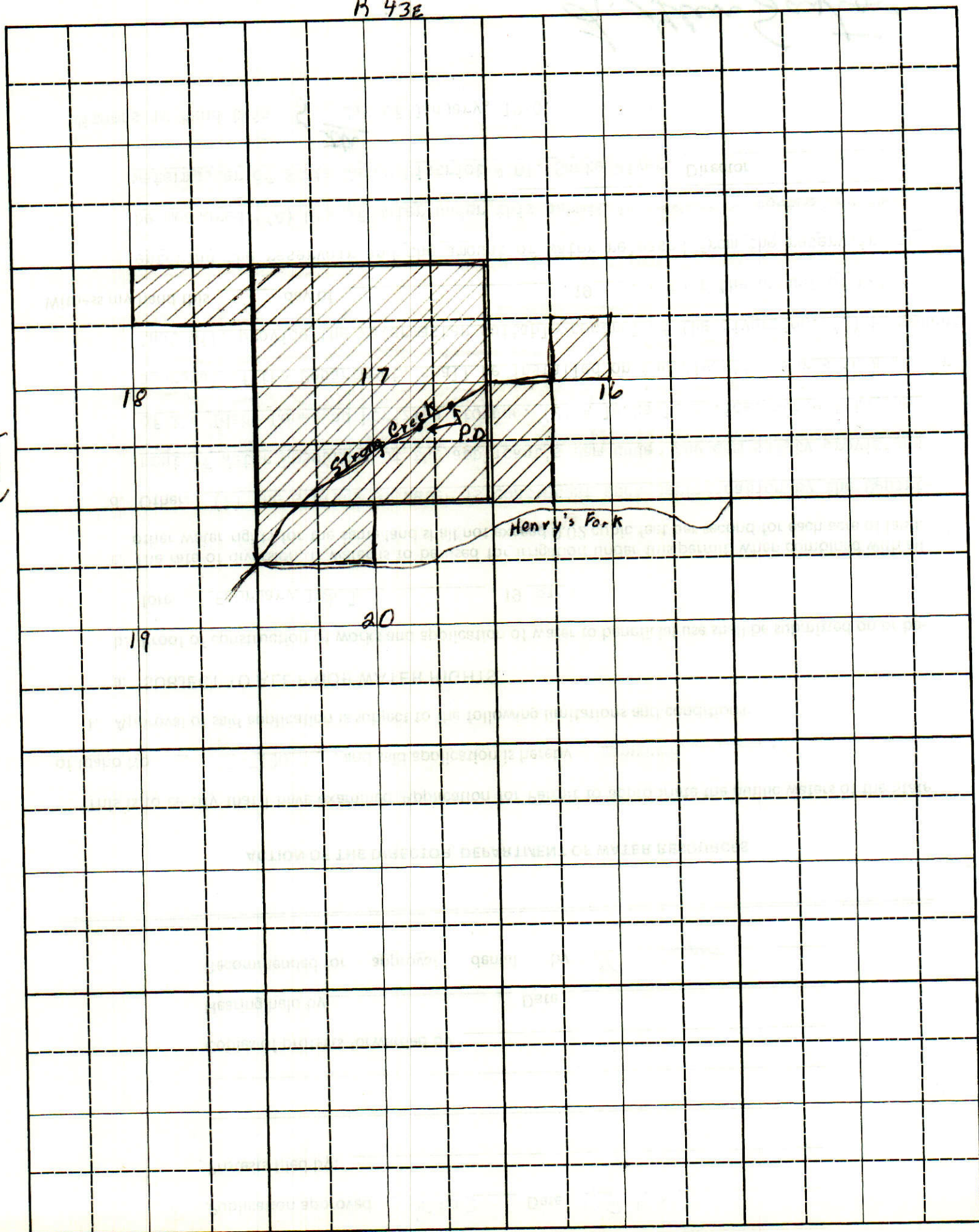


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

R 43E

T 9 N



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.

Edward L. Howell
(Applicant)

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

ss.

Carol Bessey

being first duly sworn, upon ~~his~~^{her} oath, deposes and says:

That she is the *editor*.....
of The Ashton Herald, a newspaper
as defined by Idaho Codes Anno-
tated, section 58-106, as amended,
and that said newspaper is a
weekly newspaper printed and
published at St. Anthony, in Fre-
mont County, Idaho, having a
general circulation in said county,
and that said newspaper has been
printed and published as a weekly
newspaper in said county for more
than 78 consecutive weeks prior to
the first publication of the attached
notice, advertisement or publica-
tion of

*Notice of Application
for Water Rights
#21-7190 (Howell)*

And affiant further says that said
notice, advertisement of publica-
tion, 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 *3*.....

day of *January*, 19*80*

and the last publication on the

10.....day of *January*

19*80*.

And affiant further says that at the
times herein mentioned said news-
paper was made up of at least four
pages of at least five columns each,
printed from type matter, of at
least seventeen and three-fourths
inches deep.

Carol H. Bessey
Subscribed in my presence and

sworn to before me this *15th*.....

day of *January*

19*80*

William M. Hansen

Notary Public for the
[SEAL] State of Idaho, residence
and post office address:
~~St. Anthony, Idaho.~~
Ashton

NOTICE OF APPLICATION
FOR WATER RIGHTS

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. 21-7190
Applicant: HOWELL, EDWARD G.; BOX 216,
ASHTON, ID 83420
Source: STRONG CREEK tributary to SNAKE
RIVER, HENRYS FORK

Dated Filed: 12/20/1979
Amount: 5.00 CFS 20.0 AC-FT
Diversion Point: NESE NWSE Sec 17 T 09N
R 43E, FREMONT Co.

Use: IRRIGATION FROM STORAGE (5.00
CFS) from 04/01 to 11/01; IRRIGATION
STORAGE (20.0 AC-FT) from 01/01 to 12/31

Place of Use: SENW NWSW SWSW Sec 16 T
09N R 43E NENE NWNE SWNE SENE NENW
NWNW SWNW SENW NESW NWSW SWSW
SESW NESE NWSE SWSE SESE Sec 17 T
09N R 43E NENE NWNE Sec 18 T 09N R 43E
NENW NWNW Sec 20 T 09N R 43E FOR 920
ACRES

Diversion Means: EARTH DAM, PUMPS AND
SPRINKLER SYSTEM

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 JANUARY 21, 1980.

C. STEPHEN ALLRED
Director

Publ. Jan. 3 and 10, 1980 AH

*ok
kw
1/22/80*

RECEIVED

JAN 17 1980

Department of Water Resources
Eastern District Office

MICROFILMED

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT C.F.S.
~~Original Permit~~	~~21-7190~~	~~Edward G. Howell~~	~~5.0 cfs~~
Full Assignment	21-7190	John Haggon	5.0 cfs
Full Assignment	21-7190	Edward G. Howell	5.0
Full Assignment	21-7190	Valley Bank	5.0

MICROFILMED

AUG 21 1989

State of Idaho

525-7161

Department of Water Resources

JUN 12 1989

ASSIGNMENT OF PERMIT

Department of Water Resources

I, Steven A. Hoskins, hereby assign to Valley Bank
of 501 Broadway, Idaho Falls, Idaho 83402
Address

All my right, title, and interest in and to Permit No. A 21-07190
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. A 21-07190 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)

Made this 8th day of June, 19 89.

by Valley Bank as Receiver for Ed Arnold
Permit Holder Steven A. Hoskins
General Counsel
Spouse of Permit Holder

State of Idaho)
County of Bonneville) ss

On this 8th day of June, 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.

Barbara W. Walsh

s e a l

Notary Public residing at
Idaho Falls

My commission expires:
3/26/91

MICROFILMED

AUG 21 1989

APR 3 1987

ASSIGNMENT OF PERMIT

Department of Water Resources
Eastern District Office

Department of Water Resources

I, John Bygga, hereby assign to Edward C Howell
of Bx 216 Ashton ID
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 217190
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. _____ 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)

Made this 3rd day of April, 19 87.

[Signature]
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of Bonneville) ss.

On this 3rd day of April, 19 87, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he ~~(she)~~ (he) executed the same.

seal

[Signature]
Notary Public residing at
Idaho Falls, ID

MICROFILMED

My commission expires:
5/29/1991

MAY 07 1987

RECEIVED

State of Idaho
Department of Water Resources

AUG 18 1981

ASSIGNMENT OF PERMIT

Department of Water Resources

I, Edward L. Howell, hereby assign to John Haggan
of Ashton Idaho Address _____

CHECK ONE



All my right, title, and interest in and to Permit No. 21-7190 / 21-7133
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. _____ 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)

Made this _____ day of _____, 19 _____.

Edward L. Howell
Permit Holder

Rebecca Pauline Howell
Spouse of Permit Holder

State of Idaho)
County of Fremont) ss.

On this 11th day of August, 19 81, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Linda Sheldon
Notary Public residing at
Ashton, Idaho

My commission expires:
life

RECEIVED

AUG 12 1981

Department of Water Resources
Eastern District Office

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 EDWARD G. HOWELL Phone 652-3515
Post office address Box 216, Ashton, ID 83420
2. Source of water supply Strong Creek which is a tributary of Snake River, Henrys Fork
3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17 Township 9N
Range 43E B.M. Fremont County, additional points of diversion if any: _____
NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, T. 9N, R. 43E

4. Water will be used for the following purposes:

Amount 20 AF for ~~storage for~~ irrigation purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 5.0 cfs for irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 5.0 cubic feet per second and/or b. 20* acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Two Cornell electrical pumps
1 - 100HP, 1-175HP pumping water to field through 8 quarter mile laterals.
diversion
b. Height of ~~storage dam~~ 15 feet, active ~~reservoir~~ capacity 20 acre-feet; total ~~reservoir~~
capacity 26 acre-feet, materials used in storage dam: earth
* 4/1 11/1
Period of year when water will be diverted to ~~storage~~ 1/1 to 12/31 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 1 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

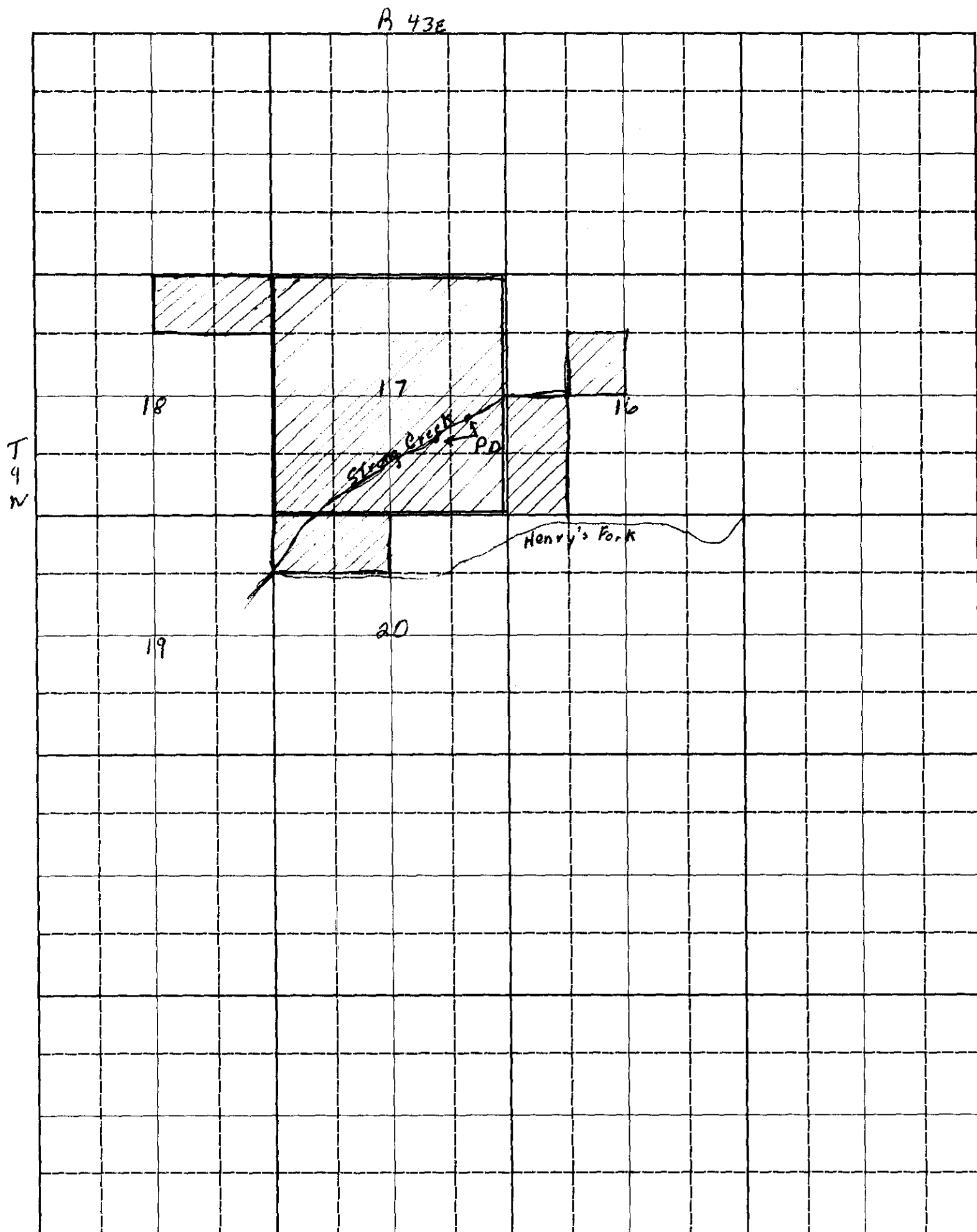
a. If water is not for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ horsepower under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(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: _____

* The 20 A.F. should not be considered as storage but rather as part of the diversion works. 2-4-80 J.J.

MICROFILMED

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.

Edward L. Howell
(Applicant)

Expedited Priority

2/20/79

Received by J.C. Date 12/20/79 Time 12:00 AM.

Preliminary check by J.C. ARK. Fee \$ 75.00

Received by kw Date 12/20/79 # 15465

Publication prepared by kw Date 12/27/79

Published in Ashton Herald

Publication dates 1/3/80 & 1/10/80

Publication approved kw Date 1/22/80

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC Jim

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. 21-7190, 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 March 1, 19 81.
- 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 storage of water is contingent upon certification by the Department of Water Resources of the applicant's dam under the dam safety provisions of the Idaho Code, authorizing storage. (2) A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works. (3) The permit holder must obtain adequate supplemental water for the irrigation season that natural flow is not available.
(4) Use of water under this permit is subject to control by the watermaster of State Water District # 01, Snake River.

Witness my hand this 5th day of February, 1980.

L. Glen Saylor
Chief, Operations Bureau

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

ss.

being first duly sworn, upon this
oath, deposes and says:

That she is the
of The Ashton Herald, a newspaper
as defined by Idaho Codes Anno-
tated, section 58-106, as amended,
and that said newspaper is a
weekly newspaper printed and
published at St. Anthony, in Fre-
mont County, Idaho, having a
general circulation in said county,
and that said newspaper has been
printed and published as a weekly
newspaper in said county for more
than 78 consecutive weeks prior to
the first publication of the attached
notice, advertisement or publica-
tion of

And affiant further says that said
notice, advertisement of publica-
tion, as per clipping attached, was
published in said newspaper, in the
regular and entire issue thereof,
and not in any supplement issue
thereof, for consecutive
issues thereof; first publication

having been made on the

day of, 19..

and the last publication on the

...day of

19..

And affiant further says that at the
times herein mentioned said news-
paper was made up of at least four
pages of at least five columns each,
printed from type matter, of at
least seventeen and three-fourths
inches deep.

Subscribed in my presence and

sworn to before me this 15th

day of January,

19..80

Notary Public for the
[SEAL] State of Idaho, residence
and post office address:
St. Anthony, Idaho.
Ashton

NOTICE OF APPLICATION
FOR WATER RIGHTS

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. 21-7190

Applicant: HOWELL, EDWARD G.; BOX 218,
ASHTON, ID 83420

Source: STRONG CREEK tributary to SNAKE
RIVER, HENRYS FORK

Dated Filed: 12/20/1979

Amount: 5.00 CFS 20.0 AC-FT

Diversion Point: NESE NWSE Sec 17 T 09N
R 43E, FREMONT Co.

Use: IRRIGATION FROM STORAGE (5.00
CFS) from 04/01 to 11/01; IRRIGATION
STORAGE (20.0 AC-FT) from 01/01 to 12/31

Place of Use: SENW NWSW SWSW Sec 16 T
09N R 43E NENE NWNE SWNE SENE NENW
NWNW SWNW SENW NESW NWSW SWSW
SESW NESE NWSE SWSE SESE Sec 17 T
09N R 43E NENE NWNE Sec 18 T 09N R 43E
NENW NWNW Sec 20 T 09N R 43E FOR 920
ACRES

Diversion Means: EARTH DAM, PUMPS AND
SPRINKLER SYSTEM

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 JANUARY 21, 1980.

C. STEPHEN ALLRED
Director

Publ. Jan. 3 and 10, 1980 AH

RECEIVED

JAN 17 1980

Department of Water Resources
Eastern District Office

August 14, 1989

RE: Permit Nos. 21-7190/7133

Valley Bank
501 Broadway
Idaho Falls, Idaho 83402

Dear Water Right Holders:

We acknowledge receipt of the correspondence transferring ownership of the above referenced water rights to you. We have modified our computer records to reflect this change in ownership.

We assume you are aware of requirements remaining to finalize the permits into licenses.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:at

MICROFILMED

AUG 21 1989

MEMORANDUM

TO: Jim Johnson, File No. 21-7190, 21-7133
FROM: Gary Spackman *Gary*
DATE: July 26, 1989

Valley Bank submitted a large number of documents in an attempt to show ownership of permits nos. 21-7190 and 21-7133. The documents included two assignment of forms, purporting to assign the permits from Steven A. Hoskins to Valley Bank. The assignments list the permits as adjudication claims with a leading "A". In addition Valley Bank submitted an order confirming chapter 11 plan issued by the bankruptcy court, and a certificate of sheriff's sale.

The certificate of sale is the important document in assigning the permits. Beginning on page two of the certificate of sale, in the last paragraph, the sheriff of Fremont County attests that real property owned by Edward G. Howell was purchased by Valley Bank at a sheriff sale. On page three, the property purchased is described. In the lower portion of the description, it states that the land was sold "with all water and water rights used upon or appurtenant set lands, and however evidenced, including but not limited to Permits Nos. 21-7190 and 21-7133" The certificate of sale does not refer to the adjudication claim.

Recognition of the certificate of sale as the document evidencing assignment negates the necessity for the assignment documents purporting to assign the rights from Steven Hoskins to Valley Bank. Furthermore, Mr. Hoskins is not an owner in the chain of title, at least by analysis. The two assignment documents are not important.

Please change the current owner for permits nos. 21-7190 and 21-7133. A carbon copy of this memo will be forwarded to adjudication for their reference.

Microfilm

AUG 21 1989



VALLEY BANK

501 BROADWAY • IDAHO FALLS, IDAHO 83402 • TELEPHONE (208) 525-6248

STEVEN A. HOSKINS
GENERAL CORPORATE COUNSEL

May 12, 1989

State of Idaho
Department of Water Resources
150 Shoup, Suite 15
Idaho Falls, Idaho 83402

Dear Sirs:

Attached to the enclosed Assignment of Permit is a true and correct copy of an Order Confirming a Chapter 11 Plan. In order to save some time, please be advised that Ed and Pauline Howell filed for relief under Chapter 11 of the United States Bankruptcy Code and a Plan of Liquidation was approved by the Court, Nunc pro tunc, for May 12th, 1988. That Plan provides that Valley Bank would liquidate the assets of Mr. and Mrs. Howell for the satisfaction of their creditors. In addition, on April 3rd, 1989, Valley Bank purchased at a Sheriff's sale all of the right, title and interest of the debtors in the real property, for which this water is diverted, including all water rights.

I also enclose for your perusal, a photocopy of the Sheriff's Certificate of Sale. These items should be sufficient to authorize Valley Bank to obtain an assignment of the permit on the real property for the water rights and real property represented by Permit Number 217190217133.

If you have additional questions, please do not hesitate to contact me.

Sincerely yours,

Steven A. Hoskins
Attorney for Valley Bank

SAH/lbb

Enclosures

1481-N

MICROFILMED

AUG 21 1989

Steven A. Hoskins
Attorney at Law
501 Broadway - P. O. Box 51270
Idaho Falls, Idaho 83405-1270
Telephone: (208) 525-6248

U.S. DISTRICT COURT
Bankruptcy Div. - Dist. of Idaho
Filed at 5:00 P M

SEP 07 1988

JERRY L. CLAPP, Clerk

By OT, Deputy

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO

IN RE:	)	
	)	Chapter 11
EDWARD G. HOWELL,	)	
PAULINE R. HOWELL,	)	Case No. 87-02363-K
	)	
	)	ORDER CONFIRMING
Debtors.	)	CHAPTER 11 PLAN
	)	
	)	

THIS MATTER having come on for hearing the 6th day of April, 1988, at the hour of 1:30 o'clock p.m. pursuant to Order of the above-entitled Court Shortening Time for Notice dated the 17th day of March, 1988, for consideration of Valley Bank's Confirmation of Plan of Reorganization; and the creditors of the debtors having received a copy of the Amended Disclosure Statement and Plan, which Amended Disclosure Statement having been approved by Order of the above entitled Court; and,

IT HAVING BEEN DETERMINED THAT:

1. The Plan of Valley Bank dated November 30, 1987, complies with the applicable provisions of Chapter 11 of the

ORDER CONFIRMING CHAPTER 11 PLAN - 1

AUG 21 1989

United States Bankruptcy Code, including specifically 11 U.S.C. §1122, 11 U.S.C. §1123 and 11 U.S.C. §1125; and,

2. That the plan proponent Valley Bank complied with all applicable provisions of the United States Bankruptcy Code; and,

3. That the Plan has been proposed in good faith and not by any means forbidden by applicable law; and,

4. Each holder of a claim or interest has accepted the Plan or will receive or retain under the Plan property of a value, as of the effective date of the Plan, that is not less than the amount that such holder would receive or retain if the debtors were liquidated under Chapter 7 of the United States Bankruptcy Code on such date, and that the Plan is fair and equitable and does not discriminate unfairly to any class of claims, and that there are no impaired classes under the Plan that have rejected the Plan; and,

5. That as a result of the small size in terms of numbers of creditors of this case, no creditors committee has been appointed; and,

6. Pursuant to §1129(a)(4) all payments to be made by the plan proponent Valley Bank in connection with the Plan and incident to the case have been disclosed to the above entitled court or are subject to future court approval; and,

7. The requirements of 11 U.S.C. §1129(a)(4) have been met in that the debtors in this case are individuals,

MICROFILMED

thereby obviating the need for identifying directors and insiders; and,

8. The requirements of §11 U.S.C. 1129(a)(6) of rate approvals by appropriate governmental authorities are likewise not applicable in this case; and,

9. With respect to each class, each holder of a claim or interest of such class has accepted the Plan or will receive or retain under the Plan on account of such claim or interest property of a value, as of the effective date of the Plan, that is not less than the amount that such holder would so receive or retain if the debtor were liquidated under Chapter 7 of the United States Bankruptcy Code; and,

10. No creditor has made an election pursuant to 11 U.S.C. §1111(b)(2) of the United States Bankruptcy Code; and,

11. With respect to each class, such class has accepted the Plan, or such class is not impaired under the Plan; and,

12. With respect to a claim of the kind specified in §§507(a)(1) or 507(a)(2), none of which have been filed to date, but should such claims be filed on the effective date of the Plan, the holder of such claim will receive on account of such claim cash equal to the allowed amount of such claim.

13. With respect to a class of claims of the kind specified in §§507(a)(3), 507(a)(4) or 507(a)(5) of the Code, none of which have yet been filed, but to the extent that

MICROFILMED

AUG 21 1989

c. to enforce all causes of action which may exist on behalf of the debtors;

d. to hear and determine controversies concerning all property of the debtors in proceedings arising in or related to cases under the Bankruptcy Code involving the debtor;

e. to hear requests for, and grant compensation for, costs and expenses of administration; and,

f. to hear and determine any request for the rejection or assumption of executory contracts and unexpired leases or claims for damages arising therefrom.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

The plan filed by Valley Bank on December 1, 1987, a copy of which is attached hereto, is confirmed in all respects.

DATED this ____ day of April, 1988.

Signed September 7th more pro tunc for May 12th 1988

Edward J. Brady
United States Bankruptcy Judge

0423-S

ORDER CONFIRMING CHAPTER 11 PLAN - 5

MICROFILMED

AUG 21 1989

SEP 07 1988

UNITED STATES BANKRUPTCY COURT By AT, Deputy
DISTRICT OF IDAHO

Debtor(s) .

9/87 (1135)

PLAN OF REORGANIZATION

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO

IN RE:

EDWARD G. HOWELL and
PAULINE R. HOWELL,

CHAPTER 11

CASE NO. 87-02363-K

COURT COPY
DO NOT REMOVE

MICROFILMED

AUG 21 1989

Valley Bank, a secured creditor of the above-named debtors, and the proponent in the above-referenced case proposes the following plan:

I. Definitions

1.01 Terms and Phrases. As used in this Plan, the following terms or phrases shall have the meanings set out after them:

(a) "Appraiser's Report" shall refer to appraisals performed on behalf of Debtors or on behalf of the Plan proponent.

(b) "Bankruptcy Code" shall mean the law relating to bankruptcy codified and enacted November 6, 1978, as Title 11 of the United States Code, entitled "Bankruptcy", as amended as of the date of this Plan.

(c) "Bar order date" shall mean the date by which all "claims" as defined in the Bankruptcy Code were required to be filed.

(d) "Case" shall mean Case No. 87-02363-K.

(e) "Chapter 11" shall mean Chapter 11 of the Bankruptcy Code.

(f) "Claim" shall mean any "claim" against the debtors (as hereinafter defined), or "claim against the debtor," as defined in the Bankruptcy Code, which has been duly scheduled, listed or timely filed, and is allowed and ordered paid by the Court. Any debt (or "claim" as defined in the Bankruptcy Code), whether or not it is contingent,

liquidated or disputed, which is asserted or assertable or which has been scheduled, listed or filed, but which, in either event, has not been allowed, in whole or in part, or which was required to be filed but was not timely filed, shall not be treated as a "claim" nor shall its holder be treated as a "claimant" for purposes of voting or distribution with respect to that claim and that claim shall be forever barred and its holder not entitled to accept or reject any plan or to share in any distribution from this estate.

(g) "Claimant" shall mean any holder of a claim as that term is defined in this Plan. See also, subsection 1.01(f) above.

(h) "Confirmation" shall mean entry of the Court of a final order confirming the plan in accordance with Chapter 11.

(i) "Consummation of the Plan" shall mean the accomplishment of all things contained, or provided for, in the plan and entry of an order of the court finally closing this case.

(j) "Commencement" shall mean the initiation of voluntary Chapter 11 proceedings by the debtors in this case on July 31, 1987, (the "commencement date").

(k) "Costs and expenses of administration" shall mean administration expenses allowable under §503 of the Bankruptcy Code and given priority under §507(a)(1) of the Bankruptcy Code, from and after commencement, of the case.

MICROFILMED

AUG 21 1989

(l) "Court" shall mean the United States Bankruptcy Court for the District of Idaho.

(m) "Creditors" shall mean all holders of any "claim" or "claim against the debtor" as those terms are defined in the Bankruptcy Code, whether or not such claim is allowed or barred.

(n) "Custodian" shall have the meaning given in Section 5.02 of this Plan.

(o) "Debts" shall mean all claims as defined in this Plan plus all "claims" as defined in the Bankruptcy Code, whether allowed or disallowed, discharged or undischarged, disputed or for any reason unrecoverable, irrespective of their treatment herein.

(p) "Debtors" shall mean Edward G. Howell and Pauline Rebecca Howell, husband and wife, the Howells.

(q) "Effective date" shall mean that date on which confirmation becomes final and non-appealable.

(r) "Howell" shall mean Edward G. Howell and Pauline Rebecca Howell, husband and wife, debtors in Case No. 87-02363-K.

(s) "Holding account" shall have the meaning given to it at subsection 5.02 of this plan.

(t) "Interim account" shall have the meaning given in "means of execution" at subsection 5.02 of this plan.

(u) "Plan" shall mean this Chapter 11 Plan in its present form or as it may be modified.

(v) "Plan rate" shall have the meaning given in subsection 1.01 (aa) of this plan.

(w) "Priority claims" shall mean those claims which qualify as such under §507 of the Bankruptcy Code.

(x) "Secured claim value" shall mean the amount of a secured creditor's claim which is determined to be a secured claim in accordance with §506 of the Bankruptcy Code.

(y) "Secured creditor(s)" shall mean any creditor(s) of the debtors which holds a security interest or indenture with respect to any property of the debtors that was properly perfected as required by law prior to the commencement date.

(z) "Value" "With respect to any claim or debt", shall mean the allowed or allowable outstanding principal amount, plus adjustments such as costs as provided in Section 506 of the Bankruptcy Code ("where applicable") less such adjustments as are deducted pursuant to this plan, multiplied by an interest rate (the "plan rate") equal to the treasury bill or note rate (whichever is lower) applicable for the period of time involved.

(aa) "Valley Bank" shall mean the proponent.

1.02. All other words or phrases in the Plan have the definitions or constructions given in the Bankruptcy Code.

II. Classification of Claims

No presumption or waiver. The proponent has, in good faith, classified the debts and creditors scheduled by debtors, without waiving any defenses thereto or allowing any

presumption as to allowability. Claims are classified as follows:

2.01 Class A-1. All claims for costs and expenses of administration.

2.02 Class A-2. All claims entitled to priority by Sections 507(a)(3) and 507(a)(4) of the Bankruptcy Code.

2.03 Class A-3. All tax claims of governmental units to the extent they are entitled to priority under Section 507(a)(6) of the Bankruptcy Code.

2.04 Class B-1. The secured claim, to the extent of its secured claim value, of the Federal Land Bank, 217 North 2nd East, Rexburg, Idaho 83440.

2.05 Class B-2. The secured claim, to the extent of its secured claim value, of the Valley Bank, 2 South 5th Street, P. O. Box 348, Ashton, Idaho 83420.

2.06 Class B-3. The secured claim, to the extent of its secured claim value, of Farmers Home Administration, 24 South 2nd East, Rexburg, Idaho 83440.

2.07 Class B-4. The secured claim, to the extent of its secured claim value, of GMAC, P. O. Box 1807, Idaho Falls, Idaho 83403.

2.08 Class C. All other claims not otherwise classified, including all unsecured claims without priority, as such claims existed on the commencement date, which, as of the bar order date, were timely filed as required (except where such filing was impossible, and in that event, as

provided herein or ordered by the Court), including: (i) claims exceeding the limits of §507(a)(3)(B) of the Bankruptcy Code; (ii) claims for contributions to employee benefit plans which do not qualify as priority claims; (iii) claims which may arise out of the rejection of executory contracts or unexpired leases; (iv) secured creditors' claims to the extent that the Court finds the same unsecured in whole or in part; and (v) claims for damages arising from the rejection of executory contracts and leases.

III. Treatment of Classes of Claims Not Impaired

3.01 Class A-1 claims shall be paid cash equal to the amount of such claims on the effective date or on such other date as the Court may order, except to the extent that the holder of a particular claim has agreed to a different treatment of such claim. See "means for execution" at subsection 5.03 below.

3.02 Class A-2 claim holders shall receive on account of their claims cash payments, pro-rata according to the amount of such debt as of the assessment date, less any taxes required to be withheld or collected. Interest and penalty charges will be paid in the event the debtors are solvent upon substantial consummation, but otherwise are treated as Class C claims. See "means for execution" at subsection 5.04 below.

3.03 Class A-3 claim holders shall receive deferred cash payments over a period of six (6) months, according to

the allowed amount of such debt as of the effective date (with the exception of withholding taxes arising from Class A-2 payments, if any). See "means for execution" at subsection 5.06 below.

IV. Treatment of Claims or Interests That Are Impaired

4.01 Type B Claims (classes B-1 through B-4) shall be treated as follows on the effective date, or such other date as the Court may order, except to the extent that the holder of a particular claim has agreed to a different treatment of such claim. In any event, the Plan leaves unaltered the legal, equitable, and contractual rights to which such claim or interest entitles the holder of such claim or interest.

Type B claim holders shall receive the following treatment.

(a) Upon the effective date, this Plan has the effect of vesting in each type B claim holder, on account of their claim(s) such property of the estate as is in the possession of each type B claim holder by rightful exercise of such claimant's security interest(s) (i) pre-petition or (ii) post-petition under an appropriate order for relief entered by the Court, and reducing all such claims by the value of such property (based on the appraiser's report, or as outlined in debtors' schedules, or the order of this Court, whatever the case may be);

MICROFILMED

AUG 21 1989

(b) Upon the effective date, each type B claim holder shall be vested on account of each such claim, with all other properties in which the estate has an interest or that is subject to setoff, provided that (i) such property is subject to a valid and perfected security interest of that type B claim holder; (ii) the value of the estate's interest in such property is equal to or less than (according to the appraiser's report, the schedules of the debtor, or order of this Court, whatever the case may be) the secured claim value of the secured creditor holding the claim to which such property is subject; (iii) such property is not transferred or to be transferred to any other entity by operation of this Plan; and (iv) such vesting shall be conditioned on an accounting by such claimant of any property of the estate or proceeds of such property that, at any time, came into the possession, custody or control of such type B claim holder, to be filed with the Court prior to substantial consummation of the Plan or at such other date as the Court may establish.

(c) Upon the sale (which shall be at the discretion of the proponent subject to approval by the Court), subject to §363(k) of the Bankruptcy Code, of any property that is subject to a lien securing a claim held by a type B claimant, free and clear of such lien, such lien shall attach to the proceeds of such sale.

4.02. Class C claim holders shall receive deferred cash payments, pro-rata according to the amount of such

claims as of the effective date on the condition and only in the event that a surplus is available after distribution to all claim holders of classes A-1, A-2, A-3 and B-1 through B-4. A number of uncertainties (including the ultimate sum of class C claims and the sale prices actually realized for property) affect the probability of such a surplus, if any. Class B-1 through B-4 claim holders may have unsecured claims, in whole or in part, in the event that the sale of the assets of the debtors are insufficient to satisfy those claims in full.

V. Means for Execution

5.01 The proponent, subject to approval by other Class B claimants and the Court, shall liquidate all of the assets of the debtors as expeditiously as is commercially reasonable. Such approvals shall be deemed granted hereby if net proceeds of any sale exceed the value of the property sold as set forth in the appraiser's report, the scheduled value by the debtors, or order of this Court, adjusted by the plan rate prevailing for the period from the date of such report to the date of such sale. The proceeds of such liquidations shall be transferred to the holding account upon receipt.

5.02 A holding account shall be created at a federally insured bank selected by proponents to receive deposits from time to time of all cash collateral immediately upon receipt of such cash collateral by debtors or proponents

MICROFILMED

AUG 21 1989

from the sale of debtors' assets. At no time shall the holding account balance exceed \$25,000.00. The proponent or its designee shall have signature authority subject to court approval (except for transfers to the interim account and distributions pursuant to the provisions of this plan, which shall be deemed approved by confirmation of this plan) for all withdrawals (the "signatory"). The signatory of the holding account shall pay \$20,000 to the Valley Bank Trust Department (The Custodian) as the Custodian at any time after the effective date that the deposits in the holding account reach \$25,000. Such funds shall be deposited in an interim account specially created for administration of this plan and with respect to which only the signatory shall have withdrawal or investment authority.

Interest earned on the holding account and the interim account deposits shall be retained in the interim account for distribution pursuant to this Plan. All fees or service charges due and owing for the holding account and the interim account shall be paid from such account upon allowance by the court of a class A-1 Proof of Claim with respect to such claim.

Distributions from the holding account and the interim account shall be made exclusively as provided in this Plan. All cash distributions shall be made from the interim account. No other distributions from either account shall be made.

5.03. Class A-1 claim holders shall receive full payment as those claims come due provided that "claims" required by the Bankruptcy Code to be approved by the Court shall be paid the amount of such claims allowed and ordered paid by the court after notice and a hearing.

5.04. Class A-2 claim holders shall receive, on account of such claims, cash payments (deferred or otherwise, according to the availability of proceeds from sales of assets, consent of the claimant, and total claims allowable after the bar order date), of a value equal to the priority claim, pro-rata, according to the amount of such priority claim as of the effective date, less any taxes required to be withheld or collected. In addition to tendering written withdrawals of proofs of claim, in order to be eligible for a distribution hereunder, a class A - 2 claim holder must deliver to the custodian, within (90) days of the effective date, any negotiable instruments respecting such claim or an affidavit of loss, satisfactory to counsel for the proponent, with indemnification verifying the amount of said claim, and indemnifying the estate against any claim on a negotiable instrument or statutory lien arising from or related to such claim.

5.05 Upon presentment of all original, cancelled promissory notes, negotiable instruments and collateral (except such collateral as is transferred pursuant to subsection 4.01(a) and 4.01(b) above) in such type B claim

MICROFILMED

holder's possession (or an affidavit of loss, with indemnity, with respect thereto) the holder of a claim included in classes B-1 through B-4, shall be (a) vested, on the effective date, with all of the estate's interest in such property where the value of the estate's interest is less than or equal to the value of such holder's type B claim; (b) the property subject to such holder's lien shall be sold promptly and such holder's lien shall attach to the proceeds, as provided in subsection 4.01 of this Plan; or (c) the holder of such claim shall retain its lien, securing such claim and shall receive deferred cash payments generally in conformity with the tenor of the original obligations.

5.06 If and to the extent that holders of all claims included in classes A-1, A-2 and B-1 through B-4 have been paid in full the value of such claims, the balance of the property of the estate shall be paid to the holders of claims in class A-3 over a six (6) month period.

5.07 If funds remain in the interim account after the distributions as set forth in subsection 5.03, 5.04, 5.05 and 5.06 have been substantially consummated, then the custodian, after notice and a hearing, shall distribute all such remaining funds to holders of class C claims pro-rata until all such claims are paid in amounts equal to the amount of such holder's claim(s).

If additional funds remain in the interim account after full satisfaction of all class C claims, then any undistributed funds remaining after notice and a hearing.

VI. Rejection of Contracts and Unexpired Leases

6.01 Each and every contract and unexpired lease which exists between the debtors and any entity, whether such contract be oral or in writing, which has not been rejected heretofore by order of the Court, is specifically rejected hereby.

6.02 For purposes of this Article VI, "contract" and "lease" are to be construed liberally to the full extent of 11 U.S.C. §365. Specifically, "contract" shall include executory options or leases of real property. Further, "contract" shall include any labor or employment agreement, and, for purposes of this Article VI, confirmation shall constitute a finding by the Court that all such collective bargaining agreements, labor contracts and other contracts (whether or not previously categorized) rejected hereby are onerous and burdensome, that assumption of any such contract would drastically prejudice the position of the unsecured creditors and would be without any business purpose, that the balance of equities favors rejection, and that the debtors acted in good faith.

6.03 Damages, if any, asserted by any entity as a result of the rejection of any contract or unexpired lease by operation of this Plan are required to be submitted to the

MICROFILMED

Court in the form of a proof of claim within (60) calendar days from the date of confirmation. If a proof of such claim is filed within sixty (60) days from the date of confirmation, the court shall, upon notice and hearing, fix the allowed amount of such damage, if any, and such claim shall be treated as a class C claim, irrespective of the date of entry by the debtors into such contract or lease. A claim which was not subject to the bar order on the bar order date, and which results from the rejection of any contract or lease hereunder will be forever barred from sharing in this estate or being treated as a creditor for purposes of voting or distribution if such proof of claim is not filed within thirty (30) calendar days from the date of confirmation.

6.04 Any lessee whose lease is rejected hereby shall have the option of negotiating assumption of the lease with the proponent and such assumption shall be at the sole discretion of the proponent subject to approval by the bankruptcy court.

VII. Effect of Confirmation

7.01 In addition to or in further elaboration of 11 U.S.C. §1141 of the Bankruptcy Code and of the provisions of this Plan, confirmation shall have the effect, upon the effective date, of:

(a) Constituting a finding by the court that the plan complied with the applicable provisions of Chapter 11; the proponent complied with the applicable provisions of

Chapter 11; the plan was proposed and accepted in good faith and not by any means forbidden by law; the plan is in the best interest of creditors as that concept is embodied in 11 U.S.C. §1129(a)(7) of the Bankruptcy Code; the plan is feasible; the votes cast with respect to the plan were properly made and procured; the plan does not discriminate unfairly; and the plan is fair and equitable with respect to each class of claims or interest that is impaired and has not accepted the Plan.

(b) Settling and releasing all claims of creditors of the debtors and transferring all such claims to the interim account and the holding account, provided such attachment is consistent with this Plan;

(c) Confirming all setoffs as to which no objection has been filed as of the effective date;

(d) Terminating all adversary actions and barring prosecution of any claim or suit against any entity subject to the jurisdiction of the court in this case and arising from or in any way related to the facts in this case;

(e) Granting all approvals set forth in this Plan as "deemed approved" upon confirmation; and,

(f) Making all orders of the court entered before the effective date in this case final.

VIII. Effective Consummation

8.01 Consummation of the Plan shall have the effect of:

- (a) Terminating all rights and interests of equity security holders of the debtor, if any;
- (b) Discharging the trustee, if any;
- (c) Closing the estate; and,
- (d) Making such other provisions by way of injunction or otherwise as may be equitable and ordered by the Court.

IX. Jurisdiction of the Court

9.01 Upon confirmation, the debtors, proponent and custodian, will carry out the sale of its business and property and the collection of its accounts receivable without further supervision of this Court, except as provided in this paragraph. After confirmation, and until consummation of the Plan, the Court shall retain jurisdiction to:

- (a) Insure that the purposes and intent of this plan are carried out;
- (b) Hear and determine claims against the debtors;
- (c) Enforce all causes of action which may exist on behalf of the debtors;
- (d) Hear and determine controversies concerning all property of the debtors in proceedings arising in or related to cases under the Bankruptcy Code involving the debtors;
- (e) Hear requests for, and grant compensation for, costs and expense of administration; and,

(f) Hear and determine any requests for the rejection or assumption of executory contracts and unexpired leases, or claims for damages arising therefrom.

RESPECTFULLY SUBMITTED this 30 day of November,
1987.

BY:

Jack K. Meikie
Jack K. Meikie

TITLE:

Executive Vice President

DATE:

11-30-87

Prepared By:

Steven A. Hoskins
Steven A. Hoskins
Counsel for Valley Bank
501 Broadway - P. O. Box 279
Idaho Falls, Idaho 83402
Telephone: (208) 525-6248

0219-S

J. D. Hancock
SMITH, HANCOCK & RAMMELL
Attorneys at Law
30 South 2nd West
P. O. Box 427
Rexburg, Idaho 83440
(208) 356-5493

Attorneys for the Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF FREMONT

THE FARM CREDIT SERVICES OF SPOKANE,
successor in merger to the Federal Land
Bank of Spokane,

Plaintiff,

v.

EDWARD G. HOWELL and REBECCA P. HOWELL,
husband and wife; DAVID TODD HOWELL and
TRENNA HOWELL, husband and wife;
SOUTHERN IDAHO SEED CO., INC., an Idaho
corporation; UNITED STATES OF AMERICA,
acting through the Farmers Home
Administration; VALLEY BANK, a
corporation; J. R. SIMPLOT COMPANY,
doing business as Simplot Soilbuilders;
WELLS FARGO AG CREDIT CORPORATION, a
California corporation; STATE OF IDAHO,
acting through the Department of
Employment; UNITED STATES OF AMERICA,
acting through the Internal Revenue
Service; FREMONT COUNTY CO-OP SUPPLY,
INC., a corporation; STATE OF IDAHO,
acting through the Department of Revenue
and Taxation; JOHN H. HOGGAN, a widower,
THE UNKNOWN HEIRS AND DEVISEES OF THE
ESTATE OF EVAH HOGGAN, deceased; THOMAS
HOWELL and JANE DOE HOWELL, husband and
wife; TONY STEPHENS, a single man; and
KENDALL J. BOYD and CONNIE R. BOYD,
husband and wife;

Defendants.

Case No. 8044

CERTIFICATE OF SALE

MICROFILMED

AUG 21 1989

I, Terry J. Thompson, the Sheriff of Fremont County, State of Idaho, do hereby certify that under and by virtue of a Decree of Foreclosure and Order of Sale issued out of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Fremont, in a certain action pending therein wherein the Federal Land Bank of Spokane, a corporation, is plaintiff, and Edward G. Howell and Rebecca P. Howell, husband and wife, were defendants, which Judgment was entered on the 7th day of March, 1989, in the amount of \$125,974.71 together with interest thereon at the rate of 12.625% per annum from March 7, 1989, and under and by virtue of the Writ of Execution in Foreclosure issued out of the above entitled Court on the 7th day of March, 1989, whereby I was commanded to sell the real property hereinafter described according to law and apply the proceeds of sale toward the satisfaction of said Judgment in said action as therein particularly directed, together with accruing costs and interest from the date of said Decree. That the affidavit of plaintiff filed with the Sheriff of Fremont County on April 3, 1989, prior to the sale, alleged accruing costs since the Judgment in the amount of \$617.68, accruing interest from March 7, 1989, to April 3, 1989, the date of sale, in the amount of \$1,176.48 making a total judgment as of the date of sale in the amount of \$127,768.87.

I, Terry J. Thompson, Sheriff as aforesaid, on the 3rd day of April, 1989, at 11:00 o'clock A.M. of said day, in the lobby of the Fremont County Courthouse in Rexburg, Fremont County, State of Idaho, duly sold said real property hereinafter described as Tracts 1 and 3 at public auction according to law after due and regular notice thereof had been given, unto Valley Bank, an Idaho banking corporation, of P. O. Box 51270, Idaho Falls, Idaho, who made the highest and best bid therefor, for the sum of \$126,713.87, which was the whole sum paid for the following described property situated in the County of Fremont, State of Idaho.

TRACT 1:

Township 9 North, Range 43 East, Boise Meridian,
Fremont County, Idaho

Section 16: W1/2SW1/4, SE1/4NW1/4.

Section 17: All, LESS that portion in the
SW1/4 thereof platted as the Flying
Circle E. Ranch Subdivision, Fremont
County, Idaho, as recorded in the
records of said county. ALSO LESS,
beginning at the South quarter corner
of Section 17, thence North 300 feet
along buried steel main line pipe;
thence East 100 feet; thence South and
East along the edge of the existing
rock pile to the center of the
roadway; thence Southwest along the
center of the roadway 334 feet to the
place of beginning.

Section 18: N1/2NE1/4.

TRACT 3: Township 9 North, Range 43 East, Boise
Meridian, Fremont County, Idaho

Section 17: All that portion in the
SW1/4 thereof platted as the Flying
Circle E. Ranch Subdivision, Fremont
County, Idaho, as recorded in the
records of said county.

Together with any and all tenements,
hereditaments, and appurtenances thereunto
belonging or used in connection therewith.

Together with all water and water rights used
upon or appurtenant to said lands, and however
evidenced, including but not limited to Permits
Nos. 21-7190 and 21-7133, and Claim No. 21-4011,
issued by the Water Resources Department of the
State of Idaho.

All situated in Fremont County, State of Idaho.

And I do further certify that said property was
offered for sale in two tracts; that the sum of \$126,718.87
was the highest bid made for the said parcel offered for sale,
and above described, and the whole price paid therefor which
partially paid plaintiff's judgment, and the same is subject to
redemption in cash, lawful money of the United States within

MICROFILMED

AUG 21 1989

one year after the sale, pursuant to statute in such cases made and provided.

Dated this 3rd day of April, 1989.

19 D.A. Thomas
D. A. Thomas, Chief Deputy
for Terry J. Thompson, Fremont
County Sheriff

STATE OF IDAHO)
 : ss.
County of Fremont)

On this 3rd day of April, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared D. A. Thomas, known or identified to me to be the person whose name is subscribed to the within instrument as the Sheriff of Fremont County, Idaho, and acknowledged to me that he executed the same as Sheriff of Fremont County, Idaho.

Evelyn Allen
Notary Public
Residing at Newdale, Idaho
My Commission Expires: 2/2/93

(Seal)

4/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received 200⁰⁰
Date 5/6/87
Receipt # 41170
Receipt by WIT
Sent to S.O. 5-15-87
RECEIVED
MAY 20 1987

1. Permit No. 21-7190

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE of Water Resources

☐ 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: Edward G. Howell

3. Post Office Address: Box 216 Ashton Id 83420

Telephone No. 652-3515

4. Source of Water: Strong Creek

5. Extent of Use:

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 500 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted 5 cfs _____ acre-feet

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

June 1980

8. Person to contact to accompany the department representative during the field examination:

Same

(Name)

Same

(Address)

(Telephone Number)

☐ 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.)

5-5-87

Date

Edward G. Howell

Signature of Permit Holder (and title, if appropriate)

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.

INTER-DEPARTMENT MEMO — 1

FROM ERIC VERNER

DATE 5/7/87

TO FILES

RECEIVED

MAY 20 1987

SUBJECT LATE EXAM FEE PAYMENT FOR PERMIT No. 21-7190

Department of Water Resources

FEE DUE DATE: 4-27-87

FEE RECIVED: 5-6-87

Permit should therefore loose 39 days priority.



SIGNATURE

MICROFILM

AUG 31 1987

April 13, 1987

RE: Permit No. 21-7190

Edward G. Howell
Box 216
Ashton, ID 83420

Dear Permit Holder(s):

This office acknowledges receipt of the Assignment of the above referenced permit to you. Enclosed for your records is a copy of the permit.

As new owners of the permit, you are required to submit either an EXAMINATION FEE or a statement from a certified examiner that he has been retained to do a field examination of your water use.

Enclosed is a copy of the EXAMINATION FEE NOTICE sent to the previous permit owner. Please read and take proper action. You should note that the notice was sent on January 26, 1987 and after 60 days a day of priority of your permit is lost for every day the fee or statement is not received by this office.

In order to keep this permit in good standing, you must respond to the Examination Fee Notice as soon as possible. If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosures

MICROFILMED

MAY 07 1987

Permit No. 21-7190

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? Yes
2. Notary? Yes
3. a. Full Assignment? Yes
b. Partial Assignment?
4. "No assignment" condition on permit? NO
5. Commencement of Works received? Yes
 - a. Commencement of works requested?
 - b. Show Cause Order drafted & sent?
 - c. Cancellation necessary?
6. Affidavit of residency required? NO
N/A
7. Extension granted due to litigation?
(If yes, commencement of works is not required.)

1. Type permit summary sheet. ✓
2. Coding sheet. ✓
3. Acknowledgement letter type.
4. Copy to region.

Sharla —

Sharla —

I spec

Sharla —

REPROFILMED

MAY 07 1987

Date 4-9-87

Employee *Jan*



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

21-7190
HAGGON, JOHN
ASHTON, ID 83420

January 26, 1987

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.

MICROFILMED

MAY 07 1987

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

RECEIVED

MAY 07 1981



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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

September 29, 1981

John Haggon
~~XXXXXXXXXX~~
Ashton, ID

RE. Permit No. 21-7190 & 21-7133

Dear Mr. Haggon,

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the special conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

If you have any questions on this matter, please feel free to contact us.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:jg

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

March 20, 1981

RE: Permit No. 21-7190

Edward G. Howell
Box 216
Ashton, Idaho 84320

Dear Mr. Howell:

We acknowledge receipt of the proof of beneficial use card submitted for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our eastern regional office.

Very truly yours,

HAROLD W. JONES
Sr. Resource Agent

cc: IDWR - State Office

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 21-7196

Name(s) of Permit Holder: Edward G. Howell

Post Office Address: Box 216

Ashton Idaho 84320 Tel. No. 652-3515

Source of Water:

Extent of Use:

- ☐ Domestic _____ (number of households)
☐ Stockwater _____ (number and type of stock)
☒ Irrigation _____ (acres)
☐ Other _____

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

Access Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

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

2/11/81
Date

Edward G. Howell
Signature of Permit Holder

Edward L. Howell
Box 216 Astoria, Ore
83420



Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

HOWELL, EDWARD G
BOX 216
ASHTON, ID 83420

1087-23

DECEMBER 31, 1980

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 21-7190 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MARCH 01, 1981. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. A REQUEST FOR EXTENSION OF TIME FORM IS ENCLOSED FOR YOUR CONVENIENCE. PLEASE NOTE THAT A FEE OF \$15.00 MUST BE SUBMITTED WITH THIS FORM.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENCLOSURES

1087-23



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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

February 5, 1980

Edward G. Howell
Box 216
Ashton, Idaho 83420

Dear Mr. Howell,

RE: Permit No. 21-7190

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note the special condition requiring you to install and maintain a measuring device at your point of diversion prior to submitting proof of beneficial use of water. We have enclosed a letter describing the different types of measuring devices accepted by this office.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:mr

Enclosure

INTER-DEPARTMENT MEMO — 1

FROM Jim Johnson

TO File

SUBJECT Removal of storage for irrigation

DATE 2-5-80

Review of this application has determined that the 20 A.F. storage for irrigation is unnecessary because the small size of storage constitutes part of the diversion works which serves to pool the water for a short time period.

SIGNATURE

Jim:

Let's talk about
this one

- 1) Remove In for Storage
- 2) Total appropriated =
5.0 cfs
- 3) Modify conditions

Dave

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

21-7190
Edward G.
Howell

INITIAL REVIEW BY: A.R. Kozlowski

APPLICATION NUMBER: Howell

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.
☒ Yes ☐ No* In form to receipt.

Field check by: _____
Date: _____
Comments: _____

Dam registered as file ^D21-7053.
Sent by: _____ Date: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☒ Other water district of kw 1/2/80

PROCESSING:

- ☒ Yes ☐ No Platted by: ARK Map No. Topo V-97
☐ Yes ☒ No Other rights on same place of use. cancelled permit
☒ Yes ☐ No* In form for advertising. # 21-7053
☐ Yes ☒ No Final date for protests: Jan. 21
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 1/17/80
☒ 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. See below condition.
☐ Yes ☐ No Access port required.
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 01

12/20/79. Date of priority recommended.
Special conditions of approval or cover letter. The storage of water is contingent upon certification by the Department of Water Resources of the applicant's dam under the dam safety provisions of the Idaho Code, authorizing storage.
Measuring devices of a type approved by the Dept. shall be permanent, installed & maintained to measure the inflow and outflow of the applicant's reservoir. A lockable device, subject to the approval of the Dept., shall be installed on the control works at the dam in a manner that will provide the watermaster suitable control of the diversion.

By: Ernest Carlson Date: 1/23/80.

STATE OFFICE REVIEW:

12, 01D, 18A, 05(01, Snake River)
SHORT LETTER W/MEASURING DEVICE COND.

- ☐ See attached sheet for more information.
By: Jim Date: 1/29/80

WATERMASTER COMMENTS

I have reviewed application for permit No. 21-7190 and have

 (1) no objections to the approval of this permit.

 ✓ (2) the following objections to the approval of this permit:

Permit should be conditioned
to require measuring devices up stream
& Down stream from the reservoir &
Lockable control works on dam outlet

1/17/80

DATE



RONALD D. CARLSON - WATERMASTER

WATER DISTRICT # 01

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

DECEMBER 27, 1979

The Ashton Herald
P. O. Box 258
Ashton, Idaho 83420

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 JANUARY 21, 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 JANUARY 21, 1980.

C. STEPHEN ALLRED

Director

Published 01/03 & 01/10/80.

MICROFILMED

**NOTICE OF APPLICATION
FOR WATER RIGHTS**

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. 21-7190

Applicant: HOWELL, EDWARD G.; BOX 216, ASHTON, ID 83420

Source: STRONG CREEK tributary to SNAKE RIVER, HENRYS FORK

Dated Filed: 12/20/1979

Amount: 5.00 CFS 20.0 AC-FT

Diversion Point: NESE NWSE Sec 17 T 09N R 43E, FREMONT Co.

Use: IRRIGATION FROM STORAGE (5.00 CFS) from 04/01 to 11/01; IRRIGATION STORAGE (20.0 AC-FT) from 01/01 to 12/31

Place of Use: SENW NWSW SWSW Sec 16 T 09N R 43E NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec 17 T 09N R 43E NENE NWNE Sec 18 T 09N R 43E NENW NWNW Sec 20 T 09N R 43E FOR 920 ACRES

Diversion Means: EARTH DAM, PUMPS AND SPRINKLER SYSTEM

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 JANUARY 21, 1980.

C. STEPHEN ALLRED
Director

Publ. Jan. 3 and 10, 1980 AH

ok kw 1/1

21-2190-

HOWELL, EDWARD G

BOX 216, ASHTON, ID 83420

Source: STRONG CREEK tributary to SNAKE RIVER, HENRYS FORK

Date Filed: 12/20/1979

Amount: 5.00 CFS 20.0 AC-FT

Diversion Point: NESE NWSE Sec 17 T 09N R 43E, FREMONT Co.

Use: IRRIGATION FROM STORAGE (5.00 CFS) from 04/01 to 11/01
IRRIGATION STORAGE (20.0 AC-FT) from 01/01 to 12/31

Place of Use: SENW NWSW SWSW Sec 16 T 09N R 43E NENE NWNE SWNE SENE NENW NWNW
SNNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE
Sec 17 T 09N R 43E NENE NWNE Sec 18 T 09N R 43E NENW NWNW
Sec 20 T 09N R 43E FOR 920 ACRES

Diversion Means: EARTH DAM, PUMPS AND SPRINKLER SYSTEM

MICROFILMED