in Lot 1, Sec. 2, Twn. 3S, Rge. 4E.

Dated this 14 day of October, 1976.

A. KENNETH DUNN
Administrator, Operations Division

MEMORANDUM

To: Files 61-07203 and 61-07399

From: L. Glen Saxton

RE: **REVIEW OF FILES**

Date: May 26, 1999

Jim Johnson forwarded the above referenced files to me indicating that Carl Hickey of Mountain Home has been in contact with him seeking the reinstatement of Permit No. 61-07399 which he relinquished in 1993 at the request of the department. Although the department has received nothing in writing from Mr Hickey, I reviewed the files to determine if there was a reason why permit no. 61-07399 should not have been relinquished.

My review of the file shows the following:

- All the land under the above referenced permits is within the Cinder Cone Butte Critical Ground Water Area.

- On September 3, 1991, the department conducted a field examination of land irrigated under the permits and found that a total of 329 acres had been irrigated. Of the 329 acres, 160 were in the SW1/4 Section 1 and 169 acres were in the NE1/4 Section 2, all in T3S, R4E, B.M.

- The 329 acres are irrigated from one (1) well located in the NENE Section 2, T3S, R4E, B M. The measured capacity of the well was 2.29 cfs.

- The rate of 2.29 cfs for 329 acres would provide 0.00687 cfs per acre and is not large enough to irrigate 329 acres at the same time. The needed volume for "full" irrigation of 329 acres is also limited by the rate of diversion.

- The applicant's placement of approximately 130 acres in the CRP program has not prejudiced development of a water right under Permit No. 61-07399. Since the land which was placed in the CRP program is included in the license.

- The license issued by the department on July 12, 1993, clearly shows that no more than 169 acres of the 329 acre permissible place of use can be

irrigated in a single irrigation season. Note Condition of Approval No. 7. which reads as follows:

> 7. This right is limited to the irrigation of 169 acres in the place of use described above in a single irrigation season.

- I can not find a mistake made by the department in asking for the relinquishment of Permit No. 61-07399 and or a reason for the department to consider reinstatement of the permit.

Part B

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A ROSHOLT
EVAN ROBERTSON
JAMES C TUCKER
GARY D SLETTE
JOHN K SIMPSON
TIMOTHY J STOVER
JERRY V JENSEN
AMY D CHESTNUT

Twin Falls Office
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P O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO SUITE 600
P O BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED
OCT 3 - 2000
Department of Water Resources

October 2, 2000

Norman C. Young
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83706-2237

Re: Carl Hickey
- License No. 61-07203
- Permit No. 61-07399
- Permit No. 61-07247D
- Transfer No. 4328 (61-07203B)

Dear Norm:

It has been several months since we last met to discuss Carl Hickey's situation. At that meeting, you indicated that you needed two things to help resolve the situation: (1) proof that Carl Hickey's water rights were used to the extent he claims, specifically for the period prior to 1980; and (2) proof that Carl and his ex-wife did not intend to relinquish one of the permits.

As suggested by you and Shelley Keehn, we have attempted to locate aerial photos of Carl's property for the 1976-1981 period. While no aerial photos could be located, we were able to track down the original owner, Robert Osborn, and secure an affidavit from him. Mr Osborn owned and irrigated the property prior to 1980. This affidavit verifies the extent of the actual beneficial use of 61-07203 and 61-07399 prior to the deadline for beneficial use. It also establishes the actual use of 61-07247D. In addition, we have secured affidavits from Carl's ex-wife, Connie McNitt, as well as Carl himself, to demonstrate that there was no intent to cancel Permit No. 61-07399. These affidavits are enclosed.

Based upon these affidavits, as well as the letter provided to you on October 12, 1999, the discussion materials provided at our October 13, 1999 meeting, and the other information in the Department's files, we request the following:

1. Amendment of License No. 61-07203 to include all 329 acres described in the affidavits, rather than the 169 acres that are currently licensed, and to increase the diversion volume to 1102.7 AFA, as the capacity was determined during the field exam;

2. Reinstatement of Permit No. 61-07399, to be use in combination with License No. 61-07203, with the same combined place of use, diversion rate and diversion volume limits,

3. Licensing of Permit No. 61-07247D in the amount of 2 cfs on 100 acres, as verified in the enclosed affidavits; and

4. Cancellation of Transfer No. 4328 (61-07203B), which was only intended to be temporary, upon the requested licensing of 61-07247D, to avoid inadvertent "stacking" of the water rights.

Each of these items was previously requested in our letter of October 12 and discussed at the October 13 meeting last year. Given that we have now provided the additional information that you requested, we ask that our request be granted at this time.

If you have any questions about this matter, please do not hesitate to contact me. Carl is anxious to resolve this matter as soon as possible.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

Enclosures

(jll/jar/hickey/young letter)

John A. Rosholt
Rosholt, Robertson & Tucker
P.O. Box 1906
Twin Falls, ID 83303
Telephone: (208) 734-0700
Facsimile: (208) 736-0041

Attorneys for Carl D. Hickey

BEFORE THE

IDAHO DEPARTMENT OF WATER RESOURCES

In The Matter of Request to Amend License No. 61-07203, to Reinstate Permit No. 61-07399, to Grant a License for Permit No. 61-07247D, and to Cancel Transfer No. 4328 (61-07203B)	)	License No. 61-07203 Permit No. 61-07399 Permit No. 61-07247D Transfer No. 4328 (61-07203B) AFFIDAVIT OF ROBERT E. OSBORN

STATE OF IDAHO)
) ss.
County of Canyon)

ROBERT E. OSBORN, being first duly sworn, deposes and says:

1. I reside in Nampa, Idaho.

2. As the original owner, I have been familiar with and have personal knowledge of the existence and use of water right nos. 61-07203, 61-07399 and 61-07247D.

3. I owned and irrigated lands now owned by Carl D Hickey, located in Sections 1 and 2, T03S, R04E, B.M., Elmore County, Idaho, as further depicted on the attached map, using the water rights described in paragraph 2 above, including the period prior to 1980.

4. The lands irrigated include 329 acres in Sections 1 (SW 1/4) and 2 (NE 1/4), further identified by green cross-hatching on the attached map, and an additional 100 acres in Section 1 (NW NE (Lot 2) and SE NE (Lot 5), further identified by blue cross-hatching on the

attached map. I irrigated all of these acres prior to 1980.

5. The 329 acres depicted by green cross-hatching on the attached map were all irrigated during the same irrigation season prior to 1980, using water right nos. 61-07203 and 61-07399, from a well located in the NE NE, Sec 2, one of those labeled as the "Hickey Wells" on the attached map. The other well was used for a house and lawn.

6. The 100 acres depicted by blue cross-hatching on the attached map were all irrigated during the same irrigation season prior to 1980, using what is now identified as water right no. 61-07247D, from a well believed to be located in the SE SW, Sec. 36, T02S, R04E, and labeled as the "Sabin Well" on the attached map, or from another well in the vicinity. The 100 acres were part of a larger parcel that was irrigated under water right no. 61-07247, before that water right was split.

7. I never intended to abandon or forfeit any of the water rights used on the property now owned by Carl D. Hickey, as further indicated on the attached map.

Further your affiant sayeth not.

DATED this 28 day of September, 2000.

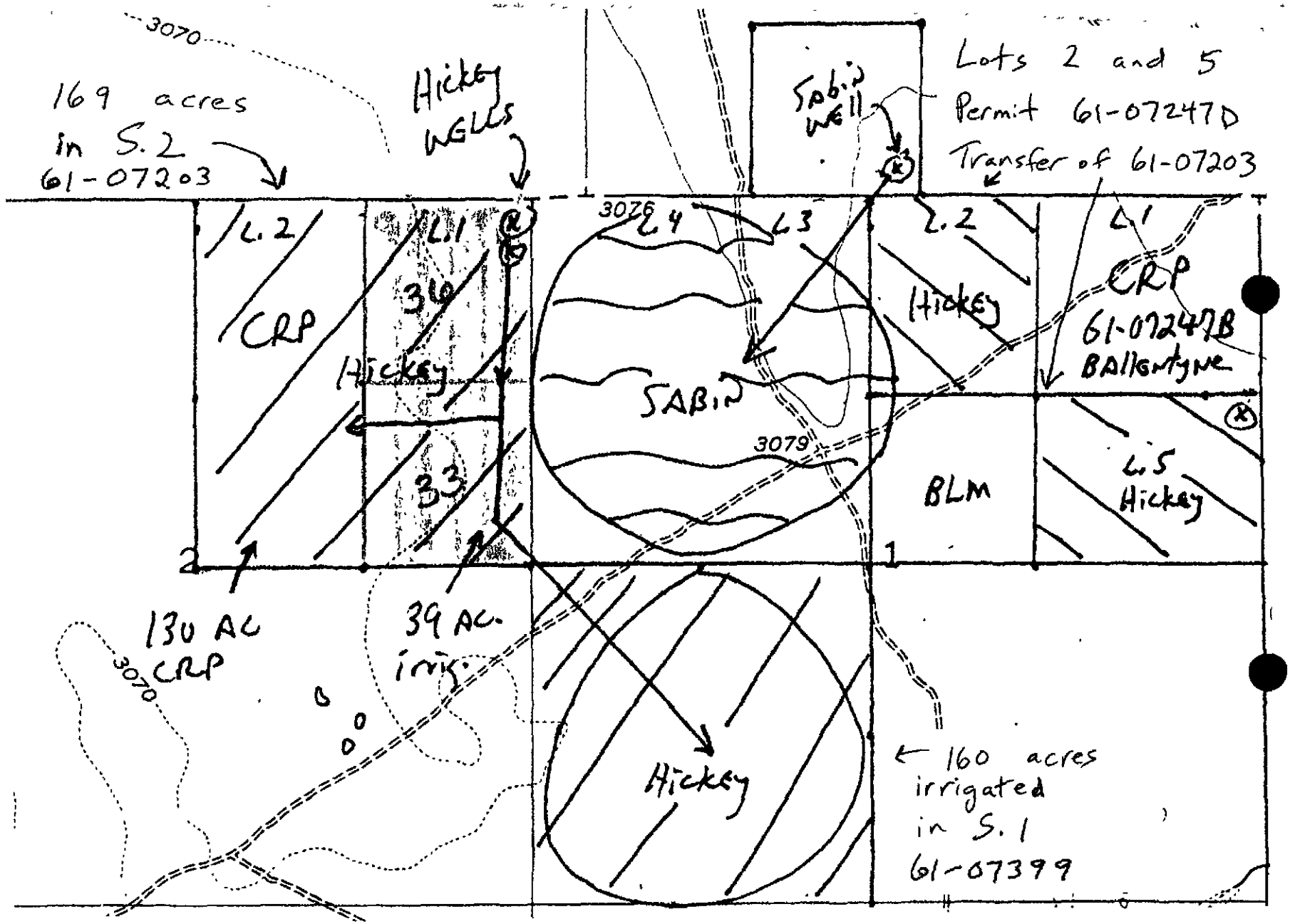
Robert E. Osborn
ROBERT E. OSBORN

SUBSCRIBED AND SWORN to before me this 28 day of September 2000.

STATE OF IDAHO

Carol Shaw
NOTARY PUBLIC FOR IDAHO
Residing at Nampa
My commission expires 8-21-04

(:\jll\jar\hickey\osborn afd)


169 acres
in S.2
61-07203
Hickey wells
Sabin well
Lots 2 and 5
Permit 61-07247D
Transfer of 61-07203
3070
3076
3079
L.2
CRP
L.1
39
Hickey
33
L.4
L.3
SABIN
L.2
Hickey
L.1
CRP
61-07247B
Ballentyne
BLM
L.5
Hickey
2
1
130 AC
CRP
39 AC.
irrig.
Hickey
← 160 acres
irrigated
in S.1
61-07399

RECEIVED SEP 2 1 2000

John A. Rosholt
Rosholt, Robertson & Tucker
P.O. Box 1906
Twin Falls, ID 83303
Telephone: (208) 734-0700
Facsimile: (208) 736-0041

Attorneys for Carl D. Hickey

BEFORE THE

IDAHO DEPARTMENT OF WATER RESOURCES

In The Matter of Request to Amend License No. 61-07203, to Reinstate Permit No 61-07399, to Grant a License for Permit No 61-07247D, and to Cancel Transfer No. 4328 (61-07203B)	License No. 61-07203 Permit No. 61-07399 Permit No. 61-07247D Transfer No. 4328 (61-07203B) AFFIDAVIT OF CONNIE M. MCNITT

STATE OF IDAHO)
) ss.
County of Ada)

CONNIE M. MCNITT, being first duly sworn, deposes and says:

1. I reside in Boise, Idaho.

2. I was previously married to Carl D. Hickey and went by the name Connie M. Hickey. After our divorce, I went by the name Connie M. McNitt and, sometimes, Connie M. McNitt Hickey.

3. I was previously an owner, along with Carl D. Hickey, of Permit Nos. 61-07203 and 61-07399.

4. Carl Hickey and I received a letter from the Idaho Department of Water Resources in late May or early June, 1993, instructing us that we had fifteen (15) days to sign and return an "Application for Amendment" of Permit No. 61-07023 or our permit would be

canceled. The letter also instructed us to file a "Relinquishment of Permit" form for Permit No. 61-07399. I was fearful that failure to sign and return these two forms would result in the loss of our water rights. As a result, I signed the relinquishment form on July 6, 1993, as did Carl. Carl signed the amendment form and both were given to the Department

5. When I signed the "Relinquishment of Permit" form, I did not in any way intend to abandon or cancel any of the water rights used on our property. I thought the forms were required to avoid losing our water rights.

Further your affiant sayeth not.

DATED this 20th day of September, 2000.

CONNIE M. MCNITT

SUBSCRIBED AND SWORN to before me this 20th day of September, 2000.

JOANNE HOOPER
NOTARY PUBLIC
STATE OF IDAHO

NOTARY PUBLIC FOR IDAHO
Residing at Boise, Id
My commission expires 12-19-03

(jll/jar/hickey/mcnitt afd)

John A. Rosholt
Rosholt, Robertson & Tucker
P.O. Box 1906
Twin Falls, ID 83303
Telephone: (208) 734-0700
Facsimile: (208) 736-0041

Attorneys for Carl D. Hickey

BEFORE THE

IDAHO DEPARTMENT OF WATER RESOURCES

In The Matter of Request to Amend License No. 61-07203, to Reinstate Permit No. 61-07399, to Grant a License for Permit No. 61-07247D, and to Cancel Transfer No. 4328 (61-07203B)	)	License No. 61-07203 Permit No. 61-07399 Permit No. 61-07247D Transfer No. 4328 (61-07203B) AFFIDAVIT OF CARL D. HICKEY

STATE OF IDAHO)
) ss.
County of Elmore)

CARL D. HICKEY, being first duly sworn, deposes and says:

1. I reside in Elmore County, Idaho.

2 I am the current owner of Water Right Nos 61-07203 (A and B), 61-07399, and 061-07247D.

3. I have personal knowledge regarding the use of the water rights described in paragraph no. 2 above on the lands further depicted on the attached map.

4. At all times since acquiring the property, I have used all of the available water rights to irrigate the lands identified on the attached map.

5. At no time have I intended to forfeit or abandon any portion of the water rights used on the lands identified on the attached map.

6. I was previously married to Connie M. McNitt.

7. Connie McNitt and I received a letter from the Idaho Department of Water Resources in late May or early June, 1993, instructing us that we had fifteen (15) days to sign and return an "Application for Amendment" of Permit No. 61-07023 or our permit would be canceled. The letter also instructed us to file a "Relinquishment of Permit" form for Permit No. 61-07399. I was fearful that failure to sign and return these two forms would result in the loss of our water rights. As a result, I signed the relinquishment form on July 6, 1993, as did Connie. I signed the amendment form and both were given to the Department

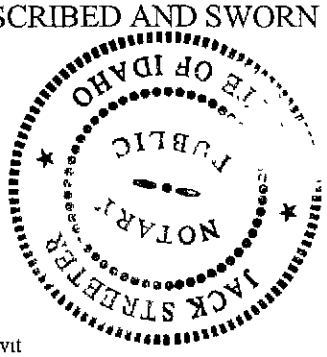
8 When I signed the "Relinquishment of Permit" form, I did not in any way intend to abandon or cancel any of the water rights used on our property. I thought the forms were required to avoid losing our water rights.

Further your affiant sayeth not.

DATED this 19 day of Sept, 2000.

Carl D. Hickey
CARL D. HICKEY

SUBSCRIBED AND SWORN to before me this 19 day of Sept, 2000.



Jack Streeter
NOTARY PUBLIC FOR IDAHO
Residing at 195 N 2 E Lava Hot Springs
My commission expires 11/20/2004

jll/jar/hickey/affidavit

Notes

By: Shelley W. Keen

Date: October 14, 1999

Subject: Carl Hickey water rights in Basin 61

Yesterday I attended a meeting to discuss issues relating to water rights belonging to Carl Hickey The meeting was attended by Mr Hickey, his attorneys John Rosholt and Norm Semanko, Norm Young, and me. Although they appear complicated because they are interrelated, the issues can be broken down into the following three items.

Mr Hickey believes IDWR should have recognized beneficial use developed under Permit 61-07399. Mr. Hickey and his attorneys will obtain aerial photographs, affidavits, and/or other documentation to show that Mr. Hickey irrigated more than the 169 acres allowed under license 61-07203 in a single irrigation season. It will be necessary to show that the use occurred during the authorized development period for 61-07399 Mr Hickey is not asking for a higher diversion rate than recognized on 61-07203, only more acres and more volume. Mr. Hickey's attorneys will also have to collect affidavits to demonstrate that Connie Hickey did not really intend to relinquish permit 61-07399 so that it can be reinstated. Meanwhile, Mr. Hickey's attorneys need to keep 61-07399 from being disallowed by the SRBA court, as IDWR has recommended.

Mr. Hickey would like to see a license issued for development that occurred under 61-07247D IDWR has not issued a license because the examiner documented a period of non-use from 1988 to 1992, which suggested forfeiture. Norm Young explained IDWR's current position that forfeiture does not apply to permits. Therefore, if Mr Hickey and his attorneys submit documentation of beneficial use during the authorized development period for 61-07247, IDWR will issue the appropriate license Documentation must somehow address system diversion capacity as well as irrigated place of use. Mr Hickey must also file a late claim for 61-07247D in the SRBA.

Right 61-07203B was transferred only because it appeared IDWR was unlikely to issue a license for 61-07247D. Norm Young recognized this fact and agreed that it would not be an "unstacking" if Mr Hickey transferred 61-07203B back to its original place of use if/when a license is issued for 61-07247D.

CC. Norm Young

K \NOTES\Carl Hickey doc

Ident. No. 61-99-C-0056-100
Water Right No. 61-07203A
0773

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR DRILLING PERMIT

1. **Name:** **CARL HICKEY** O 208-796-2127
   Address: PO BOX 243
   MOUNTAIN HOME ID 83647

2. **Proposed Well Location:** Township 03S, Range 04E, Sec. 2, NENE, Lot 1
   ELMORE County

   Street Address of Well Site: SOUTH CENTER BUTTE RD 200' OFF ROAD, ON SEC. LINE BTWN 1 & ID

3. **Proposed Use of Well:** Non-Domestic Irrigation

4. **Well Construction Information:**
   A. DEEPEN
   B. Proposed Surface Diameter 16 In. Proposed Maximum Depth 550 Ft.
   C. Anticipated Bottom Hole Temperature: 85 F or less (Cold water well)
   (NOTE: Construction diagrams and/or other information may be requested for monitor, low temperature geothermal, municipal and artesian wells.)

5. **Construction Start Date:** 9/15/1999

6. **Anticipated Well Driller:** CARL HICKEY WELL DRILLING (No. 0160)
   NOTE: The actual well driller must be identified to IDWR prior to drilling commencement.

7. **Applicant's Signature** _____ Date _____

   Title _____
   (Owner, Firm Representative, Other)

****

Fee $ 200.00 Receipted by _____ No. C046413 Date 8/30/1999

(Continued)

Ident. No. 61-99-C-0056-100

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This permit is Approved. Date: 9-15-99

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

CONDITIONS OF APPROVAL:

1. This drilling permit is valid for two (2) months from the approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. The well shall be constructed by a driller currently licensed in the state of Idaho who must maintain a copy of the drilling permit at the drilling site.
3. Approval of this drilling permit does not authorize trespass on the land of another party.
4. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
5. If a bottom hole temperature of 85 Degrees F (29.44 oC) or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
6. Idaho Code, S 55-2201 - 55-2210 requires the applicant and/or his contractors to contact "Digline" (DigLine is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "Dig Line " Number for your area is 1-800-342-1585.
7. The well tag for the drilling permit/start card shall be securely and permanently attached to the well casing through welding or by the use of four closed end domed stainless steel pop rivets. The tag attachment will be done at the time of completion of the well, and prior to removing the drill rig from the drill site.
8. Water diverted from this well shall not exceed the amount authorized for diversion and applied to beneficial use under Water Right No. 61-07203A unless diversion from this well under another water right is specifically authorized by the department or recognized by a court of law.

Signature of Authorized Dept. Representative

Title

****

EXTENSION OF DRILLING PERMIT

Extension Approved by: _____ Approval Date: _____

Expires On: _____

RECEIVED
NOV 1 0 1997
Department of Water Resources

61-07303

MEMORANDUM

TO: FILE

FROM: STEVE LESTER

DATE: NOVEMBER 6, 1997

RE: RECOMMENDATIONS FOR T.5145, DESERT SEA FARMS

This is a simple transfer to change a diversion point from Section 1 well to a new well to be drilled in adjacent site in Section 6. There does not appear to be any problems with approving the transfer. The incorrect flow rate for 61-07263 on page 1 and the incorrect well site in Section 1 on page 6 of the application do not need to be corrected by the applicant as explained in this memo.

The two licenses use Section 1 well plus another well located northeast in Section 31. Note that a third right also uses the Section 31 well (61-07264) but does not use the Section 1 well so that right is not involved in the transfer.

The two SRBA claims reflect the licenses except that the Section 1 well is claimed in Lot 5 (SENE) instead of licensed Lot 1 (NENE) plus A63-07263 claims 3.30 cfs instead of the licensed 2.40 cfs. I spoke with the applicant contact, Mr. Larry Esson, on his October 29 office visit. He does not have any information to support the claim differences and did not appear concerned about claim corrections to match any transfer approval to be issued.

The legal notice included the claimed differences to allow proper notification as required. No protests resulted.

Ownership records are in order for both rights via the completed change in ownership filed by the applicant in 1994. Transfer Attachments A and B authorize access to the proposed well site in Section 6, although that authorization does not appear to be needed per ownership records for the NW 1/4 S. 6 (A61-07263 in the applicant's name).

CORRECTION OF REMARKS IN 61-07263

Note that right 61-07263 includes a remark linking the right to 61-07262. That appears to be a typo error since the latter right has nothing to do with the rights in question. The remark should refer to right 61-07264 from the 1987 field exams, and it can be corrected in the transfer decision.

CLARIFICATION OF SECTION 1 WELL LOCATION

Some confusion occurs in the water right and SRBA records for the well in Section 1. The 1987 field exams showed that the well was in Lot 1 (NENE). The tract lines for the section are abnormal due to large government lots.

The water right P/D index lists ground water in Lot 1 (NENE) for 61-07247B and 61-07263. It also shows ground water in Lot 5 (SENE) for 61-07203B, a split that included a change in P/D and P/U for Mr. Hickey per T.4328 issued in 1994 after that right was licensed.

The SRBA P/D index includes ground water in Lot 5 (SENE) for claims A61-07203B (Hickey as above) and A61-07247B plus A61-07263 plus A61-07264 (all for Desert Sea Farms). No ground water is shown in Lot 1 (NENE). The latter three claims contradict the 1987 license reports.

All of this can be clarified very easily. The current well location in Lot 1 was reconfirmed by a site visit yesterday (see attached notes). The well is close to the tract line but is definitely in Lot 1. No well is found in Lot 5 as verified by the 1987 and 1997 field visits. Note that no well drilling activity has been indicated for NE 1/4 Section 1 per well drilling database check. It appears that a case of mistaken 1/4-1/4 has resulted from the abnormal shape of the tracts due to large government lots found in the section.

Transfer approval will correct claims A61-07247B and A61-07263. Claim A61-07264 can be corrected by the claimant to delete reference to a Section 1 P/D. License 61-07203B and claim A61-07203B can be amended by Mr. Hickey or his successor: transfer application that would not need to be advertised to simply correct an error that was easy to make per above explanation?

RECOMMENDATIONS

61-07247B for 1.20 cfs, wells in S.31 (existing) and S.6 (proposed);

61-07263 for 2.40 cfs, wells as above, clarify remark about linkage to other rights;

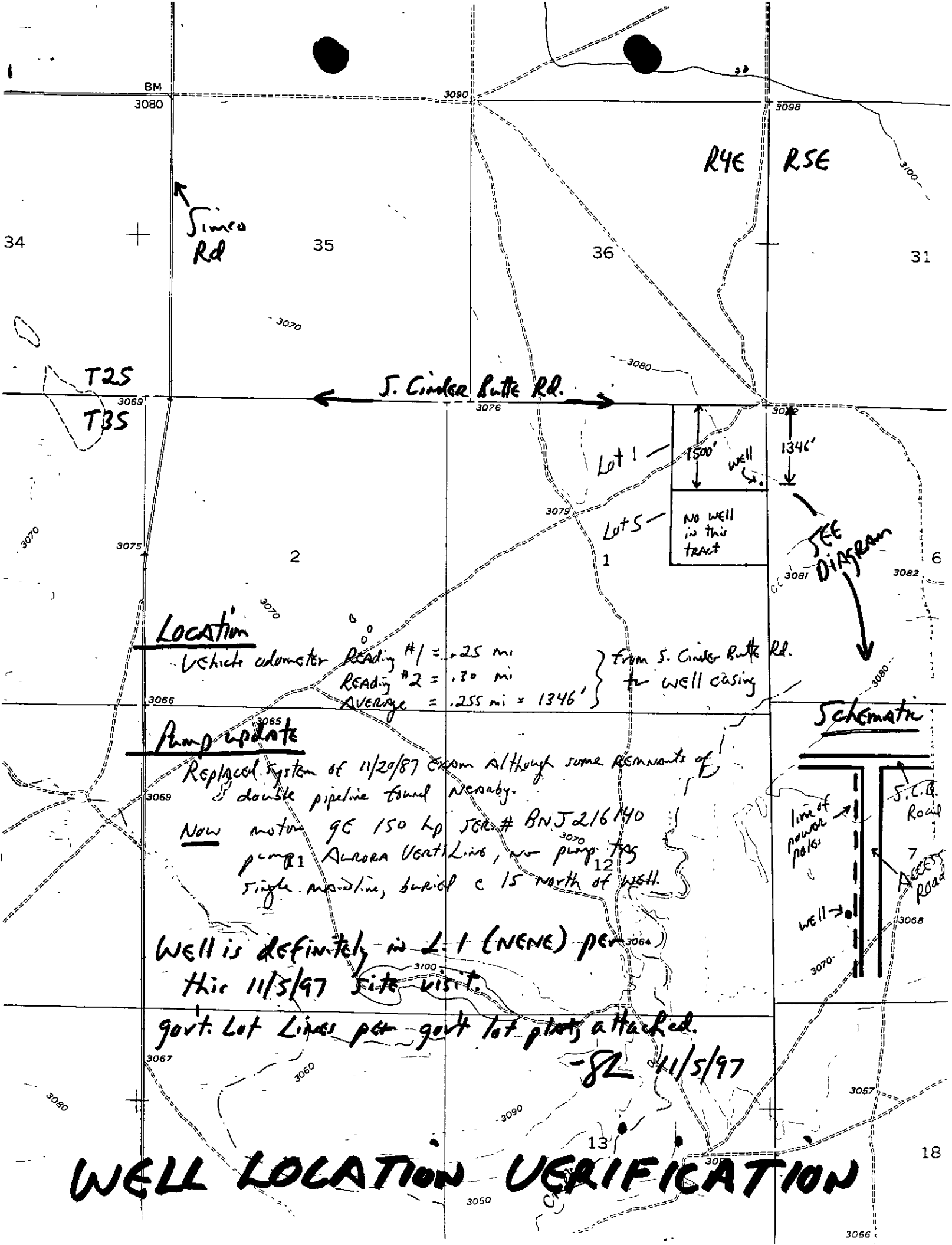
total flow is 3.60, not 4.50, cfs;

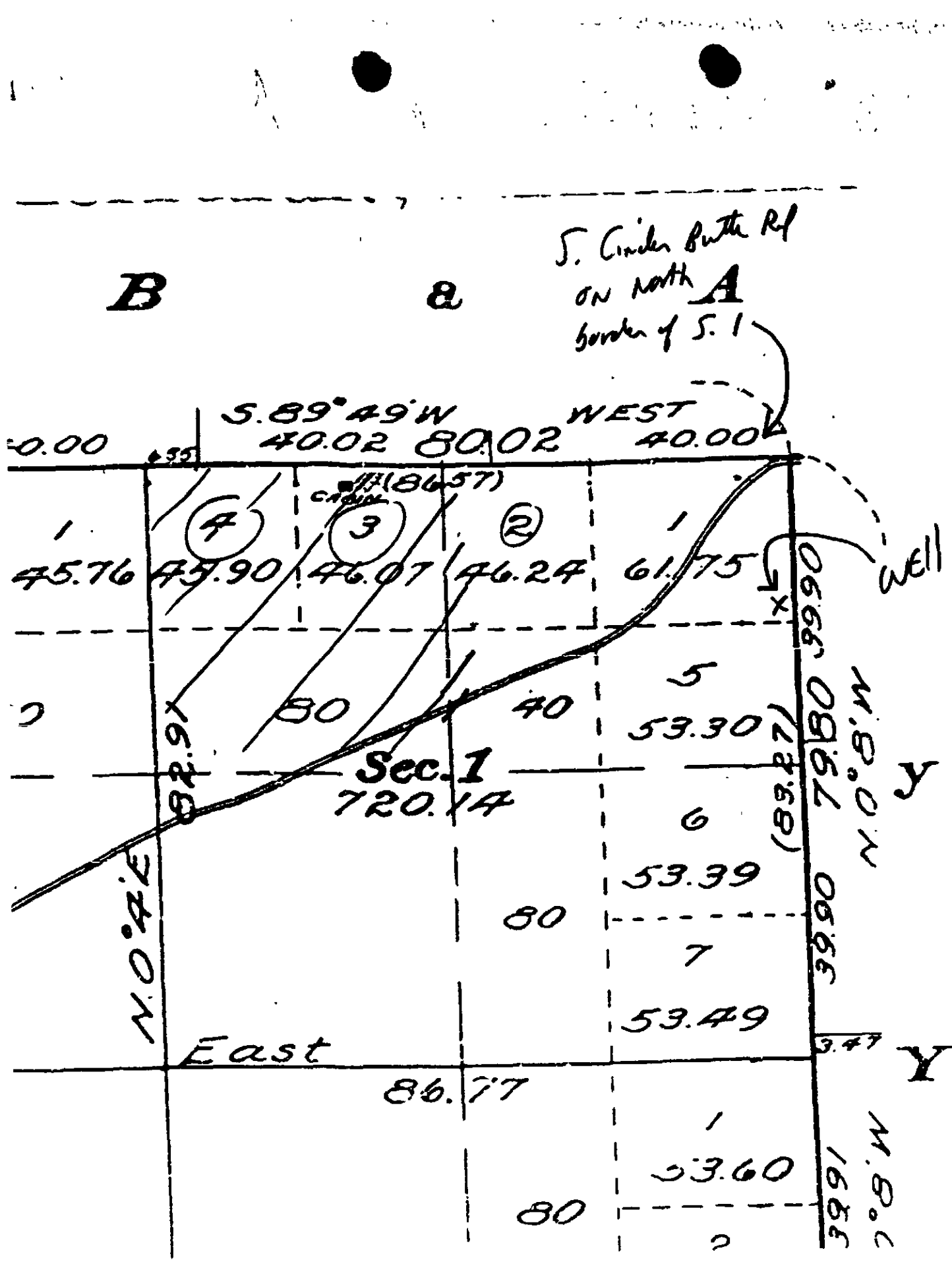
request for expedited drilling permit should be denied (?) -- see second memo also with today's date;

A61-07264 can be addressed by regional SRBA staff;

61-07203B and its claim can be addressed by regional allocation staff.

c: ✓ RDH for A61-07264
✓ Regional files 61-07203B and A61-07203B, 61-07264
✓ S.O. files 61-07203B and 61-07264


R4E
R5E
T25
T35
S. Cinder Butte Rd.
Simco Rd
Lot 1
Lot 5
1500'
1346'
well
No well in this tract
See Diagram
Location
Vehicle odometer Reading #1 = .25 mi
Reading #2 = .30 mi
Average = .255 mi = 1346'
from S. Cinder Butte Rd. to well casing
Pump update
Replaced system of 11/20/87 except although some remnants of double pipeline found nearby.
Now motor GE 150 hp JGR# BNJ216140
pump Aurora Vertiline, no pump #
single main line, buried c 15' north of well.
Well is definitely in L 1 (NENE) per this 11/5/97 site visit.
Govt. Lot Lines per govt lot plats attached.
-SL 11/5/97
Schematic
line of power poles
S.C.B. Road
Access Road
well
WELL LOCATION VERIFICATION


B
&
A
S. Cinder Butte Rd
on North
border of S. 1
S.89°49'W
40.02
8002
WEST
40.00
0.00
(8657)
4
3
2
1
45.76
49.90
46.07
46.24
61.75
well
80
40
5
53.30
Sec. 1
720.14
6
53.39
80
7
53.49
East
86.77
1
33.60
80
2
N.0°.8'W.
3990
(83.47)
3.47
N.0°.4'E.
92.91
3991

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

July 25, 1994

CARL D HICKEY
PO BOX 243
MOUNTAIN HOME ID 83647-0243

RE: Transfer of Water Right No. 61-07203B

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 4328). Please be sure to thoroughly review the "CONDITIONS/REMARKS:" as listed on the transfer.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

RECEIVED

AUG 05 1994

MEMORANDUM

TO: FILE NO. 61-07203

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4328

DATE: July 21, 1994

==========

Right No. 61-07203 is located on ground currently under the CRP Program and not being irrigated. Mr. Hickey wants to use a portion of the right to irrigate other lands that are covered by a questionable water right. He plans to use this right until the problems are resolved or the CRP contract expires on the original place of use.

Transfer No. 4328 was filed to change the point of diversion and place of use under a portion of Right No. 61-07203, splitting the right into parts A and B. The transfer also changes the remaining portion of the right from a permissible place of use to a "regular" irrigation right describing the authorized irrigated acres only.

The original right authorizes 169 irrigated acres within a 329 acre place of use. The transfer splits the right into Part A, 69 acres, and Part B, 100 acres.

Recommended conditions include a measuring device, irrigation overlap, drilling permit requirements and standard transfer conditions.

RECEIVED
AUG 05 1994

TRANSFER REVIEW SHEET

Transfer # 4328 **Date Reviewed** 7-18-94 (28)

Right(s) 61-07203

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use
F:Change Period of Use G:Other H:Change P/D & Add P/D
(I) Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership Assessor Sheet 6-2-94 covers transferred Acres in Sec. 2. Elmore Co. Assessor Office confirms Mr. Hickey's ownership of SW, Sec. 1 that is being removed from Part A (No P P/U).

Transfer ____ **All of Right** ✓ **Portion of Right (Part B** ✓ **)**

Resulting Split(s) Split Parts A & B - A) Moved B) Reduced to Actual IRR Acres
Part A) .96 cfs 69 Acres 276 + 1.2 = 277.2 afa
Part B) 1.34 " 100 Acres 400 afa
2.3 " 169 w/in 329 676 afa + 1.2 = 677.2

Check Transfer Against Right C/4.0

(1) ✓ **Priority** (2) ✓ **Use** (3) ✓ **Season** (4) ✓ **Rate** (5) ✓ **Volume**

(6) ✓ **Source** (7) ___ **P/D** (8) ___ **P/U** (9) ✓ **Proof/Owner** (10) ✓ **Map**

(11) NO **Water District** (12) Yes **Pertinent Conditions** (13) NO **Expansion** Limit Acres

(7) Change P/D
(8) Change P/U

Transfer Remarks 61-07203A limited to 69 IRR. Acres within E ½ NE, Sec. 2, 3S, 4E.

Conditions R01, R31, 0416, T07, T08, T09

Database/Processing Notes T files A & B
Clear Original when approved — Reduce P/U under A.
Edit Remark re Part A from B when approved

Database Updated 7-25-94 GS

MEMORANDUM

RECEIVED
APR 2 8 1994
Department of Water Resources

TO: FILE

FROM: STEVE LESTER

DATE: APRIL 27, 1994

RE: TRANSFER NO. 4328 FOR 61-07203B (HICKEY)

****

This is a memo of explanation. The applicant seeks to provide irrigation water for 100 acres pending resolution of the validity of a portion of a permit on the 100 acres in question.

The application will change right 61-07203 from a permissable place of use practice to a "normal right" whereby irrigation of 169 acres in a 329 acre base becomes irrigation of 169 acres only. Note that licensing of 61-07203 incorporated acres under 61-07399 (a permit for SW 1/4 S01). Permit 61-07399 has been relinquished. Therefore, it appears that the owner intends to abandon any irrigation in SW 1/4 S01 by limiting irrigation to NE 1/4 S02 via 61-07203A and Lots 2 & 5, S01 via 61-07203B. Also see application remarks.

61-07203A will remain for use on 69 acres in NE 1/4 S02 (39 ac. continued irrigation & 30 ac. in CRP) while 61-07203B will be moved from the other 100 acres in CRP in S02 to irrigate 100 acres in Lots 2 & 5 in S01. Page 8 of the application is an ASCS photo showing the 130 acres in CRP in S02, and this should suffice for verification of such enrollment. See Attachment D for my map portraying the situation.

Since 61-07203 was examined in 1991, no additional verification of use is needed. No change will occur in the rate of flow or volume per acre. Actual irrigation in S01 lots per gov't. lot plat is 99.54 acres. Rounding this up to 100 acres is acceptable.

The land to which water will be moved is now covered by questionable right 61-07247D as a result of a recent split documented at the S.O. (contact Jim Johnson if need info). Some background will be helpful.

I conducted the B.U. exam for 61-07247A in 1991. This was for land irrigated by Sabin (Hergert Farms) in the NW 1/4 and a few bordering acres just to the east in NE 1/4 S01 (center pivot). It was difficult to be exact about the extent of use via the center pivot for the few acres in NE 1/4, but it definitely appeared that the pivot reached into NE 1/4 per topo & ASCS photo while doing the exam.

Mr. Sabin told me that he did not own the non-irrigated acres in Lots 2 & 5 in S01. He was not sure who owned those acres. It appeared at the time of the exam that Lots 2 & 5 were forfeited land (incorrectly labelled as "abandoned" in exam report - forfeited is probably a better term). Subsequent research did not yield any data to show that those acres were irrigated in the five years prior to the exam (ASCS and NAPP information). However, I did not determine who owned the land and thus inadvertently deprived the owner of involvement in settling the forfeiture issue.

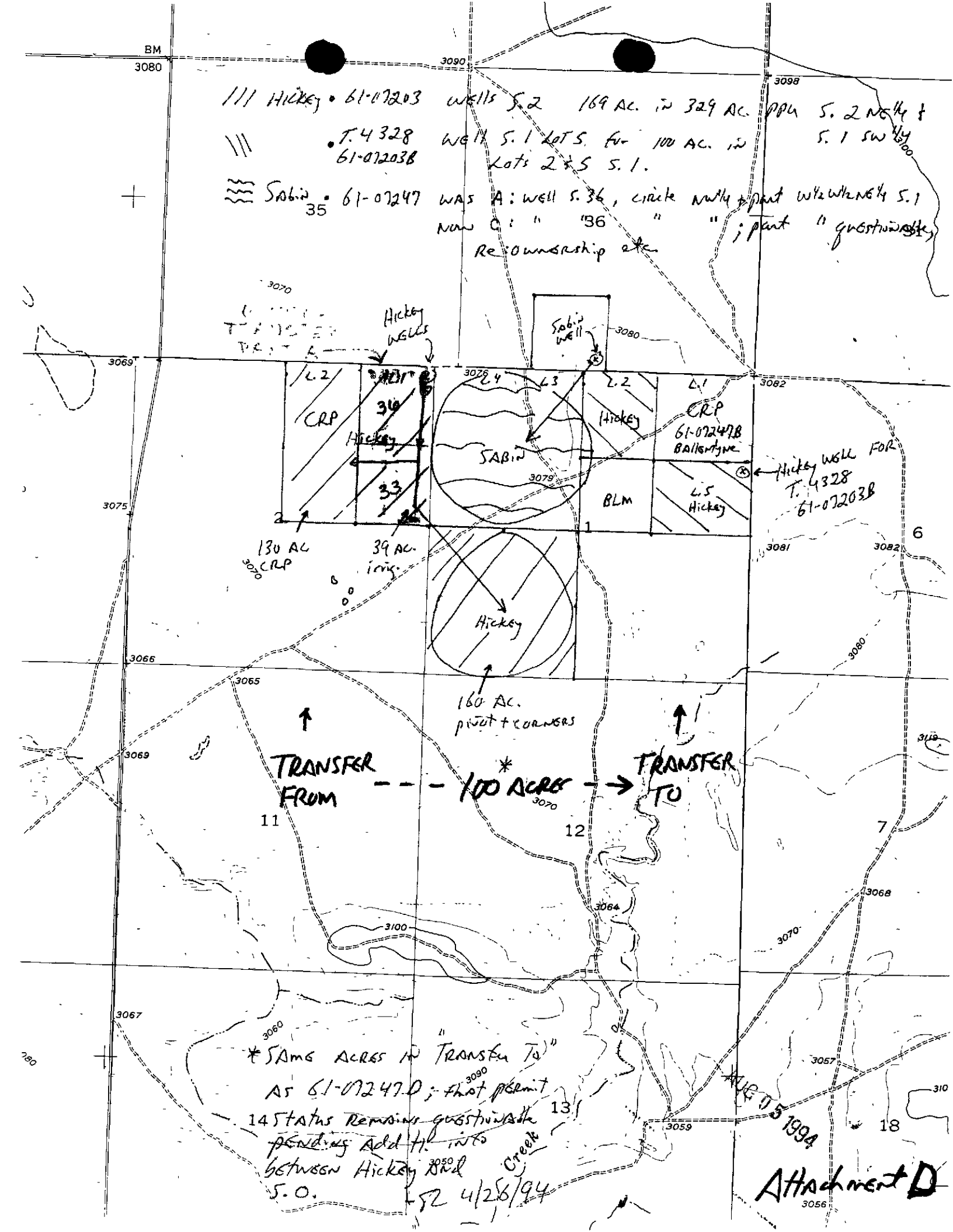
SEP 0 9 1994

This oversight is being corrected by the recent split of 61-07247A into C (Hergert Farms/Sabin) and D (Hickey). Mr. Hickey is working with Jim Johnson on the issue of forfeiture for D, and I suspect that licensing of C will be delayed pending resolution of the question.

It appears that Mr. Hickey wants to be able to irrigate Lots 2 & 5 while the issue is settled, thus the transfer application was filed.

c: S.O. files 61-07247C & D
61-07399

Region files 61-07247C & D
61-07399 & A61-07399

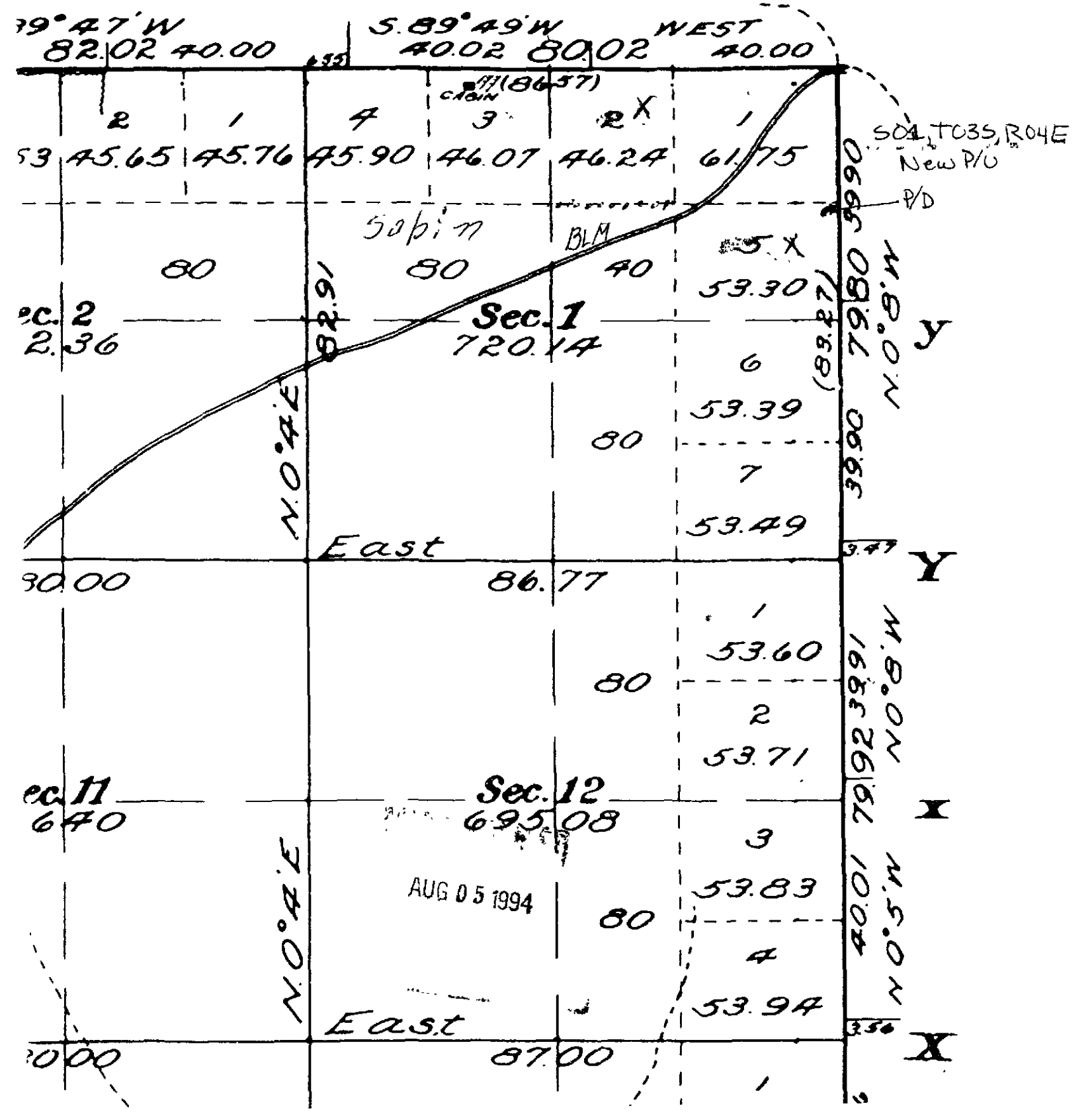

/// Hickey • 61-07203 wells S 2 169 Ac. in 329 Ac. PPU S. 2 NE¼ & S. 1 SW¼
• T. 4328 61-07203B wells S. 1 Lots S. for 100 Ac. in Lots 2 & S. 1.
Sabin • 61-07247 WAS A: well S. 36, circle NW¼ & part W½W½NE¼ S. 1
NOW C: " " 36 " " ; part " " "
Re-Ownership etc
Hickey wells
Sabin well
CRP
36
Hickey
33
SABIN
Hickey
CRP 61-07247B Ballentyne
Hickey well for T. 4328 61-07203B
BLM
L5 Hickey
130 Ac. CRP
39 Ac. irrig.
160 Ac. pivot + corners
TRANSFER FROM
100 ACRES
TRANSFER TO
*SAME ACRES IN "TRANSFER TO" AS 61-07247.0; that permit status remains questionable pending Add'l. info between Hickey and S.O.
Creek
APR 05 1994
Attachment D
BM 3080
3090
3098
3070
3069
3075
3066
3065
3080
3082
3081
3079
3078
3076
3064
3100
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12
13
7
18
6

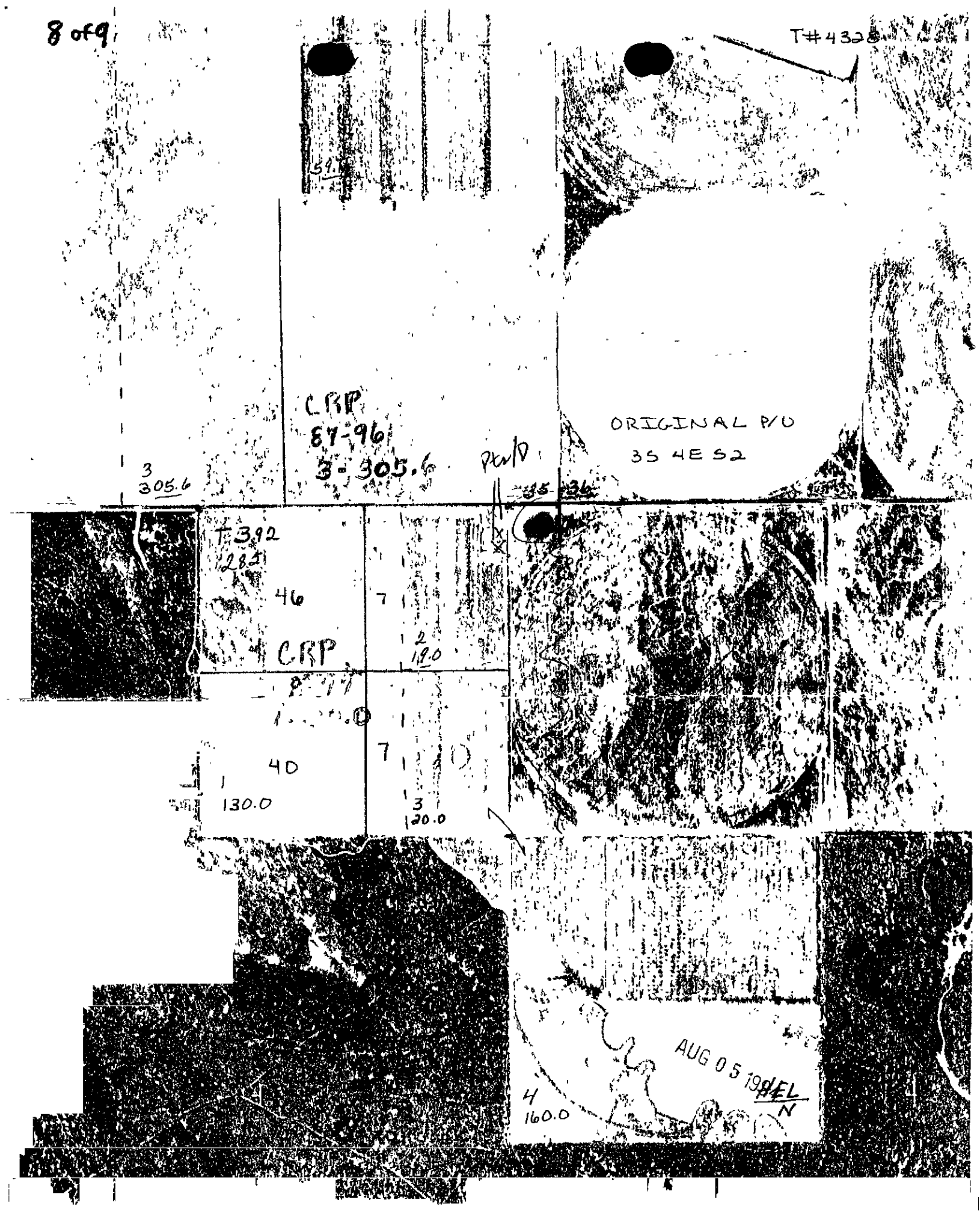
7 of 9

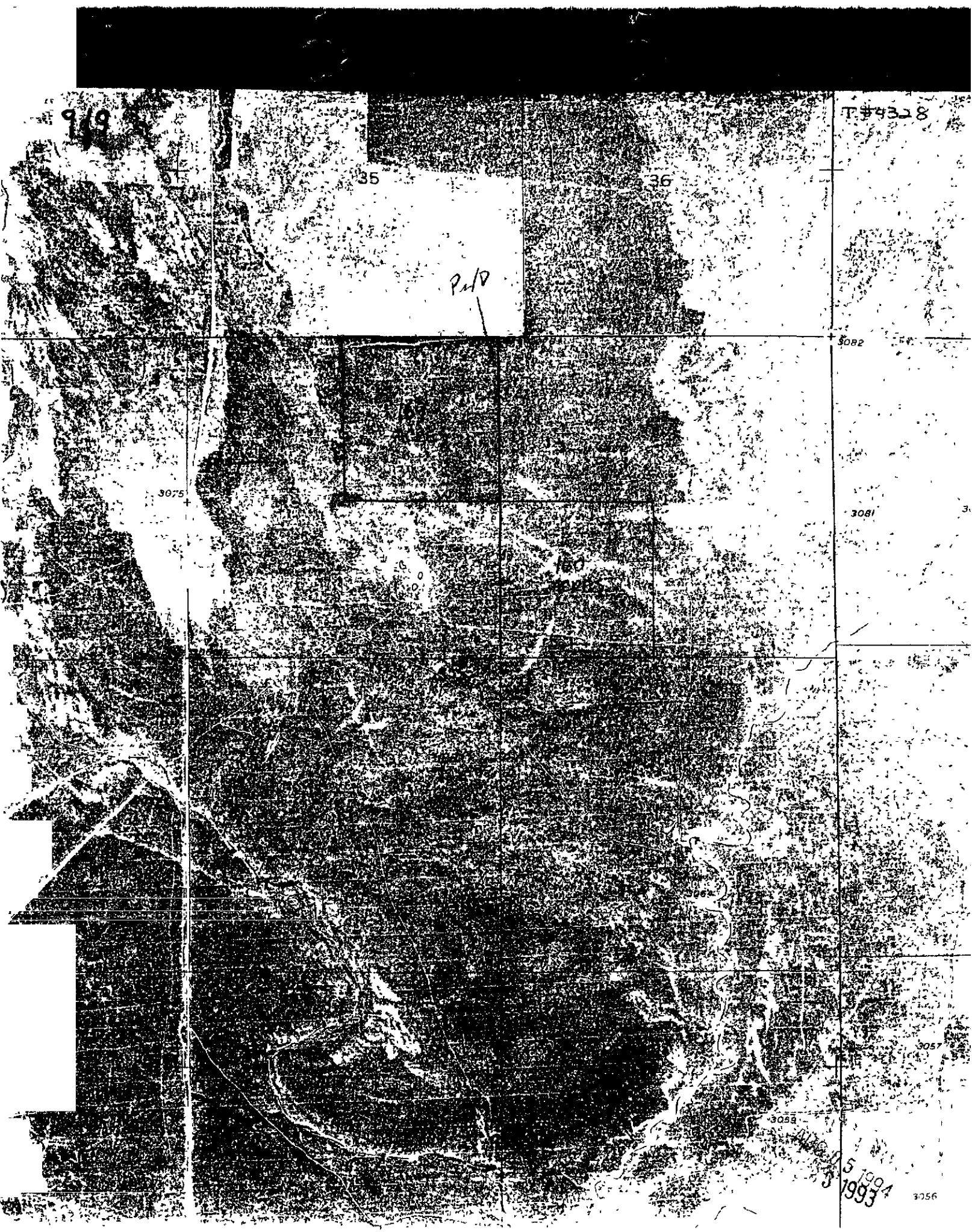
Sec 1 T 3S R 4E T#4328

Meridian, Idaho.

b B a A




8 of 9
T#4328
59
CRP
87-96
3-305.6
P/O P/O
ORIGINAL P/O
35 4E S2
3
305.6
T 392
285
46
CRP
7
2
190
40
1
130.0
7
3
120.0
4
160.0
AUG 05 199
HEL
N



35 4E SEC. 1 + 2 ORIGINAL P/U

61-07203

RECEIVED
JUN 06 1994
WATER RESOURCES
WESTERN REGION

Elmore County

CAROL OLDS, Treasurer & Tax Collector
DIANNE PURSELL, Deputy

Phone 587-2138
150 South 4th East, Suite #4
Mountain Home, Idaho 83647

Print Key Output Page 1
5738SS1 V2R2M0 920925 S1046850 06/02/94 13:31:35

Display Device . . . . . : W4
User . . . . . : CAROL

TAX MASTER INQUIRY SCREEN 1

PARCEL KEY RP 03S04E020010 A TAX YEAR 93 CODE AREA 400 BILL NUMBER 3923
NAME HICKEY, CARL LEGAL LOTS 1 2 S2NE4
ADDRESS SEC 2 T3S R4E
P O BOX 243

MTN HOME ID 83647

			1ST HALF	2ND HALF
MARKET VALUE	87,817			
HARDSHIP		OPERATOR		
HOMEOWNER	16,850	BATCH	931222	931222
NET MARKET VALUE	70,967	PAID UNDER PROTEST		
TAX AMOUNT	847.00	REVERSAL		
LESS:CIRCUIT		BANK CODE		
ADD :SPECIALS	30.00	PAYMENT CODE	F	
NET TAX BILLED	877.00	FLB CODE		
TAX CANCELLED				
SPEC CANCELED				

ACCOUNT TYPE: REMARKS:
PREVIOUS TAX KEY
NEXT PARCEL NUMBER RP A OR BILL NUMBER RP 93
CMD 1 PARCEL CMD 3 TAX DUE CMD 9 PRT BILL CMD 13 NAME CMD 14 ADDRESS

ELMORE COUNTY TREAS. OFFICIAL SEAL ELMORE COUNTY, IDAHO

AUG 05 1994

Attachment A

MEMORANDUM

TO: FILE

FROM: STEVE LESTER

DATE: APRIL 27, 1994

RE: TRANSFER NO. 4328 FOR 61-07203B (*HICKEY*)
****

This is a memo of explanation. The applicant seeks to provide irrigation water for 100 acres pending resolution of the validity of a portion of a permit on the 100 acres in question.

The application will change right 61-07203 from a permissable place of use practice to a "normal right" whereby irrigation of 169 acres in a 329 acre base becomes irrigation of 169 acres only. Note that licensing of 61-07203 incorporated acres under 61-07399 (a permit for SW 1/4 S01). Permit 61-07399 has been relinquished. Therefore, it appears that the owner intends to abandon any irrigation in SW 1/4 S01 by limiting irrigation to NE 1/4 S02 via 61-07203A and Lots 2 & 5, S01 via 61-07203B. Also see application remarks.

61-07203A will remain for use on 69 acres in NE 1/4 S02 (39 ac. continued irrigation & 30 ac. in CRP) while 61-07203B will be moved from the other 100 acres in CRP in S02 to irrigate 100 acres in Lots 2 & 5 in S01. Page 8 of the application is an ASCS photo showing the 130 acres in CRP in S02, and this should suffice for verification of such enrollment. See Attachment D for my map portraying the situation.

Since 61-07203 was examined in 1991, no additional verification of use is needed. No change will occur in the rate of flow or volume per acre. Actual irrigation in S01 lots per gov't. lot plat is 99.54 acres. Rounding this up to 100 acres is acceptable.

The land to which water will be moved is now covered by questionable right 61-07247D as a result of a recent split documented at the S.O. (contact Jim Johnson if need info). Some background will be helpful.

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Mr. Sabin told me that he did not own the non-irrigated acres in Lots 2 & 5 in S01. He was not sure who owned those acres. It appeared at the time of the exam that Lots 2 & 5 were forfeited land (incorrectly labelled as "abandoned" in exam report - forfeited is probably a better term). Subsequent research did not yield any data to show that those acres were irrigated in the five years prior to the exam (ASCS and NAPP information). However, I did not determine who owned the land and thus inadvertently deprived the owner of involvement in settling the forfeiture issue.

AUG 05 1994

Attachment C
(2 pgs)

This oversight is being corrected by the recent split of 61-07247A into C (Hergert Farms/Sabin) and D (Hickey). Mr. Hickey is working with Jim Johnson on the issue of forfeiture for D, and I suspect that licensing of C will be delayed pending resolution of the question.

It appears that Mr. Hickey wants to be able to irrigate Lots 2 & 5 while the issue is settled, thus the transfer application was filed.

c: S.O. files 61-07247C & D
61-07399

Region files 61-07247C & D
61-07399 & A61-07399

AUG 05 1994

WR5809NP
No. 61-07247B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/21/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	W. J. BALLANTYNE	01/10/1976	IRRIGATION	03-15	11-15	1.20 CFS	270.00 AFA
C	HERBERT C. HETHERINGTON						
C	JEROLD L. WOOD				TOTAL DIVERSION:	1.20 CFS	270.00 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion Capacity: 10.25 CFS

Point(s) of Diversion: T02S R05E S31 Lot 03(SESW) ELMORE County
T03S R04E S01 Lot 01(NENE) ELMORE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
03S	04E	1	01-60																60.0
																	TOTAL ACRES		60.0

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion and Source:
61-07263 61-07264

Dates: App. Received: 12/22/1975 Priority Date: 01/10/1976 (Priority Date Advanced.)
Proof Due Date: 03/01/1981 Proof Made Date: 05/20/1981 (Proof Received Late.)
Exam Made Date: 11/20/1987 Exam Sent to S.O.:
Licensed Date: 01/06/1989

Misc: Water District Number: Field Exam Fee:

Audit: 06/09/88 CURTIS 07/14/88 CURTIS 08/10/88 CURTIS 02/13/89 CURTIS

AUG 05 1994

Attachment E (3 pgs)

61-07247

A — HERGERT FARMS (USED by SABIN)

B — BALLENTYNE ET AL

* C — HERGERT (SABIN)

* D — HICKEY

* split ownership not clarified until after 1991 exam of 61-07247A

where B = LICENSE NE¼ S.1

* C = EXAMINED PERMIT (1991) FOR SABIN NW¼ S.1 & OVERLAPS SEVERAL ACRES IN EXTREME WEST PART OF W½ NE¼ S.1

* D = HICKEY'S 100 AC. IN L.2 & S ¼ S.1 WHERE STATUS UNCERTAIN. POSSIBLE FORFEITURE - ISSUE PENDING

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	HERGERT FARMS	01/10/1976	IRRIGATION	03-15	11-15	3.44 CFS	
				TOTAL DIVERSION:		3.44 CFS	

Water Source: GROUNDWATER Tributary to: Stage: PERMIT

Point(s) of Diversion: T02S R04E S36 SESW ELMORE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
03S	04E	1					03-46	04-46	40	40									172.0
																		TOTAL ACRES	172.0

Pou County: ELMORE

Other Rights: 61-7202 & 61-7203.

Other Water Rights with Same Point(s) of Diversion and Source:
61-07202 61-07247D

Conditions of Approval:
01B - The right holder shall either install a measuring device or
- provide a certified measurement by a professional engineer or
- install and access port or other device as specified by the
- Department.
03A - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.

Dates:
App. Received: 12/22/1975 Priority Date: 01/10/1976 (Priority Date Advanced.)
Proof Due Date: 03/01/1981 Proof Made Date: 03/20/1981 (Proof Received Late.)
Exam Made Date: 10/29/1991 Exam Sent to S.O.: 06/14/1993
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 04/11/94 ZIMMERMA

AUG 05 1994

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	CARL D HICKEY	01/10/1976	IRRIGATION	03-15	11-15	1.99 CFS	
				TOTAL DIVERSION:		1.99 CFS	

Water Source: GROUNDWATER Tributary to: Stage: PERMIT

Point(s) of Diversion: T02S R04E S36 SESW ELMORE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
03S	04E	1		02-46		05-53													99.5
																	TOTAL ACRES		99.5

Pou County: ELMORE

Other Rights: 61-7202 & 61-7203.

Other Water Rights with Same Point(s) of Diversion and Source:
61-07202 61-07247C

Conditions of Approval:
018 - The right holder shall either install a measuring device or
- provide a certified measurement by a professional engineer or
- install and access port or other device as specified by the
- Department.
03A - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.

Dates: App. Received: 12/22/1975 Priority Date: 01/10/1976 (Priority Date Advanced.)
Proof Due Date: 03/01/1981 Proof Made Date: 03/20/1981 (Proof Received Late.)
Exam Made Date: 10/29/1991 Exam Sent to S.O.: 06/14/1993
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 04/11/94 ZIMMERMA

AUG 05 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 27, 1994

Mr. Carl D. Hickey
PO Box 243
Mtn. Home, ID 83647

Re: Application for Transfer for License No. 61-07203

Dear Mr. Hickey:

The recent transfer application that you filed to move water for 100 acres is being advertised and processed. However, this office cannot forward the filing to our State Office for final action until we receive proof of ownership of the land from which you will remove water.

Please send me a copy of a deed, most recent tax notice, or other proof of ownership of the 169 irrigated and/or CRP acres in NE 1/4 Section 2. Thank you for your assistance.

Sincerely,

Steve Lester
Water Rights Supervisor

AUG 05 1994

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 61-07203

Notice is hereby given that Carl Hickey of Mtn. Home, ID, has applied to the Department of Water Resources for a Change in Point of Diversion and Place of Use of the following described water right to be changed pursuant to Section 42-222 of Idaho Code:

WATER RIGHT AS RECORDED:

BASIS: License.
DATE OF PRIORITY: 11-25-1976.
SOURCE: Ground Water.
AMOUNT: 2.30 cfs.
USE: Irrigation from 4-1 to 10-31 (2.26 cfs); Domestic from 1-1 to 12-31 (.04 cfs).
POINT OF DIV.: Lot 1 (NENE), S02, T03S, R04E, Elmore County.
PLACE OF USE SW1/4 SO1, NE1/4 S02, T03S, R04E (169 acres per year within 329 acre area total).

WATER RIGHT AS CLAIMED IN SNAKE RIVER BASIN ADJUDICATION:

NUMBER. A61-07203.
CLAIMED BY: Carl Hickey
BASIS: Permit.
DATE OF PRIORITY. 12-4-1975.
SOURCE· Ground Water.
AMOUNT: 3.44 cfs.
USE: Irrigation from 3-15 to 11-15 (3.44 cfs); Domestic from 1-1 to 12-31 (.04 cfs).
POINT OF DIV; NENENE, S02, T03S, R04E, Elmore County.
PLACE OF USE: NE1/4, S02, T03S, R04E (172 acres total)

PORTION OF LICENSE 61-07203 & CLAIM A61-07203 TO BE CHANGED AS FOLLOWS:

NUMBER: 61-07203B.
AMOUNT: 1.34 cfs.
PRIORITY: 11-25-1976.
USE: Irrigation from 4-1 to 10-31.
POINT OF DIV : An existing well in Lot 5 (SENE), S01, T03S, R04E.
PLACE OF USE· Lots 2 & 5 (NWNE & SENE), S01, T03S, R04E (100 acres total).

Water right from 100 acres enrolled in CRP in NE1/4, S02 will be moved to well in Lot 5, S01 to irrigate 100 acres in Lots 2 & 5, S01 pending resolution of questions about water right currently associated with Lots 2 & 5. Balance of right (61-07203A) will remain for 69 acres in NE1/4, S02.

Any protest against approval of the proposed water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before May 23, 1994.

R. Keith Higginson, Director
Published in the Mountain Home News on May 4 and 11, 1994.

Affidavit of Publication

County of Elmore
STATE OF IDAHO } ss.

I, Coleen W. Swenson, do solemnly swear that I am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 4th day of May, 1994, and the last publication having been made on the 11th day of May, 1994; every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Coleen W. Swenson

Subscribed and sworn to me this 12th day of May, 1994

Notary Public

Residing in Mountain Home, Elmore County, Idaho. My commission expires 11-16-98.

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT NO. 61-07203

Notice is hereby given that Carl Hickey of Mtn. Home, ID, has applied to the Department of Water Resources for a Change in Point of Diversion and Place of Use of the following described water right(s) to be changed pursuant to Section 42-222 of Idaho Code:

WATER RIGHT AS RECORDED:

BASIS	License
DATE OF PRIORITY	11-25-1976
SOURCE	Ground Water
AMOUNT	2.30 cfs
USE	Irrigation from 4-1 to 10-31 (2.26 cfs) Domestic from 1-1 to 12-31 (.04 cfs)
POINT OF DIV	Lot 1 (NENE), S02, T03S, R04E, Elmore County
PLACE OF USE	SW 1/4 S01, NE 1/4 S02, T03S, R04E (169 acres per year within 329 acre area total)

WATER RIGHT AS CLAIMED IN SNAKE RIVER BASIN ADJUDICATION:

NUMBER	A61-07203
CLAIMED BY	Carl Hickey
BASIS	Permit
DATE OF PRIORITY	12-4-1975
SOURCE	Ground Water
AMOUNT	3.44 cfs
USE	Irrigation from 3-15 to 11-15 (3.44 cfs) Domestic from 1-1 to 12-31 (.04 cfs)
POINT OF DIV	NENENE, S02, T03S, R04E, Elmore County
PLACE OF USE	NE 1/4, S02, T03S, R04E (172 acres total)

PORTION OF LICENSE 61-07203 & CLAIM A61-07203 TO BE CHANGED AS FOLLOWS:

NUMBER	61-07203B
AMOUNT	1.34 cfs
PRIORITY	11-25-1976
USE	Irrigation from 4-1 to 10-31
POINT OF DIV	An existing well in Lot 5 (SENE), S01, T03S, R04E
PLACE OF USE	Lots 2 & 5 (NWNE & SENE), S01, T03S, R04E (100 acres total)

Water right from 100 acres enrolled in CRP in NE 1/4, S02 will be moved to well in Lot 5, S01 to irrigate 100 acres in Lots 2 & 5, S01 pending resolution of questions about water right currently associated with Lots 2 & 5. Balance of right (61-07203A) will remain for 69 acres in NE 1/4, S02.

AUG 05 1994

Any protest against approval of the proposed water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before May 23, 1994.

R. Keith Higginson
Director

Published in the Mountain Home News on May 4 and 11, 1994.

AUG 05 1994

PART A

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

July 13, 1993

CARL D HICKEY
CONNIE M HICKEY
PO BOX 243
MOUNTAIN HOME ID 836470000

RE: WATER RIGHT NO. 61-07203

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact this office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

RECEIVED
JUL 23 1993

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

May 28, 1993

CARL D HICKEY
CONNIE M HICKEY
PO BOX 243
MOUNTAIN HOME ID 83647-0243

RE: WATER RIGHT NO. 61-07203

Dear Water Right Holder(s):

We previously forwarded to you an Amendment for Water Permit so that we could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received the amendment. If we do not receive it within fifteen (15) days, we will assume you no longer have any interest in the permit and cancellation proceedings will begin. Enclosed for your convenience is another amendment form in the event the first one was misplaced.

The field examiner found that permit no. 61-07203 represents the total system capacity and recommended that permit no. 61-07399 be relinquished or voided. Enclosed is a partially completed relinquishment form for your convenience.

If you do not concur with these findings or if you have any questions, please contact us within the 15-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

JUL 23

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

April 28, 1993

CARL D HICKEY
CONNIE M HICKEY
PO BOX 243
MOUNTAIN HOME ID 83647-0243

RE: WATER RIGHT NO. 61-07203 & 61-07399

Dear Water Right Holder(s):

The above referenced water rights are in the process of being licensed. However, before a license can be issued, your permit no. 61-07203 must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the $20.00 filing fee within 15 days.

Also enclosed is an ORDER reinstating your permit for failure to timely submit the examination fee &/or fee information sheet. Reinstating the permit enabled us to process the right for licensing.

The field examiner found that permit no. 61-07203 represents the total system capacity and recommended that permit no. 61-07399 be relinquished or voided. Enclose is a partially completed relinquishment form for your convenience.

If you do not concur with these findings or if you have any questions, please contact me within the 15-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:cz

Enclosure

LICENSE REVIEW CHECKLIST

Permit # 61-07203 **Date** 12-17-92 (95)

	Yes	No	
NAME	___	✓	Address Change?
PRIORITY DATE	✓	___	Advance? Exam Fee Notice 4-3-87 / Fee Sheet 5-24-88
	✓	___	Memo to Advance to 11-25-76
	✓	___	Order to Reinstate Needed?
TOTAL CFS	___	✓	Incorrect Fee for rate recommended?
	NA	___	Disagree with Actual Measurement? Permit 172 acres / 169 developed x .02 = 3.38 / 2.26 cfs (IRR)
	___	✓	Disagree with Theoretical? .04 cfs (DOM)
	✓	___	Limited by Capacity? 2.26 cfs − .08 = 2.34 cfs
TOTAL VOLUME			Rate/ac 4.0 AFA Irr. Season C 4-1 to 10-31 Standard Irr. Season Same / Reduced from Permit Season Recommended
	✓	___	Disagree with Examiner's Calculations? 169 x 4.0 = 676 afa (IRR) 1.2 afa (DOM)
	___	✓	Limited by Flow? 2.26 x 214 x 1.9835 = 959.3 > 676
SOURCE	___	✓	Changes? Clarification of Originally Intended source
	___	✓	Notice of Intent to Void.
P/D			Verify with Map
	___	✓	Amendment Needed?
	___	✓	Is Overlap Analysis a Consideration?
P/U			Verify with Map
	✓	___	Amendment Needed? Add SW¼, S1
	✓	___	Is Overlap Analysis a Consideration?
USES	___	✓	Change(s) in Nature of Use?
	___	✓	Amendment Needed?
REMARKS	✓	___	Multiple P/Ds in 1/4 1/4? 2/PD NENE, S2
	___	✓	Non-Irr. Uses
	___	✓	Special Overlap Condition
	✓	___	Other P/U

CONDITIONS			**DATES/MISC**		
	R01	___	Measuring Device	___	✓ Water Dist.
	___	✓	W/Master Control	✓	___ App Rec'd
	R31	___	Overlap	✓	___ Exam Made
	___	✓	Water Quality		

COMMENTS/MEMOS NEEDED: Reduced Acres, rate, Season Amend P/U Volume calculated on 169 Acres actually IRR.

License ___ 10-Day ___ 15-Day ✓ Special Correspondence

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	CARL D HICKEY	11/25/1976	IRRIGATION	04-01	10-31	2.26 CFS	676.0 AFA
C	CONNIE M HICKEY		DOMESTIC	01-01	12-31	0.04 CFS	1.2 AFA
	PO BOX 243						
	MOUNTAIN HOME ID 836470000			TOTAL DIVERSION:		2.30 CFS	677.2 AFA
	(208) 796-2127						

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion Capacity: 2.34 CFS

Point(s) of Diversion: T03S R04E S02 Lot 01(NE NE)

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
03S	04E	1									40	40	40	40					160.0
03S	04E	2	01-43	02-46	40	40													169.0
																	TOTAL ACRES		329.0

Place of use Legal Description for: DOMESTIC

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	
03S	04E	2	01-D																

Pou County: ELMORE

Non-Irrigation Uses: ~~D/2 HOMES.~~

Other Water Rights with Same Point(s) of Diversion and Source:
61-07203 61-07399

Other Water Rights Listing Overlapping Place(s) of use:
61-07203 61-07399

Conditions of Approval:
R01 - A measuring device of a type approved by this Department shall
- be maintained as a part of the diverting works.
R31 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.0 afa per acre for the
- lands above.

Remarks: This right is limited to the irrigation of 169 acres in the place of use described above in a single irrigation season.
Two points of diversion are located within the NENE, Lot 1, S02, T03S, R04E.

Dates:	App. Received:	11/01/1974	Priority Date:	11/25/1976	(Priority Date Advanced.)
	Proof Due Date:	03/01/1980	Proof Made Date:	04/03/1980	(Proof Received Late.)
	Exam Made Date:	07/31/1991	Exam Sent to S.O.:	12/07/1992	
	Licensed Date:				
Misc:	Water District Number:		Field Exam Fee:	R	(Received)
Audit:	12/18/92 SKAGGS				

BENEFICIAL USE FIELD REPORT REVIEW

TO: FILE 61-7203

FROM: PAM SKAGGS

RE: PRIORITY ADVANCE REVIEW

DATE: 18-DEC-1992

This review memo is prepared to show the process for determining what elements were involved in advancement of the priority.

	DATE	JULIAN	
PERMIT			
Permit priority Date:	DECEMBER 04 1975	338	
EXAM FEE NOTICE			
Exam Fee Notice Date:	APRIL 03 1987	93	
Exam Fee/Info Sheet Received Date:	MAY 24 1988	509	
Exam Fee or Info Due Date:	JUNE 02 1987	153	
Days Late:		356	DAY(S)
NEW PRIORITY DATE			
Original Priority Date:	DECEMBER 04 1975	338	
Total Days Late:		356	DAY(S)
New Priority Date:	**NOVEMBER 25 1976**	**329**	

JUL 23 1993

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 09 1992
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 61-07203

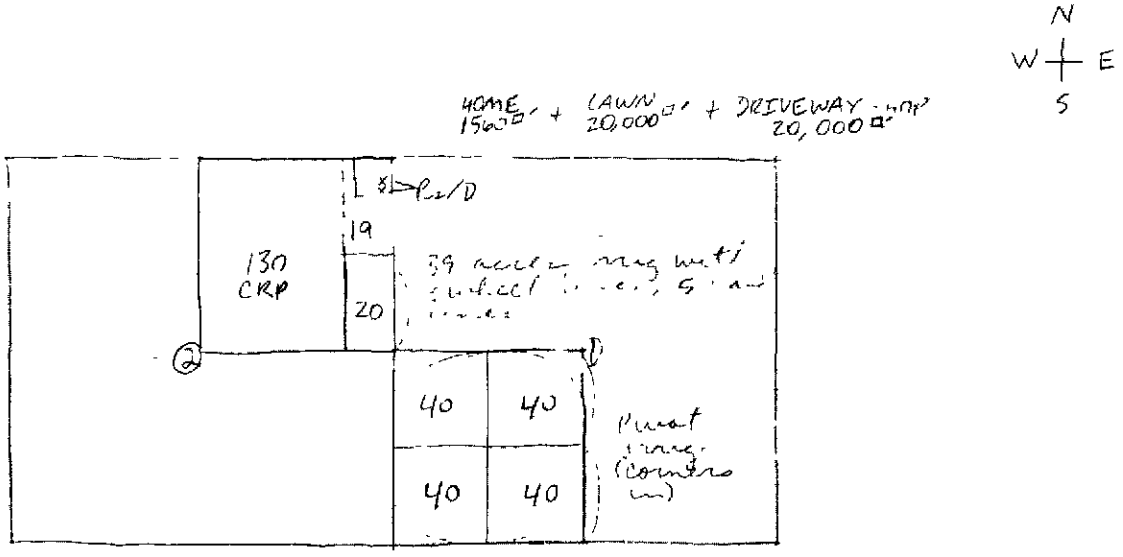
1. Owner: CARL D. HICKEY Phone No 796-2127
   Current Address: P.O BOX 243 MTN HOME ID 83647
2. Accompanied by. OWNER EXAM. DATE 7/31/91
   Address: SAME Phone No. _____
   Relationship to Permit Holder _____
3. Source GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use NONE
   _____ ☐ Copies Attached
2. Other water rights with same point of diversion: 61-07399
   _____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d as applicable. ☐ Alternative diagram attached



AMENDED
JUL 23 1993

Scale: 1" = NOT TO SCALE

2. ☐ Copy of U.S.G.S. 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 or more).
   ☐ Photo of Diversion and System Attached
   (required for all but single household domestic groundwater, and stockwater.

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

A 6" well equipped with a 5 HP submersible pump supplies water to 1 home and lawn. A 16" well equipped with a 200 HP Layne pump supplies water to the 169 acres via 1 pivot, 5 wheel lines and 5 hand lines.

☐ See Remarks on page 4 for continuation

4

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
WELL	US	200	UC-7008230	LAYNE	10"
SUBMERSIBLE	UNKNOWN	5	UNKNOWN	UNKNOWN	

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

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	1	NE	NE	NE	2	3S	4E	ELMORE	ORTHO PHOTO / 45CS PHOTO

6. **Place(s) of Use:** Indicate Method of Determination _____

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3S	4E	1									40	40	40	40					160
		~~2~~	~~D~~			~~12~~													~~12~~
3S	4E	2	~~41~~ 43	~~42~~ 46	40	40													169

329

JUL 23 1993

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1

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

2. **Measurements:**

IRRIG. THEO: $\frac{200 \cdot 8.8 \cdot .7}{350 + 2.3 \cdot 55} = 2.20$ CFS

DOM. THEO: $\frac{5 \cdot 8.8 \cdot .7}{350 + 2.3 \cdot 20} = .08$ CFS

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1 Measured Method

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure _____ psi x 2 31 = _____ ft (1), Dynamic pumping level _____ ft (2)
Total Head (1) + (2) = _____ (3) . Flow rate _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)
Meter Input KW 3 6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)
Meter Input HP: (6) x 1.34 = _____ (7)
Panel Input KW _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx 001732 = _____ (6)
Panel Input HP: (6) x 1.34 = _____ (7) Efficiency (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1 *Volume Calculations for Irrigation*

V_{IR} = (Acres Irrigated) x (Irrigation Requirement) = See ATTACHED ~~172 x 4.5 = 774 AFA~~

V_{DR} = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = 2.26 x 246 x 1.9835 = 1102.7 AFA

V = Smaller of V_{IR} and V_{DR} = ~~774 AFA~~

2. Volume Calculations for Other Uses:

INTERNAL/EXTERNAL DOM: 1.2 AFA, .04 CFS
.04 x 365 x 1.9835 = 29 AFA

RECEIVED
JUL 23 1993

H. REMARKS AND OVERLAP REVIEW ANALYSIS

SEE AHACHED ANALYSIS

NO OTHER WRs USED

I. RECOMMENDATIONS

1 Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs) 2.26	Annual Volume V (afa) 1102.8
IRRIGATION	3/15	11/15	~~2.26~~ ~~1.18~~	~~774~~ ~~575.8~~
DOMESTIC	1/1	12/31	.04	1.2
Totals:			~~2.3~~ ~~1.22~~ 2.26 cfs	~~775.2~~ ~~577~~ 1102.8 AFA

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

J. AUTHENTICATION

Field Examiner's Name LORI WHITE

Signature Lori White

CJH 1/30/92 Certification Date

Field Report Preparation Date 9/3/91

CONSULTANT

PROFESSIONAL ENGINEER REGISTERED 3909 11/4/92 STATE OF IDAHO DAVID R. TUTHILL, JR.

K. **Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.**

JUL 23 1993

10/25/1992

After reviewing the field exams for 61-07203 and 61-07399 and before sending them on to state office for licensing, Dave Tuthill requested proof that Carl Hickey had actually irrigated all 329 acres at one time. Mr. Hickey was unable to dig up any type of proof. I then set up a meeting between Mr. Hickey, Jim Johnson, and myself on August 25, 1992. Since Mr. Hickey did not have the capacity to irrigate all 329 acres at the time of the field exam, Jim Johnson concluded that permissible place of use should be allowed in this situation to reflect the system's actual use.

ANALYSIS

The 200 hp well has a system capacity of 2.26 cfs. Permit 61-07203 was filed for domestic use and 172 acres, of which 169 are developed with 130 of those inactive (CRP). Permit 61-07399 was filed on the same well for 160 additional acres. The entire system consists of 329 active and inactive acres.

Since the system capacity of 2.26 cfs is not sufficient to irrigate 329 acres at one time, the field exam recommendations are based on permissible place of use.

Because the same permissible place of use is recommended for both 61-07203 and 61-07399 and the total system capacity does not exceed the earlier permit's cfs amount, Dave Tuthill recommended that 61-07203 should represent both rights and 61-07399 be relinquished for simplicity.
(or cancelled)

61-07203: 329 X 4.5 = 1480.5 AFA REQUIRED
2.26 X 1.9835 X 246 = **1102.3 AFA CAPABLE**

Within the 329 acres described in the field exam report, this right is limited to the irrigation of 169 acres in a single irrigation season, 2.26 cfs system capacity, and 1102.3 afa diversion volume.

This right represents 61-07203 and 61-07399.

Permit 61-07399 should be relinquished or Cancelled.

JUL 23 19

Form 238-I
05/90

Department of Water Resources

WELL INSPECTION FORM

61-07399

If well is associated with water right, provide WR# 61-07203

Otherwise provide legal description and a sketch map and/or address so that the well can be located easily.

1. Legal Description: TWP 3S, Rge 4E, Sec. 2, NE 1/4 NE 1/4 or Lot 01.

2. Owner: Carl Hickey

   Address P.O. Box 243, City Mtn Home, St Id

3. Casing ≥ 12 inches above ground: Yes _____ No _____

4. Access Port: Yes ___ No ✓ Static Water Level: 300'
   Pressure Gauge: Yes ✓ No ___ Casing Diameter: 6" & 16"
   Flowing: Yes ___ No ✓ Temperature: cold water

5. Are there any obvious construction problems that may be a source for contamination or waste of water: Yes ___ No ✓

   If answer to Item 5 is Yes, describe in remarks and attach photo.

Remarks: Dom submersible - OK

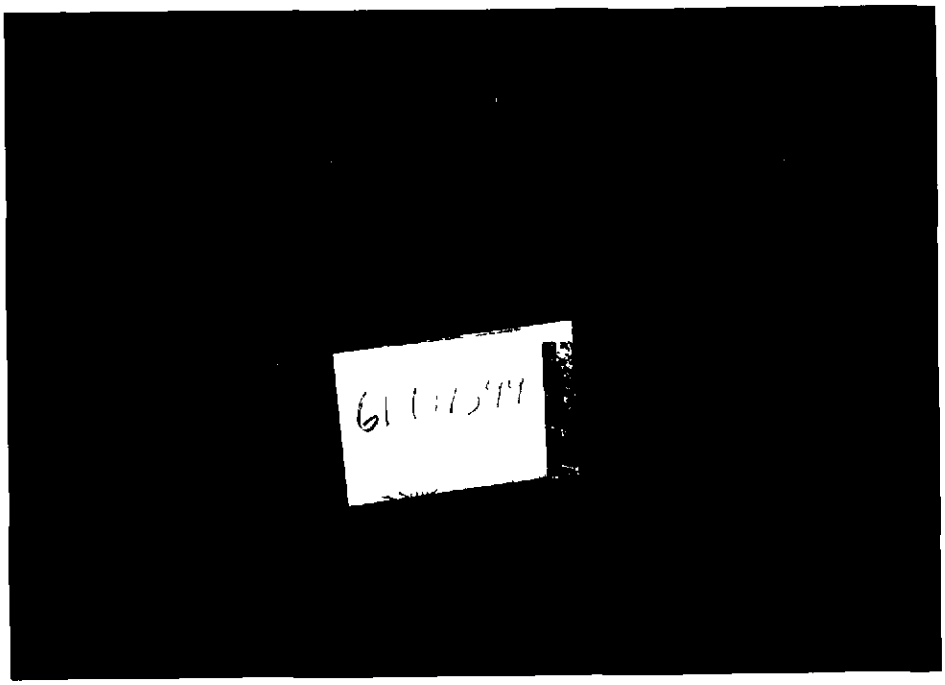
irrig well - OK

JUL 23 1993

16" IRRIGATION WELL
200 HP
10 DISCHARGE
LAYNE PUMP

(ROUND SILVER CAP IS A
SAND SEPARATOR)





6" SUBMERSIBLE
DOMESTIC WELL
5 HP

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 61-7203.

Name(s) of Permit Holder: Hickey, Carl &/or Connie M. Hickey

Post Office Address: Box 243

Mt. Home, Idaho 83647 Tel. No. —

Source of Water groundwater

Extent of Use
- ☑ Domestic 1 (number of households)
- ☐ Stockwater ____ (number and type of stock)
- ☑ Irrigation 172 (acres)
- ☐ Other ____

Measuring Device: Required? ☑ Yes ☐ No Installed? ☐ Yes ☐ No

Access Port: Required? ☒ Yes ☑ No Installed? ☑ Yes ☐ No

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

1-4-80
Date

Carl Hickey
Signature of Permit Holder

PLACE
TEN CENT
STAMP
HERE

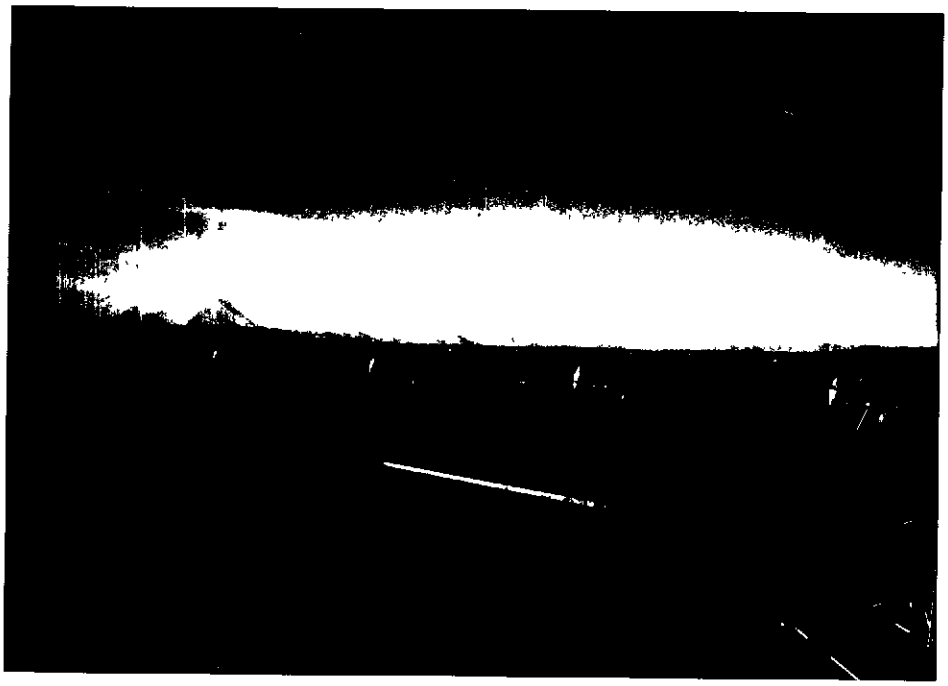
IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



DOMESTIC HOME - LAWN

ACTIVE ACRES IN SEC 2

LOOKING SW





INACTIVE ACRES IN

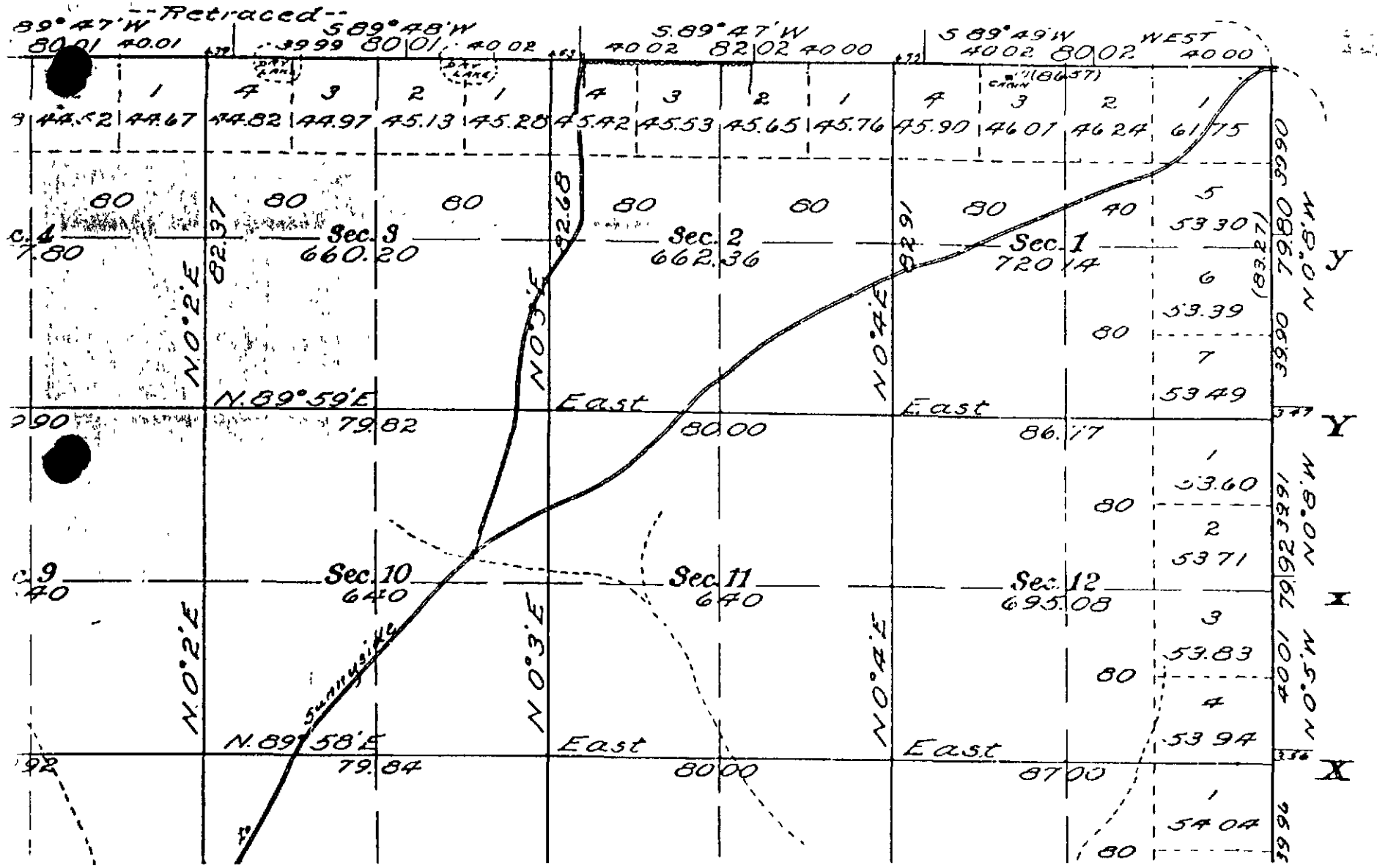
SEC 1, 2 -

LOOKING E.

(4-675a)

...4 East of the Boise Meridian, Idaho.

JUL 23 1993



F-16

Lake Hickey

14E

27 | 26
34 | 35

T 408
299

25
35

JUL 25

ACTIVE CHEROKEE
INACTIVE CHEROKEE

CRP
87-96
3-305.6

PLATTE

T 392
285

CRP
PLATTE

3
305.6

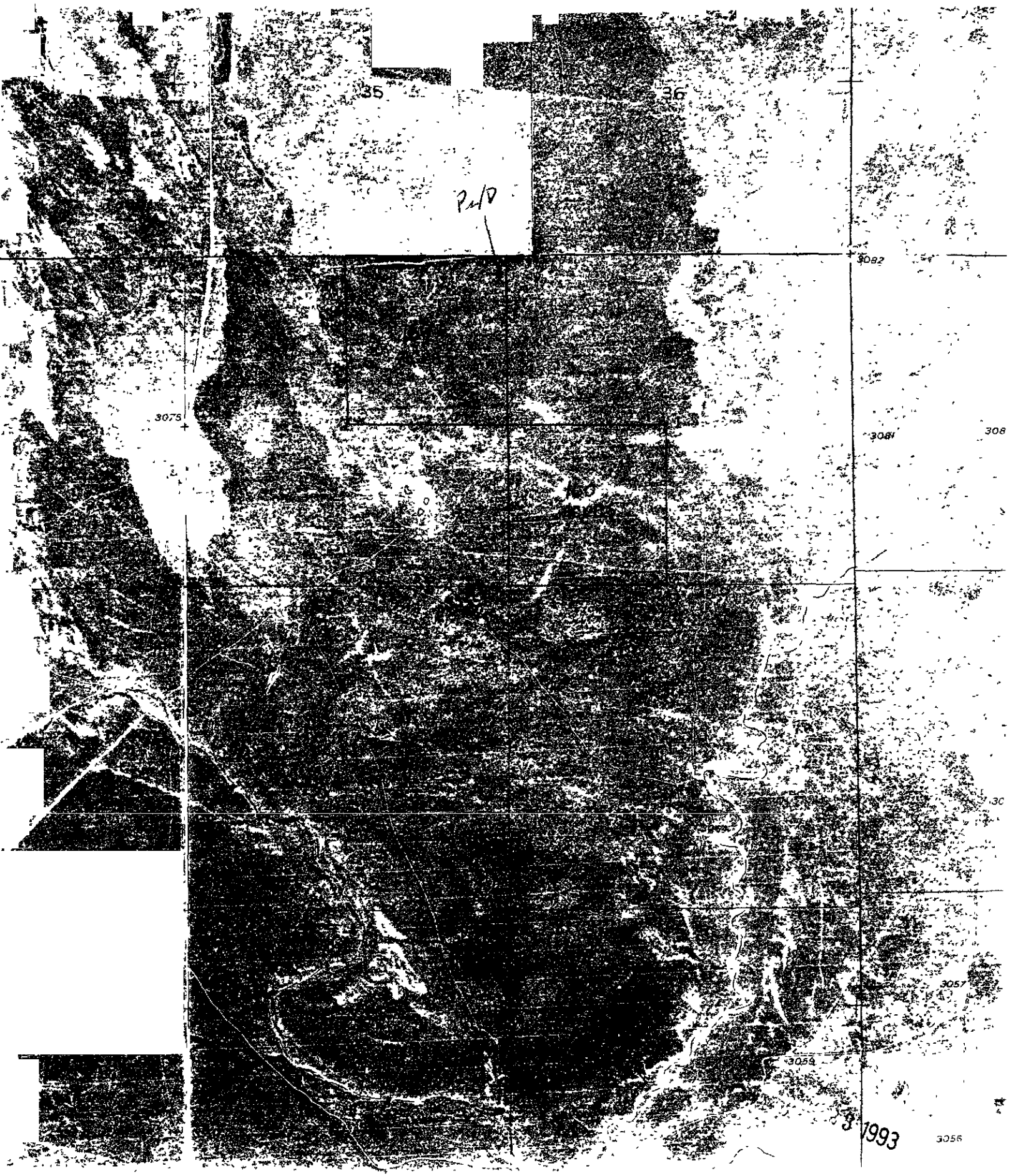
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4/86

RECEIVED
MAY 24 1988
Department of Water Resources

RECEIVED
MAY 23 1988
Department of Water Resources
Western Regional Office

KEYPUNCHED

For Office Use Only
Fee Received 175.00
Date 5-24-1988
Receipt # C00086
Receipt by CW
Sent to S.O. 6/21/88

RECEIVED
JUN 23 1988
Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

1. Permit No. 61-7203

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Earl D. & Connie M Hickey

3. Post Office Address: P.O. Box 243, Mountain Home

ID 83647 Telephone No. 796-2124

4. Source of Water: g w.

5. Extent of Use:

Domestic 1 (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 172 (acres) Other/Remark 150 acres are presently in the CRP set-aside

6. Total rate &/or volume for which proof is submitted 3.48 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

1979 or 1980

8. Person to contact to accompany the department representative during the field examination:

Same as above
(Name)

(Address) (Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

JUL 23 1993

x 5-24-88
Date

x Earl Hickey
Signature of Permit Holder (and title, if appropriate)

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.

State of Id[redacted]
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVENOR
R. KEITH HIGGINSON
DIRECTOR

61-7203
HICKEY, CARL D.
HICKEY, CONNIE M.
P.O. BOX 243
MOUNTAIN HOME, ID 83647

May 5, 1988

Dear Permit Holder:

LAPSE NOTICE
License Examination Fee

You are hereby notified that under the provisions of Section 42-217 and 42-218a, Idaho Code, the above referenced permit will lapse and be of no further force nor effect on June 3, 1988, for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Provisions of § 42-217, Idaho Code, and the Beneficial Use Examination Rules and Regulations provide that failure of the permit holder to submit either the fee or an acceptable field examination report within one (1) year and sixty (60) days after notification by the director that the submittal is due is cause for the director to reject the proof of beneficial use and lapse the permit. The Department notified you of the required submittal on April 3, 1987.

If the permit lapses, it can be reinstated upon a showing of reasonable cause for late submittal of proof of beneficial use, if you submit to the Department on or before August 1, 1988, either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Enclosed is a fee information sheet that must be completed and submitted to the Department to keep the permit in good standing. If you have questions, please contact any office of the Department.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Operations Bureau

Enclosure

JUL 23 1993

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

Cecil D. Andrus
Governor

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

61-7203
HICKEY, CARL D.
HICKEY, CONNIE M.
P.O. BOX 243
MOUNTAIN HOME, ID 83647

138137

April 3, 1987

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information set showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

JUL 2

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V EVANS
Governor

C. STEPHEN ALLRED
Director

(Office at the corner of
Franklin and Cole Roads)

(208) 384-2190

April 29, 1980

Carl &/or Connie Hickey
Box 243
Mountain Home, ID 83647

RE: Permit 61-7203

Dear Mr. & Mrs. Hickey:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

☐ A field examination of your system has been scheduled for

_____.

If this time and date is not convenient for you, please contact this office as soon as possible.

☒ A field examiner will contact you to arrange to examine your system.

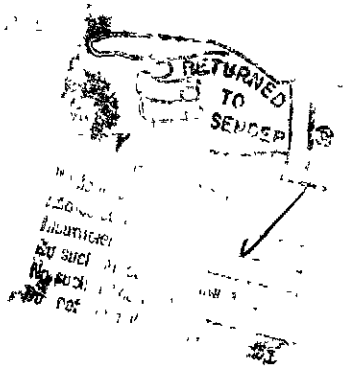
If you have any questions regarding the field examination, please contact this office.

Sincerely,

Kay Walker

Kay Walker
Secretary

Please Note: Enclosed is a copy of the reinstatement order advancing the priority date to December 4, 1975, because your proof was late.



Carl D. and Connie M. Hickey
P. O. Box 144
Grandview, ID 83624

RECEIVED
MAR 28 1980
MID-OFF. MTD

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

March 21, 1980

Carl D. and Connie M. Hickey
P. O. Box 144
Grandview, ID 83624

Dear Mr. and Mrs. Hickey: Re: Permit No. 61-7203

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, the above referenced permit has lapsed since you have not notified us that you have completed the project by the date required on your permit. You were provided a form for that purpose in our notice to you dated December 31, 1980.

Your permit cannot be reinstated unless you submit the proof of beneficial use postcard, enclosed, or show other reasonable cause why the permit should be reinstated within 60 days from the date of this lapse notice.

C. Stephen Allred

C. STEPHEN ALLRED
Director

CSA:rf

Enclosure

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

March 21, 1980

Carl D. and Connie M. Hickey
P. O. Box 144
Grandview, ID 83624

Dear Mr. and Mrs. Hickey: Re: Permit No. 61-7203

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, the above referenced permit has lapsed since you have not notified us that you have completed the project by the date required on your permit. You were provided a form for that purpose in our notice to you dated December 31, 1980.

Your permit cannot be reinstated unless you submit the proof of beneficial use postcard, enclosed, or show other reasonable cause why the permit should be reinstated within 60 days from the date of this lapse notice.

C. STEPHEN ALLRED
Director

CSA:rf

Enclosure

3/26/80

Rita Flick

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

HICKEY, CARL D. & CONNIE M.
P.O. BOX 144
GRANDVIEW, ID 83624

DECEMBER 31, 1979

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 61-7203 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MARCH 01, 1980. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECIEVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

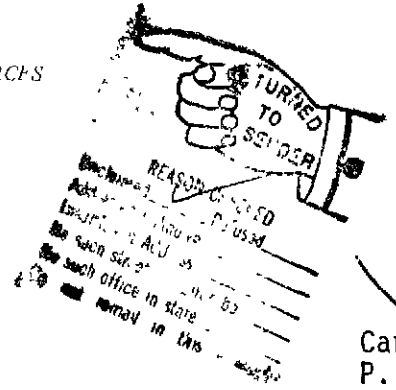
Rita Fleck

RITA FLECK
SR. SECRETARY

ENC: 1

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720



Carl D. & Connie M. Hickey
P. O. Box 141
Grandview, ID 83624

Box Closed - Timed

RECEIVED
JAN 17 MICROFILM

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

MONTIERTH, CLARENCE ROBERT
P.O. BOX 144
GRANDVIEW, ID 83624

MARCH 18, 1980

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 61-7203 HAS LAPSED SINCE YOU HAVE NOT NOTIFIED US THAT YOU HAVE COMPLETED THE PROJECT BY THE DATE REQUIRED ON YOUR PERMIT. YOU WERE PROVIDED FORMS FOR THAT PURPOSE IN OUR NOTICE TO YOU DATED DECEMBER 31, 1979.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE PROOF OF BENEFICIAL USE AFFIDAVIT, ENCLOSED, OR SHOW OTHER REASONABLE CAUSE WHY THE PERMIT SHOULD BY REINSTATED WITHIN 60 DAYS FROM THE DATE OF THIS LAPSE NOTICE.

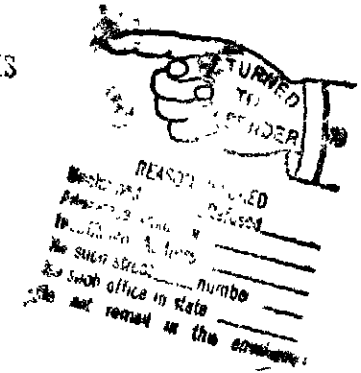
C. Stephen Allred

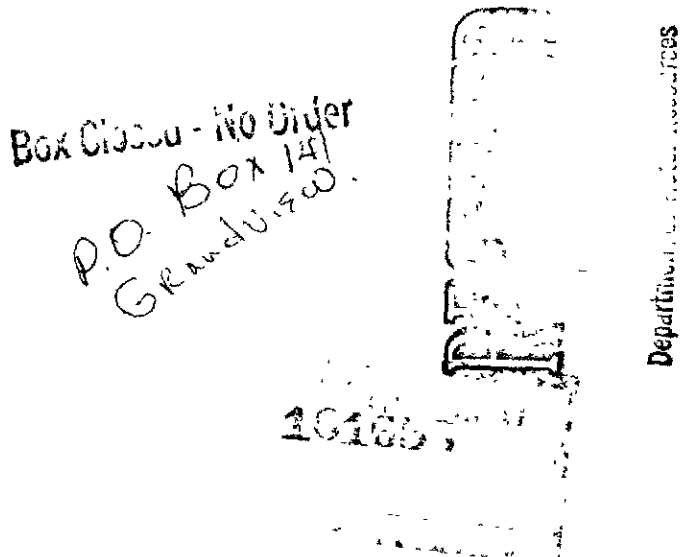
C. STEPHEN ALLRED
DIRECTOR

ENCLOSURE

WITHDRAWN

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720





STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

[illegible]

HICKEY, CARL D. & CONNIE M.
P.O. BOX 144
GRANDVIEW, ID 83624

DECEMBER 31, 1979

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 61-7203 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MARCH 01, 1980. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENFFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECIEVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

[illegible]

January 12, 1978

Re: Permit No. 61-7203

Carl D. Hickey & Connie M. Hickey
Box 144
Grandview, Idaho 83624

Dear Mr. & Mrs. Hickey:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been entered into the Department's records.

Sincerely,

BILL MACALLISTER
Water Resources Agent

BM:JFR

ORIGINAL

October 19, 1976

Re: Permit No. 61-7203

C. Robert Montierth
8645 Goddard
Boise, Idaho 83706

Dear Mr. Montierth:

Enclosed is the Order of Reinstatement which reinstates the NE¼ of Sec. 2 of your Permit No. 61-7203, a a proportion of the rate of diversion for that land.

If you have any questions regarding this reinstatement, please let us know.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 61-7203
IN THE NAME OF CLARENCE ROBERT MONTIERTH

ORDER OF CANCELLATION

WHEREAS, on November 1, 1974, Clarence Robert Montierth filed application for Permit No. 61-7203 to appropriate 6.96 cubic feet per second of water from a groundwater source, 2 points in Lot 1 (NE¼NE¼), Sec. 2; and 2 points in the NW¼NW¼, Sec. 1; All in Twp. 3S, Rge. 4E, B.M., to be used for domestic purposes and the irrigation of 344 acres within the NW¼, Sec. 1, and NE¼, Sec. 2, Twp. 3S, Rge. 4E, B.M.; and,

WHEREAS, the applicant claimed ownership of the land at the point of diversion and the place of use; and,

WHEREAS, on March 17, 1975, water right Permit No. 61-7203 was issued to the applicant; and,

WHEREAS, it has now been determined that the permit holder neither owned nor had a possessory interest in the land at the time the application was filed nor has he since that time had any possessory interest in the land: and,

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 61-7203 be CANCELLED as being filed for purposes of speculation.

Dated this 18 day of May, 1976.

R. KEITH HIGGINSON
Director

See Order of Partial Reinstatement of October 14, 1976.

May 27, 1976

Re: Permit No's. 61-7217 and 61-7203

Clarence Robert Montierth
8645 Goddard
Boise, Idaho 83706

Gentlemen:

Enclosed are copies of Orders CANCELLING the above referenced permits as being filed for purposes of speculation.

If you do not agree with the decision of the Director of the Department, you have 60 days from the date of the signing of these orders in which to appeal the decision to the District Court.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JFR

Enclosures

TO WHOM IT MAY CONCERN:

HERBERT RAY MONTIERTH SR., AND C. ROBERT MONTIERTH, FATHER AND SON, RESPECTIVELY WERE PARTNERS IN THE OWNERSHIP AND DEVELOPMENT OF THE LAND LEGALLY DESCRIBED AS LOTS ONE (1) AND LOTS (2) AND THE SOUTH ONE HALF (S½) OF THE NORTHEAST QUARTER (NE¼) OF SECTION TWO (2), TOWNSHIP THREE SOUTH (T3S), RANGE FOUR EAST (R4E), BOISE MERIDIAN, ELMORE COUNTY, STATE OF IDAHO, CONTAINING 171.41 ACRES MORE OR LESS ON THE DATE THAT C. ROBERT MONTIERTH FILED FOR WATER RIGHTS ON SAID PROPERTY, THAT BEING 1 NOVEMBER 1974, ACTING FOR AND ON BEHALF OF THE PARTNERSHIP AS DESCRIBED ABOVE AND WAS NOT ACTING SOLELY OR EXCLUSIVELY FOR C. ROBERT MONTIERTH.

Herbert Ray Montierth SR.

HERBERT RAY MONTIERTH SR., PARTNER

C. Robert Montierth

C. ROBERT MONTIERTH, PARTNER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

September 27, 1976

Re: Permit No's. 61-7203 and 61-7217

Mr. C. Robert Montierth
8645 Goddard
Boise, Idaho 83706

Dear Mr. Montierth:

As you requested, we have carefully reviewed the cancellation of your water right Permit No's. 61-7203 and 61-7217.

We do not question that you may have intended to purchase the land shown as the place of use on the permits, but it still remains that you had no possessory interest in the land at the time the applications were filed. In fact, the dates of the proposed agreements to purchase the land are later than the date the applications for permit were filed, except for the Milton Mose property (NE¼, Sec. 2, Twp. 3S, Rge. 4E, B.M.), which was not purchased by you.

The Idaho Supreme Court in the case of George Lemmon and Norman Standal, v.s. Earl M. Hardy and Richard Kaster, ruled that application for water permit is filed for speculative purposes, if the applicant has no possessory interest in the land.

We would suggest that you file a new application for permit for the land in which you have a possessory interest.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH/BDF/jfr

61-7217

SW¼ Sec 6 T 35 R 5E

61-7203 - filed 11/1/74

⑤ ② NW¼ Sec 1 — Attempted to Purchase 10/31/74

— Attempted to Purchase 11/10/75 C. Robt. M

T 35 R 4E

⑧ Agreement to purchase signed 9-19-74

⑥ NE¼ Sec 2 Leased 12/5/74 by Herbert R. Montieth

④ SW¼ Sec 6 — Attempted to Purchase 11/10/74 Herbert R. Mont

T 3 S R 5 E

③ NW¼ Sec 8 — Attempted to Purchase 12/12/74 Herbert R. Mont

Proposed Amendment filed 4-12-76

~~25 4E~~

⑦ NE¼SE¼ Sec 17 — Attempted to purchase 4/30/76 Brad Oates (Nephew)

T 25 R 4E

→ ① SW¼ Sec 22 ← Purchased 1/1/76 C Robt. Montieth

⑥ NE¼ Sec 2 T 35 R 4E

REAL ESTATE SALES AGREEMENT

Between: DOROTHY E. COCHRAN, a divorced woman, of Ada County, Idaho,

SELLER,

and

C. ROBERT MONTIERTH, a single man, of Ada County, Idaho,

BUYER.

THIS REAL ESTATE SALES AGREEMENT, made and entered into this 21st day of January, 1976, by and between DOROTHY E. COCHRAN, a divorced woman, of Ada County, Idaho, hereinafter referred to as "Seller", and C. ROBERT MONTIERTH, a single man, of Ada County, Idaho, hereinafter referred to as "Buyer",

W I T N E S S E T H:

WHEREAS, the Seller is the owner, as her sole and separate property, of lands situate in Elmore County, State of Idaho, known as "Sunnyside Lands", a portion of which is more particularly described as follows, to-wit:

SW¼ of Section 22 in Township 2 South, Range 4 East of the Boise Meridian,

consisting of 160 acres, more or less; and, which said lands the Buyer desires to purchase according to the following terms and conditions:

1. PURCHASE PRICE and PAYMENT SCHEDULE: Buyer agrees to pay the Seller the sum of Forty-eight Thousand Dollars ($48,000.00) payable One Thousand Five Hundred Dollars ($1,500.00) coincident with the

declare a forfeiture, then all rights and interest of the Buyer hereby created or then existing in his favor, shall cease and terminate and the right of possession and all equitable or legal interest in the premises hereby contracted shall revert to and reinvest in the Seller and the Buyer agrees to immediately surrender the possession thereof to the Seller, and the Seller shall have the right immediately upon said default, to enter upon said premises and take possession thereof, with or without process of law, and the Seller shall retain unto herself all sums theretofore paid under any of the terms of this agreement as liquidated damages and not as penalty, and as the reasonable value of the use and occupation of said premises during the time possession thereof is retained under this contract. If the Seller elects to declare a forfeiture, then such forfeiture shall be made and served in accordance with the escrow instructions and agreement attached hereto, marked Exhibit A, and made a part hereof.

8. FAILURE TO ENFORCE DEFAULT: The Seller's failure to enforce her right or breach of any of the terms hereof shall not thereby waive her rights in case of any subsequent breach or default.

9. BINDING COVENANTS: The covenants herein contained shall bind and the benefits and advantages hereof shall inure to, the respective heirs, executors, administrators and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year in this agreement first above written.

Dorothy E. Cochran

Dorothy E. Cochran

SELLER

5-dm

Lawyers Title of Portland, Oregon KL

Boise, Idaho, [illegible], 19[illegible]

RECEIVED FROM C. Robert Montierth (a single man) (hereinafter referred to as Purchaser) the sum of One Thousand and no/100 ($1,000.00) Dollars as a deposit and earnest money in part payment of the purchase price of the following described real property situated in near Mtn. Home, County of Elmore, State of Idaho, to wit: Lot 3, Lot 4, and the south one-half of the northwest quarter (S½ NW¼) all in section 1, township 3 south, range 4 east, Boise-Meridian, containing 171.07 acres more or less.

(2)

* the total balance due will be reduced six thousand and no/100 dollars. ($6,000.00)
NOTE: It is known the buyer, C. Robert Montierth is a licenced real estate saleman.

The following items are to be left upon the premises as part of the property purchased: All irrigation fixtures and equipment, plumbing and heating fixtures and equipment (including stoker and oil tanks but excluding fire place fixtures and equipment), water heaters, electric light fixtures, light bulbs and fluorescent lamps, bathroom fixtures, venetian blinds, window and door screens, storm doors and windows, attached linoleum, attached television antenna, all shrubs and trees and all fixtures except N O N E

The following personal property is also included as a part of the property to be offered for sale for said price: N O N E

It is hereby agreed that the total purchase price is the sum of Sixty Thousand and no/100 ($60,000.00) Dollars payable as follows: The sum of One Thousand and no/100 ($1,000.00) Dollars hereinabove receipted for and the balance of the purchase price in the sum of Fifty-Nine Thousand and no/100 ($59,000.00) Dollars to be paid as follows: (If on contract, state terms generally, and if escrow, also name of escrow holder) $1,000.00 (Down Payment) for lease of property through December 31, 1976. Buyer will deposit $5,000.00 on or before December 31, 1976. Balance of $53,000.00 to be financed on contract at 8% interest payable in 10 equal yearly payments including interest. First payment due December 31, 1976. Prepayment without penalty. Attorney and escrow fees to be split 50-50 buyer and seller. Seller agrees that if buyer pays balance due on or before December 31, 1976

It is further agreed: 1. Seller shall at his expense furnish Purchaser an Abstract of Title continued to a date subsequent hereto showing merchantable title to the above described property vested in Seller, or in lieu thereof, at Seller's option, a title insurance policy insuring title thereto vested in Seller, free and clear of all liens and encumbrances, except Current Taxes and Assessments

It is further agreed that the broker assumes no responsibility in regard to the title and broker recommends that Purchaser have the Abstract of Title or title insurance policy examined by an attorney.

2. The real property is to be conveyed by Warranty Deed and the personal property by Bill of Sale, free and clear of all encumbrances except building and zoning ordinances and regulations, building and use restrictions, rights of way and easements, reservations in Federal patents and State deeds and those enumerated in Section 1 above.

3. Sellers shall pay all of the taxes and assessments to December 31, 1976 and Purchaser shall pay all taxes and assessments thereafter. Rents, insurance and interest on mortgage or contract indebtedness shall be pro-rated to December 31, 1976 Encumbrances to be discharged by Seller may at his option be paid out of the purchase money at the date of closing.

4. If Seller does not approve this sale within -14- days hereafter, or if Seller's title is not merchantable or insurable and cannot be made so within a reasonable time after written notice containing statement of defects is delivered to Seller, then said earnest money herein receipted for shall be returned to the Purchaser on demand and all rights of Purchaser terminated unless Purchaser waives said defects and elects to purchase, but if said sale is approved by the Seller and Seller's said title is merchantable or insurable and Purchaser neglects or refuses to complete the purchase or shall fail to pay the balance of the purchase price as hereinabove provided, then said earnest money shall be forfeited to the Seller as liquidated damages and not as a penalty and this Agreement thereupon shall be of no further force or effect or the Seller may demand the enforcement of the specific provisions of this Agreement

5. In the event the improvements on said property should be destroyed or materially damaged between the date hereof and consummation or settlement of this purchase, this Agreement shall, at the option of the Purchaser, immediately become null and void, and said earnest money deposit shall be returned to said Purchaser on demand.

6. Possession shall be delivered Purchaser on or before the 31st day of December, 19 76.

7 Purchaser enters into this Agreement in full reliance upon his independent investigation and judgment and there are no verbal or other agreements which modify or affect this Agreement.

8. Time is of the essence of this Agreement. Purchaser's rights herein are not assignable without the written consent of the Seller.

Realty West, Inc Broker, By Bob Montierth - Don Gould, broker Agents for J. Lyman Palmer Seller

I hereby agree to purchase the above described property and pay the price of Sixty Thousand and no/100 ($60,000.00) Dollars as set forth above and grant to said agent -14- days hereafter to secure Seller's acceptance hereof, during which period my said offer shall not be subject to revocation.

Address 8645 Goddard

Phone 208-377-0222

C. Robert Montierth Purchaser

For valuable consideration I/we agree to sell and convey to the Purchaser the above described property on the terms and conditions hereinabove stated and agree to pay to the above named agent a commission of N O N E ($) Dollars for services rendered in this transaction. I/we acknowledge receipt of a copy of the earnest money receipt bearing my/our signature and that of the Purchaser named above. In case the Purchaser fails to comply with any of the conditions of this Agreement, then one half of the earnest money receipted for shall be retained by the broker, provided the amount to the broker does not exceed the agreed upon commission due and the balance shall be paid to the undersigned.

Dated this day of , 19

Seller

STATE OF IDAHO, County of } ss.

On this day of in the year 19 .

before me , a Notary Public in and for said State, personally appeared

known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

NOTE IF ANY BLANK SPACES ARE INSUFFICIENT USE S N No 810 HANDY PAD", TO BE SEPARATELY SIGNED BY BUYER AND SELLER.

Notary Public for the State of Idaho, Residing at , Idaho

748

PURCHASER'S RECEIPT

Stevens Ness Law Publishing Co.
Portland, Oregon KL

(3)

Mountain Home, Idaho, December 12, 1974

RECEIVED FROM Herbert R. Mo[illegible]erth and Linn[illegible] F. Mortierth, H[illegible] (hereinafter referred to as Purchaser)
the sum of One Hundred and no/100 Dollars ($ 1[illegible].00) Dollars as a deposit and earnest money in part payment of the purchase price of the following described real property situated in near Mountain Home County of Elmore State of Idaho, to wit: the NW 1/4 of Section 8, Township 3 South, Range 5 East, Boise Meridian approximately 160 acres.

**Note below cont.:: licensed Real Estate Salesman for speculation or profit.

The following items are to be left upon the premises as part of the property purchased: All irrigation fixtures and equipment, plumbing and heating fixtures and equipment (including stoker and oil tanks but excluding fire place fixtures and equipment), water heaters, electric light fixtures, light bulbs and fluorescent lamps, bathroom fixtures, venetian blinds, window and door screens, storm doors and windows, attached linoleum, attached television antenna, all shrubs and trees and all fixtures except None

The following personal property is also included as a part of the property to be offered for sale for said price: None

It is hereby agreed that the total purchase price is the sum of Forty Thousand and no/100 Dollars ($ 40,000.00) Dollars payable as follows: The sum of One Hundred and no/100 ($ 100.00) Dollars hereinabove receipted for and the balance of the purchase price in the sum of Thirty-nine Thousand Nine Hundred and no/100 ($ 39,900.00) Dollars to be paid as follows: (If on contract, state terms generally, and if escrow, also name of escrow holder) An additional $900.00 to be paid at time of closing for option to buy thru Jan. 31, 1976. If option exercised by buyer he will then deposit $2,500.00 on or before Jan. 31, 1976. Balance of $37,500.00 to be financed on contract at 8% int. with 10 equal payments incl. int. with pmts. starting Jan. 31, 1977. Attorney and escrow fees split 50/50-Buyer and Seller. Pre-payment without penalty. Escrow holder NW Sav. & Ln. Assn. Note: This offer is being made by a**

It is further agreed 1. Seller shall at his expense furnish Purchaser an Abstract of Title continued to a date subsequent hereto showing merchantable title to the above described property vested in Seller, or in lieu thereof, at Seller's option, a title insurance policy insuring title thereto vested in Seller, free and clear of all liens and encumbrances, except current taxes and assessments

It is further agreed that the broker assumes no responsibility in regard to the title and broker recommends that Purchaser have the Abstract of Title or title insurance policy examined by an attorney

2. The real property is to be conveyed by Warranty Deed and the personal property by Bill of Sale, free and clear of all encumbrances except building and zoning ordinances and regulations, building and use restrictions, rights of way and easements, reservations in Federal patents and State deeds and those enumerated in Section 1 above.

3. Sellers shall pay all of the taxes and assessments to date option exercised and Purchaser shall pay all taxes and assessments thereafter. Rents, insurance and interest on mortgage or contract indebtedness shall be pro-rated to date option exercised. Encumbrances to be discharged by Seller may at his option be paid out of the purchase money at the date of closing.

4. If Seller does not approve this sale within 14 days hereafter, or if Seller's title is not merchantable or insurable and cannot be made so within a reasonable time after written notice containing statement of defects is delivered to Seller, then said earnest money herein receipted for shall be returned to the Purchaser on demand and all rights of Purchaser terminated unless Purchaser waives said defects and elects to purchase, but if said sale is approved by the Seller and Seller's said title is merchantable or insurable and Purchaser neglects or refuses to complete the purchase or shall fail to pay the balance of the purchase price as hereinabove provided, then said earnest money shall be forfeited to the Seller as liquidated damages and not as a penalty and this Agreement thereupon shall be of no further force or effect or the Seller may demand the enforcement of the specific provisions of this Agreement.

5. In the event the improvements on said property should be destroyed or materially damaged between the date hereof and consummation or settlement of this purchase, this Agreement shall, at the option of the Purchaser, immediately become null and void, and said earnest money deposit shall be returned to said Purchaser on demand.

6. Possession shall be delivered Purchaser on or before the 31st day of January, 19 75.

7. Purchaser enters into this Agreement in full reliance upon his independent investigation and judgment and there are no verbal or other agreements which modify or affect this Agreement.

8. Time is of the essence of this Agreement. Purchaser's rights herein are not assignable without the written consent of the Seller.

Frank H. Ulrey Real Estate Inc. By _____ Agents for Lambly Seller

I hereby agree to purchase the above described property and pay the price of Forty Thousand and no/100 Dollars ($ 40,000.00) Dollars as set forth above and grant to said agent 14 days hereafter to secure Seller's acceptance hereof, during which period my said offer shall not be subject to revocation.

Address 8645 Goddard, Boise, Idaho

Phone 376-4393 _____ Purchaser

For valuable consideration I/we agree to sell and convey to the Purchaser the above described property on the terms and conditions hereinabove stated and agree to pay to the above named agent a commission of Three Thousand two hundred and no/100 ($ 3,200.00) Dollars for services rendered in this transaction. I/we acknowledge receipt of a copy of the earnest money receipt bearing my/our signature and that of the Purchaser named above. In case the Purchaser fails to comply with any of the conditions of this Agreement, then one-half of the earnest money receipted for shall be retained by the broker, provided the amount to the broker does not exceed the agreed upon commission due and the balance shall be paid to the undersigned.

Dated this _____ day of _____, 19____

$100.00 to be paid at closing - $1,000.00 from Jan.31,1976 payment
~~$2,100.00 from Jan. 31, 1977 payment~~ _____ Seller

STATE OF IDAHO, } ss.
County of _____ }

On this _____ day of _____ in the year 19____,
before me _____, a Notary Public in and for said State, personally appeared

_____

known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that ____he____ executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

NOTE: IF ANY BLANK SPACES ARE INSUFFICIENT, USE S N No 810 HANDY PAD, TO BE SEPARATELY SIGNED BY BUYER AND SELLER.

_____ Notary Public for the State of Idaho, Residing at _____, Idaho

742

PURCHASER'S RECEIPT

Portland, Oregon KL

Mountain Home, Idaho, November 1, 19[illegible]

RECEIVED FROM Herbert R. Mon[illegible]th and Linnie F. Montierth, hu[illegible]nd and wife (hereinafter referred to as Purchaser) the sum of One Hundred and no/100---------- ($ 100.00) Dollars as a deposit and earnest money part payment of the purchase price of the following described real property situated in near Mountain Home, County of Elmore State of Idaho, to wit: Lots 6 & 7 and the East ½ of the Southwest ¼ of Section 6, Township 3 South, Range 5 East, Loise Meridian, approximately 170.24 acres

Note: This offer is being made by a licensed Real Estate Salesman for profit and speculation.

The following items are to be left upon the premises as part of the property purchased: All irrigation fixtures and equipment, plumbing and heating fixtures and equipment (including stoker and oil tanks but excluding fire place fixtures and equipment), water heaters, electric light fixtures, light bulbs and fluorescent lamps, bathroom fixtures, venetian blinds, window and door screens, storm doors and windows, attached linoleum, attached television antenna, all shrubs and trees and all fixtures except none

The following personal property is also included as a part of the property to be offered for sale for said price: none

It is hereby agreed that the total purchase price is the sum of Forty Thousand and no/100---------- ($ 40,000.00) Dollars payable as follows: The sum of One Hundred and no/100---------- ($ 100.00) Dollars hereinabove receipted for and the balance of the purchase price in the sum of Thirty Nine Thousand Nine Hundred and no/100---------- ($ 39,900.00) Dollars to be paid as follows: (If on contract, state terms generally, and if escrow, also name of escrow holder) Escrow Holder Northwest Savings & Loan Assn., Mtn. Home. Balance of down payment in the amount of $900.00 to be paid at closing. An Addition $2,500.00 to be paid on or before Jan. 31, 1976. Balance of $36,500.00 to be financed on contract at 8% interest ~~XXX~~ with 10 equal year payments including interest with payments starting Jan. 31, 1977. Attorney and escrow fees split 50/50 Buyer and Seller. Prepayment without penalty.

It is further agreed: 1. Seller shall at his expense furnish Purchaser an Abstract of Title continued to a date subsequent hereto showing merchantable title to the above described property vested in Seller, or in lieu thereof, at Seller's option, a title insurance policy insuring title thereto vested in Seller, free and clear of all liens and encumbrances, except current taxes and assessments

It is further agreed that the broker assumes no responsibility in regard to the title and broker recommends that Purchaser have the Abstract of Title or title insurance policy examined by an attorney.

2. The real property is to be conveyed by Warranty Deed and the personal property by Bill of Sale, free and clear of all encumbrances except building and zoning ordinances and regulations, building and use restrictions, rights of way and easements, reservations in Federal patents and State deeds and those enumerated in Section 1 above.

3. Sellers shall pay all of the taxes and assessments to January 31, 1975 and Purchaser shall pay all taxes and assessments thereafter. Rents, insurance and interest on mortgage or contract indebtedness shall be pro-rated to January 31, 1975. Encumbrances to be discharged by Seller may at his option be paid out of the purchase money at the date of closing.

4. If Seller does not approve this sale within 1 days hereafter, or if Seller's title is not merchantable or insurable and cannot be made so within a reasonable time after written notice containing statement of defects is delivered to Seller, then said earnest money herein receipted for shall be returned to the Purchaser on demand and all rights of Purchaser terminated unless Purchaser waives said defects and elects to purchase; but if said sale is approved by the Seller and Seller's said title is merchantable or insurable and Purchaser neglects or refuses to complete the purchase or shall fail to pay the balance of the purchase price as hereinabove provided, then said earnest money shall be forfeited to the Seller as liquidated damages and not as a penalty and this Agreement thereupon shall be of no further force or effect or the Seller may demand the enforcement of the specific provisions of this Agreement.

5. In the event the improvements on said property should be destroyed or materially damaged between the date hereof and consummation or settlement of this purchase, this Agreement shall, at the option of the Purchaser, immediately become null and void, and said earnest money deposit shall be returned to said Purchaser on demand.

6. Possession shall be delivered Purchaser on or before the 31st day of January, 19 75.

7. Purchaser enters into this Agreement in full reliance upon his independent investigation and judgment and there are no verbal or other agreements which modify or affect this Agreement.

8. Time is of the essence of this Agreement. Purchaser's rights herein are not assignable without the written consent of the Seller.

Frank H. Ulrey R.E., Inc. Broker, By _____ Agents for Barlano Seller

I hereby agree to purchase the above described property and pay the price of Forty Thousand and no/100---------- ($ 40,000.00) Dollars as set forth above and grant to said agent fourteen days hereafter to secure Seller's acceptance hereof, during which period my said offer shall not be subject to revocation.

Address 8645 Goddard, Boise, Idaho

Phone 376-4393

_____ Purchaser

For valuable consideration I/we agree to sell and convey to the Purchaser the above described property on the terms and conditions hereinabove stated and agree to pay to the above named agent a commission of Three Thousand Two Hundred and no/100---------- ($ 3,200.00) Dollars for services rendered in this transaction. I/we acknowledge receipt of a copy of the earnest money receipt bearing my/our signature and that of the Purchaser named above. In case the Purchaser fails to comply with any of the conditions of this Agreement, then one-half of the earnest money receipted for shall be retained by the broker, provided the amount to the broker does not exceed the agreed upon commission due and the balance shall be paid to the undersigned.

Dated this _____ day of _____, 19____

$100.00 to be paid at closing: $1,000.00 from 1-31-76 _____ Seller

$1,900.00 from 1-31-77 payment: $1,100.00 from 1-31-78

STATE OF IDAHO, County of _____ } ss

On this _____ day of _____ in the year 19____, before me _____, a Notary Public in and for said State, personally appeared _____

known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that ____he____ executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

_____ Notary Public for the State of Idaho, Residing at _____, Idaho

NOTE: IF ANY BLANK SPACES ARE INSUFFICIENT, USE S-N No 810 "HANDY PAD", TO BE SEPARATELY SIGNED BY BUYER AND SELLER.

742

PURCHASER'S RECEIPT

Stevens-Ness Law Publishing Co.
Portland, Oregon KL

RECEIPT AND AGREEMENT TO PURCHASE

Mountain Home, Idaho, October 31, 19 7.

RECEIVED FROM Herbert R. Hoffarth (hereinafter referred to as Purchaser)

the sum of One Thousand and no/100---------- ($ 1,000.00) Dollars as a deposit and earnest money part payment of the purchase price of the following described real property situated in near Mountain Home, County of Elmore State of Idaho, to wit: Lots 3 & 4 and the South ½ of the Northwest ¼ of Section 1, Township 3 South, Range 4 East, Boise Meridian, approximately 171.47 acres

The following items are to be left upon the premises as part of the property purchased: All irrigation fixtures and equipment, plumbing and heating fixtures and equipment (including stoker and oil tanks but excluding fire place fixtures and equipment), water heaters, electric light fixtures, light bulbs and fluorescent lamps, bathroom fixtures, venetian blinds, window and door screens, storm doors and windows, attached linoleum, attached television antenna, all shrubs and trees and all fixtures except none

The following personal property is also included as a part of the property to be offered for sale for said price: none

It is hereby agreed that the total purchase price is the sum of Thirty Eight Thousand and no/100---------- ($ 38,000.00) Dollars payable as follows: The sum of One Thousand and no/100---------- ($ 1,000.00) Dollars hereinabove receipted for and the balance of the purchase price in the sum of Thirty Seven Thousand and no/100---------- ($ 37,000.00) Dollars to be paid as follows: (If on contract, state terms generally, and if escrow, also name of escrow holder) Option to buy for $1,000.00 through January 31, 1976. If option is exercised by Buyer, he will then deposit $2,500.00 balance of down payment. Balance of $34,500.00 to be financed on contract at 8% interest with 10 equal yearly payments including interest with first payment to start January 31, 1977. Attorney and escrow fees split 50/50 Buyer and Seller. Prepayment without penalty at anytime. Northwest Savings & Loan, Mtn. Home to be escrow holder.

It is further agreed. 1. Seller shall at his expense furnish Purchaser an Abstract of Title continued to a date subsequent hereto showing merchantable title to the above described property vested in Seller, or in lieu thereof, at Seller's option, a title insurance policy insuring title thereto vested in Seller, free and clear of all liens and encumbrances, except current taxes and assessments

It is further agreed that the broker assumes no responsibility in regard to the title and broker recommends that Purchaser have the Abstract of Title or title insurance policy examined by an attorney.

2. The real property is to be conveyed by Warranty Deed and the personal property by Bill of Sale, free and clear of all encumbrances except building and zoning ordinances and regulations, building and use restrictions, rights of way and easements, reservations in Federal patents and State deeds and those enumerated in Section 1 above.

3. Sellers shall pay all of the taxes and assessments to 31 January 1976 and Purchaser shall pay all taxes and assessments thereafter. Rents, insurance and interest on mortgage or contract indebtedness shall be prorated to 31 January 1976. Encumbrances to be discharged by Seller may at his option be paid out of the purchase money at the date of closing.

4. If Seller does not approve this sale within ten days hereafter, or if Seller's title is not merchantable or insurable and cannot be made so within a reasonable time after written notice containing statement of defects is delivered to Seller, then said earnest money herein receipted for shall be returned to the Purchaser on demand and all rights of Purchaser terminated unless Purchaser waives said defects and elects to purchase, but if said sale is approved by the Seller and Seller's said title is merchantable or insurable and Purchaser neglects or refuses to complete the purchase or shall fail to pay the balance of the purchase price as hereinabove provided, then said earnest money shall be forfeited to the Seller as liquidated damages and not as a penalty and this Agreement thereupon shall be of no further force or effect or the Seller may demand the enforcement of the specific provisions of this Agreement.

5. In the event the improvements on said property should be destroyed or materially damaged between the date hereof and consummation or settlement of this purchase, this Agreement shall, at the option of the Purchaser, immediately become null and void, and said earnest money deposit shall be returned to said Purchaser on demand.

6. *Possession shall be delivered Purchaser on or before the* 31st day of January, 1975.

7. Purchaser enters into this Agreement in full reliance upon his independent investigation and judgment and there are no verbal or other agreements which modify or affect this Agreement.

8. Time is of the essence of this Agreement. Purchaser's rights herein are not assignable without the written consent of the Seller.

Frank H. Ulrey R.E., Inc. Broker, By _____ Agents for Palace Seller

I hereby agree to purchase the above described property and pay the price of Thirty Eight Thousand and no/100---------- ($ 38,000.00) Dollars as set forth above and grant to said agent ten days hereafter to secure Seller's acceptance hereof, during which period my said offer shall not be subject to revocation.

Address 2645 Caddard, Boise

Phone 376-1303

_____ Purchaser

For valuable consideration I/we agree to sell and convey to the Purchaser the above described property on the terms and conditions hereinabove stated and agree to pay to the above named agent a commission of $100 out of option money - 8% if option is exercised ($ 2,980.00) Dollars for services rendered in this transaction. I/we acknowledge receipt of a copy of the earnest money receipt bearing my/our signature and that of the Purchaser named above. In case the Purchaser fails to comply with any of the conditions of this Agreement, then one-half of the earnest money receipted for shall be retained by the broker, provided the amount to the broker does not exceed the agreed upon commission due and the balance shall be paid to the undersigned.

Dated this _____ day of _____, 19____

$980 commission to be paid from 1-31-76 payment

$980 commission to be paid from 1-31-77 payment

$980 commission to be paid from 1-31-78 payment

_____ Seller

STATE OF IDAHO, } ss.
County of _____

On this _____ day of _____ in the year 19____

before me _____, a Notary Public in and for said State, personally appeared

_____

known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that ____ he ____ executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

NOTE: IF ANY BLANK SPACES ARE INSUFFICIENT, USE S-N No 810 HANDY PAD, TO BE SEPARATELY SIGNED BY BUYER AND SELLER

Notary Public for the State of Idaho, Residing at _____, Idaho

742

PURCHASER'S RECEIPT

61-7217

(1)

RECEIVED FROM [redacted] (hereinafter referred to as Purchaser)

of One Thousand Five Hundred and no/100 ($ 1,500.00) Dollars as a deposit and earnest money in

ment of the purchase price of the following described real property situated in [redacted], County of [redacted]

Idaho, to wit: [redacted]

[redacted]

[redacted]

The following items are to be left upon the premises as part of the property purchased All irrigation fixtures and equipment, plumbing and heating fixtures and equipment luding stoker and oil tanks but excluding fire place fixtures and equipment), water heaters, electric light fixtures, light bulbs and fluorescent lamps, bathroom fixtures, venetian nds, window and door screens, storm doors and windows, attached linoleum, attached television antenna, all shrubs and trees and all fixtures except None

ne following personal property is also included as a part of the property to be offered for sale for said price: None

It is hereby agreed that the total purchase price is the sum of [redacted]

($ [redacted]) Dollars payable as follows: The sum of [redacted]

($ [redacted]) Dollars hereinabove receipted for and the balance of the purchase price in the sum of [redacted]

[redacted] ($ [redacted]) Dollars to be paid as follows: (If on contract, state terms generally, and if escrow, also

name of escrow holder) [redacted]

It is further agreed: 1. Seller shall at his expense furnish Purchaser an Abstract of Title continued to a date subsequent hereto showing merchantable title to the above described property vested in Seller, or in lieu thereof, at Seller's option, a title insurance policy insuring title thereto vested in Seller, free and clear of all liens and encumbrances, except [redacted]

It is further agreed that the broker assumes no responsibility in regard to the title and broker recommends that Purchaser have the Abstract of Title or title insurance policy examined by an attorney.

2. The real property is to be conveyed by [redacted] and the personal property by Bill of Sale, free and clear of all encumbrances except building and zoning ordinances and regulations, building and use restrictions, rights of way and easements, reservations in Federal patents and State deeds and those enumerated in Section 1 above.

3. Sellers shall pay all of the taxes and assessments to [redacted] and Purchaser shall pay all taxes and assessments thereafter. Rents, insurance and interest on mortgage or contract indebtedness shall be pro-rated to [redacted] Encumbrances to be discharged by Seller may at his option be paid out of the purchase money at the date of closing.

4. If Seller does not approve this sale within [redacted] days hereafter, or if Seller's title is not merchantable or insurable and cannot be made so within a reasonable time after written notice containing statement of defects is delivered to Seller, then said earnest money herein receipted for shall be returned to the Purchaser on demand and all rights of Purchaser terminated unless Purchaser waives said defects and elects to purchase, but if said sale is approved by the Seller and Seller's said title is merchantable or insurable and Purchaser neglects or refuses to complete the purchase or shall fail to pay the balance of the purchase price as hereinabove provided, then said earnest money shall be forfeited to the Seller as liquidated damages and not as a penalty and this Agreement thereupon shall be of no further force or effect or the Seller may demand the enforcement of the specific provisions of this Agreement.

5. In the event the improvements on said property should be destroyed or materially damaged between the date hereof and consummation or settlement of this purchase, this Agreement shall, at the option of the Purchaser, immediately become null and void, and said earnest money deposit shall be returned to said Purchaser on demand.

6 Possession shall be delivered Purchaser on or before the [redacted] day of [redacted], 19[redacted].

7. Purchaser enters into this Agreement in full reliance upon his independent investigation and judgment and there are no verbal or other agreements which modify or affect this Agreement.

8. Time is of the essence of this Agreement. Purchaser's rights herein are not assignable without the written consent of the Seller.

[redacted] Broker, By [redacted] Agents for [redacted] Seller

I hereby agree to purchase the above described property and pay the price of [redacted]

($ [redacted]) Dollars as set forth above and grant to said agent [redacted] days hereafter to secure Seller's acceptance hereof, during which period my said offer shall not be subject to revocation.

Address [redacted]

Phone [redacted] [redacted] Purchaser

For valuable consideration I/we agree to sell and convey to the Purchaser the above described property on the terms and conditions hereinabove stated and agree to pay to the above named agent a commission of [redacted] ($ [redacted]) Dollars for services rendered in this transaction. I/we acknowledge receipt of a copy of the earnest money receipt bearing my/our signature and that of the Purchaser named above. In case the Purchaser fails to comply with any of the conditions of this Agreement, then one-half of the earnest money receipted for shall be retained by the broker, provided the amount to the broker does not exceed the agreed upon commission due and the balance shall be paid to the undersigned.

Dated this [redacted] day of [redacted], 19[redacted]

[redacted] Seller

STATE OF IDAHO,
County of [redacted] } ss.

On this [redacted] day of [redacted] in the year 19[redacted].

before me [redacted], a Notary Public in and for said State, personally appeared [redacted]

known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that [redacted] he [redacted] executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

NOTE. IF ANY BLANK SPACES ARE INSUFFICIENT, USE S-N No 810 "HANDY PAD", TO BE SEPARATELY SIGNED BY BUYER AND SELLER

Notary Public for the State of Idaho, Residing at [redacted], Idaho

736

PURCHASER'S RECEIPT

Brad Oates is my Nephew. The contracts are now being drawn up by Kent Powers, attorney at law. Brad is assigning the contract to me.

C. Robert Monteith

6

LEASE AND OPTION

PARTIES:

MILTON E. MOSE, dealing with his sole and separate property,

Owner,

and

HERBERT R. MONTIERTH and LINNIE F. MONTIERTH, husband and wife,

Lessees.

SUBJECT:

ELMORE COUNTY REAL PROPERTY

LEASE, made and entered into this 5TH day of DECEMBER, 1974, between MILTON E. MOSE, dealing with his sole and separate property, of 2301 Northeast 117th, Portland, Oregon 97220, hereinafter designated as the Owner, and HERBERT R. MONTIERTH and LINNIE F. MONTIERTH, husband and wife, of Mountain Home, Idaho, hereinafter designated in the singular and by masculine gender as the Lessee.

WITNESSETH: That the owner, for and in consideration of the covenants and agreements herein mentioned to be kept and performed by the lessee, has leased and by these presents does lease, let and demise unto the said lessee the following described real property located in the County of Elmore, State of Idaho, and particularly described as follows:

> Lots One and Two and the South One Half of the Northeast Quarter of Section Two, Township Three South, Range Four East, Boise Meridian, containing approximately 171.41 acres, together with all water rights and ditch rights appurtenant to said property and together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining;

TO HAVE AND TO HOLD the same unto the said lessee from the 1st day of January, 1975, until the 1st day of January, 1976, subject to the terms and conditions herein set forth.

1. RENT. The lessee shall pay to the owner, as rent for said premises for said term, the sum of $1,000.00, the receipt

of which is hereby acknowledged.

2. TAXES AND WATER. The owner agrees to pay all taxes and water assessments levied and assessed against said property during the term of this lease.

3. CROPS. The lessee may sow and plant upon said land such crops as the lessee deems advisable and all seed for planting of such crops shall be furnished by the lessee.

4. RIGHT OF FREE ENTRY. The owner shall have the right of free entry upon said premises at any time during the term of this lease for the purpose of examining said premises to determine whether or not the conditions of this lease are being fulfilled by the lessee.

5. CARE OF PREMISES. The lessee shall keep up and maintain the fences, ditches and other improvements upon said premises in as good a condition as the same now are or may hereafter be placed, natural wear and tear from the ordinary use thereof excepted.

6. TERMINATION FOR DEFAULT. If default be made in the payment of the rent or in the performance of any of the other terms and conditions of this lease to be kept and performed by the lessee, the owner shall first give the lessee fifteen days notice in writing specifying wherein lessee has failed to comply with the terms hereof and which said notice shall be delivered to the lessee, or either of the lessees, personally, or may be sent to the lessee by registered mail, addressed to the lessee at lessee's last known post office address. If sent by mail, said notice shall be deemed served upon the lessee upon the date it is deposited in the United States mails with postage prepaid, registered and addressed as above mentioned. If the lessee fails to correct such default within said fifteen day period, then the owner or owner's assigns may without further notice declare this lease terminated and may reenter

and retake possession of said premises and all rights of the lessee hereunder shall thereupon cease and terminate, including the right to any crops then growing on said premises.

7. CONTINUED POSSESSION - NO RENEWAL. If the lessee remains in possession of said premises after the expiration of the term for which they are hereby leased, and the option to purchase hereinafter mentioned is not exercised, such possession shall not be construed to be a renewal of this lease but to be a lease which may be terminated upon fifteen days' notice in writing given by the owner to the lessee and served in the same manner as provided above for service of notice of default.

8. COVENANT. The owner hereby covenants that the lessee performing the terms and conditions hereof shall peacefully and quietly have, hold and enjoy the said leased premises during the term hereof.

9. OPTION TO PURCHASE. The lessee shall have and is hereby granted the exclusive right, privilege and option to purchase the real property above-described at any time during the term of this lease for the sum of FORTY TWO THOUSAND EIGHT HUNDRED FIFTY-TWO DOLLARS AND FIFTY CENTS ($42,852.50). In the event this option is exercised, then the sum of $1,000.00 paid to the owner as rent for said premises shall be credited upon the purchase price and the balance of the purchase price shall be paid at the times and in amounts as follows:

> The sum of $2,500.00 at the time the option is exercised;
>
> The sum of $5,864.68 on or before the 1st day of January, 1977, and the sum of $5,864.68 on or before the 1st day of January of each and every year thereafter until all of said purchase price, together with the interest hereinafter mentioned, has been paid in full.

(a) The deferred balance of the purchase price in the sum of $39,352.50 shall bear interest from the 1st day of January, 1976, until paid at the rate of eight per cent per annum. Each annual installment paid upon the purchase price shall first be applied to pay the interest then accrued and unpaid to the date of such payment and the balance of each annual installment shall be applied upon the principal sum. The lessee may at lessee's option pay all or any part of said purchase price on or before the due date thereof, without penalty, and interest shall be charged only upon the principal balance remaining from time to time unpaid.

(b) Taxes levied and assessed against said property, and water assessments, for the year 1975 shall be paid by the owner. Taxes and water assessments levied and assessed against said property for the year 1976 and subsequent years shall be paid by the lessee when due and before the same become delinquent.

(c) Any buildings or permanent improvements placed upon said property by the lessee shall become a part of said property and shall not be removed. The lessee covenants to commit no waste upon said property and to permit no waste to be committed by others and further covenants to keep said property free and clear of all mechanics' liens, materialmen's liens and all other liens of every kind or nature whatsoever, save and except current taxes and water assessments.

(d) Lessee agrees to keep up and maintain said property in as good a condition as the same was at the time the option was exercised, natural wear and tear from the ordinary use thereof excepted. The lessee shall have the right to enter upon the above-described real property for the purpose of inspecting and drilling exploratory test wells, anytime after the date hereof.

(e) The owner agrees at the time of the execution of this lease and option to place in escrow with Northwest Savings and Loan Association, of Mountain Home, Idaho, a warranty deed in standard form executed by the owner and conveying marketable title to the above-described real property to the lessee. Within thirty days of receipt of written notice that the lessee has exercised this option and deposited $2,500.00 to the credit of the owner with said escrow holder, the owner shall purchase at his own expense and place in escrow a policy of title insurance covering the above-described real property, written by a title insurance company authorized to write such insurance in the State of Idaho, and written in favor of the lessee in the amount of the purchase price above mentioned, guaranteeing marketable title to said property, subject only to the standard printed exceptions in said policy, patent reservations and the encumbrances herein mentioned. In the event the owner fails to purchase and deliver such title insurance, then the escrow holder is hereby authorized and directed to purchase the same and deliver the same to the lessee and to charge the cost thereof to the account of the owner. Said escrow holder shall be and is hereby authorized and directed to deliver said escrowed instruments to the lessee upon his depositing in said savings and loan association to the credit of the owner the deferred payments of purchase price in the sum of $41,852.50 with interest, at the time and in the amounts specified above, and upon a compliance with the other terms and conditions hereof; otherwise said escrowed instruments shall be returned to the owner. An executed copy of this lease and option, together with the escrow instructions attached thereto, shall be deposited with said savings and loan association

as escrow holder and shall be directions and instructions to it with reference to the terms and conditions hereof. If the lessee does not exercise said option on or before January 1, 1976, the escrow holder is hereby authorized and instructed to return said escrowed instruments to the owner. All escrow fees of said savings and loan association shall be paid one-half by the owner and one-half by the lessee.

(f) Neither this agreement nor any paper nor affidavit in any way or manner referring hereto shall be filed by the lessee for record in the office of the County Recorder of Elmore County, Idaho, without first obtaining the written consent of the owner, it being understood that the lessee's possession of said property gives notice to the world of his interest in said property.

(g) If said option to purchase is exercised, time is agreed to be of the essence of said payments of this agreement and of any subsequent agreement in relation hereto and full performance by the lessee of all his obligations hereunder is and shall be a condition precedent to his right to a conveyance hereunder. In the event the lessee fails to comply with any of the terms hereof, then the owner, through said escrow holder, shall first give the lessee thirty days notice in writing specifying wherein the lessee has failed to comply with this agreement and which said notice shall be delivered to the lessee personally or may be sent to the lessee by registered or certified mail, addressed to the lessee at his last known post office address as furnished to the escrow holder. If sent by mail, said notice shall be deemed served upon the lessee upon the date it is deposited in the United States mails with postage prepaid, certified or registered and addressed as above-mentioned. If the lessee fails to correct such default within said thirty-day period, then the owner may at his option and without further notice declare the whole unpaid balance of

said purchase price, with the interest, immediately due and payable and proceed at once to recover the same, or declare a forfeiture of all of the rights of the lessee under this agreement and of all of his interest in and to said property and the owner may thereupon take immediate possession of said property, retaining all sums theretofore paid by the lessee under the terms hereof as a reasonable value for the use and occupation of said property during the time that possession of the same is retained by the lessee hereunder.

(h) In the event the lessee elects to exercise the option hereby granted, he shall do so by notifying the owner and the escrow holder in writing of his intention to exercise this option, which notice shall be delivered to both the owner and escrow holder personally or may be sent to each of them by registered or certified mail, addressed to each of them at the last known post office address for each, and at the time of exercising said option the lessee shall pay to the owner through said escrow holder the sum of $2,500.00, which sum is due and payable under the terms hereof on or before January 1, 1976, to apply upon the purchase price.

(i) This option shall continue in full force and effect during the term of the lease above-mentioned and shall cease and terminate, if not exercised during the term of said lease, which expires upon January 1, 1976. Time is of the essence hereof.

IN WITNESS WHEREOF, said parties have hereunto set their hands the day and year in this agreement first above written.

Milton E. Mose

Milton E. Mose

Owner,

Herbert R. Montierth

Linnie F. Montierth

Linnie F. Montierth

Lessees.

AGREEMENT TO PURCHASE

(Copyrighted) Portland, Oregon — Law Publishing Co. KL

Mountain Home, Idaho, September 16, 1974

RECEIVED FROM Herbert R Montierth and Linnie F. Montierth, H/W (hereinafter referred to as Purchaser)

the sum of One Thousand and no/100 ($1,000.00) Dollars as a deposit and earnest money in part payment of the purchase price of the following described real property situated in near Mountain Home, County of Elmore, State of Idaho, to wit:

Lots 1 & 2 and the South ½ of the Northeast ¼ of Section 2, Township 3 South, Range 4 East, Boise Meridian, approximately 171.41 acres

(Option Buyers) have right of inspection and may drill exploratory test wells anytime after this offer has been accepted by the owners.

The following items are to be left upon the premises as part of the property purchased: All irrigation fixtures and equipment, plumbing and heating fixtures and equipment (including stoker and oil tanks but excluding fire place fixtures and equipment), water heaters, electric light fixtures, light bulbs and fluorescent lamps, bathroom fixtures, venetian blinds, window and door screens, storm doors and windows, attached linoleum, attached television antenna, all shrubs and trees and all fixtures except none

The following personal property is also included as a part of the property to be offered for sale for said price: none

It is hereby agreed that the total purchase price is the sum of Forty Two Thousand Eight Hundred Fifty Two and 50/100 ($42,852.50) Dollars payable as follows: The sum of One Thousand and no/100 ($1,000.00) Dollars hereinabove receipted for, and the balance of the purchase price in the sum of Forty One Thousand Eight Hundred Fifty Two and 50/100 ($41,852.50) Dollars to be paid as follows: (If on contract, state terms generally, and if escrow, also name of escrow holder) ~~Mutual Savings & Loan Assn., Mtn. Home~~. Option to buy for $1,000.00 thru 1 Jan. 1976. If Option excercised by Buyer, he will then deposit $2,500.00. Balance of $39,352.50 to be financed on contract at 8% interest with 10 equal yearly payments starting 1 Jan. 1977. ~~Any prepaid~~ escrow fees split 50/50 Buyer and Seller. Prepayment without penalty. ~~If Buyer does not exercise option will retain $100.00 service charge and send $900.00 to Sellers (Trust check)~~ M.E.M.

It is further agreed: 1. Seller shall at his expense furnish Purchaser an Abstract of Title continued to a date subsequent hereto showing merchantable title to the above described property vested in Seller, or in lieu thereof, at Seller's option, a title insurance policy insuring title thereto vested in Seller, free and clear of all liens and encumbrances, except current taxes and assessments UPON EXERCISE OF OPTION M.E.M.

It is further agreed that the broker assumes no responsibility in regard to the title and broker recommends that Purchaser have the Abstract of Title or title insurance policy examined by an attorney.

2. The real property is to be conveyed by Warranty Deed and the personal property by Bill of Sale, free and clear of all encumbrances except building and zoning ordinances and regulations, building and use restrictions, rights of way and easements, reservations in Federal patents and State deeds and those enumerated in Section 1 above.

3. Sellers shall pay all of the taxes and assessments to January 1, 1976 and Purchaser shall pay all taxes and assessments ~~for the year 1 - 1976~~

4. If Seller does not approve this sale within 10 days hereafter, or if Seller's title is not merchantable or insurable and cannot be made so within a reasonable time after written notice containing statement of defects is delivered to Seller, then said earnest money herein receipted for shall be returned to the Purchaser on demand and all rights of Purchaser terminated unless Purchaser waives said defects and elects to purchase, but if said sale is approved by the Seller and Seller's said title is merchantable or insurable and Purchaser neglects or refuses to complete the purchase or shall fail to pay the balance of the purchase price as hereinabove provided, then said earnest money shall be forfeited to the Seller as liquidated damages and not as a penalty and this Agreement thereupon shall be of no further force or effect or the Seller may demand the enforcement of the specific provisions of this Agreement.

5. In the event the improvements on said property should be destroyed or materially damaged between the date hereof and consummation or settlement of this purchase, this Agreement shall, at the option of the Purchaser, immediately become null and void, and said earnest money deposit shall be returned to said Purchaser on demand.

6. Possession shall be delivered Purchaser on or before the 1st day of January, 19 75.

7. Purchaser enters into this Agreement in full reliance upon his independent investigation and judgment and there are no verbal or other agreements which modify or affect this Agreement.

8. Time is of the essence of this Agreement. Purchaser's rights herein are not assignable without the written consent of the Seller.

Frank H. Ulrey R.E., Inc. Broker, By _____ Agents for M. Mose Seller

I hereby agree to purchase the above described property and pay the price of Forty Two Thousand Eight Hundred Fifty Two & 50/10 ($42,852.50) Dollars as set forth above and grant to said agent 10 days hereafter to secure Seller's acceptance hereof, during which period my said offer shall not be subject to revocation.

Address _____

Phone _____

_____ Purchaser

For valuable consideration I/we agree to sell and convey to the Purchaser the above described property on the terms and conditions hereinabove stated and agree to pay to the above named agent a commission of $100.00 OUT OF OPTION MONEY - 10% IF OPTION IS EXERCISED Dollars for services rendered in this transaction. I/we acknowledge receipt of a copy of the earnest money receipt bearing my/our signature and that of the Purchaser named above. In case the Purchaser fails to comply with any of the conditions of this Agreement, then one-half of the earnest money receipted for shall be retained by the broker, provided the amount to the broker does not exceed the agreed upon commission due and the balance shall be paid to the undersigned.

Dated this 19th day of SEPTEMBER, 19 74 Milton E. Mose

_____ Seller

STATE OF ~~IDAHO~~ OREGON } ss.
County of MULTNOMAH }

On this 19th day of SEPTEMBER in the year 19 74 before me WALTER L. CROW JR. a Notary Public in and for said State, personally appeared MILTON E. MOSE

known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written. Walter L. Crow Jr.

NOTE: IF ANY BLANK SPACES ARE INSUFFICIENT, USE S-N No 810 HANDY PAD TO BE SEPARATELY SIGNED BY BUYER AND SELLER

Notary Public for the State of ~~Idaho~~, Residing at PORTLAND, ~~Idaho~~

PURCHASER'S COPY ~~WITH~~ ALL SIGNATURES

0255

Realty West
inc.

BOISE, IDAHO 83704
PHONE 345-1220
805 ORCHARD

NAMPA, IDAHO 83651
PHONE 466-9211
BOX 261

November 10, 1975

Mrs. J. Lynn Palmer
99 South Mc Michael
Grantsville, Utah 84029

Dear Mrs. Palmer:

As I mentioned when I saw you last week, I was able to arrange finance money to farm next year. However, they insist I have at least 320 acres before any money will be released.

I also talked to an attorney here in Boise concerning the possibility of purchasing property in which the probate was not completed. He said the best for everyone involved was to buy it on lease option. When the title is cleared, the option to buy could be exercised.

Please find enclosed a 'lease option to buy' offer. I would appreciate it if you could look it over and if it meets with your approval sign it, have it notarized, and return it to me. The $1,000.00 is being held in a trust account until closing, when it will be forwarded to you.

I feel that this represents a very fair offer, especially since this is a higher price than the other land in that area has been sold for.

Unfortunately time is running out to get a well drilled, the land cleared, and a water system installed. Work needs to begin very soon to have things ready to farm next year.

I hope this will be an acceptable offer to you. If you have any questions or if I can help you in any way, please feel free to contact me at (208) 377-0222. The mornings are the best time to reach me, before 9:00 a.m.

Sincerely yours,

Bob Montierth

Bob Montierth

BM:ds

P.S. You may retain the first yellow carbon copy for your person file.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

April 19, 1976

Re: Permits No. 61-7203 & 61-7217

Mr. Clarence Robert Montierth
8645 Goddard
Boise, Idaho 83706

Dear Mr. Montierth:

You recently filed an application for amendment to change the points of diversion and place of use under Permit No. 61-7203. However, according to information obtained from the County Assessor's office, you do not own either the land presently shown on the permit or the land to which you wish to amend the permit. We also found that the place of use described under Permit No. 61-7217 is not owned by you.

The Idaho Supreme Court has ruled that a permit is invalid if the permit holder does not have a possessary interest in the land. Please advise this office within 15 days of your possessary interest in these lands, otherwise we must take action to remove the permits from our records.

If you have questions regarding this matter, please do not hesitate to contact us.

Sincerely,

Bobby D. Fleenor

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR

61-7203

RECEIVED FROM _____ (hereinafter referred to as Purchaser)

the sum of _____ ($_____) Dollars as a deposit and earnest money in part payment of the purchase price of the following described real property situated in _____ County of ELMORE State of Idaho, to wit: Lot 3, Lot 4, and the south one-half of the northwest quarter (S½NW¼) all in section 1, township 3 south, RANGE 4 EAST Boise Meridian containing 171.97 acres more or less.

The following items are to be left upon the premises as part of the property purchased All irrigation fixtures and equipment, plumbing and heating fixtures and equipment (including stoker and oil tanks but excluding fire place fixtures and equipment), water heaters, electric light fixtures, light bulbs and fluorescent lamps, bathroom fixtures, venetian blinds, window and door screens, storm doors and windows, attached linoleum, attached television antenna, all shrubs and trees and all fixtures except _____

he following personal property is also included as a part of the property to be offered for sale for said price: _____

It is hereby agreed that the total purchase price is the sum of _____

($_____) Dollars payable as follows: The sum of _____

($_____) Dollars hereinabove receipted for and the balance of the purchase price in the sum of _____

_____ ($_____) Dollars to be paid as follows: (If on contract, state terms generally, and if escrow, also name of escrow holder) _____

It is further agreed 1. Seller shall at his expense furnish Purchaser an Abstract of Title continued to a date subsequent hereto showing merchantable title to the above described property vested in Seller, or in lieu thereof, at Seller's option, a title insurance policy insuring title thereto vested in Seller, free and clear of all liens and encumbrances, except _____

It is further agreed that the broker assumes no responsibility in regard to the title and broker recommends that Purchaser have the Abstract of Title or title insurance policy examined by an attorney.

2. The real property is to be conveyed by _____ and the personal property by Bill of Sale, free and clear of all encumbrances except building and zoning ordinances and regulations, building and use restrictions, rights of way and easements, reservations in Federal patents and State deeds and those enumerated in Section 1 above.

3. Sellers shall pay all of the taxes and assessments to _____ and Purchaser shall pay all taxes and assessments thereafter. Rents, insurance and interest on mortgage or contract indebtedness shall be pro-rated to _____ Encumbrances to be discharged by Seller may at his option be paid out of the purchase money at the date of closing.

4. If Seller does not approve this sale within _____ days hereafter, or if Seller's title is not merchantable or insurable and cannot be made so within a reasonable time after written notice containing statement of defects is delivered to Seller, then said earnest money herein receipted for shall be returned to the Purchaser on demand and all rights of Purchaser terminated unless Purchaser waives said defects and elects to purchase, but if said sale is approved by the Seller and Seller's said title is merchantable or insurable and Purchaser neglects or refuses to complete the purchase or shall fail to pay the balance of the purchase price as hereinabove provided, then said earnest money shall be forfeited to the Seller as liquidated damages and not as a penalty and this Agreement thereupon shall be of no further force or effect or the Seller may demand the enforcement of the specific provisions of this Agreement

5. In the event the improvements on said property should be destroyed or materially damaged between the date hereof and consummation or settlement of this purchase, this Agreement shall, at the option of the Purchaser, immediately become null and void, and said earnest money deposit shall be returned to said Purchaser on demand.

6. Possession shall be delivered Purchaser on or before the _____ day of _____, 19____.

7 Purchaser enters into this Agreement in full reliance upon his independent investigation and judgment and there are no verbal or other agreements which modify or affect this Agreement

8. Time is of the essence of this Agreement. Purchaser's rights herein are not assignable without the written consent of the Seller.

_____ Broker, By _____ Agents for _____ Seller

I hereby agree to purchase the above described property and pay the price of _____

($_____) Dollars as set forth above and grant to said agent _____ days hereafter to secure Seller's acceptance hereof, during which period my said offer shall not be subject to revocation.

Address _____

Phone _____

_____ Purchaser

For valuable consideration I/we agree to sell and convey to the Purchaser the above described property on the terms and conditions hereinabove stated and agree to pay to the above named agent a commission of _____ ($_____) Dollars for services rendered in this transaction I/we acknowleage receipt of a copy of the earnest money receipt bearing my/our signature and that of the Purchaser named above In case the Purchaser fails to comply with any of the conditions of this Agreement, then one-half of the earnest money receipted for shall be retained by the broker, provided the amount to the broker does not exceed the agreed upon commission due and the balance shall be paid to the undersigned.

Dated this _____ day of _____, 19____

_____ Seller

STATE OF IDAHO, }
County of _____ } ss.

On this _____ day of _____ in the year 19____, before me _____, a Notary Public in and for said State, personally appeared

known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that ____he____executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

NOTE: IF ANY BLANK SPACES ARE INSUFFICIENT, USE S-N No. 810 HANDY PAD™, TO BE SEPARATELY SIGNED BY BUYER AND SELLER

Notary Public for the State of Idaho, Residing at _____, Idaho

746

PURCHASER'S RECEIPT

Mrs. ~~Palmer~~ Palmer had promised me she would sell the property to me over the telephone. I therefore sent her this earnest money agreement. However after showing Vista Realty the Cinder Cone Land & telling them I was buying Mrs. Palmer's 172 acres, they (Russ Jones - salesman for Vista Realty) went around my back and offered more money on it and before I knew about it, it was to late for me to out price him. Therefore I decided to transfer the water right to another piece of ground I had bought. C. Robert Monteith

REAL ESTATE SALES AGREEMENT

Between: DOROTHY E. COCHRAN, a divorced woman, of Ada County, Idaho,

SELLER,

and

C. ROBERT MONTIERTH, a single man, of Ada County, Idaho,

BUYER.

THIS REAL ESTATE SALES AGREEMENT, made and entered into this _____ day of January, 1976, by and between DOROTHY E. COCHRAN, a divorced woman, of Ada County, Idaho, hereinafter referred to as "Seller", and C. ROBERT MONTIERTH, a single man, of Ada County, Idaho, hereinafter referred to as "Buyer",

W I T N E S S E T H:

WHEREAS, the Seller is the owner, as her sole and separate property, of lands situate in Elmore County, State of Idaho, known as "Sunnyside Lands", a portion of which is more particularly described as follows, to-wit:

SW¼ of Section 22 in Township 2 South, Range 4 East of the Boise Meridian,

consisting of 160 acres, more or less; and, which said lands the Buyer desires to purchase according to the following terms and conditions:

1. PURCHASE PRICE and PAYMENT SCHEDULE: Buyer agrees to pay the Seller the sum of Forty-eight Thousand Dollars ($48,000.00) payable One Thousand Five Hundred Dollars ($1,500.00) coincident with the

Sam Kaufman, Boise attorney at law is the lawyer who drew up this contract. The deal is consumated.

C. Robert Montierth

Elmore Co. 587-3521

NE¼ - 2 - 3S - 4E

milton Mose 117
2301 NE 8th
Portland, OR

Ada Co. 384-8791

SW¼ - 22 - 2S - 4E — Heather Cochran PO 306 Meridian

NESE - 17 - 2S - 4E — Clayton Morgan Wm Sommers

Filing Fee: $10.00
Receipt # 3731

APR 12 197

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT

Permit No. 61-7203

Comes now Clarence Robert Montierth of (address) 8645 Goddard, Boise, ID, and represents to the Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 61-7203, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW ¼ SW ¼, Sec. 22 Twp. 2S Rge. 4E, B.M., County of Elmore. Other points of diversion:

SE¼SW¼, NW¼SW¼, NE¼SW¼, Sec 22 T2S-R4E; NE¼SE¼ Sec 17 T2S-R4E, Ada County
Lot 1 Lot 2
NE¼NE¼, NW¼NE¼, SW¼NE¼, SE¼NE¼, sec 2 T3S-R4E, Elmore County

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

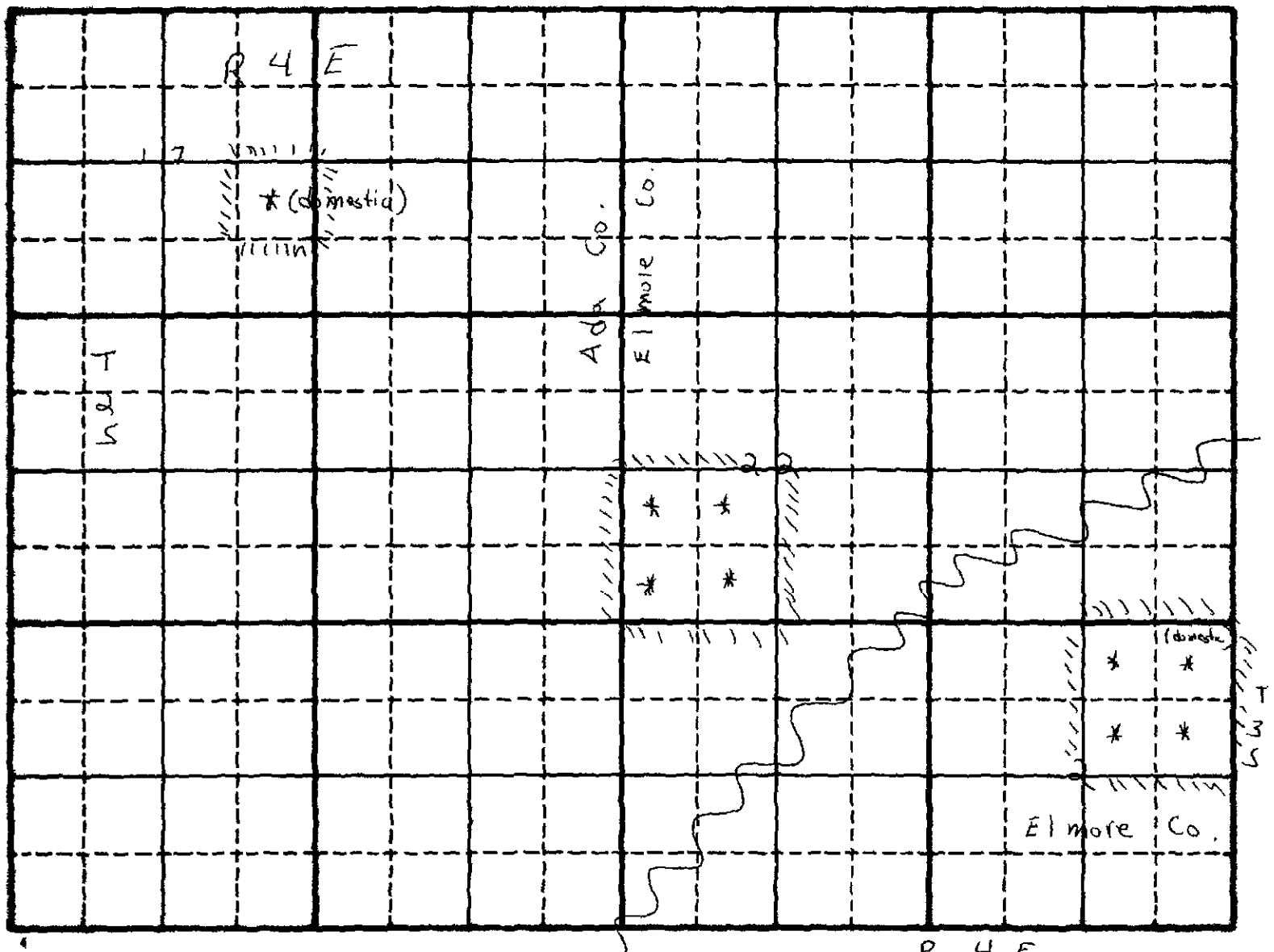
Amount 6.88 for irrigation purposes from 3-15 to 11-15 (both dates inclusive)
Amount 0.08 for domistic purposes from 1-1 to 12-31 (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RANGE	SEC	NE ¼				NW ¼				SW ¼				SE ¼				TOTALS
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
2S	4E	22									40	40	40	40					160
		17													12				12
		22												X	(domestic)				
3S	4E	2	Lot 1 46	Lot 2 46	40	40													172
		2	X	(domestic)															
			Lot 1																

Total number of acres to be irrigated 344

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Boise, Id., this 12th day of April, 19 76.

Clarence Robert Monteith
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, _____, Director of the Department of Water Resources

hereby _____

_____

_____

_____

Witness my hand this _____ day of _____, 19 _____.

_____
Director

April 19, 1976

Re: Permits No. 61-7203 & 61-7217

Mr. Clarence Robert Montierth
8645 Goddard
Boise, Idaho 83706

Dear Mr. Montierth:

You recently filed an application for amendment to change the points of diversion and place of use under Permit No. 61-7203. However, according to information obtained from the County Assessor's office, you do not own either the land presently shown on the permit or the land to which you wish to amend the permit. We also found that the place of use described under Permit No. 61-7217 is not owned by you.

The Idaho Supreme Court has ruled that a permit is invalid if the permit holder does not have a possessary interest in the land. Please advise this office within 15 days of your possessary interest in these lands, otherwise we must take action to remove the permits from our records.

If you have questions regarding this matter, please do not hesitate to contact us.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR

bc: Western Regional Office

March 18, 1975

Re: Permit Nos. 61-7203 & 61-7217

Clarence Robert Montierth
8645 Goddard
Boise, Idaho 83706

Dear Mr. Montierth:

Enclosed are copies of your approved applications for permit issued on the above referenced numbers. We direct your attention to the conditions of approval as listed on the fourth pages.

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

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item	Initial	Date	
			Application No. 61-7203
			✓ Source
			✓ Point of Diversion
			✓ County
			✓ Quantity of Water and Period of Use
			✓ Description of Diverting Works
			✓ Time required for B/U of water
			✓ Place of Use or Acres Irrigated
			✓ Map
			✓ Signature
			✓ Fee
(1)	CS	3-10-75	In form to receipt
(2)	NA		Send Copies to:
			_____ Idaho State Health Department
			_____ Idaho Fish and Game Department
			_____ Bureau of Land Management
(3)	NA		_____ Request Special Use Permit from U.S.F.S.
			_____ Request Easement from B.L.M.
			_____ Request Information from Applicant
(4)	CS	3-10-75	In form for advertising
(5)			Platted on Map No. _____
(6)		NA	Located within Water District No. _____
(7)	RWH	3-18-75	Critical groundwater area: yes _____ no ✓
(8)	R.W.H	3-10-75	Groundwater levels: no information available
			_____ Declining, Static & stable, _____ Increasing
			(comment) _____
(9)			Other rights on the same place of use
(10)			Comments: _____
(11)	RWH	3-10-75	Affidavit of Publication received (date) 11-25-74
(12)	RWH	3-10-75	Final date for protests 12-2-74
			Protests received: yes _____ no ✓
(13)	RWH	3-10-75	All requested information received from agencies or applicant: yes NA no _____
(14)	RWH	3-10-75	Action recommended:
			✓ Approve _____ Deny
			_____ Proposed Priority
			_____ Reason for Reduction _____
			✓ Measuring device required
			_____ See attached sheet for other conditions of approval
			_____ No special conditions for approval
(15)	District Western		By R. Hamilton Date 3-10-75

FROM: M. Clayne Barron DATE: March 7, 1975

TO: File # 61-7203

On November 1, 1974 Clarence Robert Montierth filed permit application #61-7203 concerning three parcels of land. The filing fee that he paid was $155.00. This permit application was advertised; then it was decided that due to our error the application form had been incorrectly completed. Three applications should have been filed instead of one.

When the applicant was contacted he decided to retain only two of the three proposed permits. The lands irrigated and the points of diversion are identical to the original filing, except for the ground deleted. Since the error was ours it is my opinion that the priorty should remain the same as the original application. I also feel that there should be no extra fee involved.

On March 7, 1975 Mr. Montierth submitted the two completed application forms to this office. They were numbered 61-7203 & 61-7217.

M. Clayne Barron

M. CLAYNE BARRON

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DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item	Initial	Date	
			Application No. 61-7203
			✓ Source
			✓ Point of Diversion
			✓ County
			✓ Quantity of Water and Period of Use
			✓ Description of Diverting Works
			✓ Time required for B/U of water
			✓ Place of Use or Acres Irrigated
			✓ Map
			Signature
			✓ Fee
(1)	R.W.H	11-4-74	In form to receipt
(2)		N/A	Send Copies to:
			Idaho State Health Department
			Idaho Fish and Game Department
			Bureau of Land Management
(3)		N/A	Request Special Use Permit from U.S.F.S.
			Request Easement from B.L.M.
			Request Information from Applicant
(4)	R.W.H	11-4-74	In form for advertising
(5)			Platted on Map No.
(6)			Located within Water District No.
(7)	[illegible]	12-2-74	Critical groundwater area: yes ___ no ✓
(8)	[illegible]	12/2/74	Groundwater levels:
			Declining, Stable, Increasing
			(comment)
(9)			Other rights on the same place of use
(10)			Comments:
(11)	[illegible]	11-25-74	Affidavit of Publication received(date) Ok
(12)	[illegible]	12/3/74	Final date for protests 12/3/74
			Protests received: yes ___ no ✓
(13)	[illegible]	12/2/74	All requested information received from agencies or applicant: yes ✓ no ___
(14)	[illegible]	12/2/74	Action recommended:
			✓ Approve Deny
			Proposed Priority
			Reason for Reduction
			✓ Measuring device required
			✓ See attached sheet for other conditions of approval
			No special conditions for approval
(15)	District [illegible]		By [illegible] ; Date

Bob: ↘ ?

Should be attached to permit as a condition to approval

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D Andrus
Governor

R. Keith Higginson
Director

Statehouse Annex 2
Boise, Idaho 83707
(208) 384-2215
Western District Office

Water Rights Administration
Water Resource Investigation
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

November 8, 1974

Mountain Home News
P.O. Drawer 0
Mtn. Home, ID 83647

Re: Application for Permit No. 61-7203 - Clarence Robert Montierth
61-7204 - Mark S. Harker

Gentlemen:

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

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

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

> "I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

_____
(signature of claimant)

Sincerely,

Bill submitted
11-25-74
ca

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that CLARENCE ROBERT MONTIERTH 8645 Goddard, Boise, ID has on Nov. 1, 1974 submitted Application No. 61-7203 for a permit to appropriate 13.64 cubic feet per second of water from a groundwater source by means of wells, pumps, sprinklers or gated pipeline, and domestic systems within the (2 pts) Lot 1, (NE¼ NE¼), Sec. 2, (2pts) NW¼NW¼, Sec 1, T 3 S, R. 4 E; (2pts) NE¼SW¼, Sec 6, NW¼NW¼, Sec. 8, T. 3 S, R. 5 E, B.M. Elmore County to be used from Jan. 1 to Dec 31 for domestic use and from March 15 to Nov 15 for irrigation of 674 acres within the NW¼, Sec. 1, NE¼, Sec. 2, T. 3 S, R 4 E, B.M.; SW¼, Sec. 6, NW¼, Sec. 8, T 3 S, R. 5 E, B M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before Dec. 2, 1974.

R KEITH HIGGINSON
Director

Published in the Mountain Home News, Mtn. Home, ID on Nov. 14, 1974 and Nov. 21, 1974.

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that CLARENCE ROBERT MONTIEITH

8645 Goddard, BOise, ID

has on Nov. 1, 1974 submitted Application No. 61-7203

for a permit to appropriate 13.64 cubic feet per second acre feet

of water from a groundwater source

by means of wells, pumps, sprinklers or gated pipeline, and domestic systems

within the (2pts) Lot 1, ($NE\frac{1}{4}NE\frac{1}{4}$) Sec. 2, (2pts) $NW\frac{1}{4}NW\frac{1}{4}$, Sec. 1, T. 3 S, R. 4 E;

(2pts) $NE\frac{1}{4}SW\frac{1}{4}$, Sec. 6, $NW\frac{1}{4}NW\frac{1}{4}$, Sec. 8, T. 3 S, R. 5 E, B.M. Elmore County

to be used from Jan. 1 to Dec. 31 for domestic use and from March 15 to

for Nov. 15 for irrigation of 674 acres

within the $NW\frac{1}{4}$, Sec. 1, $NE\frac{1}{4}$, Sec. 2, T. 3 S, R. 4 E, B.M.; $SW\frac{1}{4}$, Sec. 6,

$NW\frac{1}{4}$, Sec. 8, T. 3 S, R. 5 E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before

Dec. 2, 1974.

R. KEITH HIGGINSON

Director

Published in the Mountain Home News, Mtn. Home, ID

on Nov. 14, 1974 and Nov. 21, 1974.

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November 4, 1974

Re: Application for Permit No. 61-7203

Clarence Robert Montierth
8645 Goddard
Boise, ID 83704

Dear Mr. Montierth:

We are sending back you Application for Permit to be resigned showing your name as it appears under item 1. Please send it back as soon as possible, so we may continue to process it.

If we can be of any further assistance, please do not hesitate to contact this office.

Sincerely,

CATHY L. ATKINSON
Stenographer

CLA:c

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
WESTERN DISTRICT OFFICE

Cecil D Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse -- Annex 2
Boise, Idaho 83707
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

November 1, 1974

Mr. Clarence Robert Montierth
8645 Goddard
Boise, ID 83704

Dear Mr. Montierth:

Enclosed is your Receipt No. 15302 in the amount of $155.00 for Application for Permit No. 61-7203 which was received in this office on November 1, 1974.

Sincerely,

CATHY L. ATKINSON
Stenographer

CLA:c

Enclosure

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