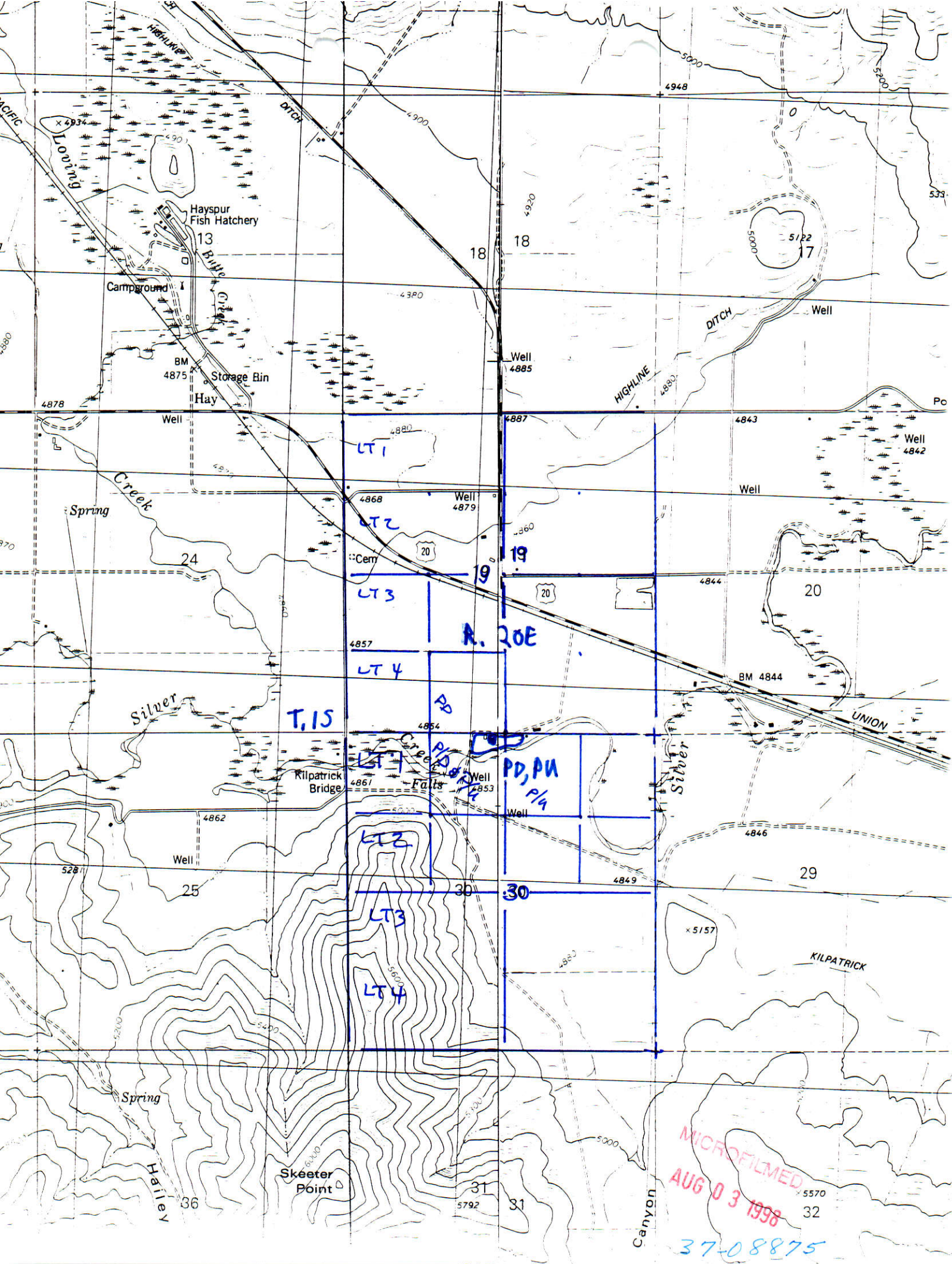




Form No. 217
G/DOFOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 00109879
Receipt By: J. Masi
Date Received: 7/7/03STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

SEP 15 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. 37-9875 Telephone No. 208-788-35302. Name of Permit Holder(s): PICACHO Lumber Stock Co.3. Mailing Address: Box 688City Picacho State ID Zip 833484. Source of Water: well If GROUNDWATER (well), Date Drilled: mo. approx 1989 to replace
Well Driller: ? Drilling Permit Number: ? a hand dug well

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 5 Stockwater (No. and type of stock): 0Irrigation (No. of acres): lawns total 1 ac. Other: _____6. Total rate of diversion and/or volume for which proof is submitted: .002 cfs OR _____ acre-feet7. 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 ✓
Has the measuring device been installed? Yes _____ or No ✓8. Fee Enclosed: \$ See letter (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: NICK PERDY - Picacho Lumber Stock Co Telephone Number: 208-788-3530Address: Box 688 PICACHO ID 83348

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: Nick Perdy owner Date: 9-11-03
(include your title, if on behalf of company or organization)

MICROFILMED

OCT 20 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME RECEIVED
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF BENEFICIAL USE FOR A WATER RIGHT PERMIT JUL - 7 2003

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 37-8875
Name(s) of Permit Holder: Picacho Livestock
Address: Box 688 City PICACHO State ID Zip 83348
Telephone No. 208-788-3530 Date Proof is Due: Aug 1st - 03

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

An existing well which has been in use since the 40's was hooked to a new delivery line to three existing cabins the main line is installed as stub-outs to two future cabin sites.

Costing \$ 3,000

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

The stub-outs will be hooked to two future cabins which will be built in 2004 and 2006. The building of these cabins has been held up by the county for over four years.

Permit holder(s) request an extension to 2005 - Aug 1, 2005

Nick Purdy
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

APPROVED and the time within which to submit proof of beneficial use is extended to August 1, 2005.

Signed this 19th day of August, 2003

MICROFILMED

SEP 20 2003

L. Glen Saxton
L. GLEN SAXTON, Administrator
Water Management Division

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
INSTRUCTIONS FOR EXTENSION OF TIME REQUEST
TO SUBMIT PROOF OF BENEFICIAL USE

If the water right development authorized by your permit is not complete and you need more time to submit proof of beneficial use of water under your permit, please read the following:

Under the provisions of Section 42-204, Idaho Code, the department can extend the proof due date of your permit only once, and then only if you can demonstrate that you have been pursuing development of the permit with due diligence.

The Request for Extension of Time form requires that you indicate the extent of development that has occurred, the cost, and the reason(s) the work has not been completed. This information must be provided in enough detail to show due diligence. Examples of work performed are: well drilled, pump installed, 10 acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc.

If no work has been accomplished, the statutes provide that the Request for Extension of Time must be denied. **Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.**

EXCEPTIONS TO ONLY ONE EXTENSION

The proof due date for a permit that has not been developed for one of the following reasons may be granted one or more extensions of time even though no work has been accomplished:

- When there is a lack of a required consent or final approval from a federal government agency (**evidence of delay must be submitted with the request**), i.e. right-of-way easement or land classification such as Desert Land Entry or Carey Act.
- When litigation related to title of the water has prevented development of the permit (**evidence must be submitted with the request**).
- When the water project is of a large scale – storage of more than 10,000 acre-feet or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres.
- When the water right permit is held by the United States of America (**reason for request must be submitted**).

A non-refundable filing fee of **\$50.00** must accompany the Request for Extension of Time form.

***NOTE** that in no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted. If your water development project is completed, then the proof of beneficial use form should be completed and returned. If the project is started but not completed, then the Request for Extension of Time form should be completed and returned in compliance with the guidelines above. If the project has not been initiated and does not fit into one of the exceptions listed above, then neither form should be returned and the permit will lapse and become of no further force nor effect.*

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08875

Proposed Priority: May 11, 1998

Maximum Diversion Rate:

0.08 CFS

This is to certify, that PICABO LIVESTOCK CO INC

PO BOX 688

PICABO ID 83348-0688

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

0.08 CFS

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 19, Township 01S, Range 20E

NENW , Sec. 30, Township 01S, Range 20E

BLAINE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

01S 20E 30

NWNE

NENW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 2003.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. This right authorizes a single point of diversion.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
7. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
8. Domestic use is for 3 hunting cabins.

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

23rd day of July, 1998.

Karl J. Dreher

Karl J. Dreher, Director

MICROFILMED

AUG 03 1998

RECEIVED

JUL 06 1998

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Picabo Livestock Co. Inc. Phone 788-3539
Mailing address PO Box 688, Picabo, ID 83348
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 1S Range 20E Sec. 19 in the SE 1/4, SE 1/4, SW 1/4, Govt. Lot _____, B.M., Blaine County
additional points of diversion if any: on NE/NE/NW Sec. 30 T. 15 R. 20E (exact location is not clear)
4. Water will be used for the following purposes:
- | | |
|--|--|
| Amount <u>0.08</u> for <u>Domestic</u> purposes from <u>1-1</u> to <u>12-31</u> (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) 0.08 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 Existing well & pump
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. ~~Proposed~~ well diameter is 6 inches; ~~proposed~~ depth of well is 125 feet?
- d. Is ground water with a temperature of greater than 85°F being sought? No
- e. If well is already drilled, when? 1959; Drilling firm Walker Drilling Co.
Well was drilled for (well owner) Wilder & Rush; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 3 homes with small towns hunting cabins *
- e. Other; describe fully. _____

* per telecon with Nick Purdy. 7/20/98. c.z.

406 93 1998

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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	20E	30		D			D												

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. NONE

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

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

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

12. Remarks: Homes & land & water system will be owned by applicant. Homes will be leased to occupants on a long-term basis. Well was drilled in 1959 under Claim A37-11631. Homes will be built on land now occupied by a feedlot. The feedlot will be moved about 2 miles to the east to the site of another existing feedlot.

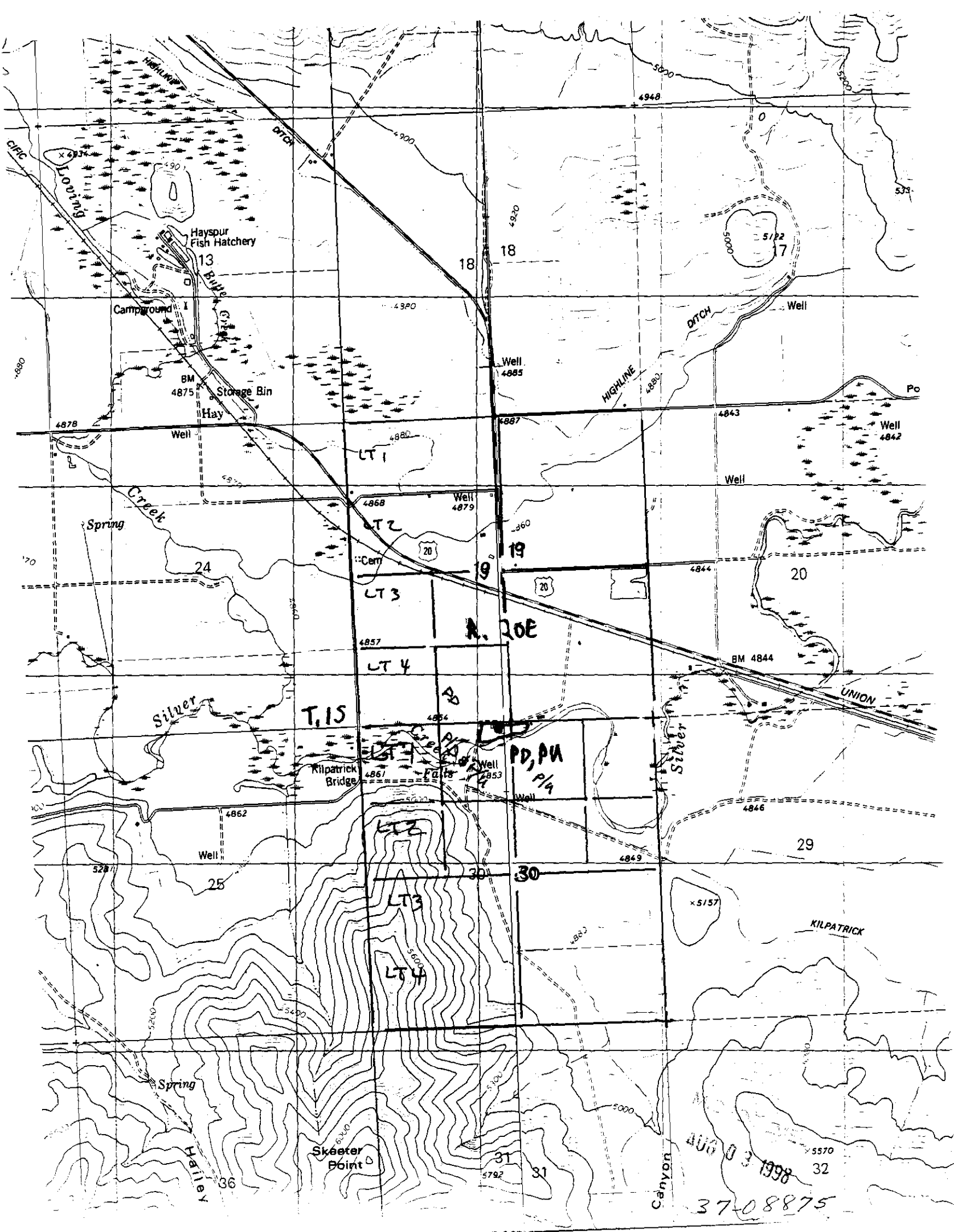
Officers are L.N. Purdy (Pres.), Nick Purdy (Vice Pres).

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 7.5 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.

MICROFILM
AUG 03 1998
Donald N Purdy President
Signature of Applicant (and title, if applicable)

Received by J.F. Stanton Date 5-11-98 Time 11 am Preliminary check by J.F. Stanton
Fee \$ 50.00 Received by J.F. Stanton # 5021086 Date 5-11-98
Publication prepared by MB Date 5/13/98 Published in Wood River Journal
Publication approved MB Date 6/2/98





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

September 17, 2003

PICABO LIVESTOCK CO INC
PO BOX 688
PICABO ID 83348-0688

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-8875

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 contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights 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, or at the department's website at: www.idwr.state.id.us.

If you have questions, please contact the **Southern** Regional Office of the department in Twin Falls (208) 736-3033.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED
OCT 20 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 37-8875

Reviewed By: dgibson

Date: September 16, 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.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		C069879	Well driller's report filed?		X
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		09/15/2003
Date proof due	-	08/01/2005
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	05/11/1998
New priority date	=	05/11/1998

Deficiencies of Actions Items

Acknowledge receipt of proof.

RECEIVED

SEP 15 2003

Department of Water Resources

PICABO LIVESTOCK CO., INC.

Box 688

PICABO, IDAHO 83348

Tel 208-788-3530

fax 208-788-0214

npurdy@earthlink.net

September 11, 2003

Ms. Deborah J. Gibson
Administrative Assistant
Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83706

Re: Picabo Livestock Permit No. 37-8875

Dear Deborah:

As you suggested I am requesting that your department consider my **Proof of Beneficial Use** that I am submitting with this letter in lieu of the **Request for Extension of Time** that was approved recently and sent to me by your letter of August 20, 2003. I am requesting that my \$50.00 fee for the extension of time be applied to the beneficial use application since the time is so close for the filing of the two applications and also because I was confused and thought I was applying for a beneficial use since the use has been in place for over 50 years.

I have enclosed a copy of the old water permit that applied to the property when there were only two homes and cattle corrals. Now there are three cabin sites where the corrals were and no livestock for a total of five homes. The entire infrastructure for the water system is installed and I have a permit to built another cabin with only one to go to complete the five planned for the total property.

Please advise me if an inspection is necessary or if you need additional information.

Sincerely,



Nick Purdy

MICROFILMED

OCT 20 2003

AJ0723NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

12/18/97 14:16:20
Page 1

Water Right Number - A37-11631

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

*** C - CURRENT OWNER ***
PICABO LIVESTOCK CO INC

Last Name - - - - - + - - - - - First Name - - - - -

Address - - - - -

1 - P O BOX 688
2 -
3 -
City- PICABO
Phone - 208-788-2516

State- ID Zip- 83348

Priority Date - - - +
06/01/1959

Region - - - +
ERROR IN REGION

Stage - - - +
J - BENEFICIAL USE

Status - - - +

Source - - - - - +
GROUNDWATER

Tributary - - - - -

Trm	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name
-----	-----	-----	-------	-----	------	--------	--------------------	----------------

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
04 - STOCKWATER		11/01	04/01		0.060	
43 - DOMESTIC		01/01	12/31		0.060	

+ - - Total Div. Rate - + - - Total Div. Volume - + - - Total Div. Capacity - + - - Total Consumptive Use - + - - KW Usage - +
0.060

Trm	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
01S	20E	30	NE NW				04	STOCKWATER	(13) BLAINE
01S	20E	19	SW SE				43	DOMESTIC	(13) BLAINE
01S	20E	30	NW NE				43	DOMESTIC	(13) BLAINE

+ - - Diversion Means - WELL & PUMP, STOCK TROUGHS

+ - - Non-Irrigation Use - DOMESTIC/2 HOME WITH LAWNS, LIVESTOCK/400 RANGE

+ - - Other Rights for Same Use - NONE

Remarks - - - - -

GEN PRESENT WELL WAS DRILLED IN 1959, REPLACING ORIGINAL HAND-DUG
WELL. DATE OF ORIGINAL WELL IS UNKNOWN.

Old water right numbers found
No Old Water Right Numbers found

Conditions of Approval -

MICROFILMED
OCT 20 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Fax

To:	Nick Purdy	From:	Deborah J. Gibson (208) 327-7953
Fax:	(208)788-0214	Date:	September 10, 2003
Phone:		Pages:	4
Re:	Permit No. 37-8875	CC:	

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

•**Comments:** As you requested is the Proof of Beneficial Use form with its instructions and fee schedule. Thanks for your call.

dg

Note to the file (reminder):

Per my phone call with Nick, I suggested he file proof and withdraw his Req. for Extension of Time, and request that the fee paid with the extension be applied to the proof.

9/10/03 - dg

MICHO...

OCT 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 20, 2003

PICABO LIVESTOCK
PO BOX 688
PICABO ID 83348-0688

RE: PERMIT NO. 37-8875

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit that extends the time within which to submit proof of beneficial use of water to **August 1, 2005**.

Please note that the department granted this extension based on **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed since the department may not be able to grant additional extension based on due diligence.

According to Section 42-248, Idaho Code, which requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED
OCT 20 2003

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No.: 37-8875

Reviewed By: dgibson

Date: August 19, 2003

	<u>Yes</u>	<u>No</u>	
Request received timely?	X		Is delay by a government agency?
Appropriate fee	X		Is supporting documentation needed to support the file?
Additional Amount Due:			
Receipt No.:		C069879	Has the permit been involved in litigation?
Name and signature same as permit?	X		Is supporting documentation needed to support the file?
Is address same as permit?	X		Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?
Has adequate work been completed to demonstrate due diligence?	X		

Priority Calculation

Extension request received	07/07/2003	New proof due date	08/01/2005
Date proof due	- 08/01/2003		
Lapse notice sent	-		
No. of days late	= 0		
Holiday allowance	+		
Priority date	+ 05/11/1998		
New priority date	= 05/11/1998		

Action Taken

Acknowledge request and extend proof deadline to 8/1/2005.

May 31, 2003

PICABO LIVESTOCK CO INC
PO BOX 748
PICABO, ID 83348

PROOF DUE NOTICE

RE: PERMIT NO. 37-8875

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

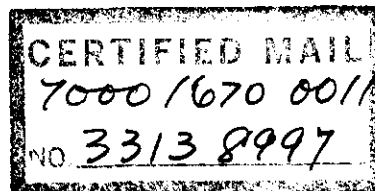
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

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

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures



MICROFILMED
OCT 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 23, 1998

PICABO LIVESTOCK CO INC
PO BOX 688
PICABO ID 83348-0688

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08875

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

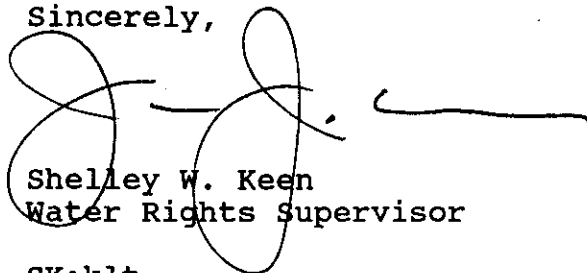
RECEIVED

JUL 30 3 1998

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

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

Sincerely,

for Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICHOI LME

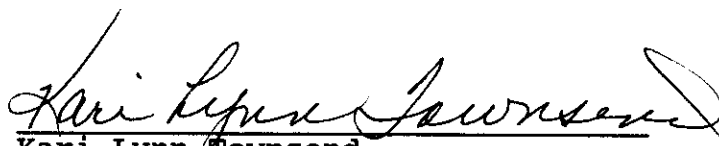
AUG 03 1998

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of July, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 37-08875

PICABO LIVESTOCK CO INC
PO BOX 688
PICABO ID 83348-0688


Kari Lynn Townsend
Secretary

RECEIVED

AUG 03 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

MICROFILMED

AUG 03 1998

DATE: 07/20/98
PAGE: 1

Dates: App. Received: 05/11/1998 Priority Date: 05/11/1998
Proof Due Date: 08/01/2003 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

WR0749NP
No. P37-08875

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/20/98
PAGE: 2

=====

Misc: Water District Number: 37 Field Exam Fee:

Comments: Date: 07/20/1998 User-ID: CZIMMERM Subject: DIVERSION DESCRIPTION
Existing well drilled in 1959 serves 2 employee housing under
A37-11631. Per telecon today with Nick Purdy, they plan to add
3 hunting cabins to the system. These cabins will be leased out
on an annual basis. Most lawn watering will be from existing
surface water system.

Audit: 07/10/98 CZIMMERM 07/20/98 CZIMMERM

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by Cindy Lou

No.: 37-8875 Name: Picalso Date: 7/10/98 Ad OK? ✓ ✓ Gvmt Lts: ✓

AREA OF CONCERN:- No/Yes: ESRP Mor Big Wood RGWMA / Trust / Non-trust**PROTESTED:**

- 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year

- 26A-P17

≤ 1 year/no proof

- P16

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

- North / East / West

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

WMD Supplemental use

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

> 0.24 cfs/5 acres

- 01M (report when notified)

≤ 0.24 cfs/5 acres

- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

- 046-P23

In Basin 34?

- 085

Irr. within WD

- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9

WD (✓ MAP & LISTING)

- R04 (WD # _____)

> 0.10 cfs

- 01J-P08 (MD & LD)

≤ 0.10 cfs

- 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

- *W22 -P04, NA

(02/03-irr)

- 007 (w/ remark *WB9 if above Weiser), NA

Payette R(65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's)

- 029 (fish screens), NA

USE:

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

>1 in rest. area

- ~~071-070~~ rnk

Fire Protection

- 077

Fish Propagation

- 029-007-042(req)-081 (WQ)-P10

Heating/Cooling

- R07 (injection well)

Irr ≤ 5 acres

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

> 5 acres

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

Mining

- 054(req)-081-P10

Municipal

- 022, 075, 004 (+memo?), NA (not in restricted area)

Power

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

Stockwater

- R37 (BLM/USFS); NA

Storage (✓ 3 compo.)

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

42-248 area

- P84 in 20/30/40/50/60/70/80 (87) basin

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Mitigation

- 120

SWAN FALLS FLAG (See Code Chart)

- C

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:- 076**STANDARD REMARKS:**- ① 071 ② 070 ③ WB5**BENEFICIAL USE DUE:**- 7/1/ 2003**COMMENTS:**

Picabo Livestock Co, Inc

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 06 1998
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY *J. Esten* DATE 5-11, 1998
APPLICATION NO. 37-0 8875

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
 - ☒ Address
 - ☒ Source (see USGS quad for names of water sources)
 - ☒ Point of diversion (10 Acres for spring, lot & block description subdivisions, local name, flow &/or volume.)
 - ☒ County
 - ☒ Quantity (flow &/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, of signator is required)
 - ☒ Fee
 - ☒ Yes ☐ No* In form to receipt
- PROPOSED PRIORITY DATE
5-11 1998

ADDITIONAL INFORMATION

- ☐ Overlapping place of use(Describe source & relationship to previous application on the back.
- ☒ Overlapping point of diversion. Process - Monitoring
Exempt
- ☐ Yes ☒ No Field check required
- ☐ Yes ☒ No Field check by _____
- ☐ Yes ☒ No Field report attached
- ☐ Yes ☒ No Critical Ground water 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 trustwater 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 _____, 19____

SEND COPIES TO: _____ Idaho Dept of Health & Welfare _____ USDI BLM
 _____ Idaho Dept of Fish & Game _____ USFS
 _____ Idaho Dept of Lands _____ Water Dist.
 _____ Adjudication Bureau Unit _____ Other _____

☒ Yes ☐ No Affidavit of publication received.

☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates and paper, recorded on App.

☐ Yes ☒ No Protests received

☐ Yes ☐ No Final date for Protest

☒ Yes ☐ No Protests, dates, resolution of protest, recorded on app.

☒ 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. _____

☐ Yes ☒ No Special conditions of approval or cover letter below.

Date of priority recommended 5/11, 1998
By AD Date 7/1, 1998

See below for additional information

By _____ Date _____, 19____

ADDITIONAL INFORMATION:

FROM: Allen Merritt

DATE: July 1, 1998

TO: Application No. 37-08875

In the Name of: Picabo Livestock Co Inc

SUBJECT: Review and Recommendation

This application is for development of three homes with lawns. The ownership of the homes will be retained by the applicant but each home is to be leased out. It is very similar to development of a subdivision. The main question is whether each home is allowed 13,000 gpd and 1/2 acre of lawn or the total application is limited to 13,000 gpd and 1/2 acre. (This needs legal review.)

Recommend approval either way. Conditions to be based on outcome of legal review. (I recommend it be treated as 3 homes each with 13,000 gpd & 1/2 acre)

Other conditions:

-No new wells authorized.

MICROFILMED

AUG 03 1998

AFFIDAVIT of PUBLICATION

RECEIVED

JUN 01 1998

State of Idaho,
County of Blaine

} SS.

Department of Water Resources

On this 27 day of May, in the year 1998, before me a Notary Public of said State, personally appeared **DANIEL J. GORHAM**, known or identified to me to be the person whose name is subscribed to be 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. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 20 day of May, 1998, and the date of the last publication was on the 27 day of May, 1998.

Subscribed and sworn to before me this 28 day of May, 1998.
(SEAL)

NOTARY PUBLIC

10979
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 46.800
Number of Insertions 2
Lines tabular at 7 pc / Pica
Lines straight at 32.292 6 pc / Pica
Subsequent lines at 26.910 5 pc / Pica
TOTAL COST +5 *64.20

Permit No. 37-08875

COPY OF NOTICE
(Paste Here)

Ap. for Water Permit
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

ID Dept. of Water Resources
BILL TO

Application for water permit

NOTICE OF APPLICATION FOR WATER PERMIT

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

PICABO LIVESTOCK CO. INC
PO BOX 688
PICABO ID 83348

Application for Permit No.
37-08875

Source: groundwater
Diversion Pt(s): SE1/4SW1/4,
S19 or NE1/4NW1/4, S30; both
T01S, R20E; Blaine County.
(exact location of existing
development is unclear)

Use: 1/1-12/31

Domestic-3 homes (0.08 cfs)
In: NW1/4NE1/4, NE1/4NW1/4,
S30, T01S, R20E; Blaine
County.

Date Filed: 5/11/98

Any protest against the proposed application(s) must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before June 8, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed application(s). The protestant must also send a copy of the protest to the applicant.

Karl J. Draher, Director

Publish: Wood River Journal — May 20 & 27, 1998

FILED

AUG 03 1998

10979



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 29, 1998

Blaine County Commissioners
P.O. Box 400
Hailey, ID 83333

Gentlemen:

Pursuant to a recent request, please find enclosed copies of two recently filed Applications for Permit. I have enclosed a copy of application #37-08874 in the name of Natural Energy Resources Incorporated and a copy of application #37-08875 in the name of Picabo Livestock Company.

It should be noted that both of these application files contain additional documents. I have tried to enclose the most relevant documents and information for your reference.

If you have any questions, feel free to contact this office at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Corey Skinner'.

Corey Skinner, EIT
Dam Safety Section

Enclosures

AUG 03 1998

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FOR WATER PERMIT**

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PO BOX 688**

PICABO ID 83348

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(exact location of existing
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County.**

Date Filed: 5/11/98

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1341 Fillmore St., Suite 200;
Twin Falls, ID 83301 together
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part of the proposed
application(s). The protestant
must also send a copy of the
protest to the applicant.**

Karl J. Dreher, Director

**Published in the Wood River
Journal on 5/20 & 5/27/98.**

MICROFILM

AUG 03 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

May 14, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTENTION-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

100-100000

AUG 03 1998

NOTICE OF APPLICATION FOR WATER PERMIT

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

PICABO LIVESTOCK CO. INC.
PO BOX 688
PICABO ID 83348

Application for Permit No. 37-08875

Source: groundwater

Diversion Pt(s): SE1/4SW1/4, S19 or NE1/4NW1/4, S30; both T01S, R20E; Blaine County. (exact location of existing development is unclear)

Use: 1/1-12/31 Domestic-3 homes (0.08 cfs)

In: NW1/4NE1/4, NE1/4NW1/4, S30, T01S, R20E; Blaine County.

Date Filed: 5/11/98

Any protest against the proposed application(s) must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before June 8, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed application(s). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River Journal on 5/20 & 5/27/98.

AUG 03 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

May 13, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN LEONARD N PURDY PRESIDENT
PICABO LIVESTOCK CO. INC.
PO BOX 688
PICABO ID 83348

Re: Application for Permit No. 37-08875

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the application in the Wood River Journal for 05/20 & 05/27/98. A period of ten days following the second publication will be allowed for the submittal of protests.

If an 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 an 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.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

ML

AUG 03 1998