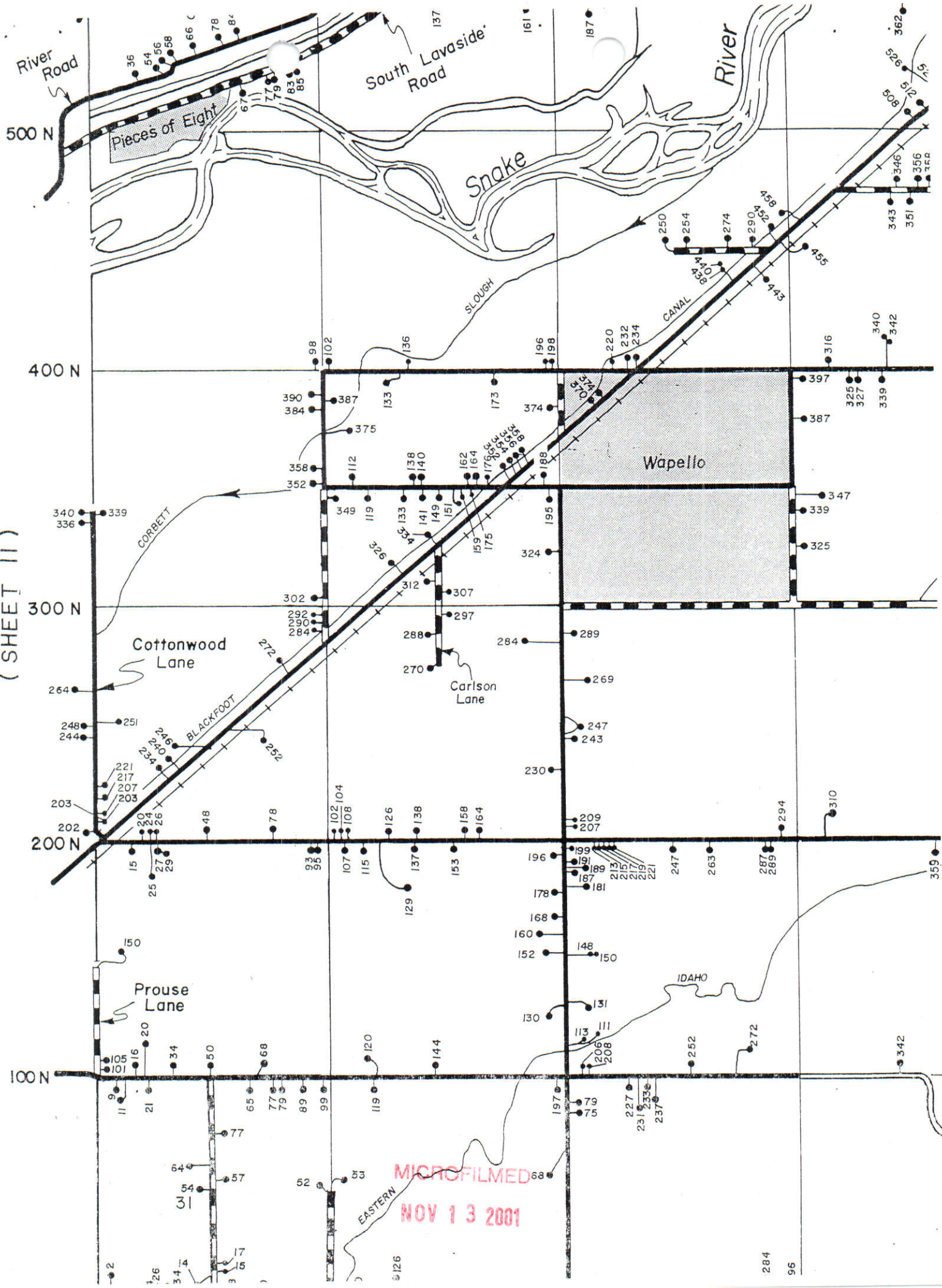
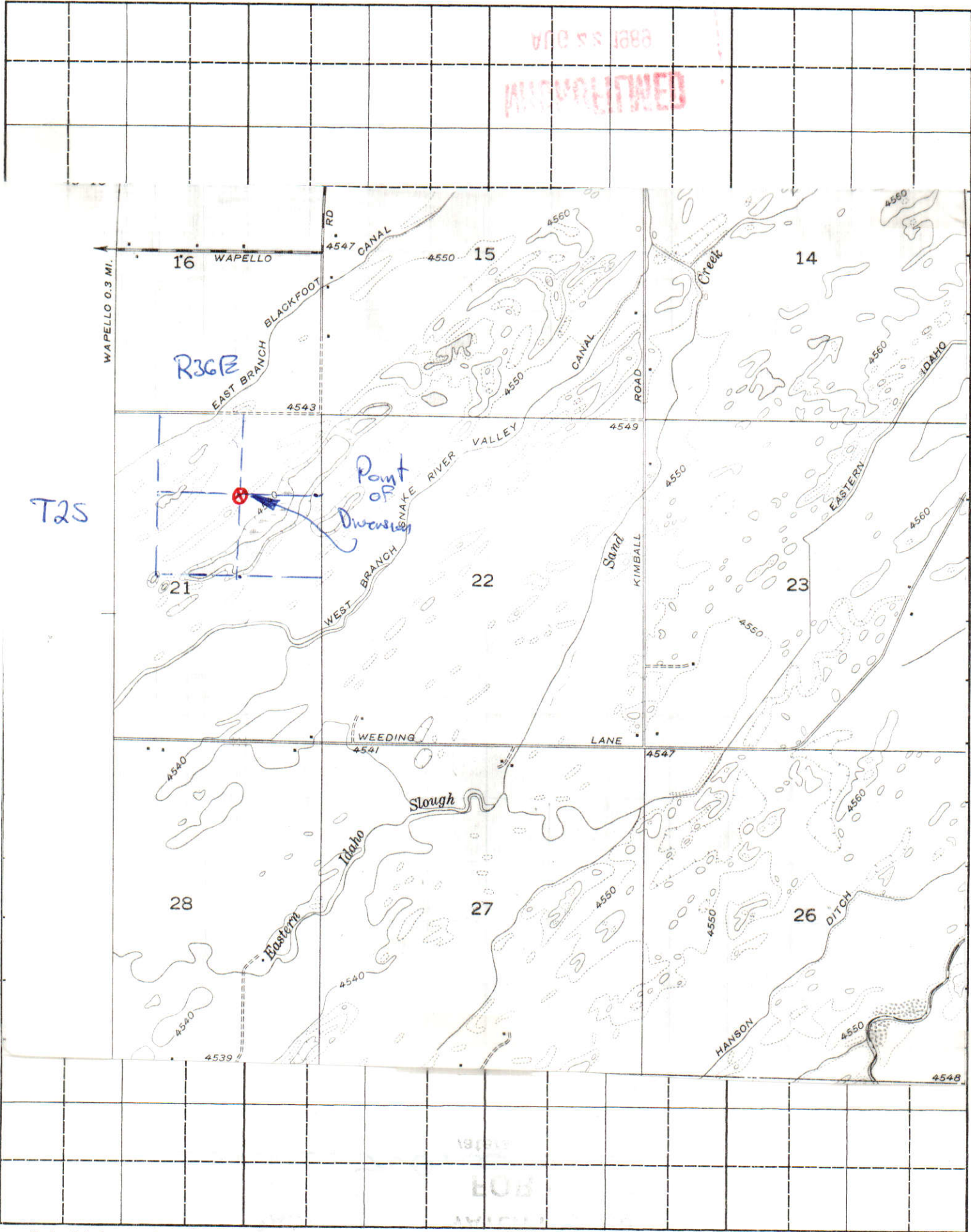


(SHEET II)



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



Scale: 2 inches equal 1 mile.

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

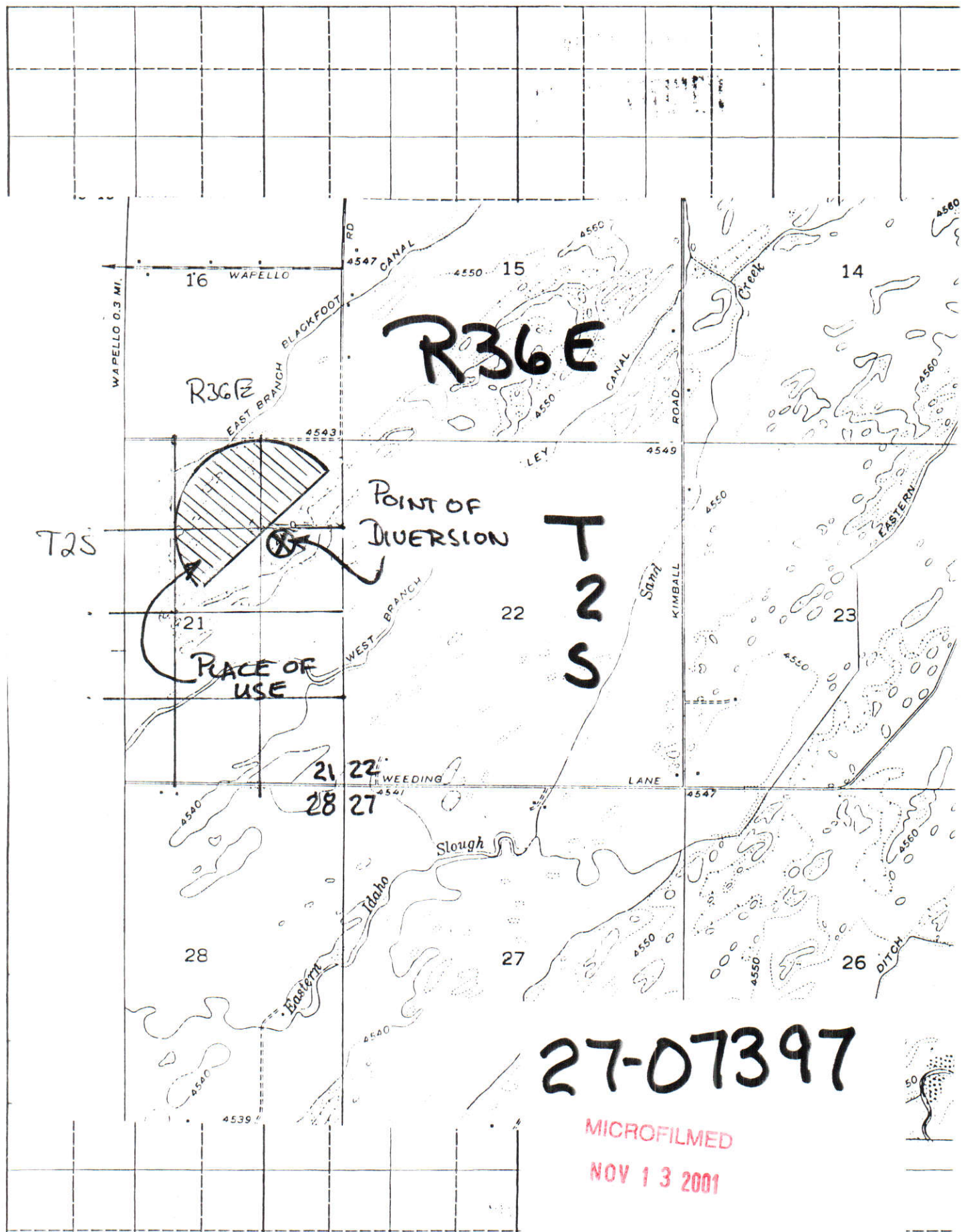
MICROFILMED

AUG 22 1989

Terry F. Berlin

(Applicant)

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





Point of Diversion

27-07397

MICROFILMED
NOV 13 2001

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 27-07397

Priority: October 27, 1984

Maximum Diversion Rate: 1.40 CFS
Maximum Diversion Volume: 280.0 AF

It is hereby certified that STEPHEN C COOPER And
MARGY COOPER
10485 W ROCKWOOD
BOISE ID 83704-1992

And

IDAHO AGRICULTURAL CREDIT ASSOCIATION
PO BOX 985

BLACKFOOT ID 83221-0985 have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 22, 1984; and have submitted Proof of Beneficial Use on August 26, 1992. An examination indicates that the works have a diversion capacity of 2.14 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	4/1 to 10/31	1.40 CFS	280.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 21, Twp 02S, Rge 36E, B.M. BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	36E	21	19.5	33.0	17.5														70.0

Total Acres: 70

CONDITIONS OF APPROVAL

1. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
2. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

WATER RIGHT
RECEIVED

4-10-1992

State of Idaho
Department of Water Resources
Water Right License

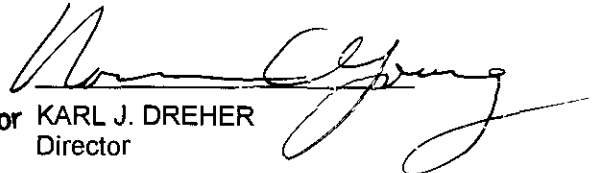
WATER RIGHT NO. 27-07397

CONDITIONS OF APPROVAL Continued

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 18TH day of OCTOBER, 2001.


Acting for KARL J. DREHER
Director

MICROFILMED
SEP 11 2001

RECEIVED

AUG 23 2001

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

ASSIGNMENT OF PERMIT

We, **Stephen C. Cooper and Margy D. Cooper**, husband and wife, hereby assign to **Stephen C. Cooper and Margy D. Cooper**, husband and wife, of 10485 W.Rockwood, Boise, Idaho 83704-1992 and **Idaho Agricultural Credit Association** of PO Box 985, Blackfoot, Idaho 83221-0985, telephone 1-800-686-8910

All my right, title and interest in and to Permit No. **27-7397** to appropriate the public waters of the State of Idaho.

Permit #27-7397

TWP	RNG	SEC	¼	¼	ACRES
02S	36E	21	NE	SW	33.0
02S	36E	21	NW	SW	33.0
02S	36E	21	SW	SW	33.0
02S	36E	21	SE	SW	33.0

Made this 3rd day of Aug, 2001.

Stephen C. Cooper
Stephen C. Cooper (Permit Holder)

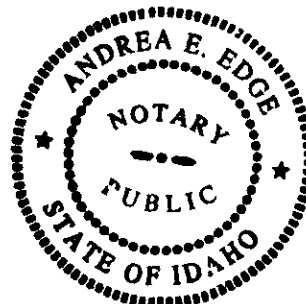
Margy D. Cooper
Margy D. Cooper (Spouse of Permit Holder)

State of Idaho)
County of Ada)
ss

On this 3rd day of Aug, 2001, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that (they) executed the same.

Andrea E. Edge
Notary Public residing at
Boise ID
My commission expires 07/07/05

Stephen / Margy Cooper
323 - 7763
10485 W Rockwood
Boi 83704



MICROFILMED

503216

WARRANTY DEED

RECEIVED

OCT 15 2001

DEPARTMENT OF WATER RESOURCES

Order No.:3020001376-L

FOR VALUE RECEIVED

Sandra H. Helm (Berlin), an unmarried woman and Sharon B. Berlin, an unmarried woman

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

~~STEPHEN C. COOPER AND MARGY D. COOPER, HUSBAND AND WIFE~~

STEPHEN C. COOPER AND MARGY D. COOPER, HUSBAND AND WIFE
whose current address is

10485 N. RICHWOOD, BOISE, IDAHO 83704

the grantee(s), the following described premises, in Bingham County, Idaho, TO WIT:

Township 2 South, Range 36, East of the Boise Meridian, Bingham County, Idaho.
Section 21: NE $\frac{1}{4}$

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 3/08/2001

✓ Sandra H. Helm (Berlin)
Sandra H. Helm (Berlin)

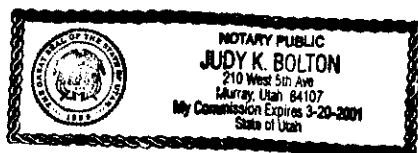
✓ Sharon B. Berlin
Sharon B. Berlin

State of Utah

County of SL

On this 12th day of March, 2001, before me, a Notary Public in and for said state, personally appeared Sandra H. Helm (Berlin) and Sharon B. Berlin

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that they executed the same. IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



Judy K. Bolton
Notary Public for the State of Utah
Residing at SLC, UT
Commission Expires: 3-20-01

MICROFILMED

901 13 1321

ALLIANCE

TITLE & ESCROW CORP.

To: **Stephen Cooper**
Margy D. Cooper
10485 W. Rockwood
Boise, ID 83704

Date: **August 28, 2001**
Escrow No.: **3020001376-LC**
Re: **Cooper / Helm (Berlin)**

In connection with the above referenced transaction, we enclose the following:

X Owner's Policy No. 13 0041 106 00001649
X Warranty Deed No. 503216

"THANK YOU" for this opportunity to serve you. Your business is appreciated!

If you should have any questions or if we may be of further assistance, please do not hesitate to contact the undersigned.

Sincerely,
Alliance Title & Escrow Corp.


LeAnn Thomsen
Title Officer

MICROFILMED

SEP 13 2001



AMERICAN LAND TITLE ASSOCIATION
OWNER'S POLICY
(10-17-92)

13 0041 106 00001649

CHICAGO TITLE INSURANCE COMPANY

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, CHICAGO TITLE INSURANCE COMPANY, a Missouri corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

In Witness Whereof, CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed as of Date of Policy shown in Schedule A, the policy to become valid when countersigned by an authorized signatory.

Issued by:
ALLIANCE TITLE AND ESCROW
CORPORATION
167 W. BRIDGE
BLACKFOOT, ID 83221
(208) 785-4573

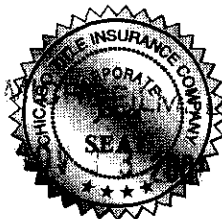
CHICAGO TITLE INSURANCE COMPANY

By:


President

By:


Secretary



OWNER'S POLICY
SCHEDULE A

Order Number	Policy Number	Date of Policy	Amount of Insurance	Premium Amount
3020001376-L	13 0041 106 00001649	August 15, 2001 At 3:53PM	\$220,000.00	\$965.00

1. Name of Insured:

Stephen C. Cooper and Margy D. Cooper

2. The estate or interest in the land which is covered by this policy is:

Fee Simple

3. Title to the estate or interest in the land is vested in:

Stephen C. Cooper and Margy D. Cooper, Husband and Wife

4. The land referred to in this policy is described as follows:

Township 2 South, Range 36, East of the Boise Meridian, Bingham County, Idaho.
Section 21: NE¼

END OF SCHEDULE A

MICROFILM

95-1-102

OWNER'S POLICY

Order No: 3020001376-L

Policy No: 13 0041 106 00001649

SCHEDULE B PART I

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

General Exceptions:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Easements, or claims of easement, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

SCHEDULE B PART II

Special Exceptions:

1. Taxes including any assessments collected therewith, for the year 2000, in the original amount of \$135.36, for which the first installment is paid and the second installment is delinquent. Parcel No. RP 04341.00
2. Taxes, including any assessments collected therewith, for the year 2001, which are a lien not yet payable.
3. Right, title and interest of the Public in and to those portions of above described property falling within the bounds of roads and highways.

4. A Real Estate Mortgage to secure an indebtedness as shown below and any other obligations secured thereby:
Amount: \$176,090.00.
Dated: June 15, 2001
Mortgagor: Stephen C. Cooper and Margy D. Cooper, Husband and Wife.
Mortgagee: Idaho Agricultural Credit Association.
Recorded: August 13, 2001.
Instrument No.: 503217 of Official Records.
Affects this and other property
5. A Financing Statement filed in the Office of the County Recorder showing:
Debtor: Cooper, Stephen C. and Cooper, Margy D.
Secured Party: Idaho Agricultural Credit Association.
Recorded: August 13, 2001.
Instrument No.: 503218.
Affects this and other property
6. The provisions contained in Agreement.
Recorded: July 26, 2001.
Instrument No.: 502628 of Official Records.

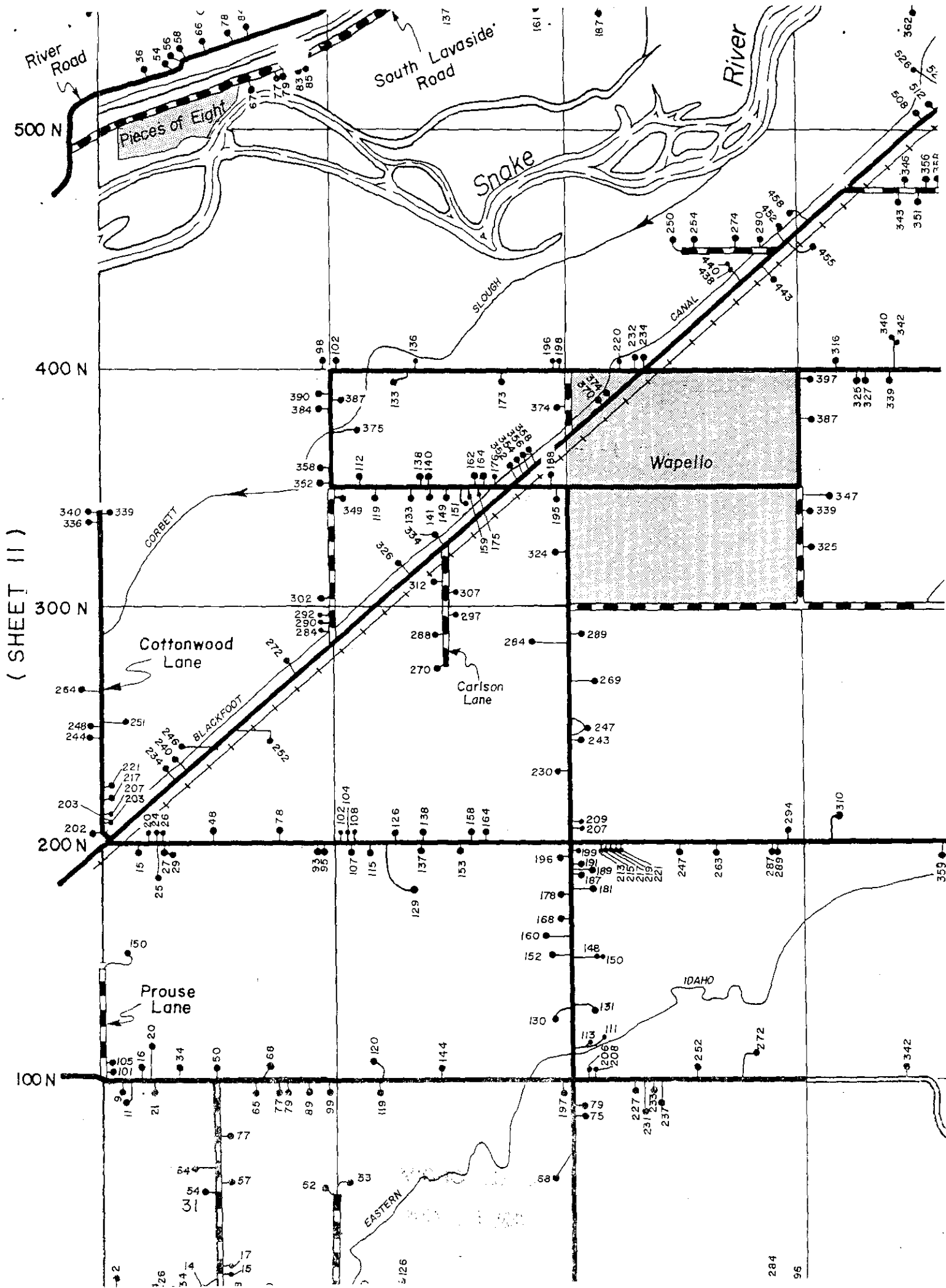
END OF SCHEDULE B

Countersigned:


Authorized Signature

4-10-01

4-10-01



(SHEET II)

RECEIVED

AUG 27 1992

Department of Water Resources
Southern Region Office

RECEIVED

AUG 27 1992

Department of Water Resources
Eastern District Office

OFFICE USE ONLY

Am't. of Fee \$ 125.00

Date 8-26-92

Receipt No. 5014892

Receipt by MTS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 27-7397 Telephone No. 226-2534
2. Name(s) of Permit Holder(s): Terry Berlin and/or Helen Berlin
3. Mailing Address: 134 Stevens, American Falls, Id. 83211
83221
4. Source of Water: groundwater

If **GROUNDWATER**, Well Driller's Name: Barri's Date Drilled: 1984

OPTIONAL:

Pump horsepower: 50 40 Pressure (psi): _____ Dynamic pumping level (ft.): 30

5. Extent of Use (as authorized by the permit):

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

Irrigation 75 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 1.5 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

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

OR

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

8. Fee Enclosed: \$ 125.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name Todd Cooper Telephone No. 238-0752

Address 763 Boyd St., Pocatello, Id.

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

Date 8/26/92 Signature (and title, if on behalf of a company or organization) Terry Berlin by Stephen Cooper (Tenant) OCT 23 1992

STATE OF IDAHO

For Office Use Only

\$15 FEE Received by [Signature]Date 9-6-91Receipt # C021684

DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

Department of Water Resources PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. P27-07397Name(s) of Permit Holder: Terry BerlinPost Office Address: P.O. Box 205Am. Falls ID 83211Telephone No. (208) 226-2534Date Proof Is Due: 9-1-91

Describe what work has been completed toward the development of this water right: _____

(This must be filled out! If no work has been completed, show "none".)

Pump has been purchased but not yet placed on well.

Costing \$ _____

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Just secured a ten year lease. New lessor will develop property for the 1992 growing season complete with irrigation system.Permit holder(s) request an extension to 9/1, 1992.
(1 yr. minimum)Terry Berlin
(Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

DEC 09 1991

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED
and the time within which to submit proof of beneficial use be extended to
September 1, 1992.

IT IS FURTHER ORDERED that the permit be REINSTATED and the priority advanced to
October 27, 1984, pursuant to Section 42-218a, Idaho Code.

Signed this 7th day of November, 1991.L. Allen Saxton
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 27-07397

Proposed Priority: October 22, 1984 Maximum Diversion Rate: 3.00 CFS

This is to certify, that **TERRY BERLIN**
P.O. BOX 205
AMERICAN FALLS, ID 83211
has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	3.00 CFS

<u>LOCATION OF POINT(S) OF DIVERSION:</u>	
NENE	Sec. 21, Township 02S, Range 36E
NWNE	Sec. 21, Township 02S, Range 36E
SWNE	Sec. 21, Township 02S, Range 36E
SENE	Sec. 21, Township 02S, Range 36E
	BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02S	36E	21	NENE 40	NWNE 40	SWNE 40	
			SENE 30			150

Total number of acres irrigated: 150

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 1991**.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
7. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion Department.

NOT FILMED

AUG 22 1989

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 27-07397

CONDITIONS/REMARKS:

8. Point of diversion located in center of 1/4 section.

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

17th day of August, 1989

for J. Glen Saxton
R. Keith Higginson, Director

RECORDED
INDEXED
AUG 17 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant TERRY BERLIN Phone 226-2534
Post office address P.O. Box 205, American Falls, ID 83211

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

3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21 Township 2S
Range 36E B.M. Bingham County, additional points of diversion if any: _____
NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ (one well in center of $\frac{1}{4}$ Section)

4. Water will be used for the following purposes:* Changes as per tele-con 10-24-84 HWJ
Amount 3.00 cfs * for Irrigation purposes from 3-15 to 11-15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. -2-06- 3.00 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, pump to a center pivot

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 N/A inches; proposed depth of well is 70 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: _____ $\frac{1}{4}$ 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 _____

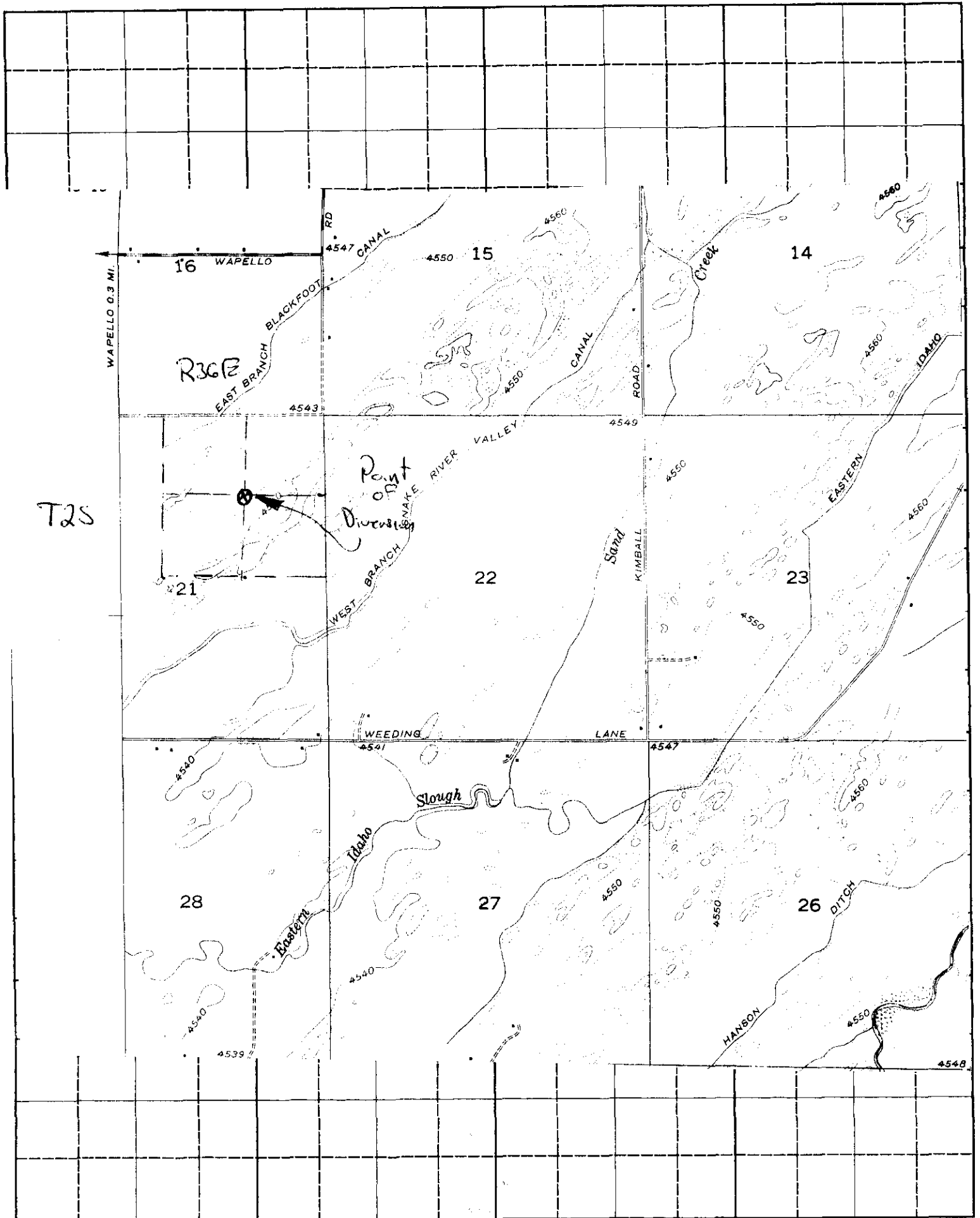
(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

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

NOT RECORDED

AUG 22 1989

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



Scale: 2 inches equal 1 mile.

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

RECORDED

AUG 22 1981

Terry Berwin
(Applicant)

Received by CW Date 10-23-84 Time 1:45P.
Preliminary check by HWT Fee \$ 85.00 # 34320
Receipted by CW Date 10-25-84
Publication prepared by RB Date 5-24-89
Published in Morning News
Publication dates 6-1-89
Publication approved CW Date 7-20-89
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by HWT

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

MICROFILMED

AUG 22 1989

Cavaness and Beebe
ATTORNEYS-AT-LAW
P.O. Box 70
American Falls, Idaho 83211
(208) 226-2562

FARM LEASE

THIS LEASE, made and entered into this ____ day of December, 1984, by and between TERRY F. BERLIN and HELEN E. BERLIN, husband and wife, of American Falls, Power County, Idaho, hereinafter called "Lessor", and KEVIN G. SEAMONS and GARY W. SEAMONS, both of Moreland, Bingham County, Idaho, hereinafter called "Lessee",

WITNESSETH:

That for and in consideration of the covenants and agreements on the part of the Lessee herein agreed to be paid, kept and performed, the prompt performance of which is a condition precedent to Lessor's obligations hereunder, the Lessor has demised and leased, and by these presents does demise and lease unto the said Lessee for rotationed crop farming, subject to the termination provisions hereinafter set out, Lessor's interest in and to the following described real property, located in Bingham County, Idaho, to wit:

NE $\frac{1}{4}$ of Section 21, Township 2, South, Range 36,
SAVE AND EXCEPT that portion of said property that lies
North and West of the Center Branch Canal E.B.M.

That the parties hereto agree that this indenture
is made and entered into upon the following
additional terms and conditions, to-wit:

TERM: TO HAVE AND TO HOLD the
above-described premises to the Lessee unless
sooner terminated by default, from the 1st day of
December, 1984, to the 31st day of October, 1992.

RENTAL: And the Lessee, in consideration of
the leasing of the premises above set forth

AUG 22 1984

covenants and agrees with the Lessor to, at their expense and risk, drill a well, secure and electrical power supply, install an adequate sized pump, electric motor, mainline, and pivot irrigation system. All components thereof to be new and not used.

Lessee also agrees to pay each year for rent of the portion of the premises above described the sum of \$8,000 per year. However, Lessor agrees that the rental due for the 19185 crop will be waived with the Lessee only being required to pay the stipulated \$8,000 per year rental for the crop years 1986 through 1992 inclusive for a total rental of \$56,000.00. The rental shall be paid in full on the 1st day of May of each year. The first rental payment of \$8,000 shall be due on May 1, 1986 and a like payment shall be due on May 1 of each and every year thereafter for seven additional years, inclusive.

3. IMPROVEMENTS: No permanent improvements to the demised real estate, save and except the sprinkler system hereinbefore mentioned, shall be made by Lessee, without first obtaining consent of Lessor thereto. The sprinkler system and all other permanent improvements made to the above described real estate shall become the property of Lessor and shall remain with the real estate at the termination of this demise, for any cause.

ADDITIONAL TERMS AND CONDITIONS: Lessor and Lessee agree that in addition to the foregoing that this indenture is made and entered into subject to the following additional terms and conditions:

RECORDED
AUG 22 1989

A. LESSOR AGREES:

1. To deliver possession of the real property hereinabove described to Lessee as of the date specified herein for the commencement of this demise, in "as is" condition and without warranty or representation as to condition or state of repair.

2. To pay the first \$100 of real property taxes levied or assessed against the property each year for the full term hereof with Lessee being responsible for the balance thereof.

3. To warrant and defend Lessee's possession of the premises and allow Lessee the peaceful possession of the same provided the Lessee is not in default hereunder.

4. To retain all rights relating to acreage history and/or crop allocations acquired or maintained as a result of any crops grown upon the premises by Lessee.

B. LESSEE AGREES:

1. To accept possession of the above-described property in "as is" condition and without any warranties or other representations as to the condition or state of repair.

2. To maintain a policy of comprehensive farm liability insurance in force for the duration of the demise, insuring Lessee's operation hereon and holding Lessor harmless from any and all liability for injury to persons or damage to property which may occur on the premises herein described.

3. To pay for the cost of all labor and materials required in the maintenance and repairs

RECORDED
AUG 22 1967

required to the mainline and pivot system situate on the demised property and to maintain the boundary fences surrounding the property.

4. To not cause any mechanic's or materialman's liens to be filed against the demised property for the term hereof.

5. To plant, cultivate, irrigate, weed, and harvest, all in proper season, commercial potato, cereal grain crops, and/or hay or other legumes in rotation, in accordance with the prevailing farming practices and methods prevailing Bingham County area. Lessee specifically agrees to plant potatoes in crop years 1985, 1987, 1989, and 1991, and to plant cereal grains in crop years 1986, 1988, 1990, and 1992.

6. To plant only certified potato seed and certified cereal grain seed for the full term hereof.

7. To pay all expenses incurred in the production of a crop on the subject premises, including all electrical power costs.

8. To use due diligence and care in the operation of the sprinkler system situate on said property, including, but not limited to, the regular filling of the automatic oiling mechanism on the electric motor and draining the mainline at the end of the irrigation season.

9. To not commit waste upon the premises or permit the same to be committed by others.

10. To not assign or sublet any or all of the rights and privileges herein conditionally conferred unless the written consent of the Lessor be first obtained.

RECORDED
AUG 22 1989

11. To give the Lessor, at the termination of this Lease, the immediate and peaceable possession of the demised property.

C. LESSOR AND LESSEE MUTUALLY AGREE:

1. DEFAULT: Time is of the essence of this Agreement. Lessee agrees that should he, (a) fail or neglect to make the payment or payments at the times and in the manner herein specified, (b) fail or neglect to perform any other covenant or condition herein contained at the time and in the manner herein specified, and/or (c) be adjudicated a bankrupt, make a general assignment for the benefit of any insolvency act, that then, and in that event, Lessor may, at his option, cause to be delivered to Lessee a Notice of Default specifying the matter or matters in default which notice shall allow Lessee a grace period of thirty (30) days with which to cure the same.

If Lessee has not cured said matter or matters in default within the aforesaid thirty (30) day period, then Lessor's conditional demise of the above-described property to Lessor shall terminate and Lessee agrees to surrender possession of the above-demised property to Lessor. Any failure on the part of the Lessee to deliver possession of the above-described property to Lessor as of the 31st day following delivery of the aforesaid notice shall be considered an unlawful detainer of the same, and Lessor may then re-enter the above-described property with or without Court action and with or without the use of force without being liable for any damages therefore. Lessor shall, upon said re-entry, accrue to all the right

RECORDED
AUG 22 1969

title and interest of Lessee in and to any crops growing upon the above-described premises.

In addition to the foregoing, Lessor may, at his option, require Lessee to pay the additional rental that is required hereunder without such an earlier termination as and for liquidated damages and agreed current damages for Lessee's default, less the net proceeds realized by Lessor by a reletting of the property in mitigation of damages.

2. NO WAIVERS: That any action to enforce payment or any extension or indulgence granted the Lessee by Lessor shall not constitute or be considered to be a waiver of the Lessor's rights under this indenture to insist upon prompt payment or strict performance of any other or similar term hereof.

3. REPRESENTATION: It is understood that this Lease has been prepared by counsel for the Lessor. Lessee agrees to obtain independent legal counsel to review this Lease prior to its execution hereof.

4. ATTORNEY'S FEES: That in the event it becomes necessary for either of the parties hereto to enforce their rights hereunder by an action at law or otherwise, the defaulting party agrees to pay in such case a reasonable attorney's fee that is incurred by the party not in default hereunder.

5. HEIRS AND ASSIGNS: That the terms and conditions hereof shall inure to and bind the heirs, executors, and assigns of the respective parties hereto.

RECEIVED
JAN 4 1989

6. EXECUTION: That this Agreement is executed in duplicate, each to have the full force and effect of an original hereof.

7. CONSTRUCTION: That the words, "Lessor" and "Lessee" and the language of this instrument, where there is more than one Lessor and Lessee, shall be construed as plural and be binding equally upon all such Lessors and Lessees and in the case where one or more are females, the masculine shall include the feminine.

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

LESSOR

LESSEE

Terry F. Berlin
TERRY F. BERLIN

Kevin G. Seamons
KEVIN G. SEAMONS

Helen E. Berlin
HELEN E. BERLIN

GARY W. SEAMONS

STATE OF IDAHO)
) ss.
County of Power)

On this 21st day of December, 1984, before me, a Notary Public in and for said State, personally appeared TERRY F. BERLIN and HELEN E. BERLIN, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

(Seal)

Montana Henry
Notary Public for Idaho
Residing at: American Falls, ID

RECORDED
OCT 22 1984

DEPT. OF WATER RESOURCES
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7181

**NOTICE OF EXISTING
WATER RIGHT APPLICATION
APPLICATION NO. 35-8726
Presently Recorded
As Follows:**

Name: Pratt Farms, Inc.
Address: 1356 S. 3000 W.
Aberdeen, Idaho
Source: Groundwater
Diversión Point: SENE, SEC1, T5S, R30E.
Use: Irrigation, 2.6 cfs
Priority: April 28, 1989.
Place of Use: NE¼ (Lots 1 & 2) Sec1, T5S,
R30E, NW¼, Sec. 6, T5S, R31E.
Total Acres: 316.

This is a supplemental water right application. Lands under this permit are irrigated with existing rights from the same source. This application is being processed in compliance with Section 42-203 A & C, Idaho Code. Protests against the continuance of the permit must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho, 83720, on or before June 19, 1989. A protest must overcome the presumption of Water Appropriation Rule 5, 2, 1.

R. KEITH HIGGINSON
Director

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

(27-07397)

BERLIN, Terry
P.O. Box 205
American Falls, Idaho 83211
Source: GROUNDWATER
Diversión Pt: NENE, Sec. 21, T. 02S, R. 36E.
NWNE, Sec. 21, T. 02S, R. 36E. SWNE, Sec. 21, T. 02S, R. 36E; SENE, Sec. 21, T. 02S, R. 36E.
Use: IRRIGATION (3,000 CFS).
Date Filed: 10/22/1984.
In: T02S, R36E, S21 — NENE, NWNE, SWNE, SENE — 150.0 ACRES TOTAL.

35-08718

JOSEPHSON, John
JOSEPHSON, Jeanette
DBA J & J FARMS
2556 W. 1000 S.
Aberdeen, Idaho 83210
Source: GROUNDWATER
Diversión Pt: SESESE, Sec. 23, T. 04S, R. 31E.
Use: INDUSTRIAL (.040 CFS).
Date Filed: 4/14/1989.
In: T04S, R31 E, S23, SESE.

35-08723

GROVELAND CEMETERY MAIN.
DIST., BINGHAM COUNTY
c/o C.E. Lilya, Mgr.
414 N. 400 W.
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversión Pt: SESWSE, Sec. 20, T. 02S, R.

35E.
Use: IRRIGATION (.030 CFS).
Date Filed: 4/24/1989
In: T02S, R35E, S20, SWSE.
1.0 ACRES TOTAL.

35-08726

PRATT FARMS, Inc.
1356 S. 3000 W.
Aberdeen, Idaho 83210
Source: GROUNDWATER
Diversión Pt: SENE, Sec. 1, T. 05S, R. 30E.
Use: IRRIGATION (2,600 CFS).
Date Filed: 4/28/1989.
In: T05S, R30E, S01, Lot 1 (NENE) Lot 2 (NWNE), SWNE, SENE, R31E, S06, NENW, NWNW, SWNW, SENW.
316.0 ACRES TOTAL.

35-08729

CAMPHOUSE OR SON, Peter
1493 W. 700 S.
Pingree, Idaho 83262
Source: GROUNDWATER
Diversión Pt: NWNW, Sec. 10, T. 04S, R. 33E.
Use: IRRIGATION (.800 CFS).
Date Filed: 5/19/1989.
In: T04S, R33E, S10, NWNW.
40.0 ACRES TOTAL.

35-08730

COBBLEY, SEC., WILLIAM
ANDERSON-THOMPSON SUBDIVISION
336 N. 345 W.
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversión Pt: SWNWSE, Sec. 16, T. 02S, R. 35E.
Use: IRRIGATION (.200 CFS);
STOCKWATER (.020 CFS); DOMESTIC (.140 CFS).
Date Filed: 5/22/1989.
In: T02S, R35E, S16, NWSE.
10.0 ACRES TOTAL.

35-08732

CHURCH OF JESUS CHRIST, LATTER
DAY SAINTS
REAL ESTATE DIVISION
Twelfth Floor
50 East North Temple St.
Salt Lake City, Utah 84150
Source: GROUNDWATER
Diversión Pt: NWSWNW, Sec. 22, T. 02S, R. 35E.
Use: IRRIGATION (.200 CFS).
Date Filed: 4/17/1989.
In: T02S, R35E, S22, SWNW.
10.0 ACRES TOTAL.

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before JUNE 19, 1989.

R. KEITH HIGGINSON
Director

(408)
Pub.: 6/1, 8

RECEIVED

JUL 20 1989

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho) ss

I, Michael Bell do
solemnly

swear that I am the Publisher of
The Morning News which is a daily newspaper of
general circulation published each day except Sunday
at Blackfoot, Bingham County, Idaho, said newspaper
having been so published at Blackfoot, aforesaid for
more than one year past; that said newspaper
heretofore complied with all the provisions of Chapter
154 of the Sessions Laws of Idaho of 1933, approved
March 11, 1933, and duly designated, pursuant to law,
a particular day of the week as the day on which legal
notices required by law or by the order of any Court of
competent jurisdiction within the State of
Idaho shall be published to-wit: of each week; that the
notice attached hereto and which is a part of this af-
fidavit and part of the proof of publication was
published in said issue or said

newspaper two consecutive weeks

the first publication having been made on the

1st day of June, 19 89;

and the last publication having been made on the
8th day of June, 19 89;

that said notice was published in the regular and entire
issue of every number of the paper as aforesaid during
the period and time of publication, and that notice was
published in the newspaper and not in a supplement.

On this 18th day of June, in
the year 1989 before me a Notary Public of said State,
personally appeared

Michael Bell
known or identified to me to be the person whose
name is subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he ex-
ecuted the same.

Michael Bell
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
November 10, 1994

Affidavit Processing Fee \$5.00



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 25, 2001

STEPHEN C COOPER
MARGERY COOPER
10485 W ROCKWOOD
BOISE ID 83704-1992

IDAHO AGRICULTURAL CREDIT ASSOCIATION
PO BOX 985
BLACKFOOT ID 83221-0985

RE: License No. 27-7397 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:kl

Enclosure(s)

MICROFILMED
OCT 26 2001

CERTIFICATE OF MAILING

I hereby certify that on October 25, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 27-7397

**STEPHEN C COOPER
MARGERY COOPER
10485 W ROCKWOOD
BOISE ID 83704-1992**

**IDAHO AGRICULTURAL CREDIT ASSOCIATION
PO BOX 985
BLACKFOOT ID 83221-0985**


**Kari Lynn Townsend
Secretary**

MAILED
OCT 26 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICHO J. MALL
JUL 1 2 2009

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

K

A. GENERAL INFORMATION

Permit No. 27-07397

1. Owner: Brent Cooper

Phone No. 785-5124

Current Address: 220 E 400 N Blackfoot ID 83221

2. Accompanied by: Ryan Cooper

EXAM DATE: 31 July, 2003

Address: 220 E 400 N Blackfoot ID 83221

Phone No. 785-5124

Relationship to Permit Holder: operator

3. Source: Groundwater

tributary to _____

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:

R07-31-19A

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	SE	NE	21	2S	36E	Bingham	On site

2. Place(s) of Use:

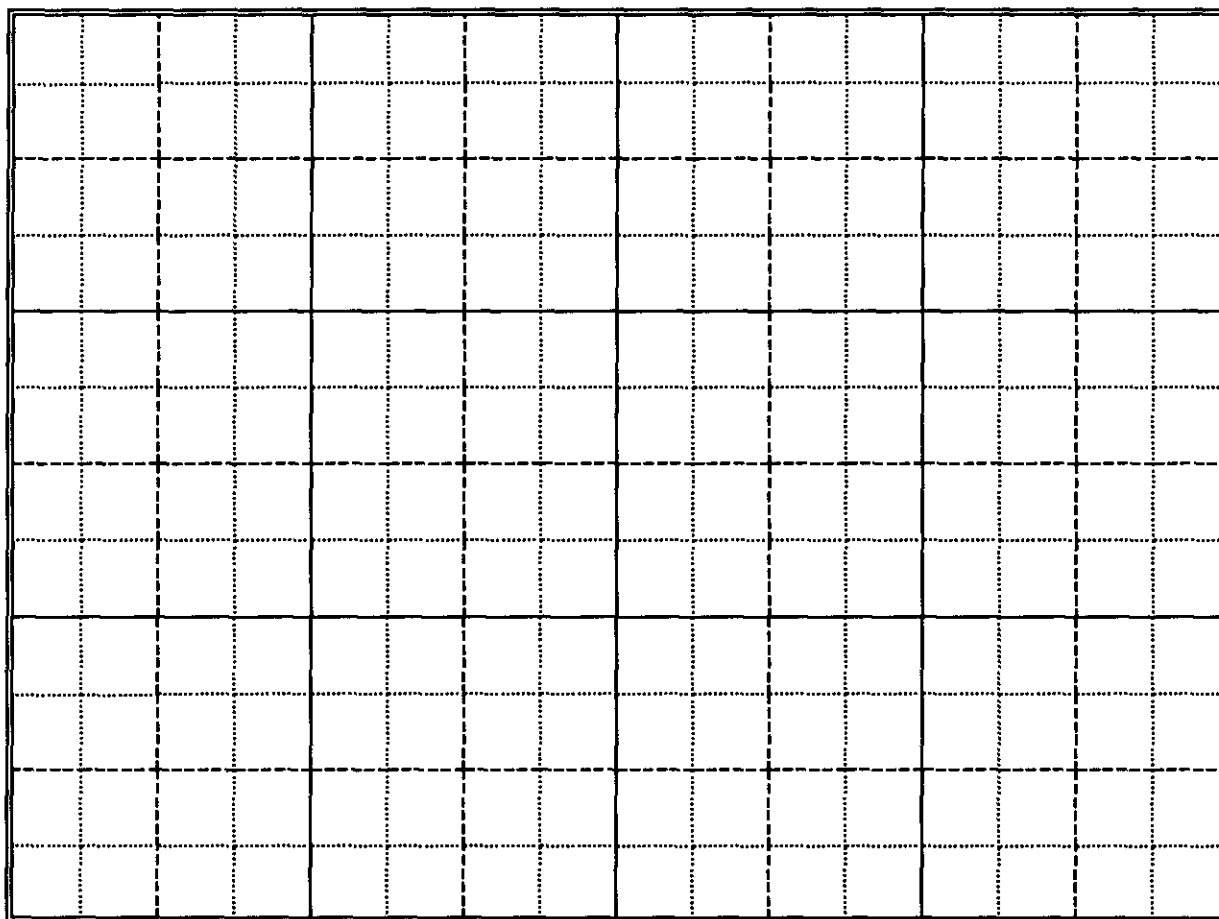
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2S	36E	21	19.5	33	17.5														70

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2004 JUL 10 2003

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
	US Electric	40	P622-06-90A P211-6634	Goolds	12JH0-2

*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
Ultrasonic	Sonic	Fuji	FLC-S1011	7K0089TB 240353		

2. Measurements: $Q = 2.14 \text{ cfs}$

APPROVED

DATE

E. NARRATIVE/REMARKS/COMMENTS

well pump mainline to center pivot (Center Pivot only, cover 1/2 of circle)

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

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2005-11-01

F. FLOW CALCULATIONS☒ Additional Computation Sheets Attached

Measured Method:

$$Q = 2.14 \text{ cfs}$$

$$Q_{\text{LIMITED TO } 0.02 \text{ cfs}} = 70 \times 0.02 = 1.40 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 70 \text{ ac} (4) = 280 \text{ cfs}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.40 \text{ cfs} (214) 1.9835 = 594.3$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 280.0 \text{ cfs}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/1	11/1	1.40 cfs	280 cfs
Totals:			1.40 cfs	280 cfs

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATIONField Examiner's Name Paul C. Wilso Date 7-31-2001

Reviewer _____ Date _____

SEAL

MICROFILMED
NOV 6 1983

LOG NAME: 27-07397
START: 07-31-2000 13:10
END: 07-31-2000 13:15
INTERVAL: 00:01:00

07-31-2000 13:10:00
+6.434E+0 ft/s
+9.593E+2 gal/m
+2.137E+0 ft3/s
+TOTAL 0000000 gal
-TOTAL 0000000 gal
ABNORMAL

07-31-2000 13:11:00
+6.399E+0 ft/s
+9.541E+2 gal/m
+2.125E+0 ft3/s
+TOTAL 0000870 gal
-TOTAL 0000000 gal
NORMAL

07-31-2000 13:12:00
+6.382E+0 ft/s
+9.516E+2 gal/m
+2.120E+0 ft3/s
+TOTAL 0001819 gal
-TOTAL 0000000 gal
NORMAL

07-31-2000 13:13:00
+6.339E+0 ft/s
+9.451E+2 gal/m
+2.105E+0 ft3/s
+TOTAL 0002768 gal
-TOTAL 0000000 gal
NORMAL

07-31-2000 13:14:00
+6.362E+0 ft/s
+9.486E+2 gal/m
+2.113E+0 ft3/s
+TOTAL 0003715 gal
-TOTAL 0000000 gal
NORMAL

07-31-2000 13:15:00
+6.405E+0 ft/s
+9.549E+2 gal/m
+2.127E+0 ft3/s
+TOTAL 0004662 gal
-TOTAL 0000000 gal
NORMAL

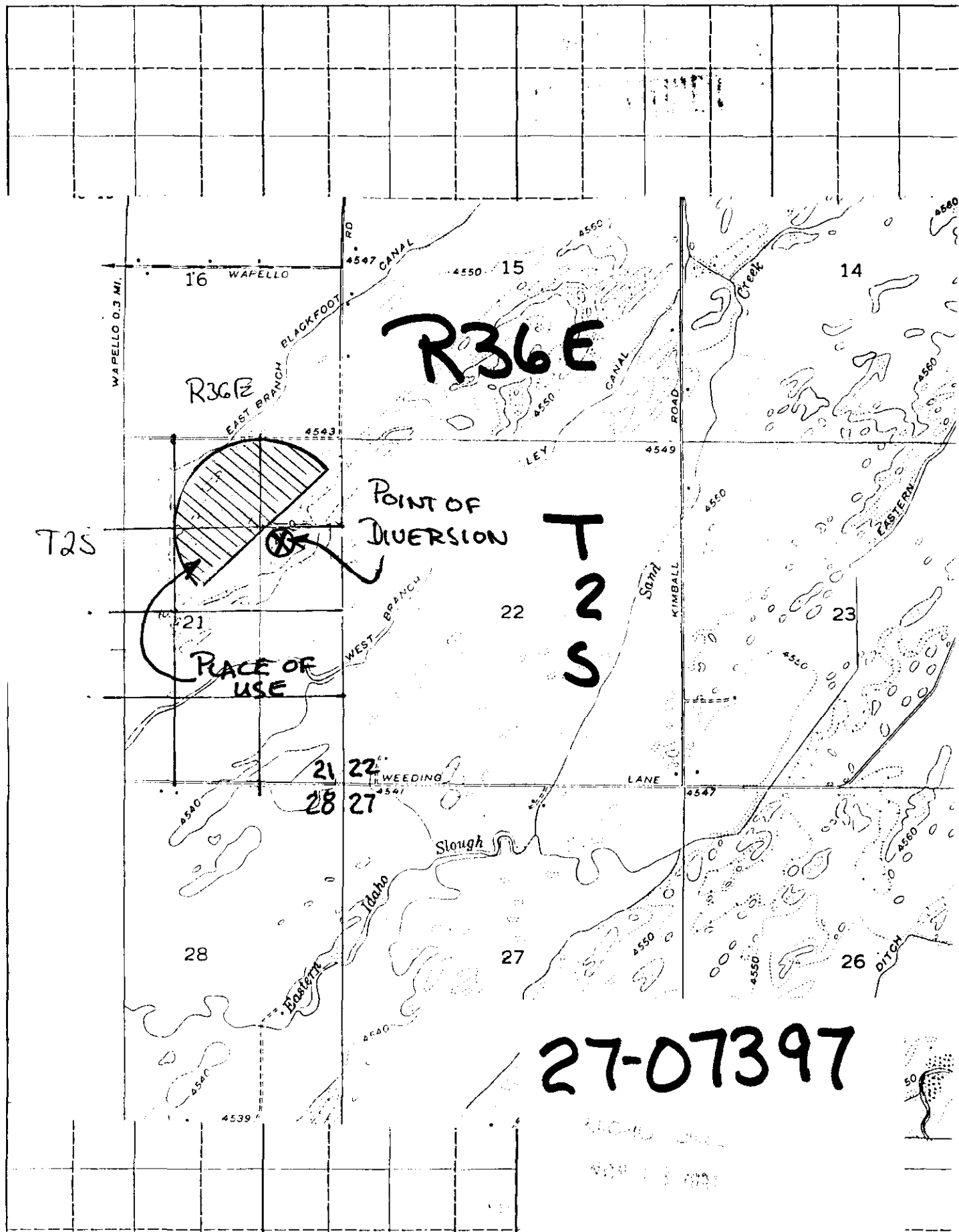
Maximum Flow Rate = 2.14 cfs

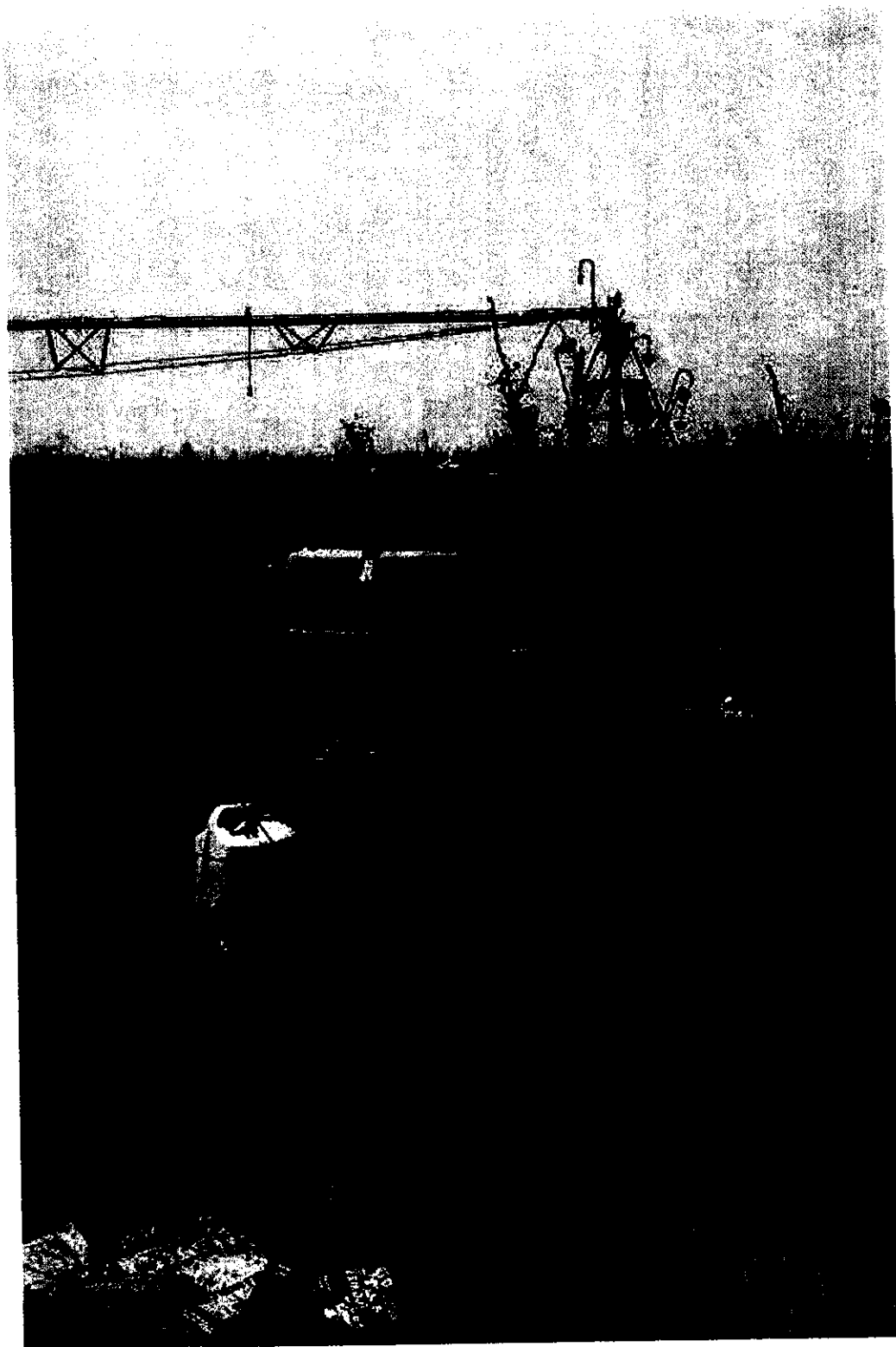
07-31-2000

13:14:00

27-07397

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





Point of Diversion

27-07397

July 21, 1994

Terry Berlin
734 Stevens
American Falls, ID 83211

RE: Permit No. 27-07397

Dear Mr. Berlin:

I am returning the Proof of Beneficial Use form you submitted June 27, 1994. You filed proof on August 26, 1992, and the Department acknowledged receiving the proof on October 2, 1992. No further action is required by you. It is now up to the Department to contact you to make a field examination.

I am in the process of refunding the \$150.00 you submitted with the proof. This takes approximately seven (7) days and will arrive under separate cover.

If you have any questions or I can be of any further assistance, please do not hesitate to contact me at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

cc: Fiscal

MICROFILMED

NOV 11 1994

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 27-07397 Telephone No. 226-2534

2. Name(s) of Permit Holder(s): Terry Berlin

3. Post Office Address: 734 Stevens American Falls, ID 83211

4. Source of Water: Ground water

a. If ground water, well driller's name: Mary Barrus Date drilled: 8-84

b. Pump horsepower: 50 Pressure (psi): 50 Dynamic pumping level (ft.): 20'

5. Extent of Use:

Domestic _____ (No. of households) Irrigation 150 (No. of acres)

Stockwater _____ (No. and type of stock) Other _____

6. Total rate and/or volume for which proof is submitted 3.00 cfs _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

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

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

8. Fee Enclosed: \$ 150.00 (See License Examination Fee Schedule)

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

Todd Cooper 235-3332 Daytime 238-0752 evs.
Name Telephone No.

11665 Calico Cir - Pocatello ID 83201
Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

6/20/94 Todd Cooper for Terry Berlin -
Date Signature (and title if on behalf of a company or organization)



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 24, 1992

Sandra Helm
4284 S 9th E
Salt Lake City, UT 84117

Dear Sandra:

The Department is in receipt of your letter concerning the status of water right permit no. 27-07397.

In answer to your second question, Mr. Todd Cooper did in fact file proof of beneficial use. When the proof was filed, I began corresponding with you concerning the well drillers report. I have enclosed a copy of both the proof of beneficial use and acknowledgement letter sent to your mother.

In answer to your first question, your father did not file an adjudication claim. However, permit no. 27-07397 was not issued until August 17, 1989. Since that was the last day to file adjudication claims, he was not required to do so. Of course, should your attorney advise you, or should you choose to do so, you may file an adjudication claim on this permit.

In closing, your father and subsequently Mr. Cooper, have complied with all of the regulations of this permit that the Department has set forth. Should you wish to file an adjudication claim, however, please contact our adjudication section here at the state office.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosure

RECEIVED - NOV 27 1992

NOV 24 1992

RECEIVED

NOV 23 1992

Department of Water Resources

November 20, 1992

Karen Gustafson
Secretary & Recorder
Department of Water Resources

Dear Karen,

I have just visited with Ben Crossness, lawyer, in American Falls Idaho regarding a letter sent by the Idaho Power & Light. Having resolved that issue, we also were instructed by the lawyer to write to water resources to be sure a claim was filed by hand on the adjudication. The permit to appropriate water # is 27-07397.

Would you please check & let me know. I think it has been done as we have the information page that was attached to the form.

Also, I have been told by Todd Cooper, leasee, that he has improved the property and turned in proof of beneficial use. Do you have

RECORDED

NOV 23 1992

that information

I would appreciate this information at your convenience - Please write to me at my Salt Lake City address - I'm with Mathew, in Idaho off & on, but I'm on my way back to Salt Lake this week end.

Thanks so much for your help.

Sincerely

Jandra Berken Helm

My address:

Jandra Helm

4284 S. 9th E.

Salt Lake City, Utah

84117

W. ONE - 1000

800 - 1 - 1000

October 2, 1992

TERRY BERLIN
734 STEVENS
AMERICAN FALLS ID 83211

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 27-07397

Dear Permit Holder:

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

I note that the permit issued to you by the department requires the installation of a flow measurement port to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the flow measurement port must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

10/2/92

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 27-07397 Reviewed by Rlg Date 7/1/92

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? irrigate - 73
no Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

 Surface water source
✓ Ground water source
NA Drilling permit required?
1984 Copy in the file? Drilling Permit No.
 Amount paid for permit Correct?
yes Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
25 Amount Submitted
yes Correct?
yes Required?
no Installed?
no Waiver requested?

PRIORITY CALCULATION

Date proof received NA
Date proof due -
No. of days late =
Priority Date +
New Priority Date

DEFICIENCIES OR ACTION ITEMS

proof acceptable

needs a flow

DATA ENTRY

New Address 734 Stevens 4/1/92

Proof Made 8/26/92
10/1/92 Rlg

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

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

RECEIVED

SEP 24 1992

Department of Water Resources

Terry/Helen Berlin
734 Solons Avenue
Armore Falls, Idaho
83211

State of Idaho
Dept of Water Resources
Boise, Idaho

Dear Karen Gustafson,

Enclosed is a copy of the drilling permit

2P01397. I have called for a copy of

the drilling log & it will follow by separate mail

when we receive it. I understand from

Mr. Gay Burns, Burns Drilling, Box 54,

Basalt Idaho that he, too, was asked to

send in the above copies a few weeks ago

for lead.

Sincerely
Terry/Helen

9/24/92 - Copy of log is in the mail - per Sandra drilled in 1984



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 1, 1992

Terry and Helen Berlin
734 Stevens
American Falls, ID 83211

Re: Permit No. 27-07397

Dear Permit Holder:

In the department's review of the proof of beneficial use submitted in connection with the above referenced permit, the department was not able to locate a drilling permit which should have been applied for before the opening of your well began. We have also been unable to locate a well log which should have been submitted by your well driller 30 days after completion of the construction of your well.

If you have a drilling permit or a copy of the well log, please provide this office with a copy of each. If you do not have a copy of the well log, please contact your driller and ask that he submit a copy. In your return letter, please be sure to show the above referenced permit number on any documents. Also, please address any correspondence directly to me. Your response, with both forms attached, should be received within 30 days of the date of this mailing.

You also failed to indicate when the well was drilled. If the well was drilled prior to July 1, 1987, this information is not necessary. You will, however, need to notify the Department that this is the case.

This information is needed before the department can proceed further with the examination of your system and the eventual issuance of a license of water right.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

OCT 23 1992

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 27-07397

Proposed Priority: October 22, 1984 Maximum Diversion Rate: 3.00 CFS

This is to certify, that **TERRY BERLIN**
P.O. BOX 205
AMERICAN FALLS, ID 83211
has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	3.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENE	Sec. 21, Township 02S, Range 36E
NWNE	Sec. 21, Township 02S, Range 36E
SWNE	Sec. 21, Township 02S, Range 36E
SENE	Sec. 21, Township 02S, Range 36E

BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02S	36E	21	NENE 40	NWNE 40	SWNE 40	150
			SENE 30			

Total number of acres irrigated: 150

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1991.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use and to require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
7. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion Department.

AUG 22 1989

Permit To Appropriate Water

NO. 27-07397

CONDITIONS/REMARKS:

8. Point of diversion located in center of 1/4 section.

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

17th day of August, 19 89

for R. Keith Higginson, Director

OCT 28 1982

MICROFILMED

AUG 22 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
North Orchard Street
Boise, Idaho 83706-2237

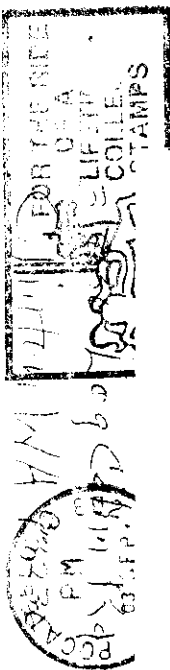
BOISE TO 83707 DOR1 16:37 09-08-92

RECEIVED

SEP 9 1992

Department of Water Resources

OCT 23 1992





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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 1, 1992

Terry and Helen Berlin
734 Stevens
American Falls, ID 83211

Re: Permit No. 27-07397

Dear Permit Holder:

In the department's review of the proof of beneficial use submitted in connection with the above referenced permit, the department was not able to locate a drilling permit which should have been applied for before the opening of your well began. We have also been unable to locate a well log which should have been submitted by your well driller 30 days after completion of the construction of your well.

If you have a drilling permit or a copy of the well log, please provide this office with a copy of each. If you do not have a copy of the well log, please contact your driller and ask that he submit a copy. In your return letter, please be sure to show the above referenced permit number on any documents. Also, please address any correspondence directly to me. Your response, with both forms attached, should be received within 30 days of the date of this mailing.

You also failed to indicate when the well was drilled. If the well was drilled prior to July 1, 1987, this information is not necessary. You will, however, need to notify the Department that this is the case.

This information is needed before the department can proceed further with the examination of your system and the eventual issuance of a license of water right.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

SEP 23 1992

June 30, 1992

TERRY BERLIN
P.O. BOX 205
AMERICAN FALLS ID 83211

PROOF DUE NOTICE

RE: PERMIT NO. 27-07397

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

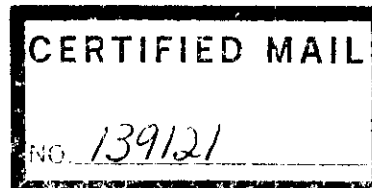
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



OCT 23 1992



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 7, 1991

Terry Berlin
P.O. Box 205
American Falls, ID 83211

Re: Permit No. 27-07397

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to September 1, 1992. However, since the extension was received after the proof of beneficial use date, it was necessary for the department to reinstate your permit and advance your priority date to October 27, 1984.

Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

Karen Gustafson
Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: Eastern Region

RECEIVED

DEC 09 1991

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 27-7397

Reviewed by KLG

Date 11/1/91

BASIC INFORMATION

9/6/91 Date stamp received
9/1/91 Extension received timely (not too early not too late)
yes Fee received and receipted
yes Name and signature same as permit
no Address change

BASIS FOR EXTENSION REQUEST

_____ Has adequate work been completed to demonstrate due diligence?
 _____ Has the cost incurred been adequate to demonstrate an intent to complete the project?
 _____ Has the permit been involved in litigation?
 a. Swan Falls _____ Dismissed from Swan Falls _____
 Other _____ Identify _____
 b. Is supporting documentation needed to complete the file? _____
 Requested _____
 c. Calculate the period of delay

 Date litigation completed _____
 Date litigation began _____
 Total period of delay = _____
 Present proof due date + _____
 NEW PROOF DUE DATE = _____

 _____ Is delay by a government agency?
 Is supporting documentation needed to complete the file? _____
 Requested? _____

ACTION TAKEN

*Approved - Base on due diligence -
 Extend Proof Due to 9/1/92*

_____ Reinstated	Date extension received	<u>9/6/91</u>	=	<u>249</u>
	Proof due date	<u>9/1/91</u>	=	<u>-244</u>
	No. of days late		=	<u>5</u>
	Priority date	<u>10/22/84</u>	=	<u>295</u>
	*ADJUSTED PRIORITY DATE	<u>10/27/84</u>	=	<u>300</u>

DATE ENTRY

✓ Change proof due date _____ Address change
✓ Priority date change _____

138877

June 30, 1991

TERRY BERLIN
P.O. BOX 205
AMERICAN FALLS, ID 83211

PROOF DUE NOTICE

RE: PERMIT NO. P27-07397

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MAILED

DEC 09 1991

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 334-7900
August 21, 1989

TERRY BERLIN
P.O. BOX 205
AMERICAN FALLS, ID 83211

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

RE: PERMIT NO. P27-07397

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

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

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

MICROFILMED

AUG 22 1989

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

10/2/81
10/2/81
10/2/81

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: HWS APPLICATION NUMBER: 27-7397

CHECK:

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

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: 6-19-87
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 7-20-89
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☒ Yes ☐ No Access port required.
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 27-P05
10-22-84 ☒ Date of priority recommended.
Special conditions of approval or cover letter. <OLG>

App. in NON-TRUST area -
allow 2 yrs. to develop -

By: HWS Date: 7-28-89

STATE OFFICE REVIEW:

P05, P23, P03, P17 4849 46 26014 **RECEIVED**
☐ See attached sheet for more information.
By: KW Date: 8/10/89 JUL 21 1989

POINT OF DIVERSION AND STREAM INDEX INFORMATION

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

IDAHO STREAM CODE INDEX						

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

IDAHO STREAM CODE INDEX						

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

IDAHO STREAM CODE INDEX						

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

IDAHO STREAM CODE INDEX						

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

IDAHO STREAM CODE INDEX						

12-Jun-1989

Terry Berlin
P.O. Box 205
American Falls, ID 83211

RE: Application for Permit No. 27-7397

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Morning News. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

RECEIVED

AUG 22 1989

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

Idaho Falls, Idaho 83402
(208) 525-7161

MAY 24, 1989

THE MORNING NEWS
P.O. BOX 70
BLACKFOOT, ID 83221

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before JUNE 19, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED

AUG 22 1989

*Callahan
affidavit
7-11-89*

NOTICE OF APPLICATION FOR WATER RIGHT

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

MISSOURI

AUG 24 1965

27-07397

BERLIN, TERRY
P.O. BOX 205
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt:	NENE	Sec 21 T 02S R 36E
	NWNE	Sec 21 T 02S R 36E
	SWNE	Sec 21 T 02S R 36E
	SENE	Sec 21 T 02S R 36E

Use: IRRIGATION (3.000 CFS)

Date Filed: 10/22/1984

In: T02S R36E S21	NENE	NWNE	SWNE	SENE
150.0 ACRES TOTAL				

MICROFILMED

AUG 20 1985

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-3A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JUNE 19, 1989.

R. Keith Higginson, Director

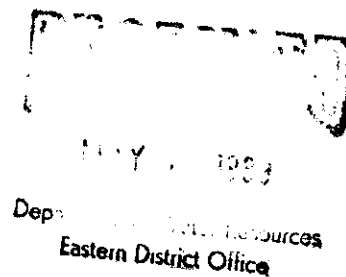
Published 6/01/1989 & 6/08/1989

MICROFILMED

AUG 22 1989

American Falls Idaho
May 10- 1989

Harold Jones
Water Rights Supervisor
Idaho Dept. of Water Resources
Idaho Falls, Idaho



Dear Mr Jones:

I am writing concerning my application for a permit to drill and use an irrigation well.

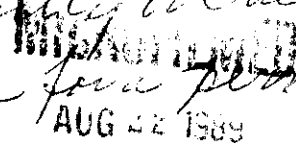
I came to your office on October 19th 1984 and filed the application and paid the required fee of \$35.00.

This application was for a permit to irrigate my farm of 160 acres.

The well was drilled and your office issued a temporary or Conditional permit to use ^{the} well for the 1985 irrigation season.

It has been my understanding that a permanent permit would be issued to me, as soon as you were able to do this, under the present system of adjudication of water rights in the Snake River Basin.

I came to your office recently to check over the progress of my application for a permanent permit.



I was told that since the well had not been used in the last three years the application

had been placed in your inactive file
and was now being many other applications
to be considered.

I realize you are very busy and have many
applications to consider.

However I will very much appreciate all you
can do to give my application No. 27-7397 early
consideration.

I might say that my tenant in 1985 had some
freezing problems on other farms he had leased
and subsequently had to take out bankruptcy.

The pump and motor and wheel lines ~~used~~ in 1985
were rented.

I have been unable to lease my farm the last
three years and I badly need to receive some
income from rental or lease of the farm.

I now have possible prospects of people who
would develop the farm and install a center pivot
and pump and farm my land.

However to do this they want to be reasonably sure
they will be able to use the well to irrigate crops.
I really need to get this land leased to help pay
on 1985 year expenses and for income for
current living expenses.

Thanking you in advance for all you can
do to make an early and favorable consideration
of my application.

Terry F. Berlin
P.O. Box 205
American Falls Idaho 83211

WATER BANK LEASE AGREEMENT FOR 1985
EXCHANGE AGREEMENT

The Committee of Nine, hereafter lessor, being authorized pursuant to Idaho Code §42-1765 to operate the Upper Snake River Water Supply Bank does agree to lease to Kevin Seamons of Blackfoot, hereafter lessee, 180 A.F. of water for the irrigation year starting April 1, 1985. This agreement is subject to the adopted Rules and Regulations of the Water Supply Bank and applicable conditions on the requisite water right permit granted by the Idaho Department of Water Resources.

Upon execution of this agreement and receipt of \$ 450.00, the Snake River Watermaster will assign to the Director of the Department of Water Resources 180 A.F. of storage to be released at his discretion in exchange for water pumped from groundwater at a well(s) located within:

NE 1/4 NE 1/4, Sec. 21, T. 2S, R. 36E;

Other: Center of NE 1/4, Sec. 21, T. 2S, R. 36E

For the irrigation of 90 acres of land within:

NE 1/4, Sec. 21, T. 2S, R. 36E, B.M.

The lessee understands and agrees that this lease in no way obligates the lessor to future leases or in any other manner not specified above.

RECORDED

AUG 24 1985

* KEVIN SEAMONS, Lessee from
(Name) Terry F. Berlin
714 N. 850 W., Blackfoot, ID 83221

(Address)

*Lease agreement enclosed.

State of Idaho)

County of Bonneville)

On this 8th day of April, 1985, before me the undersigned Notary Public in and for said county and state, personally appeared Kevin Seamons, known to me to be the person whose name is subscribed to within instrument and acknowledged to me that he executed the same.

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

Notary Public in and for Idaho

Residing at : Idaho Falls, ID

I have accepted the request of _____
to purchase water from the Water Supply Bank this ____ day of
_____, 19____.

Watermaster, Water District No. 1

Agent for the Committee of Nine

22-2392

BERLIN, TERRY

P.O. BOX 205, AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Date Filed: 10/22/1984

Diversion Pt: NENE NWNE SWNE SENE Sec 21 T 02S R 36E

Use: IRRIGATION (3.00 CFS)

In: NENE NWNE SWNE SENE Sec 21 T 02S R 36E FOR 150 ACRES

MICROFILMED

AUG 22 1989