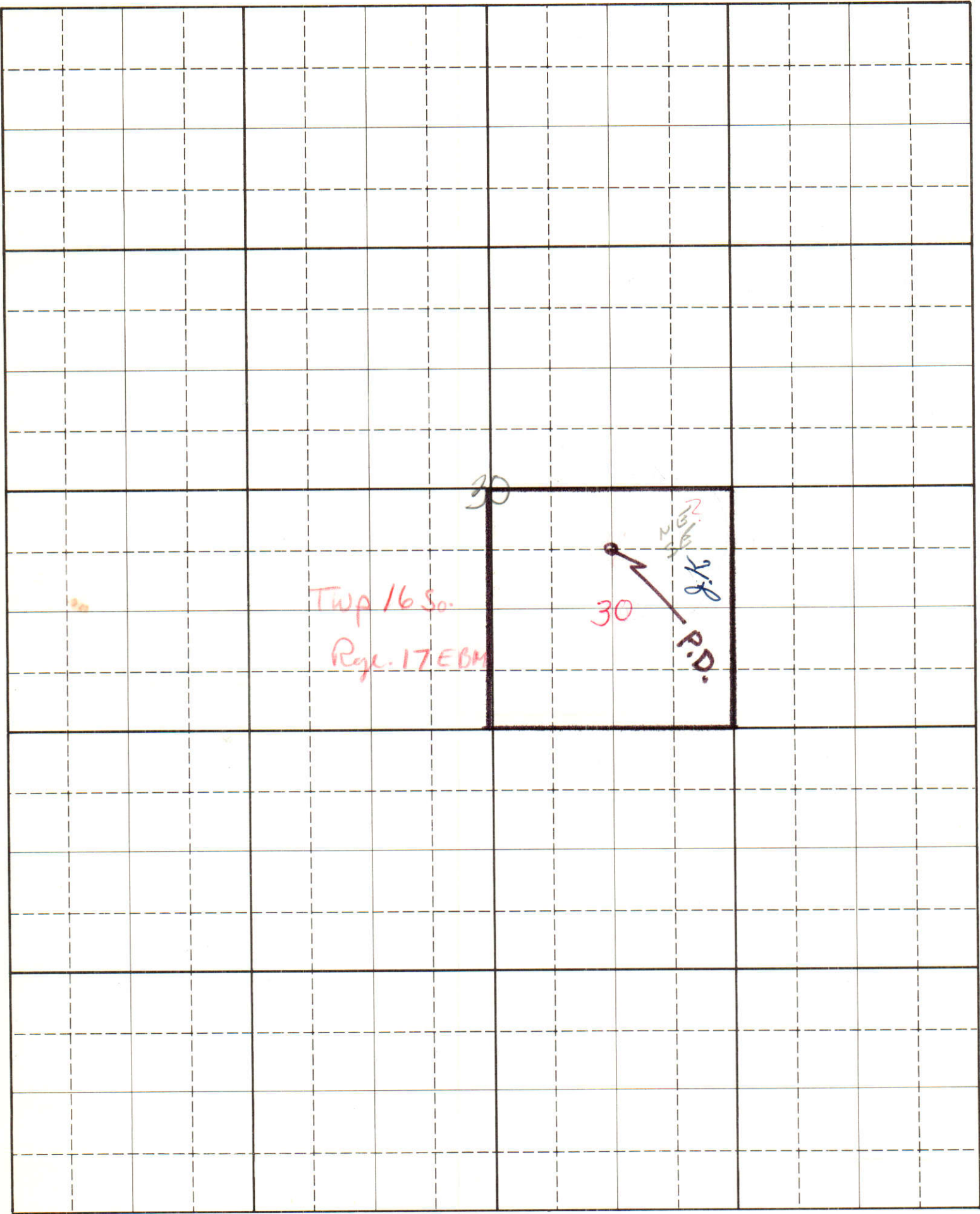


11. Map of proposed project:



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.

Johnnie Kuest
(Applicant)

47 7080

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

No 14303

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Johnnie Kuest, Box 1254, Twin Falls, Idaho, has on August 26, 1969, applied for permit under application No. 47-7080 to divert .12 cubic feet per second of water from a ground-water source. Water will be diverted by well, pump and pipe within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30, T. 16 S, R. 17 E, B. M., Twin Falls County and is to be used from January 1 to December 31 for industrial and domestic purposes in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30, T. 16 S, R. 17 E, B. M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON,

State Reclamation Engineer
Published in the Times-News, Twin Falls, Idaho, on September 11 and September 18, 1969.

RECEIVED

SEP 19 1969

Department of Reclamation

Bill submitted
kh

I, Carolyn Jennings, being first duly sworn upon

oath, depose and say that I am principal 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 Tuesdays, commencing with the issue dated Sept. 11, 1969, and ending with the issue dated Sept. 18, 1969.

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.

Carolyn Jennings
Subscribed and sworn to before me this 18th day of

Sept., 1969.

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

47 7080

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 47-7080 Priority Sept. 24, 1969 Amount 0.025 cfs
(late proof)

THIS IS TO CERTIFY, that JOHNNIE KUEST
of Filer, Idaho, has complied with the terms and conditions of Permit
No. 47-7080 issued pursuant to Application for Permit dated August 26, 1969,
and has submitted proof to the Department of Water Administration on April 15, 1971,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.025 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 0.025 cfs for Domestic from Jan. 1 to Dec. 31 (both dates inclusive)

Amount 0.025 cfs for Industrial from Jan. 1 to Dec. 31 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.025 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 30, Twp. 16 S, Rge. 17 E, B.M.

in the county of Twin Falls; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 18.2 acre feet per year ~~or~~

~~for other purposes.~~

Description and location of place of use:

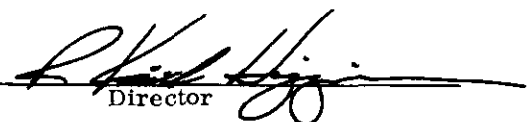
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16S	17E	30								X	(domestic & industrial)								

Total number of acres irrigated _____

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 6th day of

March, 19 73.


Director

47 7080

Receipt # 9833.

APPLICATION FOR AMENDMENT

Comes now Johnnie Kuest of (address) _____

1. Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30 Twp. 16 S
Rge. 17 E, B. M., County of Twin Falls. Other points of diversion:

3. Place of use or land to be irrigated:

[illegible]

-0-

17 7080

47 7080

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.

[illegible]

Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at _____, this _____ day of _____, 19 _____

Johnnie Kerest
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Department of Water Administration,
hereby approve the above application for amendment for Permit No. 47-7080.

Witness my hand this 16TH day of March, 19 73

P. K. K. K.
Director

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 47-7080)
in the name of JOHNNIE KUEST)
_____)

ORDER OF REINSTATEMENT

WHEREAS, on August 26, 1969, Johnnie Kuest applied to the Department of Water Administration (formerly the Department of Reclamation) for a permit to appropriate 0.12 cubic feet per second of water from a ground water source from a point within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 30, T. 16S, R. 17E, B.M., Twin Falls County, to be used for domestic and industrial purposes; and,

WHEREAS, on October 20, 1969, the Department approved the application with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before November 1, 1970; and,

WHEREAS, on September 1, 1970, the permit holder was notified by certified mail that he was required to submit proof of beneficial use and was instructed as to the steps to be taken to make said proof; and,

WHEREAS, on November 4, 1970, the Department notified the permit holder that Permit No. 47-7080 had lapsed for failure to submit the required proof of beneficial use of water; and,

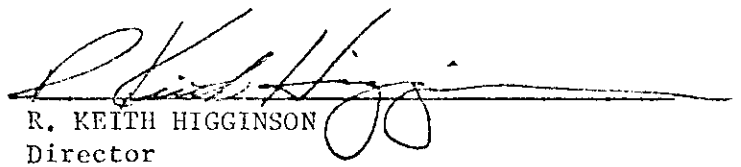
WHEREAS, on November 30, 1970, the required proof of beneficial use affidavit was received by the Department; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why the permit should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 47-7080 be REINSTATED and the priority be advanced to September 24, 1969.

Dated this 27TH day of April, 1971.


R. KEITH HIGGINSON
Director

BDF:DR

17 7080

Identification No. 47-7080

Application No. _____

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

LICENSE ISSUED FOR .025 SEC. 11.
LICENSE PAGE NO. _____

APPLICATION FOR PERMIT

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

APPROVED

1. Name of applicant Johannie Kuest
post office address P.O. Box 1254, Twin Falls, Idaho 83301
2. Source of water supply well which is a tributary of _____
3. a. Location of point of diversion is SE 1/4 NE 1/4 of Section 30 Township 16 S.
Range 17 E B.M. Twin Falls County; additional points of diversion if any: _____
*J.K. * This point of diversion is almost in the exact center of the NE of Sec 30.*
- b. If water is not consumed, it will be discharged into Shoshone Creek at a point in _____ 1/4
of _____ 1/4 of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount .06 for Domestic purpose from JAN 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .06 for Industrial 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)
5. Total quantity to be appropriated:
a. 1.12 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well & pump
3/4 pipe - About 300 Feet from pump to house

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 6 inches; proposed depth of well is 100 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 \$ not over \$2500.00
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ 1/4 of _____ 1/4 of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: all we can get 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 3.
(5) If water is to be used for other purposes describe: Heating cabins and green house if the water is hot.

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_____

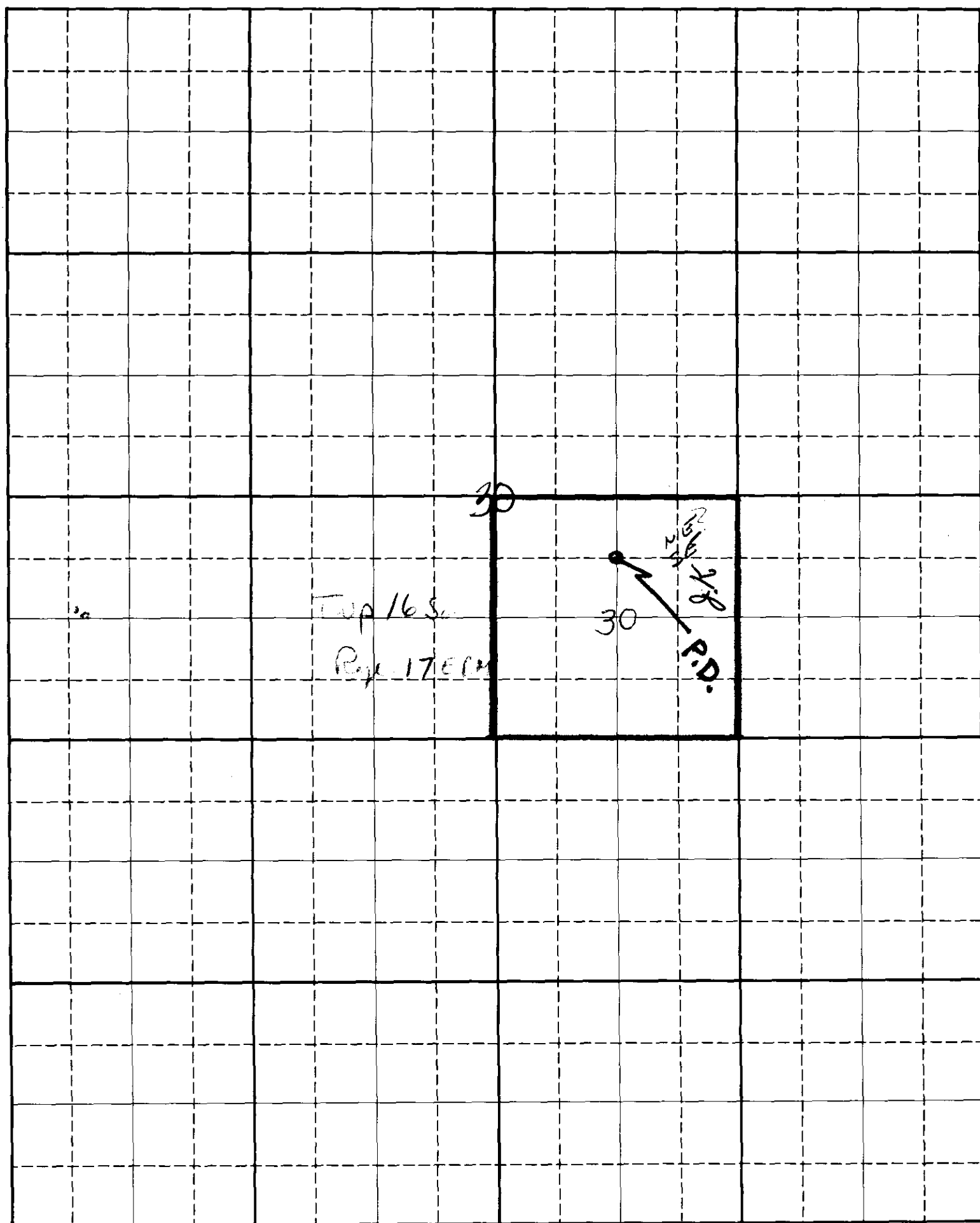
9. a. Who owns the property at the point of diversion applicant

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_____

10. Remarks We are hoping this will be a flowing well so we can use it
for power. If it is hot water we plan to use it to heat our green
house and cabins.

11. Map of proposed project:



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.

Xatherine Kuest
(Applicant)

47 7090

12 11 69 2:30 PM
Received by ef Date 8-26-69 Time 2:30 pm
Preliminary check by ef Fee \$ 10.00
Received by ef Date 8-26-69 Rec'd #3553
Publication prepared by ef Date 9-3-69
Published in 9-11 and 14-69
Publication dates Times News
Publication approved ef Date _____
Priority reduced to annu Reason late proof
9-24-69

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DAD R.H.
NCY

ACTION OF STATE RECLAMATION ENGINEER

APPROVED

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 47-7080, 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 70.
- c. Other: _____

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

Witness my hand this 20th day of October 19 69.

R. Keith Higinbotham
State Reclamation Engineer

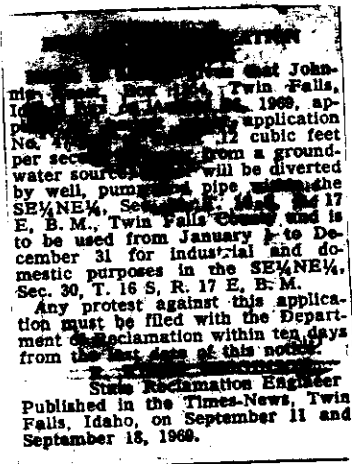
Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS

ss.

No. 14303



1, Caroline Jennings, being first duly sworn upon

oath, depose and say that I am principal 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 business days, commencing with the issue dated

Sept. 11, 1969, and ending with the issue dated

Sept. 18, 1969.

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 this 18th day of

Sept., 1969.

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

11 2050



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

September 9, 1981

Smith & Beeks
210 6th Ave. East
Box 508
Twin Falls, ID 83301

RE: License Nos. 47-7080, 47-2455
and Claim No. 47-4004

Dear Mr. Smith:

Thank you for your letter of August 20, 1981. I have noted the Assignments of Permits on the above referenced water rights. However, in Idaho a water right has several different stages; permit, license and claim. A permit is considered personal property and can be acquired when the permit holder assigns all or part of his interest in the water right (assignment form). A license and claim are considered real property and can be acquired when the land to which the water right is appurtenant to is purchased (no assignment form needed). Therefore, I have put the assignment forms in each file for further reference only.

If you have any questions concerning this matter, please contact me at 334-4123.

Sincerely,

ROBYN CARLSON
Chief Clerk

RC:kw

MICROFILMED

Smith & Beeks

210 6TH AVE. EAST
BOX 508
TWIN FALLS, IDAHO 83301
(208) 733-6684

RECEIVED

AUG 21 1981

Department of Water Resources

Attorneys at Law

Leon E. Smith, Jr.

Paul M. Beeks

August 20, 1981

Department of Water Resources
State Office
Records Department
450 West State Street
Boise, Idaho 83720

Gentlemen:

I represent Peter M. Link, and I enclose herewith three assignments of Water Permits, to bring your records to date as to the ownership of the land and permit rights appertaining. Peter M. Link was the eventual purchaser of property known as the "Magic Hot Springs", from H Bar H, a Washington Corporation. H Bar H was the holder of permits numbered:

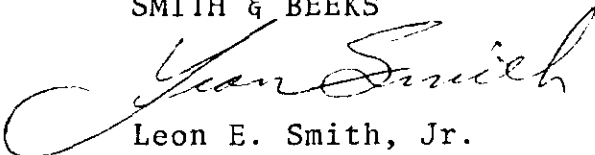
1. 47-7080
2. 47-4004
3. 31065/47-2455

Mr. Link now holds the title to the property at the place of diversion and the place of use. He is also the owner of all water rights pursuant to contract of purchase.

Would you please insure that these water permits are reflected in Mr. Link's name, and confirm that with a letter or notation to me? Thank you for your efforts on our behalf.

Yours truly,

SMITH & BEEKS



Leon E. Smith, Jr.

LES/rjf

Enclosures

MICROFILMED

RECEIVED

State of Idaho
Department of Water Resources

AUG 21 1981

ASSIGNMENT OF PERMIT

Department of Water Resources

I, H BAR H, a Washington corporation, hereby assign to PETER M. LINK
of Route #1, Box 267, Hansen, ID 83334
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 47-7080
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)

Made this 21 day of May, 19 80.

ATTEST:

[Signature]
Permit Holder H BAR H by President

Secretary _____

Spouse of Permit Holder _____

State of ~~Idaho~~ washington,
County of Snohomish) ss.

On this 21 day of May, 19 80, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he is the President of the corporation and that such corporation
executed the same.

seal

[Signature]
Notary Public residing at

Everett, WA

My commission expires:

MICROFILMED

Smith & Beeks

210 6TH AVE. EAST
BOX 508
TWIN FALLS, IDAHO 83301
(208) 733-6684

RECEIVED
JUL 25 1985

Department of Water Resources

Attorneys at Law

Leon E. Smith, Jr.

Paul M. Beeks

May 7, 1980

CERTIFIED MAIL

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

RECEIVED

AUG 13 1980

Department of Water Resources
Southern District Office

Gentlemen:

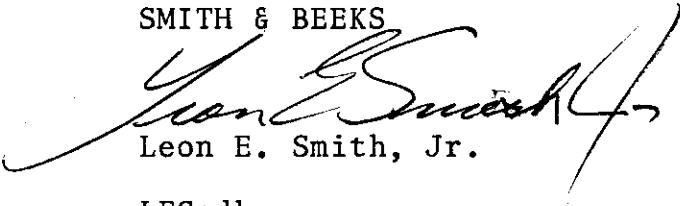
Please find enclosed two original Assignment of Water Permits between H Bar H and Gordon Beckstead.

Please change the names on Permit No. 47-7080 and Permit No. 31065/47-2455 from H Bar H to Gordon Beckstead.

Thank you for your attention to this matter.

Yours truly,

SMITH & BEEKS


Leon E. Smith, Jr.

LES:db

Enclosures

MICROFILMED

no assignment of these
rights attached- note
date rec'd by Southern
see later assignment-
did not reply.
KW 7/31/85

March 24, 1977

Re: License No's. 47-7080 and 47-2455

Johnnie Kuest
311 Main St.
Filer, Idaho 83328

Dear Mr. Kuest:

We acknowledge receipt of the assignments for the above referenced licensed permits. However, the Department has no procedure for changing the records of ownership on a license. These rights are considered to be appurtenant to the land to which they were transferred and are owned by the owner of the land.

We will, however, place the assignments on these licenses in our files for future reference to present ownership.

Sincerely,

JANICE RENK
Water Rights

jfr

cc: Magic Hot Springs, Ltd.
Box 82
Twin Falls, ID 83301

MICROFILMED

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED

MAR 17 1977

no letter dated
3/24/77
f

I, JOHNNIE KUEST, hereby assign to MAGIC HOT SPRINGS, LTD.
of P. O. Box 82, Twin Falls, Idaho 83301
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 47-7080
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)

Made this 2nd day of March, 19 77.

Johnnie Kuest
Permit Holder

Elsie Kuest
Spouse of Permit Holder

State of Idaho)
County of Twin Falls) ss.

On this 2nd day of March, 19 77, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

O. Brent Martens
Notary Public residing at
Buhl, Idaho

My commission expires:
9/16/78

MICROFILMED

WARRANTY DEED

For Value Received

JOHNNIE KUEST and ELSIE KUEST, Husband and Wife,

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

J. EDWARD JOHNSON, a Single Man,

Hereinafter called the Grantee, the following described premises situated in Twin Falls County, Idaho, to-wit:

TOWNSHIP 16 SOUTH, RANGE 17 E.B.M., TWIN FALLS
COUNTY, IDAHO,

Section 30: W 1/2 NE 1/4, E 1/2 NW 1/4

TOGETHER With all mineral rights and water rights
appurtenant to said real property including but not
limited thereto the water rights shown in State of
Idaho Department of Reclamation Application for
Permit to Appropriate the Public Waters of the
State of Idaho as shown by Permit No. 47-7080,
No. 47-4009 and No. 47-2451.TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and
to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said
Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incum-
brances except as above described and that Grantor will warrant and defend the same from all lawful
claims whatsoever.

Dated: June 27, 1972.

Johnnie Kuest

Elsie Kuest

STATE OF IDAHO, COUNTY OF TWIN FALLS

On this 27th day of June, 1972
before me, a notary public in and for said State, per-
sonally appeared JOHNNIE KUEST and
ELSIE KUEST, Husband and Wife,known to me to be the person s whose name s are
subscribed to the within instrument, and acknowledged
to me that they executed the same.

Mildred Brock

Notary Public

Residing at Twin Falls, Idaho.

STATE OF IDAHO, COUNTY OF TWIN FALLS

I hereby certify that this instrument was filed for record
at the request of Ray Harrison Reedy.at 30 minutes past 7 o'clock A. M.,
this 27th day of June,
1972, in my office, and duly recorded in Book 223
of Deeds at page 657.

Ex-Officio Recorder

By Aaron Patterson Deputy.

Fees \$.00

Mail to: 718 Shoshone St East

Instrument No.

637877

WARRANTY DEED

For Value Received J. EDWARD JOHNSON, a single man,

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto MAGIC HOT SPRINGS LTD., a limited partnership with its principal place of business in Twin Falls County, Idaho,

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

Township 16 South, Range 17 E.B.M., Twin Falls County, Idaho,

Section 30: W 1/2 NE 1/4, E 1/2 NW 1/4

TOGETHER With all mineral rights and water rights appurtenant to said real property including but not limited thereto the water rights shown in State of Idaho Department of Reclamation Application for Permit to Appropriate the Public Waters of the State of Idaho as shown by Permit No. 47-7080, No. 47-4009 and No. 47-2451.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: April 13, 1973

J. Edward Johnson

STATE OF IDAHO, COUNTY OF Twin Falls
On this 13 day of April, 1973,
before me, a notary public in and for said State, personally appeared J. Edward Johnson, a single man,

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

Paul M. Deike

Notary Public
Residing at Twin Falls, Idaho
Comm. Expires

STATE OF IDAHO, COUNTY OF TWIN FALLS
I hereby certify that this instrument was filed for record at the request of *J. Edward Johnson*
at 40 minutes past 4 o'clock P. M.,
this APR 1 1975 day of
19, in my office, and duly recorded in Book
of Deeds at page

H.A. LANCASTER
Ex-Officio Recorder

By *Deke Peterson* Deputy.

Fees \$ 1.00
Mail to: *J. Edward Johnson*

Box 82, Twin Falls, Idaho 83301

INSTRUMENT NO. 678159

March 8, 1973

Re: Permit No.

47-7080

Mr. Johnnie Kuest
311 Main St.
Filer, Idaho 83328

Dear Mr. Kuest:

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

Also enclosed is a copy of the approved application for amendment in connection with this permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

Enc: Copy of license
Copy of amendment

47 7080

January 16, 1973

Re: Permit No. 47-7080

Mr. Johnnie Kuest
311 Main St.
Filer, Idaho 83328

Dear Mr. Kuest:

Enclosed is departmental receipt No. 9833 in the amount of \$17.40 covering the licensing fee for Permit 47-2455 and the amendment fee for Permit 47-7080.

We are also returning the application for amendment for your signature on the second page. Please sign and return the application at your earliest convenience in order that we may issue the water license on this permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

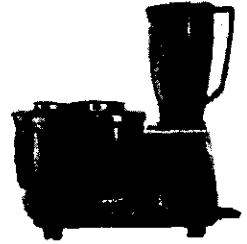
BDF:DR
Enc: Amendment app.
Receipt #9833

17 7080



MAGIC MILL, INC.

311 MAIN STREET
FILER, IDAHO 83328
208-326-5273



REGISTERED
LIQUEFIER AND
BREAD MIXER

Department of Water Administration

Sate of Idaho
Water Dept.
Boise, Idaho 83707

Dear Mr. Fleenor;

We have sold the property that these papers pretain to and they were sent to the new owner and then back to us, and that is the reason for the delay in getting them back to you. Then new owner wasted us to clear this up.

Thank you.

Sincerely,

Johnnie Kuest
Johnnie Kuest

47 7080



JOHNNIE KUEST —:— *Inventors and Manufacturers* —:— BESSIE KUEST



December 6, 1972

Mr. Johnnie Kuest
P.O. Box 1254
Twin Falls, Idaho 83301

Dear Mr. Kuest:

A representative of this Department has made an examination of the works covered by your Permit No. 47-7080 and has found the following:

Quantity of water diverted: 0.025 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 0.025 cfs

The maximum quantity diverted shall not exceed 18.2 acre feet per year.

Beneficial use: Domestic & industrial purposes within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 30, Twp. 16 S, Rge. 17 E, B.M.

Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, Twp. 16 S, Rge. 17 E, B.M.

The priority date established: Sept. 24, 1969 (late proof)

The point of diversion found by our field examiner differs from that listed under the permit, therefore, it will be necessary for you to amend your permit before a water license can be issued. We are enclosing a partially completed application for amendment for your use. Please sign the application and return it to this office with a \$10.00 filing fee within 10 days of the date of this letter in order that we can issue your license.

If you do not concur with these findings, please contact us within the 10-day period.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

47-7080

BDF:DR
cc: May, May & Sudweeks
P.O. Box 105
Twin Falls, Idaho

FIELD REPORT

3. Water will be used for the following purposes:

Other uses: _____

- Max Rate of Diversion .12 cubic feet per second and annual volume _____ AF/Annum.

- Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ County _____

Other Points of Diversions: _____

Description of diverting works: Artesian well.

Measuring device required: yes ☐ no ☒

- [illegible]

TOTAL ACREAGE _____

Permit No. 47-7080

Examination for B/U

R. 17 E.

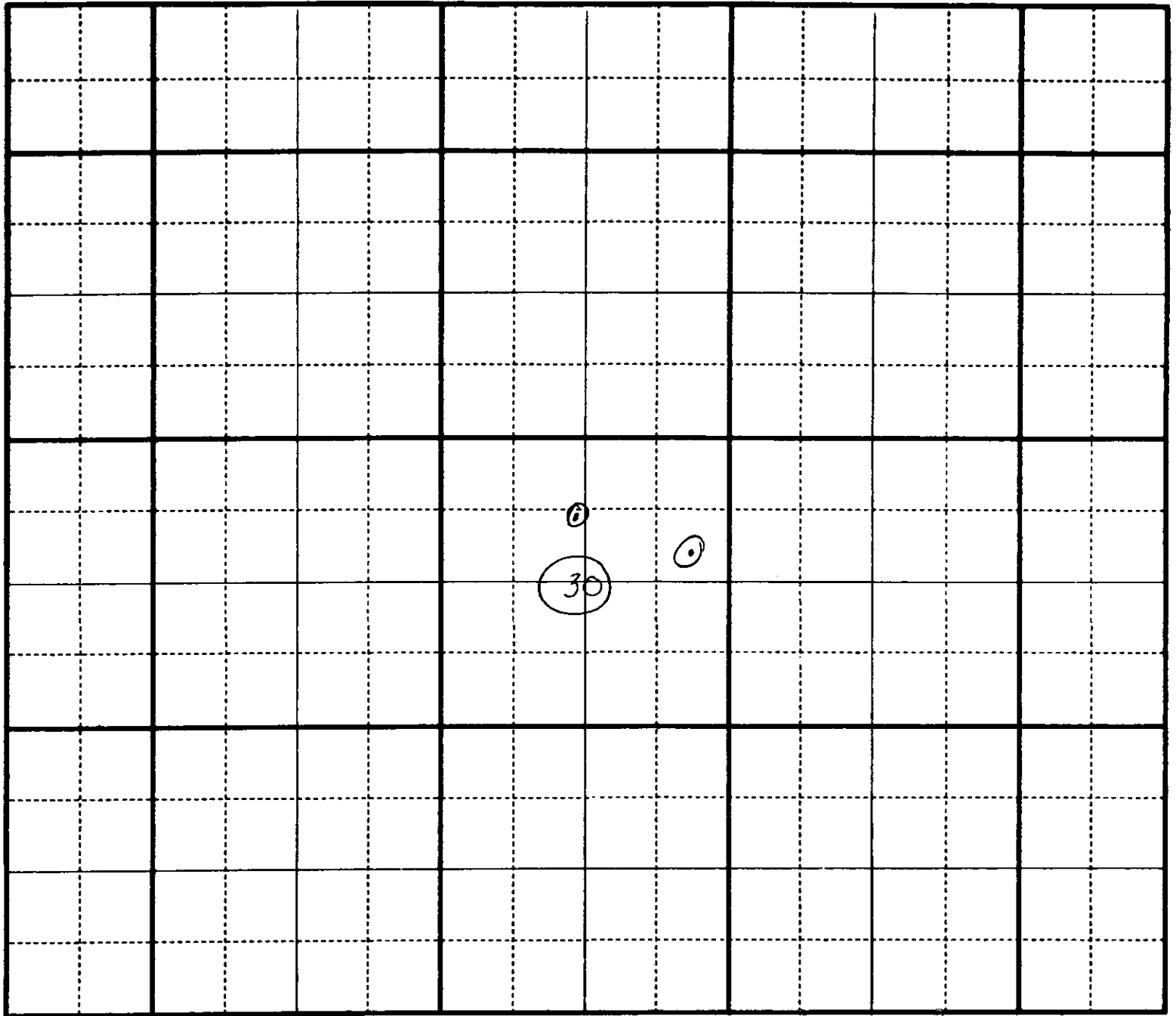
T.
'6
S.

Diagram of System

LJ- 200
1- 63

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Date JUNE 23, 1971 DISCHARGE MEASUREMENT NOTES

ARTESIAN WELL River at JOHNIE KUEST

[illegible]

No. 17 of 7080 Sheets. Comp. by 17 Chk. by 7080

DATE OF EXAM JUNE 23, 1971

ACREAGE

Found _____
Recommended _____

Irrigation Requirement Ac Ft/Ac

USE

Irrigation Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Domestic Q = .025 c.f.s. V = 18.2 AF/Ann. from JAN. 1 to DEC. 31
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
USED FOR HEATING GREEN HOUSE (INDUSTRIAL)
ALSO FOR HOUSEHOLD USE

Is water co-mingled? yes_____ no X

Name source: _____
 twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
 _____ County

Exchange? yes_____ no. X

Name source exchanged with: _____
 twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
 County _____

Point of injection:

twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange:

twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 11.2 GPM = .025 cfs Method of measurement Pysmp

Total Q recommended .025-cs Meter No. R-378 Type Pym Condition 6000

Total V recommended 18.2 AF/ANNUM

Recommended Amendments:

P.D. _____ 16S, 17E, SEC. 30, ^{SE NW} (NW 1/4, SE 1/4)

Place of Use _____ 16S, 17E, SEC. 30, (NW 1/4, SE 1/4)

Other _____

None _____

MEASUREMENT CALCULATION:

$$(0.025 \text{ cfs}) (2 \text{ AF/CFS-DAY}) (365 \text{ DAYS}) = 18.2 \text{ AF/ANNUM.}$$

SYSTEM DESCRIPTION:

ON: ARTESIAN WELL 8" PIPE WITH 4" DISCHARGE PIPE

REMARKS:

Examiner's Signature Paul A. Clayton Date June 24, 1971

Checked by _____ Date 7/1/01

Approved by _____ Date _____

47 7080

June 27, 1972

Re: 47-2451 & 47-7080

MAY, MAY & SUDWEEKS
P.O. Box 105
Twin Falls, Idaho 83301

Gentlemen:

Pursuant to your request, please find enclosed two assignment forms for the above referenced permits.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

ERVIN E. BALLOU
Water Resource Examiner
Northern District

EEB/dg

Enclosures

47-7080

April 28, 1971

Re: Permit No. 47-7080

Mr. Johnnie Kuest
P.O. Box 1254
Twin Falls, Idaho 83301

Dear Mr. Kuest:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed you will find an Order of Reinstatement reinstating this permit; please note that the priority has been advanced to September 24, 1969.

Before a license can be issued, a field examination must be made by a representative from this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Order of Reinstatement

17 7080

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

APR 15 1971

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Administration

1. a) Name of Permit Holder Johnnie Kuest
b) Post Office Address Box 1254 , Twin Falls, Idaho
2. Permit Number 47-7080
3. Date of Priority that you are prepared to establish ~~October 30, 1969~~
4. a) Source from which water was appropriated under ground
b) Location of the point of diversion: SE 1/4 NE 1/4, Section 30
Township 16 S, Range 17 E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
amount .06 for Domestic purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount .06 for Industrial purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated .12 cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Artesian well
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
c) Give well drillers name and address and date the well was completed October 20, 1969
Gene Walker, 624 Pierce St., Twin Falls, Idaho
Well depth, 240 ft., 10" casing to 135' - 8" casing to 170'. Water temp., 105 Deg.
Pressure, 6 lb.

Exam typed 4-28-71. (CR)

47 7080

17 7080

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres irrigated _____

10. Remarks: _____

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

4-14-71
(Date)

Johnnie Kuest
(Signature)

State of Idaho)
County of Idaho) ss.

On this 14th day of April, 19 71, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Dr. Susan Smith
Notary Public residing at Boise, Idaho

My commission expires Jan 19, 1973

March 19, 1971

Re: Permit No. 47-7080

Mr. Johnnie Kuest
Post Office Box # 1254
Twin Falls, Idaho 83301

Dear Mr. Kuest:

Apparently, we misunderstood your original intentions. The indication from previous correspondence was that you intended to irrigate the plants within your greenhouse. There would possibly be sufficient volume in your permit to allow the Department to process an amendment for this purpose. However, the amendment application you have submitted proposes the irrigation of 160 acres of ground. We would suggest that if you wish to use the well for this purpose, you must file a new application for permit in order to obtain sufficient volume. We are enclosing an application for permit that has been partially completed for your consideration.

At present, your permit has lapsed for failure to submit adequate proof of beneficial use. We would ask that you complete item 4, 5a and 5b of the beneficial use affidavit.

Please bear in mind that we are under a mandatory permit system for ground water appropriations. This means that the only use of ground water that can be made is that covered by a valid permit and license. Also, commercial irrigation within the greenhouse is not covered by your permit. Therefore, unless adequate proof of beneficial use is received immediately, your permit will have lapsed and cannot be reinstated, and we will be required to issue an order closing your well. We are enclosing a copy of Permit No. 47-7080 for your use in this matter.

We also wish to advise you that if you wish to have your amendment processed, you must submit a \$5.00 filing fee.

Your clarification in these matters is required on or before April 19, 1971.

Very truly yours,

Donald W. McEldoway
Appropriation Supervisor

DWM:cm

Enclosures

47-7080

APPLICATION FOR AMENDMENT

Comes now _____ of (address) _____

No. _____, and requests that the permit and permit map be changed as follows:

1. Point of diversion: _____ ¼ _____ ¼, Sec. _____, T. _____, R. _____, B.M. Other points of diversion _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

mo. - day mo. - day

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

3. Place of use or land to be irrigated:

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

17 7080

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.

Sorry, we couldn't get
this in any sooner, because
of snow and bad road -
getting into town -
Johnnie Ford

Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at _____, this _____ day of _____, 19____.

(signature)

ACTION OF STATE RECLAMATION ENGINEER

I, _____, State Reclamation Engineer of the State of Idaho,
hereby _____

Witness my hand this _____ day of _____, 19____.

State Reclamation Engineer

November 30, 1970

Re: Permit No. 47-7080

Mr. Johnnie Kuest
P.O. Box 1254
Twin Falls, Idaho 83301

Dear Mr. Kuest:

We are in receipt of the affidavit of beneficial use which you submitted in connection with the above referenced permit. However, we must return it as it is unacceptable.

Under item 4b of the affidavit, the point of diversion must be filled in. Under item 5a, you must list an amount of water for the irrigation of your greenhouse. Please be advised that if the irrigation is being used for commercial use, then you will be required to submit an amendment to the permit. We are enclosing an amendment form for your use in this matter.

The affidavit must be corrected and returned to this department on or before January 1, 1971 in order that your permit does not lapse and be of no further force or effect.

If you have any questions, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

47-7080

DWM/DG

Enc: affidavit of beneficial use
amendment form

47-7080

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse — Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

November 4, 1970

Re: Permit No. 47-7080

Mr. Johnnie Kuest
P.O. Box 1254
Twin Falls, Idaho 83301

Dear Mr. Kuest:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit 47-7080 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within sixty days from the date of this notice of lapsing.

R. KEITH HIGGINSON
Director

RKH:DR

47-7080

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered

☐ Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

22140

INSURED NO.

DATE DELIVERED

1

2

3

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

SHOW WHERE DELIVERED (only if requested)

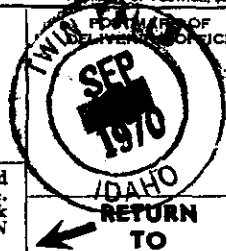
SEP 2 1970

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

655-16-71548-10

502-Lh



INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**

NAME OF SENDER

Dept. of Water Administration

STREET AND NO. OR P.O. BOX

Statehouse - Annex 2

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

POD Form 3811 Apr. 1967

September 1, 1970

Re: Permit No. 47-7080

Mr. Johnnie Kuest
P.O. Box 1254
Twin Falls, Idaho 83301

Dear Mr. Kuest:

One of the conditions of the approval of your Permit No. 47-7080 was that proof of application of the water to beneficial use be submitted to this office on or before November 1, 1970.

Enclosed is an affidavit form which must be used to submit proof of beneficial use. You may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended.

Either the proof affidavit or a request for 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.



Director

Enc: Proof affidavit
dr

CERTIFIED MAIL

#12140

47-7080

October 23, 1969

Re: Permit No. 47-7080

Mr. Johnnie Kuest
P. O. Box 1254
Twin Falls, Idaho 83301

Dear Mr. Kuest:

We enclose a copy of your approved application for permit 47-7080
in which we direct your attention to the limitations and conditions as given
on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosures: Copy of permit
1 letter

47 7080

September 3, 1969

Re: Claim to a Water Right No. 47-4004 - Johnnie Kuest
Application for Permit No. 47-7080 - Johnnie Kuest

Times News
Box 548
Twin Falls, Idaho

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 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 of Reclamation, along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Legal notices (2)

**NOTICE OF APPLICATION
FOR WATER**

Notice is hereby given that Johnnie Kuest, Box 1254, Twin Falls, Idaho, has on August 26, 1969, applied for permit under application No. 47-7080 to divert .12 cubic feet per second of water from a ground-water source. Water will be diverted by well, pump and pipe within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30, T. 16 S., R. 17 E., B. M., Twin Falls County and is to be used from January 1 to December 31 for industrial and domestic purposes in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30, T. 16 S., R. 17 E., B. M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON,
State Reclamation Engineer
Published in the Times-News, Twin Falls, Idaho, on September 11 and September 18, 1969.

9-9-69. *[Signature]*

47 7000

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Johnnie Kuest, Box 1254, Twin Falls, Idaho,

has on August 26, 1969,

applied for permit under application No. 47-7080

to divert store .12 cubic feet per second acre feet
of water from a groundwater source .

Water will be diverted by well, pump and pipe

within the SPANISH, Sec. 30, T. 16 S, R. 17 E, B.M., Twin Falls County

and is to be used from January 1 to December 31 for industrial and
domestic purposes

in the ~~SE~~ ^{SW} ~~1/4~~ Sec. 30, T. 16 S, R. 17 E, B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Times News, Twin Falls, Idaho
on September 11 and September 18, 1969

4. 2.

47 7020