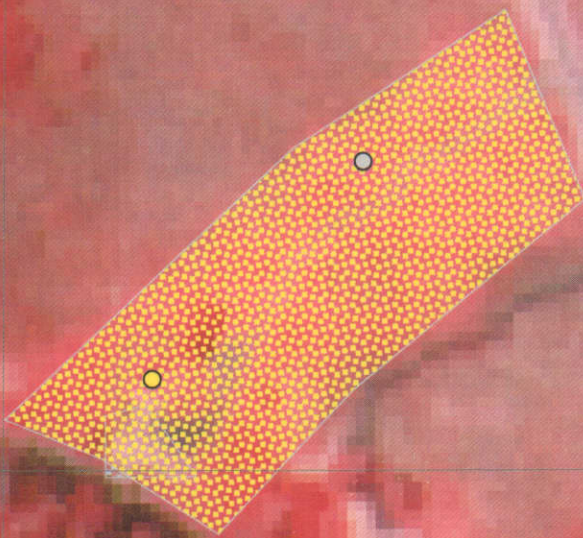
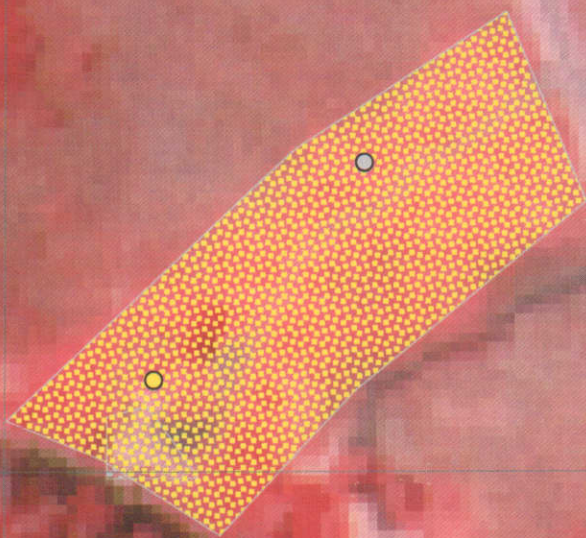




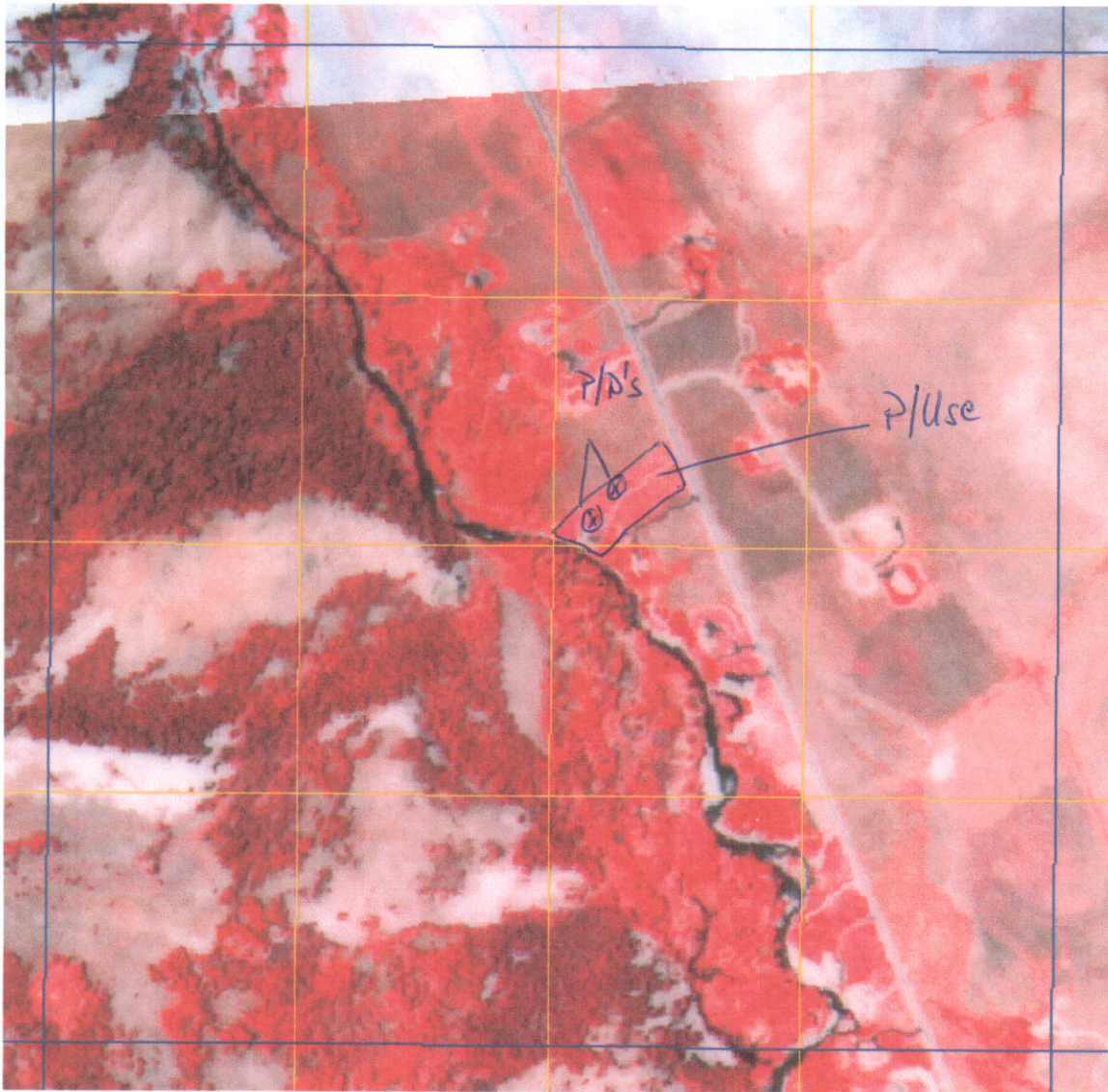
MICROFILMED
MAR 17 2003



MICROFILMED
MAR 17 2003

Shown below is TWP 5N, RNG 17E, SEC 23.

As this area is an un-surveyed area the quarter/quarter lines shown are NOT based upon any survey data and are estimated projections based upon currently available information. Until such time as there is a survey of this area and we receive additional data, this is the quarter/quarter projection that the department uses.

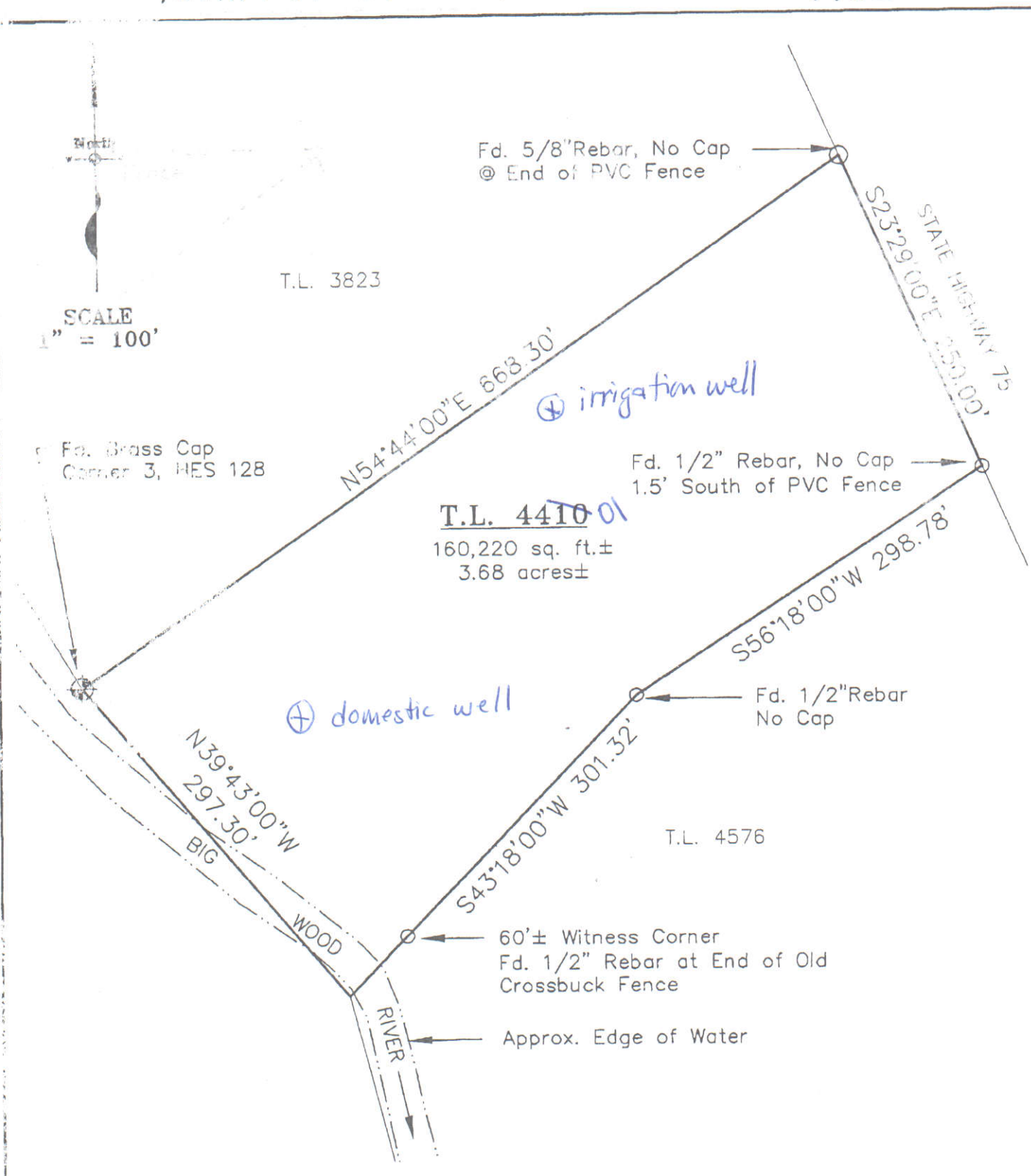


Map for Application for Permit by Jack F. Kennedy, Trustee of the Kennedy Living Trust.

MICROFILMED

MAR 17 2003

ATTN: ST EY BURKE 622-957 Final -



Galena
Engineering
Inc.

Civil Engineers & Land Surveyors

660 Second Avenue North
P.O. Box 425
Ketchum, Idaho 83340
(208) 726-4728
(208) 726-4783 fax
email galenah@mindspring.net

PRELIMINARY BOUNDARY MAP SHOWING
TAX LOT 4401

LOCATED WITHIN HES 128, UNSURVEYED T.5N., R.17E.
B.M., BLAINE COUNTY, IDAHO

PREPARED FOR HALL & HALL L.L.P. / STONEY BURKE

PROJECT INFORMATION

R:\SDSKPROJ\5597\dwg\5597bdry8x11.dwg 07/16/2002 05:48:59 PM MDT

SHT 1 OF 1

RECEIVED

MAR 10 2003

FOR OFFICE USE ONLY

Amt. of Fee \$ 50.00
Receipt No. 2367828
Receipt By: [Signature]
Date Received: 3-10-03

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 37-20798 Telephone No. (818) 774-1000

2. Name of Permit Holder(s): 4401 Living Trust

3. Mailing Address: c/o Singer, Burke & Co., 6345 Balboa Blvd., Ste 375

City Encino State CA Zip 91316

4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. 6 / yr. 1968

Well Driller: George J. Roessler Drilling Permit Number: Unknown

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

Domestic (No. of households): 1 Stockwater (No. and type of stock): _____

Irrigation (No. of acres): 3 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.08 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No X

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Micaela Aguirre Telephone Number: (208) 725-0513

Address: 13370 Highway 75 Ketchum, Idaho 83340

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature: Micaela Aguirre] Date: 2-27-03
(include your title, if on behalf of company or organization)

MICAC: JLMED
4-1-2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-20798

Priority: July 29, 2002

Maximum Diversion Rate: 0.08 CFS

This is to certify, that THE 4401 LIVING TRUST
AARON FIMMER, TRUSTEE
C/O SINGER BURKE & CO
6345 BALBOA BLVD
STE 375
ENCINO CA 91316

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS
IRRIGATION	05/01 to 10/31	0.08 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, Twp 05N, Rge 17E, B.M., BLAINE County
GROUND WATER SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23, Twp 05N, Rge 17E, B.M., BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 17E 23			2.8												.2		3.0
Total Acres:																3.0	

PLACE OF USE: DOMESTIC same as Irrigation

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2003**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
5. This right does not authorize the irrigation of land not previously irrigated.
6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
8. Domestic use is for one home and does not include lawn, garden, landscape, or other types of irrigation.
9. Place of use is located within Tax Lot 4401 which is a portion of HES 128, T5N, R17E.

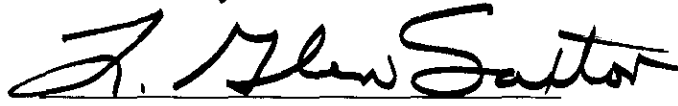
MICROFILMED

445 1 7 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-20798

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 5th day of December, 2002


for
KARL J DREHER, Director

MICROFILMED

MAY 17 1993

11/99

RECEIVED

NOV 20 2002

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
OCT 15 2002
Department of Water Resources
Southern Region

ASSIGNMENT OF APPLICATION FOR PERMIT

To change the ownership of an application for permit

I, Jack R. Kennedy, Trustee of Kennedy Living Trust, hereby assign to Aaron Fimmer, Trustee of The 4401 Trust
of c/o Singer, Burke & Co., 6345 Balboa Blvd., Ste 375, Encino, CA 91316
(Full Address) (Phone)

All my right, title, and interest in and to Application for Permit No. 37-20798
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
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this _____ day of September, 20 02.

Jack F. Kennedy, Trustee
Applicant(s) Jack F. Kennedy, Trustee

State of Idaho

)ss

County of Blaine

On this 6th day of SEPTEMBER, 20 02, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.



My commission expires: 7.9.2005

Kathy Seal
Notary Public residing at

Ketatum, Idaho

MICHAEL JAMES

DATA ENTRY
COMPLETED 10/16/2002
J.S.
PHONE # (818) 774-1000
PER TELECOM WITH
JIM SPECK

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

JUL 29 2002

Department of Water Resources
Southern Region

To appropriate the public waters of the State of Idaho

Jack F. Kennedy, trustee of the Kennedy Living Trust

1. Name of Applicant dated Nov. 1, 1979, as restated May 20, '82 Phone 208-726-5815

Mailing address Post Office Box 752, Sun Valley, ID 83353

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

3. Location of point of diversion is Township 5N. Range 17E Sec. 23 in the SW $\frac{1}{4}$,
SW $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot _____, B.M., Blaine County;

additional points of diversion if any: None

4. Water will be used for the following purposes:

Amount 0.04 cfs for domestic purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.075 cfs for irrigation purposes from 4/15 to 10/15 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

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

5. Total quantity to be appropriated is (a) 0.075 cfs and/or (b) 10.5 ac per annum
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source: two wells and pump, underground sprinkler irrigation system

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

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

d. Is ground water with a temperature of greater than 85°F being sought? no

e. If well is already drilled, when? 1968; Drilling firm George J. Roessler;

Well was drilled for (well owner) Jack Monroe; Drilling Permit No. N/A

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

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

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. One household

e. Other; describe fully. _____

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

RECEIVED
SEP 11 2002
Department of Water Resources
Southern Region

1. Name: KENNEDY LIVING TRUST
JACK F KENNEDY, TRUSTEE
P O BOX 752
SUN VALLEY ID 83353
(208)726-5815

2. Source: GROUND WATER

3. Location of Point of Diversion:

#1 GROUND WATER	SW1/4SW1/4NE1/4	Sec. 23, Twp 05N, Rge 17E, B.M.
BLAINE County		
#2 GROUND WATER	SW1/4SW1/4NE1/4	Sec. 23, Twp 05N, Rge 17E, B.M.
BLAINE County		

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	
IRRIGATION	04/15 to 10/15	0.08 CFS	

5. Total quantity to be appropriated is: 0.08 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: WELL, MOTOR, PUMP FOR IRRIGATION

b. Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;.

c. Well diameter is _____ 8 _____ inches;
Depth of well is _____ 51 _____ feet.

d. Is ground water with a temperature of greater than 85F being sought? No

e. If well is already drilled, when? _____ 1968 _____;

Drilling Firm _____ Roessler _____;

Drilling Permit No. _____ None _____.

MICROFILMED

SEP 11 2002

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

POINT OF DIVERSION #2

a. Type and size of devices used to divert water from the source: WELL, MOTOR, PUMP FOR DOMESTIC USE

- b. Height of storage dam _____ feet;
 Active reservoir capacity _____ acre-feet;
 Total reservoir capacity _____ acre-feet;
 c. Proposed well diameter is _____ inches;
 Proposed depth of well is _____ feet.
 d. Is ground water with a temperature of greater than 85F being sought?
 e. If well is already drilled, when? _____;
 Drilling Firm _____;
 Drilling Permit No. _____.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

8.

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 17E 23			X											X			

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 17E 23			2.8											.2			3.0

Total Acres: 3

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

MICROFILMED
SEP 17 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

System was developed in 1968 without a water right (see attached driller log), and has been in use ever since. The property is known as Tax Lot 4401, and is a portion of H. E. S. 128. The physical address is 13370 Hwy 75. Area is unsurveyed, so legal descriptions are based on projected section and tract lines. It is requested that this application be processed under the pre-1987-development exemption from the Snake River Basin moratorium.

11. Map of proposed point of diversion and place of use attached? ☐

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.

Alan H. Kennedy Trustee
Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

Receipt No. S025124

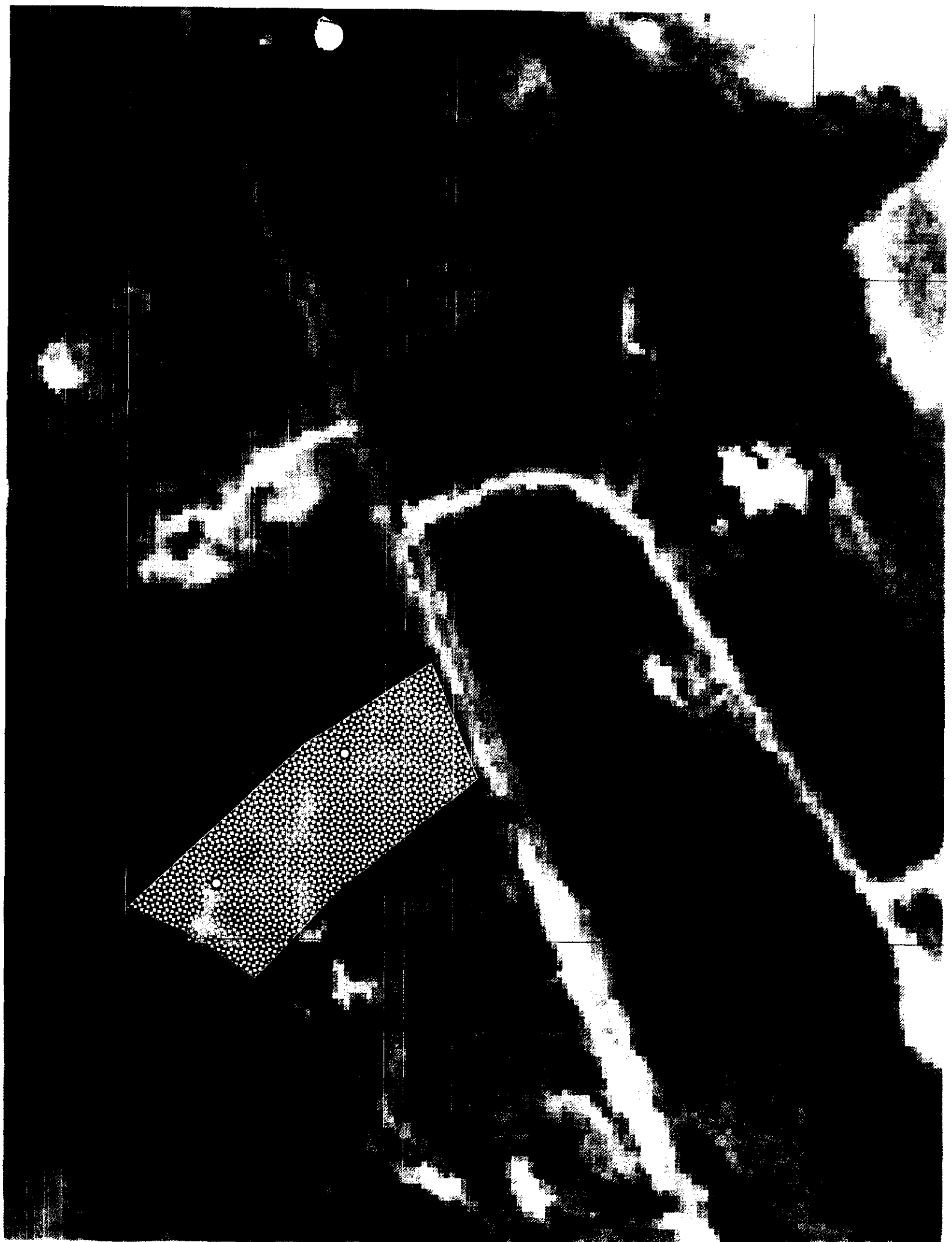
Date: _____

Receipted by: _____

MICROFILM

1988





Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	17E	23			3														3

total number of acres to be irrigated 3 acres

0. Describe any other water rights used for the same purposes as described above. None

1. 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: irrigation

2. Remarks: Attached as Exhibit A is a copy of the Report of Well Driller for the well drilled in 1968. The domestic and irrigation uses have been continuous since that time and therefore qualify for the exception to the restrictions of the Big Wood River Groundwater Management Area for uses in place prior to November, 1987. Place of use is known as Tax Lot 4401 - see map attached as Exhibit B.

3. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Michael J. Pineda Trustee
Signature of Applicant (and title, if applicable)

Received by MB Date 7-29-02 Time 11am Preliminary check by MB
Fee \$ 100.00 Receipted by MB # 5025134 Date 7-29-02
Publication prepared by MB Date 9/13/02 Published in Wood River Journal
Publication approved MB Date 10/8/02

MICAC

REPORT OF WELL DRILLER
State of Idaho

State law requires that this report shall be filed with the State Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:

Name Jack Monroe
Address Hutchinson Ida

Owner's Permit No. none

NATURE OF WORK (check): Replacement well ☐
New well ☒ Deepened ☐ Abandoned ☐

Water is to be used for: Lawn Irr

METHOD OF CONSTRUCTION: Rotary ☐ Cable ☒
Dug ☐ Other ☐ (explain)

CASING SCHEDULE: Threaded ☐ Welded ☒

8 1/2" Diam. from 0 ft. to 51 ft.

"Diam. from ft. to ft.

"Diam. from ft. to ft.

"Diam. from ft. to ft.

Thickness of casing: .350 Material:

Steel ☒ concrete ☐ wood ☐ other ☐

(explain)
PERFORATED? Yes ☒ No ☐ Type of
perforator used: Mills

Size of perforations: 3/4" by 2"

100 perforations from 30 ft. to 48 ft.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

WAS SCREEN INSTALLED? Yes ☐ No ☒

Manufacturer's name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

CONSTRUCTION: Well gravel packed? Yes ☐

No. ☒ size of gravel Gravel

placed from ft. to ft. Surface seal

provided? Yes ☒ No ☐ To what depth?

4 ft. Material used in seal: Cuttering

Did any strata contain unusable water? Yes ☐

No. ☒ Type of water:

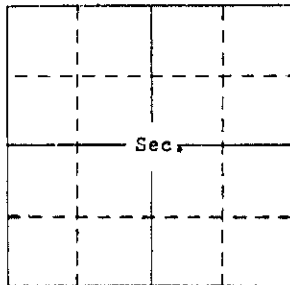
Depth of strata ft. Method of sealing

strata off:

Surface casing used? Yes ☒ No ☐

Cemented in place? Yes ☐ No ☒

Locate well in section



LOCATION OF WELL: County Baldwin
S 44 x 78 Sec. 23 T. 3 N. 3 R. 17 E. 14

Use other side for additional remarks

He 5128

Size of drilled hole: 8" Total
depth of well: 51 Standing water
level below ground: 11 ft Temp.
Fahr. Test delivery: 50 gpm
or cfs Pump? ☐ Bail ☒
Size of pump and motor used to make test:

Length of time of test: Hrs. / 5 Min.

Drawdown: 0 ft. Artesian pressure: ft.

above land surface Give flow cfs

or gpm. Shutoff pressure:

Controlled by: Valve ☐ Cap ☐ Plug ☐

No control ☐ Does well leak around casing?

Yes ☐ No ☐

DEPTH MATERIAL WATER

FROM TO YES OR NO

FEET FEET

0 2 Topsoil yes

2 17 Boulders & clay no

17 46 med gravel & sand yes

46 51 Cement gravel yes

Work started: 6-28-68

Work finished: 6-29-68

Well Driller's Statement: This well was

drilled under my supervision and this report

is true to the best of my knowledge.

Name: George J. Dressler

Address: Hutchinson Ida

Signed by: Robert Dressler

License No. 14 Date: 7-2-68

MICRO

Shown below is TWP 5N, RNG 17E, SEC 23.

As this area is an un-surveyed area the quarter/quarter lines shown are NOT based upon any survey data and are estimated projections based upon currently available information. Until such time as there is a survey of this area and we receive additional data, this is the quarter/quarter projection that the department uses.

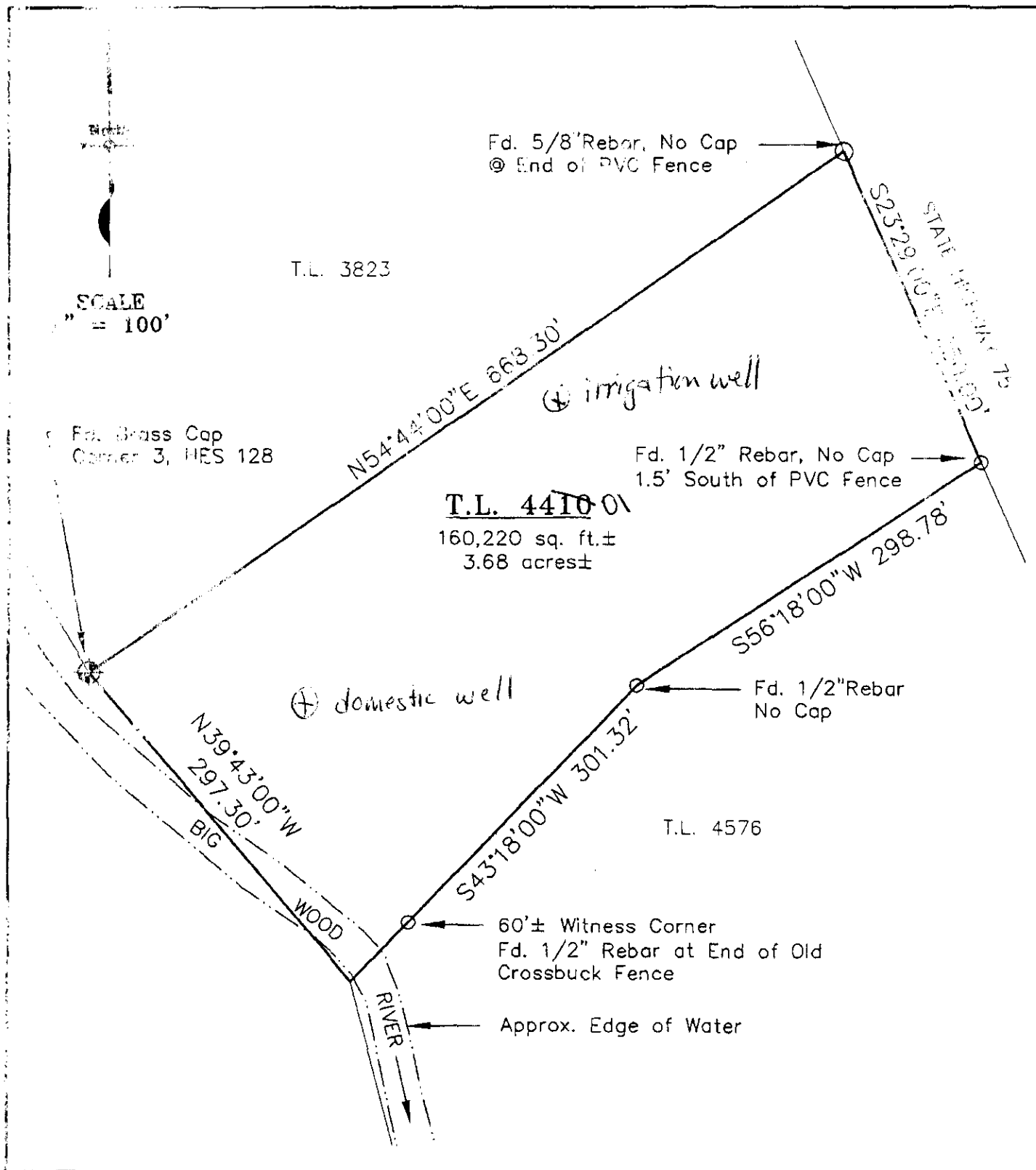


Map for Application for Permit by Jack F. Kennedy, Trustee of the Kennedy Living Trust.

MICROFILMED

1975-1976

ATTN: STONEY BURKE 622-9577 Final -



**Galena
Engineering
Inc.**

Civil Engineers & Land Surveyors
660 Second Avenue North
P.O. Box 425
Ketchum, Idaho 83340
(208) 728-4729
(208) 728-4783 fax
email galenah@mindspring.net

PRELIMINARY BOUNDARY MAP SHOWING
TAX LOT 4401

LOCATED WITHIN HES 128, UNSURVEYED T.5N., R.17E.
B.M., BLAINE COUNTY, IDAHO

PREPARED FOR HALL & HALL L.L.P. / STONEY BURKE

PROJECT INFORMATION

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SHT 1 OF 1



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 11, 2003

4401 LIVING TRUST
C/O SINGER BURKE & CO
6345 BALBOA BLVD STE 375
ENCINO CA 91316

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-20798

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

I have updated the department's database records to show the above-address as your current address. Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)
James P. Speck, Speck & Aanstad

MICROFILMED

RECEIVED

MAR 10 2003

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

Department of Water Resources

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

March 6, 2003

Ms. Deborah J. Gibson
Water Allocation Bureau
Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Water Right Permit No. 37-20798

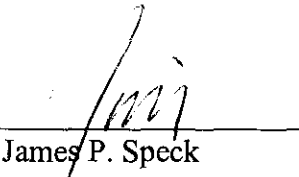
Dear Debbie:

Enclosed you will find the original and one copy of the Proof of Beneficial Use for the above-referenced permit issued to the 4401 Living Trust. I have also enclosed my firm's check payable to the Department for the \$50.00 fee. Please receipt date stamp the copy of the Proof of Beneficial Use and return it to me in the postage prepaid, self-addressed envelope included for that purpose. Kindly call me if there are any questions.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 

James P. Speck

JPS:sgg
enclosures
cc: Client (w/enclosures)

MICROFILMED

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 37-20798

Reviewed By: dgibson

Date: March 10, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		S025124, C067828	Well driller's report filed?	X	
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	03/10/2003
Date proof due	- 04/01/2003
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 07/29/2002
New priority date	= 07/29/2002

Deficiencies of Actions Items

Acknowledge proof and cc Jim Speck.

January 31, 2003

THE 4401 LIVING TRUST
AARON FIMMER, TRUSTEE
C/O SINGER BURKE & CO
6345 BALBOA BLVD STE 375
ENCINO, CA 91316

PROOF DUE NOTICE

RE: PERMIT NO. 37-20798

Dear Permit Holder:

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

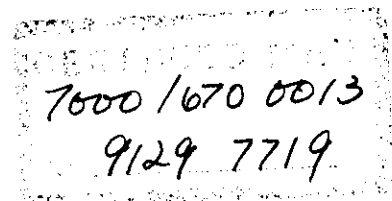
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures



MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 6, 2002

THE 4401 LIVING TRUST
AARON FIMMER, TRUSTEE
C/O SINGER BURKE & CO
6345 BALBOA BLVD STE 375
ENCINO CA 91316

RE: Permit No. 37-20798

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

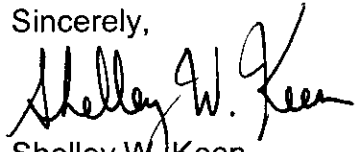
RECORDED

DEC 11 2002

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

MICROFILMED

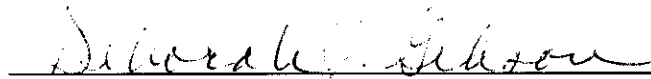
SEP 11 1981

CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 37-20798

**THE 4401 LIVING TRUST
AARON FIMMER, TRUSTEE
C/O SINGER BURKE & CO
6345 BALBOA BLVD STE 375
ENCINO CA 91316**



**Deborah J. Gibson
Secretary**

MICROFILMED

1/15/03

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document 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 of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

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 IDAPA Rules 37.01.01302 and 37.01.01303 (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.

MICROFILMED
APR 11 1993

MEMORANDUM

Date: December 04, 2002
To: Water Right File 37-20798
From: dgibson
Re: Permit Review

Permit has been issued to limit development to the pre-1987 conditions. No changes or further development is approved. Permit holder will be provided proof form when permit is issued. The permit reflects the season of use recognized by the department for this location which is 5/1 to 10/13.

MICROFILMED

SEP 10 2003

STATE OF IDAHO
IDWR SOUTHERN REGION
APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY J. Stanton DATE 8-30-02

REQUIRED INFORMATION (Ck if OK)

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

++++PROPOSED PRIORITY DATE 7-29 19, 2002

ADDITIONAL INFORMATION

- ☐ Overlapping place of use(Describe source & relationship to present application on the back.
- ☐ Overlapping point of diversion.
- ☐ Yes ☒ No Is Source Surface Water?
If Yes Send Copy to F&G.
If Yes Field check/memo required.
Field check/memo by _____
- ☐ Yes ☒ No Field report attached?
- ☐ Yes ☒ No Critical Ground water area?
- ☒ Yes ☐ No Groundwater management area?
- ☐ Yes ☒ No Measurement District or Groundwater District?
What District? _____
- ☐ Yes ☒ No Send Dam safety information?
- ☐ Yes ☒ No Send power requirement letter?
- ☐ Yes ☒ No Send fish farm requirement letter?
- ☐ Yes ☒ No Power residency affidavit attached?
- ☐ Yes ☒ No Power efficiency form?
- ☒ Yes ☐ No Within trustwater boundary?(If yes, attach trustwater supplementary analysis sheet.
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft? (If yes, attach large diversion supplementary analysis sheet.
- ☒ Yes ☐ No Is Application made to record Pre Nov 1987 Development?
If Yes then request clear evidence of when use started.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Date Requested _____

Date Sent Comments Received

SEND COPIES TO:

☐ Idaho Dept of Health & Welfare	_____	_____
☐ USDI BLM	_____	_____
☐ Idaho Dept of Fish & Game	_____	_____
☐ USFS	_____	_____
☐ Idaho Dept of Lands	_____	_____
☐ Water Dist. No. _____	_____	_____
☐ Adjudication Bureau Unit	_____	_____
_____	_____	_____
_____	_____	_____

PROCESSING ☒ Yes ☐ No In form for Advertising?
☐ Yes ☒ No Statewide Advertising?
☒ Yes ☐ No Fee amount, receipt date & No. recorded?

☐ Yes ☐ No Has all requested additional information been received?
If not, describe action taken: _____

FINAL REGIONAL PROCESSING REVIEW

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

☐ Yes ☐ No Publication dates and paper recorded?
Final date for protest: _____

☐ Yes ☒ No Protests received?
☐ Yes ☐ No Protested?
Describe Resolution: _____

☐ Yes ☒ No Measuring device required?
☐ Yes ☐ No Access port required?
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what dist? _____
☒ Yes ☐ No Special conditions codes: _____

☒ Yes ☐ No Is Evaluation Memo Attached? *See workflow*
If yes; date of Memo _____

Date of priority recommended: 7/29/02

COMMENTS:

RECOMMEND ☒ Approval ☐ Denial

By

AD

Date

11/18/02

AFFIDAVIT of PUBLICATION

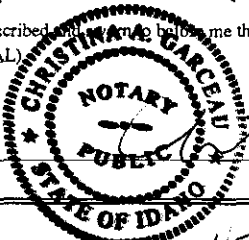
RECEIVED

OCT 08 2002

Department of Water Resources
Southern Region

State of Idaho, } SS.
County of Blaine

On this 26 day of September in the year 2002 Before me a Notary Public of said State, personally appeared _____, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and uninterrupted 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 18 day of September, and the date of the last publication was on the 25 day of September.

Subscribed and sworn to before me this 26 day of September, 2002
(SEAL)  Christina Garceau
NOTARY PUBLIC

11722
WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 115
Number of Lines in Notice 113
Number of Insertions 2
Lines tabular at 7¢ / Pica
113 Lines straight at 1.43 6¢ / Pica
Subsequent lines at 5¢ / Pica
TOTAL COST 166.59

Applications for water rights

A. The following applications have been filed to appropriate the public waters of the State of Idaho within Blaine County:

37-20743
JOHN &/or BILLIE TANNER
PO BOX 6667
KETCHUM ID 83340
Point(s) of Diversion: NESWNW S36 T02N R18E & NWSESW S07 T01N R19E
Source: BIG WOOD RIVER Tributary To MALAD RIVER
Use: 01/01 To 12/31 FIRE PROTECTION / STORAGE (1.2 AFA)
Use: 01/01 To 12/31 AESTHETIC STORAGE (1.2 AFA)
Use: 05/15 To 09/15 DIVERSION TO STORAGE (0.2 CFS)
Total Diversion: 0.2 CFS, 1.2 AFA
Date Filed: 07/17/2002
Place of Use: SWSE S07 T01N R19E
Remark: This application proposes to provide water for a small pond using water that is already diverted from the Big Wood River through the District 45 Canal for irrigation of the Bellevue Farms Subdivision. Some land has been taken out of production for construction of the pond and adjacent new home. The pond is lined to minimize water loss. A domestic well will be used to keep the pond full when river water is not available. The pond can be pumped out for fire fighting if needed. The pond is located on the east side of Bellevue Farms Sub. near the Gannett-Picabo Rd.

37-20798
KENNEDY LIVING TRUST
JACK F. KENNEDY, TRUSTEE
PO BOX 752
SUN VALLEY ID 83353
Point of Diversion: SWSWNE S23 T05N R17E
Source: GROUND WATER
Use: 04/15 To 10/15 IRRIGATION (0.08 CFS)
Use: 01/01 To 12/31 DOMESTIC (0.04 CFS)
Total Diversion: 0.08 CFS
Date Filed: 08/30/2002
Place of Use: DOMESTIC and Irrigation of a total of 3 acres within SWNE & NWSE, S23 T05N R17E
Remark: This application proposes to legalize a water system that was developed in 1968 and used ever since without a water right. The property is located at 13370 Hwy. 75 between the highway and the Big Wood River.

37-20801
MAGIC WEST SIDE WATER USERS INC
C/O WARREN MERRILL
1016 4TH AVE DRIVE
JEROME ID 83338
Point(s) of Diversion: NESWNW, S01 T02S R17E
Source: GROUND WATER
Use: 01/01 To 12/31 DOMESTIC (0.32 CFS)
Date Filed: 09/11/2002
Place of Use: SWNW S01, T02S R17E
Remark: This well was drilled in 1982 to supply the buried water lines that were installed then. Fifteen lots have small lawns; all 73 lots have access to water, but only about 45 have homes. The two applications listed immediately above have both submitted material as evidence of pre-1987 development as part of the application.

The permits, if approved, will be subject to all prior water rights &/or mitigation plan. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of an application must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 10/07/2002. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Publish: Wood River Journal-September 18 & 25, 2002.

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 17, 2002

JAMES P. SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

Re: Application for Permit No. 37-20798

Dear Mr. Speck:

The Department of Water Resources acknowledges receipt of the water right application filed on behalf of the Kennedy Living Trust. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the application in the Wood River Journal for 9/18 & 9/25/02. A period of ten days following the second publication will be allowed for the submittal of protests. (October 7, 2002)

If an application is protested the applicant will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify the applicant of the outcome of this review. If a permit is issued, the applicant will be sent a copy. A typical processing time for an un-protested application is about eight weeks.

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

Sincerely,

Mary A. Baldwin
Administrative Assistant

MICROFILMED

SEP 17 2002

The following applications have been filed to appropriate the public waters of the State of Idaho within Blaine County:

37-20743

JOHN &/or BILLIE TANNER

P.O. BX 6667

KETCHUM ID 83340

Point(s) of Diversion: NESWNW S36 T02N R18E & NWSESW S07 T01N R19E

Source: BIG WOOD RIVER Tributary To MALAD RIVER

Source: GROUND WATER

Use: 01/01 To 12/31 FIRE PROTECTION STORAGE (1.2 AFA)

Use: 01/01 To 12/31 AESTHETIC STORAGE (1.2 AFA)

Use: 05/15 To 09/15 DIVERSION TO STORAGE (0.2 CFS)

Total Diversion: 0.2 CFS, 1.2 AFA

Date Filed: 07/17/2002

Place of Use: SWSE S07 T01N R19E

Remark: This application proposes to provide water for a small pond using water that is already diverted from the Big Wood River through the District 45 Canal for irrigation of the Bellevue Farms Subdivision. Some land has been taken out of production for construction of the pond and adjacent new home. The pond is lined to minimize water loss. A domestic well will be used to keep the pond full when river water is not available. The pond can be pumped out for fire fighting if needed. The pond is located on the east side of Bellevue Farms Sub. near the Gannett-Picabo Rd.

37-20798

KENNEDY LIVING TRUST

JACK F. KENNEDY, TRUSTEE

P O BOX 752

SUN VALLEY ID 83353

Point of Diversion: SWSWNE S23 T05N R17E

Source: GROUND WATER

Use: 04/15 To 10/15 IRRIGATION (0.08 CFS)

Use: 01/01 To 12/31 DOMESTIC (0.04 CFS)

Total Diversion: 0.08 CFS

Date Filed: 08/30/2002

Place of Use: DOMESTIC and Irrigation of a total of 3 acres within SWNE & NWSE, S23 T05N R17E

Remark: This application proposes to legalize a water system that was developed in 1968 and used ever since without a water right. The property is located at 13370 Hwy. 75 between the highway and the Big Wood River.

37-20801

MAGIC WEST SIDE WATER USERS INC

C/O WARREN MERRILL

1016 4TH AVE DRIVE

JEROME ID 83338

Point(s) of Diversion: NESWNW, S01 T02S R17E

Source: GROUND WATER

Use: 01/01 To 12/31

DOMESTIC (0.32 CFS)

Date Filed: 09/11/2002

Place of Use: SWNW S01, T02S R17E

Remark: This well was drilled in 1982 to supply the buried water lines that were installed then. Fifteen lots have small lawns; all 73 lots have access to water, but only about 45 have homes.

MICROFILMED

APR 11 2003

The two applications listed immediately above have both submitted material as evidence of pre-1987 development as part of the application.

The permits, if approved, will be subject to all prior water rights &/or mitigation plan. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of an application must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before 10/07/2002. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in the Wood River Journal on 9/18 & 9/25/02.

MICROFILMED
1987-1993

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax# : 736-3037

September 13, 2002

ATTN: Scott Kraus-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Dear Scott:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033. An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely



Mary A. Baldwin
Administrative Assistant

MICROFILMED

SEP 13 2002

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

September 10, 2002

RECEIVED
SEP 11 2002
Department of Water Resources
Southern Region

Mr. Jim Stanton
Idaho Department of Water Resources
1341 Fillmore Street
Suite 200
Twin Falls ID 83301-3380

Re: Kennedy Living Trust
Application for Permit No. 37-20798
Our File No.: 272/950412

Dear Jim:

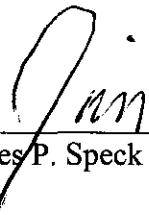
Per your instructions in your August 30, 2002 letter please find enclosed the original Application for Permit for the Kennedy Living Trust.

Please call if you have any questions.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal
Enclosure
cc: Client

MICRO
SEP 11 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 30, 2002

James Speck, Attorney
PO Box 987
Ketchum, ID 83340

RE: App for Permit 37-20798, Kennedy Living Trust

Dear Jim;

Enclosed is a printout of the application that has been entered into our computer system. You will notice that there is a slight difference in legal descriptions of the place of use from what was listed on the original application, as some of this property also appears to be in the NW/SE Sec. 23. If this is acceptable, please have Mr. Kennedy sign the application before returning it to this office for processing. I will be giving this file to Mary immediately for advertising, as this slight change should not hold up that process.

Regards,

James E. Stanton
Sr. Water Resource Agent

WICAC-11111
11/1/02

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS
120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

RECEIVED

JUL 29 2002

Department of Water Resources
Southern Region
TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

July 25, 2002

RECEIVED
JUL 29 2002
Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

Re: Application for Permit - Jack F. Kennedy, Trustee of the Kennedy Living Trust

Dear Allen:

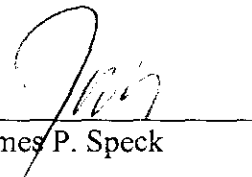
Enclosed you will find the original and one copy of an Application for Permit which I have prepared for Jack F. Kennedy, Trustee of the Kennedy Living Trust. The Application seeks a new water right for water uses which have continuously existed since 1968 but, unfortunately, were not previously filed for. The property is currently under contract for sale so anything you can do to expedite the processing of this application will be truly appreciated.

Finally, I have also enclosed my firm's check payable to the Department for the \$100 filing fee. Please have your secretary receipt date stamp the copy of the Application and return it to me in the self-addressed, postage prepaid envelope provided for that purpose.

Thank you once again for your continuing cooperation and assistance on these matters.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:sgg
cc: Client
Stoney Burke

Comment Report

37-20798

1. jstanton 8/30/2002 2:48:31 PM Special Administration Area Notes

Comment: Special Administration Areas : Big Wood River GWMA

Exempt: Y

Reason:

Doc Attached: Y

Explanation: Claims pre-1987 development

2. jstanton 8/30/2002 2:50:46 PM Additional Information Supporting Application

Comment:

Evidence of Pre-1987 development: Attached

3. jstanton 8/30/2002 Comment/Analysis

Comment: Applicant has provided a copy of the well log showing a 1968 drilling date.

The property appears to be developed as claimed on the 1987 ArcView map. This appears to be sufficient evidence to support pre-1987 processing. It appears that the application can be approved.

4. jstanton 8/30/2002 Legal Notice Remarks

Comment: This application proposes to legalize a water system that was developed in 1968 and used ever since without a water right. The property is located at 13370 Hwy. 75 between the highway and the Big Wood River.

MICRO
2002-08-30