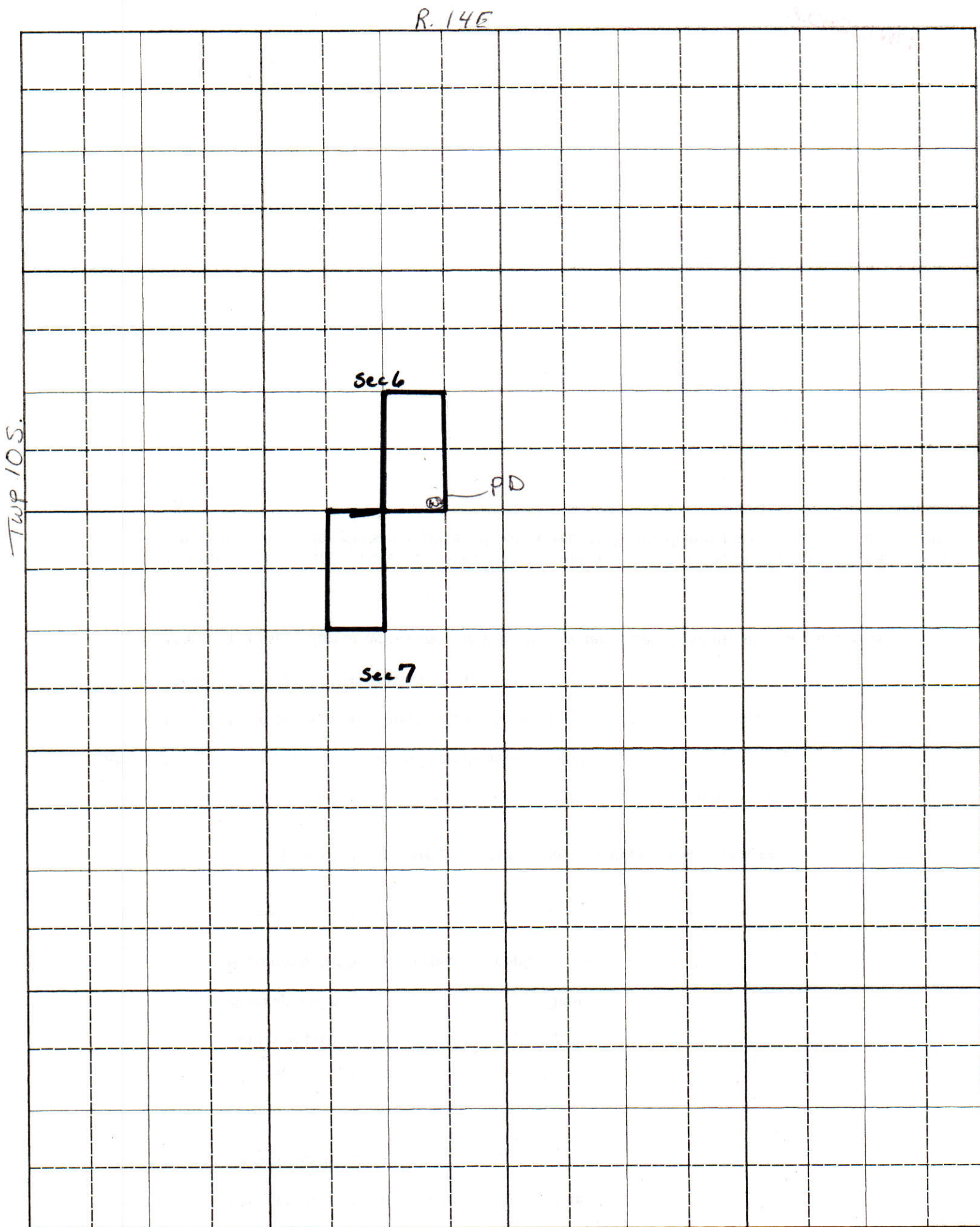


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Howard Harder
(Applicant)
MICROFILMED
FEB 11 1998

WATER RIGHT SUMMARY

<u>ACTION</u>	<u>RIGHT NO.</u>	<u>NAME</u>	<u>AMOUNT CFS</u>
~~ORIGINAL APPLICATION~~	~~47-07861~~	~~HARDER, HOWARD~~	~~3.20~~
~~FULL ASSIGNMENT~~	~~47-07861~~	~~BRUBAKER, JOHN & BARBARA~~	~~3.20~~
~~FULL ASSIGNMENT~~	~~47-07861~~	~~BRUBAKER, JOHN & BARBARA NORTHWEST FARM CREDIT SERVICES ACA~~	~~3.20~~
FULL ASSIGNMENT	47-07861	NUNES, JOHN AND/OR MAY	3.20

JANUARY 14, 1998

MICROFILMED
FEB 11 1998

RECEIVED

DEC 04 1997

State of Idaho

DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY

Amt. of Fee \$25.00

Date 12/4/97

Receipt No. 320736

Receipt by JF

Department of Water Resources
Southern Region

ASSIGNMENT OF APPLICATION FOR PERMIT

To change the ownership of an application for permit

I, John & Barbara Rubaker hereby assign to John & Mary Nunez
of 932 E 400 N Buhl ID 83316
(Applicant) (Full Address)

RECEIVED

DEC 11 1997

All my right, title, and interest in and to Application for Permit
No. 47-07861 to appropriate the public waters of the State of Idaho.

Department of Water Resources

OR (for partial assignments)

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

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

RECEIVED
JAN 08 1998

RECEIVED

JAN 09 1998

Department of Water Resources

Made this 6th day of November, 1997.

State of Idaho)

County of Latah)
SS

John Rubaker
Applicant(s)
Northwest Farm Credit Services, ACA
By Jeff J. Olson
Authorized Agent

On this 6th day of November, 1997, personally appeared before me the
signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

Michelle Behling
Notary Public

SEAL

Michelle Behling
Signature

My commission expires: 3/10/99

MICROFILMED

FEB 11 1998

State of Idaho)
) ss.
County of Twin Falls)

On this 8th day of January 1998 before me personally appeared Jeffery D. Osborne known to me to be an authorized agent of the Northwest Farm Credit Services, ACA that executed the within instrument, and acknowledged to me that such corporation executed the same as its free act and deed; and on oath that he was authorized to execute said instrument.



Larie Hash

Notary Public for the State of Idaho

Residing at Filer, Idaho 83328

My Commission Expires 11-16-2000

RECEIVED
JAN 08 1998
MICROFILMED
Department of Water Resources
FEB 11 1998
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

RECEIVED

FEB 01 1993

Department of Water Resources
Southern Region Office

We, John A. Brubaker and Barbara A. Brubaker
hereby assign to (name and address)

John A. Brubaker and Barbara Brubaker, and NORTHWEST FARM
CREDIT SERVICES, ACA, 129 Eastland Drive, P. O. Box 288, Twin Falls ID
83303-0288

All our right, title and interest in and to Permit No. 47-07861 to
appropriate the public waters of the State of Idaho.

or (for partial assignments)

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

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

Made this 22 day of December, 1992.

John A. Brubaker
John A. Brubaker
Barbara A. Brubaker
Barbara A. Brubaker

STATE OF IDAHO)
County of Twin Falls) ss

On this 22nd day of December, 1992, personally appeared
before me the signers of the above instrument, duly acknowledged to me that
they executed the same.

John D. O'Connell
Notary Public for Idaho
Residing at Twin Falls, ID
My Commission Expires 5-28-93

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FEB 11 1998

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 20 1992

APR 23 1992

Department of Water Resources
Southern Region Office

ASSIGNMENT OF APPLICATION FOR PERMIT

Department of Water Resources
Southern Region Office

I, Howard Harder, hereby assign to John &/or Barbara Brubaker
of, 937 E. 4000 N., Buhl, ID 83316 543-6917
(Full Address)

All my right, title, and interest in and to Application for Permit
No. 47-07861 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

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

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

Made this _____ day of _____, 1990.

Howard Harder 4/22/92
Applicant

State of Idaho)
County of Blaine) ss

On this 22 day of April, 1990, personally appeared before me the signer of the
above instrument, duly acknowledged to me that he (she) (they) executed the same.

Kolby Jones
Notary Public

seal

My commission expires: 12-20-94 MICROFILMED

FEB 11 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Howard Harder Phone 543-4932
Post office address Rt #2, Buhl, Idaho, 83316
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6 Township 10S
Range 14E B.M. Twin Falls County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 3.2 cfs for Irrigation purposes from Mar. 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

- a. 3.2 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. 40hp pump from well
to gravity irrigation system.

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

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

- c. ~~Proposed~~ well diameter is 12 inches; ~~proposed~~ depth of well is 150 feet.

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

8. Description of proposed uses:

- a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

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

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

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

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

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FEB 11 1998

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10S	14E	6														40	40		80
10S	14E	7					40			40									80

Total number of acres to be irrigated 160

c. Describe any other water rights used for the same purposes as described above. 160 shares of Twin Falls Canal water

9. a. Who owns the property at the point of diversion Applicant

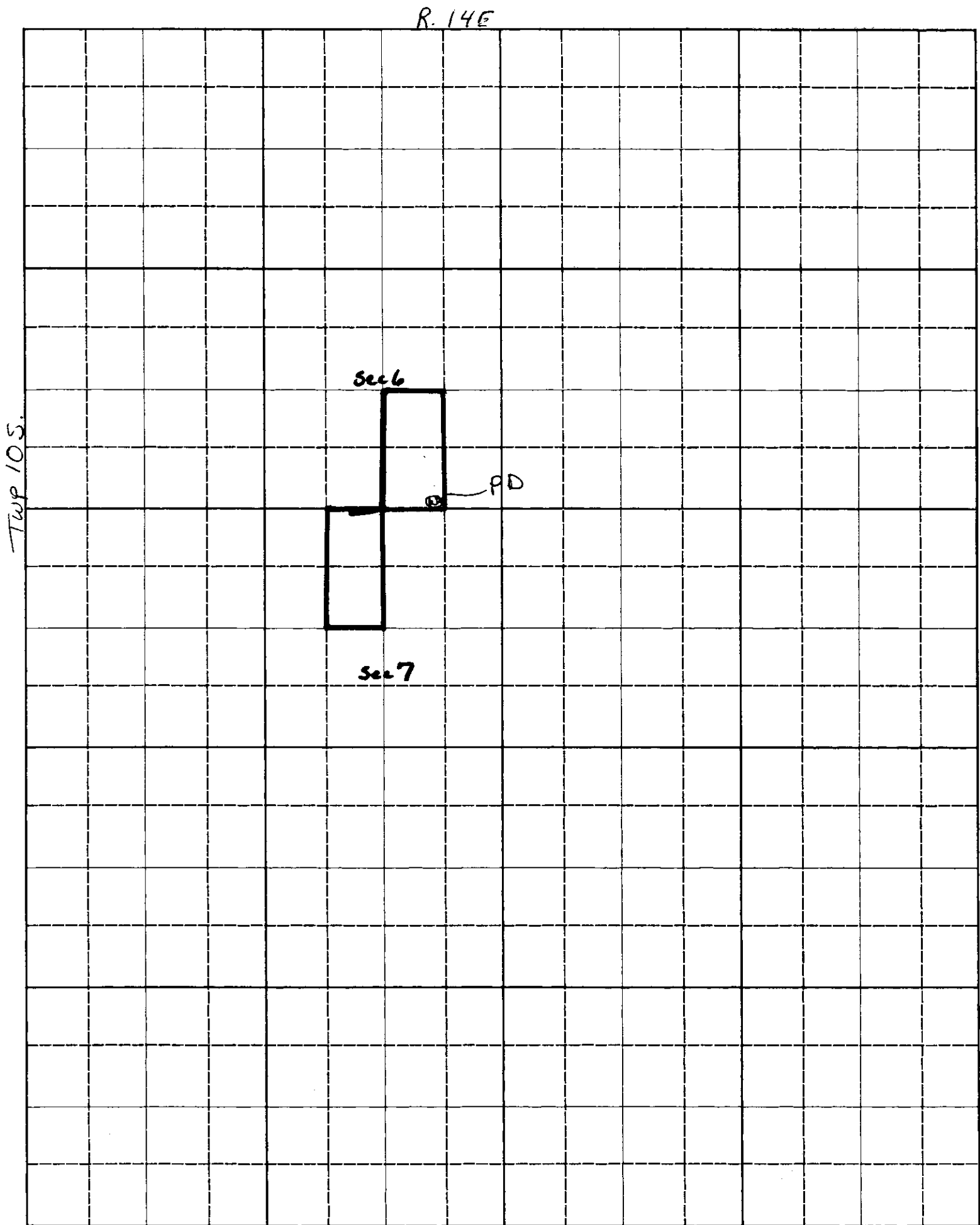
b. Who owns the land to be irrigated or place of use Applicant

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

10. Remarks Water has been used on the 80 acres in Sec 6 since 1965.

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FEB 11 1998

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



Scale: 2 inches equal 1 mile.

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

Howard Harder
(Applicant)
APPROVED
FEB 11 1998

Received by TGB Date 3-2-83 Time 3:30
Preliminary check by W. J. Hubby Fee \$ 105⁰⁰ # 26047
Receipted by TGB Date 3-2-83
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: _____

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: _____

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FEB 11 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

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

January 15, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN NUNES
MAY NUNES
937 E 4000 N
BUHL ID 83316

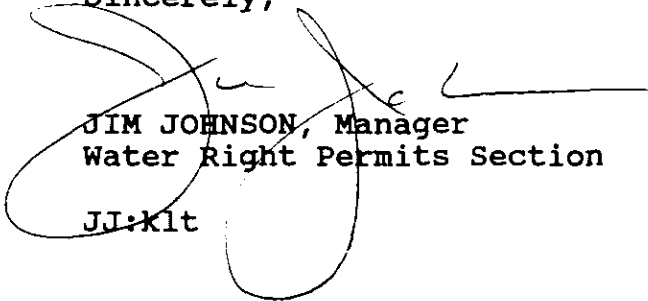
RE: ASSIGNMENT OF APPLICATION OF PERMIT 47-07861

Dear Mr & Mrs Nunes:

I acknowledge receipt of the correspondence changing ownership of the above referenced water right application to you. We have modified our computer records to reflect this change in ownership.

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

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

MICROFILMED
FEB 11 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

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

December 18, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN BRUBAKER
BARBARA BRUBAKER
937 E 4000 N
BUHL ID 83316

RE: Water Right 47-07861

Dear Mr. & Mrs. Brubaker:

I have received the Assignment of Application for Permit assigning your interest in the subject right to John and/or Mary Nunes which indicates payment of \$25.00 filing fee received.

According to our records this water right is jointly owned by yourselves and Northwest Farm Credit Services ACA. In order for us to be able to accept this assignment form it must also include an authorized signature by an agent of Northwest Farm Credit Services ACA.

I am returning the original form you sent us and ask that you have the necessary signature added. If the completed form is not received by this office within sixty days we will refund the \$25.00 filing fee.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

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

Kari Lynn Townsend
Secretary

/k

Enclosures

MICROFILMED
FEB 11 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 2, 1996

JOHN A BRUBAKER
BARBARA A BRUBAKER
937 E 4000 N
BUHL ID 83316

RE: Application for Permit No. 47-07861

Dear Mr. and Mrs. Brubaker:

The Department of Water Resources recently received an inquiry about the possibility of processing Application for Permit No. 47-07861, which Howard Harder assigned to you in 1992. The water right application was held without approval in the 1980s because of the Swan Falls litigation and since 1992 because of the Eastern Snake River Plain Area moratorium. A printout of the information on the application is enclosed. I reviewed the file and found that it may be possible to process the application if you can provide strong evidence to demonstrate the timing of the development of your water use.

In 1992 you returned the Trust Water Information Questionnaire indicating that you had commenced irrigating the entire 160 acres with groundwater prior to October, 1984. In order to determine whether your development involved trust water, I will need evidence to confirm your statement. Useful evidence might include such things as power records, receipts for irrigation equipment, aerial photographs, and affidavits from witnesses. Because you use Twin Falls Canal water as the primary source of water for your land, the evidence you provide must address use of the groundwater specifically.

If you cannot demonstrate that the entire development was in place prior to October 1984, your application may still be processed as trust water if you can provide strong evidence that it was in place prior to November 19, 1987.

Please respond by February 2, 1996. If you have any questions, please contact me at 208-327-7946 in Boise.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

cc: Northwest Farm Credit Services

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FEB 11 1998



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

April 28, 1993

NORTHWEST FARM CREDIT SERVICES ACA
129 EASTLAND DR
PO BOX 288
TWIN FALLS ID 83303-0288

Re: Permit Nos. 47-07861 and 47-08017

Dear Permit Holder(s):

We acknowledge receipt of assignments of permit adding you as part owner of the above referenced water rights. We have modified our computer records to add you as part owner.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over the typed name and title.

JIM JOHNSON
Water Right Supervisor

JJ:cz

c: John A. Brubaker

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FEB 11 1998



Farm Credit Services

129 Eastland Drive
P.O. Box 288
Twin Falls, Idaho 83303-0288
208/733-2577

February 3, 1993

Department of Water Resources
222 Shoshone Street East
Twin Falls ID 83301

RE: Water Permit 47-08017 and Permit 47-08017
John A. Brubaker

RECEIVED

FEB 04 1993

Department of Water Resources
Southern Region Office

Gentlemen:

This letter will serve as notice to the Department of Water Resources that Northwest Farm Credit Services, ACA, has a security interest in Permit Nos. 47-08017 and 47-08017 and a real estate mortgage has been filed on property where the wells are located. Enclosed are Assignments of Permit from John A. Brubaker and Barbara Brubaker, husband and wife, and Northwest Farm Credit Services, ACA.

We request copies of all notices and correspondence mailed to Mr. and Mrs. John A. Brubaker regarding the above-described permit number be sent to our office address.

Please acknowledge below and return this letter to our office. We appreciate your cooperation in this matter.

Sincerely,

Ellen Fischer
Senior Clerk

ACKNOWLEDGED this 4th day of February, 1993.

DEPARTMENT OF WATER RESOURCES

By

MICROFILMED

FEB 11 1998

J. Simon

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

APR 20 1992

Department of Water Resources
Southern Region Office

Application No. 47-7861

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes ☒ No ☐

b. If you are not the property owner, please describe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes ☒ No ☐

b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain conditions. You may be asked to verify uses established prior to October, 1984.)

160 acres

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984. _____

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete. _____

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

Twin Falls Cyn/ Co. shares

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant

John Grulaber

Date

4/23/92

MICROFILMED

FEB 11 1998

December 2, 1991

RE: APPLICATION FOR PERMIT NO. 47-7861

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development, if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, or if the application proposes diversion of more than 5.0 cfs, the department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (copy enclosed). In particular, rules 4,5,3. through 4,5,3,5. apply to your project if it is more than 200 acres. If necessary, the rule 4,5, information notice will be sent to you after you return the questionnaire.

FEB 11 1998
MICROFILMED

Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,

A handwritten signature in cursive script that reads "Tim Luke".

TIM LUKE
Sr. Water Resource Spec.

Enclosures

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FEB 11 1998