

PART of the SE 1/4 of the SE 1/4 of
Section 28, T. 2 S., R. 36 E., B.M.
BINGHAM COUNTY, IDAHO

E 1/4 Corner
Section 25
T 2 S. R. 36 E. B. 1
C.P. & F. # 361559
found 5/8" iron rod

LEGAL DESCRIPTION

RECORDERS CERTIFICATE
 RECORDED AT THE REQUEST OF
 Chapman & Reiff
 Instrument No. AS2079

County Recorder
John J. Panchak

Part of the Southwest of the northwest quarter (SE 1/4 SE 1/4) of Section 26 Township 2 South Range 18 East of the Base Meridian, Big Horn County, Montana described as follows:

[illegible]

Parcel contains 7.991 acres and is subject to the existing County Flood right-of-way along the south side of the above described property.

Part of the Southeast of the southeast Quarter (SE 1/4 SE 1/4) of Section 20, Township 2 South, Range 36 East of the Boise Meridian, Blaine County, Idaho described as follows:

Panel B

and East Me to the point of occupancy.

Forced Company 2,125. Note and is subject to the existing County Flood Right of way along the south side the above described property.

LEGEND

English border shown
placed 1/2" x 25" pos
for 6th, exp. marked
P.L. 5000
Pence and

SURVEYORS CERTIFICATE

1. Terry R. Higgins, a registered professional land surveyor in the State of Idaho, do hereby certify that this plot is an accurate representation of the survey completed under my supervision.



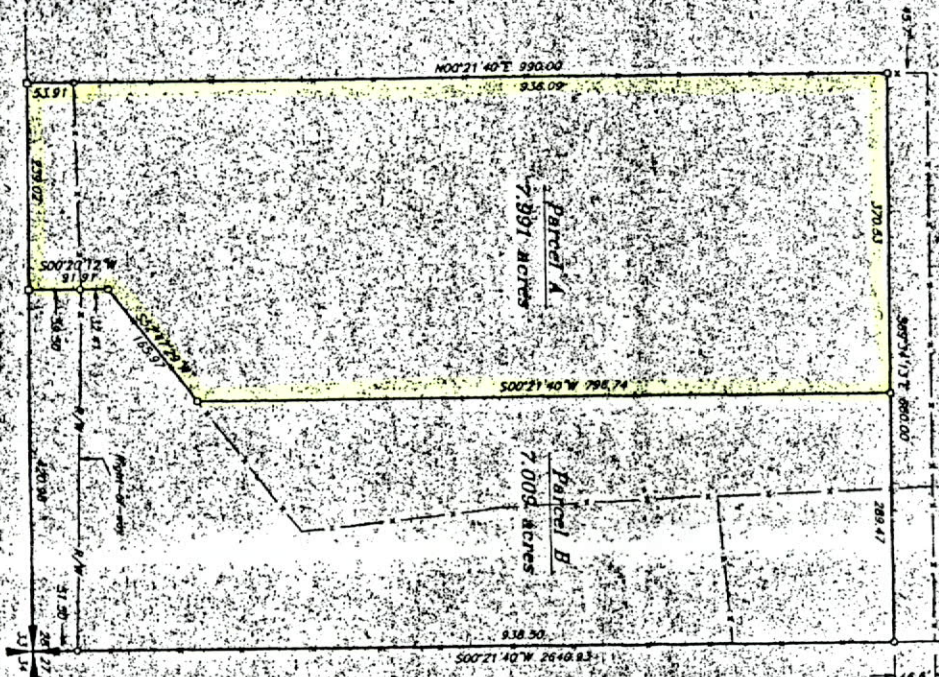
482075

五

RECORD OF SURVEY

ROB ENWALT
28 T. 2 S. R. 38 E. BU

LAPOINTE-KENYATT ENGINEERING, INC.
 MECHANICAL ENGINEERS AND LIAISON ENGINEERS
 100 N. Lincoln Ave. 2nd Fl. Chicago, Ill. 60610
 (312) 467-1000
 Telex: 251-251-251
 Fax: (312) 521-2510



SE Corner
Section 28
T. 2 S. R. 35 E. B. 1
C.P. at 1361345
Found Aluminum Cap

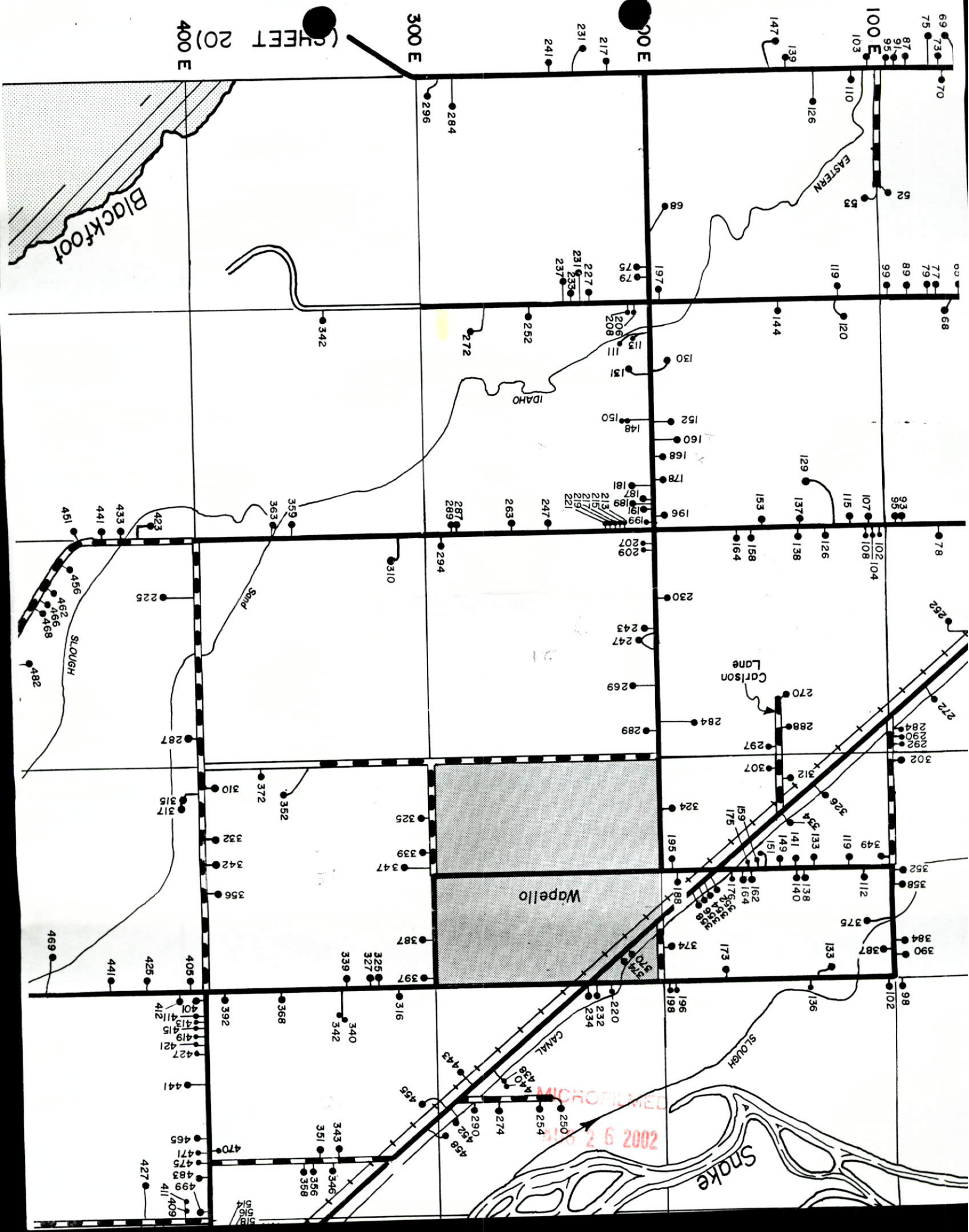
S. 1/2 Corner
Section 16
T. 2 S. R. 26 E. B.M.
C.P. of Sec 36
Abund 1/2 - from Abund

482079

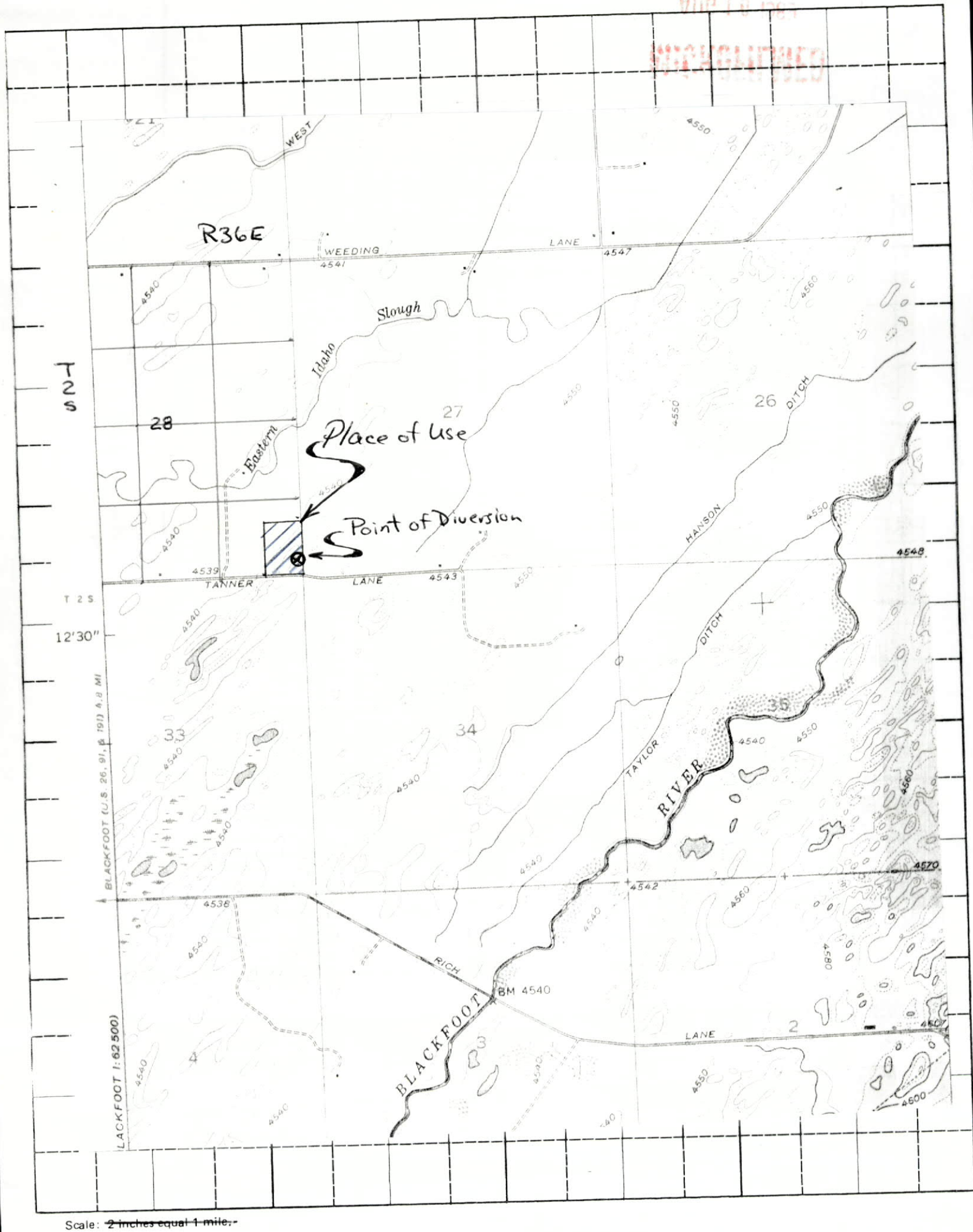
Scale 1 = 100

Age Group	Percentage
18-24	100%
25-34	150%
35-44	100%
45-54	100%
55-64	100%
65-74	100%
75+	100%





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



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

RECORDED

AUG 16 1989

GR Grant
(Applicant)

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



Scale: 1" = _____

Photo 13, 13, 14

____ 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
	Marlog	10			

*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

2. Measurements:

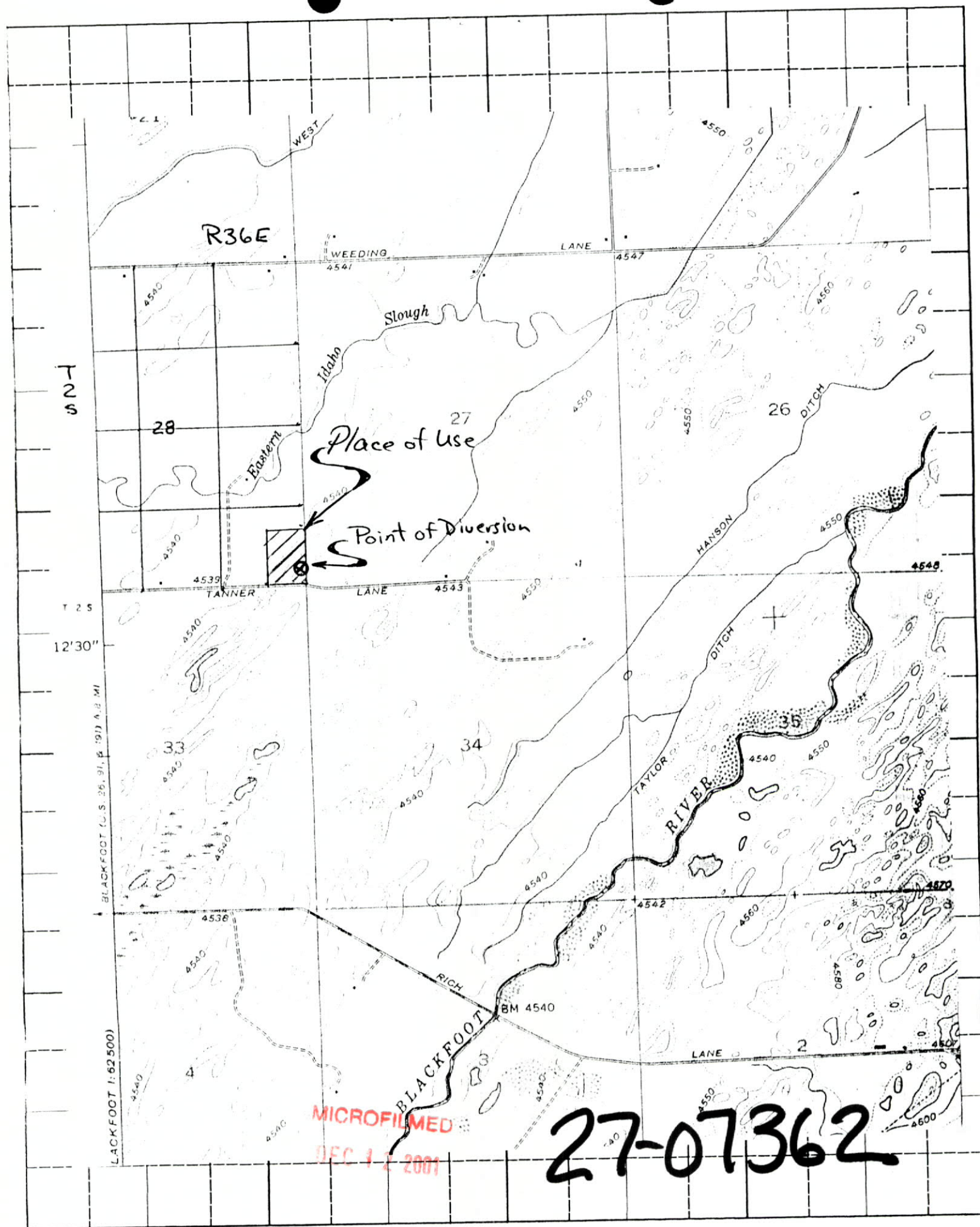
$5/32" - 111$ } wheel line + hand line
 $9/64" - 111$ }
 $1/16" - 111$ }
 $1/32" - 111$ }

$1/4" - 111$ } Extra lines not
 $1/4" \times 3/16" - 1$ } used @ same time
 $7/32" - 111$ }
 $9/64" - 111$ }
 $1/64" - 111$ }

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DEC 12 2001

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



1
134.0

2
5.2

1
134.5

21 22

28 27

T1847
4068

2
30.0

2
98.4

3
21

Sec 28

PLACE OF USE

T
2
S

R36E



28 27

33 34

POINT OF DIVERSION

MICROFILMED
DEC 12 2001

27-07362

Nelson Big Gun (0.85")



Well

MICROFILMED
DEC 12 2001

27-07362

RECEIVED

MAY 13 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
<u>27-7362</u>					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

1015 J Ewart OR GR Ewart
288 E 100 N / Blackfoot ID 83771

4. New Owner/Claimant(s)

~~Alan~~ Dustin Powell
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

Po Box 1032

City, State and ZIP Code

Blackfoot ID 83771

New Telephone Number

(208) 785-4242

5. Date you acquired the property

May 23, 00

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 AUG 26 2002

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)			
Water Right and/or Adjudication Claim Number	Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
27-07362	Irrigation	0.28 CFS / 56.0 AF	7.991 Acres / 10 Horses
	Stock		
	Domestic		
	Other		
	Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)			
Water Right and/or Adjudication Claim Number	Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
	Irrigation		
	Stock		
	Domestic		
	Other		
	Total		

7. Signature of New Owner(s) or Claimant(s) Auto Field owner
(include title if applicable)

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

For Office Use Only

Received by J. MasiDate 8/13/02Fee \$25.00Receipted by "Date "Receipt No. C063963Processed by " AJDate "

WR

Date

MICROFILMED

AUG 26 2002

42355

490938

WARRANTY DEED

For Value Received, and Anne Ewart Silverthorne, a married person dealing with her separate property, the Grantor, does hereby grant, bargain, sell, and convey unto Dustin Powell, a single person, of PO Box 1032, Blackfoot, ID 83221, the Grantee, the following-described premises, to-wit:

Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28 Township 2 South, Range 36 E.B.M., Bingham County, Idaho, described as follows:

Beginning at a point that is N 89°34'13"W 420.98 feet along the section line from the Southeast corner of said Section 28 and running thence N 89°34'13" W 239.02 feet along said section line; thence N 00°21'40" E 990.00 feet; thence S 89°34'13" E 370.53 feet; thence S 00°21'40" W 796.74 feet to an existing fence line; thence along said existing fence line the following two (2) courses: (1) S 52°47'29" W 165.97 feet; thence (2) S 00°20'12" W 91.91 feet extended to the point of beginning.

Parcel contains 7.991 acres and is subject to the existing County Road right-of-way along the south side of the above described property.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Subject to all existing rights-of-ways for public highways, protective covenants, utility lines, existing roadways, irrigation ditches and all building, zoning and other restrictions of use and all encumbrances of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that she is the owner in fee simple of said premises; that said premises are free from all encumbrances except as hereinabove set forth and that she will warrant and defend the same from all lawful claims whatsoever.

MICROFILMED

AUG 26 2002

DATED this 23rd day of May, 2000.

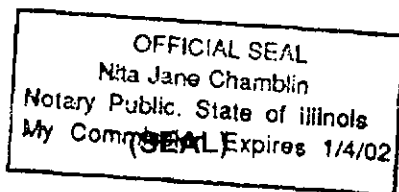
Anne Ewart Silverthorne
Anne Ewart Silverthorne

STATE OF Illinois)

County of Crawford ss.

On this 23rd day of May, 2000, before me, the undersigned, a Notary Public in and for the said State, personally appeared and Anne Ewart Silverthorne, married person dealing with her separate property, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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



Nita Jane Chamblin
Notary Public
Residing at: Robinson, IL
My Commission Expires: _____

490938

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
FEE 4.00 SEP 2
2000 JUN 12 PM 3:50
RECORDED AT THE REQUEST OF
Baker & Howe
PO Box 577
Blackfoot ID 83221

MICROFILMED

AUG 26 2002

SCHEDULE A

Order No. 42355

Policy No. J 1326420

Amount of Insurance: \$20,000.00

Premium \$210.00

Date of Policy: May 25, 2000 at 4:40 p.m.

1. Name of Insured:

DUSTIN POWELL

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

A FEE SIMPLE

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

DUSTIN POWELL, a single person

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

Part of the SE~~1~~/~~4~~SE~~1~~/~~4~~ of Section 28, Township 2 South, Range 36 E.B.M., Bingham County, Idaho, described as follows: Beginning at a point that is N. 89°34'13" W. 420.98 feet along the section from the SE corner of said Section 28, and running thence N. 89°34'13" W. 239.02 feet along said section line; thence N. 00°21'40" E. 990.00 feet; thence S. 89°34'13" E. 370.53 feet; thence S. 00°21'40" W. 796.74 feet to an existing fence line; thence along said existing fence line the following two courses: (1) S. 52°47'29" W. 165.97 feet; thence (2) S. 00°20'12" W. 91.91 feet extended; to the point of beginning. **EXCEPT:** County road along the South.

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AUG 26 2002

SCHEDULE B

Order No. 42355

Policy No. J 1326420

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:

PART I

SECTION 1

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are 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. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

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AUG 26 2002

SCHEDULE B

Order No. 42355

Policy No. J 1326420

PART I

SECTION 2

1. 2000 taxes are an accruing lien, not yet due and payable until the fourth Monday in November of the current year. The first one-half is not delinquent until after December 20 of the current year, the second one-half is not delinquent until after June 20 of the following year. Taxes which may be assessed and entered on the property roll for 2000 with respect to new improvements and first occupancy, which may be included on the regular property, which are an accruing lien not yet due and payable.

General taxes as set forth below. Any amounts not paid when due will accrue penalties and interest in addition to the amount stated herein.

<u>Year</u>	<u>Original Amount</u>	<u>Amount Paid</u>	<u>Parcel Number</u>
1999	\$1,136.58	\$568.29	RP04388.02

(covers this and other property)

Homeowners Exemption is in effect for year 1999.

2. Matters as shown on survey recorded August 16, 1999, as Instrument No. 482079.

END SCHEDULE B

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AUG 26 2002

COPY

BUY/SELL AGREEMENT

1. PARTIES:

THIS AGREEMENT, made and entered this 23rd day of May, 2000, by and between Anne Ewart Silverthorne, a married person dealing with her separate property, hereinafter referred to as Vendor, and Dustin Powell, a single person, hereinafter referred to as Purchaser.

WITNESSETH:

That the said Vendor, in consideration of the covenants and agreements on the part of the said Purchaser, hereinafter contained, agrees to sell and convey unto the said Purchaser, and the Purchaser agrees to buy certain real property particularly described as follows, to-wit:

2. PROPERTY DESCRIPTION:

Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28 Township 2 South, Range 36 E.B.M., Bingham County, Idaho, described as follows:

Beginning at a point that is N 89°34'13"W 420.98 feet along the section line from the Southeast corner of said Section 28 and running thence N 89°34'13" W 239.02 feet along said section line; thence N 00°21'40" E 990.00 feet; thence S 89°34'13" E 370.53 feet; thence S 00°21'40" W 796.74 feet to an existing fence line; thence along said existing fence line the following two (2) courses: (1) S 52°47'29" W 165.97 feet; thence (2) S 00°20'12" W 91.91 feet extended to the point of beginning.

Parcel contains 7.991 acres and is subject to the existing County Road right-of-way along the south side of the above described property.

3. FIXTURES OR PERSONAL PROPERTY:

None; however, Purchaser shall be entitled to use of an irrigation well located on the adjoining property now owned by the Estates of George Robert Ewart and Lois Johnson Ewart, but which is subject to a purchase agreement with Todd M. Clement.

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AUG 26 2002

4. PURCHASE PRICE:

Purchaser agrees to purchase said property for the sum of Twenty Thousand (\$20,000) Dollars in lawful money of the United States; and the Purchaser, in consideration of the premises, agrees to pay to the Vendor the said sum of \$20,000 as follows:

- a. \$4,000, together with one-half of costs of closing, receipt of which is acknowledged.
- b. \$16,000 promissory note which shall bear interest at the rate of Ten (10%) percent per annum, and which shall be due on or before June 1, 2005.

5. CLOSING:

The parties acknowledge that the closing shall be performed by the execution, delivery, and recording as appropriate of the following documents:

- a. Warranty Deed from Vendor to Purchaser for the real property described above.
- b. Deed of Trust perfecting a security interest in the real property described therein.
- c. Promissory Note secured by the above described Deed of Trust.
- d. Well Agreement
- e. Escrow Instructions.
- f. Statement of Settlement.

The parties acknowledge that to the extent that the above identified documents satisfy the obligations set forth in this agreement, this agreement will become merged in the above documents. This agreement will otherwise remain in full force and effect.

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AUG 26 2002

6. PRORATION OF TAXES:

The Vendor agrees to pay all real estate taxes and assessments levied upon said premises up to closing. All taxes and assessments thereafter shall be paid by the Purchaser.

The taxes will only be an estimate, and the parties to this agreement affirm and agree that no person has guaranteed the accuracy of the estimated taxes. The parties agree that in the event the Vendor have received an excess credit, based on the actual tax assessed on the property, upon demand, with adequate proof thereof, Vendor agree to reimburse Purchaser within ten (10) days of such receipt.

7. NO WARRANTY:

The Purchaser declares that he is buying the property "as is" and on his own examination and judgment and not through any representation made to him by the Vendor, or any agent for the Vendor, as to its location, value, future value, income therefrom or its production.

8. ESCROW:

It is agreed that an executed copy of this Sale Agreement, Warranty Deed, Deed of Trust, and Promissory Note, shall be placed in escrow at First American Administrative Services, with instructions to hold the said instruments in escrow until the full amount of said purchase price with interest shall have been paid, and with further instructions to deliver said documents to the Purchaser upon full payment by Purchaser of said purchase price and interest, and with further instructions to return the said documents to the Vendor in the event of default and forfeiture by the Purchaser pursuant to the terms of this agreement.

AUG 26 2002

9. PREPARATION OF DOCUMENTS:

The parties acknowledge that this agreement, deed, and note were prepared by the attorney for the Vendor, and the Purchaser acknowledges that he has the right to have the documents reviewed by an attorney of his choosing, should he elect to do so.

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

VENDOR

Anne Ewart Silverthorne
Anne Ewart Silverthorne

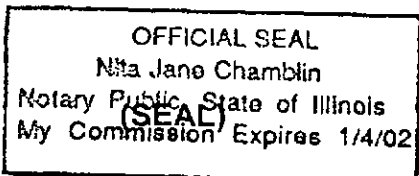
PURCHASER

Dustin Powell
Dustin Powell

STATE OF Illinois)
County of Champaign) ss.

On this 23rd day of May, 2000, before me, the undersigned, a Notary Public in and for the said State, personally appeared Anne Ewart Silverthorne, a married person dealing with her separate property, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that executed the same.

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



Nita Jane Chamblin
Notary Public
Residing at Libison, IL
My Commission Expires: _____

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AUG 26 2002

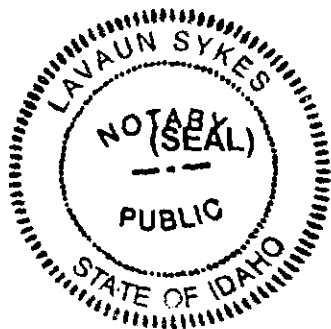
STATE OF IDAHO)

: ss.

County of Bingham)

On this 12th day of June, 2000, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Dustin Powell, a single person, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



Lavaun Sykes

Notary Public for Idaho

Residing at Blackfoot

My Commission Expires: 5-17-02

MICROFILMED

AUG 26 2002

1. *Introduction*

RECORDS CERTIFICATE
Institution No. A82079

Casey's Restaurant

LEGAL DESCRIPTION

Part of the Sediment of the southwest quarter (SE 1/4 of 1/4) of Section 105 East of the base station, Blenheim County, here described as follows:

[illegible][illegible]

Deposited in the National Central of the National Library of Medicine and the National Cancer Institute, Division of Cancer Prevention and Control, 615 Executive Plaza North, Room 301, Bethesda, MD 20892-7242, USA. Tel: +1 301 590 5500. Fax: +1 301 590 5501. E-mail: shimada@nsl.jrc.or.jp

Part 1, Chapter 2, 2003. On the end of subject is an original copy. Note: subject is not a copy of the original copy. The date (2003) is not the date of the original copy.

LEADER

SURVEYORS CERTIFICATE

7380

8206

RECORD OF SURVEY

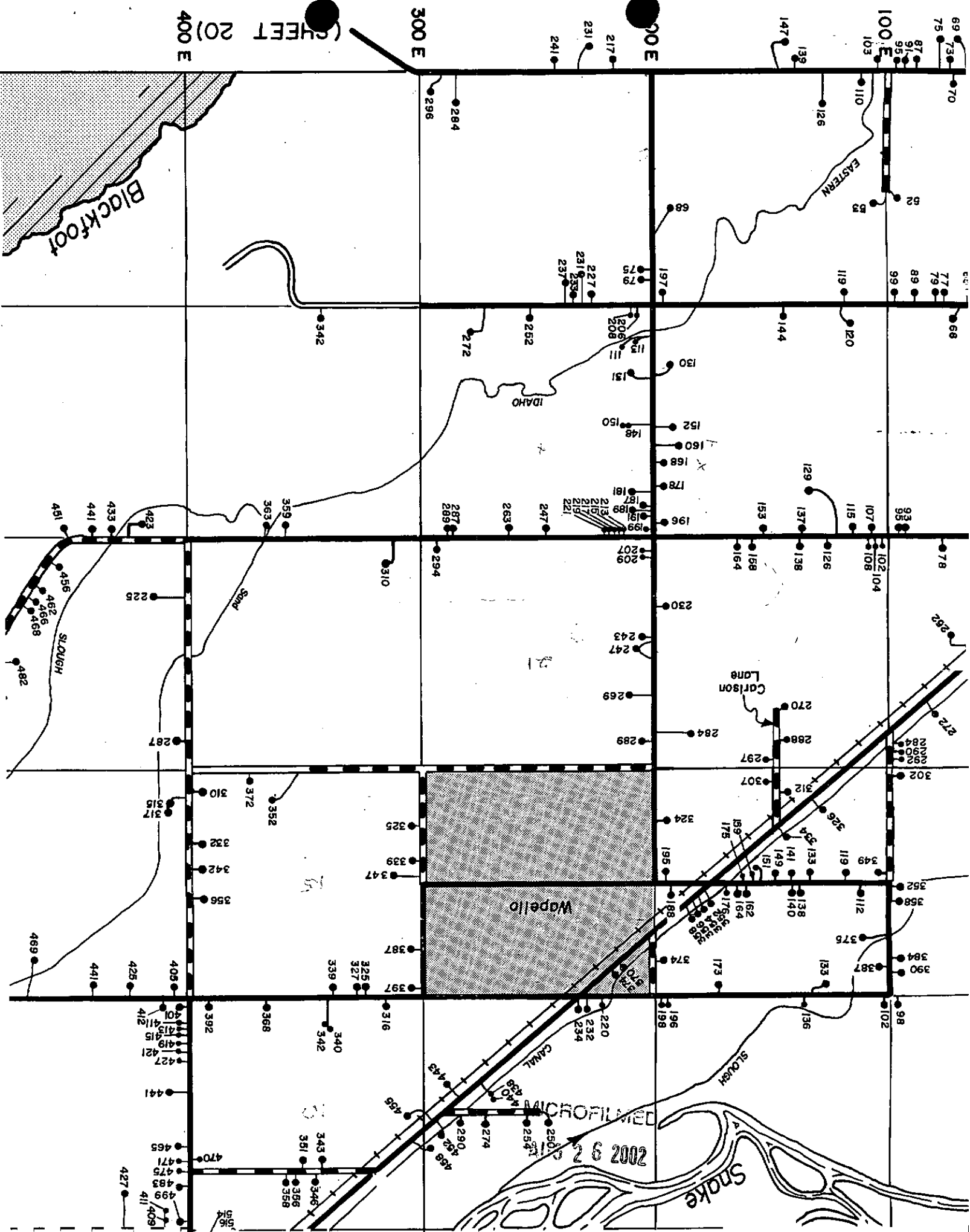
Section 28 T. 2 S., R. 30 E., BL.

82079

1-1/2" Laminated
Section No. 12
7'-3 1/2" R. 10' CBWL
GP 44.1 20076
Radius 1/2" max. and

NOV 26 10 57 AM '89
Bones by Beating in Come Amputation & Ring needed 1151 / 361 94.
100 NORTH

S.E. China
Section 28
125 R 35 P.H.I.
TUP / 201345
Fossilium Museum Coll.



State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 27-07362

Priority: June 9, 1983

Maximum Diversion Rate: 0.28 CFS
Maximum Diversion Volume: 56.0 AF

It is hereby certified that LOIS J EWART Or
G R EWART
298 E 100 N
BLACKFOOT ID 832215902 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 9, 1983; and have
submitted Proof of Beneficial Use on June 18, 1991. An examination indicates that the works have a
diversion capacity of 0.32 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	04/01 to 10/31	0.28 CFS	56.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28, 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	28																	14.0
																			14.0

Total Acres: 14

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. 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 28th day of NOVEMBER, 2001.

Acting for

KARL J. DREHER
Director

MICHAEL J. DREHER
2001

DEC 12 2001

RECEIVED
JUN 17 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only

Amt. of Fee \$ 100.00

Date 6/18/91

Receipt No. 2020872

Received by J. L. Smith

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. 27-07362 Telephone No. (208) 785-3126

2. Name(s) of Permit Holder(s): G. R. EWART & LOIS J. EWART

3. Post Office Address: 298 E. 100 N, BLACKFOOT, ID 83221-5902

4. Source of Water: WELL

a. If ground water, well driller's name: CUSHMAN DRILLING #94 Date drilled: 6-5-90

b. Pump horsepower: 10 Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use:

Domestic _____ (No. of households)

Irrigation 12 (No. of acres)

Stockwater _____ (No. and type of stock)

Other _____

6. Total rate and/or volume for which proof is submitted 0.30 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: \$ 100.00 (See License Examination Fee Schedule)

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

G. R. EWART
Name

785-3126
Telephone No.

298 E. 100 N BLACKFOOT, ID 83221
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.

JUL 21 1991

Date

Signature (and title if on behalf of a company or organization)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant G. R. or Lois J. Ewart Phone 785-6755
Post office address Rt. #1, Box 114-A, Blackfoot, ID 83221

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

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28 Township 2S
Range 36E B.M. Bingham County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.30 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. 0.30 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump, mainline to sprinkler system

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 8 inches; proposed depth of well is 60 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

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

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

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

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

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

MICROFILMED

AUG 16 1989

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2S	36E	28																15	15

Total number of acres to be irrigated 15

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

9. a. Who owns the property at the point of diversion Applicant

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

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

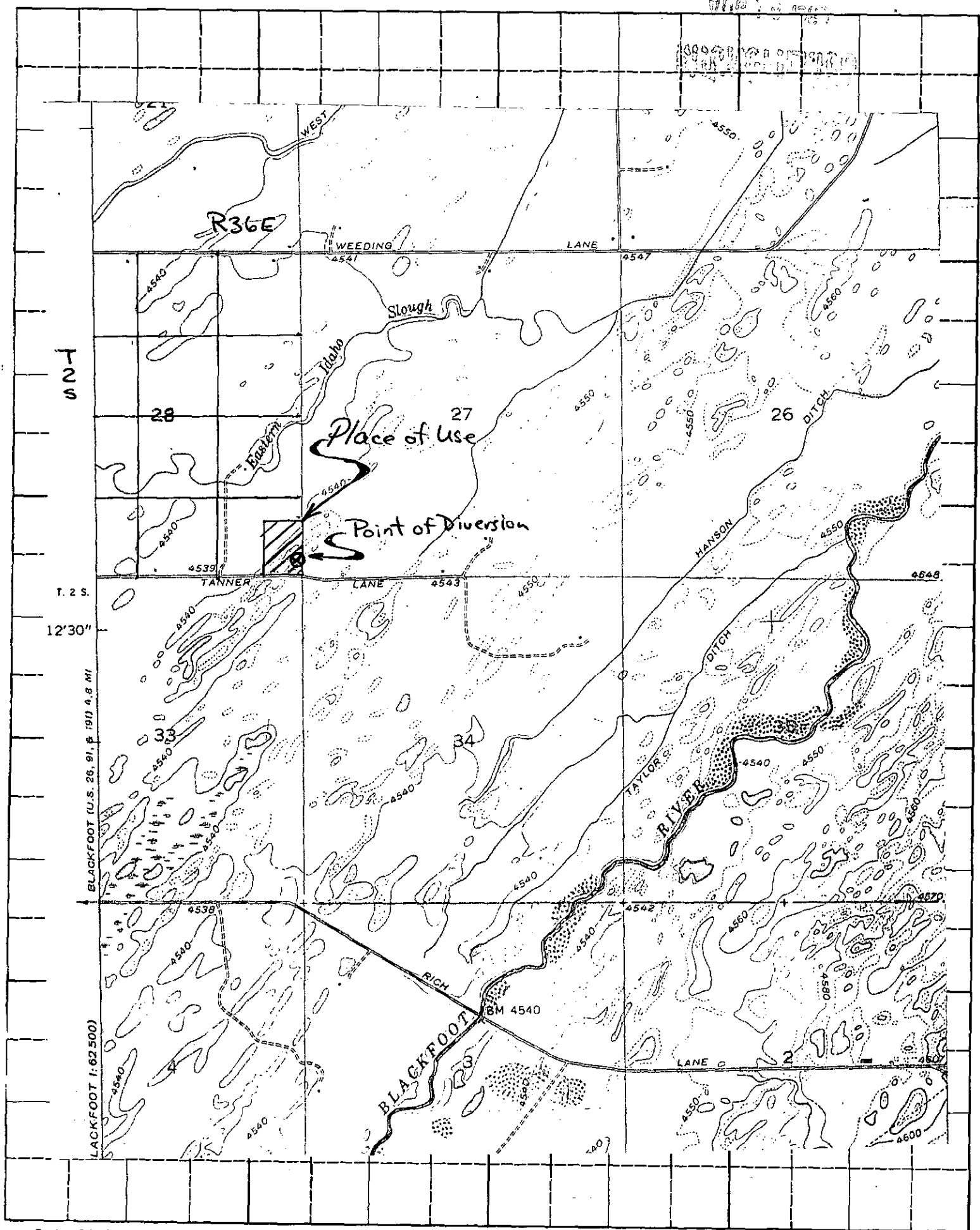
10. Remarks _____

RECORDED

AUG 16 1989

1000

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



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

RECORDED

AUG 16 1989

GR Grant
(Applicant)

Proposed Priority 6/9/83

Received by Kew Date 9 June 1983 Time 1540 hrs

Preliminary check by HWT Fee \$ 45.00

Received by BP Date 6/9/83 # 30832

Publication prepared by GB Date 6-6-89

Published in Morning News

Publication dates 6-15-22, 89

Publication approved CW Date 7-05-89

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. 27-7362, 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 August 1, 19 91.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other: Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

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

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

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.

Witness my hand this 20th day of July, 1989.

A. Glen Saxton

MICROFILMED

AUG 16 1989

Idaho Falls, Idaho 83402
(208) 525-7161

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

27-07356

GROVER, Lavar
GROVER, Boyd
Rt. 1, Box 386
Shelley, Idaho 83274
Source: GROUNDWATER
Diversion Pt: NWSE, Sec. 31, T. 01N, R.
37E.
Use: IRRIGATION (.660 CFS)
COMMERCIAL (.020 CFS)
DOMESTIC (.110 CFS)
Date Filed: 5/31/1983
In: T01N R37E, S31, SWNE, NESE.
33.0 ACRES TOTAL.

27-07362

EWART, G.R.
EWART, Lois J.
Rt. 1, Box 114-A
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversion Pt: SESE, Sec. 28, T. 02S, R.
36E.
Use: IRRIGATION (.300 CFS).
Date Filed: 6/09/1983.
In: T02S, R36E, S28, SESE
15.0 ACRES TOTAL

27-07366

NELSON, Emery B.
217 Lansing
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversion Pt: SWNE, Sec. 4, T. 03S, R.
35E.
Use: IRRIGATION (.280 CFS).
DOMESTIC (.040 CFS).
Date Filed: 6/16/1983.
In: T03S, R35E, S04, SWNE.
14.0 ACRES TOTAL.

27-07368

CHRISTENSEN, Thomas
Rt. 2, Box 52
Shelley, Idaho 83274
Source: GROUNDWATER
Diversion Pt: NESE, Sec. 20, T. 01S, R.
37E.
Use: IRRIGATION (.800 CFS).
Date Filed: 6/13/1983.
In: T01S, R37E, S20, NESE, SESE.
40.0 ACRES TOTAL.

27-07372

CLAWSON, Michael
Rt. 1, Box 200
Firth, Idaho 83236
Source: GROUNDWATER
Diversion Pt: SWNW, Sec. 8, T. 02S, R.
37E.
Use: IRRIGATION (3.000 CFS).
Date Filed: 7/19/1983.
In: T02S, R37E, S08, NENW, NWNW,
SWNW, SENW.
160.0 ACRES TOTAL.

27-07379

ARCHIBALD, C.H.
90 Kirby
Blackfoot, Idaho 83221
Source: GROUNDWATER
Diversion Pt: SWSW, Sec. 5, T. 03S, R.
35E.
Use: IRRIGATION (.100 CFS).
STOCKWATER (.020 CFS).
Date Filed: 6/24/1983.
In: T03S, R35E, S05, SWSW.
5.0 ACRES TOTAL.

JUL 14 1983

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho)

I, _____ do
solemnly

swear that I am the _____ 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 _____ consecutive _____

the first publication having been made on the

_____ day of _____, 19__;

and the last publication having been made on the

_____ day of _____, 19__;

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 _____ day of _____, in
the year 19__, 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.

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

Affidavit Processing Fee \$5.00

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AUG 16 1983



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

August 21, 2002

DUSTIN POWELL
PO BOX 1032
BLACKFOOT ID 83221

RE: Change of Ownership for Water Right 27-7362

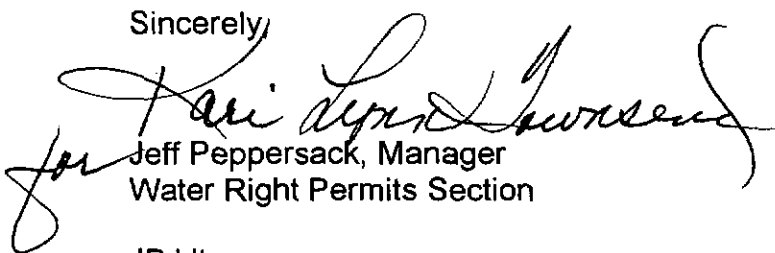
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,



Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

AUG 26 2002

FROM D. Gibson

MICROFILMED

DATE

8/6/02

AUG 2 2 2002

TO File No. 27-7362

SUBJECT Filing fee for Change of Ownership

Dustin Powell called me today in response to my 7/18/02 letter requesting ownership change filing fee of \$100.⁰⁰ if the right was split. He explained that the right is not split between him and his neighbor which also bought property from the same original owner which had W.R. NO. 27-7362. Dustin was granted the full water right (see the Buy/Sell Agreement). \$25.⁰⁰ is the appropriate filing fee for this change of ownership. The adjacent property owner has a separate water right for domestic & stock water #27-70525.

Deborah Gibson
SIGNATURE



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

July 18, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DUSTIN POWELL
PO BOX 1032
BLACKFOOT ID 83221

RE: Water Right No 27-7362
Change in Ownership

Dear Mr. Powell:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

- ☒ Filing Fee of \$100 per water right for changes resulting from division of a water right
- ☒ Describe your portion of the water right resulting from the division of the property. Please complete the information requested on the back page, section 6, of the enclosed Ownership Change form. The department is prepared to divide the water right 50/50 unless otherwise instructed.

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed. We have determined that the filing fee for your notice will be \$100.00.

Because the Department cannot process the ownership change without proper fees, we will hold any action on your notice pending receipt of the necessary fees. If we do not receive the necessary fees within 30 days we will return your notice and all attachments and your notice will not be processed. Please forward your response and fee to my attention at the above address.

Please note that water right owners are required to report any change in 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.

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

Sincerely,

Deborah J. Gibson
Administrative Assistant

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AUG 26 2002



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

December 20, 2001

TODD CLEMENT
TIARE CLEMENT
298 E 100 N
BLACKFOOT ID 83221-5902

RE: Water Right 27-07362

Dear Mr. & Mrs. Clement:

We have been advised that you may be the current owner of a portion of the property that has recently been licensed as referenced above.

Before we can modify our records to reflect your ownership of the property and the water right referenced above, we need to have a Notice of Change in Water Right Ownership form completed and returned with the appropriate filing fee. I have enclosed a copy of this form for your convenience. Also enclosed is a copy of the Water Right License.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

Enclosures

MICROFILMED
JAN 09 2001



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

December 20, 2001

DUSTIN POWELL
290 E 100 N
BLACKFOOT ID 83221-5902

RE: Water Right 27-07362

Dear Mr. Powell:

We have been advised that you may be the current owner of a portion of the property that has recently been licensed as referenced above.

Before we can modify our records to reflect your ownership of the property and the water right referenced above, we need to have a Notice of Change in Water Right Ownership form completed and returned with the appropriate filing fee. I have enclosed a copy of this form for your convenience. Also enclosed is a copy of the Water Right License.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

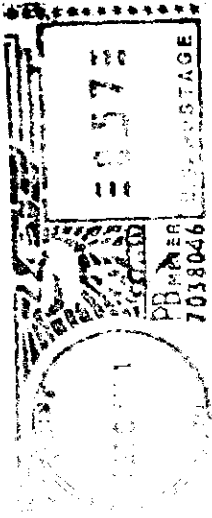
Kari Lynn Townsend
Secretary

KLT:k

Enclosures

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JAN 09 2001



RECEIVED

DEC 17 2001

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard St.
P.O. Box 83720
Boise, ID 83720-0098
(208) 327-7900

NOT TO BE RETURNED TO SENDER
AS ADDRESSEE UNABLE TO FORWARD

To
G R EWART
LOIS J EWART
298 E 100 N

1

MICROFILMED

WR 21-7362

Lori - Bingham County
assessor

1st & Diane Clement
785-5558 7.0 acres

Dustin Powell 7.99
acres

MICROFILMED
JAN 09 2001

Dustin Powell
290 E 100 N
Blackfoot 83221
782-9588

Dale & Diane Powell
252 E 100 N
Blackfoot 83221
785-4404



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

December 3, 2001

G R EWART
LOIS J EWART
298 E 100 N
BLACKFOOT ID 83221-5902

RE: License No. 27-7362 - 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,


for Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

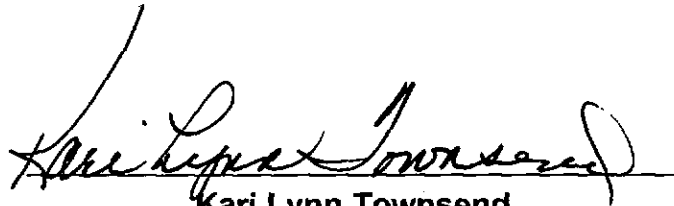
DEC 12 2001

CERTIFICATE OF MAILING

I hereby certify that on December 3, 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. 27-7362

**G R EWART
LOIS J EWART
298 E 100 N
BLACKFOOT ID 83221-5902**


Kari Lynn Townsend
Secretary

RECORDED
DEC 12 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).

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DEC 12 2001

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.

MICROFILMED
DEC 12 2001

Comment Report

27-7362

1. skeen 11/27/2001 License Review

Comment: License review and data entry by S. Keen on 11/27/2001. Only point of diversion overlap is a domestic well. The place of use overlap is 25 acres within the same 40-acre tract by Blackfoot Irrigation District. Because there is no indication by the applicant or the field examiner that surface water is used on the place of use for this right, I am assuming that the land covered by BID is the 25 acres not covered by this right.

MICROFILMED
DEC 12 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAR 1 - 2000

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 27-07362

1. Owner: G.R. Ewert Phone No. 208 785-3126

Current Address: 298 E 100 N Blackfoot ID

2. Accompanied by: G.R. Ewert Jr EXAM DATE: 8-25-1999

Address: same Phone No. _____

Relationship to Permit Holder: SON

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SE	SE	28	25	36E	Bingham	On Site / USGS Quad / FSA Area

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	28																14	14

MICROFILMED

12 2001

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



Scale: 1" = _____ Photo 12, 13, 14

____ 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
	Marley	10			

*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

2. Measurements: $\frac{5}{32}$ " - 111 111 1 } wheel line + hand line $\frac{1}{4}$ " - 111 111 } Extra lines not used @ same time
 $\frac{9}{64}$ " - 111 } $\frac{1}{4}$ " x $\frac{3}{16}$ " - 1 } $\frac{7}{32}$ " - 111 } $\frac{9}{64}$ " - 111 } $\frac{1}{16}$ " - 111
 $\frac{1}{16}$ " - 111 }
 $\frac{7}{32}$ " - 111 111 1

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DEC 12 2001

E. NARRATIVE/REMARKS/COMMENTS

System not on this season. Property to be sold.

Mainline had frozen last winter mainline had been capped so system could water yard around home

Pump will operate a Nelson 0.85" Big Gun s/n 55911831

Drilling permit # 27-90-E-022

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

MICROFILMED
DEC 12 2001

F. FLOW CALCULATIONS☒ Additional Computation Sheets AttachedMeasured Method: Theoretical capacity $Q = 0.32 \text{ cfs}$ exceed 0.02 cfs/acre

$$Q_{\text{LIMITED TO } 0.02 \text{ cfs/acre}} = 14 \text{ ac} \times 0.02 \text{ cfs/acre} = 0.28 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{\text{I.R.}} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (14) 4 = 56.0$$

$$V_{\text{D.R.}} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.28 (214) (1.9835) \approx 118.9 \text{ af}$$

$$V = \text{Smaller of } V_{\text{I.R.}} \text{ and } V_{\text{D.R.}} = 56.0 \text{ af}$$

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		
<u>IRRIGATION</u>	<u>4/1</u>	<u>11/1</u>	<u>0.28 cfs</u>	<u>56.0 af</u>
Totals:			<u>0.28 cfs</u>	<u>56.0 af</u>

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 Keith C Wilson Date 8-25-1999

Reviewer _____ Date _____

SEAL

MICROFILMED

DEC 12 2001

Wheel line: $11 - 5/32" @ 45\text{psi} = 4.72\text{gpm}(11) = 51.92\text{gpm}$
 $12 - 7/32" @ 45\text{psi} = 9.41\text{gpm}(12) = 112.92\text{gpm}$
 $164.84\text{gpm} = 0.37\text{cfs}$

Pump Theoretical $Q = \frac{h_p(8.814)\text{eff}}{\text{Lift} + (\text{PSI} \times 2.308)}$ $\text{eff} = 70\%$ $\text{Lift} = 50'$ $\text{PSI} = 45\text{psi}$

$$Q = \frac{10(8.814)(.7)}{50 + (45 \times 2.308)} = \frac{61.698}{153.86} = 0.40\text{cfs}$$

Nelson Big Gun (0.85")

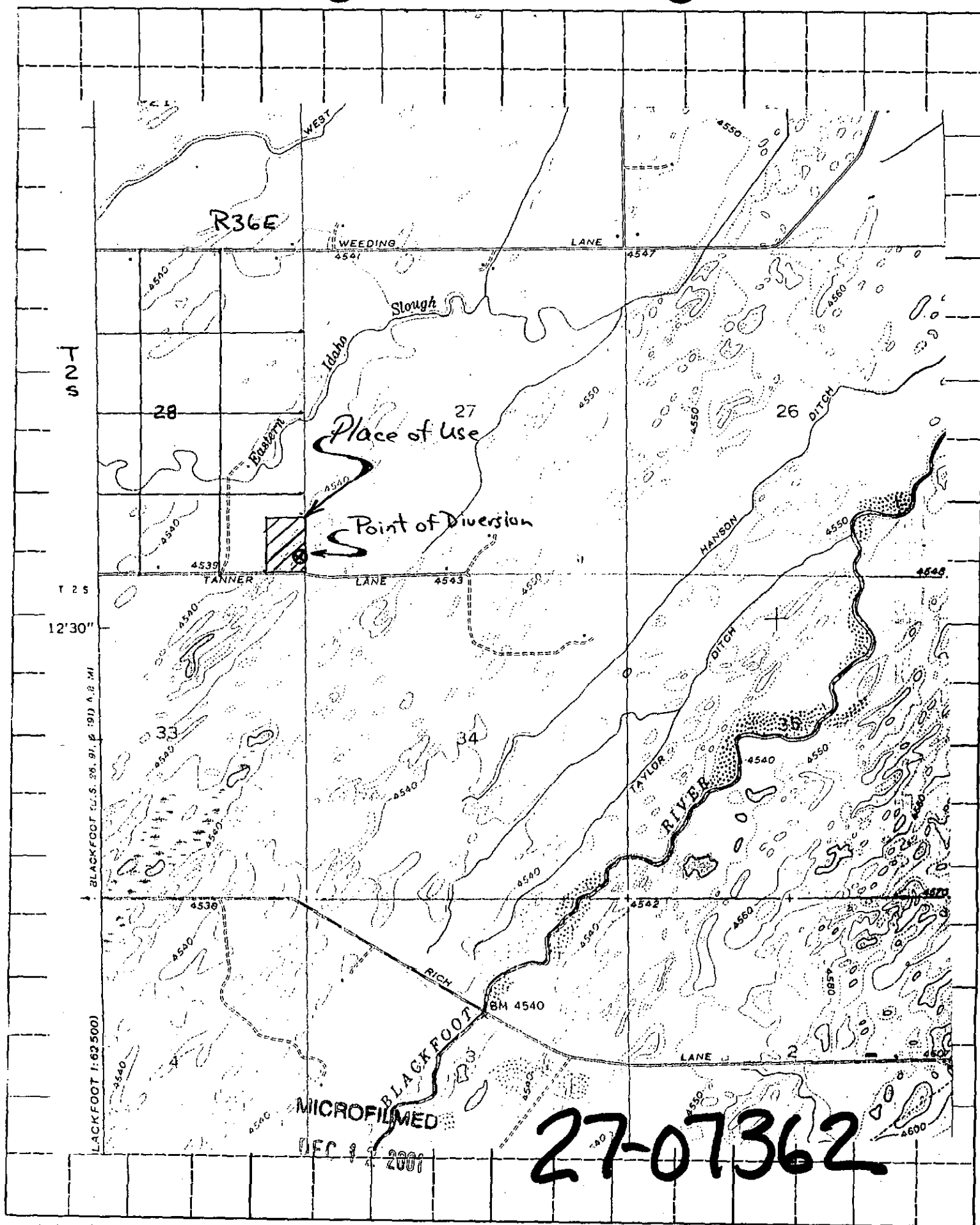
$$Q = 0.0665 d^2 \sqrt{\text{PSI}} = 0.0665 (0.85)^2 \sqrt{45} = 0.32\text{cfs}$$

MICROFILMED

DEC 12 2001

PERMIT # 27-07362

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



134.0

134.5

21 22

28 27

2

30.0

3

SEC 28

PLACE OF USE

T
2
S

R36E

14

29 27

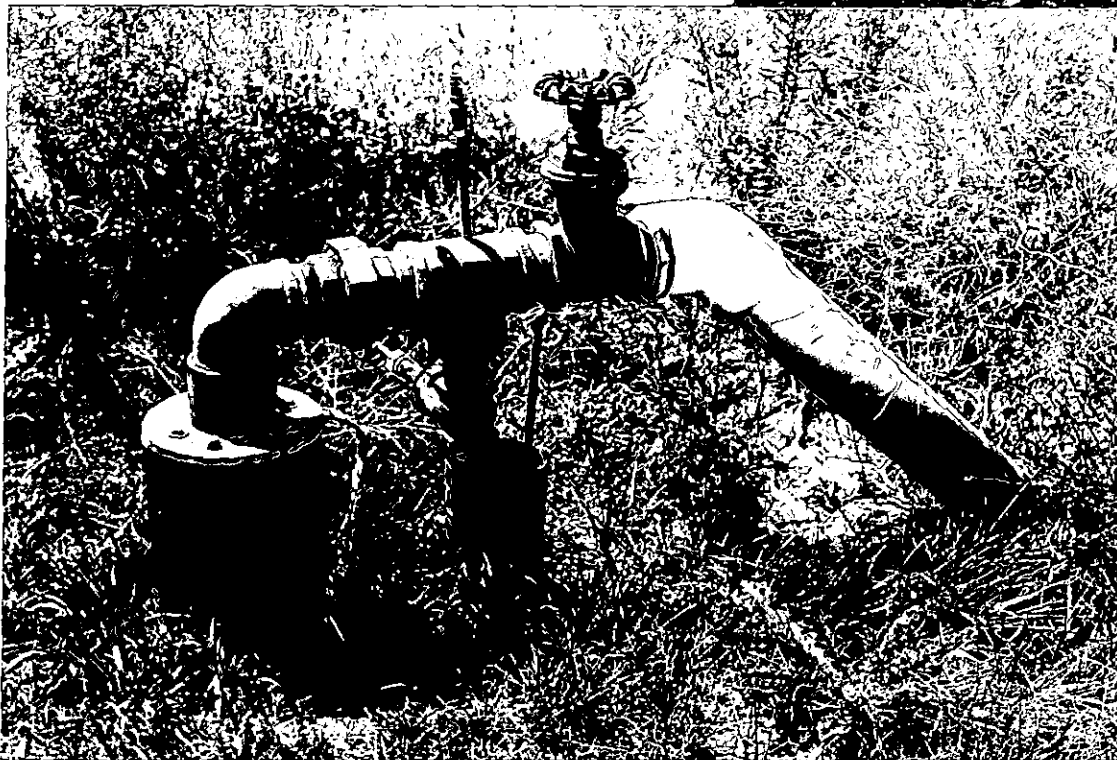
33 34

POINT OF DIVERSION

MICROFILMED

27-07362

Nelson Big Gun (0.85")



Well

MICROFILMED
DEC 12 2001

27-07362

July 25, 1991

LOIS J. EWART
G. R. EWART
298 E. 100 N.
BLACKFOOT, ID 832215902

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 27-07362

Dear Permit Holder:

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

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

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

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JUL 31 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 27-7362

Date 6-20-91

GENERAL CONSIDERATIONS

- ☒ Name same as permit?
☒ Address same as permit? If no, indicate below.
☒ Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

- ☐ Surface water source
☒ Ground water source
☒ Drill permit req'd?
☒ Copy in file? Drill permit no. 27-90-E-022
June 1990 100.00 Amt paid for drilling permit? yes Correct?
☐ Well log in file?

LICENSE EXAMINATION FEE

- ☒ Required?
100.00 Amount submitted?
☒ Correct amount?

MEASURING DEVICE

- no Measuring device or access port required?
☐ Installed?
☐ Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

address change J.B. 6-20-91

needs w.c. ok

proof acceptable

PRIORITY CALCULATION

Date proof received

NA

Date proof due

-

No. of days late

=

Priority date

+

NEW PRIORITY DATE

=

J.B.

138606
May 31, 1991

LOIS J. EWART
G. R. EWART
RT. 1 BOX 114-A
BLACKFOOT, ID 83221

PROOF DUE NOTICE

RE: PERMIT NO. 27-07362

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 August 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

RECEIVED

JUL 31 1991

RECEIVED
MAY 24 1990

Department of Water Resources

State of Idaho
Department of Water Resources

D R I L L I N G P E R M I T

Applicant G. R. or Lois J. Ewart

Mailing Address Rt. 1, Box 114-A

Blackfoot, ID 83221

Telephone 785-6755

☒ Well Owner ☐ Well Operator ☐ Other, specify _____

Proposed well location SE 1/4 SE 1/4, or Gov't lot No. _____,

Sec. 28, Twp. 2S, Rge. 36E, County Bingham,

Street Address of Well Site _____,

Lot, block and subdivision _____

Proposed use of well:

☐ Single family or stockwater use (less than 13,000 gallons per day)

☒ Irrigation (more than 1/2 acre) 15 acres

☐ Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____

☐ Other (describe fully) _____

Well construction information:

A. ☐ New well ☐ Deepen ☒ Replace - See Condition 9.

B. Proposed surface diameter 8 Maximum depth 60

C. Anticipated bottom hole temperature:

- ☒ 85°F or less (Cold water well)
☐ 85°F to 212°F (Low temp. geothermal well)
☐ 212°F or more (Geothermal well)

Construction Start Date 5-28-90

Anticipated Well Driller Cushman Drilling

NOTE: The actual well driller must be identified prior to drilling.

Applicant's signature GR Ewart Date 5-28-90

Title _____
(Owner, Firm Representative, Other)

JUL 31 1991

Fee is \$10 for single family domestic. Other uses may be up to \$100

ACTION OF DEPARTMENT OF WATER RESOURCES

his Permit is APPROVEDDate 5-23-90

If approved, this permit authorizes the construction of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute the approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85°F or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

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JUL 31 1991

Dennis M. Dunn Sr. Water Resource EASTERN REGIONAL MANAGER
Signature of Authorized Department Representative Title

Receipt No. E014657 Received by RB Fee \$100.00 Date 5-23-90

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension is good for 60 days beyond the above extension approval date.

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
July 20, 1989

G.R. EWART
LOIS J. EWART
RT. 1, BOX 114-A
BLACKFOOT, ID 83221

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

RE: PERMIT NO. 27-07362

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.

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.

[Handwritten signature]
AUG 16 1989

[Handwritten signature]

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

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AUG 16 1989

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: HWT

APPLICATION NUMBER: 27 7362

CHECK:

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

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: 7-3-89
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 7-03-89
☒ 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
6-09-89 Date of priority recommended.
Special conditions of approval or cover letter. _____

App. in NON-TRUST area -

OK to allow 2 yrs. to develop -

By: HWT

Date: 7-6-89

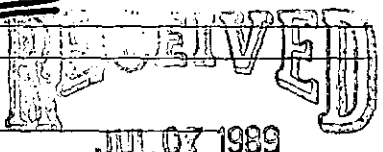
STATE OFFICE REVIEW:

P05, P23 P17 46 48 49 26

- ☐ See attached sheet for more information.

By: KW

Date: 7/18/89



POINT OF DIVERSION AND STREAM INDEX INFORMATION

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

DA 2385

07-Jun-1989

G. R. or Lois J. Ewart
Rt. 1, Box 114-A
Blackfoot, ID 83221

RE: Application for Permit No. 27-7362

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 16 1989

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

Idaho Falls, Idaho 83402
(208) 525-7161

JUNE 6, 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 JULY 3, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

RECORDED

AUG 16 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

RECEIVED

AUG 16 1989

27-07362

EWART, G.R.
EWART, LOIS J.
RT. 1, BOX 114-A
BLACKFOOT, ID 83221

Source: GROUNDWATER

Diversion Pt: SESE Sec 28 T 02S R 36E

Use: IRRIGATION (.300 CFS)

Date Filed: 6/09/1983

In: T02S R36E S28 SESE

15.0 ACRES TOTAL

RECORDED

AUG 16 1983

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 JULY 3, 1989.

R. Keith Higginson, Director

Published 6/15/1989 & 6/22/1989

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AUG 16 1989



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

August 13, 1985

RE: Application for Permit No. 27-7362

Mr. G. R. Ewart
Rt. 1, Box 114-A
Blackfoot, Idaho 83221

Dear Mr. Ewart:

In October of 1984, Idaho Power Company and the State of Idaho signed an agreement stating the Company's water rights would be subordinated to those persons who beneficially used water prior to October 1, 1984, and who filed an application or claim for said use by June 30, 1985.

To insure proper consideration of your application pursuant to the above agreement, follow the directions on the enclosed form and return it to this office when completed. For your benefit in identifying the point of diversion and place of use, included on the form is a description of the major items contained on the application.

Your cooperation in returning the completed form and supplemental documentation will expedite future administrative action on your application when processing of applications above Swan Falls resumes.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

RECEIVED

AUG 16 1985

FORM A

STATE OF IDAHO

RECEIVED

JUL 8 1985

DEPARTMENT OF WATER RESOURCES Department of Water Resources

PROOF OF BENEFICIAL USE

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

Permit No. Applied for permit in the Spring of 1983 (no permit has been received)

Name(s) of Permit Holder: G. R. EWART

RT 1 BOX 114A

Post Office Address: BLACKFOOT ID 83221

Telephone No. 785-6755

Source of Water: GROUND

Extent of Use: Domestic 1 (number of households)

Stockwater 10 horses 12 steers (number and type of stock)

Irrigation 15 (acres)

Other/Remarks This water replaces water

previously used out of the Eastern Idaho Slough

Indicate the date water was first diverted and beneficially used under this permit: Mid September 1982

Measuring Device: Required? Yes No
Installed? Yes No

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

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

(Name)

RT 1 Box 114A BLACKFOOT

(Address)

785-6755
(Telephone number)

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

Date

GR Ewart
Signature of Permit

(and Title, if appropriate) AUG 16 1989

Statement of development for exemption from Swan Falls processing. Not acceptable as proof of beneficial use.

Since neither of the Forms A or B
seem to fit my circumstances I am
returning both. I could find
no serial number on my
copy of my Application.

Sol Ewart

RECEIVED

1942

RECEIVED
U.S. DEPARTMENT OF THE ARMY
WASHINGTON, D.C.

FORM B

Please answer all questions fully if you believe that actual use or a substantial investment existed as of November 19, 1982, (\$15,000 or 25% of the estimated cost of the project):

SEE ACCOMPANYING LETTER!

Permit or Application Number: _____

Name(s) of Permit Holder: G.R. EWART

Post Office Address: RT 1 BOX 114A

BLACKFOOT ID. 83221

Telephone No. 785-6755

Indicate the date water was first diverted and beneficially used under this permit: _____

1. As of November 19, 1982, had the sum of at least \$15,000 been spent on the purchase or construction of wells or on equipment primarily used for irrigation purposes to be used to develop the above listed application or permit?

YES _____ NO _____

If the answer is "yes", attach copies of cancelled checks or receipts showing the expenditure.

2. As of November 19, 1982, did there exist actual expenditures or written commitments for expenditures totaling at least \$15,000 for the purchase or construction of wells or of equipment primarily used for irrigation purposes to be used to develop the above listed application or permit?

YES _____ NO _____

If the answer is "yes", attach copies of cancelled checks or receipts showing the expenditure, or of written commitments for such purchase or construction.

3. Describe the irrigation project contemplated. For example, number of acres, number of wells or headgates, type of application system (gravity, handlines, center pivots, length and size of canals, laterals, mainlines, etc.), number and size of pumps.

RECEIVED

AUG 16 1989

In mid September 1982 a test well was hand dug (backhoe) to a depth of about 15'. Irrigation water was pumped from this well twice that fall to irrigate pasture. Engine, pump and irrigation equipment has been owned for several years.

4. Describe how much of the project was completed on or before November 19, 1982.

Water has been used from another temporary hand dug well since the spring of 1983. This water replaces water previously drawn from the Eastern Idaho Slough. The unused water from the slough returns to the Blackfoot River.

5. What is the total estimated cost of the irrigation project necessary to use water under the above permit or application? (In figuring project cost, do not include cost of land or engineering and feasibility studies).

\$3000

6. Did the total of the actual expenditures and written commitments exceed 25% of the total projected cost as of November 19, 1982?

YES

NO

I swear (or affirm) that the information stated above is true and correct, to the best of my knowledge.

GR Evans

SUBSCRIBED and SWORN to before me this 28th day of May, 1985.

H. Larry Spiller
NOTARY PUBLIC FOR Idaho
Residing at: Idaho Falls

Notary Public

AUG 16 1989

27-2362_

EWART, G.R. &/or LOIS J.

RT. 1, BOX 114-A, BLACKFOOT, ID 83221

Source: GROUNDWATER

Date Filed: 06/09/1983

Diversion Pt: SESE Sec 28 T 02S R 36E

Use: IRRIGATION (0.30 CFS)

In: SESE Sec 28 T 02S R 36E FOR 15 ACRES

MICROFILMED

AUG 16 1989