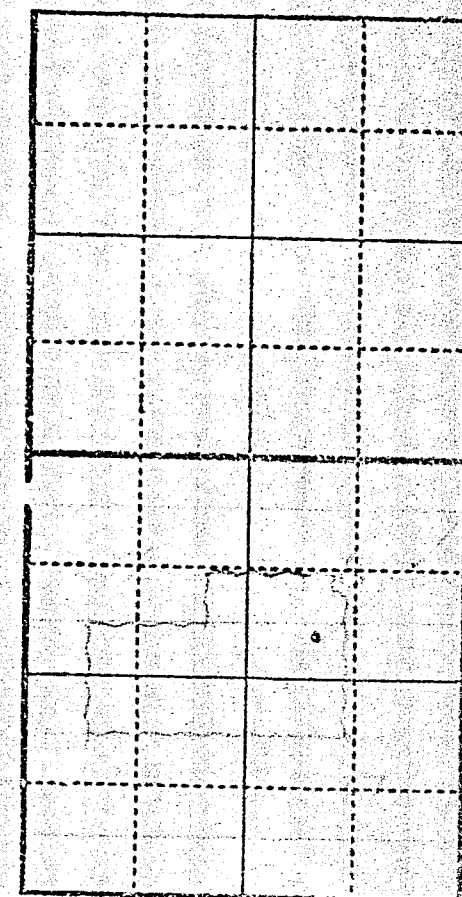


APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36026
Permit No. G- 28065
District No.

1. Name of Applicant: W. L. Baker
Postoffice address: Malad City County: Oneida State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second 4.03 or Idaho
Miners' inches 201.50 or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean waters
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8
Twp. 15 S , Rge. 33 E. , B.M., County of Oneida
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Deep well, cased with pump
8. Estimated cost of works: \$ 22,000.00
9. (a) Is reservoir to be used? No.
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Deep well with pump
under State of Idaho Water License No. G-24337
 - (a) 4.03 cfs (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.



Remarks: well under License No. G-24337 has been increased approximately 25 miner's inches

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

Applicant.

Agent.

Date of first receipt at Department of Reclamation: 1:00 P.M. July 21, 1959

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 28065

Recorded in Book 99 Page 28065 Approved August 5, 1959

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before _____ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before February 5, 1962

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before August 5, 1964

Witness my hand this 5th day of August, 1959

s/ GEO. N. CARTER

STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, W. R. DREWLOW, Acting Governor of the State of Idaho,
and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 5th
day of August, 1959.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

By s/ W. S. DREWLOW,
Acting Governor

Secretary of State.

12.

[illegible]

APPLICATION FOR AMENDMENT
LAND LIST
Permit No. G-28065

Comes now W. L. BAKER and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-28065, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

Twp. 15 S., R. 33 E., B. M.: Sec. 8: SW $\frac{1}{4}$, except the easterly 300 ft. more or less
Sec. 17: N $\frac{1}{2}$ NW $\frac{1}{4}$, except the easterly 300 ft., more or less.
Sec. 18: N $\frac{1}{2}$ NE $\frac{1}{4}$ and the easterly 300 ft., more or less of the NE $\frac{1}{4}$ NW $\frac{1}{4}$
Sec. 7: SE $\frac{1}{4}$, and easterly 300 ft. more or less of E $\frac{1}{2}$ SW $\frac{1}{4}$, making a total of 491 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Malad, Idaho, this 23rd day of June, 1964.

s/ W. L. BAKER

Date of Receipt at office of Department of Reclamation: June 24, 1964

APPROVAL OF STATE RECLAMATION ENGINEER

I, RALPH W. THOMAS, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-28065. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

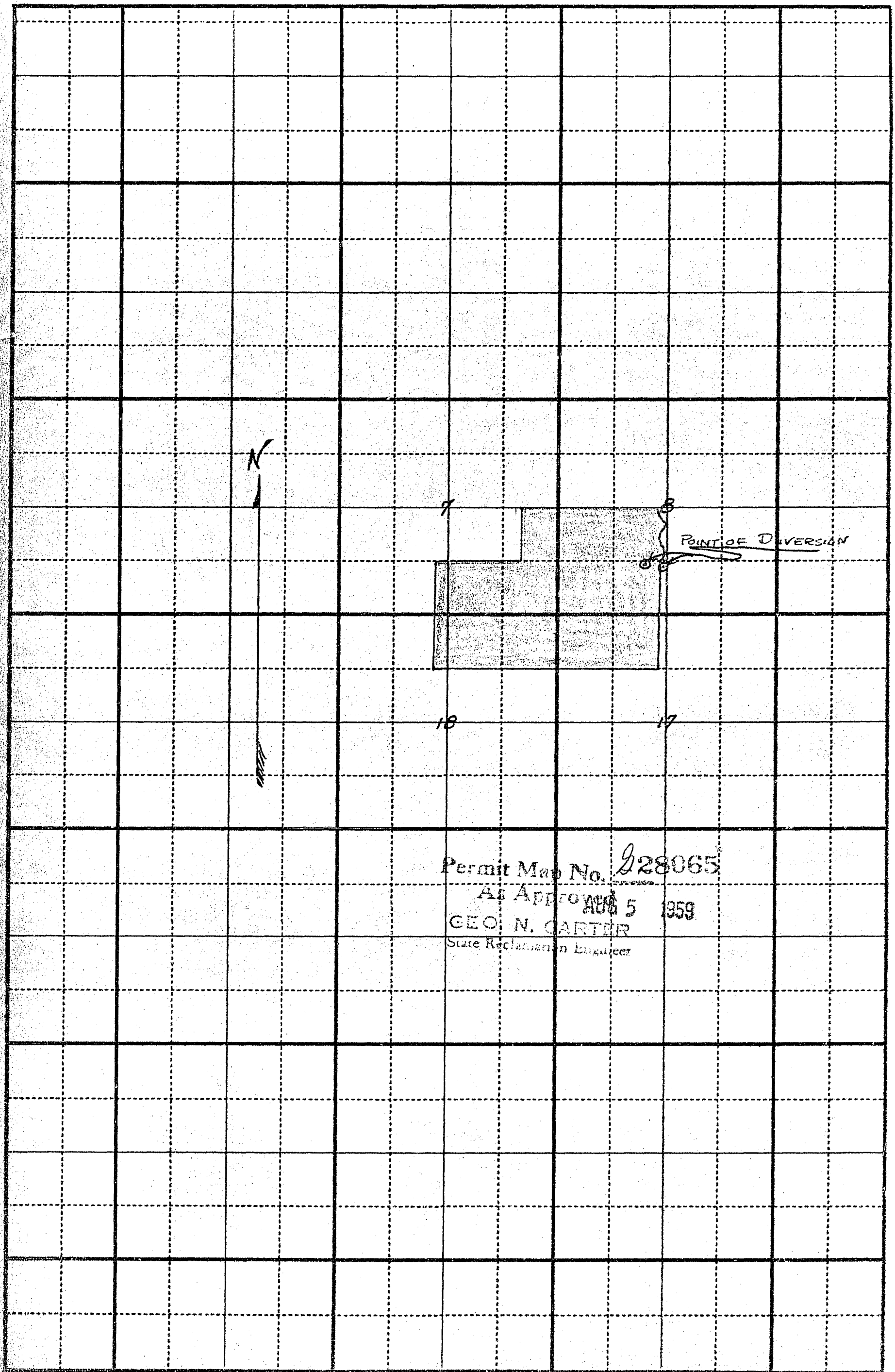
s/ RALPH W. THOMAS

Deputy State Reclamation Engineer

Recorded: June 25, 1964

W. L. Baker

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.



Permit Map No. 228065
As Approved AUG 5 1959
GEO. N. CARTER
State Reclamation Engineer

August 10, 1959

Re: Permit No. G-28065

Mr. W. L. Baker,
225 South Main St.,
Malad, Idaho.

Dear Mr. Baker:

We enclose Permit No. G-28065 in which we direct your attention to the limitations and conditions as given on the fourth page under Approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-4240 which was issued covering payment in the amount of \$6.00 for the filing fee of the above mentioned permit.

You will note, under Question 10, that we have changed the required time for completion of works and complete application of the water to the proposed use to five years. However, you may make the required proofs at any time you are prepared to do so within that time.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

Encl.
EPR/pak

28065

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

June 2, 1964

Re: Permit No. G- 28065

W. L. Baker
205 S. Main St.
Malad City, Idaho

Dear Mr. Baker

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G- 28065 are due not later than August 5, 1964

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list, which has been recorded in this department. If changes have been made and no amendments are on record, we advise you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least FORTY (40) DAYS BEFORE THE MENTIONED DATE, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point, or points, of diversion; and the location of use or the lands which are irrigated -- all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with two Forms 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named, and before the notary public, as advertised in the publication notice.

Very truly yours,

CARL E. TAPPAN

State Reclamation Engineer

Enclosures 36 and 11

28065

June 18, 1964

Re: Permit No. G-28065

W. L. Baker
205 S. Main Street
Malad City, Idaho

Dear Mr. Baker:

Notice of Proof Forms #36 and #11 under subject permit returned herewith.

Under item #5 you show that the entire SE $\frac{1}{4}$, Section 7 has been irrigated. The original land list on our records does not include NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7.

It is necessary that a correction or an amendment be made.

You can either correct the returned forms #36, or amend the permit, using the enclosed form, to include the NW $\frac{1}{4}$ SE $\frac{1}{4}$ in the land list.

In either case return all papers to this office to avoid further delay.

Please attach check for \$1.00, the fee for making an amendment.

Very truly yours,

H. Petri
State Water Rights Clerk

HP:ot

Enc. Notice of Proofs
Amendment form

28065

ROBERT E. SMYLLIE
Governor



CARL E. TAPPAN
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

June 18, 1964

RECEIVED
JUN 24 1964

Department of Reclamation

Re: Permit No. G-28065

W. L. Baker
205 S. Main Street
Malad City, Idaho

Dear Mr. Baker:

Notice of Proof Forms #36 and #11 under subject permit returned herewith.

Under item #5 you show that the entire SE $\frac{1}{4}$, Section 7 has been irrigated. The original land list on our records does not include NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7.

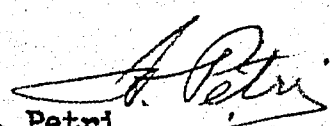
It is necessary that a correction or an amendment be made.

You can either correct the returned forms #36, or amend the permit, using the enclosed form, to include the NW $\frac{1}{4}$ SE $\frac{1}{4}$ in the land list.

In either case return all papers to this office to avoid further delay.

Please attach check for \$1.00, the fee for making an amendment.

Very truly yours,


H. Petri
State Water Rights Clerk

HP:ot

Enc. Notice of Proofs
Amendment form

28065

RECEIVED RECEIVED
JUN 24 1964 JUN 18 1964

Department of Reclamation

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 17, 1964

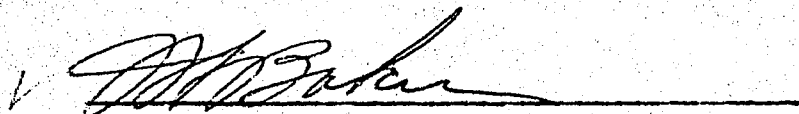
(P. O.) Malad City, Idaho

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published
at my expense in the Idaho Enterprise of
Malad City, Idaho published in the
county in which the works are situated.



(In case of canals or other works designed to divert and
carry more than 50 cubic feet of water per second, the following certificate
must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the
attached notice are true.

Engineer

28065

No. 86

RECEIVED

JUN 24 1964

RECEIVED

10/1/63

JUN 18 1964

Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORKS

Department of Reclamation

and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11:00AM., on the 3rd day of August 1964, at Malad City, County of Oneida, State of Idaho, before E. L. Scott, Notary Public, at (address) 26 Court Street, proof will be submitted of the completion of works for the diversion of 4.03 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 28065, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is W. L. Baker 205 S. Main, Malad City, Idaho

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 4.03 cubic feet per second.

3. The use to which said water has been applied is Irrigation, purposes, and the amount applied to beneficial use is 4.03 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, Township 15 South, Range 33 East, Boise Meridian

5. The place where said water is used is SW $\frac{1}{4}$ of Section 8, SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18, and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, Township 15 South, Range 33 East, Boise Meridian

Twp. 15 S. - R. 33 E. B.M. SW $\frac{1}{4}$ of Sec. 8, SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 7, NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 18, and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 17, more or less, as shown on map of Sec. 18, SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 8, SW $\frac{1}{4}$ of Sec. 7

6. The date of priority which said user is prepared to establish is 5th August, 1959

July 24

CARL E. TAPPAN

State Reclamation Engineer

28065

Re: Permit No. G-28065

Date: June 24, 1964

W. L. Baker

Idaho Enterprise,
Malad City, Idaho.

Gentlemen:

Enclosed you will find Notice for Publication, once a week
for four consecutive weeks prior to August 3, 1964
the date set for proof; the expense of the publication is to be paid
by the applicant W. L. BAKER
of 205 S. Main, Malad City, Idaho to whom you should
furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this
office with a copy or tear sheet of the first publication. **

Very truly yours,

Carl E. Tappan
CARL E. TAPPAN
State Reclamation Engineer

** If the first copy is not received in this office for checking
purposes and errors appear in subsequent issues, it is possible
that re-publication of corrected copy will be at your own expense

Re: Permit No. G-28065

June 24, 1964

Mr. W. L. Baker,
205 S. Main,
Malad City, Idaho.

Dear Mr. Baker:

This acknowledges the Notice of Proof of Completion of Works and Application of water to Beneficial Use under Permit No. G-28065. The proofs are to be made at 11:00 o'clock A.M., on the 3rd day of August, 19 64, before E. L. Scott, 26 Court Street, Malad City, Idaho, Notary Public.

As of this date, we have mailed the Notice to the Idaho Enterprise, Malad City, Idaho, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk
cc: Notary

28065

Application for Amendment

LAND LIST

Permit No. G-28065 Department of ReclamationRECEIVED
JUN 24 1964

Comes now W. L. BAKER, and represents
to the STATE RECLAMATION ENGINEER of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-28065, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

TWP 15 S. R. 33 E. BM:

SEC 8: SW 1/4 EXCEPT THE EASTERLY 300 FT. MORE OR LESSSEC 17: N 1/2 NW 1/4, EXCEPT THE EASTERLY 300 FT. MORE OR LESSSEC 18: N 1/2 NE 1/4 and the EASTERLY 300 FT. MORE OR LESS of the NE 1/4 NW 1/4SEC 7: SE 1/4 and EASTERLY 300 ft. more or less of E 1/2 SW 1/4, making a total of 491 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Malad Idaho this 23rd day of JUNE, 1964

Date of receipt at office of Department of Reclamation June 24, 1964

RALPH W. THOMAS, APPROVAL OF STATE RECLAMATION ENGINEER

/CARL E. RAPPAN/ Deputy

I, ~~EDD N. CARTER~~, State Reclamation Engineer of the State of Idaho, hereby approve

the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-28065. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded in Book 99 of
Permits, Page 28065
June 25, 1964

Ralph W. Thomas
Deputy
State Reclamation Engineer

June 25, 1964

Permit No.
Re: G-28065

W. L. Baker
Malad City, Idaho

Dear Mr. Baker:

Enclosed is the Application for Amendment to the
land list which has been recorded in this office.

Also enclosed is departmental receipt No. G-8606
in the amount of \$1.00 covering fee.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. amendment
receipt

RECEIVED

AUG 4 1964

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Department of Reclamation

BOISE, IDAHO

Permit No. G-28065

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address: W.L. Baker

205 South Main St. Malad, Idaho ; Occupation - Farmer

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf:

Ques. 3. State number, approval date of permit, and date of priority you propose to establish under the permit; G-28065 approved Aug. 5, 1959; July 21, 1959 Priority

Ques. 4. State source of water supply: Subterranean
Give location of point of diversion, showing subdivision, section, township and range:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8 T 15S R 33E BM

Ques. 5. Describe your works of diversion: Deepwell, cased, with electric pump
underground pipe, control boxes Etc state amount of water they are capable of conveying from point of diversion to place of use 12 CFS; Give name of canal or ditch or other works by which water is conducted to such place of use: Underground pipe to head ditches; if a well, state depth of well 1200; depth and size of casing: 18" to 20 1/2", balance 12"; depth to water 27'; if pump is used, state discharge of pump: 4 1/2 CFS; tell how it was measured or determined: Estimated; if sprinkler irrigation, give number and size of nozzles and operating pressure:

Ques. 6. State for what purpose water is used: Irrigation
If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water : SW $\frac{1}{4}$ SEC. 7 20 A; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 7 160 A; SW $\frac{1}{4}$ Sec. 8 149 A.; NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17 72 A.; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 16 80 A.; NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 18 10 A. Total 491 Acres

Pipe Lines, Control structures, Ditches, Roads, Produce Storage, Homes Etc.
State nature of all improvements which have been made as a direct result of said use:

For workers, Repair and maintenance facilities and machinery for operation

W. L. Baker

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: A.J.Schoonover, Burley, Idaho

Ques. 7. If for other than irrigation purposes, state purpose and how used:

Ques. 8. What is the minimum amount of water required for the purpose specified above:

I believe I should have 500 miners inches (10 cfs) for full production

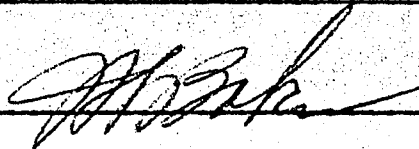
Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Ques. 10. State when and in what amount the water diverted under above mentioned permit has been first used: May 28, 1959. Stated pumping Time used since first use:

Used from May to October each season since first use.

Ques. 11. Describe all other water rights appurtenant to same place of use:

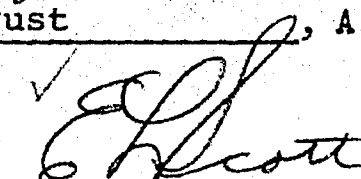
License # G-24337

(sign) 

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Malad City, County of Oneida

State of Idaho, on this 3rd day of August, A.D. 1964.



Notary Public

My Commission expires: May 19, 1967

RECEIVED
AUG 4 1964

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Department of Reclamation

BOISE, IDAHO

Permit No. G 28065

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case

Ques. 1. State your name, age, residence, occupation and postoffice address:

i Roland b. jones, 47, malad city, Idaho 320 No. 200 W. merchant

Ques. 2. Are you acquainted with W. L. Baker, the holder of
Permit No. G 28065 ? How long have you known him and where does he reside:

Yes.

Ques. 3. Have you read or heard said Permit No. G 28065 read, and are you familiar
with its provisions and conditions: Yes: Yes. No:

Ques. 4. State source of water supply: Subterranean watters

State place of diversion: SW $\frac{1}{4}$ Sec. 8, Twp. 15 S., R. 33 EBM

Describe works for conveying water to place of use: Electric pump, underground
water pipe, and open ditches

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: twelve How much water have you seen being so
conveyed: a bout five second feet

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

SW $\frac{1}{4}$ Sec. 8 - 145 acres; N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 17 - 76 acres; N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 18 - 80 acres;
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 18 - 4 acres; ~~SE $\frac{1}{4}$ Sec. 7~~ SE $\frac{1}{4}$ Sec. 7 - 160 acres; E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 7 -
13 acres.

Ques. 7. If for power or other purposes than irrigation, state how water has been used:

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation:

Sandy soil; approximately one miner's inch to the acre

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: no

Ques. 10. When did you first see this water used: In June, 1959

Other times you have seen such use: three or four times during the irrigating season each year since June of 1959

(Signed)

Roland B. Jones

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Malad City

 , County of Oneida, State of Idaho, on this 3rd day of August

A. D., ~~1964~~ 1964

E. Scott

Notary Public for State of Idaho

Residing: Malad, Idaho

My commission expires: May 19, 1967

RECEIVED
AUG 4 1964

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Department of Reclamation

BOISE, IDAHO

Permit No. G 28065

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case

Ques. 1. State your name, age, residence, occupation and postoffice address:

Arnold Bjorkman, 50 years of age, reside at Malad City, Idaho, petroleum distributor, P.O. Address:, Malad City, Idaho

Ques. 2. Are you acquainted with W. L. Baker, the holder of

Permit No. G-28065 ^{yes}? How long have you known him and where does he reside:

23 years; he resides at Malad City, Idaho

Ques. 3. Have you read or heard said Permit No. G-28065 read, and are you familiar

with its provisions and conditions: Yes: X No:

Ques. 4. State source of water supply: Underground water source

State place of diversion: SW $\frac{1}{4}$ Sec. 8, Twp. 15 S., R. 33 EBM

Describe works for conveying water to place of use: Electric pump, underground water pipe, and open ditches

Ques. 5. How many second feet of water do you estimate said works will safely conduct

to place of use: 12 C.F.S. How much water have you seen being so

conveyed: four to five c.f.s.

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

SW $\frac{1}{4}$ Sec. 8, 145 acres; N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 17, 76 acres; N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 18, 80 acres;
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 18, 4 acres; SE $\frac{1}{4}$ Sec. 7, 160 acres; E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 7, 13 acres

Ques. 7. If for power or other purposes than irrigation, state how water has been used:

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation:

Sandy soil;

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: No

Ques. 10. When did you first see this water used: May 28, 1959

Other times you have seen such use: I delivered fuel oil to the diesel motor attached to the pump at least once a week during the irrigation season for at least 3 years. The pump was requiring approximately 100 gallons of fuel oil per day

(Signed)

Arnold Byrnes

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Malad City

 , County of Oneida, State of Idaho, on this 3rd day of August,

A. D., ~~1964~~ 1964

E. L. Scott

Notary Public for State of Idaho

~~Residence~~ Malad City, Idaho

My commission expires: May 19, 1967

RECEIVED

AUG 4 1964

Department of Reclamation Affidavit of Publication

State of Idaho
County of Oneida, ss.

Marion R. Matthews being first duly sworn on
his oath, states: That *he* is *chief clerk*.....

of the Idaho Enterprise, a newspaper of general circulation in Oneida County, Idaho published weekly at Malad, in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That said Idaho Enterprise was at all of the times of publication of said notice a newspaper of general circulation made up of at least four pages of at least five columns each, printed from type matter or stereotyped forms of at least seventeen and three fourths inches depth, and said newspaper during all of the times of publication aforesaid had more than 200 bonafide subscribers thereto living within the county of Oneida in which said newspaper was published at regular intervals not less frequently than once a week.

That the annexed notice was published per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for *4* successive weekly issues thereof the date of the first publication being the *2* day of *July*....., 19*64* the date of the last publication being the *23* day of *July*... 19*64*.

Marion R. Matthews

Subscribed and sworn to before me this *3rd* day of

August....., 19*64* *E. L. Scott*

Notary Public, residing at Malad, Idaho

My Commission expires the *19* day of *May*, 19*67*...

Costs *56* lines at 13c per line first insertion \$ *7.28*

.....lines tabulated at 20c per line \$.....

10c per line each subsequent insertion \$ *16.80*

TOTAL \$ *24.08*

(Rates for legal notices are fixed by Idaho law)

NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11:00 A.M., on the 3rd day of August, 1964, at Malad City, County of Oneida, State of Idaho, before E. L. Scott, Notary Public, at 26 Court Street, proof will be submitted of the completion of works for the diversion of 4.03 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 28065, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is W. L. Baker, 205 S. Main, Malad City, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 4.03 cubic feet per second.

3. The use to which said water has been applied is Irrigation purposes, and the amount applied to beneficial use is 4.03 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, Township 15 South, Range 33 East, Boise Meridian.

5. The place where said water is used is Twp. 15 S., R. 33 EBM., SW $\frac{1}{4}$ except the easterly 300 ft. more or less, Sec. 8; N $\frac{1}{2}$ NW $\frac{1}{4}$, except the easterly 300 feet, more or less, Sec. 17; N $\frac{1}{2}$ NE $\frac{1}{4}$ and the Easterly 300 ft., more or less, of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18; SE $\frac{1}{4}$ and easterly 300 ft., more or less, of E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 7.

6. The date of priority which said user is prepared to establish is July 24, 1959.

CARL E. TAPPAN
State Reclamation Engineer
7-2-23 t4

28065

1M April 1962

August 5, 1964

Re: Permit No. **0-28065**

W. L. Baker
205 South Main Street
Malad, Idaho

Dear Mr. Baker

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the ~~IDAHO ENTERPRISE~~ _____, all submitted in proof of completion of works and beneficial use on Permit No. **0-28065**

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

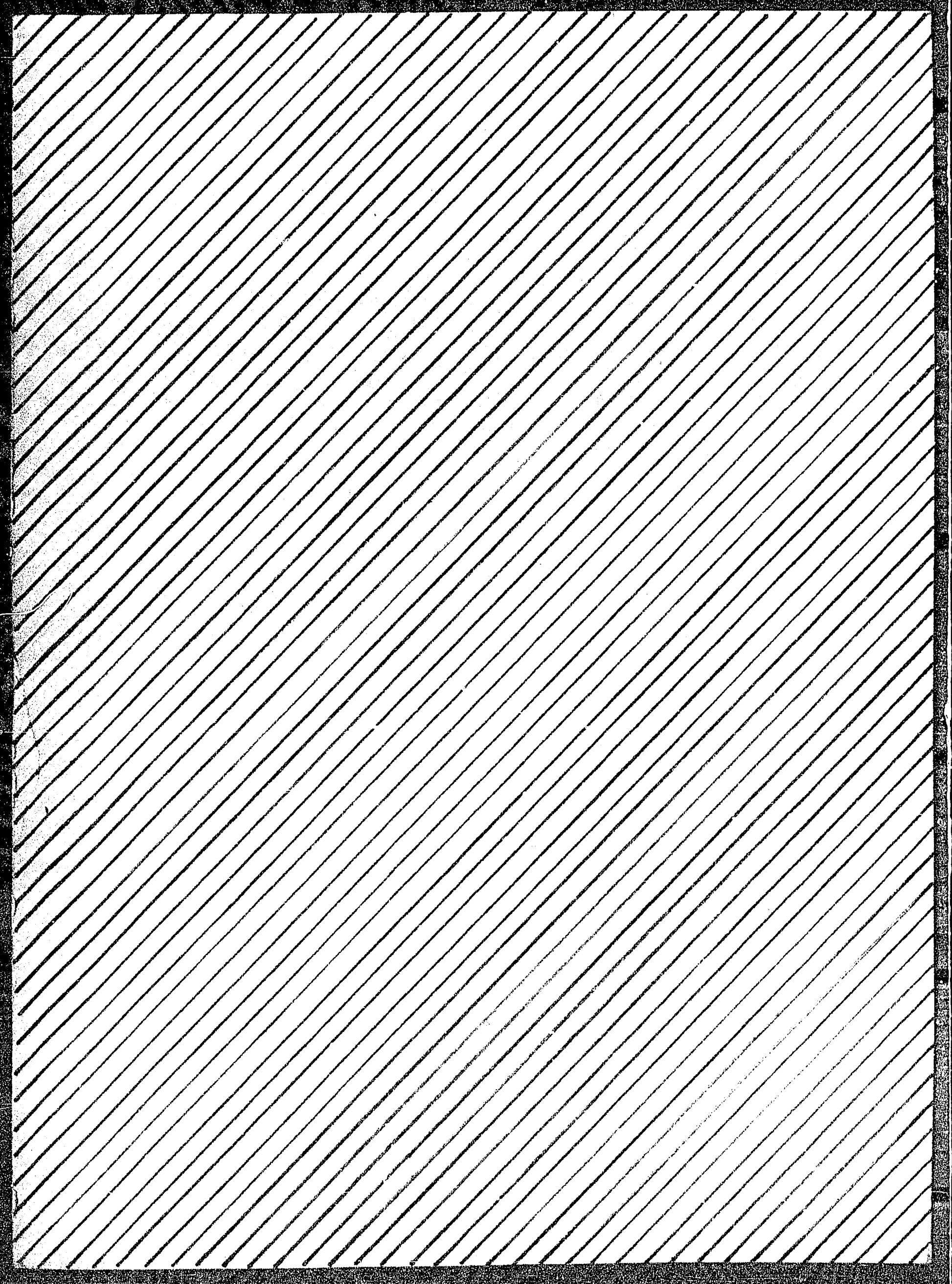
GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

28065



J. W. CROWTHER

ATTORNEY AT LAW

ONEIDA COUNTY

PROSECUTING ATTORNEY

SEP 24 1970

Department of Water Administration

60 NORTH MAIN MALAD CITY, IDAHO
PHONE 392-766-2644

September 21, 1970

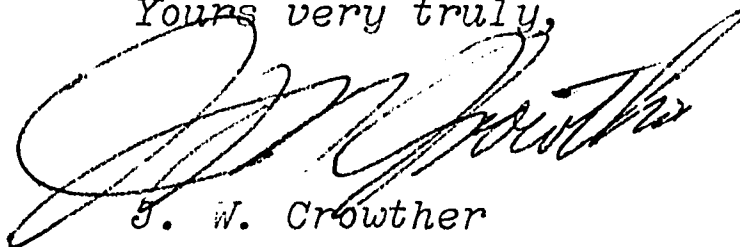
Mr. Don McEldowney
State of Idaho
Department of Reclamation
Boise, Idaho

Dear Mr. McEldowney:

Reference is made to our recent conversation regarding the assignment of the water rights of W. L. Baker. Since our last conversation, I am advised that Mr. Baker has perfected his rights and has a license. Therefore, I wonder if it is necessary to make the assignment normally used in the case of permits.

Would you please advise me in this regard at your earliest possible opportunity so that we can proceed with the loan.

Yours very truly,



J. W. Crowther

JWC/lec
ccc

28065 17-2045
30270 45-2672

17 2045

October 12, 1970

Re: Permit No. G-28065/17-2045
License No. G-24337/17-2028

Mr. J. W. Crowther, Attorney
60 North Main Street
Malad City, Idaho 83252

Dear Mr. Crowther:

In reference to your letter of September 21, 1970, our records indicate two permits under the name of W. L. Baker. Permit No. G-28065/17-2045, copy of which we are enclosing, is still awaiting a field examination to be conducted by the department. Another complete filing is Permit No. G-24337/17-2028, which has been perfected into a water license, copy of which is enclosed. These may assist you in answering your question concerning the status of the water right.

We are not able to process an assignment in connection with a water license. Any real property characteristics are appurtenant to the property described in the license. Therefore, whoever holds good title to the property will control the water license. We may process an assignment in connection with a permit that is not yet licensed. If you wish to submit an assignment, we will be glad to process it for you. We are enclosing an assignment form for your use, if you so desire.

If we may be of any further assistance, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cm

Enc: assignment form
copy of License No. G-24337/17-2028
copy of permit No. G-28065/17-2045

17 2045

J. W. CROWTHER
ATTORNEY AT LAW

ONEIDA COUNTY
PROSECUTING ATTORNEY

RECEIVED

DEC 16 1970

60 NORTH MAIN MALAD CITY, IDAHO
Department of Water Administration
PHONE 86-W

December 14, 1970

State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho

Re: Permit No. G-28065/17-2045
License No. G-24337/17-2028
W. L. Baker Company

Gentlemen:

We are enclosing herewith the above referred to permits.
Would you please record and acknowledge these assignments in
your usual manner.

Yours very truly,

J. W. Crowther *lec*
J. W. Crowther

JWC/lecc
enc - 2

17 2045

December 16, 1970

Re: Permit No. 17-2045/G-28066 ✓
17-2028/G-24337

J. W. Crowther
Attorney at Law
60 North Main
Malad City, Idaho 83252

Dear Mr. Crowther:

We are returning the two assignments which you submitted to our office. Before we can accept and record the assignment of Permit No. 17-2045, it will be necessary to have the notary public place his seal on the assignment.

Permit No. 17-2028 was licensed on October 23, 1958. Once a water permit has been licensed, it becomes appurtenant to the land and passes with the conveyance thereof. The owner of the land owns the water right. We do not keep a record of changes of title of licensed rights. If you wish, we can place the assignment in the file for reference purposes only.

As soon as we receive the assignment of Permit No. 17-2045 with the proper notary seal, we will record it and return a copy to you.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

Enclosures

17 2045

October 26, 1971

Re: Permit No. G-28065/17-2045

C W. L. Baker Company
Malad,
Idaho 83252

O Dear Mr. Baker:

P We have received an assignment from yourself to W. L. Baker Company and an application for amendment completed by W. L. Baker Company. In reviewing the assignment of your permit, it is noted that only you have signed it and there is no signature of spouse. If you are a married man, the assignment of your permit will have to be executed by your spouse as well. If not, please advise us so that we may continue processing your assignment.

P Very truly yours,

Y Donald W. McEldowney
Appropriation Supervisor

DWM/bb

Enc: Assignment form

17 2045

November 12, 1971

Re: Permit No. G-28065/17-2045

W. L. Baker Company
Malad,
Idaho 83252

Gentlemen:

Enclosed is a copy of the recorded assignment conveying Permit No. G-28065/17-2045, and a copy of your approved application for amendment. We are also enclosing a copy of the permit.

If we can assist you further, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DEM/BB

Enclosures

17 2045

November 18, 1971

Re: Permit No. G-28065/17-2045 -- W. L. Baker Company

W. L. Baker Company
205 South Main Street
Malad City, Idaho

Gentlemen:

During the 1970 irrigation season, a field examiner from this Department conducted an examination of your irrigation system. His report indicates that at that time, you were using water from two separate wells; however, an amendment that you submitted on October 13, 1971 indicates that you have water from only one well.

Please clarify this issue at your earliest convenience so that we may continue processing of the license on this permit. If you should have any questions, please contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cr

17 2045

205 So. Main St.

Malad City, Idaho 83252

Baker's

W. L. BAKER
COMPANY

MALAD, IDAHO
HOLBROOK, IDAHO

Phone 766-4426

Area Code 208

RECEIVED

NOV 24 1971

Department of Water Administration

November 22, 1971

Re: Permit No. G24065/17-2045 - W.L.Baker Company

Mr Dorian Clay
State Of Idaho
Department Of Water Administration
Boise, Idaho

Dear Mr Clay:

In answer to your inquiry regarding the above captioned Permit,
Dated November 18, 1971.

We used this well together with the well under Certificate #G24337 from August 1959 to november 1970. However the flow from this well gradually diminished to the point that it was no longer profitable to pump. This I explained to the young man in your office, the day that I was there to make application for amendment to the above permit to allow for the drilling of a replacement well.

We are naturally very dissapointed that the well has failed and that it is necessary that we drill another well. As you no doubt know, the drilling of an irrigation well has become a very expensive project; but we must have the water. Consequently, we have no choice but to try for another well.

I trust that this provides you with the information you need.

Very Truly Yours

W.L.Baker Company

By *[Signature]*

17 2045

December 1, 1971

Re: Permit No. G-28065/17-2045

W. L. Baker Company
Malad,
Idaho 83252

Gentlemen:

The required field examination for your permit will have to be re-examined due to the fact that the original well has since been replaced. Our field examiner will try to contact you during the 1972 irrigation season so that you may show him your system.

If you should have any questions, do not hesitate to contact us.

Very truly yours,

Fred Eisenbarth
Appropriation Examiner

FE/bb

17 2045

April 3, 1972

Re: License No. 17-2028
Permit Nos. ~~17-2045~~
17-7007

Mr. C. Lyle Smith
Post Office Box #488
Logan, Utah 84321

Dear Mr. Smith:

Pursuant to your telephone request, please find enclosed a copy of the above referenced license and permits and also the amendment in connection with Permit No. 17-2045.

The fee for these copies will be \$2.75.

If we may be of any further assistance to you in this, or any other matter, please do not hesitate to contact this Department.

Very truly yours,

James Booker
Appropriation Examiner

JB:CS

Enc: referenced copies

17 2045

June 13, 1972

Re: Permits No. 17-7007 & 17-2045

Mr. J. W. Crowther
Attorney-at-Law
60 North Main
Malad City, Idaho 83252

Dear Mr. Crowther:

We acknowledge receipt of the assignments whereby W. L. Baker Company assigned the above referenced permits to Connecticut Mutual of Hartford, Connecticut. The assignments have been recorded and the Department's records changed accordingly.

Please be advised that these permits are in good standing at this time. Proof of beneficial use of water is due on or before October 1, 1975, under Permit No. 17-7007. Proof of beneficial use has been submitted for Permit No. 17-2045 and a field examination is pending before a license can be issued.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

bc: Eastern District Office

17 2045

State of Idaho
Department of Water Administration

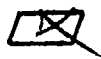
RECEIVED

OCT 13 1971

ASSIGNMENT OF PERMIT 1 1971

Department of Water Administration

I, W.L. Baker, hereby assign to W.L. Baker Company
of Malad, Idaho Address **APPROVED**



All my right, title, and interest, in and to Permit No. 28065/17-2045
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 list-
ing the acreage within each 40-acre subdivision, the point of diversion
and the amount of water in cubic feet per second for direct diversion,
or acre feet for storage.)

Made this 13th day of October, 19 71.

W.L. Baker

Permit Holder

Lou Ann W. Baker

Spouse of Permit Holder

State of Idaho)
County of Ada) ss.

On this 13th day of October, 19 71, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Dr. Russell Sorel

Notary Public residing at

Boise, Idaho

My commission expires: Jan 19, 1973

17 2045

OCT 13 194

REC-111
#8378
Department of Water Administration
Department of Water Administration

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPLICATION FOR AMENDMENT **APPROVED**

Permit No. 28065/17-2045

Comes now W.L. Baker Company of (address) _____
205 South Main St Malad City, Idaho, and represents to the State Reclamation
 Engineer of the State of Idaho:

No. 28065/17-2045, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, T. 15 S,
R. 33 E, B.M. Other points of diversion _____

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

mo. - day mo. - day

For Irrigation purposes from May 1 to Nov. 1 (both dates incl.)

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

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

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

3. Place of use or land to be irrigated: *No change in place of use*

[illegible]

Total number of acres to be irrigated

17 6045

17 2045

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

Scale: 2 inches equal 1 mile

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

Signed at Boise, Idaho, this 13th day of October, 19 71.
W. I. Baker Company
By [Signature] President
 (signature)

ACTION OF STATE RECLAMATION ENGINEER

I, R. KEITH HIGGINSON, Director of the Dept. of Water Administration, State Reclamation Engineer of the State of Idaho, hereby APPROVE application for amendment for Permit No. 28065/17-2045.

Witness my hand this 12th day of November, 19 71

[Signature]
 State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
ASSIGNMENT OF PERMIT

RECEIVED

JUN 1 1972

Department of Water Administration

I, W. L. Baker Company, hereby assign to Connecticut Mutual,
(Name)
of Hartford, Connecticut
(Address)

☒ All my right, title, and interest, in and to Permit No. 17-2045
to appropriate the public waters of the State of Idaho.

CHECK ONE

☐ 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. (Give that portion of the permit being assigned by
describing the land list and the point of diversion - describe by
acreage within each 40-acre subdivision.)

Made this 1st day of June, 1972.

W. L. Baker Company

By: [Signature]
Attest: Permit Holder President

LaDean H. Baker
Wife of Permit Holder Secretary

State of Idaho)
County of Oneida) ss.

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

Notary Public residing at _____

My commission expires _____

State of Idaho)
County of Oneida) ss.

On this 1st day of June, in the year 1972, before me J. W. Crowther,
Notary Public, personally appeared W.L. Baker, President, LaDean H. Baker,
Secretary, of the corporation that executed the instrument on behalf of
said corporation, and acknowledged to me that such corporation executed
the same.

[Signature]
Notary Public for the State of
Idaho: Residing at Malad, Idaho

17 2045

Form 204
RECEIVED

DEC 18 1978

Department of Water Resources
Eastern District Office

Identification No. 17-2045

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

Gary L. Baker of W. L. Baker Co., Star Route, Holbrook,
(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. 17-2045.

That under the terms and conditions of said permit, work thereunder was required to be completed on or
before _____, 19____. Proof has been filed; request withdrawal
of proof

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

Three attempts have been made to replace the original well which was drilled in
1959 and which collapsed in 1964; 3¼ miles of buried mainlines have been installed;
power has been brought in; access roads have been installed; all lands have been
cleared, booster pumps have been installed. Costing \$ 500,000.00

That he is unable to complete the remainder of the work within the required time for the following
reasons, to-wit: applicant has been unable to develop and retain an adequate well for
the system. Three attempts have been made to replace the original well. Proof of
beneficial use was filed before the original well failed, consequently, the exam
couldn't be completed. Additional time is needed to develop the well.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of
obligations under said permit to January 1, 1984.

Gary L. Baker
(Signature)*

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be DENIED, pursuant to
Letter dated January 15, 1979.

Signed this 16 day of January, 1979.

C. Stephen Allred
C. STEPHEN ALLRED
Director

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

Boise

RECEIVED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

DEC 11 1978

Department of Water Resources
Eastern District Office

POWER OF ATTORNEY

The undersigned holder of Permit/Application No. 17-2045 and 17-7007 of the Department of Water Resources of the State of Idaho hereby nominates Gary L. Baker, Secretary-Treasurer, whose address is W. L. Baker Company, Star Route, Holbrook, ID 83242, as attorney-in-fact, with full authority to act for and on behalf of the undersigned in matters pertaining to the above numbered permits or applications. Such acts shall be limited to the submission of proofs of completion of works and beneficial use of water.

Dated this 2nd day of June, 1978.

Carmella L. Parnold
Jean Wright

CONNECTICUT MUTUAL LIFE INSURANCE COMPANY
By: [Signature]
Investment Officer

STATE OF CONNECTICUT)
COUNTY OF HARTFORD) ss.

On this 2nd day of June, 1978, personally appeared before me the signer of the above instrument, who duly acknowledged to me that he executed the same.

SEAL

[Signature]
Notary Public
Residing at Higganum, Connecticut

My Commission expires:

March 31, 1980

INTER-DEPARTMENT MEMO — 1

FROM

Jan

TO

file

DATE

5/15/78

SUBJECT

*Exam returned to Dist. for
re-exam on this date.*

Jan

SIGNATURE

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 8 1978

Department of Water Resources

POWER OF ATTORNEY

The undersigned holder of Permit/Application No. 17-2045 and 17-7007 of the Department of Water Resources of the State of Idaho hereby nominates Gary L. Baker, Secretary-Treasurer, whose address is W. L. Baker Company, Star Route, Holbrook, ID 83242, as attorney-in-fact, with full authority to act for and on behalf of the undersigned in matters pertaining to the above numbered permits or applications. Such acts shall be limited to the submission of proofs of completion of works and beneficial use of water.

Dated this 2nd day of June, 1978.

Carmella L. Pineda
Jan. Wright

CONNECTICUT MUTUAL LIFE INSURANCE COMPANY

By: [Signature]
Investment Officer

STATE OF CONNECTICUT)
COUNTY OF HARTFORD) ss.

On this 2nd day of June, 1978, personally appeared before me the signer of the above instrument, who duly acknowledged to me that he executed the same.

SEAL

[Signature]
Notary Public
Residing at Higganum, Connecticut

My Commission expires:

March 31, 1980

AG-LAND MORTGAGE COMPANY

P. O. Box 411

Twin Falls, Idaho 83301
Office: 208-734-5380

1430 Filer Avenue East

ELBERT G. DAVIS, A.R.A.
Residence: 208-734-5699

RECEIVED

L. RASMUSSEN, A.R.A.
Residence: 208-733-1417

JUN 8 1978

June 5, 1978

Department of Water Resources

State Of Idaho
Department of Water Resources
373 West Franklin
Boise, Idaho 83301

Re. Permits #17-2045 and 17-7007.

Gentlemen:

Enclosed please find a Power of Attorney for W. L. Baker Co. on
Permit #17-2045 and Permit #17-7007.

Sincerely,

Jack Rasmussen
Jack Rasmussen

cc: Rodney Moore
Gary L. Baker

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

POWER OF ATTORNEY

RECEIVED

JUN 8 1978

Department of Water Resources

The undersigned holder of Permit/Application No. 17-2045 and 17-7007 of the Department of Water Resources of the State of Idaho hereby nominates Gary L. Baker, Secretary-Treasurer, whose address is W. L. Baker Company, Star Route, Holbrook, ID 83242, as attorney-in-fact, with full authority to act for and on behalf of the undersigned in matters pertaining to the above numbered permits or applications. Such acts shall be limited to the submission of proofs of completion of works and beneficial use of water.

Dated this 2nd day of June, 1978.

Carmella L. Pineda

CONNECTICUT MUTUAL LIFE INSURANCE COMPANY

Jean Wright

By: [Signature]
Investment Officer

STATE OF CONNECTICUT)
COUNTY OF HARTFORD) ss.

On this 2nd day of June, 1978, personally appeared before me the signer of the above instrument, who duly acknowledged to me that he executed the same.

SEAL

[Signature]
Notary Public
Residing at Higganum, Connecticut

My Commission expires:

March 31, 1980



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

November 6, 1978

Re: Permit No.'s 17-2045 / 17-7007

W. L. Baker Co.
Malad
Idaho 83252

Gentlemen:

On June 8, 1978, this office received as Assignment Form assigning the above referenced permits to Connecticut Mutual Life Insurance Company and, also, a Power-of-Attorney Form giving the power-of-attorney to Gary L. Baker, Sec.-Treas., W. L. Baker Company.

It appears that the Assignment and Power-of-Attorney submitted on October 30, 1978, are the same as was previously submitted. The Power-of-Attorney Form does only designate W. L. Baker Company rather than Gary L. Baker, therefore, we will file this in our files to supercede the other. However, we are returning the Assignment Form to you as it is a duplicate.

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

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

MEMORANDUM

PERMITS NO. 17-2045 & 17-7007

On November 30, 1978, Gary and Ned Baker visited our regional office in order to request withdrawal of proof and extension of time on Permits 17-2045 and 17-7007. The following is a brief account of the history and present status of work completed under these permits.

17-2045

The original well under this permit was drilled in 1959. It proved to be an adequate producer of groundwater for five years. Consequently, proof of beneficial use was filed as it became desireable to finalize the water right and to obtain a license. Shortly after proof was filed, the well caved in and filled with sand. Well drillers were consulted and it was determined that it would be impossible to effect repairs. The first replacement well was drilled in 1964 and proved to be another "sand well" which immediately caved in, never proving good. The second replacement well attempt was made in 1971 and again turned out to be identical to the 1964 well. *why go late?*

Due to lack of funds, another well was not attempted until 1975. This time a special well rig was brought in from Nevada so that the well could be gravel packed to keep out the sand and to prevent caving. The cost of this well alone was \$50,000 and it, like the others, never proved good.

The permit holder would like to withdraw proof of beneficial use and secure an additional five years time to develop a productive well. To date, the Bakers have invested a total of \$500,000 on the construction of their irrigation system and are committed to develop an adequate amount of water for its proper operation.

As the development is located within a critical groundwater area, it would be impossible for the Bakers to secure a replacement for their permit if it was recommended for cancellation. Although a large period of time has already elapsed

since the permit was first issued, I feel that these circumstances are unique and unusual. Due to the tremendous amount of capital already invested, together with the permit holder's enduring commitment to develop adequate water, I feel that the permit holder should be allowed to withdraw proof and be granted a five year extension of time. The Bakers are again in a position financially to drill another well, but are reluctant to commence further work until they have received response from Boise on the status of their application for extension of time.

To date, three attempts to replace the original well have been made, three and one-quarter miles of mainline have been buried, thirty-two wheelmoves have been purchased and installed, power has been brought in, access roads have been constructed, the land has been cleared and/or broken out, and booster pumps have been purchased and installed, all at a cost of \$500,000. The systems under this permit, together with Permit No. 17-7007, are presently under revision, the wheelmoves are being replaced with center pivot sprinklers.

17-7007

To date, the Bakers have completed construction of a well, pump, and motor. It is intended that this system be tied in with Permit No. 17-2045 and that the delivery system be revised from wheelmoves to center pivot sprinklers.

Mr. Baker, having power of attorney from the permit holder (Connecticut Mutual Life Insurance Company), is requesting withdrawal of proof and an extension of time for the following reasons:

1. The lending institution required the filing of proof of beneficial use prematurely in order to secure their interest in the water right and related property value.

2. The delivery system is presently under revision (wheelmoves being replaced by center pivots) and the revised system is dependent upon the development of the total quantity of water under both permits (17-2045 and 17-7007).

Sub - 10
Sub - 10
10

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2. The delivery system is presently under revision (wheelmoves being replaced by center pivots) and the revised system is dependent upon the development of the total quantity of water under both permits (17-2045 and 17-7007).

due - 10-1-75
submitted
10-6-75

3. Due to insufficient time and prohibitively high costs, withdrawal of proof and an extension of time are needed.

Anthony R. Kozlowski

ANTHONY R. KOZLOWSKI
Water Resource Agent - Eastern Region

January 15, 1979

Mr. Gary L. Baker
W. L. Baker Company
Star Route
Holbrook, ID 83243

Dear Mr. Baker:

Re: Permit Nos. 17-2045 and 17-7007

The requests for extension of time on Permit Nos. 17-2045 and 17-7007 that you submitted to the department on December 18, 1978 must be denied under the provisions of Section 42-218, Idaho Code, which states:

"The department shall grant no extension unless the application therefor be filed with it prior to the date upon which the proof of beneficial use was required to be made under the original terms of the permit."

A review of the permit files indicate that proof of beneficial use has been submitted on both permits and both permits have been examined by department personnel but the examinations could not be completed. Then it appears that a re-examination was scheduled by our Eastern Region but that also has not been completed.

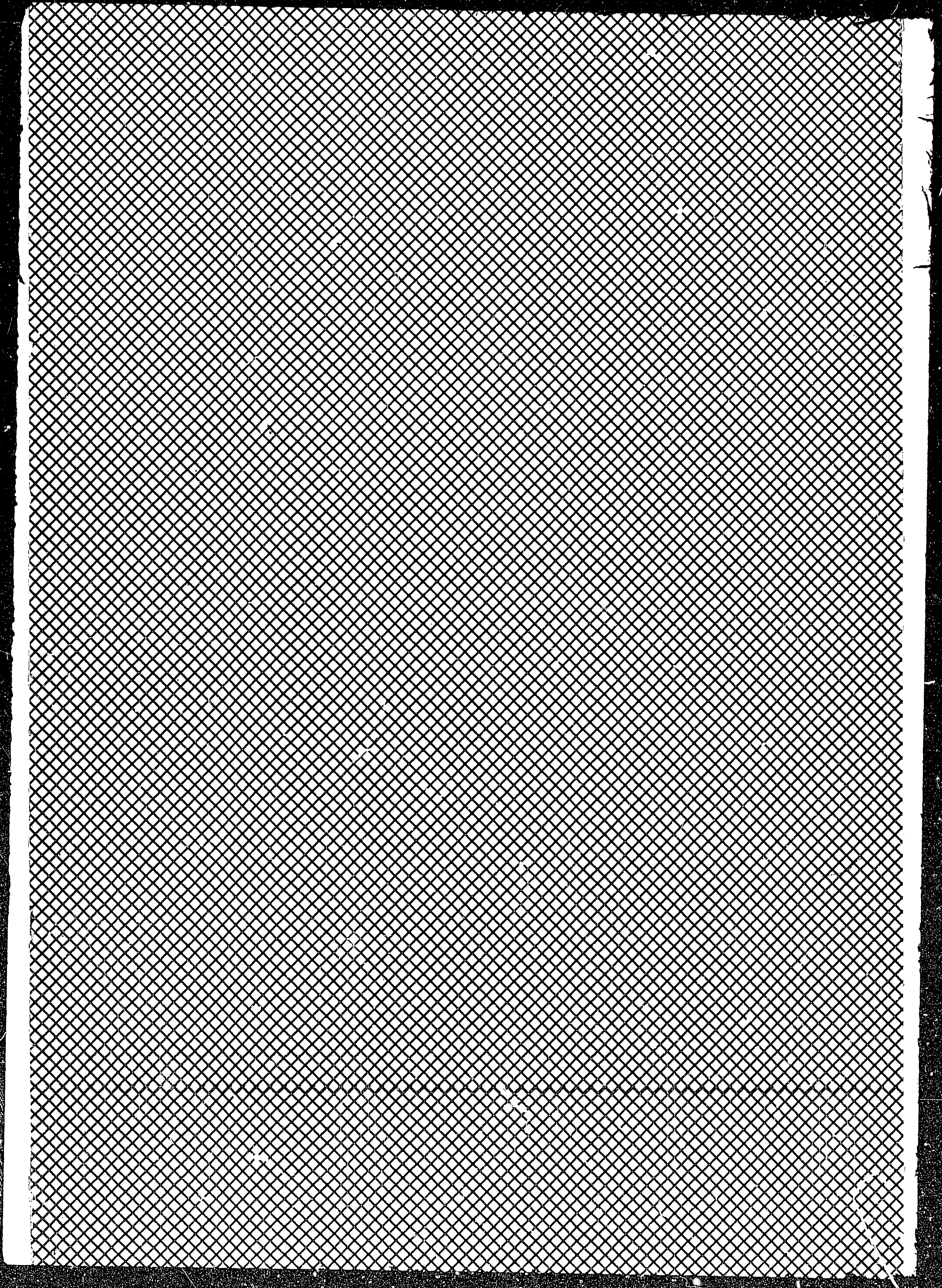
Your efforts to replace the caved in well indicates that you have diligently proceeded to complete your project and water rights. Therefore no extension of time is necessary for you to drill a replacement well and apply the water to beneficial use if it is completed prior to the re-examination of your project. If a replacement well is completed before the re-examination then it can be recognized in the water right license issued on your permit.

Please contact this office or our Eastern Regional Office if we can be of further assistance to you or if you have any questions.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

cc: Eastern Regional Office



STATE OF IDAHO

LICENSING

APPLICATION FOR AMENDMENT OF A PERMIT

RECEIVED

JAN 28 1982

To change the point of diversion and/or the place of use. Department of Water Resources

Comes now Connecticut Mutual Life Insurance Co. Phone _____
of (address) Hartford, CT, 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. 17-2045, and requests that the permit and permit map be changed as follows:

1. Point of diversion: ^{GL 1} NW 1/4 NW 1/4, Section 18, Township 15S, Range 33E, B.M.,
County of Oneida. Other points of diversion: _____
SW 1/4 SE 1/4, Sec. 7, Twp. 15S, Rge. 33E

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

Amount 4.03 for irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

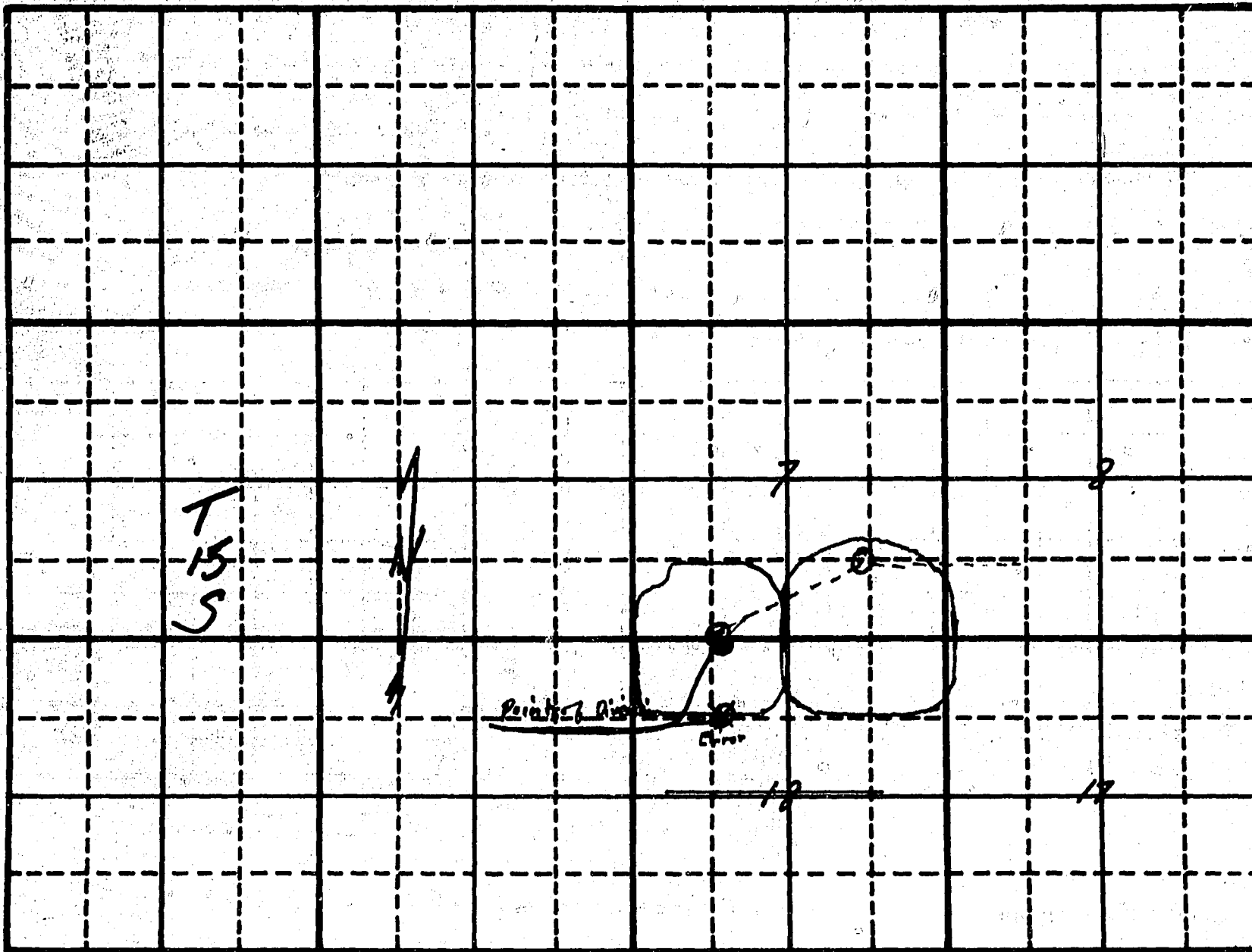
3. Place of use or land to be irrigated:

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	
15S	33E	7											36		9		40	39	124
		8										39	32				4		83
		17					38	38											76
		18	37	39			34												110

Total number of acres to be irrigated = 393

4. a. Who owns the property at the point of diversion? W L Baker Co
b. Who owns the land to be irrigated or the place of use? W L Baker Co
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

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



Scale: 1/2 inches equal 1 mile.

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

Signed at Idaho, this 23 day of January, 19 82.
Gary J. Baker
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by Jeri Fee = \$20.00
Publication prepared by N/A Date _____
Publication dates _____
Received by 49 Date 2-25-82 #21791
Published in _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, of the Department of Water Resources hereby
APPROVE the above Application for Amendment of Permit No. 17-2045.

Witness my hand this 26th day of February, 19 82.

Norm Cygus
For the Director

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 17-2045 Priority July 24, 1959 Amount 4.03 cfs

THIS IS TO CERTIFY, that Connecticut Mutual Life Insurance Co.
of Hartford, CT, has complied with the terms and conditions of Permit
No. 17-2045 issued pursuant to Application for Permit dated July 24, 1959,
and has submitted proof to the Department of Water Resources on August 4, 1964,
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 11.48 cfs of water from a groundwater source,
tributary to _____, 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
<u>Irrigation</u>	<u>from April 1 to November 1</u>	<u>at 4.03 cfs</u>	<u>and 1375.5 acre feet</u>
	<u>from _____</u>	<u>at _____ cfs</u>	<u>and _____</u>
	<u>from _____</u>	<u>at _____ cfs</u>	<u>and _____</u>

(both dates inclusive)

Subject, however, to the condition that no more than 4.03 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 for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1375.5 acre feet per year, said waters to be diverted within the GL 1 (NW $\frac{1}{4}$ W $\frac{1}{4}$), Section 18,
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Twp. 15S, Rge. 33E in the County of Oneida

Description and location of place of use:

Twp.	Range	Sec.	NEW				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 $\frac{1}{4}$	
15S	33E	7													38		40	39	124
		8													39		4		83
		17					38	38											76
		18	37	39			34												110

Total number of acres irrigated 393

This right when combined with Licenses 17-2028, 17-2030 and 17-7007 shall provide
no more than 0.02 cfs per acre nor more than 3.5 afa per acre for the lands above.
This right when combined with License 17-7007 shall provide no more than the
total capacity of 11.48 cfs.

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, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26th day of
February, 19 82.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Connecticut Mutual Life Ins. Co.
of (address) 312 13th St. Ave. Nampa, Id. 83651, 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. 17-2045 and requests that the permit and permit map be changed as follows:

1. Point of diversion: #1 NW 1/4 NW 1/4, Section 18, Township 15S, Range 33E, B.M.,
County of Oneida. Other points of diversion: _____

#50SE Sec 7 Twp 15S Rge 33E B.H. County
of Oneida

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)
Period was not stated on original permit
Amount 4.03 for irrig purposes from April to Nov (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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

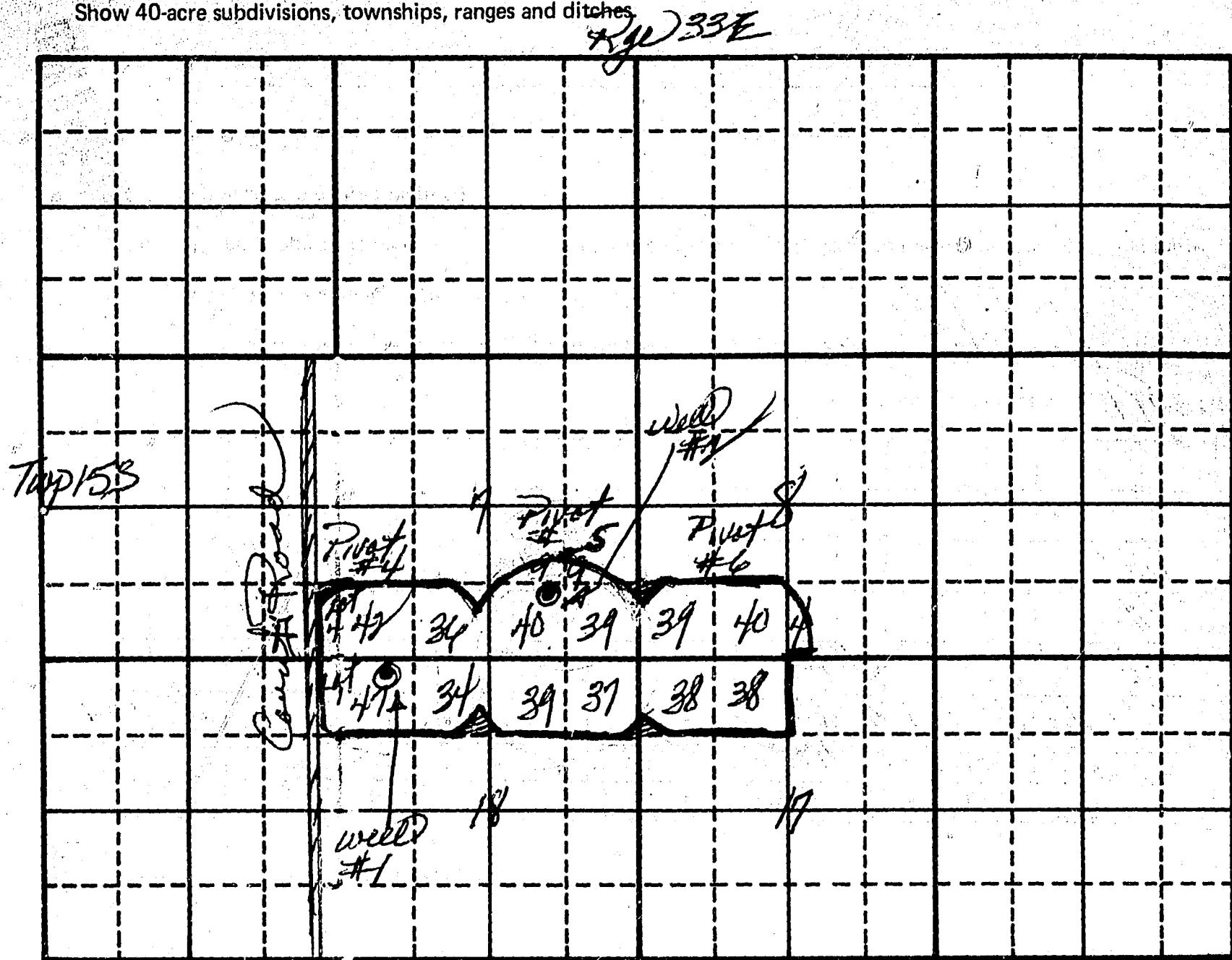
3. Place of use or land to be irrigated:

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	
15S	33E	7											42	36	9	9	40	39	175
		8											39	40			4		83
		17					38	38											76
		18	37	39			34	47											157

Total number of acres to be irrigated = 491 1/2

4. a. Who owns the property at the point of diversion? permit applicant
b. Who owns the land to be irrigated or the place of use? applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

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



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

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

(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$20.00 Received by _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication dates _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, _____, Director of the Department of Water Resources hereby

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

Director

DEPARTMENT OF WATER RESOURCES
FIELD REPORT

1. Name of permit holder Connecticut Mutual Life Ins. Co
Post office address 311 2-13th St Ave, Nampa, ID 83651 Phone 406-0449
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:

Amount 4.03 c.f.s. for irrigation
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 4.03 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 15S N/S, Range 33E E/W, B.M., Section 8, Subdivision SE 1/4 SW 1/4 County _____
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 County _____
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 County _____
Other Points of Diversions: _____

Description of diverting works: deep well, cased, electric pump,
underground pipe, control boxes etc

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

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	
15S	33E	7									X			X	X	X	X	X	
		8									X	X	X	X					
		17					X	X											
		18	X	X			X												

TOTAL ACREAGE

49 1/2

Permit No. 17-2045
Examination for b/c

Rq 33E

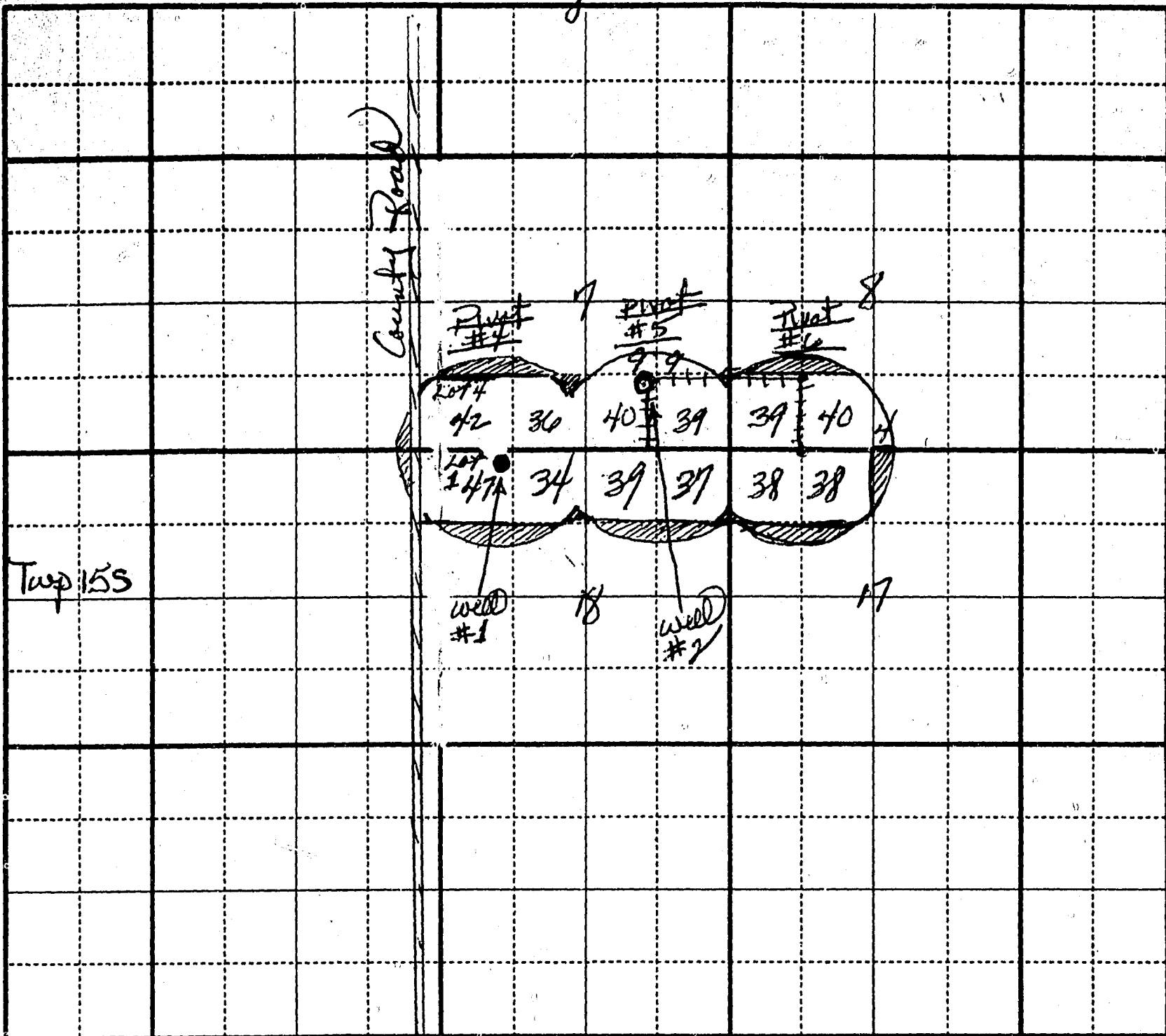
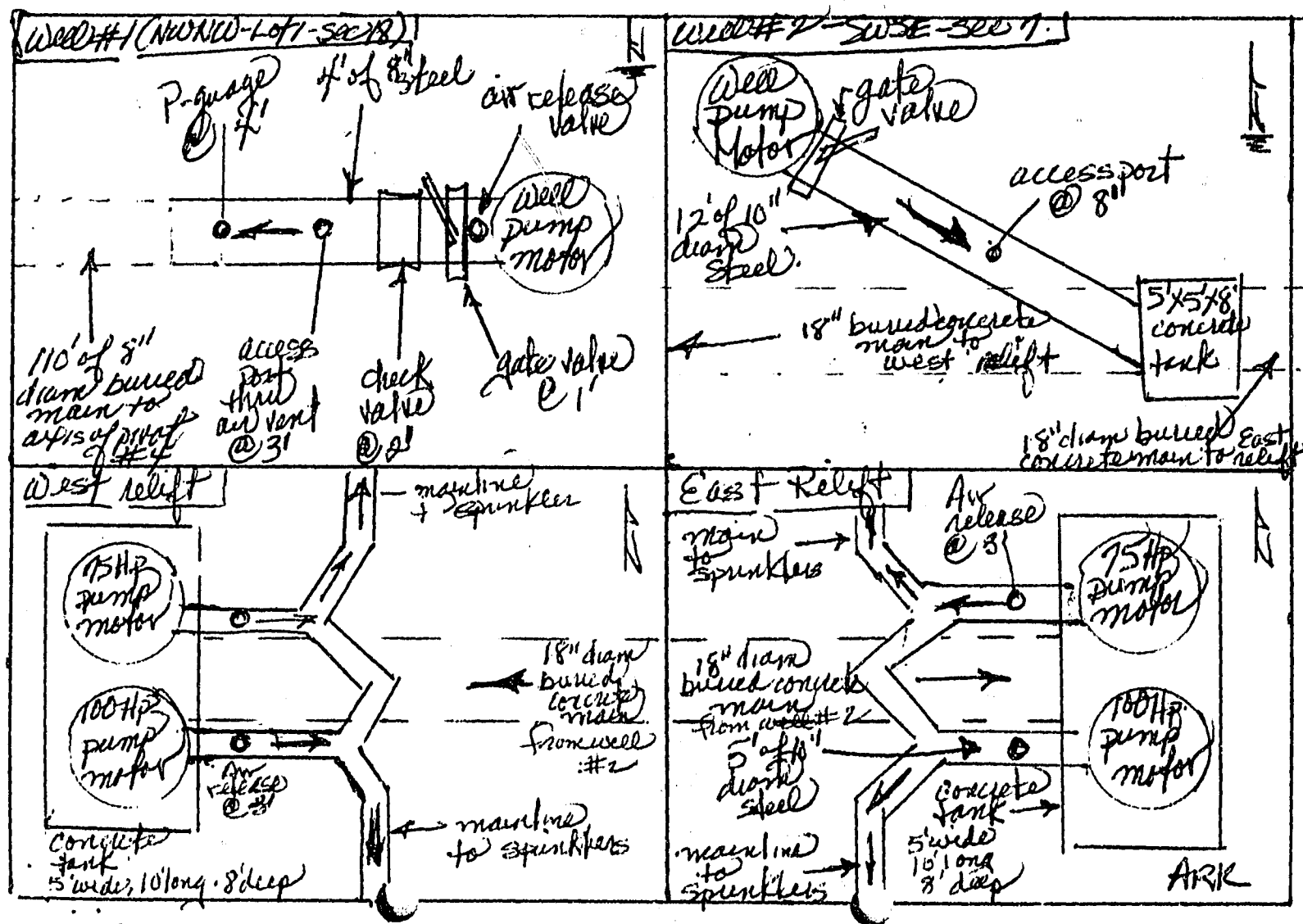


Diagram of System



130 covered under
L-17-2030
131 covered under
7007

RECEIVED

5' wide, 10' long, 8' deep
to sprinklers
to sprinklers
8' deep

130 covered under
L-17-2030
731 covered under
L-17-7007

DATE OF EXAM 25th day of July, 1979

ACREAGE
Found 1335
Recommended 491/2
3.5

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q= 4.03 c.f.s. V= 1710.6 AF/Ann. from April 1 to Nov. 1
Domestic Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Season not stated
on field report.
* April 1 Nov. 1

Is water co-mingled? yes _____ no X

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

Exchange? yes _____ no X

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

Point of injection: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____ Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____ Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 11.48 Method of measurement Annubar

Total Q recommended 4.03 Meter No. 80 meter Type Eagle eye Condition std

Total V recommended 1710.60 AF/yr

Recommended Amendments:

P.D. See rough draft amendment
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:
Well #1 (NW 1/4 Sec 18) - $Q = (\text{pipe I.D.})^2 (\text{C/V} \cdot \text{H}_2\text{O}) = (7.73)^2 (3.85) (160)$
 $= (59.17) (3.85) (160) = 1783.39 \text{ gpm} = 3.97 \text{ cfs}$

Well #2 (SW 1/4 Sec 1) - $Q = (\text{pipe I.D.})^2 (\text{C/V} \cdot \text{H}_2\text{O}) = (7.73)^2 (3.85) (6.08) = 3310.75 = 7.51 \text{ cfs}$
Total = 11.48 cfs V = $491/2 \times 3.5 \text{ AF/yr} = 1718.5 \text{ AF/yr}$

SYSTEM DESCRIPTION:
CAPACITY $1.9835 \text{ M/d} \times 214 \text{ days} \times 4.03 \text{ cfs} = 1710.6 \text{ AF/yr}$

See reverse side for system description

REMARKS: System shown, operated, and described by the
Baker Brothers.
Note L-17-7007 from same 7-wells.

Examiner's Signature Anthony R. Kozlowski Date 2/12/80

Checked by John D. Carlson Date 4/10/80

Approved by _____ Date _____

See large layout map in file 17-7007

well #1 (NW1/4 - Lot 1 - Sec 18 Twp 155Rge 33E)

Groundwater is diverted by a 100 H.P.

3ph. U.S. Motors "Holloshaft" vertical induction pump motor s/n - 1278089 and by a Winthrop vertical turbine pump s/n - 9357.

well #2 - SW 3/4 Sec 1 T 155 Rge 33E

well #2 - Groundwater is diverted by a 350 H.P.

3ph. U.S. Motors "Holloshaft" vertical induction pump motor s/n - J14292849. and by

a Layne & Bowler "Vertiline" vertical turbine pump m/n - 14RH. s/n - D30120

Water is open discharged from well #2

into a 1/2 mi long 18" concrete buried mainline. The water is then relifted from the main by 2 relift stations.

East relift - Relift stations consist of 2 relift pumps. north - 75 H.P. south - 100 H.P. However, the 75 H.P. pump alone will relift all of the available water.

A. North pump - water is relifted by a 75 H.P. 3ph. U.S. Motors "Holloshaft" vertical induction pump motor I.D.# - R-2842-01-170 R2023381. and by a Layne & Bowler vertical turbine pump #44705

B. South pump - water is relifted by a 100 H.P. 3ph. U.S. Motors "Holloshaft" vertical induction pump motor I.D.# R2849-00-171-G R2038919. and by a Layne & Bowler "Vertiline" vertical turbine pump m/n - 14 RLM. s/n - D35759A.

West Relift

A. North pump - water is relifted by a 75 H.P. U.S. Motors "Holloshaft" vertical induction pump motor 3ph. I.D.# R2842-01-170 R2021530 and by a Layne & Bowler vertical turbine pump #44704

B. South pump - water is relifted by a 100 H.P. 3ph. U.S. Motors "Holloshaft" vertical induction pump motor I.D.# - R2849-00-171-G R2036114 and by a Layne & Bowler "Vertiline" vertical turbine pump s/n - D35759 m/n - 14 RLM.

1251.5' + 280' corner
catcher Average irrigated by 3 center pivots - pivots #4, #5, and #6 - See layout diagram

#4 - Tower Valley - m/n 5171, #5 - 4 tower valley - m/n 5171-1391.5' + 280' corner catcher
#6 - 8 tower valley m/n 5171-1297' + 280' corner catcher

License and Certificate of Water Right

Water License No. G-24749

Amount 2.08 second feet

Water District No.

Priority March 4, 1954

THIS IS TO CERTIFY that STEPHEN L. SMITH of Malad City, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 4, 1954; that Permit No. G-24749 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.08 second feet, was issued thereunder on November 8, 1956, showing that said works were completed on the 1st day of March, 1956; and that on the 1st day of March, 1956,

STEPHEN L. SMITH

of Malad City, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well ~~contributory of~~ (subterranean flow), for the purpose of irrigation

, under Use Permit No. G-24749 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

9 of Licenses at page 5860, on the 8th day of November, 1956;

The right hereby confirmed dates from March 4, 1954;

The Point of Diversion is located

in the NW 1/4 NE 1/4, Sec. 8, Tp. 15 S., R. 33 E., B. M. Oneida County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.08 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S	33 E	8	NE 1/4 NE 1/4	40	35
			SW 1/4 NE 1/4	40	40
			S 1/4 NE 1/4	40	20
			S 1/4 SE 1/4	40	20
Total Number of Acres Actually Irrigated - -					115

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 8th day of November, 1956.

MARK A. KEMP

State Reclamation Engineer.

(SEAL)

17 2030

License and Certificate of Water Right

Water License No. G-24337

Amount 2.97 c.f.s.

Water District No.

Priority July 30, 1953

THIS IS TO CERTIFY that W. L. BAKER

of Holbrook, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 30, 1953; that Permit No. G-24337 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.97 second feet, was issued thereunder on October 23, 1958, showing that said works were completed on the 4th day of August, 1958; and that on the 4th day of August, 1958, W. L. BAKER

of Malad & Holbrook, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean, for the purpose of Irrigation

, under Use Permit No. G-24337 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

10 of Licenses at page 6474, on the 23rd day of October, 1958;

The right hereby confirmed dates from July 30, 1953;

The Point of Diversion is located

in the SE 1/4 SW 1/4, Sec. 8, Tp. 15 S., R. 33 E., B. M. County Oneida

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.97 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S.	33 E.	8	NE 1/4 SW 1/4	--	35
			NW 1/4 SW 1/4	--	40
			SW 1/4 SW 1/4	--	40
			SE 1/4 SW 1/4	--	32
		7	NE 1/4 SE 1/4	--	27
			SW 1/4 SE 1/4	--	25
			SE 1/4 SE 1/4	--	25
			SE 1/4 SW 1/4	--	8
		18	NE 1/4 NE 1/4	--	40
			NW 1/4 NE 1/4	--	40
			NE 1/4 NW 1/4	--	10
		17	NE 1/4 NW 1/4	--	32
			NW 1/4 NW 1/4	--	40
Total number of acres irrigated				--	394

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

23rd day of October, 1958.

/s/ Geo. N. Carter
State Reclamation Engineer.

(SEAL)

17-2028

17 20

Right 17-7007 is as follows:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	33E	7	40	40	40	40	50	50	40	40	40	40	50	40	40	40	40	40	680
15S	33E	7	36	26	40	40	39	39	48	40	40	44	(42)	40	31	24			447
		8					40	40	40	40	40	40	40	40					320
		8			20	19	28	39	40	40	23	40			14	21			284
		17					40	40											80
		18	40	40			40	50											170
							(47)												

RED = LANDS COVERED BY PERMIT
 BLUE = LANDS RECOMMENDED BY FIELD EXAMINER

Total number of acres to be irrigated = 1250
~~731~~

The circled tracts would be the 98 acres omitted for 17-2045 and are covered by Permit No. 17-7007.

Field Exam 731 acres
 Add 98 acres
 829 acres less than permit original allowed

**** Calculations for 17-2045**

System Capacity 11.48 cfs

Q = Allow 4.03 as per permit

V = 393 X 3.5 = 1375.5 or 4.03 X 1.9835 X 214 = 1710.6 af

OK

**** Calculations for 17-7007**

System Capacity 11.48 cfs

Q = Allow 8.0 cfs as per permit

V = 829 acres X 3.5 = 2901.5 or 8.0 X 1.9835 X 214 = 3395.8 af

Remomend both rights be limited to the capacity of the system.

RC 12/3
 81

1/19/82
 Jim

OVERLAP REVIEW FOR WATER RIGHTS 17-7007 and 17-2045

License 17-2028 Groundwater P/D SESW Section 8, T 15S, Rge 33E
P/U See attached license copy

License 17-2030 Groundwater P/D NWNE Section 8, T 15S, Rge 33E
P/U See attached License copy

Recommend conditioning limit of .02 cfs/ac and 3.5 afa as they are different (systems)
P/d's but some lands are the same as the files in question (17-7007 & 17-2045)

Reasons for changing the acres as recommended on Field Exam for 17-2045

In my review of the field exam for 17-2045, I have noted that the examiner is recommending 491 total acres. The permit allows for only 428 acres. To correct this, I have review and compiled the following information:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	33E	7											12	27	9	40	40		119
15S	33E	7										42	36	9	9	40	39		175
		8									35	40	40	32		4			147
		8											39	32					83
		17					32	40											72
		17					38	38											76
		18	40	40			10												90
		18	37	39			34	47											

Red = Lands covered by permit
Blue = Lands recommended by Field Examiner

Total number of acres to be irrigated = ~~428~~
491

The circled tracts should be omitted for this report. Total 98 acres

Field Exam 491 acres
omit 98 acres
393 acres to be licensed on 17-2045 *OK*

*The 4 acres in Section 8 (SWSE) could be added by an amendment without expanding the right.

Whereas, by omitting the 98 acres as stated, we could add them to right 17-7007 without an expansion. Both rights (17-2045 & 17-7007) have the same *OK*
P/D's (system).



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 18, 1982

RE: Permit No. 17-2045 CONNECTICUT MUTUAL LIFE INSURANCE CO.

Gary L. Baker
W. L. Baker Co.
Star Route
Holbrook, ID 83243

Dear Mr. Baker:

A representative of this Department made an examination of the works covered by your Permit No. 17-2045 and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 4.03 cfs Source: groundwater

The maximum quantity diverted shall not exceed 1375.5 acre feet per year.

Point of diversion: Government Lot 1(NW $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 18; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7; Twp. 15S, Rge. 33E, Oneida County

Beneficial use: Irrigation of 393 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 7; S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8; N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 17; N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18; Twp. 15S, Rge. 33E

Priority date established: July 24, 1989

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

Enclosure

~~cc: [unclear] Mutual Life Insurance Co.~~

could not find address.

February 22, 1982

RE: Permit No. 17-2045 CONNECTICUT MUTUAL LIFE INSURANCE CO.

Gary L. Baker
W. L. Baker Co.
Star Route
Holbrook, ID 83243

Dear Mr. Baker:

On January 18, 1982, we forwarded an amendment to you to be completed to amend this permit to correspond with the findings of the field examiner so that we could issue this license.

As of this date, we have not received this amendment. If we do not receive this amendment within fifteen (15) days, we will assume you no longer have any interest in this permit and cancellation proceedings will begin.

If you have any questions, please contact us.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw

March 4, 1982

RE: Permit Nos. 17-2045 and 17-7007

Gary L. Baker
W. L. Baker Co.
Star Rt.
Holbrook, Id. 83243

Dear Mr. Baker:

Enclosed herewith are copies of your water right licenses issued on the above-referenced permits along with copies of your approved applications for amendment. Also enclosed is Departmental Receipt No. 21791 in the amount of \$40.00.

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ/pms
Enclosures



RECEIVED

JAN 10 1985

First American Title Company

Department of Water Resources

P.O. BOX 580, 156 WEST JUDICIAL STREET, BLACKFOOT, IDAHO 83221
TELEPHONE (208) 785-0320

January 9, 1985

Department of Water Resources
Statehouse
Boise, Idaho 83720

RE: W. L. Baker Company

Gentlemen:

Attached is a copy of the recorded Mortgage Deed and Security Agreement between W. L. Baker Company, a corporation, and Connecticut Mutual Life Insurance Company, a Connecticut Corporation, for filing with your department inasmuch as the lender is securing certain water licenses..

Please confirm the filing with this office as soon as possible.

Thank you.

Very truly yours,

Terrece Hopkins
Escrow Officer

th
Enclosure

Connecticut Mutual

LIFE INSURANCE COMPANY

Established in 1846

Hartford, Connecticut

108876

28 Day Dec 1984

At 4:55 O'clock P

Oneida Co. Recorder

Fee 5 4.00 Dep

Recorded at Request of E. J. Smith

MORTGAGE DEED

and
SECURITY AGREEMENT

This Indenture, made this 28th day of December, 1984, between

W. L. BAKER COMPANY, a corporation

hereinafter called the Mortgagor, whether one or more than one, and the Connecticut Mutual Life Insurance Company, a corporation organized and existing under the laws of the State of Connecticut, and having its Home Office and principal place of business in the City of Hartford, State of Connecticut, hereinafter called the Mortgagee,

Witnesseth That:

The Mortgagor, for and in consideration of the sum of ONE MILLION FOUR HUNDRED TWENTY-FIVE THOUSAND AND 00/100 Dollars (\$1,425,000.00), in lawful money of the United States, to him in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Mortgagee, its successors and assigns, forever, the following described property situated in the County of Oneida, in the State of Idaho, to-wit:

PARCEL 1:
Township 14 South, Range 32 E.B.M., Oneida County, Idaho
Section 35: NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$
Section 36: NW $\frac{1}{4}$

PARCEL 2:
Township 15 South, Range 32 E.B.M., Oneida County, Idaho
Section 2: E $\frac{1}{2}$ E $\frac{1}{2}$ (the same being Lot 1; SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$)
Section 11: N $\frac{1}{2}$

PARCEL 3:
Township 15 South, Range 32 E.B.M., Oneida County, Idaho
Section 12: SW $\frac{1}{4}$
Section 13: N $\frac{1}{2}$ NW $\frac{1}{4}$

PARCEL 4:
Township 15 South, Range 32 E.B.M., Oneida County, Idaho
Section 25: W $\frac{1}{2}$; W $\frac{1}{2}$ SE $\frac{1}{4}$; T-3163: A fraction of the NE $\frac{1}{4}$, containing 160 acres, more or less, EXCEPTING the East 2 rods deeded to The County of Oneida on March 1, 1972, found of record on film as Instrument No. 89941, records of Oneida County, Idaho.
Section 26: SE $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$; ALSO, the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26 lying East of the Reservoir site of the Pratt Irrigation Co.

CONTINUED ON PAGE 2

PARCEL 5:
Township 15 South, Range 33 E.B.M., Oneida County, Idaho
Section NE1/4

PARCEL 6:
Township 15 South, Range 32 E.B.M., Oneida County, Idaho
Section 12: E1/2
Section 16: W1/2

Township 15 South, Range 33 E.B.M., Oneida County, Idaho
Section 6: SE1/4
Section 7: ALL
Section 8: W1/2; SE1/4
Section 17: N1/2NW1/4
Section 18: N1/2NE1/4; NE1/4NW1/4; Lot 1

PARCEL 7:
Township 15 South, Range 32 E.B.M., Oneida County, Idaho
Section 16: E1/2

Conveying with the above described land any and all water rights and irrigation ditches belonging or in anywise appurtenant thereto, and especially including, but not limited to, the following: All of the water of those certain wells situated on the above described premises, and Water Licenses No. 17-7007, 17-2028, 17-2030 and 17-2045 of the Department of Water Resources of the state of Idaho. Mortgagor covenants and agrees to keep and maintain same in good standing and to comply with all provisions, rules and regulations in force respecting same. In the event of the foreclosure or other enforcement of this instrument, Mortgagor agrees to perform all acts necessary, if any, to vest Mortgagee with all of the right, title and interest of Mortgagor in and to said water and water rights.

Together with a security interest which is hereby granted by Mortgagor to Mortgagee in and to the following motors, pumps and irrigation equipment now owned or hereafter acquired by Mortgagor and located on the above-described real estate, including, but not limited to, Collateral described on Exhibit A attached hereto and made a part hereof, and further including all additions, accessions, replacements, improvements, repairs and substitutions to said Collateral and the proceeds thereof. The foregoing grant to the security interest is intended to be within the meaning of the Uniform Commercial Code as adopted by the State of Idaho, and Mortgagor agrees to execute and deliver to Mortgagee as Mortgagor may be directed by the Mortgagee such financing statements and further assurances as Mortgagee may deem necessary to perfect and preserve the lien hereof on the Collateral described herein or intended to be subject hereto, and Mortgagor authorizes such statements and assurances and the Mortgage and Security Agreement to be recorded and re-recorded, filed and re-filed at such places and times as may be required by law to so create, perfect, and preserve the lien hereof against said Collateral.

LaDean N. H. Baker, Nelden Baker, Jay Baker and Gary Baker hold the majority stock interest in and control of W.L. Baker Company, and this Mortgage and Security Agreement is given and accepted upon the express provision that should any of said shareholders sell, transfer, relinquish or lose any of their interest in or control of W.L. Baker Company, its successors or assigns, either voluntarily or by operation of law, or should any additional stock be issued in the name of any other party without prior written consent of the Mortgagee, then Mortgagee may accelerate all or any part of the indebtedness secured hereby and thereafter enforce the collection of said debt as herein provided or in any other manner provided by law. The holder of the Note securing this Mortgage and Security Agreement may impose or require such conditions, requirements and modifications denying such consent, including without limitation, the approval of any purchase or transferee, the reduction of the balance of the Note securing this Mortgage and Security Agreement, in whole or in part, and/or the modification of the terms of the Note securing the Mortgage and Security Agreement and/or the Mortgage and Security Agreement securing the Note. This clause shall not prohibit the transfer among or between the persons named above or to any member of the immediate family of any of the above named shareholders. Notwithstanding the foregoing, any such transfer not requiring consent or any transfer made with consent shall not release such stock and any owner thereof from the restrictions set forth above.

JFB
L.H.B.

EXHIBIT A

100 H.P. U.S. Motor, Serial No. 1185248; Peerless Pump, Serial No. 165549

350 H.P. U.S. Motor, Serial No. J1429849, Layne & Bowler Pump, Serial No. D30120

100 H.P. G.E. Motor, Serial No. LNJ1116129, Johnson Pump, Serial No. C404TP16-B

100 H.P. U.S. Motor, Serial No. 1278089, Wintroath Pump, Serial No. 9357

Approximately 11,000 feet 8" x 10" P.V.C. buried MAINLINE

1 Valley 14-Tower and Corner Pivot System Serial No. 30063

1 Valley 14-Tower and Corner Pivot System Serial No. 30065

1 Valley 10-Tower and Corner Pivot System Serial No. 30006

1 Valley 10-Tower and Corner Pivot System Serial No. 25331

1 Valley 7-Tower and Corner Pivot System Serial No. 025427

1 Valley 7-Tower and Corner Pivot System Serial No. 025428

*QJB
J.H.B.*

Together with all and singular the buildings, structures, fences, pipes, pipe line tanks, dams, reservoirs, pumps, pumping equipment and all other improvements and fixtures now or hereafter on or in said property, and any and all water and water rights, ditches and ditch rights, flumes, aqueducts, canals, appropriations, franchises, and all other rights and privileges owned by the Mortgagor, or belonging to, or with, leading to, connected with, or usually had or enjoyed in connection with the said property, or any part thereof, whether or not hereinabove expressly mentioned or described, and all and singular the tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the rents, issues and profits thereof: To have and To Hold unto the Mortgagee, its successors or assigns, forever.

The condition of this conveyance is such that:

This Mortgage is given to secure the payment of a promissory note bearing even date herewith in the principal sum of ONE MILLION FOUR HUNDRED TWENTY-FIVE THOUSAND AND 00/100----- Dollars, executed by the Mortgagor and payable to the Mortgagee at its Home Office in instalments, the last of which shall be due and payable on November 1-----, 1994, with interest on said principal sum and on all unpaid balances thereof, all as provided in said note;

And Whereas, the Mortgagor has covenanted and agreed, and does hereby covenant and agree to and with the Mortgagee as follows:

That he has a valid and unencumbered title in fee simple to said property and all improvements thereon and has the right to convey the same; that he will not suffer or permit said property to become subject to any lien or encumbrance that shall have precedence of this Mortgage; that he will render such further assurance of said title as may be requested by the Mortgagee; that he will warrant and defend said title unto the Mortgagee against the claims and demands of all persons whomsoever; and that he will pay all of said sums of money specified in said note, promptly as they become due and all taxes, assessments and other charges that may be levied or assessed on said property and all taxes that may be levied or assessed upon this Mortgage or to the holder of said note on account thereof, when and as the same shall become due and payable;

That he will keep the buildings and other improvements now or hereafter located upon said property constantly insured against loss or damage by fire and windstorm and against such other hazard or hazards as may reasonably be required from time to time by the Mortgagee, in a company or companies approved by the Mortgagee, and cause all policies of insurance to be so written that the loss, if any, covered by said policies, shall be paid to the Mortgagee, or its assigns, as their interests may appear, and deposit with the Mortgagee all of said policies, and that the Mortgagee may, at its option, renew or procure all required insurance upon said property, in any sum not exceeding the insurable value thereof, and the Mortgagor agrees to pay all premiums therefor;

That he will keep the buildings upon said lands continuously occupied and used, and will not permit the same to become vacant during the continuance of this Mortgage; that he will keep all improvements on the property in good repair;

Now, therefore, if the Mortgagor shall pay all and every sum of money specified in said note, and shall in all other respects fully carry out and comply with the covenants herein set forth and enumerated, this conveyance shall be void. But if the Mortgagor shall fail to pay any of said sums of money as specified, or any insurance premiums as hereinabove set forth, or any taxes, assessments or other charges of any nature whatsoever, due or to become due upon the property hereby conveyed or upon any of the water rights hereby mortgaged, or in any other respect shall fail to comply with any of the covenants and agreements herein or in said note set forth, then, as often as such failure of payment or breach of covenant shall occur, the Mortgagee may at any time thereafter declare the whole of the principal sum, or so much thereof as at the time of such declaration may remain unpaid, with all unpaid interest accrued thereon, together with all sums with interest accrued thereupon paid by the Mortgagee under any agreement contained in this Mortgage, to be at once due and payable, and the Mortgagee may at any time after such failure of payment or breach of covenant, as aforesaid, proceed to foreclose this Mortgage and to compel payment to be made of the full amount due and payable.

The Mortgagor hereby further expressly agrees that if he shall fail to pay any taxes, assessments, insurance premiums or other charges payable by him as hereinbefore agreed, as and when the same shall become due and payable, or suffer said property to become subject to any lien or encumbrance having precedence to this Mortgage, as hereinbefore provided against, the Mortgagee may, at its option, make payment thereof and the amounts so paid, with interest thereon at the rate of 16 per annum, shall be added to and become a part of the debt secured by this Mortgage, without waiver, however, of any rights of the Mortgagee arising from the breach of any of said covenants.

In the event suit is instituted to foreclose this Mortgage, the Mortgagee may recover therein as attorney fees such sum as the court may adjudge reasonable in addition to the costs and disbursements allowed by the Code of Civil Procedure of the State of Idaho, together with the cost of any abstract of title or evidence of title procured and used in such proceeding and covering said property.

The Mortgagor agrees that in the event suit is instituted to effect such foreclosure, the Mortgagee shall, as a matter of right and without regard to the sufficiency of the security or of waste or danger of misapplication of any of the properties of the Mortgagor, be entitled forthwith to have a receiver appointed of all the property hereby mortgaged, and the Mortgagor hereby expressly consents to the appointment of a receiver by any court of competent jurisdiction and expressly stipulates, covenants and agrees that such receiver may remain in possession and control of the mortgaged property until the final determination of such suit or proceeding.

The rents, royalties, bonuses and benefits under any existing and/or future oil, gas or mineral lease of any of the property hereby conveyed are hereby assigned to the Mortgagee as additional security for the payment of the indebtedness hereby secured. The Mortgagor shall have the right to collect and retain such rents, royalties, bonuses and benefits until default hereunder or under the note hereby secured. In case of any such default, the Mortgagee is hereby granted the unconditional right and power, at its option, at any time while such default remains outstanding, to demand, receive and collect such rents, royalties, bonuses and benefits and apply same toward payment of the indebtedness hereby secured. The Mortgagee shall not be bound hereby to demand, receive or collect any of such rents, royalties, bonuses or benefits, and shall not be responsible for failure to exercise the rights hereby granted. Failure of the Mortgagee to exercise such rights after the happening of a default shall not be construed as a waiver of such rights in the event of a subsequent default.

The Mortgagor hereby further agrees, upon request by the Mortgagee, to assign to the Mortgagee, as additional and collateral security for the payment of the indebtedness hereby secured, any and all leases of the mortgaged property, or any part thereof, hereafter made, and that no such lease shall be assigned to any party other than the Mortgagee without first obtaining the written consent of the Mortgagee to any such assignment.

Mortgagor further covenants and agrees to comply with all federal, state and local laws and regulations with regard to the protection of the environment, including, without limitation, both Federal and State Air and Water Quality Standards and Noise Abatement Regulations and local zoning ordinances.

The Mortgagor hereby further mortgages, assigns and transfers to the Mortgagee all of his right, title and interest in and under the following described leases, permits and allotments, to-wit:

together with all renewals thereof and together with all buildings, structures, fences, windmills, pumps, pumping equipment, pipes, pipe lines, wells, tanks, dams, reservoirs and other improvements of every nature and description, now or hereafter located on the lands covered by said leases, permits or allotments, or any part thereof, and all water and water rights located thereon or appurtenant thereto. The Mortgagor covenants that he is the lawful owner and holder of said leases, permits and allotments and that the same are free from encumbrance and have not been assigned; that he will procure renewals thereof upon or prior to the expiration date thereof and execute any instrument deemed by the Mortgagee necessary to effect an assignment or waiver of such renewals to the Mortgagee; that he will pay all rents and other charges and perform all acts and things necessary to preserve and keep in good standing all of said leases and permits and any renewals thereof; that he will take no action which would adversely affect any of his rights or his preference status thereunder and that in the event of the foreclosure of this Mortgage, he will waive all claims for preference in any such rights upon demand from the purchaser of the mortgaged property at foreclosure sale or any successor to such purchaser; that the lands covered by said leases, permits and allotments and renewals thereof, shall at all times be operated in conjunction with the lands hereby mortgaged and that neither shall be transferred to any other person separately from the other; and that, in case of the failure of the Mortgagor to pay all rents and other charges payable under the terms of any of said leases, permits or allotments, the Mortgagee may, at its option, make payment thereof and any amount so paid, with interest thereon at the rate of 16 per annum, shall be a part of the principal debt, and shall be secured by this Mortgage and a lien on the fee owned property hereby mortgaged.

The Mortgagor further covenants and agrees that in the event title in fee simple to any of the lands covered by the aforesaid leases, permits or allotments shall hereafter be acquired by the Mortgagor, it is understood and agreed that such lands shall, upon such acquisition, become subject to the lien of this Mortgage to the same extent as though such lands had originally been included herein as part of the fee owned lands hereby mortgaged, and, further that all of the terms, covenants, conditions, and stipulations of this Mortgage applicable to the fee owned lands hereby mortgaged, shall extend and be applicable to any such lands hereafter so acquired.

It is mutually understood and agreed that all words used in the singular number in this Mortgage shall be deemed to include the plural and the masculine gender shall include the feminine and/or neuter, as the context may require. It is further understood and agreed that all of the provisions hereof shall extend to and be binding upon the Mortgagor and the heirs, devisees, personal representatives, successors and assigns of the Mortgagor, and shall inure to the benefit of the Mortgagee, and its successors or assigns.

In Testimony Whereof, W. L. BAKER COMPANY, a corporation, hereinabove designated as mortgagor, has hereunto set its hand and seal on the day and year first hereinabove written.

Executed in the presence of:

W. L. BAKER COMPANY

BY: *Le Dean H. Baker* (SEAL)
President

BY: *Gary J. Baker* (SEAL)
Secretary

.....(SEAL)

.....(SEAL)

STATE OF Idaho

COUNTY OF.....

ss.

On this.....day of.....November....., 19.84.....
before me, the undersigned....., a Notary Public in and
for the County of.....Bingham....., State of Idaho, personally appeared

the signer.... of the above instrument, known to me to be the person.... whose name.... is
are subscribed to the within instru-
ment, and acknowledged to me that 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.

My Commission Expires:

Notary Public in and for the County of

....., State of Idaho.

Residence of Notary Public:

STATE OF Idaho

COUNTY OF.....

ss.

On this.....day of....., 19.....,
before me....., a Notary Public in and
for the County of....., State of Idaho, personally
appeared.....and.....
husband and wife, the signers of the above instrument, 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.

My Commission Expires:

Notary Public in and for the County of

....., State of Idaho.

Residence of Notary Public:

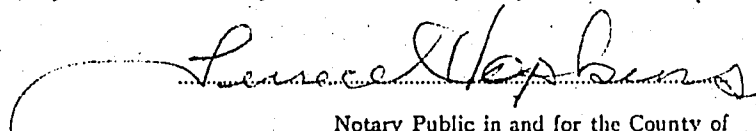
STATE OF Idaho
COUNTY OF Oneida ss.

On this 28th day of December, 1984, before me,
the undersigned Oneida, a Notary Public in and for the County of
Oneida, State of Idaho, personally appeared LaDean H. Baker
Gary L. Baker, known to me to be the President and Secretary
of the Corporation
that executed the foregoing instrument or the person who executed the instrument on behalf of said Corporation,
and acknowledged to me that such Corporation executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate
first above written.

My Commission Expires:

11-22-86


Notary Public in and for the County of

Oneida, State of Idaho.

Residence of Notary Public:

January 24, 1985

RE: License Nos. 17-2028, 17-2030, 17-2045 & 17-7007

First American Title Co.
Attn: Terrece Hopkins
P.O. Box 530
156 W. Judicial St.
Blackfoot, ID 83221

Dear Ms. Hopkins:

Our office acknowledges receipt of Assignment of the above referenced water rights. However, in reviewing the files I find that the water rights are Licenses.

In Idaho, a licensed water right is considered real property and is acquired when the property to which it is appurtenant to is purchased. Proof of owning the land is proof of owning the water right license.

Therefore, I have put the Assignment into the files for future reference only and no other action will be taken. I have also enclosed copies of the Licenses for your records.

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

Sincerely,

KAY WALKER
Chief Clerk

KW:sc
Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4993
WATER RIGHT NO(S). 17-02028/17-02030/17-02045/17-07007

This is to certify that: VERN DUFFIN
MARILYN DUFFIN
2142 S 2800 W
ABERDEEN ID 83210

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 17-02028 : IRRIGATION Priority: 07/30/1953	04/15 to 10/15	2.97 CFS	1078.1 AF
Right No. 17-02030 : IRRIGATION Priority: 03/04/1954	04/15 to 10/15	2.08 CFS	402.5 AF
Right No. 17-02045 : IRRIGATION Priority: 07/24/1959	04/15 to 10/15	*4.03 CFS	626.4 AF
Right No. 17-07007 : IRRIGATION Priority: 08/24/1970	04/15 to 10/15	*8.00 CFS	2198.0 AF
TOTAL:		**16.53 CFS	**4305.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 7, Township 15S, Range 33E
NWNE , Sec. 8, Township 15S, Range 33E
SESW , Sec. 8, Township 15S, Range 33E
NWNW , Sec. 18, Township 15S, Range 33E
ONEIDA County

TRANSFER NO. 4993
WATER RIGHT NO(S). 17-02028/17-02030/17-02045/17-07007

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>
15S	33E	7	NENE 34	NWNE 19	SWNE 40	
			SENE 40	NENW 39	Lot 1(NWNW) 33	
		Lot 2(SWNW)	47	SENE 40	NESW 37	
		Lot 3(NWSW)	35	Lot 4(SWSW) 40	SESW 31	
			NESE 33	NWSE 18	SWSE 39	
			SESE 36			561
		8	NENE 30	NWNE 38	SWNE 40	
			SENE 39	NENW 22	NWNW 39	
			SWNW 40	SENE 40	NESW 18	
			NWSW 40	SWSW 34	SESW 36	
			NESE 14	NWSE 21		451
		17	NENW 35	NWNW 33		68
		18	NENE 34	NWNE 37	NENW 34	
		Lot 1(NWNW)	45			150
Total number of acres irrigated:						***1230

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- **5. The total instantaneous diversion of water from all points of diversion under Transfer No. 4993 shall not exceed 16.53 cfs, nor total combined annual volume of 4305.0 af at the field headgate.
- *6. Right Nos. 17-02045 and 17-07007 when combined shall not exceed the total combined diversion rate of 11.48 cfs.
- ***7. Right No. 17-02028 is limited to the irrigation of 394.0 acres in the place of use described above in a single irrigation season.
- ***8. Right No. 17-02030 is limited to the irrigation of 115.0 acres in the place of use described above in a single irrigation season.
- ***9. Right No. 17-02045 is limited to the irrigation of 385.0 acres in the place of use described above in a single irrigation season.
- ***10. Right No. 17-07007 is limited to the irrigation of 829.0 acres in the place of use described above in a single irrigation season.

TRANSFER NO. 4993
WATER RIGHT NO(S). 17-02028/17-02030/17-02045/17-07007

CONDITIONS OF APPROVAL AND REMARKS

- ***11. Right Nos. 17-02028 and 17-02045 shall not exceed the combined irrigation of 487.0 acres in the place of use described above in a single irrigations season.
- ***12. Right Nos. 17-02028 and 17-07007 shall not exceed the combined irrigation of 1022.0 acres in the place of use described above in a single irrigation season.
- ***13. Right Nos. 17-02028, 17-02045 and 17-07007 shall not exceed the combined irrigation of 1115.0 acres in the place of use described above in a single irrigation season.
- 14. The right holder shall cease irrigation of 111.0 licensed acres previously authorized under these rights, and consolidate use of water on the remaining 1230.0 acre pivot system.
- 15. Two points of diversion are located within NWNE, S08, T15S, R33E.

Dated this 10th day of October, 1997.


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE 17-2045

FROM: PAM SKAGGS

RE: TRANSFER # 4993

DATE: 2/7/97

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 17-2028.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

October 16, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

VERN DUFFIN
MARILYN DUFFIN
2142 S 2800 W
ABERDEEN ID 83210

RE: Water Rights 17-02028/17-02030/17-02045/17-07007
(Transfer 4993)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Rights for the above referenced water rights (Transfer 4993). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfers.

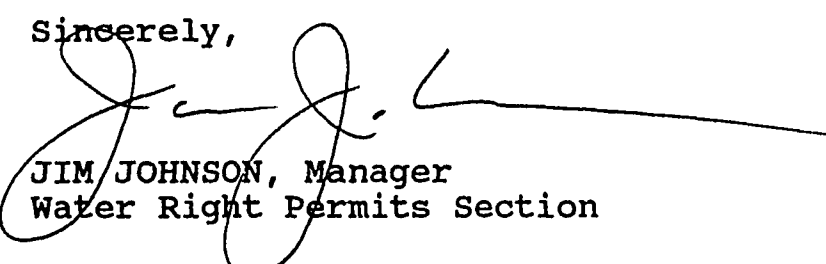
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

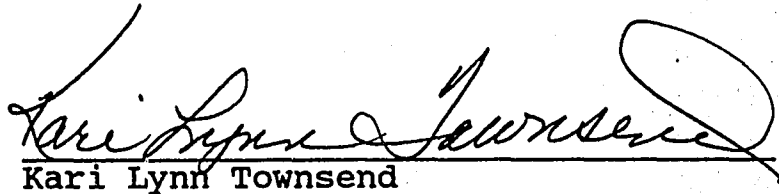
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of October, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHTS 17-02028/17-02030/17-02045/17-07007
(Transfer 4993)

VERN DUFFIN
MARILYN DUFFIN
2142 S 2800 W
ABERDEEN ID 83210


Kari Lynn Townsend
Secretary