

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

RECEIVED

OCT 5 1990

STATE OF IDAHO
County of Madison

I, Terry Weatherston being first duly sworn, depose and say, that I am the printer of THE STANDARD-JOURNAL, a semi-weekly newspaper printed and published semi-weekly at Rexburg, Madison County, Idaho; and I do solemnly swear that the

Notice Of Application #22-07676 copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for

Two consecutive issues, the first publication having been made on September 6, 1990 and the last publication having been made on September 13, 1990.

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy eight consecutive weeks prior to the first publication of the said notice.

Terry Weatherston

STATE OF IDAHO)
COUNTY OF MADISON)

On this 14th day of September in the year of 1990, before me, a Notary Public, personally appeared Terry Weatherston, known or identified to me to be the person whose name subscribed to 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.

[Signature]
Notary Public for Idaho

Residing at Rexburg, Idaho
My commission expires: June 8, 1993.

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION
FOR TRUST WATER RIGHT

22-07676
KEITH WILCOX & SONS INC.
RT. 1 BOX 274
REXBURG, IDAHO 83440
Source: GROUNDWATER
Diversion Pt: SESE Sec 9 T 04 N R 40E
Use: IRRIGATION (2.040 CFS) Total
Diversion: (2.040 CFS)
Date filed: 8/20/1990
In: T04N R40E S09 NESE NWSE
SWSE SESE 102.0 ACRES TOTAL
The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before SEPTEMBER 24, 1990.

R. KEITH HIGGINSON
Director

Publ. Sept. 6 and 13, 1990J.

OK
TJL
8-16-90

MICROFILMED

DEC 07 1990

~~Assisted by~~

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Gwen A. Sutton

Boulter

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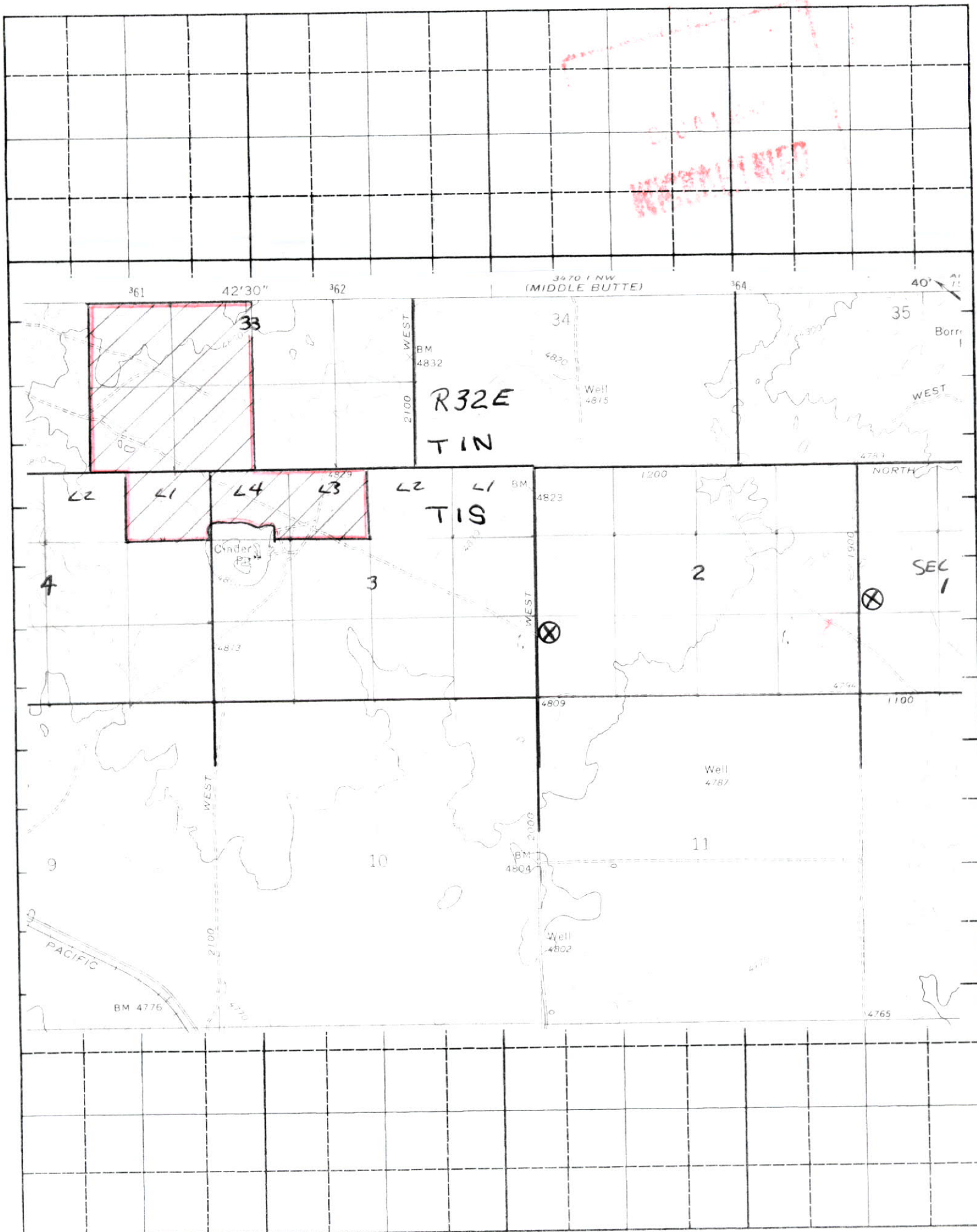
~~22-07634~~

P.P.

- [illegible]

Keith Wilcox Treas by Lynne Wilcox
(Applicant) (Treas)

11. 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.

MICROFILMED
DEC 07 1990

Keith Wilcox (Applicant) *by Lynn Wilcox* (Treas)

November 26, 1999

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14 2000

For Office Use Only
\$25 filing fee ☒
Receipt # E025548
Date 2/9/00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Terry Wilcox Sec of Keith Wilcox hereby assign to Stacey & Susan Sutton, Rick & Brandi Sutton
of, 733 W 8200 S Rexburg ID 83440 856 0427
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 22-07676 to
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

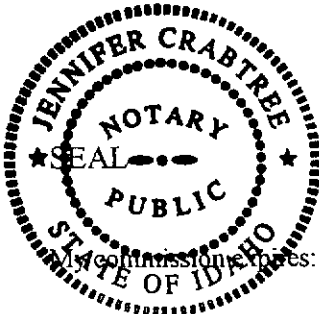
The following described portion of my right, title, and interest in and to for
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount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

Made this 8 day of Feb, 2000.

Terry Wilcox Sec. Keith Wilcox & Sons
Permit Holder(s)

State of Idaho)
County of Bonneville)ss

On this 8 day of February, 2000, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.



Jennifer Crabtree
Notary Public residing at

Idaho Falls Idaho

My commission expires: 9/23/03

MICROFILMED

MAR 17 2000

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OCT 27 1993

Department of Water Resources

OFFICE USE ONLY

Amt. of Fee \$ 125.00

Date 10-21-1993

Receipt No. E019246

Receipt by HWS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 22-07676 Telephone No. 356-6668

2. Name(s) of Permit Holder(s): Keith Wilcox & Sons

3. Mailing Address: 4891 S. Hwy 191 Rexburg, ID 83440

4. Source of Water: Groundwater

If GROUNDWATER, Well Driller's Name: Marcus Brundson Date Drilled: 1988

OPTIONAL:

Pump horsepower: 250 Pressure (psi): _____ Dynamic pumping level (ft.): _____

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

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

Irrigation 88 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 1.76 cfs OR _____ acre/feet

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

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

OR

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

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

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

Ron Wilcox 356-6668 359-9109 mobile
Name Telephone No.

6114 W. 3800 S. Rexburg, ID 83440
Address

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

Oct 21 93
Date

Ron Wilcox president
Signature (and title, if on behalf of a company or organization)

MICROFILMED

MAR 17 2000

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 22-07676

Proposed Priority: August 20, 1990 Maximum Diversion Rate: 2.04 CFS
This is to certify, that **KEITH WILCOX & SONS INC.**
RT. 1 BOX 274
REXBURG, ID 83440

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

IRRIGATION	04/01 to 11/01	2.04 CFS
------------	----------------	----------

<u>LOCATION OF POINT(S) OF DIVERSION:</u>	SESE Sec. 9, Township 04N, Range 40E MADISON County
---	---

PLACE OF USE: IRRIGATION

<u>TWN</u> <u>RGE</u> <u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N 40E 9	NESE 21	NWSE 14	SWSE 27	
	SESE 40			102

Total number of acres irrigated:	102
----------------------------------	-----

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **November 1, 1993**.
2. Subject to all prior water rights.
3. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
4. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
5. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
7. Use of water under this permit is subject to control by the watermaster of State Water District No. 01.
8. Point of diversion is same well under 22-7634.
9. This permit formerly numbered 35-8575.

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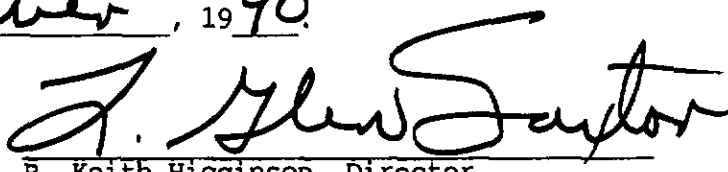
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07676

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

9th day of November, 1990.

for 
R. Keith Higginson, Director

MICROFILMED

DEC 07 1990

Ident. No. 22-07676

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: KEITH WILCOX & SONS, INC. 208-356-4509
Address: RT. 1, BOX 274
REXBURG, ID 83440
2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: SESE Sec. 9, Township 04N, Range 40E
MADISON County
4. Water will be used for the following purposes:
- | Purpose | From | To | CFS | (or) | AF |
|------------|-------|-------|-------|------|----|
| IRRIGATION | 04/01 | 11/01 | 2.040 | | |
5. Total quantity appropriated is:
2.040 CFS (and/or) AF
6. Proposed diverting works:
- Description of ditches, flumes, pumps, headgates, etc.
WELL, PUMP
 - Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - Proposed well diameter is 20 inches; proposed depth of well is 200
feet.
 - Is groundwater with a temperature greater than 90F being sought? NO
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 years.
8. Description of proposed uses:
IRRIGATION / 102 ACRES
9. Place of Use: IRRIGATION
- | TWN | RGE | SEC | ACRES | ACRES | ACRES | TOTAL |
|-----|-----|-----|---------|---------|---------|-------|
| 04N | 40E | 9 | NESE 21 | NWSE 14 | SWSE 27 | 102 |
| | | | SESE 40 | | | 102 |
- Total number of acres irrigated: 102
10. Describe any other water rights used for the same purposes.

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11. 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.

12. Remarks:

THIS APPLICATION PROPOSES THE DIVERSION OF TRUSTWATER
APPLICANT IS PLANNING TO USE WELL UNDER 22-7634

13. 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.

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ _____ Receipted by _____ # _____ Date _____

Publication prepared by Sandford Date 8-28-90 Published in Sandford

Publication approved TJL Date 10-16-90

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Ron & Kerry Wilcox
6114 W. 3800 S.
Rexburg, ID 83440

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STATE OF IDAHO
DEPT. OF WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

Boise, ID 83720

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Madison

I, Terry Weatherston being first duly sworn, depose and say, that I am the printer of THE STANDARD-JOURNAL, a semi-weekly newspaper printed and published semi-weekly at Rexburg, Madison County, Idaho; and I do solemnly swear that the

Notice Of Application #22-07676 copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for

Two consecutive issues, the first publication having been made on September 6, 1990 and the last publication having been made on September 13, 1990.

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy eight consecutive weeks prior to the first publication of the said notice.

Terry Weatherston
STATE OF IDAHO)
COUNTY OF MADISON)

On this 14th day of September in the year of 1990, before me, a Notary Public, personally appeared Terry Weatherston, known or identified to me to be the person whose name subscribed to 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.

[Signature]
Notary Public for Idaho

Residing at Rexburg, Idaho
My commission expires: June 8, 1993.

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OCT 5 1990

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION
FOR TRUST WATER RIGHT

22-07676
KEITH WILCOX & SONS INC.
RT. 1 BOX 274
REXBURG, IDAHO 83440
Source: GROUNDWATER
Diversion Pt: SESE Sec 9 T 04 N R 40E
Use: IRRIGATION (2.040 CFS) Total
Diversion: (2.040 CFS)
Date filed: 8/20/1990
In: T04N R40E S09 NESE NWSE
SWSE SESE 102.0 ACRES TOTAL
The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before SEPTEMBER 24, 1990.

R. KEITH HIGGINSON
Director
Publ. Sept. 6 and 13, 1990J.

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DEC 07 1990

22-7676

Ident. No. **35 8575**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
AUG 20 1990

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of applicant KEITH WILCOX & SONS, INC. Phone 356-4509

Post office address Route 1, Box 274, Rexburg, ID 83440

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

3. Location of point of diversion is SE SW $\frac{1}{4}$ of SE SW $\frac{1}{4}$ of Section 9 Township 4N 1S

Range 40E B.M. Madison Bingham County, additional points of diversion if any: _____

NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, T. 1S, R. 32E

4. Water will be used for the following purposes:

2.04
Amount 5.08 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

2.04
a. 5.08 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, mainline to 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 when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 200 feet. Rw

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: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ 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 _____

(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: _____

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DEC 07 1990

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	32E	3							L-4 28	L-3 33									61
		4				L-1 33													33
1N	32E	33									40	40	40	40					160
4N	40E	9													21	14	27	40	102

Total number of acres to be irrigated 254 102

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

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

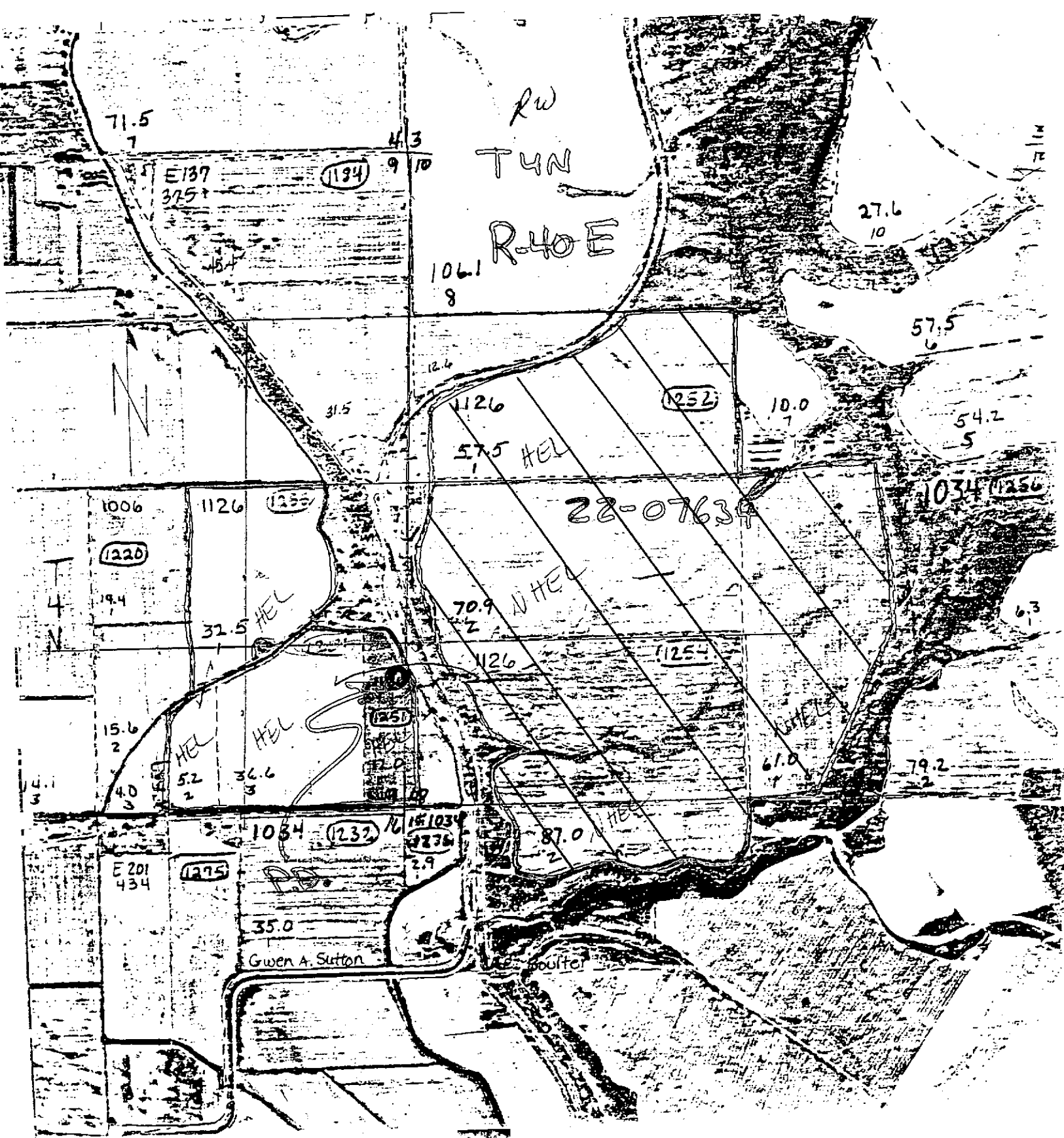
b. Who owns the land to be irrigated or place of use Applicant

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

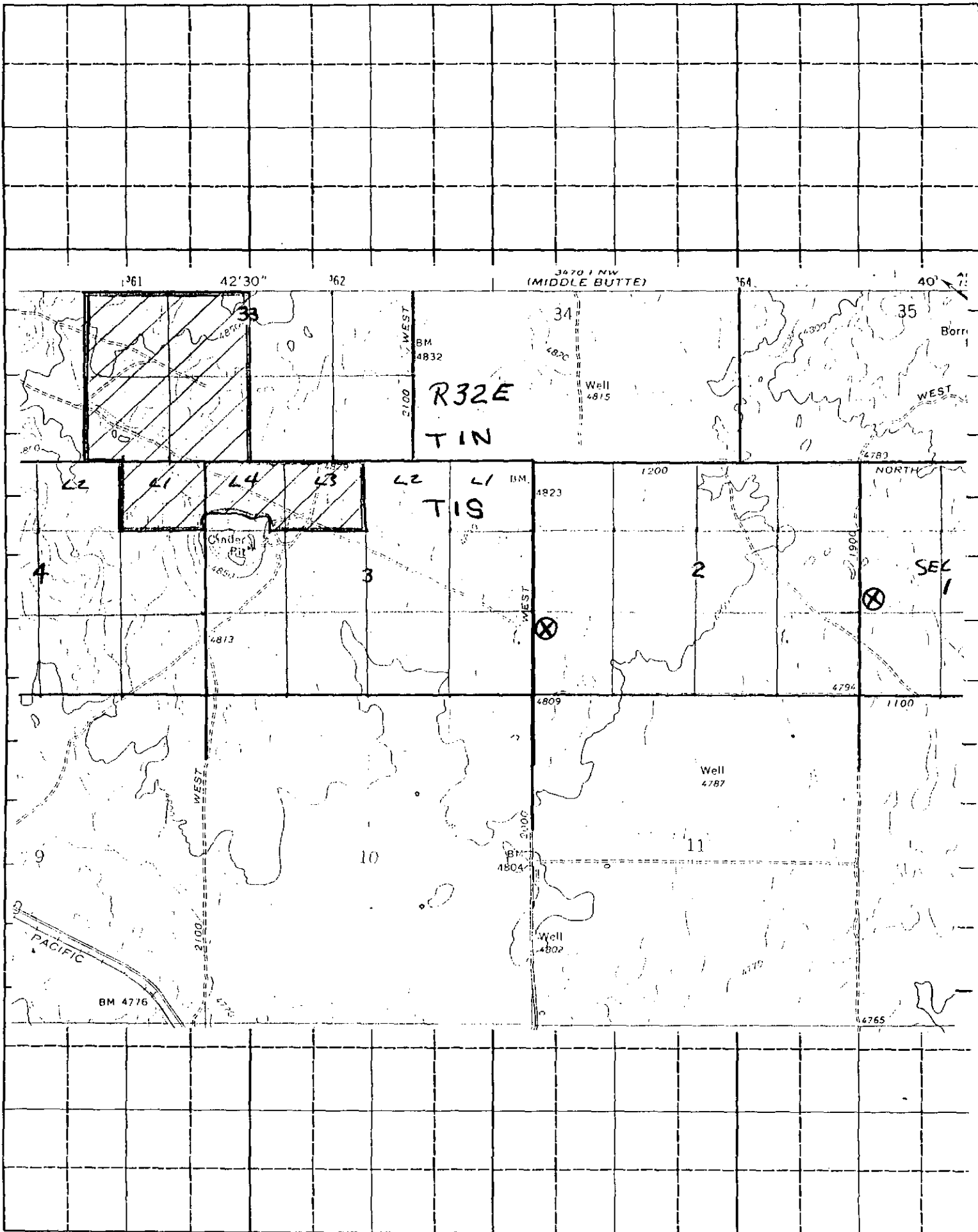
10. Remarks Applicant is planning to use wells under 22-07634 35-7449.

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DEC 17 1971



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



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.

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DEC 07 1990

Keith Wilson & Sons by Lynn Wilson
(Applicant) (Treas)

ASSISTED BY - RECEIVED APRIL 1985

Received by (P.L.) Date 5-14-85 Time 1:45 PM

Preliminary check by _____ Fee \$ 145.00 # _____

Received by _____ Date _____

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

Publication approved _____ Date _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

APPROVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant KEITH WILCOX & SONS, INC. Phone 356-4509

Post office address Route 1, Box 274, Rexburg, ID 83440

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

3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 2 Township 1S

Range 32E B.M. Bingham County, additional points of diversion if any: _____

NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, T. 1S, R. 32E

4. Water will be used for the following purposes:

Amount 5.08 cfs for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 5.08 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, mainline to 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 when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 400 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: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ 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 _____

(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: _____

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DEC 07 1990

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	32E	3							L-4 28	L-3 33									61
		4				L-1 33													33
1N	32E	33									40	40	40	40					160

Total number of acres to be irrigated 254

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

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 Applicant is planning to use wells under 35-7449.

RECORDED

DEC 07 1990

0-01	1000
0-02	1000
0-03	1000
0-04	1000
0-05	1000
0-06	1000
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0-91	1000
0-92	1000
0-93	1000
0-94	1000
0-95	1000
0-96	1000
0-97	1000
0-98	1000
0-99	1000



Idaho as herein set forth.

MICROFILMED
DEC 07 1990

Keith Wilcox & Sons by Lynn Wilcox
(Applicant) (Treas)

ASSISTED BY KCLW 10 APRIL 1985

Received by PW Date 5-14-85 Time 1:45p

Preliminary check by _____ Fee \$ 145.00 # _____

Receipted by _____ Date _____

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

Publication approved _____ Date _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

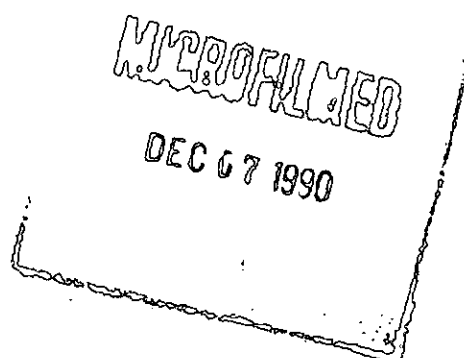
Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:





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

February 15, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SHANE & SUSAN SUTTON
RICK & BRANDI SUTTON
GARTH & JOLENE SUTTON
733 W 8200 S
REXBURG ID 83440
RE: Assignment of Permits 22-07676/22-07711

Dear Permit Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced permits to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

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

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

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

MAR 17 2000

December 9, 1993

KEITH WILCOX AND SONS
4891 S HWY 191
REXBURG ID 83440

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 22-07676

Dear Permit Holder:

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

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls, at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

MICROFILMED
MAR 17 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 22-07676

Reviewed by Klg

Date 10/28/93

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?

irrigate - 88

no Address same as permit?

yes Proof timely received?

Correct Uses? yes

If not, complete calculation below.

SOURCE OF WATER

 Surface water source

✓ Ground water source

yes Drilling permit required?

 Copy in the file? Drilling Permit No. 22-88-E-079

? Amount paid for permit Correct?

NO Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

125 Amount Submitted

yes Correct?

MEASURING DEVICE

NA Required?

✓ Installed?

 Waiver requested?

PRIORITY CALCULATION

Date proof received NA

Date proof due -

No. of days late =

Priority Date +

New Priority Date

DEFICIENCIES OR ACTION ITEMS

Proof is acceptable.

DATA ENTRY

New Address 4891 S Hwy 191

Proof Made 10-27-93



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 28, 1993

Keith Wilcox and Sons Inc
4891 S Hwy 191
Rexburg, ID 83440

Re: Permit No. 22-07676

Dear Permit Holder:

In the department's review of the proof of beneficial use submitted in connection with the above referenced permit, the department was not able to locate a drilling permit which should have been applied for before the opening of your well began. We have also been unable to locate a well log which should have been submitted by your well driller 30 days after completion of the construction of your wells. You have indicated on the proof of beneficial use that the well was drilled in 1988.

If you have a drilling permit or a copy of the well log, please provide this office with a copy of each. If you do not have a copy of the well log, please contact your driller and ask that he submit a copy. In your return letter, please be sure to show the above referenced permit number on any documents. Also, please address any correspondence directly to me. Your response, with both forms attached, should be received within 30 days of the date of this mailing.

This information is needed before the department can proceed further with the examination of your system and the eventual issuance of a license of water right.

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

Sincerely,

Karen L. Gustafson
Senior Secretary

MICROFILMED

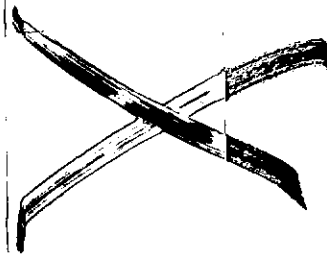
MAR 17 2000

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

UNCLAIMED

CERTIFIED MAIL
DI 83706-2237-33 842
NO. 728506

SEP 8 1993
Return 9/18



UNCLAIMED
TO BE RETURNED
TO SENDER

MICROFILMED
MAR 17 2000



August 31, 1993

KEITH WILCOX & SONS INC.
RT. 1 BOX 274
REXBURG ID 83440

PROOF DUE NOTICE

RE: PERMIT NO. 22-07676

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 November 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

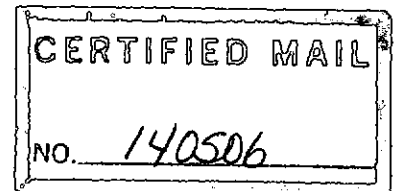
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



MICROFILMED

MAR 17 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 29, 1990

KEITH WILCOX & SONS INC.
RT. 1 BOX 274
REXBURG, ID 83440

PERMIT APPROVAL NOTICE

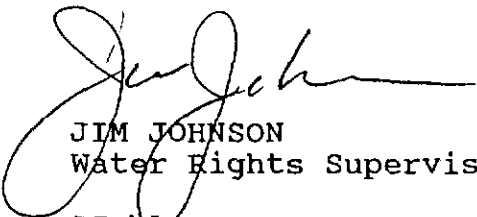
RE: PERMIT NO. 22-07676

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

RECORDED
DEC 07 1990

Ron Wilcox
6114 W. 3800 S.
Rexburg, ID 83440
(208) 356-4509

August 30, 1990

RECEIVED
SEP 4 1990

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

ATTENTION: Timothy Luke

Re: Application for Permit No. 22-7676 (formerly 35-8575)

Dear Mr. Luke:

This letter is in response to your August 20, 1990 letter to me in which you had some questions concerning prior water rights on the land pertaining to the above permit.

In talking with Mr. Harold Jones in the Idaho Falls office of the Department of Water Resources, I was under the assumption that the question pertained only to groundwater rights and there are none. The Sunnysdell Irrigation Co. does have surface water rights on the entire property. However, we have not irrigated out of the canal recently and intend to petition for removal from the Sunnysdell Irrigation Co. district.

If you have any further questions, please contact me at the above number or by mail.

Sincerely,

Ron Wilcox

Ron Wilcox

MICROFILMED

DEC 07 1990

Note: Due to ABANDONMENT of surface waters on property, all 102 acres should
COUNT AS TRUST ACREAGE. T.J. Luke
9-4-90

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

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

AUGUST 28, 1990

The Rexburg Standard-Journal
Box 10
Rexburg, ID 83440

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 24, 1990.

Yours truly,

SHARLA CURTIS
Secretary

Encl.

MICROFILMED

DEC 07 1990

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

22-07676

KEITH WILCOX & SONS INC.
RT. 1 BOX 274
REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: SESE Sec 9 T 04N R 40E

Use: IRRIGATION (2.040 CFS)
Total Diversion: (2.040 CFS)

Date Filed: 8/20/ 1990

In: T04N R40E S09 NESE NWSE SWSE SESE
102.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before SEPTEMBER 24, 1990.

Published 9/ 6/1990 & 9/13/1990

R. Keith Higginson, Director

RECORDED
DEC 07 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 20, 1990

Ron Wilcox
Keith Wilcox and Sons Inc.
Rt. 1, Box 274
Rexburg, ID 83440

RE: Application for Permit No. 22-7676 (formerly 35-8575)

Dear Mr. Wilcox:

I have received the trust water information questionnaire and amendment for the above referenced application.

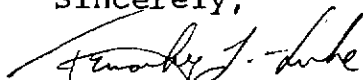
Your amendment proposes to change the point of diversion and place of use to a new location in a different hydrologic basin. Approving an amended application for permit that moves the location of a non-vested right from one location to another with a priority earlier than other vested rights at the new location may cause injury to the holders of those vested rights. The Department proposes that approval of your application will be on the condition that the priority date be advanced to August 16, 1990. This is the date the Department received the amended application.

Your questionnaire indicates that there are not other water rights appurtenant to that land described as the new place of use under the amended application. However, the Department's records show that the Sunnydell Irrigation Co. has claimed an early priority surface water right for this same land.

Before the Department issues approval of this application, I wish to again ask you whether the new place of use is irrigated with earlier priority surface water rights. In other words, is the groundwater source under this application supplemental to surface water diverted under other water rights? If so, is the entire 102 acre tract irrigated with surface water?

The Department will proceed to advertise your application during the first two weeks of September, 1990 (September 5 and 12), but will delay approval until you answer the two questions in the proceeding paragraph. If you have questions concerning this matter, please feel free to contact me directly at 327-7864.

Sincerely,


Tim Luke

Sr. Water Resource Agent

MICROFILMED

DEC 67 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED
AUG 20 1990

Department of Water Resources

Application No. 35-8575

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

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

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

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

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

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

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984. X 102

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

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

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

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

Applicant *Ronald Wilson*

Date 16 Aug 90

RECORDED
MICROFILMED

DEC 07 1990

SRBA
Note: LAND UNDER Amended App. is described under Adjudication claim No. A01-10013
By Sunny Dell Zieg Co. Groundwater source under this application appears to be supplemental. *TJ Luke 9-20-90*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

August 14, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Keith Wilcox & Sons, Inc.
Route 1, Box 274
Rexburg, ID 83440

Re: Application for Permit No. 35-8575

Dear Applicant(s):

NOTICE OF PENDING ORDER VOIDING APPLICATION

On May 14, 1985, you filed with the Department of Water Resources (Department) Application for Permit No. 35-8575 which proposed the diversion of 5.08 cubic feet per second from groundwater for the irrigation of 254 acres.

The Department mailed a letter and questionnaire to you on July 6, 1990. The letter provided notice that the Department was reviewing the application in connection with development which was not complete prior to October 1, 1984.

This letter also requested that you return the Department's questionnaire concerning your present possessory interest in the place of use, any prior development under the application and/or your plans for pursuing completion of the proposed project. The letter notified you that failure to complete and return the questionnaire within thirty (30) days of the date of the letter was cause for the Department to void the application.

The purpose of this letter is to provide a second and final opportunity for you to submit the requested information. If you fail to respond to this inquiry within fifteen (15) days of the date of this letter, the Department will issue an order voiding the application pursuant to Water Appropriation Rule 4,5,1.

If no development has been completed as authorized by the application, and you are no longer interested in pursuing the development, please complete and return the enclosed withdrawal form. Please note, if you are using water without an approved permit, the Department may issue an order requiring you to cease diverting the water.

Please feel free to contact me if you have any questions concerning this matter.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

RECEIVED

DEC 07 1990

Enclosure
cc: Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 6, 1990

RE: APPLICATION FOR PERMIT NO. 35-8575

Dear APPLICANT:

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

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

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

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

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

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, the Department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (in particular, Rules 4,5,3. thru 4,5,3,5, apply to your project if it is more than 200 acres).

MICROFILMED

JUL 7 1990

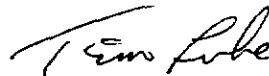
Page 2

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

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

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

Sincerely,



TIM LUKE
Sr. Water Resource Agent

Enclosures

MAILED

DEC 17 1990

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Steve McCormick

APPLICATION NUMBER: 35 8575

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.

Field check by: _____

Date: _____

Comments: _____

☒ 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.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

Copies sent by: _____

Date: _____

PROCESSING:

☐ Yes ☒ No

Platted by: _____ Map No. _____

☐ Yes ☒ No

Other rights on same place of use. _____

☒ Yes ☐ No*

In form for advertising.

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: _____
☒ 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? _____

Date of priority recommended. _____

Special conditions of approval or cover letter. _____

ALLOW 3 yrs - well already exists.

By: ATL

Date: 10-23-90

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.

By: _____

Date: _____

RECEIVED
MAY 19 1990

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

35-8525_

KEITH WILCOX & SONS, INC.

ROUTE 1 BOX 274, REXBURG, ID 83440

Source: GROUNDWATER

Date Filed: 05/14/1985

Diversion Pt: SWSW Sec 02 T 01S R 32E NWSW Sec 01 T 01S R 32E

Use: IRRIGATION (5.08 CFS)

In: LOT 04 (SNNW) LOT 03 (SENN) Sec 03 T 01S R 32E LOT 01 (SENE)
Sec 04 T 01S R 32E NESW NWSW SWSW SESW Sec 33 T 01N R 32E
FOR 254 ACRES

MICROFILMED

DEC 07 1990