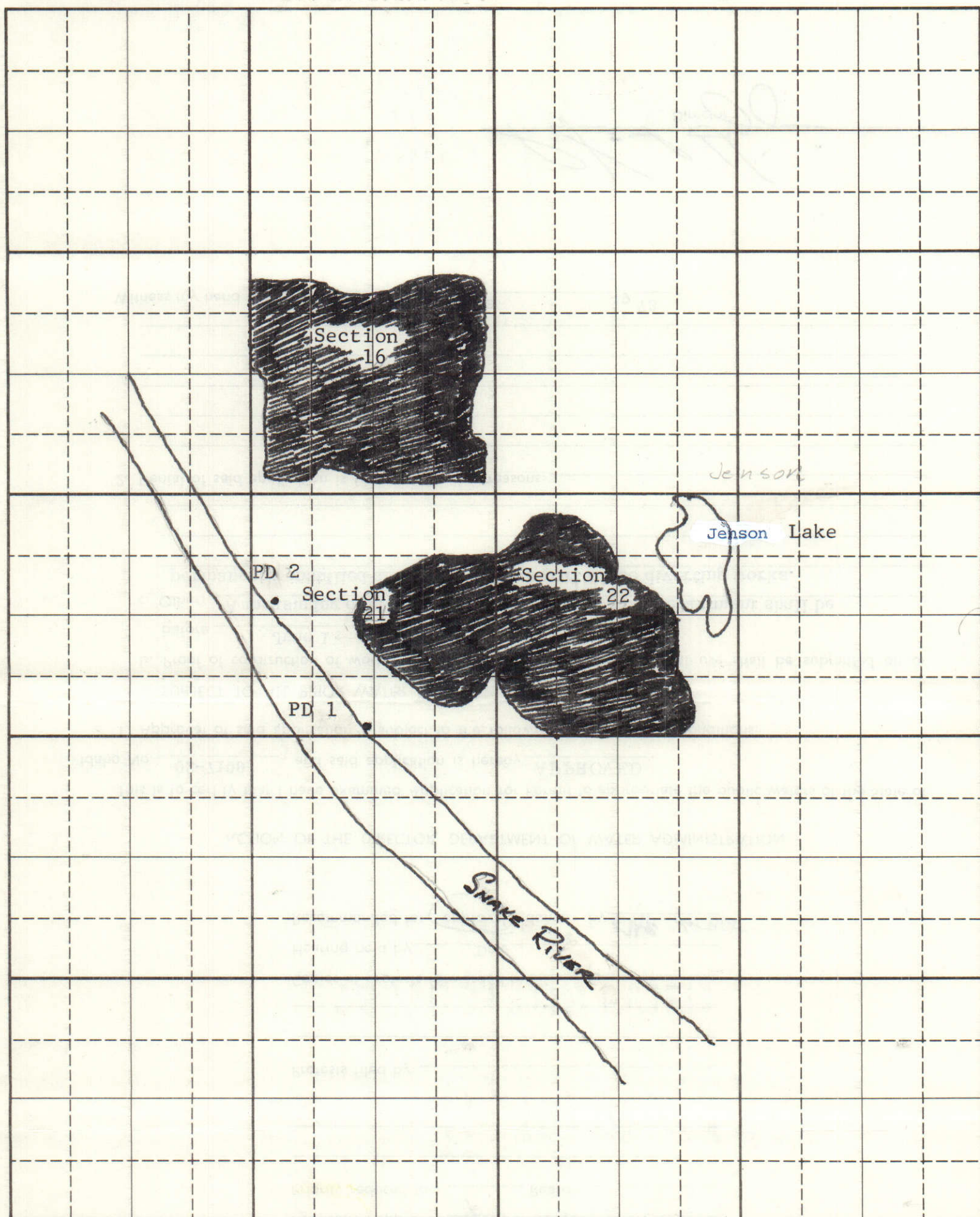


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile PD 1 - Point of Diversion
PD 2 - Alternate Point of Diversion

Range 2 West

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.

John A. Van Kamp
(Applicant)

2 7109

RECEIVED

JAN 26 1973
Department of Water Administration

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
County of Canyon.) ss.

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that JOHN A. VAN WYK, Box B, Melba, Ida. has on Jan. 8, 1973 submitted Application No. 02-7109 for a permit to appropriate 21.70 cubic feet per second of water from Snake River, trib. to Columbia River by means of pump plant, pen stock & pipelines within the SE1/4 SW1/4, SW1/4 NW1/4, Sec. 21, T. 1 S., R. 2 W., B.M., Canyon County to be used from Jan. 1 to Dec. 31 for stockwater & March 15 to Nov. 15 for the irrigation of 1050 acres located within the NE1/4, NW1/4, SW1/4, SE1/4, Sec. 16 (490 acres); S1/2 NE1/4, SE1/4 NW1/4, NE1/4 SW1/4, SE1/4, Sec. 21 (180 acres); SW 1/4 NE1/4, NW1/4, SW1/4, W 1/2 SE1/4, SE1/4 SE1/4, Sec. 22 (380 acres); all in T. 1 S., R. 2 W., B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before Feb. 5, 1973.

R. KEITH HIGGINSON
Director
January 18, 25, 1973

Verla Harker
of Nampa, Canyon County, Idaho, being first duly sworn,
deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years, and not a party to the above entitled action.

2. That I am the Principle Clerk of the Idaho Free Press, a daily, (except Sunday) newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two Times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

January 18, 25, 1973

Verla Harker

Subscribed and sworn to before me this

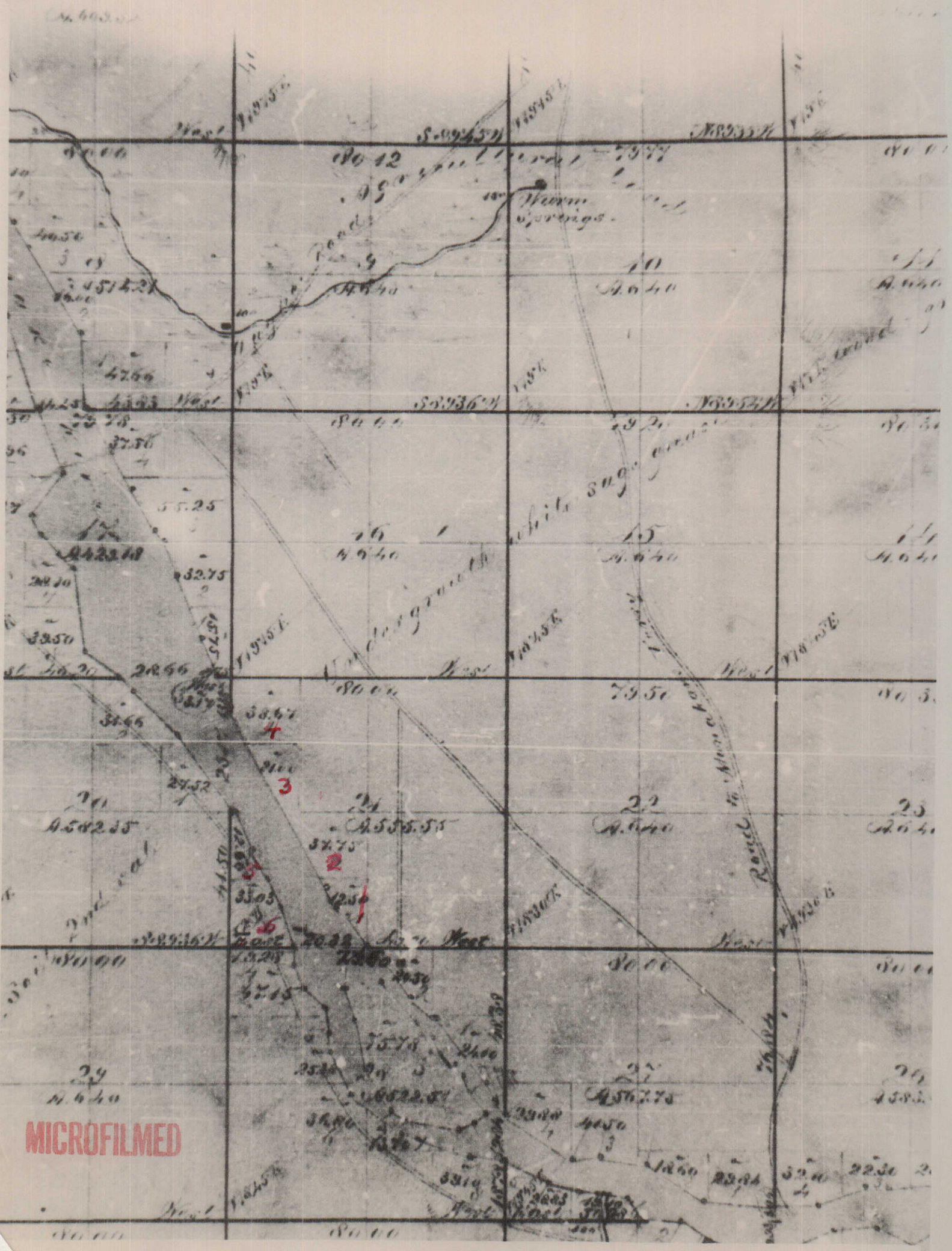
25th day of January, 19 73

Adam Sklar

Notary Public, Residing at Nampa, Idaho

My Commission Expires June 23, 1975

2 7109



MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

(Late Proof)
License of Water Right No. 02-7109 Priority March 3, 1973 Amount 11.87 cfs

THIS IS TO CERTIFY, that John A. Van Wyk
of Omaha, Nebraska, has complied with the terms and conditions of Permit
No. 02-7109 issued pursuant to Application for Permit dated January 8, 1973,
and has submitted proof to the Department of Water Resources on May 12, 1983,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 11.87 cfs of water from Snake River,
tributary to Columbia River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 15</u> to <u>November 15</u> at <u>11.87</u> cfs and	<u>5250.0</u> acre feet	
Stockwater	from <u>January 1</u> to <u>December 31</u> at <u>0.23</u> cfs and	<u>14.0</u> acre feet	
	from _____ to _____ at _____ cfs and		

(both dates inclusive)

Subject, however, to the condition that no more than 11.87 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
5264.0 acre feet per year, said waters to be diverted within the Gov. Lot 3 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
Section 21, Twp 1S, Rge 2W in the County of Canyon

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1S	2W	16	33	20	36	36	31	36	29	36	36	36	35	35	35	36	37	37	544
		21			40	40				29					37	11		8	165
		22					8	38	40	31	36	37	40	40		30	39	2	341

Total number of acres irrigated 1050

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.

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 10TH day of
AUGUST, 19 84.

Acting for the Director

Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING)
DEVICE REQUIREMENT FOR PERMIT NO. 02-7109)
_____)

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "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"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows:

"The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 1st day of June 1981.



GLEN SAXTON
Chief, Operations Bureau

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

JOHN A. VAN WYK of Box B, Melba, Idaho 83641
(Name) (Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Waters of the State of Idaho No. 02-7109.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before June 1, 1978.

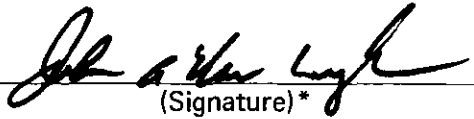
That he has heretofore performed the following work described under said permit: _____

Penstocks, pumps, mainlines and lateral lines have been completed sufficient
to complete 65% of the total permit.

Costing \$ _____

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Idaho Power has declared a moratorium on new pumps being installed.
Applicant has to install additional pumps to complete the remaining 35% of the
project.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to June 1, 19 83.

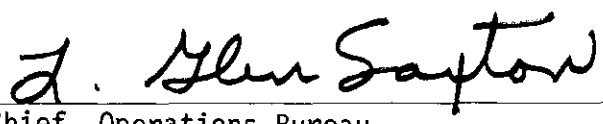

(Signature)*

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit proof of beneficial use of water is extended to June 1, 1983.

IT IS FURTHER ORDERED that the permit be reinstated and the priority advanced to March 3, 1973.

Signed this 3rd day of August, 19 78.


Chief, Operations Bureau

Identification No. 02-7109

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

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

APPROVED

1. Name of applicant John A. Van Wyk
post office address Box B, Melba, Idaho 83641
2. Source of water supply Snake River which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21 Township 1 S.
Range 2W. B.M. Canyon County; additional points of diversion if any: _____
S. W. $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 21, Township 1 South, Range 2 West,
Boise Meridian, Canyon County, Idaho,
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 21.0 ~~20.77~~ cfs for Irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.23 ~~1.7~~ cfs for stock water purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated: allow 21.0 cfs
a. 21. cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____
Pump Plant 2-350 H.P. Pump
Pen Stock 1-50 H.P. Pump
Pipes
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 15,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. Same as land list
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered approx. 1,000 head

(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: _____

2 7109

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
75	2W	16	30	20	40	30	20	35	30	40	40	30	30	20	30	40	20	35	490
15	2W	21			30	40				10	10				40	30	10	10	180
15	2W	22			20		20	30	40	40	40	40	20	40		40	40	10	380

Total number of acres to be irrigated 1050

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

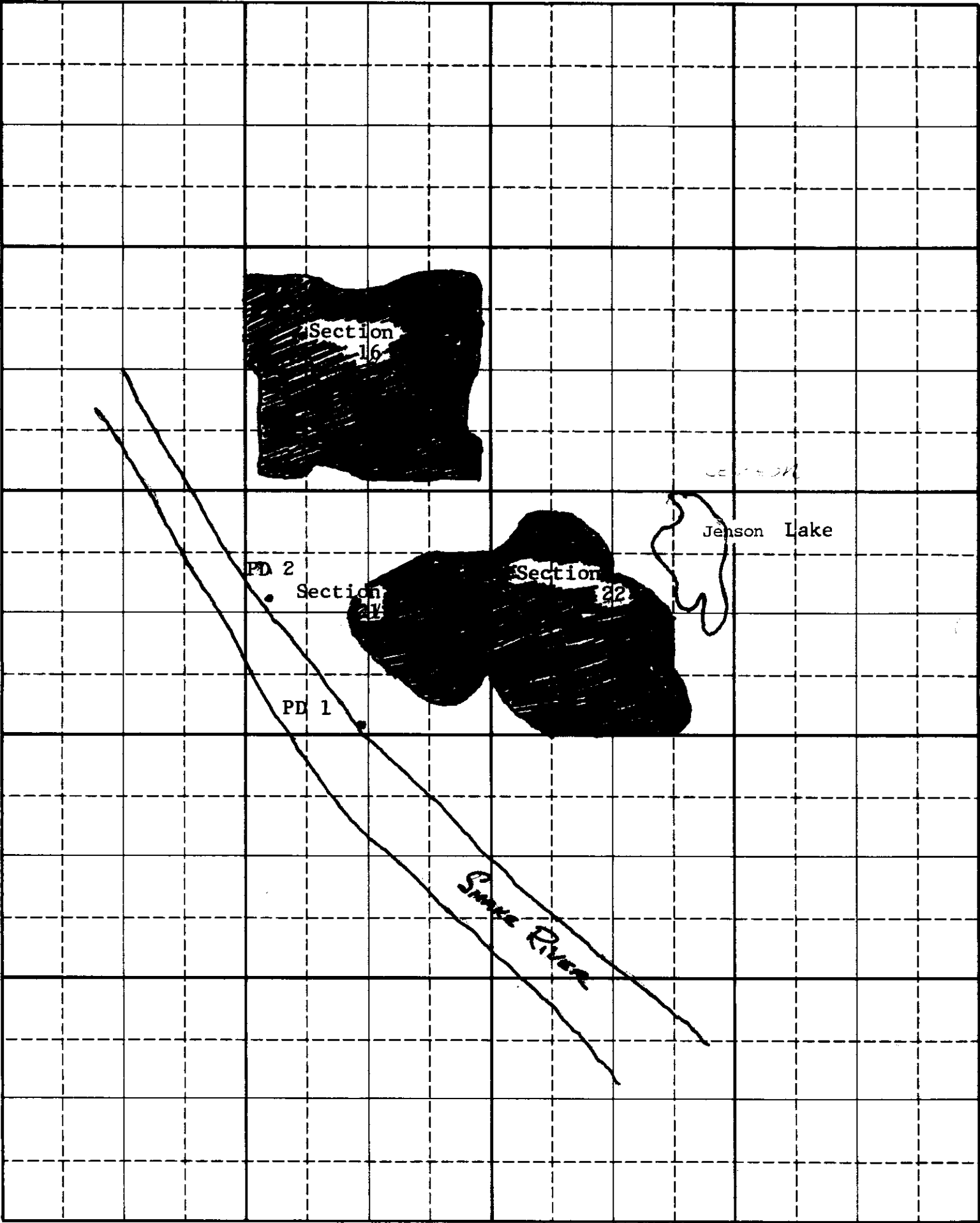
9. a. Who owns the property at the point of diversion State of Idaho - alternative, applicant

b. Who owns the land to be irrigated or place of use Applicant : Contract of Purchase

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

10. Remarks

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



Scale: 2 inches equal 1 mile PD 1 - Point of Diversion Range 2 West
PD 2 - Alternate Point of Diversion

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.

John A. Van Lue
(Applicant)

Proposed Priority 1/08/1973

Received by cep Date 1-8-73 Time 2:00 A
Preliminary check by CB Fee \$ 220.00
Receipted by cep Date 1-8-73 Permit # 9803
Publication prepared by df Date 1-11-73
Published in Idaho Free Press
Publication dates 1-18 + 1-25-73
Publication approved df Date 1-26-73
Priority reduced to _____ Reason _____

Protests filed by: _____

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 02-7109, 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 June 1, 19 78.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 26th day of June 19 73.


Director

2 7109

RECEIVED

AFFIDAVIT OF PUBLICATION

Department of Water Administration

ch. df
1-26-73

STATE OF IDAHO,)
County of Canyon.) ss.

Verla Harker
of Nampa, Canyon County, Idaho, being first duly sworn,
deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years, and not a party to the above entitled action.

2. That I am the Principle Clerk of the Idaho Free Press, a daily, (except Sunday) newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Two Times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

January 18, 25, 1973

Verla Harker

Subscribed and sworn to before me this

25th day of January, 19 73

Adam D. Kaur

Notary Public, Residing at Nampa, Idaho

My Commission Expires June 22, 1975

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	JEB	10 Jan 73	Application No. <u>02-7109</u> Name <u>Wyk</u>
(2)	JEB	10 Jan 73	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use <i># of stock</i> ☒ Description of Diverting Works <i>Would you believe 36,000?</i> ☒ Time required for C/W and application of water to B/U ☒ Place of Use ☒ Map ☒ Fee
(3)	JEB	10 Jan	Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	JEB	10 Jan	☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)	JEB	10 Jan	In form for advertising <i>OK</i>
(6)	<i>af</i>	<i>1-26-73</i>	Affidavit of Publication received <i>Yes</i>
(7)	<i>SLP</i>	<i>2/7/73</i>	Final date for protests <i>Feb 5, 1973</i> Protests received: yes ☐ no ☒
(8)	<i>NA</i>		Date and Place of hearing _____ Decision reached at hearing _____
(9)	<i>SLP</i>	<i>2/7/73</i>	Located within Water District No. <i>02. basin</i>
(10)	<i>NA</i>		Critical groundwater area: yes ☐ no ☒
(11)	<i>NA</i>		Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(12)	<i>R.W.H</i>	<i>6-18-73</i>	Comments: <i>Need # of stock 1000 head. Mr. Tunnichoff consulted applicant. Amount changed by applicant's authority.</i>
(13)	<i>SLP</i>	<i>2/6/73</i>	Action recommended: ☒ Approve Priority <i>1/8/73</i> ☐ Deny Reason for Reduction _____ <i>See attached sheet for conditions of approval</i> <i>No conditions for approval</i>
(14)	<i>R.W.H</i>	<i>6-19-73</i>	District <i>Western</i> By <i>Robert H. Hamilton</i> Date <i>6-19-73</i> Title <i>Superintendent of Water Dist.</i>

Send copy of permit to attorney! dr

RECOMMENDED

CONDITIONS OF APPROVAL

☒ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

☐ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.

☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.

☐ Maximum rate of diversion shall not exceed _____ c.f.s.

☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.

☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.

☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.

☐ The proposed well shall not be drilled within _____ feet of another well.

☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.

☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.

☐ Other: _____

August 10, 1984

RE: Permit No. 02-7109

John A. Van Wyk
730 N. 102nd
Omaha, NE 68100

Dear Mr. Van Wyk:

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

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

MICROFILMED



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

July 5, 1984

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

RE: Permit No. 02-7109

John A. Van Wyk
730 N. 102nd
Omaha, NE 68100

Dear Mr. Van Wyk:

A representative of this Department has made an examination of the works covered by your Permit No. 02-7109, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 11.87 cfs Source: Snake River trib to Columbia River

The maximum quantity diverted shall not exceed 5264.0 acre feet
per year.

Point(s) of diversion: Gov. Lot 3 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) Sec. 21, Twp 1S, Rge 2W

Beneficial Use: Stockwater & irrigation of 544 acres within NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$,
Sec. 16, 165 acres within S $\frac{1}{2}$ 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 $\frac{1}{4}$, Sec. 21 and 341 acres
Priority date established: within NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 22, Twp 1S, Rge 2W
March 3, 1973 (Late Proof)

Conditions (if any): 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.

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

02-7109
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 9/25/82 Accompanied by Lawrence Mikelson Total Q measured 11.87 ✓ see attached
Source Snake R Tributary to Columbia R. Supp. annubar measurement sheet used? yes
If source is surface water, estimate total flow of source _____
Methods of measurement annubar Meets permit requirements? _____

Measurement calculations: 1050 acres x .02 = 21055 recommended 11.87
1050 acres x 5 AFA/Acre = 5250 AFA use
11.87 cfs x 1.98 x 245 = 5758 AFA 1000 hd/range .23 cfs x
14 AFA
Ref. Water users handbook.

WELL/DIV. NO.*	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS
	200	U.S. Electric	21516-01-13-74	WORTHINGTON	70217	annubar	good	
	200	M.S. Motors	061010	"	702127	"	"	
	200	WESTINGHOUSE	7407	PENNESS	20059	"	"	

System Description Three 200 HP motors feed into 10" steel penstock - handlines, wheel lines & pivots systems.

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS USE	Irrigation requirement = <u>5.0</u> AFA/Acre			
	Q (cfs)	V (afa)	FROM	TO
<u>Irrigation ✓</u>	<u>11.87 ✓</u>	<u>5250 ✓</u>	<u>3/15 ✓</u>	<u>11/12 ✓</u>
<u>Stockwater ✓</u>	<u>.23 ✓</u>	<u>14 ✓</u>	<u>1/1 ✓</u>	<u>12/31 ✓</u>
	<u>11.87 ✓</u>	<u>5264 ✓</u>		
Total				

Remarks This is when combined with sta 63-2004, 63-2632 & 63-2631 shall provide no more than .02 cfs/Acre.

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				R2W			
			36	31	20	33	
			29	36	36	36	
				16			
		T	36	36	36	35	
		I					
		S	35	35	37	37	
						38	8
			29	40	40	40	31
			-21-			-22-	
				11	37	37	36
							30
					8	40	40
							39
							2

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

Point(s) of diversion:

✓ 63 SWNW Sec 21 T1S R2W

Place(s) of Use

[illegible]

1050

☐ Change P.D. as reflected above

☐ Change P.U. as reflected above

☐ Add P.D. as reflected above

☐ Add P.U. as reflected above

☒ None
☐ Other

Examiner's Signature

Checked by

Approved by

Date

Date _____

Date _____

Overlap Review for 02-7109

per examiner: 63-2004, 63-2632, 63-2631

per micro-fische 6/21/84:

p/d → none

p/u → 63-2712

63-2955

63-3099

63-2592

Sec. 16

63-2631A - Sec. 21

63-2631B - ↓ Sec. 22

63-2632B -

63-2632A -

63-2712 - Lic. - gw. - overlapping p/u

63-2955 - Lic. - gw. - overlapping p/u

63-3099 - Lic. - gw. - overlapping p/u

63-2592 - permit - drain ditch - overlapping p/u

63-2631A - Lic. - Thomason Lake - overlapping p/u

63-2631B - Lic. - Thomason Lake - overlapping p/u

63-2632A - Lic. - Thomason Lake - overlapping p/u

63-2632B - Lic. - Thomason Lake - overlapping p/u

OVER

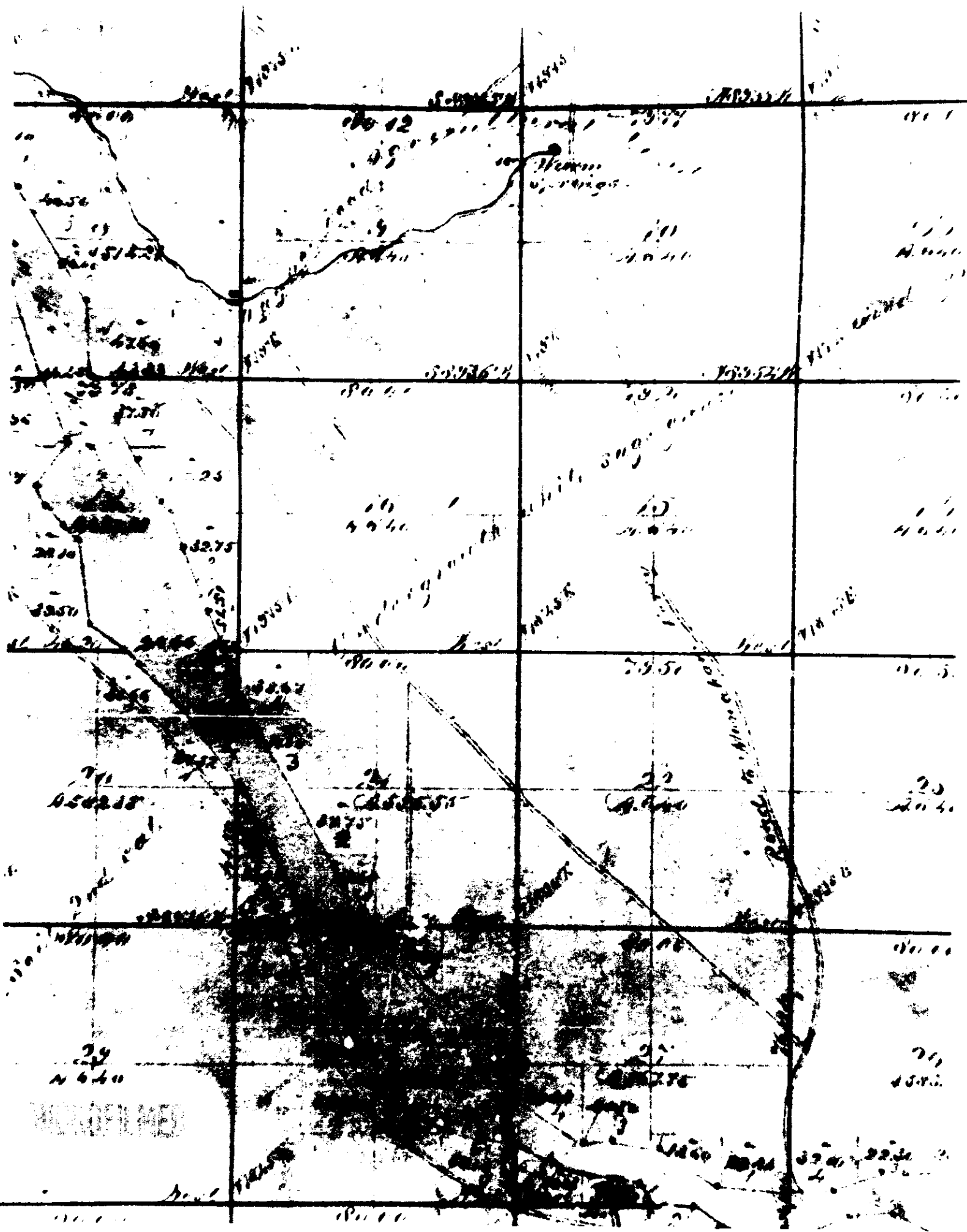
all overlapping rights have different sources - Recommend using R16(5.0) as limiting condition and license this permit at capacity of system.

kw

$$V = 1050 \times 5.0 = 5250.0 \text{ AF}$$

$$V = 11.87 \times 1.9835 \times 245 = 5768.3 \text{ AF}$$

63-2004 superseded by 63-0301 -
overlapping plu - Boise River -
use R16(5.0)



REPRODUCED

IDWR SUPPLEMENTAL FIELD REPORT
FOR ANNUBAR MEASUREMENT

Measured by: JKN

Date: 9/25/82

Owner: LAWRENCE MIKESSON

Permit #: 02-7109

Description of well &/or measuring site (give distance to restrictions upstream and downstream): THREE ELECTRIC MOTORS W/ PUMPS EACH FEEDING 10" STEEL

PIPE LINE, ALL 10" LINES JOINING LARGE PENSTOCK. Pump #1 - 200 H.P. U.S. ELECTRIC,

I.D. # C1516-01-13-74 W/ WORTHINGTON Pump #90217; Pump #2 - 200 H.P. U.S. MOTORS

I.D. # C61010488 W/ WORTHINGTON Pump #902127; Pump #3 - 200 H.P. WESTINGHOUSE

MOTOR #7407 W/ PEARLESS Pump 20059

Measured inside diameter of pipe in inches

9.27" A

Size of Annubar used in test 7.981"

State ID# of Annubar used 091414

Size Eagle Eye Meter used 10-80"

State ID# of Meter used 091476

Date of Last Calibration of Meter 3/26/82

Observed inches of H2O read on Meter

#1 - 38"
#2 - 28"
#3 - 20"

Adjusted inches of H2O from Last Calibration

#1 - 38.76"
#2 - 28.59"
#3 - 20.50" B

#1 FCF = 1.020

#2 " = 1.020 + 2(1.025 - 1.020) = 1.021

#3 " = 1.025

CALCULATION:

$$(3.85) \times (A)^2 \times \sqrt{B}$$

$$A^2 = 85.933$$

$$\sqrt{B_1} = 6.226$$

$$\sqrt{B_2} = 5.347$$

$$\sqrt{B_3} = 4.528$$

$$Q_1 = \frac{3.85 \times 85.933 \times 6.226}{448.8} = 4.590 \text{ cfs}$$

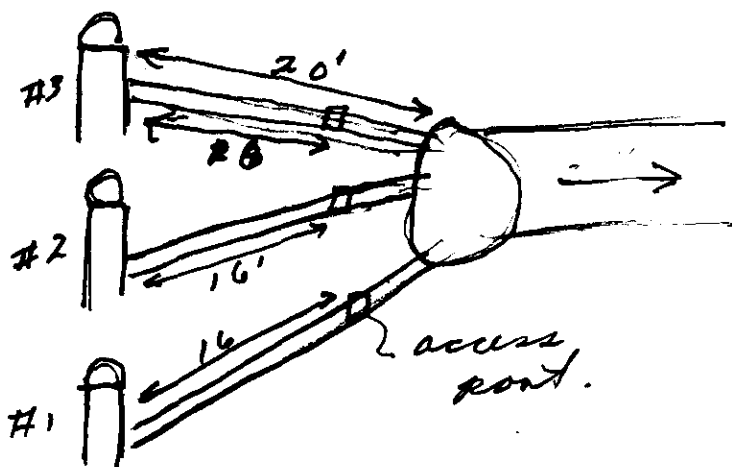
Where A and B are measured in inches
and 3.85 is a constant for the model
75 Annubar

$$Q_2 = \frac{3.85 \times 85.933 \times 5.347}{448.8} = 3.942 \text{ cfs}$$

$$Q_3 = \frac{3.85 \times 85.933 \times 4.528}{448.8} = 3.338 "$$

11.870 ✓ cfs measured

SKETCH:



MICROFILMED

CONVERSATION MEMORANDUM

DATE 4/25/83FILE 02-7109NAME OF PARTY Lawrence MikelsonEMPLOYEE John K. Noyes

RE: Met with Mr. Mikelson on permit
02-7109 in the name of John A. Van Hyk,
who holds the permit. Mikelson said
Mr. Van Hyk wants the permit licensed
in his name & only for 1050 acres.
Licenses 63-2004, 63-2631 & 63-2632
furnish water for the majority of the farm.
These rights furnish water out of Jensen
Lake.

Means of tabulating acreage for
permit 02-7109: arranged the acreage
in the forty acre tracts so the total
acreage came up to 1050 acres. Van
Hyk didn't want to amend the permit or
assign the permit to Mikelson.

Rough draft lic sent to S.O.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

OCTOBER 21, 1983

JOHN A. VAN WYK
730 N. 102ND
OMAHA

NE 68100

RE: Permit No. 02-7109

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A condition of approval of your original permit required the installation of a measuring device which, according to the proof card submitted by you, has not been installed. A measuring device must be installed and operating at the time the field examination is made. If a measuring device is not installed your permit may be subject to cancellation.

A condition of approval of your original permit required the installation of an access port which, according to the proof card submitted by you, has not been installed. An access port must be installed prior to the time a field examination is made.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 334-2190 or in person in the third floor State Towers Building, 450 West State Street, Boise.

Sincerely,
s/Judy Pense
Secretary

MIUW

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 on Permit No. 2-7109

Name(s) of Permit Holder: John A. Van Wyk

Post Office Address: 730 N 102nd

Omaha Neb 68100 Tel. No. _____

Source of Water: Snake River

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater 1000 hd (number and type of stock)
☐ Irrigation 1050 (acres)
☐ Other _____

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

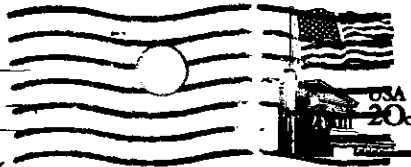
Access Point: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

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

May 5-1983
Date

John A. Van Wyk
Signature of Permit Holder

Mike Donahue
Rural Route
Melba, Idaho 83641



PAID



MAY 12 1983

MICHAEL D.

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



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

January 5, 1983

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the regional office nearest to you.

Sincerely,

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

DRT:jg

Enclosures

NORTHERN REGION OFFICE
Route #5, Box 203, Government Way
Coeur d'Alene, Idaho 83814
Telephone 667-6484

EASTERN REGION OFFICE
150 Shoup Avenue
Idaho Falls, Idaho 83401
Telephone 525-7161

SOUTHERN REGION OFFICE
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301
Telephone 734-3578

WESTERN REGION OFFICE
92 South Cole Road
Boise, Idaho 83709
Telephone 334-2190

Microfilm

August 10, 1978

Re: Permit No. 02-7109

John A. Van Wyk
Box B.
Melba, ID 83641

Dear Mr. Van Wyk:

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

The time within which to submit proof of beneficial use of water has been extended to June 1, 1983 and the priority date advanced to March 3, 1973.

Sincerely,

Jan Grover
Water Rights Supervisor

cc: Clayton Byam, 317 Lakin Bldg., 8990 W. Dodge Rd., Omaha, NE 68114

July 27, 1978

Re: Permit No. 02-7109
(John A. Van Wyk)

Clayton Byam
317 Lahin Bldg.
8990 W. Dodge Rd.
Omaha, NB 68114

Dear Mr. Byam:

We have received the request for an extension of time for the above referenced permit on July 24, 1978.

We will notify you of the Department's action in about a week.

If you have any questions, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw

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

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

VAN WYK, JOHN A.
BOX B
MELBA, ID 83641

138370

P R O O F D U E N O T I C E

M A R C H 3 1 , 1 9 8 3

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 02-7109 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JUNE 01, 1983. (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

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LAW OFFICES OF
CLAYTON BYAM
317 LAKIN BUILDING
8990 WEST DODGE ROAD
OMAHA, NEBRASKA 68114
AREA CODE 402 397-0303

CLAYTON BYAM
WILLIAM J. TIGHE

July 21, 1978

RECEIVED

JUL 24 1978

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources

Attention: Mr. Jim Johnson

Re: John A. Van Wyk
Identification and Permit No. 02-7109

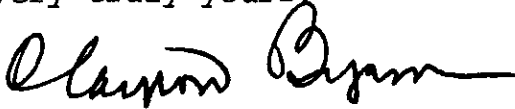
Dear Mr. Johnson:

Enclosed is Request for Extension of Time signed
by Mr. John A. Van Wyk.

I would appreciate your confirming to me your
receipt of this document and also, when you can conveniently
do so, informing me of the Board's action in the matter.

Many thanks for your help in getting this resolved.
Please let me know if anything further is required.

Very truly yours,


Clayton Byam

CB:mk

cc: Mr. John A. Van Wyk
730 North 102nd Street
Omaha, Nebraska 68114

Mr. Dean E. Miller
Attorney at Law
Dearborn Building
9th & Dearborn Streets
P.O. Box 640
Caldwell, Idaho 83605

MICROFILMED

TO _____
WHILE YOU WERE OUT
DATE _____ TIME _____
M _____
OF _____
PHONE: _____
AREA CODE _____ NUMBER _____ EXT. _____

☐ Telephoned ☐ Returned Your Call ☐ Will Call Again
☐ Please Call ☐ Called to See You

John Van Wyk's Attorney

Chayton Byam

317 Lakin Bldg.

8990 W. Dodge Rd.

Omaha, Nebraska

68114

MICROFILMED

Ph. 402-397-0303

Extension Request sent

7/14/78 J.S.

GIGRAY, MILLER, DOWNEN & WESTON

LAWYERS

DEARBORN BUILDING

9TH & DEARBORN STS.

POST OFFICE BOX 640

CALDWELL, IDAHO 83605

TELEPHONE 208-459-0091

WM. F. GIGRAY, JR.

DEAN E. MILLER

DONALD E. DOWNEN

GERALD L. WESTON

WM. F. GIGRAY, III

DEAN J. MILLER

R. SCOTT PASLEY

June 22, 1978

Department of Water Resources
State Office
373 West Franklin Street
Boise, Idaho 83720

RECEIVED

JUN 23 1978

Attention: Jan Grover

Department of Water Resources

Re: Permit No. 02-7109

Dear Ms. Grover:

I am returning the Application for Extension of Time signed by Lawrence Mikelson on the above permit. As you can see from the filing mark, this was originally received by the Department of Water Resources on April 28, 1978. I am also enclosing a Contract of Sale between John Van Wyk and Mr. Mikelson showing the sale by John Van Wyk to Mr. Mikelson.

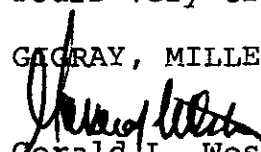
When the initial Application for Extension of Time was returned to this office on May 4, 1978, we immediately sent an assignment to John Van Wyk for his signature. Although he has informed us that he has no objections to signing the assignment, he has not done so. I suspect that it is because he is traveling and has simply neglected it.

Could you please proceed with the application based on the Contract of Sale with the understanding that we will immediately forward the assignment to the Department as soon as we receive the form from Mr. Van Wyk.

The reason that we are concerned is that we received your letter of March 31, 1978, advising us that if the application had not been filed by June 1, 1978, it would lapse. This is contrary to my understanding, in talking with people at the department who have advised me that the June 1, 1978 time limit would not affect the water right as the Department was aware that we were in the process of filing the Application for Extension of Time.

Yours very truly,

GIGRAY, MILLER, DOWNEN & WESTON


Gerald L. Weston

GLW:dry:H1

Enclosures

cc Mr. Lawrence Mikelson

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR EXTENSION OF TIME

APR 23 1978

Department of Water Resources

State of Idaho)
County of Canyon)

Permit No. 02-7109

Lawrence Mikelson of Route 1, Melba
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to
Appropriate the Public Waters of the State of Idaho No. 02-7109.

That under the terms and conditions of said permit, work thereunder was required
to be completed on or before June 1, 1978.

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

Penstocks, pumps, mainlines and lateral lines have been
completed sufficient to complete 65% of the total permit.

Costing \$

That he is unable to complete the remainder of the work within the required time for
the following reasons, to-wit: Idaho Power has declared a moratorium on new
pumps being installed. Applicant has to install additional
pumps to complete the remaining 35% of the project.

Wherefore, he asks that the Department of Water Resources extend the time for the
completion of obligations under said permit to June 1, 1981.

(signature) *

Subscribed and sworn before me this 27 day of April, 1978.

seal

Notary Public residing at

Caldwell, Idaho

My commission expires 1/24/78

ACTION OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

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

Witness my hand this day of , 19 .

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available
through the Department of Water Resources, Statehouse, Boise, Idaho 83720.

COPY

CONTRACT FOR THE SALE OF REAL ESTATE

THIS INDENTURE, Made and entered into this _____ day of February, 1977, by and between JOHN A. VAN WYK, a married man dealing with his sole and separate property, Party of the First Part, hereinafter referred to as Seller, and LAWRENCE L. MIKELSON and PATRICIA MIKELSON, husband and wife, Parties of the Second Part, hereinafter referred to as Buyers;

WITNESSETH: For and in consideration of the mutual promises and agreements hereinafter contained, the Seller agrees to sell to the Buyers, and the Buyers agree to buy from the Seller, the following described real and personal property, to-wit:

- (1) All those lands, premises and water rights described on Exhibit "A" attached hereto and by this reference incorporated herein.
- (2) All the irrigation equipment, pumps, motors, on the above described real property.
- (3) Two (2) 1971 52' x 14' Skyline mobile homes, Serial #S1-773-E and Serial #S1-763-E.
- (4) All the interest of the seller in and to the grazing rights and privileges on the above described property.
- (5) The geothermal and oil rights hereinafter described.

PURCHASE PRICE AND TERMS OF PAYMENT. The Buyers agree to pay as and for the purchase price of the above described lands and premises the sum of SIX HUNDRED TWENTY-FIVE THOUSAND & NO/100 (\$625,000.00) DOLLARS, lawful money of the United States payable in the following manner and amounts, to-wit:

1. The sum of TWENTY-FIVE THOUSAND & NO/100 (\$25,000.00) DOLLARS having been deposited with HEDRICK & BODINE REALTY to the account of the seller, the receipt thereof is hereby acknowledged.

MICROFILMED

2. The sum of ONE HUNDRED SIXTY THOUSAND & NO/100 (\$160,000.00) DOLLARS payable on the 10th day of February, 1977, or at the date of closing of the contract if closing takes place subsequent to the 10th day of February, 1977.

3. On or before the 10th day of January, 1978, but not prior to the 1st day of January, 1978, the following amounts will be due and payable:

a. The sum of FIFTEEN THOUSAND & NO/100 (\$15,000.00) DOLLARS on the principal of the purchase price.

b. The sum of THIRTY-TWO THOUSAND TWO HUNDRED SIXTY-SIX & 63/100 (\$32,266.63) DOLLARS, being interest on the unpaid purchase price from the 10th day of February, 1977, to the 10th day of January, 1978, at the rate of eight per cent (8%) per annum.

4. The balance of the purchase price, or the sum of FOUR HUNDRED TWENTY-FIVE THOUSAND & NO/100 (\$425,000.00) DOLLARS, shall be payable according to one of the following schedules:

OPTION NO. 1: Commencing on the 10th day of January, 1979, the sum of FORTY-THREE THOUSAND TWO HUNDRED NINETY & 50/100 (\$43,290.50) DOLLARS shall be due and payable, and a like sum of FORTY-THREE THOUSAND TWO HUNDRED NINETY & 50/100 (\$43,290.50) DOLLARS shall be paid on the 10th day of January of each and every year thereafter through the year 1988. On the 10th day of January, 1989, the balance of the purchase price, or the sum of TWO HUNDRED NINETY-TWO THOUSAND EIGHT HUNDRED TWENTY-FIVE & NO/100 (\$292,825.00) DOLLARS, together with interest thereon, shall be due and payable.

The annual installments shall bear interest at the rate of eight per cent (8%) per annum, with the payment being applied first to the interest then due, and the balance applied to the principal.

OPTION NO. 2: At the option of the Buyers, the Buyers may elect to pay the entire unpaid principal balance in the following manner:

a. On the 10th day of January, 1978, accrued interest from the 10th day of February, 1977, at the rate of eight per cent (8%) per annum in the sum of THIRTY-TWO THOUSAND TWO HUNDRED SIXTY-SIX & 63/100 (\$32,266.63) DOLLARS shall be due and payable.

b. Also on the 10th day of January, 1978, the unpaid principal balance of the purchase price in the sum of FOUR HUNDRED FIFTEEN THOUSAND & NO/100 (\$415,000.00) DOLLARS shall be due and payable.

Upon making the payments as provided in this election, the entire purchase price will be paid in full.

OPTION NO. 3: At the option of the Buyers, the Buyers may elect to pay the entire principal balance in the following manner:

a. On the 10th day of January, 1979, the Buyers can pay the first annual installment of FORTY-THREE THOUSAND TWO HUNDRED NINETY & 50/100 (\$43,290.50) DOLLARS, plus the balance of the purchase price in the sum of FOUR HUNDRED THOUSAND & NO/100 (\$400,000.00) DOLLARS principal balance.

INTEREST. Commencing on the 10th day of February, 1977, all deferred payments shall bear interest at the rate of eight per cent (8%) per annum, and the payments shall be applied first to the interest then due and the balance shall be applied to the principal.

PREPAYMENT. All payments made hereunder shall be paid to the escrow holder hereinafter named to the credit of the Seller, and after the year 1979 the Buyers shall have the privilege of prepaying not more than twenty (20%) per cent of the purchase in any one year.

POSSESSION. The Buyers shall be entitled to possession of said premises on or before the 10th day of February, 1977,

and shall be entitled to remain in possession thereof during the time this agreement is in force and effect, and shall keep the said premises in as good condition and repair as they now are, and shall not suffer any waste upon said premises.

The Seller shall, however, for a reasonable time after possession date have the right to access to the premises and the use of the necessary yards, barns and out buildings for the purpose of gathering in, marking and identifying the Seller's farm equipment and to allow Seller to hold an auction sale of the farm equipment on the premises.

The Buyers shall not suffer or permit any claims or liens to become due, unpaid or delinquent, and shall have no power to encumber said premises by way of lien or mortgage.

TAXES. The Seller hereby covenants and agrees that he will pay all taxes, assessments and water charges levied or assessed against said property being conveyed by the Seller to the Buyers up to the 10th day of February, 1977; and the Buyers hereby covenant and agree that they will pay all taxes, assessments and water charges levied or assessed against said property from and after the 10th day of February, 1977, and during the entire life of this agreement.

INSURANCE. Upon possession, the Buyers shall immediately insure said premises for its full value with some acceptable and responsible insurance company, with a clause providing for the loss, if any, to be payable to the Seller as his interest may appear.

CLOSING. At the time of closing the Buyers will deliver to HEDRICK & BODINE REALTY the sum of ONE HUNDRED SIXTY THOUSAND & NO/100 (\$160,000.00) DOLLARS cash, lawful money of the United States, or by certified or cashier's check.

The parties hereto hereby authorize and direct said HEDRICK & BODINE REALTY from the funds deposited with them, both as the initial down payment and the payment at closing, the following items:

1. Mortgage. The Equitable Life Assurance Society of the United States a sum sufficient to pay that certain mortgage recorded May 28, 1963 as Document No. 534334 in Book 245 of Mortgages at page 693, records of Canyon County, Idaho.

2. State and County taxes for the year 1976.

3. Amount due under Financing Statement dated April 4, 1974, to Studebaker-Worthington Leasing Corporation, filed of record as Document No. 726283, records of Canyon County, Idaho.

4. The amount due to U. S. BanCorporation, Attention Business Leasing Corporation, 309 S.W. 6th Avenue, Portland, Oregon.

5. The amount due to Commercial Credit Equipment Corporation, Denver, Colorado.

6. The amount due Idaho First National Bank, Rupert, Idaho.

The said closing agent shall not disburse any of the above funds until the correct amounts due each of the persons have been verified and payment is authorized by the Seller.

After the payment of the above items, the closing agent shall remit the balance of the funds so deposited to the Seller.

The closing agent is further authorized to deduct from the amount to be delivered to the Seller the sum of \$1,000.00 which will be returned to the Buyers as credit for improvements made by the Buyers on corrals and the roof of the pump house.

TITLE INSURANCE POLICY. The Seller shall furnish a title insurance policy showing merchantable title to be in the Seller, free and clear from encumbrances, subject only to the following: all liens herein expressly agreed to be paid by the Buyers; all reservations in patents or state grants or

in the laws of the State of Idaho or United States of America authorizing the issuance of state grants; all repayment contracts between any irrigation district including any of the above lands within its boundaries and the United States of America; all rights of way under, over and across the above described property regardless of how evidenced or acquired and whether the same appear of record or not; all bonded indebtedness of any taxing units; all zoning requirements and restrictions imposed by any governmental unit and the usual and ordinary printed exceptions contained in such policy.

ASSIGNMENT OF GEOTHERMAL AND OIL LEASES. It is understood and agreed that the property being conveyed to the Buyers herein is presently encumbered by a Geothermal Lease dated June 9, 1973 in favor of Anschutz Corporation, recorded July 26, 1973 as Document No. 711915, records of Canyon County, Idaho, and also that certain Lease executed on September 26, 1974 in favor of Gulf Oil Corporation and recorded November 15, 1974 as Document No. 739547, records of Canyon County, Idaho.

The Seller does hereby assign, sell and set over unto the Buyers all of his right and interest in and to said leases, and agrees that all lease payments or royalties hereafter paid shall be the property of the Buyers herein.

ESCROW. This agreement shall be signed and executed by the parties hereto, and the Seller shall sign and acknowledge a Warranty Deed conveying title to the buyers, free and clear from encumbrances except those specifically excepted in this contract under the paragraph entitled "Title Insurance Policy", and a copy of this agreement, the Warranty Deed, Insurance Policy and Title Insurance Policy shall be delivered to the IDAHO FIRST NATIONAL BANK, Caldwell, Idaho, as escrow holder to be delivered by said escrow holder in compliance with the provisions of this agreement.

Upon completion of the payment of the purchase price, as herein stated, the escrow holder shall deliver the Warranty Deed, Fire Insurance Policy and Title Insurance Policy to the Buyers.

DEFAULT. In the event the Buyers shall fail to make any of the payments as herein provided, or shall fail in any manner to comply with any provisions of this agreement, or in any of such events, the Seller may give the Buyers written notice, either by personal delivery of the same or by registered mail, addressed to the Buyers and the Buyers shall have sixty (60) days from the delivery or mailing of said notice within which to comply with this agreement, or with the provisions of said notice, and failing within that time to so do, the Seller may declare this contract null and void and the possession of said premises shall be delivered back to the Seller, and the payments made and things done in connection herewith shall be considered as rent for the use and occupancy of said premises prior to the delinquency on the part of the Buyers.

IT IS UNDERSTOOD AND AGREED That this option is not exclusive with the Seller and the Seller does not waive any rights he may have at law or equity for the enforcement of the provisions of this agreement, including the right, in lieu of declaring a forfeiture of the right of the Buyers as hereinbefore provided, of declaring the entire unpaid balance of the purchase price immediately due and payable and foreclosing this contract in the manner provided by law for the foreclosure of mortgages, in which event, a reasonable sum to be fixed by the Court as attorney's fees shall be allowed the Seller on such foreclosure suit and the payment of said attorney's shall be secured by a lien on the above described lands with the same force and effect as if they were a portion of the unpaid purchase price.

In the event it becomes necessary for the Seller to give notice of default to the Buyers, the cost of the preparation of the notice of default and the service thereof shall be borne by the Buyers.

NOTICES. Any notice under this contract is deemed to have been served when sent by registered or certified mail to the last address of the party to whom the notice is to be given on file with the escrow holder herein named. All notices of default under this contract shall be deemed to be completed when posted.

ATTORNEY'S FEES. It is hereby agreed between the parties hereto that in the event it becomes necessary to submit any matter concerning this contract to a court of competent jurisdiction, the attorney's fees for the prevailing party shall be paid by the losing party and that the amount of said attorney's fees shall be fixed by the court hearing the same.

COMMISSION. The Seller is indebted to HEDRICK & BODINE REALTY, Farm and Ranch Division, for selling the above described property. The sum of \$18,750.00 is to be paid on the date of closing and the balance of the commission in the amount of \$17,250.00 is to be paid on the 10th day of January, 1978. If Option No. 1 is taken, then an additional commission in the amount of \$1,500.00 is to be paid on the 10th day of January, 1979.

IT IS UNDERSTOOD AND AGREED That this agreement is binding upon the parties hereto, their heirs, successors, executors, administrators and assigns, and that time is of the essence of this agreement in all of its provisions.

IN WITNESS WHEREOF, The parties hereto have hereunto set their hands and subscribed their names, the day and year

in this agreement first above written.

JOHN A. VAN WYK
Seller

LAWRENCE L. MIKELSON

PATRICIA MIKELSON
Buyers

STATE OF IDAHO)
) ss.
County of Canyon)

On this _____ day of February, 1977, before me, the undersigned, a Notary Public in and for said State, personally appeared JOHN A. VAN WYK, a married man, dealing with his sole and separate property, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

Notary Public for Idaho
Residing at Caldwell, Idaho
My commission expires:

STATE OF IDAHO)
) ss.
County of Canyon)

On this _____ day of February, 1977, before me, the undersigned, a Notary Public in and for said State, personally appeared LAWRENCE L. MIKELSON and PATRICIA MIKELSON, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

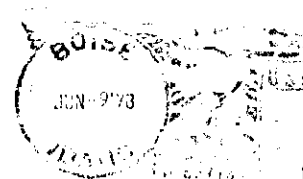
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Notary Public for Idaho
Residing at:
My commission expires:

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

☒ Moved, left no address
☒ No return address number
☒ Addressed unknown

Mr. John A. Van Wyk
Box B
Melba, ID 83641



6-16-78

I contacted the assessor's office for a new address and they had no new address.

I'm forwarding a copy of the lapse notice to Lawrence Mickelson & his attorney, Gerald Weston.

MA



83

MICROFILMED

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.



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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

June 9, 1978

Re: Permit No. 02-7109

Mr. John A. Van Wyk
Box B
Melba, ID 83641

Dear Mr. Van Wyk:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 02-7109 has lapsed since you have not notified us that you have completed the project by the date required on your permit. You were provided forms for that purpose in our notice to you dated

Your permit cannot be reinstated unless you submit the proof of beneficial use affidavit, enclosed, or show other reasonable cause why the permit should be reinstated within 60 days from the date of this lapse notice.

C. STEPHEN ALLRED
Director

CSA:jfr

Encl.

MICROFILMED

May 4, 1978

Mr. Gerald L. Weston
Gigray, Miller, Bowman & Weston
9th & Dearborn Sts., Dearborn Bldg.
Box 640
Caldwell, ID 83605

Dear Mr. Weston:

We have received the extension application submitted on behalf of Lawrence Mikelson for the above referenced permit.

However, we cannot accept this application as the permit is still in the name of the original permit holder, John A. Van Wyk. In order for the extension to be acceptable, Mr. Van Wyk must assign the permit to Lawrence Mikelson or sign an extension application himself.

We are enclosing an assignment of permit form for your use in this matter. We are also returning the extension you submitted, which may be re-submitted with the completed assignment form.

If you have any questions concerning this matter, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:lt

Enclosures

MICROFILMED

GIGRAY, MILLER, DOWNEN & WESTON

LAWYERS

DEARBORN BUILDING

9TH & DEARBORN STS.

POST OFFICE BOX 640

CALDWELL, IDAHO 83605

TELEPHONE 208-459-0091

WM. F. GIGRAY, JR.

DEAN E. MILLER

DONALD E. DOWNEN

GERALD L. WESTON

WM. F. GIGRAY, III

DEAN J. MILLER

R. SCOTT PASLEY

April 27, 1978

RECEIVED

APR 28 1978

Department of Water Resources

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Attention: Mr. James Johnson

Dear Mr. Johnson:

I am enclosing herewith the original and two executed copies of the Application for Extension of Time of Lawrence Mikelson, under Permit No. 02-7109. This is the permit I talked with you about on the telephone.

The applicant has constructed a fairly extensive irrigation system for taking water out of the Snake River and applying it to his property. In order to fully complete the intended system and to fully develop the water right, it is necessary that Mr. Mikelson install other pumps to lift the water higher up on his property. Mr. Mikelson has received one of the letters advising him that Idaho Power is not going to grant any additional electricity for new pumps at this time. We are prepared to have that portion of the work which is completed inspected, but you had advised me that it would probably be easier to just continue the entire permit so that it all can be inspected at one time.

If there are any questions on this, please call me.

Yours very truly,

GIGRAY, MILLER, DOWNEN & WESTON


Gerald L. Weston

GLW:cm:H9
Enclosures
cc: Mr. Lawrence Mikelson

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR EXTENSION OF TIME

APR 26 1978

Department of Water Resources

State of Idaho)
County of Canyon)

Permit No. 02-7109

Lawrence Mikelson
(name)

of Route 1, Melba
(address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to
Appropriate the Public Waters of the State of Idaho No. 02-7109.

That under the terms and conditions of said permit, work thereunder was required
to be completed on or before June 1, 1978.

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

Penstocks, pumps, mainlines and lateral lines have been
completed sufficient to complete 65% of the total permit.

Costing \$

That he is unable to complete the remainder of the work within the required time for
the following reasons, to-wit: Idaho Power has declared a moratorium on new
pumps being installed. Applicant has to install additional
pumps to complete the remaining 35% of the project.

Wherefore, he asks that the Department of Water Resources extend the time for the
completion of obligations under said permit to June 1, 1981.

(signature) *

Subscribed and sworn before me this 27 day of April, 1978.

seal

Notary Public residing at

Caldwell

My commission expires 6/24/78

ACTION OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

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

Witness my hand this day of 19

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available
through the Department of Water Resources, Statehouse, Boise, Idaho 83720.



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

March 31, 1978

CERTIFIED MAIL

138643

Re: Permit No. 02-7109

John A. Van Wyk
Box B
Melba, Idaho 83641

Dear Mr. Van Wyk:

One of the conditions of approval of your water Permit No. 02-7109 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before June 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

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

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

Norman C. Young
NORMAN C. YOUNG

Administrator,
Resources Administration Division

NCY:jfr

Encl: Proof affidavit

MICROFILMED

June 27, 1973

Re: Permit No. 02-7109

**John A. Van Wyk
Box B
Malba, Idaho 83641**

Dear Mr. Van Wyk:

Enclosed is a copy of your approved Application for Permit No. *02-7109*. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosures

2 7109

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that JOHN A. VAN WYK, Box B., Melba, Ida.

has on Jan. 8, 1973 submitted Application No. 02-7109
for a permit to appropriate 21.0 cubic feet per second ~~21.0 cubic feet~~
~~per second~~ of water from Snake River, trib. to Columbia River
by means of pump plant, pen stock & pipelines
within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21, T. 1 S., R. 2 W., B.M., Canyon County

to be used from Jan. 1 to Dec. 31 for stockwater & March 15 to Nov. 15
for the irrigation of 1050 acres located

within the NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 16 (490 acres); S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$, Sec. 21 (180 acres); SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22 (380 acres);
all in T. 1 S., R. 2 W., B.M.

If issued, this permit will be subject to all prior water rights. Pro-
tests against the granting of the permit must be filed with the Idaho Depart-
ment of Water Administration, Statehouse, Boise, Idaho, 83707, on or before
Feb. 5, 1973.

R. KEITH HIGGINSON

Director

Published in the Idaho Free Press, Nampa, Ida.

on Jan. 18, 1973 and Jan. ²⁵~~20~~, 1973

2 7109

na

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that JOHN A. VAN WYK, Box B., Melba, Ida. has on Jan. 8, 1973 submitted Application No. 02-7109 for a permit to appropriate 21.0 cubic feet per second of water from Snake River, trib. to Columbia River by means of pump plant, pen stock & pipelines within the SE1/4 SW1/4, SW1/4 NW1/4, Sec. 21, T. 1 S., R. 2 W., B.M., Canyon County to be used from Jan. 1 to Dec. 31 for stockwater & March 15 to Nov. 15 for the irrigation of 1050 acres located within the NE1/4, NW1/4, SW1/4, SE1/4, Sec. 16 (490 acres); S1/2 NE1/4, SE1/4 NW1/4, NE1/4 SW1/4, SE1/4, Sec. 21 (180 acres); SW 1/4 NE1/4, NW1/4, SW1/4, W 1/2 SE1/4, SE1/4 SE1/4, Sec. 22 (380 acres); all in T. 1 S., R. 2 W., B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before Feb. 5, 1973.

R. KEITH HIGGINSON
Director
January 18, 25, 1973

2 7109

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215
Western District Office



Water Rights Administration
Water Resource Investigation
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

January 11, 1973

Re: Application for Permit No. 02-7109 John A. Van Wyk

**Idaho Free Press
P. O. Box 88
Nampa, Idaho 83651**

Gentlemen:

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

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

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

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

(signature of claimant)

Sincerely,

2 7109

January 9, 1973

RE: Application for Permit No.02-7109

Mr. Robert P. Tunnicliff
Miller, Weston & Tunnicliff
1801 Ellis Street
Caldwell, Idaho 83605

Dear Mr. Tunnicliff:

Attached herewith is your Receipt No. 9803 in the amount of \$220.00 for Application
for Permit No. 02-7109 for John A. Van Wyk which was received in this office on
January 8, 1973.

Sincerely,

DEANNA E. FELDT
Secretary

DEF:d

2 7109

JEAN E. MILLER
GERALD L. WESTON
ROBERT P. TUNNICLIFF

P. O. BOX 1116
TELEPHONE 459-3646
AREA CODE 208

MILLER, WESTON & TUNNICLIFF
ATTORNEYS AT LAW
PROFESSIONAL BUILDING
1801 ELLIS ST.
CALDWELL, IDAHO 83605

January 5, 1973

State of Idaho
Department of Water Administration
614 West State Street
Boise, Idaho

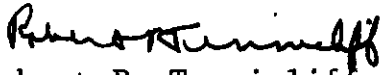
Dear Sirs:

Enclosed herewith please find an application for permit for
Mr. John A. Van Wyk, of Melba, Idaho.

Also enclosed is our check in the amount of two hundred
twenty dollars (\$220.00) to cover costs of the permit.

Very truly yours,

MILLER, WESTON & TUNNICLIFF


Robert P. Tunnicliff

RPT:hmt
Encl: 2
cc: Mr. John A. Van Wyk

2 7113