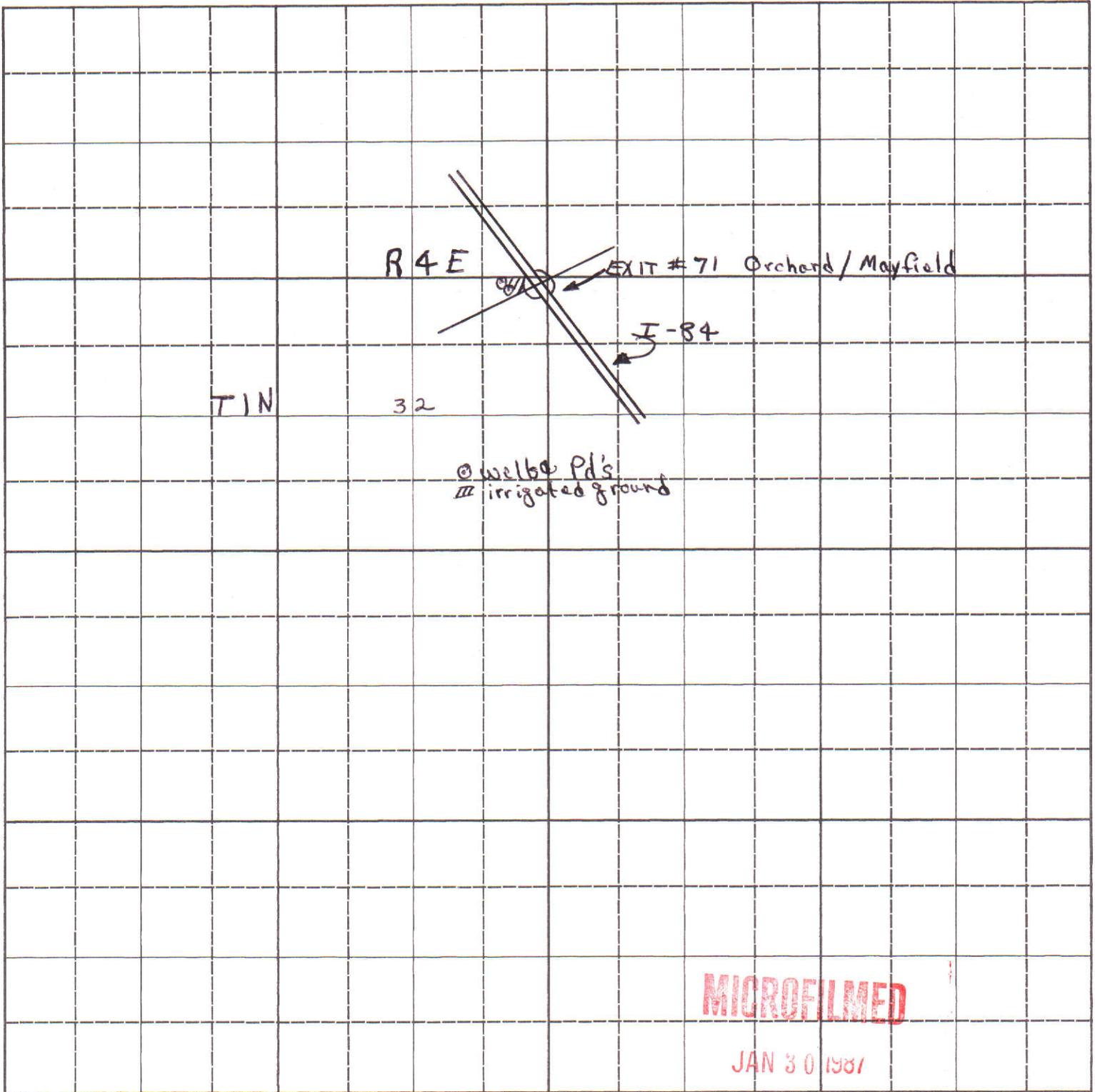


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

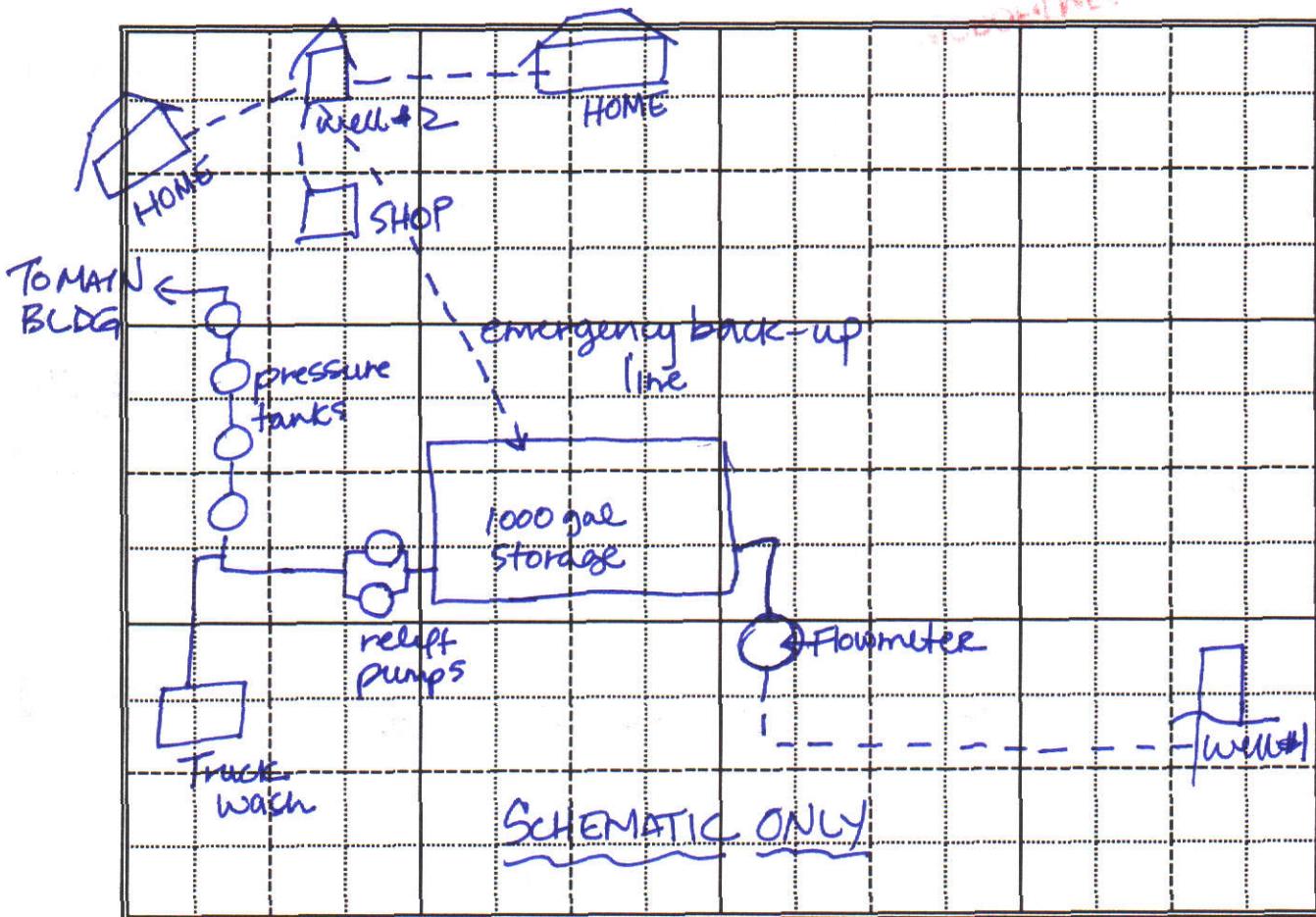
Don M. Selworth (Builder)
for *Jim Morkendon* (Applicant)

Idaho Dept. of Water Resources
Place of Use Comparison Report

| Type | WR # | Owner | Source | TRS | INENE | INWNE | ISWNE | ISENE | NENW | NWNW | ISWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | ISESE | Total |
|--------|----------|--------------------------------------|--------------|----------|-------|-------|-------|-------|------|------|-------|------|------|------|------|------|------|------|------|-------|-------|
| Permit | 63 10372 | JAMES MONTANDON, | GROUND WATER | 01N04E32 | 1 | | | | | | | | | | | | | | | | 1 |
| Right | 63 10372 | JAMES MONTANDON, | GROUND WATER | 01N04E32 | 1 | | | | | | | | | | | | | | | | 1 |
| Right | 63 10372 | JAMES MONTANDON, | GROUND WATER | 01N04E32 | X | | | | | | | | | | | | | | | | 0 |
| Right | 63 10372 | JAMES MONTANDON, | GROUND WATER | 01N04E32 | X | | | | | | | | | | | | | | | | 0 |
| Right | 63 10372 | JAMES MONTANDON, | GROUND WATER | 01N04E32 | X | | | | | | | | | | | | | | | | 0 |
| Right | 63 7571 | STUCKEYS, DBA PECON SHOPPE OF BOISE, | GROUND WATER | 01N04E32 | X | | | | | | | | | | | | | | | | 0 |
| Claim | 63 4338 | STATE OF IDAHO, | INDIAN CREEK | 01N04E32 | | X | | | X | | | | | | | | | | | | 0 |
| Claim | 63 4679 | STATE OF IDAHO, | INDIAN CREEK | 01N04E32 | | X | | | X | | | | | | | | | | | | 0 |
| Right | 63 4338 | STATE OF IDAHO, | INDIAN CREEK | 01N04E32 | | X | | | X | | | | | | | | | | | | 0 |
| Right | 63 4679 | STATE OF IDAHO, | INDIAN CREEK | 01N04E32 | | X | | | X | | | | | | | | | | | | 0 |



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



Scale: 1" = NTS

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

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

Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
| 1. | | 5 | | | N/A 2" ? |
| 2. | Franklin | 51 | Submersible | | N/A 2" ? |

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

D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|---------|--------|-----------|------------|------|-------------|
| 1. Flowmeter | In-line | Badger | | 31861932 | 2" | |
| 2. " | In-line | Badger | | | 2" | |

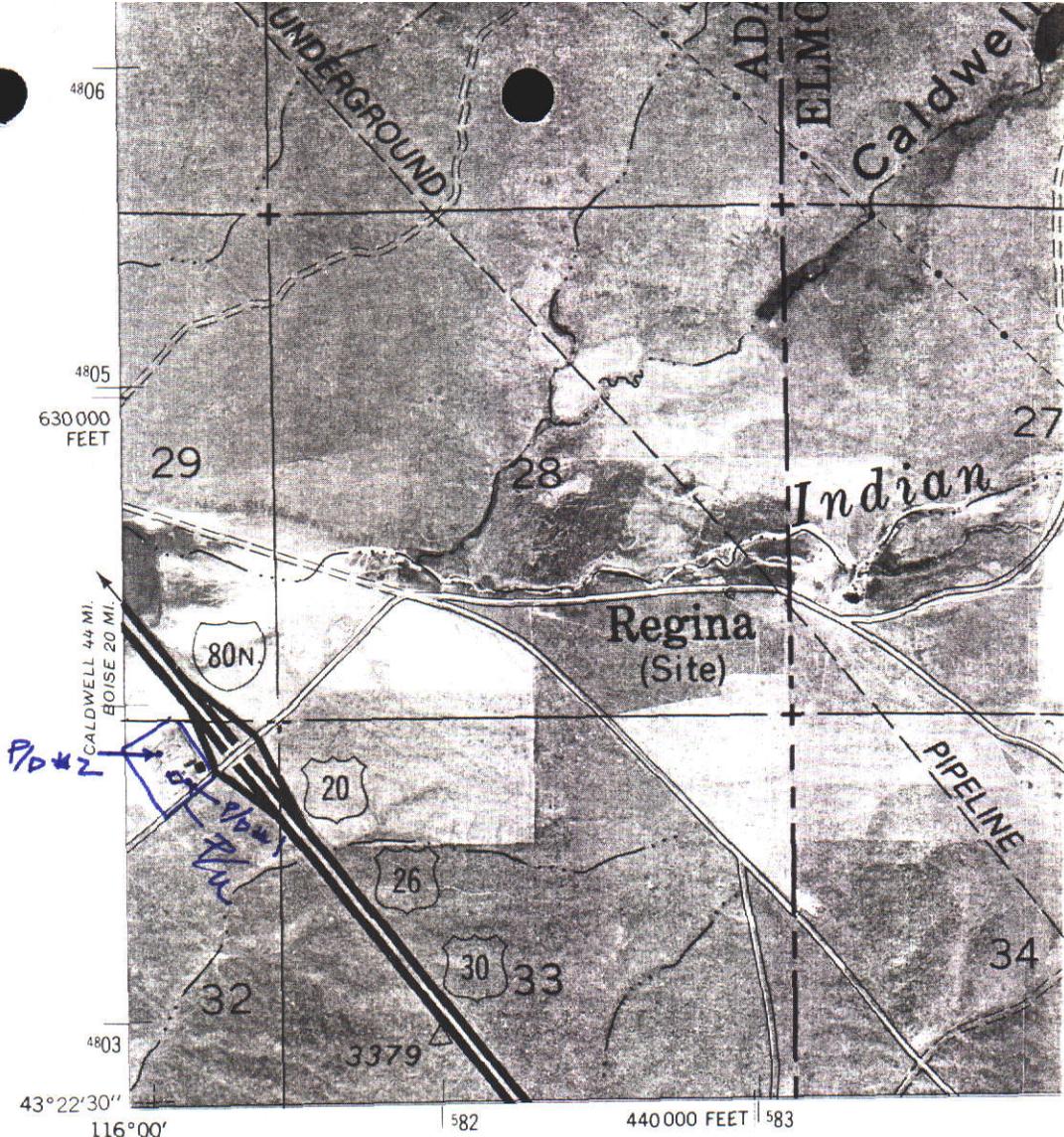
2. Measurements: 1. 40 gals in 30 sec = 80 gpm
2. 3.5 gals in 30 sec = 7 gpm

Both meters functioning!

MOFILMED

NOV 26 2001

1N4E



(ORCHARD)

CONTOUR INTERVAL 40 FEET

Datum is mean sea level

Polyconic projection—1927 North American Datum
MAPPED, EDITED AND PUBLISHED BY THE
U.S. GEOLOGICAL SURVEY, 1976

10,000-foot grid based on Idaho coordinate system, west zone. 1000 metre Universal Transverse Mercator grid, zone 11.

Prepared by the U.S. Forest Service Geometrics Service Center, Salt Lake City utilizing 1976 field checked compilation guides. Maps were photomechanically reproduced and converted to 1:24,000 scale from 1:48,000 scale maps. All revised information was added at 1:48,000 scale.

**FOREST SUPERVISOR HEADQUARTERS
BOISE IDAHO**

This map has been prepared by the Idaho Department of Water Resources pursuant to Idaho Code §42-1410 to assist claimants in filing notices of claims and objections in the River Basin Adjudication. No warranty, either express or implied, is made and no responsibility is assumed by IDWR, its employees, its agents, contractors, and repro firms particularly Bonneville Blueprint Supply Co. Inc. or its employees for the accuracy, completeness, or usefulness of any information set forth on this map.

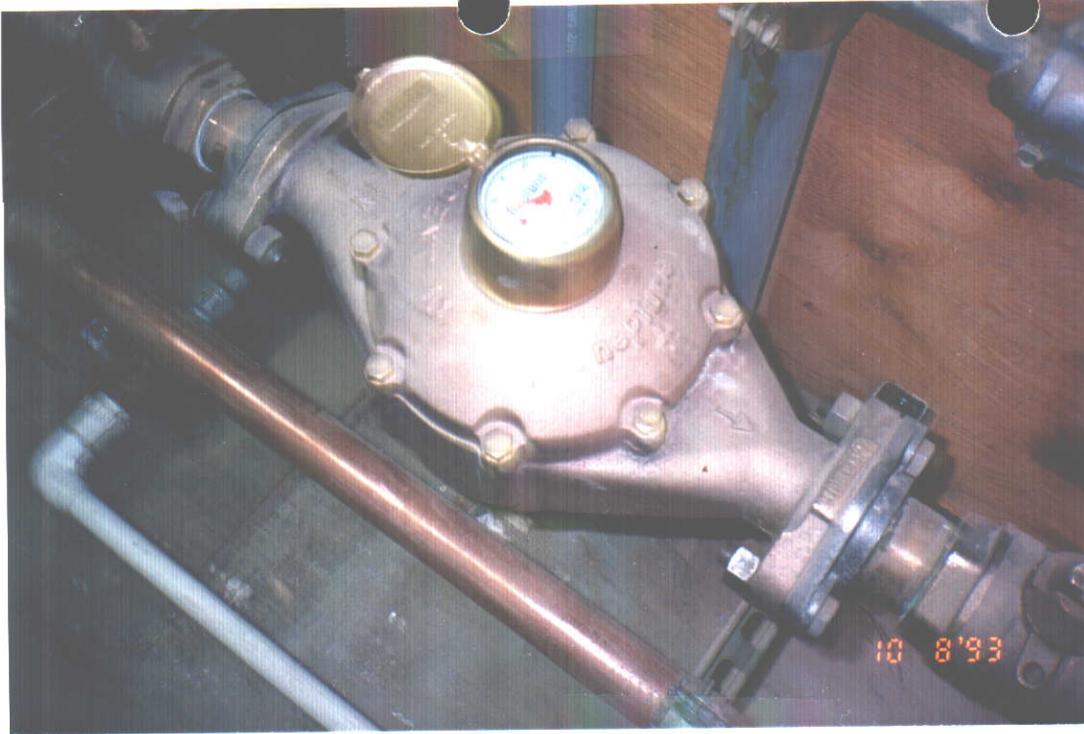
| | | |
|------------------|---------------|-------------|
| LUCKY PEAK | ARROWROCK DAM | GRAPE MTN |
| INDIAN CREEK RES | MAYFIELD NW | MAYFIELD NE |
| ORCHARD | MAYFIELD SW | MAYFIELD SE |

ADJACENT QUADRANGLE LOCATIONS

MICROFILMED

NOV 26 2001

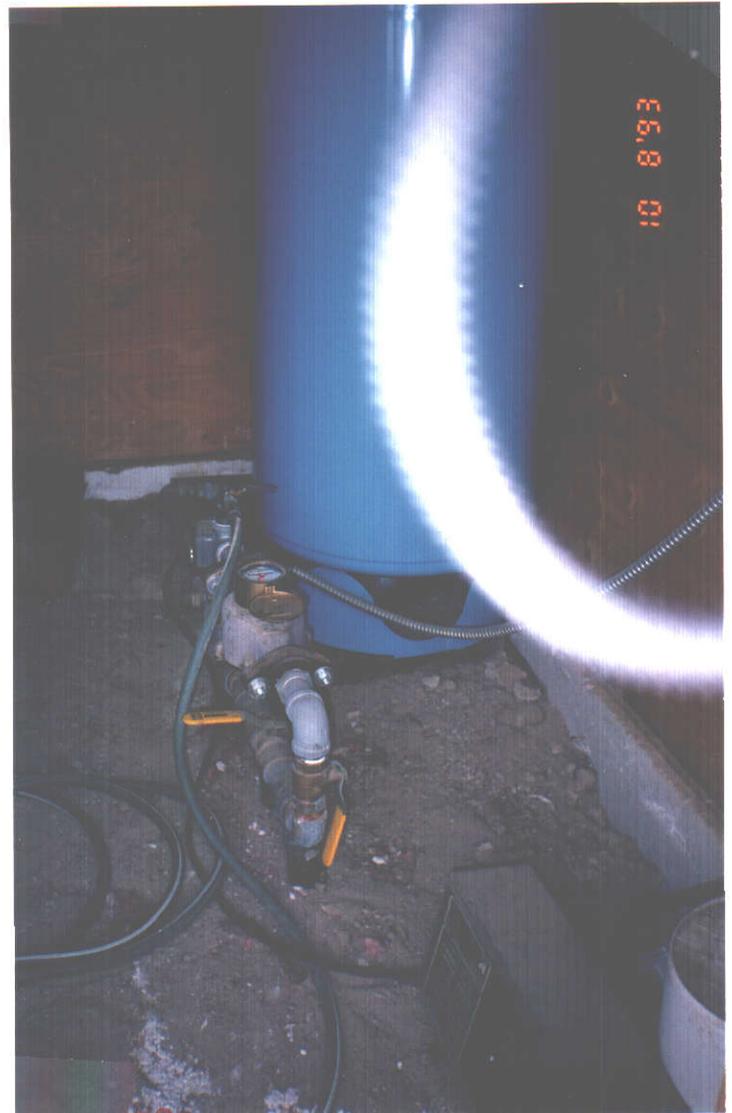
63-10372



Flowmeter, P/D # 1

Below, left : P/D # 1

Below, Right : P/D # 2
flowmeter/pressure
tank (wellhead not
found)



MICROFILMED

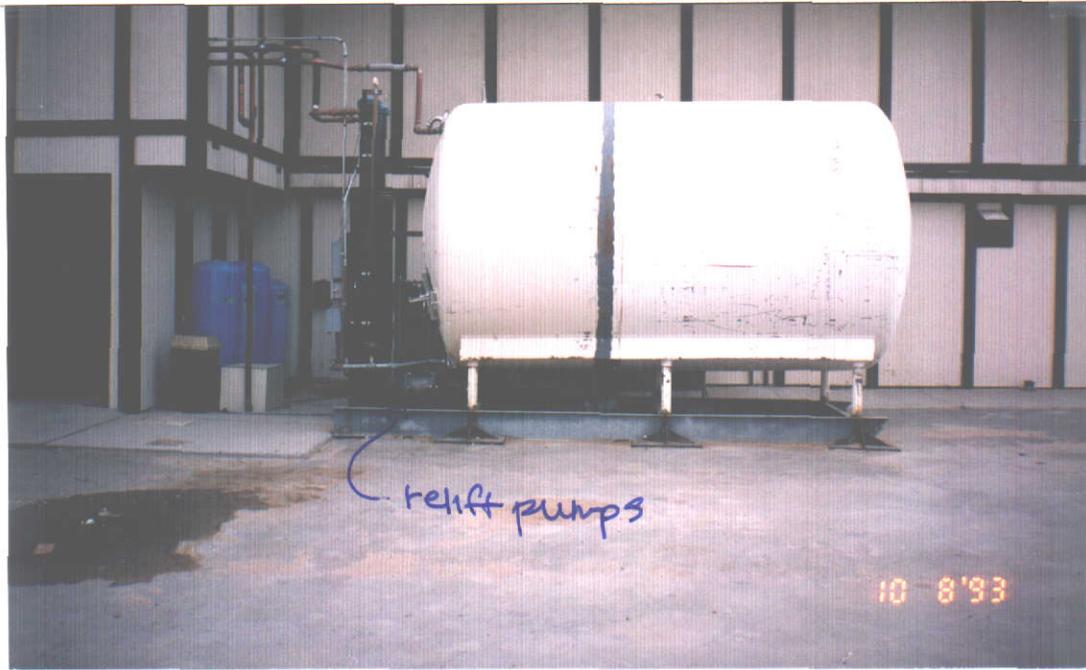
NOV 25 2001

63-10372



P/u

10 8'93



Main building
Storage tank,
relift pumps &
pressure tanks

relift pumps

10 8'93



Truck wash
& Maintenance

10 8'93

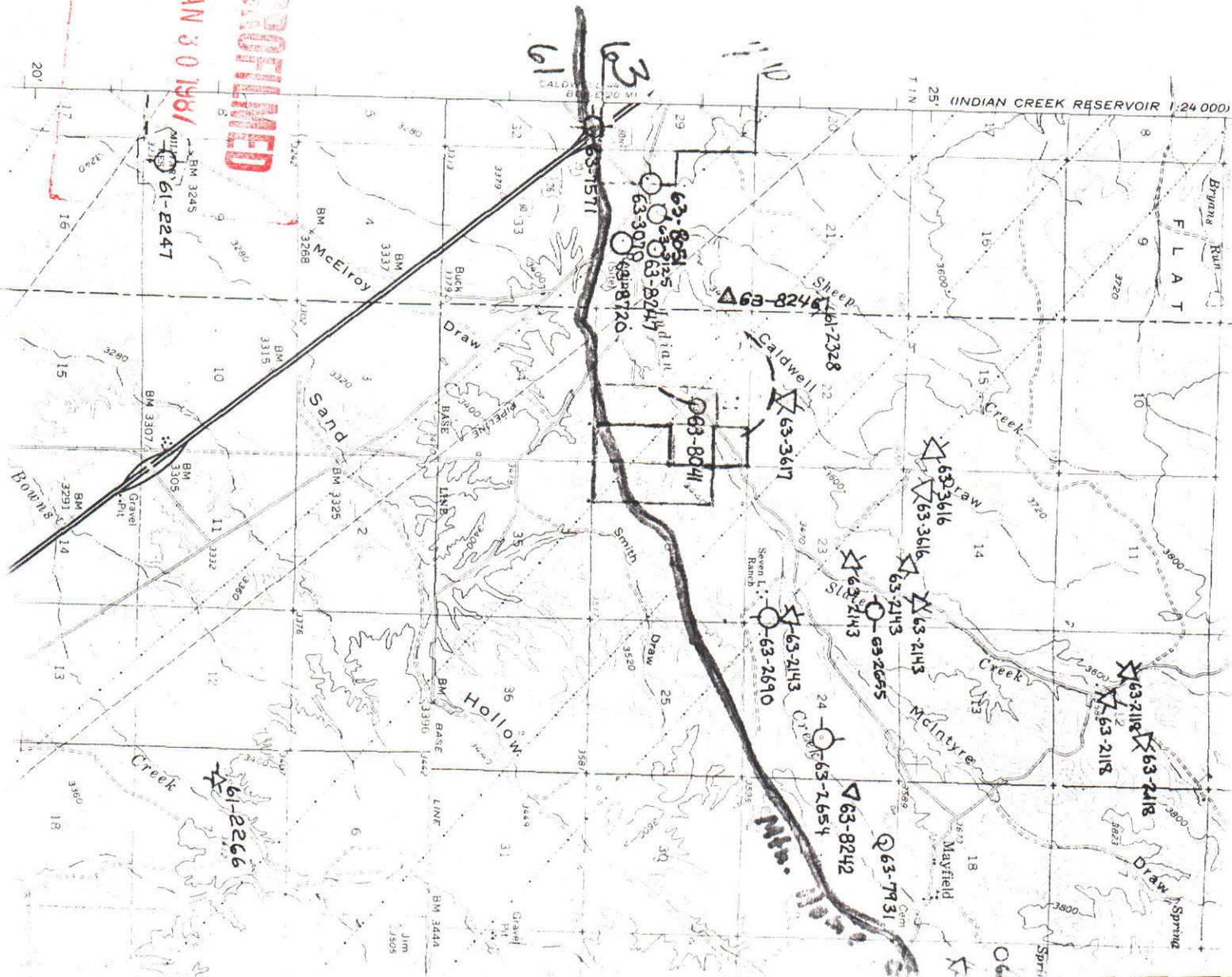
MICROFILMED
NOV 26 2001

(INDIAN CREEK RESERVOIR 1:24 000)

RECORDED

JAN 30 1981

BM 3245
61-2247



State of Idaho
 Department of Water Resources
Water Right License

WATER RIGHT NO. 63-10372

Priority: July 28, 1986

Maximum Diversion Rate: 0.20 CFS
 Maximum Diversion Volume: 16.7 AF

It is hereby certified that JAMES MONTANDON
 BOISE STAGE STOP
 HC 34 BOX 55
 BOISE ID 83706 has complied with the terms and
 conditions of the permit, issued pursuant to Application for Permit dated July 28, 1986; and has
 submitted Proof of Beneficial Use on November 15, 1988. An examination indicates that the works have
 a diversion capacity of 0.2 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL DIVERSION VOLUME</u> |
|-----------------------|----------------------|-----------------------|------------------------------------|
| FIRE PROTECTION | 01/01 to 12/31 | 0.20 CFS | |
| COMMERCIAL | 01/01 to 12/31 | 0.04 CFS | 11.5 AF |
| IRRIGATION | 03/15 to 11/15 | 0.02 CFS | 4.0 AF |
| DOMESTIC | 01/01 to 12/31 | 0.04 CFS | 1.2 AF |

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE 1/4 NE 1/4 Sec. 32, Twp 01N, Rge 04E, B.M., ADA County
 GROUND WATER NE 1/4 NE 1/4 Sec. 32, Twp 01N, Rge 04E, B.M., ADA County

PLACE OF USE: IRRIGATION

| Twp Rge Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-------------|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 01N 04E 32 | 1.0 | | | | | | | | | | | | | | | | 1.0 |

Total Acres: 1

PLACE OF USE: FIRE PROTECTION – Same as Irrigation

PLACE OF USE: DOMESTIC – Same as Irrigation

PLACE OF USE: COMMERCIAL – Same as Irrigation

CONDITIONS OF APPROVAL

- Domestic use is for 2 homes and does not include lawn, garden, landscape, or other types of irrigation.

MICROFILMED

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-10372

2. Commercial use is for truck stop, restaurant and store.
3. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
4. Rights 63-07571 and 63-10372 when combined shall not exceed a total diversion rate of 0.20 cfs.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 2ND day of NOVEMBER, 2001.

Acting for


KARL J. DREHER
Director

MICROFILMED

NOV 2 6 2001

RECEIVED

NOV 15 1988

No # enc. Jim

Department of Water Resources

RECEIVED

DEC 05 1988

STATE OF IDAHO

Department of Water Resources
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received \$50.00
Date 12/6/88
Receipt # C003771
Receipt by CP
Reviewed by QS
Sent to region

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

Permit No. 63-10372
Name(s) of Permit Holder: JAMES MONTANON BOISE STAGE STOP
Post Office Address: HC 34 BOX 55 EXIT 71
BOISE, IDAHO 83706 Telephone No. 208/343-1367
Source of Water: WELL

Extent of Use:

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

Irrigation _____ (acres) Other/Remark Comm. TRUCK STOP

RESTAURANT - RESTROOM (PUBLIC) & SITING AREAS

Total rate and/or volume for which proof is submitted .08 cfs _____ acre-feet

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

Measuring Device: Required? Adj. Use (.08) Yes No
Installed? Yes No Fee enclosed \$ \$50.00
(See License Examination Fee Schedule)

Flow Measurement Port: Required? Yes No
Installed? Yes No We have a lot less water for our own use a lot of resources approx. 18,000 gallons per day (.04)

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

James T. Montanon 208/343-1367
(Name) (Telephone Number)

HC 34 BOX 55 BOISE, ID. 83706
(Address)

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

Nov. 14, 1988 Date
James T. Montanon Signature of Permit Holder (and title, if appropriate)
DEC 20 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant James Montandon & Amistad Corp. Phone 343-1367
Post office address I-84 Exit #71 Boise, Idaho 83706

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is 2 pts. $\frac{1}{4}$ of N.E. $\frac{1}{4}$ of N.E. $\frac{1}{4}$, Govt. Lot _____
Sec. 32 Township IN Range 4E B.M. ADA County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:
Amount 0.04 for Commercial purposes from 1-1 to 12-31 (both dates inclusive)
(cfs ~~acre-feet per annum~~)
Amount 0.04 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs ~~acre-feet per annum~~)
Amount 0.2 for Fire Protect. purposes from 1-1 to 12-31 (both dates inclusive)
(cfs ~~acre-feet per annum~~)
Amount 0.02 for Irrigation purposes from 4-1 to 10-31 (both dates inclusive)
(cfs ~~acre-feet per annum~~)

5. Total quantity to be appropriated is (a) 0.2 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 2 wells w/pumps & sprinkler
systems

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is 1.8" 2.12" inches; proposed depth of well is 300 feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

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

APPROVED
JAN 30 1987

8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. Two
 - e. Other; describe fully. _____

9. Description of place of use:
- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RANGE | SEC. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS |
|-----|-------|------|----------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 1N | 4E | 32 | 1.0 X | | | | | | | | | | | | | | | 1 | |
| | | | | | | | | | | | | | | | | | | | |
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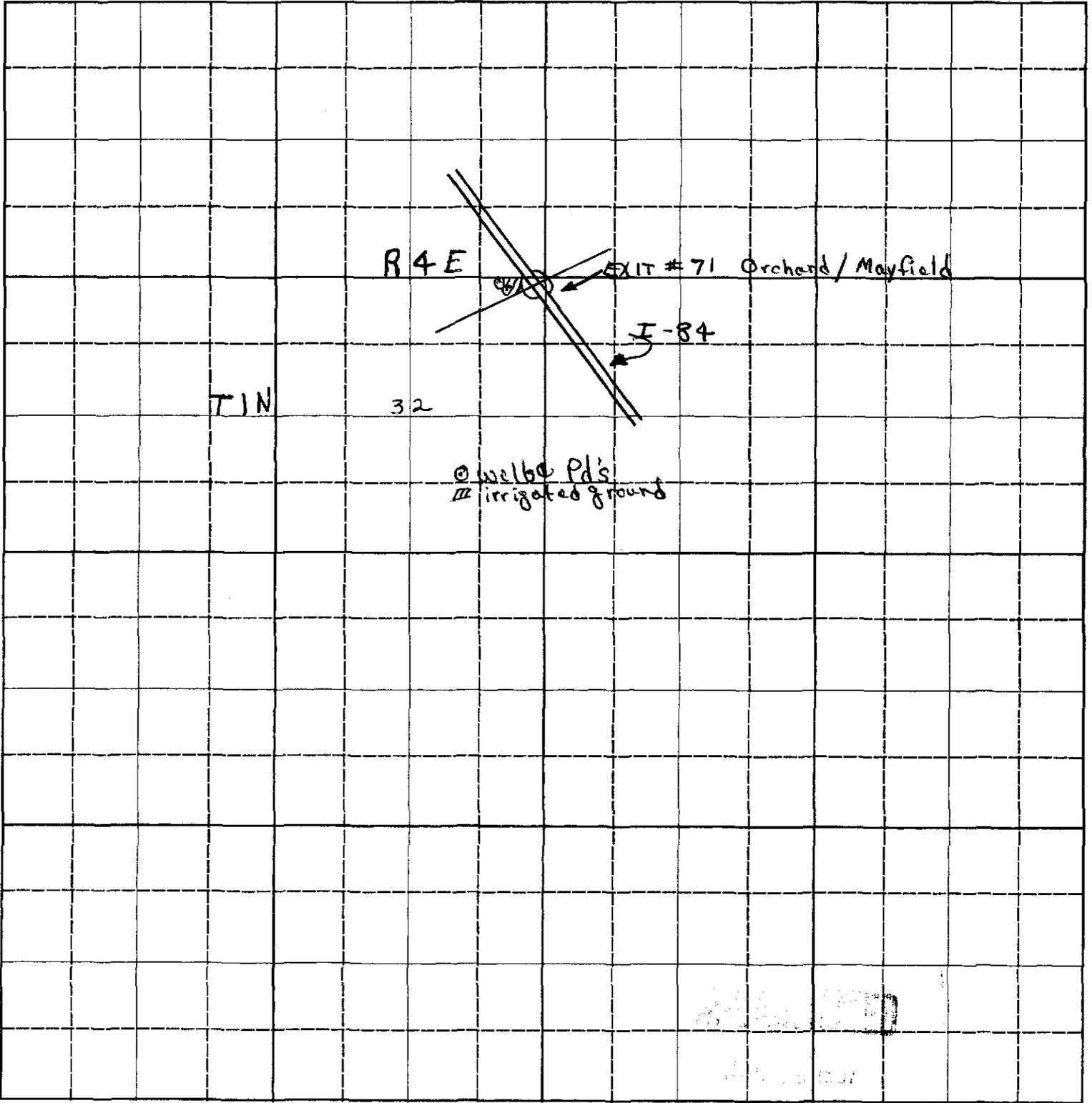
Total number of acres to be irrigated 1

10. Describe any other water rights used for the same purposes as described above. 63-7571
11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or 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. _____

12. Remarks: Commercial Use is for Truck Wash.

RECEIVED
JUL 30 1997

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



Scale: 2 inches equal 1 mile.

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

Don M. Selworth (Builder)
for *Jim Workman* (Applicant)

Proposed Priority 7/28/86

Received by CPB Date 28 July 86 Time 2:30 PM Preliminary check by _____

Fee \$ 30.00 Received by EED # 40504 Date 28 July 86

Publication prepared by JP Date 7/30/86 Published in Idaho Statesman

Publication approved JP Date 7/18/86

11/18/86 called papers

8/16 E 8/3/86

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-10372, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 19 89.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Witness my hand this 15th day of December, 1986.

L. Glen Saylor
Chief, Operations Bureau

APPROVED

11/18/86

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

71.17

| | | | |
|--|-------------|--------------------------|---------------------------------|
| Account Name ID Water Resources, Western | | Account Number #47628 | |
| Address Statehouse | | City/State Boise, ID | Zip 87 83720 |
| Ordered By Judy Pense | P.O. Number | Rate nt | Run Dates 1986 Aug. 7, 14 |
| Identification Applications, No. 63-10370 through 63-10373 | | Estimated Inches | Real Inches |
| <input type="checkbox"/> Number of Affidavits Requested <input checked="" type="checkbox"/> 1 | | | Legal Number #2850 |

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-10370
De Austine, Allen
11020 Janie Road
Boise, ID 83703
Source: Groundwater
Diversion Pt.: Lot 01 (NENE)
Sec. 03 T 04N R 01E
Use: Irrigation (0.090 CFS)
Use: Stockwater (0.020 CFS)
Date Filed: 07/24/1986
In: Lot 01 (NENE) Sec. 03
T 04N R 01E for 3 Acres

63-10371
Parkinson, E.D.
2029 N. 23rd
Boise, ID 83702
Source: Groundwater
Diversion Pt.: SESE Sec. 31
T 05N R 01E
Use: Irrigation (0.8 CFS)
Use: Stockwater (0.020 CFS)
Date Filed: 07/28/1986
In: SESE Sec. 31 T 05N
R 01E for 40 Acres

63-10372
Amistad Corp.
c/o James Montandon
1-84 Exit No. 71
Boise, ID 83706
Source: Groundwater
Diversion Pt.: NENE Sec. 32
T 01N R 04E
Use: Irrigation (0.020 CFS)
Use: Commercial (0.040 CFS)
Use: Domestic (0.040 CFS)
Use: Fire Protection (0.2 CFS)
Date Filed: 07/28/1986
In: NENE Sec. 32 T 01N
R 04E for 1 Acres

63-10373
Treasure Valley Village
California Ltd. Partnership
3143 Bonview Drive
Boise, ID 83712
Source: Groundwater
Diversion Pt.: SESE SWSE
NWSE NESE Sec. 03
T 04N R 01E
Date Filed: 06/25/1986
Use: Domestic (0.9 CFS)
Use: Irrigation (2.3 CFS)
Use: Commercial (1.240 CFS)
Use: Fire Protection (4.440 CFS)
Use: Recreation Storage (12.5 AF)
In: SWNE SENE NESE NWSE
NWSE SESE
Sec. 03 T 04N R 01E for 1 Acre

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on, or before August 25, 1986.

KEN DUNN
Director

Pub. Aug. 7, 14, 1986

2850

RECEIVED

AUG 18 1986

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Department of Water Resources
Western Regional Office

Laura Gay Barnes

_____, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) consecutive weekly consecutive daily single odd skip

insertion(s) beginning with the issue of August 7, 19 86

and ending with the issue of August 14, 19 86

Laura Gay Barnes

Subscribed and sworn to before me this 14th

day of August, 19 86

Conrad Blackburn
Notary Public for Idaho, Residing at Boise, Idaho



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 5, 2001

JAMES MONTANDON
BOISE STAGE STOP
HC 34 BOX 55
BOISE ID 83706

RE: License No. 63-10372 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:kit

Enclosure(s)

MICROFILMED

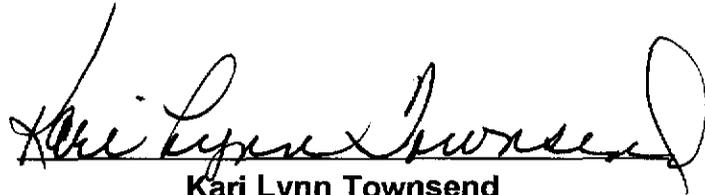
NOV 25 2001

CERTIFICATE OF MAILING

I hereby certify that on November 5, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 63-10372

**JAMES MONTANDON
BOISE STAGE STOP
HC 34 BOX 55
BOISE ID 83706**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

NOV 25 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED
NOV 26 2001

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED

NOV 25 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 13, 2001

ROBERT FRENCH
DBA BOISE STAGE STOP
HC 34 BOX 55
BOISE ID 83706

RE: PERMIT NO. 63-10372

Dear Mr. French:

The Department of Water Resources is reviewing the above referenced permit prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit.

This permit is still in the name of James Montandon and we need to have an assignment of this permit from him, to you, in order to change the name.

Enclosed, for your information, is a copy of the permit. In Idaho a permit is considered personal property and in order for us to change our records we require an "Assignment of Permit" form along with a \$25.00 filing fee. Please submit the completed assignment form and filing fee within the next 30 days. If we don't receive the completed assignment form and \$25.00 fee within this 30 day period, we will issue the license in Mr. Montandon's name as currently shown in our records.

If you have any questions in regard to this matter, please do not hesitate to contact me at (208)327-7944.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker".

KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosure

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NOV 28 2001

LICENSE REVIEW CHECKLIST

Permit No. 63-10372 Date: 9-12-01 Reviewer: Kay Walker

Change/OK

Name/Address

change - send letter requesting assignment

Source
Point of Diversion:

OK
OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

Place of Use

OK

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s) 63-075712
File reviewed Profile reports printed

P/D & P/U amend (P37) Feds (P48)

well #1 = 0.18 cfs
well #2 = 0.02 cfs
0.20 cfs

Rate of Diversion:

Permitted rate 0.20 cfs
Fee Limit 0.20 cfs
Measured 0.20 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 0.20

Water Uses

OK Change (P46)

Season of Use per new Standards
3-15 11-15

Irrigation 0.02 cfs 4.0 af
Stockwater _____ cfs _____ af
Domestic 0.04 cfs 1.2 af
Comm 0.04 cfs 11.5 af
FireP 0.20 cfs _____ af
Total 0.20 cfs 16.7 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)
overlap spec combined rts (W35)
<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)
Fish (042)

Fire (077)

Water Quality (081/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

Volume Determination

0.02 cfs x 1.9835 x 246 days = 9.8 af (vs) 1 acres x 4.0 (FHR) 4.0 af
3.0 (con)

Remarks:

WB5 (2 homes), 077, R64

Additional Conditions

____ Watermaster Control
____ GW Measurement/Measuring Device
____ Other
Trust R55 - remove 051)
Non-trust (048/049)

GW Dist? _____
Water Msmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? yes no If yes, explain why below.

SRBA Claim?

not req'd

Adjust memo _____

Amend Letters _____

P87, S06

Second Amendment Notice _____

S06

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7571 Priority March 21, 1972 Amount 0.09 cfs

THIS IS TO CERTIFY, that STUCKEY'S dba PECON SHOPPE OF BOISE, IDAHO, INC.
of Colorado Springs, Colorado, has complied with the terms and conditions of Permit
No. 63-7571 issued pursuant to Application for Permit dated March 21, 1972,
and has submitted proof to the Department of Water Resources on April 21, 1977,
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 0.09 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>Commercial</u> | from <u>January 1</u> to <u>December 31</u> | at <u>0.09</u> cfs and | <u>4.0 acre feet</u> |
| | from _____ to _____ | at _____ cfs and | _____ |
| | from _____ to _____ | at _____ cfs and | _____ |

(both dates inclusive)

Subject, however, to the condition that no more than 0.09 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
4.0 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32,
Twp. 1N, Rge. 4E, B.M. in the County of Ada

Description and location of place of use:

| Twp. | Range | Sec. | NE $\frac{1}{4}$ | | | | NW $\frac{1}{4}$ | | | | SW $\frac{1}{4}$ | | | | SE $\frac{1}{4}$ | | | | Totals |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
| | | | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | |
| 1N | 4E | 32 | X | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres irrigated _____

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 27 day of

February, 19 78.

Stephen Allen
Director

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Idaho Dept. of Water Resources
Place of Use Comparison Report

| Type | WR # | Owner | Source | TRS | INE | NVNE | SWNE | SENE | INENW | NWNNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE | Total |
|-------|---------|-----------------|--------------|----------|-----|------|------|------|-------|-------|------|------|------|------|------|------|------|------|------|------|-------|
| Claim | 83 4338 | STATE OF IDAHO, | GROUND WATER | | | | | | | | | | | | | | | | | | |
| Claim | 83 4679 | STATE OF IDAHO, | GROUND WATER | | | | | | | | | | | | | | | | | | |
| Claim | 83 4338 | STATE OF IDAHO, | GROUND WATER | | | | | | | | | | | | | | | | | | |
| Claim | 83 4679 | STATE OF IDAHO, | GROUND WATER | | | | | | | | | | | | | | | | | | |
| Claim | 83 4338 | STATE OF IDAHO, | INDIAN CREEK | 01N04E32 | | | | X | X | | | | | | | | | | | | 0 |
| Claim | 83 4679 | STATE OF IDAHO, | INDIAN CREEK | 01N04E32 | | | | X | X | | | | | | | | | | | | 0 |
| Claim | 83 4338 | STATE OF IDAHO, | INDIAN CREEK | 01N04E32 | | | | X | X | | | | | | | | | | | | 0 |
| Claim | 83 4679 | STATE OF IDAHO, | INDIAN CREEK | 01N04E32 | | | | X | X | | | | | | | | | | | | 0 |



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

FEB 17 2001

K
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 63-10372

* Current
see remarks

1. Owner: Robert French dba BOISE STAGE STOP

Phone No. 343 1367

Current Address: L-84 EXIT 71 BOISE ID 83706

2. Accompanied by: George Winje

EXAM DATE: 10/8/93

Address: HC 34 Box 55 EXIT 71 BOISE ID 83706 Phone No. 343-1367

Relationship to Permit Holder: General Manager

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 63-7571

2. Other water rights with the same point of diversion: 63-7571

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion: 2 points

| Ident No. | Gov't Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks |
|-----------|-----------|-----|------|-----|------|------|------|--------|---------------------------------|
| | | | NENE | | 32 | 4E | 4E | ADA | SITE VISIT, MAP, Well logs |
| | | | | | | 1N | 4E | | |
| | | | | | | | | | |
| | | | | | | | | | |

2. Place(s) of Use:

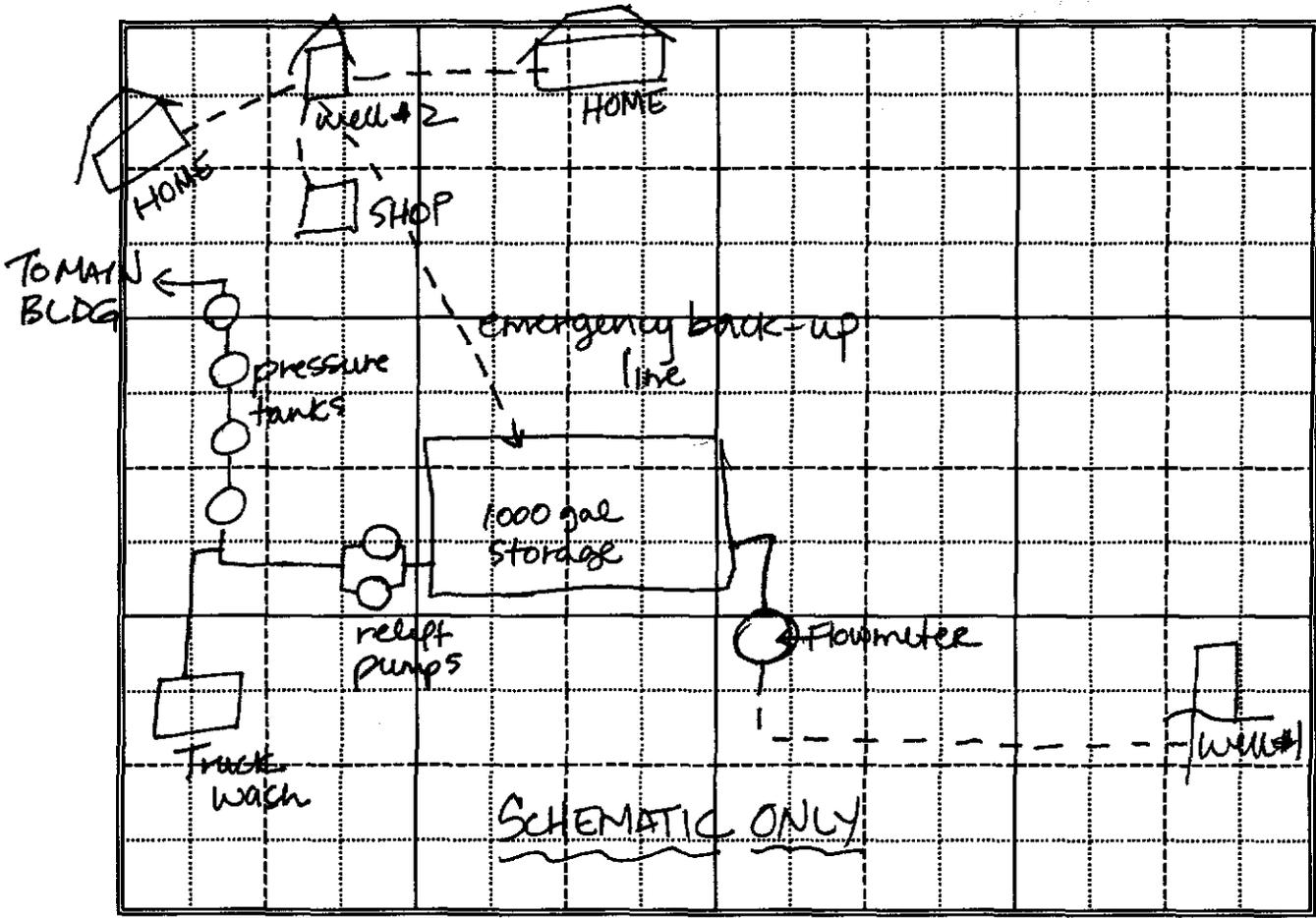
Indicate Method of Determination Above

| TWP | RGE | SEC | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 4E | 4E | 32 | 1 | | | | | | | | | | | | | | | | 1 |
| 1N | 4E | | 9/10 | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

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



Scale: 1" = NTS

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

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

Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
| 1. | | 5 | | | N/A 2" ? |
| 2. | Franklin | 51 | Submersible | | N/A 2" ? |

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

D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|---------|--------|-----------|------------|------|-------------|
| 1. Flowmeter | In-line | Badger | | 31861932 | 2" | |
| 2. " | In-line | Badger | | | 2" | |

2. Measurements: 40 gals in 30 sec = 80 gpm
 2. 3.5 gals in 30 sec = 7 gpm

Both meters functioning!

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NOV 2 5 2001

E. NARRATIVE/REMARKS/COMMENTS

Use is for Boise Stage Stop. Commercial uses include restaurant, public restrooms, trucker showers, truck wash. Domestic use for 2 mobile homes owned by company, occupied by ~~store~~^{restaurant} and general managers. Irrigation for one acre; landscaping and yards around mobiles. Fire protection system comes directly off large storage tank. Irrigation estimated. Motel originally at this site has been closed down & buildings removed. Well #1 used at main buildings and truck wash. Well #2 used at mobile homes and maint. Shop, with backup line to storage tank for emergency supply.

Overlap w/ 63-7571, originally issued to Stucky's Pecan Shop on same site. This permit obtained for 2nd well, expanded commercial/domestic use, & fire protection. Since the truck stop replaced the Pecan Shop, total found ~~flow~~ volume will be reduced by the amounts in 63-7571 for purposes of this recommendation.

* New owner as of summer 1993 is Robert French. Do not know if assignment is available.

When used with 63-7571, not to exceed .19 cfs.

Note: proof form indicates .08 cfs, but fees ~~are~~ paid (\$0.00) ~~to~~ allow the permitted amount of up to 0.2 cfs.

Have conditions of permit approval been met? yes no

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F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

Both wells, 87 gpm = .19 cfs System Capacity. Previous licensed for Commercial, .09 cfs, 4.0 AFA. Recommendations reflect this amount. Full amount awarded for irrigation (.02 cfs) because a part comes off both wells. (P/b #1 = .012 cfs)

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1 \times 4.5 = 4.5$
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .02 \times 214 \times 1.9835 = 8.5$
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 4.5$

2. Volume Calculations for Other Uses:

Domestic internal $\times 2 = 1.2 \text{ AFA}$
 Fire Protection = N/A
 Commercial (see attached) = $15.5 - 4 = 11.5 \text{ AFA}$
 (63-7571)

H. RECOMMENDATIONS

1. Recommended Amounts

| Beneficial Use | Period of Use | | Rate of Diversion Q (cfs) | Annual Volume V (afa) |
|-----------------|---------------|-------|------------------------------|--------------------------|
| | From | To | | |
| IRRIGATION | 4/1 | 10/31 | .02 | 4.5 |
| COMMERCIAL | 1/1 | 12/31 | .04 | 11.5 |
| DOMESTIC | 1/1 | 12/31 | .02 | 1.2 |
| FIRE PROTECTION | 1/1 | 12/31 | .19 | — |
| Totals: | | | .19 | 17.2 |

2. Recommended Amendments

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

I. AUTHENTICATION

Field Examiner's Name Cindy J. Hodges Date 1/31/94
 Reviewer _____ Date _____

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 NOV 28 2001

COMMERCIAL VOLUME CALCULATIONS, 63-10372, BOISE STAGE STOP

OPERATION: 24 HOURS PER DAY, 365 DAYS PER YEAR

| USE | | VOLUME, AFA |
|---|--|-------------|
| Employees (Full time) | <u>116 X 260 shifts/yr X 50 gal/shift</u> 325,850 gal/AF (Used 50 gal/shift for food service/maint. workers) | 0.9 |
| Restaurant | <u>900 meals/day X 10 gals/meal X 365 days/year</u> 325,850 gal/AF (including patron restroom use) | 10.1 |
| Store/Deli | <u>100 gal/day (cleanup) X 365 days/year</u> 325,850 | 0.1 |
| Public Restrooms | <u>100 uses/day X 5 gal/use X 365 days/year</u> 325,850 gal/AF (uses not associated with restaurant) | 0.7 |
| Trucker Showers | <u>450 uses/month X 12 months/yr X 60 gal/use</u> 325,850 gal/AF | 1.0 |
| Truck Wash | <u>12 washes/day X 200 gal/wash X 365 days/yr</u> 325,850 gal/AF | 2.7 |
| TOTAL YEARLY COMMERCIAL REQUIREMENTS | | 15.5 |

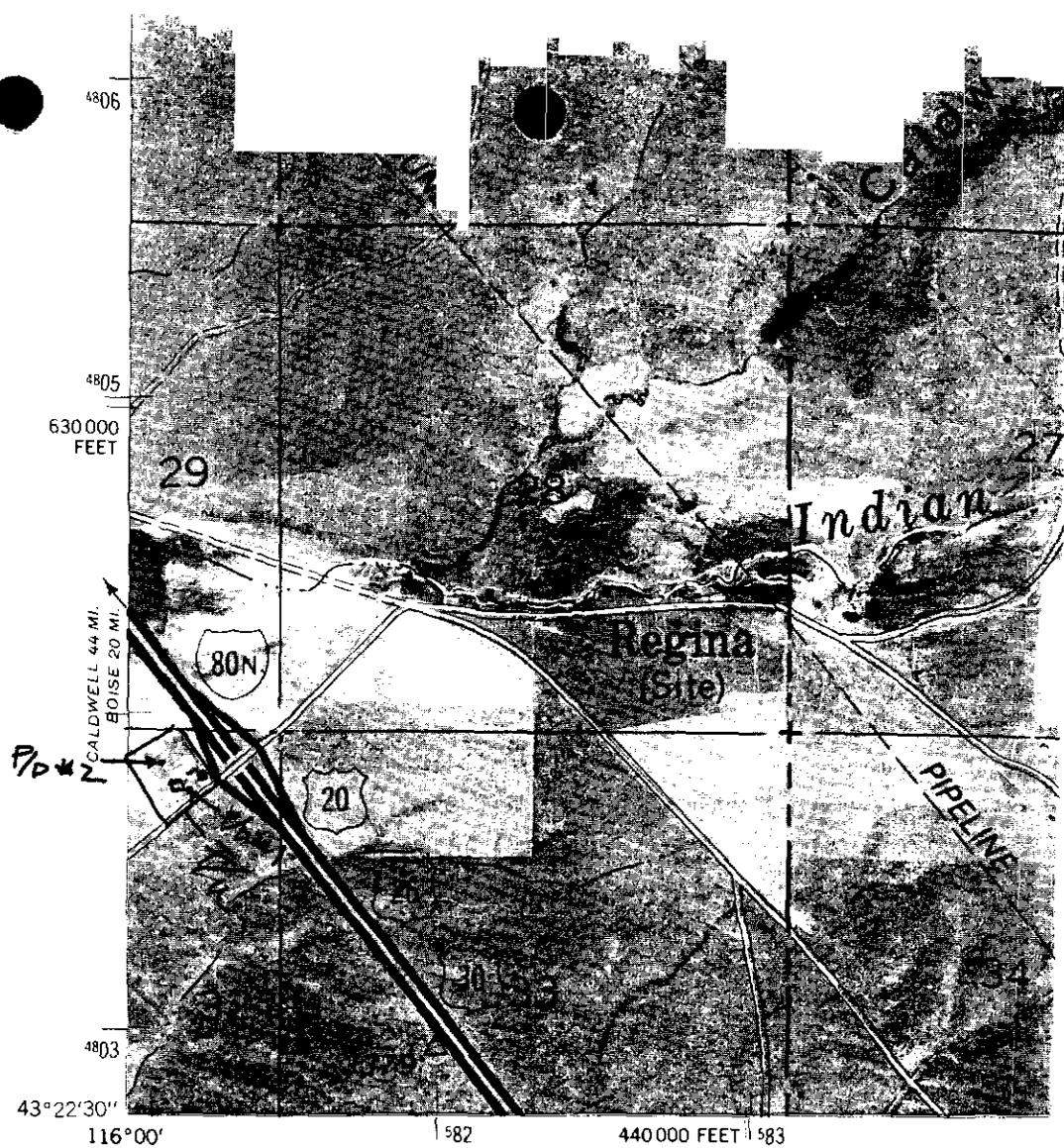
Check calculations: daily use averages 15,000 gallons/day, per manager's records (from P/D #1 only)

| | |
|---------------------------------------|------|
| <u>15,000 gal/day X 365 days/year</u> | 16.8 |
| 325,850 gal/AF | |

This value also includes a small amount of irrigation that is not reflected in the above commercial calculations.

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NOV 26 2001

IN4E



(ORCHARD)

CONTOUR INTERVAL 40 FEET

Datum is mean sea level

Polyconic projection—1927 North American Datum

MAPPED, EDITED AND PUBLISHED BY THE
U.S. GEOLOGICAL SURVEY, 1976

10,000-foot grid based on Idaho coordinate system, west zone. 1000 metre Universal Transverse Mercator grid, zone 11.

Prepared by the U.S. Forest Service Geometronics Service Center, Salt Lake City utilizing 1976 field checked compilation guides. Maps were photomechanically reproduced and converted to 1:24,000 scale from 1:48,000 scale maps. All revised information was added at 1:48,000 scale.

**FOREST SUPERVISOR HEADQUARTERS
BOISE IDAHO**

This map has been prepared by the Idaho Department of Water Resources pursuant to Idaho Code §42-1410 to assist claimants in filing notices of claims and objections in the River Basin Adjudication. No warranty, either express or implied, is made and no responsibility is assumed by IDWR, its employees, its agents, contractors, and repro firms particularly Bonneville Blueprint Supply Co. Inc. or its employees for the accuracy, completeness, or usefulness of any information set forth on this map.

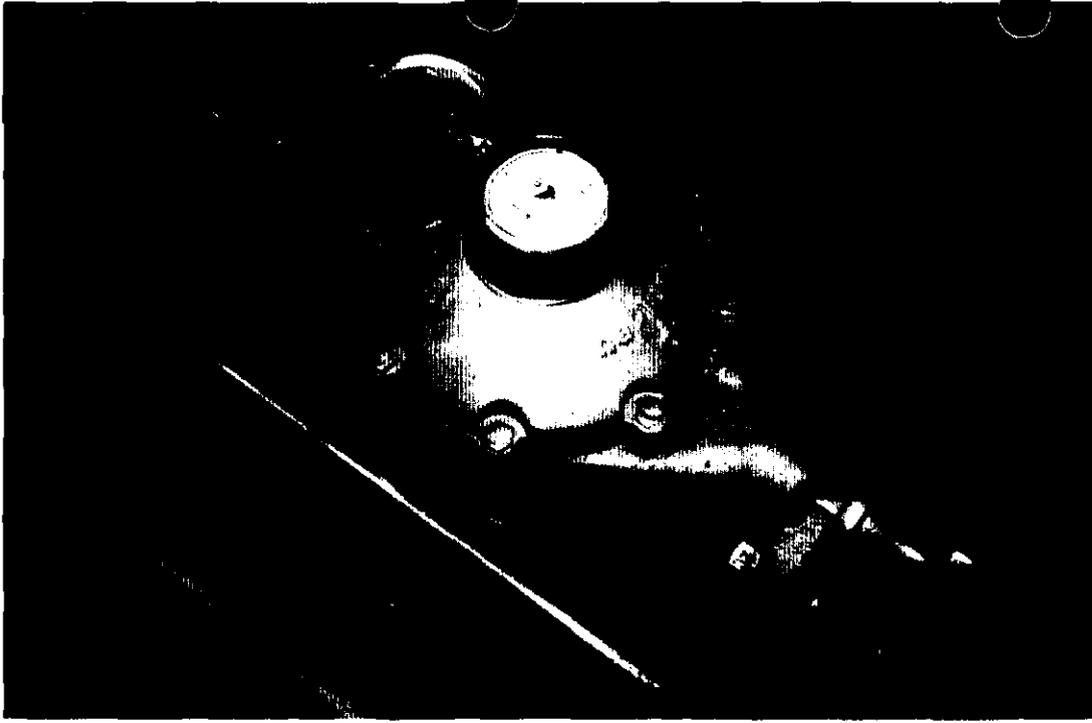
| | | |
|------------------|---------------|-------------|
| LUCKY PEAK | ARROWPOCK DAM | GRAPE MTN |
| INDIAN CREEK RES | MAYFIELD NW | MAYFIELD NE |
| ORCHARD | MAYFIELD SW | MAYFIELD SE |

ADJACENT QUADRANGLE LOCATIONS

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NOV 26 2007

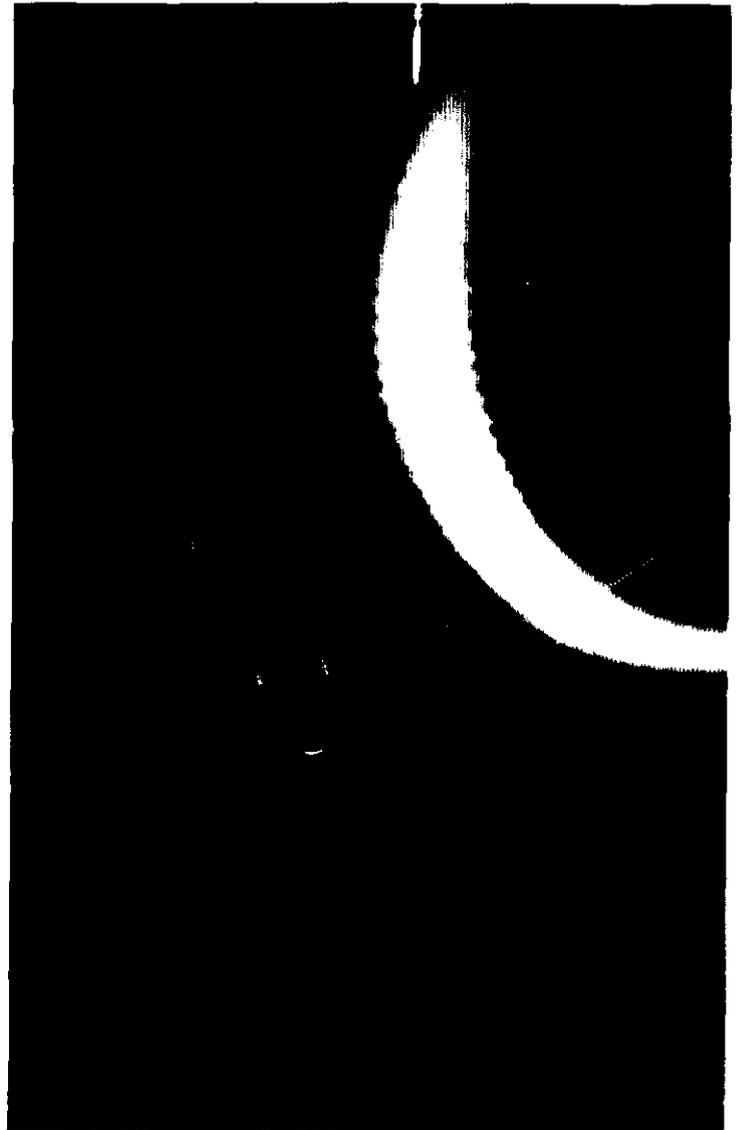
63-10372



Flowmeter, P/D #1

Below, left: P/D #1

Below, right: P/D #2
flowmeter/pressure
tank (wellhead not
found)

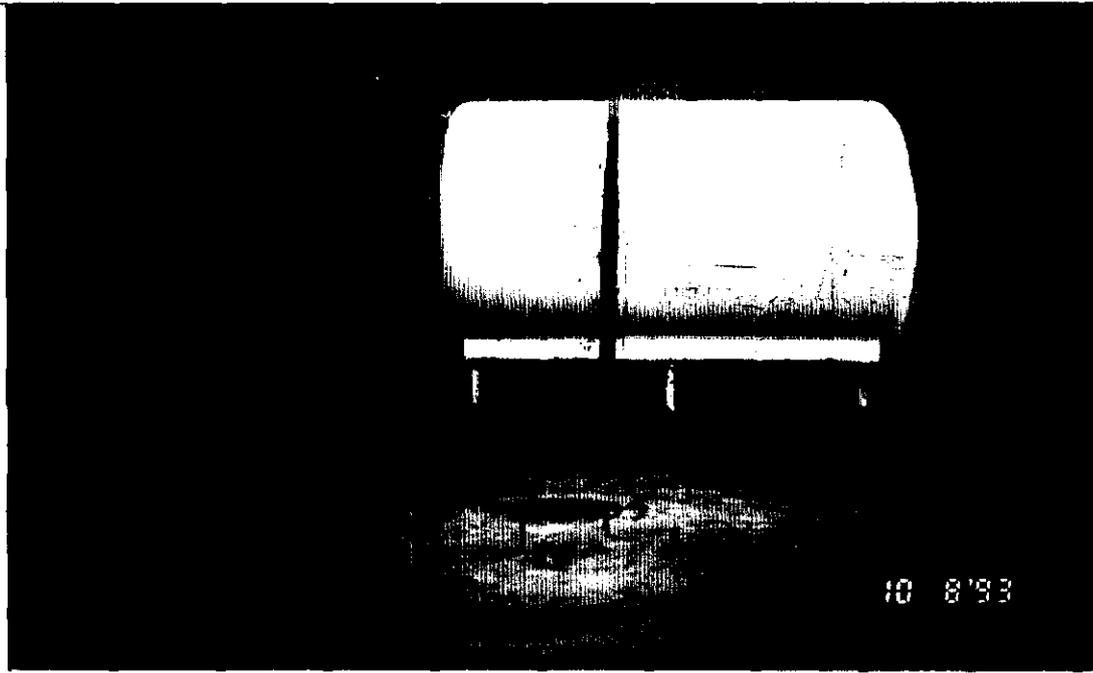


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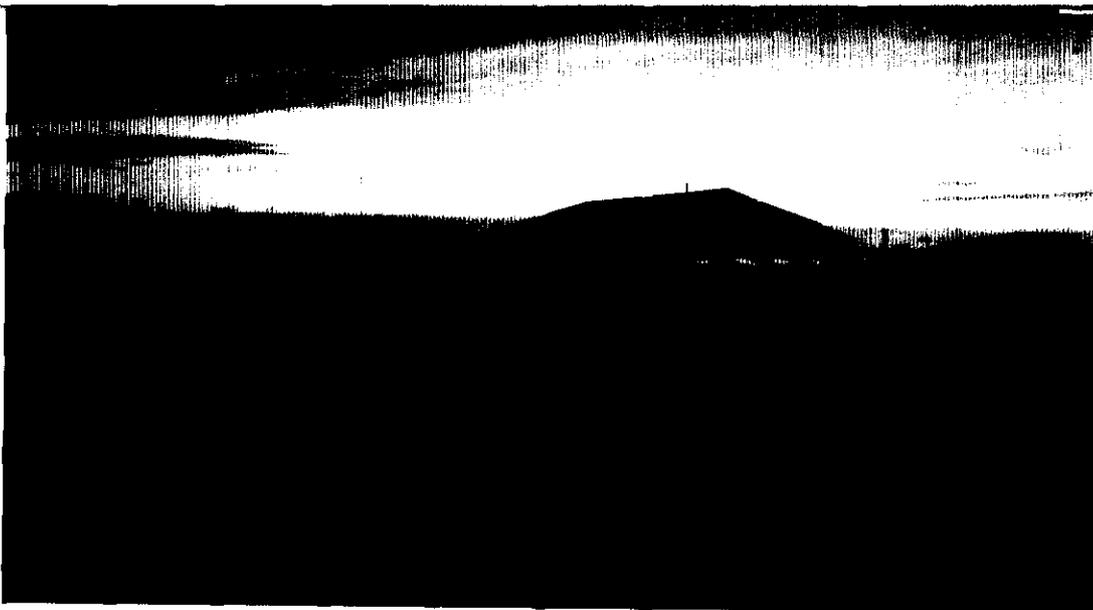
63-10372



P/u



Main building
Storage tank,
relift pumps &
pressure tanks



Truck wash
& Maintenance

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NOV 28 2007

IDAHO DEPARTMENT OF WATER RESOURCES

WELL INSPECTION FORM

P/D # 1

1. DRILLING PERMIT NO: N/A OTHER APPLICABLE NO: 103-10372

2. OWNER: BOISE STAGE STOP Phone: 343-1367
Address: _____

3. WELL LOCATION: Twp ~~4E~~ IN, Rge. 4E, Sec. 32, NE 1/4 NE 1/4
County ADA (Provide sketch map and photo on reverse.)

4. DRILLER: ? Lic. No. _____
When Drilled? 1986

5. WELL CONSTRUCTION:

Casing Diameter 8 inches Water tight cap? Yes No Access Port: Yes No
Casing \geq 12 inches above ground? Yes No - Describe _____
Depth of Casing _____ ft. Method Drilled _____
Condition of Well Casing: Good Fair Poor Describe _____
Control Valve? Yes No Pressure Gauge: Yes No
Condition of Piping and Valving OK
Auger to a depth of _____ ft. Evidence of Annular Seal Yes No
Are there obvious construction problems that may be a source for contamination or waste of water?
 Yes No (Describe in Remarks and Attach Photo - On Reverse)

6. HYDROLOGIC INFORMATION:

Depth to Static Water ? ft. Water Temperature _____ °F
Flowing Artesian Yes No Pressure: _____ (psi)
Water Sample Taken? Yes No If yes, describe purpose _____
Water Quality Measurements/Observations (Describe) _____

7. WELL USE:

Domestic Irrigation Stock
 Test Municipal Industrial
 Abandoned Waste Disposal/Injection Not Used
 Other: COMMERCIAL

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NOV 26 2001

8. POSSIBLE CONTAMINATION SOURCES:

Is there evidence of Chemigation? [] Yes [] No

If yes, is there a check-valve present? [] Yes [] No

Is there a possible source of contamination nearby? [] Yes [] No

If yes, what Type? Fuel tanks - 45,000 gals

How far away from the well is this source? 350' feet

9. REMARKS: (Fuel tanks) just tested - certified no leaks
leak detectors installed

C. Hodges

Signature of Dept. Representative & Title

10/8/93

Inspection Date

PHOTOS, DRAWINGS, OTHER ATTACHMENTS:

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NOV 26 2001

IDAHO DEPARTMENT OF WATER RESOURCES

WELL INSPECTION FORM

P/D #2

1. DRILLING PERMIT NO: N/A OTHER APPLICABLE NO: 63-10372

2. OWNER: BOISE STAGE STOP Phone: 343 1367
Address: _____

3. WELL LOCATION: Twp 1N, Rge. 4E, Sec. 32, NE 1/4 NE 1/4
County _____ (Provide sketch map and photo on reverse.)

4. DRILLER: _____ Lic. No. _____
When Drilled? UNKNOWN

5. WELL CONSTRUCTION:
Casing Diameter ? inches Water tight cap? Yes No Access Port: Yes No
Casing \geq 12 inches above ground? Yes No - Describe 2" lines emerging from
Depth of Casing _____ ft. Method Drilled dirt floor - No mudhead
Condition of Well Casing: Good Fair Poor Describe available
Control Valve? Yes No Pressure Gauge: Yes No
Condition of Piping and Valving _____
Auger to a depth of _____ ft. Evidence of Annular Seal Yes No
Are there obvious constuction problems that may be a source for contamination or waste of water?
 Yes No (Describe in Remarks and Attach Photo - On Reverse)

6. HYDROLOGIC INFORMATION:
Depth to Static Water _____ ft. Water Temperature _____ °F
Flowing Artesian Yes No Pressure: _____ (psi)
Water Sample Taken? Yes No If yes, describe purpose _____
Water Quality Measurements/Observations (Describe) _____

7. WELL USE:
 Domestic Irrigation Stock
 Test Municipal Industrial
 Abandoned Waste Disposal/Injection Not Used
 Other: COMMERCIAL

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MAY 2 5 2001

8. POSSIBLE CONTAMINATION SOURCES:

Is there evidence of Chemigation? Yes No

If yes, is there a check-valve present? Yes No

Is there a possible source of contamination nearby? Yes No

If yes, what Type? Fuel tanks

How far away from the well is this source? 500'

9. REMARKS: Fuel tanks recently certified leak-free.

C. Hodges
Signature of Dept. Representative & Title

10/8/93
Inspection Date

PHOTOS, DRAWINGS, OTHER ATTACHMENTS:

63-4110800

MICROFILMED
MGV 2 6 2001

GENERAL INFO

NAME: George Winje, Gen Mgr

PERMIT #: 63-10372

PHONE #: 343 1367

CASING:

HP: 2 wells,

DYNAMIC:

STATIC:

DEPTH:

PSI:

ACRES IRRIGATED: v. little acreage, rest., showers, truck wash.

SPRINKLER INFO:

LATERALS:

SIZE:

LENGTH:

1000-gal storage tank, pressurized
from there to building

STOCK:

DOMESTICS:

OTHER USES:

OTHER RTS:

DIRECTIONS: Boise Stage Stop

New owner Robert French
Assignment available?

Call w/ claim
fees
63-7571

EXAM DATE: FRIDAY 10/8 9:00 am Call Wed 10/6

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NOV 26 2001

14,000 gal/day

Operation

24 hrs/day 365 day/yr

116 FTE

~~Costs~~

Restaurant

Serving 900 meals/day

Dishwashing
included in customer gals?

Trucker Showers

4500 showers/mo

Store

100 customers/day in restrooms

Truck wash (hand-wash, not recycled)

10-12 washes/day ~ 2000 gal/day

Irrigation

1 acre around mobiles & "greenbelt". Small landscaped area
~~No backflow from 1/2 acre~~

Domestics

2 mobile homes

Fire protection

Direct route to fire hoses

Motel has been closed down

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NOV 26 2001

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 43-10372

Date: 12-12-88

General Considerations:

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

Source of Water:

- _____ Surface water
- Groundwater
- Y(2) 1. well log in file
- N/A 2. drilling permit
- _____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

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

Measuring Device:

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

Remarks:

Proof acceptable

| | | | |
|------------|------------------------------|-------|-------|
| <u>N/A</u> | <u>Priority Calculation:</u> | | |
| | Date proof received | _____ | _____ |
| | Date proof due | _____ | _____ |
| | No. of days late | _____ | _____ |
| | Priority date | _____ | _____ |
| | NEW PRIORITY DATE | _____ | _____ |

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

To: File 6310372

From: Groundwater Protection

Date: 12/12/88

Drilling Permit: Not Applicable
 Found and in file
 Not Found

Well Drillers Report:

Not found, due to reported age of well probably not available
2 Found and is in file
 Not found

Follow-up

Request from permit holder the well drillers report and/or the name of the well driller, *and date drilled.*
 Ask permit holder when well was drilled and notify holder of drilling permit requirement if after July 01, 1987.

*2 - Log -
These are ? probably
the wells. ?*

*OK
js*

MICROFILMED

DEC 25 1988

Department of Water Administration
WELL DRILLER'S REPORT

This form requires that the report be filed with the State Department of Water Administration.

1. WELL OWNER
 Name Stuccys
 Address Crescent Highway 30
 Owner's Permit No. Orchards

2. NATURE OF WORK
 New well Deepened Replacement
 Abandoned (Describe method of abandoning)

3. PROPOSED USE
 Domestic Irrigation Test
 Municipal Industrial Stock

4. METHOD DRILLED
 Cable Rotary Dig Other

5. WELL CONSTRUCTION
 Diameter of hole 8 inches Total depth 7.11 feet
 Casing schedule: Steel Concrete
 Thickness Diameter From To
1/4 inches inches 0 feet 7.11 feet
 inches inches feet feet
 inches inches feet feet
 inches inches feet feet
 inches inches feet feet

Was a packer or seal used? Yes No
 Perforated? Yes No
 How perforated? Factory Knife Torch
 Size of perforation inches by inches
 Number From To
 _____ perforations feet feet
 _____ perforations feet feet
 _____ perforations feet feet

Well screen installed? Yes No
 Manufacturer's name _____
 Type _____ Model No. _____
 Diameter _____ Slot size _____ Set from _____ feet to _____ feet
 Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? Yes No Size of gravel _____
 Placed from _____ feet to _____ feet

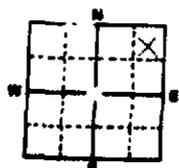
Surface seal? Yes No To what depth 18' feet
 Material used in seal Cement grout Pudding clay

6. WATER LEVEL
 Static water level 11' feet below land surface
 Flooding? Yes No G.P.M. flow _____
 Temperature _____ ° F. Quality _____
 Artesian closed-in pressure _____ p.s.i.
 Controlled by Valve Cap Plug

7. WELL TEST DATA
 Pump Soller Other
 Discharge G.P.M. Run Time Head
48 11' 48

8. LITHOLOGIC LOG

| Main Strat. | Depth | | Material | Notes | |
|-------------|-------|------|---------------|-------|----|
| | From | To | | Yes | No |
| | 0 | 1.5 | Rock and sand | | |
| | 1.5 | 2.5 | Sand | | |
| | 2.5 | 4.5 | GRAVE SAND | | |
| | 4.5 | 6.0 | GRAVE SAND | | |
| | 6.0 | 6.5 | SAND | | |
| | 6.5 | 7.11 | SAND | | |

9. LOCATION OF WELL
 Sketch map location must agree with written location.

 County ADH
NE 1/4 Sec 32 T. 1 N. R. 4 E.

10.
 Work started _____ finished _____

11. DRILLER'S CERTIFICATION
 This well was drilled under my supervision and this report is true to the best of my knowledge.
James McIlroy
 Driller's or Firm's Name
1514 Longmont Ave
11/21 for Russell Cave lot 3-9-77

State law requires that this form be filed with the Department of Environmental Management within 30 days after the completion or abandonment of the well.

3.1.9.1.1982

1. WELL OWNER
 Name KING'S NEWS (SPECIAL REPORT)
 Address 1111 N. HOUSTON, ID
 Owner's Permit No.

7. WATER LEVEL
 Static water level 636 feet below land surface
 Flowing? Yes No G.P.A. flow
 Artesian closed in pressure Yes No
 Controlled by: Valve Cap Plug
 Temperature OF Quality

2. NATURE OF WORK
 New well Deepened Replacement
 Abandoned (describe method of abandonment)

8. WELL TEST DATA
 Pump Bailor Air Other

| Discharge G.P.A. | Pumping Level | Hours Pumped |
|------------------|---------------|--------------|
| <u>2.0</u> | | <u>2.0</u> |

3. PROPOSED USE
 Domestic Irrigation Test Municipal
 Industrial Stock Waste Disposal or Injection
 Other (specify type)

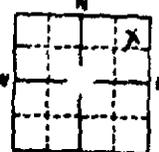
9. LITHOLOGIC LOG

4. METHOD DRILLED
 Rotary Air Hydraulic Reverse rotary
 Cable Dug Other

| Hole Diam. | Depth | | Material | Wat. Yes |
|------------|------------|------------|-----------------------------------|-------------------------------------|
| | From | To | | |
| <u>6</u> | <u>710</u> | <u>740</u> | <u>CLAY FINE SAND (CASING)</u> | <input checked="" type="checkbox"/> |
| <u>5</u> | <u>740</u> | <u>805</u> | <u>SAND (COARSE) HEAVY</u> | <input checked="" type="checkbox"/> |
| <u>6</u> | <u>805</u> | <u>807</u> | <u>COARSE SAND & GRAVEL</u> | <input checked="" type="checkbox"/> |
| <u>6</u> | <u>807</u> | <u>811</u> | <u>WHITE COARSE SAND & G.</u> | <input checked="" type="checkbox"/> |

5. WELL CONSTRUCTION
 Casing schedule: Steel Concrete Other
 Thickest 2.50 inches Diameter 6.75 inches From 1 feet To 810 feet
 Was casing drive shoe used? Yes No
 Was a packer or seal used? Yes No
 Perforated? Yes No
 How perforated? Factory Knife Torch
 Size of perforation _____ inches by _____ inches
 Number _____ perforations From _____ feet To _____ feet
 Well screen installed? Yes No
 Manufacturer's name _____ Type _____ Model No. _____
 Diameter _____ Slot size _____ Set from _____ feet to _____ feet
 Gravel packed? Yes No Size of gravel _____
 Surface seal depth _____ Material used in seal: Cement grout Well cuttings
 Puddling clay Slurry pit Temp. surface casing
 Sealing procedure used: Overbore to seal depth
 Method of joining casing: Threaded Welded Solvent Weld
 Cemented between strata
 Describe access port _____

10. Work started 26 APR 82 finished July 82

6. LOCATION OF WELL
 Sketch map location must agree with written location.

 Subdivision Name _____
 Lot No. _____ Block No. _____
 County ADA
NE 1/4 NE 1/4 Sec 33 T. 1 N. R. 4 E. 1/4

11. DRILLERS CERTIFICATION
 I/We certify that all minimum well construction standards were complied with at the time the rig was removed.
 Firm Name Hiddleston Firm No. 35
 Address McQuinn Home Date 10 May 82
 Signed by (Firm Official) Key
 and (Operator) R. Dark

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

RECORDED

DEC 20 1988

November 18, 1988

James T. Montandon
Amistad Corp.
HC 34, Box 55
Exit 71
Boise, ID 83706

Re: Permit No. 63-10372

Dear Permit Holder:

Returned is your proof of beneficial use form submitted to this office November 15, 1988. Please note the enclosed copy of your application for permit which is approved for water use at a rate of 0.2 cfs.

If the use is for single family domestic and/or stockwater use or the total maximum rate of diversion is 0.04 cfs, a license examination fee is not required to submitted with the proof. Your permit includes two domestic uses, irrigation use (1 acre), fire protection and commercial use with a maximum rate of diversion of 0.2 cfs. Please indicate the rate at which the water is diverted from the well. If the rate is greater than 0.04 cfs, a license examination filing fee is required. The license examination fee based on a rate of flow of 0.2 cfs is \$50. Enclosed is a fee instruction sheet for your use.

Please remit your proof of beneficial use form indicating the total rate of water use for which proof is submitted and potential licensing examination fee as soon as possible. An acceptable proof is due January 1, 1989.

If you have any questions concerning these matters, feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

c: W. Region

MICROFILMED

DEC 23 1988

JAMES MONTANDON
C/O AMISTAD CORP.
HC 34, I-84 EXIT NO. 71
BOISE, ID 837060000

October 31, 1988

138709

PROOF DUE NOTICE

RE: PERMIT NO. 63-10372

Dear Permit Holder:

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

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

Microfilmed

DEC 20 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 63-10372

Name(s) of Permit Holder(s): Amistad Corp

Post Office Address: 1-84 Exit 71
Boise, Ida 83706 Tel. No. _____

I hereby certify that construction of diversion works for the above referenced permit began on 11/30/86 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

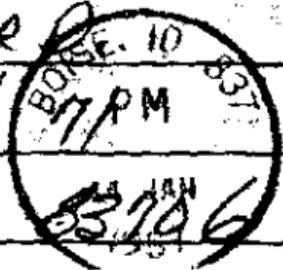
*Note: A financing difficulty is not an acceptable reason.

1/14/87
Date

[Signature]
Signature of Permit Holder

UNRECORDED
DEC 3 1986

Amstar Corp
1-84. Ext
Boise, Ida.



MICROFILMED

DEC 20 1988

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED
JAN 12 1987

BOISE
JAN 6 '87
U.S. MAIL
10 30
POSTAGE WILL BE PAID BY ADDRESSEE

Department of Water Resources

NSA 00 01108611 01/10/87
NOTIFY SENDER OF NEW ADDRESS
RETURN TO SENDER
NO SUCH ADDRESS/INSUFFICIENT
USPS USPS *

add to HC 34
per phone
conversation
1/2/87 kw

Amistad Corp.
c/o James Montandon
I-84, Exit 71
Boise, ID 83706

POSTAGE WILL BE PAID BY ADDRESSEE

JAN 30 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
DECEMBER 31, 1986

AMISTAD CORP.
C/O JAMES MONTANDON
1-84 EXIT NO. 71
BOISE, ID 83706

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-10372

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

PLEASE NOTE THE REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED A FORM ENTITLED "INSTRUCTIONS FOR PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

GARY SPACKMAN
SUPERVISOR, WATER ALLOCATION SECTION

GS: SC
ENCLOSURES

INDEXED

JAN 30 1987

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Jan Shultz

APPLICATION NUMBER: 63-10372

CHECK:

- Source.
- Point of diversion.
- County.
- Quantity of water and period of use.
- Description of diverting works.
- Time required for beneficial use of water.
- Place of use or acres irrigated.
- Map.
- Signature.
- Fee.
- Yes No Field check required.
- Yes No Critical groundwater area.
- Yes No Request dam safety information.
- Yes No* In form to receipt.

Field check by: _____
 Date: _____
 Comments: _____

*Barely outside of area. See Copy B USGS map
- IN THE HOME & MANAGEMENT AREA attached.*

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

SEND COPIES TO:

- Idaho State Health Department. Copies sent by: _____ Date: _____
- Idaho Fish and Game Department. _____
- Idaho Department of Lands. _____
- U.S. Bureau of Land Management. _____
- U.S. Forest Service. _____
- Other _____

PROCESSING:

- Yes No Platted by: _____ Map No. _____
- Yes No Other rights on same place of use. 63-7571 - USE IN TRUCK STOP -
- Yes No* In form for advertising. THIS APP. IS ADDITIONAL USE IN TRUCK MAINTENANCE SHOP.
- Yes No Final date for protests: August 25, 1986 NO GOVT LOTS
- Yes No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- Affidavit of publication received. Date: 8/18/86
- Application published correctly. If not, record action taken: _____
- Fee amount, receipt date & number, recorded on application. 30740504
- Publication dates and paper, recorded on application. Stateman 8/6 & 8/13/86
- Protests, dates, withdrawal, etc., recorded on application.
- Recommendation & initial, recorded on application.
- Yes No Measuring device required.
- Yes No Access port required.
- Yes No Will water be delivered by watermaster? If yes, what district? _____
- 7/28/1986 Date of priority recommended.
- Special/conditions of approval or cover letter. 26A

OK
Recommend reducing construction period to two years
 By: DR Date: 12/8/86

STATE OFFICE REVIEW:

L17 26

See attached sheet for more information.
 By: KW Date: 12/15/86
 Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

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

IDAHO STREAM CODE INDEX

63-10372

AMISTAD CORP.

C/O JAMES MONTANDON, 1-84 EXIT NO. 71, BOISE, ID 83706

Source: GROUNDWATER

Diversion Pt: NENE Sec 32 T 01N R 04E

| | |
|-----------------|-------------|
| Use: IRRIGATION | (0.020 CFS) |
| COMMERCIAL | (0.040 CFS) |
| DOMESTIC | (0.040 CFS) |
| FIRE PROTECTION | (0.2 CFS) |

Date Filed: 07/28/1986

In: NENE Sec 32 T 01N R 04E FOR 1 ACRES

RECORDED

JAN 9 1987