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P.D. PCY.

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FEB 08 1989

MICROFILMED

FEB 08 1989

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

Mrs. Shayne Ard
(Applicant) Aug 23, 1988

WELL AGREEMENT AND EASEMENTS

THIS AGREEMENT, made and entered into triplicate, this 14th day of November, 1986, by and between David D. Adams and Annette H. Adams, husband and wife, (Block 1, Lot 6); Steve J. Nelson and Kathy J. Nelson, husband and wife, (Block 1, Lot 7); Eric W. Erickson and Tamara Erickson, husband and wife, (Block 1, Lot 8); Michael W. Dubois and Linda C. Dubois, husband and wife, (Block 1, Lot 9); D. Joshua Holt and Karen Holt, husband and wife, (Block 1, Lot 10); Duston L. Cureton and Gwen G. Cureton, husband and wife, (Block 2, Lot 1); Clifford C. Hammer and Seta Hammer, husband and wife, (Block 2, Lot 2); Bill Ira Tietjen and Cindy Tietjen, husband and wife, (Block 2, Lot 3); Shayne L. Ard and Linda K. Ard, husband and wife, (Block 2, Lot 4); BENEFICIAL FINANCE (Block 2, Lot 5),

WITNESSETH:

WHEREAS, the parties hereto, among them, are owners of all ten lots and parcel adjacent thereto upon which the well is located, situated in the County of Madison, State of Idaho, to-wit:

Rexburg Acres Subdivision Division No. 2; AND ALSO:

Beginning at a point that is West 761.75 feet and North 336.88 feet from the South 1/4 Corner of Section 25, Township 6 North, Range 39 East Boise Meridian, and running thence North 20 feet; thence West 10 feet; thence South 20 feet; thence East 10 feet to the point of beginning. (Well property), and

WHEREAS, the parties hereto have caused, or will cause, well(s), pump(s), pressure tank(s) and wellhouse(s), to be constructed and located on the above described property, which well(s), pump(s), pressure tank(s), and wellhouse(s), have or will be constructed and designed in a manner adequate to provide, and for the purpose of providing, water for domestic and culinary purposes to all ten lots in said Rexburg Acres Subdivision Division No. 2, and

WHEREAS, the parties hereto desire that each shall have the right to withdraw and use water for said well together with the appropriate easements for water lines including the construction and maintenance thereof across each others' property, and that said rights shall become appurtenant to the premises hereinabove described, which are owned by the respective parties hereto, under the terms and conditions hereinafter set forth:

NOW, THEREFORE, it is hereby mutually agreed as follows, to-wit:

That for and in consideration of the sum of ONE (\$1.00) and other good and valuable consideration, paid by the parties by the other parties, the receipt whereof

FEB 08 1989

David O. Adams
Owner, Block 1, Lot 6

Annette M Adams
Owner, Block 1, Lot 6

Steven F. Nelson
Owner, Block 1, Lot 7

Carolyn D. Nelson
Owner, Block 1, Lot 7

Eric J. P.
Owner, Block 1, Lot 8

Tomara Erickson
Owner, Block 1, Lot 8

Richard W. Olson
Owner, Block 1, Lot 9

Linda C. Olson
Owner, Block 1, Lot 9

Shawn C. Holt
Owner, Block 1, Lot 10

Joshua Holt
Owner, Block 1, Lot 10

Dustin J. Curston
Owner, Block 2, Lot 1

Shawn Curston
Owner, Block 2, Lot 1

Chad A. Hammer
Owner, Block 2, Lot 2

Sara Hammer
Owner, Block 2, Lot 2

Bill Ma Tietjen
Owner, Block 2, Lot 3

Candy Tietjen
Owner, Block 2, Lot 3

Charles L. Red
Owner, Block 2, Lot 4

Linda K. Red
Owner, Block 2, Lot 4

David M. Red
Owner, Block 2, Lot 5

David M. Red
Owner, Block 2, Lot 5

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STATE OF IDAHO,)
(SS.
County of Madison.)

On this 14th day of November, 1986, before me, a Notary Public in and for said State, personally appeared David D. Adams and Annette H. Adams, husband and wife; Steve J. Nelson and Kathy J. Nelson, husband and wife; Eric W. Erickson and Tamara Erickson, husband and wife; Michael W. Dubois and Linda C. Dubois, husband and wife; D. Joshua Holt and Karen Holt, husband and wife; Duston L. Cureton and Gwen G. Cureton, husband and wife; Clifford C. Hammer and Seta Hammer, husband and wife; Bill Ira Tietjen and Cindy Tietjen, husband and wife; Shayne L. Ard and Linda K. Ard, husband and wife;

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that 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.

Maureen J. Lipe
Notary Public
Residing at Rexburg, Idaho
My Commission Expires: 3/25/88

(Seal)

STATE OF IDAHO,
County of

On this 5th day of Feb, 1987, before me, a Notary Public in and for said State, personally appeared Jackie Savage known to me to be the Manager of the corporation that executed the foregoing instrument and acknowledged to me that such corporation 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.

MICROFILMED

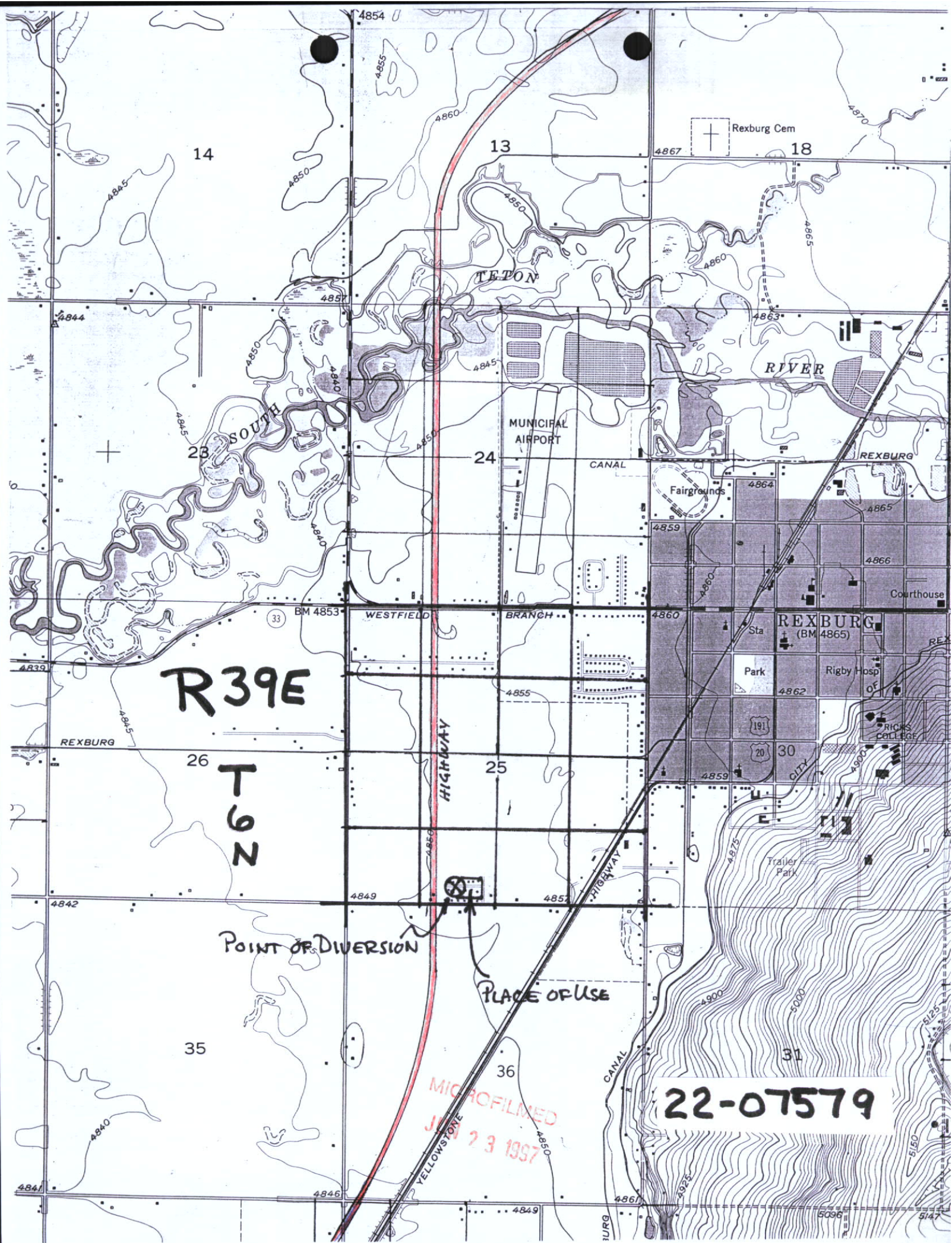
FEB 08 1989

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Mary Lou Bell
American Title Company

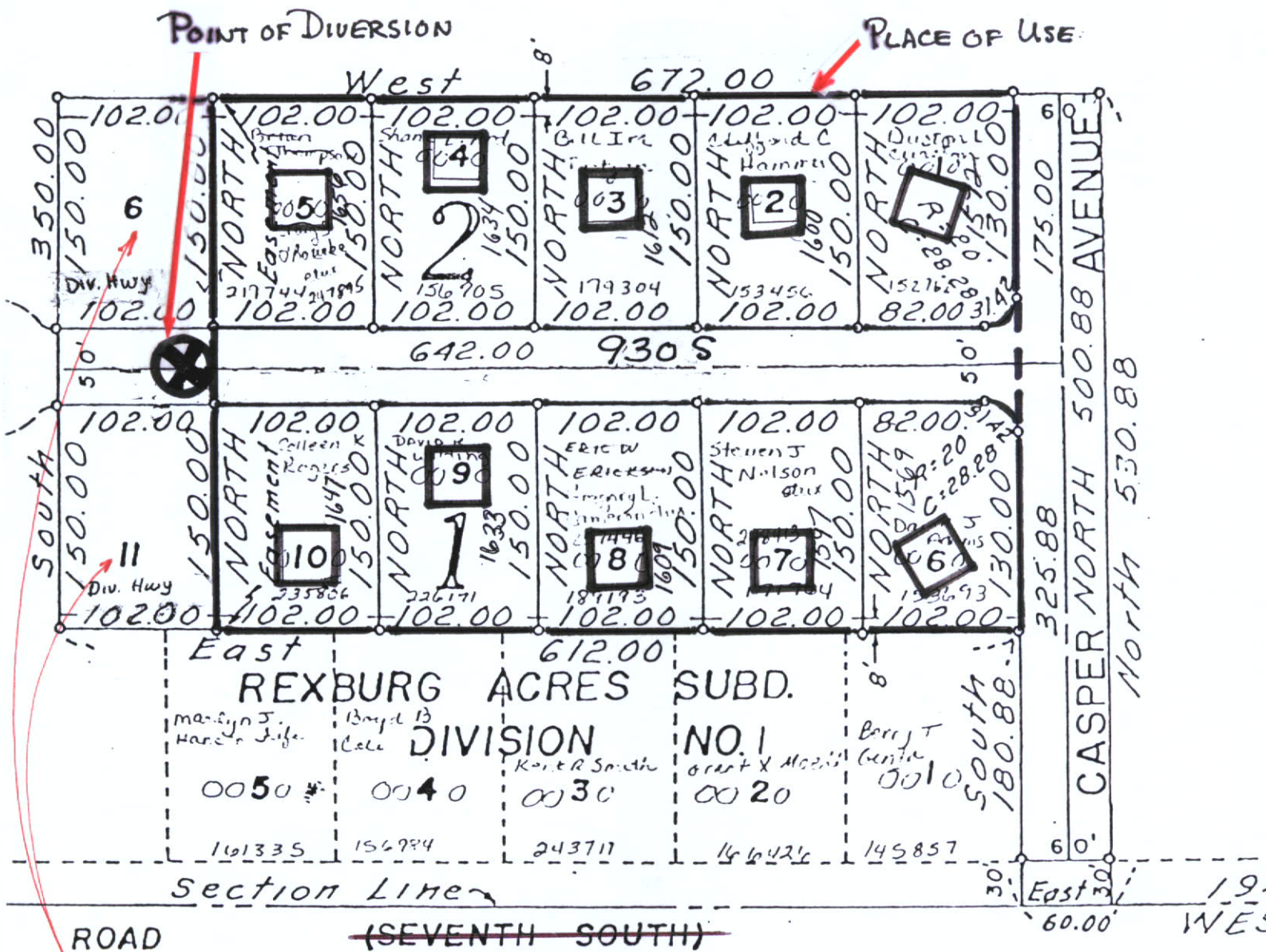
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SE $\frac{1}{4}$ SW $\frac{1}{4}$

SEC 25, T6 NR39E



NOTE: Division of Highways owns
Lots 6 & 11 because Hwy 20
took those lots.

22-07579

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07579

Priority: August 28, 1988

Maximum Diversion Rate:

0.24 CFS

Maximum Diversion Volume:

16.5 AF

This is to certify, that REXBURG ACRES SUBDIVISION
1634 W 930 S

REXBURG ID 83440

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 24, 1988; and has submitted Proof of Beneficial Use on February 5, 1990. An examination indicates that the works have a diversion capacity of 0.270 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>
IRRIGATION	04/15 to 10/15	0.09 CFS	10.5 AF
DOMESTIC	01/01 to 12/31	0.15 CFS	6.0 AF
Totals		0.24 CFS	16.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 25, Township 06N, Range 39E
MADISON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	39E	25	SESW	3		3

Total number of acres irrigated: 3

PLACE OF USE:

DOMESTIC, same as IRRIGATION use

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 must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Irrigation use under this right is authorized only in connection with a domestic use.

RECEIVED
JAN 1 1987

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

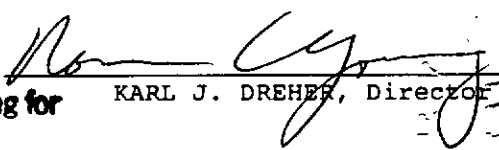
WATER RIGHT NO. 22-07579

CONDITIONS OF APPROVAL AND REMARKS

6. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for the lands above.
7. Place of use known as Lots 1-5, Blk. 2 and Lots 6-10, Blk. 1, Rexburg Acres Subdivision No. 2.
8. Domestic use is for 10 homes and does not include lawn, garden, landscape, or other types of irrigation.

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 10TH day of JUNE, 1997.

Acting for


KARL J. DREHER, Director

RECORDED
JUN 23 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 22-7579 IN THE
NAME OF REXBURG ACRES SUBDIVISION

)
) ORDER OF REINSTATEMENT
)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before February 1, 1990; and,

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

WHEREAS, on February 1, 1990 the permit lapsed for failure of the permit holder to submit proof of beneficial use; and,

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

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on February 5, 1990;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 22-7579 be REINSTATED and the priority advanced to August 28, 1988.

Dated this 1st day of May, 1990.

MICROFILMED

MAY 16 1990

L. Glen Saxton
L. GLEN SAXTON, Chief
Water Allocation Bureau

RECEIVED
FEB 5 1990

STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received \$100.00
Date 2/5/90
Receipt # _____
Receipt by L. Harrison
Reviewed by M-5-2-90
Sent to region _____

Rept # C014388 -
#C014397

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. 22-7579

Name(s) of Permit Holder: Rexburg Acres Subdivision

Post Office Address: 1634 W. 930 S. Rexburg, Id. 83440

Telephone No. 356-7996

Source of Water: ground

Extent of Use:

Domestic 10 (number of households) Stockwater _____ (number and type of stock)
Irrigation 1 (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted .25 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: approx. 1973-74
date well drilled

Measuring Device: Required? ☐ Yes ☐ No
Installed? ☐ Yes ☐ No
Fee enclosed \$ 100.00
(See License Examination Fee Schedule)

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

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

Brian Thompson 356-3729
(Name) (Telephone Number)

1656 W. 930 S. Rexburg, Id.
(Address)

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.

RECEIVED
MAY 16 1990

Feb. 2, 1990 Annnette Adams
Date Signature of Permit Holder (and title, if appropriate)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

22~7579
Ident. No.

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Rexburg Acres Subdivision Phone ²⁰⁸ 356-7996
Post office address 1634 W 930 S Rexburg, ID 83440
2. Source of water supply groundwater (well) which is a tributary of Block 1 Lot 6, 7, 8, 9, 10
3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Block 2 Lot 1, 2, 3, 4, 5
Sec. 25 Township 06N Range 39E B.M. Madison County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .15 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .10 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .25 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. WELL

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 8 inches; proposed depth of well is 80 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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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. 10 Households
- e. Other; describe fully. _____

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	39E	25												D					
														5*					5*

Total number of acres to be irrigated 5*

* CHANGES MADE AS PER TELECON W/LINDA ARD 09-14-1988 KCW

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? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Subdivision Well.

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Mrs. Shayne Ard
(Applicant) Aug 23, 1988

Proposed Priority 8/24/88

Received by go Date 8-24-88 Time 4:10P Preliminary check by fw

Fee \$ 45.00 Receipted by JOT # E001712 Date 8-24-88

Publication prepared by RB Date 10-27-88 Published in Lexburg Standard Journal

Publication approved aw Date 11-29-88

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. 22-7579, 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:

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

Irrigation use under this permit is authorized only in connection with a domestic use.

Witness my hand this 13th day of January, 1989.

A. Glen Saylor

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FEB 08 1989

Appointed Officers

President: Shayne and Linda Ard 356-7996
1634 W 930 S
Rexburg, Idaho
83440

Vice President: Brian and Debbie Thompson 356-3729
1656 W 930 S
Rexburg, Idaho
83440

Secretary: Joshua and Karen Holt 356-8516
1647 W 930 S
Rexburg, Idaho
83440

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FEB 08 1989

WELL AGREEMENT AND EASEMENTS

THIS AGREEMENT, made and entered into triplicate, this 14th day of November, 1986, by and between David D. Adams and Annette H. Adams, husband and wife, (Block 1, Lot 6); Steve J. Nelson and Kathy J. Nelson, husband and wife, (Block 1, Lot 7); Eric W. Erickson and Tamara Erickson, husband and wife, (Block 1, Lot 8); Michael W. Dubois and Linda C. Dubois, husband and wife, (Block 1, Lot 9); D. Joshua Holt and Karen Holt, husband and wife, (Block 1, Lot 10); Duston L. Cureton and Gwen G. Cureton, husband and wife, (Block 2, Lot 1); Clifford C. Hammer and Seta Hammer, husband and wife, (Block 2, Lot 2); Bill L. Tietjen and Cindy Tietjen, husband and wife, (Block 2, Lot 3); Shayne L. Ard and Linda K. Ard, husband and wife, (Block 2, Lot 4); BENEFICIAL FINANCE (Block 2, Lot 5),

WITNESSETH:

WHEPTAS, the parties hereto, among them, are owners of all ten lots and parcel adjacent thereto upon which the well is located, situated in the County of Madison, State of Idaho, to-wit:

Rexburg Acres Subdivision Division No. 2; AND ALSO:

Beginning at a point that is West 761.75 feet and North 336.88 feet from the South 1/4 Corner of Section 25, Township 6 North, Range 39 East Boise Meridian, and running thence North 20 feet; thence West 10 feet; thence South 20 feet; thence East 10 feet to the point of beginning. (Well property), and

WHEREAS, the parties hereto have caused, or will cause, well(s), pump(s), pressure tank(s) and wellhouse(s), to be constructed and located on the above described property, which well(s), pump(s), pressure tank(s), and wellhouse(s), have or will be constructed and designed in a manner adequate to provide, and for the purpose of providing, water for domestic and culinary purposes to all ten lots in said Rexburg Acres Subdivision Division No. 2, and

WHEREAS, the parties hereto desire that each shall have the right to withdraw and use water for said well together with the appropriate easements for water lines including the construction and maintenance thereof across each others' property, and that said rights shall become appurtenant to the premises hereinabove described, which are owned by the respective parties hereto, under the terms and conditions hereinafter set forth:

NOW, THEREFORE, it is hereby mutually agreed as follows, to-wit:

That for and in consideration of the sum of ONE (\$1.00) and other good and valuable consideration, paid by the parties by the other parties, the receipt whereof

FEB 08 1989

is hereby acknowledged, and in further consideration of the mutual covenants and agreements hereinafter contained, the parties hereto do hereby agree as follows:

1. That said well(s), pump(s), pressure tank(s), wellhouse(s) now existing, or to be built on said subdivision, shall be held and owned equally by the owners of all ten lots in the subdivision, namely each lot owner shall own one-tenth (1/10) of said water system. Each of the owners of said ten lots shall have full and free right and authority to take water from said well or wells for domestic and culinary purposes.

2. That the cost of maintenance of said well(s), pump(s), pressure tank(s) and wellhouse(s), including the cost of electricity for the operation of said pump(s), the repair or replacing of the well(s), pump(s), pressure tank(s) or wellhouse(s), or parts thereof, together with any cost of maintaining insurance on said well(s), pump(s), pressure tank(s) and wellhouse(s), shall be apportioned equally to the owners of all ten lots in said subdivision, one-tenth to each lot owner.

3. That each of the parties hereto and each subsequent lot owner, has constructed, or will construct, and will maintain, at their own proper cost and expense, the pipeline leading from the well, or main trunk line, to the residence or other place of use of the water of each of the respective parties, and subsequent lot owners.

4. That no connections, other than to said ten lots, may be made to said well for additional dwellings, or for other purposes, without the consent of all of the other parties having been first obtained in writing.

5. That the right to remove water from said well, and the obligations in regard to said water system, shall be perpetual and shall become appurtenant to the lands hereinabove described as owned by the respective parties and that this agreement shall be binding upon the heirs, successors, and assigns of each of the parties hereto, a one-tenth obligation and rights accruing to each of said lots in said subdivision.

6. That the parties hereto do hereby bargain, sell, convey, transfer and deliver to each other, permanent easements and rights of way across all lots in said subdivision, including the perpetual rights to enter upon real estate of said lots, as shall be necessary, for the purpose of construction, repair, maintenance, replacement or inspection of the above mentioned well(s), pump(s), pressure tank(s) and wellhouse(s) now existing or to be built, and for the construction, maintenance, repair and inspection of any and all pipelines running from said well(s) to the ten lots located in said subdivision.

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- 2 -
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7. The provisions and stipulations hereof shall inure to the benefit of and shall be binding upon the heirs, executors, administrators, assigns or successors in interest of the parties hereto.

8. In the event it is necessary to retain an attorney to enforce any of the provisions of this agreement, the party violating said agreement shall be responsible for all legal fees necessitated thereby.

9. This agreement shall run with and be appurtenant to all ten lots located in the Rexburg Acres Subdivision, Madison County, Idaho, and the owners of all of said lots shall be obligated under this agreement and shall have all rights created under this agreement.

10. In the event any portions of the water system covered herein are damaged as the result of the actions of any individual, that individual shall be responsible for all expenses necessitated by such action, including repair, or replacement of the system, or damages created thereby to any of the other lot owners.

11. Clifford C. Hammer, owner Lot 2, Block 2, assumes the initial responsibility for managing the water system. This shall include the obligation to submit billings to the water users, see to repairs of the system, and oversee general operation of the system. The holders of all lots shall cooperate fully with Clifford C. Hammer, or his successors, to insure a smooth operation of the system. Clifford C. Hammer, or his successors, shall be responsible to determine reasonable rates to be billed to the owners of said lots, said billings to be submitted by all holders of said lots monthly. The manager shall maintain a reasonable reserve on account to pay for normal and reasonably anticipated operating expenses. To the extent of extraordinary expenses, the manager shall have the authority to submit whatever additional billings shall be necessary. Clifford C. Hammer, or his successors, shall be reimbursed for any and all actual expenses incurred in performance of his duties.

In the event of the death or resignation of Clifford C. Hammer, his successor shall be selected by the holders of a majority the lots in the subdivision.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals the day and year first above written.

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Daniel C. Adams
Owner, Block 1, Lot 6

Annette M. Adams
Owner, Block 1, Lot 6

Stanley Nelson
Owner, Block 1, Lot 7

Kathleen Nelson
Owner, Block 1, Lot 7

E. J. P.
Owner, Block 1, Lot 8

Tommy Erickson
Owner, Block 1, Lot 8

William W. Olson
Owner, Block 1, Lot 9

Linda C. Olson
Owner, Block 1, Lot 9

James L. Holt
Owner, Block 1, Lot 10

Joshua Holt
Owner, Block 1, Lot 10

Dustin R. Hunter
Owner, Block 2, Lot 1

Gene Hunter
Owner, Block 2, Lot 1

Edith E. Hunter
Owner, Block 2, Lot 2

Edith E. Hunter
Owner, Block 2, Lot 2

Billie E. Tietjen
Owner, Block 2, Lot 3

Cindy Tietjen
Owner, Block 2, Lot 3

Charles L. Red
Owner, Block 2, Lot 4

Linda K. Red
Owner, Block 2, Lot 4

William W. Olson
Owner, Block 2, Lot 5

William W. Olson
Owner, Block 2, Lot 5

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FEB 08 1989

STATE OF IDAHO,
(SS.
County of Madison.)

On this 14th day of November, 1986, before me, a Notary Public in and for said State, personally appeared David D. Adams and Annette H. Adams, husband and wife; Steve J. Nelson and Kathy J. Nelson, husband and wife; Eric W. Erickson and Tamara Erickson, husband and wife; Michael W. Dubois and Linda C. Dubois, husband and wife; D. Joshua Holt and Karen Holt, husband and wife; Duston L. Cureton and Gwen G. Cureton, husband and wife; Clifford C. Hammer and Seta Hammer, husband and wife; Bill Ira Tietjen and Cindy Tietjen, husband and wife; Shayne L. Ard and Linda K. Ard, husband and wife;

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that 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.

Maurice J. Life
Notary Public
Residing at Rexburg, Idaho
My Commission Expires: 3/25/88

(Seal)

STATE OF IDAHO,
County of

On this 5th day of ~~Nov~~ Feb, 1987, before me, a Notary Public in and for said State, personally appeared Jackie Savare known to me to be the ~~Manager~~ of the corporation that executed the foregoing instrument and acknowledged to me that such corporation 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.

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FEB 08 1989

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Page 9

87 12:30 P

2.96.21

10.00

Mary Lee Bell

The American Time Company

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FEB 08 1989

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

NOV 21 1988
Department of Water Resources
Eastern District Office

STATE OF IDAHO
County of Madison

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

Notice Of Application a copy of
which notice appears attached hereto, was
published in the regular and entire issue
of said newspaper, and not in any
supplement issue thereof for Two
consecutive issues, the first publication
having been made on November 3, 1988
and the last publication having been made
on November 10, 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

Subscribed to and sworn to before me

This November 11, 1988

[Signature]
Notary Public.

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:

22-07574
NED'S MOODY CREEK PRODUCE
P.O. BOX 329
SUGAR CITY, ID 83448
Source: GROUNDWATER

Diversion Pt: NENE Sec. 4 1. 06N H
40E

Use: COMMERCIAL (.290 CFS)
Date Filed: 8/16/1988

In: T06N R40E S04 NENE

22-07576

HARRIS, BRENT GEORGE
HARRIS, PAULA "C"
1903 W. 190 S.

REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: SWNNW Sec 25 T 06N

R. 39E

Use: IRRIGATION (.030 CFS)

Date Filed: 8/23/1988

In: T06N R39E S25 NWNW 1.0 ACRES

TOTAL

22-07577

CRYSTAL POND ANGLERS ASSN.
INC.

C/O STEVE MCGRATH, BOX 731
IDAHO FALLS, ID 83405

Source: SPRINGS Tributary, SINKS

Diversion Pt: NESWSW Sec 2 T 05N R

39E

Use: RECREATION STORAGE (520.00

Date Filed: 8/24/1988

In: T05N R39E S02 SWSW S11 NWNW

40E

22-07578

WEBSTER, SHAWN

529 E. 450 S.

REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: SESESW Sec 9 T 05N R

40E

Use: COMMERCIAL (.040 CFS)

DOMESTIC (.020 CFS)

Date Filed: 8/24/1988

In: T05N R40E S09 SESESW

39E

22-07579

REXBURG ACRES SUBDIVISION

1634 W. 930 S.

REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: SESESW Sec 25 T 06N R

39E

Use: DOMESTIC (.150 CFS) IRRIGA

TION (.100 CFS)

Date Filed: 8/24/1988

In: T06N R39E S25 SESESW 5.0

ACRES TOTAL

22-07580

WEBSTER, KIRK

P.O. BOX 383

REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: SWSESE Sec 22 T 05N R

40E

Use: COMMERCIAL (.040 CFS)

Date Filed: 8/24/1988

In: T05N R40E S22 SESE

22-07581

ROBISON, A. RAND

6978 S. 2000 W.

REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: SESESW Sec 25 T 05N R

39E

Use: IRRIGATION (.060 CFS)

DOMESTIC (.040 CFS)

Date Filed: 8/24/1988

In: T05N R39E S25 SESESW 2.0

ACRES TOTAL

MICROFILMED

FEB 08 1989

22-07582

BAGLEY, JOHN K.

BAGLEY, LUELLA

P.O. BOX 122

REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: SESESE Sec 15 T 05N R

39E

Use: DOMESTIC (.040 CFS)

Date Filed: 8/26/1988

In: T05N R39E S15 SESE

22-07583

TRIPLE J. FARMS, C/O LIONEL

JENSEN

4330 W. 1000 S.

REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: NWNE Sec 14 T 05N R

40E

Use: COMMERCIAL (.040 CFS)

Date Filed: 8/29/1988

In: T05N R40E S14 NWNE

22-07584

HILL, BRENT

LLOYD, LINDA

PERKES, ROBERT R.

950 S. 200 E.

REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: SESENE Sec 31 T 06N R

40E

Use: DOMESTIC (.080 CFS) IRRIGA-

TION (.040 CFS)

Date Filed: 8/30/1988

In: T06N R40E S31 SESE SENE 2.0

ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before NOVEMBER 21, 1988.

R. KEITH HIGGINSON

Director

Publ. Nov. 3 and 10, 1988SJ.

FILED
FEB 08 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

June 10, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

REXBURG ACRES SUBDIVISION
1634 W 930 S
REXBURG ID 83440

RE: WATER RIGHT NO. 22-07579

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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JUN 23 1997

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.

MICROFILMED
JUN 23 1967

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.

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

JUN 23 1987

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of June, 1997, 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. 22-07579

REXBURG ACRES SUBDIVISION
1634 W 930 S
REXBURG ID 83440


Kari Lynn Townsend
Secretary

RECORDED
JUN 23 1997

MEMORANDUM

TO: File 22-07579

FROM: Sharla Curtis

DATE: June 5, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Permit No. 22-07579 are based on the following:

H. RECOMMENDATIONS

Irrigation	4/15 - 10/15	0.09 cfs	10.5 afa
Domestic	1/1 - 12/31	0.15 cfs	6.0 afa

All lawns and garden areas are covered in the irrigation component. Thus domestic use is only for in-house use; the volume has been calculated accordingly.

Examiner: Keith Wilson
Exam Date: May 30, 1996

MICROFILMED
JUN 23 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 22-07579

DATE 6/4/97

REVIEWER: SHARLA

NAME Change OK ✓

Address Change NO

SOURCE Change ✓

Is change/clarification of originally intended source? NO

POINT OF DIV Change ✓

If not, prepare Notice of Intent to Void NO
Amendment required NO

PLACE OF USE Change ✓

Amendment required NO

Does map agree with written description? ✓ yes NO no

OVERLAPS NO P/D NO P/U

RATE OF DIV

Permitted Rate .25 cfs

Fee limit 1.0 cfs \$100⁰⁰

Measured NO cfs

Theoretical .27 cfs

Recommended Total Div Rate .24 cfs

ANNUAL VOLUME/
NATURE OF USES NO

✓ Use

Dom.
Dom

Volume Calculation

3 X 3.5 = 10.5 af

10 X .6 = 6.0 af

NO af

NO af

SUBTOTAL 16.5 af

Flow rate .09 cfs X 183 days X 1.98 af = 32.6 af

Total volume recommended 16.5 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

10 homes

Plu-lots 1-5, Blk 2, Roxburg Acres, Subd No. 2.
and lots 6-10, Blk 1,

CONDITIONS NO Watermaster Control WD# NO

GW Measurement/Measuring Device

50 Overlap

NO Use-specific conditions

Advancement of Priority Date Required NO yes NO no

SRBA Claim Filed NO

Adjustment Memo Dom volume

1st Amend Letter NO

2nd Amend Letter NO

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAY 23 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 22-7579

1. Owner: Rexburg Acres Subdivision No. 2

Phone No. (208) 356-3729 (H)
(208) 356-5426 (W)

Current Address: 1600 W 930 S Rexburg, ID 83440

2. Accompanied by:

EXAM DATE: 30 MAY 96

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
			SE	SW	25	06N	39E	Madison	on site./USGS QUAD

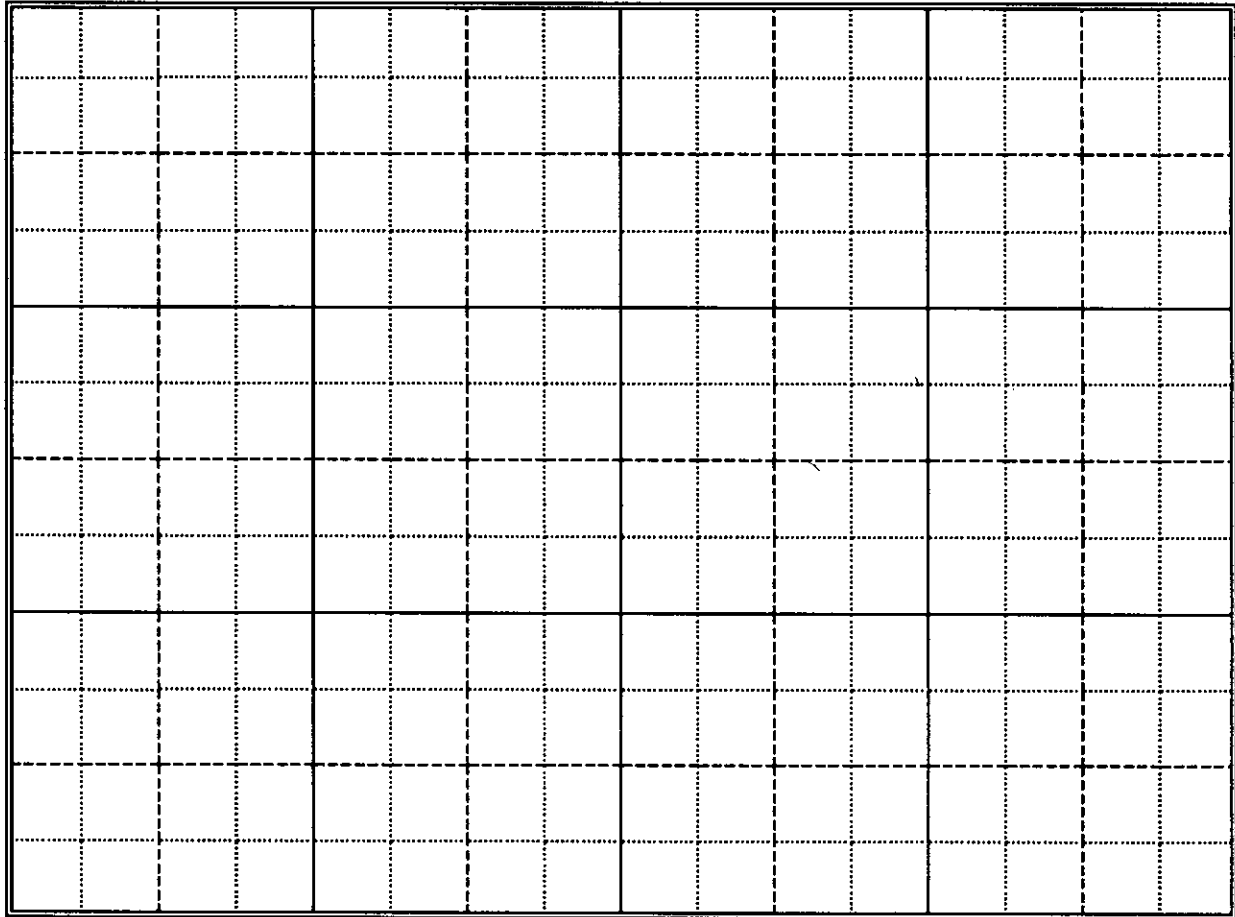
2. Place(s) of Use:

Indicate Method of Determination PLAT MAP

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	39E	25												100					
														3					3

FILMED
JUN 23 1997

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	^{model} Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Franklin Electric	5	282 1139 003		

*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
Theoretical						

2. Measurements: _____

NOT RECORDED

JUN 23 1997

E. NARRATIVE/REMARKS/COMMENTS

GPS site ID # E0007515

SYSTEM SERVES THE FOLLOWING ^{TEN} HOMES

1569 W 930 S

1572 W 930 S

1597 W 930 S

1600 W 930 S

1609 W 930 S

1612 W 930 S

1633 W 930 S

1634 W 930 S

1647 W 930 S

1656 W 930 S

Lot Sizes $102' \times 150' = 15,300 \text{ ft}^2 \times 10 \text{ units} = 153,000 \text{ ft}^2$

Assume homes are $40' \times 60' \times 10' = 24,000 \text{ ft}^2 =$

ACRES IRRIGATED = $153,000 \text{ ft}^2 - 24,000 \text{ ft}^2 = 129,000 \text{ ft}^2 / 43,560 = 2.96 \text{ ac}$
= 3.0 ac

Have conditions of permit approval been met? ☒ yes

☐ no
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JUN 23 1987

F. FLOW CALCULATIONS☒ Additional Computation Sheets Attached

Measured Method:

$$\text{Theoretical Capacity} = Q_{\text{cfs}} = 0.25 \text{ cfs}$$

$$Q_{\text{Dom}} = 0.15 \text{ cfs}$$

$$Q_{\text{IER}} = 3 \text{ ac} \times 0.03 \text{ cfs/ac} = 0.09 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{\text{I.R.}} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (3)(3.5) = 10.5 \text{ afa}$$

$$V_{\text{D.R.}} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.09 (183 \text{ d}) (1.9835) = 32.7 \text{ af}$$

$$V = \text{Smaller of } V_{\text{I.R.}} \text{ and } V_{\text{D.R.}} = 10.5 \text{ afa}$$

2. Volume Calculations for Other Uses:

$$V_{\text{Dom}} = 1.2 \text{ afa} \times 10 \text{ units} = 12 \text{ afa}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic (10 units)	1/1	12/31	0.15 cfs	12.0 afa
IRRIGATION	4/15	10/15	0.09 cfs	10.5 afa
Totals:			0.24 cfs	22.5 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. AUTHENTICATIONField Examiner's Name KEITH C. WILSON Date 5-30-1996

Reviewer _____ Date _____

SEAL

JUN 23 1996
 JUN 23 1996

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$$

$$Hp = \text{Horsepower} = \underline{5}$$

$$Eff = \text{Efficiency} = \underline{70\%} \quad (\text{Usually } 70\%)$$

$$\text{Lift: } (\text{Static Level} + \text{Assumed Draw down})$$

$$\text{Static Water Level} = \underline{15} \text{ ft. (well log)}$$

$$\text{Assumed Draw down} = + \underline{20} \text{ ft.}$$

$$\text{Lift} = \underline{35}$$

OR

$$\text{Measured Dynamic Water Level} = \underline{\hspace{2cm}} \text{ ft.}$$

$$psi = \text{Operating Pressure} = \underline{35} \text{ psi}$$

$$Q_{cfs} = \left[\frac{5}{Hp} \times 8.814 \times \frac{0.70}{eff} \right] \div \left[\frac{35}{Lift} + \left(\frac{35}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\underline{30.849} \right] \div \left[\underline{115.78} \right]$$

$$Q_{cfs} = \underline{0.27} \text{ cfs}$$

MICROFILMED
JUN 23 1957

PERMIT NO. 22-07579

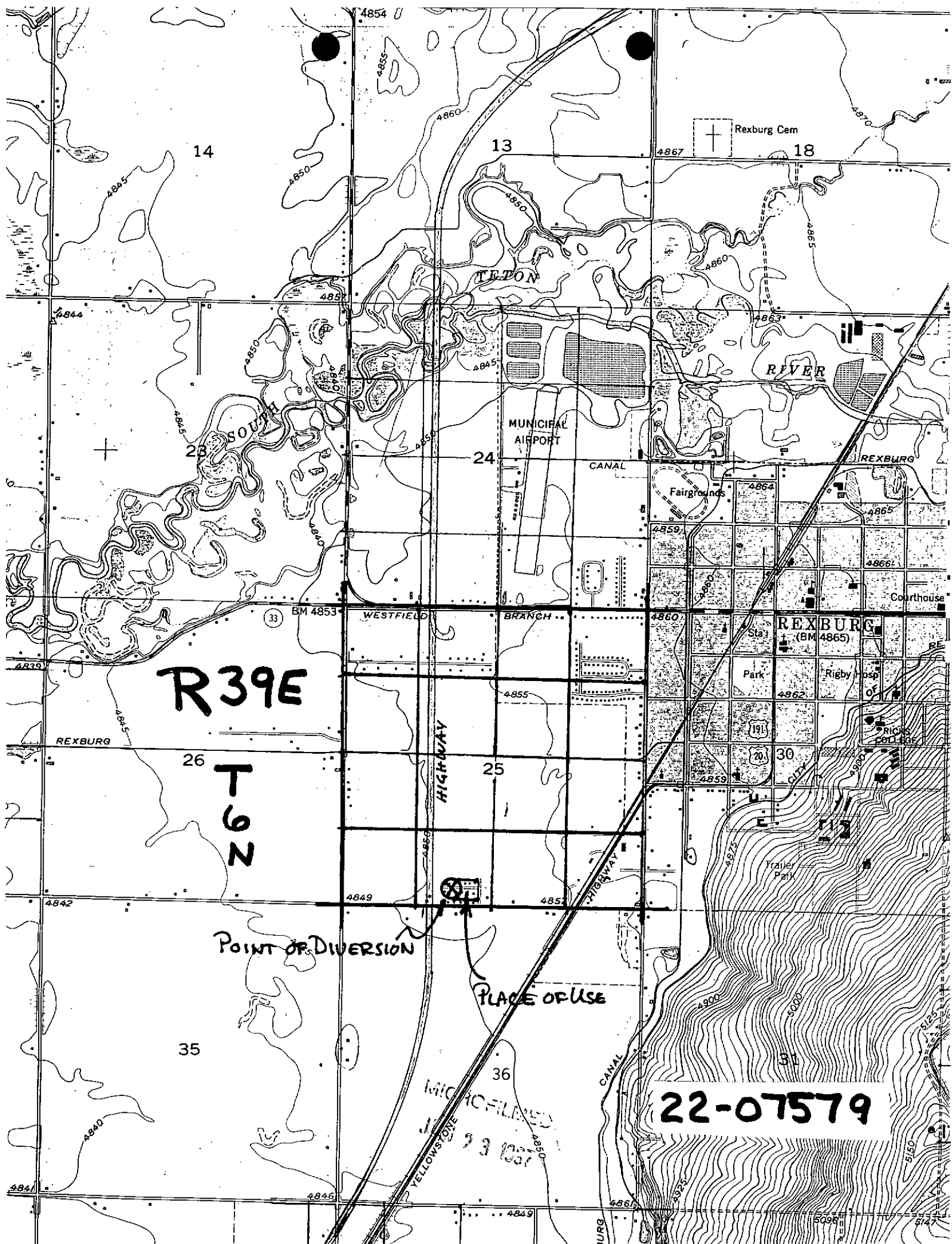
WELL DRILLER'S REPORT

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

1. WELL OWNER Name <u>State of Idaho I.T.D.</u> Address <u>Boise Idaho 83440</u> Owner's Permit No. _____		7. WATER LEVEL Static water level <u>15</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ °F. Quality _____																																			
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____		8. WELL TEST DATA ☐ Pump ☐ Bailer ☐ Air ☐ Other _____ <table border="1"><thead><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>		Discharge G.P.M.	Pumping Level	Hours Pumped																															
Discharge G.P.M.	Pumping Level	Hours Pumped																																			
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)		9. LITHOLOGIC LOG <table border="1"><thead><tr><th rowspan="2">Hole Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>8"</td><td>0'</td><td>15'</td><td>Gravel & Sand</td><td> </td><td> </td></tr><tr><td> </td><td>15'</td><td>23'</td><td>Sand & Small Gravel</td><td> </td><td> </td></tr><tr><td> </td><td>23'</td><td>25'</td><td>Sand & Small Gravel</td><td> </td><td> </td></tr><tr><td> </td><td>25'</td><td>30'</td><td>Sand & Small Gravel</td><td> </td><td> </td></tr></tbody></table>		Hole Diam.	Depth		Material	Water		From	To	Yes	No	8"	0'	15'	Gravel & Sand				15'	23'	Sand & Small Gravel				23'	25'	Sand & Small Gravel				25'	30'	Sand & Small Gravel		
Hole Diam.	Depth		Material		Water																																
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8"	0'	15'	Gravel & Sand																																		
	15'	23'	Sand & Small Gravel																																		
	23'	25'	Sand & Small Gravel																																		
	25'	30'	Sand & Small Gravel																																		
4. METHOD DRILLED ☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____		I chose this well log because well 20 was moved and took part of subdiv 12																																			
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table border="1"><thead><tr><th>Thickness</th><th>Diameter</th><th>From</th><th>To</th></tr></thead><tbody><tr><td>3.50 inches</td><td>8 inches</td><td>1 feet</td><td>80 feet</td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr></tbody></table> Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches <table border="1"><thead><tr><th>Number</th><th>From</th><th>To</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ feet Placed from _____ feet to _____ feet Surface seal depth <u>18'</u> Material used in seal: ☐ Cement grout ☒ Well cuttings ☐ Puddling clay ☒ Well cuttings Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata Describe access port _____				Thickness	Diameter	From	To	3.50 inches	8 inches	1 feet	80 feet													Number	From	To											
Thickness	Diameter			From	To																																
3.50 inches	8 inches			1 feet	80 feet																																
Number	From	To																																			
6. LOCATION OF WELL Sketch map location must agree with written location. <table border="1"><tr><td>N</td><td> </td><td> </td></tr><tr><td>W</td><td> </td><td>E</td></tr><tr><td>S</td><td> </td><td> </td></tr></table> Subdivision Name _____ Lot No. _____ Block No. _____ County <u>Madison</u> <u>SE 1/4 SW 1/4 Sec. 25, T. 6 (N), R. 39 (E).</u>		N			W		E	S																													
N																																					
W		E																																			
S																																					
10. Work started <u>April 24, 79</u> finished <u>April 24, 79</u>		11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>James Dilling</u> Firm No. <u>10</u> Address <u>Box 61, Ucon, Idaho</u> Date <u>April 24, 1979</u> Signed by (Firm Official) <u>James Dilling</u> and (Operator) <u>Jim Dilling</u>																																			

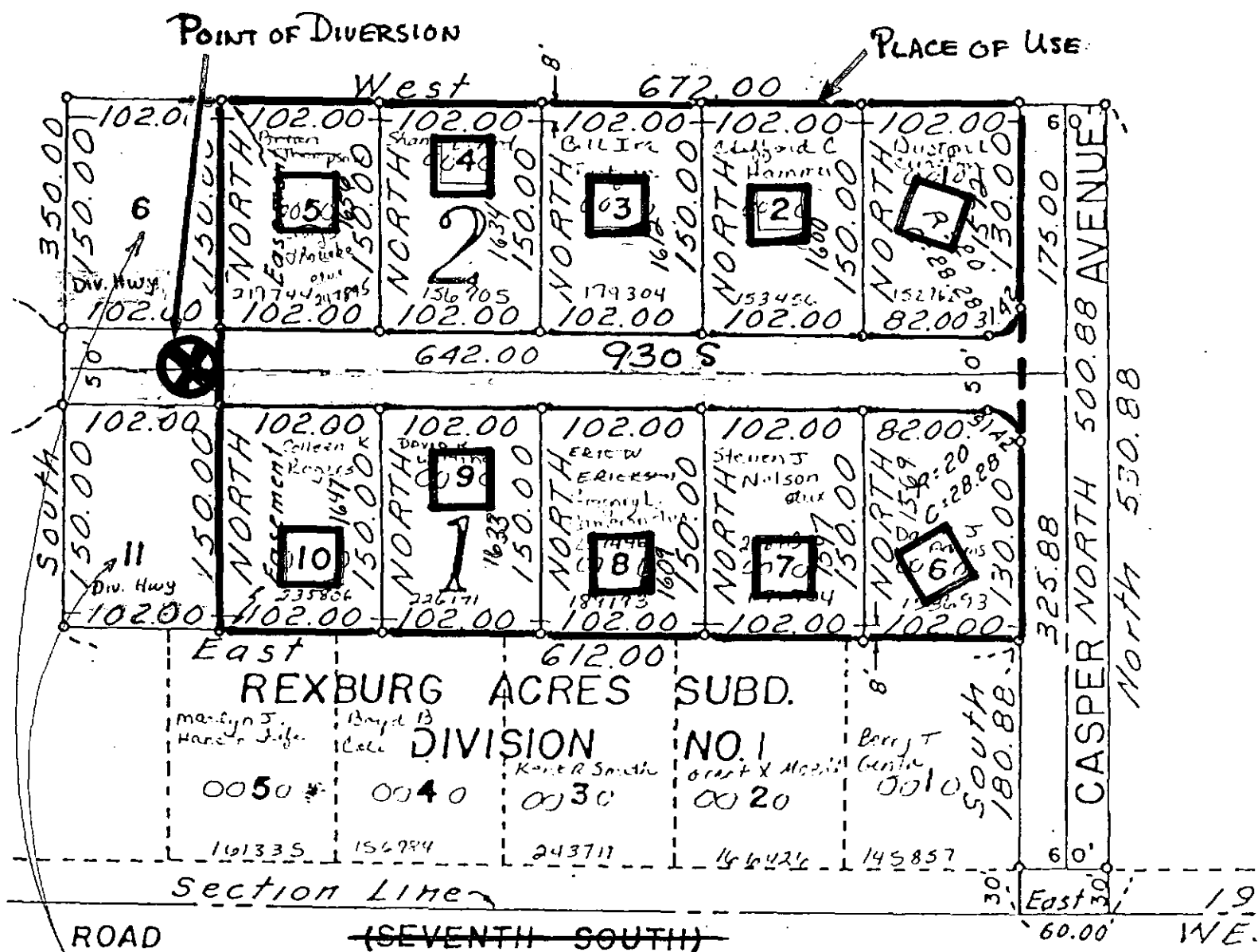
22-07579

MICROFILMED
23 MAR 1980



SE 1/4 SW 1/4

SEC 25, T6 NR39E



NOTE: DIVISION OF HIGHWAYS OWNS
Lots 6 & 11 because Hwy 20
TOOK THOSE LOTS. JUN

22-07579

May 2, 1990

REXBURG ACRES SUBDIVISION
1634 W. 930 S.
REXBURG, ID 83440

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07579

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

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

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

Enclosure

INDEXED & FILMED

MAY 16 1990

1/00

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 22-7579

Date: 4-30-90

General Considerations:

- ☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change If yes, prepare a data entry
☒ Proof received timely
☐ Reinstated

Source of Water:

- ☐ Surface water
☒ Groundwater
☒ 1. well log in file 1973-74
☒ 2. drilling permit
☒ 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:

Priority Calculation:

Date proof received Feb 5, 1990 36

Date proof due Feb 1, 1990 - 32

No. of days late = 4

Priority date Aug 24, 1988 + 236

NEW PRIORITY DATE Aug 28, 1988 = 240

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

138889

November 30, 1989

REXBURG ACRES SUBDIVISION
1634 W. 930 S.
REXBURG, ID 83440

PROOF DUE NOTICE

RE: PERMIT NO. 22-07579

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

RECORDED

MAY 16 1990

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
January 19, 1989

REXBURG ACRES SUBDIVISION
1634 W. 930 S.
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. 22-07579

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.

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

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

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

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY KC Wilson 9/26/88
T. OLENICHAK DATE 9/2/88 APPLICATION NUMBER 22-7579
Rexburg AreaREQUIRED 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

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DEC 05 1988

Department of Water Resources

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT ACRES IRRIGATEDDate Requested 9-13-88

PROCESSING

☒ Yes ☐ No Form 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 11-21-88
☐ 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-POS
☐ Yes ☐ No Special conditions of approval or cover letter below.

☐ See below for additional information
Date of priority recommended 8-24-1988
By HWS Date 11-30-88

STATE OFFICE REVIEW

P05, P23,

P110 46 41

☐ See below for additional information
By KW Date 1/12/89

ADDITIONAL INFORMATION

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

OCTOBER 27, 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 NOVEMBER 21, 1988.

Yours truly,

Rita Bodell
Secretary

Encl.

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NOTICE OF APPLICATION FOR WATER RIGHT

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

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FEB 08 1989

22-07579

REXBURG ACRES SUBDIVISION
1634 W. 930 S.
REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: SESW Sec 25 T 06N R 39E

Use: DOMESTIC (.150 CFS)
 IRRIGATION (.100 CFS)

Date Filed: 8/24/1988

In: T06N R39E S25 SESW SESW

5.0 ACRES TOTAL

MICROFILMED

FEB 08 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 NOVEMBER 21, 1988.

R. Keith Higginson, Director

Published 11/03/1988 & 11/10/1988

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

September 13, 1988

Rexburg Acres Subdivision
C/O Shayne or Linda Ard
1634 W 930 S
Rexburg, ID 83440

Dear Applicant:

Enclosed is a copy of an Application for Permit that was received by our office. The description of the place-of-use (Item 9) must also indicate the number of acres irrigated. Please contact this office before September 21, 1988 with the information so that the application can be processed.

Sincerely,

A handwritten signature in cursive script that reads "Keith C. Wilson".

Keith C. Wilson
Senior Resource Agent

KCW:jt

Enclosure

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FEB 08 1989

