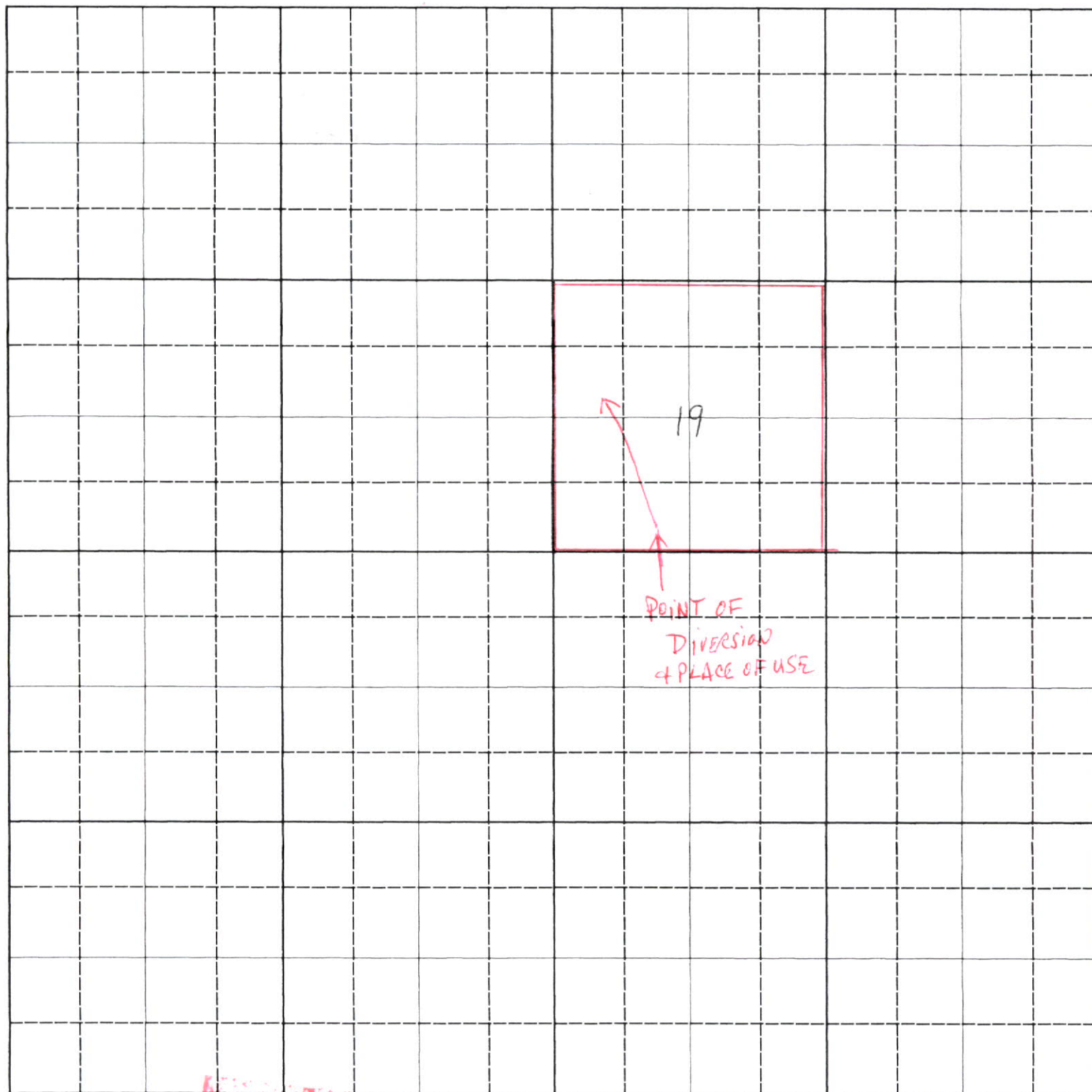


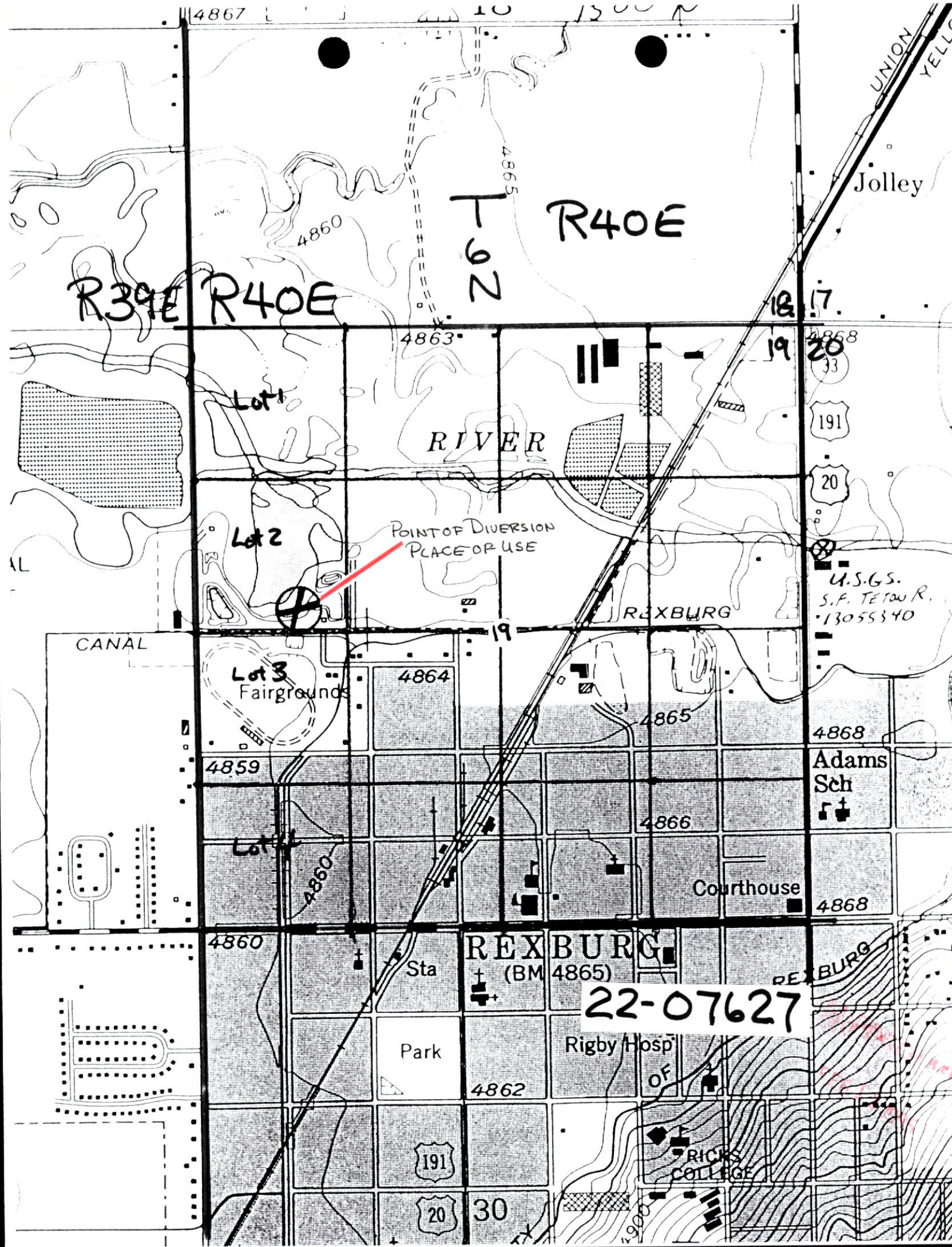
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Davis Walters
President (Applicant)



R39E R40E

T26N

R40E

Lot 1

Lot 2

POINT OF DIVERSION
PLACE OF USE

Lot 3
Fairgrounds

CANAL

RIVER

REXBURG

REXBURG
(BM 4865)

Park

Rigby Hosp

OF

RICKS
COLLEGE

Courthouse

Adams
Sch

4868

4868

Jolley

UNION
YELLOW

U.S.G.S.
S.F. TETON R.
13055340

22-07627

191

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well



22-7627

RECEIVED
FEB 13 1995

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07627

Priority: January 20, 1989

Maximum Diversion Rate:

1.00 CFS

Maximum Diversion Volume:

51.6 AF

This is to certify, that WALTERS READY MIX INC

342 W 4TH N

REXBURG ID 83440

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 5, 1989; and has submitted Proof of Beneficial Use on July 16, 1991. An examination indicates that the works have a diversion capacity of 3.540 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
COMMERCIAL	01/01 to 12/31	1.00 CFS	51.6 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 2(SWNW), Sec. 19, Township 06N, Range 40E
MADISON County

PLACE OF USE: COMMERCIAL
TWN RGE SEC
06N 40E 19 Lot 2(SWNW)

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. Water used under this right if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
8. Commercial use is for a concrete ready mix operation.

RECORDED
FEB 13 1995

State of Idaho
Department of Water Resources

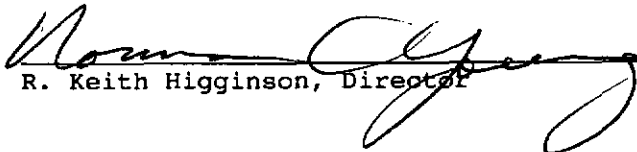
WATER RIGHT LICENSE

WATER RIGHT NO. 22-07627

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 30th
day of JANUARY, 1995.

Acting for

R. Keith Higginson, Director



MICROFILMED

FEB 13 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 22-07627 IN THE)
NAME OF WALTERS READY MIX) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before July 1, 1991; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, the Department notified the permit holder that the permit lapsed for failure of the permit holder to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on July 16, 1991;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 22-07627 be REINSTATED and the priority advanced to January 20, 1989.

Dated this 18th day of July, 1991.


L. GLEN SAXTON, Chief
Water Allocation Bureau

RECEIVED

JUL 31 1991

RECEIVED
JUL 08 1991

No \$ received
Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 22-07627 Telephone No. 356-5491

2. Name(s) of Permit Holder(s): Walters Ready-Mix, Inc.

3. Post Office Address: 342 West 4th North, Rexburg, Idaho 83440

4. Source of Water: Groundwater

a. If ground water, well driller's name: Andrew Well Drilling #05 Date drilled: 3/28/89

b. Pump horsepower: 30 Pressure (psi): unknown Dynamic pumping level (ft.): 39 ft

5. Extent of Use:

Domestic _____ (No. of households)

Irrigation _____ (No. of acres)

Stockwater _____ (No. and type of stock)

Other Commercial use: pump water

to rinse aggregate used in business and wash machinery

6. Total rate and/or volume for which proof is submitted one cfs _____ 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: \$ 100.00 (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

David Z. Walters

356-5491

Name

Telephone No.

342 West 4th North, 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.

7/1/91

Date

David Z. Walters

Signature (and title if on behalf of a company or organization)

45 Fee

22 7627

Form 202
8/85

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Walters Ready Mix, Inc., an Idaho corporation Phone 356-5491
Post office address 342 West 4th North, Rexburg, ID 83440
2. Source of water supply groundwater which is a tributary of N/A
3. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of _____ Govt. Lot _____
Sec. 19 Township 6N Range 40 E. B.M. Madison County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 1 cfs for Commercial purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 1 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Electric pump which shall pump
into 4" pipe approximately 25 feet to a gravel screen.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is 16 inches; proposed depth of well is 165 feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

MICROFILMED

AUG 11 1989

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. _____
- e. Other; describe fully. pump water to rinse aggregate used in business and wash machinery

9. 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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	40E	19							C										

Total number of acres to be irrigated _____

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

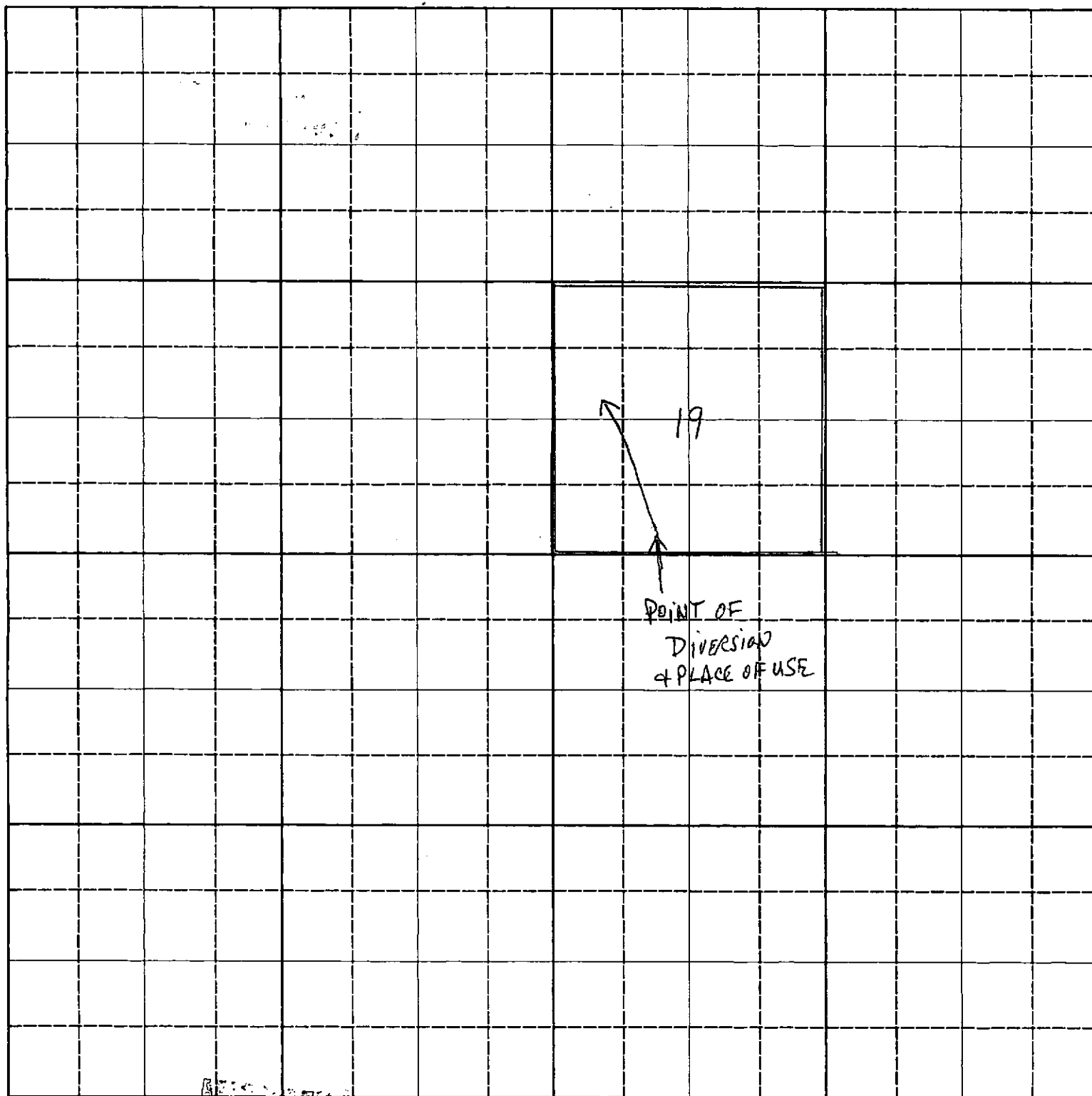
11. a. Who owns the property at the point of diversion? Walters Ready Mix, Inc.

b. Who owns the land to be irrigated or place of use? Walters Ready Mix, Inc.

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

12. Remarks: _____

13. 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.

Davis Walters
President (Applicant)

Proposed Priority 1/5/89

Received by HUT Date 1-5-89 Time 3:26 pm Preliminary check by HUT

Fee \$ 45⁰⁰ Received by HUT # E005440 Date 1-5-89

Publication prepared by RB Date 1-26-89 Published in Lexington Standard-Tribune

Publication approved W Date 3-13-89

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. 22-7627, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

July 1, 19 91.

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

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

e. Other: Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

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

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

Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

Witness my hand this 12th day of June, 1989.

J. Shaw Saylor



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

May 11, 1989

RE: Application for Permit No. 22-7627

Walter's Ready Mix, Inc.
342 W. 4th North
Rexburg, ID 83440

Gentlemen:

We have received your application for permit, for commercial uses, from our Eastern Regional Office for final review. However, prior to final action being taken on the application we need to have a list of the names and addresses of all partners, directors and officers within the corporation. This is a requirement of the Department's Water Appropriation Rules and Regulations.

Please submit this information within the next thirty (30) days so we can continue processing your application.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:hm

cc: Eastern Region

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JUN 05 1989

Department of Water Resources

David Z Walters President 410 Meadowview Rexburg, Idaho 83440

Charlene Walters Director 410 Meadowview Rexburg, Idaho 83440

Meriam Z Walter Secretary 348 South 3rd East Rexburg, Idaho 83440

AUG 11 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 1, 1995

WALTERS READY MIX INC
342 W 4TH N
REXBURG ID 83440

RE: WATER RIGHT NO. 22-07627

Dear Water Right Holder(s):

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED

FEB 13 1995

LICENSE REVIEW CHECKLIST

PERMIT NO. 22-07627 DATE 1-13-95



NAME	Yes <u> </u> No <u>✓</u>	Or Address Change?
PRIORITY DATE	<u>✓</u> <u> </u>	Advance? <u>YES</u> Advanced to: <u>1-20-89</u> Order to reinstate needed? <u>DONE</u> Incorrect fee for rate recommended? <u>NO</u>
SOURCE	<u> </u> <u>✓</u>	Changes or just clarification of originally intended source? <u> </u> Notice of Intent to Void necessary? <u> </u>
POINT OF DIV	<u> </u> <u>✓</u>	Amendment needed? <u>Add Gov Lot 2</u> Overlaps? <u> </u>
PLACE OF USE	<u> </u> <u>✓</u>	Amendment needed? <u>Add Gov Lot 2</u> Overlaps? <u> </u>
DIV RATE	<u> </u> <u>✓</u>	Permit/fee limits: <u>1.0 CFS</u> Meas Q = <u> </u> Theo Q = <u>3.54</u> Recommend: <u>1.0</u> <u>Limited by permit to 1.0 cfs.</u> Combined rates exceed capacity <u> </u>
ANNUAL VOLUME	<u> </u> <u>✓</u>	Season of use: <u>1-1 to 12-31</u> Calculations: <u>Total hrs gravel is washed is</u> <u>624 ÷ 24 = 26 DAYS PER YR</u> Flow limit: <u>1.0</u> cfs x <u>26</u> x 1.9835 = <u>51.5796</u> Combined volumes exceed capacity/allowable <u> </u>
USES	<u> </u> <u>✓</u>	Change in Nature of Use or additional uses? <u> </u> Amendment necessary? <u> </u>
REMARKS	<u>✓</u> <u> </u>	Multiple p/d(s) in ¼ ¼? Other <u>Commercial use is for concrete ready mix operation.</u>
CONDITIONS	<u> </u> <u>✓</u>	Measuring/Locking Devices <u> </u> Watermaster control - District <u> </u> Irrigation Overlap <u> </u> Water Quality <u>09E</u> <u> </u> Other <u>048 + 049</u> Heat/Cool/ Fish verified <u> </u> <u>NON-TRUST</u>

COMMENTS:

RECOMMENDED	CFS	VOL	SRBA Claim Filed	<u>NO</u>
<u>Commercial</u>	<u>1.0</u>	<u>51.6</u>	Adjustment Memo Needed	<u>NO</u>
<u> </u>	<u> </u>	<u> </u>	LICENSE	<u>✓</u>
<u> </u>	<u> </u>	<u> </u>	1ST AMENDMENT LETTER	<u> </u>
<u> </u>	<u> </u>	<u> </u>	FINAL AMENDMENT LETTER	<u> </u>

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 22-7627

1. Owner: Walters Ready Mix Inc. Phone No. 356-5491

Current Address: 342 W 4th N Rexburg 83440

2. Accompanied by: David Walters EXAM DATE: 9-21-94

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	2		SW	NW	19	6N	40E	Madison	On site USGS Map

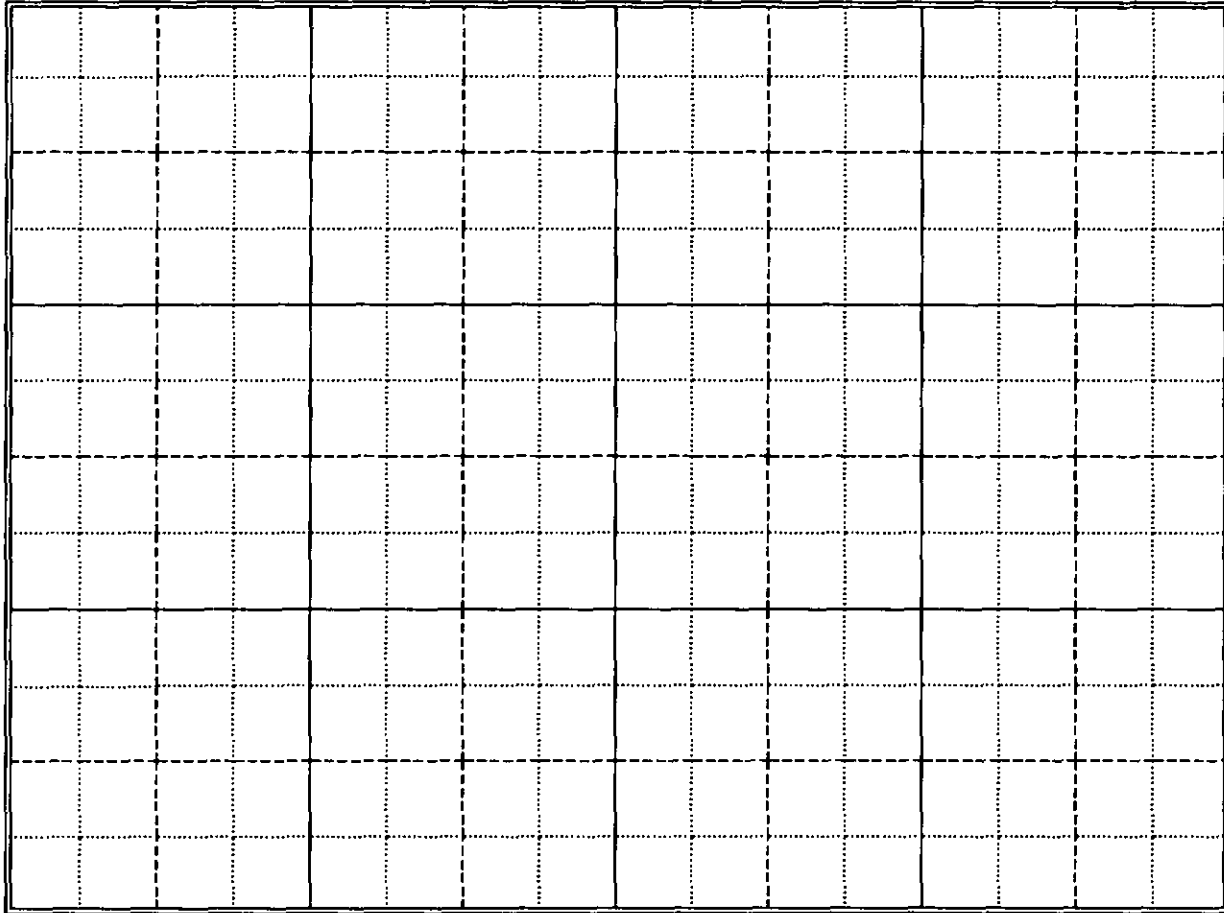
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	40E	19							C										
									L-2										

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



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	U.S. Electric	100	6347A-50- W06W111	Johnston	4-0005

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: Dynamic Pumping depth 82'
40 psi operating pressure

FILED

FEB 13 1963

E. NARRATIVE/REMARKS/COMMENTS

well pump to gravel washer

Operate ~ 4 hrs / days 5 days per week (20 hrs / wk)

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

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F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method: Assume $eff = 70\%$

$$Q = \frac{hp(8.814)eff}{Lift + (PSI \times 2.308)} = \frac{100(8.814)(.7)}{22' + (40 \times 2.308)} = 3.54 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

(6 months of year) $U_{com} = 26 \text{ wk} \times 20 \text{ hr/wk} = 520 \text{ hrs/6mo} = 21\frac{2}{3} \text{ days (24 h. days)} \times 1.9835 \times 1 = 42.97 = 43 \text{ afa}$

(Remainder 6 months of year) $26 \text{ wk} @ 4 \text{ hrs/wk} = 104 \text{ hrs/6 months} = 4\frac{1}{3} \text{ days (1.9835)} \times 1 = 8.59 = 8.6$

$U = 43 + 8.6 = 51.6 \text{ afa}$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Commercial	1/1	12/31	1.0	51.6
Totals:			1.00 cfs	51.6 afa

2. Recommended Amendments

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

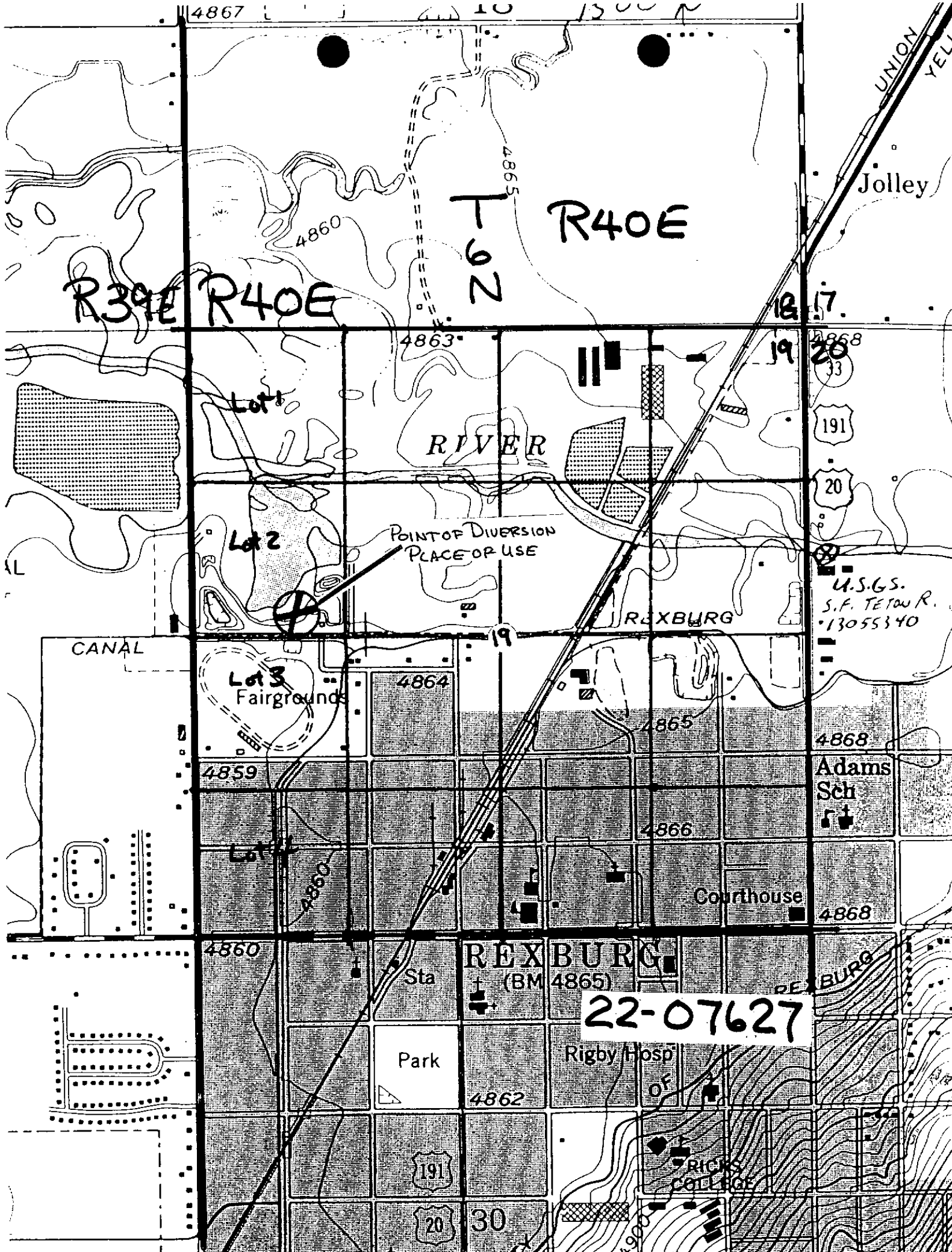
I. AUTHENTICATION

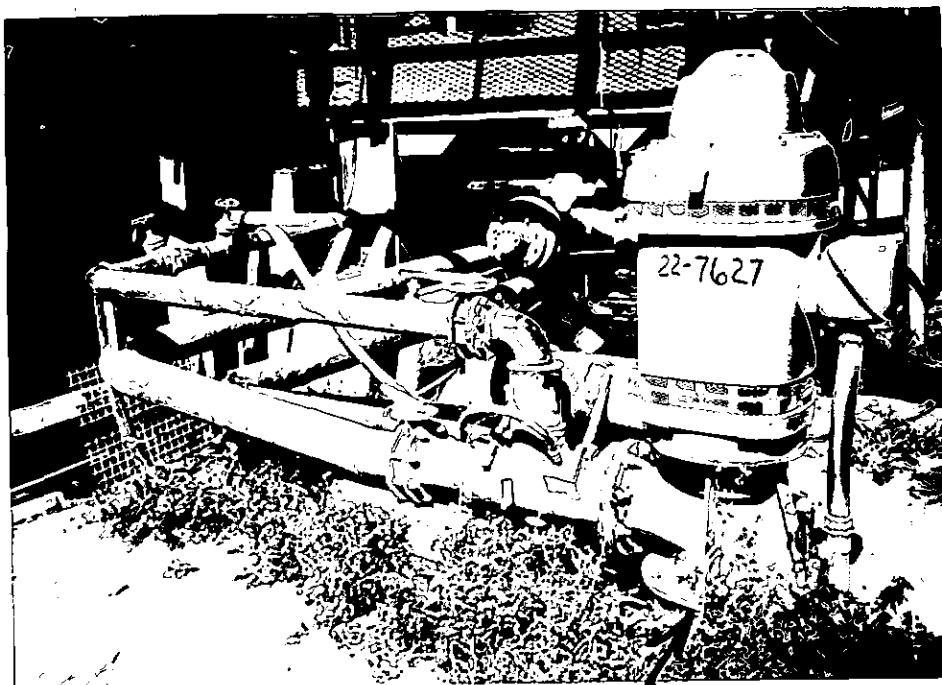
Field Examiner's Name KETHA C. WILSON Date 9-21-94

Reviewer [Signature] Date 12-12-94

SEAL

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FEB 13 1995





well



22-7627
UNCONFIRMED
FEB 13 1995

July 26, 1991

WALTERS READY MIX INC.
342 W. 4TH N.
REXBURG, ID 83440

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07627

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. 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,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

Enclosure

RECEIVED
JUL 31 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 22-7627

Date 7-18-91

GENERAL CONSIDERATIONS

- ☒ Name same as permit?
☒ Address same as permit? If no, indicate below.
NO Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

- ☐ Surface water source
☒ Ground water source
☒ Drill permit req'd?
☒ Copy in file? Drill permit no. 22-89-E-006
100.00 Amt paid for drilling permit? ☒ Correct?
☒ Well log in file?

LICENSE EXAMINATION FEE

- Yes Required?
100.00 Amount submitted?
yes Correct amount?

MEASURING DEVICE

- Yes Measuring device or access port required?
Yes Installed?
Yes Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

Proof acceptable - reinstated

PRIORITY CALCULATION

Date proof received July 16, 1991 197
Date proof due July 1, 1991 - 182
No. of days late = 15
Priority date Jan 5, 1989 + 5
NEW PRIORITY DATE Jan 20, 1989 = 20

LB

LAW OFFICES

RIGBY, THATCHER, ANDRUS

RIGBY & KAM, *Chartered*

25 NORTH SECOND EAST
P.O. BOX 250
REXBURG, IDAHO 83440
(208) 356-3633

July 12, 1991

RECEIVED
JUL 16 1991

State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Department of Water Resources

RED: Walters Ready Mix, Inc.,
Permit No. 22-7627

Enclosed please find a check in the amount
of \$100.00 to cover the License Examination
Fee in the above entitled matter.

I apologize for the oversight.

RECEIVED
JUL 31 1991

RIGBY, THATCHER, ANDRUS, RIGBY & KAM

BY

Diana M. Hansen
Secretary to Jerry R. Rigby

LAW OFFICES

RIGBY, THATCHER, ANDRUS,
RIGBY & KAM, *Chartered*

25 NORTH SECOND EAST - P.O. BOX 250 - REXBURG, IDAHO 83440
RAY W. RIGBY - GORDON S. THATCHER - G. RICH ANDRUS
JERRY R. RIGBY - MICHAEL S. KAM - GREGORY W. MOELLER
TELEPHONE (208) 356-3633 - TELEPHONE (208) 529-5531 I.F.
FAX (208) 356-0768

July 5, 1991

State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

RECEIVED
JUL 08 1991

Department of Water Resources

RE: Walters Ready Mix, Inc., Permit No. 22-7627

Enclosed please find "Proof of Beneficial Use" form in the
above entitled matter.

Sincerely yours,

Jana Hansen for
Jerry R. Rigby

JRR/dnh

enc.

6551B-p.17

RECEIVED

JUL 31 1991

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

[illegible]

July 5, 1991

WALTERS READY MIX INC.
342 W. 4TH N.
REXBURG, ID 83440

LAPSE NOTICE

RE: PERMIT NO. 22-07627

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated April 30, 1991. No further construction or additional development is authorized under this permit unless it is reinstated.

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

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

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:rf

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 7-8-91
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

JUL 31 1991

138388

April 30, 1991

WALTERS READY MIX INC.
342 W. 4TH N.
REXBURG, ID 83440

PROOF DUE NOTICE

RE: PERMIT NO. 22-07627

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 July 1, 1991. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

JUL 31 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JAN 31 1990

COMMENCEMENT OF WORKS

Permit No. 22-07627 Department of Water Resource:
Name(s) of Permit Holder(s): WALTERS READY MIX INC
Post Office Address: Box 390 83440
REXBURG ID. Tel. No. 208-356 5491

- ☐ I hereby certify that construction of diversion works for the above referenced permit began on Apr 2-15-89 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.
- ☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is
not an acceptable reason.

12-1-89
Date

Doris Z Walters
Signature of Permit Holder

WALTERS READY M
Box 390
83440



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



MAILED

JUL 31 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 334-7900
June 13, 1989

WALTERS READY MIX INC.
342 W. 4TH N.
REXBURG, ID 83440

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 22-07627

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.

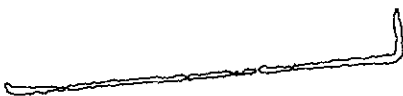
You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

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AUG 11 1989



Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed 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 license.

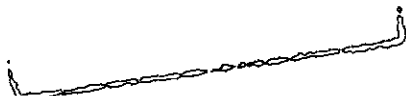
Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

AUG 11 1989





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

May 11, 1989

RE: Application for Permit No. 22-7627

Walter's Ready Mix, Inc.
342 W. 4th North
Rexburg, ID 83440

Gentlemen:

We have received your application for permit, for commercial uses, from our Eastern Regional Office for final review. However, prior to final action being taken on the application we need to have a list of the names and addresses of all partners, directors and officers within the corporation. This is a requirement of the Department's Water Appropriation Rules and Regulations.

Please submit this information within the next thirty (30) days so we can continue processing your application.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:hm

cc: Eastern Region

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AUG 11 1989

rec'd 6/5/89 -
see below app.
kw

Drilling Permit No. 22-89-E-006
Water Permit No. _____
Injection Permit No. _____

State of Idaho
Department of Water Resources

DRILLING PERMIT

(Authorizing Construction of a Well)*

1. Applicant Walters Ready Mix, Inc.
2. Address 342 West 4 North
Rexburg, Idaho 83440 Telephone 356-5491
(X) Well Owner () Well Operator () Other, specify _____
3. Proposed well location SW 1/4 NW 1/4, or Gov't lot No. _____,
Sec. 19, Twp. 6N, Rge. 40E, County Madison,
Lot, block and subdivision _____
4. Proposed use of well: (Check all that apply)
() Domestic () Stockwater () Monitoring
() Irrigation (X) Industrial () Municipal
() Injection () Other, Specify _____
5. Well construction information:
(X) New well () Deepen () Replace
Proposed surface diameter 16" Maximum depth 165
Anticipated bottom hole temperature: _____
(X) 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212°F or more (Geothermal well)
6. Anticipated construction start date January 1989
7. Well Driller (if known) Andrew Well Drilling
Address 1268 E. 17th Street Idaho Falls, Id 83404
8. Applicant's signature *Thomas J. Lindstrom* Partner President
Don't Walter

Date 12-5-88
AUG 11 1989

* After other pre-requisite approvals have been obtained.

* Fee is \$10 for single family domestic. Other uses may be \$100, \$50 or \$10.

ACTION OF IDWR

☒ Approved☐ Denied

The approval of this permit authorizes the construction of a well as described on this application subject to the conditions on this permit.

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from its date of issuance for the start of construction and is valid for one (1) year from the date of issuance for completion of the well unless an extension has been granted.
3. This permit does not constitute the approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Issuance of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.

SPECIFIC CONDITIONS:

Conditioned that the drilling permit does not authorize the diversion and use of water from the well.

The applicant by accepting the drilling permit and commencing construction acknowledges that he accepts all risk that the well may not ultimately be approved for use.

Well shall be cased with unperforated casing through the first confining layer.

Dated this 24th day of February, 1989.

Signed [Signature]Title REGIONAL MANAGER

Received by [Signature] Fee \$ 100.00 ✓ Date 1-5-89

Receipt No. E00 5440 Construction start extension to _____

Extension approved by [Signature] 11 1989

January 30, 1989

Walters Ready Mix, Inc.
an Idaho Corporation
342 W. 4th N.
Rexburg, ID 83440

Application for Permit No. 22-07627

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No. 22-07627. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Rexburg Standard-Journal. The advertisement will be published two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

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AUG 11 1989

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

RECEIVED

MAR 7 1989

Department of Water Resources
Eastern District Office

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 a 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 February 2, 1989 and the last publication having been made on February 9, 1989.

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 10th day of February in the year of 1989, 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.

Joseph M. [Signature]
Notary Public for Idaho

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

NOTICE OF APPLICATION
FOR WATER RIGHT

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

22-07627
WALTERS READY MIX INC.
AN IDAHO CORP.
342 W. 4th N.
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt: SWNW Sec 19 T 06N R 40E

Use: COMMERCIAL (1.000 CFS)

Date Filed: 1/05/1989

In: T06N R40E S19 SWNW

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, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before FEBRUARY 20, 1989.

R. KEITH HIGGINSON
Director

Publ. Feb. 2 and 9, 1989J.

RECORDED

AUG 11 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

JANUARY 26, 1989

THE REXBURG STANDARD-JOURNAL
P.O. BOX 10
REXBURG, ID 83440

Gentlemen:

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

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

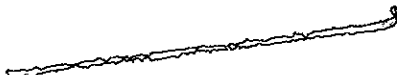
Please send the affidavit of publication and publication billing to this office before FEBRUARY 20, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

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AUG 11 1989



NOTICE OF APPLICATION FOR WATER RIGHT

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AUG 11 1989

22-07627

WALTERS READY MIX INC.
AN IDAHO CORP.
342 W. 4TH N.
REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: SWNW Sec 19 T 06N R 40E

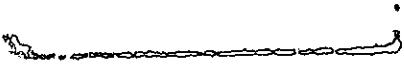
Use: COMMERCIAL (1.000 CFS)

Date Filed: 1/05/1989

In: T06N R40E S19 SWNW

MICROFILMED

AUG 11 1989



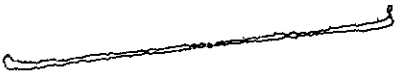
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R. Keith Higginson, Director

Published 2/02/1989 & 2/09/1989

MICROFILMED

AUG 11 1989



Walters Ready-Mix Inc.

Phone (208)356-5491
Rexburg, ID 83440

January 5, 1989

State of Idaho
Department of Water Resources
Eastern District Office
150 Shoup--Suite 15
Idaho Falls, Idaho 83402

Dear Sir,

We are installing this well to furnish clean water to our crushing and screening operation. In the past we have drawn surface water from an adjacent pond. We now wish to drill a well for cleaner water and plan to return water to the surface pond. We are anxious to drill the well in our off season so we can be back to full production in the spring.

Please expedite the drilling permit if possible.

Thank you,

David Walters

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AUG 11 1989