

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-02362
Date Received: 3/15/1990
Receipt No: 006356
Received By: AB

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GRANT NEIBAUR & SONS, FARMS 208-226-2738
Address: 2374 NEIBAUR RD.
AMERICAN FALLS, ID 83211

2. Date of Priority: FEB 10, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	32E	6	NW	SE	SE		POWER

5. Description of diverting works:
WELL & 150HP PUMP, PIVOT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.000		

7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 480.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	32E	6	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0

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Date: 03/15/90

MICROFILMED

NOV 13 1992

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	32E	6	SE	SE	IRR	40.0

Section Acres 160.0

Total Acres 160.0

11. Place of use in counties: POWER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

SUPPLEMENTED CURRENTLY BY FALLS IRRIGATION RENTAL WATER

14. Remarks:

THIS WELL IS IN NEED OF REJUNIVATION AND THE LANDS HAVE BEEN
IRRIGATED BY RENTAL WATER FROM FALLS IRRIGATION SINCE 1989.
THE PLAN IS TO RE-DO THE WELL.

15. Basis of Claim: LICENSE

Water Right Number: 25439

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Partner of
Grant Merbauer & Sons Farm that I have signed the foregoing
Organization document in the space below as Partner of
Grant Merbauer & Sons Farm and that the statements contained in the
Organization foregoing document are true and correct.

Grant E. Merbauer
Signature of Authorized Agent
Partner Grant Merbauer & Sons Farm
Title and Organization

3-15-90
Date

State of Idaho)
County of Tower) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of March 19 90

Anna Baunert
Notary Public

Seal

Residing at _____
My Commission Expires _____
My Commission Expires December 7, 1994

Log for claim A29-02362

Spatial Dynamics AMH

7/10/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s32e	6	NESE	40	40	
07s32e	6	NWSE	40	40	
07s32e	6	SWSE	40	39	
07s32e	6	SESE	40	39	
Totals:			160	158	

State of Idaho License and Certificate of Water Right

Water License No. G-25439

Amount 2.0 c.f.s.

Water District No. _____

Priority Feb. 10, 1955

THIS IS TO CERTIFY that M. P. MITCHELL
of American Falls, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 10, 1955; that Permit No. G-25439
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.0 second feet, was issued thereunder on June 22, 1959, showing that said works
were completed on the 3rd day of March, 1959; and that on the 3rd
day of March, 1959,

M. P. MITCHELL

of American Falls, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well

, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-25439 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
11 of Licenses at page 6664, on the 22 day of June, 1959;

The right hereby confirmed dates from February 10, 1955;

The Point of Diversion is located in the center of the SE $\frac{1}{4}$
in the $\frac{1}{4}$ $\frac{1}{4}$, Sec. 6, Tp. 7 S, R. 32 E., B. M. Power County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S.	32 E.	6	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			Total number of acres to be irrigated:		160

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
22nd day of June, 1959.

/s/ GEO. N. CARTER
State Reclamation Engineer.

(SEAL)

20 2862

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

Application No. G-33311
Permit No. G-25439
District No.

M. P. Mitchell
American Falls
Idaho

1. Name of Applicant: M. P. MITCHELL
Postoffice address: American Falls, County: Power, State: Idaho.
2. Quantity of water claimed: 3.2 cubic feet per second.
 - (a) Rate of withdrawal in cubic feet per second. 3.2 cu. ft. or Idaho
Miners' inches 160 or gallons per minute. 1440 G.P.M.
 - (b) Annual withdrawal in acre feet per annum 760
3. Source of water supply: Subterranean, from well.
4. Location of point of diversion or well is in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 6
Twp. 7 S., Rge. 32 E., B.M., County of Power
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give: ----
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp., Rge. , B.M.
7. Kind of works: Drilled well, Cased, Pump and Motor.
8. Estimated cost of works: \$
9. (a) Is reservoir to be used? No.
(b) Capacity of reservoir: ----
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None.
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

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.

M. P. MITCHELL

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M., Feb. 10, 1955

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-25439

Recorded in Book 90 Page 25439 Approved Feb. 11, 1955

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

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

Work to begin on or before April 11, 1955 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before August 11, 1957

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before February 11,

Witness my hand this 11th day of February, 1955

DAK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SULLIVAN, Governor of the State of Idaho,
and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 11th
day of February, 19 55.

Countersigned:

STATE OF IDAHO

(SEAL)

By ... IRA H. MASTERS
Secretary of State.

By ROBERT E. SUTLIE
Governor

12.

Twp.	Range	Sec.	NE 1/4		NW 1/4		SW 1/4		SE 1/4		Totals		
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4		NE 1/4	NW 1/4
7 S.	32 E.	6							40	40	40	40	160
Permit No. G-25439 CERTIFICATE OF COMPLETION OF WORKS ✓ TO ALL WHOM IT MAY CONCERN: This is to certify that M. P. MITCHELL of American Falls, County of Power, and State of Idaho, the holder of Permit No. G-25439, issued upon Application G-33311 bearing date of priority of February 10, 1955, authorizing the diversion of 3.2 second feet of the waters of a well, County of Power, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.0 second feet of the waters of a well from subterranean flow, that the point of diversion of said waters is in center of <u>SE 1/4, Sec. 6, T. 7 S., R. 32 E., B. N.</u>, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 160 acres in <u>SE 1/4, Sec. 6, T. 7 S., R. 32 E., B. N.</u> Witness my hand this 22nd day of June, A. D. 1959 S/ GEO. N. CARTER State Reclamation Engineer Proof of Completion of Works Made: March 3, 1959 COPIES ISSUED FOR 2.0 SEC. 6 Page 6664													

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-25439

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant M. P. Mitchell
2. Source of water supply: Subterranean flow from a well
3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6
T. 7 So. R. 32 E.B.M. County of Power

4. Describe works as they exist, giving dimensions and capacities of same: Well = 340' x 16" cased 300'
h = 65' Lift is 92' to 100'
100 hp. U.S. Motor #1041777
Layne Bowler Turbine #33604
Delivery thru 8" line to north into buried steel main.
4" A.I. laterals, Nozzles $\frac{1}{4}$ " and some $\frac{3}{16}$ " singles.
5. Water is used for: Irrigation 4 - $\frac{1}{4}$ in. lines operating
6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SE $\frac{1}{4}$ Section 6, Township 7 South, Range 32 E.B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: _____

Checked alone.
Talked to Mr. Mitchell (owner of a garage in Arns. Falls)
afterwards.
Says motor pulls between 76 and 77 horse power.
Bought a larger motor intentionally

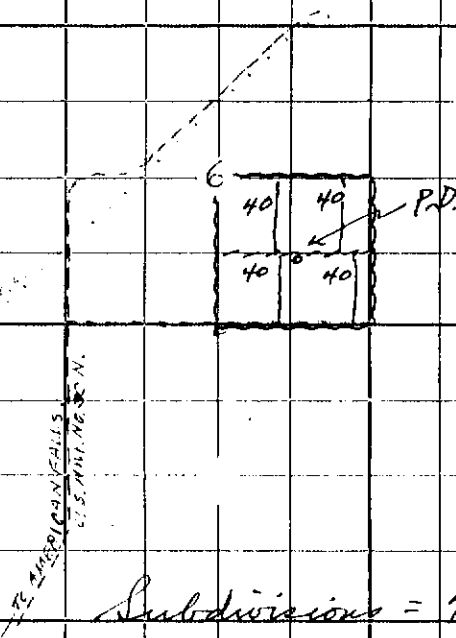
This examination was made on the 14 day of May, 1957

J25439

(Signed) E. M. Thompson Examiner.

R-32 E.

T.
7
S.



Subdivisions = 4

Area = 160 acres

Q = 100" or 2 cfs.

Well is a significant part
of the site and is located 1/4
mi. S. of the road and 1/4
mi. E. of the road.

340' x 16"

Form 23

160' x 8" col. $h = 65'$ 12" concrete

Left = 97' to 100'

$100 \times 110 \times 20 \times 550$

$258 \times 62'2"$

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-25439

REPORT ON PROOF OF Completion of Works & Beneficial Use

M. P. Mitchell
American Falls, Idaho