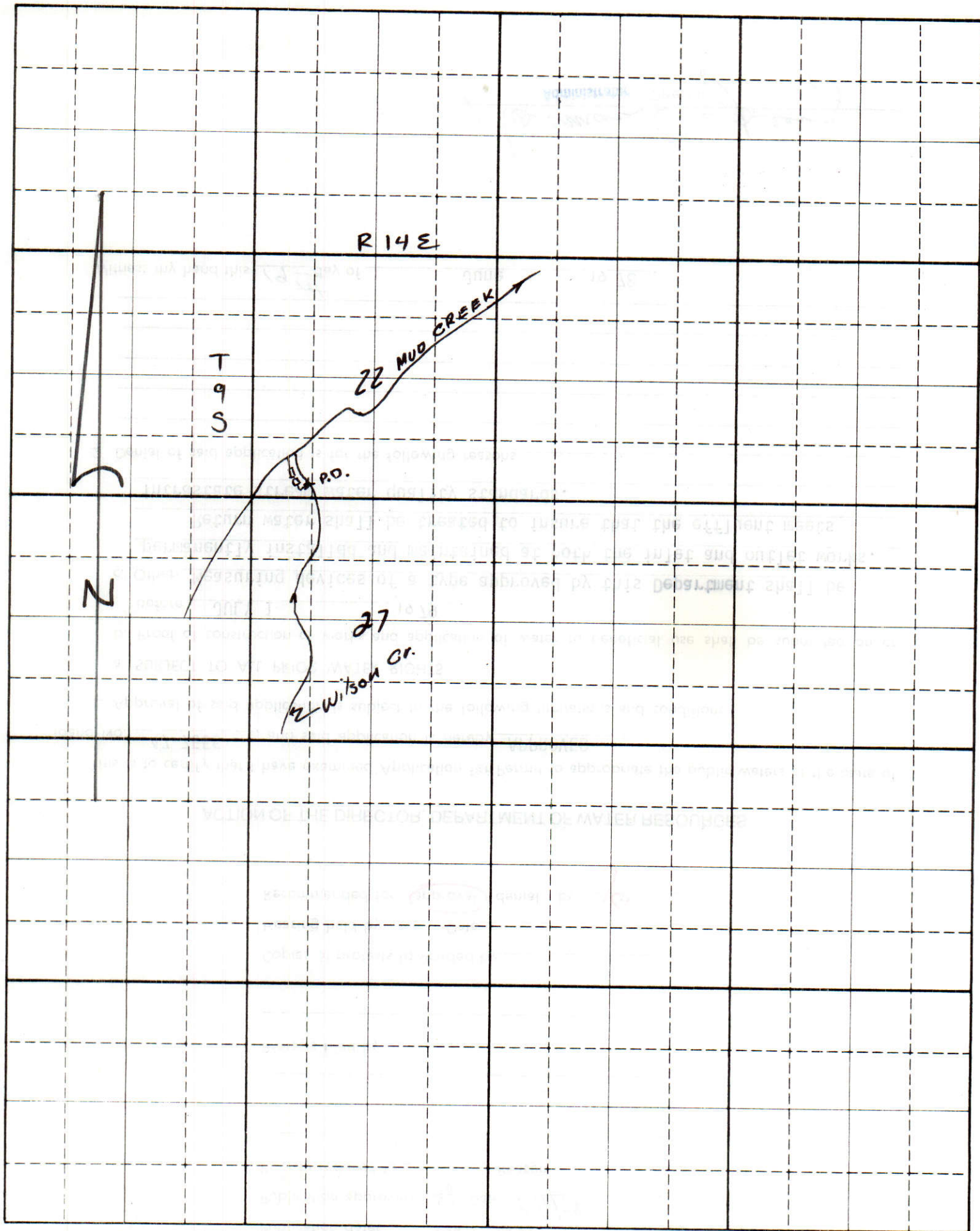


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

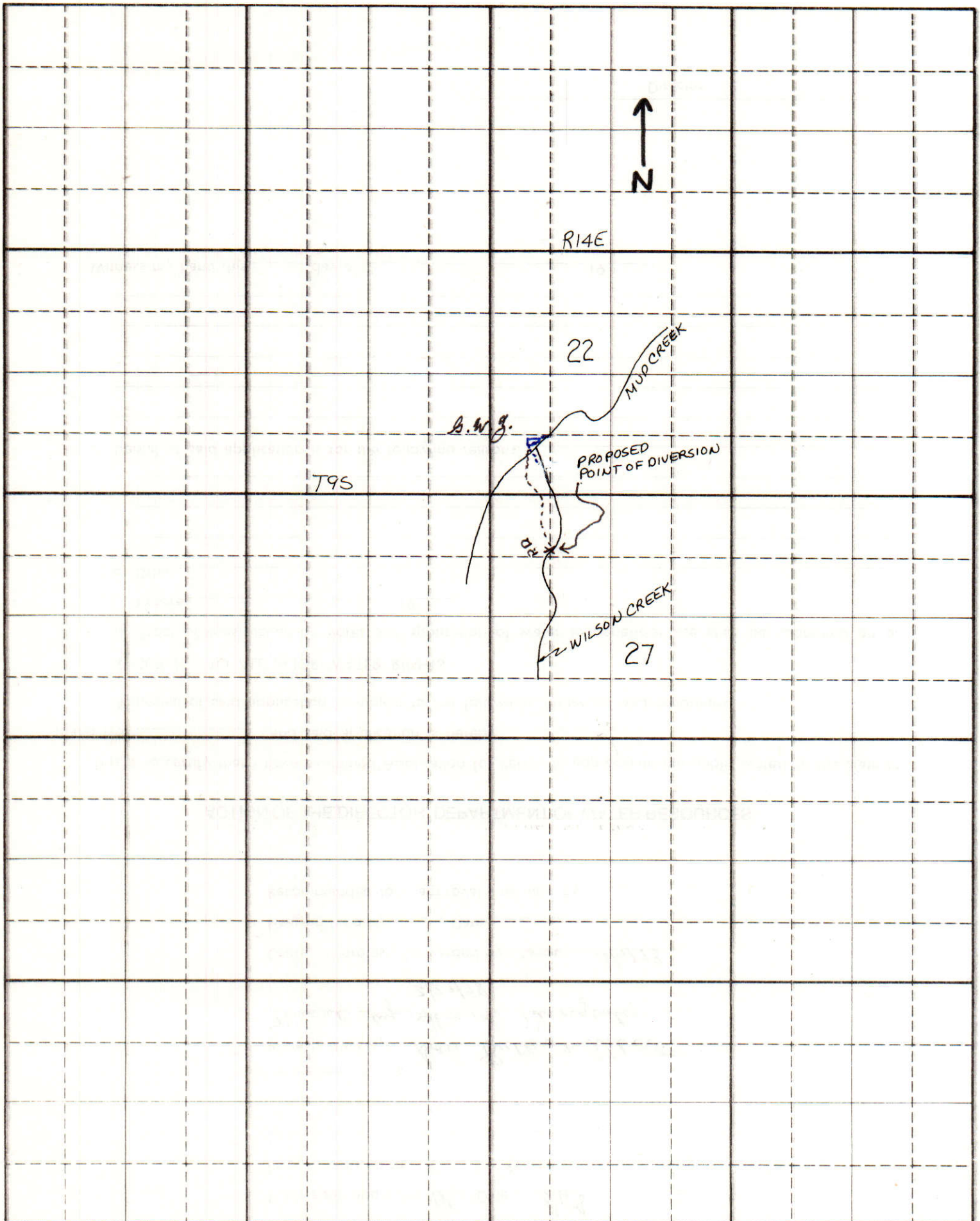


Scale: 2 inches equal 1 mile

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.

Glenn W. Gail
(Applicant)

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.

Glenn W Jack
(Applicant)

NOTICE OF AMENDED
APPLICATION FOR
WATER PERMIT
NO. 47-7458

Notice is hereby given that Application for Permit No. 47-7458 in the name of Glenn W. Zack, Buhl, Idaho, was filed for the diversion of 10.00 cubic feet per second of water from Wilson Creek, tributary to Mud Creek in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, Twp. 9S, Rge. 14E., B.M., Twin Falls County, to be used from Jan. 1 to Dec. 31 for fish culture within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Twp. 9S, Rge. 14E., B.M.

The applicant now proposes to amend said permit requesting a change in the point of diversion to the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Twp. 9S, Rge. 14E., B.M., Twin Falls County, to be used from Jan. 1 to Dec. 31 for fish culture within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Twp. 9S, Rge. 14E., B.M.

Any protest against the proposed amending of this application must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, ID 83301, on or before May 8, 1978. C. STEPHEN ALLRED
Director

PUBLISH: Apr. 20 and 27, 1978.

RECEIVED

APR 28 1978

Department of Water Resources
Southern District Office

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

No. 6995

I, Kay Maloney being first duly sworn upon oath, depose and say that I am Print. Clerk of the TIMES-NEWS, published daily, except Saturday, 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 Thursdays, commencing with the issue dated April 20, 1978, and ending with the issue dated April 27, 1978.

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, 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 Kay Maloney day of 27th

April, 1978.
Carolyn Jennings
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

FEB 28 1978

RECEIVED

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that Glenn W. Zach, Buhl, Idaho 83316, has on 2/3/78 submitted Application No. 47-7456 for a permit to appropriate 10 cubic feet per second of water from Wilson Creek, tributary to Mud Creek by means of Rock dam & earth ditch within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, Twp. 9S, Rge. 14E. B.M. Twin Falls County to be used from Jan. 1 to Dec. 31 for fish culture within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Twp. 9S, Rge. 14E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resourceq, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before March 6, 1978.

C. STEPHEN ALLRED
Director

PUBLISH: Feb. 16 and 23, 1978.

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS

ss.

No. 6799

I, Marjorie Kuhlman being first duly sworn upon oath, depose and say that I am Gracie Clerk of the TIMES-NEWS, published daily, except Saturday, 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 Thursdays, commencing with the issue dated February 16, 1978, and ending with the issue dated February 23, 1978.

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, 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.

Marjorie Kuhlman
Subscribed and sworn to before me on this 27th day of

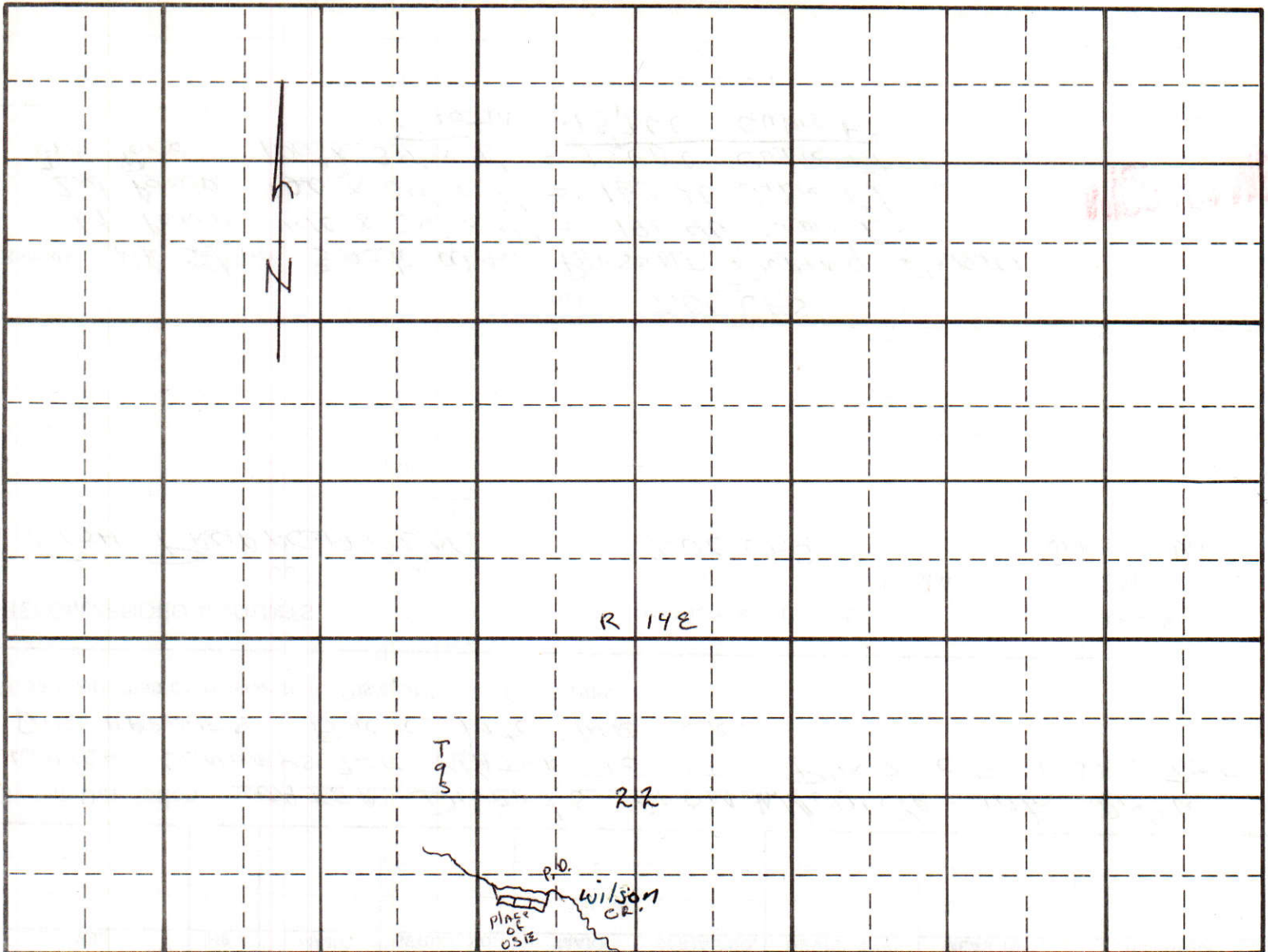
February, 1978.

Carolyn Jennings

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

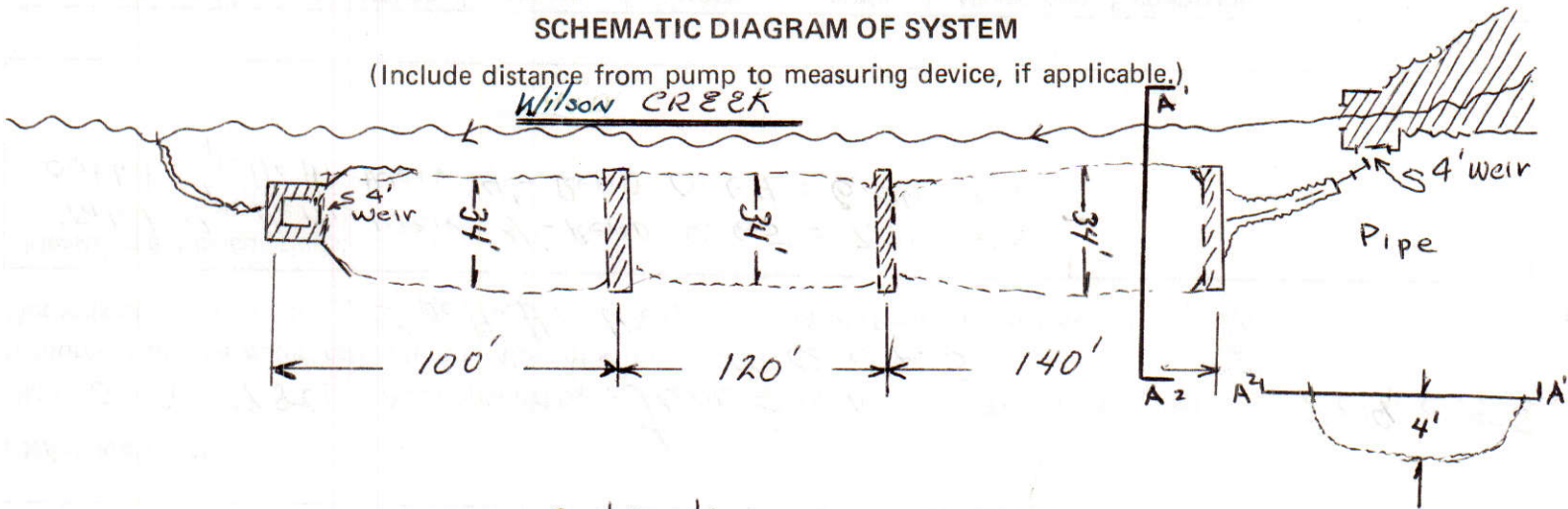
NOT RECORDED

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: SW 1/4 SW 1/4, Sec. 22 T 9S R 14E

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	14E	22											X						

Recommended Amendments:

- ☐ Change P.D. as reflected above
- ☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
- ☐ Add P.U. as reflected above

- ☒ None
- ☐ Other

Examiner's Signature [Signature]
 Checked by [Signature]
 Approved by [Signature]

Date 5-8-1980
 Date 5-8-1980
 Date 8/8/80

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 47-7456 Priority April 11, 1978 Amount 7.06 cfs

THIS IS TO CERTIFY, that GLENN W. ZACK
of Buhl, Idaho, has complied with the terms and conditions of Permit
No. 47-7456 issued pursuant to Application for Permit dated February 3, 1978,
and has submitted proof to the Department of Water Resources on May 7, 1980,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 7.06 cfs of water from Wilson Creek,
tributary to Mud Creek, and that the permit holder has applied to a beneficial use an
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Fish			
Propagation	from <u>January 1</u> to <u>December 31</u> at <u>7.06</u> cfs and <u>N/A</u>		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 7.06 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
N/A acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Twp. 9S,
Rge. 14E, B.M. in the County of Twin Falls

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9S	14E	22											X						

Total number of acres irrigated _____

CONDITIONS: Measuring devices of a type approved by this Department shall be
maintained at the point of diversion and point of effluent discharge. (2) Return
water shall be treated to insure that the effluent meets Idaho Water Quality
Standards. (3) Facility volume = 48,960 cubic feet.

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26 day of
September, 19 80.

Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit
proof of beneficial use on a water right permit

RECEIVED
MAY 29 1979
DEPARTMENT OF WATER RESOURCES
SALT LAKE DISTRICT OFFICE

GLENN W. ZACK of Rte #3 Box 207
(Name) (Address)

State of IDAHO, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Waters of the State of Idaho No. 47-7456.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before July 1, 1979.

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

\$2000.00 in construction of the Access for
The Ponds ground scraping & Dirt removal
HAS BEEN PARTIALLY COMPLETED.

Costing \$ 3000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Due to January 11, 1979 (TF) CANAL Broke

and Flooded AREAS of our Ponds. Re construction
has been started. Due to High Run off
Twin Falls CANAL Broke Discharging WATER down Cu.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to July 1, 1980.

Glenn W. Zack
(Signature)*

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit proof of beneficial use of water is extended to July 1, 1980.

Signed this 6th day of June, 1979.

J. Glen Sayton
Chief, Operations Bureau

MICROFILMED

Identification No. _____

Application No. 47-7456

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED APPLICATION FOR PERMIT APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Glenn W. Zack Phone: _____
post office address Rt. #3, Box 207, Buhl, ID 83316
2. Source of water supply Wilson Creek which is a tributary of Mud Creek
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 22 Township 9S
Range 14E B.M. Twin Falls County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into Mud Creek at a point in SW $\frac{1}{4}$
of SW $\frac{1}{4}$ of Section 22 Township 9S Range 14E B.M. Twin Falls
4. Water will be used for the following purposes:
Amount 10 cfs for fish culture purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 10 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Rock Dam & Earth 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 during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years.
b. Estimated construction cost is \$ 3,000.00
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 22 Township 9S
Range 14E B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(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: Fish Culture

RECEIVED

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

[illegible]

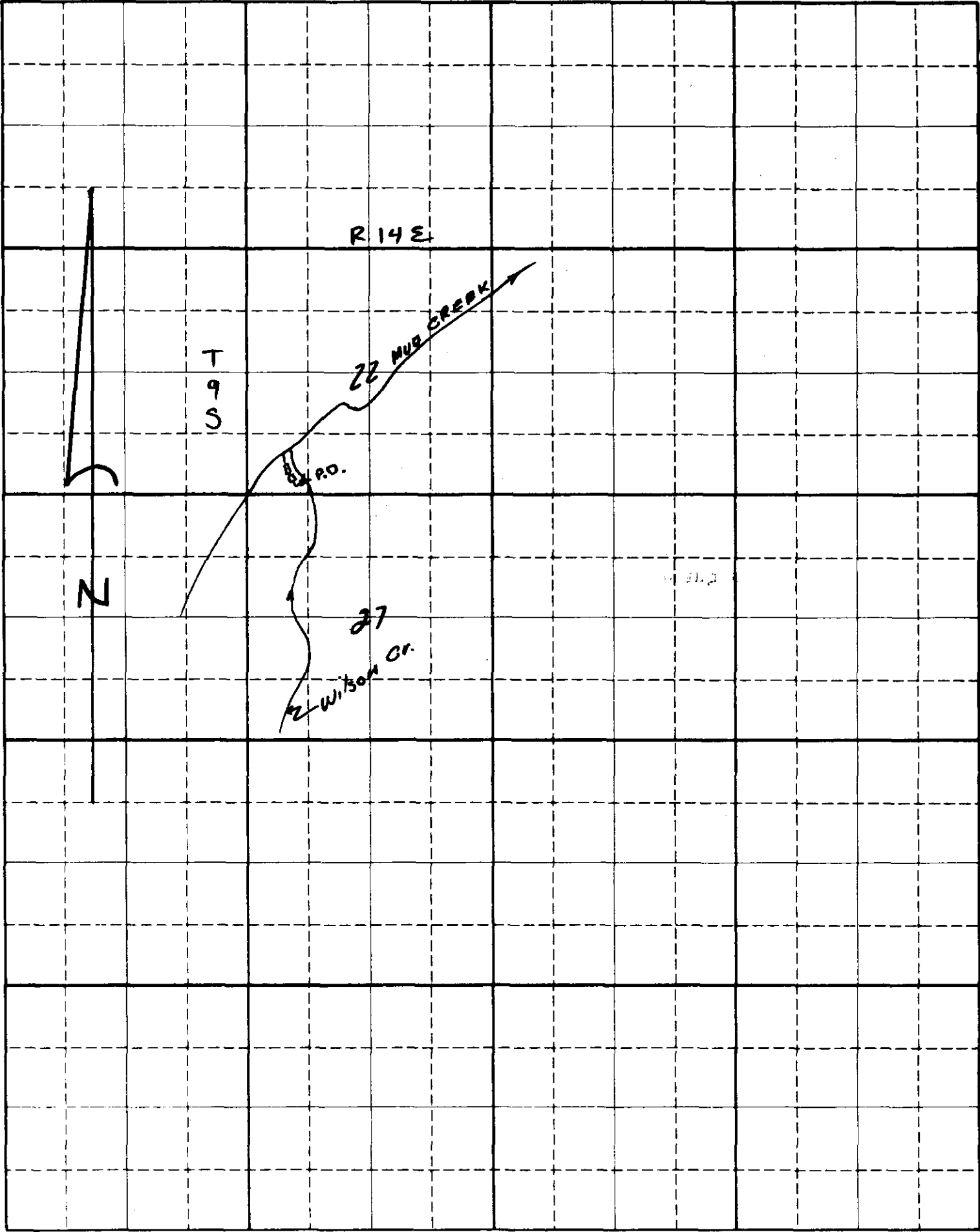
Total number of acres to be irrigated_____

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

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 _____

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.

Blaine W. Gail
(Applicant)

Proposed Priority 4/11/78

DATE of
First Applic → 2-3-78

Received by AS Date 4-11-78 Time 8:30
Preliminary check by JA Fee \$ 10.00 # 7595

Receipted by aj Date 4-11-78

Publication prepared by ajbm Date 4/13/78

Published in Idaho News

Publication dates 4/20 + 4/27/78

Publication approved aj Date 5/1/78

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by JA

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. 47-7456, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before JULY 1, 1979.

c. Other: Measuring devices of a type approved by this Department shall be permanently installed and maintained at both the inlet and outlet works.
Return water shall be treated to insure that the effluent meets intrastate stream water quality standards.

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

Witness my hand this 19th day of June 19 78.

Norman C. Green
Administrator

Identification No. _____

Application No. 47-7456

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Glenn W. Zack Phone: _____
post office address Rt. 3 Box 207, Buhl, Idaho 83316

2. Source of water supply Wilson Creek which is a tributary of Mud Creek

3. a. Location of point of diversion is NW 1/4 of SW 1/4 of Section 22 Township 9S
Range 14E B.M. Twin Falls County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into Mud Creek at a point in SW 1/4
of SW 1/4 of Section 22 Township 9S Range 14E B.M. Twin Falls Co.

4. Water will be used for the following purposes:

Amount 10 CFS for Fish Culture purpose from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated:

a. 10 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Rock Dam and Earth 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 during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years.

b. Estimated construction cost is \$ 3,000.00.

8. Description of proposed uses:

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

(1) Give the place of use of water: SW 1/4 of SW 1/4 of Section 22 Township 9S
Range 14E B.M.

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

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

(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: Fish Culture

MULTICOPY

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated _____

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

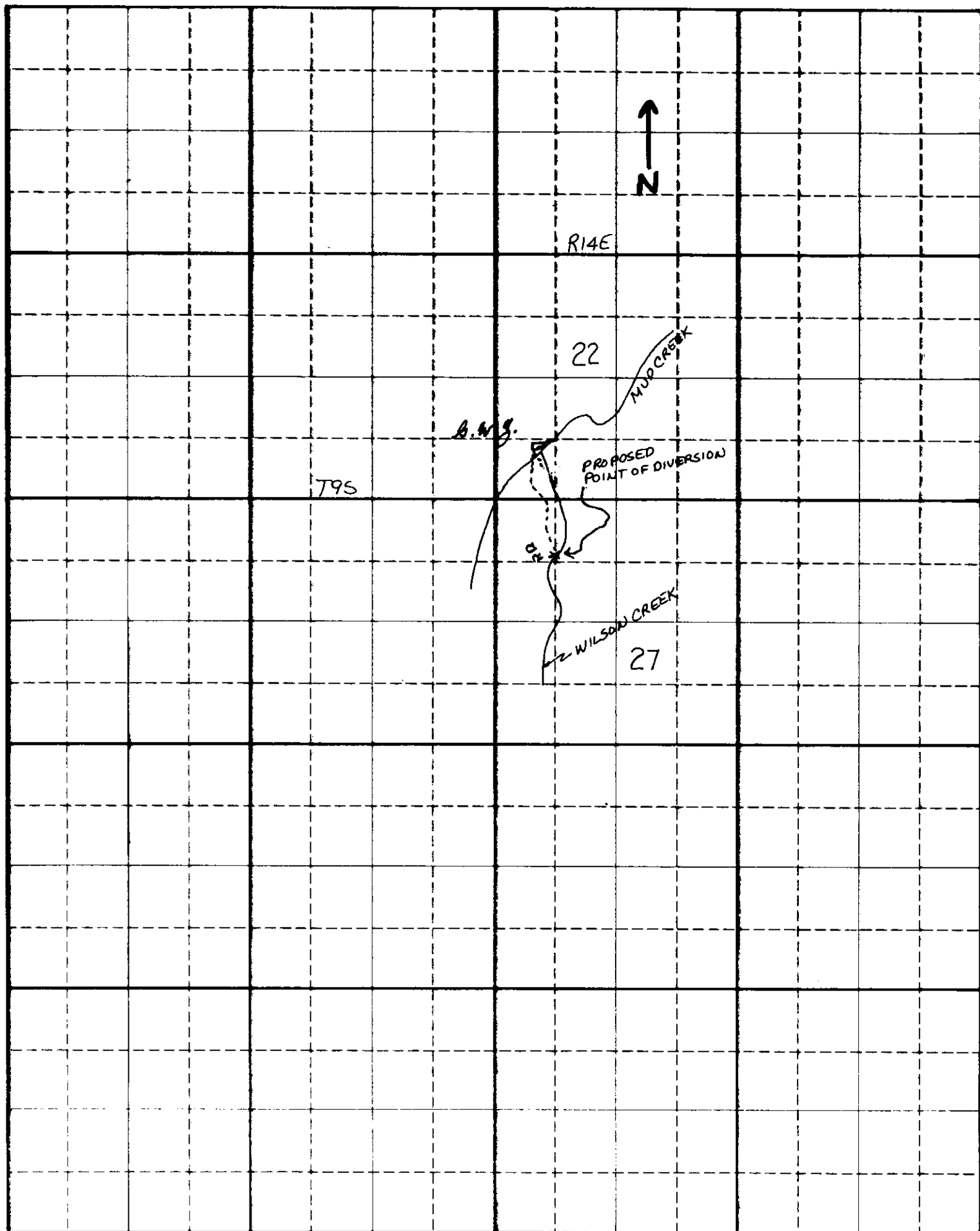
9. a. Who owns the property at the point of diversion ~~Glenn W. Zack~~ DALE Butler

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 _____

* Remarks WATER will be diverted Through existing IRRIGATION Ditch. & Diversion.

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.

Glenn W. Jack
(Applicant)

Received by gd Date 2-3-78 Time 1:45 pm
Preliminary check by TS Fee \$ 115.00
Receipted by gd Date 2-3-78 # 7513
Publication prepared by Of Date 2/6/78
Published in Times News
Publication dates 2/16 + 2/23/78
Publication approved Of Date 3/1/78
Priority reduced to _____ Reason _____

Protests filed by: Dale Butler + Albert
Munk by Hm L. Nungester
2/27/78

Copies of protests forwarded by sm 3/9/78

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. Other: _____

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

Witness my hand this _____ day of _____ 19____.

Director



BUHL OFFICE

January 17, 1978

Mr. Gary Funderberg
State of Idaho
Department of Water Resources
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

Dear Mr. Funderberg:

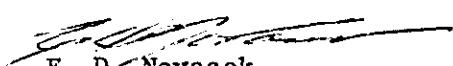
Re: Glenn W. Zach

I have been advised by letter and also in a subsequent telephone conversation with Mr. Zach that he had forwarded you a copy of his financial statement dated January 14, 1978.

Per our telephone conversation of this morning, I wish to verify that the balance shown on deposit at this bank is correct. Also, on the reverse of the statement he shows a contract receivable from Fred Kippes, and I wish to advise you that this contract is held in our escrow department.

I trust that this information will give you the required certification for Mr. Zach's water permit.

Very truly yours,


E. D. Novacek
Vice President and Manager

lv

cc: Mr. Glenn Zach

MICROFILMED

RECEIVED

JAN 27 1976

Department of Water Resources
Southern District Office

1 AGREEMENT OF SALE

2
3 PARTIES:

4 THIS AGREEMENT is made and entered into this 24th day of
5 April, 1975, by and between Clarence L. Young and Nadine E. Young,
6 husband and wife, of Route #3, Box 208, Buhl, County of Twin Falls,
7 State of Idaho, as parties of the first part, and Glenn W. Zack
8 and Ruth E. Zack, husband and wife, of Route #3, Buhl, County of
9 Twin Falls, State of Idaho, as parties of the second part;

10 WITNESSETH:

11 PROPERTY:

12 THAT WHEREAS, the first parties are owners in fee simple
13 of certain real property situate in Twin Falls County, State of
14 Idaho, more particularly described as follows, to wit:

15 The Southwest Quarter of the Southwest Quarter
16 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 22, Township 9 South, Range 14,
17 E., B.M., Twin Falls, County, Idaho, as shown on the
18 records of the County Recorder for Twin Falls
19 County, Idaho, and
20 TOGETHER WITH all water and water rights appurtenant
21 thereto as set forth in water license No. 47-7007
22 issued by the Idaho Department of Water Administration.

23 AND WHEREAS, the first parties desire to sell and the
24 second parties desire to purchase the same.

25 CONSIDERATION:

26 NOW, THEREFORE, for and in consideration of THIRTY-NINE
27 THOUSAND AND NO/100 DOLLARS (\$39,000.00) to be paid as hereinafter
28 provided by the second parties to the first parties, the first
parties agree to sell and the second parties agree to purchase the
said property. The terms of payment shall be as follows:

LAW OFFICE
HEP
NUNG
FE
NOTARIAL
OFFICE

(1) TWENTY-THREE THOUSAND AND NO/100 DOLLARS (\$23,000.00) upon the execution and delivery of this contract, receipt of which is hereby acknowledged, and,

(2) SEVEN THOUSAND AND NO/100 DOLLARS (\$7,000.00) on or before May 10, 1975, and,

(3) The balance of the purchase price, to wit, NINE THOUSAND AND NO/100 DOLLARS (\$9,000.00) due and payable in equal annual installments of NINE HUNDRED SIXTEEN AND 74/100 DOLLARS (\$916.74) per annum, including interest, on the 1st day May, 1976, and on the 1st day of May of each and every year thereafter until May 1, 1985, at which time a balloon payment of principal and all accrued interest shall become due and payable. *ASSIGNED 5/10/75*

(4) In the event the second parties default in the payment of any payment for a period of longer than thirty (30) days, the parties of the first part, at their option, may declare the balance of the purchase price, including interest thereon, due and payable.

INTEREST:

It is agreed that interest at the rate of eight percent (8%) per annum will be computed on the unpaid balance from the 1st day of May, 1975. All payments shall be credited first to interest and the balance to principal. It is agreed that payments on the principal amount may be made at any time and in any amount and interest will be computed on the unpaid balance only.

TAXES:

First parties shall pay all taxes and assessments for the year 1974 and prior years, and the second parties shall pay, before delinquency, all taxes and assessments for the years 1975 and thereafter.

TITLE INSURANCE:

It is understood and agreed that first parties warrant the above-described property to be free and clear of all liens or

1 encumbrances except taxes for the year 1975 and thereafter,
2 and except the Farmers Home Administration mortgages as more fully
3 set out hereinafter, and it is understood and agreed that first
4 parties shall deliver to second parties, once the Farmers Home
5 Administration mortgages are released, a purchasers' policy of
6 title insurance showing the title to be in the second parties and
7 to be good and merchantable and free from encumbrance. It is
8 expressly understood and agreed that first parties shall bear the
9 expense of such title insurance.

10 INSURANCE:

11 It is understood and agreed that second parties must
12 carry fire insurance, insuring the buildings on the property above
13 described against loss by fire; that such insurance must be in an
14 amount not less than its insurable value. Such insurance policy
15 shall have attached thereto a contract of sale clause with direc-
16 tions that, in case of loss, payment will be made to the first
17 parties, and the balance to the second parties, as their respective
18 interests may appear under this contract.

19 PROVIDED, that it shall be optional with the second
20 parties to use any proceeds from the fire insurance in the event
21 of a partial or total loss by fire, to restore damaged buildings
22 to their original condition before the fire, or to pay the proceeds
23 of said insurance to the first parties to apply on the contract
24 balance. This option is to be at the election of the second
25 parties. A copy of said policy shall be deposited with the escrow
26 agent.

1 ESCROW:

2 It is understood and agreed that the original of this
3 agreement, together with a warranty deed conveying the property
4 above described from first parties to second parties, shall be
5 placed with the Farmers National Bank, Buhl, Idaho, as escrow
6 holder, with instructions and directions to said escrow holder to
7 credit the account of the parties of the first part with all pay-
8 ments made by the second parties herein. The escrow holder is
9 further instructed and directed to deduct from first parties'
10 account on the date the last payment is made by second parties, a
11 sum sufficient to defray the expense of recording the warranty
12 deed at such time as full payment has been made, as hereinabove
13 provided.

14 Also deposited with the escrow agent shall be a quit-
15 claim deed on said property from the second parties to the first
16 parties. If second parties make full payment, said quitclaim deed
17 shall be delivered to second parties. If second parties default
18 in this contract as hereinafter set forth, said quitclaim deed
19 shall be delivered by the escrow agent to the first parties.

20 EXISTING MORTGAGES:

21 It is understood and agreed by and between the parties
22 hereto that there are two (2) real estate mortgages against the
23 herein-described real estate and out of the down payment received
24 on or before April 25, 1975, first parties covenant to retire the
25 existing Farmers Home Administration mortgages with current princi-
26 pal balances of slightly less than TWENTY-TWO THOUSAND AND NO/100
27 DOLLARS (\$22,000.00). It further being understood between the

28

1 parties that after retirement of the aforementioned two (2) Farmers
2 Home Administration mortgages, there will be one (1) remaining
3 mortgage against the hereinabove-described real estate with an
4 approximate balance of TWO THOUSAND, SIX HUNDRED AND NO/100 DOLLARS
5 (\$2,600.00). It being further understood and agreed by the parties
6 that should second parties desire to prepay, they may make their
7 check covering full and final payment in favor of first parties
8 herein and the Farmers Home Administration in order to cause retire-
9 ment of the last mentioned mortgage.

10 First parties covenant to, and hereby authorize, the
11 Farmers Home Administration to release any and all financial informa-
12 tion to the second parties herein, at any time that the second
13 parties may request, concerning principal and interest due against
14 the remaining mortgage applicable to the hereinabove-described
15 realty.

16 First parties covenant that they will retire the remain-
17 ing mortgage due to the Farmers Home Administration after payment
18 of the two (2) aforementioned mortgages out of the payment
19 received herein, before or contemporaneously with the full and
20 final payment of the balance due hereon.

21 REPAIRS, LIENS AND ENCUMBRANCES:

22 Second parties agree to keep all improvements on said
23 premises in as good a state of repair as they now are, and to per-
24 mit no liens or encumbrances of any nature whatsoever to attach
25 to said premises.

26 POSSESSION:

27 Second parties are now in possession of the premises and
28

1 shall be entitled to possession so long as they comply with the
2 terms of this agreement.

3 INSPECTION:

4 It is agreed that the second parties have made a careful
5 and complete inspection of the real estate and the improvements
6 herein being sold and have entered into this agreement on the
7 basis of their inspection and not on the basis of any representa-
8 tion made by the first parties. The first parties have made no
9 representation concerning the condition of the real estate or the
10 improvements. That the only representation made by the first
11 parties is that of good title.

12 DEFAULT:

13 It is agreed time is the essence of this contract and in
14 the event the second parties shall fail or refuse to make any of
15 the payments of any kind or nature which they have hereinbefore
16 contracted to make, at the time and in the manner therein provided,
17 or to pay before delinquency, taxes or commit waste or permit
18 waste by others on said property, or fail to comply with any of the
19 covenants in said agreement contained, then first parties shall
20 have the option to declare this contract at an end, and if they
21 shall elect to declare this contract at an end, they shall first
22 give second parties thirty (30) days written notice of the matters
23 in regard to which they are in default, and during said thirty (30)
24 days, they shall have the right to remedy said default. The
25 parties of the second part do hereby agree that they shall pay unto
26 the parties of the first part such costs that the parties of the
27 first part might incur in having the notice of default drafted by

1 a licensed attorney, such costs not to exceed FORTY AND NO/100
2 DOLLARS (\$40.00) for each notice of default and in addition thereto
3 such reasonable costs as might be incurred by having a constable
4 or sheriff serve the notice of default upon the parties of the
5 second part. This cost must be in addition to the other defaults
6 as set out in the notice of default before the defaults on this
7 contract shall be corrected. Said notice shall be in writing, by
8 personal service or by mailing to second parties, or their assigns,
9 addressed at the residence of said premises, and if said second
10 parties fail to remedy said default within said period of thirty
11 (30) days, then they shall forfeit all right they may have to said
12 premises, and first parties shall be released from obligations in
13 law and in equity to convey said property and the first parties
14 shall retain unto themselves all sums theretofore paid, as agreed
15 liquidated damages, and not as a penalty for the failure of the
16 second parties to make said payments as hereinabove provided, and
17 as the reasonable value of the use and occupancy of said property
18 during the time possession of said premises is retained by second
19 parties, and second parties shall surrender the possession of said
20 premises to first parties and from the date of such forfeiture,
21 said second parties shall be deemed to be the tenants of first
22 parties, holding over after the expiration of their lease, and
23 shall be subject to dispossession under the law relating to forcible
24 entry and detainer.

25 ATTORNEY FEES AND COURT COSTS:

26 It is specifically understood and agreed between each of
27 the parties hereto that in the event either party to this agreement

1 should default in any manner, whether by failure to make the pay-
2 ments specified herein or otherwise, that all attorney fees and
3 court costs incurred in any litigation, concerning such matters,
4 shall be collectible by the prevailing party, in addition to such
5 other remedies as the prevailing party may have under the terms of
6 this agreement, or which may be provided for by law.

7 HEIRS, ETC.:

8 The covenants in this contract shall extend to and bind
9 the heirs, personal representatives, assigns and successors of the
10 respective parties hereto.

11 SIGNATURES:

12 IN WITNESS WHEREOF, the parties hereto have hereunto set
13 their hands the day and year in this contract first above written.

14

15

16

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28

Clarence L. Young
Clarence L. Young

Nadine E. Young
Nadine E. Young - FIRST PARTIES

Glenn W. Zack
Glenn W. Zack

Ruth E. Zack
Ruth E. Zack - SECOND PARTIES

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

On this 24th day of April, 1975, before me, the under-
signed, a Notary Public in and for the said County and State,

1 personally appeared Clarence L. Young and Nadine E. Young, husband
2 and wife, known to me to be the persons whose names are subscribed
3 to the within instrument, and acknowledged to me that they executed
4 the same.

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

8
9 Allen Gannon
Notary Public for Idaho
Residing at Buhl, Idaho
10

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

13 On this 2nd day of April, 1975, before me, the under-
14 signed, a Notary Public in and for the said County and State,
15 personally appeared Glenn W. Zack and Ruth E. Zack, husband and
16 wife, known to me to be the persons whose names are subscribed to
17 the within instrument, and acknowledged to me that they executed
18 the same.

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

22
23 Allen Gannon
Notary Public for Idaho
Residing at Buhl, Idaho
24
25
26
27

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS

ss.

No 6995

5/1/78
OK
I, Ray M. Jones being first duly sworn upon
oath, depose and say that I am Owner of the TIMES-NEWS,
published daily, except Saturday, 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 five
consecutive Thursday, commencing with the issue dated
April 25, 1928, and ending with the issue dated
April 29, 1928.

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 con-
tinuously 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, 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.

Ray M. Jones
Subscribed and sworn to before me on this 27th day of

April, 1928

Ray M. Jones

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

RECEIVED
DEPARTMENT OF
SOUTHERN

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS

ss.

No 6799

I, Maureen Kulkarnik being first duly sworn upon
oath, depose and say that I am Print Clerk of the TIMES-NEWS,
published daily, except Saturday, 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 10
consecutive Thursday, commencing with the issue dated
February 16, 1978, and ending with the issue dated
February 23, 1978.

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 con-
tinuously 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, 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 27th day of

February, 1978.

Carol E. Jennings

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

NOTICE OF ADJUDICATION

WHEREAS, the State of Idaho, by and through the Department of Water Resources, has filed for record a certain map or plan, to-wit: a map or plan showing the location of certain water rights, and the same has been duly recorded in the office of the County Clerk of the County of Twin Falls, Idaho, and the same is hereby made a part of this notice.

I hereby give notice that the permit will be issued to the holder of the water rights, and the granting of the same will be subject to the approval of the Department of Water Resources, and the same will be issued on or before the 22nd day of February, 1978.

Witness my hand and the seal of the County of Twin Falls, Idaho, this 22nd day of February, 1978.

Notary Public in and for the County of Twin Falls, Idaho

Subscribed and sworn to before me on this 27th day of February, 1978.

Notary Public in and for the County of Twin Falls, Idaho



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

October 6, 1980

Glenn W. Zack
Rt. 3, Box 207
Buhl, Idaho 83316

Dear Mr. Zack,

RE: License No. 47-7456

Enclosed is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:mr.

Enclosure

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

August 19, 1980

Glenn W. Zack
Rt. 3, Box 207
Buhl, Idaho 83316

Dear Mr. Zack,

A representative of this Department has made an examination of the works covered by your Permit No. 47-7456, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 7.06 cfs Source: Wilson Creek

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

Point(s) of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Twp. 9S, Rge. 14E, B.M.

Beneficial use: Fish Propagation within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Twp. 9S, Rge. 14E.

Priority date established: April 11, 1978

Conditions (if any): (1) Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.
(2) Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards. (3) Facility volume = 48,960 cubic feet.

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

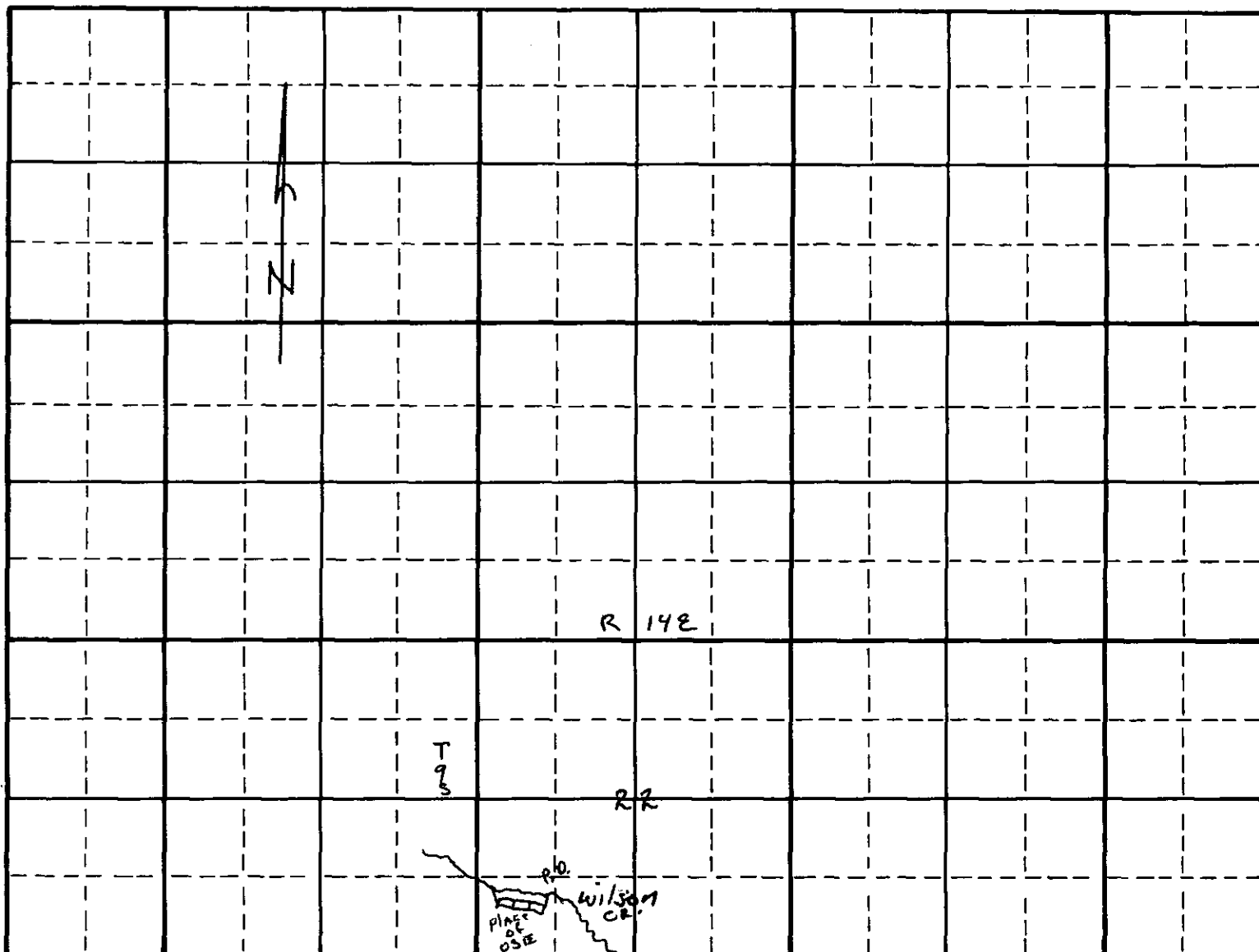
Sincerely,

JANICE JOHNSON
Water Rights Supervisor

MICROFILMED

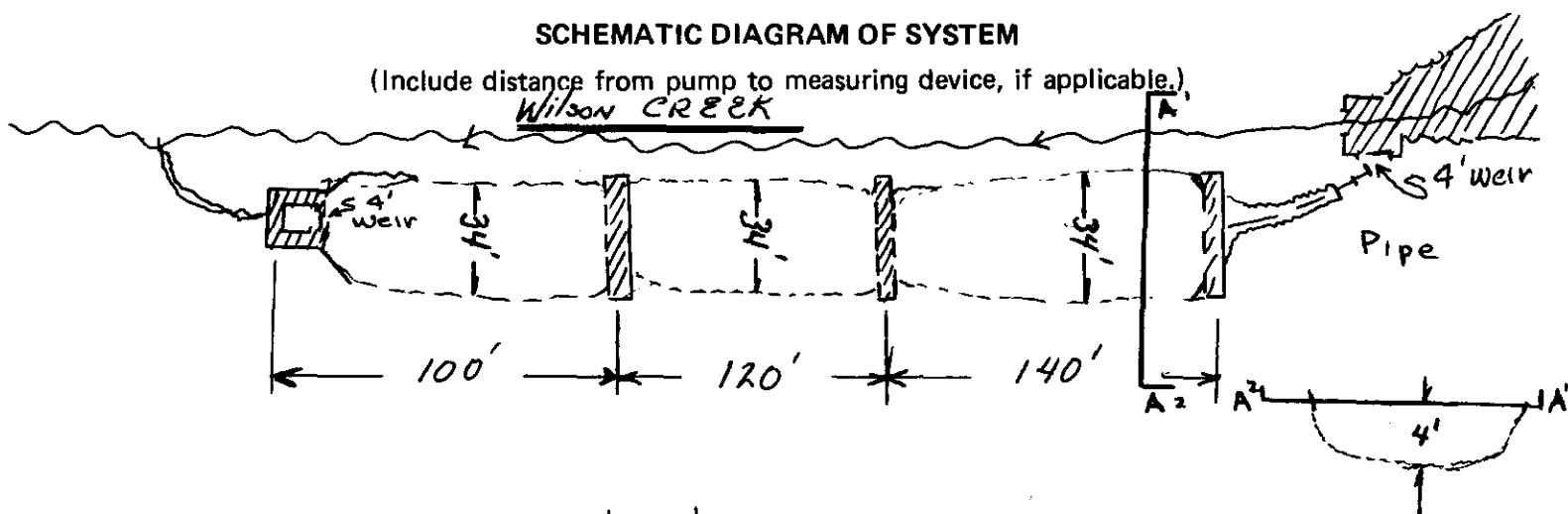
Remarks MR Glenn BACK WAS PRESENT DURING EXAM

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: SW 1/4 SW 1/4, Sec. 22 T 9 S R 142

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	142	22											X						

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

Examiner's Signature: [Signature] Date: 5-8-1980
 Checked by: [Signature] Date: 5-8-1980
 Approved by: [Signature] Date: 8/2/80

June 9, 1980

Glenn W. Zack
Route 3, Box 207
Buhl, ID 83316

Dear Mr. Zack:

Re: Permit No. 47-7456

The purpose of this letter is to inform you that the Department has received the statement of beneficial use card. Further, we understand that the field exam of your water distribution system has been completed by our Southern Regional office. Consequently, a license on your water right will be forthcoming.

Sincerely,

RITA FLECK
Sr. Secretary

MICROFILMED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 47-7456

Name(s) of Permit Holder: GLENN M. ZACK

Post Office Address: Rte # 3 Bx 207

Buhl, IDA 83316

Source of Water: MUD

Extent of Use: ☐ Domestic _____ (number of households)

☐ Stockwater _____ (number and type of stock)

☐ Irrigation _____ (acres)

☐ Other FISH PROPAGATION

RECEIVED
MAY 7 1980
Department of Water Resources
Southern District Office

Measuring Device: Required? ☒ Yes ☐ No

Access Port: Required? ☐ Yes ☒ No

Installed? ☐ Yes ☐ No

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

5/8/80
Date

Glenn M. Zack
Signature of Permit Holder

RECEIVED

MAY 12 1980

Department of Water Resources



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

PLACE
TEN CENT
STAMP
HERE

RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM Allen

MAY 18 1980

DATE 5-9-80

TO Rita

Department of Corrections

SUBJECT Proof for 47-7456

Gary completed the field exam on 5-7-80

MICROFILMED

Allen

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

ZACK, GLENN W.
RT. 3 BOX 207
BUHL, ID 83316

100000

APRIL 30, 1980

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 47-7456 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JULY 01, 1980. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

MICROFILMED

June 11, 1979

Glenn W. Zack
Rt. 3 Box 207
Buhl, ID 83316

Dear Mr. Zack:

RE: Permit No. 47-7456

Enclosed is a copy of the approved application for extension of time in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water has been extended to July 1, 1980.

Sincerely,

Jan Grover
Water Rights Supervisor

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

May 1, 1979

100875

Glenn W. Zack
Route 3, Box 207
Tuhl, ID 83316

Dear Mr. Zack:

One of the conditions of approval of your water Permit No. 47-7456 was that evidence of the extent of development must be submitted to this office on or before July 1, 1979. (See last page of your approved permit). Enclosed is a post card which may be used to submit the required proof of beneficial use.

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

Either the beneficial use post card or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise, the permit will lapse and be of no further force or effect within 60 days.

Sincerely,

RITA FLECK
Sr. Secretary

Enc: 1

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

June 21, 1978

Re: Permit No. 47-7456

Glenn W. Zack
Route #3, Box 207
Buhl, ID 83316

Dear Mr. Zack:

Your approved copy of Application for Permit No. 47-7456 is enclosed and we direct your attention to the conditions of approval on the fourth page.

Please note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. Enclosed is a letter describing the different types of measuring devices accepted by this Department.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit.

MICROFILMED

However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

STAFF REVIEW - STATE OFFICE

1. ☒ Name vs. Signature
2. ☒ Source
3. ☒ Point of Diversion
4. ☒ Amnt. & Period of Use
5. ☒ Descrip. of Diverting Wrks.
6. ☒ Time req. for Proof of B/U
7. ☒ Place of Use for other than irrig.
8. ☐ Place of Use for irrigation (add acres)
9. ☒ Property Owner at Pt. of Div. & Pl. of Use
10. ☒ Map
11. ☒ Fee & Rec't. No.

Copies Sent, To:

☐ Idaho Health Department	☐ U.S.F.S.
☒ Idaho Fish & Game Dept.	☐ Dept. of Lands
☐ Bureau of Land Management	☐ Other

Dam Safety Information N/A (Goes to Permit Section)

Check:

Critical G.W. Area ☐ yes ☒ no

Other rights on same land None fish culture

Withdrawals of all protests received ☒ yes ☐ no

Conditions:

ID Power Co. Letter - Snake R. ☐

ID Power Co. Letter - G.W. & Tribs. ☒

Snake River Condition ☐

Payette River Letter ☐

Priority Date 4-11-78

Meas. Dev. or Sc. Meas. ☒
at inlet & outlet
Totalizing meter ☐

Supplemental ☐

Right-of-Way Cond. ☐

Watermaster Cond. ☐
Wtr. Dist No. ☐

Meas. Dev. Cond. for apps within
a Water Dist. ☐

Water Quality #16

Water Quality #10 ☒
(intrastate)

Jan Prover
Reviewer
5/25/78 6/15/78
Date

MICROFILMED

LAW OFFICES
HEPWORTH, NUNGESTER, AND FELTON
PROFESSIONAL CENTER -- 1020 MAIN
POST OFFICE BOX 589
BUHL, IDAHO 83316

May 16, 1978

JOHN C. HEPWORTH
WM. L. NUNGESTER
MICHAEL H. FELTON
D. BRENT MARTENS
JEFFREY E. ROLIG

RECEIVED

MAY 17 1978

Department of Water Resources
Southern District Office

TELEPHONE
(208) 543-4368
OUR FILE NUMBER

Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

ATTENTION: Gary L. Funderburg

Re: Protest in re: Application
No. 47-7456

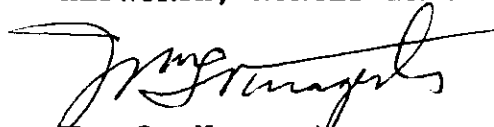
Dear Gary:

On behalf of Dale Butler, Albert Munk and Paige Hiatt I would like to withdraw the Protest which was filed on their behalf against Application No. 47-7456 of Glenn W. Zack.

If you need anything further, please advise.

Very truly yours,

HEPWORTH, NUNGESTER & FELTON


Wm. L. Nungester

WLN:kh

NOTED

NOTICE OF AMENDED APPLICATION FOR WATER PERMIT

NO. 47-7456

Notice is hereby given that Application for Permit No. 47-7456 in the name of Glenn W. Zack, Buhl, Idaho, was filed for the diversion of 10.00 cubic feet per second of water from Wilson Creek, tributary to Mud Creek in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, Twp. 9S, Rge. 14E., B.M., Twin Falls County, to be used from Jan. 1 to Dec. 31 for fish culture within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Twp. 9S, Rge. 14E., B.M.

The applicant now proposes to amend said permit requesting a change in the point of diversion to the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Twp. 9S, Rge. 14E., B.M., Twin Falls County, to be used from Jan. 1 to Dec. 31 for fish culture within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Twp. 9S, Rge. 14E., B.M.

Any protest against the proposed amending of this application must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, ID 83301, on or before May 8, 1978.

C. STEPHEN ALLRED

Director

Published in the Times News on 4/20 & 4/27/78.

MICROFILMED

April 13, 1978

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

Re: Amended Application for Permit No. 47-7456 - Glenn W. Zack

Gentlemen:

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

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

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

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:sm

Enc.

Bill submitted: _____

MICROFILMED

April 11, 1978

Mr. William L. Nungester
Hepworth, Nungester, & Felton
P. O. Box 599
Buhl, Idaho 83316

Re: Application for Permit No. 47-7456 - Glenn W. Zack

Dear Mr. Nungester:

Please find enclosed a copy of Application for Permit No. 47-7456 in the name of Glenn W. Zack. The application has been amended to SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Twp. 9S, Rge. 14E. Before we can continue the processing of Mr. Zack's application, we will need in writing a letter of withdrawal of the protest.

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

Sincerely,

Gary L. Funderburg
Senior Water Resource Agent

GLF:dj

MICROFILMED

ROUTING SLIP

DATE 2-2-78 TIME _____

TO: _____ REF. No. (if any) _____

FROM: (show title) _____

GARY F.

FOR YOUR:

- ☐ Information
☐ Approval
☐ Signature

REVIEW AND:

- ☐ Call Me ☐ See Me
☐ Comment & Return
☐ Take Proper Action
☐ Draft a Reply for Me

PER:

- ☐ Our Conversation
☐ Your Request
☐ Boss's Request

Mr Wungester Called
and ask for a copy
of the Amended Application
of Glenn Zacks. He is to
and a letter of withdraw
PROTEST.

MICROFILMED

INTER-DEPARTMENT MEMO — 1

DATE February 15, 1978

FROM Gary Funderburg

TO File

SUBJECT 47-7456 _(Financial Statement)

On February 6, 1978, I reviewed Mr. Zach's financial statement, which indicates he has reasonable resources for his filing.

MICROFILMED



SIGNATURE

PRE-PERMIT SURFACE-WATER EXAMINATION DATA SHEET

Date 2-7-78 Examiner Jim Stanton Application No. 47-7456

Applicant(s) Interviewed Don Wolford representing Glenn Zack

Upstream Users Interviewed _____

&/or Upstream Diversions Inspected _____

Downstream Users Interviewed Don Wolford (will abandon Wilson Cr. if his app. on Mud Cr.

&/or Downstream Diversions Inspected _____ is approved)

Legal Description Verified By Map (or give proper description) Yes

Water Flow: Visual Estimate over 10 cfs Channel Width 8' Average Depth 16"

Water Velocity _____ Channel Slope _____

Do Additional Inflows Enter Downstream From This Diversion? Yes - Mud Creek & Clear Creek

Does This Water Enter Canal-Company Waterways? No Canal Co. Approval? N/A

Source Of Waste Water: Legal Description N/A

Proportion Of Water Flow Arising On Applicant's Land _____

Does There Appear To Be Sufficient Water To Fulfill This Application Without Harming

Downstream Users? Yes XX No _____ During ~~irrig~~ ^{non-} irrig. season. Full amount may not be available during irri

Do Other Aspects Of The Application Appear To Be As Stated? Yes XX No _____ season.

Notes Water will be piped across Mud Creek to place of use, & will feed into lowest 2 ponds proposed for construction under Application 47-7449. Applicant was notified that he must file a stream-channel alteration permit for pipeline supports in Mud Creek. Wilson Cr. also supplies water to some irrigation use rights; Mr. Zack has one of these rights.

Signed 



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

March 9, 1978

Mr. William L Nungester
Hepworth, Nungester, and Felton
P O Box 599
Buhl, Idaho 83316

Re: Application for Permit No. 47-7456 - Glenn W. Zack

Dear Mr. Nungester:

Your protest against the approval of the above referenced application submitted in behalf of Page Hiatt, Dale Butler, and Albert Munk 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 the delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

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

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:dj

MICROFILMED



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

March 9, 1978

Mr. Glenn W. Zack
Route # 3, Box 207
Buhl, Idaho 83316

Re: Application for Permit No. 47-7456 - Glenn W. Zack

Dear Mr. Zack:

We have enclosed a copy of the protest filed against the issuance of permit pursuant to your Application No. 47-7456. We have corresponded with you in the past concerning the original protest filed in connection with this application. Information contained in that letter pertains to this protest also.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest.

If we may be of any assistance, please contact us.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:sm

Enclosure

ENCLOSURE

LAW OFFICES
HEPWORTH, NUNGESTER, AND FELTON
PROFESSIONAL CENTER — 1020 MAIN
POST OFFICE BOX 566
BUHL, IDAHO 83316

JOHN C. HEPWORTH
WM. L. NUNGESTER
MICHAEL H. FELTON
D. BRENT MARTENS

February 24, 1978

TELEPHONE
(208) 543-4386

OUR FILE NUMBER

RECEIVED

FEB 27 1978

Department of Water Resources
Southern District Office

State of Idaho
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

RE: Application No. 47-7456
Glenn W. Zack

Gentlemen:

Enclosed please find a protest we are filing on behalf of Dale Butler and Albert Munk to the granting of the above-captioned Application for Water Permit.

Very truly yours,

HEPWORTH, NUNGESTER & FELTON



Wm. L. Nungester

WLN:kh
Encl.
CERTIFIED MAIL NO. 981050

MICROFILMED

RECEIVED

FEB 27 1978

Department of Water Resources
Southern District Office

HEPWORTH, NUNGESTER & FELTON
1020 Main, Buhl, Idaho 83316
Tel. No. 208-543-4368
Attorneys for Protestants

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

* * * * *

In the Matter of Application)
No. 47-7456 of Glenn W. Zack) PROTEST

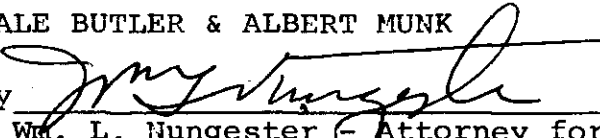
* * * * *

COMES NOW, Wm. L. Nungester, attorney for Dale Butler and Albert Munk and protests the application for water permit of Glenn W. Zack dated February 3, 1978, as application No. 47-7456, on the grounds that Glenn W. Zack does not own the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 27, Township 9 South, Range 14 E., B.M., Twin Falls County, Idaho; that these protestants are the owners and contract purchasers of that part of said quarter section where the proposed ditch would have to be constructed and that these protestants have not consented to the placing of said ditch upon these protestants' property.

DATED this 24th day of February, 1978.

DALE BUTLER & ALBERT MUNK

By


Wm. L. Nungester - Attorney for
Dale Butler and Albert Munk
P.O. Box 589
Buhl, Idaho 83316

MICROFILMED

LAW OFFICES
HEPWORTH
& NUNGESTER
FELTON
Buhl, Idaho

LAW OFFICES
HEPWORTH, NUNGESTER, AND FELTON
PROFESSIONAL CENTER -- 1020 MAIN
POST OFFICE BOX 588
BOHL, IDAHO 83316

JOHN C. HEPWORTH
WM. L. NUNGESTER
MICHAEL H. FELTON
D. BRENT MARTENS

February 21, 1978

RECEIVED

FEB 23 1978

Department of Water Resources
Southern District Office

TELEPHONE
(208) 543-4368

OUR FILE NUMBER

State of Idaho
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

RE: Application No. 47-7456
Glenn W. Zack

Gentlemen:

Enclosed is a protest we are filing on behalf of
Page Hiatt to the granting of the above-captioned Applica-
tion for Water Permit.

Very truly yours,

HEPWORTH, NUNGESTER & FELTON


Wm. L. Nungester

1b

Enclosure

CERTIFIED MAIL NO. 981039

MICROFILMED

RECEIVED

FEB 23 1978

Department of Water Resources
Southern District Office

1 HEPWORTH, NUNGESTER & FELTON
2 1020 Main, Buhl, Idaho 83316
3 Tel. No. 208-543-4368
4 Attorneys for Protestant
5
6
7

8 STATE OF IDAHO

9 DEPARTMENT OF WATER RESOURCES

10 * * * * *

11 In the Matter of Application)
12 No. 47-7456 of Glenn W. Zack) PROTEST

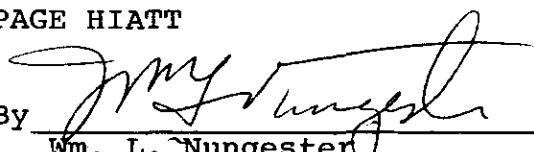
13 * * * * *

14 COMES NOW, Wm. L. Nungester, attorney for Page Hiatt
15 and protests the application for water permit of Glenn W. Zack
16 dated February 3, 1978, as application No. 47-7456, on the
17 grounds that Glenn W. Zack does not own the Northwest Quarter
18 of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 27, Township 9
19 South, Range 14 E., B.M., Twin Falls County, Idaho; that this
20 protestant, Page Hiatt, owns that part of said quarter section
21 where the proposed point of diversion is located and where a
22 portion of the proposed ditch would have to be constructed and
23 that this protestant has not consented to the placing of said
24 point of diversion or said ditch upon this protestant's property.

25 DATED this 22nd day of February, 1978.

26 PAGE HIATT

27 By

28 
Wm. L. Nungester
Attorney for Page Hiatt
P. O. Box 589
Buhl, Idaho 83316

MURCELL
LAW OFFICES
NORTH
NUNGESTER
And
FELTON
Buhl, Idaho

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Glenn W. Zach

Buhl, Idaho 83316

has on 2/3/88 submitted Application No. 47-7456

for a permit to appropriate 10 cubic feet per second ~~acre feet per annum~~

of water from Wilson Creek tributary to Mud Creek

by means of Rock dam & earth ditch

within the NW1/4, Sec. 27, Twp. 9S, Rge. 14E, B.M. Twin Falls County

to be used from Jan. 1 to Dec. 31 for fish culture

x for ~~XXX~~

within the SW1/4, Sec. 22, Twp. 9S, Rge. 14E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before March 6, 1978.

C. STEPHEN ALLRED

Director

Published in the Times News

on 2/16 and 2/23/78

MICROFILMED

February 6, 1978

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

Re: Application for Permit No. 47-7456 - Glenn W. Zach

Gentlemen:

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

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

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

Sincerely,

Michael L. Steele
Southern Region Supervisor

Bill submitted: _____

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