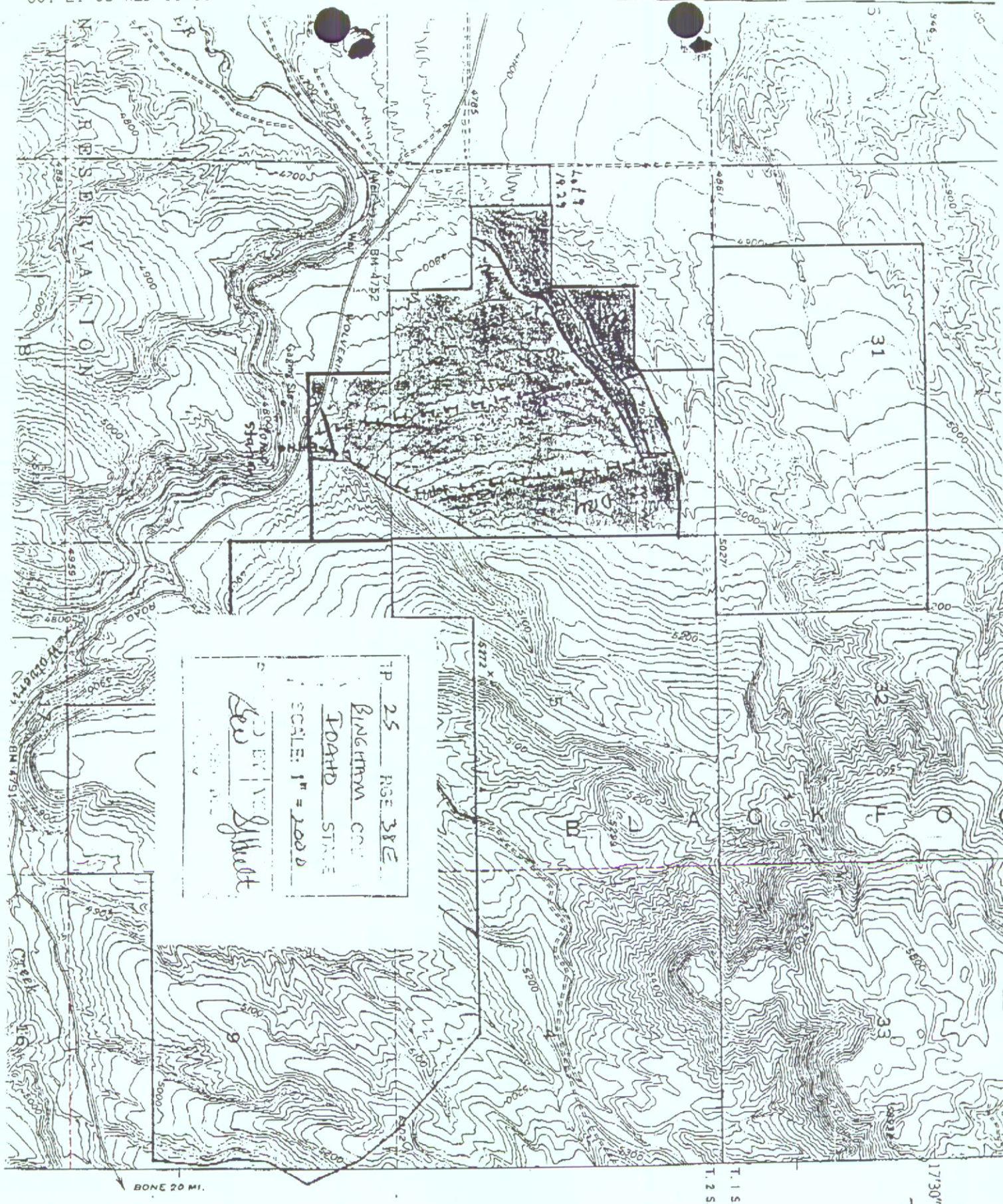


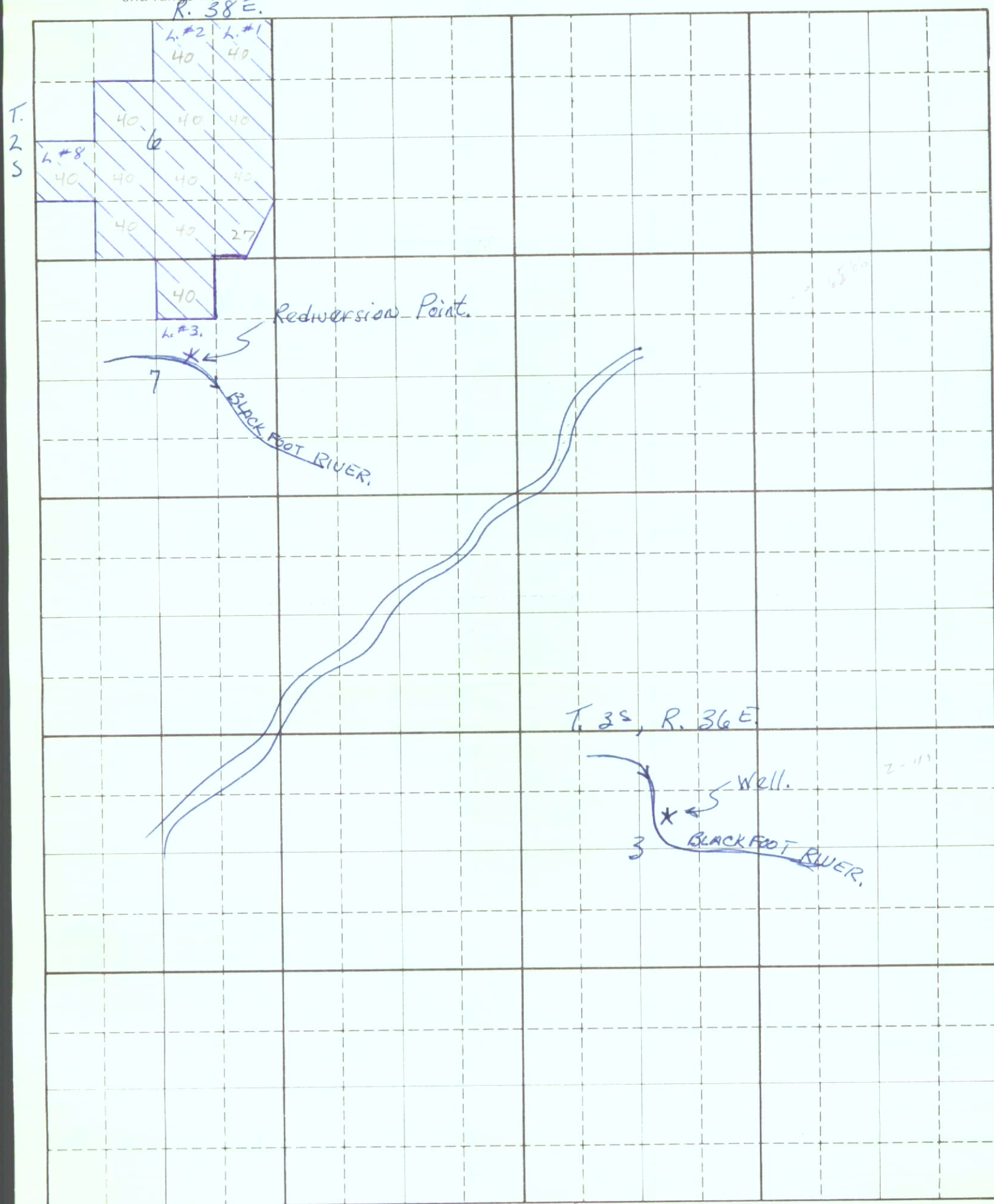


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MAY 26 1999

To Jennifer

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.

Don M. Eglin
(Applicant)

RECEIVED

JUN 10 1977

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham)
)ss.
State of Idaho David Mark Brown)
I, do
solemnly

swear that I am the Publisher of
The Blackfoot 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: Thursday of
each week; that the notice attached hereto and which
is a part of this affidavit and part of the proof of

of publication was published in said issue or said
newspaper two consecutive weeks,

the first publication having been made on the
2nd day of June, 19 77,

and the last publication having been made on the
9th day of June, 19 77;
that said notice was published in the regular and en-
tire 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.

David Mark Brown

Subscribed and sworn to before me this 9th
day of June, 19 77.

Patricia H. Johnson
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1980

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that
Don M. and-or Lorna Esplin,
Shelley, Idaho have on 5-23-77
submitted Application No. 27-
7088 for a permit to appropriate
10.14 cubic feet per second of
water from a ground-water
source by means of well and
pump within the SW $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 3, T. 3S, R. 36E, B.M.,
Bingham County. The water
will be pumped into the Black-
foot River and redirected at a
point within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ (lot
3), Sec. 7, T. 2S, R. 38E, B.M.;
to be used from Apr. 1 to Nov. 1
for the irrigation of 507 acres
within the NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$,
Sec. 6, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 2S,
R. 38E, B.M.

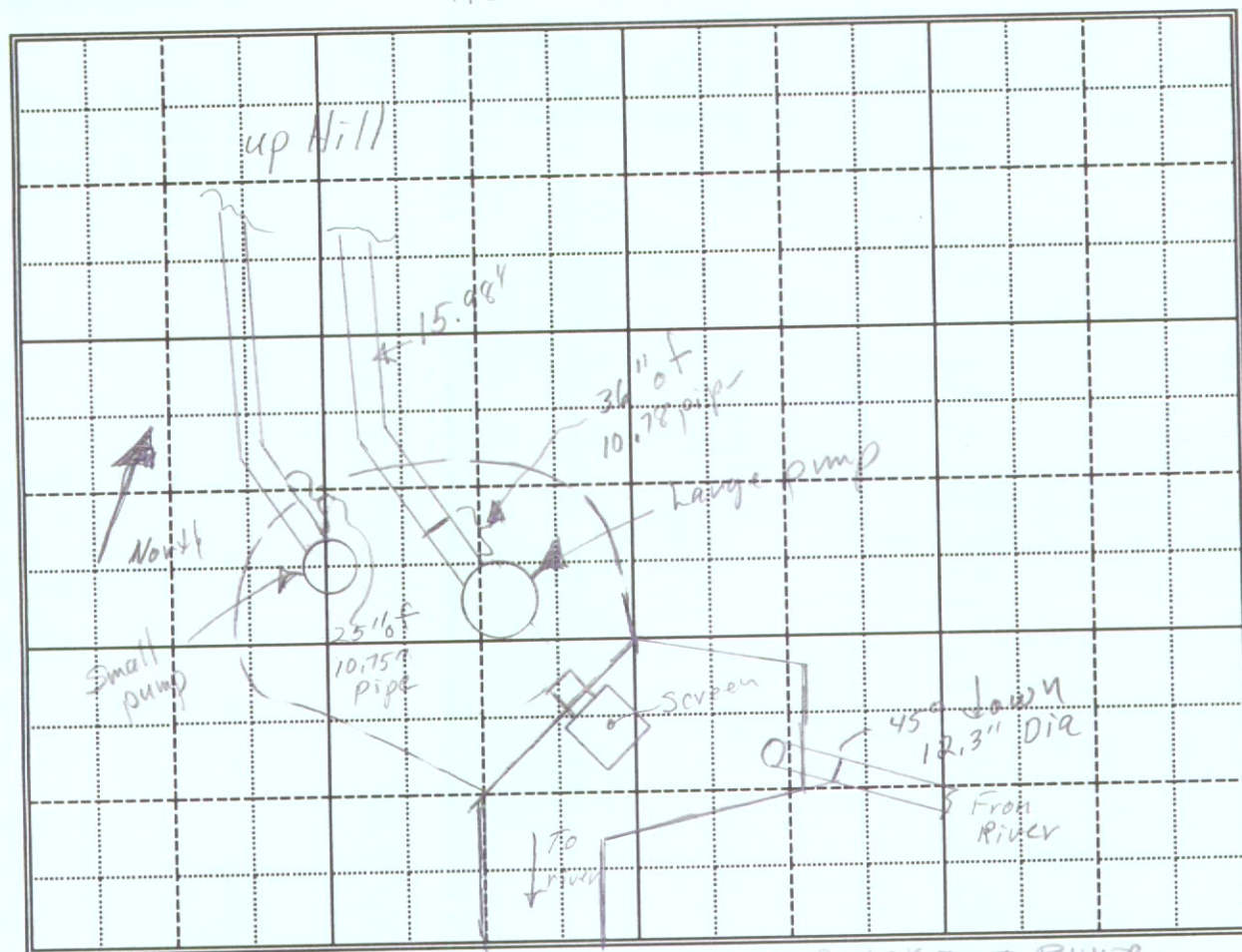
If issued, this permit will be
subject to all prior water rights.
Protests against the granting of
the permit must be filed with
the Idaho Department of Water
Resources, 1515 Lincoln Road,
Idaho Falls, Idaho 83401 on or
before June 20, 1977.

C. STEPHEN ALLRED,
Director

(5137)
Pub.: 6-2, 9

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3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. *RE-DIVERSION FROM BLACKFOOT RIVER*



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
Small pump	Hollow Shaft	185	HG890-00169	Johnson	PG 14570 (10.75 Discharge)
Large pump	Hollow shaft	350	1373804	Johnson	10.78 in discharge

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

D. FLOW MEASUREMENTS

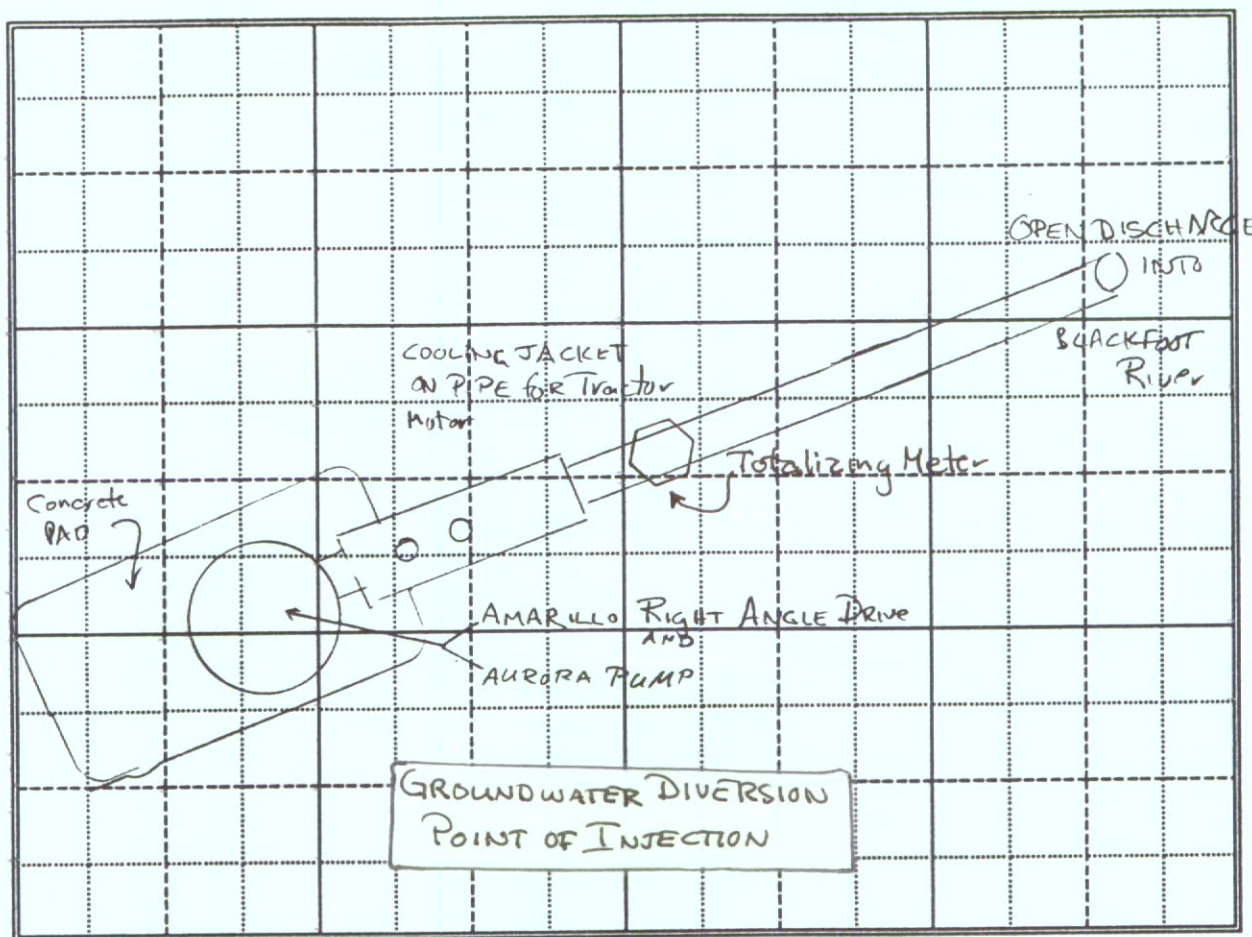
1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Poly Sonic						

2. Measurements: _____

27-07088

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
POINT OF INJECTION	Right Angle Pump Drive AMARILLO	110	3BC-61281	AURORA	V74-42633

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

D. FLOW MEASUREMENTS

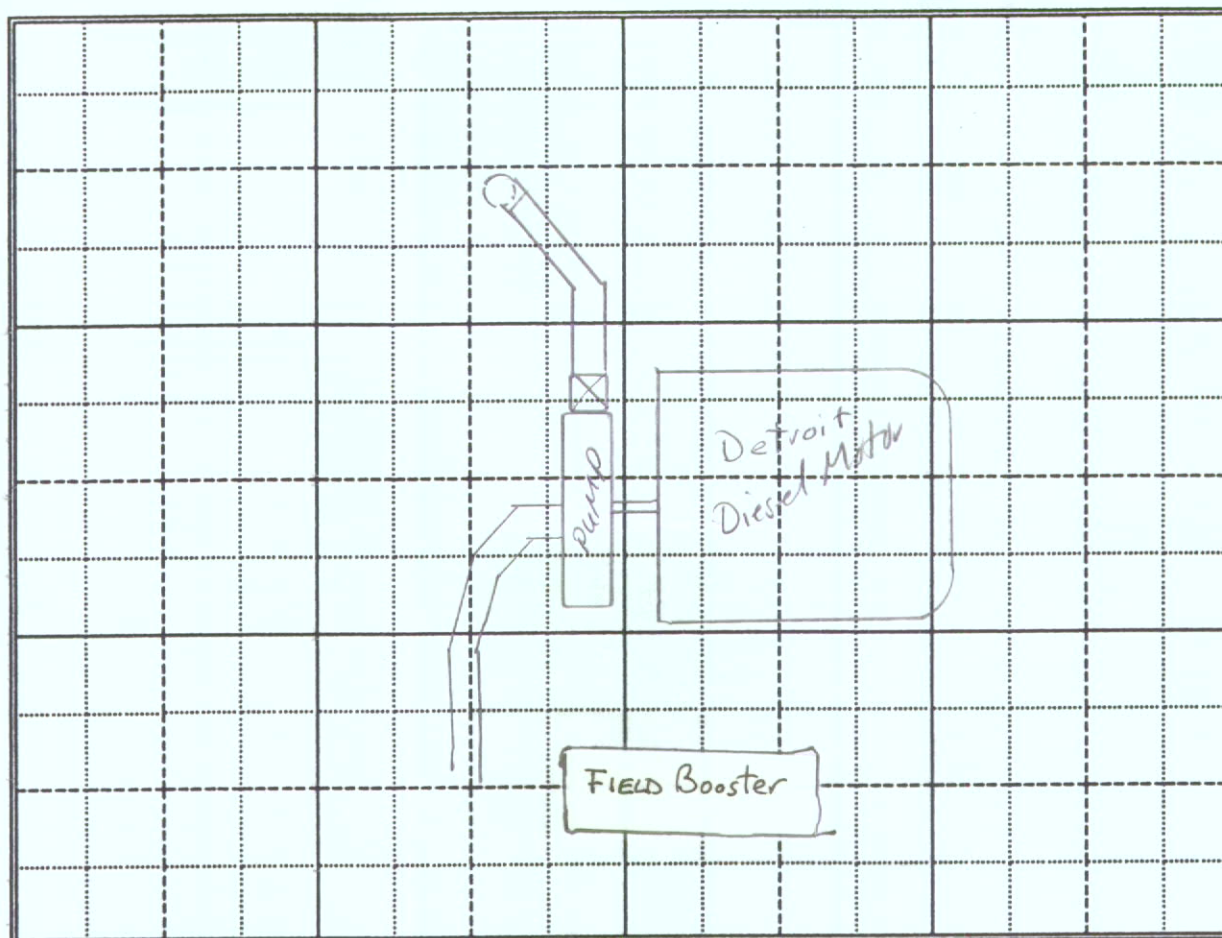
1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Totalizing Meter		McGraw-Hill		72-12-194		

2. Measurements: _____

27-07088

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
Field Booster	Detroit Diesel			Berkeley	7846137

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

D. FLOW MEASUREMENTS

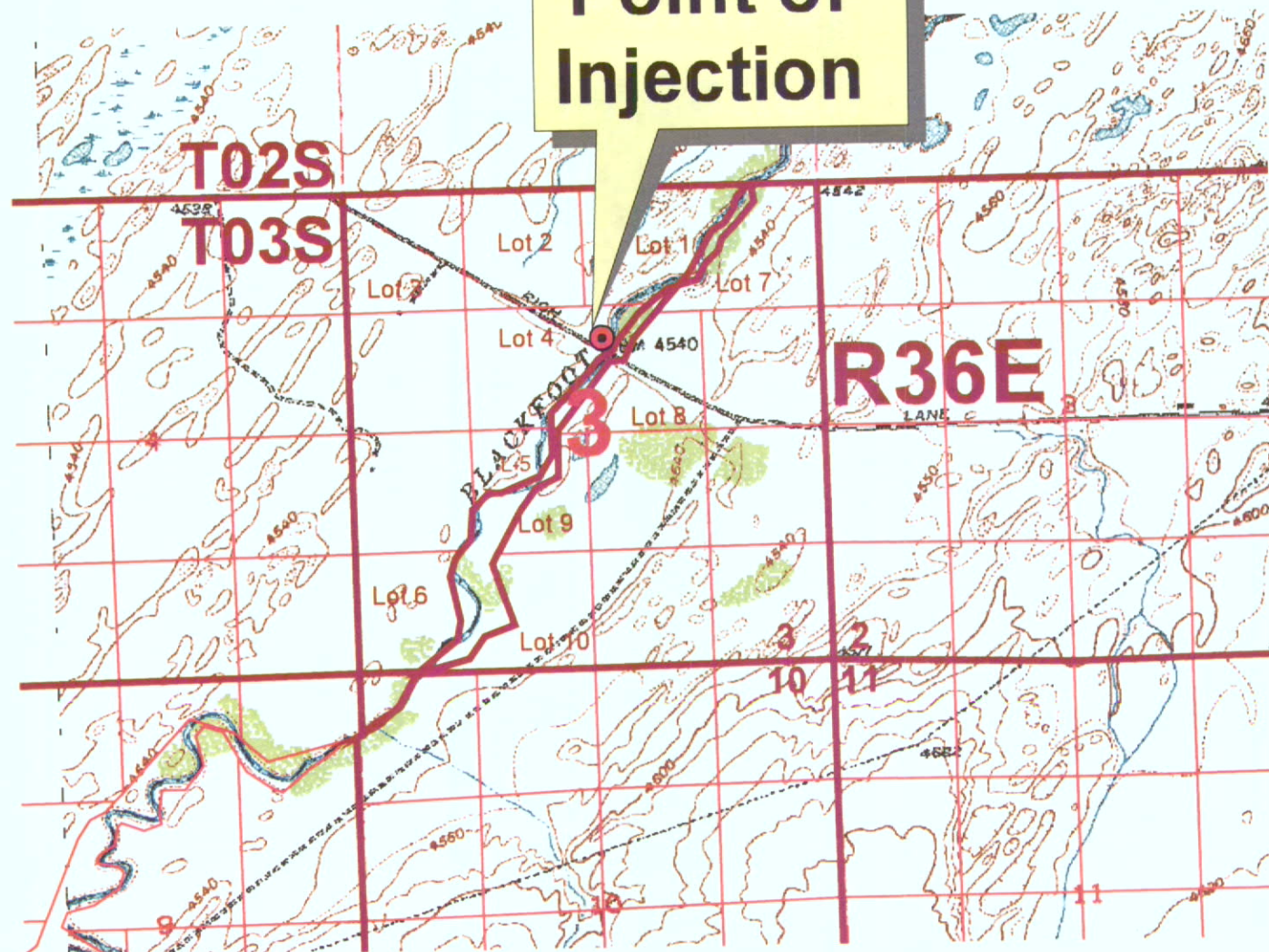
1.

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

2. Measurements: _____

27-07088

**Point of
Injection**

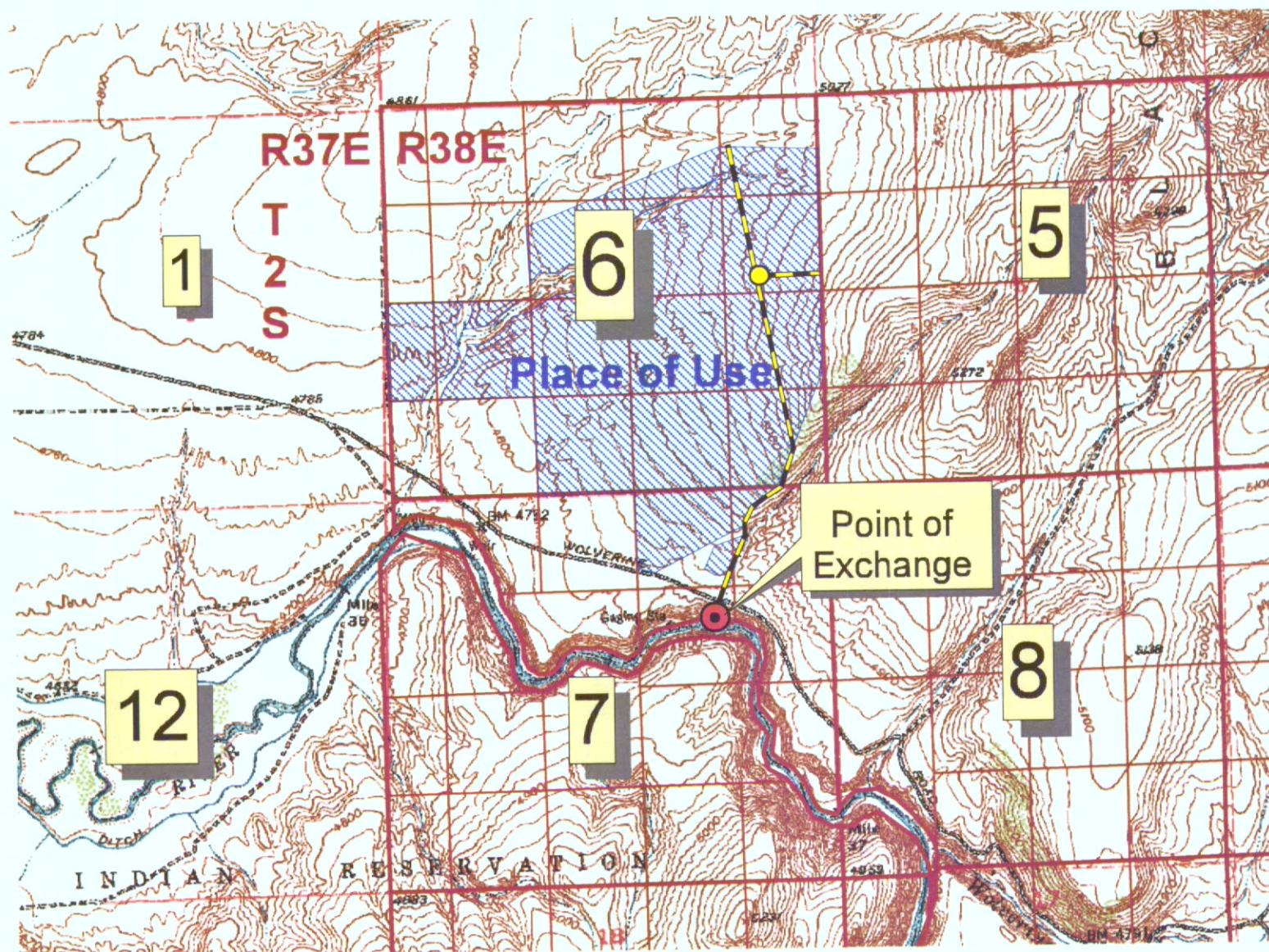


● D 27-07088.shp

□ S03s36e.shp

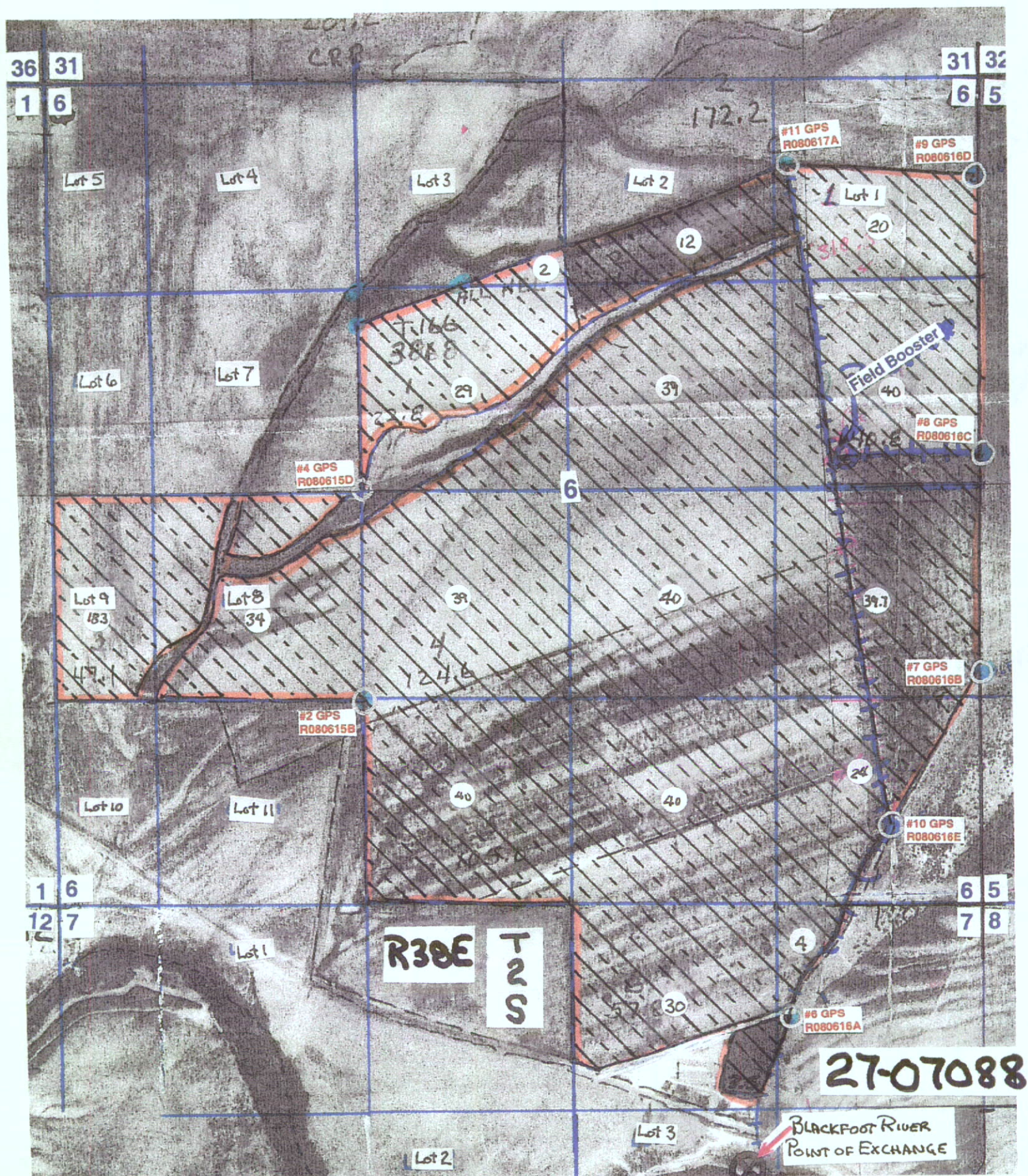
□ T03s36e.shp

27-07088

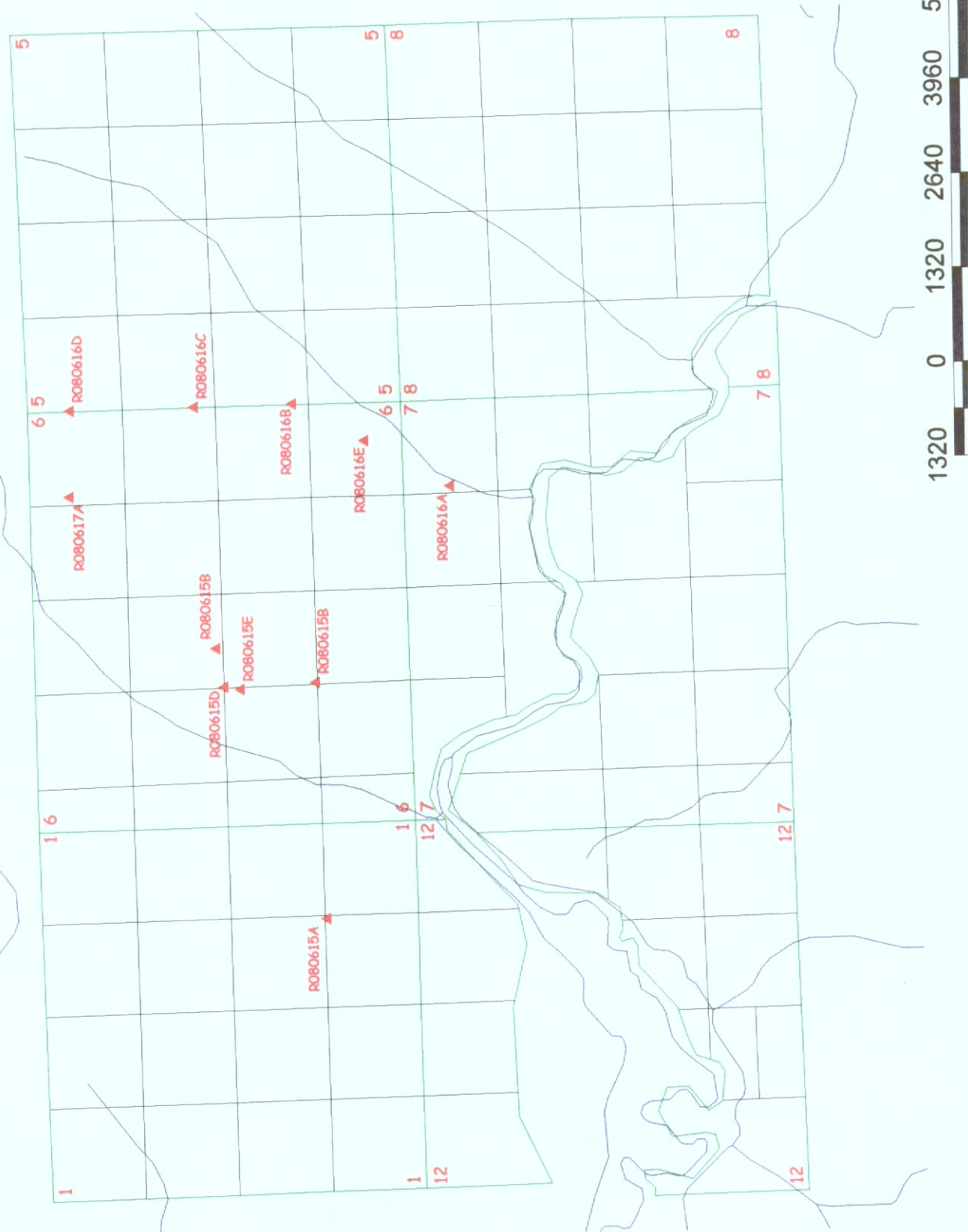


-  Field booster2707088.shp
-  Mainline2707088.shp
-  Pou2707088.shp
-  Exchangepd277088shp.shp
-  S02s38e.shp
-  T02s38e.shp

27-07088



Township 02 South, Range 37 and 38 East



GPS page 3 of 3

27-07088

281.2
CRP

36 31
1 6

31 32
6 5

172.2

Lot 5 Lot 4

Lot 3 Lot 2

#11 GPS
R080617A

#9 GPS
R080616D

Lot 1

Lot 6 Lot 7

7.166
388.8

Field Booster

#4 GPS
R080615D

#8 GPS
R080616C

Lot 9 183
Lot 8 34

#2 GPS
R080615B

#7 GPS
R080616B

Lot 10 Lot 11

#10 GPS
R080616E

1 6
12 7

6 5
7 8

R30E
T 2
S

27-07088

Blackfoot River
Point of Exchange

Lot 2

Lot 3

Lot 4

2

BLACKFOOT
RIVER →



OPEN DISCHARGE INTO
BLACKFOOT RIVER

PHOTO'S 10-15-1998

POINT OF DIVERSION



27-07088



MAINLINE TO
UPPER FIELD

BOOSTER PUMP & MOTOR
FOR UPPER FIELD

Photo 10-15-1998

27-07088

To
Main
lines ←



From
Canyon →

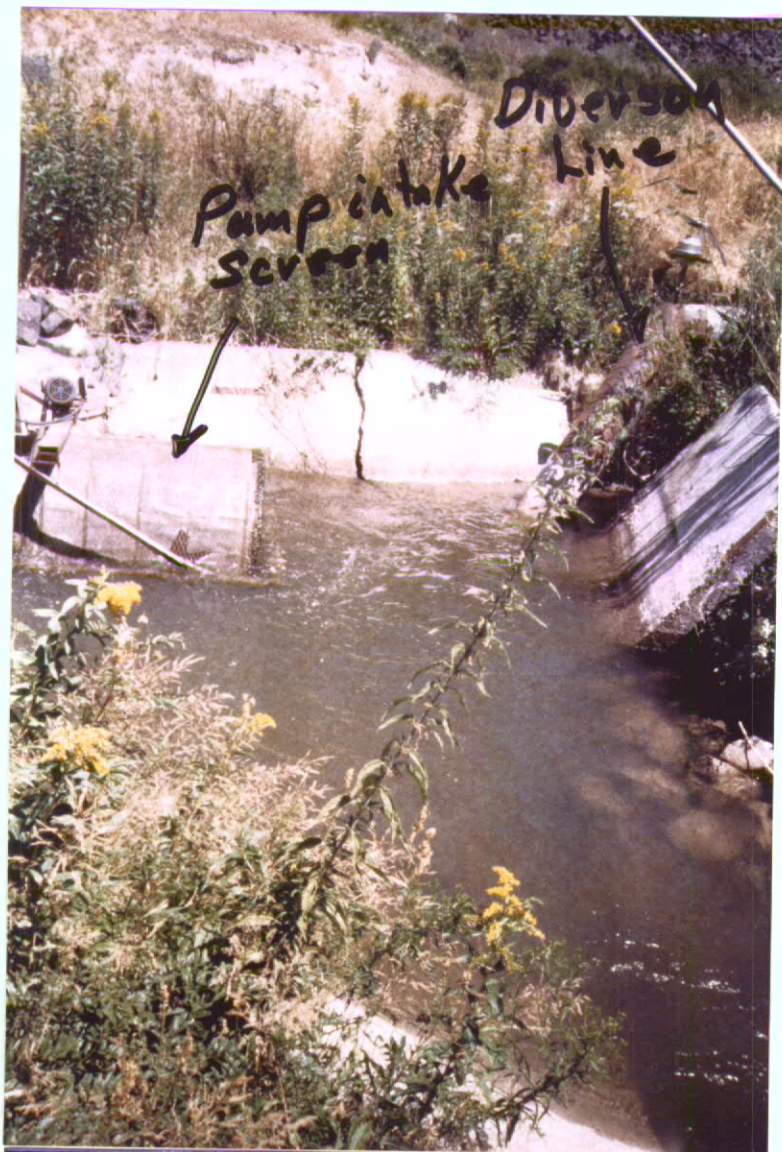
Looking South East

Photos 8-6-1998



Looking East at Flow
Meters

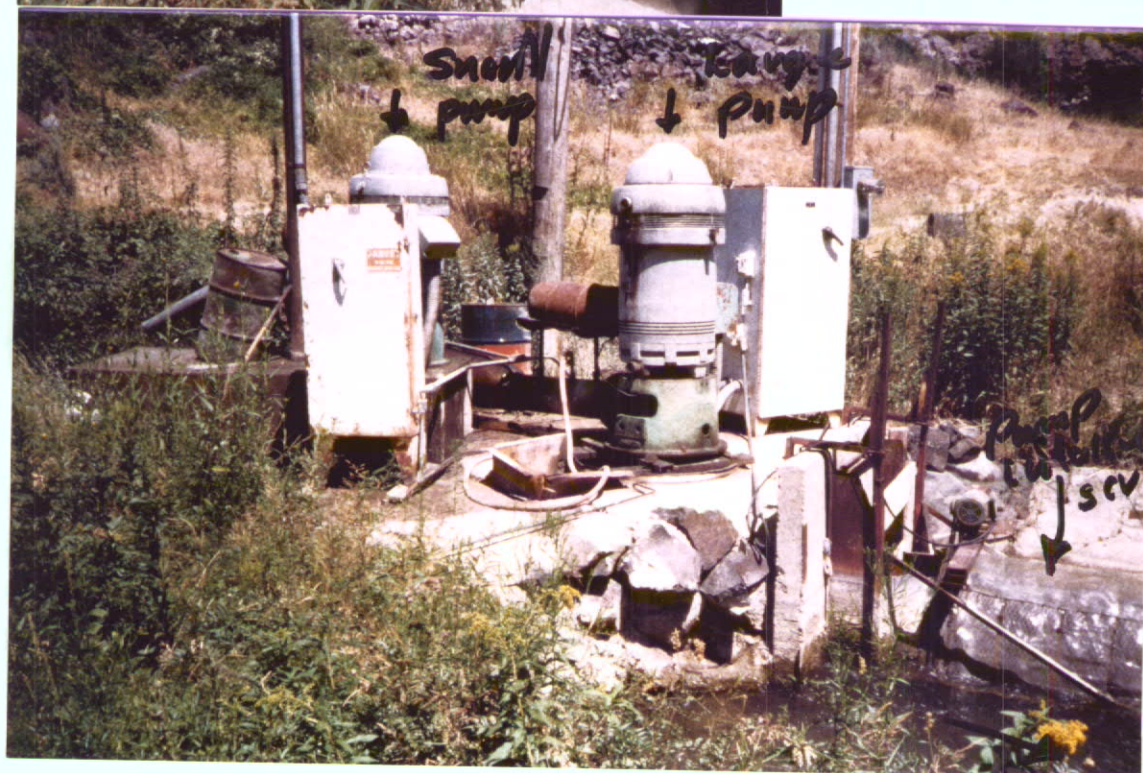
Permit # 27-07088



Permit # 27-07088

Photo looking East up river

Photo's 8-6-1998



looking North East
at pump
arrangement,

27-07088



Permit #29-7088

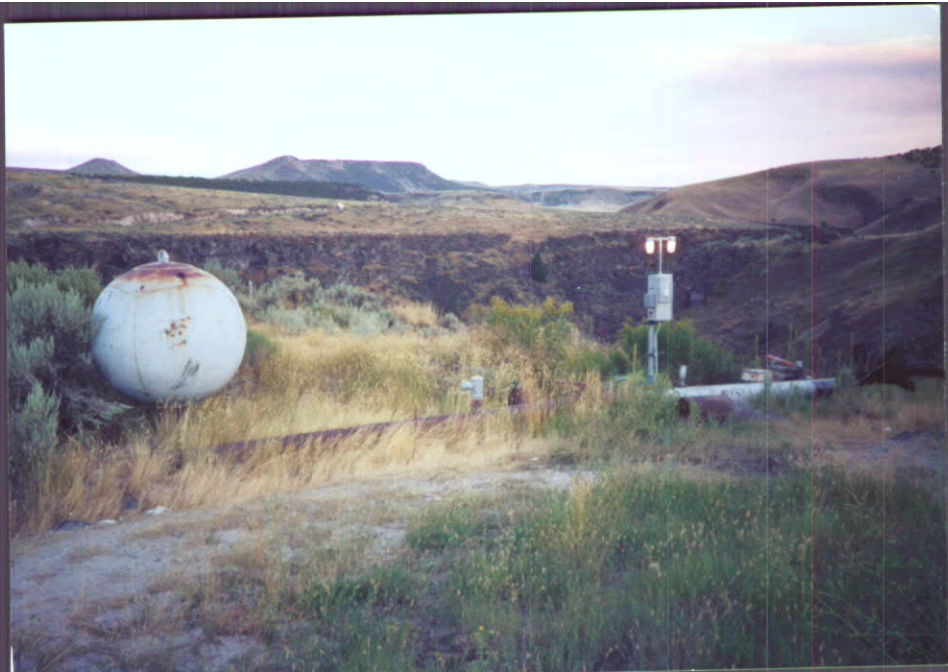
looking North up and
out of black Canyon

Photo's 8-6-1998



looking into
Canyon from
North.





RECEIPT # E 024 595
11.3.98
K. WILSON

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF ~~APPLICATION FOR~~ PERMIT

I, DON M. ESPLIN, hereby assign to Bryce "J" and Mary W. Fielding
of 720 N 1100E, Shelley, Ida 83274 (208) 357-8075
(Full Address) + PHONE NUMBER

All my right, title, and interest in and to Application for Permit
No. 27-07088 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
Application for Application for Permit No. 27-07088 to appropriate the public
waters of the State of Idaho.

Describe portion of the application assigned listing the number of acres in each 40 acre
subdivision, point of diversion location, and the amount of water in cubic feet per second.

Made this _____ day of _____,

MR. ESPLIN REFUSES TO SIGN THIS DOCUMENT
Applicant

State of Idaho)
County of _____) ss

On this _____ day of _____, _____, personally appeared before me the signer of the
above instrument, duly acknowledged to me that he (she) (they) executed the same.

Notary Public

seal

My commission expires: _____

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COPY

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: 2024595

Date: 11/ 3/1998
Time: 08:44:47

Received
From: FIELDING, BRYCE OR MARY W

Type of Payment	Program A cct	Amount
ASSIGNMENT PERMIT 27-07088	63103 229 21 1155	25.00
CHECK 4157		
	Total \$	25.00

Region: EASTERN

Signature: Keith C Wilson

COPY

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NOV 06 1998

Department of Water Resources

November 3, 1998

MEMORANDUM

TO: ~~Sharla Curtis~~ KLT
FROM: Keith C. Wilson - Eastern
RE: Change in ownership 27-07088

Documentation supplied to this office to show possessory interest in permit 27-07088.

Enclosures:

1. Copy of letter to Mr Fielding
2. Unsigned assignment *of application for permit*
3. Completed "Notice of Change of Water Right Ownership"
4. Copy of receipt E024595
5. Letter of Closing Instructions "Purchase & Sale"
6. Settlement Statement
7. Mortgage contract
8. Copy of Permit
9. Copy of a Fax with a personal note written on it by Allen Collins.
10. Bill of Sale

According to Bryce "J" Fielding, the permit holder, Don M. Esplin is a peculiar individual and would not sign the assignment of permit. However I believe that item #9, page 3 of the Mortgage Contract shows possessory interest of permit 27-07088.

NOTE: All documentation has been supplied to regional adjudication staff.



Keith C. Wilson
Senior Resource Agent

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COPY

Customer/Note No: 11001 - 441

After Recording Return to: Farm Credit Services - Idaho Falls
1020 Land Bank Street
PO Box 50030
Idaho Falls, ID 83405-0030

Mortgage

THIS MORTGAGE IS ALSO INTENDED TO BE A FIXTURE FILING.

On September 13, 1995, Bryce J. Fielding and Mary W. Fielding, husband and wife, hereinafter called Mortgagors, whose address is

720 North 1100 East
Shelley, ID 83274

grant, convey, warrant, transfer and assign to Northwest Farm Credit Services, ACA, a corporation organized under the Farm Credit Act of 1971, as amended, hereinafter called Mortgagee, whose address is West 601 First Avenue, P.O. Box TAF-C5, Spokane, Washington 99220-4005, a mortgage and security interest in property in Bingham County(ies), State of Idaho, more particularly described as follows:

TRACT A: Portions of the N1/2 of Section 6, Township 2 South, Range 38 East, Boise Meridian, Bingham County, Idaho, described as:

The SE1/4NW1/4 of said Section 6, EXCEPT beginning at a point on the East line of said SE1/4NW1/4 that is South 0°13' West 1043 feet; North 88°13' West 1133.5 feet; South 64°04' West 1242 feet; South 54°29' West 442 feet; and South 39°46' West 41.3 feet from the Northeast corner of said Section 6; and running thence South 39°46' West 596.2 feet; thence South 61°04' West 720 feet to the South line of said SE1/4NW1/4; thence East to the Southeast corner of said SE1/4NW1/4; thence North to the Point of Beginning. AND

Beginning at a point that is South 0°13' West along the Section line 603 feet from the Northeast corner of said Section 6, and running thence South 0°13' West 440 feet; thence North 88°13' West 1133.5 feet; thence South 64°04' West 1242 feet; thence South 54°29' West 442 feet; thence South 39°46' West 41.3 feet to the North-South Quarter line of said Section; thence North along said quarter line 650 feet; thence North 67°31'50" East 1626.59 feet; thence South 88°13' East 1135.2 feet to the Point of Beginning.

TRACT B: Township 2 South, Range 38 East, Boise Meridian, Bingham County, Idaho
Section 6: Lot 8, E1/2SW1/4, SE1/4, EXCEPT Beginning at the Southeast corner of said Section 6, and running thence North 0°13' East along the Section line 1468.6 feet; thence South 29°44' West 485.2 feet; thence South 27°27' West 1183.4 feet; thence North 89°48' East 780.6 feet to the Point of Beginning.

A portion of the N1/2 of Section 6, Township 2 South, Range 38 East of the Boise Meridian, Bingham County, Idaho, described as: Beginning at a point that is South 0°13' West along the Section line 1043 feet from the Northeast corner of said Section; thence South 0°13' West 1603 feet; thence West 3641.5 feet; thence North 61°4' East 720 feet thence North 39°46' East 637.5 feet; thence North 54°29' East 442 feet; thence North 64°4' East 1242 feet; thence South 88°13' East 1133.5 feet to the Point of Beginning.

Portion of the N1/2NE1/4 of Section 7, Township 2 South, Range 38 East, Boise Meridian, Bingham County, Idaho, described as: Beginning at a point that is South 89°48' West 780.6 feet from the Southeast corner of Section 6, said Township and Range, and running thence South 32°30' West 799.2 feet; thence South 71°44' West 200 feet to the True Point of Beginning; thence South to the South line of the NW1/4NE1/4, thence West along the South line of the NW1/4NE1/4 to the West line of the NW1/4NE1/4; thence North 312.3 feet; thence South 70°23' East 224.4 feet; thence North 71°44' East 1125.5 feet to the True Point of Beginning. AND

Beginning at a point that is South 89°48' West 780.6 feet from the Southeast corner of said Section 6; thence South 32°30' West 799.2 feet; thence South 71°44' West 1325.5 feet to a point that is 312.3 feet North and South 70°23' East 224.4 feet from the Southwest corner of the NW1/4NE1/4; thence North 70°23' West 224.4 feet; thence North 0°56' East 1007.7 feet; thence North 89°48' East 1883 feet to the Point of Beginning.

All irrigation equipment, now owned and located on the mortgaged property, together with all similar goods which may be acquired at any time, any additions, replacements, substitutions and accessions;

All irrigation equipment, now owned and used, in whole or in part to irrigate the mortgaged property and located on property owned by BLM, described as: Section 7, T2S, R38E;

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MAY 26 1999

and including all rents, issues, profits, buildings and improvements thereon and in all tenements, hereditaments, rights, privileges, easements, rights of way and appurtenances, (including without limitation private roads, grazing privileges, water rights, ditches and conduits and rights of way therefor, all plumbing, lighting, heating, cooling, ventilating, elevating, and irrigating apparatus and other equipment and fixtures, now or hereafter belonging to or used in connection therewith), all of which is hereinafter called the "Property."

The following described Note(s), Membership Agreements, security documents and any other documents or instruments signed in connection with the Note(s) and security documents and any amendments thereto are collectively called the "Loan Documents." "Advances" shall include any amounts provided to Mortgagor under the terms of the Loan Documents and any amounts expended by Mortgagee to protect the Property or enforce its rights under the Loan Documents. This conveyance is intended to secure performance of the covenants and agreements contained herein, and in any Loan Documents, and payment of the indebtedness under the terms of the Note(s) made by Mortgagors to the order of Mortgagee, with interest and charges as provided therein and in the Loan Documents, and any extensions, modifications or renewals thereof:

DATE OF NOTE	PRINCIPAL AMOUNT	FINAL INSTALLMENT DATE
September 13, 1995	\$175,000.00	April 1, 2015

The terms of the Note(s) and Loan Documents, described above, provide that the interest rate, payment terms or amounts due may be indexed, adjusted, renewed or renegotiated.

Mortgagors and each of them REPRESENT, WARRANT, COVENANT and AGREE:

1. That they have title to the Property free from encumbrances, except as described above, they have good right and lawful authority to convey and encumber the same; they will warrant and defend the same forever against the lawful claims and demands of all persons whomsoever; and they agree this covenant shall not be extinguished by foreclosure or other transfers.
2. To keep all buildings and other improvements, now or hereafter existing, in good repair, not to remove or demolish or permit the removal or demolition of any building or other improvement; to restore promptly in a good and workmanlike manner, any building or improvement, which may be damaged or destroyed; to maintain and cultivate the Property in a good and husbandlike manner, using approved methods for preserving the fertility and productivity thereof; not to change or permit change in the use of the Property; and not to do anything which would reduce the value of the Property.
3. To maintain casualty insurance, naming Mortgagee as loss payee, on all buildings and improvements, against loss or damage by fire or other risks; to maintain liability insurance; to obtain flood insurance at any time it is determined that any building or improvement is located in whole or in part within a special flood hazard area; to pay all premiums and charges on all such insurance when due; and to provide Mortgagee satisfactory evidence of such insurance upon request. All such insurance shall be in such form(s), with such company(ies) and in such amount(s) as shall be satisfactory to Mortgagee.
4. Not to apply or enter into any federal, state, or local program which limits or restricts the use of the Property, in any way, without prior written consent of Mortgagee.
5. To pay all debts and money, secured hereby, when due; to pay, when due, all taxes, assessments, rents and other charges upon the Property and to suffer no other encumbrance, charge or lien on the Property, which would be superior to this mortgage, except as stated above.
6. To specifically assign and deliver to Mortgagee all rents, royalties, damages and payments of every kind, including without limitation insurance reimbursements and condemnation awards, at any time accruing, for any transfer, loss or seizure of the Property, any portion thereof or any rights therein; and Mortgagee may, at its option, apply such amounts in any proportion to any of the indebtedness hereby secured; and Mortgagee shall have the right to enter upon the Property to make full inspection of the Property.
7. To comply with all laws, ordinances, regulations, covenants, conditions and restrictions affecting the Property and its use, including without limitation all environmental laws; not to use or permit the use of the Property for any unlawful or objectionable purpose or for any purpose that poses an unreasonable risk of harm, or that impairs or may impair the value of the Property, or any part thereof; not to apply residue from waste water treatment facilities to the Property without prior written notice to Mortgagee; to remedy any environmental contamination or violation of environmental laws that may occur or be discovered in the future; to allow Mortgagee access to the Property to inspect its condition and to test and monitor for compliance with applicable laws (any inspections or tests made by Mortgagee shall be for Mortgagee's purposes only and shall not be construed to create any responsibility or liability on the part of Mortgagee to Mortgagors or to any other person), to forward copies of any notices received from any environmental agency to Mortgagee; to provide Mortgagee copies of any independent test or inspection reports on the environmental status of

the Property; and to indemnify and hold Mortgagee, its directors, employees, agents and its successors and assigns, harmless from and against any environmental claims of any kind, and all costs and expenses incurred in connection therewith, including, without limitation, attorney's fees.

8. That neither Mortgagors nor, to the best of the Mortgagor's knowledge, any prior owner has created or permitted conditions on the Property, which may give rise to environmental liability; no enforcement actions are pending or threatened; no underground tanks are located on the Property except as already disclosed; any such underground tanks currently or previously located on the Property do not now and never have leaked and no contaminated soil is located on the Property; and Mortgagor's representations, warranties, covenants and indemnities herein and in the Loan Documents shall survive satisfaction of the Note(s) and Loan Documents, foreclosure of this mortgage, acceptance of a deed in lieu of foreclosure or any transfer or abandonment of the Property.
9. To perform all terms and conditions of each water or other contract, described above, if any, and to promptly pay all sums due or to become due under each contract so that no delinquency or default will occur under such contract(s); to perform all acts necessary to perfect and maintain any water permit, certificate, license or other water interest, however designated, described in or used in conjunction with the real property described above; any assignment of any such interest during the term of this mortgage, naming Mortgagee as an assignee shall be for security purposes and shall not alter Mortgagors' obligations hereunder; and any failure of Mortgagors to perform any such obligation shall constitute an event of default.
10. That the term "Grazing Rights," as hereinafter used refers to that portion of the Property, if any, consisting of grazing leases, permits, licenses, privileges, and preferences, or any of them, which have or will be assigned, mortgaged or waived to Mortgagee, together with any additions, renewals, replacements or substitutions thereof; if any portion of the Grazing Rights is a leasehold interest in state lands, such leasehold shall be considered to be real property; such leasehold and all other real property portions of the Property constitute a single operating unit; and in the event of foreclosure, Mortgagee shall have the right to have such leasehold and the other real property sold as a unit and not in parcels; any statements and representations in any applications for Grazing Rights are true and correct; Mortgagors have received no notice that the Grazing Rights have or are to be terminated, cancelled or modified; and any termination or cancellation of any of the Grazing Rights shall constitute an event of default under this mortgage.
11. To execute any instrument deemed necessary by the Mortgagee to assign, mortgage or waive such Grazing Rights to the Mortgagee; to pay all fees and charges, and to perform all acts and things necessary to preserve and keep in good standing the Grazing Rights; to take no action which would adversely affect the Grazing Rights; to procure renewals of the Grazing Rights upon or prior to their expiration date; to operate the lands covered by the Grazing Rights in conjunction with the other real estate portion of the Property and not to convey or attempt to convey either separately; to forward to Mortgagee copies of any notices received by Mortgagors regarding the Grazing Rights; and in the event of foreclosure of this mortgage, to waive all claims for preference in the Grazing Rights upon demand from the purchaser of the Property at foreclosure sale, or from any successor to such purchaser.
12. That if the Property is within an irrigation block and/or subject to water service contract(s) governed by the provisions of "Federal reclamation law," and the regulations issued thereunder, Mortgagors shall comply with the terms and provisions of said laws, regulations and contracts; Mortgagors, and each of them, for themselves, their heirs, successors and assigns, hereby appoint Mortgagee their attorney-in-fact to select and designate the portion of the Property to be subject to a recordable contract, in the event Mortgagors become subject to the excess land limitation; if Mortgagors fail to comply with the terms of said law, regulations or contracts, or if the delivery of water for the irrigation of the Property is discontinued in whole or in part, Mortgagors shall be in default; in the event the Bureau of Reclamation determines that continued drainage maintenance on the Property is no longer feasible, and Mortgagors purchase other lands offered as a preference purchase right (as an adjustment for wetlands), Mortgagors shall execute a supplemental mortgage on such lands in favor of the Mortgagee; and failure to execute such mortgage on demand, shall constitute an event of default.
13. That in the event of default in any of the covenants or agreements herein, or in any of the Loan Documents, Mortgagee may, at its option perform the same, in whole or in part; any advances, including, without limitation, attorney fees or costs, paid or incurred by Mortgagee to protect or enforce its rights under the Loan Documents, in bankruptcy, appellate proceedings or otherwise, shall be payable on demand and shall become a part of the indebtedness secured by this mortgage.
14. That the indebtedness and obligations secured by this mortgage are personal to the Mortgagors and are not assignable by Mortgagors; Mortgagee relied upon the credit of Mortgagors, the interest of Mortgagors in the Property and the financial market conditions then existing when making this loan; if Mortgagors sell, transfer or convey or contract to sell, transfer or convey the Property, or any portion thereof, or if the ownership of any corporation or partnership, owning all or any portion of the Property shall be changed either by voluntary or involuntary sale or transfer or by operation of law, without prior written consent of Mortgagee, or if Mortgagors default in the payment of the indebtedness, or with respect to any warranty, covenant or agreement in the Loan Documents or if a receiver or trustee for any part of the Property is appointed, or if any proceedings under the bankruptcy or insolvency laws is commenced by or against Mortgagors, or if Mortgagors become insolvent, or if any action is commenced to foreclose or enforce a lien on any portion of the Property, then, Mortgagors shall be in default hereunder.

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MAY 26 1999

15. That time is of the essence and in the event of default, at Mortgagee's option, the entire indebtedness secured hereby shall forthwith become due and payable and bear interest at the rate set forth in the Loan Documents for delinquent payments; Mortgagee shall have the right to foreclose the lien of this mortgage, to have a receiver appointed in any court proceeding; to collect any rents, issues and profits from the Property and apply them against the indebtedness hereby secured and to exercise any rights and remedies available under the Uniform Commercial Code for the state in which the property is located; and reasonable notice if required by such Code shall be five (5) days.
16. That the failure of Mortgagee to exercise any right or option provided herein, at any time shall not preclude Mortgagee from exercising any of such rights at any other time; the covenants and agreements contained herein shall be binding on and inure to the benefit of the parties and their respective heirs, successors and assigns; all rights conferred on Mortgagee are cumulative and additional to any rights conferred by law; and if any provision is found to be invalid or unenforceable, such invalidity or unenforceability shall not affect any other provision hereof and the mortgage shall be construed as though such provision had been omitted.
17. That Mortgagors and each of them join in this instrument for the purpose of subjecting each of their right, title and interest, if any, in the Property, whether of record or otherwise and including any right to possession, to the lien of this mortgage.

Bryce J. Fielding
Bryce J. Fielding

Mary W. Fielding
Mary W. Fielding

STATE OF Idaho)
County of Boiseville)ss.

On this 14th day of September, 19 95, before me personally appeared Bryce J. Fielding, to me known to be the person(s) described in and who executed the within instrument, and acknowledged that he/she executed the same as his/her free act and deed.

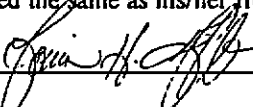
Karin Hoff
Notary Public for the State of Idaho
Residing at Idaho Falls, Idaho
My commission expires 2-13-2001

MICROFILMED

MAY 26 1999

STATE OF Idaho)
County of Bonneville)ss.

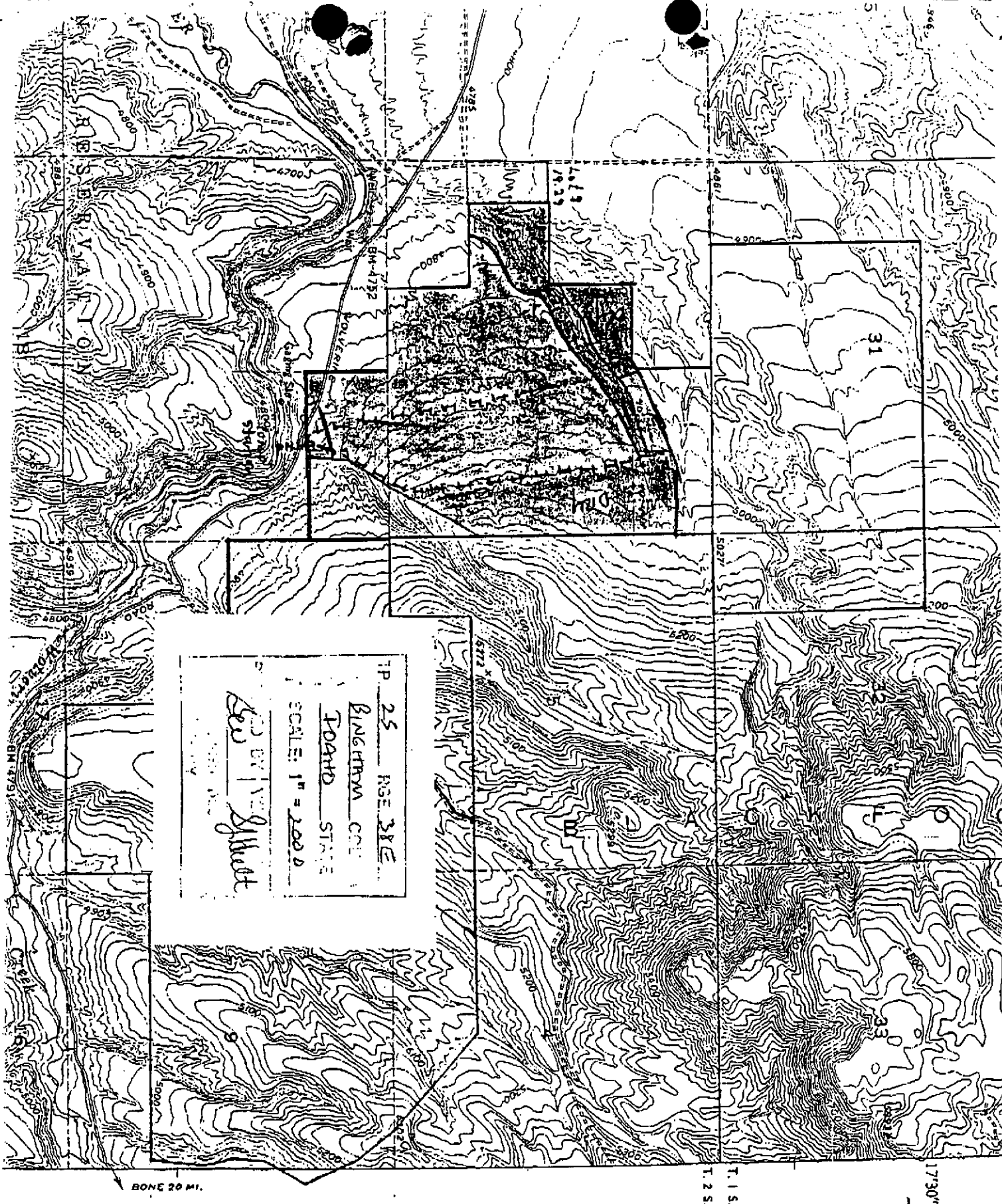
On this 14th day of September, 19 95, before me personally appeared Mary W. Fielding, to me known to be the person(s) described in and who executed the within instrument, and acknowledged that he/she executed the same as his/her free act and deed.



Notary Public for the State of Idaho
Residing at Idaho Falls, Idaho
My commission expires 2-13-2001

Mortgagee acknowledges that this mortgage is subject to a security interest in favor of AgAmerica, FCB (Bank) and by its acceptance hereof and pursuant to and in confirmation of certain agreements and assignments by and between Mortgagee and Bank, does assign, transfer and set over the same unto Bank, its successors and assigns, to secure all obligations of Mortgagee to Bank, provided that pursuant to such agreements and assignments Mortgagee has authority to perform all loan servicing and collection actions and activities hereunder, including, without limitation thereto, releasing in whole or in part and foreclosing judicially or otherwise this mortgage until the Bank, by instrument recorded in the office in which this mortgage is recorded, revokes such authority; provided, however, if Bank is the Mortgagee in this transaction, this paragraph is without effect.

MICROFILMED
MAY 26 1999



MICROFILMED

MAY 26 1999

To Jennifer

To: Mr. [redacted]
Attn: Kathy Fuller.

Thanks AR.

TO WHOM IT MAY CONCERN:

We, Don W. and Lorna Esplin, state to the best of our knowledge there are no spills of a hazardous waste, oil, chemical or any other kind of substance or material that may damage said property being sold to Bryce J. and Mary W. Fielding.

Dated: September 15, 1995

DON W. ESPLIN

LORNA ESPLIN

State of Idaho, County of Bingham

On this 18th day of September, 1995, before me, a notary public in and for said State, personally appeared Don W. Esplin known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

NOTARY PUBLIC

Residing In:
Comm. Exp.:

Don Esplin has indicated this property has been leased several times in the last 7 years and because of the absence of his personal involvement in the daily farming operations, refuses to sign this disclaimer.

MICROFILMED

MAY 26 1999

9/19/95

Alton [redacted]

BILL OF SALE

THIS INDENTURE WITNESSETH, That in consideration of the sum ONE HUNDRED TEN THOUSAND AND NO/100 ----- Dollars, (\$110,000.00 -----) the receipt whereof hereby is acknowledged, I the undersigned seller, hereby grant, bargain, sell, transfer and deliver unto BRYCE J. AND MARY W. FIELDING hereinafter called buyer, the following described personal property, now being and situate SEE ATTACHED LEGAL DESCRIPTION

in State of IDAHO , County of BINGHAM to-wit:

Seller to transfer all irrigation equipment owned and used to irrigate, including but not limited to:

- 1 - 350 hp US Electric motor with Johnson Turbin pump & panel
- 1 - 125 hp US Electric motor with Johnson Turbin pump & panel
- 1 - right angle pump drive
- 475 lengths of handline pipe (approximate) (Bryce Fielding count)
- 245 lengths of wheeline (5' & 6' wheels) (approximate) (Bryce Fielding count)
- All center movers, motors, end plugs, valve openers and all replacement parts thereto.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

TO HAVE AND TO HOLD, the same unto the buyer and buyer's executors, administrators, successors and assigns forever.

And I, the seller, hereby covenant to and with the said buyer that I am the owner of said personal property; that the same is free from all encumbrances

that I have a good right to sell the same, and that I, my heirs, executors and administrators shall warrant and defend the same against the lawful claims of all persons whomsoever.

WITNESS THERE ----- hand S. this 18TH day of SEPTEMBER, 1995

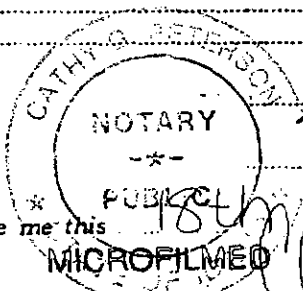
Don M. Esplin
DON M. ESPLIN

Lorna Esplin
LORNA ESPLIN

STATE OF Idaho
County of Bingham } ss.

I, Don M. Esplin and Lorna Esplin

being first duly sworn, depose and say that they the sole owner(s) of the property described in the foregoing bill of sale, that the same has been paid for in full, and that on this date the same is free and clear of liens and encumbrances of every kind and nature.



Subscribed and sworn to before me this 18th day of September, 1995

Cathy G. Peterson
Notary Public for Blackfoot

My Commission expires -----

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 27-7088 IN)
THE NAME OF DON M. &/OR LORNA ESPLIN) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before July 1, 1982; and,

WHEREAS, the Department has notified the permit holders by certified mail that proof was due and instructed the permit holders as to the steps to be taken to make said proof; and,

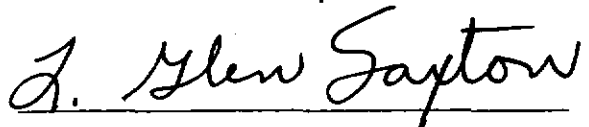
WHEREAS, the Department has notified the permit holders that the permit has lapsed for failure of the permit holders to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holders have provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on August 3, 1982;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 27-7088 be REINSTATED and the priority advanced to June 25, 1977.

Dated this 10th day of September, 1982.



L. GLEN SAXTON

Chief, Operations Bureau

MICROFILMED
MAY 26 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 27-7088

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows:

"The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 1st day of June 1981.

Glen Saxton

GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

MAY 26 1999

Identification No. 27 7088

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Don M. &/or Lorna Esplin Phone: 357-7423
post office address 449 W. Locust, Shelley, ID
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3 Township 3S
Range 36E B.M. Bingham County; additional points of diversion if any: _____
water will be pumped into Blackfoot River and rediverted at a point within the
SW $\frac{1}{4}$ NE $\frac{1}{4}$, (Lot 3) Sec. 7, T. 2S, R. 38E, B.M.
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 10.14 10.34 for irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated: Change made per telecon w/Mr. Esplin 5-26-77 LHJ
a. 10.14 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, open discharge, river
pump, mainline, handlines and wheelines.
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 20 inches; proposed depth of well is 100 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 20,000.00
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: _____ hp 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: _____

RECORDED

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	38E	6	L.1 40	L.2 40	40	40				40	40	L.8 40		40	40	40	40	27	467
		7		40															40

Total number of acres to be irrigated 507

c. Describe any other water rights used for the same purposes as described above. decreed surface water out of Snake River

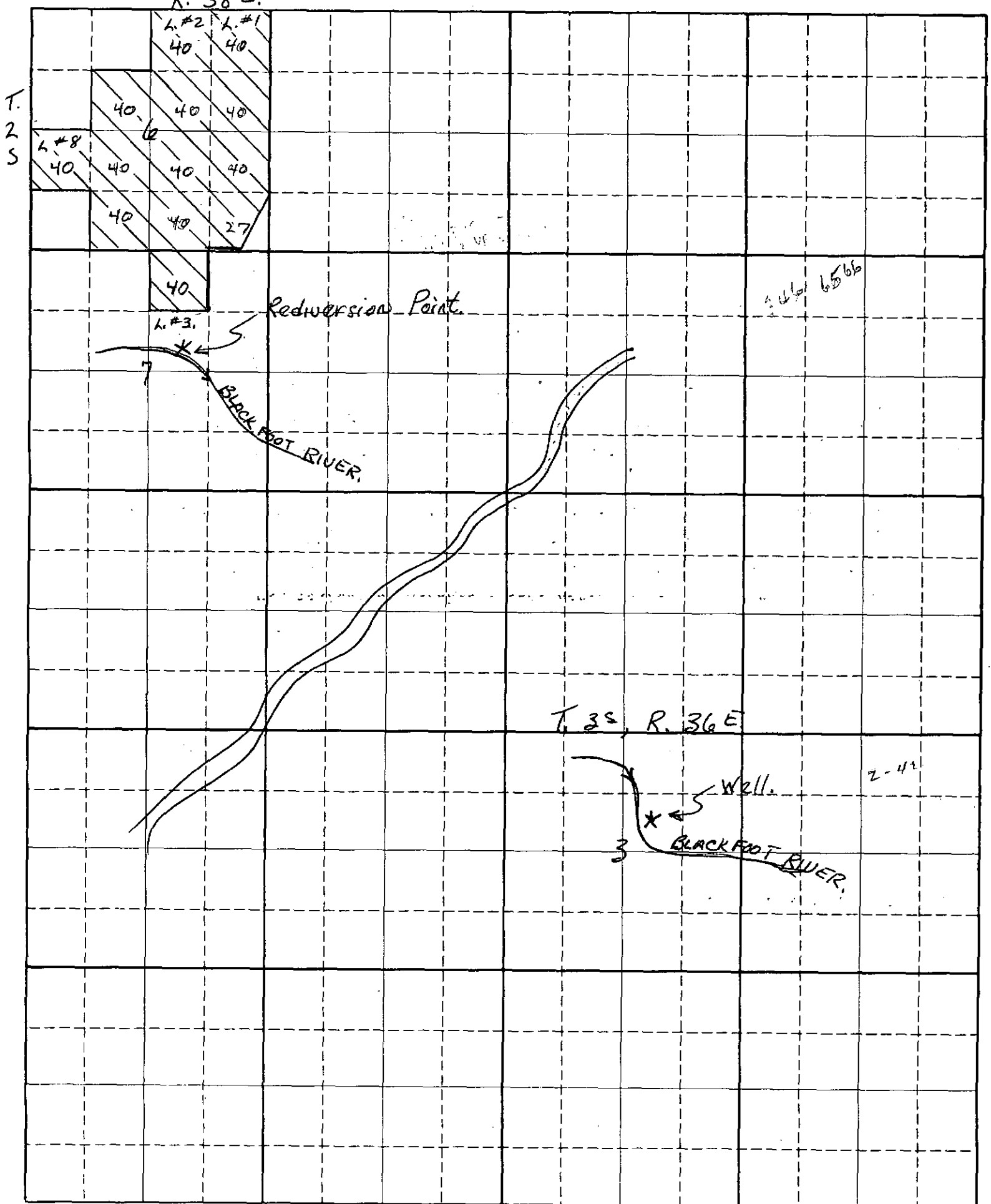
9. a. Who owns the property at the point of diversion Applicant

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 Applicant desires to exchange ground water for surface water.

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.

(Applicant)

Don M. Eglin
(Applicant)

Proposed Priority 5/23/77

Received by AW Date 5-23-77 Time 11:28 A.

Preliminary check by EMC Fee \$ 125.00

Receipted by AW Date 5-23-77 # 7288

Publication prepared by AW Date 5-27-77

Published in June 24-9-1978

Publication dates Blackfoot News

Publication approved me Date 6-13-77

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by AW

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. 27-7088, and said application is hereby APPROVED.

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

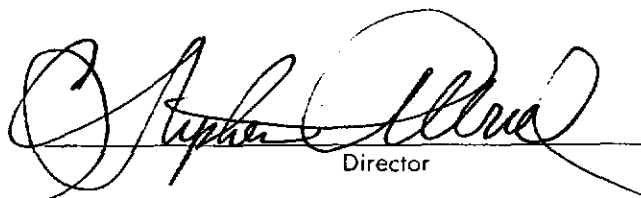
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 82.

c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.

The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Witness my hand this 29th day of July, 19 77.


Director

RECEIVED

JUN 10 1977

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho, David Mark Brown

I, do
solemnly

swear that I am the Publisher of
The Blackfoot 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: Thursday of
each week; that the notice attached hereto and which
is a part of this affidavit and part of the proof of

of publication was published in said issue or said

newspaper two consecutive weeks

the first publication having been made on the

2nd day of June, 19 77

and the last publication having been made on the

9th day of June, 19 77;

that said notice was published in the regular and en-
tire 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.

David Mark Brown

Subscribed and sworn to before me this 9th

day of June, 19 77.

Patricia A. Johnson

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho.
My commission expires
Oct. 20, 1980

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that
Don M. and-or Lorna Esplin,
Shelley, Idaho have on 5-23-77
submitted Application No. 27-
7088 for a permit to appropriate
10.14 cubic feet per second of
water from a ground-water
source by means of well and
pump within the SW $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 3, T. 3S, R. 36E, B.M.,
Bingham County. The water
will be pumped into the Black-
foot River and reddiverted at a
point within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ (lot
3), Sec. 7, T. 2S, R. 38E, B.M.;
to be used from Apr. 1 to Nov. 1
for the irrigation of 507 acres
within the NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
NW $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$,
Sec. 6, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 2S,
R. 38E, B.M.

If issued, this permit will be
subject to all prior water rights.
Protests against the granting of
the permit must be filed with
the Idaho Department of Water
Resources, 1515 Lincoln Road,
Idaho Falls, Idaho 83401 on or
before June 20, 1977.

C. STEPHEN ALLRED,
Director

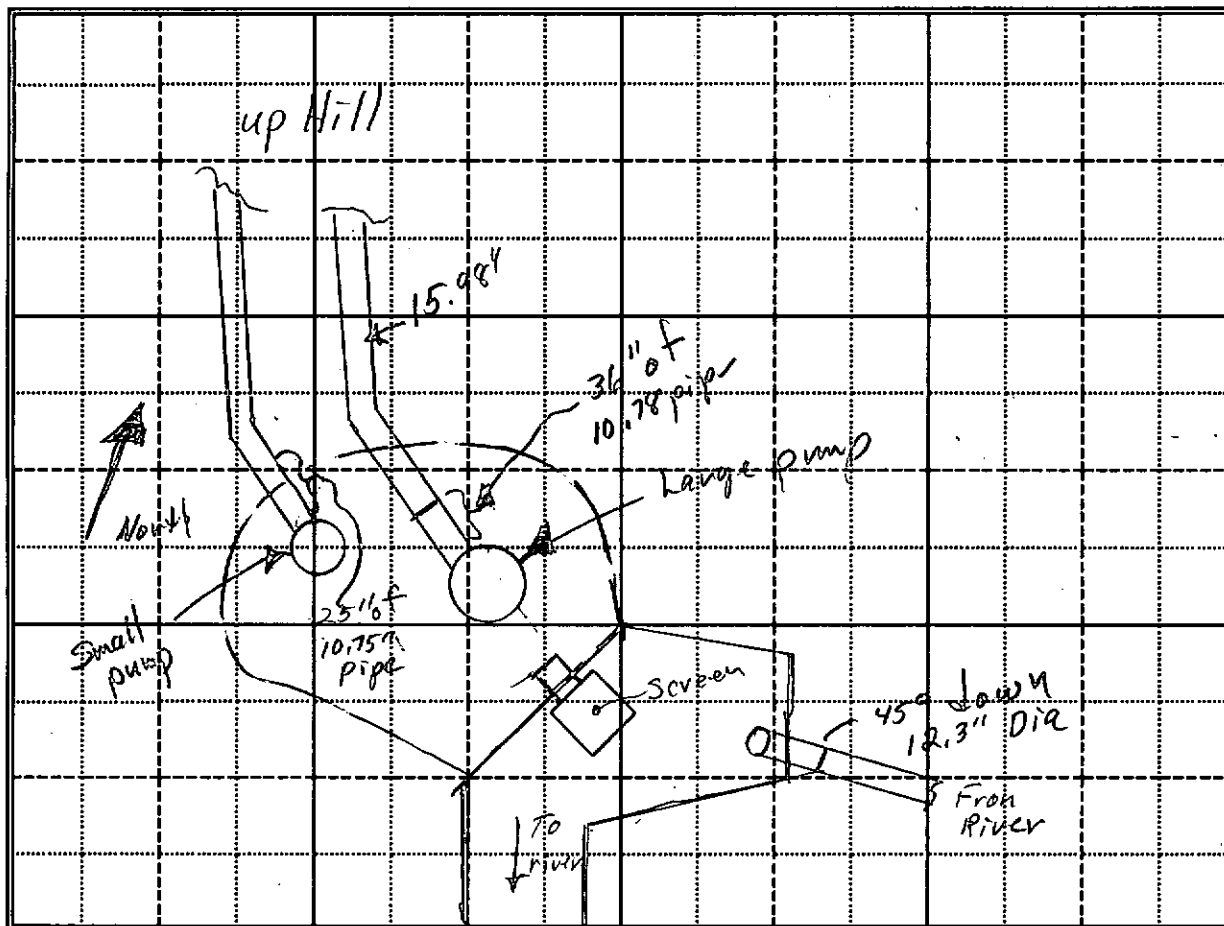
(5137)
Pub.: 6-2, 9

36

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JUN 10 1977

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable. *RE-DIVERSION FROM BLACKFOOT RIVER*



RE-DIVERSION FROM BLACKFOOT RIVER

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
Small pump	Hollow Shaft	185	HG890-00169	Johnson	PG 14570 (10.75 Discharge)
Large pump	Hollow shaft	350	1373804	Johnson	10.78 in discharge

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

D. FLOW MEASUREMENTS

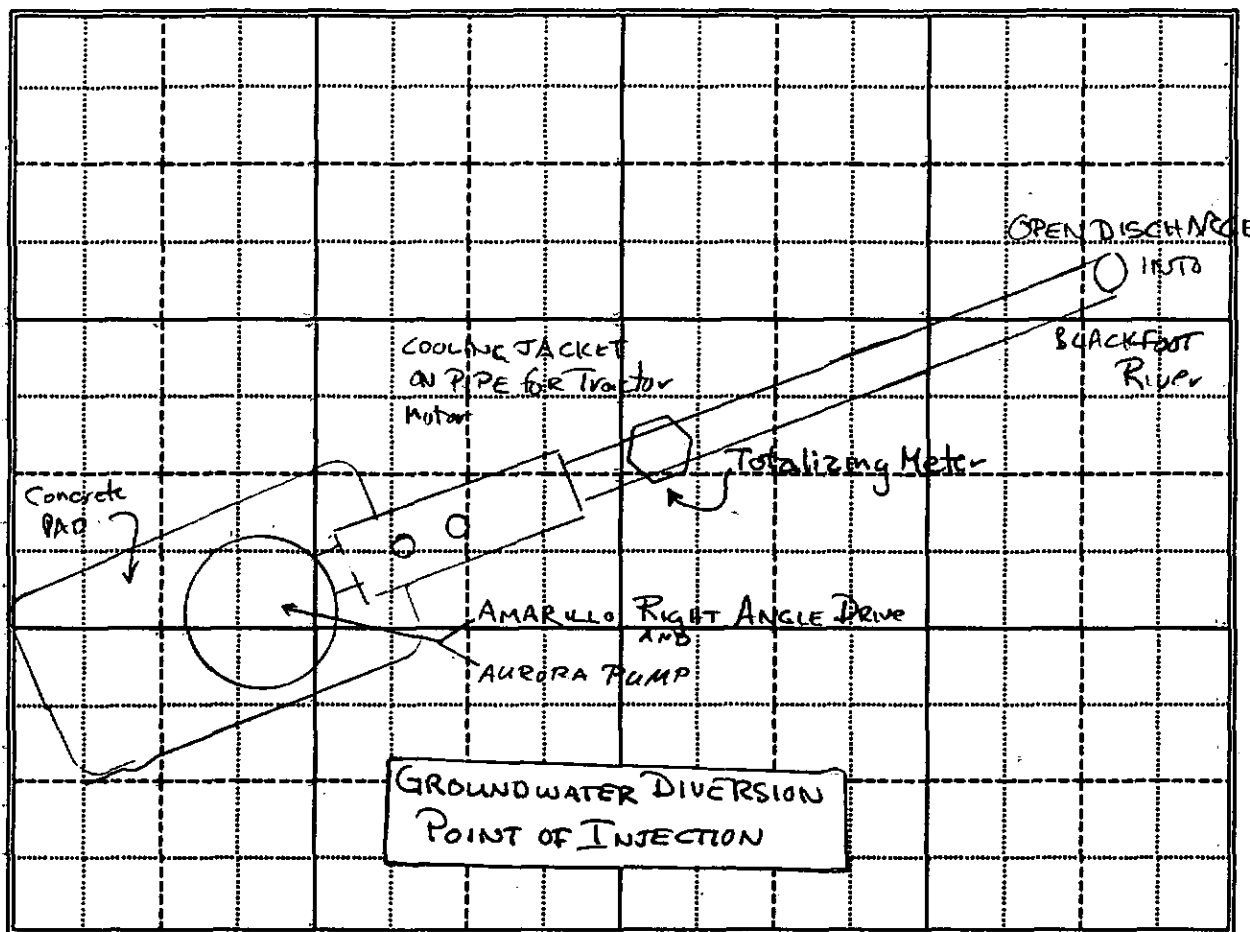
1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Poly Sonic						

2. Measurements: _____

27-07088

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
POINT OF INJECTION	Right Angle Pump Drive AMARILLO	110	3BC-66281	AURORA	V74-42633

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

D. FLOW MEASUREMENTS

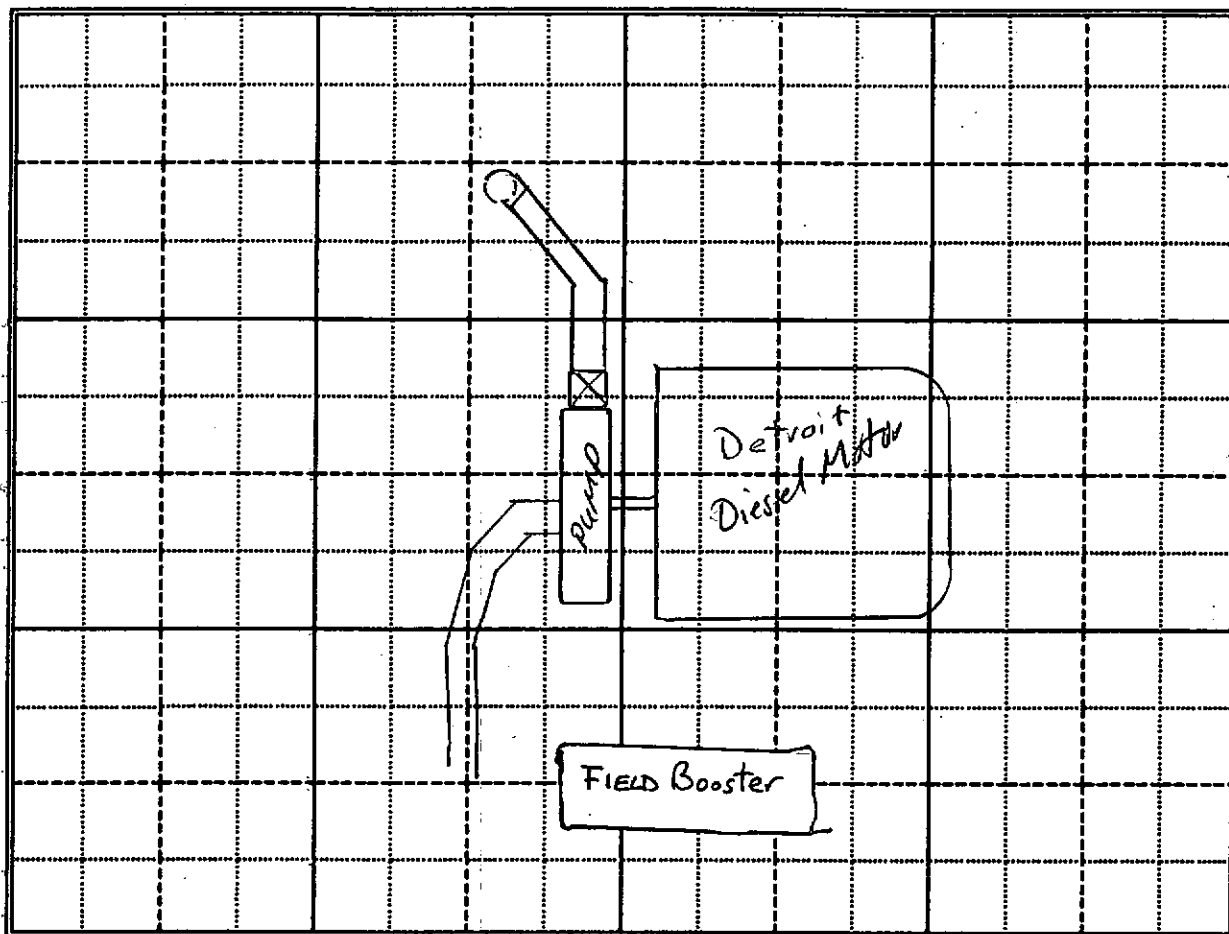
1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Totalizing Meter		McGraw-Hill		72-12-194		

2. Measurements: _____

27-07088

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
Field Booster	Detroit Diesel			Berkeley	7846137

*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: _____

27-07088

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

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

Hp = Horsepower = 110 hp (Rt angle drive rated hp)

Eff = Efficiency = 70% (Usually 70%)

Lift: (Static Level + Assumed Draw down)

Static Water Level = 14 ft. well logs indicate

Assumed Draw down = + 16 ft.

Lift = 30

OR

Measured Dynamic Water Level = _____ ft.

psi = Operating Pressure = 16 psi (Assumed)

$$Q_{cfs} = \left[\frac{110}{Hp} \times 8.814 \times \frac{0.70}{eff} \right] \div \left[\frac{30}{Lift} + \left(\frac{16}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\frac{678.678}{ } \right] \div \left[\frac{66.928}{ } \right]$$

$$Q_{cfs} = \underline{10.14} \text{ cfs}$$

POINT OF INJECTION (GROUNDWATER DIVERSION INTO BLACKFOOT RIVER)

PERMIT NO. 27-07088

MODE SELECT
 INPUT
 OUTER DIAMETER
 12.3000 IN
 PIPE MATERIAL
 ? CS,SS
 WALL THICKNESS
 0.1350 IN
 INNER LINING
 ? TAR EPXY
 LING. THICKNESS
 0.2500 IN
 KIND OF FLUID
 ? WATER
 SENSOR MOUNTING
 ? U
 TYPE OF SENSOR
 ? SMALL
 DATA CHANGE
 ? NO
 SPACING
 9.563 IN U
 08-06 12:2800 *R
 +993.815E 0GPM
 MODE SELECT
 T0 CHECK
 0433.1 MMSEC
 100.53 % T0
 08-06 12:2800 *R
 +993.815E 0GPM
 08-06 12:2800 *R
 +002.90 % AI2
 08-06 12:2800 *R
 +993.815E 0GPM
 ZERO MODE
 CLEAR
 ZERO MODE
 AUT ZERO
 ZERO MODE
 ZERO OPR
 PRT PERIOD
 01 MIN
 PRT UNIT GPH
 NO
 PRT UNIT GPM
 YES
 PRT UNIT MGD
 NO
 PRT UNIT FPS
 NO
 PRT UNIT INTEG
 NO

Permit #
 27-7088
 Small Pump

PRT UNIT GPH
 NO
 PRT UNIT GPM
 YES
 PRT UNIT MGD
 NO
 PRT UNIT FPS
 NO
 PRT UNIT INTEG
 NO
 PRT UNIT AI1
 NO
 PRT UNIT AI2
 YES
 START TIME
 08-06 12:32
 OPERATION TIMEER
 3 HOR
 08-06 12:3200 *R
 + 1.004E 3GPM
 PRT PERIOD
 01 MIN
 PRT UNIT GPH
 NO
 PRT UNIT GPM
 NO
 08-06 12:3200 *R
 + 1.003E 3GPM
 08-06 12:3300 *R
 + 1.006E 3GPM
 PRT PERIOD
 00 MIN
 08-06 12:3300 *R
 + 1.002E 3GPM
 PRT PERIOD
 01 MIN
 PRT UNIT GPH
 NO
 PRT UNIT GPM
 YES
 PRT UNIT MGD
 NO
 PRT UNIT FPS
 NO
 PRT UNIT INTEG
 NO
 PRT UNIT AI1
 NO
 PRT UNIT AI2
 YES
 START TIME
 08-06 12:35
 OPERATION TIME
 1 HOR

08-06 12:3300 *R
 + 1.002E 3GPM
 PRT PERIOD
 01 MIN
 PRT UNIT GPH
 NO
 PRT UNIT GPM
 YES
 PRT UNIT MGD
 NO
 PRT UNIT FPS
 NO
 PRT UNIT INTEG
 NO
 PRT UNIT AI1
 NO
 PRT UNIT AI2
 YES
 START TIME
 08-06 12:35
 OPERATION TIME
 1 HOR
 08-06 12:3400 *R
 + 1.002E 3GPM
 12:35+ 1.001E 3GPM 00R
 +002.90% AI2 00R
 12:36+ 1.004E 3GPM 00R
 +002.90% AI2 00R
 12:37+ 1.003E 3GPM 00R
 +002.90% AI2 00R
 12:38+ 1.007E 3GPM 00R
 +002.80% AI2 00R
 12:39+ 1.005E 3GPM 00R
 +002.90% AI2 00R
 12:40+ 1.003E 3GPM 00R
 +002.80% AI2 00R
 12:41+ 1.007E 3GPM 00R
 +002.90% AI2 00R
 12:42+ 1.005E 3GPM 00R
 +002.80% AI2 00R
 12:43+ 1.005E 3GPM 00R
 +002.90% AI2 00R
 12:44+ 1.005E 3GPM 00R
 +002.90% AI2 00R
 12:45+ 1.001E 3GPM 00R
 +002.90% AI2 00R

Small pump diversion
 Diversion From Blackfoot River
 (Point of Exchange)

27-07088

PRINTER USE
? YES

08-06 13:2500 *R
+165.635E 1GPM

MODE SELECT
INPUT

OUTER DIAMETER
15.9799 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.2031 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
12.819 IN U

08-06 13:2600 *R
+166.428E 1GPM

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

MODE SELECT
TO CHECK

0579.1 MMSEC
099.51 % TO

08-06 13:2800 *R
+174.089E 1GPM

08-06 13:2800 *R
+002.30 % AI2

DAMPING SET
60 SEC

PRT PERIOD
1 MIN

PRT UNIT GPM
NO

PRT UNIT GPM
YES

*Large Pump
Permit # 27-7088*

*LARGE PUMP
MEASUREMENT*

*DIVERSION FROM
BLACKFOOT RIVER*

DAMPING SET
60 SEC

PRT PERIOD
1 MIN

PRT UNIT GPM
NO

PRT UNIT GPM
YES

PRT UNIT MGD
NO

PRT UNIT FPS
NO

PRT UNIT INTEG
NO

PRT UNIT AI1
NO

PRT UNIT AI2
YES

START TIME
08-06 13:31

OPERATION TIME
1 HOR

13:31+168.013E 1GPM 00R
+002.30% AI2 00R

13:32+168.013E 1GPM 00R
+002.30% AI2 00R

13:33+168.277E 1GPM 00R
+002.30% AI2 00R

13:34+168.277E 1GPM 00R
+002.30% AI2 00R

13:35+168.277E 1GPM 00R
+002.30% AI2 00R

13:36+169.598E 1GPM 00R
+002.30% AI2 00R

13:37+170.391E 1GPM 00R
+002.30% AI2 00R

13:38+170.126E 1GPM 00R
+002.30% AI2 00R

13:39+170.391E 1GPM 00R
+002.30% AI2 00R

13:40+170.655E 1GPM 00R
+002.30% AI2 00R

13:41+170.655E 1GPM 00R
+002.30% AI2 00R

13:42+170.126E 1GPM 00R
+002.30% AI2 00R

13:43+170.391E 1GPM 00R
+002.30% AI2 00R

13:44+170.391E 1GPM 00R
+002.30% AI2 00R

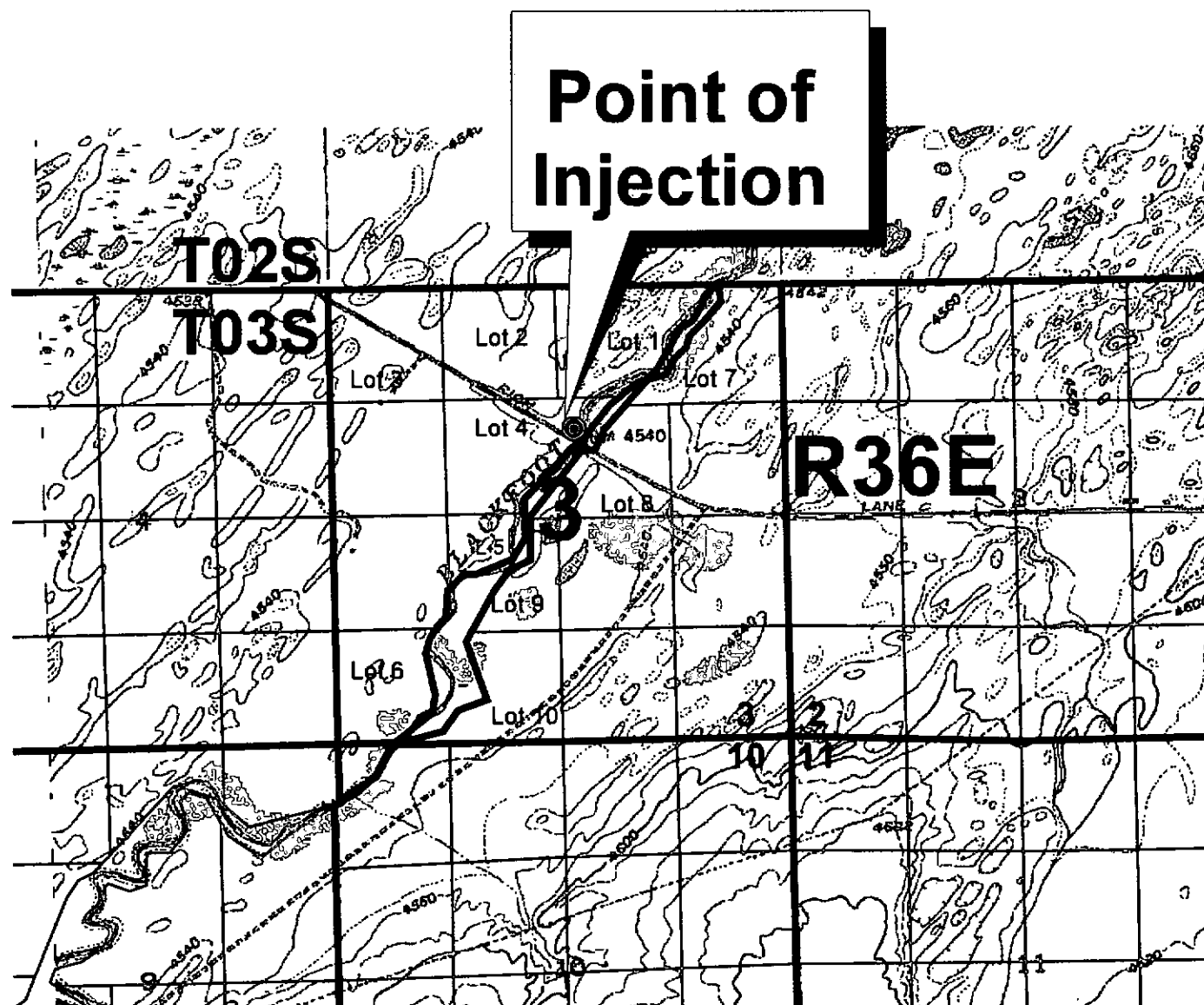
13:45+170.391E 1GPM 00R
+002.30% AI2 00R

(POINT OF EXCHANGE)

27-07088

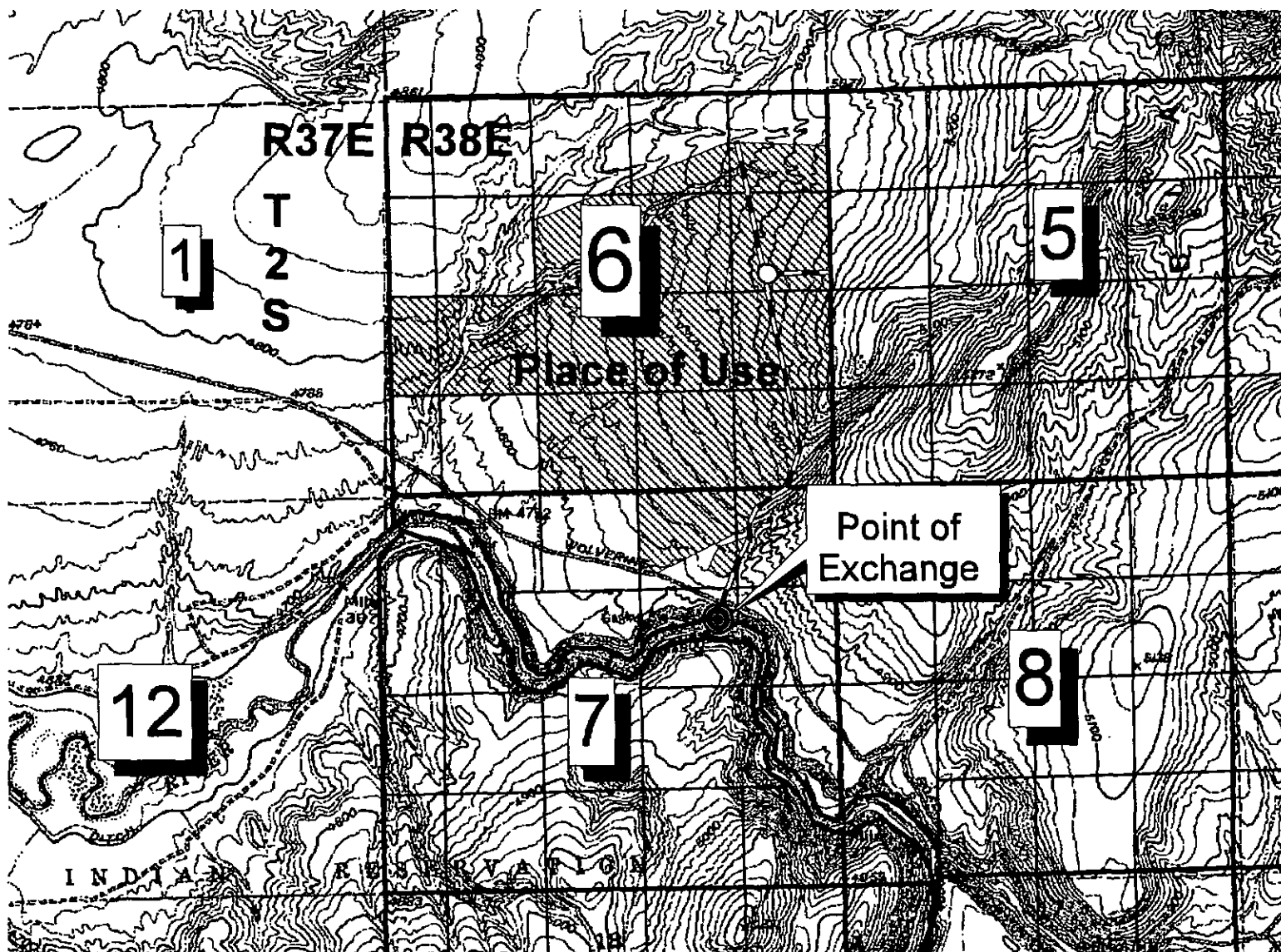
RIVER DIVERSION
MEASUREMENT TAPE
27-07088

88070-7S



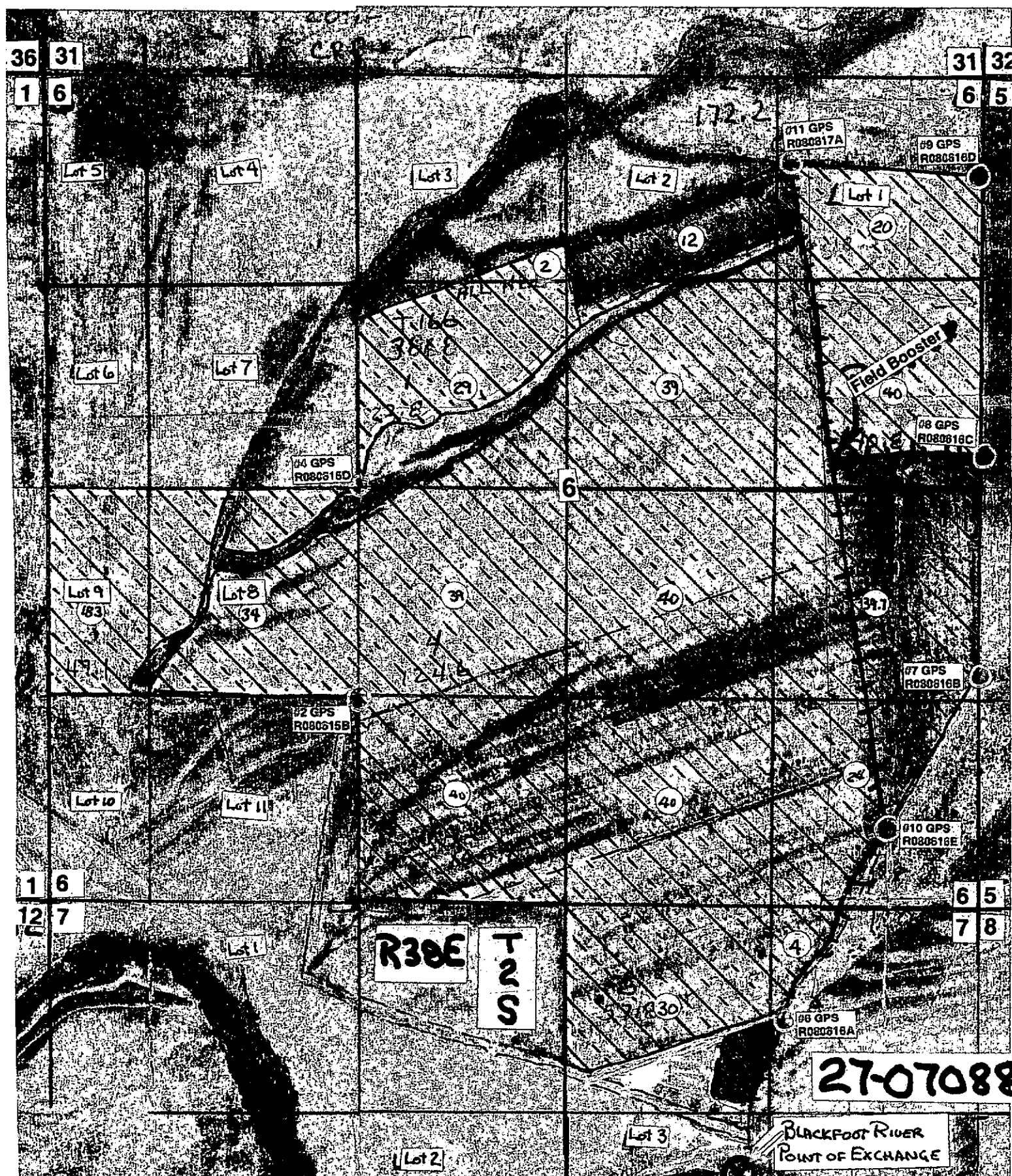
- D 27-07088.shp
- S03s36e.shp
- T03s36e.shp

27-07088



- Field booster2707088.shp
- ▲ Mainline2707088.shp
- ▨ Pou2707088.shp
- Exchangepd277088shp.shp
- S02s38e.shp
- T02s38e.shp

27-07088



8-6-98

9:15

- ① on road edge of BLM?? RØ8Ø615A
- ② Stream East of ① $\approx 1/2$ mi RØ8Ø615B
- ③ at corner of Adk and grain North and East ② RØ8Ø615C
- ④ Fence corner at bottom of draw RØ8Ø615D
- ⑤ Top of Sum North of ② at edge of Adk RØ8Ø615E
- ✓ ⑥ Above house on fence corner RØ8Ø615A
- ⑦ North along Fence line Turn RØ8Ø615B
- ✓ ⑧ Top Turn of Adk & Grain RØ8Ø616C
- ✓ ⑨ Top of P. at corner section on north RØ8Ø616D
- ✓ ⑩ Along Flow line change in direction RØ8Ø616E
- ⑪ Along North Side of Prop RØ8Ø617A
- Small pump $\approx 900 \rightarrow 1000$ gpm
- Large pump ≈ 1500
- Pressure gauge 100 psc

8-6-98

9:15

① on road edge of BLM ??
R080615A

② Start East of ① $\approx 1/2$ mi
R080615B

③ at corner of Allis and grain North
and East ② R080615C

④ Fence corner at bottom of Draw
R080615D

⑤ Top of Spr North of ② at edge
of Day R080615E

⑥ Above house on fence corner
R080615A

⑦ North along Fence line Turn
R080615B

⑧ Top Turn of Aff & Gram
RØ8Ø616C

⑨ Top of P at corner section
on north RØ80 616D

⑩ Along Flow line change in
direction RØ8Ø616E

⑪ Along North Side of Roof
RØ8Ø617A

Small pump $\approx 900 - 1000 \text{ gpm}$

Large pump ≈ 1500

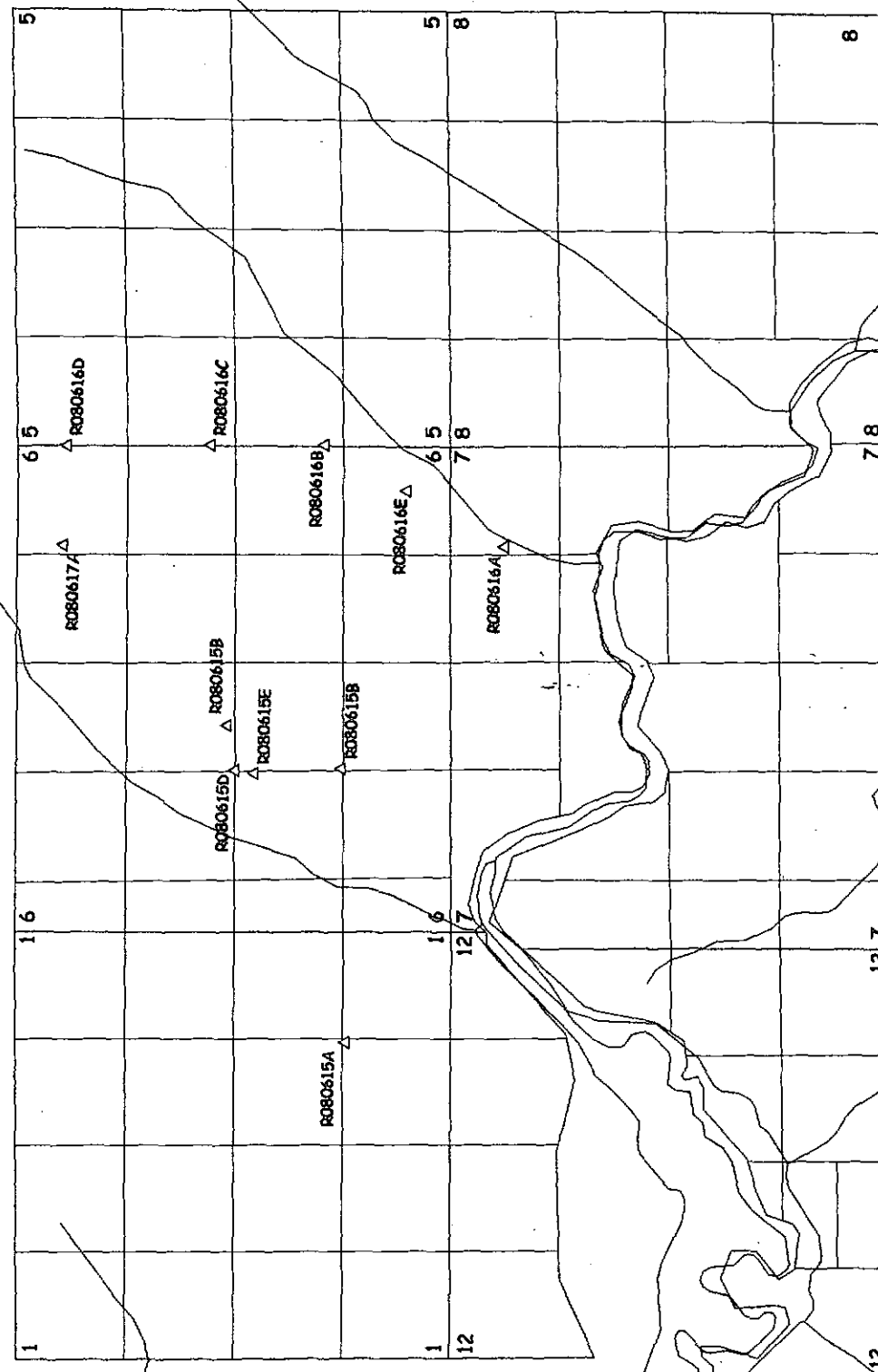
Pressure gauge 100 psc

	grouped.att	
Group 11 from r080615a.cor	Point_generic	4760.68
Latitude: 43 16 17.321001033 N	Longitude: 112 03 54.572376227 W	
Group 10 from r080615b.cor	Point_generic	4817.348
Latitude: 43 16 17.577883801 N	Longitude: 112 03 09.441335931 W	
Group 9 from r080615c.cor	Point_generic	4866.572
Latitude: 43 16 31.315160001 N	Longitude: 112 03 02.366586554 W	
Group 8 from r080615d.cor	Point_generic	4805.891
Latitude: 43 16 30.388584979 N	Longitude: 112 03 09.705367647 W	
Group 7 from r080615e.cor	Point_generic	4837.551
Latitude: 43 16 28.061865311 N	Longitude: 112 03 10.323919953 W	
Group 6 from r080616a.cor	Point_generic	4870.509
Latitude: 43 15 57.890783858 N	Longitude: 112 02 33.072056819 W	
Group 5 from r080616b.cor	Point_generic	5138.731
Latitude: 43 16 19.467540416 N	Longitude: 112 02 16.511792677 W	
Group 4 from r080616c.cor	Point_generic	5089.602
Latitude: 43 16 33.197641781 N	Longitude: 112 02 16.393599518 W	
Group 3 from r080616d.cor	Point_generic	5026.2
Latitude: 43 16 50.420117422 N	Longitude: 112 02 16.361073179 W	
Group 2 from r080616e.cor	Point_generic	5023.489
Latitude: 43 16 09.604219283 N	Longitude: 112 02 23.897737829 W	
Group 1 from r080617a.cor	Point_generic	4953.212
Latitude: 43 16 50.935086273 N	Longitude: 112 02 32.706661795 W	

GPS page 2 of 3

27-07088

Township 02 South, Range 37 and 38 East



GPS page 3 of 3

27-07088

281.2
CRP

172.2

36 31
1 6

31 32
6 5

Lot 5

Lot 4

Lot 3

Lot 2

Lot 1

Lot 6

Lot 7

Lot 9

Lot 8

Lot 10

Lot 11

1 6
12 7

6 5
7 8

#4 GPS
R080615D

#2 GPS
R080615B

#11 GPS
R080617A

#9 GPS
R080616D

#8 GPS
R080616C

#7 GPS
R080616B

#10 GPS
R080616E

#6 GPS
R080616A

R38E

T
2
S

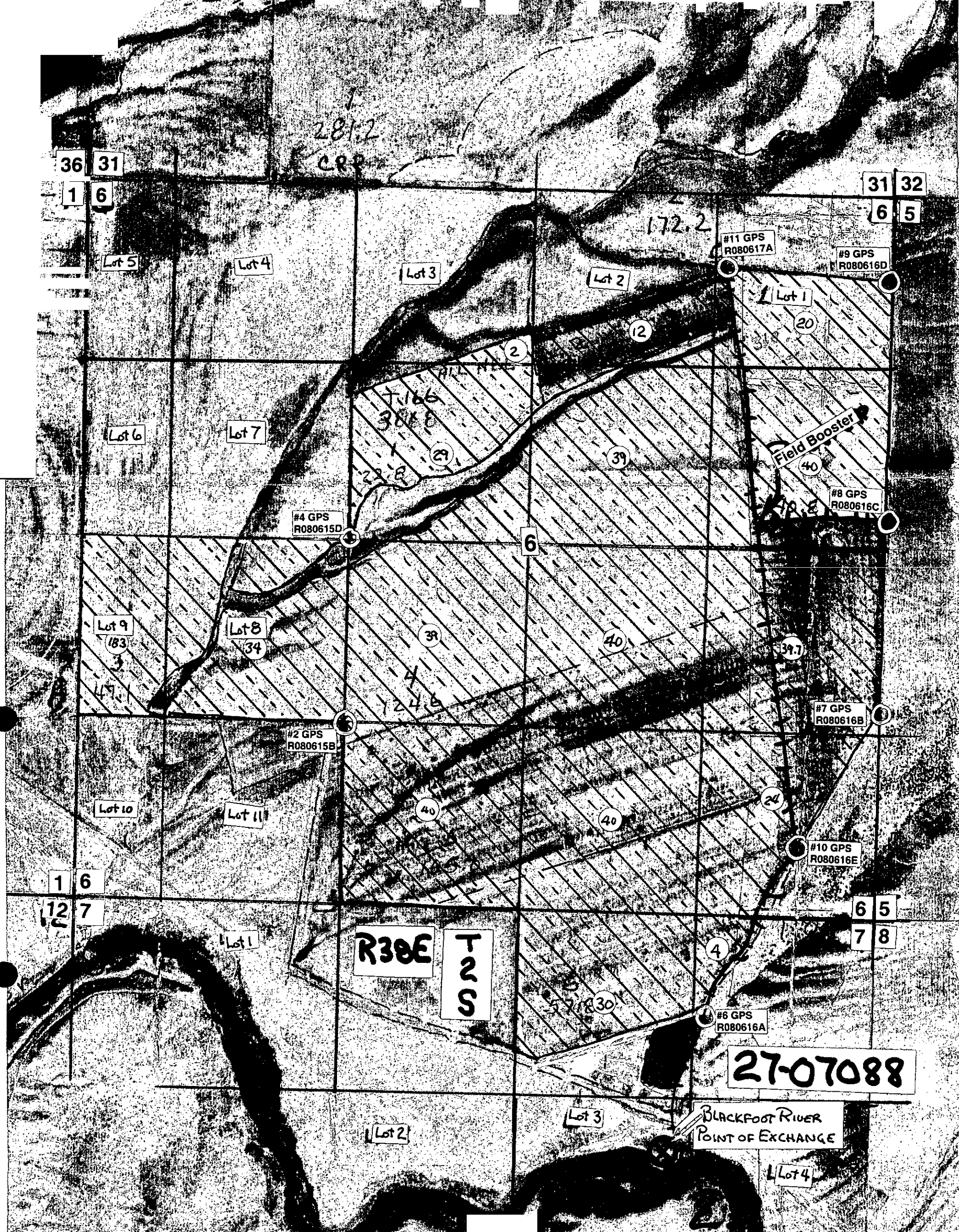
27-07088

BLACKFOOT RIVER
POINT OF EXCHANGE

Lot 2

Lot 3

Lot 4



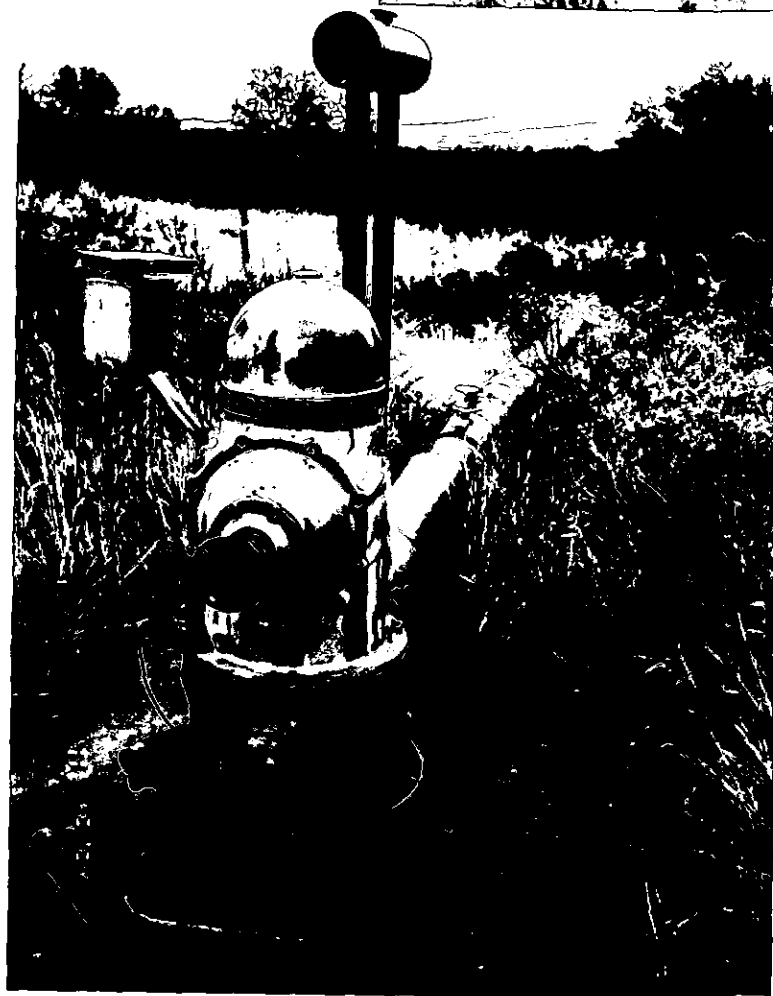
BLACKFOOT
RIVER



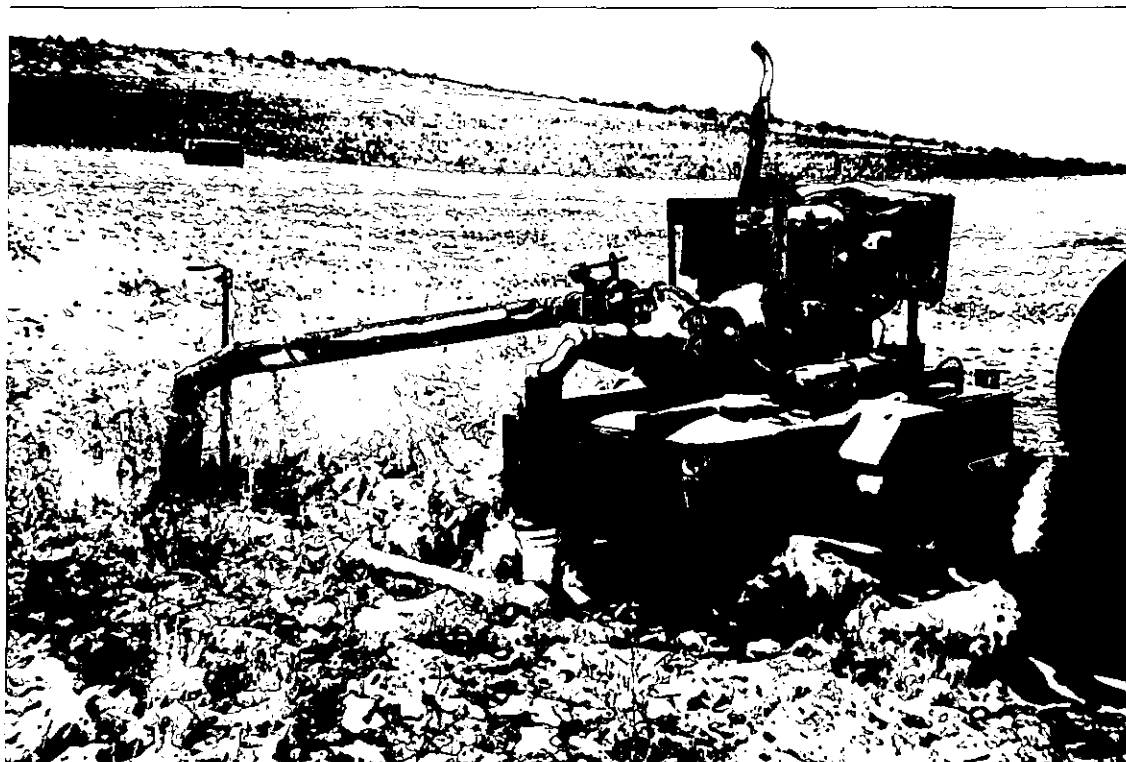
OPEN DISCHARGE INTO
BLACKFOOT RIVER

PHOTO'S 10-15-1998

POINT OF DIVERSION



27-07088



MAINLINE TO
UPPER FIELD

BOOSTER PUMP & MOTOR
FOR UPPER FIELD

Photo 10-15-1998

27-07088

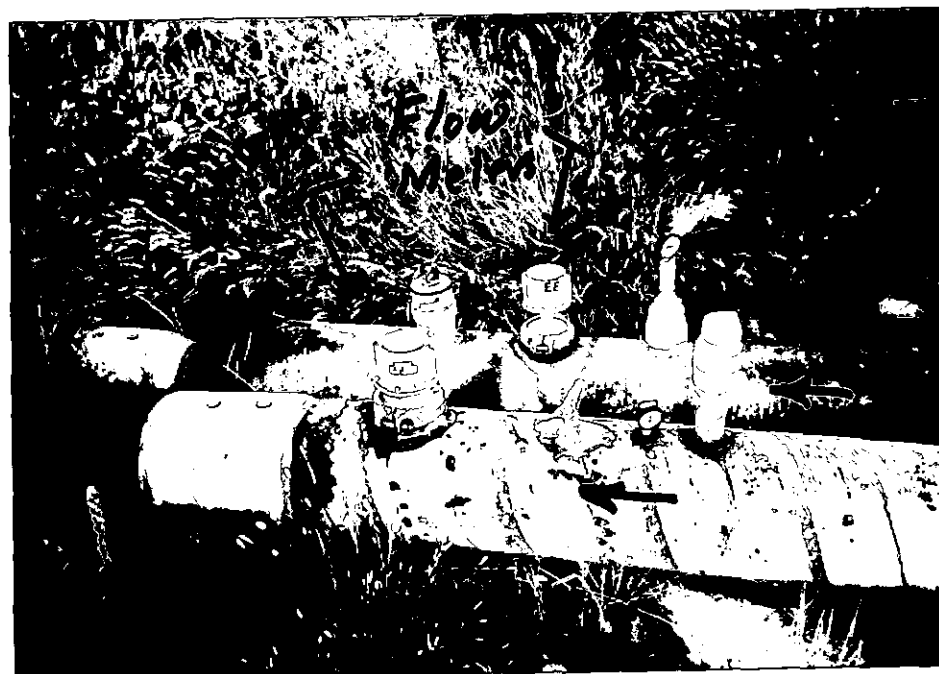
To
Main
line ←



From
Canyon

looking South East

Photos 8-6-1998



looking East at Flow
Meters

Permit # 27-07088



permit # 27-07088
Photo looking East up river

Photos 8-6-1998



looking
North East
at pump
arrangement,

27-07088



looking South at large Pump (left) and Small pump (Right).
channel returning excess water back to river. Diversion
Pipe shown on left

PHOTOS 8/6/1998



looking down river at pumps

Permit #
27-07088



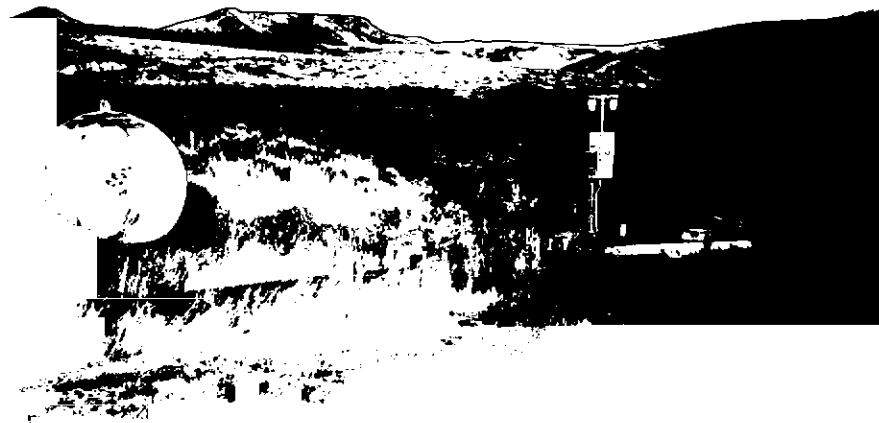
Permit #21-7088
looking North up and
out of black Canyon

Photo's 8-6-1998



looking into
Canyon from
North.





E. NARRATIVE/REMARKS/COMMENTS

Water Master

on 8-6-98 called John Davidson (521-1060, 521,0443) and discussed situation with him. I explained that Permit #27-07088 requires that any pumping rate at greater than 2441 (2500) gpm (5.44 cfs) requires permit holder to start the replacement pump on Rich lane (T2S, R 38E, Sec 7, SWNE (Lot 3)). This well (Rich lane) does not have a drive motor on it.

The current owner of the property on which the water is being pumped is Bryce Fielding.

GPS data was collected insure Fielding was not farming BHM lands

Was unable to review main line placement, place of use, or measure the maximum flow at the replacement site, due to harvesting requirements.
10/6/98

DIVERSION FROM BLACKFOOT RIVER AT POINT OF EXCHANGE

Collection pipe to two Exchange pumps to mainlines with laterals with sprinklers. A field booster pump is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 6, T2S, R38E, to lift water to top of field. Flow meters are installed in mainlines

DIVERSION FROM GROUNDWATER INTO BLACKFOOT RIVER AT POINT OF INJECTION

Well pump with right angle drive for Diesel motor, to open discharge into Blackfoot River. Flow meter installed in mainline.

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

27. 07088

F. FLOW CALCULATIONS

Measured Method: POINT OF EXCHANGE (DIVERSION FROM BLACKFOOT RIVER) ✓ Additional Computation Sheets Attached

Pump # Small 1007 gpm

" Large 1707 gpm

$$\left(\frac{2714 \text{ gpm}}{448.8 \text{ gpm}} \right) \left(\frac{1 \text{ cfs}}{1.486 \text{ cfs}} \right) = 6.05 \text{ cfs}$$

POINT OF INJECTION (GROUNDWATER DIVERSION INTO BLACKFOOT RIVER)

$$Q_{\text{THEORETICAL}} = 10.14 \text{ cfs} \quad \boxed{Q_{\text{LIMITED BY}} 0.02 \text{ cfs} = 9.02 \text{ cfs}}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 451 \text{ ac} (4) = 1804.0 \text{ cfs}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 9.02 \text{ cfs} (214) 1.9835 = 3828.7 \text{ cfs}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 1804.0 \text{ cfs}$$

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	9.02 cfs	1804.0 afa
Totals:				

2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

I. AUTHENTICATION

Field Examiner's Name

KEITH C WILSON
KEITH C WILSON

Date 8-11-1998

Reviewer

Date

SEAL



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

May 12, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRYCE J FIELDING
MARY W FIELDING
720 N 1100 E
SHELLEY ID 83274

RE: Water Right 27-07088

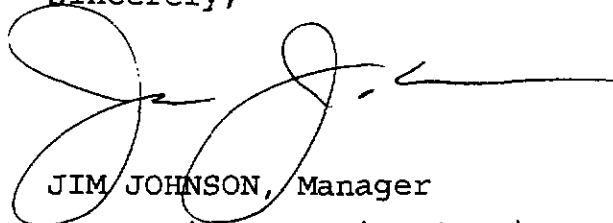
Dear Mr. & Mrs. Fielding:

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

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

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

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED

MAY 26 1999

4/86

For Office Use Only
Fee Received 350.00
Date 29 Dec 86
Receipt # 39977
Receipt by MD
Sent to S.O. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EXAMINATION FEE INFORMATION



JAN 14 1987

1. Permit No. 27-7088

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

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

2. Permit Holder: Don M. Espino

3. Post Office Address: 449 W. Locust, Shelley, ID. 83274

Telephone No. 357-7423

4. Source of Water: Groundwater recharge with Blackfoot River

5. Extent of Use:

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

Irrigation 507 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted 10.14 cfs _____ acre-feet

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

Aug. 1977

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

Same as above

(Name)

(Address)

(Telephone Number)

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

29 Dec 86
Date

Don M. Espino
Signature of Permit Holder (and title, if appropriate)

copy retained for file

RECEIVED
MAY 26 1987

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

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

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

Checks should be made payable to the
Department of Water Resources

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

27-7088

ESPLIN, DON M.

ESPLIN, LORNA

449 W. LOCUST

SHELLEY, ID 83274

Mailing address:

Storehouse

Boise, Idaho 83720

138145

April 17, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

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

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

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

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

MICROFILMED

MAY 26 1986

of certified water right examiners will be available from this department when examiners have been certified.

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

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

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

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

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

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

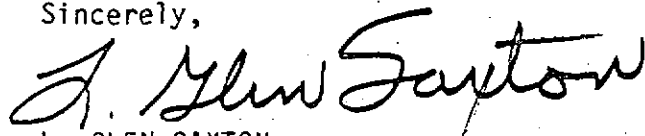
Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

MICROFILMED

MAY 26 1999



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

A. Kenneth Dunn
Director

September 27, 1932

Don M. Esplin
449 West Locust
Shelley, Idaho 83274

RE: Permit No. 27-7088

Dear Mr. Esplin:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

☐ A field examination of your system has been scheduled for _____.

If this time and date is not convenient for you, please contact this office as soon as possible.

☒ A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

COLLEEN WRAY
Adm. Secretary

Enc: Reinstatement Order

MICROFILMED
MAY 26 1999

CALCULATION OF NEW PRIORITY DATE

FROM: Rita Fleck

TO: File # 27-7088

DATE: Sept 8, 1982

Date Proof Received	Aug 3, 1982	215
Proof Due	July 1, 1982	<u>182</u>
Number of Days Proof Late		33

Priority Date	May 23, '77	143
Number of Days Proof Late		<u>33</u>
New Priority Date		176

= June 25, 1977

Remarks

MICROFILMED
MAY 26 1999

PLACE
TEN CENT
STAMP
HERE

RECEIVED
AUG 6 1982
Department of Water Resources



MICROFILMED

MAY 26 1999

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card a statement that the permit holder(s) has completed development to the extent shown below Permit No. 27-7088

Name(s) of Permit Holder: Don M. Espl

Post Office Address: 449 W. Locust, Shelley, Id

Tel. No. 357-7423

Source of Water:

Extent of Use:

☐ Domestic

(number of households)

☐ Stockwater

(number and type of stock)

Department of Water Resources

☐ Irrigation

(acres)

Eastern District Office

☐ Other

507

MAY 26 1999

Measuring Device: Required?

☒ Yes ☐ No

Installed?

☐ Yes ☐ No

Access Port: Required?

☒ Yes ☐ No

Installed?

☐ Yes ☐ No

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

Aug 3, 1982
Date

[Signature]
Signature of Permit Holder

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

ESPLIN, DON M. & LORNA
449 W. LOCUST
SHELLEY, ID 83274

JULY 07, 1982

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 27-7088 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER A NOTICE THAT YOU HAVE COMPLETED THE PROJECT BY THE DATE REQUIRED ON YOUR PERMIT, OR A REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR NOTICE TO YOU DATED APRIL 30, 1982.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST.

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

CERTIFICATION OF MAILING

I hereby certify that on 7/21/1982
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

MICROFILMED
MAY 26 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
\$138752

ESPLIN, DON M. & LORNA
449 W. LOCUST
SHELLEY, ID 83274

APRIL 30, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 27-7088 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JULY 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

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

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

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

MICROFILMED
MAY 26 1999



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

April 30, 1982

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the regional office nearest to you.

Sincerely,

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

DRT:jg

Enclosures

NORTHERN REGION OFFICE
Route #5, Box 203, Government Way
Coeur d'Alene, Idaho 83814
Telephone 667-6484

SOUTHERN REGION OFFICE
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301
Telephone 734-3578

EASTERN REGION OFFICE
150 Shoup Avenue
Idaho Falls, Idaho 83401
Telephone 525-7161

WESTERN REGION OFFICE
92 South Cole Road
Boise, Idaho 83709
Telephone 334-2190

MICROFILMED

MAY 26 1999

IDENT. NO. 27-7088

ID 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

WATER RIGHT
DATA ENTRY LOG[illegible]

August 1, 1977

Re: Permit No. 27-7088

Don M. &/or Lorna Esplin
449 W. Locust
Shelley, ID 83274

Dear Don &/or Lorna:

Enclosed is a copy of your approved Application for Permit No. 27-7088 . We direct your attention to the conditions of approval as listed on the fourth page.

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

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF/cah

Enclosure

MICROFILMED

June 7, 1977

RE: Application for Permit No. 27-7088 ESPLIN

Mr. John Renoux
Project Manager
Fort Hall Project
Rt. #1, Syphon Road
Pocatello, Idaho 83201

Dear Mr. Renoux:

We are enclosing a copy of an application that may be of interest to your water agency. Please review the application and if you have any comments, submit them to our department as soon as possible. The last date of protest is June 20, 1977, and we are required to take final action shortly thereafter.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

RECEIVED
JUN 14 1977

June 7, 1977

RE: Application for Permit No. 27-7088 ESPLIN

Mr. William Hall, Watermaster
Water District 27
765 South Meridian
Blackfoot, Idaho 83221

Dear Mr. Hall:

We are enclosing a copy of an application that may be of interest to your water district. Please review the application and if you have any comments, submit them to our Department as soon as possible. The last date of protest is June 20, 1977, and we are required to take final action shortly thereafter.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

ENCLOSURE

May 27, 1977

RE: Application for Permit No. 27-7088 ESPLIN
35-7721 EDWARDS
35-7717 TAYLOR
35-7716 GENTILLION
Claim to a Water Right No. 35-4059 PAPAS

Blackfoot News
P.O. Box 70
Blackfoot, Idaho 83221

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 6-13-77 by Ced

RDC:CW

Enc: Legal notice (5)

MICROFILMED

Legals: Joanne

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Don M. and-or Lorna Esplin, Shelley, Idaho have on 5-23-77 submitted Application No. 27-7088 for a permit to appropriate 10.14 cubic feet per second of water from a ground-water source by means of well and pump within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, T. 3S, R. 36E, B.M., Bingham County. The water will be pumped into the Blackfoot River and reddiverted at a point within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ (lot 3), Sec. 7, T. 2S, R. 38E, B.M.; to be used from Apr. 1 to Nov. 1 for the irrigation of 507 acres within the NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 6, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 2S, R. 38E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before June 20, 1977.

C. STEPHEN ALLRED,
Director

(5137)

Pub.: 6-2, 9

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Don M. &/or Lorna Esplin,

Shelley, Idaho

have

~~XXXXXXXXXX~~ on

5-23-77

submitted Application No.

27-7088

for a permit to appropriate 10.14 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~

of water from a ground-water source

by means of well and pump

within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, T. 3S, R. 36E, B.M., Bingham County. The water will

be pumped into the Blackfoot River and rediverted at a point within the SW $\frac{1}{4}$ NE $\frac{1}{4}$

(lot 3), Sec. 7, T. 2S, R. 38E, B.M.;

to be used from Apr. 1 to Nov. 1

for the irrigation of 507 acres

within the

NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 6, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 2S, R. 38E, B.M.

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C. STEPHEN ALLRED
~~XXXXXXXXXXXXXXXXXXXX~~

Director

Published in the Blackfoot News, Blackfoot, Idaho

on June 2 and June 9, 1977

RECEIVED
JUN 21 1977

He. J.
He. H.
He. C.

CONVERSATION MEMORANDUM

DATE May 26, 1977

FILE 27-7088

NAME OF PARTY Don Esplin

EMPLOYEE Loy Johnson

RE: Q excessive on new application for permit. I called Mr. Esplin this morning and told him that the 10-acres he showed in the W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 2N, R. 38E, was already licensed for one inch per acre under License 27-2121 to Leonard Cox.

I told Mr. Esplin in order for him to include this land in his permit, Mr. Cox would have to transfer the water right off of this land to 20 acres at another location.

Mr. Esplin said Mr. Cox was his father-in-law and to just delete the land from his permit.

I told him we could do this, but we would have to reduce the amount of water by 0.20 c.f.s., he said to make any changes necessary.

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Esplan

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) Eng 5/26/77

In form to receipt yes

(2) " "

Send Copies to:

NA Idaho State Health Department
NA Idaho Fish and Game Department
NA Bureau of Land Management
☒ Watermaster WD-27 (Bill Hall) F.H. Ind.
Request Special Use Permit from U.S.F.S.
NA Request Easement from B.L.M.
NA Request Information from Applicant
Request Dam Safety Information

(3) " "

In form for advertising yes

(4) " "

Platted on Map No. 25,38E; 35,36E; Z-41; Y-92

(5) " "

(6) " "

Located within Water District No. 27

(7) " "

Critical groundwater area: yes no ☒

(8) " "

Groundwater levels: None or obs wells

Declining, ☒ Stable, Increasing

(comment) Bulletin # 27

(9) " "

Other rights on the same place of use Decreed right Blackfoot River

(10) " "

Comments: No known conflicting water rights problem that may arise

(11) CW 6-10-77

Affidavit of Publication received (date) June 10-1977

(12) CW 6-20-77

Final date for protests June 20-1977

Protests received: yes no ☒

(13) RDC 6/23/77

All requested information received from agencies or applicant: yes no

(14) " "

Action recommended:

☒ Approve

Deny

5/23/77 Proposed Priority

Reason for Reduction

☒ Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

(15) District E

By RDC

Date 6/23/77

RECEIVED
Supplemental

Copy
Sent