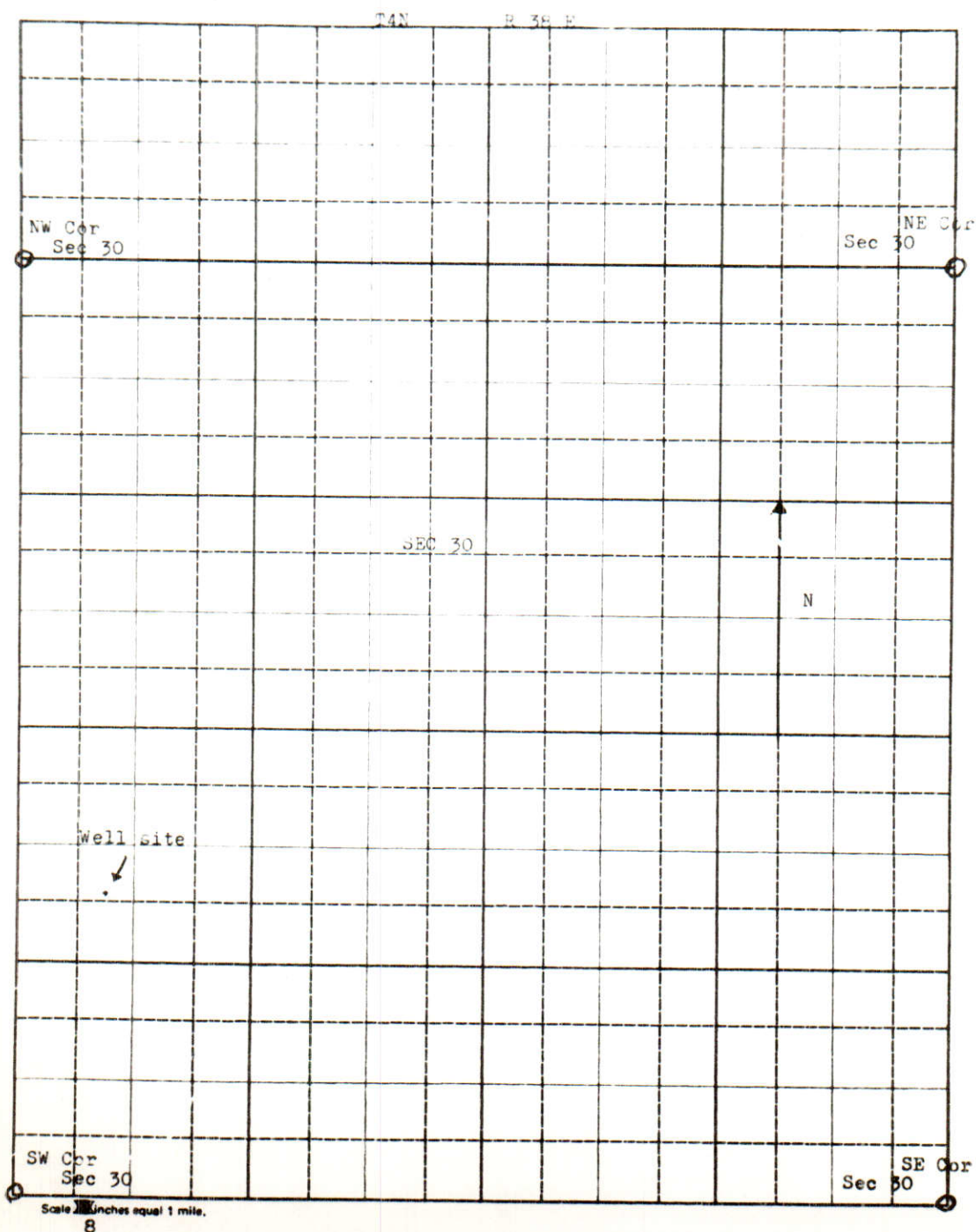


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Sailor Beard
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUN 13 1990
Department of Water Resources

A. GENERAL INFORMATION

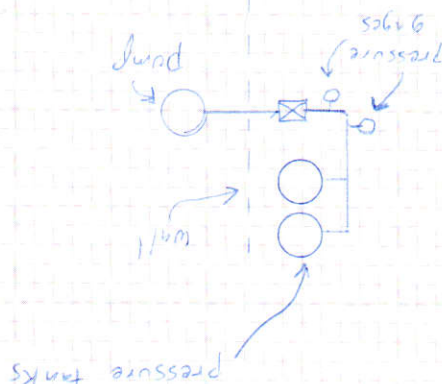
1. Owner: Silver Creek Dist. Inc.
 2. Accompanied by: Adam Ackerman
 Address: 134 N 3300 E Rigby
 Relationship to Permit Holder: Plant superintendent
 3. Source: Groundwater tributary to _____
 EXAM. DATE: 6-8-87
 Phone No. 754-0042

B. OVERLAP REVIEW

1. Other water rights with same place of use: None
 2. Other water rights with same point of diversion: None
 Copies Attached ☐ Copies of Field Exam's Attached ☐

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



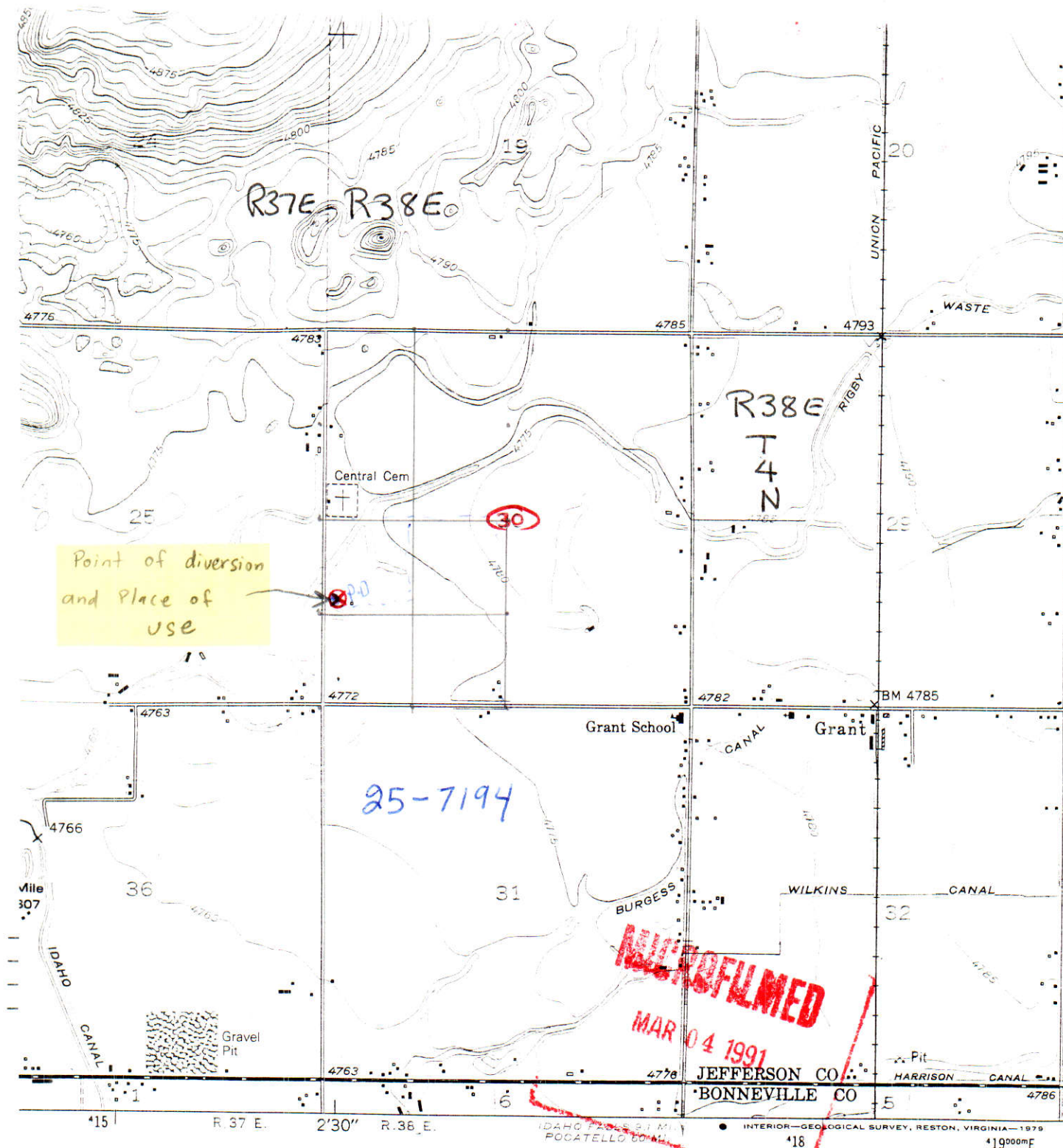
MICROFILMED

MAR 04 1991

- Scale: 1" = _____
2. ☒ Copy of U.S.G.S. Quadrangle Attached
☒ Showing location(s) of point(s) of diversion and place(s) of use (required).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).
☐ Aerial Photo Attached (required for irrigation of 10 acres or more).

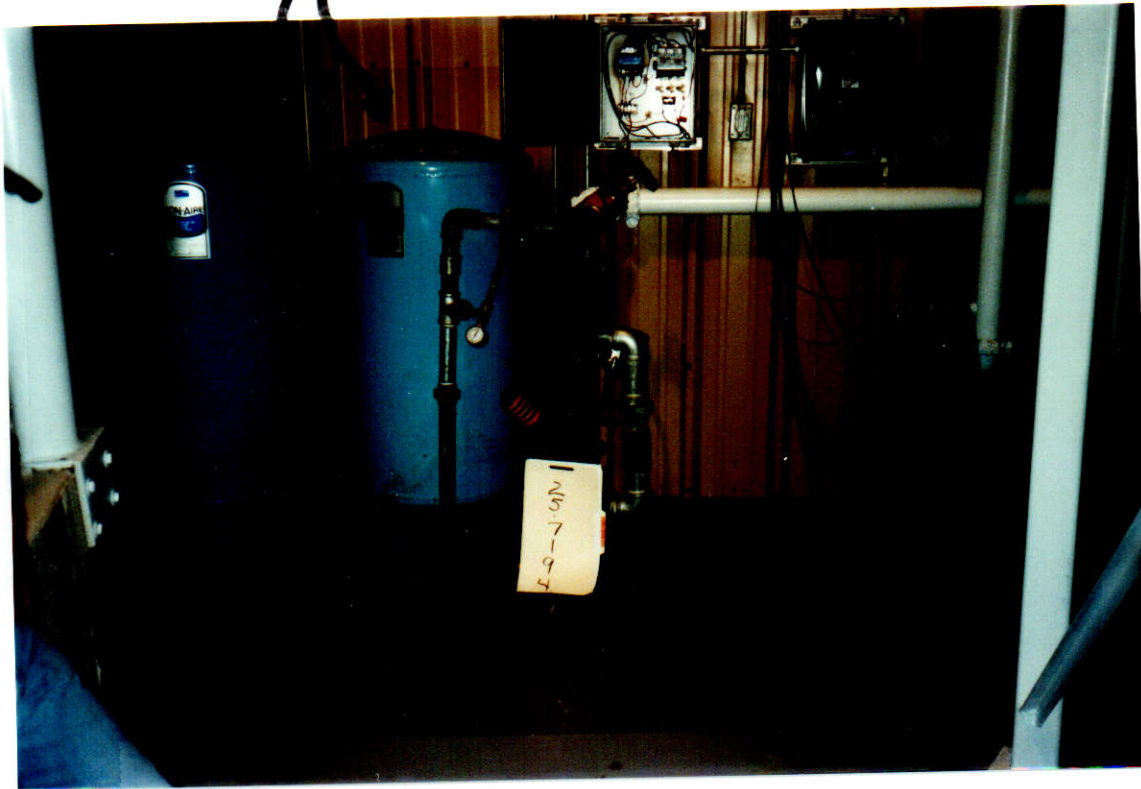
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

25-7194
PERMIT NO.



25-7194

Pressure Tanks



25-7194

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 25-07194

Priority: December 1, 1988

Maximum Diversion Rate: 0.11 CFS
Maximum Diversion Volume:¹ 19.1 AF

This is to certify, that SILVER CREEK DISTILLERS INC.

P.O. BOX 1966

SUN VALLEY, ID 83353

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 9, 1980; and has submitted Proof of Beneficial Use on December 1, 1988. An examination indicates that the works have a diversion capacity of .410 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
INDUSTRIAL	01/01 to 12/31	0.11 CFS	19.1 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 30, Township 04N, Range 38E
JEFFERSON County

PLACE OF USE: INDUSTRIAL
TWN RGE SEC

04N 38E 30 NWSW

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Industrial use is for a distillery.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 24TH day of JANUARY, 1991.

RECEIVED
FILMED

Acting for

R. Keith Higginson, Director

MAR 04 1991

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	}	
	}	
NO. 25-7194 IN THE NAME OF	}	ORDER OF REINSTATEMENT
	}	
SILVER CREEK DISTILLERS, INC.	}	

This matter having come before the Idaho Department of Water Resources (Department) the Department finds as follows:

FINDINGS OF FACT

1. On June 26, 1980 the Director of the Department of Water Resources issued Permit No. 25-7194 in the name of Gail M. Beard with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before June 1, 1985.

2. On March 31, 1985 the Department sent a proof due notice to the permit holders.

3. On June 25, 1985 the Department sent a lapse notice to the permit holders since neither proof of beneficial use nor a request for extension of time had been received from the permit holders.

4. On December 1, 1988 Proof of Beneficial Use was received by the Department from Silver Creek Distillers, Inc. along with an assignment transferring ownership of the right from Gail Beard to Silver Creek Distillers, Inc.

5. Section 42-218a, Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date advanced to the date that proof of beneficial use was received, upon submit

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MAR 30 1989

establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

6. The permit holders submitted evidence to confirm that water has been put to beneficial use. These documents include a well drillers report showing that the well was completed in December of 1980; a billing statement for the well made out by the well driller and dated March 11, 1981; and an affidavit from the previous permit holder stating that water was put to use continuously throughout the authorized permit period for industrial and stockwater purposes.

7. The current permit holders have stated that the previous permit holders experienced financial problems during the authorized permit period and therefore neglected to submit proof on time. Upon receiving ownership of the property, the present permit holders learned that the permit had lapsed and proceeded to pursue reinstatement by submitting the proof.

CONCLUSIONS OF LAW

1. The permit holders have submitted proof of beneficial use along with supporting evidence which establishes that water was, in fact, beneficially used as identified on the permit.

2. The permit holders have shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

3. The permit can be reinstated with the date of priority advanced to the date proof of beneficial use was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 25-7194 is reinstated.

MICROFILMED

MAR 30 1989

IT IS FURTHER ORDERED that the date of priority of this permit is
advanced to December 1, 1988.

Dated this 7th day of March, 1989.

L. Glen Saxton
L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED

MAR 30 1989

RECEIVED

State of Idaho

Department of Water Resources
DEC 09 1988

RECEIVED

DEC 11 1988

ASSIGNMENT OF PERMIT

Department of Water Resources

Department of Water Resources
Eastern District Office

I, Gail M. Beard, hereby assign to Silver Creek Distilleries, Inc
of P.O. Box 1966 SUN VALLEY ID 83353
Address

→ All my right, title, and interest in and to Permit No. 25-7194
to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the
State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage
within each 40 acre subdivision, the point of diversion and the amount of
water in cubic feet per second for direct diversion, or acre feet for storage)

Made this 2nd day of December, 1988.

Gail M. Beard
Permit Holder

Jane R. Beard
Spouse of Permit Holder

State of Idaho)

County of Bonneville) ss

On this 2nd day of December, 1988, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Jane L. Hoffine
Notary Public residing at
Sun Valley ID

seal

My commission expires:

11-7-94

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MAR 30 1989

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 Gail L. Beard Phone (208) 754-4134
Post office address Box 216 Idaho Falls, Idaho 83401
2. Source of water supply groundwater which is a tributary of NA
3. Location of point of diversion is NA % of SA % of Section 30 Township 4N
Range 38E S.M. Jefferson County, additional points of diversion if any: _____

4. Water will be used for the following purposes:
Amount .111 cfs for Industrial purposes from Jan. 1 to Dec. 31 (both dates inclusive)
for agricultural purposes
Amount .022 cfs for Stockwater purposes from Jan. 1 to Dec. 31 (both dates inclusive)
for domestic purposes
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
for other purposes

5. Total quantity to be appropriated:
a. .133 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, submersed pump, pressure system -- line to stock troughs and ethanol plant

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 6 inches; proposed depth of well is 100 feet.

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

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NW 1/4 SW 1/4 of Section 30 Township 4N

Range 38E S.M.

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

(3) List number of each kind of livestock to be watered 500 Beef Cattle

(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: Water to be used for boiler in ethanol production plant

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

[illegible]

Total number of acres to be irrigated _____

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

9. a. Who owns the property at the point of diversion Gail M. Beard

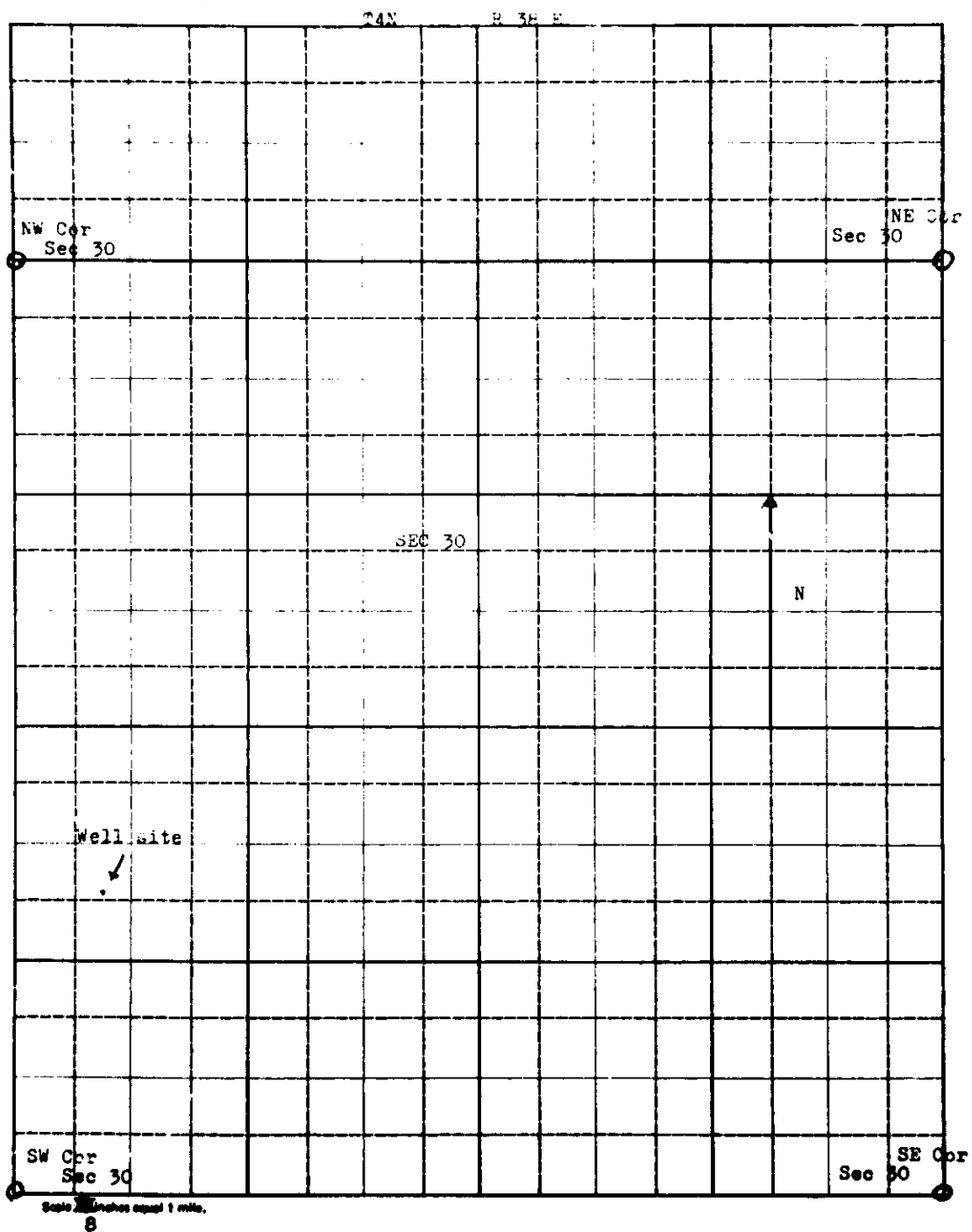
b. Who owns the land to be irrigated or place of use Gail M. Beard

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 _____

[illegible]

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.

Carl M. Beard
(Applicant)

Received by _____ Date _____ Time _____
Preliminary check by _____ Fee \$ _____
Received by kw Date 5/17/80 # 13413
Publication prepared by _____ kw Date 5/16/80
Published in _____ The Rigby Star _____
Publication dates 5/22 & 5/29/80
Publication approved kw Date 6/10/80
Protests filed by: _____

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

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. 25-7194, 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 June 1, 19 85.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: _____

Witness my hand this 26th day of June, 19 80.

A. Glen Saxton

Affidavit of Publication

THE RIGBY STAR

RECEIVED

JUN 9 1980

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION
FOR WATER RIGHT

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

25-7194

Beard, Gail M.; Rt. 6 Box
216, Idaho Falls, Id 83401
Source: Groundwater
Date Filed: 05/09/1980
Amount: 0.13 CFS
Diversion Point: NWSW
Sec 30 T 04N R 38E,
Jefferson Co.
Use: Stockwater (0.02
CFS) from 01/01 to 12/31;
Industrial (0.11 CFS) from
01/01 to 12/31
Place of Use: NWSW Sec
30 T 04N R 38E
Diversion Means: Well,
Pump, pressure system and
pipelines.

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before June 9, 1980.

/s/ C. Stephen Allred
Director

Published May 21 and 28,
1980

STATE OF IDAHO

County of Jefferson

I, Marie B. Nye, do solemnly swear that I am the Publisher of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated Section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said publication as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the

Twenty-First day of May, 19 80

and the last publication on the

Twenty-Eighth day of May, 19 80

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth; and that there are at least two hundred bonafide subscribers in Jefferson County.

Marie B. Nye

Publisher

Subscribed in my presence and sworn to before me this Twenty-Eighth day of May, 19 80.
[SEAL]

Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires Life, 19 80

Publication Fee: \$ 16.40

February 5, 1991

SILVER CREEK DISTILLERS INC.
P.O. BOX 1966
SUN VALLEY, ID 83353

RE: WATER RIGHT NO. 25-07194

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

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MAR 04 1991

January 7, 1991

SILVER CREEK DISTILLERS INC.
P.O. BOX 1966
SUN VALLEY, ID 83353

RE: WATER RIGHT NO. 25-07194

Dear Water Right Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

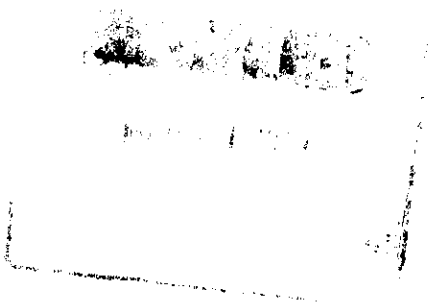
We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

Enclosure



LICENSE REVIEW CHECKLIST

Permit No. 25-7194

Name/Address change? ok ☒

Priority date Advance? yes no ☒
Memo to advance

Order to reinstate needed? yes no ☒

Total cfs Limited by fee ☒ ok

Limited by capacity

Total volume Limited by flow

Chart checked for AF rate/ac N/A

Capacity Actual measurement checked

Theoretical checked

If greater than permit, check for other rts

Source Changed? yes no
If so, is memo needed to clarify?

P/D Verify with map ☒ permit ☒
More than one per 1/4 Remember remark
Check p/d overlap N/A

Uses Check irrigation period of use w/ chart N/A

P/U Verify with map ☒ permit ☒
> 5 acres irrigated, run overlap N/A

Remarks More than one p/d in 1/4
Description of non-irrig uses
Special overlap condition

Conditions -
Measuring device
W.Master control
Overlap
Water quality
Other

Dates/Misc. -
Water Dist
App Rec'd
Proof Rec'd

CHECK FOR ADJ. CLAIM Needed according to proof filed
Filed - needs amended
Add'l fee required
Not filed - ☒ proof made 1988
Not needed

Comments/Changes to Examiner's Recommendations:

License 10-day ☒ 30-day

Back of field report signed? ☒
Reviewer SCurtis Date 1/2/91 Review time 9 min.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

25-7194
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☐ Copies of any Amendments/Orders with conditions of approval
- ☐ Computer Data Proof Report
- ☐ Copy of U.S.G.S. Quad
- ☐ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index KCW 8 MAY 89 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of exam(s) attached?

Type of Overlap? ☐ Add acres or uses to existing system

☐ Increase rate of flow or volume

☐ Other: _____

Check of P/U index DK 5/10/89 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of water right(s) attached?

Type of Overlap? ☐ Increase rate of flow or volume

☐ Add P/D's

☐ Increase number of acres within tracts

☐ Other: _____

Aerial Photo

Required? ☐ yes ☒ no If yes: ☐ copy attached?

Scheduling Letter sent? _____ (Initial and date)

☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
- ☐ Photographs of Point of Diversion and Place of Use
- ☐ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed [Signature] 7-6-89 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent KCW 7/26/89 (Initial and date)

Exam Reviewed by Manager of Regional Office _____ (Initial and date)

Exam Date Entered in Computer _____ (Initial and date)

Exam sent to State Office _____ (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUN 13 1990

A. GENERAL INFORMATION

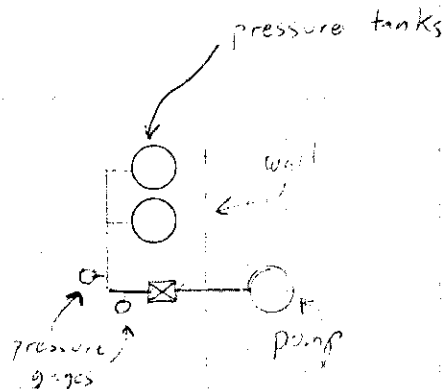
1. Owner: Silver Creek Dist. Inc. Department of 6-2194
Permit No. 754-0042 Phone No. 754-0042
Current Address: 134 N 3300 E Rigby ID
2. Accompanied by: Adam Ackerman EXAM. DATE: 6-8-87
Address: 134 N 3300 E Rigby Phone No. 754-0042
Relationship to Permit Holder: Plant superintendent
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: None
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: None
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



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MAR 04 1991

Scale: 1" = _____

2. ☒ Copy of U.S.G.S. 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 or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Static water level 140 feet, (no stock)
 Well & pump to distillery, to distill alcohol
 for vodka production. Also used for drinking
 and ~~some~~ bath room use.
~~175 psi (from pump)~~
 80 gpm } we were told
 7.5 hp. }
 15 }
 40-60 psi (system press)
 (used 50 psi for calculations)
☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	—	7.5	—	—	≈ 3" discharge

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	3		NW	SW	30	4N	38E	Jefferson	USGS map / on site inspection

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	38E	30									C								
											L3								

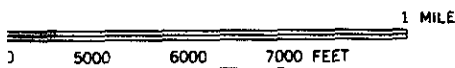
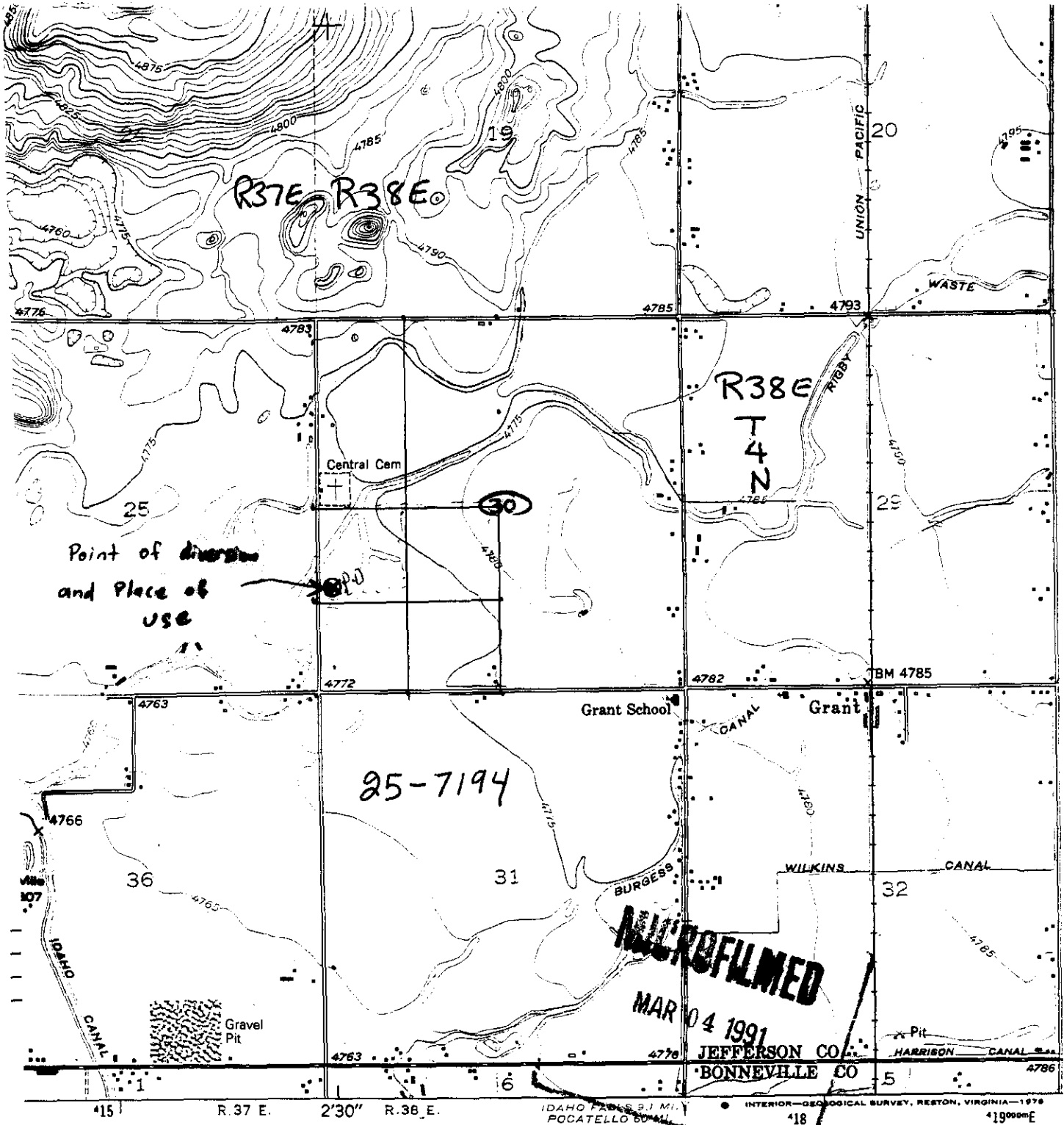
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MAR 04 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

25-7194
PERMIT NO.



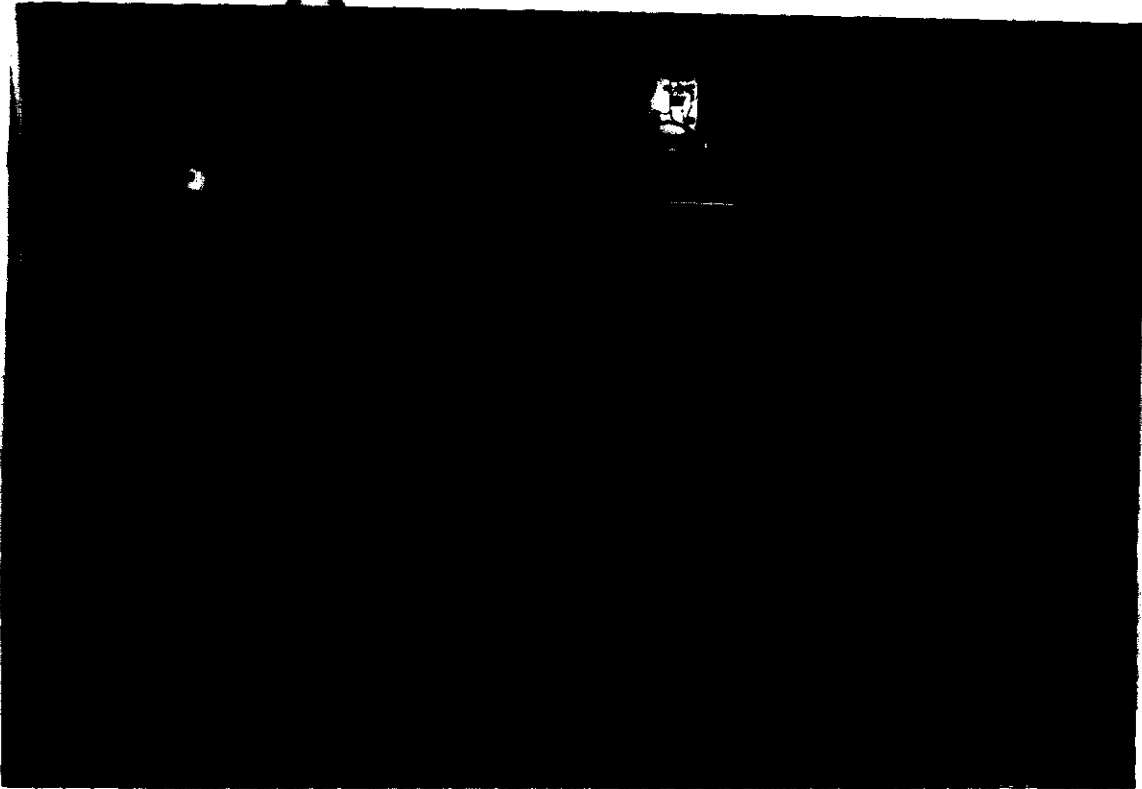
ROAD CLASSIFICATION

Heavy-duty ————— Light-duty —————

25-7194

Pressure Tanks

A



ED

25-7194

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

Theoretical

Static water level 140' from well log

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

$$Q_{ther} = \frac{hp (8.814) (eff)}{1.44 + (psi \times 2.308)} = \frac{7.5 (8.814) (.8)}{140 + (50 \times 2.308)} = 0.21 \text{ cfs} \quad 0.41 \text{ cfs} \quad (limit to .111 \text{ cfs})$$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

Using 5 working days a week (8 hrs. per day) and 52 weeks per year yields: 7,488,000 sec/year

$$0.111 \frac{ft^3}{sec} \left(\frac{7,488,000 \text{ sec}}{year} \right) \left(\frac{af}{43,560 \frac{ft^3}{ac}} \right) = 19.08 \text{ af} \approx 19.1 \text{ af}$$

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MAR 04 1991

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Adam Gckerman told us that the stock had been removed and that there would be no stock on the ground. Because the theor. calculation was greater than what was asked for on the permit, they are limited to what is on the permit (0.111 cfs), for industrial use ~~not~~ drinking.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Commercial	1-1	12-31	0.111	19.1 afy
Totals:			0.111 cfs	19.1 afy

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

J. AUTHENTICATION

Field Examiner's Name Larry Waters
Signature Larry L. Waters
Certification Date _____
Field Report Preparation Date 6-12-89

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

52
1/2/91

MICROFILMED

MAR 14 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 23, 1989

RE: Permit No. 25-7194

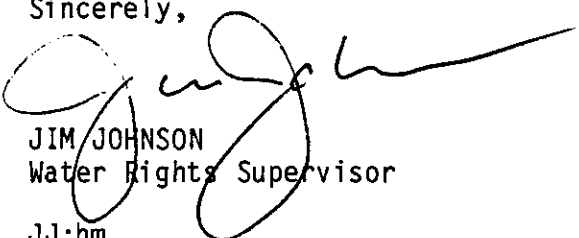
Silver Creek Distillers, Inc.
P.O. Box 1966
Sun Valley, ID 83353

Dear Permit Holder(s):

We acknowledge receipt of the statement of beneficial use and the supporting documentation for reinstating the above referenced permit. Before a license can be issued, a field examination will be made by a representative of this Department. Please note that the priority date has been advanced to December 1, 1988.

If you have any questions regarding this matter, please contact this office or our Eastern Regional Office at 525-7161.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:hm

Enclosure

RECORDED

MAR 30 1989

RECEIVED
FEB 21 1989

Department of Water Resources

Silver Creek Distillers INC.
P.O. Box 1966
Sun Valley, ID 83353

February 16, 1989

Mr. Tim Luke
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

Dear Mr. Luke,

Re: Permit No. 25-7194

In answer to your question as to why the beneficial use form was not filed until after 1985, is that the previous owners of the property were having serious financial problems. The plant was shut down for a few years since their assets had been frozen. However, water continued to be used for domestic and stock water purposes on the property.

I think the previous owners were so occupied with debt problems that the forms that normally would have been taken care of were simply ignored.

Sincerely,



G.R. Ackerman
Corporate Secretary

RECORDED

MAR 30 1989

RECEIVED

FEB 09 1989

Department of Water Resources

Silver Creek Distillers INC.
P.O. Box 1966
Sun Valley, ID 83353

February 7, 1989

Mr. Tim Luke
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

Dear Mr. Luke,

Re: Permit No. 25-7194

Attached, please find an affidavit from the previous owners of the property and proof documents pertaining to the establishment of the well and pump system. The affidavit references continuous use during the authorized permit period (1980-1985).

Please let me know if you need any additional information.

Sincerely,

G.R. Ackerman

G.R. Ackerman
Corporate Secretary

754-0042

MICROFILMED

MAR 30 1989

RECEIVED

FEB 09 1989

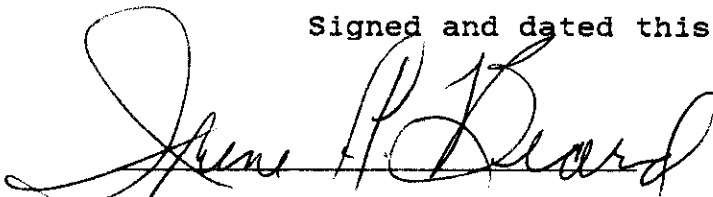
Department of Water Resources

AFFIDAVIT

COMES NOW Gail and Irene Beard, being first duly sworn,
disposes and says;

1. That we were the holder of Water Permit
No. 25-7194.
2. That on November 30, 1988, said permit was to have
been transferred to Silver Creek Distillers Inc., Box 1966, Sun
Valley, Idaho 83353.
3. That water under permit No. 25-7194 did commence
on June 26, 1980.
4. That Gail and Irene Beard did continue consumption
of said water from said permit until November 30, 1988.
5. That said water from permit was used for potato
cellar cooling, feed lot water supply, potato processing, alcohol
production, and grain storage use.
6. The above use was for the years of 1980 through
1988.

Signed and dated this 3 day of Feb 1989.



Irene A. Beard



Gail M. Beard

MICROFILMED

MAR 30 1989

STATE OF IDAHO

County of Bonneville) ss.

On this 4th day of February, 1989, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Gail and Irene Beard, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Gene L. Heffner
Notary Public for Idaho
Residing at: Idaho Falls ID
My commission expires: 11-7-94

MICROFILMED

MAR 30 1989

FEB 09 1989

BOX 64, UCON, IDAHO 83454

Department of Public Relations

Well & Pump Statement For:

Address Box 228 Menan, Ida. 83434

200'	Drilling	10" @ \$14 per ft.	2800.00
29'	Casing	10" @ \$10 per ft.	290.00
	Casing		
1	Shoe	10"	85.00
1	Pump	15 H.P.	2942.00
2	Tank	252 Well X Trol's @ \$268	536.00
215'	Submersible Cable	#10 @ 87¢ per ft.	187.05
12'		1½" @ 1.60	
191'	Drop Pipe	3" @ 5.10 1¼" 2" @ 2.58	1364.82
1	Well Seal	10" X 3"	65.00
1	Pittless Adaptor	3"	324.80
	Valves & Fittings		464.48
	Accessory Package		468.00
	Pump Installation		200.00
	Well Pit		
1	CPO VALVE		599.00
	Backhoe Work		175.00
	Total		\$10501.15

\$10501.15

MAR 30 1989

Duane Denning

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

[illegible]



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

December 23, 1988

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

RE: Permit No. 25-7194

Silver Creek Distillers, Inc.
Box 1966
Sun Valley, ID 83353

Dear Permit Holder(s):

The Department received your proof of beneficial use statement for the above referenced permit on December 1, 1988. The permit lapsed on June 1, 1985, so the 60-day late period during which the permit can be readily reinstated has passed.

Pursuant to Section 42-218a, Idaho Code, (copy enclosed) the permit can now be reinstated only if you submit the following:

- a) Evidence to show that beneficial use of the water did commence and to show the extent of the use of water during the authorized permit period from the time the permit was issued until the proof due date.
- b) Reasonable cause why the proof of beneficial use was filed late.

Examples of the type of evidence which you may submit to show commencement and extent of use include well pump power records, well pump or other well equipment receipts or records, well drillers log, and affidavits from persons knowledgeable of your operation and water use. Documentation should be as complete as possible and must reference use within the authorized permit period which is the time between the permit approval date (June 26, 1980) and the proof due date (June 2, 1985).

Your proof of beneficial use statement along with any information which may have been submitted with it will remain on file in this office for 60 days to allow you an opportunity to assemble and submit the additional required information.

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

Sincerely

TIM LUKE
Senior Water Rights Agent

TL:ky

Enclosure

RECORDED

MAR 30 1989

RECEIVED

For Office Use Only
Fee Received \$50.00
Date 12-5-1988
Receipt # C004937
Receipt by S.M.
Reviewed by _____
Sent to region _____

RECEIVED

DEC 09 1988

DEC 1 1988

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES District Office

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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.

Permit No. 25-7194

Name(s) of Permit Holder: Silver Creek Distillers, Inc.

Post Office Address: Box 1966, Sun Valley ID 83353.

Telephone No. 726-3377

Source of Water: Groundwater

Extent of Use:

Domestic 1 (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark Industrial - distillers.

Total rate and/or volume for which proof is submitted 0.133 cfs _____ acre-feet

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

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

Fee enclosed \$ \$50.00
(See License Examination Fee Schedule)

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

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

Robert Ackerman
(Name)

754 0042
(Telephone Number)

134 No. 3300 E. Rigby ID 83442
(Address)

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.

MICROFILMED

MAR 30 1989

11/30/88
Date

X Silver Creek Distillers Inc (Corp. Secretary)
Signature of Permit Holder (and title, if appropriate)

I certify that file No. 25-7194 has been
reviewed and is ready to be MICROFILMED
and DESTROYED.

File should not be

destroyed before 3-5-86
Date

H. Walker
Signature

3-5-86
Date



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

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

SPECIFICALLY, PURSUANT TO SECTION 42-2030, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NOT COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-2030, WHICH READS AS FOLLOWS:

42-2030. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

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

SINCERELY,

L. Glen Saxton
L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

BLAND, GAIL M.
RT. 6 BOX 216
IDAH0 FALLS, ID 83401

LAPSE NOTICE

JUNE 04, 1985

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 25-7194 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE NOTICE THAT YOU HAVE COMPLETED THE PROJECT (PROOF OF BENEFICIAL USE) BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PRIOR ONE NOTICE TO YOU DATED MARCH 31, 1985.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE FORM OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED FORM 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 FORM AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION.

L. GLEN SEXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LG6:RF

6-25-1985
This document was
sent to the
mail.
to the
above.

DAVID KINGHORN, ASSESSOR
Real Property
Jefferson County
134 N. Clark
Rigby, ID 83442

STATE OF IDAHO
COUNTY OF JEFFERSON
RIGBY, ID 83442
93720





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

June 5, 1985

Assessor's Office
Jefferson County Courthouse
Rigby, ID 83442

Gentlemen:

Re: Permit Nos. 25-7185 and 25-7194

Could you please check your property records for an address for Kimberly Estates (Gary Jensen) and Gail M. Beard.

I usually make this request by telephone, but I've had a great deal of difficulty getting through. However, you can contact me at 334-4290 with a response.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

RECEIVED
JUN 10 1985

Department of Water Resources

Gail Beard
Rt# 6 Box 216
Idaho Falls, Idaho 83401



JOHN V. EVANS

Governor

A. HERBERT BORN

Deputy

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

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4448

June 5, 1985

Assessor's Office
Jefferson County Courthouse
Rigby, ID 83442

Gentlemen:

Re: Permit Nos. 25-7185 and 25-7194

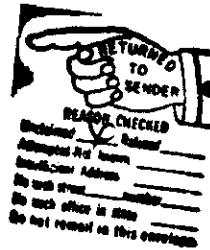
Could you please check your property records for an address for Kimberly Estates (Gary Jensen) and Gail M. Beard.

I usually make this request by telephone, but I've had a great deal of difficulty getting through. However, you can contact me at 334-4290 with a response.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

DEPARTMENT OF WATER RESOURCES
STATE HOUSE
SACRAMENTO 95832-0001



CLAIM CHECK
298924

CHOLD

DATE

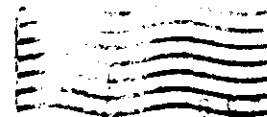
3 April
BY NOTICE

SHIP NOTICE

APR 1 1985

APR 1 1985

RETURN TO SENDER
NO POSTAGE
NECESSARY
IF MAILED
IN THE U.S.



RECEIVED
APR 22 1985

Department of Water Resources



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4442
CERTIFIED MAIL

138430

HEARD, GAIL A.
RT. 6 BOX 216
IDAHO FALLS, ID 83401

PROOF DUE NOTICE

MARCH 11, 1985

DEAR PERMIT HOLDERS:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 25-7194 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JUNE 01, 1985. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A FORM WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

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

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

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

STATE HOUSE
FOLIO, 10-AM, 6/17/79
(208) 344-1440

DEAR MR. GALT,
RE: 6/17/79
10:00 PM, 10-3001

JULY 10, 1979

RE: 6/17/79, 10-3001

DEAR MR. GALT:

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

WE HAVE ENCLOSED A FORM ENTITLED "WARNING FROM DEPARTMENT OF WATER RESOURCES". PLEASE READ THE INSTRUCTIONS CAREFULLY AND TAKE THE NECESSARY ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

Sincerely,

DAVID S. THOMAS, JR., P.E.
SUPERVISOR, WATER RESOURCES SECTION

ENCLOSURE

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

25 7194

INITIAL REVIEW BY
CHECK

APPLICATION NUMBER: 7194

- ☒ 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.
☐ Yes ☒ No Final date for protests: June 7
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 6-19-1980
☒ 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?
5-09-1980 Date of priority recommended.
Special conditions of approval or cover letter.

By: Ernest Carter

Date: 6-19-1980

STATE OFFICE REVIEW:

Ernest Carter

- ☐ See attached sheet for more information.

By: June

Date: 6/23/80

NOTICE OF APPLICATION FOR WATER RIGHT

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

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before JUNE 9, 1960.

C. STEPHEN ALLRED

Director

Published 5/22 & 5/29/60.

25-7194

BEARD, GAIL M.

RT. 6 BOX 216 IDAHO FALLS, ID 83401

Source: GROUNDWATER

Date Filed: 05/09/1980

Amount: 0.13 CFS

Diversion Point: NWSN Sec 30 T 04N R 38E, JEFFERSON Co.

Use: STOCKWATER	(0.02 CFS)	from 01/01 to 12/31
INDUSTRIAL	(0.11 CFS)	from 01/01 to 12/31

Place of Use: NWSN Sec 30 T 04N R 38E

Diversion Means: WELL, PUMP, PRESSURE SYSTEM & PIPELINES.