

O.H. LOWRY

L. KULHANEK

J. TSCHANNEN

D. TSCHANNEN

N.S.R. Scientific

E. BOESIGER

WESTENDORF

Beans

B 101
138B
T257 Wh
Fall
5.8

18.7

AFFIDAVIT of PUBLICATION

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

Patty Nance, being first duly sworn,
 deposes and says that he is the printer (publisher) of the Lincoln County
 Journal, a newspaper published every week in Shoshone, County of Lincoln,
 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, know 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 6th day of Feb.
 19 91, and the date of the last publication was on the 13th
 day of Feb., 19 91.

Patty Nance
 Subscribed and sworn to before me this 13th
 day of Feb., 19 91.
 (SEAL)

Vincent Gaudin
 NOTARY PUBLIC

LINCOLN COUNTY JOURNAL
 Shoshone, Idaho
COST OF PUBLICATION

Number of Lines in Notice _____
 Number of Insertions 2X

Lines tabular at _____ 6¢/Pica
337.5 Lines straight at 16.88 5¢/Pica
 Subsequent lines at 13.50 4¢/Pica
 TOTAL COST 30.38

COPY OF NOTICE (Paste Here)

Not. Appl. Trust Wat. Rt.
TITLE OF NOTICE
J.R. Scientific, Inc.
37-08385

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Id. Dept. Water Res.
BILL TO

NOTICE OF APPLICATION FOR TRUST WATER RIGHT 37-08385

J.R. SCIENTIFIC INC.
 C/O JAMES NEBEKER
 2102 E. 1750 S.
 GOODING, ID 83330
 Source: WASTE WATER - Tributary:
 BIG WOOD RIVER
 Diversion Pt: NENWNE Sec 10 T 05S R
 16E
 Use: IRRIGATION (2.000 CFS)
 Total Diversion: (2.000 CFS)
 Date Filed: 8/31/1988
 In: T05S R16E S10 NWNE
 70.0 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 in-
 terest criteria of Sec. 42-203C, Idaho
 Code. Protests must be filed with the
 Director, Dept. of Water Resources,
 Statehouse Mail, Boise, Idaho 83720 on
 or before FEBRUARY 25, 1991.

R. Keith Higginson
 Director
 L4349

Pub: 2-6, 13

7-8 pt. per line straight.....5¢/Pica
 7-8 pt. per line tabular.....6¢/Pica
 7-8 pt. per line successive
 insertions.....4¢/Pica

APR 12 1991
 No 3587
 4349

OK
 JFL
 2-19-91

For Office Use Only
\$25.00 Filing Fee
Receipt # 5023197
Date 07/03/00

RECEIVED

JUN 27 2000

Department of Water Resources
Southern Region

State of Idaho
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT
To change the ownership of a permit

RECEIVED

JUL 03 2000

Department of Water Resources
Southern Region

I, J.R. Scientific hereby assign to Jay A. Loesché and Lori L. Loesche
of 694 West 4 Mile Road, Shoshone, ID 83352
(Full Address and Phone Number)

All my right, title, and interest in and to Permit No. 37-08385 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

Department of Water Resources

The following described portion of my right, title, and interest in and to Permit No. 37-08385 to appropriate the public waters of the State of Idaho.

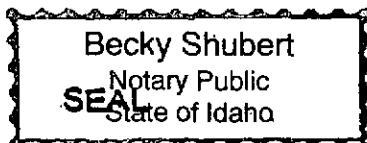
Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision, point of diversion location, and the amount of water in cubic feet per second.

Made this 15th day of June, 1999 2000.

James Hebecker (Operation Supervisor)
Permit Holder(s)

State of Idaho)
County of Bodine)

On this 15th day of June, 1999 2000, personally appeared before me the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.



Becky Shubert
Notary Public

My commission expires: 02-23-05

Signature

MICROFILMED
JUL 17 2000

Receipt # 5023197

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08385

Proposed Priority: August 31, 1988 Maximum Diversion Rate: 1.40 CFS
This is to certify, that J.R. SCIENTIFIC INC.

C/O JAMES NEBEKER
2102 E. 1750 S.
GOODING, ID 83330

has applied for a permit to appropriate water from:

WASTE WATER tributary of BIG WOOD RIVER

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	03/15 to 11/15	1.40 CFS

LOCATION OF POINT(S) OF DIVERSION: NENWNE Sec. 10, Township 05S, Range 16E
LINCOLN 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>
05S	16E	10	NWNE	70		70

Total number of acres irrigated: 70

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1993.
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. Use of water under this permit is subject to control by the watermaster of State Water District No. 37.
5. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit.
6. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
7. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

MICROFILMED

APR 12 1991

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 37-08385

CONDITIONS/REMARKS:

8. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
9. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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

5th day of April, 1991.

for R. Keith Higginson
R. Keith Higginson, Director

MICROFILMED
APR 12 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant J.R. Scientific Inc. (208) 934-5580
c/o James NEBEKER
Post office address 2102 E. 1750 S., GOODING, ID 83330
2. Source of water supply WASTEWATER which is a tributary of BIG WOOD RIVER
3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 10 Township 55. Range 16 E. B.M. Lincoln County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount * 1.4 2.0 for IRRIGATION purposes from 3-15 to 11-15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 1.4 2.0 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. _____
7 1/2 HP electric motor & pump. Open ditches &
Gated Pipe
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 YEARS years (minimum 1 year).

* Reduced to meet .02 cfs per acre. CS 3-21-91

RECEIVED
APR 12 1991

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in KW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; show name of municipality. _____
 - Domestic; show number of households. _____
 - Other; describe fully. _____

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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5S.	16E.	10		70															70

Total number of acres to be irrigated 70

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

Big Wood + American Falls

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

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

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: _____

APR 12 1991

O.H. LOWRY

J. TSCHANNEN

L. KULHANEK

N.S.R. Scientific

16 E
SEC. 10
E. BOESIGER

WESTENDORF

Bears

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

A full-page sheet of white graph paper with a black grid. The grid consists of 20 columns and 20 rows of squares. There are no margins or additional markings on the page.

Scale: 2 inches equal 1 mile.

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

J.R. Scientific, Inc. By

James Kelly Mbeke, Area Supervisor
(Applicant)

(Applicant

8-31-88

Received by SCC Date 8-31-88 Time 2:15 p Preliminary check by _____

Fee \$ 65⁰⁰ Received by SCC # 5001978 Date 8-31-88

Publication prepared by B&M Date 1-28-91 Published in Lincoln County Journal

Publication approved TJL Date 2-19-91 2-6 & 2-13-91

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.

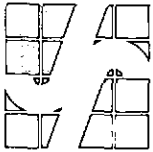
b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

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:

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APR 12 1991



J R Scientific

RECEIVED
APR 01 1991

Department of Water Resources

March 29, 1991

Pam Skaggs
IDAHO DEPARTMENT OF WATER RESOURCES
1301 N. Orchard
Boise, Idaho 83706

Dear Pam,

The following are the names and addresses of J R Scientific's corporate officers:

Denis Wain - President
13804 W. 107th Street
P.O. Box 14848
Lenexa, Kansas 66215
Phone: (913) 469-5580

Randolph Niefenegger - Director
P.O. Box 1937
One Harter Avenue, Ste. B
Woodland, CA 95695
Phone: (916) 666-9835

Rex Jones - Secretary/Treasurer
P.O. Box 1937
One Harter Avenue, Ste. B
Woodland, CA 95695
Phone: (916) 666-9835

I hope this is all the information you require and should you have any further questions, please do not hesitate to call.

Regards,

Kristina S. Calonder
EXECUTIVE ADMINISTRATIVE ASST.
JRH BIOSCIENCES

One Harter Ave., Suite B
P.O. Box 1937
Woodland, CA 95695
(916) 666-9835

FILED
APR 12 1991

AFFIDAVIT of PUBLICATION

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

Patty Nance, being first duly sworn,
deposes and says that he is the printer (publisher) of the Lincoln County
Journal, a newspaper published every week in Shoshone, County of Lincoln,
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, know 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 6th day of Feb.
1991, and the date of the last publication was on the 13th
day of Feb., 1991.

Patty Nance
Subscribed and sworn to before me this 13th
day of Feb., 1991.
(SEAL)

Vincent J. Anderson
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL
Shoshone, Idaho
COST OF PUBLICATION

Number of Lines in Notice _____
Number of Insertions 2X

Lines tabular at _____ 6¢/Pica
337.5 Lines straight at 16.88 5¢/Pica
Subsequent lines at 13.50 4¢/Pica
TOTAL COST 30.38

COPY OF NOTICE (Paste Here)

Not. Appl. Trust Wat. Rt.
TITLE OF NOTICE
J.R. Scientific, Inc.
37-08385
PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Id. Dept. Wat. Res.
BILL TO

NOTICE OF APPLICATION FOR TRUST WATER RIGHT 37-08385

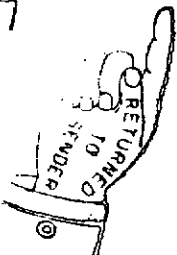
J.R. SCIENTIFIC INC.
C/O JAMES NEBEKER
2102 E. 1750 S.
GOODING, ID 83330
Source: WASTE WATER - Tributary:
BIG WOOD RIVER
Diverson Pt: NENWNE Sec 10 T 05S R
16E
Use: IRRIGATION (2,000 CFS)
Total Diverson: (2,000 CFS)
Date Filed: 8/31/1988
In: T05S R16E S10 NWNE
70.0 ACRES TOTAL
The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A,
Idaho Code and/or the new public in-
terest criteria of Sec. 42-203C, Idaho
Code. Protests must be filed with the
Director, Dept. of Water Resources,
Statehouse Mall, Boise, Idaho 83720 on
or before FEBRUARY 25, 1991.
R. Keith Higginson
Director
L4349
Pub: 2-6, 13

7-8 pt. per line straight.....5¢/Pica
7-8 pt. per line tabular.....6¢/Pica
7-8 pt. per line successive
insertions.....4¢/Pica

APR 12 1991
4349
3587

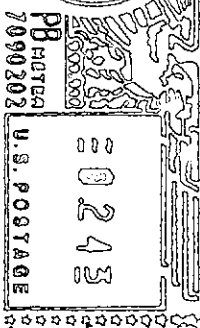
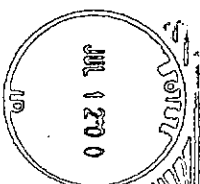
OK
JL
2-19-91

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
North Orchard Street
Boise, Idaho 83706-2237



RETURN SERVICE
REQUESTED

POSTAGE
FIRST CLASS



RECEIVED

JUL 17 2000

Department of Water Resources

Gooding

ID 833330

37-08385

7-17-10 Mail sent to
same street address but in
Gooding - NOT Shoshone per
Assessor's office (P.O. info. KET)

Gooding, ID 833330



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

July 12, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JAY A LOESCHE
LORI L LOESCHE
694 WEST 4 MILE RD
SHOSHONE ID 83352

RE: Assignment of Permit 37-08385

Dear Permit Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced permit 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 the department if you have questions.

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

JUL 17 2000

March 18, 1993

J.R. SCIENTIFIC INC.
C/O JAMES NEBEKER
2102 E. 1750 S.
GOODING ID 83330

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08385

Dear Permit Holder:

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

I note that the permit issued to you by the department requires the installation of a measuring device to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the measuring device must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED
APR 1 1993

APR 12 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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 a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 37-08385 Telephone No. 208-934-5580
2. Name(s) of Permit Holder(s): JRH Biosciences, Inc.
3. Mailing Address: 2102 E. 1750 S. Gooding, ID. 83330
4. Source of Water: Waste Water

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

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

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 70 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 1.40 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Lockable
Measuring device: Required? Yes No Installed? Yes No

OR
Flow Measurement Port: Required? Yes No Installed? Yes No

8. Fee Enclosed: \$ 125.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

James Kelly Nebeker 934-5580
Name Telephone No.

2102 E. 1750 S. Gooding
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

APR 12 1993

2-2-93
Date

James Kelly Nebeker Area Supervisor
Signature (and title, if of behalf of a company or organization)

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 37-08385 Reviewed by Klg Date 3/15/93

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

✓ Surface water source
Ground water source
NA Drilling permit required?
Copy in the file? Drilling Permit No. _____
Amount paid for permit _____ Correct?
Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
25 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
no Installed?
yes Waiver requested?

PRIORITY CALCULATION

Date proof received NA
Date proof due -
No. of days late =
Priority Date +
New Priority Date

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address _____

Needs a measure
Proof Made 3/15/93
3/19/93 Klg



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

February 2, 1993

James Nebeker
2102 E 1750 S
Gooding, ID 83330

Re: Permit No. 37-08385

Dear Mr. Nebeker:

Per our telephone conversation this morning, enclosed are copies of your Permit to Appropriate Water and a copy of the cover letter dated April 11, 1991. Please note that both the permit and cover letter address the measuring and device and lockable controlling works.

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

Sincerely,

A handwritten signature in cursive script that reads "Karen L. Gustafson".

Karen L. Gustafson
Secretary/Records Manager

Enclosures

RECEIVED

APR 12 1993

January 31, 1993

J.R. SCIENTIFIC INC.
C/O JAMES NEBEKER
2102 E. 1750 S.
GOODING ID 83330

PROOF DUE NOTICE

RE: PERMIT NO. 37-08385

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 April 1, 1993. (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.

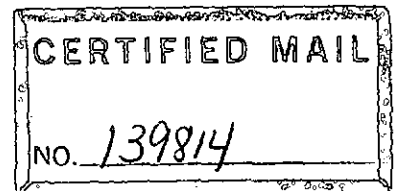
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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



RECEIVED

APR 12 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

April 11, 1991

J.R. SCIENTIFIC INC.
C/O JAMES NEBEKER
2102 E. 1750 S.
GOODING, ID 83330

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08385

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.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of

APR 12 1991

Idaho for the use and benefit of the people within the state.
Conditions pertaining to a term review, annual use fee and
jurisdiction of the permit are trust water conditions.

Sincerely, .

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

1ED
APR 12 1991

APPLICATION FOR PERMIT REVIEW

Application #: 37-8385
Date: 3-20-91

Reviewer: Pam Skaggs

✓ Existing:
 ✓ No - 26A-P17
 Complete in 1 year - P16
 Yes
 Proof not submitted - P16
 Proof submitted - N/A
 Groundwater:
 GT. 0.7 cfs - 01G-P03, 01C-P03(existing well)
 LT. 0.7 cfs - N/A
 Drilling Permit:
 Approved w/permit - P99
 Not included - 046-P23(All GW, even existing wells)
 ✓ Location:
 ✓ Water Districts - WD No. 37
 ✓ Surface water - 005, 005-01H-P01(LT.7 w/pump)
 005-01J-P08(GT.7)
 Groundwater - P05
 Irrigation Districts - 023
 Canal Co. Areas - 023
 Drainage Districts - 024
 Boise Front (63) - 058 (Groundwater)
 ✓ Swan Falls Flag - 7 (1, Blank or Other)
 ✓ Trust - 051-052-053-P74(Cons.), 041(DCMI, w/Irr
 Non Trust - 048-049 or Irr & Dom)
 River Basins:
 (Surface Water) Water District Control Condition &....
 Boise (63) - 11D-P72
 Payette (65) - 047-P04, 059-P71
 Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)
 Use:
 Fish Propagation - 002-P06, 06A, 007, 09E-P10, 010, 042, 044
 Power - Use Power Review
 Mining - 06A or 010, 09E-P10 & 054(req.)
 Storage - 18A-for multiple measuring devices(In WD),
 18B-P09(Size)
 Rec. & Aesthetic - 027(Non-Consumptive)
 Domestic - 021(restricted areas)
 Ownership:
 Non land owner - 004
 Protested:
 Agreement - 020
 Minimum Stream Flow:
 Overlapping uses - 029-P20
 ✓ Beneficial Use Due Date: - 04-01-1993
 Other Conditions Recommended Need Corp. Officer 4-1-91 12 1991

Jan 4-2-91

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

JANUARY 28, 1991

Lincoln County Journal
Box 704
Shoshone, ID 83352

Dear Legal Dept.:

Enclosed you will find legal notices 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 FEBRUARY 25, 1991.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Encl.

MISSOURI
APR 12 1991

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

37-08385

J.R. SCIENTIFIC INC.
C/O JAMES NEBEKER
2102 E. 1750 S.
GOODING, ID 83330

Source: WASTE WATER

Tributary: BIG WOOD RIVER

Diversion Pt: NENWNE Sec 10 T 05S R 16E

Use: IRRIGATION (2.000 CFS)
Total Diversion: (2.000 CFS)

Date Filed: 8/31/ 1988

In: T05S R16E S10 NENE

70.0 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, Statehouse Mail, Boise, Idaho 83720 on or before FEBRUARY 25, 1991.

Published 2/ 6/1991 & 2/13/1991

R. Keith Higginson, Director

FILED
APR 12 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED
JAN 14 1991

Department of Water Resources

Application No. 37-8385

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes X No

b. If you are not the property owner, please describe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes X No

b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain conditions. You may be asked to verify uses established prior to October, 1984.)

6 to 7 acres of pasture

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984.

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete. 70 to 75 acres

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

80 shares of Big Wood Canal

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant James Kelly Weber
Area Supervisor for
J.R. Scientific, Inc.

Date 1/9/90

MICROFILMED

APR 12 1991

Note: Supplemental Filing
Count 0 acres = Trust Reseage.
TJD-1-15-91

The water being applied for is waste water running through our place. There was an existing pond on the place when we bought the place and we have installed a pump to lift the water up into existing ditch to reuse. Most of the water returns to the pond. The amount of waste water varies throughout the year. The only acres watered with this water is 6 or 7 acres on adjacent property owned by neighbor.

We are considering developing the system even further to get better use of our water and land by installing a sprinkler system

MICROFILMED

APR 12 1991



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

January 7, 1991

RE: APPLICATION FOR PERMIT NO. 37-8385

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development, if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, or if the application proposes diversion of more than 5.0 cfs, the department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (copy enclosed). In particular, rules 4,5,3. through 4,5,3,5. apply to your project if it is more than 200 acres. If necessary, the rule 4,5. information notice will be sent to you after you return the questionnaire.

APR 12 1991

Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Spec.

Enclosures

MICROFILMED
APR 12 1991

07-Nov-1988

J.R. Scientific, Inc.
c/o James Nebeker
2102 E. 1750 S.
Gooding, ID 83330

Re: Application for permit No. 37-08385

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.

Because your application proposes to appropriate water which has been identified as "trust water" in the Swan Falls agreement, it will be processed under rules and regulations for water appropriation that have been adopted as required by law.

Under the rules, applications will be processed at a rate which allows development of 20,000 acres per year. The oldest applications will be processed first, provided that applicants are willing and able to proceed.

For this reason, it is not possible to estimate at this time when action will be taken on your application.

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

Very truly yours,

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

LH:MB

APR 12 1991

STAFF ANALYSIS SUPPLEMENT

1) Water District 37 Basin # 37

2) Local description (of one P/D)

☐

At the above street address

☒

4 miles N/S North and 7 miles E/W West
of Stroshaw
(City center or numbered highway intersection)

☐

(Travel directions from city center or highway intersection)

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY ZH DATE 10/3/88 APPLICATION NUMBER 37-

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.) - Need Names of Corp officers
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume) Excessive Q
☒ 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 - Land list shows 70 Ac in 1-40 tract
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☐ Yes ☐ No* In form to receipt - Received Before checked.

ADDITIONAL INFORMATION

- ☒ Overlapping place of use (Describe source & relationship to present application on the back.) ~~No overlapping~~ AFRD #2 Rtg 01-00006
☐ Overlapping point of diversion
☐ Yes ☒ No Field check required
Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical groundwater area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit
☐ Yes ☒ No Power efficiency form
☒ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

33,21 - Names of Corporate directors -

Date Requested

RECEIVED
DEC 13 1990

Department of Water Resources

☐ Yes ☒ No Inform for advertising *Get West 4, 70*
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM, District _____
☐ Idaho Dept. of Fish & Game, Region _____ ☐ U.S. Forest Service, Forest _____
☐ Idaho Dept. of Lands ☐ Water District # _____
☐ Adjudication Bureau Unit ☒ Other Big Wood Canal Co.

☐ Yes ☐ No Affidavit of publication received

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

☐ Yes ☐ No Publication dates & paper, recorded on application

☐ Yes ☐ No Protests received

Final date for protest _____

☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application

☐ Yes ☐ No Recommendations attached

☐ Yes ☐ No Measuring device required

☐ Yes ☐ No Access port required

☐ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. _____

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

☐ See below for additional information

Date of priority recommended _____
By _____ Date _____

By _____ ☐ See below for additional information
Date _____

[illegible]