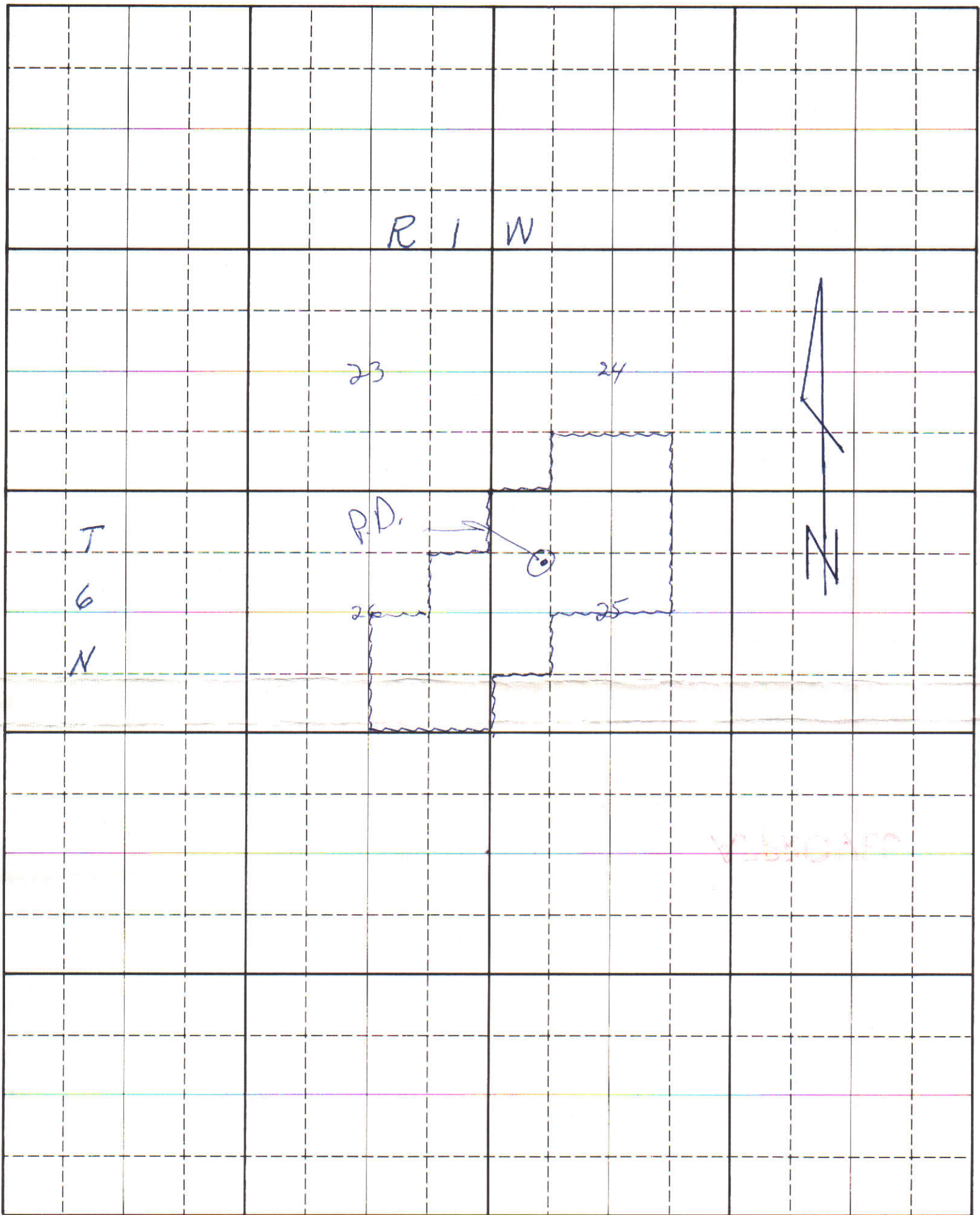


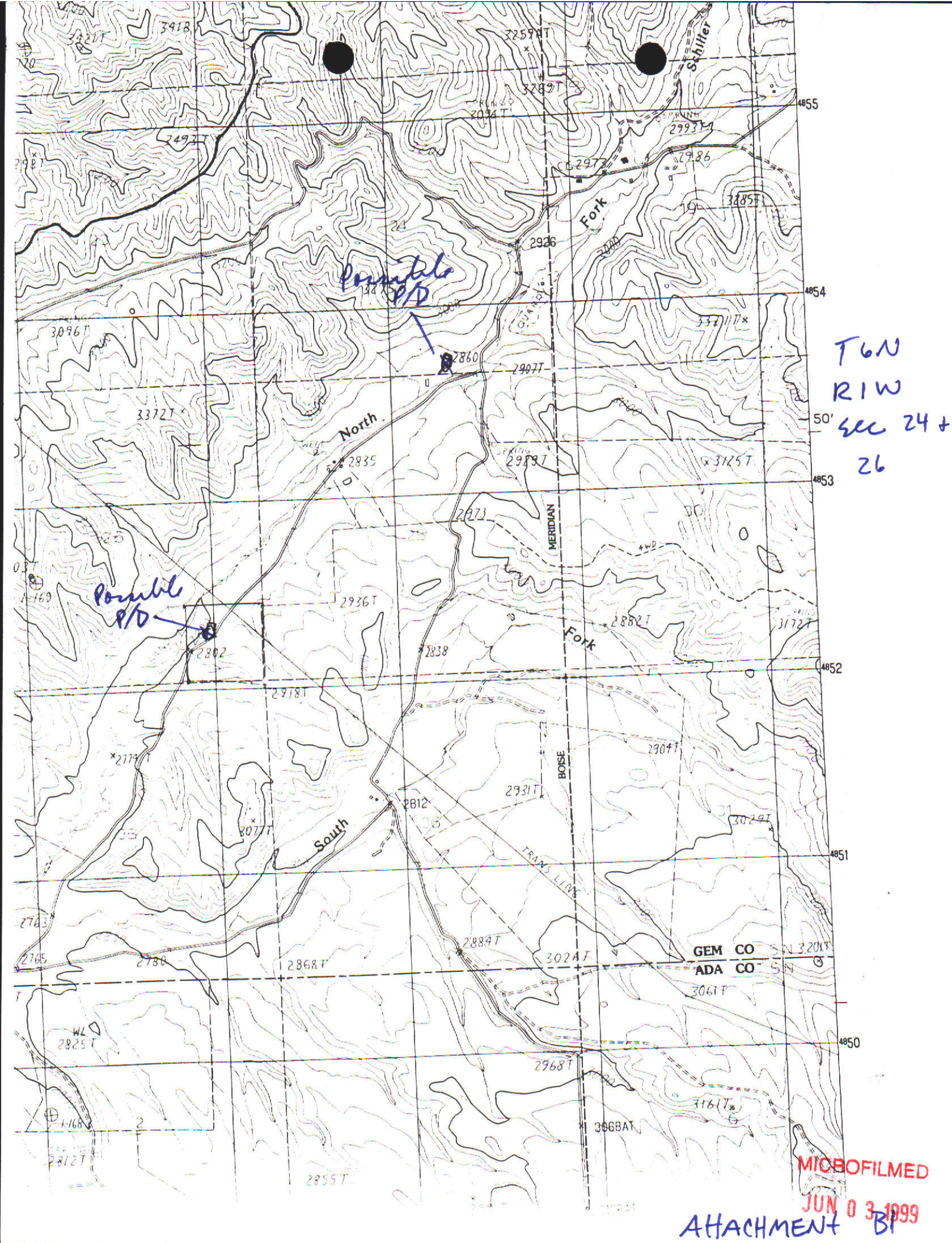
11. Map of proposed project:



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.

Elwood t Smith
(Applicant)



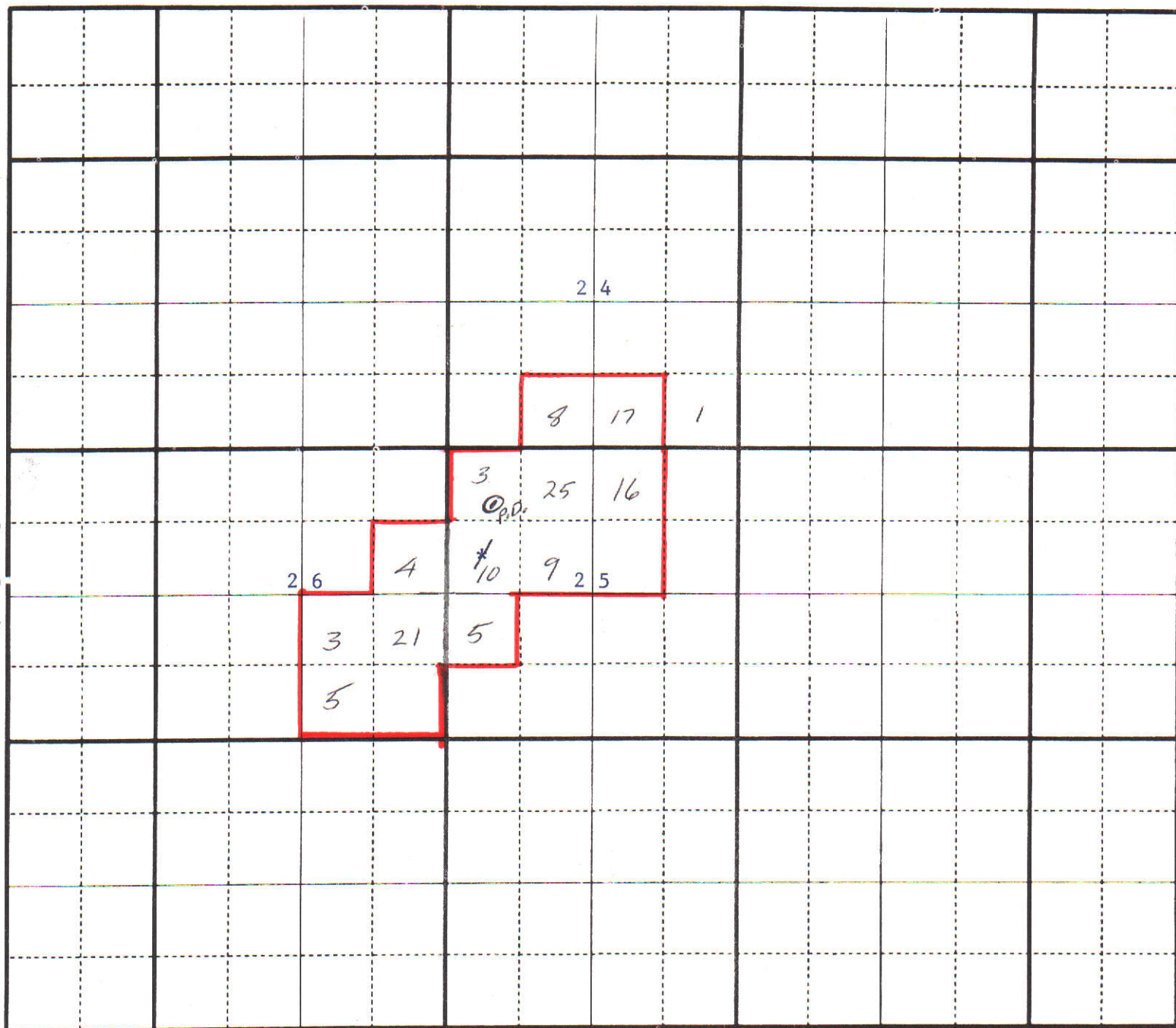
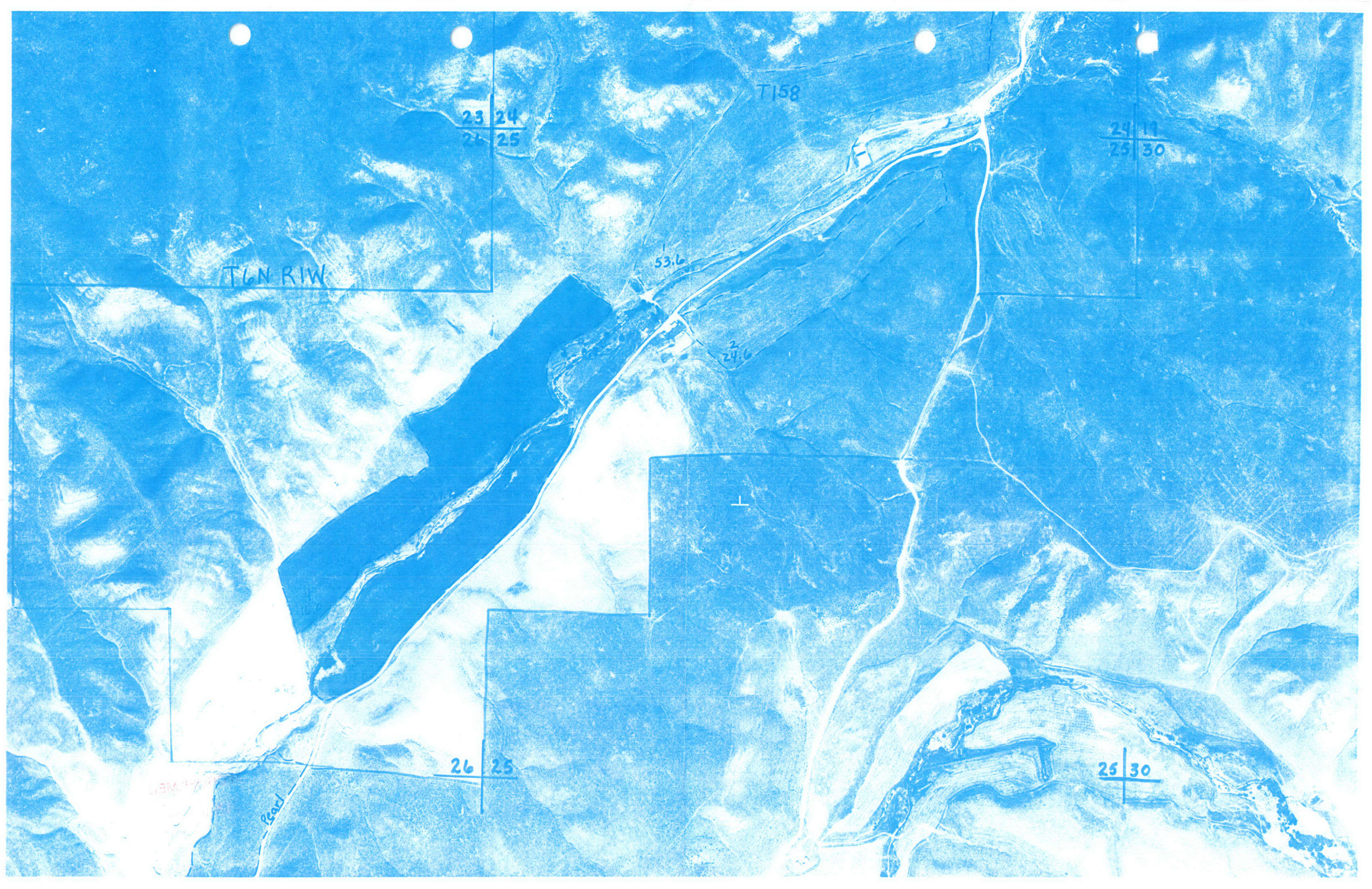
T
6
N

Diagram of System



23 24
26 25

24 11
25 30

T6N RIW

T158

53.6

2
24.6

L

26 25

25 30

DEM 177

2001

H-25

Permit # 63-7002

ch

STATE

a/o

Smith

23/24
26/25

D-223

STATE

a/o

Smith

G. & E. SMITH

2075

H
230

I
78

North Fork Willow Creek

H-25



Snake River

Snake River

A 40.9

B 24.19
C 25.30

M 16.7

K 16.7

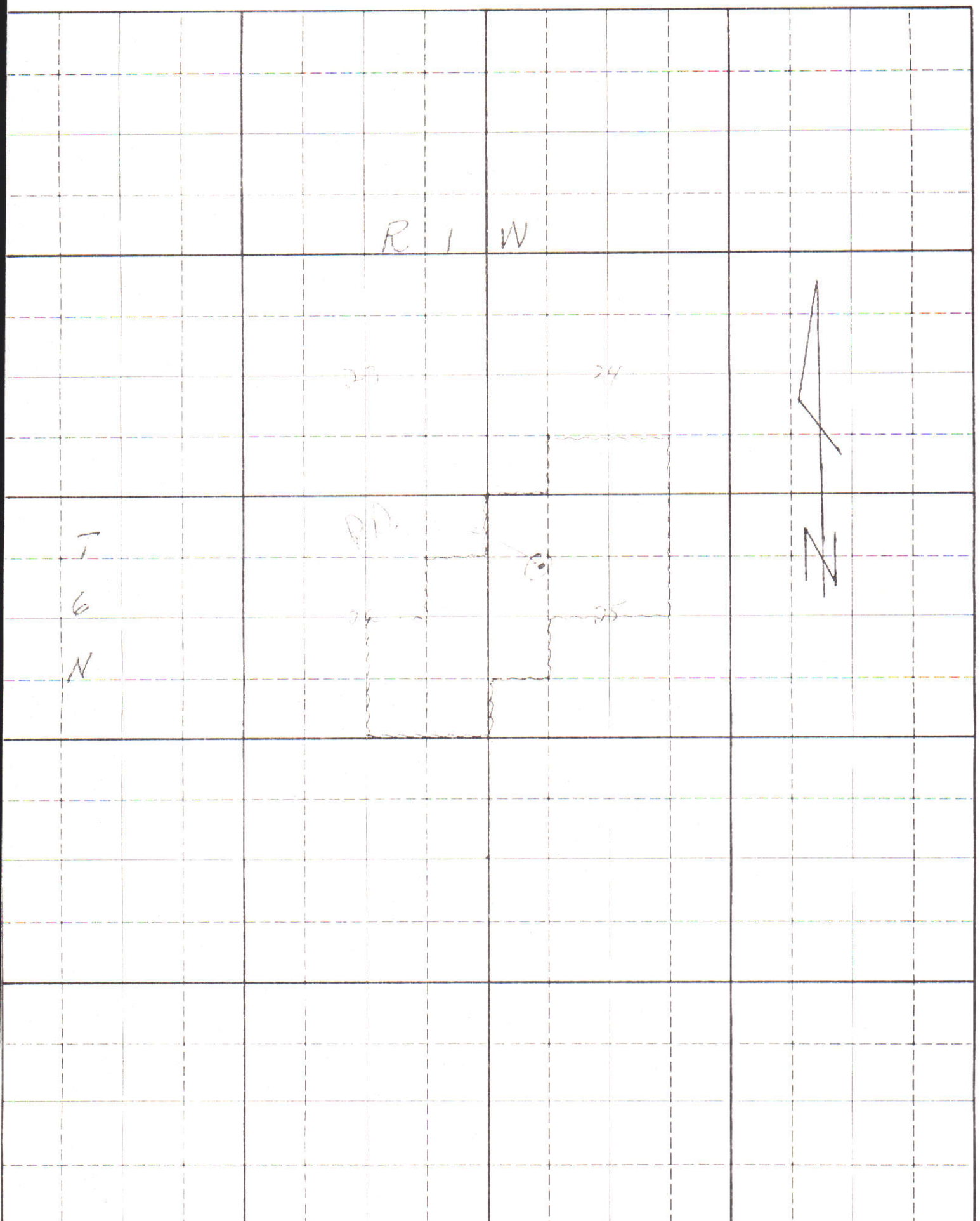
H 23.0

Permit # 63-7002

--- G.W. Irrigation Supplemental with Creek Right
— Creek Right Only

Fork Willow Creek

11. Map of proposed project:



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.

Edward L. Smith
(Applicant)

63 7002

State of Idaho
Department of Water Administration
WATER RIGHT LICENSE

License of Water Right No. 63-7002 Priority June 5, 1967 Amount 1.56 cfs

THIS IS TO CERTIFY, that Glea Smith & Elwood T. Smith
of Eagle, Idaho, have ~~xxx~~ complied with the terms and conditions of Permit
No. 63-7002 issued pursuant to Application for Permit dated June 5, 1967,
and has submitted proof to the Department of Water Administration on June 27, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.56 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Stockwater</u> from <u>Jan. 1</u> to <u>Dec. 31</u> at <u>0.09</u> cfs and <u>5.4 acre feet</u>			
<u>Irrigation</u> from <u>April 1</u> to <u>Oct. 15</u> at <u>1.56</u> cfs and <u>571.5 acre feet or</u>			
from _____ to _____ at _____ cfs and <u>4.5 af per acre</u>			
(both dates inclusive)			

Subject, however, to the condition that no more than 1.56 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
576.9 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 25,
Twp. 6 N, Rge. 1 W, B.M. in the County of Gem

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6 N	1 W	24											8				18		26
		25		16			25	3	10	9		5							68
		26				4									21	3	5		33

Total number of acres irrigated 127

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28 day of
September, 19 74.

Director

Receipt # _____

APPLICATION FOR AMENDMENT

RECEIVED
SEP 6 1974
Department of Water Resources
S-100

Comes now Glea & Elwood T. Smith of (address) _____

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-7002, and requests that the permit and permit map be changed as follows: (NO CHANGE)

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 5.8 for stockwater purposes from Jan. 1 to Dec. 31 (both dates inclusive)
 Amount 5.8 for irrigation purposes from Apr. 1 to Oct. 15 (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre feet per annum)

3. Place of use or land to be irrigated: (NO CHANGE)

[illegible]

Total number of acres to be irrigated

100-443614-1

[illegible]

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Elwood Smith
(signature)
Ela Smith

Resources

September 19 74

[Signature]
Director

RECEIVED

JUN 5 1967
9:45 A.M.
Department of Reclamation

63-7002

Identification No. ~~63-7002~~

Application No. 2-41890

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant Glen Smith & Elwood L. Smith
post office address Box 185, Eagle Ada County Idaho
2. Source of water supply Underground which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 25 Township 6 N
Range 1 W B.M. Ham County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into Willow Creek at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township 6 N Range 1 W B.M.

4. Quantity to be appropriated:

- a. ~~5.8~~ 5.8 cubic feet per second and/or 290 inches
b. _____ acre feet per annum will be stored.

5. Water will be used for the following purposes:

- Irrigation purpose from Apr 1 to Oct 15 (both dates inclusive)
Stock water purpose from Apr 1 to Oct 15 (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. Deep well turbine pump, sprinkling & open discharge irrigation ditch.

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

- c. Proposed well diameter is 12 inches; proposed depth of well is 300 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.

- b. Estimated construction cost is \$ 17,000.

8. Description of proposed uses:

- a. If water is **not** for irrigation:

- (1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township 6 N
Range 1 W B.M.
- (2) Amount of power to be generated: _____ hp under _____ feet of head.
- (3) List number of each kind of livestock to be watered 500 cattle 10 Horses
- (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.
- (5) If water is to be used for other purposes describe: _____

63 7002

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

[illegible]

Total number of acres to be irrigated 560

c. Describe any other water rights used for the same purposes water right from
Willow Creek 28431

9. a. Who owns the property at the point of diversion Gha & Elwood Smith

b. Who owns the land to be irrigated or place of use Yha & Elwood Smith

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

10. Remarks _____

Received by DWR Date ^{June} 6-5-67 Time 9:45 AM
Preliminary check by DWR Fee \$ 45.00
Receipted by _____ Date _____
Publication prepared by KJ Date 6-6-67
Published in Emmett Messenger
Publication dates June 25-29
Publication approved KJ Date 6-19-67
Priority reduced to _____ Reason _____

Protests filed by: (none)

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

ACTION OF STATE RECLAMATION ENGINEER

APPROVED

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-7002, and said application is hereby approved.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 72.
- c. Other: the applicant shall permanently install a measuring device of a type approved by the department as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 25th day of July, 19 67.

R. Keith Higgins
State Reclamation Engineer

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Permit No. 63-7002 in the)
name of GLEA SMITH & ELWOOD T. SMITH)

ORDER

WHEREAS, on June 5, 1967, Glea Smith and Elwood T. Smith applied to the Department of Water Administration (formerly the Department of Reclamation) for a permit to appropriate 5.8 cfs of water from a ground water source within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, Twp. 6N, Rge. 1W, B.M., Gem County, to be used for irrigation and stockwatering purposes; and,

WHEREAS, on July 25, 1967, the Department approved said application and issued Permit No. 63-7002 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before July 1, 1972; and,

WHEREAS, on May 1, 1972, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on July 7, 1972, the Department notified the permit holder that Permit No. 63-7002 had lapsed for failure to submit the required proof of beneficial use; and,

WHEREAS, on July 10, 1972, the permit holder appeared at the office of the Department of Water Administration claiming that an extension of time application had been sent to the Department; and,

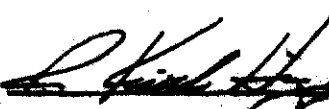
WHEREAS, on July 11, 1972, the permit holder offered proof that such an extension of time application had been initiated; and,

WHEREAS, it has been determined by the Department that Permit No. 63-7002 was lapsed inadvertently;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 63-7002 be REINSTATED without loss of priority; and

IT IS FURTHER ORDERED that the time within which to submit proof of beneficial use of water under Permit No. 63-7002 be extended to July 1, 1974.

Dated this 21st day of July, 1972.


R. KEITH HIGGINSON
Director

63-7002

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR EXTENSION OF TIME

State of Idaho)
County of Gem)

Permit No. 63-7002

Glea Smith & Elwood Smith of Box 185, Eagle, Idaho
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. 63-7002.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before July 1, 19 72.

That he has heretofore performed the following work described under said permit:

Drilled the well, paid Idaho Power said Permit
Main Purchased Sprinkler lines this came
to \$20,230 in 1972 I laid 2950 of main
& more sprinklers at a cost of \$45.37.00 Costing \$24,767.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: the costs were beyond my means at one time

Wherefore, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to July 1, 19 1974

Elwood Smith
(signature) *

Subscribed and sworn before me this 10 day of July, 19 72.

seal

My commission expires 7/29/1975

Gary L Page
(notary public)

ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

I, _____, Director of the Idaho Department of Water Administration,
State of Idaho, hereby _____

Witness my hand this _____ day of _____, 19 _____.

Director

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Administration, Statehouse - Annex 2, Boise, Idaho, 83707.

63-7002

RECEIVED
JUL 14 1967

Department of Reclamation

**NOTICE OF APPLICATION
FOR WATER**

Notice is hereby given that Clea and Elwood T. Smith has on June 5, 1967 applied for permit to divert 5.2 cubic feet per second of water from subterranean under application No. 63-7002. Water will be diverted by pump within the SW 1/4 NW 1/4, Sec. 26, T. 6 N, R. 19 E, B.M. and is to be used from 4:1 to 10:45 for irrigation and stock water in SE 1/4 SW 1/4, SW 1/4 SE 1/4, Sec. 24; W 1/2 NE 1/4 NW 1/4, NW 1/4 SW 1/4, Sec. 25; SE 1/4 SE 1/4, SE 1/4, Sec. 26, T. 6 N, R. 19 E, B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Emmett Messenger-Index, Emmett, Idaho on June 22 and June 29.
P2 6-22-29

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
COUNTY OF GEM,

Arnte Boles, being first duly sworn, on his oath deposes and says that he is the printer of Messenger-Index, a legal weekly newspaper published at Emmett, in Gem County, Idaho; that said newspaper is in general circulation in said county and has been published uninterruptedly and continuously for more than 78 weeks prior to the first publication of the annexed document; and that the document notice, process, or advertisement hereunto annexed was published in the regular edition of

Messenger-Index for 2 consecutive weekly issues thereof, beginning with the issue of JUNE 21,

1967 and ending with the issue of

JUNE 29, 1967

Arnte Boles

Subscribed and sworn to before me this

10th day of

July, 1967

Arnte Boles

Notary Public,

Residing at Emmett, Idaho.

63 7002

STATEMENT

MESSSENGER PRINTERS, INCORPORATED

PUBLISHERS OF

Messenger - Index

PRINTING OF DISTINCTION

OFFICE FORMS • LETTERHEADS • DIRECT MAIL PIECES • SOCIAL STATIONERY • BOOKLETS

EVERY KIND OF PRINTING

State of Idaho
Dept. of Reclamation

EMMETT, IDAHO

6/30 19 *67*

27 15 Notice: application for water 405
22. E. Smith. 270
6.75

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

Ante Sales

Signature of Claimant

RECEIVED
JUL 14 1967

Department of Reclamation

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF TRANSFER NO. 5408 OF)
WATER RIGHTS 63-07002 IN THE NAME OF)
DONALD B. JENSEN)

ORDER GRANTING
EXTENSION OF TIME TO
COMPLETE TRANSFER

On April 28, 1999 the Department approved the above referenced Application for Transfer with a condition that:

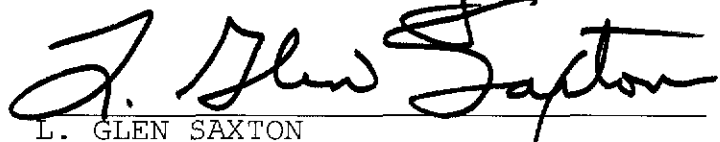
The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

Donald B. Jensen sold the property and Right 63-07002 to Martha and Gary Cunningham. As the current right holder, Gary Cunningham has notified the Department that the transfer has not yet been accomplished.

The right holder has requested an extension of time for completion of the transfer and has shown reasonable cause for the delay.

IT IS, THEREFORE, HEREBY ORDERED that the right holder of Transfer No. 5408 is granted an extension to April 28, 2001 in which to accomplish the transfer. This order does not extend the associated Drilling Permit 63-99-C-0300-000 since that is a separate department approval.

Dated this 26th day of May, 2000.


L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 26 2000

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
OCT 14 1998
WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

Department of Water Resources:

1. Water Right No(s).:

A63-03180A63-07002

Adjudication Claim No(s).:

AJ5809NPAJ5809NP

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant

Donald B. Jensen / Charlotte Jensen8661 W. Beacon Light Rd. Star ID

4. New Owner/Claimant(s)

Star, Gary & Martha CunninghamName Connector (Check one): ☐ and, ☐ or, ☐ and/or ☒

New Mailing Address

5900 Pearl Rd

City, State and ZIP Code

Boise, ID

New Telephone Number

(208) 863-6561

5. Date you acquired the property

Sep 26, 1998

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate

160

Number and type of stock

400 head
range
3-100 horses

Diversion rate in CFS

4.0
5.8

Number of homes

1

Other uses

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)

G. C. L.
Martha Cunningham

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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

Copies from SRBA Claimant FILED
Revised 5-24-2000

Inst # 202239

WE HEREBY CERTIFY THAT THIS IS A TRUE & FAITHFUL COPY OF THE ORIGINAL INSTRUMENT TITLE & ESTATE

WARRANTY DEED

Lucinda M. Jensen
Recorded 9-24-98
at 3:51 PM

For Value Received Donald B. Jensen and Charlotte R. Jensen, husband and wife, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Gary N. Cunningham and Martha C. Cunningham, whose address is: P. O. Box 26, Lakefork, Idaho 83635 hereinafter called the Grantee, the following described premises situated in Gem County, Idaho, to-wit:

See Attached Exhibit A

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances Except: current year taxes, conditions, covenants, restrictions, reservations, easements, and right of way, apparent or of record, and that grantor will warrant and defend the same from all claims whatsoever.

Dated: 9-24-98

Donald B. Jensen
Donald B. Jensen

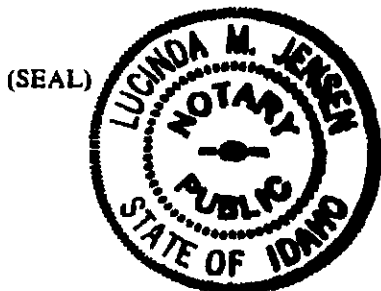
Charlotte R. Jensen
Charlotte R. Jensen

STATE OF IDAHO)

: ss.

COUNTY OF GEM)

On this 24th day of September, 1998 before me, the undersigned Notary Public, personally appeared Donald B. Jensen and Charlotte R. Jensen, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.



Lucinda M. Jensen
Notary Public State of Idaho
Residing at: Emmett, Idaho
My Commission Expires: 6-30-2000

MICROFILMED

SEP 27 1998

EXHIBIT A

TOWNSHIP 6 North, Range 1 West, B.M., Gem County, Idaho

Section 24: The SW 1/4 of the SE 1/4; and

That part of the SE 1/4 of the SE 1/4 of Section 24, lying North and West of the County Road;

The W 1/2 of the NE 1/4 of the SE 1/4; S 1/2 of the SW 1/4; and NE 1/4 of the SW 1/4; and

SE 1/4 of the SE 1/4 lying East of the County Road.

Section 25: The NW 1/4 of the NE 1/4; NW 1/4 of the SW 1/4; and NW 1/4; NE 1/4 of the NE 1/4; and

That portion of the SW 1/4 of the NE 1/4 of said Section 25, described as follows:

Commencing at the Southwest corner of the SW 1/4 of the NE 1/4 of Section 25, T. 6 N., R. 1 W., B.M., Gem County, Idaho; thence North along the quarter quarter section line to the Northwest corner of the SW 1/4 of the NE 1/4; thence East along the quarter quarter section line to the Northeast corner of the SW 1/4 of the NE 1/4; thence Southwest to the South line of said SW 1/4 of the NE 1/4, to a point 735 feet East of the Real Point of Beginning; thence West 735 feet to the said REAL POINT OF BEGINNING.

Section 26: The SE 1/4 of the NE 1/4; SE 1/4 of the NW 1/4; NE 1/4 of the SW 1/4 and the SE 1/4.

D.J.
C.R.

MICROFILMED

Three Horse Ranch

Gary and Martha Cunningham

Telephone 208-863-6561

5900 Pearl Road
Eagle, ID 83616

October 12, 1998

Sue Bock
State of Idaho
Department of Water Resources
Western Region,
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

OCT 14 1998

WATER RESOURCES
WESTERN REGION

Dear Sue,

Thank you for your help in the water right ownership claim. If you will recall, you sent information to us up at McCall in September as we were in escrow for the property in Eagle.

Enclosed are the ownership change form and a copy of the warranty deed conveying the property from Mr and Mrs Jensen to us. I believe I put in the correct Water Right Numbers and Adjudication Claim Numbers. If I have done this incorrectly, please advise.

Thank you again.

Best Regards,


Martha Cunningham

MICROFILMED

1998 10 14

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

TRANSFER NO. 5408
WATER RIGHT NO. 63-07002

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer 5408 shall not exceed 1.56 cfs, nor a total combined annual volume of 576.9 af.
8. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
9. A single new well is authorized for use under Transfer 5408 that will be located within either the SWSE, S24 or SESE, S26, T06N, R01W and used with the existing well located within NWNW, S25, T06N, R01W.

Dated this 28th day of April, 1999.


Chief, Water Allocation Bureau

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

RECEIVED

APR 21 1999

Name of applicant Donald B. Jensen Phone 208-286-7374 Department of Water Resources
Post Office address 8661 W. Beacon St. Rd. Alan, Idaho 83669

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Additional well needed due to decrease in production of existing well toward end of irrigation season. (One addl. well, Two poss. Locations)

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|----------|-----------------------|------------------|---------------|
| 63-07002 | 6-5-67 | 1.56 | Irrig | 4-1 to 10-15 |
| | | .09 | Stock | 1-1 to 12-31 |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 1.56 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: (Add. well 2 poss. Locns.)

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
				6N	1W			
	SE	NN	NW	25	6N	1W	Gem	existing
		SE	SE	26	6N	1W	or	proposed
		SW	SE	24	6N	1W		proposed, will

5. Lands irrigated or place of use: *No Change proposed*

[illegible]

Total acres 127

PART 1**6. General Information:**

a. Description of diversion system 2 wells and Sprinkler System

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

MICROFILMED

JUN 03 1999

pg 3 of 6

WR0749NP IDAHO DEPARTMENT OF WATER RESOURCES DATE: 02/11/99
No. 63-07002 WATER RIGHT PROFILE REPORT PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ELWOOD T. SMITH	06/05/1967	IRRIGATION	04/01 10/15	1.560 CFS	571.50 AFA
C	GLEA SMITH EAGLE ID		STOCKWATER	01/01 12/31	0.090 CFS	5.40 AFA
TOTAL DIVERSION:					1.560 CFS	576.90 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T06N R01W S25 NWNW GEM County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		SUM
06N	01W	24	:				:				:	08			:	26.0
06N	01W	25	:	16			:	25	03	10	:	05			:	68.0
06N	01W	26	:				:				:		21	03 05	:	33.0
TOTAL ACRES															127.0	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Pou County: GEM

Other Water Rights Listing Overlapping Place(s) of use:
63-03180

Conditions of Approval:

- 001 - A measuring device of a type approved by the Department shall
- be permanently installed and maintained as part of the diverting
- works.

Dates: App. Received: Priority Date: 06/05/1967
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 09/12/1979

Misc: Water District Number: Field Exam Fee:

Audit: 03/12/85 05/01/88 CONVERT

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1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

N If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED
(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

MICROFILMED
JUN 03 1999

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

See Attached Map
ATTACHMENT B

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1980-1981

PART 3

B. CHANGES IN NATURE OF USE

No Change

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Subscribed and sworn to before me this

12th

day of

January, 1999

(Signature of Applicant)

Louie Garono

(Notary Public)

My commission expires

2000

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachments

+ appl for Drilling Permit

Received by RW Date 11/16/98

Protest filed by _____

Prelim. check by LS Fee 100Receipted by W024588 DI Date 11-16-98Published in Messenger Index

Copies of protest forwarded by _____

Pub. dates 3-3 & 11-99

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

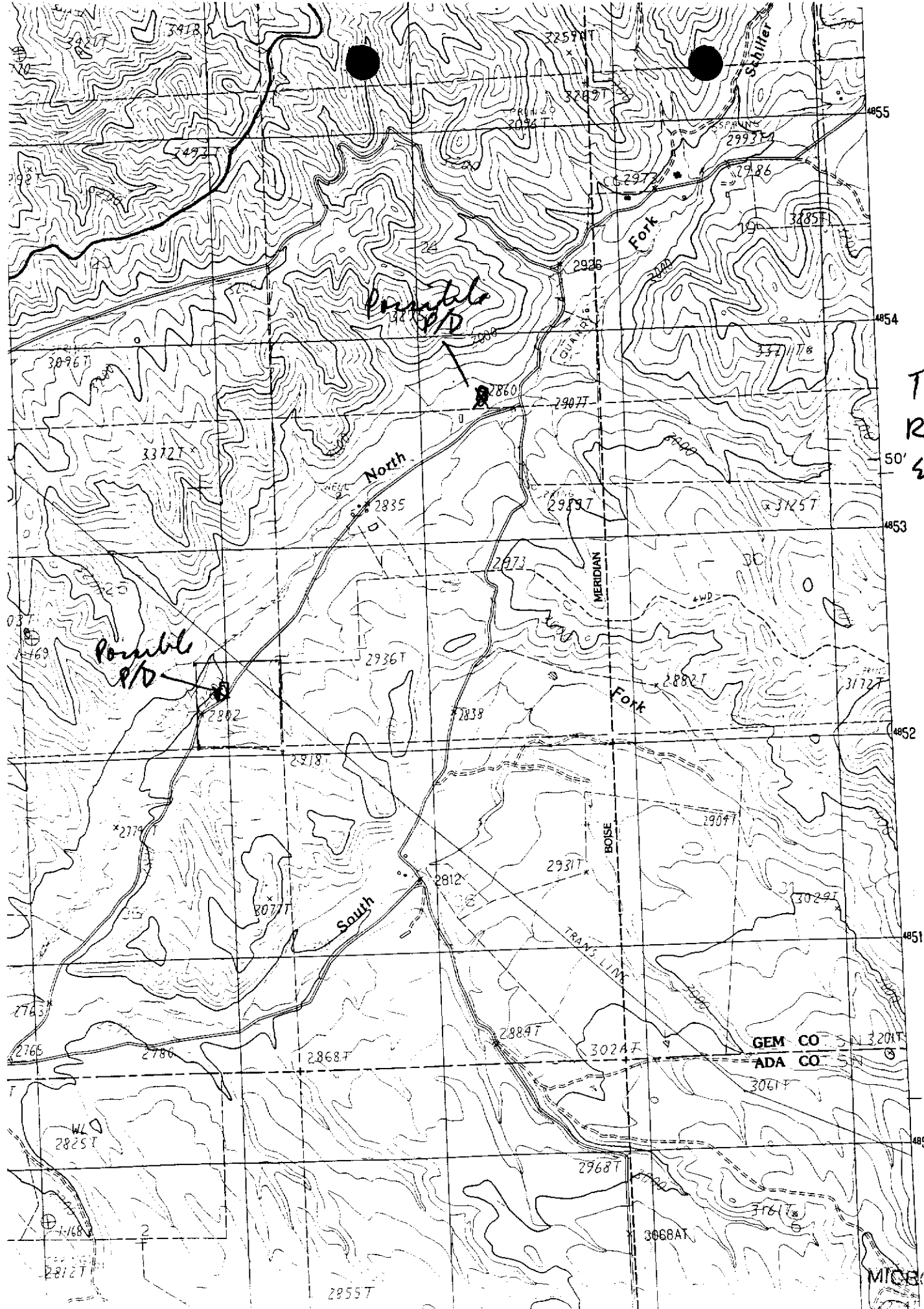
Recommended for ☐ approval ☐ denial

rec'd.

by _____

Copy of transfer sent to lien holder _____

MICROFILMED
JUN 03 1999



T6N
R1W
Sec 24 +
26

GEM CO
ADA CO

MICROFILMED

ATTACHMENT BI

1158

24	14
25	30

53.6

24.6

26	25
----	----

25	30
----	----

Pearl

AJ0749NP
No. A63-07002

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 01/08/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GARY CUNNINGHAM	06/05/1967	IRRIGATION	04-01 10-15	1.56 CFS	571.50 AFA
C	MARTHA CUNNINGHAM		STOCKWATER	01-01 12-31	0.09 CFS	5.40 AFA
TOTAL DIVERSION:					1.56 CFS	576.90 AFA
CONSUMPTIVE USE:						445.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T06N R01W S25

SENWNW

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
06N	01W	24	:																	26.0
06N	01W	25	:		16				25	03	10			05						68.0
06N	01W	26	:				04									21	03	05		33.0
TOTAL ACRES																			127.0	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: GEM

Non-Irrigation Uses: STOCKWATER FOR UP TO 400 HEAD/RANGE.

Other Rights: A63-03180

Conditions of Approval:

- 001 - A measuring device of a type approved by the Department shall
- be permanently installed and maintained as part of the diverting
- works.

Remarks: GEN OWNERSHIP CHANGE 10/15/1998 SB

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

MICROFILMED

1999 J + 1000

ATTACHMENT C



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

August 9, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Gary & Martha Cunningham
5900 Pearl Rd.
Eagle, ID 83616

RE: Transfer 5408 & Extension to Complete Transfer

Dear Mr. & Mrs. Cunningham:

I am in receipt of your 08-01-2000 letter inquiring about the above referenced transfer and extension order. Donald Jensen, the previous owner of your property applied through the application for transfer to add an additional well to his irrigation system. Due to a decrease in production of the existing well located in the SENWNW, S25, T06N, R01W, an additional well was proposed to allow full diversion of water under Right 63-07002.

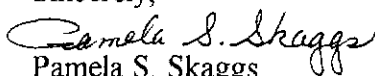
The transfer approval included two proposed sites for the new well, the SWSE, S24 or the SESE, S26, T06N, R01W. (See Condition 9 of the transfer approval.) Mr. Jensen also obtained Drilling Permit 63-99-0300-000 to begin the construction of the proposed well approved under Transfer 5408. One of the conditions of the Drilling Permit is that the permit is valid for two (2) months from the approval date for the start of construction. (See enclosed Well Drilling Permit report.) Since the drilling permit was approved 05-03-1999, a new drilling permit must be obtained to begin construction of a new well now.

The Order Granting an Extension of Time to Complete the Transfer does not extend the drilling permit. You will need to contact the Ground Water Protection Section to obtain a valid drilling permit prior to drilling the second well proposed under Transfer 5408. The driller or the property owner can generally obtain this permit within a short period of time at either our Western Region or State office.

No further action beyond the addition of the new well is required by you to complete the transfer. If you choose not to drill the second well, you may still divert the water right from the available water in the original well.

If you require additional information regarding this matter, please call me directly at (208) 327-7943, e-mail me at pskaggs@idwr.state.id.us or contact me by mail, and I will be happy to assist you.

Sincerely,


Pamela S. Skaggs
Sr. Water Rights Agent

MICROFILMED

SEP 12 2000

PERMIT NUMBER	OWNER CODE	NAME & ADDRESS	TWP	RGE	SEC	TRACT	LOT	ACC FLG	COUNTY
63-99-C-0300-000	O	DONALD JENSEN / 8661 W BEACON LT STAR, ID 83669 (208) 286-7374	06N	01W	26	SE SE		P	GEM

Subdivision Well Site Location and Description:
Subdivision Name:
Well Site Address: 5900 PEARL RD
City, State: EAGLE, ID

Lot(s):
Block(s):

Geographic Location:
GPS Site ID:
Lat: : : N
Long: : : W
Accuracy Code:

Injection Permit No.
Water Right No. 63-07002 #

Well Construction Information:

Anticipated Bottom Temp: 85F or less

Proposed Use of Well: Irrigation

Proposed Casing Diameter: 16 In.

Proposed Depth: 400 Ft.

Well Use Comments:

Driller License No: 0213

Firm Name: PETE COPE DRILLING CO INC
Official: ANN COPE

Permit Status: Filed

Verbal Issued Date:
Verbal Issued Time:
Received Date: 11/16/1998
Approved Date: 05/03/1999
Proposed Start Date:
Extension Date:
Extension Expiration:

Receipt No.	Receipt Date	Fee
W024713	02/17/1999	\$ 180.00
W024588	02/17/1999	120.00

Specific Conditions: The seal for this well shall be continuous from land surface to the first substantial clay unit (>=10' in thickness) below 100' in depth. The seal shall extend into the aquitard a minimum of 50% of its thickness or 100% of its thickness if the aquitard is overbored its entire thickness. The owner or driller shall notify the Department of the intended date for commencement of construction prior to the start of construction.

Permit Remarks:

Conditions of Approval: This drilling permit is valid for two (2) months from the approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.

This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required prior to construction of this well. The local Health Department should be contacted for septic tank/drainfield locations. Domestic wells

Three Horse Ranch

Gary and Martha Cunningham
5900 Pearl Road
Eagle, ID 83616

Telephone 208-863-6561

RECEIVED

AUG - 8 2000

August 7, 2000

Department of Water Resources

Pamela Skaggs
Dept. of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RE: Order Granting Extension of Time to Complete Transfer 5408

Dear Ms. Skaggs,

I am writing in reference to your letter of August 1, 2000. As I understand your letter and the accompanying documents we now have an Order Granting Extension of Time to Complete Transfer. How do we now Complete the Transfer? What process do we need to go through to accomplish this?

Second, who do we speak with for the associated Drilling Permit (63-99-C-0300-000)? How do we go about that approval process?

Thank you for your help.

Best Regards,



Gary Cunningham

MICROFILMED

63-07002



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

August 1, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Gary & Martha Cunningham.
5900 Pearl Rd.
Eagle, ID 83616

RE: Order Granting Extension of Time to Complete Transfer 5408

Dear Mr. & Mrs. Cunningham:

I am in receipt of your letter of 07-29-2000. The request for an extension was processed in May, but was sent to the previous owner Donald B. Jensen. It appears that the change of ownership information arrived in our file at the same time and you should have been sent a copy. I have enclosed a copy of the Order and the related correspondence. The extension extends the time in which to accomplish the transfer until April 28, 2001.

If you require additional information regarding this matter, please call me directly at (208) 327-7943, e-mail me at pskaggs@idwr.state.id.us or contact me by mail, and I will be happy to assist you.

Sincerely,

A handwritten signature in cursive script that reads "Pamela S. Skaggs".

Pamela S. Skaggs
Sr. Water Rights Agent

Enclosure

MICROFILMED

Aug 2 1999

RECEIVED

AUG - 1 2000

Department of Water Resources

Three Horse Ranch

Gary and Martha Cunningham
5900 Pearl Road
Eagle, ID 83616

Telephone 208-863-6561

July 29, 2000

Mr. Glen Saxton
1301 North Orchard
Boise, ID 83720

RE: Water Right No. 63-07002 and
Transfer No. 5408

Dear Mr. Saxton,

Attached is a copy of our May 23rd letter regarding Water Right Transfer No. 5408.

We understood it would take a few weeks to get this request accomplished. However we are anxious to get it completed so we may move forward. Please advise us so we can make our plans.

Best Regards,


Gary Cunningham

cc. Rob Whitney
Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

MICROFILMED

Three Horse Ranch

Gary and Martha Cunningham
5900 Pearl Road
Eagle, ID 83616

Telephone 208-863-6561

May 23, 2000

Mr. Glen Saxton
1301 North Orchard
Boise, ID 83720

RE: Water Right No. 63-07002 and
Transfer No. 5408

Mr. Saxton,

Per my conversation of April 19th with Mel Schute, we are requesting an extension on Water Right Transfer No. 5408. We purchased this property from Don Jensen and pursuant to that real estate transaction, Mr. Jensen filed the application for transfer and obtained the drilling permit. Additionally, we have submitted a change of ownership.

We had a current irrigation well permit to drill this well. However, a litigation process prevents us from moving forward at this time. We would appreciate an extension on condition #3 of this transfer for 12 months. If necessary, please mail the appropriate forms required to make this request to the above address. We look forward to hearing from you.

Best Regards,

Gary Cunningham

cc. Rob Whitney
Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

MICROFILMED
2001 3 20



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 31, 2000

DONALD B JENSEN
8661 W BEACON LT
STAR ID 83669

RE: Water Right 63-07002 (Transfer 5408)

Dear Permit Holder(s):

Enclosed please find an Order Granting Extension of Time to Complete Transfer issued by the department in reference to the above listed information.

If you have any questions regarding this matter, please call me at 327-7940.

Sincerely,

A handwritten signature in cursive script that reads "Kari Lynn Jensen".

for

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

AJ5809NP
No. A63-07002

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARTHA CUNNINGHAM	06/05/1967	IRRIGATION	04-01 10-15	1.560 CFS	571.50 AFA
C	GARY CUNNINGHAM		STOCKWATER	01-01 12-31	0.090 CFS	5.40 AFA
	5900 PEARL RD					
	EAGLE ID 83616			TOTAL DIVERSION:	1.560 CFS	576.90 AFA
	(208) 863-6561			CONSUMPTIVE USE:		445.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T06N R01W S24 SWSE GEM County
S25 NWNW GEM County
S26 SESE GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE							
				NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM		
06N	01W	24	:											08				18		:	26.0		
06N	01W	25	:			16				25	03	10			05			09		:	68.0		
06N	01W	26	:					04										21	03	05	:	33.0	
																			TOTAL ACRES			:	127.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: GEM

Non-Irrigation Uses: STOCKWATER FOR UP TO 400 HEAD/RANGE.

Other Rights: A63-03180

Conditions of Approval:

- 001 - A measuring device of a type approved by the Department shall
- be permanently installed and maintained as part of the diverting
- works.

Remarks: GEN OWNERSHIP CHANGE 10/15/1998 SB
CLAIM AMENDED PER APPROVED TRANSFER 5408. 4/28/99 LH

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 01/09/90 MOBILE2 03/30/95 POST-STD 10/15/98 SBOCK 08/24/99 LHARRIS

MICROFILMED

WR0631NP

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 05/24/00
TIME: 15:49:10
PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
63-07002	JENSEN, DONALD B	C	06/05/1967	L/	GROUNDWATER	IRR STOCK	WR
A63-07002	CUNNINGHAM, MARTHA CUNNINGHAM, GARY	C C	06/05/1967	L/	GROUNDWATER	IRR STOCK	AJ

MICROFILMED

1999

RECEIVED

MAY 11 2000

Three Horse Ranch

Department of Water Resources

Gary and Martha Cunningham
5900 Pearl Road
Eagle, ID 83616

Telephone 208-863-6561

May 23, 2000

Mr. Glen Saxton
1301 North Orchard
Boise, ID 83720

RE: Water Right No. 63-07002 and
Transfer No. 5408

Mr. Saxton,

Per my conversation of April 19th with Mel Schute, we are requesting an extension on Water Right Transfer No. 5408. We purchased this property from Don Jensen and pursuant to that real estate transaction, Mr. Jensen filed the application for transfer and obtained the drilling permit. Additionally, we have submitted a change of ownership.

We had a current irrigation well permit to drill this well. However, a litigation process prevents us from moving forward at this time. We would appreciate an extension on condition #3 of this transfer for 12 months. If necessary, please mail the appropriate forms required to make this request to the above address. We look forward to hearing from you.

Best Regards,



Gary Cunningham

cc. Rob Whitney
Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

MICROFILMED

RECEIVED

TRANSFER NO. 5408
WATER RIGHT NO. 63-07002

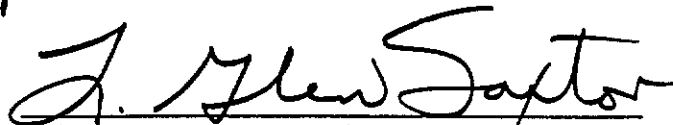
MAY 24 2000

Department of Water Resources

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer 5408 shall not exceed 1.56 cfs, nor a total combined annual volume of 576.9 af.
8. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
9. A single new well is authorized for use under Transfer 5408 that will be located within either the SWSE, S24 or SESE, S26, T06N, R01W and used with the existing well located within NWNW, S25, T06N, R01W.

Dated this 28th day of April, 1999.


Chief, Water Allocation Bureau

RECORDED

MEMORANDUM

TO: File 63-07002

FROM: Pam Skaggs^{CS}/State Office

SUBJECT: Transfer 5408

DATE: April 27, 1999

Transfer 5408 adds a second point of diversion under Right 63-07002. The applicant proposes adding a second well in one of two quarter-quarters identified that will be used in conjunction with the original well to provide the full licensed amount of water.

The applicant filed both a transfer application and an application for a drilling permit as part of the sale agreement, prior to the completion of the sale of the property. The new owner, Gary Cunningham, is aware of the transfer and waiting for authorization to drill the new well. He has requested that a copy of the approval be sent directly to him (address in file). The associated SRBA claim has reflects the change in ownership from Jensen to Cunningham.

Season of use was adjusted to current standards. Recommended conditions include drilling permit requirements, multiple wells/measuring devices, future annual reporting, irrigation overlap and standard transfer conditions.

MICROFILMED

APR 29 1999

Ident. No. 63-99-C-0300-000
Well Tag No. D0000697
Water Right No. 63-07002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR DRILLING PERMIT

1. Name: DONALD JENSEN O 208-286-7374
Address: 8661 W BEACON LT
STAR ID 83669

2. Proposed Well Location: Township 06N, Range 01W, Sec. 26, SESE
GEM County

Street Address of Well Site: 5900 PEARL RD
EAGLE ID

3. Proposed Use of Well: Non-Domestic Irrigation

4. Well Construction Information:

- A. NEW WELL
 - B. Proposed Surface Diameter 16 In. Proposed Maximum Depth 400 Ft.
 - C. Anticipated Bottom Hole Temperature: 85 F or less (Cold water well)
- (NOTE: Construction diagrams and/or other information may be requested for monitor, low temperature geothermal, municipal and artesian wells.)

5. Construction Start Date: / /

6. Anticipated Well Driller: PETE COPE DRILLING CO INC (No. 0213)
NOTE: The actual well driller must be identified to IDWR prior to drilling commencement.

7. Applicant's Signature _____ Date _____

Title _____
(Owner, Firm Representative, Other)

Fee \$ 180.00 Received by _____ No. W024713 Date 1/14/1999

(Continued)

MICROFILMED

Ident. No.
Well Tag No.

63-99-C-0300-000
D0000697

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This permit is Approved.

Date: 5-3-89

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

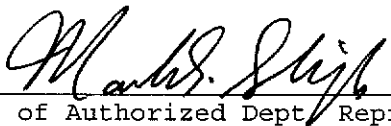
CONDITIONS OF APPROVAL:

1. This drilling permit is valid for two (2) months from the approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required prior to construction of this well. The local Health Department should be contacted for septic tank/drainfield locations. Domestic wells must not be drilled closer than 100' from any drainfield and 50' from any septic tank. Public Water Supply wells must not be drilled closer than 100' from any drainfield or septic tank.
3. The well shall be constructed by a driller currently licensed in the state of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85 Degrees F (29.44 oC) or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
8. The well tag for the drilling permit/start card shall be securely and permanently attached to the well casing through welding or by the use of four closed end domed stainless steel pop rivets. The tag attachment will be done at the time of completion of the well, and prior to removing the drill rig from the drill site.
9. The uppermost unconfined aquifer shall be cased and sealed to exclude water from this zone from entering the well. All seals will be placed from the bottom up.
10. If an annular slurry seal of bentonite is to be utilized, a high (>30%) solids bentonite shall be pumped from the bottom up to land surface. The bentonite shall not contain chemical polymers which effect long term stability of the seal (and are often found in drilling fluid grade bentonites) but shall be a bentonite which has been specifically recommended by the manufacturer for use as a seal material in water wells.

RECEIVED
(Continued) MEL

CONDITIONS OF APPROVAL:

11. If an annular space of at least 4 inches greater than the outside diameter of the casing is provided a granular bentonite or bentonite chips may be poured at the manufacturer's recommended rate or no greater than 50 pounds in five minutes. The pour shall also be presifted through 1/4 inch mesh screen to reduce the introduction of fines unless the annular space is free of water, ie. (above the water table and there is no cascading water). The top of the seal shall be tagged at regular intervals, ie. (30' intervals) during placement with a sinker bar or other appropriate device to ensure the seal is reaching the intended depth. If bridging occurs, the seal shall be tamped to its intended position or the Department will be contacted for evaluation.
12. If a neat cement grout is to be utilized as a seal material, additives such as the following shall be used to reduce dehydration and shrinkage.
Mix water quantity shall strictly follow manufacturer's specifications paying close attention to cement grind and water ratios, (generally between 5 and 6 gallons per sack) eliminating free water.
Water quality of the mix water shall meet drinking water standards.
13. The use of bentonite added to cement grout to reduce hydraulic conductivity shall not exceed 4% and shall be prehydrated prior to mixing with the neat cement. The bentonite shall not contain chemical polymers which effect long term stability, and are often found in drilling fluid grade bentonites, but will be specifically recommended by the manufacturer for use as a seal material.
14. Drilling fluids shall be mixed with water which meets or exceeds drinking water standards.
15. The screened, perforated, filterpacked or otherwise open and commingled strata which are to be produced from, shall be of similiar hydraulic head, temperature and quality. If there are notable variations encountered as the well is drilled and/or developed, the Department will be notified for evaluation.
16. The seal for this well shall be continous from land surface to the first substantial clay unit ($\geq 10'$ in thickness) below 100' in depth. The seal shall extend into the aquitard a minimum of 50% of its thickness or 100% of its thickness if the aquitard is overbored its entire thickness.
17. The owner or driller shall notify the Department of the intended date for commencement of construction prior to the start of construction.



Signature of Authorized Dept Representative



Title

EXTENSION OF DRILLING PERMIT

Extension Approved by: _____

Approval Date: _____
Expires On: _____

MICROFILMED

SEP 11 1993

200

Drilling Permit No. 63-99-C-300
Water Right Permit No. _____
Injection Permit No. _____

WELL DRILLER: PLEASE COMPLETE FOR VERBAL

IDWR Employee Issuing Verbal: _____
Verbal Issued Date: _____ Time: _____

State of Idaho
Department of Water Resources

**APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)**

1. Applicant (please print): Donald Jensen

2. Mailing Address: 8661 W Beacon LT

City & State STAR Zip Code 83669 Telephone 286-1374

☒ Well Owner ☐ Well Operator ☐ Contractor or Other, specify _____

3. Proposed Well Location: Twp. 6N, Rge. 1W, Sec. 24 25 SE 1/4 NW 1/4 NW 1/4;

Gov't Lot No. _____ County Gen Lat. _____ Long. _____

Street Address of Well Site 5900 Pearl Rd City Eagle

Give at least name of road + Distance to Road or Landmark

Lot, block and subdivision _____

4. Proposed Use of Well:

- ☐ DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock (1,000 head or less) and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: ☒ Irrigation ☐ Municipal ☐ Industrial
☐ Stock ☐ Test ☐ Other _____
(Over 1,000 Head) (Describe)

☐ INJECTION

☐ MONITORING: A well bore schematic and map is required for each blanket permit.
No. of proposed wells: _____

5. Well Construction Information:

A. ☒ New well ☐ Modify ☐ Replace

B. Proposed Casing Diameter 16" Proposed Maximum Depth 400'

C. Anticipated bottom hole temperature:

☒ 85°F or less ☐ 85°F to 212°F ☐ 212° F. or more
(Cold Water Well) (Low Temp. Geo. Well) (Geothermal Well)

6. Construction Start Date: Soon as Permit Available

7. Anticipated Well Driller: _____ Driller's Lic. No. _____

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

8. Applicant's Signature Donald Jensen Date 1-11-99

Title _____

MICROFILMED

JAN 11 1999

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is _____ Date _____

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

GENERAL CONDITIONS:

1. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum of 50 feet and 100 feet respectively from a septic tank.
3. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.

SPECIFIC CONDITIONS:

Signature of Authorized Department Representative _____

Title _____

Receipt No. W024588-120 W024713 Received by DI Fee 200 Date 11/16/98 + 2/5/99
\$180

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension expires: _____

MICROFILMED
JUN 03 1999



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

April 29, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DONALD B JENSEN
8661 W BEACON LIGHT RD
STAR ID 83669

RE: Water Right 63-07002 (Transfer 5408)

Dear Mr. Jensen:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5408). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

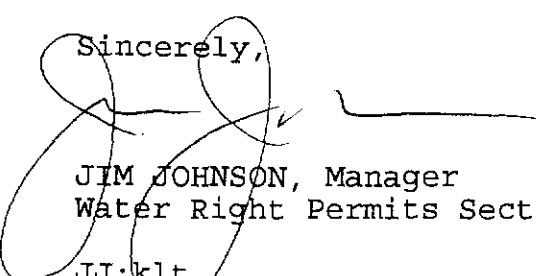
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

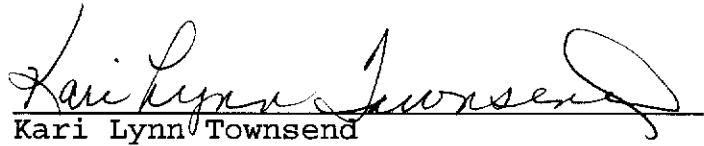
MICROFILMED

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of April, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT 63-07002 (Transfer 5408)

**DONALD B JENSEN
8661 W BEACON LIGHT RD
STAR ID 83669**


Kari Lynn Townsend
Secretary

MICROFILMED
JUN 13 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

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

MICROFILMED

SEP 11 1999

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED

JUN 03 1999

MEMORANDUM

TO: File 63-07002

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5408

DATE: April 27, 1999

Transfer 5408 adds a second point of diversion under Right 63-07002. The applicant proposes adding a second well in one of two quarter-quarters identified that will be used in conjunction with the original well to provide the full licensed amount of water.

The applicant filed both a transfer application and an application for a drilling permit as part of the sale agreement, prior to the completion of the sale of the property. The new owner, Gary Cunningham, is aware of the transfer and waiting for authorization to drill the new well. He has requested that a copy of the approval be sent directly to him (address in file). The associated SRBA claim has reflects the change in ownership from Jensen to Cunningham.

Season of use was adjusted to current standards. Recommended conditions include drilling permit requirements, multiple wells/measuring devices, future annual reporting, irrigation overlap and standard transfer conditions.

MICROFILMED

APR 29 1999

TRANSFER REVIEW SHEET

(07-98)

Transfer # 5408

Date Reviewed 04-26-99

Right(s) 63-67002

☒ WRQ/Split Summary ☒ ^{No Activity} SRBA Status NA Run POU Comparison Report

B:Change P/D ☒ Add P/D

D:Change P/U

E:Change Nature of Use

F:Change Period of Use

G:Other

H:Change P/D & Add P/D

I:Change P/D & P/U

J:Add P/D & Change P/U

Proof of Ownership NA - Add P/D

Jensen contract of sale to Cunningham - Jensen letter states he is responsible to provide well permit. New owner waiting for permit.

Transfer ☒ All of Right ☐ Portion of Right

Resulting Split(s) NONE

Check Transfer Against Recorded Right

Season/Vol. D/4.5

(1) ☒ Priority (2) ☒ Use (3) ☐ Season (4) ☒ Rate (5) ☒ Volume

(6) ☒ Source (7) ☐ P/D (8) ☒ P/U (9) NA Proof/Owner (10) ☒ Map

(11) NA Water District (12) yes Pertinent Conditions _{MD} (13) NO Expansion _{w/limit}

(3) Allow standard TRR season 3-15 to 11-15

(7) Add 1 new well in either SESE, S26 or SWSE, S24.

* Need to Send Change of Ownership & copy of approval to Gary Cunningham

Already done in SRBA

5900 Pearl Rd., Eagle ID 83616

Modified OIM (w/MD)

Transfer Remarks 2 total wells/1 well in proposed Q/Qs W34

Conditions 046, R65, T07, T08, T09 T17

Pending DP Application

Database/Processing Notes

Standard ☒ Non-Standard ☐

T file

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒

Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

4-29-99

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
63-07002	SMITH, ELWOOD T.	C	06/05/1967	L/	GROUNDWATER	IRR	WR
	SMITH, GLEA	C				STOCK	
T63-07002			06/05/1967	L/	GROUNDWATER	IRR	WR
						STOCK	

A63-07002	CUNNINGHAM, MARTHA	C	06/05/1967	L/	GROUNDWATER	IRR	AJ
	CUNNINGHAM, GARY	C				STOCK	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

RECEIVED
APR 21 1999

Department of Water Resources

APPLICANT Gerald Jensen

TRANSFER NO. 5408

INITIAL ALLOCATION REVIEW BY ly

DATE 2/12/99

1. Right number(s) 63-07002

2. Type of right ☐ Decree ☒ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☐ Change P/D ☒ Add P/D ☐ Change P/U
☐ Change N/U ☐ Change Period ☐ Split Right
☐ Other: _____

4. Check Existing Right: ☒ Source ☒ Priority ☐ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

5. Check Proposed Right for amount of land &/or water transferred:

- a. ☒ Analysis memo (always - unless justify why not needed)
- b. ☒ All of right
- c. N/A Part of right (**NOTE!** Part B should be filled in only if part of right is owned by the applicant)
- d. ☒ Description of point(s) of diversion
- e. ☒ Description of place of use
- f. ☐ Map showing P/D & P/U after transfer
- g. ☒ Correct notarized signature and \$100 fee
- h. ☒ Proof of ownership of right &/or land from which water is transferred
- i. N/A Expansion in use of right - check rate of flow, diversion volume and consumptive use volume. Comments:

j. Overlap Overlapping rights - check current & proposed scenarios:

Current

Proposed

k. SRBA claim(s)

1. / Comment letters
If yes

Yes ☒ No

Water District #

Other, see #2 below for name
and address

PUBLICATION REVIEW

1. Legal Notice electronically sent to DWR03::VAULT? ✓ Yes

2. COMMENT LETTERS

Watermaster recommendation requested on _____, Received on _____

Other comments letters: See attached information

3. Transfer published correctly? ✓ Yes No

4. Affidavit of publication received? ✓ Yes No

5. Protests received? Yes ✓ No; Acknowledgement sent? Yes

6. Data entry of application completed? ✓ Yes

RECOMMENDED ACTION

1. ✓ Approve See attached memo

2. Deny due to

3. Conditions (special conditions in Water Districts) 046

4. By Ben

Date 4/16/99

FILE FORWARDING

1. Copies made for Region file (see attached supplemental page)? ☒ Yes

2. File forwarded to S.O.: by ST date 4-19-99

MEMO

DATE: 4/13/1999
FR: lg
TO: X-fer File 5408
RE: Review

This is a simple transfer to add a new well to an existing irrigation system. The existing well has decreased in production. Two possible drilling sites for one new well are being proposed.

The SRBA claim was filed as licensed. 63-03189 is a surface water supplemental right on some of the same acres.

The napp photo showed the licensed acres irrigated in 1987 and the Gem County CFSA office verified the acres have been irrigated within the last five years and sent the most recent CFSA photo for confirmation (attachment B2).

This transfer looks approvable.

MICROFILMED

APR 14 1999

RECEIVED

MAR 16 1999

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

SS.

COUNTY OF GEM,

Mary K. Black, being first duly sworn, on her oath deposes and says that she is the clerk of the Messenger Index, a legal weekly newspaper published at Emmett, in Gem County, Idaho; that said newspaper is in general circulation in said county and has been published uninterruptedly and continuously for more than 78 weeks prior to the first publication of the annexed document; and that the document notice, process, or advertisement hereunto annexed was published in the regular edition of Messenger Index for two

consecutive weekly issues thereof, beginning with the issue of March 3, 1999, and ending with the issue of March 10, 1999.
Mary K. Black

Subscribed and sworn to me this 10th day of March, 1999.

Marian Cheney

Notary Public
Residing at Emmett, Idaho

My Commission Expires 1/1/2000

STATE OF IDAHO

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13828

MORETTO, VICTOR
MORETTO, CARROL
3707 N JULLION WAY
BOISE, ID 83704

Source: GROUNDWATER

Diversion Pt NWNW Sec 10 T 07N R 01E in GEM County.

Use: IRRIGATION { 0.160 CFS
DOMESTIC { 0.040 CFS
Total Diversion: { 0.200 CFS

Date Filed: 1/8/1999

In: GEM County
T07N R01E S10 NWNW

8.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed.

65-13829

MORETTO, VICTOR
MORETTO, CARROL
3707 N JULLION WAY
BOISE, ID 83704

Source: SPRING
WASTE WATERTributary: SQUAW CREEK
Tributary: SQUAW CREEK

Diversion Pt: NWNW Sec 10 T 07N R 01E in GEM County.
SWNWNW Sec 10 T 07N R 01E in GEM County.

Use: IRRIGATION { 0.160 CFS
Total Diversion: { 0.160 CFS

Date Filed: 1/8/1999

In: GEM County
T07N R01E S10 NWNW

8.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before MARCH 22, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

NOTICE OF PROPOSED CHANGE OF WATER RIGHT, TRANSFER NO. 5408

Notice is given that DONALD JENSEN of 8661 W. Beacon Light Road, Star, ID 83669 has applied to the Department of Water Resources to add a Point of Diversion pursuant to I.C. # 42-222 for the following ground water license in T6N, R1W, Gem County:

63-07002, priority 6/5/1967, 1.56 cfs, diverted in NWNW S25, used for stockwater and irrigation in S24, 25, 26, 127 acres total.

PROPOSED CHANGE

Add a well in either SESE S26 or SWSE S24 since existing well has decreased in production. No increase in licensed acres or flow rate proposed.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 on or before March 22, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Pub.: 3 - 3, 10, 1999

Legal Notice No. 3528
Published in the Messenger Index

MICROFILMED

Cunningham Enterprises

Gary Cunningham
5900 Pearl Road
Eagle, ID 83616

Telephone 208-863-6561

Laurie Graves
Dept of Water Resources
2735 Airport Way
Boise, ID 83705

RECEIVED

MAR 29 1999

WATER RESOURCES
WESTERN REGION

Laurie,

On Feb. 5, 1999, I contacted you regarding a drilling permit for our property at 5900 Pearl Road in Gem County. This permit was applied for by the seller of the property, Don Jensen. I called again on the 9th and you said you "hadn't had time" to work on it yet.

On Mar. 4, 1999, I called again and you said it would be 6 more weeks for the approval to come through, the approval to be sent to Mr. Jensen and a copy to us.

I would like to make something very clear. Mr. Jensen does not own this property. He was to obtain the well/drilling permit during the time the property was in escrow, in Aug/Sep of 1998. He waited until January to apply, I don't know why. Escrow closed on this property on Sept. 26, 1998. Please send the original approval, as it becomes available, to me.

Please send any pertinent information, including meeting schedules, applications and other forms to me at the address above. Thank you for your help in this matter.

Regards,



Gary Cunningham

MICROFILMED

MAR 29 1999

SD-1603-3

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 02/05/99
Time: 15:30:20

Rec/No - W024713 AR/No -
From: - JENSEN, DONALD

Receipt Type - CK Doc/No - 7420
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 01/14/1999

Type Of Payment
DRILLING PERMIT

Fund	FD	PCA	Obj	Subsid	Fee
229	21	62134	1205		180.00

Total Due - 180.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
-------	--------	-------	--------	-------	--------

(Enter=Continue)

(GOLD7=Selection Screen)

(GOLD8=Cancel)

MICROFILMED

To: Leri Graves

RECEIVED

FEB 17 1999

WATER RESOURCES
WESTERN REGION

MEMORANDUM

TO: ~~Debbie Allen~~

FROM: ~~Leri Graves, Western Region~~ 2/12/99

RE: Fee Shuffle, Receipt no. W024588 in the name of
Donald Jensen

This receipt was issued for an application for permit which was later replaced with a transfer appl. and a drilling permit appl. \$100 of the receipt amount needs allocated to the transfer fund and the remaining \$20 needs allocated to the drilling permit fund. The additional amount due for the drilling permit appl. was paid via receipt W024713. Thanks.

MICROFILMED

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: W024588
BACKOUT

Date: 02/17/99
Time: 12:39:39

Received

From: JENSEN, DONALD B

Type of Payment	Program A cct	Amount
APPLICATION FOR PERMIT	0229 210062103 1155	\$ -120.00
Total		\$ -120.00

CHECK 7360

Idaho Department of Water Resources

Region: WESTERN

Signature: _____

MICROFILMED

JUN 03 1999

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources
MICROFILMED

W024588

Receipt No:

Date: 02/17/99
Time: 12:39:39

Received
From: JENSEN, DONALD B

Type of Payment	Program Acct	Amount
TRANSFER APP	0229 210062105 1155	\$ 100.00
DRILLING PERMIT	0229 210062134 1205	\$ 20.00
Total		\$ 120.00

CHECK 7360

Idaho Department of Water Resources

Region: WESTERN

Signature: _____

REAL ESTATE PURCHASE AND SALE AGREEMENT

This is a legally binding contract, read the entire document, including the general printed provision herein and any attachments, carefully, before signing. If you have any questions, consult your attorney before signing.

McCall, Idaho Aug. 29, 1998
Gary N. and Martha C. Cunningham (hereinafter called "Buyer") agrees to purchase, and the undersigned Seller agrees to sell the following described real estate hereinafter referred to as "premises" commonly known as 5900 Pearl Road City of Eagle County of Ada Gem, Idaho, legally described as:

1. EARNEST MONEY.

(a) Buyer hereby deposits as earnest money and a receipt is hereby acknowledged of Two thousand and 00/100 dollars (\$2,000.00) evidenced by cash personal check cashiers check note due or .

(b) Earnest Money to be deposited in trust account of Alliance Title upon acceptance by all parties hereto. (c) If all conditions have been met by Buyer, Buyer and Seller agree that the earnest money (less credit report fees, and any other Buyer's costs) shall be refunded to Buyer in the event Buyer or Seller cannot consummate the sale due to circumstances beyond their control.

(d) The parties agree that Alliance Title Company shall provide title policy and preliminary report of commitment and the "closing agency" for this transaction. If a long-term escrow/collection is involved, then the escrow holder shall be .

2. TOTAL PURCHASE PRICE IS Eight hundred fifty thousand dollars and 00/100 (\$850,000). payable as follows:

(a) \$200,000.00 cash down, including above Earnest Money (Closing costs are additions).

(b) \$650,000.00 the balance of the purchase price.

3. FINANCING. This agreement is contingent upon the Buyer securing the following financing: FHA, VA, IHA, FmHA, Assumption of existing loan(s), xx other.

(a) New Financing. Purchase loan balance as noted above for a period of years at % per annum. (if FHA or VA loan is sought, read the applicable provisions on the reverse side hereof.) Buyer shall pay no more than points plus origination fee if any. Seller to pay only the discount points necessary in order to obtain above described financing but not to exceed points. Any reduction in points shall first accrue to the benefit of the: Buyer Seller Divided Equally.

(b) ASSUMPTION. Buyer to ASSUME and will or will not be required to qualify for an EXISTING LOAN(S) of approximately \$ with monthly payments of approximately \$. This agreement does does not require Lender to release Seller's liability. Buyer shall apply for such loan or assumption within three (3) banking days after Seller's acceptance of this agreement.

If an appraisal is required under Buyer's financing contingency, premises must appraise at no less than purchase price.

4. OTHER FINANCING, TERMS AND/OR CONDITIONS: Owner to carry note and deed of trust. 7% interest 30 year loan with balloon payment in 15 years. Yearly payments at \$50,269.92 on December 15 of each year. Balloon payment of \$415,304.28 in 15 years. No interest until December 15, 1998. Close October 1, 1998. \$451,304.28

5. SELLER'S RIGHT TO CONTINUE TO MARKET THE PREMISES AND ACCEPT OTHER OFFERS: This agreement provides for the Seller to continue to market the premises and accept other offers subject to Buyer's right to waive or remove the following contingencies. Any waiver or removal of any contingency as set forth in Paragraph #5 will be a waiver or removal of all contingencies in Paragraph #5.

(a) Closing of on or before listed with . Upon waiver or removal of this contingency Buyer warrants that adequate funds needed to close will be available and that Buyer's ability to obtain financing is not conditioned upon sale and/or closing of any property.

(b) Other (specify) .

IF THIS AGREEMENT IS SUBJECT TO Seller's right to continue to market the premises and accept other offers as specified in Paragraph #5, Seller shall have the right to continue to offer the herein premises for sale and to accept offers until such time as said contingencies have been waived or removed by Buyer. Should Seller receive another acceptable offer to purchase, Seller shall give Buyer calendar days written notice of such offer. In the event the Buyer does not waive or remove the contingencies in writing within the set calendar days noted above, then this Agreement shall be terminated and all deposits returned to Buyer less expenses incurred TO DATE OF TERMINATION. In the event the Buyer does waive or remove the contingencies, the Buyer shall proceed to purchase the premises under the remaining terms and conditions of this agreement notwithstanding that the terms of the new offer may be more or less favorable. Notice shall be considered given on the earlier

MICROFILMED

ATTACHMENT A

contact

Gary

Cunningham

863-5561

17. **TITLE INSURANCE.** The Seller shall within a reasonable time after closing furnish to the Buyer a title insurance policy in the amount of the purchase price of the premises showing marketable and insurable title subject to the liens, encumbrances and defects elsewhere set out in this agreement to be discharged or assumed by the Buyer. Prior to closing the transaction, the Seller shall furnish to the Buyer a commitment for a title insurance policy showing the condition of the title to said premises. Buyer shall have five (5) days from receipt of the commitment or until 24 hours prior to closing, whichever is the less, within which to object in writing to the condition of the title as set forth in the report. If the Buyer does not so object, the Buyer shall be deemed to have accepted the conditions of the title. It is agreed that if the title of said premises is not marketable or cannot be made so within thirty (30) days after notice containing a written statement of defects is delivered to the Seller, or if the Seller, having approved said sale fails to consummate the same as herein agreed, the earnest money shall be returned to the Buyer and Seller shall pay for the cost of title insurance and escrow cancellation fees, if any.
18. **EXTENDED COVERAGE TITLE POLICY.** A standard policy of title insurance does not cover certain potential problems or risks such as liens (i.e., a legal claim against premises for payment of some debt or obligation), boundary disputes, claims of easement, and other matters or claims if they are not of public record at time of closing. However, under Idaho law, such potential claims against the premises may have become legal obligation before the purchase of the home and yet may not be of public record until after the purchase. For example, Idaho law allows workmen who have built a new home or repaired or remodeled an existing one to file liens against that premises for a period of time after they last worked on the home. The debt in such cases will become a lien or claim against the premises itself and, if not paid by the Seller, must be paid by the Buyer to protect the equity in the home. Title insurance companies may be able to issue an "extended coverage" policy for an additional premium. In addition to the premium for extended coverage title policy, there may be other costs involved (i.e., survey, additional closing fees). Such a policy may protect the Buyer against problems such as the above. Of course, even an "extended coverage" policy contains exclusions and will not insure against all potential problems or risks involved in buying property. It is recommended that the Buyer talk to a title insurance company about what it offers in the way of extended coverage. Only the policy itself can tell exactly what type of coverage is offered, so contact a title insurance company for particulars.
19. **TITLE CONVEYANCE.** Title of Seller is to be conveyed by Warranty Deed, unless otherwise provided, and is to be marketable and insurable except for rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, and rights of way and easements established or of record. Liens, encumbrances or defects to be discharged by Seller may be paid out of purchase money at date of closing. No liens, encumbrances or defects, which are to be discharged or assumed by Buyer or to which title is taken subject to, exists unless otherwise specified in this agreement.
20. **RISK OF LOSS.** Prior to closing of this sale, all risk of loss shall remain with the Seller. In addition, should the premises be materially damaged by fire or other cause prior to closing, this agreement shall be voidable at the option of the Buyer.
21. **INSPECTION.** The Buyer hereby acknowledges further that he has not received or relied upon any statements or representation by the Seller which are not herein expressed. The Buyer has entered into this agreement relying solely upon information and knowledge obtained from his own investigation or personal inspection of the premises. This agreement constitutes the whole agreement between the parties and no warranties, including any warranty of habitability, agreements or representations have been made or shall be binding upon either party unless herein set forth.
22. **COUNTERPARTS.** This agreement may be executed in one or more counterparts, each of which is deemed to be an original hereof, and all of which shall together constitute one and the same instrument.
23. **FACSIMILE TRANSMISSION.** Facsimile transmission of any signed original document, and retransmission of any signed facsimile transmission, shall be the same as delivery of an original. At the request of either party, or the Closing Agency, the parties will confirm facsimile transmitted signatures by signing an original document.
24. Buyer to take possession of the property October 1, 1998. Seller to have the right to utilize existing feed lot, hay and silo as per this agreement until January 1, 1999. Buyer to receive final cutting of all alfalfa (cut, baled, and stacked) per agreement. Seller to pay for domestic well inspection.
25. Seller to pay all ranch expenses until January 1, 1999. Expenses include property taxes, utilities, etc.

EACH OF THE PARTIES ACKNOWLEDGES READING AND UNDERSTANDING THIS AGREEMENT IN FULL.

RECORDED

personal delivery of notice to the Buyer or their representative or two calendar days following the date of mailing evidence by certification of the postmark on the envelope containing such notice. All notices shall be sent to the addresses shown on this agreement.

6. ITEMS SPECIFICALLY INCLUDED IN THIS SALE. (if FHAVA financing is sought see item #17 herein): _____

All physical structures, including house, barn, silo, fencing, tack room, etc.

7. ITEMS SPECIFICALLY EXCLUDED IN THIS SALE: Farm Equipment

8. COSTS PAID BY: Costs in addition to those listed below may be incurred by Buyer and Seller. Unless otherwise agreed herein, or provided by law or required by lender, Buyer shall purchase Seller's reserve/impound account if loan assumption.

 yes no Purchaser's Extended Coverage Title Policy requested. Additional premium paid by . See item #20 herein.

If requested by lender or otherwise stated herein, the below costs will be paid as indicated.

Costs Paid By Buyer N/A Seller Share Equally

Appraisal	X	
Loan Assumption Fee	X	
Well Inspect		S
Pump/Septic Inspect	X	
Code Inspect (if required)	X	
Lender/Code repairs	X	
Contract/Document Prep	X	
Tax Service	X	
Closing Agent's Fee		SE
Long Term Escrow Fee		
Other		
Title Insurance		S

Cost of lender or code repairs not to exceed \$

9. CLOSING. On or before the closing date, Buyer and Seller shall deposit with the closing agency all funds and instruments necessary to complete the sale. The closing date shall be no later than October 1, 1998

10. POSSESSION. Buyer shall be entitled to possession on closing other

"Closing" means the date on which all documents are either recorded or accepted by an escrow agent and the sale proceeds are available to Seller. Taxes and water assessments (using the last available assessment as a basis), rents, interest and reserves, liens, encumbrances or obligations assumed and utilities shall be pro-rated as of October 1, 1998

 . Buyer shall pay for fuel in tank, amount to be determined by the supplier at Seller's expense.

11. ACCEPTANCE. Buyer's offer is made subject to the acceptance of Seller on or before 12:00 o'clock midnight of 9/15/98. If Seller does not accept this agreement within the time specified, the entire Earnest Money shall be refunded to Buyer on demand.

Buyer: Gary N. Cunningham

Buyer's Address: P. O. Box 26, Lake Fork, Idaho 83635

Buyer: Martha C. Cunningham

Buyer's Phone: Residence 634-3749 Business

12. DEFAULT AND ATTORNEY'S FEES. If Seller executes this agreement, and title to said premises is marketable and insurable and the Buyer neglects or refused to comply with the terms or any conditions of sale by the state on which said term or condition is to be complied with, then the Earnest Money shall be forfeited to Seller, and Buyer's interest in the premises shall be immediately terminated. The closing Agent shall pay from said Earnest Money the costs of title insurance and escrow cancellation fees, attorney fees and any other expenses directly incurred in connection with this transaction and the remainder shall be apportioned to the Seller. Such forfeiture and acceptance by Seller of the Earnest Money does not constitute a waiver of other

remedies available Seller.

In the event of default by either of the parties in their performance of the terms and conditions of this agreement, the defaulting party agrees to pay all attorney fees and costs incurred by the non-defaulting party.

In the event of a dispute between the parties as to the Earnest Money deposited hereunder by Buyer, the Closing Agent, holding the Earnest Money deposit may file an interpleader action in a court of competent jurisdiction to resolve any such dispute between the parties. The Buyer and the Seller authorize the Closing Agent holding the Earnest Money deposit to utilize as much of the Earnest Money deposit as may be necessary to advance the costs and fees required for filing of any such action.

13. **INCLUDED ITEMS.** All attached floor coverings, attached television antenna, attached plumbing, bathroom and lighting fixtures, window screen, screen doors, storm windows, storm doors, window covering, garage door opener, exterior trees, plants, or shrubbery, water heating apparatus and fixtures, attached fireplace equipment, awnings, ventilating, cooling and heating systems, built in and "drop in" ranges (but excepting all other ranges), fuel tanks and irrigation fixtures and equipment, and any and all, if any, water and water rights, and any and all, if any, ditches and ditch rights that are appurtenant thereto that are now on or used in connection with the premises shall be included in the sale unless otherwise provided herein.

14. **FINANCING REQUIREMENTS.** If financing is required, the Buyer agrees to make a best effort to procure same and further agrees to make application therefore within three (3) banking days after Seller's acceptance of this agreement. If VA or FHA financing is contemplated, additional provisions pertaining thereto may be attached thereto and are thereby incorporated herein by reference.

15. **FHAVA.** It is expressly agreed that notwithstanding any other provisions of this contract, the purchaser shall not be obligated to complete the purchase of the property described herein or to incur any penalty by forfeiture of earnest money deposits or otherwise unless the purchaser has been given in accordance with HUD/FHA or VA requirements a written statement by the Federal Housing Commissioner, Veterans Administration, or a Direct Endorsement lender setting forth the appraised value of the property of not less than the sales price as stated in the contract. The purchaser shall have the privilege and option of proceeding with consummation of the contract without regard to the amount of the appraised valuation. The appraised valuation is arrived at to determine the maximum mortgage the Department of Housing and Urban Development will insure. HUD does not warrant the value nor the condition of the property. The purchaser should satisfy himself/herself that the price and condition of the property are acceptable.

16. **EXISTING LOANS.** Seller shall, within three (3) calendar days of acceptance, provide Buyer with all Notes and Deeds of Trust or other financing documents to be assumed or taken subject to and within five (5) calendar days of receipt thereof, buyer shall in writing notify Seller of his/her approval or disapproval of the terms of said documents, which shall not be unreasonable withheld.

MICROFILMED
FEB 1983

On this date, I/We hereby approve and accept the sale set forth in the above agreement and agree to carry out all the terms thereof on the part of the Seller. I/We further acknowledge receipt of a true copy of this agreement signed by both parties.

Seller: Don B. and Charlotte R. Jensen
(Printed)

Seller's Address: 8661 W. Beacon Light Road, Star, Idaho 83669

Seller: Don B. Jensen
(Signature) Don B. Jensen

Seller: Charlotte R. Jensen
Charlotte R. Jensen

A true copy of the foregoing agreement, signed by the Seller and containing the full and complete legal description of the premises, is hereby received on this _____ day of _____, 19__.

Buyer: Gary N. Cunningham
Gary N. Cunningham

Buyer: Martha C. Cunningham
Martha C. Cunningham

__ See attached Addendum(s). __ See attached Counter Offer(s).

RECORDED
INDEXED
JUN 1 1988

January 12, 1999

To whom it may concern:

This application for a permit to drill another well on this property is for the purpose of more efficiently utilizing the existing water right.

As I have sold this ranch, I have agreed in writing to furnish a well permit.

Yours Truly,
Donald Jensen

Paid	120. ⁰⁰ / ₁₀₀	11-13-98	ck #	7360
Paid	180. ⁰⁰ / ₁₀₀	1-14-99	ck #	7420
	<u>\$300.⁰⁰/₁₀₀</u>			

MICROFILMED

JUN 03 1999

**NOTICE OF PROPOSED CHANGE OF WATER
RIGHT, TRANSFER NO. 5408**

Notice is given that **DONALD JENSEN** of 8661 W. Beacon Light Road, Star ID 83669 has applied to the Department of Water Resources to add a Point of Diversion pursuant to I.C. § 42-222 for the following ground water license in T6N R1W, Gem County:

63-07002, priority 6/5/1967, 1.56 cfs, diverted in NWNW S25, used for stockwater and irrigation in S24, 25 and 26, 127 acres total.

PROPOSED CHANGE

Add a well in either SESE S26 or SWSE S24 since existing well has decreased in production. No increase in licensed acres or flow rate proposed.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 on or before March 22, 1999. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Messenger Index on March 3 and 11, 1999.

MICROFILMED

JUN 11 1999

September 11, 1974

Glea & Elwood T. Smith
Box 185
Eagle, Idaho 83616

Dear Mr. & Mrs. Smith:

A representative of this Department has made an examination of the works covered by your Permit No. 63-7002 and has found the following:

Quantity of water diverted: 1.56 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 1.56 cfs

The maximum quantity diverted shall not exceed 576.9 acre feet per year.

Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, Twp. 6 N, Rge. 1 W, B.M.

Beneficial use: Stockwater purposes from Jan. 1 to Dec. 31 and the irrigation of 127 acres from April 1 to Oct. 15 within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24 (26 acres); NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25 (68 acres); SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26 (33 acres); all in Twp. 6 N, Rge. 1 W, B.M.

Priority date established: June 5, 1967

If you do not concur with these findings please contact us within 10 days; otherwise a water right license will be issued as set forth above. (Your application for amendment will be processed at the time the license is issued)

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

bc: Western District Office

MAILED
SEP 11 1974

C October 3, 1974

Re: Permit No. 63-8002

O
Glea & Elwood Smith
Box 185
Eagle, Idaho 83616

P Dear Mr. & Mrs. Smith:

Enclosed is a copy of the water license issued on the above referenced permit.

We are also enclosing a copy of the approved amendment along with Receipt No. 15227 in the amount of \$10.00 covering the amendment fee.

Y Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

RECEIVED

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder Glea & Elwood T. Smith
Post office address Box 185, Eagle, ID 83616 Phone 208 288 2222
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:

Amount 5.8 c.f.s. for irrigation
_____ AF/Annum (nature of use)

Period of Use: from Apr. 1 to Oct. 15
(mo.-day) inclusive (mo.-day)

Amount 5.8 c.f.s. for stockwater(500 cattle - 10 horses) (400)
_____ AF/Annum (nature of use)

Period of Use: from Apr. 1 to Oct. 15
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 5.8 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 6N N/S, Range 1W E/W, B.M., Section 25, Subdivision SW $\frac{1}{4}$ NW $\frac{1}{4}$, Gem County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Other Points of Diversions: _____

Description of diverting works: 100 hp motor, 10-10" Bowles, 8" column, 200'.

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use. (Place of use for stockwater not given on permit)

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6N	1W	24												40			40		80
		25		40	40		40	40	40	40		40							280
		26				40									40	40	40	40	200

TOTAL ACREAGE

560

Permit No. _____
63-7002
Examination for _____
b/u

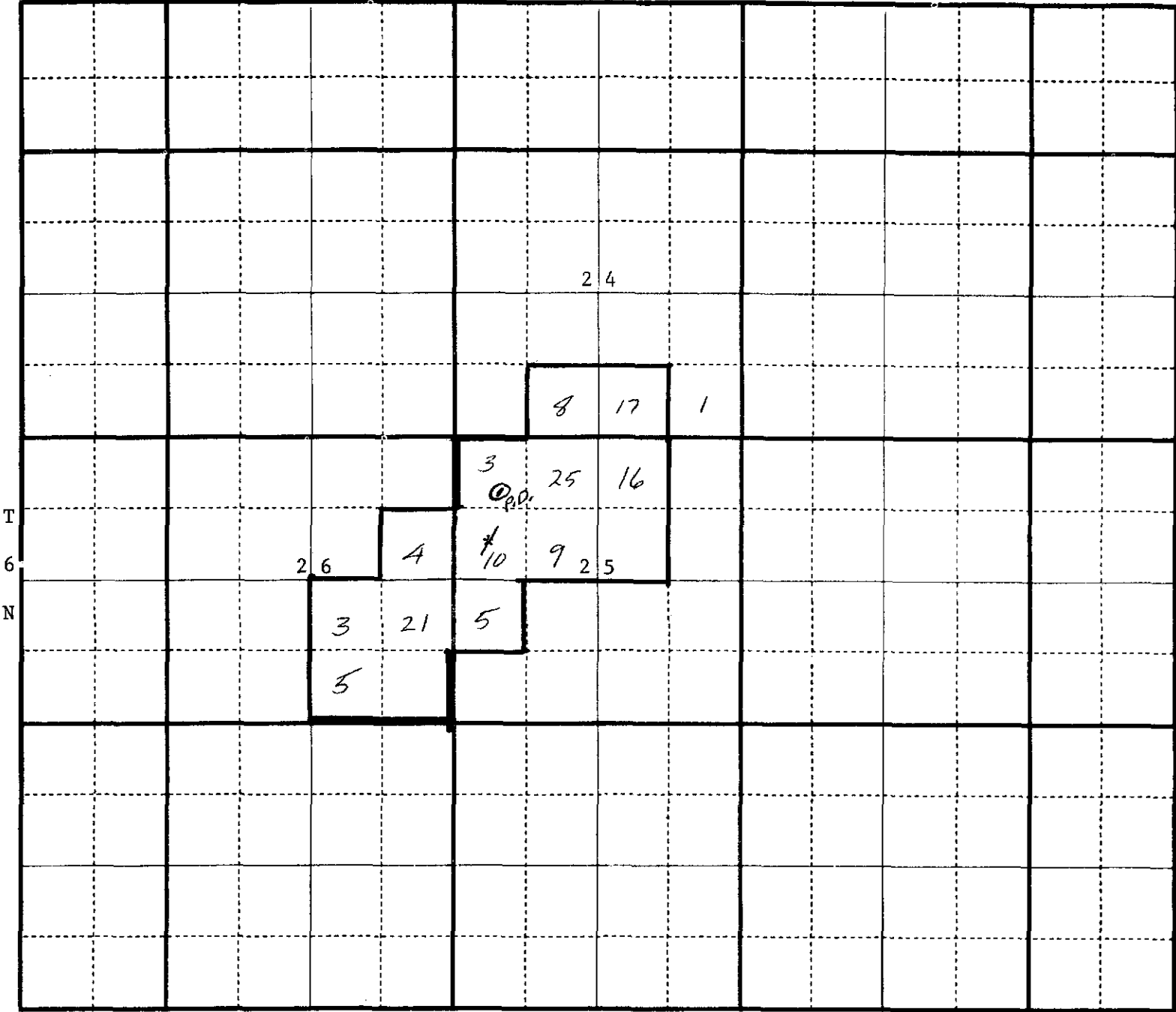


Diagram of System

DATE OF EXAM 6 Sept 1974

ACREAGE
Found 127.0
Recommended 127.0

Irrigation Requirement 4.5 Ac Ft/Ac

USE
Irrigation Q = 1.56 c.f.s. V = 571.5' AF/Ann. from Apr 1 to Oct 15
Domestic Q = .09 c.f.s. V = 5.4 AF/Ann. from Jan 1 to Dec 31
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ✓

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 1.56 cfs Method of measurement 2' rectangular weir

Total Q recommended 1.56 cfs Meter No. _____ Type _____ Condition New

Total V recommended 574.9 AF/Ann.

Recommended Amendments:

P.D. should be NW 1/4 NW 1/4 Sec 25, T6N R1W
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:

2' Rec. Weir: H = .39' Q = 1.56 cfs
 $V = 127 \times 4.5 = 571.5$ (Irrig.)
5.4 (Stockwater)
576.9 AF/Ann.

SYSTEM DESCRIPTION:

237' x 12" cast w/ Peerless Pump w/ 100 HP GE motor (K # EB151156)
1500' of 8" mainline, 3500' of 6" Main, 2800' x 5" plastic, 1000' x 4" plastic
mainline. Weir at end of mainline w/ open ditch system or
sprinklers.

REMARKS:

132 3/32 wezler @ 110-70#
RB 30WS

Examiner's Signature M. Clayton Brown Date 6 Sept 1974

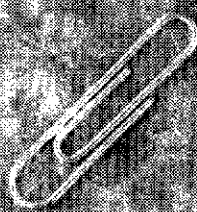
Checked by _____ Date _____

Approved by _____ Date _____

105

Lynkar 9396581

Caro Grande
N. Eagle + Flamingo F.



ch

STATE
c/o
Smith

23/24
26/25

STATE
c/o
Smith

D-223
G. & E. SMITH

2075

H
230

I
78

North Fork Willow Creek

H-25

STATE

10/8

Smith

Smith

403

24
25

K
1167

Permit # 63-70

6th Intersection
with Creek
Creek Right Only

H
230

I
78

St Fork Willow Creek

RESOURCES

July 2, 1974

Re: Permit No. 63-7002

Glen & Elwood T. Smith
Box 185
Eagle, ID 83616

Dear Mr. & Mrs. Smith:

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

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

Enclosed is a completed application for amendment form for your consideration. If you would like the time for stockwater use on your permit changed from April 1 - Oct. 15, to all year use, Jan. 1 - Dec. 31, please sign this form and submit it to this office along with the \$10.00 amendment filing fee.

If you have any questions concerning this matter, please do not hesitate to contact us.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JG
Enclosure

63-7002

Identification No. _____

Permit No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION**

RECEIVED

JUN 27 1974 *dfg*

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Administration

1. a) Name of Permit Holder Glea Smith & Elwood T. Smith

b) Post Office Address Box 185, Eagle, Idaho

2. Permit Number 63-7002

3. Date of Priority that you are prepared to establish June 5, 1967

4. a) Source from which water was appropriated ground water

b) Location of the point of diversion: SW 1/4 NW 1/4, Section 25

Township 6 N, Range 1 W Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:

amount 1.45 cfs for Irrigation purposes from April 1 to Oct. 15 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

amount _____ for Stockwater purposes from April 1 to Oct. 15 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

b) Total amount appropriated 1.45 cfs cfs and/or acre feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: B & M Equipment Co. of Caldwell, Idaho,
tested pump/well

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____

b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean

source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 100 hp motor, 10-10" Bowles,
8" column, 200'

b) Describe the type and size of measuring device which you have installed at your point of diversion: Weir to be installed within the next 30 days

c) Give well drillers name and address and date the well was completed _____

Exam typed 7/2/74 by *dfg*

63-7002

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use Stockwater for approx. 400 cattle

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6 N	1 W	24											X				X		
		25		X	X		X	X	X	X		X							
		26				X									X	X	X	X	

Total number of acres irrigated 140

10. Remarks: If at all possible, would like stockwater use changed from April 1 - Oct. 15 to all year use Jan. 1 - Dec. 31.

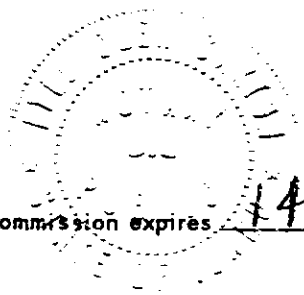
The above information is a true statement of the extent to which the above numbered permit has been developed.

June 27, 1974
(Date)

Edward E Smith
(Signature)

State of Idaho)
County of Ada) ss.

On this 27th day of June, 19 74, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.


My commission expires 14 July 1974

Lyle Glen Taylor
Notary Public, residing at Boise, Idaho

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐ Show address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below:

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

25341

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

2

INSURED NO.

DATE DELIVERED

MAY 2 1974

3

SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

43-7002

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

Penalty for Private
Use to Avoid Payment
of Postage, \$300

PM

1974

Postmark of Delivering Office



SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.

- If special services are desired, check block(s) on other side.
- Seal torn gummed ends and attach to back of article.

**RETURN
TO**

DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

RECEIVED

MAY 3 1974

63-7002

PS Form 3811
Jan 1973

May 1, 1974

CERTIFIED MAIL

#25341

Re: Permit No. 63-7002

Glea & Elwood T. Smith
Box 185
Eagle, ID , 83616

Dear Mr. & Mrs. Smith:

One of the conditions of approval of your water Permit No. 63-7002 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before July 1, 1974. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

Enc: Proof affidavit

63 7002

July 25, 1972

C
Re: Permit No. 63-7002

O
Glea & Elwood T. Smith
Box 185
Eagle, Idaho 83616

Dear Mr. & Mrs. Smith:

Enclosed please find an Order which reinstates the above referenced permit and also extends the time within which to submit proof of beneficial use of water until July 1, 1974.

P
The Department will notify you sixty days in advance of the proof due date. If we may be of further assistance, please advise.

Sincerely,

Y
BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Order

63 7002

July 12, 1972

M E M O

TO: Files

FROM: Bob Fleenor

RE: Extension of Time Request on Permit No. 63-7002

OK
DRAFT ORDER
REINSTATING AND
EXTENDING FOR
2 YEARS
PKH

A notice that evidence of beneficial use or an application for extension of time was sent by certified mail on May 1, 1972. According to the file nothing was received by the Department prior to July 1, 1972. Therefore, on July 7, 1972, a notice of lapsing was sent to the permittee. On Monday, July 10, 1972, the permittee visited the office and claimed that he had completed and mailed an extension of time request form.

On July 11, 1972, the permittee offered as proof that he had completed the extension of time request form a letter from the Notary Public who had notarized the permittee's signature on May 27, 1972.

The new extension request indicates the permittee has proceeded with diligence in the development of his project. I believe reasonable cause has been shown why Permit No. 63-7002 should be re-instated and an extension of time to submit beneficial use be granted.

Bob Fleenor
BOB FLEENOR

63-7002

Garrow Realty
Route 1
Boise, Idaho
83702

July 11, 1972

State of Idaho
Department of Water Administration
Statehouse - Annex 2
R. C. Higginson, Director
83707

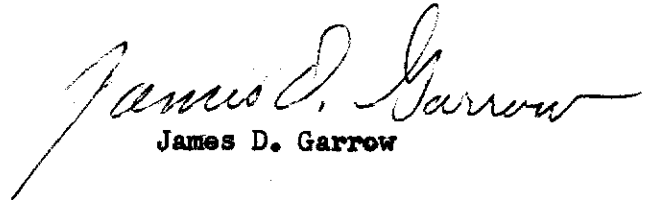
Dear Sir:

In reference to your letter dated July 7, 1972 to Glea and Elwood
T. Smith, Box 185, Eagle, Idaho.

On May 27, 1972 I notarized Mr. Elwood T. Smiths signature on
your form of the Department of Water Administration.

I am a Notary Public for the State of Idaho, residing in Boise, Idaho.
My commission expires December 1, 1973.

Sincerely,


James D. Garrow

83 7002

Dear Sir:

On Sat. July 8 I received
a letter saying my Permit
no 63-7002 had expired
& could not be reinstated
without reasonable cause.

I was in the Boise
office last winter &
talked this matter over
with a fellow because
I knew it would run
out in July & I had
further developments to
do. He told me that
I would receive a certified
letter the first of May
1972 in regard to this.
I received the letter & in
talking to Mr. Backen
I filled out a Paper
& he sent me an
Application for Extension

63 7002

of time. I filled this
Gapen out & had it
Notarized by Mr John
Banner. I mailed it
to the Boise Office.

After talking to Mr.
Barker who came to
my ranch I was of
the opinion that everything
was taken care of so
I checked no further until
I find the paper was not
Received. I came to Boise
on Monday the 10th and
found I needed the letter
of explanation & a letter
from the Notary. I have
spent over \$5000 dollars
in 5 years developing this project
but have more to do as
my finances will permit.

I would appreciate
an extension on this
Grant at this time
to finish my development
in the future

Edward E. Smith

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

July 7, 1972

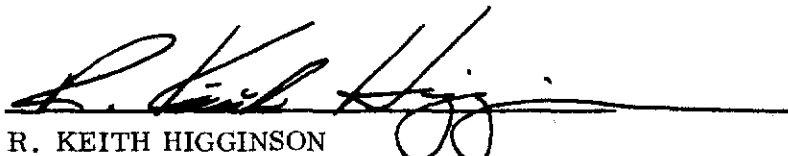
Re: Permit No. 63-7002

Glea & Elwood T. Smith
Box 185
Eagle, Idaho 83616

Gentlemen:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit 63-7002 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.


R. KEITH HIGGINSON
Director

RKH:DR

63 7002

May 19, 1972

Re: Permit No. 63-7002

Mr. Elwood T. Smith
Post Office Box #185
Eagle, Idaho 83616

Dear Mr. Smith:

Pursuant to your request, find enclosed the Department's Application for Extension of time for your use in connection with the above referenced permit.

As you will note, we have partially completed this application for your convenience. Please review the application carefully, making any changes you feel are necessary and return it properly signed as soon as possible, so that we can take action on it.

If you should have any questions in the meantime, please do not hesitate to contact this Department.

Very truly yours,

Dorian Clay
Water Resource Examiner
Western District

DC:cs

Enc: partially completed extension request form

63 7002

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

May 1, 1972 CERTIFIED MAIL

Re: Permit No. 63-7002

Glea & Elwood T. Smith
Box 185
Eagle, Idaho 83616

Gentlemen:

One of the conditions of approval of your water Permit No. 63-7002 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before July 1, 1972. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

R. KEITH HIGGINSON
Director

Enc: Proof affidavit
dr

63 7002

Extension of time

Well

Mainline

130 Acres presently

\$25,000

Complete burying the mainline

And to develop the final 15 Acres

2 yrs

63 7002

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐

Show to whom, date and address
where delivered

☐

Deliver **ONLY**
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

23556

①

Glen & Elwood Smith

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

②

Mrs Glen Smith

DATE DELIVERED

SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

MAY 2 1972

③

63 7002

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



Postmark of Delivering Office

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.



- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.



**RETURN
TO**

DEPARTMENT OF AGRICULTURE
SOUTHERN REGIONAL OFFICE
LONG, TEXAS

63 7002

May 1, 1972 CERTIFIED MAIL

3556

Re: Permit No. 63-7002

Glea & Elwood T. Smith
Box 185
Eagle, Idaho 83616

Gentlemen:

One of the conditions of approval of your water Permit No. 63-7002 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before July 1, 1972. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

R. KEITH HIGGINSON
Director

Enc: Proof affidavit
dr

63 7002

February 25, 1972

Re: Permit No. 63-7002

Mr. Glea Smith and Mr. Elwood Smith
Post Office Box #185
Eagle, Idaho 83616

Gentlemen:

Pursuant to your visit to our office, we have examined the above referenced permit and found that it is presently in good standing. The proof of beneficial use is due on July 1, 1972. If, at that time, you have not completed your project, you should submit an application for extension of time to this Department. Providing that you have shown diligence in the completion of this project, we can grant an extension of time.

If you should have any further questions concerning this matter, please do not hesitate to contact this Department.

Very truly yours,

James Booker
Appropriation Examiner

JB:cs

63-7002

63-7002

Identification No. ~~63-7002~~

Application No. 11141

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant Glenn Smith & Edward L. Smith
post office address Box 185, Eagle, Ada County, Idaho
2. Source of water supply Glenn Smith when a tributary of _____
3. a. Location of point of diversion 5.60' 1/4 of 22.00' 1/4 of Section 25 Township 6 N
Range 1.00' 3 M Idaho County, additional points of diversion if any: _____

b. If water is not conserved, it will be returned into Yellow Creek at a point in _____ 1/4
of _____ 1/4 of Section _____ Township 6 N Range 1.00' 3 M.
4. Quantity to be appropriated
a. ~~5.5'~~ 2.4 c. ditches
b. _____
5. Water will be used for the following purposes:
irrigation from Apr 1 to Oct 15 (both dates inclusive)
stock water from Apr 1 to Oct 15 (both dates inclusive)
_____ (both dates inclusive)
6. Proposed diverting works:
a. Description of ditches, flumes, canals, headgates, etc. Deep well turbine pump,
Spunkling & aspen discharge irrigation ditch

b. Height of headgates _____ feet, when reservoir capacity _____ acre feet total reservoir
capacity _____ the total material capacity of the dam _____

c. Proposed well to be _____ 12' _____ depth of well is 300' feet.
7. a. Time required for the completion of the proposed work of the water to the proposed beneficial use
is 5' years.
b. Estimated cost of the project is 17,000
8. Description of the proposed project:
a. If water is not for irrigation
(1) Character of the proposed water _____ 1/4 of Section _____ Township 6 N
Range 1.00' 3 M
(2) Amount of power to be generated _____ hp under _____ feet of head.
(3) Estimated number of acres to be irrigated 500 cattle 10 Horses

(4) Name of the municipality to be served _____, or number of families to be
served with domestic water _____
(5) If water is to be used for other purposes, the full or _____

63 7002

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

TWP.	RANGE	SEC.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTALS
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
6N	1W	24									40				40				80
6N	1W	25	40	40			40	40	40	40	40								280
6N	1W	26				40									40	40	40	40	200

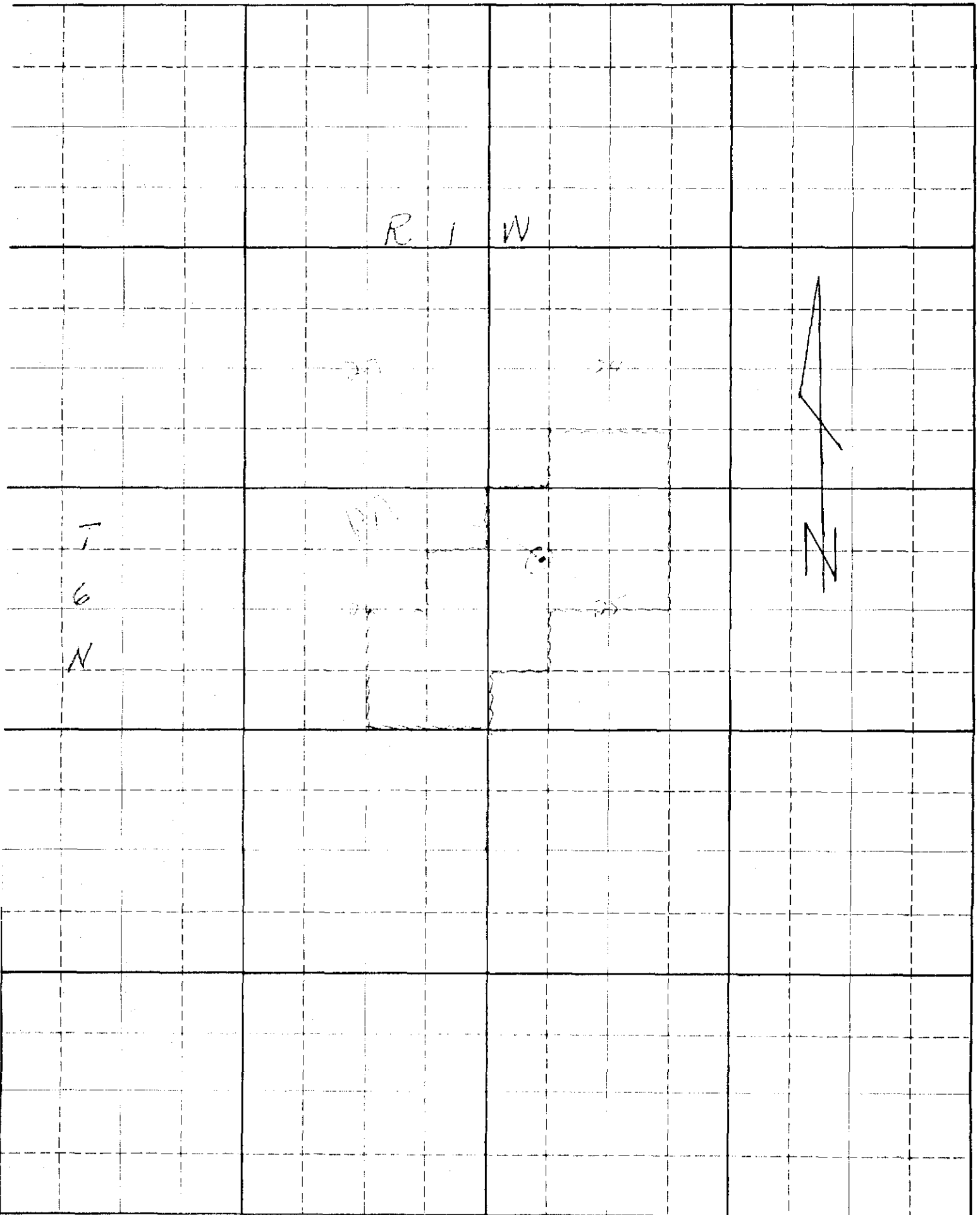
Total number of acres to be irrigated 560

c. Describe any other water right used for the same purposes Water right from
Wilson Creek 25421

9. a. Who owns the property at the point of diversion Alan & Eleanor Smith
b. Who owns the land to be irrigated or place of use Alan & Eleanor Smith
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

63 7002

11. Map of proposed project:



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.

Elwood L. Smith
(Applicant)

63 7002

Received by Dave Date 6-5-67 Time 9:45 AM
Preliminary check by Dave Fee \$ 45.00
Receipted by _____ Date _____
Publication prepared by _____ Date 6-11-67
Published in Emmett Messenger
Publication date June 22-67
Publication approved Yes Date 6-19-67
Priority referred to _____ Reason _____

2 protests filed 2-20-72

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

ACTION OF STATE RECLAMATION ENGINEER

APPROVED

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-7002, and said application is hereby approved.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 72.
- c. Other: the applicant shall permanently install a measuring device of a type approved by the department as part of the diverting works.

2. Denial of said application is for the following reasons:

Witness my hand this 25th day of July, 19 67.

R. Keith Higginson
State Reclamation Engineer

63 7002

REPORT OF WELL DRILLER
State of Idaho

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

LL OWNER:
Name Edwood Smith
Address Eagle Idaho

Owner's Permit No. 63-7002
NATURE OF WORK (check): Replacement well ☐
New well ☒ Deepened ☐ Abandoned ☐

Water is to be used for: irrigation

METHOD OF CONSTRUCTION: Rotary ☐ Cable ☒
Dug ☐ Other ☐

(explain)
CASING SCHEDULE: Threaded ☐ Welded ☐

12"Diam. from 0 ft. to 237 ft.
"Diam. from ft. to ft.
"Diam. from ft. to ft.
"Diam. from ft. to ft.

Thickness of casing: Material:

Steel ☒ concrete ☐ wood ☐ other ☐

(explain)
PERFORATED? Yes ☒ No ☐ Type of
perforator used: shop

Size of perforations: 3/16" by 3"
1200 perforations from 147 ft. to 237 ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

WAS SCREEN INSTALLED? Yes ☐ No ☐

Manufacturer's name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

CONSTRUCTION: Well gravel packed? Yes ☒
No ☐ size of gravel 75 Gravel
placed from 0 ft. to 237 ft. Surface seal
provided? Yes ☒ No ☐ To what depth?
 ft. Material used in seal: cement

Did any strata contain unusable water? Yes ☐
No ☒ Type of water:
Depth of strata ft. Method of sealing
strata off:

Surface casing used? Yes ☐ No ☐
Cemented in place? Yes ☐ No ☐

Locate well in section

LOCATION OF WELL: County Gem
SW 1/4 NW 1/4 Sec. 25 T. 6 N. 18 R. 1 E. W

Gem County

Use other side for additional remarks

Size of drilled hole: 16 Total
depth of well: 237 Standing water
level below ground: 82 Temp. 82.0
Fahr. Test delivery: 820 gpm
or cfs Pump? ☐ Bail ☐
Size of pump and motor used to make test:
Turbine 8

Length of time of test: 6 Hrs. Min.
Drawdown: 112 ft. Artesian pressure: ft.
above land surface Give flow cfs
or gpm. Shutoff pressure:
Controlled by: Valve ☐ Cap ☐ Plug ☐
No control ☐ Does well leak around casing?
Yes ☐ No ☐

DEPTH		MATERIAL	WATER YES OR NO
FROM	TO		
FEET	FEET		

0	6	soil	
6	142	cemented blue sand	
142	151	blue clay	
151	237	blue sand water	
237	237	white blue clay	

Work started: Sept 7 1967
Work finished: Sept 27 1967
Well Driller's Statement: This well was
drilled under my supervision and this report
is true to the best of my knowledge.
Name: Bruce Corve

Address:
Signed by:
License No. 65 Date: Sept 30

63 7002

July 25, 1967

Re: Permit 63-7002

Glea Smith & Elwood T. Smith
Box 185
Eagle, Idaho

Dear Mr. & Mrs. Smith:

We enclose a copy of your approved application for permit 63-7002 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:nw

Enclosure: Receipt No. G-11641 for \$45.00
Copy of Application

63 7002

Form 4

July 14, 1967

Re: Advertisement #63-7002
Glea & Elwood Smith

The Emmett Messenger-Index
Emmett,
Idaho 83617

Gentlemen:

We are in receipt of your affidavit of publication and bill
for advertisement, of Glea & Elwood Smith.

Before we may issue a State Warrant in the amount of the
bill, we must have it certified. We are returning the
bill for your certification. We are awaiting your prompt
reply.

Very truly yours,

Donald W. McElowney
Water Right Clerk

DWM:KS

Enclosure: bill of publication

63 7002

July 12, 1967

Re: Permit #63-7002
Glea Smith & Elwood Smith

The Emmett Messenger-Index
Emmett,
Idaho 83617

Gentlemen:

On June 8, 1967, we sent you a legal publication of application of water to be published June 22 - 29, 1967. We also sent you a letter instructing you to send an affidavit of publication along with the bill as soon as the publication was completed.

As yet, we have not received the affidavit or the certified bill. Please forward these to us promptly as we need them to complete these applications.

Very truly yours,

Donald W. McElowney
Water Right Clerk

DWM:ks

63 7002

**NOTICE OF APPLICATION
FOR WATER**

Notice is hereby given that Glea and Elwood T. Smith has on June 5, 1967 applied for permit to divert 5.8 cubic feet per second of water from subterranean under application No. 63-7002. Water will be diverted by pump within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T. 6 N. R. 1W, B.M. and is to be used from 4.1 to 10-15 for irrigation and stock water in SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24; W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25; SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 26, T. 6 N. R. 1W, B. M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON

State Reclamation Engineer
Published in the Emmett Messenger-Index, Emmett, Idaho on June 22 and June 29.
P2 6-22-29

63 7002

OK
6-19-67
(2)

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Glea and Elwood T. Smith
has on June 5, 1967 applied for permit to (divert) ~~(XXXXX)~~
5.8 (cubic feet per second) ~~(acre-feet)~~ of water from sub-
terranean under application No. 63-7002. Water will be
diverted by pump within the SW $\frac{1}{4}$ Sec. 25, T. 6N,
R. 1W, B.M. and is to be used from 4-1
to 10-15 for irrigation and stock water
in SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24; W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25; SE $\frac{1}{4}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$, Sec. 26, T. 6N, R. 1W, B.M.

Any protest against this application must be filed with the Department
of Reclamation within ten days from the last date of publication of this
notice.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Emmett Messenger-Index, Emmett,
June 22 and June 29
Idaho, on _____ and _____.

63 7002

June 8, 1967

The Emmett Messenger-Index
Emmett,
Idaho 83617

Gentlemen:

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

After sending us a tear sheet, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you can not publish the notice on the proposed dates, please contact us immediately.

The expense of this publication is to be paid by the Department of Reclamation to whom you must furnish an affidavit of publication with the bill as soon as the publication is completed.

Very truly yours,

Donald W. McElowney
Water Rights Clerk

DWM:ks

Enclosures: legal notice