



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](http://www.idwr.state.id.us)

May 19, 2003

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

WESTERN TRUCK STOPS INC  
DBA BOISE STAGE STOP  
23801 S ORCHARD ACCESS RD  
BOISE ID 83716

ROBERT L FRENCH  
1308 W ROBINHOOD DR STE 14  
STOCKTON CA 95207

RE: Transfer No.:70330 - Water Rights 63-10372, 63-7571 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 the APPLICANT 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.

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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.

MICROFILMED

MAY 21 2003

If you have any questions, please contact me at 208-327-7940.

Sincerely,

*Shauna Curtis*

*for* Jeff Peppersack, Manager  
Water Rights Permits Section

JP:klt

Enclosure(s)

MICROFILMED  
MAY 21 2003

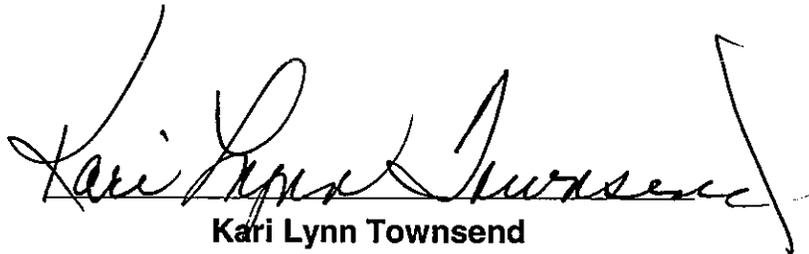
**CERTIFICATE OF SERVICE**

I hereby certify that on May 19, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**RE: TRANSFER NO. 70330 - WATER RIGHTS 63-10372, 63-7571**

**WESTERN TRUCK STOPS INC  
DBA BOISE STAGE STOP  
23801 S ORCHARD ACCESS RD  
BOISE ID 83716**

**ROBERT L FRENCH  
1308 W ROBINHOOD DR STE 14  
STOCKTON CA 95207**



**Kari Lynn Townsend  
Secretary**

**MICROFILMED**

**MAY 21 2003**

**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**

**MAY 21 2003**





State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

April 17, 2003

ENVIRONMENTAL HEALTH  
CENTRAL DISTRICT HEALTH  
707 N ARMSTRONG PL  
BOISE ID 83704

Re: Water Right Applications

Enclosed is a copy of an application(s) which may be of interest to you. Please review the application(s) submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by May 7, 2003.

If you have any questions regarding the application, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Sue".

Sue Taylor

Encl. Copy of Application

MICROFILM

MAY 21 2003

**Taylor, Sue**

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**From:** Taylor, Sue  
**Sent:** Thursday, April 17, 2003 3:49 PM  
**To:** 'Bob\_Mallis@blm.gov'; 'srae@deq.state.id.us'; 'eleitzin@idfg.state.id.us'; 'sspencer@fs.fed.us'; 'dgruenhagen@idl.state.id.us'  
**Cc:** Taylor, Sue  
**Subject:** Applications for comment letters

April 17, 2003

Eric Leitzinger, IDFG  
Bob Mallis, BLM  
Steve Rae, DEQ  
Steve Spencer, USFS  
Dave Gruenhagen, IDL

Dear Sirs:

Attached are copies of one or more applications that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by May 7, 2003.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,

Sue Taylor  
ID Dept Water Resources

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MAY 21 2003

4/17/2003

WORKFLOW SHAPE COMPLETED  
FOR XFER 70330  
BY DAN NELSON

MICROFILMED  
MAY 21 2003



**MEMORANDUM**

TO: ~~STEVE LESTER~~ *File*

FROM: DANIEL A. NELSON *DAN*

DATE: 6/7/02

SUBJECT: BOISE STAGE STOP

I met with George Winje with the Boise Stage Stop today and went over his water rights. I recommended and he agreed to file a transfer on both water rights 63-7571 and 63-10372 to add all the wells associated with the stage stop. There are basically 2 separate systems, one for public drinking supply and one for truck wash and bathroom use, but they are connected at the fire protection tank. Both systems can feed the tank and all four wells can fill the tank at one time. The public drinking supply system does not directly feed the tank, but they do have a gravity line that can fill the tank in an emergency. So I feel that the two systems are connected at the fire tank and one transfer can be filed for both systems. Cindy Hodges licensed 63-10372 this way in 1993.

Mr. Winje took the transfer form back to the owner of the property to have it signed and send it back.

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MAY 21 2003

## MEMORANDUM

TO: FILE  
FROM: DANIEL A. NELSON  
DATE: 2/7/2003

**RE: WESTERN TRUCK STOP INC. DBA BOISE STAGE STOP TRANSFER,  
RIGHT 63-7571& 65-10372**

The transfer proposes to add 2 wells to these water rights. After the transfer there will be 4 wells listed on each water right. There will be a well in the NENE S32 and a well in the NWNE S32, and two wells listed in the SWSE S29, T1N R4E. The place of use will also be adjusted to the land owned by the applicant to include the N ½ of the NE S32 and S ½ of SE S29 T1N R4E. The place of use is also known as the Boise Stage Stop on Interstate 84 near Mountain Home.

### DOCUMENTS AND APPLICATION PREPARATION

The application consists of 8 pages and 5 attachments. Note the location of the following application items

- Attach. A – Water Right listing for section 4 Page one of transfer.
- Attach. B – State of Idaho Operating License for Western Truck Stops, Inc. showing Robert French and sole owner (B1-B5).
- Attach. C – United States Marshall's Deed showing ownership of property to Robert French (C1-C5).

Applicant prepared the application.

Other information used in this review includes a diagram of water delivery system attached to this memo.

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FEB 07 2003

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MAY 21 2003

**AUTHORITY TO FILE:**

The applicant supplied information that shows Western Truck Stops Inc. owns and operates the Boise Stage Stop. The owner of Western Truck Stops Inc. is Robert French who is the sole owner of that corporation. Therefore, ownership to file this transfer has been proven.

**WATER RIGHT VALIDITY:**

The 1987 aerial photo showing the wells supplied by Rob Whitney show that the place of use was in operation, and Mr. Whitney visited the site to inspect the wells in 2002, and reported that the wells were in use this year, satisfying the issue of use in the last 5 years. During Mr. Whitney's inspection, he discovered that there were 4 wells tied into the system for the truck stop without a water right attached to them. The owner of the truck stop has filed this transfer to update his records and correct this situation.

**INJURY TO OTHER WATER RIGHTS:**

The latest well for this transfer was drilled in 1994, and we have not received any information that they caused any harm or injury during the past 8 years.

**ENLARGEMENT OF USE:**

The owner of the facility does not seem to have exceeded his water right usage. He only drilled the wells to enhance his diversion capabilities and neglected to file a transfer ahead of time.

**LOCAL PUBLIC INTEREST:**

This facility has been in use for a number of years. Our office has no information to suggest that this application is not within the local public interest.

**BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:**

this facility proposes beneficial use consistent with conservation of water resources in Idaho and has been operating using licensed water rights with the State of Idaho.

**Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of the application.**

**NARATIVE**

The license was unclear about the location of the irrigation. They placed the irrigation only in the NENE S32. However, the field exam states that the irrigation was for landscaping and yards around the facility. The facility is actually located within 4-¼ ¼'s and the landscaping includes a windbreak consisting of trees that encircles the perimeter of the truck stop. Therefore, I instructed the applicant to just mark an "X" in the legal description for the place of use since each ¼ ¼ section would have approximately .25 acres of irrigation. However, after speaking with State Office staff, I was instructed to divide the 1-acre of irrigation as equally as possible into the four sections being irrigated.

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MICROFILMED FEB 07 2003

MAY 21 2003

There are no overlapping water rights in this area other than two rights involved in this transfer.

### CONDITIONS AND SUGGESTIONS

This transfer seems acceptable as listed on the front page of the transfer with the inclusion of the following conditions:

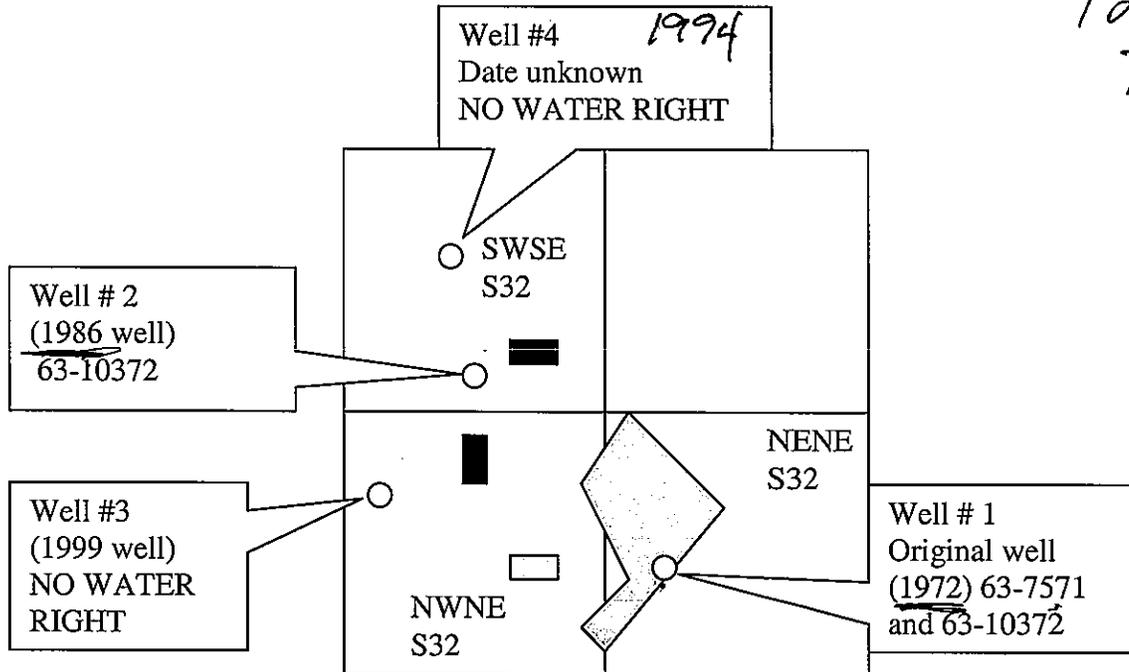
63-7571 → 046, T07, T08, T09, T17, WB4

63-10372 → 046, T07, T08, T09, T17, 077, R68, WB4, WB5

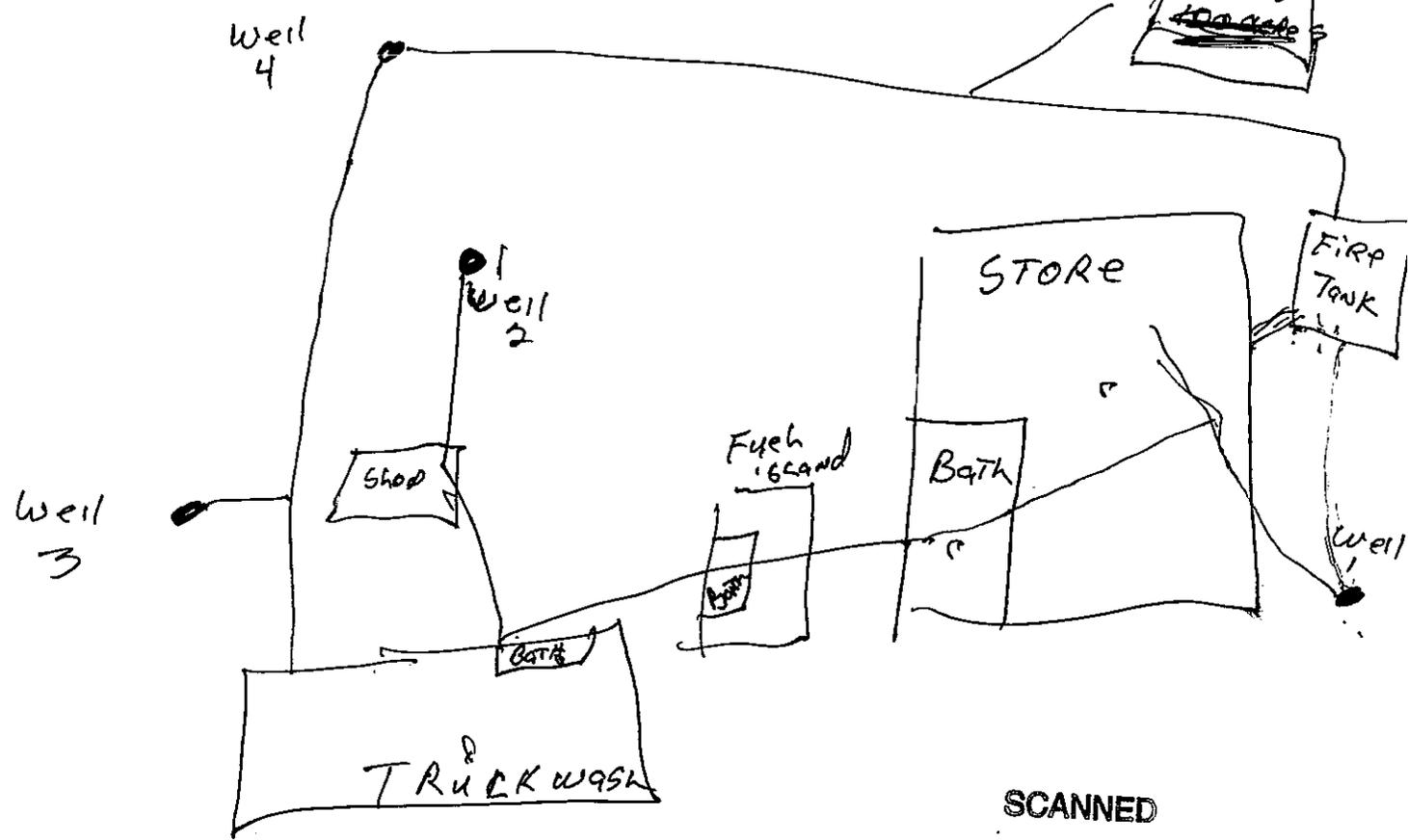
SCANNED  
FEB 07 2003

MICROFILMED  
MAY 21 2003

1200  
TREES



IRRIG  
OF TREES  
~~IRRIG~~



SCANNED  
DEC 20 2002

MICROFILMED  
MAY 21 2003



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

April 09, 2003

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

**Legal Notice Department**

IDAHO STATESMAN

PO BOX 40

BOISE ID 83707

RE: Application for Permit Nos. 63-31568, 63-31656, 63 31658 and  
Application for Transfer No. 70330

**Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find four legal notices which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 05/05/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor  
Senior Secretary

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MAY 21 2003

SCANNED

APR 10 2003

NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 70330

WESTERN TRUCK STOPS INC  
DBA BOISE STAGE STOP  
23801 S ORCHARD ACCESS RD

BOISE ID 83716, has filed Application No. 70330 for changes to the following water rights within ADA County:

Right No. 63-10372  
Priority 7/28/1986  
Source GROUND WATER  
Use FIRE PROTECTION (0 acres) 0.02 CFS 4.0 AFA  
COMMERCIAL (0 acres)  
IRRIGATION (1 acres)  
DOMESTIC (0 acres)  
Total Amount 0.20 CFS 16.7 AFA  
Point(s) of Diversion S32 T01N R04E  
S32 T01N R04E  
Place of Use S32 T01N R04E

Right No. 63-7571  
Priority 3/21/1972  
Source GROUND WATER  
Use COMMERCIAL (0 acres) 0.09 CFS 4.0 AFA  
Total Amount 0.09 CFS 4.0 AFA  
Point(s) of Diversion S29 T01N R04E  
S32 T01N R04E  
Place of Use S32 T01N R04E

Remark: The transfer proposes to add 2 wells to these water rights. After the transfer there will be 4 wells listed on each water right. There will be a well in the NENE S32 and a well in the NWNE S32, and two wells listed in the SWSE S29, T1N R4E. The place of use will also be adjusted to the land owned by the applicant to include the N 1/2 of the NE S32 and S 1/2 of SE S29 T1N R4E. The place of use is also known as the Boise Stage Stop on Interstate 84 near Mountain Home.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before May 05, 2003. The protestant must also send a copy of the protest to the applicant.

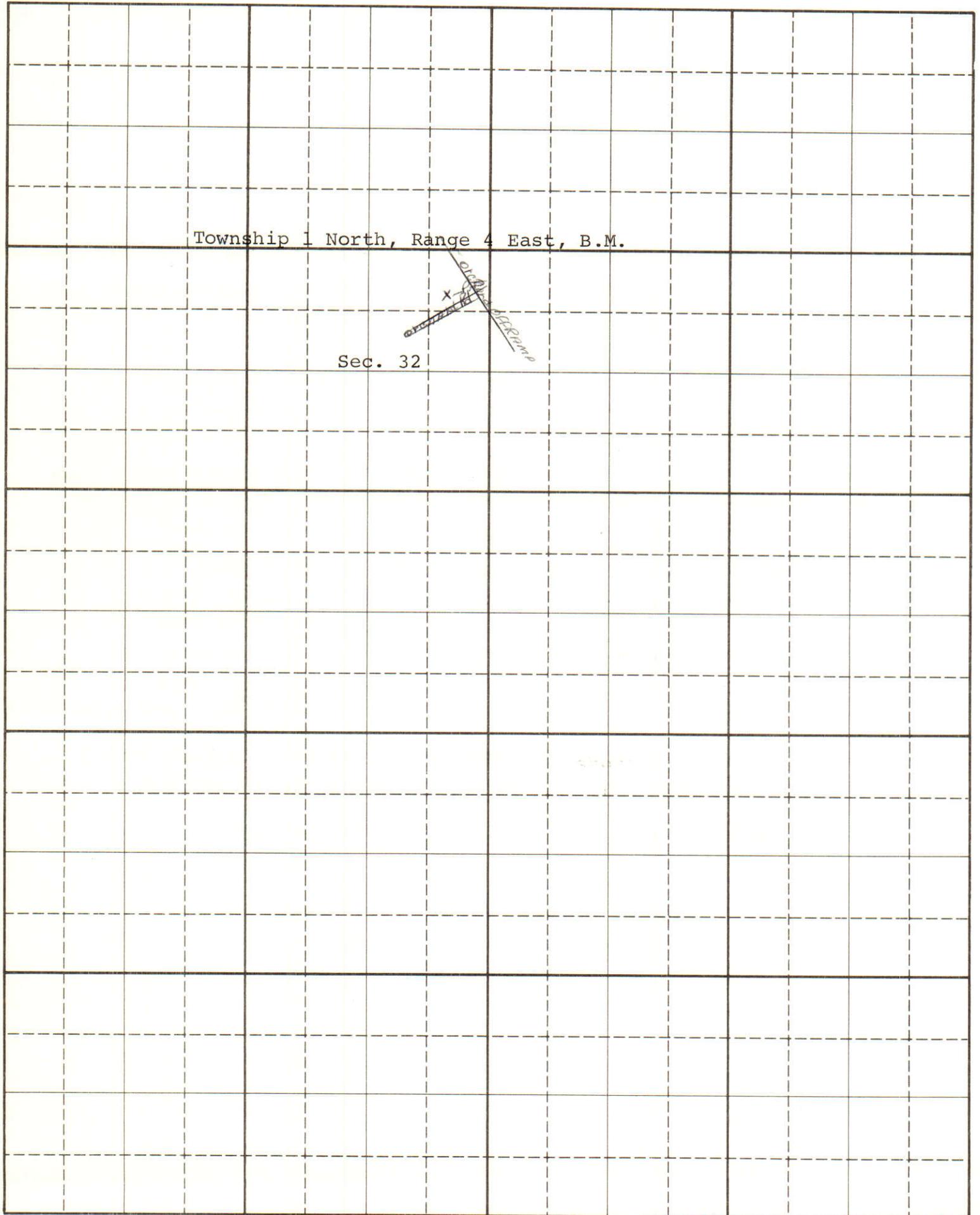
KARL J DREHER, Director

Published in the Idaho Statesman on April 17 and 24, 2003.

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MAY 21 2003

SCANNED  
APR 10 2003

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



Scale: 2 inches equal 1 mile

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

*Joseph H. Chachabery*  
\_\_\_\_\_  
(Applicant)

63 7571

RECEIVED  
MAY 10 1972  
Department of Water Administration

STATE OF IDAHO )  
                  ) ss.  
COUNTY OF ADA )

Georgene Davis, 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 regular edition of The Idaho Statesman for

Two ~~consecutive~~ consecutive insertions, beginning with the issue of March 30, 19 72, and ending with the issue of April 6, 19 72.

Georgene Davis

Subscribed and sworn to before me this 7th day of April, 19 72.

Jana A Young

Notary Public for Idaho, Residing at Boise, Idaho

NOTICE OF APPLICATION FOR WATER PERMIT  
Notice is hereby given that Stuckey's dba Pacan Shoppe of Boise, Idaho, Inc., P.O. Box 4408, Colorado Springs, Colorado, has on March 21, 1972 submitted Application No. 63-7571 for a permit to appropriate 0.2 cubic feet per second of water from a ground water source by means of well within the NE 1/4 NE 1/4, Sec. 32, T. 1N, R. 4E, B.M., Ada County to be used from Jan. 1 to Dec. 31 for commercial purposes within the NE 1/4 NE 1/4, Sec. 32, T. 1N, R. 4E, B.M.  
If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before April 17, 1972.  
R. KEITH HIGGINSON,  
Director  
Pub. March 30, April 6, 1972 945

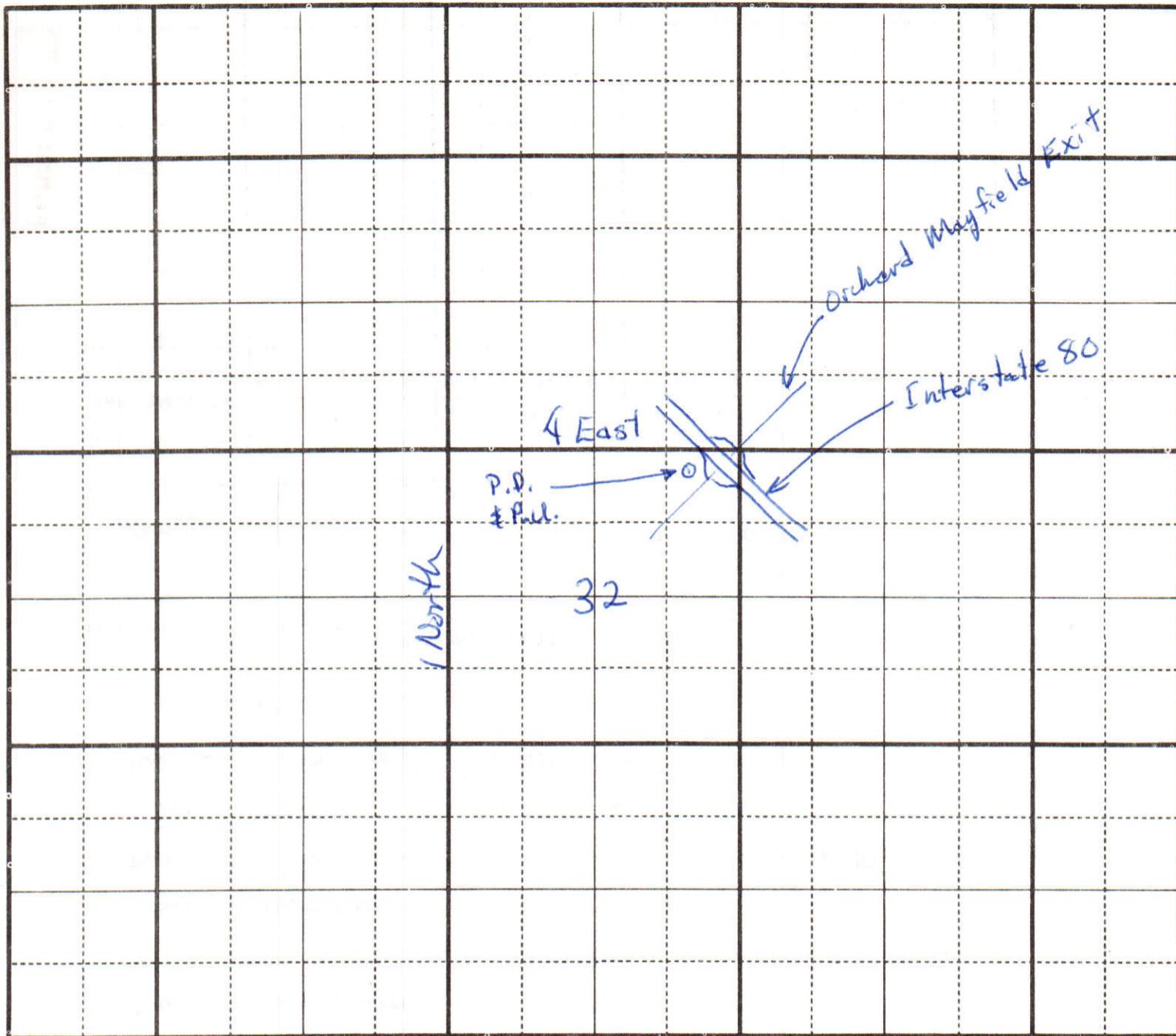


Diagram of System

RECEIVED

STATE OF IDAHO

Transfer No. 70330

Page JUL 18 2002 of \_\_\_\_\_

DEPARTMENT OF WATER RESOURCES

WATER RESOURCES  
WESTERN REGION

### APPLICATION FOR TRANSFER OF WATER RIGHT

Western Truck STOPS PART 1

Name of applicant BOA Boise Stag Stop Phone 208-343-136  
Post Office address 23801 S. Orchard Access Rd Boise Id  
83716

#### A. PURPOSE OF TRANSFER

- 1.  Change point of diversion  Add diversion point(s)  Change place of use
- Change nature of use  Change period of use  Other \_\_\_\_\_

2. Describe the reason for the proposed changes Combine all wells to  
water right.

#### B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>See ATTACH A</u>				to _____
				to _____
				to _____
				to _____

2. Total amount of water being transferred \_\_\_\_\_ cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

3. Source of water Ground Water tributary to \_\_\_\_\_

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	32	1N	4E	Ada	#1 - Prime Well
		NW	NE	32	1N	4E	Ada	T/W Well #9418
		SW	SE	29	1N	4E	ADA	#2
		SW	SE	29	1N	4E	ADA	#4

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	4E	32	X	X															.5
1N	4E	32															X	X	.5

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MAY 21 2003

Total acres 1

**PART 1**

6. General Information:

a. Description of diversion system 2 week To T/W FIRE TANK  
& Rest Rooms - 2 weeks - Mobile Homes - Commerc.  
Use @ Truck Stop (Rest/Food Prep) FIRE TANK

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:  
none

d. Remarks:  
Adding 4 weeks To Water Right's  
2 ea Systems - 1 public Drinking (Potable)  
1 Irr / Fire Proct / NONPOTABLE  
BOTH Systems Feed Fire Tank BY gravity

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_

And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

**SCANNED**

DEC 20 2002 MICROFILMED

MAY 21 2003

IDAHO DEPARTMENT OF WATER RESOURCES  
 Adjudication Claim Report 63-7571

WATER RIGHT NUMBER: 63-7571

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	STUCKEYS 2860 S CIRCLE N 320 COLORADO SPRINGS, CO 80906
Original Owner	PECON SHOPPE OF BOISE  BOISE, ID 83706
Original Owner	BOISE STAGE STOP I-84 EXIT 71 BOISE, ID 83706 (208)343-1367
Current Owner	ROBERT L FRENCH 1308 W ROBINHOOD DR STE 14 STOCKTON, CA 95207

Priority Date: 03/21/1972

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	1/01 to 12/31	0.090 CFS	4.00 AF
	<u>Total Diversion:</u>	0.090 CFS	4.00 AF

Location of Point(s) of Diversion

GROUND WATER ADA County	NE1/4NE1/4	Sec. 32, Twp 01N, Rge 04E, B.M.
GROUND WATER ADA County	SW1/4SE1/4	Sec. 29, Twp 01N, Rge 04E, B.M.

Place of Use

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE													
01N	04E	32	X																

Conditions of Approval:

Remarks:

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**DEC 20 2002**  
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**MAY 21 2003**

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-7571

1. Explanatory COMMERCIAL USE IS FOR RESTAURANT, 11 SHOWERS, RESTROOMS, STORE, AND REPAIR FACILITY KNOWN AS BOISE STAGE STOP.
2. General Boise Stage Stop replaced the old Stuckeys and commercial use under this right has not changed, but has been expanded by the addition of restaurant, truck wash, etc. Expanded use is authorized under 63-10372.
3. Explanatory WELL IN SWSE WAS ADDED AS POINT OF DIVERSION IN 1986.

Comments:

Dates and Other Information:

Claim Received Date: 5/15/2002  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal: S  
Owner Name Connector:  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

SCANNED

DEC 20 2002  
MICROFILMED

MAY 21 2003



IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 63-10372

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  
DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE													
01N	04E	32	X																

Conditions of Approval:

- 077 Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
- R64 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.

Remarks:

- Commercial use is for truck stop, restaurant and store.
- General Rights 63-07571 and 63-10372 when combined shall not exceed a total diversion rate of 0.20 cfs.
- General Domestic use is for 2 homes and does not include lawn, garden, landscape, or other types of irrigation.

Comments:

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**DEC 20 2002**  
MICROFILMED  
**MAY 21 2003**

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?  
NO If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

2. Point(s) of Diversion:

No Change

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals			
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				

Total acres \_\_\_\_\_

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals				
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					

SCANNED  
DEC 20 2002

MICROFILMED  
MAY 29 2003

Total acres \_\_\_\_\_

Water Right No's. 63-10372 & 63-7571

Well#4 SWSE

Well#2 1986

Well#3 1999 Tag#9418

BOIST STAGE STOP

999 928

S32 S33

Original Well 1072

11W11E

11E11E

SCANNED BY MICROTERRA  
DEC 20 2002 11:24 AM

**PART 3**

**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>NA</u>			_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:  
NA

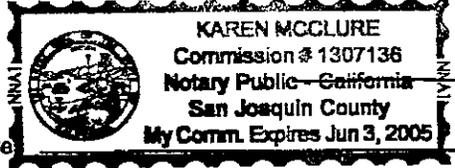
3. Describe effects on other water uses resulting from the proposed change:  
NO EFFECT, NO EXPANSION OF WATER USE

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

[Signature] ROBERT L. FRENCH  
 (Signature of Applicant)

Subscribed and sworn to before me this 1st day of July, 2002



Karen McClure  
 (Notary Public)

My commission expires \_\_\_\_\_

**FOR DEPARTMENT USE ONLY**

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by DAN Date 7-18-02 Protest filed by \_\_\_\_\_

Prelim. check by \_\_\_\_\_ Fee \$100.00

Received by DAN Date 7-18-02 W029475

Published in THE IDAHO STATESMAN Copies of protest forwarded by \_\_\_\_\_

Pub. dates 4-17 & 24-03 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for  approval  denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

SCANNED

MICROFILMED 2/19/2002

MAY 21 2003

4. Water will be used for the following purposes:

<b>WATER RIGHT</b>	<b>AMOUNT cfs or afa</b>	<b>PROPOSED USE</b>	<b>FROM</b>	<b>TO</b>
63-7571	0.09/4.0	COMMERCIAL	1/1	12/31
63-10372	0.20/	FIRE PROTECTION	1/1	12/31
63-10372	0.04/11.5	COMMERCIAL	1/1	12/31
63-10372	0.04/1.2	DOMESTIC	1/1	12/31
63-10372	0.02/4.0	IRRIGATION	3/15	11/15
			<b>TOTAL CFS</b>	<b>TOTAL AFA</b>
			0.20	20.7

SCANNED  
DEC 20 2002  
MICROFILMED  
MAY 21 2003

Attachment A

<b>No. C 84554</b> Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080  <b>NO FILING FEE IF          RECEIVED BY DUE DATE</b>	<b>Due no later than August 31, 2000          Annual Report Form</b> 1. Mailing Address - Correct in this box, if applicable: WESTERN TRUCK STOPS, INC. TAX DEPARTMENT 1308 W. ROBINHOOD DR., #14  STOCKTON, CA 95207	2. Registered Agent and Office Name ROBERT L. FRENCH BOISE STAGE STOP I-84 MAYFIELD EXIT 71 BOISE, ID 83706  3. <u>New</u> Registered Agent Signature												
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors. <table border="1"> <thead> <tr> <th><u>Office held</u></th> <th><u>Name</u></th> <th><u>Street or P.O. Address</u></th> <th><u>City</u></th> <th><u>State</u></th> <th><u>Zip</u></th> </tr> </thead> <tbody> <tr> <td>President</td> <td>R.L. French</td> <td>1308 Robinhood Dr #14</td> <td>Stockton</td> <td>CA</td> <td>95207</td> </tr> </tbody> </table>			<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	President	R.L. French	1308 Robinhood Dr #14	Stockton	CA	95207
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>									
President	R.L. French	1308 Robinhood Dr #14	Stockton	CA	95207									
5. Organized Under the Laws of:  DELAWARE C 84554	6. Signature  Name (Typed or Printed) <u>D. Macraife</u> Date <u>9-15-00</u> Title: <u>Controller</u>													

Issued 09/11/2000

Do Not Tape or Staple

SCANNED  
 MICROFILMED DEC 20 2002  
 MAY 21 2003



## APPLICATION FOR CERTIFICATE OF AUTHORITY

To the Secretary of State of Idaho.

Pursuant to Section 30-1-110, Idaho Code, the undersigned Corporation hereby applies for a Certificate of Authority to transact business in your State, and for that purpose submits the following statement:

- SECRETARY OF STATE  
87 AUG 12 AM 8 52
1. The name of the corporation is WESTERN TRUCK STOPS, INC.
  2. \*The name which it shall use in Idaho is WESTERN TRUCK STOPS, INC.
  3. It is incorporated under the laws of DELAWARE
  4. The date of its incorporation is JUNE 29, 1987 and the period of its duration is INDEFINITE
  5. The address of its principal office in the state or country under the laws of which it is incorporated is 725 Market St.; Wilmington, DE 19801
  6. The street address of its proposed registered office in Idaho is First Interstate Bank Building; Suite 1010; PO Box 1559; Boise, ID 83701, and the name of its proposed registered agent in Idaho at that address is Carl P. Burke
  7. The purpose or purposes which it proposes to pursue in the transaction of business in Idaho are: RETAIL FUEL SALES

8. The names and respective addresses of its directors and officers are:

Name	Office	Address
<u>ROBERT L. FRENCH</u>	<u>PRESIDENT</u> Sec./Treas/Director	<u>1717 EAST LINCOLN AVE.</u> <u>WANAHEIM, CA 92801</u>

9. The aggregate number of shares which it has authority to issue, itemized by classes, par value of shares, and shares without par value, is:

Number of Shares	Class	Par Value Per Share or Statement That Shares Are Without Par Value
<u>1000</u>	<u>Common</u>	<u>0</u>

SCANNED

MDES 2-0-2002

(continued on reverse)

10. The aggregate number of its issued shares, itemized by classes, par value of shares, and shares without par value, is:

Number of Shares	Class	Par Value Per Share or Statement That Shares Are Without Par Value
500	COMMON	0

11. The corporation accepts and shall comply with the provisions of the Constitution and the laws of the State of Idaho.

12. This Application is accompanied by a copy of its articles of incorporation and amendments thereto, duly authenticated by the proper officer of the state or country under the laws of which it is incorporated.

Dated JULY 21, 19 87.

By [Signature]  
Its [Signature] President  
and [Signature]  
Its [Signature] Secretary

STATE OF California )  
COUNTY OF Orange ) ss:

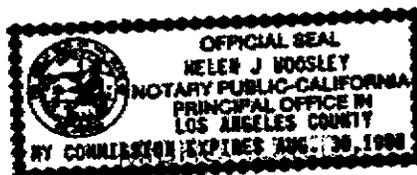
I, Helen J. Woolley, a notary public, do hereby certify that on this 27<sup>th</sup> day of July, 19 87, personally appeared before me ROBERT L. FRENK, who being by me first duly sworn, declared that he is the PRESIDENT of WESTERN TRUCK STOPS, INC.

that he signed the foregoing document as PRESIDENT of the corporation and that the statements therein contained are true.

Helen J. Woolley  
Notary Public

\*Pursuant to section 30-1-108(b)(1), Idaho Code, if the corporation assumes a name other than its true name, this application must be accompanied by a resolution of the Board of Directors to that effect.

SCANNED  
DEC 20 2002





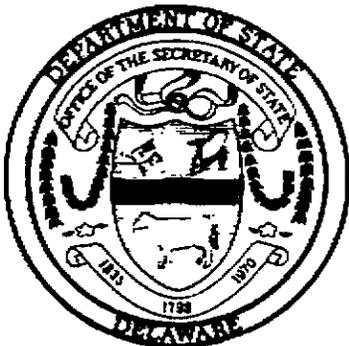
RECEIVED  
SEC. OF STATE

87 AUG 12 AM 8 53

Office of Secretary of State

I, MICHAEL HARKINS, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY WESTERN TRUCK STOPS, INC. IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE DATE SHOWN BELOW.

! ! ! ! ! ! ! ! ! !



767213001

*Michael Harkins*  
Michael Harkins, Secretary of State

AUTHENTICATION: 11350184

DATE:

SCANNED 08/05/1987  
MICROFILMED

DEC 20 2002

MAY 21 2003

After Recording  
Return to:

Michael T. Spink  
Spink & Butler  
P.O. Box 639  
Boise, ID 83701

ADA COUNTY RECORDER  
J. DAVID NAVARRO  
BOISE, IDAHO

1999 OCT 21 PM 4:49

RECORDED - REQUEST OF

Spink  
Butler  
FEE 15.00  
DEPUTY

99103592

99103592

FOR RECORDING INFORMATION

### UNITED STATES MARSHAL'S DEED

THIS DEED, made this 21 day of October, 1999, by James H. Benham, United States Marshal for the District of Idaho, by virtue of his office, and Robert L. French, 1308 West Robinwood Drive, Suite 14, Stockton, California 95207;

WHEREAS, by virtue of a sale conducted following the issuance of the December 28, 1993, Order of Sale, which order was issued pursuant to an amended Judgment entered September 2, 1993, by the United States District Court for the District of Idaho, in favor of the United States of America, plaintiff, and against the defendant Amistad, Inc., et.al.,

AND WHEREAS, the Order of Sale issued out of the above-named court, under the authority of which the U.S. Marshal was commanded to satisfy the judgment by levying on and selling all property which the defendant had a substantial nonexempt interest, and by executing upon the real property described below:

A portion of the Southeast quarter of Section 29, Township 1 North, Range 4 East, Boise-Meridian, Ada County, Idaho, and a portion of the Northeast quarter of Section 32, Township 1 North, Range 4 East, Boise-Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the quarter corner common to said Sections 29 and 32, Township 1 North, Range 4 East, Boise-Meridian, Ada County, Idaho; thence South 89°58'00" East along the section line common to said Sections 29 and 32, 1636.00 feet to a point being a right-of-way marker on the West right-of-way of the Orchard Off Ramp, said point being marked by a concrete and brass cap designated P.O.S.L., said point being the REAL POINT OF BEGINNING; thence South 28°26'54" East along the West right-of-way of the Orchard Off Ramp,

SCANNED

124.00 feet to a point; thence leaving said right-of-way South 51°45'40" West 499.40 feet to a point; thence South 26°22'42" East 442.60 feet to a point on the Northerly right-of-way line of Orchard Road; thence south 51°45'40" West along the Northerly right-of-way line of Orchard Road, 250.00 feet to a point; thence leaving said right-of-way North 29°40'17" West 1962.97 feet to a point, said point being station 18 on the Southerly boundary of Indian Creek Reservoir as so designated in a complaint filed November 10, 1928, as Case No. 12138; thence North 82°35'00" East 370.00 feet to a point, said point being station 17 on the Southerly boundary of Indian Creek Reservoir as so designated in said complaint; thence South 79°17'00" East 563.27 feet to a point, said point being the intersection of the Southerly boundary of Indian Creek Reservoir and the Westerly boundary of Interstate 84 North right-of-way; thence leaving said Southerly boundary of Indian Creek Reservoir South 38°14'20" East along the Westerly boundary of said Interstate 84 North, 84.12 feet to a point, said point being a right-of-way marker on the Orchard Off Ramp; thence South 28°26'54" East along said Westerly boundary of said Orchard Off Ramp 697.36 feet to a point, said point being the REAL POINT OF BEGINNING.

EXCEPT ditch and road rights-of-way and any portion lying within Indian Creek Reservoir.

Real property situate in the County of Ada, State of Idaho, more particularly described as follows, to-wit:

A tract of land in the Northeast Quarter of Section 32, Township 1 North, Range 4 East, Boise Meridian, more particularly described as follows:

Beginning at the Quarter corner common to Sections 29 and 32, Township 1 North, Range 4 East, Boise Meridian; thence South 89°58' East 1,636 feet to a right-of-way marker on the West right-of-way of the Orchard Off Ramp, said point being marked by a concrete and brass cap designated P.O.S.L. indicating the POINT on section line; thence South 28°26'54" East a distance of 124 feet along the said right of way line to an iron pin, the TRUE POINT OF BEGINNING; thence South 51°45'40" West a distance of 499.4 feet to an iron pin; thence South 26°22'42" East a distance of 442.6 feet to an iron pin on the Northerly right of way line of the Orchard Road; thence North 51°45'40" East along the Northerly right of way line of the Orchard Road a distance of 453.6 feet to a concrete right of way monument on said right of way; thence North 16°13'25" East a distance of 86 feet to a right of way monument on the Westerly right of way of the Orchard Off Ramp; thence North 28°26'54" West along the Westerly right of way line of the Orchard Off Ramp, a distance of 389 feet to the TRUE POINT OF BEGINNING.

SAVE and EXCEPT that certain exception in Warranty Deed recorded on May 26, 1972, at 8:00 a.m. as Instrument No. 807426, records of Ada County, Idaho, as follows:

"Reserving unto the parties of the first part, their heirs, successors and assigns, the present interest of the parties of the first part in and to the oil, gas and other minerals in, upon, and under and that may be produced from the premises above described, subject to the right of the party of the second part to fully enjoy the surface estate therein, and expressly reserving to the parties of the first part the exclusive right to lease the above described premises for the purposes of oil, gas or other mineral development thereon subject to said right of the party of the second part to fully enjoy the said surface estate."

AND WHEREAS, in obedience to said Order of Sale, and after due public notice was given as required by law, the said Marshal did, on the 18<sup>th</sup> day of February, 1994 at 1:00 p.m., duly sell at public auction the premises described to Robert L. French for \$891,000, that being the highest and best bid and Robert L. French the highest and best bidder, whereupon the said Marshal gave to said purchaser such Certificate of Sale.

NOW THEREFORE, I, James H. Benham, United States Marshal for the District of Idaho, by virtue of my office, for and in consideration of \$891,000, have sold and by these presents do sell the real property situated in the County of Ada, State of Idaho:

A portion of the Southeast quarter of Section 29, Township 1 North, Range 4 East, Boise-Meridian, Ada County, Idaho, and a portion of the Northeast quarter of Section 32, Township 1 North, Range 4 East, Boise-Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the quarter corner common to said Sections 29 and 32, Township 1 North, Range 4 East, Boise-Meridian, Ada County, Idaho; thence South 89°58'00" East along the section line common to said Sections 29 and 32, 1636.00 feet to a point being a right-of-way marker on the West right-of-way of the Orchard Off Ramp, said point being marked by a concrete and brass cap designated P.O.S.L., said point being the REAL POINT OF BEGINNING; thence South 28°26'54" East along the West right-of-way of the Orchard Off Ramp, 124.00 feet to a point; thence leaving said right-of-way South 51°45'40" West 499.40 feet to a point; thence South 26°22'42" East 442.60 feet to a point on the Northerly right-of-way line of Orchard Road; thence south 51°45'40" West along the Northerly right-of-way line of Orchard Road, 250.00 feet to a point; thence leaving said right-of-way North 29°40'17" West 1962.97 feet to a point, said point being station 18 on the Southerly boundary of Indian Creek Reservoir as so designated in a complaint filed November 10, 1928, as Case No. 12138; thence North 82°35'00" East 370.00 feet to a point, said point being station 17 on the Southerly boundary of Indian Creek Reservoir as so designated in said complaint;

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"Reserving unto the parties of the first part, their heirs, successors and assigns, the present interest of the parties of the first part in and to the oil, gas and other minerals in, upon, and under and that may be produced from the premises above described, subject to the right of the party of the second part to fully enjoy the surface estate therein, and expressly reserving to the parties of the first part the exclusive right to lease the above described premises for the purposes of oil, gas or other mineral development thereon subject to said right of the party of the second part to fully enjoy the said surface estate."

TO HAVE AND TO TOLD, the above-described premises unto said grantees and assigns forever.

IN WITNESS WHEREOF, said grantor as Marshal aforesaid, doth hereunto set his hand the day and year first above written.



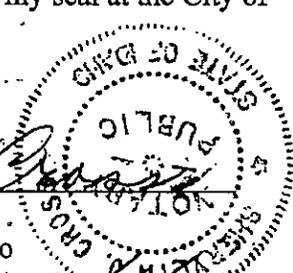
*James H. Benham*  
JAMES H. BENHAM  
United States Marshal  
for the District of Idaho

STATE OF IDAHO )  
                          ) ss.  
County of Ada     )

I, the undersigned, a Notary Public for the State of Idaho, do hereby certify that James H. Benham, United States Marshal for the District of Idaho, who is known to me to be the person who executed the foregoing United States Marshal's Deed, this day personally appeared before me and acknowledged that he executed the same as said United States Marshal for the District of Idaho, for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal at the City of Boise, State of Idaho, this 21<sup>st</sup> day of October, 1999.

*Stacy Lynn J. ...*  
NOTARY PUBLIC  
Residing at Boise, Idaho  
My Commission Expires: 12/1/2002



# Idaho Department of Water Resources Receipt

Receipt ID W029475

Payment Amount  Date Received  Region  Status

Payment Type  Check Number

Payer Comment 

## Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$100.00	TRANSFERS	0229	21	62105	1155

  
 Signature Line (Dept. Representative)

MICROFILMED

MAY 21 2003

Water Right No's. 63-10372 & 63-7571

Well#4 SWSE



BOISE STAGE STOP

Well#2 1986



S29 S28

Well#3 1999 Tag#9418



S32 S33

originalwell 1972



NWNE

NENE

SCANNED BY MED  
DEC 28 2002 2:03

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.

  
Director

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING  
DEVICE REQUIREMENT FOR PERMIT NO. 63-7571  
IN THE NAME OF STUCKEY'S DBA PECAN SHOPPE OF  
BOISE, IDAHO, INC.

ORDER

WHEREAS, on March 21, 1972, Stuckey's dba Pecan Shoppe of Boise, Idaho, Inc. applied to the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate 0.20 cubic feet per second of groundwater from within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, Twp. 1N, Rge. 4E, B.M., Ada County, to be used for commercial purposes; and,

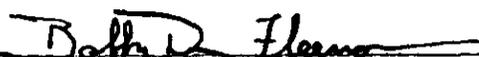
WHEREAS, on May 17, 1972, the Department approved said application and issued Permit No. 63-7571 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before May 1, 1977, and that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on April 21, 1977, the Department received the required proof of application of water to beneficial use along with a request that the measuring device requirement be removed from said permit; and,

WHEREAS, it has been determined by the Department that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from Permit No. 63-7571.

Dated this 28 day of April, 1977.

  
BOBBY D. FLEENOR  
Chief, Water Rights Bureau

MICROFILMED

Identification No. 63-7571

Application No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION

**APPROVED**

**APPLICATION FOR PERMIT**

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

Power of Attorney:  
Joseph J. Thackaberry  
P.O. Box 1603, Boise

1. Name of applicant Stuckey's Old Pecan Shoppe of Boise, Idaho, Inc.  
post office address P. O. Box 4408, Colorado Springs, Colorado 80909

2. Source of water supply subterranean which is a tributary of \_\_\_\_\_

3. a. Location of point of diversion is NE ¼ of NE ¼ of Section 32 Township 1 N  
Range 4 E B.M. Ada County; additional points of diversion if any: \_\_\_\_\_

b. If water is not consumed, it will be discharged into \_\_\_\_\_ at a point in \_\_\_\_\_ ¼  
of \_\_\_\_\_ ¼ of Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M. \_\_\_\_\_

4. Water will be used for the following purposes:  
Amount .2 cfs commercial purpose from Jan. 1 to Dec. 31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purpose from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:  
a. .2 cubic feet per second and/or  
b. \_\_\_\_\_ acre feet per annum.

6. Proposed diverting works:  
a. Description of ditches, flumes, pumps, headgates, etc. well 6" x 300'  
\_\_\_\_\_  
\_\_\_\_\_

b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre feet; total reservoir  
capacity \_\_\_\_\_ acre feet, materials used in storage dam: \_\_\_\_\_  
Period of year during which storage will occur \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Mo. Day) (Mo. Day)

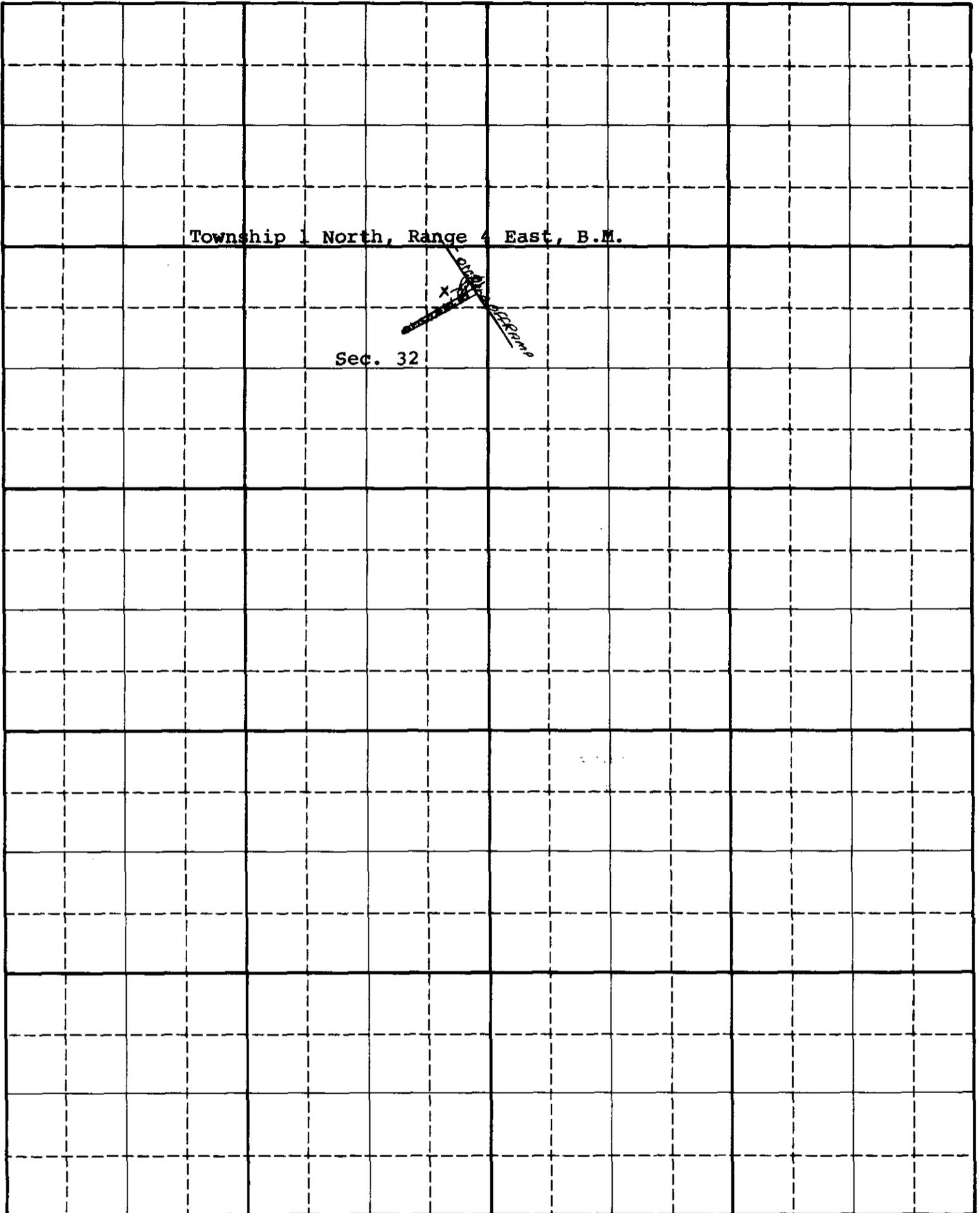
c. Proposed well diameter is 6 inches; proposed depth of well is 300 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use  
is 5 years.  
b. Estimated construction cost is \$ 3,000.

8. Description of proposed uses:  
a. If water is **not** for irrigation:  
(1) Give the place of use of water: NE ¼ of NE ¼ of Section 32 Township 1 N  
Range 4 E B.M.  
(2) Amount of power to be generated: \_\_\_\_\_ hp under \_\_\_\_\_ feet of head.  
(3) List number of each kind of livestock to be watered \_\_\_\_\_  
\_\_\_\_\_  
(4) Name of municipality to be served \_\_\_\_\_, or number of families to be  
supplied with domestic water \_\_\_\_\_.  
(5) If water is to be used for other purposes describe: to be used for gas station,  
snack bar, food service, rest rooms, etc.



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



Scale: 2 inches equal 1 mile

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

*Jay G. Thachery*  
\_\_\_\_\_  
(Applicant) 63-7571

Received by LF Date 3-21-72 Time 10:30 AM  
 Preliminary check by LF Fee \$ 10.00  
 Received by LF Date 3-21-72  
 Publication prepared by cr Date 3-24-72  
 Published in Idaho Statesman  
 Publication dates 3-30 & 4-6-72  
 Publication approved cr Date 4-11-72  
 Priority reduced to \_\_\_\_\_ Reason \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Protests filed by: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Copies of protests forwarded by \_\_\_\_\_  
 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
 Recommended for approval denial by A BDE

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-7571, 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 May 1, 19 77.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 17 day of May 19 72.

[Signature]  
 Director

STATE OF IDAHO  
OFFICE OF STATE RECLAMATION ENGINEER  
POWER OF ATTORNEY

Department of Water Resources

The undersigned owner (s) of Permit (Application) No. attached of the State Reclamation Engineer of the State of Idaho hereby nominates and appoints Joseph J. Thackaberry, whose address is P. O. Box 1603, Boise, Idaho, as attorney-in-fact, with full authority to act for and on behalf of the undersigned in all matters pertaining to Application or Permit. Such acts shall include, but not be limited to the filing of applications, receiving of all notices, the signing and filing of applications for extension of time and for amendment of said Permit, and the submission of proofs of completion of works and beneficial use of water.

Dated this 3rd day of March, 1972.  
Stuckey's dba PECAN SHOPPE OF BOISE, IDAHO

By: [Signature]  
John King, President

STATE OF IDAHO )  
County Ada ) ss

On this 3rd day of March 19 72, personally appeared before me the signer (s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]  
Notary Public

My Commission expires:

8/12/74

100  
Depositions and Exhibits

STATE OF IDAHO )  
                  ) ss.  
COUNTY OF ADA )

Georgene Davis, 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 regular edition of The Idaho Statesman for



Two ~~consecutive~~ consecutive insertions, beginning with the issue of March 30, 19 72, and ending with the issue of April 6, 19 72.

Georgene Davis

Subscribed and sworn to before me this 7th day of April, 19 72.

Jana R. Young

Notary Public for Idaho, Residing at Boise, Idaho



February 1, 1978

Re: Permit No. 63-7571

Stuckey's  
dba Pecon Shoppe of Boise, Idaho, Inc.  
2860 South Circle #320  
Colorado Springs, CO 80906

Gentlemen:

A representative of this Department made an examination of the works covered by your Permit No. 63-7571 on May 3, 1977, and has found the following:

Amount of water that can be recognized as beneficially used under  
Idaho law: 0.09 cfs Source: groundwater

The maximum quantity diverted shall not exceed 4.0 acre feet per  
year.

Point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, Twp 1N, Rge. 4E, B.M.

Beneficial use: Commercial

Priority date established: March 21, 1972

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

Sincerely,

BY D. FLEENOR  
Chief, Operations Bureau

/cah

MICROFILMED



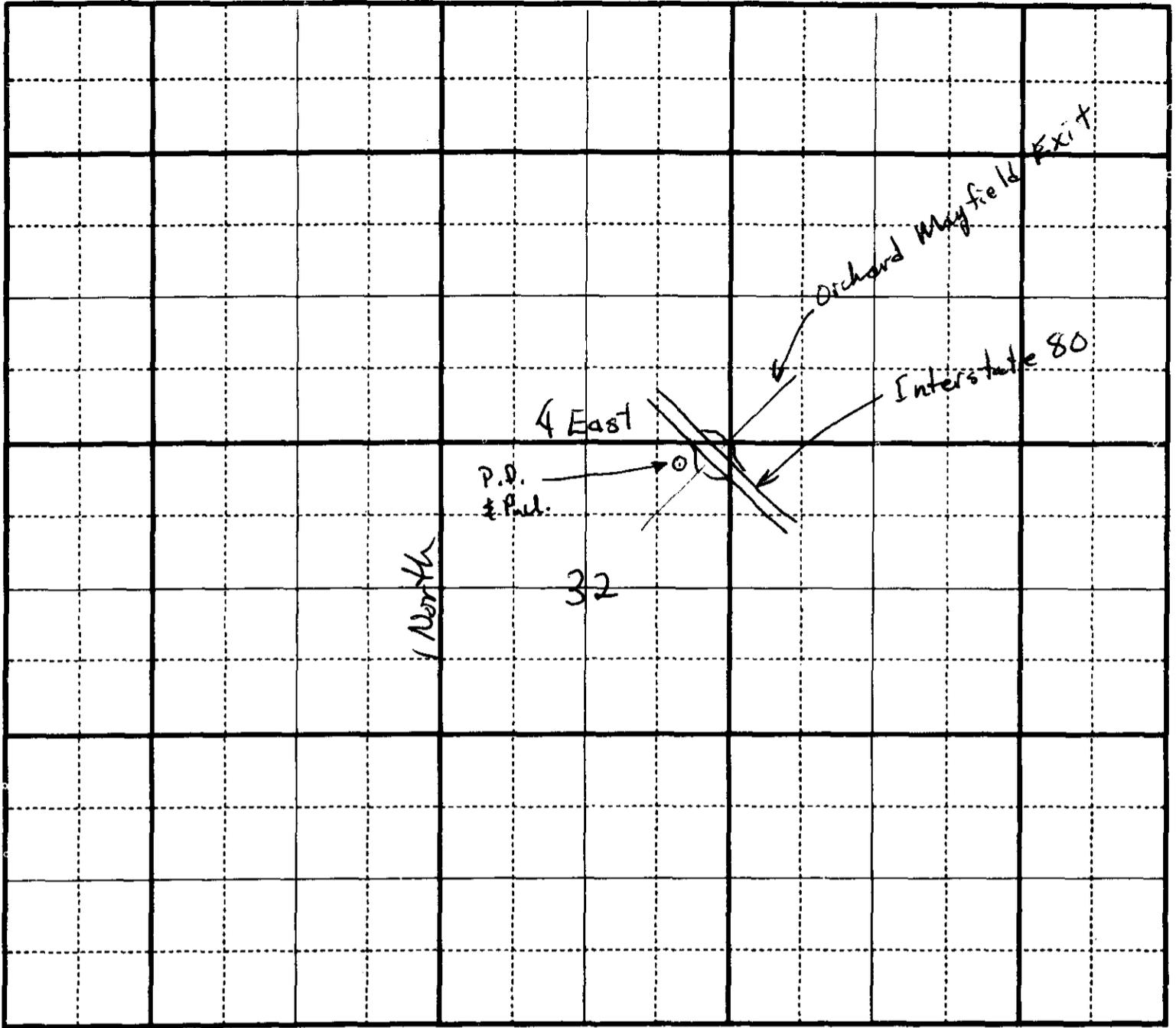


Diagram of System

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING )  
DEVICE REQUIREMENT FOR PERMIT NO. 63-7571 ) ORDER  
IN THE NAME OF STUCKEY'S DBA PECAN SHOPPE OF )  
BOISE, IDAHO, INC. )

---

WHEREAS, on March 21, 1972, Stuckey's dba Pecan Shoppe of Boise, Idaho, Inc. applied to the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate 0.20 cubic feet per second of groundwater from within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, Twp. 1N, Rge. 4E, B.M., Ada County, to be used for commercial purposes; and,

WHEREAS, on May 17, 1972, the Department approved said application and issued Permit No. 63-7571 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before May 1, 1977, and that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on April 21, 1977, the Department received the required proof of application of water to beneficial use along with a request that the measuring device requirement be removed from said permit; and,

WHEREAS, it has been determined by the Department that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from Permit No. 63-7571.

Dated this 28 day of April, 1977.

  
BOBBY D. FLEENOR  
Chief, Water Rights Bureau

MICROFILMED

DATE OF EXAM 5/3/77

ACREAGE  
Found \_\_\_\_\_  
Recommended \_\_\_\_\_

Irrigation Requirement \_\_\_\_\_ Ac Ft/Ac

USE  
Irrigation Q= \_\_\_\_\_ c.f.s. V= \_\_\_\_\_ AF/Ann. from \_\_\_\_\_ to \_\_\_\_\_  
Domestic Q= \_\_\_\_\_ c.f.s. V= \_\_\_\_\_ AF/Ann. from \_\_\_\_\_ to \_\_\_\_\_  
Livestock Q= \_\_\_\_\_ c.f.s. V= \_\_\_\_\_ AF/Ann. from \_\_\_\_\_ to \_\_\_\_\_  
Comercial Q = 0.09 cfs V = 3.92 AF/Ann. from Jan 1 to Dec 31

Is water co-mingled? yes \_\_\_\_\_ no

Name source: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
County \_\_\_\_\_

Exchange? yes \_\_\_\_\_ no

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

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

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

Total Q measured 0.09 cfs Method of measurement estimate

Total Q recommended 0.09 cfs Meter No. none Type \_\_\_\_\_ Condition \_\_\_\_\_

Total V recommended 3.92 Acre feet/year

Recommended Amendments:  
P.D. \_\_\_\_\_  
Place of Use \_\_\_\_\_  
Other \_\_\_\_\_  
None

MEASUREMENT CALCULATION:  
500 customers/day during summer 200 customers/day during winter  
500 customers/day x 10 gallons/customer = 5000 gallons/day x 1/120 minutes = 41.67 gpm = 0.09 cfs  
200 customers/day x 10 gallons/customer = 2000 gallons/day x 1/120 minutes = 16.67 gpm = 0.04 cfs  
(5000 gallons/day x 182.5 days) + (2000 gallons/day x 182.5 days) = 1,277,500 gallons = 3.92 Acre ft/Year

SYSTEM DESCRIPTION:  
8" cased well 711 ft deep, pressure tank, and pipe serving Restaurant - candy shop.

REMARKS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Examiner's Signature Willis H. Mac Allister III Date 5/3/77  
Checked by [Signature] Date 5-5-77  
Approved by \_\_\_\_\_ Date \_\_\_\_\_

5/3/77

.12' casing = 8" casing

• 728 ~~700~~ ft deep

500 customers/day summer

200 customers/day winter

Water lawn less than 1/2 acre.

single domestic also

IMED

May 2, 1977

Re: Permit No. 63-7571

Stuckey's dba Pecan Shoppe of Boise, ID, Inc.  
2860 So. Circle, #320  
Colorado Springs, Colorado 80906

Gentlemen:

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

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in **Boise**.

Sincerely,

JANICE RENK  
Water Rights Bureau

/jr

UNRECORDED

May 2, 1977

Re: Permit No. 63-7571

Stuckey's dba Pecan Shoppe of Boise, Idaho, Inc.  
2860 So. Circle, #320  
Colorado Springs, Colorado 80906

Gentlemen:

Enclosed is an Order which removes the measuring device requirement on the above referenced permit.

Sincerely,

JAN GROVER  
Water Rights Supervisor

JG:JFR

Encl.

**MICROFILMED**

Identification No. \_\_\_\_\_

Permit No. 63-7571

**RECEIVED**

APR 21 1977

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder Pecan Shoppe of Boise, Idaho, Inc. dba Stuckey's

b) Post Office Address 2860 S. Circle, #320, Colorado Springs, CO 80906

2. Permit Number 63-7571

3. Date of Priority that you are prepared to establish \_\_\_\_\_

4. a) Source from which water was appropriated subterranean

b) Location of the point of diversion: NE ¼ NE ¼, Section 32

Township 1N, Range 4E Boise Meridian, Other points of diversion: \_\_\_\_\_

5. a) The amount of water and use to which the water has been applied:

Amount .2 cfs for commercial purposes from Jan. 1 to Dec. 31 incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ incl.  
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)

b) Total amount appropriated .2 cfs cfs and/or acre-feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Measurements made by state department of water resources.

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: \_\_\_\_\_

b) Describe the agreement or understanding by which you take water from the works: \_\_\_\_\_

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Well - 6" x 300'

b) Describe the type and size of measuring device which you have installed at your point of diversion: \_\_\_\_\_

No measuring device installed. We request that the measuring device requirement be removed from the permit since actual use is less than .2 cubic feet per second.

c) Give well driller's name and address and the date the well was completed: \_\_\_\_\_

Russell Cowe Date of completion - 1972

1514 Longmont Avenue

Boise, ID 83705

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: \_\_\_\_\_

To be used for gas station, food service, rest rooms, etc.

Place of use - NE ¼ of NE ¼ of Section 32

Township 1N range 4E B.M.

MICROFILMED

*Handwritten signature/initials*

... acres, please attach a  
erial photo of the property  
this affidavit.

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			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 $\frac{1}{4}$	

Total number of acres irrigated \_\_\_\_\_

10. Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

4/18/77  
(Date)

[Signature]  
(Signature)

State of Colorado )  
County of El Paso ) ss.

On this 18th day of April, 19 77, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Melva J. West  
Notary Public residing at 1311 Shasta Drive  
Colorado Springs, Colorado 80906

My commission expires July 9, 1979



# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus  
Governor

Statehouse  
Boise, Idaho 83720  
(208) 384-2215

R. Keith Higginson  
Director

April 14, 1977

Re: Permit No. 63-7571 - Stuckey's dba Pecan Shoppe  
of Boise, Idaho, Inc.

Raymond Smith, General Manager  
of Store Operations  
2860 So. Circle Drive, Suite 320  
Colorado Springs, Colorado 80906

Dear Mr. Smith:

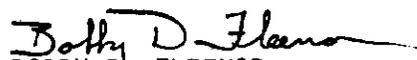
You recently returned the blank proof of beneficial use affidavit on your Permit No. 63-7571 and indicated in the letter accompanying that form that you felt the permit was unnecessary since your use should be considered as domestic purpose.

Even though your water is actually used for drinking and essentially domestic purposes, it does not fall within the definition for domestic use, which a water right permit is not required since it is not used for domestic purposes by a single family. Therefore, we feel that it is important if you wish to continue with the use of this well that you complete the enclosed proof of beneficial use form and return it to us as soon as possible.

The date on which proof of beneficial use is due to avoid any loss of priority is May 1, 1977.

It also appears that you are using less water than the 0.20 cubic feet per second or 90 gallons per minute that you originally requested in the permit and, therefore, it may be possible upon your request to remove the measuring device requirement from your permit. We have also enclosed a copy of your permit which may assist you in completing the proof of beneficial use form. Again we would encourage you to submit that as soon as possible and at least before May 1, 1977.

Sincerely,

  
BOBBY D. FLEENOR  
Chief, Water Rights

BDF:jfr

Encl.

MICROFILMED

63-7571

# John King Enterprises, Inc.

TELEPHONE (303) 576-5440

GARDEN VALLEY CENTER BUILDING  
2880 S. CIRCLE DRIVE - SUITE 320  
COLORADO SPRINGS, COLORADO 80906

April 6, 1977

State of Idaho - Dept. of Water Resources  
Statehouse  
Boise, Idaho 83720  
Attn: R. Keith Higginson  
Director

APR 11 1977  
Department of Water Resources

Dear Mr. Higginson:

Re: your letter of February 28, 1977 requesting that we complete the attached affidavit form and install a permanent measuring device as a part of the diverting works.

As discussed in my phone conversations with Lee Siscal on April 4th & 5th, the well at our Pecan Shoppe of Boise, Idaho was installed when the store was built. It is used only for the restrooms, making coffee and cleaning the floors. We feel that this well could be classified as a domestic well, and therefore we are returning the affidavit form.

If there is any more information that you require from us, please do not hesitate to contact me.

Sincerely,

*Raymond Smith*  
Raymond Smith

General Manager of  
Store Operations

RS:cp  
Enc.

MICROFILMED

February 28, 1977

CERTIFIED MAIL 158531

Re: Permit No. 63-7571

Stuckey's dba Pecan Shoppe of  
Boise, Idaho, Inc.  
Box 4408  
Colorado Springs, Colorado 80909

Gentlemen:

One of the conditions of approval of your water Permit No. 63-7571 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before May 1, 1977. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

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

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

  
\_\_\_\_\_  
R. KEITH HIGGINSON  
Director

RKH:jg  
Enc: Proof affidavit

cc: Joseph Thackaberry, Box 1603, Boise, Idaho 83701

528 Idaho Bldg.

MICROFILMED

USE TYPEWRITER OR BALL POINT PEN

State of Idaho Department of Water Administration

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

PERMIT 1972

1. WELL OWNER
Name: PECAN CANDY SHOPPE, INC.
Address: COLORADO SPRINGS, COLORADO 80907
Owner's Permit No. 03-7571

7. WATER LEVEL
Static water level 275 feet below land surface
Flowing? No
Temperature
Artesian closed-in pressure
Controlled by

2. NATURE OF WORK
New well
Deepened
Replacement
Abandoned

8. WELL TEST DATA
NONE
Discharge G.P.M.
Draw Down
Hours Pumped

3. PROPOSED USE
Domestic
Irrigation
Test
Municipal
Industrial
Stock

9. LITHOLOGIC LOG

Table with columns: Hole Diam., Depth (From, To), Material, Water (Yes, No). Contains handwritten entries for various geological layers like TAN CLAY, BROWN BLACK BASALT, etc.

4. METHOD DRILLED
Cable
Rotary
Dug
Other

5. WELL CONSTRUCTION
Diameter of hole 6 inches
Total depth 325 feet
Casing schedule: Steel
Thickness 2.50 inches
Diameter 6.75 inches
From 1 foot To 40 feet
Was a packer or seal used? No
Perforated? No
How perforated?
Gravel packed? No
Surface seal? Yes
Material used in seal: Cement grout

6. LOCATION OF WELL
Sketch map location must agree with written location.
County: JEROME
NE 1/4 NE 1/4 Sec. 11, T. 10S N/4, R. 20E EW

10. Work started 3/16/72 finished 3/23/72

11. DRILLER'S CERTIFICATION
This well was drilled under my supervision and this report is true to the best of my knowledge.
WEECH WELL DRILLING
Driller's or Firm's Name
Address: 632E 424D BURLEY, IDAHO 83318
Signed By: Rexa Weech
Date: 3/24/72

August 1, 1972

Pecan Candy Shoppe, Inc.  
P. O. Box 4408  
Colorado Springs, Colorado 80909

Gentlemen:

Through a cooperative arrangement with the well drillers licensed in Idaho, notice is supplied to this agency prior to the construction of wells drilled in connection with exploration for groundwater.

We were notified that you are constructing a well located in Twp. 10S, Rge. 20E, B.M., Sec. 11, NE 1/4 NE 1/4. We have reviewed our records, and the preliminary check has failed to indicate that you have filed an application with this agency. If we have overlooked your permit, please advise us of the number by return mail. If you have indeed not filed an application for permit, and your diversion is other than a single family domestic unit and producing less than 13,000 gallons/day, then you are required to file an application before construction starts and receive a valid permit from this agency before groundwater may be diverted.

Idaho has been under a mandatory permit system for groundwater since March 25, 1963: Reference: Carl Tappin, State Reclamation Engineer, v.s. Clyde Smith and Bonny Smith, Idaho Supreme Court, 1967. Therefore, it is held by this agency as an illegal act to divert groundwater without the aid of a valid permit or a license on appropriations with a priority junior to March 25, 1963 for other than excluded above.

We will supply you with an application for permit and instructions if you so request. Please contact us for forms or if we can be of any service.

Very truly yours,

Donald W. McEldowney  
Water Rights Supervisor

63 7571

May 24, 1972

Re: Permit No. 63-7571

Stuckey's dba Pecan Shoppe of Boise, Idaho  
P. O. Box 4408  
Colorado Springs, Colorado 80909

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 63-7571. We direct your attention to the conditions of approval as listed on the fourth page.

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

Sincerely,

BOBBY D. FLEENOR  
Assistant Director

BDF:DR

Enc: Copy of permit  
Information letter

cc: Joseph J. Thackaberry

bc: Western District Office

63 7571

**STATE OF IDAHO**  
**DEPARTMENT OF WATER ADMINISTRATION**

Cecil D. Andrus  
Governor  
R. Keith Higginson  
Director

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



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

March 24, 1972

Re: Application No. 63-7571 - Stuckey's dba Pecan Shoppe of Boise, Idaho, Inc.

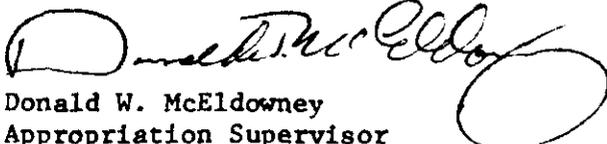
F. D. Koehne, M.D., Medical Director  
Central District Health Department  
1405 North Orchard  
Boise, Idaho 83704

Dear Dr. Koehne:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and if you have any comments, please submit them to our Department as soon as possible. We normally complete the processing of an application within a 6-week period and we are required to take final action shortly thereafter.

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

Very truly yours,

  
Donald W. McEldowney  
Appropriation Supervisor

DWM/BL

Enclosure

63 7571

March 24, 1972

Re: Application No. 63-7570 - W. M. Fenwick  
" " 63-7571 - Stuckey's dba Pecan Shoppe of Boise, Idaho

The Idaho Statesman  
Box 2640  
Boise, Idaho 83701

Gentlemen:

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

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

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

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

\_\_\_\_\_  
(signature of claimant)

Very truly yours,

Fred Eisenbarth  
Appropriation Examiner

FE:CR

Enc: Legal Notices (2)

63

**THE IDAHO STATESMAN**

BOISE, IDAHO

FOR LEGAL ADVERTISING

- Idaho Dept. Water Administration
- Statehouse-Annex 2
- Boise, Idaho 83707

DATE	DESCRIPTION	INCHES	TOTAL INCHES	CHARGES	✓	CREDITS	BALANCE
	BALANCE STATEMENT RENDERED						
APR 6 72	APPL 63 7571 Stuckey's-Pecan Shoope	26L 2x		9.10			9.10
	63-7571 ck						
				I hereby certify that the above account is correct and just; that services were actually rendered as charged and that we have not received payment therefor. Signed STATESMAN PRINTING CO. By _____			

TERMS: NET 10 DAYS  
 THE IDAHO STATESMAN

LAST AMOUNT IN  
 THIS COLUMN  
 IS BALANCE  
 DUE

63 7571

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Stuckey's dba Pecan Shoppe of Boise, Idaho, Inc.,

P.O. Box 4408, Colorado Springs, Colorado

has on March 21, 1972 submitted Application No. 63-7571

for a permit to appropriate 0.2 cubic feet per second ~~to be used for~~

of water from a ground water source

by means of well

within the NE<sup>1</sup>NE<sup>1</sup>, Sec. 32, T. 1N, R. 4E, B.M., Ada County

to be used from Jan. 1 to Dec. 31

for dommercial purposes

within the NE<sup>1</sup>NE<sup>1</sup>, Sec. 32, T. 1N, R. 4E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 33707, on or before April 17, 1972.

R. KEITH HIGGINSON

Director

Published in the Idaho Statesman, Boise, Idaho

on March 30 and April 6, 1972.

63 7571

**NOTICE OF APPLICATION  
FOR WATER PERMIT**

Notice is hereby given that Stuckey's dba Pecan Shoppes of Boise, Idaho, Inc., P.O. Box 4408, Colorado Springs, Colorado, has on March 21, 1972, submitted Application No. 63-7571 for a permit to appropriate 0.2 cubic feet per second of water from a ground water source by means of well within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, T. 1N, R. 4E, B.M., Ada County to be used from Jan. 1 to Dec. 31 for commercial purposes within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 32, T. 1N, R. 4E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before April 17, 1972.

R. KEITH HIGGINSON,  
Director  
Pub. March 30, April 6, 1972 945

*3-29-72  
St.*

63-7571

**STATE OF IDAHO**  
**DEPARTMENT OF WATER ADMINISTRATION**

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



**R. Keith Higginson**  
Director

**Water Rights Administration**  
**Water Resource Investigations**  
**Dam and Reservoir Safety**  
**Water Well Drilling**  
**Flood Plain Management**  
**Irrigation and**  
**Flood Control Districts**

March 21, 1972

Idaho Land and Appraisal  
Box 1603  
Boise, Idaho 83707

Gentlemen:

Attached herewith is your receipt No. 8205 in the amount of \$ 10.00  
for your application for permit submitted in the name of Stuckey's dba Pecan Shoppe,  
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH  
Administrative Assistant

MRB:ejw

Enclosure: Receipt

# Idaho Land & Appraisal Service

BOISE, IDAHO 83701

Real Estate Appraisers & Counselors  
Grazing Management

MERVIN J. CHRISTENSEN  
JOSEPH J. THACKABERRY  
ROBERT W. SMITH

633 N. 4TH  
P. O. BOX 1603  
208-344-2547

March 20, 1972

CANADA

Mr. R. Keith Higginson, Director  
Department of Water Administration  
Statehouse - Annex 2  
Boise, Idaho 83707

Dear Mr. Higginson:

Enclosed herewith please find an application for permit in the name of Stuckey's dba Pecan Shoppe of Boise, Idaho, Inc., a Power of Attorney naming Joseph J. Thackaberry, and a check in the amount of \$10.00 to cover the filing fee for .2 cfs.

If you require anything further to enable you to process this application, do not hesitate to let us know.

Very truly yours,

IDAHO LAND & APPRAISAL SERVICE

*Joseph J. Thackaberry*  
Joseph J. Thackaberry

ls

encl

NEVADA

UTAH

63 757