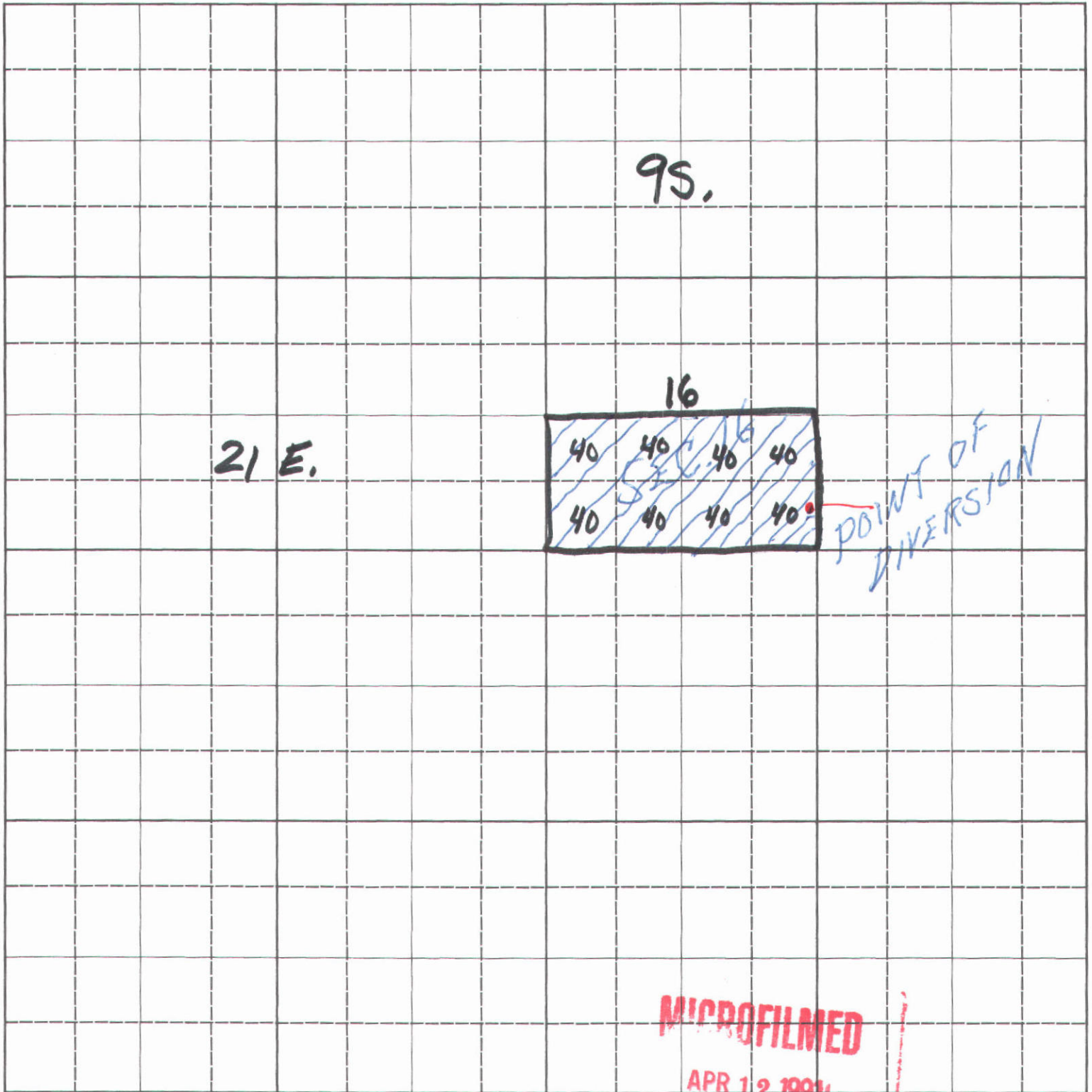


TWN 9 RANGE 21 E BM

13. 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.

H & S FARMS
Harold S. Peckey Pres.
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 13 1993
Department of Water Resources

A. GENERAL INFORMATION

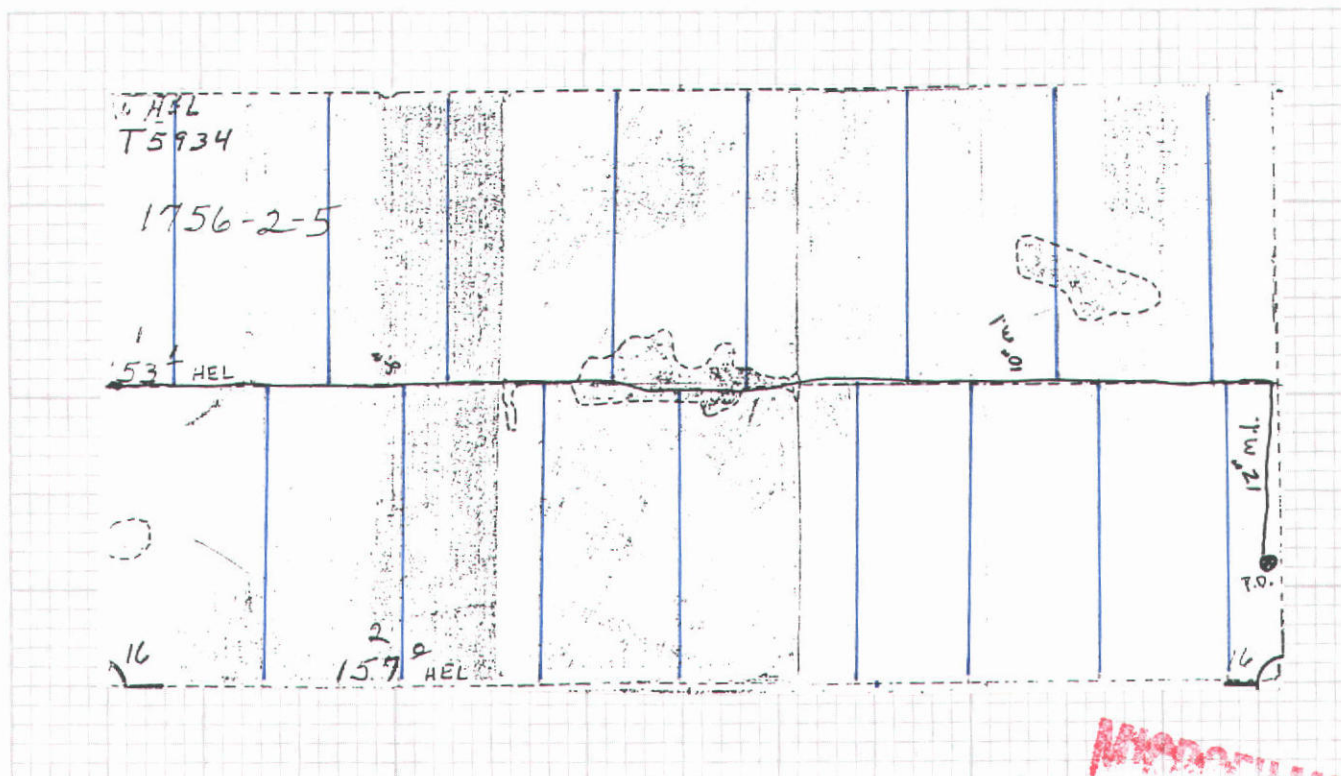
Permit No. 36-8402
1. Owner: H & S Farms Inc. Phone No. 733-2499
Current Address: 3434-A. E. 4000 N. Kimberly, ID
2. Accompanied by: Harold Seeler EXAM. DATE: 7-15-92
Address: _____ Phone No. _____
Relationship to Permit Holder: co-owner
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____ ☐ Copies Attached
2. Other water rights with same point of diversion: 36-2430, 36-8008
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = 2500'

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

RECEIVED
JUL 21 1994

[illegible]

745000m.E.

114'00'

3.4 MI. TO IDAHO 25

256

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial
photographs taken 1962. Field checked 1964

ROAD CLASSIFICATION

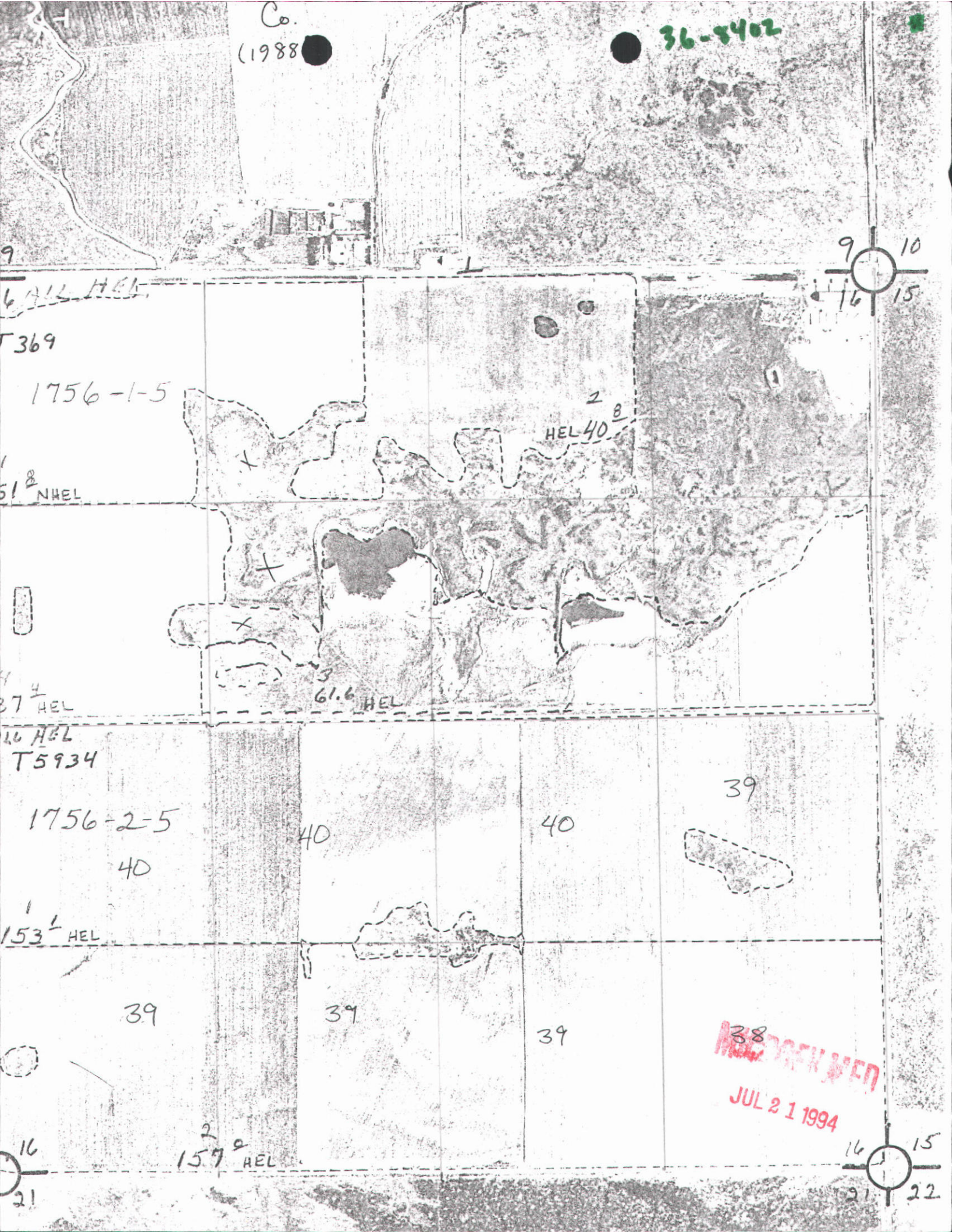
Medium-duty.....  Light-duty..... 

Polygenic projection 1997 N. J. B. ...

Co.

(1988)

36-8402



36-8402



MADEIRA
JUL 21 1994

36-8402



UNCLASSIFIED
JUL 21 1994

AFFIDAVIT OF PUBLICATION

FEB 28 1991

State of Idaho, }
County of Jerome } SS.

Department of Water Resources

Patty Spance, being first duly sworn, deposes and says that he is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 20th day of Feb., 1991, and the date of the last publication was on the 27th day of Feb., 1991.

Patty Spance

Subscribed and sworn to before me this 27th day of Feb., 1991.
(SEAL)

Vivian Gandiaga
NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Numer of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2x

Lines tabular at _____ 6¢/Pica

Lines straight at 16.58 5¢/Pica

Subsequent lines at 13.50 4¢/Pica
TOTAL COST 30.38

COPY OF NOTICE

(Paste Here)

Not. Appl. Trust Water Rts
TITLE OF NOTICE
H. & S. Farms, Inc.
36-08402
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Id. Dept. Water Res.
BILL TO Boise

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

36-08402

H & S FARMS INC.

3434-A E. 4000 N.

KIMBERLY, ID 83341

Source: GROUNDWATER

Diversion Pt: NESESE Sec 16 T 09S R 21E

Use: IRRIGATION (1.400 CFS)

Total Diversion: (1.400 CFS)

Date Filed: 11/28/1988

In: T09S R21E S16 NESW NWSW

SWSW SESW

NESE NWSE SWSE SESE

320.0 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 Mall, Boise, Idaho 83720 on or before March 11, 1991.

-s- R. Keith Higginson

Director

N5245

Pub: 2-20, 27

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1984)

7-8 pt. per line straight.....5¢/Pica
7-8 pt. per line tabular.....6¢/Pica
7-8 pt. per line successive
insertions.....4¢/Pica

MICROFILMED
No 3482

APR 12 1991

5245

OK
TJL
2/28/91

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-08402

Priority: November 28, 1988

Maximum Diversion Rate:

0.84 CFS

This is to certify, that H & S FARMS INC
3434-A E 4000 N

KIMBERLY ID 83341

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 28, 1988; and has submitted Proof of Beneficial Use on April 15, 1991. An examination indicates that the works have a diversion capacity of 5.180 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.84 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 16, Township 09S, Range 21E
JEROME 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	21E	16	NESW 40	NWSW 40	SWSW 39	
			SESW 39	NESE 39	NWSE 40	
			SWSE 39	SESE 38		314

Total number of acres irrigated: 314

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. 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.
5. Diversion and use of water under this right 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 right issued to change, add or remove any requirement as determined to be appropriate.
7. Use of this right with the rights listed below is limited to a total combined annual diversion volume of 1256 af and to the irrigation of a combined total of 314 acres in a single irrigation season. The combined rights include: 36-02430 and 36-08008.
8. Rights 36-02430 and 36-08008 are also diverted through the same point of diversion described above.

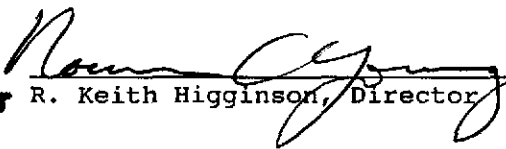
JUL 21 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 36-08402

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 15th
day of July, 1994.

Acting for


R. Keith Higginson, Director

RECEIVED

JUL 21 1994

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 36-08402 Telephone No. 733-2499

2. Name(s) of Permit Holder(s): H & S Farms Inc.

3. Post Office Address: 3434-A E. 4000 N., Kimberly, ID

4. Source of Water: Groundwater

a. If ground water, well driller's name: ? Date drilled: 1950s

b. Pump horsepower: 200+100hp Pressure (psi): 55-60 Dynamic pumping level (ft.): 300

5. Extent of Use: booster

Domestic _____ (No. of households) Irrigation 320 (No. of acres)

Stockwater _____ (No. and type of stock) Other _____

6. Total rate and/or volume for which proof is submitted 1.40 cfs _____ 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 will be installed

8. Fee Enclosed: \$ 125. (See License Examination Fee Schedule)

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

Harold Seeley Same
Name Telephone No.

Same
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.

4-11-91
Date

Harold Seeley Pres.
Signature (and title if on behalf of a company or organization)

RECORDED
MAY 07 1991

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 36-08402

Proposed Priority: November 28, 1988 Maximum Diversion Rate: 1.40 CFS

This is to certify, that **H & S FARMS INC.**

3434-A E. 4000 N.

KIMBERLY, ID 83341

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	1.40 CFS
<u>LOCATION OF POINT(S) OF DIVERSION:</u>		NESESE Sec. 16, Township 09S, Range 21E JEROME County

<u>PLACE OF USE:</u> IRRIGATION					
<u>TWN RGE SEC</u>	<u>ACRES</u>		<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S 21E 16	NESW 40	NWSW 40	SWSW 40		
	SESW 40	NESE 40	NWSE 40		
	SWSE 40	SESE 40			320
Total number of acres irrigated:					320

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **April 1, 1992**.
2. Subject to all prior water rights.
3. A flow measurement port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. 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.
6. 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.
7. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
8. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 1000 cubic feet per second for each acre of land.

RECORDED

APR 12 1991

State of Idaho
Department of Water Resources

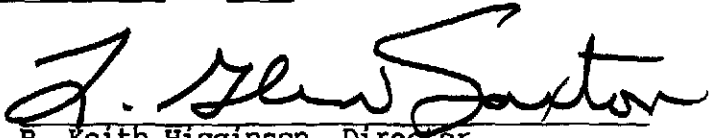
PAGE 2

Permit To Appropriate Water

NO. 36-08402

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

1st day of April, 1991.

for 
R. Keith Higginson, Director



MICROFILMED

APR 12 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 H+S Farms Inc. Phone (208) 733-2499
Post office address 3434-A E. 4000 N., Kimberly, ID 83341
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 16 Township 9S. Range 21 E B.M. JEROME County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 1.4 for Irrigation purposes from 3-15 to 11-15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
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) 1.4 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. _____
20" X 388' well, 200 HP Turbine Pump w/ 100 HP Booster.
(EXISTING)
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ 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 use is
1 yr years (minimum 1 year).

FILED

APR 12 1991

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	21E	16									40	40	40	40	40	40	40	40	320

Total number of acres to be irrigated 320

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

License 36-02430

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

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

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

12. Remarks: Increase in water flow due to adding of

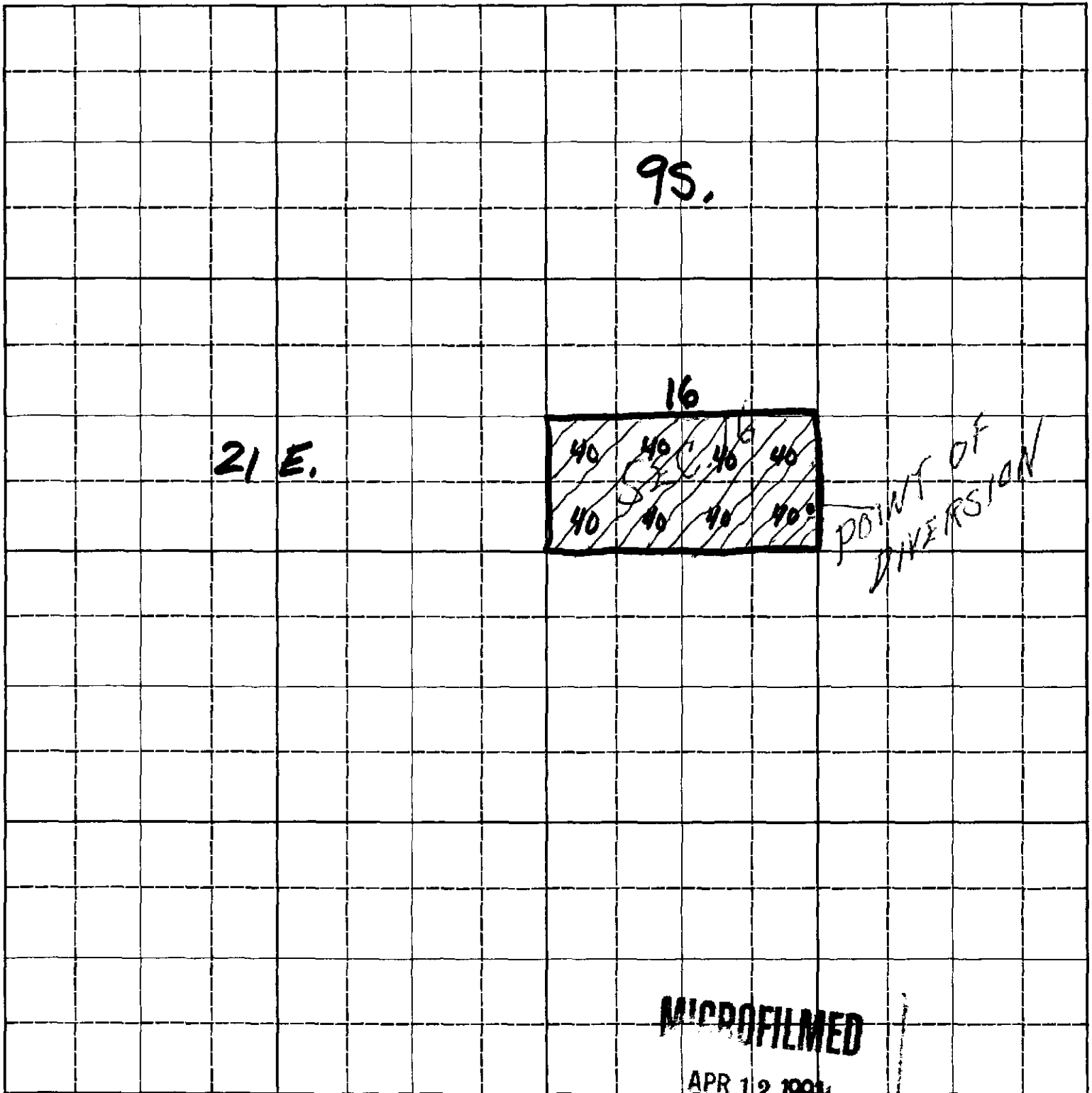
Booster pump in March 1969

Adjudication claim has been filed Also, includes
the extra water. #A36-02430

APR 12 1991

TWN 9 RANGE 21 E BM

13. 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.

H & S FARMS
Harold J. Peckey Pres.
(Applicant)

Received by SUC Date 11/29/88 Time 2:00 pm Preliminary check by J. Stanton
Fee \$ 65.00 Receipted by SUC # 8004054 Date 11/29/88
Publication prepared by BRENDA MILLER Date 2-12-91 Published in NORTHSIDE NEWS
2-30 + 2-27-91
Publication approved _____ Date _____

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:

MICROFILMED
APR 12 1991

In regards to your request for
list of Corporate officers for W + S
Farms Inc.

RE: Permit # 36-08400, 36-08401,
36-08402, 36-08403.

President: Harold J. Suley
Sect. + Treas. Cella Suley

RECEIVED

MAR 24 1989

Department of Water Resources
Southern Region Office

MICROFILMED

APR 12 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 18, 1994

H & S FARMS INC
3434-A E 4000 N
KIMBERLY ID 83341

RE: WATER RIGHT NO. 36-08402

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', written over a horizontal line.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

MAILED

JUL 21 1994

WR0749NP
No. L36-08402

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/10/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	H & S FARMS INC 3434-A E 4000 N KIMBERLY ID 83341 (208) 733-2499	11/28/1988	IRRIGATION	04-01 10-31	0.84 CFS	
TOTAL DIVERSION:					0.84 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 5.18 CFS

Point(s) of Diversion: T09S R21E S16 SESE JEROME County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
09S	21E	16	:											40	40	39	39	39	40	39	38	314.0
TOTAL ACRES																				314.0		

Pou County: JEROME

Other Rights: 36-02430

Other Water Rights with Same Point(s) of Diversion and Source:
36-02430 36-08008

Other Water Rights Listing Overlapping Place(s) of use:
36-02430 36-08008 36-08402

Conditions of Approval:

- R55 - 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.
- R56 - Diversion and use of water under this right is subject to an
- annual use fee if rules are subsequently promulgated which
- provide for the submittal of the fee.
- R57 - The Director retains jurisdiction of the right issued to
- change, add or remove any requirement as determined to be
- appropriate.

Remarks: Use of this right with the rights listed below is limited to a total combined annual diversion volume of 1256 af and to the irrigation of a combined total of 314 acres in a single irrigation season. The combined rights include: 36-02430 and 36-08008.
Rights 36-02430 and 36-08008 are also diverted through the same point of diversion described above.

WR0749NP
No. L36-08402

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/10/94
PAGE: 2

=====
Dates: App. Received: 11/28/1988 Priority Date: 11/28/1988
Proof Due Date: 04/01/1992 Proof Made Date: 04/15/1991
Exam Made Date: 08/09/1992 Exam Sent to S.O.: 12/10/1993
Licensed Date:

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

Audit: 05/10/94 BCHAPMAN

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE								NW								SW								SE								SUM
		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		
		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			
L3608402	T09S R21E S16 GROUNDWATER																																	
	:																																	
	:																																	
0100014	SNAKE RIVE																																	
3602310	GROUNDWATE																																	
*3602310	GROUNDWATE																																	
A3602310	GROUNDWATE																																	
R3602310	GROUNDWATE																																	
3602353	UNNAMED DR																																	
*3602376	GROUNDWATE																																	
R3602376	GROUNDWATE																																	
3602430	GROUNDWATE																																	
*3602430	GROUNDWATE																																	
A3602430	GROUNDWATE																																	
3602699	WASTE WATE																																	
*3607351	GROUNDWATE																																	
R3607351	GROUNDWATE																																	
3608005	GROUNDWATE																																	
*3608005	GROUNDWATE																																	
A3608005	GROUNDWATE																																	
R3608005	GROUNDWATE																																	
3608008	GROUNDWATE																																	
*3608008	GROUNDWATE																																	
A3608008	GROUNDWATE																																	
3608402	GROUNDWATE																																	

POLL COMPARISON

AJ5809NP
No. 36-02430

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/10/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	AURORA FARMS INC 1333W 120 AVE #317 WESTMINISTER CO 80234 (208) 438-8864	04/21/1960	IRRIGATION	04-01 10-31	3.50 CFS	
TOTAL DIVERSION:					3.50 CFS	
D	H & S FARMS INC 3434-A E 4000 N KIMBERLY ID 83341 (208) 733-2499					

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T09S R21E S16

NESESE

JEROME County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
09S	21E	16	:											40	40	39	39	39	40	39	38	314.0
																				TOTAL ACRES	314.0	

POU County: JEROME

Other Rights: 36-08008

Other Water Rights with Same Point(s) of Diversion and Source:
36-08008 A36-02430 A36-08008

Other Water Rights Listing Overlapping Place(s) of use:
36-08008 A36-02430 A36-08008

Remarks: USE OF THIS RIGHT WITH RIGHT NO. 36-08008 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.34 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1256 AFA, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 942 AFA AND TO THE IRRIGATION OF A COMBINED TOTAL OF 314 ACRES.
RIGHT NO. 36-08008 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

OVERLAPS

As Submitted to Court

AJ5809NP
No. 36-02430

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/10/94
PAGE: 2

=====

Comments: Date: 07/30/1992 User-ID: SCHULTZ Subject: CORRECTED REMARK
CHANGED REMARK FROM: THIS RIGHT IS USED IN COMBINATION WITH
RIGHT NO. 36-08008, AND USE OF THE TWO RIGHTS IS LIMITED
TO: USE OF THIS RIGHT WITH RIGHT NO. 36-08008 IS LIMITED
CLAIM VERIFIED 9/12/91, DID NOT REVERIFIY ANY PART OF CLAIM.

Date: 07/12/1993 User-ID: GIVENS Subject: OWNERSHIP CHANGE
CHANGE OF OWNERSHIP RECEIVED 6/29/93 FORMER OWNER H & S FARMS
INC. NEW OWNER AURORA FARMS INC. COPY OF WARRANTY DEED SUBMITTED
WITH FORM.

Audit: 12/24/90 BEDKE 05/29/91 MERRITT 09/12/91 MERRITT 07/10/92 CWU-PROD
07/18/92 POST-STD 07/30/92 SCHULTZ 08/28/92 PR-PROD 11/02/92 CPSHAW
12/05/92 ADT-SHAW 07/12/93 GIVENS

DATE: 05/10/94
PAGE: 1

Field Inspection Flag:
Presumption Flag:

As submitted to the Court

AJ5809NP
No. 36-08008

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/10/94
PAGE: 2

=====
Comments: Date: 07/09/1993 User-ID: GIVENS Subject: OWNERSHIP CHANGE
CHANGE OF OWNERSHIP RECEIVED 6/29/93 FORMER OWNER MILNER KIMAMA
INVESTMENT GROUP NEW OWNER AURORA FARMS INC. COPY OF WARRANTY
DEED SUBMITTED WITH FORM.

Audit: 05/29/91 MERRITT 09/06/91 MERRITT 07/10/92 CWU-PROD 07/18/92 POST-STD
08/28/92 PR-PROD 11/02/92 CPSHAW 12/05/92 ADT-SHAW 07/09/93 GIVENS

LICENSE REVIEW CHECKLIST

PERMIT NO. 36-8402 DATE 5-10-94



NAME	<u>Yes</u>	<u>No</u>	Or Address Change?	
PRIORITY DATE	<u>Yes</u>	<u>No</u>	Advance? <u>NO</u>	Advanced to: _____
			Order to reinstate needed? <u>NO</u>	
			Incorrect fee for rate recommended? <u>NO</u>	
SOURCE			Changes or just clarification of originally intended source? _____	
			Notice of Intent to Void necessary? _____	
POINT OF DIV	<u>Yes</u>	<u>No</u>	Amendment needed? <u>Old Capacity = 4.34</u>	
			Overlaps? <u>36-2430 and 36-8008</u>	
PLACE OF USE	<u>Yes</u>	<u>No</u>	Amendment needed? _____	
			Overlaps? <u>36-2430 and 36-8008</u>	
DIV RATE	<u>Yes</u>	<u>No</u>	Measurement done? <u>SPRINKLERS</u>	Theoretical only? _____
			<u>Q = 5.18</u>	<u>314 x .02 = 6.28</u>
<u>CAPACITY = 5.18</u>			<u>Capacity: 5.18</u>	<u>Combined rates exceed capacity NO</u>
<u>-36-2430 = 3.50</u>			<u>Allowable amount: .84</u>	
<u>-36-8008 = .84</u>				
<u>AVAILABLE = .84</u>				
<u>ANNUAL VOLUME</u>			Season of use: <u>4-1 to 10-31</u>	
			Calculations: <u>314 x 4 = 1256</u>	
			Flow limit: _____ cfs x <u>214</u> x 1.9835 = _____	
			Combined volumes exceed capacity/allowable <u>CONDITION</u>	
USES	<u>Yes</u>	<u>No</u>	Change(s) in Nature of Use? _____	
			Amendment necessary? _____	
REMARKS	<u>X</u>	<u>Yes</u>	Multiple p/d(s) in 1/4 1/4? _____	
			Other <u>W28, W36</u>	
CONDITIONS	<u>Yes</u>	<u>No</u>	Measuring/Locking Devices _____	
			Watermaster control - District _____	
			Irrigation Overlap _____	
			Water Quality _____	
	<u>X</u>	<u>No</u>	Other <u>Trust R55, 56, 57</u>	
COMMENTS:	<u>(BOOSTER Added? this permit is just for additional water AND NOZZLE CHANGES)</u>			
	<u>(Reduce acres and rate)</u>			

RECOMMENDED

CFS

VOLUME

LICENSE ✓

Irrigation

.84

1ST AMENDMENT LETTER _____

FINAL AMENDMENT LETTER _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 13 1993
Department of Water Resources

A. GENERAL INFORMATION

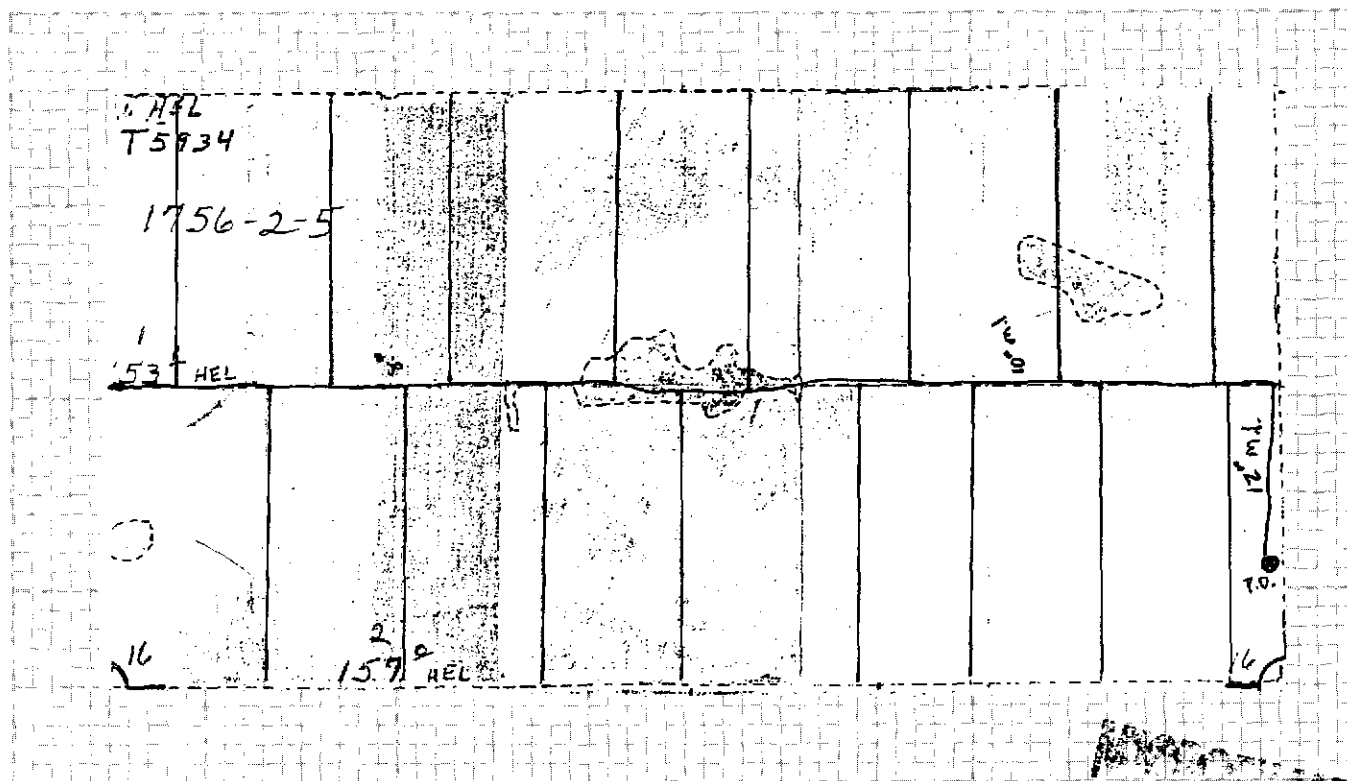
1. Owner: H & S Farms Inc. Permit No. 36-8402
Current Address: 3434-A. E. 4000 N. Kimberly, ID Phone No. 733-2499
2. Accompanied by: Harold Seeler EXAM. DATE: 7-15-92
Address: _____ Phone No. _____
Relationship to Permit Holder: co-owner
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____ ☐ Copies Attached
2. Other water rights with same point of diversion: 36-2430, 36-8008
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = 7500'

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

JUL 21 1994

System Description (continued)

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

Well diverts water to 12" m.l. to 1 mi. 10" m.l.
 16 1/4 mi. laterals are used, 33 spr./line
 Rainbird 4.5 gpm ^(40% 4 10% 3.5 gpm) constant flow nozzles used.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	G.E.	200	5K6324X6915	Layne	
	U.S. Elec	100	C1004883	Peerless	

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

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

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	SE	16	9S	21E	Jurone	AERIAL PHOTO

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

Indicate Method of Determination AERIAL PHOTO

Twp.	Rge.	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	21E	16											1	1	1		1	2	6
9S	21E	16									40	40	39	39	39	40	39	38	314

Do not use this space

JUL 21 1994

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

previous exam: 4.34 cfs. (36-8008)

2. Alternate Method for Checking Purposes:

16 lines @ 33 hd @ 528 hd
$$(9 * 528 * 4.5) + (1 * 528 * 3.5) = 5.18 \text{ cfs}$$
$$448.8$$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{6(4.0) \quad 24.0}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{.08(219)(1.98) = 33.9}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{24.0}$

2. Volume Calculations for Other Uses:

JUL 21 1994

H. REMARKS AND OVERLAP REVIEW ANALYSIS

see attached overlay analysis

acres were added, but pumping capacity was not increased from previous license. Therefore, only new acres are recommended

Nozzle changes since last licensing has increased capacity. Amount recommended is the difference between delivery capacity and sum of existing rights, no new volume is recommended.

In combination with 36-2430 and 36-8008, no more than 5.8 cfs or 1256 AFA may be diverted

I. 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	~~0.08~~ 0.84	~~24.0~~ 0.0
Totals:			~~0.08~~ 0.84	~~24.0~~ 0.0

2. Recommended Amendments

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

J. AUTHENTICATION

Field Examiner's Name

Brian Block Douglas Jones

Signature

Brian Block

Certification Date

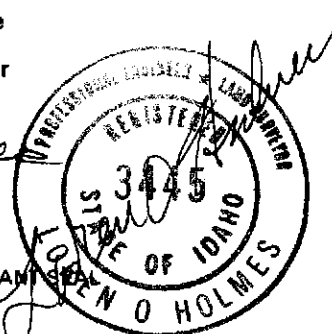
3/31/93

Field Report Preparation Date

8-9-92

10/28/92

CONSULTANT SEAL



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

JUL 21 1994

OVERLAP A

OVERLAP ANALYSIS

Permit # 36-8402
Name : H & S

08/09/92
Initial:

MEASURED RATE = 4.34
Permit rate = 1.40
Calculated rate = 4.34

PUMP DISCHARGE INFO:
pump hp = 0
lift = 0
press. = 0

Old license # 368008
Licensed rate = 4.34

Theoretical
flow rate = ERR

Licensed acres = 314
New acres = 6
Total acres watered = 320

CALCULATIONS

overlap acres = 314
Old rate/ac. = 0.014
New rate/ac. = 0.014
Difference = -0.00026

RECOMMENDATIONS

Do not recommend old acres.

Recommend flow rate for...
Old lands = N/A
New lands = 0.08
Total flow rate = 0.08

Flow rate to recommend = 0.08

Total licensed flow after recommended flow is granted = 4.42

CONDITIONS

ADD CONDITION:
The maximum combined rate of diversion
under this right and Right No. 368008
shall not exceed 4.34 cfs.

JUL 21 1994

Topographic map of a section of the Snake River Plain, Idaho, showing a 4x4 grid of sections 15, 16, 21, and 22. The map includes contour lines, a river, a well, an aqueduct, and a date stamp "JUL 27 1994". Handwritten notes in the grid cells include "36-8402", "H 1/2 S 40", and various numbers like "40", "410", "39", and "38". A scale bar at the bottom indicates 3.4 miles to Idaho 25.

745000m.F

3.4 MI. TO IDAHO 25

256

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial
photographs taken 1962. Field checked 1964

Medium-duty.....**Light-duty**.....

Light-duty

Co.
(1988

36-5402

6 AIL HEL

-369

1756-1-5

1 2 NHEL

1 4 HEL

16 HEL
T5934

1756-2-5

40

1 53 HEL

39

39

39

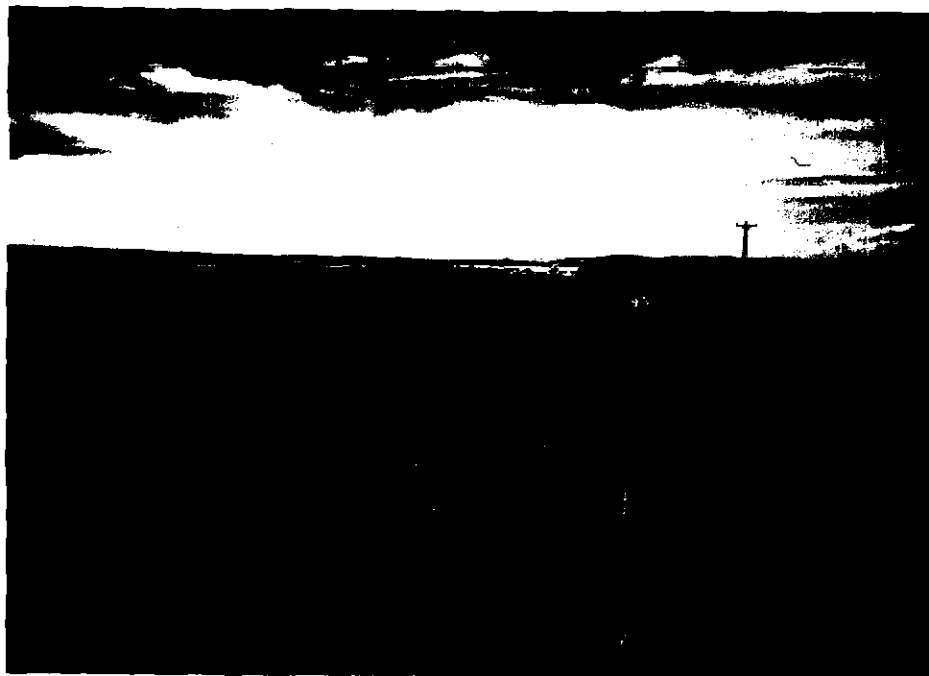
38

JUL 21 1994

2 157 HEL

16 15 22

36-8402



JUL 21 1994

36-8402



RECEIVED
JUL 21 1994

April 25, 1991

H & S FARMS INC.
3434-A E. 4000 N.
KIMBERLY, ID 83341

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08402

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.

I note that the permit issued to you by the department requires the installation of a flow measurement port to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the flow measurement port must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

MAY 07 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 36-8402

Date 4-19-91

GENERAL CONSIDERATIONS

- ☒ Name same as permit?
☒ Address same as permit? If no, prepare data entry form.
☒ Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

- ☐ Surface water source
☒ Ground water source
NA Drill permit req'd?
1950's Copy in file? Drill permit no. _____
Well log in file?
Amt paid for drilling permit? _____ Correct?

LICENSE EXAMINATION FEE

- Yes Required?
125.00 Amount submitted?
Yes Correct amount?

MEASURING DEVICE

- Yes Measuring device or access port required?
Installed? Being installed
Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

needs flow meter.

Proof acceptable

PRIORITY CALCULATION

Date proof received	<u>NA</u>	
Date proof due		-
No. of days late		=
Priority date		+
NEW PRIORITY DATE		=

LB



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 4, 1991

H & S FARMS INC.
3434-A E. 4000 N.
KIMBERLY, ID 83341

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08402

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.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

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

MICROFILMED
APR 12 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

APR 12 1991

AFFIDAVIT

RECEIVED

FEB 28 1991

State of Idaho, }
County of Jerome } SS.

Department of Water Resources

Patty Mance, being first duly sworn, deposes and says that he is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 27th day of Feb. 1991, and the date of the last publication was on the 27th day of Feb., 1991.

Patty Mance

Subscribed and sworn to before me this 27th

day of Feb., 1991.
(SEAL)

Vivian G. Mays
NOTARY PUBLIC

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Numer of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2x

Lines tabular at _____ 6¢/Pica
Lines straight at 131.5 5¢/Pica
Subsequent lines at 13.00 4¢/Pica
TOTAL COST 30.50

COPY OF NOTICE

(Paste Here)

Robt. Appl. Trust Mts. Co.
TITLE OF NOTICE
H. S. P. P. P. Inc.
36-2-91-2
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

M. L. P. M. R.
BILL TO H. S. P. P. Inc.

NOTICE OF PUBLICATION
H. S. P. P. INC.
36-2-91-2
Source: GROUNDWATER
Borehole: P. M. R. 36-2-91-2
USE: IRRIGATION
Total: 1.000
Date Filed: 11/28/1988
Inc. 1055, R215, 310, 1055, 1055
SWC/2500
NEED FOR WATER
330.0 ACRES TOTAL
The permit will be subject to all water rights. Protests may be filed based on the criteria of the Idaho Code and under the new public interest criteria of the Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse, Boise, Idaho 83722, or before March 1, 1991.

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1984)

7-8 pt. per line straight.....5¢/Pica
7-8 pt. per line tabular.....6¢/Pica
7-8 pt. per line successive insertions.....4¢/Pica

FILED
No. 31

APR 12 1991

5.245

OK
2/29/91

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

FEBRUARY 12, 1991

Northside News
Box 468
Jerome, ID 83338

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 MARCH 11, 1991.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Encl.

MICROFILMED

APR 12 1991

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

36-08402

H & S FARMS INC.
3434-A E. 4000 N.
KIMBERLY, ID 83341

Source: GROUNDWATER

Diversion Pt: NESESE Sec 16 T 09S R 21E

Use: IRRIGATION (1.400 CFS)
Total Diversion: (1.400 CFS)

Date Filed: 11/28/ 1988

In: T09S R21E S16	NESW	NWSW	SWSW	SESW
	NESE	NWSE	SWSE	SESE

320.0 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 MARCH 11, 1991.

R. Keith Higginson, Director

Published 2/20/1991 & 2/27/1991

RECEIVED
MARCH 12 1991

APR 12 1991

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO.s 36-8400, 8401, 8402 & 8403/Trust Water
Processing & Rule 4,5. Info

DATE: 1-31-91

These applications are trust water filings which have come up for sequential processing under the appropriate rules and statutes. The applicants returned a trust water questionnaires claiming development prior to 1984. These groundwater applications are supplemental filings and have been filed only to increase the rate of diversion of existing licensed rights. All land under the applications are covered by the existing licensed rights except for application no. 36-8400. This later filing does include an expansion of about 35 acres. I have reviewed a 1983 infrared photo and have found that this same acreage was irrigated in that year.

All four filings are considered trust water filings due to their priority dates. Since these are supplemental filings which serve only to increase recorded rates of diversions under existing rights, the acreage under the filings is not considered trust acreage. Also, since the development has long been in place, information required under Water Appropriation Rule 4,5,3. is not applicable in this case.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

Application No. 36-8402

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.)

Pumping capacity was enlarged in 1969 to provide water for the licensed ground.

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.

36-2430

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

Harold J. Seely, Inc.
Harold J. Seely Pres

Date 1-28-91

APR 12 1991

CONDITIONAL SALE SECURITY AGREEMENT

(Miscellaneous)

(Please Print)

FIGURE INTEREST FROM

Sold to (Name) H & S Farms, Inc.
Street, Route or c/o Harold J. Seeley
Box Number Route 1

PAID
APR 11 1975
BOISE, IDAHO

Date April 15, 1970
City Boise County Minidoka State Idaho

QUANTITY	NEW OR USED	MAKE	MODEL	SERIAL NUMBER	DESCRIPTION OF ARTICLES	CASH PRICE
1	N	100 HP Peerless	Pump w/ Panel			
1	N	12" Check Valve				
10	N	3" x 1280' Solid Set	Laterals			
40	N	3" x 20' with Solid Set	Couplers & sprinklers			
5	N	34" x 1300' Ames	Hand Move Laterals			
165	N	#30EF Rainbird	Sprinklers w/ 8/64 nozzle			
330	N	1" x 28" Risers				
1600	N	7/64 Brass	nozzles for Rainbirds			

Buyer (meaning all of the undersigned jointly and severally) hereby buys from Seller on the terms and conditions set forth herein and on the reverse side hereof, and acknowledges delivery, examination and acceptance of the property described above in its present condition, for the time sale price as set forth in item 8 shown herein; payable at

THE IDAHO FIRST NATIONAL BANK

In Boise, Idaho
in five (5) installments of \$ 3,231.02
commencing April 15, 19 71, and
a like amount on the same date of each month thereafter, or
as indicated in the schedule of installments listed below.

In addition to payment schedule above, there is a Balloon Payment due _____, 19 _____
in the amount of _____

In addition to the above payments, interest from date at the rate of 9.5 per centum per annum shall be paid on the indicated payment dates upon the balances remaining from time to time unpaid.

OBLIGATION TO MAKE PAYMENTS. All payments shall be made at the office of Seller, or if this Security Agreement is assigned, then at such office as the assignee shall designate in writing to Buyer. Installments remaining unpaid when due shall thereafter bear interest at the highest lawful rate, together with reasonable collection costs.

PERFECTION OF SECURITY INTEREST. The Buyer agrees to execute and file financing statements and do whatever may be necessary under applicable law to perfect and continue the Seller's interest in the Goods, all at Buyer's expense.

SALE PROHIBITED. Buyer will not sell or offer to sell or otherwise transfer the Goods or any interest therein without the written consent of Seller.

INSURANCE. Buyer will keep the goods continuously insured by an insurer approved by Seller against fire, theft and other hazards designated at any time by Seller, in an amount equal to the full insurable value thereof or to all sums secured hereby, with such form of loss payable clause as designated by and in favor of Seller, and will deliver the policies and receipts showing payment of premiums to the Seller. In the event of loss, Seller shall have full power to collect any and all insurance upon the Goods and to apply the same at its option to any obligation secured hereby, whether or not matured, or to the restoration or repair of the property. Seller shall have no liability whatsoever for any loss that may occur by reason of the omission or lack of coverage of any such insurance.

LATE CHARGE. In the event that a monthly installment becomes 16 days or more past due, the makers agree to pay the holders a late charge in the amount of 4% of the monthly installment, provided that each late charge shall not exceed the sum of \$4.00 for each past due installment.

INSURANCE AGREEMENT. The purchase of credit insurance is voluntary and not required for credit.

Credit Life Insurance at a cost of \$ _____ Credit Life & Accident and Health Insurance at a cost of \$ _____ for the term of the contract.
I (do) (do not) desire credit insurance. I (do) (do not) desire (Physical Damage) (VSI) insurance at a cost of \$ _____

Dated _____, 19 _____ Signed _____

THE TERMS AND CONDITIONS APPEARING ON THE BACK HEREOF ARE PART OF THIS SECURITY AGREEMENT

- Cash Price \$ 15,310.00
- Less Cash Down Payment \$ 3,062.00
Trade in \$ _____
Total Down Payment \$ 3,062.00
- Unpaid Balance of Cash Price \$ 12,248.00
- Other Charges
Insurance: Life \$ _____
H & A \$ _____
Phys. Damage \$ _____
Official Fees \$ _____
- Amount Financed \$ 12,248.00
- FINANCE CHARGE \$ 3,907.10
- Deferred Payment Price (1 plus 4 plus 6) \$ 19,217.10
- Total of Payments \$ 16,155.10
- ANNUAL PERCENTAGE RATE 10 %

ADVERSE LIENS AND USE. Buyer will keep the Goods free from any adverse lien, security interest or encumbrance. Buyer will not create nor permit the existence of any adverse lien, security interest or encumbrance other than that created hereby on the Goods without the written consent of Seller. Any certificate of title now or hereafter existing on any of the Goods will be delivered to Seller and will recite the interest of Seller. Buyer will keep the Goods in good order and repair and will not waste or destroy the Goods or any part thereof. Buyer will not use or permit anyone to use the Goods in violation of any statute, ordinance, or state or federal regulation; and Seller may examine and inspect the Goods at any reasonable time, wherever located.

TAXES AND ASSESSMENTS. Buyer will pay promptly when due all taxes and assessments upon the Goods or for its use or operation or upon this agreement or upon any note or notes evidencing the obligations.

WAIVER OF WARRANTIES. The Buyer has made an independent investigation of the purchased property and has relied solely upon his own investigation with reference thereto in entering into this Security Agreement, and has placed no reliance nor acted upon any representations or warranties upon the part of the Seller or Seller's agent not specifically set forth herein. THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THE DESCRIPTION ON THE FACE HEREOF. Manufacturer's warranties are theirs not Seller's.

It is understood and agreed that there is no representation or warranty that the "year and model" of said property as herein above stated, correctly states the year in which said property was manufactured, but is merely used for convenience in describing it.

NOTICE TO BUYER. You are entitled to a copy of the Security Agreement you sign. You have the right to pay in advance the unpaid balance of this agreement and obtain a refund of the finance charge based on the Rule of 78's, except _____

GURE INTEREST FROM
6369
May 15 1969Sold to (Name) H & S Farms, Inc.

8464

Date

May 15 1969

Street, Route or
Box Number

645 Fifth Street

City RupertCounty MinidokaState Idaho

QUANTITY	NEW OR USED	MAKE	MODEL	SERIAL NUMBER	DESCRIPTION OF ARTICLES	CASH PRICE
2100'	N	10" x .064	Aluminum Mainline w/valves every 50'			
500'		8" x .064	Aluminum Mainline w/valves every 50'			
1		10" x 8"	Reducer			
1		8"	End Plug			
1		10"	Check Valve			
1		100 HP	Peerless Pump w/Panel			
52		3" x 1280'	Solid Set Laterals, complete			
52		3"	End Plugs, extra			
26		3" x 3" x 4"	Valve Opening Tees, extra			
1		10" x 10" x 10"	Mainline Wye			

Buyer (meaning all of the undersigned jointly and severally) hereby buys from Seller on the terms and conditions set forth herein and on the reverse side hereof, and acknowledges delivery, examination and acceptance of the property described above in its present condition, for the time sale price as set forth in item 8 shown herein; payable at

THE IDAHO FIRST NATIONAL BANK

in Boise Idahoin seven (7) installments of \$ 4,548.95commencing May 15 1970 and

a like amount on the same date of each month thereafter, or as indicated in the schedule of installments listed below.

CASH PRICE \$39,803.26SALES TAX NoneTOTAL CASH PRICE \$39,803.261. Total Cash Price \$39,803.26

2. Trade In (Describe) _____

A. Trade In Allowance \$ _____

B. Cash Payment by Buyer \$7,960.61Total Down Payment \$7,960.61Unpaid Cash Price (Line 1 minus Line 2C) \$31,842.65

Insurance (on reverse) Life \$ _____

H&A \$ _____

6. Total Base Time Price (Add lines 3, 4 and 5) \$31,842.65

7. Time Price Differential \$ _____

8. Total Time Price Balance (Add lines 6 and 7) \$ _____

In addition to the above payments, interest from date at the rate of 9 per centum per annum shall be paid on the indicated payment dates upon the balances remaining from time to time unpaid (Insert "none" if item 7 is used).

OBLIGATION TO MAKE PAYMENTS. All payments shall be made at the office of Seller, or if this Security Agreement is assigned, then at such office as the assignee shall designate in writing to Buyer. Installments remaining unpaid when due shall thereafter bear interest at the highest lawful rate, together with reasonable collection costs.

PERFECTION OF SECURITY INTEREST. The Buyer agrees to execute and file financing statements and do whatever may be necessary under applicable law to perfect and continue the Seller's interest in the Goods, all at Buyer's expense.

SALE PROHIBITED. Buyer will not sell or offer to sell or otherwise transfer the Goods or any interest therein without the written consent of Seller.

INSURANCE. Buyer will keep the goods continuously insured by an insurer approved by Seller against fire, theft and other hazards designated at any time by Seller, in an amount equal to the full insurable value thereof or to all sums secured hereby, with such form of loss payable clause as designated by and in favor of Seller, and will deliver the policies and receipts showing payment of premiums to the Seller. In the event of loss, Seller shall have full power to collect any and all insurance upon the Goods and to apply the same at its option to any obligation secured hereby, whether or not matured, or to the restoration or repair of the property. Seller shall have no liability whatsoever for any loss that may occur by reason of the omission or lack of coverage of any such insurance.

ADVERSE LIENS AND USE. Buyer will keep the Goods free from any adverse lien, security interest or encumbrance. Buyer will not create nor permit the existence of any adverse lien, security interest or encumbrance other than that created hereby on the Goods without the written consent of Seller. Any certificate of title now or hereafter existing on any of the Goods will be delivered to Seller and will recite the interest of Seller. Buyer will keep the Goods in good order and repaired and will not waste or destroy the Goods or any part thereof. Buyer will not use or permit anyone to use the Goods in violation of any statute, ordinance, or state or federal regulation; and Seller may examine and inspect the Goods at any reasonable time, wherever located.

TAXES AND ASSESSMENTS. Buyer will pay promptly when due all taxes and assessments upon the Goods or for its use or operation or upon this agreement or upon any note or notes evidencing the obligations.

WAIVER OF WARRANTIES. The Buyer has made an independent investigation of the purchased property and has relied solely upon his own investigation with reference thereto in entering into this Security Agreement, and has placed no reliance nor acted upon any representations or warranties upon the part of Seller or Seller's agent not specifically set forth herein. THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THE DESCRIPTION ON THE FACE HEREOF. Manufacturer's warranties are theirs not Seller's.

It is understood and agreed that there is no representation or warranty that the "year and model" of said property as hereinabove stated, correctly states the year in which said property was manufactured, but is merely used for convenience in describing it.

THE TERMS AND CONDITIONS APPEARING ON THE BACK HEREOF ARE PART OF THIS SECURITY AGREEMENT

Signed and delivered on the day and year first above written.

Seller G. T. NEWCOMB, INC.By A. J. Newcomb President

Box 246, Ketchum, Idaho

The undersigned acknowledges receipt of a copy of the agreement.

H & S FARMS, INC.Ben K. Humphrey

WR-NUMBER	NAME	STG	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				
3608402																										
0100014	A & B IRRIGATION DISTR	D	SNAKE RIVER	09S	21E	16																				
3602310	HANSON	L	GROUNDWATER	09S	21E	16						40	40									80				
3602353	HANSEN	L	UNNAMED DRAIN	09S	21E	16				20	15		5	39	23							102				
3602430	HUMPHREY	L	GROUNDWATER	09S	21E	16										40	40	40	40		40	40	320			
3602699	ISHINO	L	WASTE WATER	09S	21E	16						29										29				
3608005	BURLEY FARM INVESTMENT	P	GROUNDWATER	09S	21E	16	35	40	40	40		40	40	40	40							315				
3608008	CRESTVIEW FARM ASSN.	L	GROUNDWATER	09S	21E	16										40	40	39	39		39	40	39	38		
3608402	H & S FARMS INC.	A	GROUNDWATER	09S	21E	16										40	40	40	40		40	40	40	320		
	1986 MAPPING DATA ---	-	COUNTY 53 QUAD BB 27	09S	21E	16	15	37	25	31		42	42	41	38		40	41	36	37		40	39	39	40	583

App. No. 36-8402

- Cmts Covered by existing licences

- App RAIRS Rate of Flow to 0.02 cfs/acre

APR 12 1991

APR 12 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 7, 1991

RE: APPLICATION FOR PERMIT NO. 36-8402

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.

APR 12 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

APR 18 1985

08-Mar-1989

H & S Farms, Inc.
3434 A E. 4000 N.
Kimberly, ID 83341

Re: Application for permit No. 36-08400, 36-08401, 36-08402,
36-08403

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. Please submit list of corporate officers.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

RECEIVED
MAR 10 1989
WATER RESOURCES
DIVISION