

737
T-718

NHEL/NW

②

11.8

①

57.4

26E

736
T-715

723

T-630

488

T-529

NHEL/NW

①

69.7

Well used is
on Farm # 460
NE corner

Well # A0007309
A0007309
used to irrigate
22 acres on
Farm #

Main
Line
Well
Line
Pump
(main line
bottled pump)

729

T-296

NHEL/NW

730

T-628

②

7.3

①

26.8

5N

729

T-294

NHEL
NW

459

T-518

NHEL
NW

①

19.9

②

8.2

①

20.0

460

T-519

①

8.2

①

22.1

①

23.8

mesh
fence

CRP

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

AUG 20 2003

CONSERVATION PLAN MAP

SCS-CPA-16

81

Owner Jack Walker Operator Walker Coburn
County Butte State Idaho Date 5/8/12
Approximate acres 40 Approximate scale 3" to 1 mi
Cooperating with Butte & So. Custer Conservation District
Plan identification continuous CRP Photo number E16
Assisted by Arco FSC USDA Soil Conservation Service

AFFIDAVIT OF PUBLICATION

I, Vickie Christensen
of The Arco Advertiser, a weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1909, do solemnly swear that a copy of this notice, per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for

2 consecutive weeks, commencing with the issue dated April 3, 2003 and ending with the issue dated April 10, 2003

STATE OF IDAHO }

COUNTY OF BUTTE }

On this 10th day of April
in the year of 2003, before me, a Notary

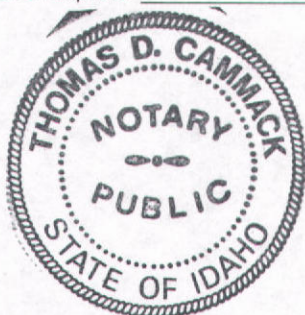
Public, personally appeared

Vickie Christensen
known or identified to me to be the person, whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Thomas D. Cammack
Notary Public for Idaho

Residing at Arco, Id

My commission expires: 1-23-2004



RECEIVED

APR 21 2003

Department of Water Resources
Eastern Region

PUBLIC NOTICE

**NOTICE OF APPLICATION
TO APPROPRIATE WATER**

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

34-13791

MARTY T COBURN
JODY COBURN
PO BOX 435

MOORE ID 83255

Points of Diversion: SESW S4 T05N R26E,
BUTTE County

Source: GROUND WATER

Use: IRRIGATION 05/01 to 10/15 0.22 CFS
Total Diversion: 0.22 CFS

Date Filed: 03/17/2003

Place of Use: IRRIGATION
T05N R26E S4 NWSE SWSE

Number of Acres: 22

Remark: This application is a pre-1987 development.

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before April 21, 2003. The protestant must also send a copy of the protest to the applicant.

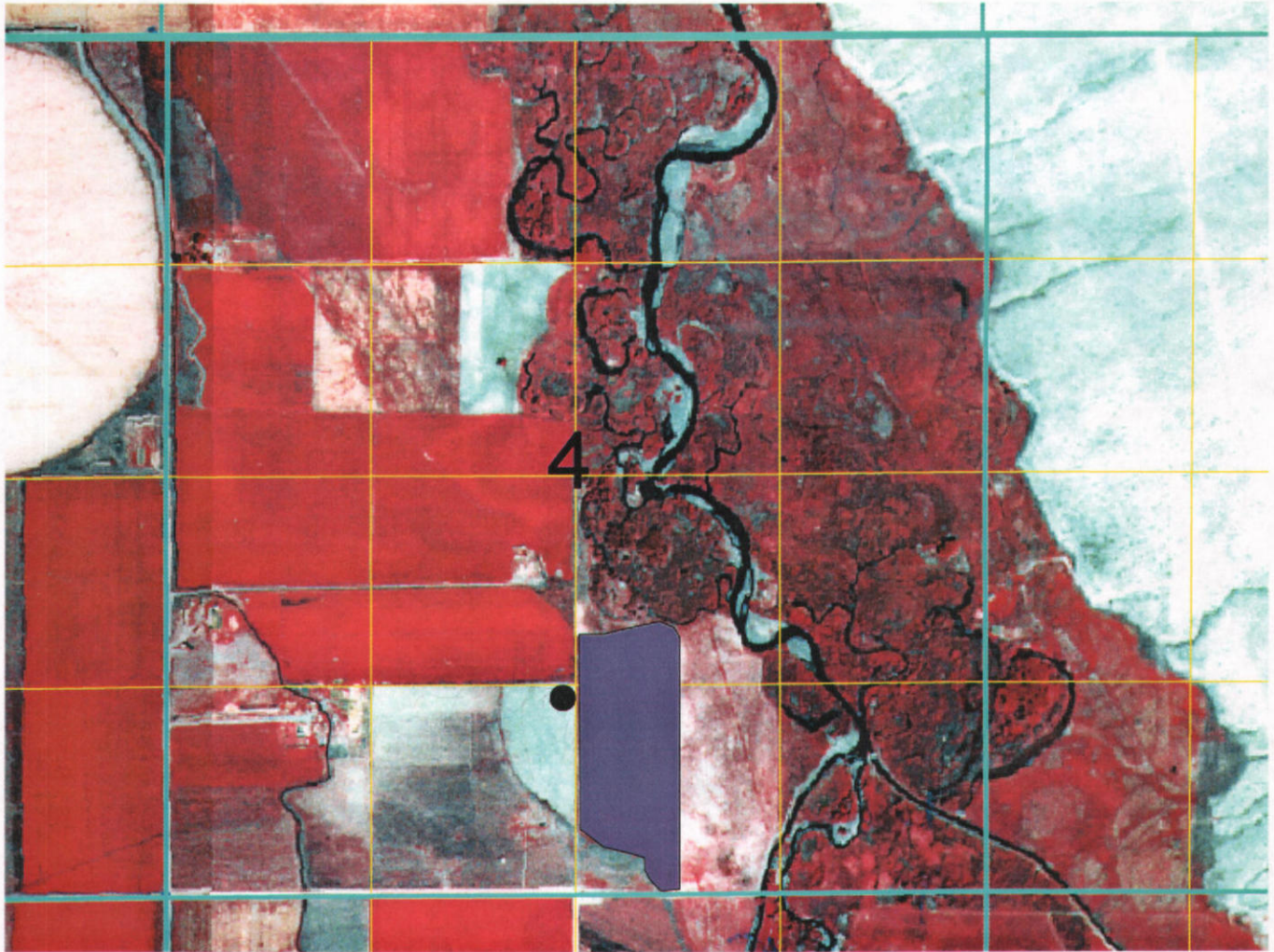
KARL J. DREHER
Director

Published on April 3 and 10, 2003

MICROFILMED

AUG 20 2003

View1



-  Graph10.shp
-  Gcdb_section.shp
-  T05n26e.shp



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
SEP - 4 2003

Department of Water Resources

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

1. Permit No. 34-13791 Telephone No. (H) 559-3502 (cell 709.5238)
cell 390-9681
2. Name of Permit Holder(s): Marty T And/or Jody K Coburn
3. Mailing Address: PO Box 435
City Moore State Idaho Zip 83255
4. Source of Water: → If GROUNDWATER (well), Date Drilled: mo. 2/18 / yr. 02
Well Driller: Jack Cushman Drilling Permit Number: D0021999
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): — Stockwater (No. and type of stock): Sheep - 100
Irrigation (No. of acres): 22.0 Other: NA
6. Total rate of diversion and/or volume for which proof is submitted: 0.22 cfs OR 77.0 acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes — or No X
Has the measuring device been installed? Yes — or No X
8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Marty Coburn Telephone Number: 554-3502-
709-5238
Address: PO Box 435 Moore Idaho 83255 390-9681
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Marty Coburn Date: 9-1-03
(include your title, if on behalf of company or organization)

I HAVE BEEN WORKING WITH Keith Wilson of Idaho Falls
OFFICE ON THIS AND OTHER THINGS THAT
MAKES

MICROFILMED
NOV 14 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 34-13791

Priority: March 11, 2003

Maximum Diversion Rate: 0.22 CFS

This is to certify, that MARTY T COBURN And/Or JODY K COBURN
PO BOX 435
MOORE ID 83255

have applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	0.22 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 4, Twp 05N, Rge 26E, B.M., BUTTE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N 26E 4														6.0	16.0		22.0
Total Acres																	22

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2003**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. This right does not grant any right-of-way or easement across the land of another
5. This right does not authorize the irrigation of land not previously irrigated
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
7. Prior to diversion of water under this right, the right holder shall install a measuring device acceptable to the Department or shall enter into an agreement with the Department to use power records to determine the amount of water diverted.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 77.0 af at the field headgate for the lands above.
9. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

MICROFILMED

AUG 9 11 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 34-13791

10. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required
11. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 13th day of August, 2003


for KARL J DREHER, Director

MICROFILMED

AUG 20 2004

\$250 Fee

Ident. No.

34-13791

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

RECEIVED

To appropriate the public waters of the State of Idaho

JUL - 7 2003

Department of Water Resources

- 1 Name of Applicant Marty T and Jody K Coburn Phone 208-554-3562
Mailing address Po Box 435 Moore Idaho 83255
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 5N Range 26E Sec 4, in the _____ 1/4, SE 1/4, SW 1/4, Govt Lot _____, B M, Butte County;
additional points of diversion if any _____
4. Water will be used for the following purposes
Amount 0.22 cfs for Irrigation purposes from 5-01 to 10-15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- 5 Total quantity to be appropriated is (a) 0.22 cfs and/or (b) _____
cubic feet per second acre feet per annum
- 6 Proposed diverting works:
- * a. Describe type and size of devices used to divert water from the source 15 HP Submersible pump with steel main line across field, hand line - 1 wheel line was used.
- b Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c Proposed well diameter is 18 inches; proposed depth of well is 100 feet
- d. Is ground water with a temperature of greater than 85°F being sought? N
- e. If well is already drilled, when? 1980. Drilling firm _____
Well was drilled for (well owner) _____, Drilling Permit No. A0007209
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
- 8 Description of proposed uses (if irrigation only, go to item 9):
- 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 _____

RECEIVED

MICROFILMED

AUG 20 2003

9 Description of place of use

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	26E	4														6	16		22

Total number of acres to be irrigated 22

10 Describe any other water rights used for the same purposes as described above 34-428A

* 11 a Who owns the property at the point of diversion? Rick + Mary Griffith

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

* c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: WELL TRANSFER TO WELL IN SW CORNER OF FARM 729

12 Remarks: This is a pre-1987 development

Warranty Deed 05N 26E 046601 Jerald Beverland's

Dick Beverland's Refers.

Dick Beverland's 729 is the ground I bought in 1998.

Dick pumped out of well on deed onto 62d I own now

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range (A photocopy of a USGS 7 1/2 minute topographic quadrangle map is preferred)

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

MICROFILMED
AUG 20 2003

* Marty CoBurn
Signature of Applicant (and title, if applicable)

Received by HWT Date 3-11-03 Time _____ Preliminary check by _____

Fee \$ 250 ^{XX} Receipted by HWT # E028551 Date 3-11-03

Publication prepared by SC Date 4/15 & 4/10/03 Published in Area Advertiser

Publication approved _____ Date _____

(9)

[illegible]

Dates pump Bill + kWh used

March 3, 2003

Dick Beverland - Co-op #607

<u>MO/YEAR</u>	<u>KWH USAGE</u>
08/81	7628
09/81	4624
07/82	3398
08/82	2870
09/82	1978
07/83	1629
08/83	4908
09/83	591
07/84	2546
08/84	1142
06/85	2266
07/85	3205
08/85	740
07/86	3315
08/86	3756
07/87	3970
08/87	859
06/88	2550
07/88	7094
08/88	3347
05/89	1327
06/89	2164
07/89	6220
08/89	4109

MICROFILMED

AUG 20 2003

05924 E 1146601

WARRANTY DEED

For Value Received WE, WILLIAM GORDON AINSLIE, III AND JALENE CAROLE AINSLIE, husband and wife,

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

JERALD BANKS BEVERLAND AND WANDA LOU BEVERLAND, husband and wife,

the grantee s, whose current address is P.O. Box 250, Oldsmar, FL 33557

the following described premises, in Butte County Idaho, to-wit:

TOWNSHIP 5 NORTH, RANGE 26 EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO.

Section 4: E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$

7 $\frac{1}{2}$ inches of 6/1/1894 water in Big Lost River Irrigation District.

315 inches of storage water in the Big Lost River Irrigation District.

One-half interest in irrigation well located in the NE corner of above described property.

20

Entered . . .	☒
Compared . .	☒
Indexed	☒

No. 15976

FILED

MAY 22 1985

BUTTE COUNTY RECORDER

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantees, that they the owner s in fee simple of said premises; that they are free from all incumbrances save and excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in the records of Butte County, Idaho.

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

Dated: May 6, 1985

William Gordon Ainslie III

WILLIAM GORDON AINSLIE, III

Jalene Carole Ainslie
JALENE CAROLE AINSLIE

STATE OF IDAHO, COUNTY OF

On this 21st day of May, 1985, before me, a notary public in and for the said State, personally appeared

William Gordon Ainslie III
and Jalene Carole Ainslie

known to me to be the person s whose name s subscribed to the within instrument, and acknowledged to me that they executed the same.

Hugh A. Davis
Notary Public

Residing at Mackay, Idaho, Idaho
Comm. Expires Lifetime

STATE OF IDAHO, COUNTY OF Butte

I hereby certify that this instrument was filed for record at the request of Jean Keith

at 30 minutes past 9 o'clock A.M.,
this 22nd day of May, 1985, in my office, and duly recorded in Book Index
of Deeds at Page 15976

Judith R. Bailey
Ex-Officio Recorder

By [Signature] Deputy.

Fees \$2.00

Mail to:

MICROFILM

INSTRUMENT NO. 15976

200 - 9 2701

MAH 15976
15976

WARRANTY DEED

For Value Received

GERALD L. LOGAN and CECILIA M. LOGAN single persons
the grantors, do hereby grant, bargain, sell and convey unto
WILLIAM GORDON AINSLIE III and JALENE CAROL AINSLIE, husband and wife
the grantees, whose current address is Arco, Idaho
the following described premises, in Butte County Idaho, to-wit:

E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, Township 5 North, Range 26 East,
Boise Meridian, Butte County, Idaho.

7 $\frac{1}{2}$ inches of 6/1/1894 water in Big Lost River Irrigation
District.

315 inches of storage water in the Big Lost River Irrigation
District.

One-half interest in irrigation well located in the
NE corner of above described property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantee S, that they're the owners in fee simple of said premises; that they are free
from all incumbrances

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

Dated: July 28, 1983

Gerald L. Logan
Cecilia M. Logan

STATE OF IDAHO, COUNTY OF

On this 28th day of July, 1983,
before me, Notary Public in and for the said State, personally appeared

Gerald L. Logan
Cecilia M. Logan

known to me to be the person S whose name S
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Stephen H. Davis
Notary Public

Residing at *Arco, Idaho*, Idaho
Comm. Expires *Life*

STATE OF IDAHO, COUNTY OF Butte

I hereby certify that this instrument was filed for record at
the request of FIRST AMERICAN TITLE COMPANY

at 0 minutes past 2 o'clock P M.,
this 4th day of August
1983, in my office, and duly recorded in Book Index
of Deeds at Page M-12777

Edith R. Bailey
Ex-Officio Recorder

By *[Signature]* Deputy.

Fees \$ 2.00
Mail to:

Entered	☒
Compared	☒
Indexed	☒

MICROFILMED

AUG 20 2003

M# 12777

INSTRUMENT NO. M-12777

Final	✓
Countersigned	✓
Indexed	✓

MEMORANDUM OF SALE AGREEMENT

No.
 FILED
 FEB 6 31
 11:50 P.M.
 BUTTE COUNTY CLERK
Donna Ann Powers

THIS MEMORANDUM, made and entered in this 10th day of October, 1979, by and between GILBERT DAVIES and ELEANOR DAVIES, his wife, of the City of Shelley, Bingham County, State of Idaho, hereinafter referred to as Vendors, and GERALD L. LOGAN and CECELIA M. LOGAN, his wife, of the City of Moore, Butte County, State of Idaho, hereinafter referred to as Purchasers.

WITNESSETH:

That Vendors hereby sell to Purchasers and Purchasers hereby purchase from Vendors, in consideration of the mutual terms and conditions set forth in that certain instrument made and entered into the 10th day of October, 1979, between the parties hereto entitled Contract of Sale, all those certain lands situated in the County of Butte, State of Idaho, more particularly described as follows:

The East Half of the Southeast Quarter of the Southwest Quarter of Section 4, Township 5 North, Range 26, East of the Boise Meridian, Butte County, Idaho.

IN WITNESS WHEREOF, the parties hereto have executed this instrument, in duplicate, the day and year first above written.

Gilbert Davies
 GILBERT DAVIES

Eleanor Davies
 ELEANOR DAVIES

Gerald L. Logan
 GERALD L. LOGAN

Cecelia M. Logan
 CECELIA M. LOGAN

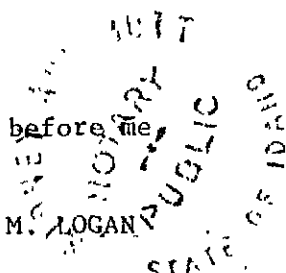
STATE OF IDAHO)
) ss.
 BONNEVILLE COUNTY)

On this 5th day of February 1980, before me the undersigned Notary Public personally appeared

GILBERT DAVIES, ELEANOR DAVIES, GERALD L. LOGAN, and CECELIA M. LOGAN known to me to be the persons whose names are subscribed to the within instrument and acknowledge to me that they executed the same.

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

Shirley Ann B...
 NOTARY PUBLIC
 Residing in Idaho Falls



MICROFILMED
 AUG 20 2003

WEST AMT...
 171218
 00461

Done. m# 10226

THIS INDENTURE, made this 11th day of October, 1979, between GILBERT DAVIES and ELEANOR DAVIES

of Shelley, County of Bingham, State of Idaho
the party of the first part and GERALD L. LOGAN and CECELIA M. LOGAN, husband and wife

of Idaho Falls, County of Bonneville, State of Idaho
the party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten and no/100

lawful money of the United States of America and other valuable considerations to party of the first part in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents, does grant, bargain, sell and convey and confirm unto the said party of the second part, and to party of the second part's heirs and assigns, forever, all the following described real estate situated in the County of Butte State of Idaho, to-wit:

The East Half of the Southeast Quarter of the Southwest Quarter (E1/2SE1/4SW1/4) of Section 4, Township 5 North, Range 26, East of the Boise Meridian, Butte County, Idaho.

Subject to all conditions, restrictions, reservations, easements, rights, rights-of way, ditches and ditch rights, zoning ordinances and governmental regulations, of record, but together with all tenements, ditch and water rights, hereditaments and appurtenances thereunto belonging and appertaining, and particularly water rights of 40 inches with a priority date of June 1, 1894, Big Lost River, together with all water right and water well #34 7209.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part,

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together with the appurtenances unto the party of the second part, and to party of the second part's heirs and assigns forever. And the said party of the first part, and said party of the first part's heirs shall and will warrant and by these presents forever defend the said premises in the quiet and peaceable possession of the said party of the second part, and party of the second part's heirs and assigns, against the said party of the first part, and party of the first part's heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same.

In construing this deed and where the context so requires, the singular includes the plural

IN WITNESS WHEREOF, the said party of the first part hereunto has set his hand.

Gilbert Davies
Eleanor Davies

STATE OF IDAHO.

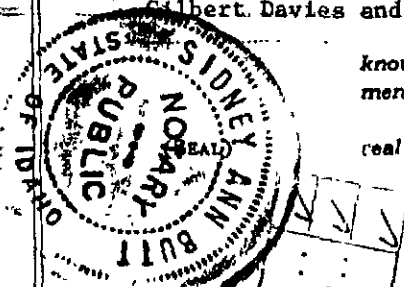
County of Bonneville ss.

On this 11th day of October in the year 1979, before me the undersigned, a Notary Public in and for said State, personally appeared Gilbert Davies and Eleanor Davies

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Sidney Ann Butt
Notary Public for the State of Idaho
Residing at Idaho Falls, Idaho.



WARRANTY DEED

GILBERT DAVIES

ELEANOR DAVIES

TO

GERALD L. LOGAN

CECELIA M. LOGAN

October 11, 1979

STATE OF IDAHO.

of Butte

do hereby certify that this instrument

is for record at request of

FIRST AMERICAN TITLE CO.

50 minutes past 1

P.M., this 4th day of

August 4, 1983, in my

and duly entered in Book Index

Deeds

08-2176

Judith R. Bailey

Ex-Officio Recorder

Deputy

2.00

FTER RECORDING RETURN TO

AMERICAN TITLE COMPANY

PO BOX 1018

IDAHO FALLS, IDAHO 83401

(Optional)

Recorded ☐Microfilmed ☐Indexed ☐Platted ☐Deed Card ☐Compared ☐Key Punched ☐Master File ☐Abstracted ☐To Treasurer ☐

(DO NOT WRITE ABOVE THIS LINE)

WARRANTY DEED

BERNEICE TWITCHELL, dealing as separate property
of Mackay County of Custer

GRANTOR(S)

hereby CONVEYS, GRANTS and WARRANTS TO Gilbert W. Davies and Eleanor Davies,
husband and wife State of Idaho

of Shelley County of Bingham

GRANTEE(S)

for the sum of TEN AND NO/100 - and other valuable consideration Dollars (\$10.00)
State of Idaho

the following described tract(s) of land in

BUTTE

County, State of Idaho:

Township 5 North, Range 26 East, Boise Meridian

Section 4: SE $\frac{1}{4}$ SW $\frac{1}{4}$

(This is a correction Deed to replace lost document)

357-7219

No. 12-12661

FILED

Entered . . .	☒
Compared . .	☒
Indexed	☒

JUL 13 1983

BUTTE COUNTY RECORDER

Ann Russell

Location of above described property

RFD Moore, Idaho

House No.

Street

WITNESS the hand of said Grantors this.

day of July A.D. 1983

MICROFILMED

Berneice Twitchell

AUG 20 2003

State of Idaho
County of Butte} ss. On the 6th day of July A.D. 1983

personally appeared before me BERNEICE TWITCHELL, dealing as separate property

the signer(s) of the within instrument, who duly acknowledged to me that he executed the same.

Fred H. Boyer
(NOTARY PUBLIC)Residing at: Idaho, Idaho

My Commission expires: Lifetime

MAIL DEED TO.

MAIL TAX NOTICE TO

AFFIDAVIT IN LIEU OF ADMINISTRATION

State of Idaho)
County of Custer)

588-3374

Berniece Twitchell, being first duly sworn upon her oath says that:

- (a) She is now and has been a resident of Mackay City, County of Custer, State of Idaho for over 10 years, and a resident of Central Idaho for over 45 years.
- (b) She makes this affidavit as of personal knowledge of the facts herein stated and for the purpose of inducing the (Safeco Title Insurance Company of Idaho) to issue title insurance on the following described premises:

SE 1/4 SW 1/4 of Section 4, Twp. 5 North Range 26 E. B. M.

- (c) She was personally acquainted with James Scott Beverland during his lifetime.
- (d) James Scott Beverland died, intestate (without a will), in Aug 31, 1959 County, State of Idaho, on the 31st day of August, 1959.
- (e) At the time of his death, James Scott Beverland was a resident of 711 Gore City, County of Butte State of Idaho.
- (f) At the time of his death, James Scott Beverland was married to affiant Berniece Twitchell and had been continuously so married from the 14th day of July, 1932.
- (g) At the time of his death, James Scott Beverland in addition to his wife was survived by the following heirs:

Name of Heir	Relationship	Residence (if Known)	Age
Genny Lorraine Oliver	Daughter	711 Mackay Id.	44
Dorinda Audrene Evans	Daughter	711 Mackay Id.	42
Billice R. Williamson	Daughter	711 Mackay Id.	37

- (h) At the time of his death, decedent's entire estate was of the approximate value of \$5000.00 dollars.

Berniece Twitchell

Subscribed and sworn to before me this 23 day of Sept, 1977.

Notary Public James Bennett
My Comm. Expires Life
State of Idaho



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

November 5, 2003

MARTY T COBURN
JODY K COBURN
PO BOX 435
MOORE ID 83255

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 34-13791

Dear Permit Holder:

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

During my review of your permit, I found that according to condition of approval paragraph no. 7, it states that, "Prior to diversion of water, under this right, the right holder shall install a measuring device acceptable to the Department or shall enter into an agreement with the Department to use power records to determine the amount of water diverted." Therefore, I recommend that a means of measurement be established prior to the field examination by the department. Secondly, there is no provision for stockwater for the 100 head of sheep you refer to on the Proof of Beneficial Use form. Issuance of this water right license will refer to the uses granted by this permit and in no greater amount than allowed. Any additional uses or quantities not covered by this permit must be covered by another permit.

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

Please review your permit and call me if you have any questions regarding those conditions at (208) 327-7953. If you have questions concerning the field examination, please contact the Eastern Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No 34-13791

Reviewed By. dgibson

Date November 3, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No..		D0021999
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		E028551, C070728	Well driller's report filed?		
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?	X	
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	09/04/2003
Date proof due	- 12/01/2003
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 03/11/2003
New priority date	= 03/11/2003

Deficiencies of Actions Items

Acknowledge proof Instruct that a measuring device requirement is a condition of the permit for use prior to diversion No stockwater use approved under this permit



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

August 15, 2003

MARTY T COBURN
JODY K COBURN
PO BOX 435
MOORE ID 83255

RE: Permit 34-13791

Dear Mr. & Mrs Coburn:

The Department of Water Resources is returning the tape cassette that was sent to our office with the Application for Permit.

We do not have the equipment that is required to play the cassette. Therefore, it is not necessary to retain it in our file.

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

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

Enclosure

MICROFILMED



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

August 14, 2003

MARTY T COBURN
JODY K COBURN
PO BOX 435
MOORE ID 83255

RE: Permit No. 34-13791

Permit Approval Notice

Dear Permit Holder:

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

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

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

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

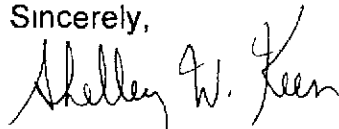
MICROFILMED

AUG 20 1994

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

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

Sincerely,



Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
JUN 11 1994

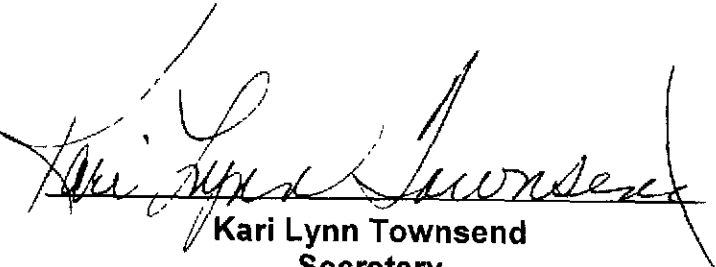
CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

34-13791

JODY K COBURN
MARTY T COBURN
PO BOX 435
MOORE ID 83255



Kari Lynn Townsend
Secretary

MICROFILMED

SEP 11 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37 01 01302 and 37 01 01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

RECEIVED

Walker, Kay

From: Jody Coburn [jodyco39@hotmail.com]
Sent: Sunday, August 10, 2003 12:22 PM
To: kwalker@idwr.state.id.us
Subject: Info concerning App. for permit 34-13791



Water Resources
Information.do..

Dear Kay,

Attached you will find the information you asked for in your last letter.
If you have any further questions, please contact me at the following
numbers: Cell: 709-5238 Home 554-3502 Or e mail me at this address.

Thanks for your time,

Marty Coburn

Protect your PC - get McAfee.com VirusScan Online
<http://clinic.mcafee.com/clinic/ibuy/campaign.asp?cid=3963>

MICROFILMED

Application 34-13791

Question One: We need to know when the well was last used to irrigate the 22 acres of land you propose to irrigate.

Answer: The well was last used to irrigate the 22 acres in 1997. The person who was running it for Dick Beverland rolled and moved sprinklers off when we bought the property in May 1998. Come to find out, the service was put in Dick's name and signed up for 5 years and the power company tied that service to the ground we bought. Clyde Beverland used it on ground 460 T519 in 1998. As the pump and service was in my property's name, I was obligated to pay the bill on the service. I pulled a 20 HP submersible pump out of the well and changed point of diversion from B & S ditch to Moore canal because I could not get water from original point of diversion. That was the only way I could not have two services of power and use my water from the Irrigation District.

Question Two: I notice on the Conservation Plan Map that you submitted says the "Plan identification continuous CRP". When was the property enrolled in CRP and when was it taken out of CRP?

Answer: The CRP ground was signed up in 2001. I have 19.5 acres in CRP. 1.5 acres from farm ground was signed up for 15 years. It currently has trees on it that I am watering. I have 40 acres and 19.5 of that is in CRP, 20.5 farm ground. The 1.5 acres in CRP was originally included in the farm ground.

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 30, 2003

MARTY &/or JODY COBURN
PO BOX 435
MOORE ID 83255

RE: Application for Permit 34-13791

Dear Applicants:

We have received the above referenced application for permit for final review and find that we need additional information. Our concerns are based on the history of this water use since you have stated that the use was in existence prior to 1987.

1. We need to know when the well was last used to irrigate the 22 acres of land you propose to irrigate.
2. I notice on the Conservation Plan Map that you submitted says the "Plan identification continuous CRP". When was the property enrolled in CRP and when was it taken out of CRP?

The Department will hold further processing of your application for 30 days to allow submittal of the required information. Additional time may be granted by the Department upon receipt of a written request and sufficient justification for an extension. After that time, if adequate information is not received, the department will issue a preliminary order to reject or deny the application.

If you have any questions concerning this matter, please do not hesitate to contact me at (208)327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k

MICROFILMED

MEMORANDUM

TO: File 34-13791

FROM: KAY WALKER

RE: Application for Permit Review

Date: July 29, 2003

.....

In review of this application, I find that the documentation concerning use prior to 1987 is acceptable.

Documentation included in file:

1. Listing of Mo/Year and KWH Usage From August of 1981 thru August of 1989
2. Service contract for power in name of Dick Beverland – first date 7/2/1981
3. Conservation Plan Map showing Walker/Coburn had land under continuous CRP

There is a question about when the well was last used on the Coburn property. I will correspond with the applicant to see if I can obtain that information.

I also noted that the owner's of the property the well is on have specifically stated that the well is for field test purposes only. Since the applicant is claiming a pre-1987 development, it is assumed the system is in place and once the permit is issued the right holder can submit proof, have his field examination completed and then file a transfer to develop his own point of diversion.

MICROFILMED

SEP 1 1983

Comment Report

34-13791

1. scox 3/26/2003 Legal Notice Remarks

Comment: This application is a pre-1987 development.

2. dgibson 7/11/2003 Permit Review

Comment: This ground water application is for a supplement source of irrigation water for use in the event the applicants surface water rights are cut off during the irrigation season.

I spoke to the applicant, Marty Coburn, on July 11, 2003 and he gave me additional information to complete information contained on the application or in the file. Surface water rights are appurtenant to this land from Burstedt-Johnson ("B & J") Ditch and were used by Jack and Lois Walker. The Walkers moved the point of diversion with B & J in the mid-80s because of problems delivering the water to their land. The canal shares are being delivered to the property through the Moore Canal system.

Dick Beverland owned and operated this ground for 50-60 years. Dick drilled the well in 1981 and connected the electrical service and installed the pump. Jerry Beverland, Dicks nephew, bought the ground next to Dick in 1985 and Dick continued to use the well, which is located on the fence line on Jerrys property. Dick irrigated 40 acres of his land using this well.

Marty purchased the property in 1998 from Dick Beverland. Marty pulled the 20 hp pump in 1999. The property the well is located on is now owned by Rick and Mary Griffith and they have used it for domestic and irrigation since 1999. However, according to a hand written note from the Griffiths they state that they will not protest the application for Marty to drill a new well. They give their permission to use their well for field tests only. And that after completion of the test, the well may not be used for irrigation purposes. Harold Jones notes in his memo in the file that they are allowing Marty to use their well for field exam, if the permit is granted. After licensing, the applicant would need to transfer to a new well.

During the 7/11/03 conversation with Coburn, he reported that his canal shares are being cut off for the season. Martys cell phone number is 390-9681.

3. kwalker 8/11/2003 Priority Date

Comment: Priority date of this application is 3/11/2003. In review of the proposed permit, I found the region had used an application received date of 3/17/2003 which appears to be the date the application was submitted for advertising. I have corrected the entry to show a priority of 3/11/03.

MICROFILMED

2003

JUL - 7 2003

Dist for Staff DEPARTMENT OF WATER RESOURCES
Submitted for advertising 3-17-05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT ANALYSIS PERMIT

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT ANALYSIS PERMIT

Coburn

INITIAL REVIEW BY HWJ DATE 3-11-03 APPLICATION NO. 34-13791

☒ 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 subdivision, local name, flow and/or volume)

☒ County

☒ Quantity (flow and/or volume)

☒ Period of Use

☒ Nature of proposed use (Include description of use.)

☒ Description of diverting works

☒ Time required for beneficial use of water

☒ Place of use or acres irrigated

☒ Map

☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)

☒ Fee

☒ Yes _____ No* In form to receipt

Overlapping place of use (Describe source & relationship to present application on the back)		
Overlapping point of diversion		
☐	☐	Critical groundwater area
☐	☐	Groundwater management area
☐	☐	Send dam safety information
☐	☐	Send fish farm requirement letter
☐	☐	Power residency affidavit
☐	☐	Within trustwater boundary (If yes, <u>attach trust water supplementary analysis sheet</u>)
☐	☐	Public Water System
☐	☐	Planning section review
☐	☐	Moratorium Hold file
See reverse side for additional information		

***REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT**

Date Requested

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

_____ Id Dept of Environmental Quality	_____ U.S. BLM
_____ Id Dept of Fish & Game	_____ U.S. Forest Service
_____ Id Dept of Lands	_____ Water District
_____ Adjudication Bureau Unit	_____ Other _____

no well log on file -
acc issue
done -

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

STATE OFFICE REVIEW: _____

ADDITIONAL INFORMATION: _____

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

COMMENTS

[illegible]

MEMO

RECEIVED

JUL 7 2003

Department of Water Resources

TO: Application File 34-13791

FROM: HW Jones @ Eastern Region

There seems to be a body of evidence that the Beverland well was running for a number of years on the property next to the applicant.

The only evidence that this well in the SESW SEC 4 T5N R26E was used on Mr. Coburns property are the affidavits.

A audio tape was provided, but I don't have a machine to play and hear the testimony.

Rick and Mary Griffith now own the original P.O.D. and have written to say they will allow it to be used for a field exam if the permit is granted.

Applicant would then need to transfer to a new well after licensing.

MICROFILMED



From The Desk Of

Cheryl Beverland

Dept of Water Resources

My name is Cheryl

Beverland I am writing
to inform you that the
pump on Gerald Beverlands
4 acres was used to
pump water on the
Dick Beverlands property

Dick Beverland purchased
the pump & had it installed
he also paid for the
drilling of the well

"Veterans Serving Veterans"



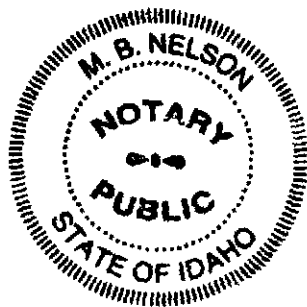
From The Desk Of

Cheryl Beverland

I believe the well
was drilled before 1985 -
but I am not sure so
I will say the mid
80's

Yours Truly

Cheryl Beverland



MB Nelson
Arco ID 83213
Co. of Butte
Expires 2/2/07

MICROFILMED

"Feldman, Beverly (2007)"

10

RECEIVED
JUL 16 2003
Department of Water
East

5-25-03

State Dept of Water Resources.

My name is Monty Coleman
and I am writing this letter
about the wells water. Dick
Beverland owned & operated the grid
for 50 60 years. Jerald Beverland
Bought the ground next to my
place in 1985. Bee Twitter had
the grid in the late 70's. I know that
Dick pumped from well Because the power
was never in no ones name to the pump.
Jack & Lois Walker moved the point of
diversion from B+5 canal to near canal
because they could not get water out
of the B+5 in the mid 80's.

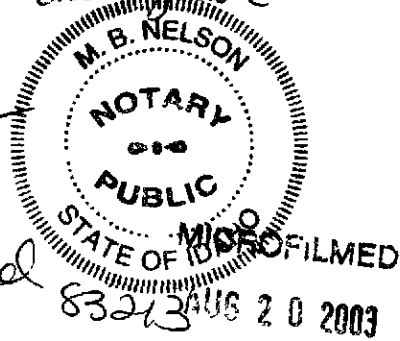
MICROFILMED

AUG 05 2003

All I have is the power Bill, and
 who signed up for sewer to Run pump.
 As of the tape made, the main line
 Run across ground from West to East.
 the main line was steel, & they had a
 wheel line from main line to source, & a hand
 line to the pump. the pump was signed
 up in 1981 under Dick Bowerland. After I
 bought the land, I pulled the pump because I
 had to pay the power that it had been signed for.
 As I say, I had a line walker had to move
 points of diversion to irrigate there place.

Marty Nelson

M B Nelson
 Resides Arcwood
 Butte Co.
 Expires 2/2/07



Department of Labor Resources
Eastern, ID

JUN 04 2003

RECEIVED

2 June 2003
Maureen Id

To whom it may concern:

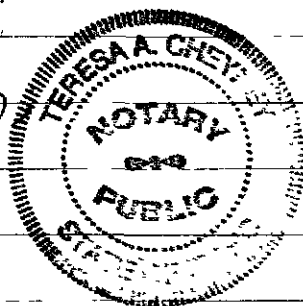
We, Jack & Lois Walker, are writing to inform you, that the irrigation well, on the property line of the Perry Beverland & Dick Beverland farms, was used for irrigating the Dick Beverland farm, part of his 40 acres, in the early 1980's. Sprinkler lines were used.

The power source was put in on the Dick Beverland place. This being the line, pole, panel box, etc.

The well is just over the fence line on the Perry Beverland place.

Sincerely,

Jack L Walker
Lois Walker



MICROFILMED

AUG 20 2003

STATE OF IDAHO
COUNTY OF BUTTE

ON THIS 2ND DAY OF JUNE, 2003, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED JACK L. WALKER AND LOIS WALKER TO ME KNOWN AND ACKNOWLEDGED TO ME THAT THEY HAD EXECUTED THE FOREGOING INSTRUMENT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR THIS CERTIFICATE FIRST ABOVE WRITTEN.

Teresa A. Cheyney
TERESA A. CHEYNEY, NOTARY PUBLIC

RESIDING AT ARCO, IDAHO
MY COMMISSION EXPIRES: 10-20-2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

April 30, 2003

DIRK KEMPTHORNE
Governor

KARL J DREHER
Director

Marty Coburn
PO Box 435
Moore ID 83255

Mr. Coburn:

I am trying to process your pre-1987 development application from a well that now sits on the Griffith property.

As the applicant, proof of use of this well on the subject property must be submitted.

All the place of use evidence you have sent in is for the SESW Section 4 T4N R26E. Your property is in the SWSE Section 4 T5N R26E.

I still have no historical record or evidence of pre-1987 well use on your property and I wanted to give you another opportunity to provide that for the file.

Please send any additional information to me within 14 days so I can forward this file to our State Office.

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc

MICROFILMED

AUG 29 2003

AFFIDAVIT OF PUBLICATION

I, Vickie Christensen
of The Arco Advertiser, a weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1909, do solemnly swear that a copy of this notice, per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for

2 consecutive weeks, commencing with the issue dated April 3, 2003 and ending with the issue dated April 10, 2003

STATE OF IDAHO

COUNTY OF BUTTE

On this 10th day of April
in the year of 2003, before me, a Notary

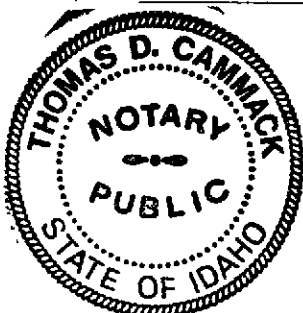
Public, personally appeared

Vickie Christensen
known or identified to me to be the person, whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Thomas D. Cammack
Notary Public for Idaho

Residing at Arco, ID

My commission expires: 1-23-2004



RECEIVED

APR 21 2003

Department of Water Resources
Eastern Region

PUBLIC NOTICE

**NOTICE OF APPLICATION
TO APPROPRIATE WATER**

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

34-13701

MARTY T COBURN

JODY COBURN

PO BOX 435

MOORE ID 83255

Points of Diversion: SESW S4 T06N R26E,
BUTTE County

Source: GROUND WATER

Use: IRRIGATION 05/01 to 10/15 0.22 CFS
Total Diversion: 0.22 CFS

Date Filed: 03/17/2003

Place of Use: IRRIGATION
T06N R26E S4 NWSE SWSE

Number of Acres: 22

Remark: This application is a pre-1987 development.

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before April 21, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published on April 3 and 10, 2003

MICROFILMED

APR 20 2003

Harold Jones

4/14/03

Just a note concerning the request of Marty Coburns Notice of Application to appropriate water.

We would like it known there is no protest from us if he drills his own well.

We give our permission to use our well for field tests only. After completion of test, the well may not be used for irrigation purposes.

We have future intentions of using the well our self.
thank you.

Rick & Mary Griffith
3354 W. 3500 N
MOORE ID 83255

RECEIVED
APR 17 2003
Department of Water Resources
Eastern Region

MICROFILMED

AUG 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION
March 26, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MARTY T COBURN
JODY COBURN
PO BOX 435
MOORE ID 83255

RE: Application for Permit No 34-13791

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Arco Advertiser on April 3 and 10, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

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

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

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

Sincerely,


Harold W Jones
Water Right Supervisor

HWJ:sc

MICROFILMED

2003 2 6 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 26, 2003

Legal Notice Department

ARCO ADVERTISER

PO BOX C

ARCO ID 83213

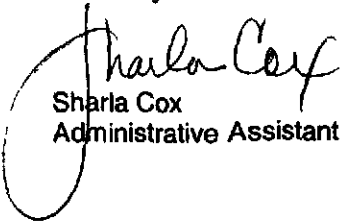
RE: Application for Permit No. 34-13791

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before April 21, 2003. Your cooperation is appreciated.

Sincerely


Sharla Cox
Administrative Assistant

MICROFILMED
AUG 20 2003

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

34-13791

MARTY T COBURN
JODY COBURN
PO BOX 435
MOORE ID 83255

Point(s) of Diversion: SESW S4 T05N R26E, BUTTE County

Source GROUND WATER

Use IRRIGATION 05/01 To 10/15 0.22 CFS

Total Diversion: 0.22 CFS

Date Filed. 03/17/2003

Place Of Use: IRRIGATION

T05N R26E S4 NWSE SWSE

Number of Acres 22

Remark This application is a pre-1987 development.

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before April 21, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on April 3 and 10, 2003

MICROFILMED

AUG 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

March 13, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Marty Coburn
PO Box 435
Moore, Idaho 83255

Mr. Coburn:

I am working on your application for water right on a pre-1987 development from a well.

The enclosed map shows the 22 acres (purple shape) and the original well (black dot). This is how I will have to process the application. If the permit is granted and licensed then a different well can be added through the Transfer process.

Also, it appears that this development might have been based on permit 34-7209 (lapsed). That permit was high-lited on your ownership documents. Is my assumption then correct?

Please give me a call on this issue.

Sincerely,

A handwritten signature in cursive script that reads "H. W. Jones".

Harold W. Jones
Water Resource Supervisor

MICROFILMED

AUG 20 2003

View1

