

State of Idaho
Department of Water Resources

Maximum Diversion Rate: 0.18 CFS
Maximum Diversion Volume: 32.7 AF

1837 TAGHEE LANE
POCATELLO ID 83202

has complied with the terms and conditions

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.18 CFS	32.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	0.1 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
	Totals	0.18 CFS	32.7 AF

SENE , Sec. 2, Township 06S, Range 33E
POWER County

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	33E	2	SENE	8			8

Total number of acres irrigated: 8

STOCKWATER, same as IRRIGATION use

DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.

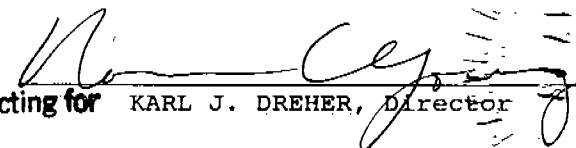
State of Idaho
Department of Water Resources**Water Right License**

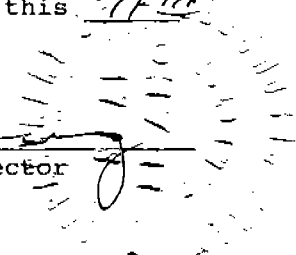
WATER RIGHT NO. 29-07709

CONDITIONS OF APPROVAL AND REMARKS

4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 17th
day of JUNE, 1998.


Acting for KARL J. DREHER, Director



RECEIVED

JUN 10 1998

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 29-07709**Date of Priority:** May 13, 1983**Maximum Diversion Rate:**

0.18 CFS

Maximum Diversion Volume:

32.7 AF

Comes now

MICHAEL E LISH

SHELLEY L. LISH

1837 TAGHEE LANE

POCATELLO ID 83202

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 29-07709, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.18 CFS	32.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	0.1 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
	Totals	0.18 CFS	32.7 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 2, Township 06S, Range 33E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	33E	2	SENE	8		8

Total number of acres irrigated: 8

PLACE OF USE:

STOCKWATER, same as IRRIGATION use

PLACE OF USE:

DOMESTIC, same as IRRIGATION use

Permit holder asserts 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 8 day of June, 1998.

Michael E Lish
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-07709

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 5000 Received by KS # 604253 Date 6/10/98

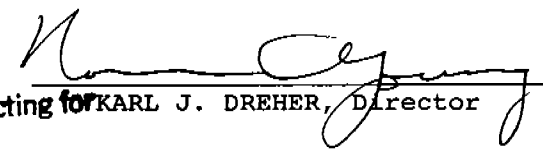
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 29-07709 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

Witness my hand this 11TH day of JUNE, 19 98.


Acting for **KARL J. DREHER, Director**

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	29-7709	Boswell, Ken Marilyn R.	0.20 total
Full Assignment	29-7709	Lish, Michael E. Shelley L.	0.20 total

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 29-07709

Proposed Priority: May 13, 1983

Maximum Diversion Rate:

0.20 CFS

This is to certify, that **KEN BOSWELL**
MARILYN R. BOSWELL
RT. 1 BOX 93G
CHUBBUCK, ID 83202

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.20 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWSE Sec. 2, Township 06S, Range 34E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	34E	2	NWSE	10		10

Total number of acres irrigated: 10

PLACE OF USE: STOCKWATER, same as IRRIGATION use

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 1990**.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-07709

CONDITIONS/REMARKS:

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

14th day of August, 1989.

J. Glen Saxton
for R. Keith Higginson, Director

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED
APR 16 1990

Department of Water Resources

I, KENNETH W. BOSWELL, hereby assign to Michael E. and Shelley L. Lish
of 1837 Taghee Lane Pocatello, Idaho 83202
Address

All my right, title, and interest in and to Permit No. 29-07709
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 14 day of February, 19 90.

Kenneth W. Boswell
Permit Holder

Marilyn R. Boswell
Spouse of Permit Holder

State of Idaho)
County of Bannock) ss

On this 15 day of Feb, 19 90, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Robert S. Frank
Notary Public residing at _____

s e a l

My commission expires:

6/1/92

THIS DEED OF TRUST, Made this 1st day of May, 19 89, BETWEEN

MICHAEL E. LISH AND SHELLEY L. LISH, HUSBAND AND WIFE herein called GRANTOR, whose address is 246 Adams Chubbuck, Idaho 83202
FIRST AMERICAN TITLE COMPANY OF POCA TELLO, INC. an Idaho corporation, herein called TRUSTEE, and POCA TELLO RAILROAD FEDERAL CREDIT UNION, herein called BENEFICIARY,
WITNESSETH: That Grantor does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO TRUSTEE, IN TRUST, WITH POWER OF SALE, that property in the County of Power State of Idaho, described as follows and containing not more than twenty acres:

Lot 3 in Block 1 of TAGHEE SUBDIVISION, POWER COUNTY, IDAHO, as the same appears on the official plat thereof, filed in the office of the County Recorder of said County.

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits,
For the Purpose of Securing payment of the indebtedness evidenced by a promissory note, of even date herewith, executed by Grantor in the sum of **TWENTY SIX THOUSAND EIGHT HUNDRED AND NO/100*****~~(\$26,800.00**)~~26,800.00**), final payment due May 5, 2001
and to secure payment of all such further sums as may hereafter be loaned or advanced by the Beneficiary herein to the Grantor herein, or any or either of them, while record owner of present interest, for any purpose, and of any notes, drafts or other instruments representing such further loans, advances or expenditures together with interest on all such sums at the rate therein provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the Beneficiary, and provided, further, that it is the express intention of the parties to this Deed of Trust that it shall stand as continuing security until paid for all such advances together with interest thereon.

A. To protect the security of this Deed of Trust, Grantor agrees:

1. To keep said property in good condition and repair; not to remove or demolish any building thereon; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay when due all claims for labor performed and materials furnished therefor; to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon; not to commit or permit waste thereof; not to commit, suffer or permit any act upon said property in violation of law; to cultivate, irrigate, fertilize, fumigate, prune and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.
2. To provide, maintain and deliver to Beneficiary fire insurance satisfactory to and with loss payable to Beneficiary. The amount collected under any fire or other insurance policy may be applied by Beneficiary upon any indebtedness secured hereby and in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected or any part thereof may be released to Grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.
3. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; and to pay all costs and expenses, including cost of evidence of title and attorney's fees in a reasonable sum, in any such action or proceeding in which Beneficiary or Trustee may appear.
4. To pay; at least ten days before delinquency all taxes and assessments affecting said property, when due, all encumbrances, charges and liens, with interest, on said property or any part thereof, which appear to be prior or superior hereto; all costs, fees and expenses of this Trust. In addition to the payments due in accordance with the terms of the note hereby secured the Grantor shall at the option, and on demand of the Beneficiary, pay each month 1/12 of the estimated annual taxes, assessments, insurance premiums, maintenance and other charges upon the property, nevertheless in trust for Grantor's use and benefit and for the payment by Beneficiary of any such items when due. Grantor's failure so to pay shall constitute a default under this trust.
5. To pay immediately and without demand all sums expended by Beneficiary or Trustee pursuant to the provisions hereof, with interest from date of expenditure at eight per cent per annum.
6. Should Grantor fail to make any payment or to do any act as herein provided, then Beneficiary or Trustee, but without obligation so to do and without notice to or demand upon Grantor and without releasing Grantor from any obligation hereof, may: make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary or Trustee being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; pay, purchase, contest or compromise any encumbrance, charge or lien which in the judgment of either appears to be prior or superior hereto; and, in exercising any such powers, or in enforcing this Deed of Trust by judicial foreclosure, pay necessary expenses, employ counsel and pay his reasonable fees.

B. It is mutually agreed that:

1. Any award of damages in connection with any condemnation for public use of or injury to said property or any part thereof is hereby assigned and shall be paid to Beneficiary who may apply or release such moneys received by him in the same manner and with the same effect as above provided for disposition of proceeds of fire or other insurance.
2. By accepting payment of any sum secured hereby after its due date, Beneficiary does not waive his right either to require prompt payment when due of all other sums so secured or to declare default for failure so to pay.
3. At any time or from time to time, without liability therefor and without notice, upon written request of Beneficiary and presentation of this Deed and said note for endorsement, and without affecting the personal liability of any person for payment of the indebtedness secured hereby, Trustee may: reconvey all or any part of said property; consent to the making of any map or plat thereof; join in granting any easement thereon; or join in any extension agreement or any agreement subordinating the lien or charge hereof.
4. Upon written request of Beneficiary stating that all sums secured hereby have been paid, and upon surrender of this Deed and said note to Trustee for cancellation and retention and upon payment of its fees, Trustee shall reconvey, without warranty, the property then held hereunder. The recitals in any reconveyance executed under this deed of trust of any matters or facts shall be conclusive proof of the truthfulness thereof. The grantee in such reconveyance may be described as "the person or persons legally entitled thereto."
5. As additional security, Grantor hereby gives to and confers upon Beneficiary the right, power and authority, during the continuance of these Trusts, to collect the rents, issues and profits of said property, reserving unto Grantor the right, prior to any default by Grantor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, to collect and retain such rents, issues and profits as they become due and payable. Upon any such default, Beneficiary may at any time without notice, either in person, by agent, or by a receiver to be appointed by a court, and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of said property or any part thereof, in his own name sue for or otherwise collect such rents, issues and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees, upon any indebtedness secured hereby, and in such order as Beneficiary may determine. The entering upon and taking possession of said property, the collection of such rents, issues and profits and the application thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

6. Upon default by Grantor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, all sums secured hereby shall immediately become due and payable at the option of the Beneficiary. In the event of default, Beneficiary shall execute or cause the Trustee to execute a written notice of such default and of his election to cause to be sold the herein described property to satisfy the obligations hereof, and shall cause such notice to be recorded in the office of the recorder of each county wherein said real property or some part thereof is situated.

Notice of sale having been given as then required by law, and not less than the time then required by law having elapsed, Trustee, without demand on Grantor, shall sell said property at the time and place fixed by it in said notice of sale, either as a whole or in separate parcels and in such order as it may determine, at public auction to the highest bidder for cash in lawful money of the United States, payable at time of sale. Trustee shall deliver to the purchaser its deed conveying the property so sold, but without any covenant or warranty express or implied. The recitals in such deed of any matters or facts shall be conclusive proof of the truthfulness thereof. Any person, including Grantor, Trustee, or Beneficiary, may purchase at such sale.

After deducting all costs, fees and expenses of Trustee and of this Trust, including cost of evidence of title and reasonable counsel fees in connection with sale, Trustee shall apply the proceeds of sale to payment of: all sums expended under the terms hereof, not then repaid, with accrued interest at eight per cent per annum; all other sums then secured hereby; and the remainder, if any, to the person or persons legally entitled thereto.

7. This Deed applies to, inures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, successors and assigns. The term Beneficiary shall mean the holder and owner of the note secured hereby; or, if the note has been pledged, the pledgee thereof. In this Deed, whenever the context so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

8. Trustee is not obligated to notify any party hereto of pending sale under any other Deed of Trust or of any action or proceeding in which Grantor, Beneficiary or Trustee shall be a party unless brought by Trustee.

9. In the event of dissolution or resignation of the Trustee, the Beneficiary may substitute a trustee or trustees to execute the trust hereby created, and when any such substitution has been filed for record in the office of the Recorder of the county in which the property herein described is situated, it shall be conclusive evidence of the appointment of such trustee or trustees, and such new trustee or trustees shall succeed to all of the powers and duties of the trustee or trustees named herein.

Request is hereby made that a copy of any Notice of Default and a copy of any Notice of Sale hereunder be mailed to the Grantor at his address hereinbefore set forth.

X *Michael E. Lish*

X *Sherley L. Lish*

STATE OF IDAHO, COUNTY OF Bannock

On this 1st day of May, 19 89,
before me, a Notary Public in and for said State, personally
appeared

MICHAEL E. LISH AND SHELLEY L. LISH

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.

James Erickson
Notary Public,
Residing at Pocatello Idaho.

STATE OF IDAHO, COUNTY OF

I HEREBY CERTIFY That this instrument was filed for record at
the request of

at _____ minutes past _____ o'clock M.,
this _____ day of _____
19 _____, in my office, and duly recorded in Book _____
of Mortgages at page _____

Ex-Officio Recorder.

By _____ Deputy

Fees. \$ _____
Mail to: _____

DEED OF TRUST
WITH POWER OF SALE

GRANTOR
FIRST AMERICAN
TITLE COMPANY OF POCATELLO,
INC.
TRUSTEE

BENEFICIARY

Dated _____, 19 _____

FIRST AMERICAN TITLE COMPANY
OF POCATELLO, INC.
755 North Main Street
Pocatello, Idaho 83201

THE PROMISSORY NOTE OR NOTES, AND ANY EVIDENCES OF FURTHER AND/OR
ADDITIONAL ADVANCES MUST BE PRESENTED WITH THIS REQUEST

To FIRST AMERICAN TITLE COMPANY OF POCATELLO, INC.

Idaho,

, 19

Trustee:

You are hereby authorized and requested to execute a reconveyance hereunder and deliver same to

The undersigned hereby certifies that
the owner and holder of the debt mentioned in said deed of trust and that the same has never been assigned or transferred.

Address _____

Telephone No. _____

Form 217
03/86

RECEIVED
APR 16 1990

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received _____
Date _____
Receipt # 0016325
Receipt by _____
Reviewed by _____
Sent to region _____

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

Permit No. 29-07709

Name(s) of Permit Holder: Michael E. and Shelley L. Lish

Post Office Address: 1837 Taghee Lane Pocatello, Idaho 83202

Telephone No. (208) 238-1793

Source of Water: Groundwater

Extent of Use:

Domestic ONE (number of households) Stockwater 10 (number and type of stock)

Irrigation 10 (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 0.20 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 1978

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No
Fee enclosed \$ 50.00
(See License Examination Fee Schedule)

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

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

Michael E. and Shelley L. Lish (208) 238-1793
(Name) (Telephone Number)

1837 Taghee Lane Pocatello, Idaho 83202
(Address)

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

April 6, 1990
Date

Michael E. Lish and Shelley L. Lish
Signature of Permit Holder (and title, if appropriate)

Affidavit of Publication

RECEIVED

JUN 30 1989

State of Idaho

County of Power

Department of Water Resources
Eastern District Office

Erma Crompton being first duly sworn on oath, states:

That she is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 14th day of June 1989 and the date of last publication being the 21st day of June 1989.

(Signed)

Erma Crompton

State of Idaho

County of Power

On this 26th day of June in the year of 1989, before me, a Notary Public, personally appeared Erma Crompton, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Brett Crompton

Notary Public for Idaho

Residing at American Falls, Idaho

My commission expires: June 8, 1993

Water right applications

Published in The Power County Press June 14 and 21, 1989.

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

29-07707
BOSWELL, CLYDE G.
RT.1, BOX 93H
POCATELLO, ID 83201

Source: GROUNDWATER
Diversion Pt: NWSE Sec 2 T 06S R 3 4 E
Use: IRRIGATION (.200 CFS)
DOMESTIC (.040 CFS)
Date Filed: 5/13/1983
In: T06S R34E S02 NWSE
11.0 ACRES TOTAL

29-07709
BOSWELL, KEN
BOSWELL, MARILYN R.
P.O. BOX 136
AMERICAN FALLS, ID 83211

Source: GROUNDWATER
Diversion Pt: NWSE Sec 2 T 06S R 3 4 E
Use: IRRIGATION (.200 CFS)
STOCKWATER (.020 CFS)
DOMESTIC (.040 CFS)
Date Filed: 5/13/1983
In: T06S R34E S02 NWSE
10.0 ACRES TOTAL

29-07721
MECHAM, RUTH JOANNE
STAR RT.
POCATELLO, ID 83202

Source: GROUNDWATER
Diversion Pt: NENE Sec 18 T 06S R 3 3 E
Use: IRRIGATION (.160 CFS)
DOMESTIC (.040 CFS)
Date Filed: 6/08/1983
In: T06S R33E S18 NENE
8.0 ACRES TOTAL

29-07722
BIG SKY WATER USERS ASSOC.
STAR RT. BOX 92-A
POCATELLO, ID 83202

Source: GROUNDWATER
Diversion Pt: SWSE Sec 6 T 06S R 33E
Use: IRRIGATION (3.200 CFS)
STOCKWATER (.050 CFS)
Date Filed: 6/07/1983
In: T06S R33E S06 NESE NWSE
SWSE SESE
160.0 ACRES TOTAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Ken and Marilyn R Boswell Phone 237-9259
Rt. 1, Box 936, Taghee Rd, CHUBBUCK, IDA 83202
Post office address P.O. Box 136 Am Falls Ida 83211
2. Source of water supply ground water which is a tributary of _____
3. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 2 Township 6 S
Range 34 E B.M. Power County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 for domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.20 for irrigation purposes from May 15 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 for stockwater purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.20 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 8" dia. well - 1162' deep
static water level 55' - 3hp. sub pump - delivery
system to home and sprinkler irr.
b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____
Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)
c. Proposed well diameter is 8" inches; proposed depth of well is 1162 feet.

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

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 2 Township 6 S
Range 34 E B.M.

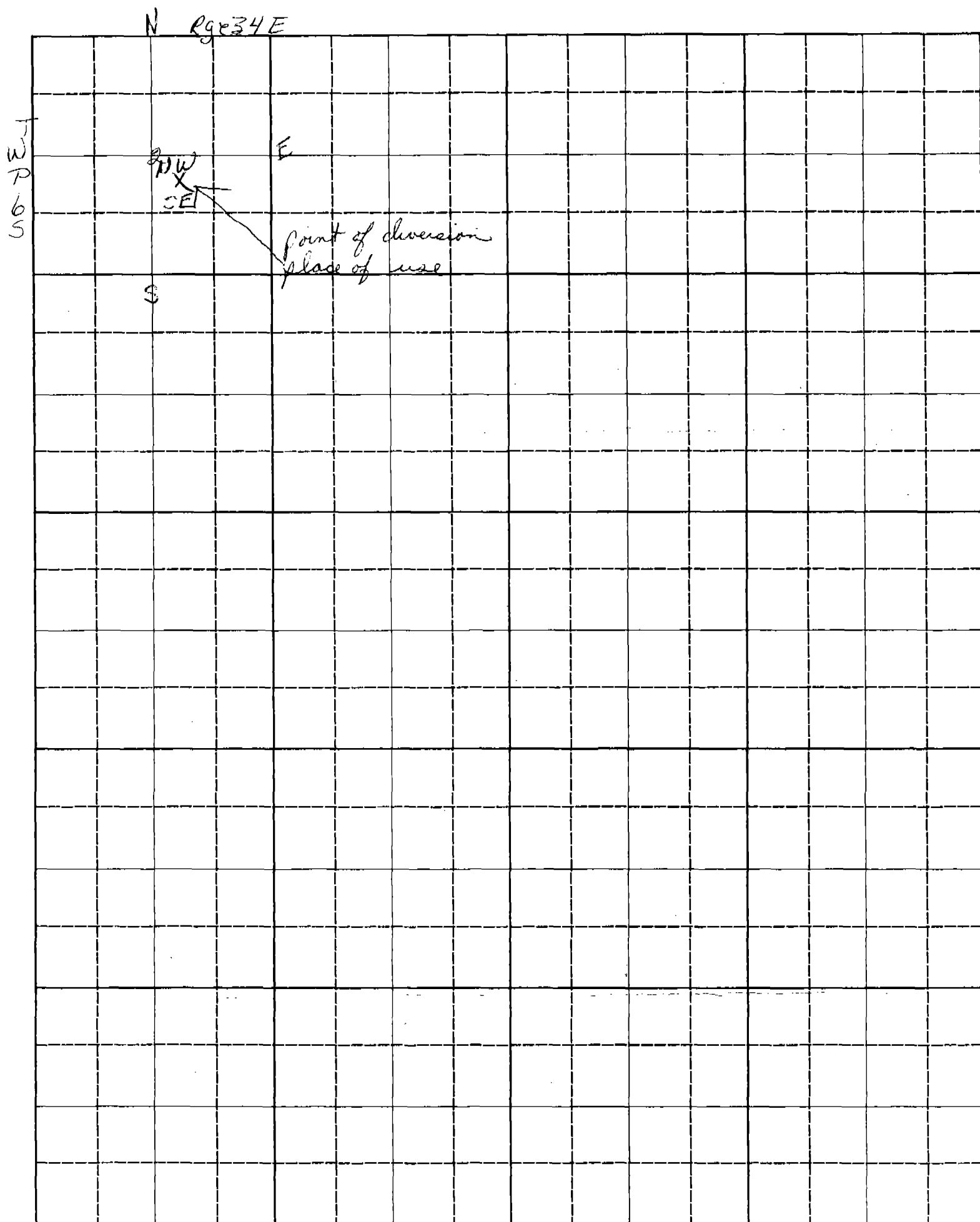
(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered 3 head horses and
6 head cattle

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 1.

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

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.

Ken Boswell
(Applicant)
Marilyn R. Boswell

Received by EMC Date 5-13-83 Time 10:45.
Preliminary check by KCW Fee \$ 30.00
Receipted by BF Date 5/13/83 # 26221
Publication prepared by GB Date 6-6-89
Published in Powder County Press
Publication dates 6-15 & 22, 89
Publication approved AW Date 7-5-89
Protests filed by: none

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

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

Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

June 11, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MICHAEL E LISH
SHELLEY L. LISH
1837 TAGHEE LANE
POCATELLO ID 83202

RE: WATER RIGHT NO. 29-07709

Dear Water Right Holder(s):

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the printed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:klt

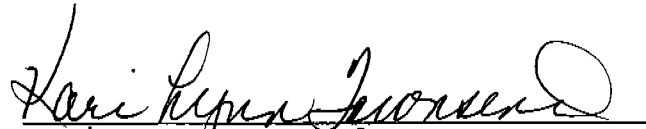
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the **11th** day of **June, 1998**, I mailed
a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 29-07709

MICHAEL E LISH
SHELLEY L. LISH
1837 TAGHEE LANE
POCATELLO ID 83202


Kari Lynn Townsend
Secretary



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

May 27, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MICHAEL E LISH
SHELLEY L. LISH
1837 TAGHEE LANE
POCATELLO ID 83202

RE: WATER RIGHT NO. 29-07709

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has been actually developed. I have not yet received the amendment. If I do not receive it within 14 days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin.

Enclosed for your convenience is another amendment form. Please note that the filing fee for this amendment is \$50.00. If you have any questions, please call me at (208) 327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

May 11, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SHELLEY LISH
1837 TAGHEE LANE
POCATELLO ID 83202

RE: Water Appropriation Permit 29-07709

Dear Shelley:

Thank you for calling this afternoon in response to my request that you amend your water appropriation permit. As we discussed, I have enclosed copies of the following items from your water right file.

- Application for Permit filed in 1989 by Ken and Marilyn Boswell.
- Permit to Appropriate Water issued to Ken and Marilyn Boswell in 1989.
- Proof of Beneficial Use form submitted by you in 1990. Shows that you submitted an examination fee of \$50.00.
- Beneficial Use Field Report completed by Keith Wilson in 1996. Includes maps showing the location of your property.

When reviewing this information, please note that the point of diversion and place of use descriptions on the permit document match the descriptions submitted by the Boswells on the handwritten application form.

The location indicated; NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T6S, R34E, B. M.; is between the Fort Hall Main Canal and Interstate 15 north of Chubbuck Road. The actual location of your property, as reported by the field examiner, is SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, T6S, R33E, B. M. I have no way of knowing whether the Boswells were mistaken or whether they decided to develop the water use in a different location than originally intended.

If you agree with the findings of the field examiner, please sign and return the amendment form with the \$50.00 filing fee, which is required by statute. If you disagree, please send me information showing why you disagree so that I can document your water right file. I would appreciate a response within fourteen days. The sooner this matter is resolved, the sooner your water right license can be issued.

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

Respectfully,

A handwritten signature in cursive script that reads "Shelley Walter Keen".

Shelley Walter Keen
Water Rights Supervisor

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

May 4, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MICHAEL E LISH
SHELLEY L. LISH
1837 TAGHEE LANE
POCATELLO ID 83202

RE: WATER RIGHT NO. 29-07709

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that the point(s) of diversion and place(s) of use developed are in locations other than what was described on your permit. Therefore, before a license can be issued, your permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the point(s) of diversion and place(s) of use and other information as it will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MEMORANDUM

TO: File 29-07709

FROM: Sharla

DATE: April 28, 1998

RE: Licensing Recommendation Adjustments

The adjustments to licensing recommendations for Permit No. 29-07709 are as follows:

H. RECOMMENDATIONS

Irrigation	4/1 - 10/31	0.16 cfs	32.0 afa
Stockwater	1/1 - 12/31	0.02 cfs	0.1 afa
Domestic	1/1 - 12/31	0.02 cfs	0.6 afa
	TOTALS	0.18 cfs	32.7 afa

The domestic use is for in-house use only; the rate and volume have been calculated accordingly. The standard irrigation season for this area is 4/1 - 10/31.

Examiner: Keith Wilson
Exam Date: May 28, 1996

LICENSE REVIEW CHECKLIST

PERMIT NO. 29-07709 DATE 4/28/98 REVIEWER: SHARLA

NAME Change/OK
 Address OK
 SOURCE OK Does change clarify orig. intended source? If no, Void permit

POINT OF DIV Chg ☒ Change (Para P39 - gov P40/P47) ☐ Add (P45/P42)
 W32 (multiple in 1/4)
 W36 (overlap)
 W59 (subd. desc)

Overlaps: Right(s): 7707 is not overlapping
 File reviewed ☐ Profile reports printed ☐

PLACE OF USE Chg ☒ Change (P41 - gov P43/P47) ☐ Add (P41/P42)
 W60 (subd. desc)
 W27 (ppu acre limit)

Overlaps: Right(s): ☐
 File reviewed ☐ Profile reports printed ☐

RATE OF DIV
 Permitted Rate .20 cfs
 Fee limit .20 cfs \$50.00
 Measured 18 cfs (60' wft, 50 psi)
 Theoretical 14 cfs (75' wft, 60 psi)
 Recommended Total Div Rate 18 cfs

WATER USES	<u>OK</u>				
<u>W</u>	<u>.16</u>	cfs	<u>8x4=32</u>	af	Irrig - overlap (R58-R61, R62-R65, R66-R69)
<u>Stock</u>	<u>.02</u>	cfs	<u>.1</u>	af	supp. gw (WB7/065/079)
<u>Dom.</u>	<u>.02</u>	cfs	<u>.6</u>	af	overlap spec. combined rts (W35)
		cfs		af	<1acre (W31)
		cfs		af	(W01/WB5/070/071/075)
		cfs		af	Domestic (W42 or W43/025/027/R22 or R23)
TOTALS	<u>.18</u>	cfs	<u>32.7</u>	af	Power (077) Wtr Quality (081/R07)

Flow rate .16 cfs X 214 days X 1.98 = 67.8 af

REMARKS _____

ADD'L CONDITIONS ☐ Watermaster Control WD# _____
☐ GW Measurement/Measuring Device
☐ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority ☐ yes ☒ no SRBA Claim N/A Adjust Memo on season dom rate vol.
 Amend letters P37, P38, P47

RECEIVED

SEP 11 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 29-7709

1. Owner: Michael E. Shelley L. Lish Phone No. (208) 238-1793

Current Address: 1837 Taghee Lane, Pocatello, ID 83202

2. Accompanied by: Michael Lish EXAM DATE: 28 May 96

Address: SAME Phone No. SAME

Relationship to Permit Holder:

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use:

2. Other water rights with the same point of diversion:

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

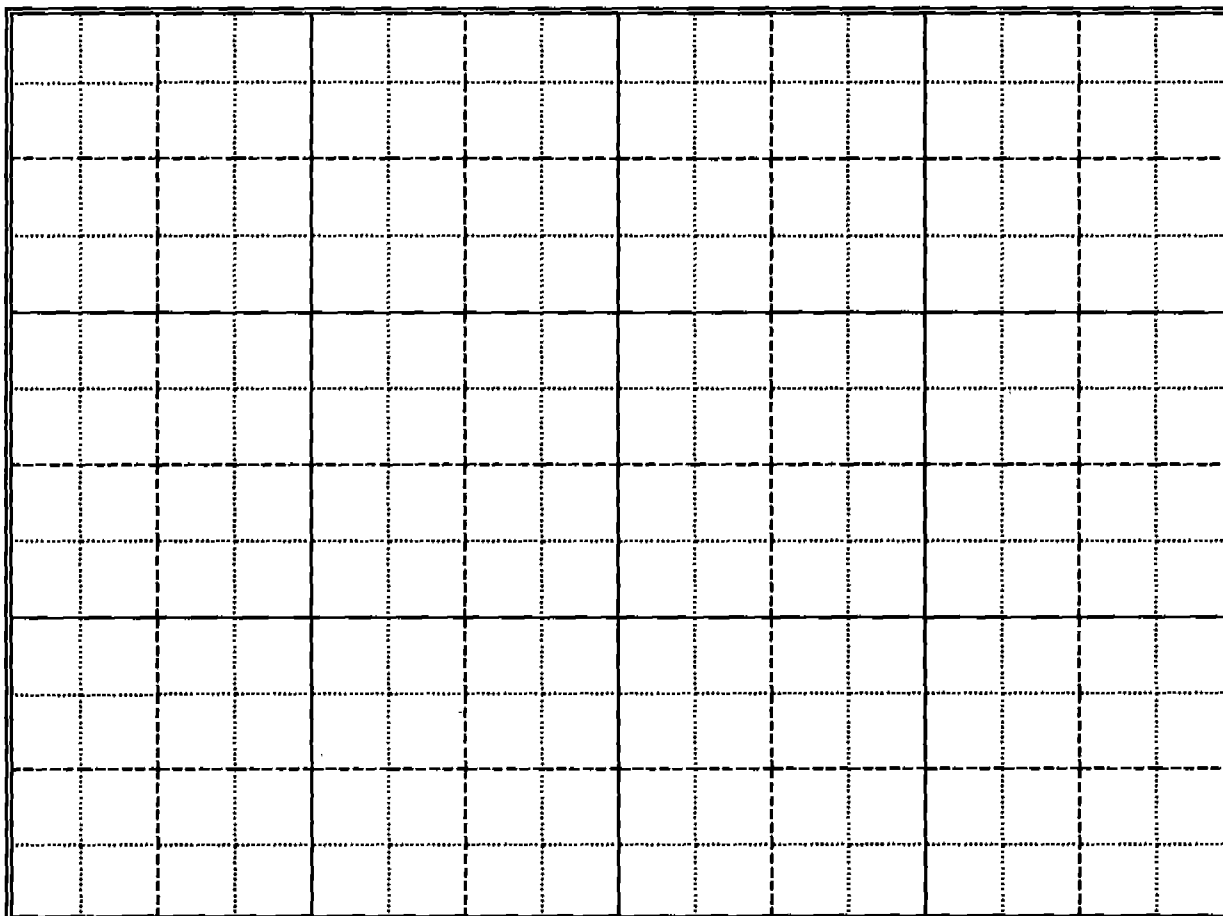
[illegible]

2. Place(s) of Use:

Indicate Method of Determination

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Jacuzzi	5	-	Jacuzzi	-

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: 18 - 9/16" nozzle at pressure 55 psi



E. NARRATIVE/REMARKS/COMMENTS

Well ^{Submersible} pump mainline to ⁽¹⁾ pressure tanks for single Domestic home, stock
troughs (2) Mainline to laterals w/ sprinklers

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: @ 55psi 9/64" nozzle delivers 4.37gpm

$$(18 \text{ nozzles})(4.37 \text{ gpm}) = 78.7 \text{ gpm} = 0.175 \text{ cfs} = 0.18 \text{ cfs}$$

$$Q_{\text{LIMITED}} = 0.02 \text{ cfs/ac} (8 \text{ ac}) = 0.16 \text{ cfs}$$

$$Q_{\text{STOCK}} = 0.02 \text{ cfs}$$

$$Q_{\text{DOMESTIC}} = 0.04 \text{ cfs}$$

G. VOLUME CALCULATIONS**1. Volume Calculations for Irrigation:**

$$V_{\text{I.R.}} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 8 \text{ ac} (4 \text{ af}) = 32.0 \text{ af}$$

$$V_{\text{D.R.}} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.16 \text{ cfs} (214) (1.9835) = 67.9$$

$$V = \text{Smaller of } V_{\text{I.R.}} \text{ and } V_{\text{D.R.}} = 32.0 \text{ af}$$

2. Volume Calculations for Other Uses:

$$V_{\text{Dom}} = 1.2 \text{ af}$$

$$V_{\text{Stock}} = 10 (0.0134) = 0.1 \text{ af}$$

(10 various)

H. RECOMMENDATIONS**1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
DOMESTIC (1 unit)	1/1	12/31	0.04 cfs	1.2 af
STOCKWATER (various)	1/1	12/31	0.02 cfs	0.1 af
IRRIGATION	4/1	11/1	0.16 cfs	32.0 af
Totals:			0.18 cfs	33.3 af

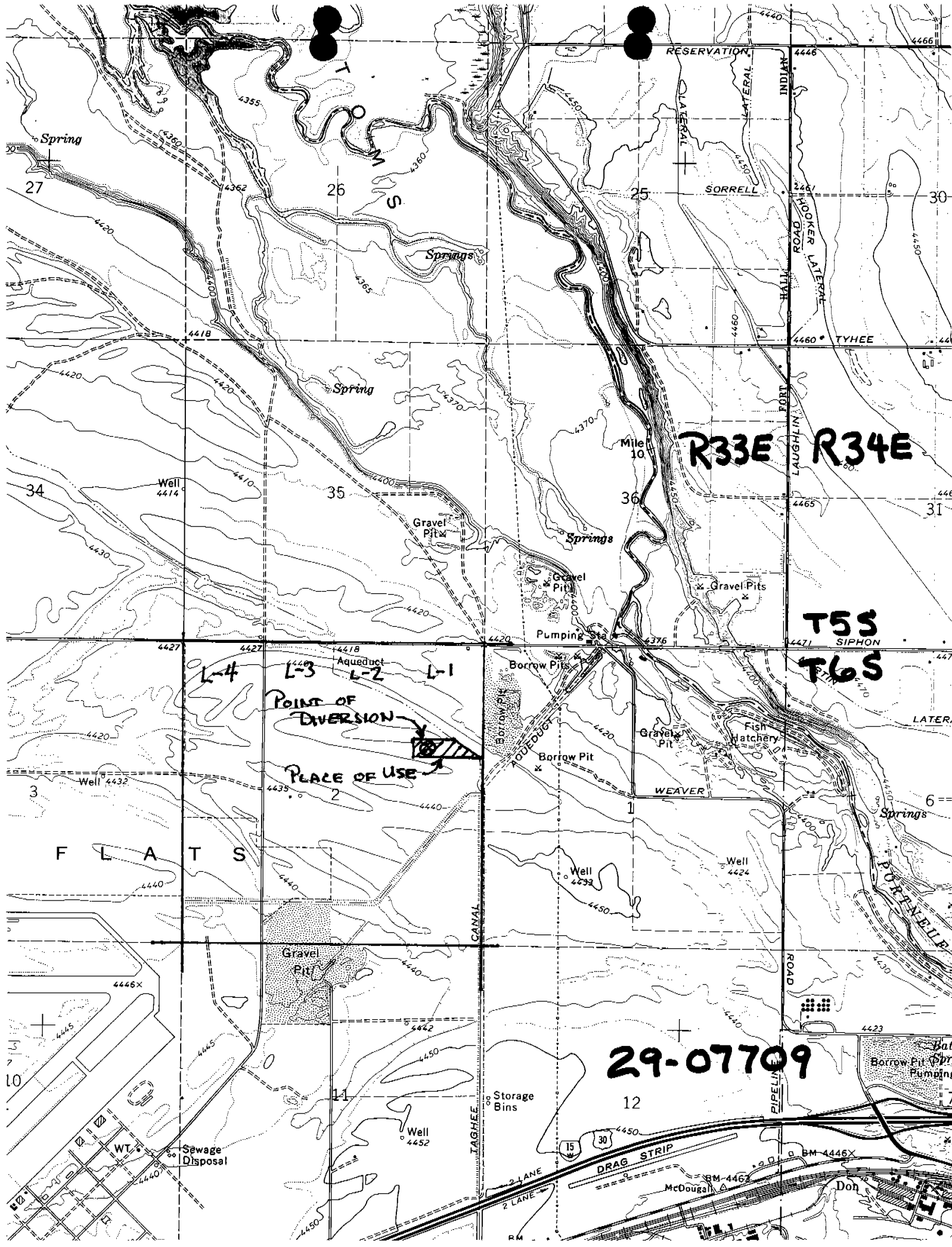
2. Recommended Amendments

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

I. AUTHENTICATIONField Examiner's Name KEITH C. WILSON Date 5-28-1996

Reviewer _____ Date _____

SEAL



R33E R34E

T5S
T6S

POINT OF
DIVERSION

PLACE OF USE

29-07709

Lot 4

Lot 3

Lot 2

Lot 1

R33E

T
6
S

2

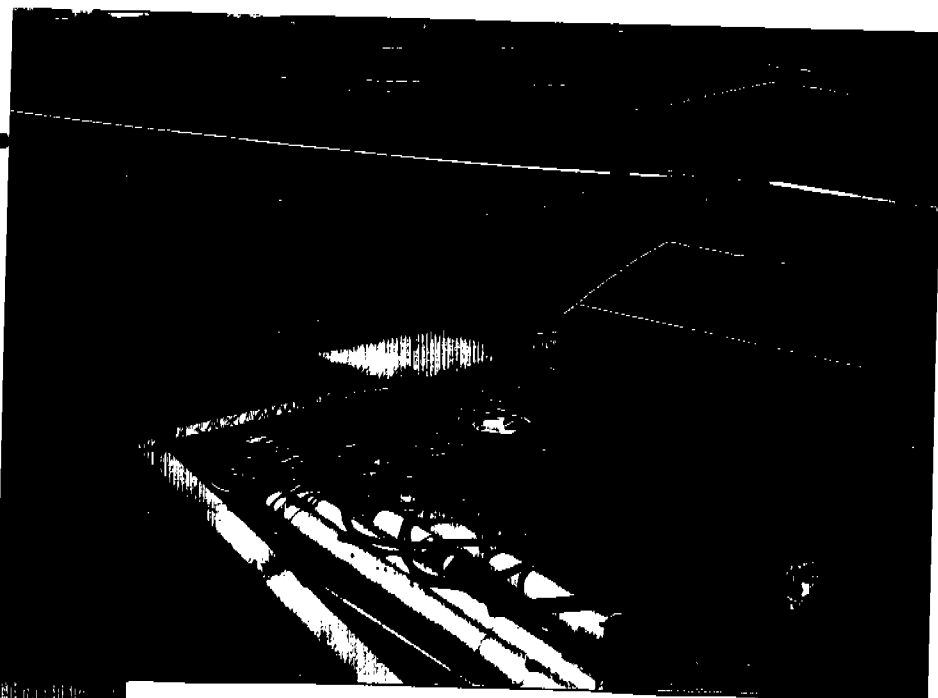
Point of Intersection

Place of the

2 1
11 12

29-07709

IRRIGATION
SYSTEM



POINT OF DIVERSION

IRRIGATION VALVE

29-07709

August 3, 1990

Michael E. and Shelley L. Lish
1837 Taghee Lane
Pocatello, ID 83202

Dear Mr. and Mrs. Lish:

Re: Permit No. 29-07709

This office acknowledges receipt of the assignment conveying the above referenced permit to you. The assignment has been entered into the department's records.

The department received the proof of beneficial use form. The next step is for the department to conduct the field inspection to confirm and determine the extent of beneficial use. I cannot tell just when the representative from our Eastern Regional office will conduct the exam, but he will try to contact you or your representative prior to being in the area.

If you have questions regarding the field inspection, contact the regional office at 525-7161.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

c: region

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 29-7709

Date: 7-23-90

General Considerations:

y Name same as permit
y Signature the same as permit holder
y Address change _____ If yes, prepare a data entry
y Proof received timely
_____ Reinstated

Source of Water:

y Surface water
y Groundwater
No 1. well log in file
No 2. drilling permit
N/A A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

y Rate of diversion appropriate for uses
y Is rate or volume and fee appropriate?
y Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

N/A Is a measuring device or access port required?
N/A Has one been installed?
N/A Waiver or modification of measuring device requested

Remarks:

*Proof acceptable
Acknowledge assign.*

N/A Priority Calculation:

Date proof received	_____	_____
Date proof due	_____	-
No. of days late	_____	=
Priority date	_____	+
NEW PRIORITY DATE	_____	=

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

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

Statehouse
Boise, Idaho 83720
(208) 334-7900
August 15, 1989

KEN BOSWELL
MARILYN R. BOSWELL
RT. 1 BOX 93G
CHUBBUCK, ID 83202

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

RE: PERMIT NO. P29-07709

Dear Permit Holder:

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

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: KC Wilson

APPLICATION NUMBER: 29 7709

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.

Field check by: _____

Date: _____

Comments: _____

- ☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☒ Yes ☐ No Other rights on same place of use. 29-2395
☒ Yes ☐ No In form for advertising.
Final date for protests: 7-3-89
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 6-30-89
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 01-P05
5-13-83 Date of priority recommended.
Special conditions of approval or cover letter. _____

App. in NONTRUST area -
allow 1 yr. to develop - see statement below

By: HET

Date: 7-6-89

STATE OFFICE REVIEW:

P0.5, P23, P16 48 49 46

- ☐ See attached sheet for more information.

By: KW

Date: 8/3/89

RECEIVED
JUL 10 1989

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv.
lot (R) REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv.
lot (R) REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv.
lot (R) REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv.
lot (R) REACH

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv.
lot (R) REACH

IDAHO STREAM CODE INDEX

0 1 1 0

07-Jun-1989

Ken and Marilyn R. Boswell
Rt. 1, Box 93 G
Tyhee Rd
Chubbuck, ID 83202

RE: Application for Permit No. 29-7709

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Power County Press. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

JUNE 6, 1989

THE POWER COUNTY PRESS
P.O. BOX 547
AMERICAN FALLS, ID 83211

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before JULY 3, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

NOTICE OF APPLICATION FOR WATER RIGHT

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

29-07709

BOSWELL, KEN
BOSWELL, MARILYN R.
P.O. BOX 136
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: NWSE Sec 2 T 06S R 34E

Use: IRRIGATION	(.200 CFS)
STOCKWATER	(.020 CFS)
DOMESTIC	(.040 CFS)

Date Filed: 5/13/1983

In: T06S R34E S02 NWSE

10.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JULY 3, 1989.

R. Keith Higginson, Director

Published 6/14/1989 & 6/21/1989

on as you know your new address, mail the card to all the people,
 businesses, and publications who send you mail.
 For publications, place an old address label over name and old address sections and
 complete new address.

Your name	Print or Type—Last Name, First Name, Middle Initial			
	Boswell Ken W			
Old Address	No. and Street	Apt. Suite No.	P.O. Box	R.D. No.
			136	
	Post Office State	ZIP Code		
	Cam Falls Ida	83211		
New Address	No. and Street	Apt. Suite No.	P.O. Box	R.D. No.
	Rt 1 Box 936 Tagher Rd			
	Post Office State	ZIP Code		
	Chubbuck Ida	83202		
Sign Here	Signature	Date new address in effect	Account No. (if any)	
	X Marklyn R. Boswell	5-2-86	29-7709	

PS FORM 3576, JAN. 1984 40,500 U.S. G.P.O. 1985-470-015 RECEIVER: Be sure to record the above new address in your address book at home or office.

CHANGE OF ADDRESS CARD FOR:
Correspondents
Publishers and
Businesses

Department of Water Resources

MAY 15 1986
Department of Water Resources
Eastern District Office

Name

State of Idaho Dept of Water Resources
Eastern Division
(For publishers, name of publication)

Address

150 Shoup Suite 15
(Include Apt. Suite No.)

Post Office

Idaho Falls State Ida ZIP 83402



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

August 13, 1985

RE: Application for Permit No. 29-7709

Ken Boswell
P.O. Box 136
American Falls, Idaho 83211

Dear Mr. Boswell:

In October of 1984, Idaho Power Company and the State of Idaho signed an agreement stating the Company's water rights would be subordinated to those persons who beneficially used water prior to October 1, 1984, and who filed an application or claim for said use by June 30, 1985.

To insure proper consideration of your application pursuant to the above agreement, follow the directions on the enclosed form and return it to this office when completed. For your benefit in identifying the point of diversion and place of use, included on the form is a description of the major items contained on the application.

Your cooperation in returning the completed form and supplemental documentation will expedite future administrative action on your application when processing of applications above Swan Falls resumes.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

RECEIVED
MAY 16 1985

FORM A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 29-7709
Name(s) of Permit Holder: Ken and Marilyn R. Boswell

Post Office Address: P.O. Box 136 Am Falls Ida
83211 Telephone No. 237-9259

Source of Water: well
Extent of Use: Domestic 1 (number of households)
Stockwater 15 Head (number and type of stock)
Horses - Cattle
Irrigation 10 (acres)
Other/Remarks _____

Indicate the date water was first diverted and beneficially used under this permit: July 21, 1979 well drilled & first used

Measuring Device: Required? Yes No
Installed? Yes No

Flow Measurement Port: Required? Yes No
Required? Yes No

Person to contact to accompany the Department representative during field examination: Ken or Marilyn R. Boswell (Name)

P.O. Box 136 Am Falls Ida 83211 (Address) 237-9259 (Telephone number) After 5:00 PM

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

March 9, 1985
Date

Ken R. Boswell
Signature of Permit
(and Title, if appropriate)

Marilyn R. Boswell

29-2209-

BOSWELL, KEN &/or MARILYN R.

P.O. BOX 136, AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Date Filed: 05/13/1983

Diversion Pt: NWSE Sec 02 T 06S R 34E

Use: IRRIGATION	(0.20 CFS)
STOCKWATER	(0.02 CFS)
DOMESTIC	(0.04 CFS)

In: NWSE Sec 02 T 06S R 34E FOR 10 ACRES