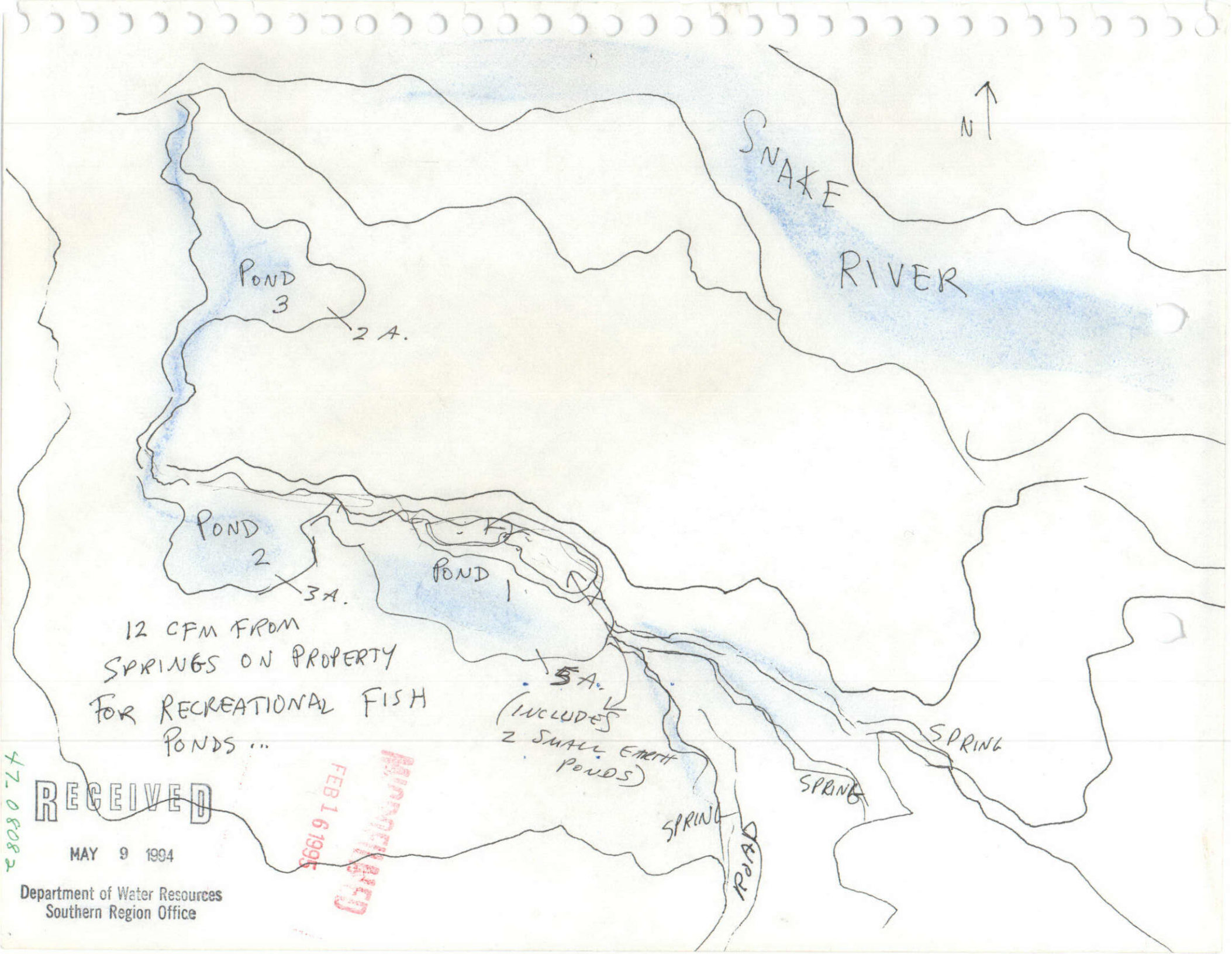




TWIN FALLS QUADRANGLE

IDAHO

7.5 MINUTE SERIES (POGRAPHIC)

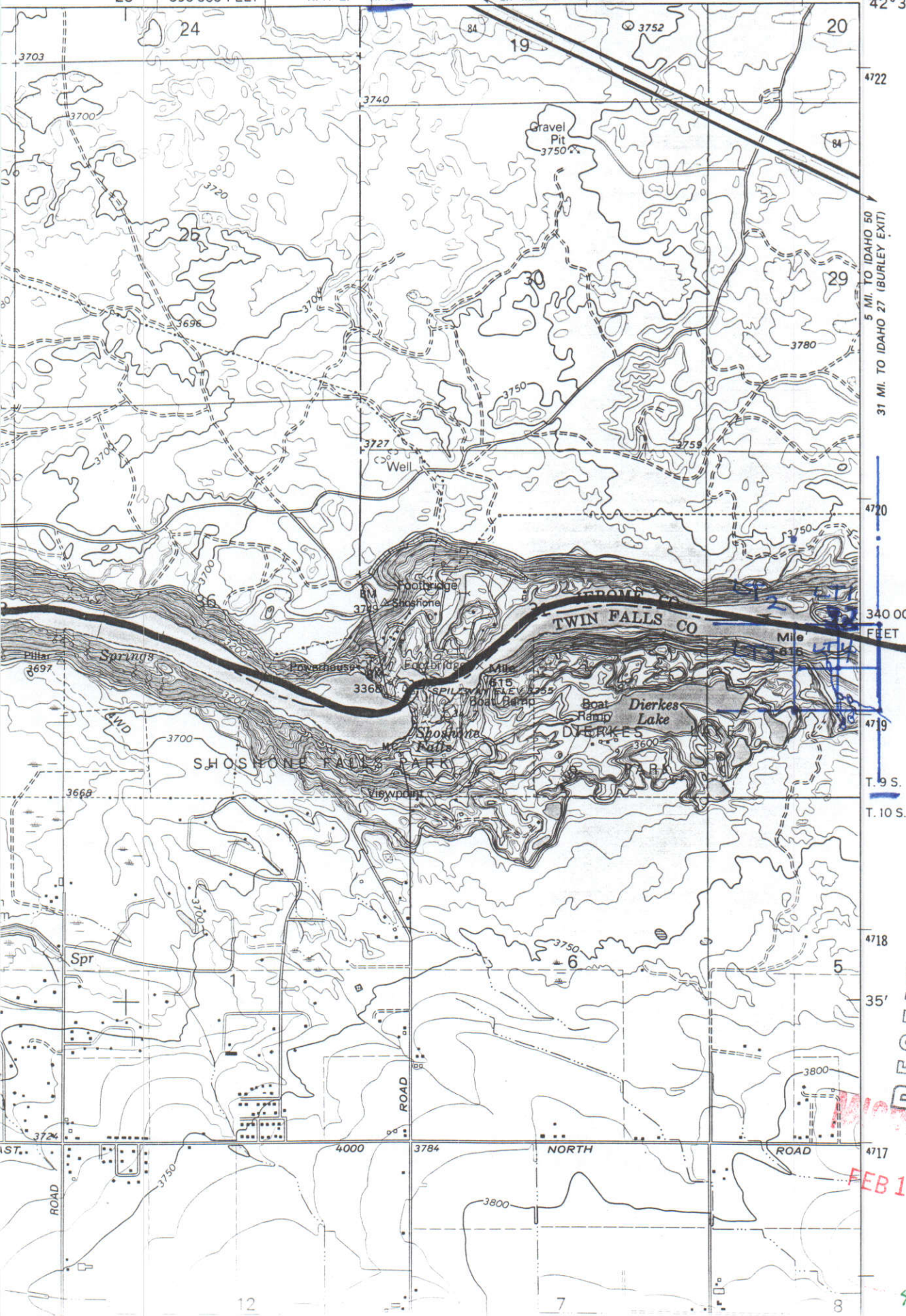
MOUNTAIN HOME 80 MI.

2.7 MI. TO U.S. 93

3169 IN NE
(TWIN FALLS NE)

25' 390 000 FEET R. 17 E. R. 18 E.

715 114°22'30" 42°37'30"



36
47

5 MI. TO IDAHO 50
31 MI. TO IDAHO 27 (BURLEY EXIT)

340 000 FEET
T. 9 S.
T. 10 S.

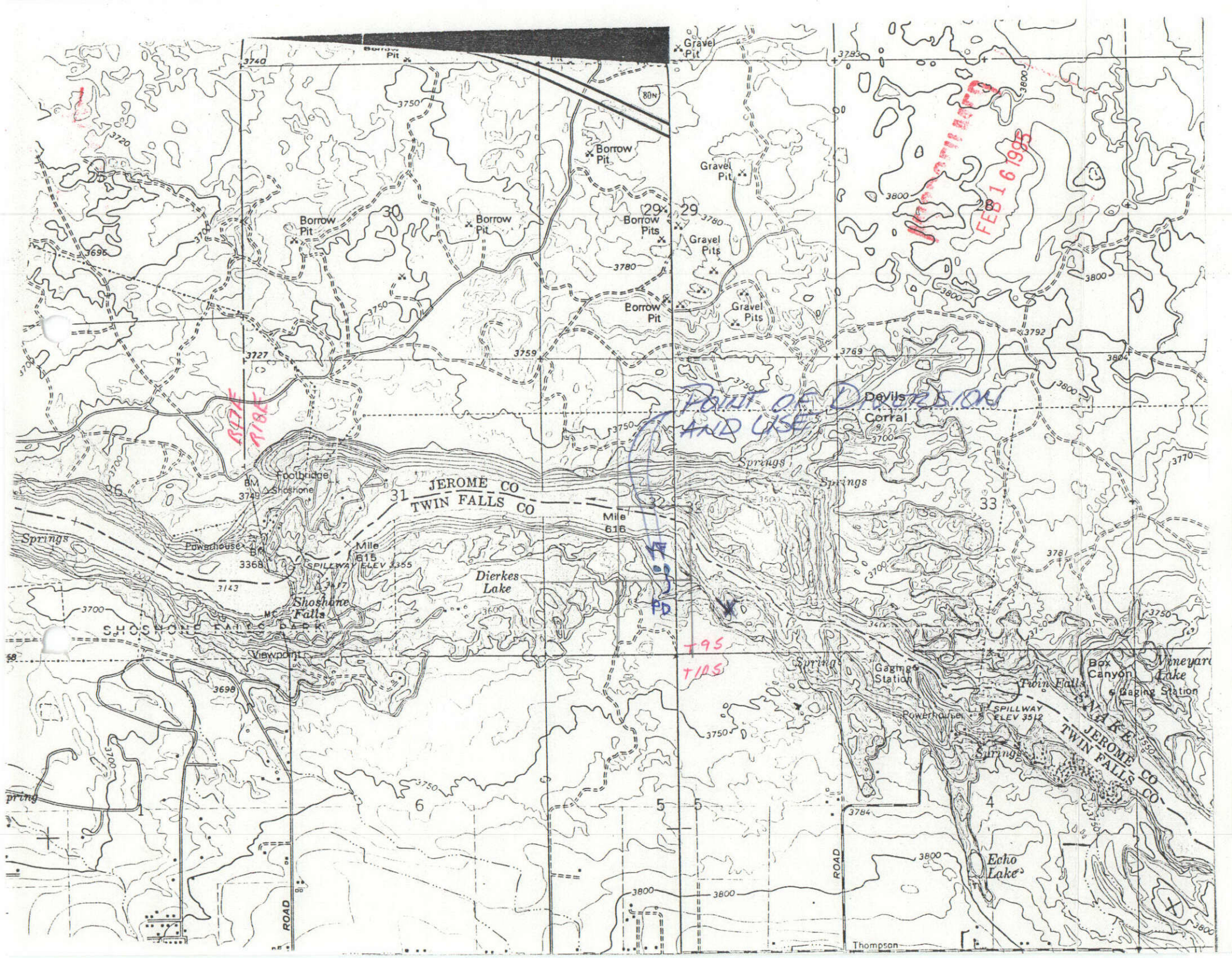
RECEIVED

MAY 9 1994

Department of Water Resources
Southern Region Office

FEB 16 1995

47-08082

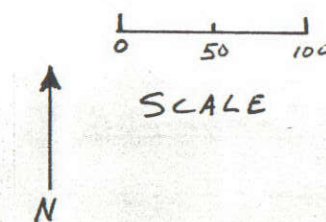


Note: All Ponds are
100' long, 15' wide, & 4' deep.

RECEIVED

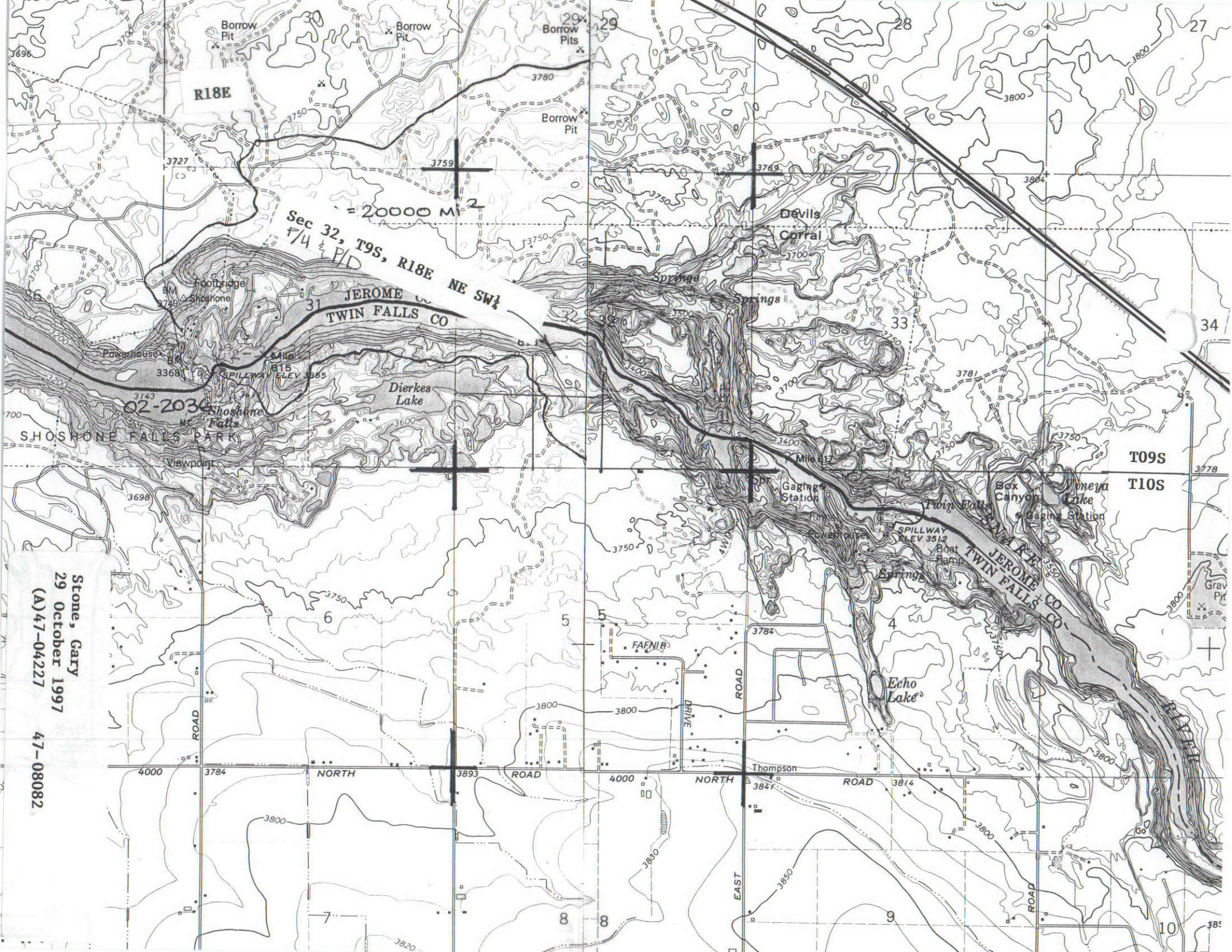
APR 21 1988

Department of Water Resources
Southern Region Office



COLLECTION DITCH

47-8082



R18E

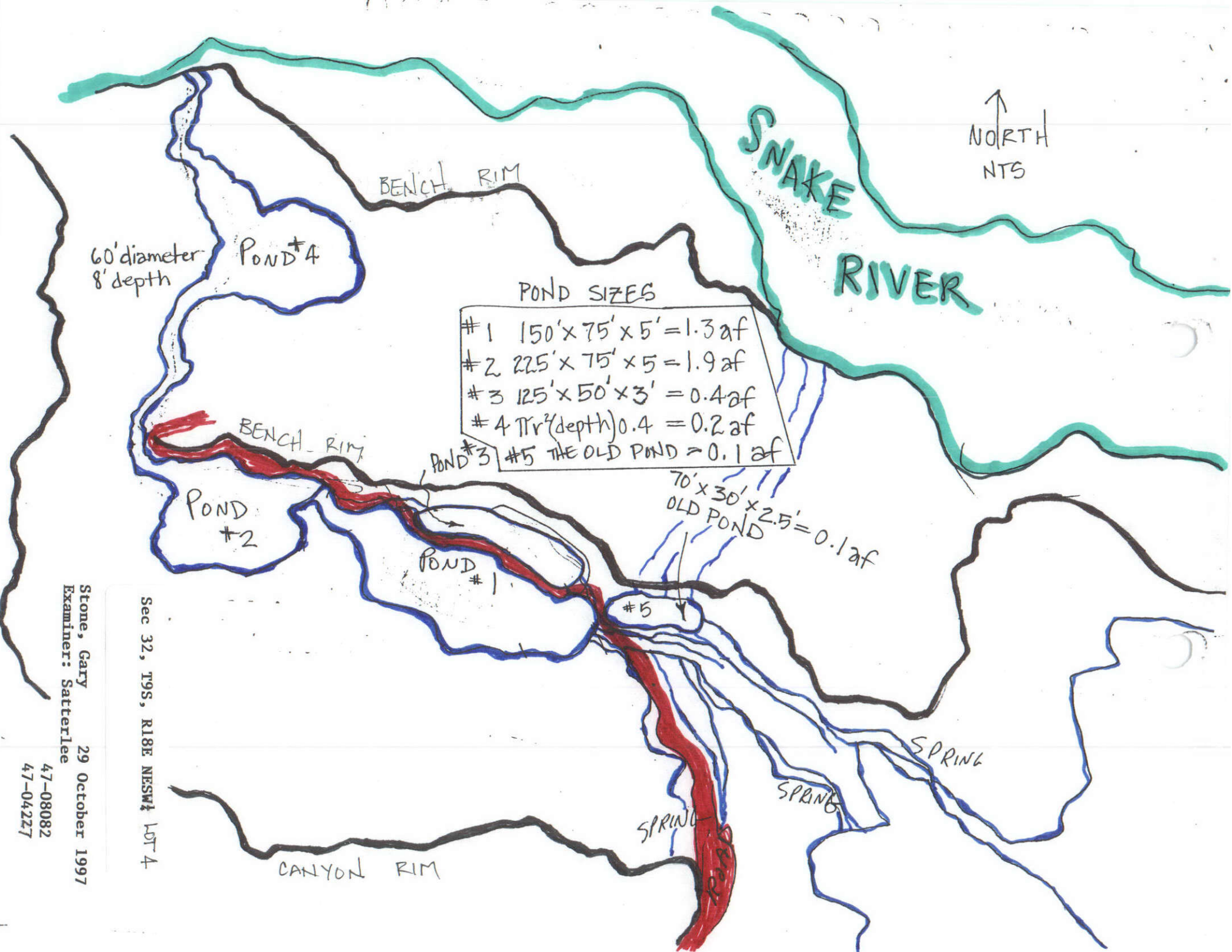
Sec 32, T9S, R18E NE SW 1/4
F/H & P/D
= 20000 M²

JEROME CO
TWIN FALLS CO

T09S

T10S

Stone, Gary
29 October 1997
(A)47-04227 47-08082

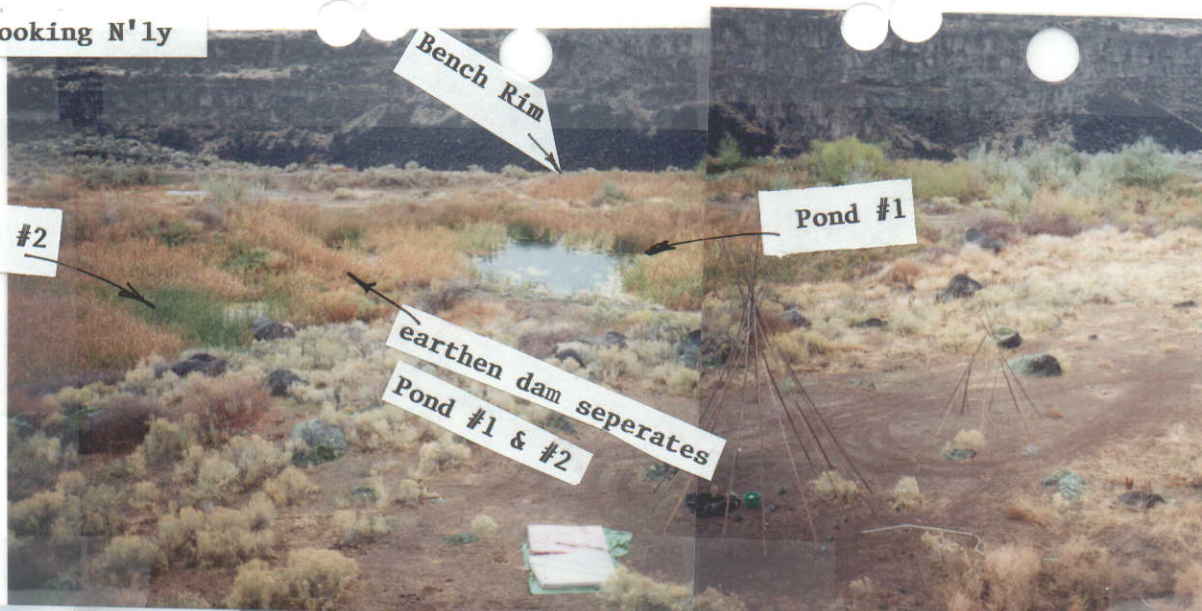


Sec 32, T9S, R18E NWSW 1/4 LOT 4

Stone, Gary 29 October 1997
Examiner: Satterlee

47-08082
47-04227

Photo looking N'ly



no photos of #5 Pond

photo looking N'ly



RECEIVED

APR 18 1988

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Department of Water Resources
Southern Region Office

Amount Due

3112

Account Name Idaho Department of Water Resources (Southern)		Account Number #100632	
Address 2148 4th Avenue East		City/State Twin Falls, ID	Zip 83301
Ordered By Mary A. Baldwin	P.O. Number	Rate NT	Run Dates 1988 April 7, 14
Identification Application for Water Right: No. 47-8082		Estimated Inches	Real Inches
1 Number of Affidavits Requested			Legal Number #8129

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

OK MB
4/25/88

NOTICE OF APPLICATION FOR WATER RIGHT

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

47-8082

Ken Stutzman
Rt. 1, Box 4777
Twin Falls, Idaho 83301
Source: Unnamed Stream trib. to Snake River
Springs trib. to Snake River
Diversion Pt: Lot 04 (NESW) SESW Sec. 32 T 09S R 18E; 2 miles South & 6 miles East of Twin Falls
Use: Fish Prop. (12.0 CFS)
Date Filed: 03/09/1988
In: Lot 04 (NESW) Sec. 32 T 09S R 18E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, Idaho 83301 on, or before, April 25, 1988.

R. KEITH HIGGINSON
Director

Pub. Apr. 7, 14, 1988

8129

Deborah Gregory, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) ☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of April 7, 1988

and ending with the issue of April 14, 1988

Deborah Gregory

Subscribed and sworn to before me this 14th

day of April, 1988

MICROFILMED

FEB 16 1995

Kimberly E. Plow 1/2/93
Notary Public for Idaho, Residing at Boise, Idaho

Proof of Publication
The Post-Register

RECEIVED

APR 25 1988

Dept. of Water Resources
Southern Region Office

State of Idaho, }
County of Bonneville } ss

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

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 7th day of April, 1988, last publication having been made on the 14th day of April, 1988, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 21st day of April, 1988.

Notary Public

My commission expires September 30, 1988.

B10

NOTICE OF APPLICATION
FOR WATER RIGHT

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

47-8082
STUTZMAN, KEN
RT. 1, BOX 4777, TWIN FALLS, ID 83301
Source: UNNAMED STREAM trib. to SNAKE RIVER
RIVER SPRINGS trib. to SNAKE RIVER
Diversion Pt: LOT 04 (NESW) SESW Sec 32 T 09S R 18E; 2 miles South & 6 miles East of Twin Falls.
Use: FISH PROP. (12.0 CFS)
Date Filed: 03/09/1988
In: LOT 04 (NESW) Sec 32 T 09S R 18E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before APRIL 25, 1988.
R. KEITH HIGGINSON, Director
Published: April 7, 14, 1988

OK
MB
4/25/88

MICROFILMED
FEB 16 1995

TRIBUNE PUBLISHING COMPANY, INC
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 041488 INVOICE No. L00130851

Account No. 44662 47-8082

Description 30851NOTIC

Times 2 Lines 29

Tab Lines

**LEGAL ADVERTISING
INVOICE**

RECEIVED

\$ 25.38

APR 20 1988

Department of Water Resources
Southern Region Office

OK MB
4/25/88

DEPT. OF WATER RESOURCES
2148 4TH AVE. E.
TWIN FALLS
ID 83301

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

C. M. Viers, being duly sworn,
deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

30851
**NOTICE OF APPLICATION FOR
WATER RIGHT**

The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:
47-8082

STUTZMAN, KEN
Rt. 1, BOX 4777, TWIN FALLS, ID
83301

Source: UNNAMED STREAM trib.
to SNAKE RIVER

SPRINGS trib. to SNAKE RIVER
Diversion Pt. LOT 04 (NESW) SESW
Sec 32 T 09 S R 18 E; 2 miles South & 6
miles East of Twin Falls.

Use: FISH PROP.
Date Filed: 03/09/1988

In: LOT 04 (NESW) Sec 32 T 09 S R
18 E

The permit(s) will be subject to
all prior water rights. Protests must
be filed with the Director, Dept. of
Water Resources, Southern Region,
2148 4th Avenue East, Twin Falls,
Idaho 83301 on or before APRIL 25,
1988.

R. KEITH HIGGINSON, Director
Published 4/7 & 4/14/88.

NOTICE OF APPLICATION
attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 040788, or once a
WEEK for 2 consecutive WEEKS, the first
publication thereof being on the 040788, and the last pub-
lication thereof being on the 041488, and said

NOTICE OF APPLICATION
was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

SUBSCRIBED AND SWORN BEFORE ME THIS THE 15
day of April 1988

C. M. Viers
Sheral M. Lentz
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

RECORDED

FEB 16 1995

FOR OFFICE USE ONLY
 Amt. of Fee \$: 325.00
 Receipt No. CO33885
 Receipt By: JW
 Date Received: 11-13-95

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 47-08082 Telephone No. (208) 423-4355

2. Name(s) of Permit Holder(s): GARY R. STONE

3. Mailing Address: 394 PAFNIR DR. - KIMBERLY, IDAHO 83341

4. Source of Water: MULTIPLE SPRINGS if **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____

a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____

b. **OPTIONAL:**
 Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

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

Irrigation (No. of acres): _____ Other: RECREATIONAL (FISHING)

6. Total rate of diversion and/or volume for which proof is submitted: 10.0 ^{AF} cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No X

Has the measuring device been installed? Yes _____ or No _____

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No _____

Has the measurement port been installed? Yes _____ or No _____

8. Fee Enclosed: \$ 325.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: GARY STONE Telephone Number: (208) 423-4355

Address: 394 PAFNIR DR. KIMBERLY, ID. 83341

10. The information given on this form is my true statement of the extent to which the above mentioned permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: _____

(include your title, if on behalf of company or organization)

DEC 11 1995

Date:

NOV. 9th 1995

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 47-08082

Proposed Priority: March 9, 1988

Maximum Storage Volume:

10.0 AF

This is to certify, that **GARY R STONE**
394 FAFNIR DR
KIMBERLY ID 83341

has applied for a permit to appropriate water from:

UNNAMED STREAM	tributary of SNAKE RIVER
SPRINGS	tributary of SNAKE RIVER

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31		10.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 4(NWNESW), Sec. 32, Township 09S, Range 18E
Lot 4(SENESW), Sec. 32, Township 09S, Range 18E
TWIN FALLS County

PLACE OF USE: RECREATION STORAGE

TWN RGE SEC

09S 18E 32

NESW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **January 1, 1996**.
2. Subject to all prior water rights.
3. A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If the proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, the right holder shall contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
4. This permit authorizes an annual volume of water to fill the pond and the amount required to replace losses through evaporation.
5. Recreational storage use is for fishing.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

10th day of February, 1995

[Handwritten signature]

FEB 16 1995

[Handwritten signature: R. Keith Higginson]
R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 47-08082
Amended

To appropriate the public waters of the State of Idaho

1. Name of applicant Gary R. Stone Phone 423-4355
Post office address 394 Fair Drive, Kimberly, ID 83341
2. Source of water supply 2 springs & unnamed stream which is a tributary of Snake River
3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot 4
Sec. 32 Township 9S Range 18E B.M. Twin Falls County; additional
points of diversion if any: NW/NE/SW Sec. 32 T. 9S R. 18E
4. Water will be used for the following purposes:
Amount 10.0 for Recreation purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Storage
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) ~~1000~~ and/or (b) 10.0
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Earth dikes to form 3 ponds.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well _____
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
1 years (minimum 1 year).

RECEIVED
JAN 10 1995

FEB 16 1995

Department of Water Resources

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. Recreation - private fishing ponds

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	18E	32									RS								

RS = Recreation Storage

Total number of acres to be irrigated _____

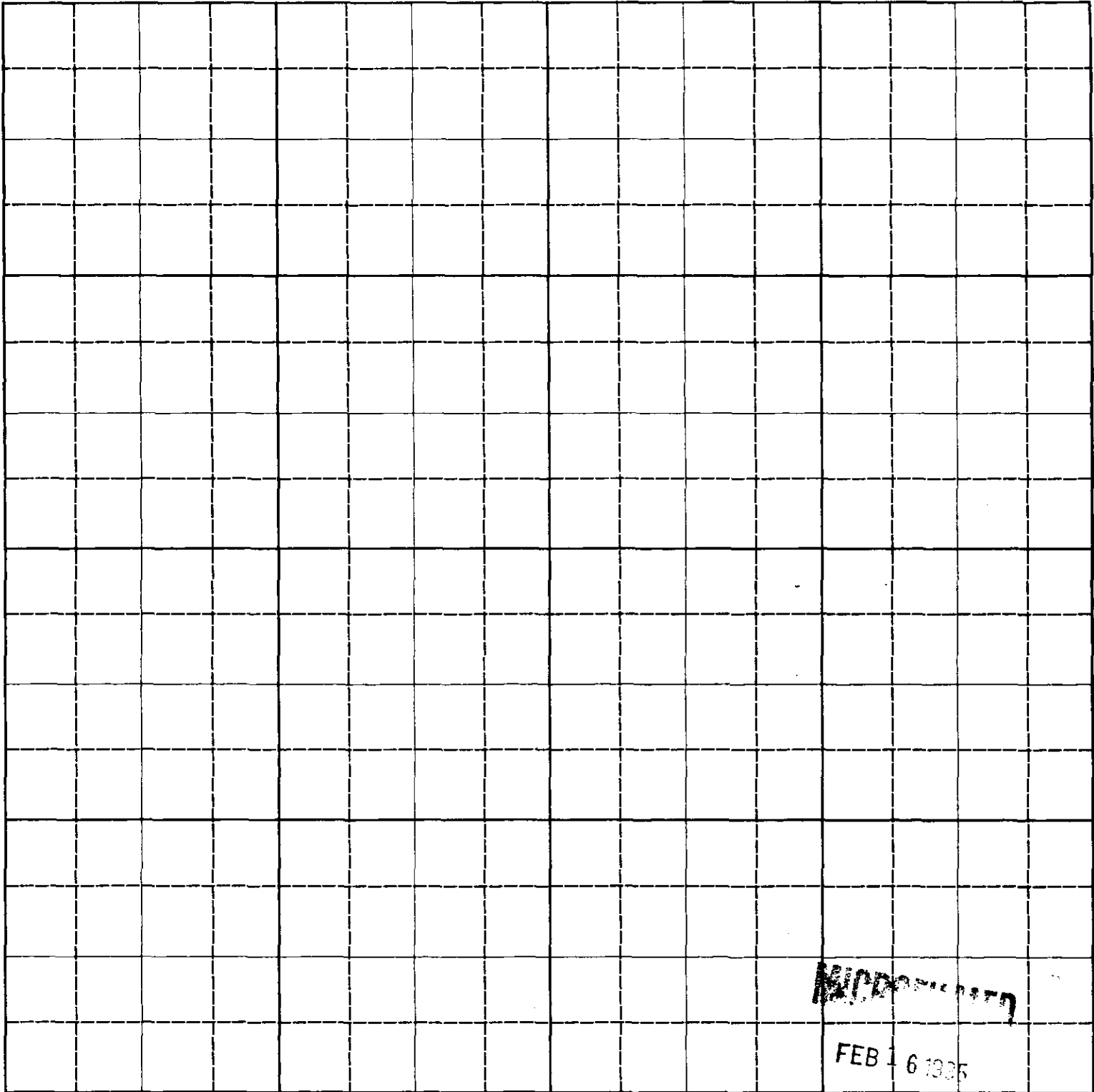
10. Describe any other water rights used for the same purposes as described above. _____

- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? "
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

- Remarks: Ponds were developed under Claim 47-04227, but were abandoned years ago. We want to rebuild & enlarge the ponds.

100-111117

FEB 16 1995



A grid of graph paper with a stamp in the bottom right corner. The stamp is tilted and contains the text:

RECORDED
FEB 16 1935

Barry R. Stone
(Applicant)

Received by J.F. Chilton Date 5-9-94 Time 10:55 am Preliminary check by MTS
Fee \$ 20⁰⁰ Receipted by gd # 5016874 Date 5-9-94
Publication prepared by MB Date 11/18/94 Published in Times News
Publication approved M. Baldwin Date 1/5/95

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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 _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

RECEIVED

FEB 16 1995



47.08082
RECEIVED

MAY 9 1994

Department of Water Resources
Southern Region Office

TWIN FALLS QUADRANGLE
IDAHO

7.5 MINUTE SERIES (TOPOGRAPHIC)

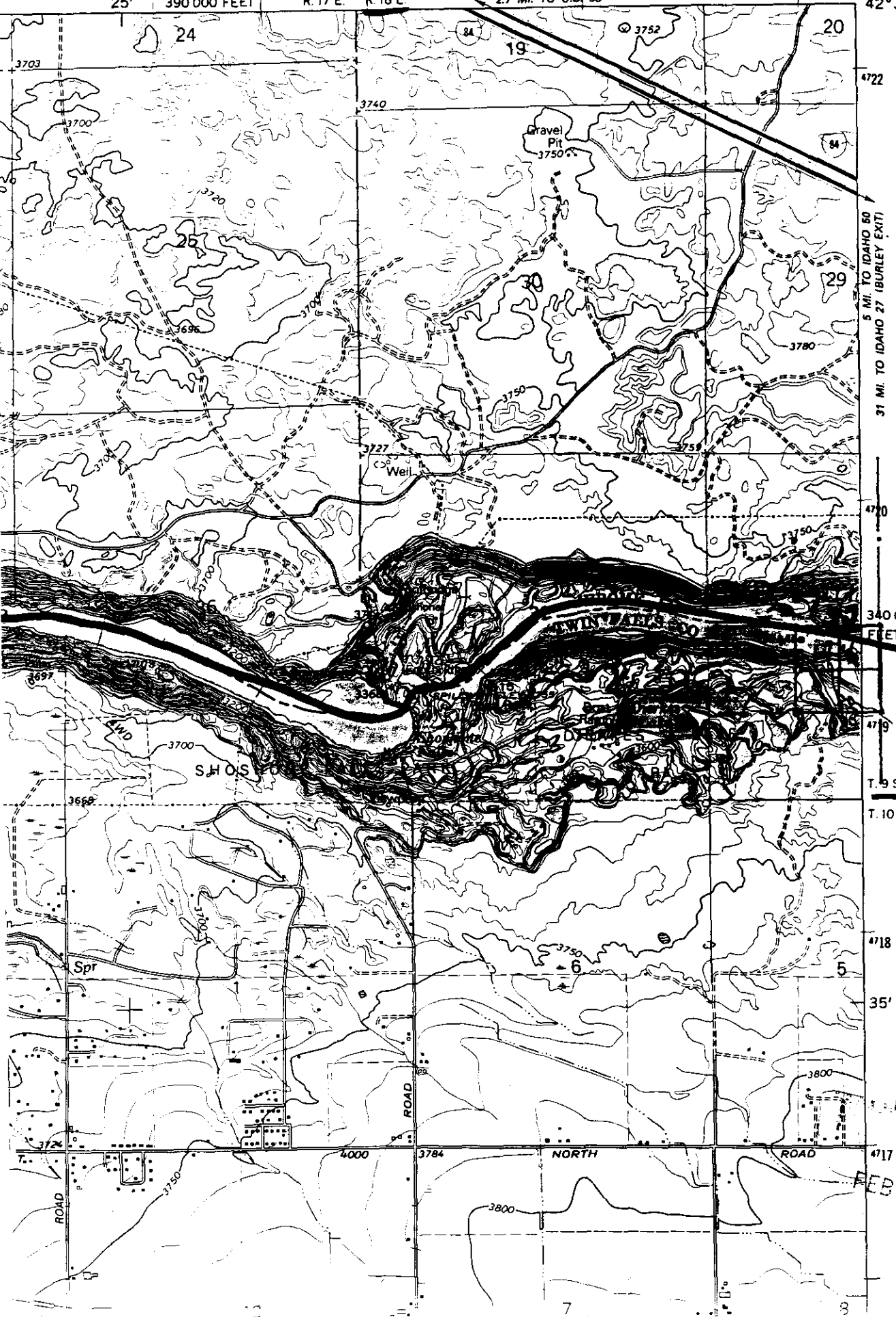
MOUNTAIN HOME 80 MI.
2.7 MI. TO U.S. 93

3188 M NE
TWIN FALLS NE

25' 390 000 FEET

R. 17 E. R. 18 E.

114°22'30"
42°37'30"



5 MI. TO IDAHO 50
31 MI. TO IDAHO 27 (BURLEY EXIT)

340 000
FEET
T. 9 S.
T. 10 S.

RECEIVED

MAY 9 1934

Department of Water Resources
Southern Region Office

FEB 16 1995

47-08082

State of Idaho
DEPARTMENT OF WATER RESOURCES

Receipt 5019330

SEP 1 1994

9-1-94 8F. Stone

ASSIGNMENT OF APPLICATION FOR PERMIT
To change the ownership of an application for permit

Department of Water Resources
Southern Region Office

I, KEN STUTZMAN, hereby assign to Gary R. Stone
(Applicant)
of 394 Fafnir Drive, Kimberly, ID 83341 423-4355
(Full Address)

All my right, title, and interest in and to Application for Permit
No. 47-08082 to appropriate the public waters of the State of Idaho

RECEIVED
SEP 12 1994

OR (for partial assignments)

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

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

SEP 15 1994

Department of Water Resources
Southern Region Office

RECEIVED

SEP 22 1994

Department of Water Resources

Made this 21st day of July, 1994

X [Signature]
Applicant(s)

State of Idaho)

County of Twin Falls ss

SEP 27 1994

Department of Water Resources
Southern Region Office

On this 21st day of July, 1994, personally appeared before me the
signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

Maria Wert
Notary Public

SEAL

Maria Wert
Signature

My commission expires: 4-21-96

FEB 16 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Ken Stutzman Phone 208-734-7366
Post office address Rt. 1 Box 4777,
~~2029 Mountain View Circle,~~ Twin Falls, Idaho 83301
two
2. Source of water supply Unnamed Springs, unnamed stream which is a tributary of Snake River
S 1/2 Lot
3. Location of point of diversion is 4 & SE 1/4 of SW 1/4 of _____ Govt. Lot _____
Sec. 32 Township 9 South Range 18 East B.M. Twin Falls County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Fish
Amount 12 cfs for propagation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 12 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Existing springs into pond and
ditch to settling pond, headgate and ditch to settling pond & return
A third pond and settling pond will be constructed below the 2 existing ponds.
 - b. Height of storage dam None feet; active reservoir capacity None acre-feet; total
reservoir capacity None acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

FEB 16 1985

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. N/A
- b. Stockwatering; list number and kind of livestock. N/A
- c. Municipal; show name of municipality. N/A
- d. Domestic; show number of households. N/A
- e. Other; describe fully. Fish propogation - 12 cfs

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: *D* for *Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	18E	32									H Lt4								

H is P/U for fish propogation

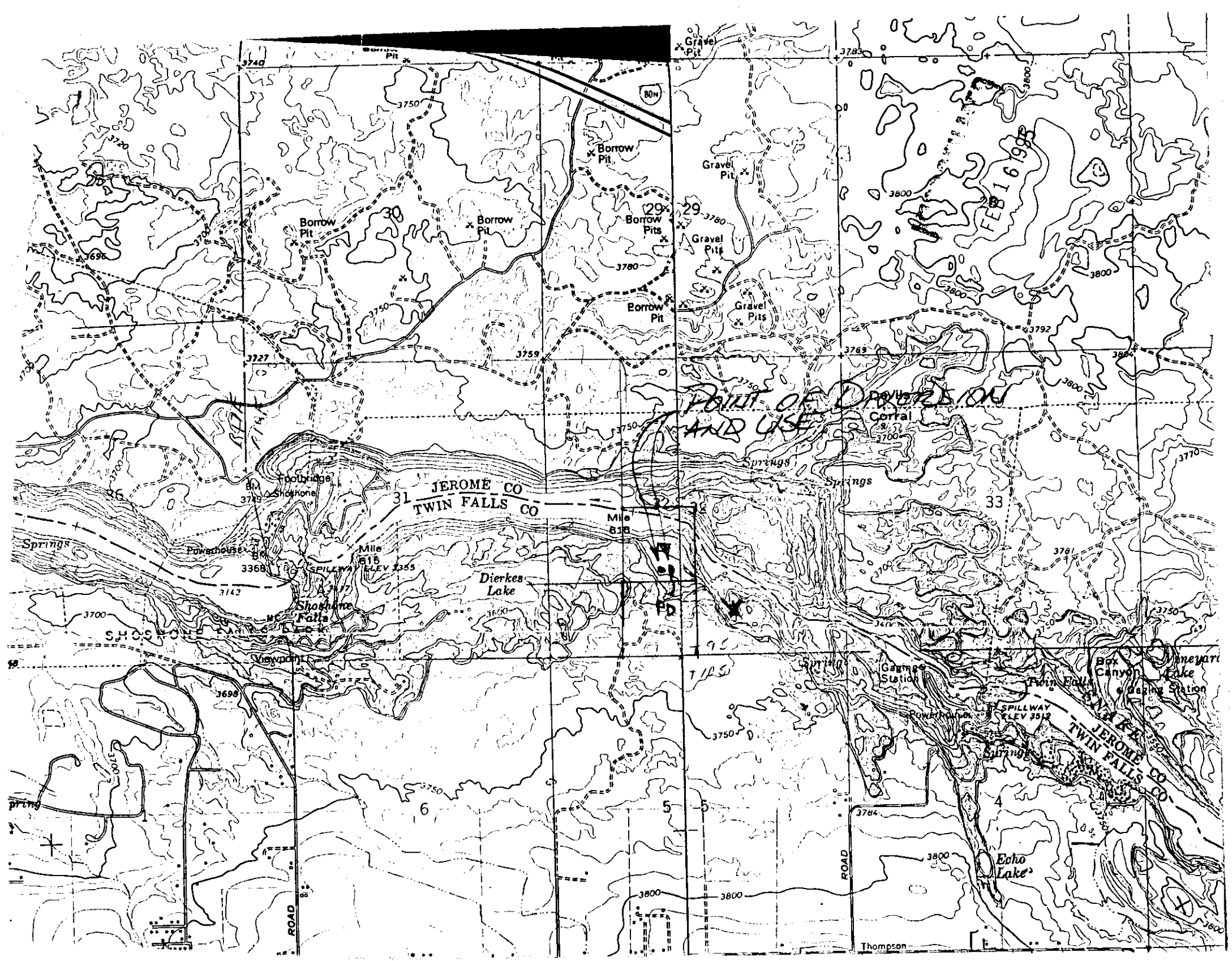
Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. N/A

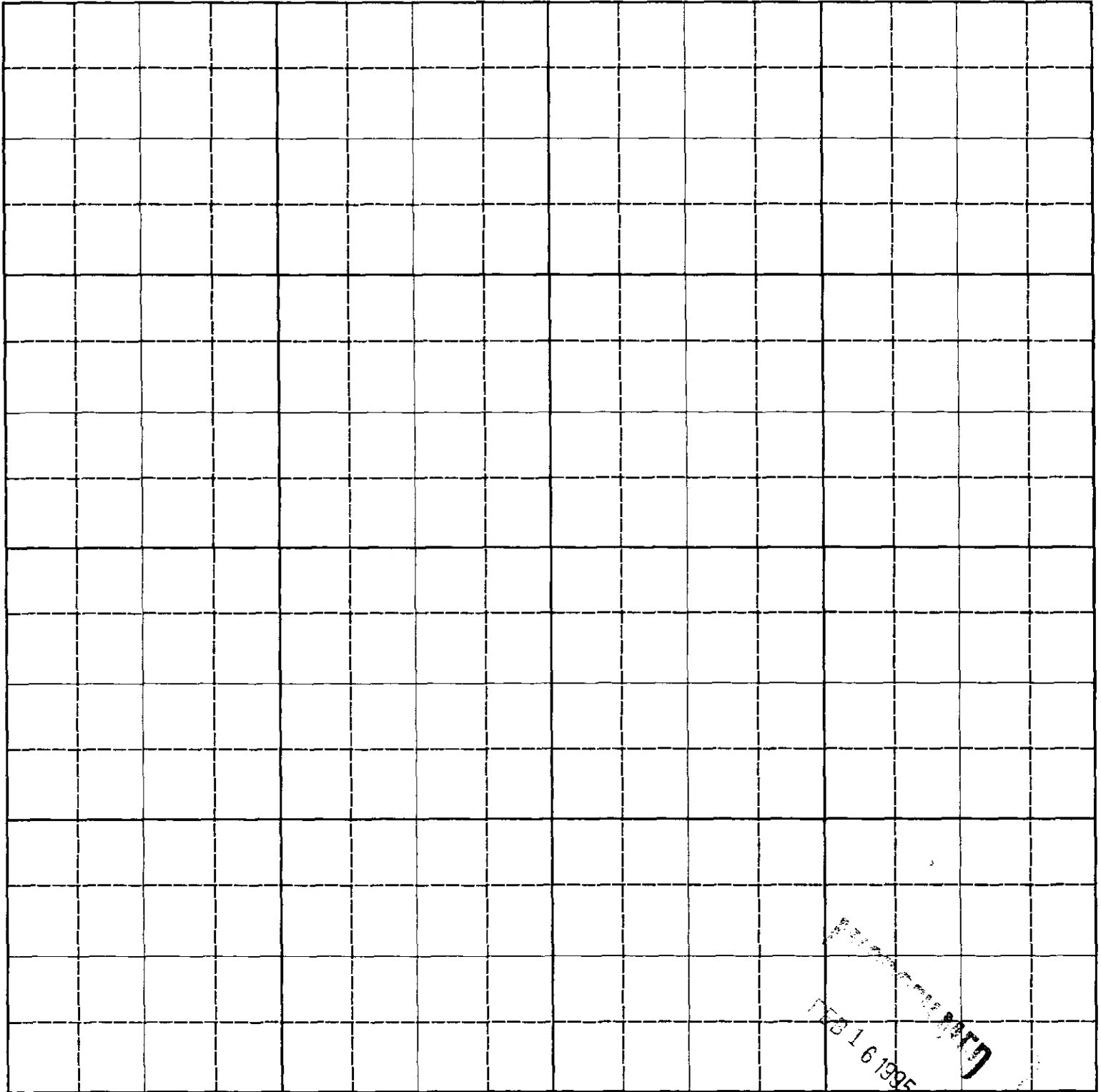
11. a. Who owns the property at the point of diversion? Marvin L. Prescott
- b. Who owns the land to be irrigated or place of use? Marvin L. Prescott
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Property currently under contract sale to applicant.

12. Remarks: 1. Previous use of water at site for fish propogation has occurred by prior owners. No current use of water at site.
2. All use is non-consumptive. No change in point of discharge to Snake River.

FEB 16 1995

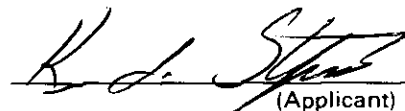


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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


(Applicant)

Received by JS Date 3-9-88 Time 11:20 am Preliminary check by LS
Fee \$ 265.00 Receipted by JS # 45551 Date 3-9-88
Publication prepared by M. Baldwin Date 3/17/88 Published in Lewis & Clark Tribune
Idaho Statesman
Publication approved M. Baldwin Date 4/25/88

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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 _____, 19 ____.

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

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

RECORDED
FEB 16 1995



The Economics Press, Inc.

12 Daniel Road, Fairfield, NJ 07004-2565 USA

Dedicated to training and motivating today's work force.

ADDRESS CORRECTION REQUESTED

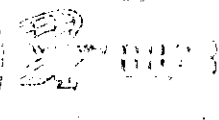
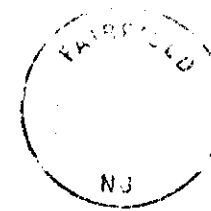
OFFICE HOURS

Tips for getting along, working better.

IMPORTANT:

**This is the current issue
of your subscription**

BLK. RT.



1-OH 14397673-1
MRS MARY BALDWIN, SECY
IDAHO DEPT OF WATER RES
222 SHOSHONE STREET EAST
TWIN FALLS ID 83301-6105

FEB 16 1995

RECEIVED

RECEIVED

MAR 30 1994

Department of Water Resources
Southern Region Office

Note: All Ponds are
100' long, 15' wide, & 4' deep.

RECEIVED

APR 21 1988

Department of Water Resources
Southern Region Office

0 50 100
SCALE

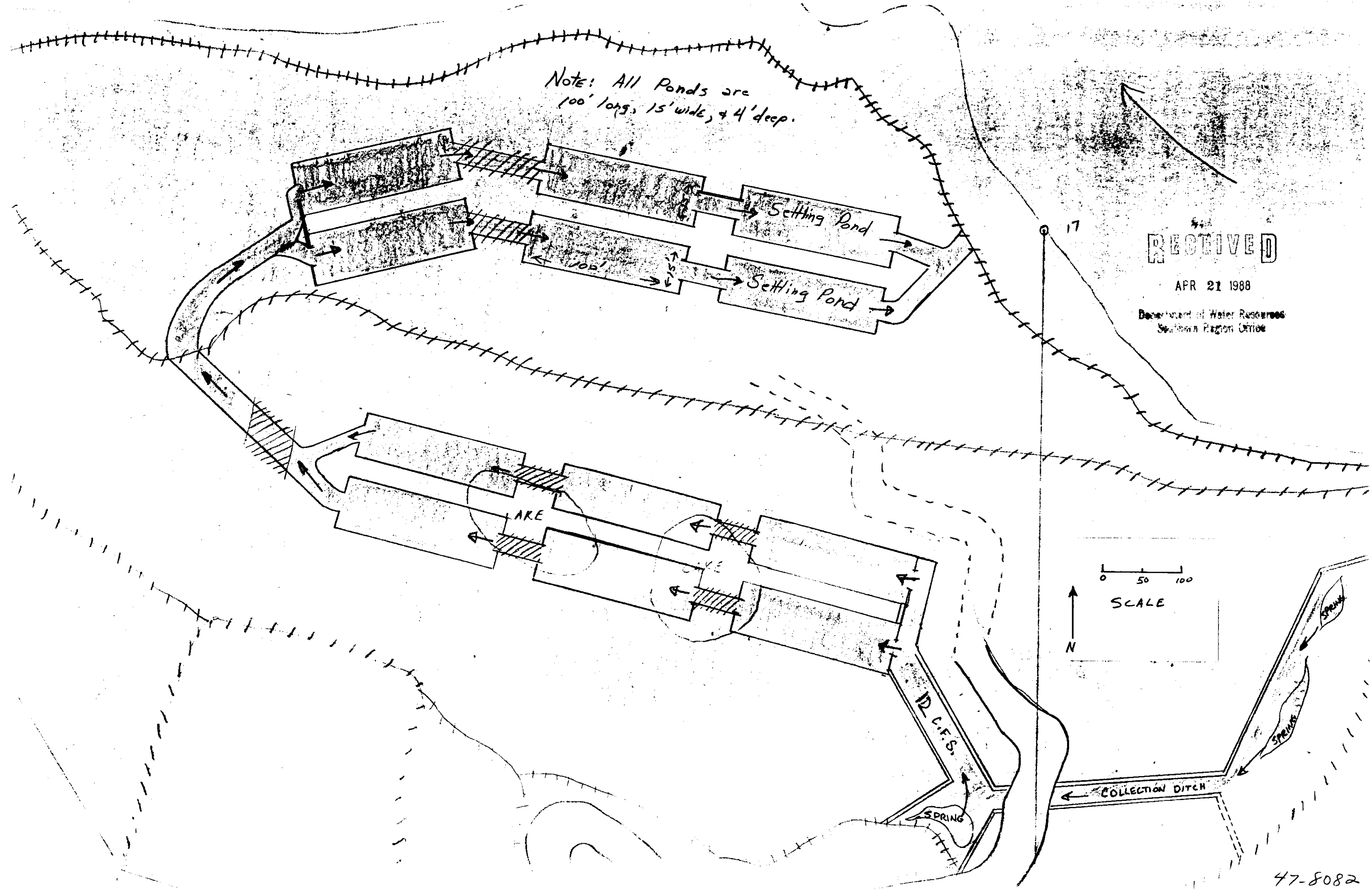
N

COLLECTION DITCH

12 C.F.S.

SPRING

47-8082



Stone Enterprises, Inc.
GARY STONE

Route 1,
394 Fafnir
Drive,
Kimberly,
ID 83341

Phone
(208)
423-4355

A. GENERAL INFORMATION

Permit No. 47-08082

1. Owner: GARY R. STONE Phone No. (208) 423-4355

Current Address: 394 FAFNIR DR. KIMBERLY, ID 83341

2. Accompanied by: GARY R. STONE EXAM DATE: 29 October 1997

Address: _____ **Phone No.** _____

Relationship to Permit Holder: SELF

3. Source: SPRINGS tributary to SNAKE RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 47-04227 (A47-04227)

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

[illegible]

2. Place(s) of Use:

Indicate Method of Determination **SAME**

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	32									STOR								
											REC								
											LOT 4								
09S	18E	32									STOR								
"	"	"									S								
											S								

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

Scale: 1" = _____



Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).



Aerial Photo Attached (required for irrigation of 10+ acres)



Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

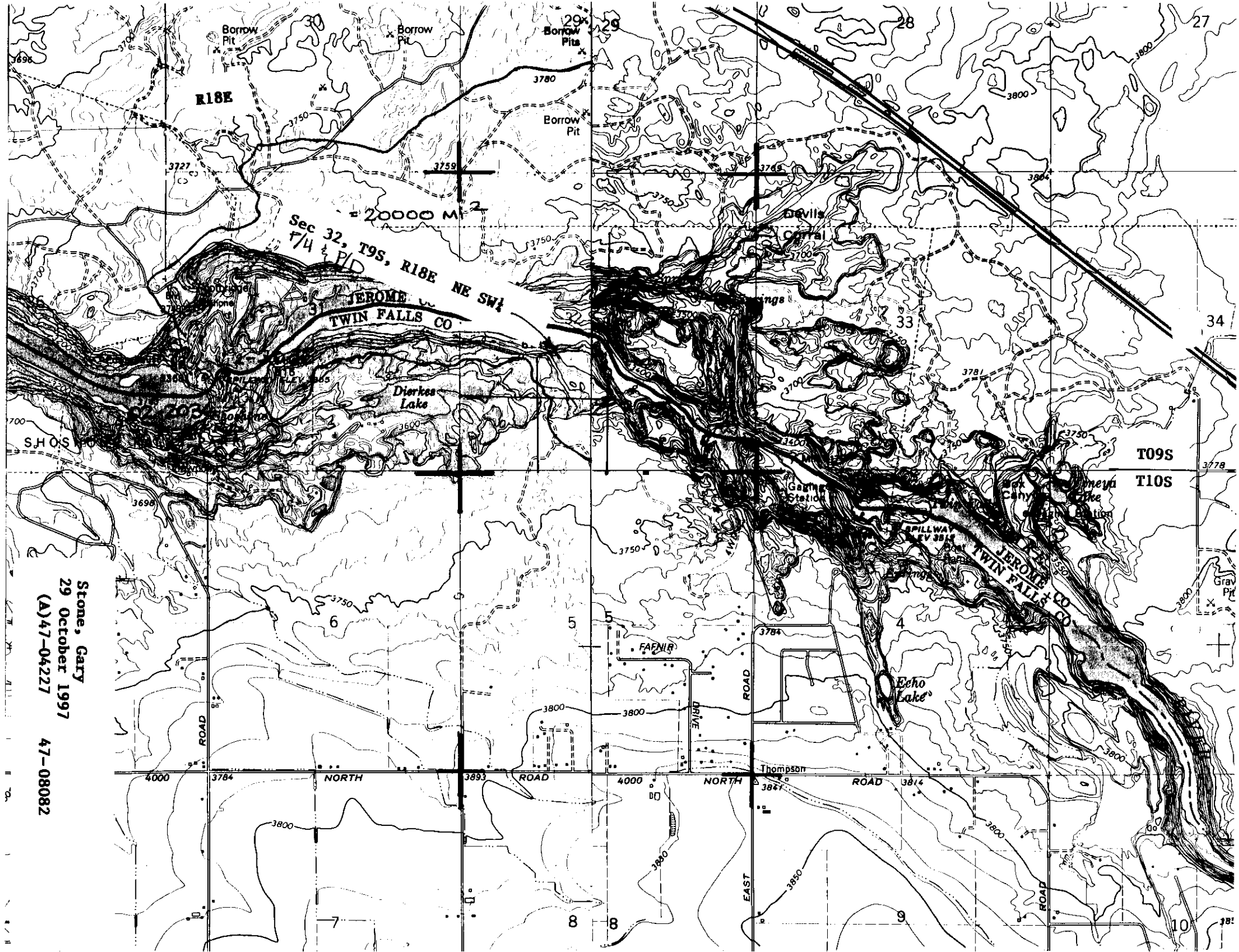
*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

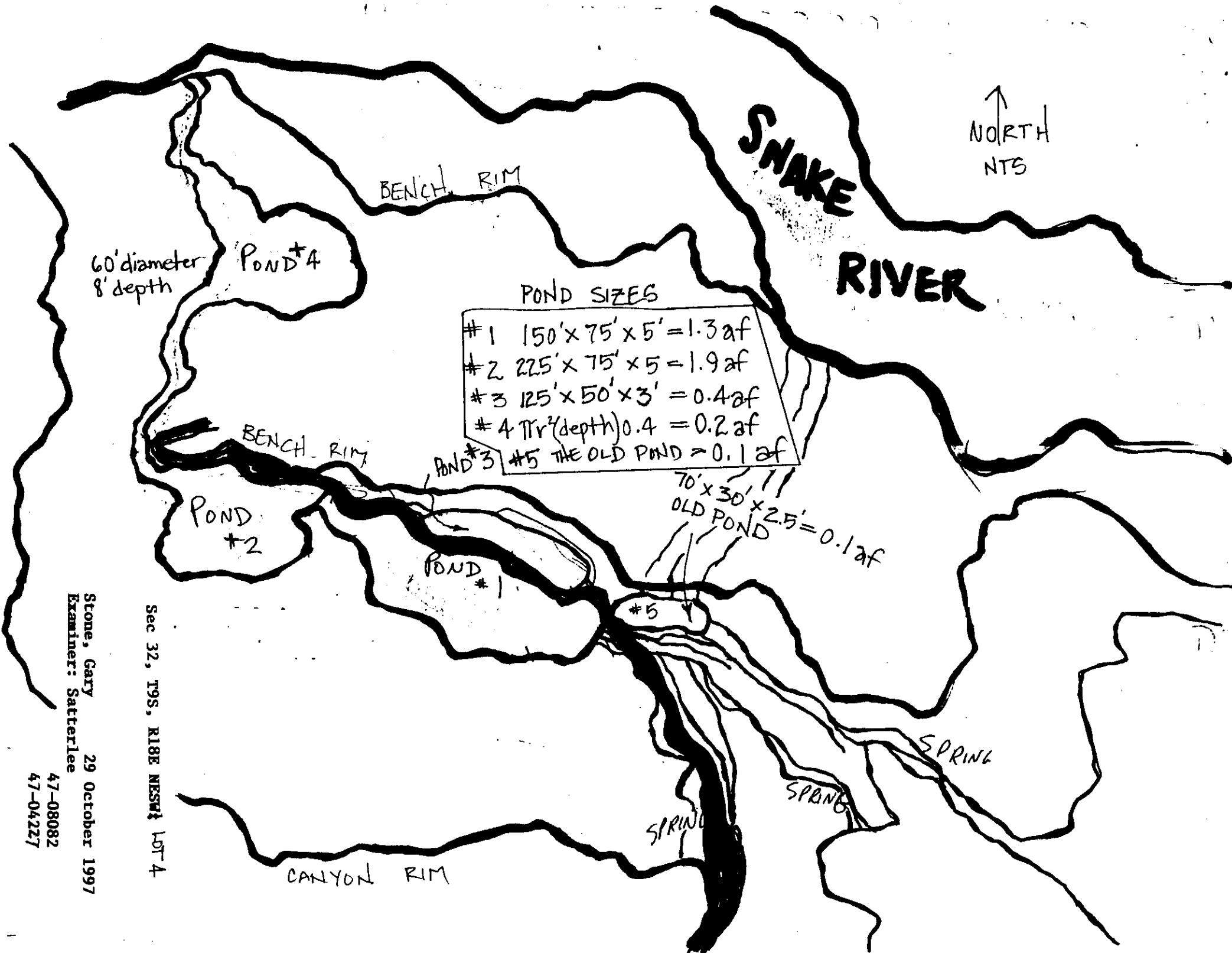
1.

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

2. Measurements:



Stone, Gary
29 October 1997
(A) 47-04227 47-08082



Sec 32, T9S, R18E NWS1 LOT 4

Stone, Gary 29 October 1997

Examiner: Satterlee

47-08082

47-04227

Photo looking N'ly

Bench Rim

Pond #2

Pond #1

earthen dam seperates
Pond #1 & #2

Pond #3

photo looking E'ly

Bench Rim

Pond #4

no photos of #5 Pond

photo looking N'ly

Pond #5

Bench Rim

looking SE'ly

Gary Stone 1000 hrs 29 Oct 1997
Examiner: Satterlee

47-08082

Water Right Number - 47-08082
 Prefix Translation: WATER RIGHT
 Old (D) Number -

+ - - - - Last Name - - - - +
 + - First Name - - +
 + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
 STONE
 GARY R
 1 - 394 FAFNIR DR
 2 -
 3 -
 City- KIMBERLY
 State- ID Zip- 83341
 Phone - 208-423-4355

*** O - ORIGINAL OWNER ***
 STUTZMAN
 KEN
 1 -
 2 -
 3 -
 City-
 State- Zip-
 Phone -

+ - - Priority Date - - +
 + - - Region - - - +
 + - - Stage - - - +
 + - - Status - - - +

03/09/1988
 17 SOUTHERN
 P - PERMIT

+ - - - - Source - - - - - +
 + - - - - Tributary - - - - - +

UNNAMED STREAM
 SPRINGS
 SNAKE RIVER
 SNAKE RIVER

+ - - - - Point of Diversion - - - - - +

Tw	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
09S	18E	32	NE NE SW	4		(83) TWIN FALLS			
			SE NE SW	4		(83) TWIN FALLS			

+ - - - - Water Use - - - - - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
47 - RECREATION STORAGE		01/01	12/31		10.00

+ - Total Div. Rate - +
 + - Total Div. Volume - +
 + - Total Div. Capacity - +

10.00

+ - - - - Place of Use - - - - - +

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	18E	32	NE SW			47	RECREATION STORAGE	(83) TWIN FALLS

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

This permit authorizes an annual volume of water to fill the pond and the amount required to replace losses through evaporation.
 Recreational storage use is for fishing.

Water right number - 47-08082 Prefix Translation: WATER RIGHT

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +

- 030 - A separate stream alteration permit from the IDWR is required
- for any activity in the stream channel other than construction
 - and/or maintenance of the diversion structure. If the proposed
 - construction or operation involves construction of an outfall or
 - any other work in the stream channel other than a water
 - diversion, the right holder shall contact the Department and
 - obtain a Stream Channel Alteration permit prior to the start of
 - construction.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

+ - - - - Comments - - - - - +

Date: 01/12/1995 User Id: CZIMMERM Subject: AMENDED APPLICATION

The original application was for fish propagation using 12 cfs. The application was assigned to Gary Stone. Mr. Stone amended the application to change the nature of use to recreational storage of 10 AF. The priority date was advanced to the date of the amendment.

Date: 11/14/1995 User Id: SCURTIS Subject: Proof of Beneficial Use Rcvd

Proof of Beneficial Use Rcvd

+ - - Audit Fields - 03/17/88 05/28/88 CONVERT 09/28/94 MBALDWIN 11/17/94 MBALDWIN 01/12/95 CZIMMERM
11/14/95 COMMENTS 11/17/95 JYARBROU

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 01/01/1996	Field Exam Made - 00/00/0000	Field Exam Fee - R
Approved/Denied - 02/10/1995	Protested Date - 00/00/0000	Swan Falls - R
Proof Made Date - 11/13/1995	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date- 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number - C033885	Water District -
Licensed Date - 00/00/0000	Appl Received - 05/09/1994	Transfer/Amended - E
Decree Date - 00/00/0000	Name Connector -	POU Ownership Flag- Y
Presumption Flag -		

Water Right Number - 47-04227

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

PRESCOTT

MARVIN L.

1 - RT. 3

2 -

3 -

City- TWIN FALLS

State- ID Zip- 83301

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/01/1946 17 SOUTHERN S - STATUTORY CLAIM

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRINGS SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

09S 18E 32 NE SW 4 (83) TWIN FALLS

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

04 - STOCKWATER 01/01 12/31 0.030

46 - RECREATION 01/01 12/31 9.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
9.000

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

09S 18E 32 NE SW 4 04 STOCKWATER (83) TWIN FALLS

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - A47-04227

Prefix Translation:

ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

PRESCOTT

MARVIN L

1 - RT 3
2 - BOX 6342
3 -
City- TWIN FALLS
Phone - 208-733-1227

State- ID Zip- 83301

PRESCOTT

ALICE M

1 - RT 3
2 - BOX 6342
3 -
City- TWIN FALLS
Phone - 208-733-1227

State- ID Zip- 83301

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/01/1946 17 SOUTHERN S - STATUTORY CLAIM

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRINGS SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
09S 18E 32 NE SW 4 (83) TWIN FALLS

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
04 - STOCKWATER 01/01 12/31 9.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
9.000 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
09S 18E 32 NE SW 4 04 STOCKWATER (83) TWIN FALLS

Total Acres:

+ - - Diversion Means - PONDS.

+ - - Non-Irrigation Use - S/50 RANGE, 50 HORSES

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +

GEN CLAIM ORIGINALLY FILED UNDER RECREATION, HOWEVER PONDS ONLY
USED FOR STOCK WATERING.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - A47-04227

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +

No Comments Found

+ - - Audit Fields - - +

00/00/00

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 03/07/1986	Old Judicial District	-
Claim Received Date	- 10/06/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S002793	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

E. NARRATIVE/REMARKS/COMMENTS

FROM: Georgia Satterlee
DATE: 13 November 1997
RE: 47-08082

On 29 October 1997 at 1000 hrs., I met with Gary Stone to perform a field examination on the above permit. The permit is year round use for recreational storage for numerous spring fed ponds. In addition to the permit, there is a Statutory Claim 47-04227 (A47-04227), claiming two of the ponds for recreation and stockwater.

There are five ponds from direct flow on-stream. Pond #3 and Pond #5 are claimed in 47-04227. The use is for recreation storage, storage for stockwater, and stockwater. The combined size of the ponds is approximately 0.5 acre feet.

Ponds 1-2 & 4 associated with 47-08082 have the uses of recreation storage, storage for stockwater, and stockwater. The pond sizes are approximately 3.4 acre feet.

Although there wasn't any horses present at the time of the exam, Mr. Stone says there are between 3-5 horses on the property. The horses are moved up on the canyon rim in the winter months.
5 horses(12 gpd)215 days=13K gallons per year

325,580 = 0.04 acre feet

As stated above, the Ponds #3 and #5 called to in 47-04227 (A47-04227) will be claimed with the uses of recreation storage, storage for stockwater, and stockwater.

Ponds 1-2 & 4 will be recommended per 47-08082, with the uses noted (recreation storage, storage for stockwater and stockwater).

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

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

SEE POND SCHEMATIC WITH POND SIZES

$$\text{PONDS } 3\frac{1}{2}, 5 = 47-04227 = 0.5 \text{ af}$$

$$\text{PONDS } 1, 2, 4 = 47-08082 = \underline{\underline{3.4 \text{ af}}}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
RECREATIONAL STORAGE	1/1	12/31		3.4 af
STOCK WATER	4/1	10/31	0.01 cfs.	0.4 af
STORAGE FOR	1/1	12/31		3.4 af
STOCK WATER				
Totals:			0.01 cfs	3.4 af

LIMITED FACTOR?

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☒ Add P.U. as reflected above ☒ Other

I. AUTHENTICATION

Field Examiner's Name

Georgia Satterlee

Date

10 Dec 97

Reviewer _____

Date _____

SEAL



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

November 17, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Gary Stone
394 Fafnir Dr.
Kimberly, ID 83341

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 47-08082

Dear Permit Holder:

The Department is in receipt of the proof of beneficial use statement and the \$325.00 license examination fee filed in connection with the above referenced permit.

The proof of beneficial use and your permit to appropriate water authorize a diversion rate of 10.0 acre feet. The license examination fee for 10.0 acre feet is \$50.00. Therefore, you are entitled to a \$275.00 refund from the department. The refund process takes approximately seven (7) to ten (10) days and will arrive under separate cover.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have any questions concerning this matter, please feel free to contact me or the Southern Regional Office in Idaho Falls, at (208) 736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

C: IDWR - Region, Fiscal

RECEIVED

DEC 11 1995

October 31, 1995

GARY R STONE
394 FAFNIR DR
KIMBERLY ID 83341

PROOF DUE NOTICE

RE: PERMIT NO. 47-08082

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1996.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

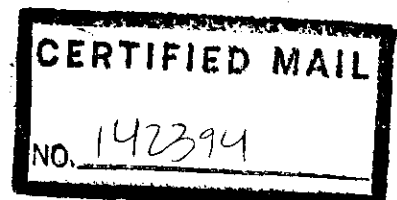
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 10, 1995

GARY R STONE
394 FAFNIR DR
KIMBERLY ID 83341

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 47-08082

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

RECEIVED

FEB 16 1995

MEMORANDUM

DATE: January 24, 1995
TO: Shelley Keen
FROM: Cindy Zimmerman
SUBJECT: Follow-up on 47-08082

=====

You had asked me to check the size of the existing ponds and find out what the enlargement would be.

Per telecon with Gary Stone today, the approximate sizes of the three excavated and diked earthen ponds as developed under statutory claim 47-04227 were:

1. 5 acres; spring source in bottom of pond; spills into pond #2.
2. 4 acres; long and narrow like a fish raceway with multiple springs in bottom of pond also fed from runoff of pond #1; spills into pond #3.
3. 1/4 acre; smallest pond; spills into Snake River.

Claim 47-04227 contained no information on the size of the ponds but did show the ponds on the map.

Gary Stone said that the ponds were not kept up for an unknown length of time (possibly +5 years) prior to his ownership. Some of the diking had eroded to allow the water to flow outside the main channel and ponds.

Mr. Stone intends to clean "the mess" out of the original ponds and channel. He does not intend to enlarge the ponds greater than their original size, and is not certain he can restore the ponds to their original size.

He intends to use the ponds for private fishing.

201-201-1111

FEB 16 1995

NOTICE OF AMENDED
APPLICATION FOR
WATER PERMIT

Notice is hereby given that
the following application
for permit to appropriate
the public waters of the
State of Idaho has been
amended as follows:

47-08082

GARY R. STONE
394 FAFNIR DRIVE
KIMBERLY ID 83341

Date Amended: 5/9/1994

Source: Springs &
Unnamed Stream
Tributary to Snake River

Diversion Pt: Lot 4
(SENESEW), NWSESW,
S32, T9S, R18E; Twin
Falls County

Use: Recreation Storage
(10.0 afa)

In: NESW, S32, T9S,
R18E

The permit will be subject
to all prior water rights.
Any protest must be filed
with the Director, Dept. of
Water Resources,
Southern Region, 222
Shoshone Street East.,
Twin Falls, ID 83301
together with a protest fee
of \$25.00 on or before
December 19, 1994. The
protestant must also send
a copy of the protest to
the applicant.

R. Keith Higginson,
Director

Published in Times News
on 12/1 & 12/8/94

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF TWIN FALLS } SS.

JUN 04 1995 No 26628

I, Linda Capps McBrien, a Notary Public for the State of Idaho, do hereby first duly sworn upon oath, depose and say that I am Shirley Clark, a Notary Public for the State of Idaho, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for Two consecutive weeks, commencing with the issue dated December 1, 19 94, and ending with the issue dated December 8, 19 94.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the State of Idaho, published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 29 day of December in the year of 1994, before me,
a Notary Public, personally appeared Linda Capps McBrien,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Shirley R. Feltman
Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5/19/2000

CLASSIFIED ADVERTISING INVOICE
 TWIN FALLS TIMES NEWS
 132 3RD ST W.
 P. O. BOX 548
 TWIN FALLS ID 83303

Forwarding & address correction requested

INVOICE NO.		CLASS		BILLING DATE	
26628		343		12/28/94	
INDEXING TERM					
#47-08082					
START DATE			TELEPHONE NO.		
12/01/94			736-3033		
LINES/WORDS	TIMES	RATE	NET AMOUNT	GROSS AMOUNT	
63	2		45.36	45.36	
AFFIDAVI			2.00	2.00	
PAY THIS AMOUNT			47.36	47.36	

GROSS AMT DUE AFTER 01/12

RECEIVED

JAN 04 1995

Department of Wat.

Southern Region Office

RETURN THIS PORTION WITH YOUR REMITTANCE

26628

4736

THIS SPACE FOR ADDRESS ONLY

IDAHO WATER RESOURCES

222 SHOSHONE ST N
 TWIN FALLS

ID
 83301

RECEIVED

FEB 16 1995

**NOTICE OF AMENDED
APPLICATION FOR
WATER PERMIT**

Notice is hereby given that the following application for permit to appropriate the public waters of the State of Idaho has been amended as follows:

47-08082

GARY R. STONE
394 FAFNIR DRIVE
KIMBERLY ID 83341

Date Amended: 5/9/1994

Source: Springs &
Unnamed Stream
Tributary to Snake River

Diversion Pt: Lot 4
(SENESEW), NWNESEW,
S32, T9S, R18E; Twin
Falls County

Use: Recreation Storage
(10.0 afa)

In: NESEW, S32, T9S,
R18E

The permit will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East., Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before December 19, 1994. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson,
Director

Published in Times News
on 12/1 & 12/8/94

RECEIVED

FEB 16 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

November 18, 1994

R. KEITH HIGGINSON
Director

TIMES NEWS
PO BOX 548
TWIN FALLS ID 83301

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

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

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

FEB 16 1995

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

Notice is hereby given that the following application for permit to appropriate the public waters of the State of Idaho has been amended as follows:

47-08082

GARY R. STONE
394 FAFNIR DRIVE
KIMBERLY ID 83341

Date Amended: 5/9/1994

Source: Springs & Unnamed Stream Tributary to Snake River

Diversion Pt: Lot 4 (SENESEW), NWNESEW, S32, T9S, R18E; Twin Falls County

Use: Recreation Storage (10.0 afa)

In: NESEW, S32, T9S, R18E

The permit will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East., Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before December 19, 1994. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson, Director

Published in Times News on 12/1 & 12/8/94

RECEIVED
FEB 16 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

November 17, 1994

R. KEITH HIGGINSON
Director

GARY R STONE
394 FAFNIR DRIVE
KIMBERLY ID 83341

Re: Amended Application for Permit No. 47-08082

Dear Mr. Stone:

The Department of Water Resources acknowledges the changes to your application for permit as referenced above.

This office will be advertising the amended application in the Times News on 12/1 & 12/8/94. A period of ten days following the second publication will be allowed for the submittal of protests.

If the amended application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the amended application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

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

Very truly yours,

Mel Schulte
Sr. Water Resource Agent

MS:MB

FLB 16 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

02-June-1994

R. KEITH HIGGINSON
Director

KEN STUTZMAN
RT 1 BOX 4777
TWIN FALLS ID 83301

RE: Application for Permit No. 47-08082

Dear Mr. Stutzman:

An Amended Application for Permit No. 47-08082 in the name of Gary R. Stone has been received by this office as well as an Assignment of the Application signed by Mr. Stone.

However, in order to process an Assignment, the Department must have the signature of the owner of record on that form. If a transfer of ownership is your intent, please sign the enclosed Assignment of Application for Permit form and return to this office at your earliest convenience.

Also, please note that your signature must be performed before a Notary Public.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

Enclosure

cc: Gary R. Stone

FILED 6/15/94

CLASSIFIED ADVERTISING INVOICE

132 3RD ST W.
P. O. BOX 548
TWIN FALLS

ID 83303

RECEIVED

MAY 10 1988

18487	343	04/27/88
#47-8082		
4/07/88	734-3578	
37	2	20.72 20.72
OK MB 5/20/88		20.72 20.72
GROSS AMT DUE AFTER 05/12		

13487

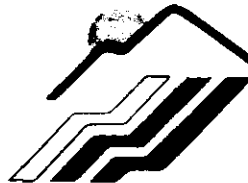
2072

THIS SPACE FOR ADDRESS ONLY

IDAHO WATER RESOURCES

2148 4 AVE EAST
TWIN FALLS

ID
83301



The Times-News

P.O. Box 548 • Twin Falls, Id. 83303-0548

May 6, 1988

Idaho Water Resources
2148 4th Ave East
Twin Falls ID 83301

RECEIVED

DEPARTMENT OF WATER RESOURCES
SOLUTION REGION OFFICE

RIGHT #47-8082

Two Times

April 7, 1988, 37 lines @ .32- - \$11.84
April 14, 1988, 37 lines @ .24- - \$ 8.88

\$20.72

REPRODUCTION
FEB 16 1995

we hereby certify that the above account is correct and that the supplies were actually furnished and the services were actually rendered as charged, and that we have not received payment therefor.
WONED: The Times-News - Magic Valley Newspapers, Inc.

BY: [Signature] INVOICE
18487

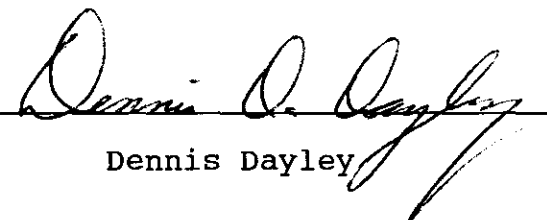
Notification of Payment for Improvements

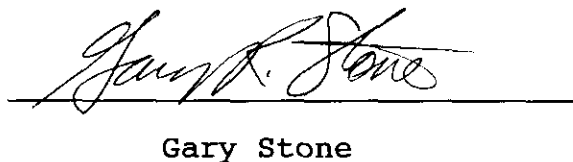
RE: Water Right #47-08082

To Whom It May Concern:

Construction work involved to improve ponds for recreational fishing has been contracted and paid to Dennis Dayley, of Renegade Construction Co., Burley, Idaho.

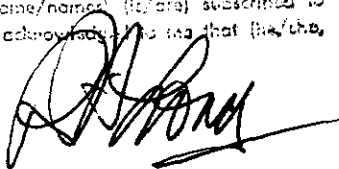
date 4-11-94


Dennis Dayley


Gary Stone

STATE OF IDAHO
COUNTY OF CASSIA

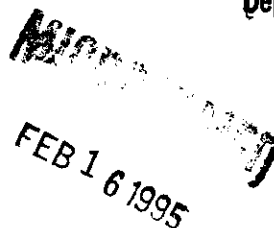
On this 6 day of MAY 1994,
before me a notary public in and for said State, personally
appeared DENNIS D DAYLEY &
GARY R. STONE known to me to be the
(person/persons) whose (name/names) (is/are) subscribed to
the within instrument and acknowledged to me that (he/she,
they) executed the same.



RECEIVED

MAY 9 1994

Department of Water Resources
Southern Region Office



47-08082

APPLICATION FOR
WATER RIGHT

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

47-8082

STUTZMAN, KEN

Rt. 1 Box 4777, Twin Falls, ID 83301

Source: UNNAMED
STREAM trib. to SNAKE
RIVER SPRINGS trib. to
SNAKE RIVER

Diversion Pt: Lot 4
(NESW) SESW Sec 32 T
09S R 18E; 2 miles
South & 6 miles East of
Twin Falls.

Use: FISH PROP.

(12.0 CFS)

Date Filed: 03/09/1988

In: Lot 04 (NESW Sec 32
T09S R 18E

The permit(s) will be
subject to all prior water
rights. Protests must be
filed with the director,
Dept. of Water
Resources, Southern
Region, 2148 4th Avenue
East, Twin Falls, Idaho
83301 on or before
APRIL 25, 1988.

R. KEITH HIGGINSON,
Director

PUBLISHED: Thursday,
April 7 and 14, 1988.

Affidavit of Publication

STATE OF IDAHO.

COUNTY OF TWIN FALLS

ss.

FILED
MAY 10 1988 No 18487

I, Belinda Clappe, being first duly sworn upon
oath, depose and say that I am Print Clerk of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for Seven
consecutive Weeks, commencing with the issue dated
April 7, 1988, and ending with the issue dated
April 14, 1988.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 22nd day of

April

1988

Dianna Bruce
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

OK MB
5/20/88
RECORDED
FEB 16 1995

RECEIVED

APR 18 1988

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Department of Water Resources
Southern Region Office

Amount Due

3112

Account Name Idaho Department of Water Resources (Southern)			Account Number #100632	
Address 2148 4th Avenue East		City/State Twin Falls, ID		Zip 83301
Ordered By Mary A. Baldwin	P.O. Number	Rate NT	Run Dates 1988 April 7, 14	
Identification Application for Water Right: No. 47-8082			Estimated Inches	Real Inches
1 Number of Affidavits Requested				Legal Number #8129

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

OK
MB
4/25/88

Deborah Gregory, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) ☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of April 7, 1988
and ending with the issue of April 14, 1988

Deborah Gregory

Subscribed and sworn to before me this 14th
day of April, 1988

NOTARY PUBLIC

FEB 16 1985

Ann E. P. [Signature] 12/93
Notary Public for Idaho, Residing at Boise, Idaho

Proof of Publication
The Post-Register

State of Idaho, }
County of Bonneville } ss

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

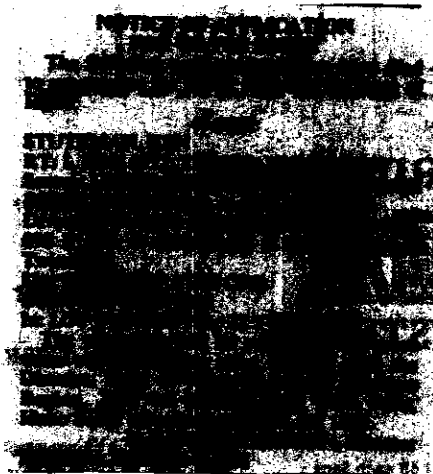
That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 7th day of April, 1988, last publication having been made on the 14th day of April, 1988, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 21st day of April, 1988.

J. Robb Brady
Leon R. Naper
Notary Public

My commission expires September 30, 1988.

B10



OK
MB
4/25/88

MICROFILMED
FEB 16 1995

Twin Falls County Planning and Zoning Administration

634 ADDISON AVENUE WEST

TELEPHONE 734-3300

TWIN FALLS, IDAHO 83301

RECEIVED

MAY 19 1988

Department of Water Resources
Region Office

May 18, 1988

Mr. Loren Holmes
Department of Water Resources
2148 Fourth Avenue East
Twin Falls, ID 83301

Dear Mr. Holmes:

In regards to the operation of a fish propagation farm, by Mr. Ken Stutzman, located on 120 acres in the Agricultural Zone of Twin Falls County. Twin Falls County Zoning Ordinance #21 recognizes the raising and growing of fish as a principle designated use within this zone.

Twin Falls County Planning & Zoning will allow this use of the land without any restrictions. However, should Mr. Stutzman's operation expand to include the processing of fish for commercial purposes, he will be required to furnish a Conditional Use application.

If you should have any questions, please feel free to call me at your earliest convenience.

Very truly yours,


Lee Taylor, Administrator
and Acting Secretary

LT/hp

cc: Mr. Ken Stutzman
Zoning Chairman

RECEIVED
FEB 16 1995



STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE 734-9520

DIVISION OF ENVIRONMENTAL QUALITY
P. O. Box 1626
Twin Falls, Idaho 83303-1626

March 25, 1988

Loren O. Holmes, P.E.
Southern Region Manager
Department of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301

RECEIVED

MAR 26 1988

Department of Water Resources
Southern Region Office

Re: Application for Permit #47-8082

Dear Mr. Holmes:

The referenced application by Ken Stutzman for appropriation of waters for fish propagation has been reviewed by our office.

Since the proposed use is for fish propagation the applicant shall apply for a National Pollutant Discharge Elimination System (NPDES) waste discharge permit from the U.S. Environmental Protection Agency.

Compliance with appropriate NPDES permit requirements should assure meeting Idaho Water Quality Standards and Wastewater Treatment Requirements.

Should any questions arise, please contact me.

Sincerely,

Michael J. McMaster

Michael J. McMaster
Water Quality Field Supervisor

MJM/ta

cc: Robert L. Braun
Dan McDonough

Microfilm
FEB 16 1995

EQUAL OPPORTUNITY EMPLOYER



IDAHO FISH & GAME

REGION 4
868 East Main Street
Jerome, ID 83338
(208) 324-4350

RECEIVED

MAY 23 1988

Department of Water Resources
Southern Region Office

May 19, 1988

Mr. Ken Stutzman
2029 Mountain View Circle
Twin Falls, ID 83301

Dear Mr. Stutzman:

We have reviewed your application for 12 c.f.s. for fish propagation and will not be protesting that application. However, you will be expected to comply with all rules governing fish rearing.

Sincerely,

Carl H. Nellis
for
Carl H. Nellis
Supervisor, Region 4

CHN:ar

Cecil D. Andrus / Governor
Jerry M. Conley / Director



MICROFILMED

FEB 16 1995



TWIN FALLS CANAL COMPANY

POST OFFICE BOX 328
TWIN FALLS, IDAHO, 83303-0328

May 17, 1988

RECEIVED

MAY 23 1988

Department of Water Resources
Snake River Office

Ken Stutzman
2029 Mountain View Circle
Twin Falls, Idaho 83301

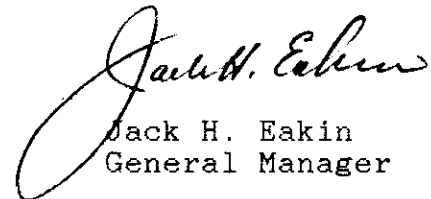
Subject: Fish Propagation
Section 32, T 9S, R 18E

Dear Ken:

This will confirm our conversation today concerning your plans for fish propagation using spring water near the Snake River Canyon in the above section. Your facilities are located beyond the limits of the Twin Falls Canal Company tract and should not interfere with any Canal Company operations.

The Canal Company uses chemicals for control of moss in canals and laterals. These chemicals dissipate with travel in the system, but can be hazardous to fish. You should assure yourself that tail water or waste water from the Canal Company system is not permitted to mingle with your source of water.

Very Truly Yours,


Jack H. Eakin
General Manager

JHE:cs

RECEIVED

FEB 16 1995

RECEIVED

PROPOSAL

APR 21 1988

Department of Water Resources
Southern Region Office

The undersigned, Marvin L. Prescott, proposes to sell approximately 120 acres described in Exhibits "A" & "B" attached hereto to Stone & Stutzman for Ninety-six Thousand and no/100 Dollars (\$96,000.00) on the following terms and conditions:

\$15,000.00 down prior to or upon
the execution of a
Contract of Sale;

The balance of \$81,000.00 shall bear
interest at the rate of 9 3/4% per
annum from and after the date hereof
and shall be payable as follows:

\$10,000.00 one (1) year from the
date of said
Contract; and

\$10,000.00 annually thereafter
until the full
purchase price is
paid in full.

Said annual payment shall first be applied to accrued interest and the balance to the unpaid portion of the purchase price. The Buyer shall have the privilege of prepaying any payment under the Contract without penalty.

Seller will release part or all of approximately 20 acres in the Southwest corner of the property described in Exhibit "B" attached hereto. By executing Deed or Warranty Deeds conveying said real property said Deed or Deeds shall

PROPOSAL - 1.

RECEIVED

FEB 16 1995

lm

47-8082

be delivered to the Buyers by Seller upon receiving an additional ^{800.00} ~~Four Thousand and no/100~~ Dollar (\$4,000.00) principal payment for each and every acre conveyed. The principal payments made for the release of said Deed or Deeds shall be applied to the principal balance due at the end of the Contract and shall not be credited to the next due annual payment.

Seller does not guarantee that the land described in Exhibit "A" or Exhibit "B" attached hereto can be subdivided and Seller makes no representations in regard thereto.

The cost of surveying the south boundary of said land described herein initially shall be borne by Seller. Any further surveys shall be at the expense of Buyers.

The Seller hereby agrees to furnish a Policy of Title Insurance to the Buyers when the land described in Exhibit "A" and Exhibit "B" attached hereto shall have been paid for showing title in Buyers in fee simple free and clear of all encumbrances except easements of record and current taxes.

Buyers are entering into this Contract relying solely upon information and knowledge obtained from a personal inspection of said real property by Buyers and Seller makes no warranties or agreements or representations in

RECEIVED
FEB 16 1995

regard to said property.

Buyers shall not permit mechanic's or materialman's or other liens to be filed or exist against the above described property.

In the event of a default by the Buyer any costs incurred by Seller in notifying Buyers of any default and any legal or Court costs incurred with or without suit shall be paid by the Buyers and in any action or suit brought to enforce any of the terms, conditions or covenants of a Contract the prevailing party shall be entitled as part of the judgment rendered to a reasonable attorney fees to be fixed by the Court in addition to any costs allowed by law.

In case the rights of the Buyers are transferred or assigned in whole or in part through voluntary transfer or operation of law, without the written consent of the Seller, Seller may at his option thereupon, or at any time thereafter, declare the entire purchase price and all sums owing immediately due and payable. It is further understood and agreed that the Seller cannot unreasonably withhold his permission to assign the Contract.

Taxes shall be prorated as of the date of possession.

Seller will convey by Warranty Deed to the Buyers said property and Buyers shall contemporaneously therewith

RECEIVED
FEB 16 1995 1m

execute a real estate mortgage to Seller as security for their performance and contemporaneously therewith there shall be entered into a Contract of Sale setting out the rights and obligations of the parties herein delineated.

Possession shall be given by Seller to Buyers on the date a contract of sale is entered into.

Seller, if necessary, shall give the Buyers an easement across his adjoining property so that Buyers can have access to said real property herein described and Buyers shall immediately build a fence and maintain the same between said easement and Seller's remaining property to protect Seller's livestock and to keep them off of said road.

Dated this _____ day of February, 1988.

MARVIN L. PRESCOTT

MICROFILMED
FEB 16 1995 1m

RECEIVED

FEB 02 1988

RECEIVED
FEB 02 1988

C.L. STUTZMAN EXCAVATING, INC.

Financial Statements
at September 30, 1987 and 1986

Compilation

CONDIE, BROWN & COMPANY
Certified Public Accountants

RECEIVED

FEB 16 1995

47-8082

C.L. STUTZMAN EXCAVATING, INC.
TWIN FALLS, IDAHO

TABLE OF CONTENTS

Accountant's Compilation Report	1
Balance Sheet	2-3
Statement of Income and Expense	4
Statement of Retained Earnings	5
Statement of Changes in Financial Position	6
Notes to the Financial Statements	7-9
Supplemental Compilation Report	10
Schedule of Earnings from Contracts	11
Schedule of Contracts Completed	12
Schedule of Contracts in Progress	13

RECORDED
FEB 16 1995



CONDIE, BROWN & COMPANY

CERTIFIED PUBLIC ACCOUNTANTS

122 THIRD AVENUE NORTH • P.O. BOX 1278 • TWIN FALLS, IDAHO 83303-1278 • PHONE 733-1161

Thomas G. Condie, C.P.A.
Dennis R. Brown C.P.A.

January 6, 1988

C.L. Stutzman Excavating, Inc.
Twin Falls, Idaho 83301

We have compiled the accompanying balance sheet of C.L. Stutzman Excavating, Inc. as of September 30, 1987 and 1986, and the related statements of income, retained earnings and changes in financial position for the years then ended in accordance with standards established by the American Institute of Certified Public Accountants.

The compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

CONDIE, BROWN & COMPANY
CONDIE, BROWN & COMPANY
Certified Public Accountants

sd

RECEIVED
FEB 16 1995

C.L. STUTZMAN EXCAVATING, INC.
BALANCE SHEET
at September 30, 1987 and 1986

ASSETS		
	1987	1986
	-----	-----
Current Assets:		
Cash	\$ 200	\$
Contracts Receivable	10,437	97,236
Inventory	54,140	3,335
Prepaid Expenses	3,419	3,419
Costs and Estimated Earnings in Excess of Billings on Uncompleted Contracts (Note 3)	51,694	4,457
	-----	-----
Total Current Assets	119,890	108,447
	-----	-----
Fixed Assets:		
Buildings	52,000	52,000
Vehicles	84,328	84,328
Equipment	285,695	276,741
	-----	-----
Total	422,023	413,069
Less: Accumulated depreciation	(279,887)	(262,662)
	-----	-----
Total Fixed Assets	142,136	150,407
	-----	-----
Other Assets:		
Investment - Hudson Hydro	15,000	
Loans to Stockholders	18,104	19,429
	-----	-----
Total Other Assets	33,104	19,429
	-----	-----
Total Assets	\$ 295,130	\$ 278,283
	=====	=====

See Accountant's Compilation Report
The accompanying notes are a part of these financial statements

RECEIVED
FEB 16 1995

C.L. STUTZMAN EXCAVATING, INC.
BALANCE SHEET
at September 30, 1987 and 1986

LIABILITIES AND STOCKHOLDERS' EQUITY

	1987	1986
	-----	-----
Current Liabilities:		
Cash Overdraft	\$	\$ 10,954
Notes Payable	40,860	
Accounts Payable	17,212	78,028
Accrued Payroll Taxes Payable	6,063	10,163
Accrued Interest Payable	335	519
Income Taxes Payable	3,346	20
Billings in Excess of Costs and Estimated Earnings on Uncompleted Contracts (Note 3)	394	
Current Portion Long-Term Debt	10,036	30,684
	-----	-----
Total Current Liabilities	78,246	130,368
	-----	-----
Long-Term Debt:		
Note Payable (Note 3)	38,036	81,679
Less: Current Portion	(10,036)	(30,684)
	-----	-----
Total Long-Term Debt	28,000	50,995
	-----	-----
Total Liabilities	106,246	181,363
	-----	-----
Stockholders' Equity:		
Common Stock (No par, 100 shares authorized, 100 issued)	6,960	6,960
Paid in Capital	80,295	80,295
Retained Earnings	101,629	9,665
	-----	-----
Total Stockholders' Equity	188,884	96,920
	-----	-----
Total Liabilities and Stockholders' Equity	\$ 295,130	\$ 278,283
	=====	=====

See Accountant's Compilation Report
The accompanying notes are a part of these financial statements.

FEB 16 1995

C.L. STUTZMAN EXCAVATING, INC.
STATEMENT OF INCOME AND EXPENSE
for the years ended September 30, 1987 and 1986

	1987	1986
	-----	-----
Gross Contract Revenue	\$ 461,082	\$ 324,093
Less: Cost of Construction	(295,804)	(179,572)
	-----	-----
Gross Profit	165,278	144,521
	-----	-----
Operating Expenses:		
Repairs and Maintenance	22,697	15,466
Taxes	360	4,022
Legal and Accounting	4,684	9,917
Office Expenses	1,485	1,550
Telephone and Utilities	6,833	4,044
Insurance	16,994	21,227
Depreciation	17,752	33,452
	-----	-----
Total Operating Expenses	70,805	89,678
	-----	-----
Net Income from Operations	94,473	54,843
	-----	-----
Other Income (Expense):		
Scrap Material Income	4,495	
Interest Expense	(3,658)	(10,280)
	-----	-----
Net Income Before Income Taxes	95,310	44,563
	-----	-----
Income Tax Expense:		
State Income Taxes	3,346	20
	-----	-----
Net Income	\$ 91,964	\$ 44,543
	=====	=====

See Accountants' Compilation Report
The accompanying notes are a part of these financial statements.

FEB 16 1995

C.L. STUTZMAN EXCAVATING, INC.
STATEMENT OF RETAINED EARNINGS
at September 30, 1987 and 1986

	1987 -----	1986 -----
Balance - October 1	\$ 9,665	\$ (34,878)
Add: Net Income for the year ended	91,964 -----	44,543 -----
Balance - September 30	\$ 101,629 =====	\$ 9,665 =====

See Accountant's Compilation Report
The accompanying notes are a part of these financial statements.

FEB 16 1995

C.L. STUTZMAN EXCAVATING, INC.
STATEMENT OF CHANGES IN FINANCIAL POSITION
for the year ended September 30, 1987

	1987	1986
SOURCE OF FUNDS		
Net Income	\$ 91,964	\$ 44,543
Items not affecting working capital:		
Depreciation	17,752	33,453
Total	109,716	77,996
Total Funds Provided	109,716	77,996
APPLICATION OF FUNDS		
Increase in Fixed and Other Assets	23,954	23,585
Decrease in Long-Term Debt	23,522	38,032
Increase in Stockholder Loans Receivable	(1,325)	4,000
Total Application of Funds	46,151	65,617
Increase in Working Capital	\$ 63,565	\$ 12,379
CHANGE IN WORKING CAPITAL		
Increase (Decrease) in Current Assets:		
Cash	\$ 200	\$ (2,603)
Contracts Receivable	(86,799)	97,236
Inventory	50,805	
Prepaid Insurance		3,419
Costs and Estimated Earnings in Excess of Billings on Uncompleted Contracts	47,237	4,457
Total	11,443	102,509
Decrease (Increase) in Current Liabilities:		
Cash Overdraft	10,954	(10,954)
Notes Payable	(40,860)	
Accounts Payable	60,816	(78,028)
Payroll Taxes Payable	4,100	(750)
Other Accrued Liabilities	(3,536)	
Current Portion of Long-Term Debt	20,648	(398)
Total	52,122	(90,130)
Increase in Working Capital	\$ 63,565	\$ 12,379

See Accountants' Compilation Report
The accompanying notes are a part of these financial statements.

RECEIVED
FEB 16 1995

C.L. STUTZMAN EXCAVATING, INC.
Notes to the Financial Statements

NOTE 1 - ACCOUNTING POLICIES

C.L. Stutzman Excavating, Inc. was incorporated under the laws of the state of Idaho on December 31, 1978, and assumed the business of the proprietorship of C.L. Stutzman. The Company's principal business is commercial and residential construction excavating.

Basic Accounting System - The Company records transactions on the cash basis with adjustments made at financial statement dates for contracts receivable, accounts payable, and such other accruals as arise at those dates. Contract revenue is recognized by the percentage-of-completion method for both financial statement and income tax reporting.

Inventories - Inventory consists of fuel, parts, tires, scrap pipe and resalable equipment used on construction jobs. Perpetual inventory records are not maintained. A physical inventory is made for financial statement purposes at statement dates. Inventories are stated at the lower of cost or market, cost being determined by the first-in, first-out (FIFO) inventory method. All obsolescent and damaged merchandise is excluded from the inventory amounts.

Fixed Assets - Fixed assets are carried at cost. Major additions and betterments are charged to the property accounts, while maintenance and repairs which do not extend the useful lives of the respective assets are expensed currently. Trade-ins are recorded by the tax method, the book value of the traded asset being offset against the purchase price of the new asset.

Depreciation - The provision for depreciation is based on the straight-line depreciation method. Management has determined the estimated useful life of the fixed assets to be as follows:

Buildings and Improvements	15-30 Years
Vehicles	7-10 Years
Equipment	3-10 Years

Income Taxes - Certain items of expense are recognized for income tax purposes in different periods from those in which such items are recognized for financial reporting purposes. These items include depreciation expense using accelerated methods for tax purposes. Deferred income taxes are provided for the tax effects of these timing differences. Investment and other tax credits are recognized under the flow-through method of accounting. Investment tax credits and net operating loss carry-forwards eliminate any deferred income tax at the present time.

FEB 16 1995

C.L. STUTZMAN EXCAVATING, INC.
Notes to the Financial Statements

-continued-

NOTE 2 - LONG-TERM DEBT

Long-term corporate indebtedness is as follows as of September 30, 1987:

<u>Payee</u>	<u>Total</u>	<u>Current Portion</u>
Note payable to Idaho Bank and Trust, which is SBA insured, in monthly installments of \$3,977 including interest at prime plus 2 1/4% Payments are not required in Jan.Feb.or Mar. The note is secured by land owned by C.L. Stutzman, equipment, and a term life insurance policy on C.L. Stutzman.	\$ 10,036	\$10,036
Note payable to Water and Waste Water Equipment Company, which was assumed by the company at incorporation. This note is past due; however, the holder has not required immediate payment. Management does not anticipate the payment of any interest on the balance.	<u>28,000</u>	<u> </u>
Totals	\$ 38,036 =====	\$10,036 =====

The five year maturities of this debt is as follows:

1988	\$ 10,036
1989	0
1989-1991	28,000

	\$ 38,036 =====

FEB 16 1995

C.L. STUTZMAN EXCAVATING, INC.
Notes to the Financial Statements

NOTE 3 - COSTS AND ESTIMATED EARNINGS IN EXCESS OF BILLINGS ON UNCOMPLETED CONTRACTS

Costs incurred on uncompleted contracts	\$ 52,788
Estimated earnings	<u>34,546</u>
Total	87,334
Less: Billings to date	(36,034)
Total	<u>\$ 51,300</u> =====

Included in the accompanying balance sheet
under the following captions:

Costs and estimated earnings in excess of billings on uncompleted contracts	\$ 51,694
Billings in excess of costs and estimated earnings on uncompleted contracts	<u>394</u>
Total	<u>\$ 51,300</u> =====

NOTE 4 - CONTINGENCIES

At September 30, 1987 the company was not contingently liable to
any concern.

FEB 16 1995



CONDIE, BROWN & COMPANY

CERTIFIED PUBLIC ACCOUNTANTS

122 THIRD AVENUE NORTH • P.O. BOX 1278 • TWIN FALLS, IDAHO 83303-1278 • PHONE 733-1161

Thomas G. Condie, C.P.A.

Dennis R. Brown C.P.A.

January 6, 1988

C.L. Stutzman Excavating, Inc.
Twin Falls, Idaho 83301

The accompanying supplementary information contained in the following pages is presented for purposes of additional analysis and has been compiled by us from information that is the representation of the management of C.L. Stutzman Excavating, Inc., without audit or review. Accordingly, we do not express an opinion or any other form of assurance on such supplementary information.

CONDIE BROWN & COMPANY
CONDIE, BROWN & COMPANY
Certified Public Accountants

RECORDED
FEB 16 1995

C.L. STUTZMAN EXCAVATING, INC.
Schedule 1
Earnings from Contracts
for the year ended September 30, 1987

	Year Ended September 30, 1987			Prior Years
	Revenues Earned	Costs of Revenues Earned	Gross Profit (Loss)	Gross Profit (Loss)
Contracts Completed During the Year	\$ 373,354	\$ 242,622	\$ 130,732	\$ 60,114
Contracts in Process at Year-end	87,728	53,182	34,546	0
Callbacks and Adjustments	0	0	0	0
	<u>\$ 461,082</u>	<u>\$ 295,804</u>	<u>\$ 165,278</u>	<u>\$ 60,114</u>

-See Accountant's Report-

UNRECORDED
FEB 16 1995

C.L. STUTZMAN EXCAVATING, INC.
Schedule 2
Schedule of Contracts Completed
For the year ended September 30, 1987

Contract		Contract Totals			Before September 30, 1986			During the year ended September 30, 1987		
Description	Date Started	Revenues Earned	Cost of Revenues	Gross Profit	Revenues Earned	Cost of Revenues	Gross Profit	Revenues Earned	Cost of Revenues	Gross Profit (Loss)
Bigwood	08-86	215,500	146,102	69,398	181,245	121,640	59,605	34,255	24,462	9,793
Grandview	09-86	254,913	169,459	85,454		(509)	509	254,913	169,968	84,945
Hydro 1	03-87	10,440	1,200	9,240				10,440	1,200	9,240
Saddle Road	04-87	56,400	32,529	23,871				56,400	32,529	23,871
Various Jobs		17,346	14,463	2,883				17,346	14,463	2,883
Totals		\$ 554,599	\$ 363,753	\$ 190,846	\$ 181,245	\$ 121,131	\$ 60,114	\$ 373,354	\$ 242,622	\$ 130,732

-See Accountant's Report-

MICROFILMED
FEB 16 1995

C.L. STUTZMAN EXCAVATING, INC.
Schedule 3
Schedule of Contracts in Progress
at September 30, 1987

Contract	Total Contract		From inception to September 30, 1987					At September 30, 1987		For the year ended September 30, 1987		
Description	Revenues	Estimated Gross Profit	Revenues Earned	Costs of Revenues	Gross Profit	Billed To Date	Estimated Cost To Complete	Cost and Estimated Earnings in Excess of Billings	Billings in Excess of Costs and Estimated Earnings	Revenues Earned	Costs of Revenues	Gross Profit
Stone Mining	\$ 7,000	\$ 1,000	\$ 6,034	\$ 5,228	\$ 806	\$ 6,034	1,166	\$	394	\$ 6,034	\$ 5,228	\$ 806
Wendell City	102,215	42,215	81,694	47,954	33,740	30,000	12,046	\$ 51,694		81,694	47,954	33,740
Totals	\$ 109,215	\$ 43,215	\$ 87,728	\$ 53,182	\$ 34,546	\$ 36,034	\$ 13,212	\$ 51,694	394	\$ 87,728	\$ 53,182	\$ 34,546

FEB 16 1995

-See Accountant's Report-

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Morning Tribune
505 C St., P.O. Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

Date 041488 INVOICE No. L00130851
Account No. 44662 47-8082
Description 30851NOTIC
Times 2 Lines 29

Tab Lines _____

RECEIVED

\$ 25.38

APR 20 1988

Department of Water Resources
Southern Region Office

OK MB
4/25/88

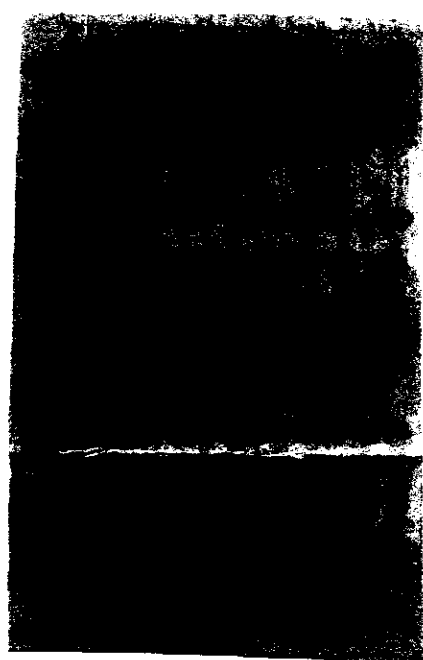
SOLD TO:

DEPT. OF WATER RESOURCES
2148 4TH AVE. E.
TWIN FALLS
ID 83301

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer To Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce



C. M. Viers, being duly sworn,
deposes and says, I am the Legal Clerk
of the Tribune Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho, publishers of the
LEWISTON MORNING TRIBUNE, a newspaper of general circulation
published at Lewiston, Nez Perce County, Idaho; That the said Lewiston
Morning Tribune is an established paper and has been published regular-
ly and issued regularly at least once a day for more than 21 consecutive
years next immediately preceding the first publication of this notice, and
has been so published uninterrupted for said period; that the

NOTICE OF APPLICATION

attached hereto and which is made a part of this affidavit was published in
the said Lewiston Morning Tribune, 2 time(s). Publication be-
ing on 040788, or once a
WEEK for 2 consecutive WEEKS, the first
publication thereof being on the 040788, and the last pub-
lication thereof being on the 041488, and said

NOTICE OF APPLICATION

was so published in the regular and entire issue of said newspaper and
not in a supplement thereof and was so published in every issue and
number of the said paper, during the period and times of publication as
set forth above.

C. M. Viers

SUBSCRIBED AND SWORN BEFORE ME THIS THE 15
day of April 1988

Sheryl M. Lentz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

RECORDED

FEB 16 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

March 22, 1988

Gary R. Burkett
Idaho Dept. of Health & Welfare
P.O. Box 1626
Twin Falls, ID 83301

Re: 47-8082

Dear Mr. Burkett:

Please find enclosed a copy of the above referenced
Application for Permit for your information and files.

If you have any questions or if this office can be of further
assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

Enclosure

MICROFILMED

FEB 16 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

March 22, 1988

Carl H. Nellis
Idaho Dept. of Fish & Game
P.O. Box 428
Jerome, ID 83338

Re: 47-8082

Dear Mr. Nellis:

Please find enclosed a copy of the above referenced
Application for Permit for your information and files.

If you have any questions or if this office can be of further
assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

Enclosure

RECEIVED
FEB 16 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

March 22, 1988

Ken Stutzman
Rt. 1, Box 4777
Twin Falls, ID 83301

Re: Application for Permit No. 47-8082

Dear Mr. Stutzman:

The Department of Water Resources acknowledges receipt of your application for a water right permit. The application has been assigned identification No. 47-8082. Please refer to this number in all further correspondence.

This office will be reviewing and processing your application pursuant to Idaho statutes and the department's Rules and Regulations for Water Appropriation.

A legal notice of the application is being prepared for publication in the Times News, Lewiston Morning Tribune, Post Register and Idaho Statesman and will appear on 4/7 & 4/14/88. The last date for receiving protests against granting of the application will be April 25, 1988.

If the application is protested you will be notified and sent a copy of all protests filed. Protests must be resolved either by hearing before the department or agreement among the parties before the application is approved or denied.

Review of your application indicates the following additional information is required to be made part of the application file pursuant to the Rules and Regulations for Water Appropriation:

1) Copies of deeds, leases, easements, or other information documenting that you have a possessory interest in the place of use. (Rule 4,5,3,3,1)

2) A certified financial statement or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the proposed use. (Rule 4,5,3,4,1)

3) Copies of plans and specifications along with estimated construction costs for the project works. The plans must be definite enough to allow for determination of project impacts.

FILED 6 1995

Ken Stutzman
Page 2
March 22, 1988

and implications. For fish propagation facilities the plans must show the number of ponds proposed and give the length, width and depth dimensions of all ponds. (Rule 4,5,3,4,2)

4) You must seek comment on the effects of the construction and operation of the proposed project from the city and/or county within which the project is to be located, the Idaho Department of Fish and Game, the Idaho Department of Health and Welfare, Division of Environment, and any irrigation district or canal company within which the project is to be located. (Rule 4,5,3,5,1)

The required additional information must be submitted within 30 days after the final date for receiving protests (April 25, 1988). The time may be extended upon request and showing of good cause that additional time is required to submit the information.

Please contact this office if you have any questions regarding this procedure.

Very truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

LH

RECEIVED
FEB 16 1995

NOTICE OF APPLICATION FOR WATER RIGHT

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

47-8082

STUTZMAN, KEN

RT. 1, BOX 4777, TWIN FALLS, ID 83301

Source: UNNAMED STREAM trib. to SNAKE RIVER
SPRINGS trib. to SNAKE RIVER

Diversion Pt: LOT 04 (NESW) SESW Sec 32 T 09S R 18E; 2 miles South & 6 miles
East of Twin Falls.
Use: FISH PROP. (12.0 CFS)

Date Filed: 03/09/1988

In: LOT 04 (NESW) Sec 32 T 09S R 18E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before APRIL 25, 1988.

R. KEITH HIGGINSON, Director

Published 4/7 & 4/14/88.

MICROFILMED

FEB 16 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

2148 4th Avenue East
Twin Falls, Idaho 83301
(208) 734-3578

MARCH 17, 1988

Times News
P. O. Box 548
Twin Falls, Idaho 83301

47-8082, 47-8083, 37-8333, 36-8347

Gentlemen:

4

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately. To be published 4/7 & 4/14/88.

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

Please send the affidavit of publication and publication billing to this office before APRIL 25, 1988.

Yours truly,

Mary A. Baldwin
Secretary/Office Coordinator

Encl.

RECORDED
INDEXED

FEB 16 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

2148 4th Avenue East
Twin Falls, Idaho 83301
(208) 734-3578

MARCH 17, 1988

Idaho Statesman
Box 40
Boise, ID 83707

36-8347, 37-8333, 47-8082

Gentlemen:

Enclosed you will find ³ legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately. To be published 4/7 & 4/14/88.

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

Please send the affidavit of publication and publication billings to this office before APRIL 25, 1988.

Yours truly,

Mary A. Baldwin
Secretary/Office Coordinator

Encl.

RECEIVED
FEB 16 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

2148 4th Avenue East
Twin Falls, Idaho 83301
(208) 734-3578

MARCH 17, 1988

Lewiston Mornings Tribune
505 C Street
Lewiston, ID 83501

36-8347, 37-8333, 47-8082

Gentlemen:

Enclosed you will find ³ a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately. To be published 4/7 & 4/14/88.

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

Please send the affidavit of publication and publication billings to this office before APRIL 25, 1988.

Yours truly,

Mary A. Baldwin
Secretary/Office Coordinator

Encl.

RECORDED
FEB 16 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

2148 4th Avenue East
Twin Falls, Idaho 83301
(208) 734-3578

MARCH 17, 1988

Post Register
P. O. Box 1800
Idaho Falls, ID 83402

36-8347, 37-8333, 47-8082

Gentlemen:

Enclosed you will find ³ a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately. To be published 4/7 & 4/14/88.

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

Please send the affidavit of publication and publication billing to this office before APRIL 25, 1988.

Yours truly,

Mary A. Baldwin
Secretary/Office Coordinator

Encl.

RECEIVED

FEB 16 1995