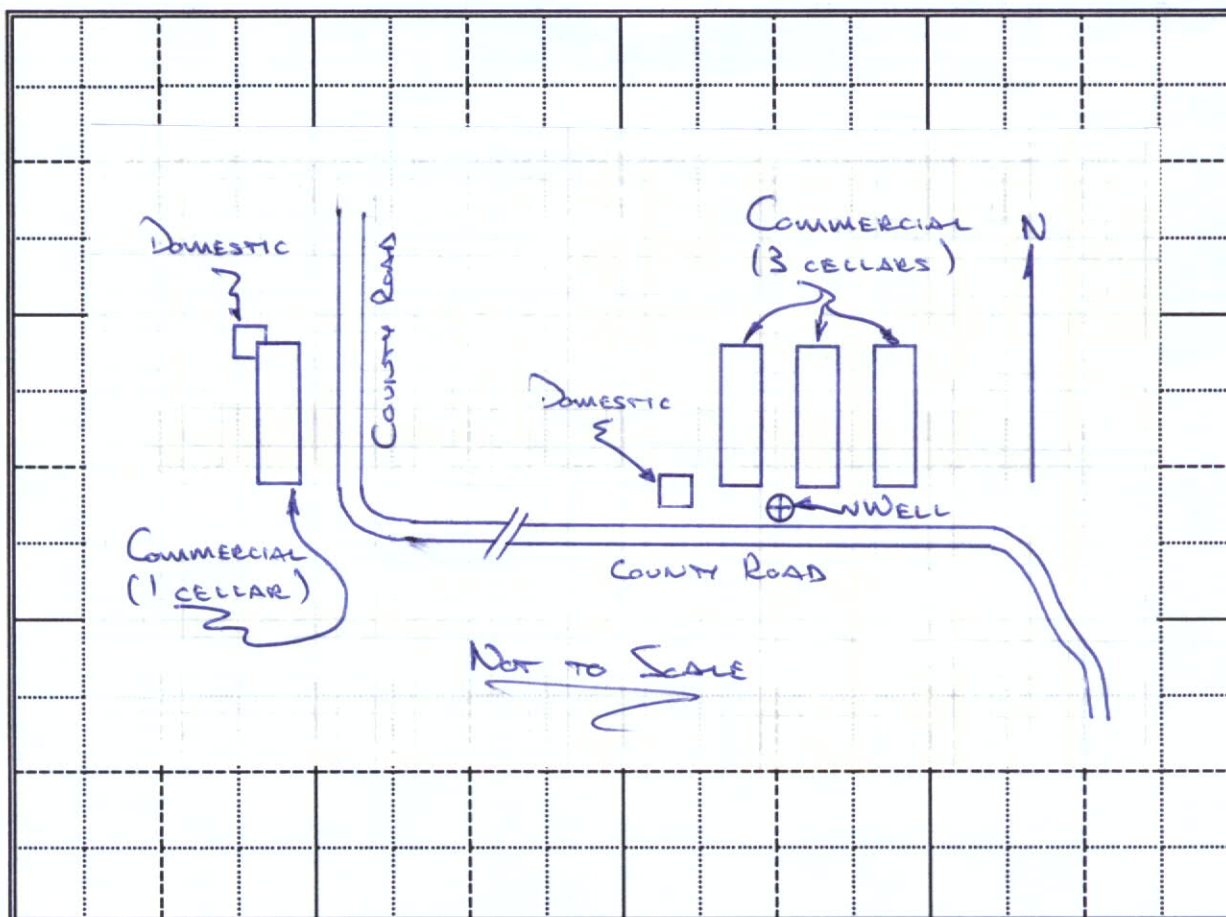


3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



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
UNKNOWN		1 1/2	—	—	

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

D. FLOW MEASUREMENTS

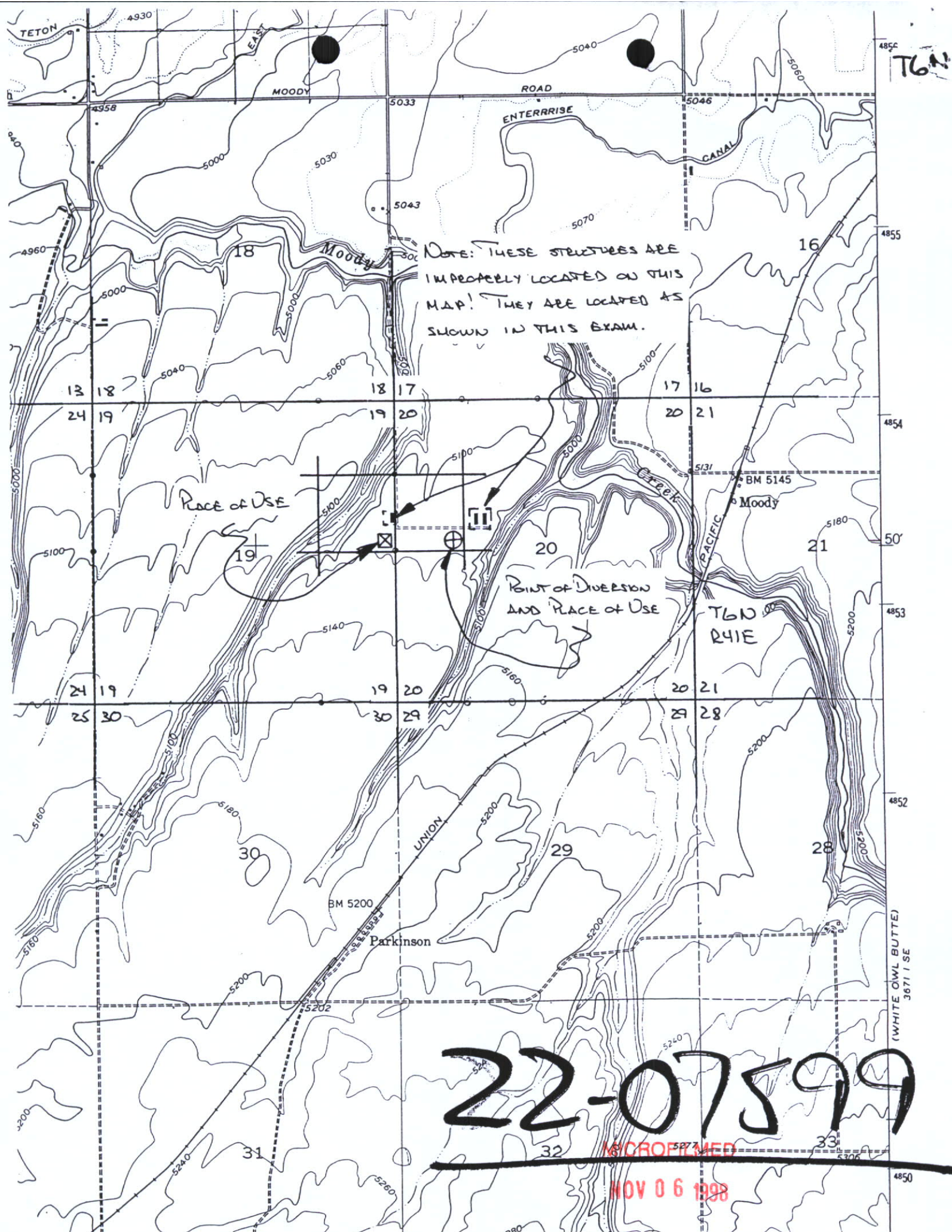
1.

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

2. Measurements: ESTIMATE 180' TO WATER (FROM OWNER).

MICROFILMED

107 0 2 1038



800 000
FEET

4856

4855

4854

50'

4853

4852

4851

ROAD

HOUSE

5046

CANAL

Moody

18 17
19 20

17 16
20 21

NOTE LOCATIONS FROM
AERIAL PHOTOGRAPHY

19 20
30 29

20 21
29 28

T60
241E

30

29

inson

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22-07599



Plate 1 – Point of diversion located beneath haybales.



Plate 2 - Place of use in SWNW Section 20, T6N, R41E showing three potato cellars and one domestic home.

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22-07599



Plate 3 - Place of use for domestic and commercial in SENE, Section 19,
T6N, R41E. Use includes watering of small lawn area shown.

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22-07599



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22-07549

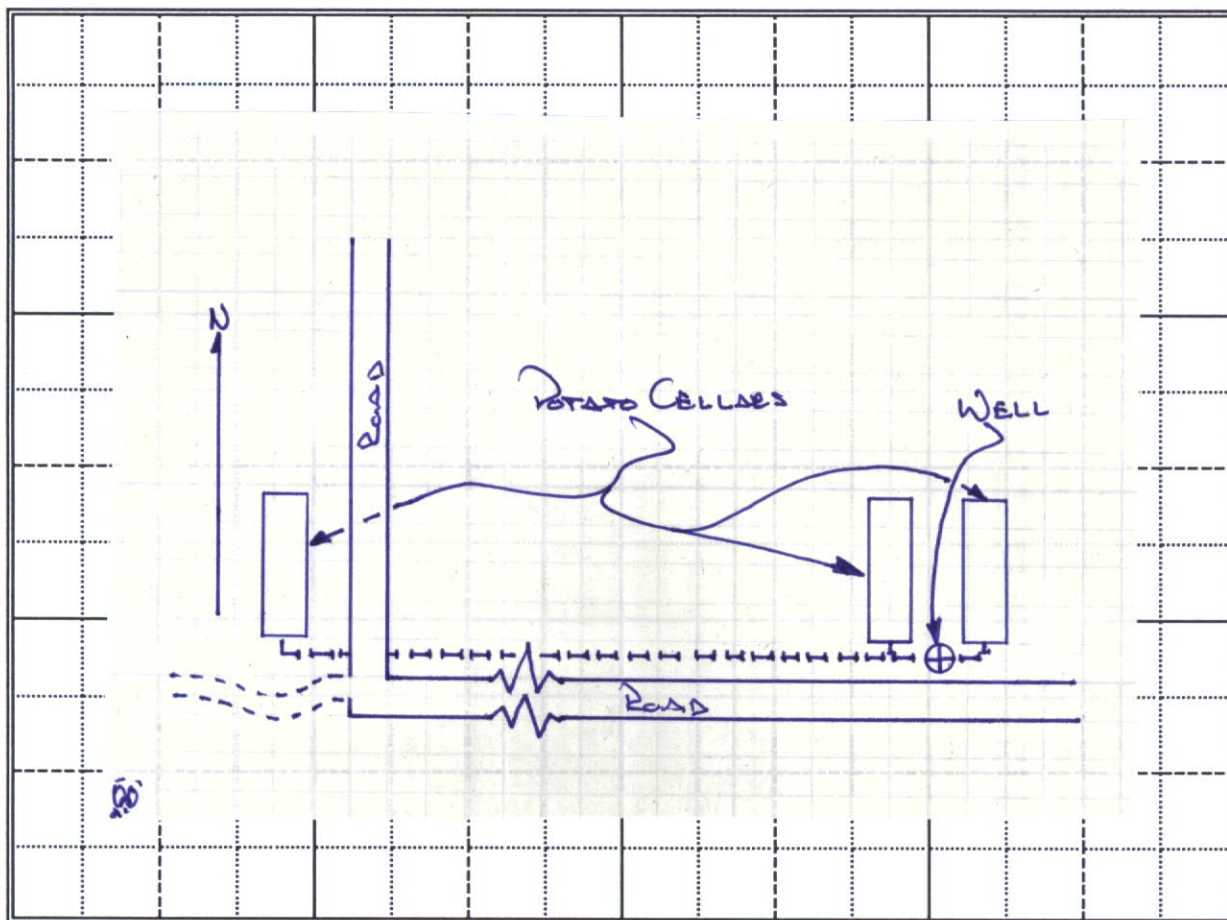
NOV 06 1998

1985 CROP YEAR
NOT TO SCALE
MAP NUMBER

E-3-L

Dublin Office, PA. FSA

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
	Unknown	1 1/2	—	—	—

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

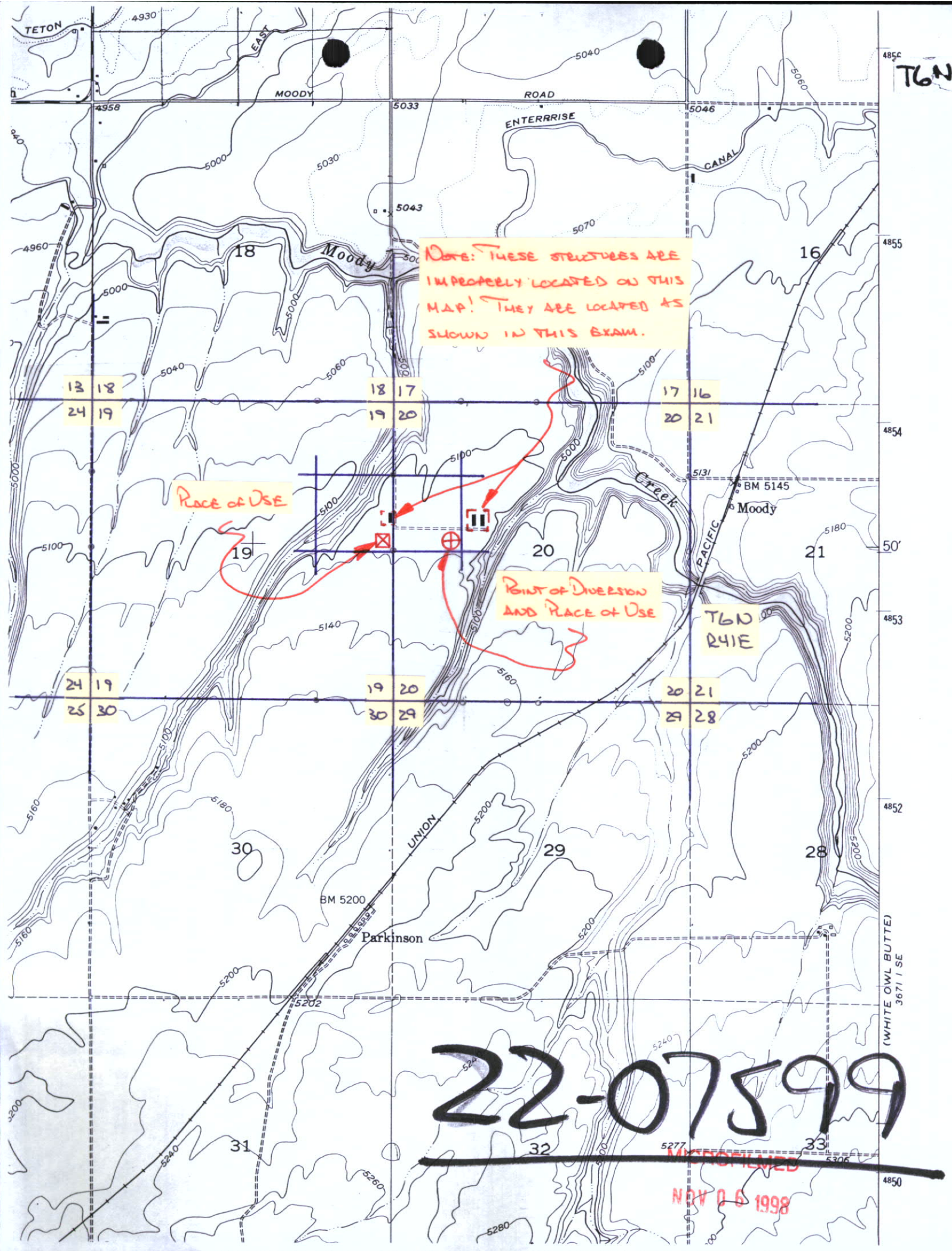
D. FLOW MEASUREMENTS

1.

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

2. Measurements: DONE. ESTIMATED PSI = 30 PSI. STATIC WATER LEVEL
ESTIMATED FROM LOCAL LOGS AT 180'.

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NOTE: THESE STRUCTURES ARE
IMPROPERLY LOCATED ON THIS
MAP! THEY ARE LOCATED AS
SHOWN IN THIS EXAM.

Race of Use

Point of Diversion
AND Race of Use

T6N
241E

22-07599

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NOV 0 5 1998

(WHITE OWL BUTTE)
3671 / SE



800 000
FEET

4856

4855

4854

50'

4853

4852

4851

NOTE LOCATIONS FROM
AERIAL PHOTOGRAPHY

T60
B41E

22-07599

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NOV 06 1998

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 22-07599

Priority: August 25, 1988

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

4.2 AF

This is to certify, that RANDALL CORP
FLYING H CORP

35 S MILL HOLLOW RD
REXBURG ID 83440

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 25, 1988; and has submitted Proof of Beneficial Use on November 9, 1989. An examination indicates that the works have a diversion capacity of 0.040 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	0.04 CFS	2.4 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.8 AF
	Totals	0.04 CFS	4.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 20, Township 06N, Range 41E
MADISON County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

06N 41E 19 SENE
20 SWNW

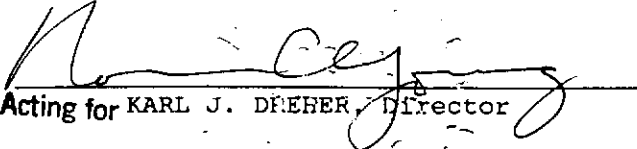
PLACE OF USE:

DOMESTIC, same as COMMERCIAL use

CONDITIONS OF APPROVAL AND REMARKS

1. Commercial use is for 4 potato cellars.
2. Domestic use is for 2 homes.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 30TH day of OCTOBER, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED

NOV 06 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF LICENSE)
NO. 22-07599 IN THE NAME OF)
RANDALL CORPORATION &)
FLYING H CORPORATION)
_____)

**ORDER GRANTING PETITION
FOR RECONSIDERATION**

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the issuance of a water right license, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On February 17, 1998, the Department issued a preliminary order (order) granting Water Right License No. 22-07599 (license) in the name of Randall Corporation and Flying H Corporation (petitioners).
2. On February 27, 1998, the petitioners filed a Petition for Reconsideration (petition) with the department in connection with the order. The petitioners assert that some of the beneficial use of water developed in accordance with Permit No. 22-07599 was not recognized in the license.

CONCLUSIONS OF LAW

1. Section 67-5243(3), *Idaho Code*, provides in pertinent part as follows:

Unless otherwise provided by statute or rule, any party may file a motion for reconsideration of a recommended order or a preliminary order within fourteen (14) days of the issuance of that order. The presiding officer shall render a written order disposing of the petition.

2. The Department should conditionally grant the petition for reconsideration of the order pursuant to Section 67-5243(3), *Idaho Code*, to give the petitioners an opportunity to provide information demonstrating that the license should include additional beneficial uses of water not currently listed on the license.

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ORDER

IT IS HEREBY ORDERED that the petition is **CONDITIONALLY GRANTED** pursuant to Section 67-5243(3), *Idaho Code*, to allow the permit holders 30 days to provide information demonstrating that the license should include additional beneficial uses of water not currently listed on the license.

IT IS FURTHER ORDERED that if the petitioners do not submit additional information in support of the petition within 30 days of the service date of this order, the February 17, 1998, preliminary order issuing the license is automatically reinstated and shall again be in full force and effect.

Dated this 3rd day of March, 1998.

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

L. GLEN SAXTON
Chief, Water Allocation Bureau

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NOV 06 1998

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07599

Priority: August 25, 1988

Maximum Diversion Rate:
Maximum Diversion Volume:

0.04 CFS
1.5 AF

This is to certify, that RANDALL CORP
FLYING H CORP

35 S MILL HOLLOW RD
REXBURG ID 83440

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 25, 1988; and has submitted Proof of Beneficial Use on November 9, 1989. An examination indicates that the works have a diversion capacity of 0.040 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	0.04 CFS	1.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 20, Township 06N, Range 41E
MADISON County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

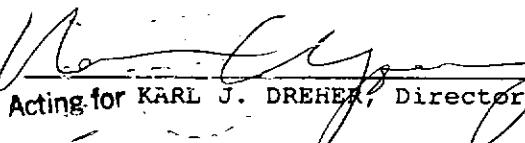
06N 41E	19	SENE
	20	SWNW

SUPERSEDED

CONDITIONS OF APPROVAL AND 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 shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Commercial use is for 3 potato cellars.

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 17TH day of FEBRUARY, 1990.


Acting for KARL J. DREHER, Director

MICROFILMED
NOV 06 1998

RECEIVED

FEB 09 1998

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 22-07599

Date of Priority: August 25, 1988

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

1.5 AF

Comes now

RANDALL CORP

FLYING H CORP

35 S MILL HOLLOW RD

REXBURG ID 83440

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 22-07599, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
COMMERCIAL	01/01 to 12/31	0.04 CFS	1.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 20, Township 06N, Range 41E
MADISON County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

06N 41E 19

SENE

20

SWNW

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Rexburg, Idaho, this 6th day of February, 1998.

FLYING H CORPORATION

RANDALL CORPORATION

By

President

President (Signature)

MICROFILMED
NOV 06 1998

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07599

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50.00 Received by LS # 604138 Date 2/19/98

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 22-07599 with the following;

CONDITIONS OF APPROVAL AND 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 shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Commercial use is for 3 potato cellars.

Witness my hand this 17TH day of FEBRUARY, 1998.

Acting for KARL J. DREHER, Director

MICROFILMED
NOV 06 1998

RECEIVED

NOV 9 1989

2 $\checkmark$'s enclosed
Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received 50.00
Date 11-13-89
Receipt # 2013178
Receipt by D.K.
Reviewed by JS-12-90
Sent to region

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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.

Permit No. 22-07599

Name(s) of Permit Holder: RANDALL CORPORATION & FLYING H CORPORATION

Post Office Address: 216 Mohawk, Rexburg, ID 83440

Telephone No. 208-356-6987

Source of Water: groundwater

Extent of Use:

Domestic 2 (number of households) Stockwater (number and type of stock)
Irrigation (acres) Other/Remark Commercial - 4 potato cellars

Total rate and/or volume for which proof is submitted .16 cfs acre-feet

Show the date water was first diverted and beneficially used under this permit: 7-1-74

Measuring Device: Required? Yes X No
Installed? Yes X No
Fee enclosed \$ 50.00
(See License Examination Fee Schedule)

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

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

Robert D. Huskinson
(Name)

208-356-9115
(Telephone Number)

1082 N Hill Rd., Rexburg, ID 83440
(Address)

RECORDED

FEB 13 1990

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.

RANDALL CORPORATION

FLYING H CORPORATION

10-30-89

By Pat Allen
Signature of Permit Holder (and title, if appropriate)
Secretary

By Robert D. Huskinson
Sec.

Date

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 RANDALL CORPORATION & FLYING H CORPORATION Phone 208-356-6987

Post office address 216 Mohawk, Rexburg, ID 83440

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

3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____

Sec. 20 Township 6 N. Range 41 E. B.M. Madison County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .08 cfs for domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .08 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)

5. Total quantity to be appropriated is (a) .16 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 2 pumps with pipelines

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 18 inches; proposed depth of well is 500 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

1 years (minimum 1 year).

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Feb 12 1989

021

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

11. a. Who owns the property at the point of diversion? RANDALL CORPORATION
b. Who owns the land to be irrigated or place of use? Both applicants
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing.

[illegible]

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.

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. [Commercial - 4 potato cellars

Proposed Priority 8/25/88

Received by PRM Date 8/25/88 Time 1440 Preliminary check by ES
Fee \$ 20.00 Received by PRM # E001808 Date 8-25-88
Publication prepared by RB Date 11-9-88 Published in Rexburg Standard-Tribune
Publication approved aw Date 12-2-88

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. 22-7599, 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 February 1, 19 90.
- 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:

The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 17th day of January, 1989.

A. Glen Saxton

WICKFILMED

FEB 14 1989

Officers of Randall Corporation:

Pam R. Bowen
President
72 E. Main
Rexburg, ID 83440
208/356-6893

Pat R. Allsen (Please contact Mrs. Allsen for questions.)
Secretary
284 E. 3450 N.
Provo, UT 84604
801/374-6832

Jackie R. Taylor
Vice-president
19210 Wagner Rd.
Caldwell, ID 83605
208/459-6073

Directors of Randal Corporation:

Pat R. Allsen
284 E. 3450 N.
Provo, UT 84604
801/374-6832

Sue R. Huskinson
1082 N. Hill Rd.
Rexburg, ID 83440
208/356-9115

Pam R. Bowen
72 E. Main
Rexburg, ID 83440
208/356-6893

Jackie R. Taylor
19210 Wagner Rd.
Caldwell, ID 83605
208/459-6073

Officers/Directors of Flying H Corporation:

Robert D. Huskinson
President
1082 N. Hill Rd.
Rexburg, ID 83440
208/356-9115

Sue R. Huskinson
Secretary
1082 N. Hill Rd.
Rexburg, ID 83440
208/356-9115

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THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Madison

DEC 8 1988

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
November 17, 1988 and the last
publication having been made on
November 24, 1988.

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 25th day of November in
the year of 1988, 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:

22-07573
MOUNTAIN WEST BARK PRODUCTS,
INC.

P.O. BOX 518
REXBURG, ID. 83440
Source: GROUNDWATER
Diversión Pt: SENENW Sec 14 T 05N R
39E

Use: COMMERCIAL (.080 CFS)
Date Filed: 8/08/1988
In: T05N R39E S14 NWNE NENW

22-07575
LARSEN, SPENCER T.
LARSEN, LINDA JO
549 S. 1500 W.
REXBURG, ID 83440
Source: GROUNDWATER
Diversión Pt: NESW Sec 25 T 06N R
39E

Use: IRRIGATION (.040 CFS)
DOMESTIC (.040 CFS)
Date Filed: 8/18/1988
In: T06N R39E S25 NESW NESW 1.5
ACRES TOTAL

22-07593
BARTON, BRECK
BARTON, MAURIE
1686 W. 1750 N.
REXBURG, ID. 83440
Source: GROUNDWATER
Diversión Pt: SENENW Sec 13 T 06N R
39E
Use: IRRIGATION (.090 CFS)
Date Filed: 8/25/1988
In: T06N R39E S13 NENW 3.0 ACRES
TOTAL

22-07594
RANDALL, GLADYS
216 MOHAWK
REXBURG, ID 83440
Source: GROUNDWATER
Diversión Pt: SESE Sec 25 T. 06N R
39E
Use: COMMERCIAL (.040 CFS)
Date Filed: 8/25/1988
In: T06N R 39E S26 SESE

22-07598
FLYING H. CORPORATION
1082 N. HILL ROAD
REXBURG, ID 83440
Source: GROUNDWATER
Diversión Pt: NWSW Sec 18 T 06N R
41E

Use: DOMESTIC (.040 CFS),
STOCKWATER (.050 CFS), COMMER-
CIAL (.020 CFS)
Date Filed: 8/28/1988
In: T06N R41E S18 NWSW

22-07599
RANDALL & FLYING H
CORPORATIONS
216 MOHAWK
REXBURG, ID 83440
Source: GROUNDWATER
Diversión Pt: SENW Sec 20 T. 06N R
41E
Use: DOMESTIC (.080 CFS), COM-
MERCIAL (.080 CFS)
Date Filed: 8/25/1988

In: T06N R41E S19 SENE, S20 SENW
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. Pro-
tests must be filed with the Director, Dept.
of Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402 on or
before DECEMBER 5, 1988.

R. KEITH HIGGINSON
Director

Publ. Nov. 17 and 24, 1988J.

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FEB 14 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 2, 1998

RANDALL CORP
FLYING H CORP
35 S MILL HOLLOW RD
REXBURG ID 83440

RE: Water Right No. 22-07599

Dear Water Right Holder:

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license, which supersedes the license issued as a preliminary order on February 17, 1998, is an **amended preliminary order** issued by the Department pursuant to section 67-5243, Idaho Code, in response to your petition for reconsideration. **The amended preliminary order can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below.**

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

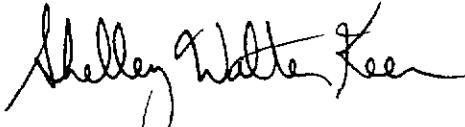
- i. A hearing was held,
- ii. The final agency action was taken,

- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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

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

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

Enclosure

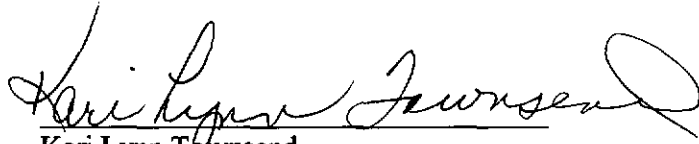
MICROFILMED
3 NOV 06 1998

CERTIFICATE OF MAILING

I hereby certify that on the **2nd** day of **November, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **AMENDED PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 22-07599

**RANDALL CORP
FLYING H CORP
35 S MILL HOLLOW RD
REXBURG ID 83440**


Kari Lynn Townsend
Secretary

MICROFILMED
NOV 06 1998

WR0749NP
No. L22-07599

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/20/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RANDALL CORP	08/25/1988	COMMERCIAL	01/01 12/31	0.040 CFS	2.40 AFA
C	FLYING H CORP		DOMESTIC	01/01 12/31	0.040 CFS	1.80 AFA
	35 S MILL HOLLOW RD					
	REXBURG ID 83440			TOTAL DIVERSION:	0.040 CFS	4.20 AFA
	(208) 356-6987					

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 0.040 CFS

Point(s) of Diversion: T06N R41E S20 SWNW MADISON County

Place of use Legal Description for: COMMERCIAL

	NE				NW				SW				SE			
T R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
06N 41E 19	:															
06N 41E 20	:															

Place of use location for DOMESTIC is the same location as described for: COMMERCIAL

Pou County: MADISON

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
22-07599

Other Water Rights Listing Overlapping Place(s) of use:
22-02221 22-02235

Remarks: GEN Commercial use is for 4 potato cellars.
Domestic use is for 2 homes.

Dates: App. Received: 08/25/1988 Priority Date: 08/25/1988
Proof Due Date: 02/01/1990 Proof Made Date: 11/09/1989
Exam Made Date: 08/14/1992 Exam Sent to S.O.: 11/26/1997
Licensed Date: 02/17/1998

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 10/20/98 SCURTIS

LICENSE REVIEW CHECKLIST

PERMIT NO. 22-07599 DATE 10/20/98 REVIEWER: SHARLA

NAME OK Change/OK
 Address OK
 SOURCE OK Does change clarify orig. intended source? If no, Void permit
 POINT OF DIV OK Change (P39 /P47) Add (P45/P42) Feds - P40
 W32 (multiple in 1/4)
 W36 (overlap)
 W59 (subd. desc)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PLACE OF USE OK Change (P41/P47) Add (P41/P42) Feds - P43
 W60 (subd. desc)
 W27 (ppu acre limit)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PD & PU amend (P37) Feds - P48

RATE OF DIV
 Permitted Rate .16 cfs
 Fee limit .20 cfs \$50⁰⁰
 Measured — cfs
 Theoretical .04 cfs
 Recommended Total Div Rate .04 cfs

WATER USES	<u>OK</u>	Change (P46)	
<u>Comm.</u>	<u>.04</u> cfs	<u>2.4</u> af	Irrig - overlap (R58-R61, R62-R65, R66-R69)
<u>Dom</u>	<u>.04</u> cfs	<u>2.2</u> af	supp. gw (WB7/065/079)
			overlap spec. combined rts (W35)
			<1acre (W31)
			Domestic (W01/WB5/070/071/075)
			Power (W42 or W43/025/027/R22 or R23)
TOTALS		<u>4.2</u> af	Fish (042) Fire (077) Wtr Quality (081/R07)

Flow rate _____ cfs X _____ days X 1.98 = _____ af

REMARKS C/4 potato cellars
D/2 homes

ADD'L CONDITIONS _____ Watermaster Control WD# _____
 _____ GW Measurement/Measuring Device
 _____ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority yes no SRBA Claim NA Adjust Memo _____
 Amend letters _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUL 06 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 22-07599

1. Owner: RANDALL CORP / FLYING H CORP Phone No. (208) 356-1987

Current Address: 35 S Mill Hollow Rd, Rexburg ID 83440

2. Accompanied by: — EXAM DATE: 05-14-1998

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: —

2. Other water rights with the same point of diversion: —

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
			SW	NW	20	6N	41E	MADISON	

2. Place(s) of Use:

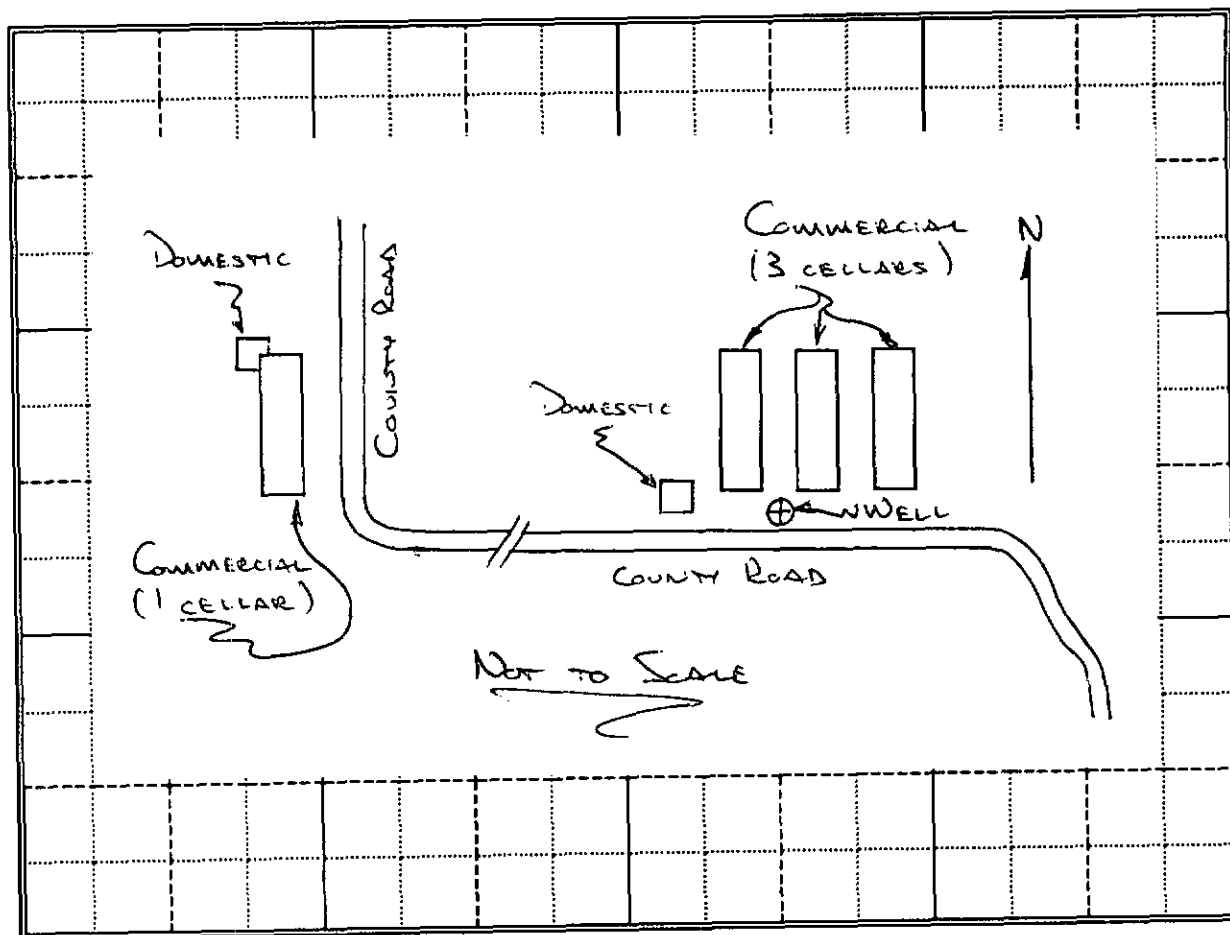
Indicate Method of Determination

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	41E	19				D/C													
		20							D/C										

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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
1 <u>UNKNOWN</u>		1 1/2			

*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: ESTIMATE 180' TO WATER (FROM OWNER)

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E. NARRATIVE/REMARKS/COMMENTS

WELL, PUMP AND PIPELINES TO TWO SINGLE FAMILY DOMESTIC HOMES AND FOUR POTATO CELLARS. ONE OF THE DOMESTICS IS LOCATED IN ONE END OF THE POTATO CELLAR IN THE SENE, SECTION 19, T6N, 41E. THIS IS A VERY SMALL HOME WITH A SMALL LAWN. THE OTHER IS A STANDARD HOME WITH $\frac{1}{2}$ ACRE LAWN. BOTH CAN BE ACCESSED ALL YEAR.

COMMERCIAL USE IS FOR FOUR (4) POTATO CELLARS THAT CAN BE IN USE ALL YEAR.

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

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F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$Q_{THEORE} = \frac{1.5 \text{ HP} (8.814) .70 \text{ EFF}}{180' + (2.308 \times 35 \text{ PSI})} = 0.04 \text{ cfs}$$

LIMITED BY CAPACITY TO
0.04 cfs

ASSUME: 70% EFFICIENCY, 35 PSI OPERATING PRESSURE

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$$

2. Volume Calculations for Other Uses:

Commercial:

$$0.04 \text{ cfs} \times 1.9835 \times 365 \text{ DAYS/YR} \times 2 \text{ HR DIVERSION/24 HR DAY} = 2.4 \text{ AFA}$$

Domestic:

$$\text{TWO HOMES WITH COWS, ONE VERY SMALL} = 1.2 \text{ AFA} + 0.6 \text{ AFA} = 1.8 \text{ AFA}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
DOMESTIC	1-1	12-31	0.04	1.8
COMMERCIAL	1-1	12-31	0.04	2.4
Totals:			0.04 cfs	4.2 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

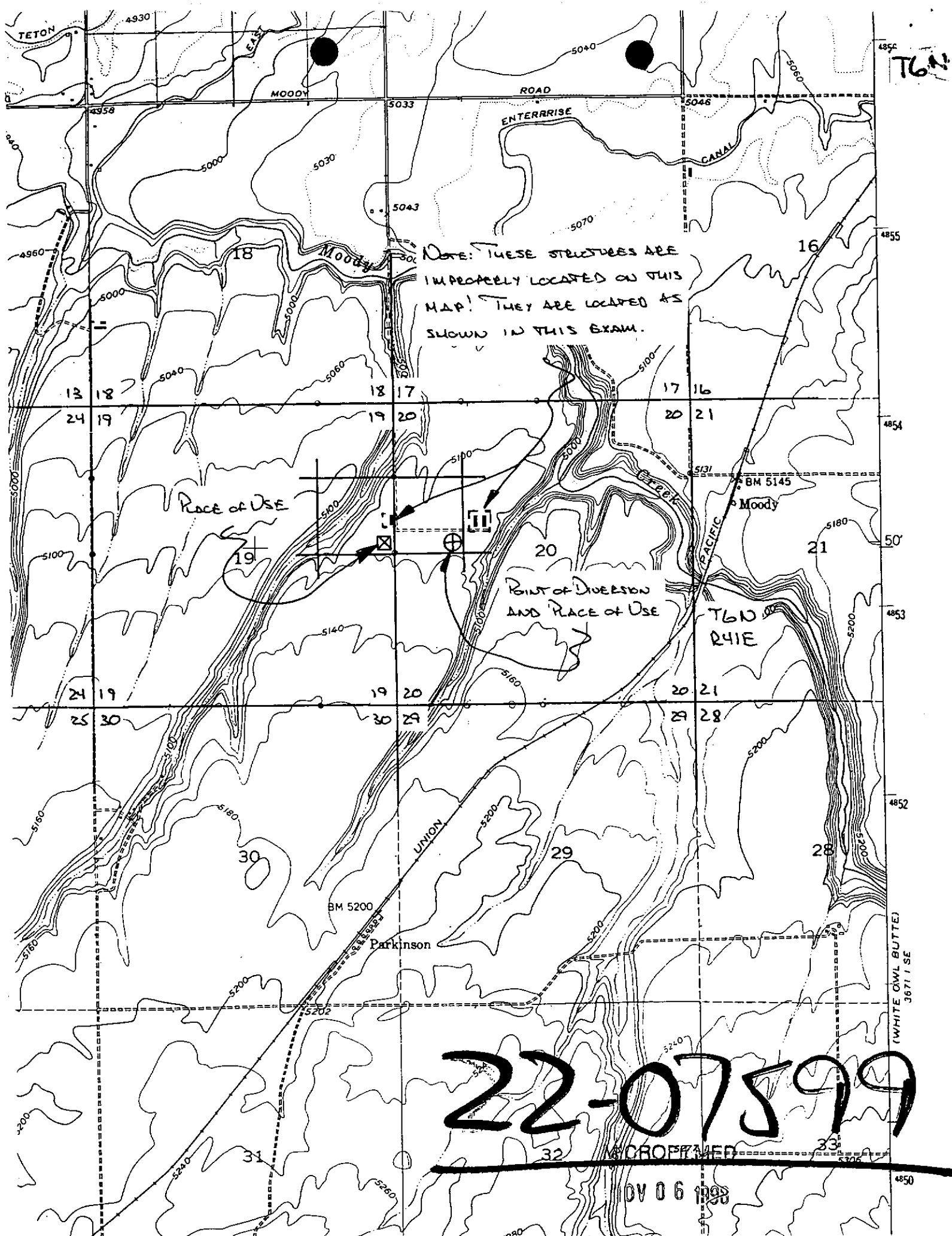
I. AUTHENTICATION

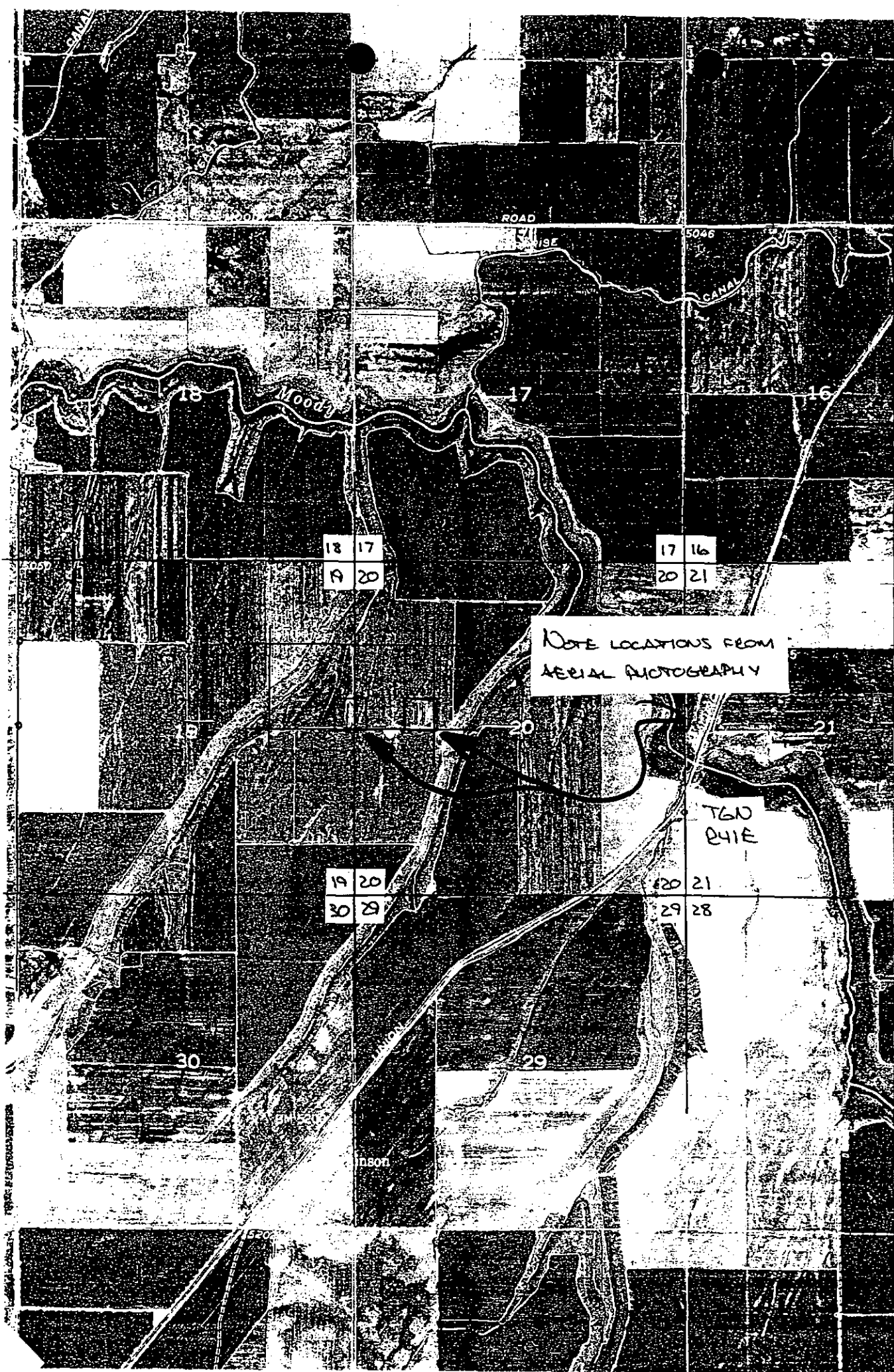
Field Examiner's Name W. D. MEYER Date 7-1-98

Reviewer _____ Date _____

SEAL

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NOV 36 1999





800 000
FEET

4856

4855

4854

50'

4853

4852

4851

NOV 0 1998
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22-07599



Plate 1 – Point of diversion located beneath haybales.

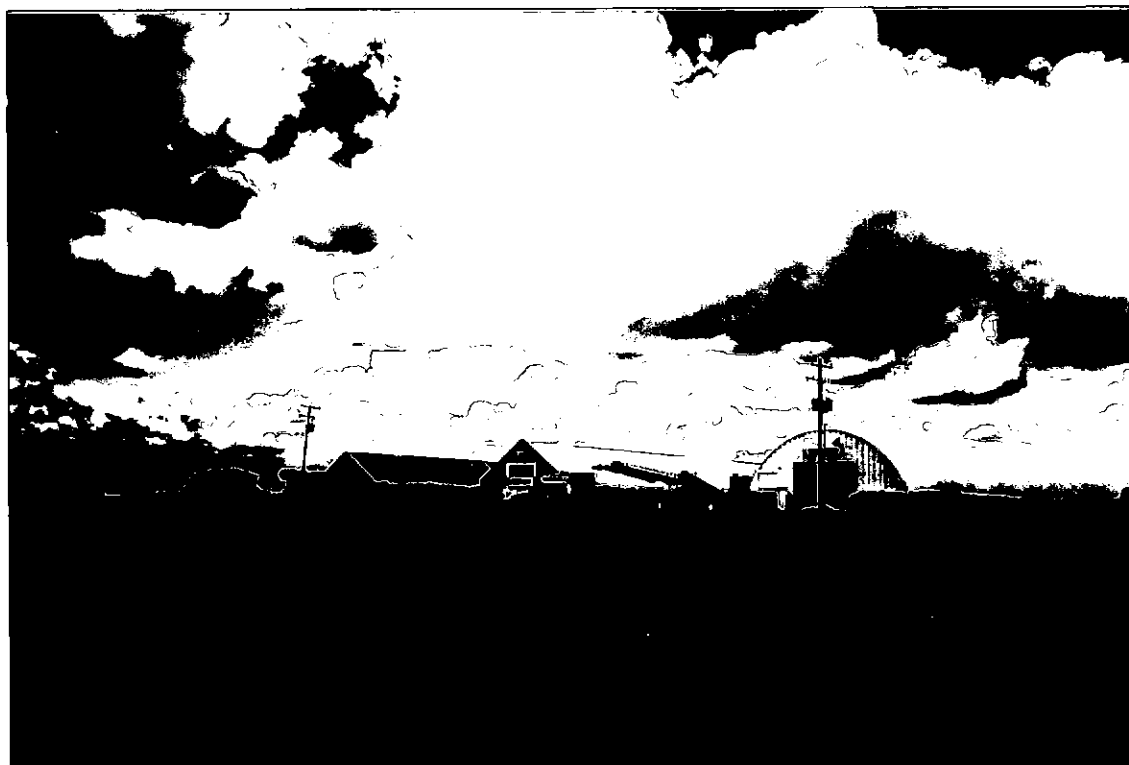


Plate 2 - Place of use in SWNW Section 20, T6N, R41E showing
three potato cellars and one domestic home.

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22-07599



Plate 3 - Place of use for domestic and commercial in SENE, Section 19,
T6N, R41E. Use includes watering of small lawn area shown.

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22-07599

Keen, Shelley

From: Keen, Shelley
To: 'Meyer, Paul'
Subject: 22-07599 Re-examination
Date: Tuesday, May 19, 1998 10:18AM

Paul,

I am following up on our 4/3/98 conversation in which you said you would finish off the report on your re-exam for 22-07599 (Randall Corp.) and send it to me ASAP. Because the petition for reconsideration of the license remains unresolved, I think it is important to move ahead quickly. I would appreciate an update on your progress.

Thanks,

Shelley W. Keen

)(E)

MEMORANDUM

DATE: April 3, 1998

TO: Water Right File 22-07599

FROM: Shelley W. Keen *SWK*

RE: Re-examination

This morning I spoke with Paul Meyer, who told me that he is planning to conduct a re-examination of the use under right 22-07599. I agreed that an examination to double-check the rate of diversion would be a good idea. I told Paul I would hold the file until I see the results of his re-examination.

4/28/98 Paul told me today that he did a re-exam last week. He will forward a report to me ASAP.
S.W. Keen

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NOV 06 1998

RANDALL CORPORATION

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APR 02 1998

Department of Water Resources

March 31, 1998

Mr. Shelley Walter Keen
Water Rights Supervisor
State of Idaho
Dept. Of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

Re: Water Right No. 22-07599

Dear Mr. Keen,

Pursuant to Order Granting Petition for Reconsideration of Water Right License 22-07599 by your Department, the following items are enclosed to support the Proof of Beneficial Use filed by Randall Corporation and Flying H Corporation on October 30, 1989:

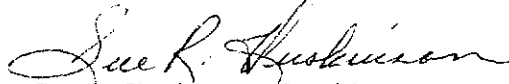
1. Affidavit signed by Ted V. Gould of Gould Brothers, dated March 24, 1998.
2. Aerial photograph from 1985 of Farm Service Agency, USDA, showing four potato cellars and one labor house on the properties involved.
3. Copy of page 1 of Farm Bureau Mutual Insurance policy of Randall Corporation for 5-1-85 to 5-1-86, showing insurance on the Behlen cellar built in 1984.
4. Copy of page 1 and two pages of building depreciation schedule from 1987 U. S. Corporation Income Tax Return of Flying H Corporation. The labor house located in one end of the potato cellar on the Flying H property was built in 1982.

We urgently request that your Department reconsider the Water Right License granted on February 17, 1998, to include all information contained in the Proof of Beneficial Use, and that if necessary, the property be reexamined. We will be happy to answer any further questions you may have concerning this matter.

Respectfully submitted,

RANDALL CORPORATION

By


Sue R. Huskinson, President

FLYING H CORPORATION

By


Robert D. Huskinson, President

TELEPHONE 356-9115

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NOV 06 1998

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APR 02 1998

DEPARTMENT OF WATER RESOURCES

AFFIDAVIT

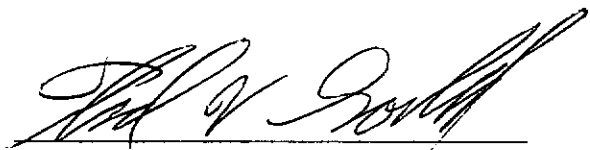
TED V. GOULD, being first duly sworn, deposes and says:

1. That Ted V. Gould, Max Gould and Vern Gould, dba GOULD BROTHERS, all of Fremont County, State of Idaho, have continually since the crop year 1983 and do now operate the ground designated annually for potatoes, owned by RANDALL CORPORATION, an Idaho corporation.

2. That on June 21, 1984, H. J. Randall as President of Randall Corporation contracted with Randall Bergeson to construct a 51' x 260' Behlen building, to be used for potato storage upon the Randall Corporation property, adjacent to two potato cellars and a labor house. A copy of the contract is attached to this affidavit for reference. The affiant also has personal knowledge of this building contract because he personally was authorized to supervise the building by Mr. Randall. The building was completed during the year 1984, and potatoes were stored there in the crop year 1985.

3. That since approximately 1973 the Gould Brothers have also farmed potato ground for FLYING H CORPORATION which is located adjacent to the Randall farm. There is a potato cellar on the Flying H farm, and in approximately 1982 a labor house was built in the north end of that potato cellar.

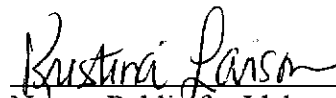
4. That an Application for Permit to the State of Idaho, Department of Water Resources was filed by Randall Corporation and Flying H Corporation on about August 25, 1988 in compliance with the adjudication of rights of water users in the Snake River Basin water system, for a water license to cover a well serving the two labor houses and four potato cellars for a total of .16 cfs of water. Since that date and continuing to the present, all of these facilities use water from the well located on the Randall property.



TED V. GOULD

Subscribed and sworn to before me this 24th day of March, 1998.




Notary Public for Idaho

Residing at: St. Anthony, ID

My commission expires: 10-6-2003

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NOV 06 1998

RANDALL CORPORATION

216 MOHAWK

REXBURG, IDAHO 83440

(208) 356-6987

June 21, 1984

PROPOSAL AND CONTRACT

TO: Randall Corporation
Mr. H. J. Randall, President
216 Mohawk
Rexburg, Idaho 83440

Dear Sir,

We propose to furnish all materials and perform all labor necessary to complete the following:

51' x 260' Behlen curvet Grain Building, 245' storage room
15' Breezeway
7' concrete walls, concrete air system, concrete floor in plenum

Electrical, Labor and Doors

Air System and Air Pipe, 18"

Lids on air pipe, air pump in plenum

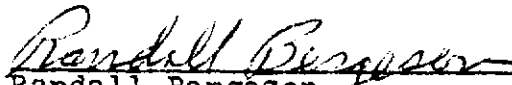
No urethane insulation included

Bid includes \$6,000 for electrical (maximum). Any less electrical cost shall be reimbursed to Randall Corporation.

Completion date to be August 20, 1984.

All of the above work to be completed in a substantial and workman-like manner according to standard practices for the sum of \$107,230.00. Payments to be made as follows: 10 per cent ^{July 1st} down, payment for concrete work upon completion of that portion of work, and other payments as the work is completed, to the value of 90 per cent of all work completed. The entire amount of contract to be paid within ten days after final completion.

Any alteration or deviation from the above specifications involving extra cost of material or labor will only be executed upon written orders for the same, and will become an extra charge over the sum mentioned in this contract. All agreements must be made in writing.


Randall Bergeson

You are hereby authorized to furnish all materials and labor required to complete the work mentioned in the above proposal, for which Randall Corporation agrees to pay the amount mentioned in said proposal, and according to the terms thereof.

RANDALL CORPORATION

ACCEPTED This 21st day of
June, 1984.

 MICROFILMED
H. J. Randall, President
NOV 06 1988



FARM BUREAU MUTUAL INSURANCE COMPANY OF IDAHO, INC.
PO BOX 4848 - 845 WEST CENTER
POCATELLO IDAHO 83201
(208) 232-7914

COUNTRY SQUIRE PLOS
DECLARATION
PAGE 1

THE INSURANCE PROVIDED AS INDICATED BY THIS DECLARATION SUPERSEDES
AND REPLACES ALL INSURANCE PREVIOUSLY AFFORDED BY THIS POLICY.

RECEIVED

APR 02 1998

DEPARTMENT OF WATER RESOURCES

INSURED: RANDALL CORPORATION
2 GLADYS RANDALL
216 MONARK
REXBURG IDAHO 83440

POLICY NUMBER: 01-1-39410-01
POLICY PERIOD: 05-01-85 TO 05-01-86
COUNTY: MADISON
AGENCY: POWELL AGENCY
AGENT: POWELL ROBERT T
EFFECTIVE DATE: 01-31-86
ISSUE DATE: 02-07-86

SECTION I - PROPERTY

LIMIT OF LIABILITY	COVERAGE	APPLICABLE PERILS	APPLICABLE ENDORSEMENTS	LOCATION
31000	A DWELLING FRAME BUILDING NUMBER: 001 WAIVE DEDUCTIBLE ON GLASS	1-18		01
6200	B ADDITIONAL LIVING EXPENSE		171	
7750	C PERSONAL PROPERTY REPLACEMENT COST	1-18	111	
150000	A RESIDENCE PREMISE NON FRAME BUILDING NUMBER: 003 WAIVE DEDUCTIBLE ON GLASS	1-18		03
30000	B ADDITIONAL LIVING EXPENSE		171	
110000	C PERSONAL PROPERTY REPLACEMENT COST	1-18	111	
175000	A DWELLING NON FRAME BUILDING NUMBER: 004 WAIVE DEDUCTIBLE ON GLASS	1-18		05
35000	B ADDITIONAL LIVING EXPENSE		171	
43750	C PERSONAL PROPERTY	1-18		
50000	C PERSONAL PROPERTY	1-18		06
47500	E VEGETABLE CELLAR FRAME 040X320 BUILDING NUMBER: 011	1-9		01
15000	E BUNK HOUSE FRAME 024X030 BUILDING NUMBER: 013	1-9		01
X 150000	E POLY OPEN FRAME END METAL 050X260 BUILDING NUMBER: 014	1-9		01
10000	E SHOP METAL 030X030 BUILDING NUMBER: 016	1-9		04

100 DEDUCTIBLE APPLIES TO EACH SECTION I LOSS

SECTION I ADDITIONAL INSURED(S):

GLADYS RANDALL

SECTION II - LIABILITY

LIMIT OF LIABILITY	COVERAGE	APPLICABLE ENDORSEMENTS
300000	F1 BODILY INJURY	
500000	EACH PERSON	
	EACH OCCURRENCE	

CONTINUED ON PAGE 2

MICROFILMED *James E. Burke*
NOV 06 1998
Authorized Representative

Form
Department of the Treasury
Internal Revenue Service**1120****U.S. Corporation Income Tax Return**

OMB No. 1545-0123

1987For calendar 1987 or tax year beginning 1987, ending 19
For Paperwork Reduction Act Notice, see page 1 of the instructions.Check if a—
A Consolidated return ☐
B Personal Holding Co. ☐
C Business Code No. (See the list in the instructions.)
0400

Use IRS label. Otherwise please print or type.

Name
FLYING H CORPORATIONNumber and street
1082 N. Hill Rd.City or town, state, and ZIP code
REXBURG, ID 83440**RECEIVED****APR 02 1998**

DEPARTMENT OF WATER RESOURCES

D Employer identification number
82-0346483E Date incorporated
01/07/79F Total assets (See Specific Instructions.)
Dollars Cents

\$ 565 713 64

G Check applicable boxes: (1) ☐ Initial return (2) ☐ Final return (3) ☐ Change in address

Income	1a	Gross receipts or sales	b	Less returns and allowances	Balance ▶	1c	
	2	Cost of goods sold and/or operations (Schedule A)				2	
	3	Gross profit (line 1c less line 2)				3	
	4	Dividends (Schedule C)				4	
	5	Interest				5	
	6	Gross rents				6	
	7	Gross royalties				7	
	8	Capital gain net income (attach separate Schedule D)				8	
	9	Net gain or (loss) from Form 4797, line 18, Part II (attach Form 4797)				9	
	10	Other income (see instructions—attach schedule)				10	
	11	TOTAL income—Add lines 3 through 10 and enter here				11	

Deductions (See Instructions for limitations on deductions)	12	Compensation of officers (Schedule E)	b	Less jobs credit	Balance ▶	12	
	13a	Salaries and wages				13c	
	14	Repairs				14	
	15	Bad debts (see instructions)				15	
	16	Rents				16	
	17	Taxes				17	
	18	Interest				18	
	19	Contributions (see instructions for 10% limitation)				19	
	20	Depreciation (attach Form 4562)	20	88215 00		20	
	21	Less depreciation claimed in Schedule A and elsewhere on return	21a			21b	
	22	Depletion				22	
Tax and Payments	23	Advertising				23	
	24	Pension, profit-sharing, etc., plans				24	
	25	Employee benefit programs				25	
	26	Other deductions (attach schedule)				26	
	27	TOTAL deductions—Add lines 12 through 26 and enter here				27	
	28	Taxable income before net operating loss deduction and special deductions (line 11 less line 27)				28	
	29	Less: a Net operating loss deduction (see instructions)	29a	(170823 82)		29a	
		b Special deductions (Schedule C)	29b			29b	
	30	Taxable income (line 28 less line 29c)				30	
	31	TOTAL TAX (Schedule J)				31	
	32	Payments: a 1986 overpayment credited to 1987				32	
	b	1987 estimated tax payments				32	
	c	Less 1987 refund applied for on Form 4466				32	
	d	Tax deposited with Form 7004				32	
	e	Credit from regulated investment companies (attach Form 2439)				32	
	f	Credit for Federal tax on gasoline and special fuels (attach Form 4136)				32	
	33	Enter any PENALTY for underpayment of estimated tax—check ☐ if Form 2220 is attached				33	
	34	TAX DUE—If the total of lines 31 and 33 is larger than line 32, enter AMOUNT OWED				34	
	35	OVERPAYMENT—If line 32 is larger than the total of lines 31 and 33, enter AMOUNT OVERPAID				35	
	36	Enter amount of line 35 you want credited to 1988 estimated tax				36	

Please Sign Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Signature of

Date

Title

Paid Preparer's Use Only

Preparer's signature

Date

Check if self-employed ☐

Preparer's social security number

Firm's name (or yours, if self-employed) and address

GAMES, INC. - MICROFILMED
CERTIFIED PUBLIC ACCOUNTANTS
P. O. BOX 659 - IDAHO FALLS, ID 83401

E.I. No.

ZIP code

NOV 06 1998

PAGE NUMBER: 1 CLIENT: FLYING H CORPORATION
 REPORT DATE: 01/01/80
 REPORT TIME: 22:18:07

YEAR-END: 12/31/87
 FILENAME: IF5061F

BOOK DEPRECIATION SCHEDULE - SORTED BY ACCOUNT NUMBER

Date Acq	Description	Inv. Cr.	Cost	Section 179	Depr Basis		Reg A/Depr	Sell Price
Date Sold	Meth Life ITC Status New List Yr of Dep Net Bk Val	Salvage Val	Bus %	Curr Depr	End A/Depr	Gain/Loss		
===== --> A/C#: 100 BUILDINGS & IMPROVEMENTS =====								
01/01/67	POWERLINE FOR CELLAR	0.00	393.00	0.00	393.00	0.00	393.00	
	SL -10-Omit -Active -New -	21	0.00	0.00	100.00		393.00	
01/01/67	POTATO CELLAR	0.00	9618.34	0.00	9618.34	0.34	9618.00	
	SL -14-Omit -Active -New -	21	-0.00	0.00	100.00		9618.34	
10/01/69	BUILDING	0.00	5400.00	0.00	5400.00	0.00	5400.00	
	SL -10-Omit -Active -New -	19	0.00	0.00	100.00		5400.00	
01/01/71	CELLAR CONSTRUCTION	0.00	2110.50	0.00	2110.50	0.50	2110.00	
	SL -10-Omit -Active -New -	17	0.00	0.00	100.00		2110.50	
04/01/73	MACHINE SHED - GRAINERY	0.00	15483.00	0.00	15483.00	0.00	15483.00	
	SL -14-Omit -Active -New -	15	0.00	0.00	100.00		15483.00	
09/01/73	POTATO CELLAR	0.00	15828.95	0.00	15828.95	1179.95	14649.00	
	S*150-10-Omit -Active -New -	15	-0.00	0.00	100.00		15828.95	
11/01/74	FUEL TANKS	0.00	5650.37	0.00	5650.37	160.02	5357.00	
	S*150-14-Omit -Active -New -	14	133.35	0.00	100.00		5517.02	
06/25/76	MACHINE SHED DOOR	0.00	2750.00	0.00	2750.00	0.00	2750.00	
	SL -10-Omit -Active -New -	12	0.00	0.00	100.00		2750.00	
12/31/76	WATER SYSTEM - ROONEY PLACE	0.00	2089.13	0.00	2089.13	115.55	1521.00	
	S*150-15-Omit -Active -New -	12	452.58	0.00	100.00		1636.55	
10/10/77	LABOR HOUSE REPAIRS	0.00	1699.60	0.00	1699.60	108.10	1078.00	
	S*150-15-Omit -Active -New -	11	513.50	0.00	100.00		1186.10	
08/01/78	SCALES	0.00	1000.00	0.00	1000.00	118.11	813.00	
	S*150-10-Omit -Active -New -	10	58.89	0.00	100.00		931.11	
03/01/79	VENTILATION EQUIPMENT	0.00	800.00	0.00	800.00	0.00	800.00	
	SL - 5-Omit -Active -New -	9	0.00	0.00	100.00		800.00	
03/01/79	AIR CONDITIONER PANEL	0.00	3050.00	0.00	3050.00	0.00	3050.00	
	SL - 5-Omit -Active -New -	9	0.00	0.00	100.00		3050.00	
03/01/79	AIR SYSTEM W/POTATO WASH	0.00	725.00	0.00	725.00	0.00	725.00	
	SL - 3-Omit -Active -New -	9	0.00	0.00	100.00		725.00	
03/01/79	POTATO PIPE	0.00	550.00	0.00	550.00	0.00	550.00	
	SL - 3-Omit -Active -New -	9	0.00	0.00	100.00		550.00	

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 NOV 06 1998

REPORT DATE: 01/01/80

FILENAME: IF5061F

REPORT TIME: 22:19:01

BOOK DEPRECIATION SCHEDULE - SORTED BY ACCOUNT NUMBER

Date Acq	Description	Inv. Cr.	Cost	Section 179	Depr Basis	Beg A/Depr	Sell Price
Date Sold	Meth Life ITC Status New List Yr of Dep Net Bk Val Salvage Val Bus % Curr Depr End A/Depr Gain/Loss						
-----> A/C#: 100 BUILDINGS & IMPROVEMENTS							
01/01/80	BRAIN STORAGE	2900.00	29000.00	0.00	29000.00	2810.67	20568.00
	S*150-10-Normal -Active -New -	2	5621.33	0.00	100.00		23378.67
01/01/82	FEEDLOT SHEDS	588.27	5882.76	0.00	5882.76	-0.24	5883.00
	ACRS - 5-Normal -Active -New -	6	-0.00	0.00	100.00		5882.76
X 05/01/82	LABOR HOUSE	0.00	5030.88	0.00	5030.88	352.16	2212.00
	ACRS -15-Omit -Active -New -	6	2466.72	0.00	100.00		2564.16
12/01/82	BUILDING IMPROVEMENTS	0.00	918.55	0.00	918.55	64.30	367.00
	ACRS -15-Omit -Active -New -	6	487.25	0.00	100.00		431.30
12/01/83	FEEDLOT BUILDING IMPROVEMENTS	757.92	9471.00	0.00	9471.00	1988.00	7483.00
	ACRS - 5-Reduced-Active -New -	5	0.00	0.00	100.00		9471.00
12/01/83	CEMENT POTATO FEED PIT	0.00	3995.29	0.00	3995.29	759.29	3236.00
	ACRS - 5-Omit -Active -New -	5	0.00	0.00	100.00		3995.29
01/01/84	POTATO CELLAR	1440.00	18000.00	0.00	18000.00	3780.00	10440.00
	ACRS - 3-Reduced-Active -New -	4	3780.00	0.00	100.00		14220.00
02/01/85	POTATO CELLAR	600.00	6000.00	0.00	5700.00	1197.00	2109.00
	ACRS - 5-Normal -Active -New -	3	2694.00	0.00	100.00		3306.00
09/01/85	AIR SYSTEM GRAINERY	245.00	2450.00	0.00	2327.50	488.78	861.00
	ACRS - 5-Normal -Active -New -	3	1100.22	0.00	100.00		1349.78
Totals ---->			147896.37	0.00	147473.87	13122.53	117456.00
			17317.84	0.00			130578.53

Summary for Number ----> 100

	Cost		Accum Depr	Section 179	Total
Beginning Balance	147896.37	Beginning Balance	117456.00	0.00	117456.00
(A) Additions	0.00	Current Depreciation	13122.53	0.00	13122.53
Subtotal (per listing)	147896.37	Subtotal (per listing)	130578.53	0.00	130578.53
(D) Disposals (T) Trades	0.00	Disposals / Trades	0.00	0.00	0.00
Ending Balance	147896.37	Ending Balance	130578.53	0.00	130578.53

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NOV 06 1998



1985 CROP YEAR
NOT TO SCALE
MAP NUMBER

MICHIGAN
22-07599

NOV 06 1998

E-3-L
Boblin Ottewill, RA, FSA



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

March 4, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SUE R HUSKINSON
RANDALL CORPORATION
35 S MILL HOLLOW RD
REXBURG ID 83440

RE: Water Right No. 22-07599

Dear Ms. Huskinson:

In response to your letter of February 24, 1998, I have enclosed an Order Granting Petition For Reconsideration of water right license 22-07599. Please note that under the terms of the order you have 30 days to provide information in support of your petition. As we discussed on the phone, the information can include such items as photographs, receipts, as-built plans, affidavits, etc., so long as it demonstrates that your water use was in place prior to November 9, 1989, which is the date you submitted your proof of beneficial use statement.

Please call me at (208)327-9746 if you have any questions regarding this matter.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

Enclosure

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NOV 06 1998

RANDALL CORPORATION

February 24, 1998

RECEIVED

FEB 27 1998

State of Idaho
Department of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

Department of Water Resources

Re: Randall Corporation
Flying H Corporation
Water Right No. 22-07599

Attention: Shelley W. Keen
Water Rights Supervisor

Gentlemen,

Pursuant to our telephone conversation of this morning, the undersigned respectfully petition Idaho Department of Water Resources for reconsideration of the department's finding of the use of the water under this permit, wherein the extent of use was reduced from .16 cfs to .04 cfs. There are four potato cellars and two domestic households served by water from this well, and these were all in existence at the time of the inspection in 1989.

We respectfully request that the Department review the preliminary order and reconsider its finding since no other parties are involved in this water right.

Respectfully submitted,

RANDALL CORPORATION

By


President

FLYING H CORPORATION

By


President

srh

MICROFILMED

NOV 06 1998

MEMORANDUM

DATE: February 24, 1998

TO: Water Right File 22-07599

FROM: Shelley W. Keen *SWK*

RE: Phone call from Sue Huskinson of Randall Corporation

208-356-9115

Today Sue Huskinson of Randall Corporation called to inform me that she intends to file a petition for reconsideration of Water Right License 22-07599. Ms. Huskinson believes the field examiner failed to report some of the beneficial use, including domestic water for two homes and commercial water for a potato cellar, that was developed under permit 22-07599.

I reminded Ms. Huskinson that she needs to send IDWR a petition for reconsideration within the fourteen day period indicated on the license cover letter. I also told Ms. Huskinson that she will be required to submit evidence to support her petition.

MICROFILMED



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 18, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RANDALL CORP
FLYING H CORP
35 S MILL HOLLOW RD
REXBURG ID 83440

RE: WATER RIGHT NO. 22-07599

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

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NOV 06 1998

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

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

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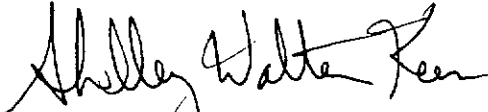
NOV 0 8 1998

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

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

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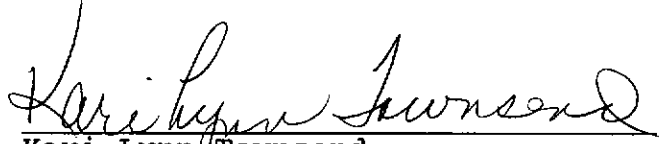
3 NOV 06 1998

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of **February, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 22-07599

RANDALL CORP
FLYING H CORP
35 S MILL HOLLOW RD
REXBURG ID 83440


Kari Lynn Townsend
Secretary

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NOV 06 1998



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

January 30, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RANDALL CORP
FLYING H CORP
35 S MILL HOLLOW RD
REXBURG ID 83440

RE: WATER RIGHT NO. 22-07599

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has been actually developed. I have not yet received the amendment. If I do not receive it within 14 days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin.

Enclosed for your convenience is another amendment form. Please note that the filing fee for this amendment is \$50.00. If you have any questions, please call me at (208) 327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED
NOV 06 1998



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

January 9, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RANDALL CORP
FLYING H CORP
35 S MILL HOLLOW RD
REXBURG ID 83440

RE: WATER RIGHT NO. 22-07599

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that the point(s) of diversion and place(s) of use developed are in locations other than what was described on your permit. Therefore, before a license can be issued, your permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the point(s) of diversion and place(s) of use and other information as it will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

NOV 06 1998

MEMORANDUM

DATE: January 9, 1998

TO: Water Right File 22-07599

FROM: Shelley W. Keen *(SWK)*

RE: Requires licensing amendment

The field examiner for permit 22-07599 found the developed point of diversion and place of use to be different from the advertised and permitted point of diversion and place of use. The examiner recommended that a licensing amendment not be required because the application may have been based on a USGS topographic map that is in error. However, I can find no indication in the file that the application was based on a USGS topographic map. Moreover, the applicant is responsible for providing accurate information to IDWR. Therefore, in accordance with policy and established practice, I believe it is appropriate to pursue the amendment of permit to correct the point of diversion and place of use prior to issuing the license.

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NOV 06 1998

MEMORANDUM

TO: File 22-07599

FROM: Sharla

DATE: January 8, 1998

RE: Recommendation Adjustment(s)

The final license recommendations for Permit No. 22-07599 are based on the following:

H. RECOMMENDATIONS

Commercial	1/1 - 12/31	0.04 cfs	1.5 afa
------------	-------------	----------	---------

36 gph X 12 hrs/day X 365 days/year X 3 cellars (humidifiers) = 1.5 afa.

Examiner: Paul Meyer
Exam Date: June 23, 1989

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NOV 06 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 22-07599

DATE 1/8/98

REVIEWER: SHARLA

NAME Change OK

Address Change ✓

SOURCE Change ✓

Is change/clarification of originally intended source? ✓

POINT OF DIV ✓ —

If not, prepare Notice of Intent to Void —
Amendment required ✓

PLACE OF USE ✓ —

Amendment required ✓

Does map agree with written description? ✓ yes — no

OVERLAPS

— P/D

— P/U

Overlap file pulled & reviewed —

RATE OF DIV

Permitted Rate

.16 cfs

Fee limit

.20 cfs \$50⁰⁰

Measured

— cfs

Theoretical

.04 cfs

Recommended Total Div Rate .04 cfs

ANNUAL VOLUME/
NATURE OF USES ✓

Use

Comm.

cfs

.04

Volume Calc

1.5

af

af

af

af

SUBTOTAL

1.5

af

36 gal/day - 12 hrs/day - 365 days/yr.
X 3 cellars = 1.5 af

Flow rate .04 cfs X 365 days X 1.98 = 29.0 af

Total volume recommended 1.5 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

C/3 potato cellars.

CONDITIONS

— Watermaster Control WD# —

— GW Measurement/Measuring Device

— Overlap

— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed NA

Adjustment Memo volume

1st Amend Letter NA

2nd Amend Letter NA

P37 + P38

S.W. Kean
1/9/98

Ref

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

DEC 01 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 22-07599

1. Randall and Flying H Corporations
35 South Mill Hollow Road
Rexburg, Idaho 83440

Phone: (208) 356-9115
(208) 356-6987

2. Accompanied by: ROBERT HUSKINSON EXAM DATE: 6-23-1989

Address: 1082 N. Hill Rd., REXBURG ID 83440 Phone No. (208) 356-9115

Relationship to Permit Holder: HOLDER / PRESIDENT OF FLYING H CORP.

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: —

2. Other water rights with the same point of diversion: —

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SW	NW	20	6N	41E	MADISON	USGS, ONSITE

2. Place(s) of Use:

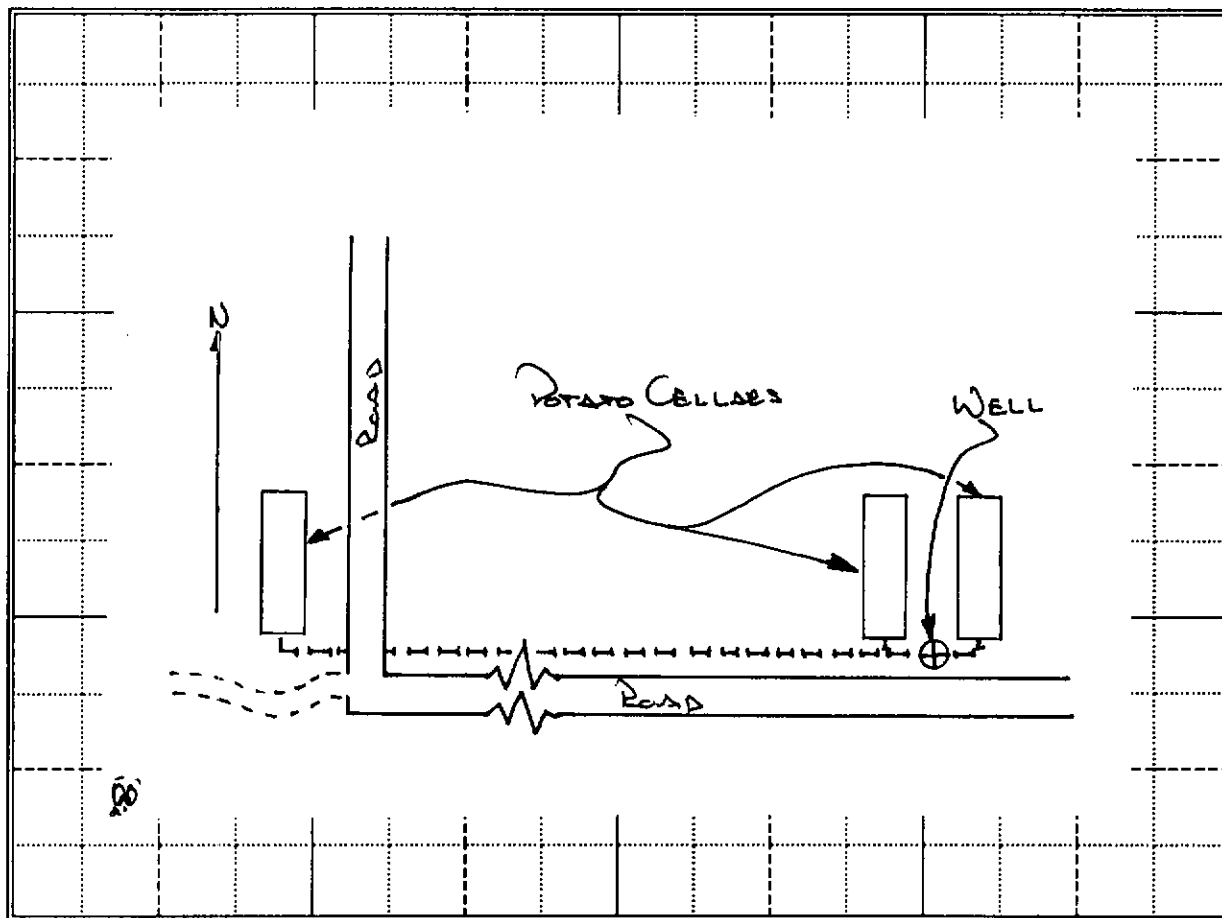
Indicate Method of Determination

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	41E	20							C										
		19				C													

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NOV 06 1998

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
	Unknown	1 1/2	—	—	—

*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: DONE. ESTIMATED PSI = 30 PSI. STATIC WATER LEVEL
ESTIMATED FROM LOCAL LOGS AT 180'.

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NOV 30 1998

E. NARRATIVE/REMARKS/COMMENTS

* WELL, PUMP AND PIPELINES TO THREE POTATO CELLARS WITH HUMIDIFIERS. NO DOMESTIC HOOKUPS. USE INCLUDES OUTSIDE HYDRANTS FOR WASHING VEHICLES AND GENERAL "SHOP" USE AS NEEDED

* NOTE: APPLICATION FOR PERMIT WAS FILED WITH LEGAL DESCRIPTIONS BASED ON USGS QUAD SHEET LOCATIONS. THE USGS QUAD IS IN ERROR. THE THREE POTATO CELLARS AND ADJACENT COUNTY ROAD SHOWN ON THE USGS QUAD SHOULD HAVE BEEN LOCATED AS SHOWN IN THIS EXAM!

AS THE INCORRECT LEGAL DESCRIPTION ON THE APPLICATION WAS BASED ON ERRONEOUS USGS MAP, I RECOMMEND THAT NO AMENDMENT OF THIS PERMIT BE REQUIRED.

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

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NOV 06 1998

Additional Computation Sheets Attached

$$Q_{\text{source}} = \frac{1.5 \text{ MPa} (8.814) \cdot 7 \text{ EFF}}{180' \text{ LIFT} + (30 \text{ PSI} \cdot 2.308)} = \underline{0.04 \text{ CFS}}$$

3 POTATO CELLS @ 0.01 cfs ea.
ADD 1.0 0.01 FOR GENERAL USE
 FOR HYDRANTS —
 RECOMMEND 0.04 cfs

1. Volume Calculations for Irrigation:

$$V = \text{Smaller of } V_{IB} \text{ and } V_{DB} =$$

ESTIMATE USE TO BE SIMILAR TO SMALL DOMESTIC USE OF 0.04 CAS
AND 1.20 SFA RECOMMEND 1.20 SFA

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Canneries	1-1	12-31	0.04 cfs	1.20
		Totals:	0.04	1.20

☒ None

~~Other~~

SEE REMARKS
COLLECTION NEEDED

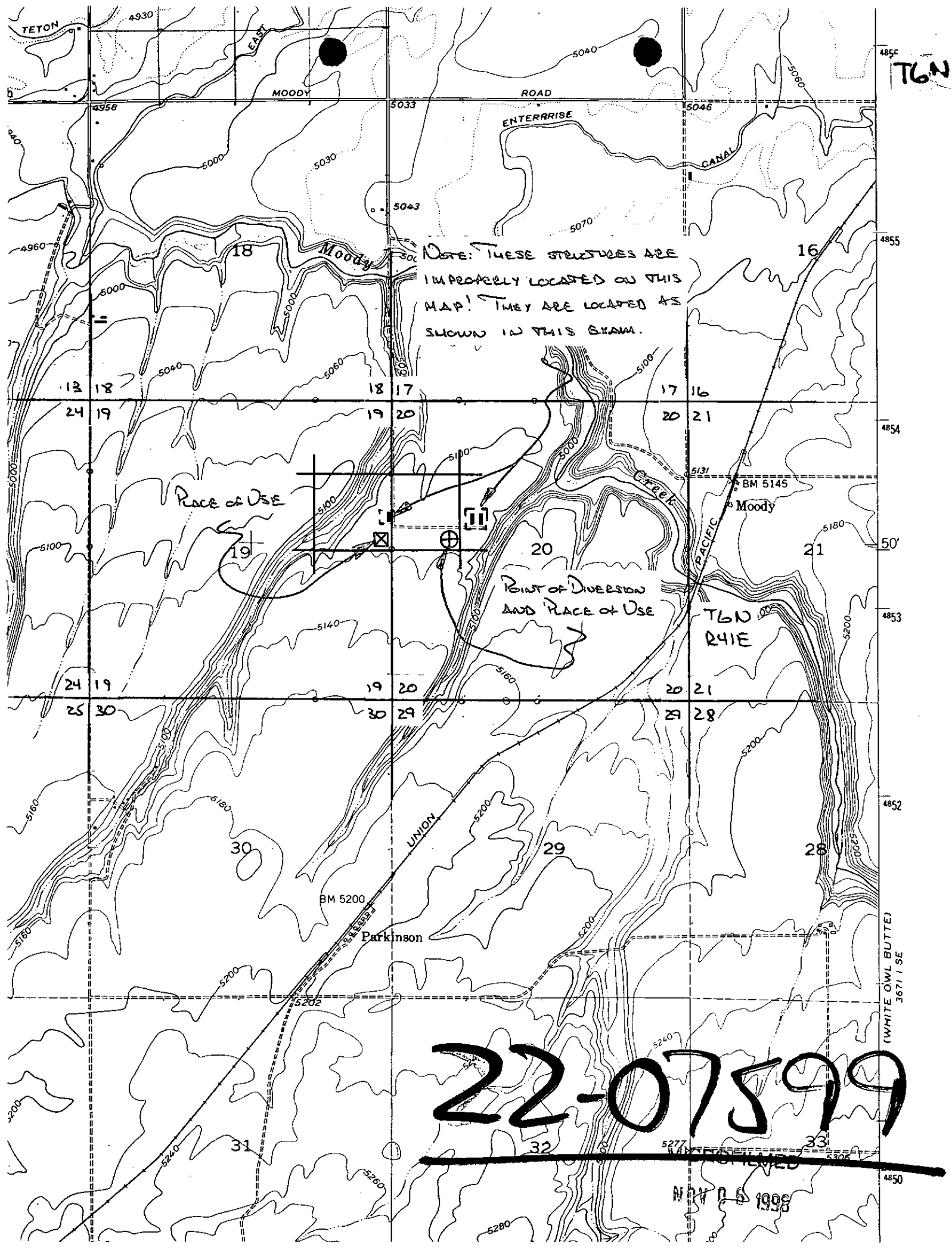
Field Examiner's Name Paul Meyer Date 11-19-97

Reviewer	Date
----------	------

SEAL

MICROFILMED

NOV 3 6 1998



Note: THESE STRUCTURES ARE
IMPROPERLY LOCATED ON THIS
MAP! THEY ARE LOCATED AS
SHOWN IN THIS GRAM.

Place of Use

POINT OF DIVERSION
AND PLACE OF USE

T6N
R41E

22-07599

NOV 15 1998

WHITE OWL BUTTE
3671 SE

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4854

4853

4852

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4850

MICROFILMED

NOV 06 1998

NOTE LOCATIONS FROM
AERIAL PHOTOGRAPHY

T6N
241E

22-07599

January 24, 1990

RANDALL & FLYING H CORPORATIONS
216 MOHAWK
REXBURG, ID 83440

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07599

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

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FEB 13 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 22-1599

Date: 1-8-90

General Considerations:

- ☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change NO If yes, prepare a data entry
☒ Proof received timely NO
☐ Reinstated

Source of Water:

- ☐ Surface water
☒ Groundwater
NO 1. well log in file July: 1-1974 the well log found
NA 2. drilling permit
NA A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

- ☒ Rate of diversion appropriate for uses
☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

- ☒ Is a measuring device or access port required?
☒ Has one been installed?
☒ Waiver or modification of measuring device requested

Remarks:

Proof acceptable

Priority Calculation:

Date proof received

Date proof due

No. of days late

Priority date

NEW PRIORITY DATE

<u>NA</u>	

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

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

Statehouse
Boise, Idaho 83720
(208) 334-7900
February 6, 1989

RANDALL & FLYING H CORPORATIONS
216 MOHAWK
REXBURG, ID 83440

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 22-07599

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.

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. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed.

Sincerely,

GARY SPACKMAN, Supervisor
Water Rights Permits Section

GS:sc
Enclosures

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FEB 14 1989

Form No. 202a
4/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY Edw DATE 9/6/88 APPLICATION NUMBER 22-7599Flying HREQUIRED 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.)
- ☒ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
- 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 DEC 13 1988

Department of Water Resources

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 12-5-88

☐ 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. 01-P05

☐ Yes ☐ No Special conditions of approval or cover letter below. _____

☐ See below for additional information

Date of priority recommended _____

By HWT

Date 8-25-88
12-9-88

STATE OFFICE REVIEW

P05

P110

04

☐ See below for additional information

By Kew

Date 1/16/89

ADDITIONAL INFORMATION

App. describes an existing well-condition 46N/A.
DCMI-OK to process

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

Idaho Falls, Idaho 83402
(208) 525-7161

NOVEMBER 8, 1988

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 DECEMBER 5, 1988.

Yours truly,

Rita Bodell
Secretary

Encl.

RECEIVED

FEB 14 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

FEB 14 1989

22-07599

RANDALL & FLYING H CORPORATIONS
216 MOHAWK
REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: SENW Sec 20 T 06N R 41E

Use: DOMESTIC (.080 CFS)
 COMMERCIAL (.080 CFS)

Date Filed: 8/25/1988

In: T06N R41E S19 SENE
 S20 SENW

MICROFILMED

FEB 14 1989

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 DECEMBER 5, 1988.

R. Keith Higginson, Director

Published 11/17/1988 & 11/24/1988

REPROFILMED

FEB 14 1989

October 14, 1988

Randall Corporation & Flying H Corporation
216 Mohawk
Rexburg, ID 83440

RE: Application for Permit No. 22-07599

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. 22-07599. 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 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

FEB 14 1989

21.4 ✓

WATER RIGHT
DATA ENTRY LOG

Item

Original form entered

Edit Report Correct

Date Protested

Date of Hearing

Date Approved/Denied

(Proof due date, stage and/or status,
conditions of approval, water district)

Record Verified

Amendment Approved

Extension Approved

Partial Proof

Proof Complete

Field Exam Received

Field Exam Accepted
and changes entered

License Updated

Transfer Updated

Keypunched by State Office