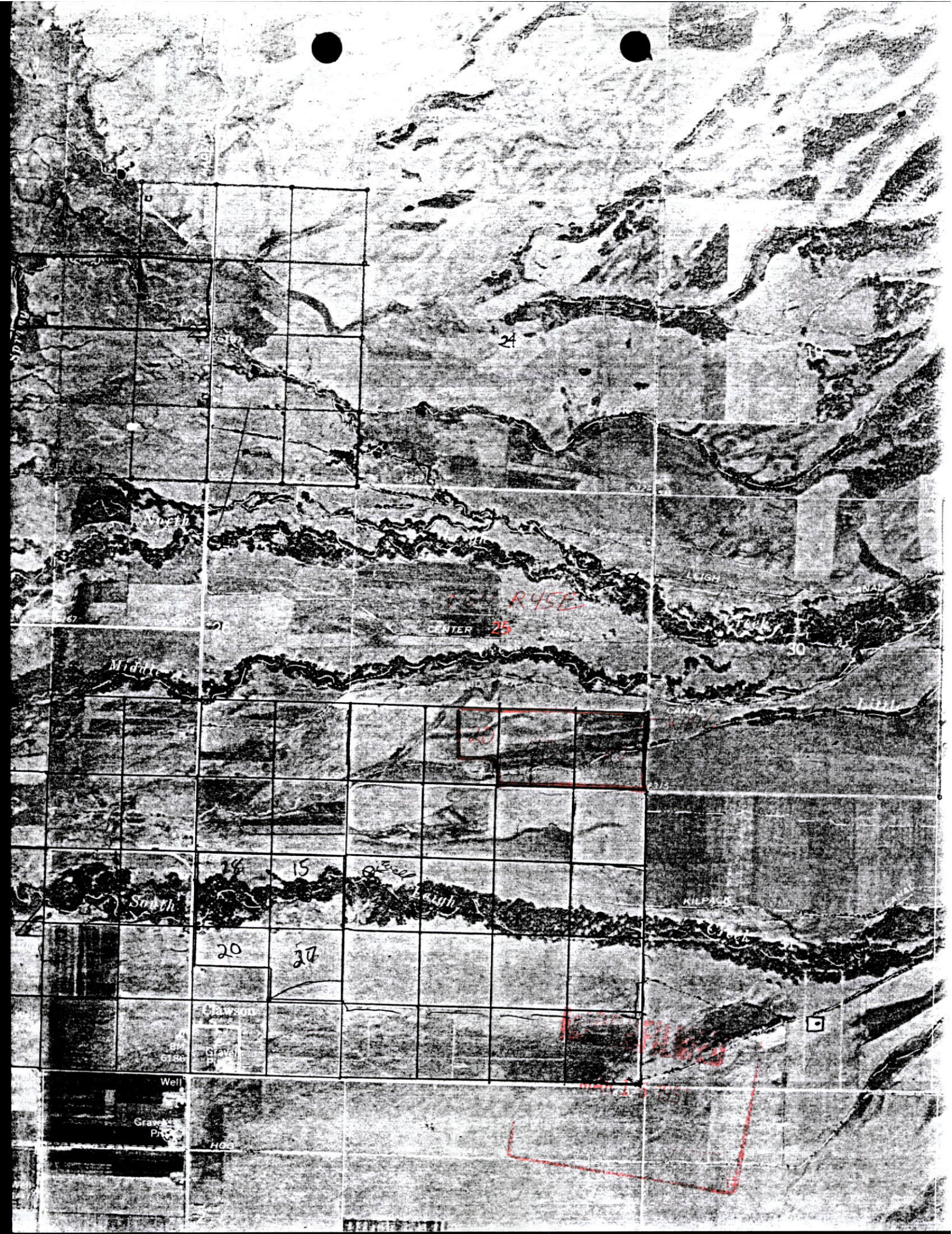




WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	22-07609	Donald C Harlander Mary Lou Harlander	2.00
Full Assignment	22-07609	Edmund S Twining III	2.00

RECEIVED

JAN 21 1993

State of Idaho

Department of Water Resources

ASSIGNMENT OF NOTICE OF CLAIM

permit

DONALD C. HARLANDER and MARY LOU HARLANDER, husband and wife, hereby assign to EDMUND S. TWINING, III, acting both individually and as Personal Representative of the estate of Susan Twining, of P. O. Box 101, Driggs, Idaho 83422:

All of our right, title, and interest in and to Notice of Claim No. 22-07609 to a Water Right Acquired Under State Law.

This is a full transfer of all of our rights in such claim No. 22-07609. All of such water rights shall hereafter be appurtenant to the SW1/4 SE1/4 and SE1/4 SE1/4 of Section 25, Township 6 North, Range 45 E.B.M. and shall no longer be appurtenant to the SE1/4 SW1/4 of Section 25, Township 6 North, Range 45 E.B.M.

Pursuant to this transfer 2 cfs of the total amount of 2 cfs shown on the above referred to claim is being transferred.

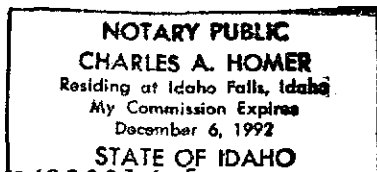
Made this 20th day of October, 1992.

Donald C. Harlander
Donald C. Harlander

Mary Lou Harlander
Mary Lou Harlander

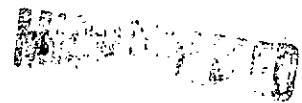
STATE OF IDAHO)
County of Bonneville) ss.
County of Teton)

On this 20th day of October, 1992, personally appeared before me the signers of the above instrument, who duly acknowledged to me that they executed the same.



CAH/28001/rfs
#5494

Notary Public *Chh A Homer*
Residing at Idaho Falls, ID
My Commission Expires 12/6/92



JAN 21 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07609

Proposed Priority: October 5, 1988 Maximum Diversion Rate: 2.00 CFS

This is to certify, that DONALD C. HARLANDER
MARY LOU HARLANDER
P.O. BOX 8
DRIGGS, ID 83422

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	04/15 to 10/15	2.00 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: NESESE Sec. 25, Township 06N, Range 45E
TETON 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>
------------	------------	------------	--------------	--------------	--------------	--------------

06N	45E	25	SESW 20	SWSE 40	SESE 40	100
-----	-----	----	---------	---------	---------	-----

Total number of acres irrigated: 100

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 2, 1992.
2. Subject to all prior water rights.
3. A flow measurement port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. 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.
6. 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.
7. 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.

RECORDED

MAR 15 1989

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07609

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

7th day of March, 1991.

R. Keith Higginson
for R. Keith Higginson, Director

RECEIVED
MAR 15 1991

MAR 15 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant DONALD C. & /or MARY LOU HARLANDER Phone 208-456-2864
Post office address P.O. Box 8 DRIGGS, IDAHO 83422
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 25 Township 6N Range 45E B.M. Teton County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 2 cfs for irrigation purposes from Apr 15 to Oct 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 2 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well

b. Height of storage dam N/A 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 375 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
is complete. years (minimum 1 year).

MAR 15 1991

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

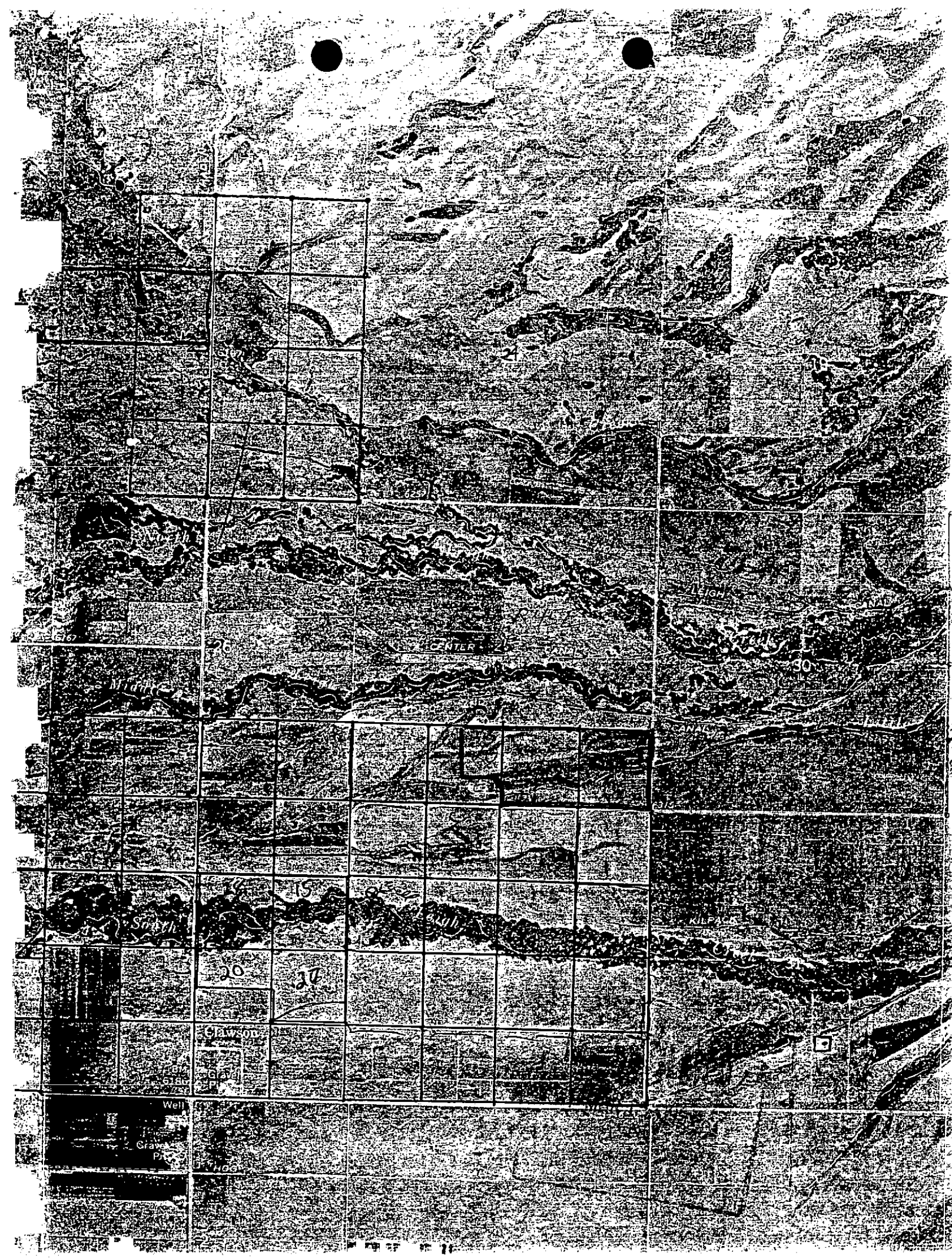
TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
T6N	45E	25											20				40	40	100

Total number of acres to be irrigated 100

10. Describe any other water rights used for the same purposes as described above. Surface rights based on ditches - ditch irrigation from North branch. (See Remarks) *
11. a. Who owns the property at the point of diversion? Donald C. & Mary Lou Harlander
b. Who owns the land to be irrigated or place of use? Donald C. & Mary Lou Harlander
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: * AA 22-00515/516/517
A 22-11098
A 22-11099

WELL WAS DRILLED AND TESTED BY PREVIOUS OWNER APPROX. 12 YEARS AGO. APPLICANT STARTED USING WELL FOR IRRIGATION APPROX. 3 YEARS AGO.



AFFIDAVIT OF PUBLICATION

State of Idaho)

County of Teton)

I, Nadine Soose
being first duly sworn, depose and say that I am
the secretary of the Teton Valley News,
a newspaper as defined by Idaho Codes An-
notated, Section 58-106, as amended, and that
said newspaper is a weekly newspaper printed and
published at Driggs, in Teton County, Idaho,
having a general circulation in said county, and
that said newspaper has been printed in said
county for more than 78 consecutive weeks prior
to the first publication of the attached notice, ad-
vertisement, or publication of

Public Notice
22-07609

And affiant further says that said attached notice,
advertisement, or publication, as per clipping at-
tached, was published in said newspaper, in the
regular and entire issue thereof, and not in any
supplement issue thereof, for two consecutive
issues thereof; first publication having been
made on the 17th day of January,
1991.

And affiant further says that at the times herein
mentioned said newspaper was made up of at
least eight pages of at least five columns each,
printed from typed matter, of at least sixteen in-
ches deep.

Nadine Soose

State of Idaho)

County of Teton)

On this 28th day of January
in the year of 1991, before me, a Notary Public,
personally appeared Nadine Soose
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.

Nedra A. Ricks

Notary Public for Idaho

Residing at Driggs, Idaho

My commission expires 12-2-91

RECEIVED

JAN 30 1991

Department of Water Resources
Eastern District Office

PUBLIC NOTICE

22-07609

HARLANDER, DONALD C.
HARLANDER, MARY LOU
P.O. BOX 8
DRIGGS, ID 83422

Use: IRRIGATION (.030 CFS)
Total Diversion: (.030 CFS)

Date Filed: 9/30/1988

Source: GROUNDWATER

In: T06N R45E S27 NESW

Diversion Pt: NESESE Sec 25 T
06N R 45E

1.0 ACRES TOTAL

22-07614

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

PARRISH, CHARLES M.
PARRISH LANE RANCH
1030 MILITARY DR.
SALT LAKE CITY, UT 84105

Date Filed: 10/5/1988

In: T06N R45E S25 SESW SWSE
SESE

Source: GROUNDWATER

Diversion Pt: NENE Sec 35 T 04N
R 45E

100.0 ACRES TOTAL

22-07611
FELTON, FRANK L.
RT. 1 BOX 740
DRIGGS, ID 83422

Use: IRRIGATION (3.000 CFS)
Total Diversion: (3.000 CFS)

Date Filed: 11/3/1988

Source: GROUNDWATER

In: T04N R 45E S35 NENE SENE
S36 NENE NWNE SWNE SENE
NENW NWNW SWNW SENW
347.0 ACRES TOTAL

Diversion Pt: SENE Sec 5 T 05N R
45E

Use: IRRIGATION (7.00 CFS)
Total Diversion: (.700 CFS)

Date Filed: 8/29/1988

In: T05N R45E S05 NENE SENE
35.0 ACRES TOTAL

22-07612
DELADE, MIKE
P.O. BOX 14
DRIGGS, ID 83422

Source: SPRING CREEK

Tributary: TETON RIVER

Diversion Pt: NWNESW Sec 27 T
06N R 45E

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 4, 1991.

R. Keith Higginson, Director

Published in the Teton Valley
News January 17 and 24, 1991.

RECEIVED

MAR 15 1991

RECEIVED
MAR 15 1991

Mary Lou Harlander
(Applicant)

Received by T.O. Date 10/5/88 Time 11:30 Preliminary check by EW
Fee \$ 65.00 Received by TO # E002913 Date 10/5/88
Publication prepared by RB Date 1-17-24-91 Published in Teton Valley News
Publication approved RB Date 2-1-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

RECEIVED

FILE



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

December 22, 1992

EDMOND S TWINING III
PO BOX 101
TETONIA ID 83453-0101

Re: Permit No. 22-07609

Dear Permit Holder(s):

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

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

Sincerely,

A handwritten signature in cursive script that reads "Brenda L. Miller".

BRENDA L. MILLER
Water Resource Agent

BLM:cz

RECEIVED

JAN 1 1993

ACTION REQUIRED

11-4-92

FROM: H.C. Jones - Eastern

TO: Brenda Miller-Rouse

Attached is the "Assignment" we discussed which was done on Adjudication paper work. If you can accept the "Assignment" portion, well & good. If not, let me know & I'll send one to the lawyer & ask for new signatures. Mr. Homer implies it would be a problem, but that's Life! Also attached is a letter that implies a reduction in acres but I'll leave that to a Field examiner to verify. Thanks!

[Handwritten signature]

RECEIVED
JAN 21 1993

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FALLS OFFICE

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
MICHAEL D. CRAPO
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS
MARIE T. TYLER
JOHN G. SIMMONS
ROBERT M. FOLLETT
KUMEN L. TAYLOR
JAMES K. SLAVENS

WEST ONE BANK
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

KEY FINANCIAL CENTER
702 W. IDAHO SUITE 610
BOISE, IDAHO 83702

TELEPHONE (208) 343-0820
TELEFAX (208) 343-8078

BOISE OFFICE

WM. LYMAN BELNAP, P.A.
RANDALL B. REED
RONALD D. CHRISTIAN

ARTHUR W. HOLDEN
(1877-1967)
ROBERT B. HOLDEN
(1911-1971)
MICHAEL D. CRAPO
(1911-1982)
WILLIAM S. HOLDEN
(1907-1988)

October 21, 1992

RECEIVED

OCT 22 1992

Department of Water Resources
Eastern District Office

Department of Water Resources
Eastern District Office
150 Shoup Avenue
Idaho Falls, Idaho 83401

Re: Assignment of Water Rights
Harlander/Twining

Gentlemen:

Our firm recently represented Edmund S. Twining, III, who purchased certain property in Teton County, Idaho, from Mr. and Mrs. Donald C. Harlander. Mr. Twining purchased the property as to an undivided 50% interest individually in his own name and as to an undivided 50% interest as Personal Representative of the Estate of Susan Twining.

Enclosed are "Notices Concerning Water Rights for Property" and "Assignment of Notice of Claim" forms which provide for the partial assignment of the SRBA claims filed under the Claim Nos. A22-11098, A22-11099, A22-00517, A22-00515, and A22-00516.

Also enclosed is a "Notice Concerning Water Rights for Property", "Assignment of Notice of Claim", and "Assignment of Application for Permit" pertaining to the total assignment of Water Right No. 22-07609. You should note that the enclosed documents provide for the full and complete assignment of Water Right No. 22-07609 to Mr. Twining. The SRBA claim which was previously filed on this water right indicated that the water right for the ground water was to be appurtenant to not only the 80 acres purchased by Mr. Twining but also 20 acres which is located to the West of the Twining property.

RECEIVED

JAN 21 1993

Department of Water Resources
October 21, 1992
Page 2

The enclosed forms provide specifically that the water right will no longer continue to be appurtenant to the 20 acres which is described as the Southeast Quarter of the Southwest Quarter of Section 25, but rather shall be appurtenant to the 80 acres located in the Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section 25.

It is my understanding that a field exam for this permit has not yet been completed and I presume that when the field exam is completed, the exam will confirm that the license which is to be issued should only pertain to the 80 acres which was purchased by Mr. Twining and should not apply to the adjoining 20 acres.

Please call if you have any questions pertaining to these matters or need any additional information from our office. After these forms have been processed, I presume that you will return confirming information directly to our office so that we may provide the same to Mr. Twining.

Very truly yours,



Charles A. Homer

CAH/sb
Enc.
#5494

RECEIVED

JAN 21 1993

NOTICE CONCERNING WATER RIGHTS FOR PROPERTY
(to be mailed to the Idaho Department of Water Resources)

RECEIVED

DATE OF CLOSING: October 20, 1992.

OCT 22 1992

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: See Description on attached Deed. ^{Estates Office}

[] Served Only by a Public Service Water Supply (domestic water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[X] Water Right Number: 22-07609

[X] Name and Address of Former Owner/Claimant(s): Donald C. & Mary Lou Harlander
P. O. Box 8
Driggs, Idaho 83452

[X] New Mailing Address: Edmund S. Twining, III
P. O. Box 101
Tetonia, Idaho 83452

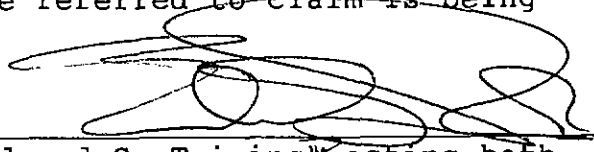
[X] New Telephone Number: (208) 456-2310

[X] Does the change in ownership result in a splitting of the water right claimed? _____ yes _____X_____ no

This is a full transfer of all of our rights in such claim No. 22-07609. All of such water rights shall hereafter be appurtenant to the SW1/4 SE1/4 and SE1/4 SE1/4 of Section 25, Township 6 North, Range 45 E.B.M. and shall no longer be appurtenant to the SE1/4 SW1/4 of Section 25, Township 6 North, Range 45 E.B.M.

Pursuant to this transfer 2 cfs of the total amount of 2 cfs shown on the above referred to claim is being transferred.

[X] Signature of New Owner/Claimant:


Edmund S. Twining* acting both individually and as Personal Representative of the estate of Susan Twining

Date:

10/20/92

RECORDED

JAN 21 1993

[X] Signature of Former
Owner/Claimant(s):

Donald C. Harlander
Donald C. Harlander

Mary Lou Harlander
Mary Lou Harlander

Date:

October 20, 1992

[X] Attach proof of
ownership, describe
proof attached:

(Proof of ownership must describe
either the property conveyed or
include the claim number. Proof of
ownership is not required if this form
is signed by the former claimant.

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken

Dated:

By:

Final Review and Data-Entry

Dated:

By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources

Copies for Former Owner and New Owner

CAH/27971/rfs
#5494

RECEIVED

JAN 21 1993

WARRANTY DEED

THIS INDENTURE is made this 20th day of October, 1992, by DONALD C. HARLANDER and MARY LOU HARLANDER, husband and wife, the Grantor, and EDMUND S. TWINING, III, a single man, acting individually as to an undivided 50% interest, and Edmund S. Twining III, acting as Personal Representative of the estate of Susan Twining as to an undivided 50% interest, whose mailing address is P. O. Box 101, Teton, Idaho 83452, the Grantee.

WITNESSETH, that the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, all of the following described property in the County of Teton, State of Idaho, to-wit:

The South Half of the Southeast Quarter of Section 25, Township 6 North, Range 45 East Boise Meridian, together with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom, including but not limited to all of the water rights which are appurtenant to such property and which are referred to under the following Claim Numbers which have been filed with the Idaho Department of Water Resources pertaining to the pending Snake River Basin Adjudication: 22-07609, A22-00516, A22-00515, A22-00517, A22-11098 and A22-11099.

SUBJECT TO THE FOLLOWING:

1. All governmental regulations and zoning ordinances affecting such Property.
2. Agreement to purchase power, between Don and Mary Lou Harlander as "Consumer", and Fall River Rural Electric Cooperative, Inc. as "Seller", recorded November 7, 1985, recorder's number 97780, official records of Teton County, Idaho.
3. Also, such property is transferred subject to the following restrictive covenants which shall be for the

RECORDED

JAN 21 1993

benefit of the adjoining South Half of the Southwest Quarter of Section 25, Township 6 North, Range 45 East, Boise Meridian, which is owned by Grantor:

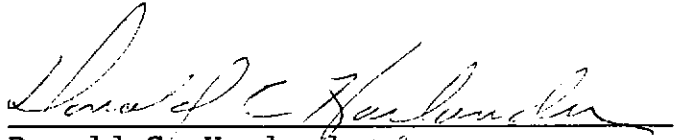
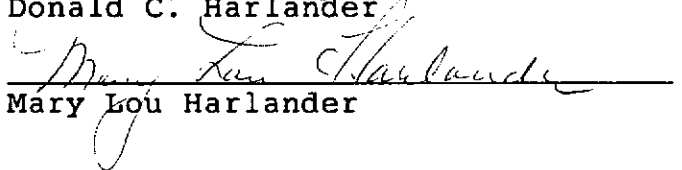
1. The Property may not be subdivided into more than two parcels.
2. Buildings, permanent or temporary, shall be set back a minimum of 450 feet from the South boundary line of the Property. No vehicular parking area or vehicular driveways or roadways shall be permitted within 450 feet from the South boundary line of the Property.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.


Donald C. Harlander

Mary Lou Harlander

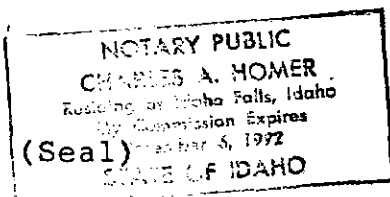
RECORDED

JAN 21 1993

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 20th day of October, in the year 1992, before me, the undersigned Notary Public in and for said state, personally appeared DONALD C. HARLANDER and MARY LOU HARLANDER, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me they executed the same.

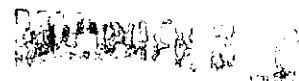
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.





Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires 12/6/92

CAH/10501/rfs
#5494



JAN 21 1993

April 25, 1991

DONALD C. HARLANDER
MARY LOU HARLANDER
P.O. BOX 8
DRIGGS, ID 83422

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07609

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,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

MAY 29 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 22-7609

Date 4-19-91

GENERAL CONSIDERATIONS

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

SOURCE OF WATER

Surface water source
4 Ground water source
No Drill permit req'd?
4 Copy in file? Drill permit no. _____
4 Amt paid for drilling permit? _____ Correct?
No Well log in file?

LICENSE EXAMINATION FEE

Required?
Amount submitted?
Correct amount?

MEASURING DEVICE

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

DEFICIENCIES OR ACTION ITEMS

*Well drilled in 1986
Proof acceptable*

PRIORITY CALCULATION

Date proof received Lb
Date proof due _____ - _____
No. of days late _____ = _____
Priority date _____ + _____
NEW PRIORITY DATE _____ = _____

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APR 15 1991

STATE OF IDAHO

For Office Use Only
Amt. of Fee \$ 125.00
Date 4-15-91
Receipt No. C070220
Received by GA

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

Department of Water Resources

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 - 07609 Telephone No. 456 2864
2. Name(s) of Permit Holder(s): DONALD C. HARLANDER, MARY LOU HARLANDER
3. Post Office Address: P.O. Box 8 DRIGGS ID. 83422
4. Source of Water: GROUNDWATER
- a. If ground water, well driller's name: DOUG CUSHMAN Date drilled: SEPT. 1966
- b. Pump horsepower: 50 Pressure (psi): 50 - 80 Dynamic pumping level (ft.): 130 FT.
(PRESENT USE) (WHEN TESTED IN 1966)
5. Extent of Use:
- Domestic _____ (No. of households) Irrigation 100 (No. of acres)
- Stockwater _____ (No. and type of stock) Other _____

6. Total rate and/or volume for which proof is submitted ~~2.0~~ 2.0 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: \$ 125.00 (See License Examination Fee Schedule)

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

Name

Telephone No.

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.

Date

4/9/91

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

Don Harlander

MAY 29 1991



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

March 12, 1991

DONALD C. HARLANDER
MARY LOU HARLANDER
P.O. BOX 8
DRIGGS, ID 83422

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 22-07609

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.

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. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

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.

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Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

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MAR 15 1957

APPLICATION FOR PERMIT REVIEW

Application #: 22-7609
 Date: 2-26-91

Reviewer: Pam Skaggs

- ✓ Existing:
- No - 26A-P17
 - Complete in 1 year - P16
 - ✓ Yes
 - ✓ Proof not submitted - P16
 - Proof submitted - N/A
 - ✓ Groundwater:
 - ✓ GT. 0.7 cfs - 01G-P03, 01C-P03 (existing well)
 - LT. 0.7 cfs - N/A
 - ✓ Drilling Permit:
 - Approved w/permit - P99
 - ✓ Not included - 046-P23 (All GW, even existing wells)
 - ✓ Location:
 - Water Districts - WD No. 01
 - Surface water - 005, 005-01H-P01 (LT.7 w/pump)
005-01J-P08 (GT.7)
 - Groundwater *existing* - P05
 - Irrigation Districts - 023
 - Canal Co. Areas - 023
 - Drainage Districts - 024
 - Boise Front (63) - 058 (Groundwater)
 - ✓ Swan Falls Flag - 1 (1 or Blank)
 - Trust - 051-052-053-P74 (Cons.), 041 (DCMI, w/Irr
 - ✓ Non Trust - 048-049 or Irr & Dom)
 - River Basins:
 - (Surface Water) Water District Control Condition &....
 - Boise (63) - 11D-P72
 - Payette (65) - 047-P04, 059-P71
 - Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)
 - Use:
 - Fish Propagation - 002-P06, 06A, 007, 09E-P10, 010, 042, 044
 - Power - Use Power Review
 - Mining - 06A, 006, 010, 09E-P10 & 054 (req.)
 - Storage - 18A-for multiple measuring devices (In WD),
18B-P09 (Size)
 - Rec. & Aesthetic - 027 (Non-Consumptive)
 - Domestic - 021 (restricted areas)
 - Ownership:
 - Non land owner - 004
 - Protested:
 - Agreement - 020
 - Minimum Stream Flow:
 - Overlapping uses - 029-P20
 - ✓ Beneficial Use Due Date: - 03-02-1992
 - Other Conditions Recommended _____

FILED

MAR 15 1991

ju
3-6-91

m No. 202a
87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES~~SUNFALLS HAD FILE~~

APPLICATION FOR PERMIT ANALYSIS SHEET

22-7609

INITIAL REVIEW BY ESV DATE 10/28/88 APPLICATION NUMBER HARD
HARLANDERREQUIRED INFORMATION

- ☒ 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 and/or volume)
- ☒ County
- ☒ Quantity (flow and/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

ADDITIONAL INFORMATION

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

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested FEB 13 1991

Department of Water Resources

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PROCESSING

☐ Yes ☐ No Inform for advertising
☐ Yes ☐ No Statewide advertising
☐ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

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

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 2-4-91
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☒ Yes ☐ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. _____
☒ Yes ☐ No Special conditions of approval or cover letter below. _____

☐ See below for additional information

Date of priority recommended 2-5-91 10-5-88
By HWT Date 2-5-91

STATE OFFICE REVIEW

☐ See below for additional information

By _____ Date _____

ADDITIONAL INFORMATION

Conditions - 20167

LOCAL PUBLIC INTEREST

Comments received from:

- | | | |
|---------------------------------------|---|--|
| ☐ City | ☐ Idaho Fish & Game | ☐ Irrigation District |
| ☐ County | ☐ Idaho Health & Welfare | ☐ Canal Company |
| ☐ Reservations | Division of Environment | ☐ Other _____ |

Project impacts/implications report

COMMENTS

THIS WELL WAS DRILLED AND TESTED APPROX.
12 YEARS AGO BY PREVIOUS OWNER. THE APPLICANT
STARTED USING THE WELL FOR IRR APPROX.
3 YEARS AGO.

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

Idaho Falls, Idaho 83402
(208) 525-7161

JANUARY 8, 1991

TETON VALLEY NEWS
P.O. BOX 509
DRIGGS, ID 83422

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 4, 1991.

Yours truly,

Rita Bodell
Secretary

Encl.

RECEIVED

MAR 15 1991

22-07609

HARLANDER, DONALD C.
HARLANDER, MARY LOU
P.O. BOX 8
DRIGGS, ID 83422

Source: GROUNDWATER

Diversion Pt: NESESE Sec 25 T 06N R 45E

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

Date Filed: 10/ 5/ 1988

In: T06N R45E S25 SESW SWSE SESE
100.0 ACRES TOTAL

RECORDED

MAR 15 1991

04-Jan-1991

DONALD C &/OR MARY LOU HARLANDER
PO BOX 8
DRIGGS ID 83422

RE: Application No. 22-07609

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in TETON VALLEY NEWS on JANUARY 17 & 24, 1991. The advertisement will be published for 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

MICROFILMED

MAR 15 1991

December 13, 1988

Donald C. and/or Mary Lou Harland
P.O. Box 8
Driggs, ID 83422

RE: Application for Permit #22-7609

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your application for water right permit. The application has been assigned identification No. 22-7609. Please refer to this number in all future correspondence.

The Department can not proceed with the processing of your application at this time. It seeks the appropriation of water within the area covered by the civil suit of Idaho Power Company vs. Idaho Department of Water Resources, et al., Ada County Civil No. 81375 (Swan Falls Suit). Until there has been a final resolution to this suit and rules and regulations promulgated for considering new appropriations, the processing of applications in this area has been suspended. During the interim, your application will be held in this office.

The staff in our office will be glad to answer any questions you have concerning the above matter.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor

RECEIVED

MAR 15 1989