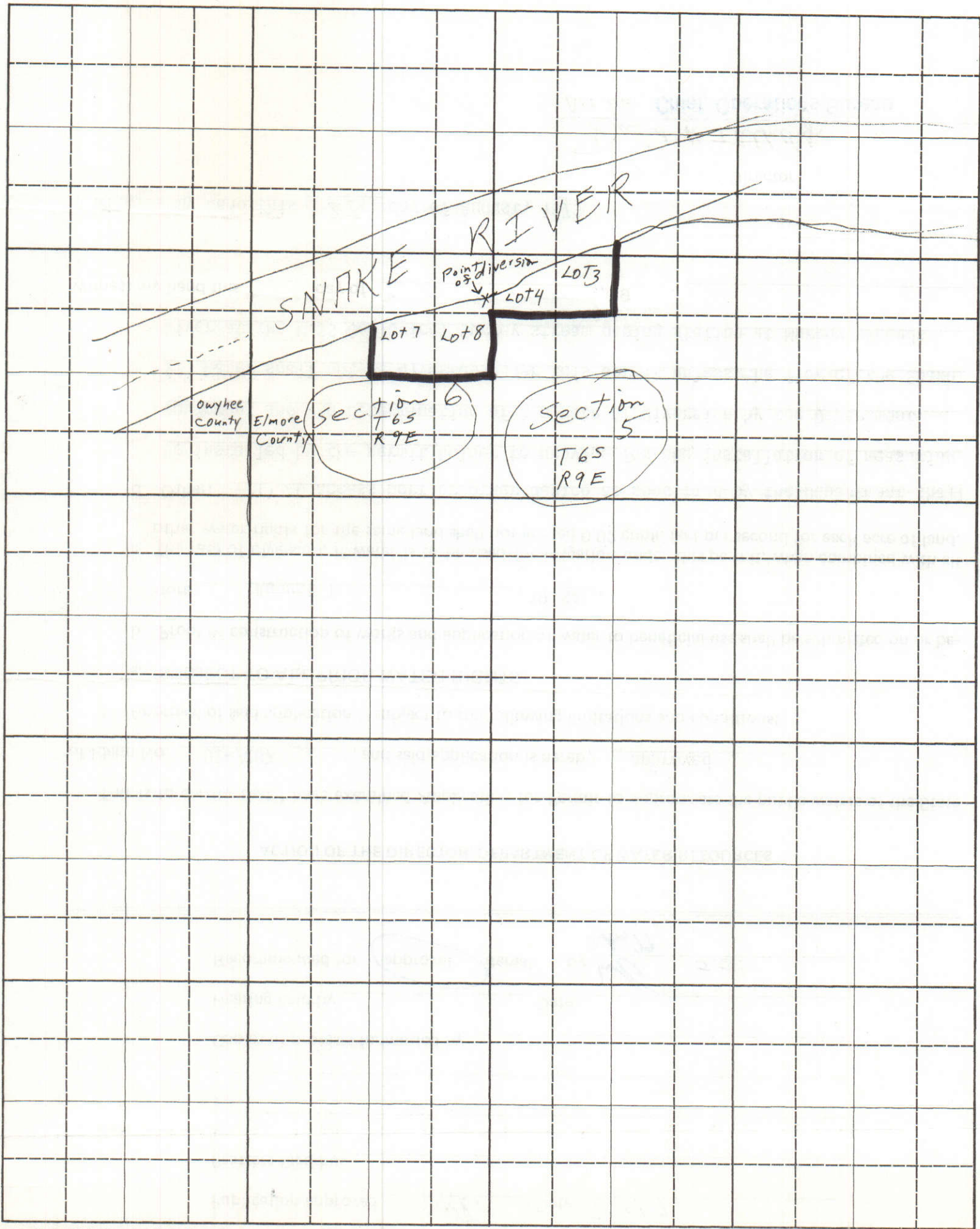


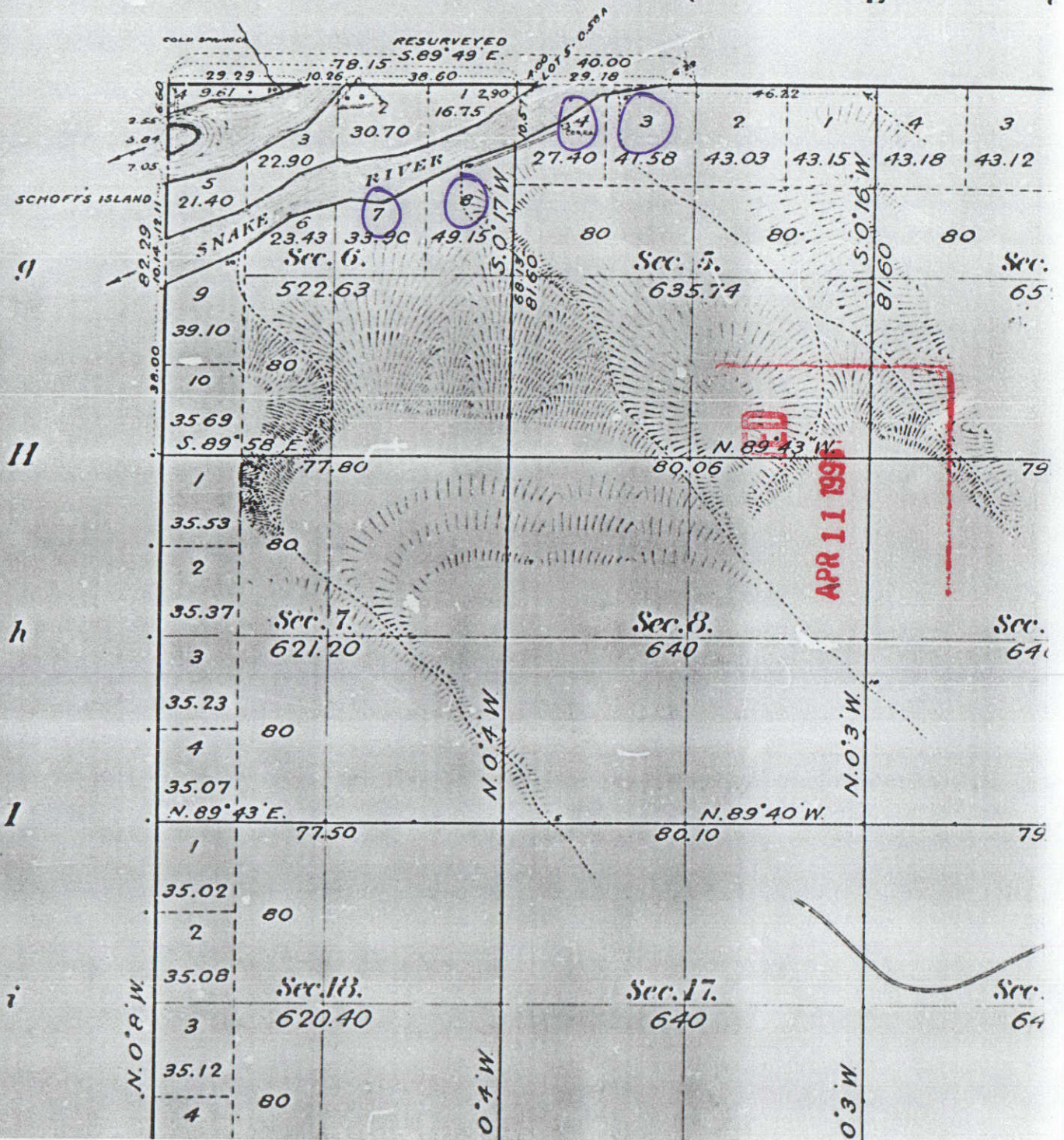
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

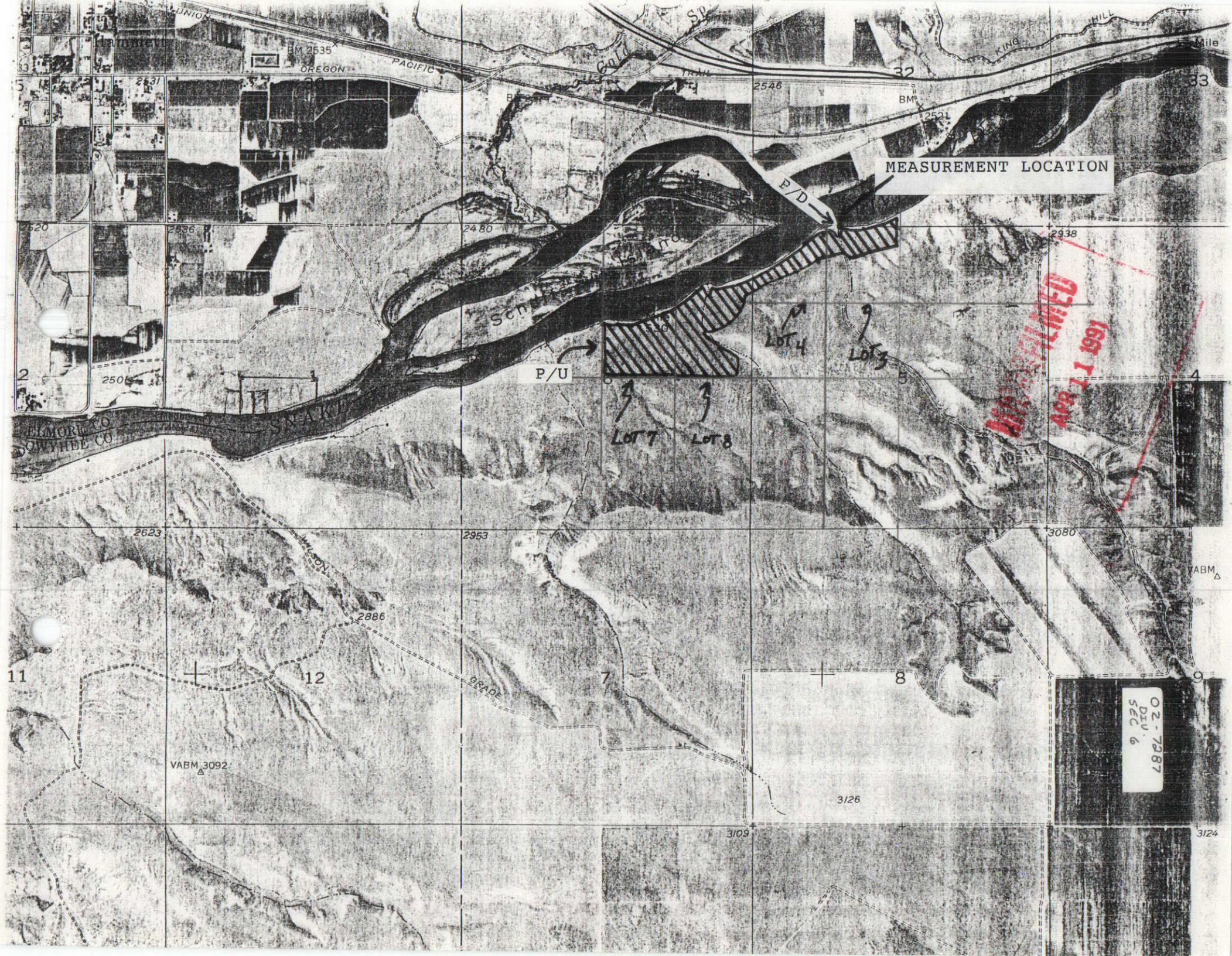


Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Benjamin Dean Christensen
(Applicant)

$$G \quad f \quad F \quad c \quad E \quad c$$




02410

31 32

7598
486

7/19
HEL

2
270

HEL

7599
511

5 HE
34.3

MEASUREMENT LOCATION

C

19A

8" LINE - 6" LINE

LOT 1

LOT

LOT 7

3/6A

34A

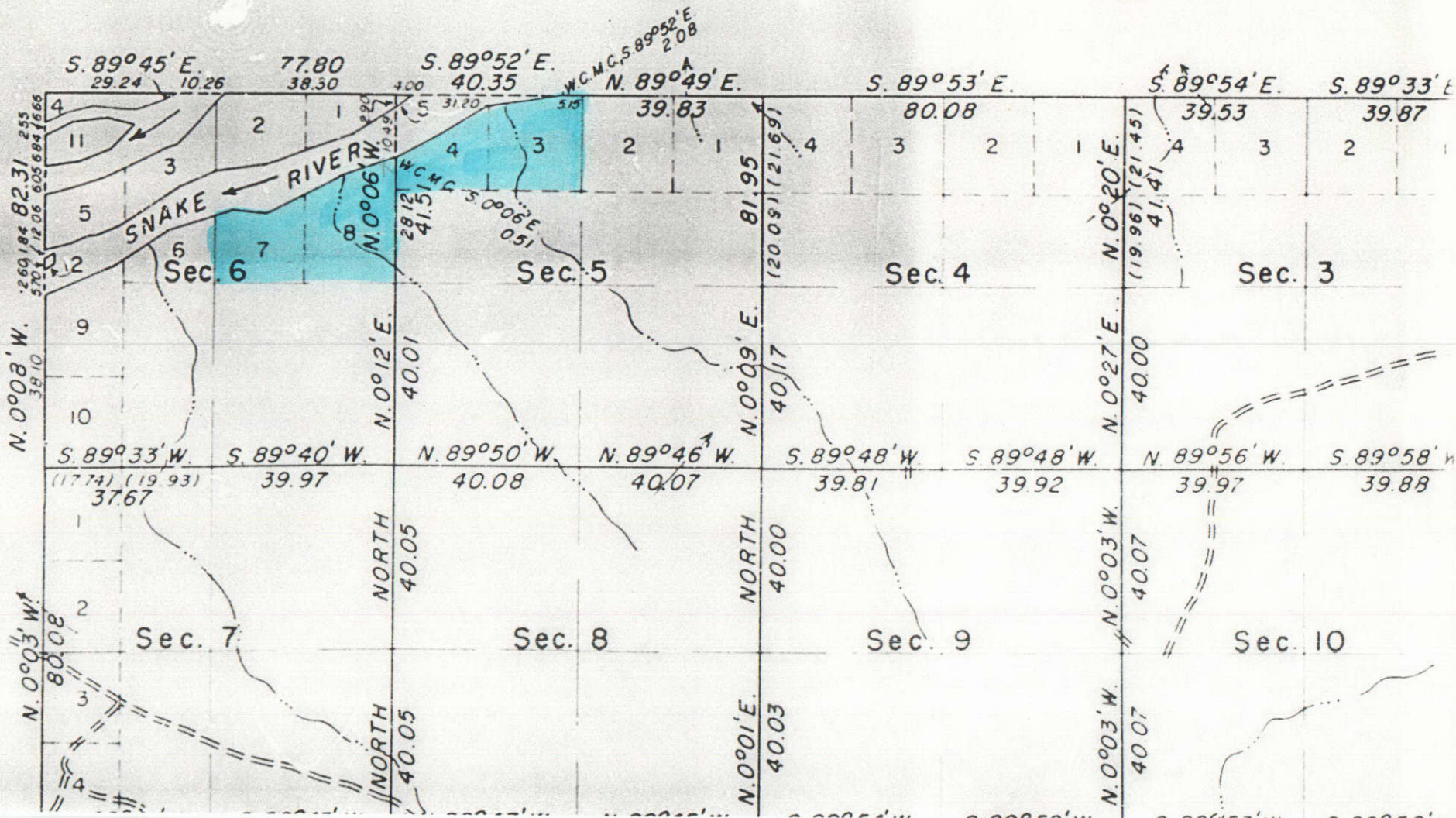
10

PICTURE
LOBBY

APR 11 1991

TOWNSHIP 6 SOUTH, RANGE 9 EAST, OF DEPENDENT R

MICROFILMED
APR 11 1991

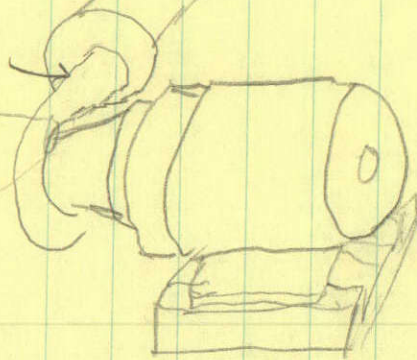


PIPE
THICKNESS = 0.104
CIRC. = 31 1/2"

SNAKE
RIVER

8" ↓

4"



CHECK
APR 11 1991

APR 11 1991

GND

8"

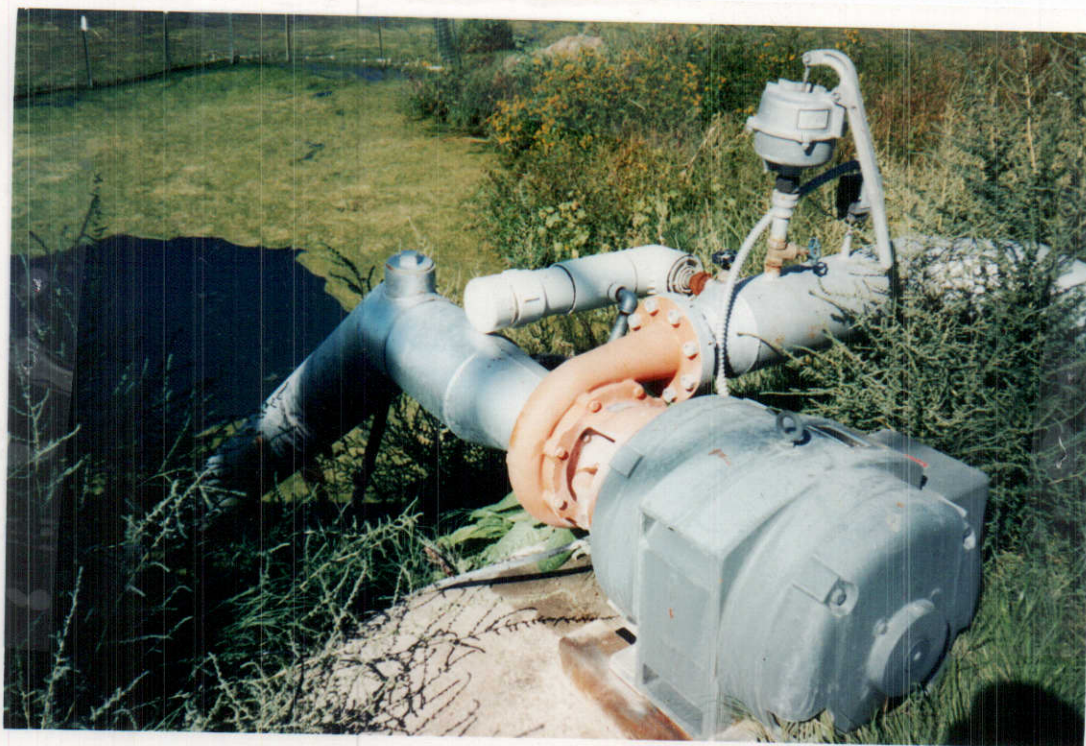
MEASUREMENT
LOCATION

SEC 6		
LOT	7	33.5
	8	31.9
SEC 5		
	4	16.4
	3	20.7

PERMIT 02-07287

PICTURE # 1

This photo shows the pump the suction line and the discharge line. The water shown is a portion of the Snake River.



PICTURE # 2

This photo shows the suction line with the sensor attached. This is the measurement location. The measurement was well within tolerances.



APR 11 1991

MICROFILMED

PERMIT 02-07287

PICTURE SET # 3

This picture set is looking southwest on the left and west on the right. This set shows the newly leveled ground on the left side of this set. The south boarder of this field was surveyed to be on the quarter quarter line.

FILED

APR 11 1991



PERMIT 02-07287 PICTURE # 4 ----->

This picture is looking north northwest. The far field shown ties into the far field shown in the upper right hand corner of picture set # 3. The orange growth shown in this picture is the newly leveled ground.

PICTURE SET # 5 (below)

This picture set shows the P/D location and the field to the east of the P/D. This photo was also taken to show the leveling done on the south boarder of this field. This photo is looking east northeast.

APR 11 1991



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 02-07287

Priority: June 25, 1979

Maximum Diversion Rate: 2.00 CFS
Maximum Diversion Volume:¹ 500.0 AF

This is to certify, that FLOPET INC.

3RD FLOOR

100 BROADWAY

SAN FRANCISCO, CA 94111

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 25, 1979; and has submitted Proof of Beneficial Use on July 28, 1989. An examination indicates that the works have a diversion capacity of 2.310 cfs of water from:

SNAKE RIVER

tributary to **COLUMBIA RIVER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.00 CFS	500.0 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 3(NE1/4), Sec. 5, Township 06S, Range 09E
ELMORE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	09E	5	LOT 3(NE1/4) 19	LOT 4(N1/2) 11		30
		6	LOT 7(SW1/4) 36	LOT 8(SE1/4) 34		70

Total number of acres irrigated: 100

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right is subject to approval by the watermaster of State Water District No. 02

FILMED

APR 11 1991

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

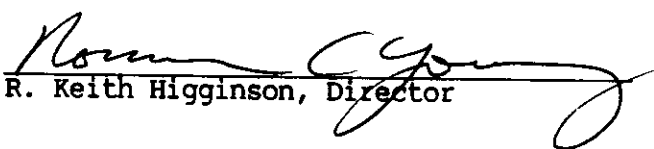
WATER RIGHT NO. 02-07287

CONDITIONS/REMARKS:

6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 5.0 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 9th day of April, 1991.

Acting for


R. Keith Higginson, Director

RECORDED

APR 11 1991

RECEIVED

MAR 27 1991

Department of Water Resources

State of Idaho
Department of Water Resources

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.
APPROVED
Signed this 2 day of March, 1991

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 02-07287

Date of Priority: June 25, 1979

Maximum Diversion Rate: 2.00 CFS
Maximum Diversion Volume: 500.0 AF

Comes now FLOPET INC.

3RD FLOOR
100 BROADWAY
SAN FRANCISCO, CA 94111

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 02-07287, and requests that the permit be changed as follows:

Source: SNAKE RIVER

tributary to COLUMBIA RIVER

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

ANNUAL VOLUME

IRRIGATION

03/15 to 11/15

2.00 CFS

500.0 AF

LOCATION OF POINT(S) OF DIVERSION: LOT 3(NENW), Sec. 5, Township 06S, Range 09E
ELMORE County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

06S 09E 5 LOT 3(NENW) 19
6 LOT 7(SWNE) 36

LOT 4(NWNW) 11
LOT 8(SENE) 34

30
70

Total number of acres irrigated: 100

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

Signed at Kelowna Idaho, this 18th day of March, 1991.

MICROFILMED

APR 11 1991

Letu H. Loef C.E.O.
(Signature)

FLOPET, Inc.

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 02-07287

FOR DEPARTMENT USE ONLY

#CB20061

Preliminary check by SC Fee = \$20.00

Received by gy Date 3-28-91

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 02-07287 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right is subject to control by the watermaster of State Water District No. 02
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 5.0 afa per acre for the lands above.

Witness my hand this 9TH day of April, 1991.

Acting for

R. Keith Higginson
R. Keith Higginson, Director

FILMED

APR 11 1991

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	02-7287	Christensen, Benjamin Dean	2.0
Full Assignment	02-7287	Flopet Inc.	2.0

MICROFILMED

MAY 29 1990

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED
APR 12 1990

Department of Water Resources

I, Benjamin Dean Christensen hereby assign to Flopet, Inc., 100 Broadway,
of 100 Broadway, 3rd Floor, San Francisco, CA 94111
Address

All my right, title, and interest in and to Permit No. 02-7287
to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the
State of Idaho.

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

The entire permit is being assigned which
consists of 2 cubic Feet per second of water
for 100 acres.

Made this 24th day of February, 19 90.

Benjamin Dean Christensen
Permit Holder

Donna Jan Christensen
Spouse of Permit Holder

State of Idaho)
County of Elmore) ss

On this 24th day of February, 19 90, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that ~~he (she)~~ (they) executed the same.

s e a l

Elaine Cunningham

Notary Public residing at

Glenns Ferry, Idaho

My commission expires:

9-14-1993

MICROFILMED

MAY 29 1990

For Office Use Only
Fee Received 15 ⁰⁰ + 19
Date 7-17-84
Receipt # 34916

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

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

Benjamin D. Christensen of Box 759 Wells, Nevada
(Name) (Address)

State of Nevada, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of
the State of Idaho No. 02-7287.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before
August 1, 1984.

That he has heretofore performed the following work described under said permit: Built Road.
(This must be filled out! If no work has been completed put none.)
Installed 2 pumps. Installed 2 buried main lines.
Planted 60 acres of potatoes. I am irrigating
these 60 acres this year. I am using
water. Costing \$ 50,000 *unusual work*

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
Delay of 2 growing seasons due to road permit.
I am also investing as much risk capital
as I have available due to the litigation
in relation to Swan Falls.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations
under said permit to August 1, 1989.
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME

MICROFILMED

Benjamin D Christensen
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within
which to submit the statement of beneficial use is extended to August 1, 1989.

Signed this 17th day of August, 19 84.

L. Glen Saxton
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Benjamin Dean Christensen Phone 837-6304
Post office address Box 282 Hagerman Idaho 83332
2. Source of water supply Snake River which is a tributary of Columbia River
3. Location of point of diversion is Lot 8 of Section 6 Township 6 south
Range 9 East B.M. Boise Meridian, Elmore County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

- ~~Amount _____ (cfs or acre-feet per annum) _____ from _____ to _____ (both dates inclusive)~~
- Amount 2.0 for Irrigation purposes from March 1 to Nov 15 (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. ~~2.0~~ 2.0 (two) cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. Pump, pipeline, and sprinkler system 40 horse pump 6+4 inch main line + 3 inch sprinkler line approximately 150 birdies total
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____
Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years 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: _____ ¼ of _____ ¼ of Section _____ Township _____
Range _____ B.M.
- (2) Amount of power to be generated: _____ horsepower under _____ feet of head.
- (3) List number of each kind of livestock to be watered _____
- (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.
- (5) If water is to be used for other purposes describe: _____

MICROFILMED

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

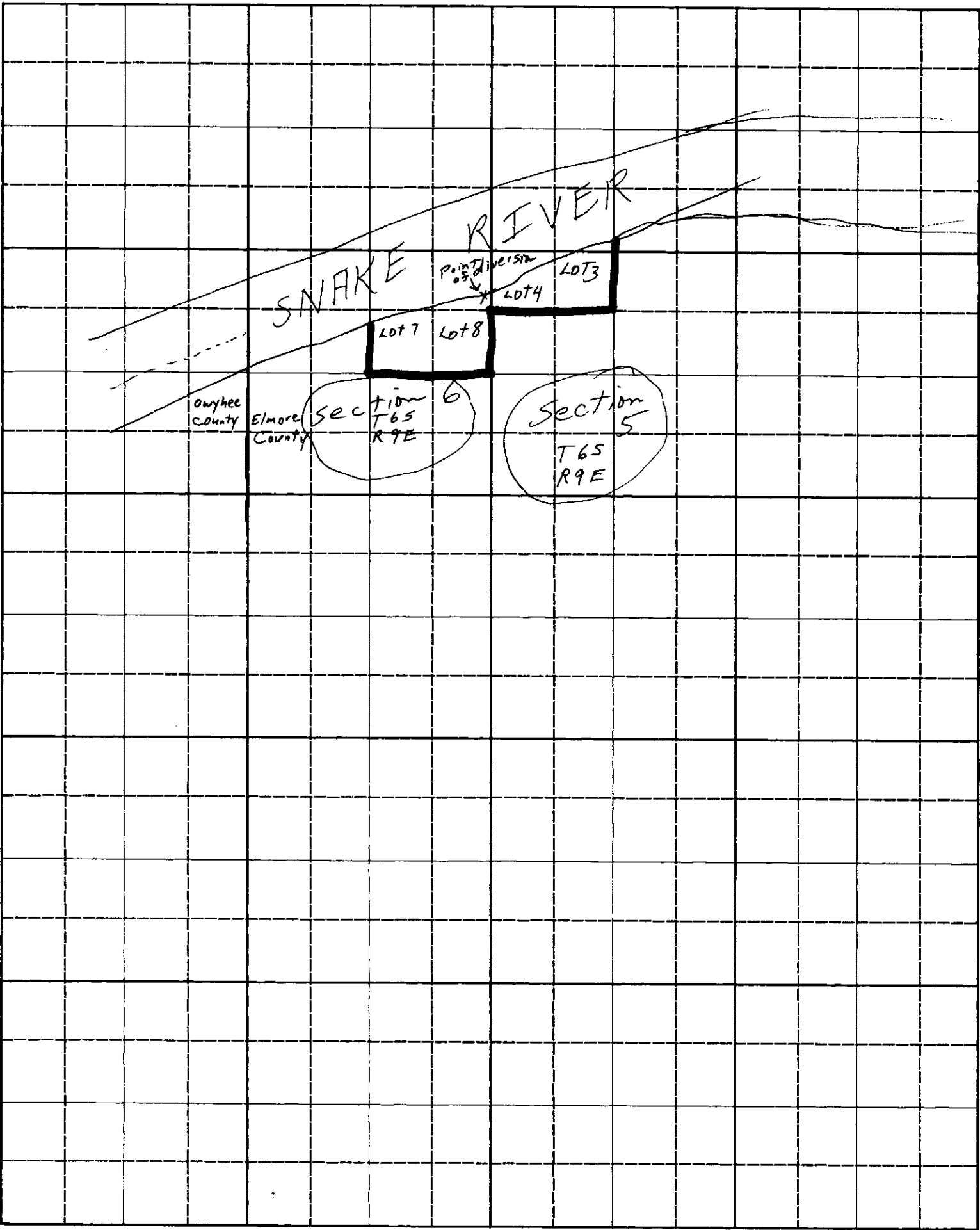
TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6 South	9 East	6			Lot 7 35	Lot 8 20													55
		5					Lot 3 25	Lot 4 20											45

Total number of acres to be irrigated 100

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 Lester C. McNulty (Glenns Ferry)
b. Who owns the land to be irrigated or place of use Lester C. McNulty (Glenns Ferry)
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Lester C. McNulty and myself (Benjamin D. Christensen) have an earnest money agreement made. I will make a down payment to him later (on or before Dec 1, 1979) at which time I will
10. Remarks take over use of the lands. I will then make payments until our agreement is completed.

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



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Benjamin Dean Christensen
(Applicant)

Proposed Priority 6/25/79

Received by KW Date 6/25/79 Time 11:25 am

Preliminary check by _____ Fee \$ 45.00 #14405

Received by KK Date 5/26/79

Publication prepared by KK Date 6/28/79 7/5/79

Published in Mountain Home News

Publication dates 7/5 & 7/12/79 + 7/19/79

Publication approved KK Date 7/30/79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by W.G. J.S.
2 Aug 79

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

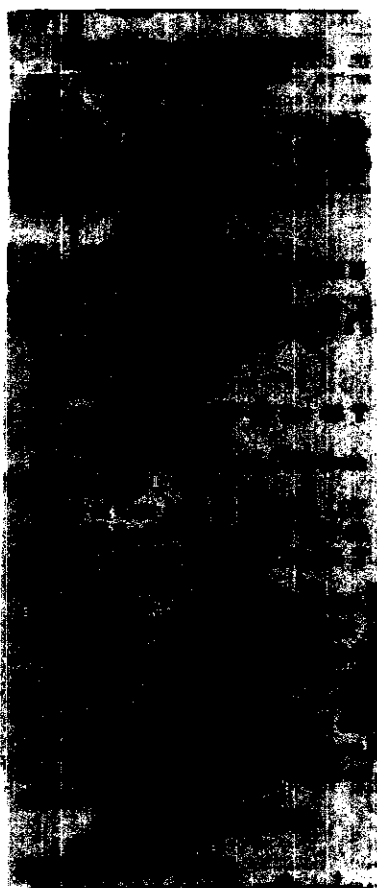
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 02-7287, and said application is hereby approved.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 19 84.
- 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: (1) An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
(2) Water shall not be diverted under this permit unless the flow of the Snake River at the U.S. Geological Survey stream gaging station at Murphy exceeds 3,300 c.f.s. and at Weiser exceeds 4,750 c.f.s.

Witness my hand this 22 day of August, 1979

David R. Tuttle Jr.
Acting Chief, Operations Bureau



OK
KK
7/30/79

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, [Signature] do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

... 2 ... consecutive weeks, the first publica-
tion having been made on the 12 day

of July, 1979, and
the last publication having been made on the

... 19 ... day of July ...
1979; every Thursday issue of the paper

during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

[Signature]
Subscribed and sworn to me this 19

day of July, 1979.

[Signature]
Notary Public

RECEIVED
JUL 24 1979

Department of Water Resources
Western Regional Office

MICROFILMED

FLOPET INC.
3RD FLOOR
100 BROADWAY
SAN FRANCISCO CA 94111

June 8, 1992

RE: Water Right No. 02-07287

Dear Water Right Holder(s):

On May 19, 1992, the department sent you a letter advising that you might be required to temporarily cease diverting water from the Snake River or its tributaries if the established minimum stream flow of the Snake River in the amount of 4,750 cubic feet per second measured near Weiser is not satisfied or likely will not be satisfied.

The flow of the Snake River at Weiser is now less than 4,750 cfs. You are, therefore, directed to immediately cease diverting water under the above referenced water right and to not resume use until authorized by the department.

Past flow records show that the duration of seasonal low flow periods typically last several days to a week. Since your use of water is extremely important to you and since mail notification includes a delay associated with mail delivery time, feel free to call the toll-free telephone number 1-800-451-4129 to determine when you are again authorized to divert and use water under your water right. Please use this phone number only in connection with resumption of use.

You need to be aware that Section 42-351, Idaho Code, provides for penalties of up to \$100 per day for unauthorized diversion.

Thank you for your cooperation in this matter. Please feel free to contact L. Glen Saxton (phone: 208-327-7955) or Gary Spackman (phone: 208-327-7946) of my staff if you have questions.

Sincerely,

R. KEITH HIGGINSON
Director

June 12, 1992

FLOPET INC.
3RD FLOOR
100 BROADWAY
SAN FRANCISCO CA 94111

RE: Water Right No. 02-07287

Dear Water Right Holder(s):

On June 8, 1992, the department sent you a letter which directed you to immediately cease diverting water under the above referenced water right, since the minimum stream flow of the Snake River in the amount of 4,750 cubic feet per second (cfs) measured near Weiser was not being satisfied.

The flow of the Snake River at Weiser is now above 4,750 cfs. You are, therefore, authorized to again divert water under your water right. If the minimum stream flow is not met later this year, however, the department will again notify you to temporarily cease diversion.

Thank you for your cooperation in this matter. Please feel free to contact L. Glen Saxton (phone: 208-327-7955) or Gary Spackman (phone: 208-327-7946) of my staff if you have questions.

Sincerely,

R. KEITH HIGGINSON
Director

FLOPET INC.
3RD FLOOR
100 BROADWAY
SAN FRANCISCO CA 94111

May 19, 1992

RE: Water Right No. 02-07287

Dear Water Right Holder(s):

Department water right records show that you divert water from the Snake River or its tributaries under a water right that has a priority date later than December 29, 1976. This is the priority of the established minimum stream flow of the Snake River at the Weiser Gage (Weiser) in the amount of 4,750 cubic feet per second.

Because of the continuing drought conditions in the Snake River Basin, department hydrologists project that during 1992, there could be periods when the required minimum flow will not be satisfied due to low flows of the Snake River. The department urges you to not divert at a higher rate than authorized by your water right and to not use your right in any manner different than authorized. In addition, when the minimum flow will not be satisfied or is not being satisfied, you are required to cease diverting water under your water right, because your right is of later priority than the minimum stream flow at Weiser.

If the department determines the minimum flow will not be satisfied, the department will advise you and will provide as much lead time as possible in requiring that you temporarily cease your diversion of water. The greatest likelihood for this to occur is during a period from mid-June to late June.

While the department expects good cooperation from junior water right holders, water users should be aware that Section 42-352, Idaho Code, provides for penalties of up to \$100 per day for unauthorized diversions of water.

The department has contacted both the Idaho Power Company and the U.S. Bureau of Reclamation with respect to the timing of storage releases from upstream reservoirs for flow enhancement

purposes. This type of coordination could minimize the impact on existing water users and reduce the need to curtail diversions.

The department has scheduled public information meetings relative to this potential regulation as follows:

Mountain Home - June 4, 1992 - 10:00 a.m. - gymnasium at
North Elementary School, 290 E. 12th N.

Caldwell - June 4, 1992 - 7:00 p.m. - Ballroom in the
Student Union Building, Albertson College of Idaho,
2112 Cleveland

If you have questions concerning this letter or wish to provide the name of a different contact person or address to receive department correspondence, please contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:klg

FLOPET INC.
3RD FLOOR
100 BROADWAY
SAN FRANCISCO, CA 94111

April 11, 1991

RE: WATER RIGHT NO. 02-07287

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

APR 11 1991
MED

FLOPET, INC.

Post Office Box 229
Sun Valley, Idaho 83353

APR 11 1991

RECEIVED

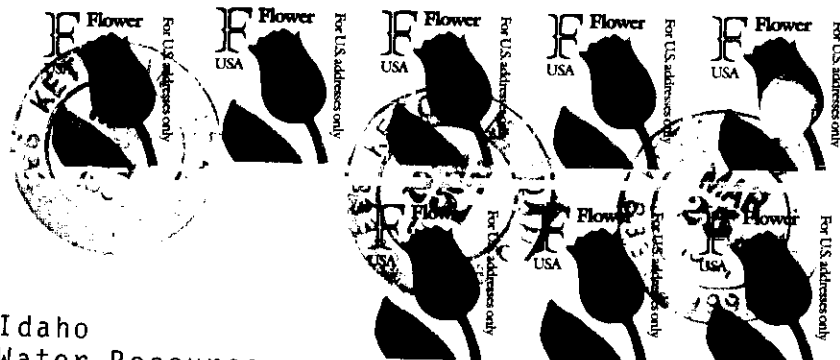
*new
address*

Fold at line over top of envelope to the right
of the return address.

CERTIFIED

P 059 723 651

MAIL



State of Idaho
Dept. of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, ID 83720-9000

FLOPET INC.
3RD FLOOR
100 BROADWAY
SAN FRANCISCO, ~~CA~~ 94111
CA

March 15, 1991

RE: WATER RIGHT NO. 02-07287

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 15 days.

If you do not concur with these findings or if you have any questions, please contact us within the 15-day period.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

Enclosure

MICROFILMED

APR 11 1991

MEMORANDUM

TO: File 02-7287

FROM: Sharla

DATE: March 6, 1991

RE: 60 acres v. 100 acres

The proof of beneficial use postcard submitted in 1989 reflected irrigation of 100 acres. On April 26, 1990 Gary Spackman spoke to the new owners of the permit and they indicated to him that only 60 acres had been developed and they still planned to develop the other 40 acres. Because of this statement, Gary informed them the place of use would be limited to 60 acres.

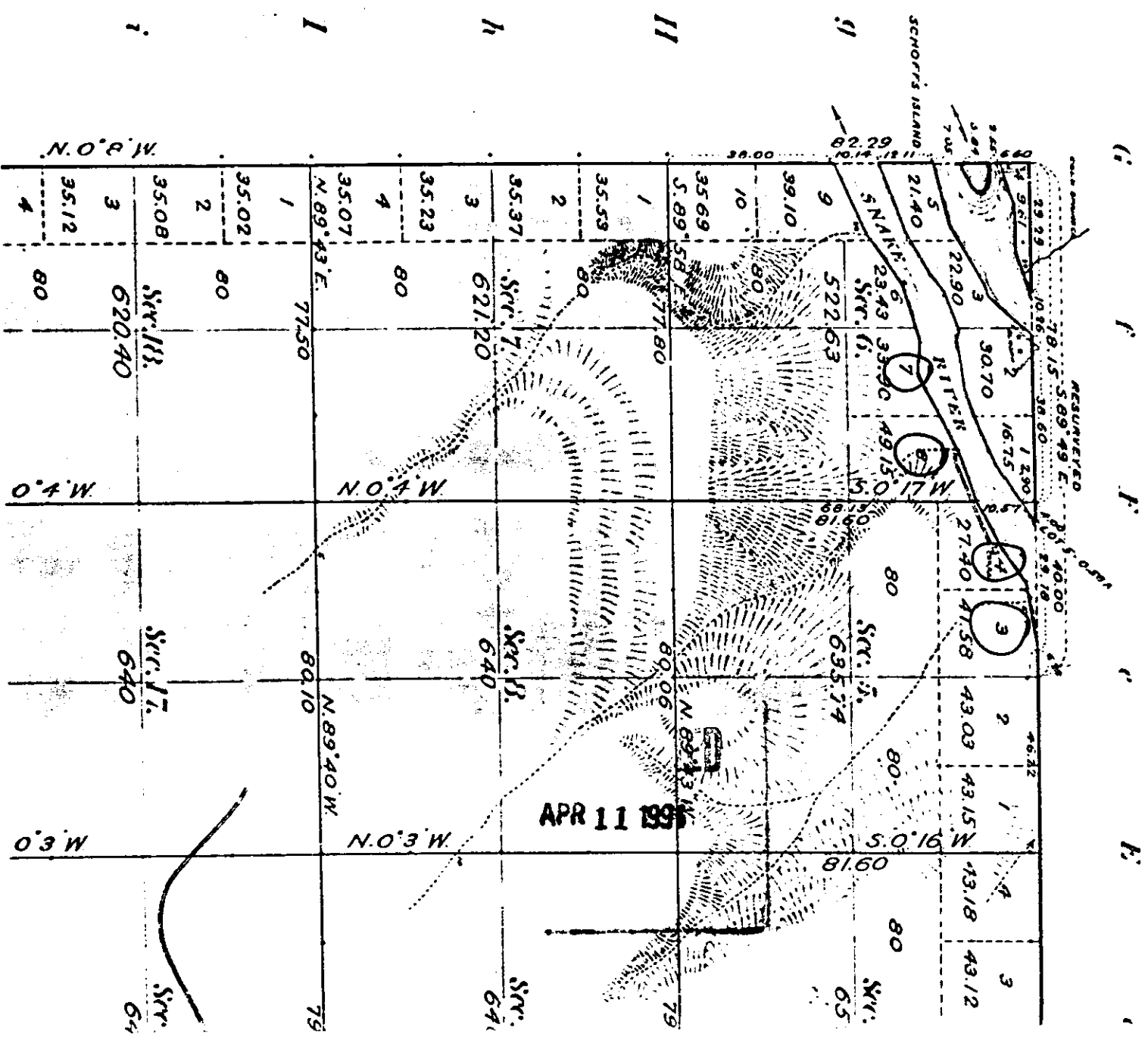
On this date, I contacted the field examiner to find out whether or not a copy of Gary's memo had been received by the region. A copy was in the file and Kelly indicated that he had read the memo before conducting the exam, but once he was out in the field he did not inquire of the holder as to when the total 100 acres were developed. He did find a total of 100 acres being irrigated at the time and recommended this total for licensing.

Gary's recommendation to limit the permit to 60 acres based upon the fact that proof had already been submitted would be appropriate if the beneficial use statement had listed irrigation of 60 acres and the license would have been reduced accordingly. However, the proof statement did indicate 100 acres.

There are probably numerous cases where additional development is made between the proof submittal and the examination of the system. This may be a typical example of that scenario. Nevertheless, the field examination confirmed irrigation of 100 acres which coincides with the proof statement. The license will be issued accordingly.

FILED
APR 11 1991

ROUTING AND COURSE, 1895-1900



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
FEB 12 1991

A. GENERAL INFORMATION

Department of Water Resources
Permit No. 02-0265

1. Owner: FLO PET Phone No. _____
Current Address: BOX 229 SUN VALLEY 83353
2. Accompanied by: PETER FLOOD EXAM. DATE: 9-14-90
Address: _____ Phone No. _____
Relationship to Permit Holder: CEO
3. Source: SNAKE RIVER tributary to Columbia River

B. OVERLAP REVIEW

1. Other water rights with same place of use: NAMES 02-0413 *see back page
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: NAMES 02-07214 still in application stage
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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

Scale: 1" = _____

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

RECEIVED
APR 11 1991

System Description (continued)

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

THE SYSTEM IS A CENTRIFUGAL PUMP LIFTING WATER OUT OF THE SNAKE RIVER & DELIVERING THE WATER TO THE P/U VIA 2 BURIED MAINLINES. THE MAINLINE SPLETS AT THE PUMP WITH A 6" LINE RUNNING SOUTH FOR APPROX 680 FT AND AN 8" LINE RUNNING SOUTHEAST APPROX 650 FT TO A TENTH MAIN LINE FROM THERE A 8" LINE RUNS NORTH FOR 560' AND A 6" LINE RUNS SOUTH 100'.

NORMAL OPERATION CONSISTS OF BOTH MAIN LINES

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	MARATHON	75	WB-34TDS 8511AN W		
				BERKELEY	4"

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	3		NE	NW	5	6S	9E	ELMORE	AERIAL PHOTOS & QUAD MAP

6. Place(s) of Use:

Indicate Method of Determination

AERIAL PHOTO

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	9E	5					19	11											30
							Lot 3	Lot 4											
6S	9E	6			36	34													70
					Lot 7	Lot 8													

TOTAL 100

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APR 11 1991

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
SONIC METER	FLOWMETER	TYNE-LLyte		STATE # 150231		
		BY POLYSONICS				

2. Measurements:

MEASURED 1035 GPM / 448.8 = 2.31 CFS

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

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

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 100 * 5 = 500$
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.00 * 261 * 1.9835 = 1035.4$
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 500$

2. Volume Calculations for Other Uses:

FILED

APR 11 1991

H. REMARKS AND OVERLAP REVIEW ANALYSIS

OPERATIONS WITH 8" MAIN LINE CARRYING 10 PRESSURES WITH 3 NELSON BIG GUNS OPERATING #8 NOZZLE (TOPS) OFF THE 6" LINE 2 WHEEL LINES 1 @ 1000' & 1 @ 1200' FROM THE T IN THE 8" LINE GOING TO 6" 2 WHEEL LINES 1 @ 1800' & 1 @ 1000'. HAND LINES ARE USED AROUND THE P/D & AT THE ^{WEST} EAST SIDE OF P/U. ALSO SOUTH EAST OF WEST FIELD. FLOW CONTROL NOZZLES ARE USED ON THE WHEEL LINES. 5 GPM TIPS. P/U WAS LEVELED AFTER THE AERIAL PHOTO.

PERMIT IS FOR IRRIGATION OF 100 A @ 2.00 CFS
FEES PAID FOR 2.00 CFS

* A Statutory claim # 02-04013 claims FOUND 100 A AND 2.31 CFS
12 acres in S.6 S.6 E. - where this LEGAL LIMIT = $0.02 \times 100 = 2.00 \text{ CFS}$.
1. RECOMMENDATIONS permit shows 35 ac. irrigated - may or may not be significant.
Adjudication filing does not list this acreage for this claim.

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	3-1	11-15	2.00	500
Totals:			2.00 CFS	500 AFA

2. Recommended Amendments

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

☒ None

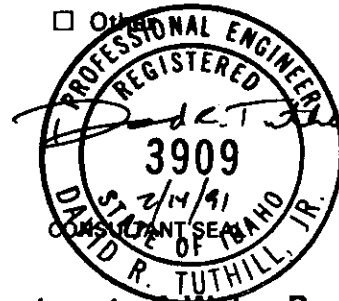
J. AUTHENTICATION

Field Examiner's Name KELLY K. CHRISTENSEN

Signature Kelly K. Christensen

Certification Date _____

Field Report Preparation Date 12-19-90

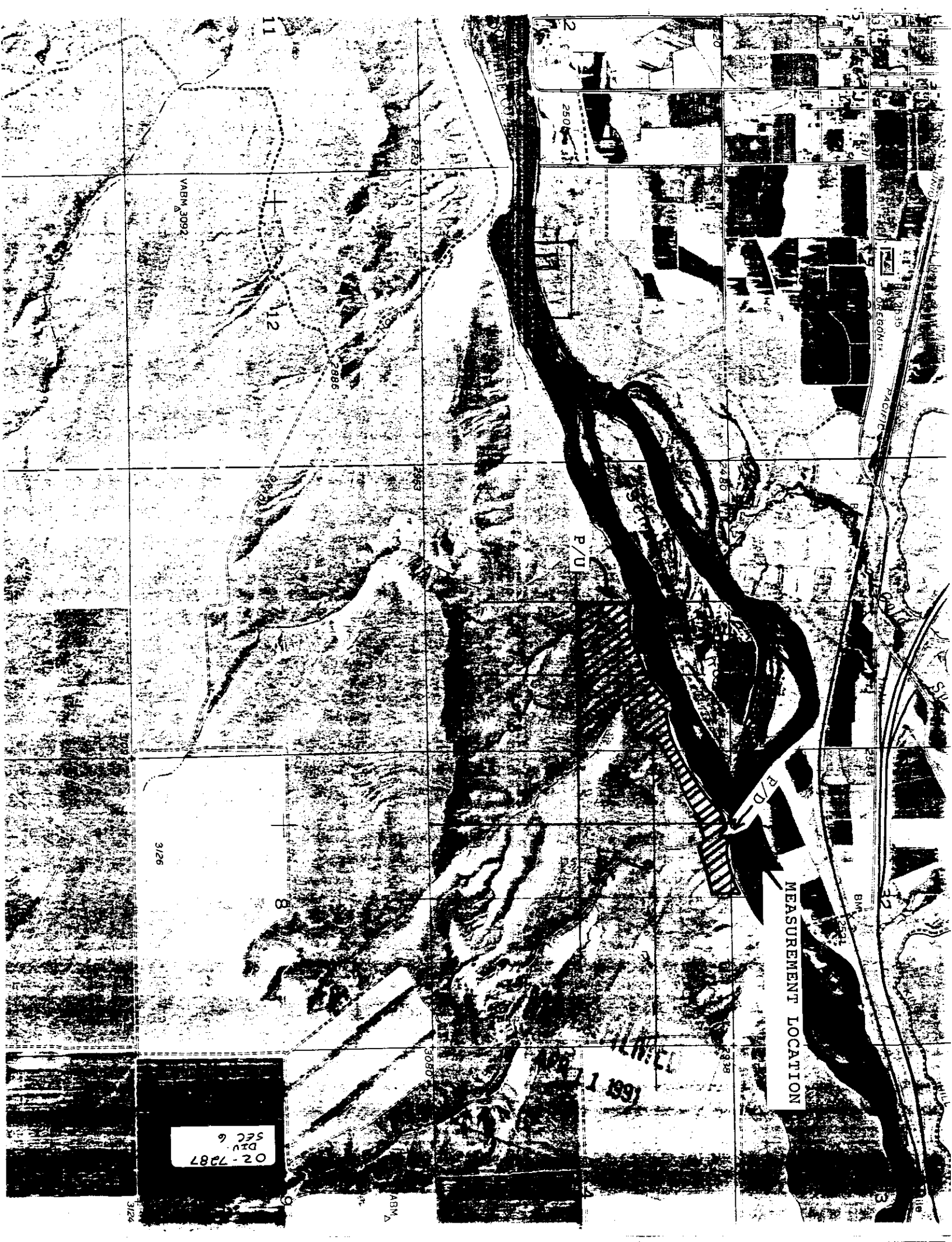


K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

2/21/91

NOT FILMED

APR 11 1991



MEASUREMENT LOCATION

P/U

P/D

02-7287
DIV 6
SEC 6

VABM 3092

OREGON

PACIFIC

BIN 1501

1 1991

ABM

3126

52410



MEASUREMENT LOCATION

8" LINE - 6" LINE

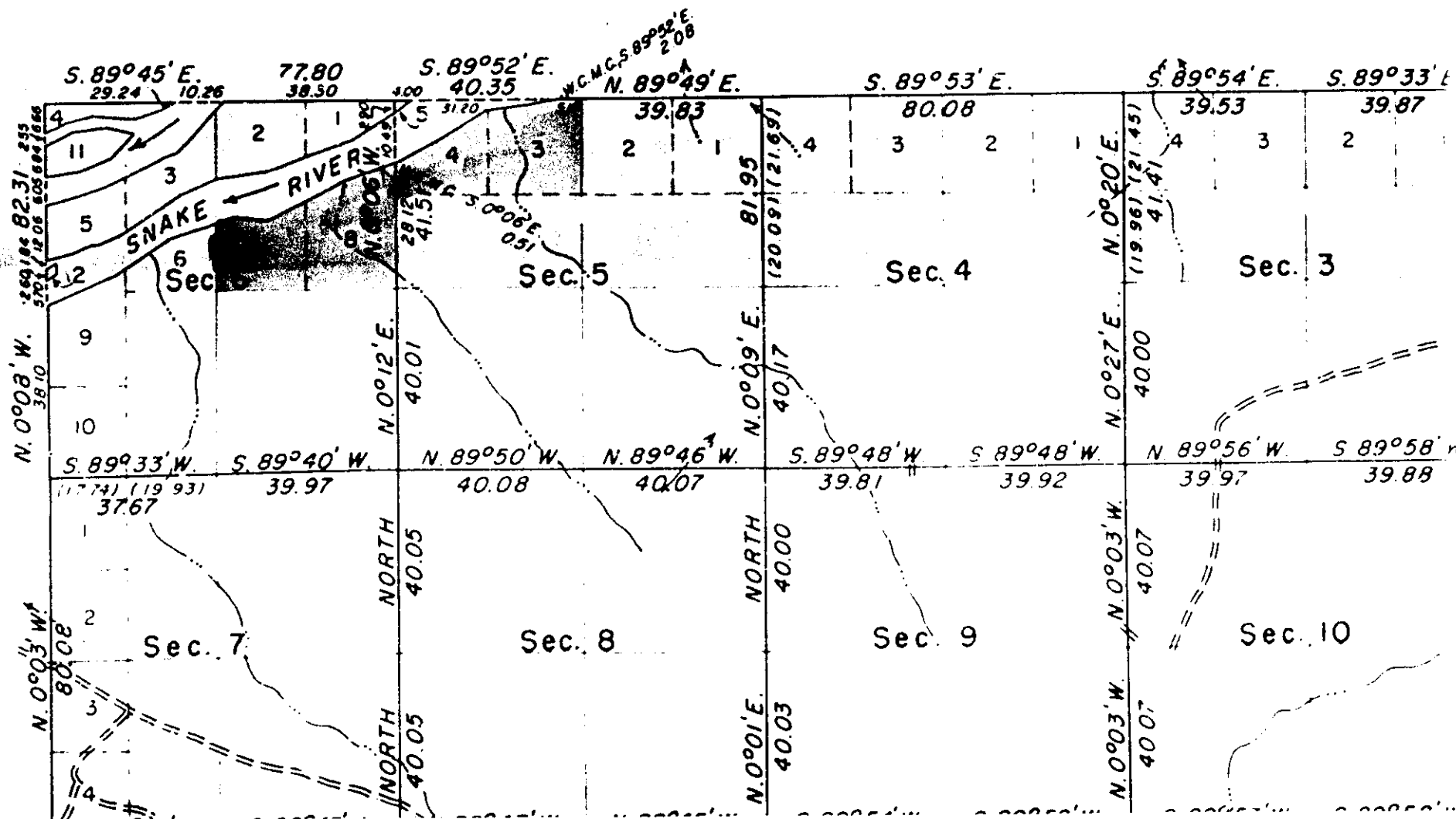
LOT 7 36A

6 LINE

TOWNSHIP 6 SOUTH, RANGE 9 EAST, OF

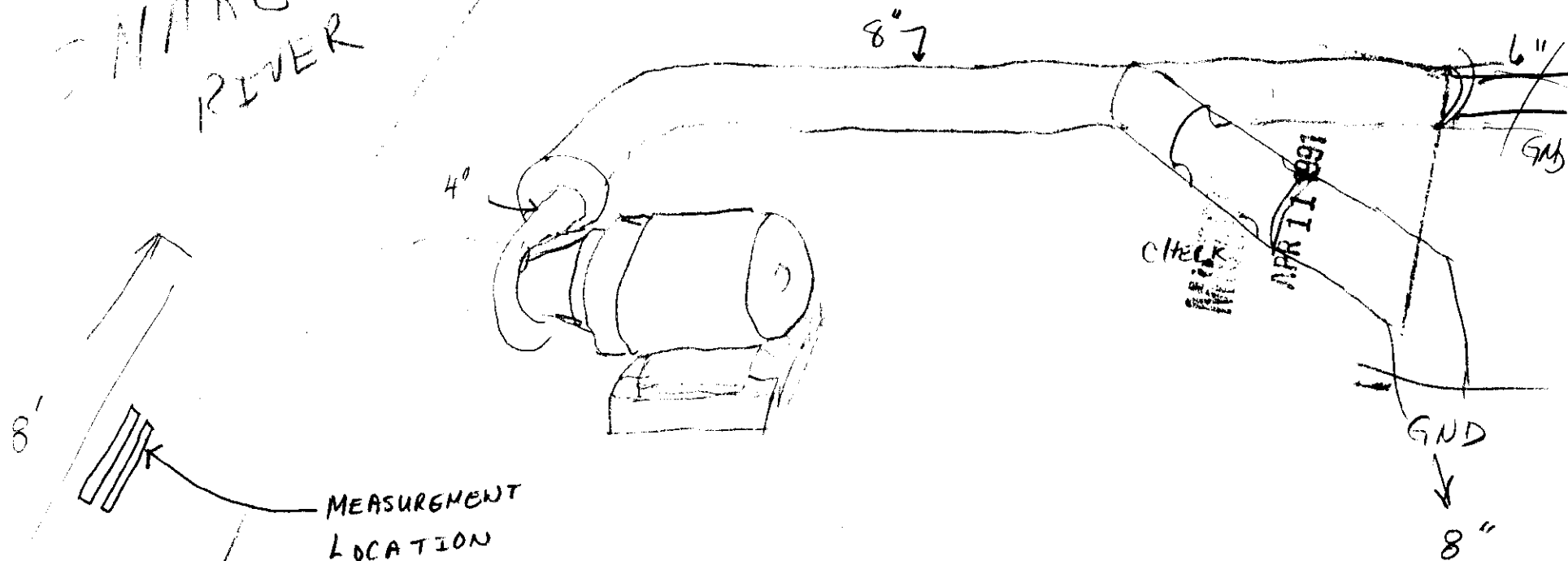
DEPENDENT R

RECORDED
APR 1 1997



PIPE
THICKNESS = 0.104
CIRC. = 31 1/2"

SNAKE
RIVER



SEC 6		
LOT	7	33.5
	8	31.9
SEC 5		
	4	16.4
	3	20.7

? YES

MM-DD HH:MM
09-14 16:11

MODE SELECT
DATA SET

DATA SET MODE
? PRINTER

PRINTER USE
? YES

MM-DD HH:MM
09-14 16:12

MODE SELECT
INPUT

OUTER DIAMETER
10.0264 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
.10400 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
7.536 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

DAMPING SET
20 SEC

09-14 16:2400 *R
+002.90 % AI2

MODE SELECT
T0 CHECK

0368.7 MMSEC
100.49 % T0

09-14 16:2600 *R
+ 1.035E 3GPM

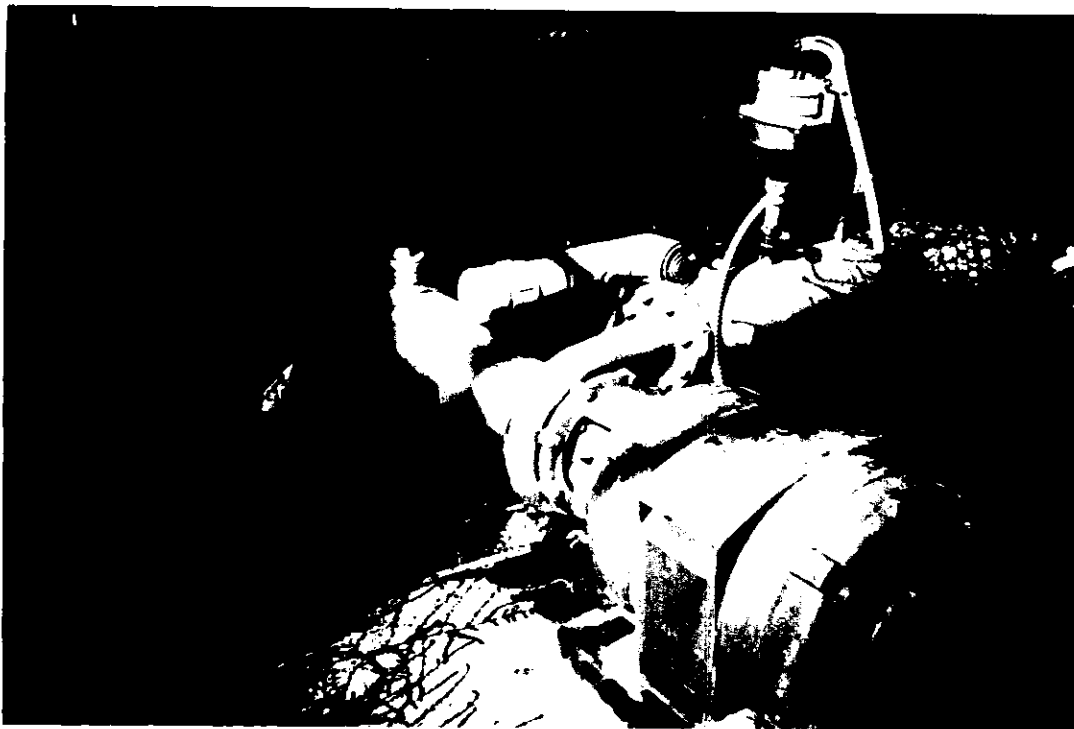
TOLERANCE
GOOD

GPM

PERMIT 02-07287

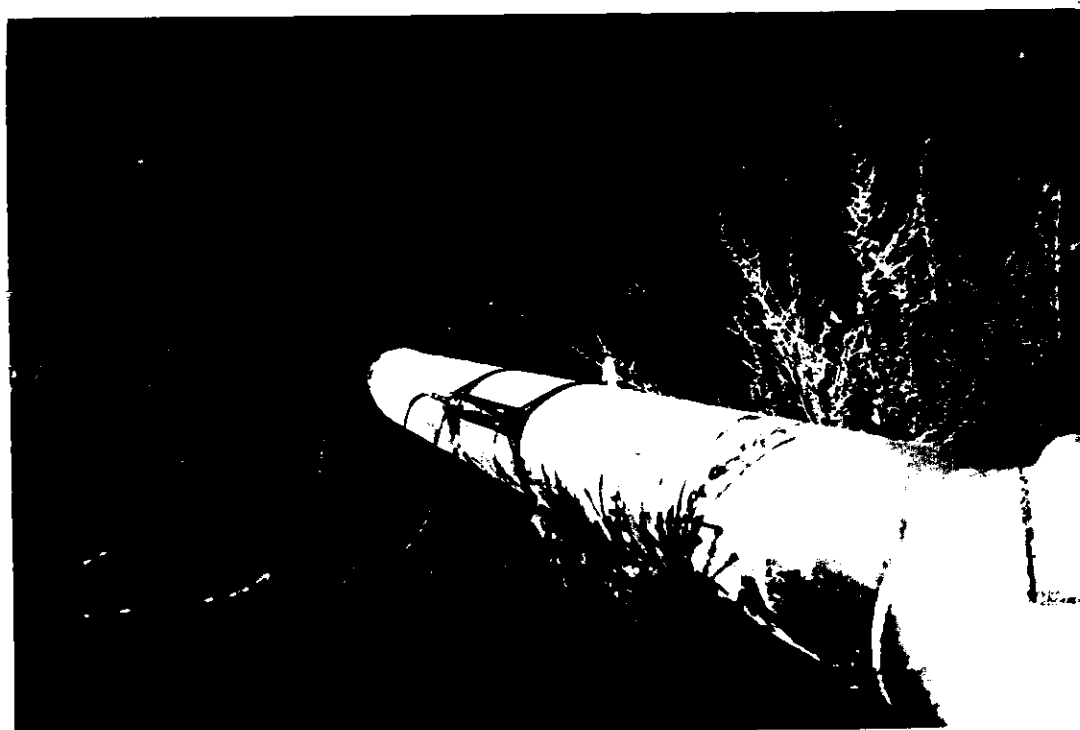
PICTURE # 1

This photo shows the pump the suction line and the discharge line. The water shown is a portion of the Snake River.



PICTURE # 2

This photo shows the suction line with the sensor attached. This is the measurement location. The measurement was well within tolerances.



APR 11 1991

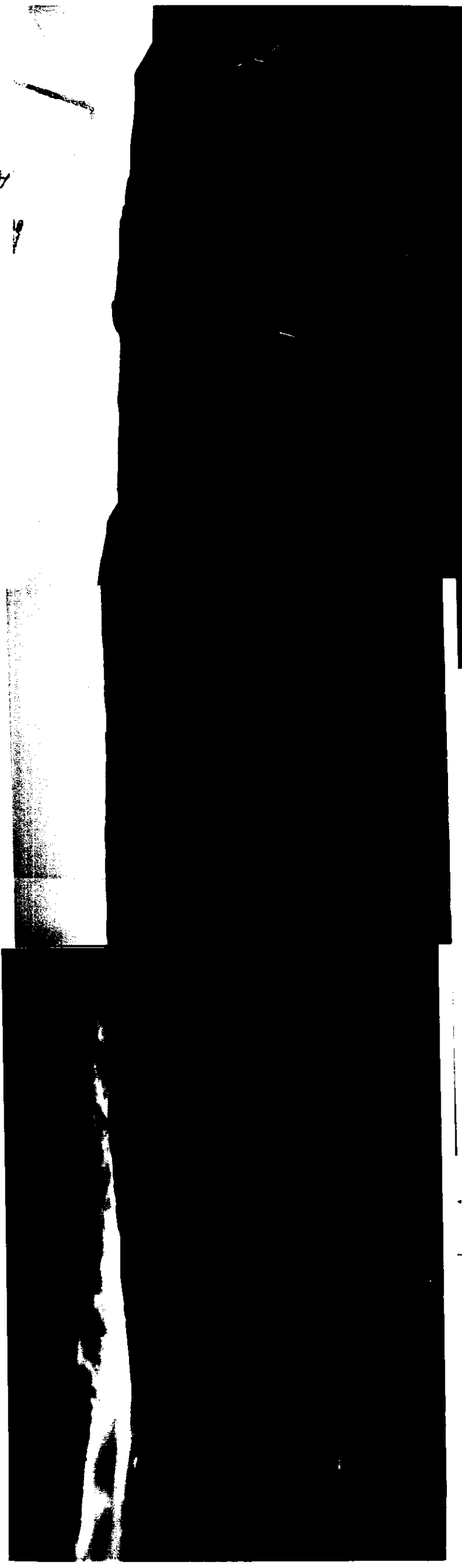
MICROFILMED

PERMIT 02-07287

PICTURE SET # 3

This picture set is looking southwest on the left and west on the right. This set shows the newly leveled ground on the left side of this set. The south boarder of this field was surveyed to be on the quarter quarter line.

APR 11 1991



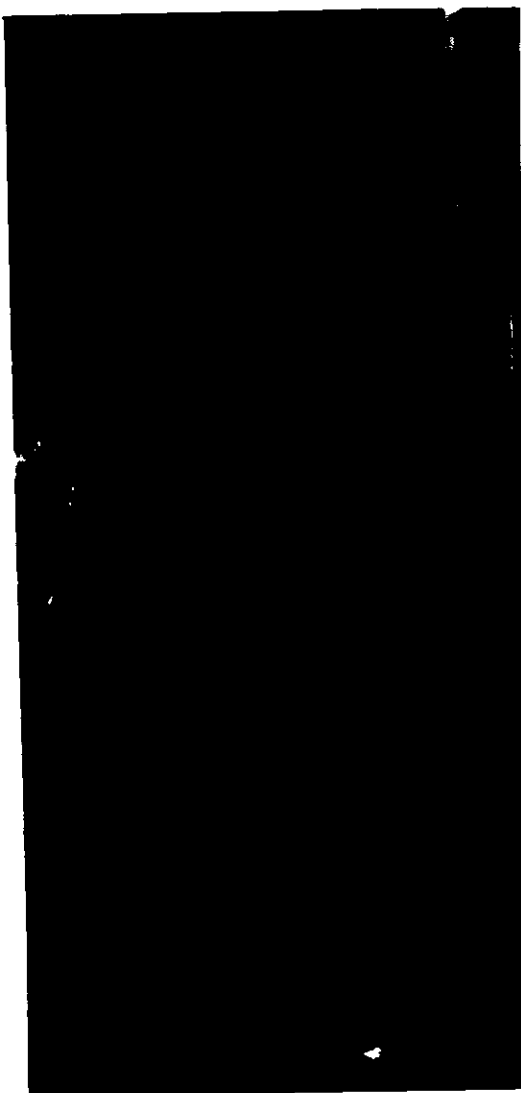
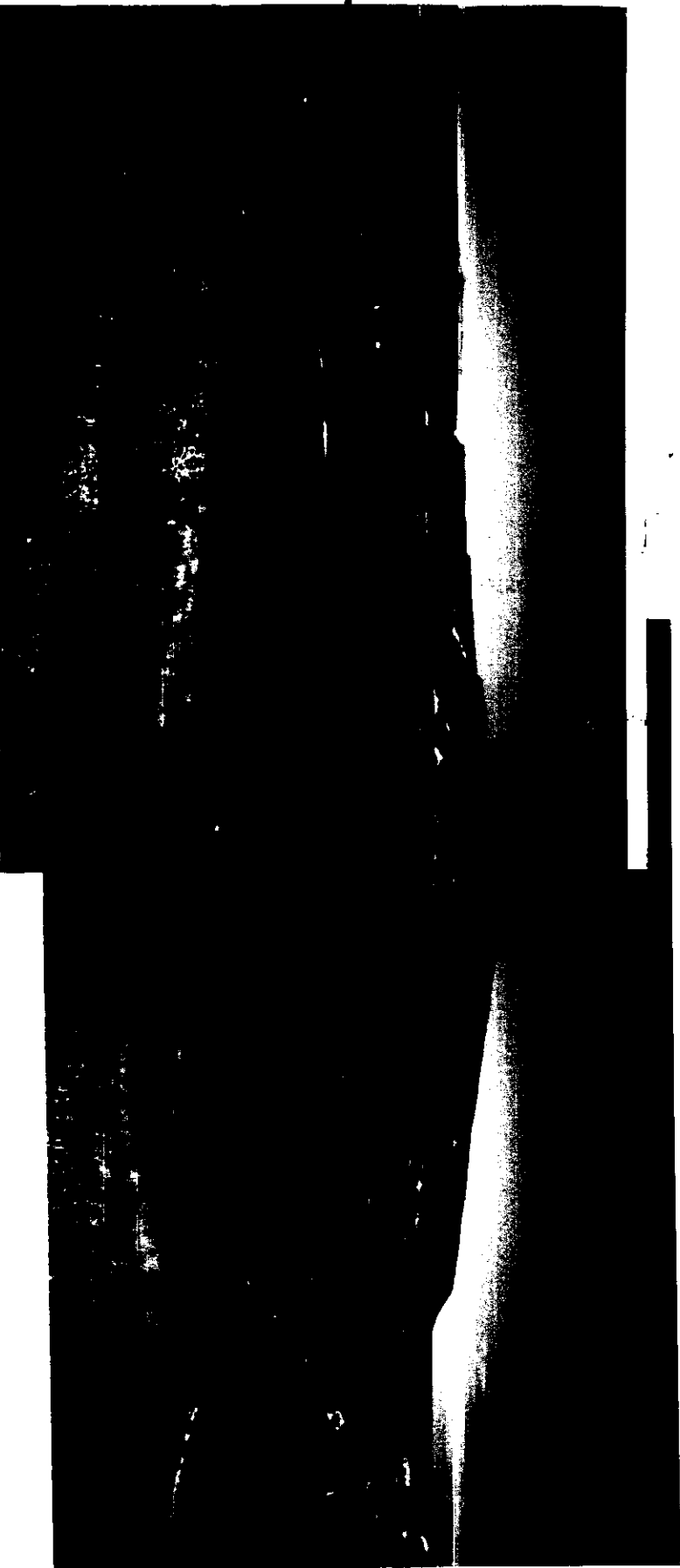
PERMIT 02-07287 PICTURE # 4 ----->

This picture is looking north northwest. The far field shown ties into the far field shown in the upper right hand corner of picture set # 3. The orange growth shown in this picture is the newly leveled ground.

PICTURE SET # 5 (below)

This picture set shows the P/D location and the field to the east of the P/D. This photo was also taken to show the leveling done on the south boarder of this field. This photo is looking east northeast.

APR 11 1991





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 16, 1990

Re: Water Right No. 02-7287

Flopet, Inc.
100 Broadway
3rd Floor
San Francisco, CA 94111

Dear Water Right Holder(s):

We acknowledge receipt of the correspondence transferring ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

Sharla Curtis

SHARLA CURTIS
Clerical Specialist

SC:js

MICROFILMED

MAY 29 1990

MEMORANDUM

TO: File No. 02-7287 in the Name of Flopet, Inc., 100
Broadway, 3rd Floor, San Francisco, CA 94111
FROM: Gary Spackman *Gary*
DATE: April 26, 1990

I spoke to the new owners of permit no. 02-7287. They were questioning whether additional filings would be needed for improvement of the irrigation system. As I questioned the person, he represented to me that only 60 acres of the permitted 100 acres have been irrigated in the past, and that they desired to develop the additional 40 acres. I told him that the place of use for the permit would be limited to 60 acres, since proof of beneficial use has already been filed, and that the additional 40 acres could not be developed under the permit.

cc. Western Region

MICROFILMED

MAY 29 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 21, 1990

Benjamin Dean Christensen
2713 Falls Avenue East
Twin Falls, ID 83301

RE: Permit to Appropriate Water No. 02-7287

Dear Mr. Christensen:

I acknowledge receipt of your letter on December 26, 1989, and the carbon copy of the letter you sent to me on February 5, 1990. I notice that the first letter you sent was not addressed to my attention, and I do not understand why no one responded to it.

When you assign permit no. 02-7287 to the new owner, it will be his responsibility to schedule a time for a field examination with our Southern Regional office in Twin Falls.

I have enclosed a water right assignment form which is used in the assignment of existing permits. You should complete the form, assigning the water right to the new owner of your land.

Proof of beneficial use was filed on August 1, 1989. The filing of an adjudication claim is only required for permits having proof filed prior to November 19, 1987. There may be a requirement for further adjudication filing in the future, but the new land owner will be notified of these requirements.

I hope this has answered your questions.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

Microfilm

GS:js

Enclosure

cc. Southern Region

MAY 23 1990

December 22, 1989
2713 Falls Avenue East
Twin Falls, Idaho 83301

RECEIVED
DEC 26 1989

Re. Permit No. 02-7287

Department of Water Resources
450 W. State Street
Boise, Idaho

Department of Water Resources

Dear People:

I am wishing to sell my farm in Glens Ferry. In so doing I am also wishing to transfeere my water permit to the new owner. Please advise me as to the proper procedure to follow in making this transfere.

I have paid all of the fees. The only thing that is left on the permit stage is the field inspection. Am I correct in assuming that the field inspection will become the responsibility of the new owner with the transfere of this permit?

I would also like your office to address the adjudication situation in relation to this permit. It has been my understanding that, because this water permit was in the permit stage, I was fulfilling my obligation to the adjudication process. Is my understanding correct?

If your office would please respond to the above questions as soon as possible I would appreciate it very much.

Sincerely yours,

Benjamin Dean Christensen

Benjamin Dean Christensen

MICROFILMED

MAY 29 1990

December 22, 1989
2713 Falls Avenue East
Twin Falls, Idaho 83301

Re. Permit No. 02-7287

Department of Water Resources
450 W. State Street
Boise, Idaho

RECEIVED
FEB 6 1990

Department of Water Resources

Dear People:

I am wishing to sell my farm in Glens Ferry. In so doing I am also wishing to transfeere my water permit to the new owner. Please advise me as to the proper procedure to follow in making this transfeere.

I have paid all of the fees. The only thing that is left on the permit stage is the field inspection. Am I correct in assuming that the field inspection will become the responsibility of the new owner with the transfeere of this permit?

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If your office would please respond to the above questions as soon as possible I would appreciate it very much.

Sincerely yours,

Benjamin Dean Christensen

Benjamin Dean Christensen

MICROFILMED

MAY 29 1990

RECEIVED
AUG 01 1989

STATE OF IDAHO

Department of Water Resources DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received \$125
Date 7/28/89
Receipt # W003873
Receipt by LH
Reviewed by _____
Sent to region _____

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

Permit No. 02-07287

Name(s) of Permit Holder: Benjamin O. Christensen

Post Office Address: Box 831 Glenns Ferry, ID. 83623

Telephone No. 366-2520

Source of Water: Snake River

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation 100 (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 2.00 cfs _____ acre-feet

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

Measuring Device: Required? ☐ Yes ☐ No
Installed? ☐ Yes ☐ No

Fee enclosed \$ \$125
(See License Examination Fee Schedule)

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

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

as above
(Name)

(Telephone Number)
MICROFILMED

(Address)

AUG 21 1989

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

7/24/89 See attached proof statement, submitted on dated card
Date 7/24/89 to comply with 8/1/89 proof due date.
Signature of Permit Holder (and title, if appropriate)

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

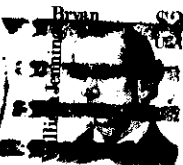
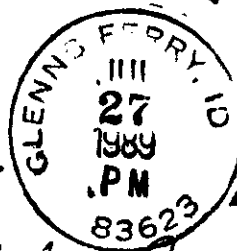
cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.

Ben Christensen
Box 831

Glenn Ferry, Idaho 83623



Department of Water Resources

2735 Airport

Boise, Idaho

AUG 21 1989

83705

CERTIFIED

P 175 189 512

MAIL

MICROFILMED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 02-7287

Name(s) of Permit Holder: Benjamin D Christensen

Post Office Address: Box 831

Glenns Ferry, Idaho Tel. No. 208-366-2520

Source of Water: Snake River

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 2 C.F.S. 116 21 1000 (acres)
☐ Other

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No

Access Port: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

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

July 24, 1989
Date

Benjamin D Christensen
Signature of Permit Holder

PLACE
TEN CL
STAMP
HERE

RECEIVED

JUL 28 1989

MICROFILMED



AUG 21 1989

Department of Water Resources
Western Regional Office

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE

BOISE, IDAHO 83720



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [REDACTED]

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 31, 1989

BENJAMIN DEAN CHRISTENSEN
P.O. BOX 759
WELLS, NV 89835

PROOF DUE NOTICE

RE: PERMIT NO. 02-07287

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 1, 1989. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

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

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

Permit No. _____

Name(s) of Permit Holder: _____

Post Office Address: _____

_____ Telephone No. _____

Source of Water: _____

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark _____

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

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

Measuring Device: Required? ☐ Yes ☐ No
Installed? ☐ Yes ☐ No

Fee enclosed \$ _____
(See License Examination Fee Schedule)

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

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

_____ (Name) _____ (Telephone Number)

_____ (Address)

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

_____ Date _____ Signature of Permit Holder (and title, if appropriate)

State of Idaho
Department of Water Resources

INSTRUCTIONS FOR PROOF OF BENEFICIAL USE

HOW TO MAKE PROOF:

In order for a permit holder to fulfill the conditions of the permit and obtain a water right license, the permit holder must submit the Proof of Beneficial Use form (proof) together with the examination fee OR submit the proof together with a completed field examination report prepared by a certified water right examiner on or before the date set for such proof in the permit. The information submitted by the permit holder will enable the department to determine the extent of beneficial use before the license is issued. The information entered on the proof form should show the extent of actual development of the project and should correspond to that authorized by the permit. If it does not, an amendment to the permit may be required.

WHAT TO DO IN CASE YOU HAVE NOT FULLY APPLIED THE WATER TO BENEFICIAL USE:

If the development authorized by the permit has not been completed in the time allowed, the permit holder may submit a request for extension of time. In order for a request for extension of time to be considered without loss of priority, it must be filed prior to the date on which proof of beneficial use is due. Each request for extension of time will be considered on its own merits.

WHAT IF YOU FAIL TO MAKE PROOF OF BENEFICIAL USE ON TIME:

If you have applied the water to beneficial use, but did not submit the proof of beneficial use on or before the date set for such proof, the permit will lapse. A lapsed permit may be reinstated within sixty (60) days from the date that a lapse notice is sent. In order for the department to reinstate a permit, the permit holder must show reasonable cause why such permit should be reinstated. Submission of an acceptable proof of beneficial use form within the sixty (60) day period will be considered as reasonable cause for reinstatement.

EXAMINATION FEE:

House Bill 671 enacted by the 1986 Idaho Legislature and codified as amendments to Sec. 42-217 and Sec. 42-221, Idaho Code requires an examination fee as part of the proof of beneficial use submittal if a completed field examination report prepared by a certified water right examiner is not submitted as part of the proof. The fee is based upon the rate of diversion or volume of water claimed on the proof of beneficial use form.

The appropriate fee can be determined from the license examination fee schedule.

ISSUANCE OF LICENSE:

The department will issue a license of water right based on the determination of the amount of water beneficially used in compliance with existing law. The license will include specific information to describe the water right developed.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by _____
Date _____
Receipt # _____

REQUEST FOR EXTENSION OF TIME

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

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. _____

Name(s) of Permit Holder: _____

Post Office Address: _____

_____ Telephone No. _____

Date Proof is Due: _____

Describe what work has been completed toward the development of this water right: _____
(This must be filled out! If no work has been completed, show "none".)

_____ Costing \$ _____

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Permit holder(s) request an extension to _____, 19 _____.
(1 yr. minimum)

FEE: \$15.00

(Signature)*
*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

Signed this _____ day of _____, 19 _____. _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

INSTRUCTIONS FOR REQUEST FOR EXTENSION OF TIME

TO SUBMIT PROOF OF BENEFICIAL USE

If you are planning to submit a Request for Extension of Time in which to submit proof of beneficial use of water under your permit, please read the following:

Under the provisions of Section 42-204, Idaho Code, only one extension of your proof due date can be granted and then only if you can demonstrate that you have been pursuing development of the permit with due diligence.

The Request for Extension of Time form requires that you indicate the extent of development that has occurred, the cost, and the reason(s) the work has not been completed. This information must be provided in enough detail to show due diligence. Examples of work performed are: well drilled, pump installed, 10 acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc.

If no work has been accomplished, the statutes provide that the Request for Extension of Time must be denied. Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reason to allow an extension of time.

EXCEPTIONS

The proof due date for a permit that has not been developed for one of the following reasons may receive one or more extensions of time even though no work has been accomplished:

1. If there is a lack of a required consent or final approval from a federal government agency (evidence of delay must be submitted with the request). i.e. right-of-way, or land classification such as Desert Land Entry or Carey Act.
2. If litigation related to title of the water has prevented development of the permit (evidence must be submitted with the request).
3. If the water project is of a large size--storage of more than 200,000 acre-feet, or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres.
4. If the permit is held by the United States of America.

A non-refundable filing fee of \$15.00 must accompany the Request for Extension of Time form.

Note that in no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted at the same time. If your water development project is completed, then the proof of beneficial use form should be completed and returned. If the project is started but not completed, then the Request for Extension of Time form should be completed and returned in compliance with the guidelines above. If the project has not been initiated and does not fit into one of the exceptions listed above, then neither form should be returned and the permit will lapse and become of no further force nor effect. A new application will then need to be submitted to the department if water right development is still planned.

BENJAMIN DEAN CHRISTENSEN
P.O. BOX 759
WELLS, NV 89835

138246
May 31, 1989

RE: PERMIT NO. 02-07287 PROOF DUE NOTICE

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 1, 1989. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

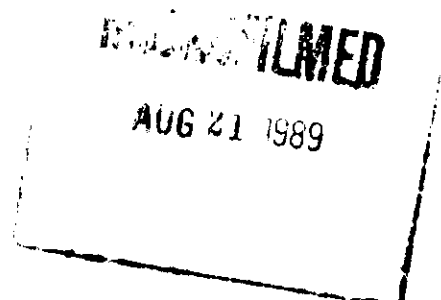
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures





State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. Glen Saxton
L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

RECEIVED

AUG 21 1985

RECEIVED
JUL 8 1985

FORM B

Department of Water Resources

Please answer all questions fully if you believe that actual use or a substantial investment existed as of November 19, 1982, (\$15,000 or 25% of the estimated cost of the project):

SEE ACCOMPANYING LETTER!

Permit or Application Number: 02-7287

Name(s) of Permit Holder: Benjamin D Christensen

Post Office Address: Box 831

Glenns Ferry Idaho

Telephone No. 208-366-2520

Indicate the date water was first diverted and beneficially used under this permit: April 1984

1. As of November 19, 1982, had the sum of at least \$15,000 been spent on the purchase or construction of wells or on equipment primarily used for irrigation purposes to be used to develop the above listed application or permit?

YES _____ NO X

If the answer is "yes", attach copies of cancelled checks or receipts showing the expenditure.

2. As of November 19, 1982, did there exist actual expenditures or written commitments for expenditures totaling at least \$15,000 for the purchase or construction of wells or of equipment primarily used for irrigation purposes to be used to develop the above listed application or permit?

YES _____ NO X

If the answer is "yes", attach copies of cancelled checks or receipts showing the expenditure, or of written commitments for such purchase or construction.

3. Describe the irrigation project contemplated. For example, number of acres, number of wells or headgates, type of application system (gravity, handlines, center pivots, length and size of canals, laterals, mainlines, etc.), number and size of pumps.

RECEIVED

AUG 21 1985

My farm is 153 leeded acres, 100 of this will be farmed. 2 pump stations have been installed. Also main lines have been buried for these pumps.

4. Describe how much of the project was completed on or before November 19, 1982.

I had committed 25% of my total project as of 1982. Q

5. What is the total estimated cost of the irrigation project necessary to use water under the above permit or application? (In figuring project cost, do not include cost of land or engineering and feasibility studies).

\$25,000

6. Did the total of the actual expenditures and written commitments exceed 25% of the total projected cost as of November 19, 1982?

YES X

NO _____

I swear (or affirm) that the information stated above is true and correct, to the best of my knowledge.

Benjamin D. Christensen

SUBSCRIBED and SWORN to before me this 10th day of June, 1985.

Sherry L. Cull
NOTARY PUBLIC FOR Idaho, Montana, Nebraska & Utah
Residing at: Twin Falls, Idaho

April 24, 1985

Dear People:

As of November 19, 1982 I had invested or was committed to invest 25% of the total cost of my irrigation project. I have supplied receipts or copies of checks to show that.

Since that time I have purchased and installed an additional pump and all of the buried main line for my project. My final project cost about \$25,000 ^{8%}.

MICROFILMED

AUG 41 1989

I wish to make the impression that I am not a fly by night speculator. I am a school teacher who wishes to develop a family farm. I was born and raised in Glens Ferry, I attended the University of Idaho from 1969 to 1973. Since that time I have been teaching school and working toward developing my small farm.

I have invested every last dollar of risk capital that I have available for this project.

I believe that I am using water in a way that was intended by the Department of Water Resources.

Sincerely yours,

Benjamin D Christman

MICROFILMED

AUG 21 1989

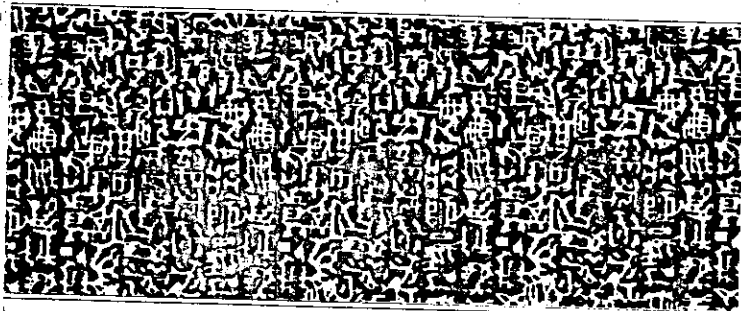
Form 1370-42
(October 1978)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RECORD OF REMITTANCE RECEIVED

DO NOT ACCEPT AS RECEIPT
UNLESS MACHINE VALIDATED

AMOUNT RECEIVED



RECEIPT

I-17562

4/21/81

Received: Check No. 723
Amount \$100.00

Temporary Receipt

Ben Christensen
Check No. 723

road permit across
BLM Ground

MICROFILMED

AUG 21 1989

SINCE 1904

IDAHO STATE BANK

CASHIER'S CHECK

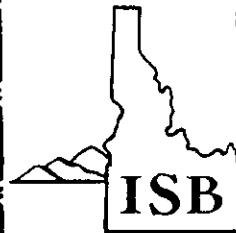
92-166
1241

DATE July 21, 1981 NO. **7226**

PAY TO THE
ORDER OF

*****GARBENETI FARMS*****

\$ 2,000.00



GLENN'S FERRY, IDAHO 83623

PAID

2,000dls00cts

2 DOLLARS

PURCHASER Benjamin D. Christensen

IDAHO STATE BANK

GLENN'S FERRY, IDAHO

92-166

1076651

AUTHORIZED SIGNATURE

1241076651

⑈0000200000⑈

MICROFILMED

AUG 21 1983

for a
pump
2,000.00%

October 15, 1982

This is an agreement between Don Anderson and Ben Christensen for construction work to be performed on a farming project for Ben Christensen. Construction will be performed by Don Anderson. Work will commence when weather permits. Total cost is estimated at \$5000.

Ben Christensen
Don J. Anderson

MICROFILMED

AUG 21 1983

BENJAMIN D. CHRISTENSEN 518-58-7475
 F. ACCOUNT
 BOX 759
 WELLS, NEVADA 89835

1334
 92-39/1241

Pay to the order of Don Anderson \$ 170.00
One Hundred Seventy Dollars

IDAHO FIRST NATIONAL BANK
 BUHL OFFICE
 P.O. Box 666
 Buhl, Idaho 83316

For Benjamin D Christensen

⑆124100394⑆ ⑆10002088177⑆ 3340 ⑆0000017000⑆

BENJAMIN D. CHRISTENSEN
 518-58-7475
 FARM ACCOUNT
 BOX 282 HAGERMAN, IDAHO 83332

723
 92-274/1241

Pay to the order of Bureau of Land Management \$ 100.00
One hundred and 00/100 Dollars

IDAHO FIRST NATIONAL BANK
 BUHL OFFICE
 Buhl, Idaho 83316

For Benjamin D Christensen

⑆124102745⑆ 02 08817 7⑆ 7230 ⑆0000010000⑆

BENJAMIN D. CHRISTENSEN 518-58-7475
 FARM ACCOUNT
 BOX 759
 WELLS, NEVADA 89835

1003
 92-39/1241

Pay to the order of Don L Anderson \$ 1000.00
One Thousand Dollars

IDAHO FIRST NATIONAL BANK
 BUHL OFFICE
 P.O. Box 666
 Buhl, Idaho 83316

For Don L Anderson

⑆124100394⑆ ⑆10002088177⑆ 3080

BAL. FOR'D	
CHECK AMOUNT	1000.00
BALANCE	
+ DEPOSIT OR - SERVICE CHG'S.	
BAL. FOR'D	

BENJAMIN D. CHRISTENSEN 518-58-7475
 FARM ACCOUNT
 BOX 759
 WELLS, NEVADA 89835

1289
 92-39/1241

Pay to the order of Don L Anderson \$ 1000.00
One Thousand Dollars

IDAHO FIRST NATIONAL BANK
 BUHL OFFICE
 P.O. Box 666
 Buhl, Idaho 83316

For Don L Anderson

⑆124100394⑆ ⑆10002088177⑆ 2290

BAL. FOR'D	
CHECK AMOUNT	1000.00
BALANCE	
+ DEPOSIT OR - SERVICE CHG'S.	
BAL. FOR'D	

MICROFILMED

AUG 21 1989

BENJAMIN D. CHRISTENSEN
518-58-7475
ARM ACCOUNT
BOX 282 HAGERMAN, IDAHO 83332
748
May 9 1981
92-274/1241
Pay to the order of Griffiths & Johnson \$ 250⁰⁰
Two hundred Fifty and 00/100 Dollars
IDAHO FIRST NATIONAL BANK
BUHL OFFICE
Buhl, Idaho 83316
11 4487 460460 1261436
For 80-146 Benjamin D Christensen
⑆124102745⑆ 02 08817 7⑈ 7480 ⑈0000025000⑈

BENJAMIN D. CHRISTENSEN
518-58-7475
FARM ACCOUNT
BOX 282 HAGERMAN, IDAHO 83332
789
July 20 1981
92-274/1241
Pay to the order of Griffiths & Johnson \$ 250⁰⁰
Two hundred Fifty and 00/100 Dollars
IDAHO FIRST NATIONAL BANK
BUHL OFFICE
Buhl, Idaho 83316
221 61460 56226 385
For 80-146 Benjamin D Christensen
⑆124102745⑆ 02 08817 7⑈ 7890 ⑈0000025000⑈

BENJAMIN D. CHRISTENSEN
518-58-7475
FARM ACCOUNT
BOX 282 HAGERMAN, IDAHO 83332
722
April 16 1981
92-274/1241
Pay to the order of Griffiths & Johnson \$ 500⁰⁰
Five hundred and 00/100 Dollars
IDAHO FIRST NATIONAL BANK
BUHL OFFICE
Buhl, Idaho 83316
06681285
For 80-146 Benjamin D Christensen
⑆124102745⑆ 02 08817 7⑈ 7220 ⑈0000050000⑈

BENJAMIN D. CHRISTENSEN 518-58-7475
FARM ACCOUNT
BOX 759
WELLS, NEVADA 89835
1279
June 17 1983
92-39/1241
Pay to the order of Don Anderson \$ 1000
One Thousand Dollars
IDAHO FIRST NATIONAL BANK
BUHL OFFICE
P.O. Box 666
Buhl, Idaho 83316
795611058
For Bill of \$5170 Benjamin D Christensen
⑆124100394⑆ 110002088177⑈ 2790 ⑈0000100000⑈

BENJAMIN D. CHRISTENSEN
518-58-7475
FARM ACCOUNT
BOX 759 WELLS, NEVADA 89835
1243
May 14 1983
92-39/1241
Pay to the order of Don Anderson \$ 2000
Two Thousand Dollars
IDAHO FIRST NATIONAL BANK
BUHL OFFICE
Buhl, Idaho 83316
13440
For Benjamin D Christensen
⑆124100394⑆ 110002088177⑈ 2430 ⑈0000200000⑈
MICROFILMED
AUG 21 1989

UNITED STATES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Form 1370-20
(November 1967)

No. 1010969

7-16-82

DATE

I-17562

PARENT SERIAL NUMBER

PAID

Additional Processing Fee

APPLICANT:

Benjamin D. Christensen
Farm Account
Box 759
Wells, Nevada 89835

REMITTER IF DIFFERENT THAN APPLICANT:

JUL 16 1982

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
BOULDER, IDAHO

SUBJECT:

PURPOSE	INFORMATION IN THIS COLUMN IS FOR OFFICE USE ONLY.	AMOUNT
FILING FEE EARNED	14X5017.1	
ADVANCE FILING FEE AND/OR RENTAL		
Additional Processing Fee		50 00

REFER TO THE ABOVE CASE SERIAL NUMBER IN ALL CORRESPONDENCE.

PLEASE INFORM THIS OFFICE OF ANY CHANGE IN ADDRESS

NOTE: This notice is a receipt for monies paid the United States. If these monies are for required fees in connection with your application to lease, purchase, enter, or otherwise acquire an interest in public lands or resources, this receipt is not an authorization to utilize the land applied for and it does not convey any right, title, or interest in the land for which application is made.

RECEIPT

UNITED STATES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Form 1370-20
(November 1967)

No. 1011026

10-12-82

DATE

I-17562

PARENT SERIAL NUMBER

Rental and monitoring fee

APPLICANT:

Benjamin Christensen
P.O. Box 759
Wells, Nevada 89835

REMITTER IF DIFFERENT THAN APPLICANT:

SUBJECT:

PAID

PURPOSE	INFORMATION IN THIS COLUMN IS FOR OFFICE USE ONLY.	AMOUNT
~~FILING FEE EARNED~~ Monitoring Fee	14X5017.1 COLLECTED FOR OFFICE USE ONLY.	60 00
~~ADVANCE FILING FEE AND/OR RENTAL~~		100 00

REFER TO THE ABOVE CASE SERIAL NUMBER IN ALL CORRESPONDENCE.

PLEASE INFORM THIS OFFICE OF ANY CHANGE IN ADDRESS

NOTE: This notice is a receipt for monies paid the United States. If these required fees in connection with your application to lease, purchase, enter, or otherwise acquire an interest in public lands or resources, this receipt is not an authorization to utilize the land applied for and it does not convey any right, title, or interest in the land for which application is made.

MICROFILMED

AUG 21 1989

RECEIPT

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW
142 3RD AVE NO.

MAILING ADDRESS: P.O. Box 1906
TWIN FALLS, ID 83303-1906
TELEPHONE (208) 734-0700
SUN VALLEY (208) 726-4661

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

TERRY T. UHLING
LAIRD B. STONE
GARY D. SLETTE

April 30, 1985

Benjamin Christensen
P. O. Box 831
Glenns Ferry, Idaho 83623

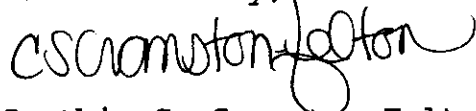
Re: Idaho Power Company v. Idaho
Water Resources Department
Case No. 81375

Dear Mr. Christensen:

I am in receipt of your Form B and attachments. However, you failed to send the second page of the Form. Without the second page being signed before a notary public, you cannot be released from the captioned lawsuit.

Enclosed please find Form B along with your various documents. Please finalize Form B and return with all documents attached.

Most sincerely,



Cynthia S. Cranston-Felton
Paralegal

CSCF:gjc

Enclosures

MICROFILMED

AUG 21 1989

August 22, 1984

Benjamin D. Christensen
Box 759
Wells, NV 89835

Dear Mr. Christensen:

Re: Permit No. 02-7287

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use postcard is extended to August 1, 1989.

In connection with the development of a water right under this permit, the Department wishes to call to your attention an Idaho Supreme Court decision issued in November 1982 which likely could affect your future use of water.

The decision in the case of Idaho Power Company vs the State of Idaho, et al stated in part that Idaho Power Company's use of water for power generation purposes at the Swan Falls dam on the Snake River is not subordinated to upstream depletion by later-in-time uses. The question of whether Idaho Power's 8,400 cfs water right at Swan Falls dam has been diminished by subsequent development, however, was remanded back to district court for determination. The findings of the district court could restrict water availability or require compensation to Idaho Power Company for uses developed later in time than Idaho Power Company's water right at Swan Falls dam.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

RECEIVED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

EXTENSION OF TIME

July 17, 1984

Mr. Benjamin D. Shristensen
Box 759
Wells, NV 89835

PERMIT NO. **02-7287**

We are in receipt of the **\$15** extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. **34916.**

Roberta Garrett
Records Supervisor

Enclosure

MICROFILMED

July 1, 1984

Box 759

Wells, Nevada 89835

Rita Fleck

Department of Water Resources

Statehouse

Boise, Idaho 83720

Dear Ms Fleck:

I am requesting an extension of time for my water permit. I am doing so for two reasons. My first reason is that I was delayed for two growing seasons due to not having a road permit from B. L.M. My second reason is that I have been showing due diligence.

This year I have planted 60 acres of potatoes. That is over $\frac{1}{2}$ of my total project. I have also filed a crop report with A.S.C.S. in Mountain Home. I do have the pumping capacity to pump for 100 acres at this time. However I have not yet developed the total acres. Given this extension I will be able to do so.

I do sincerely request that this extension be granted.

Sincerely yours:

Benjamin D Christensen

MICROFILMED

GRIFFITHS
&
JOHNSON

ENGINEERS
&
SURVEYORS

7905 Ustick Road Boise Idaho 83704
208-377-0223

Benjamin D. Christensen

P.O. Box 759
Wells, Nevada
16 April 1981

File No. 80-146

Chief, Division of Technical Services
Idaho State Office
Bureau of Land Management
Room 398, Federal Building
550 West Fort Street
P.O. Box 042
Boise, Idaho 83724

Dear Sir:

I hereby apply for a road right-of-way. This application is made pursuant to the regulations of 43CFR Group 2800, and I agree that the right-of-way, if approved, will be subject to the terms and conditions of the applicable regulation in 43 CFR Group 2800.

This application is made under the Act of October 21, 1976 (90 Stat. 2743).

I wish to construct a road across National Resource Lands to lands owned by me. The road will cross 10,490 feet of public land. A right-of-way 66 feet wide will be required for the road. The surveyed location and widths of the road are shown on the attached mylar tracing. Three map copies of the tracing are also attached.

I will need the right-of-way for a period of 30 years.

A nonreturnable payment of \$100.00 is enclosed in accordance with the regulations of 43 CFR 2802.1-2(a).

A statement of my citizenship is also attached.

Sincerely,

Benjamin D. Christensen

Benjamin D. Christensen

Encl: Original Mylar
3 prints of mylar
Check
Birth Certificate

cc: GJ File No. 80-146
Christensen File

MICROFILMED

FORM 1370-41
(March 1978)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

No. 183928

RECEIPT AND ACCOUNTING ADVICE

LOCATION

SUBJECT

85-10 APR 21 81 1 0

10000

APPLICANT:

WIN D. CHRISTENSEN

P.O. Box 759
Wells, Nevada

BOISE, IDAHO
IDAHO STATE OFFICE
BUREAU OF LAND MGMT

1861 REmitter IF DIFFERENT THAN APPLICANT:

RECEIVED 1981

ASSIGNOR:

SERIAL NUMBER	*	ASG	TYPE	STATE	ACRES/UNITS	RATE	CTY	FUND SYMBOL	AMOUNT

REFER TO THE ABOVE CASE SERIAL NUMBER IN ALL CORRESPONDENCE.

PLEASE INFORM THIS OFFICE OF ANY CHANGE IN ADDRESS

NOTE: This notice is a receipt for monies paid the United States. If these monies are for required fees in connection with your application to lease, purchase, enter, or otherwise acquire an interest in public lands or resources, this receipt is not an authorization to utilize the land applied for and it does not convey any right, title, or interest in the land for which application is made.

MICROFILMED

In reply refer to:
2800 (I-17562)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Boise District Office
3948 Development Avenue
Boise Idaho 38705

OCT 20 1982

DECISION

RIGHT-OF-WAY GRANTED

Details of Grant

Serial Number of Grant: I-17562

Name of Grantee: Benjamin D. Christensen

Map showing the location and dimensions of grant:

Map designations: Right-of-Way Survey Access Road for Ben & Donna Christensen

Date filed: July 14, 1982

Permitted use by grantee: Construction and maintenance of a road right-of-way 40 feet wide by 2.36 miles long across the following described public lands: T. 6 S., R. 9 E., Boise Meridian, Idaho, Section 4: S $\frac{1}{2}$ SW $\frac{1}{4}$; Section 5: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 9: S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$

Authority for grant: P.L. 94-579 (Oct. 21, 1976), Title V, 90 Stat. 2743

Regulations applicable to grant:

~~Code Reference: 43 CFR 2800~~

Date of Grant: OCT 20 1982

~~Expiration of Grant: 30 years from date of issuance of grant~~

Rental:

Amount: \$100.00 per year subject to adjustment pursuant to 43 CFR 2803.1-2(d)

When payable: On or before anniversary date of grant each year

Terms and Conditions of Grant

Pursuant to the authority vested in the undersigned by Order No. 701 of the Associate Director, Bureau of Land Management, dated July 23, 1964 (29 F.R. 10526), as amended, a right-of-way, the details of which are shown above, is hereby granted subject to the following terms and conditions:

1. All valid existing rights existing on the date of grant.
2. All regulations specified above.
3. Further terms and conditions as follows:
 - (a) The Area Manager of the Jarbridge Resource Area, has the authority to conduct all business with the grantee with respect to use of lands and disposition of resources, and the grantee is requested to contact the above-designated official prior to the beginning of construction.
 - (b) Stipulations of Exhibit A attached hereto and made a part hereof.

Robert C. Mitchell
Robert C. Mitchell
Jarbridge Area Manager

ID-01-2800-5 (December, 1981)

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EXHIBIT A

STIPULATIONS
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY I-17562

1. The holder shall comply with the applicable Federal and State laws and regulations concerning the use of pesticides (i.e., insecticides, herbicides, fungicides, rodenticides, and other similar substances) in all activities/operations under this permit. The permittee shall obtain from the Authorized Officer approval of a written plan prior to the use of such substances. The plan must provide the type and quantity of material to be used; the pest, insect, fungus, etc. to be controlled; the method of application; the location for storage and disposal of containers; and other information that the Authorized Officer may require. The plan should be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year. Emergency use of pesticides may occur. The use of substances on or near the right-of-way shall be used only in accordance with its registered uses and within other limitations if the Secretary has imposed limitations. Pesticides shall not be permanently stored on public lands authorized for use under this grant.
2. There is reserved to the Secretary of the Interior, or his lawful delegate, the right to grant additional rights-of-way or permits for compatible uses on, over, under, or adjacent to the land involved in this grant.
3. This right-of-way may be renewed. If renewed, the right-of-way will be subject to regulations existing at the time of renewal and such other terms and conditions deemed necessary to protect the public interest.
4. This right-of-way is subject to all applicable regulations in 43 CFR Part 2800 which are hereby incorporated in and made a part of this grant.
5. There is reserved to the United States a continuing right of access onto the public lands covered by the right-of-way grant, and upon reasonable notice to the holder, access and entry to any facility constructed on the right-of-way or permit area.
6. The permittee, by accepting this right-of-way grant, agrees and consents to comply with and be bound by the following terms and conditions:
 - (a) To the extent practicable, all State and Federal laws applicable to the authorized use and such additional State and Federal laws along with the implementing regulations, that may be enacted and issued during the term of the grant or permit.
 - (b) That in the construction, operation, maintenance and termination of the authorized use, there shall be no discrimination against any employee or applicant for employment because of race, creed, color, sex or national origin and all subcontracts shall include an identical provision.
 - (c) To rebuild and repair roads, fences, and established trails that may be destroyed or damaged by construction, operation or maintenance of the project and to build and maintain suitable crossings for existing roads and significant trails that intersect the project.

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(d) To do everything reasonably within his or her power, both independently and upon request of the Authorized Officer, to prevent and suppress fires on or in the immediate vicinity of the right-of-way or permit area. This includes making available such construction and maintenance forces as may be reasonably obtained for the suppression of fires.

7. This grant is subject to periodic review at the end of the twentieth year and at regular intervals thereafter not to exceed ten years.
8. Grantee will place culverts not less than 12 inches in diameter in the natural drainages which the road crosses between markers 5 and 6, 14 and 15, 16 and 17, 20 and 21; and a culvert not less than 15 inches in diameter in the natural drainage between markers 9 and 10.
9. Grantee will grade the road with a slight grade to the inside and construct drainage ditches on the inside of the road approximately one foot deep.
10. Grantee will cover the road surface with not less than four (4) inches of gravel.
11. Grantee will reseed any disturbed areas in excess of the needed roadway with a mixture of ten (10) pounds per acre of crested wheatgrass.
12. Grantee will not disturb or interfere with any existing uses, specifically including, but not limited to, right-of-way I-014449 granted to Saylor Creek Farms for a 12.5 foot wide buried pipeline.
13. Grantee shall grade all cut and fill slopes to a grade not greater than $1\frac{1}{2}$ to 1.
14. Grantee shall install a 12 or 14 foot cattleguard in the fence the road crosses between markers 12 and 13.

Accepted by: _____ Date: _____

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INTER-DEPARTMENT MEMO — 1

DATE 6-21-1984

FROM

Rita Fluk

TO

File 02-7287

SUBJECT

Returned Proof Notice

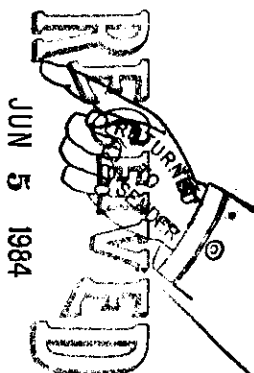
*The Elmore County Assessor has B. D.
Christensen, P.O. Box 759, Wells, NV. 89835.
The notice was sent to this address.*

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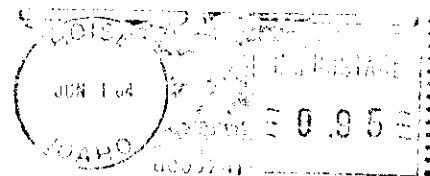
[Signature]
SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

Department of Water Resources



REMEMBER
Only you can
prevent forest fires



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138730

Forwarding Order Expired

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

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

138730

CHRISTENSEN, BENJAMIN DEAN
BOX 282
HAGERMAN, ID 83332

PROOF DUE NOTICE

MAY 31, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 02-7287 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE AUGUST 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

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

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

August 22, 1979

Donlanir Dean Christensen
Box 282
Patterson, Idaho 83332

Permit No. 02-7287

Dear Mr. Christensen,

Your approved copy of your Application for Permit is enclosed and we direct your attention to the conditions of approval on the fourth page.

Be sure to note the special condition requiring you to install an access port or other device to provide for the installation of measuring equipment by the Department. Enclosed are specifications for the installation of the access port, as well as a list of measuring device options.

Note also that water shall not be diverted under this permit unless a base flow of the Snake River at the U.S. Geological Survey stream gaging station at Murphy exceeds 3,300 c.f.s. and at Weiser exceeds 4,750 c.f.s. In addition, there are many applications for permit for the use of Snake River water that are prior to your permit. These applications have been filed for the irrigation of land that the applicants are attempting to obtain under the Federal Land Laws such as Desert Entry and Carey Act. If these lands are developed, and if the base flow is maintained, then no water would be available for this permit. Therefore, you should carefully consider these facts before you make any expenditures for the construction of your system.

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

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

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Benjamin Dean Christensen
Permit No. 02-7287
August 22, 1979
Pg. 2

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

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:mr

Enclosure

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: GLS

APPLICATION NUMBER: 02-7287

CHECK:

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

Field check by: _____

Date: _____

Comments: _____

- ☐ Yes ☒ No
☐ Yes ☒ No
☐ Yes ☒ No
☒ Yes ☐ No*

Field check required.

Critical groundwater area.

Request dam safety information. Sent by: _____ Date: _____

In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☐ No
☐ Yes ☒ No

Platted by: _____ Map No. _____

Other rights on same place of use. None platted - 02-7079 - lapsed

- ☒ Yes ☐ No*

In form for advertising.

Final date for protests: 7/30/79

- ☐ Yes ☒ No

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: _____
☒ 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? _____

25 June 79 Date of priority recommended.

Special conditions of approval or cover letter. _____

By: [Signature]

Date: 2 Aug 79

STATE OFFICE REVIEW:

OIC, 12

Snake River Letter (02) w/IDAHO POWER NOTICE AND ACCESS PORT

- ☐ See attached sheet for more information.

By: [Signature]

Date: 8/21/79

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AUG 27 1979

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 384-2190

JULY 5, 1979

Mountain Home News
Drawer O
Mountain Home, ID 83647

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 billing to this office before JULY 30, 1979.

Yours truly,

Karla Knecht
Secretary

Encl.

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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, 92 S. Cole Road, Boise, Idaho 83709 on or before JULY 30, 1979.

C. STEPHEN ALLRED

Director

Published 7/12 & 7/19/79.

02-228Z

CHRISTENSEN, BENJAMIN DEAN

BOX 282, HAGERMAN, ID 83332

Source: SNAKE RIVER

Date Filed: 06/25/1979

Amount: 2.00 CFS

Diversion Point: LOT 08 Sec 06 T 06S R 09E, ELMORE Co.

Use: IRRIGATION (2.00 CFS) from 03/01 to 11/15

Place of Use: LOT 07 (SWNE) LOT 08 (SENE) Sec 06 T 06S R 09E LOT 03 (NENW)
LOT 04 (NWNW) Sec 05 T 06S R 09E FOR 100 ACRES

Diversion Means: PUMP, PIPELINE & SPRINKLER SYSTEM

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