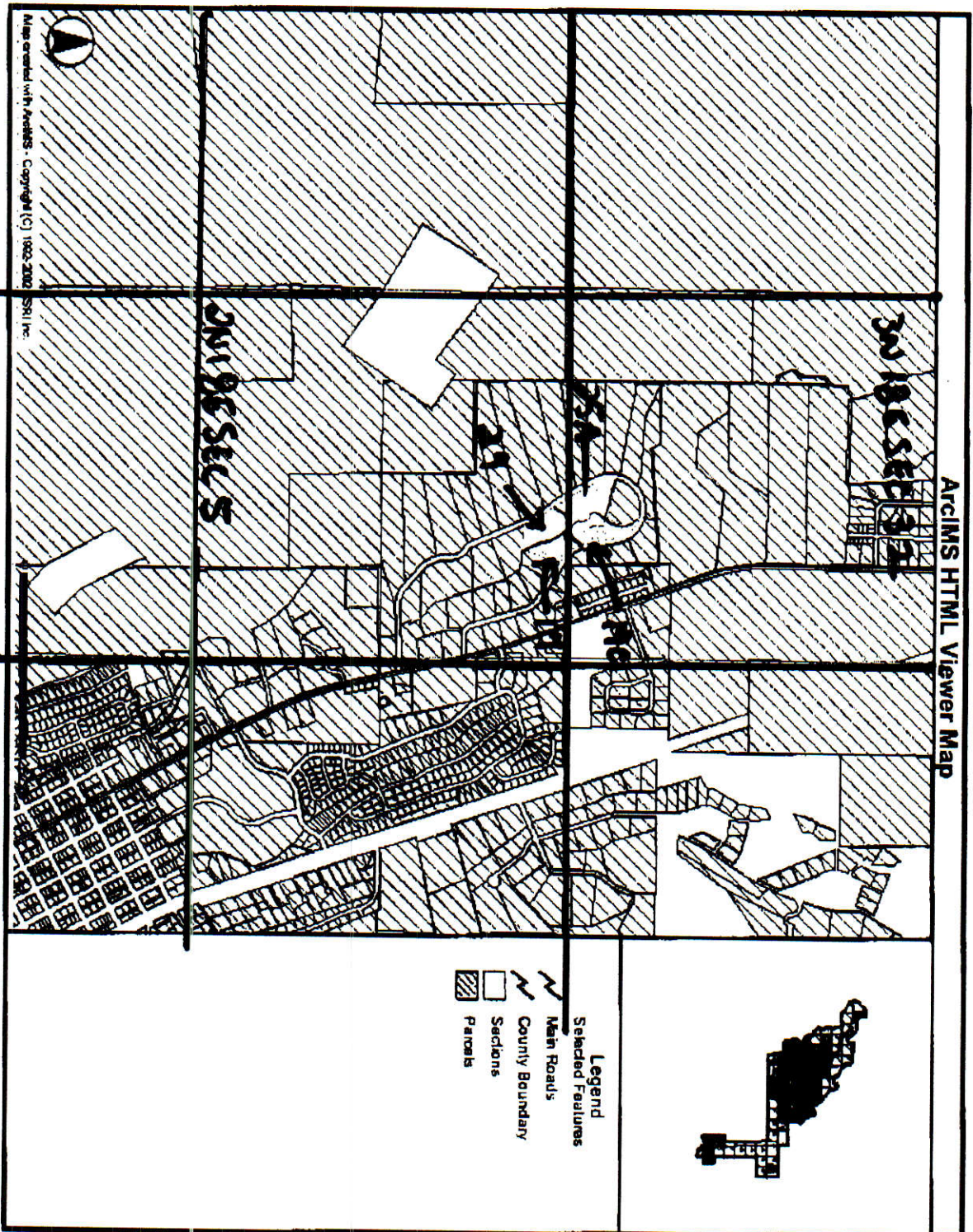


Map Output

Page 1 of 1



<http://gis.service.com.esri.esri.com/parcel&ClientVersion=4.0&Form=True&Encode=False>

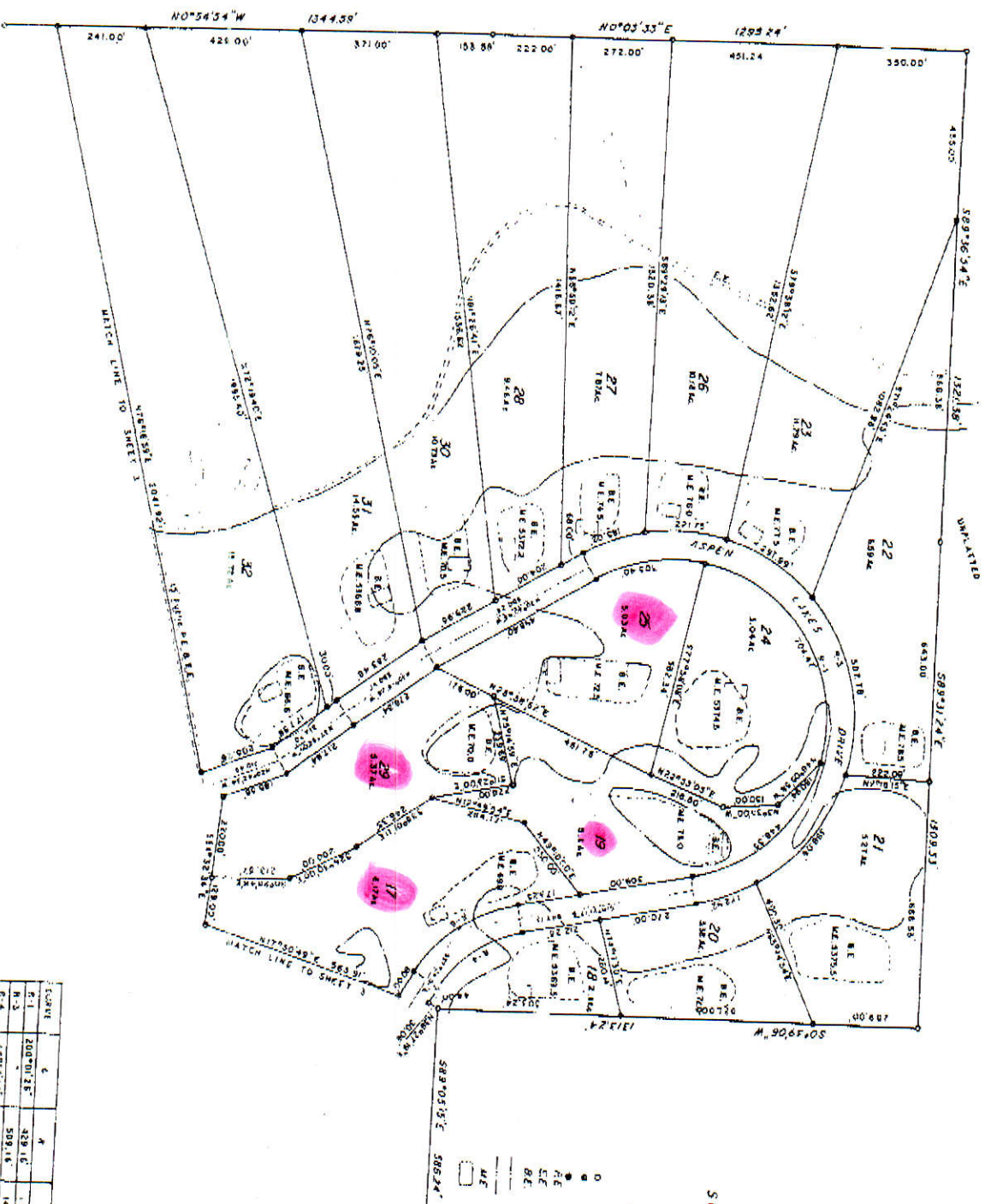
4/4/2003

MICROFILMED

APR 16 2003

FLYING HEART RANCH NO. II

SHEET 2 OF 4 SHEET



SCALE: 1" = 200'

LEGEND

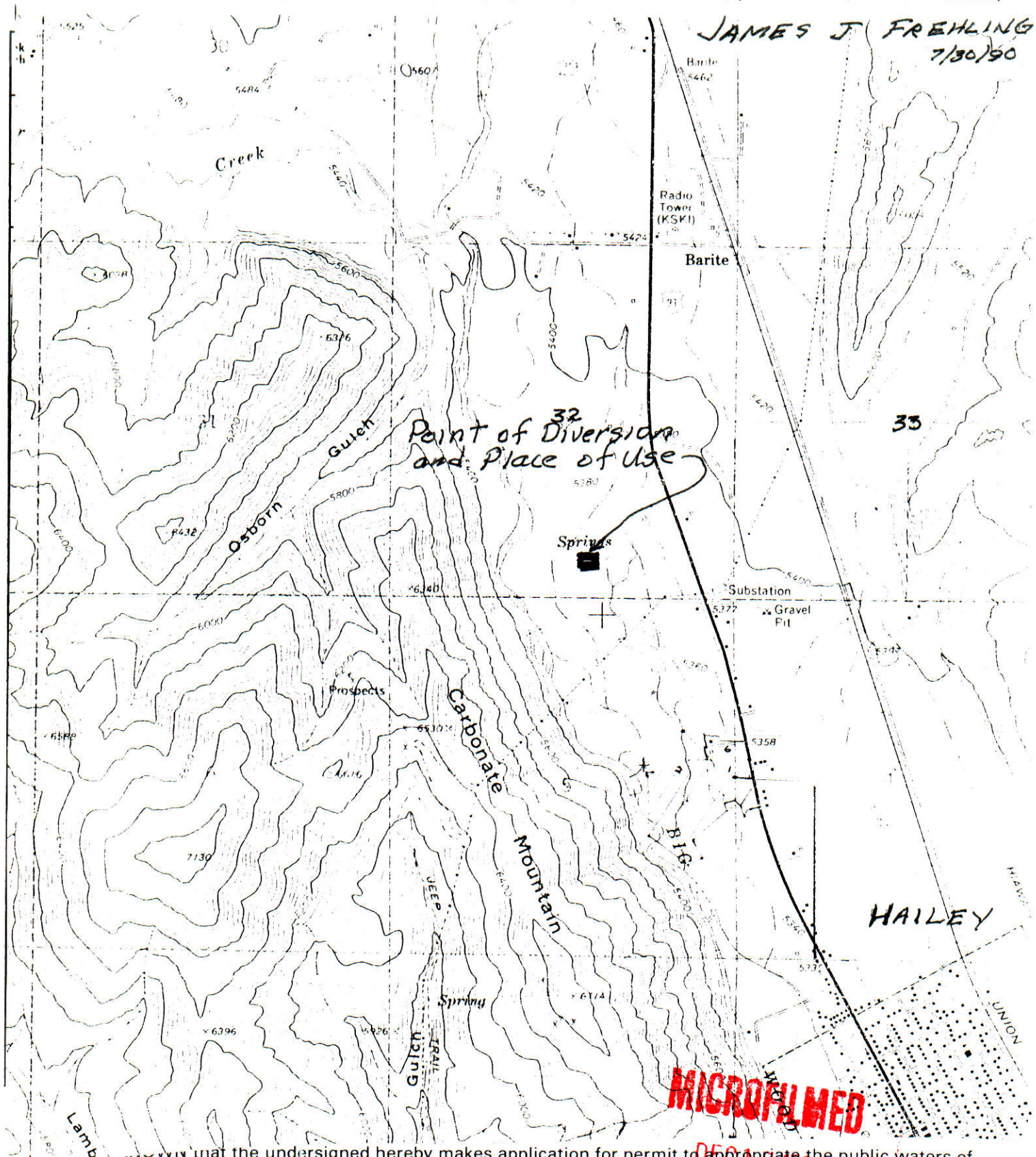
- Monument Found
- 1/2" x 24" Rect. Sign
- 5/8" x 10"
- △ Pasture/Farm Foreman
- △ Elevation
- △ Building Envelope
- △ Roadway Limit
- △ R.R. F. Protection Limit
- △ Highway Post Elevation
- △ Disputed Boundary - Inund. Location

SAWTOOTH TITLE CO., INC.
While this is a photographic reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

Course	C	A	L	CHAINS	CH BEARING
R-1	200°01'25"	428.16	11.98.20	845.28	N18°20'00"E
R-2	119°24'44"	509.16	1421.52	002.81	N18°20'00"E
R-3	48°54'44"	510.00	278.54	270.87	S33°45'30"E
R-4	48°54'44"	400.00	343.88	344.35	

MICROFILMED
APR 16 2003

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

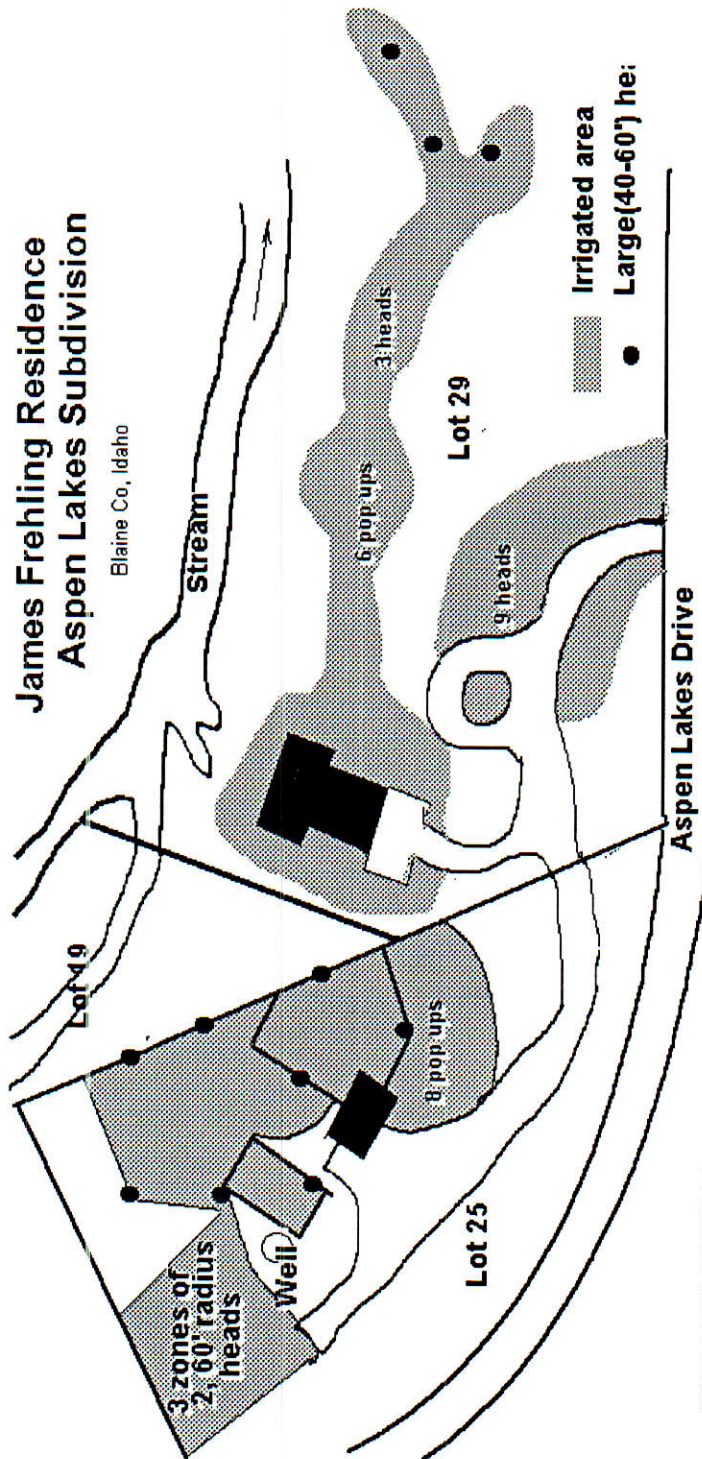


that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

C.E. Brockway P.E.
 (Applicant)
Power of Attorney

James Frehling Residence
Aspen Lakes Subdivision

Blaine Co, Idaho



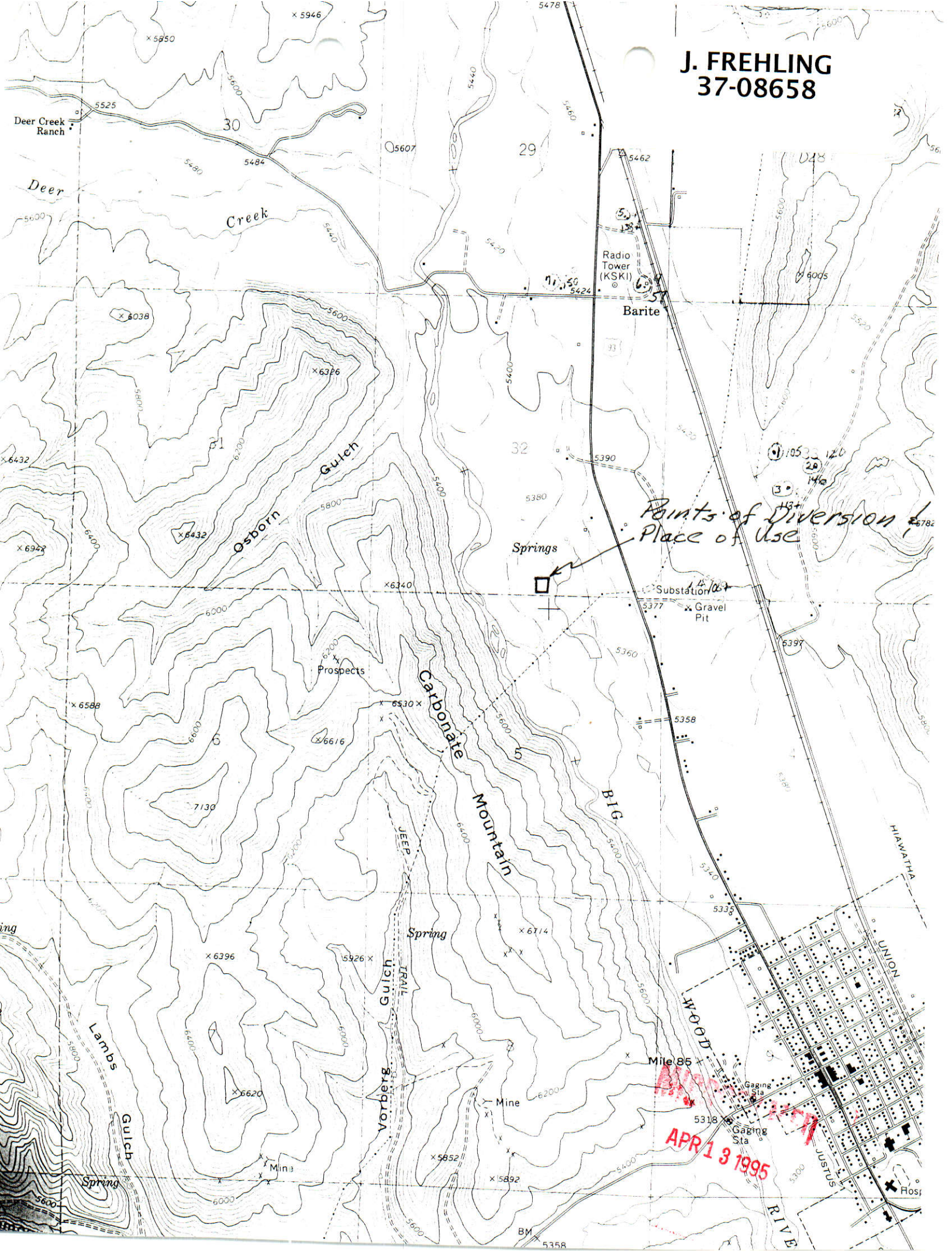
NOT TO SCALE

C.E. Brockway P.E.
June 1994

MICROFILMED

APR 13 1995

J. FREHLING
37-08658

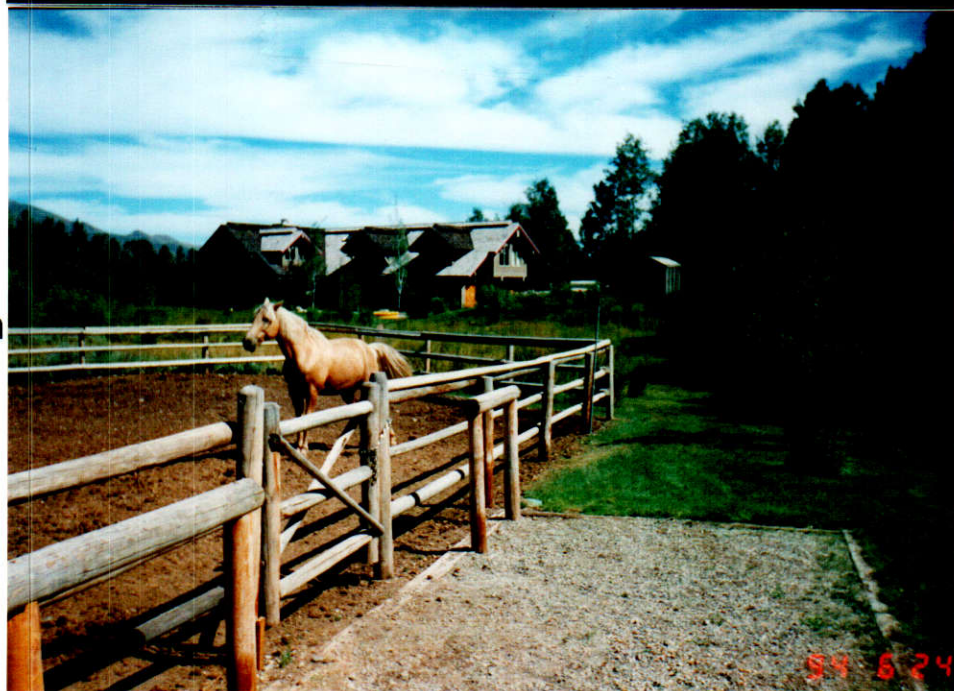


Permit 37-08658
James T. Frehling

Irrigation well looking north



Corral and residence looking south



Corral and typical sprinkler head



APPROVED
APR 13 1995

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

RECEIVED
 MAR 21 2003
 Department of Water Resources
 RECEIVED
 MAR 26 2003
 Department of Water Resources
 Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>37-8658</u>	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) James J. Prehling
P.O. Box 908, Hailey, ID 83333
4. New Owner/Claimant(s) Charles D. Peebler, Jr. and Tonita W. Peebler
 Name Connector (Check one): [] and, [] or, []
 New Mailing Address P.O. Box 4050, 149 Aspen Lakes Drive
 City, State and ZIP Code Hailey, ID 83333
 New Telephone Number (208) 788-6674
5. Date you acquired the property 12/6/00

MICROFILMED
 APR 16 2003

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Charles D. Peck
James M. Peck

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by *Quint* Date 3/27/03 Fee 25.00
 Received by *Quint* Date 3/27/03 Receipt No. 5025624
 Processed by _____ AJ Date _____ WR _____ Date _____

MICROFILMED
APR 1 8 2003

Order No. 27803

Instrument # 447455

HAILEY, BLAINE, IDAHO

2001-02-01 03:05:00 No. of Pages: 1

Recorded for : SAWTOOTH TITLE

MARSHA RIEMANN Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WTYGICORP DEED

QUITCLAIM DEED

FOR VALUE RECEIVED

CHARLES PEEBLER AND TONI PEEBLER, husband and wife

do hereby CONVEY, RELEASE, REMISE and FOREVER quit claim unto

CHARLES D. PEEBLER, JR. AND TONITA W. PEEBLER, husband and wife

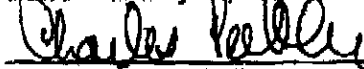
whose address is: 435 East 52nd Street, New York, NY 10022

the following described premises situated in Blaine County, Idaho, to wit:

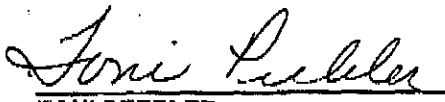
- PARCEL I: Lot 29 of FLYING HEART RANCH NO. II, according to the official plat thereof, recorded as Instrument No. 197188, records of Blaine County, Idaho.
- PARCEL II: Lot 17 of FLYING HEART RANCH NO. II, according to the official plat thereof, recorded as Instrument No. 197188, records of Blaine County, Idaho.
- PARCEL III: Lot 25A of FLYING HEART RANCH NO. II: LOTS 19A and 25A, according to the official plat thereof, recorded as Instrument No. 405332, records of Blaine County, Idaho.

together with their appurtenances.

Dated: January 28, 2001



CHARLES PEEBLER

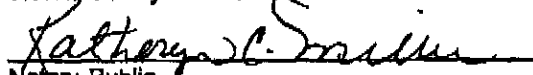


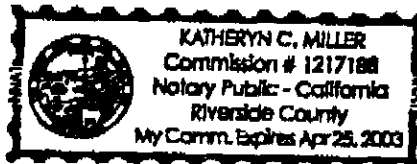
TONI PEEBLER

State of CALIFORNIA)
County of RIVERSIDE) ss.

On this 31ST day of JANUARY, in the year 2001, before me, the undersigned, personally appeared CHARLES PEEBLER AND TONI PEEBLER, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.


Notary Public
Commission Expires: 4/25/03



j:\es\es\forms\sqad

MICROFILMED
APR 7 6 2003

RECEIVED

BLAINE COUNTY ASSESSOR 206 1st Avenue, Ste. 105, Hailey, Idaho 83333
Phone: Office (208) 788-5535 FAX (208) 788-5542

APR - 4 2003

Department of Water Resources

IMPORTANT
FAX
TRANSMISSION

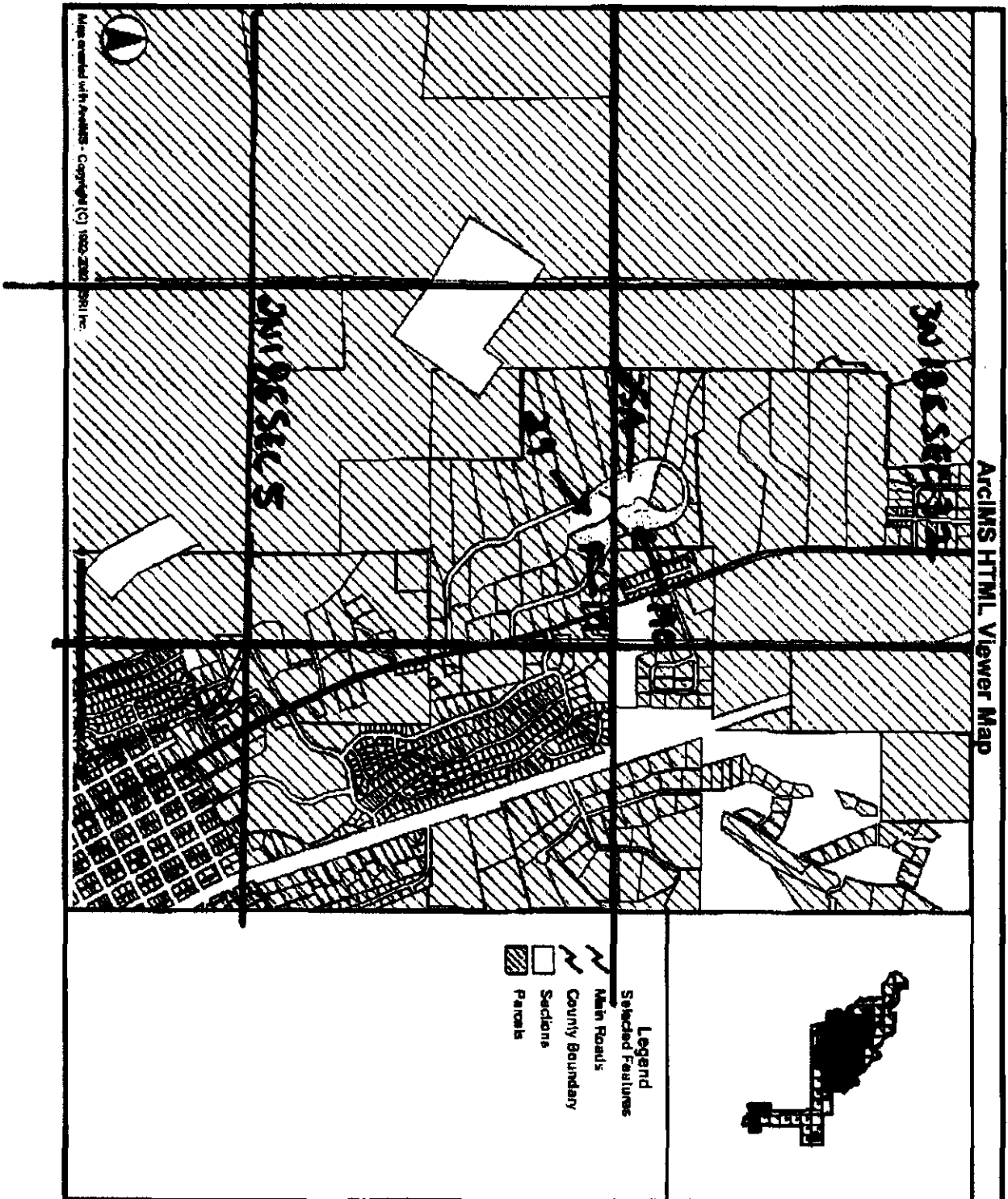
To: <u>KARL LYNN</u>	Date: _____
FAX #: <u>307-7866</u>	
From: _____	<u>2</u> pages (including cover)
Subject: _____	

NOTE:

MICROFILMED

APR 16 2003

Map Output



<http://gis.servicemap.esri.com/EsriMap?ServiceName=parcel&ClientVersion=4.0&Form=True&Encode=False>

4/4/2003

Page 1 of 1

MICROFILMED

APR 16 2003

JAN-03-2003 FRI 02:38 PM AMERITITLE

FAX NO. 2087261062

P. 02

Order No. 27505

WARRANTY DEED

Instrument # 445735
HAILEY, BLAINE, IDAHO
2000-12-07 08:17:00 No. of Pages: 1
Recorded for: RAWTDOOTH TITLE
MARSHA RUSMAN
Ex-Office Recorder Deputy
Index to: WYBECORP USB

FOR VALUE RECEIVED

JAMES FREHLING, as to an undivided 1/2 interest and ANNETTE FREHLING, as to an undivided 1/2 interest, as tenants in common

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

CHARLES PEEBLER and TONI PEEBLER, husband and wife

GRANTEE(s) whose address is: 435 E. 52nd Street, New York, NY 10022

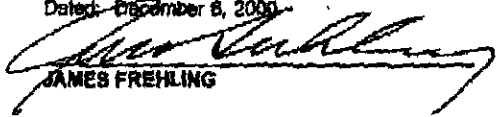
the following described real property in Blaine County, Idaho, to wit:

- PARCEL I: Lot 28 of FLYING HEART RANCH NO. II, according to the official plat thereof, recorded as Instrument No. 187188, records of Blaine County, Idaho.
- PARCEL II: Lot 17 of FLYING HEART RANCH NO. II, according to the official plat thereof, recorded as Instrument No. 187188, records of Blaine County, Idaho.
- PARCEL III: Lot 25A of FLYING HEART RANCH NO. II; LOTS 18A and 25A, according to the official plat thereof, recorded as Instrument No. 405332, records of Blaine County, Idaho.

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

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

Dated: December 8, 2000


JAMES FREHLING

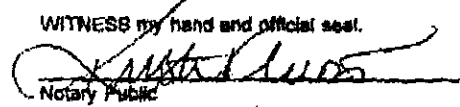

ANNETTE FREHLING

State of Idaho

County of Blaine

On this 6th day of December, in the year 2000, before me, the undersigned, personally appeared JAMES FREHLING AND ANNETTE FREHLING, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.


Notary Public

Commission Expires: 2001



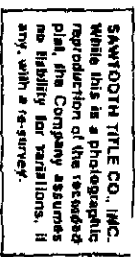
Expiration Date: 12/31/2001
Residing: Ketchikan, Idaho

MICROFILMED

APR 1 9 2003

JAN-03-2003 FRI 01:53 PM AMERITITLE

P. 03/03



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08658

Priority: August 29, 1990

Maximum Diversion Rate:

0.11 CFS

Maximum Diversion Volume:

11.1 AF

This is to certify, that JAMES J FREHLING

PO BOX 908

HAILEY ID 83333

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 30, 1990; and has submitted Proof of Beneficial Use on September 9, 1994. An examination indicates that the works have a diversion capacity of 0.110 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.09 CFS	10.5 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
	Totals	0.11 CFS	11.1 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 32, Township 03N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	18E	32	SWSE	3		3

Total number of acres irrigated: 3

PLACE OF USE:

DOMESTIC, same as IRRIGATION use

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. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for the lands above.

APR 13 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08658

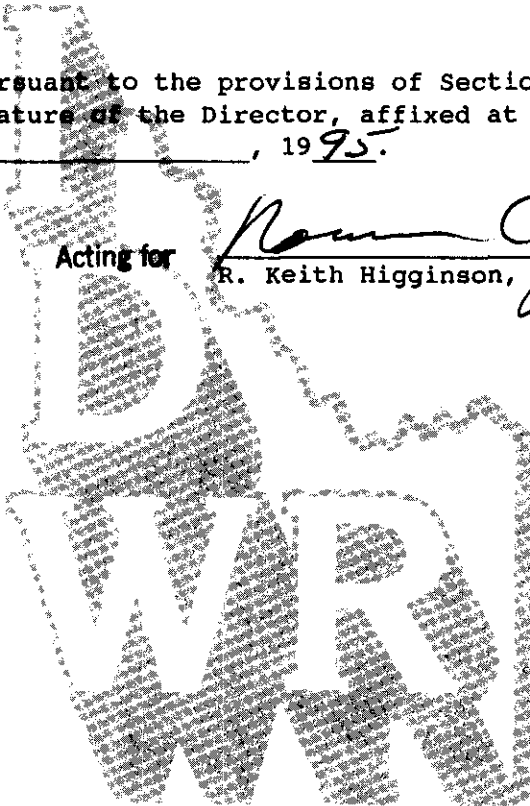
CONDITIONS/REMARKS:

6. Two points of diversion are located within SWSE, S32, T03N, R18E.
7. Domestic use is for 1 home.
8. Domestic use does not include lawn, garden, landscape, or other types of irrigation.
9. Place of use is located within Lots 25 and 29, Aspen Lakes Subdivision.

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 7TH day of APRIL, 1995.

Acting for


R. Keith Higginson, Director



APR 13 1995

IN THE MATTER OF PERMIT NO. 37-08658) **ORDER OF**
) **REINSTATEMENT**
IN THE NAME OF JAMES J. FREHLING)
)

APR 13 1995

RECEIVED

DEC 31 1992

Department of Water Resources
Southern Region Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 Fee Received by 80
Date 12-31-93
Receipt No. 5015354

REQUEST FOR EXTENSION OF TIME

**TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT**

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 in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 37-08658

Name(s) of Permit Holder: James J Frehling

Mailing Address: 46 Charles E. Broadway 706 Sunrise Blvd N. Twin Falls ID
93301

Date Proof is Due Dec 1, 1992 Telephone No. 733-0938

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".)

Well & pump installed, partial completion of
sprinkler system.

Costing \$ 10,000

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

Difficulty in property boundary location and sprinkler
lines

Permit holder(s) request an extension to Dec 1, 19 94.

FEE: \$15.00

(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 JAN 28 1993
and the time within which to submit proof of beneficial use is
extended to December 1, 1994.

IT IS FURTHER ORDERED that this permit is REINSTATED and the priority
advanced to August 29, 1990, pursuant to Section 42-218a, Idaho Code.

Signed this 5th day January, 19 93

J. Shew Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08658

Proposed Priority: July 30, 1990 Maximum Diversion Rate: 0.13 CFS
This is to certify, that **JAMES J. FREHLING**

C/O CHARLES E. BROCKWAY
706 SUNRISE N.
TWIN FALLS, ID 83301

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	0.09 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.13 CFS

LOCATION OF POINT(S) OF DIVERSION: SWSE Sec. 32, Township 03N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	18E	32	SWSE	3		3

Total number of acres irrigated: 3

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1992.
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. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. Irrigation use under this permit is authorized only in connection with a domestic use.
6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.
7. Domestic use is for 1 home.

MICROFILMED

DEC 17 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08658

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

12th day of December, 1990.

for *R. Keith Higginson*
R. Keith Higginson, Director

MICROFILMED

DEC 17 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant JAMES J. FREHLING Phone (208) 788-5133
Post office address 149 ASPEN LAKES DRIVE, P.O. BOX 909 Hailey, ID 83333
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of SW 1/4 of SE 1/4, Govt. Lot _____
Sec. 32 Township 3N Range 18E B.M. BLAINE County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .04 for DOMESTIC purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .09 for IRRIGATION purposes from APR 1 to NOV 1 (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) .13 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. WELL, PUMP, AND PIPE
DISTRIBUTION SYSTEM

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is 8 inches; proposed depth of well is 100 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 for beneficial use is
2 years (minimum 1 year).

MICROFILMED

DEC 17 1990

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

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

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
<u>3N</u>	<u>18E</u>	<u>32</u>															<u>D</u> <u>3.0</u>		<u>3.0</u>

Total number of acres to be irrigated 3.0

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

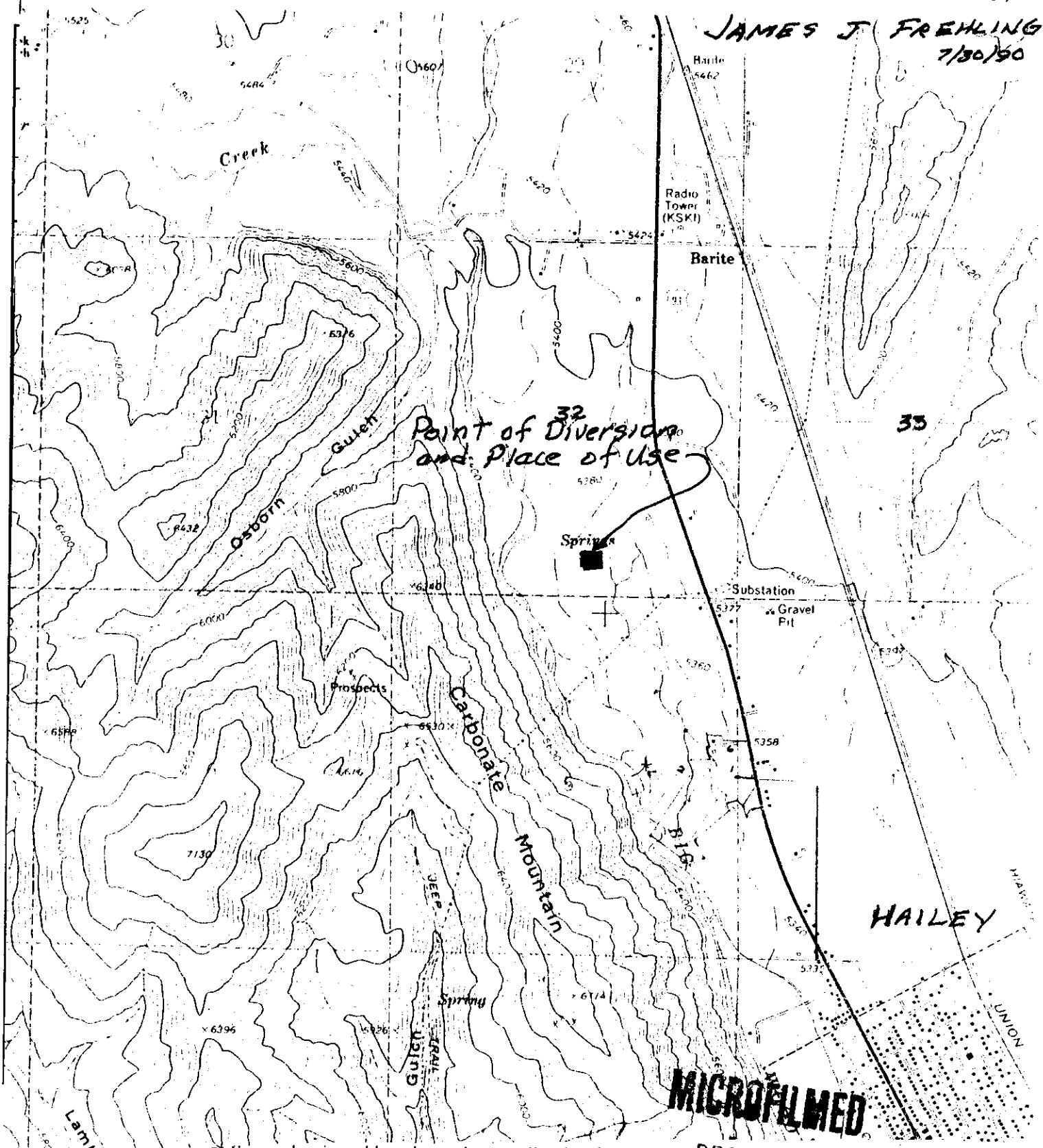
- Who owns the property at the point of diversion? JAMES J FRENHING (APPLICANT)
- Who owns the land to be irrigated or place of use? JAMES J. FREHLING (APPLICANT)
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

MICROFILMED

DEC 17 1980

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



JAMES J. FREHLING
7/30/90

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

C.E. Brockway P.E.
(Applicant)
Power of Attorney

Received by JP ~~7-30-90~~ Date 7-30-90 Time 2:10 p.m. Preliminary check by AF
Fee \$ 30.00 Receipted by JP # 5012524 Date 7-30-90
Publication prepared by M. Baldwin Date 8/15/90 Published in Wood River Journal
Publication approved M. Baldwin Date 10/9/90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

MICROFILMED

DEC 17 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 12 1990

Department of Water Resources
Southern Region Office

POWER OF ATTORNEY

The undersigned holder(s) of Permit/Application No. 87-08658 of the
Department of Water Resources of the State of Idaho hereby nominates

Charles E. Brockway, whose address is 706 Sunrise N. Twin Falls ID
83301

as attorney-in-fact, with full authority to act for and on behalf of the undersigned in all
matters pertaining to the above numbered permit or application. Such acts shall include,
but not be limited to, the filing of application, receiving of all notices, the signing and
filing of applications for extension of time and for amendments of said permits, and the
submission of proofs of completion of works and beneficial use of water.

Dated this 10 day of September, 19 90.

[Signature]

STATE OF IDAHO)
County of Blaine) ss.

On this 10th day of September, 19 90, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Susan F. Northrop
Notary Public
Residing at Hailey, ID.

My Commission expires:
9/14/93

MICROFILMED
DEC 17 1990

37-08658



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

April 4, 2003

CHARLES D PEEBLER JR
TONITA W PEEBLER
PO BOX 4050
HAILEY ID 83333

RE: Change of Ownership for Water Right 37-8658

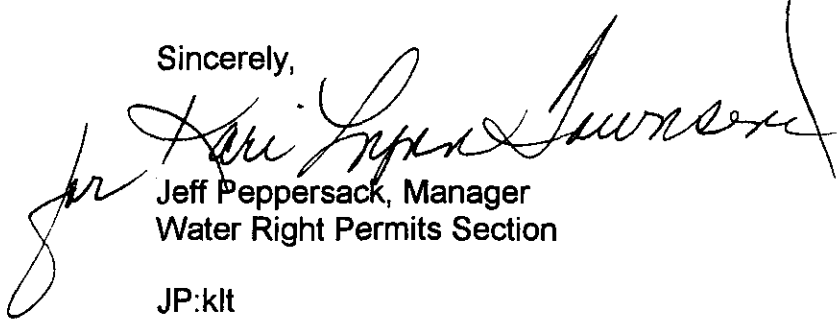
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED
APR 16 2003



877 Main Street, Suite 1000
P.O. Box 1617
Boise, Idaho 83701-1617
(208) 344-6000 • Fax (208) 342-3829
www.hteh.com

COLLEEN A. PROCTOR
LEGAL ADMINISTRATIVE ASSISTANT
EMAIL: CAK@HTEH.COM
DIRECT DIAL: (208) 388-4869

March 24, 2003

RECEIVED
MAR 26 2003
Department of Water Resources
Southern Region

VIA US MAIL

Idaho Department of Water Resources
Southern Region
1341 Fillmore St., Suite 200
Twin Falls, Idaho 83301-3033

Re: Notice of Change in Water Right Ownership

Dear IDWR:

Enclosed for filing with IDWR is an executed Notice of Change in Water Right Ownership form with the necessary documentation attached along with a check in the amount of \$25 to cover the required filing fee. Please file the enclosed Notice with the IDWR. If you have any questions regarding the enclosed, please give me or Brian Ballard a call at (208) 344-6000.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY LLP

Colleen A. Proctor
Legal Administrative Assistant

Enclosures

MICROFILMED
APR 16 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

R. KEITH HIGGINSON
DIRECTOR

April 7, 1995

JAMES J FREHLING
PO BOX 908
HAILEY ID 83333

RE: WATER RIGHT NO. 37-08658

Dear Water Right Holder(s):

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

APR 13 1995

M E M O R A N D U M

DATE: April 5, 1995

TO: File 37-08658

FROM: Shelley W. Keen *SWK*

RE: Overlap Analysis

=====

Big Wood River rights 37-00557, 37-00558, and 37-00559 are appurtenant to the same tract where 37-08658 was developed. They were claimed in the SRBA for 30 acres within the 40-acre tract. Today I spoke on the phone with Chuck Brockway, the field examiner for 37-08658. He told me that there is no use of surface water on the three acres irrigated under 37-08658. Therefore, I recommend that 37-08658 be licensed without the standard conditions for supplemental groundwater irrigation rights.

RECEIVED
APR 13 1995

LICENS. REVIEW CHECKLIST

PERMIT NO. 37-08658 DATE 3/31/95



NAME Change OK ☒ Or Address Change? On Extension

PRIORITY DATE Advance? ☒ Advanced to: 8-29-1990
 Order to reinstate needed? NA
 Incorrect fee for rate recommended? NA

SOURCE (Certified Examiner) ☒ Changes or just clarification of originally intended source?
 Notice of Intent to Void necessary? NA

POINT OF DIV Amendment needed? ☒
Overlaps? ☒

PLACE OF USE Amendment needed? ☒
Overlaps? ☒

DIV RATE Permit/fee limits: .13 CFS
 Meas Q = .11 Theo Q = NA Recommend: .11
3 x .03 = .09 CFS
SINGLE DOMESTIC = .02
 Combined rates exceed capacity NEW

ANNUAL VOLUME Volume Limit: Season: B/3.5 (4-15 to 10-15)
Calculations: 1 Home = .6
3 x 3.5 = 10.5 af
 Flow limit: NA cfs x NA x 1.9835 = NA
 Combined volumes exceed capacity/allowable NA

USES Change in Nature of Use or additional uses? ☒
 Amendment necessary? NA

REMARKS W32 OK Multiple p/d(s) in 1/4 1/4? SWSE/SEC 32/3N/18E
WBS Other WBS3/WBS4/WBS7 Remove
(EDIT WBS7 & W01)

CONDITIONS Watermaster control - District ☒
Measuring/Locking Devices ☒
Irrigation Overlap ☒
Other KEEP 041 ☒
Water Quality ☒ Heat/Cool/Fish verified ☒

COMMENTS: Reduce rate; Possible Supplemental GW - Not
Combination Dom/IRR Scenario

RECOMMENDATION	CFS	VOLUME	SRBA Claim Filed	NO
<u>Irrigation</u>	<u>.09</u>	<u>10.5</u>	Adjustment Memo Needed	<u>YES</u>
<u>Domestic</u>	<u>.02</u>	<u>.6</u>	LICENSE	☒
<u>total</u>	<u>.11</u>	<u>11.1</u>	AMENDMENT LETTER	
			SECOND AMENDMENT LETTER	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

SEP - 9 1994

Department of Water Resources
Southern Region Office

Permit No. 37-08658

A. GENERAL INFORMATION

1. Owner: James J. Frehling Phone No. 788-5133

Current Address: P.O. Box 908 Hailey, ID 83333

2. Accompanied by: James J. Frehling EXAM DATE: JUNE 25, 1994

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Ground water tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	SW	SE	32	3N	18E	Blaine	USGS QUAD (Hailey) Irrig. Well
		SW	SW	SE	32	3N	18E	Blaine	USGS QUAD (Hailey) Dom. Well

2. Place(s) of Use:

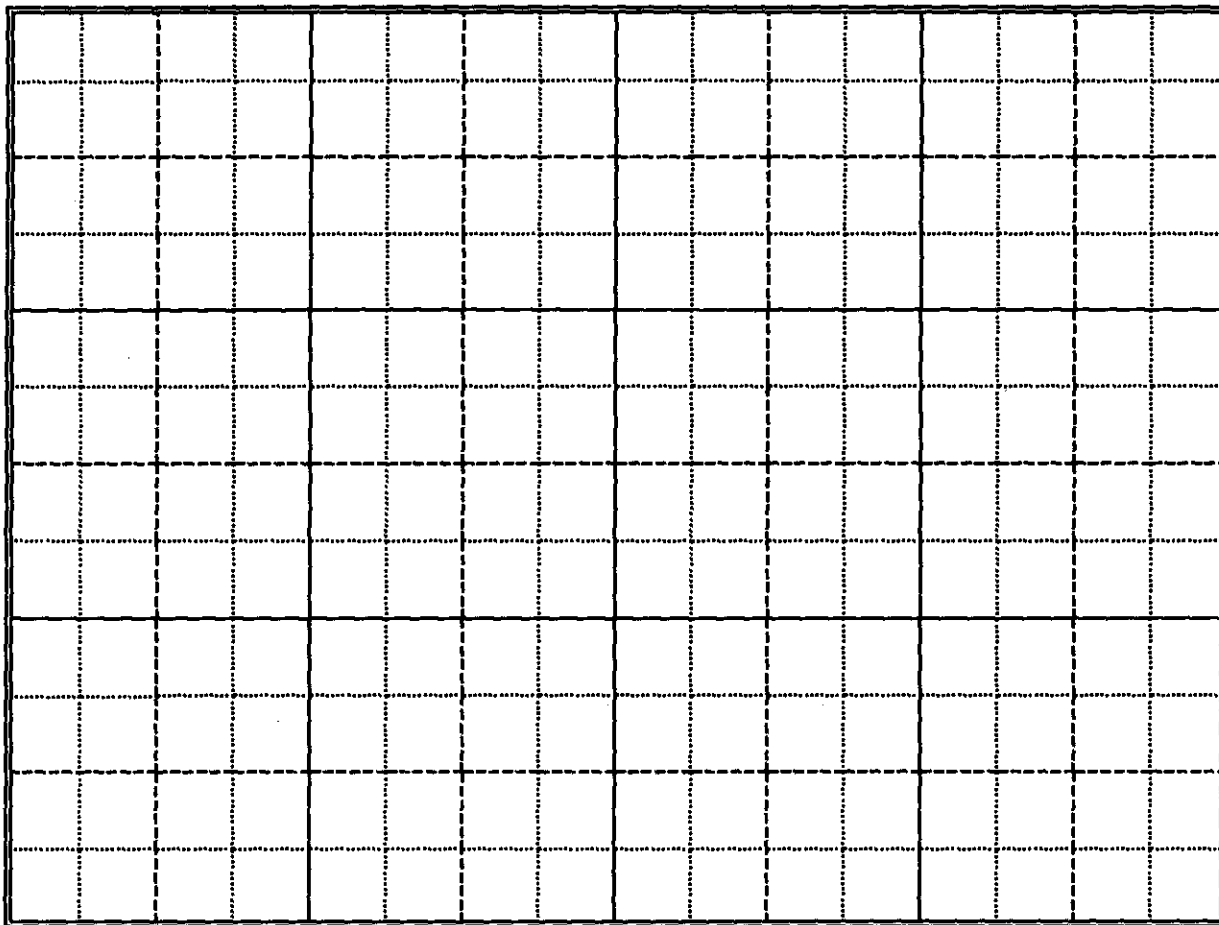
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	18E	32															3.0		3.0

APR 13 1995

37-08658

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS 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)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
<i>Irrig Well</i>	<i>Gould</i>	<i>1.5</i>	<i>Submersible</i>	<i>Gould</i>	<i>2"</i>
<i>Domestic Well</i>	<i>—</i>			<i>Submersible</i>	

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: *Zoned sprinkler system - Impact head*

APR 13 1995

E. NARRATIVE/REMARKS/COMMENTS

See attached narrative

Have conditions of permit approval been met? ☒ yes ☐ no

APR 13 1995

F. FLOW CALCULATIONS

Measured Method:

X Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

* $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 3.0 \times 3.0 = 9.0 \text{ af}$
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .09 \times 240 \times 1.9835 = 42.8$
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 9.0$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
* Irrigation	4/01	11/01	.09	9.0
Domestic	1/01	12/31	.04	
Totals:			.13	

2. Recommended Amendments

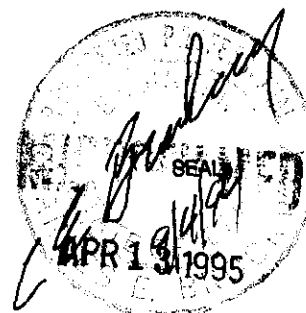
☐ Change P.D. as reflected above ☒ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name C.E. Brockway Date 9/4/94

Reviewer _____ Date _____

* See Attached Explanation memo for judgment information. *BE*



MEMORANDUM

TO: File 37-08658 / James Frehling
FROM: Brenda Chapman
DATE: March 31, 1995
RE: Recommendation Adjustment(s)

=====

The final licensing recommendations for the above referenced water right are based on the information below:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Div	Annual Vol
Irrigation	4-15 to 10-15	.09	10.5
Domestic	1-01 to 12-31	.02	.6

The irrigation season dates and annual volume diversion were adjusted to the currently used Field Headgate Requirement and Season of Use chart.

The domestic rate is reduced to conform with the current guidelines for processing combination domestic and irrigation rights.

APR 13 1995

JAMES FREHLENG IRRIGATION SYSTEM FLYING HEART 8/2/1994
EXAMINATION BY C.E. BROCKWAY P.E.
IRRIGATION WELL AND PUMP AND SPRINKLER SYSTEM
BASED ON ZONED IRRIGATION OF THREE PASTURE AREAS

DISTANCE WELL TO PASTURE = 200 FT

PIPE DIAMETER = 2 INCHES

NO. HEADS 4 SPRINKLER HEADS @ 7 GPM EACH IN TWO ZONES
 60 FT RADIUS RAINBIRDS, #65D W/ 1/4" NOZZLES
 TOTAL DISCHARGE= 28 GPM
 VELOCITY IN PIPE= 5.70 FPS
 HEAD LOSS IN PIPE= 12.13 FT

EST. PUMPING DEPTH 40 FT
 PRODUCTION PIPE L= 60 FT
 PROD. PIPE DIA.= 2 IN
 HEAD LOSS IN PROD. 3.64

REQ'D SPRINKLER HEAD PRESS.= 40 PSI= 92.4 FT

EFFICIENCY OF PUMP AND MOTO 65 PERCENT

TOTAL DYNAMIC HEAD 148.16 FT

HORSEPOWER REQ'D= 1.61 HP HP INSTAL 1.5 OK

1/4 IN NOZZLE AREA= 0.0003409 FT²
 ASSUME NOZZLE PRESSURE 50 P 40 PSI
 ORIFICE COEFFICIENT 0.6
 ESTIMATED FLOW 0.02 CFS
 7.08 GPM

DOMESTIC WELL IRRIG. SYSTEM
ZONED SYSTEM

COMBINATION POP UP SPRINKLERS AND IMPACT HEADS

LARGEST ZONE 3 IMPACT HEADS @ 5 GPM
 DISCHARGE= 15 GPM

MAX IRRIG. Q= 43 GPM DIVERSION CAPACITY

APPROVED
APR 13 1995

Beneficial Use Examination
Permit No 37-08658
Mr. James J. Frehling
Narrative Report C.E. Brockway P.E.

Lands irrigated under this permit include parts of Lots 25 and 29 of Flying Heart Ranch Subdivision both of which are owned by Mr. Frehling.

The distribution system for lands irrigated under this permit includes a 72 ft deep well on Lot 25 with a 1.5 hp submersible pump, pressure tank, and zoned sprinkler system. This well also provides water for the horse barn and stock water for 4 to 6 horses. In addition, the domestic well for the residence on Lot 29 provides water for irrigation for landscaping immediately adjacent to the house and south of the house.

The combined irrigated acreage on both lots is 3.0 acres.

There are therefore two points of diversion under this permit, the domestic well serving one residence and the irrigation well. Based on the operating pressure, sprinkler nozzle size and zoning of the sprinkler heads in use and the irrigation pump capacity, the maximum estimated diversion capacity for irrigation is 48 gpm or .11 cfs which exceeds the permitted irrigation diversion of 0.09 cfs.

Points of Diversion:

Irrigation Well- SWSE Sec 3 T3N R18 E Lot 25 Flying Heart Subdivision
6 inch diameter, 72 ft deep, 1.5 hp submersible pump(Gould), approx.
pumping level 50

ft.

Domestic Well SWSE Sec 3 T3N R18 E Lot 29 Flying Heart Subdivision

Place of Use:

Lots 25 and 29 Flying Heart Subdivision

Beneficial Use:

Irrigation of 3.0 acres on Lots 25 and 29

Stock water for 4 to 6 horses

Domestic water for one residence

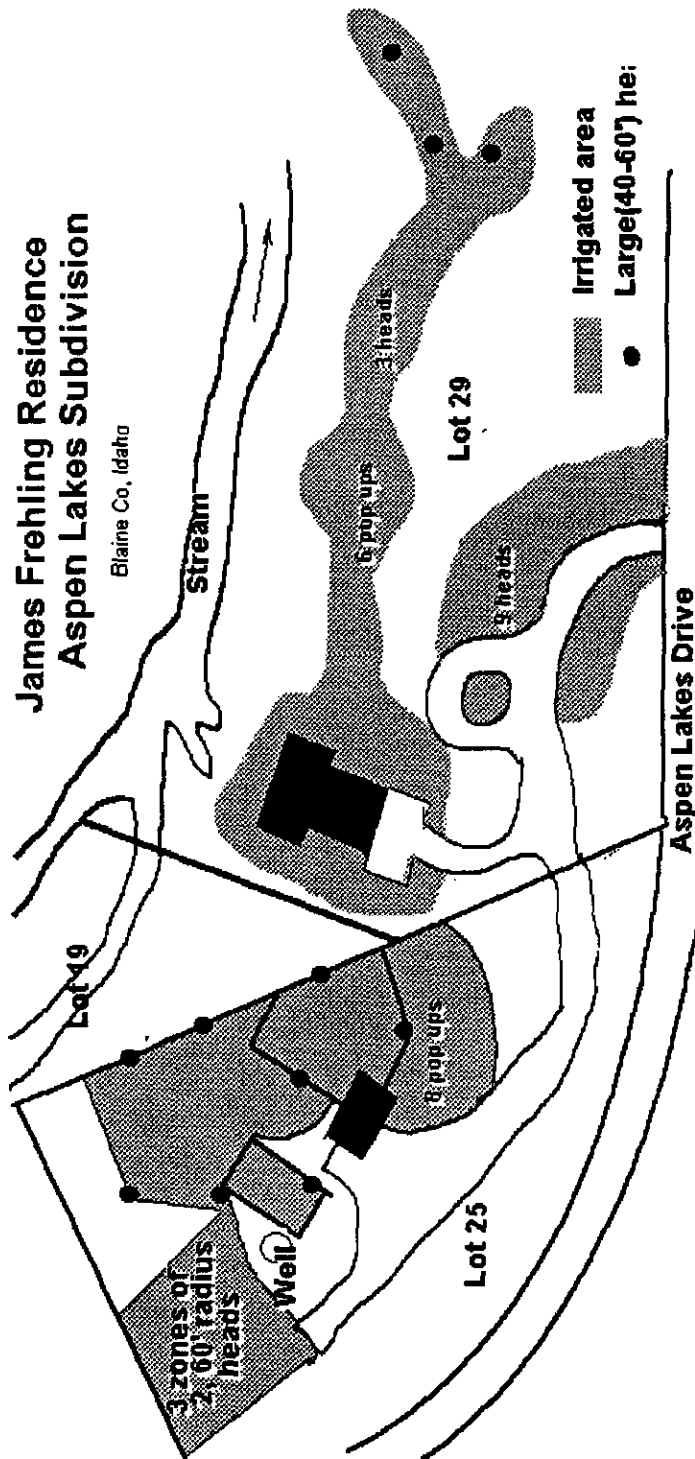
Distribution System

Buried pipe, zoned sprinkler system,

APR 13 1995

**James Frehling Residence
Aspen Lakes Subdivision**

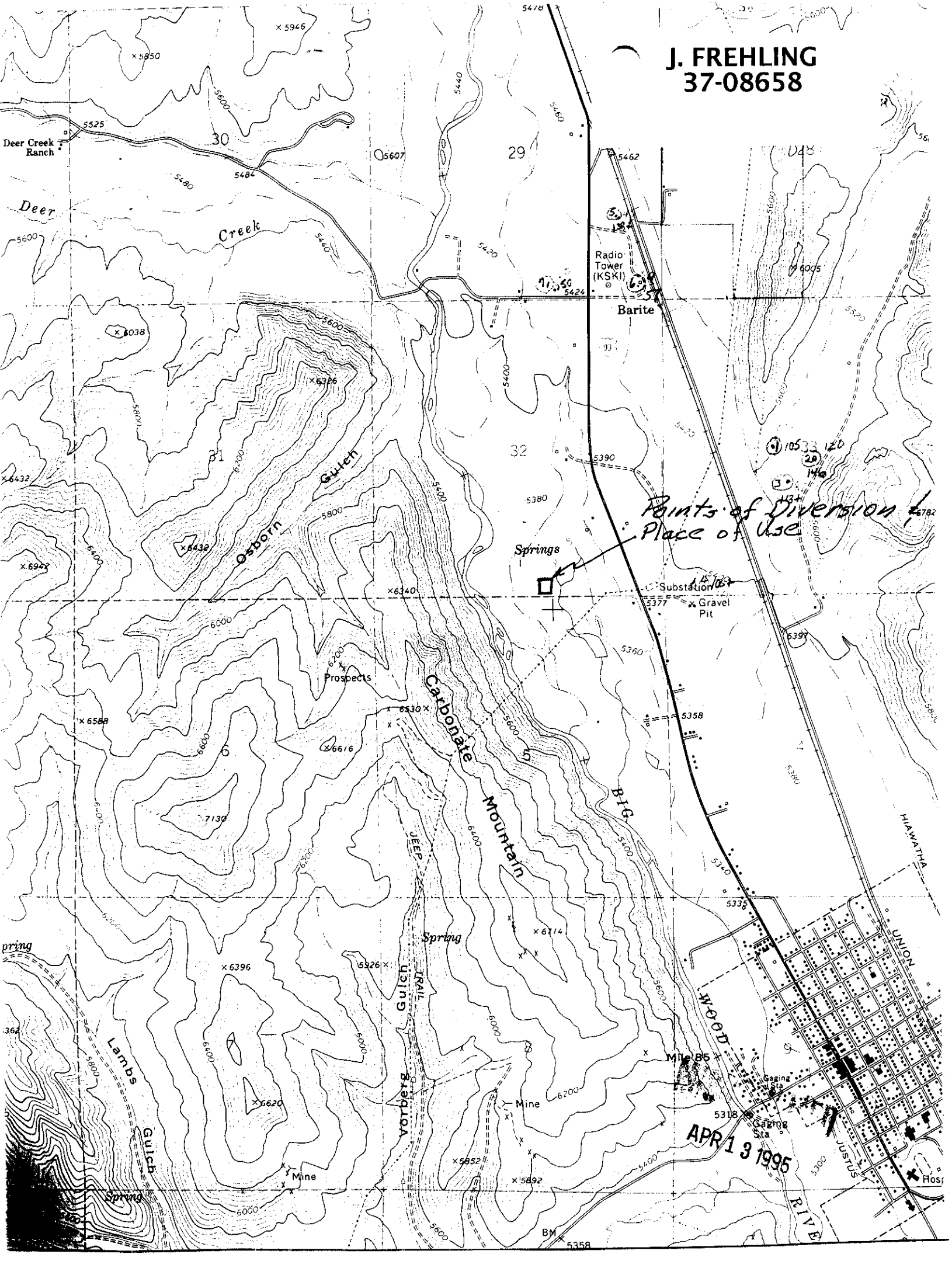
Blaine Co, Idaho



C.E. Brockway P.E.
June 1994

APR 13 1995

J. FREHLING
37-08658



WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Natural Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>JAMES Frahline</u> Address <u>Flying Heart Ranch Sub</u> <u>Hailey, Ida</u> Owner's Permit No. <u>37-90-5-165</u>	7. WATER LEVEL Static water level <u>8'</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ °F. Quality <u>Good</u> Describe artesian or temperature zones below.																																																				
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Well diameter increase ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)	8. WELL TEST DATA ☒ Pump ☐ Bailer ☒ Air ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">45</td> <td style="text-align: center;">55</td> <td style="text-align: center;">1 1/2</td> </tr> </tbody> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped	45	55	1 1/2																																														
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3. PROPOSED USE ☒ Domestic ☒ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	9. LITHOLOGIC LOG <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Bore Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th rowspan="2">Water Yes N</th> </tr> <tr> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>6</td> <td>0</td> <td>1</td> <td>Top Soil</td> <td>-</td> </tr> <tr> <td></td> <td>1</td> <td>7</td> <td>gravel - sand</td> <td>-</td> </tr> <tr> <td></td> <td>7</td> <td>15</td> <td>cemented gravel</td> <td>-</td> </tr> <tr> <td></td> <td>15</td> <td>22</td> <td>sand, gravel</td> <td>-</td> </tr> <tr> <td></td> <td>22</td> <td>35</td> <td>gravel - sand</td> <td>✓</td> </tr> <tr> <td></td> <td>35</td> <td>45</td> <td>" "</td> <td>-</td> </tr> <tr> <td></td> <td>45</td> <td>57</td> <td>gravel - sand</td> <td>-</td> </tr> <tr> <td></td> <td>57</td> <td>64</td> <td>cemented gravel</td> <td>-</td> </tr> <tr> <td></td> <td>64</td> <td>72</td> <td>gravel & sand</td> <td>✓</td> </tr> </tbody> </table>	Bore Diam.	Depth		Material	Water Yes N	From	To	6	0	1	Top Soil	-		1	7	gravel - sand	-		7	15	cemented gravel	-		15	22	sand, gravel	-		22	35	gravel - sand	✓		35	45	" "	-		45	57	gravel - sand	-		57	64	cemented gravel	-		64	72	gravel & sand	✓
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4. METHOD DRILLED ☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____																																																					
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>2.50 inches</td> <td>6 inches</td> <td>1 feet</td> <td>60 feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> </tbody> </table> Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun Size of perforation _____ inches by _____ inches <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> </tbody> </table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>20</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Pudding clay ☐ _____ Sealing procedure used: ☐ Slurry pit ☒ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☐ Welded ☐ Solvent Weld ☐ Cemented between strata Describe access port <u>Sanitary well cap</u>	Thickness	Diameter	From	To	2.50 inches	6 inches	1 feet	60 feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	Number	From	To	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet																					
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6. LOCATION OF WELL Sketch map location <u>must</u> agree with written location. Subdivision Name _____ <u>Flying Heart Ranch</u> Lot No. <u>25</u> Block No. _____ County <u>Blaine</u> <u>SW</u> 1/4 <u>SE</u> 1/4 Sec. <u>32</u>, T. <u>3</u> N ☒ S ☐ R. <u>18</u> E ☒ W ☐	11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Scott Drilling & Pumping</u> Firm No. <u>327</u> Address <u>P.O. Box 577</u> <u>Hailey, Idaho 83433</u> Signed by (Firm Official) <u>[Signature]</u> and (Operator) <u>[Signature]</u> Work started <u>10-16-90</u> finished <u>10-16-90</u>																																																				

Permit 37-08658
James T. Frehling

Irrigation well looking north



Corral and residence looking south



Corral and typical sprinkler head



RECEIVED
APR 13 1995



CHARLES
BROCKWAY
ENGINEERING

September 5, 1994

Mr. Loren Holmes
Idaho Dept. of Water Resources
222 Shoshone St East
Twin Falls, ID 83301

RECEIVED

SEP - 9 1994

Department of Water Resources
Southern Region Office

Subject: Beneficial Use Examination Report
Permit 37-08658

Dear Loren:

Enclosed is the Beneficial Use Field Exam Report for Permit 37-08658 owned by Mr. James Frehling. Time for proof of beneficial use is December 1, 1994; however, Mr. Frehling has completed development under this permit.

Sincerely,

C. E. Brockway, P.E.

cc: Enclosure

CHARLES E.
BROCKWAY,
PhD, P.E.

706 SUNRISE
BOULEVARD
NORTH

TWIN FALLS,
IDAHO 83301

208•733•0938
FAX: 733•1746

APR 13 1995

37-08658



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 27, 1994

JAMES J FREHLING
P O BOX 908
HAILEY ID 83333

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 37-08658

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use field report submitted for the above referenced permit.

Enclosed is an order reinstating your permit since it was lapsed in error. Please note that the priority date has not been advanced.

The next step in the process of developing a water right is for the field report to be reviewed for licensing.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls, at (208) 736-3033.

Sincerely,

A handwritten signature in cursive script that reads "Julie L. Yarbrough". The signature is fluid and written in dark ink.

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

APR 13 1995

December 8, 1994

JAMES J. FREHLING
C/O CHARLES E. BROCKWAY
706 SUNRISE N.
TWIN FALLS ID 83301

LAPSE NOTICE

RE: PERMIT NO. 37-08658

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated September 30, 1994. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

RECEIVED

DEC 13 1995

CERTIFICATION OF MAILING

I hereby certify that on 12/9/94
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]

September 30, 1994

JAMES J. FREHLING
C/O CHARLES E. BROCKWAY
706 SUNRISE N.
TWIN FALLS ID 83301

PROOF DUE NOTICE

RE: PERMIT NO. 37-08658

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 December 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete 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.

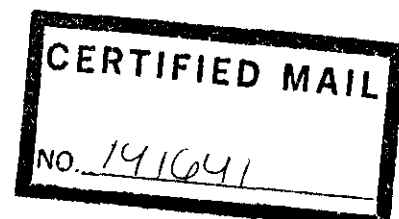
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

APR 13 1995





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 5, 1993

James J Frehling
c/o Charles E Brockway
706 Sunrise N
Twin Falls, ID 83301

Re: Permit No. 37-08658

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to December 1, 1994. However, since the extension was received after the proof of beneficial use date, it was necessary for the department to reinstate your permit and advance your priority date to August 29, 1990.

Please note that the department has 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. The department may not be able to grant additional requests.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Regional Office

RECEIVED

JAN 28 1993

ANALYSIS SHEET
FOR
EXTENSION OF TIME

Permit No. 37-08658 Reviewed by KLg Date 1/4/93

BASIC INFORMATION

12/31/92 Date stamp received
NO ~~YES~~ Extension received timely
YES Fee received and receipted
YES Name and signature same as permit
NO Address Change

BASIS FOR EXTENSION REQUEST

YES Has adequate work been completed to demonstrate due diligence?
Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? Requested?
Is delay by a government agency?
Is supporting documentation needed to complete the file? Requested?
Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Recommend approval Based on due diligence
Extend to 12/1/94

PRIORITY CALCULATION

Reinstate

Date extension received	<u>12/31/92</u> ~~1/1/93~~	=	<u>365</u>
Proof due date	<u>12/1/92</u> ~~1/1/93~~	=	<u>335</u>
Number of days late	<u>8</u>	=	<u>30</u>
Priority date	<u>7/30/90</u>	=	<u>211</u>
New Priority Date	<u>8/29/90</u>	=	<u>241</u>

DATA ENTRY

New Address _____
Change Proof Due Date 1/5/92 KLg
Change Priority Date 1/5/92 KLg

December 7, 1992

JAMES J. FREHLING
C/O CHARLES E. BROCKWAY
706 SUNRISE N.
TWIN FALLS ID 83301

LAPSE NOTICE

RE: PERMIT NO. 37-08658

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated September 30, 1992. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:klg

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 12/7/92
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

klg

JAN 28 1993

September 30, 1992

JAMES J. FREHLING
C/O CHARLES E. BROCKWAY
706 SUNRISE N.
TWIN FALLS ID 83301

PROOF DUE NOTICE

RE: PERMIT NO. 37-08658

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 December 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

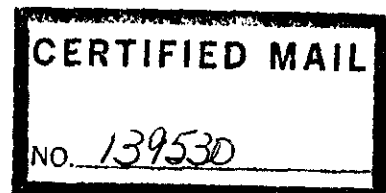
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



JAN 28 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 12, 1990

JAMES J. FREHLING
C/O CHARLES E. BROCKWAY
706 SUNRISE N.
TWIN FALLS, ID 83301

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08658

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.

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. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

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.

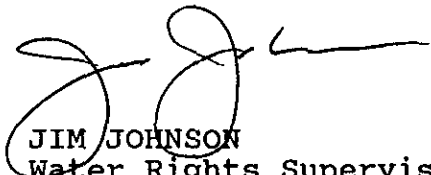
You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well

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DEC 17 1990

so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

Sincerely,

A handwritten signature in black ink, appearing to be "Jim Johnson", written over the typed name.

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

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AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

RECEIVED
SEP 28 1990
Department of Water Resources
Southern Region

DANIEL J. GORHAM

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

annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 5 day of Sept, 1990, and

the date of the last publication was on the 18 day of Sept, 1990.

Daniel J. Gorham
Subscribed and sworn to before me this 12 day of Sept, 1990.
(SEAL)

Robert L. Keen
NOTARY PUBLIC

#7243
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line

Number of Lines in Notice

Number of Insertions

65.25 Lines tabular at 35.89 6¢/Pica

65.25 Lines straight at 28.71 5¢/Pica

65.25 Subsequent lines at 5.00 4¢/Pica

TOTAL COST \$69.60

COPY OF NOTICE
(Paste Here)

Notice of App. 37-08655
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. Water Res. T-F
BILL TO

Three file on water rights

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-08655

DALZELL, TED
P.O. BOX 2354
SUN VALLEY, ID 83353
Source: GROUNDWATER
Diversion Pt: NENENE Sec 36 T
05N R 17E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.090 CFS)
Total Diversion: (.130 CFS)
Date Filed: 5/31/1990
In: T05N R17E S25 SESE; S36
NENE
3.0 ACRES TOTAL

37-08657

JOHNSON, CHARLES M.
P.O. BOX 1883
HAILEY, ID 83333
Source: GROUNDWATER
Diversion Pt: NENW Sec 10 T 02N
R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.090 CFS)
Total Diversion: (.130 CFS)
Date Filed: 6/19/1990
In: T02N R18E S10 NENW
3.0 ACRES TOTAL

37-08658

FREHLING, JAMES J.
149 ASPEN LAKES DRIVE
P.O. BOX 909
HAILEY, ID 83333
Source: GROUNDWATER
Diversion Pt: SWSE Sec 32 T 03N
R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.090 CFS)
Total Diversion: (.130 CFS)
Date Filed: 7/30/1990
In: T03N R18E S32 SWSE
3.0 ACRES TOTAL

Application(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, 222 Shoshone Street East, Twin Falls, Idaho 83301, on or before SEPTEMBER 24, 1990.

R. Keith Higginson, Director

Publish: Wood River Journal-
September 5 & 12, 1990.

DEC 17 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

09-Oct-1990

R. KEITH HIGGINSON
Director

JAMES J FREHLING
C/O C E BROCKWAY
706 SUNRISE BLVD NORTH
TWIN FALLS ID 83301

RE: APPLICATION FOR PERMIT NO. 37-08658

SECOND REQUEST

Dear Mr. Brockway:

Legal advertising has been completed on the above referenced application with no protests filed against the application.

As requested in our correspondence dated August 15, 1990, we need a copy of the power of attorney in order to complete our regional review.

Failure to supply the requested information within 30 days from the date of this letter could result in a regional recommendation that the application be declared void.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

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DEC 17 1990

37-08658

FREHLING, JAMES J.
149 ASPEN LAKES DRIVE
P.O. BOX 909
HAILEY, ID 83333

Source: GROUNDWATER

Diversion Pt: SWSE Sec 32 T 03N R 18E

Use: DOMESTIC (.040 CFS)
IRRIGATION (.090 CFS)
Total Diversion: (.130 CFS)

Date Filed: 7/30/ 1990

In: T03N R18E S32 SWSE

3.0 ACRES TOTAL

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DEC 1 / 1990

**Three file
on water rights**

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

37-08655

DALZELL, TED
P.O. BOX 2354
SUN VALLEY, ID 83353

Source: GROUNDWATER
Diversion Pt: NENENE Sec 36 T
05N R 17E

Use: DOMESTIC (.040 CFS)
IRRIGATION (.090 CFS)
Total Diversion: (.130 CFS)

Date Filed: 5/31/1990

In: T05N R17E S25 SESE; S36
NENE

3.0 ACRES TOTAL

37-08657

JOHNSON, CHARLES M.
P.O. BOX 1883
HAILEY, ID 83333

Source: GROUNDWATER
Diversion Pt: NENW Sec 10 T 02N
R 18E

Use: DOMESTIC (.040 CFS)
IRRIGATION (.090 CFS)
Total Diversion: (.130 CFS)

Date Filed: 6/19/1990

In: T02N R18E S10 NENW

3.0 ACRES TOTAL

37-08658 ✓

FREHLING, JAMES J.
149 ASPEN LAKES DRIVE
P.O. BOX 909
HAILEY, ID 83333

Source: GROUNDWATER
Diversion Pt: SWSE Sec 32 T 03N
R 18E

Use: DOMESTIC (.040 CFS)
IRRIGATION (.090 CFS)
Total Diversion: (.130 CFS)

Date Filed: 7/30/1990

In: T03N R18E S32 SWSE

3.0 ACRES TOTAL

The permit(s) will be subject to all
prior water rights. Protests may
be submitted based on the criteria
of Sec. 42-203A, Idaho Code,
and/or the new public interest
criteria of Sec. 42-203C, Idaho
Code. Protests must be filed with
the Director, Dept. of Water
Resources, 222 Shoshone Street
East, Twin Falls, Idaho 83301, on
or before SEPTEMBER 24, 1990.

R. Keith Higginson, Director

Publish: Wood River Journal--
September 5 & 12, 1990.

OK
MB
8/27/90

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DEC 17 1990

The permit(s) will be subject to all prior water rights. Protests may be submitted base 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, 222 Shoshone St. East, Twin Falls, Idaho 83301 on or before SEPTEMBER 24, 1990.

R. Keith Higginson, Director

Published 9/ 5/1990 & 9/12/1990

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DEC 17 1990

(STATE OF IDAHO)
DEPARTMENT OF WATER RESOURCES
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301
(208)734-3578

AUGUST 15, 1990

WOOD RIVER JOURNAL
P.O. BOX 988
HAILEY, ID 83333

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 SEPTEMBER 24, 1990.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

DEC 17 1990

15-Aug-1990

JAMES J FREHLING
c/o C E BROCKWAY
706 SUNRISE BLVD NORTH
TWIN FALLS ID 83301

Re: Application for Permit No. 37-08658

Dear Mr. Brockway:

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

This office will be advertising the application in the Wood River Journal on 9/5 & 9/12/90. 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.

Before regional processing can be completed, a copy of the power of attorney must be submitted to our office. Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

MICROFILMED

DEC 17 1990