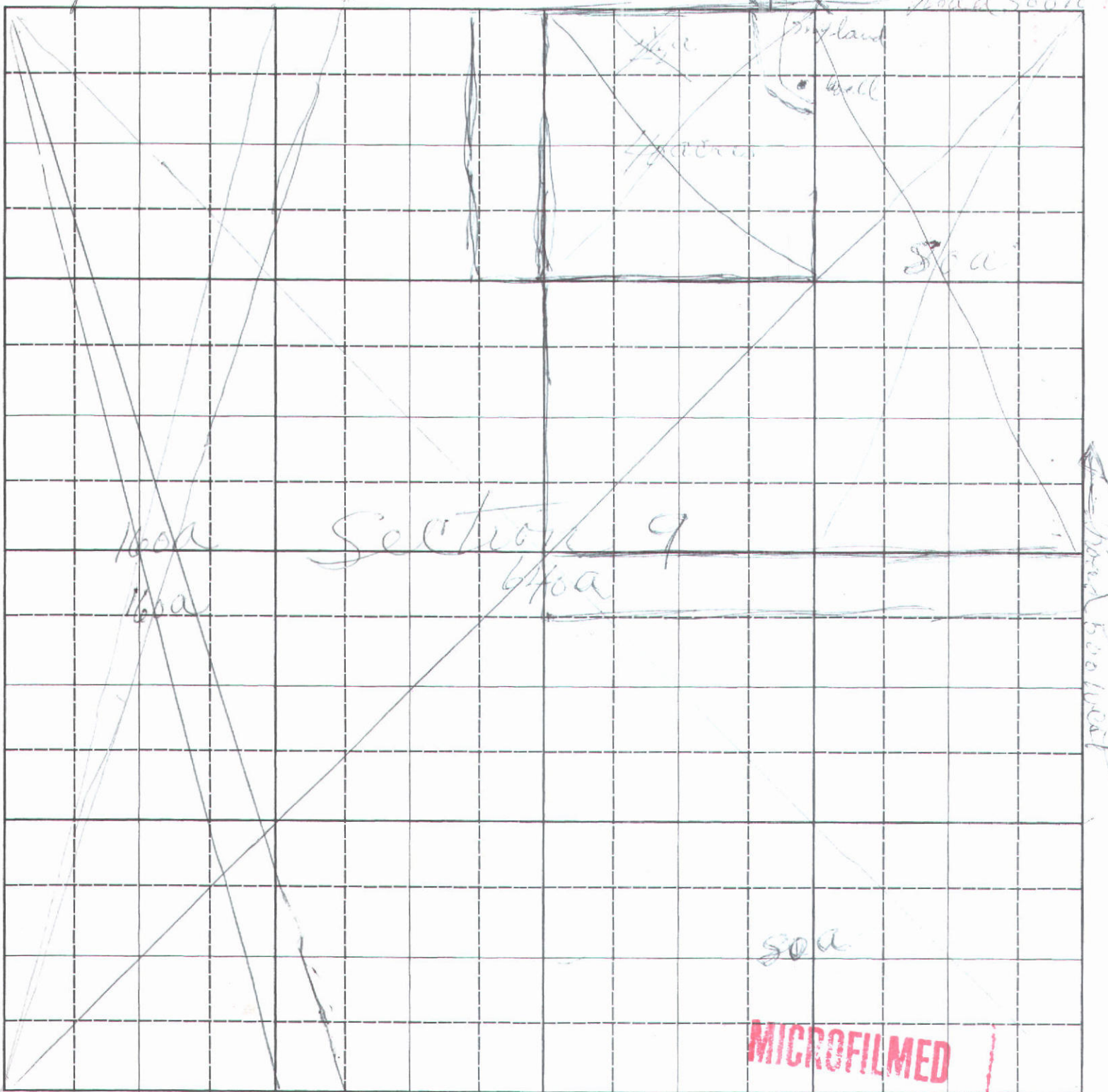


my land has its NE Corner in the Smallest Square of map below
 is in the NE Corner of larger Square of 16 Small Squares and in the
 NW quarter of the larger Square of 4 Small Squares

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, 9
 township and range number. 23 East



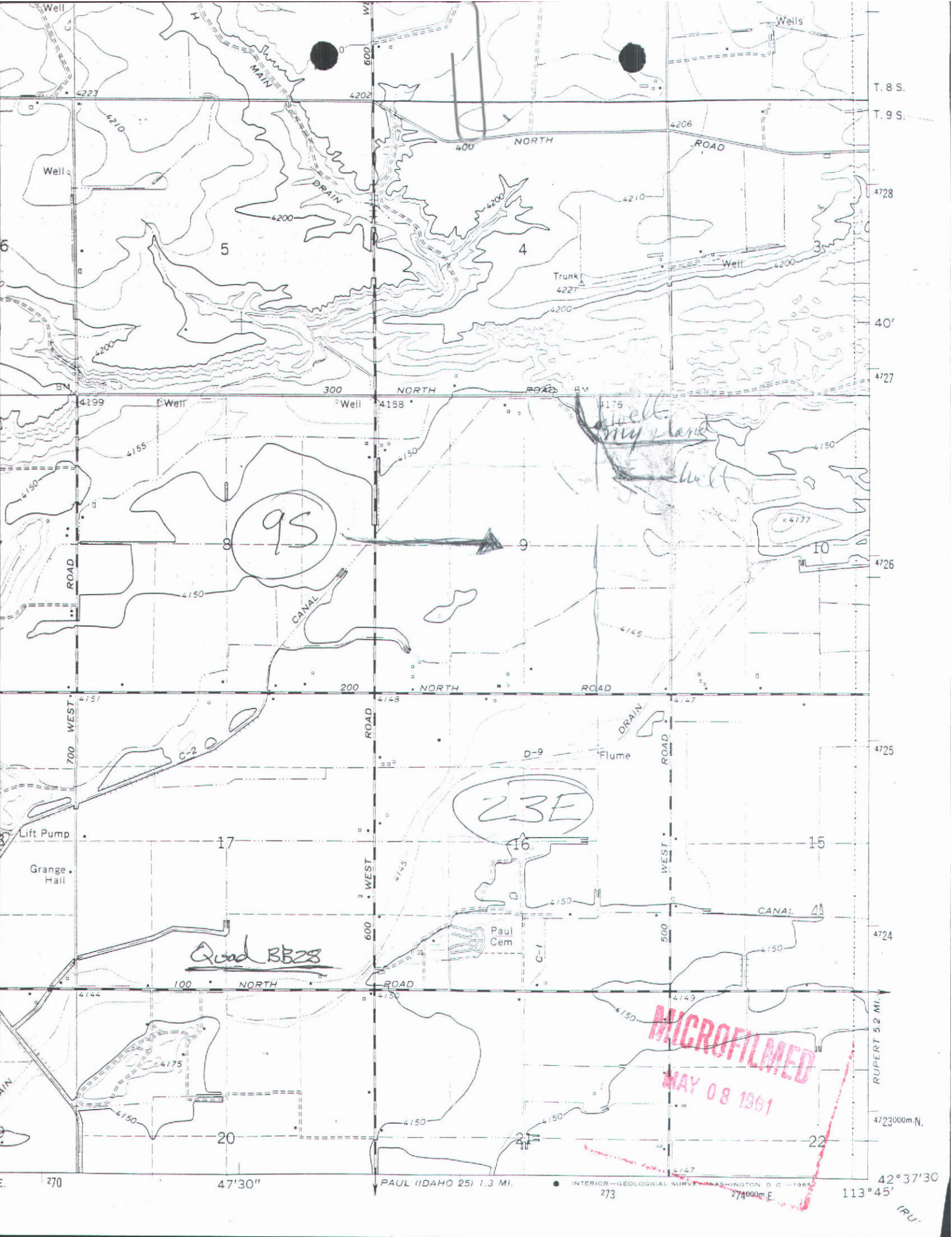
Scale: 2 inches equal 1 mile.

MICROFILMED

MAY 08 1991

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.

please send permit soon!
 Wayne H. Johnson
 (Applicant)



T. 8 S.
T. 9 S.

4728
40'

4727

4726

4725

4724

4723000m N.

42°37'30"

113°45'

(RU)

PAUL (IDAHO 25) 1.3 MI.

INTERIOR—GEOLOGICAL SURVEY WASHINGTON D C—1965

MICROFILMED
MAY 08 1991

Quad BB28

23E

95

91-119

**NOTICE OF APPLICATION
FOR TRUST WATER RIGHT**

36-08459

OSBORNE, WAYNE O.

RT. 1 BOX 1312

PAUL, ID 83347

Source: GROUNDWATER

Diversion Pt: NENWNE Sec 9 T09SR23E

Use: IRRIGATION (.120 CFS)

DOMESTIC (.020 CFS)

STOCKWATER (.050 CFS)

Total Diversion: (.190 CFS)

Date Filed: 9/22/1989

In: T09S R23E S09 NWNE

4.0 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. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before APRIL 8, 1991.

R. Keith Higginson, Director
Published in the South Idaho Press on
March 22 and 29, 1991.

OK
TJL
4-5-91

**SOUTH IDAHO PRESS
BURLEY, IDAHO**

AFFIDAVIT OF PUBLICATION

County of Cassia, } ss.
STATE OF IDAHO }

MONIQUE JONES being first
duly sworn, deposes and says that SHE
is the CLERK of the South
Idaho Press, a daily newspaper published
at Burley, Idaho, in the county aforesaid
and that the paper is of general circulation
therein. Deponent further states that the
printed notice attached hereto was duly
published according to law in the regular
editions of The South Idaho Press for two
consecutive weeks, commencing with the
issue dated MARCH 22 19 91, and
ending with the issue dated MARCH 29,
19 91. Monique Jones

STATE OF IDAHO }
COUNTY OF CASSIA }

On this 3 day of April in the year of 1991, before me,
a Notary Public, personally appeared Monique Jones,
known or identified to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared that the
statements therein are true, and acknowledged to me that he executed
the same.

Drene Sanchez
Notary Public for Idaho

Residing at Burley, ID

My commission expires: 10/23/94

Cost of Publication: 25.92

Notary Fee: .50

Total Cost: 26.42

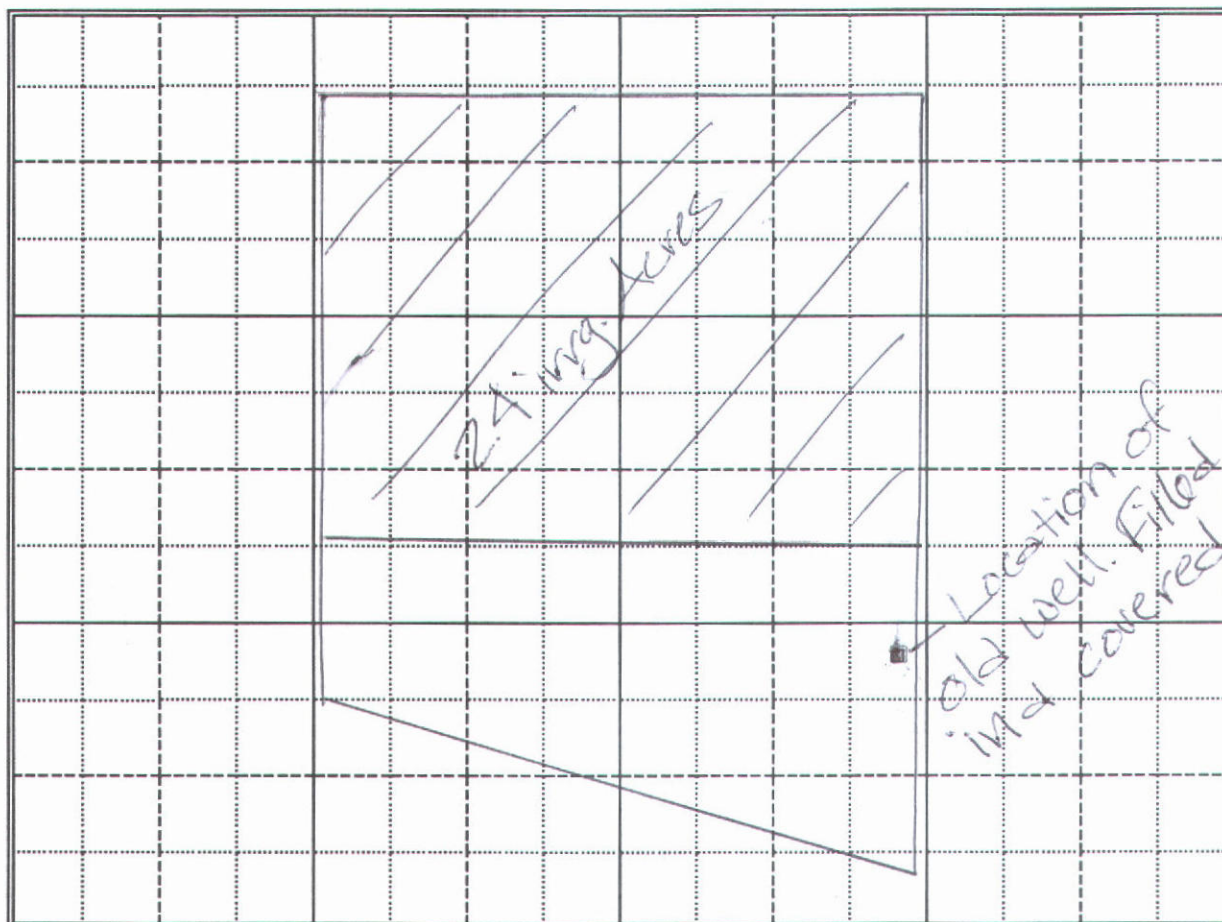
MICROFILMED

MAY 08 1991

RECEIVED
APR 05 1991
Department of Water Resources

[illegible]

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.

GIS

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

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: Please see narrative.

MICROFILMED

JAN 24 2002

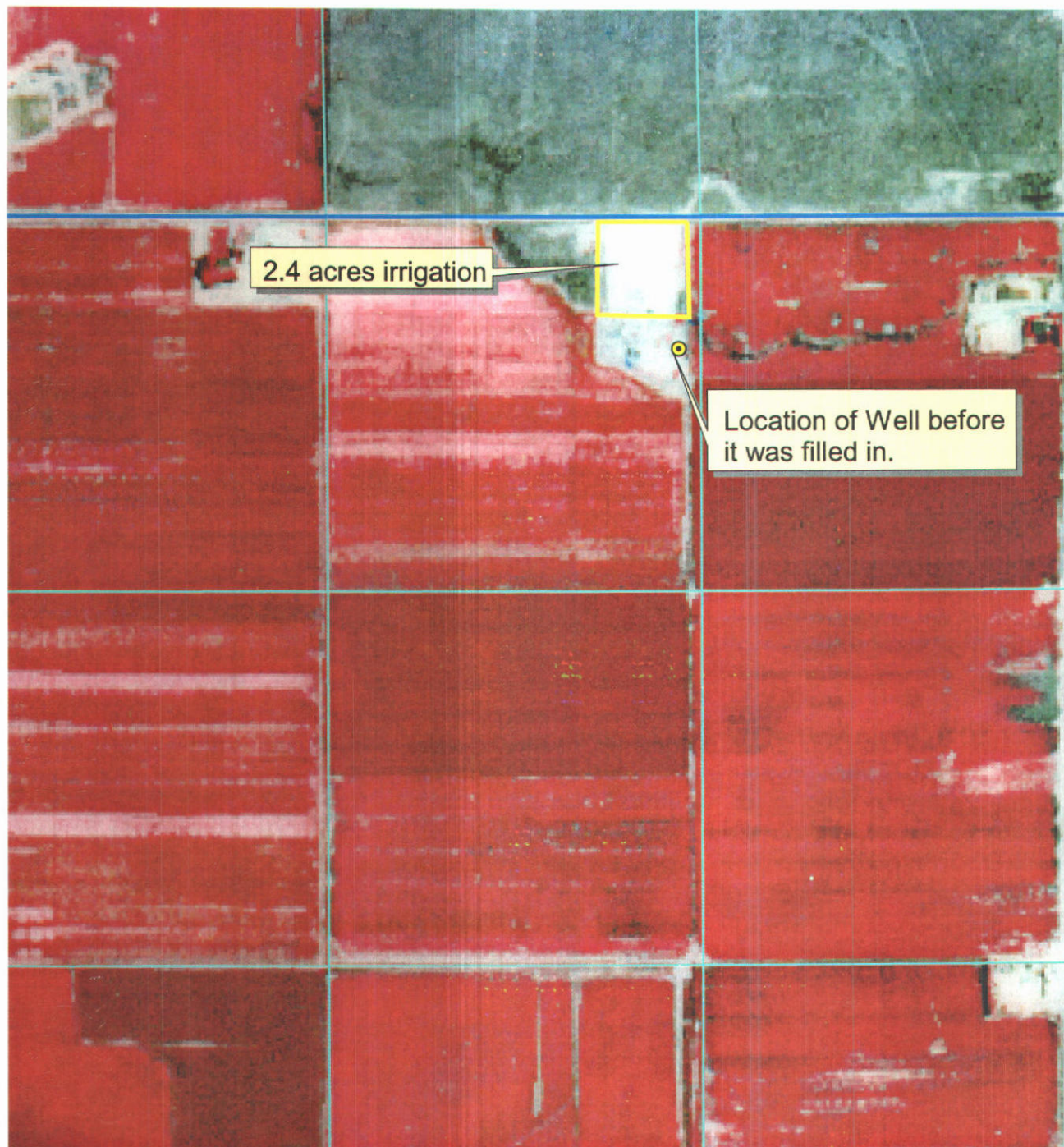
Idaho Department of Water Resource

Recommendation for 36-08459

Estate of Wayne Osborne

T09S

R23E



● Points of Diversion

□ Quarter-quarter Lines

□ Section Lines

□ Place of Use

MICROFILMED
JAN 24 2002



Point of Diversion

T09S R23E S09

Data entry on August 24, 2000

Point of Diversion Presentation

1987/1988 NAPP Photography

Data Entry By: Amanda Folsom



Looking NW'ly

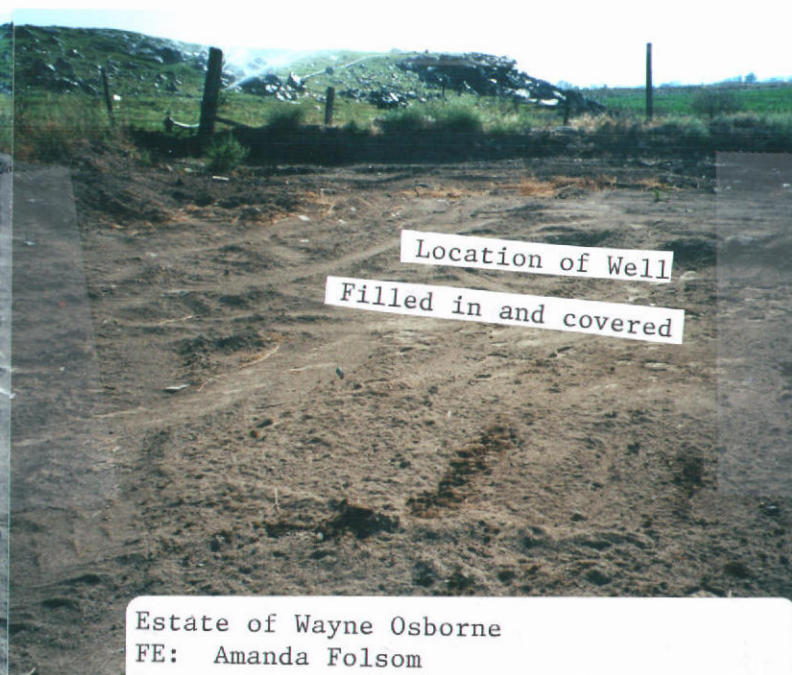
left over irrigation equipment



Irrigated Area



Looking NE'ly



Location of Well
Filled in and covered



Estate of Wayne Osborne
FE: Amanda Folsom
Date: August 24, 2000

Looking SW'ly



MICF
JAN

Estate of Wayne Osborne
FE: Amanda Foslom
Date: August 24, 2000

36-08459

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

RECEIVED

FEB 3 - 2003

RECEIVED

JAN 31 2003

Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
36-08459					

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Estate of Wayne Osborn
560 West 200 North Paul ID 83347
4. New Owner/Claimant(s) Gary & Tiffany R. Bliss
 Name Connector (Check one): ☐ and, ☒ or, ☐ and/or
- New Mailing Address 240 B South Meridian
- City, State and ZIP Code Boise ID 83350
- New Telephone Number (208) 436 1918
5. Date you acquired the property 20 August 02

MICROFILMED

APR 1 2003

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Nary Bliss
Jeffrey Bliss

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by: *[Signature]* Date: *11/21/03* Fee: *25.00*
 Received by: *[Signature]* Date: *11/21/03* Receipt No. *5025484*
 Processed by: *[Signature]* AJ Date: _____ WR _____ Date: _____

MICROFILMED

APR 14 2003

Instrument # 460586
MINIDOKA COUNTY, RUPERT, IDAHO
2002-88-20 12:16:41 No. of Pages: 2
Recorded for : GARY BLISS
DUANE SMITH Fee: 6.00
Ex-Officio Recorder Deputy Lu

QUITCLAIM DEED

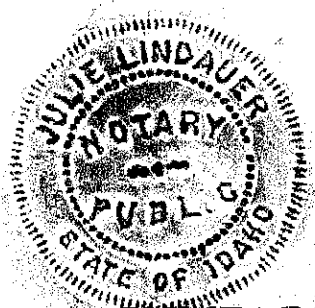
Notice: This is a legally binding document. Consult your attorney if you do not understand any part of it.

THIS QUITCLAIM DEED, is made on the 20 day of August, 2002,
by and between, Jason V. Bliss ("First Party")
whose residence and/or mailing address is 560 West 200 North Paul, ID 83347
and Gary B. Bliss ("Second Party")
whose residence and/or mailing address is 240 South Meridian Rupert, ID 83350

In consideration for the sum of Ten DOLLARS
(\$ 10.00) paid by the Second Party, the First Party does hereby remise, release and forever quitclaim to the
Second Party any right, title, interest and claim which the First Party has in and to the following described real
property, together with any improvements thereon:

Description of Property (including any improvements) The following described real property located
in the west 1/2 Northeast 1/4, section 9, Township 9 South, Range 23 East,
Boise meridian, Minidoka County, Idaho more particularly described as follows:
beginning at the Northeast corner of the said NW 1/4 NE 1/4, Section 9,
Township 9 South, Range 23 East of the Boise meridian; Thence south 650 feet along
the east boundary line of said W 1/2 NE 1/4; Thence North 63° 47' west 340 feet
thence North 500 feet on a line parallel to the eastern boundary line of the parcel;
thence East 305 feet along the Northern boundary line of said W 1/2 NE 1/4 to the
point of beginning.

Add release of Dower, Curtesy or other Spousal Rights, if applicable:



Julie Lindauer
Notary Public
Commission Expires 2-2003

TO HAVE AND TO HOLD the above described property unto the Second Party, and the Second Party's
executors, administrators, successors and assigns forever.

It is understood that this conveyance is made without covenants or warranties of any kind, either express or implied.

IN WITNESS WHEREOF, the First Party has signed and sealed this Quitclaim Deed on the above date.

Witnesses:

First Party
Jason V. Bliss (L.S.)

Second Party
Gary Bliss (L.S.)

MICROFILMED
APR 14 2003





EDATHO)
SS:
COUNTY OF Minidoka)

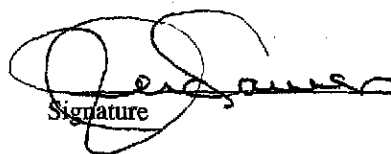
On 8-20-02 before me, Julie Lindauer
(date) (name and title of officer taking Acknowledgement)

, personally appeared Jason V. Bliss

(name(s) of person(s) signing instrument)

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.


Signature

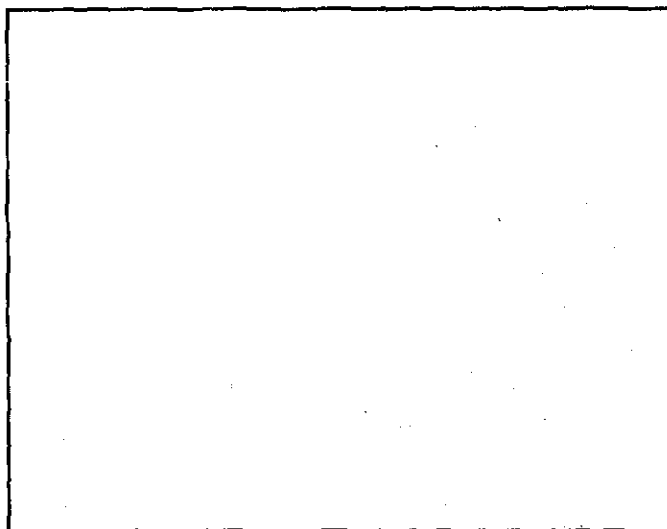
Read the instructions and other important information on the package. When using this form you will be acting as your own attorney since Rediform, its advisors and retailers do not render legal advice or services. Rediform, its advisors and retailers assume no liability for loss or damage resulting from the use of this form.

REDIFORM 10298

QUITCLAIM DEED

MICROFILMED
APR 14 2003

Dated:



454090

PERSONAL REPRESENTATIVE DEED

THIS DEED is made and executed by RICK W. BLISS, VICTOR R. BLISS, KATHY A. MOHLMAN, DEBBIE L. HIEB and LINDA L. STUDER, as co-personal representatives of THE ESTATE OF WAYNE DeWITT BLISS OSBORNE, hereinafter referred to as the "Grantor," to JASON VICTOR BLISS, hereinafter referred to as the "Grantee," whose address is 1543 Hansen, Apt. 1, Burley, Idaho 83318.

WHEREAS, Rick W. Bliss, Victor R. Bliss, Kathy A. Mohlman, Debbie L. Hieb and Linda L. Studer are the qualified co-personal representatives of said estate, filed as Probate Case Number SP-00-00115*M in the Fifth Judicial District of the State of Idaho, in and for the County of Minidoka;

THEREFORE, in accordance with the provisions of Uniform Probate Code as set forth in Title 15 of the Idaho Code, Grantor's estate hereby grants, transfers and conveys to Grantee all of the Grantor's estate interest in the following described real property in Minidoka County, Idaho:

The following described real property located in the West 1/2 Northeast 1/4, Section 9, Township 9 South, Range 23 East, Boise Meridian, Minidoka County, Idaho, more particularly described as follows:

Beginning at the Northeast corner of the said NW1/4 NE1/4, Section 9, Township 9 South, Range 23 East of the Boise Meridian; Thence South 650 feet along the east boundary line of said W1/2 NE1/4; Thence North 63°47' West 340 feet; Thence North 500 feet on a line parallel to the eastern boundary line of the parcel; thence East 305 feet along the Northern boundary line of said W1/2 NE1/4 to the point of beginning.

SUBJECT TO taxes and assessments for the year 2001 and all subsequent years, together with any and all existing easements and rights of way of record.

PERSONAL REPRESENTATIVE DEED MICROFILMED

APR 14 2001

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

Dated this 6th day of July, 2001.

THE ESTATE OF WAYNE DeWITT
BLISS OSBORNE, DECEASED

By Rick W Bliss
Rick W. Bliss,
Co-Personal Representative

By Victor R Bliss
Victor R. Bliss,
Co-Personal Representative

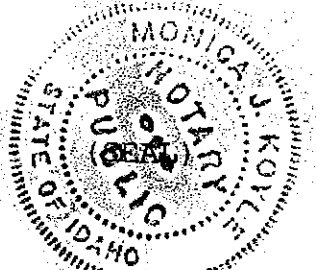
By Kathy A. Wohlman
Kathy A. Wohlman,
Co-Personal Representative

By Debbie L. Hieb
Debbie L. Hieb,
Co-Personal Representative

By Linda L. Studer
Linda L. Studer,
Co-Personal Representative

STATE OF Idaho)
:SS
County of Minidoka

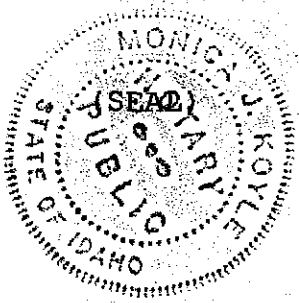
On this 6th day of July, 2001, before me, a notary public, personally appeared Rock W. Bliss, known to me to be the person whose name is subscribed to the within instrument as co-personal representative of the Estate of Wayne DeWitt Bliss Osborne, deceased, and acknowledged to me that he executed the same as such co-personal representative.



Monica J. Koyle
Notary Public for Idaho
Commission expires: 1/23/2004

STATE OF IDAHO)
:SS
County of Minidoka

On this 6th day of July, 2001, before me, a notary public, personally appeared Victor R. Bliss, known to me to be the person whose name is subscribed to the within instrument as co-personal representative of the Estate of Wayne DeWitt Bliss Osborne, deceased, and acknowledged to me that he executed the same as such co-personal representative.

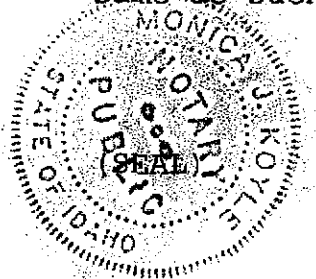


Monica J. Koyle
Notary Public for Idaho
Commission expires: 1/23/2004

STATE OF IDAHO)

:SS
County of Minidoka

On this 6th day of July, 2001, before me, a notary public, personally appeared Kathy A. Mohlman, known to me to be the person whose name is subscribed to the within instrument as co-personal representative of the Estate of Wayne DeWitt Bliss Osborne, deceased, and acknowledged to me that she executed the same as such co-personal representative.

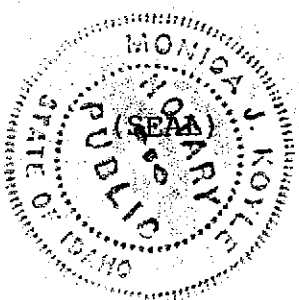


Monica J. Koyll
Notary Public for Idaho
Commission expires: 1/23/2004

STATE OF IDAHO)

:SS
County of Minidoka

On this 6th day of July, 2001, before me, a notary public, personally appeared Debbie L. Hieb, known to me to be the person whose name is subscribed to the within instrument as co-personal representative of the Estate of Wayne DeWitt Bliss Osborne, deceased, and acknowledged to me that she executed the same as such co-personal representative.



Monica J. Koyll
Notary Public for Idaho
Commission expires: 1/23/2004

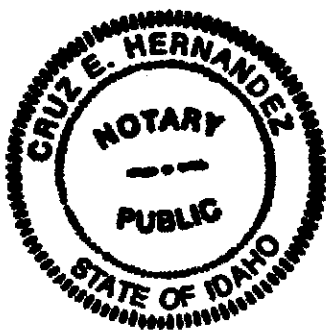
PERSONAL REPRESENTATIVE DEED

APR 14 2001

STATE OF IDAHO)
 :ss
County of Minidoka

On this 6 day of July, 2001, before me, a notary public, personally appeared Linda L. Studer, known to me to be the person whose name is subscribed to the within instrument as co-personal representative of the Estate of Wayne DeWitt Bliss Osborne, deceased, and acknowledged to me that she executed the same as such co-personal representative.

(SEAL)



Cruz E. Hernandez
Notary Public for Idaho
Commission expires: 8-18-06

PERSONAL REPRESENTATIVE DEED

5
MICROFILMED

Instrument # 454090

MINIDOKA COUNTY, RUPERT, IDAHO
2001-07-06 04:23:08 No. of Pages: 5
Recorded for: KATHY MOHLMAN
DUANE SMITH Fee: 15.00
Ex-Officio Recorder Deputy Zid

SEP 24 2001

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08459

Priority: September 22, 1989

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 9.6 AF

It is hereby certified that ESTATE OF WAYNE OSBORNE
C/O RICK W BLISS
1945 ROCKHOLLOW RD
BLUFFDALE UT 84065

And

ESTATE OF WAYNE OSBORNE
C/O DEBBIE L HIEB
474 E 100 S
RUPERT ID 83350

And

ESTATE OF WAYNE OSBORNE
C/O KATHY A MOHLMAN
462 E 700 N
RUPERT ID 83350

And

ESTATE OF WAYNE OSBORNE
C/O VICTOR R BLISS
298 N 850 W
PAUL ID 83347

And

ESTATE OF WAYNE OSBORNE
C/O LINDA L STUDER
149 E 200 S
RUPERT ID 83350

have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 22, 1989; and have submitted Proof of Beneficial Use on March 06, 1992. An examination indicates that the works have a diversion capacity of 0.04 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
03/15 to 11/15

DIVERSION RATE
0.04 CFS

ANNUAL
DIVERSION VOLUME
9.6 AF

MICROFILMED

JAN 24 1992

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08459

LOCATION OF POINT OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9, Twp 09S, Rge 23E, B.M., MINIDOKA 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	
09S 23E 9		2.4															2.4

Total Acres: 2.4

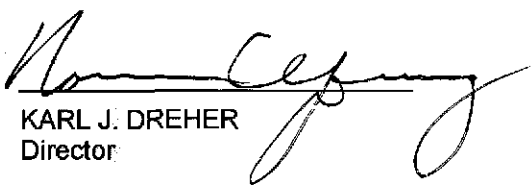
CONDITIONS OF APPROVAL

1. 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.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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 10th day of JANUARY, 2002.

Acting for


KARL J. DREHER
Director

MICROFILMED

JAN 24 2002

For Office Use Only
 \$25.00 Filing Fee
 Receipt # 5023361
 Date 8/31/00

State of Idaho
 DEPARTMENT OF WATER RESOURCES

RECEIVED

RECEIVED

SEP 1 2000

ASSIGNMENT OF PERMIT
 To change the ownership of a permit

Department of Water Resources
 Southern Region

Department of Water Resources

I, Wayne Osborne (Deceased) hereby assign to Estate of Wayne Osborne
(Permit Holder)
 of see Letters of Testamentary of and Oath
(Full Address and Phone Number)

All my right, title, and interest in and to Permit No. 36-08459
 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

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

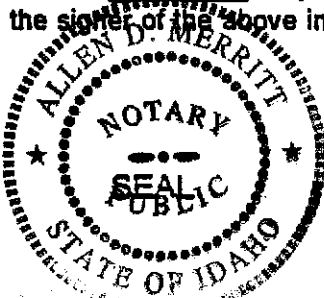
Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
 point of diversion location, and the amount of water in cubic feet per second.

Made this 31 day of August 2000
As co-personal representative of Wayne Osborne
John R. Blum
 Permit Holder(s)

State of Idaho)

County of Twin Falls ^{SS}

On this 31st day of Oct 2000, personally appeared before me
 the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.



Allen D. Merritt
 Notary Public

Allen D. Merritt

My commission expires: 6/30/06

Signature
 MICROFILMED

OCT 9 2000

RECEIVED

SEP 1 2000

Department of Water Resources

Stephen L. Pruss
WHITE, PETERSON, PRUSS,
MORROW & GIGRAY, P.A.
Attorneys for Applicants
104 Ninth Avenue South
Post Office Box 247
Nampa, Idaho 83653-0247
Telephone: (208) 466-9272
Facsimile : (208) 466-4405
Idaho State Bar Number : 3456

COPY
MINIDOKA COUNTY IDAHO

FILED *ev*

APR 27 2000

5th JUDICIAL DISTRICT COURT
MAGISTRATE DIVISION

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

Magistrate Division

In the Matter of the Estate of)

WAYNE DeWITT BLISS OSBORNE,)

Deceased.)

Case No. SP-00-00115*11

LETTERS
TESTAMENTARY
OF AND OATH

(I.C. §§15-3-602, 15-3-702)

Rick W. Bliss, Victor Bliss, Kathy Mohlman, Debbie Hieb and Linda Studer are hereby appointed co-personal representatives of the Estate of Wayne DeWitt Bliss Osborne, deceased, with all authority pertaining thereto. Administration of the Estate is unsupervised.

These Letters are issued to evidence the appointment, qualification and authority of the co-personal representatives.

LETTERS TESTAMENTARY - I

MICROFILMED

OCT 06 2000

WITNESS: James M. [Signature], Magistrate of the District Court,
County of Minidoka, State of Idaho, with the seal of the Court affixed this 27 day
of April, 2000.

(SEAL)

[Signature]
Magistrate

State of Idaho)
County of Minidoka) ss
I hereby certify the foregoing to be a full true and correct
copy of the original of the within and entitled action.
Dated 19 00

LETTERS TESTAMENTARY - 2

OCT 03 2000

By Earlene [Signature]
Clerk

STATE OF _____)

:SS

County of _____)

Rick W. Bliss hereby accepts appointment to the office of co-personal representative of the Estate of Wayne DeWitt Bliss Osborne, deceased, and do solemnly swear that he will perform, according to law, the duties of co-personal representative of said estate.

Rick W Bliss
Rick W Bliss

Rick W. Bliss
1945 Rockhollow Road
Bluffdale, UT 84065

April SUBSCRIBED AND SWORN to before me this 1 day of _____, 2000.



Tiffany Tisdale
Notary Public for Utah
Residing at: Salt Lake
Commission expires: 3/15/2003

STATE OF Idaho)
County of Minidoka) :ss

Victor R. Bliss hereby accepts appointment to the office of co-personal representative of the Estate of Wayne DeWitt Bliss Osborne, deceased, and do solemnly swear that he will perform, according to law, the duties of co-personal representative of said estate.

Victor R Bliss
Victor R. Bliss
298 North 850 West
Paul, Idaho 83347

April SUBSCRIBED AND SWORN to before me this 5th day of
April, 2000.

Christa Bassett
Notary Public for _____
Residing at: Idaho
Commission expires: 06/30/01

(SEAL)

LETTERS TESTAMENTARY - 4

MICROFILMED

OCT 08 2000

STATE OF Idaho
County of Minidoka :ss

Kathy A. Mohlman hereby accepts appointment to the office of co-personal representative of the Estate of Wayne DeWitt Bliss Osborne, deceased, and do solemnly swear that she will perform, according to law, the duties of co-personal representative of said estate.

Kathy A. Mohlman
Kathy A. Mohlman
462 East 700 North
Rupert, Idaho 83350

April SUBSCRIBED AND SWORN to before me this 5th day of April, 2000.

Christa A. Bassett
Notary Public for
Residing at: Rupert
Commission expires: 06/30/01

(SEAL)

LETTERS TESTAMENTARY - 5

MICROFILMED
OCT 06 2000

STATE OF Idaho)
County of Minidoka) :ss

Debbie L. Hieb hereby accepts appointment to the office of co-personal representative of the Estate of Wayne DeWitt Bliss Osborne, deceased, and do solemnly swear that she will perform, according to law, the duties of co-personal representative of said estate.

Debbie L. Hieb
Debbie L. Hieb
474 East 100 South
Rupert, Idaho 83350

SUBSCRIBED AND SWORN to before me this 5th day of April, 2000.

Christa J. Bassett
Notary Public for
Residing at: Rupert
Commission expires: 06/30/01

(SEAL)

STATE OF Idaho)
County of Minidoka) :ss

Linda L. Studer hereby accept appointment to the office of co-personal representative of the Estate of Wayne DeWitt Bliss Osborne, deceased, and do solemnly swear that she will perform, according to law, the duties of co-personal representative of said estate.

Linda L. Studer
Linda L. Studer
149 East 200 South
Rupert, Idaho 83350

SUBSCRIBED AND SWORN to before me this 5th day of April, 2000.

Christal Bessert
Notary Public for
Residing at: Rupert
Commission expires: 06/30/01

(SEAL)

lh\Z:\Work\O\OsborneW18039\letters

RECEIVED

OFFICE USE ONLY

Amt. of Fee \$ 0

Date 3-6-92

Receipt No. -

Receipt by -

MAR 06 1992

STATE OF IDAHO

Department of Water Resources
Southern Region Office

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 36-08459 Telephone No. 208 438 5242
2. Name(s) of Permit Holder(s): Wayne D Osborne
3. Mailing Address: Paul Idaho 83347 Rt. 1 Box 1312
4. Source of Water: Ground Water

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: 1908

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

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

Irrigation 1 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted .04 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes _____ No Installed? _____ Yes _____ No

OR

Flow Measurement Port: Required? _____ Yes _____ No Installed? _____ Yes _____ No

8. Fee Enclosed: \$ 0 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system, for future fees if any

Name

Telephone No.

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.

APR 08 1992

Date

Signature (and title, if on behalf of a company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 36-08459

Proposed Priority: September 22, 1989 Maximum Diversion Rate: 0.19 CFS
This is to certify, that **WAYNE O. OSBORNE**

RT. 1 BOX 1312

PAUL, ID 83347

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	0.12 CFS
STOCKWATER	01/01 to 12/31	0.05 CFS
DOMESTIC	01/01 to 12/31	0.02 CFS
	Totals	0.19 CFS

LOCATION OF POINT(S) OF DIVERSION: NENWNE Sec. 9, Township 09S, Range 23E
MINIDOKA 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	23E	9	NWNE	4		4

Total number of acres irrigated: 4

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 **May 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. Any license issued by IDWR pursuant to the permit 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.
5. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
6. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
7. 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.

RECORDED

MAY 08 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08459

CONDITIONS/REMARKS:

8. Stockwater use is for 200 range cattle.
9. Domestic use is for 1 home.

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

25th day of *April*, 19*91*

for *R. Keith Higginson*
R. Keith Higginson, Director

MAY 03 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 Wayne D. Osborne Phone 438-5242

Post office address Rt 1 Box 1312, Paul, ID 83347

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

3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____

Sec. 9 Township 9S Range 23E B.M. Ninidoka County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount (0.12) for Irrigation purposes from 3/15 to 11/15 (both dates inclusive) 1.0
(cfs or acre-feet per annum)

Amount (0.02) for Domestic purposes from 1/1 to 12/31 (both dates inclusive) 0.02
(cfs or acre-feet per annum)

Amount (0.05) for Stockwater purposes from 1/1 to 12/31 (both dates inclusive) 0.05
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) 0.19
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 1.19 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pipelines open or sprinkler

Well pump

b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total

reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:

_____ to _____ inclusive.

c. Proposed well diameter is 6" inches; proposed depth of well is 125' feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

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

5 years (minimum 1 year).

MICROFILMED

MAY 08 1991

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. Up to 200 cattle
- c. Municipal; show name of municipality. Paul in Minnesota County
- d. Domestic; show number of households. (1)
- e. Other; describe fully. _____

Not for
Municipal
Purposes
DR

no definite plans

9. Description of place of use:

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

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	23E	9	(D S)	(4)															(4)

D.02
S.05
2.12
19 Total use

Total number of acres to be irrigated 49
plus D S
None

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

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

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

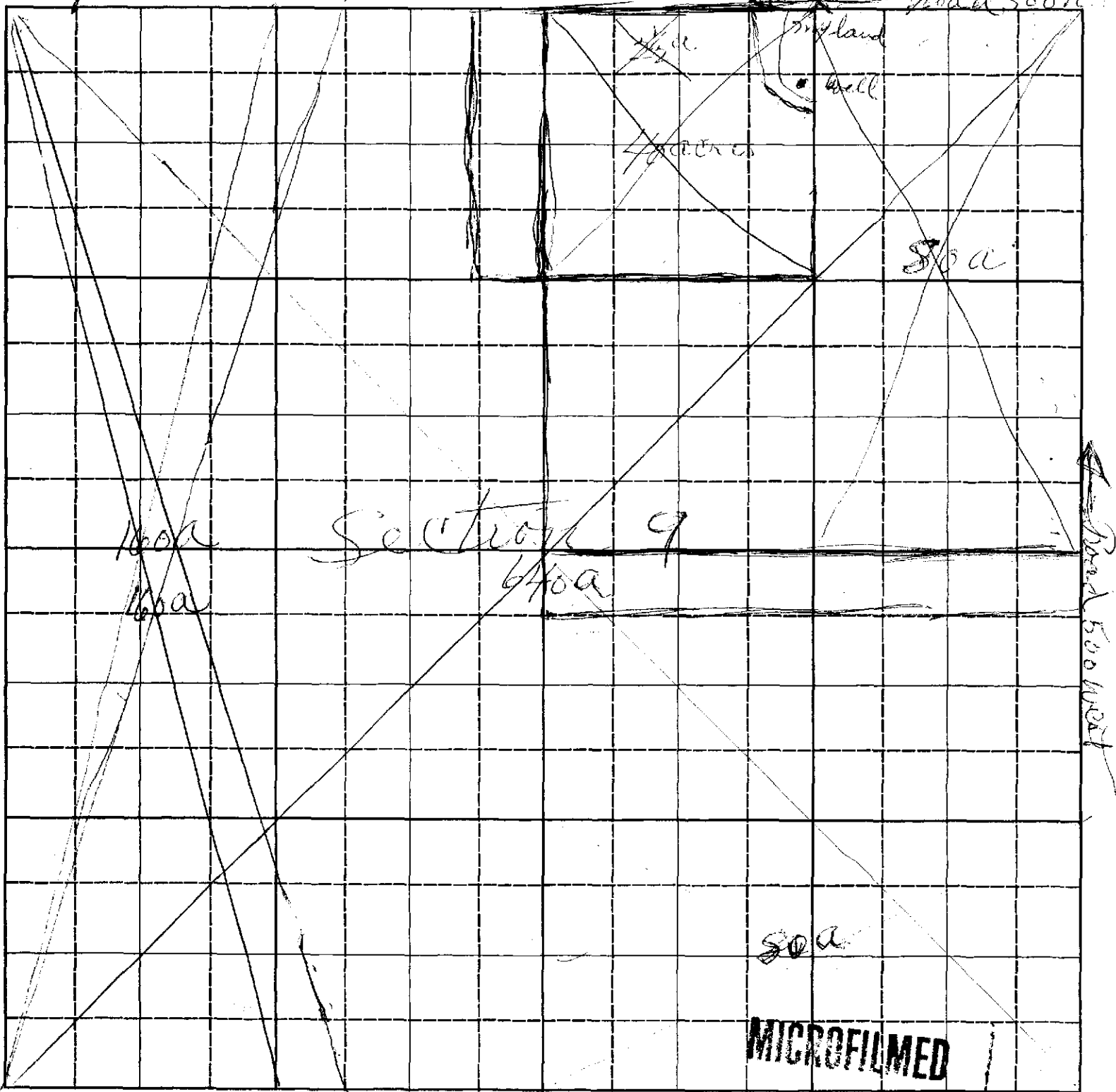
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Own 100% of it

12. Remarks: _____

MICROFILMED
MAY 08 1991

my land has its NE Corner in the smallest square of map below -
 is in the NE Corner of larger square of 16 small squares and in the
 NW quarter of the larger square of 64 small squares.

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, 9
 township and range number, 23 East



Scale: 2 inches equal 1 mile.

MICROFILMED

MAY 08 1991

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.

please send permit soon!
 Wayne R. Roberts
 (Applicant)

Received by AL Date 9/22/89 Time 11:00 AM Preliminary check by check attached J. E. Johnston
Fee \$ 30.00 Receipted by JRL # 50968.5 Date 10-16-89
Publication prepared by BLM Date 3-12-91 Published in South Idaho Press
Publication approved TJL Date 4-5-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

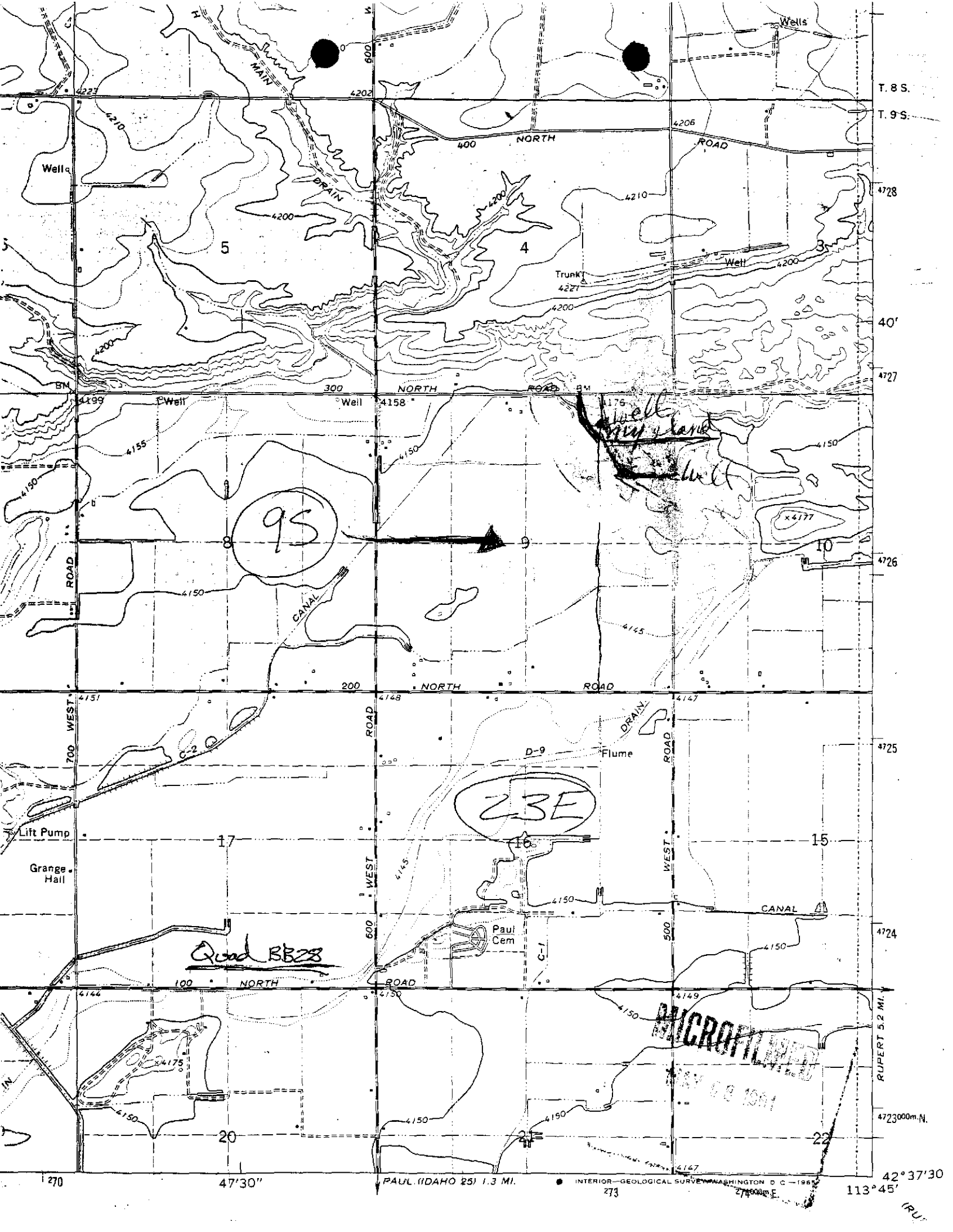
c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

RECORDED

MAY 08 1991



SOUTH IDAHO PRESS
BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

RECEIVED
APR 05 1991
Department of Water Resources

County of Cassia, }
STATE OF IDAHO } ss.

MONIQUE JONES being first
duly sworn, deposes and says that SHE
is the CLERK of the South
Idaho Press, a daily newspaper published
at Burley, Idaho, in the county aforesaid
and that the paper is of general circulation
therein. Deponent further states that the
printed notice attached hereto was duly
published according to law in the regular
editions of The South Idaho Press for five
consecutive weeks, commencing with the
issue dated MARCH 22 19 91, and
ending with the issue dated MARCH 29,
19 91. Monique Jones

STATE OF IDAHO
COUNTY OF CASSIA }

On this 3 day of April in the year of 1991, before me,
a Notary Public, personally appeared Monique Jones,
known or identified to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared that the
statements therein are true, and acknowledged to me that he executed
the same.

Diane Sanchez
Notary Public for Idaho
Residing at Burley, ID
My commission expires: 10/25/94

Cost of Publication: 25.92
Notary Fee: .50
Total Cost: 26.42

MICROFILMED

MAY 08 1991

OK
TJL
4-5-91



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 7, 2003

GARY B BLISS
240 B SOUTH MERIDIAN
RUPERT ID 83350

RE: Change of Ownership for Water Right 36-8459

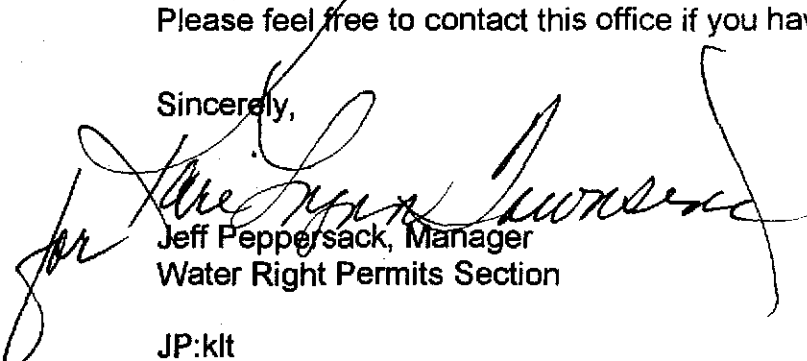
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

SEP 9 4 2003



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

February 27, 2003

GARY BLISS
TIFFANY R BLISS
240 B SOUTH MERIDIAN
RUPERT ID 83350

RE: Change in Ownership of Water Right 36-08459

Dear Mr. & Mrs. Bliss:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

✓ **Evidence of Water Right Ownership:** copy of Warranty Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

The Quitclaim Deed that accompanied your ownership change request does not include any chain of title information. Our records show the ownership of this water right in the name of Estate of Wayne Osborne. A copy of the water right license is enclosed for your information.

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that water right owners are required to report any change in 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 (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k
Enclosure

MICROFILMED

APR 14 2004



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

January 11, 2002

ESTATE OF WAYNE OSBORNE
C/O RICK W BLISS
1945 ROCKHOLLOW RD
BLUFFDALE UT 84065

ESTATE OF WAYNE OSBORNE
C/O DEBBIE L HIEB
474 E 100 S
RUPERT ID 83350

ESTATE OF WAYNE OSBORNE
C/O KATHY A MOHLMAN
462 E 700 N
RUPERT ID 83350

ESTATE OF WAYNE OSBORNE
C/O VICTOR R BLISS
298 N 850 W
PAUL ID 83347

ESTATE OF WAYNE OSBORNE
C/O LINDA L STUDER
149 E 200 S
RUPERT ID 83350

RE: License No. 36-8459 - 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.

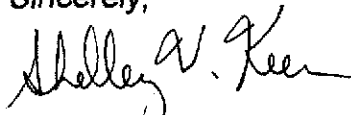
Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

MICROFILMED

JAN 24 2002

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

REPROFILMED
JAN 24 2002

CERTIFICATE OF MAILING

I hereby certify that on January 11, 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. 36-8459

**ESTATE OF WAYNE OSBORNE
C/O RICK W BLISS
1945 ROCKHOLLOW RD
BLUFFDALE UT 84065**

**ESTATE OF WAYNE OSBORNE
C/O DEBBIE L HIEB
474 E 100 S
RUPERT ID 83350**

**ESTATE OF WAYNE OSBORNE
C/O KATHY A MOHLMAN
462 E 700 N
RUPERT ID 83350**

**ESTATE OF WAYNE OSBORNE
C/O VICTOR R BLISS
298 N 850 W
PAUL ID 83347**

**ESTATE OF WAYNE OSBORNE
C/O LINDA L STUDER
149 E 200 S
RUPERT ID 83350**



**Kari Lynn Townsend
Secretary**

MICROFILMED

JAN 24 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

MICROFILMED
JAN 24 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. 36-8459 Date: 1-8-2002 Reviewer: Kay Walker

Change/OK

Name/Address AK

Source AK
Point of Diversion: AK

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) - NO, unsure about what will occur
W59 (subdivision description)

Place of Use AK

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

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): None
File reviewed _____ Profile reports printed _____

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

Rate of Diversion: Permitted rate 0.19 cfs
Fee Limit 0.04 cfs Recommended Total Diversion Rate 0.04
Measured _____ cfs
Theoretical _____ cfs

Water Uses AK

Change (P46)

Season of Use per new Standards

3-15-11-15

Irrigation 0.04 cfs 9.6 af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
_____ cfs _____ af
_____ cfs _____ af
Total 0.04 cfs 9.6 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
0.04 cfs x 1.9835 x 246 days = 9.5 af (vs) 2.4 acres x 4.0 (FHR) = 9.6 af
3.0 (con)

Remarks: R55, R64

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

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

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

SRBA Claim? NO - not req'd

Adjust memo _____

Amend Letters _____ P87, S06 Second Amendment Notice _____ S06

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 10 2000
K
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 36-08459

1. Owner: Estate of Wayne Osborne Phone No. 208-966-9272
Current Address: Stephen Pruss, P.A. PO Box 247 Nampa ID 83653-0247
2. Accompanied by: Victor Bliss EXAM DATE: August 24, 2000
Address: 298 N 850 W Bul ID 83347 Phone No. 208-438-8527
Relationship to Permit Holder: Nephew
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 36-11534
2. Other water rights with the same point of diversion: 36-11534

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
		NE	NW	NE	9	09S	23E	Minidoka	GPSed the site Field Exam

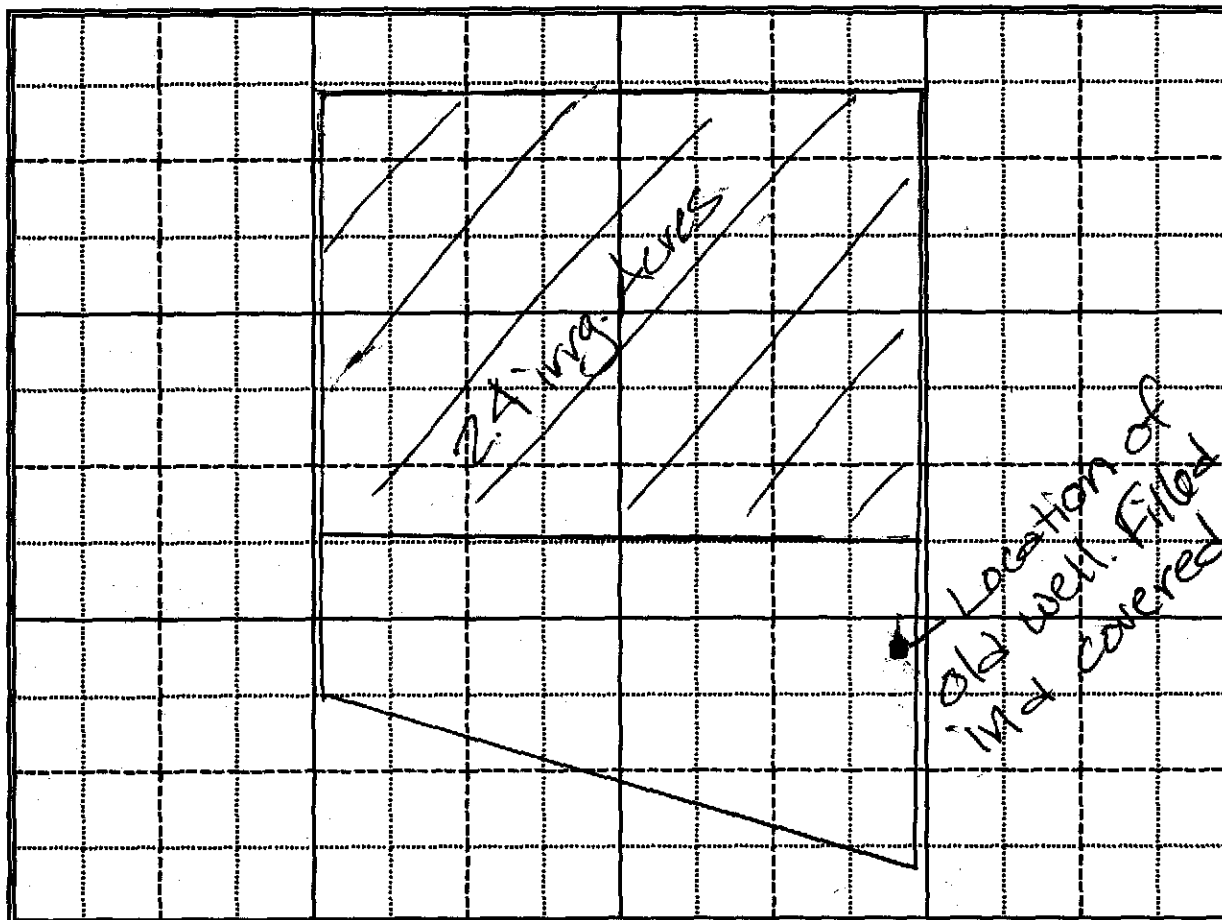
2. Place(s) of Use:

Indicate Method of Determination GIS

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	23E	9		2.4														2.4	

MICROFILMED
JAN 24 2002

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.

GIS

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

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: Please see narrative.

MICROFILMED

JAN 24 2002

F. FLOW CALCULATIONS _____ Additional Computation Sheets Attached
Measured Method:

Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{(2.4)(3.0)}{1} = 7.2$$

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

$V = \text{Smaller of } V_{L,R} \text{ and } V_{D,R} = \underline{1.2 \rightarrow f_2}$

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	3-15	11-15	0.04	~~72~~ 9.6
Totals:			0.04	~~72~~ 9.6

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 Camacho, Lisa Date 9-14-00

Reviewer _____ Date _____

MICROFILMED

SEAL

JAN 24 2002

E. NARRATIVE/ REMARKS/ COMMENTS

FILE: 36-08459

FROM: Amanda Folsom

DATE: September 6, 2000

I met with Victor Bliss and his mother Naomi Bliss on August 24, 2000. Victor is the nephew of Wayne Osborne, who is now deceased. Mr. Osborne's property has been left to several of the family members in an estate until the family decides what to do with the property. After the field exam, Victor and Cathy Mohlman, a relative and holder of the estate, met with Allen Merritt to discuss the future of the property and the possibility of drilling a new well. I have included Allen's narrative on what took place in their meeting.

Victor and his mother explained to me as well as they could remember what took place on the property while Mr. Osborne was alive and after his death. Mr. Osborne gardened the property extensively, always selling the abundance of produce. One year, Victor helped Mr. Osborne plant sugar beets as an experiment with the Sugar Factory. Needless to say, the land was always being used for cultivating. Mr. Osborne used a variety of ways to deliver the water, such as pipelines, hoses, and at times buckets. The land that Mr. Osborne irrigated sits on a hill that slopes drastically to the south. The top or north end of the field is flatter and looks to have been plowed and irrigated. I calculated the acreage to be 2.4 using Arc View. Mr. Osborne never built a house on the property nor did he have cattle on the land.

Close to Mr. Osborne's death, the well began to run dry and give him problems. He called a well driller in to look at the problem, and the driller reported that they would have to drill a new well in a different location on the property. However, Mr. Osborne choose not to have a new well drilled. The old well was filled and covered over. Neither Victor nor his mother knew what the horsepower of the old well was. Victor said that the pump had been removed from the property after the well had been filled in. I GPSed the location of where the well was before it was filled in. The well and the property are located in the NENWNE ¼ of Sec 9, Twn 9S, Rng 23E. The holders of the estate desire to drill a new well on the property and begin the irrigation use again. Allen's memo deals with this issue.

After Allen's meeting with Victor and Cathy, he recommended 0.04cfs and 2 acres of irrigation, which I agree with and I am recommending also.

MICROFILMED

109 2 4 2002

MEMO

FROM: Allen Merritt

DATE: August 25, 2000

TO: Permit No: 36-08459

In the Name of Wayne Osborn

SUBJECT: Office Visit with Victor Bliss and Cathy Mohlman

On this day I met with the above people who are the heirs of Wayne Osborn. Wayne died in February of 2000. Wayne was Victor and Cathy's uncle; they have been trying to get his affairs cleaned up.

Amanda Folsom has just completed a field exam for licensing of permit 36-08459. Amanda has found that the property was currently not being occupied and that in fact the old well has been filled in. The heirs are interested in drilling a replacement well and starting the use anew. The purpose of the meeting was to go over their options. We discussed the two rights on the property which include the permit pending license and a partial decree 36-11534 that was decreed in Nov 1996. Since the use has been obliterated I told them that in reality a forfeiture clock was running for 36-11534 and when license 36-08459 is to be licensed the clock would also start for that right. It is their intention to drill a replacement well and start the uses over. It sounded like they intend to do this in the next few months.

I gave them an assignment form for 36-08459, a change of ownership form for 36-11534 and a drilling permit application.

I discussed the historical use of permit 36-08459 with Victor. Apparently he helped his uncle cultivate the land that was irrigated. He indicated on a NAPP photo what shows white to be the area cultivated. He indicated that his uncle had an intensive truck garden on the site. He indicated that the well was used via pipeline, hoses and sometimes bucket to irrigate the large garden area. He indicated that one year they even planted sugar beets on some of the acreage.

Victor indicated that before his uncle died the old well was developing problems and was going dry. He indicated his uncle had a driller come look at it and the driller indicated they needed to drill a new well but his uncle didn't want to spend the money. After that the use of the well sort of dwindled. Victor indicated that the old well was in a pit. He indicated that after his uncle died he abandoned the well since it was situated such that the neighbor's wastewater could discharge into the pit. He indicated he pulled the pump and filled the well with bentonite per instructions from IDWR then covered over the pit.

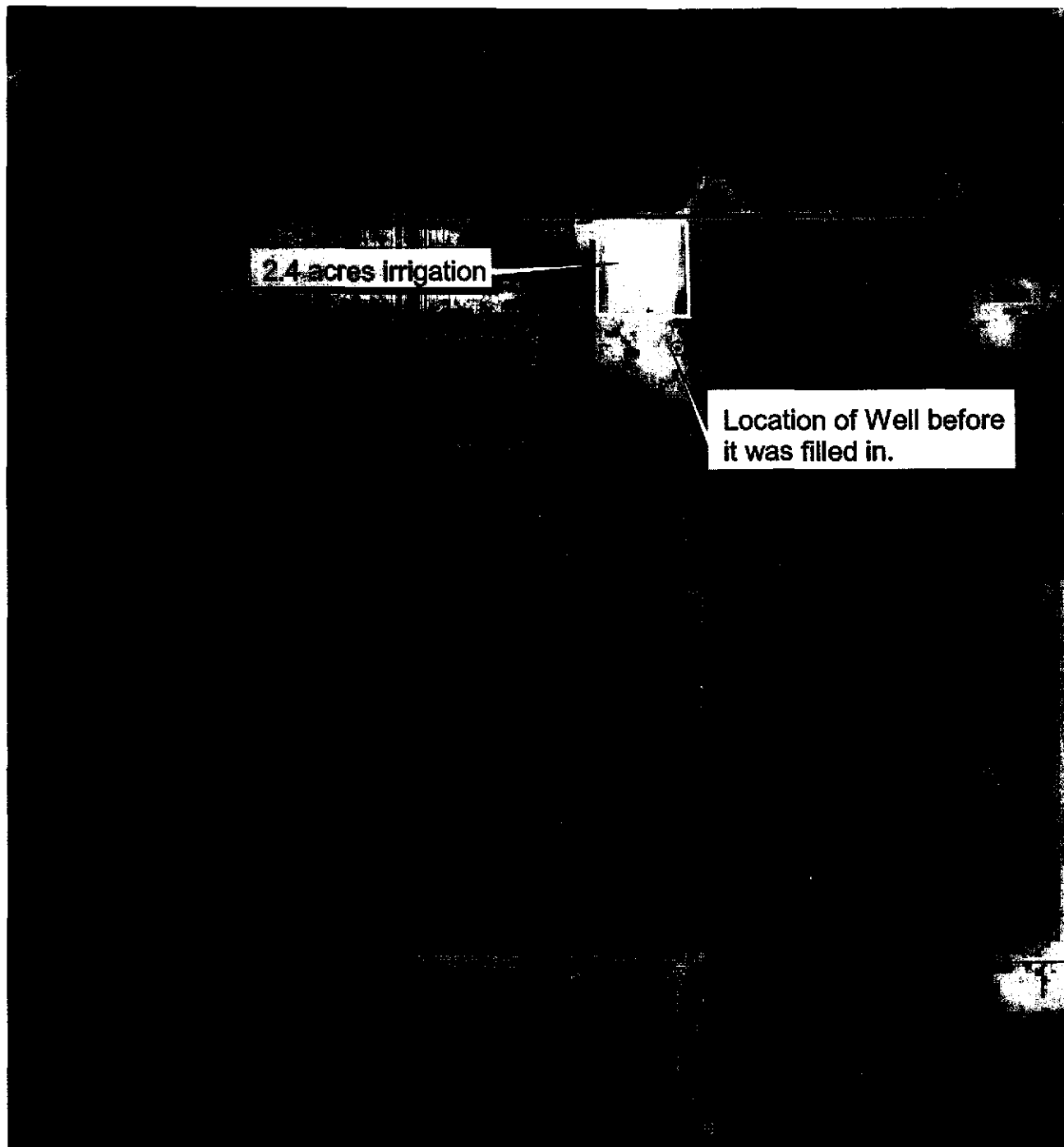
MICROFILMED

160 36 2002

Idaho Department of Water Resource
Recommendation for 36-08459
Estate of Wayne Osborne

T09S

R23E



● Points of Diversion

□ Quarter-quarter Lines

□ Section Lines

□ Place of Use

MICROFILMED
JAN 24 2002



Point of Diversion

T09S R23E S09

Data entry on August 24, 2000

Point of Diversion Presentation

1987/1988 NAPP Photography

Data Entry By: Amanda Folsom

Looking NW'ly

Left over irrigation equipment

Irrigated Area

Looking NE'ly

Location of Well
Filled in and covered

Estate of Wayne Osborne
FE: Amanda Folsom
Date: August 24, 2000

36-08459

Looking SW'ly

Old Well

Irrigated Area

MICR

142

Estate of Wayne Osborne
FE: Amanda Foslom
Date: August 24, 2000

36-08459

WR0749WP

IDAHO DEPARTMENT OF WATER RESOURCES

DATE: 09/06/00

No. 36-11534

WATER RIGHT PROFILE REPORT

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WAYNE D OSBORNE RT 1 BOX 1312 PAUL ID 83347 (208) 438-5242	12/31/1908	DOMESTIC	01/01 12/31	0.040 CFS	
TOTAL DIVERSION:					0.040 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T09S R23E S09 NENWNE MINIDOKA County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
09S 23E 9 : D : : : : : : : : : : : : : : : :															

Pou County: MINIDOKA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

36-08459

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

36-08459

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP09S23E090620

Dates: App. Received: Priority Date: 12/31/1908
 Proof Due Date: Proof Made Date:
 Exam Made Date: Exam Sent to S.O.:
 Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 10/14/1996 User-ID: DS1-PROD Subject: D&S 1 HOME UPDATE
 USE-NOT-IRRIGATION FIELD TEXT REPLACED WITH "1 HOME".
 CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
 ANY GEN REMARK CHANGED TO AN EXP REMARK.

Audit: 10/18/96 DSHAFF 11/27/96 PD-DSHAF 04/30/98 DECREED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Permit No. 36-8459

STAFF ANALYSIS SHEET
For
BENEFICIAL USE FIELD REPORT

A. 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 36-11534

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 36-11534

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 Quanda Larson 9-14-00 (Signature of Examiner (date))
Exam reviewed by Sr. Water Res. Agent _____ (Init & date)
Exam reviewed by Mgr of Reg. Office Ma 11/7/00 (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)

MEMORANDUM

DATE: September 12, 2000

TO: File 36-08459

FROM: Kari Lynn Townsend

RE: Conversation with John Homan



IMPORTANT
NOTE

During a conversation with John Homan today regarding the five (5) co-personal representatives of the Estate of Wayne Osborne John stated that any further activity with this permit requiring an owners signature would necessitate getting the signature of each of the five (5) co-personal representatives.

This would change only if there was a document in the future designating one (1) of the co-personal representatives as agent for the remaining four (4).

MICROFILMED

OCT 06 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

September 12, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ESTATE OF WAYNE OSBORNE
C/O RICK W BLISS
1945 ROCKHOLLOW RD
BLUFFDALE UT 84065

RE: Assignment of Permit 36-08459

Dear Permit Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced permit to you, Victor R. Bliss, Kathy A. Mohlman, Debbie L. Hieb and Linda L. Studer. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

cc: Victor R. Bliss
Kathy A. Mohlman
Debbie L. Hieb
Linda L. Studer

MICROFILMED

OCT 26 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

06-Apr-1992

Wayne Osborne
Rt 1, box 1312
Paul, ID 83347

Re: Request for refund

Dear Mr. Osborne,

Review of the water right file on 36-08459 indicates that you made application for permit appropriate 0.19 cfs of water for 4 acres of irrigation, as well as domestic and stock uses. The fee for that filing was \$30.00. That application was advertised and a permit ultimately issued. You have filed proof of beneficial use for the proposed development indicating 0.04 cfs and irrigation of 1 acre. Adjudication claim A36-11534 was filed for de minimus domestic use (house, 1/2 acre, stock) up to 13,000 gpd.

Because the application which became 36-08459 was advertised, a refund of the \$30.00 filing fee is not possible. DWR will proceed with the examination on the permit per the acknowledged proof of beneficial use. If you have any questions please contact the department.

Sincerely,


Douglas Jones, EIT
Engineering Specialist

RECEIVED
APR 08 1992

RECEIVED

APR 01 1992

Paul Ida
Mar. 31, 1992

Dept of Water Resources

Department of Water Resources
Southern Region Office

Twin Falls Ida

Mr. Douglas Jones: I have a receipt for 30⁰⁰ Signed by you dated Oct 6, 1989 My plan now is to use .04 C.F.S. instead of .2 C.F.S. So I think I overpaid Sending \$55⁰⁰ in two payments. They tell me the \$25⁰⁰ is still of value to me as a protection from others drawing away my well water with their possible development near me. Will you refund my \$30⁰⁰? Due to change in amount of water use?

Also I do not want a 50⁰⁰ field inspection as I may continue as at present if my water holds out & don't need to drill deeper and so use as I do now .026 when running full opening.

It may be Karen L. Gustafson or James E. Stanton should receive this.

Please Keep this for your records
and reply soon

Truly yours

Wayne D Osborne

permit no 36-08459.

APPROVED

APR 08 1992

March 13, 1992

WAYNE O. OSBORNE
RT. 1 BOX 1312
PAUL ID 83347

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08459

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

APR 08 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 36-08459

Reviewed by Klg

Date 3/10/92

GENERAL CONSIDERATIONS

TYPES OF USE

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

irrigate - 1
yes Correct Uses?

SOURCE OF WATER

 Surface water source

✓ Ground water source

NA Drilling permit required?

 Copy in the file? Drilling Permit No.

 Amount paid for permit Correct?

 Well log in the file?

LICENSE EXAMINATION FEE

NA Required?
 Amount Submitted
 Correct?

MEASURING DEVICE

NA Required?
 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received NA
Date proof due -
No. of days late =
Priority Date +
New Priority Date

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address

Proof Made 3/6/92
3/13/92 Klg

February 28, 1992

WAYNE O. OSBORNE
RT. 1 BOX 1312
PAUL ID 83347

PROOF DUE NOTICE

RE: PERMIT NO. 36-08459

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 May 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.

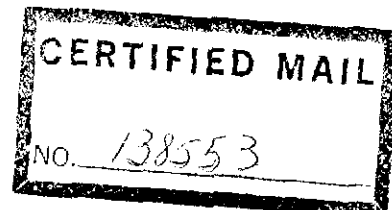
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

MAILED
APR 08 1992





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 3, 1991

WAYNE O. OSBORNE
RT. 1 BOX 1312
PAUL, ID 83347

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08459

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.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of

RECEIVED

MAY 08 1991

Idaho for the use and benefit of the people within the state.
Conditions pertaining to a term review, annual use fee and
jurisdiction of the permit are trust water conditions.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

RECEIVED
MAY 08 1991

APPLICATION FOR PERMIT REVIEW

Application #: 36-8459
Date: 4-23-91

Reviewer: Pam Skaggs ²⁸

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. 61

Surface water - 005, 005-01H-P01(LT.7 w/pump)
005-01J-P08(GT.7)

☒ Groundwater ^{Existing} - P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

☒ Swan Falls Flag - 7 (1, Blank or Other)

☒ Trust - 051-052-053-P74(Cons.), 041(DCMI, w/Irr
Non Trust - 048-049 or Irr & Dom)

River Basins:

(Surface Water) Water District Control Condition &....

Boise (63) - 05A & 11E

Payette (65) - 047-P04, 059-P71

Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
042(req.), 002-P06(MD), 07A(Spec.),
044(Policy 5G)

Power - Use Power Review

Mining - 06A or 010, 09E-P10 & 054(req.)

Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)

Rec. & Aesthetic - 027(Non-Consumptive)

Domestic - 021(restricted areas)

Ownership:

Non land owner - 004

Protested:

Agreement - 020

Minimum Stream Flow:

Overlapping uses - 029-P20

☒ Beneficial Use Due Date: - 05-01-1992

Other Conditions Recommended

MAY 08 1991

FILED

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

MARCH 11, 1991

South Idaho Press
Box 190
Burley, ID 83318

Dear Legal Dept.:

Enclosed you will find legal notices 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 APRIL 8, 1991.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Encl.

MICROFILMED

MAY 08 1991

36-08459

OSBORNE, WAYNE O.
RT. 1 BOX 1312
PAUL, ID 83347

Source: GROUNDWATER

Diversion Pt: NENWNE Sec 9 T 09S R 23E

Use: IRRIGATION	(.120 CFS)
DOMESTIC	(.020 CFS)
STOCKWATER	(.050 CFS)
Total Diversion:	(.190 CFS)

Date Filed: 9/22/ 1989

In: T09S R23E S09 NWNE

4.0 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. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before APRIL 8, 1991.

Published 3/22/1991 & 3/29/1991

R. Keith Higginson, Director

MICROFILMED

MAY 08 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED
FEB 28 1991

Department of Water Resources

Application No. 36-8459

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.

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 conditions. You may be asked to verify uses established prior to October, 1984.)

*Think some years ago there perhaps
no measurements made
no exact records available*

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

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

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

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.)

no change from application contemplated.
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 *Wayne D. Osborne*

MICROFILMED

Date *Feb-25-1991*

MAY 08 1991

*Note: Cont acreage AS trust acreage. - lack of information about prior devel. & at best only one to two acres devel.
TJL. 4-5-91*



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

February 26, 1991

RE: APPLICATION FOR PERMIT NO. _____

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development, if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, or if the application proposes diversion of more than 5.0 cfs, the department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (copy enclosed). In particular, rules 4,5,3. through 4,5,3,5. apply to your project if it is more than 200 acres. If necessary, the rule 4,5. information notice will be sent to you after you return the questionnaire.

RECEIVED

MAY 08 1991

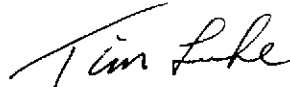
Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Spec.

Enclosures

MICROFILMED

MAY 08 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Osborne, Wayne

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY JF Stanton DATE 10-6-89 APPLICATION NUMBER 36-08459

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

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 ☒ No Power efficiency form
- ☒ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☐ See reverse side for additional information

Swan Falls hold

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

_____ Date Requested _____

END 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.

<u> </u>	<u>Yes</u>	<u> </u>	No	Publication dates & paper, recorded on application
<u> </u>	<u>Yes</u>	<u> </u>	No	Protests received
<u> </u>	<u> </u>	<u> </u>	<u> </u>	Final date for protest
<u> </u>	<u>Yes</u>	<u> </u>	No	Protests, dates, resolution of protest, recorded on application
<u> </u>	<u>Yes</u>	<u> </u>	No	Recommendations attached
<u> </u>	<u>Yes</u>	<u> </u>	No	Measuring device required
<u> </u>	<u>Yes</u>	<u> </u>	No	Access port required
<u> </u>	<u>Yes</u>	<u> </u>	No	Will water be delivered by watermaster? If yes, what Dist.
<u> </u>	<u>Yes</u>	<u> </u>	No	Special conditions of approval or cover letter below.

See below for additional information

Date of priority recommended _____

By _____ Date _____

See below for additional information
Date

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from:

<u>City</u>	<u>Idaho Fish & Game</u>	<u>Irrigation District</u>
<u>County</u>	<u>Idaho Health & Welfare</u>	<u>Canal Company</u>
<u>Reservations</u>	<u>Division of Environment</u>	<u>Other</u>

Project impacts/implications report

COMMENTS

06-Oct-1989

Wayne O. Osborne
Rt. 1 Box 1312
Paul, ID 83347

Re: Application for permit No. 36-08459

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,

James E. Stanton
Sr. Water Resource Agent

JS:MB

MICROFILMED

MAY 08 1991