

NOTICE OF APPLICATION FOR WATER RIGHT
The following application(s) have been filed to appropriate the public waters of the State of Idaho:
47-2047
WHITE, TERRY
RLA, Buhl, ID 83316
Source: NEYMAN TUNNEL trib. to MUD CREEK
Diversion Pt: NWSW Sec 26 T 09S R 14E
Use: FISH PROP. (12.0 CFS)
Date Filed: 06/06/1986
In: SENAT NWSW Sec 26 T 09S R 14E
The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 1841 Blue Lakes Blvd., N. Twin Falls, Idaho 83301 on or before SEPTEMBER 8, 1986.
KENN DUNN, DIV. PUBLISHER: Thursdays, August 21, and 28, 1986.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS, ss.

I, Pamela Dower being first duly sworn upon oath, depose and say that I am Prime 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 two consecutive weeks, commencing with the issue dated August 21, 1986, and ending with the issue dated August 28, 1986.

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 60-106 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.

Pamela Dower
Subscribed and sworn to before me on this 28 day of August, 1986.

Dennis Kruse
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

Rec'd
9/1/86
IDWR
Southern
No 16594

Proof of Publication
The Post-Register

RECEIVED

SEP 5 1986

DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE

State of Idaho, } ss
County of Bonneville }

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 21st day of August, 1986, last publication having been made on the 28th day of August, 1986, 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 3rd day of September, 1986.

J. Robb Brady
Debra Napier
Notary Public

My commission expires September 30, 1988.

B10



OK
nb
9/8/86

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

**LEGAL ADVERTISING
INVOICE**

SOLD TO:

STATE OF IDAHO
DEPT. OF WATER RESOURCES
1041 BLUE LAKES BLVD. N.
TWIN FALLS,
ID 83301

Date 082886 INVOICE No. L0008507C

Account No. 44662

Description 85070NOTIC

Times 2 Lines 23 SEP 5 1986

Tab Lines DEPT. OF WATER RESOURCES
STATE OF IDAHO

\$ 20.13

RECEIVED

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

R. R. Thomason, 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 regularly
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 FOR

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 082186 WEEK for 2 consecutive WEEKS, or once a
publication thereof being on the 082186, the first
publication thereof being on the 082886, and said
publication thereof being on the 082886, and said.

NOTICE OF APPLICATION FOR

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 2

day of September 1986

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

NOTICE OF APPLICATION
FOR WATER RIGHT
The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:
07-6947
WHITE, TERRY
RT. 3, Buhl, ID 83316
Source: NEYMAN TUNNEL trib. to
MUD CREEK
Diversion Pt: NWSW Sec 28 T 69S R
14E
Use: FISH PROP. (12.0 CFS)
Date Filed: 09/06/1986
In: SENW NWSW Sec 28 T 69S R 14E
The permit(s) will be subject to
all prior water rights. Protests must
be filed with the Director, Dept. of
Water Resources, Southern Region,
1041 Blue Lakes Blvd. N. Twin Falls,
Idaho 83301 on or before SEPTEMBER 8, 1986.
KEN DUNN, Dir.

OK
MB
9/8/86

RECEIVED

SEP 2 1986

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Department of Water Resources
Southern District Office

Account Name ID Dept. of Water Resources, Southern Region			Account Number #100632		Amount Due 27.62
Address 1041 Blue Lakes Blvd. N.		City/State Twin Falls, ID		Zip 83301	
Ordered By Mary Baldwin	P.O. Number	Rate nt	Run Dates 1986 Aug. 21, 28		
Identification Application 47-8047			Estimated Inches	Real Inches	
			Legal Number #2921		

☐ 1 Number of Affidavits Requested

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Laura Gay Barnes, 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 August 21, 19 86
and ending with the issue of August 28, 19 86

Subscribed and sworn to before me this 28th

day of August, 19 86

Connie Blackburn
Notary Public for Idaho, Residing at Boise, Idaho

NOTICE OF APPLICATION FOR WATER RIGHT

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

47-8047

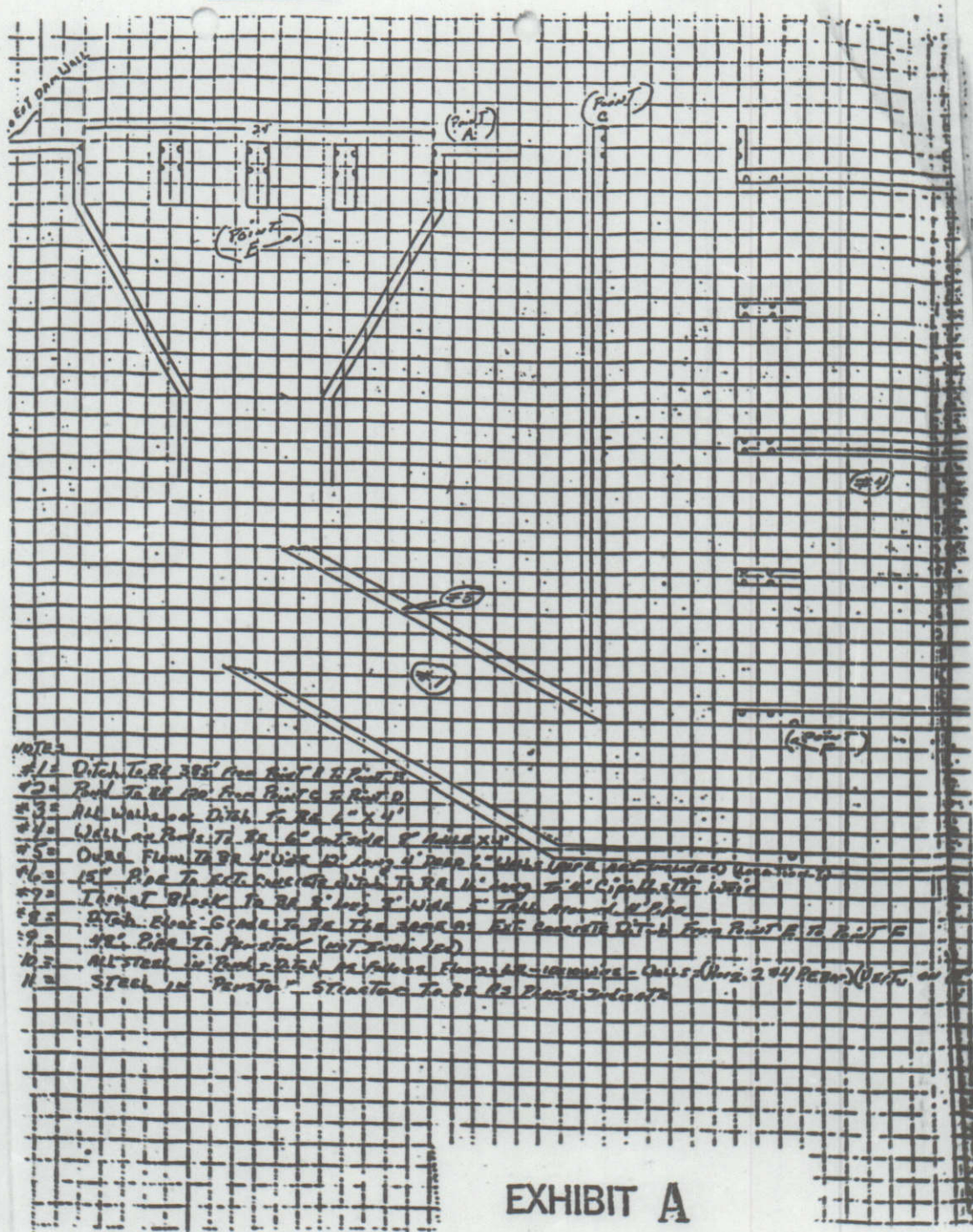
White, Terry
Rt. 3
Subl. ID 83316
Source: Neyman Tunnel
Trill. to Mud Creek
Divers. Pt: HWSW Sec. 28
T 68S R 14E
Use: Fish Prod. (125 CFS)
Date Filed: 08/04/1986
In: SENW HWSW
Sec. 28 T 68S R 14E

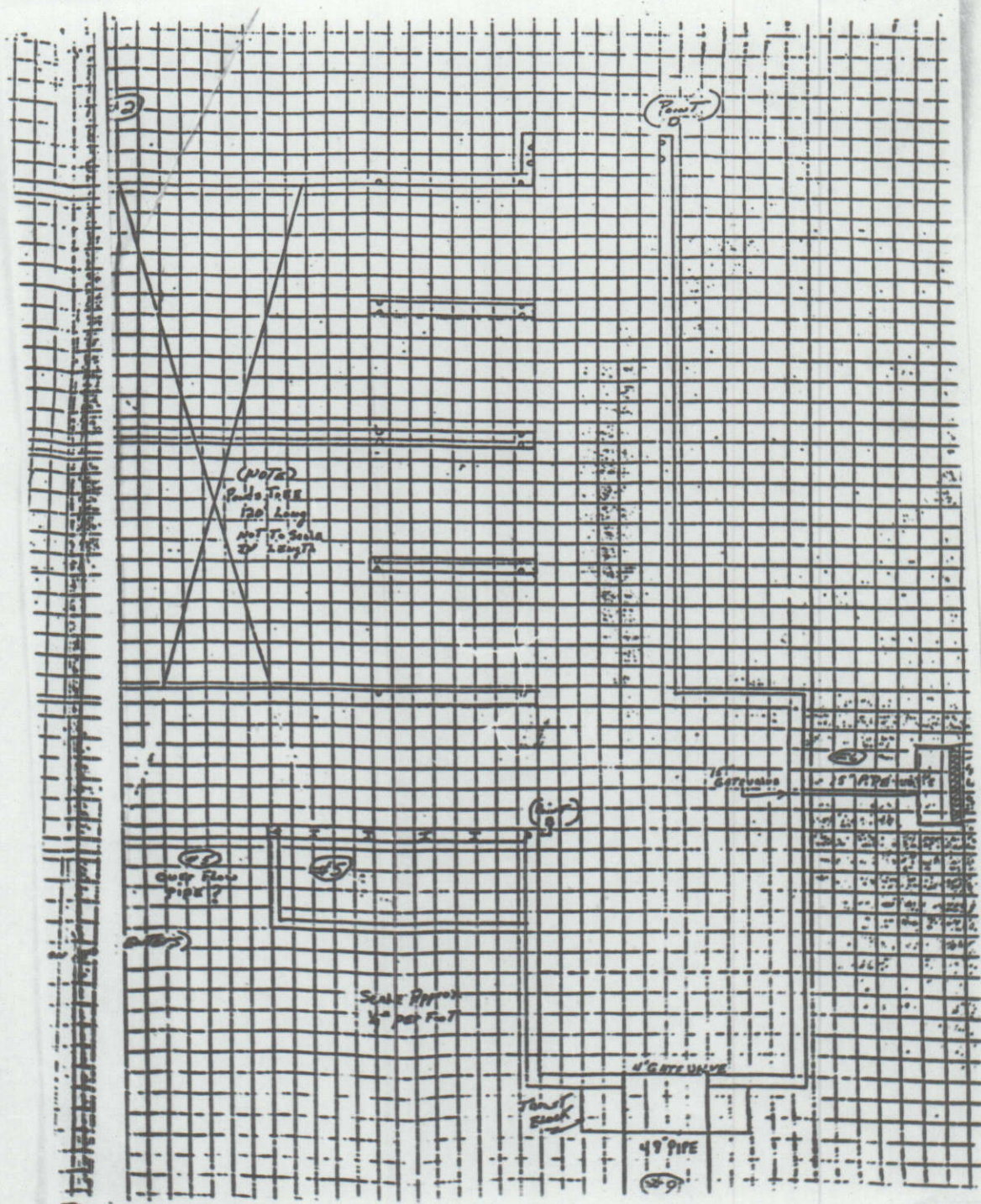
The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 1041 Blue Lakes Blvd. N., Twin Falls, Idaho 83301 on or before September 5, 1986.

KENDUNN
Director

Pub. Aug. 21, 28, 1986 2921

OK mb
9/2/86





Corrections called
8/18/86 to Rev.
N.B.

RECEIVED

AUG 18 1984

1990-1991

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 1041 Blue Lakes Blvd. N. Twin Falls, Idaho 83301 on or before SEPTEMBER 8, 1986.

KEN DUJ, N. Dir.

NOTICE OF APPLICATION FOR WATER RIGHT

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

47-8047

WHITE, TERRY

RT. 3, BUHL, ID 83316

Source: NEYMAN TUNNEL trib. to MUD CREEK

Diversion Pt: NWSN Sec 28 T 09S R 14E

Use: FISH PROP. (12.0 CFS)

Date Filed: 08/06/1986

In: SENW NWSN Sec 28 T 09S R 14E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 1041 Blue Lakes Blvd. N. Twin Falls, Idaho 83301 on or before SEPTEMBER 8, 1986.
KEN DUNN, Dir.

Published 08/21 & 08/28/86.

/6786 legl DEPT WATER
RESOURCES 004.8 IN
08/08 14:31

legal for thurs 8/21

NOTICE OF
APPLICATION FOR
WATER RIGHT
The following applica-
tion(s) have been filed to
appropriate the public
waters of the State of
Idaho:

47-8047
WHITE, TERRY
Rt. 3, Buhl, ID 83316
Source: NEYMAN
TUNNEL trib. to MUD
CREEK

Diversion Pt: NWSW
Sec 28 T 09S R 14E
Use: FISH PROP. (12.0
CFS)

Date Filed: 08/06/1986
In: SENW NWSW Sec
28 T 09S R 14E

The permit(s) will be
subject to all prior water
rights. Protests must be
filed with the Director,
Dept. of Water
Resources, Southern
Region, 1041 Blue Lakes
Blvd. N. Twin Falls,
Idaho 83301 on or before
SEPTEMBER 8, 1986.

KENN DUNN, Dir.
PUBLISH: Thursdays,
August 21, and 28, 1986.

RECEIVED

AUG 12 1986

Department of Water Resources
Southeastern Idaho Office

OK
MB
8/13/86

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT)
)
NO. 47-8047 IN THE NAME OF)
)
TERRY WHITE)
_____)

ORDER OF REINSTATEMENT

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

FINDINGS OF FACT

1. On December 4, 1986 the Director of the Department of Water Resources issued Permit No. 47-8047 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before December 1, 1989.
2. On September 30, 1989 the Department sent a proof due notice to the permit holder.
3. On December 14, 1989 the Department sent a lapse notice to the permit holder since neither proof of beneficial use nor a request for extension of time had been received from the permit holder.
4. On May 13, 1991 Proof of Beneficial Use was received by the Department from the permit holder.
5. Section 42-218a, Idaho Code, authorizes the Department to reinstate a lapsed permit, with the priority date

MICROFILMED

AUG 05 1991

advanced to the date that proof of beneficial use was received, upon submittal of evidence clearly establishing the extent of beneficial use prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

6. The permit holder has submitted evidence to confirm that water has been put to beneficial use prior to the proof due date. Evidence includes a copy of a receipt dated in 1988 which documents transfer of fish from the facility under the permit.

7. The permit holder has stated that he submitted proof late because he did not have sufficient funds to submit a license examination fee at the time proof and the exam fee were originally due.

CONCLUSIONS OF LAW

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

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

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

MICROFILMED
AUG 05 1991

ORDER

IT IS HEREBY ORDERED that Permit No. 47-8047 is
reinstated.

IT IS FURTHER ORDERED that the date of priority of this
permit is advanced to May 13, 1991.

Dated this ~~22nd~~ day of July, 1991.

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

AUG 05 1991

RECEIVED

June 6 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 47-8247

To appropriate the public waters of the State of Idaho **APPROVED**

- 1 Name of applicant Terry White Phone 543-5478
Post office address Rte 3, Buhl, Ida 83316
- 2 Source of water supply Neyman Tunnel which is a tributary of maad Cr.
- 3 Location of point of diversion is _____ 'A of NW 'A of SW 'A. Govt Lot 2
Sec 28 Township 9S Range 14E B.M. Town Falls County, additional
points of diversion if any _____
- 4 Water will be used for the following purposes:
Amount 12.0 for Fish Prop 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) 12.0 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, p. mps, headgates, etc concrete check pipe to
Place of use.

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 is _____ feet
d. Is ground water with a temperature of greater than 90°F being sought? _____
- 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).

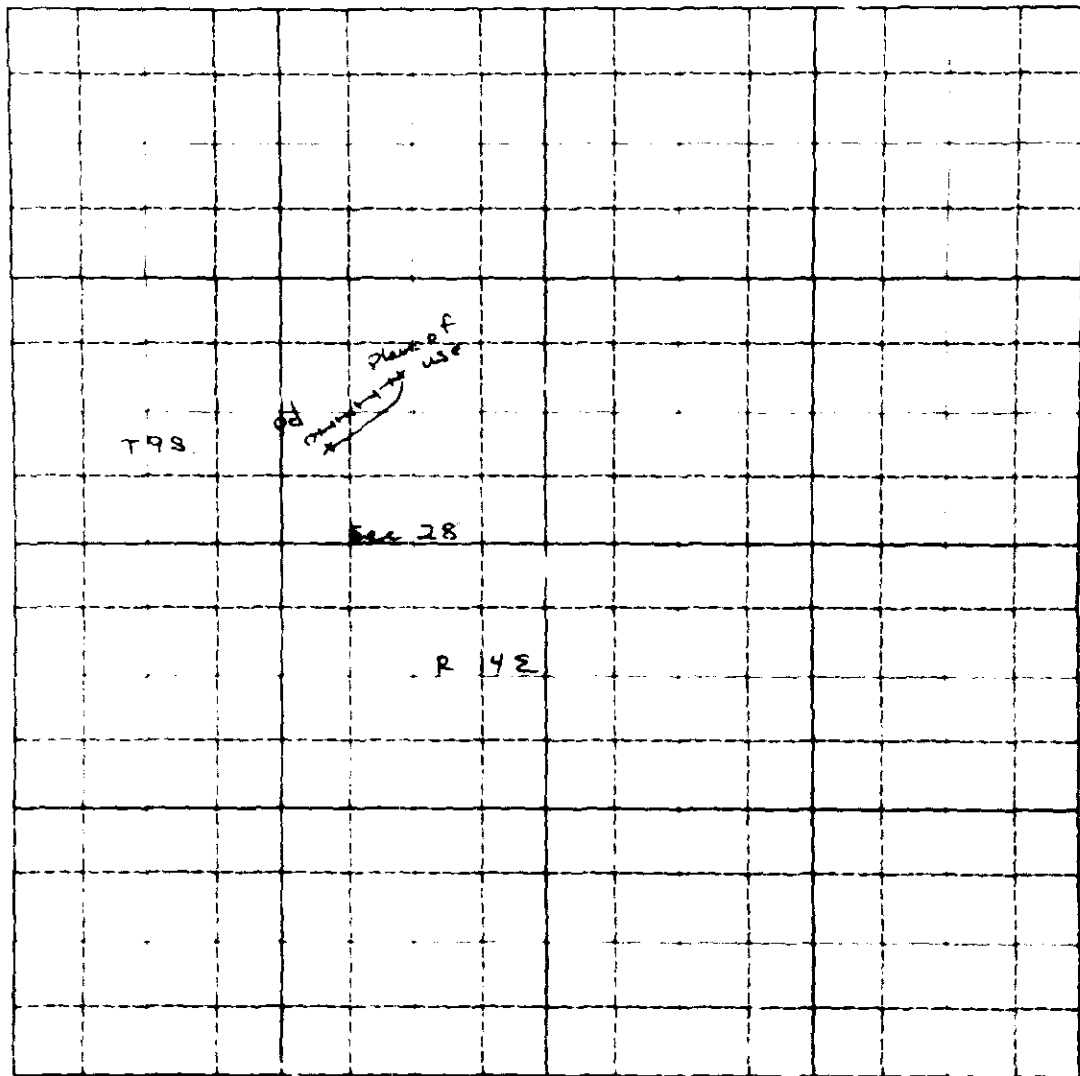
- 9 Description of place of use
- a If water is for irrigation, indicate acreage in each subdivision in the tabulation below
- b If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols

[illegible]

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above NONE
11. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated or place of use? Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____
12. Remarks: _____

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



Scale 1 inch equals 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

[Signature]
Applicant

Proposed priority 8/6/86

Received by A.S. Date 8-6-86 Time 12:00 P.M. Preliminary check by [Signature]

Fee \$ 265.00 Received by [Signature] # 48-5 Date 8-6-86

Publication prepared by M. Ballman Date 8/2/86 Published in Idaho State Engineer's Report

Publication approved M. Ballman Date 9/8/86

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. 47-8047 and said application is hereby APPROVED

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 19 89

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 Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Use of water under this permit shall be non-consumptive.

Use of water under this permit may be affected by an agreement between the protestant and the applicant.

Measuring devices of a type approved by the Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.

Assignment or sale of this permit is subject to a determination by the Department that the permit holder has proceeded to develop the permit with due diligence and without speculation.

Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.

Witness my hand this 4th day of December, 1986.

[Signature]
Chief, Operations Bureau

NOTARY PUBLIC
STATE OF IDAHO
COUNTY OF TWIN FALLS
My Comm. Expires
August 1, 1936

Affidavit of Publication

STATE OF IDAHO)
COUNTY OF TWIN FALLS)

File
7/26/36
EDWR
No Southern
No 16594

I, Samuel J. Dore, being first duly sworn upon oath, depose and say that I am the owner 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 two consecutive weeks, commencing with the issue dated August 31, 1936 and ending with the issue dated August 28, 1936.

And I do further certify that said newspaper is a consolidation, effective February 16, 1912, 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, 1936, 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 August 28, 1936, at 8 o'clock day of

Samuel J. Dore
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

Proof of Publication
The Post-Register

SEP 5 1986

State of Idaho, } ss
County of Bonneville }

I, J. Pobb 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 1890 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 21st day of August, 1986, last publication having been made on the 28th day of August, 1986, 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 3rd day of September, 1986.

J. Pobb Brady
Debra Napier
Notary Public

My commission expires September 30, 1988.

B10



OK
no
9/8/86

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

**LEGAL ADVERTISING
INVOICE**

SOLD TO

Date _____ INVOICE No. _____

Account No. _____

Description _____

Times _____ Lines _____ SEP 5 1985

Tab Lines _____

\$ _____

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

_____, being duly sworn,
deposes and says, I am the _____
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 regularly
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

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

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 _____

day of _____, 1985

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

RECEIVED

SEP 4 1986

The Idaho Statesman

P.O. BOX 40 BOISE IDAHO 83707

LEGAL ADVERTISING INVOICE

Date: 8/21/86
Advertiser: Idaho Dept. of Water Resources

Amount Due

2762

Account Name ID Dept. of Water Resources, Southern Region		Account Number #100632	
Address 1041 Blue Lakes Blvd. N.		City/State Twin Falls, ID	Zip 83301
Ordered By Mary Baldwin	PO Number	Rate nt	Run Dates 1986 Aug. 21, 28
Identification Application 47-8047		Estimated Inches	Real Inches
☐ Number of Affidavits Requested		Legal Number #2921	

STATE OF IDAHO

SS

COUNTY OF ADA

Laura Gay Barnes

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 August 21 19 86

and ending with the issue of August 28 19 86

Subscribed and sworn to before me this 28th

day of August 19 86

Conrad Erickson
Notary Public for Idaho, Residing at Boise, Idaho

NOTICE OF APPLICATION FOR WATER RIGHT
The following application(s) have been filed to appropriate the public waters of the State of Idaho:
47-8047
Wells, Terry
Box 2
Boise, ID 83704
Source: Northern Tuleal
Riv. to And Creek
Overlaid by: H&SW Sec. 28
T 28 N 4 E
S 28 E 1/4
Sec. 28 T 28 N 4 E
Sec. 28 T 28 N 4 E
The applicant will be subject to all other water rights. Priority must be filed with the Commission, Dept. of Water Resources, Southern Region, 2000 N. Capitol Blvd., Suite 200, Boise, ID 83725 on or before September 8, 1986.
KIM DUBOIS
Director
Pub. Ass. 21, 28, 1986 2861



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 23, 1991

RE: Permit No. 47-8047

Terry White
Rt. 3, Box 289
Buhl, ID 83316

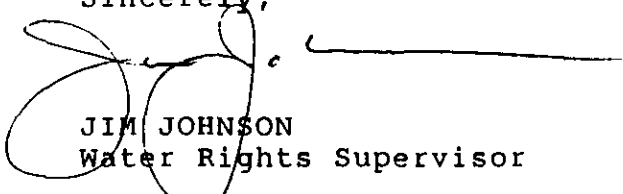
Dear Permit Holder(s):

We acknowledge receipt of the statement of beneficial use and the supporting documentation for reinstating the above referenced permit.

Before a license can be issued, a field examination will be made by a representative of this Department. Enclosed is an Order of Reinstatement. Please note that the priority date has been advanced to May 13, 1991.

If you have any questions regarding this matter, please feel free to contact our office.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED

AUG 05 1991

7-12-91

The enclosed receipt documents
transfers of fish from our hatchery
(permit # 47-8047) to another facility.
Pond A ~~is~~ is from the Fry ponds.

The proof of beneficial use is late
because of lack of funds.

Thank You

Mrs Terry White

WED

AUG 05 1991

CUSTOMER'S ORDER NO.	DEPT.	DATE 1/21/88
----------------------	-------	--------------

RECEIVED

JUL 11 1991

3073

1014

Southern Regional Office

CUSTOMER'S ORDER NO.	DEPT.	DATE 1/21/88
NAME To Horse Ranch # 8		
ADDRESS From Hatchery A-3		

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MOSEYED	PAID OUT
---------	------	--------	--------	----------	---------	----------

QUAN		DESCRIPTION	PRICE	AMOUNT
	1			
13eg	2	8.5		
	3			
Lead	4	8.0		
	5			
tot	6	.5		
	7			
LBS	8	6.5 @ 140		
	9			
Pop	10			
Pop	11	9.100		
	12			
	13			
	14			
	15			
	16			
	17			
	18			

MICROFILMED

AUG 05 1991

REC'D BY

REDIFORM
5L320/01320

KEEP THIS SLIP
FOR REFERENCE

CARBONLESS



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

May 15, 1991

Terry White
Rt. 3, Box 289
Buhl, ID 83316

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RE: Permit No. 47-8047

Dear Permit Holder:

The Department received your proof of beneficial use statement for the above referenced permit on May 13, 1991. The permit lapsed December 1, 1989 so the 60-day late period during which the permit can be readily reinstated has passed.

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

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

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

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

Sincerely,

TIM LUKE
Sr. Water Resource Spec.

MICROFILMED

AUG 05 1991

RECEIVED

STATE OF IDAHO

MAY 13 1991

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern Region Office

PROOF OF BENEFICIAL USE

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

Permit No. 47-08047 Telephone No. 543-5478

Name(s) of Permit Holder(s): Terry White

Post Office Address: Rt 3 Box 289 Buhl, ID. 83316

Source of Water: Neuman Tunnel

If ground water, well driller's name: 0 Date drilled: 0

Extent of Use:
Domestic _____ (No. of households) Irrigation _____ (No. of acres)
Stockwater _____ (No. and type of stock) Other _____

Fish propagation

Total rate and/or volume for which proof is submitted 12 cfs _____ acre/feet

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

One of the following may be a condition of approval of your permit:

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

OR

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

Fee Enclosed: \$ 375⁰⁰ (See License Examination Fee Schedule)

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

Mary White 543-5478
Name Telephone No.

Rt 3 Box 289 Buhl
Address

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

AUG 05 1991

5-11-91 Terry White Owner
Date Signature (and title if on behalf of a company or organization)



CECIL D. ANDRUS
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

R. KEITH HIGGINSON
Director

5-13-91

Terry & Mary White
Rt 3 Box 289
Buhl, ID 83316

Re: Proof Filed on lapsed
permit 47-8247

Dear Mr & Mrs White,

In addition to the proof of beneficial use form and fee submitted today you will need to supply the following information. Submit evidence that the development covered under this permit was completed in 1989 (Dec. 1). Please enclose a letter explaining why proof was filed late.

Submit the requested information within 30 days of the above date for prompt processing. If you have any questions please contact us.

Sincerely,
Douglas Jones

AUG 05 1991

I certify that file No. 47-8647 has been
reviewed and is ready to be MICROFILMED
and DESTROYED.

Sam Skelton
Signature

8-9-90
Date

December 14, 1989

TERRY WHITE
RT. 3
BUHL, ID 833160000

LAPSE NOTICE

RE: PERMIT NO. 47-08047

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced water permit has lapsed. This office did not receive either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time. You were provided the proper form in our proof due notice to you dated September 30, 1989.

Your permit cannot be reinstated unless you submit proof of beneficial use or submit an extension of time request showing reasonable cause for delay. Either the completed proof of beneficial use submittal (including the examination fee or a completed field examination report) or the extension request form together with the \$15 fee must be received by this department within sixty days of the date of mailing of this lapse notice or the permit will no longer be of any force or effect.

A proof of beneficial use form and a request for extension of time form are again enclosed for your use. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a governmental agency or by litigation which might bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

LGS:RF

TERRY WHITE
RT. 3
BUHL, ID 833160000

September 30, 1989

138659

PROOF DUE NOTICE

RE: PERMIT NO. 47-08047

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 December 1, 1989. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

Form 204-g
6/82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 97-8047
Name(s) of Permit Holder(s): THOMAS WHITE
Post Office Address: RT # 3 Buhl IDAHO Tel. No. 543-5478

☒ I hereby certify that construction of diversion works for the above referenced permit began on 11-15-86 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

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

*Note: A branching difficulty is not an acceptable reason

1-3-87
Date

[Signature]
Signature of Permit Holder



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
DECEMBER 11, 1986

WHITE, TERRY
RT. 3
BUNL, ID 83316

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 47-8047

DEAR PERMIT HOLDER:

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

PLEASE NOTE THE REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED A FORM ENTITLED "INSTRUCTIONS FOR PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

GARY SPACKMAN
SUPERVISOR, WATER ALLOCATION SECTION

GS: SC
ENCLOSURES

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: J. P. Stanten WHITE, Terry
APPLICATION NUMBER: 47-8-47

CHECK

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☒ Yes ☐ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☐ Yes ☒ No In form to receipt.

Field check by: JA

Date: _____

Comments: From knowledge of the area, this diversion is thru existing irrigation works. Mud Ct. WRA has licensed Rte. There are no Twin Falls Canal Co. diversions downstream.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Documents required for fish-propagation application. (Reg. 8/10/86. md)

- ☒ Plan
☒ Proof of ownership
☒ Cost est.
☒ Financial Stmt.

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☒ Idaho Fish and Game Department. md 8/2/86
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☒ Other Ad. Notice to TFCC

PROCESSING:

- ☐ Yes ☒ No Printed by: JA Map No. 88-70
☐ Yes ☐ No Other rights of same place of use. N/A
☒ Yes ☐ No In form for advertising.
Final date for protests: _____
☒ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- statute ☒ Affidavit of publication received. Date: 9/26/86
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application. Last Prot. Date 09/08/86
☒ Recommendation & initial, recorded on application. Protested by Mud Ct. Water Users Assoc - withdrawal
☒ Yes ☐ No Measuring device required. cc. Twin Falls Canal Co. Sent. 8/2/86
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district?
☒ 8/6/86 Date of priority recommended
Special conditions of approval or cover letter. 02, 09D, 20, 23, 27

allow 3 yrs. for ERM development file copy destroyed

By: T. Stanten Date: 11/5/86

STATE OFFICE REVIEW:

217 20 02 07A 09D 27 28

☐ See attached sheet for more information.

By: Rev Date: 11/19/86

Department of Water Resources

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1986

TWIN FALLS, IDAHO 83303-1986

TELEPHONE (208) 734-6700

THOMAS C. NELSON
JOHN A. ROSHOLT
J. LEON ROBERTSON
JEROME A. TOLMAN
JAMES C. TUCKER

ROBERT L. HARRIS
J. BRUCE STEINBRECHER
LARRY B. ANDERSON
BARRY EMMETT
CARY D. WHITE
C. MELVIN W. HANCOCK
B. THOMAS HANCOCK

Board Office
142 3rd AVENUE NORTH
P.O. BOX 1986
TWIN FALLS, IDAHO 83303-1986
TELEPHONE (208) 734-6700

RECEIVED

October 30, 1986

OCT 31 1986

Department of Water Resources
Southeast Region Office

State of Idaho
Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls ID 83301

ATTENTION: Loren O. Holmes

RE: Application 47-8047 -- Terry White

Dear Loren:

The Board of Directors of the Mud Creek Water Users Association has authorized me to advise you that because of the willingness of Terry White to subject the above referenced permit to the conditions of existing agreements between the Association and Mr. White, the Association withdraws any protest to Application No. 47-8047.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

Attorney for Mud Creek Water
Users Association

JAR:dcb
16771

cc: Mud Creek Water Users Association
Terry White



John A. Beam
Director
A. Kenneth Dunn
Deputy

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

September 30, 1986

John A. Rosholt, Esquire
NELSON, ROSHOLT, ROBERTSON, TOLMAN
& TUCKER
P.O. Box 1906
Twin Falls, ID 83303-1906

RE: Application 47-8047-Terry White

Dear John:

Enclosed is material submitted by Mr. White in response to the
Protest of Mud Creek WaterUsers Association.

Please let me know if this resolves the Protest.

Very truly yours,

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

LH:MB

cc with enclosures: Lila Stauffer, Sec.-Treas.
Mud Creek WaterUsers Association
Route 3
Buhl, ID 83316

September 25, 1986

Mr. Loren Holmes
Division Manager
Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

Reference: Water Application 47-8047

Dear Mr. Holmes,

Listed below is paragraph 13 which I extracted from the agreement dated April 9, 1985 between Mud Creek WaterUsers Association and Terry and Mary White.

PARAGRAPH 13. HOLD HARMLESS ON WATER QUALITY.

It is understood and agreed that all water pollution which might result for the Association by reason of the operation of White shall be the responsibility of White and White agrees to hold the Association harmless for any action taken by any federal, state or local agency to regulate or eliminate pollution, to obtain a permit therefore, or to eliminate such pollution as determined necessary by any governmental agency with jurisdiction.

It is further understood that if by reason of fish propagation, a mousing problem arises, White agrees to treat the water or solve the problem through the use of chemicals or other acceptable means. The Association President or a quorum of Directors shall monitor and inform White of the excess moss build-up.

As stated in this agreement, I am responsible for water delivery. If a moss problem is identified, I will take the necessary measures to eliminate the problem. Water flow will not be impeded by pollution caused by fish propagation.

I will adhere to the conditions defined in paragraph 13 of the agreement between the Association and myself for water application 47-7989 as well as water application 47-8047.

If further information is required please so advise.

Respectfully,


Terry White

NOTE:

In Response To Mud Creek
Water Works Protest Letter

Dated 9/8/1986

James W. Little

9/20/86

NC
9/29/86
F.D.I.
Smith

Rec
9/29/86
I.D.U.R.
[unclear]

September 29, 1986

Mr. Loren Holmes
Division Manager
Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, ID 83301

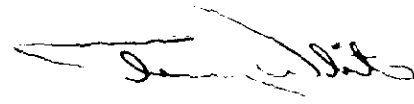
Reference: Application 47-8047

Mr. Holmes:

Please review the following enclosed information on a item by item basis.

If further information on clarification of the enclosed material is required please so advise.

Respectfully:



Terry White

ITEM 1

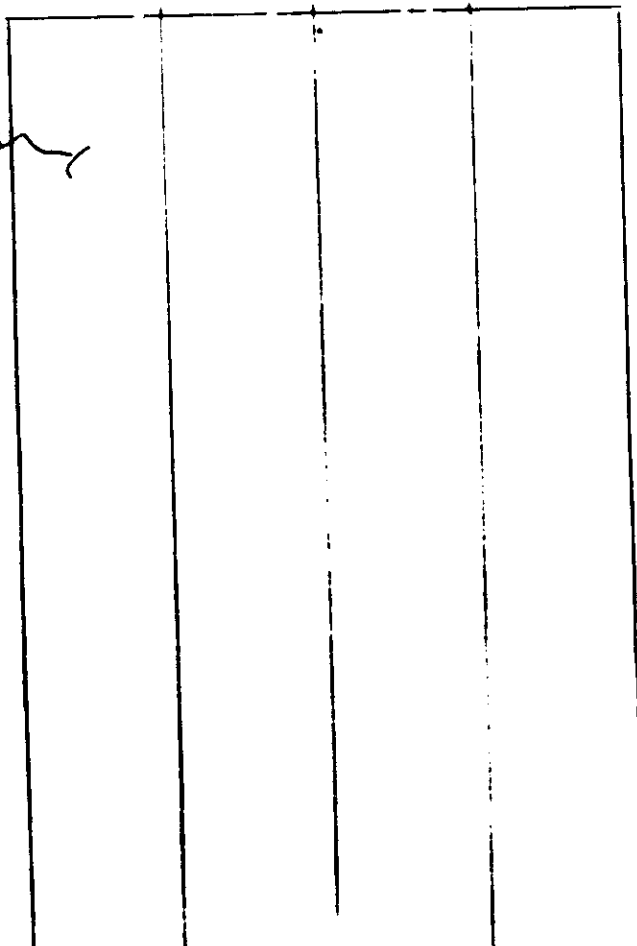
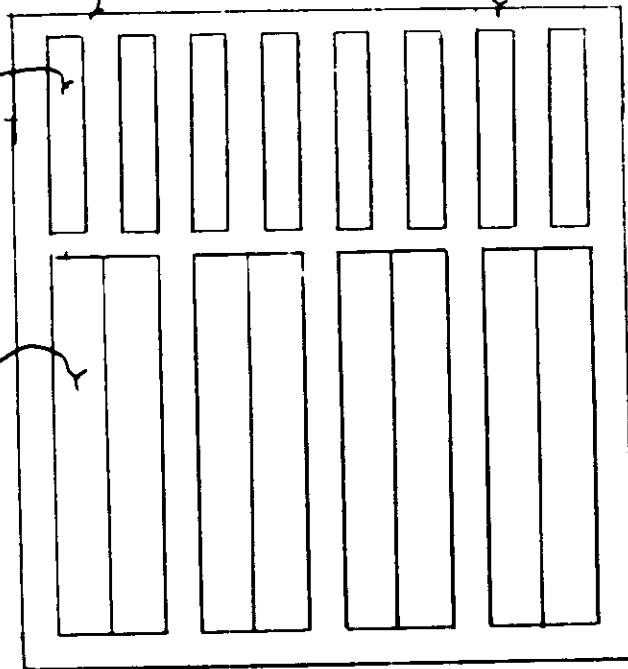
ADG DIMS: 44'x48'

Rec
11/29/86
EDW
200-1111

⑧ FRY TROUGHS
12" x 16" x 16'

⑧ FRY PONDS
3' x 3' x 26'

④ GROW-OUT PONDS
4' x 10' x 75'



ITEM "2"

Proof of Possession

Rec
9/29/86
IDWR
Southern

General Information:

Enclosed are copies of land contracts showing that the point of water diversion is owned by the partnership of Deep Creek Trout and the sight of hatchery and pond development is owned by Terry and Mary White.

The property owned by Deep Creek Trout is in escrow at Farmers National Bank in Buhl, Idaho. The property owned by Terry and Mary White is financed by Farmers Home Administration located in Twin Falls, Idaho.

844187

WARRANTY DEED

THIS INDENTURE, made this 26 day of May, 1981, between BRUCE J. SHARP and LINDA M. SHARP, husband and wife, hereinafter called the "Grantors," and TERRY G. WHITE and MARY D. WHITE, husband and wife, hereinafter called the "Grantees."

WITNESS:

That the Grantors for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to the Grantors in hand paid by the Grantees, the receipt whereof is hereby acknowledged, has granted, bargained and sold and by these presents does grant, bargain and sell, convey and confirm unto the Grantees, and to the Grantees' heirs and assigns forever, all of the following described real estate situated in the County of Twin Falls, State of Idaho. to-wit:

Section Twenty-Eight (28), Township Nine (9) South, Range Fourteen (14) East, Boise Meridian, Twin Falls County, Idaho.
Southeast Quarter Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) containing 40.65 acres more or less and part of the Northeast Quarter Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) beginning at the Northwest Corner of said North-East Quarter Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), thence North 89° 26' 43" East along the North line of said Northeast Quarter Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) for 538.85 feet thence South 00° 29' 46" West for 8.27 feet to a 4" diameter iron pin at an existing fence corner, thence continuing South 00° 29' 46" West along said fence for 668.34 feet to a 4" diameter iron pin at an existing fence corner, thence along said fence for the following nine (9)

WESLEY, CLAYTON, GARDNER, ROBERTSON & PALME
ATTORNEYS AT LAW
100 NORTH AVENUE
TWIN FALLS, IDAHO 83401
PHONE 734-1400

courses and distances:

- (1) North 87° 37' 19" West for 28.32 feet;
- (2) North 08° 15' 11" West for 7.79 feet;
- (3) North 47° 54' 42" West for 88.23 feet;
- (4) North 88° 44' 04" West for 275.10 feet;
- (5) South 19° 51' 01" East for 129.12 feet;
- (6) South 05° 00' 07" West for 13.40 feet;
- (7) South 47° 05' 40" West for 87.09 feet;
- (8) South 66° 06' 21" West for 20.13 feet;
- (9) North 89° 38' 57" West for 136.08 feet
to the West line of said Northeast
Quarter Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$);

Thence North 00° 54' 02" East along said West
line for 798.78 feet to the Point of Beginning.
Continuing 8.46 acres m/l, together with the
right of ingress and egress over and across
the East 25 feet of the East Half Southwest
Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) of said Section 28.

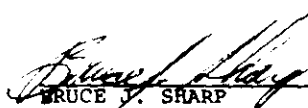
TOGETHER with all and singular the tenements,
hereditaments and appurtenances thereunto belonging or in
anywise appertaining, the reversion and reversions, remainder
and remainders, rents, issues and profits thereof, and all
estate, right, title and interest in and to the said property
as well in law as in equity of the Grantors.

TO HAVE AND TO HOLD, all and singular the above
mentioned and described premises, together with appurtenances
unto the Grantees and to the Grantees' heirs and assigns
forever.

The Grantors shall and will warrant and by these
presents will forever defend the said premises in the quiet
and peaceable possession of the Grantee, and the Grantee's
heirs and assigns against all and every person and persons
whomsoever lawfully claiming the same, except as aforesaid.

WILLIAM BARTON, CLERK OF COURT, PROBATE & ESTATE
ATTORNEY AT LAW
1000 BROADWAY, SUITE 1000
NEW YORK, N.Y. 10003
TELEPHONE: 212-677-1234
FAX: 212-677-1235

IN WITNESS WHEREOF, the Grantors have executed this
Deed the day and year first above written.


BRUCE J. SHARP


LINDA M. SHARP

"Grantors"


TERRY G. WHITE


MARY D. WHITE

"Grantees"

STATE OF IDAHO)
County of Twin Falls) ss.

On this 29th day of May, 1981, before
me, the undersigned Notary Public in and for said County and
State, personally appeared BRUCE J. SHARP and LINDA M. SHARP,
known to me to be the persons whose names are subscribed to
the within instrument, and acknowledged to me that they executed
the same.

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


NOTARY PUBLIC
Residence: Buhl, ID

WESLEY BURTON CARLSON, PROSESSOR & PAINE
ATTORNEY AT LAW
200 SECOND AVENUE NORTH
TWIN FALLS, IDAHO 83401
PHONE 731-1000

Fig. HA 440-59 (HUD-1)
(Rev. 8-24-76)

Form Approved
OMB No. 63-R150

A. U.S. DEPARTMENT OF AGRICULTURE		B. TYPE OF LOAN ☒ FmHA	
SETTLEMENT STATEMENT		B. BORROWER CASE NO. 12-42-5199548346	
D. NAME OF BORROWER: Terry G. White Mary D. White		E. SELLER Bruce J. Sharp Linda M. Sharp	F. LENDER: FARMERS HOME ADMINISTRATIVE 673 Filer Ave. Twin Falls, ID 83301
G. PROPERTY LOCATION: Route #3, Buhl, ID		H. SETTLEMENT AGENT: Safeco Title Insurance Company	
		I. PLACE OF SETTLEMENT: Twin Falls	J. SETTLEMENT DATE

NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

J. SUMMARY OF BORROWER'S TRANSACTION		K. SUMMARY OF SELLER'S TRANSACTION	
100. GROSS AMOUNT DUE FROM BORROWER:		400. GROSS AMOUNT DUE TO SELLER:	
101. Contract sales price (option price)	59,000.00	401. Contract sales price	59,000.00
102. Personal property		402. Personal property	
103. Settlement charges to borrower (line 1400)	190.00	403.	
104. Construction contract price		Adjustments for items paid by seller in advance	
105.		406. City/town taxes	to
Adjustments for items paid by seller in advance		407. County taxes	to
106. City/town taxes	to	408. Assessments	to
107. County taxes	to	409.	to
108. Assessments	to	410.	to
109.	to	411.	to
110.	to		
111.	to	420. GROSS AMOUNT DUE TO SELLER:	59,000.00
120. GROSS AMOUNT DUE FROM BORROWER:	59,190.00	500. REDUCTIONS IN AMOUNT DUE TO SELLER:	
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:		501. Excess deposit	
201. Deposit or earnest money	0-	502. Settlement charges to seller (line 1400)	384.50
202. Principal amount of new loan(s)	59,000.00	503. Existing loan(s) taken subject to	
203. Existing loan(s) taken subject to		504. Payoff of first mortgage loan	pt rel. 26,000.00
204.		505. Payoff of second mortgage loan	
205.		506.	
Adjustments for items unpaid by seller:		507.	
210. City/town taxes	to	508.	
211. County taxes	1/1 to 5/29/81	Adjustments for items unpaid by seller:	
212. Assessments	to	510. City/town taxes	1/1 to 5/29/81
213.	to	511. County taxes	to
214.	to	512. Assessments	to
215.	to	513.	to
220. TOTAL AMOUNTS PAID BY OR IN BEHALF OF BORROWER:	59,214.60	514.	to
		515.	to
300. CASH AT SETTLEMENT REQUIRED FROM/TO BORROWER:		520. TOTAL REDUCTIONS IN AMOUNT DUE SELLER	26,599.
301. Gross amount due from borrower (line 120)	59,190.00	600. CASH AT SETTLEMENT FROM/TO SELLER:	
302. Less amounts paid by/for borrower (line 220)	59,214.60	601. Gross amount due to seller (line 420)	59,000.
303. CASH ☐ FROM ☒ TO BORROWER:	24.60	602. Less reductions in amount due seller (line 520)	26,599.
		603. CASH ☐ FROM ☒ TO SELLER:	32,400.

FmHA 440-59 (HUD-1) (Rev. 8-24-76)

L SETTLEMENT CHARGES				PAID FROM BORROWER'S FUNDS AT SETTLEMENT	PAID FROM SELLER'S FUNDS AT SETTLEMENT
700	TOTAL SALES/BROKER'S COMMISSION based on price \$ _____ @ _____ %-\$				
	Division of Commission (line 700) as follows				
701	\$ _____	to	_____		
702	\$ _____	to	_____		
703	Commission paid at Settlement				
704					
800	ITEMS PAYABLE IN CONNECTION WITH LOAN:				
801	Loan Origination fee	%	_____		
803	Appraisal Fee to		_____		
804	Credit Report to		_____		
805	Lender's inspection fee (construction)		_____		
808	Real Estate Tax Reporting Service Fee		_____		
809			_____		
810			_____		
900	ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE:				
901	Interest from	to	\$ _____		
903	Hazard insurance premium for	1 yr. to	_____		
904	Flood insurance premium for	1 yr. to	_____		
905			_____		
1000	RESERVES DEPOSITED WITH LENDER FOR				
1006	mo. @ \$ _____	/ mo.	_____		
1007	mo. @ \$ _____	/ mo.	_____		
1008	mo. @ \$ _____	/ mo.	_____		
1100	TITLE CHARGES				
1101	Settlement or closing fee to	Safeco Title Insurance Company	74.00	74.00	
1102	Abstract or title search to				
1103	Title examination to				
1104	Title insurance binder to				
1105	Document preparation to	Safeco Title Insurance Company	40.00		
1106	Notary fees to				
1107	Attorney's fees to				
	(includes above items No. _____)				
1108	Title insurance to	Safeco Title Insurance Company	20.00	284.50	
	(includes above items No. 1102 & 1103)				
1109	Lender's coverage \$				
1110	Owner's coverage \$				
1111					
1112					
1200	GOVERNMENT RECORDING AND TRANSFER CHARGES:				
1201	Recording fees: Deed \$ 8.00	Mortgage \$ 10.00	Release \$ 26.00	18.00	26.00
1202	City/county tax/stamps	Mortgage \$			
1203	State tax/stamps: Deed \$	Mortgage \$			
1204	Recording contract			38.00	
1300	ADDITIONAL SETTLEMENT CHARGES				
1301	Survey to				
1302	Post inspection to				
1303					
1304					
1400	TOTAL SETTLEMENT CHARGES (rounded on lines 100, Settlement Fund 502 Section 4)			190.00	384.50

Signed _____ SETTLEMENT AGENT

Dated: _____

WARRANTY DEED

For Value Received

MARGARET MOLESWORTH, a widow, HAROLD P. MOLESWORTH, a single man
and HOWARD W. MOLESWORTH, a single man

the grantors, do hereby grant, bargain, sell and convey unto

DEEP CREEK TROUT AND CATTLE, an Idaho Partnership

the grantee, whose current address is Route 3, Box 289, Buhl, Idaho 83316

the following described premises, in Twin Falls County Idaho, to-wit:

Township 9 South, Range 14, East of the Boise Meridian, Twin Falls County,
Idaho

Section 28: W1SW1

EXCEPT that portion deeded to the State of Idaho by Right of Way Deed,
recorded May 4, 1948, in Book 159, page 117, as Instrument No. 381199,
records of Twin Falls County, Idaho.

TOGETHER WITH 80 shares of Twin Falls Canal Company Water Stock.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,
its heirs and assigns forever. And the Grantors do hereby covenant to and
with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all
encumbrances except current year's taxes, levies and assessments, and except restrictions,
reservations and easements of record, and easements visible upon the premises,

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: March 24, 1986

Margaret P. Molesworth
Margaret Molesworth
Howard W. Molesworth
Howard W. Molesworth

Harold P. Molesworth
Harold P. Molesworth

STATE OF IDAHO, COUNTY OF Twin Falls

On this 24th day of March, 1986,
before me, a Notary Public in and for said State, personally
appeared Margaret Molesworth, Harold P.
Molesworth, and Howard W. Molesworth

NOTARY PUBLIC

known to me to be the persons whose names are
subscribed to the foregoing instrument, and acknowledged to me
that they executed the same.

Mary Lou Tostepson
Notary Public

Residing at Twin Falls
Comm. Expires May 2, 1987

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request
of *First American Title Company*

at 50 minutes past 3 o'clock P.M.
this 25 day of March 1986
in my office, and duly recorded in Book
of Deeds at page

EDWARD A. FENG

Ex-Officio Recorder

C. Lynn Ringler
Agent

Fee \$ 2.00
Mail to



First American Title Company of Idaho

INSTRUMENT NO.

REA STATE PURCHASE AND SALE AGREEMENT
(with Earnest Money Provision)

RE 21
Rev. 11-81

THIS CONTRACT CONTROLS THE TERMS OF SALE OF THE PROPERTY. READ CAREFULLY BEFORE SIGNING. IF ANY QUESTION, CONSULT YOUR ATTORNEY.

Buhl Idaho January 27 19 86
DEEP GREEN TROUT AND CATTLE (JOAH PARTNERHIP)
(hereinafter called "Buyer") agrees to purchase, and the undersigned Seller agrees to sell the following described real estate hereinafter referred to as "premises" located in
Buhl County of Twin Falls
State of Idaho, commonly known as Howard Malesworth property MALESWORTH BRASS TUB
legally described as Wt of SW 1/4 Sec. 28, Tp 9 S, R 14 E, B.M. together with 80 shares of Twin Falls Canal Co. Water and all Spring water rights which are appurtenant to said land.

(A FULL AND COMPLETE LEGAL DESCRIPTION MUST BE INSERTED, ATTACHED OR WRITTEN ON THE REVERSE HEREOF PRIOR TO EXECUTION BY SELLER. Buyer hereby authorizes broker to insert over his signature the correct legal description of the premises if unavailable at the time of signing or to correct the legal description previously entered if erroneous or incomplete.)

1. TOTAL PURCHASE PRICE IS EIGHTY-EIGHT THOUSAND AND NO/100 - DOLLARS (\$ 88,000.00) payable as follows:

- A. Earnest Money
(a) Buyer hereby deposits and a receipt is hereby acknowledged of one thousand - Dollars (\$ 1,000.00)
evidenced by ☐ Cash, ☒ Personal Check, ☐ Cashiers Check, ☐ Note Due, or
paid or delivered as earnest money in part payment of the purchase price for the premises.
(b) Earnest Money to be deposited in trust account upon acceptance by all parties.
(c) All Earnest Money shall be held by _____ for the benefit of the parties hereto.
and _____ (Broker) shall hold the completely executed broker's copy of this agreement.
B. Balance of purchase price to be paid as follows: Buyer agrees to pay \$10,000.00 cash at closing, which includes the earnest money. Buyer agrees to pay balance of \$78,000.00 which is to be amortized over 15 years in equal annual payments of (\$9,963.00) with interest of 9% per year. Buyer agrees to pay total remaining balance 10 years from day of closing. Property to be secured by Note and Mortgage.

2. Buyer's offer is made subject to the acceptance of Seller on or before 12:00 o'clock midnight of January 30, 1986
If Seller does not accept this agreement within the time specified, the entire Earnest Money shall be returned to Buyer on demand.

3. Title of Seller is to be conveyed by warranty deed, unless otherwise provided, and is to be marketable and insurable except for rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, and rights of way and easements established or of record. Liens, encumbrances or defects to be discharged by Seller may be paid out of purchase money at date of closing. Any liens, encumbrances or defects which are to be discharged or assumed by Buyer or to which title is taken subject to (not otherwise set forth above) are Subject to review and approval of preliminary title report.

4. The Seller shall, within a reasonable time after closing, furnish to the Buyer a title insurance policy in the amount of the purchase price of the premises from a title insurance company showing marketable and insurable title subject to the liens, encumbrances and defects elsewhere set out in this agreement to be discharged or assumed by the Buyer. Prior to closing the transaction, the Seller shall furnish to the Buyer a preliminary report or commitment made by a title insurance company showing the condition of the title to said premises. The parties agree that First American Title Company shall provide said title policy and preliminary report or commitment. It is agreed that if the title to said premises is not marketable, or cannot be made so within thirty (30) days after notice containing a written statement of defects is delivered or mailed to the Seller, or if the Seller, having approved said title facts to consummate the same as herein agreed, such failure shall constitute a default and the Earnest Money shall be returned to the Buyer and Seller shall pay for the cost of title insurance, escrow and legal fees, if any. Buyer's acceptance of the Earnest Money does not constitute a waiver of other remedies available.

5. It is hereby agreed that the "closing agent" for this agreement shall be First American Title Company
_____ is the broker responsible for the closing
where not otherwise provided by law, the parties shall each pay one-half of said closing agent's fees. The closing date shall be March 1, 1986.

6. On or before the closing date, Buyer and Seller shall deposit with the closing agent all funds and instruments necessary to complete the sale.
Seller shall deliver possession to Buyer on or before March 1, 1986 and taxes and water assessments (using the last available assessment as a basis), rents, insurance premiums, interest and reserves on loans, leases or obligations assumed or taken subject to, and utilities shall be prorated as of March 1, 1986 except as follows:
n/a

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

7. The parties agree that this agreement contains the following additional terms and conditions: Escrow to be set up at Farmers National Bank. Both parties to split closing costs 50/50.

8. The following items of property now on the premises are specifically excluded from the sale: None

The following items of personal property are specifically included in the sale: None

9. IMPORTANT: THE REVERSE OF THIS AGREEMENT CONTAINS IMPORTANT PROVISIONS WHICH ALSO CONSTITUTE PART OF THE AGREEMENT. Each of the parties acknowledges reading this agreement in full.

Listing Agency

None

Selling Agency

None

On this date, _____

I, We hereby approve and accept the sale set forth in the above agreement and agree to carry out all the terms thereof on the part of the Seller, and the undersigned Seller further agrees to pay a commission of 0% of selling price or _____ DOLLARS (\$ _____) to the above named broker(s) for services.

I, We further acknowledge receipt of a true copy of this agreement with the complete legal description of the premises reported and signed by both parties.

Howard Malesworth 243 Robinson
Howard Malesworth 717 East Main
Howard Malesworth 948 Robinson
A true copy of this agreement, signed by the Seller and containing the full and complete legal description of the premises, is hereby received on this _____ day of _____, 19 _____.

STATE OF IDAHO)

County of _____)

On this _____ day of _____, 19 _____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____
known to me to be the person(s) who signed the foregoing instrument on Seller and acknowledged to me that _____ he _____ executed the same as voluntary instrument. I have furnished said notary seal and official notary seal and date first above written.

ITEM "3"

Construction Costs

I.) Hatchery Building - Concrete Concrete Req'd

1.) Dimensions: 48 x 44

a.) Floor: 48 x 44 x 4" floor = 26.0 yds.

b.) Walls-2: 48 x 4 x 6" thick = 7.1 yds.

Walls-2: 44 x 4 x 6" thick = 6.5 yds.

Total 39.6 yds.

2.) Estimated Cost

a.) 40 yds. of concrete
formed and poured
@ 100.00 per yard - - - - - 4,000.00

II.) Hatchery Building - From Concrete Up

1.) Material - - - - - 2,651.00

2.) Labor- - - - - 3,700.00

Total 6,371.00

III.) Hatchery Troughs - 8 Total

1.) Dimensions: 16' x 16" x 12"

a.) Stainless Steel Construction

2.) Estimated Cost

a.) 150.00 x 8- - - - - 1,200.00

IV.) Fry Ponds - 8 Total

1.) Dimensions: 26' x 3' x 3' x 6" walls

a.) Concrete Construction

1.) 17.50 yds. req'd

2.) Estimated Cost

a.) 17.50 yds. @ 100.00
per yard - - - - - 1,750.00

V.) Pipe and Excavation

1.) Distance and Size:

- a.) 400 feet
- b.) 20 inch diameter

2.) Estimated Cost

- a.) Ecavation- - - - - 300.00
- b.) Pipe- - - - - 4,800.00
- c.) Head Structure- - - - - 200.00

VI.) Grow - Out Ponds - 4 Total

1.) Dimensions: 75' x 10' x 4'

- a.) Floors: 75 x 40 x 4" Floor- - - - - 9.25
- b.) Walls 5 : 75' x 4' x 5 x 6" Wdth- - - - - 27.75

Total 37.00

2.) Estimated Cost

- a.) 37.0 yds. of concrete
formed and poured
@ 100.00 per yard- - - - - 3,700.00

VII.) Pipe Fittings, Screens and Misc.

- 1.) Estimated Cost - - - - - 2,500.00

Total Cost 24,821.00

Note: General Contractor will be Tri-West Industries of Buhl, Idaho
Phone Number: 543-6675

ITEM "4"

FINANCIAL RESOURCES

OF

DEEP CREEK TROUT

*Rec'd
2/29/76
Terry
Kelly*

General Information:

Deep Creek Trout is a licensed Partnership operating solely in the state of Idaho. The Partnership consists of Terry White and Rick Kelly.

Current cash on hand is as follows:

<u>Bank Account</u>	<u>Location</u>	<u>Amount</u>
Deep Creek Trout	Farmers National Bank Buhl, Idaho 83316	4,000
Kelly Enterprises	Farmers National Bank	13,000
White Farm Account (Savings Account)	Farmers National Bank	10,000
Accounts Receivable (Due and Payable)	Tunnel Creek	16,000
	Total	54,000

September 22, 1986

Terry White
Rt. 3
Buhl, ID 83516

Re: Permit Application No. 47-R047

Dear Mr. White:

Enclosed are copies of protests filed against the issuance of a permit pursuant to your above referenced application. The Department suggests you contact the protestants directly in an effort to determine the nature of the protests and to attempt to resolve the protests.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the project?
- 5) Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

LOREN G. HOLMES
Southern Region Supervisor

LOH:MB

September 22, 1986

John A. Rosholt, Esquire
NELSON, ROSHOLT, ROBERTSON, TOLMAN
& TUCKER
P.O. Box 1906
Twin Falls, ID 83303-1906

Dear Mr. Rosholt:

Your protest against the approval of the above referenced application submitted in behalf of Mud Creek Water Users Association has been received and a copy has been sent to the applicant. The Department suggests that you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAH0 CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the project?
- 5) Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

LOREN D. HOLMES
Southern Region Supervisor

LDH:marye

cc: Terry White

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW

THOMAS G. NELSON
JOHN A. ROSHOLT
J. DAN ROBERTSON
STEVEN F. TOLMAN
JAMES C. TUCKER

Twin Falls Office
142 W. AVENUE NORTH
TWIN FALLS, ID 83401
TELEPHONE 238-7400

Boise Office
100 MAIN STREET, SUITE 100
PO BOX 200
BOISE, IDAHO 83720
TELEPHONE 238-1000

TRARY, IDAHO
1. BRUCE CONINGTON
LARRY E. STONE
JERRY E. STONE
GARY D. WHITE

Reply to
Twin Falls office

September 8, 1986

RECEIVED

SEP 8 1986

Disputed by
Sandra L. Smith, Esq.

Mr. Loren Holmes
Division Manager
Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls ID 83301

RE: Application 47-8047
HAND DELIVERED

Dear Loren:

Mud Creek Water User's Association has prior water rights to the waters which are the subject of Terry White's filing of August 6, 1986, under Identification No. 47-8047.

Additional use of the water for fish propagation purposes will impact the quality of the water which the Mud Creek Water User's Association receives.

At the time Mr. White filed application 47-7989, an Agreement dated April 9, 1985, was entered between the Association and Mr. White. Because of the possible water quality ramification, please consider this letter a protest of the application. However, the protest may be deemed withdrawn upon the receipt of a letter from Mr. White acknowledging that provisions of the April 9, 1985, Agreement shall also pertain and be deemed conditions of Application 47-8047 insofar as the Mud Creek Water Users are concerned.

Prior to dismissing the protest, I would appreciate reviewing a copy of Mr. White's letter acknowledging the applicability of the Agreement to Permit 47-8047.

Respectfully submitted,

John A. Rosholt
JOHN A. ROSHOLT

JAR:dcb

cc: Lila Stauffer, Secretary/Treasurer
Mud Creek Water User's Association, Inc.
Terry White

AGREEMENT

THIS AGREEMENT, made and entered into this 9th day of April, 1985, by and between the MUD CREEK WATERUSERS' ASSOCIATION, INC., a non-profit Idaho irrigation corporation, organized and existing under the laws of the State of Idaho, hereinafter "Association", and TERRY WHITE and MARY WHITE, husband and wife, of Twin Falls County, Idaho, hereinafter "White";

W I T N E S S E T H

WHEREAS, the Association owns, operates, and maintains certain rights-of-way upon which is constructed an irrigation water distribution system which diverts from Mud Creek and serves certain individually owned properties in Melon Valley north of Buhl, Idaho, part of which system traverses the property of White; and

WHEREAS, the Association's members own 7.32 c/f/s of perfected water rights from Mud Creek and said waters represented thereby are diverted for irrigation and other uses at the Association's diversion dam on Mud Creek into and through the Association's system between March 1 and November 15 of each year by Association landowners in Sections 28, 21, and 22, of Township Nine (9) South, Range Fourteen (14) E.B.M., Twin Falls County, Idaho; and

WHEREAS, White has filed to non-consumptively use the water owned by the Association landowners and proposes to construct and place into operation facilities for fish propagation on a constant basis and for power generation with the Association's water when the same is not being used by the Association in the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of Section 28, Township 9 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho; and

WHEREAS, White has filed Water Rights Application No. 47-7989 for a water permit authorizing the additional use of said water which application has been protested by the Association; and

WHEREAS, White desires that the protest be dismissed and the Association is willing to withdraw said protest as consideration for the execution of this Agreement; and

WHEREAS, these parties wish to delineate their Agreement in writing;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, and other good and valuable consideration, the parties agree as follows:

1. Dismissal of Protest. The Association herein agrees to withdraw their protest of Water Application No. 47-7989 which White has filed for additional use of Association's 7.32 c/f/s of water.

2. Joint Use of Facilities. The parties agree to the joint use of facilities to be constructed by White so that White may use and divert from the Association's ditch and use all of the Association's water for the propagation of fish, and to generate power with the water which is over and above Association's rights between March 1 and November 15, and to use the facilities to be constructed to convey water from Mud Creek for said fish propagation and power between November 15 and March 1 of the non-irrigation season in accordance with the plan attached hereto as Exhibit "A".

3. Warranty As To Conveyance Capacity. White covenants and warrants that the facilities to be constructed by White in Section 28, Township 9 South, Range 14 E.B.M., Twin Falls County, Idaho, in accordance with Exhibit "A" hereto shall carry the 7.32 c/f/s of the Association's water, and White further covenants that between March 1 and November 15 that the Association's rights shall be conveyed, delivered and measured to the Association at the northeast boundary of White's property, and White's use of the water for trout propagation and power purposes shall be conditional upon the delivery of said 7.32 c/f/s at such point between March 1st and November 15th. The trout facilities and the power facilities shall be owned by White. All facilities critical for the delivery of the Association's water, including the ditch facilities and right-of-way shall be owned by the Association in perpetuity.

4. Priority for Irrigation Water. It is understood and agreed by the parties that the irrigation water rights are prior in time to those rights for fish propagation or hydroelectric generation. It is understood and agreed that those water rights for irrigation are a priority and preferred use of water. It is further understood and agreed that Association does not, by the terms of this Agreement guarantee any future delivery or supply of water to White for his uses in any specific amount or volume. It is the understanding of the parties hereto, that the construction, operation, and maintenance of the facilities shall in no way interfere with the flow of irrigation waters, and it is further understood between the parties that the passage of irrigation waters through the facilities shall take priority over any activities of White with respect to the facilities.

5. Limitation of Uses. White agrees that the use of the waters under Permit No. 47-7989 shall be only for the additional uses of the propagation of fish and power generation.

6. No Warranty. The Association makes no representation or warranty of title, expressed or implied, on the part of the Association as to any land, improvements, rights-of-way, easements, rights or interest therein of any character whatsoever. Nothing herein shall be construed as a conveyance of any water or real property right of the Association in any manner other than as a permission for the additional use of such water based on the conditions of this Agreement.

7. No Interruption of Irrigation Water. White will do all construction work in a manner as will not interrupt or interfere with the Association's delivery of water through said canals or ditches, including the irrigation season of 1985. In the event of such interference or interruption, White will save and hold harmless the Association, or any of its stockholders/waterusers, as against all claims including claims from third parties for any damage, loss (including crop loss), or expenses occasioned by any claim or claims arising out of flooding or out of any interruption or interference with the flow of irrigation or drainage water, including any attorney's fees incurred by the Association.

8. Agent of White. It is understood and agreed that any contractor or contractors employed by White shall be the agent of White and not an independent contractor and White shall be liable as principal therefore. All construction work shall be done and performed in accordance with good construction practices, it being expressly understood and agreed that the Association may designate a person or agent to consult with White in the performance of such construction work, and such person or agent's discretion shall be final as to the construction of irrigation facilities. White covenants that the 15 inch pipe contemplated for the diversion to Association lands below the White property is adequate to carry 7.32 c/f/s of the Association's water plus any other water for which there is a right in said ditch.

9. No Interference. White warrants that the proposed construction shall be so designed and installed, so that the use of the facilities by the Association shall not be interfered with nor shall the Association's delivery of water to its stockholders/waterusers be interfered with at any time or lessened by reason of White's co-use of said facility.

10. Specific Maintenance Covenant. White agrees as a part of the consideration hereof, to repair and put and keep in good order the diversion dam in Mud Creek, the concrete ditch, and other irrigation facilities of the Association located on the property of White, up to the siphon located at the north end of the farmable ground. All of said work shall be accomplished by White without cost to the Association.

11. Potential Release of Flood Claims. As additional consideration for the use of the Association's facilities, White hereby releases claims for any damage which may occur to the property of White up to the siphon by reason of the existence of said facilities on the property of White. White also acknowledges that any drainage or seepage problems that result on the lands of White or on the lands adjacent to those of White which are caused by the impoundment of water by White shall be the responsibility of White and White herein waives any claim for seepage damages to their own premises.

12. Indemnification and Insurance. White does further agree to indemnify and save harmless the Association for and against all claims, suits, damages, losses, expenses, attorney's fees, or any other costs in any manner resulting from or arising out of the construction herein contemplated or the maintenance, renewal, operation, repair or use of the facilities of White to the siphon including damages to crops resulting from interference by reason of the operation of the facility by White. White agrees to maintain liability insurance of \$300,000.00 for personal injury and \$100,000.00 for property damage and shall name the Association as an additional insured under the loss payable clause of said policy. Delivery of a copy of said insurance policy shall be a condition precedent to this Agreement becoming effective.

13. Hold Harmless on Water Quality. It is understood and agreed that all water pollution problems which might result for the Association by reason of the operation of White shall be the responsibility of White and White agrees to hold the Association harmless for any action taken by any federal, state or local agency to regulate or eliminate pollution, to obtain a permit therefore, or to eliminate such pollution as determined necessary by any governmental agency with jurisdiction.

It is further understood that if by reason of fish propagation, a mousing problem arises, White agrees to treat the water or solve the problem through the use of chemicals or other acceptable means. The Association President or a quorum of Directors shall monitor and inform White of the excess moss build-up.

14. Abandonment. The abandonment of any facilities by White shall not constitute an abandonment of the rights of the Association hereunder, and if the operation of the facilities after said abandonment impairs the rights of the Association to obtain their water, the Association may make said corrections to the facility to insure delivery at the expense of White or his successor.

15. Option of First Refusal. White grants an option of first refusal to the Association for the purchase of said real property and fish propagation facilities if White elects to sell said property. Said option shall be construed as applied to either forty (40) or eighty (80) acres, whichever is being sold, including said facilities.

16. Easement and Right-of-Way Not Impaired. It is understood and agreed that nothing herein shall be deemed to impair the easement and rights-of-way of the Association for the continued full flow of water for irrigation and drainage including the contained use of the easements and rights-of-way of the Association for any purposes whatsoever as connected, or reconstruction of the Association's system.

17. Attorney's Fees. White agrees to pay the Association \$200.00 for attorney's fees in connection with this Agreement. If necessary for the Association to threaten or initiate legal action in the future to enforce its rights under this Agreement, and the Association prevails, the Association shall be entitled to reasonable attorney's fees.

18. This Agreement shall constitute a covenant running with the land for the benefit of the Association, their successors and assigns.

19. The parties hereto bind themselves, their heirs, legal representatives, successors and assigns.

IN WITNESS WHEREOF, the parties have hereunto set
their hands and seals the day and year first above written.

MUD CREEK WATERUSERS'
ASSOCIATION, INC.

Robert E. Hill
President

ATTEST:

Richard A. Schenk
Secretary

Terry White
Terry White

Mary White
Mary White

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 9 day of April, 1985, before me,
a Notary Public, in and for said County and State, personally
appeared Robert F. White and
Richard C. Schmale, known or
identified to me to be the President and Secretary,
respectively of MUD CREEK WATERUSERS' ASSOCIATION, INC., the
corporation that executed the foregoing instrument, and
acknowledged to me that such corporation executed the same.

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

James D. Schmale
NOTARY PUBLIC FOR IDAHO
Residing at Buhl

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this _____ day of _____, 1985,
before me, a Notary Public, in and for said County and State,
personally appeared TERRY WHITE and MARY WHITE, husband and
wife, known or identified to me to be the persons whose names
are subscribed to the within instrument, and acknowledged to me
that they executed the same.

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

NOTARY PUBLIC FOR IDAHO
Residing at _____

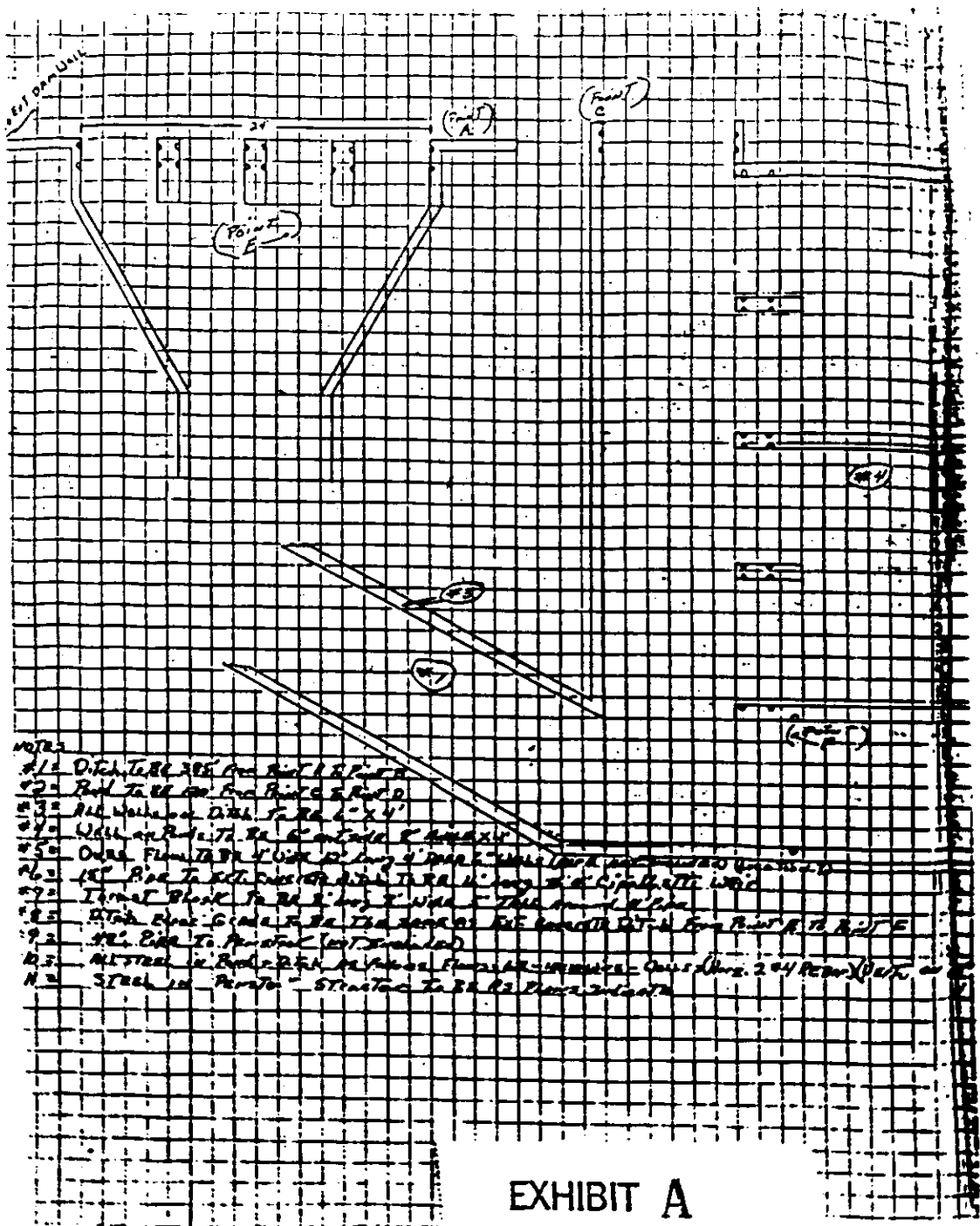
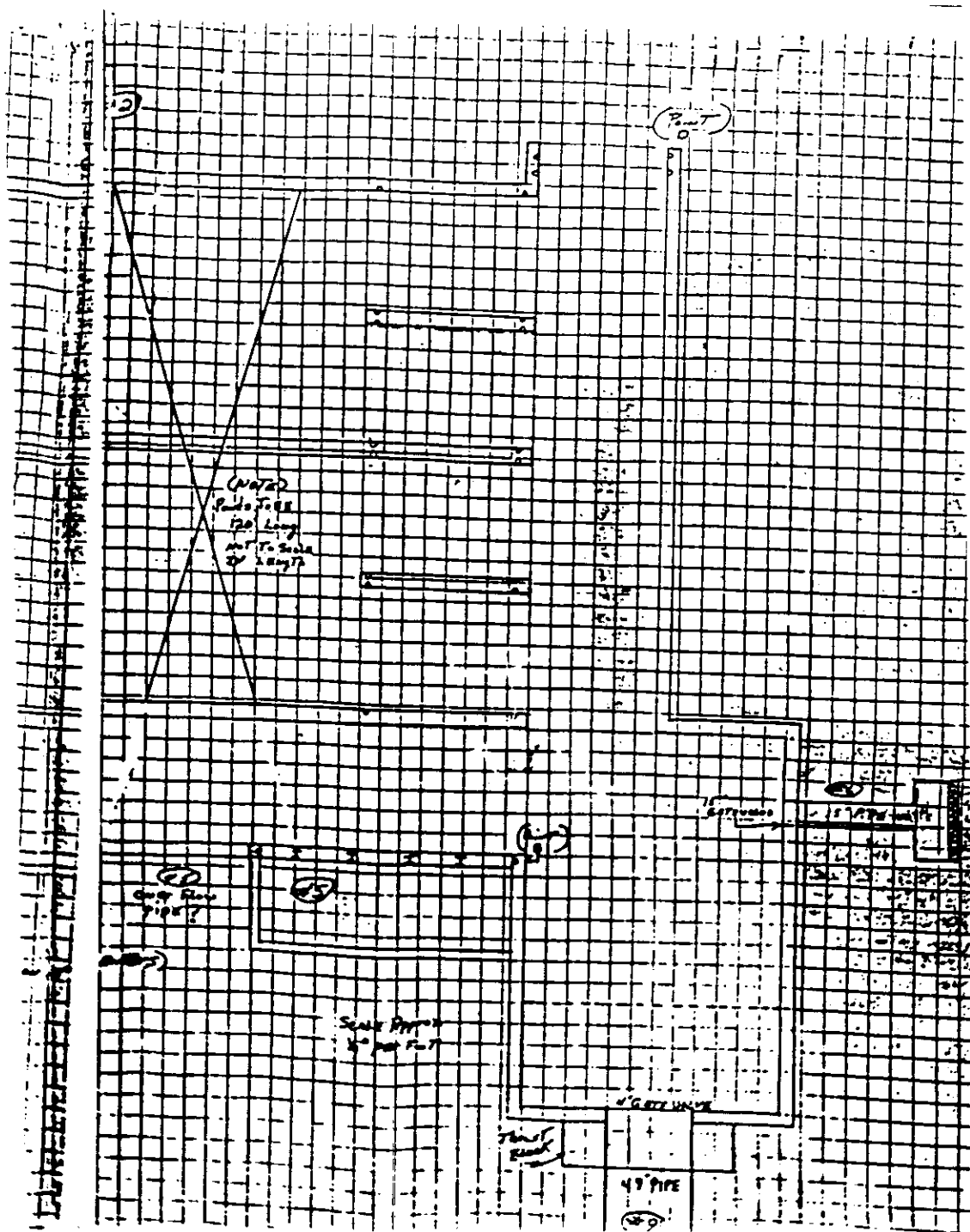


EXHIBIT A





John V. Evans
Governor
A. Kenneth Dunn
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

1641 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

August 19, 1986

Terry White
Rt. 3
Buhl, ID 83316

Dear Mr. White:

We have commenced processing of your Application for Permit No. 47-8047.

Since you plan to use the water for fish propagation purposes, the following items must be submitted for inclusion with your application before it can be forwarded for final action by the Director:

- 1) A plan of the proposed facility. This must be a scale drawing showing the proposed layout of the ponds on the property and giving length, width and depth dimensions of all ponds.
- 2) Proof of possessory interest in the land upon which the water is to be used. This may be in the form of a copy of a warranty deed, title report, sale or lease agreement, or tax notice, giving ownership and legal description of the property.
- 3) A detailed estimate of the construction costs. This must include estimated costs of each major component of the construction plan.
- 4) A statement of the financial resources of the corporation, association, firm, or person making the application and the means by which the funds necessary to construct the facility are to be provided.

This information will be reviewed in confidence and returned to you.

We estimate that advertising and protest period, as required by statute, will take until September 8, 1986.

If the necessary material is received before that date, there should be no additional delay in handling your application.

If you have any questions, please feel free to contact this office.

Very truly yours,

Loren D. Holmes
Southern Region Supervisor

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW

THOMAS G. NELSON
JOHN A. ROSHOLT
EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

Twin Falls Office
140 3rd AVENUE NORTH
PO BOX 1706
TWIN FALLS, IDAHO 83301-1706
TELEPHONE 208-734-6700

Boise Office
500 MAIN ST. SUITE 100
PO BOX 2719
BOISE, IDAHO 83721-2719
TELEPHONE 208-333-4700

AUG 17 1986
TERRY WHITE
DAVID B. STONE
BERRY JENSEN
CAMP D. SMITH

Reply to
Twin Falls office

August 14, 1986

Mr. Loren Holmes
Division Manager
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

RE: APPLICATION FOR PERMIT 47-8047 - TERRY WHITE

Dear Loren:

The Twin Falls Canal Company Board of Directors has asked that I write this letter to the Department for inclusion in your file concerning Application 47-8047. This letter should not be considered as a protest.

The Twin Falls Canal Company Board of Directors is concerned that even though the Neyman Tunnel water is not recovered by the Canal Company for delivery below that location, that the Applicant be aware that the water that flows in the tunnel is the result of the irrigation system and the application of water to beneficial use by stockholders of the Twin Falls Canal Company. The Applicant should be aware that if those use patterns were to change, that flows might be substantially reduced.

The Applicant should also be aware that even though the position is refuted by DWR, that TPCC takes the position that the water is subject to recapture as wastewater if the Company were to effect procedures which would allow such recapture.

The Applicant should also be aware that the Canal Company uses mossing chemicals and weedicides on a regular basis to facilitate the operation of the canal system. Since

Mr. Loren Holmes
August 14, 1986
Page 2

the Applicant is aware of this fact, or has been made so by this letter, he should proceed with the knowledge that chemicals may be present in the water flowing from the Neyman Tunnel by reason of such applications so that Applicant knows that he proceeds at his peril.

Since the tunnel is probably the property of the Canal Company, the Applicant has no right to interfere with the flows in the tunnel. For example, if construction of a diversion would cause water to back into the tunnel, it may well cause seepage and other problems above the physical location of the tunnel. Any plans that would alter the present flows of the tunnel or cause back-up of the water should be submitted to the Canal Company for review.

Respectfully submitted,


JOHN A. ROSHOLT
Attorney for TFCC

JAR:pjo

cc: Mr. Jack H. Eakin
General Manager
Twin Falls Canal Company
P.O. Box 326
Twin Falls, Idaho 83301

Mr. Terry White
Route 3
Buhl, Idaho 83316



John V. Evans
Governor

A. Kenneth Dunn
Attorney General

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3570

August 7, 1986

Bob Bell, Regional Fisheries Biologist
Idaho Fish & Game Department
Region #4
P. O. Box 428
Jerome, Idaho 83338

Re: Application for Permit No. 47-8047

Dear Mr. Bell:

Please find enclosed a copy of the above referenced application for permit for your information and files.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

Encl:



John A. Evans
Director

A. Kenneth Dunn

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

August 7, 1986

Jack H. Eakin
Twin Falls Canal Co.
Box 526
Twin Falls, ID 83301

Re: Application for Permit, No.47-8047

Dear Mr. Eakin:

Enclosed is a copy of the legal notice for an Application for Permit for a Water Right within your District for your information and files.

If you have any questions about the application, please contact this office or the applicant.

Very truly yours,

LOREN D. HOLMES
Southern Region Supervisor

LOH:MB

Encl:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

AUGUST 7, 1986

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

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 8, 1986.

Yours truly,

Mary A. Baldwin
Secretary/Office Coordinator

Encl.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

AUGUST 7, 1986

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

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 8, 1986.

Yours truly,

Mary A. Baldwin
Secretary/Office Coordinator

Encl.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 724-3578

AUGUST 7, 1986

Lewiston Morning Tribune
505 C Street
Lewiston, ID 83501

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 8, 1986.

Yours truly,

Mary A. Baldwin
Secretary/Office Coordinator

Encl.

off ✓

LEGLPRUF-RENA

**NOTICE OF APPLICATION
FOR WATER RIGHT**
The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:
0-457
WATER, TERRY
ET. A. BIRD, ED 2000
Source: RUTMAN TUNNEL, ab. 10
1000-CHICK
Diversion Pt: NEWBY Sec 25 T 40R
S4E
Use: FISH PROP. (12.5 CFS)
Date filed: 8/12/86
In: NEWBY NEWBY Sec 25 T 40R S4E
The permit(s) will be subject to
all prior water rights. Permit(s) must
be filed with the Director, Dept. of
Water Resources, Southern Region,
2000 Lake Blvd. N. Twin Falls,
Idaho 83421 on or before SEPTEMBER
8, 1986.

KEN DUT N. DE.

RECEIVED

AUG 16 1986

*Corrections called
8/12/86 to Reno
7-6*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-1578

AUGUST 7, 1986

Idaho Statesman
Box 40
Boise, ID 83707

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 8, 1986.

Yours truly,

Mary A. Baldwin
Secretary/Office Coordinator

Encl.

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NOTICE OF APPLICATION FOR WATER RIGHT

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

47-8847

WHITE, TERRY

RT. 3, BURL, ID 83316

Source: NEYMAN TUNNEL Trib. to MUD CREEK

Diversion Pt: NMSN Sec 28 T 09S R 14E

Use: FISH PROP. (12.0 CFS)

Date Filed: 08/06/1986

In: SENW NMSN Sec 28 T 09S R 14E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 3041 Blue Lakes Blvd. N. Twin Falls, Idaho 83421, on or before SEPTEMBER 8, 1986.

KEN DUNN

Published 08/21 & 08/28/86.

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RESOURCES 004.8 IN
08/08 14:31

legal for thurs 8/21

NOTICE OF
APPLICATION FOR
WATER RIGHT
The following applica-
tion(s) have been filed to
appropriate the public
waters of the State of
Idaho:

47-8047
WHITE, TERRY
Rt. 3, Buhl, ID 83316
Source: NEYMAN
TUNNEL trib. to MUD
CREEK

Diversion Pt: NWSW
Sec 28 T08S R14E
Use: FISH PROP. (12.0
CFS)

Date Filed: 08/08/1988
In: SEHW NWSW Sec
28 T08S R14E

The permit(s) will be
subject to all prior water
rights. Protests must be
filed with the Director,
Dept. of Water
Resources, Southern
Region, 1041 Blue Lakes
Blvd., N. Twin Falls,
Idaho 83301 on or before
SEPTEMBER 8, 1988.
KENN DUNN, Dir.
PUBLISH: Thursday,
August 21, and 28, 1988.

RECEIVED

AUG 18 1988

Department of Water Resources
Twin Falls Office

OK
MB
8/13/88