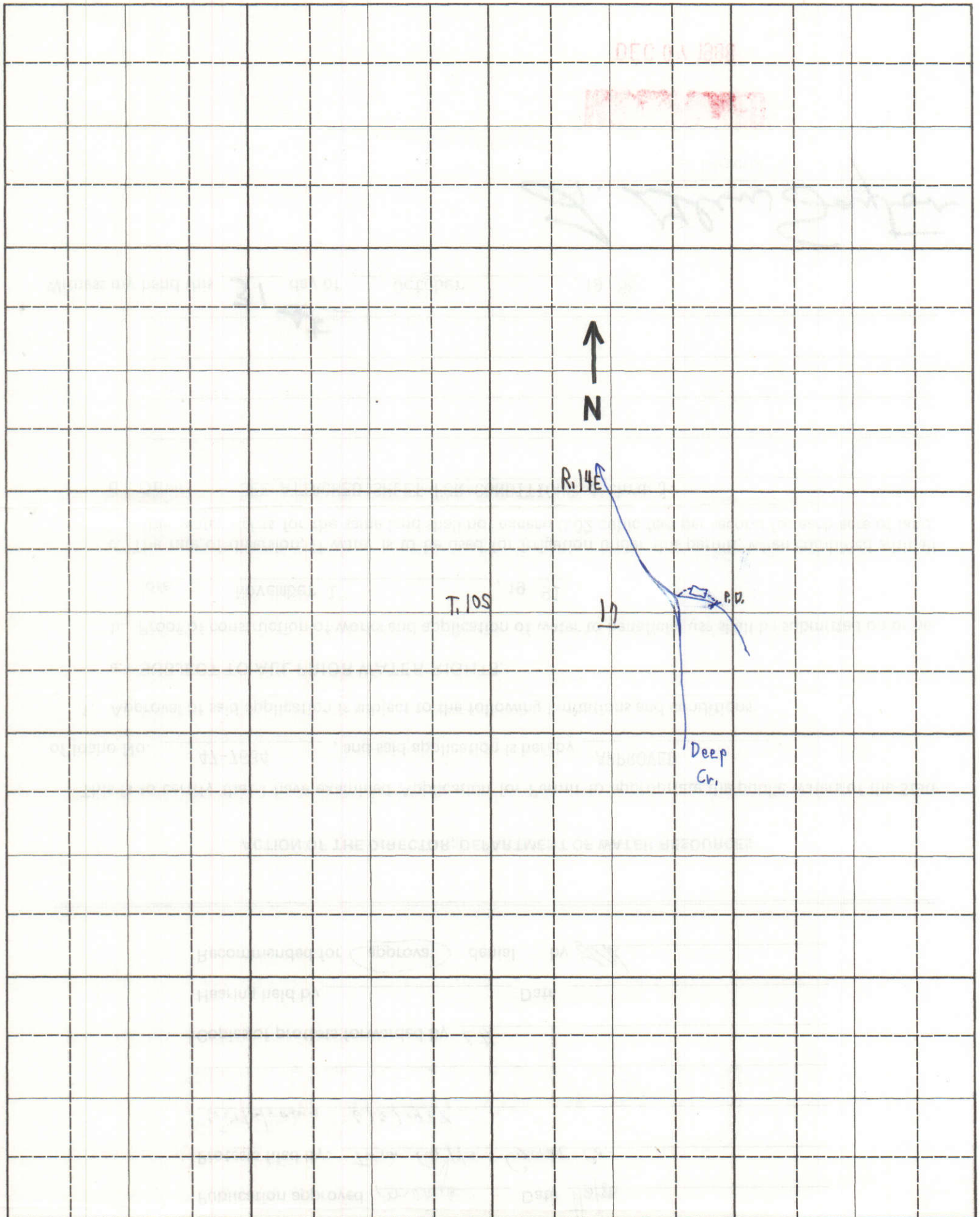


T1. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

MISFILED

DEC 07 1988

Dale Frank Bohman
(D. Frank Bohman)

(Applicant)

Linda Ann Bohman

EARNST MONEY AGREEMENT

THIS IS A LEGALLY BINDING CONTRACT. IF NOT UNDERSTOOD, SEEK COMPETENT ADVICE.

RECEIVED OF:

Buhl

ID.

January

1980

herein called "Buyer," the sum of One thousand and 00/100 (\$1,000.00) Dollars in the form of personal check paid to the broker as earnest money and in part payment of the purchase price for the following property situate in Twin Falls County, Idaho SE 1/4 NE 1/4 of Sec 17 T10S R14E of Boise Meridian - less House, outbuilding and acre which would be approx 5 acres in SE corner of said property. Seller to provide legal description

Buyer hereby offers to purchase the above described property in its present condition, after full inspection, on the terms and conditions herein provided for; and agrees to give the seller 1 days from this date, to accept said terms and conditions during which time this offer shall not be revokable.

Included as part of the property sold to the buyer are such of the following items as may now be on the premises, which will be delivered free and clear of encumbrances: All existing linoleum, window screens, screen doors, television antennae, shades, venetian blinds, curtain rods, attached lighting, plumbing and bathroom fixtures, water-heating apparatus and fixtures, awnings, ventilating, cooling and heating systems, irrigation fixtures and equipment, all water and water rights, ditches, and ditch rights appurtenant thereto, and subject to the assessments therein, trees, plants and shrubs and all other attached fixtures not herein reserved or excepted; together with the following personal property:

None

The total purchase price is:

Seventy Five thousand (\$75,000.00) Dollars and after deducting the sum hereinbefore receipted for the balance shall be payable as follows:

Ten thousand dollars at time of closing on or about March 1980. Balance of Sixty Four thousand Dollars (\$64,000.00) on July 1, 1980. Seller is to keep First crop hay and one additional crop of Trout after the present crop which is in the ponds. Buyer and Seller Agree to share appropriate closing cost.

Commission split 50%-50%

(listing office Town and Country Realtors, Buhl)

Seller authorizes the real estate broker, hereinafter referred to as "Broker," to order and charge to Seller's account, immediately upon acceptance of this offer, and of assurance of any contemplated financing, if provided for hereinabove, either a policy of Title Insurance (using a preliminary title report prior to close of sale, after which the Title Insurance Policy will be issued) or, at the Seller's option an abstract of title certified to a date subsequent hereto evidencing condition of the title for inspection and approval of the Buyer. If Buyer's approval of the condition of the title is withheld, Buyer shall have 10 days after receipt of evidence of title in which to deliver to Seller or Broker written objections thereto. Failure to so object within the 10 day time limit provided shall be deemed approval and acceptance of the condition of the title. The Broker shall in no way be responsible for delivery to Buyer, or condition of the title.

The earnest money deposited herein shall be refunded to Buyer and this agreement voided if the Seller fails to accept Buyer's offer within the time provided, or if merchantable title cannot be delivered within a reasonable time. Should the improvements on subject property be materially damaged by fire or otherwise, prior to closing this sale, this agreement shall be voidable at the option of the Buyer.

Unless otherwise provided herein, the real property shall be conveyed by warranty deed, free of encumbrances 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 of record. Any encumbrances to be discharged by Seller may be paid out of the purchase money at date of closing.

The parties hereto authorize the Broker to arrange financing, if financing is required and Buyer agrees to use his best efforts to obtain such financing. Financing costs shall be paid by Buyer. However, if FHA or GI regulations apply to limit Buyer's loan service fee, Seller agrees to pay any excess thereof.

All taxes, rents, insurance premiums and interest shall be prorated as of closing date, which shall be on or before March 1, 1980.

In case the Buyer shall fail to promptly perform any covenant or agreement aforesaid and to do all things necessary and prerequisite to the consummation of this sale, the Seller may declare a forfeiture of this contract, and all rights of the Buyer shall cease and payments made by him may be retained by the Seller as liquidated damages, and not as a penalty, or the Seller may pursue any other remedy available under the laws of the State of Idaho. In any action brought upon this agreement, the prevailing party shall be entitled to reasonable attorney fees.

This agreement shall bind the heirs, executors, administrators, successors and assigns of the respective parties hereto, and time is of the essence hereof. There are no verbal agreements which modify the terms and conditions hereof.

Broker: Loyal Hansen
Preston Idaho 853-2243

BUYER:

D. Frank Belman
10815 N. 35th St
Phoenix, AZ 85028

(Address)

By: LEONARD WARD

BUYER:

Joyce Ann Belman
Phone: (602) 946-3767

Phone:

SELLER ACCEPTS the foregoing terms and conditions and agrees to sell the above property to Buyer and to pay the Broker's commission Forty Five hundred dollars which the Broker shall have the right to retain from the proceeds of this sale. In the event the earnest money receipted for in connection with this sale is forfeited, Seller agrees that one-half thereof shall be retained by the broker, provided the amount to the broker does not exceed the agreed upon commission due, and the balance shall be paid to the undersigned Seller.

Dated January, 1980SELLER: Kenneth J. AllredSTATE OF Idaho, COUNTY OF Twin Falls ss.SELLER: Joyce Ann AllredOn this 11 day of January, 1980,

before me, a Notary Public in and for said

State, personally appeared Kenneth J. Allred and Joyce Ann Allred
(Husband and wife)

known to me to be the person whose name IS subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary Public for

State of Idaho

Residing at

Preston Idaho

My Commission expires

Indefinite

BUYER'S COPY—with Seller's Acceptance

NOTARIZED

DEC 07 1988

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

47-7634
BOHMAN, DALE FRANK
&/or LINDA ANN
10815 N. 35TH ST.,
PHOENIX, AZ 85028

Source: UNNAMED
STREAM tributary to DEEP
CREEK

Date Filed: 03/05/1980

Amount: 24.00 CFS

Diversion Point: SENE Sec
17 T 10S R 14E, TWIN
FALLS Co.

Use: FISH PROP. (24.00 CFS)
from 01/01 to 12/31

Place of Use: SENE Sec 17 T
10S R 14E

Diversion Means: CHECK
DAM & DITCH

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF TWIN FALLS } ss.

Nº 9185

I, Linda Capps McSwine being first duly sworn upon
oath, depose and say that I am Print Clerk of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for Two
consecutive Weeks, commencing with the issue dated
April 3, 1980, and ending with the issue dated
April 10, 1980.

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

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

Subscribed and sworn to before me on this 15th day of

DEC 07 1988

Linda Capps McSwine
April, 1980.
Delba Rowlett-Smith
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

RECEIVED

APR 21 1980

Department of Water Resources
Southern District Office



RECEIVED

APR 22 1999

Department of Water Resources

☐ Not Deliverable As Addressed
☐ Unable To Forward
☐ Insufficient Address
☐ Moved, Left No Address
☐ Unclaimed ☐ Refused
☐ Attempted - Not Known
☐ No Such Street ☐ Number
☐ Vacant ☐ Illegible
☐ No Mail Receptacle
☐ Box Closed - No Order
☐ Returned for Better Address
☐ Postage Due

IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard St.
P.O. Box 83720
Boise, ID 83720-0098
(208) 327-7900

TO

L47-07634
WILLIAM L FULLMER
RT 2 BOX 47
BUHL

☐ Not Deliverable As Addressed
☐ Unable To Forward
☐ Moved, Left No Address
☐ Unclaimed ☐ Refused
☐ Attempted - Not Known
☐ No Such Street ☐ Number
☐ Vacant ☐ Illegible
☐ No Mail Receptacle
☐ Box Closed - No Order
☐ Returned for Better Address
☐ Postage Due

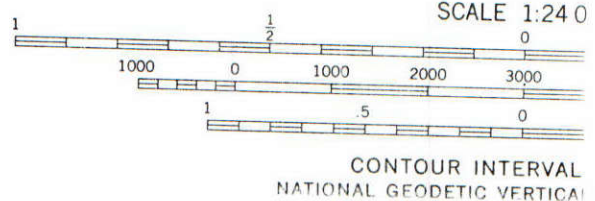
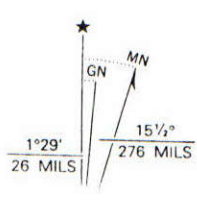
4.22.99 - Repeat Mail to address
shown on FE report.
Ket

MICROFILMED
JUN 25 1999



Map prepared by the United States Geological Survey
by USGS and NOS/NOAA

Map derived from aerial photographs taken 1956. Information shown
has been updated from aerial photographs taken 1987-1988
checked. Map edited 1992. Conflicts may exist between
dated features and previously mapped contours
North American Datum of 1927 (NAD 27). Projection and
spot grid ticks: Idaho Coordinate System, central zone
(see Mercator). 1000-meter Universal Transverse



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 12 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 47-07634

1. Owner: William L. Fullmer

Phone No. 543-4299

Current Address: ~~126 N Broadway~~, Buhl, ID 83316 PO Box 107

2. Accompanied by: Mr. Fullmer

EXAM. DATE: 10-21-97 & 10-31-97

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Unnamed Stream tributary to Deep Creek

B. OVERLAP REVIEW

1. Other water rights with same place of use: 47-07163 (see Remarks)

☐ Copies Attached

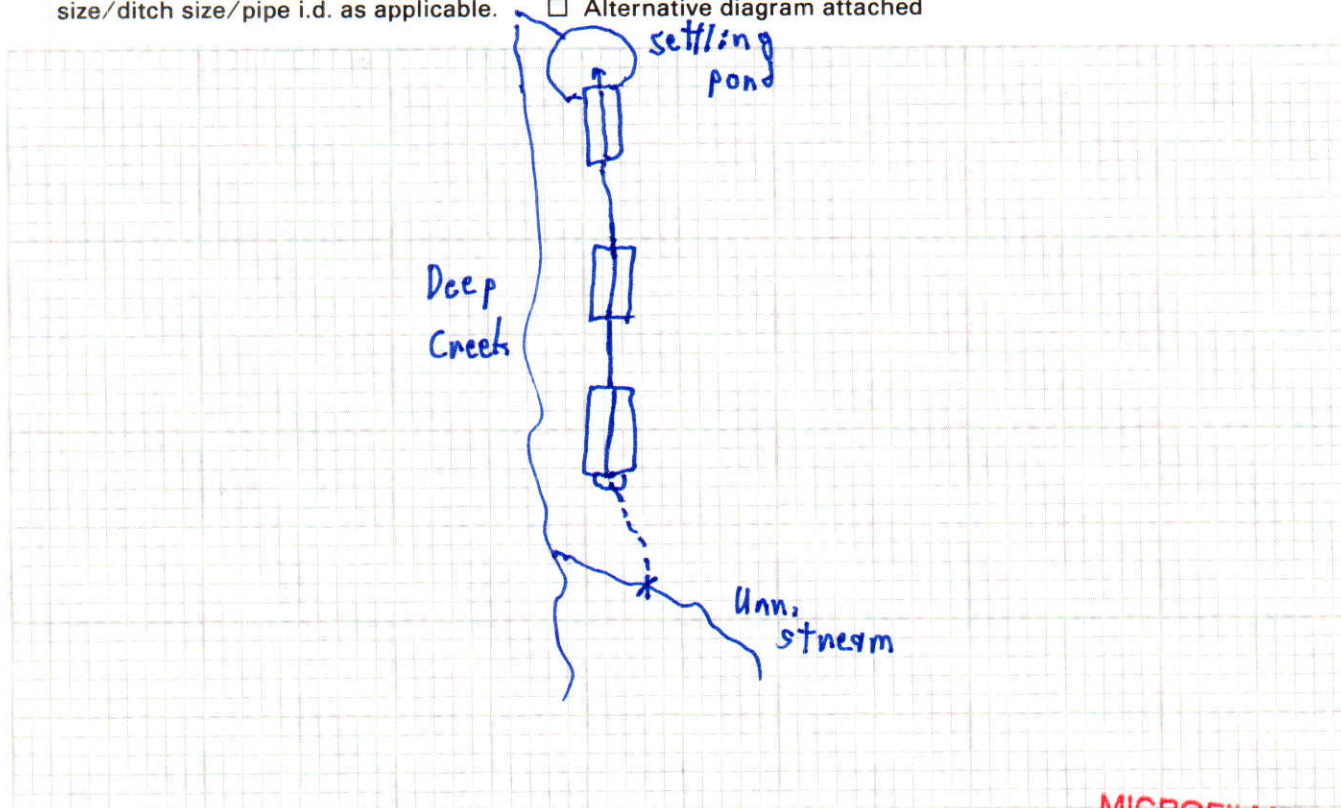
2. Other water rights with same point of diversion: 47-07163

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

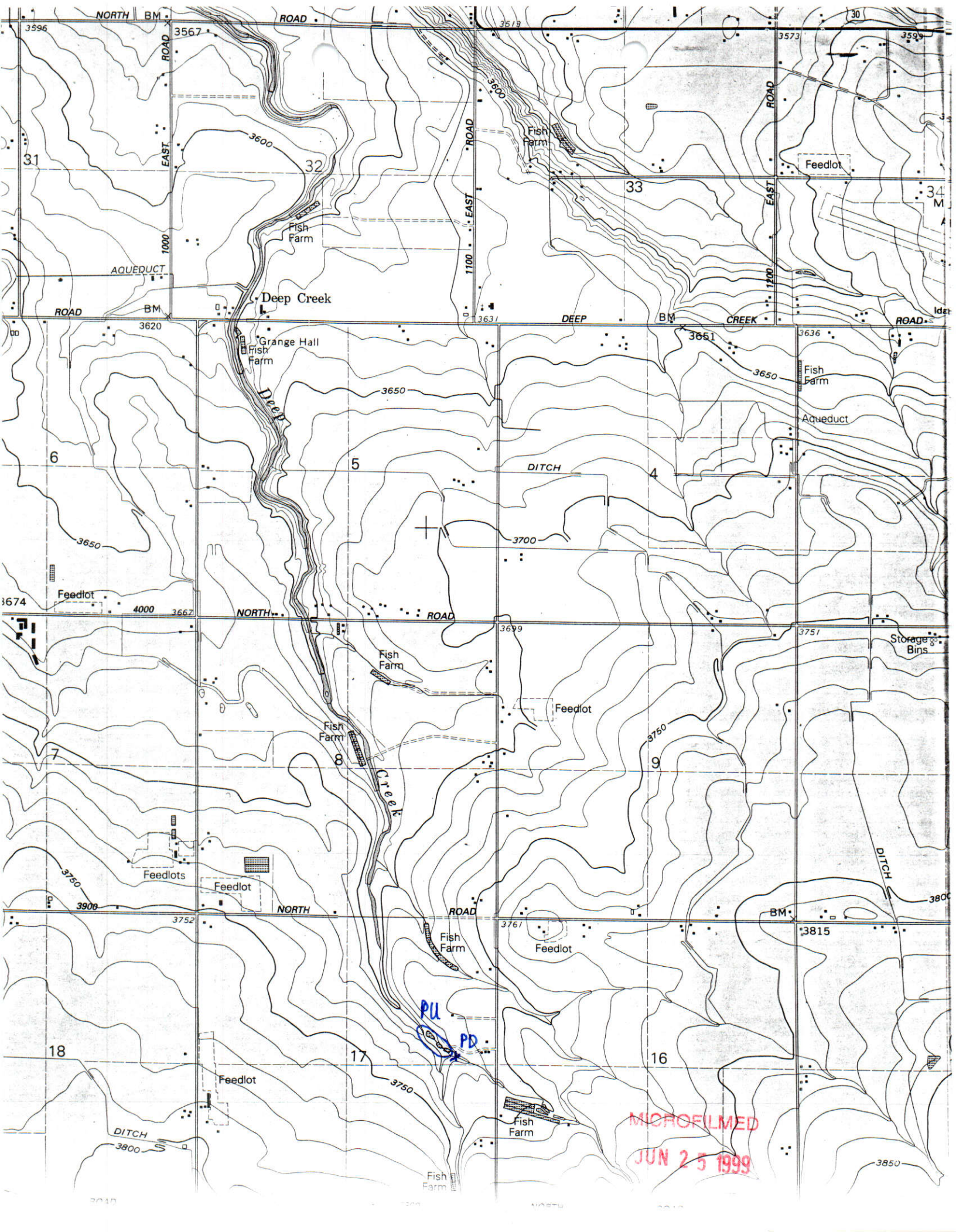
2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

MICROFILMED

JUN 25 1999



Source
Stream
(Upstream
View)



P/D
(Downstream
View)



Head of
Diversion
Ditch



41-07634

10-21-97

JES

MICROFILMED
JUN 25 1999



Measuring Point - Parallel Channel Section

MICROFILMED
JUN 25 1999

47-07634
10-31-97
JES

Inlets
Upper
Raceways



Outlet of
Upper
Raceways



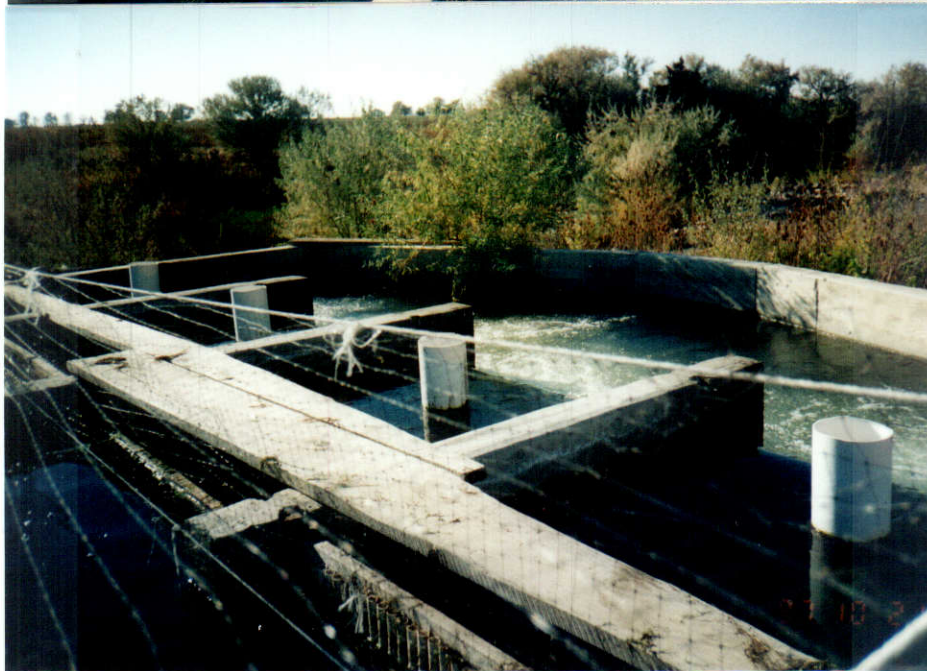
MICROFILMED
JUN 25 1999

47-07634
10-21-97
JES

Inlet &
Middle Raceways



Outlet From
Middle Raceways



MICROFILMED
JUN 25 1999

47-07634
10-21-97
JES

Pipe/line From
Middle Raceways
to Lower
(existing)
Raceways



Settling Pond

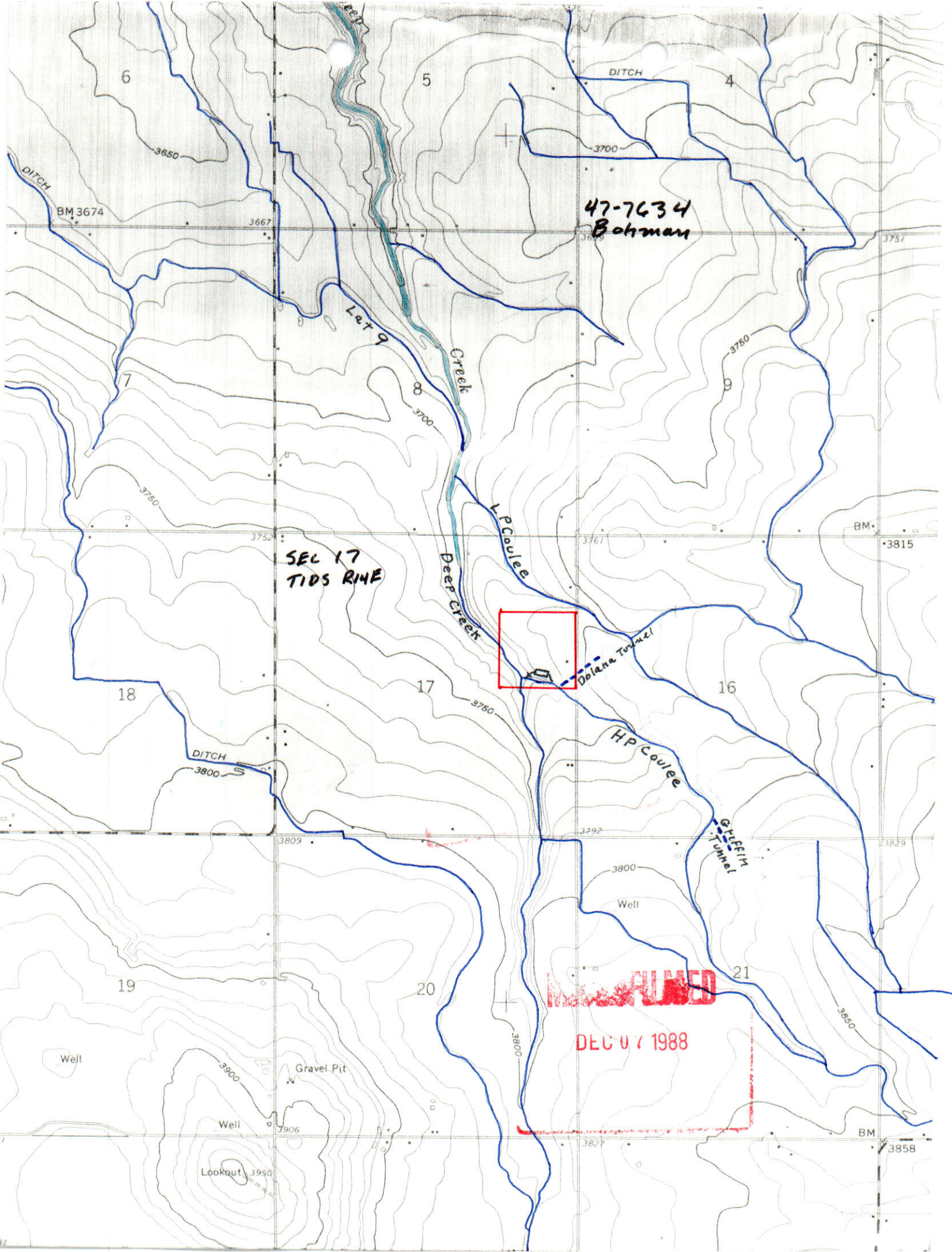


MICROFILMED
JUN 25 1999

47-07634

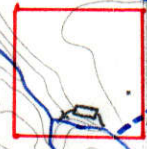
10-21-97

JES



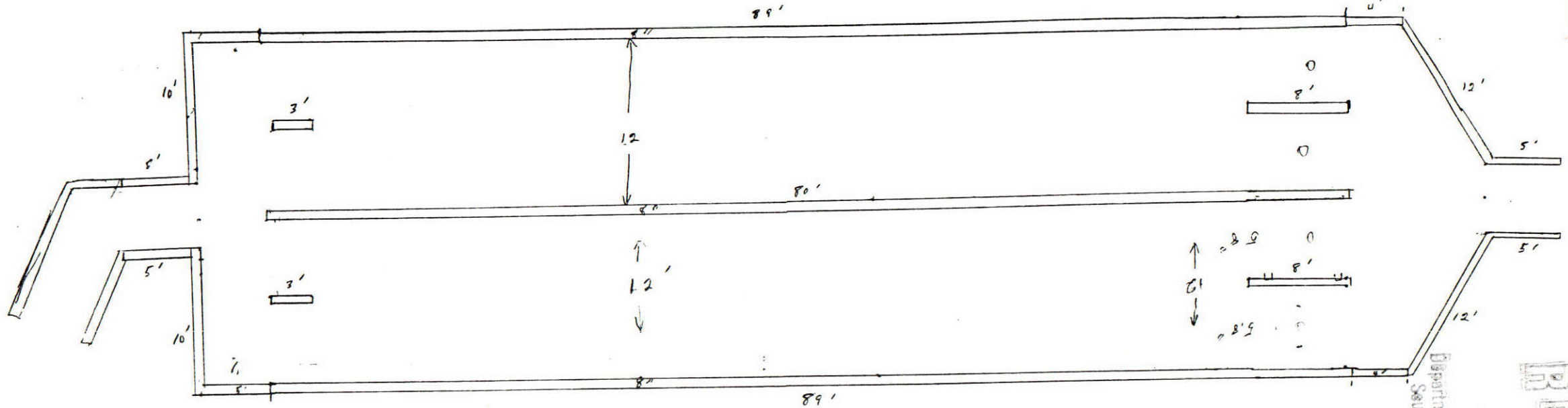
47-7634
Bohman

SEL 17
TIDS RINE



RECEIVED

DEC 07 1988



RECEIVED
DEC 07 1988

RECEIVED
JUL 25 1988

Department of Water Resources
Southern Region Office

2 Ponds (4 Raceways)
4' 0" Wall Height

ESTIMATED CONSTRUCTION COST \$24,000.00

4 3 TEG
1 2 ELL

State of Idaho
Department of Water Resources

Water Right License
WATER RIGHT NO. 47-07634

Priority: March 5, 1980

Maximum Diversion Rate: 12.24 CFS
Maximum Diversion Volume: 8846.0 AF

This is to certify, that WILLIAM L FULLMER
RT 2 BOX 47

BUHL ID 83316 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated March 5, 1980; and
has submitted Proof of Beneficial Use on October 8, 1991. An examination indicates
that the works have a diversion capacity of 16.430 cfs of water from:

UNNAMED STREAM tributary to DEEP CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	12.24 CFS	8846.0 AF

LOCATION OF POINT(S) OF DIVERSION: SENE , Sec. 17, Township 10S, Range 14E
TWIN FALLS County

PLACE OF USE: FISH PROPAGATION
TWN RGE SEC
10S 14E 17 SENE

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this right shall be non-consumptive.
2. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
3. The right holder shall provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
4. Total facility volume under this right and Right 47-07163 is 17,866 cubic feet.
5. Right 47-07163 is also diverted through the point of diversion described above.

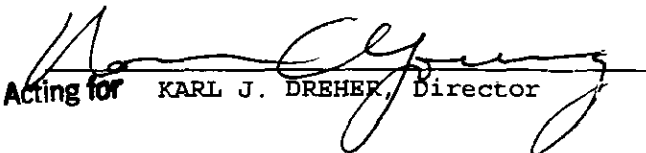
RECORDED

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 47-07634

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 16TH day of

April, 1979.


Acting for KARL J. DREHER, Director

MICROFILMED
JUN 24 1982

RECEIVED

STATE OF IDAHO

For Office Use Only
Amt. of Fee \$ 600
Date 10/8/91
Receipt No. 3015762
Received by DF

OCT 08 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.

1. Permit No. 47-07634 Telephone No. 543-4299

2. Name(s) of Permit Holder(s): William L. Fuller

3. Post Office Address: RT 2 Box 47, Bunk, ID 83316

4. Source of Water: UNPAVED SEEP STREAM

a. If ground water, well driller's name: _____ Date drilled: _____

b. Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use:

Domestic _____ (No. of households) Irrigation _____ (No. of acres)

Stockwater _____ (No. and type of stock) Other FISH PROPAGATION

6. Total rate and/or volume for which proof is submitted 24.0 cfs _____ acre/feet

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

Measuring device: Required? ☒ Yes ☐ No Installed? ☐ Yes ☒ No PLAN TO INSTALL BY 10/91 (10-20-91)
OR
Flow Measurement Port: Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No

8. Fee Enclosed: \$ 600⁰⁰ (See License Examination Fee Schedule)

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

William Fuller 543-4299
Name Telephone No.
RT 2 Box 47 Bunk, ID 83316
Address

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

MICROFILMED

10/8/91
Date

William L. Fuller DEC 11 1991
Signature (and title if on behalf of a company or organization)

RECEIVED

MAY 26 1988

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

Department of Water Resources
Southern Region Office

I, Dale Frank Bohman, hereby assign to William L. Fuller

of Route 2 Box 47, Buhl, Idaho 83316

Address

CHECK ONE



All my right, title, and interest in and to Permit No. 47-7634
to appropriate the public waters of the State of Idaho.



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 that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

X Made this 23rd day of May, 1988.

X Dale Frank Bohman
Permit Holder

Spouse of Permit Holder

State of Texas)
County of Bexar) ss.

X On this 23rd day of May, 1988, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal DEC 07 1988

My commission expires:

2/15/92

Ran Sendelbach

Notary Public residing at

San Antonio, Texas

I HEREBY CERTIFY THIS DOCUMENT TO BE A
TRUE AND EXACT COPY OF THE ORIGINAL

5/26/88
DATE

Michele Clark
NOTARY PUBLIC

ASSIGNED TO:

William L. Feltner
Rt. 2, Box 47
Buhl, ID 83316

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

MAR 5 1980

To appropriate the public waters of the State of Idaho

1. Name of applicant Dale Frank &/or Linda Ann Bohman Phone 602-996-3767 or 208-543-5467

Post office address 10815 N. 35th St., Phoenix, Arizona 85028

2. Source of water supply Unnamed Stream which is a tributary of Deep Creek

3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 17 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 24.0 cfs 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:

a. 24.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Check dam & ditch

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 _____ inches; proposed depth of well is _____ 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: SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 17 Township 10S

Range 14E 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: commercial fish propagation

DEC 07 1980

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

[illegible]**Total number of acres to be irrigated**

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

License 47-7163, Permit 47-7446

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

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

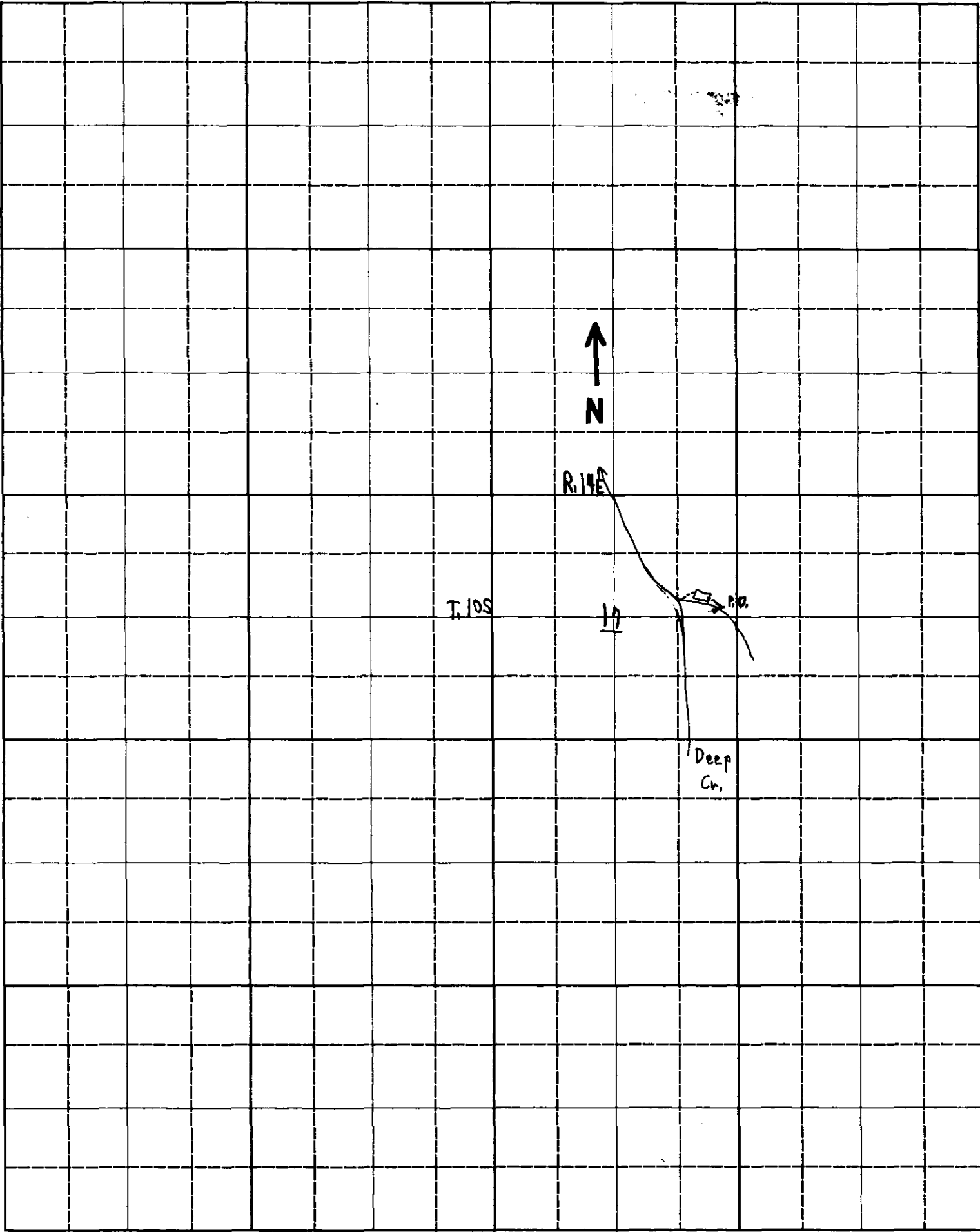
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing property is being purchased from Kenneth Allred, and will be occupied by applicant about July 1.

10. Remarks

THE NEW YORK TIMES

DEC 07 1988

T1. 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.

RECORDED

DEC 07 1988

Dale Frank Bohman
(D. Frank Bohman)

(Applicant)

Linda Ann Bohman

Proposed Priority 3/5/80

Received by ADM Date 3/5/80 Time 2:00 PM.
Preliminary check by ADM Fee \$ 245.00
Receipted by News Date 3/5/80 # 17139
Publication prepared by ADM Date 3/17/80
Published in Times News
Publication dates 4/3 + 4/10/80
Publication approved marye Date 4/2/80
Protests filed by: Twin Falls Canal Co.
Withdrawn 6/8/1988
Copies of protests forwarded by LH
Hearing held by _____ Date _____
Recommended for approval denial by LA

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. 47-7634, 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 November 1, 19 91.
- 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: SEE ATTACHED SHEET FOR CONDITIONS d thru j.

Witness my hand this 31 day of October, 19 88.

L. Glen Saxton



DEC 07 1988

ATTACHMENT TO CONDITIONS OF APPROVAL
For Permit No. 47-7634

- d. 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.
- e. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
- f. 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.
- g. Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
- h. Use of water under this permit shall be non-consumptive.
- i. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 32F.
- j. The permit holder shall be required to provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.

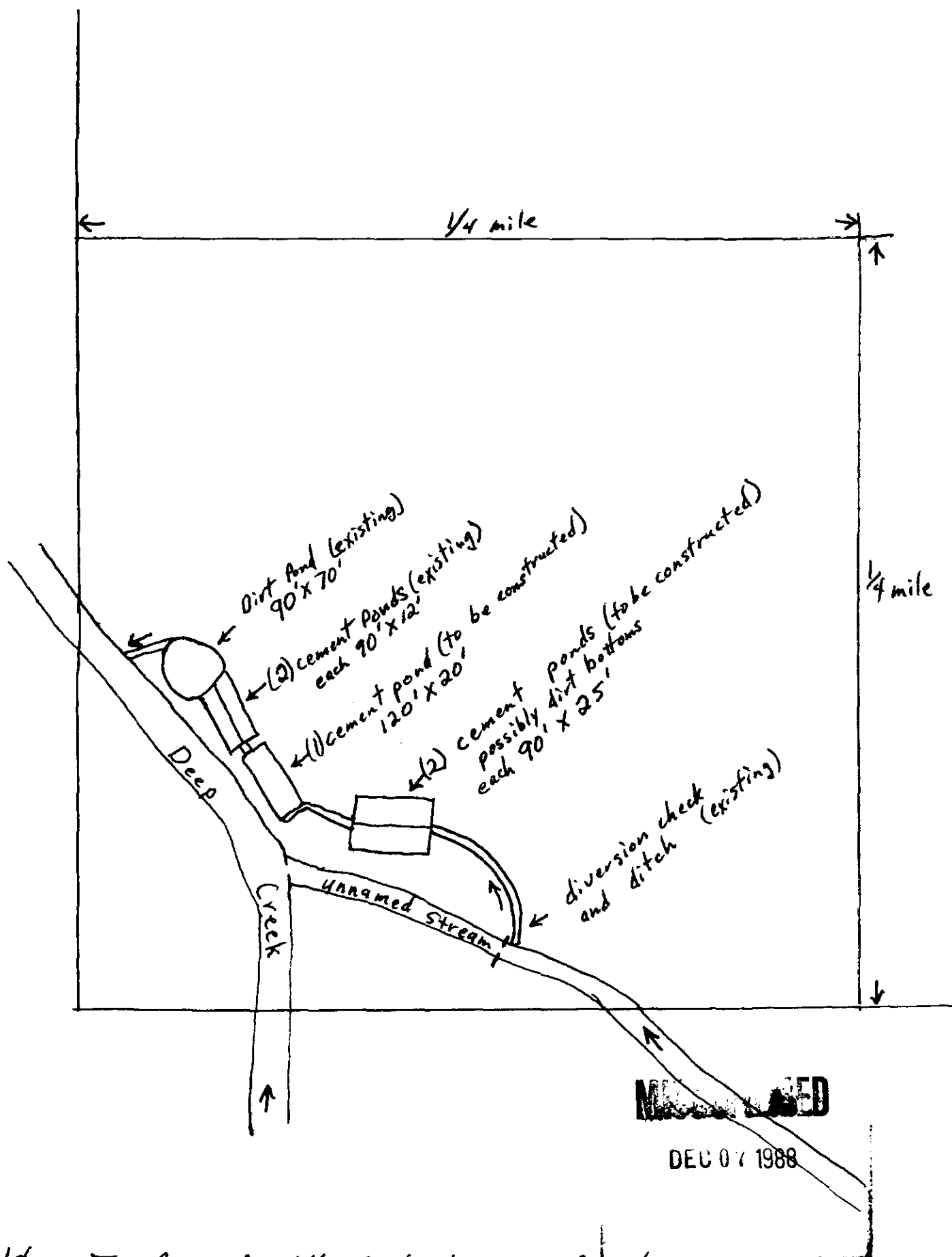
Witness my hand this 31st day of October, 1988.

A. Glen Saylor

MICROFILMED

DEC 07 1988

N ↑



Note - To Be sent with Application for Permit

EARNEST MONEY AGREEMENT

Form No. RE-21

THIS IS A LEGALLY BINDING CONTRACT. IF NOT UNDERSTOOD, SEEK COMPETENT ADVICE.

RECEIVED OF:

Buhl, Idaho, January 11, 1980
Baby Frank Johnson and Linda Johnson

herein called "Buyer," the sum of One thousand and 00/100 (\$ 1,000.00) Dollars
in the form of cash paid to the broker as earnest money and in part payment of the purchase price for the following property
situate in Twin Falls County, Idaho SE 1/4 NE 1/4 of Sec 17 T 10S R 10E
Keise Mountain - 1/2 acre house and building and mineral which would
be 1/2 acre in SE corner of said property. Seller to provide land

5 shares stay with Seller
Buyer hereby offers to purchase the above described property in its present condition, after full inspection, on the terms and conditions herein
provided for; and agrees to give the seller 1 day from this date, to accept said terms and conditions during which time this offer shall not
be revokable.

Included as part of the property sold to the buyer are such of the following items as may now be on the premises, which will be delivered
free and clear of encumbrances: All existing linoleum, window screens, screen doors, television antennae, shades, venetian blinds, curtain rods,
attached lighting, plumbing and bathroom fixtures, water-heating apparatus and fixtures, awnings, ventilating, cooling and heating systems, irriga-
tion fixtures and equipment, all water and water rights, ditches, and ditch rights appurtenant thereto, and subject to the assessments therein, trees,
plants and shrubs and all other attached fixtures not herein reserved or excepted; together with the following personal property:

None

The total purchase price is:

Seventy Five thousand (\$ 75,000.00) Dollars
and after deducting the sum hereinbefore receipted for the balance shall be payable as follows:

Ten thousand dollars at time of closing on or about March
1980. Balance of Sixty Four thousand Dollars (\$64,000.00) on July 1, 1980
Seller is to keep First crop hay and one additional crop
of Trout after the present crop which is in the ponds.
Buyer and Seller agree to share appropriate closing cost.

Commission split 50%-50%

(Buyer: Baby Frank Johnson and Linda Johnson, Buhl)

Seller authorizes the real estate broker, hereinafter referred to as "Broker," to order and charge to Seller's account, immediately upon accep-
tance of this offer, and of assurance of any contemplated financing, if provided for hereinabove, either a policy of Title Insurance (using a prelim-
inary title report prior to close of sale, after which the Title Insurance Policy will be issued) or, at the Seller's option an abstract of title certified to
a date subsequent hereto evidencing condition of the title for inspection and approval of the Buyer. If Buyer's approval of the condition of the title
is withheld, Buyer shall have 10 days after receipt of evidence of title in which to deliver to Seller or Broker written objections thereto. Failure to
so object within the 10 day time limit provided shall be deemed approval and acceptance of the condition of the title. The Broker shall in no way
be responsible for delivery to Buyer, or condition of the title.

The earnest money deposited herein shall be refunded to Buyer and this agreement voided if the Seller fails to accept Buyer's offer within the
time provided, or if merchantable title cannot be delivered within a reasonable time. Should the improvements on subject property be materially
damaged by fire or otherwise, prior to closing this sale, this agreement shall be voidable at the option of the Buyer.

Unless otherwise provided herein, the real property shall be conveyed by warranty deed, free of encumbrances 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 of record. Any encumbrances to be discharged by Seller may be paid out of the purchase money at date of closing.

The parties hereto authorize the Broker to arrange financing, if financing is required and Buyer agrees to use his best efforts to obtain such
financing. Financing costs shall be paid by Buyer. However, if FHA or GI regulations apply to limit Buyer's loan service fee, Seller agrees to pay
any excess thereof.

All taxes, rents, insurance premiums and interest shall be prorated as of closing date, which shall be on or before March
1, 1980, 1980.

In case the Buyer shall fail to promptly perform any covenant or agreement aforesaid and to do all things necessary and prerequisite to
the consummation of this sale, the Seller may declare a forfeiture of this contract, and all rights of the Buyer shall cease and payments
made by him may be retained by the Seller as liquidated damages, and not as a penalty, or the Seller may pursue any other remedy avail-
able under the laws of the State of Idaho. In any action brought upon this agreement, the prevailing party shall be entitled to reasonable
attorney fees.

This agreement shall bind the heirs, executors, administrators, successors and assigns of the respective parties hereto, and time is of
the essence hereof. There are no verbal agreements which modify the terms and conditions hereof.

Broker: Baby Frank Johnson BUYER: D. Frank Johnson 10815 N. 35th St
Preston Idaho 83223 Phoenix AZ 85028
(Address)

By Baby Frank Johnson BUYER: Baby Frank Johnson Phone: (602) 946-3767
SELLER ACCEPTS the foregoing terms and conditions and agrees to sell the above property to Buyer and to pay the Broker's commission

Forty Five hundred dollars which the Broker shall have the right to retain from
the proceeds of this sale. In the event the earnest money receipted for in connection with this sale is forfeited, Seller agrees that one-
half thereof shall be retained by the broker, provided the amount to the broker does not exceed the agreed upon commission due, and the
balance shall be paid to the undersigned Seller.

Dated January, 1980 SELLER: Kenneth J. Allred

STATE OF Idaho, COUNTY OF Twin Falls ss. SELLER: Joycelyn Allred

On 11 day of January, 1980, before me, a Notary Public in and for said

State, personally appeared Kenneth J. Allred and Joycelyn Allred

(husband and wife)

known to me to be the person
whose name IS subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary Public for State of Idaho Residing at Preston Idaho

My Commission expires Indefinite

BUYER'S COPY—with Seller's Acceptance

NOTED

DEC 07 1988

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

Nº 9185

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

April 3, 1980, and ending with the issue dated
April 10, 1980.

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

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

Subscribed and sworn to before me on this 10 day of

DEC 01 1988

April

1980

Melba Rowlett Smith
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

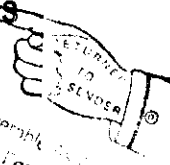
4-22-99 - Redent
shown on



- ☐ Not Deliverable As Addressed
- ☒ Unable To Forward
- ☐ Insufficient Address
- ☐ Moved, Left No Address
- ☐ Unclaimed ☐ Refused
- ☐ Attempted - Not Known
- ☐ No Such Street
- ☐ Vacant ☐ Number
- ☐ No Mail Receipt
- ☐ Box Closed - No Order
- ☐ Returned for Better Address

RECEIVED
APR 22 1999
Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard St.
P.O. Box 83720
Boise, ID 83720-0098
(208) 327-7900



- ☐ Not Deliverable As Addressed
- ☒ Unable To Forward
- ☐ Insufficient Address
- ☐ Moved, Left No Address
- ☐ Unclaimed ☐ Refused
- ☐ Attempted - Not Known
- ☐ No Such Street
- ☐ Vacant ☐ Number
- ☐ No Mail Receipt
- ☐ Box Closed - No Order
- ☐ Returned for Better Address
- ☐ Postage Due

TO
L47-07604
WILLIAM L FULLMER
RT 2 BOX 47
BUHL



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

April 19, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM L FULLMER
RT 2 BOX 47
BUHL ID 83316

RE: WATER RIGHT NO. 47-07634

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

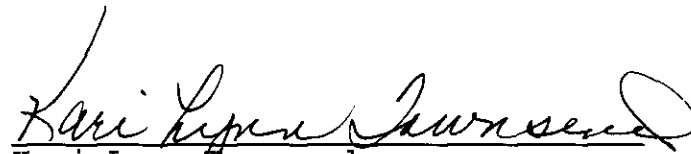
MICROFILMED
JUN 25 1999

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of April, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 47-07634

WILLIAM L FULLMER
RT 2 BOX 47
BUHL ID 83316


Kari Lynn Townsend
Secretary

MICROFILMED

APR 25 1999

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

MICROFILMED

JUN 25 1999

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED

JUN 25 1999

MEMORANDUM

TO: File 47-07634

FROM: Sharla

DATE: April 13, 1999

RE: Rate and Annual Volume for Fish Propagation Use

The rate reflects the measured capacity minus the previous license (47-07163) for 4.19 cfs; $16.43 - 4.19 = 12.24$ cfs.

Per a memo dated 1/15/88, volume is calculated this way:

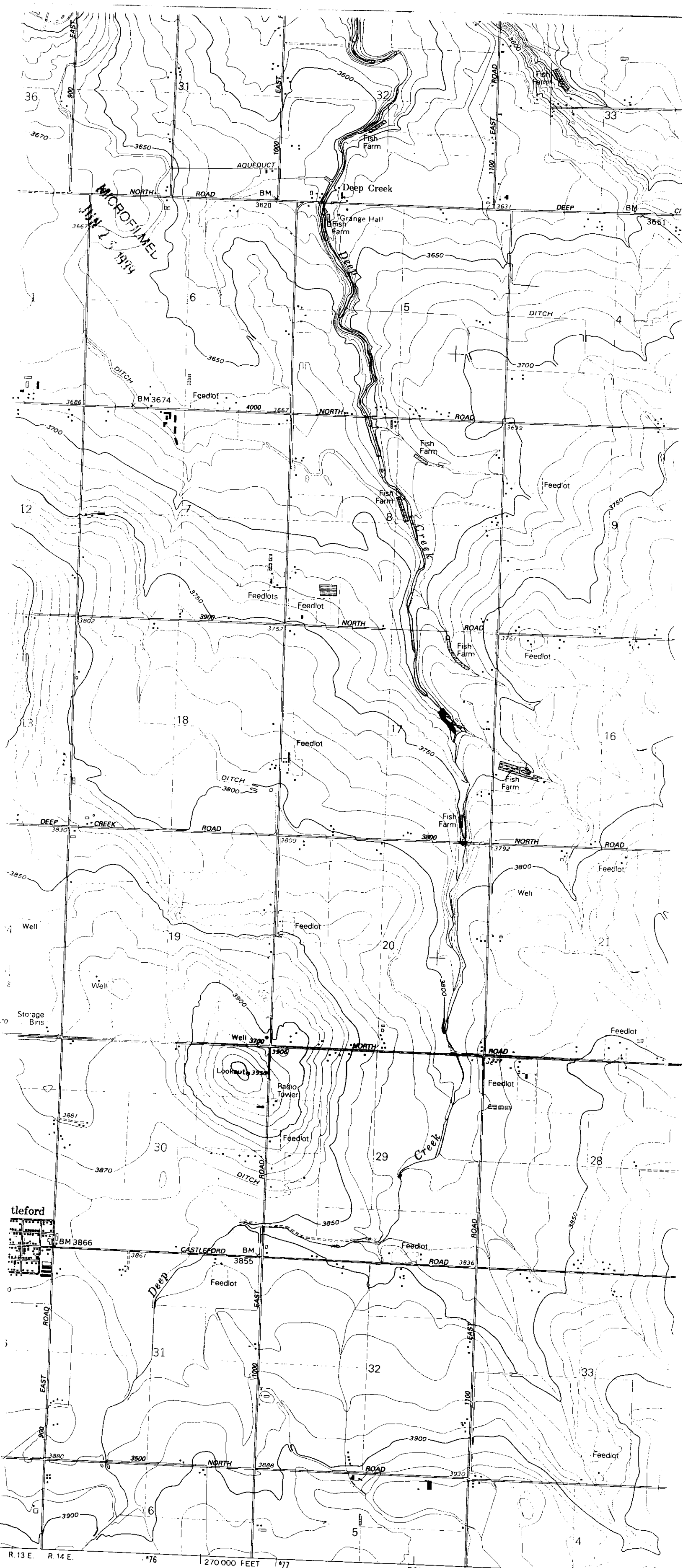
1. Calculate changes per hour:
 $\text{total flow into facility} \times 3600 / \text{facility volume(cf)} = \text{changes}$
2. Calculate annual volume:
 $\text{facility volume(AF)} \times \text{changes} \times 8760 = \text{AFA}$
3. Calculate volume given by permitted flow:
 $\text{flow rate(cfs)} \times 1.98 \times 365 \text{ days} = \text{AFA}$
4. Recommend lower figure

-
1. 16.43 cfs $\times 3600 /$ 17,866 cf = 3.31065
 2. 0.41 AF $\times$ 3.31065 $\times 8760 =$ 11890.5 AFA
 3. 16.43 cfs $\times 1.98 \times 365 \text{ days} =$ 11,874.0 AFA

RECOMMENDATION: 11,874.0 AFA

MICROFILMED

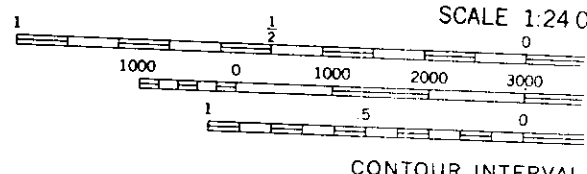
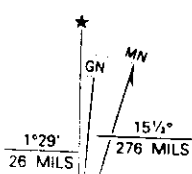
JUN 25 1999



Map by the United States Geological Survey
USGS and NOS/NOAA

Map derived from aerial photographs taken 1956. Information shown
has been updated from aerial photographs taken 1987-1988
checked. Map edited 1992. Conflicts may exist between
dated features and previously mapped contours

Map uses the North American Datum of 1927 (NAD 27). Projection and
grid ticks: Idaho Coordinate System, central zone
of Meridian, 1000 meter Universal Transverse



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 12 1997

Department of Water Resources

A. GENERAL INFORMATION

1. Owner: William L. Fullmer Permit No. 47-07634
Current Address: ~~126 N Broadway~~, Buhl, ID 83316 Phone No. 543-4299
2. Accompanied by: Mrs. Fullmer EXAM. DATE: 10-21-97 & 10-31-97
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Unnamed Stream tributary to Deep Creek

B. OVERLAP REVIEW

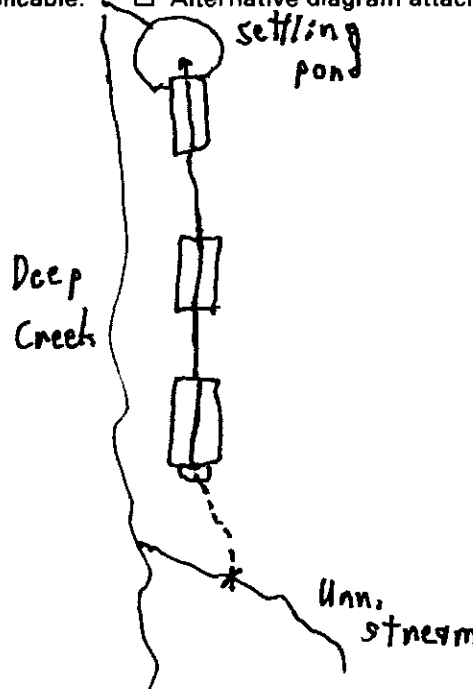
1. Other water rights with same place of use: 47-07163 (see Remarks)

☐ Copies Attached
2. Other water rights with same point of diversion: 47-07163

☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

MICROFILMED

JUN 25 1999

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Concrete & wooden check dam in seep stream, earth & concrete ditch to 3 sets of concrete raceways (2 raceways per set), settling pond, discharge into Deep Creek. License 47-07163 covers the lowest (north) raceways. The upper 2 sets & the settling pond were developed under this permit.

☐ See Remarks on page 4 for continuation

- 4.

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

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	SE	NE	17	10S	14E	Twin Falls	USGS map

6. Place(s) of Use:

Indicate Method of Determination USGS map

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	14E	17				H													

MICROFILMED

Do not use this space JUN 25 1999

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Swaffer Digital						
Current Meter						

2. Measurements:

Depth = 3.17' average at M.P. Velocity = 0.88 - 1.88 fps.

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

Flow = 16.43 cfs

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

: Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

17866 cu ft pond volume ÷ 3028 g/needed licensed = 14838 cu ft. to be licensed

16.43 cfs x 1.9835 AFA/cfs/day x 365 days/year = 11895 AFA - 3033.5 AFA

licensed = 8861.5 AFA new diversion volume

MICROFILMED

JUN 25 1999

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Although the permit is for 24 cfs, Mr. Fullmer said that he designed the system for 20 cfs. The old raceways won't handle the full amount, so some flow goes ~~to~~ into Deep Creek before reaching them. They are only licensed for 4.19 cfs, however, so are included for licensing of the additional flow under this permit.

According to owner, additional seepage enters this stream below the fish ponds in the NW/SE Sec. 16 (47-07070, 7126, 7127).

Total Facility volume = 17866 cu ft. including 3028 cu ft. already licensed.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Pond Annual Volume Cu ft. (add)
	From	To		
Fish Propagation	1-1	12-31	16.43	14838 cu ft.
Totals:			16.43	14838

2. Recommended Amendments

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

J. AUTHENTICATION

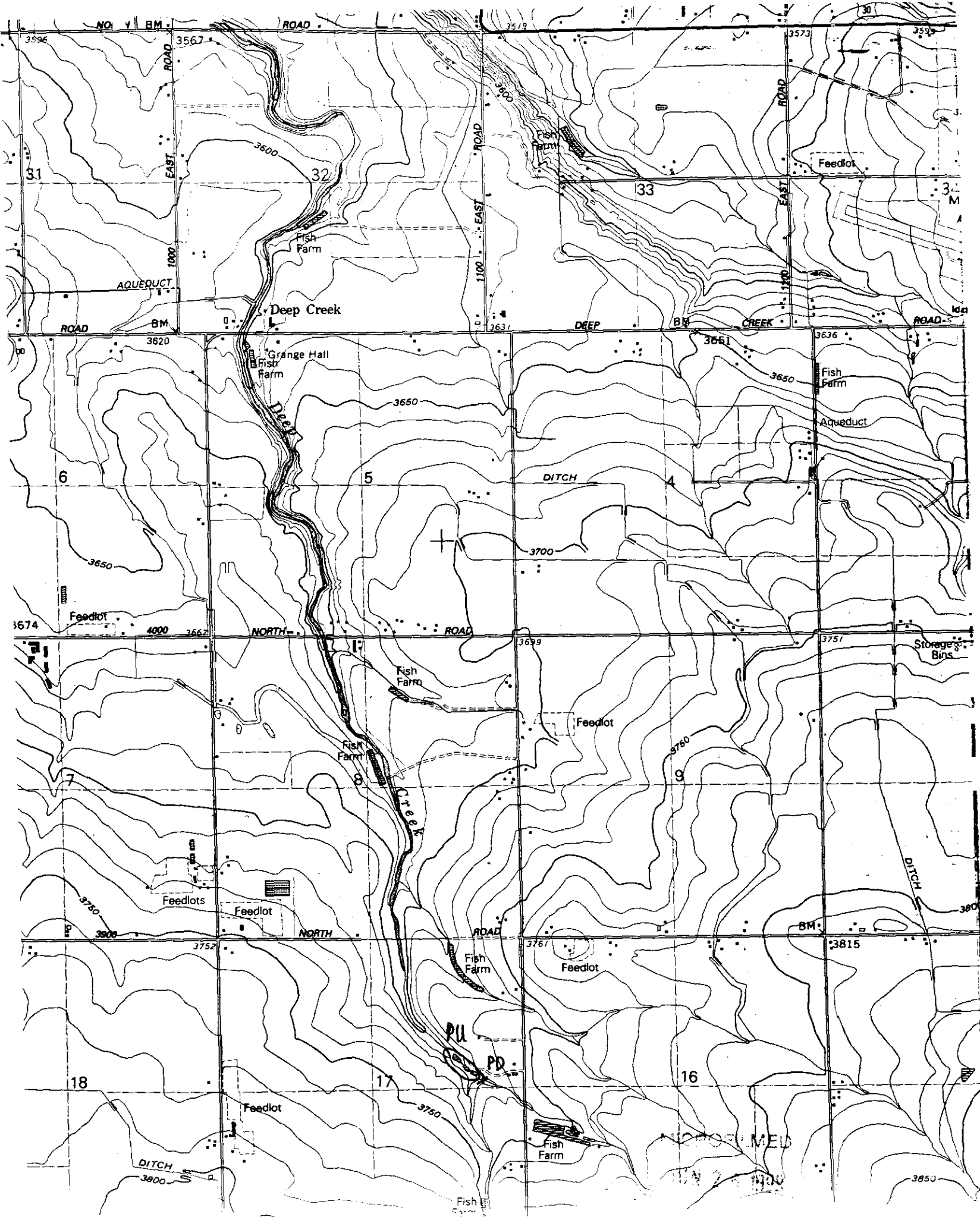
Field Examiner's Name JE Stanton
Signature J.E. Stanton
Certification Date _____
Field Report Preparation Date 11-5-97

CONSULTANT SEAL

- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MICROFILMED

JUN 25 1999



Fullmer Flow Measurement - 47-07634 10-31-97

	2	7	2	7	2	7	2	3.3
Distance	0.0	0.5	1.0	1.5	2.0	2.5	3.0	3.3
Depth	3.15	3.17	3.13	3.18	3.18	3.18	3.18	
Velocity 0.2	~~1.08~~ .93	1.05	1.30	1.55	~~1.65~~ 1.74	1.87	1.96	
	.91	1.03	1.32	1.57	1.71	1.88	1.96	
	.88	1.06	1.28	1.58	1.72	1.90	1.97	

Average

Velocity 0.8	1.39	1.87	1.88	1.88	~~1.86~~	1.84	1.78
	1.41	1.82	1.91	1.84	~~1.85~~	1.80	1.77
	1.47	1.84	1.90	1.86	1.82	1.82	1.78

Average

Area

CFS

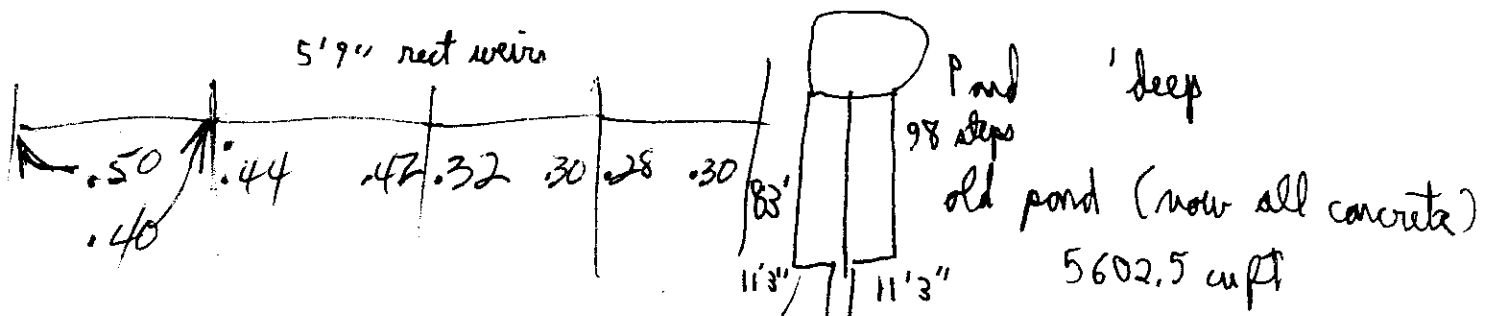
Total CFS

Upper 73' long

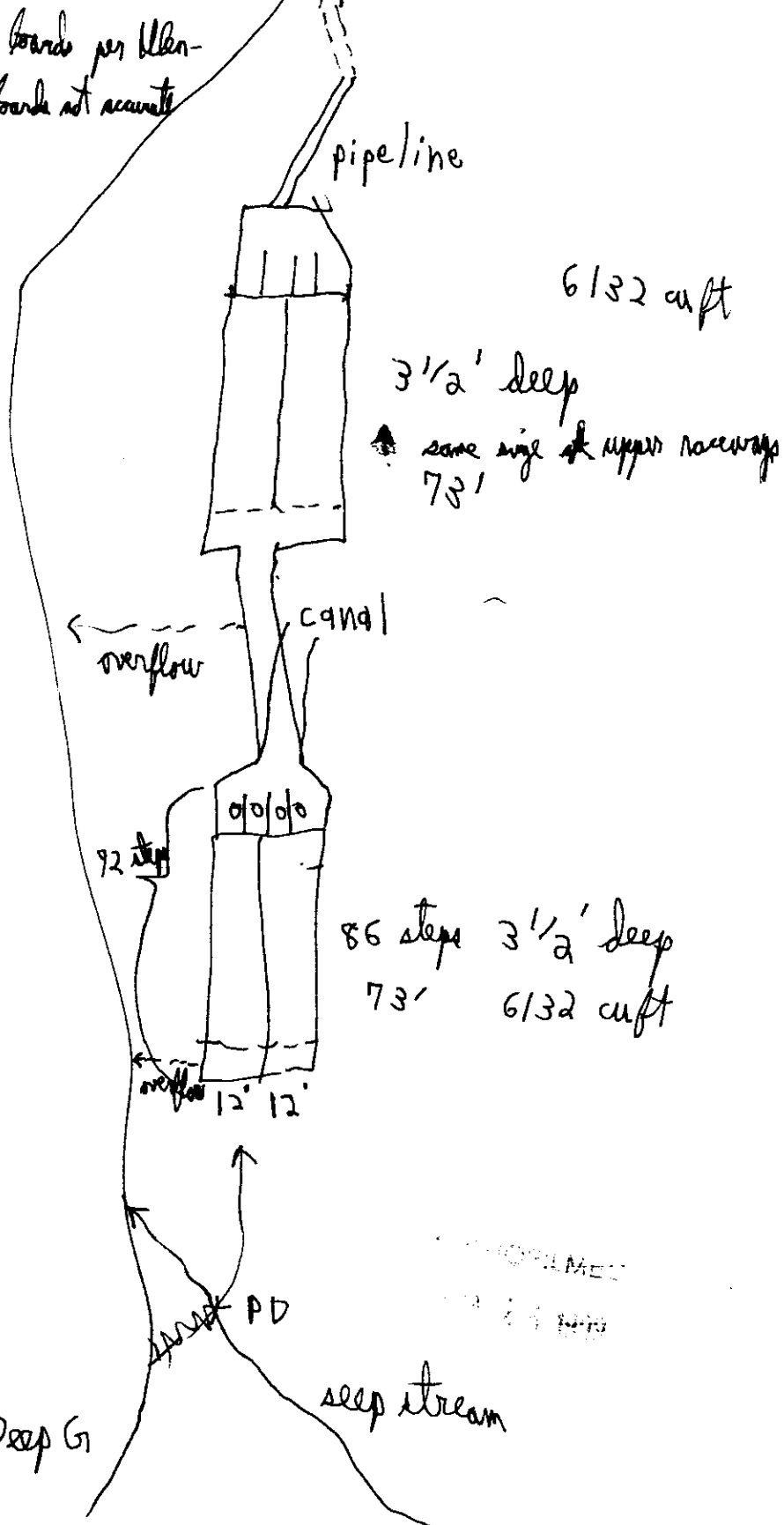
MECH. MEL

10-31-97

5'9" rect weir



need weir plates on upper boards per Ulen-
11-21-97 boards not accurate

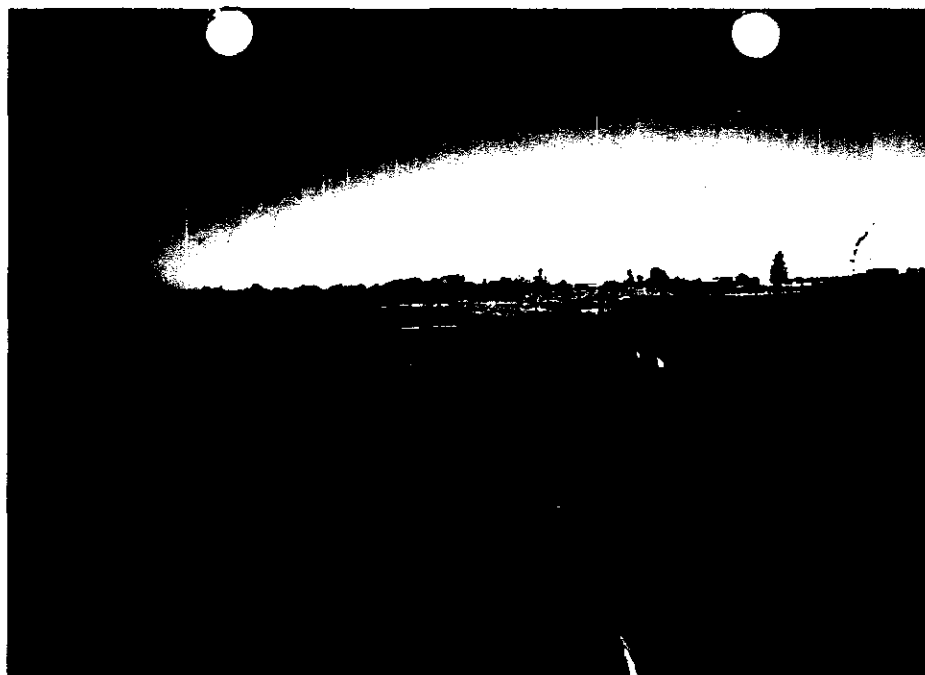


BILL FULLMER FISH PONDS; MEAS AT INFLOW
10/31/1997 BY JS & ADM

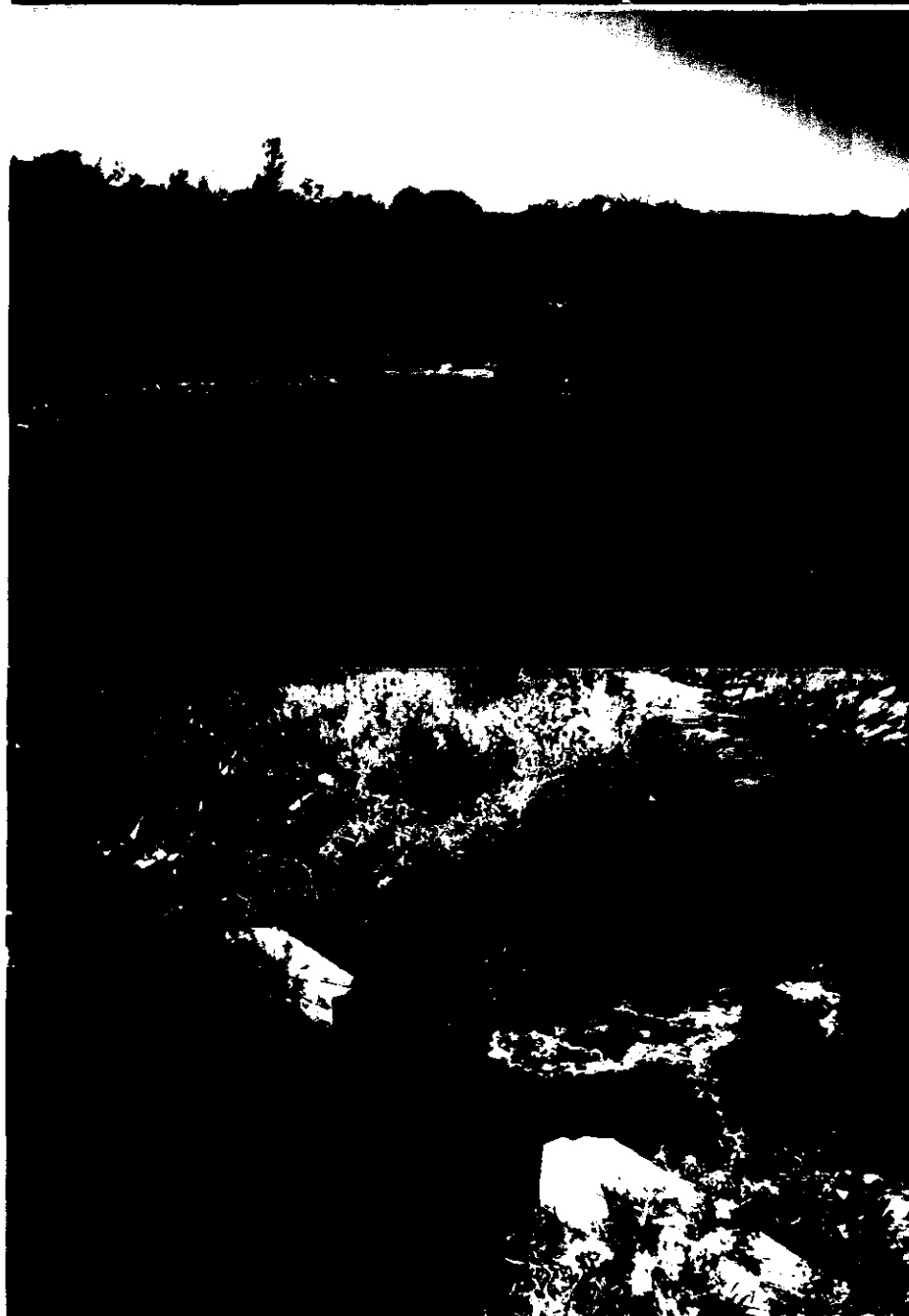
[illegible]

PROFILME
JUN 25 1999

Source
Stream
(Upstream
View)



P/D
(Downstream
View)



Head of
Diversion
Ditch

49-07634

10-21-97

JES
MICROFILMED
JUN 23 1998



Measuring Point - Parallel Channel Section

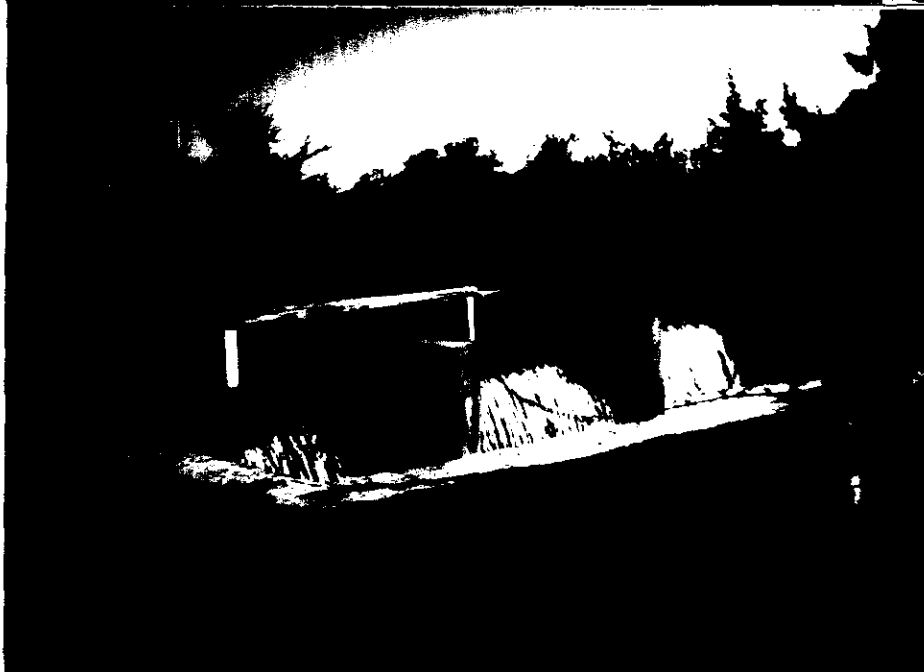
MICROFILMED
JUN 25 1998

47-07634
10-31-97
JES

Inlets
Upper
Raceways



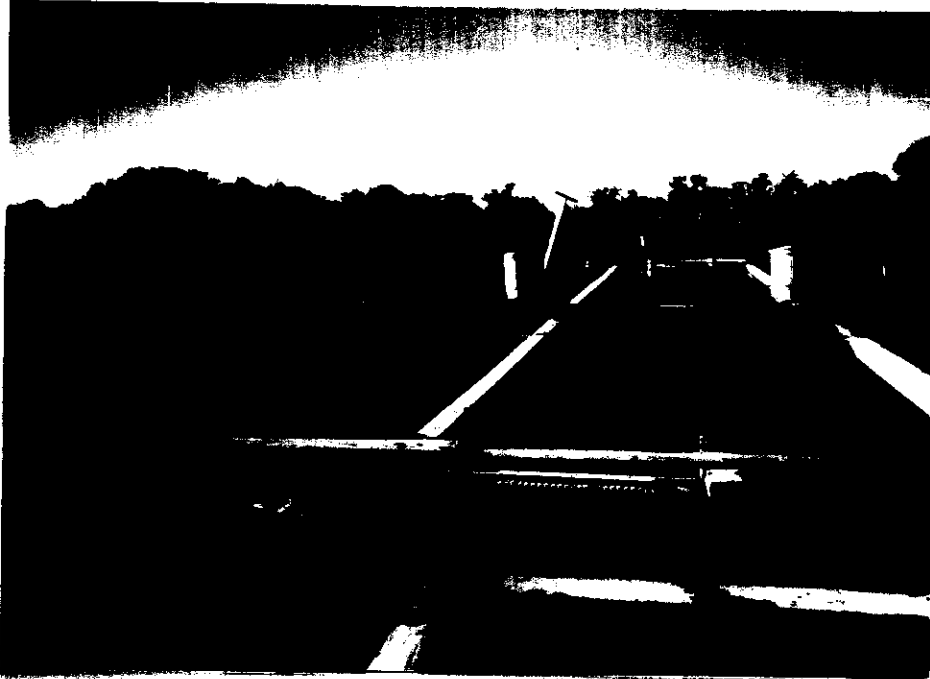
Outlet of
Upper
Raceways



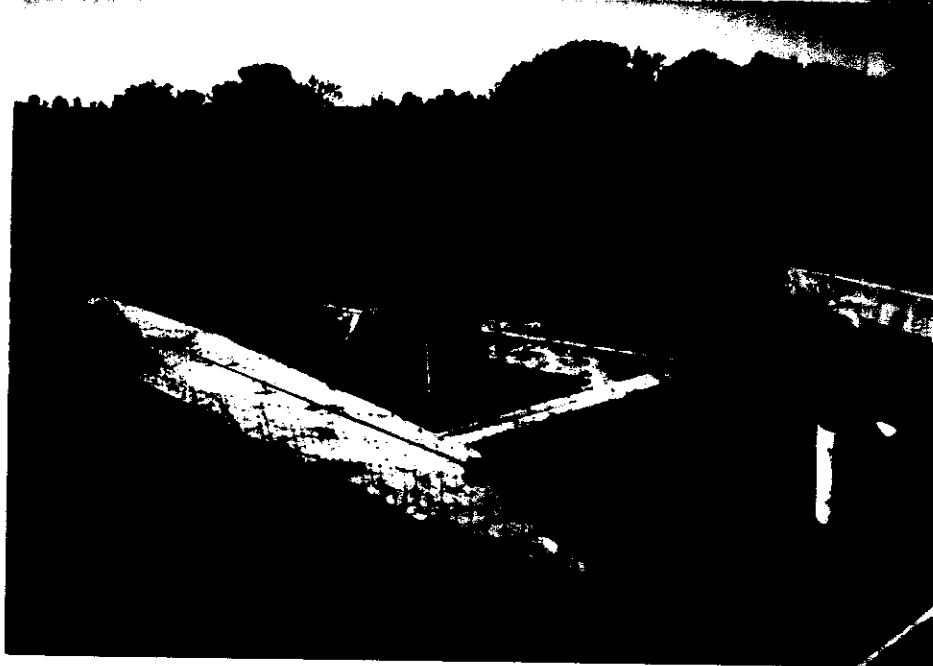
MICROFILM
JUN 25 1999

47-07634
10-21-97
JES

Inlet &
Middle Raceways



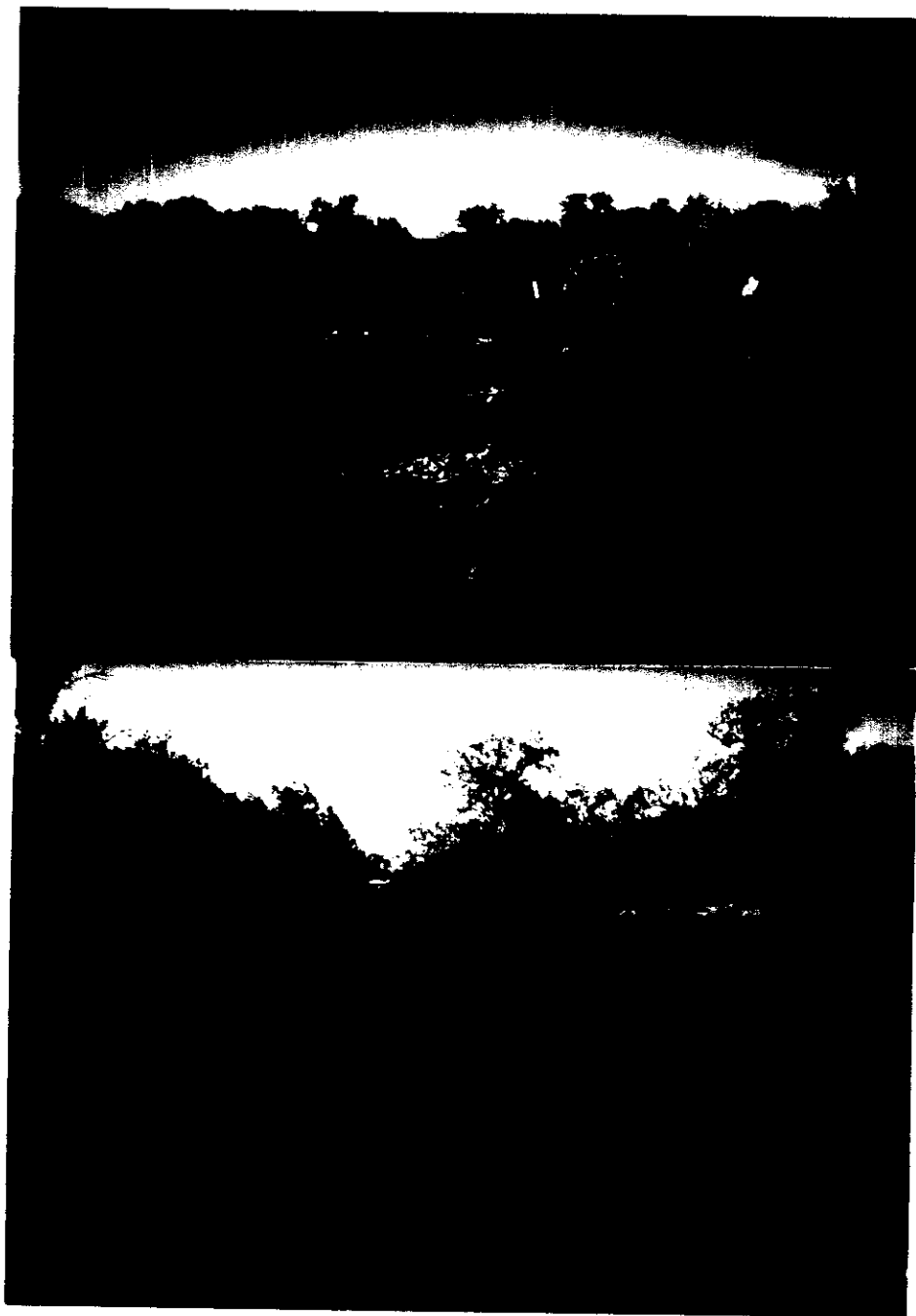
Outlet From
Middle Raceways



REC'D
JUN 25 1999

47-07634
10-21-77
JES

Pipe/line from
Middle Raceways
to Lower
(existing)
Raceways



Settling Pond

MICROFILM
JUN 7 1969

47-07634

10-21-97
JES

December 5, 1991

WILLIAM L. FULLMER
RT. 2 BOX 47
BUHL ID 83316

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 47-07634

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

I note that the permit issued to you by the department requires the installation of a flow measurement port to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the flow measurement port must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

DEC 11 1991



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

November 20, 1991

William Fullmer
Route 2 Box 47
Buhl, ID 83316

Re: Permit No. 47-07634

Dear Permit Holder:

On October 8, 1991, the Department received the proof of beneficial use form and fee for the above referenced permit. I note, however, that the permit is in the name of Dale Frank and Linda Ann Bohman.

Before the department can take action on the permit, the permit needs to be in some way associated with you. Enclosed is an assignment, which when completed by the permit holder or representative of the permit holder, will convey the permit to you. If, however, it is impossible to acquire an assignment, there are other options which are not as desirable, but effective.

The department can accept the proof and fee if you can demonstrate that you have possessory interest in the land. This can be accomplished by providing the department with a copy of the tax record or a copy of your warranty deed and/or sales contract. By submitting such document(s), the department can allow you to take action to maintain the permit, but not necessarily as documentation for conveying ownership of the permit.

I will be necessary for you to submit this documentation within 30 days of the date of this mailing. I realize this can be confusing, so if you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosure

MICROFILMED

DEC 11 1991

/38999

August 31, 1991

WILLIAM L. FULLMER
RT. 2 BOX 47
BUHL, ID 83316

PROOF DUE NOTICE

RE: PERMIT NO. 47-07634

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 November 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

DEC 11 1991

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 334-7900
November 25, 1988

WILLIAM L. FULLMER
RT. 2 BOX 47
BUHL, ID 83316

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 47-07634

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

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

RECEIVED

DEC 07 1988

MEMORANDUM

TO: FILE

FROM: JIM JOHNSON

RE: RULES AND REGULATION REVIEW FOR APPLICATION 47-7634

DATE: 10-3-88

=====

EVALUATION CRITERIA

Rule 5.

5,1,1. WILL THE PURPOSED USE(S) REDUCE THE QUANTITY OF WATER UNDER EXISTING WATER RIGHTS?

5,1,1,1. No information was submitted showing a reduction of water available to existing rights. (Fish Propagation is non-consumptive)

5,1,1,2. No information was submitted showing that existing users would be forced to an unreasonable effort or expense to divert their water rights.

5,1,1,3. No information was submitted showing water available to existing users would be made unusable.

5,1,1,4. Adequate conditions are included on this application to protect existing users.

5,1,1,5. This rule does not apply.

5,1,2. IS SUFFICIENT WATER SUPPLY AVAILABLE FOR THE REQUESTED USE?

5,1,2,1. The application is filed on a source that is open for new appropriations. No information was received to show an inadequate supply from the source that would prevent putting

DEC 07 1988

water to beneficial use.

The water available is mostly from waste water (known as HP Coulee) occurring from irrigation of lands within the Twin Falls Canal Co. service lands. The Twin Falls Canal Co. has withdrawn their protest against approval of this application.

5,13. IS APPLICATION MADE IN GOOD FAITH?

5,1,3,1. Applicant has adequate right of way approvals for delivery of water.

5,1,3,2. No information was submitted showing what other permits are necessary to construct the project.

5,1,3,3. There are no obvious impediments that prevent the successful completion of the project.

5,1,4. DOES THE APPLICANT HAVE SUFFICIENT FINANCIAL RESOURCES TO COMPLETE THE PROJECT?

5,1,4,1. Sufficient evidence to show financial capability to complete the project has been submitted by the applicant.

5,1,4,2. This rule does not apply.

5,1,5. DOES THE PROJECT CONFLICT WITH LOCAL PUBLIC INTEREST?

5,1,5,1. Project will have favorable impact on the local economy.

5,1,5,2. This rule does not apply.

5,1,5,3. This rule does not apply.

5,1,5,4. This rule does not apply.

5,2. This rule does not apply. (Non-consumptive Use)

5,3. This rule does not apply.

RULE 6 CONDITIONS OF APPROVAL

The following conditions are required on this application.

<<01G>> Prior to the diversion of water under this permit a flow

DEC 07 1988

measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

<<07A>> 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.

<<09E>> Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.

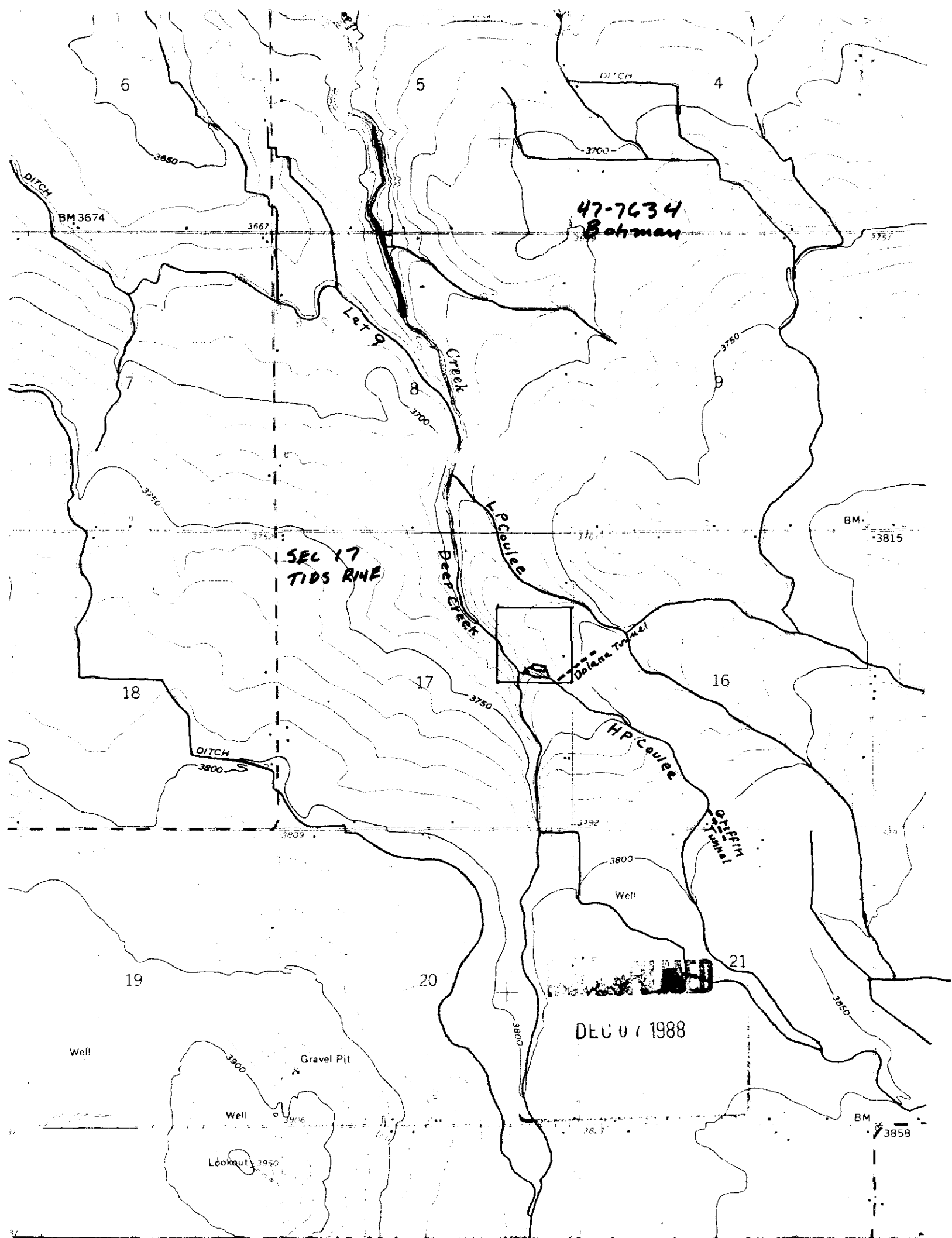
<<26>> Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

<<27>> Use of water under this permit shall be non-consumptive.

<<33>> Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 32F.

<<42>> The permit holder shall be required to provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.

DEC 07 1988



APPLICATION FOR
GENERAL PURPOSE AND LIVESTOCK LOAN

TO THE FARMERS NATIONAL BANK OF BUHL OR THE FARMERS SECURITIES COMPANY

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided that the applicant has the capacity to enter to a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with this law concerning this creditor is the Comptroller of the Currency, Consumer Affairs Division, Washington, D.C. 20219.

PERSONAL DATA:

Social Security or IRS
Identification Number 519-34-7054

Name William L. Fuller Birth Date 1-16-37 Bus. Phone 543-4354
Spouse Paula Brown Sinclair Birth Date 11-19-46 Res. Phone 543-6798
Address: Rt 2 Box 47 Town Buhl State Idaho Zip 83316
No. of Children at Home 3 of whom 3 are over 12 years old.
Personal Property located on the place known as the _____ in the County of TWIN FALLS
State of Idaho 2 miles 5 (& 3 miles W, 3/8 mile) from WASKO CORNER
Names of other counties to which this Personal Property will be moved _____
Farming for 11 years: on this farm 1 years. If less than 5 years, previous address _____

FINANCIAL STATEMENT

ASSETS			AMOUNT	LIABILITIES			AMOUNT	PAY
Cash on Hand and in Bank <u>FNB, SAVINGS - OPA's</u>			<u>15,736</u>	Notes Payable (Unsecured):				
Current Receivables (Collectible within 1 year):								
<u>SAVINGS - OPA's</u>			<u>2,000</u>					
<u>CHECKING - OPA's</u>			<u>1,200</u>					
<u>IRA's (VARIOUS)</u>			<u>30,800</u>					
(If above are secured, list type of security)				Debts Secured by Chattels				
Federal Payments Due and Receivable				(Installments due within one year)				
Livestock on Hand:				CREDITOR			SECURITY	DUE
NUMBER	KIND	VALUE		<u>FNB</u>	<u>1/3 A.</u>		<u>17,229</u>	
<u>2</u>	<u>HORSES</u>	<u>800</u>						
			<u>800</u>					
Farm Products on Hand or in Storage:								
QUANTITY	KIND	VALUE		KIND			YEAR	
<u>2 T</u>	<u>Hay</u>	<u>70</u>		<u>KINKAID ESCROW</u>	<u>1983</u>	<u>4,068</u>		
				<u>EMPIRE OF AMERICA</u>	<u>1988</u>	<u>9,732</u>		
			<u>70</u>					
Cash Investments - Crops								
Supplies on Hand:								
<u>JEWELRY, GEMS, GOLD, SILVER</u>			<u>15,000</u>					
<u>STOCKS, BONDS, INVESTMENTS</u>			<u>35,000</u>					
Other Current Assets (Itemize):								
<u>1/2 ACRES & CREDIT SUPPORT</u>			<u>24,000</u>					
<u>P.B. SINCLAIR P.A. (A/R's)</u>			<u>7,000</u>					
TOTAL CURRENT ASSETS			<u>131,606</u>	TOTAL CURRENT LIABILITIES			<u>31,029</u>	
Real Estate:				Real Estate Mortgages & Contracts:				
A.C.U.T.A. OTHER	TITLE IN NAME OF			ACRES	CREDITOR	TERMS		
<u>1/3 A + HOME</u>	<u>W. L. FULLER</u>	<u>75,000</u>		<u>1/2 A</u>	<u>KINKAID ESCROW</u>		<u>36,000</u>	<u>339/20</u>
<u>1</u>	<u>LOT INDIAN TRAILS TL. PAULA</u>	<u>9,500</u>		<u>LOT</u>	<u>F & C</u>			
<u>30 A</u>	<u>FARM w/ HILLSIDE SEEDS</u>	<u>39,000</u>		<u>30 A</u>	<u>F & C</u>			
<u>5 A</u>	<u>HOME SEEDS</u>	<u>125,000</u>		<u>5 A</u>	<u>EMPIRE OF AMERICA</u>		<u>88,000</u>	
FLBA Stock <u>ARMONY NOTE</u>			<u>36,000</u>	Other Liabilities (Itemize)				
Real Estate Sale Contracts Receivable: <u>CHILD SUPPORT</u>			<u>28,800</u>	HEREDY CERTIFY THIS DOCUMENT TO BE A				
<u>214 SE TRAILER</u>			<u>1,000</u>	TRUE AND EXACT COPY OF THE ORIGINAL				
Machinery and Equipment: <u>SEE SCHEDULE</u>			<u>2,350</u>	<u>JUL 1 1988</u>				
Other Assets (Itemize): <u>AUTOMOBILES & ART</u>			<u>15,000</u>	DATE				
<u>82 LINCOLN</u>			<u>8,500</u>	TOTAL LIABILITIES			<u>155,029</u>	
<u>75 CHER 4X4 PU w/ CAMPER</u>			<u>4,500</u>	This Section for Corporation Loans Only				
<u>84 GMC TRUCK</u>			<u>8,500</u>	Capital Stock Paid In				
<u>79 CHER SW</u>			<u>4,000</u>	Surplus (Deficit)				
<u>HUG & PERS</u>			<u>35,000</u>	NET WORTH			<u>365,727</u>	
TOTAL ASSETS			<u>520,756</u>	TOTAL LIABILITIES & NET WORTH			<u>520,756</u>	

LIABILITY AS ENDORSER OR GUARANTOR FOR OTHERS \$ 0 AS BONDSMAN \$ _____
EXPLANATION: _____
JUDGMENTS OUTSTANDING ON SUITS OR LITIGATION PENDING EITHER FOR OR AGAINST APPLICANT: NONE
INSURANCE: LIFE \$ 20,000 HEALTH \$ YES FIRE \$ YES AUTO LIAB. \$ 1,000,000 EMPLOYERS LIAB. \$ 0
HAVE YOU EVER TAKEN BANKRUPTCY? NO EXPLAIN _____
HAVE REQUIRED INCOME TAX RETURNS BEEN FILED? YES ARE ANY RETURNS UNDER DISPUTE? NO ARE THERE ANY UNPAID DEFICIENCIES? NO
THE UNDERSIGNED CERTIFIES THAT ALL OF THE FOREGOING REPRESENTATIONS, SCHEDULES, AND FINANCIAL STATEMENT, INCLUDING THOSE UPON THE REVERSE SIDE HEREOF, ALL OF WHICH ARE SUBMITTED FOR THE PURPOSE OF OBTAINING CREDIT FROM THE FARMERS NATIONAL BANK OF BUHL, ARE TRUE AND CORRECT.

(Type name and capacity such as applicant, co-maker, guarantor, partner or stockholder)

DEC 10 1988

William L. Fuller
(Signature)
Paula Brown Sinclair
(Signature)

3-22-88
Date
3/22/88
Date

Grantee's
Initials

WARRANTY DEED

For Value Received

WILLIAM G. SPECHT and JUDITH ANN SPECHT, husband and wife,

RECEIVED

JUL 18 1988

The grantor s, do hereby grant, bargain, sell and convey unto

WILLIAM L. FULLMER and PAULA BROWN SINCLAIR, husband and wife, Department of Water Resources
Southern Region Office

the grantees , whose current address is Rt. 2, Box 47, Buhl, Idaho 83316

the following described premises, in Twin Falls

County Idaho, to-wit:

Township 10 South, Range 14 East of the Boise Meridian, Twin Falls
County, Idaho,

SECTION 17: The SE~~1~~/~~4~~NE~~1~~/~~4~~,

EXCEPT Beginning at the East Quarter corner of said Section 17; THENCE
North 00° 03' West along the East line of said Section 17 for 485.00
feet; THENCE North 89° 52' 02" West and parallel to the South line of
said SE~~1~~/~~4~~NE~~1~~/~~4~~ for 449.00 feet; THENCE South 00° 03' East and parallel to
the East line of said Section 17 for 485.00 feet to the South line of
said SE~~1~~/~~4~~NE~~1~~/~~4~~; THENCE South 89° 52' 02" East along said South line for
449.00 feet to the Point of Beginning,

EXCEPT all minerals in or under said land including but not limited to
metals, oil, gas, coal, stone and mineral rights, mining rights and
easement rights or other matters relating thereto whether expressed or
implied.

TOGETHER WITH 35.00 shares of Twin Falls Canal Company water stock.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee S
their heirs and assigns forever. And the said Grantor S do hereby covenant to and
with the said Grantee S, that they are the owner S in fee simple of said premises; that they are free
from all incumbrances except general taxes and irrigation assessments for the
year 1987 and subsequent years, conditions, covenants, restrictions,
reservations, easements, rights and rights of way of record,

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

Dated: February 18, 1987

William G. Specht
William G. Specht

Judith Ann Specht
Judith Ann Specht

STATE OF IDAHO, COUNTY OF Twin Falls

On this 23rd day of February, 1987,
before me, a notary public in and for the said State, personally
appeared William G. Specht and
Judith Ann Specht, husband and
wife,

are known or identified to me to be the persons whose name S
subscribed to the within instrument, and acknowledged to me
that they executed the same.

Jerome
Jerome

Notary Public

Residing at Jerome, Idaho
Comm. Expires 10-29-92

STATE OF IDAHO, COUNTY OF TWIN FALLS, IDAHO

I hereby certify that this instrument was filed for record at the
request of *SAECO Inc.*

at minutes past 4 o'clock P.M.,
this day of FEB 23 1987
19, in my office, and duly recorded in Book
of Deeds at Page

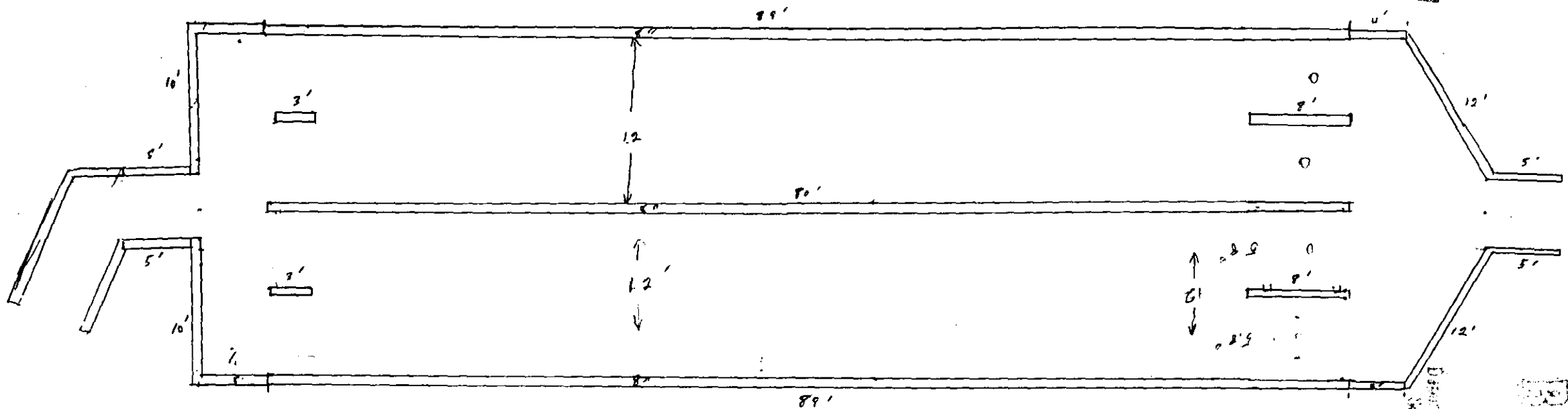
ROBERT A. PENCE

Ex-Officio Recorder

By *William G. Specht* Deputy.

Fees \$
Mail to:

DEC 07 1988



DEC 07 1988

2 PONDS (4 RACEWAYS)
4'0" WALL HEIGHT

ESTIMATED CONSTRUCTION COST \$24,000⁰⁰

DESIGNED BY: J. K. KENNEDY
NORTHWESTERN REGION OFFICE

880

4 3 FEB
1 2 ELL

Twin Falls County Planning and Zoning Administration

634 ADDISON AVENUE WEST

TELEPHONE 734-3300

TWIN FALLS, IDAHO 83301

RECEIVED

June 21, 1988

JUN 22 1988

Department of Water Resources
Southern Region Office

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

RE: Application for Permit Number 47-7634

Dear Mr. Holmes:

In regards to the operation of a fish propagation farm, by Mr. William L. Fullmer, located on 35 acres in Section 17, Township 10 South, Range 14 East, B.M. at the tributary of Deep Creek, in the Agricultural Zone of Twin Falls County, Twin Falls County Zoning Ordinance #21 recognizes the raising and growing of fish as a principle designated use within this zone.

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

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

Very truly yours,


Lee Taylor, Administrator
and Acting Secretary

cc: Mr. William Fullmer
Zoning Chairman
County Commission

RECEIVED

DEC 07 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

June 10, 1988

William L. Fullmer
Rt. 2 Box 47
Buhl, ID 83316

Re: Application for permit No. 47-7634

Dear Mr. Fullmer:

The Department acknowledges assignment of application 47-7634 from Dale Frank Bohman to you.

The Twin Falls Canal Company has withdrawn its protest against granting of the application.

Under the department's rules and regulations for water appropriations, the following additional information is required to be submitted for the file prior to final action by the director:

- 1) Copies of deeds, leases, easements, or other information documenting that you have a possessory interest in the place of use. (Rule 4,5,3,3,1)
- 2) A certified financial statement or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the proposed use. (Rule 4,5,3,4,1)
- 3) Copies of plans and specifications along with estimated construction costs for the project works. The plans must be definite enough to allow for determination of project impacts and implications. For fish propagation facilities the plans must show the number of ponds proposed and give the length, width and depth dimensions of all ponds. (Rule 4,5,3,4,2)
- 4) You must seek comment on the effects of the construction and operation of the proposed project from the city and/or county within which the project is to be located, the Idaho Department of Fish and Game, the Idaho Department of Health and Welfare, Division of Environment, and any irrigation district or canal company within which the project is to be located. (Rule 4,5,3,5,1).

The withdrawal of protest by the Twin Falls Canal Co. will be considered to fill their comment requirement.

DEC 07 1988

June 10, 1988
William L. Fullmer
Re: Application 47-7634
Page 2

This office will continue to hold your application for 30 days to allow time for you to submit the required additional information.

If you have any questions or if we can be of assistance, please let us know.

Very Truly yours,

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

LH

DEC 07 1988

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906

TELEPHONE (208) 734-0700

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY T. UHLING
TERRY R. McDANIEL
F. BRUCE COVINGTON
JERRY JENSEN
GARY D. SLETTE
CAROLYN M. MINDER
VICKI L. YRAZABAL
BRUCE M. SMITH
G. RICHARD BEVAN
MICK HODGES

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700

RECEIVED

JUN 8 1988

Department of Water Resources
Southern Region Office

June 7, 1988

Mr. Loren Holmes
Idaho Department of Water Resources
Twin Falls Office
2148 Fourth Avenue E.
Twin Falls ID 83301

RE: Dale Frank and/or Linda Ann Bohman
Application No. 47-7634
(Assigned to William Fullmer)

Dear Loren:

Although the Twin Falls Canal Company Board of Directors has concerns about Application No. 47-7634 as filed by Dale Frank and/or Linda Ann Bohman (assigned to William Fullmer), I have been instructed to dismiss their protest of April 15, 1980.

However, the applicant should be aware that he establishes no right to the continued delivery of the water by Twin Falls Canal Company. This is strictly seepage water and subject to Twin Falls Canal Company's prior rights. This water is available at this location because of past work the Company has done to alleviate seepage of farm ground. There may be or may not be water at this point of diversion in the future if irrigation patterns change.

Applicant should be aware that he will be responsible for any seepage caused by his construction and ponding of the water, or if he impedes the flow of water from the source, causing seepage to the lands of others.

The Company has no objection to the use of the water because the use is nonconsumptive so long as the use does not interfere with the Company's deliveries.

Another purpose of this letter is to advise that the Twin Falls Canal Company canal is mossed with chemical on an ongoing basis for operation and maintenance purposes above this

DEC 6, 1988

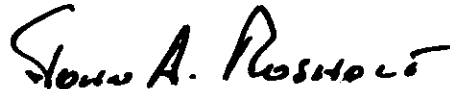
Mr. Loren Holmes
Idaho Department of Water Resources
June 7, 1988
Page - 2

location, and that applicant assumes the risk if he constructs fish facilities.

To the extent that the water quality is degraded by applicant's use, I am sure that the applicant is aware of his water quality problem. We would anticipate that if the Company is ever sued for alleged water quality violations concerning this waterway, that they will also look to this user.

We request that this letter be included in the file on this application.

Respectfully submitted,

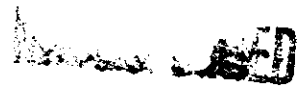


JOHN A. ROSHOLT

JAR:dcb
87361

cc: Dale Frank and/or Linda Ann Bohman
10815 N. 35th Street
Phoenix AZ 85028

William Fullmer
Farmers National Bank
914 Main
Buhl ID 83316



DEC 07 1988

2/12/87

47-7634

Dale Frank Bohman &/or Linda Ann Bohman

Source: Unnamed stream trib to Deep Creek

Amount & Use: 24.0 cfs for fish propagation

Analysis: Twin Falls Canal Co. designates this source the HP Coulee. It discharges into Deep Creek just below the applicant's site. Water is re-diverted by the Canal Company into Lateral 9 about 3/4 mile downstream.

There are existing fish facilities on this site under License 47-7163 & Permit 47-7446.

Proposed Condition:

Water shall not be diverted under this permit until a written agreement with the irrigation district or canal company serving the area containing the point of diversion is filed with the Department of Water Resources providing for the coordination of the permit use with the irrigation district or canal company operation.

DEC 07 1988

Paul Schulman & Co.,^{PC}

CERTIFIED PUBLIC ACCOUNTANTS

501 EAST THOMAS ROAD PHOENIX, ARIZONA 85012

TELEPHONE (602) 266-5661

April 22, 1980

Mr. Loren O. Holmes
State of Idaho
Department of Water Resources
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301

RECEIVED
APR 28 1980
Department of Water Resources
Southern District Office

Reference: Application for Permit No. 47-7634

Dear Mr. Holmes:

Since our telephone discussion of April 21, 1980, I have contacted Mr. John A. Rosholt, Attorney for the Twin Falls Canal Company.

Mr. Rosholt indicated that the Canal Company is not willing to enter into any agreements until after the pending lawsuit is resolved.

I hereby request that any hearing with respect to the Canal Company's protest be deferred until after July 1, 1980.

I will contact you as soon as we have arrived in Idaho.

Very truly yours,



D. Frank Bohman

vlb



DEC 07 1988



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

April 18, 1980

Dale Frank &/or Linda Ann Bohman
10815 N. 35th Street
Phoenix, Arizona 85028

Re: Application for Permit No. 47-7634

Dear Mr. & Mrs. Bohman:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 47-7634. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest 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, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water 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.

Sincerely,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

RECEIVED

DEC 07 1988



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

April 18, 1980

John Rosholt
Attorney at Law
P. O. Box 1906
Twin Falls, Idaho 83301

Re: Application for Permit No. 47-7634

Dear Mr. Rosholt:

Your protest against the approval of the above-referenced application submitted in behalf of Twin Falls Canal Company has been received and a copy has been sent to the applicant. The Department suggests 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, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose 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.

Sincerely,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

MICROFILMED

DEC 07 1988

1 John A. Rosholt
2 NELSON, ROSHOLT, ROBERTSON,
3 WALKER, TOLMAN & TUCKER
4 P. O. Box 1906
5 Twin Falls, Idaho 83301
6 Telephone: 734-0700

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Department of Water Resources
Southern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

* * * * *

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 47-7634) PROTEST OF TWIN FALLS CANAL
DALE or LINDA BOHMAN.) COMPANY TO APPLICATION FOR
WATER PERMIT

* * * * *

COMES NOW The Twin Falls Canal Company, by and
through their attorneys, Nelson, Rosholt, Robertson, Walker,
Tolman & Tucker, and respectfully allege:

1. That protestant Twin Falls Canal Company is a
nonprofit, public irrigation corporation, which owns and
operates a complex system of canals and ditches so as to
deliver water to member shareholders who farm 202,000 acres
in Twin Falls County, Idaho, and to whom the Canal Company
has the legal duty of delivering the irrigation water repre-
sented by such shares.

2. That this application proposes to divert water
from a portion of the Company's system which is under the
regulation, control and ownership of the Twin Falls Canal
Company and is operated and maintained by said company to
satisfy their legal obligation to their shareholders to

DEC 07 1988

1 deliver water to their member shareholders below the point
2 where the water is sought to be diverted by said applicant.

3 3. That the proposed use of the water shall violate
4 protestant's prior rights to a quantity of water of a "given-
5 quality" by polluting said water.

6 4. The applicant has no permission or right of way,
7 and cannot acquire one from the Company to construct the
8 contemplated diversion works.

9 5. That the water sought to be appropriated is
10 private water not subject to appropriation.

11 6. That the use of said water as requested would
12 cause transmission loss and continuing regulation problems
13 for the Company in carrying out their duty of delivering
14 irrigation and stock water.

15 7. That the Twin Falls Canal Company's duty in
16 delivering irrigation and stock water to their member stock-
17 holders is in the local public interest and that this appli-
18 cation, if granted, would erode the Company's ability to
19 perform their mission in violation of local public interest.

20 NOW, THEREFORE, The Twin Falls Canal Company hereby
21 protests the above-numbered application for the following
22 reasons, to-wit:

23 (1) That the proposed use will reduce the quantity
24 of water available to the Company under prior existing water
25 rights.

26 (2) That the Company is entitled to a quantity of a
27 "given-quality" of water under their prior rights and that
28 said application if granted will add pollution to the pro-
29 testant's system.

30 (3) That the diversion and use of said water pur-
31 suant to said application for fish propagation purposes,
32 although deemed nonconsumptive, will cause additional water

DEC 07 1988

1 losses by reason of seepage and regulation problems for the
2 Company and their stockholders who depend upon said water for
3 irrigation and stock water below the identified point of said
4 intended use.

5 (4) That the applicant has no permission to divert
6 from the rights of way of the Company and no permission to
7 enlarge or alter appurtenant drainage easements.

8 (5) That the intended supply of water is not sub-
9 ject to appropriation.

10 (6) That granting of said permit is not in the
11 local public interest and if granted would conflict with the
12 local public interest.

13 (7) That this permit should not be processed until
14 Ada County Civil Case No. 69005, Twin Falls Canal Company v.
15 Department of Water Resources, is determined and it is judi-
16 cially decided whether the Department of Water Resources has
17 jurisdiction to consider applications for water use within
18 protestant's irrigation system.

19 WHEREFORE, the Twin Falls Canal Company by and
20 through their attorneys, Nelson, Rosholt, Robertson, Walker,
21 Tolman & Tucker, respectfully request that the above-numbered
22 application be denied by the Department of Water Resources
23 and that no permit be issued thereto.

24 DATED this 15 day of April, 1980.

25 NELSON, ROSHOLT, ROBERTSON,
26 WALKER, TOLMAN & TUCKER

27 By: John A. Rosholt
28 John A. Rosholt
29 Attorneys for Protestant
30 Twin Falls Canal Company
31
32



DEC 07 1988

INTER-DEPARTMENT MEMO — 1

FROM Gary Funderburg

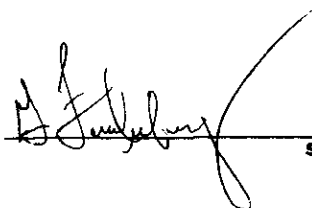
DATE 3/20/1980

TO File

SUBJECT Surface Application 47-7634 Dale &/or Linda Bohman

On March 20, 1980 I made a field trip to applicants proposed place of use and point of diversion. There are existing fish ponds above and below applicant's proposed place of use. This application may have an adverse effect on the lower ponds. The water quality at this time running through applicant's existing ponds was poor. There was not sufficient water available at this time. There appeared to be approximately 15 CFS.

DEC 9 1980


SIGNATURE

547 5467

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

MARCH 20, 1980

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 galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billings to this office before APRIL 21, 1980.

Yours truly,

Mary A. Hill
Secretary

Encl.

RECEIVED

DEC 07 1988

NOTICE OF APPLICATION FOR WATER RIGHT

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

4Z-2634

BOHMAN, DALE FRANK &/or LINDA ANN

10815 N. 35TH ST., PHOENIX, AZ 85028

Source: UNNAMED STREAM tributary to DEEP CREEK

Date Filed: 03/05/1980

Amount: 24.00 CFS

Diversion Point: SENE Sec 17 T 10S R 14E, TWIN FALLS Co.

Use: FISH PROP. (24.00 CFS) from 01/01 to 12/31

Place of Use: SENE Sec 17 T 10S R 14E

Diversion Means: CHECK DAM & DITCH.

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before APRIL 21, 1980.

C. STEPHEN ALLRED

Director

Published 4/3 & 4/10/80.



DEPT. OF WATER RESOURCES

14347 pgl WATER RESOURCES

033.5 IN 14:38

DEPT. OF WATER RE-
SOURCES

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given
that the following applicat-
ion(s) have been submitted
for permit to appropriate the
public waters of the State of
Idaho:

47-7834

BOHMAN, DALE FRANK
&/or LINDA ANN
10815 N. 35TH ST.,
PHOENIX, AZ 85028

Source: UNNAMED
STREAM tributary to DEEP
CREEK

Date Filed: 03/05/1980

Amount: 24.00 CFS

Diversion Point: SENE Sec
17 T 10S R 14E, TWIN
FALLS Co.

Use: FISH PROP. (24.00 CFS)
from 01/01 to 12/31

Place of Use: SENE Sec 17 T
10S R 14E

Diversion Means: CHECK
DAM & DITCH

*ok
merge
4/2/80*

MICROFILMED

DEC 07 1988



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

March 19, 1980

Mr. Alex Schaefer
Department of Health & Welfare
Division of Environment
P.O. Box 1626
Twin Falls, Idaho 83301

Re: Application for Permits Nos. 47-7635, 47-7636, 47-7634, 47-7637 & 71-7039.

Dear Mr. Schaefer:

Please find enclosed copies of the above referenced applications for permits for your information and files.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl: 6

INDEXED

DEC 07 1988



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

March 19, 1980

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

Re: Application for Permit Nos. 47-7635, 47-7636, 47-7634, 47-7637 & 47-7640.

Dear Mr. Bell:

Please find enclosed copies of the above referenced applications for permits for your information and files.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl: 5

RECEIVED

DEC 07 1988