

21
28

POOR ORIGINAL
21 22
28 27

Well +
place of use

29 28

28 27
32 34

MICROFILMED
NOV 01 1994

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____

Decree _____

If applicable provide IDWR Water Right Number 77-07020

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

POOR ORIGINAL

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled

"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do X do not _____

wish to receive and pay a small annual fee for monthly copies of the docket sheet. SEND TO ATTORNEY INDICATED

Number of attachments 1

BELOW.

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____

Date _____

Date _____

For Organizations: I do solemnly swear or affirm that I am Secretary/Treasurer

Title

of MFL, Inc. that I have signed the foregoing

Organization

document in the space below as Secretary/Treasurer of MFL, Inc.

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]Title and Organization Secretary/Treasurer, MFL, Inc. Date 1/11/90

State of Idaho/or _____)

SS.

County of Ada)Subscribed and sworn (or affirmed) before me this 11th day of January 19 90

SEAL

Notary Public [Signature]Residing at BoiseMy Commission Expires 12/15/92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, R. John Insinger will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.Signature [Signature]Address 407 W. Jefferson Boise, ID 83702Date 11/11/90**MICROFILMED
NOV 01 1994**Last Name MFL, Inc.

Ident. Number _____

Post-It brand fax transmittal memo 7571		# of pages
To <u>B&B W</u>	From <u>Bob H</u>	
Co. <u>SOUTHERN</u>	Co. <u>WATER</u>	
Dept.	Phone #	
Fax # <u>736-3037</u>	Fax #	



CERTIFIED

No. 542910

MAIL

State of Idaho
Department of Water Administration
State House Annex 2
Boise, Idaho 83707

*Attn: Mr. R. Keith Higginson
Director*

JAN 19 1973



orig sent to Western Region
8-19-98

72-07004
decreed

RECEIVED
AUG 18 1998
Department of Water Resources
Southern Region

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

1. Water Right Number(s) 72-07004; ~~77-07020~~; 77-07081
Adjudication Claim Number(s) A72-07004; ~~A77-07020~~; A77-07081; A77-07082; A77-10123
2. The following **REQUIRED** information must be submitted with this form.
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) MIDDLE FORK LODGE, INC.
STANLEY B. MCCAMMON, PRESIDENT
c/o ORCA BAY CAPITAL CORP
PO BOX 21749 SEATTLE WASHINGTON, 98111
4. New Owner/Claimant(s) MIDDLE FORK HOLDING COMPANY, INC.
CHARLES STEVENSON, PRESIDENT
New Mailing Address Name connector (Check one): [] AND, [] OR, [] AND/OR
c/o BRIAN BARSOTTI
PO BOX 10013
City, State and ZIP Code KETCHUM, ID 83340
New Telephone Number (208) 736-3030
5. Date you acquired the property 6/2/1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres actually irrigated _____ Number and type of stock _____
- Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Charles Stevenson **MICROFILMED** Date 7-15-98
CHARLES STEVENSON, PRESIDENT **JUN 09 1999** Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Order No. 24100

CORPORATION
WARRANTY DEED

0215860

FOR VALUE RECEIVED

MIDDLE FORK LODGE, INC., an Idaho Corporation, formerly known as MFL, Inc, an Idaho Corporation
a corporation duly organized and existing under the laws of the State of Idaho, does hereby GRANT, BARGAIN, SELL and CONVEY unto

MIDDLE FORK HOLDING COMPANY, INC., a Delaware corporation

GRANTEE whose address is: P.O. Box 10013, Ketchum, ID 83340

the following described real property in Custer County, Idaho, to wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.

CCPY

TOGETHER WITH any and all water rights appurtenant thereto

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its Secretary.

Dated: May 29, 1998

MIDDLE FORK LODGE, INC.

Stanley B. McCammon
By: STANLEY B. McCAMMON, President

Custer County Req. of
Sawtooth Title Co.

Time 1:20 .M.

6-2 19 98

Ethel M Peck, Clerk

Barbara C Breckelme
Deputy

\$ 6.00

State of Washington

County of *King*

On this *29th* day of May, in the year 1998, before me, the undersigned, personally appeared STANLEY B. McCAMMON known or identified to me to be the president, or vice-president, or secretary or assistant secretary, of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

WITNESS my hand and official seal.

Cheryl L. Lopez
Notary Public

Commission Expires: 11-29-2000

J:\ecrow\forms\card

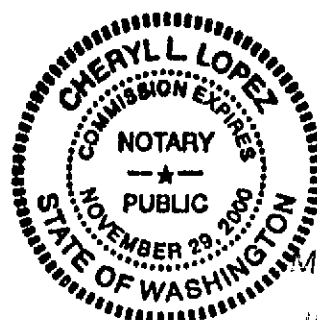

MICROFILMED
JUN 09 1999

EXHIBIT "A"

H.E. SURVEY NO. 77, EMBRACING A PORTION OF THE UNSURVEYED PUBLIC DOMAIN, CUSTER COUNTY, IDAHO, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 1 FROM WHICH U.S. LOCATION MONUMENT NO. 77, CHALLIS NATIONAL FOREST, BEARS SOUTH 41 DEGREES 48' WEST, 1,375 CHAINS DISTANT; THENCE MEANDERING THE MIDDLE FORK OF THE SALMON RIVER NORTH 36 DEGREES 30' WEST, 6 CHAINS;

THENCE NORTH 9 DEGREES WEST, 5 CHAINS;

THENCE NORTH 2 DEGREES WEST, 6 CHAINS;

THENCE NORTH 16 DEGREES WEST, 5 CHAINS;

THENCE NORTH 36 DEGREES 30' WEST, 6 CHAINS;

THENCE NORTH 22 DEGREES 45' WEST, 6 CHAINS;

THENCE NORTH 4 DEGREES 15' WEST, 9 CHAINS;

THENCE NORTH 21 DEGREES 21' WEST, 9.55 CHAINS TO CORNER NO. 2;

THENCE SOUTH 79 DEGREES 15' WEST, 6.93 CHAINS TO CORNER NO. 3;

THENCE SOUTH 8 DEGREES 47' EAST, 31.74 CHAINS TO CORNER NO. 4;

THENCE SOUTH 34 DEGREES 45' WEST, 16.9 CHAINS TO CORNER NO. 5;

THENCE SOUTH 29 DEGREES 9' WEST, 11.14 CHAINS TO CORNER NO. 6;

THENCE SOUTH 31 DEGREES 30' EAST, 4.2 CHAINS TO CORNER NO. 7;

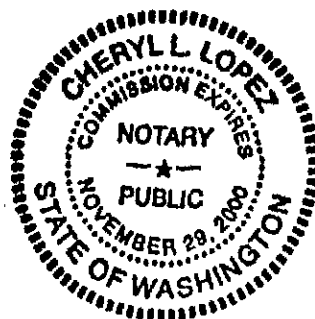
THENCE NORTH 70 DEGREES 18' EAST, 32.72 CHAINS TO CORNER NO. 1, THE PLACE OF BEGINNING, ACCORDING TO THE OFFICIAL PLAT OF THE SURVEY OF SAID LAND, RETURNED TO THE GENERAL LAND OFFICE BY THE SURVEYOR-GENERAL.



Cheryl L. Lopez
Notary Public

Commission Expires: 11-29-2000

crowiforms.com



MICROFILMED
JUN 09 1999

CORPORATE RESOLUTION

TO: Marla Mink
Sawtooth Title Company
P O Box 188
Ketchum, Idaho 83340

The undersigned, Charles Stevenson, President of Middle Fork Holding Company, Inc., a Delaware corporation (the "Corporation"), hereby certifies that the following is a true copy of a resolution duly and legally adopted by the Board of Directors of said Corporation at a legal meeting of said Board duly and regularly held on the 28th day of May, 1998, duly entered in the Minutes of said meeting in the book of minutes of this Corporation, that said resolution is in conformity with the Articles of Incorporation and Bylaws of this Corporation, and that said resolution has not been revoked and is in full force and effect.

1. "RESOLVED, that the Corporation is authorized and directed to purchase certain real property located within The Frank Church River of No Return Wilderness, Custer County, Idaho, commonly known as the "Middle Fork Lodge", consisting of approximately 80.52 acres, and more particularly described in Exhibit "A" attached hereto and made a part hereof."

2. "FURTHER RESOLVED, that the Corporation hereby appoints Brian Barsotti, attorney at law, to act as attorney-in-fact for the Corporation, and he is hereby authorized and directed on behalf of this Corporation to execute and deliver to Sawtooth Title Company on behalf of the Corporation, any and all contracts, instruments and other documents as may be required to evidence such purchase of the above described property; all such contracts, instruments and documents hereinabove referred to be in such form and to contain such terms and conditions as may be approved by Brian Barsotti executing the same, such approval of this Corporation to be conclusively evidenced by Brian Barsotti's execution thereof."

/////////
/////////
/////////

(1)

MICROFILMED

JUN 09 1999

AUG-13-98 FRI 3:15 PM
MAY-20-98 FRI 3:55 AM

BRIAN BARSOTTI
BRIAN BARSOTTI

FAX NO. 2087262922
FAX NO. 2087262922

P. 3
P. 3

DATED: May 28, 1998.

MIDDLE FORK HOLDING
COMPANY, INC., a Delaware
corporation

By Chris Stevenson
Charles Stevenson,
President

corp\midfork.res

MICROFILMED
JUN 09 1999

(2)

RECEIVED JUL 27 1998

GREYHAWK ALPINE CENTER
215 PICABO ST., SUITE 304
P.O. Box 10013
KETCHUM, IDAHO 83340

BRIAN BARSOTTI
ATTORNEY AT LAW

PHONE: 208-726-3030
FAX: 208-726-2922
E-MAIL: barsotti@micron.net

July 23, 1998

Norman M. Semanko, Esq.
Rosholt, Robertson & Tucker
P O Box 1906
Twin Falls, Idaho 83303-1906

Re: Stevenson/Middle Fork Lodge

Dear Norm:

Enclosed is a Notice of Change of Water Right Ownership executed by Charles Stevenson, who is president of Middle Fork Holding Company, Inc., a Delaware corporation, the new owners of the Middle Fork Lodge. Enclosed also is a copy of the Corporation Warranty Deed, together with the property description, as evidence of the actual transfer of title.

For purposes of the Notice, the name and address of the former owner was Middle Fork Lodge, Inc., an Idaho corporation, c/o Orca Bay Capital Corp., P O Box 21749, Seattle, Washington, 98111. The new owner is Middle Fork Holding Company, Inc., a Delaware corporation, c/o Brian Barsotti, P O Box 10013, Ketchum, Idaho, 83340, 208/726-3030. The date the property was acquired is June 1, 1998. I am not certain as to how many acres are actually irrigated. There are 82.5 acres on the property. It appears in your Memorandum that 42.3 acres were irrigated. That could be right or even a little low. Use your best judgment on what we should claim there.

The president and sole director of Middle Fork Holding Company, Inc., is Charles Stevenson. Inez D'Arcangelo is the vice president of the corporation. Mr. Stevenson, as president, has executed the Notice on behalf of the corporation.

MICROFILMED

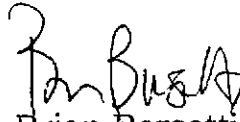
JUN 09 1999

Norman M. Semanko, Esq.
Rosholt, Robertson & Tucker
July 23, 1998
Page 2

Please also file a Notice of Appearance in the Snake River Basin Adjudication claim on behalf of Middle Fork Holding Company, Inc., relative to the water appurtenant to the Middle Fork Lodge.

If you have any questions, please do not hesitate to give me a call.

Very truly yours,


Brian Barsotti

BB/k/72.1

Encs.

cc: Charles Stevenson/Inez D'Arcangelo

MICROFILMED
JUN 03 1999

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 72-07004

NAME & ADDRESS: MFL INC
PO BOX 97060
KIRKLAND WA 98083

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS
1.2 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500
GALLONS PER DAY.

PRIORITY DATE: 01/02/1968

POINT OF DIVERSION: T14N R19E S28 SENENE Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC AIRPORT FACILITY	01-01 12-31	0.04 CFS
			1.2 AFY

PLACE OF USE: DOMESTIC Within CUSTER County
T14N R19E S28 NENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

MICROFILMED
JUN 09 1999

All or Part of the
SRBA Decree file
has been merged into
this Water Right file.

See Adjudication microfilm
for additional SRBA
information.

MICROFILMED

JUN 09 1999

Identification No. _____

Transfer No. 72-7004

T #1992

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

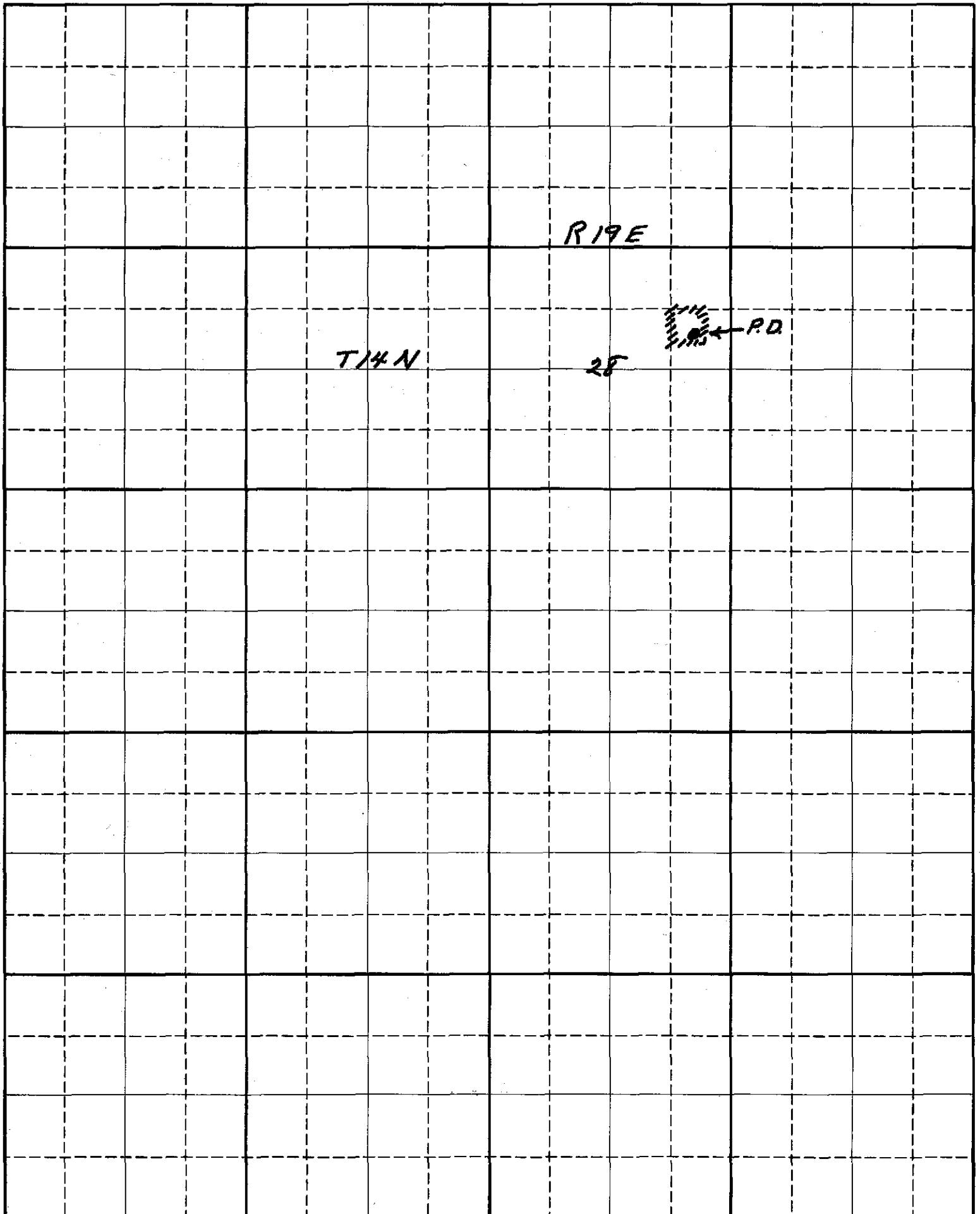
1. Name of Right Holder Middle Fork Lodge
Post office address P.O. Box 10, Reno, Nevada 89504
2. Right obtained by:
a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court. County of _____
- b. License No. 72-7004 issued by the State of Idaho, Department of Reclamation.
3. Source of water groundwater tributary to _____
(Name of stream or source)
4. Date of Priority Jan. 2, 1968
5. Amount of water a. .05 c.f.s. and/or
b. 1.2 acre feet/annum
6. Water is used for domestic from Jan. 1 to Dec. 31
(Month, Day) (Month, Day)
7. Original location of point of diversion is NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28,
Township 14N, Range 19E, B.M., in Custer County;
Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14N	19E	28														X			

Total number of acres presently irrigated _____

MICROFILMED



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. If applicant was not the original holder of this right explain how it was acquired: original form

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: .05 c.f.s. and/or 1.2 acre feet
- b. New point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 14N
_____, Range 19E, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: _____
well and pump
- d. Is water to be conveyed to the lands previously irrigated? Yes _____ No _____.
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:
Relocate building due airport runway lengthening
- f. Do you intend to make the transfer permanent? yes
- g. Do you intend to abandon completely the old point of diversion? yes
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14N	19E	28				X													

Total number of acres to be irrigated _____

MICROFILMED

b. Do you intend to make the transfer permanent?_____

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right:_____

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

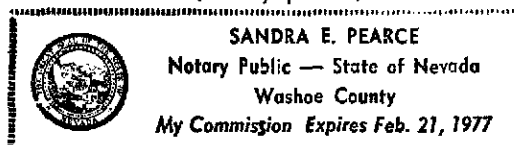
I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Middle Fork Lodge, Inc.
+ *by Charles A. Franklin, Secretary*
(signature of applicant)

Subscribed and sworn to before me this *12th* day of *September*, 19 *74*

Sandra E. Pearce
(notary public)

My commission expires *2/21/77*



**ACTION OF DIRECTOR, DEPT. OF WATER RESOURCES
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 72-7004,
and said application is hereby APPROVED

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

2. Denial of said application is for the following reasons:_____

Witness my hand this *21* day of *October*, 19 *74*

R. Keith Higginson
R. KEITH HIGGINSON, Director
Idaho Department of Water Resources

FOR DEPARTMENT USE ONLY

Received by *KLF* Date *9-3-74*

Protest filed by: _____ Date _____

Prelim. check by *MLs* Date *9-17-74*

Fee received by *LT* Date *9-3-74* Fee \$*10.00* (*13988*)

Approved for publication by *LT* *10-9-74*

Published in *Challis Messager* Dates *9-26 & 10-3-74*

Hearing held _____

Watermaster Recommendation sent _____

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 72-7004 Priority Jan. 2, 1968 Amount 0.05 cfs

THIS IS TO CERTIFY, that MIDDLE FORK LODGE, INC.
of Challis, Idaho, has complied with the terms and conditions of Permit
No. 72-7004 issued pursuant to Application for Permit dated January 2, 1968,
and has submitted proof to the Department of Water Administration on January 22, 1973,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.05 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.05</u> cfs and	<u>1.2</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.05 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1.2 acre feet per year, said waters to be diverted within the NW¹SE¹ of Sec. 28,
Twp. 14 N, Rge. 19 E, B. M. in the County of Custer

Description and location of place of use:

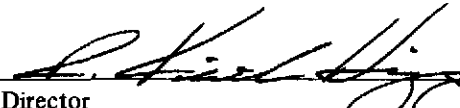
Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
14 N	19 E	28													X				

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 25 day of
February, 19 74.

Director 

72-7004

Identification No.

Application No.

72-7004
42220

LICENSE ISSUED FOR 005 SEC. FI.
LICENSE PAG. NO.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant MIDDLE FORK LODGE, INC., an Idaho Corporation
post office address c/o Furey, Furey & Bennetts, Challis, Idaho
2. Source of water supply underground waters which is a tributary of
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28 Township 14 N.
Range 19 E., B.M. Custer County; additional points of diversion if any:
- b. If water is not consumed, it will be discharged into at a point in $\frac{1}{4}$
of $\frac{1}{4}$ of Section Township Range B.M.
4. Quantity to be appropriated:
 - a. .22 cubic feet per second and/or 11 miners inches (max.)
 - b. acre feet per annum will be stored.
5. Water will be used for the following purposes:

Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)

Irrigation purpose from April 15 to Oct. 31 (both dates inclusive)

 purpose from to (both dates inclusive)
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. 6-8 inch well - pump - sprinkler
systems.
 - b. Height of storage dam feet; active reservoir capacity acre feet; total reservoir
capacity acre feet; materials used in storage dam:
 - c. Proposed well diameter is 6-8 inches; proposed depth of well is 140 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 \$ 1,500.00.
8. Description of proposed uses:
 - a. If water is **not** for irrigation:
 - (1) Give the place of use of water: NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28 Township 14 N.
Range 19 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 .
 - (5) If water is to be used for other purposes describe: Water will be used in connection
with an airport facility, garage, lawn and garden area, with 2
inches for domestic uses; the remainder for irrigation of sur-
rounding lands for pasture.

72-7004

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

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
14 N	19E	28														9			9

Total number of acres to be irrigated 9

c. Describe any other water rights used for the same purposes None

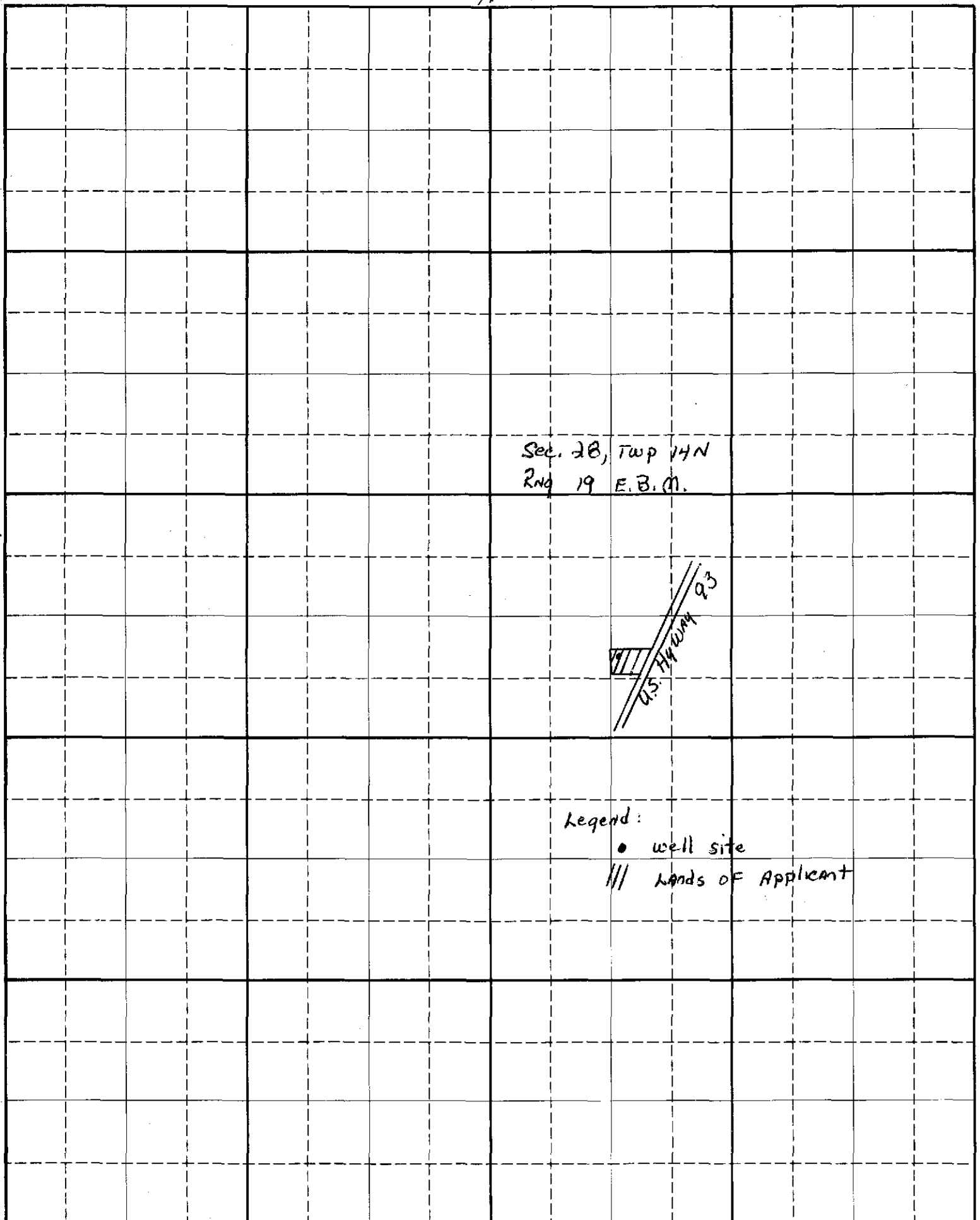
9. a. Who owns the property at the point of diversion Applicant

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 Applicant will beneficially use the applied for waters at the location of an airport facility. Approximately 2 inches will be required for these uses, and 9 inches for irrigation surrounding the facility.

11. Map of proposed project:



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.

ATTEST:

A. J. J. J.
Secretary
(Seal)

Ed J. J.
(Applicant)

Vice President, Middle Fork Lodge, Inc.

72-7004

Received by ef Date 1-2-68 Time 9:00 am
Preliminary check by DM Fee \$ 10.00
Received by ef Date 1-4-68
Publication prepared by ES Date 1-11-68
Published in Challis Messenger
Publication dates 1-18 and 25-68
Publication approved ES Date 1-19-68
Priority reduced to _____ Reason _____

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by ef DM

APPROVED

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 72-7004, 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 February 1, 19 73.
- c. Other: The applicant shall permanently install a measuring device of a type approved by the department as part of the diverting works.
(Measuring device requirement removed by Order dated 2/6/73)

2. Denial of said application is for the following reasons: _____

Witness my hand this 19 day of February, 19 68.

R. Keith Higgins
State Reclamation Engineer

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Removal of the Measuring Device)
Requirement Under Permit No. 72-7004 in the)
name of MIDDLE FORK LODGE, INC.)

ORDER

WHEREAS, on January 2, 1968, Middle Fork Lodge, Inc. filed with the Department of Water Administration (formerly the Department of Reclamation) an application for permit to appropriate 0.22 cfs of water from a ground water source within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, Twp. 14 N, Rge. 19 E, B.M., Custer County, to be used for domestic and irrigation purposes; and,

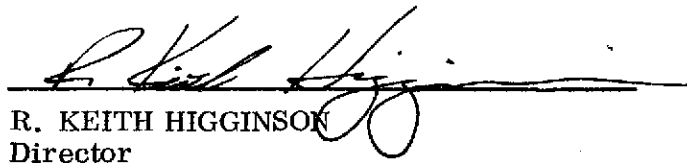
WHEREAS, on February 19, 1968, the Department approved said application and issued Permit No. 72-7004 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before February 1, 1973, and that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on January 22, 1973, the Department received the required proof of beneficial use along with a request that the measuring device requirement be removed from said permit; and,

WHEREAS, it has been determined by the Department that a measuring device is not required at this time for a determination of the quantity of water appropriated under the permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device be permanently installed and maintained as part of the diverting works be and is REMOVED from Permit No. 72-7004.

Dated this 6 day of February, 1973.


R. KEITH HIGGINSON
Director

AFFIDAVIT OF PUBLICATION

State of Idaho, }
County of Custer, } ss:

I, Richard Swindell, manager of The Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of The Challis

Messenger for 2.....
consecutive weeks, commencing with the issue
dated January 13....., 1968.....,
and ending with the issue

dated January 25....., 1968.,

Richard Swindell

Subscribed and sworn to
before me this 29th.....

day of *Jan*....., 19*68*

Kevin Bennett
Notary Public, Residing at
Challis, Idaho.

My Commission expires

9-1-76

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Middle Fork Lodge, Inc., ~~Funey, Funey & Bennetts, Challis, Idaho~~, has on 1-2-68 applied for permit to divert 20 cubic feet per second of water from a subterranean source under application No. 72-7004. Water will be diverted by a well, pump, and sprinkler within the NW1/4SE1/4, sec. 28, T. 14 N., R. 19 E., B.M., Custer County, and is to be used from January 1 to December 31 for domestic use and from April 15 to October 31 for irrigation purposes in the NW1/4SE1/4, sec. 28 T. 14 N., R. 19 E., B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Challis Messenger, Challis, Idaho on January 13 and January 23.

72-7004

STATEMENT

The Challis Messenger

RICHARD SWINDELL, PUBLISHER

Phone TR 9-3245 . . . Challis, Idaho

RECEIVED

FEB 5 1968

Department of Reclamation

State Of Idaho
Department Of Reclamation
107 State House
Boise, Idaho 83701

JOB NO.	DATE	DESCRIPTION	AMOUNT
	1-25-68	Legal Publication--Notice Of Application For Water, Application No. 7207004	\$7.36
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 same has been paid.			
<i>Richard Swindell</i>			

7207004



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

April 23, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MIDDLE FORK HOLDING COMPANY INC
C/O BRIAN BARSOTTI
PO BOX 10013
KETCHUM ID 83340

RE: Decreed Water Right 72-07004

Dear Mr. Barsotti:

The Department is in receipt of the correspondence changing the ownership of the above referenced decreed water right to Middle Fork Holding Company, Inc. We have modified our records to reflect this change in ownership and a computer generated report is enclosed.

Just a reminder, because of a law that went into effect July 1, 1996, all water right owners are required to report change of address or ownership to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee to the water right owner. If you have other water rights that haven't had the ownership updated please contact the department as soon as possible.

If you have any questions regarding this matter, please feel free to contact me at (208) 327-7947.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Johnson".

Jim JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED

JUN 09 1999

RECEIVED

JAN 27 1994

Department of Water Resources
Southern Region Office

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A72-07004
Date Received: 1/12/1990
Receipt No: W007576
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: MFL INC. 206-328-8685
Address: P.O. BOX 97060
KIRKLAND WA 98083

2. Date of Priority: JAN 2, 1968

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	19E	28	SE	NE	NE		CUSTER

5. Description of diverting works:
8" WELL & ELECTRIC PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.050		

7. Total Quantity Appropriated is:
0.050 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/SPRINKLER SYSTEM & AIRPORT FACILITY

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot
14N	19E	28	NE	NE	

MICROFILMED

11. Place of use in counties: CUSTER

NOV 01 1994

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

CHANGE IN P/D & P/U OCCURRED AUGUST 1974.

CLAIMANT HAS LEASE WITH CITY OF CHALLIS FOR USE OF PREMISES.

LEASE EXPIRES 07-31-1994.

CLAIM AMENDED TO CORRECT P/D & P/U AND ADD ATTORNEY CHANGE. RVW
12/23/93

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☒ do not ☐ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

We have already ordered the docket sheet in the name of Davis Wright Tremaine. We only wish to receive one copy.

For Organizations:

I do solemnly swear or affirm that I am *President* of _____
Title

☒ *MFL, Inc.*, that I have signed the foregoing
Organization
document in the space below as ☒ *President* of _____
Title

☒ *MFL, Inc.* and that the statements contained in the
Organization
foregoing document are true and correct. ☒ *[Signature]*
Signature of Authorized Agent

☒ *President MFL, Inc.*
Title and Organization

☒ *1/20/94*
Date

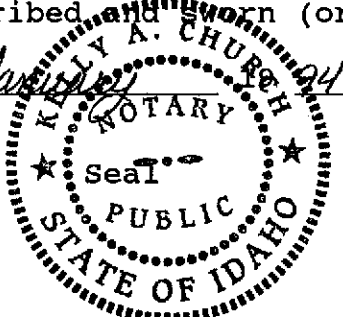
MICROFILMED

NOV 01 1994

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 25th day

of January



x Kelly A. Church
Notary Public

Residing at Boise, Idaho

My Commission Expires 10/13/99

17. Notice of Appearance:

Notice is hereby given that I, x Peter J. Richardson will be
Print Name

acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature x Peter J. Richardson

Address x 999 Main Street, Suite 911

Date x 1/26/94

MICROFILMED

NOV 01 1994

DAVIS WRIGHT TREMAINE

LAW OFFICES

ONE CAPITAL CENTER, SUITE 911 • 999 MAIN STREET • BOISE, IDAHO 83702-9010
(208) 338-8200 • FAX: (208) 338-8299

January 25, 1994

RECEIVED

JAN 27 1994

Department of Water Resources
Southern Region Office

Mr. Robert V. Worstell
Idaho Dept. of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Power of Attorney for MFL, Inc.

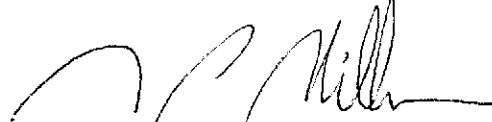
Dear Mr. Worstell:

I have enclosed a copy of a Limited Power of Attorney executed by Mr. John E. McCaw, Jr., President of MFL, Inc., on behalf of Mr. Peter J. Richardson. I have also enclosed another copy of the Change of Counsel form appointing Mr. Richardson counsel of record for certain water rights that were previously represented by Mr. Scott Campbell. Along with these documents, I have included an executed copy of the amended Notice of Claim to a Water Right Acquired Under State Law, which has been signed by Peter Richardson in his roll as Attorney-In-Fact for Mr. McCaw.

Having taken these steps, I believe our present tasks concerning water rights 72-07004 and A72-07004 are completed. We await further notification from you as the water rights involved make their way through the recommendation and adjudication process. If there is anything else we need to do, please let us know. Thank you for your help in this matter.

Very truly yours,

DAVIS WRIGHT TREMAINE



Nicholas P. Miller

NPM/kac
Encls.

MICROFILMED

NOV 01 1994

MILLNB0100005.LTR
Boise

RECEIVED

LIMITED POWER OF ATTORNEY

JAN 27 1994

Department of Water Resources
Southern Region Office

I, JOHN E. McCRAW, JR., President of MFL, Inc., do hereby make, constitute and appoint PETER J. RICHARDSON, my true and lawful attorney for me and in my name, place and stead, and on my behalf as President of MFL, Inc., to act for me in any and every way in respect to all water rights relating to or appurtenant to the following described real property situated in the County of Custer, State of Idaho:

A portion of the Northwest 1/4 of Southeast 1/4, Section 28, Township 14N, Range 19 East;

Together with all pertinent water rights, including but not limited to those rights referred to as water right numbers 72-07004 and A72-07004 and any and all right, title and interest in any notices of claim to water right filed in the Idaho State District Court, Civil Case No. 39576, in the Fifth Judicial District entitled: *In Re: The General Adjudication of Rights to the Use of Water from the Snake River Basin Water System.*

These powers were formerly held by W. Hugh O'Riordan, who acted as my true and lawful attorney-in-fact based on authority given him by a document executed by myself on February 2, 1993. Notice is now given that I revoke such power of attorney, and all power and authority given or intended to be given by the Limited Power of Attorney dated February 2, 1993, to W. Hugh O'Riordan. I grant the other power and authority outlined in that former document to PETER J. RICHARDSON which is as follows:

To exercise power and authority in my name and as my act and deed as President of MFL, Inc., to sign, seal, execute, deliver and acknowledge all written instruments, including without limitation, applications to the Idaho Department of Water Resources, or other state or federal agencies, and deeds, and to do and perform each and every act and thing whatsoever that may be necessary or proper to be done in or about the exercise of the powers and authority hereinabove granted to him respecting prosecution and determination of water rights, as fully to all intents and purposes as I might or could do if personally present, and I hereby ratify,

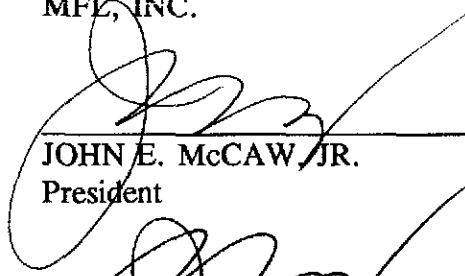
MICROFILMED

NOV 01 1994

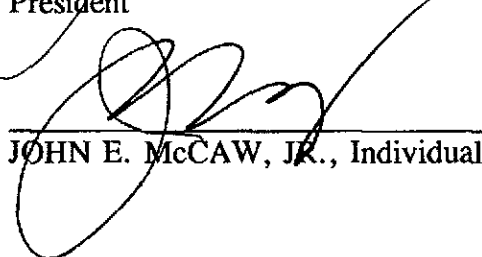
approve and confirm all that PETER J. RICHARDSON, as my attorney hereunder, shall lawfully do or cause to be done by virtue of the powers granted herein, and agree to indemnify and hold PETER J. RICHARDSON harmless from any actions or claims made against him as a result of the lawful exercise of the powers granted hereby. This shall be a durable power of attorney and shall not be affected by my disability or death.

DATED this 30 day of December, 1993.

MFL, INC.



JOHN E. McCAW, JR.
President



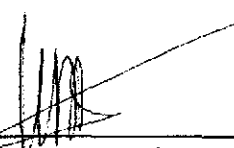
JOHN E. McCAW, JR., Individually

STATE OF Washington)
) ss.
COUNTY OF King)

On this 30 day of December, 1993, before me, a Notary Public in and for said state, personally appeared JOHN E. McCAW, JR., known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, upon oath stated that he was authorized to execute the instrument, and acknowledged it as the President of MFL, Inc. to be the free and voluntary act and deed of said corporation for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.





NOTARY PUBLIC in and for the State of Washington
Residing at 2515 Fourth Avenue, Seattle, WA 98101
My commission expires April 21, 1997

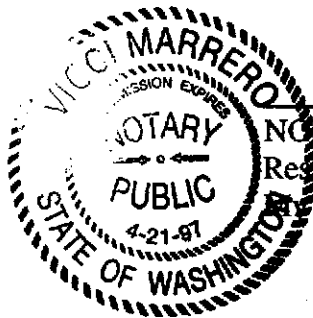
MICROFILMED

NOV 01 1994

STATE OF Washington)
) ss.
COUNTY OF King)

On this 30 day of December, 1993, before me, a Notary Public in and for said state, personally appeared JOHN E. McCAW, JR., known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument and acknowledged it to be his free and voluntary act and deed for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.





NOTARY PUBLIC in and for the State of Washington
Residing at 2515 Fourth Avenue, Seattle, WA
My commission expires April 21, 1997

MICROFILMED
NOV 01 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

14-Dec-1993

MR NICK MILLER, ATTORNEY
DAVIS WRIGHT TREMAINE
702 W. IDAHO ST. SUITE 700
BOISE ID 83702

RE: Adjudication Claim A72-07004

Dear Nick;

I am sending you an aerial photo of the property north of Challis Idaho that covers this adjudication claim. I am also enclosing printouts of the claim & the license the claim is based on. Note the differences in the legal descriptions of the points of diversion and the places of use. Mark and sign the photo with the present location of the well and the place of use and return it to me.

The original claim was signed 1/11/1990 by the secretary/treasurer of MFL, Inc. but I cannot read his signature. Can you tell me his name? There was no Notice of Appearance on this claim although there was on the other MFL claims. The Notice of Appearances on the other 4 claims listed R. John Insinger (407 W. Jefferson, Boise Id. 83702) as the attorney on behalf of those claims (dated 11/1/1990). John E. McCaw, Jr., President of MFL, Inc. submitted a notarized LIMITED POWER OF ATTORNEY that listed W. Hugh O'Riordan as his attorney for the above claim. This was dated 2/2/93 & received by us on 3/3/93. Was Mr. O'Riordan then part of your present firm? We also received a form "Claimant Acknowledgement of Change of Attorney in the SRBA" on 3/3/93 stating that Scott Campbell of Davis Wright Tremaine was now representing MFL, Inc. on all five of their claims. This was signed by what apparently is Mr. McCaw's signature as president of MFL, Inc., but was not dated. Since the original claims were all signed by the authorized agent (the Secretary/Treasurer of MFL, Inc.), any changes should also be signed by him or some legal form should be sent to us to delegate his authority.

Since you & your firm are now the current attorney for MFL, Inc., on these adjudication claims, please contact MFL to have them contact the court to change the NOTICE of APPEARANCE records and send us a copy acknowledging these changes to clear up the confusion that now exists. This will insure that the proper attorneys receive all the future mailings pertaining to these claims.

Please contact this office if you have any questions.

Respectfully


Robert V. Worstell
Sr. Adjudication Agent
5 Enclosures

MICROFILMED

NOV 01 1994

RECEIVED

DAVIS WRIGHT TREMAINE

LAW OFFICES

ONE CAPITAL CENTER • SUITE 911 • 999 MAIN STREET • BOISE, IDAHO 83702
Telephone: (208) 338-8200 • Fax: (208) 338-8299

JAN 10 1994

Department of Water Resources
Southern Region Office

NICHOLAS P. MILLER
(208) 338-8214

January 7, 1994

Mr. Robert V. Worstell
Idaho Dept. of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Change in Counsel for MFL, Inc. Water Right Claims

Dear Mr. Worstell:

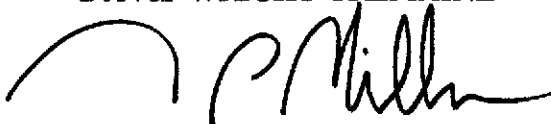
Enclosed is the original of a change of counsel request form for SRBA claimants. The previous counsel for MFL, Inc., Mr. Scott L. Campbell, is being replaced by Mr. Peter J. Richardson. You will notice that the change form is signed by the Vice President of MFL, Inc., whose name is C. James Judson.

Previously I sent you a copy of the aerial photo regarding Claim No. A72-07004, the water right at Challis airport. I have received the amended claim form, and I thank you for it.

Please let me know if you have any questions.

Very truly yours,

DAVIS WRIGHT TREMAINE



Nicholas P. Miller

NPM/kac
Encl.

MICROFILMED

NOV 01 1994

RECEIVED

Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication (SRBA)

JAN 10 1994

Department of Water Resources
Southern Region Office

Name(s) of Claimant (please print):

MFL, INC.

I/we acknowledge (check one):

☐ The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.

☒ I/we are now represented by the attorney at the address below.

Peter J. RichardsonDavis Wright Tremaine999 Main St., Suite 911Boise, Idaho 83702Attorney's Phone (208) 338-8200 / Fax: (208) 338-8299

The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).

A77-07020 A72-07004 A77-07081 A77-07082 A77-10123**For Individuals:**

Authorized signature(s) Date _____

For Organizations:I am Vice President of MFL, INC., and I

Title

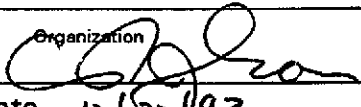
Organization

have signed the foregoing document in the space below as

Vice President of MFL, INC.

Title

Organization

Signature of Authorized Agent Title Vice President Date 12/22/93Organization MFL, INC.

IDWR Use:

Date Received _____

Data Entry _____

MICROFILMED

NOV 01 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Jan-1994

MR PETER J. RICHARDSON
DAVIS WRIGHT TREMAINE LAW OFFICES
999 MAIN ST. - SUITE 911
BOISE ID 83702

Re: Amendment of Adjudication Claim A72-07004

Dear Mr. Richardson;

I have received a letter from Mr Nicholas Miller on Jan. 10 regarding the necessary amendment to the above referenced Adjudication Claim and the Claimant Acknowledgement of Change in Attorney Form that we need in this file. I also requested that he return a signed and notarized copy of the amended claim - but this must have been overlooked. I am enclosing another copy of the amended claim. As the Attorney representing MFL, Inc. on this claim will you please sign in the spaces indicated on pages two and three of the claim form, provide the required notarization and return it to me?

Thank you for assisting in this. Please contact me if you need further information.

Sincerely,

A handwritten signature in cursive script that reads 'Robert Worstell'.

Robert Worstell
Sr Adjudication Agent

1 Enclosure

MICROFILMED

NOV 01 1994

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A72-07004
Date Received: 1/12/1990
Receipt No: W007576
Received By: _____
DATA ENTERED BY: SCC
DATE: 1-18-90

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MFL INC. 206-328-8685
Address: P.O. BOX 97060
KIRKLAND, WA 98083

2. Date of Priority: JAN 02, 1968

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	19E	28	SE	NW	SE		CUSTER

5. Description of diverting works:
8" WELL & ELECTRIC PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.050		

7. Total Quantity Appropriated is:
0.050 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/SPRINKLER SYSTEM & AIRPORT FACILITY

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	28	NW	SE		DOMEST	

11. Place of use in counties: CUSTER

A72-07004

Page 1 "

Date: 01/18/90

MICROFILMED

MAR 18 1993

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
CHANGE IN P/D & P/U OCCURRED AUGUST 1974.
CLAIMANT HAS LEASE WITH CITY OF CHALLIS FOR USE OF PREMISES.
LEASE EXPIRES 07-31-1994.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A 72-07004

Date Received 1/12/90

Receipt Number W 007576

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

RECEIVED

JAN 16 1990

Department of Water Resources
Southern Region Office

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) MFL, Inc. Phone (206) 328-8685

Mailing Address P.O. Box 97060 Kirkland, WA Zip 98083

2. Date of Priority (Only one per claim) Jan. 2, 1968 Month/Day/Year

3. Source of water supply (Check one) (X) Groundwater or Other () (a) Well

Name or kind of source

which is tributary to (b) Salmon River

4. Location of point of diversion is: Township 14N Range 19E

Section 28 SE 1/4 of NW 1/4 of SE 1/4, Govt. Lot _____, BM.,

County of Custer

Additional points of diversion if any: N/A

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. 6"-8" Well with electric pump. Originally Completed January 2, 1968, for domestic use and sprinkler system in connection with airport facility. Well location was moved to present location August, 1974.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from Jan. 1 ^{Month/Day} to Dec. 31 ^{Month/Day} amount 0.05 ^(cfs)

(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.05 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) _____

MICROFILMED

MAR 18 1993

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

10. Place of use is: Township: 14N Range 19E

Section 28, NW 1/4 of SE 1/4, Govt. Lot _____, B.M.,

for (Circle One) **Domestic** **Stock** **Domestic and Stock**

Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? Custer

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
() None or _____

14. Remarks: Claimant has lease with city of Challis for use of premises. Lease
expires July 31, 1994.

15. Basis of Claim (Circle One) **Beneficial Use** **Posted Notice** **License** **Permit** **Decree**

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number 72-7004

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood the form entitled "How you will receive notice in the Snake River Basin Adjudication". (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Secretary/Treasurer

of MFL, Inc. _____, that I have signed the foregoing

document in the space below as Secretary/Treasurer of MFL, Inc.

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature] Date 1/11/90

Title and Organization Secretary/Treasurer; MFL, Inc.

State of Idaho/or _____)
County of Ada) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 11th day of January 19 90

SEAL

Notary Public For IDAHO [Signature]

Residing at Boise

My Commission Expires 12/15/92

Last Name MFL, Inc. Ident No. _____

Copies: White-State, Yellow-Claimant
MICROFILMED

MAR 18 1993

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

CONVERSATION MEMO

FILE: A72-7004

AGENT: KKC

DATE: 1-8-93

RE: Notice of Appearance

NAME OF PARTY: Anna Baumhafft

she thought that the Notice of appearance for MFL claims was attached to the claims at Western.

I called Ron ^{Howerton} & John Ensinger is currently the Attorney of Record for claims 77-7020; ⁷⁰⁸¹7082; 10123. Notified Anna this date.

She wants Scott Campbell listed as Att. for ^{Davis Wright} Tremaine per phone # 338-8200.

This claim needs to be amended to correct the P/U.

DAVIS Wright TREMAINE
702 W Idaho Suite 700
Boise Id 83702
(208) 338-8200

12/10/93

Called Davis Wright Tremaine - Baumhafft + Campbell no longer with them. Campbell with Elam Burke + Boyd, Boise.

12/10/93 2:45 pm Peter Richardson called from Davis, Wright Tremaine - had heard from Campbell. He will call us next week.

12/13 2:00 pm Called by Nick Miller of Davis Wright Tremaine - He said send the papers to him.

Howerton
334-2190

MICROFILMED

MAR 18 1993

DAVIS WRIGHT TREMAINE

LAW OFFICES

702 WEST IDAHO STREET • SUITE 700 • BOISE, IDAHO 83702
(208) 338-8200

RECEIVED

December 22, 1993

DEC 23 1993

Department of Water Resources
Southern Region Office

Mr. Robert V. Worstell
Idaho Dept. of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Adjudication Claim A72-07004

Dear Mr. Worstell:

At your request, I am sending you a copy of the aerial photo that shows the location of MFL, Inc.'s water right at the Challis Airport. I have circled and put an "x" on the location of both the well and the place of use. If you have any questions about either the point of diversion or the place of use, please contact me.

As you know, we are interested in filing an amended claim on this right, as the point of diversion and place of use differ from that in the original claim. In our discussions you informed me that you could prepare such an amended claim for my review and my client's signature. Please let me know if I need to take other steps in order to file an amended claim on this right.

Sometime in January I will send you the change of attorney form changing the active attorney on this case from Mr. Scott Campbell to Mr. Peter Richardson. I will also send a notarized Limited Power of Attorney that substitutes Mr. Peter Richardson for Mr. Hugh O'Riordan as attorney for Claim No. A72-07004.

I appreciate your continuing help in this matter.

Very truly yours,

DAVIS WRIGHT TREMAINE

Nicholas P. Miller

Nicholas P. Miller

MICROFILMED

1/4 NOV 01 1994

NPM/kac
Encl.

FAX: (208) 338-8299

ANCHORAGE, ALASKA • BELLEVUE, WASHINGTON • LOS ANGELES, CALIFORNIA • PORTLAND, OREGON
RICHLAND, WASHINGTON • SEATTLE, WASHINGTON • WASHINGTON, D.C.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

23-Dec-1993

NICHOLAS P MILLER
DAVIS WRIGHT TREMAINE LAW OFFICES
702 W IDAHO ST - SUITE 700
BOISE ID 83702

Re: Amendment of Adjudication Claim A72-07004

Dear Nicholas Miller;

I have amended the above referenced claim to correct the legal descriptions of the point of diversion and the place of use to agree with the location you marked on the aerial photo I sent you. Thank you for helping on this. I am enclosing 2 copies of the amended claim for your examination. I have printed these in the format used for "Notice of Appearance" and for representation of the claimant by an Attorney. When you have completed the change of Attorney procedure in January please get the necessary signatures in the spaces on pages 2 and 3 on one of the copies, have it notarized and return it to me. I can then proceed with processing this claim. You may retain the other copy in your file for MFL Inc.

Please contact me if you need further information.

Sincerely,

A handwritten signature in cursive script, reading 'Robert V. Worstell'.

Robert Worstell
Sr Adjudication Agent

2 Enclosure copies

MICROFILMED
NOV 01 1993

21
28

POOR ORIGINAL
22 27

Well +
place of use

27

MICROFILM

NOV 01 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

A72-07004

December 16, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

MFL INC
C/O ANDREA KAPPENMAN
PO BOX 21749
SEATTLE WA 98111

A Records modified 12-29-97.
~~by R. Records.~~ ps

DEC 29 1997

Department of Water Resources

Re: Snake River Basin Adjudication (SRBA)
Notice of Claim #A77-07020, A72-07004, A77-07081,
A77-07082 & A77-10123
Change of Address record made.

Dear Claimant:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water rights can be sent only to the address on your water rights or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter. Please return the letter by December 29, 1997. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

S. Sherman

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Andrea Kappenman
Claimant Signature & Title

cc: Peter J. Richardson, Registered Agent

FEB-25-1997
0002

1

RIGHT NUMBER: 72-07004
NAME AND ADDRESS: MFL INC
PO BOX 97060
KIRKLAND WA 98083

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS
~~0.09 CFS~~
1.2 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500 GALLONS PER DAY.

PRIORITY DATE: 01/02/1968

POINT OF DIVERSION: T14N R19E S28 SENENE Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC AIRPORT FACILITY	01-01 12-31	0.04 CFS
	DOMESTIC D/SPRINKLER SYSTEM & AIRP		~~0.09 CFS~~
			1.2 AFY

PLACE OF USE: DOMESTIC Within CUSTER County
T14N R19E S28 NENE

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

FEB-05-1997
0026

1

RIGHT NUMBER: 72-07004
NAME AND ADDRESS: MFL INC
PO BOX 97060
KIRKLAND WA 98083

SOURCE: GROUNDWATER

QUANTITY: 0.05 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/02/1968

POINT OF DIVERSION: T14N R19E S28 SENENE Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC D/SPRINKLER SYSTEM & AIRP	01-01 12-31	0.05 CFS

PLACE OF USE: DOMESTIC Within CUSTER County
T14N R19E S28 NENE

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Revised 2/24/97

HOLD
Claimant Contact
Required re: domestic
uses of A vs B.
Pay fees for 0.05 rate
or reduce to .04 cfs/
2500
gpd

*Paid \$25.00
R# W007576
Therefore claim is allowed
as the current use under domestic
Part B. see 2/24/97*

AJ5809NP
No. R72-07004

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/17/97
PAGE: 27

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MFL INC PO BOX 97060 KIRKLAND WA 98083 (206) 328-8685	01/02/1968	DOMESTIC	01-01 12-31	0.05 CFS	1.2
TOTAL DIVERSION:					0.05 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T14N R19E S28 SENENE

CUSTER County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE							
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
14N	19E	28	D																

POU County: CUSTER

Non-Irrigation Uses: ~~SPRINKLER SYSTEM~~ AIRPORT FACILITY

Other Rights: NONE

Conditions of Approval:

- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- NAT - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N25 - ~~THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.~~

Dates: Exam Made Date: Verified Date: 01/27/1994 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: Presumption Flag: C

Comments: Date: 01/27/1994 User-ID: WORSTELL Subject: COPIED FROM REMARKS
CHANGE IN P/D & P/U OCCURRED AUGUST 1974.
CLAIMANT HAS LEASE WITH CITY OF CHALLIS FOR USE OF PREMISES.
LEASE EXPIRES 07-31-1994.

Audit: 03/02/92 BAUMHOFF 01/27/94 WORSTELL 03/30/95 POST-STD 01/14/97 D&S-OSHA

*transfer filed
but gave wrong
legal descrip.*

*R# W007576
\$25*

*SA
2/5/97*

OK LEAVE

OK LEAVE

N06

2500 GPD

A77-07004

Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication (SRBA)

RECEIVED

JAN 27 1994

Name(s) of Claimant (please print):

MFL, INC.

Department of Water Resources
Southern Region Office

I/we acknowledge (check one):

_____ The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.

☒ I/we are now represented by the attorney at the address below.

Peter J. Richardson

Davis Wright Tremaine

999 Main St., Suite 911

Boise, Idaho 83702

Attorney's Phone (208) 338-8200 / Fax: (208) 338-8299

The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).

A77-07020 A72-07004 A77-07081 A77-07082 A77-10123

For Individuals:

Authorized signature(s) Date _____

For Organizations:

I am Vice President of MFL, INC., and I

Title

Organization

have signed the foregoing document in the space below as

Vice President of MFL, INC.

Title

Organization

Signature of Authorized Agent _____

Title Vice President

Date 12/22/93

Organization MFL, INC.

IDWR Use:

Date Received

Data Entry 1/18/94

MICROFILMED
NOV 01 1994

Water Right Number - **872-07004** Prefix Translation: RESEARCH Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** A - ATTORNEY ***
RICHARDSON PETER J. 1 - DAVIS WRIGHT TREMAINE
2 - 999 MAIN ST. - SUITE 911
3 -
City- BOISE State- ID Zip- 83702
Phone - 208-338-8200

*** C - CURRENT OWNER ***
MFL INC. 1 - P.O. BOX 97060
2 -
3 -
City- KIRKLAND State- WA Zip- 98083
Phone - 206-328-8685

*** K - ALSO KNOWN AS ***
MIDDLE FORK LODGE 1 -
2 -
3 -
City- XXXX State- ID Zip- 000
Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
01/02/1968 17 SOUTHERN 1 - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County
14N 19E 28 SE NE NE (37) CUSTER

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
43 - DOMESTIC 01/01 12/31 0.050

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.050 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
14N 19E 28 NE NE 43 DOMESTIC (37) CUSTER

Total Acres:

+ - - Diversion Means - 8" WELL & ELECTRIC PUMP

+ - - Non-Irrigation Use - D/SPRINKLER SYSTEM & AIRPORT FACILITY

MICROFILMED
NOV 01 1994

MICROFILMED
NOV 01 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:16:21
06/10/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A72-07004

LAST: MEL INC.
ADDRESS: P.O. BOX 97060
CITY: KIRKLAND
PHONE NUMBER: 206-328-8685

FIRST:
STATE: WA ZIP: 98083

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: CHANGE IN P/D & P/U OCCURRED AUGUST 1974.
CLAIMANT HAS LEASE WITH CITY OF CHALLIS FOR USE OF PREMISES.
LEASE EXPIRES 07-31-1994.

~~FIELD~~ EXAMINATION INFORMATION

CONTACT PERSON: *Nicholas Miller of Davis Wright Tremaine* ^{Law Firm} ~~Boise~~ PHONE NUMBER: (208) 338-8200

DATE OF ~~FIELD~~ EXAM: *1/27/94* APPOINTMENT MADE: Y() N() TIME: : A() P()

ACCOMPANIED BY: _____ PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

See extensive correspondence regarding amending claim to identify the point of diversion, place of use and the change in Attorneys. This correspondence took place between March 2, 1993 and January 25, 1994 and involved 7 letters and their attachments

MICROFILMED

NOV 01 1994

A. AJ CLAIM: # A72-07004 PRIORITY DATE: 01-02-1968 STAGE: L

B. WR RECORD: # 72-07004 PRIORITY DATE: 01-02-1968 STAGE: L

C. FIELD EXAM REQUIRED? DATABASE EXAMINER FIELD EXAMINER

DUE TO PRIORITY DATE DISCREPANCY? (Y/N) N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(✓)

REMARKS:

RECOMMENDED PRIORITY DATE:
01-02-1968

REVIEWED BY *[Signature]* DATE 1/27/94

MICROFILMED
MAY 01 1994

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
672-07004	14N	19E	28	SE	NW	SE		CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
672-10226
NONE

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
72-07004	14N	19E	28		SE	NE		CUSTER

OTHER WR RECORDS WITH SAME WR POD
AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
NONE
672-10100
672-10124
NONE

SOURCE: GROUNDWATER

TRIB:

C. ~~FIELD~~ EXAM REQUIRED?

DOE TO POD DISCREPANCY?	(Y/N)	DATABASE	FIELD EXAMINER
DOE TO SOURCE DISCREPANCY?	(Y/N)	N	~~Y~~

REMARKS:

Claimed point of diversion and place of use legal descriptions on the original licenses differed from the descriptions on the adjudication claim. The claim was amended through correspondence with the attorney for the claimant and a change of attorney was also processed.

MICROFILMED
NOV 01 1994

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TWP. RGE. SEC.

1/4

LOT

COUNTY

44N 19E 28

SE NE NE

Custer

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY:

DATE:

1/27/1994

MICROFILMED

NOV 01 1994

A. ROOT WATER RIGHT NUMBERS: A72-07004
R72-07004

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
14N	19E	28	NW	SE		REF. INC.	A72-07004	7			3.0
			NW	SE		BAILEY, BYRON P.	A72-10159	/	/	/	
			NW	SE		BENHAM, JOE A.	A72-10226	/	-	/	
			NW	SE		MEL INC.	R72-07004	/	/	/	
			NW	SE		ROUND VALLEY IRRIGATION CO.	72-00032	/	/	/	
TOTAL ACRES							A72-07004				3.00

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N (X)

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE Y FIELD EXAMINER N

POU COUNTY: CUSTER

PRESUMPTION FLAG: C

REMARKS:

Domestic Claim

RECOMMENDATIONS:

TOTAL ACRES: 0

REVIEWED BY: *[Signature]*

DATE: 1/27/94

MICROFILMED
1000 0 1 1994

A. AJ CLAIMED USES:

PURPOSES
A72-07004 DOMESTIC

MONTH/DAY
FROM 01-01 TO 12-31

DIVERSION QUANTITY
.050 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.050 CFS

B. WR RECORDED USES:

PURPOSES
72-07004 DOMESTIC

MONTH/DAY
FROM 01-01 TO 12-31

DIVERSION QUANTITY
.050 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.050 CFS 1.20 AF/A

PRESUMPTION FLAG: C

C. FIELD EXAM REQUIRED?

	FIELD EXAM REQUIRED?	DATE	EXAMINER
DUE TO WATER-USE DISCREPANCY?	(Y/N)		
DUE TO DIVERSION RATE DISCREPANCY?	(Y/N)		
DUE TO PERIOD FROM/TO DISCREPANCY?	(Y/N)		

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N()
Y() N()

Explain in remarks, below.

REMARKS:

Domestic water for yard irrigation

MICROFILMED

1994 01 1994

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(✓) N()

A1 TOTAL CLAIMED DIVERSION RATE:
WR ROOT RIGHT TOTAL DIVERSION RATE:

0.050 CFS
0.050 CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

Y FIELD
DATABASE EXAMINER

B.

MEASUREMENT METHOD

FLOW MEASUREMENT

SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N(✓) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME PCU AND IRRIGATION USAGE

LIST ALL RIGHTS WITH SAME PCU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A72-10159	DOMESTIC	BAILEY, BYRON P.	FROM 01-01 TO 12-31	.040 CFS	
A72-10159	STOCKWATER	BAILEY, BYRON P.	FROM 01-01 TO 12-31	.020 CFS	

MICROFILMED

1994

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE
ACRES $\times$ 0.02 CFS/ACRE = CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED: Y() N() ***

2. IRRIGATION CONSUMPTIVE USE
CLAIMED CONSUMPTIVE USE = AE/A
ACRES $\times$ CONSUMPTIVE VOL. AE/A FOR AREA =
TOTAL CONSUMPTIVE USE AE/A

N/A

3. IRRIGATION DIVERSION VOLUME
CLAIMED DIVERSION VOLUME = AE/A
ACRES $\times$ DIVERSION VOL. AE/A FOR AREA =
TOTAL DIVERSION VOLUME AE/A

N/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:
SEE ATTACHED SHEET: Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

MICROFILMED
MAY 0 1 1994

RECOMMENDATIONS:

REC.
PURPOSES

REC. PERIOD
FROM TO

REC. DIV
RATE CES

REC. DIV
VOL. AF/A

REC. CONS.
USE

TOTAL FOR THIS RIGHT

DOMESTIC

01-01 12-31

DATABASE EXAMINER
0.050

DATABASE EXAMINER
0.05

DATABASE EXAMINER
Domestic

0.0

DATABASE EXAMINER
N/A

REVIEWED BY:

[Signature]

DATE:

1/27/94

Recommended as Licensed

MICROFILMED
NOV 01 1994

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FOREFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

ACCEPTED
AS CLAIMED
()
()
()
NEEDS
REVIEW
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-07004

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.050

EXAMINER

CFS

No Splits

SPLITS:

OLD RIGHT
NUMBERS
A72-07004

CURRENT
CLAIM NUMBERS
A72-07004

DIVERSION
RATE
0.050

CURRENT "K"
CLAIM NUM.
K72-07004

"K" DIV.
RATE
0.050

WR RIGHT
NUMBERS
72-07004

DIVERSION
RATE
0.050

TOTAL CFS

0.050

0.050

0.050

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER

N/A

REMARKS:

AUTHENTICATION:
SIGNATURE: *Robert V. Hendricks*

DATE: *1/31/94*
TITLE: *Sr. Adj. Agent*

MICROFILMED
APR 11 1994

03:04:54
06/10/07

TELEVISION
VOLUME

0.05 CES

SECRET

CLUSTER County

10

```
Field Inspection Flag: Y
Presumption Flag: C
```

MICROFILMED
NOV 8 1 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A72-07004

01:16:21
06/10/92

MR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	^{Desk} FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y		RVN 12/15/93 to 1/27/94	Y	6	RVN 1/27/94	RVN 1/27/94	
SOURCE				N				
PLACE OF USE	Y			Y	6			
MTU: AMOUNT CFS/VOLUME				N				
CONSUMPTIVE USE	-			N				
PURPOSES				N				
PERIOD OF USE				N				
BASIS OF CLAIM				N				
REMARKS	Y							

VERIFIED BY CODES

TOPO MAP/ORTHO-PG = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

MICROFILMED
11/01/1994

WR0749NP
No. 72-07004

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/27/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MIDDLE FORK LODGE	01/02/1968	DOMESTIC	01-01 12-31	0.05 CFS	
TOTAL DIVERSION:					0.05 CFS	1.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T14N R19E S28

SENE

CUSTER County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
14N	19E	28	:																	:
			:																	:

Pou County: CUSTER

Other Water Rights Listing Overlapping Place(s) of use:
72-07261

Dates:	App. Received:	Priority Date:	01/02/1968
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		07/10/1979

Misc: Water District Number: Field Exam Fee:

Audit: 04/23/85 05/28/88 CONVERT

MICROFILMED
NOV 01 1994

DAVIS WRIGHT TREMAINE

LAW OFFICES

702 WEST IDAHO STREET • SUITE 700 • BOISE, IDAHO 83702
(208) 338-8200

March 2, 1993

RECEIVED

MAR 03 1993

Idaho Department of Water Resources
Southern Regional Office
222 Shoshone Street East
Twin Falls, Idaho 83301

Department of Water Resources
Southern Region Office

Attn: Kelly Christensen

Re: Snake River Basin Adjudication (SRBA) - Claimant
Acknowledgment of Change in Attorney for Middle Fork
Lodge, Inc. (MFL, Inc.)

Dear Kelly:

Enclosed is a completed Claimant Acknowledgment of Change
in Attorney form for all claims filed by MFL, Inc.

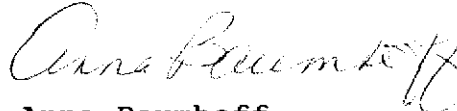
Please send conformation to this office, once the SRBA
data base has been changed.

After the completion of the above, we would like to
proceed with amending Notice of Claim form A72-07004. Please
prepare and forward to this office at my attention, an "Amended"
claim form with the corrected legal descriptions of both the place
of use and point of diversion, so that we may complete the process.

Your attention to this matter is appreciated. If you
have any questions please contact me.

Very truly yours,

DAVIS WRIGHT TREMAINE



Anna Baumhoff

ab:
Enclosures:

MICROFILMED
NOV 01 1994

28611\42\00003.LTR
Boise

FAX: (208) 338-8299

ANCHORAGE, ALASKA • BELLEVUE, WASHINGTON • LOS ANGELES, CALIFORNIA • PORTLAND, OREGON
RICHLAND, WASHINGTON • SEATTLE, WASHINGTON • WASHINGTON, D.C.

RECEIVED

MAR 03 1993

LIMITED POWER OF ATTORNEY

Department of Water Resources
Southern Region Office

I, JOHN E. McCRAW, Jr., President of MFL, INC., do hereby make, constitute and appoint W. HUGH O'RIORDAN my true and lawful attorney for me and in my name, place and stead and on my behalf as President of MFL, INC. to act for me in any and every way in respect to all water rights relating to or appurtenant to the following-described real property situated in the County of Custer, State of Idaho:

A portion of the NW1/4 of SE1/4, Section 28, Township, 14N, Range 19 East;

Together with all appurtenant water rights, including but not limited to those rights referred to as water right numbers 72-07004 and A72-07004 and any and all right, title and interest in any notices of claim to water right filed in the Idaho State District Court, Civil Case No. 39576, in the Fifth Judicial District entitled: In Re: The General Adjudication of Rights to the Use of Water from the Snake River Basin Water System.

I further give and grant to W. HUGH O'RIORDAN, as my attorney hereunder, full power and authority in my name and as my act and deed as President of MFL, INC. to sign, seal, execute, deliver and acknowledge all written instruments, including without limitation, applications to the Idaho Department of Water Resources or other state or federal agencies, and deeds, and to do and perform each and every act and thing whatsoever that may be necessary or proper to be done in or about the exercise of the powers and authority hereinabove granted to him respecting prosecution and determination of water rights, as fully to all intents and purposes as I might or could do if personally present, and I hereby ratify, approve and confirm all that W. HUGH O'RIORDAN, as my attorney hereunder, shall lawfully do or cause to be done by virtue of the powers granted herein and agree to indemnify and hold W. HUGH O'RIORDAN harmless from any actions or claims made against him as a result of the lawful exercise of the powers granted hereby. This shall be a durable power of attorney and shall not be affected by my disability or death.

STATE OF Washington

: ss.

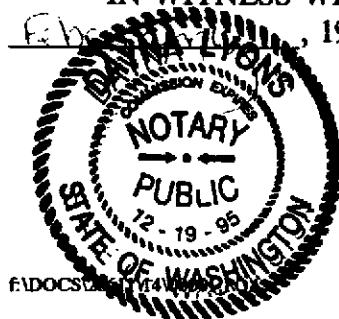
County of King

On this 2 day of February, 1993, before me, a notary public in and for said State, personally appeared JOHN E. McCRAW, Jr., President of the MFL, INC., known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

MICROFILMED

IN WITNESS WHEREOF, I have hereunto set my hand this 2 day of February, 1993.

NOV 01 1994



Notary Public for

Residing at: Richland

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
 Decree _____
 If applicable provide IDWR Water Right Number 77-07020
 Court _____ Case Number _____ Decree Date _____
 Plaintiff vs Defendant _____

POOR ORIGINAL

16. Signature (s)
 (a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
 "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do X do not _____
 wish to receive and pay a small annual fee for monthly copies of the docket sheet. SEND TO ATTORNEY INDICATED
 Number of attachments 1 BELOW.

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
 and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Secretary/Treasurer
 Title _____

of MFL, Inc. _____, that I have signed the foregoing

document in the space below as Secretary/Treasurer of MFL, Inc.
 Title _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

and Organ. Secretary/Treasurer, MFL, Inc. Date 11/11/90

State of Idaho/or _____
 County of Ada _____

Subscribed and sworn (or affirmed) before me this _____ day of January 19 90

SEAL

Notary Public Joe T. Baker

Residing at Boise

My Commission Expires 12/15/92

Please Print Name

17. Notice of Appearance

Notice is hereby given that I, Richard Insinger will be acting as attorney at law on behalf
 of the claimant signing above, and that all notices required by law to be mailed by the director to the _____ signing above
 should be mailed to me at the address listed below.

Signature Richard Insinger

Address 407 W. Jefferson, Boise, ID 83724

Date 11/1/90

Last Name MFL Ident. Number _____

MICROFILMED
NOV 01 1994

Post-it brand for transmittal memo 7571		* of pages *	
To <u>Boise</u>	From <u>Boise</u>		
cc <u>SOUTHERN</u>	Co. <u>WATER</u>		
Unit _____	Phone # _____		
Fax # <u>736-3037</u>	Fax # _____		

RECEIVED

Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication (SRBA)

MAR 06 1993

Department of Water Resources
Southern Region Office

Name(s) of Claimant (please print):

MFL, INC.

I/we acknowledge (check one):

☐ The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.

☒ I/we are now represented by the attorney at the address below.

Scott L. CampbellDavis Wright Tremaine702 West Idaho, Suite 700Boise, Idaho 83702

Attorney's Phone _____

The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).

A77-07020 A72-07004 A77-07081 A77-07082 A77-10123

For Individuals:

Authorized signature(s) Date _____

For Organizations:

I am President of MFL, INC., and I

Title

Organization

have signed the foregoing document in the space below as

President of MFL, INC.

Title

Organization

Signature of Authorized Agent _____

Title President

Date _____

Organization MFL, INC.

MICROFILMED
NOV 01 1994

IDWR Use:

Date Received _____

Data Entry _____

All or Part of the
SRBA Decree file
has been merged into
this Water Right file.

See Adjudication microfilm
for additional SRBA
information.

October 22, 1974

Re: Transfer No. 72-7004

**Middle Fork Lodge
P.O. Box 10
Reno, Nevada 89504**

Gentlemen:

**Enclosed herewith is a copy of your approved Application for Transfer of Water
Right No. 72-7004.**

Sincerely,

**BOBBY D. FLEENOR
Chief, Water Rights**

**BDF:DR
Enclosure**

bc: Southern District Office

**RECEIVED
OCT 24 1974**

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, MARGARET PARKS.....
Publisher of the Challis Messenger,
a weekly newspaper, published at
Challis, Idaho, do solemnly swear
that the notice hereto attached and
made a part hereof, was published
in the regular and entire issue of
the Challis Messenger for 2.....
consecutive weeks, commencing with
the issue dated SEPT. 26.....,
1974, and ending with the issue
dated OCT. 3....., 1974..

Margaret Parks.....
Subscribed and sworn to before
me this 7... day of Oct.....,
1974..

Marie M. Sullivan
Notary Public, residing at Challis,
Idaho. My commission expires on
7-1-75.....

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 72-7004

Notice is hereby given that Middle Fork Lodge, P. O. Box 10, Reno, Nevada, has applied to the Department of Water Resources for a change of the point of diversion and place of use of the waters of a groundwater source. The right sought to be changed is evidenced by License No. 72-7004 and is recorded as follows:

Amount: .05 cfs and/or 1.2 a.f.
Priority: Jan. 2, 1968. Point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T 14N, R 19E, B.M., Custer Co. The water is used for domestic use within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28,

T 14N, R 19E, B.M.

TO BE CHANGED AS FOLLOWS

The applicant proposes to divert .05 cfs and/or 1.2 acre feet from a new well in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28 T 14N, R 19E, B.M. The water will be used for domestic use in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T 14N, R 19E, B.M.

Any protest against the approval of the proposed change of water right must be filed with the Idaho Dept. of Water Resources, 1041 Blue Lakes Blvd. N., Twin Falls, Id., on or before 10-14-74.

R. KEITH HIGGINSON
Director

Published in the Challis Messenger on 9-26 and 10-3-74.

RECEIVED

OCT 10 1974

Idaho Department of Water Resources
200 N. 2nd St. Boise

XXXXXXXXXXXXXXXXXXXXXXXXX RESOURCES

September 17, 1974

RE: Application No. 72-7004 - Middle Fork Lodge

Challis Messenger
P.O. Box 405
Challis, Id. 83226
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.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Bob Haynes
Southern District Engineer

MICROFILMED

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 72-7004**

Notice is hereby given that Middle Fork Lodge, P. O. Box 10, Reno, Nevada, has applied to the Department of Water Resources for a change of the point of diversion and place of use of the waters of a groundwater source. The right sought to be changed is evidenced by License No. 72-7004 and is recorded as follows:

Amount: .05 cfs and/or 1.2 a.f.

Priority: Jan. 2, 1968. Point of

diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28,

T 14N, R 19E, B.M., Custer Co.

The water is used for domestic use within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T 14N, R 19E, B.M.

TO BE CHANGED AS FOLLOWS

The applicant proposes to divert .05 cfs and/or 1.2 acre feet from a new well in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28 T 14N, R 19E, B.M. The water will be used for domestic use in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T 14N, R 19E, B.M.

Any protest against the approval of the proposed change of water right must be filed with the Idaho Dept. of Water Resources, 1041 Blue Lakes Blvd. N., Twin Falls, Id., on or before 10-14-74.

R. KEITH HIGGINSON
Director

Published in the Challis Messenger on 9-26 and 10-3-74.

ak LT
9-24-74

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 72-7004

Notice is hereby given that Middle Fork Lodge, P.O. Box 10, Reno, Nevada, has applied to the Department of Water Resources for a change of the point of diversion and place of use of the waters of a groundwater source. The right sought to be changed is evidenced by License No. 72-7004 and is recorded as follows:

Amount: .05 cfs and/or 1.2 a.f. Priority: Jan. 2, 1968

Point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T 14N, R 19E, B.M., Custer Co.

The water is used for domestic use within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T 14N, R 19E, B.M.

TO BE CHANGED AS FOLLOWS

The applicant proposes to divert .05 cfs and/or 1.2 acre feet from a new well in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T 14N, R 19E, B.M. The water will be used for domestic use in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T 14N, R 19E, B.M.

Any protest against the approval of the proposed change of water right must be filed with the Idaho Dept. of Water Resources, 1041 Blue Lakes Blvd. N., Twin Falls, Id., on or before 10-14-74.

R. KEITH HIGGINSON
Director

Published in the Challis Messenger on 9-26 and 10-3-74.

MICROFILMED



September 13, 1974

Mr. Ken Flowerdew
State of Idaho
Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, ID 83301

Dear Mr. Flowerdew:

Subject: Challis Garage Relocation
Project No. 952

The enclosed application for transfer for the above project has been signed by an officer of this company and notarized.

I am returning it to your office as you requested in your letter of September 4.

Very truly yours,

(Miss) Judy McElwee
Construction Secretary

Enclosure

Airmail

RECORDED

XXXXXXXXXXXXXXXXXXXXX RESOURCES

September 4, 1974

RE: Application for Transfer

Mr. Ted Kruse
P.O. Box 10
Reno, Nevada 89504

Dear Ted:

It will be necessary for one of the officers (president, vice president, secretary, treasurer) to sign the enclosed application for transfer before we are able to accept it for processing. Please have one of your officers sign the application, have it notarized and return to this office.

If you have any further questions, please don't hesitate to contact us.

Very truly yours,

Ken Flowerdew
Water Resource Technician II
Southern District

KF:lt

enc.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
STATE OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

February 26, 1974

Re: Permit No. 72-7004

Middle Fork Lodge, Inc.
C/O Furey, Furey & Bennetts
Challis, Idaho 83226

Gentlemen:

Enclosed herewith is a copy of the water license issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

jfr

Enclosure

72-7004

February 14, 1974

Middle Fork Lodge, Inc.
c/o Furey, Furey & Bennetts
Challis, Idaho 83226

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 72-7004 and has found the following:

Quantity of water diverted: 0.05 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 0.05 cfs

The maximum quantity diverted shall not exceed 1.2 acre feet per year.

Beneficial use: For domestic purposes within the NW 1/4, Sec. 28, Twp. 14 N, Rge. 19 E

Point of diversion: NW 1/4, Sec. 23, Twp. 14 N, Rge. 19 E, B.M.

Priority date established: January 2, 1968

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

jfr

72-7004/

RECEIVED

10 000

- 9

72 7004

[illegible]

Diagram of System

DATE OF EXAM 7-26-73

ACREAGE
Found NONE
Recommended NONE

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q = .04 ~~1.32~~ c.f.s. V = .6 AF/Ann. from Jan 1 to Dec 31
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured _____ Method of measurement _____

Total Q recommended .04 c.f.s. ~~1.32~~ Meter No. _____ Type _____ Condition _____

Total V recommended .6 AF/ANN.

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:

NO MEASUREMENT for Q -
V = from chart for 1 Domestic use .6 AF/ANN

SYSTEM DESCRIPTION:

STA-RITE 1/2 Hp Motor 6" Submersible pump #95 c-k
Two Indoor Toilets & Drinking Water

REMARKS:

there is no lands irrigated from this
well. I don't think they use more than .04 c.f.s.
there is very small chse.

Examiner's Signature Larry J. Jundbury Date 8-1-73
Checked by K. D. Flawender Date 8/15/73
Approved by _____ Date _____

February 7, 1973

Re: Permit No. 72-7004

Middle Fork Lodge, Inc.
c/o James R. Bennetts
Challis, Idaho 83226

Gentlemen:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed you will find an Order which removes the measuring device requirement from this permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may arrange to have someone show him the system.

If you have any questions regarding the field exam, please contact our Southern District Office at 1041 Blue Lakes Blvd. North, Twin Falls, Idaho.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosure

72 7004

Reading made at the post office
JAN 73

CERTIFIED
[No.]
MAIL

Identification No. 72-7004

Permit No. 72-7004

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
JAN 22 1973

1. a) Name of Permit Holder MIDDLE FORK LODGE, INC., an Idaho Corporation
b) Post Office Address c/o James R. Bennetts, Challis, Idaho
2. Permit Number 72-7004
3. Date of Priority that you are prepared to establish January 2, 1968
4. a) Source from which water was appropriated underground waters
b) Location of the point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28
Township 14N, Range 19 E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
amount .0555 cfs for Domestic purposes from January 1 to December 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated .0555 cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Submerged pump capacity provided by installer
Boyd Lambert of MacKay, Idaho
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Submerged 1 inch outlet pump with max. capacity of 1500 gal./hr. driven by $\frac{1}{2}$ hp motor, 6 inch well casing, well depth 140 feet. Feeds through 1 inch pipe to 42 gal holding tank.
b) Describe the type and size of measuring device which you have installed at your point of diversion: None installed - no irrigation use. Request measuring device limitation be removed.
c) Give well drillers name and address and date the well was completed Boyd Lambert, MacKay, Idaho. Well completed in late September 1968

Exam typed 2-6-73 by th

7004

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use Water used at an airport garage in men's and women's restrooms - one water closet and lavatory in each. One garden hose faucet available but seldom used.

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: None

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres irrigated _____

10. Remarks: Application for permit submitted in January 1968 requested water for use for irrigation as well as for domestic. The water from the subject well has not and will not be used for irrigation. Request that the requirement for a permanent measuring device as a condition of approval be removed.

The above information is a true statement of the extent to which the above numbered permit has been developed.

January 18, 1973
(Date)

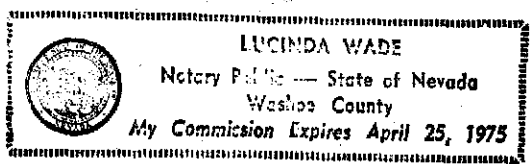
Gordon E. Hartley
Gordon E. Hartley
Vice President, Middle Park Lodge, Inc.

State of Nevada ss.
County of Washoe

On this 19th day of January, 19 73, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Lucinda Wade
Notary Public residing at Sparks, Nevada

My commission expires April 25, 1975



January 2, 1973

RE: Permit No. 72-7004
Middle Fork Lodge, Inc.

Mr. Gordon Hartley
Middle Fork Lodge, Inc.
P. O. Box 10
Reno, Nevada

Dear Mr. Hartley:

Per your request to Bob Fleenor of this Department, enclosed please find a copy of your approved application for permit.

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

Very truly yours,

ELEANOR J. WOODS
Records Supervisor

BJW:e

Enclosure

72 7004

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐ Show to whom, date and address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

24176

1

Larry F. ...

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

by ...
72 7000

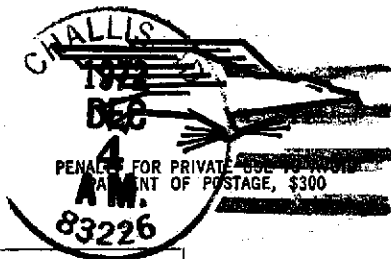
DATE DELIVERED

SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

3

12-4-72

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



Postmark of Delivering Office

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.



- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**



DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

72 7004

December 1, 1972 CERTIFIED MAIL

*29176

Re: Permit No. 72-7004

Middle Fork Lodge, Inc.
c/o Furey, Furey & Bennetts
Challis, Idaho 83226

Gentlemen:

One of the conditions of approval of your water Permit No. 72-7004 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before February 1, 1973. Enclosed is an affidavit form which must 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 affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

Enc: Proof affidavit
dr

72 7004
72 7004

February 20, 1968

Re: Permit 72-7004

Middle Fork Lodge
c/o Furey, Furey & Bennetts
Challis, Idaho 83226

Gentlemen:

We enclose a copy of your approved application for permit 72-7004 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kd

Enclosures: Copy of Application
Receipt No. 327 in the amount of \$10.00

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Middle Fork Lodge, Inc., $\frac{1}{2}\%$ Furey, Furey & Bennetts, Challis, Idaho, has on 1-2-68 applied for permit to divert 22 cubic feet per second of water from a subterranean source under application No. 72-7004. Water will be diverted by a well, pump, and sprinkler within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 28, T. 14 N, R. 19 E, B.M., Custer County, and is to be used from January 1 to December 31 for domestic use and from April 15 to October 31 for irrigation purposes in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 28 T. 14 N, R. 19 E, B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Challis
Messenger, Challis, Idaho. on
January 18 and January 25.

72-7004

THE CHALLIS MESSENGER
RICHARD SWINDELL, PUBLISHER

PRINTING, PUBLISHING, ADVERTISING
SINCE 1881

CHALLIS, IDAHO

RECEIVED

Department Of Reclamation
107 State House
Boise, Idaho

JAN 19 1968

Department of Reclamation

Dear Sirs:

Enclosed is a galley proof of Application No. 7207004, as requested.

Sincerely,

Richard Swindell

Richard Swindell

77-7004

January 11, 1968

Re: Application No. 72-7004

The Challis Messenger
Challis,
Idaho 83226

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 date. If you can not publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, 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 same has been paid.

(Do not sign letter)
Signature of claimant

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:ks

Enclosure: legal notice

Form 3

72-7004

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Middle Fork Lodge, Inc., a corporation, c/o
Furey, Furey & Bennetts, Challis, Idaho has on 1-2-68
applied for permit to divert ~~stone~~ 0.22 cubic feet per second ~~acre/foot~~
of water from a subterranean source
under application No. 72-7004. Water will be diverted by a well,
pipe, and sprinkler within the NW 1/4, sec. 28, T. 14 N., R.
19 E., E.M., Custer County
and is to be used from January 1 to December 31 for domestic use and from
April 15 to October 31 for irrigation purposes
in the NW 1/4, sec. 28, T. 14 N., R. 19 E., E.M.

Any protest against this application must be filed with the Department of Re-
clamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Challis Messenger, Challis, Idaho,
on January 18 and January 25.

72-7004

24

LAW OFFICES
FUREY, FUREY & BENNETTS
ATTORNEYS AT LAW

JACK B. FUREY
JAMES R. BENNETTS
CHALLIS, IDAHO

SHERMAN F. FUREY, JR.
SALMON, IDAHO

December 29, 1967

RECEIVED

JAN 2 1968

Department of Reclamation

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho 83701

Attention: Donald W. McEldowney

Re: Middle Fork Lodge, Inc.

Dear Mr. McEldowney:

We are enclosing two copies of the application for water permit for underground waters on behalf of Middle Fork Lodge, Inc., an Idaho Corporation.

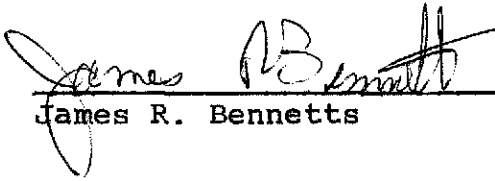
Also enclosed is the ten dollar filing fee.

We hope you find this application in order, but if there are any questions, please contact us at your convenience.

Thank you.

Very truly yours,

FUREY, FUREY & BENNETTS


James R. Bennetts

JRB:ph
Encl. 2
Check: \$10.00

72-7004