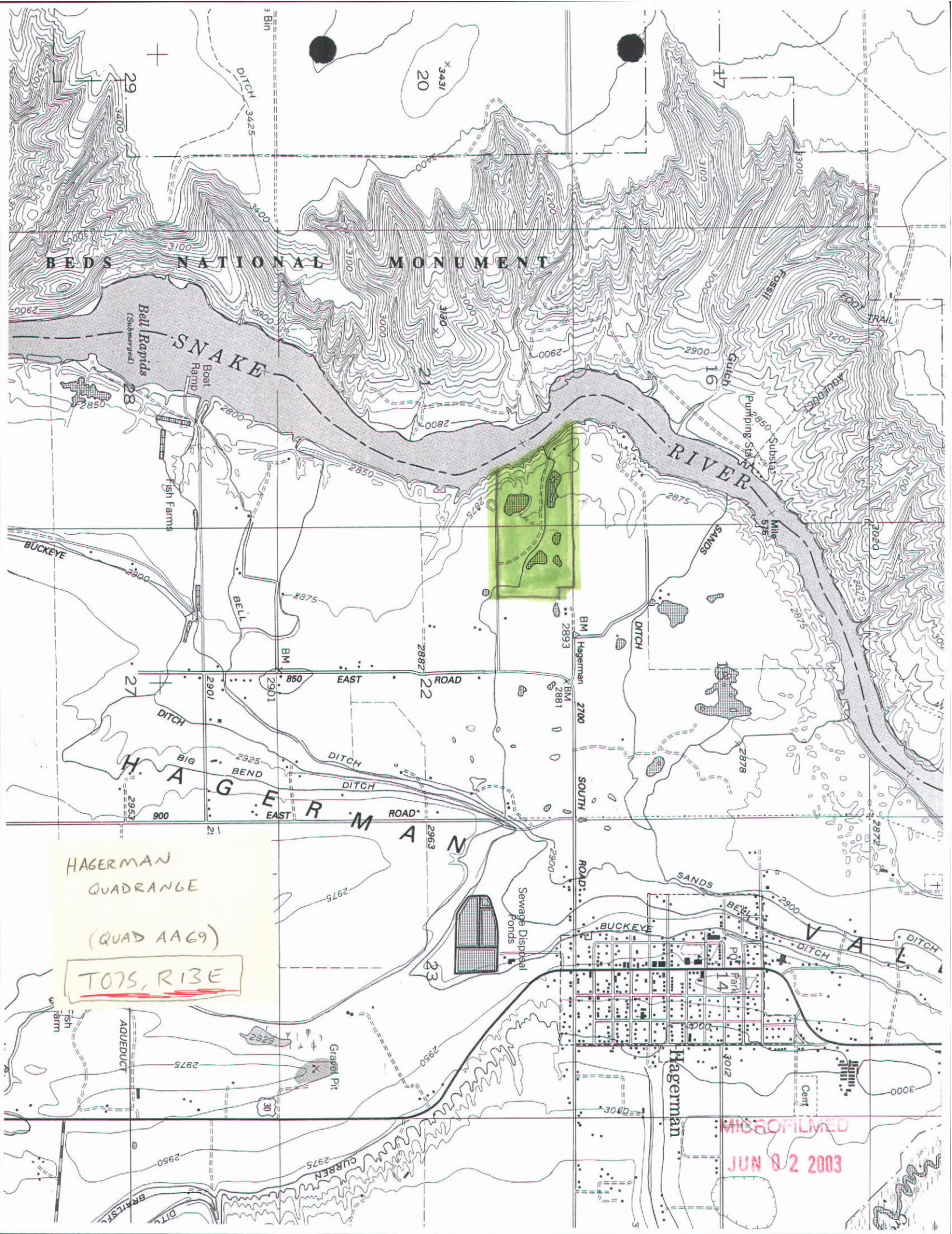




BEDS NATIONAL MONUMENT

Snake River

River

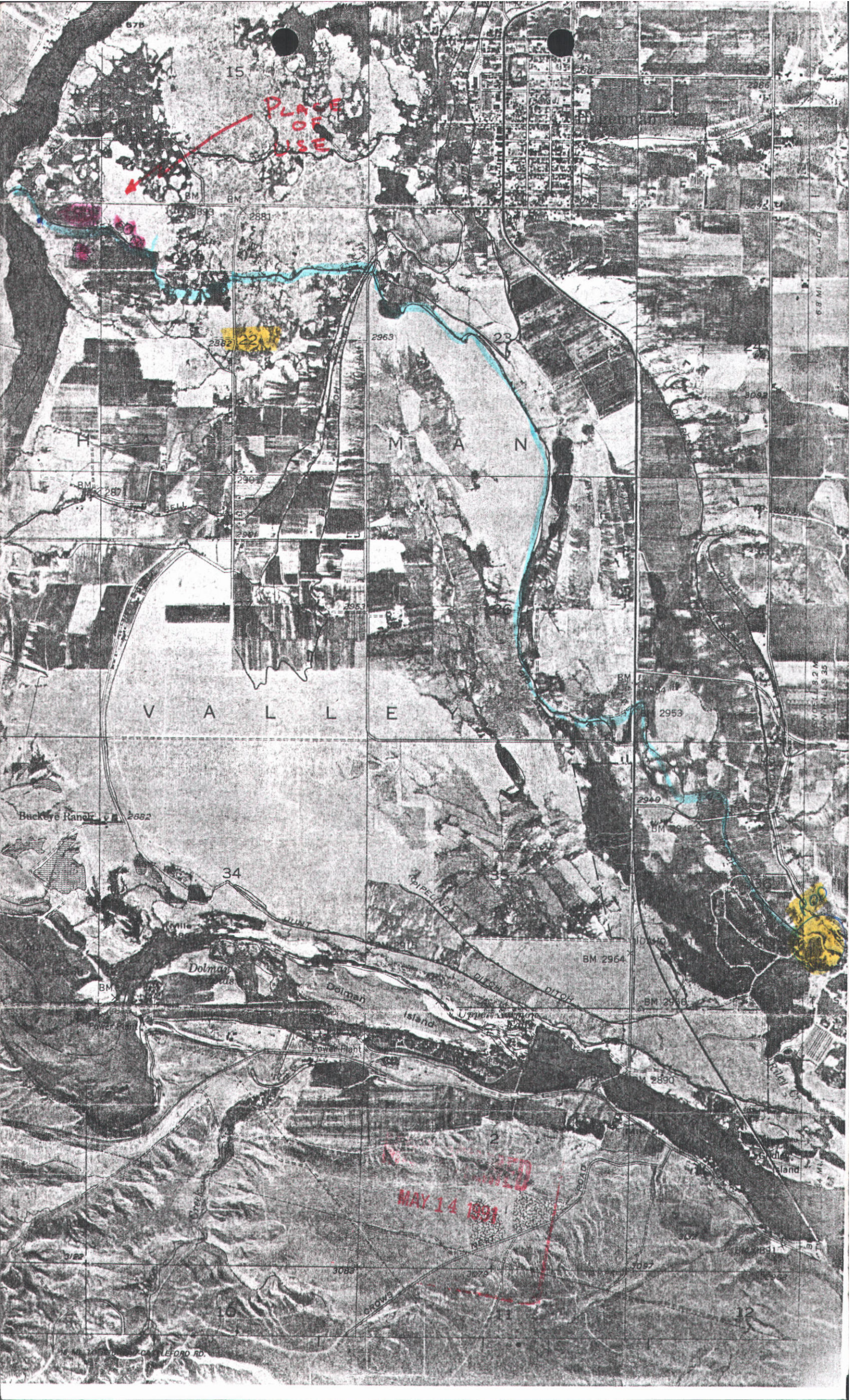
HAGERMAN

HAGERMAN
QUADRANGE

(QUAD AA69)

T07S, R13E

MICROFILMED
JUN 02 2003



Proof of Publication

The Post-Register

State of Idaho, }
County of Bonneville } ss

I, Ted. Delezene, first being duly sworn, depose and say: That I am the Foreman of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 3rd day of November, 1988, last publication having been made on the 10th day of November, 1988, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 17th day of November, 1988.

Ted D. Delezene
Donald K. Napier
Notary Public

My commission expires September 30, 1994.

B10

NOTICE OF APPLICATION FOR WATER RIGHT

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

36-08377

TROUTNER, A.L.
707 TROUTNER WAY
BOISE, ID. 83712
Source: TUCKER SPRINGS
Tributary: RILEY CREEK
Diversion Pt: NWSESE Sec 36 T 07S R 13E;
3 miles South & 1 mile, West of Hagerman,
Gooding County.
Use: RECREATION (10.000 CFS)
DIVERSION TO STORAGE (10.000 CFS)
RECREATION STORAGE (100.00 AF)
Date Filed: 8/16/1988
In: T07S R13E S21 Lot 1 (NENE); S22
NWNW

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, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before NOVEMBER 21, 1988.

R. Keith Higginson, Director

Published: November 3, 10, 1988

OK
MB
11/21/88

RECEIVED

NOV 18 1988

Department of Water Resources
Southern Region Office

MAY 14 1991

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

45.24

Account Name Idaho Department of Water Resources (Southern)			Account Number #100632		
Address 2148 4th Avenue East		City/State Twin Falls, ID		Zip 83301	
Ordered By Mary Baldwin	P.O. Number	Rate NT	Run Dates 1988 November 3, 10		
Identification Application for Water Right: 36-08377			Estimated Inches		Real Inches
☐ Number of Affidavits Requested ☒ 1					Legal Number #1090

NOTICE OF APPLICATION FOR WATER RIGHT

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

36-08377

Troutner, A.L.
707 Troutner Way
Boise, ID 83712

Source: Tucker Springs

Tributary: Riley Creek
Diversion Pt: NWSESE Sec 36 T 07S R 13E; 3 miles South & 1 mile West of Hagerman, Gooding County.

Use: Recreation (10,000 CFS)
Diversion to Storage (10,000 CFS)

Recreation Storage (100.00 AF)

Date Filed: 08/16/1988

In: T07S R13E S21 Lot 1 (NENE)
S22 NWNW

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, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before November 21, 1988.

R. KEITH HIGGINSON
Director

Pub. Nov. 3, 10, 1988

1090

OK MB
11/21/88

RECEIVED

NOV 14 1988

Department of Water Resources
Southern Region Office

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Debbie Richards

, being duly

sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for 2 ~~xx~~consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of November 3, 1988

and ending with the issue of November 10, 1988

Debbie Richards

MICROFILMED

MAY 14 1991

Subscribed and sworn to before me this 10th

day of November, 1988

[Signature] 12/97

Notary Public for Idaho, Residing at Boise, Idaho

NOTICE OF
APPLICATION FOR
WATER RIGHT

The Following applica-
tion(s) have been filed to
appropriate the public
waters of the State of
Idaho:

36-08377

TROUTNER, A.L.

707 Troutner Way

Boise, ID 83712

Source: TUCKER SPR-
INGS

Tributary: RILEY CREEK

Diversion Pt: NWSESE

Sec 36 T 07S R 13E; 3

miles South & 1 mile

West of Hagerman,

Gooding County.

Use: RECREATON

(10.000 CFS)

DIVERSION TO

STORAGE (10.000 CFS)

RECREATION STORAGE

(100.00 AF)

Dated Filed: 8/16/1988

In: T07S R13 E S21 Lot 1

(NENE)

S22 NWNW

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, 2148 4th
Avenue East, Twin Falls,
Idaho 83301 on or before
NOVEMBER 21, 1988.

R. Keith Higginson

Affidavit of Publication

STATE OF IDAHO.

COUNTY OF TWIN FALLS

ss.

Nº 19191

OK MB 11/23/88
I, Linda Capps McShine being first duly sworn upon
oath, depose and say that I am Owner/Club of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for Two
consecutive Weeks, commencing with the issue dated
November 3, 1988, and ending with the issue dated

STATE OF IDAHO

COUNTY OF

On this 15 day of November in the year of 1988, before me,

a Notary Public, personally appeared Linda Capps McShine
known or identified to me to be the person whose name subscribed to the within instru-
ment, and being by me first duly sworn, declared that the statements therein are true,
and acknowledged to me that he executed the same.

Dianna Bruce
Notary Public for Idaho

Residing at Twin Falls

My commission expires: 8-19-91

ion, effective February 16,
cept Sunday, and the Twin
which newspapers prior to
d county continuously and
months, and said TIMES-
wspaper except Saturday,
ublication under said name

de, Thursday of each week
order of any court of com-
kly, will be published; and
rs, and in each issue there-
ll be published.

McShine
15 day of

Bruce
e County of Twin Falls,
Twin Falls, Idaho

MAY 14 1991

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 110888 INVOICE No. L00149534
Account No. 44662 36-08377
Description 49534NOTIC
Times 2 Lines 35
Tab Lines _____

**LEGAL ADVERTISING
INVOICE**

SOLD TO: STATE OF IDAHO
DEPT. OF WATER RESOURCES
2148 4TH AVE. E.
TWIN FALLS
ID 83301

\$ 35.00
RECEIVED
NOV 10 1988

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

Department of Water Resources
Southern Region Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

49534
**NOTICE OF APPLICATION FOR
WATER RIGHT**
The Following application(s) have
been filed to appropriate the public
waters of the State of Idaho:
36-08377
TROUTNER, A.L.
707 TROUTNER WAY
BOISE, ID 83712
Source: TUCKER SPRINGS
Tributary: RILEY CREEK
Diversion Pt: NWSESE Sec 36 T
07S R 13E; 3 miles South & 1 mile
West of Hagerman, Gooding County.
Use: RECRE-
ATION (10.000 CFS)
DIVERSION TO STOR-
AGE (10.000 CFS)
RECREATION STOR-
AGE (100.00 AF)
Date Filed: 8/16/1988
In: T07S R13E S21 Lot 1 (NE-
NE)S22 NWNW
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, 2148 4th Avenue
East, Twin Falls, Idaho 83301 on or
before NOVEMBER 21, 1988.
R. Keith Higginson, Director

*MB
11/23/88*
C. M. Viers, being duly sworn,
deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION FOR
attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 110188, or once a
WEEK for 2 consecutive WEEKS, the first
publication thereof being on the 110188, and the last pub-
lication thereof being on the 110888, and said

NOTICE OF APPLICATION FOR
was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

SUBSCRIBED AND SWORN BEFORE ME THIS THE 8
day of November 1988

C. M. Viers
Sheryl D. Lantz
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

MICROFILMED
MAY 14 1991

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho,)
) SS.
County of Gooding)

NOV 10 1988

Department of Water Resources
Southern Region Office

David Combs

being first duly sworn,
deposes and says that he is the printer (publisher) of the Gooding
County Leader, a newspaper published every week in Gooding, County
of Gooding, State of Idaho, that said newspaper has been continuous-
ly and uninterruptedly published for a period of seventy-eight consecu-
tive 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 2nd day of Nov
19 88, and the date of the last publication was on the 9th
day of Nov, 19 88.

[Signature]

Subscribed and sworn to before me this 9th

day of Nov, 19 88.
(SEAL)

Louisa M. Lorne
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 32

Number of Insertions 2

Lines tabular at 5°/Pica
32 Lines straight at 76.64 4°/Pica
32 Subsequent lines at 145.64 3°/Pica

TOTAL COST 31.20

3021

COPY OF NOTICE
(Paste Here)

Appl for water
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Appl for water
BILL TO

NOTICE OF APPLICATION FOR WATER RIGHT

The following application has been filed
to appropriate the public waters of the
State of Idaho:

36-08377

TROUTNER, A. L., 707 TROUTNER WAY,
BOISE, ID 83712.

Source: TUCKER SPRINGS. Tributary:
RILEY CREEK

Diversion Pt.: NWSESE Sec 36 T 07S R
13E; 3 miles South and 1 mile West of
Hagerman, Gooding County.

Use: RECREATION (10,000 CFS)
DIVERSION TO STORAGE (10,000
CFS)

RECREATION STORAGE (100.00 AF)

Date Filed: 8/16/1988

In: T 07S R 13E S21 Lot 1 (NENE)

S22 NWNW

The permit 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. Pro-
tests must be filed with the Director, Dept.
of Water Resources, 2148 4th Avenue
East, Twin Falls, Idaho 83301 on or before
NOVEMBER 21, 1988.

R. Keith Higginson
Director
G3021

Publish: November 2 and 9

7-8 pt. per line straight 4°/Pica
7-8 pt. per line tabular 5°/Pica
7-8 pt. per line successive
insertions 3°/Pica

No 1312

OK MB
11/21/88
MICROFILMED
MAY 14 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

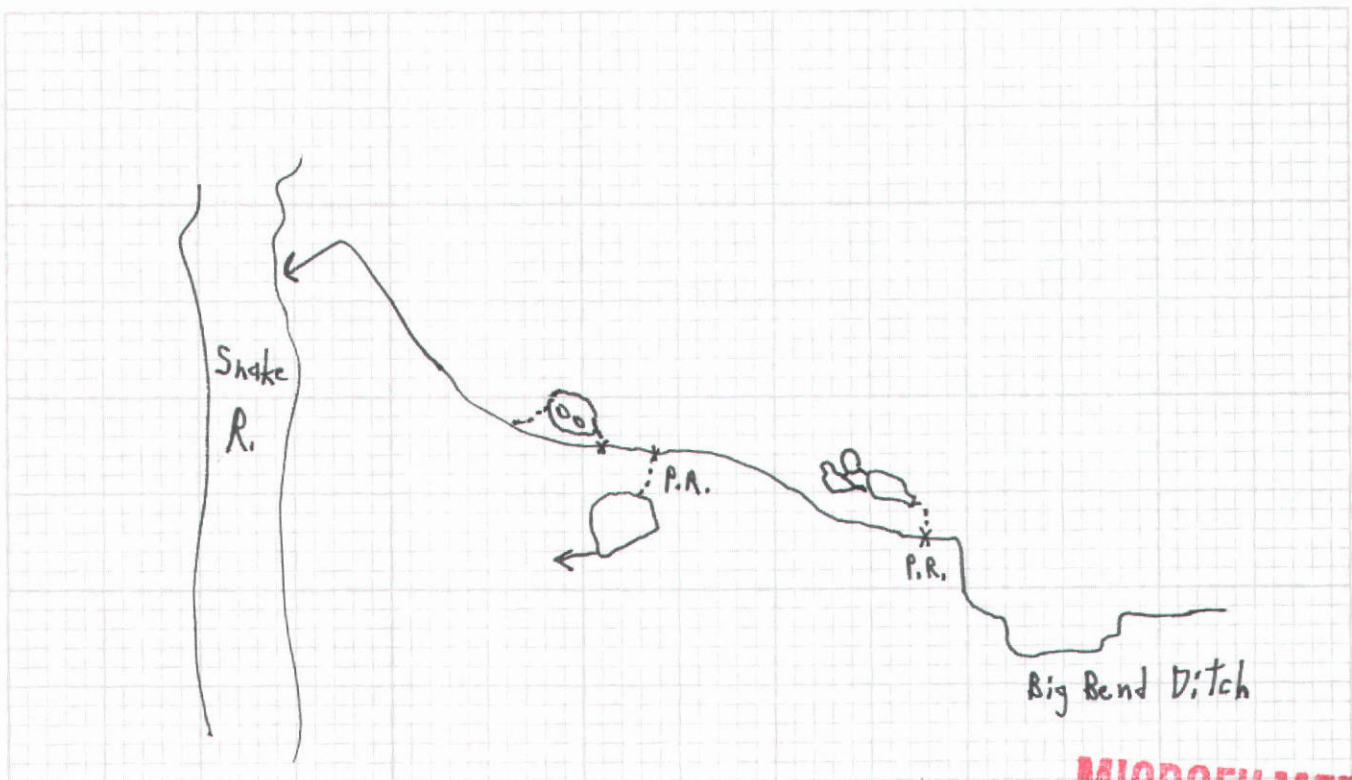
1. Owner: A. L. Troutner Permit No. 36-8377
Current Address: 707 Troutner Way, Boise, ID 83712 Phone No. 344-5956
2. Accompanied by: Virginia T. Schwetzer EXAM. DATE: 6-18-91
Address: P.O. Box 597, Hagerman, ID 83332 Phone No. 837-4438
Relationship to Permit Holder: sister & property caretaker
3. Source: Upper & Lower Tucker tributary to Riley Creek
springs via Big Bend Ditch

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____ ☐ Copies Attached
2. Other water rights with same point of diversion: Many _____ ☐ 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

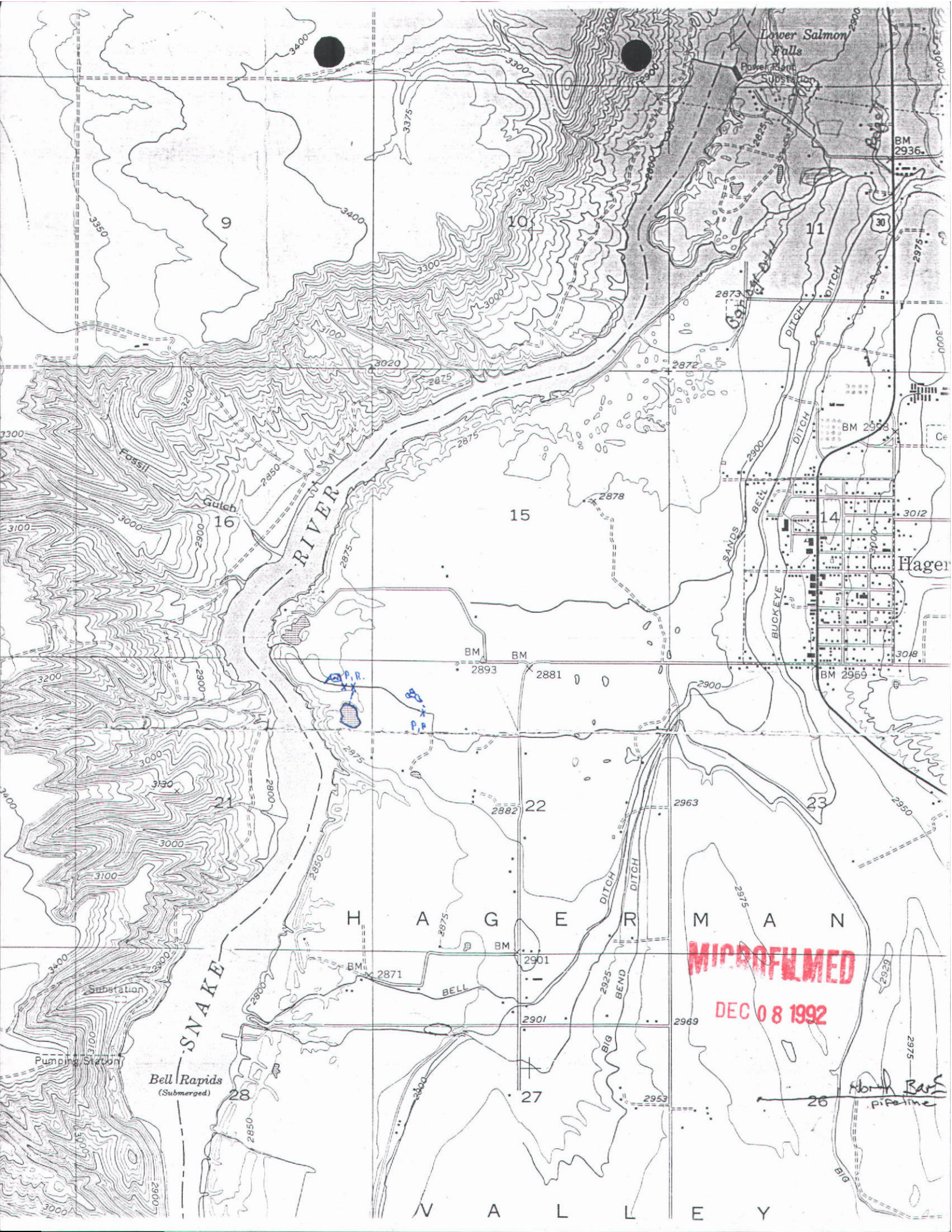


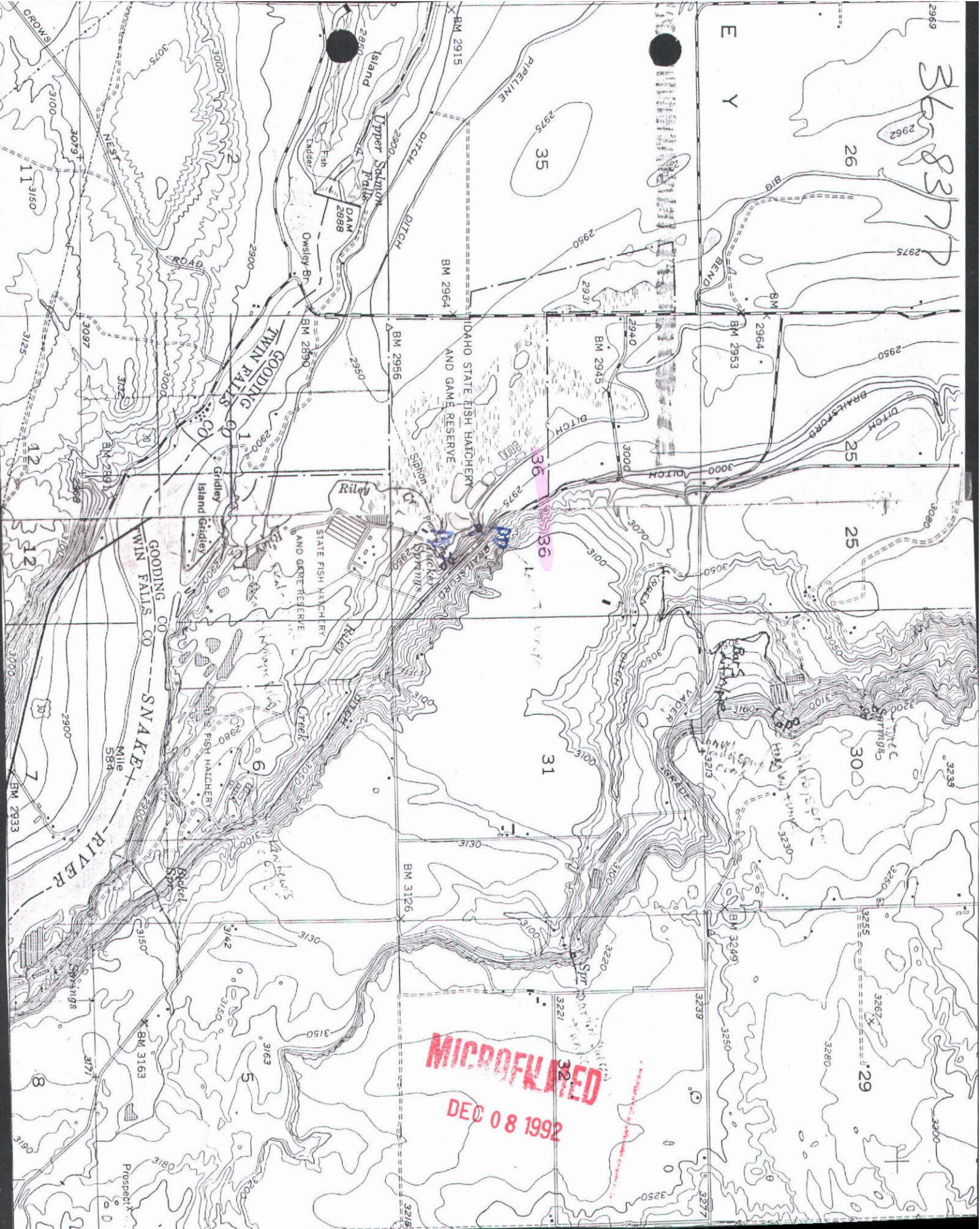
Scale: 1" = _____

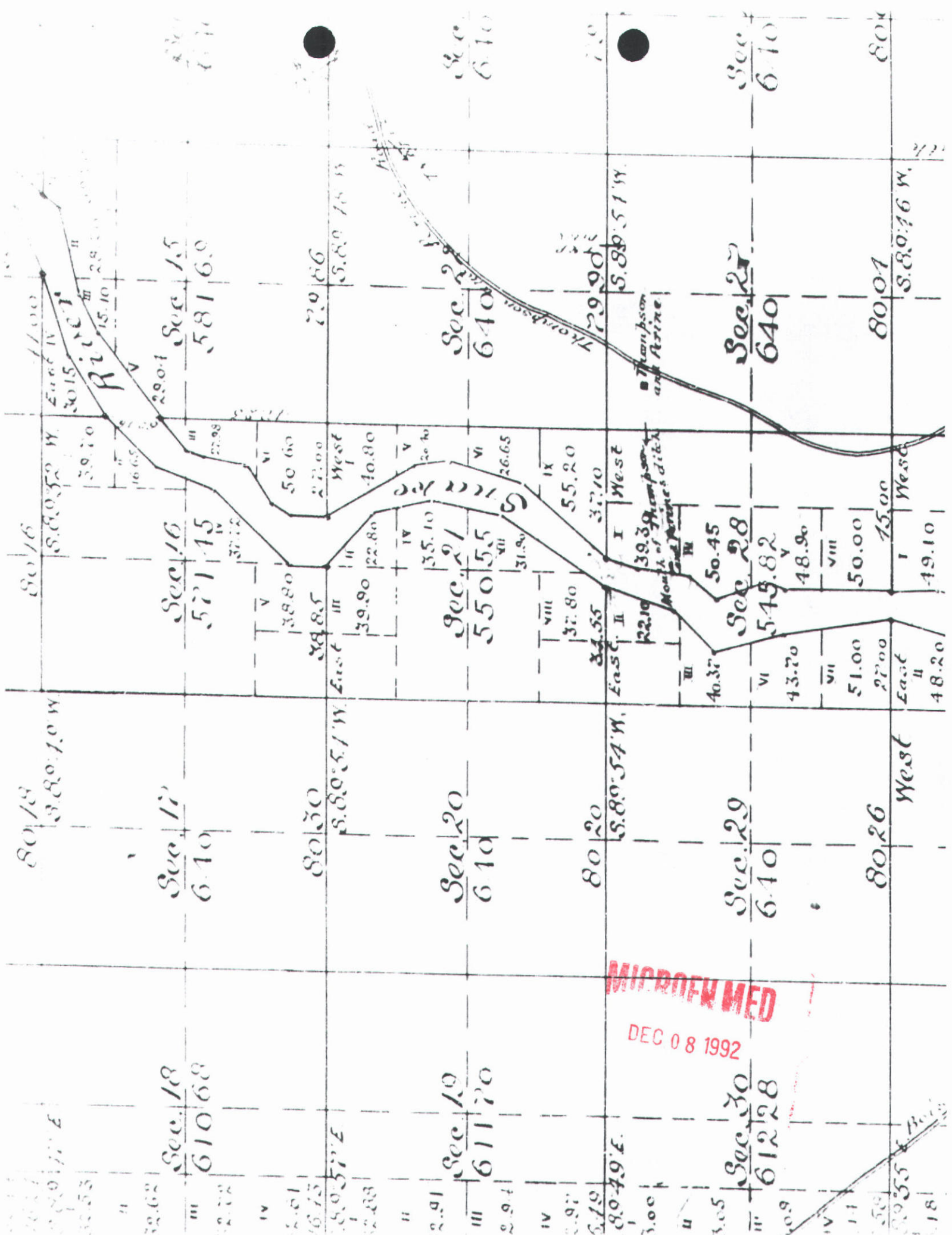
2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

MICROFILMED

DEC 08 1992







MICROFILMED
DEC 08 1992



Re-div. to Large Pond



Large Pond

MICROFILMED

DEC 08 1992



Re-div. #3

Re-div. to Two-Island Pond



Two-Island Pond

MICROFILMED

DEC 08 1992

36-8377

Upper Re-div.

3 Upper Ponds



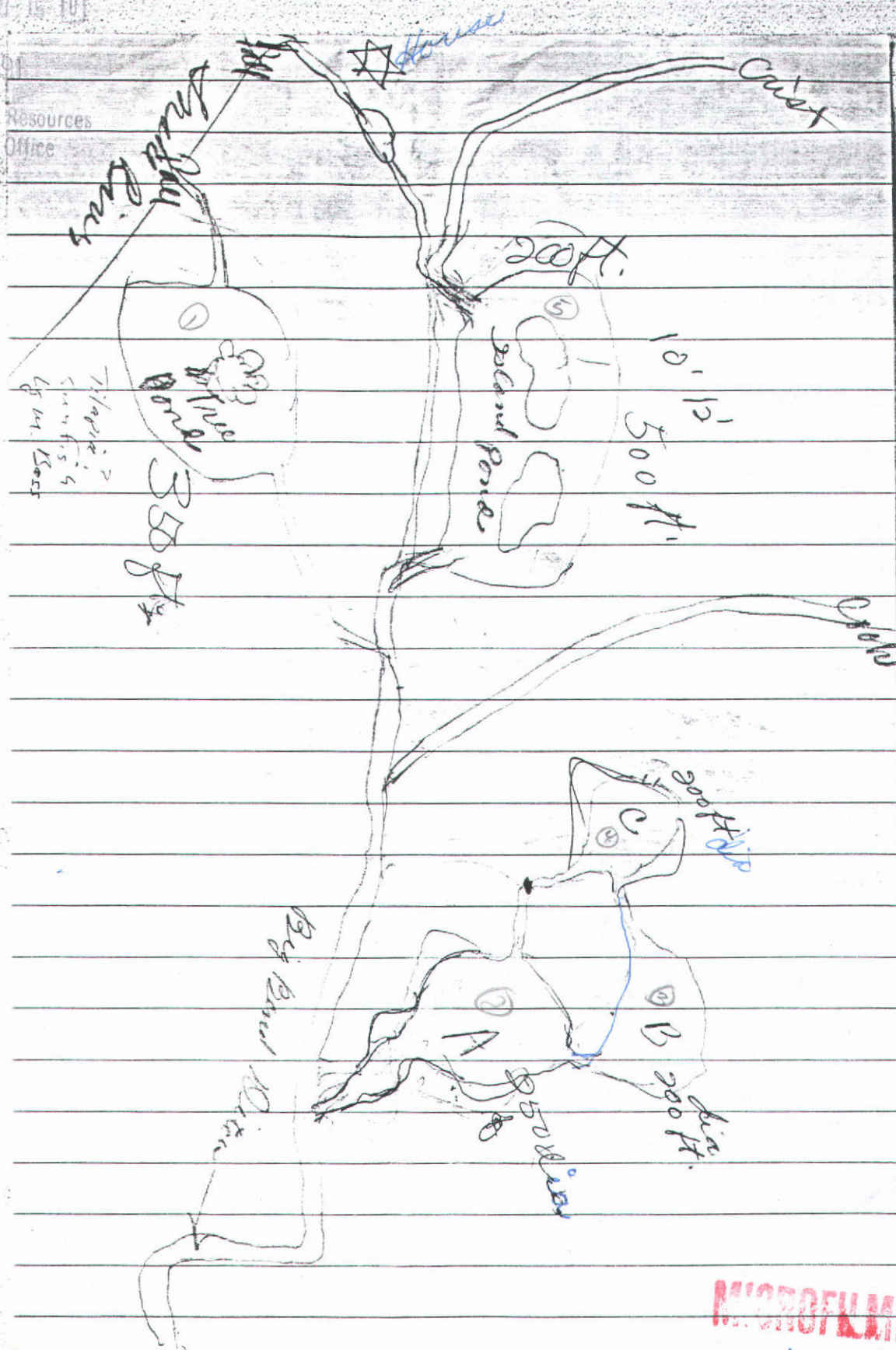
MICROFILMED

DEC 08 1992

RECEIVED

JUN 24 1991

Department of Water Resources
Southern Region Office



MICROFILMED

DEC 08 1992

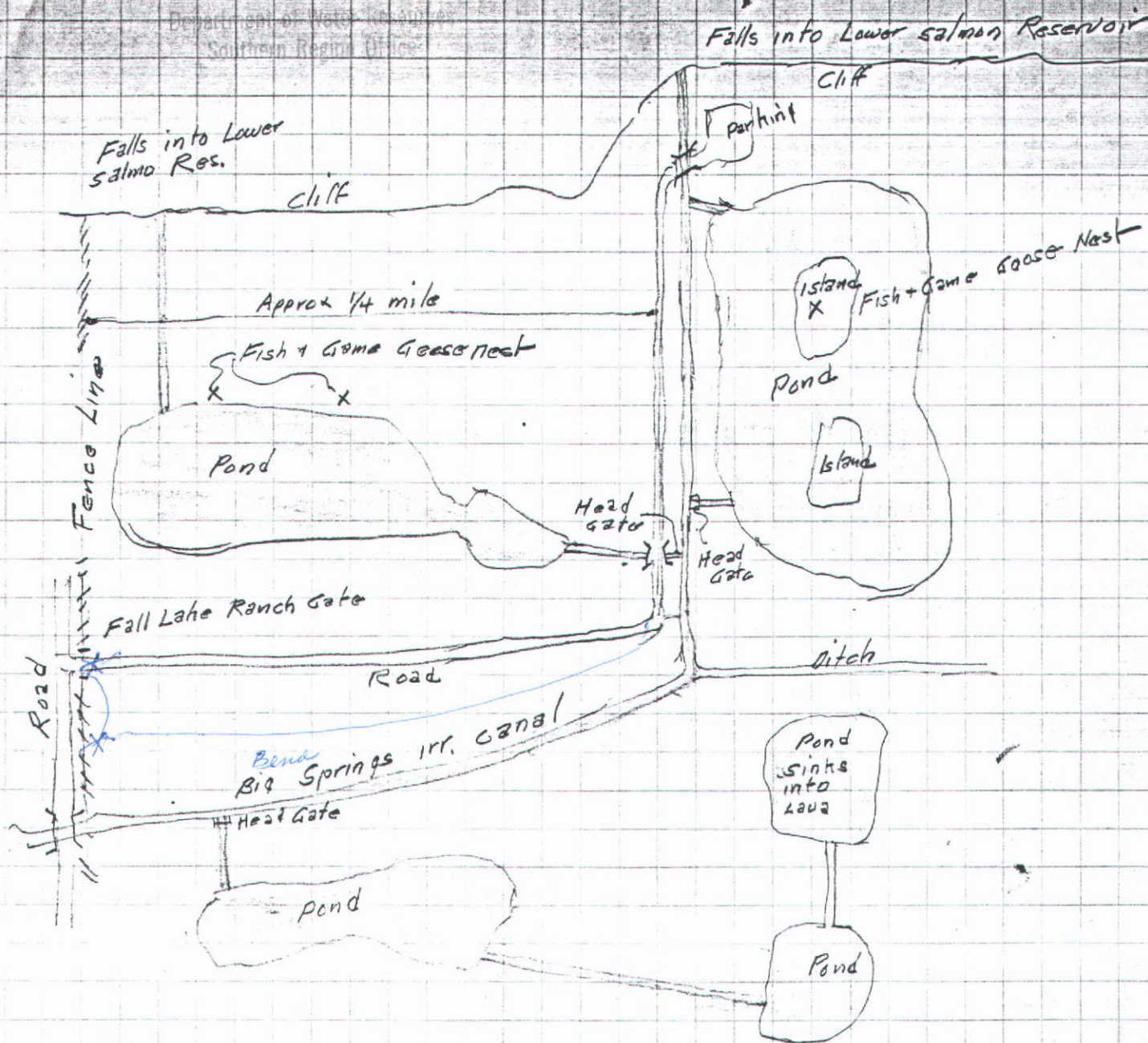
Tall Lake Ranch
Hayman Lake

Alto Virginia Troutner Schwab
Rough Sketch



JUN 23 1991

Department of Water Resources
Southern Region Office



JOB NAME: Fall Lake Ranch

JOB # _____

LOCATION: Hazleton, Idaho

SHEET _____

SALESMAN: _____

BY _____

MICROFILMED

OF _____

DATE: **DEC 08 1992**

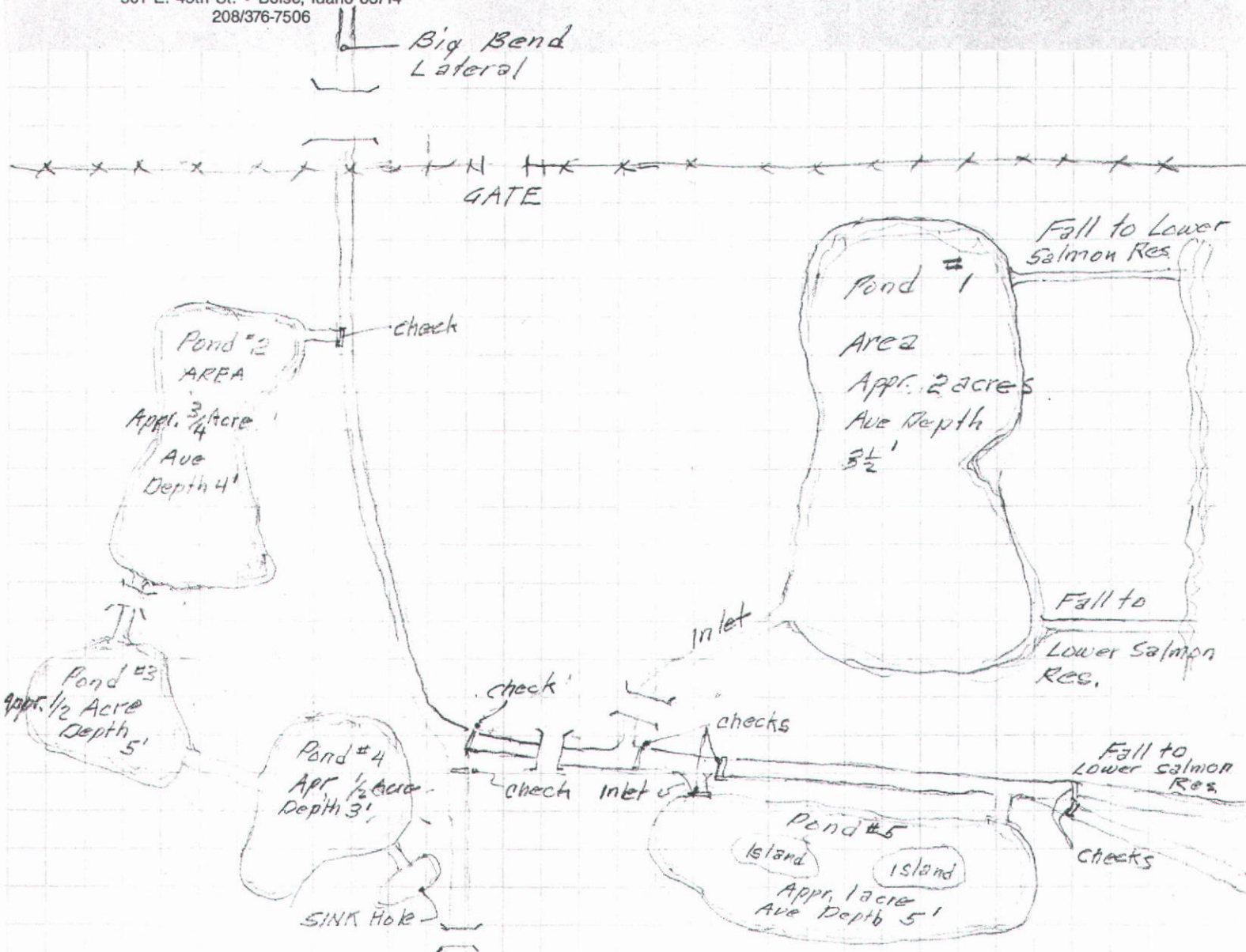
Note: Site to
Road moved since this drawing *WJ*



TRUS JOIST CORPORATION

a division of TJ International

RESEARCH & DEVELOPMENT
501 E. 45th St. • Boise, Idaho 83714
208/376-7506



Ponds #3, #4 and #5
Not operable during some
summer months

Pond #1 constructed 1973
#2 " " 1974
#3 " " 1982
#4 " " 1976
#5 " " 1985

MICROFILMED

MAY 14 1991

No new construction is anticipated

JOB NAME: _____

LOCATION: _____

SALESMAN: _____

JOB # _____

SHEET _____ OF _____

BY _____ DATE: _____

Pond System Diagram

RECEIVED & RECEIPTED

BY C. SKINNER

4/21/2003

Receipt # S025736

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP RECEIVED

APR 21 2003

APR 28 2003

Department of Water Resources
Southern Region

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

Incomplete forms will be returned.

Department of Water Resources

NOTE

OWNERSHIP CHANGE

ADDS MR. & MRS. REMMEN

AND MR. & MRS. LEONARD

TO RIGHT ALONG WITH

MR. & MRS. KEEGAN.

1. Water Right Number(s) 36-8377
Adjudication Claim Number(s) _____
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Pat J. & Terry A. Keegan
790 E 2725 S Hagerman ID.
4. New Owner/Claimant(s) Peter & Jan Remmen
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 796 E 2725 S Hagerman ID. 83332
City, State and ZIP Code _____
New Telephone Number (208) 831-4047
5. Date you acquired the property April 2002
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

MICROFILMED

7. Signature of New Owner/Claimant(s)

X [Signature]
X Jan M. Remmen

JUN 12 2003

Date 4-20-2003Date 4-20-2003

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

4/21/2003

Receipt # 5025736

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

APR 21 2003

Department of Water Resources
Southern Region

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

Incomplete forms will be returned.

1. Water Right Number(s) 36-8377
Adjudication Claim Number(s) _____
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) _____

4. New Owner/Claimant(s) STEVEN R. LEONARD AND MARION H. LEONARD
Name connector (Check one): ☒ AND, ☐ OR, ☐ AND/OR
New Mailing Address 3813 N. 2600 E.
City, State and ZIP Code TWIN FALLS, IDAHO 83301
New Telephone Number (208) 733-8511
5. Date you acquired the property JUNE 2002
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance. **MICROFILMED**
7. Signature of New Owner/Claimant(s) X *Steven R. Leonard* **JUN 02 2003** Date 4-18-03
X *Marion H. Leonard* Date 4/18/03
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

Instrument # 200295

GOODING, GOODING, IDAHO
2003-04-18 02:21:38 No. of Pages: 2
Recorded for : PAT J. KEEGAN
HELEN EDWARDS Fee: 6.00
Ex-Officio Recorder Deputy *Penny Watson*

**** SPACE ABOVE FOR RECORDER ****

QUITCLAIM DEED

For Value Received Pat J. Keegan also known as Pat Keegan and Terry A. Keegan also known as Terry Keegan, husband and wife does hereby convey, remise and forever quit claim unto ~~Pat J. Keegan and Terry A. Keegan~~, husband and wife, their successors and or assigns and ~~Peter Remmen and Jan Remmen~~, husband and wife, their successors and or assigns and ~~Steven R. Leonard and Marion H. Leonard~~, husband and wife their successors and or assigns whose address, 790 E 2725 S Hagerman ID., the following described premises, to-wit:

AN UNDIVIDED INTEREST IN WATER RIGHT NO: 36-8377 OVER THE FOLLOWING DESCRIBED PROPERTY

SEE ATTACHED LEGAL DESCRIPTION EXHIBIT "A"

together with their appurtenances.

Dated: April 9, 2003

Pat J. Keegan

PAT J. KEEGAN

Terry A. Keegan

TERRY A. KEEGAN

STATE OF IDAHO
County of Twin Falls

On this 17th day of APRIL, 2003, before me, a Notary Public in and for said State, personally appeared **PAT J. KEEGAN AND TERRY A. KEEGAN husband and wife**, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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

Kathleen Mitchell

Notary Public for Idaho
Residing in: Twin Falls
Commission Expires: 11-28-2008

KATHLEEN MITCHELL

MICROFILMED
JUN 02 2003

EXHIBIT A

Township 7 South, Range 13, East of the Boise Meridian, Gooding County, Idaho

Section 21: Government Lot 1

SUBJECT TO road rights of way along the South boundary.

Section 22: The Northwest Quarter of the Northwest Quarter.

SUBJECT TO road rights of way along the South boundary.

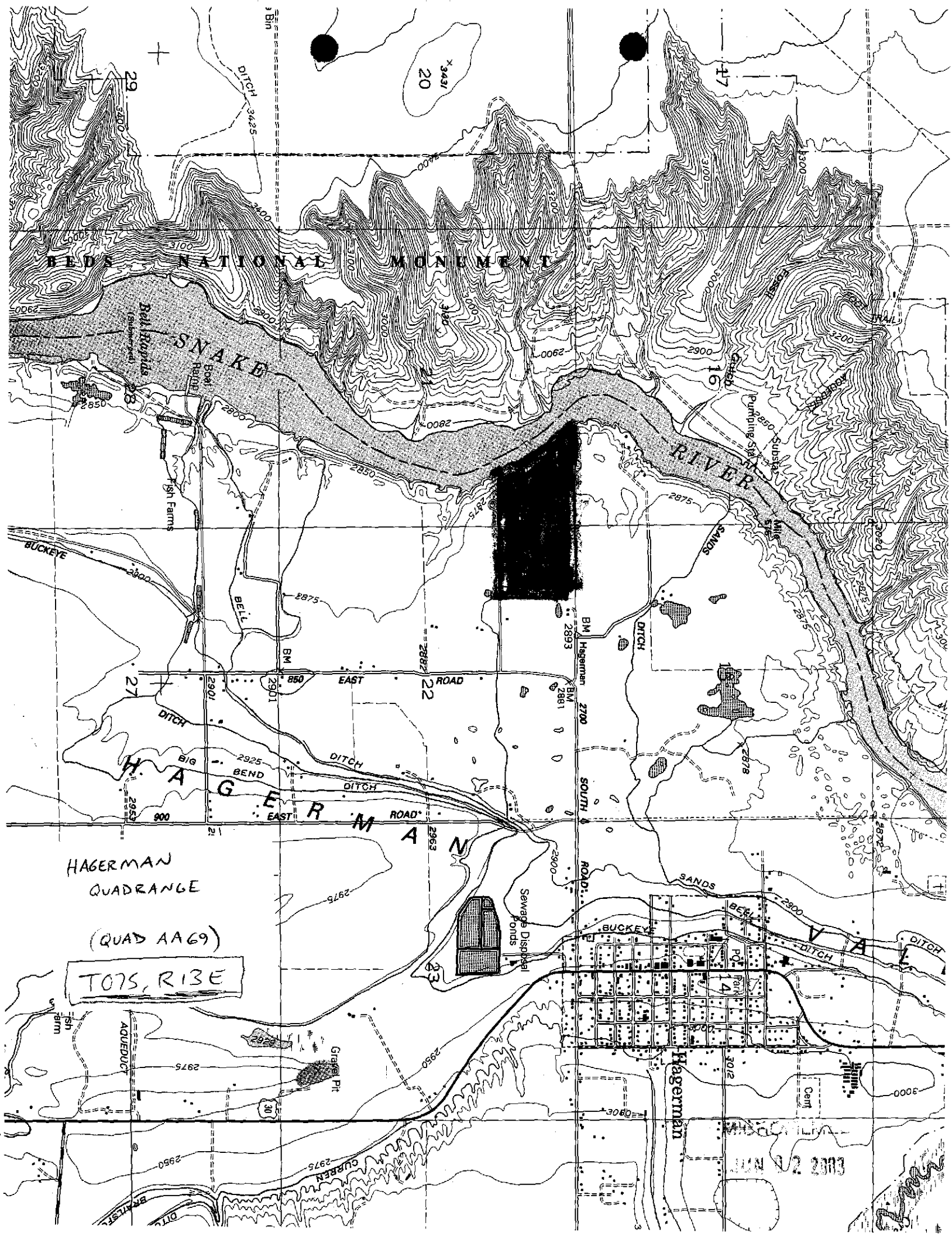
EXCEPTING THEREFROM a strip of land for road purposes as set forth in Deed dated January 15, 1934, recorded May 10, 1934 in Book 25 of Deeds, Page 348.

ALSO EXCEPTING THEREFROM a parcel of land located in the Northwest Quarter of the Northwest Quarter, being more particularly described as follows:

BEGINNING at the Northeast corner of said Northwest Quarter of the Northwest Quarter;
Thence South along the East line of said Northwest Quarter of the Northwest Quarter for a distance of 300 feet;
Thence West parallel to the North line of said Northwest Quarter of the Northwest Quarter for a distance of 300 feet;
Thence North 300 feet to the North line of said Northwest Quarter of the Northwest Quarter;
Thence East along said North line for a distance of 300 feet to the POINT OF BEGINNING.

MICROFILMED

JUN 02 2003



AUG 27 2001

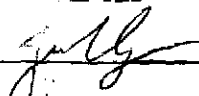
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

Notice of Security Interest In a Water Right

And Request for Notification of a Change in Ownership or Any Proposed
Or Final Action to Amend, Transfer, or Otherwise Modify a Water Right

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 36-8377 and 36-10485
Adjudication Claim No(s): _____
2. The following **REQUIRED** information must be submitted with this form:
 - A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - B) A **FEE** of \$25.00 per water right or adjudication claim.
3. Name and Mailing Address of Person or Company holding Security Interest
FIRST FEDERAL SAVINGS BANK
PO BOX 249, TWIN FALLS, ID 83303
208-736-4427
4. Name of Water Right Owner/Claimant(s) PAT J. AND TERRY A. KEEGAN
5. Expiration Date of Notification Period 08/16/03
6. Is this a Renewal of Request for Notification? ☐ YES ☒ NO
7. Signature(s) (and title if applicable)

ASSISTANT VICE PRESIDENT

For Office Use Only

Received by <u>Mali</u>	Date <u>12.17.01</u>	Fee <u>\$50.00 (\$25.00 each)</u>
Receipted by <u>Mali</u>	Date <u>12.17.01</u>	Receipt No. <u>6058535</u>
Processed by <u>AJ</u>	Date _____	WR _____ Date _____

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JAN 09 2002

MORTGAGE

Instrument # 191727

GOODING, GOODING, IDAHO

2001-08-20

03:11:24

No. of Pages: 6

Recorded for: GOODING TITLE

HELEN EDWARDS

Fee: 12.00

Ex-Officio Recorder Deputy

Index to: MORTGAGE

6010276

BORROWER		MORTGAGOR	
PAT J. KEEGAN TERRY A. KEEGAN		PAT J. KEEGAN , HUSBAND TERRY A. KEEGAN , WIFE	
ADDRESS		ADDRESS	
PO BOX 406 TWIN FALLS, ID 83303-0406 TELEPHONE NO. 208-733-8366 IDENTIFICATION NO. 519-66-6448		PO BOX 406 TWIN FALLS, ID 83303-0406 TELEPHONE NO. 208-733-8366 IDENTIFICATION NO. 519-66-6448	

1. **GRANT.** Mortgagor hereby mortgages, grants, assigns and conveys to Lender, identified above, the real property described in Schedule A which is attached to this Mortgage and incorporated herein together with all future and present improvements and fixtures; privileges, hereditaments, and appurtenances; leases, licenses and other agreements; rents, issues and profits; water, well, ditch, reservoir and mineral rights and stock, and standing timber and crops pertaining to the real property (cumulatively "Property").

2. **OBLIGATIONS.** This Mortgage shall secure the payment and performance of all of Borrower's and Mortgagor's present and future, indebtedness, liabilities, obligations and covenants (cumulatively "Obligations") to Lender, plus all accrued and unpaid interest and all additional amounts owing to Lender under this Mortgage, pursuant to:

(a) this Mortgage and the following promissory notes and other agreements:

INTEREST RATE	PRINCIPAL AMOUNT/ CREDIT LIMIT	FUNDING/ AGREEMENT DATE	MATURITY DATE	CUSTOMER NUMBER	LOAN NUMBER
VARIABLE	\$350,000.00	08/16/01	08/16/03	519-66-6448	1-700997-8

(b) ☒ If checked, all other present or future, written or oral, agreements between Borrower or Mortgagor and Lender (whether incurred for the same or different purposes than the foregoing);

(c) all renewals, extensions, amendments, modifications, replacements or substitutions to any of the foregoing.

3. **FUTURE ADVANCES AND EXPENSES.** This Mortgage shall secure not only existing indebtedness, but also such future advances, whether such advances are obligatory or made at the option of Lender or otherwise, to the same extent as if such future advances were made on the date of the execution of this Mortgage, but such secured indebtedness shall not exceed at any time the maximum principal amount of \$ 350,000.00, plus interest thereon, and any disbursements made for the payment of taxes, levies or insurance on the mortgaged Property with interest on such disbursements. Any such future advances, whether obligatory or made at the option of Lender or otherwise, may be made either prior to or after the due dates of the promissory notes or any other agreements secured by or described in this Mortgage. All covenants and agreements contained in this Mortgage shall be applicable to all future advances made by Lender to Borrower or Mortgagor under this future advance clause.

4. **CONSTRUCTION PURPOSE.** ☐ If checked, this Mortgage secures an indebtedness for construction purposes.

5. **REPRESENTATIONS, WARRANTIES AND COVENANTS.** Mortgagor represents, warrants and covenants to Lender that:

(a) Mortgagor shall maintain the Property free of all liens, security interests, encumbrances and claims except for this Mortgage and those described in Schedule B which is attached to this Mortgage and incorporated herein by reference;

(b) Mortgagor is in compliance with all applicable federal, state and local laws and regulations, including, without limitation, those relating to "Hazardous Materials", as defined herein, and other environmental matters (the "Environmental Laws"), and neither the federal government nor any other governmental or quasi governmental entity has filed a lien on the Property, nor are there any governmental, judicial or administrative actions with respect to environmental matters pending, or to the best of the Mortgagor's knowledge, threatened, which involve the Property. Neither Mortgagor nor, to the best of Mortgagor's knowledge, any other party has used, generated, released, discharged, stored, or disposed of any Hazardous Materials as defined herein, in connection with the Property or transported any Hazardous Materials to or from the Property. Mortgagor shall not commit or permit such actions to be taken in the future. The term "Hazardous Materials" shall mean any substance, material, or waste which is or becomes regulated by any governmental authority including, but not limited to, (i) petroleum; (ii) friable or nonfriable asbestos; (iii) polychlorinated biphenyls; (iv) those substances, materials or wastes designated as a "hazardous substance" pursuant to Section 311 of the Clean Water Act or listed pursuant to Section 307 of the Clean Water Act or any amendments or replacements to these statutes; (v) those substances, materials or wastes defined as a "hazardous waste" pursuant to Section 1004 of the Resource Conservation and Recovery Act or any amendments or replacements to that statute; and (vi) those substances, materials or wastes defined as a "hazardous substance" pursuant to Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act, or any amendments or replacements to that statute or any other similar statute, rule, regulation or ordinance now or hereafter in effect. Mortgagor shall not lease or permit the sublease of the Property to a tenant or subtenant whose operations may result in contamination of the Property with Hazardous Materials or toxic substances;

(c) All applicable laws and regulations (including, without limitation, the Americans with Disabilities Act, 42 U.S.C. 12101 et seq. (and all regulations promulgated thereunder) and all zoning and building laws and regulations) relating to the Property by virtue of any federal, state or municipal authority with jurisdiction over the Property presently are and shall be observed and complied with in all material respects, and all rights, licenses, permits, and certificates of occupancy (including but not limited to zoning variances, special exceptions for nonconforming uses, and final inspection approvals), whether temporary or permanent, which are material to the use and occupancy of the Property, presently are and shall be obtained, preserved and, where necessary, renewed;

(d) Mortgagor has the right and is duly authorized to execute and perform its Obligations under this Mortgage and these actions do not and shall not conflict with the provisions of any statute, regulation, ordinance, rule of law, contract or other agreement which may be binding on Mortgagor at any time;

(e) No action or proceeding is or shall be pending or threatened which might materially affect the Property;

(f) Mortgagor has not violated and shall not violate any statute, regulation, ordinance, rule of law, contract or other agreement which might materially affect the Property (including, but not limited to, those governing Hazardous Materials) or Lender's rights or interest in the Property pursuant to this Mortgage; and

(g) Mortgagor is the owner of the Property and there are no defenses or offsets to this Mortgage.

6. **TRANSFERS OF THE PROPERTY OR BENEFICIAL INTERESTS IN BORROWER OR MORTGAGOR.** On sale or transfer to any person without the prior written approval of Lender of all or any part of the real property described in Schedule A, or any interest therein, or of all or any beneficial interest in Borrower or Mortgagor (if Borrower or Mortgagor is not a natural person or persons but is a corporation, partnership, trust, or other legal entity), Lender may, at Lender's option declare the sums secured by this Mortgage to be immediately due and payable, and Lender may invoke any remedies permitted by the promissory note or other agreement or by this Mortgage, unless otherwise prohibited by federal law. At Lender's request, Mortgagor shall furnish a complete statement setting forth all of its stockholders or partners, as appropriate, and the extent of their respective stock ownership or partnership interests.

7. **INQUIRES AND NOTIFICATION TO THIRD PARTIES.** Mortgagor hereby authorizes Lender to contact any third party and make any inquiry pertaining to Mortgagor's financial condition or the Property. In addition, Lender is authorized to provide oral or written notice of its interest in the Property to any third party.

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8. INTERFERENCE WITH LEASES AND OTHER AGREEMENTS. Mortgagor shall not take or cause to be taken any action which may cause or permit the termination or the withholding of any payment in connection with any lease or other agreement ("Agreement") pertaining to the Property. In addition, Mortgagor, without Lender's prior written consent, shall not: (a) collect any monies payable under any Agreement more than one month in advance; (b) modify any Agreement; (c) assign or allow a lien, security interest or other encumbrance to be placed upon Mortgagor's rights, title and interest in and to any Agreement or the amounts payable thereunder; or (d) terminate or cancel any Agreement except for the nonpayment of any sum or other material breach by the other party thereto. If Mortgagor receives at any time any written communication asserting a default by Mortgagor under any Agreement or purporting to terminate or cancel any Agreement, Mortgagor shall promptly forward a copy of such communication (and any subsequent communications relating thereto) to Lender.

9. ASSIGNMENT OF RENTS. To the extent not inconsistent with other assignments to Lender, Mortgagor hereby assigns to Lender the rents under each tenancy of the Property as security for the payment of the Obligations and grants to Lender the right to collect such rents and to apply the same to the Obligations. This right to continue until the Obligations are paid in full; provided that Lender waives the enforcement of this right until an event of default occurs. Mortgagor agrees to timely perform all of Mortgagor's obligations on all such tenancies. Mortgagor agrees that it will not assign or conditionally assign any of the rents or profits from the Property. Mortgagor agrees that all tenancies and renewals thereof entered into in the future shall be subject to the approval of Lender.

10. COLLECTION OF INDEBTEDNESS FROM THIRD PARTY. Lender shall be entitled to notify or require Mortgagor to notify any third party (including, but not limited to, lessees, licensees, governmental authorities and insurance companies) to pay Lender any indebtedness or obligation owing to Mortgagor with respect to the Property (cumulatively "Indebtedness") whether or not a default exists under this Mortgage. Mortgagor shall diligently collect the Indebtedness owing to Mortgagor from these third parties until the giving of such notification. In the event that Mortgagor possesses or receives possession of any instrument or other remittances with respect to the Indebtedness following the giving of such notification or if the instruments or other remittances constitute the prepayment of any Indebtedness or the payment of any insurance or condemnation proceeds, Mortgagor shall hold such instruments and other remittances in trust for Lender apart from its other property, endorse the instruments and other remittances to Lender, and immediately provide Lender with possession of the instruments and other remittances. Lender shall be entitled, but not required, to collect (by legal proceedings or otherwise), extend the time for payment, compromise, exchange or release any obligor or collateral upon, or otherwise settle any of the Indebtedness whether or not a default exists under this Agreement. Lender shall not be liable to Mortgagor for any action, error, mistake, omission or delay pertaining to the actions described in this paragraph or any damages resulting therefrom.

11. USE AND MAINTENANCE OF PROPERTY. Mortgagor shall, at Mortgagor's sole cost and expense, take all actions and make any repairs needed to maintain the Property in good condition, including, but not limited to, any remedial action required pursuant to Environmental Law, ordinance, rule, regulation or government action. Mortgagor shall not commit or permit any waste to be committed with respect to the Property. Mortgagor shall use the Property solely in compliance with applicable law and insurance policies. Mortgagor shall not make any alterations, additions or improvements to the Property without Lender's prior written consent. Without limiting the foregoing, all alterations, additions and improvements made to the Property shall be subject to the interest belonging to Lender, shall not be removed without Lender's prior written consent, and shall be made at Mortgagor's sole expense.

12. LOSS OR DAMAGE. Mortgagor shall bear the entire risk of any loss, theft, destruction or damage (cumulatively "Loss or Damage") to the Property or any portion thereof from any cause whatsoever. In the event of any Loss or Damage, Mortgagor shall, at the option of Lender, repair the affected Property to its previous condition or pay or cause to be paid to Lender the decrease in the fair market value of the affected Property. No portion of the Property may be structurally altered, removed or demolished without the prior written consent of Lender.

13. INSURANCE. At all times that the Obligations are outstanding, Mortgagor shall maintain insurance with respect to the Property and improvements against such risks and for such amounts as are customarily insured against by businesses of like size and type paying, as the same become due and payable, all premiums in respect thereto, including but not limited to, insurance on the Property for its full value, but in no event in an amount less than the amount secured hereby, against all hazards, including loss or damage caused by fire, collision, theft, flood (if applicable) or other casualty. Mortgagor may obtain insurance on the Property from such companies as are acceptable to Lender in its sole discretion. The insurance policies shall require the insurance company to provide Lender with at least 30 days' written notice before such policies are altered or cancelled in any manner. The insurance policies shall name Lender as a mortgagee and provide that no act or omission of Mortgagor or any other person shall affect the right of Lender to be paid the insurance proceeds pertaining to the loss or damage of the Property. At Lender's option, Lender may apply the insurance proceeds to the repair of the Property or require the insurance proceeds to be paid to Lender. In the event Mortgagor fails to acquire or maintain insurance, Lender (after providing notice as may be required by law) may in its discretion procure appropriate insurance coverage upon the Property and the insurance cost shall be an advance payable and bearing interest as described in Paragraph 26 and secured hereby. Mortgagor shall furnish Lender with evidence of insurance indicating the required coverage. Lender may act as attorney-in-fact for Mortgagor in making and settling claims under insurance policies, cancelling any policy or endorsing Mortgagor's name on any draft or negotiable instrument drawn by any insurer. All such insurance policies shall be constantly assigned, pledged and delivered to Lender for further securing the Obligations. In the event of loss, Mortgagor shall immediately give Lender written notice and Lender is authorized to make proof of loss. Each insurance company is directed to make payments directly to Lender instead of to Lender and Mortgagor. All monies payable to Mortgagor from such insurance policies are hereby assigned to Lender and shall be applied first to the payment of Lender's attorneys' fees, legal expenses (to the extent permitted by applicable law) and other costs including appraisal fees, and then, at the option of Lender, to the payment of the Obligations or the restoration or repair of the Property. In any event Mortgagor shall be obligated to rebuild and restore the Property.

14. ZONING AND PRIVATE COVENANTS. Mortgagor shall not initiate or consent to any change in the zoning provisions or private covenants affecting the use of the Property without Lender's prior written consent. If Mortgagor's use of the Property becomes a nonconforming use under any zoning provision, Mortgagor shall not cause or permit such use to be discontinued or abandoned without the prior written consent of Lender. Mortgagor will immediately provide Lender with written notice of any proposed changes to the zoning provisions or private covenants affecting the Property.

15. CONDEMNATION. Mortgagor shall immediately provide Lender with written notice of any actual or threatened condemnation or eminent domain proceeding pertaining to the Property. All monies payable to Mortgagor from such condemnation or taking are hereby assigned to Lender and shall be applied first to the payment of Lender's attorneys' fees, legal expenses (to the extent permitted by applicable law) and other costs including appraisal fees, in connection with the condemnation or eminent domain proceedings and then, at the sole option of Lender, to the payment of the Obligations or the restoration or repair of the Property.

16. LENDER'S RIGHT TO COMMENCE OR DEFEND LEGAL ACTIONS. Mortgagor shall immediately provide Lender with written notice of any actual or threatened action, suit, or other proceeding affecting the Property. Mortgagor hereby appoints Lender as its attorney-in-fact to commence, intervene in, and defend such actions, suits, or other legal proceedings and to compromise or settle any claim or controversy pertaining thereto. Lender shall not be liable to Mortgagor for any action, error, mistake, omission or delay pertaining to the actions described in this paragraph or any damages resulting therefrom. Nothing contained herein will prevent Lender from taking the actions described in this paragraph in its own name. Mortgagor shall cooperate and assist Lender in any action hereunder.

17. INDEMNIFICATION. Lender shall not assume or be responsible for the performance of any of Mortgagor's obligations with respect to the Property under any circumstances. Mortgagor shall immediately provide Lender and its shareholders, directors, officers, employees and agents with written notice of and indemnify and hold Lender harmless from all claims, damages, liabilities, (including attorneys' fees and legal expenses, to the extent permitted by applicable law) causes of action, actions, suits and other legal proceedings (cumulatively "Claims") pertaining to the Property (including, but not limited to, those involving Hazardous Materials). Mortgagor, upon the request of Lender, shall hire legal counsel acceptable to Lender to defend Lender from such Claims, and pay the attorneys' fees, legal expenses (to the extent permitted by applicable law) and other costs incurred in connection therewith. In the alternative, Lender shall be entitled to employ its own legal counsel to defend such Claims at Mortgagor's cost. Mortgagor's obligation to indemnify Lender shall survive the termination, release or foreclosure of this Mortgage.

18. TAXES AND ASSESSMENTS. Mortgagor shall pay all taxes and assessments relating to the Property when due. Upon the request of Lender, Mortgagor shall deposit with Lender each month up to one-twelfth (1/12) of the estimated annual insurance premium, taxes and assessments pertaining to the Property as estimated by Lender to the extent permitted by law. So long as there is no default, these amounts shall be applied to the payment of taxes, assessments and insurance as required on the Property. In the event of default, Lender shall have the right, at its sole option, to apply the funds so held to pay any taxes or against the obligations. Any funds applied against the Obligations shall be applied in the inverse order of the due dates thereof.

19. INSPECTION OF PROPERTY, BOOKS, RECORDS AND REPORTS. Mortgagor shall allow Lender or its agents to examine, inspect and conduct any tests on the Property, including, but not limited to, taking soil samples in order to determine whether Mortgagor is in continuing compliance with Environmental Laws, and examine, inspect and make copies of Mortgagor's books and records pertaining to the Property from time to time. Mortgagor shall provide any assistance required by Lender for these purposes. All of the signatures and information contained in Mortgagor's books and records shall be genuine, true, accurate and complete in all respects. Mortgagor shall note the existence of Lender's beneficial interest in its books and records pertaining to the Property. Additionally, Mortgagor shall report, in a form satisfactory to Lender, such information as Lender may request regarding Mortgagor's financial condition or the Property. The information shall be for such periods, shall reflect Mortgagor's records at such time, and shall be rendered with such frequency as Lender may designate. All information furnished by Mortgagor to Lender shall be true, accurate and complete in all respects, and signed by Mortgagor if Lender requests.

20. ESTOPPEL CERTIFICATES. Within ten (10) days after any request by Lender, Mortgagor shall deliver to Lender, or any intended transferee of Lender's rights with respect to the Obligations, a signed and acknowledged statement specifying (a) the outstanding balance of the Obligations; and (b) whether Mortgagor possesses any claims, defenses, set-offs or counterclaims with respect to the Obligations and, if so, the nature of such claims, defenses, set-offs or counterclaims. Mortgagor will be conclusively bound by any representation that Lender may make to the intended transferee with respect to these matters in the event that Mortgagor fails to provide the requested statement in a timely manner.

21. DEFAULT. Mortgagor shall be in default under this Mortgage in the event that Mortgagor, Borrower or any guarantor of any Obligation:

- (a) fails to pay any Obligation to Lender when due;
- (b) fails to perform any Obligation or breaches any warranty or covenant to Lender contained in this Mortgage or any other present or future, written or oral, agreement;
- (c) allows the Property to be damaged or destroyed in any material respect; lost or stolen, or subjected to seizure or confiscation;
- (d) seeks to revoke, terminate or otherwise limit its liability under any debt instrument or guaranty to Lender;
- (e) becomes insolvent, makes an assignment for the benefit of creditors, files a petition under the federal bankruptcy laws, has an involuntary petition in bankruptcy filed in which Mortgagor, Borrower, or any guarantor is named or has property taken under any writ or process of court;
- (f) allow the Property to be used by anyone to transport or store goods the possession, transportation, or use of which, is illegal; or
- (g) allows any party other than Mortgagor or Borrower to assume or undertake any Obligation without the written consent of Lender; or
- (h) causes Lender to deem itself insecure due to a significant decline in the value of the Property.

22. RIGHTS OF LENDER ON DEFAULT. If there is a default under this Mortgage, Lender shall be entitled to exercise one or more of the following remedies without notice or demand (except as required by law):

- (a) to declare the Obligations immediately due and payable in full;
- (b) to collect the outstanding Obligations with or without resorting to judicial process;
- (c) to require Mortgagor to deliver and make available to Lender any personal property constituting the Property at a place reasonably convenient to Mortgagor and Lender;
- (d) to collect all of the rents, issues, and profits from the Property from the date of default and thereafter;
- (e) to take immediate possession, management and control of the Property without seeking appointment of a receiver;
- (f) to apply for and obtain the appointment of a receiver for the Property without regard to Mortgagor's financial condition or solvency, the adequacy of the Property to secure the payment or performance of the Obligations, or the existence of any waste to the Property;
- (g) to foreclose this Mortgage;
- (h) to set-off the Obligations against any amounts held by Lender including, but not limited to, monies, instruments, and deposit accounts maintained with Lender; and
- (i) to exercise all other rights available to Lender under any other written agreement or applicable law.

Lender's rights are cumulative and may be exercised together, separately, and in any order. In the event that Lender institutes an action seeking the recovery of any of the Property by way of a prejudgment remedy in an action against Mortgagor, Mortgagor waives the posting of any bond which might otherwise be required.

23. APPOINTMENT OF RECEIVER. Lender in any action to foreclose this Mortgage shall be entitled, without notice and as a matter of right and without regard to the adequacy of any security of the indebtedness or the solvency of Mortgagor, upon application to any court having jurisdiction, to the appointment of a receiver of the rents, income and profits of the mortgaged Property. Upon and following a default, as a matter of right and without regard to the adequacy of any security for the Obligations, Mortgagor, upon demand of Lender, shall surrender the possession of, and it shall be lawful for Lender, by such officer or agent as it may appoint, to take possession, of all or any part of the mortgaged Property together with the books, papers, and accounts of the Mortgagor pertaining thereto, and to hold, operate and manage the same, and from time to time to make all needed repairs and improvements as Lender shall deem wise; and, if Lender deems it necessary or desirable, to complete construction and equipping of any improvements and in the course of such construction or equipping to make such changes to the same as it may deem desirable; and Lender may sell the mortgaged Property or any part thereof, or institute proceedings for the complete or partial foreclosure of the lien of this Mortgage on the mortgaged Property, or lease the Property or any part thereof in the name and for the account of Lender and collect, receive and sequester the rents, revenues, earnings, income, products and profits therefrom, and out of the same and any other monies received hereunder pay or provide for the payment of, all proper costs and expenses of taking, holding, leasing, selling and managing the same, including reasonable compensation to Lender, its agents and counsel, and any charges Lender hereunder, and any taxes and other charges prior to the lien of this Mortgage which Lender may deem it wise to pay.

24. WAIVER OF HOMESTEAD AND OTHER EXEMPTIONS. Mortgagor hereby waives all homestead or other exemptions to which Mortgagor would otherwise be entitled under any applicable law.

25. APPLICATION OF FORECLOSURE PROCEEDS. The proceeds from the foreclosure of this Mortgage and the sale of the Property shall be applied in accordance with applicable statutes regarding foreclosure sales.

26. REIMBURSEMENT OF AMOUNTS EXPENDED BY LENDER. Upon demand, Mortgagor shall immediately reimburse Lender for all amounts and costs (including attorneys' fees and legal expenses) expended by Lender in the performance of any action required to be taken by Mortgagor or in an action to enforce any right or remedy of Lender under this Mortgage, including, but not limited to, any foreclosure proceedings, together with interest thereon at the lower of the highest rate described in any Obligation or the highest rate allowed by law from the date of payment until the date of reimbursement. These sums shall be included in the definition of Obligations herein and shall be secured by the interest granted herein.

27. APPLICATION OF PAYMENTS. All payments made by or on behalf of Mortgagor may be applied against the amounts paid by Lender (including attorneys' fees and legal expenses) in connection with the exercise of its rights or remedies described in this Mortgage and then to the payment of the remaining Obligations in whatever order Lender chooses.

28. COLLECTION COSTS. Mortgagor agrees to pay to Lender, to the extent permitted by law, all costs and expenses incurred in collecting any amount due or enforcing any right or remedy under this Mortgage, including reasonable attorneys' fees (including representation in any bankruptcy proceedings) and collection costs.

29. POWER OF ATTORNEY. Mortgagor hereby appoints Lender as its attorney-in-fact to endorse Mortgagor's name on all instruments and other documents pertaining to the Obligations or indebtedness. In addition, Lender shall be entitled, but not required, to perform any action or execute any document required to be taken or executed by Mortgagor under this Mortgage. Lender's performance of such action or execution of such documents shall not relieve Mortgagor from any Obligation or cure any default under this Mortgage. The powers of attorney described in this paragraph are coupled with an interest and are irrevocable.

30. RELEASES. Lender may, at its option, release its interest in a portion of the Property by executing and recording one or more partial releases without affecting its interest in the remaining portion of the Property. Nothing herein shall be deemed to obligate Lender to release any of its interest in the Property. Mortgagor shall be responsible for payment of all costs of any release, including recording fees.

31. MODIFICATION AND WAIVER. The modification or waiver of any of Mortgagor's Obligations or Lender's rights under this Mortgage must be contained in a writing signed by Lender. Should any agreement be hereafter entered into modifying or changing the terms of this Mortgage or the Obligations secured hereby in any manner the rights of the parties to such agreement shall be superior to the rights of the holder of any intervening lien. Lender may perform any of Mortgagor's Obligations or delay or fail to exercise any of its rights without causing a waiver of those Obligations or rights. A waiver on one occasion shall not constitute a waiver on any other occasion. Mortgagor's Obligations under this Mortgage shall not be affected if Lender amends, compromises, exchanges, fails to exercise, impairs or releases any of the Obligations belonging to any Mortgagor, third party or any of its rights against any Mortgagor, third party or any of the Property.

32. SUCCESSORS AND ASSIGNS. This Mortgage shall be binding upon and inure to the benefit of Mortgagor and Lender and their respective successors, assigns, trustees, receivers, administrators, personal representatives, legatees and devisees.

33. NOTICES. Any notice or other communication to be provided under this Mortgage shall be in writing and sent to the parties at the addresses described in this Mortgage or such other address as the parties may designate in writing from time to time. Any such notice so given and sent by certified mail, postage prepaid, shall be deemed given three (3) days after such notice is sent and, in the case of any other means of delivery, such notice shall be deemed given when received by the person to whom such notice is being given.

34. SEVERABILITY. If any provision of this Mortgage violates the law or is unenforceable, the rest of the Mortgage shall continue to be valid and enforceable.

35. APPLICABLE LAW. This Mortgage shall be governed by the laws of the state where the Property is located. Mortgagor consents to the jurisdiction and venue of any court located in such state.

36. MISCELLANEOUS. Mortgagor and Lender agree that time is of the essence. Mortgagor waives presentment, demand for payment, notice of dishonor and protest except as required by law. All references to Mortgagor in this Mortgage shall include all persons signing below. If there is more than one Mortgagor, their Obligations shall be joint and several. This Mortgage and any related documents represent the complete integrated understanding between Mortgagor and Lender pertaining to the terms and conditions of those documents.

37. JURY TRIAL WAIVER. MORTGAGOR HEREBY WAIVES ANY RIGHT TO TRIAL BY JURY IN ANY CIVIL ACTION ARISING OUT OF, OR BASED UPON, THIS MORTGAGE OR THE PROPERTY SECURING THIS MORTGAGE.

RECEIVED
JAN 9 3 2002

MICROFILMED
JAN 9 3 2002

Mortgagor acknowledges that Mortgagor has read, understands, and agrees to the terms and conditions of this Mortgage.

Dated: **AUGUST 16, 2001**

MORTGAGOR: **PAT J. KEEGAN**

Pat J. Keegan
PAT J. KEEGAN

MORTGAGOR: **TERRY A. KEEGAN**

Terry A. Keegan
TERRY A. KEEGAN

MORTGAGOR:

MORTGAGOR:

MORTGAGOR:

MORTGAGOR:

MORTGAGOR:

MORTGAGOR:

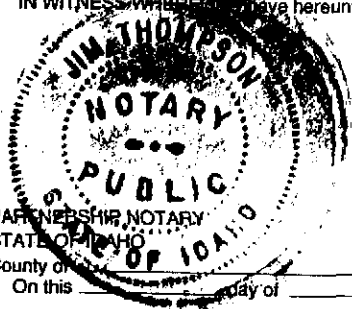
INDIVIDUAL NOTARY

STATE OF IDAHO

County of Twin Falls) ss.

On this 16th day of August, before me, the undersigned notary public in and for said State, personally appeared Pat J. Keegan and Terry A. Keegan whose name(s) is/are subscribed to the within instrument, and acknowledged to me he/she/they executed the same.

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



Notary Public for Idaho

Residing at: Twin Falls

Commission expires: 3-25-04

PARTNERSHIP NOTARY

STATE OF IDAHO

County of Twin Falls) ss.

On this 16th day of August, before me, the undersigned, a notary public in and for said State, personally appeared _____, known or identified to me to be one of the partners in the partnership of _____ and the partner who subscribed said partnership name on the within foregoing instrument, and acknowledged to me that _____ executed the same in said partnership name.

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

Notary Public for Idaho

Residing at:

Commission expires:

CORPORATE NOTARY

STATE OF IDAHO

County of Twin Falls) ss.

On this 16th day of August, before me, the undersigned notary public in and for said state, personally appeared _____ and _____, known or identified to me to be the _____ of _____, the corporation that executed the within instrument or the person who executed the same on behalf of said corporation, and acknowledged to me that said corporation executed the same.

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

Notary Public for Idaho

Residing at:

Commission expires:

SCHEDULE A

The street address of the Property (if applicable) is: **796 EAST 2725 SOUTH
HAGERMAN, ID 83332**

The legal description of the Property is:

SEE EXHIBIT A

SCHEDULE B

MICROFILMED

187 8 8 2002

This instrument was prepared by: **SHERI M. ROBERSON**

After recording return to Lender.

EXHIBIT A

Township 7 South, Range 13, East of the Boise Meridian, Gooding County, Idaho

Section 21: Government Lot 1

SUBJECT TO road rights of way along the South boundary.

Section 22: The Northwest Quarter of the Northwest Quarter.

SUBJECT TO road rights of way along the South boundary.

EXCEPTING THEREFROM a strip of land for road purposes as set forth in Deed dated January 15, 1934, recorded May 10, 1934 in Book 25 of Deeds, Page 348.

ALSO EXCEPTING THEREFROM a parcel of land located in the Northwest Quarter of the Northwest Quarter, being more particularly described as follows:

BEGINNING at the Northeast corner of said Northwest Quarter of the Northwest Quarter;
Thence South along the East line of said Northwest Quarter of the Northwest Quarter for a distance of 300 feet;
Thence West parallel to the North line of said Northwest Quarter of the Northwest Quarter for a distance of 300 feet;
Thence North 300 feet to the North line of said Northwest Quarter of the Northwest Quarter;
Thence East along said North line for a distance of 300 feet to the POINT OF BEGINNING.

Including all water rights appurtenant to the described real property including but not limited to the following Idaho Department of Water Resources water rights #'s 36-8377 and 36-10485.

MICROFILMED

JAN 18 2002

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

RECEIVED**AUG 23 2001**

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
<u>36-10485</u>	_____	_____	_____	_____	_____
<u>36-8377</u>	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

RECEIVED**AUG 27 2001**

Department of Water Resources

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) A. L. Troutner & Paul Troutner and A. L. Troutner
707 Troutner Way, Boise, Idaho 83712
4. New Owner/Claimant(s) Pat Keegan and/or Terry Keegan
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 3233 Addison Avenue East
- City, State and ZIP Code Twin Falls, Idaho 83301
- New Telephone Number (208) 733-5371
5. Date you acquired the property August 17, 2001

MICROFILMED**AUG 23 2001**

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)

Pat H. Keegan
Perry A. Keegan

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 <i>[Signature]</i>	Date <i>8/24/01</i>	Fee <i>50.00</i>	
Received by <i>[Signature]</i>	Date <i>8/24/01</i>	Receipt No. <i>3024269</i>	
Processed by <i>[Signature]</i> AJ	Date _____	WR _____	Date _____

MICROFILMED

JAN 09 2002

6010276
45802SM

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

**** SPACE ABOVE FOR RECORDER ****

PERSONAL REPRESENTATIVE'S DEED

FOR VALUE RECEIVED THE ESTATE OF ARTHUR TROUTNER, deceased, hereinafter called the grantor, by and through Kevin B. O'Sullivan, Personal Representative, hereby grants, bargains, sells and conveys unto PAT J. KEEGAN AND TERRY J/ KEEGAN, husband and wife hereinafter called grantee, whose address is: P.O. BOX 406 A. TWIN FALLS ID 83303-6448, the following described premises, in Gooding County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

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

Dated: August 3, 2001

THE ESTATE OF ARTHUR TROUTNER, Deceased

BY: Kevin B. O'Sullivan P.R.
KEVIN B. O'SULLIVAN, Personal Representative

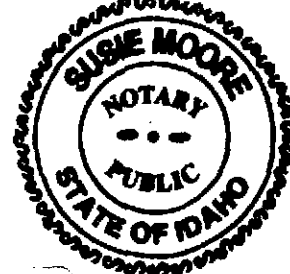
* * * * *

STATE OF IDAHO
County of Twin Falls

On this 3rd day of August, 2001, before me, a Notary Public in and for said State, personally appeared Kevin B. O'Sullivan, known or identified to me to be the Personal Representative of the Estate of Arthur Troutner, deceased, and whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as said Personal Representative.

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

Susie Moore
Notary Public for Idaho
Residing at Twin Falls
Commission expires: 11-28-2002



Instrument # 191726
GOODING, GOODING, IDAHO
2001-08-20 03:10:58 No. of Pages: 2
Recorded for : GOODING TITLE
HELEN EDWARDS Fee: 8.00
Ex-Officio Recorder Deputy Helen Edwards
Index to: DEED, PERSONAL REPRESENTATIVE

MICROFILMED

JAN 03 2002

EXHIBIT A

Order No. G010276

Township 7 South, Range 13, East of the Boise Meridian, Gooding County, Idaho

Section 21: Government Lot 1 (N ENE) *Per microfilm record*
W. A. L. L. L.
12.13.01

SUBJECT TO road rights of way along the South boundary.

Section 22: The Northwest Quarter of the Northwest Quarter.

SUBJECT TO road rights of way along the South boundary.

EXCEPTING THEREFROM a strip of land for road purposes as set forth in Deed dated January 15, 1934, recorded May 10, 1934 in Book 25 of Deeds, Page 348.

ALSO EXCEPTING THEREFROM a parcel of land located in the Northwest Quarter of the Northwest Quarter, being more particularly described as follows:

BEGINNING at the Northeast corner of said Northwest Quarter of the Northwest Quarter;

Thence South along the East line of said Northwest Quarter of the Northwest Quarter for a distance of 300 feet;

Thence West parallel to the North line of said Northwest Quarter of the Northwest Quarter for a distance of 300 feet;

Thence North 300 feet to the North line of said Northwest Quarter of the Northwest Quarter;

Thence East along said North line for a distance of 300 feet to the POINT OF BEGINNING.

Together With water rights no. 36-10485 and 36-8377

MICROFILMED

JAN 13 2002

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-08377

Priority: August 28, 1988

Maximum Diversion Rate: 1.00 CFS
Maximum Diversion Volume: 724.0 AF

This is to certify, that A L TROUTNER
707 TROUTNER WAY
BOISE ID 83712

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated August 16, 1988; and
has submitted Proof of Beneficial Use on May 13, 1991. An examination indicates
that the works have a diversion capacity of 1.000 cfs of water from:

UPPER TUCKER SPRINGS tributary to RILEY CREEK
LOWER TUCKER SPRINGS tributary to RILEY CREEK

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>
RECREATION	01/01 to 12/31	1.00 CFS	724.0 AF
RECREATION STORAGE	01/01 to 12/31		20.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	1.00 CFS	
	Totals	1.00 CFS	724.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SENWSE , Sec. 36, Township 07S, Range 13E
NWSESE , Sec. 36, Township 07S, Range 13E
GOODING County

PLACE OF USE: RECREATION
TWN RGE SEC

07S 13E 21 Lot 1(NENE)
22 NWNW

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

Microfilm

DEC 08 1992

State of Idaho
Department of Water Resources

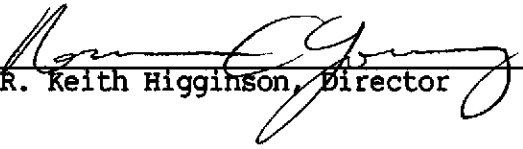
WATER RIGHT LICENSE

WATER RIGHT NO. 36-08377

CONDITIONS/REMARKS:

5. Use of water under this water right will be regulated by the watermaster of State Water District No. 36A.
6. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
7. Use of water under this right is subordinated to future diversion of water for irrigation or other consumptive beneficial uses.
8. This right authorizes an annual volume of water to fill the ponds and the amount required to replace losses through evaporation.

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 24th day of NOVEMBER, 1992.

Acting for  R. Keith Higginson, Director

RECORDED

DEC 08 1992

RECEIVED

NOV 06 1992

Department of Water Resources

State of Idaho
Department of Water ResourcesAPPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 36-08377

APPROVED

Date of Priority: August 28, 1988

Maximum Diversion Rate: 1.00 CFS

Maximum Diversion Volume: 724.0 AF

Comes now

A L TROUTNER

707 TROUTNER WAY

BOISE ID 83712

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 36-08377, and requests that the permit be changed as follows:

Source: UPPER TUCKER SPRINGS

tributary to RILEY CREEK

Source: LOWER TUCKER SPRINGS

tributary to RILEY CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION	01/01 to 12/31	1.00 CFS	724.0 AF
RECREATION STORAGE	01/01 to 12/31		20.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	1.00 CFS	
	Totals	1.00 CFS	724.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SENWSE, Sec. 36, Township 07S, Range 13E
NWSESE, Sec. 36, Township 07S, Range 13E
GOODING County

PLACE OF USE: RECREATIONTWN RGE SEC

07S 13E 21 Lot 1 (NENE)
22 NWNW

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Hagerman, this 4th day of Nov., 1992


(Signature)

RECEIVED

DEC 08 1992

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-08377

FOR DEPARTMENT USE ONLY

Preliminary check by CE Fee = \$20.00 Received by JY # 6025956 Date 11-9-92

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 36-08377 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 36A.
6. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
7. Use of water under this right is subordinated to future diversion of water for irrigation or other consumptive beneficial uses.
8. This right authorizes an annual volume of water to fill the ponds and the amount required to replace losses through evaporation.

Witness my hand this 24TH day of NOVEMBER, 1992.

R. Keith Higginson
Acting for R. Keith Higginson, Director

DEC 08 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 36-8377 IN THE)
NAME OF A. L. TROUTNER) ORDER OF REINSTATEMENT
)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before May 1, 1991; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

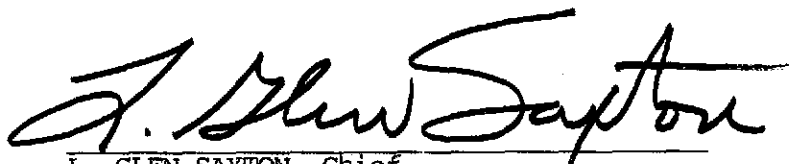
WHEREAS, on May 1, 1991 the permit lapsed for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on May 13, 1991;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 36-8377 be REINSTATED and the priority advanced to August 28, 1988.

Dated this 17th day of May, 1991.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

MAY 31 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08377

Proposed Priority: August 16, 1988

Maximum Diversion Rate:

1.00 CFS

Maximum Diversion Volume:

100.0 AF

This is to certify, that **A. L. TROUTNER**
707 TROUTNER WAY
BOISE, ID 83712

has applied for a permit to appropriate water from:

TUCKER SPRINGS

tributary of **RILEY CREEK**

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>	<u>ANNUAL VOLUME</u>
RECREATION	01/01 to 12/31	1.00 CFS	
RECREATION STORAGE	01/01 to 12/31		100.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	1.00 CFS	
	Totals	1.00 CFS	100.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSESE

Sec. 36, Township 07S, Range 13E
GOODING County

PLACE OF USE: RECREATION
TWN RGE SEC

07S 13E 21 LOT 1(NENE)
22 NWNW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 1991**.
2. Subject to all prior water rights.
3. Use of water under this permit is subject to control by the watermaster of State Water District No. 36A.
4. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit.
5. Use of water under this permit shall be non-consumptive.
6. This right authorizes an annual volume of water to fill the ponds and the amount required to replace losses thru evaporation.

MICROFILMED

MAY 14 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

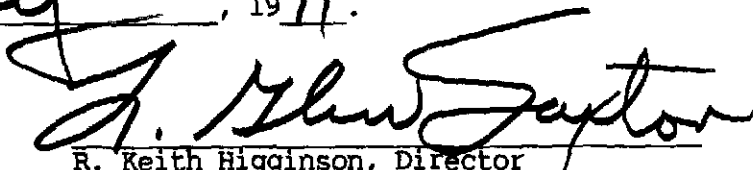
NO. 36-08377

CONDITIONS/REMARKS:

7. The rate of diversion shall not conflict or interfere with the future diversion of water for irrigation or other beneficial consumption.

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

2nd day of May, 1991.


R. Keith Higginson, Director

for

RECEIVED

MAY 14 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 A. L. TROUTNER Phone 344-5956
Post office address 707 TROUTNER WAY, BOISE IDAHO 83712
2. Source of water supply TUCKER SPRINGS which is a tributary of RILEY CREEK
3. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 36 Township 7S Range 13E B.M. Gooding County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 10 cfs for RECREATION purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 10 cfs for DIVERSION TO STORAGE purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount 100 AF for STORAGE FOR RECREATION purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 10 cfs and/or (b) 100 AF
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. OPEN DITCH, PONDS

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

RECEIVED
MAY 14 1987

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. RECREATION USE IS FOR NON COMMERCIAL FISH REARING AND CATCHING.

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	
75	13E	22						X											
"	"	21	X																

X = All uses

Total number of acres to be irrigated _____

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

- Who owns the property at the point of diversion? APPLICANT
- Who owns the land to be irrigated or place of use? APPLICANT
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. MAY 14 1991

12. Remarks: PONDS HAVE BEEN USED YEAR ROUND SINCE MAY 1ST 1973 - WATER IS DIVERTED FROM TUCKER SPRINGS INTO THE BIG BEND DITCH. WATER IS THEN DIVERTED FROM THE BIG BEND DITCH INTO PONDS.



[illegible]

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


(Applicant)

Received by Jim Date 8/18/88 Time 3:00 P
3:15 Preliminary check by SL
Fee \$ 225.00 Receipted by SC # C002248 Date 8-16-88
Publication prepared by M Baldwin Date 10/20/88 Published in Gooding Co. Leader
Post Register, Times
Publication approved M Baldwin Date 11/21/88 News, Idaho Statesman,
11/23/88 Lewiston am Tribune

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:

RECEIVED

MAY 14 1991

Proof of Publication

The Post-Register

State of Idaho, }
County of Bonneville } ss

I, Ted Delezene, first being duly sworn, depose and say: That I am the Foreman of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eight (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 3rd day of November, 1988, last publication having been made on the 10th day of November, 1988, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 17th day of November, 1988.

Ted Delezene
Don K. Napier
Notary Public

My commission expires September 30, 1994.

B10

NOTICE OF APPLICATION FOR WATER RIGHT

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

36-08377

TROUTNER, A.L.
707 TROUTNER WAY
BOISE, ID. 83712
Source: TUCKER SPRINGS
Tributary: RILEY CREEK
Diversion Pt: NWSESE Sec 36 T 07S R 13E;
3 miles South & 1 mile, West of Hagerman,
Gooding County.
Use: RECREATION (10,000 CFS)
DIVERSION TO STORAGE (10,000 CFS)
RECREATION STORAGE (100,00 AF)
Date Filed: 8/16/1988
In: T07S R13E S21 Lot 1 (NENE); S22
NWNW

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, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before NOVEMBER 21, 1988.

R. Keith Higginson, Director

Published: November 3, 1988

OK
mb
11/21/88

RECEIVED

NOV 18 1988

Department of Water Resources
Southern Region Office

MAY 14 1991

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

45.24

Account Name Idaho Department of Water Resources (Southern)			Account Number #100632	
Address 2148 4th Avenue East		City/State Twin Falls, ID		Zip 83301
Ordered By Mary Baldwin	P.O. Number	Rate NT	Run Dates 1988 November 3, 10	
Identification Application for Water Right: 36-08377			Estimated Inches	Real Inches
☐ Number of Affidavits Requested 1				Legal Number #1090

NOTICE OF APPLICATION FOR WATER RIGHT

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

36-08377

Troutner, A.L.
707 Troutner Way
Boise, ID 83712

Source: Tucker Springs

Tributary: Riley Creek
Diversion Pt: NWSESE Sec
36 T 9S R 13E 3 miles South
& 1 mile West of Hagerman,
Gooding County.

Use: Recreation (10,000 CFS)
Diversion to Storage (10,000 CFS)

Recreation Storage (100.00 AP)

Date Filed: 08/16/1988

In: T9S R13E S21 Lot 1
(NENE)
S22 NWNW

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, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before November 27, 1988.

R. KEITH HIGGINSON
Director

Pub. Nov. 3, 10, 1988

1090

RECEIVED

NOV 14 1988

Department of Water Resources
Southern Region Office

STATE OF IDAHO)
) SS.
COUNTY OF ADA)

Debbie Richards

, being duly

sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for 2 ☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of November 3, 1988

and ending with the issue of November 10, 1988

Debbie Richards

Subscribed and sworn to before me this 10th

day of November, 1988

MAY 14 1991

Notary Public for Idaho, Residing at Boise, Idaho

NOTICE OF
APPLICATION FOR
WATER RIGHT

The Following applica-
tion(s) have been filed to
appropriate the public
waters of the State of
Idaho:

38-08377

TROUTNER, A.L.

707 Troutner Way

Boise, ID 83712

Source: TUCKER SPR-
INGS

Tributary: RILEY CREEK

Diversion Pt: NWSESE

Sec 36 T 07S R 13E; 3

miles South & 1 mile

West of Hagerman,

Gooding County.

Use: RECREATON

(10,000 CFS)

DIVERSION TO

STORAGE (10,000 CFS)

RECREATION STORAGE

(100.00 AF)

Dated Filed: 8/16/1988

In: T07S R13 E S21 Lot 1

(NENE)

S22 NWNW

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. 42-208C,
Idaho Code. Protests
must be filed with the
Director, Dept. of Water
Resources, 2148 4th
Avenue East, Twin Falls,
Idaho 83301 on or before
NOVEMBER 21, 1988.

MAY 14 1991

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS }

ss.

Nº 19191

ok MB 11/23/88
I, Linda Capps McSwine being first duly sworn upon
oath, depose and say that I am Princ Clerk of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for Two
consecutive weeks, commencing with the issue dated
November 3, 1988, and ending with the issue dated

STATE OF IDAHO

COUNTY OF

On this 15 day of November in the year of 1988, before me,

a Notary Public, personally appeared Linda Capps McSwine
known or identified to me to be the person whose name subscribed to the within instru-
ment and being by me first duly sworn, declared that the statements therein are true,
and acknowledged to me that he executed the same.

Dianna Bruce
Notary Public for Idaho

Residing at Twin Falls

My commission expires: 8-19-91

ion, effective February 16,
ept Sunday, and the Twin
which newspapers prior to
d county continuously and
months, and said TIMES-
wspaper except Saturday,
blication under said name

ide, Thursday of each week
order of any court of com-
kly, will be published; and
rs, and in each issue there-
ll be published.

McSwine
15 day of

Bruce
e County of Twin Falls,
Twin Falls, Idaho

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 110A88 INVOICE No. L00149534

Account No. 44662 36-08377

Description 49534NOTIC

Times 2 Lines 35

Tab Lines

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

STATE OF IDAHO
DEPT. OF WATER RESOURCES
2148 4TH AVE. E.
TWIN FALLS
ID 83301

\$ 35.00
RECEIVED

NOV 10 1988

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

Department of Water Resources
Southern Region Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

**NOTICE OF APPLICATION FOR
WATER RIGHT**

The Following application(s) have
been filed to appropriate the public
waters of the State of Idaho:
36-08377

TROUTNER, A.L.
701 TROUTNER WAY
BOISE, ID 83712
Source: TUCKER SPRINGS
Tributary: RILEY CREEK
Diversion Pt: NWSESE Sec 36 T
07S R 13E; 3 miles South & 1 mile
West of Hagerman, Gooding County.
U s e : R E C R E
A T I O N (10,000 CFS)
D I V E R S I O N T O S T O R
A G E (10,000 CFS)
R E C R E A T I O N S T O R
A G E (100.00 AF)

Date Filed: 8/16/1988
In: T07S R13E S21 Lot 1 (NE-
NE)S22 NWNW

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, 2148 4th Avenue
East, Twin Falls, Idaho 83301 on or
before NOVEMBER 21, 1988.
R. Keith Higginson, Director

MB
11/23/88

C. M. Viers, being duly sworn,

deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION FOR

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 110188, or once a

WEEK for 2 consecutive WEEKS, the first
publication thereof being on the 110188, and the last pub-
lication thereof being on the 110888, and said

NOTICE OF APPLICATION FOR

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

C. M. Viers

SUBSCRIBED AND SWORN BEFORE ME THIS THE 8

day of November 1988

Sheryl M. Lentz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

MAILED
MAY 14 1991

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho,)
) SS.
County of Gooding)

NOV 10 1988

Department of Water Resources
Southern Region Office

Clave Comber

being first duly sworn,
deposes and says that he is the printer (publisher) of the Gooding
County Leader, a newspaper published every week in Gooding, County
of Gooding, State of Idaho, that said newspaper has been continuous-
ly and uninterruptedly published for a period of seventy-eight consecu-
tive 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 2nd day of Nov
19 88, and the date of the last publication was on the 9th
day of Nov, 19 88.

[Signature]

Subscribed and sworn to before me this 9th

day of Nov, 19 88.
(SEAL)

Louena M. Lorne
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 32

Number of Insertions 2

Lines tabular at 5/Pica

Lines straight at 76.64 4/Pica

Subsequent lines at 1456 7/Pica

TOTAL COST 31.20

COPY OF NOTICE
(Paste Here)

Appl for water
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Appl for water
BILL TO

TO APPROPRIATE THE PUBLIC WATERS OF THE
STATE OF IDAHO:
HOUTNER, A. L. 701 INDUSTRIAL WAY
BOISE, ID 83712
Source: TUCKER SPRING, NEAR
RILEY CREEK
Direction Pt. N 1/2 Sec 24 T 24 N
13E 3 miles South East of T 24 N
Hagerman, Gooding County
Use: RECREATION STORAGE
DIVERSION TO STORAGE
CFS
RECREATION STORAGE (100.00 Acre)
Date Filed: 9/10/88
In: T 07S R 15E S21 T 11 N R 15E
S22 NWNW
The permit will not be issued until the
water rights have been determined
based on the results of the
Idaho Code and the new public water
criteria of Sec. 42-2001. The permit
shall be filed with the Division of
Water Resources, EMS, 200 N. 1st
St., Twin Falls, Idaho 83421, on or
before November 21, 1988.
Public: November 21, 1988

7-8 pt. per line straight 4/Pica
7-8 pt. per line tabular 5/Pica
7-8 pt. per line successive
insertions 3/Pica

No 1312

3021



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 10, 2004

JAN REMMEN
796 E 2725 S
HAGERMAN ID 83332

RE: Water right number(s): 36 8377

Dear Water Right Holder(s):

The purpose of this letter is to notify you in advance that present drought conditions in Eastern Idaho may result in the flow of the Snake River falling below the minimum stream flow of 3,900 cubic feet per second ("cfs") established by the Swan Falls Agreement at the Murphy gage on the Snake River. Your water right bears a later priority date than July 1, 1985, the priority date for the minimum stream flow. As a result, if the flow falls below 3,900 cfs, the department will send you another letter advising you to cease diversion of water.

This notice is being provided so that you have advance warning to make arrangements to minimize impacts to growing crops or other loss that could occur if your water diversion is curtailed. Such arrangements may include temporary transfers as provided under Section 42-222A, Idaho Code, for areas declared a drought emergency. Declaration of a drought emergency can be initiated by petition of the Board of County Commissioners to the director of this department subject to approval by the Governor.

There are many variables that affect stream flows in the Snake River. Normally, the flows in the Snake River at Murphy gauge are lowest during June and July.

Information about your water right can be found on the department's website at the following address: <http://www.idwr.state.id.us/apps/ExtSearch/SearchWRAJ.asp>. Real time flow data for the Murphy gage can also be found at the following address: <http://www.idahopower.com/riversrec/waterlevels/streamflow/showgraph.cfm>

Thank you for your cooperation in this matter. If you have questions, please feel free to contact the department.

Sincerely,

A handwritten signature in black ink that reads "Gary Spackman".

Gary Spackman
Water Allocations Bureau Chief

State of Idaho
Department of Water Resources
PO BOX 83720
BOISE ID 83720-0098

PRSRT STD
U.S. POSTAGE
PAID
PERMIT NO.
BOISE, ID

JAN REMMEN
796 E 2725 S
HAGERMAN ID 83332



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 10, 2004

PAT KEEGAN
790 E 2725 S
HAGERMAN ID 83332-5609

RE: Water right number(s): 36 8377

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Thank you for your cooperation in this matter. If you have questions, please feel free to contact the department.

Sincerely,

Gary Spackman
Water Allocations Bureau Chief

State of Idaho
Department of Water Resources
PO BOX 83720
BOISE ID 83720-0098

PRSRT STD
U.S. POSTAGE
PAID
PERMIT NO.
BOISE, ID

PAT KEEGAN
790 E 2725 S
HAGERMAN ID 83332-5609



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 10, 2004

STEVEN R LEONARD
3813 N 2600 E
TWIN FALLS ID 83301

RE: Water right number(s): 36 8377

Dear Water Right Holder(s):

The purpose of this letter is to notify you in advance that present drought conditions in Eastern Idaho may result in the flow of the Snake River falling below the minimum stream flow of 3,900 cubic feet per second ("cfs") established by the Swan Falls Agreement at the Murphy gage on the Snake River. Your water right bears a later priority date than July 1, 1985, the priority date for the minimum stream flow. As a result, if the flow falls below 3,900 cfs, the department will send you another letter advising you to cease diversion of water.

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Thank you for your cooperation in this matter. If you have questions, please feel free to contact the department.

Sincerely,

Gary Spackman
Water Allocations Bureau Chief

State of Idaho
Department of Water Resources
PO BOX 83720
BOISE ID 83720-0098

PRSRT STD
U.S. POSTAGE
PAID
PERMIT NO.
BOISE, ID

STEVEN R LEONARD
3813 N 2600 E
TWIN FALLS ID 83301

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

RECEIVED

JUN 19 2003

Department of Water Resources

[] Water Right Number(s): 36-8377

[] Name(s): PAT KEEGAN

TERRY KEEGAN

[] Old Mailing Address: _____

[] New Mailing Address: 790 E 2725 S

HAGERMAN ID 83332-5609

Telephone Number: (208) 733 - 8366

[] Signature(s) of Owner(s) Pat Keegan

Terry Keegan

(Include your title if on behalf of company or organization)

Date: 6-16-03

MICROFILMED

JUN 23 2003

Datebase updated - Kari Lynn - 6.19.03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

RECEIVED

JUN 10 2003

Department of Water Resources

WR 36-8377 - Mail Report
w/ address change from.
Kari Lynn
6-10-03

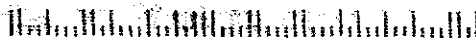
PAT KEEGAN
TERRY KEEGAN
3233 ADDISON AVE E
TWIN FALLS ID 83301

KEEGAN 3233 83301 2001 1203 06 06/05/03
RETURN TO SENDER
KEEGAN
790 E 3725 S
HAGERMAN ID 83332-5609
RETURN TO SENDER

MICROFILMED

JUL 23 2003

DATE TIME 83301
83720-0098





RECEIVED

JUN - 6 2003

Department of Water Resources

June 4, 2003

Jeff Peppersack, Manager
Water Right Permits Section
State of Idaho Department of Water Resources
PO Box 83720
Boise ID 83720-0098

RE: Pat & Terry Keegan - Lien Release of Water Right #36-8377

To Whom it may concern:

First Federal Savings Bank is releasing their lien on Water Rights #36-8377 our loan has been paid as agreed.

Please feel free to contact Jim Thompson with any questions or concerns regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads 'Sheri M. Roberson'.

Sheri M. Roberson
Commercial Loan Processor
(208)736-4427 ext 3144

MICROFILMED

JUL 2 3 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

May 30, 2003

PETER REMMEN
JAN REMMEN
796 E 2725 S
HAGERMAN ID 83332

STEVEN R LEONARD
MARION H LEONARD
3813 N 2600 E
TWIN FALLS ID 83301

PAT KEEGAN
TERRY KEEGAN
3233 ADDISON AVE E
TWIN FALLS ID 83301

RE: Change of Ownership for Water Right 36-8377

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

cc: FIRST FEDERAL SAVINGS BANK

MICROFILMED
JUN 02 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

December 14, 2001

PAT KEEGAN
TERRY KEEGAN
3233 ADDISON AVE E
TWIN FALLS ID 83301

RE: Change of Ownership for Water Rights 36-8377 and 36-10485

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports 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,


for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

JAN 09 2002



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

December 2, 1992

A L TROUTNER
707 TROUTNER WAY
BOISE ID 83712

RE: WATER RIGHT NO. 36-08377

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

APPROVED

DEC 02 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

October 27, 1992

A L TROUTNER
707 TROUTNER WAY
BOISE ID 83712

RE: WATER RIGHT NO. 36-08377

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 15 days.

If you do not concur with these findings or if you have any questions, please contact us within the 15-day period.

Sincerely,

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

MICROFILMED

DEC 08 1992

LICENSE REVIEW CHECKLIST

Permit # 36-08377

Date 10-23-92
28

	Yes	No	
NAME	☐	☒	Address Change?
PRIORITY DATE	☐	☒	Advance? <u>Advanced in Error/Minimal Change</u>
	☐	☒	Memo to Advance
	☐	☒	Order to Reinstate Needed?
TOTAL CFS	☐	☒	Incorrect Fee for rate recommended?
	☒	☐	Disagree with Actual Measurement?
			<u>1.0 cfs (Div to STOR + REC)</u>
	☒	☐	Disagree with Theoretical?
	☐	☒	Limited by Capacity? <u>1.0 cfs</u>
TOTAL VOLUME			Rate/ac <u> </u> AFA Irr. Season <u> </u>
			<u> </u> Standard Irr. Season
			<u> </u> Season Recommended
	☒	☐	Disagree with Examiner's Calculations?
		☒	* <u>20 afa (REC STOR) 724 afa (REC)</u>
		☒	Limited by Flow? <u>1.0 x 365 x 1.9835 = 724.0</u>
SOURCE	☐	☒	Changes? <u>Clarification</u> of <u>Originally</u>
		☒	<u>Intended</u> source <u>Upper & Lower Tucker Springs</u>
		☒	Notice of Intent to Void.
P/D	☒	☐	Verify with Map
	☐	☒	Amendment Needed? <u>Add SENSE (Lower Tucker)</u>
	☐	☒	Is Overlap Analysis a Consideration?
P/U	☐	☒	Verify with Map
	☐	☒	Amendment Needed?
	☐	☒	Is Overlap Analysis a Consideration?
USES	☐	☒	Change(s) in Nature of Use?
	☐	☒	Amendment Needed?
REMARKS	☐	☒	Multiple P/Ds in 1/4 1/4?
W07-1 Fill	☐	☒	Non-Irr. Uses
	☐	☒	Special Overlap Condition
	☐	☐	Other
CONDITIONS	☒	☐	R21 - Future Subordination
	☒	☐	R39 Measuring Device
	☒	☐	R04 W/Master Control
	☐	☒	Overlap
	☐	☒	Water Quality
	☐	☒	DATES/MISC
	☐	☒	36A Water Dist.
	☐	☒	App Rec'd
	☐	☒	Exam Made
COMMENTS/MEMOS NEEDED:	<u>Reduced STOR</u> <u>Amend P/D</u>		

License 10-Day 15-Day ☒ Special Correspondence

*Ponds capacities

per diagram provided by Trus Joist Corp. 4-25-90/
a right holder

Pond #1 = 7 af #2 3 af #3 2.5 af #4 1.5 af #5 5 af

Total pond capacity ≈ 19 af / Allow 20 afa STOR

No new construction expected + that
is confirmed by less exacting diagram
provided by Alice Troutnerschweizer 6-24-91

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	A L TROUTNER 707 TROUTNER WAY BOISE ID 83712 (208) 344-5956	08/28/1988	RECREATION	01-01 12-31	1.00 CFS	724.0 AFA
			RECREATION STORAGE	01-01 12-31		20.0 AFA
			DIVERSION TO STORAGE	01-01 12-31	1.00 CFS	
			TOTAL DIVERSION:		1.00 CFS	724.0 AFA

Water Source: UPPER TUCKER SPRINGS
LOWER TUCKER SPRINGS

Tributary to: RILEY CREEK
RILEY CREEK

Stage: LICENSE

Point(s) of Diversion Capacity: 1.00 CFS

Point(s) of Diversion: T07S R13E S36 SE NW SE NW SE SE

Place of use Legal Description for: RECREATION

[illegible]

Pou County: GOODING

Other Water Rights Listing Overlapping Place(s) of use:
36-00133 36-00192 36-02007 36-08599 P36-08599

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 36A.
- R39 - A measuring device and lockable controlling works of a type
- acceptable to the Department shall be permanently installed and
- maintained as part of the diverting works.
- R21 - Use of water under this right is subordinated to future
- diversion of water for irrigation or other consumptive beneficial
- uses.

Remarks: This right authorizes an annual volume of water to fill the ponds and the amount required to replace losses through evaporation.

Dates: App. Received: 08/16/1988 Priority Date: 08/28/1988
Proof Due Date: 05/01/1992 Proof Made Date: 05/13/1991
Exam Made Date: 06/18/1991 Exam Sent to S.O.: 09/18/1992
Licensed Date:

Misc: Water District Number: 36A Field Exam Fee: R (Received)

Audit: 00/00/00

ord 219-S.A.
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

36-8377
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

RECEIVED

SEP 21 1992

Department of Water Resources

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 U.S.G.S. Quad
- ☐ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index J 6-17-91 (Initial and 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: add use

Check of P/U index J 6-17-91 (Initial and date)

Overlap? ☒ yes ☐ no If yes: ☐ copy of water right(s) attached?

Type of Overlap? ☐ Increase rate of flow or volume

☐ Add P/D's

☐ Increase number of acres within tracts

☒ Other: add use

Aerial Photo

Required? ☐ yes ☒ no If yes: ☐ copy attached?

Scheduling Letter sent? _____ (Initial and 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 J 6 Stanton 7-30-91 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent DL 9/8/92 (Initial and date)

Exam Reviewed by Manager of Regional Office SL 9/10/92 (Initial and date)

Exam Date Entered in Computer _____ (Initial and date)

Exam sent to State Office _____ (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

CHECKLIST

DATE 9/8/92

1,2. ✓ (H, I1) 1,3. ✓ (C3, C4) 1,4. ✓ (C1, H) 1,5. N/A (H)

1,6. * (H) 1,7. N/A (C2) 1,8. N/A (C6) 1,9. † (C2, C6)

1,10. N/A (I1) 1,11. N/A (C3, I1) 1,12. ✓ (H) 1,13. ∠ (I1)

1,14. N/A (D, E) 1,15. ∠ (I1) 1,16. ∠ (I2) 1,17. N/A (C2)

1, 1. $\frac{x}{y}, \frac{z}{t}$ (D, E, II) 1, 2. $\frac{x}{y}, \frac{z}{t}$ (G, II) 2. $\frac{x}{y}, \frac{z}{t}$ (D, E) 3. $\frac{x}{y}, \frac{z}{t}$ (D, E)
4. $\frac{x}{y}, \frac{z}{t}$ (D, E) 5. $\frac{x}{y}, \frac{z}{t}$ (D, E)

1,1. ✓ 1,2. ✓ 1,3. ✓ 1,4. ✓
1,5. ✓

REVIEWER _____ DATE _____

*** = SEE REMARKS ATTACHED

II Measurement of redirection flows not practical.
I Recommend license condition: ~~to read~~ "The total of the redirection flows rates to the three ponds shall not exceed 1.0 cfs", without splitting the permit.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

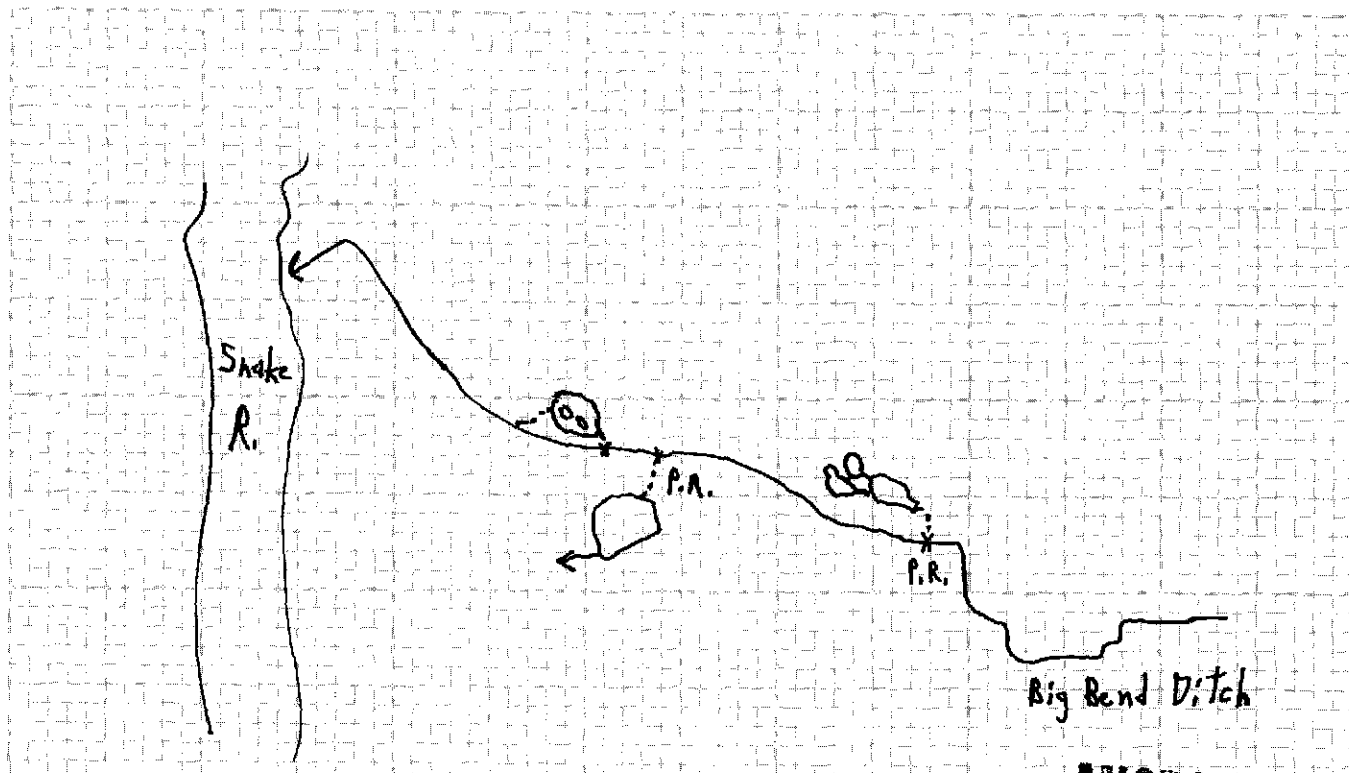
1. Owner: A. L. Troutner Permit No. 36-8377
Current Address: 707 Troutner Way, Boise, ID 83712 Phone No. 344-5956
2. Accompanied by: Virginia T. Schwetzer EXAM. DATE: 6-18-91
Address: P.O. Box 597, Hagerman, ID 83332 Phone No. 837-4438
Relationship to Permit Holder: sister & property caretaker
3. Source: Upper & Lower Tucker tributary to Riley Creek
springs via Big Bend Ditch

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____ ☐ Copies Attached
2. Other water rights with same point of diversion: Many _____
_____ ☐ 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" = _____

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).

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DEC 08 1992

System Description (continued)

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

Existing diversion works into Big Bend Ditch. West branch of Big Bend Ditch carries irrigation water for Mr. Troutner & 2 other users north of his property. Water is re-diverted from the Big Bend Ditch at 3 sites on the Troutner property to feed a total of 5 ponds. Lowest pond (Two-Island Pond) flows back into Big Bend Ditch; other ponds do not. Pond sizes not determined.

☐ 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

*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
		NW	SE	SE	36	75	13E	Gooding	Upper Tucker Spr.
		SE	NW	SE	"	"	"	"	Lower Tucker Spr.

6. Place(s) of Use:

Indicate Method of Determination _____

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	
75	13E	21	LT X																
		22						X											

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DEC 08 1992

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:

Not measured.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

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:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ $1.0 \times 365 \times 1.9835 = 729.0$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ 100 AFA permitted

2. Volume Calculations for Other Uses:

MICROFILMED

DEC 08 1992

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Water flow in Big Bend Ditch varies from 0 to flooding. Ditch is operated without measuring devices ^{at source} with no control of diversion rate into the Ditch or of division of water among shareholders. SRBA records show that right for Ditch was decreed at 1 share/acre & 1"/acre, so 1 share = 0.02 cfs. Landowner claimed ownership of 80 shares or 1.6 cfs. Since permit is for less than this amount, recommend 1.0 cfs be licensed.

Recommend measuring-device requirement be dropped, since nobody controls the amount of water used by shareholders of the Big Bend Ditch. There are measuring devices but no controlling works at the head of the Ditch.

This water is used almost entirely to maintain the ponds. There is very little irrigation on the Troutner property now.

No direct-flow use of water for recreation; only used in ponds.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Diversion To Storage	1-1	12-31	1.0	100.0
Storage for Recreation	1-1	12-31		100.0
Totals:			1.0	100.0

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

J. E. Stanton

Signature

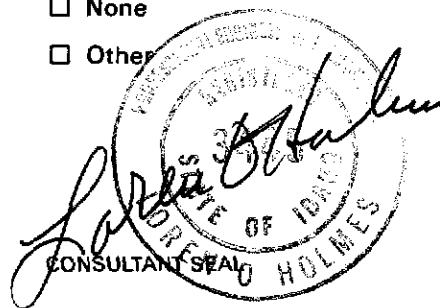
J. E. Stanton

Certification Date

3/20/92

Field Report Preparation Date

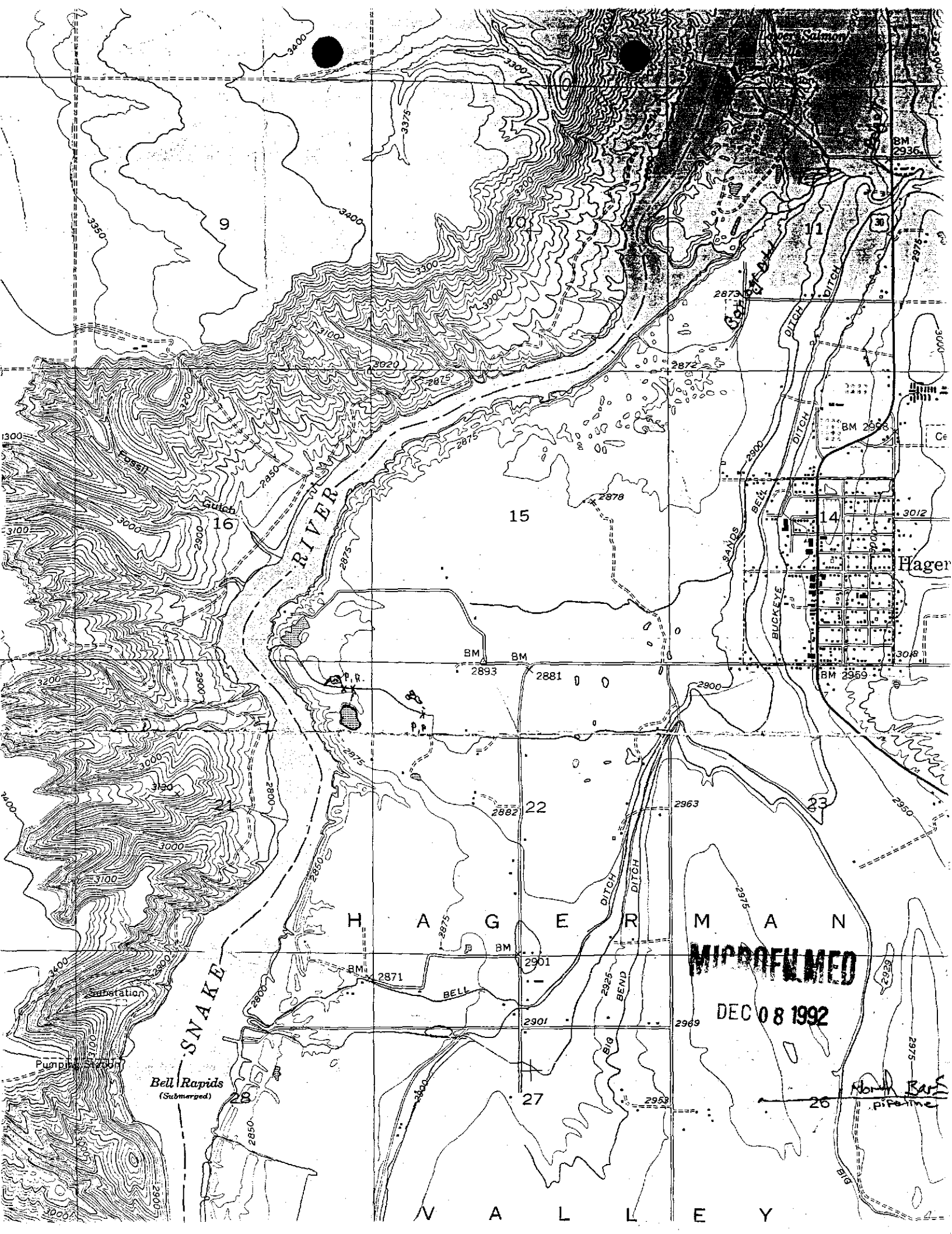
7-30-91

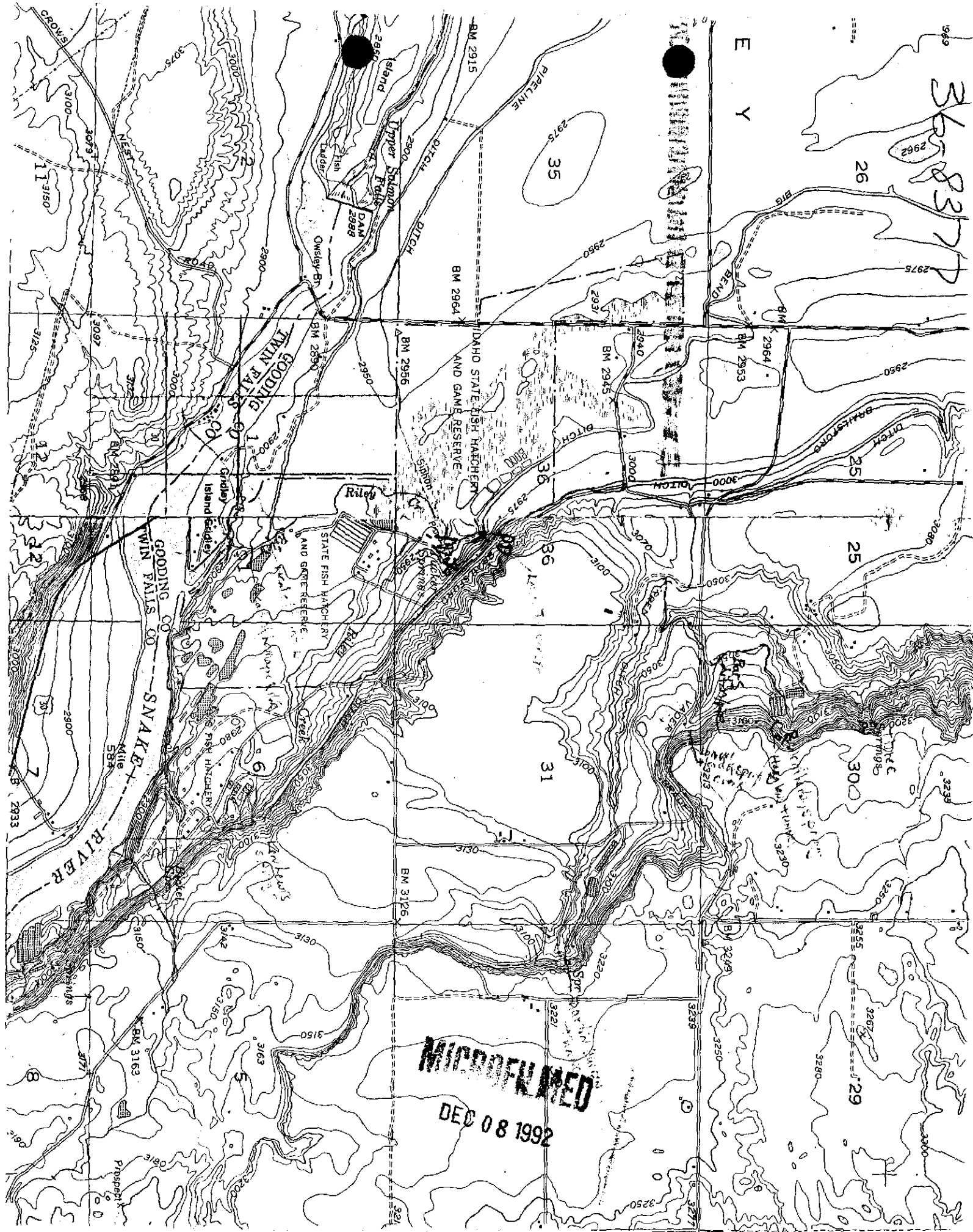


K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

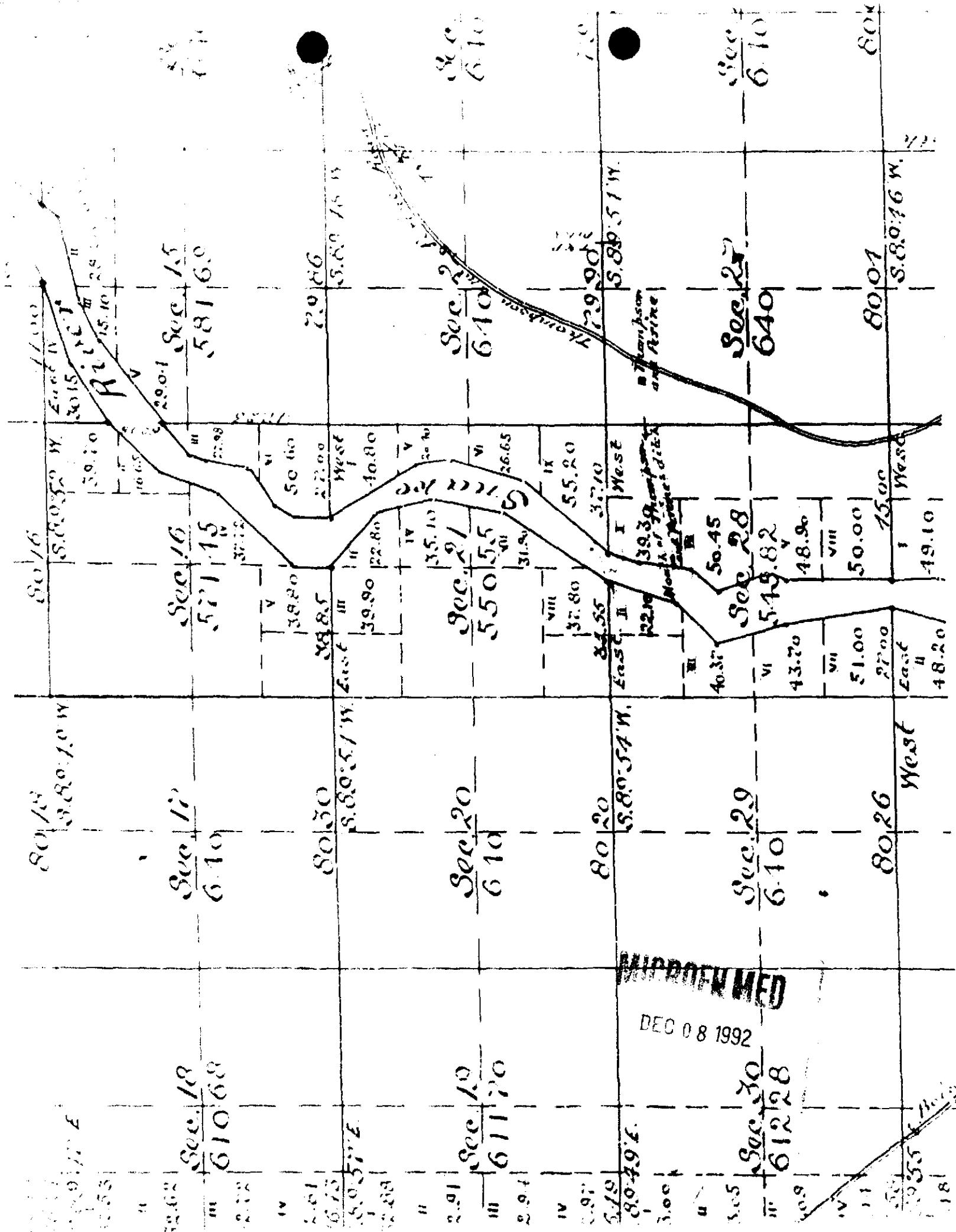
RECEIVED

DEC 08 1991





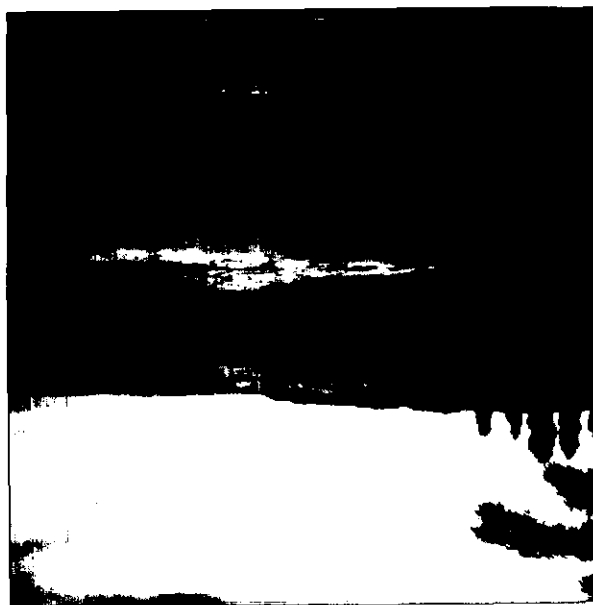
MIRRORED
DEC 08 1992



DEC 08 1992

RECORDED

Large Pond



Re-div. to Large Pond

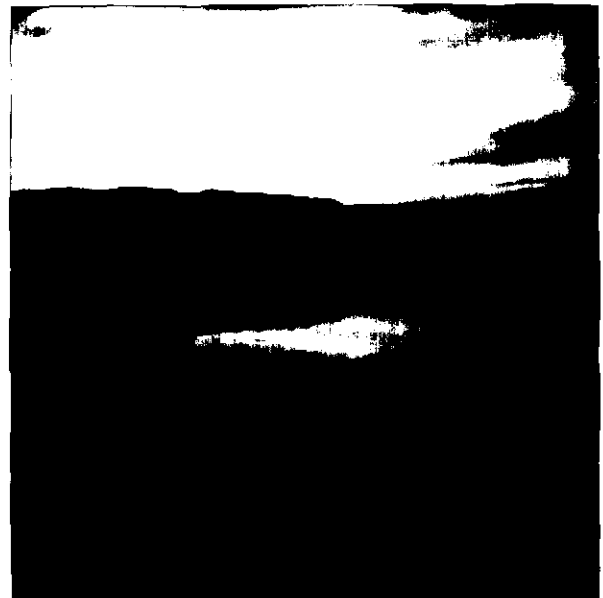


36-8377



Re-div. #3

Re-div. to Two-Island Pond



Two-Island Pond

UNRECORDED

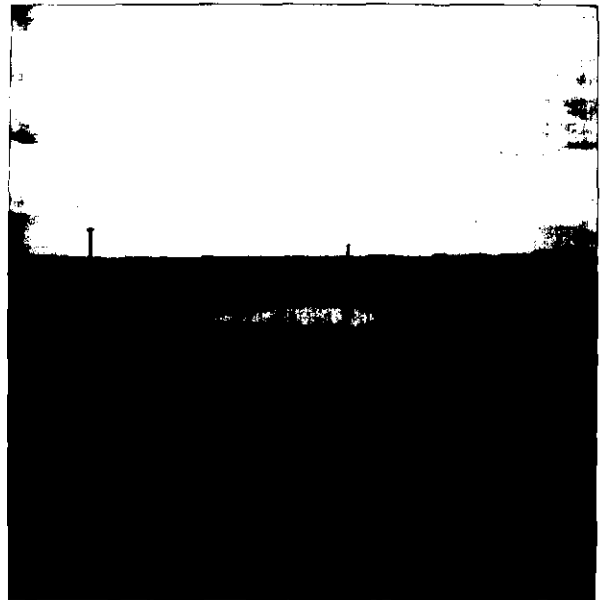
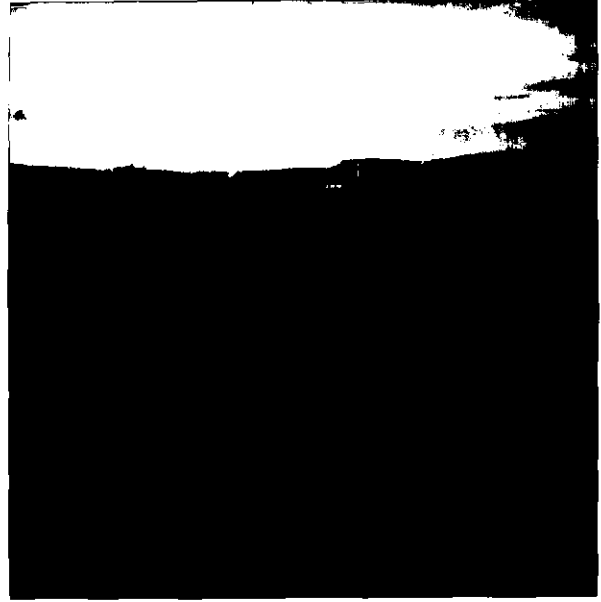
DEC 08 1992

36-8377

Upper Re-div.



3 Upper Ponds



REPRODUCED

110 55 1982

RECEIVED

JUN 24 1991

Department of Water Resources
Southern Region Office

Hagerman, Idaho
June 21, 1991

To:
Jim Stanton
Dept. of Water Resources

Re: Full Lake Ranch, Hagerman, Idaho
Permit No. 36-08377 (Owner Art Troutner
A.L.)

707 Troutner Way
Boise, Idaho 83712

(Field examination June 18, 1991)

Enclosed are the rough sketches of the
ponds at Full Lake Ranch.

Hopefully they will be of some assistance
in your evaluation. Also enclosed is
a letter from Rita Plick (Water Resources, Boise)

Thank you for your courtesy and
co-operation in helping us understand
and comply with the requirements
necessary for obtaining a permit and
a license.

Sincerely,

Alice V. Schweizer

ALICE VIRGINIA TROUTNER SCHWEIZER

SCHWEIZER

P.O. Box 597

Hagerman, Idaho 83332

tel 837-4438

It is my understanding that as of
the present date June 21, 1991, we have
fulfilled our obligations in the process of
developing our water right.
If not, please advise.

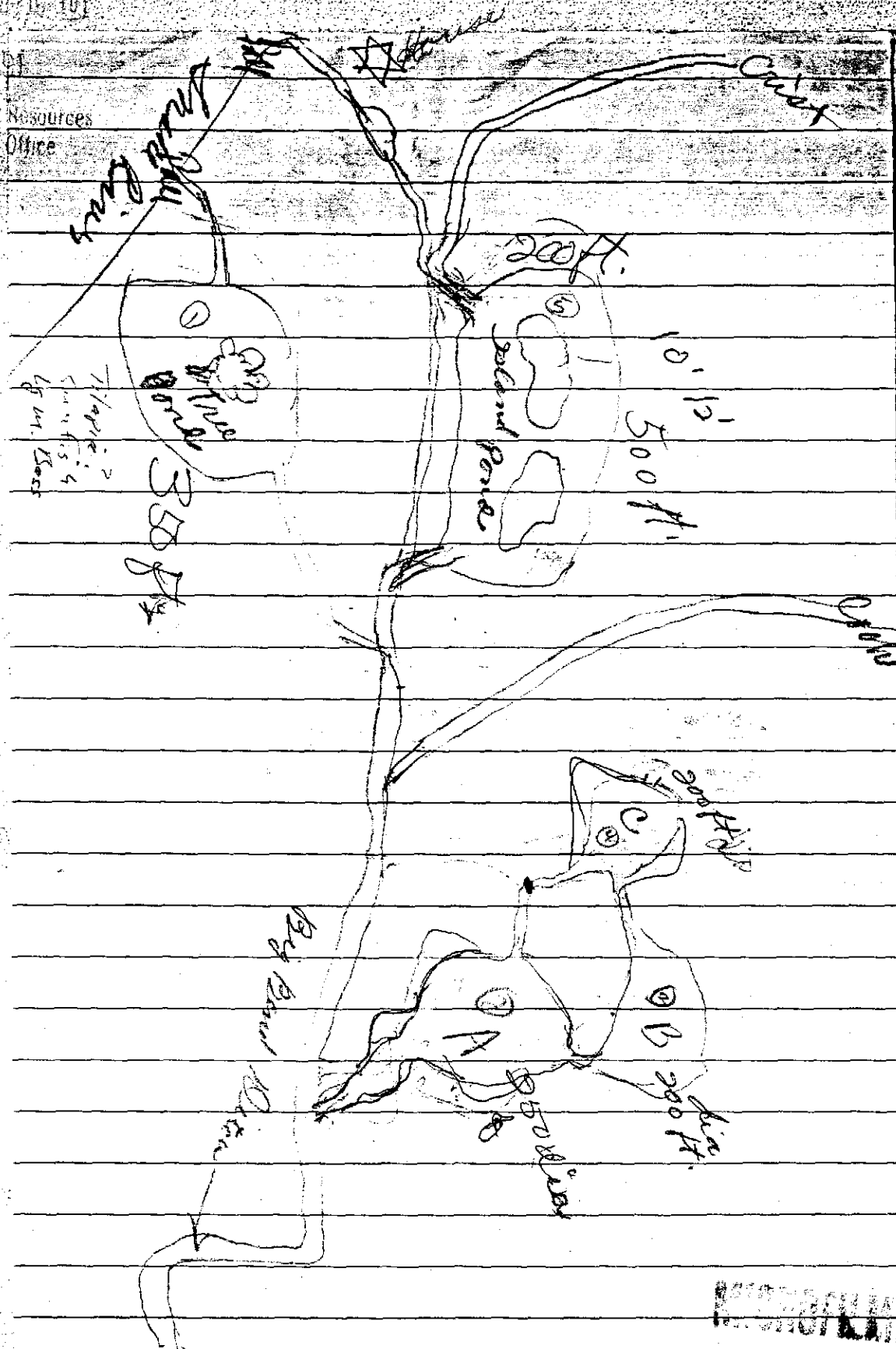
MICROFILMED

DEC 08 1992

RECEIVED

JUN 24 1991

Department of Water Resources
Southern Region Office



Dale Lake Ranch
Hayman Lake

Alb. Virginia Troutner School
Rough Sketch

DEC 08 1992

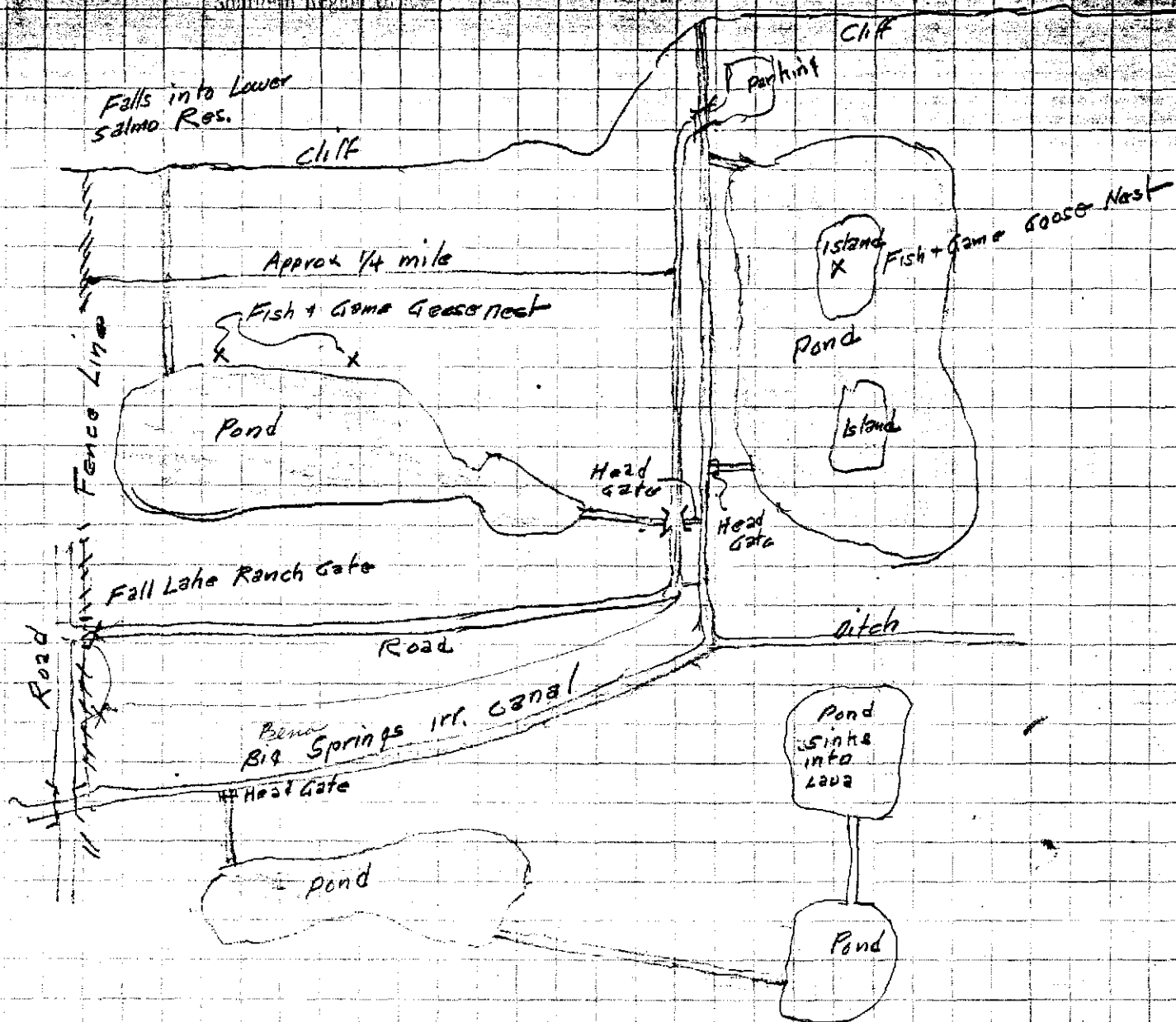


TRUS JOIST CORPORATION

11/8/91

Department of Water Resources
Southern Region District

Falls into Lower salmon Reservoir



JOB NAME: Fall Lake Ranch

JOB #

LOCATION: Hagerman, Idaho

SHEET

SALESMAN:

BY

OF

DATE: DEC 08 1992

Note: Site to Road moved since this drawing

May 17, 1991

A. L. TROUTNER
707 TROUTNER WAY
BOISE, ID 83712

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08377

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. 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)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR ~ Region

Enclosure

RECEIVED
MAY 31 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 36-8377

Date 5-15-91

GENERAL CONSIDERATIONS

- ☒ Name same as permit?
☒ Address same as permit? If no, indicate below.
NO Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

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

LICENSE EXAMINATION FEE

- Yes Required?
10000 Amount submitted?
Yes Correct amount?

MEASURING DEVICE

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

DEFICIENCIES OR ACTION ITEMS

Prog acceptable when reinstated

PRIORITY CALCULATION

Date proof received May 13, 1991 133
Date proof due May 1, 1991 - 121
No. of days late = 12
Priority date Aug 16, 1988 + 228
NEW PRIORITY DATE Aug 28, 1988

RECEIVED

MAY 13 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only

Amt. of Fee \$ 100.00Date 5/13/91Receipt No. CO-20454Received by J. S. S. S.

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. 36-08377 Telephone No. 344-59562. Name(s) of Permit Holder(s): A. L. Troutner3. Post Office Address: 767 Troutner Way, Boise, ID 837124. Source of Water: Tucker Springs

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

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

5. Extent of Use:

Domestic _____ (No. of households)

Irrigation _____ (No. of acres)

Stockwater _____ (No. and type of stock)

Other Recreation6. Total rate and/or volume for which proof is submitted 1.0 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 ☐ No8. Fee Enclosed: \$ 100.- (See License Examination Fee Schedule)

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

ALICE VIRGINIA TROUTNER SCHWEITZER
Name837-4438
Telephone No.P.O. BOX 597 240 S SEC. HAGERMAN, IDAHO
Address 83332

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.

5/3/91
Date[Signature]
Signature (and title if on behalf of a company or organization)

MAY 13 1991

SIMMONS AND CLUBB

CERTIFIED PUBLIC ACCOUNTANTS

410 S. ORCHARD SUITE 156

BOISE, IDAHO 83705



BOISE, IDAHO 83705

MAY 31 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

May 9, 1991

A. L. TROUTNER
707 TROUTNER WAY
BOISE, ID 83712

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08377

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 and lockable controlling works that will enable the watermaster to control the rate of diversion.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

MAY 14 1991

APPLICATION FOR PERMIT REVIEW

Application #: 36-8377
Date: 5-2-91

Reviewer: Pam Skaggs

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. 36A
✓ Surface water - 005, 005-01H-P01(LT.7 w/pump)
005-01J-P08(GT.7)

Groundwater - P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

✓ Swan Falls Flag, - 9 (1, Blank or Other)

✓ Trust *No Conditions per Jim Kube* - 051-052-053-P74(Cons.), 041(DCMI, w/Irr or Irr & Dom)
Non Trust - 048-049

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 Annual Till & Subordinate to future

RECEIVED
MAY 14 1991

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

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY ZM DATE 9/30/88 APPLICATION NUMBER 36 -

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 — *Request item 66 information*
- ☒ 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.) *36-4133, 0192, 2007 Big Bend Ditch - 1st.*
- ☒ Overlapping point of diversion - *36-2007, 2055, 2478, 7228, 8318, 8325*
- ☐ Yes ☐ No Field check required **Probably others*
- ☐ 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

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

4.5, 33, 1 - Possession Interest4.5, 3, 4, 1 - Fish4.5, 34, 2 - Plans & Cost4.5, 3, 5, 1 - Comments

Date Requested

RECEIVED

JUL 05 1988

Department of Water Resources

PROCESSING

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

SEND COPIES TO

- ☐ Idaho Dept. of Health & Welfare
- ☐ Idaho Dept. of Fish & Game, Region
- ☐ Idaho Dept. of Lands
- ☐ Adjudication Bureau Unit
- ☐ U.S. BLM, District
- ☐ U.S. Forest Service, Forest
- ☐ Water District #
- ☐ Other

FINAL REGIONAL PROCESSING REVIEW

- ☒ ~~Yes~~ ☐ No Affidavit of publication received
- ☒ ~~Yes~~ ☐ No Application published correctly. If not, record action taken.
- ☒ ~~Yes~~ ☐ No Publication dates & paper, recorded on application
- ☐ Yes ☒ ~~No~~ Protests received
- ☐ Yes ☐ No Final date for protest
- ☐ Yes ☒ ~~No~~ Protests, dates, resolution of protest, recorded on application
- ☐ Yes ☒ ~~No~~ Recommendations attached
- ☒ ~~Yes~~ ☐ No Measuring device required
- ☐ Yes ☒ ~~No~~ Access port required
- ☒ ~~Yes~~ ☐ No Will water be delivered by watermaster? If yes, what Dist. 36-A
- ☒ ~~Yes~~ ☐ No Special conditions of approval or cover letter below.

OJ. 05-36A - Billingslet/Rickett

☐ See below for additional information

Date of priority recommended 8/16/88
By Loren W. Halum Date 6/29/90

STATE OFFICE REVIEW

POB, P16

OJ 27 05 (36A)

By KW ☐ See below for additional information
Date 7-19-90

ADDITIONAL INFORMATION

App. in TRUST area - NON-CONSUMPTIVE

Form No.
7/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHECKLIST OF REQUIREMENTS
LARGE DIVERSION SUPPLEMENTARY
ANALYSIS SHEET*

✓ = Required -

EFFECT ON EXISTING RIGHTS

- ☐ Yes ☒ No Springs/surface streams with 5 or less existing users
☐ Identify number of impacted rights
☐ Name and address of users
☐ Location of points of diversion
☐ Nature of use of the existing rights
- ☐ Yes ☒ No Groundwater
☐ Plat showing proposed well and any other wells &/or
springs within ½ mile radius
- ☒ Yes ☐ No Statement of design construction, or operation techniques
which will be used to reduce impact on existing rights

SUFFICIENCY OF WATER SUPPLY

- Water Requirements of Proposed Project
☐ Required diversion rate during peak use (Maximum rate)
☐ Required diversion rate during average use period
☒ Annual volume
☐ Season of use
☒ Volume to be consumptively used/year
- Quantity of Water Available from Source
☐ Flow rates for surface water sources available during peak
and average water demand period
☐ Properties of aquifers
☐ Other sources available for supplementation

GOOD FAITH, DELAY OR SPECULATION

- ☒ Copies of deeds, leases, easements, and right-of-ways from _____
- ☐ Power applications affidavit form 205/206 is required
☐ Yes ☐ No Other needed permits, licenses, or approvals required. If
yes, _____.

FINANCIAL RESOURCES

- ☒ Current certified financial statement
- * ☒ Financial commitment letter/financial statement from
committed party
- ☐ Project design/plans along with cost estimation to
complete project

*For applications of more than 5 cfs. or more than 500 AF.

LOCAL PUBLIC INTEREST

Comments received from:

- | | | |
|---|---|---|
| ☒ City <i>Lagerman</i> | ☒ Idaho Fish & Game | ☐ Irrigation District |
| ☒ County <i>Gooding</i> | ☐ Idaho Health & Welfare | ☒ Canal Company <i>Big Bend Ditch Co.</i> |
| ☐ Reservations | Division of Environment | ☐ Other _____ |

Project impacts/implications report

COMMENTS

MEMORANDUM

DATE: 29-Jun-1990

FROM: Loren Holmes *LH*

TO: File 36-8377, Troutner

SUBJECT: Additional information requested

Additional information was requested of this applicant under Rule 4,5,3. for a large diversion.

After contact with the applicant as indicated in the file, we have only received plans documenting existing construction.

It is apparently the applicant's position that no further information will be submitted because this application does not represent any actual change to existing facilities.

The file is forwarded for State Office review and determination of whether the additional information should continue to be requested or if a permit can be issued based on what we have at this point.

REPROFILMED

MAY 14 1991



TRUS JOIST CORPORATION

Research and Development
501 E. 45th St.
Boise, Idaho 83714
208/375-4450

RECEIVED

APR 25 1990

Department of Water Resources
Southern Region Office

April 23, 1990

Loren O. Holmes P.E.
Southern Region Manager
Dept. of Water Resources
State of Idaho
222 Shoshone Street E.
Twin Falls, ID 83301

Dear Sir:

Regarding your letter dated 25 October, 1988. I am sending you a layout and approximate dates constructed, of recreation fish ponds at Fall Lake Ranch, Hagerman, Idaho.

I do not anticipate any further construction, therefore no new construction cost or new impact would occur.

Sincerely,

Arthur L. Troutner

ALT:wb

MICROFILMED

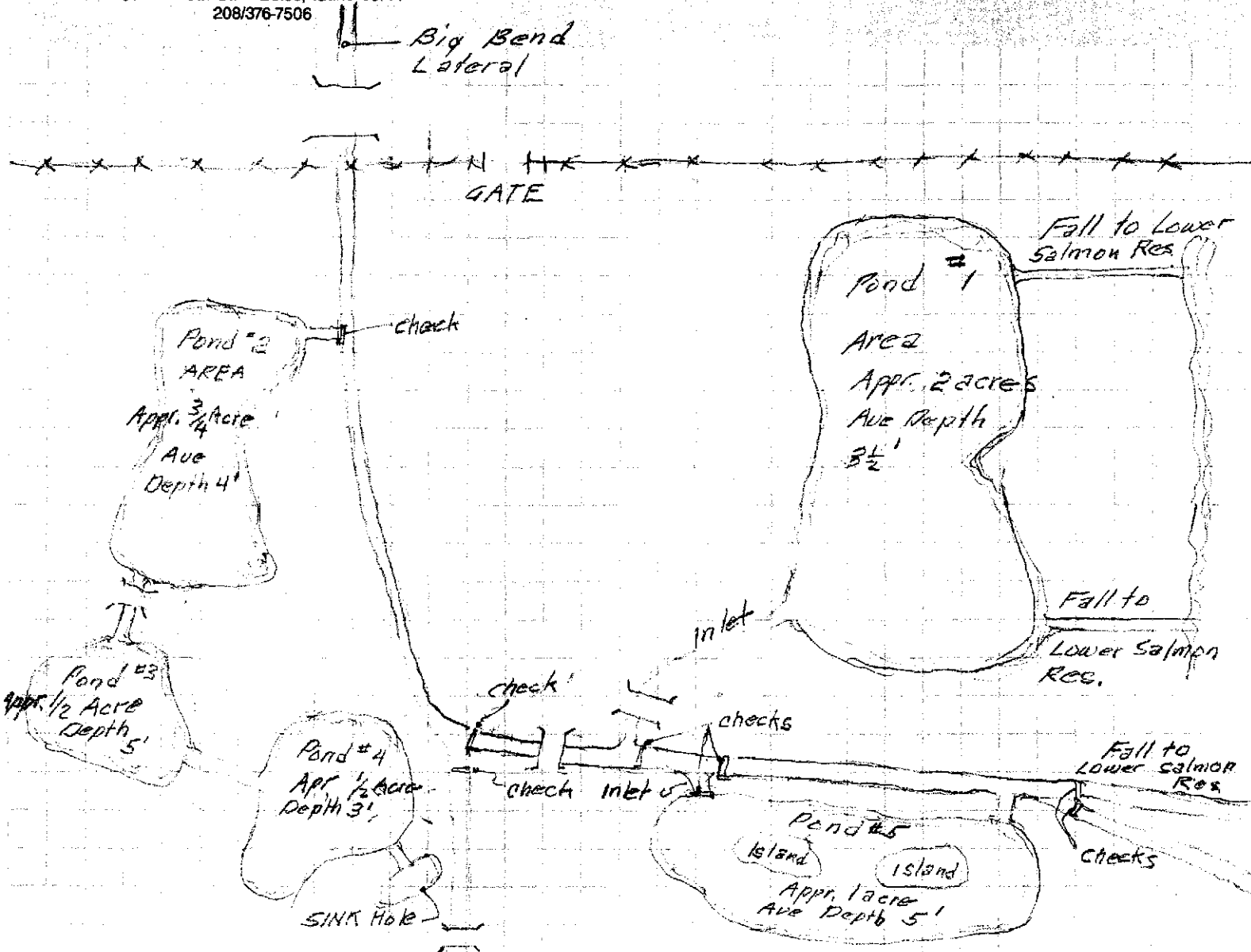
MAY 14 1991



TRUS JOIST CORPORATION

a division of TJ International

RESEARCH & DEVELOPMENT
501 E. 45th St. • Boise, Idaho 83714
208/376-7506



Ponds #3, #4 and #5
Not operable during some
summer months

Pond #1 constructed 1973
#2 " " 1974
#3 " " 1982
#4 " " 1976
#5 " " 1985

No new construction is anticipated

REV 14 1991

JOB NAME: _____

LOCATION: _____

SALESMAN: _____

JOB # _____

SHEET ____ OF ____

BY _____ DATE: _____

Pond System Diagram



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

A. L. Troutner
707 Troutner Way
Boise, ID 83712

28-Feb-1990

RE: Application for Permit 36-8377

Dear Mr. Troutner,

On January 31, 1990 I was contacted by Alice Schweitzer about the status of the above referenced application. A cursory check of the file indicated that the file was in line to be reviewed by the regional manager, Loren Holmes, in preparation to send to Boise for final review and approval. That was what I indicated to Ms Schweitzer; however, closer inspection revealed that there are pieces of information, requested in the acknowledgment letter, dated 10/25/88 (copy enclosed), missing.

Large diversions, such as this one, require that information sufficient to address the potential impacts and implications be provided to the Department. The two rules Mr. Holmes cited are slanted toward commercial fish production facilities but are relevant to facilities proposed (existing) by your application. Specifically, we require that plans and specifications be provided which show the number, length, width, and depth dimensions. Further, to satisfy the Public Interest Criteria of 42-203A(5)(e) of the Idaho Code, the comments of the various groups identified in Mr. Holmes letter shall be provided.

As I looked over the application, Mr. Troutner, I became curious whether this application describes a new diversion of 10 cfs from Tucker Springs, or if this is for flow available at the tail end of Big Bend Ditch?

Please provide the requested information at your earliest convenience. Failure to submit the requested information within 30 days may result in voiding of the application. If you have any questions please contact us.

Sincerely,

Douglas Jones, EIT
Water Resources Engineer-In-Training

cc Alice Schweitzer
PO Box 597
Hagerman, ID 83332

RECEIVED
MAY 14 1991

CONVERSATION MEMORANDUM

NAME OF PARTY Sec. to A.L. Trotter
EMPLOYEE DOUGLAS JONES

DATE 1/31/90
FILE 36-8377

RE:

Alice Schaeitzler contacted me
to ask status of application

P.O. Box 597 Hagerman 83332

Informed her that the file is
undergoing routine processing and
that the next step is for Regional
Manager, Loren Holmes, to review file
and sign-off on it before forwarding
to Boise for final approval to Permit
stage.

There were no protests filed.

CC of this memo & L.H. Acknowledgment
letter to be sent to above address.

MAY 14 1991

25-Oct-1988

A.L. Troutner
707 Troutner Way
Boise, ID 83712

Re: Application for Permit No. 36-8377

Dear Mr. Troutner:

The Department of Water Resources acknowledges receipt of your application for a water right permit. The application has been assigned identification No. 36-8377. Please refer to this number in all further correspondence.

This office is currently reviewing and processing your application pursuant to Idaho statutes and the department's Rules and Regulations for Water Appropriation.

A legal notice of the application is being prepared for publication Statewide in the Gooding County Leader, Times News, Idaho Statesman, Lewiston Morning Tribune, and Post Register and will appear on 11/2/88 or 11/3/88 and 11/9/88 and 11/10/88. The last date for receiving protests against granting of the application will be November 21, 1988.

If the application is protested you will be notified and sent a copy of all protests filed.

Review of your application indicates the following additional information is required to be made part of the application file pursuant to IDAHO CODE section 42-203A and the Rules and Regulations for Water Appropriation:

1) Copies of plans and specifications along with estimated construction costs for the project works. The plans must be definite enough to allow for determination of project impacts and implications. For fish propagation facilities the plans must show the number of ponds proposed and give the length, width and depth dimensions of all ponds. (Rule 4,5,3,4,2.)

MAY 14 1991

A.L. Troutner
Page 2
25-Oct-1988

2) You must seek comment on the effects of the construction and operation of the proposed project from the city and/or county within which the project is to be located, the Idaho Department of Fish and Game, the Idaho Department of Health and Welfare, Division of Environment, and any irrigation district or canal company within which the project is to be located. (Rule 4,5,3,5,1) A copy of your application is enclosed for your use in seeking comments.

The required additional information must be submitted within 30 days after the final date for receiving protests (November 21, 1988). The time may be extended upon request and showing of good cause that additional time is required to submit the information.

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

Very truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

Enclosure

MAY 14 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

OCTOBER 20, 1988

GOODING COUNTY LEADER
BOX 56
GOODING, ID 83330

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before NOVEMBER 21, 1988.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

RECEIVED

MAY 14 1991

NOTICE OF APPLICATION FOR WATER RIGHT

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

36-08377

TROUTNER, A.L.
707 TROUTNER WAY
BOISE, ID 83712

Source: TUCKER SPRINGS

Tributary: RILEY CREEK

Diversion Pt: NWSESE Sec 36 T 07S R 13E; 3 miles South & 1 mile
West of Hagerman, Gooding County.
Use: RECREATION (10.000 CFS)
DIVERSION TO STORAGE (10.000 CFS)
RECREATION STORAGE (100.00 AF)

Date Filed: 8/16/1988

In: T07S R13E S21 Lot 1 (NENE)
S22 NWNW

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, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before NOVEMBER 21, 1988.

R. Keith Higginson, Director

Published 11/02/1988 & 11/09/1988

RECEIVED

NOV 14 1988

IND. DIV.

181-1910 Times News

~4~NOTICE OF~
~APPLICATION FOR~
~WATER RIGHT~

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Boise, ID 83712~

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INGS~

Tributary: RILEY CREEK~

Diversion Pt: NWSESE

Sec 36 T 07S R 13E; 3

miles South & 1 mile

West of Hagerman,

Gooding County.~

Use: RECREATION

(10,000 CFS)~

DIVERSION TO

STORAGE (10,000 CFS)~

RECREATION STORAGE

(100.00 AF)~

Dated Filed: 8/16/1988~

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(NENE)~

S22 MNW~

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Director, Dept. of Water
Resources, 214B 4th
Avenue East, Twin Falls,
Idaho 83301 on or before
NOVEMBER 21, 1988.~

R. Keith Higginson,
Director~

PUBLISH: Thursday,
November 03, and 10,
1988.~

OK
28 10/31/88

RECEIVED
7 14 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

OCTOBER 20, 1988

TIMES NEWS
P.O. BOX 548
TWIN FALLS, ID 83303-548

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before NOVEMBER 21, 1988.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

14 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

OCTOBER 20, 1988

POST REGISTER
P.O. BOX 1800
IDAHO FALLS, ID 83402

Gentlemen:

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

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Mary Baldwin
Secretary/Office Coordinator

Enclosure

RECEIVED

MAY 14 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

OCTOBER 20, 1988

LEWISTON MORNING TRIBUNE
505 C STREET
LEWISTON, ID 83501

Gentlemen:

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Mary Baldwin
Secretary/Office Coordinator

Enclosure

RECEIVED
OCT 24 1988

OCT 14 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

OCTOBER 20, 1988

IDAHO STATESMAN
BOX 40
BOISE, ID 83707

Gentlemen:

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

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Secretary/Office Coordinator

Enclosure

RECEIVED
OCT 21 1988
TWIN FALLS, ID

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R. Keith Higginson, Director

Published 11/03/1988 & 11/10/1988

STAFF ANALYSIS SUPPLEMENT

1) Water District 36-A Basin # 36

2) Local description (of one P/D)

☐ At the above street address

☒ 3 miles N/S South and 1 miles E/W East
west
 of Hagerman.
 (City center or numbered highway intersection)

☐ _____

(Travel directions from city center or highway intersection)