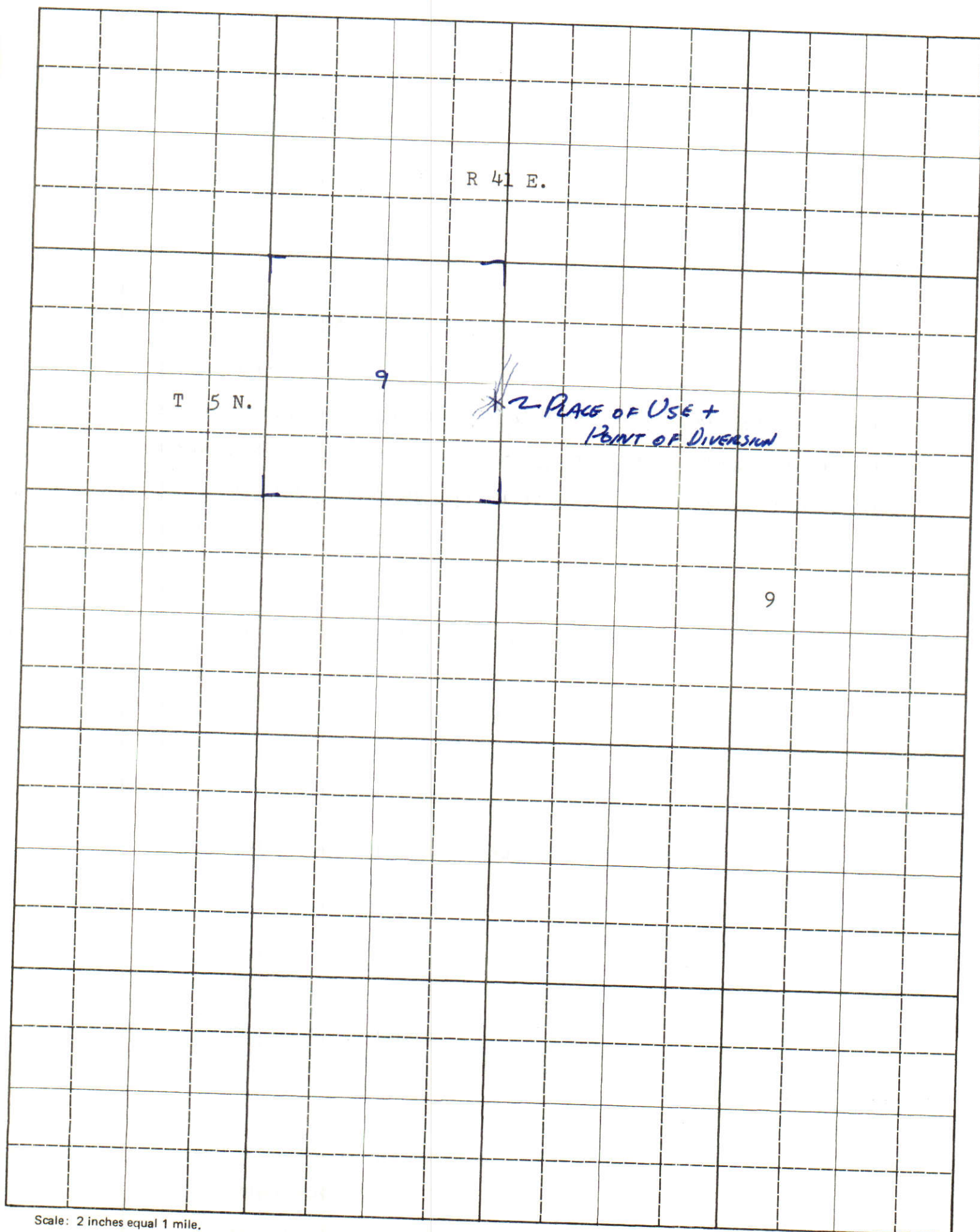


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

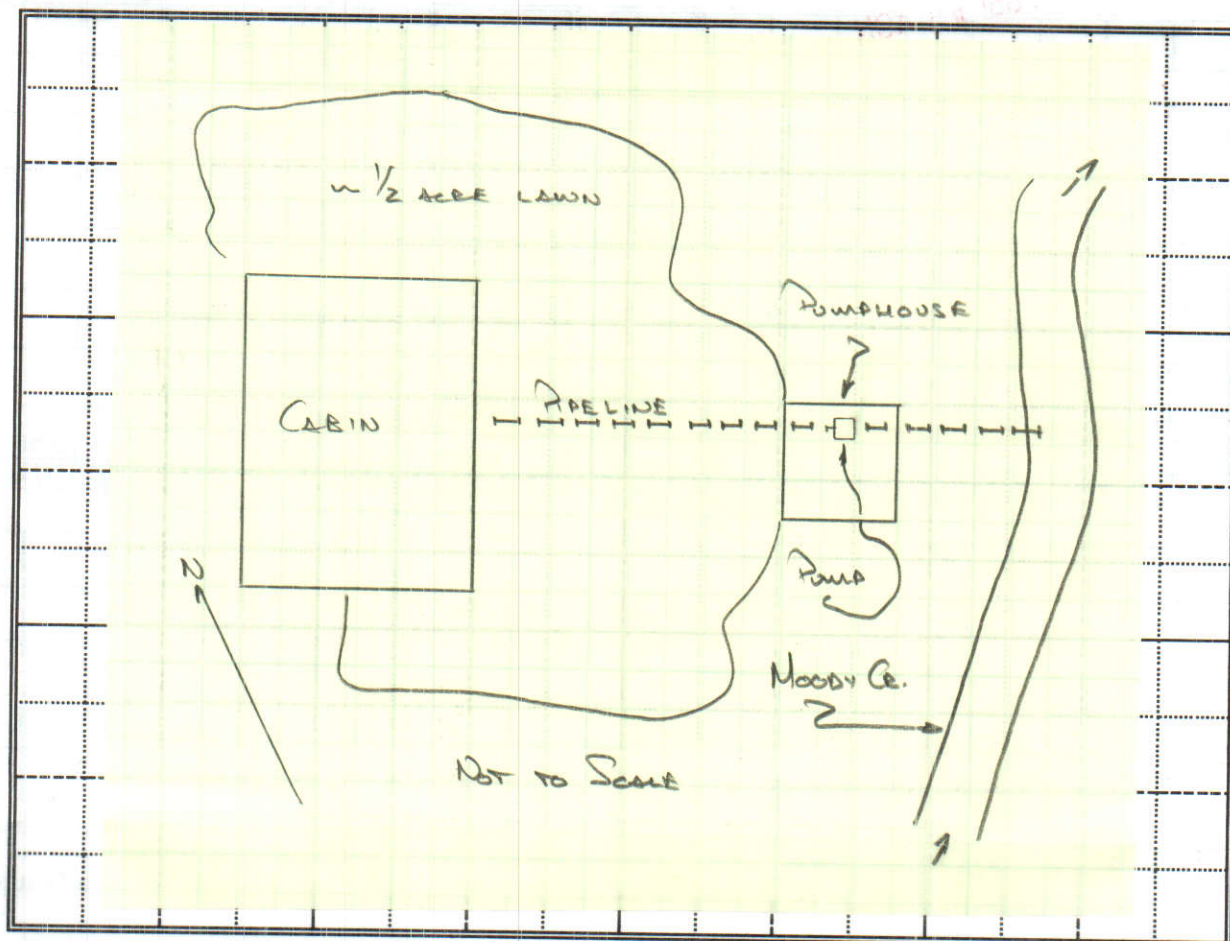


Scale: 2 inches equal 1 mile.

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.

J. Randall
(Applicant)

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
	GEN. ELECTRIC	1	SKL39QNI0028X	MYERS	GP10

*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
N/A						

2. Measurements: APPROX 4" LIFT FROM CREEK. 30 PSI OPERATING PRESSURE
WHEN SERVING HOME.

RECORDED

NOV 14 1995



Fig. 1 - Cabin and lawn area at place of use.



Fig. 2 - Pumphouse along Moody Creek.

MICROFILMED
NOV 14 1995

22-07334



Fig. 3 - Centrifugal pump located inside pumphouse.

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NOV 14 1995

22-07334

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO



Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Bruce Porter,
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Journal, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

Notice Of Application No. 22-7334

a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for two
consecutive issues, the first publication hav-

ing been made on Sept. 18, 1980
and the last publication having been made

on Sept. 25, 1980.

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 sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.



Subscribed to and sworn to before me

this Sept. 26, 1980

Notary Public.

(SEAL)

My commission expires life.

RECEIVED

OCT 6

Department of Water Resources
Eastern District Office

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following
application(s) have been submitted for permit
to appropriate the public waters of the State
of Idaho:

Application No.: 22-7334

Applicant: RANDALL, H. J., 216
MOHAWK, REXBURG, ID 83440

Source: MOODY CREEK tributary to TETON
RIVER

Date Filled: 09/10/1980

Amount: 0.10 CFS

Diversion Point: NESE Sec 09 T 05N R
41E, MADISON Co.

Use: DOMESTIC (0.10 CFS) from 01/01
to 12/31

Place of Use: NESE Sec 09 T 05N R 41E

Diversion Means: PUMP & PIPELINE.

If issued, the permit(s) will be subject to all
prior water rights. Protests against the
granting of any permit must be filed with the
Director of the Idaho Department of Water
Resources, 1515 Lincoln Road, Idaho Falls,
Idaho 83401 on or before OCTOBER 6,
1980.

C. STEPHEN ALLRED
Director

Publ. Sept. 18 and 25, 1980J

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 22-07334

Priority: September 10, 1980

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

1.2 AF

This is to certify, that H J RANDALL
C/O GLADYS W RANDALL
35 S MILLHOLLOW RD
REXBURG ID 83440-2030

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated September 10, 1980; and
has submitted Proof of Beneficial Use on September 20, 1985. An examination indicates
that the works have a diversion capacity of 0.080 cfs of water from:

MOODY CREEK

tributary to TETON RIVER

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>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 9, Township 05N, Range 41E
MADISON County

PLACE OF USE: DOMESTIC

TWN RGE SEC

05N 41E 9

NWSE

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
6. Domestic use is for 1 home.

RECEIVED

NOV 14 1985

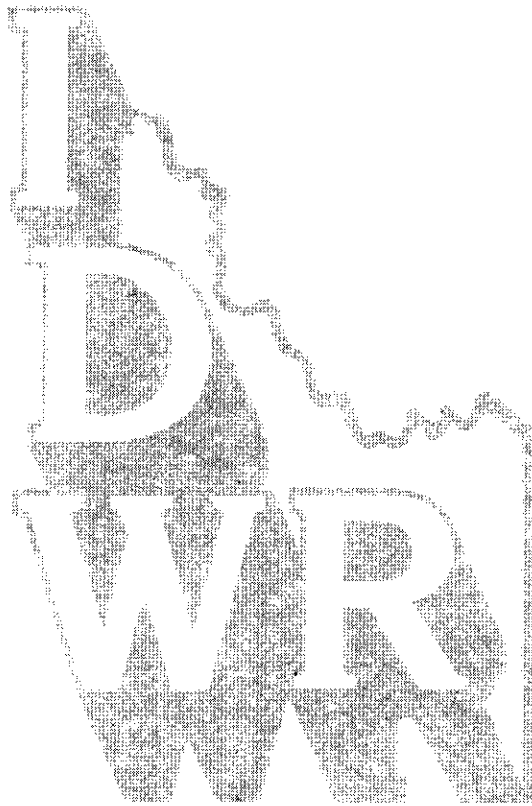
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07334

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 7th
day of NOVEMBER, 1995.


Acting for KARL J. DREHER, Director



NOV 14 1995

State of Idaho
Department of Water Resources

RECEIVED

AUG 14 1995

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 22-07334

Date of Priority: September 10, 1980

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

1.2 AF

Comes now

H.R.C.
~~H. J. RANDALL~~ RANDALL CORPORATION, an Idaho corporation
Sue Huskinson, Vice-President

G.R.D.
C/O GLADYS-W-RANDALL
35 S MILLHOLLOW RD
REXBURG ID 83440-2030

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 22-07334, and requests that the permit be changed as follows:

Source: MOODY CREEK

tributary to TETON RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSE, Sec. 9, Township 05N, Range 41E
MADISON County

PLACE OF USE: DOMESTIC

TWN RGE SEC

05N 41E 9

NWSE

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

Signed at Rexburg, Idaho, this 25th day of July, 1995.

RANDALL CORPORATION

By

Art R. Allen, Pres.
(Signature)

MICROFILMED

NOV 14 1995

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07334

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 50.00 Received by RT # 6033376 Date 8/16/95

ACTION OF THE DEPARTMENT OF WATER RESOURCES

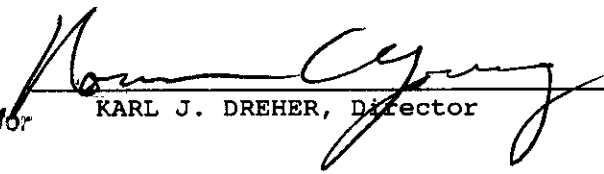
I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 22-07334 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
6. Domestic use is for 1 home.

Witness my hand this 7th day of NOVEMBER, 1995.

Acting for


KARL J. DREHER, Director

NOV 14 1995

4/86

RECEIVED
FEB 27 1987

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EXAMINATION FEE INFORMATION

RECEIVED

MAR 30 1987

For Office Use Only
Fee Received NONE
Date 2-27-87
Receipt # _____
Receipt by _____
Sent to S.O. 326-87

1. Permit No. 22-7334

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE.

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: H. J. RANDALL - Deceased SSV

3. Post Office Address: 216 Mohawk
Rexburg, ID 83440 Telephone No. 356-6987

4. Source of Water: Moody Creek which is a tributary of Teton River

5. Extent of Use:
Domestic 1 (No. of households) Stockwater _____ (No. and type of stock)
Irrigation _____ (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted Allow 0.04 cfs for 1 home SSV
.10 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:
8-1-85

8. Person to contact to accompany the department representative during the field examination:
Sue Huskinson
(Name)
1082 N. Hill Road, Rexburg, ID 83440 208-356-9115
(Address) (Telephone Number)

NOV 14 1995

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

2-24-87
Date

Gladys M. Randall
Signature of Permit Holder (and title, if appropriate)
for H. J. Randall, dec'd.
copy retained for file

State of Idaho
Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
FEB 3 1986

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 22-7334

Name(s) of Permit Holder: H. J. RANDALL

Post Office Address: 216 Mohawk

Rexburg, Idaho 83440

Telephone No. 208-356-6987

Source of Water: Moody Creek which is a tributary of Teton River

Extent of Use:

Domestic one (number of households)

Stockwater _____ (number and type of stock)

Irrigation _____ (acres)

Other/Remarks _____

Indicate the date water was first diverted and beneficially used under this permit: 8-1-85

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☐ No

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

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

Sue Huskinson

(Name)

Rt. 4, Box 9, Rexburg, Id. 83440

(Address)

208-356-9115

(Telephone Number)

The above information is a true statement of the extent to which the above numbered permit has been developed.

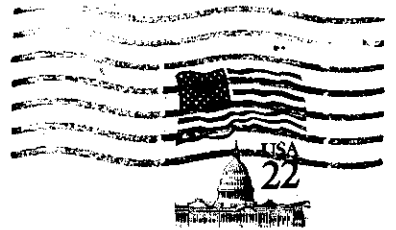
1-30-86
Date

Gladys W. Randall
Signature of Permit Holder (and Title, if appropriate)
Personal Representative of Estate
H. J. Randall, deceased.

MICROFILMED

2-21-86
JH

Randall
216 Mohawk
Replung, Id. 83440



Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant H. J. Randall Phone 356-6987

Post office address 216 Mohawk, Rexburg, Idaho 83440

2. Source of water supply Moody Creek which is a tributary of Teton River

3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 9 Township 5 N.

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

4. Water will be used for the following purposes:

Amount .10 cfs for domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. .10 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. pump and pipeline

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 _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 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: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 9 Township 5 N.

Range 41 E. 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.

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

MICROFILMED

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	

Total number of acres to be irrigated _____

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

9. a. Who owns the property at the point of diversion Randall Corporation

b. Who owns the land to be irrigated or place of use Randall Corporation

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Applicant is President of the corporation.

10. Remarks Under the law the public may obtain water from a creek as a constitutionally guaranteed right for domestic use. However, there has been an application by Merle Jeppesen to remove 2 cfs to irrigate 200 acres of land, with the point of diversion about 3 miles upstream from applicant's house. Therefore, there is a strong possibility that this could cause the stream to dry up, and all homeowners along the creek would lose this constitutional right. Therefore, this application is being filed to reinforce the rights of the homeowners to domestic water throughout the year.

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

R 41 E.

T 5 N.

2 PLACE OF USE +
POINT OF DIVERGENCE

9

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.

W. Randall
(Applicant)

Proposed Priority 9/10/80

Received by kw Date 9/10/80 Time 11:50

Preliminary check by SM. Fee \$ 30.00

Receipted by kw Date 9/11/80 # 16001

Publication prepared by kw Date 9/11/80

Published in _____ Standard Journal

Publication dates 9/18 & 9/25/80

Publication approved kw Date 10/6/80

Protests filed by: NONE

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC RL

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. 22-7334, 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 November 1, 19 85.
- 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: (1) The issuance of this permit in no way grants any right-of-way or easement across the land of another. (2) Use of water under this permit is subject to control by the watermaster of State Water District # 01, Upper Snake River.

Witness my hand this 4th day of November, 19 80.

A. Glen Saxton



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 7, 1995

H J RANDALL
C/O GLADYS W RANDALL
35 S MILLHOLLOW RD
REXBURG ID 834402030

RE: WATER RIGHT NO. 22-07334

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED
NOV 14 1995

MEMORANDUM

TO: Fiscal
THRU: Shelley Keen
FROM: Cindy Zimmerman
DATE: November 6, 1995
RE: Refund on Application No. 22-07334

=====

Fiscal Department:

Please prepare a refund for the following individual(s) who have withdrawn their assignment of permit.

Receipt No. C033384 (see attached copy)
Date: 8/16/95
Amount: \$25.00
Name: Randall Corporation
Address: c/o Jerry R. Rigby
Rigby, Thatcher, Andrus, et al
PO Box 250
Rexburg ID 83440-0250

Thank you!

Cindy

RECEIVED
NOV 14 1995



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

November 6, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RANDALL CORP
C/O JERRY R RIGBY
RIGBY, THATCHER, ANDRUS, et al
PO BOX 250
REXBURG ID 83440-0250

RE: Assignment for Permit No. 22-07334

Dear Mr. Rigby:

In response to your letter dated November 3, 1995, the Department acknowledges the withdrawal of the above referenced assignment for permit and your request for a refund of the filing fee.

Since no action was taken on this assignment, you will receive a \$25.00 refund of the filing fee under separate cover.

Thank you for your attention to this matter. If you have any further questions or require assistance, you may contact me directly at (208) 327-7944.

Respectfully,

Cindy Zimmerman
Water Resource Agent

NOV 10 1995

Law Offices

**RIGBY, THATCHER, ANDRUS
RIGBY, KAM & MOELLER, Chartered**

RECEIVED

NOV 06 1995

Department of Water Resources

Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam
Gregory W. Moeller

P.O. Box 250
25 North Second East
Rexburg, ID 83440

Telephone:
Rexburg: (208) 356-3633
Idaho Falls: (208) 529-5531
Fax: (208) 356-0768

November 3, 1995

Cindy Zimmerman
Department of Water Resources
1301 North Orchard St
Statehouse Mail
Boise ID 83720-9000

RE: Permit No. 22-07334
H.J. Randall/Randall Corporation

Dear Ms. Zimmerman:

Pursuant to your conversation with my secretary, Shelly, I am writing to request that you return our client's check of \$25. We do not desire to pursue the assignment of permit at this time.

It is our understanding that you have all necessary documents and fees to complete the amendment and then issue a license to the above permit.

If you have any questions, please call.

Sincerely,


Jerry R. Rigby/sb

JRR:sb

MICROFILMED

NOV 14 1995

MEMORANDUM

DATE: August 30, 1995
TO: File No. 22-07334
FROM: Cindy Zimmerman
SUBJECT: Telephone Conversation

=====

On August 14, 1994, the department received a letter, assignment of permit, assignment fees, and a copy of a warranty deed from Shelly A. Ball, secretary to Jerry R. Rigby, whose law firm represents the current land owners.

On August 16, 1995, the assignment signed by Pat Allsen, President of Randall Corp. was returned and documentation identifying Pat Allsen as signatory for H. J. Randall was requested.

Per telecon with Shelly Ball, H. J. Randall (the owner of record of this permit) passed away many years ago. His executor, Gladys W. Randall, also passed away. Ms. Ball is not able to provide legal documentation identifying the executor of H. J. or Gladys W. Randall's estates. Therefore, Ms. Ball will write a letter requesting withdraw of the assignment and refund of the assignment fees.

10/3/95

No letter requesting a withdraw of assignment or refund of assignment fees has been received. I called Ms Ball who forgot to write the letter but Ms. Ball did say that she would send us a letter in the next day or two.

C.Z.

RECORDED

NOV 14 1995



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

August 16, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RANDALL CORP
C/O JERRY R RIGBY
RIGBY, THATCHER, ANDRUS, et al
PO BOX 250
REXBURG ID 83440-0250

RE: Permit No. 22-07334

Dear Mr. Rigby:

I recently received an 'Assignment of Permit' form on the above referenced permit assigning this permit to Randall Corporation. I also received the signed 'Licensing Amendment' and all related filing fees.

In Idaho, a permit is considered personal property and can only be assigned by the owner of record. Our records identify H. J. Randall as owner of the permit. I understand that Mr. Randall is now deceased. In this situation, the executor of his estate, for example, may assign this permit if that assignment is accompanied by legal documentation identifying the signee as having legal right to act on Mr. Randall's behalf.

I reviewed the copy of the warranty deed you supplied as evidence of change of ownership, it does not specifically identify this permit as being conveyed with the land.

I have enclosed a partially completed assignment of permit form which the executor of Mr. Randall's estate may sign. Please resubmit the assignment to my attention at the above address.

If you have any questions, please feel free to contact me directly at (208) 327-7944.

Sincerely,

Cindy Zimmerman
Water Resource Agent

Enclosures

RECORDED

NOV 14 1995

Law Offices

**RIGBY, THATCHER, ANDRUS
RIGBY, KAM & MOELLER, Chartered**

RECEIVED

AUG 14 1995

Department of Water Resources

Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam
Gregory W. Moeller

P.O. Box 250
25 North Second East
Rexburg, ID 83440

Telephone:
Rexburg: (208) 356-3633
Idaho Falls: (208) 529-5531
Fax: (208) 356-0768

August 10, 1995

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

RE: Water Right No. 22-07334

Dear Mr. Keen:

Pursuant to our conversation, enclosed please find a copy of the Warranty Deed from H. J. Randall and Gladys Randall to the Randall Corporation. You will note that No. 10 is the property in question.

We also enclose the Application for Amendment along with Randall Corporation's two checks in the amount of \$25 and \$50.

The officers of Randall Corporation are: Pat R. Allsen, President and Jackie R. Taylor, Secretary.

If you have any questions, please call.

Sincerely,


Shelly A. Ball
Secretary to Jerry R. Rigby

Enclosures

MICROFILMED

NOV 14 1995

WARRANTY DEED

RECEIVED
AUG 14 1995

Department of Water

THIS INDENTURE, Made this 25th day of May, 1968, between H. J. RANDALL and GLADYS RANDALL, his wife, of Rexburg, Madison County, State of Idaho, the parties of the first part, and RANDALL CORPORATION, an Idaho corporation, with its principal office in the City of Rexburg, Madison County, State of Idaho, the party of the second part,

WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of Ten Dollars, lawful money of the United States of America, and other valuable consideration to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, and by these presents, do grant, bargain, sell and convey and confirm unto the said party of the second part, and to its successors and assigns forever, all the following described real estate, situated in Madison County, State of Idaho, to-wit:

- (1) The following described property in the RANDALL INDIAN HILLS ESTATES Modification Plat of Portion of Rigby Addition to the City of Rexburg, Madison County, State of Idaho, as per the recorded plat thereof:
 - (a) Commencing at the NE corner of Lot 1, Block 1, and running thence South 350 feet; thence West 116.5'; thence North 350 feet, and thence East 116.5' to the point of beginning.
 - (b) Commencing at a point 435 feet South of the NE corner of Lot 1, Block 1, and running thence South 264 feet; thence West 116.5 feet; thence North 264 feet, and thence East 116.5 feet to the point of beginning.
 - (c) Commencing at the NE corner of Lot 2, Block 1, and running thence South 95 feet; thence West 115 feet; thence North 95 feet, and thence East 115 feet to the point of beginning.

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- (d) All of Lot 1, Block 2, except the following: Commencing at a point 273.5' South of the Northeast corner of said Lot 2, Block 2, and running thence South 90 feet; thence West 115 feet; thence North 90 feet, and thence East 115 feet to the point of beginning.
- (e) Commencing at the NE corner of Lot 1, Block 3, and running thence South 118.5 feet; thence West 115 feet; thence North 118.5 feet, and thence East 115 feet to the point of beginning.
- (f) Commencing at a point 258.5 feet South of the NE corner of Lot 1, Block 3, and running thence South 195 feet; thence West 115 feet; thence North 195 feet and thence East 115 feet to the point of beginning.
- (g) Commencing at a point 538.5 feet South of the NE corner of Lot 1, Block 3, and running thence South 267 feet; thence West 115 feet; thence North 267 feet, and thence East 115 feet to the point of beginning.
- (h) All of Lot 2, Block 3.
- (i) All of Block 4.
- (j) Commencing at the NE corner of Lot 1, Block 5, and running thence South 321.5 feet; thence West 116.5 feet; thence North 321.5 feet, and thence East 116.5 feet to the point of beginning.
- (k) Commencing at a point 175 feet East of the SW corner of Lot 2, Block 5, and running thence North $14^{\circ}37'10''$ East 118.85 feet; thence East 184 feet; thence South 115 feet; thence West 214 feet to the point of beginning.
- (l) Commencing at a point 474 feet East of the SW corner of Lot 2, Block 5, and running thence East 481 feet; thence North 95 feet; thence Northwesterly along a curve to the left with a radius of 20 feet, a distance of 31.42 feet; thence West 461 feet; thence South 115 feet to the point of beginning.
- (2) Commencing 59 rods North and 20 rods West of the SE corner of the SE $\frac{1}{4}$ of Sec. 24, Twp. 6 N., R. 39, E.B.M., and running thence North 21 rods; thence West 60 rods; thence South 21 rods, and thence East 60 rods to the point of beginning, containing 7.88 acres, more or less.
- (3) Commencing at the NE corner of Lot 1, Block 2, and running thence South 90 feet; thence West 115 feet; thence North 90 feet, and thence East 115 feet to the point of beginning.
- (4) Commencing at the NE corner of Lot 1, Block 3, and running thence South 118.5 feet; thence West 115 feet; thence North 118.5 feet, and thence East 115 feet to the point of beginning.
- (5) Commencing at the NE corner of Lot 1, Block 3, and running thence South 195 feet; thence West 115 feet; thence North 195 feet and thence East 115 feet to the point of beginning.
- (6) Commencing at the NE corner of Lot 1, Block 3, and running thence South 267 feet; thence West 115 feet; thence North 267 feet, and thence East 115 feet to the point of beginning.
- (7) Commencing at the NE corner of Lot 1, Block 3, and running thence South 321.5 feet; thence West 116.5 feet; thence North 321.5 feet, and thence East 116.5 feet to the point of beginning.
- (8) Commencing at the NE corner of Lot 1, Block 3, and running thence South 321.5 feet; thence West 116.5 feet; thence North 321.5 feet, and thence East 116.5 feet to the point of beginning.
- (9) Commencing at the NE corner of Lot 1, Block 3, and running thence South 321.5 feet; thence West 116.5 feet; thence North 321.5 feet, and thence East 116.5 feet to the point of beginning.
- (10) Commencing at the NE corner of Lot 1, Block 3, and running thence South 321.5 feet; thence West 116.5 feet; thence North 321.5 feet, and thence East 116.5 feet to the point of beginning.

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- (3) Commencing at the SW corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 24, Twp. 6 N., R. 39, E.B.M., and running thence East 60 rods; thence North 22 rods; thence West 60 rods, and thence South 22 rods to the point of beginning, together with $1\frac{1}{2}$ shares of the capital stock of the Rexburg Irrigation Company.
- (4) Lots 1, 2 and 3 of Block 4 of the Rigby Addition to the City of Rexburg, as per the recorded plat thereof.
- (5) Commencing at a point one rod North of the SE corner of Lot 1, Block 34, of the City of Rexburg, as per the recorded plat thereof, and running thence West 14 rods; thence North 4 rods; thence East 14 rods, and thence South 4 rods to the point of beginning.
- (6) Commencing at a point 37.5 rods North of the SE corner of the NE $\frac{1}{4}$ of Sec. 26, Twp. 6 N., R. 39, E.B.M., and running thence North 44.5 rods to an irrigation ditch traversing said NE $\frac{1}{4}$ of said Section; thence following said ditch Westerly bearing slightly South approximately 165 rods to the West line of said NE $\frac{1}{4}$ of said Section; thence South 529.25 feet to a point 37.5 rods North of the SW corner of said NE $\frac{1}{4}$ of said Section; thence East 160 rods to the point of beginning, together with $3\frac{1}{2}$ shares of the capital stock of the Rexburg Irrigation Company.
- (7) Commencing at the SE corner of Block 16 of the Rigby Addition to the City of Rexburg, as per the recorded plat thereof, and running thence West 142 feet; thence North 80 feet; thence East 142 feet, and thence South 80 feet to the point of beginning.
- (8) Commencing at a point on the East line of the Oregon Short Line Railroad right-of-way 1334' North 39°12' East of the intersection of the East line of said railroad right-of-way and the North fence line of the street on the South boundary line of Section 30, Twp. 6 N., R. 41, E.B.M., and running thence South 50°48' East 100 feet; thence North 39°12' East 80 feet; thence North 50°48' West 100 feet, and thence South 39°12' West 80 feet to the point of beginning, together with the granaries thereon.
- (9) SW $\frac{1}{4}$ of Sec. 32, Twp. 6 N., R. 41, E.B.M.
- (10) Commencing at a point approximately 120 rods North from the SE corner of Sec. 9, Twp. 5 N., R. 41, E.B.M., and being on the West bank of Moody

Creek; thence North 300 feet; thence West 200 feet; thence South 300 feet, thence East 200 feet to the place of beginning, on the West bank of Moody Creek.

- (11) $W\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$ and $SE\frac{1}{4}$, all in Sec. 32, Twp. 6 N., R. 41, E.B.M.
- (12) $SW\frac{1}{4}$ of Sec. 17, $NW\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}$ and $W\frac{1}{2}SE\frac{1}{4}$ of Sec. 20, Twp. 6 N., R. 41, E.B.M. Also, commencing at a point 46 rods West of the NE corner of the $SW\frac{1}{4}SE\frac{1}{4}$ of Sec. 17, aforesaid, and running thence West 24 rods; thence North 23 rods; thence West 10 rods; thence South 103 rods; thence East 58 rods; thence North one rod; thence East 8 rods; thence North 19 rods; thence Northwesterly ten and six-tenths rods; thence Northwesterly 58 rods to the point of beginning. Also, beginning at a point 57 rods South of the NW corner of the $NW\frac{1}{4}SE\frac{1}{4}$ of Sec. 17, Twp. 6 N., R. 41, E.B.M., and running thence East 12 rods; thence South 23 rods; thence West 12 rods, and thence North 23 rods to the place of beginning, together with the well and irrigation system located thereon.

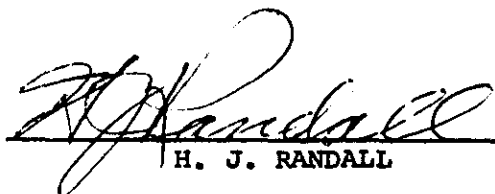
And all the following described real property situated in Fremont County, State of Idaho, to-wit:

- (1) Lot 9 of the Thompson & Randall Addition to Macks Summer Home Site, as per the recorded plat thereof, together with a $\frac{1}{23}$ interest in the pump located in the NW corner of Lot 30 of said Addition, and subject to the provisions of that certain Declaration of Covenants applicable to the above described premises, which Declaration of Covenants are recorded in Fremont County, Idaho, and subject to a four foot easement along the west side thereof for power lines.
- (2) Lot 21 of the Thompson & Randall Addition to the Macks Summer Home Site in Fremont County, Idaho, as per the recorded plat thereof, together with a $\frac{1}{23}$ interest in the pump located in the NW corner of Lot 30 of said Addition, subject to the provisions of that certain Declaration of Covenants, applicable to the above described premises, which Declaration of Covenants are recorded in Fremont County, Idaho.
- (3) An undivided one-half interest in Lot 30 of the Thompson & Randall New Addition to the Macks Summer Home Site in Fremont County, Idaho, together with a one-twenty-third interest in the pump located in the NW corner of Lot 30 of said Addition, and subject to an eight foot easement across the West end of said Lot 30 above for water and power lines.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity of the said parties of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances unto the party of the second part, and to its successors and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.


H. J. RANDALL


GLADYS RANDALL

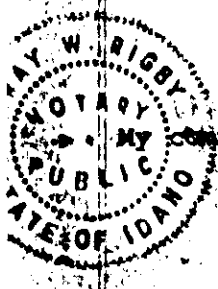
STATE OF IDAHO,)
 SS.
COUNTY OF MADISON.)

On this 25th day of May, 1968, before me, the undersigned, a Notary Public in and for said State, personally appeared H. J. RANDALL and GLADYS RANDALL, known to me to be the persons whose

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names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Ray W. Rigby
Notary Public for Idaho
Residing at Rexburg, Idaho

My commission expires: 1-26-71

134747

State of Idaho }
County of Madison }

I hereby certify that the within instrument

was filed 4 September

19 68 at 3:00 P.M., and

recorded for file 134747

for fee 5.00

by Gerard Raygould

Valley T. Clark Deputy

at the request of Ray W.

Rigby

RECORDED

NOV 14 1995



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 11, 1995

PAT R ALLSEN
RANDALL CORPORATION
284 E 3450 N
PROVO UT 84604

RE: Water Right No. 22-07334

Dear Ms. Allsen:

Shelly Ball of Ray Rigby's office contacted me today to discuss permit 22-07334, which was issued to H. J. Randall for domestic use from Moody Creek. She told me that you are president of the Randall Corporation, which she said is the current owner of the permit.

In order to change the ownership of the permit on our records, we require documentation of the transaction, usually in the form of an assignment of permit. I have enclosed an assignment form for you. If the form is not appropriate for your situation, we will accept other documentation such as a warranty deed or quitclaim deed. If the new owner is a corporation, we also require a list of corporate officers authorized to sign documents related to the water right. There is also a \$25.00 filing fee for an assignment of permit.

Before a water right license can be issued, permit 22-07334 must also be amended to show the point of diversion and place of use as they were actually developed. I have enclosed the application for amendment form. I believe we can process the amendment concurrently with the ownership change if you cross out the incorrect ownership information, insert the corrections, initial the changes, and submit the amendment with the ownership change documentation. Please be sure to read the amendment carefully before signing it. The CONDITIONS/REMARKS on the second page are in draft form -- they may be revised upon further administrative review. The amendment fee is \$50.00.

RECORDED

NOV 14 1995

Ms. Pat R. Allsen
Re: Water Right No. 22-07334
July 11, 1995
Page 2

Please respond within thirty (30) days. If you have any questions, please contact me at 208-327-7946 in Boise.

Sincerely,

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

Shelley Walter Keen
Water Rights Supervisor

SWK

Enclosures:

Application for Amendment
Assignment of Permit

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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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 30, 1995

H J RANDALL
C/O GLADYS W RANDALL
35 S MILLHOLLOW RD
REXBURG ID 834402030

RE: WATER RIGHT NO. 22-07334

Dear Water Right Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, I have not received the amendment. If I do not receive it within fourteen (14) days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin. Enclosed for your convenience is another amendment form in the event the first one was misplaced.

If you have any questions, please contact me. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

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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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 26, 1995

H J RANDALL
C/O GLADYS W RANDALL
35 S MILLHOLLOW RD
REXBURG ID 834402030

RE: WATER RIGHT NO. 22-07334

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion and the place(s) of use description. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of CONDITIONS/REMARKS proposed for the license when it is issued. These conditions/remarks may be modified upon further administrative review.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

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LICENS REVIEW CHECKLIST



PERMIT NO. 22-07334 DATE 5/23/95

NAME Change ☒ OK Or (Claim has current address) Address Change? No assignment
Leave As Is

PRIORITY DATE Advance? Advanced to:
Order to reinstate needed?
Incorrect fee for rate recommended?

SOURCE Changes or just clarification of originally
intended source?
Notice of Intent to Void necessary?

POINT OF DIV Amendment needed? CHANGE TO NWSE OF SEC 9
Overlaps?

PLACE OF USE Amendment needed? CHANGE TO NWSE OF SEC 9
Overlaps?

DIV RATE Permit/fee limits: .10 CFS/.04 NO FEES PAID
Meas Q = Theo Q = .08 EXAMINATION FEE
Recommend: SHEET
Standard Single Domestic with lawn .04 CFS
Combined rates exceed capacity

ANNUAL VOLUME Volume Limit: Season: 1-1 to 12-31
Calculations: Standard dom with lawn
Flow limit: cfs x x 1.9835 =
Combined volumes exceed capacity/allowable

USES Change in Nature of Use or additional uses?
Amendment necessary?

ADDITIONAL INFO Supplemental Groundwater PPU Scenario
Irr/Dom Combination Shared G/W System

NEW REMARKS Multiple p/d(s) in 1/4 1/4?
WO1 Other

NEW CONDITIONS RD4 Watermaster control - District 01
Measuring/Locking Devices
Irrigation Overlap
Other
Water Quality Heat/Cool/Fish verified

COMMENTS: Amend p/d + p/u

RECOMMENDATION	CFS	VOLUME	SRBA Claim Filed	<u>YES</u>
<u>Domestic</u>	<u>.04</u>	<u>1.2</u>	Adjustment Memo Needed	<u>NO</u>
			LICENSE	
			1ST AMEND LETTER	<u>P37 + P38 + S05</u>
			2ND AMEND LETTER	<u>P47 + S05</u>

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

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DEC 29 1994

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 22-07334

1. Owner: RANDALL CORPORATION

Phone No. 356-6987

Current Address: 216 Monahan, Rexburg ID 83440

2. Accompanied by: BOB HUSKINSON

EXAM DATE: 6-1-1994

Address: 1082 N. Hill Rd., Rexburg ID 83440

Phone No. 356-9115

Relationship to Permit Holder: HUSBAND OF TRUSTEE

3. Source: MOODY CREEK

tributary to TETON RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	NW	SE	9	5N	41E	MADISON	USGS, NAPP, ONSITE

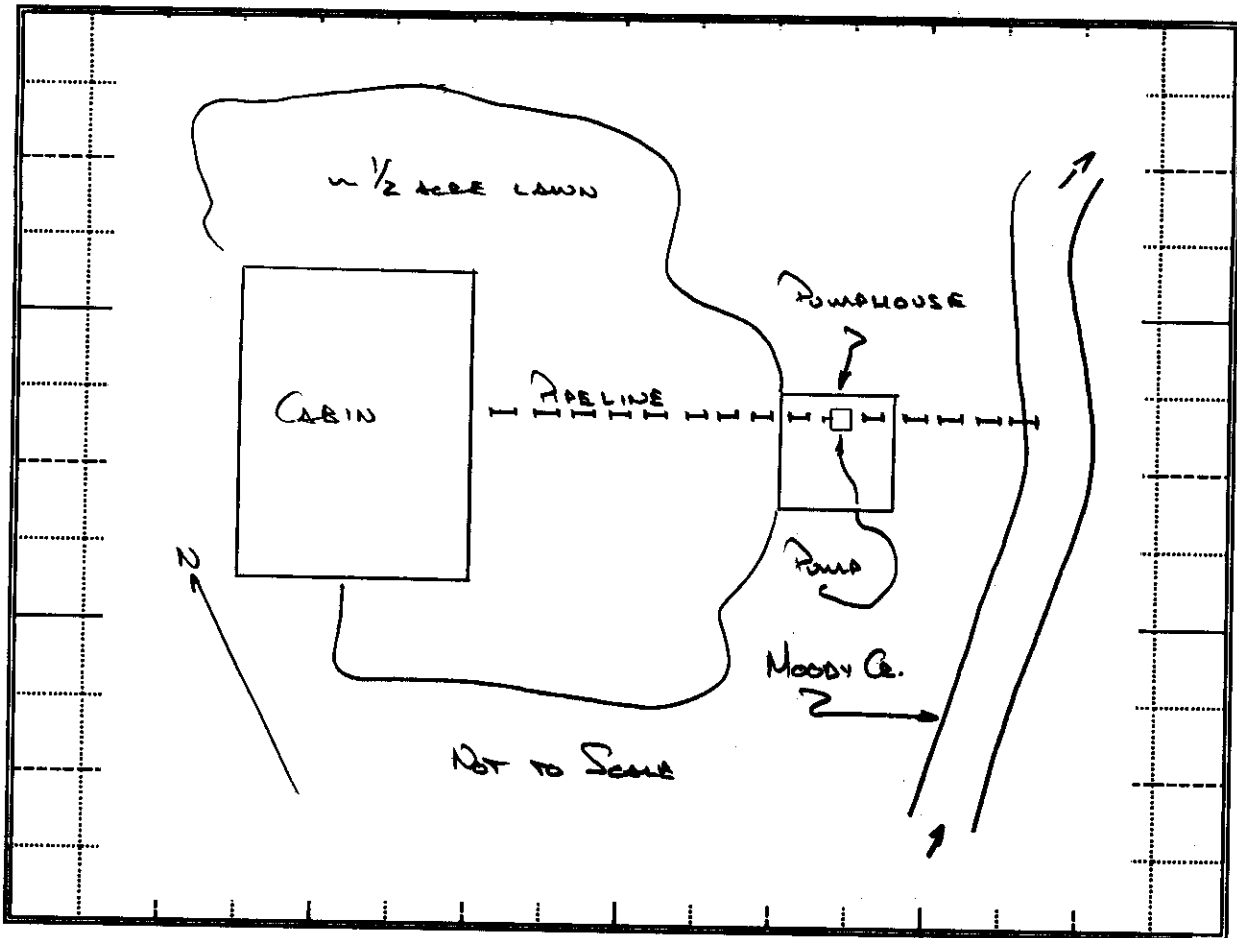
2. Place(s) of Use:

Indicate Method of Determination Same

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	41E	9															D		

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



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GEN. ELECTRIC	1	5K639Q2N1002BX	MYERS	GA10

*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
N/A						

2. Measurements: APPROX 4' LIFT FROM CREEK. 30 PSI OPERATING PRESSURE WHEN SERVING HOME.

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E. NARRATIVE/REMARKS/COMMENTS

SCREENED PICKUP HOSE IN MOODY CREEK TO ABS PIPELINE TO 1/4
CENTRIFUGAL PUMP TO ABS PIPELINE FOR IN-HOME USE IN
CABIN PLUS IRRIGATION OF 1/2 ACRE LAWN. ACCESSABLE AND
IN USE ALL YEAR.

NO OTHER DOMESTIC WORKS PLANNED.

* AMEND AS SHOWN

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

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F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

$$Q_{\text{measured}} = \frac{1 \text{ up } (8.814) \cdot 7 \text{ cfs}}{4' \text{ line } + (2.308 \times 30 \text{ psi})} = 0.08 \text{ cfs}$$

Limited by IDWR std. for single family domestic w/ 1/2 ac. => 0.04 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

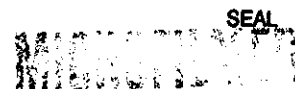
IDWR std. for single family domestic w/ 1/2 ac => 1.2 afa

H. RECOMMENDATIONS

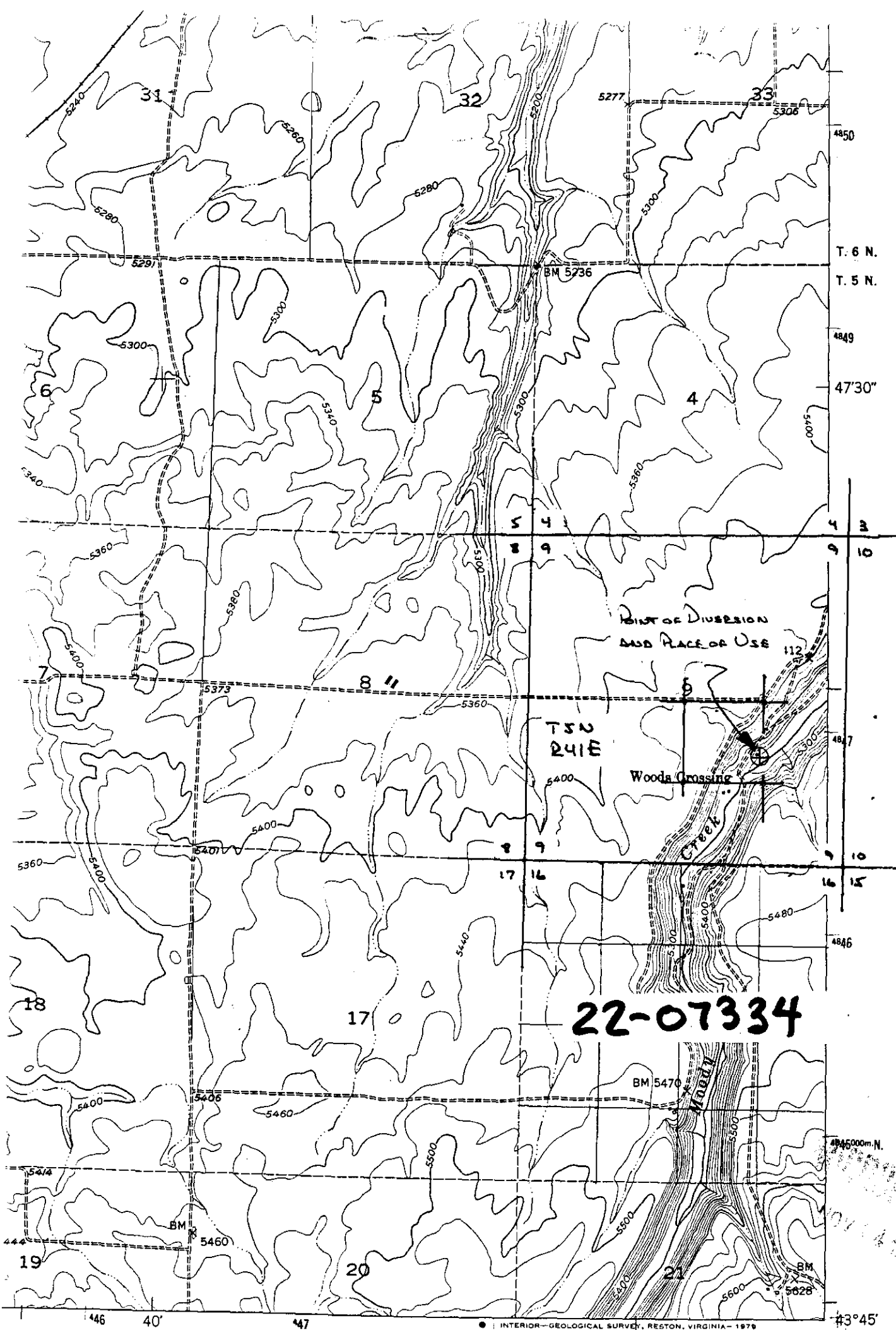
1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
DOMESTIC	1-1	12-31	0.04	1.2
Totals:			0.04	1.2

2. Recommended Amendments

☒ Change P.D. as reflected above☐ Add P.D. as reflected above☐ None☒ Change P.U. as reflected above☐ Add P.U. as reflected above☐ Other**I. AUTHENTICATION**Field Examiner's Name JDM Date 12-22-94Reviewer KEITH C WILSON Date 12/23/94

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22-07334



Fig. 1 - Cabin and lawn area at place of use.



Fig. 2 - Pumphouse along Moody Creek.

22-07334
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Fig. 3 - Centrifugal pump located inside pumphouse.

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NOV 14 1995

22-07334



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

January 26, 1987

22-7334
RANDALL, H. J.
216 MOHAWK
REXBURG, ID 83440

EXAMINATION FEE NOTICE



Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this Department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the Department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the Department, but you must within sixty (60) days of the date of this letter return to the Department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the Department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the Department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing of certified water right examiners will be available from this Department when examiners have been certified.

Microfilm

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If your permitted use, in fact, has already been examined by the Department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the Department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

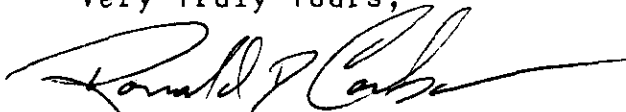
FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following Department office:

Eastern Region
Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83401
Phone: 525-7161

Very Truly Yours,



Ronald D. Carlson
Eastern Regional Manager

Enclosures

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MEMORANDUM

February 21, 1986

TO: Accounting Section

FROM: Rita Fleck

RE: Refund for Extension of Time - Permit No. 22-7334

Please refund \$15 to Gladys Randall. She submitted a request for extension of time and fee which was receipted when actually she needed to submit proof of beneficial use on which there is no fee. Attached is a copy of my letter returning the extension request and advising her that the department will make a refund. Also attached are two copies of receipt No. 37163.

If you have any questions, please let me know.

MICROFILMED



ate of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

January 6, 1986

Gladys Randall
216 Mohawk
Rexburg, ID 83440

Dear Ms. Randall:

Re: Permit No. 22-7334

The department received the request for extension of time submitted on September 20, 1985. Before I consider further action on the request, I need some clarification.

The proposed use of water from Moody Creek is for domestic use for five households. I'm assuming the water is diverted from Moody Creek for irrigation of the lawns around the five houses.

If the project is complete, that is, all you need to do is install the pump from irrigation season to irrigation season, then you can submit the proof of beneficial use form. The department will conduct the field examination during the irrigation season. Enclosed is a proof of beneficial use form for your convenience.

If, however, this is not the case and you wish the department to consider the extension request, please do not return the proof form. If I have not received the proof form by February 1, 1986, I will continue processing the extension request.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records manager

MICROFILMED

Ray W. Rigby
of RIGBY, THATCHER, ANDRUS,
RIGBY & PERKES, Chartered
Attorneys at Law
25 North Second East
Rexburg, Idaho 83440
Telephone: 208 356-3633

Attorneys for Petitioner

CERTIFICATE
I HEREBY CERTIFY THE FOREGOING
INSTRUMENT TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL
ON FILE IN MY OFFICE.

DATED MAY 30 1985

NELLIS H. GARNER
Madison County Clerk, Auditor
and Recorder, Clerk of the
District Court

by md Bell
Deputy

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF MADISON
MAGISTRATES DIVISION

IN THE MATTER OF THE ESTATE OF)

H. J. RANDALL,)
aka H. Jack Randall,)
aka Horace John Randall,)
aka Horace J. Randall,)

Deceased.)

Case No. CVP-5499

LETTERS TESTAMENTARY

The will of H. J. Randall, deceased, having been
proved and admitted to probate in the above named court in
informal proceedings, GLADYS RANDALL, who is duly qualified,
and the person who is named personal representative by said
will, is hereby appointed personal representative.

WITNESS: Honorable Brent J. Moss, Magistrate of the
District Court, County of Madison, State of Idaho, with the
seal of the court affixed this 25th day of April, 1985.

/s/ Brent J. Moss

Brent J. Moss, Magistrate

STATE OF IDAHO,)
 ss.
County of Madison.)

I hereby accept the duties of personal representative of the estate of H. J. Randall and do solemnly swear that I will perform, according to law, the duties of personal representative.

Gladys Randall
Gladys Randall

Subscribed and sworn to before me this 25th day of April, 1985.

/s/ Brent J. Moss
Brent J. Moss, Magistrate



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

EXTENSION OF TIME

September 27, 1985

Gladys Randall
216 Mohawk
Rexburg, ID 83440

PERMIT NO. 22-7334, H. J. Randall, dec'd

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 37163.

Roberta Garrett
Records Supervisor

Enclosure

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

S T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138283

RANDALL, H. J.
216 MOHAWK
REXBURG, ID 83440

PROOF DUE NOTICE

AUGUST 31, 1985

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 22-7334 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE NOVEMBER 01, 1985. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A FORM WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE FORM OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

RANDALL, H. J.
216 MOHAWK
REXBURG, ID 83440

NOVEMBER 20, 1980

RE: PERMIT NO. 22-7334

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

MICROFILMED

WATERMASTER COMMENTS

I have reviewed Application for Permit No. 22-7334 and have the following comments/objections to the approval of this application for permit:

I do not believe the application is appropriate. If the concern is with irrigation rights on Moody Creek The Randall Corp. will not have anything in the summer unless they condemn part of Jeppesen's water right.

Oct 1, 1980 Ronald D. Carlson

Date

RONALD D. CARLSON, WATERMASTER
Water District No. 01

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

DIVISION OF ENVIRONMENT
636 Pershing
Pocatello, Idaho
83201

25 September 1980

H. J. Randall
216 Mohawk
Rexburg, Idaho 83440

Re: Application #22-6334
(Madison County)

Dear Mr. Randall:

We have been apprised of your application for a permit to appropriate the public waters of the State of Idaho to provide domestic water to five families (individual connections).

By regulation this water system is defined as a private system, not subject to the jurisdiction of this Department; however, omission from our jurisdiction does not preclude compliance with any local requirements. Further, you should be aware that expansion of water service to ten or more individual connections changes the classification of the system to "public" at which time you would be expected to meet the requirements of the Idaho Regulations for Public Drinking Water Systems. The regulations set forth the minimum requirements for construction, water quality, monitoring, and maintenance and operation. On the premise that at some future date you wish to provide additional service, I would encourage you to conform with the regulations at this time relative to the construction of the facility.

Enclosed is a copy of the regulations for your information. If you have any questions, please do not hesitate to contact our office.

By copy of this letter, we are advising the District Seven Health Department of your proposed construction.

Sincerely,

Henry L. Moran, P.E.
Environmental Supervisor

HLM/md
Enc.

CC: ~~Ernest Carlsen~~, DWR, Idaho Falls
Richard Horne, Rexburg

RECEIVED

SEP 29 1980

MICROFILMED
Department of Water Resources
Eastern District Office

EQUAL OPPORTUNITY EMPLOYER

September 17, 1980

RE: Application for Permit No. 22-7334 RANDALL

Mr. Henry Moran
Environmental Supervisor
Department of Health & Welfare
636 Pershing
Pocatello, Idaho 83201

Dear Mr. Moran:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is October 6, 1980, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:cw:kw

Enclosure

MICROFILMED

September 12, 1980

RE: Application for Permit No. 22-7334

H. J. Randall
216 Mohawk
Rexburg, ID 83440

Dear Mr. Randall:

Attached herewith is Departmental Receipt No. 16001 in the amount of \$30.00 for the above referenced application.

Sincerely,

KAY WALKER
Secretary

RECEIVED
SEP 15 1980
BUREAU OF LAND MANAGEMENT
SALT LAKE CITY

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

RECEIVED

OCT 6

Department of Water Resources
Eastern District Office

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Bruce Porter
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Journal, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

Notice Of Application No. 22-7334

a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for two
consecutive issues, the first publication hav-

ing been made on Sept. 18, 1980
and the last publication having been made

on Sept. 25, 1980

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 sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

Bruce Porter

Subscribed to and sworn to before me

this Sept. 26, 1980

Eric Garner

Notary Public.

My commission expires life.



RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

SEPTEMBER 11, 1980

The Standard Journal
P. O. Box 10
Rexburg, Idaho 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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 billings to this office before OCTOBER 6, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before OCTOBER 6, 1980.

C. STEPHEN ALLRED

Director

Published 9/18 & 9/25/80.

MILWAUKEE

22-7334

RANDALL, H. J.

216 MOHAWK, REXBURG, ID 83440

Source: MOODY CREEK tributary to TETON RIVER

Date Filed: 09/10/1980

Amount: 0.10 CFS

Diversion Point: NESE Sec 09 T 05N R 41E, MADISON Co.

Use: DOMESTIC (0.10 CFS) from 01/01 to 12/31

Place of Use: NESE Sec 09 T 05N R 41E

Diversion Means: PUMP & PIPELINE.

MICROFILMED

September 8, 1980
216 Mohawk
Rexburg, Idaho 83440

Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Gentlemen,

I enclose Application for Permit to Appropriate the
Public Waters of the State of Idaho, together with the
check of Randall Corporation for \$30.00 to cover the filing
fee.

Please let me know if you have any questions. Thank you.

Yours very truly,


H. J. Randall

sh
Enclosures

RECEIVED

SEP 10 1980

Department of Water Resources
Eastern District Office

MICROFILMED