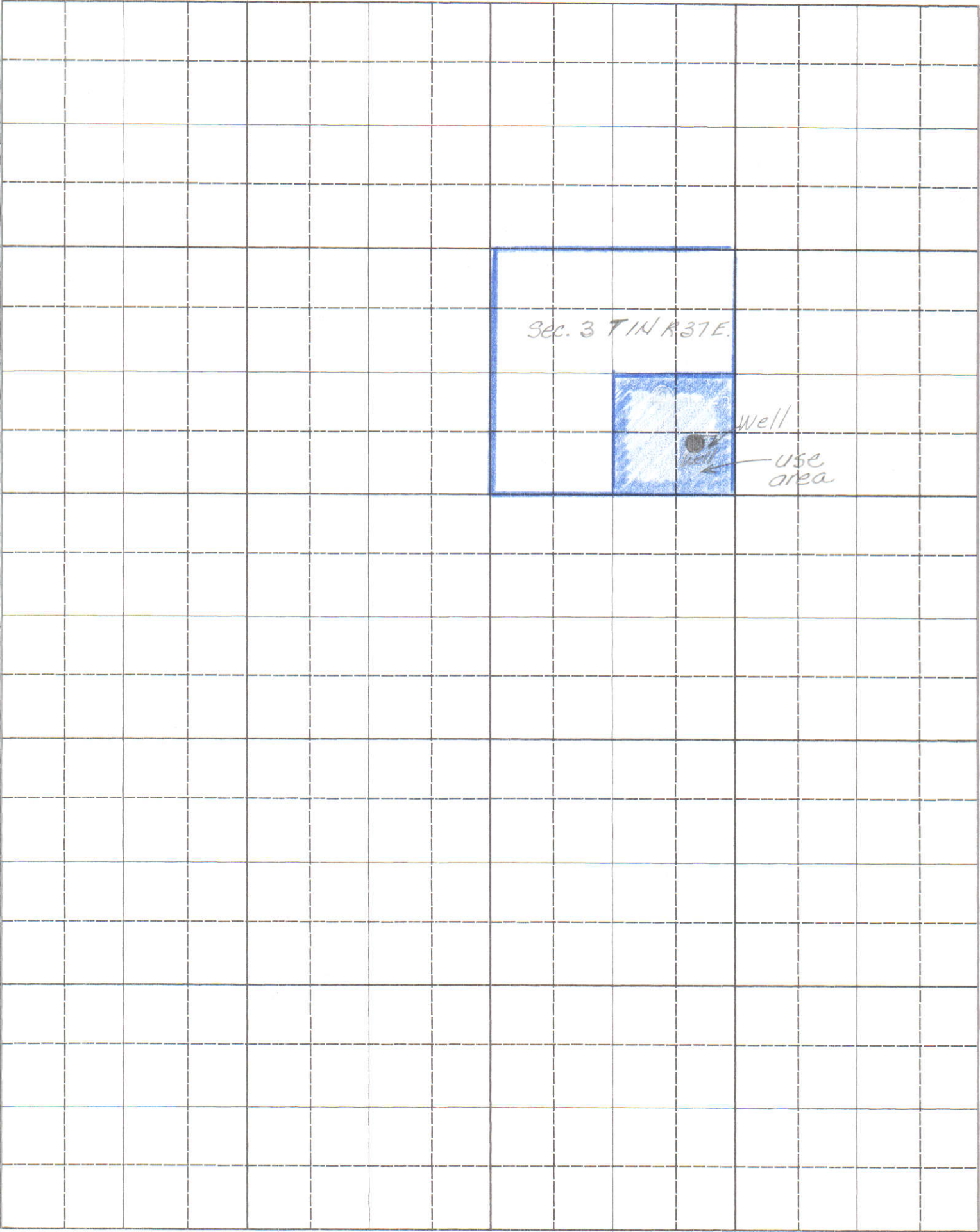


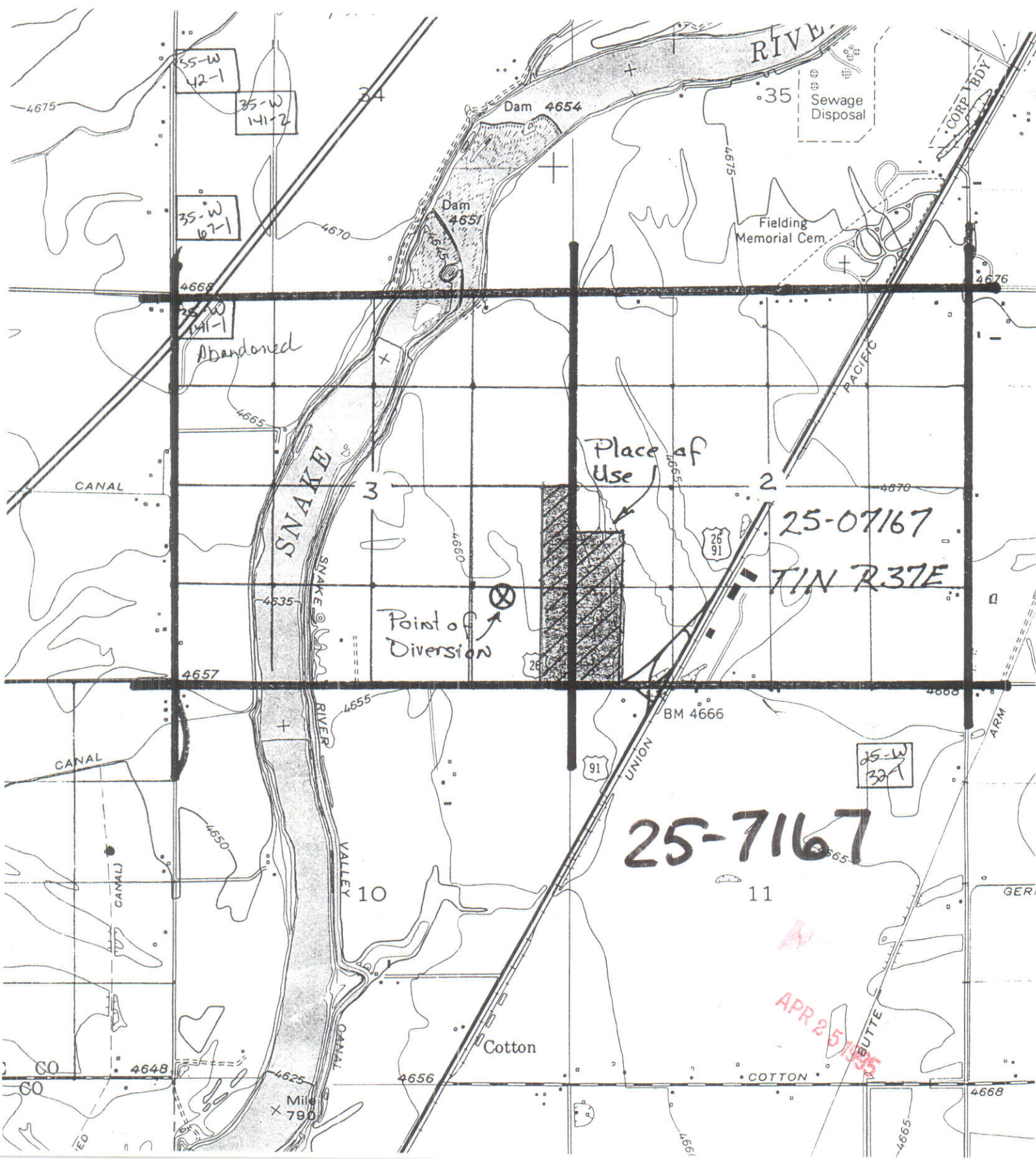
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

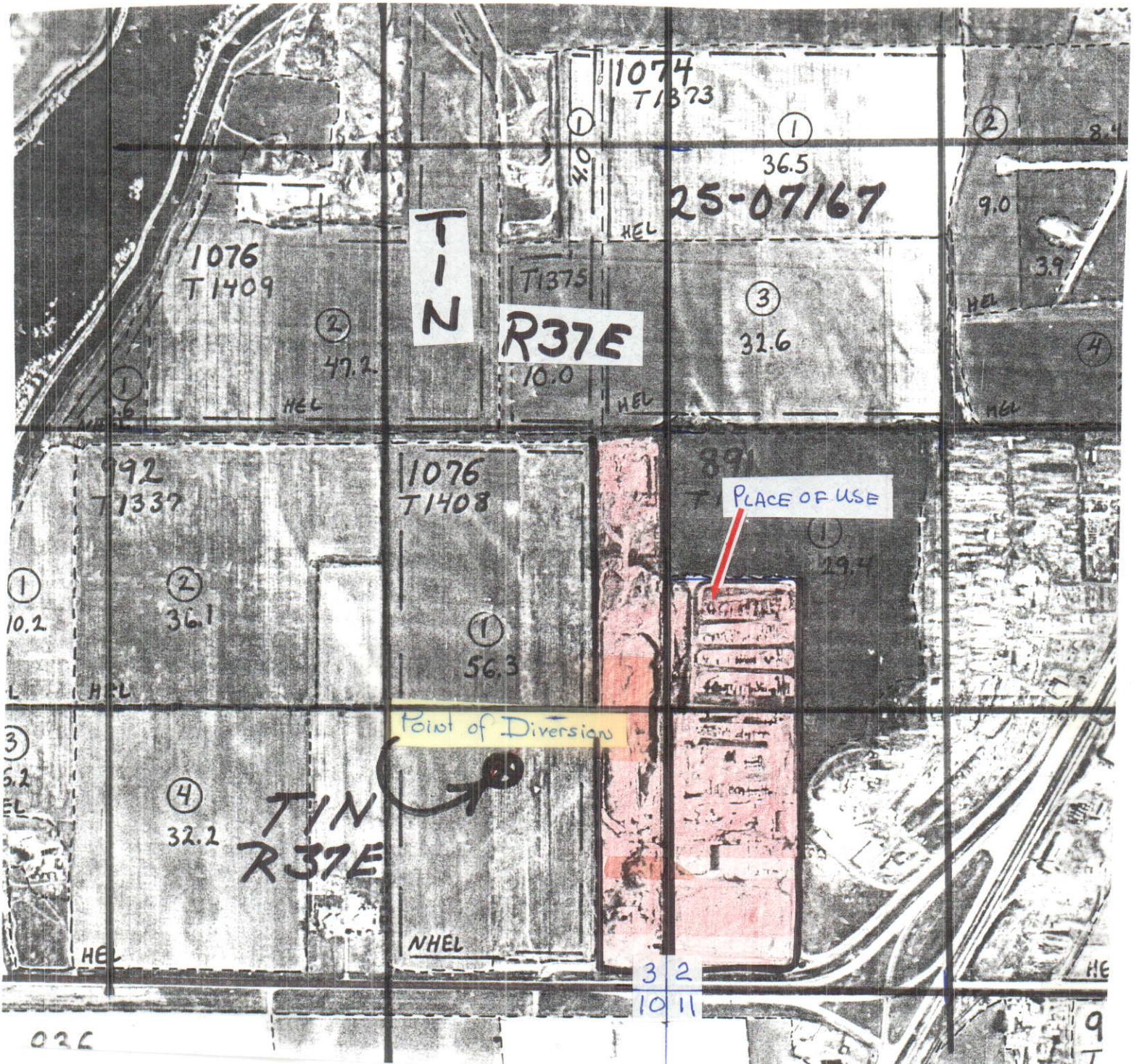


Scale: 2 inches equal 1 mile.

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.

Arthur B. Johnson  
(Applicant)





25-7167

APR 25 1995



PLACE OF USE

POINT OF  
DIVERSION

25-7167

APR 25 1995

Proof of Publication  
**The Post-Register**

RECEIVED

FEB 23 1979

State of Idaho, }  
County of Bonneville } ss.

Department of Water Resources  
Eastern District Office

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 8th day of February, 1979, last publication having been made on the 15th day of February, 1979, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 21st day of February, 1979

Kare Skille  
Notary Public

My commission expires April 5, 1979

B10, 1M,

**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:

25-7167

**LINDA VISTA DEVELOPMENT**

c/o Arthur Johnson, 1075 Stranger Ave., Idaho Falls, Id. 83401. Source: Groundwater; Date Filed: 1/29/1979; Amount: 0.46 CFS.

Diversion Point: SESE Sec. 03 T 01N R 37E Bonneville Co. Use: Domestic (0.46 CFS) from 1/1 to 12/31; Place of Use: SESE Sec. 03 T 01N R 37E; Diversion Means: Well, Pump & Pipeline.

25-7168

**CITY OF AMMON**

3270 Molen Street, Ammon, Id 83401. Source: Groundwater: Date Filed: 1/31/1979; Amount: 6.69 CFS.

Diversion Point: SWSE Sec 22 T 02N R 38E, Bonneville Co.; Use: Domestic (6.69 CFS) from 1/1 to 12/31; Place of Use: Sec 22T 02N R 38E Sec 27 T 02N R 38E Diversion Means: Well, Pump & Pipeline.

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 Rd., Idaho Falls, Idaho 83401 on or before February 26, 1979.

C. Stephen Allred  
Director

Published Feb. 8 and 15, 1979

MICROFILMED

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State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 25-07167

Priority: January 29, 1979

Maximum Diversion Rate:

0.36 CFS

Maximum Diversion Volume:

24.0 AF

This is to certify, that VALLEY READY MIX INC

PO BOX 390

REXBURG ID 83440

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 29, 1979; and has submitted Proof of Beneficial Use on February 28, 1991. An examination indicates that the works have a diversion capacity of 0.360 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 | 0.36 CFS | 24.0 AF |
|------------|----------------|----------|---------|

LOCATION OF POINT(S) OF DIVERSION:

SESE, Sec. 3, Township 01N, Range 37E  
BONNEVILLE County

PLACE OF USE: INDUSTRIAL

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01N 37E 2  
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NWSW  
NESE

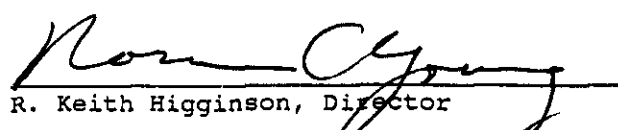
SWSW  
SESE

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, to implement accepted standards of diversion.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all other 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. Water used under this right if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
6. Industrial use is for a concrete redi-mix plant.

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 13th day of April, 1995.

Acting for

  
R. Keith Higginson, Director

APPROVED

State of Idaho  
Department of Water Resources

RECEIVED

APR 12 1995

**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 25-07167**

Department of Water Resources

Date of Priority: January 29, 1979

Maximum Diversion Rate:

0.36 CFS

Maximum Diversion Volume:

24.0 AF

Comes now  
PO BOX 390  
REXBURG ID 83440

VALLEY READY MIX INC

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 25-07167, and requests that the permit be changed as follows:

Source: GROUNDWATER

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| INDUSTRIAL            | 01/01 to 12/31       | 0.36 CFS                 | 24.0 AF              |

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 3, Township 01N, Range 37E  
BONNEVILLE County

PLACE OF USE: INDUSTRIAL

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APR 25 1995

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at REXBURG 11:30 AM, this 10TH day of APRIL, 1995.

Don Z Walter  
(Signature)

State of Idaho  
Department of Water Resources**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 25-07167**

RECEIVED

APR 12 1995

Department of Water Resources

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## FOR DEPARTMENT USE ONLY

Preliminary check by \_\_\_\_\_ Fee = 50.00 Received by JW # C032459 Date 4-12-95

## ACTION OF THE DEPARTMENT OF WATER RESOURCES

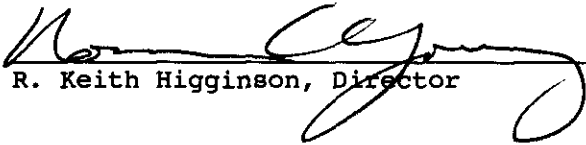
I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 25-07167 with the following;

**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. Water used under this right if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
6. Industrial use is for a concrete redi-mix plant.

Witness my hand this 13<sup>TH</sup> day of April, 1995.

Acting for

  
R. Keith Higginson, Director

APR 15 1995

**RECEIVED**

FEB 28 1991

## STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

Department of Water Resources

**PROOF OF BENEFICIAL USE**

For Office Use Only

Amt. of Fee \$ 100.00

Date 2-28-91

Receipt No. 0019773

Received by *[Signature]*

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

1. Permit No. 25-07167 Telephone No. 356-5491
2. Name(s) of Permit Holder(s): Linda Vista Development assigned to Valley Ready Mix, Inc.
3. Post Office Address: P.O. Box 390, Rexburg, Idaho 83440
4. Source of Water: Ground
  - a. If ground water, well driller's name: Andrew Well Drilling of Idaho Falls Date drilled: 4-4-79
  - b. Pump horsepower: 7.5 Pressure (psi): unknown Dynamic pumping level (ft.): unknown
5. Extent of Use:

Domestic            (No. of households)Irrigation            (No. of acres)Stockwater            (No. and type of stock)Other commercial

6. Total rate and/or volume for which proof is submitted .46 cfs            acre/feet

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

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

OR

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

8. Fee Enclosed: \$ 100.00 (See License Examination Fee Schedule)

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

David Z. Walters356-5491

Name

Telephone No.

342 West Fourth North, Rexburg, Idaho 83440

Address

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

MAY 30 1991

2-26-91

Date

David Z. Walters president

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

# WATER RIGHT SUMMARY

| ACTION               | RIGHT NO. | NAME                    | AMOUNT CFS |
|----------------------|-----------|-------------------------|------------|
| Original Application | 25-7167   | Linda Vista Development | .46        |
| Full Assignment      | 25-7167   | Valley Ready Mix        | .46        |

FILED  
MAY 30 1991



**REAL ESTATE PURCHASE & SALE AGREEMENT & RECEIPT FOR EARNEST MONEY**  
THIS IS A LEGALLY BINDING CONTRACT. READ THE ENTIRE DOCUMENT, INCLUDING THE GENERAL AND SPECIAL PROVISIONS ON THE REVERSE SIDE AND ANY ATTACHMENTS, CAREFULLY, BEFORE SIGNING. IF YOU HAVE ANY QUESTIONS, CONSULT YOUR ATTORNEY BEFORE SIGNING.

Rev. 1/90



This form is printed and distributed by the Idaho Association of REALTORS®. This form has been designed for and is provided only for use by real estate professionals licensed by the Idaho Real Estate Commission who are also members of the National Association of REALTORS®. Use by any other person is prohibited.

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Idaho Falls, Idaho August 24, 1990  
David Z. Walters (hereinafter called "Buyer") agrees to purchase, and  
Rula Johnson (hereinafter called "Seller") agrees to sell the following property located in  
County of Bonnieville, State of Idaho, commonly known as Valley Ready Mix  
and legally described as: Exact Legal Attached  
(A FULL AND COMPLETE LEGAL DESCRIPTION MUST BE INSERTED, OR ATTACHED HERETO PRIOR TO EXECUTION BY SELLER. Buyer hereby authorizes Broker to insert over  
Buyer's signature the correct legal description of the property if it is unavailable at the time of signing, or to correct the legal description previously entered if erroneous or incomplete.)

1. **EARNEST MONEY**  
(a) Buyer hereby deposits and receipt is hereby acknowledged of Five Thousand Dollars Dollars (\$ 5,000.00)

(a) in the form of ☐ Cash, ☐ Personal Check, ☐ Cashier's Check, ☐ Note Due \_\_\_\_\_ or ☐ \_\_\_\_\_  
(b) Said Earnest Money to be deposited in trust account, ☐ upon acceptance by all parties, or ☐ \_\_\_\_\_, 19 \_\_\_\_\_, and held by ☐ Listing Broker,  
☐ Selling Broker, ☐ Other \_\_\_\_\_ for the benefit of the parties hereto, and the \_\_\_\_\_  
Broker shall hold the fully executed broker's copy of this agreement.

2. TOTAL PURCHASE PRICE IS \$ Two Hundred Thousand and no cents. Dollars (\$ 200,000.00) payable as follows:  
(a) \$ 30,000.00 Cash down, including the above deposited Earnest Money.  
(b) \$ 170,000.00 Balance of the purchase price which does not include Mortgage Insurance Premium where applicable, which will be paid as follows:  
\$1,826.90 including interest at the rate of 10% on the 1st day of October 1990 and \$1,826.90 including  
interest at the rate of 10% on the first day of each month thereafter until paid in full. Purchaser may  
Pre Pay at anytime without penalty.

3. This agreement is, ☐ is not contingent upon Buyer qualifying for: ☐ FHA, ☐ VA, ☐ Conventional, ☐ FmHA, ☐ IHA, ☐ Assumption of existing loan(s)  
(a) ☐ NEW FINANCING Purchase loan of not less than \$ \_\_\_\_\_ at \_\_\_\_\_ % interest per annum with a \_\_\_\_\_ year term. (If FHA or VA loan is sought, read the  
applicable provisions on the reverse side hereof.) Buyer to pay no more than \_\_\_\_\_ points plus origination fee, if any. Seller to pay the discount points necessary in order to obtain above  
described interest rate but points not to exceed \_\_\_\_\_  
(b) ☐ ASSUMPTION of existing loan of approximately \$ \_\_\_\_\_ at no more than \_\_\_\_\_ % interest.

4. This agreement ☐ is, ☐ is not contingent upon the sale and closing on property owned by Buyer described as \_\_\_\_\_  
before \_\_\_\_\_ listed with \_\_\_\_\_

5. If there are contingencies stated herein, Seller ☐ shall, ☐ shall not have the right to continue to offer the property for sale. If the property is to remain on the market, the provisions of Paragraph J on  
page 2 hereof will apply and the number of days applicable to Paragraph J shall be \_\_\_\_\_ calendar days.

6. The following items are specifically EXCLUDED FROM THE SALE: No personal Property- Sprinkling equipment belongs to tenant farmer.

The following items are specifically INCLUDED IN THE SALE: \_\_\_\_\_

7. COSTS in addition to those listed below may be incurred by Buyer and Seller. Any costs or fees necessary to the closing of this transaction are not included in the purchase price and shall be  
borne 50% by the Seller and 50% by the Buyer, unless otherwise agreed herein, or provided by law or required by lender. Buyer shall purchase Seller's reserve account if loan assumption.

| Costs Paid By: | Appraisal | Loan Assumption | Well Inspection | Pump/inspect Septic | Government Code Inspect If required | Contract and/or Document Prep. | Closing Agent's Fee | Long Term Escrow Fees | Lender or Code Repairs |  |  |  |
|----------------|-----------|-----------------|-----------------|---------------------|-------------------------------------|--------------------------------|---------------------|-----------------------|------------------------|--|--|--|
| Buyer          |           |                 |                 |                     |                                     |                                |                     |                       |                        |  |  |  |
| N/A            |           |                 |                 |                     |                                     |                                |                     |                       |                        |  |  |  |
| Seller         |           |                 |                 |                     |                                     |                                |                     |                       |                        |  |  |  |
| Share Equally  |           |                 |                 |                     |                                     |                                | X                   |                       |                        |  |  |  |

Buyer shall pay for fuel in tank, amount to be determined by the supplier at Seller's expense.  
Discount points to be paid as agreed herein. As a result of any governmental inspections SELLER MAY BE REQUIRED TO MAKE REPAIRS to the property in order to comply with the housing  
code and Seller agrees to hold the Buyer, the Listing Broker, the Selling Broker, and/or their representatives harmless for any such required repairs or upgrade WHETHER A SALE IS  
COMPLETED UNDER THIS AGREEMENT OR NOT. Cost of agreed repairs, if any, not to exceed \$ \_\_\_\_\_

Liens, encumbrances or defects in title to the property which are to be discharged by Seller, assumed or waived by the Buyer or which title will be taken subject to by the Buyer (not otherwise set  
forth herein) are: \_\_\_\_\_

8. American Land Title Company shall provide the title policy and preliminary report of commitment required herein.

9. If a long term escrow/collection is involved, the escrow holder shall be \_\_\_\_\_

10. CLOSING. The "closing agent" shall be American Land Title. The Broker  
responsible for closing is \_\_\_\_\_. On or before the closing date, Buyer and Seller shall deposit with the closing  
agent all funds and instruments necessary to complete the sale. The closing date shall be on or before: \_\_\_\_\_

11. POSSESSION. Seller shall deliver possession to Buyer on or before September 1, 1990, and taxes and water assessments (using the  
last available assessment as a basis), rents, insurance premiums, interest and reserves on loans, liens, or obligations assumed or taken subject to, and utilities shall be prorated as of  
Date of possession except: \_\_\_\_\_

12. The following additional terms and conditions apply to this agreement: See Addendum 1.

13. AGENCY DISCLOSURE. At the time of the signing of this agreement the agent working with the Buyer represented \_\_\_\_\_ and the agent  
working with the Seller represented \_\_\_\_\_. Each party signing this document confirms that prior written disclosure of agency was  
provided to him/her in this transaction. Each party to this transaction has read and understands the contents of the agency disclosure brochure previously received.

14. ACCEPTANCE. Seller shall have until the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, o'clock ☐ AM, ☐ PM, local time at the location of the subject property to accept this offer. Unless  
accepted, this offer shall lapse and the Broker shall return the Earnest Money to the Buyer.

15. BUYER'S SIGNATURE  
Buyer David Z. Walters Address: Box 390, Rexburg 83440  
Buyer \_\_\_\_\_ Phone: (H) 356-5350 (W) 356-5491

16. ACCEPTANCE BY SELLER. The undersigned Seller accepts Buyer's offer the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, o'clock ☐ AM, ☐ PM, and further agrees to pay a total  
brokerage fee of \$ 6.90 to \_\_\_\_\_ (Brokerage) for services, payable at closing.

Seller Rula Johnson Address: \_\_\_\_\_  
Seller Rula Johnson Phone: (H) 2-8009 (W) \_\_\_\_\_  
Listing Brokerage: \_\_\_\_\_ Selling Brokerage: Ward

STATE OF Idaho  
County of Bonnieville  
On this 24 day of August, in the year of 19 90, before me, Richard D. Galt, personally appeared David Z. Walters  
Rula Johnson, known or identified to me, to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he \_\_\_\_\_ executed the same.  
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

NOTARY PUBLIC FOR \_\_\_\_\_  
Residing at Idaho Falls My Bond Expires: March 1, 19 91

DOCUMENT RECEIPT: (Alternative A or B must be completed).  
☐ A. I/we acknowledge receipt of a complete copy of the foregoing Agreement bearing all signatures above this line:  
SIGNATURE OF SELLER(S) \_\_\_\_\_ SIGNATURE OF BUYER(S) \_\_\_\_\_  
Date \_\_\_\_\_ Date \_\_\_\_\_  
☐ B. I personally caused a true, correct and complete copy of the foregoing agreement bearing all signatures to be mailed on \_\_\_\_\_

# ADDENDUM

In reference to the ☒ PURCHASE AGREEMENT, ☐ EXCHANGE AGREEMENT, ☐ LEASE ☐ COUNTER OFFER — covering the ☐ real property, ☐ business, ☐ premises — commonly known as

Johnson Farm  
dated August 24, 1990, between Rula Johnson

and David Z. Walters

The undersigned Parties hereby agree as follows:

Subject to Year to Year farm lease. It is agreed and understood that said Farm Lease is for 1990 Farm year and must be agreed upon between new buy and tenant for 1991 Farm year.

All water and mineral rights (this offer is expressly made subject to purchaser being satisfied that all sand and gravel rights go with property.)

Purchaser may begin removal of gravel along Easterly boundry but must be 880' North of South Boundry line.

Purchaser may obtain partial releases of 1 acre parcels upon additional principal payments of \$6,500.00 per acre.

Together with all water rights, and well permits and licences.

All closing costs charged by closing agent to be split 50/50

Each Party to pay own legal fees. Sellers attorney to prepare documents, buyers attorney to review documents.

Title insurance to be paid for by seller.

MAY 30 1991

This herein agreement, upon its execution by both parties, is herewith made an integral part of the aforementioned Agreement of Sale.

DATED: \_\_\_\_\_ TIME: \_\_\_\_\_

David Z. Walters Purchaser

\_\_\_\_\_  
Purchaser

Witness \_\_\_\_\_ Agent

DATED: \_\_\_\_\_ TIME: \_\_\_\_\_

Rula P. Johnson Seller

Karl E. Lutz Seller

Witness \_\_\_\_\_ Agent

COPY

MORTGAGE

THIS INDENTURE is made this 17<sup>th</sup> day of September, 1990, between VALLEY READY-MIX, INC., an Idaho Corporation, whose address is Box 390, Rexburg, Idaho 83440, hereinafter called "Mortgagor", and LINDA VISTA DEVELOPMENT, an Idaho Partnership whose partners are Sky-Vu Theater, Inc., an Idaho Corporation, and Rula B. Johnson, a single woman, whose mailing address is 435 S. Fanning, Idaho Falls, Idaho, 83401, hereinafter called "Mortgagee".

WITNESSETH:

Mortgagor by these presents does grant, bargain, sell, convey, transfer, assign, mortgage, pledge, warrant and confirm unto the Mortgagee, and their successors and assigns forever, the property (the "Mortgaged Property") lying and being in the County of Bonneville, State of Idaho, and particularly described as follows, to-wit:

Beginning at a point that is West along the Section line 334.75 feet from the Southeast corner of Section 3, Township 1 North, Range 37 East, Boise Meridian, and running thence West 1002.02 feet; thence North 0°27'46" West 2608.34 feet; thence North 89°33'31" East 1001.99 feet; thence South 0°27'46" East 2616.06 feet to the place of beginning. Except therefrom the existing highway right of way along the south side of said tract.

ALSO LESS: Linda Vista Park, Division No. 1, Bonneville County, Idaho, according to the recorded plat thereof.

TRACT 2: Linda Vista Park, Division No. 1, Bonneville County, Idaho, according to the recorded plat thereof.

SUBJECT TO:

a. All existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

b. Levies and assessments of the Idaho Irrigation District and the rights, powers and easements of said District as by law provided.

MAY 30 1991

c. Restrictive Covenants appearing of record.

d. Easement to Mountain States Telephone and Telegraph Company, recorded November 27, 1967, as Instrument No. 379394, records of Bonneville County, Idaho.

e. Right, title and interest of the Public in and to those portions of above described premises falling within the bounds of roads and highways.

f. The effect of and conditions contained in that certain Agreement as to Partition Fence between Albert V. Heath and Pearl Heath, husband and wife, and John Wood and Ruth Wood, husband and wife, recorded March 20, 1936, in Book 4 of Leases and Contracts, Page No. 204.

g. The effect of and conditions contained in that certain Warranty Deed between F. W. Vroman and Wilma J. Vroman, husband and wife, and Sky-Vu Theatre, Inc., dated July 6, 1978, recorded July 19, 1978, as Instrument No. 545679. Corrected September 19, 1978, as Instrument No. 549793.

h. The effect of conditions contained in Development Agreement recorded April 23, 1979, as Instrument No. 563301.

TOGETHER with any and all water and water rights, ditch and ditch rights appurtenant thereto and all other tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the property, as well in law as in equity of the Mortgagee.

TOGETHER WITH the rents, issues, and profits thereof, reserving, however, unto the Mortgagor the right, prior to any default in the payment of the note or in performance of any agreement hereunder, to collect and retain such rents, issues, and profits as they become due and payable, and together also with all and singular the tenements, hereditaments, rights, privileges and appurtenances thereunto belonging; and together with all waters and water rights of every kind and description and however evidenced, and all ditches or other conduits, rights therein and rights of way therefore, which now are or hereafter may be appurtenant to said premises or any part thereof, or used in connection therewith.

MAY 30 1991

13. Until such time as the Promissory Note secured hereby is paid in full and the Mortgage is released of record, it is expressly agreed that no sale, transfer or conveyance of the mortgaged premises, or any part thereof, shall be valid or binding unless the same has been approved in writing by Mortgagee; the transaction has been reduced to writing; and a copy thereof deposited with the escrow holder holding the Promissory Note secured hereby and an escrow-accepted copy furnished to the Mortgagee. Any such sale, transfer or assignment must be expressly subject to the right of Mortgagee hereunder, and Mortgagor agrees that Mortgagor shall not mortgage the mortgaged property nor allow any liens upon the same without written permission of Mortgagee. Provided, however, consent to the sale, transfer or assignment of the mortgaged property or the placement of liens or encumbrances on the mortgaged property which shall be subject to and subordinate to this Mortgage, to responsible parties shall not be unreasonably withheld by the Mortgagee.

14. Mortgagor may obtain the partial release of property from this mortgage by making additional principal payments of Six Thousand Five Hundred Dollars (\$6,500.00) per acre, together with the legal and other costs involved in obtaining such partial release. Said payments are to be treated as a prepayment under the Promissory Note. Each partial release must be a rectangular parcel and must have a north boundary that is at least 400 feet north of York Road. So long as any amounts are owed from Mortgagor to Mortgagee hereunder, Mortgagor shall ensure that access adequate to haul gravel to York Road is available from all portions of the property subject to this Agreement.

16. Mortgagor may remove sand and gravel from the premises beginning along the Easterly boundary of the premises, but all such gravel and sand removed must be at least 880 feet North of the South boundary line of the premises.

17. The covenants herein contained shall bind, and the benefits and advantages thereof shall inure to the respective heirs, executors, administrators, successors, and assigns of the parties hereto. In this Mortgage where the context so requires the singular shall include the plural and the plural shall include the singular, and words in the masculine gender include the feminine and the neuter.

IN WITNESS WHEREOF, each of the undersigned have signed and delivered this Mortgage as of the day and year first above written.

VALLEY READY-MIX, INC.

By David Z. Walters  
David Z. Walters, President

STATE OF IDAHO )  
County of Bonneville ) ss.

On this 17th day of September, in the year 1990,  
personally appeared DAVID Z. WALTERS, known or identified to me  
to be the President of VALLEY READY-MIX, INC., the Corporation  
that executed the foregoing instrument and acknowledged to me  
that such Corporation 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.

(Seal)

Jean M. Miller  
Notary Public for Idaho  
Residing at: Idaho Falls  
My commission expires: 4-26-91

GLM/1385i/rfs/as

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

For Office Use Only  
\$15 FEE Received by LP  
Date 2/7/89  
Receipt # 0005423

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof  
of beneficial use for a water right permit

RECEIVED  
JAN 31 1989

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

Permit No. 25-7167

Name(s) of Permit Holder: Linda Vista Development Co.

Post Office Address: 1075 Stanger Avenue, Idaho Falls, Idaho 83401

Telephone No. 522-8009

Date Proof is Due: March 1, 1989

Describe what work has been completed toward the development of this water right: Well has been  
(This must be filled out! If no work has been completed, show "none".)

drilled; land has been platted; roads have been graded and lots  
surveyed and staked; Health Department has approved plans for water  
and sewer.

Costing \$ 100,000.00

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

For many years Bonneville County Zoning Office held up necessary approvals  
About 2 years ago- approval was given for twenty homes, but market conditions  
were so bad, we could not proceed. Then the partner (Art Johnson) who was

(See Attachment)  
Permit holder(s) request an extension to March 1, 19 89.  
(1 yr. minimum)

Mail E. Ellis partner  
(Signature)\*

FEE: \$15.00

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

RECEIVED

ACTION OF THE DEPARTMENT OF WATER RESOURCES

MAR 30 1989

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to March 1, 1991.

Signed this 9<sup>th</sup> day of March, 19 89.

J. Blum Saxton  
Chief, Water Allocation Bureau

ATTACHMENT

the actual builder, died about a year ago and we have not yet been able to make the necessary arrangements to proceed.

DECLASSIFIED

MAR 30 1983

RECEIVED

FEB 9 1984

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

|                     |        |
|---------------------|--------|
| For Office Use Only |        |
| Fee Received        | BP     |
| Date                | 2/7/84 |
| Receipt #           | 33437  |

REQUEST FOR EXTENSION OF TIME

Department of Water Resources  
To provide additional time in which to submit  
proof of beneficial use on a water right permit

Linda Vista Development  
By Arthur Johnson

1075 Stranger Ave. Idaho Falls, ID

(Name)

(Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder\*, of Permit to Appropriate the Public Water of the State of Idaho No. 25-7167.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before March 1,, 19 84.

That he has heretofore performed the following work described under said permit: Andrews Well  
(This must be filled out! If no work has been completed put none.)  
Drilling has drilled the well and Utah Power & Light has been contracted to deliver the power. The roads within the subdivision have been graded and all the lots were surveyed and staked. The Health Dept. has approved the plans for water and sewer. Costing \$ 100,000.00 *Completed work*

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Bonneville County Zoning Office has been attempting for the last 4 years to re-zone the area for commercial and industrial development. Until the questioning of zoning is answered, I am prevented from selling any of the 20 lots already approved.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to March 1,, 19 89.  
( 1 yr. minimum, 5 yrs. maximum)

NOTE  
AS OF JULY 1, 1980,  
THERE IS A \$15.00  
CHARGE FOR REQUESTS  
FOR EXTENSION OF  
TIME.

Arthur B Johnson  
(Signature)\*

\*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to March 1, 1989.

Signed this 24<sup>th</sup> day of February, 19 84.

L. Glen Saxton  
Chief, Operations Bureau

Fee: 35.00

Form 202  
3/78

25 7167  
Ident. No.

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 Linda Vista Development Phone 522-6314  
Post office address % Arthur Johnson 1075 Stranger Ave, Idaho Falls, Idaho 83401  
2. Source of water supply Ground water which is a tributary of \_\_\_\_\_  
3. Location of point of diversion is S.E.  $\frac{1}{4}$  of S.E.  $\frac{1}{4}$  of Section 3 Township 1 North  
Range 37 E.B.M. Bonneville County, additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount .46 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. .46 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pump; well; piping distrubition system.

b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet, materials used in storage dam: \_\_\_\_\_

Period of year when water will be diverted to storage \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Month/Day) (Month/Day)

c. Proposed well diameter is 12 inches; proposed depth of well is 165 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: S.E.  $\frac{1}{4}$  of S.E.  $\frac{1}{4}$  of Section 3 Township 1 North  
Range 37 E.B.M.

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

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

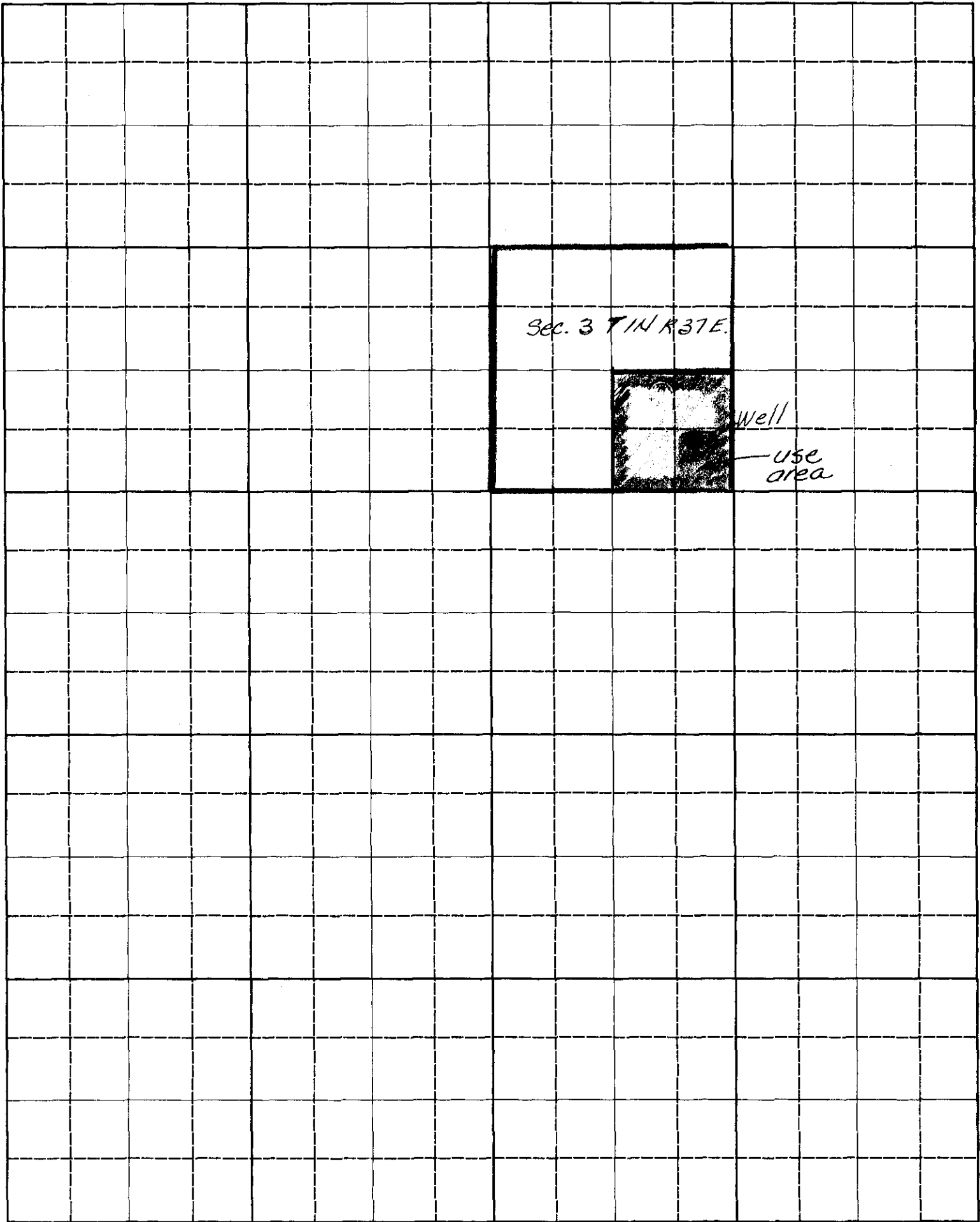
(4) Name of municipality to be served 20 residences, or number of families to be supplied with domestic water \_\_\_\_\_

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

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.

Arthur B. Johnson  
(Applicant)

Proposed Priority 1-29-79

Received by DN Date 1-29-79 Time 11:50 Am

Preliminary check by LHJ Fee \$ 35.00

Receipted by dh Date 1-30-79 #12849

Publication prepared by dh Date 2-2-79

Published in Post Register

Publication dates February 8 & 15, 1979

Publication approved QF Date 2-26-79

Protests filed by: \_\_\_\_\_

Copies of protests forwarded by \_\_\_\_\_

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Recommended for approval denial by EMC J.J.

#### 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. 25-7167, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 84.
- 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 2<sup>nd</sup> day of March, 19 79.

J. Glen Saxton  
Chief, Operations Bureau

RECEIVED  
FEB 28 1979  
WATER RESOURCES  
DIVISION



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

PHILIP E. BATT  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

April 17, 1995

VALLEY READY MIX INC  
PO BOX 390  
REXBURG ID 83440

RE: WATER RIGHT NO. 25-07167

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved Application for Amendment.

Should you have any questions regarding these documents, please contact me.

Sincerely,

Shelley W. Keen  
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED

APR 25 1995

**M E M O R A N D U M**

**DATE:** April 5, 1995

**TO:** File 25-07167

**FROM:** Shelley W. Keen *SWK*

**RE:** Conversation with Jerry Rigby

=====

Jerry Rigby of Valley Ready Mix, Inc., called today to say he will be sending the pre-licensing amendment right away.

APR 25 1995



**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

PHILIP E. BATT  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

MARCH 23, 1995

VALLEY READY MIX INC  
P O BOX 390  
REXBURG ID 83440

RE: PERMIT NO. 25-07167

Dear Water Right Holder:

The above referenced permit is in the process of being reviewed for licensing. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. The amendment reflects changes in the place of use description and in the nature of use.

The last page of the Application for Amendment form contains a list of CONDITIONS/REMARKS proposed for the license when it is issued. These conditions/remarks may be modified upon further administrative review.

Please carefully review and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

Thank you for your assistance and if you have any questions regarding this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

  
Shelley Walter Keen  
Water Rights Supervisor

SWK:rl

enclosure

APR 25 1995

**M E M O R A N D U M**

**DATE:** March 23, 1995

**TO:** File 25-07161

**FROM:** Shelley W. Keen *SWK*

**RE:** Change in Nature of Use

=====

For permit 25-07161, the field examiner is recommending a change in nature of use from domestic purposes for a subdivision to industrial purposes for a cement plant. Although the cement plant uses about 200 acre-feet per year, the examiner recommends licensing a diversion volume of only 24 acre-feet, which is the volume that could have been licensed for the proposed 20-home subdivision.

There is, however, no mention in the field report of a comparison of consumptive use volumes. I called Skip Jones, WR supervisor at Eastern Region, to discuss the consumptive use. He said he realizes that the cement plant's use of 24 acre-feet might be more consumptive than a subdivision's use of 24 acre-feet. But, he said that there is no real data to use for comparison. Therefore, he recommended focusing on the diversion volume, not consumptive volume, in the analysis of the change in nature of use.

APR 25 1995

|               | Change                              | OK                                  |                                                                                                                                                                                                                                           |
|---------------|-------------------------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NAME          | ___                                 | <input checked="" type="checkbox"/> | Or Address Change? _____                                                                                                                                                                                                                  |
| PRIORITY DATE | ___                                 | <input checked="" type="checkbox"/> | Advance? _____ Advanced to: _____<br>Order to reinstate needed? _____<br>Incorrect fee for rate recommended? _____                                                                                                                        |
| SOURCE        | ___                                 | <input checked="" type="checkbox"/> | Changes or just clarification of originally intended source? _____<br>Notice of Intent to Void necessary? _____                                                                                                                           |
| POINT OF DIV  | ___                                 | <input checked="" type="checkbox"/> | Amendment needed? _____                                                                                                                                                                                                                   |
|               | ___                                 | <input checked="" type="checkbox"/> | Overlaps? _____                                                                                                                                                                                                                           |
| PLACE OF USE  | <input checked="" type="checkbox"/> | ___                                 | Amendment needed? <u>Add NW 1/4 SW 1/4 Sec 2 and</u>                                                                                                                                                                                      |
|               | ___                                 | <input checked="" type="checkbox"/> | Overlaps? <u>NESE of Sec 3</u>                                                                                                                                                                                                            |
| DIV RATE      | <input checked="" type="checkbox"/> | ___                                 | Permit/fee limits: <u>.46 cfs</u><br>Meas Q = _____ Theo Q = <u>.36</u> Recommend: <u>.36</u><br><u>7.5 HP x 8.8 x .7</u><br><u>((113' + 17) + (2.31 x 30)) = .23 cfs (@ 40 PSI 4.2 CF</u><br><u>Combined rates exceed capacity</u> _____ |
| ANNUAL VOLUME | ___                                 | <input checked="" type="checkbox"/> | Volume Limit: _____ Season: <u>(1-1 to 12-31)</u><br>Calculations: <u>20 homes x 1.2 = 24 af</u><br>Flow limit: _____ cfs x _____ x 1.9835 = _____<br>Combined volumes exceed capacity/allowable _____                                    |
| USES          | <input checked="" type="checkbox"/> | ___                                 | Change in Nature of Use or additional uses? _____<br>Amendment necessary? <u>YES</u>                                                                                                                                                      |
| REMARKS       | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Multiple p/d(s) in 1/4 1/4? _____<br>Other <u>Industrial use is for concrete plant.</u>                                                                                                                                                   |
| CONDITIONS    | ___                                 | <input checked="" type="checkbox"/> | Watermaster control - District _____                                                                                                                                                                                                      |
|               | ___                                 | <input checked="" type="checkbox"/> | Measuring/Locking Devices _____                                                                                                                                                                                                           |
|               | ___                                 | <input checked="" type="checkbox"/> | Irrigation Overlap _____                                                                                                                                                                                                                  |
|               | ___                                 | <input checked="" type="checkbox"/> | Other _____                                                                                                                                                                                                                               |
|               | <u>OGE</u>                          | ___                                 | Water Quality <u>ADD</u> Heat/Cool/Fish verified _____                                                                                                                                                                                    |

COMMENTS: Checked well log - depth to water info substantiated.  
Reduce rate to capacity; Amend plu and NATURE OF USE

| RECOMMENDATION    | CFS        | VOLUME      | SRBA Claim Filed        | Adjustment Memo Needed |
|-------------------|------------|-------------|-------------------------|------------------------|
| <u>Industrial</u> | <u>.23</u> | <u>24.0</u> |                         | <u>NO</u>              |
|                   | <u>.36</u> |             |                         | <u>YES</u>             |
|                   |            |             |                         | <u>NO</u>              |
|                   |            |             | LICENSE                 |                        |
|                   |            |             | AMENDMENT LETTER        | <u>Special</u>         |
|                   |            |             | SECOND AMENDMENT LETTER | <u>P47</u>             |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

**RECEIVED**  
**FEB 21 1995**  
Department of Water Resources

**A. GENERAL INFORMATION**

Permit No. 25-7167

1. Owner: Valley Ready Mix, Inc. c/o David Walters Phone No. 356-5491  
356-5350

Current Address: PO Box 390, Rexburg Idaho 83440

2. Accompanied by: Robert Martin EXAM DATE: 6-5-91

Address: \_\_\_\_\_ Phone No. \_\_\_\_\_

Relationship to Permit Holder: Employee of Valley Ready Mix

3. Source: Groundwater tributary to \_\_\_\_\_

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: NONE

**C. DIVERSION AND DELIVERY SYSTEM**

**1. Point(s) of Diversion:**

| Ident No. | Gov't Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Method of Determination/Remarks |
|-----------|-----------|-----|-----|-----|------|------|------|---------|---------------------------------|
|           |           |     | SE  | SE  | 3    | 1N   | 37E  | Bonanza | USGS Quad- on site visit        |
|           |           |     |     |     |      |      |      |         |                                 |
|           |           |     |     |     |      |      |      |         |                                 |
|           |           |     |     |     |      |      |      |         |                                 |

**2. Place(s) of Use:**

Indicate Method of Determination

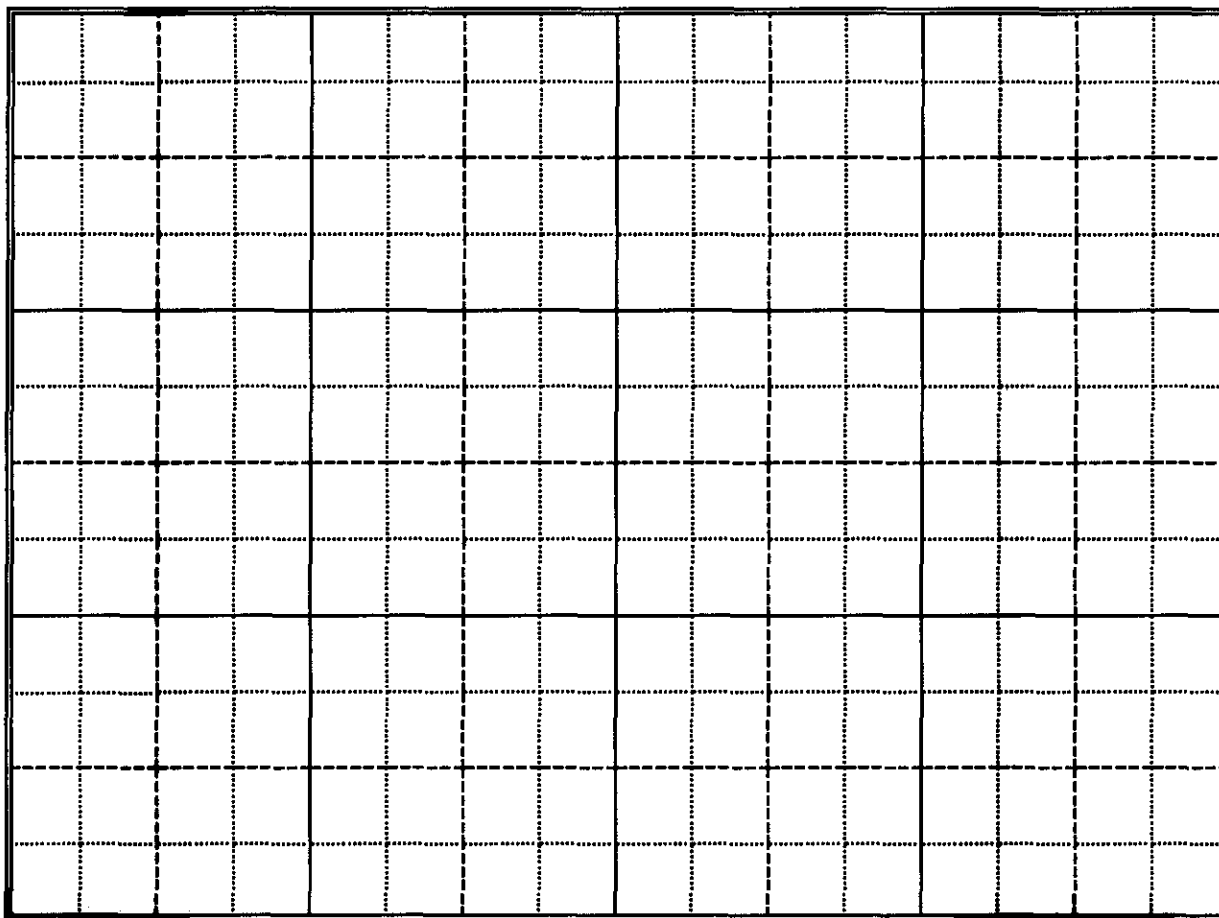
| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 1N  | 37E | 2   |    |    |    |    |    |    |    |    | I  | I  |    |    |    |    |    |    |        |
|     |     | 3   |    |    |    |    |    |    |    |    |    |    |    |    | I  |    |    | I  |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

APR 25 1995

... 34406 of 176

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

~~Place of use~~



Scale: 1" = \_\_\_\_\_

☐ Copy of USGS Quadrange 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 |
|---------------------------------------|------------|-----|------------------|-----------|-----------------------------------|
|                                       |            | 7.5 |                  |           |                                   |
|                                       |            |     |                  |           |                                   |
|                                       |            |     |                  |           |                                   |

\*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 |
|-----------------------|---------|------|-----------|------------|------|-------------|
| Well Probe            | Olympic |      | 500       |            |      |             |
|                       |         |      |           |            |      |             |

2. Measurements: Depth to water is 113'.  
Elevation of Storage tank is 17' above ground level.

APR 25 1995

**E. NARRATIVE/REMARKS/COMMENTS**

*There is a 7.5 submersible pump in the well. There is a 4" discharge line which reduces to 3 inches. The pump discharges to a 2500 gallon storage tank.*

*The figures for use are supplied by the company.*

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

APR 25 1995

## F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method:

\* 
$$\frac{(7.5)(8.814)(.7)}{113' + (17')} = .356 \text{ cfs}$$

## 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:

1.  $(20 \text{ homes})(1.2 \text{ AFA}) = 24 \text{ AFA (calculated)}$

2.  $(.356)(1.9835)(365) = 257.8 \text{ AFA}$

3.  $\frac{65,779,600 \text{ gallons per year}}{325,850 \text{ gallons per AFA}} = 201.9 \text{ AFA (actual use)}$

## H. RECOMMENDATIONS

1. Recommended Amounts

| Beneficial Use      | Period of Use |               | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|---------------------|---------------|---------------|------------------------------|--------------------------|
|                     | From          | To            |                              |                          |
| * <u>Industrial</u> | <u>1 Jan</u>  | <u>31 Dec</u> | <u>.36</u>                   | <u>24</u>                |
| _____               | _____         | _____         | _____                        | _____                    |
| _____               | _____         | _____         | _____                        | _____                    |
| _____               | _____         | _____         | _____                        | _____                    |
| _____               | _____         | _____         | _____                        | _____                    |
| Totals:             |               |               | <u>0.36 cfs</u>              | <u>24 afa</u>            |

2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☒ Change P.U. as reflected above

☐ Add P.U. as reflected above

☒ Other Change nature of use

## I. AUTHENTICATION

Field Examiner's Name Dennis W. Dunn Date 6 Feb 1995

Reviewer [Signature] Date 2-8-95

SEAL

\* See attached adjustment explanation. BC

APR 25 1995

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**WELL DRILLER'S REPORT**USE TYPEWRITER OR  
BALLPOINT PENState 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.

| <b>1. WELL OWNER</b><br>Name <u>Art Johnson</u> (Idaho Lumber)<br>Address <u>1498 Curtis Idaho Falls, Ida. 83401</u><br>Owner's Permit No. _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>7. WATER LEVEL</b><br>Static water level <u>100</u> feet below land surface.<br>Flowing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No G.P.M. flow _____<br>Artesian closed-in pressure _____ p.s.i.<br>Controlled by: <input type="checkbox"/> Valve <input type="checkbox"/> Cap <input type="checkbox"/> Plug<br>Temperature _____ °F. Quality <u>Good</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                  |                           |                 |             |                 |         |         |             |                                                                                      |         |          |   |    |   |   |            |   |    |   |        |             |    |    |    |    |                    |   |    |    |    |                  |                                                                                                                                                                                                                                                                                                                                                                                                                      |    |    |    |                    |   |    |    |     |                 |   |    |     |     |                    |   |    |     |     |                  |   |    |     |     |                 |   |    |     |     |                    |   |    |     |     |                  |   |   |     |     |                  |   |   |     |     |                    |   |   |     |     |                  |   |   |     |     |                           |   |   |     |     |                    |   |   |     |     |                  |   |   |     |     |                    |   |   |     |     |         |   |   |     |     |                    |   |
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| <b>2. NATURE OF WORK</b><br><input checked="" type="checkbox"/> New well <input type="checkbox"/> Deepened <input type="checkbox"/> Replacement<br><input type="checkbox"/> Abandoned (describe method of abandoning) _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>8. WELL TEST DATA</b><br><input type="checkbox"/> Pump <input type="checkbox"/> Baller <input type="checkbox"/> Air <input type="checkbox"/> Other _____<br><table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Discharge G.P.M. | Pumping Level             | Hours Pumped    |             |                 |         |         |             |                                                                                      |         |          |   |    |   |   |            |   |    |   |        |             |    |    |    |    |                    |   |    |    |    |                  |                                                                                                                                                                                                                                                                                                                                                                                                                      |    |    |    |                    |   |    |    |     |                 |   |    |     |     |                    |   |    |     |     |                  |   |    |     |     |                 |   |    |     |     |                    |   |    |     |     |                  |   |   |     |     |                  |   |   |     |     |                    |   |   |     |     |                  |   |   |     |     |                           |   |   |     |     |                    |   |   |     |     |                  |   |   |     |     |                    |   |   |     |     |         |   |   |     |     |                    |   |
| Discharge G.P.M.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       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| <b>3. PROPOSED USE</b><br><input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Irrigation <input type="checkbox"/> Test <input type="checkbox"/> Municipal<br><input type="checkbox"/> Industrial <input type="checkbox"/> Stock <input type="checkbox"/> Waste Disposal or Injection<br><input type="checkbox"/> Other _____ (specify type)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>9. LITHOLOGIC LOG</b> <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th rowspan="2">Hole<br/>Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th rowspan="2">Water<br/>Yes No</th></tr><tr><th>From</th><th>To</th></tr></thead><tbody><tr><td>10</td><td>0</td><td>4</td><td>Soil</td><td>X</td></tr><tr><td>10</td><td>4</td><td>7</td><td>Sand Brown</td><td>X</td></tr><tr><td>10</td><td>7</td><td>24</td><td>Gravel Sand</td><td>X</td></tr><tr><td>10</td><td>24</td><td>25</td><td>Basalt Broken Gray</td><td>X</td></tr><tr><td>10</td><td>25</td><td>90</td><td>Basalt Firm Gray</td><td>X</td></tr><tr><td>10</td><td>90</td><td>95</td><td>Basalt Broken Gray</td><td>X</td></tr><tr><td>10</td><td>95</td><td>102</td><td>Clay Brown Gray</td><td>X</td></tr><tr><td>10</td><td>102</td><td>105</td><td>Basalt Broken Gray</td><td>X</td></tr><tr><td>10</td><td>105</td><td>145</td><td>Basalt Firm Gray</td><td>X</td></tr><tr><td>10</td><td>145</td><td>153</td><td>Clay Brown Gray</td><td>X</td></tr><tr><td>10</td><td>153</td><td>155</td><td>Basalt Broken Gray</td><td>X</td></tr><tr><td>10</td><td>155</td><td>157</td><td>Basalt Firm Gray</td><td>X</td></tr><tr><td>8</td><td>157</td><td>160</td><td>Basalt Firm Gray</td><td>X</td></tr><tr><td>8</td><td>160</td><td>163</td><td>Basalt Broken Gray</td><td>X</td></tr><tr><td>8</td><td>163</td><td>165</td><td>Basalt Firm Gray</td><td>X</td></tr><tr><td>8</td><td>165</td><td>202</td><td>Basalt Hard Greenish Gray</td><td>X</td></tr><tr><td>8</td><td>202</td><td>205</td><td>Basalt Broken Gray</td><td>X</td></tr><tr><td>8</td><td>205</td><td>240</td><td>Basalt Firm Gray</td><td>X</td></tr><tr><td>8</td><td>240</td><td>245</td><td>Basalt Broken Gray</td><td>X</td></tr><tr><td>8</td><td>245</td><td>247</td><td>Cinders</td><td>X</td></tr><tr><td>8</td><td>247</td><td>250</td><td>Basalt Broken Gray</td><td>X</td></tr></tbody></table> | Hole<br>Diam.    | Depth                     |                 | Material    | Water<br>Yes No | From    | To      | 10          | 0                                                                                    | 4       | Soil     | X | 10 | 4 | 7 | Sand Brown | X | 10 | 7 | 24     | Gravel Sand | X  | 10 | 24 | 25 | Basalt Broken Gray | X | 10 | 25 | 90 | Basalt Firm Gray | X                                                                                                                                                                                                                                                                                                                                                                                                                    | 10 | 90 | 95 | Basalt Broken Gray | X | 10 | 95 | 102 | Clay Brown Gray | X | 10 | 102 | 105 | Basalt Broken Gray | X | 10 | 105 | 145 | Basalt Firm Gray | X | 10 | 145 | 153 | Clay Brown Gray | X | 10 | 153 | 155 | Basalt Broken Gray | X | 10 | 155 | 157 | Basalt Firm Gray | X | 8 | 157 | 160 | Basalt Firm Gray | X | 8 | 160 | 163 | Basalt Broken Gray | X | 8 | 163 | 165 | Basalt Firm Gray | X | 8 | 165 | 202 | Basalt Hard Greenish Gray | X | 8 | 202 | 205 | Basalt Broken Gray | X | 8 | 205 | 240 | Basalt Firm Gray | X | 8 | 240 | 245 | Basalt Broken Gray | X | 8 | 245 | 247 | Cinders | X | 8 | 247 | 250 | Basalt Broken Gray | X |
| Hole<br>Diam.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          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| <b>4. METHOD DRILLED</b><br><input checked="" type="checkbox"/> Rotary <input type="checkbox"/> Air <input type="checkbox"/> Hydraulic <input type="checkbox"/> Reverse rotary<br><input type="checkbox"/> Cable <input type="checkbox"/> Dug <input type="checkbox"/> Other _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             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| <b>5. WELL CONSTRUCTION</b><br>Casing schedule: <input checked="" type="checkbox"/> Steel <input type="checkbox"/> Concrete <input type="checkbox"/> Other _____<br><table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th>Thickness</th><th>Diameter</th><th>From</th><th>To</th></tr></thead><tbody><tr><td>.250 inches</td><td>10 inches</td><td>01 feet</td><td>24 feet</td></tr><tr><td>.250 inches</td><td>8 inches</td><td>24 feet</td><td>183 feet</td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr></tbody></table> <p>Was casing drive shoe used? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br/>Was a packer or seal used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br/>Perforated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br/>How perforated? <input type="checkbox"/> Factory <input type="checkbox"/> Knife <input type="checkbox"/> Torch<br/>Size of perforation _____ inches by _____ inches<br/><table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th>Number</th><th>From</th><th>To</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table><p>Well screen installed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br/>Manufacturer's name _____<br/>Type _____ Model No. _____<br/>Diameter _____ Slot size _____ Set from _____ feet to _____ feet<br/>Diameter _____ Slot size _____ Set from _____ feet to _____ feet<br/>Gravel packed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Size of gravel _____<br/>Placed from _____ feet to _____ feet<br/>Surface seal depth <u>4 ft</u> Material used in seal: <input type="checkbox"/> Cement grout<br/><input checked="" type="checkbox"/> Puddling clay <input type="checkbox"/> Well cuttings<br/>Sealing procedure used: <input type="checkbox"/> Slurry pit <input type="checkbox"/> Temp. surface casing<br/><input checked="" type="checkbox"/> Overbore to seal depth<br/>Method of joining casing: <input type="checkbox"/> Threaded <input checked="" type="checkbox"/> Welded <input type="checkbox"/> Solvent Weld<br/><input type="checkbox"/> Cemented between strata<br/>Describe access port <u>well cap - (when finished)</u></p></p> | Thickness                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Diameter         | From                      | To              | .250 inches | 10 inches       | 01 feet | 24 feet | .250 inches | 8 inches                                                                             | 24 feet | 183 feet |   |    |   |   |            |   |    |   | Number | From        | To |    |    |    |                    |   |    |    |    |                  | <b>11. DRILLERS CERTIFICATION</b><br>I/We certify that all minimum well construction standards were<br>complied with at the time the rig was removed.<br>Firm Name <u>Andrew Well Drilling</u> Firm No. <u>5</u><br>Contr. _____<br>Address <u>1258 E. 17th St.</u> Date <u>11-18-80</u><br><u>Idaho Falls, Ida. 83401</u><br>Signed by (Firm Official) <u>James H. Anderson</u><br>and <u>W. High</u><br>(Operator) |    |    |    |                    |   |    |    |     |                 |   |    |     |     |                    |   |    |     |     |                  |   |    |     |     |                 |   |    |     |     |                    |   |    |     |     |                  |   |   |     |     |                  |   |   |     |     |                    |   |   |     |     |                  |   |   |     |     |                           |   |   |     |     |                    |   |   |     |     |                  |   |   |     |     |                    |   |   |     |     |         |   |   |     |     |                    |   |
| Thickness                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              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| .250 inches                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            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| .250 inches                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            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| <b>6. LOCATION OF WELL</b><br>Sketch map location must agree with written location.<br><table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="text-align: center;">N</td><td colspan="2"></td></tr><tr><td style="text-align: center;">W</td><td style="text-align: center;">+</td><td style="text-align: center;">E</td></tr><tr><td style="text-align: center;">S</td><td colspan="2"></td></tr></table> <p>Subdivision Name _____<br/>Lot No. _____ Block No. _____<br/>County <u>Bonnerville</u><br/><u>SE 1/4 SE 1/4 Sec. 3 T. 1 N. R. 32 E.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | N                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                  |                           | W               | +           | E               | S       |         |             | <b>USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT</b> |         |          |   |    |   |   |            |   |    |   |        |             |    |    |    |    |                    |   |    |    |    |                  |                                                                                                                                                                                                                                                                                                                                                                                                                      |    |    |    |                    |   |    |    |     |                 |   |    |     |     |                    |   |    |     |     |                  |   |    |     |     |                 |   |    |     |     |                    |   |    |     |     |                  |   |   |     |     |                  |   |   |     |     |                    |   |   |     |     |                  |   |   |     |     |                           |   |   |     |     |                    |   |   |     |     |                  |   |   |     |     |                    |   |   |     |     |         |   |   |     |     |                    |   |
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25-07167

APR 25 1995

February 9, 1995

VALLEY READY MIX INC  
C/O DAVID WALTERS  
PO BOX 390  
REXBURG ID 83440

Mr. Walters:

Recently our field agents did an on-site exam of the Valley Ready Mix site south of Idaho Falls. This was the required field exam to license water right permit 25-07167 assigned to you by Linda Vista Development.

The cfs and acre-feet/annum recommendations we use are based on the maximum that would have been licensed for the intended subdivision of 20 homes if the well was capable of that amount.

Our evaluation shows your well capable of 0.36 cfs and your detailed use of water totals 65,779,600 gallons per year or 201.9 afa. The problem that has come about is that 20 homes could only be licensed for 24 afa.

The on-going use for the plant exceeds by 177.9 acre-feet/annum the permitted and recommended license amount. I would advise you to call me about this additional usage and what can be done to protect your rights to continue pumping this amount.

Sincerely,

Harold W. Jones  
Water Resource Supervisor

25-7167

APR 25 1995

FAX TRANSMITTAL SHEET

From: Hugh McIlroy  
Safety and Training Coordinator  
Valley ready Mix, Inc.  
2500 South 65th West  
Idaho Falls, ID 83401  
Telephone 529-6677

To: Dennis Dunn  
Idaho Dept of Water Resources  
Telephone 525-7161  
FAX 525-7177

COMMENTS:

Please telephone me upon receipt.

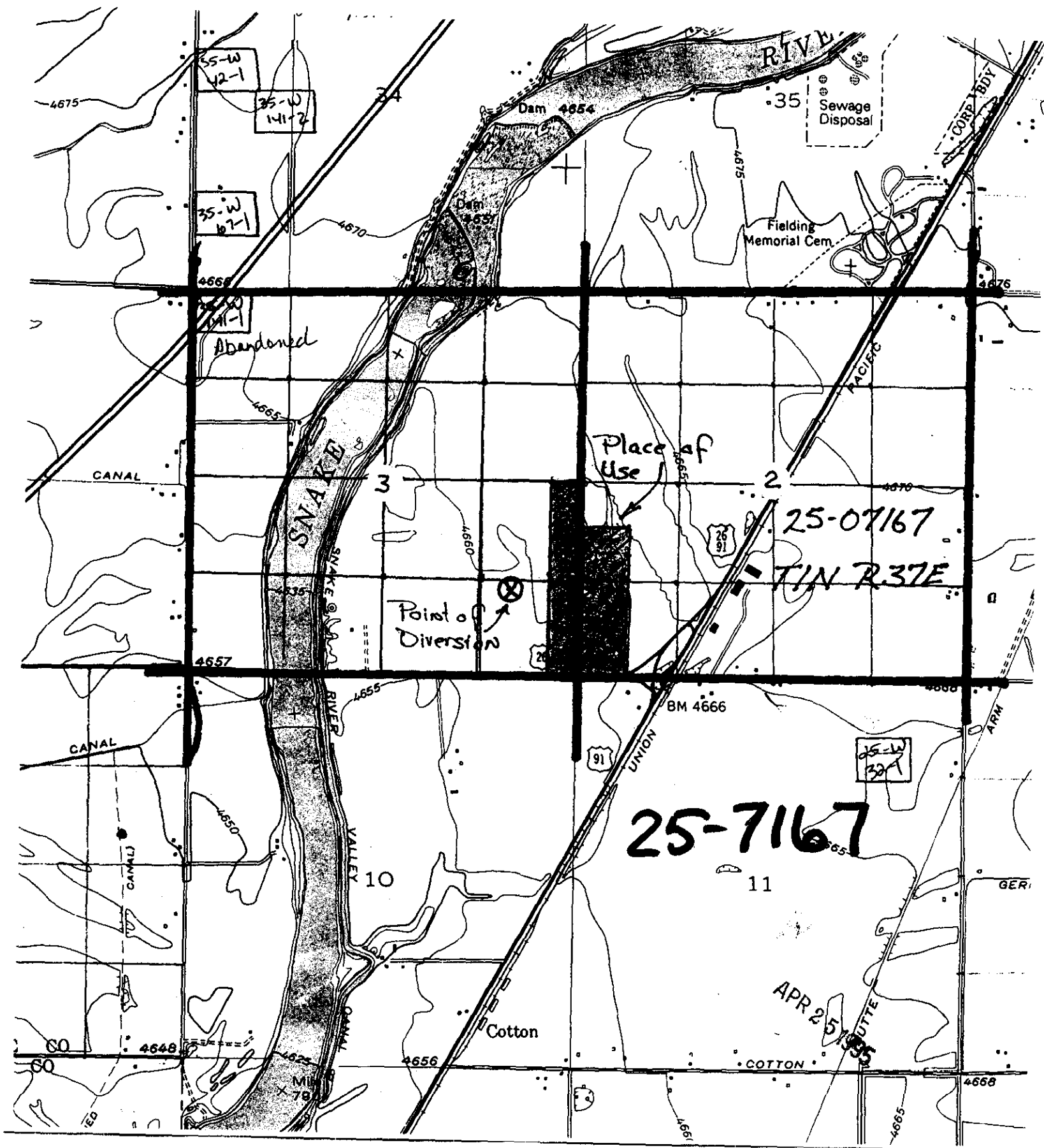
February 2, 1995

Subj: ESTIMATED 1994 WATER USAGE FOR VALLEY READY MIX, INC.

| Use Category                    | Annual Usage<br>(gallons) |
|---------------------------------|---------------------------|
| Primary Season                  |                           |
| Mixer truck temper tanks        | 1,215,800                 |
| Water in concrete mix           | 1,342,890                 |
| Mixer truck wash-down & cleanup | 672,000                   |
| Stockpile watering              | 1,512,000                 |
| Crushing & screening operations | 60,480,000                |
| Sanitary use of employees       | 20,160                    |
| Off Season                      |                           |
| Mixer truck temper tanks        | 228,600                   |
| Water in concrete mix           | 229,650                   |
| Mixer truck wash-down & cleanup | 75,000                    |
| Stockpile watering              | 0                         |
| Crushing & screening operations | 0                         |
| Sanitary use of employees       | 3,500                     |
| Totals:                         |                           |
| Primary season water use        | 65,242,850                |
| Off season water use            | 536,750                   |
| Total annual water use          | 65,779,600                |

25-7167

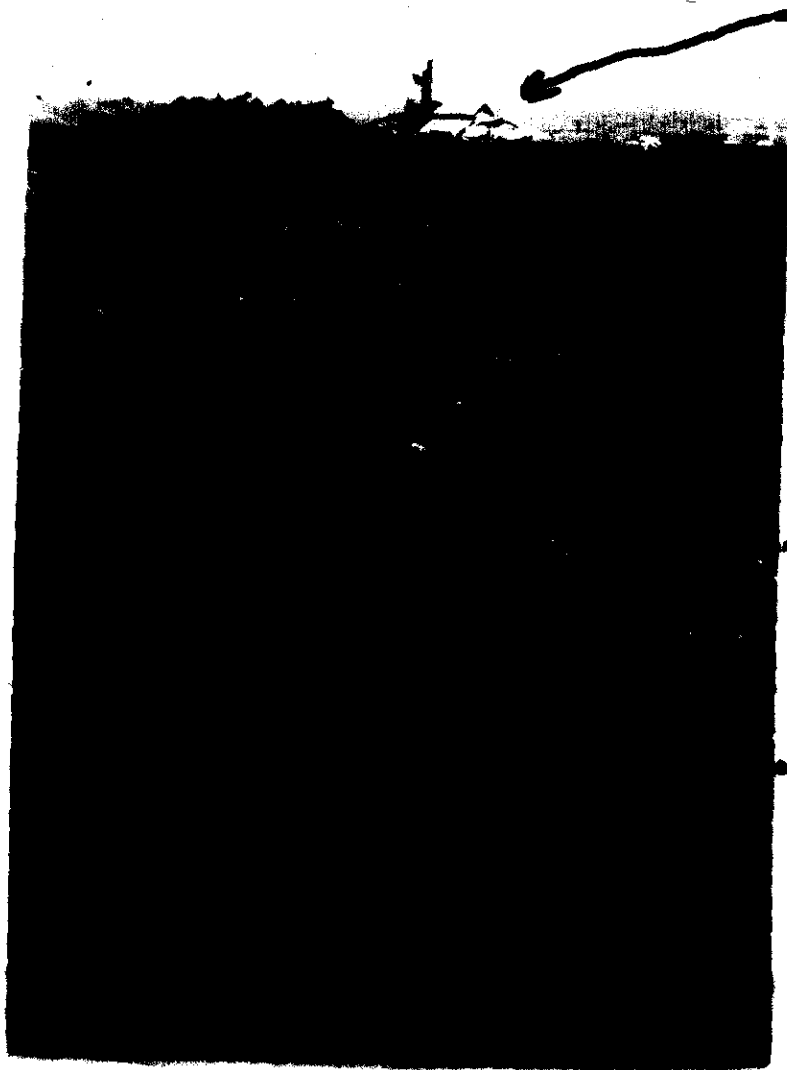
APR 25 1995





25-7167

APR 25 1995



PLACE OF USE

POINT OF  
DIVERSION  
S

25-7167

APR 25 1995

May 1, 1991

JERRY R. RIGBY  
RIGBY, THATCHER, ANDRUS, RIGBY & KAM  
P O BOX 250  
REXBURG, ID 83440

Dear Mr. Rigby:

Re: Permit No. 25-7167

This office acknowledges receipt of the assignment conveying the above referenced permit to your client, Valley Ready Mix. The assignment has been entered into the department's records.

The department also received the proof of beneficial use form and fee.

The next step is for the department to conduct the field inspection to confirm and determine the extent of beneficial use. I cannot tell just when the representative from our Eastern Regional office will conduct the exam, but he will try to contact you or your representative prior to being in the area.

If you have questions, please contact me.

Sincerely,

RITA I. FLECK  
Secretary/Records Manager

c: E. Region

**MICROFILMED**

**MAY 30 1991**

LAW OFFICES

RIGBY, THATCHER, ANDRUS,

RIGBY & KAM, *Chartered*

25 NORTH SECOND EAST - P.O. BOX 250 - REXBURG, IDAHO 83440

RAY W. RIGBY - GORDON S. THATCHER - G. RICH ANDRUS

JERRY R. RIGBY - MICHAEL S. KAM - GREGORY W. MOELLER

TELEPHONE (208) 356-3633 - TELEPHONE (208) 529-5531 I.F.

FAX (208) 356-0768

April 17, 1991

State of Idaho  
Department of Water Resources  
1301 North Orchard Street  
Boise, Idaho 83720

**RECEIVED**  
APR 19 1991

Dear Rita,

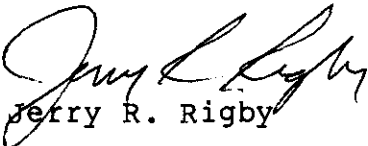
Department of Water Resources

RE: Valley Ready Mix, Inc./Linda Vista Development-25-1167

Pursuant to your request, enclosed please find a photocopy of the Real Estate Purchase & Sale Agreement between Valley Ready Mix, Inc. and Linda Vista Development. I have noted in yellow marker "all water and mineral rights" and "together with all water rights and well permits and licenses" which were agreed to by the parties and part of the sale. Linda Vista continues to hold a real estate mortgage against the premises. I have enclosed the first and second pages of said mortgage together with the last two pages of said mortgage.

If you need anything additional, feel free to contact me.

Sincerely yours,

  
Jerry R. Rigby

JRR/dnh

enc.

6029E

**MICROFILMED**

MAY 30 1991

LAW OFFICES

RIGBY, THATCHER, ANDRUS,  
RIGBY & KAM, *Chartered*

**RECEIVED**  
FEB 28 1991

Department of Water Resources

25 NORTH SECOND EAST - P.O. BOX 250 - REXBURG, IDAHO 83440  
RAY W. RIGBY - GORDON S. THATCHER - G. RICH ANDRUS  
JERRY R. RIGBY - MICHAEL S. KAM - GREGORY W. MOELLER  
TELEPHONE (208) 356-3633 - TELEPHONE (208) 529-5531 I.F.  
FAX (208) 356-0768

February 26, 1991

DEPARTMENT OF WATER RESOURCES  
1301 NORTH ORCHARD STREET  
STATEHOUSE MAIL  
BOISE ID 83720-9000

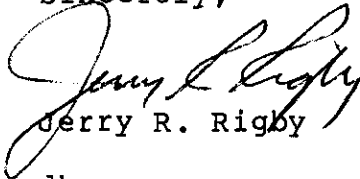
ATTN: RITA FLECK

Dear Rita:

Re: Proof of Beneficial Use  
Linda Vista Development - Assigned to Valley Ready  
Mix

Enclosed please find a Proof of Beneficial Use form together with  
our check in the sum of \$100.00. Please file the same.

Sincerely,

  
Jerry R. Rigby

dk

Enclosures

**RECEIVED**

MAY 30 1991

138879

December 31, 1990

LINDA VISTA DEVELOPMENT  
C/O ARTHUR JOHNSON  
1075 STRANGER AVE.  
IDAHO FALLS, ID 83401

PROOF DUE NOTICE

RE: PERMIT NO. 25-07167

Dear Permit Holder:

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

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

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

SINCERELY,

Rita Fleck  
Secretary/Records Manager

Enclosures

RECEIVED  
IDAHO DEPARTMENT OF  
WATER RESOURCES

MAY 30 1991

March 13, 1989

Linda Vista Development Co.  
1075 Stanger Ave.  
Idaho Falls, ID 83401

Gentlemen:

Re: Permit No. 25-7167

Enclosed is a copy of the approved request for extension of time. The time within which to submit the proof of beneficial use form is extended to March 1, 1991.

If you have any questions or concerns regarding the permit, please feel free to contact this office.

Sincerely,

RITA I. FLECK  
Secretary/Records Manager

Enclosure

**MICROFILMED**

**MAR 30 1989**

LINDA VISTA DEVELOPMENT  
C/O ARTHUR JOHNSON  
1075 STRANGER AVE.  
IDAHO FALLS, ID 83401

December 31, 1988

138817

RE: PERMIT NO. 25-07167 PROOF DUE NOTICE

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 1, 1989. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck  
Secretary/Records Manager

Enclosures

MicroFILMED

MAR 30 1989



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 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO 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 42-203D, WHICH READS AS FOLLOWS:

42-203D. 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  
CHIEF, OPERATIONS BUREAU

**MICROFILMED**

MAR 30 1989

Form 200-  
1/82

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

OCT 1 1982 COMMENCEMENT OF WORKS

~~SEP 80 1982~~

Permit No. 85-74673

Name(s) of Permit Holder(s): Linda Vista Development

Post Office Address: 410 Arthur Johnson  
Idaho Falls, Idaho

Department of Water Resources

Eastern District Office

1020 Stranger Ave

Tel. No. 2314

☒ I hereby certify that construction of diversion works for the above referenced permit began on April 24, 1980 (date) and I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control:

\*Note: A financing difficulty is not an acceptable reason.

Oct 1, 1982  
Date

Arthur B. Johnson  
Signature of Permit Holder

PLACE  
STAMP  
HERE

**MICROFILMED**

**MAR 30 1989**



**RECEIVED**

**OCT 6 1982**

*Department of Water Resources*

**IDAHO DEPARTMENT OF WATER RESOURCES  
STATEHOUSE  
BOISE, IDAHO 83720**

March 6, 1984

Linda Vista Development  
c/o Arthur Johnson  
1075 Stranger Avenue  
Idaho Falls, ID 83401

Gentlemen:

Re: Permit No. 25-7167

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use postcard is extended to March 1, 1989.

In connection with the development of a water right under this permit, the Department wishes to call to your attention an Idaho Supreme Court decision issued in November 1982 which likely could affect your future use of water.

The decision in the case of Idaho Power Company vs the State of Idaho, et al stated in part that Idaho Power Company's use of water for power generation purposes at the Swan Falls dam on the Snake River is not subordinated to upstream depletion by later-in-time uses. The question of whether Idaho Power's 8,400 cfs water right at Swan Falls dam has been diminished by subsequent development, however, was remanded back to district court for determination. The findings of the district court could restrict water availability or require compensation to Idaho Power Company for uses developed later in time than Idaho Power Company's water right at Swan Falls dam.

Sincerely,

RITA I. FLECK  
Secretary/Records Manager

Enclosure

December 31, 1983

CERTIFIED MAIL

Linda Vista Development  
c/o Arthur Johnson  
1075 Stranger Avenue  
Idaho Falls, ID 83401

138276

Dear Mr. Johnson:

Re: Permit No. 25-7167

PROOF DUE NOTICE

One of the conditions of approval of your water permit No. 25-7167 was that proof of the extent of your beneficial use must be submitted to this office on or before March 1, 1984. (See last page of your approved permit or your last approved extension request). Enclosed is a postcard 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 provided the delay is for reasonable cause as described in Section 42-204, Idaho Code. If you have been prevented from proceeding by a government 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 postcard 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

January 29, 1979

Mr. Reno Kramer, Director  
Housing and Urban Development  
419 North Curtis Road  
Boise, Idaho

Dear Sir:

Re: Application for Permit No. 25-7167 - Linda Vista Development

This is to inform you we have received an application to appropriate 0.46 cfs of water from a groundwater source to be used for domestic purposes for twenty residences in the above referenced development.

Very truly yours,

LOY H. JOHNSON  
Sr. Water Resource Agent

LHJ:dh

MICROFILMED



State of Idaho

## DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS  
Governor

C. STEPHEN ALLRED  
Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 384-2215

March 2, 1979

Re: Permit No. 25-7167

Linda Vista Development  
c/o Arthur Johnson  
1075 Stranger Avenue  
Idaho Falls, Idaho 83401

Dear Mr. Johnson:

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

Sincerely,

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

DRT:lr

Enclosure

MICROFILMED



# STATE OF IDAHO

## DEPARTMENT OF HEALTH AND WELFARE

RECEIVED

FEB 14 1979

Department of Water Resources  
Eastern District Office

DIVISION OF ENVIRONMENT  
636 Pershing  
Pocatello, Idaho  
83201

12 February 1979

C  
O  
P  
Y  
  
Linda Vista Development  
% Arthur Johnson  
1075 Stranger Avenue  
Idaho Falls, Idaho 83401

Re: Application #25-7167  
(Bonneville County)

Gentlemen:

We have been apprised of your intent to appropriate the public waters of the State of Idaho in order to provide domestic water for twenty residences.

Pursuant to Title 39-118, Idaho Code, plans and specifications for new and/or modified public water facilities must be submitted to our Department for review and approval prior to construction; further, Idaho Regulations for Public Drinking Water Systems provide for minimum construction standards, water quality monitoring requirements, and requirements for maintenance and operation. A copy of these regulations is enclosed for your information.

If you have any questions, please do not hesitate to contact our office.

Yours very truly,

Henry L. Moran, P.E.  
Rgnl. Environmental Supervisor

HLM/md

CC: Ron Carlson ✓

District Seven Health Dept., Idaho Falls

RECEIVED

EQUAL OPPORTUNITY EMPLOYER

February 12, 1979

Mr. Art Tackett. Regional Director  
Id. State Planning & Community Affairs Agency  
600 East Oak, Suite B  
Pocatello, Idaho 83201

Dear Mr. Tackett:

Re: Application for Permit No. 25-7167

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our department as soon as possible. The last date of protest is February 26, 1979, and we are required to take final action shortly thereafter.

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

Very truly yours,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:dh

Enc.

MICROFILMED

February 5, 1979

Henry L. Moran, Supervisor  
Division of Environment  
Department of Health & Welfare  
636 Pershing  
Pocatello, Idaho 83201

Dear Sir:

Re: Application for Permit No. 25-7167

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our department as soon as possible. The last date of protest is February 26, 1979, and we are required to take final action shortly thereafter.

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

Very truly yours,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:dh

Enc.

RECEIVED  
FEB 15 1979

Proof of Publication  
**The Post-Register**

**RECEIVED**

FEB 23 1979

State of Idaho, }  
County of Bonneville } ss.

Department of Water Resources  
Eastern District Office

I, J. Robb Brady, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

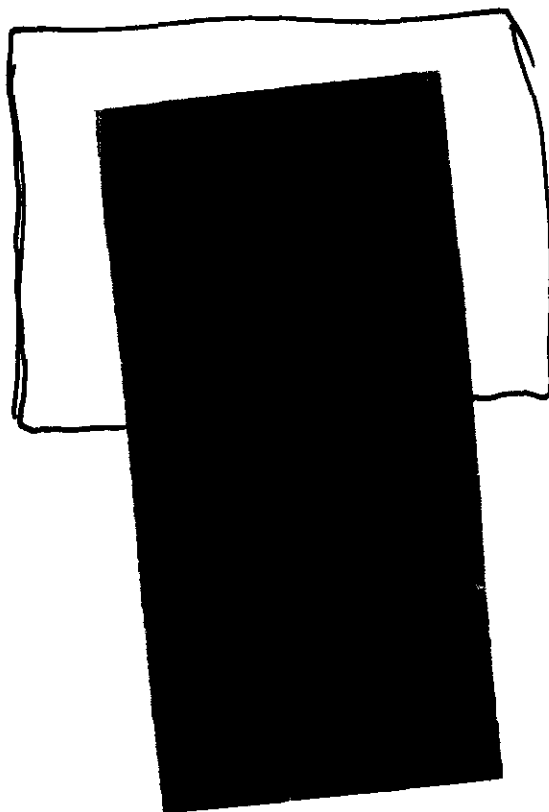
That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 8th day of February, 1979, last publication having been made on the 15th day of February, 1979, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 21st day of February, 1979

J. Robb Brady  
Karl Stille  
Notary Public

My commission expires April 5, 1979

B10, 1M,



**MICROFILMED**

8-4-D

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES  
Eastern Region

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

FEBRUARY 2, 1979

The Post Register  
P. O. Box 1800  
Idaho Falls, Idaho 83401

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billings to this office before FEBRUARY 26, 1979.

Yours truly,

RONALD D. CARLSON  
Supervisor

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

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

**23-7162**

**LINDA VISTA DEVELOPMENT**

**% ARTHUR JOHNSON, 1075 STANGER AVE., IDAHO FALLS, ID 83401**

**Source: GROUNDWATER**

**Date Filed: 01/29/1979**

**Amount: 0.46 CFS**

**Diversion Point: SESE Sec 03 T 01N R 37E, BONNEVILLE Co.**

**Use: DOMESTIC (0.46 CFS) from 01/01 to 12/31**

**Place of Use: SESE Sec 03 T 01N R 37E**

**Diversion Means: WELL, PUMP & PIPELINE**

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 Rd., Idaho Falls, Idaho 83401 on or before FEBRUARY 26, 1979.

C. STEPHEN ALLRED

Director

Published 2/8 & 2/15/79.

NOT RECORDED

January 30, 1979

Mr. Arthur Johnson  
Linda Vista Development  
1075 Stranger Avenue  
Idaho Falls, Idaho 83401

Dear Sir:

Re: Application for Permit - Linda Vista Development

Attached herewith is Departmental receipt No. 12849 in the amount of \$35.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:dh

Attachment

RECEIVED  
JAN 31 1979  
IDaho Falls