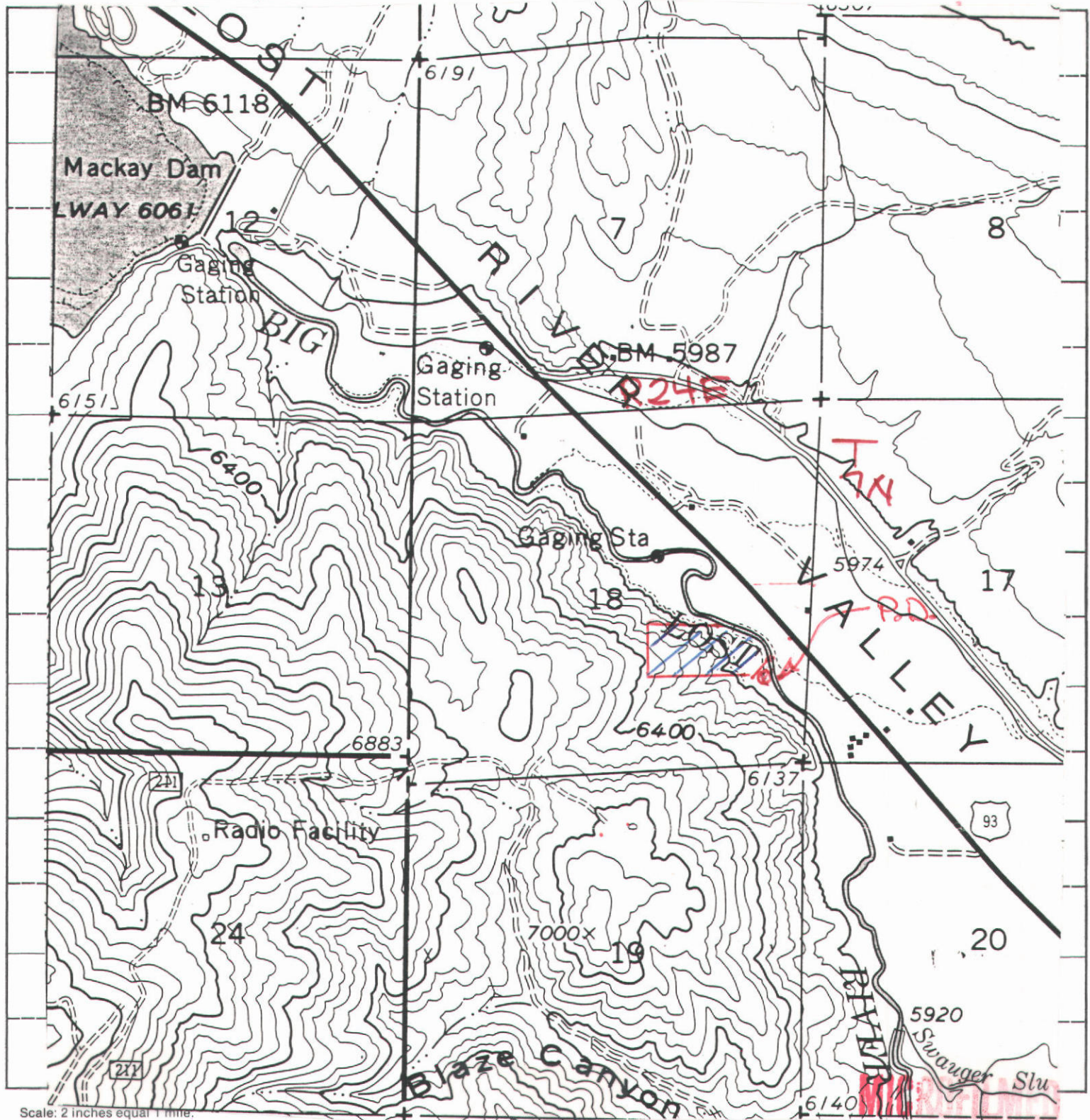


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Alto J. Hughes
(Applicant)

Title - Sec/Trs

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Margaret Parks, Publisher of the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated July 20 19 89 and ending with the issue dated July 27 19 89

Margaret R. Parks

STATE OF IDAHO

COUNTY OF CUSTER

On this 27th day of July in the year of 1989, before me, a Notary Public,

personally appeared Margaret Parks, 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.

Edith M. Park
Notary Public for Idaho
Residing at Challis
My commission expires: 3-21-92

NOTICE OF APPLICATION FOR WATER RIGHT

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

34-07512

C/O OTTO HIGBEE, MT.
MCCALEB INC.

BOX 4244

POCATELLO, ID 83205

Source: GROUNDWATER

Diversion Pt: SESE Sec 18 T
07N R 24E

Use: DOMESTIC (.040 CFS)

Date Filed: 5/22/1989

In: T07N R24E S18 NESE
NWSE

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, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before AUGUST 7, 1989.

R. Keith Higginson, Director
Publish: July 20 & 27, 1989.

RECEIVED

MICROFILMED

JUL 31 1989

OCT 11 1989

Department of Water Resources
Eastern District Office

Bridge

RIVER

MT McCaleb Inc

Rhens

VACANT SPACE

Kobe

HANSEN

HIGBEE

VACANT SPACE

R Frost

MOLL

VACANT SPACE

Lot

G Frost

ford

NOV 27 1985
SER 2 S VON
MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAY 06 1991

A. GENERAL INFORMATION

Department of Water Resources
Permit No. 542

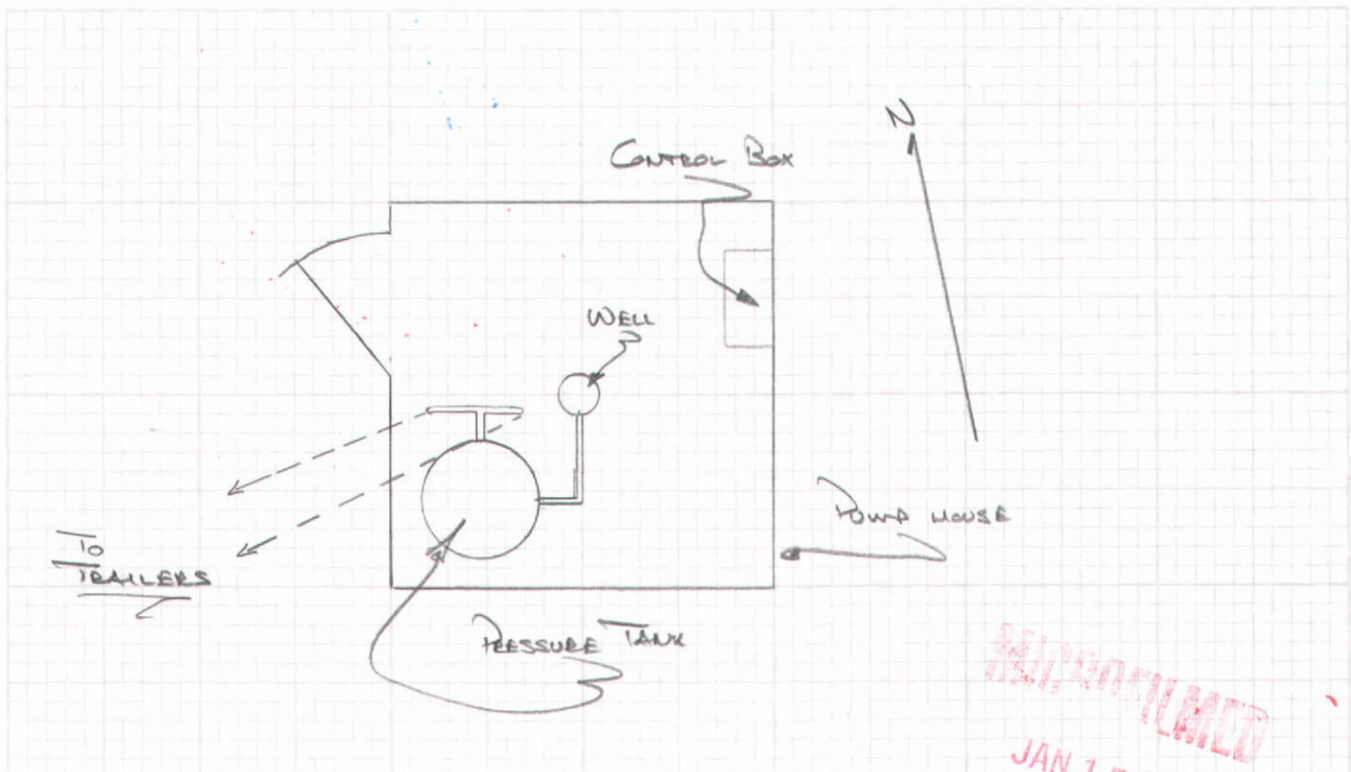
1. Owner: MOUNT McCALLEN INC. Phone No. (208) 232-0831
Current Address: % OTTO HIGBEE, Box 4244, PACARELLA, ID 83205
2. Accompanied by: OTTO & BETTY HIGBEE EXAM. DATE: 7-18-1990
Address: Box 4244, PACARELLA, ID 83205 Phone No. (208) 232-0831
Relationship to Permit Holder: SEC. TREES. (OTTO)
3. Source: GROUNDWATER tributary to -

B. OVERLAP REVIEW

1. Other water rights with same place of use: SEE SRBA Notice 134-10035 FOR RECREATIONAL
USE FOR POND 34-2113(springs) 34-4041 ☐ Copies Attached
2. Other water rights with same point of diversion: N/A
☐ 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).

6791

34-07512

7

8

Gaging Station

BM 5987

T
7 R24E
N

Gaging Sta

5974

17

18

T7N
R24E

P/D
P/D

LOSS

ALLEY

cility

93

34-7512

X

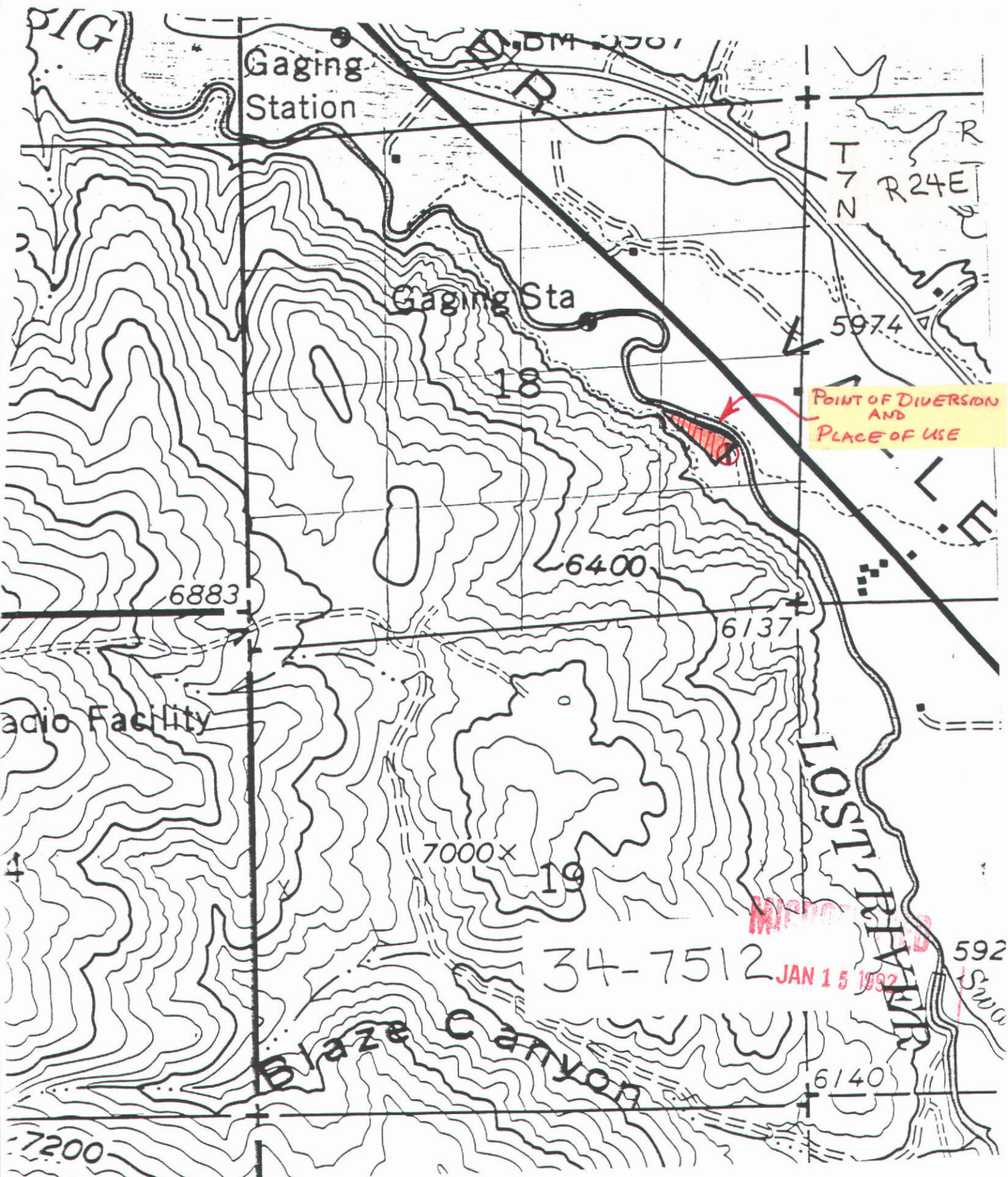
19

MICROFILMED
JAN 15 1992

20

RIV

5920



34-07512



WELL/PUMP HOUSE



PRESSURE TANK

WELL WITH
SUBMERSIBLE
PUMP

MICROFILMED
JAN 15 1992

34-07512

C/O OTTO HIGBEE, MT. MCCALED INC.
BOX 4244
POCATELLO, ID 83205

Source: GROUNDWATER

Diversion Pt: SESE Sec 18 T 07N R 24E

Use: DOMESTIC (.040 CFS)

Date Filed: 5/22/1989

In: T07N R24E S18 NESE NWSE

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

34-07512

C/O OTTO HIGBEE, MT.
MCCALED INC.

BOX 4244

POCATELLO, ID 83205

Source: GROUNDWATER

Diversion Pt: SESE Sec 18 T
07N R 24E

Use: DOMESTIC (.040 CFS)

Date Filed: 5/22/1989

In: T07N R24E S18 NESE
NWSE

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 in-
terest criteria of Sec. 42-203C,
Idaho Code. Protests must be
filed with the Director, Dept. of
Water Resources, 150 Shoup
Ave., Suite 15, Idaho Falls, Idaho
83402 on or before AUGUST 7,
1989.

R. Keith Higginson, Director
Publish: July 20 & 27, 1989.

MICROFILMED
OCT 11 1989

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-07512

MAR -3 AM 9:16
DISTRICT COURT OF THE
FIFTH JUDICIAL DISTRICT
TWIN FALLS, IDAHO
FILED

NAME & ADDRESS: MOUNT MC CALEB INC
C/O OTTO HIGBEE
PO BOX 4244
POCATELLO ID 83205

RECEIVED

MAR 04 1997

Department of Water Resources

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS
6.0 AFY

PRIORITY DATE: 05/22/1989

POINT OF DIVERSION: T07N R24E S18 NESE

Within CUSTER County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
DOMESTIC 10 HOMES

PERIOD OF USE
01-01 12-31

QUANTITY
0.04 CFS
6.0 AFY

PLACE OF USE: DOMESTIC
T07N R24E S18

Within CUSTER County
NESE

DATED: MAR 3 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED: MAR 3 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

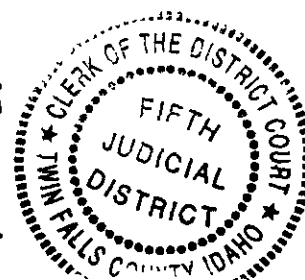
PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 34-07512

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a full,
true and correct copy of the original on
file in the above entitled action.

ROBERT S. FORT
CLERK OF THE DISTRICT COURT

By

DEFENDANT



PAGE 1
FEB-11-1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 34-07512

Priority: May 22, 1989

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume:¹ 6.0 AF

This is to certify, that MOUNT MC CALEB INC.

C/O OTTO HIGBEE

P.O. BOX 4244

POCATELLO ID 83205

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 22, 1989; and has submitted Proof of Beneficial Use on March 15, 1990. An examination indicates that the works have a diversion capacity of .060 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	6.0 AF

LOCATION OF POINT(S) OF DIVERSION: SWNESE , Sec. 18, Township 07N, Range 24E
CUSTER County

PLACE OF USE: DOMESTIC
TWN RGE SEC

07N 24E 18 NESE

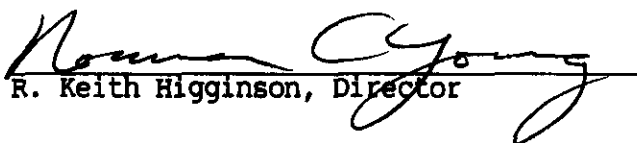
CONDITIONS/REMARKS:

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. Domestic use is for 10 homes.

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 6TH day of NOVEMBER, 1991.

JAN 15 1992

Acting for


R. Keith Higginson, Director

APPROVED

State of Idaho
Department of Water Resources

RECEIVED
JUN 12 1991

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 34-07512

Department of Water Resources

Date of Priority: May 22, 1989

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:¹

6.0 AF

Comes now

MOUNT MC CALEB INC.

C/O OTTO HIGBEE

P.O. BOX 4244

POCATELLO, ID 83205

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. 34-07512, and requests that the permit be changed as follows:

Source: GROUNDWATER

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

ANNUAL VOLUME

DOMESTIC

01/01 to 12/31

0.04 CFS

6.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 18, Township 07N, Range 24E
CUSTER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

07N 24E 18

NESE

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 POCATELLO, ID, this 11th day of JUNE, 1991.


(Signature)

JAN 15 1992

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 34-07512

FOR DEPARTMENT USE ONLY

Preliminary check by SC Fee = \$20.00

Receipted by [Signature] Date 6-12-91 #C020809

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. 34-07512 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 is subject to control by the watermaster of State Water District No.
6. Domestic use is for 10 homes.

Witness my hand this 6TH day of NOVEMBER, 1991.

Acting for

[Signature]
R. Keith Higginson, Director

JAN 15 1992

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 34-07512

Proposed Priority: May 22, 1989

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **MOUNT MC CALEB INC.**
C/O OTTO HIGBEE
P.O. BOX 4244
POCATELLO, ID 83205

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SESE

Sec. 18, Township 07N, Range 24E
CUSTER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

07N 24E 18

NESE

NWSE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **November 1, 1990**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Domestic use is for 10 homes.

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

29th day of September, 1989.

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILMED

OCT 11 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Mt. McCaleb Inc. c/o Otto Higbee Phone 232-0831
233-9076 Work
Post office address Box 4244, Pocatello, ID 83205

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

3. Location of point of diversion is _____ 1/4 of SE 1/4 of SE 1/4, Govt. Lot _____
Sec. 18 Township 7N Range 24E B.M. Custer County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04cfs for Domestic 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 _____ 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) 0.04* and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well and pump to 10 mobile home spaces
for corporation members

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.

* ~~Exists~~ c. Proposed well diameter is NA 6" inches; proposed depth of well is NA 60' feet

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

7 Time required for the completion of the works and application of the water to the project _____
2 years (minimum 1 year).

MICROFILMED

OCT 11 1989

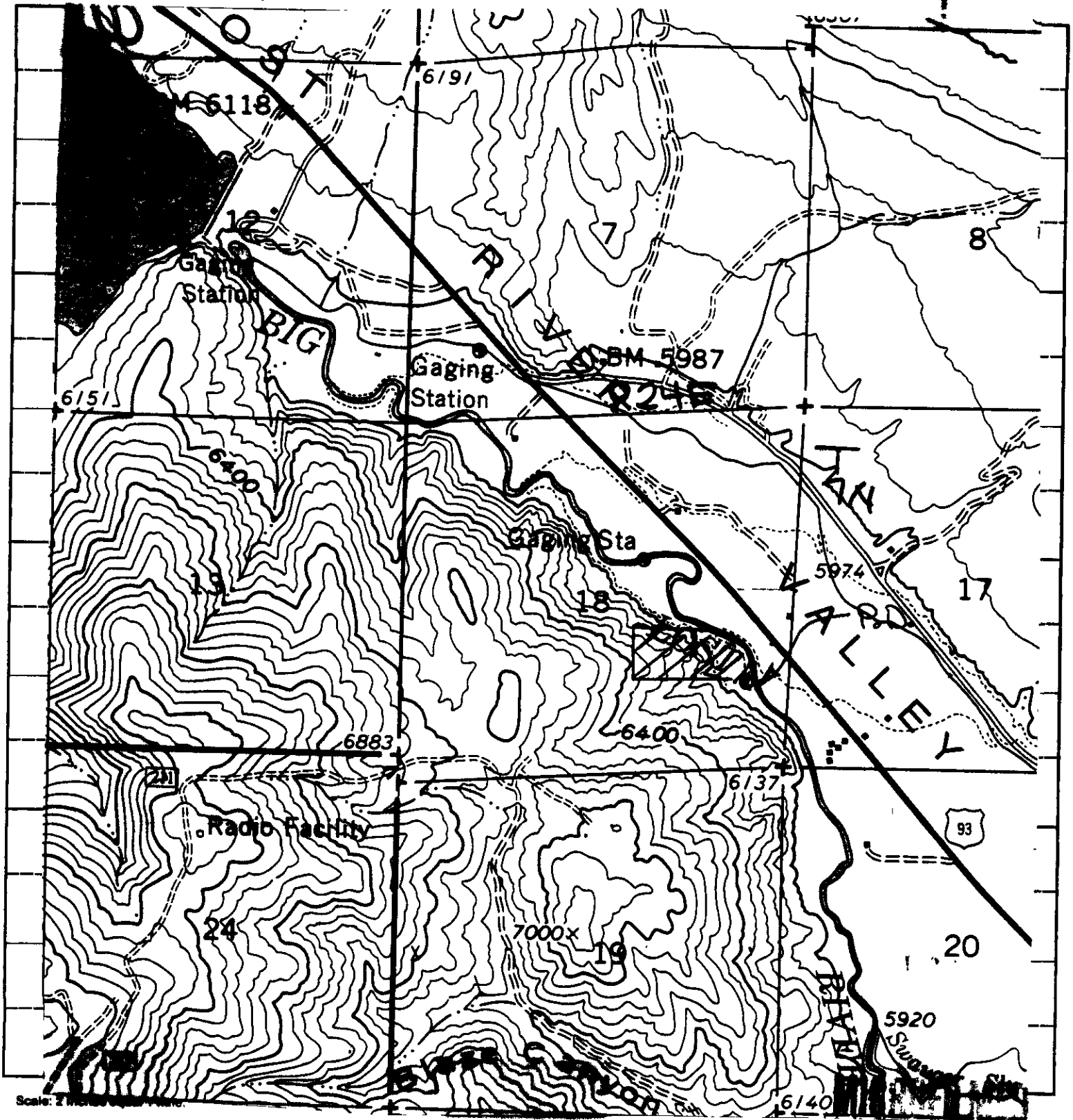
As per telephone conversation with Mr Otto Higbee, 08:25, 23 May 1989, Dma

C

12. Remarks: System in place for 20 years.

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

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



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

X *Albert J. Hughes*
(Applicant)

Title - *Sec/Tres*

MICROFILMED

OCT 11 1989

e. Other:

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.

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.

_____, 19____

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

Idaho No. _____, and said application is hereby _____

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Publication approved _____

Date 8-8-89

Publication prepared by RB

Date 7-13-89

Published in Custer Publishing 7-20-89

Fee \$ 30.00

Received by BMD

F007806

Date 23 May 89

Received by CW

Date 5-22-89

Time 12:35

Preliminary check by HJS

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Margaret Parks, Publisher of the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated July 20 1989 and ending with the issue dated July 27 1989

Margaret R. Parks

STATE OF IDAHO :

COUNTY OF CUSTER }

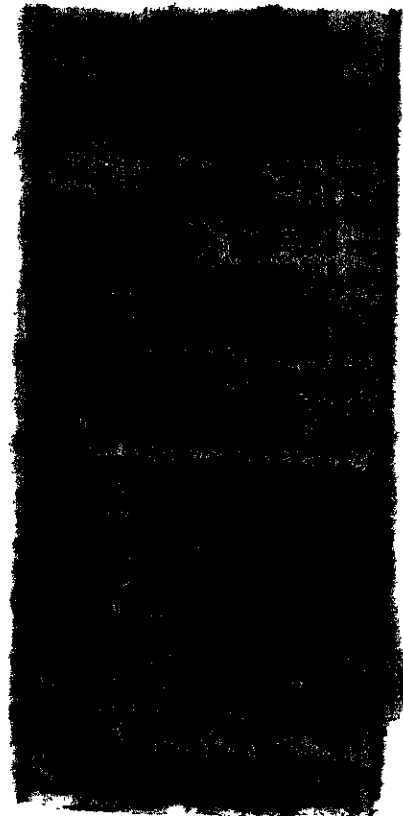
On this 27th day of July in the year of 1989, before me a Notary Public,

personally appeared Margaret Parks, 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.

Edith M. Park
Notary Public for Idaho

Residing at Challis

My commission expires: 3-21-92



RECEIVED

MICROFILMED

OCT 11 1989

Department of Water Resources
Eastern District Office

OCT 11 1989

\$ 54.00/100

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE TWIN FALLS BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A34-07512
Date Received: 1/22/1991
Receipt No: EO 15711/90
Received By: _____

RECEIVED

FEB 21 1991

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MOUNT MC CALEB INC. 208-233-9076
Address: C/O OTTO HIGBEE
P.O. BOX 4244
POCATELLO, ID 83205

2. Date of Priority: MAY 22, 1989

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	24E	18	SW	NE	SE		CUSTER

5. Description of diverting works:
WELL & PUMP TO 10 MOBILE HOME SPACES FOR CORPORATION MEMBERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		6.00

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 6.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/10 TRAILER HOMES.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07N	24E	18	NE	SE		DOMEST	
			NW	SE		DOMEST	

A34-07512

Page 1

Date: 01/22/91

MICROFILMED

NOV 25 1992

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
SEE ALSO A34-10035.

14. Remarks:
Domestic use is for 10 trailer homes.

15. Basis of Claim: PERMIT

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am SECRETARY / TREASURER of _____
Title

MT McCaleb INC, that I have signed the foregoing
Organization
document in the space below as SECRETARY of _____
Title

MT McCaleb INC and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

SEC. MT McCaleb INC
Title and Organization

1/28/91
Date

State of Idaho

County of

Bannock

)
) SS.
)

Subscribed and sworn (or affirmed) before me this

28th day

of

Apr.

19

91

Seal

Levitt Hammer
Notary Public

Residing at

Pocatello

My Commission Expires

Sept 23, 1994

G FROST

ROAD

VACANT SPACE

HANSEN

KOBE

VACANT SPACE

HIGBEE

R FROST

MOLL

VACANT SPACE

ROADS

BRIDGING

RIVER

MT McCALP INC

Date

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

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

CIVIL CASE NUMBER: 39576

PRE-LICENSE

Ident. Number: A34-07512

Date Received: _____

Receipt No: _____

Received By: _____

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

AMENDED

1. Name: MOUNT MC CALEB INC.
Address: C/O OTTO HIGBEE
P.O. BOX 4244
POCATELLO, ID

208-233-9076

83205

RECEIVED
JUN 12 1991

2. Date of Priority: MAY 22, 1989

3. Source: GROUNDWATER

Trib. to:

Department of Water Resources

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	24E	18	NE	SE			CUSTER

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		6.00

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or)

6.00 A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	24E	18	NE	SE		DOMEST	

11. Place of use in counties: CUSTER

A34-07512

Page

1

Date: 06/05/91

MICROFILMED

NOV 25 1992

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

Domestic use is for 10 homes.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am SECRETARY / TREASURER of
Title
MT. McCALEB, INC, that I have signed the foregoing
Organization
document in the space below as SECRETARY / TREASURER of
Title
MT McCaleb INC and that the statements contained in the
Organization
foregoing document are true and correct.

Edo J. Disher
Signature of Authorized Agent
SECRETARY TREASURER
MT McCaleb INC
Title and Organization

6/5/91

Date

State of Idaho

County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 10th day

of June 19 91

Ruby K. Lammie
Notary Public

Seal

Residing at Pocatello

My Commission Expires life

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A34-07512
Date Received: 2/21/1991
Receipt No: E015711
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: MOUNT MC CALEB INC. 208-233-9076
Address: C/O OTTO HIGBEE
P.O. BOX 4244
POCATELLO, ID 83205

2. Date of Priority: MAY 22, 1989

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	24E	18	SW	NE	SE		CUSTER

5. Description of diverting works:
WELL & PUMP TO 10 MOBILE HOME SPACES FOR CORPORATION MEMBERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		6.00

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 6.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/10 TRAILER HOMES.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07N	24E	18	NE	SE		DOMEST	

11. Place of use in counties: CUSTER

A34-07512

Page 1

Date: 06/21/91

MICROFILMED

NOV 25 1992

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
SEE ALSO A34-10035.

14. Remarks:

15. Basis of Claim: LICENSE

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: R34-07512
Date Received: 2/21/1991
Receipt No: E015711
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: MOUNT MC CALEB INC. 208-233-9076
Address: C/O OTTO HIGBEE
P.O. BOX 4244
POCATELLO, ID 83205

2. Date of Priority: MAY 22, 1989

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	24E	18	SW	NE	SE		CUSTER

5. Description of diverting works:
WELL & PUMP TO 10 MOBILE HOME SPACES FOR CORPORATION MEMBERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		6.00

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8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/10 TRAILER HOMES.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07N	24E	18	NE	SE		DOMEST	

11. Place of use in counties: CUSTER

R34-07512

Page 1

Date: 06/24/91

MICROFILMED

NOV 25 1992

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
SEE ALSO A34-10035.

14. Remarks:

15. Basis of Claim: LICENSE

Post-It™ brand fax transmittal memo 7671		# of pages > 3
To <i>Ernie</i>	From <i>Carter</i>	
Co.	Co.	
Dept. <i>Eastern Region</i>	Phone #	
Fax # <i>525-7177</i>	Fax # <i>34-07512</i>	

BEFORE THE DIRECTOR OF THE
IDAHO DEPARTMENT OF WATER RESOURCES

Mount McCaleb Inc

In Re the General Adjudication of
Rights to the Use of Water from the
Snake River Drainage Basin Water
System.

ORDER

THE DIRECTOR FINDS AND CONCLUDES AS FOLLOWS:

1. A general adjudication of rights to the use of water from the Snake River Basin in Idaho has been commenced by order of the District Court of the Fifth Judicial District in and for the County of Twin Falls. The Big Lost River drainage basin is a sub-basin of the Snake River Basin and is included in the Snake River Basin Adjudication (SRBA). The initial service of the commencement notice and claims taking has been completed in the SRBA; the method for additional service of the commencement notice has been approved by the district court and additional service and claims taking is proceeding on a sub-basin by sub-basin basis; and the Director will begin filing Director's Reports of water rights on a sub-basin by sub-basin basis in 1991.

2. The Director of the Idaho Department of Water Resources (IDWR) entered a Final Order (Big Lost River Order) on August 7, 1990, in *In the Matter of the Administration of the Use of the Surface and Ground Waters of the Big Lost River Basin, Water District 34*. The Big Lost River Order provides that rights to the use of ground water within the Big Lost River drainage basin will become subject to the administrative supervision of the Water District 34 watermaster upon satisfaction of the conditions set forth in the order; and that a moratorium is imposed on the consideration and issuance of new permits in the Big Lost River drainage basin until revoked by the Director after the Director's report for the sub-basin is filed with the court in the SRBA, with certain specifically described exceptions. The order further provides that the Director's Report for the Big Lost River sub-basin will be the first report filed in the SRBA, which is tentatively scheduled for the

spring of 1991. The Big Lost River Order is incorporated herein by reference as if set forth in full.

3. The Big Lost River Order provides as follows:

The Director shall give notice to the holders of all permits and licenses to appropriate water within the Big Lost River basin and in connection with which proof of appropriation was submitted after the date of the commencement of the Snake River Basin Adjudication of the requirement to file a claim to such permitted or licensed right in the adjudication, and such claimed rights shall be evaluated along with all other claimed rights being adjudicated.

4. Idaho Code §42-1409(9) provides as follows:

At least one hundred twenty (120) days prior to the filing of the director's report with the court, the director may notify each holder of a permit or license to appropriate water from the water system, for which proof of beneficial use was filed after entry of the court's order commencing a general adjudication, to file a notice of claim within ninety (90) days of mailing of the notice. The director shall notify the holder of the permit or license by certified mail at the most recent address shown in the records of the department.

5. The requirements for filing notices of claims in adjudication of water rights are set forth in the adjudication statute, Idaho Code Title 42, chapter 14; the Adjudications Rules and Regulations, adopted by IDWR pursuant to the adjudication statute; the Commencement Order (commencing the SRBA), entered by the district court November 19, 1987; and the Findings of Fact, Conclusions of Law, and Order Establishing Procedure of Adjudication of Domestic and Stock Water Uses (Small D&S Deferral Order), entered by the district court January 17, 1989.

6. The following is a list of permits or licenses in the Big Lost River sub-basin for which proof of beneficial use was filed after entry of the commencement order but before December 1, 1990:

34-07088	34-07494	34-07512
34-07115	34-07495	34-07518
34-07217	34-07496	34-07519
34-07219	34-07498	34-07528
34-07467	34-07499	34-07539
34-07468	34-07502	34-07469
34-07505		

MICROFILMED

NOV 25 1992

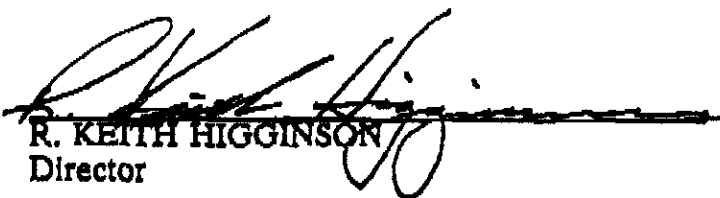
7. The Small D&S Deferral order provides that claimants of certain domestic and stockwater uses, as defined by Idaho Code § 42-1401A(5) and (12) (Supp. 1988) may elect to defer the adjudication of those claims. The permits listed above that meet the definition of a small domestic and stockwater use are subject to the deferral order, and may choose not to file a notice of claim at this time, subject to the conditions and limitations set forth in the deferral order.

IT IS THEREFORE, HEREBY ORDERED AS FOLLOWS:

The holder of each permit or license listed in paragraph (6) above is required to file a notice of claim with IDWR in the SRBA, for all uses of water made pursuant thereto, in accordance with the statute, rules, and orders of the court governing the filing of notices of claims, on or before Wednesday, April 3, 1991.

Notice of this order will be made by IDWR as required by statute.

ISSUED THIS 2nd DAY OF JANUARY, 1991.


R. KEITH HIGGINSON
Director

Water Right Number - R34-07512 Prefix Translation: RESEARCH Old (D) Number -
+ - - - - Last Name - - - + + - - - - First Name - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
MOUNT MC CALEB INC

1 - C/O OTTO HIGBEE
2 - PO BOX 4244
3 -

City- POCAHELLO State- ID Zip- 83205
Phone - 208-233-9076

+ - - Priority Date - - - + + - - - - Region - - - + + - - - - Stage - - - + + - - - - Status - - - +
05/22/1989 15 EASTERN P - PERMIT

+ - - - - Source - - - - - + + - - - - Tributary - - - - - + + - - - - Status - - - +
GROUNDWATER

+ - - - - Tract Lot RFL9 County Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - -
07N 24E 18 NE SE (37) CUSTER

+ - - - - Description Period From Period To Water Use Diversion Rate Diversion Volume + - - - -
43 - DOMESTIC 01/01 12/31 0.040 6.00

+ - - - - Code Total Div. Rate - + Total Div. Volume - + Total Div. Capacity - + Total Consumptive Use - + + - - - - KW Usage - +
0.040 6.00 0.0

+ - - - - Twn Rng Sec Tract Lot Acres Place of Use Code Description County + - - - -
07N 24E 18 NE SE (37) CUSTER

+ - - - - Diversion Means - WELL & PUMP TO 10 MOBILE HOME SPACES FOR CORPORATION MEMBERS

+ - - - - Non-Irrigation Use - DOMESTIC FOR 10 TRAILER HOMES.

+ - - - - Other Rights for Same Use - 34-10035.

+ - - - - Remarks - - - - - No Remarks found.

+ - - - - Old Water Right Numbers - - - - - No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - -

A01 - THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION

- IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION

- OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS

- SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL

- BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY

- IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.

MICROFILMED
NOV 25 1992

+ - Decree Date - +
00/00/0000+ - Decree Date - +
00/00/0000[illegible][illegible][illegible]

Court Report Filing	00/00/0000	Field Inspection Made	07/18/1990	Civil Case Number	39576
Objection Filed Date	00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	00/00/0000	Verified Date	-	Old Judicial District	-
Claim Received Date	02/21/1991	Last Amended Date	-	Temporary Right	P
Proof Due Date	00/00/0000	Proof Made Date	-	Water District	-
Licensed Date	00/00/0000	Receipt Number	-	Federal/State Indicator	S
Claims Tape Error Flg	-	POU Ownership Flag	-	Presumption Flag	-
Tape Exempt Flag	-	Name Connector	-	Notice of Error Flag	-

MICROFILMED
NOV 25 1992

Water right
information
contained below



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

January 9, 1992

MOUNT MC CALEB INC.
C/O OTTO HIGBEE
P.O. BOX 4244
POCATELLO ID 83205

RE: WATER RIGHT NO. 34-07512

Dear Water Right Holder(s):

Enclosed is a copy of your water right license along with a copy of the approved application for amendment you had submitted.

This right is included in the Snake River Basin Adjudication and you will be receiving further information regarding this in the near future.

If you have any questions, let me know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

ENCLOSURE

JAN 15 1992

June 5, 1991

MOUNT MC CALEB INC.
C/O OTO HIGBEE
P.O. BOX 4244
POCATELLO, ID 83205

RE: WATER RIGHT NO. 34-07512

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 actual use of water found by a representative of our department at the time of the field examination. The enclosed application for amendment contains this information. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 15 days.

The claim you filed on this right under the ongoing Snake River Basin Adjudication contains the same information that you listed on the original permit. Therefore, you should also amend your claim to match the information on the proposed license. Enclosed for your signature is the Amended Claim form with the license information already listed.

Once I receive the signed amended claim along with the application for amendment of the permit and its fee, the water right license will be issued and your claim to this right will be included in the Director's Report summarizing the water used in the Snake River Basin. (See the attached table for a summary of the water appropriation process.)

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

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm
Enclosure

JAN 15 1992

LICENSE REVIEW CHECKLIST

Permit No. 34-7572

Name/Address change? ok ☒

Priority date Advance? yes no ☒

Memo to advance

Order to reinstate needed? yes no ☒

Total cfs Limited by fee N/A

Limited by capacity permit

Total volume Limited by flow

Chart checked for AF rate/ac N/A

Capacity Actual measurement checked

Theoretical checked

If greater than permit, check for other rts

Source Changed? yes no ☒

If so, is memo needed to clarify?

P/D Verify with map permit

More than one per 1/4? Remember remark

Check p/d overlap N/A

Uses Check irrigation period of use w/ chart

P/U Verify with map permit

> 5 acres irrigated, run overlap N/A

Remarks More than one p/d in 1/4

Description of non-irrig uses

Special overlap condition

Conditions -

Measuring device RO

W.Master control RO

Overlap

Water quality

Other

Dates/Misc. -

Water Dist 34

App Rec'd

Proof Rec'd

CHECK FOR ADJ. CLAIM

Needed according to proof filed

Filed - needs amended

Add'l fee required

Not filed -

Not needed

Comments/Changes to Examiner's Recommendations:

JAN 15 1992

License 10-day 30-day ☒

Back of field report signed?

Reviewer J. Curtis Date 5/15/91 Review time 0.5 min.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

34-7512
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval
- ☐ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index h 7/2/90 (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: _____

Check of P/U index h 7/2/90 (Initial and date)

Overlap? ☒ yes ☒ no If yes: ☒ copy of water right(s) attached? 34-04041

Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____

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 _____ (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent KCW 2-15-91 (Initial and date)

Exam Reviewed by Manager of Regional Office _____ (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)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAY 06 1991

A. GENERAL INFORMATION

Department of Water Resources
Permit No. 5-12-1990

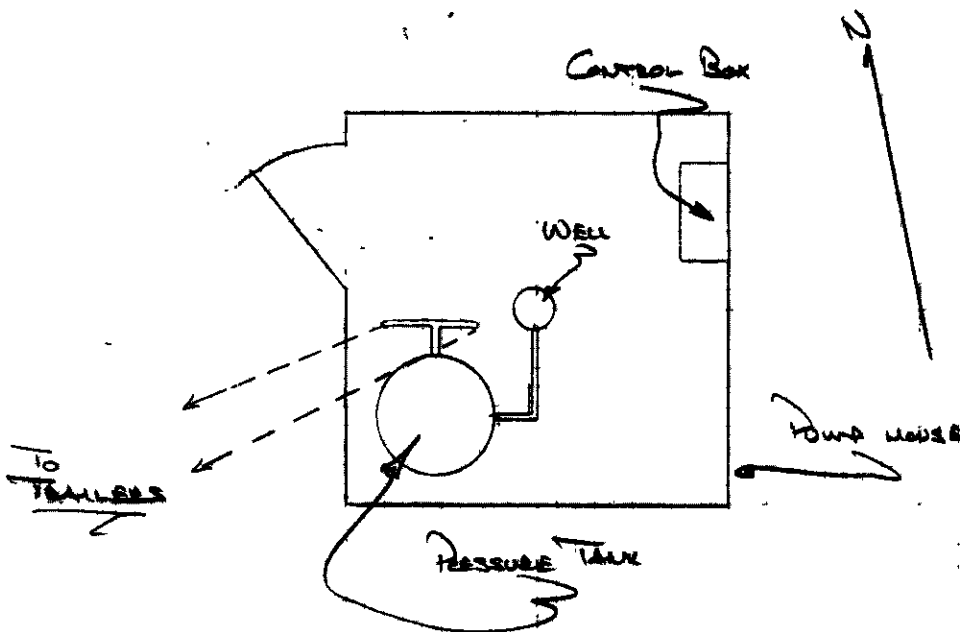
1. Owner: MONT McCALL INC. Phone No. (208) 232-0831
Current Address: % Otto Higbee, Box 4244, Pocatello, ID 83205
2. Accompanied by: OTTO & BERRY HIGBEE EXAM. DATE: 7-18-1990
Address: Box 4244, Pocatello, ID 83205 Phone No. (208) 232-0831
Relationship to Permit Holder: Sec. Treas. (Otto)
3. Source: GROUNDWATER tributary to -

B. OVERLAP REVIEW

1. Other water rights with same place of use: SEE SRA Notice 134-10035 FOR RECREATIONAL USE FOR POND 34-2113(springs) 34-4041 ☐ Copies Attached
2. Other water rights with same point of diversion: N/A
☐ 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" = _____

JAN 15 1992

- 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)

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

Well head pump with pipelines to 10 storage in domestic lots

~~For Domestic Uses - Nonconformity - Earlier Code~~

There is substantial work with pressure

RECEIVED 507065 501244

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	6500503	0.75	* 8920	1	
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: See Remarks

[illegible]

6. Place(s) of Use:

Indicate Method of Determination

[illegible]

JAN 15 1992

Do not use this space

6/91

34-07512

7

8

BM 5987

T 7 R 24E
N 2 E

BM

T 7 N
R 24 E

P/D

17

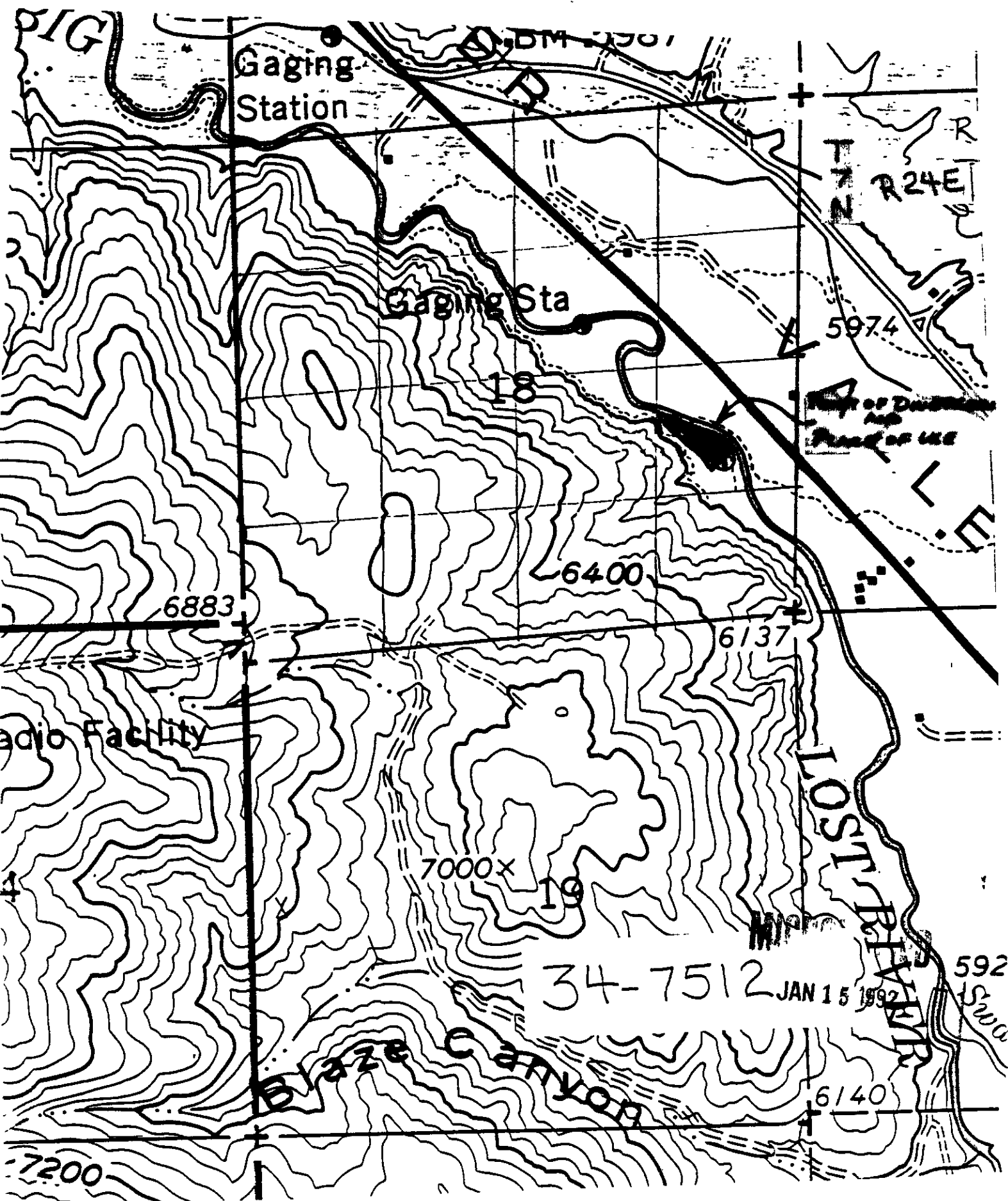
CIMBA

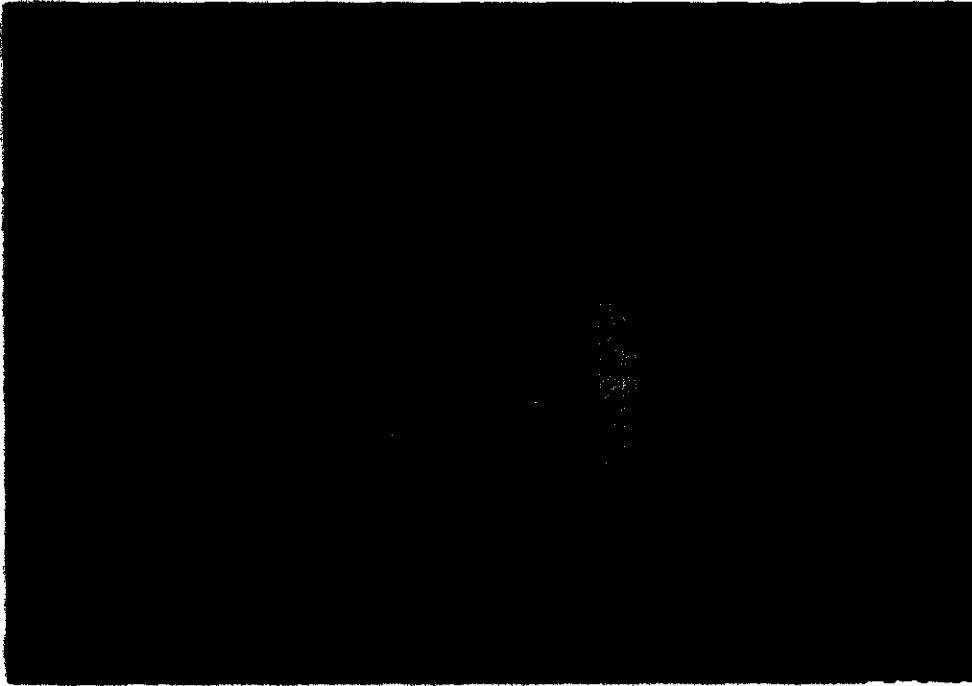
34-7512

X

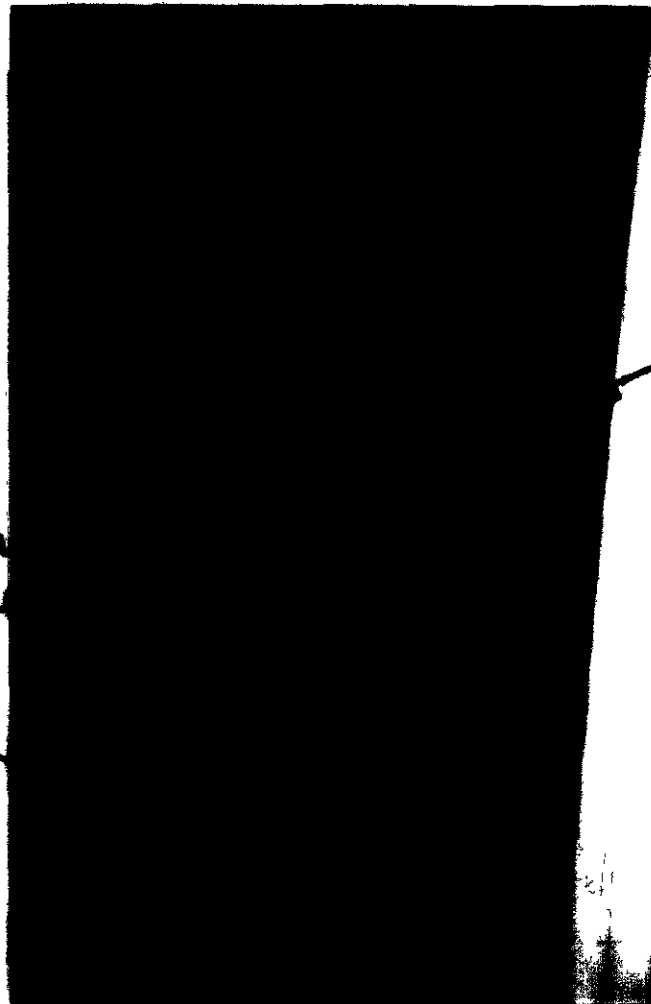
19 JAN 15 1992

15 5920





WELL/PUMP HOUSE



PRESSURE TANK

WELL WITH
SUBMERSION
PUMP

RECEIVED
JAN 15 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
Well Point	Point	Olympic	500			

2. Measurements:

Static Water Level = 5.0'

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: Theoretical Q:

$$Q = \frac{0.75(8.814)0.70}{5.0(30.0 \times 2.308)} = 0.062 \text{ cfs}^*$$

2. Alternate Method for Checking Purposes:

* Limited to 0.04 cfs by permit

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.

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$ _____

2. Volume Calculations for Other Uses:

10 DOMESTIC TRAILERS @ 0.6 AFA / TRAILER = 6.0 AFA

JAN 15 1992

H. REMARKS AND OVERLAP REVIEW ANALYSIS

x P/D is on line common between SW 1/4 NE 1/4 SE 1/4 and SE 1/4 NE 1/4 SE 1/4 of Section 18, T 7N, R 24E.

34-2113 Source appears to be on North Side of Big Lost River

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (af)
Domestic	01/01 12/31	0.04	6.0

2. Recommended Amendments

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

J. AUTHENTICATION

Field Examiner's Name Ray E. Meyer
 Signature [Signature]
 Certification Date _____
 Field Report Preparation Date 2-5-91

CONSULTANT SEAL

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

JAN 15 1992

April 13, 1990

MOUNT MC CALEB INC.
C/O OTTO HIGBEE
P.O. BOX 4244
POCATELLO, ID 83205

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 34-07512

Dear Permit Holder:

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

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

RECORDED

APR 17 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 34-7512

Date: 4-11-90

General Considerations:

- ☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change NO If yes, prepare a data entry
☒ Proof received timely
☐ Reinstated

Source of Water:

- ☐ Surface water
☒ Groundwater
☒ 1. well log in file over 20 yrs. old
☒ 2. drilling permit
☒ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

- ☒ Rate of diversion appropriate for uses
☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

- ☒ Is a measuring device or access port required?
☒ Has one been installed?
☒ Waiver or modification of measuring device requested

Remarks:

Proof acceptable

Priority Calculation:

Date proof received	NA	
Date proof due		
No. of days late		
Priority date		
NEW PRIORITY DATE		

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

RECEIVED

MAR 15 1990

no fee encl.
Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only

Fee Received _____

Date _____

Receipt # _____

Receipt by _____

Reviewed by 2/11/90

Sent to region _____

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

Permit No. 34-07512

Name(s) of Permit Holder: MOUNT McCALP, INC

Post Office Address: 40 OTTO HIGBEE, P.O. Box 4244, POCA TELLO, ID
83205

Telephone No. (208) 233-9076 (DAY)
(208) 232-0831 (EVEN WEEKENDS)

Source of Water: WELL - SESE SEC 18, TOWNSHIP 07N, RANGE 24E, CUSTER
COUNTY

Extent of Use:

Domestic 10 (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 0.04 cfs _____ acre-foot

Show the date water was first diverted and beneficially used under this permit: OVER 20 YRS USE

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

Fee enclosed \$ 0 PER FEE SCHEDULE
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

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

OTTO J. HIGBEE (208) 233-9076 - WORK - (208) 232-0831 - HOME
(Name) (Telephone Number)

P.O. Box 4244 POCA TELLO, ID 83205
(Address)

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.

MICROFILMED

APR 17 1990

3-12-1990
Date

Otto J. Higbee Sec/Treas
Signature of Permit Holder (and title, if appropriate)

S T A T E O F I D A H O

D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 334-7900
September 29, 1989

MOUNT MC CALEB INC.
C/O OTTO HIGBEE
P.O. BOX 4244
POCATELLO, ID 83205

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P34-07512

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.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

We have enclosed 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 for your convenience is a form entitled "Proof of

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Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

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Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HKS DATE 7-7-89 APPLICATION NUMBER 347512

REQUIRED INFORMATION

Mt. McCaleb

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
☐ Overlapping point of diversion
☐ Yes ☐ No Field check required
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

Date Requested

RECEIVED

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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 ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 8-7-89
☐ 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. 34
☐ Yes ☐ No Special conditions of approval or cover letter below.

See below for additional information

Date of priority recommended 5-22-1989
By HWS Date 8-9-89

STATE OFFICE REVIEW

P05, P23, P16 46

See below for additional information

By kw Date 9-21-89

ADDITIONAL INFORMATION

App. in TRUST area - DCM.I
OK to allow or yes. to develop
Allow 1 yr. for development -

18-July-1989

Mt. McCaleb, Inc.
c/o Otto Higbee
Box 4244
Pocatello, ID 83205

RE: Application for Permit No. 35-7512

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Custer Publishing Co. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this 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 about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

JULY 17, 1989

CUSTER PUBLISHING CO.
P.O. BOX 405
CHALLIS, ID 83226

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 AUGUST 7, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

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NOTICE OF APPLICATION FOR WATER RIGHT

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

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34-07512

C/O OTTO HIGBEE, MT. MCCALED INC.
BOX 4244
POCATELLO, ID 83205

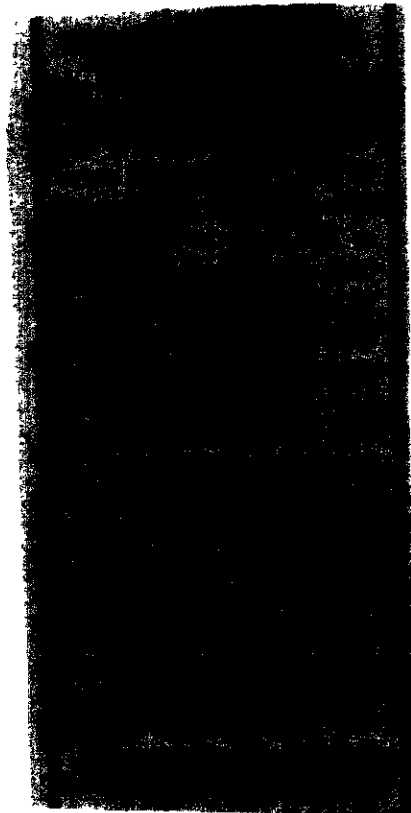
Source: GROUNDWATER

Diversion Pt: SESE Sec 18 T 07N R 24E

Use: DOMESTIC (.040 CFS)

Date Filed: 5/22/1989

In: T07N R24E S18 NESE NWSE



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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, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before AUGUST 7, 1989.

R. Keith Higginson, Director

Published 7/20/1989 & 7/27/1989

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