

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED
FEB 02 1995

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

1. Permit No. 29-07607 Telephone No. (208) 237-3669
2. Name(s) of Permit Holder(s): Lacey Vista Acres Water Corp.
3. Mailing Address: 14646 W. LACEY RD., POCA TELLO, ID 83202
4. Source of Water: Well (3) If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. 74-77 ?
- a. Well Driller: ARNOLD LUNDSTROM Drilling Permit Number: _____ - _____ - _____ - _____
- b. **OPTIONAL:**
Pump Horsepower: 7.5 (3) Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 60 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 160 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: .96 cfs OR _____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
- | | | |
|-------------------------------|--|---|
| Measuring Device: | Is a measuring device required? | Yes _____ or No _____ |
| | Has the measuring device been installed? | Yes _____ or No _____ |
| Flow Measurement Port: | Is a flow measurement port required? | Yes ☒ or No _____ |
| | Has the measurement port been installed? | Yes _____ or No ☒ |
8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: FRED McDANIEL Telephone Number: (208) 237-9068
Address: 14810 W. LACEY RD., POCA TELLO, ID 83202
10. The information given on this form 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.
LACEY VISTA ACRES WATER CORP.
- Signature of permit holder: Nelson Cooper, Sec. - Treas. Date: 1-31-95
(include your title, if on behalf of company of organization)

Microfilm
FEB 13 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPROVED PERMITS)
FOR THE APPROPRIATION OF GROUND)
WATER FROM THE EASTERN SNAKE RIVER)
PLAIN AQUIFER FOR WHICH PROOF OF)
BENEFICIAL USE HAS NOT BEEN)
SUBMITTED AND IS NOT PAST DUE)

**ORDER FOR TEMPORARY
STAY OF DEVELOPMENT AND
NOTICE OF FORMAL PROCEEDINGS**

The Director of the Idaho Department of Water Resources (Director), having responsibility for the administration of the appropriation of the water of the state of Idaho, the protection of rights to the use of water within the state, the protection of the public interest in the waters of the state and the conservation of the water resources of the state enters the following Findings of Fact, Conclusions of Law and Order for temporary stay; and provides the following notice of formal proceedings:

FINDING OF FACTS

1. On May 15, 1992, the Director issued an order establishing a moratorium on the processing and approval of applications for permit to appropriate water from all surface and ground water sources upstream from the USGS Gauge on the Snake River near Weiser, Idaho. On April 30, 1993, the Director issued an Amended Moratorium Order covering the Eastern Snake River Plain Aquifer. The 1994 session of the Idaho Legislature enacted section 42-1806, Idaho Code, requiring that the moratorium relating to the the Eastern Snake River Plain area shall continue in effect until December 31, 1997.

2. The state of Idaho has experienced seven (7) recent years of drought conditions resulting in lowered ground water levels and decreased discharge from surface water sources. The Idaho Legislature has authorized a study to examine the implications of these changes and the relationships between surface and ground water resources. The study is expected to be completed in approximately two (2) years.

3. Delivery calls have been made by the holders of senior-priority surface and ground water rights against the holders of junior-priority ground water rights from the Eastern Snake Plain Aquifer which could result in the curtailment of diversion and use of water under junior-priority ground water rights including rights which might otherwise be developed under permits which are the subject of this order and notice.

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FEB 13 1995

CONCLUSIONS OF LAW

1. Section 42-1805, Idaho Code, provides in part as follows:

In addition to other duties prescribed by law, the director of the department of water resources shall have the following powers and duties:

...

(7) After notice, to suspend the issuance or further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of minimum flow provisions of the state water plan.

2. Water Appropriation Rule 55.02. of the Department of Water Resources (IDAPA 37.03.08055.02) provides as follows:

02. PERMITS

a. To the extent a permit has not been developed, the director may cancel, or modify permits for which proof of beneficial use has not been submitted in a designated geographical area as an extension of Rule 55.01.

b. Notice of the director's action to cancel or modify permits shall be by:

i. Summary Order served by certified mail upon the affected permit holders in the designated area.

ii. Publication of the order for three (3) consecutive weeks in a newspaper or newspapers of general circulation in the area.

c. Objections to the director's action shall be considered under the department's adopted rules of procedure and applicable law.

3. Rule of Procedure 104 of the Department of Water Resources (IDAPA 37.01.01104) provides in part as follows:

Formal proceedings may be initiated by a document from the agency informing the party(ies) that the agency has reached an informal determination that will become final in the absence of further action by the person to whom the correspondence is addressed, provided that the document complies with the requirements of Rules 210 through 280.

4. Protection of prior rights to the diversion and use of surface and ground water of the Eastern Snake River Plain Aquifer

FEB 13 1995

and the Snake River may require that the further development of water under existing undeveloped permits be suspended indefinitely to assure that the effects and conditions caused by drought, changes in irrigation practices and resulting aquifer recharge, and diversion and use of ground water from the aquifer under prior established water rights are properly evaluated.

5. Section 42-204, Idaho Code, provides in part as follows:

Every holder of a permit which shall be issued under the terms and conditions of an application filed hereafter appropriating twenty-five (25) cubic feet or less per second must, within one (1) year from the date upon which said permit issues from the office of the department of water resources, commence the excavation or construction of the works by which he intends to divert the water, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted through no fault of the holder of such permit by circumstances, over which he has no control.

ORDER

IT IS THEREFORE, HEREBY ORDERED as follows:

1. The owners of all permits to appropriate ground water within the boundaries of the Eastern Snake Plain Aquifer, as that area is defined by Rule 50 of the rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11), shall, effective immediately upon receipt of this order, temporarily stop further development under the permit until the Director authorizes further development.

2. The owners of all permits for appropriation of ground water within the boundaries of the Eastern Snake River Plain Aquifer shall on or before February 1, 1995, either:

A. File proof of beneficial use to cover the extent of diversion and beneficial use of water that has been accomplished prior to receipt of this order; or

B. File a response with the Director in this proceeding to satisfy the requirements of either subparagraph 1) or 2) below:

1) Document with supporting information that a "substantial investment" has been made, prior to receipt of this order, in facilities to divert and beneficially use water under the permit that merits the granting of additional time to complete all or part of the project. Substantial investment means an actual expenditure or written commitment for development of the project which meets the following requirements:

FEB 13 1995

- a) The actual expenditure or written commitment for the diversion and related equipment must equal or exceed the amount of fifteen thousand dollars (\$15,000) or exceed twenty five (25) percent of the estimated cost of the system for diverting and beneficially using the water, whichever is less; and
- b) The actual expenditure or written commitment must have been made before receipt of this order.

2) Request an indefinite stay in the development period for the project, or any part of the project for which a substantial investment has not been made, until the conditions that resulted in this order have been alleviated if such should ever occur. Upon approval of any such stay, no further development is to occur until such time as the department has issued an extension of time setting a date for completion of the project.

3. Failure to submit either proof of beneficial use or a satisfactory response shall result in cancellation of the permit without further notice.

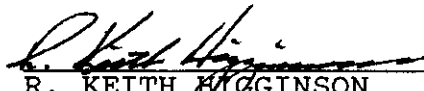
4. Before receiving approval for either additional time to complete a project under subparagraph 2.B.1) or a stay under subparagraph 2.B.2) above, the owner of the permit shall provide information to demonstrate compliance with the provisions of Sections 42-204, Idaho Code, with respect to commencing and diligently proceeding to develop the project authorized under the permit.

5. This order does not prevent the Director from reviewing continued development of a permit on a case-by-case basis if,

a. The Director determines that protection and furtherance of the public interest justifies continued development of a permit; or

b. The Director determines that continued development and use of water will have no effect on prior water rights because of its location, insignificant consumption of water or mitigation provided by the permit holder to offset injury to other rights.

Dated this 9TH day of NOVEMBER, 1994.


R. KEITH MCGINSON
Director

RECEIVED

FEB 13 1995

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 29-07607

Proposed Priority: July 15, 1981 Maximum Diversion Rate: 0.96 CFS
This is to certify, that **LACEYS VISTA ACRES WATER CORP.**

C/O RALPH L. WALKER
1717 EAST LACEY ROAD
POCATELLO, 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	04/01 to 11/01	0.60 CFS
DOMESTIC	01/01 to 12/31	0.36 CFS
	Totals	0.96 CFS

LOCATION OF POINT(S) OF DIVERSION:

SESW Sec. 32, Township 05S, Range 34E
SWSE Sec. 31, Township 05S, Range 34E
BANNOCK 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>
05S	34E	31	SWSE 7.5	SESE 7.5		15
		32	SWSW 7.5	SESW 7.5		15

Total number of acres irrigated: 30

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 **August 1, 1995**.
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. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is completed.

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State of Idaho
Department of Water Resources**Permit To Appropriate Water**

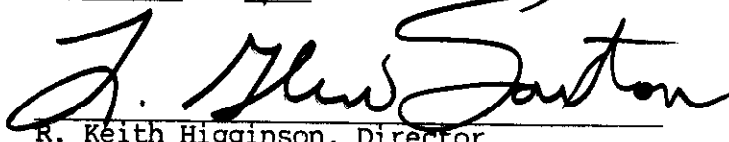
NO. 29-07607

CONDITIONS/REMARKS:

7. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
8. 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.
9. The maximum rate of diversion for irrigation purposes under this permit shall not exceed 0.60 cfs.
10. This permit is subject to the agreement dated July 9, 1990, between permit holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.
11. Domestic use is for 60 homes.

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

22nd day of August, 1990.

for 
R. Keith Higginson, Director

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant LACEY'S VISTA ARROW WATER CORP. Phone 237-6580
Post office address 14511 West
40 RALPH L. WALKER, 1717 EAST LACEY ROAD. POSTVILLE, 83202
2. Source of water supply Groundwater which is a tributary of —
3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 32 Township 55
Range 34E B.M. BANNOCK County, additional points of diversion if any: —
SWSE SEC 31, T.55, R.34E.

4. Water will be used for the following purposes:

- RYAN
Amount .36 for DOMESTIC purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
0.60
Amount 3.20 for IRRIGATION purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

- a. 3.56 0.96 cubic feet per second and/or b. — acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. 3 WELLS AND LINES TO HOMES.

RYAN * Changes as per conf. 7-9-90 HWT

- 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 1 @ 182' feet. 2 @ 152'

7. Time required for the completion of the works and application of the water to the proposed beneficial

use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

- a. If water is not for irrigation:

(1) Give the place of use of water: SE SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 32 Township 55
SW SW

Range 34E B.M.

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

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

- (4) Name of municipality to be served —, or number of families to be supplied with domestic water 59-60.

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

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	34E	31															~~1.5~~ 40	~~1.5~~ 40	80 15
		32											~~7.5~~ 40	~~7.5~~ 40					80 15
																			80 15
																			80 15
																			80 15
																			80 15
																			80 15
																			80 15
																			80 15
																			80 15

Total number of acres to be irrigated 160 30

c. Describe any other water rights used for the same purposes as described above. NONE

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

b. Who owns the land to be irrigated or place of use APPLICANT (SERVES HOMES WITH DOMESTIC WATER.)

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

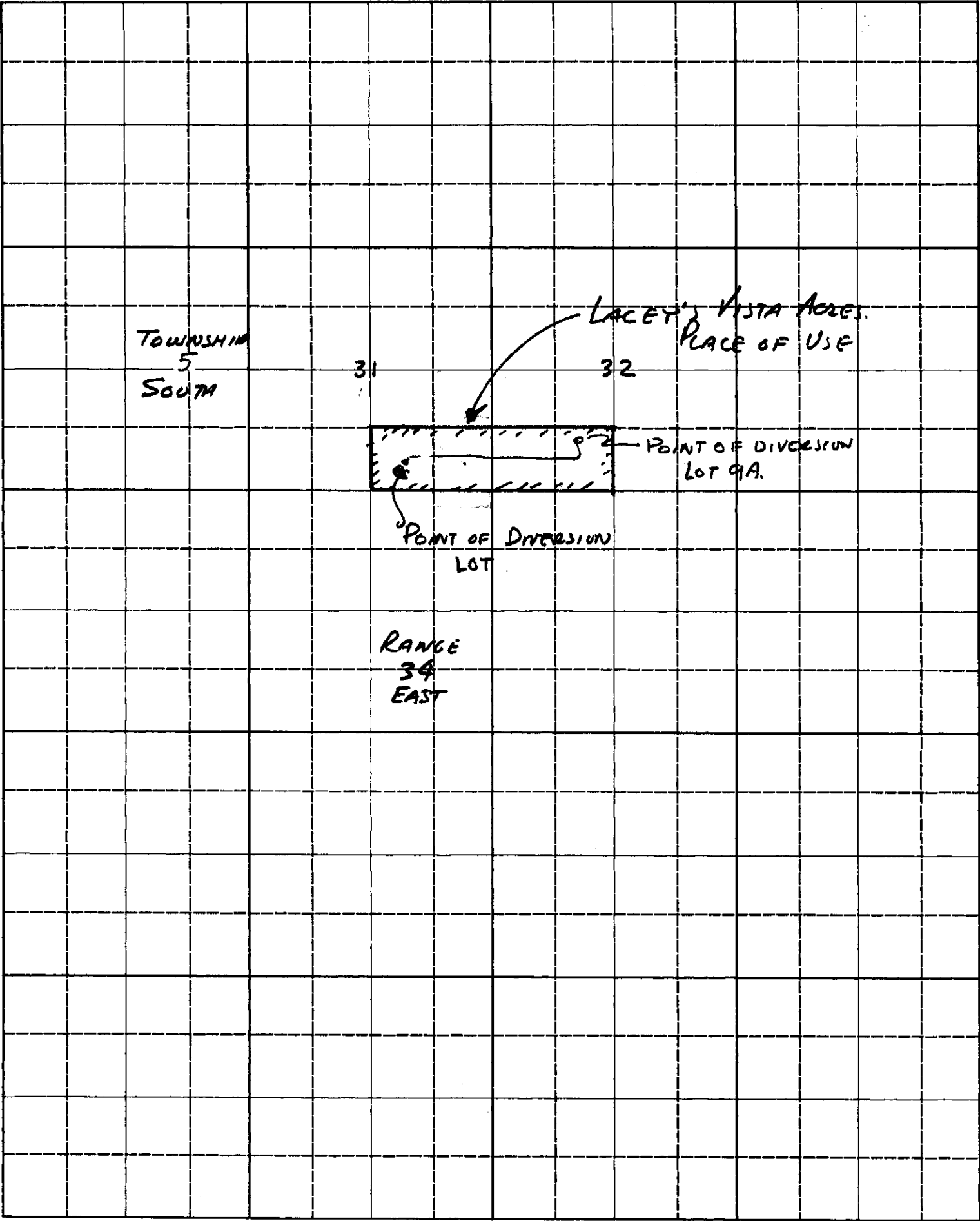
10. Remarks Water use restricted to "Domestic" use For 60 lots which includes up to 1/2 acre of irrigation per lot.

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VE 301

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 I, **MICROFILMED**, do hereby make application for permit to appropriate the public waters of the State of Idaho.

SEP 04 1990

LACEY'S VISTA ACRES WATER CORP.
SCOTT N. JONES, CHAIRMAN - Bd of Directors
Scott N. Jones 7/14/81
(Applicant)
GEORGE HOGGE, PRESIDENT
George Hogge 7-15-81

10500

Received by Emc S.M. Date 7/15/81 Time 3:00 pm
Preliminary check by HWT Fee \$ 105.00
Receipted by kw Date 7/15/1981 # 17790
Publication prepared by kw Date 7/23/81
Published in Idaho State Journal
Publication dates 7/30 & 8/06/81
Publication approved kw Date 7/27/81 & 8/31/81
Protests filed by: Rm Whittier, Attorney for
Ray J. Lacey, Esperanza & Lacey
Wain & Alma Garrett, Jerry M. & Harriet J. Lacey
Copies of protests forwarded by _____
Conf.
Hearing held by RDC Date 7-9-1990
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

MICROFILMED

SEP 04 1990

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Jeri Larsen

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

July 30	1981	19
August 6	1981	19
	19	19
	19	19
	19	19

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Jeri Larsen

Subscribed and sworn to before me this 11th

day of August, 1981

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

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Department of Water Resources
Eastern District Office

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PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Jeri Larsen

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

NOTICE OF APPLICATION FOR WATER RIGHT

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

29-7607

LACEY'S VISTA ACRES WATER CORP.
C/O RALPH L. WALKER, 1717 EAST
LACEY ROAD, POCATELLO, ID. 83202

Source: GROUNDWATER

Date Filed: 07-15-1981

Amount: 3.56 CFS

Diversion Point: SESW Sec 32 T 05S R
34E SWSE Sec 31 T 05S R 34E, BANNOCK
Co.

Use: IRRIGATION (3.20 CFS) from 04-01
to 11-01

DOMESTIC (0.36 CFS) from 01-01 to 12-31

Place of Use: SWSE SESE Sec 31 T 05S R
34E SWSW SESW Sec. 32 T 05S R 34E
FOR 160 ACRES

Diversion Means: 3 WELLS & PIPE-
LINE.

If issued, the permit(s) will be subject to
all prior water rights. Protests against
the granting of any permit must be filed
with the Director of the Idaho Depart-
ment of Water Resources, 150 Shoup Ave.,
Idaho Falls, Idaho 83402 on or before
AUGUST 17, 1981.

S-A KENNETH DUNN

Director

July 30, August 5, 1981

No. 956

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

July 30, 1981

August 6, 1981

, 1981

, 1981

, 1981

That said paper has been continuously and uninterruptedly published
in said County for a period of seventy-eight weeks prior to the publication
of said notice or advertisement and is a newspaper within the meaning
of the laws of Idaho.

Subscribed and sworn to before me this

11th

day of August, 1981

[Signature]

[Signature]

Notary Public, State of Idaho

Residence: Pocatello, Idaho

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SEP 6 1981

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Department of Water Resources
Eastern District Office

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 29-07607 Reviewed by [Signature] Date 2-3-95

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
no Address same as permit?
no Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

 Surface water source
✓ Ground water source
no Drilling permit required?
 Copy in the file? Drilling Permit No.
 Amount paid for permit Correct?
 Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
100.00 Amount Submitted
yes Correct?
yes Required?
no Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>
Date proof due	<u> </u>
No. of days late	<u> </u>
Priority Date	<u> </u>
New Priority Date	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address 14646 W. Lacey Rd. Proof Made 2-2-95
Pocatello, Id 83202



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 6, 1995

LACEY VISTA ACRES WATER CORP
14646 W LACEY RD
POCATELLO ID 83202

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 29-07607

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls, at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

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State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 9, 1994

LACEYS VISTA ACRES WATER CORP.
C/O RALPH L. WALKER
1717 EAST LACEY ROAD
POCATELLO ID 83202

RE: Water Right No. 29-07607

Certified Mail No. 141742

Dear Water Right Holder(s):

Enclosed is a copy of an Order for Temporary Stay of Development and Notice of Formal Proceedings in connection with the above referenced water right permit. Also enclosed is a form and instructions for filing proof of beneficial use of water.

If you have questions related to the order and its effect upon your permit, please feel free to contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

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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) 327-7900
August 22, 1990

LACEYS VISTA ACRES WATER CORP.
C/O RALPH L. WALKER
1717 EAST LACEY ROAD
POCATELLO, 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. 29-07607

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.

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

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Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

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

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

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SEP 04 1990

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

29 7607

INITIAL REVIEW BY: HWT

APPLICATION NUMBER:

29-7607

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.
☐ 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.

Field check by: _____

Date: _____

Comments: _____

*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: kw

Date: 7-27

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: Aug. 17
☒ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: Aug. 12-1981
☒ 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
7-15-81 Date of priority recommended.
Special conditions of approval or cover letter. _____

withdrawal

file copy discarded-

App. in NON-TRUST area -
OK to allow 5 yrs. to develop

By: HWT

Date: 7-24-90

STATE OFFICE REVIEW:

P05, P23, P03, P17

48 49 46 28 (irrig., 0.60 cfs)
26 01G 80A (July 19, 1990)

- ☐ See attached sheet for more information.

By: kw

Date: 8/21/90

RECEIVED

JUL 26 1990

July 20, 1990

RE: Application for Permit No. 29-07607

Lacey Vista Acres Water Corp.
c/o Ralph L. Walker
14511 West Lacey Road
Pocatello, ID 83202

Dear Mr. Walker:

This letter is to advise you that the protests filed against approval of the above referenced application have been withdrawn. The Department has resumed the processing of this application.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Right Supervisor

HWJ:CW

MICROFILMED

SEP 04 1990

July 20, 1990

RE: Application for Permit No. 29-07607 LACEY VISTA ACRES WATER

Jerry M. Lacey
Harriet J. Lacey
Rt. 1 North
West Lacey Road
Pocatello, ID 83202

Dear Mr. & Mrs. Lacey:

This letter is to acknowledge receipt of the withdrawal of protest against the above referenced application. The Department is now continuing processing of this application.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

MICROFILMED

SEP 04 1990

July 20, 1990

RE: Application for Permit No. 29-07607 LACEY VISTA ACRES WATER

Mr. R. M. Whittier
Attorney at Law
P.O. Box 4082
Pocatello, ID 83201

Dear Mr. Whittier:

This letter is to acknowledge receipt of the withdrawal of protest, from Roy J. Lacey, against the above referenced application. The Department is now continuing processing of this application.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

cc: Roy J. Lacey

MICROFILMED

SEP 04 1990

INTER-DEPARTMENT MEMO — 1

FROM H.W. Jones - Eastern

DATE 7-10-90

TO File 29-07607

SUBJECT

Protestants Wain & Alma Garrett were served notice through their listed attorney Frederick Lyon as to the conf. date for Apph. 29-07607. Response letter from Lyon states that Wain has passed away and Alma has moved. Alma is not listed in the Pocatello phone book at this writing. I feel proper notice has been served and recommend that this application be processed. **MICROFILMED**
noted on the protest withdrawn by Roy & Jerry Lacey.

[Signature]
SIGNATURE

IN THE MATTER OF)
APPLICATION FOR)
PERMIT 29-7607)
IN THE NAME OF)
LACEY VISTA ACRES)
WATER CORP.)

WITHDRAWAL
OF
PROTEST

The protestants object to any effort on the part of Lacey Vista Acres water CORP. to provide water for the irrigation of more than one-half ($\frac{1}{2}$) acre per lot. With the agreement of the applicant and their removal of any irrigation in excess of one-half ($\frac{1}{2}$) acre per lot from the application we agree to withdraw our protest to the approval of this application

signed at Pocatello, Idaho this
9th day of July 1990.

Roy J. Lacey
Jerry M. Lacey

MICROFILMED

SEP 04 1990

JULY 9, 1990

RANDY SMITH - ATTY - LACEY VISTA ACRES WATER CORP
MAX WITTIER - ATTY - ROY J. LACEY

APPLICATIONS.

29-7603 Roy & ESPENENZA LACEY

29-7607 LACEY VISTA ACRES WATER CORP.

60 - $\frac{1}{2}$ ACRE LOTS - Developed by Lacey
Roy Lacey - objects to use of water
for irrigation.

Jerry - domestic from Lacey Vista
Sacres has its own well.

EVERYTHING IS PRESENTLY UNDER SPRINKLER
FROM FORT HALL

well #2 has not been in use

Application 29-7607 reduced to limit

MICROFILMED

SEP 04 1990

29-7603 - LACEY
29-7607 - LACEY'S VISTA

Conference Room, Pocatello Municipal Airport
Pocatello, Idaho

Monday, July 9, 1990 - 10:00 a.m.

Hearing Officer: Ron Carlson

Name	Representing	Address
Randy Smith	Lacey Acres	P.O. Box 991
Gold L Walker	Lacey Acres	Pocatello, Ida.
Scott M Jones	Lacey Acres	14511 W Lacey Rd 83204
Gerry M. Lacey	Gerry M. Lacey protest	Pocatello ID
Roy J. Lacey	Roy J Lacey protest	14177 W. Lacey Rd.
Don Whitten	Roy & Esperanza Lacey	15045 West Lacey
Fred McDaniel	Lacey Acres	12411 NO Corey L
Larry Thomas	Lacey Acres	Pocatello
		Box 4084
		Pocatello Idaho 83205
		14810 W. Lacey Rd.
		14571 W Lacey Rd

MICROFILMED

SEP 14 1990

RECEIVED

JUN 29 1990

Department of Water Resources
Eastern District Office

Frederick C. Lyon
300 S. Straughan, #314
Boise, ID 83712
June 26, 1990

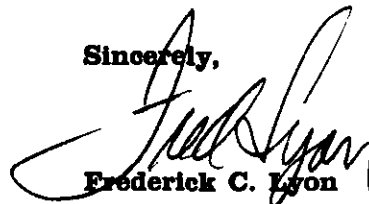
Ronald D. Carlson
Dept. of Water Resources
150 Shoup Avenue, Ste 15
Idaho Falls, ID 83401

07607
Re: Permit No. 29-07602-Lacey

Dear Mr. Carlson:

I am returning the combined notice of conference in this matter. I terminated the practice of law in August, 1982 and moved to Boise. I haven't represented Wain and Alma Garrett since that date and have had no contact with them. I had heard that Wain Garrett passed away and that Alma Garrett had moved; however, I have no address for them. I think you should afford their successors in interest an opportunity to present the protest, particularly since it has taken the department nine years to schedule the conference.

Sincerely,



Frederick C. Lyon

FCL:ph
Enclosures

MICROFILMED

SEP 04 1990

NAME AND ADDRESS OF SENDER

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. #15

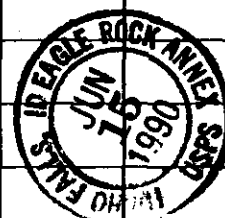
Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☒ Certified ☐ Express Mail

Check appropriate block for Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	DAHO FALLS, IDAHO 83402 Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee Remarks
	0453	2526 N. 665 E William & Barbara Rounsey, Montevideo	125	85					90			73-23197 31-2320
2	0454	Ray Whigley P.O. Box 250, Rexburg										
3	0455	Wale L. Cope, Montevideo										
4	0456	Russell Osborne, Terreton										
5	0457	Michael Austin, Montevideo										
6	0458	Gene Bane, Terreton										
7	0459	Barth Soderquist, Terreton										
8	0460	Leopold Weber 1717 E. Carey Rd Loc.			14x							31-23197/2320
9	0461	Fred McDaniel 1934 E. Carey Rd Loc.										29-7603/7607
10	0462	Ray J. Espersen Carey Rt 1 (Carey Lane)										
11	0463	R.M. Whittier P.O. Box 4082 Loc.										
12	0464	Frederick C. Ryan P.O. Box 207 Loc.										
13	0465	Jimmy Thapriel Carey Rt 1 No Loc.										
14	0466	Randy Smith, P.O. Box 991 Loc.										29-7603/7607
15												



MICROFILMED

SEP 04 1980

Total Number of Pieces Listed by Sender

14

Total Number of Pieces Received at Post Office

14

POSTMASTER, PER (Name of receiving employee)

[Signature]

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.

RECEIVED
JUN 18 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES

Department of Water Resources

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 29-07603 IN THE	)	
NAME OF ROY J. &/OR ESPERENZA E.	)	COMBINED
LACEY AND APPLICATION FOR PERMIT	)	NOTICE OF CONFERENCE
NO. 29-07607 IN THE NAME OF LACEY'S	)	
VISTA ACRES WATER CORP.	)	

On June 23, 1981, Roy J. and Esperenza E. Lacey filed with the Department of Water Resources application No. 29-07603 to appropriate the public waters of the State of Idaho. On July 14, 1981, the Department received a protest against approval of said application from Ralph L. Walker and Fred McDaniel, in behalf of Lacey's Vista Acres Water Corporation.

On July 15, 1981, Lacey's Vista Acres Water Corporation filed application No. 29-07607 to appropriate water from the State of Idaho. On August 5, 1981, a protest against approval of this application was received from R. M. Whittier, Attorney at Law, in behalf of Roy J. and Esperenza E. Lacey. Additional protests were received on August 14, 1981, from Jerry M. and Harriet Lacey and from Frederick C. Lyon, Attorney at Law, in behalf of Wain and Alma Garrett.

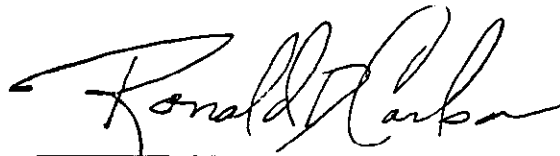
MICROFILMED

SEP 04 1990

The Department has scheduled the matter of protest for conference to be conducted at 10:00 a.m., Monday, July 9, 1990, in the Conference Room, Pocatello Municipal Airport, Pocatello, Idaho. Because of the similarities of the issues involved this conference has been combined. The conference will

be held in accordance with provisions of Chapter 2, Title 42, of the Idaho Code and adopted Rules of Practice and procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Dated this 15th day of June, 1990.

A handwritten signature in cursive script, appearing to read "Ronald D. Carlson".

RONALD D. CARLSON
Eastern Regional Manager

MICROFILMED

SEP 04 1990

MERRILL & MERRILL
CHARTERED
COUNSELORS AND ATTORNEYS AT LAW
SPAULDING BUILDING
POCATELLO, IDAHO 83204

A. L. MERRILL (1886-1961)
R. D. MERRILL (1893-1972)
W. F. MERRILL
G. T. DANCE
D. R. GALLAFENT
S. S. DUNN
D. R. WIGHT
N. R. SMITH
D. C. NYE
K. L. HAWKINS

April 6, 1990

P.O. BOX 991
TELEPHONE
208-232-2286
TELECOPIER NO.
208-232-2499

RECEIVED

APR 9 1990

Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83401

Dear Sirs:

Pursuant to my instructions from Lacey Vista Acres Water Corporation, I herewith enclose the following:

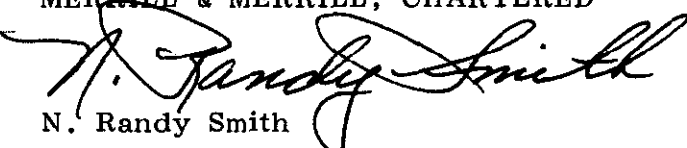
- (a) Two (2) reports from Idaho Department of Water Resources;
- (b) The final Order in a recent law suit filed in Bannock County.

I trust these documents evidence ownership by Lacey Vista Acres of these water rights.

If I can be of further assistance herein, please contact me.

Sincerely,

MERRILL & MERRILL, CHARTERED


N. Randy Smith

NRS:jkp:lacey

Enclosures

MICROFILMED

SEP 04 1990

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT04/05/90 10:13:57
Page 1

Water Right Number - 29-07603

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***

LACEY

ROY J.

1 - RT. 1 COREY LANE

2 -

3 -

City- POCATELLO

State- ID Zip- 83202

Phone -

LACEY

ESPERENZA E.

1 - RT. 1 COREY LANE

2 -

3 -

City- POCATELLO

State- ID Zip- 83202

Phone -

+ - - Priority Date - - +
06/23/1981+ - - Region - - - +
15+ - - Stage - - - +
A - APPLICATION

+ - - Status - - - +

+ - - Source - - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

TwN	Rng	Sec	Tract	Lot	RFlg	Point of Diversion	Stream Index (Blank if no Index Code)
05S	34E	31	SW SE			(5) BANNOCK	
05S	34E	32	SE SW			(5) BANNOCK	

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	11/01		
43 - DOMESTIC		01/01	12/31	0.600	0.360

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +

0.960

TwN	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
05S	34E	31	SW SE		8.0	01	IRRIGATION	(5) BANNOCK
05S	34E	31	SE SE		8.0	01	IRRIGATION	(5) BANNOCK
05S	34E	32	SW SW		8.0	01	IRRIGATION	(5) BANNOCK
05S	34E	32	SE SW		8.0	01	IRRIGATION	(5) BANNOCK

Total Acres: 32.0

+ - - Diversion Means - WELLS & PIPELINE.

+ - - Non-Irrigation Use - D/64 FAMILIES.

+ - - Other Rights for Same Use -

RECORDED

SEP 14 1990

Water right number - 29-07603

Adj. flag translation: Standard Water Right Number

+ - - - - Remarks - - - - - +

AC. IRR. ACRES = 30.
THIS APPLICATION IS COMPETING WITH 29-7607 FOR SECURING A
PERMIT ON THE DOMESTIC WATER SYSTEM IN LACEY VISTA ACRES
SUBDIVISION.
THE PROTESTANT IS LACEY VISTA ACRES WATER CORPORATION,
REPRESENTED BY RANDY SMITH.
17 NOV 1986 - TELECON WITH MAX WHITTIER, ATTORNEY FOR
APPLICANT. THE ISSUE OF OWNERSHIP REGARDING THE DOMESTIC
WATER SYSTEM IS STILL IN LITIGATION.
DELAYED BY SWAN FALLS.

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

- - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

+ - - Audit Fields - 12/12/86 05/22/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 07/14/1981	Swan Falls - 1
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Start Work Date - 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 00/00/0000		

MICROFILMED

SEP 04 1990

Water Right Number - 29-07607

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

LACEYS VISTA ACRES WATER CORP.

1 - C/O RALPH L. WALKER
2 - 1717 EAST LACEY ROAD
3 -
City- POCATELLO
Phone - 208-000-0000

State- ID Zip- 83202

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
07/15/1981 15 A - APPLICATION+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)05S 34E 31 SW SE (5) BANNOCK
05S 34E 32 SE SW (5) BANNOCK+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume01 - IRRIGATION 04/01 11/01 3.200
43 - DOMESTIC 01/01 12/31 0.360+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
3.560+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County05S 34E 31 SW SE 40.0 01 IRRIGATION (5) BANNOCK
05S 34E 31 SE SE 40.0 01 IRRIGATION (5) BANNOCK
05S 34E 32 SW SW 40.0 01 IRRIGATION (5) BANNOCK
05S 34E 32 SE SW 40.0 01 IRRIGATION (5) BANNOCK

Total Acres: 160.0

+ - - Diversion Means - 3 WELLS & PIPELINE.

+ - - Non-Irrigation Use - D/59 FAMILIES.

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

THIS APPLICATION IS COMPETING WITH 29-7603 FOR SECURING A
PERMIT ON THE DOMESTIC WATER SYSTEM IN LACEY VISTA ACRES
SUBDIVISION.
THE PROTESTANTS ARE: ROY J. LACEY & ESPERENZA E LACEY

MICROFILMED

SEP 04 1990

Water right number - 29-07607

Adj. flag translation: Standard Water Right Number

+ - - - - Remarks - - - - - +

REPRESENTED BY MAX WHITTIER; WAIN GARRETT & ALMA GARRETT
REPRESENTED BY FREDRICK C. LYON; JERRY M. LACEY & HARRIET J.
LACEY.
17 NOV 1986 - TELECON WITH RANDY SMITH, ATTORNEY FOR
APPLICANT. THE ISSUE OF OWNERSHIP REGARDING THE DOMESTIC
WATER SYSTEM IS STILL IN LITIGATION. JUDGE HARGRAVES IS TO
ILL TO HEAR THE CASE, BUT HE WILL NOT ASSIGN IT TO
ANOTHER JUDGE.
DELAYED BY SWAN FALLS.

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

- - Audit Fields - 12/12/86

05/22/88 CONVERT 09/25/89 CURTIS

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 08/05/1981	Swan Falls - Z
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Start Work Date - 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 00/00/0000		

MICROFILMED

SEP 04 1990

FILED
LAW OFFICE
CLERK OF DISTRICT COURT
SANDWICH, ILL.

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

ROY J. LACEY and ESPERENZA
E. LACEY, Husband and Wife,

Plaintiff,

vs.

LACEY'S VISTA ACRES WATER
CORPORATION, an Idaho
Corporation,

Defendant.

By _____

JUDGMENT

Case No. 37993-1

DEPUTY

RECEIVED

MERRILL & MERRILL

JAN 22 1988

This matter having come before the Court for Trial and after Trial having begun, the parties having entered into an Agreement and stipulated to the same on the record, said Stipulation being reduced to writing and submitted to the Court thereafter, and the Court being fully advised in the premises,

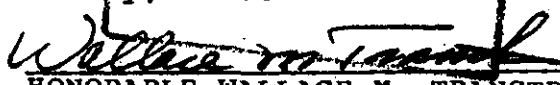
IT IS HEREBY ORDERED ADJUDGED AND DECREED as follows:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the parties having entered into a Stipulated Agreement and Mutual Release, the same which has been tendered to the Court, the Court hereby enters Judgment thereon, as set forth length in the Settlement Agreement and Mutual Release, which is attached hereto and incorporated herein by reference, and said terms of the Agreement having been entered into in writing and hereby made a part of this Judgment, as if set forth at length, and the Judgment is entered accordingly.

IT IS SO ORDERED.

DATED this 19 day of January, 1988.

SEP 04 1990


HONORABLE WALLACE M. TRANSTRUM

RECEIVED BY
MERRILL & MERRILL

SETTLEMENT AGREEMENT AND MUTUAL RELEASE

JAN 22 1988

WHEREAS, Roy J. Lacey and Esperenza E. Lacey, hereinafter referred to as "Lacey", instituted litigation in the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Bannock, against Lacey's Vista Acres Water Corporation requesting ~~the Court to void~~ the deeds given by Lacey to Lacey Vista Acres Water Corporation, identified in Lots 9A, Block 1, First Addition, Lacey Vista Acres and Lot 21B, Lacey Vista Acres, according to the official plat on the file in the County Recorder's Office of Bannock County, Idaho.

WHEREAS, Lacey Vista Acres Water Corporation in responding to Lacey's Complaint, filed a counterclaim alleging, inter alia, that Lacey committed wrongful acts by changing the minutes of the Corporation by inserting certain terms and conditions as to the use of the water from the wells and as to the deeding by Lacey to Lacey's Vista Acres Water Corporation of Wells located on Lots 9A, Block 1, First Addition, Lacey Vista Acres and Lot 21B, Lacey Vista Acres, and

WHEREAS, without any admission of fault or wrong-doing whatsoever on the part of any of the parties, it is the desire of the parties to settle and compromise all claims and controversies existing between them.

NOW, THEREFORE, in consideration for the following covenants, the following stipulation is entered by the parties:

Lacey's Vista Acres Water Corporation will grant to Roy J. Lacey and Esperenza E. Lacey, husband and wife, a life tenancy, subject to the conditions hereafter specified, in and to Well No. 2 located on the north one-half of Lot 21B, Lacey Vista Subdivision.

The term of the tenancy outlined above shall be and is defined as the period of time that Roy J. Lacey and Esperenza E. Lacey own the Lots 21A and/or 22. When either or both lots are sold or when both Roy J. Lacey and Esperenza E. Lacey die, the life tenancy terminates. If either lot is sold before Laceys' deaths, the tenancy terminates as to the use of the water by Roy J. Lacey and Esperenza E. Lacey on such lot, which is sold. This tenancy runs personally to Roy J. Lacey and Esperenza E. Lacey, and not to any heirs, successors or assigns. It is understood and agreed that once the lots are sold or transferred after death, said lots shall be recognized as members of Lacey Vista Acres Water Corporation, with the

same rights as other corporation members and the owners will be required to abide by the laws of the corporation.

Roy J. Lacey and Esperenza E. Lacey, during their lifetime or during the time they are owners owning the property, will use the water from such well located on Lot 21B for culinary use and they will also have the right to use this water for irrigation purposes on Lots 21A, 21B and 22, during any periods of time that the water from the Fort Hall Irrigation System is not available to Roy J. Lacey and Esperenza E. Lacey.

Roy J. Lacey and Esperenza E. Lacey, husband and wife, will provide and maintain, at their own cost and/or expense, the equipment used to operate Well No. 2, thereon, including, but not limited to the well head, pumps, pipes, etc.

It is agreed that Roy J. Lacey and Esperenza E. Lacey, will have until July 1, 1988 to complete the transfer from their use of the water service in Lacey Vista Acres to use of Well No. 2. Roy J. Lacey and Esperenza E. Lacey shall have the right to install such equipment as is necessary for them to develop the water service to the lots above listed. They shall, however, modify the plumbing in any manner that is required by the Department of Health to prevent contamination by the crossflow of water from any of the wells into the other. These modifications, if any, will be accomplished in such a way that the flow of the water can be used from Well No. 2 by Lacey Vista Acres Water Corporation.

It is further agreed and understood that Roy J. Lacey and Esperenza E. Lacey may install auxilliary equipment in the well to pump the water to their own lots and retain the ownership of such equipment, providing that the original equipment that is now in the well is not damaged by any act of Roy J. Lacey and Esperenza E. Lacey, and if any of the auxilliary equipment is removed at the termination of the life tenancy aforementioned, the original equipment will be installed in place, such cost to be borne totally by Roy J. Lacey and Esperenza E. Lacey.

It is understood and agreed that Roy J. Lacey is taking possession of the well, piping and plumbing fixtures in Well No. 2, and may use the same until the life tenancy is terminated and shall not be subject to

any claim on the part of the Lacey Vista Acres Water Corporation for reasonable wear and tear that would normally be experienced in the use of such well as contemplated under this agreement.

It is understood and agreed that the Department of Health has certain restrictions as it relates to the interconnection of water supplies from one well to the other. Roy J. Lacey and Esperenza E. Lacey must construct and install the water equipment and the pumping system in such a way that it will comply with all Department of Health regulations to prevent contamination from one well to the other. Roy J. Lacey and Esperenza E. Lacey agree that Lacey Vista Acres Water Corporation may use the water from subject Well No. 2, in their system (at no cost to Lacey Vista Acres Water Corporation for such water) if the water supply becomes deficient, which deficiency is defined as whenever there exists a deficiency of water in its water system which is below the present volume of water used by the members of Lacey Vista Acres Water Corporation. However, in such instance Lacey Vista Acres Water Corporation will pay for the power to provide such water to it.

It is further understood and agreed that the equipment used in Well No. 2 will be made available to Lacey Vista Acres Water Corporation if such supplemental supply of water is needed from Well No. 2 (also at no cost to Lacey Vista Acres Water Corporation). If Lacey Vista Acres Water Corporation exercises the option to take the water from Well No. 2 for the use by corporate members, Lacey Vista Acres Water Corporation will furnish to Roy J. Lacey and Esperenza E. Lacey water in such quantities as are furnished to each of its members at that time and the water received by Roy J. Lacey and Esperenza E. Lacey shall be without charge, as furnished under said circumstances.

Roy J. Lacey and Esperenza E. Lacey further agree that, upon termination of tenancy, the premises and all improvements thereto revert immediately to Lacey Vista Acres Water Corporation, at no cost to Lacey Vista Acres Water Corporation.

Roy J. Lacey and Esperenza E. Lacey do hereby release any and all interests, right and/or claim in and to any and all real property and all personal property of Lacey Vista Acres Water Corporation (except as outlined

above), including, but not limited to Lot 21B of Lacey Vista Acres and Lot 9A, Block 1, of the First Addition to Lacey Vista Acres Water Corporation.

Roy J. Lacey and Esperenza E. Lacey hereby agree that this agreement terminates all relationships between them and Lacey Vista Acres Water Corporation; that they are no further members of Lacey Vista Acres Water Corporation and will never again be; and that they will never claim or demand any of the rights or privileges of membership therein. Any purchaser of Lots 21A and 22 shall be entitled to immediate membership in the corporation, upon their compliance with the corporate rules and bylaws.

Lacey Vista Acres Water Corporation shall pay to Roy J. Lacey and Esperenza E. Lacey the sum of Four Thousand Five Hundred and no/100 dollars (\$4,500.00).

The parties agree that the document recorded March 12, 1980 as Instrument No. 643838 and the conditions therein, shall have no further force and effect.

It is further understood that suit has been filed in the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Bannock, being Case No. 37993-A, entitled Roy J. Lacey and Esperenza E. Lacey, husband and wife, Plaintiffs, v. Lacey Vista Acres Water Corporation, Defendant, and that part of the consideration of this release is the dismissal with prejudice to the bringing of another action by the undersigned, as Plaintiffs, of the hertoforementioned suit as against Lacey Vista Acres Water Corporation and its directors, officers and members and the dismissal with prejudice by Lacey Vista Acres Water Corporation of the counterclaim filed therein, each party to bear its own costs and attorneys' fees.

It is further understood and agreed that this settlement is the compromise of doubtful and disputed claims, and that this agreement made is not be construed as an admission of liability on the part of any of the parties, and that the parties released hereby deny liability therefore, and intend merely to buy their peace.

The undersigned further expressly declare that they fully understand the terms of this release and voluntarily accept said consideration for the purpose of making a full and final compromise,

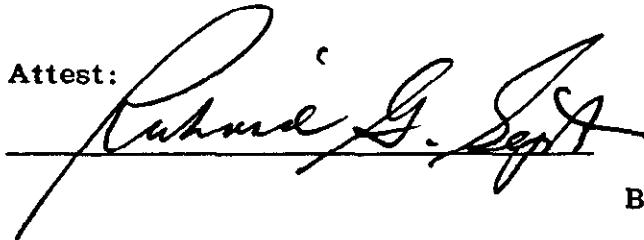
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SEP 04 1990

adjustment and settlement of the claims above mentioned as against each other, and that they sign the same as their own free act, and hereby acknowledge that they have been compensated in full for all damages sustained as a result of any fault of the parties. The undersigned further acknowledge that they are represented by counsel and have been full advised concerning this Settlement and Agreement and Mutual Release, the terms of settlement, and the obligations of the undersigned contained therein.

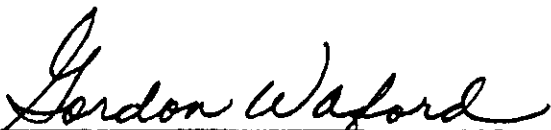
The undersigned further declare and represent that no promise, inducement or agreement not herein expressed have been made to the undersigned; that the undersigned have consulted with counsel as to the effect of this execution of this agreement; that this document contains the entire agreement between the parties and that the terms hereof are contractual and not a mere recital; and that the undersigned hereby warrant that they have full right and authority to give and execute their release.

IN WITNESS WHEREOF, this Release and Settlement Agreement is executed this ___ day of November, 1987.

Attest:



By:


Lacey Vista Acres Water
Corporation

By:


Roy J. Lacey

By:


Esperanza E. Lacey

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STATE OF IDAHO)
 : ss
County of Bannock)

On this _____ day of _____, 19____, before me, a Notary Public, personally appeared ROY J. LACEY and ESPERENZA E. LACEY, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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



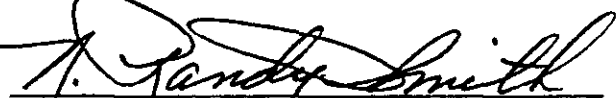
NOTARY PUBLIC For Idaho
Residing at:
Commission Expires:

(SEAL)

STATE OF IDAHO)
 : ss
County of Bannock)

On this 25th day of November, 1987, before me, a Notary Public, personally appeared Gordon W. Lacey, as the Richard H. Lacey of Lacey's Vista Acres Water Corporation, and known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that said corporation executed the same.

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



NOTARY PUBLIC For Idaho
Residing at: Locatella, Ida.
Commission Expires: 3/10/92

(SEAL)

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SEP 04 1990

LAW OFFICES OF
WHITTIER, McDOUGALL, SOUZA, MURRAY & CLARK
CHARTERED

R.M. WHITTIER
ISAAC McDOUGALL
JOHN C. SOUZA
MONTE R. WHITTIER
BRYAN K. MURRAY
THOMAS W. CLARK

653 EAST CENTER
P.O. BOX 4048
POCATELLO, IDAHO 83205-4048

TELEPHONE
AREA CODE 208
233-6444

July 26, 1989

RECEIVED

JUL 28 1989

Department of Water Resources
Eastern District Office

Department of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83402

ATTENTION: Harold Jones

Re: Lacey Vista Acres

Dear Sirs:

Please find enclosed the Minute Entry, Order and
Judgement as well as the Settlement Agreement involving the
Lacey Vista Acres water dispute which you requested.

Very truly yours,

WHITTIER, McDOUGALL, SOUZA,
MURRAY & CLARK, Chartered


R. M. WHITTIER

RMW/eor

Enclosure

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SEP 04 1990

N. Randy Smith
 MERRILL & MERRILL, CHARTERED
 P.O. Box 991
 Pocatello, Idaho 83204
 (208) 232-2286

Attorneys for Defendant

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

ROY J. LACEY and ESPERENZA E.	)	
LACEY, husband and wife,	)	CASE NO. 37993-A
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	MINUTE ENTRY,
LACEY'S VISTA ACRES WATER	)	ORDER AND
CORPORATION, an Idaho	)	JUDGMENT
corporation,	)	
	)	
Defendant.	)	
	)	

This matter came on for trial before the above-entitled Court on the 13th day of October, 1987, pursuant to Court Order.

The Plaintiffs were represented by Max Whittier and the Defendant was represented by N. Randy Smith.

The Plaintiffs' case was presented and the Plaintiffs rested their case. A motion for involuntary dismissal was then made by the Defendant. The Court took such motion under advisement. The Defendant then began to present its case.

During recess, the parties entered into a settlement agreement, stipulating a settlement of all disputes between the parties. The stipulation was placed upon the record and in compliance with the stipulation;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. That Lacey's Vista Acres Water Corporation will grant to Roy J. Lacey and Esperenza E. Lacey, husband and wife, a life tenancy, subject to the conditions hereafter specified, in and to Well No. 2 located on the north one-half of Lot 21B, Lacey Vista Subdivision.

2. That the term of the tenancy outlined above shall be and is defined as the period of time that Roy J. Lacey and Esperenza E. Lacey own

the Lots 21A and/or 22. When either or both lots are sold or when both Roy J. Lacey and Esperenza E. Lacey die, the life tenancy terminates. If either lot is sold before Laceys' deaths, the tenancy terminates as to the use of the water by Roy J. Lacey and Esperenza E. Lacey on such lot, which is sold. This tenancy runs personally to Roy J. Lacey and Esperenza E. Lacey, and not to any heirs, successors or assigns. It is understood and agreed that once the lots are sold or transferred after death, said lots shall be recognized as members of Lacey Vista Acres Water Corporation, with the same rights as other corporation members and the owners will be required to abide by the laws of the corporation.

3. That Roy J. Lacey and Epserenza E. Lacey, during their lifetime or during the time they are owners owning the property, will use the water from such well located on Lot 21B for culinary use and they will also have the right to use this water for irrigation purposes on Lots 21A, 21B and 22, during any periods of time that the water from the Fort Hall Irrigation System is not available to Roy J. Lacey and Esperenza E. Lacey.

4. That Roy J. Lacey and Esperenza E. Lacey, husband and wife, will provide and maintain, at their own cost and/or expense, the equipment used to operate Well No. 2, thereon, including, but not limited to the well head, pumps, pipes, etc.

5. That Roy J. Lacey and Esperenza E. Lacey, will have until July 1, 1988 to complete the transfer from their use of the water service in Lacey Vista Acres to use of Well No. 2. Roy J. Lacey and Esperenza E. Lacey shall have the right to install such equipment as is necessary for them to develop the water service to the lots above listed. They shall, however, modify the plumbing in any manner that is required by the Department of Health to prevent contamination by the crossflow of water from any of the wells into the other. These modifications, if any, will be accomplished in such a way that the flow of the water can be used from Well No. 2 by Lacey Vista Acres Water Corporation.

6. That Roy J. Lacey and Esperenza E. Lacey may install auxilliary equipment in the well to pump the water from their lots and retain the ownership of such equipment, providing that the original equipment that is now in the well is not damaged by any act of Roy J. Lacey

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and Esperenza E. Lacey, and if any of the auxilliary equipment is removed at the termination of the life tenancy aforementioned, the original equipment will be installed in place, such cost to be borne totally by Roy J. Lacey and Esperenza E. Lacey.

7. That Roy J. Lacey is taking possession of the well, piping and plumbing fixtures in Well No. 2, and may use the same until the life tenancy is terminated and shall not be subject to any claim on the part of the Lacey Vista Acres Water Corporation for reasonable wear and tear that would normally be experienced in the use of such well as contemplated under this agreement.

8. That the Department of Health has certain restrictions as it relates to the interconnection of water supplies from one well to the other. Roy J. Lacey and Esperenza E. Lacey must construct and install the water equipment and the pumping system in such a way that it will comply with all Department of Health regulations to prevent contamination from one well to the other. Roy J. Lacey and Esperenza E. Lacey agree that Lacey Vista Acres Water Corporation may use the water from subject Well No. 2, in their system (at no cost to Lacey Vista Acres Water Corporation for such water) if the water supply becomes deficient, which deficiency is defined as whenever there exists a deficiency of water in its water system which is below the present volume of water used by the members of Lacey Vista Acres Water Corporation. However, in such instance Lacey Vista Acres Water Corporation will pay for the power to provide such water to it.

9. That the equipment used in Well No. 2 will be made available to Lacey Vista Acres Water Corporation if such supplemental supply of water is needed from Well No. 2 (also at no cost to Lacey Vista Acres Water Corporation). If Lacey Vista Acres Water Corporation exercises the option to take the water from Well No. 2 for the use by corporate members, Lacey Vista Acres Water Corporation will furnish to Roy J. Lacey and Esperenza E. Lacey water in such quantities as are furnished to each of its members at that time and the water received by Roy J. Lacey and Esperenza E. Lacey shall be without charge, as furnished under said circumstances.

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10. That, upon termination of tenancy, the premises and all improvements thereto revert immediately to Lacey Vista Acres Water Corporation, at no further cost to Lacey Vista Acres Water Corporation.

11. That Roy J. Lacey and Esperenza E. Lacey do hereby have no further interests, right and/or claim in and to any and all real property and all personal property of Lacey Vista Acres Water Corporation (except as outlined above), including, but not limited to Lot 21B of Lacey Vista Acres and Lot 9A, Block 1, of the First Addition to Lacey Vista Acres Water Corporation.

12. That all relationships between Roy J. Lacey and Esperenza E. Lacey and Lacey Vista Acres Water Corporation are terminated; that Roy J. Lacey and Esperenza E. Lacey are no further members of Lacey Vista Acres Water Corporation and will never again be; and that Roy J. Lacey and Esperenza E. Lacey will never claim or demand any of the rights or privileges of membership therein. Any purchaser of Lots 21A and 22 shall be entitled to immediate membership in the corporation, upon their compliance with the corporate rules and bylaws.

13. Lacey Vista Acres Water Corporation shall pay to Roy J. Lacey and Esperenza E. Lacey the sum of Four Thousand Five Hundred and no/100 dollars (\$4,500.00).

14. That the document recorded March 12, 1980 as Instrument No. 643838 and the conditions therein, shall have no further force and effect.

15. That the suit filed in the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Bannock, being Case No. 37993-A, entitled Roy J. Lacey and Esperenza E. Lacey, husband and wife, Plaintiffs, v. Lacey Vista Acres Water Corporation, Defendant, is dismissed with prejudice to the bringing of another action by the Plaintiffs as against Lacey Vista Acres Water Corporation and its directors, officers and members and that the counterclaim filed therein is also dismissed with prejudice, each party to bear ^{own} costs and attorneys' fees.

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SEP 04 1990

DATED this ____ day of October, 1987.

Wallace M. Transtrum
District Judge

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SEP 04 1990

COPY
FILE COPY

SETTLEMENT AGREEMENT AND MUTUAL RELEASE

WHEREAS, Roy J. Lacey and Esperenza E. Lacey, hereinafter referred to as "Lacey", instituted litigation in the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Bannock, against Lacey's Vista Acres Water Corporation requesting the Court to void the deeds given by Lacey to Lacey Vista Acres Water Corporation, identified in Lots 9A, Block 1, First Addition, Lacey Vista Acres and Lot 21B, Lacey Vista Acres, according to the official plat on the file in the County Recorder's Office of Bannock County, Idaho.

WHEREAS, Lacey Vista Acres Water Corporation in responding to Lacey's Complaint, filed a counterclaim alleging, inter alia, that Lacey committed wrongful acts by changing the minutes of the Corporation by inserting certain terms and conditions as to the use of the water from the wells and as to the deeding by Lacey to Lacey's Vista Acres Water Corporation of Wells located on Lots 9A, Block 1, First Addition, Lacey Vista Acres and Lot 21B, Lacey Vista Acres, and

WHEREAS, without any admission of fault or wrong-doing whatsoever on the part of any of the parties, it is the desire of the parties to settle and compromise all claims and controversies existing between them.

NOW, THEREFORE, in consideration for the following covenants, the following stipulation is entered by the parties:

Lacey's Vista Acres Water Corporation will grant to Roy J. Lacey and Esperenza E. Lacey, husband and wife, a life tenancy, subject to the conditions hereafter specified, in and to Well No. 2 located on the north one-half of Lot 21B, Lacey Vista Subdivision.

The term of the tenancy outlined above shall be and is defined as the period of time that Roy J. Lacey and Esperenza E. Lacey own the Lots 21A and/or 22. When either or both lots are sold or when both Roy J. Lacey and Esperenza E. Lacey die, the life tenancy terminates. If either lot is sold before Lacey's deaths, the tenancy terminates as to the use of the water by Roy J. Lacey and Esperenza E. Lacey on such lot, which is sold. This tenancy runs personally to Roy J. Lacey and Esperenza E. Lacey, and not to any heirs, successors or assigns. It is understood and agreed that once the lots are sold or transferred after death, said lots shall be recognized as the lots of Lacey Vista Acres Water Corporation, with the

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same rights as other corporation members and the owners will be required to abide by the laws of the corporation.

Roy J. Lacey and Esperenza E. Lacey, during their lifetime or during the time they are owners owning the property, will use the water from such well located on Lot 21B for culinary use and they will also have the right to use this water for irrigation purposes on Lots 21A, 21B and 22, during any periods of time that the water from the Fort Hall Irrigation System is not available to Roy J. Lacey and Esperenza E. Lacey.

Roy J. Lacey and Esperenza E. Lacey, husband and wife, will provide and maintain, at their own cost and/or expense, the equipment used to operate Well No. 2, thereon, including, but not limited to the well head, pumps, pipes, etc.

It is agreed that Roy J. Lacey and Esperenza E. Lacey, will have until July 1, 1988 to complete the transfer from their use of the water service in Lacey Vista Acres to use of Well No. 2. Roy J. Lacey and Esperenza E. Lacey shall have the right to install such equipment as is necessary for them to develop the water service to the lots above listed. They shall, however, modify the plumbing in any manner that is required by the Department of Health to prevent contamination by the crossflow of water from any of the wells into the other. These modifications, if any, will be accomplished in such a way that the flow of the water can be used from Well No. 2 by Lacey Vista Acres Water Corporation.

It is further agreed and understood that Roy J. Lacey and Esperenza E. Lacey may install auxilliary equipment in the well to pump the water to their own lots and retain the ownership of such equipment, providing that the original equipment that is now in the well is not damaged by any act of Roy J. Lacey and Esperenza E. Lacey, and if any of the auxilliary equipment is removed at the termination of the life tenancy aforementioned, the original equipment will be installed in place, such cost to be borne totally by Roy J. Lacey and Esperenza E. Lacey.

It is understood and agreed that Roy J. Lacey is taking possession of the well, piping and plumbing of Well No. 2, and may use the same until the life tenancy is terminated and shall not be subject to

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any claim on the part of the Lacey Vista Acres Water Corporation for reasonable wear and tear that would normally be experienced in the use of such well as contemplated under this agreement.

It is understood and agreed that the Department of Health has certain restrictions as it relates to the interconnection of water supplies from one well to the other. Roy J. Lacey and Esperenza E. Lacey must construct and install the water equipment and the pumping system in such a way that it will comply with all Department of Health regulations to prevent contamination from one well to the other. Roy J. Lacey and Esperenza E. Lacey agree that Lacey Vista Acres Water Corporation may use the water from subject Well No. 2, in their system (at no cost to Lacey Vista Acres Water Corporation for such water) if the water supply becomes deficient, which deficiency is defined as whenever there exists a deficiency of water in its water system which is below the present volume of water used by the members of Lacey Vista Acres Water Corporation. However, in such instance Lacey Vista Acres Water Corporation will pay for the power to provide such water to it.

It is further understood and agreed that the equipment used in Well No. 2 will be made available to Lacey Vista Acres Water Corporation if such supplemental supply of water is needed from Well No. 2 (also at no cost to Lacey Vista Acres Water Corporation). If Lacey Vista Acres Water Corporation exercises the option to take the water from Well No. 2 for the use by corporate members, Lacey Vista Acres Water Corporation will furnish to Roy J. Lacey and Esperenza E. Lacey water in such quantities as are furnished to each of its members at that time and the water received by Roy J. Lacey and Esperenza E. Lacey shall be without charge, as furnished under said circumstances.

Roy J. Lacey and Esperenza E. Lacey further agree that, upon termination of tenancy, the premises and all improvements thereto revert immediately to Lacey Vista Acres Water Corporation, at no cost to Lacey Vista Acres Water Corporation.

Roy J. Lacey and Esperenza E. Lacey do hereby release any and all interests, right and/or claim in and to any and all real property and all personal property of Lacey Vista Acres Water Corporation (except as outlined

above), including, but not limited to Lot 21B of Lacey Vista Acres and Lot 9A, Block 1, of the First Addition to Lacey Vista Acres Water Corporation.

Roy J. Lacey and Esperenza E. Lacey hereby agree that this agreement terminates all relationships between them and Lacey Vista Acres Water Corporation; that they are no further members of Lacey Vista Acres Water Corporation and will never again be; and that they will never claim or demand any of the rights or privileges of membership therein. Any purchaser of Lots 21A and 22 shall be entitled to immediate membership in the corporation, upon their compliance with the corporate rules and bylaws.

Lacey Vista Acres Water Corporation shall pay to Roy J. Lacey and Esperenza E. Lacey the sum of Four Thousand Five Hundred and no/100 dollars (\$4,500.00).

The parties agree that the document recorded March 12, 1980 as Instrument No. 643838 and the conditions therein, shall have no further force and effect.

It is further understood that suit has been filed in the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Bannock, being Case No. 37993-A, entitled Roy J. Lacey and Esperenza E. Lacey, husband and wife, Plaintiffs, v. Lacey Vista Acres Water Corporation, Defendant, and that part of the consideration of this release is the dismissal with prejudice to the bringing of another action by the undersigned, as Plaintiffs, of the herteforementioned suit as against Lacey Vista Acres Water Corporation and its directors, officers and members and the dismissal with prejudice by Lacey Vista Acres Water Corporation of the counterclaim filed therein, each party to bear its own costs and attorneys' fees.

It is further understood and agreed that this settlement is the compromise of doubtful and disputed claims, and that this agreement made is not be construed as an admission of liability on the part of any of the parties, and that the parties released hereby deny liability therefore, and intend merely to buy their peace.

The undersigned further expressly declare that they fully understand the terms of this release and voluntarily accept said consideration for the purpose of making a final compromise,

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SEP 04 1990

adjustment and settlement of the claims above mentioned as against each other, and that they sign the same as their own free act, and hereby acknowledge that they have been compensated in full for all damages sustained as a result of any fault of the parties. The undersigned further acknowledge that they are represented by counsel and have been full advised concerning this Settlement and Agreement and Mutual Release, the terms of settlement, and the obligations of the undersigned contained therein.

The undersigned further declare and represent that no promise, inducement or agreement not herein expressed have been made to the undersigned; that the undersigned have consulted with counsel as to the effect of this execution of this agreement; that this document contains the entire agreement between the parties and that the terms hereof are contractual and not a mere recital; and that the undersigned hereby warrant that they have full right and authority to give and execute their release.

IN WITNESS WHEREOF, this Release and Settlement Agreement is executed this ___ day of November, 1987.

Attest:

Richard G. Sept

By:

Gordon Waford
Lacey Vista Acres Water
Corporation

By:

Roy J. Lacey
Roy J. Lacey

By:

Esperanza E. Lacey
Esperanza E. Lacey

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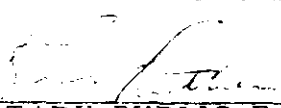
SEP 04 1990

STATE OF IDAHO)
: ss
County of Bannock)

On this day of , 1987, before me, a Notary Public, personally appeared ROY J. LACEY and ESPERENZA E. LACEY, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

(SEAL)



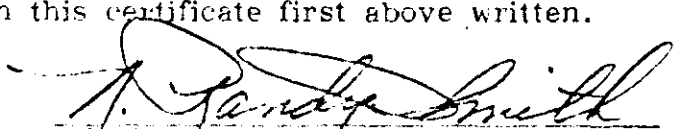
NOTARY PUBLIC For Idaho
Residing at:
Commission Expires:

STATE OF IDAHO)
: ss
County of Bannock)

On this 25th day of November, 1987, before me, a Notary Public, personally appeared Gordon Woodard, as the Richard J. Dept of Lacey's Vista Acres Water Corporation, and known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that said corporation executed the same.

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

(SEAL)



NOTARY PUBLIC For Idaho
Residing at: Locatello, Ida.
Commission Expires: 3/10/92

INTER-DEPARTMENT MEMO — 1

FROM

Gary Spackman

DATE

5-14-86

TO

File

SUBJECT

Lacey Acres Subdivision

Called Max Whittier, who represents Roy Lacey, on May 13, 1986, and inquired about the status of a lawsuit pending over the ownership of the subdivision well. Max stated that the lawsuit had not yet gone to trial, and that he was having difficulty getting it set with Judge Hargraves, who has had some medical problems of late. I do not believe we can hold an administrative hearing on issues identical to those now before the court. I recommend deferment until the Gary Spackman litigation is resolved.

SIGNATURE

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Place in file J v Lacey.

INTER-DEPARTMENT MEMO — 1

FROM

DATE

TO

SUBJECT

Counsel for Mr. Lacey ~~and~~ is Max Whiticker.

" " Lacey Vista Acres is Randy Smith.

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SEP 04 1990

SIGNATURE

January 9, 1984

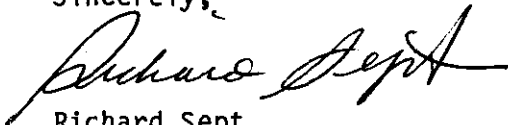
Mr. Ernest Carlsen
Assistant Regional Supervisor
State of Idaho
Department of Water Resources
Idaho Falls, ID 83402

Dear Mr. Carlsen:

This letter is in response to your letter to Ralph Walker, dated August 30, 1983, regarding application for permit No. 29-7607.

In answer to your letter, there has been no progress in the resolution of the dispute between Mr. Roy Lacey and the Lacey Vista Acres Water Corporation. Since the Water Corporation is the defendant, we are awaiting Mr. Lacey's initiative. Neither the Corporation nor our attorney have an opinion on when the civil action will be concluded.

Sincerely,



Richard Sept
Corporation Secretary-Treasurer
Lacey Vista Acres Water Corporation
Route 1, East Lacey Road
Pocatello, ID 83202

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SEP 04 1990

RECEIVED
JAN 10 1984

Department of Water Resources
Eastern District Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

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

A. Kenneth Dunn
Director

August 30, 1983

RE: Application for Permit No. 29-7607

Lacey's Vista Acres Water Corp.
c/o Ralph L. Walker
1717 East Lacey Road
Pocatello, Idaho 83202

Dear Mr. Walker:

Our office has been postponing administrative action concerning the above application while you and the protestant are involved in litigation. To keep your application file current we would appreciate receiving an update on the status of the case. I am particularly interested to know if there has been sufficient progress for the Department to proceed with scheduling a conference and/or hearing to consider the protest.

If a hearing should not be scheduled, we would appreciate an opinion on when the civil action will be concluded.

Respectfully submitted,

Ernest Carlsen

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

MICROFILMED

SEP 04 1990

August 30, 1983

RE: Application for Permit No. 29-7607

Lacey's Vista Acres Water Corp.
c/o Ralph L. Walker
1717 East Lacey Road
Pocatello, Idaho 83202

Dear Mr. Walker:

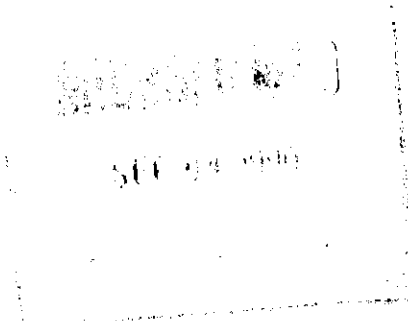
Our office has been postponing administrative action concerning the above application while you and the protestant are involved in litigation. To keep your application file current we would appreciate receiving an update on the status of the case. I am particularly interested to know if there has been sufficient progress for the Department to proceed with scheduling a conference and/or hearing to consider the protest.

If a hearing should not be scheduled, we would appreciate an opinion on when the civil action will be concluded.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw



INTER-DEPARTMENT MEMO — 1

FROM

DATE 11/1/82

TO

SUBJECT RE: 29-7603/29-7607. Spoke with Ralph Walker.
Suite still has to go ~~to~~ trial. Expects this
should be resolved within 2 or 3 months.

If we have not heard from them by February
we need to follow-up.

MICROFILMED

SEP 04 1990

SIGNATURE

INTER-DEPARTMENT MEMO — 1

DATE Sept. 18, 1981

FROM Ronald Carlson

TO Permit File No's 29-7607 and 29-7603

SUBJECT Pending Law Suit

Stephen Dunn of Merrill and Merrill of Pocatello telephoned and indicated that a law suit has been initiated which involves these two applications.

He asked that the Department take no action on these applications until the outcome of the law suit is known.

Dunn estimates this will be a minimum of 9 months.

cc: 29-7607 sent to Dunn

P.O. Box 991
Pocatello, Id. 83201

MICROFILMED

SEP 04 1990

SIGNATURE

September 8, 1981

RE: Application for Permit No. 29-7607 LACEY'S VISTA ACRES WATER CORP.

Frederick C. Lyon
Attorney
P.O. Box 207
Pocatello, ID 83201

Dear Mr. Lyon:

I apologize for the confusion created by our August 19, 1981 letter concerning the protest filed on behalf of Mr. & Mrs. Wain Garrett. It is a standard form letter sent to all protestants and obviously does not comply with the situation regarding the above captioned application.

There will be no hearing scheduled by the Department until the outcome of the litigation between Lacey's Vista Acres Water Corp. and Mr. & Mrs. Roy Lacey has been determined. At that time, should a hearing be necessary, you and your client will be notified by certified mail of the date, place, and time it will be conducted.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

MICROFILMED

SEP 04 1990

DIAL, LOOZE & MAY

ATTORNEYS AT LAW

216 W. WHITMAN

POCATELLO, ID. 83201

T. F. DIAL
J. K. LOOZE
G. C. MAY
F. C. LYON

(208) 233-0132
P. O. BOX 207

August 24, 1981

RECEIVED

AUG 26 1981

**Department of Water Resources
Eastern District Office**

Ronald D. Carlson
Eastern Regional Supervisor
Idaho Department of Water Resources
150 Shoup
Idaho Falls, ID 83401

RE: Application for Permit No. 29-7607
Lacey's Vista Acres Water Corp.

Dear Mr. Carlson:

I received your August 19, 1981 letter concerning the protest filed on behalf of Mr. and Mrs. Wain Garrett. In conversations with Ernie M. Carlsen of your office, I was advised that there is pending litigation between Lacey's Vista Acres Water Corp. and Mr. and Mrs. Roy Lacey, another protestant to this application. Further, that no hearing would be scheduled in this matter until the outcome of the litigation was determined.

We will attempt to resolve this matter without a hearing. However, I would like the matter clarified.

Sincerely,

Frederick C. Lyon
FREDERICK C. LYON

FCL/la

cc: Mr. and Mrs. Wain Garrett

MICROFILMED

SEP 04 1990



STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

RECEIVED

AUG 25 1981

Department of Water Resources
Eastern District Office

DIVISION OF ENVIRONMENT
636 Pershing
Pocatello, Idaho
83201

24 August 1981

Ernest Carlsen, Asst. Regnl. Supervisor
Department of Water Resources
150 Shoup
Idaho Falls, Idaho 83401

Re: Application #29-7607
(Bannock County)

Dear Ernest:

We have reviewed the subject application submitted by Lacey's Vista Acres Water Corporation, 1717 East Lacey Road, Pocatello, and find that we have already commented on a permit to appropriate the public waters of the State of Idaho. Please refer to our letter of 15 July 1981, regarding application #29-7603 submitted by Roy J. Lacey (copy of letter is attached).

We have no further comments at this time.

Sincerely,

John R. Moeller
Sr. Environmental Specialist

JRM/md
Enc.
CC: Gordon Hopson

MICROFILMED

SEP 04 1990

DIVISION OF ENVIRONMENT
636 Pershing
Pocatello, Idaho
83201

15 July 1981

Ernest Carlsen, Sr. Resource Analyst
Department of Water Resources
150 Shoup
Idaho Falls, Idaho 83401

Re: Application #29-7603
(Bannock County)

Dear Mr. Carlsen:

We have reviewed the subject application submitted by Roy J. Lacey, Route 1, Corey Lane, Pocatello 83202, for a permit to appropriate the public waters of the State of Idaho for the Lacey Vista Subdivision in Chubbuck.

There has been a great deal of political infighting over this development for years between the developer and the Homeowners Association. This application is by the developer to recover the water system (he contends that although it was deeded to the Home Owners Association, they never accepted it).

There are no water quality considerations in question. Our only comment may be that the articles of incorporation state that water in the subdivision is for culinary purposes. All owners have access to irrigation ditch water (under pressure). If the owners did not use well water for irrigation, there is a strong possibility that the water quantity and pressure problems claimed by some residents would not occur.

Thank you for the opportunity to comment on this application.

Sincerely,

John R. Moeller
Sr. Environmental Quality Spec.

JRM/md
CC: Gordon Hopson

MICROFILMED

SEP 04 1990

RECEIVED

AUG 25 1981

Department of Water Resources
Eastern District Office

August 19, 1981

RE: Application for Permit No. 29-7607

Lacey's Vista Acres Water Corp.
c/o Ralph L. Walker
1717 East Lacey Road
Pocatello, Idaho 83202

Dear Mr. Walker:

Enclosed please find additional protests submitted against the
above referenced application.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

Enclosures (2)

MICROFILMED

SEP 04 1990

August 19, 1981

RE: Application for Permit No. 29-7607 LACEY'S VISTA ACRES WATER CORP.

Wain & Alma Garrett
Rt. #1, Rio Vista Road
P.O. Box 5372
Pocatello, Idaho 83202

Dear Mr. & Mrs. Garrett:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office
Frederick C. Lyon, Attorney

MICROFILMED

SEP 04 1990

RECEIVED

AUG 17 1981

Department of Water Resources
Eastern District Office

PROTEST TO PROPOSED APPLICATION
FOR WATER RIGHT

TO: Director of the Idaho Department
of Water Resources
150 Shoup Ave.
Idaho Falls, Idaho 83402

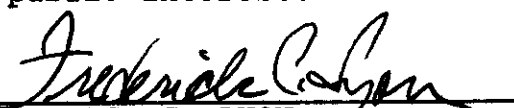
FROM: Frederick C. Lyon of the Firm of
Dial, Looze & May, Attorneys for
Protestants, Wain and Alma Garrett

DATE: August 17, 1981

PLEASE TAKE NOTICE that a Protest is hereby made against the proposed Application for Water Right filed by Lacey's Vista Acres Water Corp., c/o Ralph L. Walker, 1717 East Lacey Road, Pocatello, Idaho 83202, No. 29-7607.

The names and addresses of the persons making this Protest are: Wain and Alma Garrett, Route 1, Rio Vista Rd., P.O. Box 5372, Pocatello, Idaho 83201.

The reasons for this Protest are that Protestants conveyed the property listed in the Application as the place of use, to-wit: SWSE SESE Sec. 31, T05SR34E; SWSW SESW Sec. 32, T05SR34E to Roy J. Lacey and Esperenza E. Lacey some years ago, reserving a five acre tract including a well and a personal residence described as follows, to-wit: TR N2SW4 Tax 17 5.0 AC, 0.19 AC R/W S32-T5S-R34E. Protestants protest on the basis the proposed use is such that it will reduce the quantity of water under existing water rights and that it will conflict with the local public interest.


FREDERICK C. LYON
Attorney for Protestants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was hand delivered to the Director of the Idaho Dept. Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83401, on the 17th day of August, 1981.



FREDERICK C. LYON
ATTORNEY AT LAW

DIAL, LOOZE & MAY

RAILROAD CREDIT UNION BLDG.
216 W. WHITMAN, TOP FLOOR
P. O. Box 207

POCATELLO, IDAHO 83201
BUS. (208) 233-0132
RES. (208) 233-6627

FILED

SEP 04 1990

P.D.
7 370
93200
address
chg

August 19, 1981

RE: Application for Permit No. 29-7607 LACEY'S VISTA ACRES WATER CORP.

Jerry M. & Harriet J. Lacey
Rt. #1, North
West Lacey Road
Pocatello, Idaho 83202

Dear Mr. & Mrs. Lacey:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

SEP 04 1981

August 14, 1981

RECEIVED
AUG 14 1981

Department of Water Resources
LACEY DIVISION OFFICE

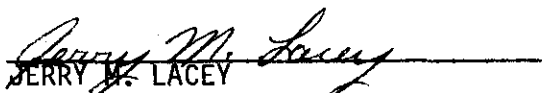
RE: Application for Permit No. 29-7607

Department of Water Resources
150 Shoup
Idaho Falls, Idaho 83402

Gentlemen:

We, Jerry M. Lacey and Harriet J. Lacey, do hereby protest application No. 29-7607 upon the following reason:

The applicant has included lands in the place of use which is not included within the corporation boundaries; namely 5.5 acres more or less in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T. 5S, R. 34E.


JERRY M. LACEY


HARRIET J. LACEY
Rt. #1, North
West Lacey Road
Pocatello, Idaho 83202

MICROFILMED

SEP 04 1990

August 6, 1981

Lacey's Vista Acres Water Corp.
c/o Ralph L. Walker
1717 East Lacey Road
Pocatello, Idaho 83202

Dear Mr. Walker:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 29-7607. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

Enclosure

RECEIVED

SEP 04 1990

August 6, 1981

RE: Application for Permit No. 29-7607 LACEY'S VISTA ACRES WATER CORP.

Roy J. Lacey
Esperanza E. Lacey
Rt. #1, Corey Lane
Pocatello, Idaho 83202

Dear Mr. & Mrs. Lacey:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

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

Very truly yours,

MICROFILMED

RONALD D. CARLSON
Eastern Regional Supervisor

SEP 04 1990

RDC:cw:kw

cc: IDWR - State Office
R. M. Whittier

WHITTIER & SOUZA, P.A.
ATTORNEYS AT LAW
940 EAST CLARK
POCATELLO, IDAHO 83201

R. M. WHITTIER
JOHN C. SOUZA
MONTE R. WHITTIER

P. O. BOX 4082
PHONE 233-6444

August 5, 1981

Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83401

Gentlemen:

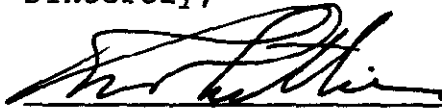
Roy J. Lacey and Esperenza E. Lacey hereby protest
Application No. 29-7607 upon the following grounds:

1. The applicant is attempting to make a claim to the title of property at the point of diversion which has not been paid for. An action has been filed by Roy J. Lacey and Esperenza E. Lacey to void the deed. Your protestants believe that the Court will vest title to the said property where the point of diversion occurs in the name of your protestants.

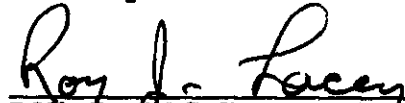
2. The applicant does not own the 160 acres mentioned in the application and the three wells will not supply water to the 160 acres.

Your protestants allege that there is already pending before the Department of Water Resources an application on behalf of the undersigned to have the water decreed to Roy J. Lacey and Esperenza E. Lacey. Upon the voiding of the deed upon which Lacey's Vista Acres Water Corporation seeks to base its claim of right, Roy J. Lacey and Esperenza E. Lacey intend to form a water company to distribute and sell water to the adjoining lands.

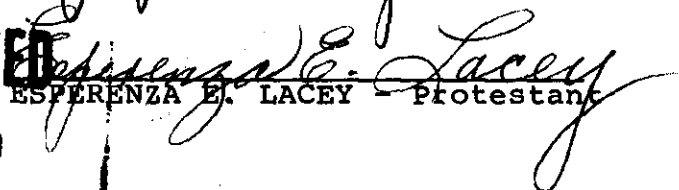
Sincerely,



R. M. WHITTIER
Attorney for Roy J. Lacey
and Esperenza E. Lacey



ROY J. LACEY - Protestant



ESPERENZA E. LACEY - Protestant

RECEIVED

AUG 5 1981

Department of Water Resources
Eastern District Office

MICROFILMED

SEP 04 1990

July 24, 1981

RE: Application for Permit No. 29-7607 LACEY'S VISTA ACRES WATER CORP.

Mr. Elmer W. Smith
Environmental Engineer
Department of Health & Welfare
636 Pershing
Pocatello, Idaho 83201

Dear Mr. Smith:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is August 17, 1981, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw:kw

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83402
(208) 525-7161

JULY 23, 1981

Idaho State Journal
P. O. Box 431
Pocatello, Idaho 83201

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billings to this office before AUGUST 17, 1981.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

SEP 04 1990

NOTICE OF APPLICATION FOR WATER RIGHT

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

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402 on or before AUGUST 17, 1981.

A. KENNETH DUNN

Director

Published 7/30 & 8/06/81.

MICROFILMED

SEP 04 1990

29-260Z

LACEY'S VISTA ACRES WATER CORP.

C/O RALPH L. WALKER, 1717 EAST LACEY ROAD, POCA TELLO, ID 83202

Source: GROUNDWATER

Date Filed: 07/15/1981

Amount: 3.56 CFS

Diversion Point: SESW Sec 32 T 05S R 34E SWSE Sec 31 T 05S R 34E,
BANNOCK Co.

Use: IRRIGATION	(3.20 CFS)	from 04/01 to 11/01
DOMESTIC	(0.36 CFS)	from 01/01 to 12/31

Place of Use: SWSE SESE Sec 31 T 05S R 34E SWSW SESW Sec 32 T 05S R 34E
FOR 160 ACRES

Diversion Means: 3 WELLS & PIPELINE.

MICROFILMED

SEP 04 1990