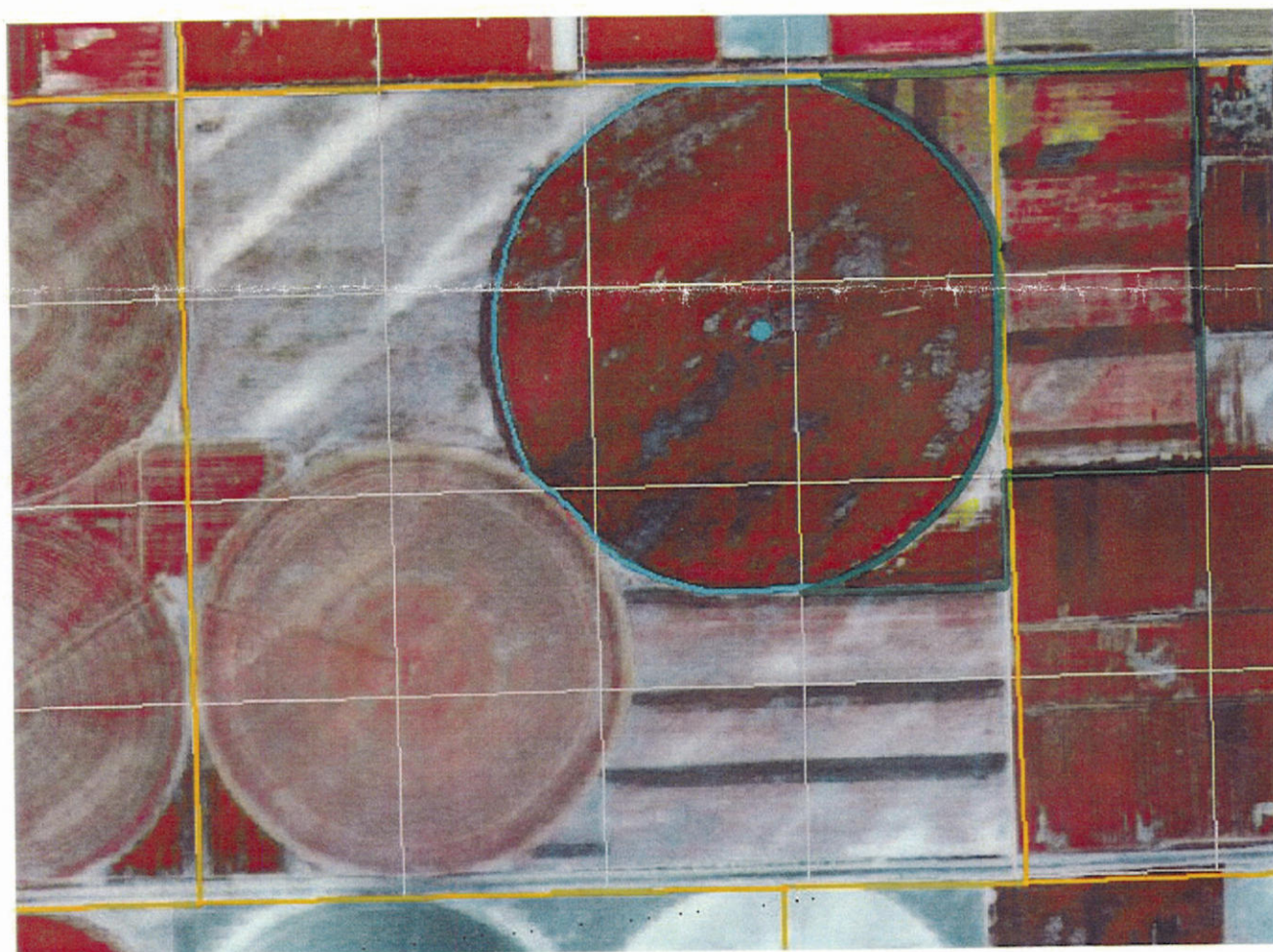


Water Right No. 31-7422

T06N, R34E, Section 33



0.4 0 0.4 0.8 Miles

1986 NAPP

Place of use is outlined in dark green

GIS Presentation created for ID WR by Roxanne Brown, January 5, 2001

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OCT 11 2001

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	31 11690	MARTIN BROTHERS LAND & LIVESTOCK LTD PARTNERSHIP,	GROUND WATER	06N34E33	10 11			1									10				22
Right	31 7248	MARTIN BROTHERS LAND & LIVESTOCK LTD PARTNERSHIP,	GROUND WATER	06N34E33	30	38	40	39	8			16	1				11	18			201
Rec	31 10422	MARTIN BROTHERS LAND & LIVESTOCK LTD PARTNERSHIP,	GROUND WATER	06N34E33							5				3	7					15
Right	31 164	MUD FLAT CANAL CO,	MUD LAKE	06N34E33																	0
Right	31 165	MUD FLAT CANAL CO,	MUD LAKE	06N34E33																	0
Rec	31 7201	MARTIN BROTHERS LAND & LIVESTOCK LTD PARTNERSHIP,	GROUND WATER	06N34E33							5				3	7					15
Right	31 7249	MARTIN BROTHERS LAND & LIVESTOCK LTD PARTNERSHIP,	GROUND WATER	06N34E33							5	6	39	38	27	31		4	2		152
Right	31 7378	MARTIN BROTHERS LAND & LIVESTOCK LTD PARTNERSHIP,	GROUND WATER	06N34E33		2			30	39	28	14				7	19	18	35	35	227

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[illegible]

OWSLEY

CANAL

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ND
T62

ND
T62

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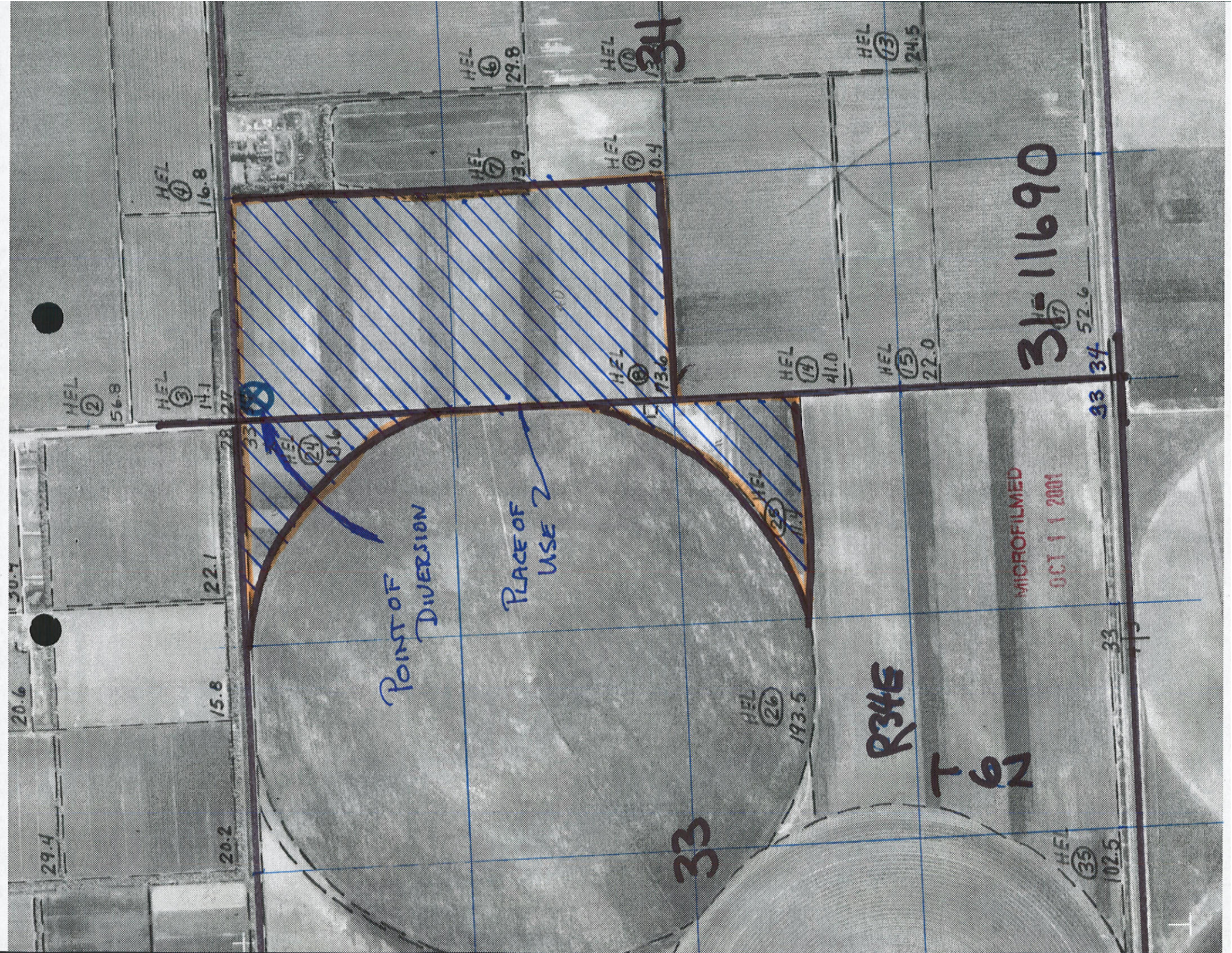
POINT OF DIVERSION

PLACE OF USE

0911-13

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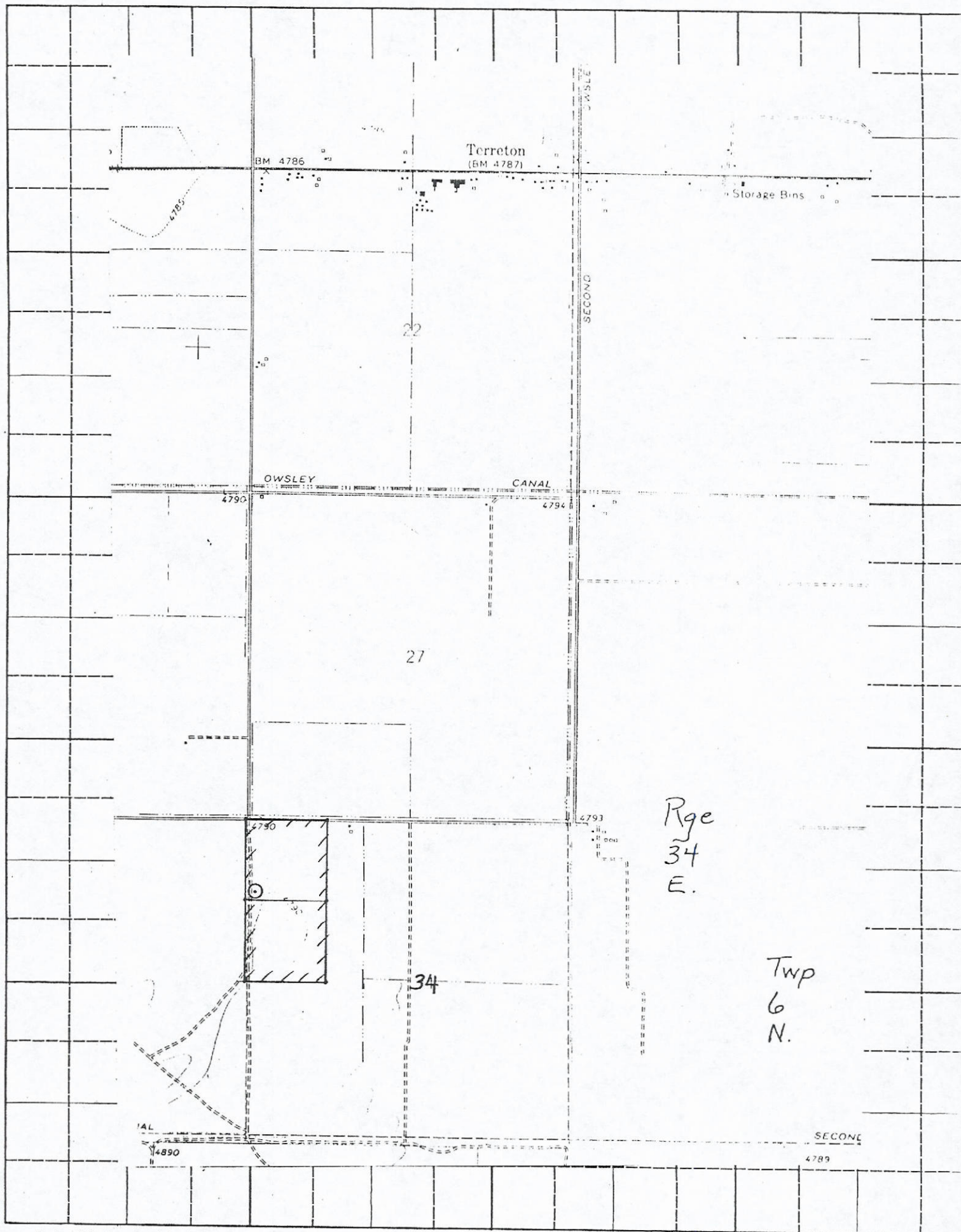
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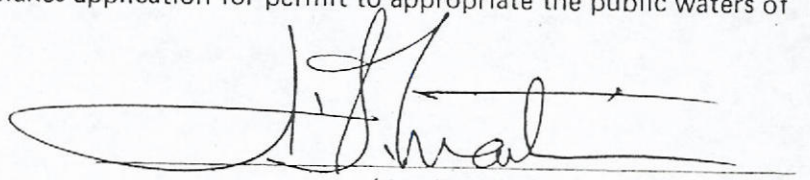
OCT 11 2001

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



Scale: 2 inches equal 1 mile.

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


(Applicant)

TRUSTEE, MARTIN
FAMILY TRUST

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OCT 11 2001

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 31-11690

Priority: March 27, 2001

Maximum Diversion Rate: 1.60 CFS
Maximum Diversion Volume: 350.0 AF

It is hereby certified that MARTIN BROTHERS LAND & LIVESTOCK LTD PARTNERSHIP
C/O HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated March 27, 2001; and has
submitted Proof of Beneficial Use on July 13, 2001. An examination indicates that the works have a
diversion capacity of 1.65 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
04/01 to 10/31

DIVERSION RATE
1.60 CFS

**ANNUAL
DIVERSION VOLUME**
350.0 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER NW¼NW¼NW¼ Sec. 34, Twp 06N, Rge 34E, B.M., JEFFERSON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 34E 33	10.0			1.0									10.0				21.0
06N 34E 34					39.0	40.0											79.0
Total Acres: 100																	

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

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

Signed and sealed this 30TH day of AUGUST, 2002.

MICROFILMED
OCT 02 2002

Acting for 
KARL J. DREHER
Director

RECEIVED

JUL 18 2001

FOR OFFICE USE ONLY

Amt. of Fee \$: 125.00

Receipt No. F026913

Receipt By: KW

Date Received: 7/13/2001

STATE OF IDAHO Department of Water Resources

DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED

JUL 13 2001

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

1. Permit No. 31-11690 Telephone No. (208) 523-0620

2. Name of Permit Holder(s) Martin Brothers Land & Livestock Ltd. Partnership

3. Mailing Address: c/o Holden Kidwell Hahn & Craop, P.O. Box 50130

City Idaho Falls State Idaho Zip 83405

4. Source of Water: Ground water If **GROUNDWATER** (well), Date Drilled: mo. March / yr. 1985

Well Driller: Vollmer Well Drilling Drilling Permit Number: (copy of Well Driller's Report attached)

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): 102 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 1.6 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No X

Has the measuring device been installed? Yes _____ or No X

8. Fee Enclosed: \$ 125.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Chad Holdaway Telephone Number: (208) 663-4691 or (208) 589-1153

Address: P.O. Box 74 TERRETON, ID 83450

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

Signature of permit holder: _____ Date: 7/7/2001

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

SIMON J. MARTIN, Managing Partner
MARTIN BROTHERS LAND & LIVESTOCK

MICROFILMED

OCT 11 2001

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 31-11690

Priority: 03/27/2001

Maximum Diversion Rate: 1.60 CFS

This is to certify, that MARTIN BROTHERS LAND & LIVESTOCK LTD PARTNERSHIP
C/O HOLDEN KIDWELL
HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

has applied for a permit to appropriate water from:

Source: GROUND WATER

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	04/01 to 10/31	1.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼NW¼NW¼ Sec. 34, Twp 06N, Rge 34E, B.M. JEFFERSON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 34E 33	10.0			2.0									10.0				22.0
06N 34E 34					40.0	40.0											80.0

Total Acres: 102

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 1, 2001**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
6. This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
7. This right does not authorize the irrigation of land not previously irrigated.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 2nd day of July, 2001.

MICROFILMED

OCT 11 2001

for 
KARL J DREHER, Director

RECEIVED

MAY 26 2001

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of Applicant Martin Brothers Land & Livestock, Limited Partnership Phone (208) 523-0620
Mailing address c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C., P.O. Box 50130, Idaho Falls, ID 83405
2. Source of water supply Ground water which is a tributary of _____
3. Location of point of diversion is Township 6N Range 34E Sec. 34, in the NW $\frac{1}{4}$,
NW $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot _____, B.M., Jefferson County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 1.6 cfs for Irrigation purposes from 4-15 to 10-31 (both dates inclusive)
(cfs or acre-feet per annum) 4/1 to 11/1
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 1.6 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Well and pump to mainline for sprinkler system
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? April, 1985; Drilling firm Ken Vollmer & Sons - Aberdeen;
Well was drilled for (well owner) Applicant; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

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OCT 11 2001

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	34E	33	10			2									10				22
		34						40	40										80

Total number of acres to be irrigated 102

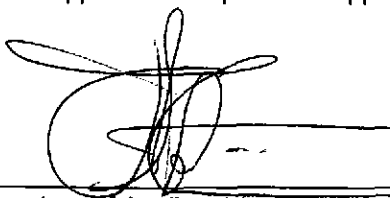
10. Describe any other water rights used for the same purposes as described above. None

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

12. Remarks: The well was drilled pursuant to permit no. 31-7422 and the irrigation system is in place. Applicant also attempted to cover this well and use with an SRBA enlargement claim no. 31-10419. See attached affidavit of J. Dewayne Lee, applicant's tenant.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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


 Signature of Applicant (and title, if applicable)
Simon S. Martin, Managing Partner

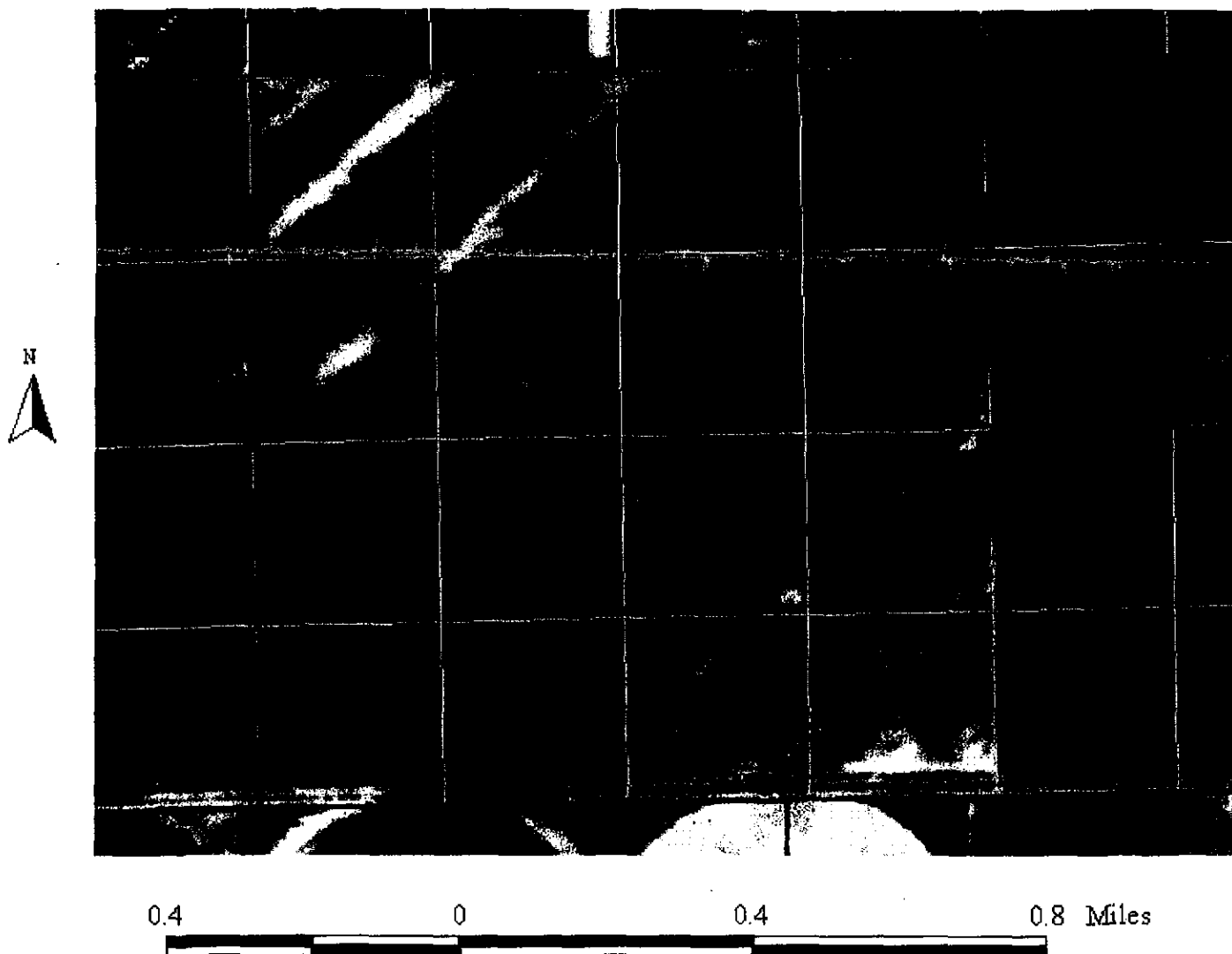
Received by HWT Date 3-26-01 Time _____ Preliminary check by _____
 Fee \$ 290.00 Receipted by HWT # E026581 Date 3-26-01
 Publication prepared by SC Date 4/18 & 4/25/01 Published in Jefferson Star
 Publication approved SC Date 5/1/01

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OCT 11 2001

Water Right No. 31-7422

T06N, R34E, Section 33



1986 NAPP

Place of use is outlined in dark green

GIS Presentation created for ID WR by Roxanne Brown, January 5, 2001

MICROFILMED

OCT 11 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 4, 2002

MARTIN BROTHERS LAND & LIVESTOCK LTD PARTNERSHIP
C/O HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: License No. 31-11690 - Issuance of License

Dear Water Right Holder(s):

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

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

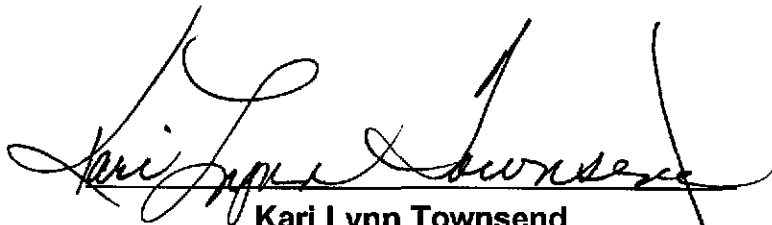
OCT 02 2002

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 31-11690

**MARTIN BROTHERS LAND & LIVESTOCK LTD
PARTNERSHIP
C/O HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405**



**Kari Lynn Townsend
Secretary**

MICROFILMED

OCT 02 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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OCT 02 2002

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

LICENSE REVIEW CHECKLIST

Permit No. 31-11690 Date: 8-29-02 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK
Point of Diversion: OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use OK

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

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): Dwight Canal Co.
File reviewed Profile reports printed

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

Rate of Diversion:

Permitted rate 1.6 cfs
Fee Limit 2.0 cfs
Measured 1.65 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 1.6

*NO OK
per
review of
Arc View &
current
records-*

Water Uses OK

Change (P46)

Season of Use per new Standards
4-1 10-31

Irrigation 1.6 cfs 354 af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
_____ cfs _____ af
_____ cfs _____ af
Total 1.6 cfs 354 af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)
supp. Gw (WB7/065/104)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (106/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

Volume Determination

1.6 cfs x 1.9835 x 214 days = 679.2 af (vs) 100 acres x 3.5 (FHR) = 353.5 af 354.0
2.5 (con)

Remarks:

Additional Conditions 31 Watermaster Control - NO
_____ GW Measurement/Measuring Device
_____ Other
Trust R55 - remove 051
Non-trust (048)

GW Dist? _____
Water Msmt. Dist? North
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? yes If yes, explain why below.
no

SRBA Claim? NO

Adjust memo _____

Amend Letters _____ P87, S06 Second Amendment Notice _____ S06

Comment Report

31-11690

1. kwalker 8/30/2002 Place of Use

Comment: Removed 1 acre from the NENE, S33 due to overlap with 31-7248 which is also gw right. Removed the acre so there is no overlap with that gw right.

MICROFILMED
OCT 02 2002

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	31 1680	MARTIN BROTHERS LAND & LIVESTOCK LTD PARTNERSHIP	GROUND WATER	06N04E33	10			1									10				22
Right	31 7248	MARTIN BROTHERS LAND & LIVESTOCK LTD PARTNERSHIP	GROUND WATER	06N04E33	30	38	40	39	8			16	1				11	18			201
														3	7						15
Right	31 164	MUD FLAT CANAL CO.	MUD LAKE	06N04E33																	0
Right	31 165	MUD FLAT CANAL CO.	MUD LAKE	06N04E33																	0
														3	7						15
Right	31 7249	MARTIN BROTHERS LAND & LIVESTOCK LTD PARTNERSHIP	GROUND WATER	06N04E33							5	5	39	38	27	31		4	2		152
Right	31 7376	MARTIN BROTHERS LAND & LIVESTOCK LTD PARTNERSHIP	GROUND WATER	06N04E33		2			30	39	28	14					7	19	18	35	227

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

SEP 25 2001 *h*

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 31-116901. Owner: Martin Brothers Land + Livestock LTD Partnership
96 Holden Kidwell Hahn & Crapo(208) 556-1457
Phone No. 522-4008Current Address: P.O. Box 50130, Idaho Falls, ID 834052. Accompanied by: Chad HoldawayEXAM DATE: 7-26-2001

Address: _____

(208) 663-4641
Phone No. 589-1153Relationship to Permit Holder: OPERATOR3. Source: Operator tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 31-00164/00165/184/185/187/188/2038A;B
2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	NW	NW	34	6N	34E	Teton	On site FSA Aerials

2. Place(s) of Use:

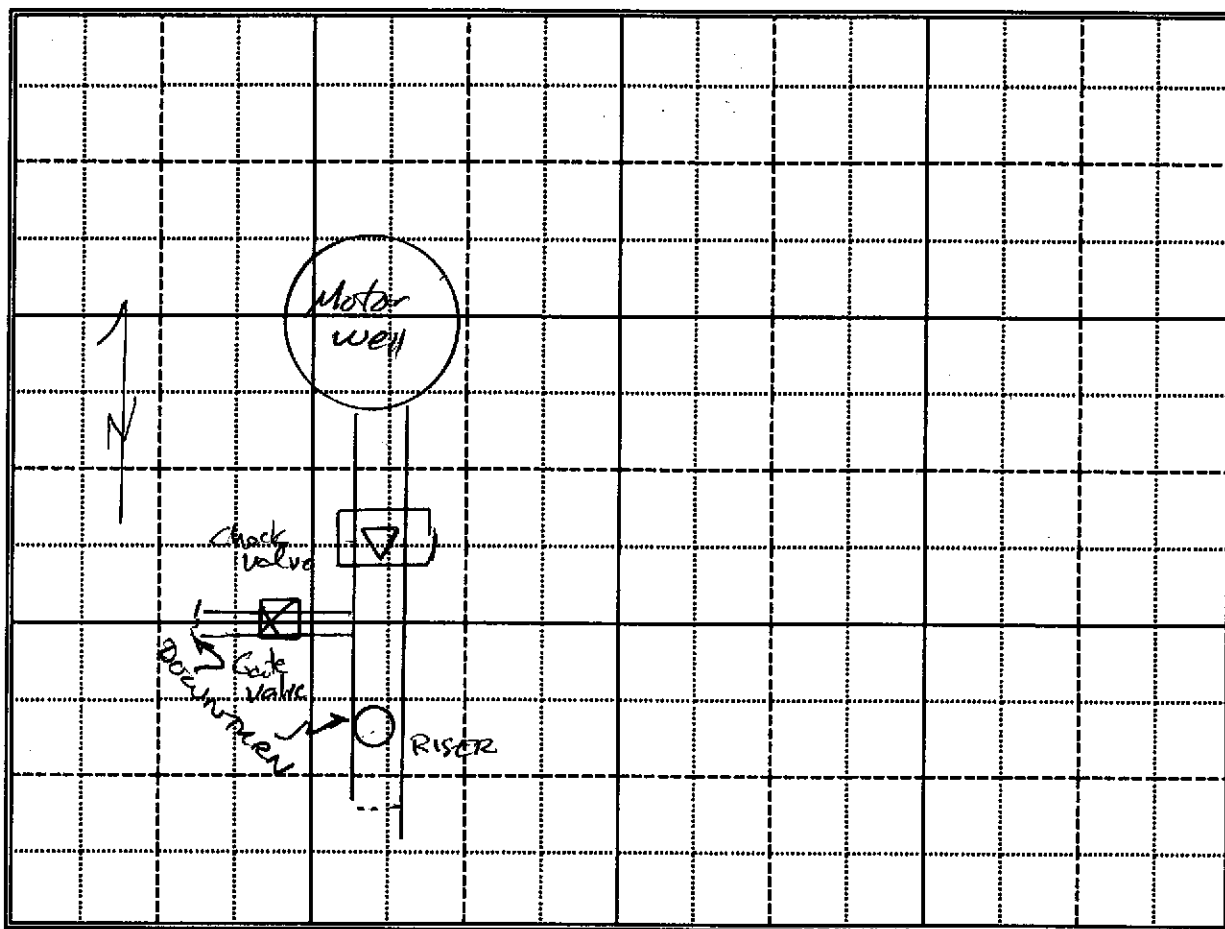
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	34E	33	11			1									10				22
		34						39	40										79
																			101

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SEP 11 2001

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



Scale: 1" = _____

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

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

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GE	100	DXJ48293	Aurora	8"

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: 8.03" od 0.105" thickness

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E. NARRATIVE/REMARKS/COMMENTS

Well pump mainline to laterals with sprinklers

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

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F. FLOW CALCULATIONS

Measured Method:

 $Q_{\text{MEASURED}} = 1.68 \text{ cfs}$

Additional Computation Sheets Attached

 $Q_{\text{LIMITED BY PERMIT}} = 1.60 \text{ cfs}$ **G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 101 \text{ ac} (3.5) = 353.5 \text{ af}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.6 (214) 1.9835 = 679.2$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 353.5 \text{ af}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/1	10/31	1.60 cfs	353.5 af
Totals:			1.60 cfs	353.5 af

2. Recommended Amendments

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

Field Examiner's Name

Keith Cullum

Date

7/26/2001

Reviewer

Date

SEAL

MICROFILMED

OCT 11 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LOG NAME: **31-11690**

START: 07-26-2001 12:00

END: 07-26-2001 12:05

INTERVAL: 00:01:00

07-26-2001 12:00:00

+4.904E+0 ft/s

+7.342E+2 gal/m

+1.635E+0 ft³/s

+TOTAL 0000000 gal

-TOTAL 0000000 gal

NORMAL

07-26-2001 12:05:00

+4.932E+0 ft/s

+7.384E+2 gal/m

+1.645E+0 ft³/s

+TOTAL 0003713 gal

-TOTAL 0000000 gal

NORMAL

07-26-2001 12:01:00

+5.037E+0 ft/s

+7.541E+2 gal/m

+1.680E+0 ft³/s

+TOTAL 0000734 gal

-TOTAL 0000000 gal

NORMAL

07-26-2001 12:02:00

+4.937E+0 ft/s

+7.391E+2 gal/m

+1.646E+0 ft³/s

+TOTAL 0001484 gal

-TOTAL 0000000 gal

NORMAL

$Q_{MIN} = \underline{1.63} \text{ CFS}$

$Q_{MAX} = \underline{1.68} \text{ CFS}$

$Q_{AVG} = \underline{1.65} \text{ CFS}$

07-26-2001 12:03:00

+4.979E+0 ft/s

+7.453E+2 gal/m

+1.660E+0 ft³/s

+TOTAL 0002228 gal

-TOTAL 0000000 gal

NORMAL

07-26-2001 12:04:00

+4.882E+0 ft/s

+7.308E+2 gal/m

+1.628E+0 ft³/s

+TOTAL 0002973 gal

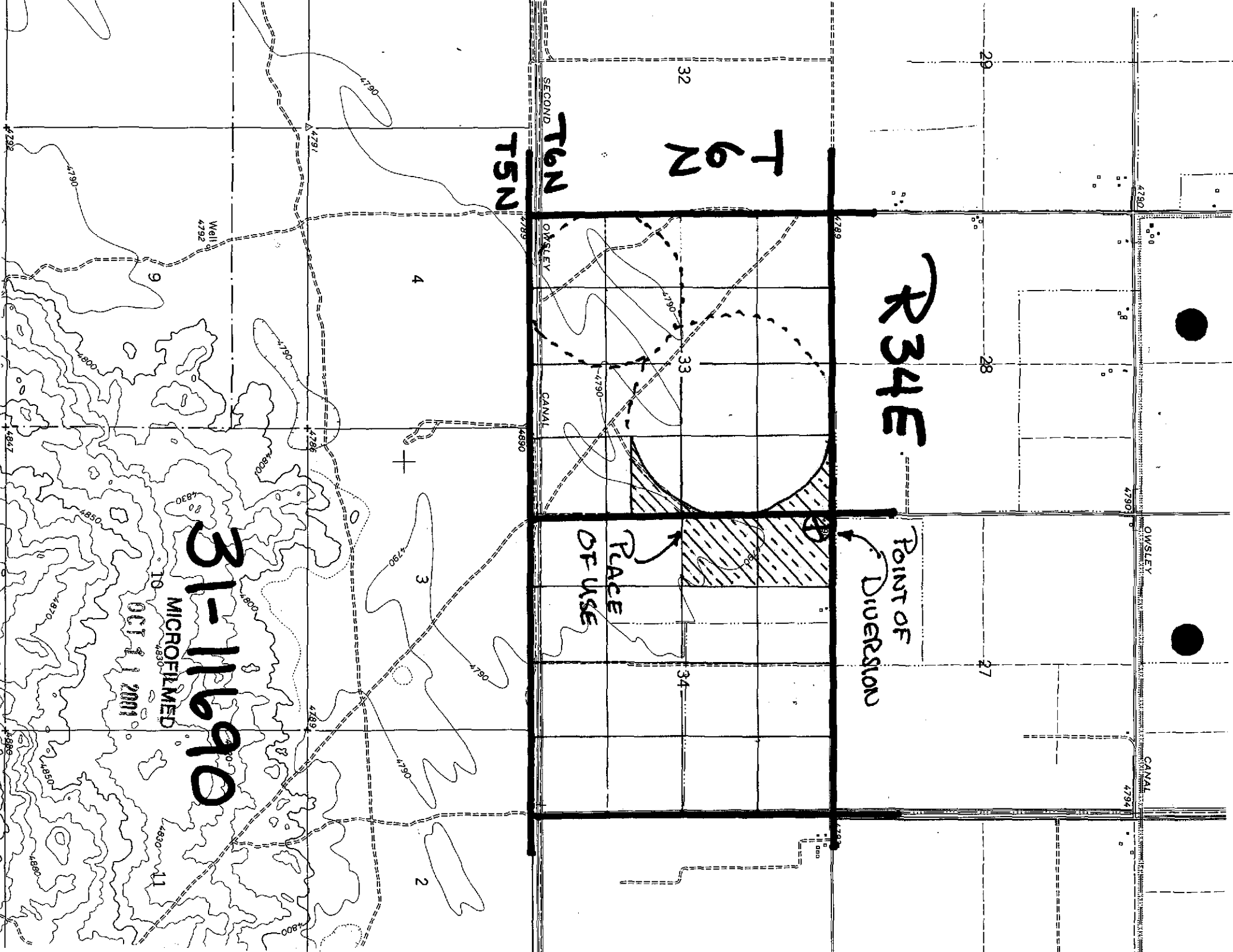
-TOTAL 0000000 gal

NORMAL

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31-11690



R34E

T6N

T5N

31-11690

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OCT 11 2001

Point of
Diversion

PLACE
OF USE

SECOND

OWSLEY

CANAL

OWSLEY

CANAL

Well
4792

4

32

33

34

29

28

27

4780

4790

4794

4789

4890

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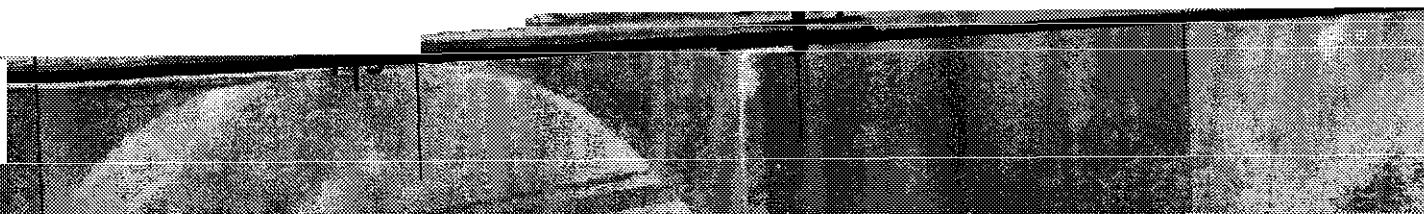
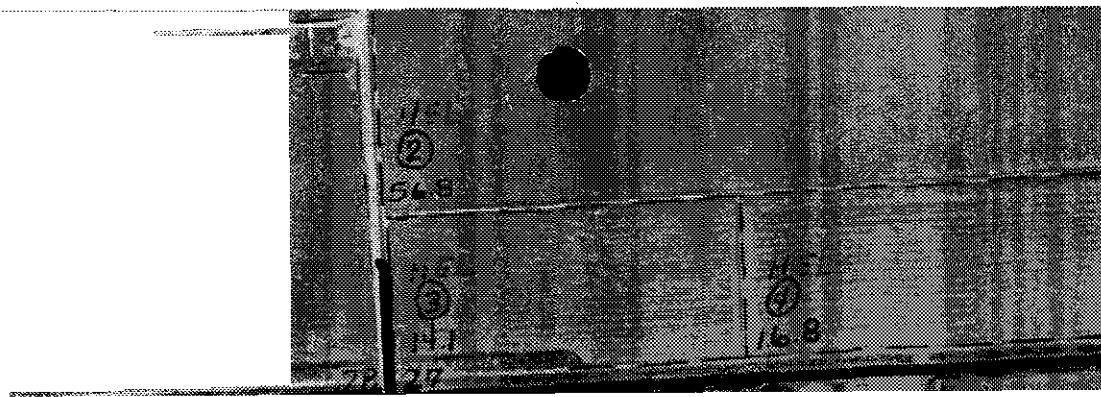
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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

July 26, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MARTIN BROTHERS LAND AND
LIVESTOCK LTD PARTNERSHIP
C/O HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 31-11690

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 contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **Eastern Regional Office** of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

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OCT 11 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 31-11690

Reviewed By: dgibson

Date: July 26, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		E026581, E026913	Well driller's report filed?	X	
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	07/13/2001
Date proof due	- 09/01/2001
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 03/27/2001
New priority date	= 03/27/2001

Deficiencies of Actions Items

Acknowledge proof. Well Const. ok'd processing.

MICROFILMED

OCT 11 2001

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

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

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

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

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

July 12, 2001

RECEIVED

JUL 13 2001

Department of Water Resources
Eastern Region

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

Gentlemen:

We are enclosing with this letter a completed Proof of Beneficial Use form on behalf of our client Martin Brothers Land & Livestock Limited Partnership. The form calls for the drilling permit number but we have been unable to locate one and so attached a copy of the Well Driller's Report. Finally we have enclosed our check in the amount of \$125.00 for the required fee. Thank you for your continued attention to this matter.

Very truly yours,



Kent W. Foster

Enclosures

G:\WPDATA\KWF\8790\IDWR02.ltr.wpd:ljm

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OCT 11 2001

WELL DRILLER'S REPORT

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

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 2, 2001

MARTIN BROTHERS LAND & LIVESTOCK LTD PARTNERSHIP
C/O HOLDEN KIDWELL
HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: Permit No. 31-11690

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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 into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

MICROFILMED

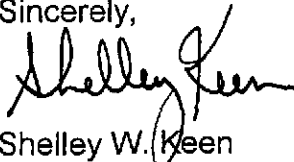
OCT 11 2001

Please note that one of the conditions of approval on your permit requires that you measure your diversion and record other important hydrologic and physical features and report them annually to the Department. The Department will shortly send you further information about measuring devices, flow estimation using power records, and annual reporting forms. If you have questions about the measuring and reporting requirements, please call the Department at (208) 327-7900 and ask for someone in the Water Distribution Section.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

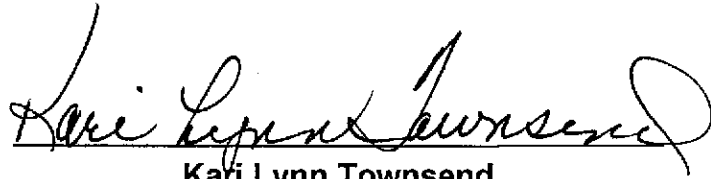
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OCT 11 2001

CERTIFICATE OF MAILING

I hereby certify that on July 2, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 31-11690

**MARTIN BROTHERS LAND & LIVESTOCK LTD
PARTNERSHIP
C/O HOLDEN KIDWELL
HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**MICROFILMED
OCT 11 2001**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
OCT 11 2001

Curtis, Sharla

From: Curtis, Sharla
Sent: Tuesday, June 26, 2001 11:22 AM
To: 'kfoster@holdenlegal.com'
Subject: Martin Brothers App for Permit 31-11690

Bet you thought you'd heard the end of me about this application, right? As is oftentimes typical, further review by others further up the chain of command results in other loose ends that need to be tied up. So I thought I'd contact you by e-mail so that you can give me feedback at your leisure and hopefully we can finish the process for this one.

The first item I need information about is whether the acres identified in this application have been irrigated *yes every year* SINCE 1987/1988 from this well. If so, under what authority did that irrigation occur? *renter just kept irrigating nothing came from us.*

The license that appears to be overlapping these lands (31-7248) was filed in the adjudication with a different point of diversion than was licensed. And the expansion claim (31-10419) doesn't match the license or the application when it comes to the point of diversion description. If these are the rights that were used as the means to irrigate these acres since 1987/1988, is amending the claims to include the point of diversion in the NWNW, S34 appropriate? *types sections exp. claim*

Then, if the claims are amended to include the point of diversion described by the application, can't the expansion claim also pick up any additional rate that was developed prior to 1987? It appears that this application only serves to add rate to the acres and it seems that it could be included in the expansion claim. The new application then becomes moot.

Ron Carlson said new app was needed, so they did it.
If I haven't thoroughly confused you, I look forward to your response. Let me know if there's anything I can provide to help you in your review.

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OCT 11 2001

MEMORANDUM

To: File

From: Sharla

Date: June 5, 2001

Re: Application 31-11690

On this date, I spoke with Kent Foster concerning possible surface water overlap under this application. Kent told me that the applicant refers to the 80 acres in Section 34 as the "spud 80" and these 80 acres have never had surface water appurtenant to them. The rest of that section has surface water but not the 80 in the W $\frac{1}{2}$ NW $\frac{1}{4}$. The 22 acres in Section 33 also have no surface water overlap.

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OCT 11 2001

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**

Reviewed by Sharla Curtis on 6/1/01

No. 31-11690 Name: Martin Bros Corp. Officers ☒ Ad ok ☒ Govt Lots ☐

AREA OF CONCERN: No/Yes ESPA Moratorium ☐ ~~GWMA~~ TRUST/NON-TRUST ☐

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046
~~Basin 34~~ - 084 (if necessary)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121

Trust - 051 (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

~~STORAGE~~ - 18A-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
≥ 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCK WATER - R37 (BLM/FS)
MINING - 054-106
FISH PROP - 029 (70's only)-007-042-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8

BENEFICIAL USE DUE: 9,01,200

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No/Response _____
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE _____
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WD

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W22, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W22, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

~~POWER~~ - 17H or 17K (+uses)-17G (not under FERC)
or 17M (FERC regulated >25 cfs or 500hp)
08A-025-027-01N-106-W13 (if dewatering stream)

MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102

DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas, etc)
Irr use listed separate
or none allowed - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON 4/1 - 10/31 (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS _____

COMMENTS NAPP 1986 photography supports dev before 1987.

Dist for Staffing _____
Submitted for advertising 7-27-01

MARTIN Brothers

REQUIRED INFORMATION:

- RECEIVED

APR 29 2009

Department of Water Resources

☐	Overlapping place of use (Describe source & relationship to present application on the back)
☐	Overlapping point of diversion
☐ Yes	☐ No Critical groundwater area
☐ Yes	☐ No Groundwater management area
☐ Yes	☐ No Send dam safety information
☐ Yes	☐ No Send fish farm requirement letter
☐ Yes	☐ No Power residency affidavit
☐ Yes	☐ No Within trustwater boundary (If yes, <u>attach trust water supplementary analysis sheet</u>)
☐ Yes	☐ No Public Water System
☐ Yes	☐ No Planning section review
☐ Yes	☐ No Moratorium Hold file
See reverse side for additional information	

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____

☒ Yes	☒ No	In form for advertising
☒ Yes	☒ No	Statewide advertising
☒ Yes	☒ No	Fee amount, receipt date & No. recorded on application

_____ Id Dept of Health & Welfare
_____ Id Dept of Fish & Game
_____ Id Dept of Lands
_____ Adjudication Bureau Unit

_____ U.S. BLM
 _____ U.S. Forest Service
 _____ Water District
 _____ Other _____

FINAL REGIONAL PROCESSING REVIEW:

☒ Yes	☐ No	Affidavit of publication received
☒ Yes	☐ No	Application published correctly. If not, record action taken
☒ Yes	☐ No	Publication dates & paper, recorded on application
☐ Yes	☒ No	Protests received
		Final date for protest
☐ Yes	☐ No	Protests, dates, resolution of protest, recorded on application
☐ Yes	☐ No	Recommendations attached
☐ Yes	☐ No	Measuring device required
☐ Yes	☐ No	Access port required
☐ Yes	☐ No	Will water be delivered by watermaster? If yes, what District
☐ Yes	☐ No	Special conditions of approval or cover letter below.

Date of priority recommend ~~APRIL 1, 2001~~ MARCH 26, 2001

By: RDC Date: 5/21/01

STATE OFFICE REVIEW:

By: _____ Date: _____

ADDITIONAL INFORMATION:

LOCAL PUBLIC INTEREST:

Comments received from:

☐ City	☐ Id Fish & Game	☐ Irrigation District
☐ County	☐ Id Health & Welfare	☐ Canal Company
☐ Reservations	☐ Div. Of Environment	☐ Other

Project impacts/implications report

COMMENTS

This application supersedes application
31-07422.

Huff

The Jefferson Star
Rigby, Idaho

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Jefferson)

I, Terry Carr
of the Jefferson Star, published weekly at
Rigby, Jefferson County, Idaho, do
solemnly swear that the

Application for Permits
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in
any supplement issue thereof for 2
consecutive issues, the first publication
having been made on 4-18-01
and the last publication having been made
on 4-25-01.

Further, that said newspaper is one of
general circulation in said county; that it is a
legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide
subscribers living within the county of
publication; and that it has been
continuously and uninterruptedly published
in said county during a period of seventy-
eight consecutive weeks prior to the first
publication of the said notice.

Terry Carr
On this 25th day of April
in the year of 2001, before me, a
Notary Public, personally appeared

Terry Carr,

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.

Cristal Foster
Notary Public of Idaho

Residing at 1032 N. 1100 E. - Star

My commission expires March 8, 2005

APPLICATION FOR PERMITS

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

31-11690

MARTIN BROTHERS LAND
& LIVESTOCK
LIMITED PARTNERSHIP
PO BOX 50130

IDAHO FALLS, ID 83405

Point(s) of Diversion NWNWNW
S34 T06N R34E, JEFFERSON
County

Source GROUND WATER
Use: IRRIGATION 04/15 To 10/31
1.6 CFS

Total Diversion: 1.6 CFS

Date Filed: 03/27/2001

Place Of Use: IRRIGATION

T06N R34E S33 NENE SENE
NESE

T06N R34E S34 NWNW SWNW

Number of Acres 102

This application is a pre-1987
development.

Permits will be subject to all prior
water rights. Protests may be sub-
mitted based on the criteria of Sec
42-203A, Idaho Code.

Any protest against the approval
of this application must be filed
with the Director, Dept. of Water
Resource, Eastern Region, 900 N
Skyline Dr Ste A, Idaho Falls ID
83402 together with a protest fee
of \$25.00 for each application on or
before May 7, 2001. The protes-
tant must also send a copy of the
protest to the applicant.

KARL J DREHER, Director

Published in the Jefferson Star,
Rigby, Idaho, April 18 and 25,
2001.

RECEIVED

APR 18 2001

Department of Water Resources
Eastern Region

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OCT 11 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 • (208) 525-7161 • Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 05, 2001

MARTIN BROTHERS LAND & LIVESTOCK
LIMITED PARTNERSHIP
P O BOX 50130
IDAHO FALLS ID 83405

RE: Application for Permit No 31-11690

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Jefferson Star on April 18 and 25, 2001. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

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

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc

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OCT 11 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

April 05, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Legal Notice Department
JEFFERSON COUNTY STAR
PO BOX 37
RIGBY ID 83442

RE: Application for Permits

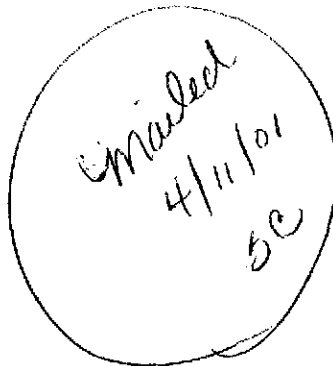
Dear **LEGAL NOTICE DEPARTMENT:**

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before May 7, 2001. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



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OCT 11 2001

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

31-11690

MARTIN BROTHERS LAND & LIVESTOCK
LIMITED PARTNERSHIP
P O BOX 50130
IDAHO FALLS ID 83405

Point(s) of Diversion NWNWNW S34 T06N R34E, JEFFERSON County
Source GROUND WATER

Use: IRRIGATION 04/15 To 10/31 1.6 CFS

Total Diversion: 1.6 CFS

Date Filed: 03/27/2001

Place Of Use: IRRIGATION

T06N R34E S33 NENE SENE NESE

T06N R34E S34 NWNW SWNW

Number of Acres 102

This application is a pre-1987 development.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before May 7, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on April 18 and 25, 2001

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OCT 11 2001

Jones, Harold (Skip)

From: Saxton, Glen
Sent: Thursday, February 22, 2001 9:34 AM
To: Jones, Harold (Skip)
Cc: Carlsen, Ernie; Young, Norm
Subject: APPLICATION 31-07422 - MARTIN FAMILY TRUST

Good morning,

This note just follows up my phone conversation this morning with Ernie C. in regard to the above referenced application and similar pending applications in the name of Blaine Larsen that I located in the "hold drawer" here. Ernie said he would relay our conversation to you.

Before we respond to Kent Foster about processing of the application, we need to determine if the Martin Family Trust is irrigating the land, i.e. 80 acres in the NWNW and SWNW Section 34, T6N, R34E, B.M.), which years the land has been irrigated, whether storage water has been rented each year and if not, the authority claimed by the applicant to continue to irrigate the land. If there has clearly been an unauthorized use, issuance of a NOV probably is appropriate before they plant a crop and assume they will irrigate again during 2001. Please keep me up to speed on this matter.

Thanks, lgs

MICROFILMED
OCT 11 2001

Jones, Harold (Skip)

From: Carlsen, Ernie
Sent: Thursday, February 22, 2001 4:11 PM
To: Saxton, Glen; Jones, Harold (Skip)
Cc: Young, Norm
Subject: RE: APPLICATION 31-07422 - MARTIN FAMILY TRUST

Hello Glen,

I checked WD01 records from 1988 to present. The last year Simmon Martin least storage water for groundwater exchange was 1988. Have not determined if land is still being irrigated.

Ernie

-----Original Message-----

From: Saxton, Glen
Sent: Thursday, February 22, 2001 9:34 AM
To: Jones, Harold (Skip)
Cc: Carlsen, Ernie; Young, Norm
Subject: APPLICATION 31-07422 - MARTIN FAMILY TRUST

COPY

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This note just follows up my phone conversation this morning with Ernie C. in regard to the above referenced application and similar pending applications in the name of Blaine Larsen that I located in the "hold drawer" here. Ernie said he would relay our conversation to you.

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*Ron - need your opinion
on this!*

*Kent will file Nov-1987
applic.!*

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OCT 11 2001

Jones, Harold (Skip)

From: Saxton, Glen
Sent: Friday, March 02, 2001 9:16 AM
To: Jones, Harold (Skip)
Cc: Young, Norm; Carlsen, Ernie
Subject: Application 31-07422 - Martin Family Trust

Skip,

Good morning. I hope you are feeling better and are over the flu or whatever you had.

I just wanted to send you a note above the above referenced matter. There is no particular rush, but I wanted to confirm that I am holding the application pending the determination of certain information from the applicant. Ernie advised that WD01 records show that the last year in which Simmon Martin leased storage water for ground water exchange was in 1988. Your office now needs to determine whether the land has been irrigated in successive years and, if so, under what authority? Depending on the findings for this matter, the department may need to issue an NOV. Please take appropriate steps with Kent Foster or Simmon Martin to determine this information. lgs

Don, Need to discuss!

HWJ

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OCT 11 2001

RECEIVED

MAY 11 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

Department of Water Resources

Application No. 31-7422

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes ☒ No ☐

b. If you are not the property owner, please describe the arrangement enabling you to develop the proposed project.

N/A

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes ☐ No ☒

b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain restrictions and/or conditions. You may be asked to verify uses established prior to October, 1984.)

N/A

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984. 80

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete. N/A

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

N/A

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant

Date 5-8-90

Simon S. MARTIN

MARTIN BROTHERS LAND & Livestock Partnership

MICROFILMED

New mailing ADDRESS:

P.O. Box 50278

IDAHO FALLS, ID

83408-0278

OCT 11 2001

PLACE OF USE 1/4 1/4 OVERLAP REPORT

05/14/90

WR-NUMBER	NAME	SIG	SOURCE	T	R	S	NE				NW				SW				SE				SUM			
							NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
3107422																										
3100006	OWSLEY CANAL CO.	D	MUD LAKE	06N	34E	34					:				:					:	X	X	X	X		
3100065	OWSLEY CANAL CO.	D	MUD LAKE	06N	34E	34					:				:					:	40	40	40	40	160	
3100164	MUD LAKE CANAL CO.	D	MUD LAKE	06N	34E	34					:				:					:						
3100165	MUD LAKE CANAL CO.	D	MUD LAKE	06N	34E	34					:				:					:						
3100168	OWSLEY CANAL CO.	D	MUD LAKE	06N	34E	34					:				:					:	40	40	40	40	160	
3100169	OWSLEY CANAL CO.	D	MUD LAKE	06N	34E	34					:				:					:	40	40	40	40	160	
3100184	OWSLEY CANAL CO.	D	MUD LAKE	06N	34E	34	X	X	X	X	:	X	X	X	X	:			:							
3100185	OWSLEY CANAL CO.	D	MUD LAKE	06N	34E	34	X	X	X	X	:	X	X	X	X	:			:							
3100186	OWSLEY CANAL CO.	D	MUD LAKE	06N	34E	34	X	X	X	X	:	X	X	X	X	:			:							
3100187	OWSLEY CANAL CO.	D	MUD LAKE	06N	34E	34	X	X	X	X	:	X	X	X	X	:			:							
3100188	OWSLEY CANAL CO.	D	MUD LAKE	06N	34E	34	X	X	X	X	:	X	X	X	X	:			:							
3102038A	OWSLEY CANAL CO.	L	MUD LAKE	06N	34E	34	40	40	40	40	:	40	40	40	40	:			:						320	
3102038B	OWSLEY CANAL CO.	L	MUD LAKE	06N	34E	34	40	40	40	40	:	40	40	40	40	:			:						320	
3102252	OWSELY CANAL CO.	L	GROUNDWATER	06N	34E	34					:				:				:							
3102341	OWSLEY CANAL CO.	L	GROUNDWATER	06N	34E	34					:				:				:							
3102342	OWSLEY CANAL CO.	L	GROUNDWATER	06N	34E	34					:				:				:							
3102343	OWSLEY CANAL CO.	L	GROUNDWATER	06N	34E	34					:				:				:							
3102344	OWSLEY CANAL CO.	L	GROUNDWATER	06N	34E	34					:				:				:							
3102345	OWSLEY CANAL CO.	L	GROUNDWATER	06N	34E	34					:				:				:							
3107005	OWSLEY CANAL CO.	L	GROUNDWATER	06N	34E	34	40	40	40	40	:	40		40	:	40		29	:	40	40	40	40		469	
3107422	MARTIN BROTHERS LAND & A		GROUNDWATER	06N	34E	34					:		40	40	:				:						80	
	1986 MAPPING DATA ---	-	COUNTY 51 QUAD W 89	06N	34E	34	39	40	42	40	:	41	42	40	37	:	40	40	40	39	:	37	40	37	38	632

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OCT 11 2001



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

May 14, 1990

Simon S. Martin
Martin Brothers Land & Livestock
P.O. Box 50278
Idaho Falls, ID 83405

Re: Application for Permit No. 31-7422

Dear Mr. Martin:

The Department acknowledges receipt of the trust water questionnaire which you submitted for the above referenced application. I wish to thank you for your response and cooperation. You indicated on your questionnaire that irrigation of the land under the application commenced after October, 1984. Review of your application file shows that the Department did grant a one year interim approval in 1987 based on rental of water in the Upper Snake River Water Supply Bank.

Attached to this letter is a Department order establishing a moratorium to further irrigation development in the Mud Lake area. The irrigation diversion proposed by your application is located within the Mud Lake area and can not be approved at this time. The moratorium is effective for at least the duration of the study described in the order.

The Department will hold your application along with any additional information you may have submitted until the moratorium period expires or until such time as it may be possible to renew processing of the application. Note, if you are using water without an approved permit or other valid right, the Department may issue an order requiring you to cease diverting the water.

If you have questions concerning this matter, please feel free to call me directly at this office or a representative of the Department in the Idaho Falls office.

Sincerely,

Tim Luke

Sr. Water Resource Agent

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OCT 11 2001

Post-it® Fax Note	7671	Date	2-9-01	# of Pages	7
To	SKIP JONES	From	SUNNY HEALEY		
Co./Dept.	EASTERN	Co.	VAULT		
Phone #		Phone #	327-7945		
Fax #		Fax #			

INTER-DEPARTMENT MEMO — 1

FROM

Glen

DATE

5-14-90

TO

Tim

SUBJECT

— We should hold processing
of this opp pursuant to
the Mud Lake Moratorium
— OK to send the letter
you suggested.

VJ

SIGNATURE

MICROFILMED

OCT 11 2001

STATE OF IDAHO

Assigned to:
Martin Brothers' Land
& Livestock, Ltd.,
Partnership
(same address)
12/27/1984

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

CONDITIONALLY
APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Simon S. Martin Trustee Martin Family Trust Phone 523-5171

Post office address P.O. Box 278 Idaho Falls, ID 83401

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

3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 34 Township 6N

Range 34E B.M. Jefferson County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.60 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 1.60 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well pump and sprinkler system

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

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 12 inches; proposed depth of well is 360 feet.

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

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____

(2) Amount of power to be generated: _____ horsepower 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: _____

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OCT 11 2001

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

[illegible]

Total number of acres to be irrigated 80

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

Water rights from Owsley Canal are appurtenant to land but have never been used for irrigation.

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

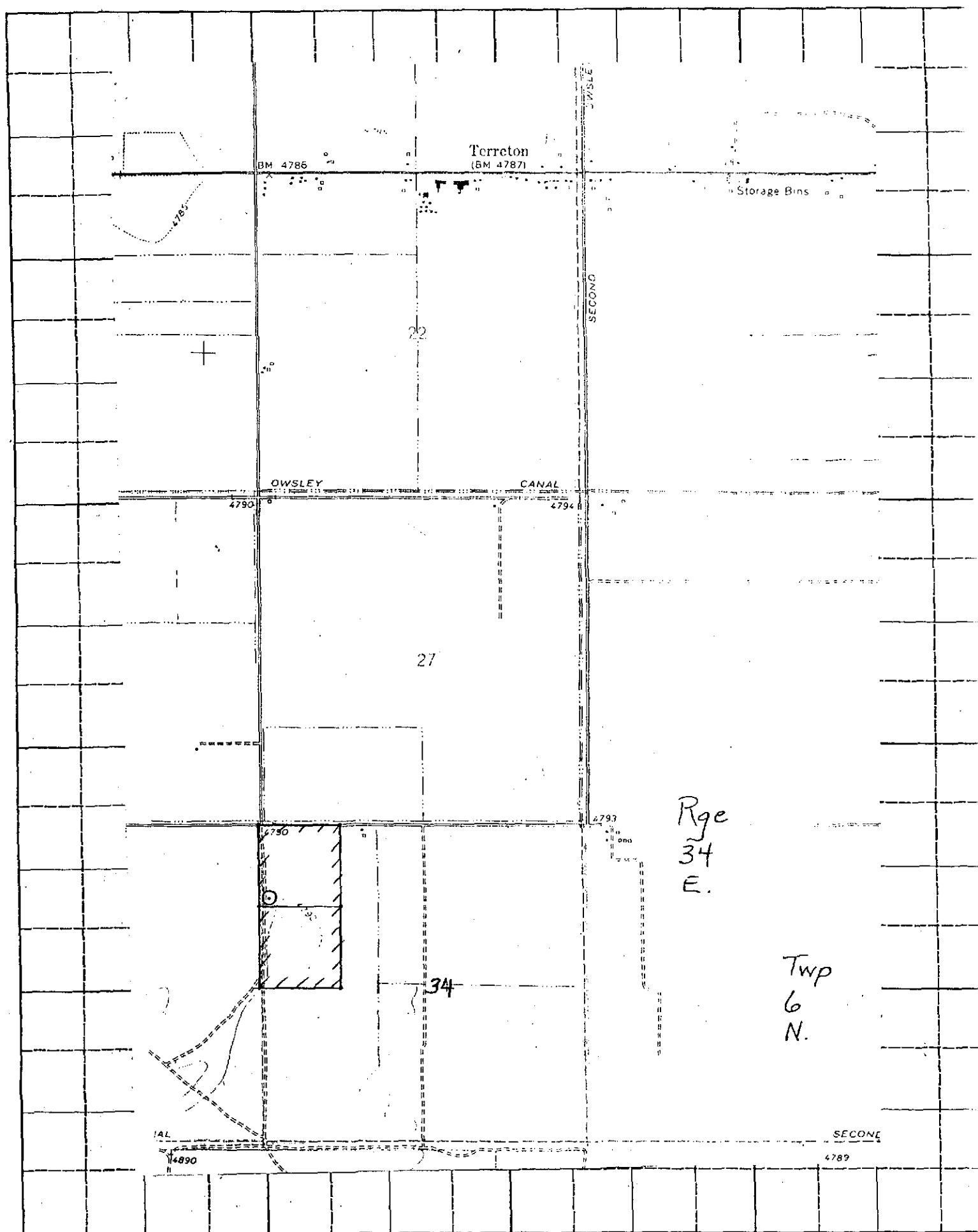
b. Who owns the land to be irrigated or place of use Applicant

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

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OCT 11 2001

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



Scale: 2 inches equal 1 mile.

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

[Signature]
(Applicant)

TRUSTEE, MARTIN
FAMILY TRUST

MICROFILMED
OCT 11 2001

Proposed Priority 2/17/84

Received by EMC Date 2/17/84 Time 3:45
Preliminary check by HWS Fee \$ 65⁰⁰
Receipted by BP Date 2/17/84 # 33456
Publication prepared by ON Date 9-13-85
Published in Jefferson Star
Publication dates 3-21 & 3-28-85
Publication approved AW Date 4-15-85
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for Interim approval denial by KW

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 31-7422, and said application is hereby CONDITIONALLY 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 is not required unless permit is reprocessed and approved in compliance with 42-203C, Idaho Code.
- 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. Other: SEE ATTACHED SHEET FOR CONDITIONS d thru k.

Witness my hand this 27th day of May, 1986.

J. Glen Saylor
Chief, Operations Bureau

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OCT 11 2001

CONDITIONS OF APPROVAL

The following conditions are hereby made a part of the action of the Director of the Idaho Department of Water Resources (IDWR) on Application for Permit No. 31-7422.

- d. Issuance of this permit is on an interim basis until processing can be accomplished under Section 42-203, as amended, Idaho Code, and is contingent upon the permit holder assigning storage water to replace water taken from other water rights as determined by the Director of IDWR.
- e. Each irrigation season before water is diverted under this permit, evidence shall be provided to the Department that storage water has been rented through the Upper Snake River Water Supply Bank and assigned to the Director of IDWR for release to replace water taken from other water rights.
- f. The volume of stored water required to be rented from the Upper Snake River Water Supply Bank shall be equal to the volume of water consumptively used, as determined by the Director. For the 1986 irrigation season and each following year that this permit is to be used or until modified by Order of the Director of IDWR, the volume of stored water required is 160 acre-feet (80 acres x 2.0 acre-feet per acre = 160 acre-feet per year).
- g. Water shall not be diverted at any time that storage water is not available and on assignment to the Director of IDWR for purposes of replacing reductions of flow to other water right holders.
- h. The Director of IDWR retains jurisdiction of this permit to enforce the provisions of this permit, to revise the volume of stored water required, to cancel this permit for failure to comply with the conditions of approval, and to require procedural and substantive compliance with any subsequently adopted rules and regulations concerning exchange or augmentation of water supplies.
- i. By accepting and commencing diversion of water under this permit, the permit holder acknowledges and agrees that: (1) the Director of IDWR may suspend the right to divert water during any period that evidence of the required storage water supply needed for release is not on file with IDWR, and (2) the Director of IDWR is authorized to obtain a court order to disconnect the power supply from the pump motor used to divert water under this permit or by other reasonable means insure that water is not diverted at any and all times, that the right to divert water under this permit is suspended.
- j. This permit will be reprocessed under the provisions of Section 42-203D, Idaho Code, at the request of the permit holder or as determined necessary by the Director for compliance with Section 42-203D, Idaho Code, and Section 7D of the Swan Falls Agreement.
- k. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 27th day of May, 1986.

MICROFILMED

OCT 11 2001

A. Glen Saxton
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMITS/LICENSES

I, Simon S. Martin, Trustee of the Martin Family Trust,
hereby assign to Martin Brothers Land & Livestock Limited
Partnership of P. O. Box 278, Idaho Falls, Idaho 83402, all of the
right, title and interest in and to those certain licenses, and/or
permits, and/or applications identified as:

- (a) Application for Permit No. 31-7378
- (b) Application for Permit No. 31-7422
- (c) Application for Permit No. 31-7250
- (~~a~~) Water Right License No. 31-7201
- (~~b~~) Water Right License No. 31-7248
- (~~c~~) Water Right License No. 31-7249

DATED this 27th day of December, 1984.



Simon S. Martin, Trustee
Martin Family Trust

*not in
file 1-7-85
1-23-85*

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OCT 11 2001

*original in
31-7201.*

STATE OF IDAHO,

)

(ss.

County of Bonneville.

)

On this 27th day of December, in the year 1934, before me, WINONA M. HEARN, an Idaho Notary Public, personally appeared SIMON S. MARTIN, known to me to be the person whose name is subscribed to the within instrument as Trustee of the Martin Family Trust, and acknowledged to me that he executed the same as such Trustee.

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

Winona M. Hearn
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 2-28-37

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

March 23, 2001

RECEIVED

MAR 26 2001

Department of Water Resources
Eastern Region

Ronald D. Carlson
IDAHO DEPARTMENT OF
WATER RESOURCES
900 N. Skyline Dr.
Idaho Falls, ID 83402

*Re: Application for Permit for Martin Brothers Land & Livestock
(old permit no. 31-7422)*

Dear Ron:

Pursuant to our recent telephone conversation, we have prepared an Application for Permit on behalf of Martin Brothers Land & Livestock which is enclosed with this letter. We have attached a colored copy of one of the maps that shows this particular place of use and have outlined the 102 acre place of use in dark green. We have also enclosed a copy of an affidavit by J. DeWayne Lee, the Martin Brothers tenant who gave some information regarding the well formerly drilled and operated under what he designates as right A31-10419.

We have tried to get a copy of the well log and drilling permit for this well, but so far nobody has been able to lay their hands on a copy of it. I think Keith Wilson has been hunting for it in Department records and Simon Martin has been in touch with Ken Vollmer and Sons to see if they can locate some information. Simon has a recollection that as soon as the conditional approvals were received for applications numbers 31-7422 and 31-7378, he had Vollmers come out and drill the two wells. His recollection is that they were drilled in either March or April of 1985 and that there was still snow on the ground which actually had to be plowed to get the drill rig out to the places where the wells were drilled.

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Ronald D. Carlson
March 23, 2001
Page 2

In any event, we will certainly appreciate your assistance in processing this new application and will be happy to assist in any appropriate way. Our check in the amount of \$290.00 for the filing fee is also enclosed.

Very truly yours,



Kent W. Foster

Enclosures

G:\WPDATA\KWF\8790\Ronald01.ltr.wpd

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IN THE DISTRICT COURT OF THE FIFTH
JUDICIAL DISTRICT OF THE STATE OF IDAHO

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

CIVIL CASE NUMBER: 39576

AFFIDAVIT AND DECLARATION OF
J. DEWAYNE LEE

STATE OF IDAHO)
)
COUNTY OF BONNEVILLE)

J. Dewayne Lee, after first being duly sworn upon oath, deposes and says:

1. My name is J. Dewayne Lee and my mailing address is P.O. Box 25, Terreton, ID. My phone number is (208) 663-4641. I am a tenant of Martin Brothers Land & Livestock (Martin Brothers) and I have been a tenant of Martin Brothers and its predecessor entities since 1976. I am over the age of eighteen years and I am competent to testify from personal knowledge as to the contents of this affidavit and declaration.

2. I have reviewed and I am familiar with the documents attached as exhibits to the AFFIDAVIT OF SIMON S. MARTIN, MANAGING PARTNER, MARTIN BROTHERS LAND & LIVESTOCK (Martin affidavit).

3. I am very familiar with the development of the Martin Brothers farms which are the subject of Exhibits 1 and 2 of the Martin affidavit. I was the tenant at the time of the development and I assisted in the management of each development project. After the completion of the development of each project, I farmed the parcel of land irrigated by the project.

4. The following is a narrative of the development of each of the subject projects:

a. A 31-10419 --

This parcel is carried in my records as "Number 7". The well for this parcel was drilled in the Spring of 1985, but the improvements regarding the irrigation system were not made until the Spring of 1986. It was in the Spring of 1986 that I first irrigated this parcel using the well and the irrigation improvements. It was in the Fall of 1986 that I first harvested a crop from this parcel.

b. A 31-10422 --

This parcel is irrigated from the first well Martin Brothers drilled after we began the development projects in 1977. The well used to irrigate this parcel is identified as License Number 31-07201 in the records of

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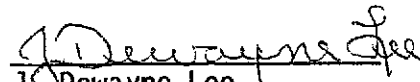
the state of Idaho. This well is located in the East Half of Section 32, Township 6 North, Range 34, EBM, Jefferson County Idaho. Even though this well was drilled in 1977, the subject parcel was not irrigated until 1978, and only after "Pivot Number 3" was developed in 1978. We developed this parcel to fill in a corner of Pivot Number 3. I first applied water to this parcel in the Spring of 1978, and the first crop from the parcel was harvested in the Fall of 1978.

c. A 31-10423 --

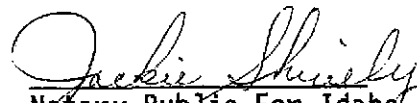
This parcel is carried in my records as "Well number 6". The well was drilled in the Spring of 1985, the irrigation improvements were completed in the Spring of 1985, the water was first used to irrigate crops on this parcel in the Spring of 1985, and the first crops were harvested from this parcel in the Fall of 1985.

I declare under penalty of perjury of the State of Idaho and of the United States of America that the above and foregoing affidavit and declaration is true and correct to the best of my knowledge and belief.

Dated this 6th day of March, 1993.


J. Dewayne Lee

Subscribed and sworn to before me this 8th day of March, 1993.


Notary Public For Idaho
Residing at: Terrell, Idaho
My Commission Expires: 8-2-94

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