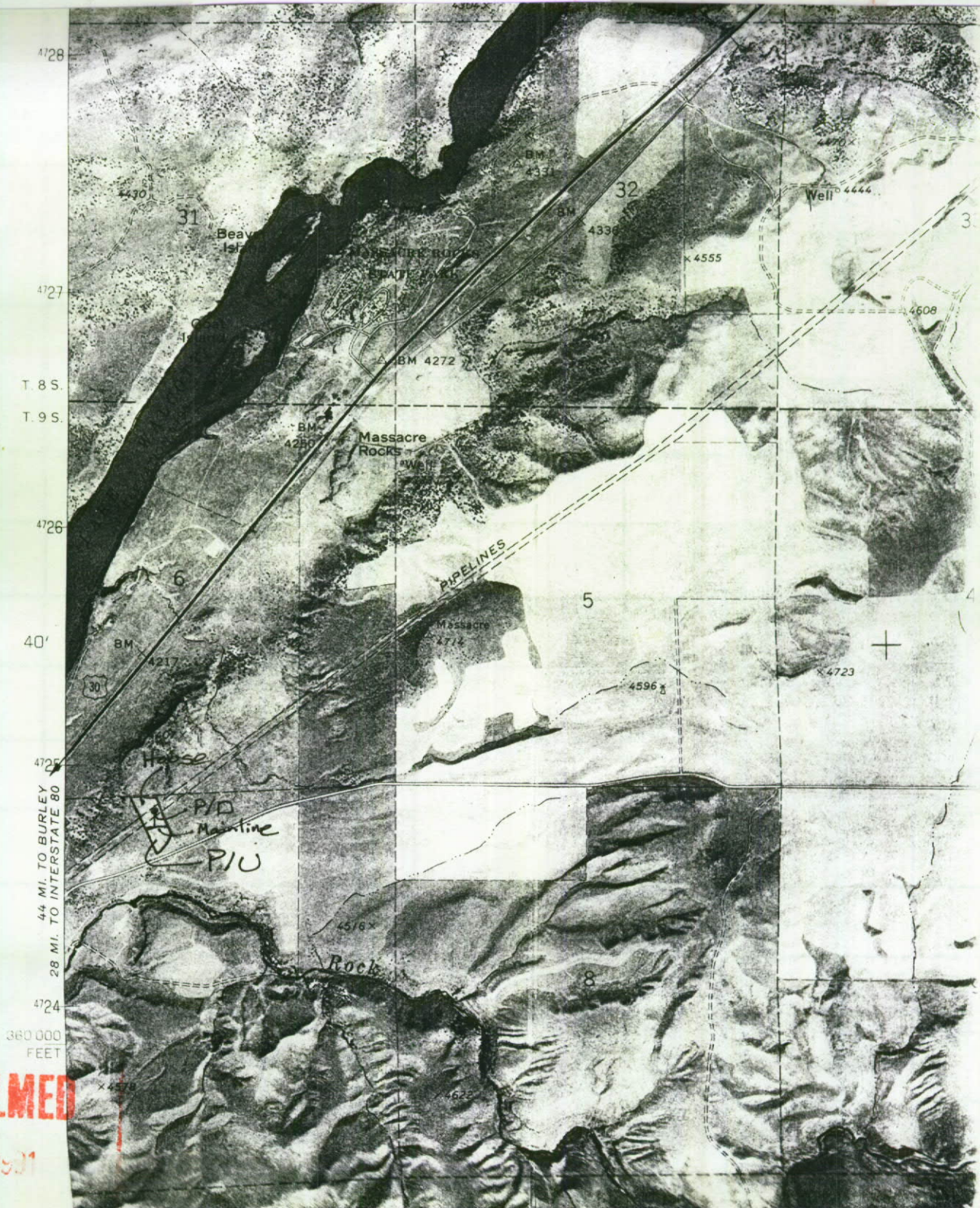


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

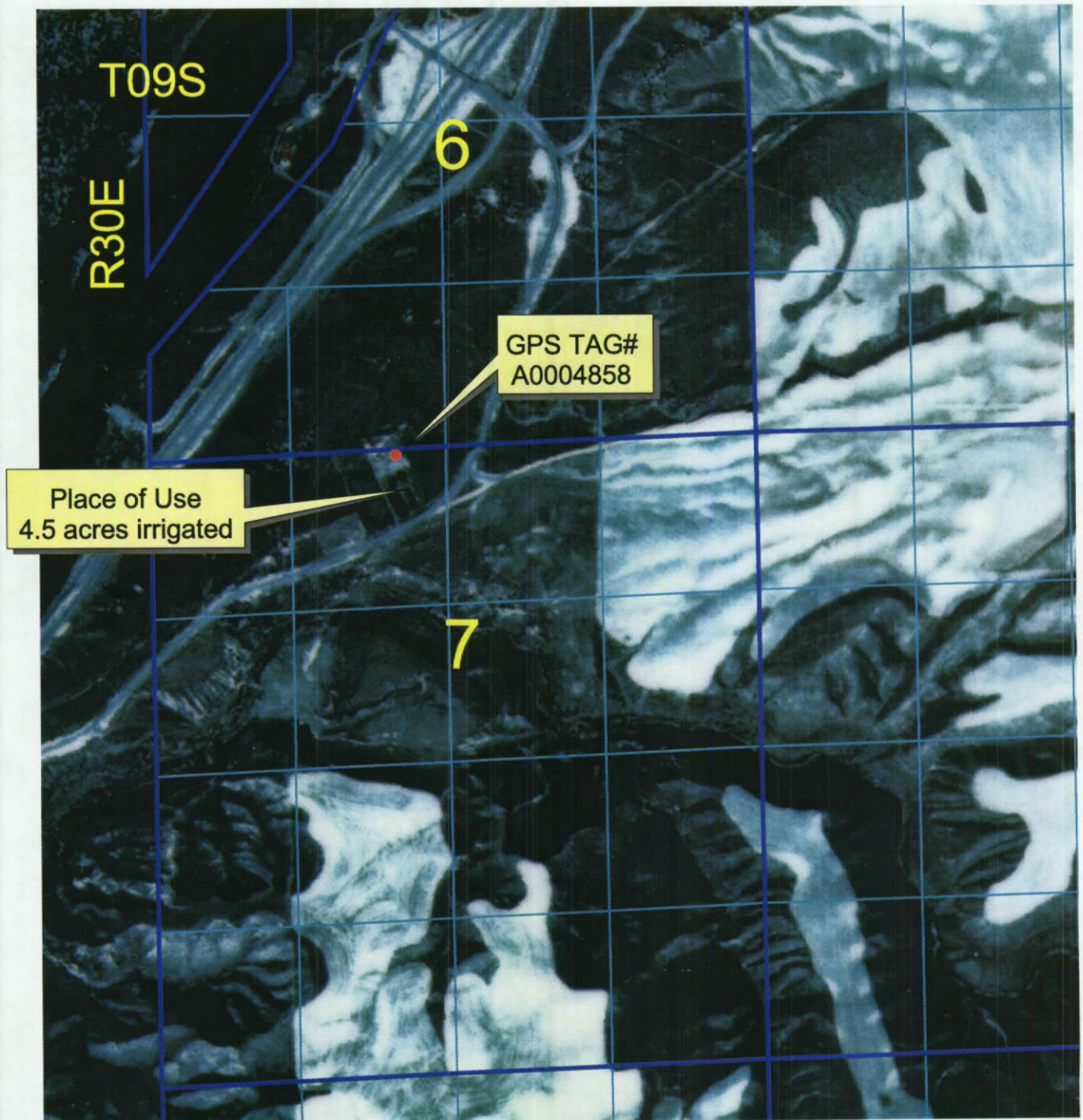
T8S  
T9S



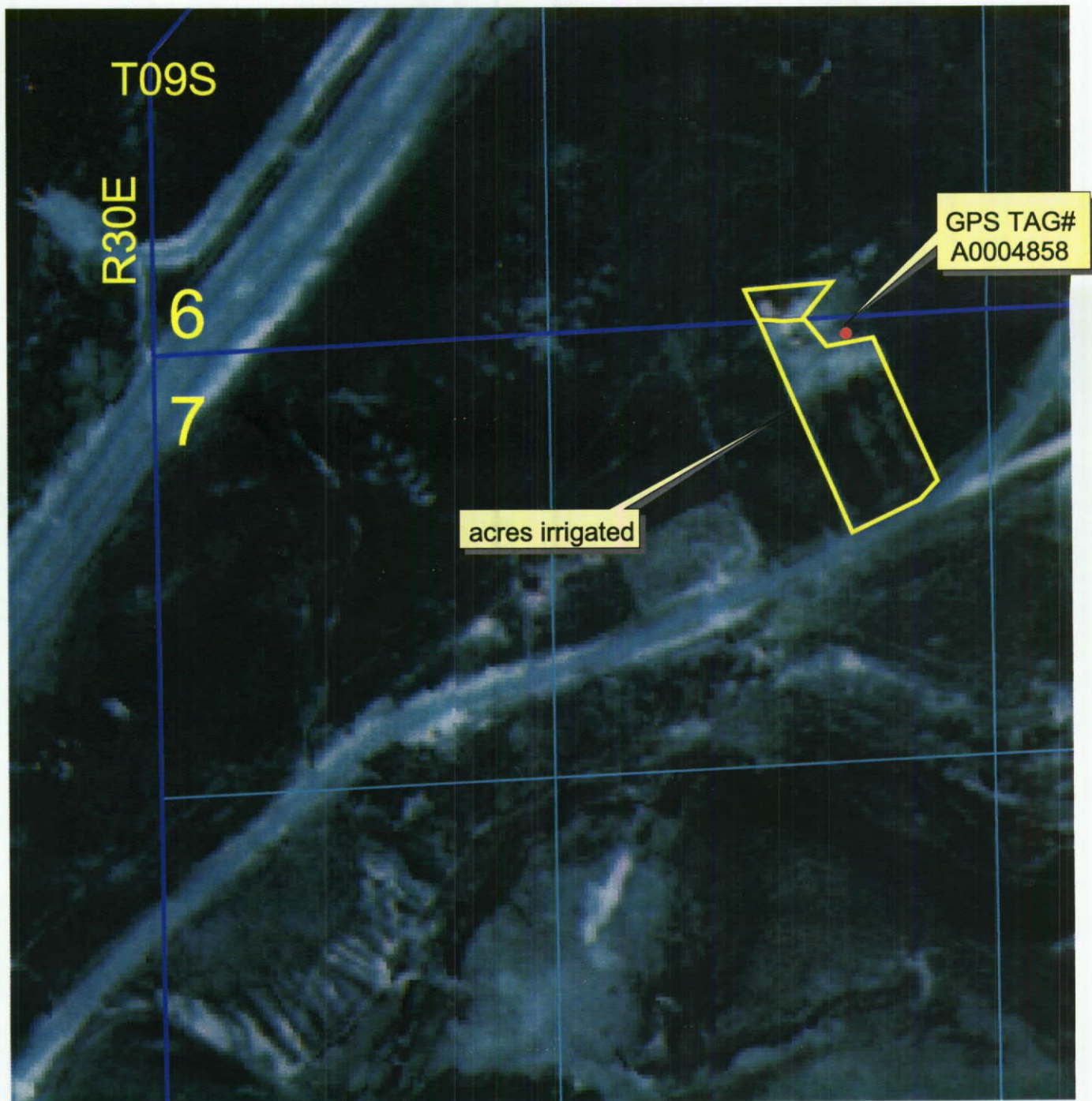
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

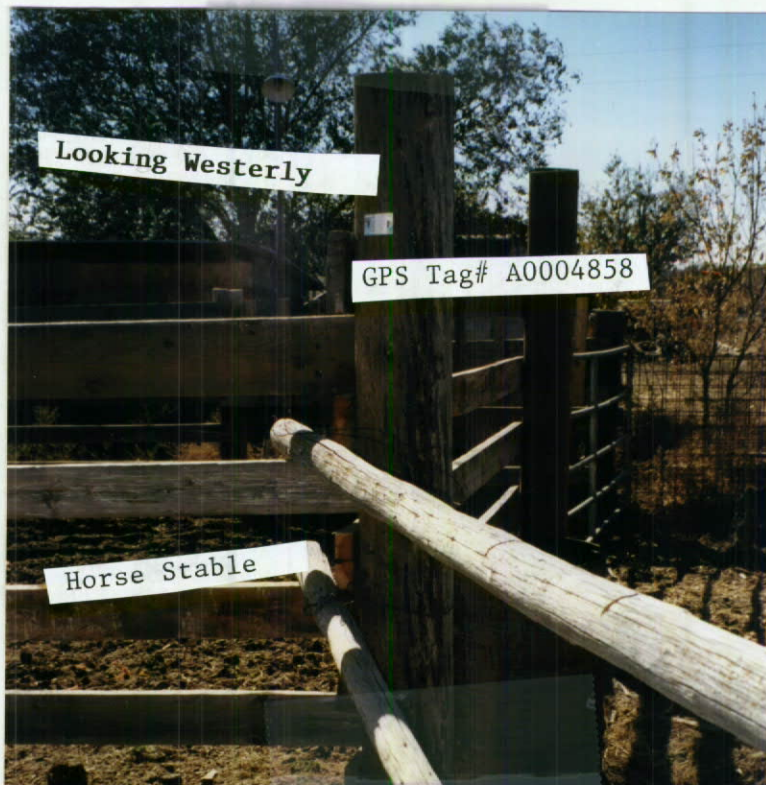
*[Signature]*  
(Applicant)

Idaho Department of Water Resource  
Permit - 41-07084  
Richard Miller



Idaho Department of Water Resource  
Permit - 41-07084  
Richard Miller





Horse Stable



Richard Miller  
FE: Amanda Folsom  
Date: October 12, 1999

41-07084



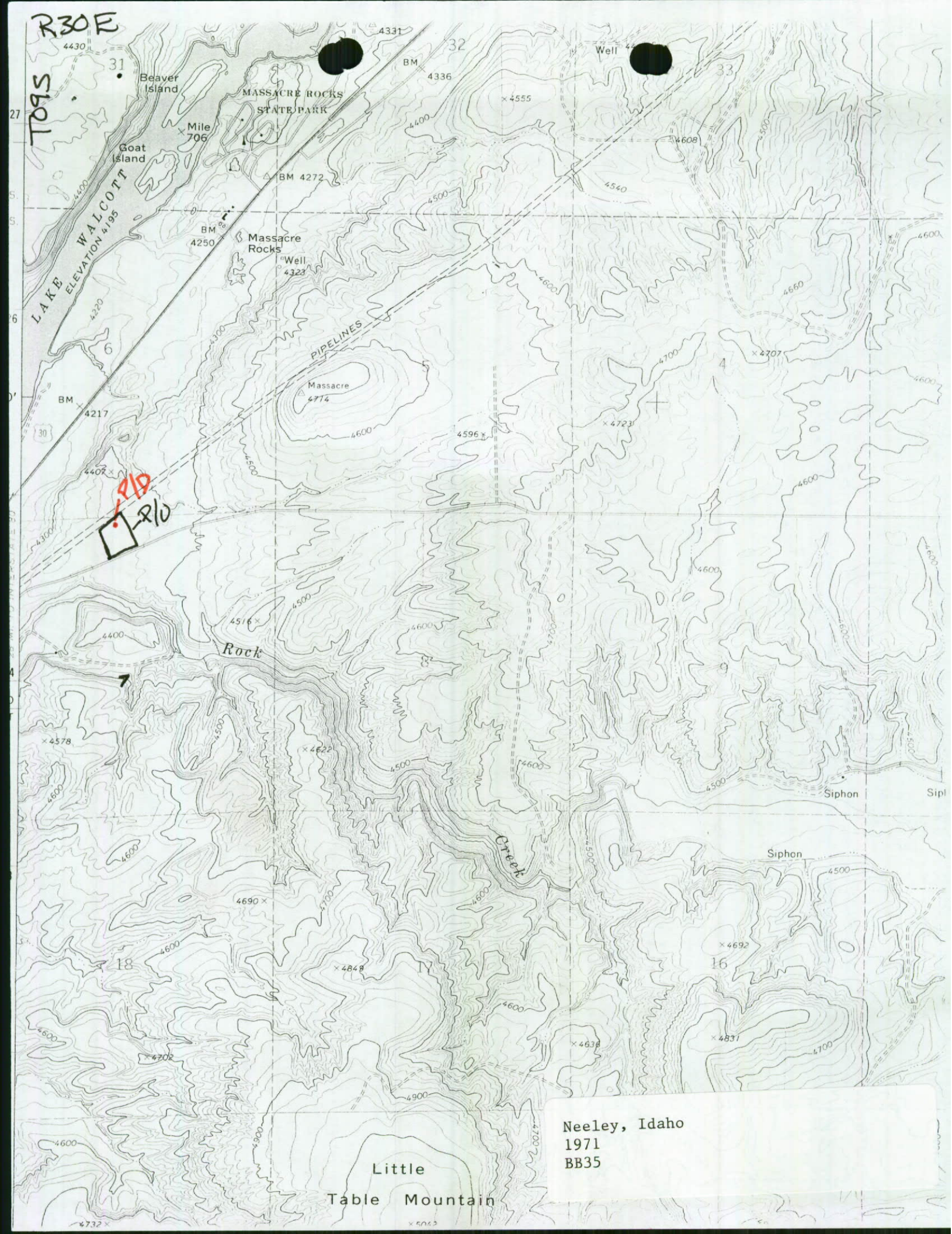
Richard Millers  
FE: Amanda Folsom  
Date: October 12, 1999

41-07084



Richard Miller  
FE: Amanda Folsom  
Date: October 12, 1999

41-07084



Neeley, Idaho  
1971  
BB35

State of Idaho  
Department of Water Resources  
**Permit To Appropriate Water**

NO. 41-07084

Proposed Priority: May 7, 1990 Maximum Diversion Rate: 0.19 CFS

This is to certify, that **KENNETH L. ZIMMER**  
3706 REGISTER RD.

AMERICAN FALLS, ID 83211

has applied for a permit to appropriate water from: **GROUNDWATER**  
and a permit is **APPROVED** for development of water as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| IRRIGATION            | 03/15 to 11/15       | 0.13 CFS                 |
| STOCKWATER            | 01/01 to 12/31       | 0.02 CFS                 |
| DOMESTIC              | 01/01 to 12/31       | 0.04 CFS                 |
| Totals                |                      | 0.19 CFS                 |

LOCATION OF POINT(S) OF DIVERSION:

NWNW Sec. 7, Township 09S, Range 30E  
POWER County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 09S        | 30E        | 7          | NENW         | 4.5          |              | 4.5          |

Total number of acres irrigated: 4.5

PLACE OF USE: STOCKWATER, same as IRRIGATION use

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **January 1, 1992**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.

**MICROFILMED**

JAN 17 1991

# Permit To Appropriate Water

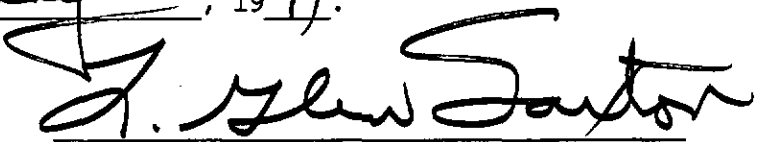
NO. 41-07084

CONDITIONS/REMARKS:

- 7. Domestic use is for 1 home.
- 8. Stockwater use is for 25 range cattle.

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

11<sup>th</sup> day of January, 1991.

*for*  
  
R. Keith Higginson, Director

MICROFILMED

JAN 17 1991

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Kenneth L. Zimmer Phone 548-2681  
Post office address 3706 Register Rd, American Falls, Id, 83211
2. Source of water supply Ground Water which is a tributary of \_\_\_\_\_
3. Location of point of diversion is \_\_\_\_\_  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_  
Sec. 7 Township 9S Range 30E B.M. Power County; additional  
points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 0.04 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount 0.02 for stock purposes from 1-1 to 12-31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount 0.13 for Irrigation purposes from 3-15 to 11-15 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.19 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum
6. Proposed diverting works:
  - a. Description of ditches, flumes, pumps, headgates, etc. Well; Pump Line to House, Line to Irrigation
  - b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity \_\_\_\_\_ acre-feet; period of year when water will be diverted to storage:  
\_\_\_\_\_ to \_\_\_\_\_ inclusive.
  - c. ~~Proposed~~ <sup>Existing</sup> well diameter is 6" inches; ~~proposed~~ depth of well is 230 feet.
  - d. Is ground water with a temperature of greater than 90°F being sought? no
7. Time required for the completion of the works and application of the water to the proposed beneficial use is  
1 years (minimum 1 year).

MICROFILMED

JAN 17 1991

applicant to make this filing.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

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

11. a. Who owns the property at the point of diversion?

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

Total number of acres to be irrigated.

[illegible]

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

b. If water is used for other purposes, place a symbol of the use (example: *D for Domestic*) in the corresponding

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

9. Description of place of use:

e. Other; describe fully.

d. Domestic; show number of households.

c. Municipal; show name of municipality.

b. Stockwatering: list number and kind of livestock.

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

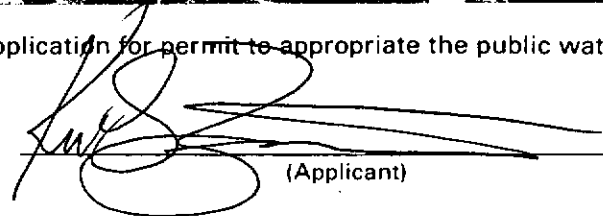
8. Description of proposed uses (if irrigation only, go to item 9):

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

T8S  
T9S



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.

  
(Applicant)

MICROFILMED  
JAN 17 1991

1. Approval of said application is subject to the following limitations and conditions:
- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
  - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before \_\_\_\_\_, 19\_\_.
  - c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
  - d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
  - e. Other:

Idaho No. \_\_\_\_\_, and said application is hereby \_\_\_\_\_.

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

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

|                         |                   |             |                 |              |                        |                      |               |
|-------------------------|-------------------|-------------|-----------------|--------------|------------------------|----------------------|---------------|
| Received by             | <u>DR</u>         | Date        | <u>5/7/90</u>   | Time         | <u>1:40</u>            | Preliminary check by | <u>DR</u>     |
| Fee \$                  | <u>30.00</u>      | Received by | <u>DR</u>       | #            | <u>5012262</u>         | Date                 | <u>5/7/90</u> |
| Publication prepared by | <u>M. Baldwin</u> | Date        | <u>9/13/90</u>  | Published in | <u>Lower Co. Press</u> |                      |               |
| Publication approved    | <u>M. Baldwin</u> | Date        | <u>10/16/90</u> |              |                        |                      |               |

# Affidavit of Publication

State of Idaho

County of Power

Department of Water Resources  
Eastern District Office

SEP 26 1990

RECEIVED

Erma Crompton being first duly sworn on oath, states:

That she is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 19<sup>th</sup> day of SEPT. 1990 and the date of last publication being the 26<sup>th</sup> day of SEPTEMBER 1990

(Signed)

*Erma Crompton*

State of Idaho

County of Power

On this 26<sup>th</sup> day of September in the year of 1990, before me, a Notary Public, personally appeared Erma Crompton, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

*Erma Crompton*

Notary Public for Idaho  
Residing at American Falls, Idaho  
My commission expires: June 8, 1993

## Application for water right

Published in The Power County Press, Sept. 19, 26, 1990.

### NOTICE OF APPLICATION FOR WATER RIGHT

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

41-07084  
ZIMMER, KENNETH L.  
3706 REGISTER RD.  
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: NW/NW Sec 7 T 09S R 30E

Use: DOMESTIC (.040 CFS)  
STOCKWATER (.020 CFS)  
IRRIGATION (.130 CFS)  
Total Diversion: (.190 CFS)

Date Filed: 5/7/1990

In: T09S R30E S07 NENW  
4.5 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203 C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before OCTOBER 8, 1990.

R. Keith Higginson, Director

MICROFILMED  
JAN 17 1991

3rd Regional  
Office

MSB  
10/16/90

Department of Water Resources  
Southern Region Office

OCT 11 1990

RECEIVED

# THE POWER COUNTY PRESS

174 Idaho Street  
AMERICAN FALLS, IDAHO 83211

RECEIVED

SEP 20 1990

Department of Water Resources  
Eastern District Office

Dept. of Water Resources  
150 Shoup Ave., Suite 15  
Idaho Falls, ID 83402

435.58

| DATE    | DESCRIPTION                                        | RATE     | DEBIT         | CREDIT   | BALANCE          |
|---------|----------------------------------------------------|----------|---------------|----------|------------------|
| 7-11-90 | Legal App for water<br>affidavit                   | 29-07946 | 87.13<br>500  |          | 522.71<br>527.71 |
| 7/25/90 | Legal-App 4 Water Rights                           |          | 118.81        |          | 646.52           |
| 7/25/90 | Affidavit # 29-07984                               |          | 5.00          |          | 651.52           |
| 7/27/90 | ROA                                                |          |               | 374.39   | 277.13           |
| 8/8/90  | ROA                                                |          |               | 89.62    | 187.51           |
| 8/10/90 | ROA                                                |          |               | 215.94   | (28.43)          |
| 8/22/90 | Legal-App 4 Water Rights<br>Affidavit # 35-08605   |          | 40.06<br>5.00 |          | 16.63            |
| 9/12/90 | Legal App 4 Water Rights<br>#29-08015 Affidavit    |          | 57.34<br>5.00 |          | 78.97            |
| 9/17/90 | ROA                                                |          |               | 16.63    | 62.34            |
| 9/26/90 | Legal App 4 Water Rights<br>#41-07084<br>Affidavit |          | 39.61<br>5.00 | OK<br>OK | 101.95<br>106.95 |
| 9/26/90 | Legal App R Water Rights<br>#35-08904<br>Affidavit |          | 39.61<br>5.00 |          | 146.56<br>151.56 |

→ This belongs  
to Southern

RB

OK  
mb  
10/16/90

All charge sales due within 30 days. 1 1/2% service charge will be made on all past due accounts. (Annual percentage rate is 18%). Minimum charge 50 cents.

MICROFILMED

JAN 17 1991

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESPermit No. 41-7084STAFF ANALYSIS SHEET  
For  
BENEFICIAL USE FIELD REPORTA. Prior to Conducting the Exam, the file contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval.
- ☒ Computer Data Proof Report
- ☒ Copy of USGS Quad Map
- ☐ Check for Government Lots. If so, make a copy of Gov. plat.  
Check of P/D index \_\_\_\_\_ (Initial & Date)
- Overlap? ☐ Yes ☐ No If Yes: ☐ Copy of Exam(s) Attached?  
Type of Overlap ☐ Add acres or uses to existing system.  
☐ Increase rate of flow or volume.  
☐ Other \_\_\_\_\_
- Check of PU Index \_\_\_\_\_ (Initial & Date)
- Overlap? ☐ Yes ☐ No If yes: ☐ Copy of Water Right(s)  
Attached?  
Type of Overlap ☐ Increase rate or flow volume.  
☐ Add P/D's  
☐ Increase No. of acres within tracts.  
☐ Other \_\_\_\_\_
- Aerial Photo  
☐ Required? ☐ Yes ☐ No If yes: ☐ copy attached?  
Scheduling letter sent? \_\_\_\_\_ (Initial & Date)  
☐ Appointment made and telephone conversation memo  
attached.

B. After Conducting the Exam, the file contains:

- ☐ Fully completed and signed Field Report Form
- ☐ Photographs of Point of Diversion and Place of Use
- ☐ Corrected Computer Data Proof Report with recommended license  
information, and date and signature of examiner.

C. Review and Processing:

Exam completed Amanda Tolson (Signature of Examiner)(date)  
Exam reviewed by Sr. Water Res. Agent \_\_\_\_\_ (Init & date)  
Exam reviewed by Mgr of Reg. Office AD 12/17/99 (Init & date)  
Exam date entered in computer \_\_\_\_\_ (Init & date)  
Exam sent to S.O. \_\_\_\_\_ (Init & date)  
Copy of Staff Analysis Sheet sent to Mgr. of Reg. Office and Orig.  
re-filed in White File. \_\_\_\_\_ (Init & date)

RECEIVED

DEC 21 1999

Department of Water Resources

### A. GENERAL INFORMATION

Permit No. 41-07084

1. Owner: Richard Miller Phone No. 548-2685

Current Address: 3706 Register Rd American Falls ID 83211

2. Accompanied by: Richard Miller EXAM DATE: 10-14-99

Address: same Phone No. same

Relationship to Permit Holder: Owner

3. Source: Groundwater tributary to \_\_\_\_\_

## B. OVERLAP REVIEW

1. Other water rights with the same place of use:

2. Other water rights with the same point of diversion:

### C. DIVERSION AND DELIVERY SYSTEM

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

[illegible]

**2. Place(s) of Use:**

**Indicate Method of Determination**

[illegible]

A blank sheet of graph paper featuring a uniform grid of squares. The grid consists of 10 columns and 8 rows, creating a total of 80 square units. The lines are thin and black, set against a white background. There are no margins, text, or other markings on the page.

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

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

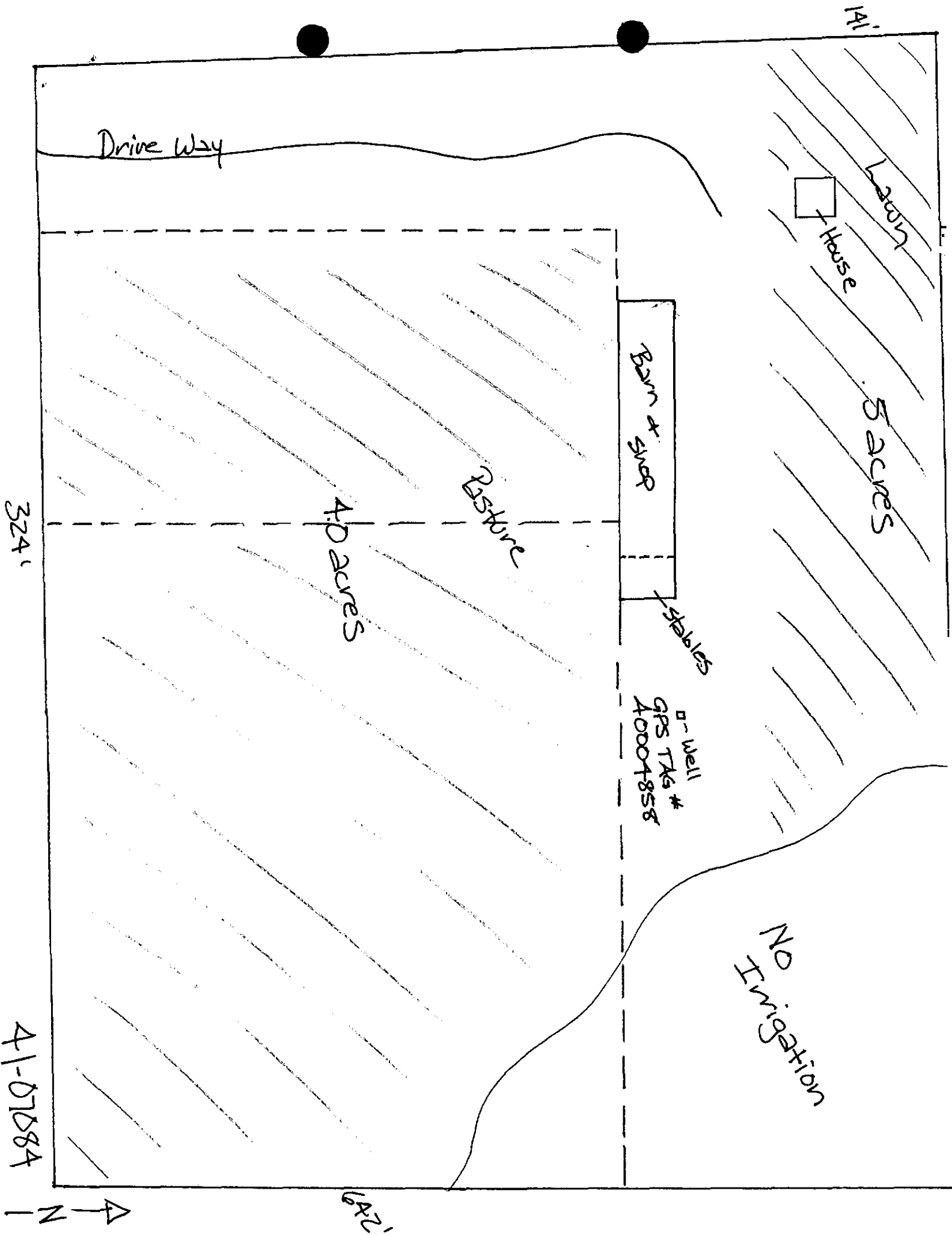
**Photo of Diversion and System Attached**

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

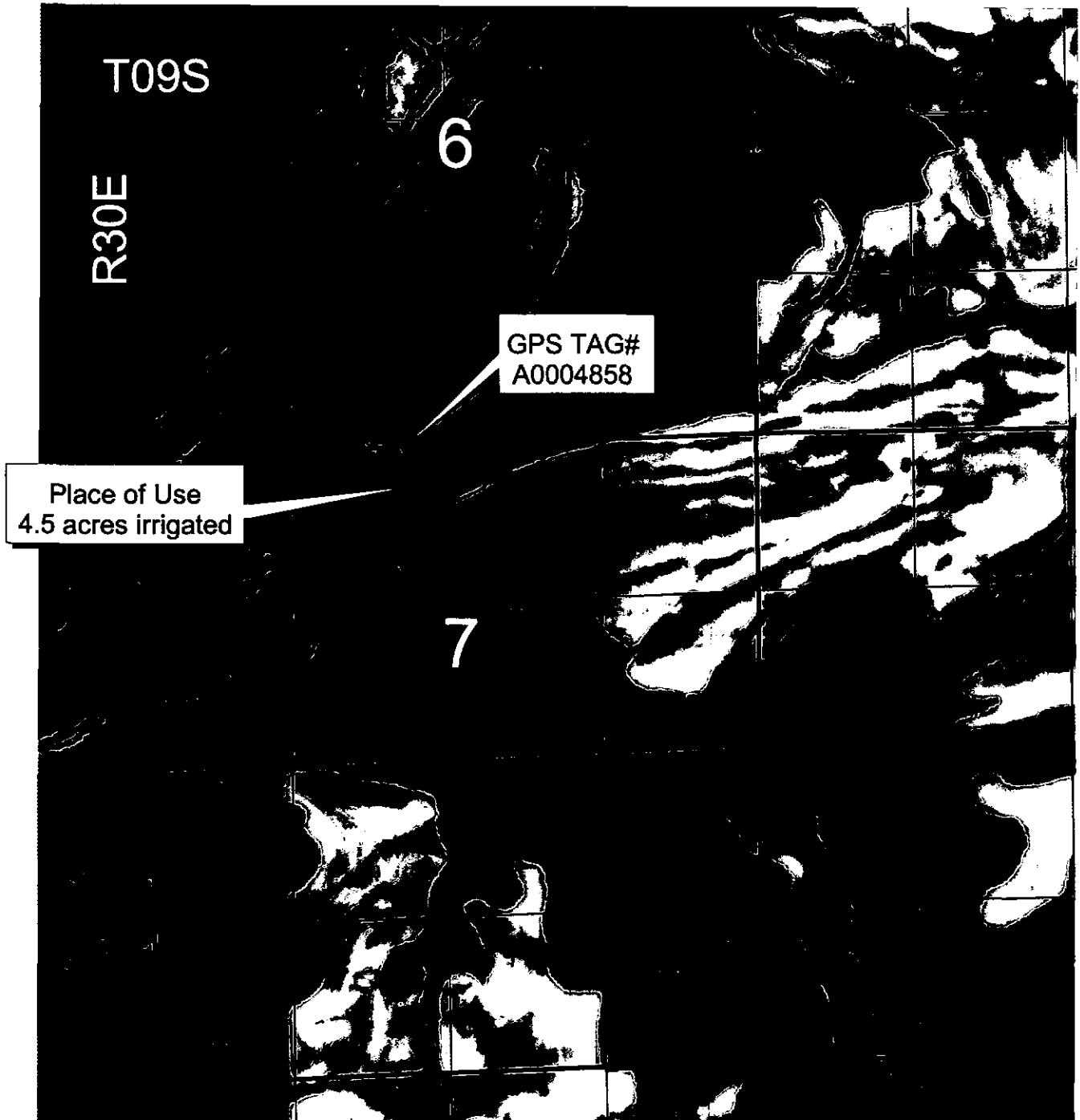
#### D. FLOW MEASUREMENTS

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

2. Measurements: I took three bucket at stop water measurements from the spigot closest to the well. It averaged .5gal to every 16.7 sec.



Idaho Department of Water Resource  
Permit - 41-07084  
Richard Miller



Idaho Department of Water Resource  
Permit - 41-07084  
Richard Miller

T09S

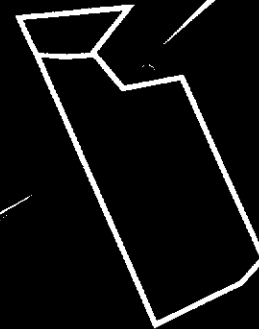
R30E

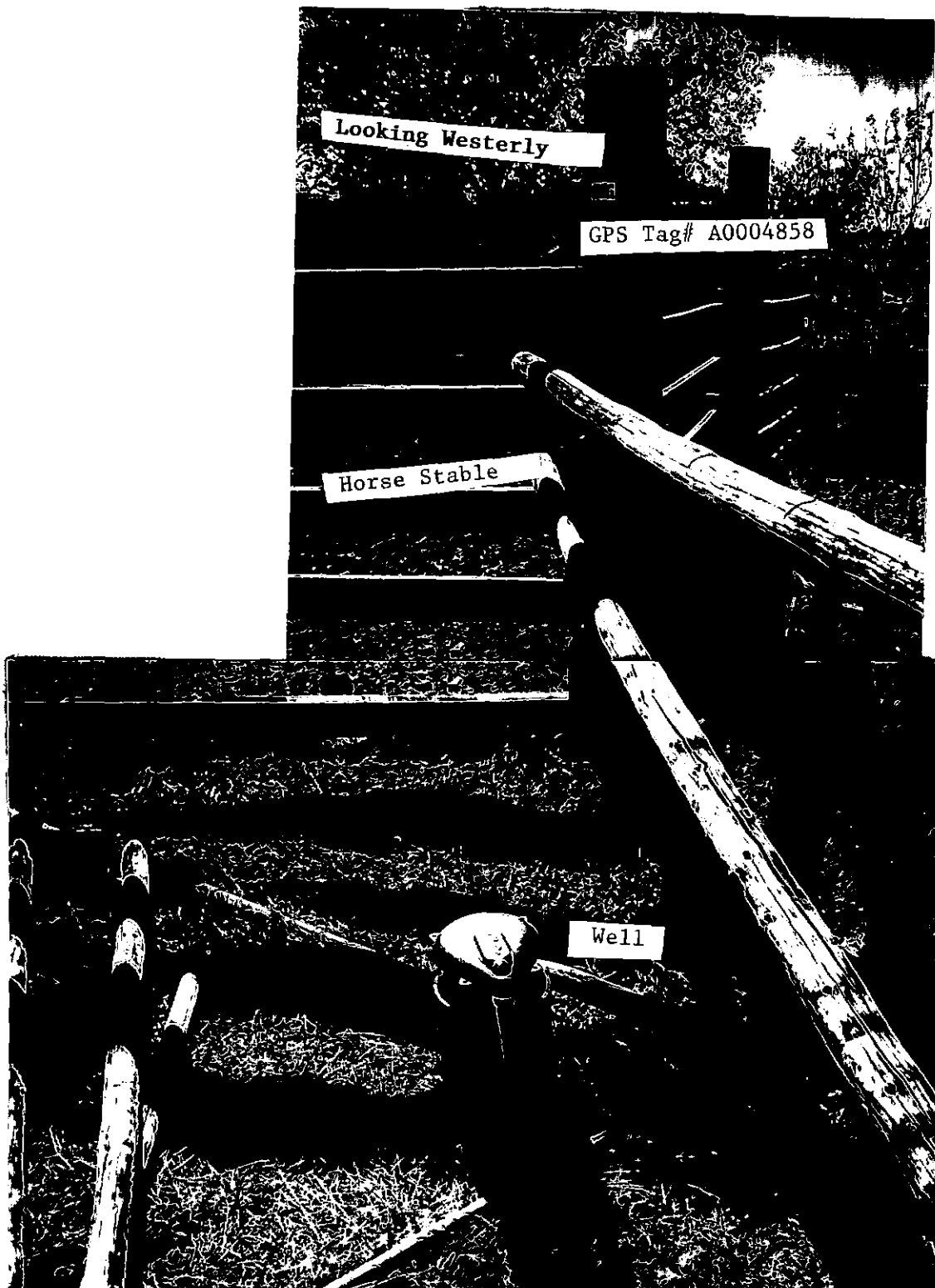
6

7

GPS TAG#  
A0004858

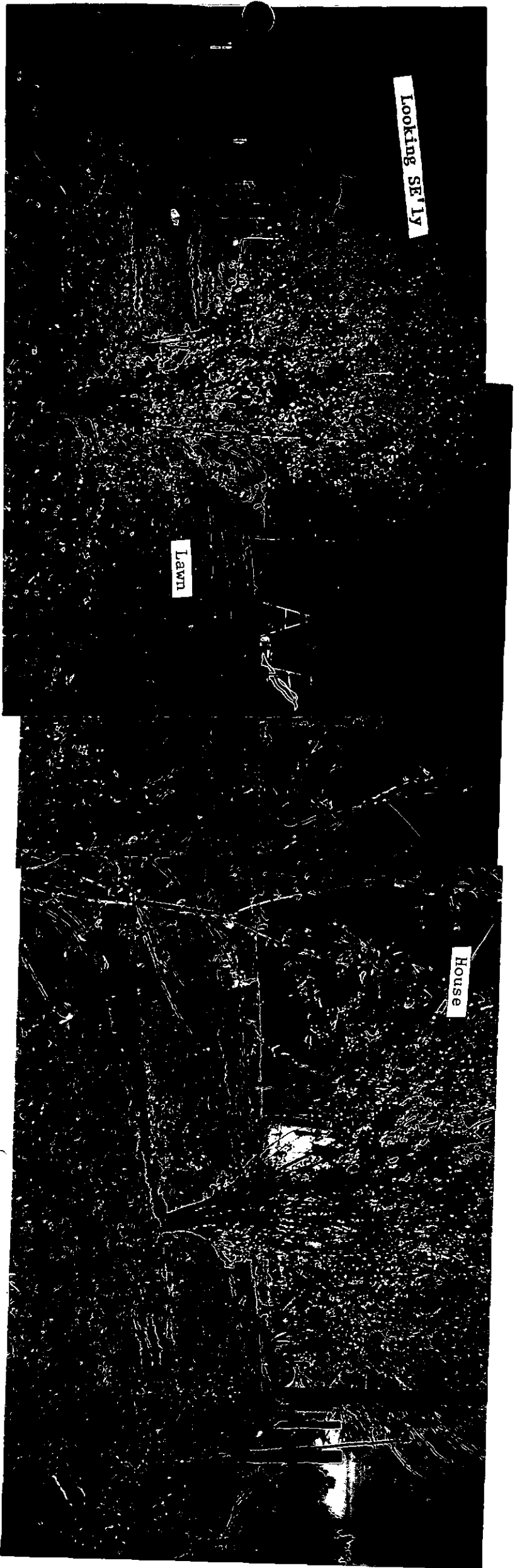
acres irrigated





Richard Miller  
FE: Amanda Folsom  
Date: October 12, 1999

41-07084

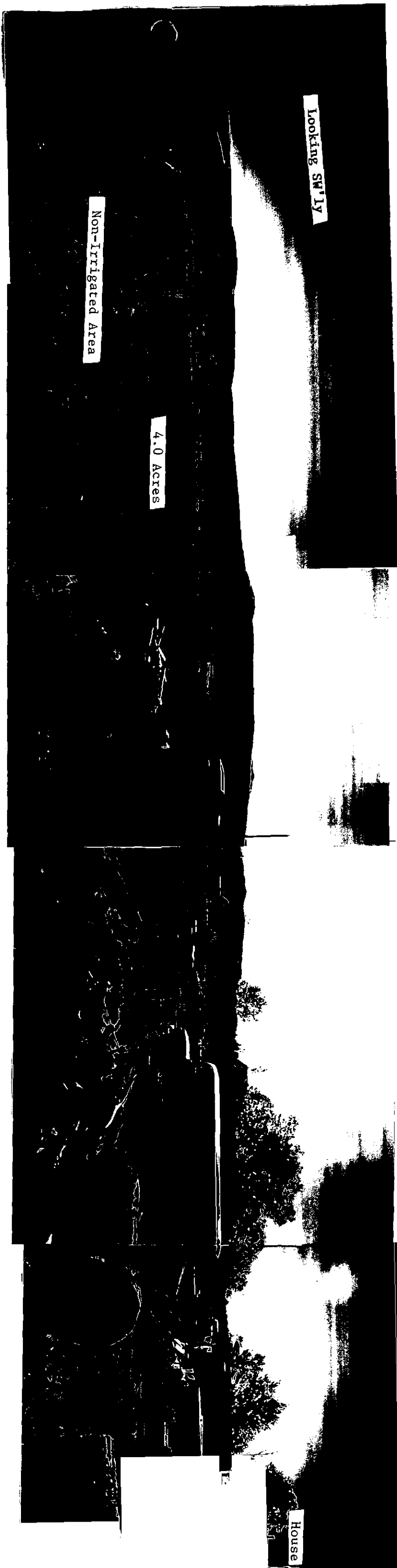


Richard Millers  
FE: Amanda Folsom  
Date: October 12, 1999

41-07084

Richard Miller  
FE: Amanda Folsom  
Date: October 12, 1999

41-07084



**FILE:** 41-07084  
**FROM:** AMANDA FOLSOM  
**DATE:** OCTOBER 19, 1991

The irrigation is for the lawn surrounding the house and the pasture for the horses and cattle. The total acreage was 4.5, which I am recommending. Mr. Miller irrigates with no more than 10 handlines and 20 rainbird sprinklers at a time on the pasture. He uses hoses for the lawn.

I took three measurements from the spigot closest to the well. The measurements averaged 5gal every 16.7sec. This equaled 0.04cfs. The GIS mapping system shows that the well is in the NENW and that the house along with 0.5 acres of land are in the SESW 1/4 of Sec 6.

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

# F. FLOW CALCULATIONS

Measured Method:

$$\frac{5 \text{ gal}}{16.7 \text{ sec}} \left( \frac{60 \text{ sec}}{1 \text{ min}} \right) = \frac{18 \text{ gpm}}{478.83} = 0.04 \text{ cfs}$$

Additional Computation Sheets Attached

# G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated} \times (\text{Irrigation Requirement}) = (4.5)(4.0) = 18$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (0.04)(246)(1.9835) = 19.5$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 18 \text{ afa}$$

2. Volume Calculations for Other Uses:

# H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

| Beneficial Use | From | To    | Period of Use | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|----------------|------|-------|---------------|------------------------------|--------------------------|
| Domestic       | 1-1  | 12-31 | 12-31         | 0.04                         | 18                       |
| Stockwater     | 1-1  | 12-31 | 12-31         | 0.01                         | 18                       |
| Irrigation     | 3-15 | 11-15 | 11-15         | 0.04                         | 18                       |
|                |      |       | Totals:       | 0.04                         | 18                       |

2. Recommended Amendments

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

# I. AUTHENTICATION

Field Examiner's Name Amanda Johnson Date October 19, 1999  
 Reviewer \_\_\_\_\_ Date \_\_\_\_\_

SEAL

# Warranty Deed

For Value Received

KENNETH ZIMMER AND LINDA ZIMMER, HUSBAND AND WIFE.

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

RICHARD FLOYD MILLER, AN UNMARRIED MAN.

whose current address is

3706 REGISTER ROAD, AMERICAN FALLS, ID 83211

the grantee, the following described premises, in

POWER

County Idaho, to wit:

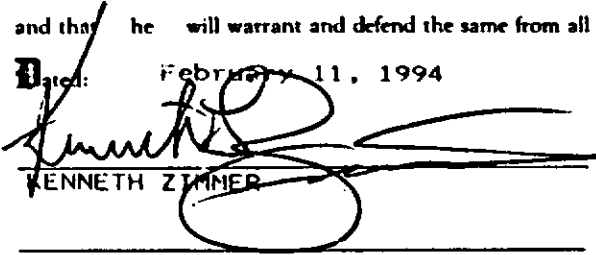
SEE ATTACHED EXHIBIT "A"

SUBJECT TO: ALL existing patent reservations, easements, rights of way, protective covenants, zoning ordinances and applicable building codes, laws and regulations.

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

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

Dated: February 11, 1994

  
KENNETH ZIMMER

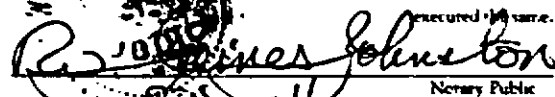
  
LINDA ZIMMER

STATE OF IDAHO, COUNTY OF

On this 11th day of FEBRUARY, 19 94  
before me, a notary public in and for said State, personally appeared

KENNETH ZIMMER  
LINDA ZIMMER

known to me, whose name  
subscribed to the instrument, and acknowledged to me that  
he executed the same.

  
James Johnston  
Notary Public  
Residing at Pocatello, Idaho  
Comm. Expires 1-13-98

160858

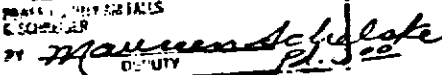
|                                                                                                       |          |
|-------------------------------------------------------------------------------------------------------|----------|
| Instrument #                                                                                          | 8        |
| Date                                                                                                  | 12:15 PM |
| Re: American Land Title                                                                               |          |
| FEB 16 1994                                                                                           |          |
| MADE IN IDAHO                                                                                         |          |
| BY  Notary Public |          |

EXHIBIT A

A PORTION OF THE NE $\frac{1}{4}$ NW $\frac{1}{4}$  OF SECTION 7, TOWNSHIP 9 SOUTH, RANGE 30, E.B.M., POWER COUNTY, IDAHO, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION 7 FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION BEARS NORTH 86°01' EAST, 375.50 FEET; THENCE SOUTH 24°08' EAST, 685.68 FEET TO THE NORTHERLY SIDE OF LOWER ROCK CREEK ROAD; THENCE SOUTH 65°52' WEST ALONG THE SIDE OF SAID ROAD 295.00 FEET; THENCE NORTH 24°08' WEST 793.93 FEET TO THE NORTH LINE OF SAID SECTION 7, THENCE NORTH 86°01' EAST, 314.23 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM: A PARCEL OF LAND BEING ON THE NORTHWESTERLY SIDE OF THE CENTERLINE OF THE FRONTAGE ROAD NO. 1. SURVEY AS SHOWN AS THE PLANS OF INTERSTATE 15W PROJECT NO. 1-15W-4(21) 97 HIGHWAY SURVEY NOW ON FILE IN THE OFFICE OF THE IDAHO TRANSPORTATION DEPARTMENT, DIVISION OF HIGHWAYS AND BEING A PORTION OF THE NE $\frac{1}{4}$ NW $\frac{1}{4}$  OF SAID SECTION 7, DESCRIBED AS - COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 7; THENCE SOUTH 86°51'18" WEST, (SHOWN OF RECORD TO BE SOUTH 86°01' WEST) ALONG THE NORTH LINE OF SAID SECTION 7, A DISTANCE OF 689.23 FEET TO THE MOST NORTHERLY CORNER OF THE TRACT OF LAND AS DESCRIBED IN THAT CERTAIN WARRANTY DEED, DATED APRIL 16, 1975, RECORDED AS INSTRUMENT NO. 111455, RECORDS OF POWER COUNTY, IDAHO; THENCE SOUTH 23°24'59" EAST (SHOWN OF RECORDS TO BE SOUTH 24°08' EAST) ALONG THE SOUTHWESTERLY LINE OF SAID TRACT OF LAND 760.0 FEET, MORE OR LESS, TO A POINT IN A LINE PARALLEL WITH AND 60.0 FEET NORTHWESTERLY FROM THE CENTERLINE AND BEARS NORTH 23°29'24" WEST FROM STATION 388+56.30 OF THE FRONTAGE ROAD NO. 1 SURVEY AS SHOWN ON THE PLANS OF SAID INTERSTATE 15W PROJECT NO. 1-15W-4(21) 97 HIGHWAY SURVEY AND BEING THE REAL POINT OF BEGINNING; THENCE ALONG SAID PARALLEL LINE AS FOLLOWS: NORTH 66°30'36" EAST 62.54 FEET TO A POINT OPPOSITE STATION 389+18.84 OF SAID FRONTAGE ROAD NO. 1 SURVEY, THENCE NORTHEASTERLY ALONG A 1,085.92 FEET RADIUS CURVE LEFT 234.32 FEET TO A POINT IN THE SOUTHWESTERLY LINE OF THE TRACT OF LAND AS DESCRIBED IN THAT CERTAIN REAL ESTATE AGREEMENT DATED JULY 13, 1977, RECORDED JULY 14, 1977, INSTRUMENT NO. 111410, RECORDS OF POWER COUNTY, IDAHO, AND OPPOSITE STATION 391+66.11 OF SAID FRONTAGE ROAD NO. 1 SURVEY; THENCE SOUTH 23°24'59" EAST (SHOWN OF RECORD TO BE SOUTH 24°08' EAST) ALONG SAID LAST SOUTHWESTERLY LINE 58.0 FEET, MORE OR LESS TO A POINT IN THE NORTHWESTERLY RIGHT OF WAY LINE OF EXISTING LOWER ROCK CREEK ROAD; THENCE SOUTHWESTERLY ALONG SAID EXISTING NORTHWESTERLY RIGHT OF WAY LINE 295.0 FEET MORE OR LESS, TO THE MOST SOUTHERLY CORNER OF THE FIRST ABOVE MENTIONED TRACT OF LAND THENCE NORTH 23°24'58" WEST (SHOWN OF RECORD TO BE NORTH 24°08' WEST) ALONG THE SOUTHWESTERLY LINE OF SAID FIRST ABOVE MENTIONED TRACT OF LAND 34.0 FEET, MORE OR LESS TO THE REAL POINT OF BEGINNING.



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

September 20, 1999

Richard Miller  
3760 Register Rd  
American Falls ID 83211

**SECOND FIELD EXAM NOTICE**

RE: Permit Number 41-07084

Dear Permit Holder:

I will be conducting a water right examination on September 30, 1999. I would like to meet with you at 2:00 that afternoon. Again this is to verify your water right use in order to issue you a water right license. With out an exam the permit can be disallowed.

Again, please be advised that you will need to operate your system under normal conditions during the examination.

If this day and time will or will not work for you, please call this office. We can arrange another date or time. Thank You.

Sincerely,

A handwritten signature in cursive script that reads 'Amanda Folsom'.

Amanda Folsom  
Field Aid



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

September 9, 1999

Richard Miller  
3760 Register Rd  
American Falls ID 83211

FIELD EXAM NOTICE

RE: Permit Number 41-07084

Dear Permit Holder:

I am planning to conduct water right examinations in the vicinity of the above referenced permit beginning as soon as possible. An examination is needed to verify your water use in order to issue a water right license. This permit is in the name of Kenneth Zimmer who was the original owner. We will need to do a change in ownership. You will need to provide a copy of some form of proof that you own the land, such as the deed.

Please be advised that you will need to operate your system under normal conditions during the examination.

In order to conduct your exam as efficiently as possible, we ask that you call this office to schedule a day and time convenient for you. I would like to do the exam on September 23, 1999, in the afternoon, or very soon after that.

If there is a problem with scheduling or conducting the examination at this time, please call and other arrangements can be made. Thank you.

Sincerely,

Amanda Folsom  
Field Aid

enclosed



Neeley, Idaho  
1971  
BB35

Little  
Table Mountain

December 31, 1991

KENNETH L. ZIMMER  
3706 REGISTER RD.  
AMERICAN FALLS ID 83211

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 41-07084

Dear Permit Holder:

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

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

Karen L. Gustafson  
Secretary/Records Manager

c: IDWR - Region

RECEIVED  
JAN 22 1992

STATE OF IDAHO

**RECEIVED**  
DEC 30 1991

For Office Use Only

Fee \$ 50.00  
Permit No. 23091  
Record No. 60272  
Responsible web

## DEPARTMENT OF WATER RESOURCES

Department of Water Resources

**PROOF OF BENEFICIAL USE**

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

1. Permit No. 41-07084 Telephone No. 548-2681
2. Name(s) of Permit Holder(s): Kenneth L. Zimmer
3. Post-Office Address: 3706 Register Rd, American Falls, Id 83211
4. Source of Water: Ground Water
- a. If ground water, well driller's name: unknown to me Date drilled: Approx 1976
- b. Pump horsepower: 5 Pressure (psi): 45 Dynamic pumping level (ft.): 190
5. Extent of Use:

Domestic 1 (No. of households)Irrigation 4.5 (No. of acres)Stockwater 25 (No. and type of stock)

Other \_\_\_\_\_

Cattle Range -

6. Total rate and/or volume for which proof is submitted .19 cfs \_\_\_\_\_ acre/feet
7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes XNo Installed? Yes YesNo

OR

Flow Measurement Port: Required? Yes XNo Installed? Yes YesNo

8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

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

Kenneth L. Zimmer  
Name548-2681  
Telephone No.3706 Register Rd, American Falls Id  
Address

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

Nov 11, 1991  
Date[Signature]  
Signature (and title if on behalf of a company or organization)**RECORDED**  
JAN 22 1992

Permit No. 41-07084 Reviewed by Klg Date 12/31/91

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

1976

|                 |                                                                   |
|-----------------|-------------------------------------------------------------------|
| <u>        </u> | Surface water source                                              |
| <u>  ✓  </u>    | Ground water source                                               |
| <u>  NA  </u>   | Drilling permit required?                                         |
| <u>  /  </u>    | Copy in the file? Drilling Permit No. <u>                    </u> |
| <u>  /  </u>    | Amount paid for permit <u>                </u> Correct?           |
| <u>  /  </u>    | Well log in the file?                                             |

yes Required?  
50 Amount Submitted  
yes Correct?

NA Required?  
/ Installed?  
/ Waiver requested?

|                     |           |   |
|---------------------|-----------|---|
| Date proof received | <u>NA</u> |   |
| Date proof due      | <u>/</u>  | - |
| No. of days late    | <u>/</u>  | = |
| Priority Date       | <u>/</u>  | + |
| New Priority Date   | <u>/</u>  |   |

proof acceptable

Proof Made 12/30/91

12/31/91 KLG

138174

October 31, 1991

KENNETH L. ZIMMER  
3706 REGISTER RD.  
AMERICAN FALLS ID 83211

PROOF DUE NOTICE

RE: PERMIT NO. 41-07084

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Nina Shields  
Secretary/Records Manager

Enclosures

RECEIVED  
JAN 22 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 14, 1991

KENNETH L. ZIMMER  
3706 REGISTER RD.  
AMERICAN FALLS, ID 83211

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 41-07084

Dear Permit Holder:

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

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

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:blm

Enclosures

**MICROFILMED**

JAN 17 1991

APPLICATION FOR PERMIT REVIEW

Application #: 41-07084  
Date: 1-9-91

Reviewer: Pam Skaggs <sup>38</sup>

Existing:

No - 26A-P17  
Complete in 1 year - P16

Yes  
Proof not submitted - P16  
Proof submitted - N/A

Groundwater:

GT. 0.7 cfs - 01G-P03, 01C-P03(existing well)  
LT. 0.7 cfs - N/A

Drilling Permit:

Approved w/permit - P99  
Not included - 046-P23(All GW, even existing wells)

Location:

Water Districts - WD No. 44  
Surface water - 005, 005-01H-P01(LT.7 w/pump)  
Groundwater <sup>existing</sup> - 005-01J-P08(GT.7)  
Irrigation Districts - P05  
Canal Co. Areas - 023  
Drainage Districts - 023  
Boise Front (63) - 024  
Swan Falls Flag - 058 (Groundwater)  
Trust - 1 (1 or Blank)  
Non Trust - 051-052-053-P74(Cons.), 041(DCMI, w/Irr or Irr & Dom)  
048-049

River Basins:

(Surface Water) Water District Control Condition &....  
Boise (63) - 11D-P72  
Payette (65) - 047-P04, 059-P71  
Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation - 002-P06, 06A, 007, 09E-P10, 010, 042, 044  
Power - (less than 25cfs P18), 01F-P19, 08A(Req.),  
- 17K, 17G-17M(Choose One), 025  
Mining - 06A, 006, 09E-P10, 010, 54  
Storage - 18A-P09(In W.D.), 18B-P09(Size)  
Domestic - 021(restricted areas)

Ownership:

Non land owner - 004

Protested:

Agreement - 020

Minimum Stream Flow:

Overlapping uses - 029-P20

Beneficial Use Due Date: - 01-01-1992

Other Conditions Recommended \_\_\_\_\_

Form No. 202a  
4/87STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY AD DATE 8/13/90 APPLICATION NUMBER 41-07084

## REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)  
☒ Address  
☒ Source (See USGS Quad for names of water sources)  
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)  
☒ County  
☒ Quantity (flow and/or volume)  
☒ Period of Use  
☒ Nature of proposed use (Include description of use.)  
☒ Description of diverting works  
☒ Time required for beneficial use of water  
☒ Place of use or acres irrigated  
☒ Map  
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)  
☒ Fee  
☒ Yes \_\_\_\_\_ No\* In form to receipt \*\*\*PROPOSED PRIORITY DATE 5/7/90 1:40 P.M.

## ADDITIONAL INFORMATION

- \_\_\_\_\_ Overlapping place of use (Describe source & relationship to present application on the back.)  
\_\_\_\_\_ Overlapping point of diversion  
\_\_\_\_\_ Yes \_\_\_\_\_ No Field check required  
\_\_\_\_\_ Yes \_\_\_\_\_ No Field check by \_\_\_\_\_  
\_\_\_\_\_ Yes \_\_\_\_\_ No Field report attached  
\_\_\_\_\_ Yes \_\_\_\_\_ No Critical groundwater area  
\_\_\_\_\_ Yes \_\_\_\_\_ No Groundwater management area  
\_\_\_\_\_ Yes \_\_\_\_\_ No Send dam safety information  
\_\_\_\_\_ Yes \_\_\_\_\_ No Send power requirement letter  
\_\_\_\_\_ Yes \_\_\_\_\_ No Send fish farm requirement letter  
\_\_\_\_\_ Yes \_\_\_\_\_ No Power residency affidavit  
\_\_\_\_\_ Yes o No Power efficiency form SWAN FALLS HOLD? X  
☒ Yes \_\_\_\_\_ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)  
\_\_\_\_\_ Yes X No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)  
☒ See reverse side for additional information

\*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested NOV 15 1990

Department of Water Resources

RECEIVED

SEND COPIES TO \_\_\_\_\_ Idaho Dept. of Health & Welfare \_\_\_\_\_ U.S. BLM  
 \_\_\_\_\_ Idaho Dept. of Fish & Game \_\_\_\_\_ U.S. Forest Service  
 \_\_\_\_\_ Idaho Dept. of Lands \_\_\_\_\_ Water District  
 \_\_\_\_\_ Adjudication Bureau Unit \_\_\_\_\_ Other

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

See below for additional information

By Jaren O. Salmer Date 4/6/90

See below for additional information

By \_\_\_\_\_ Date \_\_\_\_\_

### ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from:

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

Project impacts/implications report

COMMENTS

---

---

---

---

---

---

---

41-07084

ZIMMER, KENNETH L.  
3706 REGISTER RD.  
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt:                      NWNW        Sec 7 T 09S R 30E

|                  |             |
|------------------|-------------|
| Use: DOMESTIC    | ( .040 CFS) |
| STOCKWATER       | ( .020 CFS) |
| IRRIGATION       | ( .130 CFS) |
| Total Diversion: | ( .190 CFS) |

Date Filed: 5/ 7/ 1990

In: T09S R30E S07                      NENW

4.5 ACRES TOTAL

**MICROFILMED**

JAN 17 1991

The permit(s) will be subject to all prior water rights. Protests must be filled with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, Idaho 83301 on or before OCTOBER 8, 1990.

R. KEITH HIGGINSON, Director

Published 9/19/1990 & 9/26/1990

**MICROFILMED**

JAN 17 1991

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region  
222 Shoshone Street East  
Twin Falls, ID 83301  
(208)734-3578

---

SEPTEMBER 13, 1990

POWER COUNTY PRESS  
174 IDAHO STREET  
AMERICAN FALLS, ID 83211

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before OCTOBER 8, 1990.

Yours truly,

Mary Baldwin  
Secretary/Office Coordinator

Enclosure

**MICROFILMED**

JAN 17 1991

11-Sep-1990

KENNETH L ZIMMER  
3706 REGISTER ROAD  
AMERICAN FALLS ID 83211

Re: Application for Permit No. 41-07084

Dear Mr. Zimmer:

Additional review of the above referenced Application for Permit revealed that it did not qualify as a Swan Falls filing as our correspondence of 8/30/1990 indicated.

This office will be advertising the application in the Power County Press on 9/19 & 9/26/90. A period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Very truly yours,

**RECEIVED**

JAN 17 1991

Gary Funderburg  
Sr. Water Resource Agent

GF:MB

30-Aug-1990

KENNETH L ZIMMER  
3706 REGISTER ROAD  
AMERICAN FALLS ID 83211

Re: Application for permit No. 41-07084

Dear Applicant (s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

Because your application proposes to appropriate water which has been identified as "trust water" in the Swan Falls agreement, it will be processed under rules and regulations for water appropriation that have been adopted as required by law.

Under the rules, applications will be processed at a rate which allows development of 20,000 acres per year. The oldest applications will be processed first, provided that applicants are willing and able to proceed.

For this reason, it is not possible to estimate at this time when action will be taken on your application.

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

Very truly yours,

Gary Funderburg  
Sr. Water Resource Agent

GF:MB

1

RECEIVED

JAN 17 1991