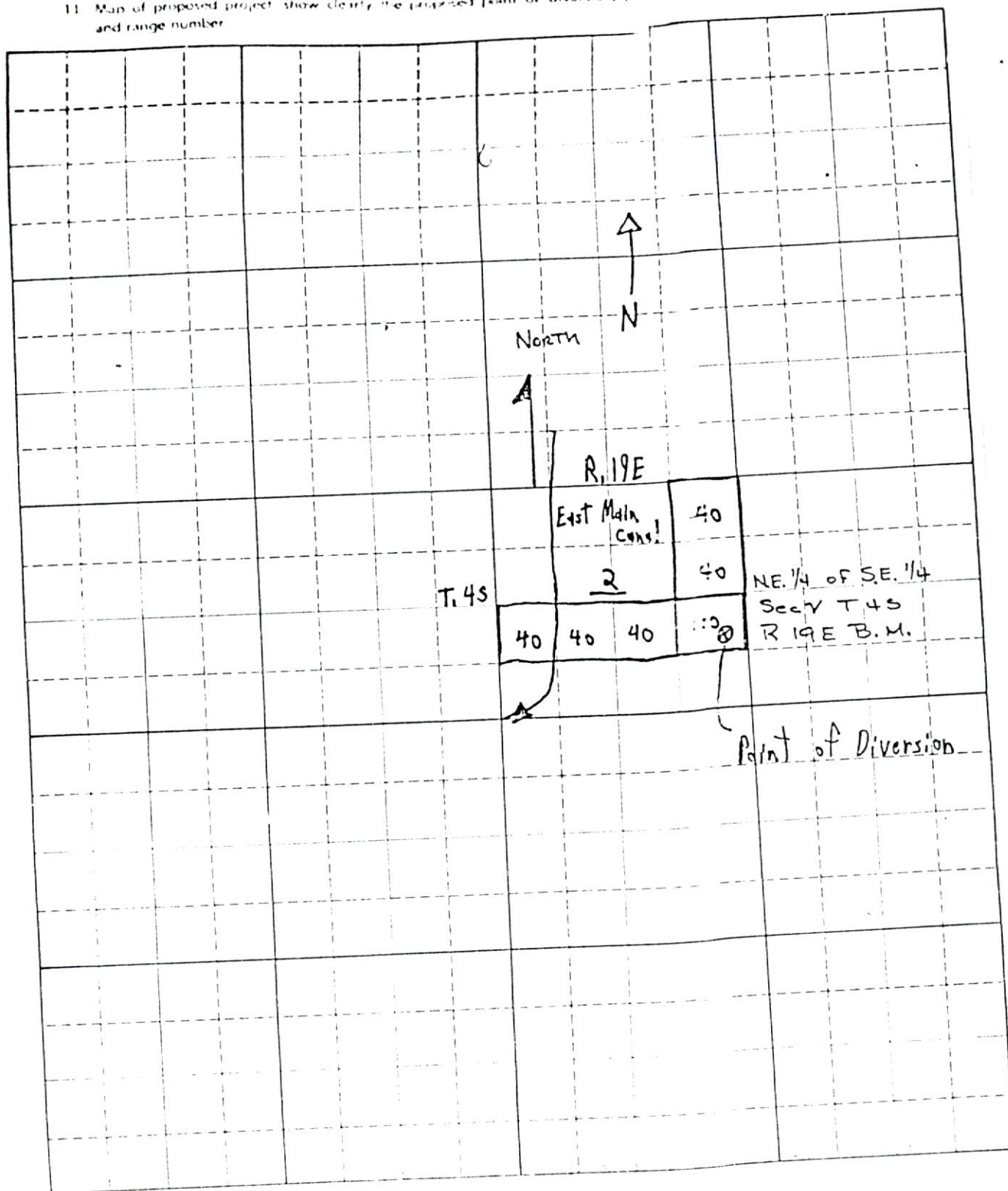


11. Map of proposed project show clearly the proposed point of diversion, point of use, section number, township and range number.

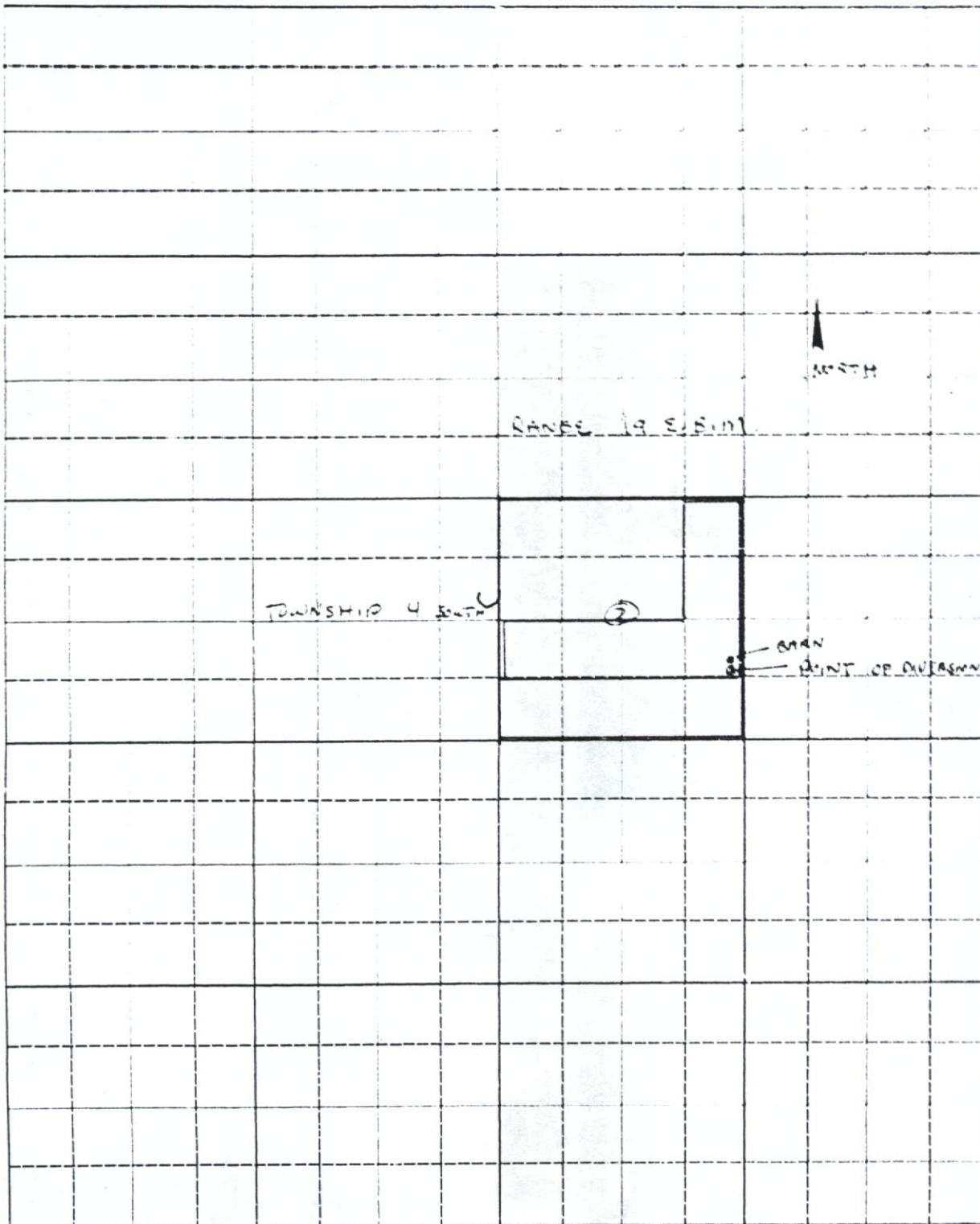


Scale: 2 inches equal 1 mile

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.

Richfield Associates
 (Applicant)
 Manager

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



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.

(Applicant)

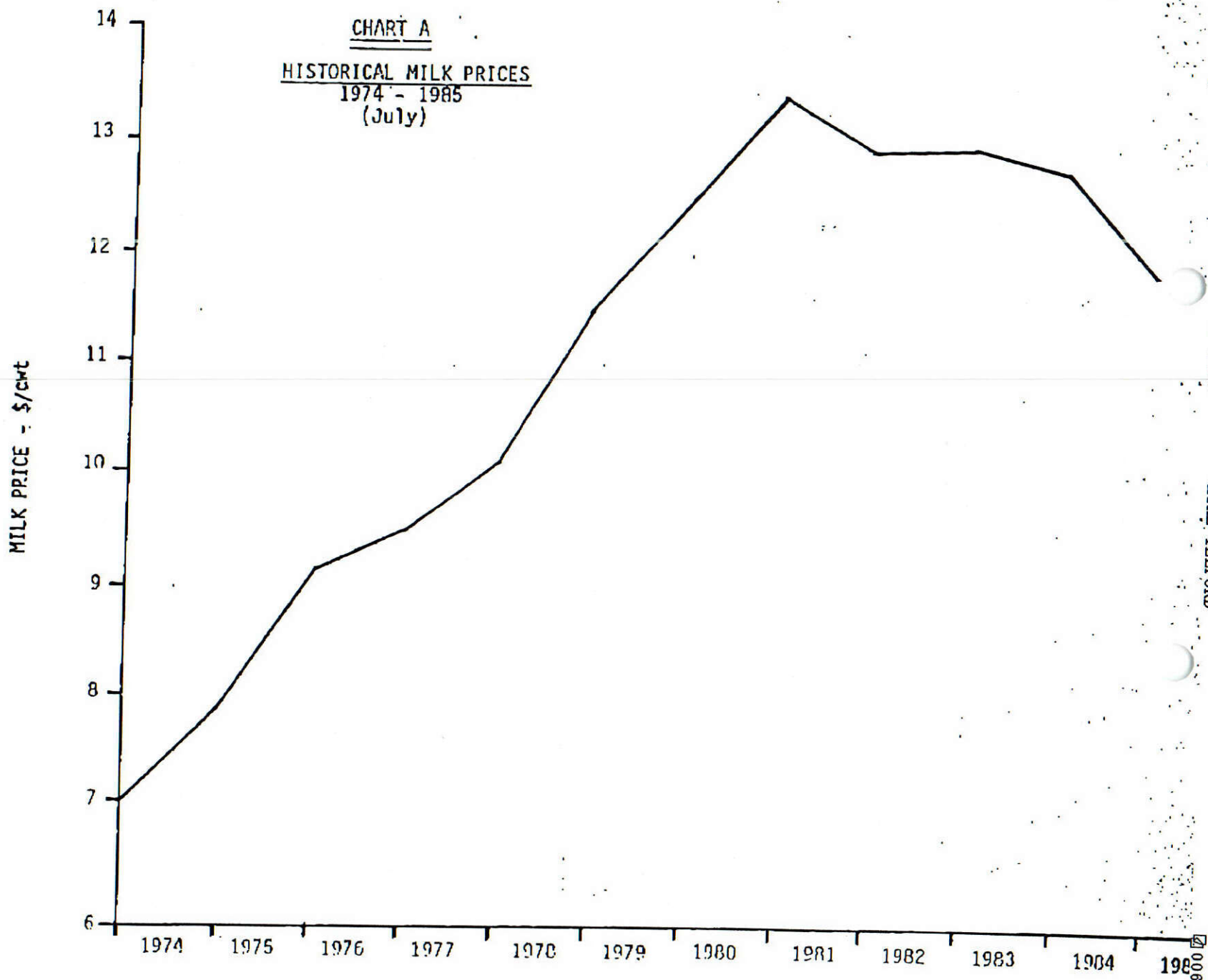
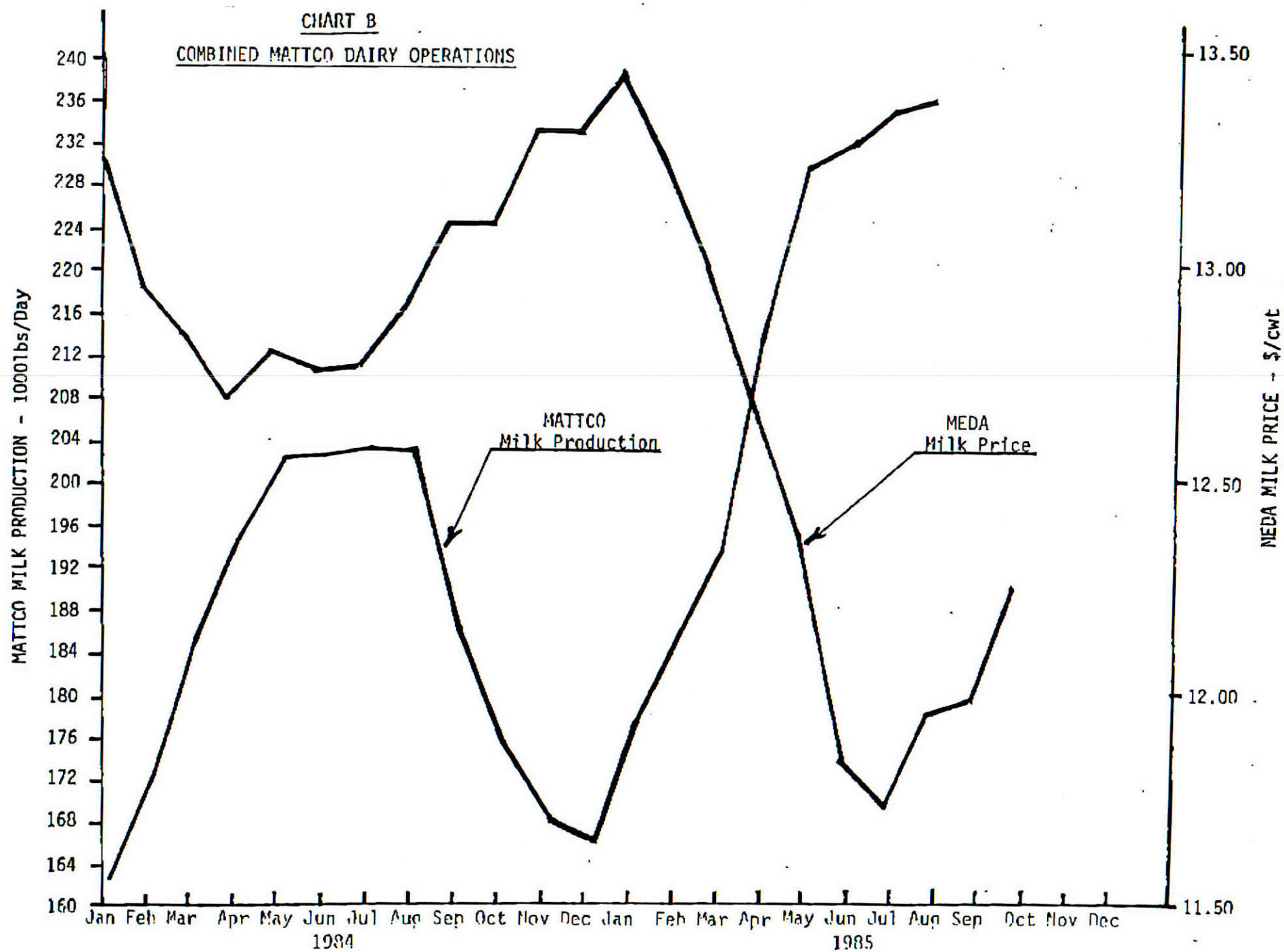


CHART B

COMBINED MATTCO DAIRY OPERATIONS





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83728, Boise, Idaho 83720-0198
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP R. BATT
GOVERNOR

R. KEITH JOHNSON
MANAGER

April 10, 1995

Michael Telford
Rt. 2, Box 2568
Paul, ID 83347

Dear Mr. Telford:

I apologize for the delay which has occurred since your request for reconsideration was submitted. Enclosed is an order which temporarily sets aside the Preliminary Order Voiding Permit issued on December 27, 1994.

Please note that your petition for reconsideration has been granted on the condition that sufficient evidence or information will be submitted by you within thirty (30) days to show that development exceeds your existing permit.

If you have any questions concerning this matter, give us a call.

Sincerely,


R. KEITH JOHNSON, Manager
Water Right Permits Section

BJ:sc

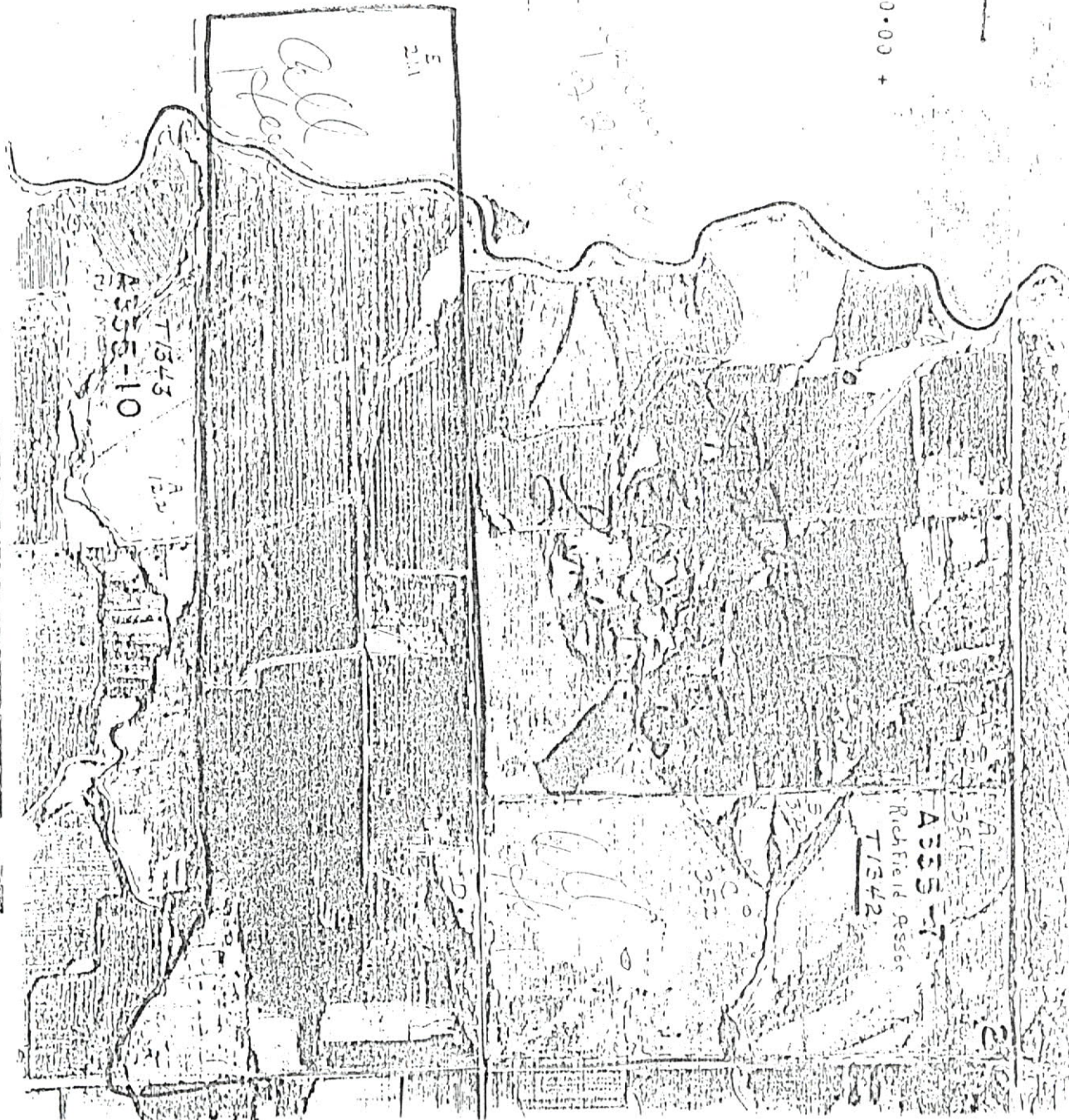
Enclosure

-- Celebrating Our Centennial Year of Service to Idaho 1894-1995 --

EXHIBIT

H

220.00 +



SECTION 11 THE 1901 W. MONTANA.

20

80.00 N 89.55' W.

II	I	IV	III	II	I	IV	III	II	I
40.41	40.22	40.11	40.08	40.00	40.02	40.00	40.00	40.00	40.00

7.52' 0.3

90.22' 0.3

2

Ser 2

64026

Ser 1

64000

38

80.16

79.86

N. 89.52' W.

S. 89.55' W.

N. 89.54'

40

Ser 11

Ser 12

610 A

610 A

30

80.16

80.44

N. 89.54' W.

N. 89.48' W.

N. 89.44'

SHORT LEGAL GALLEY
PROOF (351) 16

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho.

37-7019

MATCO DAIRY #1 (RICHFIELD)
C/O AUTO-TRANS CAPITAL CORP., P.O.
BOX 221, TWIN FALLS, ID 83301
Source: GROUNDWATER
Date Filed: 11/04/1981

Amount: 0.25 CFS

Diversion Point: NESE Sec 02 T 04S R
19E, LINCOLN Co.

Use: STOCKWATER (0.13 CFS) from
01/01 to 12/31

COMMERCIAL (0.12 CFS) from 01/01
to 12/31

Place of Use: NESE Sec 02 T 04S R 19E
Diversion Means: WELL, PUMP,
MOTOR

If issued, the permit(s) will be
subject to all prior water rights.
Protests against the granting of any
permit must be filed with the Director
of the Idaho Department of Water
Resources, 1041 Blue Lakes Blvd.
North, Twin Falls, Idaho 83301 and
received on or before DECEMBER 7,
1981.

/s/ A. KENNETH DUNN
Director

PUB: 11-19, 26, 1981

ab
mayer
11/17/81

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT NO.)
37-07949 IN THE NAME OF) **ORDER EXTENDING TIME TO**
MICHAEL TELFORD) **RESPOND TO PRELIMINARY ORDER**
_____)

This matter having come before the Idaho Department of Water Resources (department), the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On June 12, 1998, the department issued an Order Reinstating Permit and Extending Time to Respond to Preliminary Order (order) in the above captioned matter. The order granted thirty (30) days within which to respond to the Preliminary Order Voiding Permit dated December 27, 1994.

2. On July 10, 1998, Michael Telford (permit holder) through his attorney Jim Jones filed a Request for Enlargement of Time in connection with the department's June 12, 1998 order seeking an extension to July 31, 1998 to respond to the department's December 27, 1994 order.

CONCLUSIONS OF LAW

1. The permit holder has shown reasonable cause why the department should extend the response date to July 31, 1998.

2. The department should extend the time in which to respond to July 31, 1998.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the time within which to respond to the department's December 27, 1994 order in the above captioned matter is extended to July 31, 1998.

IT IS FURTHER ORDERED that the Preliminary Order Voiding Permit dated December 27, 1994 will become **FULLY EFFECTIVE** without

further notice on August 1, 1998, if the permit holder does not timely respond to the department or does not submit sufficient information or evidence to show that the beneficial use of water developed under the permit was in excess of the water right authorized under prior water right no. 37-07650.

Dated this 10th day of July, 1998.

A handwritten signature in black ink, appearing to read "L. Glen Saxton", written over a horizontal line.

L. GLEN SAXTON, Chief
Water Allocation Bureau

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT NO.)	
37-07949 IN THE NAME OF)	ORDER REINSTATING PERMIT
MICHAEL TELFORD)	AND EXTENDING TIME TO RESPOND
_____)	TO PRELIMINARY ORDER

This matter having come before the Idaho Department of Water Resources (department), the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On December 27, 1994, the department issued a Preliminary Order Voiding Permit No. 37-07949 ("permit") in the name of Michael Telford ("permit holder") for failure to show that the beneficial use of water developed under the permit was in excess of the water right authorized under prior water right no. 37-07650.

2. On January 10, 1995, the permit holder through attorney Rick Bollar submitted a petition for reconsideration of the Preliminary Order Voiding Permit.

3. On April 10, 1995, the department issued an Order Temporarily Setting Aside Preliminary Order Voiding Permit. This order provided that the December 27, 1994 order would again become fully effective if the permit holder did not respond or submit sufficient information to show the extent of development within thirty (30) days of the date of the order. The department served the order upon the permit holder but failed to serve attorney Rick Bollar, his representative.

4. On June 11, 1998, the permit holder filed a petition seeking the opportunity to submit information relative to the beneficial use of water developed under voided permit no. 37-07949.

CONCLUSIONS OF LAW

1. IDAPA Rule 37.01.01055 (Procedure Rule 55) provides in pertinent part as follows:

The officer designated by the agency to serve documents in a proceeding must serve all orders and notices in a proceeding on the representatives of each party designated pursuant to these rules for that proceeding and upon other persons designated by these rules or by the agency.

2. The department did not properly serve the permit holder's attorney with its April 10, 1995 order.

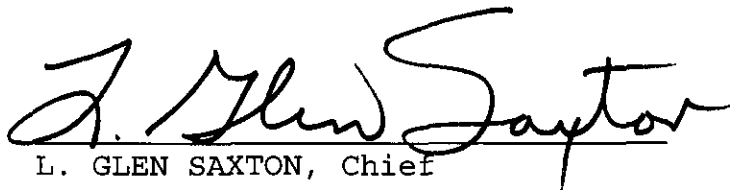
3. The department should allow additional time in which the permit holder may respond to the department's December 27, 1994 order.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the above captioned permit is **CONDITIONALLY REINSTATED**.

IT IS FURTHER ORDERED that the Preliminary Order Voiding Permit dated December 27, 1994 will become **FULLY EFFECTIVE** without further notice within thirty (30) days of the service date of this order if the permit holder does not timely respond to the department or does not submit sufficient information or evidence to show that the beneficial use of water developed under the permit was in excess of the water right authorized under prior water right no. 37-07650.

Dated this 12th day of June, 1998.


L. GLEN SAXTON, Chief
Water Allocation Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
	)	
NO. 37-07949 IN THE NAME	)	ORDER TEMPORARILY SETTING ASIDE
	)	PRELIMINARY ORDER
OF MICHAEL TELFORD	)	VOIDING PERMIT

On December 27, 1994, the Idaho Department of Water Resources (department) issued a Preliminary Order Voiding Permit No. 37-07949 (order) in the name of Michael Telford.

On January 10, 1995, the permit holder submitted to the department a Request for Reconsideration of the order stating that the right has been put to beneficial use.

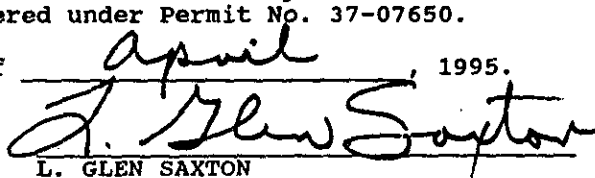
The department has reviewed the request and responds as follows:

ORDER

IT IS HEREBY ORDERED that the Petition for Reconsideration is CONDITIONALLY GRANTED and the Preliminary Order Voiding Permit is TEMPORARILY SET ASIDE.

IT IS FURTHER HEREBY ORDERED that the Preliminary Order Voiding Permit will become FULLY EFFECTIVE without further notice within thirty (30) days of the date of this order if the permit holder does not timely respond or does not submit sufficient information or evidence to show that development which exists exceeds what is already covered under Permit No. 37-07650.

Dated this 10th day of April, 1995.


L. GLEN SAXTON
Chief, Water Allocation Bureau

Rick Bollar
Goodman & Bollar
Attorneys at Law
P.O. Box D
717 7th Street
Rupert, ID 83350
Telephone: 436-4774

Attorneys for Michael Telford

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
	)	
NO. 37-07949 IN THE NAME	)	<u>REQUEST FOR RECONSIDERATION</u>
	)	<u>OF PRELIMINARY ORDER</u>
OF MICHAEL TELFORD	)	<u>VOIDING PERMIT</u>
	)	

COMES NOW the above said holder of Permit No. 37-07949 and petitions the Department of Water of Resources (Department) for reconsideration of the Preliminary Order Voiding Permit, which Order was dated the 27th day of December, 1994. Such request for reconsideration is based upon the following:

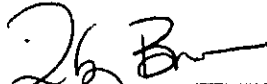
1. That the affected Water Right has been put to beneficial use, and not subject to forfeiture.
2. That applicant has complied with the law and conditions for the permit.
3. That inspection of the property to determine compliance by the permit holder was not done in such a way as to reflect the ongoing use of the permit as required by law.

REQUEST FOR RECONSIDERATION OF
PRELIMINARY ORDER VOIDING PERMIT
PAGE 1

4. That the Findings of Fact, upon which the revocation of the permit was based, is inaccurate.

DATED this 10th day of January, 1995.

GOODMAN & BOLLAR

By 
Rick Bollar
Attorney for Michael Telford

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
	)	
NO. 37-07949 IN THE NAME	)	PRELIMINARY ORDER
	)	VOIDING PERMIT
OF MICHAEL TELFORD	)	
_____	)	

This matter having come before the Department of Water Resources (Department) as a result of an examination by Department staff to determine the extent of beneficial use of water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On November 4, 1981, Mattco Dairy #1 applied to the Department of Water Resources for a permit to appropriate 0.25 cubic feet per second for commercial and stockwater purposes using groundwater within the NE¼SE¼, Township 04S, Range 19E, Section 2, B.M., Lincoln County.
2. On May 19, 1982, the Department approved the Application for Permit.
3. On September 1, 1982, the Department received Proof of Beneficial Use for the permit.
4. Water Right No. 37-07949 was assigned by Mattco Dairy #1 to Michael Telford in a document dated May 22, 1991.

5. On July 7, 1993, Department staff conducted a field examination and the examiner's report indicated that the water use developed was already fully covered by previous water right No. 37-07650, therefore no additional beneficial use of water had been made under this permit.

CONCLUSIONS OF LAW

1. Section 42-219, Idaho Code, states:

In the event that the Department shall find that the applicant has not fully complied with the law and the conditions of the permit, it may issue a license for that portion of use which is in accordance with the permit, or may refuse issuance of a license and void the permit.

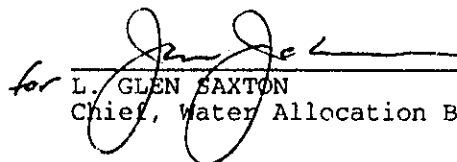
2. The examination by Department staff revealed that the permit holder has not complied with the conditions of the permit by not beneficially placing water to the proposed use(s) beyond that already allowed from previous water rights as required by the permit and Section 42-219, Idaho Code.

3. The Department should void Permit No. 37-07949 as provided in Section 42-219, Idaho Code.

ORDER

IT IS HEREBY ORDERED that Permit No. 37-07949 is VOIDED in accordance to the provisions of Section 42-219, Idaho Code.

Dated this 27th day of December, 1994.

for 
L. GLEN SAXTON
Chief, Water Allocation Bureau

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	37-7949	Mattco Dairy # 1 (Richfield)	0.25
Full Assignment	37-7949	Michael Telford	0.25

AUG 6 1985

P O W E R O F A T T O R N E Y Department of Water Resources

KNOW ALL MEN BY THESE PRESENTS, That MATTCO DAIRY #1 (RICHFIELD), MATTCO FARM #1 (PERRINE RANCH), MATTCO FARM #2 (PETERSON), MATTCO FARM #4 (MILNER), MATTCO FARM #5 (JEROME), MATTCO FARM NO. 4, MATTCO FARM NO. 5 (SCHAFER) and MATTCO INVESTMENT CORP. appoint GRANT OSTERHOUT their true and lawful attorney. Their attorney may perform all acts which the principals could perform if personally present in connection with any Water Permits or Applications for Water Permits before the Idaho Department of Water Resources. The attorney is authorized to make, execute, acknowledge and deliver any documents necessary for the perfecting and maintenance of any water rights with the Idaho Department of Water Resources.

MATTCO DAIRY #1
(RICHFIELD)

BY: *Howard V. Mathews*.....
HOWARD V. MATHEWS
Managing General Partner

MATTCO FARM #1
(PERRINE RANCH)

BY: *Howard V. Mathews*.....
HOWARD V. MATHEWS
Managing General Partner

MATTCO FARM #2
(PETERSON)

BY: *Howard V. Mathews*.....
HOWARD V. MATHEWS
Managing General Partner

POWER OF ATTORNEY

-1-

SMITH, BELKS & GOSSE
ATTORNEYS AT LAW
100 PERCIVAL
IDAHO FALLS, IDAHO
83401

MATTCO FARM #4
(MILNER)

BY: *Howard V. Mathews*
HOWARD V. MATHEWS
Managing General Partner

MATTCO FARM #5
(JEROME)

BY: *Howard V. Mathews*
HOWARD V. MATHEWS
Managing General Partner

MATTCO FARM NO. 4

BY: *Howard V. Mathews*
HOWARD V. MATHEWS
Managing General Partner

MATTCO FARM NO. 5
(SCHAFER)

BY: *Howard V. Mathews*
HOWARD V. MATHEWS
Managing General Partner

MATTCO INVESTMENT CORP.

BY: *Howard V. Mathews*
Its President

ATTEST:

.....
Its Secretary

STATE OF: California)
County of: Los Angeles) ss.

On July 31, 1985, before me, a Notary Public
in and for said State, personally appeared HOWARD V. MATHEWS,
known to me to be the Managing General Partner of the partner-
ships, MATTCO DAIRY #1 (RICHFIELD), MATTCO FARM #1 (PERRINE
RANCH), MATTCO FARM #2 (PETERSON), MATTCO FARM #4 (MILNER),

POWER OF ATTORNEY

-2-

SMITH, PEERS & ASS
ATTORNEYS AT LAW
FIDELITY
SAN FRANCISCO
CALIFORNIA

MATTCO FARM #5 (JEROME), MATTCO FARM NO. 4 and MATTCO FARM NO. 5 (SCHAFER), that executed this instrument or the person who executed the instrument on behalf of said partnerships, and acknowledged to me that such partnerships executed the same.

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

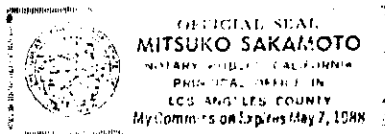


Mitsuho Sakamoto
Notary Public for: California
Residing at: Los Angeles
Commission Expires: May 7, 1988

STATE OF: California)
County of: Los Angeles) ss.

On July 31, 1985, before me, a Notary Public in and for said State, personally appeared Howard V. Mathews and Duane L. Kent, known to me to be the President and Secretary of the corporation, MATTCO INVESTMENT CORP., that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Mitsuho Sakamoto
Notary Public for: California
Residing at: Los Angeles
Commission Expires: May 7, 1988

POWER OF ATTORNEY

-3-

SMITH, BEERS & GOSS
ATTORNEYS AT LAW
PO BOX 506
TWIN FALLS, IDAHO
83406

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR PERMIT

I, Matteo Dairy #1 (Richfield), hereby assign to Michael Telford
of, Rt 2, Box 2568, Paul, ID 83347
(Full Address)

All my right, title, and interest in and to ~~Application for~~ Permit
No. 37-7949 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
Application for Application for Permit No. A37-67949 to appropriate the public
waters of the State of Idaho.

Describe portion of the application 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.

see attached schedule

Made this 22 day of May, 1990.

Michael Telford
Applicant

State of Idaho)

County of Terrell ss

On this 22 day of May, 1990, personally appeared before me the signer of the
above instrument, duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public
Jerome, Idaho

seal

My commission expires: 2-13-93

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

To appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant: Richfield Associates Phone: 324-3436
post office address: 90 Holstein Farm Rt 3 Jerome, Idaho 83338
2. Source of water supply: Ground Water which is a tributary of _____
3. a. Location of point of diversion is N.E. 1/4 of SE. 1/4 of Section 2 Township 4S
Range 19E B.M. Lincoln County, additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into _____ at a point in _____ 1/4
of _____ 1/4 of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 50 ^(daily) for Stock Water purpose from JAN 1 to Dec 31 (both dates inclusive)
Amount 16 for Domestic purpose from JAN 1 to Dec 31 (both dates inclusive)
Amount 98 for irrigation purpose from Apr 1 to Nov 1 (both dates inclusive)
(cfs or acre feet per annum)
5. Total quantity to be appropriated:
a. 1.66 cubic feet per second and/or
b. _____ acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____
Well, Pump & Elec Motor, sprinklers
b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet; materials used in storage dam _____
Period of year during which storage will occur _____ to _____ inclusive
Mo. Day Mo. Day
c. Proposed well diameter is 10 inches; proposed depth of well is 300 feet
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years
b. Estimated construction cost is \$26,000.00
8. Description of proposed uses:
a. If water is not for irrigation:
1) Give the place of use of water NE 1/4 of SE 1/4 of Section 2 Township 4S
Range 19E B.M. _____
2) Amount of power to be generated _____ hp under _____ feet of head
3) List number of each kind of livestock to be watered 750 Here Dairy Animals
4) Name of municipality to be served _____, or number of families to be supplied with domestic water 4 Families
5) If water is to be used for other purposes describe _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

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	
4S	17E	2	40			40					40	40			10	40			210

Total number of acres to be irrigated 210

c. Describe any other water rights used for the same purposes as described above. Richfield Canal water

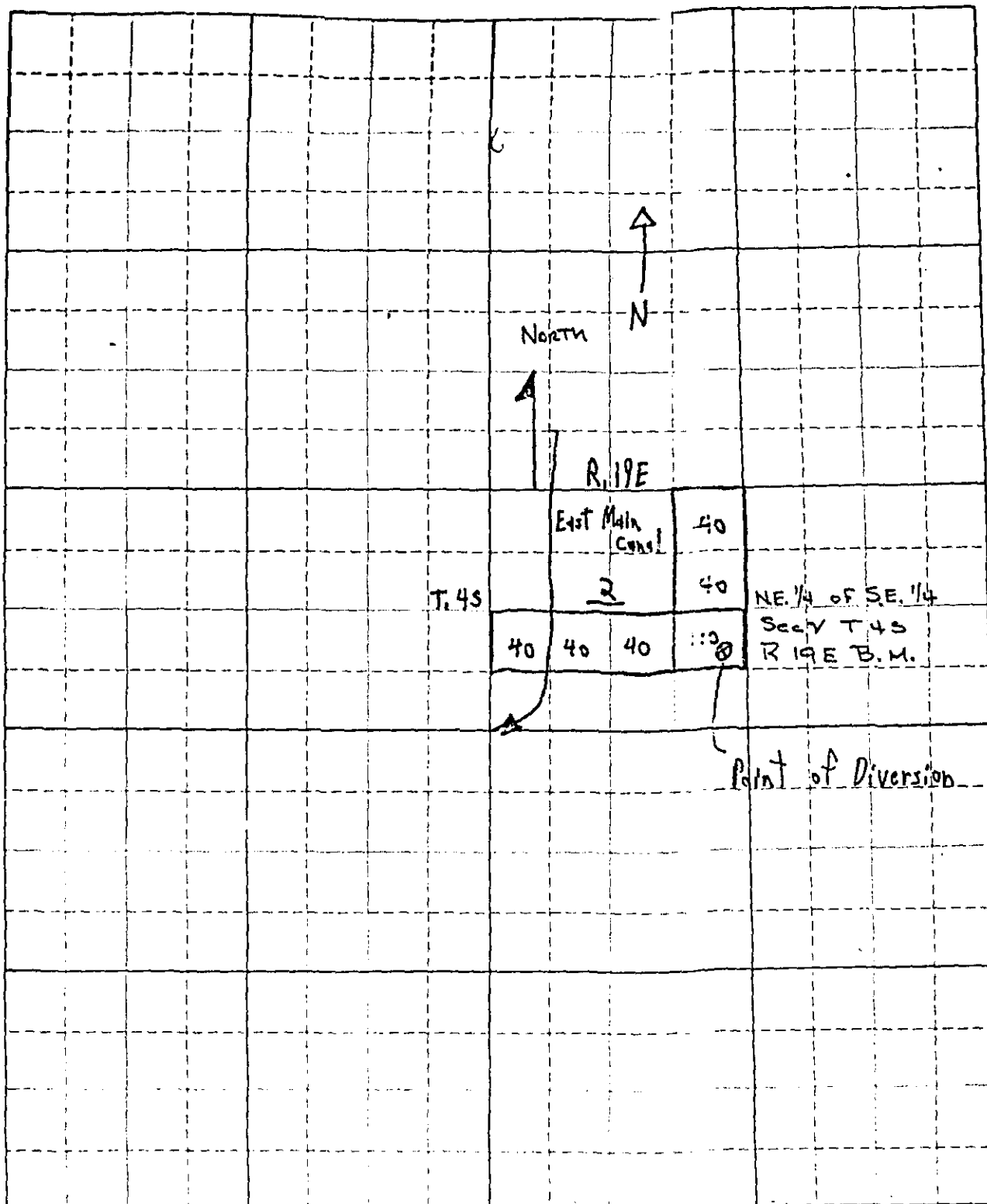
9. a. Who owns the property at the point of diversion Applicant

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

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

10. Remarks _____

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



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.

Richfield Associates
[Signature]
 (Applicant)
 Oliver Manager

Received by JD Date 7-29-77 Time 11:30 pm
Preliminary check by TGB Fee \$ 35.00 * 8680
Received by JD Date 7-29-77
Publication prepared by JD Date 8/20/77
Published in Timberline Country Journal
Publication dates 8/15/77 8/25/77
Publication approved JD Date 8/29/77
Priority reduce I to _____ Reason _____

Protests filed by _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by mls with

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

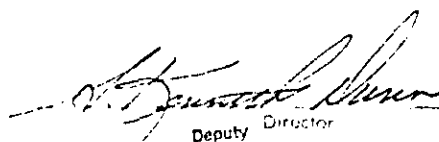
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-7650, and said application is hereby APPROVED.

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 December 1 19 82.
- c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.

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.

Witness my hand this 27 day of December 19 77.


Deputy Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT **APPROVED**

To appropriate the public waters of the State of Idaho

1. Name of applicant Mattco Dairy #1 (Richfield) Phone 734-6347
Post office address c/o Aurora Capital Corp. P.O. Box 221, Twin Falls, Idaho 83301

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

3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 2 Township 4 South
Range 19E B.M. Lincoln County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Commercial

Amount 0.12 for Dairy Barn purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) 250 head

Amount .13 for Dairy Stock purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.25 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____
_____ Existing well, pump and motor _____

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 2 Township 4 South
Range 19E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered 1000 head dairy cattle -
commercial dairy barn, additional 250 head dairy animals

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated

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

License # 37-7650 - 1.66 C.F.S.

9. a. Who owns the property at the point of diversion Applicant

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

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

10. Remarks

Commercial use: 75 gpd / head

Dairy barn 1000 head x 75 gpd = 75,000 gpd

75,000 divided by 24 divided by 60 = 52.08 gpm

$$52.08 \text{ gpm} \times .00223 = .12 \text{ CFS}$$

Rate for dairy cattle use 1000 head x (0.00065) = .65 CFS

Permit #37-7650 = .52 CFS .52 CFS

Additional stockwater applied for plus commercial barn use	.13 CFS
---	---------

Amount applied for	.12
--------------------	-----

Total	.25
-------	-----

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

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated

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

~~License # 37-7650 - 1.66 C.F.S.~~

9. a. Who owns the property at the point of diversion _____ Applicant

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

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

10. Remarks

Commercial use: 75 gpd / head

Dairy barn 1000 head x 75 gpd = 75,000 gpd

75,000 divided by 24 divided by 60 = 52.08 gpm

$$52.08 \text{ gpm} \times .00223 = .12 \text{ CFS}$$

Rate for dairy cattle use 1000 head x (0.00065) = .65 CFS

Permit #37-7650 = .52 CFS .52 CFS

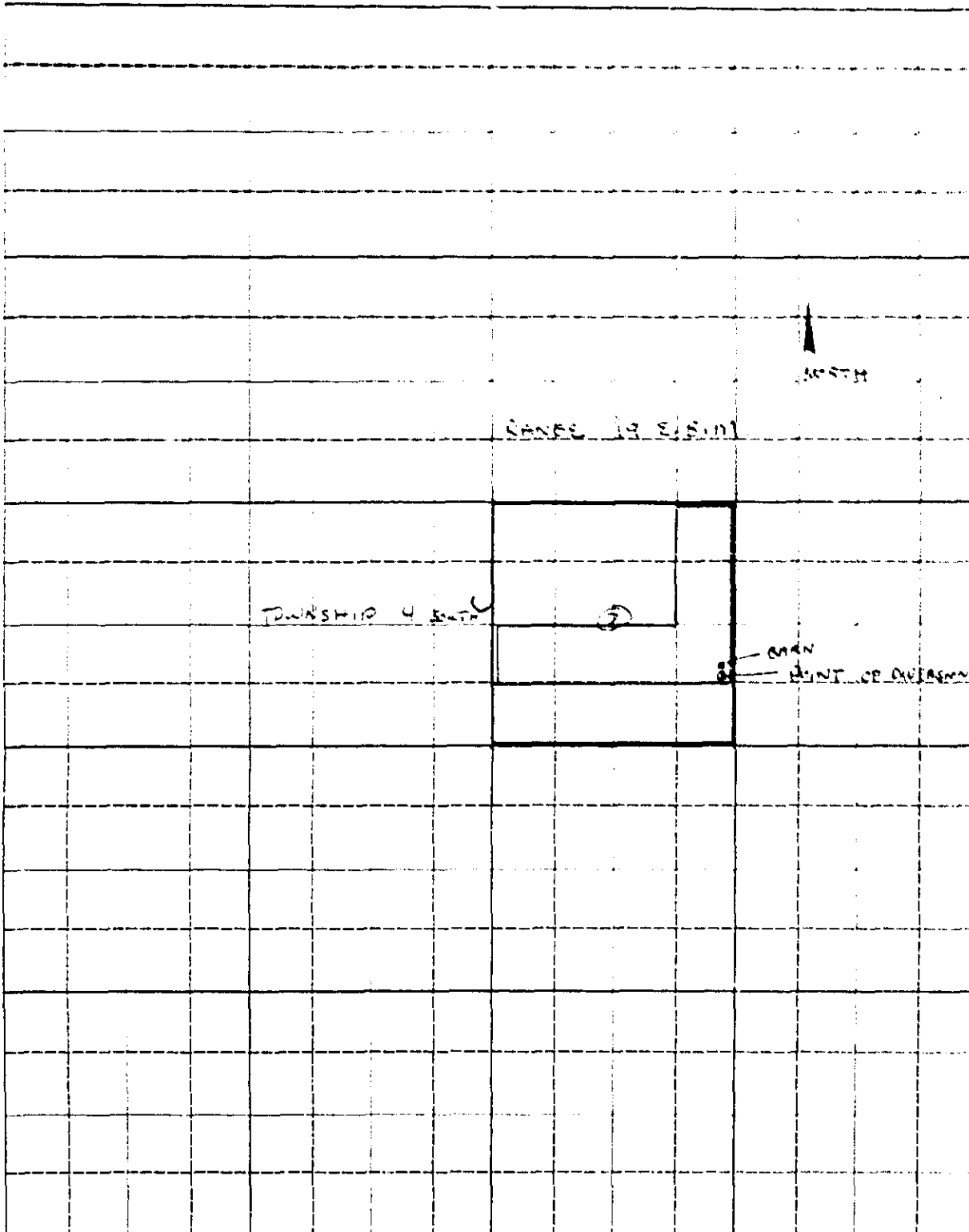
Additional stockwater applied for plus commercial barn use	.13 CFS
---	---------

Amount applied for _____ .12

Total	.25
-------	-----

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

Map of proposed project showing the proposed point of diversion, date of use, section number, township and range number.



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.

[Signature]
(Applicant)

Proposed priority 11/4/1981

Received by mary Date 11/4/81 Time 4:30 p

Preliminary check by L.H. Fee \$ 45.00 20635

Receipted by mary Date 11/4/81

Publication prepared by mary Date 11/6/81

Published in Lincoln County Journal

Publication dates 11/19 + 11/26/81

Publication approved mary Date 11/16/81

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by ADM JP

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. 37-7949, and said application is hereby APPROVED.

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 May 1, 19 87.

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. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.

Witness my hand this 19th day of May, 1982.

J. Glen Saxton
Chief, Operations Bureau

AFFIDAVIT of PUBLICATION

State of Idaho, |
County of Lincoln | SS.

Michael Shames, 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, Lincoln County, 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 17 day of November 1981, and the date of the last publication was on the 26 day of November, 1981.

Subscribed and sworn to before me this 26 day of November, 1981.
(SEAL)

Wayne H. Hume
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL Shoshone, Idaho COST OF PUBLICATION

Number of Lines in Notice
Number of Insertions
Lines tabular, at 315c
40 Lines straight at 21c 15.60
40 Subsequent lines at 15c 10.40
TOTAL COST 26.00

COPY OF NOTICE (Paste Here)

Water Right
TITLE OF NOTICE
37-7949 Feather River
PLAINTIFF ATTORNEY

DEFENDANT

LEGALS

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

37-7949
MATTCO DAIRY #1 (RICHFIELD)
C/O AURORA CAPITAL CORP., P.O.
BOX 221, TWIN FALLS, ID 83301
Source: GROUNDWATER
Date Filed: 11/04/1981
Amount: 0.25 CFS
Diversion Point: NESE Sec 02 T 04S R 19E, LINCOLN Co.
Use: STOCKWATER (0.13 CFS) from 01/01 to 12/31
COMMERCIAL (0.12 CFS) from 01/01 to 12/31
Place of Use: NESE Sec 02 T 04S R 19E
Diversion Means: WELL, PUMP, MOTOR

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before DECEMBER 7, 1981.

/s/ A. KENNETH DUNN
Director

PUB: 11-19, 26, 1981

Nº 2004

JIM JONES & ASSOCIATES
Attorneys at Law
1275 Shoreline Lane
Boise, Idaho 83702-6870

RECEIVED
JUL 28 1998
Department of Water Resources

Jim Jones

Boise: (208) 385-9200

John McCreedy

Fax: (208) 385-9599

July 27, 1998

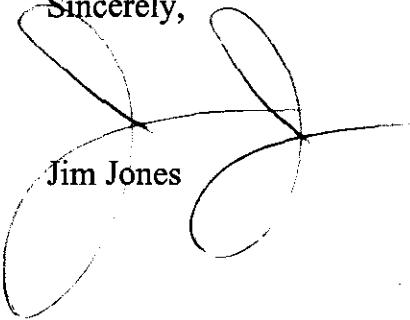
L. Glen Saxton
Chief
Water Allocation Bureau
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Dear Mr. Saxton:

Enclosed are documents that I would like to have filed in the above-noted matter.
Thanks!

Sincerely,

Jim Jones



JTJ/tg

Enclosures

Jim Jones
JIM JONES & ASSOCIATES
1275 Shoreline Lane
Boise, ID 83702
Telephone: (208) 385-9200

RECEIVED
JUL 28 1998
Department of Water Resources

Attorney for Permit Holder

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT)
NO. 37-07949 IN THE NAME OF) AFFIDAVIT OF MIKE TELFORD
MICHAEL TELFORD)
_____)

STATE OF IDAHO)
: ss
County of Ada)

MIKE TELFORD, being duly sworn, deposes and says:

1. I am the Permit Holder in the above-entitled matter and the owner of the property for which Permit No. 37-07949 was issued. I purchased the dairy property from Mattco Dairy Farm Limited Partnership No. 1, a division of Aurora Capital Corp, in May

AFFIDAVIT OF MIKE TELFORD

of 1991. At that time it was represented to me by the seller, Mattco, that the dairy was permitted for 1,000 head of livestock by the Department of Water Resources. The permit, which was assigned to me on May 22, 1991, indicated stock water for 1,000 head, with .25 cfs of water.

2. At the time I purchased the dairy, I was advised that the seller had taken advantage of the federal dairy buy-out program in 1987. At that time the cows were sold under the provisions of the buy-out program. I do not recall being advised that the field examination had not been conducted by the Water Resources Department. I noticed that the permit bore a 1982 date and assumed that the water right was in order for me to expand my operation up to 1,000 head. In retrospect, had I been advised that the field examination had not yet occurred, I would have assumed that the federal buy-out program would have been considered the same as the federal crop land set-aside program for purposes of my water right, including section 42-222(2) of the Idaho Code. In other words, since the reduction in use after the buy-out occurred under and as a result of the federal program, it shouldn't have affected the water right. In any event, I purchased the dairy with the intent of increasing the number of head milked at the dairy to the kind of numbers that had been there when Mattco was operating it. At the time I purchased the property, I understood that they had run close to 1,000 head at the peak of their operation of the dairy. Attached and incorporated as Exhibit A is a copy of a report that Mattco made to its investors on November 22, 1985, indicating that the dairy had a population of 535 cows at the beginning of the 1985 and increased to 695 by the end of that year. *See,*

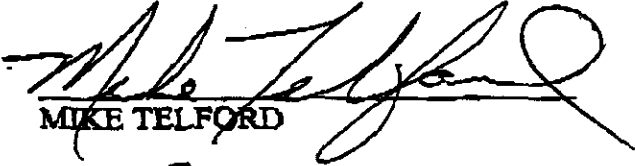
Table 1, entry for MDF No. 1/JV-4, Richfield. These were total numbers, including young cows and dry ones that were not being milked. The number actually being milked that year was about 85-115 below the totals.

3. I have seen the letter furnished by Carol McKay of the Farm Services Agency in Jerome, indicating that 531 cows were disposed of from the dairy under the buy-out program in June of 1987. Since the buy-out program did not include cows that were not producing milk, there would have been an additional number of cows at the dairy at that time -- dry cows and young ones. Based on the figures in Table 1, the number would have been in the vicinity of 85-100 additional cows, placing the total number of cows at the dairy as of June, 1987, at slightly over 600 head.

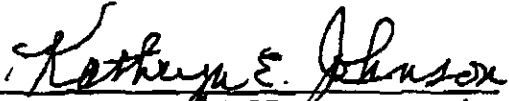
4. There is no way that the older well could have supplied the number of cows at the Mattco Dairy in the 1980's. The newer and deeper well referred to by Erv Chamberlain (which is the subject of this proceeding) was the primary source of water in the 1980's and is necessary in order to furnish an adequate supply for the number of cows at the dairy during that period of time. Curtis Park is correct when he says in his declaration that the old well did not have enough water or water pressure to serve the needs of the dairy and keep it clean. While the old well can serve a couple hundred head of cows, there is no way that it would have been adequate to serve the number of cows that were at the dairy when Mattco was operating it.

5. I understand that the field examination was not conducted until July of 1993. At that time, the dairy was operating with about 200 head of cows. As I have

indicated above, however, my plans were to gradually expand the operation as finances permitted to make it more economical and more profitable. With the cancellation of the permit, that will not be possible since there will not be adequate water to take care of the number of cows that Mattco had at the dairy.


MIKE TELFORD

SUBSCRIBED AND SWORN to before me this 8 day of July, 1998.


NOTARY PUBLIC FOR IDAHO
Residing at: Neelfield, ID 8349
My Commission Expires 7-2-003

AFFIDAVIT OF MIKE TELFORD

269 Loma Drive, Los Angeles, California 90026 • Phone (213) 483-6925

Mattco ☐ ☐ ☐ ☐ ☐ ☐ PROPERTY
INVESTMENT
☐ ☐ ☐ ☐ ☐ CORPORATION

November 22, 1985

COPY

Status Report On Idaho Dairy Farming Operations

As an investor in one (or more) of the four Mattco Dairy Farm Limited Partnerships, you are a part-owner in the largest dairying operation in the Pacific Northwest. In the four years since the the first dairy farm was purchased, the combined dairy operations have matured into an efficient, well managed milk production enterprise that you can be proud of.

Feeding, caring for and milking thousands of cows, and shipping the milk produced, is a complex operation. The ingredients for success are a good staff, efficient facilities, a great deal of experience and strong controls, which boils down to effective management. Aurora Dairy Management Corp. provides us with that technical and management expertise. Mattco is extremely pleased with Aurora's overall performance on behalf of our investors.

Achieving the present state of profitable operation of the four dairies has not been all smooth sailing nor has it been easy. In this report we will provide you with some background on "dairying" and highlight those aspects of the Idaho dairy operations that are important to you as an investor.

Each of the dairies are independent operations with their own staff and all income and expenses are accounted for separately. None-the-less, they are reasonably close together geographically and quite similar so certain activities are performed for the combined operations because of the obvious efficiencies that result. Much of this report will discuss the overall dairy operations with specific information on individual dairies included where appropriate.

The original offering material provided detailed background information on each dairy and we suggest that you refer back to it. Basically the profitability of the dairy operations are impacted principally by the overall farm economy, milk prices, the cost of feed and new heifers, purchase of milk "base", the level and efficiency of production and capital expenditures. Each of these factors are discussed below:

Farm Economy

Farming in general is in the most critical state since the depression. There is so much coverage of this subject in the media that we will not go into it here. Dairies have not been isolated from the effects of this low point in the farm economic cycle. None-the-less, the larger dairy operations in particular are profitable but not as profitable as they would be during better times. There are several reasons for this:

- ° Dairies do not rely on the export market, as many other farm products do.
- ° Over-production of milk is less than 10%, compared with 40% over-production of some farm products.
- ° Dairies benefit from the depressed price of certain farm commodities (e.g., feed, new heifers).

On the other hand, the Mattco feed farms purchased to support the dairies are severely impacted by lower crop prices and the resultant decline in farm land prices.

Milk Prices

Over production of milk, and removal of milk price supports by the Government, resulted in a gradual decline in milk prices over the last three years after many years of steadily rising prices. Please refer to the attached Chart A showing the historical trend in milk prices from 1974 to the present.

At the time we bought the dairies, milk prices were projected to be over \$15 per 100 pounds (\$15.00/CWT) by 1985, which is at least \$2.50/CWT higher than the mean price now estimated for 1985. The impact of a milk price reduction of even \$1.00/CWT on the revenues and profits of an operation producing 200,000 pounds per day of milk is substantial. A differential of \$2.50/CWT reduces our revenues and profits by almost \$2 million per year.

We can be proud that we have achieved profitability in spite of the low milk prices. This has been accomplished by hard work and operating efficiencies that have resulted in greatly increased milk production and reduced expenses. These offsetting factors are discussed in the following sections.

Increased Milk Production

Table 1 attached shows milk production for each dairy from January 1984 to the present. Although production varies with the season, the strong upward trend in production at each dairy is obvious.

The average daily production of the milking herds has recently reached 70 pounds per day per cow, with many producing over 100 pounds per day. This is outstanding! To put things in perspective, this compares with a national average for production herds of 40-45 pounds per cow per day and with our original projections of 50-55. The offsetting trends of falling milk prices and increasing milk production are shown rather dramatically on Chart B, attached.

Feed Prices

Another factor which has helped to offset the lower milk price is the significant reduction in feed costs. A comparison of last year's prices and this year's prices for the major components of the feed mix is presented below:

<u>Feed Component</u>	<u>1984-85</u>	<u>Feed Cost</u>	<u>1985-86</u>
Alfalfa Hay	\$80/Ton		\$70/Ton
Barley (Rolled)	109/Ton		90/Ton
Beet Pulp	95/Ton		80/Ton
Whole Cotton Seed	205-260/Ton		140-175/Ton
Protein Meal	150/Ton		115/Ton

The price reductions are the result of the general decline in farm product prices and careful volume buying. When you consider that a dairy cow can consume over 4 tons of alfalfa per year and up to 3 tons of rolled barley per year, the price of feed is an important factor. Aurora estimates that the annual cost of feeding the herd will be reduced by about \$185 per cow for the coming year.

New Heifer Prices

The price of replacement heifers tends to swing with milk prices and the farm economy. A year or two ago the cost of raising a springer heifer was \$1250. We are currently buying heifers of excellent quality at \$850-900 each. Therefore, at this time it is not economic to raise our own heifers.

Milk Base

Purchasing a given amount of MEDA* "milk base" contract assures us that the dairy coop will buy that amount of our milk. Our increasing production has required that we purchase additional milk base periodically. This expense impacts near-term profits but provides a guaranteed market for our future milk production. This summer we purchased an additional 20,000 pounds per day of milk base at about \$7/pound payable monthly over three years. Our total base is now over 223,000 pounds per day.

Capital Improvements

The many carefully selected capital improvements made over the years have contributed significantly to improved efficiency, increased production and reduced expenses. Capital expenditures have been somewhat higher than originally projected. While these expenditures have reduced profits short-term, they have proven to be well justified over the long-term. For example:

- ° Additional loafing sheds have contributed to improved herd health, lower death rate and increased milk production. These sheds shelter the herds from the winter and summer temperature extremes in Idaho.

* Mountain Empire Dairy Association

- ° Increased production was made possible by increased milk cooling system capacity and improvements in the milking parlors at certain dairies.
- ° Purchase of our own trucks for hauling hay and feed have cut costs and increased efficiency.
- ° Construction of a grain rolling facility has contributed to lower rolled grain costs at all dairies.

Operations Improvements

A few of the many new techniques and operational improvements that have been installed are worth highlighting:

- ° Our dairies pioneered "three-times-per-day" milking of the herds. While this requires very careful planning and tight control of the entire operation of each dairy, it has contributed to the dramatic increase in the average production to over 70 pounds per cow per day.
- ° Nutrition has been given very high priority. Aurora has recently added a full-time nutritionist to their staff.
- ° Many steps have been taken to improve herd health and reduce cull and death rates. Mastitis in particular has been dramatically reduced.

In summary, your dairies are something to be proud of. As short term debt resulting from higher capital expenditures and additional purchases of milk base are paid off in the very near future, we can expect profits to increase. Any turnaround in milk prices will result in an excellent profit picture for the dairies and our investors.

At this time, however, the prospects for an upswing in milk prices are not good. Although milk production nationally was reduced in 1984, as a result of the temporary government milk reduction program, it has bounced back in 1985 and further increases are projected for 1986. Continued over-production will tend to hold milk prices down and perhaps drive them still lower.

Falling prices will force still more of the smaller, less efficient dairies out of business and of course will have an impact on our profitability. When demand and supply are more in balance, prices will once again rise but the capital intensive nature of dairying will discourage entry into the business. The attached article from a recent Wall Street Journal will provide some valuable background on this subject.

Attachments
DWB/kjb

CHART A
HISTORICAL MILK PRICES
1974 - 1985
(July)

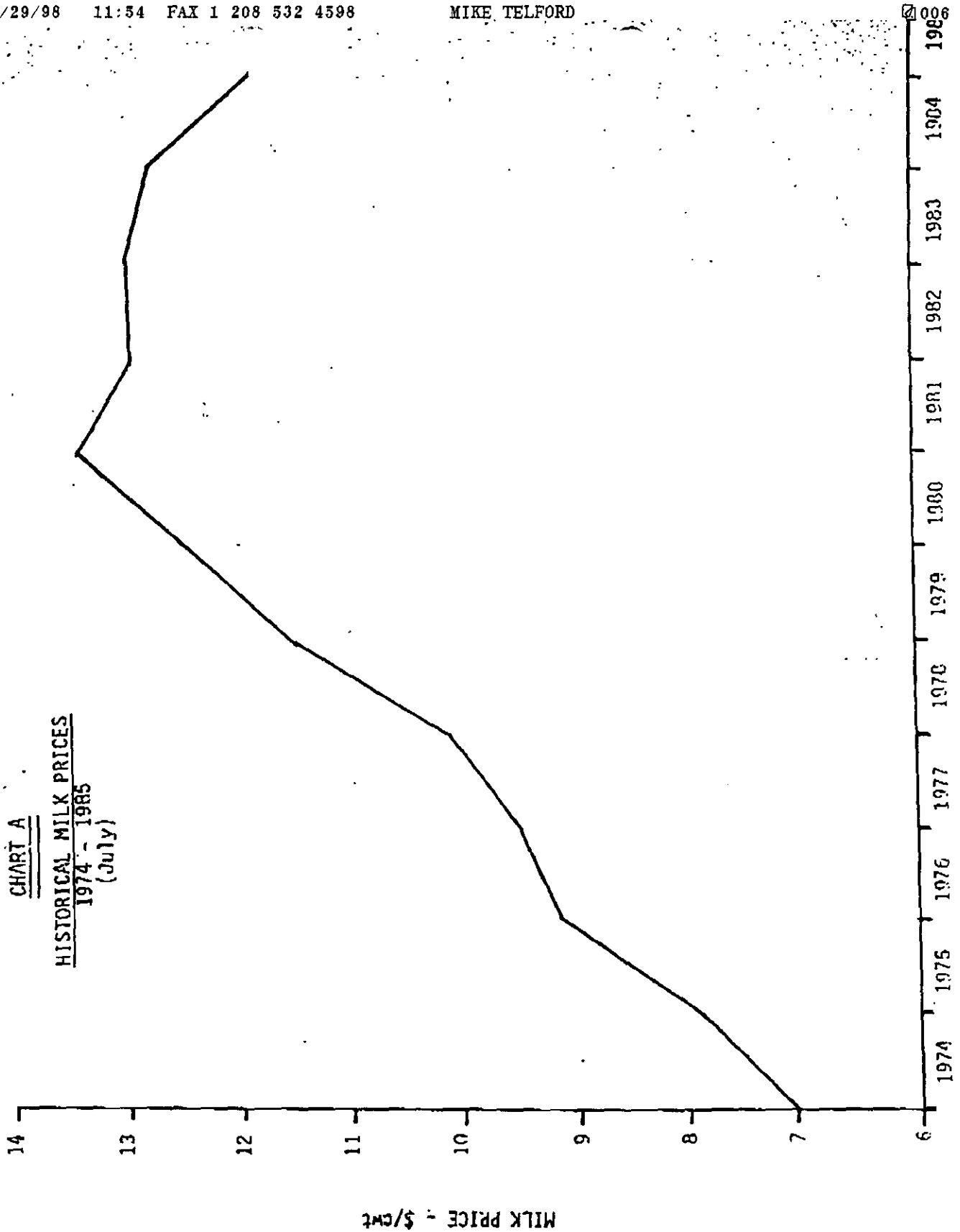
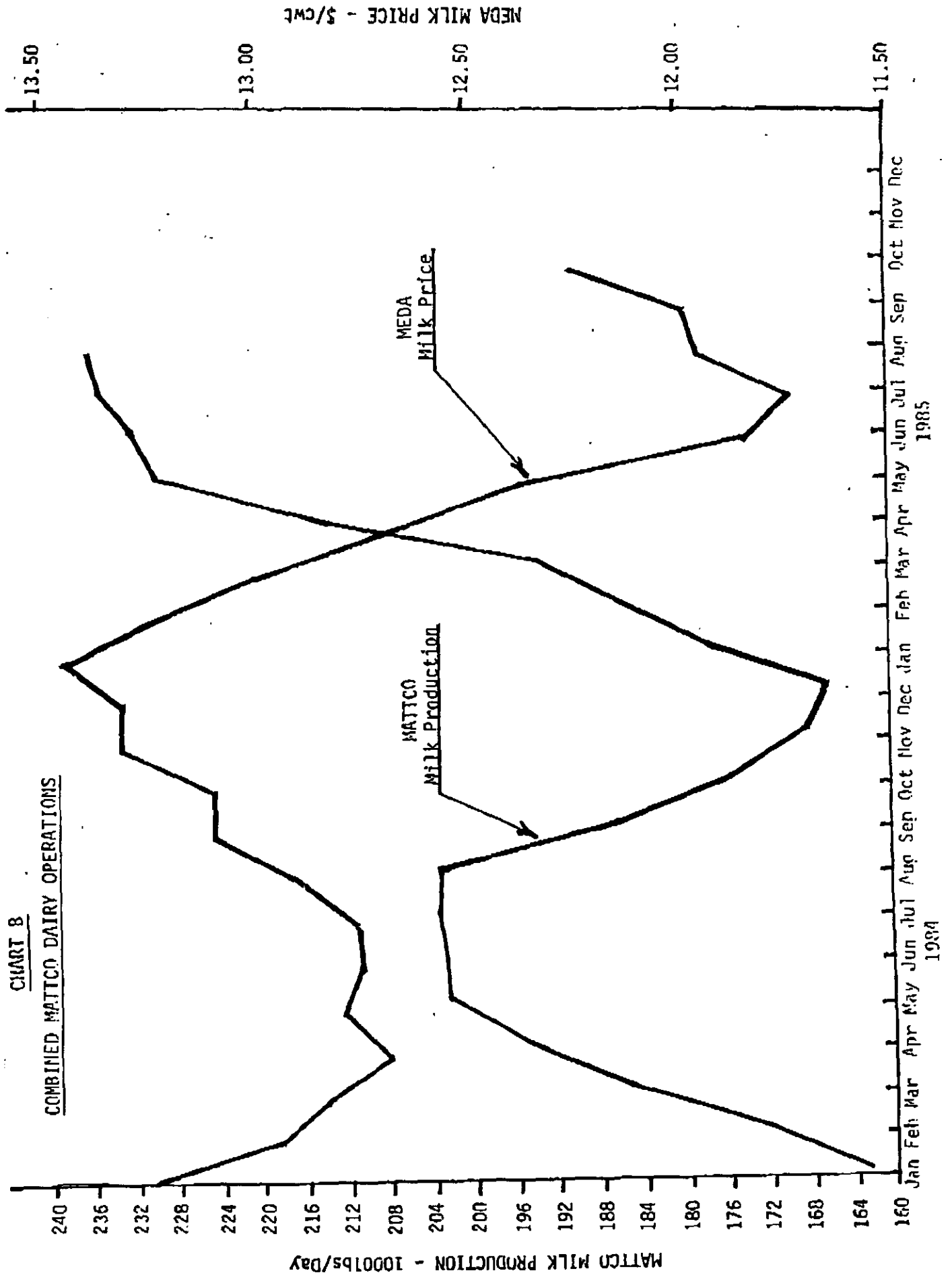


TABLE 1
MILK PRODUCTION
MATT CO IDAHO DAIRY FARMS

Rev. 1 - 12/4/85

Dairy	Number of cows		Milk Production			
	Total	Milking	Total - lbs	1985 Minimum-Maximum (thru 10/31)	1985 (thru 10/31)	lbs/Cow/Day
MDF#1/JV-4 Richfield	535 to 695	450 to 580	10,357,000	9,794,000	26,889-36,171	57.5-64.5
MDF#2 Holstein	1024 to 1150	703 to 900	17,045,000	15,406,000	39,864-59,764	57.5-68.4
MDF#3 Magic Valley #1	1247 to 1335	873 to 1068	18,534,000	20,157,000	54,883-74,281	62.8-72.8
MDF#4 Magic Valley #2	1160 to 1295	890 to 1000	21,743,000	19,162,000	54,543-70,161	62.8-72.8
TOTAL			67,779,000	64,519,000	177,580-235,020	60.8-70.3 (weighted average)



Jim Jones
JIM JONES & ASSOCIATES
1275 Shoreline Lane
Boise, ID 83702
Telephone: (208) 385-9200

Attorney for Permit Holder

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT)
NO. 37-07949 IN THE NAME OF) AFFIDAVIT OF JIM JONES
MICHAEL TELFORD)
_____)

STATE OF IDAHO)
: ss
County of Ada)

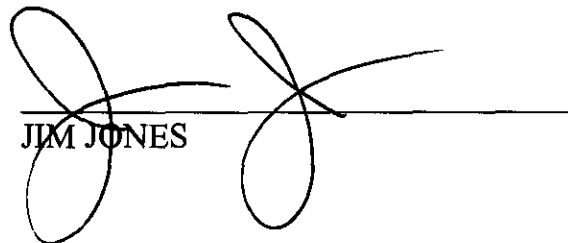
JIM JONES, being duly sworn, deposes and says:

1. I am counsel for the Permit Holder, Michael Telford, in the above-noted matter.

2. On July 17, 1998, I served a Freedom of Information Act request upon the Consolidated Farm Service Agency in Jerome, Idaho, to obtain information regarding the number of cows that Mattco Dairy Farm No. 1 placed in the federal dairy buy-out

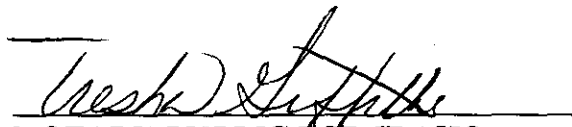
program. A copy of my request is attached as Exhibit A. A copy of the Farm Service Agency's response is attached as Exhibit B. The response indicates that the Mattco Dairy in Richfield (which Mr. Telford now owns) disposed of 531 cows through the buy-out program. This only included cows that were producing milk.

3. On July 9, 1998, I telephoned Grant Osterhout, who I was told had been the general manager of the four Mattco dairies in Idaho through the time of the buy-out program. Those dairies are identified in Table 1 to Exhibit A of Mr. Telford's affidavit. Mr. Osterhout advised that one of his responsibilities had been to handle water rights issues for the four dairies. He handled the paperwork for MDF No. 1 dairy (the one that Mr. Telford now owns) and said that he had been assured by Water Resources Department personnel that the water rights for the dairy were in order and that his company had done everything necessary to prove them up. He said he was surprised to recently learn that Mr. Telford was having problems with the water right to the new well. Mr. Osterhout stated his memory wasn't what it use to be but that he recalled the Richfield dairy having up to 800 cows at times in the years leading up to the buy-out.



JIM JONES

SUBSCRIBED AND SWORN to before me this 23rd day of July, 1998.


NOTARY PUBLIC FOR IDAHO
Residing at: Meridian, Idaho
My Commission Expires: 6/15/2000

JIM JONES & ASSOCIATES
Attorneys at Law
1275 Shoreline Lane
Boise, Idaho 83702-6870

Jim Jones

Boise: (208) 385-9200

John McCreedy

Fax: (208) 385-9599

July 17, 1998

Via Fax To: (208) 324-6483

Consolidated Farm Service Agency
Attn: Carol
700 South Lincoln
Jerome, ID 83338

Re: FOIA Request

Dear Carol:

I represent Mike Telford, who presently owns the Richfield dairy that Aurora Capital Corp. operated in the 1970's - 80's under the name "Mattco Dairy Farm No. 1". I understand your records indicate the number of cows that this dairy sold in the mid-80's through the buy-out program. I would appreciate it if you could provide me with the following information:

- (a) Any documents submitted by Aurora or Mattco showing the number of cows at the dairy during the 1980's.
- (b) Any documents showing the number of cows that were authorized for inclusion in the buy-out program from this dairy.
- (c) Any documents showing when the cows were marketed or removed from this dairy.

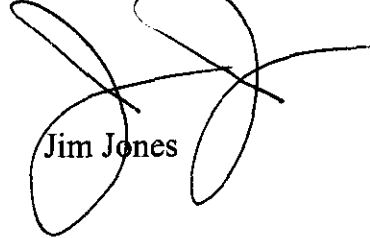


Page - 2
July 17, 1998

Your assistance is much appreciated.

With thanks and best wishes, I am,

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right. The signature is written over the printed name "Jim Jones".

Jim Jones

JTJ/tg



United States
Department of
Agriculture

Farm
Service
Agency

Jerome County FSA Office
20 W 100 S
Jerome, Idaho 83338-5314
(208) 324-4325
(208) 324-6483 Fax

July 9, 1998

To whom it may concern:

Mattco Dairy #1 disposed of 531 cows at the time of the Dairy Termination Program in June of 1987. This dairy is located in Richfield, Idaho.

Carol McKay
Carol McKay
Program Technician

AN EQUAL OPPORTUNITY EMPLOYER



Jim Jones
JIM JONES & ASSOCIATES
1275 Shoreline Lane
Boise, ID 83702
Telephone: (208) 385-9200

Attorney for Permit Holder

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

IN THE MATTER OF PERMIT	)	DECLARATION OF
NO. 37-07949 IN THE NAME OF	)	IRV CHAMBERLAIN
MICHAEL TELFORD	)	

Irv Chamberlain makes the following declaration in this matter:

I worked at the Mattco Dairy in Richfield during the early 1980s. This dairy is presently owned by Mike Telford. I left my position in 1984. At that time the dairy had about 500 head of cows to the best of my recollection. When I worked there, the dairy was using the newer well as its main supply of water for the dairy operation. This was the deepest of the two wells with the largest casing.

DATED This 12 day of July, 1998.



IRV CHAMBERLAIN
P.O. Box 216
Richfield, ID 83349

Jim Jones
JIM JONES & ASSOCIATES
1275 Shoreline Lane
Boise, ID 83702
Telephone: (208) 385-9200

Attorney for Permit Holder

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

IN THE MATTER OF PERMIT	)	DECLARATION OF
NO. 37-07949 IN THE NAME OF	)	BLAIR SORENSEN
MICHAEL TELFORD	)	
_____	)	

Blair Sorensen makes the following declaration in this matter:

I have lived in the Richfield area for many years and am familiar with Mattco Dairy formerly owned by Aurora Capital. Mike Telford now owns the dairy. Two years before the buy-out, I bought ^{almost 75%} all of the heifer and bull calves produced at the Mattco Dairy. ^{Around 75%} Four hundred of them were heifer calves and the rest were bull calves. Based on conservative figuring, I calculated there must have been 650 to 700 cows at the dairy at that time.

DATED This 13 day of July, 1989



BLAIR SORENSEN
1276 E 1170 N
Richfield, ID 83349

Jim Jones
JIM JONES & ASSOCIATES
1275 Shoreline Lane
Boise, ID 83702
Telephone: (208) 385-9200

Attorney for Permit Holder

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

IN THE MATTER OF PERMIT	)	DECLARATION OF
NO. 37-07949 IN THE NAME OF	)	CURTIS PARKE
MICHAEL TELFORD	)	

Curtis Parke makes the following declaration in this matter:

I was employed by Ward's Cheese as a field man from 1973 to 1979. Since Ward's ~~often~~ ^{C.P.} bought milk from Aurora Capital's Mattco Dairy in Richfield, I was familiar with what went on at that dairy. This is the same dairy that Mike Telford presently owns. During the 1973-1979 period, the dairy had 300-400 cows. Aurora was increasing the size of the dairy and I believe they further increased the size of the cow herd after I left my employment in 1979.

About 1976, Aurora built a new barn at the dairy. Around that same period of time, the company dug a new well. The old well did not have enough water or water pressure to serve the needs of the dairy, particularly to keep it clean. That was the

purpose for digging the new well. The problems with water pressure and availability were solved when the new well went into operation.

DATED This 13th day of July, 1998.

A handwritten signature in cursive script, reading "Curtis Parke", written over a horizontal line.

CURTIS PARKE
20301 Hwy 26/93
Carey, ID 83320

Jim Jones
JIM JONES & ASSOCIATES
1275 Shoreline Lane
Boise, ID 83702
Telephone: (208) 385-9200

Attorney for Petitioners

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT)
NO. 37-07949 IN THE NAME OF) AFFIDAVIT OF BERNAVE
MICHAEL TELFORD) MARQUEZ
_____)

STATE OF IDAHO)
: ss
County of Ada)

BERNAVE MARQUEZ, being duly sworn, deposes and says:

1. During the winter of 1986-1987, I worked at the Mattco Dairy in Richfield, Idaho. This is the same property that the Petitioner, Mike Telford, presently owns.

2. During the winter of that I worked at the Mattco Dairy, the owners had right at 700 head of cows on the property. According to my co-workers, that number of cows was on the property on a year round basis.

Bernaze Marquez
BERNAZE MARQUEZ

SUBSCRIBED AND SWORN to before me this 8 day of July, 1998.

Kathryn E. Johnson
NOTARY PUBLIC FOR IDAHO
Residing at: Richfield, UT 84303
My Commission Expires: 7-2-003

AFFIDAVIT OF BERNAZE MARQUEZ - 2

Jim Jones
JIM JONES & ASSOCIATES
1275 Shoreline Lane
Boise, ID 83702
Telephone: (208) 385-9200

Attorney for Permit Holder

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

IN THE MATTER OF PERMIT	)	DECLARATION OF
NO. 37-07949 IN THE NAME OF	)	CONNIE ~~KIM~~ King ^{ck}
MICHAEL TELFORD	)	

Connie ^{King^{ck}} ~~Kim~~ makes the following declaration in this matter:

I worked for the Mattco Dairy in Richfield for about 2 1/2 years in the early 1980s. I started in 1981 and worked for about 1 1/2 years. I left and then went back to work in 1984 and worked for about a year. During that period of time, the dairy had over 500 cows. I would estimate it at between 500 and 600 head. This is the same dairy that Mike Telford now owns.

DATED This 16th day of July, 1998



CONNIE KING
1325 N 1250 E
Richfield, ID

Kent Lyon D2

Jim Jones
JIM JONES & ASSOCIATES
1275 Shoreline Lane
Boise, ID 83702
Telephone: (208) 385-9200

RECEIVED

JUL 13 1998

Department of Water Resources

Attorney for Permit Holder

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

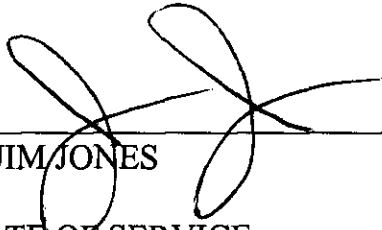
OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
NO. 37-07949 IN THE NAME OF	)	REQUEST FOR ENLARGEMENT
MICHAEL TELFORD	)	OF TIME
_____	)	

Mike Telford, the above-named permit holder, hereby requests that the Department grant an enlargement of time for the permit holder to submit information or evidence in this matter. It is requested that the time be extended until July 31, 1998. This request is made on the ground that the undersigned counsel for the permit holder was omitted from the service list for the June 12, 1998, Order Restating Permit and Extending Time to Respond to Preliminary Order and, because of summer vacation schedules, the undersigned has had difficulty in obtaining affidavits and information from those knowledgeable regarding historic beneficial use of water by the permit holder's predecessors in interest.

DATED this 10th day of July, 1998.

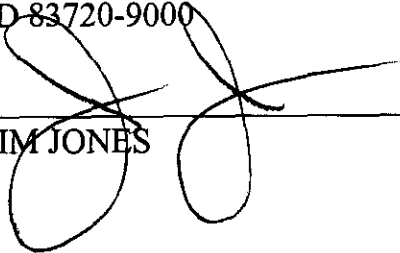


JIM JONES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 10th day of July, 1998, I served a true and correct copy of the foregoing REQUEST FOR ENLARGEMENT OF TIME by depositing the same in the United States mail, postage prepaid, in an envelope to the following address:

Phil Rassier
Department of Water Resources
1301 N. Orchard
Statehouse Mail
Boise, ID 83720-9000



JIM JONES



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 10, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MICHAEL TELFORD
RT 2 BOX 2568
PAUL ID 83347

RE: Permit 37-07949

Dear Mr. Telford:

Enclosed please find a copy of Order Extending Time to Respond to Preliminary Order.

If you have any questions regarding this matter, please do not hesitate to call our office.

Sincerely,

A handwritten signature in cursive script that reads "Kari Lynn Townsend".

Kari Lynn Townsend
Secretary

/k

Enclosure
cc: Jim Jones

CERTIFICATE OF MAILING

I hereby certify that on the **13th** day of **July, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

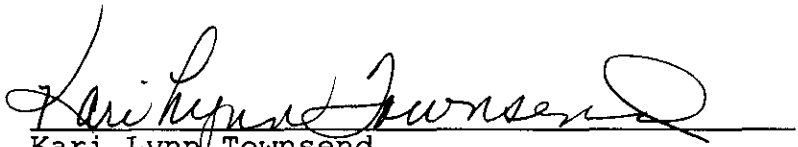
Permit 37-07949

**MICHAEL TELFORD
RT 2 BOX 2568
PAUL ID 83347**

**JIM JONES & ASSOCIATES
1275 SHORELINE LANE
BOISE ID 83702-6870**

I further certify that on the **10th** day of **July, 1998**, I faxed a true and correct copy of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

**JIM JONES & ASSOCIATES
1275 SHORELINE LANE
BOISE ID 83702-6870**


Kari Lynn Townsend
Secretary

JIM JONES & ASSOCIATES
Attorneys at Law
1275 Shoreline Lane
Boise, ID 83702-6870

Jim Jones

John McCreedy

Boise: (208) 385-9200

Fax: (208) 385-9599

Fax Transmittal Cover

385-9599

Fax Number: 327-7866

To: Glen Saxton
Phil Rasser

From: JIM JONES

Comment: _____

Total Number of Pages (Including This Page): _____

Date: _____

Original Document: _____ will be sent by first-class mail
_____ will not be sent

Please Advise of Any Deficiency in this Transmission

NOTICE: This message is intended only for the use of the addressee and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this notice is not the addressee or the employee or agent responsible for delivering the message to the addressee, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return these papers to us at the address shown above via first class mail.

Jim Jones
JIM JONES & ASSOCIATES
1275 Shoreline Lane
Boise, ID 83702
Telephone: (208) 385-9200

Attorney for Permit Holder

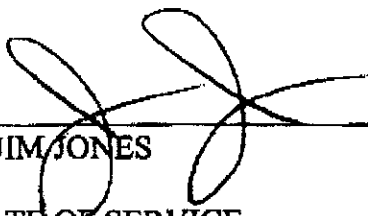
BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT)
NO. 37-07949 IN THE NAME OF) REQUEST FOR ENLARGEMENT
MICHAEL TELFORD) OF TIME
_____)

Mike Telford, the above-named permit holder, hereby requests that the Department grant an enlargement of time for the permit holder to submit information or evidence in this matter. It is requested that the time be extended until July 31, 1998. This request is made on the ground that the undersigned counsel for the permit holder was omitted from the service list for the June 12, 1998, Order Restating Permit and Extending Time to Respond to Preliminary Order and, because of summer vacation schedules, the undersigned has had difficulty in obtaining affidavits and information from those knowledgeable regarding historic beneficial use of water by the permit holder's predecessors in interest.

REQUEST FOR ENLARGEMENT OF TIME - 1

DATED this 10th day of July, 1998.

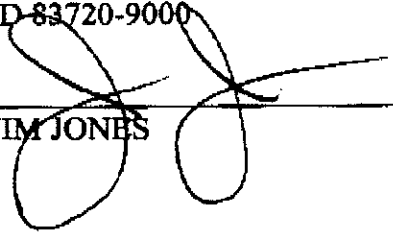


JIM JONES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 10th day of July, 1998, I served a true and correct copy of the foregoing REQUEST FOR ENLARGEMENT OF TIME by depositing the same in the United States mail, postage prepaid, in an envelope to the following address:

Phil Rassier
Department of Water Resources
1301 N. Orchard
Statehouse Mail
Boise, ID 83720-9000



JIM JONES



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

June 15, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MICHAEL TELFORD
RT 2 BOX 2568
PAUL ID 83347

RE: Permit 37-07949

Dear Mr. Telford:

Enclosed please find an Order Reinstating Permit 37-07949.

If you have any questions regarding this matter, please do not hesitate to call our office.

Sincerely,

A handwritten signature in cursive script, reading 'Kari Lynn Townsend'.

Kari Lynn Townsend
Secretary

/k

Enclosure

RECEIVED

JUN 11 1998

Department of Water Resources

JIM JONES & ASSOCIATES
Attorneys at Law
1275 Shoreline Lane
Boise, Idaho 83702-6870

Jim Jones

John McCreedy

Boise: (208) 385-9200

Fax: (208) 385-9599

June 9, 1998

Jim Johnson
Manager
Water Permit Section
Department of Water Resources
1301 North Orchard
Statehouse Mail
Boise, ID 83720-9000

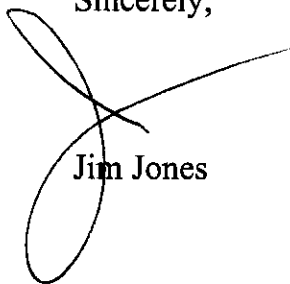
Re: Water Right File No. 37-07949

Dear Jim:

Enclosed is a Petition to Reopen with regard to the above-noted file. Mike Telford, the petitioner, advises that his attorney did not receive a copy of the order that would have allowed him to submit his proof. We are asking to reopen the file to give him a chance to do so. We would appreciate your consideration in this matter.

With best wishes, I am,

Sincerely,



Jim Jones

JTJ/tg

Enclosure

cc Phil Rassier

(Exhibit D) The Order appears to have been mailed to Petitioner's address on December 29, 1994. (Exhibit E)

3. Upon receipt of the Preliminary Order Voiding Permit, Petitioner secured the services of counsel, Rick Bollar of the firm of Goodman and Bollar, Rupert, Idaho. Mr. Bollar filed a Request for Reconsideration of Preliminary Order Voiding Permit. (Exhibit F)

4. On or about April 10, 1995, the Department issued an Order Temporarily Setting Aside Preliminary Order Voiding Permit, which gave Petitioner 30 days in which to submit additional information or evidence. It appears that the order was mailed to Petitioner on or about April 10, 1995, but not to Petitioner's counsel, Rick Bollar (Exhibit H). Petitioner does not recall receiving the order.

5. In September of 1995, Petitioner contacted Mr. Bollar to find out the status of the permit. Mr. Bollar indicated that he would contact the Department and it appears that he did so by letter dated September 29, 1995. (Exhibit I)

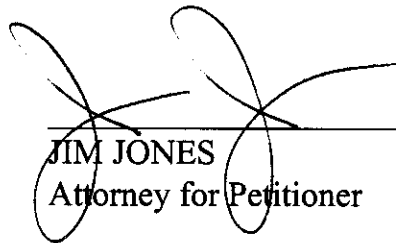
6. On or about October 6, 1995, Mr. Bollar was advised that the Preliminary Order Voiding Permit had become fully effective and the permit canceled. (Exhibit J) Mr. Bollar, in turn, so advised Petitioner by letter dated October 12, 1995 (Exhibit K)

7. On October 19, 1995, Mr. Bollar wrote the Department to advise that neither he nor Petitioner had received the Order Temporarily Setting Aside Preliminary Order Voiding Permit and requested the availability of administrative relief. (Exhibit L)

On or about July 10, 1996, the Department sent Petitioner "copies of correspondence since we reinstated the permit on April 10, 1995." (Exhibit M)

8. Petitioner did not have an opportunity to submit his proof regarding the Preliminary Order Voiding Permit through no fault on his part. Petitioner secured the services of counsel to assist him but counsel did not receive a copy of the Order Temporarily Setting Aside Preliminary Order Voiding Permit, nor does Petitioner recall receiving the same. It is respectfully that this matter be reopened in order to give Petitioner an opportunity to submit his proof.

DATED this 9th day of June, 1998.

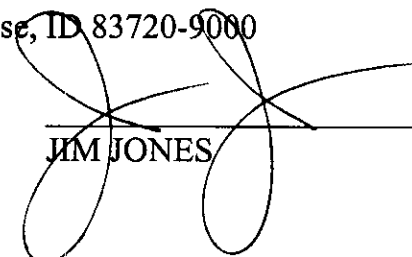


JIM JONES
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 9th day of June, 1998, I served a true and correct copy of the foregoing PETITION TO REOPEN by depositing the same in the United States mail, postage prepaid, in an envelope to the following address:

Phil Rassier
Department of Water Resources
1301 N. Orchard
Statehouse Mail
Boise, ID 83720-9000



JIM JONES

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider that card a statement that the permit holder(s) has developed the water resource to the extent shown below. Permit No. 37-7949

Name of Permit Holder: Matco Dairy #1 (Richfield)

Post Office Address: c/o Aurora Capital Corp., P.O. Box 221, Twin Falls, Idaho 83301 Tel. No. 734-6347

Source of Water: Ground Water

Extent of Use:
☐ Domestic (number of households)
☒ Stockwater 1000 (number and type of stock) .13 cfs
☐ Irrigation (acres)
☒ Other Commercial Dairy Barn 12 cfs

Monitoring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No
 Acoustic Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No

The above information is a true statement of the extent to which the above information permit has been developed.

Date: 5/2/73

Signature of Permit Holder

EXHIBIT

A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR PERMIT

I, Mattie Daisy #1 (Richfield), hereby assign to Michael Toller
of Rt 2 Box 2569, P.O. ID 83347
(Full Address)

All my right, title, and interest in and in Application for Permit
No. 37-7944 to appropriate the public waters of the State of Idaho.

Of the said assignment:

The following described portion of my right, title, and interest in and to
Application for Application for Permit No. 43202944 to appropriate the public
waters of the State of Idaho.

Describe portion of the application 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.

See attached schedule

Made this 22 day of May, 1990.

Don Toller
Applicant

State of Idaho

County of Blaine

On this 22 day of May, 1990, personally appeared before me the signor of the
above instrument, duly acknowledged to me that he (she) (they) executed the same.

William H. Toller
Notary Public

seal

My commission expires: 7-1-91

EXHIBIT

B

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Recommend permit be cancelled due to lack of development. Although this was a large body of water, it went into the dugout program. The present use of this facility can be fully licensed under Permit 27-7659.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (af)
None			
Totals:			

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

J. AUTHENTICATION

Field Examiner's Name J. E. Stetson
Signature J. E. Stetson
Certification Date _____
Field Report Preparation Date 7-21-93

CONSULTANT SEAL

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

EXHIBIT

C

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT
NO. 37-07949 IN THE NAME
OF MICHAEL TELFORD

PRELIMINARY ORDER
VOIDING PERMIT

This matter having come before the Department of Water Resources (Department) as a result of an examination by Department staff to determine the extent of beneficial use of water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On November 4, 1981, Mattco Dairy #1 applied to the Department of Water Resources for a permit to appropriate 0.25 cubic feet per second for commercial and stockwater purposes using groundwater within the NE1/4SE1/4, Township 04S, Range 19E, Section 2, B.M., Lincoln County.

2. On May 19, 1982, the Department approved the Application for Permit.

3. On September 1, 1982, the Department received Proof of Beneficial Use for the permit.

4. Water Right No. 37-07949 was assigned by Mattco Dairy #1 to Michael Telford in a document dated May 22, 1991.

Page 1



37-4499
5. On July 7, 1993, Department staff conducted a field examination and the examiner's report indicated that the water use developed was already fully covered by previous water right No. 37-07650 therefore no additional beneficial use of water had been made under this permit.

CONCLUSIONS OF LAW

1. Section 42-219, Idaho Code, states:

In the event that the Department shall find that the applicant has not fully complied with the law and the conditions of the permit, it may issue a license for that portion of use which is in accordance with the permit, or may refuse issuance of a license and void the permit.

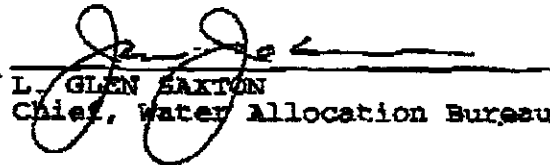
2. The examination by Department staff revealed that the permit holder has not complied with the conditions of the permit by not beneficially placing water to the proposed use(s) beyond that already allowed from previous water rights as required by the permit and Section 42-219, Idaho Code.

3. The Department should void Permit No. 37-07949 as provided in Section 42-219, Idaho Code.

ORDER

IT IS HEREBY ORDERED that Permit No. 37-07949 is VOIDED in accordance to the provisions of Section 42-219, Idaho Code.

Dated this 27th day of December, 1994.


for L. GLEN SAXTON
Chief, Water Allocation Bureau



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

December 29, 1994

CECIL B. ANDRUS
GOVERNOR

R. KEITH HIGGORDON
DIRECTOR

MICHAEL TELFORD
RT 2 BOX 2568
PAUL ID 83347

RE: Permit No. 37-07949

Dear Permit Holder:

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director.

Page 1



The Director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

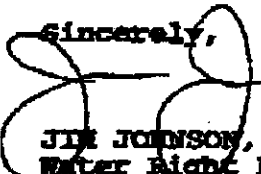
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final

order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

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

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

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

Rick Bollar
Goodman & Bollar
Attorneys at Law
P.O. Box D
717 7th Street
Rupert, ID 83350
Telephone: 436-4774

Attorneys for Michael Telford

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT
NO. 37-07949 IN THE NAME
OF MICHAEL TELFORD

REQUEST FOR RECONSIDERATION
OF PRELIMINARY ORDER
VOIDING PERMIT

COMES NOW the above said holder of Permit No. 37-07949 and petitions the Department of Water of Resources (Department) for reconsideration of the Preliminary Order Voiding Permit, which Order was dated the 27th day of December, 1994. Such request for reconsideration is based upon the following:

1. That the affected Water Right has been put to beneficial use, and not subject to forfeiture.
2. That applicant has complied with the law and conditions for the permit.
3. That inspection of the property to determine compliance by the permit holder was not done in such a way as to reflect the ongoing use of the permit as required by law.

REQUEST FOR RECONSIDERATION OF
PRELIMINARY ORDER VOIDING PERMIT
PAGE 1

EXHIBIT

F

4. That the Findings of Fact, upon which the revocation of the permit was based, is inaccurate.

DATED this 10th day of January, 1995.

GOODMAN & BOLLAR

By 

Rick Hollar

Attorney for Michael Telford

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT
NO. 37-07949 IN THE NAME
OF MICHAEL TELFORD

ORDER TEMPORARILY SETTING ASIDE
PRELIMINARY ORDER
VOIDING PERMIT

On December 27, 1994, the Idaho Department of Water Resources (department) issued a Preliminary Order Voiding Permit No. 37-07949 (order) in the name of Michael Telford.

On January 10, 1995, the permit holder submitted to the department a Request for Reconsideration of the order stating that the right has been put to beneficial use.

The department has reviewed the request and responds as follows:

ORDER

IT IS HEREBY ORDERED that the Petition for Reconsideration is CONDITIONALLY GRANTED and the Preliminary Order Voiding Permit is TEMPORARILY SET ASIDE.

IT IS FURTHER HEREBY ORDERED that the Preliminary Order Voiding Permit will become FULLY EFFECTIVE without further notice within thirty (30) days of the date of this order if the permit holder does not timely respond or does not submit sufficient information or evidence to show that development which exists exceeds what is already covered under Permit No. 37-07650.

Dated this 10th day of April, 1995.

L. Glen Saxton
L. GLEN SAXTON
Chief, Water Allocation Bureau





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 33728, Boise, Idaho 83720-0098
Phone: (208) 327-7989 FAX: (208) 327-7866

PHILIP S. BATT
GOVERNOR

R. KEITH HICKSON
COMMISSIONER

April 10, 1995

Michael Telford
Rt. 1, Box 2568
Paul, ID 83247

Dear Mr. Telford:

I apologize for the delay which has occurred since your request for reconsideration was submitted. Enclosed is an order which temporarily sets aside the Preliminary Order Voiding Permit issued on December 27, 1994.

Please note that your petition for reconsideration has been granted on the condition that sufficient evidence or information will be submitted by you within thirty (30) days to show that development exceeds your existing permit.

If you have any questions concerning this matter, give me a call.

Sincerely,

JOHN JOHNSON, Manager
Water Right Permits Section

JD:sc

Enclosure

EXHIBIT

H

WILLIAM L. GOODMAN
ALAN GOODMAN
RICK BOLLAR

LAW OFFICE
Goodman and Bollar
CHAMBER
717 7TH STREET
SUITE D
BOISE, IDAHO 83720

AREA CODE 208
TELEPHONE NO.
434-0774
FAX
(208) 434-4837

September 29, 1995

Mr. Jim Johnson
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Re: Permit No. 37-07949

Dear Mr. Johnson:

On January 10, 1995, Mike Telford did file a Request for Reconsideration of Preliminary Order Voiding Permit regarding the above said permit.

Please let me know the current status of that request.

Very truly yours,

GOODMAN & BOLLAR

Rick Bollar

RB:KH



DEC-29-97 10:20 FROM



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mall, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. BREHER
DIRECTOR

October 6, 1995

Rick Bollar
Goodman & Bollar
Box D
Rupert, ID 83350

Dear Mr. Bollar:

In your letter of September 29, 1995 you asked for the current status of Mike Telford's Request for Reconsideration of the above referenced permit. A copy of the order which temporarily set the Preliminary Order Voiding Permit is enclosed along with a copy of the cover letter. Please note the information I have highlighted.

No response was received after this order was sent and thus the Preliminary Order Voiding Permit DID become fully effective thirty days later. This permit, therefore, has been cleared from the department's records and is of no further force or effect.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:sc

Enclosure



WILLIAM L. GOODMAN
ALAN GOODMAN
RICK BOLLAR

LAW OFFICE
Goodman and Bollar
CHAMBER
717 7th Street
Box 3
SUITE, DANDY 1000

AREA CODE 800
TELEPHONE NO.
424-074
FAX
(208) 424-087

October 12, 1995

Mr. Mike Telford
Route # 2, Box 2568
Paul, ID 83347

Dear Mike:

I received the enclosed response from the Department of Water Resources. It indicates that the Order temporarily setting aside preliminary order voiding permit was sent to you on April 10, 1995. I had not seen a copy of that until receipt of this letter from the Department.

Very truly yours,

GOODMAN & BOLLAR

Rick Bollar

RB:KH
Encl.



DEC-28-97 13:27 FROM

ID

WILLIAM T. GOODMAN
ALAN GOODMAN
RICK BOLLAR

LAW OFFICE
Goodman and Bollar
CHAMBERS
717 7TH STREET
SUITE 5
BOISE, IDAHO 83720

AREA CODE 208
TELEPHONE NO.
434-4774
FAX
(208) 434-4887

October 19, 1995

Jim Johnson
Water Right Permits Section
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Re: Mike Telford

Dear Mr. Johnson:

Thank you for your letter of October 6, 1995, including the Order Temporarily Setting Aside Preliminary Order Voiding Permit. I have forwarded it to my client, Mike Telford. He indicates that he did not receive the correspondence. Of greater concern is the failure to forward the Order to my address, after the filing of the Request for Reconsideration of Preliminary Order Voiding Permit. Please let me know if there is an administrative regulation allowing the Department to give notice only to the permit holder and not to any attorney currently representing said holder.

I appreciate your attention in this matter.

Very truly yours,

GOODMAN & BOLLAR

Rick Bollar

jm
cc: Mike Telford

EXHIBIT

L



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mall, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL L. DREHER
DIRECTOR

July 10, 1996

MICHAEL TELFORD
RT 2 BOX 2568
PAUL ID 83347

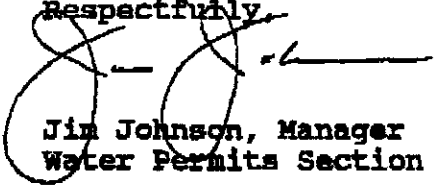
RE: WATER RIGHT FILE NO. 37-07949

Dear Mr. Telford,

Per our telephone conversation, I have enclosed copies of correspondence since we reinstated the permit on April 10, 1995.

If you have any questions, you may contact me directly at (208) 327-7947.

Respectfully,


Jim Johnson, Manager
Water Permits Section

JJ:rl



MEMORANDUM

To: Jim Johnson

From: L. Glen Saxton

RE: PROCEDURAL ERROR - VOIDED PERMIT 37-07949

Date: May 13, 1998

Shelley

Dates recreated file
37-0749. Please review
and determine appropriate
action and advise me.

Jm

Phil Rassier received a phone inquiry from attorney Jim Jones in connection with voided permit no. 37-07949 as described in his memo dated May 12, 1998.

It appears the department made a procedural error in our service on April 10, 1995 when serving the Order Temporarily Setting Aside Preliminary Order Voiding Permit. The error was our failure to serve attorney Rick Bollar in addition to Michael Telford.

We apparently will be receiving a letter from Jim Jones concerning this matter. At that time, we need to open the matter of the voided permit to allow Jones to respond to our April 10, 1995 order.

I am calling this matter to your attention, since we have filmed and destroyed file 37-07949 and I prefer that this matter not be delayed in review and reconstruction of the file and associated response to Jim Jones.

MEMORANDUM

TO: Norm Young *NY*
FROM: Phil Rassier *PR*
DATE: May 12, 1998 *9*
RE: Review of File 37-794~~X~~ (Lapsed) and 37-07650 (Licensed)

On May 5, 1998, attorney Jim Jones called on behalf of a client regarding a problem with a water right for a dairy. Mr. Jones indicated the right had been cut back at the time of licensing due to a lower number of cows. Mr. Jones said that under an April 10, 1995 Preliminary Order the department gave the permit holder 30 days to show he was using a larger volume of water. No response was filed within the 30 day period. Mr. Jones said that on September 29, 1995, the then attorney for the permit holder sent in a letter to the department indicating that the attorney had not received a copy of the Preliminary Order. I told Mr. Jones that I would review the file to determine whether some procedural defect existed which would allow the department to reopen the matter. Mr. Jones gave the water right number as 37-07650.

A review of the department file for ground water right no. 37-07650 shows that the right was licensed to Michael Telford of Paul, Idaho, on December 6, 1995, in the amount of 0.17 cfs. approved for stockwater use for 150 dairy cattle and 50 range cattle and for domestic use for 1 home and a dairy. The file shows that the permit was originally obtained by Mattco Dairy #1 (Richfield) authorizing the development of up to 1.66 cfs for a combination of irrigation (.98 cfs), domestic (.16 cfs) and dairy (.52 cfs) purposes. Proof of beneficial use was submitted by the permit holder on August 16, 1983. The permit was assigned to Michael Telford on May 22, 1991. On November 28, 1995, Michael Telford filed an Application for Amendment of the permit for licensing purposes reducing the authorized diversion rate to .17 cfs for stockwater (.13 cfs) and domestic (.04 cfs) purposes. The beneficial use exam for the right was performed by J.E. Stanton on July 21, 1993.

Because file 37-07650 does not contain the documents described by attorney Jim Jones, I also reviewed permit file no. 37-07949 which exists on microfilm. The original paper file was destroyed in 1995 because the permit was canceled by the department for lack of development. Application for permit no. 37-07949 was filed on November 4, 1981, by Mattco Dairy #1 (Richfield) for .25 cfs of additional ground water for the same dairy operation served by right no. 37-07650. The department approved the permit on May 19, 1982, with a proof due date of May 1, 1987. Mattco filed Proof of Beneficial Use for the permit on September 1, 1982. On May 22, 1991, Mattco Dairy #1 assigned the permit to Michael Telford.

J.E. Stanton performed the beneficial use exam for permit no. 37-07949 on July 21, 1993 (the same date as the field exam for permit no. 37-07650). The beneficial use field report shows no beneficial use under the permit and recommends the permit be canceled due to lack of development. The report notes that although this was a larger dairy at one time, it went into the

Memorandum
May 12, 1998
Page 2

dairy buyout program. The report states that the present use at the facility can be fully licensed under permit 37-7650.

Following the field exam on July 7, 1993, the department issued a Preliminary Order Voiding Permit No. 37-07949 on December 27, 1994. In response to the department's Preliminary Order, attorney Rick Bollar of Rupert, Idaho, filed with the department on behalf of Michael Telford a Request for Reconsideration of Preliminary Order Voiding Permit, dated January 10, 1995. The request for reconsideration alleges that the water right has been put to beneficial use and not forfeited. The department's next response is by letter dated April 10, 1995, addressed to Michael Telford without a copy to his attorney Rick Bollar who had filed the request for reconsideration on behalf of Mr. Telford. The letter transmits an Order Temporarily Setting Aside Preliminary Order Voiding Permit also dated April 10, 1995. The order provides that the preliminary order voiding permit is temporarily set aside and that the permit holder is given 30 days to submit information or evidence to show that development under permit 37-07949 exceeds that already covered under permit no. 37-07650.

Apparently, the department did not receive a response to its April 10, 1995 order. The final document in the file is an October 6, 1995 letter from the department to attorney Rick Bollar responding to Mr. Bollar's letter of September 29, 1995 inquiring as to the status of the Request for Reconsideration that he had filed on behalf of Michael Telford on January 10, 1995. The department's letter states that the Preliminary Order Voiding Permit became final 30 days after the department's April 10, 1995 order because no response was received as required. No further response was made by Mr. Bollar on behalf of his client.

Michael Telford has now retained a new attorney, Jim Jones, to pursue this matter on his behalf. It would appear that a viable issue exists regarding the effectiveness of the department's order voiding the permit. This is because the department failed to serve a copy of its response to the request for reconsideration upon the attorney who had filed the document with the department. The department's Rule of Procedure 55 provides that, "The officer designated by the agency to serve documents in a proceeding must serve all orders and notices in a proceeding on the representatives of each party designated pursuant to these rules for that proceeding and upon other persons designated by these rules or by the agency."

With your concurrence, I will inform Jim Jones that the appropriate action to take at this time is to file with the department a written request to further extend the time for response to the department's April 10, 1995 Order Temporarily Setting Aside Preliminary Order Voiding Permit due to the department's failure to serve the document upon the attorney who had filed the request for reconsideration.



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 6, 1995

Rick Bollar
Goodman & Bollar
Box D
Rupert, ID 83350

Dear Mr. Bollar:

In your letter of September 29, 1995 you asked for the current status of Mike Telford's Request for Reconsideration of the above referenced permit. A copy of the order which temporarily set the Preliminary Order Voiding Permit is enclosed along with a copy of the cover letter. Please note the information I have highlighted.

No response was received after this order was sent and thus the Preliminary Order Voiding Permit DID become fully effective thirty days later. This permit, therefore, has been cleared from the department's records and is of no further force or effect.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', followed by a horizontal line.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:sc

Enclosure

WILLIAM T. GOODMAN
ALAN GOODMAN
RICK BOLLAR

LAW OFFICE
Goodman and Bollar
CHARTERED
717 7TH STREET
BOX D
RUPERT, IDAHO 83350

AREA CODE 208
TELEPHONE NO.
436-4774
FAX
(208) 436-4637

September 29, 1995

RECEIVED

OCT 02 1995

Department of Water Resources

Mr. Jim Johnson
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Re: Permit No. 37-07949

Dear Mr. Johnson:

On January 10, 1995, Mike Telford did file a Request for Reconsideration of Preliminary Order Voiding Permit regarding the above said permit.

Please let me know the current status of that request.

Very truly yours,

GOODMAN & BOLLAR


Rick Bollar

RB:KH

I certify that file No. 37-07949

has been reviewed and is ready to be

MICROFILMED and DESTROYED.

The attached proof report is the water right as it appeared in the database prior to final status entry and deletion from the database.

L. Carter
Reviewer

9-12-95
Date

WR5008NP
(00-26)

IDaho DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

09/12/95 10:02:14
Page 1

Water Right Number - 27-07949

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
TELFORD

MICHAEL

1 - RT. 2, BOX 2568

2 -

3 -

City- PAUL

State- ID Zip- 83347

Phone - 208-000-0000

*** D - ORIGINAL OWNER ***
MATICO DAIRY NO. 1

1 - C/O AURORA CAPITAL CORP.

2 - P.O. BOX 221

3 -

City- TWIN FALLS

State- ID Zip- 83301

Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - Stage - - - + + - - Status - - - +
11/04/1981 17 SOUTHERN P - PERMIT

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

Tw	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
04S	19E	2	NE SE			(63) LINCOLN				

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
04 - STOCKWATER		01/01	12/31	0.130	
10 - COMMERCIAL		01/01	12/31	0.120	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.250

Tw	Rng	Sec	Tract	Lot	Acres	Code	Place of Use	Description	County
04S	19E	2	NE SE			04	STOCKWATER		(63) LINCOLN

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 37-7650

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

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

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

09/12/95 10:02:14
Page 2

Water right number - 37-07949

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - - +
090 - Water used under this right if discharged into a natural
- channel shall meet Idaho Water Quality Standards.
026 - Permit holder shall commence the excavation or construction of
- diverting works within one year of the date this permit is issued
- and shall proceed diligently until the project is complete.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +

00/00/0000

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - 09/22/87 05/28/88 CONVERT 07/19/89 CURTIS 09/22/90 RGNBR 05/29/91 BILBAO
06/17/91 MILLER

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 05/01/1987	Field Exam Made - 00/00/0000	Field Exam Fee - R
Approved/Denied - 05/19/1982	Protested Date - 00/00/0000	Swan Falls - Z
Proof Made Date - 09/01/1982	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 00/00/0000	Name Connector -	POU Ownership Flag -
Presumption Flag -		



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 10, 1995

Michael Telford
Rt. 2, Box 2568
Paul, ID 83347

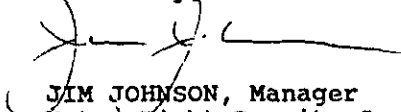
Dear Mr. Telford:

I apologize for the delay which has occurred since your request for reconsideration was submitted. Enclosed is an order which temporarily sets aside the Preliminary Order Voiding Permit issued on December 27, 1994.

Please note that your petition for reconsideration has been granted on the condition that sufficient evidence or information will be submitted by you within thirty (30) days to show that development exceeds your existing permit.

If you have any questions concerning this matter, give me a call.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:sc

Enclosure



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

December 28, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MICHAEL TELFORD
RT 2 BOX 2568
PAUL ID 83347

RE: Permit No. 37-07949

Dear Permit Holder:

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director.

The Director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

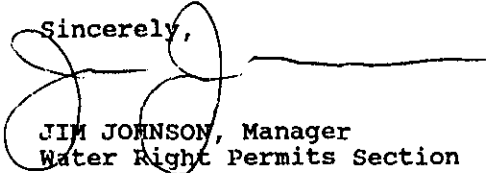
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final

order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

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

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

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 29th day of December, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing Preliminary Order to the following:

Michael Telford
Rt 2 Box 2568
Paul, ID 83347



Donna Lord/Corless
Clerical Specialist

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 8 2 1994

Department of Water Resources

A. GENERAL INFORMATION

1. Owner: Mike Telford Permit No. 37-7949
Current Address: Rt. 2 Box 2568, Paul, ID 83347 Phone No. 532-4555
2. Accompanied by: Mr. Telford EXAM. DATE: 7-7-93
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 37-7650

☐ Copies Attached
2. Other water rights with same point of diversion: 37-7650

☐ Copies Attached ☒ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached ☐ Aerial Photo Attached
Showing location(s) of point(s) of diversion and (required for irrigation of 10 acres or more).
place(s) of use (required).
☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

System Description (continued)

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

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

5. Point(s) of Diversion:

Ident. N.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks

6. Place(s) of Use:

Indicate Method of Determination _____

Twp.	Rge.	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	

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTI or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Recommend permit be cancelled due to lack of development. Although this was a larger dairy at one time, it went into the buyout program. The present use at this Facility can be fully licensed under Permit 87-7650.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
None			
Totals:			

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

J. AUTHENTICATION

Field Examiner's Name J.E. Stanton

Signature J.E. Stanton

Certification Date _____

Field Report Preparation Date 7-21-83

CONSULTANT SEAL

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR PERMIT

I, Matteo Dairy #1 (Richfield), hereby assign to Michael Telford
of, Rt 2, Box 2568, Paul, ID 83347
(Full Address)

All my right, title, and interest in and to ~~Application for~~ Permit
No. 37-7949 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
Application for Application for Permit No. A37-67949 to appropriate the public
waters of the State of Idaho.

Describe portion of the application 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.

see attached schedule

Made this 22 day of May, 1990.

Michael Telford
Applicant

State of Idaho)

County of Twin Falls^{SS}

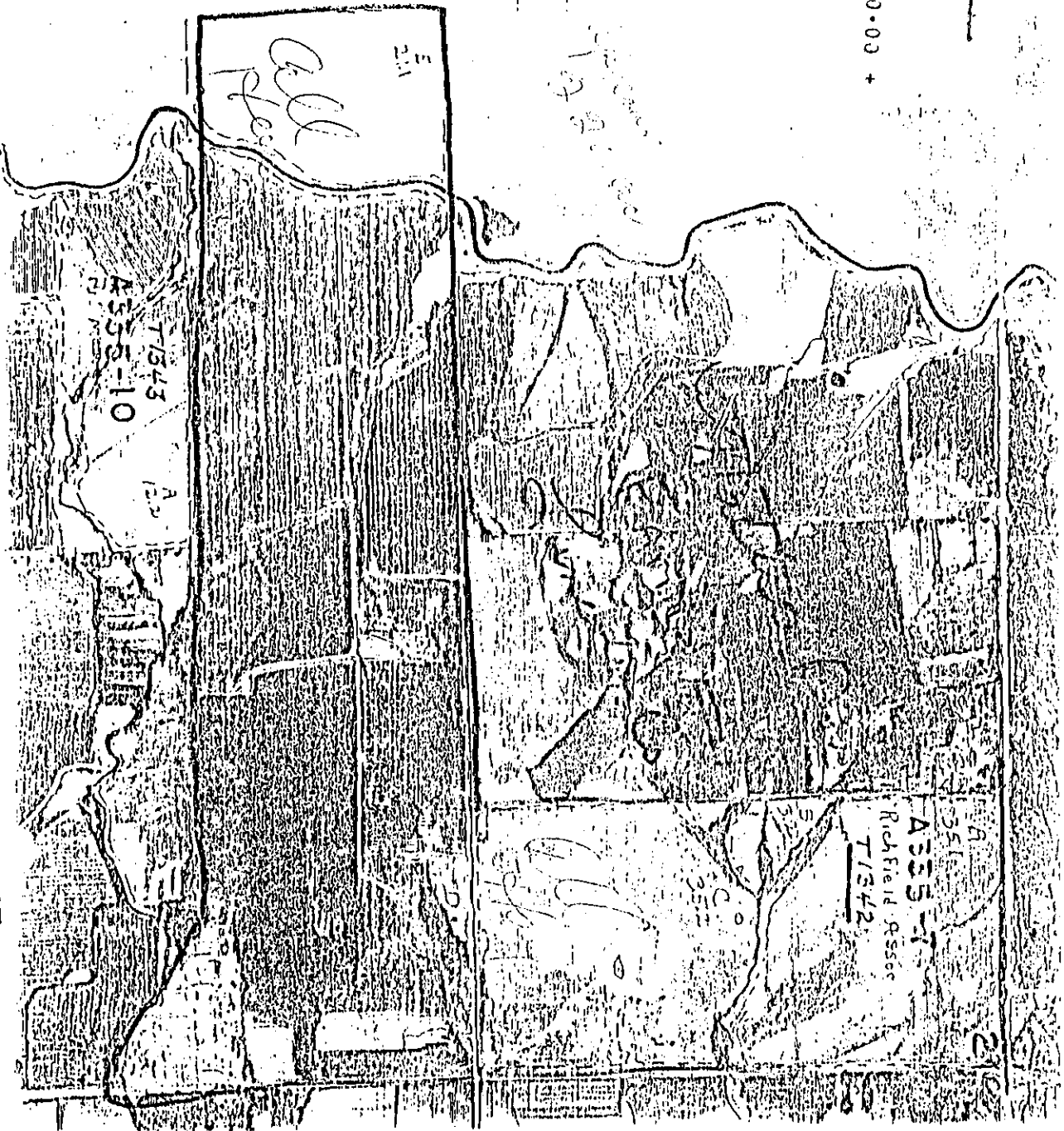
On this 22 day of May, 1990, personally appeared before me the signer of the
above instrument, duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public
Jerome, Idaho

seal

My commission expires: 2-13-93

220.03 +



A 335-10
T/343

A 335-11
Richfield Assoc
T/342

203

Doc. 199

10.41 40.21 40.11 40.06 40.00 40.00 40.00 40.00 40.00 40.00 40.00 40.00

22

64026

64000

28

1992 '94

2005-05-12

7986

N. 89:54

19

Figure 1 consists of two scatter plots. The left plot shows a positive correlation between the number of children and the number of mothers, with a regression line indicating a positive slope. The right plot shows a negative correlation between the number of children and the number of mothers, with a regression line indicating a negative slope.

22/12

100

NO COPY 22

1958. 1959. 1960.

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

2009

August 23, 1991

RE: Permit Nos. 37-7949/7650

Michael Telford
Rt 2, Box 2568
Paul, ID 83347

Dear Water Right Holder:

We acknowledge receipt of the correspondence transferring ownership of the above referenced water rights to you. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

4/86-

RECEIVED

AUG 5 1986

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

For Office Use Only

Fee Received 100.00

Date 8/5/86

Receipt # 38648

Receipt by M. Balderson

Sent to S.O. 8/5/86

RECEIVED

AUG 6 1986

1. Permit No. 97-7949

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

Department of Water Resources

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Matteo Dairy #1

3. Post Office Address: P.O. Box 2469

Turn Falls, ID 83308 Telephone No. 734-6347

4. Source of Water: Ground

5. Extent of Use:

Domestic (No. of households) Stockwater 13 (No. and type of stock)

Irrigation (acres) Other/Remark 250 Dairy Animals

6. Total rate &/or volume for which proof is submitted .25 cfs acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

Dec 1981

8. Person to contact to accompany the department representative during the field examination:

Larry Frank (Name) 829-5816

P.O. Box 2469 Turn Falls, ID 83308 (Address) 734-2136 (Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

Date 7/15/86 Signature of Permit Holder (and title, if appropriate) Russ Valters Farm Operations Mgr.

Aurora Capital Corp.

due 6/26/86



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720

37-7949
MATTCO DAIRY #1 (RICHFIELD)
C/O AURORA CAPITAL CORP.
P.O. BOX 221
TWIN FALLS, ID 83301

138756

April 30, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

of certified water right examiners will be available from this department when examiners have been certified.

If your permit use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region
Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region
Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region
Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region
Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

AUG 6 1985

**AURORA CAPITAL
CORPORATION OF IDAHO**

P.O. BOX 2469 2531 KIMBERLY ROAD
TWIN FALLS, IDAHO 83301
(208) 734-6347

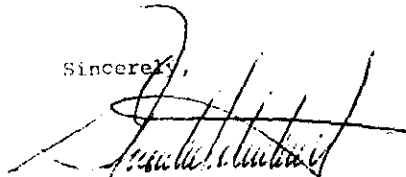
August 5, 1985

Rita Fleck
Department of Water Resources
Statehouse
Boise, Idaho 83720

Dear Ms. Fleck,

Enclosed is the power of Attorney you requested, appointing me as lawful attorney for the Mathews Organization on all water matters.

Sincerely,



Grant Osterhout
Vice President
Aurora Capital Corporation

mj
Enclosure

PLACE
TEN CENT
STAMP
HERE

PAID
BY
CASH

Department of Water Resources
at the State Capitol



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card a statement that the permit holder(s) has completed development to the extent shown below (Permit No. 37-7949)

Name(s) of Permit Holder: Mattco Dairy #1 (Richfield)

Post Office Address: c/o Aurora Capital Corp., P.O. Box 221,

Twin Falls, Idaho 83301 Tel. No. 734-6347

Source of Water: Ground Water

Extent of Use: ☐ Domestic (number of households)
☒ Stockwater 1000 (number and type of stock) .13 cfs
☐ Irrigation (acres)
☒ Other Commercial Dairy Barn 12 cfs
.25 cfs

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

Access Port: Required? ☒ Yes ☐ No Installed? ☐ Yes ☒ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

8/31/87
Date

[Signature]
Signature of Permit Holder

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

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

MATTCO DAIRY #1 (RICHFIELD)
C/O AURORA CAPITAL CORP.
P.O. BOX 221
TWIN FALLS, ID 83301

MAY 26, 1982

RE: PERMIT NO. 37-7949

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID P. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET MATTCO DAIRY #1(Richfield)

INITIAL REVIEW BY: LH

APPLICATION NUMBER: 37-7949

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☐ Yes ☒ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

PROCESSING:

- ☐ Yes ☒ No Platted by: LT Map No. Z-75
☒ Yes ☐ No Other rights on same place of use. 37-7650
☒ Yes ☐ No* In form for advertising. 12/7/81 ✓
Final date for protests: _____
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 11/27/81 ✓
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
11/4/81 Date of priority recommended.
Special conditions of approval or cover letter. 09

By: ADM

Date: 12/9/81

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.

By: [Signature]

Date: 5/8/82

RECEIVED
MAY 13 1982

Department of Water Resources

IDENTICAL GALLEY
PROOF 1351

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following applications have been submitted for permit to appropriate the public waters of the State of Idaho.

12-7-79

LAURENCE DAIRY CO. (RICHFIELD)
LAURENCE DAIRY CO. (RICHFIELD) CORP., P.O.
BOX 100, TWIN FALLS, ID 83301
APPLICANT: GROUNDWATER
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79
APPROPRIATION: 12/2/79

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

3Z-2949-

MATCO DAIRY #1 (RICHFIELD)

C/O AURORA CAPITAL CORP., P.O. BOX 221, TWIN FALLS, ID 83301

Source: GROUNDWATER

Date Filed: 11/04/1981

Amount: 0.25 CFS

Diversion Point: NESE Sec 02 T 04S R 19E, LINCOLN Co.

Use: STOCKWATER (0.13 CFS) from 01/01 to 12/31
COMMERCIAL (0.12 CFS) from 01/01 to 12/31

Place of Use: NESE Sec 02 T 04S R 19E

Diversion Means: WELL, PUMP, MOTOR

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before DECEMBER 7, 1981.

A. KENNETH DUNN

Director

Published 11/19 & 11/26/81.

S T A T E O F I D A H O ()
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

NOVEMBER 6, 1981

Lincoln County Journal
P. O. Box 704
Shoshone, Idaho 83352

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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 billings to this office before DECEMBER 7, 1981.

Yours truly,

Mary A. Hill
Secretary

Encl.