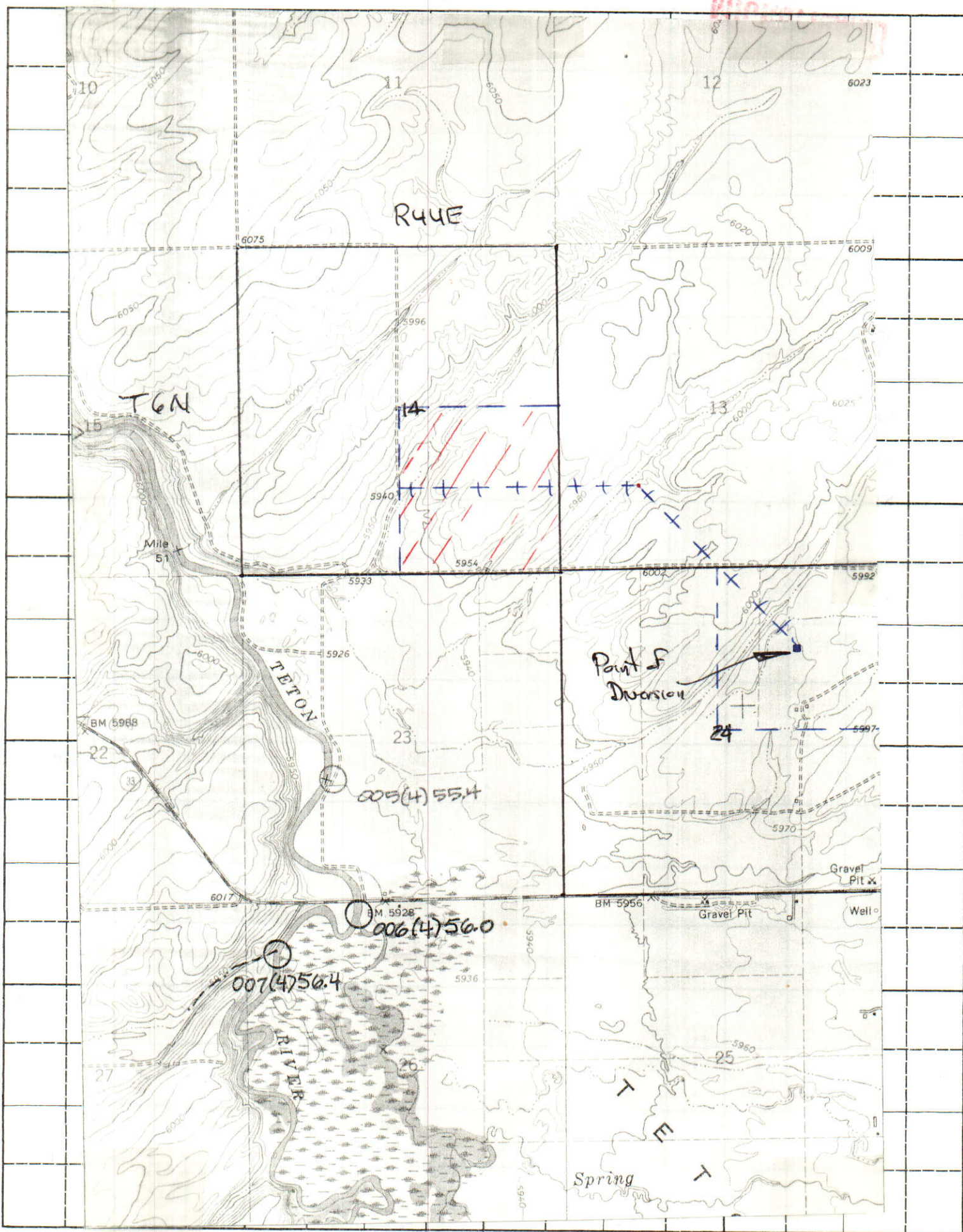


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

JUN 12 1989

Rich Johnson
(Applicant)

AFFIDAVIT OF PUBLICATION

State of Idaho

County of Teton

I, Kristi Atkinson,
being first duly sworn depose and
say that I am the Asst. Editor
of the Teton Valley News, a
newspaper as defined by Idaho
Codes Annotated, Section 58-106,
as amended, and that said
newspaper is a weekly newspaper
printed and published at Driggs, in
Teton County, Idaho, having a
general circulation in said county,
and that said newspaper has been
printed in said county for more
than 78 consecutive weeks prior to
the first publication of the attached
notice, advertisement or
publication of

Notice of app.
for water right

And affiant further says that
said attached notice, adver-
tisement, or publication, as per
clipping attached, was published in
said newspaper, in the regular and
entire issue thereof, and not in any
supplement issue thereof, for 2....
consecutive issues thereof; first
publication having been made on
the 20 day of Apr, 1989.

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

Kristi Atkinson

Subscribed in my presence and
sworn to before me this 27 day of
Apr, 1989
(SEAL) Notary Public for the state
of Idaho, residence and postoffice
address, Driggs, Idaho.

Neela A. Rish

My Commission expires

12-2, 1991

RECEIVED

MAY 1 1989

Department of Water Resources
Eastern District Office

Source: GROUNDWATER
Diversion Pt:
NENE Sec 24 T 06N R 44E
Use: IRRIGATION (3.200 CFS)
Date Filed: 3/25/1983
In: T06N R44E S 14
NESE NWSE SWSE SESE
160.0 ACRES TOTAL

22-07635
TETON VALLEY LODGE INC.
RT. 2, BOX 1247
DRIGGS, ID 83442
Source: GROUNDWATER
Diversion Pt:
SWNWSE Sec 17 T 04N R 45E
Use: IRRIGATION (.050 CFS)
DOMESTIC (.200 CFS)
Date Filed: 10/06/1988
In: T04N R45E S 17
2.3 ACRES TOTAL

22-07644
DUSTIN, MONROE
726 South 450 West
Victor, ID 83455
Source: GROUNDWATER
Diversion Pt:
NWNE Sec 31 T 04N R 45E
Use: IRRIGATION (2.400 CFS)
Date Filed: 4/10/1989
In: t04N R45E S30 SWSE
S31 NENE NWNE
120.0 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 May 8, 1989.

R. Keith Higginson, Director
Published in the Teton Valley
News on April 20 and 27, 1989.

NOTICE OF APPLICATION
FOR WATER RIGHT

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

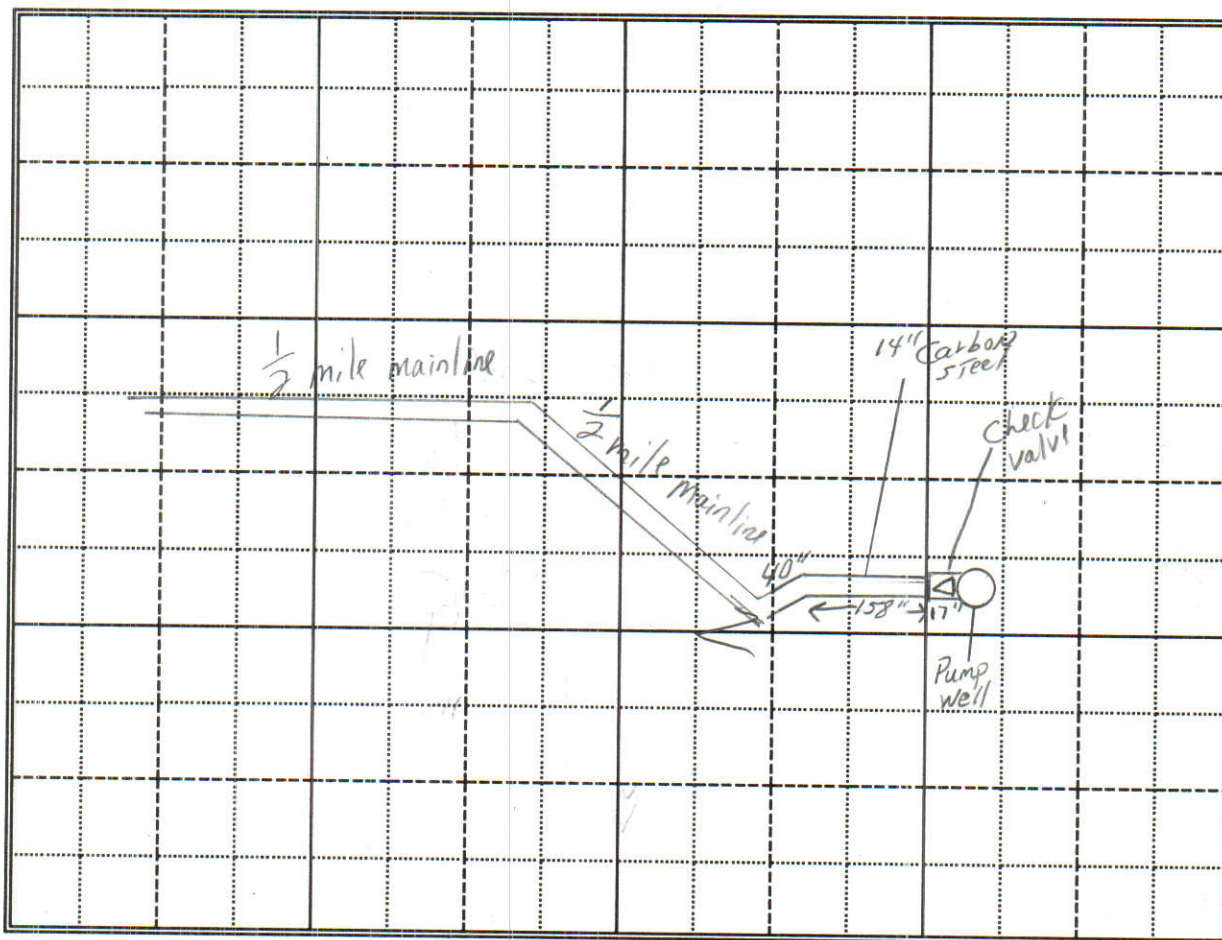
22-07419
CADDY, FRANK E.
P.O. BOX 334
DRIGGS, ID 83422
Source: TETON RIVER
Tributary: SNAKE RIVER
Diversion Pt:
NWSE Sec 17 T 04N R 45E
Use: IRRIGATION (.120 CFS)
Date Filed: 1/11/1983
In: T04N R45E S17 SWNE NWSE
6.0 ACRES TOTAL

22-07431
VALLEY BANK
501 BROADWAY
IDAHO FALLS, ID 83401

MICROFILMED

JUN 12 1989

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



↑
N

Not to Scale

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
—	General Electric	400	BHJ204014	Johnston	14"

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

D. FLOW MEASUREMENTS

1.

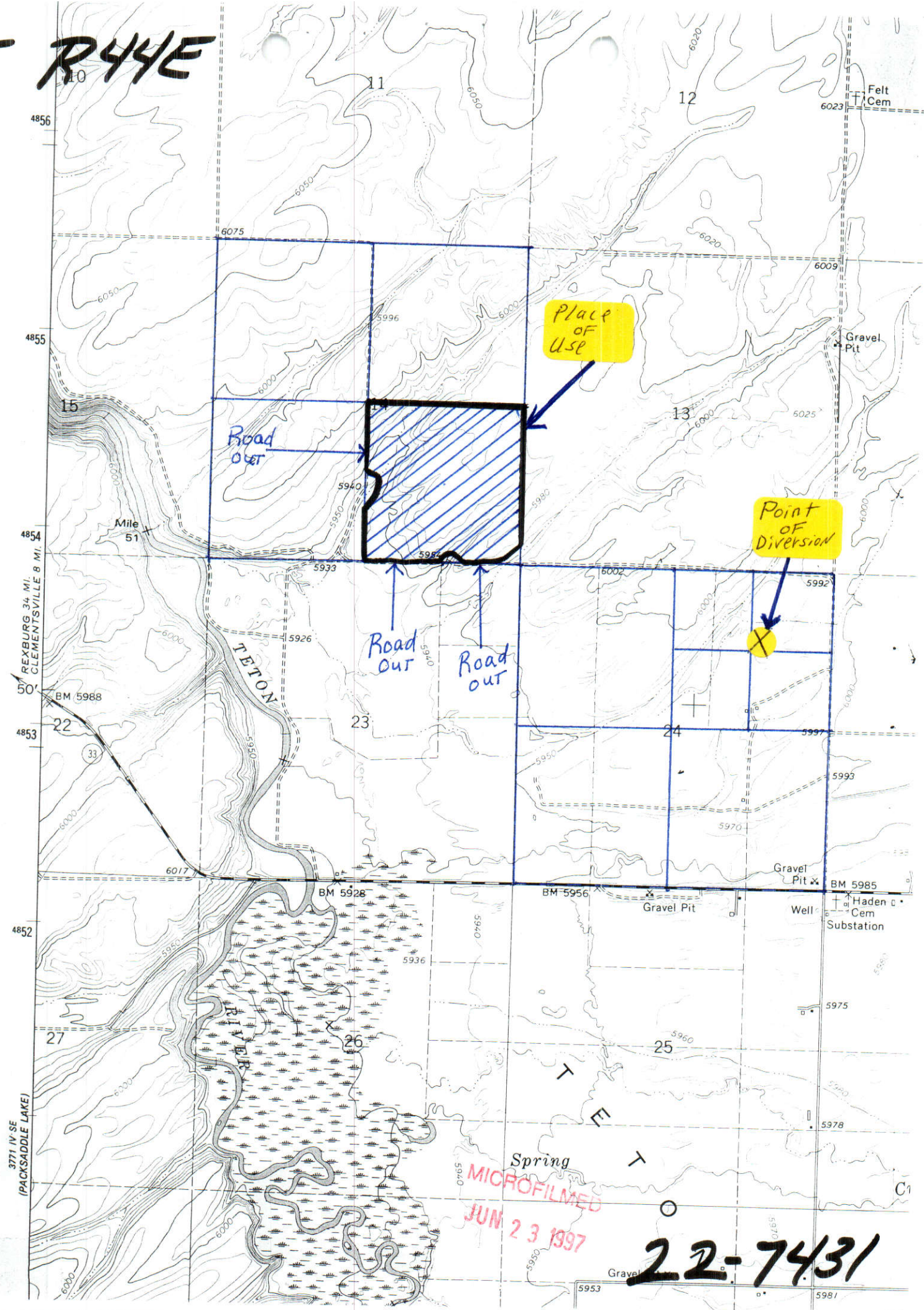
Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Polysonic						

2. Measurements: $Q_{meas} = 16.55 \text{ CFS Max Rate}$ *See Polysonic Tape

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JUN 22 1987

T
6
N
R44E





MICROFILMED
JUN 23 1997

Sec. 14

22-7431

24

R44E
T
6
N

106
T235

29.6

6.8

3 46.0

4 38.2

NHEL

28.6

10.0

NHEL

7.8

NHEL

5.0

NHEL

1.2

13 4.5

14

90.3

HEL

Point
of
Diversion

HEL

15 3.5

24

24

25

MICROFILMED

JUN 23 1997

Sec. 24

22-7431



22-7431

MICROFILMED
JUN 23 1987

**STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES**

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 22-07431 (No claim)
Adjudication Claim No(s).: _____

2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant EASTERN IDAHO AGRICULTURAL CREDIT ASSOCIATION
PO Box 985, Blackfoot, Idaho 83221

4. New Owner/Claimant(s) Warren Kaufman and Ben Kaufman
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
New Mailing Address PO Box 495
City, State and ZIP Code Driggs, Idaho 83422
New Telephone Number (307) 353-2780

5. Date you acquired the property Loan Date 5/19/97

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate 129 Number and type of stock _____
Diversion rate in CFS 1.790 Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) Warren Kaufman
Ben Kaufman
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
MICROFILMED

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.. DEC 30 1998

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at **Item 1**. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at **Item 3**.
4. The name, mailing address, and telephone number of the new owner(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at **Item 6**.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190

IDWR Southern Region, 1341 Fillmore St. N., Twin Falls, ID 83301-3380 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

MICROFILMED

JUL 30 1998

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07431

Priority: March 25, 1983

Maximum Diversion Rate:

3.04 CFS

Maximum Diversion Volume:

532.0 AF

This is to certify, that EASTERN IDAHO AGRICULTURAL CREDIT ASSN
PO BOX 985

BLACKFOOT ID 83221 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 25, 1983; and has submitted Proof of Beneficial Use on August 23, 1989. An examination indicates that the works have a diversion capacity of 16.550 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	3.04 CFS	532.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 24, Township 06N, Range 44E
TETON County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N 44E 14	NESE 40	NWSE 39	SWSE 37	
	SESE 36			152

Total number of acres irrigated: 152

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 that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

MICROFILMED

JUN 23 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07431

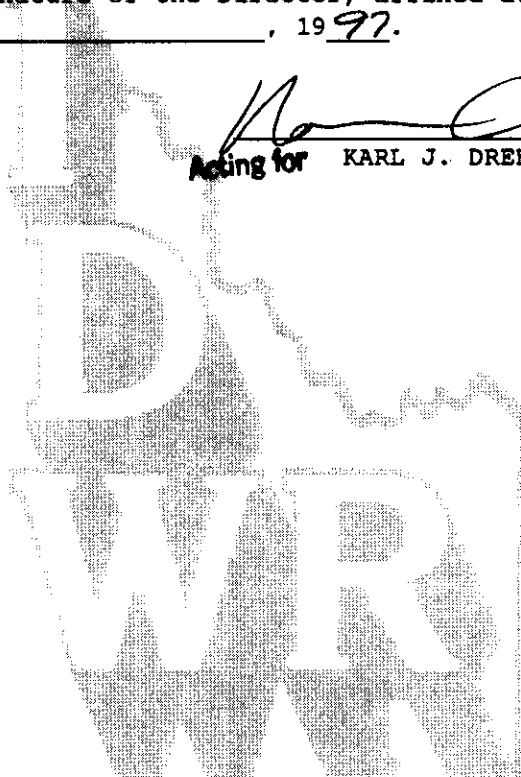
CONDITIONS OF APPROVAL AND REMARKS

7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
8. Rights 22-07140B and 22-07164 are also diverted through the point(s) of diversion described above.

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



MICROFILMED

JUN 23 1997

RECEIVED

MAY 23 1997

State of Idaho

Department of Water Resources

Department of Water Resources

ASSIGNMENT OF PERMIT

We, Warren and Ben Kaufman, hereby assign to EASTERN IDAHO AGRICULTURAL CREDIT ASSOCIATION
of PO Box 985, Blackfoot, ID 83221.

All our right, title, and interest in and to Permit No. 22-07431 to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and to Permit No. 22-07431 to appropriate the public waters of the State of Idaho. (Describe that portion of the permit being assigned by listing the acreage within each 40 acre subdivision, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage)

Township 6 North, Range 44 East Boise Meridian
Section 24: SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, Well, 3.2 cfs

Made this 13 day of May, 1997.

Warren Kaufman Tina Kaufman
Permit Holder Spouse of Permit Holder

Ben Kaufman [Signature]
Permit Holder Spouse of Permit Holder

State of Idaho)
County of Madison ^{SS}

On this 13th day of May, 1997, personally appeared before me the signers of the above instrument, who duly acknowledged to me that they executed the same.

[Signature]

Notary Public residing at Rigby

My Commission expires: 4-27-2001

seal

MICROFILMED

JUN 23 1997

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	22-7431	Valley Bank	3.2
Full Assignment	22-7431	Kaufman, Ben Warren DBA Kaufman Brothers Joint Venture	3.2

MICROFILMED

DEC 14 1989

State of Idaho

Department of Water Resources

RECEIVED
OCT 05 1989

OCT 10 1989

ASSIGNMENT OF PERMIT

Department of Water Resources
Eastern District Office

I, We, Department of Water Resources
Valley Bank, hereby assign to Ben Kaufman and Warren Kaufman dba

~~XX~~ Kaufman Brothers Joint Venture of Rt. #1 Box 3830, Driggs, Idaho 83422
Address

All my right, title, and interest in and to Permit No. _____
to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and
to Permit No. 22-07431 to appropriate the public waters of the
State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage
within each 40 acre subdivision, the point of diversion and the amount of
water in cubic feet per second for direct diversion, or acre feet for storage)

All Source of water-Well, Irrigation 320 acres 5.0 cfs 960.0 acres feet

Made this 4 day of October, 19 89.

Valley Bank

by:

Richard C. Swager, Jr.
Permit Holder Richard C. Swager, Jr.
Collection Officer

Spouse of Permit Holder

State of Idaho)
County of Bonneville) ss

On this 4 day of October, 19 89, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Sal Kuehner

s e a l

Notary Public residing at Idaho Falls

My commission expires:

11-18-94

RECORDED

DEC 14 1989

RECEIVED

AUG 23 1989

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only
Fee Received 200.00
Date 8/23/89
Receipt # COM/131
Receipt by CP
Reviewed by _____
Sent to region _____

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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. 22-07431

Name(s) of Permit Holder: Valley Bank

Post Office Address: P.O. Box 51270, Idaho Falls, ID 83405-1270

Telephone No. 525-6271

Source of water: Well

Extent of Use:

Domestic N/A (number of households) Stockwater N/A (number and type of stock)

Irrigation 320 (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 5.0 cfs 960.0 acre-feet

Show the date water was first diverted and beneficially used under this permit: September 19, 1975

Measuring Device: Required? ☐ Yes ☐ No
Installed? ☐ Yes ☐ No
Fee enclosed \$200.00
(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:

Richard Swager 208-525-6271
(Name) (Telephone Number)

Valley Bank P.O. Box 51270, Idaho Falls, ID 83405-1270
(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.

RECORDED

DEC 14 1989

August 18, 1989
Date

[Signature]
Signature of Permit Holder (and title, if appropriate)

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 Valley Bank Phone 525-6292

Post office address 501 Broadway Idaho Falls, ID. 83401

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

3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 24 Township 6N

Range 44E B.M. Teton County, additional points of diversion if any: _____

~~None, some, some sec 24 T6N R44E well in center of NE 160~~

4. Water will be used for the following purposes:

Amount 3.20 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. 3.20 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 with mainline
to sprinklers at place of use

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 16 inches; proposed depth of well is 250 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 _____

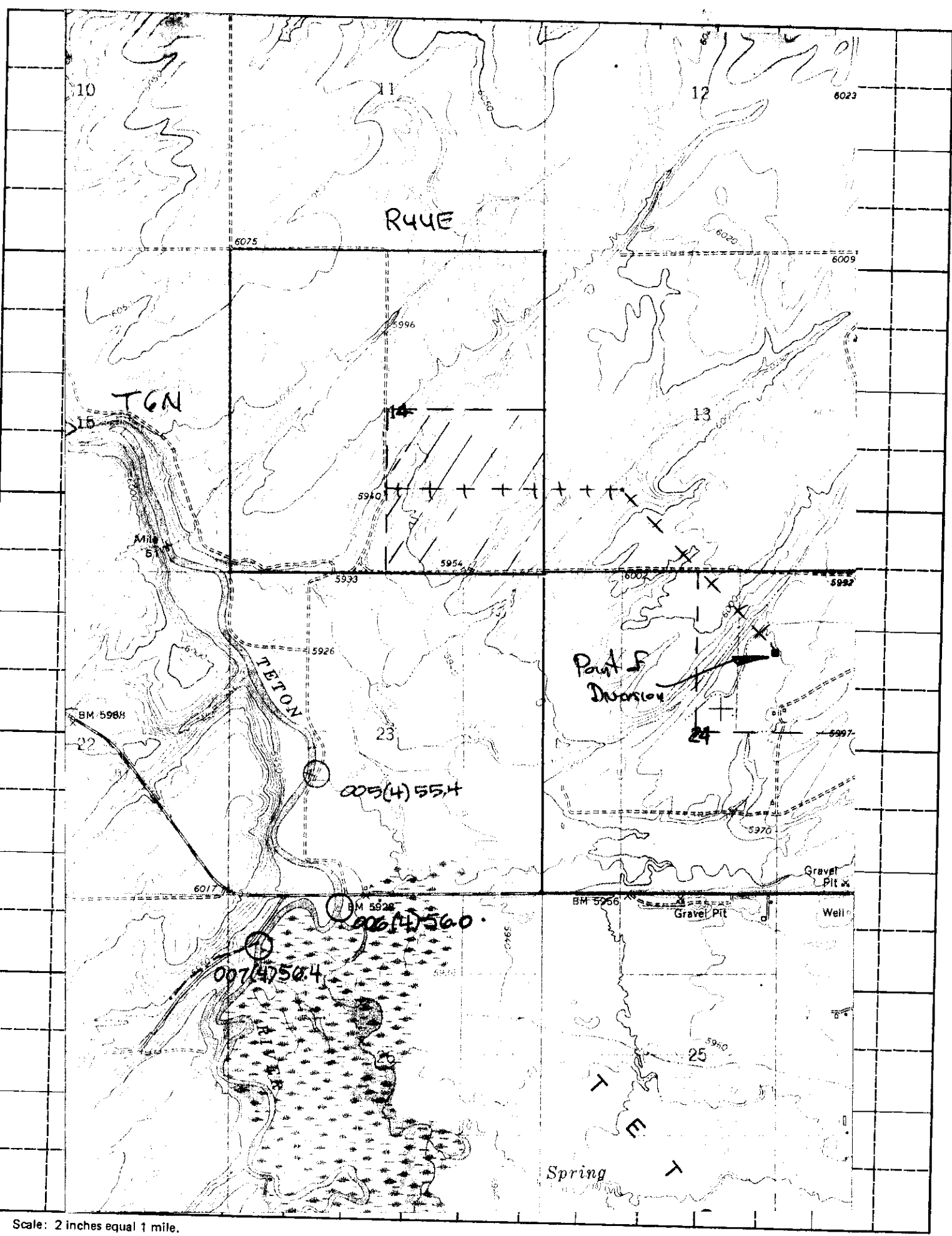
(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.

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

MICROFILMED

JUN 12 1989

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



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.

RECORDED
JUN 12 1989

Rich Johnson
(Applicant)

Proposed Priority 3/25/83

Received by BP Date 3-25-83 Time 11:25am

Preliminary check by SM Fee \$ 105.00

Receipted by BP Date 3/25/83 # 25552

Publication prepared by AB Date 4-11-89

Published in Teton Valley News

Publication dates 4-20 & 26, 89

Publication approved aw Date 5-03-89

Protests filed by: none

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by HWS kw

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. 22-7431, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 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. Other: Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

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

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

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.

Witness my hand this 6th day of June, 1989.

A. Glen Saylor

MICROFILMED

JUN 12 1989

AFFIDAVIT OF PUBLICATION

State of Idaho

County of Teton

I, Kristi Atkinson,
being first duly sworn depose and
say that I am the Asst. Ed.
of the Teton Valley News, a
newspaper as defined by Idaho
Codes Annotated, Section 58-106,
as amended, and that said
newspaper is a weekly newspaper
printed and published at Driggs, in
Teton County, Idaho, having a
general circulation in said county,
and that said newspaper has been
printed in said county for more
than 78 consecutive weeks prior to
the first publication of the attached
notice, advertisement or
publication of

Notice of app.
for water right

And affiant further says that
said attached notice, adver-
tisement, or publication, as per
clipping attached, was published in
said newspaper, in the regular and
entire issue thereof, and not in any
supplement issue thereof, for 2....
consecutive issues thereof; first
publication having been made on
the 20 day of Apr 1989

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

Kristi Atkinson

Subscribed in my presence and
sworn to before me this 27 day of
Apr, 1989

(SEAL) Notary Public for the state
of Idaho, residence and postoffice
address, Driggs, Idaho.

Needa A. Rusk

My Commission expires

12-2, 1991

RECEIVED

MAY 1 1989

Department of Water Resources
Eastern District Office

Source: GROUNDWATER

Diversion Pt:

NENE Sec 24 T 06N R 44E
Use: IRRIGATION (3.200 CFS)
Date Filed: 3/25/1983
In: T06N R44E S 14
NESE NWSE SWSE SESE
160.0 ACRES TOTAL

22-07635

TETON VALLEY LODGE INC.
RT. 2, BOX 1247
DRIGGS, ID 83442
Source: GROUNDWATER
Diversion Pt:
SWNWSE Sec 17 T 04N R 44E
Use: IRRIGATION (.050 CFS)
DOMESTIC (.200 CFS)
Date Filed: 10/06/1988
In: T04N R45E S 17
2.3 ACRES TOTAL

22-07644

DUSTIN, MONROE
726 South 450 West
Victor, ID 83455
Source: GROUNDWATER
Diversion Pt:
NWNE Sec 31 T 04N R 45E
Use: IRRIGATION (2.400 CFS)
Date Filed: 4/10/1989
In: T04N R45E S30
S31 NENE NWNE
120.0 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 May 8, 1989.

R. Keith Higginson, Director
Published in the Teton Valley
News on April 20 and 27, 1989.

NOTICE OF APPLICATION FOR WATER RIGHT

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

22-07419

CADDY, FRANK E.
P.O. BOX 334
DRIGGS, ID 83422
Source: TETON RIVER
Tributary: SNAKE RIVER
Diversion Pt:
NWSE Sec 17 T 04N R 45E
Use: IRRIGATION (.120 CFS)
Date Filed: 1/11/1983
In: T04N R45E S17 SWNE NWSE
6.0 ACRES TOTAL

22-07431

VALLEY BANK
101 BROADWAY
IDAHO FALLS, ID 83401

MICROFILMED

JUN 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

July 23, 1998

WARREN KAUFMAN
BEN KAUFMAN
PO BOX 495
DRIGGS ID 83422-0495

RE: WATER RIGHT 22-07431

Dear Water Right Holder(s):

The Department is in receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our records to reflect this change in ownership and a computer generated report is enclosed.

Just a reminder, because of a law that went into effect July 1, 1996, all water right owners are required to report change of address or ownership to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee to the water right owner. If you have other water rights that haven't had the ownership updated please contact the department as soon as possible.

If you have any questions regarding this matter, please feel free to contact me at (208) 327-7947.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over the typed name and title.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED

JUL 30 1998



**Eastern Idaho
Agricultural Credit Association**

DE LOG 8/27 DC

LOCATIONS

Rexburg Office

P.O. Box 386 - 2272 North Salem Rd.
Rexburg, Idaho 83440
208/356-5479
1-800-632-8821

August 25, 1997

Idaho Department of Water Resource
% Steve Ball
900 N Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

Dear Mr. Ball:

Please find enclosed the Notice of Change of Water Ownership on Water Right # 22-07431 to Warren and Ben Kaufman. If you could please notify Eastern Idaho Agricultural Credit Association in writing when the change has been made, we would greatly appreciate it. Please send notification to PO Box 386, Rexburg, Id 83440.

If you have any questions or concerns please feel free to give us a call. Also I have called several times about Notice of Change of Water Right Ownership on Water Right # 22-07168 to Warren and Ben Kaufman and have never received anything in writing or a call back on this. If you would please check this out and let me know on it also.

Sincerely,

Carrie

Carrie Mackert
Operations Assistant

Enclosures

*Boise: please
do w change
of ownership*

*I sent them copy of
claim today
8/27/97 JH*

RECEIVED

AUG 26 1997

**Department of Water Resources
Eastern Region**

MICROFILMED

JUL 30 1998

Recording Requested by:

WHEN RECORDED MAIL TO:

First American Title Company
T-6320

Loan No.: 231-004-0554026-7

RECEIVED

MAY 15 1997

127182

TETON CO., ID
CLERK RECORDER

REAL ESTATE MORTGAGE

THIS MORTGAGE is made this April 28, 1997 between WARREN KAUFMAN and TINA KAUFMAN, and BEN KAUFMAN aka BEN V. KAUFMAN and MARGARET E. KAUFMAN, husbands and wives, whose address is P.O. Box 495 Driggs, Idaho 83422 hereinafter called "Mortgagor", and EASTERN IDAHO AGRICULTURAL CREDIT ASSOCIATION hereinafter called "Mortgagee", a corporation, existing and operating under the Farm Credit Act of 1971, as amended, having its principal place of business at 188 W. Judicial P.O. Box 985, Blackfoot, Idaho 83221.

WITNESSETH: That Mortgagor IRREVOCABLY GRANTS, BARGAINS, SELLS, CONVEYS AND ASSIGNS unto Mortgagee together with right of entry and possession the following described real property situated in the County(ies) of Teton, State of Idaho:

SEE ATTACHED SCHEDULE A FOR REAL ESTATE DESCRIPTION, TOGETHER WITH FIXTURES AND APPURTENANT SPRINKLER EQUIPMENT IF ANY.

TOGETHER WITH: All fixtures, including but not limited to the following: All pumps, motors, columns, tubes, shafts, bowls, panels and all electrical appurtenances, mainline, laterals, wheel lines, pivot/circle irrigation systems, risers, heads, couplers, end plugs, valves, valve openers, reducers, joints, tees and wyes, as well as all additions and replacements thereof, hereby declared appurtenant thereto and which are more particularly described on the attached Schedule A.

TOGETHER WITH: Idaho Department of Water Resources License Number's 22-07168, A22-07164, and A22-07140B.

TOGETHER WITH: Idaho Department of Water Resources Permit Number 22-07431.

TOGETHER WITH: All of the following water rights on Badger Creek:

Claim Number A22-00464, June 1, 1898, .6 cfs.

Claim Number A22-00465, June 1, 1902, .6 cfs.

Claim Number A22-12077, April 1, 1939, 11.0 cfs.

This real estate mortgage is also intended to be a fixture filing and to be indexed not only as a mortgage but also as a fixture filing.

127182

FILED

AT THE REQUEST OF

First American

AT 29 MINUTES PAST 10A M

DATE May 15, 1997

Asa G. Drake

CLERK OF RECORD

BY *Clare Smith*

DEPUTY

TOGETHER WITH: all buildings, structures, equipment, fixtures (including trees, vines and shrubs) and improvements of every kind and description now or hereafter constructed or placed thereon; all standing timber and timber to be cut located thereon; all existing and future water rights, however evidenced, to the use of water for irrigation, livestock and domestic purposes, including irrigation and watering equipment and systems, ditches, laterals, conduits, and rights-of-way used to convey such water or to drain the above-described property, all of which rights are hereby made appurtenant to the property, and all pumping plants, electrical generators, wind machines, and fencing and storage tanks, now or hereafter used in connection with the property, all of which are hereby declared to be fixtures; all grazing rights, leases, permits and licenses; all oil, gas, and mineral leases, permits and rights used with the property; and all tenements, hereditaments, easements, rights-of-way and appurtenances to the property (hereafter collectively referred to as the "Property").

MORTGAGOR ABSOLUTELY AND UNCONDITIONALLY ASSIGNS, transfers, conveys and sets over to Mortgagee all the rents, royalties, issues, profits, revenue, income and other benefits of the property arising from the use or enjoyment of all or any portion thereof or from any lease, mineral lease, or agreement pertaining thereto (collectively the "Rents"); SUBJECT, HOWEVER, to the right, power and authority given to and conferred upon Mortgagor by Paragraph B.3 hereof.

FOR THE PURPOSE OF SECURING: (1) payment of the indebtedness or obligations evidenced by the following promissory note(s) and/or guaranties executed by Mortgagor and/or others to the Mortgagee at the times, in the manner and with interest as therein set forth (notes may contain variable or adjustable rate provisions):

DATE OF NOTE
April 28, 1997

MATURITY DATE
May 1, 2017

AMOUNT OF NOTE
\$356,905.00

(2) the payment of such additional loans or advances, including advances under a revolving line of credit, with interest thereon, as hereafter may be made to Mortgagor, or Mortgagor's successors or assigns, and/or to parties whose obligation Mortgagor is guaranteeing, evidenced by a promissory note or otherwise and any obligations evidenced by any guaranties executed by Mortgagor in favor of Mortgagee; PROVIDED HOWEVER, THAT, such additional loans, advances, guaranty obligations shall be secured by this Mortgage only if the promissory note, guaranty, or other document evidencing such loans or advances shall recite that it is to be secured by this Mortgage; (3) the payment of any substitute notes, renewals, reamortizations, and extensions of all indebtedness secured by this Mortgage; (4) the performance of every obligation and agreement of Mortgagor whether contained or incorporated by reference in this Mortgage, or contained in any loan document or guaranty executed by Mortgagor in favor of Mortgagee, with respect to any loan, advance, or guaranty secured by this Mortgage; and (5) the payment of all sums expended or advanced by Mortgagee under or pursuant to the terms of this Mortgage, together with interest thereon as herein provided. The continuing validity and priority of this Mortgage as security for future loans, advances or guaranties shall not be impaired by the fact that at certain times hereafter there may exist no outstanding indebtedness from Mortgagor to Mortgagee or no commitment to make loans or advances.

A. TO PROTECT THE SECURITY OF THIS MORTGAGE, MORTGAGOR AGREES:

1. To use loan proceeds solely for the purposes set forth in the loan application(s) or agreements; to comply with the Farm Credit Act of 1971, as amended, and/or the regulations of the Farm Credit Administration, now existing or as hereafter amended.

2. To keep the Property in good condition, working order and repair; care for the Property in accordance with standards of good husbandry and to keep all trees, vines and crops on said land properly cultivated, irrigated, fertilized, sprayed, and fumigated; not to remove, destroy or suffer the removal or destruction of any building, fence, canal, well or other improvements or fixtures thereon; not to remove, replace or alter any horticultural or viticultural tree, vine or shrub planted thereon without the prior written consent of Mortgagee, except in the ordinary course of business; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon; to comply with all laws, covenants and restrictions affecting the Property; not to commit or permit waste thereof; not to commit, suffer or permit any act upon the Property in violation of law; to do all other acts which from the character or use of the Property may be reasonably necessary, the specific enumerations herein not excluding the general; to observe and perform all obligations of Mortgagor under any lease of the Property.

3. To provide, maintain and deliver to Mortgagee fire and all other types of insurance of the type and in amounts as Mortgagee may require, with loss payable clauses solely in favor of Mortgagee. In the event of loss, the insurance proceeds, or any part thereof, may be applied by Mortgagee, at its option, to the reduction of the indebtedness hereby secured or to the restoration or repair of the property damaged. In the event that the Mortgagor shall fail to provide satisfactory hazard insurance, Mortgagee may procure, on Mortgagor's behalf, insurance in favor of Mortgagee alone. If insurance cannot be secured by Mortgagor to provide the required coverage, such inability shall constitute an event of default hereunder.

4. To appear in and litigate any action or proceeding purporting to affect the security hereof, the title to the Property, or the rights or powers of Mortgagee; Mortgagee may appear in and litigate any such action or proceedings, including any bankruptcy, partition or condemnation proceeding, affecting the Property, or Mortgagee's interest therein, in which event Mortgagor agrees to pay all costs and expenses thereof, including attorney's fees and costs of securing evidence of title.

5. To pay on or before the due date all taxes and assessments affecting the Property, including all assessments upon water company stock and all rents, assessments and charges for water, appurtenant to or used in connection with the Property; to pay, when due, all encumbrances, charges, and liens, on the Property or any part thereof, which at any time appear to be prior or superior hereto.

6. In case of any suit to foreclose this Mortgage or to collect any charge arising out of the debt hereby secured, or of any suit which the Mortgagee may deem necessary to prosecute or defend to effect or protect the lien herein, including any proceeding in bankruptcy, or if Mortgagee retains an attorney to advise Mortgagee in connection with this Mortgage or any other agreement related to the indebtedness secured by this Mortgage, Mortgagor agrees to pay a reasonable sum as attorney's fees and all costs and legal expenses in connection with said suit, and further agrees to pay the reasonable costs of searching the records and abstracting or insuring the title, and such sums, costs and expenses shall be secured hereby and shall be included in any decree of foreclosure. The fees and costs described herein and elsewhere in this Mortgage shall be in addition to those set forth in the loan agreement or any other written agreement between Mortgagor and Mortgagee.

7. Should Mortgagor fail to make any payment or to do any act as provided for in this Mortgage, then Mortgagee, but without obligation to do so and without notice to or demand upon Mortgagor and without releasing Mortgagor from any obligation hereof, may: make or do the same in such manner and to such extent as either may deem necessary to protect the Property, Mortgagee being authorized to enter upon the Property for such purposes; commence, appear in and litigate any action or proceeding purporting to affect the security hereof or the rights or powers of Mortgagee, including any bankruptcy proceeding affecting the Property; pay, purchase, contest, or compromise any encumbrance, charge or lien which in the judgment of either appears to be prior or superior hereto; and in exercising any such powers, incur any liability, expend whatever amounts in its absolute discretion it may deem necessary therefore, including attorney's, accountant's, appraisal, and environmental fees, and costs of securing evidence of title, and all amounts so expended shall be obligations of Mortgagor secured by this Mortgage. Nothing contained herein shall prohibit Mortgagee from entering the Property, at a reasonable time and upon reasonable notice to Mortgagor, without incurring or assuming any obligations or liabilities whatsoever, for the sole purpose of inspecting the Property.

8. To pay immediately and without demand all sums expended by Mortgagee pursuant to the provisions hereof, with interest from date of expenditure at the same rate as is provided for in the note or notes secured by this Mortgage. In the event that such sums are not immediately paid, they shall be added, along with the appropriate amount of capital stock or participation certificates, to the principal balance of the indebtedness secured hereby and shall accrue interest as herein set forth. All such sums shall be secured hereby.

9. Environmental Representations, Warranties and Covenants.

(a) Except as disclosed in writing to Mortgagee, or except as otherwise provided in any loan agreement between Mortgagee and Mortgagor which specifically refers to the Property, to the best knowledge of Mortgagor after due inquiry, Mortgagor hereby further represents, warrants and covenants as follows:

(i) No pollutants, contaminants (including oil or other petroleum products), toxic or hazardous substances, or solid or hazardous wastes, as such terms are defined under any federal, state or local Environmental Law, regulation or ordinance (hereinafter "Contaminants") have been, are being or will be generated, manufactured, produced, stored, disposed of, discharged, released, threatened to be released, or otherwise allowed to migrate or escape on, under or from the Property in such quantities or concentrations as would violate any federal, state or local Environmental Law, regulation or ordinance or as would require Mortgagor to report such condition to any governmental authority or to undertake removal or remedial action to clean up such contaminants;

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127182 JUL 30 1998

SCHEDULE A

REAL ESTATE DESCRIPTION TOGETHER WITH FIXTURES AND APPURTENANT SPRINKLER EQUIPMENT IF ANY FOR
MORTGAGE DATED April 28, 1997

Warren Kaufman and Ben Kaufman
Loan No. 231-004-0554026-7

REAL ESTATE DESCRIPTION:
TRACT 1:

Township 6 North, Range 44 East Boise Meridian, Teton County, Idaho

Section 13: NW¼

TRACT 2:

Township 6 North, Range 44 East Boise Meridian, Teton County, Idaho

Section 13: SW¼, SW¼SE¼

TRACT 3:

Township 6 North, Range 44 East Boise Meridian, Teton County, Idaho

Section 14: SE¼

TRACT 4:

Township 6 North, Range 44 East Boise Meridian, Teton County, Idaho

Section 24: NE¼, NE¼NW¼

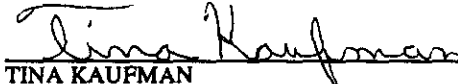
ALSO: A portion of the NE¼SE¼, Section 24, Township 6 North, Range 44 East Boise Meridian, Teton County, Idaho, more particularly described as follows:
Beginning at the East ¼ Corner of said Section 24, running thence West 1320 feet; thence South 1400 feet; thence Northeasterly about 30 degrees more or less to the East line of said Section 24; thence North 700 feet to the POINT OF BEGINNING.

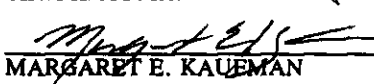
FIXTURE AND/OR SPRINKLER EQUIPMENT DESCRIPTION:

- 1 - GE 400 H.P. Electric Motor Serial #BMJ204014
- 1 - Johnston Turbine Pump
- 1 - GE 150 H.P. Electric Motor Serial #GNJ302154
- 1 - Johnston Turbine Pump
- Approx. 9,300 feet of Buried Steel & PVC Mainline
- 10 - 1/4 mile Handlines
- 1 - Zimmatic Center Pivot Serial #4770
- 1 - Zimmatic Center Pivot Serial #4724
- 1 - Gifford Hill Center Pivot Serial #12-055-0614-77
- 1 - Gifford Hill Center Pivot Serial #12-100-1219-77


WARREN KAUFMAN


BEN KAUFMAN

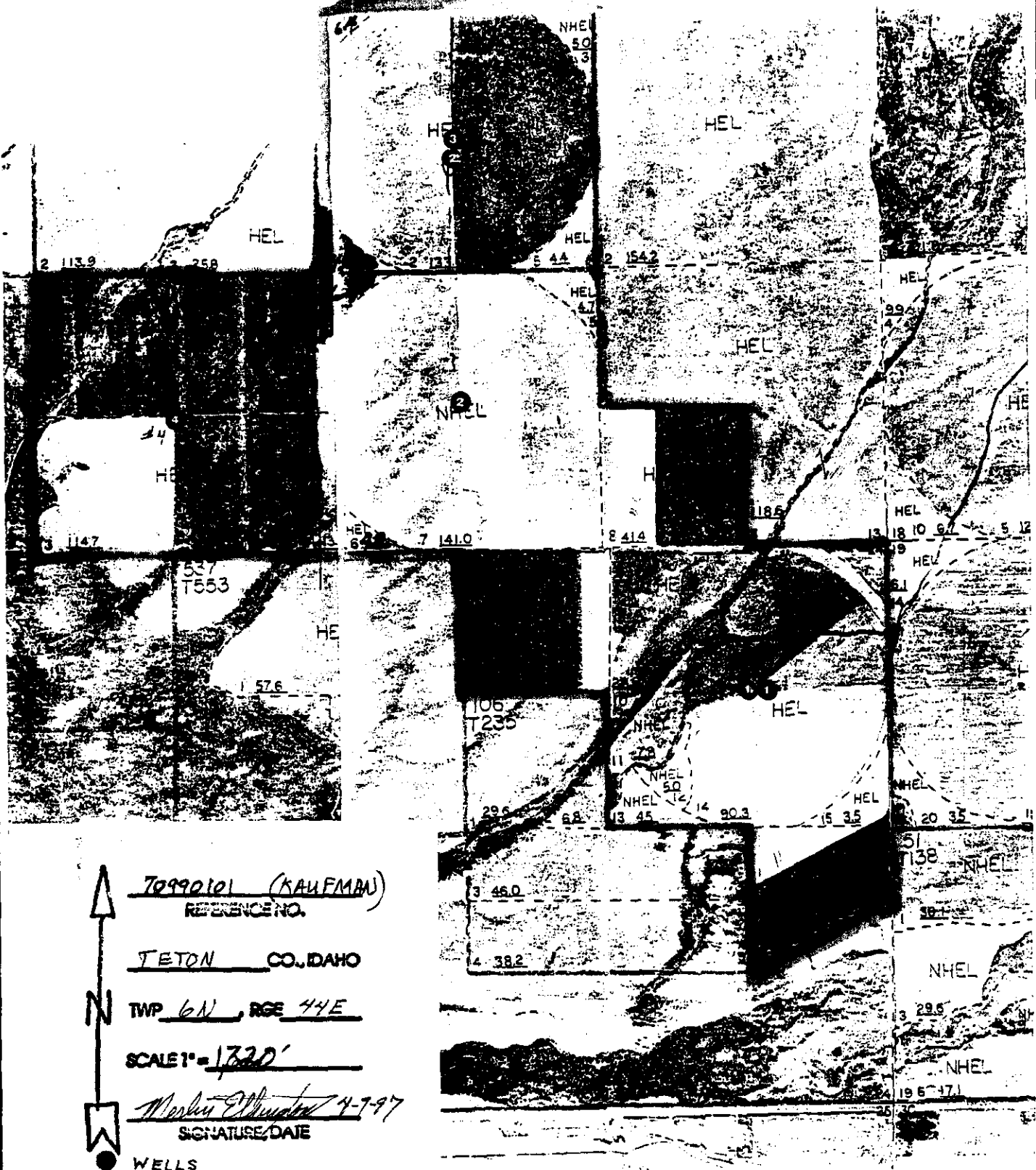

TINA KAUFMAN


MARGARET E. KAUFMAN

MICROFILMED

JUL 30 1998

127182



MICROFILMED **AERIAL VIEW**

JUL 30 1998



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

EASTERN IDAHO AGRICULTURAL CREDIT ASSN
PO BOX 985
BLACKFOOT ID 83221

RE: WATER RIGHT NO. 22-07431

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.

MICROFILMED
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.

RECEIVED
JUN 23 1957

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". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

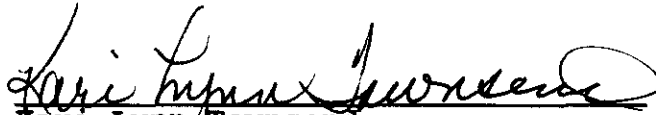
RECORDED
JUN 23 1957
3

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. 22-07431

EASTERN IDAHO AGRICULTURAL CREDIT ASSN
PO BOX 985
BLACKFOOT ID 83221


Kari Lynn Townsend
Secretary

MICROFILMED
JUN 23 1997



**Eastern Idaho
Agricultural Credit Association**

Rexburg Office
P.O. Box 386 - 2272 North Salem Rd.
Rexburg, Idaho 83440
208/356-5479
1-800-632-8821

May 21, 1997

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

Dear Mr. Johnson:

Enclosed please find an Assignment of Permit from Warren and Ben Kaufman. Also a check for \$20.00 to pay for the Assignment. We would appreciate it if you would let us know when this transaction has been completed.

If you have any questions, please give us a call.

Sincerely,

Carrie Mackert
Operations Assistant

Enclosures

*Called Carrie 3:15, 6/3 and notified
her we would need an addl
\$500 to process assignment - she
will send it ASAP.*

SC

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JUN 23 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 22-07431

DATE 3/10/97

REVIEWER: SHARLA

NAME Change OK

Address Change PO Box

SOURCE Change OK

Is change clarification of originally intended source?

POINT OF DIV Change OK

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

PLACE OF USE Change OK

Amendment required NO

Does map agree with written description? yes no

OVERLAPS P/D P/U

RATE OF DIV

Permitted Rate 3.2 cfs
Fee limit 5.0 cfs \$200⁰⁰
Measured 13.82-16.55 cfs
Theoretical 16.6 cfs

Recommended Total Div Rate 3.04 cfs

ANNUAL VOLUME/
NATURE OF USES

 Use

Volume Calculation

152 x 3.5 = af
532.0 af
 af
 af
SUBTOTAL 532.0 af

Flow rate 3.04 cfs X 183 days X 1.9836 = 1101.5 af
Total volume recommended 532.0 af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

W36(22-07140B/07164)

CONDITIONS Watermaster Control WD#

 GW Measurement/Measuring Device
 300 Overlap

 Use-specific conditions 048, 049
Advancement of Priority Date Required yes no

SRBA Claim Filed N/A
Adjustment Memo

1st Amend Letter N/A
2nd Amend Letter

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 29 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 22-7431

1. Owner: Ben, & Warren Kaufman

Phone No. 354-8708

Current Address: P.O. Box 495 Driggs, ID

2. Accompanied by: Ben Kaufman

EXAM DATE: 12 AUG 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: 22-07140B ; 22-7164

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
			NE	NE	24	06N	44E	Teton	ON SITE/USGS Maps.
									Aerial Photographs

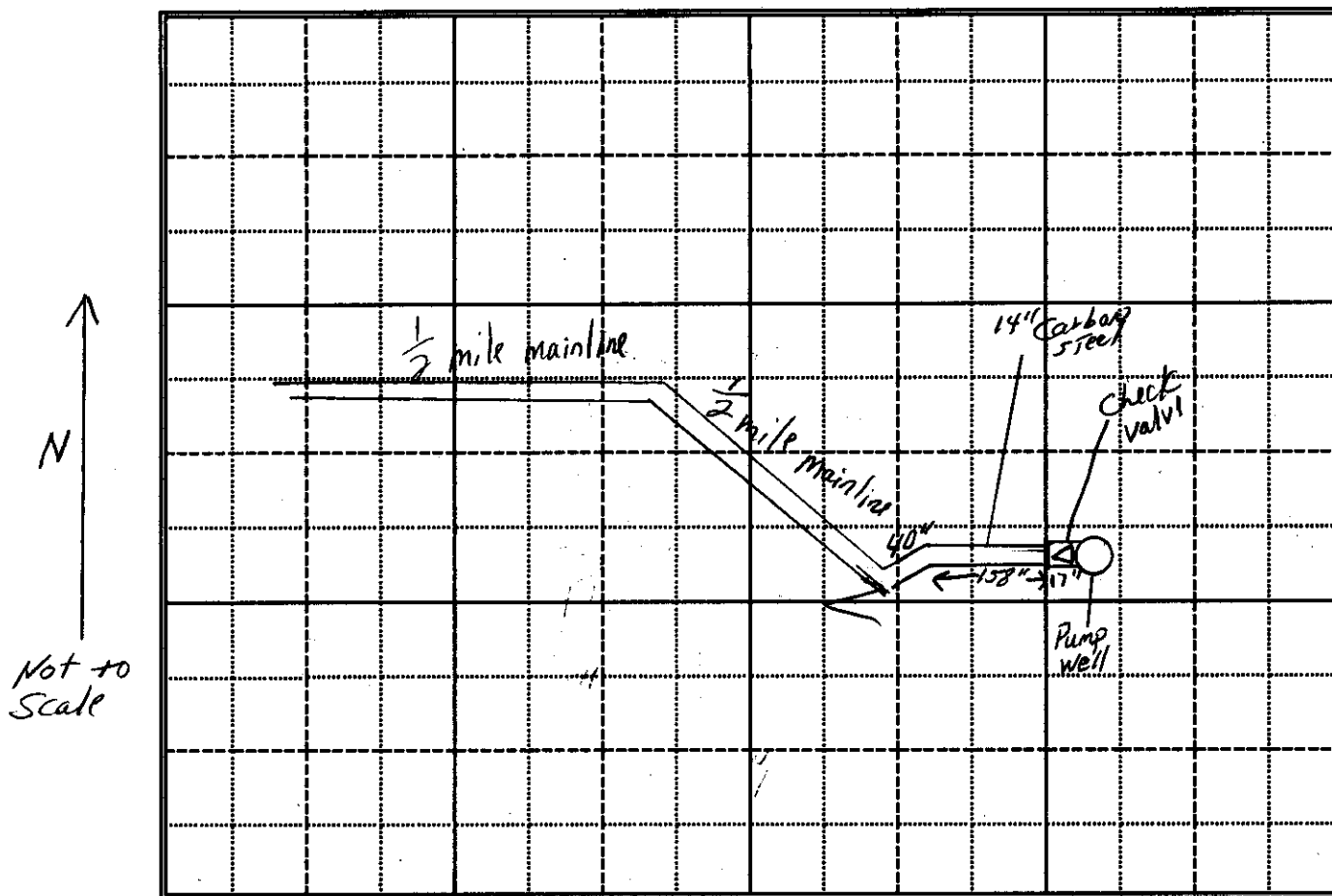
2. Place(s) of Use:

Indicate Method of Determination ON SITE

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	44E	14																	40	39	37	36	152

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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	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
—	General Electric	400	BHJ204014	Johnston	14"

*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
Polysonic						

2. Measurements: $Q_{meas} = 16.55 \text{ CFS}$ Max Rate. *See Polysonic Tape.

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E. NARRATIVE/REMARKS/COMMENTS

* Note: There are two other Water Licenses with same Point of Diversion — License #22-07140B and License #22-7164. #22-07140B - 0.78 CFS / 39 acres. #22-7164 - 5.0 CFS / 320 acres.

* The Polysonic reading of 16.55 CFS is on a pump serving 505 acres. Permit #22-7431 requests 3.20 CFS on 160 acres. Actual - 3.04 CFS / 152 acres.

* Center Pivot (1/4 mile) irrigating potatoes and grain. Quarter mile handlines irrigate corners, planted in hay.

* Aerial Photograph not indicative of irrigation taking place at time of exam. All acreage was being irrigated with a combination of center pivot and handlines. Deducted acres for designated roads and other non-irrigable land.

* Polysonic - 16.55 CFS.

Two other licenses on same Point of Diversion —

22-07140B - 0.78 CFS / 39 acres

22-7164 - 5.0 CFS / 320 acres

* Available CFS = 10.77 CFS

Q Limited to 0.02 CFS on 152 acres for Permit #22-7431 = 3.04 CFS

* Total CFS on 2 licenses and Permit 8.82 CFS.

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

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JUN 23 1997

Summary

☒ Additional Computation Sheets Attached

$$Q_{Theor} = \frac{400 \text{ HP}(8.814) \cdot 7 \text{ eff}}{334 \text{ ft} + (50 \text{ PSI} \times 2.308)} = 16.6 \text{ CFS}$$

* $Q_{\text{meas}} = \underline{16.55 \text{ CFS}}$

* See summary for further explanation.

Q Limited to 0.02 CFS or 152 ac. = 3.04 ac

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 152 \times 3.5 = 532 \text{ AFA}$$
$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 13.04 \times 183 (1.9835) = 1103.5 \text{ AFA}$$

$V = \text{Smaller of } V_{LB} \text{ and } V_{DB} = 532 \text{ AFA}$

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
Irrigation	4-15	10-15	13.04	532
Totals:			3.04	532

___ 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

Field Examiner's Name Steven Garrison Date 12 AUG 96

Reviewer [Signature] Date 10-23-96

SEAL

MICROFILMED

JUN 23 1997

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

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

Hp = Horsepower = 400
Eff = Efficiency = .7 (Usually 70%)
Lift: (Static Level + Assumed Draw down)
Static Water Level = 33 ft.
Assumed Draw down = + 0 ft.
Lift = 33
OR

Measured Dynamic Water Level = _____ ft.

psi = Operating Pressure = 50 psi

$$Q_{cfs} = \left[\frac{400}{Hp} \times 8.814 \times \frac{.7}{eff} \right] \div \left[\frac{33}{Lift} + \left(\frac{50}{psi} \times 2.308 \right) \right]$$

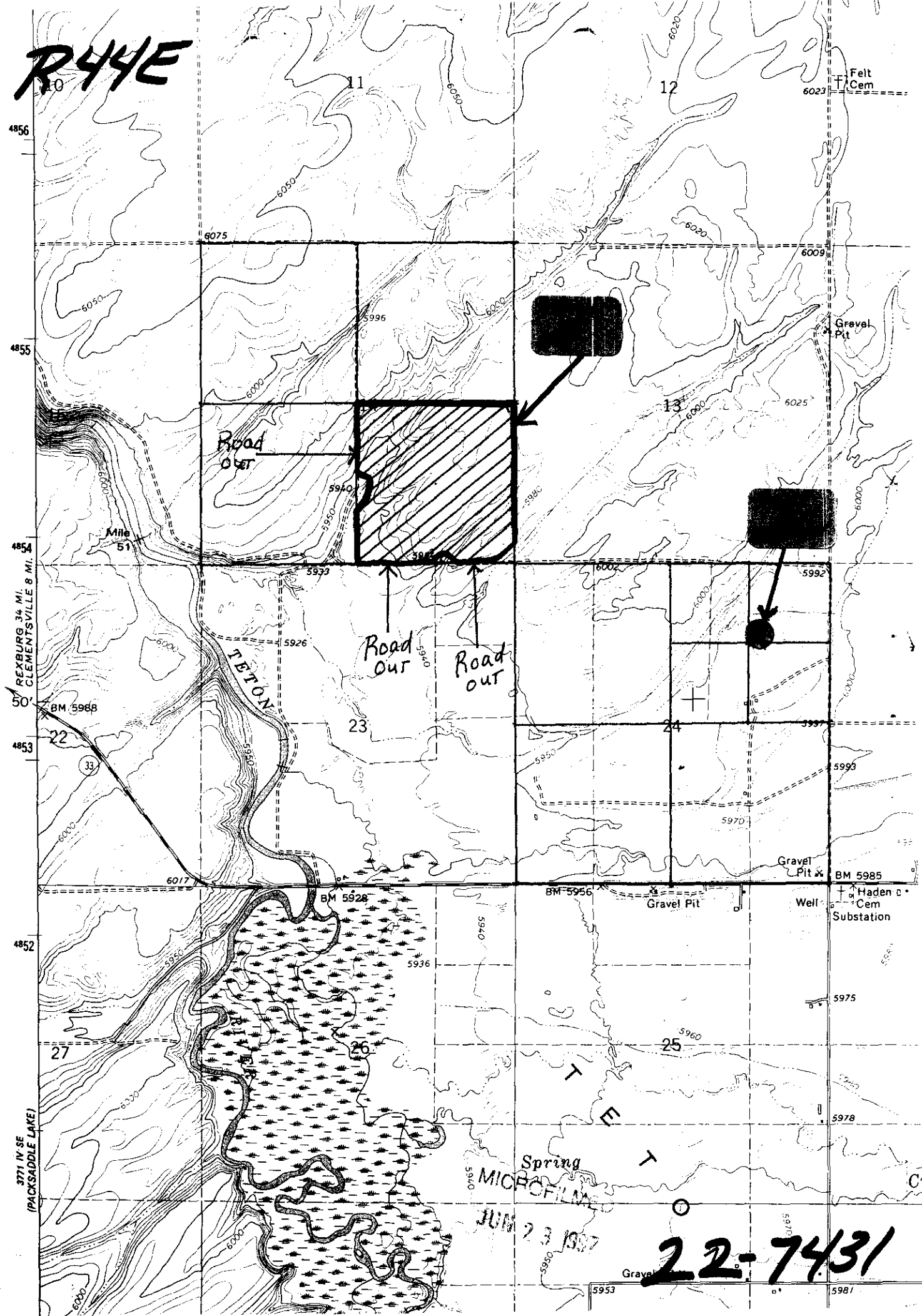
$$Q_{cfs} = \left[\underline{2467.92} \right] \div \left[\underline{148.4} \right]$$

$$Q_{cfs} = \underline{16.6} \text{ cfs}$$

MICROFILMED
JUN 23 1997

PERMIT NO. 22-7431

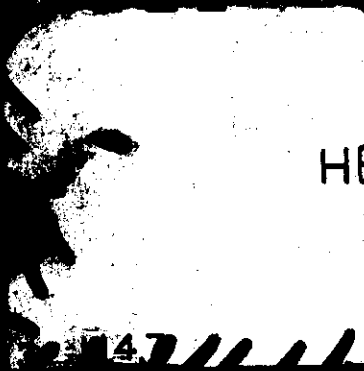
T 6 N R 44 E



Spring
MICHO FILMED
JUN 23 1967

22-7431

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JUN 23 1987

Sec. 14

22-7431

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Sec. 24

22-7431

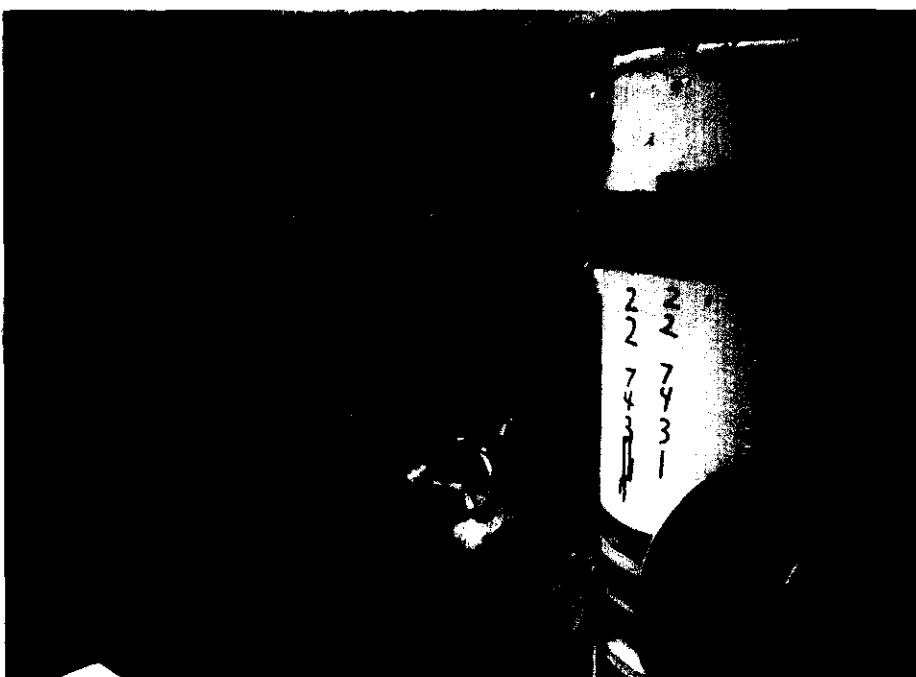
SETUP NO. 1
 PIPE O.D 14.000 IN
 PIPE WALL THICKNESS 0.183 IN
 PIPE I.D 13.794 IN
 PIPE MATERIAL CARBON STEEL
 PIPE SOUND VELOCITY 10597.129 F/S
 LINER MATERIAL NONE
 LINER SOUND VELOCITY 0.000 F/S
 LINER THICKNESS 0.000 IN
 LINER ROUGHNESS 0.00015000
 INSIDE ABS ROUGHNESS 0.00015000
 FLUID MATERIAL WATER
 FLUID SOUND VELOCITY 4863.330 F/S
 FLUID VISCOSITY 1.132 Cst
 TRANSDUCER TYPE STANDARD
 TRANSDUCER MOUNTING
 TRANSDUCER SPACING 11.269 IN

13:47:34 08-12-96
 SCALE FACTOR
 OFFSET (CFS)
 USER OFFSET
 UNIT DELTA
 REVISION ENA
 TRANSDUCER STANDARD
 MIN DLY = 518.91 UP 518.91 DOWN
 1.59 1.59 1.59 1.59 1.59 1.59
 7.63 7.63 7.63 7.63 7.63 7.63
 533.9 533.9 533.9 533.9 533.9 533.9
 676.6 676.6 676.6 676.6 676.6 676.6
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 4669.90 4669.90 4669.90 4669.90 4669.90 4669.90
 0.9478 0.9478 0.9478 0.9478 0.9478 0.9478
 6.139 CFS 6.139 CFS 6.139 CFS 6.139 CFS 6.139 CFS 6.139 CFS
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 REYNOLDS NO.

2-96
 Min. Rate 0.00 CFS
 Max. Rate 15.00 CFS
 Avg. Rate 15.00 CFS
 FLOW RATE 15.00 CFS
 POS TOT(XL) 34417 GAL
 NEG TOT(XL)
 13:58:42 08-12-96
 Min. Rate 0.00 CFS
 Max. Rate 15.00 CFS
 Avg. Rate 15.00 CFS
 FLOW RATE 15.00 CFS
 POS TOT(XL) 34417 GAL
 NEG TOT(XL)
 13:52:42 08-12-96
 Min. Rate 0.00 CFS
 Max. Rate 15.00 CFS
 Avg. Rate 15.00 CFS
 FLOW RATE 15.00 CFS
 POS TOT(XL) 34417 GAL
 NEG TOT(XL)
 13:54:43 08-12-96
 Min. Rate 0.00 CFS
 Max. Rate 15.00 CFS
 Avg. Rate 15.00 CFS
 FLOW RATE 15.00 CFS
 POS TOT(XL) 34417 GAL
 NEG TOT(XL)

MICROFILMED
 JUN 23 1997

22-7431



22-7431

MICROFILMED

JUN 23 1967



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

April 10, 1990

RE: Permit No. 22-7140B

Valley Bank
Attn: Richard C. Swager, Jr.
P.O. Box 51270
Idaho Falls, ID 83405-1270

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Dear Mr. Swager:

We have received a licensing amendment of the above referenced permit from Ben Kaufman, along with a copy of the letter that you sent to him on February 7, 1990 (copy enclosed). We cannot accept Mr. Kaufman's signature on this licensing amendment because the water right permit is in the name of Valley Bank. In Idaho, a water right permit is considered personal property and only the permit holder of record can take action on the permit.

In your February 7 correspondence you mentioned that an assignment of this permit has been recorded with our Department. We have located an assignment from Valley Bank to Ben Kaufman and Warren Kaufman dba Kaufman Brothers Joint Venture, however, this assignment was for Permit No. 22-7431 only. I have enclosed a copy of this assignment for your review. Even though the assignment describes more water than Permit 22-7431 covers, the form only mentions one water right and therefore was only recorded in one of the permit files.

In order to clarify this situation, I have enclosed a partially completed assignment of permit form for Permit 22-7140B. This form must be signed by an official of Valley Bank in the presence of a notary public. We will not take any further action towards licensing this permit until we receive the assignment form. Your prompt attention to this matter will be appreciated.

If you have any questions in regard to this matter, please feel free to contact either this office or our Eastern Regional Office in Idaho Falls.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:k
Enclosures

cc: Eastern Region

MICROFILMED

JUN 23 1997



VALLEY BANK

501 BROADWAY • P.O. BOX 51270 • IDAHO FALLS, IDAHO 83405-1270 • TELEPHONE (208) 525-6300

February 7, 1990

Ben Kaufman
Warren Kaufman
Kaufman Brothers Joint Venture
Route 1 Box 3830
Driggs, ID 83422

RE: Water Right Permit #22-07140B

Dear Mr. Kaufman:

Today I received the enclosed letter and application for amendment that I believe you will need to sign yourself and return to the State of Idaho, Department of Water Resources. I am also enclosing a copy of the Change in Ownership of Notice of Claim that was recorded with the Water Resources Board on October 4, 1989.

If I can be of any other assistance in this matter, please feel free to contact me.

Sincerely,

VALLEY BANK

Richard C. Swager, Jr.
Collection Officer

RCS/slt

Enclosures

MICROFILMED

JUN 23 1997

November 30, 1989

Kaufman Brothers Joint Venture
Rt. 1 Box 3830
Driggs, ID 83422

Gentlemen:

Re: Permit No. 22-7431

This office acknowledges receipt of the assignment conveying the above referenced permit to you. The assignment has been entered into the department's records. Enclosed is a copy of the permit for your records.

Also, the department acknowledges receipt of the proof of beneficial use form submitted for this permit. The next step in the process of developing a water right is for the department to conduct a field inspection 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 525-7161.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

c: IDWR - Eastern Region
Valley Bank

MICROFILMED
DEC 14 1989

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 22-7431

Date: 11-9-1989

General Considerations:

assign

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

Source of Water:

y Surface water
y Groundwater
1. well log in file - *no well log found*
2. drilling permit
N/A 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:

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

Remarks: - *Acknow. assignment*
- *well drilled in 1975*
- *Proof acceptable*
- *Flow meas. installed*

N/A 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

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
June 7, 1989

VALLEY BANK
501 BROADWAY
IDAHO FALLS, ID 83401

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

RE: PERMIT NO. 22-07431

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.

MICROFILMED

JUN 12 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

MICROFILMED

JUN 12 1989

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Steve McCormick

APPLICATION NUMBER: 22 7431

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.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____

Date: _____

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: 5-8-89
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 5-01-89
☒ 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
3-25-83 Date of priority recommended.
Special conditions of approval or cover letter. 20167

App. in NON-TRUST area -

By: HWT

Date: 5-11-89

STATE OFFICE REVIEW:

P05, P23, P03, P16 48 49 46 013

- ☐ See attached sheet for more information.

By: LW

Date: 6/5/89

MAY 19 1989

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX

April 12, 1989

Valley Bank
501 Broadway
Idaho Falls, ID 83401

RE: Applications for Permit No. 22-7431

Dear Water Right Applicant:

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

This office is currently in the process of advertising the application in the Teton Valley News. 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

JUN 12 1989

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

APRIL 11, 1989

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

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before MAY 8, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED

JUN 12 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED
JUN 12 1989

22-07431

VALLEY BANK
501 BROADWAY
IDAHO FALLS, ID 83401

Source: GROUNDWATER

Diversion Pt: NENE Sec 24 T 06N R 44E

Use: IRRIGATION (3.200 CFS)

Date Filed: 3/25/1983

In: T06N R44E S14 NESE NWSE SWSE SESE

160.0 ACRES TOTAL

MICROFILMED

JUN 12 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 MAY 8, 1989.

R. Keith Higginson, Director

Published 4/20/1989 & 4/27/1989

MICROFILMED

JUN 12 1989

22-7431-

VALLEY BANK

501 BROADWAY, IDAHO FALLS, ID 83401

Source: GROUNDWATER

Date Filed: 03/25/1983

Diversion Pt: NENE NWNE SWNE SENE Sec 24 T 06N R 44E

Use: IRRIGATION (3.20 CFS)

In: NESE NWSE SWSE SESE Sec 14 T 06N R 44E FOR 160 ACRES

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JUN 12 1989