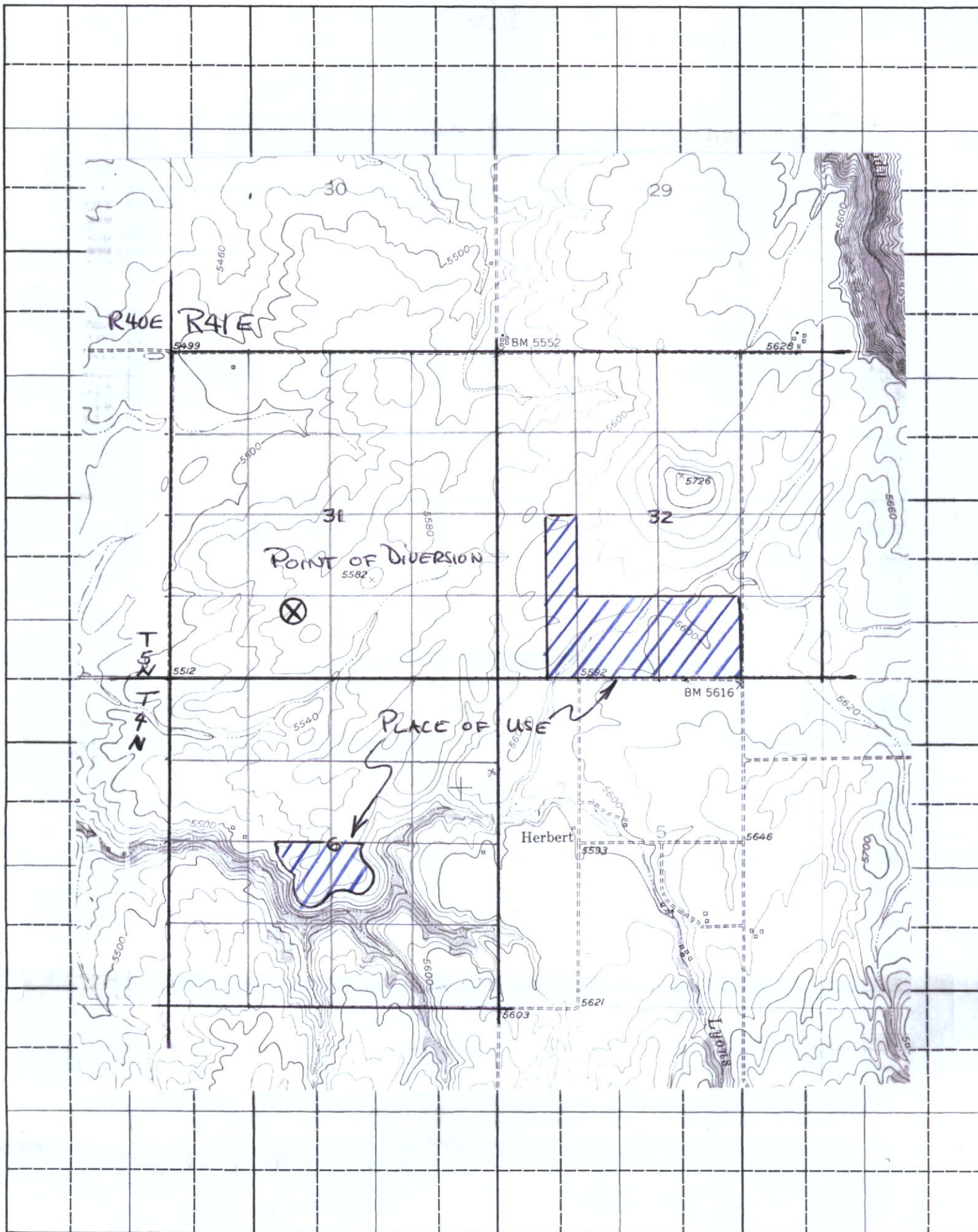


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile;
1:24000

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

MICROFILMED

DEC 14 1989

Garth Sutton Farms Inc.
Garth Sutton - President
(Applicant)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 22-07472

Proposed Priority: November 30, 1983 Maximum Diversion Rate: 2.80 CFS

This is to certify, that **GARTH SUTTON FARMS INC.**
RT. 3 BOX 216
REXBURG, ID 83440

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	2.80 CFS

LOCATION OF POINT(S) OF DIVERSION: SESW Sec. 31, Township 05N, Range 41E
MADISON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	41E	6	NESW 16	NWSE 13		29
05N	41E	32	NWSW 17	SWSW 16	SESW 39	111
			SWSE 39			

Total number of acres irrigated: 140

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **December 1, 1990**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
7. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
8. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

DEC 14 1989

Permit To Appropriate Water

NO. 22-07472

CONDITIONS/REMARKS:

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

27th day of November, 1989

for *R. Keith Higginson*
R. Keith Higginson, Director

MICROFILMED

DEC 17 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Garth Sutton Farms Inc. Phone 356-6630

Post office address Rt. #3, Box 216 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 SW $\frac{1}{4}$ of Section 31 Township 5 N

Range 41E B.M. Madison County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2.8 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 2.8cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, pump mainline to laterals with sprinklers.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 1215 feet.

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 — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

MICROFILMED

DEC 14 1989

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	41E	32										17	16	39			39		111
4N	41E	6									16					13			29

Total number of acres to be irrigated 140

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

9. a. Who owns the property at the point of diversion Wesley Grover

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

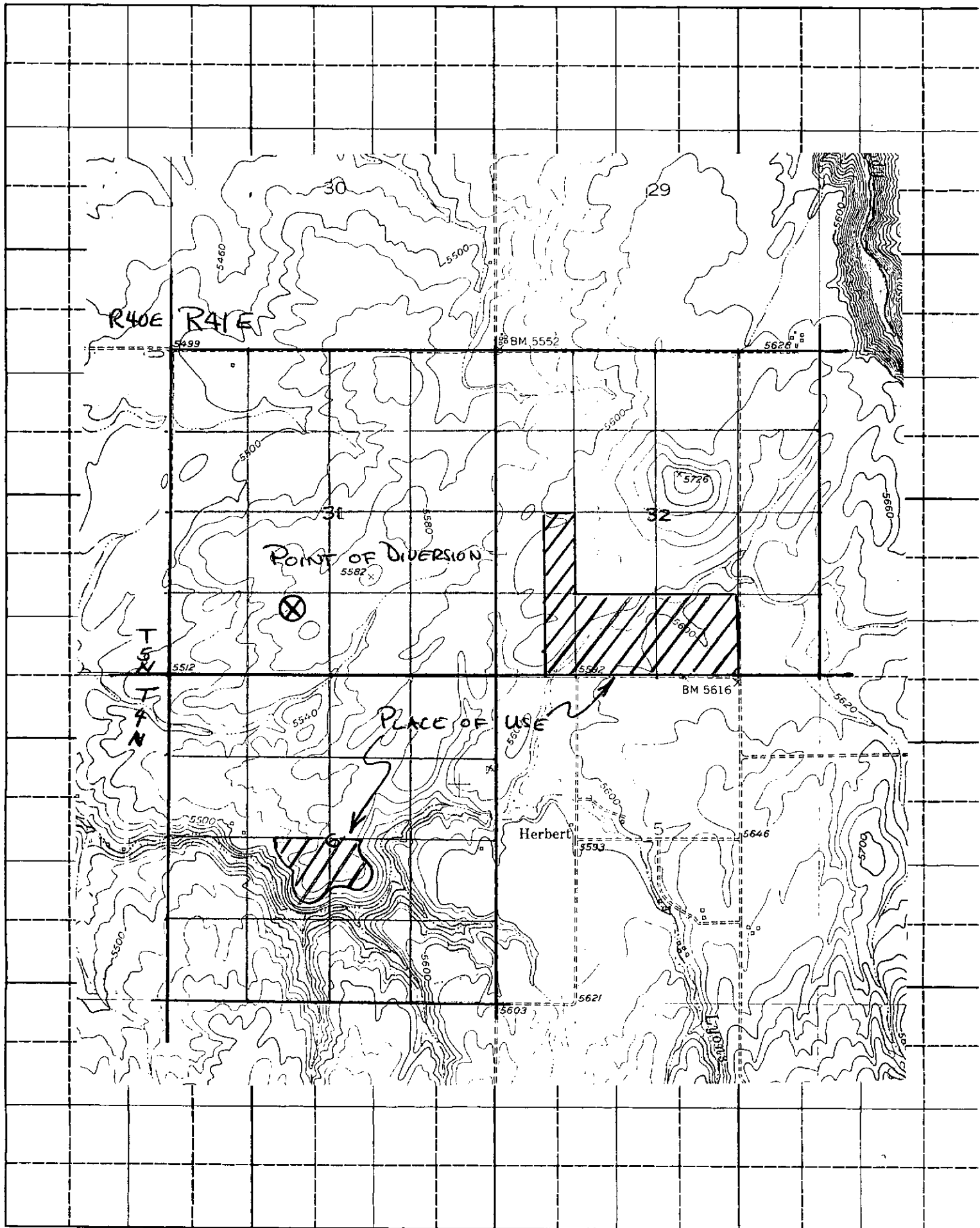
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing 10 year lease agreement.

10. Remarks This application is from the same point of diversion as 22-7092.

FILED

DEC 14 1989

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



Scale: 2 inches equal 1 mile.
1:24000

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.

MONITORING

DEC 14 1989

Garth Sutton Farms Inc.
Garth Sutton - President
(Applicant)

Assisted by KCW

Received by _____ Date 11-30-83 Time _____

Preliminary check by HWJ Fee \$ 85.00

Receipted by BP Date 11/30/83 # 29755

Publication prepared by RB Date _____

Published in Rexburg Standard-Journal

Publication dates 9-7 & 14-89

Publication approved PB Date 10-5-89

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by 1: /

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

RECORDED

DEC 1 1989

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

RECEIVED

SEP - 2 1989

Department of Water Resources
Eastern District Office

STATE OF IDAHO
County of Madison

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 Water Rights a copy
of which notice appears attached hereto,
is published in the regular and entire
issue of said newspaper, and not in any
supplement issue thereof for
two consecutive issues, the
last publication having been made on
September 7, 1989 and the last
publication having been made on
September 14, 1989.

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

Terry Weatherston

STATE OF IDAHO)
COUNTY OF MADISON)

this 15th day of September in
the year of 1989, before me, a Notary
Public, personally appeared Terry
Weatherston, known or identified to me
to be the person whose name subscribed
the within instrument, and being by
first duly sworn, declared that the
statements therein are true, and
acknowledged to me that he executed the
same.

Raymond B. [Signature]
Notary Public for Idaho

Residing at Rexburg, Idaho
Notary 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:

22-07472

GARTH SUTTON FARMS INC.
RT. 3 BOX 216
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt. SESW Sec 31 T 05N R
41E
Use: IRRIGATION (2,800 CFS)
Date Filed: 11/30/1983
In: T04N R41E S06 NESW NWSE,
T05N R41E S32 NWSW SWSW SESW
SWSE 140.0 ACRES TOTAL

22-07476

ARLENCO INC.
RT. 4 BOX 139
REXBURG, ID 83440
Source: GROUNDWATER
Diversion Pt. SENE Sec 17 T 05N R
40E
Use: IRRIGATION (3,140 CFS)
Date Filed: 2/10/1984
In: T05N R40E S20 NENE NWNE
NENW NWNW 157.0 ACRES TOTAL

22-07481

SUMMERS, DANNY
ROUTE 1
SUGAR CITY, ID 83448
Source: GROUNDWATER
Diversion Pt. NWNW Sec 15 T 05N R
41E
Use: IRRIGATION (3,200 CFS)
Date Filed: 9/25/1984
In: T05N R41E S15 NWSW SWSW,
S16 NESE SESE 160.0 ACRES TOTAL

22-07485

SETH WOODS FARMS
262 EAST 1ST SOUTH
REXBURG, IDAHO 83440
Source: GROUNDWATER
Diversion Pt. SENE Sec 12 T 05N R
40E
Use: IRRIGATION (7,800 CFS)
Date Filed: 1/11/1985
In: T05N R40E S01 SWSE SESE, S12
NENE NWNE SWNE SENE NENW
SENW, T06N R40E S36 NESE NWSE
SWSE SESE 390.0 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. Pro-
tests must be filed with the Director, Dept.
of Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402 on or
before SEPTEMBER 25, 1989.

R. KEITH HIGGINSON
Director

Filed Sept. 7 and 14, 1989SJ.

MICROFILMED

DEC 14 1989

February 12, 1990

GARTH SUTTON FARMS INC.
RT. 3 BOX 216
REXBURG, ID 83440

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07472

Dear Permit Holder:

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

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

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

MAR 09 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 22-7472

Date: 5-12-90

General Considerations:

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

Source of Water:

5 Surface water
5 Groundwater
_____ 1. well log in file
_____ 2. drilling permit
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

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

Measuring Device:

1/1 Is a measuring device or access port required?
1/1 Has one been installed?
1/1 Waiver or modification of measuring device requested

Remarks: well drilled in 1977
Proof acceptable

1/1 Priority Calculation:
Date proof received _____
Date proof due _____
No. of days late _____
Priority date _____
NEW PRIORITY DATE _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

\$150⁰⁰ Form 217 08/89

For Office Use Only
Amt. of Fee \$ 150⁰⁰
Date 12-29-89
Receipt No. E011428
Received by HWS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

DEC 29 1989

Department of Water Resources
Eastern District Office

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

Permit No. 22-07472 Telephone No. 356-6630

Name(s) of Permit Holder(s): Garth Sutton Farms

Post Office Address: 1295 E 10000 S Rexburg Id 83440

Source of Water: Groundwater

If ground water, well driller's name: UNKNOWN Date drilled: ~1974

Extent of Use:
Domestic _____ (No. of households) Irrigation 140 (No. of acres)
Stockwater _____ (No. and type of stock) Other _____

Total rate and/or volume for which proof is submitted 2.80 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: 1977

One of the following may be a condition of approval of your permit:

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

OR

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

Fee Enclosed: \$ 150⁰⁰ (See License Examination Fee Schedule)

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

Garth Sutton 356-6630
Name Telephone No.
Same
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.

MAR 09 1990

20 Dec 1989 Garth Sutton - President
Date Signature (and title if on behalf of a company or organization)

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) 327-7900
November 27, 1989

GARTH SUTTON FARMS INC.
RT. 3 BOX 216
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. P22-07472

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.

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

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DEC 14 1989

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. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

RECEIVED

DEC 14 1989

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: HWS APPLICATION NUMBER: 22 7772

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____
Date: _____
Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: 9-25-89
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: _____
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☒ Yes ☐ No Access port required.
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 01-P05
11-30-83 Date of priority recommended.
Special conditions of approval or cover letter. <0167

App. in NON-TRUST area-

By: HWS Date: 10-5-89

STATE OFFICE REVIEW:

P05, P23, P03, P16 016 46 48 49 04

- ☐ See attached sheet for more information.
By: KW

Date: 11/13/89

RECEIVED

OCT 10 1989

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

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

IDAHO STREAM CODE INDEX						

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

IDAHO STREAM CODE INDEX						

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

IDAHO STREAM CODE INDEX						

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

IDAHO STREAM CODE INDEX						

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

IDAHO STREAM CODE INDEX						

30-Aug-1989

Garth Sutton Farms, Inc.
Rt. 3, Box 216
Rexburg, ID 83440

RE: Application for Permit No. 22-7472

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in 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

RECEIVED

DEC 14 1989

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

Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 29, 1989

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

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 25, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

RECEIVED

DEC 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:

RECEIVED

DEC 14 1989

22-07472

GARTH SUTTON FARMS INC.
RT. 3 BOX 216
REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: SESW Sec 31 T 05N R 41E

Use: IRRIGATION (2.800 CFS)

Date Filed: 11/30/1983

In:	T04N R41E S06	NESW	NWSE		
	T05N R41E S32	NWSW	SWSW	SESW	SWSE

140.0 ACRES TOTAL

MAINTAINED

DEC 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 SEPTEMBER 25, 1989.

R. Keith Higginson, Director

Published 9/07/1989 & 9/14/1989

RECEIVED

DEC 14 1989

22-7472-

GARTH SUTTON FARMS, INC.

RT. 3, BOX 216, REXBURG, ID 83440

Source: GROUNDWATER

Date Filed: 11/30/1983

Diversion Pt: SESW Sec 31 T 05N R 41E

Use: IRRIGATION (2.80 CFS)

In: NWSW SWSW SESW SWSE Sec 32 T 05N R 41E NESW NWSE Sec 06 T 04N R 41E
FOR 140 ACRES

RECORDED

DEC 14 1989