

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 45-10248
Date Received: 3/14/1989
Receipt No: S006545
Received By:

AMENDED

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

BARBARA V AUSTIN
PO BOX 93
OAKLEY ID USA 83346

Phone: (208)436-1562

CARL F AUSTIN
PO BOX 93
OAKLEY ID USA 83346

Phone: (208)436-1562

2. Date of Priority: 03/15/1920

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
15S	21E	25	SW	SE	CASSIA	

5. Description of diverting works:

1 ARTESIAN WELL (2435 FEET), VALVES, PIPE & DITCHES (NATURAL FLOW = 810 GPM,
PUMPED = 1450 GPM).

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.66	
STOCKWATER	01/01	12/31	0.12	
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
1.78 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15S	21E	24	SW	SE	STOCKWATER ✓	
15S	21E	25	NW	NE	STOCKWATER	
			SW	NE	STOCKWATER	
			SE	NE	STOCKWATER	
			NE	NW	STOCKWATER ✓	
			SE	NW	STOCKWATER	
			NE	SW	STOCKWATER	
			SE	SW	STOCKWATER	
			NE	SE	STOCKWATER	
			NW	SE	STOCKWATER	
			SW	SE	STOCKWATER	
			SW	SE	DOMESTIC	
			NW	NE	IRRIGATION	18
			SW	NE	IRRIGATION	28
			SE	NE	IRRIGATION	5
			SE	NW	IRRIGATION	6
			NE	SW	IRRIGATION	11
			SE	SW	IRRIGATION	6
			NE	SE	IRRIGATION	21
			NW	SE	IRRIGATION	29
			SW	SE	IRRIGATION	32
			SE	SE	IRRIGATION	35
					Section Acres	191
15S	21E	36	NE	NE	IRRIGATION	24
			NE	NE	STOCKWATER	
					Section Acres	24
					Total Acres	215

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

Amended Claim to increase diversion rate, change priority date, and change to standard irrigation season. (Discovery well of the Goose Creek Artesian Basin (Piper 1923). Put to beneficial use, with natural surface flow of 810 gpm. (O.E. Meinzer, USGS Field Notes 6-21-1921). Added Domestic Use.

WELLS ALSO USED FOR DOMESTIC HEATING: A45-07451 | OWNERSHIP & ADDRESS CHANGE RECEIVED 6/19/1992. MITCHELL SOLD TO MR & MRS AUSTIN. 12/7/1992 RVW.

15. Basis of Claim: Beneficial Use

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *[Handwritten Signature]* Date: 27 January 2004
_____ Date: _____

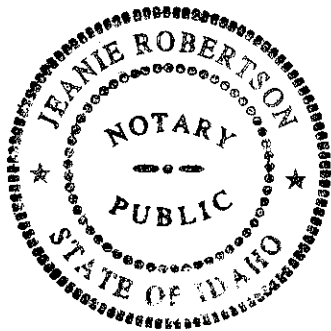
State of Idaho)
County of Twin Falls, Id.) SS.

Subscribed and sworn (or affirmed) before me this 27th
of January 2004

[Handwritten Signature]
Notary Public

Residing at Twin Falls, Id.

My commission Expires 9-23-06



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
Date Received
Receipt Number

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Carl Austin Phone (208) 4361562
Mailing Address PO Box 93, Oakley ID Zip 83346

2. Date of Priority (Only one (1) per claim) 3-15-1920

3. Source of water supply (a) Ground Water (Goose Creek Artesian Basin)*
which is tributary to (b)

4. a. Location of existing point of diversion is: Township 15 S Range 21 E Section 25,
SW 1/4 of SW 1/4 of SE 1/4, Govt. Lot, Boise B.M., County of Cassia

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section, 1/4 of 1/4 of 1/4,
Govt. Lot B.M., County of

ending point is: Township Range Section, 1/4 of 1/4 of
1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 2435 foot artesian well, valves,
pipe, + ditches (Natural flow 810 gpm Pumped 1450 gpm)

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

- For Irrigation purposes from 3/15 to 11/15 amount 1.66 or _____
 For Stock Water purposes from 1/1 to 12/31 amount 0.12 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.78 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 645 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stock water up to 500 Beef cattle also Dairy cattle sheep goats + Horses in past, 1 Household

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15S	21E	25		18	28	5				6	11			6	21	29	32	35	191
		36	24																24

Total number of acres irrigated 215

11. In which county (ies) are lands listed above as place of use located? Cassia

12. Do you own the property listed above as place of use? Yes No
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
45-151 45-7173A or None ()

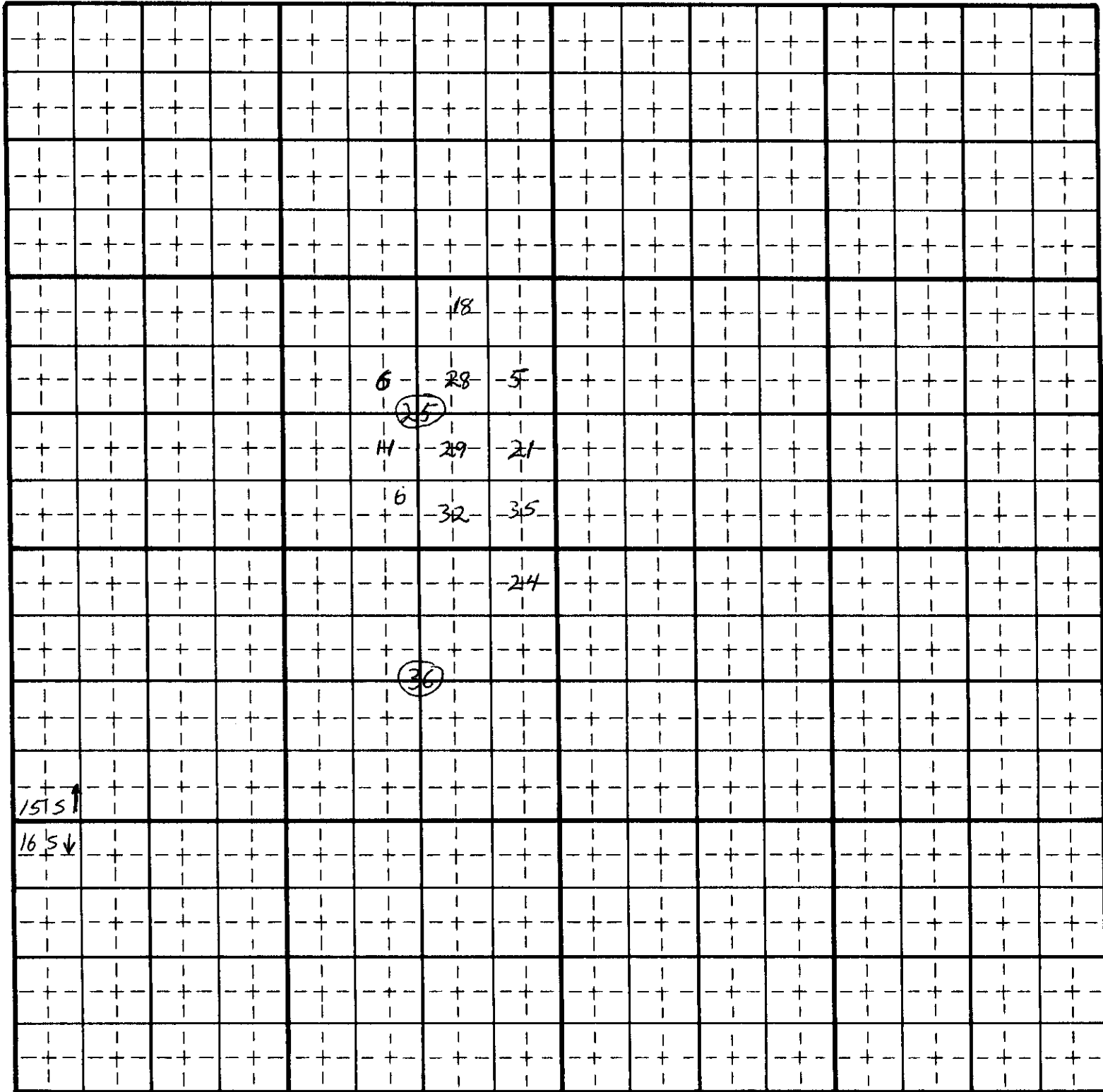
14. Remarks: Discovery well of the Goose Creek Artesian Basin (Piper 1923) put to beneficial use, ~~with~~ with natural surface flow of 810 gpm ~~with~~ ~~uses for~~

Last Name Austin Ident No. _____

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

Scale: 2 inches equals 1 mile

21 E | 22 E



Last Name Austin Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

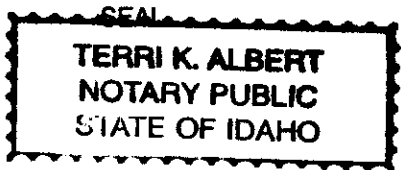
Signature of Claimant (s) *[Signature]* Date 23 Dec 2003
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 23rd day of December 2003



Notary Public *[Signature]*
Residing at Burley
My Commission Expires 01-30-07

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

Last Name _____ Ident. Number _____

TO: Department of Water Resources

ATTENTION: Jeanie Robertson, Sr. Water Resources Agent

FROM: Carl F. Austin, Double Diamond Ranch

REGARDING: Hot Well drilled in ~~1919~~¹⁹²⁰ and placed in beneficial use in 1920

SUBJECT: Well flow verification

1. At a 22 October 2002 meeting at the Twin Falls offices of DWR, in response to questions raised by DWR over whether or not this well produced as claimed and was placed in use when stated, a written memo by Glen Elison describing the initial production and use of this well was submitted. The submittal by Elison stated the initial natural flow was 100 inches and immediately put to beneficial use (see also 1920 newspaper article previously submitted). DWR challenged the productivity statement and suggested the well which has been in continuous beneficial use since 1920 be tested again, an expensive operation and one with potential to damage the well.
2. Subsequently a search was made to locate additional old records regarding this well. Such were found.
3. Exhibit 1 is a copy of the field notes written by O. E. Meinzer of the U.S. Geological Survey. (Oscar E. Meinzer was one of the greatest hydrologists in U.S. history – see Hydrology, edited by Meinzer, McGraw Hill, 1942 and Dover 1949. In particular note that Meinzer was involved with the study of the well under discussion and wrote the preface to the report by Piper on this well and the surrounding area, published by the Idaho Bureau of Mines and Geology in 1923.)

Meinzer's notes dating from 21 June 1921, the year after the well was finished and placed into beneficial use, state that the natural surface flow of the well was 810 gpm. This comes to a flow of 90 inches, very close to the estimate of 100 inches that Elison provided.

4. Exhibit 2 is a copy of the report made by the U.S. Geological Survey on this well plus the field notes accompanying this report. We know we have the correct well because of item 2 which attributes the well to the West Pearl Oil Company (the original driller) and item 14 which states the well is the discovery well for this artesian basin. This report reiterates the natural flow rate of 490 gpm but what is important, the report documents a pumping test. This test shows that the well achieved a constant production rate of 1450 gpm (161 inches) with a draw down of 350 feet.
5. Further reference to Exhibit 2 shows a critical statement at the bottom of the first page. This is the statement that the hot well at the ranch is the discovery well for the artesian basin. This well is the oldest well in this artesian basin and therefore must receive the earliest priority date, which should be for the 90 inch flow actually measured. The priority date for the 161 inch pumped flow to the best of our knowledge and belief at this time should be for 1960, the year electricity was brought to the ranch as the interviews we have had with prior residents state that the reason electricity was brought in was specifically to enable pumping of this well, and an interview with the person in charge of the construction of this powerline verified the date of construction.
6. In conclusion, with this data in hand, we submit that there is no question whatsoever that the initial natural flow of this well was 90 inches and that the pumping tests we have been able to obtain show the well able to produce beneficially at a rate of 161 inches when on pump. The priority date for this well should be 1 January 1920 for the natural surface flow of 90 inches, and the priority date for the pumped production of 161 inches should be 1960, on the date electric service was established. To avoid any possible misunderstandings, only the current owner, Carl F. Austin, has used this well since 1992, and only the former ranch owner, Morris Mitchel, had used the well for many years previous to that.

Respectfully submitted

Carl F. Austin

7 January 2003

B5 Dec 1

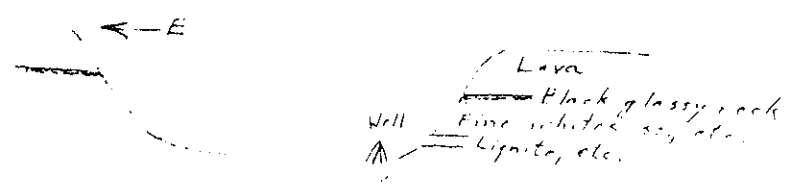
The following was transmitted from field notes by C.E. Gorman June 21, 1921, from interview with A. M. Carpenter, the original driller.

16 water-bearing beds in upper 1550 feet of well. Water stood about at surface when depth was 70 feet.

First flow, about 50 gpm, was struck at 130 ft. Largest flow, about 810 gpm, came from coarse water-bearing gravel at 540 to about 547 feet.

Most of water is within upper 1,000 feet. In this there was a succession of "bluish sticky clay", underlain by "cap rock", underlain by water-bearing sand. This succession was repeated about every 70', but some "clay" beds were as much as 50' thick. There was also a total of about 70' of limestone in the first 1,000 feet.

Water from 130' was slightly warm. Temperature increased with depth and flow from 540 feet was 110° F. Temperature remained constant to 1600'.



42050811356250

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
WATER RESOURCES BRANCH

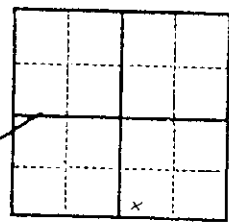
Sam (8/24/78)
420512113562501

WELL SCHEDULE
Date _____, 19____ Field No. 15521E
Record by R. L. NAQT Office No. 254E
Source of data Har. Bur. Mines. Pub. C 25dcl

1. Location: State Idaho County Cassia
Map _____
SW $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 25 T. 15 S. R. 21 E.

2. Owner: _____ Address Can. J. D. Ranch
Tenant _____ Address _____
Driller S. W. Teaney Address _____

3. Topography _____
4. Elevation 4700 ft. ^{above} _{below} M.S.L.
5. Type: Dug, drilled, driven, bored, jetted _____
6. Depth: Rept. 272.5 ft. Meas. _____
7. Casing: Diam. _____ in., to _____ ft. Type _____
Depth _____ ft., Finish _____



8. Chief Aquifer _____ From _____ ft. to _____ ft.
Others _____
9. Water level _____ ft. ^{above} _{below} _____
which is _____ ft. ^{above} _{below} surface

10. Pump: Type _____ Capacity _____ G. M.
Power: Kind _____ Horsepower _____
11. Yield: Flow 470 G. M., Pump _____ G. M., Meas Rept. Est. 9/23/21
Drawdown _____ ft. after _____ hours pumping _____ G. M.

12. Use: Dom., Stock, PS., RR., Ind., Irr., Obs. _____
Adequacy, permeability _____
13. Quality _____ Temp 107 °F. 9/24/78
Taste, odor, color _____ Sample Yes No _____
Unfit for _____

14. Remarks: (Log, Analyses, etc.) this was the discovery well of this entire basin.
RLN

9) 30.00 12:00 noon 7/2/03
1.56

D/W 21.94 below top of ... of ...
above ...

10) No pump well to ...

11) started pumping ... 12:05 P (by ...)

Twin Falls) D/W at 12:30 about 22', Q = 1100

gpm ... water ...

350' ...

At 1:00 PM shut ...

1:30 P.M. Q = 1350 gpm, D/W 550' or 4.2 gpm/ft ...

2:20 P.M. Q = 1470 gpm, D/W 550'

stopped pump at 3:15 P.M. ...
about steady at 350', Q = 1450 gpm

Water ...

PS FORM 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
State Dept of Water Resources
222 Shoshone Street East
Twin Falls
Idaho 83301

4a. Article Number

4b. Service Type
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery
2/22/93

5. Signature (Addressee)

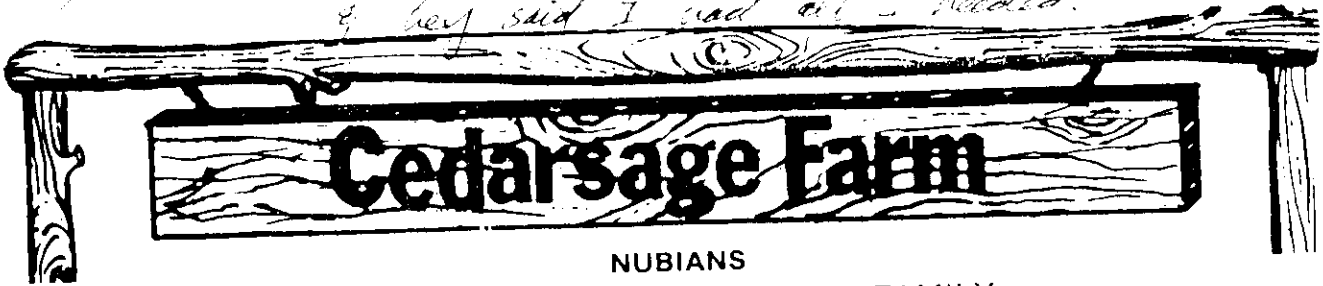
8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)
K. J. [Signature]

Return Receipt Service. Thank you for using

DOMESTIC RETURN RECEIPT

Talked to your son phone on 3/5/93
& he said I had all I needed.



NUBIANS

CARL and BARBARA AUSTIN & FAMILY

~~7105 Antek Road x Inyokern x California x 93527 x 8619 x 377 x 4685~~
P.O. Box 93, Oakley, Idaho 83346 (208) 436-5939

Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301

*Note: Per R.B. Whittle, C.H.
M. Hea had worked on this
drill rig*

Dear Sirs:

Per your letter of 25 January 1993 (Encl. 1) I have been requested to provide proof of the priority date for a water well located on my ranch, and described in your document of 1/14/93 page 23 which is my Enc. 2. With a priority date of 1920 you have asked me to prove events of 73 years ago.

First of all, I obtained a statement from Morris Mitchell from whom I purchased the ranch (Encl.3). The ranch on which the well in question is located has been called the JD Ranch for at least a half century. Mr. Mitchell went to work on the JD Ranch in 1952, bought part of it in 1968 and bought the rest of it in 1972. His statement provided a general history and noted several interesting points - Newell Baker who owned the ranch was watering up to 500 head of stock, and the domestic heating use began in 1963. With this data in hand I was able to interview the son of one of the men who had worked on the drill rig when the well was drilled and was able to talk to the grandson of the ranch owner at the time the well was drilled. The son of the rig hand (R.B. Whittle) placed the time of drilling at 1920 based on when his father moved from Oakley to Bingham Utah in 1921. Everyone I talked to suggested I examine the Oakley Herald as they were sure the paper carried accounts of the well drilling. The paper provides the following data:

1. The well in question was spudded in on Sunday, January 16th, 1920 (Encl 4.)
2. The newspaper account place this well on the JD Ranch. That is the name of the ranch I own. The general location of the M.Mitchell Ranch/JD Ranch and the well itself are shown on Map No. 16, Cassia County Idaho, published by Big Sky Maps, a portion of which is reproduced as Encl. 5.
3. The exact location of the well is shown on the USGS Blue Hill Quadrangle. This map shows the well as a hot springs. There was a hot springs leakage along a shear zone, in which the well was drilled, not too long past and it is geologically probable that warm flow occurred at or near the well site at the time

the ranch was established circa 1884, putting the beneficial use of this water back to that era. A portion of the Blue Hill Quadrangle has been reproduced as Encl. 6 as it shows the exact well/spring location. As this is a free flowing artesian well, it would have been referred to a a hot spring by most local people (Temp 115°F).

4. The owner of the ranch, at the time of drilling, according to the newspaper, was C.G. Elison. The account in the paper states that Elison had the rights to any water encountered and that as a result he had already profited from the well. At that time the well was flowing at a rate of 100 inches, and local accounts are that the water shot into the air higher than the tower of the rig. (Encl. 7) The rig was a cable tool rig (part of which is still on the ranch) so that the hole was drilled as an open hole to provide water from the first few days of drilling.
5. The book, "A Pause For Reflection," published by the Daughters of Utah Pioneers, Cassia County Company, notes that Charles Gustava Elison made the move to the Goose Creek Valley in 1884 and was engaged in stock raising and farming. (Encl.8). The dugout remains from the first settlement are still in evidence on the ranch and the late 1800's log cabin is still in use on the ranch.
6. The well was reentered and deepened a number of times, encountering greater water flow and higher temperatures with added depth. The newspapers noted when the depth reached was 2445 feet (Encl.9) and local informants state its current TD is 2600 feet.

At present the well is throttled back to the modest flows covered by the water rights shown in your document of Encl 2. The well, if rehabilitated and finished with a multiple tubing completion would appear capable of maintaining temperature and flowing at 112 inches and 25 psi at the wellhead.

It is my belief that I have provided sufficient data to show a beneficial use dating from 1920. The originals of the newspapers and the book can be examined at the LDS Family History Center in Burley, Idaho. If you need any further documentation I will start searching out the children and grandchildren of the people who worked on the rig and lived on the ranch, at the time of drilling.

Respectfully,



Carl F. Austin

18 February 1993

9 Enclosures

cc: Morris Mitchell



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

25-Jan-1993

R. KEITH HIGGINSON
Director

CECIL D. ANDRUS
Governor

RE: Evidence of Priority

RESPONSE DEADLINE
APRIL 1, 1993

Dear Claimant:

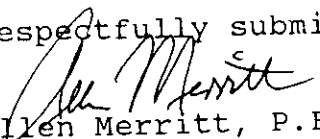
The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit.** The Department will at a later date conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided supporting the priority date you have claimed.**

Please find enclosed a computer printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date by **April 1, 1993**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,


Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

AJ5809NP
No. A45-10248

OWNER NAME & ADDRESS
C CARL AUSTIN
C BARBARA AUSTIN
P O BOX 116
OAKLEY ID 83346
(208) 436-5939

PRIORITY DATE
01/01/1920

WATER USE
IRRIGATION
STOCKWATER

USE PERIOD FROM TO
04-01 11-01
01-01 12-31

DIVERSION RATE
0.16 CFS
0.11 CFS
0.16 CFS

DIVERSION VOLUME

TOTAL DIVERSION: 0.16 CFS

Water Source: GROUNDWATER
Tributary to: T15S R21E S25 SWSE

Stage: STATUTORY CLAIM
CASSIA County

Point(s) of Diversion: T15S R21E S25 SWSE

Place of use Legal Description for: IRRIGATION

T R S	NE			NW			SW			SE			SUM
	Lt	Ac	Ac	Lt	Ac	Ac	Lt	Ac	Ac	Lt	Ac	Ac	
15S 21E 25	21	27	10										198.0
15S 21E 36	11	01											12.0
15S 22E 30													5.0
												TOTAL ACRES	215.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: CASSIA
Non-Irrigation Uses: S/UP TO 500 BEEF STOCK

Other Rights: A45-07173A, A45-00151

Remarks: WELLS ALSO USED FOR DOMESTIC HEATING: A45-07451
OWNERSHIP & ADDRESS CHANGE RECEIVED 6/19/1992. MITCHELL SOLD TO MR & MRS AUSTIN. 12/7/1992 RWV.

Dates: Exam Made Date: Verified Date:
Misc: Water District Number: Field Inspection Flag: Presumption Flag:

3 Feb 1993
30-53 83rd Street
Jackson Heights
New York 11370

STATEMENT CONCERNING THE WARM ARTESIAN WELL ON THE JD RANCH
DRILLED BY THE WEST PEARL OIL COMPANY ABOUT 1920/1921

The West Pearl Oil company was a group of men who prospected for oil and drilled this particular well to approximately 2600 feet using a steam powered churn drill with a wooden tower and wooden bull wheel. They also used screw thread pipe as casing. I believe that some of the names of the men involved were McMurray and Cartpenter and three or four other prominent Oakley residences. Carpenter did the actual operation of the drill rig.

My first knowledge of the well occurred in 1952. At that time there was a large pond near the well and the surrounding meadow was irrigated from this pond. The water in the pond and the ditch that ran East flowed from the artesian well. The livestock on the ranch numbering up to 500 head, also used this water. The cattle preferred it particularly in the winter time, and would walk from the north end of the ranch to drink from this warm water.

I worked for Newel P. Baker who owned the ranch, starting in 1952 and supervised the irrigation of the ranch from Goose Creek, Cold Creek and this well and continued overseeing the ranch until 1968 when I purchased part of the JD Ranch. In 1972 I purchased the entire ranch and have been directly involved in the operation of the ranch until June 1992 when I sold it to Carl Austin. This well has supplied water for livestock and to irrigate the land near the well as long as I have been associated with it. Water from the well has also been used to heat the Brick home since 1968.

Donald D. Stekeler

3 Feb 1993

THE OAKLEY FILE

VOLUME 24

OAKLEY, CASSIA COUNTY, IDAHO, FRIDAY, JANUARY 23, 1920

DRILLING FOR OIL BEGAN LAST SUNDAY

Drilling in the Oakley oil fields is now in progress. The machinery was set in motion last Sunday, and the hole was driven to a depth of thirty feet the first day.

D. P. Carpenter who has charge of the operations expects to strike oil in from one to four months. This well, if successful, will be the first one in the state of Idaho. There seems to be every indication that oil will be found in large quantities.

Mr. Carpenter is planning to sink a second well in the near future. In fact the chances are good that we may have the pleasure of seeing a big herd of wells in the Oakley district.

The machinery at the well on the ID ranch is of the very highest grade. The rig itself is strongly built, and is found the kind which has heavy machinery put on it. The work is being done back slightly this week on account of a layer of quicksand, which was encountered Sunday. Supplies are being secured that will enable the drillers effectively to wade off the water-saturated sands. The drillers are prepared to go over a mile if necessary.

BOULDER

Mr. and Mrs. Stephen Frost were Boulder visitors last Sunday.

H. P. Nelson made a business trip to Burley the first of the week.

Mr. Bidgood had the misfortune to lose another good work horse—the third in ten days. They all died from eating poisoned grain.

The dry farmers of Boulder are facing a hard proposition this year unless we have more snowfall during the rest of the winter than we have had so far.

Mrs H. P. Nelson was called to Heyburn Friday to care for her niece, Mrs. Welton Warner, who is rejoicing over the arrival of a daughter—her firstborn.

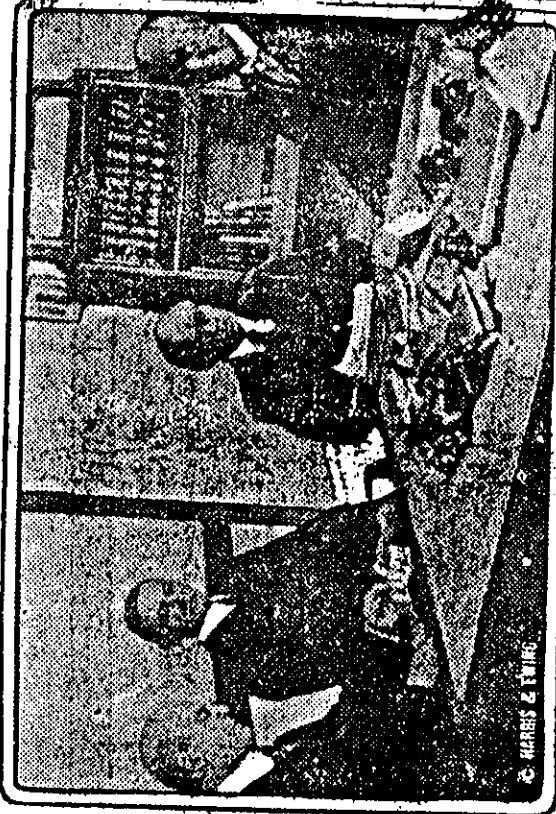
Vipont News

Mr. Thorne, Mrs. Thorne, Mrs. Wardlaw, and Mr. Wardlaw, Jr. were visitors at the well Saturday.

Wilcox and Fairchild are expecting a large shipment of Ladies' furnishings, collar buttons, chewing gum, Prince Alberts, etc.

Mrs. Newbold and daughter are expected to visit this week with a couple of weeks before they leave for the country.

PLANNERS FOR DECENNIAL CENSUS



These officials of the United States census bureau have borne the brunt of planning the decennial population census which was begun by 27,000 enumerators on January 2. From left to right: E. W. Koch, chief of population division; William L. Austin, chief statistician; agricultural division; C. S. Stearns, geographer; and Wm. M. Stewart, assistant to the director of the census and in charge of the decennial reports.

LOCALITY NOT WELL NAMED

Desert Island, Off Mains Coast, Has Many Attractions for Naturalist and Pleasure Seeker.

Mount Desert Island started its career with the handicap of a name that suggests a place of stinging, scorching sands and rocks. Yet it has overcome this disadvantage to the credit of its name. Moreover, it occupies a coveted position in Bar Harbor, one of the most popular and fashionable summer resorts of the Atlantic coast. It was Champlain who named the

WHERE BEDS ARE UNKNOWN

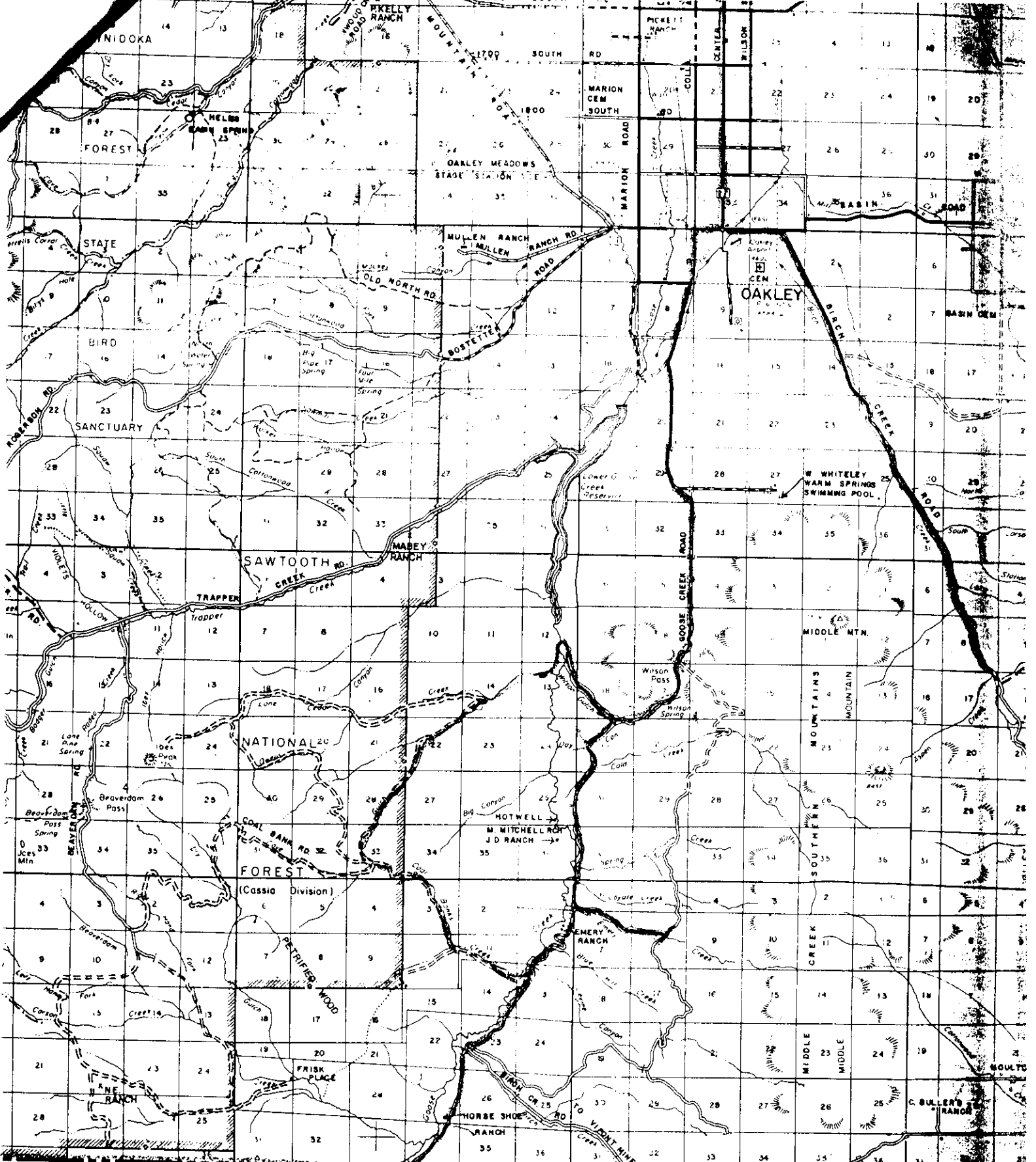
Residents of Merida, Yucatan, Enjoy Repose in Hammocks Which May Be Strung Anywhere.

In Merida, Yucatan, the majority of the people do not use beds. In fact, very few of them have even seen one. They sleep in hammocks, which are strung across the rooms at night and with no fuss of bedmaking; the person just goes to bed and is gently started to sleep by any passing breeze. The strange fact is that it is only during the months of January and

JAVA

Country
Seen

Java, New York, than any other country in the world. It is the most densely populated country in the world. It has a population of 40,000,000. It is the most densely populated country in the world. It has a population of 40,000,000. It is the most densely populated country in the world. It has a population of 40,000,000.



R. 20E.

R. 21E.

R. 22E.

COUNTY

A D A

BOX ELDER COUNTY

U T A H

7.5 MINUTE

530 000 FEET

260

55' 259

5724

6084

4667

5200

4666

Wilson Spring

Wilson Gulch

Gulch

x 5561

5200

21

x 5950

160 000 FEET

Creek

20

x 5729

Cold

5400

19

5600

5000

Canyon

5000

TRAIL

5000

5091

Springs

29

4930

5000

5000

x 5557

x 5413

5500

4826

B2

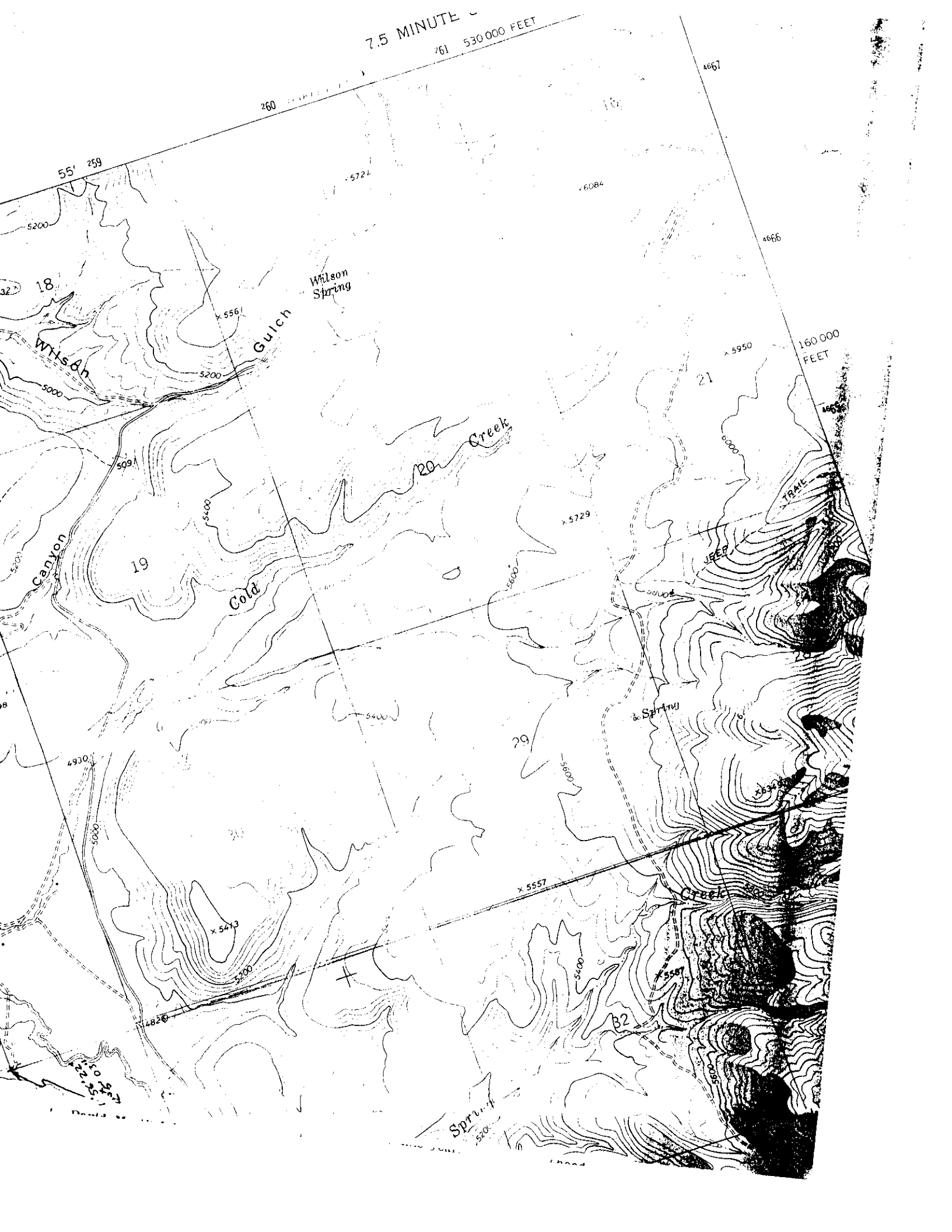
5587

Springs

530

7-53-2224

David



THE OAKLEY HERALD

VOLUME 24

OAKLEY, CASSIA COUNTY, IDAHO, FRIDAY, FEBRUARY 20, 1920

DRILLERS REACH DEPTH OF 800 FEET

**STRIKE ARTESIAN WATER—
MORE AND STILL MORE OF IT;
MAY SOLVE PROBLEM OF WATER SHORTAGE.**

The well on the JD ranch, 12 miles south of Oakley, has reached a depth of over 800 feet. Drilling goes right ahead, in spite of the fact that immense quantities of artesian water have been encountered.

It is estimated that the stream of artesian water measures over a hundred inches. Thus it is seen that C. Ellson, the owner of the ranch, has already profited by reason of the well. According to the agreement between the landowners and the Earl Oil and Gas Company, the former are to have possession of any water that may be struck.

It now looks as if the coming of D. P. Carpenter to Oakley with oil rigs would not only bring the prosperity that accompanies the discovery of oil, but would also help solve the problem of water shortage.

An abundance of artesian water can be secured at moderate depths, Oakley Valley can be made the best agricultural section in the world.

PEOPLE IN MANY PARTS OF THE COUNTY OPPOSE \$300,000.00 ROAD BOND ISSUE. CLAIM

BEDDING OUT SYSTEM OF HANDLING SHEEP

On sheep ranges which are properly stocked the principal concern is to employ methods of herding which will tend to distribute the band uniformly over the area instead of massing or bunching it. Range destruction results through soil packing and the exposure of the roots of the vegetation due to the animals being driven in a compact body or allowed to trail over the side hills in excessive numbers.

Investigations with different methods of handling sheep have clearly demonstrated that the animals do best when allowed to graze at will and bed out whenever night overtakes them. Typical summer range grazed by sheep under fence where the band was not herded at all, demonstrated that it requires from 25 to 50 per cent less range than where the sheep were handled under the old system of more or less close herding and where they were driven to the same bed ground for several successive nights. The practice of bedding the sheep in a new location each night is known as "bedding out", "burro", or "bianket" system.

The marked increase in the carrying capacity of forest ranges which has resulted largely from improved methods of handling sheep has led many stockmen to adopt the bedding out system. Approximately fifty per cent or more of the sheep grazed on national forests are now herded

ICE YACHT RACERS TAKE A SPILL



"Hatter," one of the speedy ice yachts entered in the Long Branch carnival race, taking a bad spill when attempting to make a sharp turn.

TO RESTORE HISTORIC SPOT

City of New Orleans Taking Steps to Preserve and Beautify Bienville's Landing Place.

An effort is being made in New Orleans to restore the old historic spot around the city. With the restoration

NATURE NEVER IN A HURRY

Taking Lesson From Wise Old Mother, Man Will Learn to Curb His Foolish Impatience.

We sometimes get impatient at the slowness of world improvement. We

ROLAND HOLTMAN FALLS 18 FEET FROM TOWER

Boy Sustains Serious Internal Injuries, But Is Reporter To Be Covering in a Twin J. Hos

Roland Holtman, 9-year-old son of E. J. Holtman, narrowly escaped sustaining fatal injuries last Saturday afternoon when he fell 18 feet from a tree, striking the ground. The entire force of the blow seemed to take effect over the boy's stomach, no serious bruises appearing on other parts of his body. Several hours it was thought that the internal injuries would make operation necessary. According to reports taken in a car to a hospital at Twin Falls, late Saturday night. It was decided finally to operate on him. Reports indicate that he is getting along fine, and will be able to come home soon.

The way Ronald happened to fall from the tree was like this. A party and a number of other children were playing along the street in front of his home. A last year's bird's nest was discovered on a small limb of a tree. The limb was too small for the larger children to venture on, but Ronald thought he might safely venture that far. He climbed out on the limb, but lost his hold and fell to the hard street below.

FARMERS SHOULD TAKE INVENTORIES

The commissioner of internal revenue has given notice that farmers

impressed with the country and decided to make the move. In November 1884, Charles moved his family from Grantsville, Utah to Oakley, Idaho.

He engaged in stock raising, mostly sheep, and farming. His two brothers, Andrew and Alfred, also moved to the Goose Creek Valley. They experienced many reverses along with successful years. They contributed much to the growth and welfare of the country.

Charles Gustava Elison died April 8, 1927 at Oakley, Idaho. His wife, Mary Melinda, died December 7, 1947 at Burley, Idaho. Both are buried at Oakley.

Norton Ray Tuttle

As a striking example of the fast-fading race of pioneers, the heroic men who planted the Mormon Church in the western wilderness and gave it a vitality which has confronted and confounded every form of oppression, hardship, privation and danger, the late Norton Ray Tuttle of Oakley, Cassia County, Idaho, challenges admiration and commands something more than a passing notice. His life is a graphic embodiment of that of his people in their new home on the Pacific slope, and its story in detail is worthy of preservation in an enduring record as a lesson of sublime faith and stern endurance.

It began on May 1, 1830 at North Haven, Conn. He was born, on this date, to Edward and Sarah (Clinton) Tuttle, both of distinguished ancestry. The Tuttle family came from England twelve years after the Pilgrim Fathers and settled at Salem, Mass. Lawrence Clinton, grandfather of Mrs. Tuttle, emigrated to this country from England previous to the Revolutionary War. Both the Tuttle and Clinton men took part in the great war against England.

Edward Tuttle was a blacksmith by trade and a great student of the Bible. In 1842, he accepted the Mormon faith. In 1845, he died, leaving an invalid wife, three daughters and one son, Norton. The children attended school at New Haven, Conn. In 1847, Norton, with his three sisters and invalid mother, left their home to join the Saints at winter quarters, near Council Bluffs, Iowa.

On April 3, 1848 at St. Louis, Mo., he was baptized into the L. D. S. Church, by Elder George Cottrell. Shortly after, he was afflicted with a serious illness, which lasted six weeks. After his recovery, he started to work in a printing office. Near the end of April of that year, in company of his mother and sisters, he started on the Steamer Mo. and came near floundering. All the passengers were landed on the banks. They camped there for two weeks, while the boat was being repaired, at St. Louis. They then resumed their journey.

On August 14, 1833, he married the daughter of John and Elizabeth Rutledge Uttley. Her name was Helen.

On July 8, 1852, they crossed the Missouri River with one wagon, one yoke of oxen and one yoke of cows. There were sixty other wagons in this company. Norton's family consisted of himself, his wife and a baby daughter. The daughter (Sarah) was born in the wagon, on the Iowa side of the river. On July 12, cholera broke out in the camp. Mrs. Rutledge, Helen Tuttle's mother, her niece and five other persons died. The party went on their mournful journey. They suffered great trials. Food was scarce. They

OAKLEY HERALD

OAKLEY, CASSIA COUNTY, IDAHO

FRIDAY, DECEMBER 30,

Geological Formations Indicate That Oakley Valley Will Be A Great Oil Field Center

Geological indications... threw a stream of oil, over twice the height of the derrick, which painted evergreen trees black on all sides.

The fact that Idaho was once thought to be without oil is in itself a good reason why prospectors should come this way. As Mr. Reed continues, in The Digest:

"It has often been said that you can not find oil where there are pine trees. This delusion may have afflicted wild-catters more than is realized, and as a result it is likely that evergreen regions have not been tested as much as others.

Another interesting point has been brought to our attention by J. W. Toomey, local manager for the West Pearl Oil and Gas Company. Reference is to the hot formation at the JD well on Goose creek. The hole is now at a depth of 2455 feet, and, as is well known, the large stream of water which pours forth is hot. According to Mr. Toomey this is not a discouraging feature in the least. During his recent visit to Oklahoma, he saw a well brought in in a formation fully as hot as that at the JD well. And that Oklahoma well in the hot formation is one that is doing more than its share to make a very oily state still more greasy. The oil was struck at a depth of 4,028 feet.

A son was born to Mr. and Mrs. Roy Jenkins Sunday, December 26.

Miss Zella Port returned Sunday for the holidays from Salt Lake, where she is taking a business course.

Vipont... to Mr. and Mrs. ... was a guest of H. ... to Mr. and Mrs. ...

ORPHEUM NOW HOLDS FORTH AT OLD STAND ON MAIN ST.

Comfortably Housed in Remodeled and Renovated Orpheum Building: Big Lobby, Feature

Last Thursday the Orpheum Theatre moved to its new home on Main street. The new Orpheum building has been put in comfortable and attractive condition by the carpenters and painters. No difficulty is experienced in keeping the temperature at the right degree.

Glen Crawford, the manager, is offering the people of Oakley a most excellent line of pictures.

POSSIBLY ABOUT YOU---

Mr. and Mrs. Clifton Adams have a fine boy born Wednesday.

Mr. Ridgway, manager of the Kimberly motion picture theatre, is an Oakley visitor this week.

The Seniors of the Marlon ward are giving a social and dance Friday night. Everyone invited.

The Bee Hive Girls and Boy Scouts of the Marlon ward are giving a party Thursday night at the dance hall.

The Oakley First ward basketball team won the silver cup Wednesday night when they beat the Fourth ward by a score of 10 to 24.

ALMO OIL FIELD

The recent "wholesale bank" at Burley left many of our best citizens destitute of ready money.

Will Merrill and family returned Saturday from a visit to friends and relatives at Cache valley, Utah.

Victor Spencer was calling on friends at Moulton, Wednesday, and grieving over his second loss in Burley banks this week.

BURGLARS BREAK INTO THE OAKLEY POST OFFICE

TRY TO GET CASH FOR PRESENTS FOR THEMSELVES, BUT FAIL

Burglars broke into the Oakley post office Christmas night in an attempt to secure cash. So far as known, they did not get any money. They may have taken some packages, but this is not certain.

The burglars entered the post office and pried loose a section of the post office boxes to get to the cash drawer. They found it empty. Postmaster De La Mare would have dreamed of leaving money around loose. The cash drawer was as bare as old Mother Hubbard's cupboard. The thieves evidently decided then to give it up for a job, so they pushed the section boxes around in place. Next day they had to look close to see that nothing had happened.

There has been much speculation as to who the burglars are. Many theories have been formed, but local Sherlock Holmes's have yet found anything definite.

Wonder has been expressed if the thieves would risk so much to go and peep into a cash box. Perhaps they had taken a few drinks of Christmas likker before working out their plan of attack. Or perhaps they started to do something else and then changed their minds.

The evidence shows that the house-breaking tools were used very skillfully. Very little damage was done to the section of post office boxes by the operations.

There are indications that the burglars are still in this neighborhood.

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 45-10248
Date Received: 3/14/1989
Receipt No: S006545
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

BARBARA V AUSTIN
PO BOX 93
OAKLEY ID USA 83346

Phone: (208)436-1562

CARL F AUSTIN
PO BOX 93
OAKLEY ID USA 83346

Phone: (208)436-1562

2. Date of Priority: 01/01/1920

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
15S	21E	25	SW	SE	CASSIA	

5. Description of diverting works:

1 ARTESIAN WELL, DITCH, PUMP, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.16	
STOCKWATER	1/01	12/31	0.11	

7. Total Quantity Appropriated is:
0.16 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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IDAHO DEPARTMENT OF WATER RESOURCES
 SOUTHERN REGION
 1341 FILLMORE ST STE 200
 TWIN FALLS ID 83301-3380
 (208) 736-3033

DIRK KEMPTHORNE
 GOVERNOR

KARL J DREHER
 DIRECTOR

RECEIVED
 OCT 11 2002
 Department of Water Resources
 Southern Region

CHANGE IN ADDRESS

Water Right Number(s): 45-151, 45-7451, 45-7452 *closed (permit)*
45-71734, 45-10248, 45-12461 *P. decreed*
45-12877

Old Mailing Address: P.O. Box 116, Oakley
Idaho 83346

New Mailing Address: P.O. 93, Oakley
Idaho 83346

New Telephone Number: (208) 436-1562

Signature of Claimant(s): *[Signature]*

Date: 10 October 2002

FOR IDWR USE ONLY	
Initial Review and Data Entry	
Date: <u>10/11/02</u>	By: <u>[Signature]</u>
Further Action Needed:	
Further Action Taken	
Date:	By:
Final Review and Data Entry	
Date:	By:

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: **A45-10248**
Date Received: 3/14/1989
Receipt No: S006545
Received By: _____

Change of Owner

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: CARL AUSTIN
Address: P O BOX 116 ⁹³
OAKLEY ID

⁻¹⁵⁶²
208-436-5939

AND/OR

83346

Name: BARBARA AUSTIN
Address: P O BOX 116 ⁹³
OAKLEY ID

¹⁵⁶²
208-436-5939

83346

2. Date of Priority: JAN 1, 1920

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township 15S Range 21E Section 25 . 1/4 of 1/4 of 1/4 Lot County
SW SE CASSIA

5. Description of diverting works:
1 ARTESIAN WELL, DITCH, PUMP, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.160		
STOCKWATER	01/01	12/31	0.110		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
S/UP TO 500 BEEF STOCK

MICROFILMED

MAR 1 1993

Date: 12/07/92

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres			
15S	21E	25	NW		NE		IRR	21.0			
			SW		NE		IRR	27.0			
			SE		NE		IRR	10.0			
			SE		NW		IRR	7.0			
			NE		SW		IRR	10.0			
			SE		SW		IRR	6.0			
			NE		SE		IRR	27.0			
			NW		SE		IRR	24.0			
			SW		SE		IRR	29.0			
			SE		SE		IRR	37.0			
			Section Acres								198.0
					36	NE		NE		IRR	11.0
						NW		NE		IRR	1.0
Section Acres								12.0			
	22E	30	SW		NW		IRR	5.0			
Section Acres								5.0			
Total Acres								215.0			

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A45-07173A , A45-00151

14. Remarks:

WELLS ALSO USED FOR DOMESTIC HEATING: A45-07451

OWNERSHIP & ADDRESS CHANGE RECEIVED 6/19/1992. MITCHELL SOLD
TO MR & MRS AUSTIN. 12/7/1992 RVW.

15. Basis of Claim: STATUTORY CLAIM

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

MICROFILMED

MAR 1 0 1993

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

MAR 1 0 1993

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: A45-10248
Date Received: 3/14/1989
Receipt No: S006545
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MORRIS W. MITCHELL 208-436-5939
Address: P.O. BOX 48
OAKLEY, ID 83346

2. Date of Priority: JAN 01, 1920

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	21E	25	SW	SE			CASSIA

5. Description of diverting works:
1 ARTESIAN WELL, DITCH, PUMP, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.160		
STOCKWATER	01/01	12/31	0.110		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/UP TO 500 BEEF STOCK

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	21E	25	NW	NE		IRR	21.0
			SW	NE		IRR	27.0

A45-10248

Page 1

Date: 03/14/89

MICROFILMED

MAR 10 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	21E	25	SE		NE		IRR	10.0
			SE		NW		IRR	7.0
			NE		SW		IRR	10.0
			SE		SW		IRR	6.0
			NE		SE		IRR	27.0
			NW		SE		IRR	24.0
			SW		SE		IRR	29.0
			SE		SE		IRR	37.0
							Section Acres	198.0
		36	NE		NE		IRR	11.0
			NW		NE		IRR	1.0
							Section Acres	12.0
	22E	30	SW		NW		IRR	5.0
							Section Acres	5.0
							Total Acres	215.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A45-07173A , A45-00151

14. Remarks:
WELLS ALSO USED FOR DOMESTIC HEATING: A45-07451

15. Basis of Claim: STATUTORY CLAIM

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 wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *[Handwritten Signature]* Date: 3/14/89
_____ Date: _____

State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of March 19 89

[Handwritten Signature]
Notary Public

Seal

Residing at TF
My Commission Expires 5/94

55

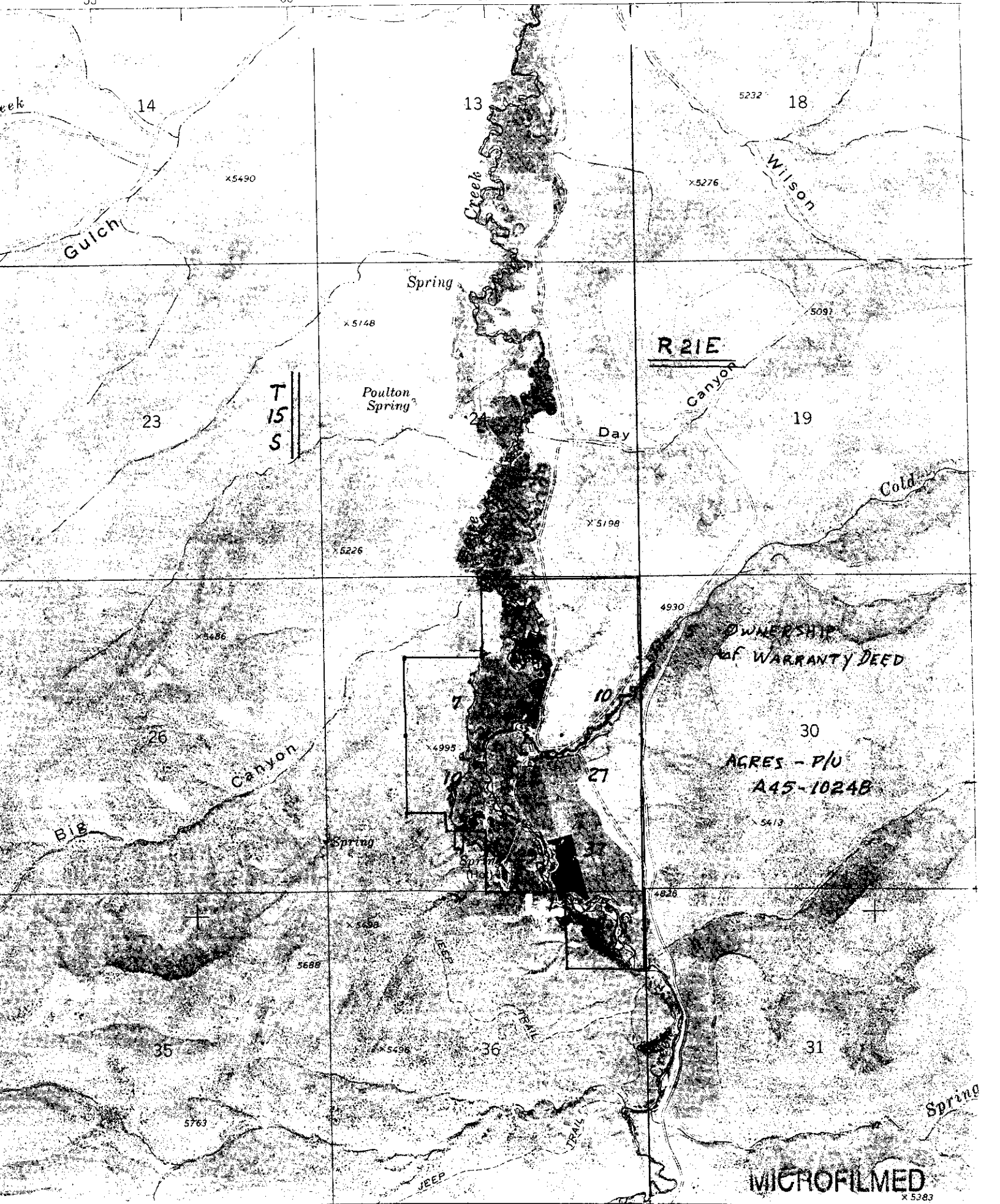
57 30"

56

57

R 21 E R 22 58

55



14

13

18

x5490

x5276

Gulch

Wilson

Spring

x5148

x5091

R 21 E

Poulton Spring

23

T 15 S

Day

19

Cold

x5198

x5226

x5486

4930

OWNERSHIP of WARRANTY DEED

26

Canyon

30

ACRES - P/U A45-10248

x4995

27

BIS

Spring

x5413



5688

4826

35

x5498

36

31

5763

JEEP

TRAIL

Spring

MICROFILMED

x 5383

MAR 10 1993



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

DATE OF CLOSING: 6/9/92

JUN 19 1992

LEGAL DESCRIPTION OF PROPERTY: Township 15 S Range 21 E Department of Water Resources
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM _____
Lot _____, Block _____, Subdivision/Townsite _____, Southern Region Office
If you have additional legal descriptions, please attach separate sheet.

- Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- Water Right Number(s) Assigned by IDWR: A45-07451; A45-07452, A45-00151, A45-10248 A45-07173A
- Name and Address of Former Owner/Claimant(s)(Seller): MORRIS W MITCHELL
PO BOX 48
OAKLEY ID
- New Owner/Claimant (Purchaser): CARL AND/OR BARBARA AUSTIN
- New Mailing Address: ~~7165 ATHEL~~ P.O. Box 116
~~TN YOKERN CR. 93527~~
Oakley, Idaho, 83346
- New Telephone Number: ~~(619) 377-4665~~ 208-436-5939
- Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- Attach proof of ownership, describe proof attached: _____
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

Signature of New Owner/Claimant(s) Carl Austin Date 21 May 92
Barbara K. Austin Date May 23, 1992

Signature of Former Owner/Claimant(s) Morris W Mitchell Date 21 May 1992
Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:	
Initial Review and Data-Entry	By: _____
Date: _____	
Further Action Needed:	
Further Action Taken	By: _____
Date: _____	
Final Review and Data-Entry	By: _____
Date: _____	
Claim Numbers of Split, if any:	

MICROFILMED
MAR 10 1993

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

219423

WARRANTY DEED

For Value Received MORRIS W. MITCHELL AND ELLEN C. MITCHELL, Trustees of the MORRIS W. MITCHELL FAMILY REVOCABLE TRUST AGREEMENT, dated the 3rd day of March 1981

the grantor s. do hereby grant, bargain, sell and convey unto
CARL F. AUSTIN AND BARBARA V. AUSTIN, husband and wife
P.O. Box 116, Oakley, Idaho 83346

RECEIVED

JUN 19 1992

Department of Water Resources
Southern Region Office

the grantee s. the following described premises, to-wit:

TOWNSHIP 15 SOUTH, RANGE 21 EAST, BOISE MERIDIAN

Section 14: SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 15: E $\frac{1}{4}$ SE $\frac{1}{4}$

Section 22: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{4}$ N $\frac{1}{4}$

Section 25: SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{4}$, N $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 36: NE $\frac{1}{4}$ NE $\frac{1}{4}$

TOGETHER WITH: Water Right Numbers A45-07451, A45-07452, A45-00151, A45-10248 and A45-07173A.

SUBJECT TO: General taxes for the year 1992 and subsequent years.

Easements to Idaho Power Company recorded May 17, 1962 as Instrument No. 6980 on Film No. 13; Recorded October 6, 1972 as Instrument No. 65553 on Film No. 78; Recorded November 18, 1975 as Instrument No. 87661 on Film No. 98, all in records of Cassia County, Idaho.

COPY

RECORDED AT THE REQUEST OF
CASSIA COUNTY ABSTRACT

FILM 235

1992 JUN -9 P 3:45

219423

CASSIA COUNTY, IDAHO
FRANK B. KEARNS
RECORDER

FEE 3.00 DEPUTY AM

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor do hereby covenant and with the said Grantees that they are the owner in fee simple of said premises; that said premises are free from all incumbrances except as above described, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: June 1, 1992

Morris W. Mitchell
Morris W. Mitchell, Trustee

Ellen C. Mitchell
Ellen C. Mitchell, Trustee

STATE OF IDAHO)
COUNTY OF CASSIA)

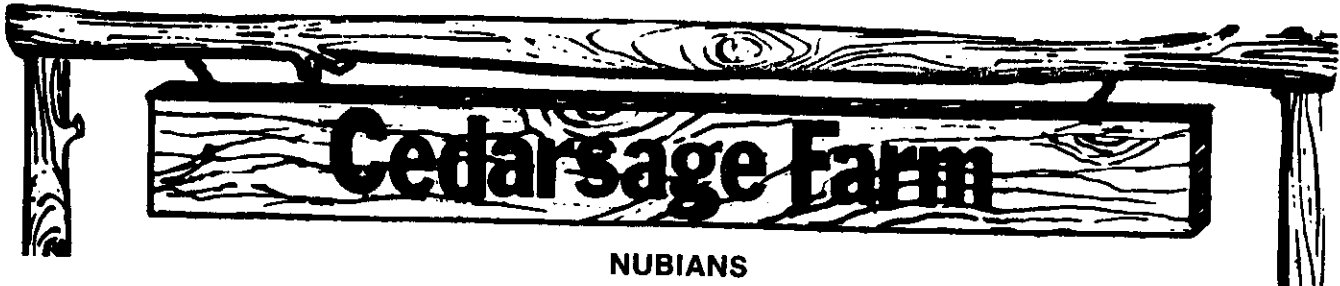
On this 9th day of June, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared Morris W. Mitchell and Ellen C. Mitchell, being first duly sworn on their oaths, depose and state: That they are the Trustees of the MORRIS W. MITCHELL FAMILY REVOCABLE TRUST, that they have read the foregoing document, know the contents thereof, and believe the same to be true to the best of their knowledge, and are identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

Residing at: Burley, Idaho
Commission Expires: 2/20/98

Richard S. Harper
Notary Public for Idaho

MICROFILMED
MAR 10 1993



NUBIANS

CARL and BARBARA AUSTIN & FAMILY

~~7165 Alton Road, Torrance, California 90505 (619) 877-4665~~

P.O. BOX 116, Oakley, Idaho 83346

RECEIVED

JUN 19 1992

Idaho Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301

Department of Water Resources
Southern Region Office

Attn: Adjudication Bureau

Dear Sirs:

Enclosed are a notice of change of water right owner plus a legal description of the lands involved.

I have also noted a change of address as we are now getting mail at the Oakley address.

Thank you for your assistance in this transaction and if there are any questions, please let me know.

Sincerely yours,

Carl F. Austin
Carl F. Austin

Encl:

New Property Owner forms

Copy of deed with legal description

MICROFILMED

MAR 10 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

07-Dec-1992

MR. & MRS. CARL AUSTIN
P O BOX 116
OAKLEY ID 83346

Re: Ownership changes for Adjudication Claims No. A45-00151,
A45-07173A, A45-07451, A45-07452 & A45-10248.

Dear Claimant:

Pursuant to the notification that you presently own the property in which the above-referenced Adjudication Claims are appurtenant, the Department has changed the record of the current owners as you requested. Please find enclosed a copy of the computer record of the claims noting the change in claimant.

Please review the record and if you have any corrections or questions, please feel free to call this office.

Sincerely,

Robert Worstell
Sr Adjudication Agent

Enclosures

MICROFILMED
MAR 10 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

25-Jan-1993

R. KEITH HIGGINSON
Director

A45-10249
CARL AUSTIN
BARBARA AUSTIN
P O BOX 115
OAKLEY

ID 93846

RE: Evidence of Priority

RESPONSE DEADLINE
APRIL 1, 1993

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will at a later date conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

Please find enclosed a computer printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date by April 1, 1993, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

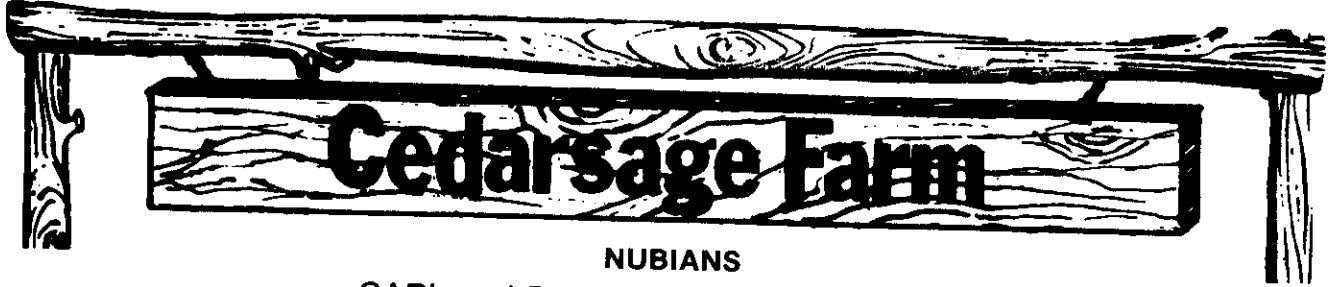
Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 10 1993

A 45-10248



NUBIANS

CARL and BARBARA AUSTIN & FAMILY

~~7165 Altek Road x Inyokern x California 93527 x 619 x 377 x 4665~~
P.O. Box 93, Oakley, Idaho 83346 (208) 436-5939

Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301

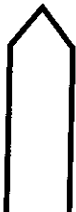
RECEIVED
FEB 23 1993
Department of Water Resources
Southern Region Office

Dear Sirs:

Per your letter of 25 January 1993 (Encl. 1) I have been requested to provide proof of the priority date for a water well located on my ranch, and described in your document of 1/14/93 page 23 which is my Enc. 2. With a priority date of 1920 you have asked me to prove events of 73 years ago.

First of all, I obtained a statement from Morris Mitchell from whom I purchased the ranch (Encl.3). The ranch on which the well in question is located has been called the JD Ranch for at least a half century. Mr. Mitchell went to work on the JD Ranch in 1952, bought part of it in 1968 and bought the rest of it in 1972. His statement provided a general history and noted several interesting points - Newell Baker who owned the ranch was watering up to 500 head of stock, and the domestic heating use began in 1963. With this data in hand I was able to interview the son of one of the men who had worked on the drill rig when the well was drilled and was able to talk to the grandson of the ranch owner at the time the well was drilled. The son of the rig hand (R.B. Whittle) placed the time of drilling at 1920 based on when his father moved from Oakley to Bingham Utah in 1921. Everyone I talked to suggested I examine the Oakley Herald as they were sure the paper carried accounts of the well drilling. The paper provides the following data:

1. The well in question was spudded in on Sunday, January 16th, 1920 (Encl 4.)
2. The newspaper accounts place this well on the JD Ranch. That is the name of the ranch I own. The general location of the M.Mitchell Ranch/JD Ranch and the well itself are shown on Map No. 16, Cassia County Idaho, published by Big Sky Maps, a portion of which is reproduced as Encl. 5.
3. The exact location of the well is shown on the USGS Blue Hill Quadrangle. This map shows the well as a hot springs. There was a hot springs leakage along a shear zone, in which the well was drilled, not too long past and it is geologically probable that warm flow occurred at or near the well site at the time



MICROFILMED

MAR 10 1993

the ranch was established circa 1884, putting the beneficial use of this water back to that era. A portion of the Blue Hill Quadrangle has been reproduced as Encl. 6 as it shows the exact well/spring location. As this is a free flowing artesian well, it would have been referred to a a hot spring by most local people (Temp 115°F).

4. The owner of the ranch, at the time of drilling, according to the newspaper, was C.G. Elison. The account in the paper states that Elison had the rights to any water encountered and that as a result he had already profited from the well. At that time the well was flowing at a rate of 100 inches, and local accounts are that the water shot into the air higher than the tower of the rig. (Encl. 7) The rig was a cable tool rig (part of which is still on the ranch) so that the hole was drilled as an open hole to provide water from the first few days of drilling.
5. The book, "A Pause For Reflection," published by the Daughters of Utah Pioneers, Cassia County Company, notes that Charles Gustava Elison made the move to the Goose Creek Valley in 1884 and was engaged in stock raising and farming. (Encl.8). The dugout remains from the first settlement are still in evidence on the ranch and the late 1800's log cabin is still in use on the ranch.
6. The well was reentered and deepened a number of times, encountering greater water flow and higher temperatures with added depth. The newspapers noted when the depth reached was 2455 feet (Encl.9) and local informants state its current TD is 2600 feet.

At present the well is throttled back to the modest flows covered by the water rights shown in your document of Encl 2. The well, if rehabilitated and finished with a multiple tubing completion would appear capable of maintaining temperature and flowing at 112 inches and 25 psi at the wellhead.

It is my belief that I have provided sufficient data to show a beneficial use dating from 1920. The originals of the newspapers and the book can be examined at the LDS Family History Center in Burley, Idaho. If you need any further documentation I will start searching out the children and grandchildren of the people who worked on the rig and lived on the ranch, at the time of drilling.

Respectfully,



Carl F. Austin

18 February 1993



9 Enclosures

cc: Morris Mitchell

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MAR 10 1993



State of Idaho

(Encl 1)

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

25-Jan-1993

R. KEITH HIGGINSON
Director

A45-10248
CARL AUSTIN
BARBARA AUSTIN
P O BOX 216
OAKLEY

TD 73846

RE: Evidence of Priority

RESPONSE DEADLINE

APRIL 1, 1993

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will at a later date conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

Please find enclosed a computer printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date by April 1, 1993, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

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MAR 10 1993

IDAHO DEPARTMENT OF WATER RESOURCES
 ADJUDICATION CLAIM PROFILE REPORT

OWNER CODE NAME & ADDRESS
 C CARL AUSTIN
 C BARBARA AUSTIN
 P O BOX 116
 OAKLEY ID 83346
 (208) 436-5939

PRIORITY DATE WATER USE
 01/01/1920 IRRIGATION
 STOCKWATER

USE PERIOD FROM TO
 04-01 11-01
 01-01 12-31

DIVERSION RATE
 0.16 CFS
 0.11 CFS

DIVERSION VOLUME
 0.16 CFS
 0.11 CFS

TOTAL DIVERSION: 0.16 CFS

Water Source: GROUNDWATER
 Point(s) of Diversion: T15S R21E S25
 Place of use Legal Description for: IRRIGATION

Tributary to: SWSE
 Stage: STATUTORY CLAIM
 CASSIA County

T R S	NE			NW			SW			SE			SUM
	Lt	Ac	Ac	Lt	Ac	Ac	Lt	Ac	Ac	Lt	Ac	Ac	
15S 21E 25	21	27	10										198.0
15S 21E 36	11	01											12.0
15S 22E 30													5.0
												TOTAL ACRES	215.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: CASSIA
 Non-Irrigation Uses: S/UP TO 500 BEEF STOCK
 Other Rights: A45-07173A , A45-00151

Remarks: WELLS ALSO USED FOR DOMESTIC HEATING: A45-07451
 OWNERSHIP & ADDRESS CHANGE RECEIVED 6/19/1992. MITCHELL SOLD TO MR & MRS AUSTIN. 12/7/1992 RVW.

Dates: Exam Made Date: Verified Date:
 Misc: Water District Number: Field Inspection Flag:
 Presumption Flag:

(Encl 2)

MICROFILMED
 MAR 10 1993

(Encl 3)

3 Feb 1993
30-53 83rd Street
Jackson Heights
New York 11370

STATEMENT CONCERNING THE WARM ARTESIAN WELL ON THE JD RANCH
DRILLED BY THE WEST PEARL OIL COMPANY ABOUT 1920/1921

The West Pearl Oil company was a group of men who prospected for oil and drilled this particular well to approximately 2600 feet using a steam powered churn drill with a wooden tower and wooden bull wheel. They also used screw thread pipe as casing. I believe that some of the names of the men involved were McMurray and Carpenter and three or four other prominent Oakley residents. Carpenter did the actual operation of the drill rig.

My first knowledge of the well occurred in 1952. At that time there was a large pond near the well and the surrounding meadow was irrigated from this pond. The water in the pond and the ditch that ran East flowed from the artesian well. The livestock on the ranch numbering up to 500 head, also used this water. The cattle preferred it particularly in the winter time, and would walk from the north end of the ranch to drink from this warm water.

I worked for Newel P. Baker who owned the ranch, starting in 1952 and supervised the irrigation of the ranch from Goose Creek, Cold Creek and this well and continued overseeing the ranch until 1968 when I purchased part of the JD Ranch. In 1972 I purchased the entire ranch and have been directly involved in the operation of the ranch until June 1992 when I sold it to Carl Austin. This well has supplied water for livestock and to irrigate the land near the well as long as I have been associated with it. Water from the well has also been used to heat the Brick home since 1968.

Joseph B. Stekore

3 Feb 1993

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MAR 1 1993

THE OAKLEY FILE

VOLUME 24

OAKLEY, CASSIA COUNTY, IDAHO, FRIDAY, JANUARY 23, 1929

DRILLING FOR OIL

BEGAN LAST

SUNDAY

Drilling in the Oakley oil fields is now in progress. The machinery was set in motion last Sunday, and the hole was driven to a depth of thirty feet the first day.

D. P. Carpenter who has charge of the operations expects to strike oil in from one to four months. This well, if successful, will be the first one in the state of Idaho. There seems to be every indication that oil will be found in large quantities.

Mr. Carpenter is planning to sink a second well in the near future. In fact the chances are good that we may have the pleasure of seeing a big herd of wells in the Oakley district.

The machinery at the well on the JD ranch is of the very highest grade. The rig itself is strongly built and is of the design which the heavy machinery puts out. The work is being done so fast that slightly this week on account of a layer of quicksand, which was encountered Sunday. Supplies are being secured that will enable the drillers effectively to shut off the water sands.

The drillers are expected to strike oil in a matter of days. It is very probable that the first oil well in the country will be struck in the near future.

MENTION

Mr. and Mrs. Stephen Frost were Boulder visitors last Sunday.

Mr. H. P. Nelson made a business trip to Burley the first of the week.

Mr. Bidgood had the misfortune to lose another good work horse—the third in ten days. They all died from eating poisoned grain.

The dry farmers of Boulder are facing a hard proposition this year unless we have more snowfall during the rest of the winter than we have had so far.

Mrs. H. P. Nelson was called to Heyburn Friday to care for her niece, Mrs. Welton Warner, who is rejoicing over the arrival of a daughter—her firstborn.

Vipont News

Mr. Thorne, Mrs. Thorne, Mrs. Wardlaw and Mr. Wardlaw, Jr. were visitors to the city Saturday.

Wilcox and Fairchild are expected to bring a large shipment of ladies' furnishings, collar buttons, chewing gum, Prince Albert cigarettes, etc.

Mrs. Newbold and her family are expected to visit in the city in a couple of weeks. They have been in the city for some time.

PLANNERS FOR DECENNIAL CENSUS



These officials of the United States census bureau have borne the brunt of planning the decennial population census which was begun by 27,000 enumerators on January 2. From left to right: E. W. Kock, chief of population division; William L. Austin, chief statistician, agricultural division; C. S. Steane, geographer; and Wm. M. Stewart, assistant to the director of the census and in charge of the decennial reports.

LOCALITY NOT WELL NAMED

Desert Island, Off Maine Coast, Has Many Attractions for Naturalist and Pleasure Seeker.

Mount Desert Island started its career with the handicap of a name that suggests a place of glaring, unshaded sands and rocks. Yet it has overcome this disadvantage to the credit of its name. Moreover, it occupies a coveted position in Bar Harbor, one of the most popular and fashionable resorts of the Atlantic coast. It was Champlain who named the

WHERE BEDS ARE UNKNOWN

Residents of Merida, Yucatan, Enjoy Repose in Hammocks Which May Be Slung Anywhere.

In Merida, Yucatan, the majority of the people do not use beds, in fact very few of them have even seen one. They sleep in hammocks, which are strung across the rooms at night and with no fuss of bedmaking; the person just goes to bed and is gently rocked to sleep by any passing breeze. The hammock is so hot that it is very dangerous the middle of January and

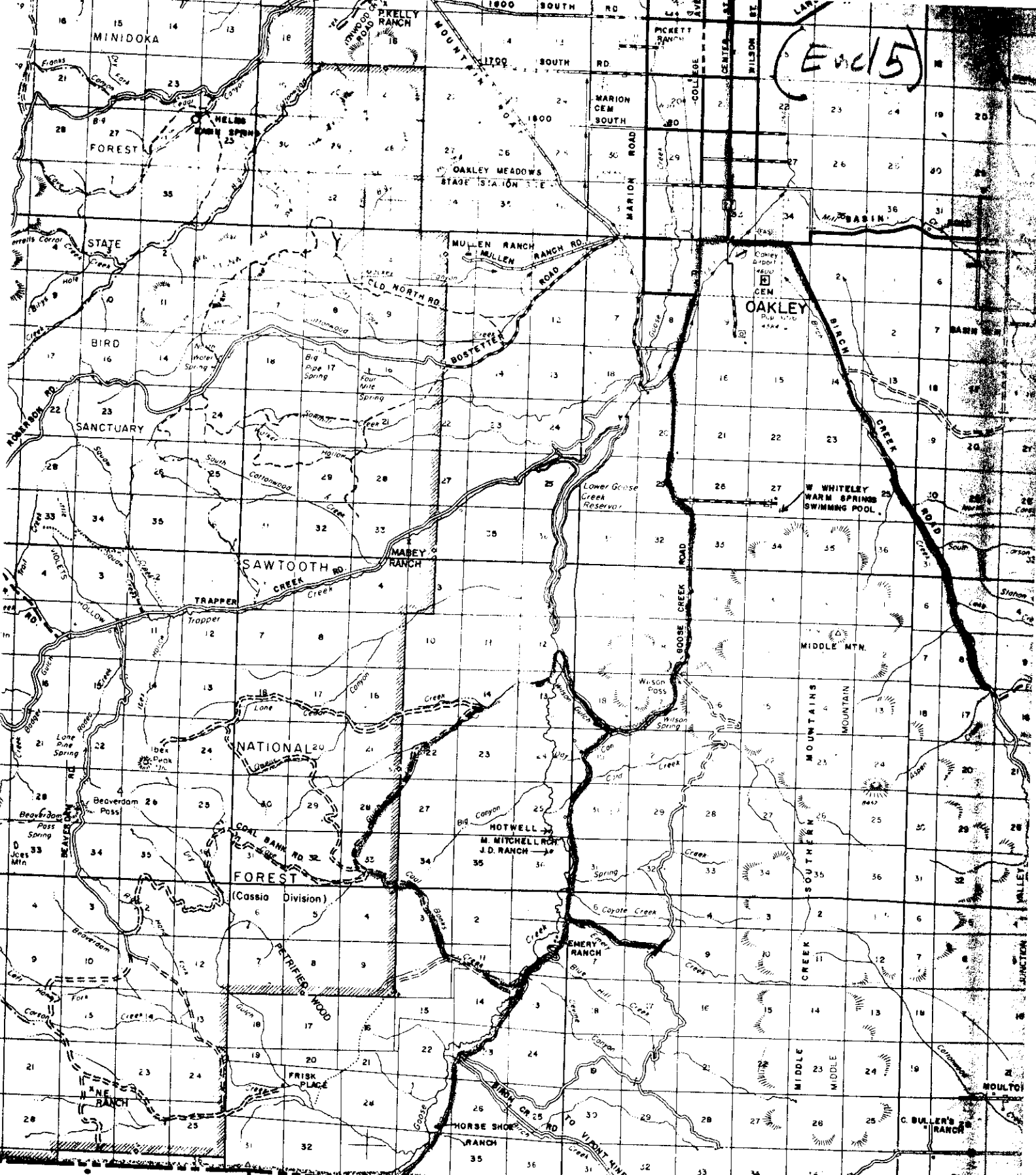
JAVA

Country Been

Java, New York, that in this score of years Old and young are enjoying the pleasures of the island. The island is a beautiful one, with a climate that is just what is needed for a winter vacation. The island is a beautiful one, with a climate that is just what is needed for a winter vacation. The island is a beautiful one, with a climate that is just what is needed for a winter vacation.

(Encl 4)

(Euc 15)



R.20E.

R.21E.

14°00'

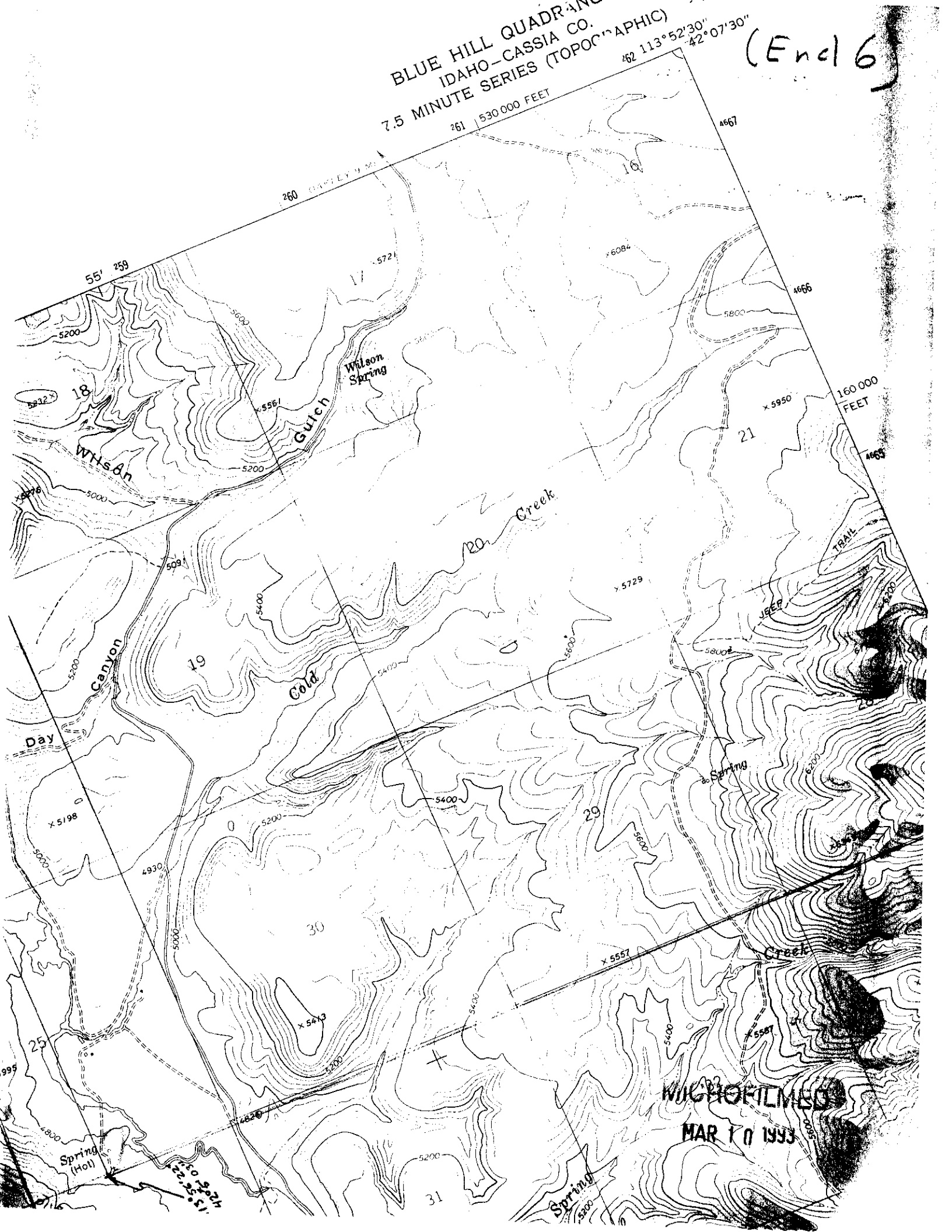
COUNTY
A D A

GRANITE PASS
MICROFILMED

BOX ELDER
U T A H
MAR 1 1993

BLUE HILL QUADRANGLE
IDAHO-CASSIA CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

(End 6)



THE OAKLEY HERALD

VOLUME 24

OAKLEY, CASSIA COUNTY, IDAHO, FRIDAY, FEBRUARY 20, 1920

DRILLERS REACH DEPTH OF 800 FEET

STRIKE ARTESIAN WATER—MORE AND STILL MORE OF IT; MAY SOLVE PROBLEM OF WATER SHORTAGE.

The well on the JD ranch, 12 miles south of Oakley, has reached a depth of over 800 feet. Drilling goes right ahead, in spite of the fact that immense quantities of artesian water have been encountered. It is estimated that the stream of artesian water measures over a hundred inches. Thus it is seen that C. Ellison, the owner of the ranch, has already profited by reason of the well. According to the agreement between the landowner and the Earl Oil and Gas Company, the former are to have possession of any water that may be struck.

It now looks as if the coming of D. P. Carpenter to Oakley with all rigs would not only bring the prosperity that accompanies the discovery of oil, but would also help solve the problem of water shortage. An abundance of artesian water can be secured at moderate depths. Oakley Valley can be made the best agricultural section in the world.

PEOPLE IN MANY PARTS OF TETON COUNTY OPPOSE \$500,000.00 ROAD BOND ISSUE. CLAIM

BEDDING OUT SYSTEM OF HANDLING SHEEP

On sheep ranges which are properly stocked the principal concern is to employ methods of herding which will tend to distribute the band uniformly over the area instead of massing or bunching it. Range destruction results through soil packing and the exposure of the roots of the vegetation due to the animals being driven in a compact body or allowed to trail over the side hills in excessive numbers.

Investigations with different methods of handling sheep have clearly demonstrated that the animals do best when allowed to graze at will and bed out whenever night overtakes them. Typical summer range grazed by sheep under fence where the band was not herded at all, demonstrated that it requires from 25 to 50 per cent less range than where the sheep were handled under the old system of more or less close herding and where they were driven to the same bed ground for several successive nights. The practice of bedding the sheep in a new location each night is known as "bedding out", "burro", or "blanket" system.

The marked increase in the carrying capacity of forest ranges which has resulted largely from improved methods of handling sheep has led many stockmen to adopt the bedding out system. Approximately fifty per cent or more of the sheep grazed on national forests are now herded

ICE YACHT RACERS TAKE A SPILL



"Battler," one of the speedy ice yachts entered in the Long Branch carnival race, taking a bad spill when attempting to make a sharp turn.

TO RESTORE HISTORIC SPOT

City of New Orleans Taking Steps to Preserve and Beautify Bienville's Landing Place.
An effort is being made in New Orleans to restore the old historic spot around the city. With the restoration

NATURE NEVER IN A HURRY

Taking Lesson From Wise Old Mother, Man Will Learn to Curb His Foolish Impatience.
We sometimes get impatient at the slowness of world improvement. We

ROLAND HOLTMAN FALLS 18 FEET FROM TREE

Boy Sustains Serious Internal Injuries, But Is Reported Recovering in a Twin Falls Hospital.

Roland Holtman, 9-year-old son of E. J. Holtman, narrowly escaped sustaining fatal injuries last Saturday afternoon when he fell 18 feet from a tree, striking the hard ground. The entire force of the fall seemed to take effect over the boy's stomach, no serious bruises appearing on other parts of his body. Several hours it was thought that the internal injuries would make an operation necessary. According to reports taken in a car to a hospital at Twin Falls, late Saturday night, it was decided finally not to operate on him. Reports indicate that he is getting along all right and will be able to come home soon.

The way Ronald happened to fall from the tree was like this. He and a number of other children were playing along the street in front of his home. A last year's birds' nest was discovered on a small limb of a tree. The limb was too small for the larger children to venture on, but Ronald thought he might safely venture that far. He climbed out on the limb, but lost his hold and fell to the hard street below.

FARMERS SHOULD TAKE INVENTORIES

The commissioner of internal revenue has given notice that farmers

impressed with the country and decided to make the move. In November 1884, Charles moved his family from Grantsville, Utah to Oakley, Idaho.

He engaged in stock raising, mostly sheep, and farming. His two brothers, Andrew and Alfred, also moved to the Goose Creek Valley. They experienced many reverses along with successful years. They contributed much to the growth and welfare of the country.

Charles Gustava Elison died April 8, 1927 at Oakley, Idaho. His wife, Mary Melinda, died December 7, 1947 at Burley, Idaho. Both are buried at Oakley.

Norton Ray Tuttle

As a striking example of the fast-fading race of pioneers, the heroic men who planted the Mormon Church in the western wilderness and gave it a vitality which has confronted and confounded every form of oppression, hardship, privation and danger, the late Norton Ray Tuttle of Oakley, Cassia County, Idaho, challenges admiration and commands something more than a passing notice. His life is a graphic embodiment of that of his people in their new home on the Pacific slope, and its story in detail is worthy of preservation in an enduring record as a lesson of sublime faith and stern endurance.

It began on May 1, 1830 at North Haven, Conn. He was born, on this date, to Edward and Sarah (Clinton) Tuttle, both of distinguished ancestry. The Tuttle family came from England twelve years after the Pilgrim Fathers and settled at Salem, Mass. Lawrence Clinton, grandfather of Mrs. Tuttle, emigrated to this country from England previous to the Revolutionary War. Both the Tuttle and Clinton men took part in the great war against England.

Edward Tuttle was a blacksmith by trade and a great student of the Bible. In 1842, he accepted the Mormon faith. In 1845, he died, leaving an invalid wife, three daughters and one son, Norton. The children attended school at New Haven, Conn. In 1847, Norton, with his three sisters and invalid mother, left their home to join the Saints at winter quarters, near Council Bluffs, Iowa.

On April 3, 1848 at St. Louis, Mo., he was baptized into the L. D. S. Church, by Elder George Cottrell. Shortly after, he was afflicted with a serious illness, which lasted six weeks. After his recovery, he started to work in a printing office. Near the end of April of that year, in company of his mother and sisters, he started on the Steamer Mo. and came near floundering. All the passengers were landed on the banks. They camped there for two weeks, while the boat was being repaired, at St. Louis. They then resumed their journey.

On August 14, 1833, he married the daughter of John and Elizabeth Rutledge Uttley. Her name was Helen.

On July 8, 1852, they crossed the Missouri River with one wagon, one yoke of oxen and one yoke of cows. There were sixty other wagons in this company. Norton's family consisted of himself, his wife and a baby daughter. The daughter (Sarah) was born in the wagon, on the Iowa side of the river. On July 12, cholera broke out in the camp. Mrs. Rutledge, Helen Tuttle's mother, her niece and five other persons died. The party went on their mournful journey. They suffered great trials. Food was scarce. They

MICROFILMED

MAR 1 n 1993

OAKLEY HERALD

(Encl 9)

OAKLEY, CASSIA COUNTY, IDAHO

FRIDAY, DECEMBER 30, 1921

Geological Formations Indicate That Oakley Valley Will Be A Great Oil Field Center

Geological formations indicate that Oakley Valley will be a great oil field center. The fact that Idaho was once thought to be without oil is in itself a good reason why prospectors would come this way. As Mr. Reed continues, in The Digest:

They threw a stream of oil, over twice the height of the derrick, which painted evergreen trees black on all sides.

The fact that Idaho was once thought to be without oil is in itself a good reason why prospectors would come this way. As Mr. Reed continues, in The Digest:

"It has often been said that you can not find oil where there are pine trees." This delusion may have affected wild-catters more than is realized, and as a result it is likely that evergreen regions have not been tested as much as others.

Another interesting point has been brought to our attention by J. W. Toomey, local manager for the West Pearl Oil and Gas Company. Reference is to the hot formation at the JD well on Goose creek. The hole is now at a depth of 2455 feet, and, as is well known, the large stream of water which pours forth is hot. According to Mr. Toomey this is not a discouraging feature in the least. During his recent visit to Oklahoma, he saw a well brought in in a formation fully as hot as that at the JD well. And that Oklahoma well in the hot formation is one that is doing more than its share to make a very oily state still more greasy. The oil was struck at a depth of 4,028 feet.

A son was born to Mr. and Mrs. Roy Jenkins Sunday, December 25. Miss Zella Port returned Sunday for the holidays from Salt Lake, where she is taking a business course. David Martindale went to Fruitland last week to visit his sister and meet his mother. His mother lives

ORPHEUM NOW HOLDS FORTH AT OLD STAND ON MAIN ST.

Comfortably Housed in Remodeled and Renovated Orpheum Building: Big Lobby, Feature

Last Thursday the Orpheum Theatre moved to its new home on Main street. The new Orpheum building has been put in comfortable and attractive condition by the carpenters and painters. No difficulty is experienced in keeping the temperature at the right degree.

Glen Crawford, the manager, is offering the people of Oakley a most excellent line of pictures.

POSSIBLY ABOUT YOU---

Mr. and Mrs. Clifton Adams have a fine boy born Wednesday.

Mr. Ridgway, manager of the Kimberly motion picture theatre, is an Oakley visitor this week.

The Seniors of the Marion ward are giving a social and dance Friday night. Everyone invited.

The Bee Hive Girls and Boy Scouts of the Marion ward are giving a party Thursday night at the dance hall.

Teh Oakley First ward basketball team won the silver cup Wednesday night when they beat the Fourth ward by a score of 10 to 24.

ALMO OIL FIELD

The recent "wholesale bank" at Burley left many of our best citizens destitute of ready money.

Will Merrill and family returned Saturday from a visit to friends and relatives at Cache valley, Utah.

Victor Spencer was calling on friends at Moulton, Wednesday, and grieving over his second loss in Burley banks this year.

Mac Henry Herrera, (commonly known as Max Harris), the famous

BURGLARS BREAK INTO THE OAKLEY POST OFFICE

TRY TO GET CASH FOR PRESENTS FOR THEMSELVES, BUT FAIL

Burglars broke into the Oakley post office Christmas night in an attempt to secure cash. So far known, they did not get any money. They may have taken some packages, but this is not certain.

The burglars entered the post office and pried loose a section of the post office boxes to get to the cash drawer. They found it empty. Postmaster De La Mare would have a dream of leaving money around loose. The cash drawer was as bare as old Mother Hubbard's cupboard. The thieves evidently decided then to give it up for a job, so they pushed the section boxes around in place. Next day they had to look close to see that nothing had happened.

There has been much speculation as to who the burglars are. Many theories have been formed, but local Sherlock Holmes's have yet found anything definite.

Wonder has been expressed that the thieves would risk so much to go and peep into a cash box. Perhaps they had taken a few drinks of Christmas likker before working out their plan of attack. Or perhaps they started to do something else and then changed their minds.

The evidence shows that the house-breaking tools were used very skillfully. Every little detail was done to the section of post office boxes by the burglars.

There are indications that the burglars in this neighborhood.

PRIESTHOD AND HIGH COURT

MICROFILMED MAR 19 1993

05/21/2004

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: see cover letter

Water right number: 45-10248
BARBARA V AUSTIN
PO BOX 93
OAKLEY ID 83346
Telephone Number: (208)436-1562

CARL F AUSTIN
PO BOX 93
OAKLEY ID 83346
Telephone Number: (208)436-1562

RECEIVED
MAY 25 2004
Department of Water Resources
Southern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 25 May 2004 SIGNATURE: *Carl F. Austin*
Please print your name: CARL F. Austin

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

05/21/2004

RIGHT NUMBER: 45-10248
 NAME AND ADDRESS: BARBARA V AUSTIN
 PO BOX 93
 OAKLEY ID 83346
 CARL F AUSTIN
 PO BOX 93
 OAKLEY ID 83346

SOURCE: GROUND WATER
 QUANTITY: 1.780 CFS
 262.500 AFY

TRIBUTARY:

USE OF THIS RIGHT WITH RIGHT NO. 45-7451 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.78 CFS.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 752.5 AF. COMBINED RIGHT NOS.: 45-7173A, 45-10248, 45-13648.

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1920

POINT OF DIVERSION: T15S R21E S25 SWSWSE Within CASSIA County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.660 CFS
STOCKWATER	01/01 12/31	262.50 AFY
DOMESTIC	01/01 12/31	0.120 CFS
		6.70 AFY
		0.040 CFS
		1.20 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T15S R21E S25	NENE	5.0	T15S R21E S25	NWNE	13.0
T15S R21E S25	SWNE	24.0	T15S R21E S25	SENE	15.0
T15S R21E S25	SENE	6.0	T15S R21E S25	NESW	11.0
T15S R21E S25	SESW	6.0	T15S R21E S25	NESE	21.0
T15S R21E S25	NWSE	27.0	T15S R21E S25	SWSE	30.0
T15S R21E S25	SESE	35.0	T15S R21E S36	NENE	22.0

STOCKWATER Within CASSIA County

T15S R21E S25	NWNE		T15S R21E S25	SWNE	
T15S R21E S25	SENE		T15S R21E S25	SENE	
T15S R21E S25	NESW		T15S R21E S25	SESW	
T15S R21E S25	NESE		T15S R21E S25	NWSE	
T15S R21E S25	SWSE		T15S R21E S25	SESE	
T15S R21E S36	NENE				

DOMESTIC Within CASSIA County

T15s R21e S25	SWSE
---------------	------

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

05/21/2004

215 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-151, 45-7173A, 45-10248, & 45-13648.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 75 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

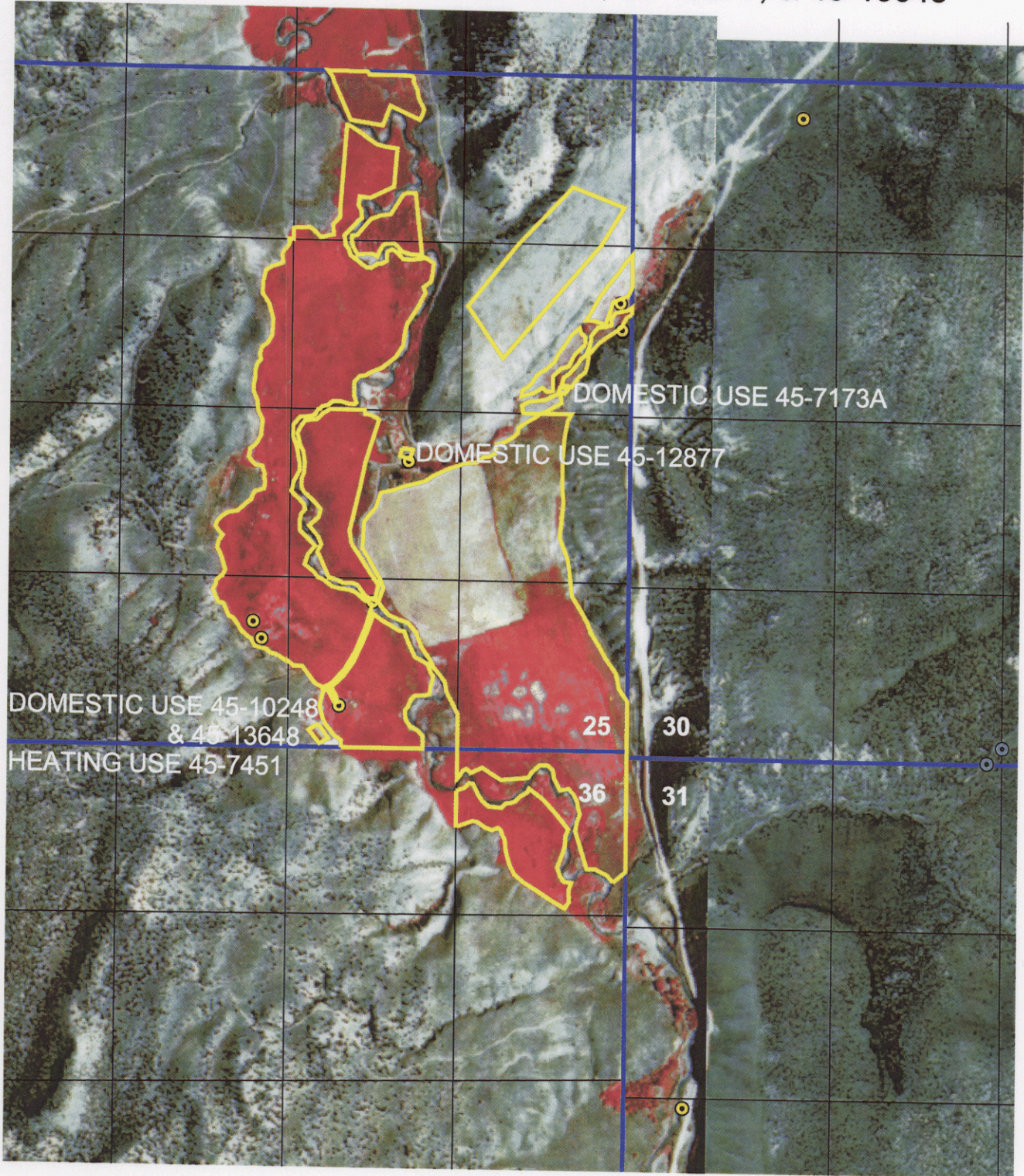
This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

The quantity of water decreed for this water right for domestic use and
stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

45-151, 45-7173A, 45-7451, 45-10248, 45-12877, & 45-13648



1320 0 1320 2640 3960 Feet

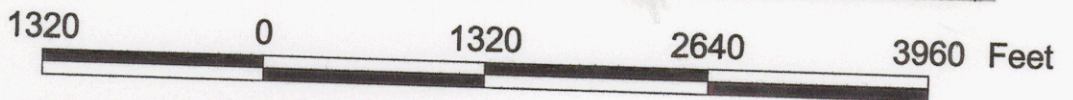
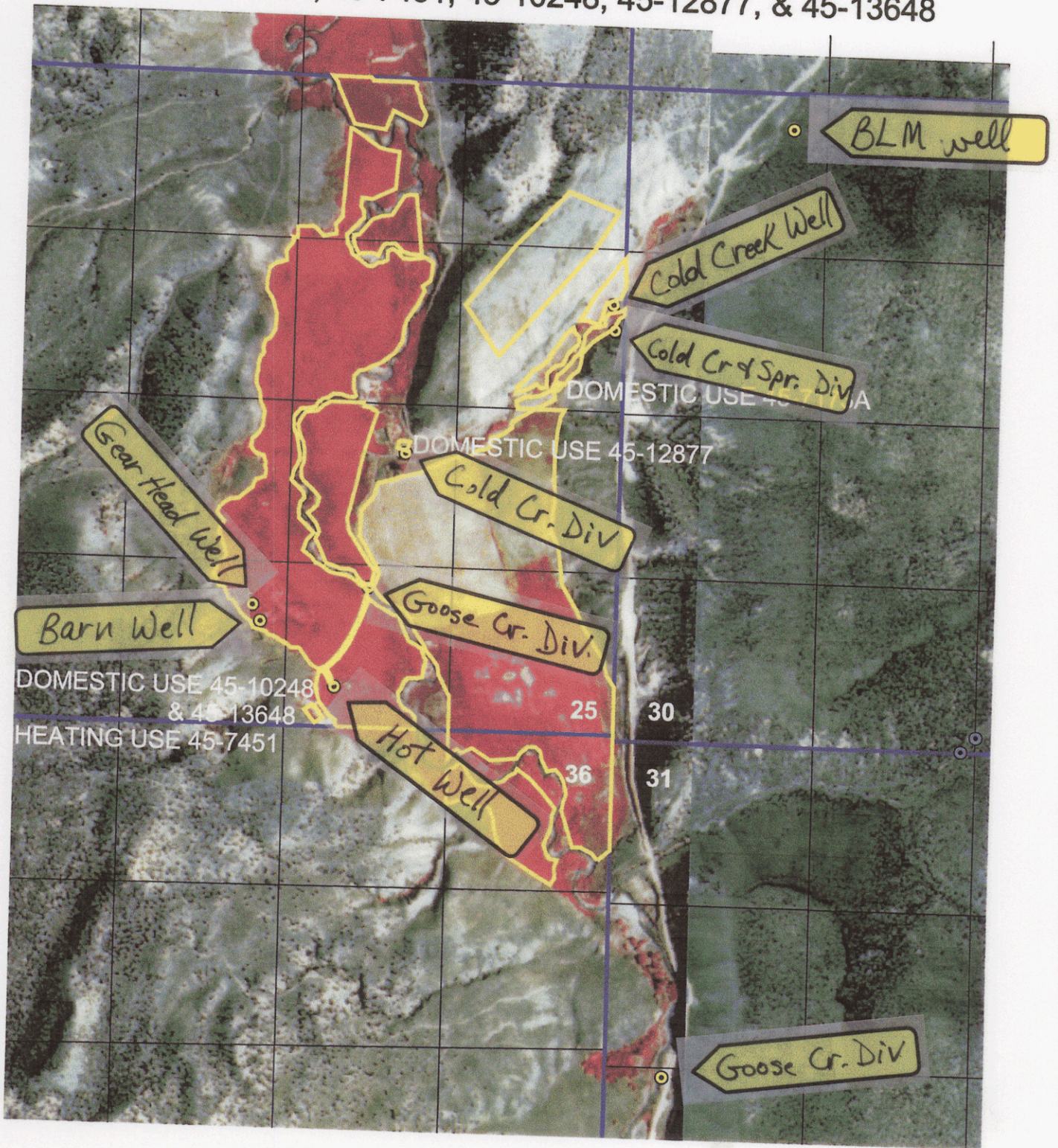
RECOMMENDED PLACE OF USE
DATA ENTRY ON MAY 25, 2004
TWP 15S, RNG 21E, SEC. 25 & 36



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

45-151, 45-7173A, 45-7451, 45-10248, 45-12877, & 45-13648



RECOMMENDED PLACE OF USE
DATA ENTRY ON MAY 25, 2004
TWP 15S, RNG 21E, SEC. 25 & 36



- Point of diversion
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1987/1988 Napp Photography
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-10248 V1

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
15S 21E 25		X	X	X				X	X			X	X	X	X	X	
15S 21E 36	X																

DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15s 21e 25															X		

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. N09 The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
4. N14 The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 45-7451 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.78 CFS.
2. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 752.5 AF. COMBINED RIGHT NOS.: 45-7173A, 45-10248, 45-13648.
3. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-151, 45-7173A, 45-10248, & 45-13648.
4. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 75 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-10248 V1

Comments:

1. JROBERTS 10/28/2002 Basis of Recommendation

Comment: Changed the priority date to the first day of irrigation season, standard season of use, limited acres to 75 (those north of the well and west of the creek) within a 215 ac PPU per GIS. Well was later licensed under 45-7451 for heating purposes and diversion rate of .16 cfs was allowed.

2. jroberts 2/5/2004 New Recommendation

Comment: Claim was amended to increase diversion rate to 1.66 cfs for irrigation, 0.12 cfs for stockwater, add 0.04 cfs for domestic use and increase overall diversion rate to 1.78 cfs with a 3/15/1920 priority date. Evidence seems to support the well was drilled in 1920 and that 90 inches may have flowed from it initially, but the well was measured in 1982 during the field exam for 45-7451 and the capacity was found to be 0.16 cfs, with the total flow of well measured with discharge to the stream open. I am going with the total diversion rate of 0.16 cfs. as that was the system capacity. Volume was calculated as 0.16 cfs X 424 AF (volume per cfs for 214 day irrigation season) = 67.84 AFA (Irrigation season in this area is actually 4/1 to 10/31 so changed season to that and priority date to 4/1/1920.)

3. jroberts 5/20/2004 NOE

Comment: Tweaked pou per our discussion in my office, same 215 acres. Also allowed additional diversion rate up to the 810 gpm measured by the USGS in 1921 according to submitted documents. This allowed an increase in the total volume for the 215 acres to 752.5 AFA for all ground water rights. (215 acres X 3.5 AF/ac = 752.5 AFA)

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: See cover letter

Water right number: 45-10248

BARBARA V AUSTIN
PO BOX 93
OAKLEY ID 83346
Telephone Number: (208)436-1562

CARL F AUSTIN
PO BOX 93
OAKLEY ID 83346
Telephone Number: (208)436-1562

RECEIVED
MAY 14 2004
Department of Water Resources
Southern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

The discharge rate should be the BIO ppm measured by the USGS. This is the total producing capacity of this well with no pumps installed.

3. Give a brief explanation as to why you disagree with these portions:

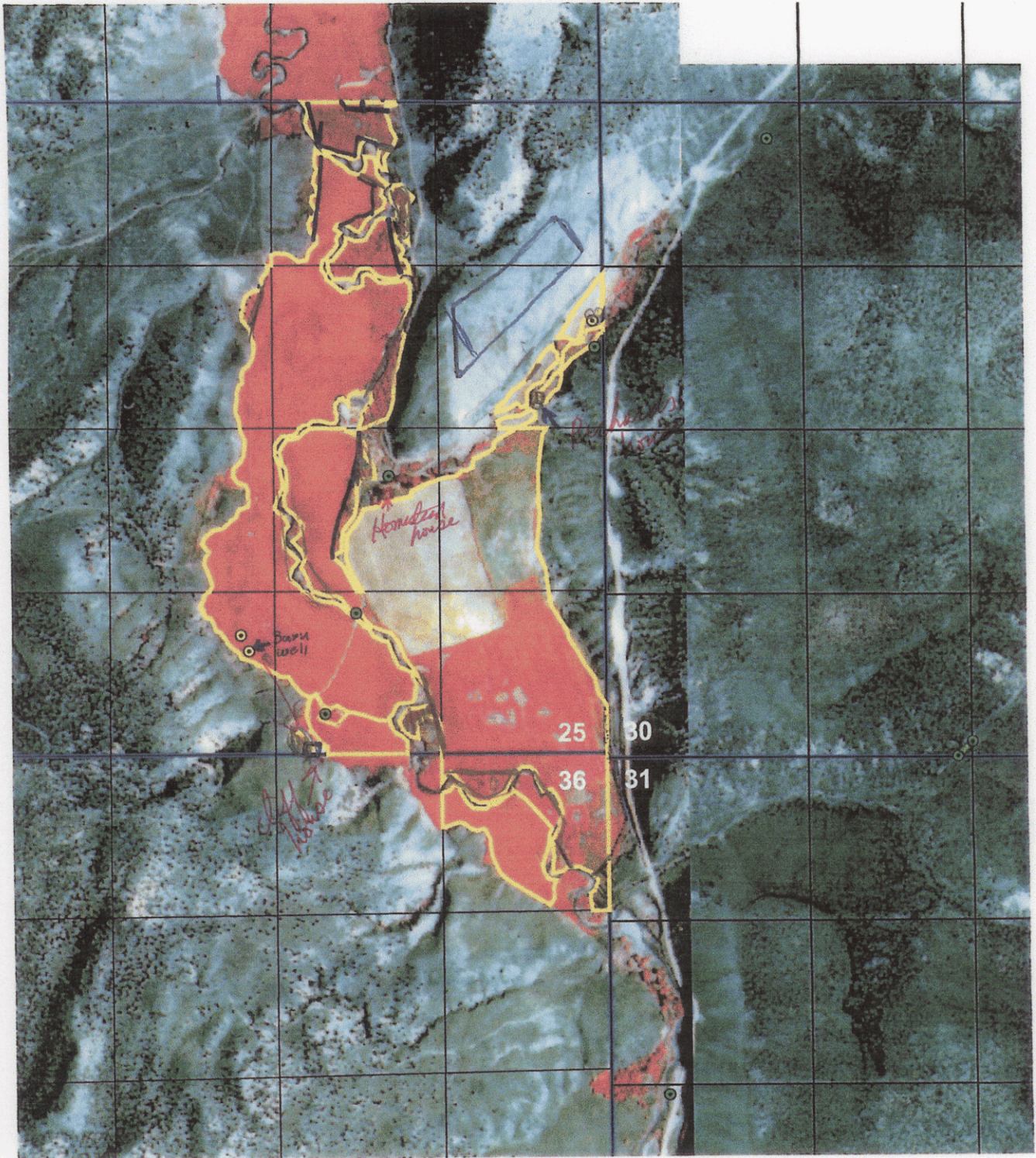
The map should be the corrected map as of this office conference with the exception noted in #2 above

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 14 May 2004 SIGNATURE: *Carl F. Austin*

Please print your name: CARL F. AUSTIN

~~45-13648~~



1320 0 1320 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON FEB. 5, 2004
TWP 15S, RNG 21E, SEC. 25 & 36

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines



Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 5, 2004

CARL AUSTIN
PO BOX 93
OAKLEY ID 83346

RE: New Recommendations

Dear Mr. Austin,

Enclosed are revised recommendations made after reviewing your amended claims. Please note the following changes from the claims to the recommendations:

I dropped the domestic use from 45-7173A because this is for the well in Section 30 (BLM well) and I don't believe there is any domestic use associated with this well individually. I also added a limiting remark regarding the diversion rate and volume for stockwater use when combined with 45-13648 (other three wells) because all four wells were licensed together and this was the rate and volume for all four when combined.

When you were here last week you asked about getting a beneficial use right for license 45-7451 (heating) in order to get the earlier priority date of 1968, per the statement made by Morris Mitchell in the memo dated 2/3/1993. I created claim 45-13653 to replace the license 45-7174. When I started reviewing your claims again, I realized that the 1968 date was **after the Mandatory Permit Statute, which stated a water right for groundwater could only be established through the Permit-License process after March 25, 1963, except for domestic use.** I apologize for not realizing this problem at the time! I have therefore gone back to the license for this recommendation. (You could, however, have the domestic use for heating (0.02 cfs) with the earlier date under 45-13653 if you wish to pay a \$25.00 filing fee. Both 45-13653, if filed, and 45-7451 would be limited to the 0.16 cfs when combined.)

You amended 45-10248 (irrigation, stockwater, and domestic from the hot well) to increase the diversion rate, but I am recommending the original claimed 0.16 cfs, as measured during the field exam for 45-7451. That was the system capacity of the well, with open discharge to the stream at the time of measurement, and the best information I have at this time.

Lastly, I realized the standard irrigation season in your area is 4/1 to 10/31 so the beneficial use based recommendations now reflect this season of use.

If you have any questions, please wait till after the Preliminary Report goes out in a few weeks. We can discuss any other matters during the Notice of Error Period.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-151, 45-7173A, 45-10248, & 45-13648.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 75 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

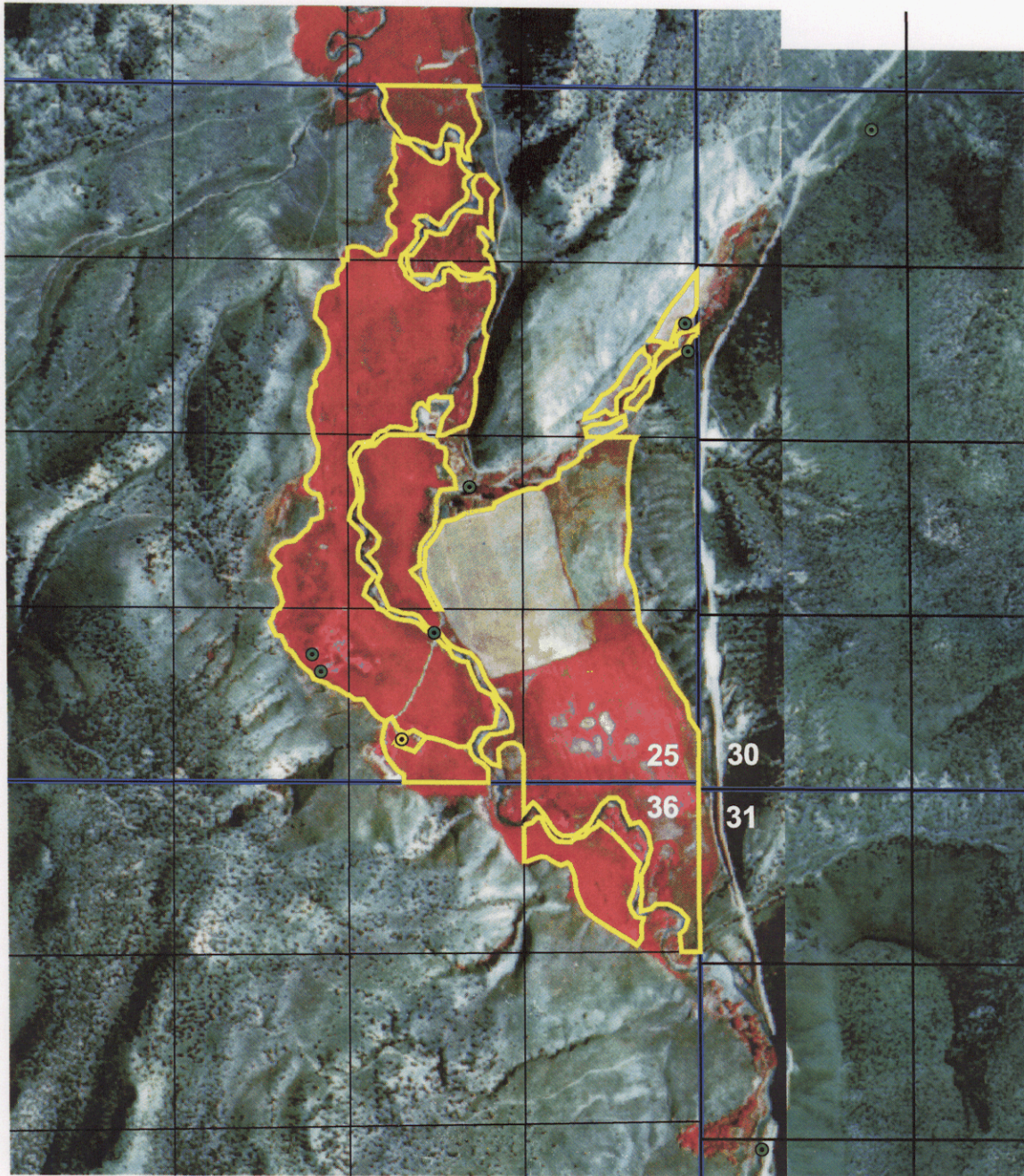
This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

The quantity of water decreed for this water right for domestic use and
stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

45-7451, & 45-10248



0 1320 2640 3960 Feet

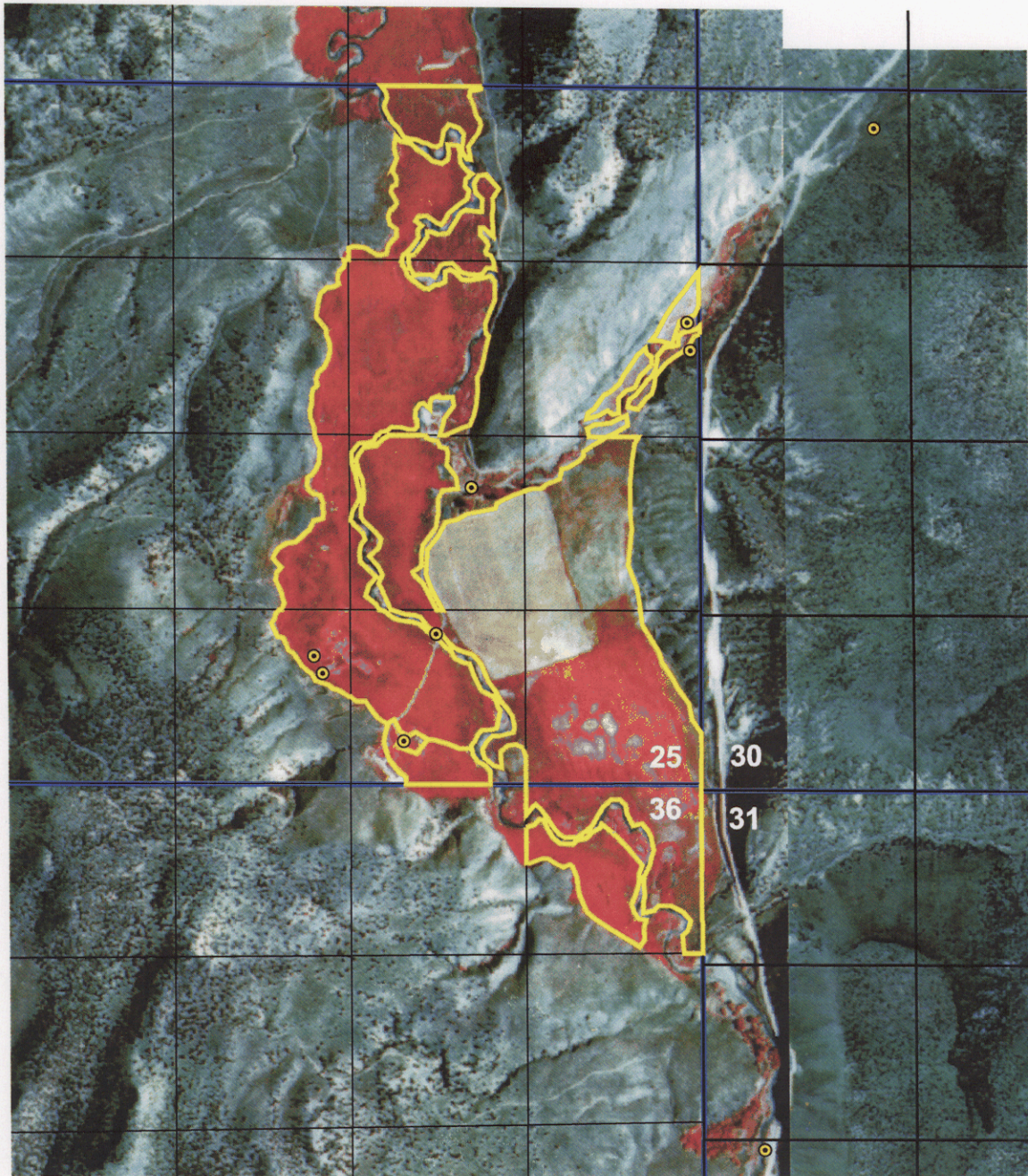
RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 29, 2002
TWP 15S, RNG 21E, SEC. 25 & 36



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

45-151, 45-7173A, 45-7451, & 45-10248 & 45-13648



0 1320 2640 3960 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 29, 2002
TWP 15S, RNG 21E, SEC. 25 & 36



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 45-10248 V1

WATER RIGHT NUMBER: 45-10248 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARBARA V AUSTIN PO BOX 93 OAKLEY, ID 83346 (208)436-1562
Current Owner	CARL F AUSTIN PO BOX 93 OAKLEY, ID 83346 (208)436-1562
Original Owner	MORRIS W MITCHELL PO BOX 48 OAKLEY, ID 83346 (208)436-5939

Priority Date: 04/01/1920
 Basis: Beneficial Use
 Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.160 CFS	67.84 AF
STOCKWATER	01/01 to 12/31	0.120 CFS	
DOMESTIC	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.160 CFS	67.84 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SW1/4SE1/4 Sec. 25, Twp 15S, Rge 21E, B.M.
 CASSIA County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
15S 21E 25	18.0	28.0	5.0				6.0	11.0				6.0	21.0	29.0	32.0	35.0	191.0
15S 21E 36	24.0																24.0

Total Acres: 215

STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-10248 V1

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
15S 21E 25		X	X	X				X	X			X	X	X	X		
15S 21E 36	X																

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15s	21e	25															X		

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. N09 The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
4. N14 The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 724.5 AF. COMBINED RIGHT NOS.: 45-7173A, 45-10248, 45-13648.
2. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-151, 45-7173A, 45-10248, & 45-13648.
3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 45-7451 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.16 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 67.84 AF.
4. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 75 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-10248 V1

Comments:

1. JROBERTS 10/28/2002 Basis of Recommendation

Comment: Changed the priority date to the first day of irrigation season, standard season of use, limited acres to 75 (those north of the well and west of the creek) within a 215 ac PPU per GIS. Well was later licensed under 45-7451 for heating purposes and diversion rate of .16 cfs was allowed.

2. jroberts 2/5/2004 New Recommendation

Comment: Claim was amended to increase diversion rate to 1.66 cfs for irrigation, 0.12 cfs for stockwater, add 0.04 cfs for domestic use and increase overall diversion rate to 1.78 cfs with a 3/15/1920 priority date. Evidence seems to support the well was drilled in 1920 and that 90 inches may have flowed from it initially, but the well was measured in 1982 during the field exam for 45-7451 and the capacity was found to be 0.16 cfs, with the total flow of well measured with discharge to the stream open. I am going with the total diversion rate of 0.16 cfs. as that was the system capacity. Volume was calculated as 0.16 cfs X 424 AF (volume per cfs for 214 day irrigation season) = 67.84 AFA (Irrigation season in this area is actually 4/1 to 10/31 so changed season to that and priority date to 4/1/1920.)

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: AND/OR

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

Combined Use Limits:

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

45-7451
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
<input type="checkbox"/> Appointment letter mailed:			
<input type="checkbox"/> Telephone call made: (List Telephone No. used)			
<input checked="" type="checkbox"/> Appointment scheduled for: (Date, time, location)	<u>7/15/82 10AM</u>	<u>JS</u>	<u>Dunnet called & Requested exam. Will file Proof at exam time.</u>

EXAMINATION

Date 7/15/82 Accompanied by Morris Mitchell Total Q measured .16 CFS
 If source is surface water, estimate total flow of source _____
 Methods of measurement Volumetric Meets Permit requirements? Yes

Measurement calculations: Bucket Capacity: .728 ft³
3 measurements were made & total time accumulated. Time = 14 sec

$$\frac{(.728)(3)}{14} = .16 \text{ cfs } \checkmark$$

$$\text{Volume} = (.16)(1.485)(365) \Rightarrow 115.8 \text{ AFA } \checkmark$$

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	<u>NA</u>	<u>NA</u>						<u>Attestation - flow in</u>

System Description 10" dia well supplies 110°F water to house, pool, bath house, & greenhouse. Drinking water is supplied to house from a different well under permit 45-7173

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

RECOMMENDED AMOUNTS

USE	Irrigation requirement = _____ AFA/Acre			
	Q (cfs)	V (afa)	FROM	TO
<u>Heating</u>	<u>.06</u>	<u>43.4</u>	<u>1/1</u>	<u>12/31</u>
<u>Recreation (pool)</u>	<u>1.0</u>	<u>72.4</u>	<u>1/1</u>	<u>12/31</u>
<u>(pool listed under heating use on permit)</u>				
Total	<u>.16</u>	<u>115.8</u>		

Remarks

MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 45-7451 Priority October 1, 1980 Amount 0.16 cfs

THIS IS TO CERTIFY, that Morris W. Mitchell

of Oakley, Idaho, has complied with the terms and conditions of Permit No. 45-7451 issued pursuant to Application for Permit dated October 1, 1980, and has submitted proof to the Department of Water Resources on July 15, 1982, 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 0.16 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>Heating</u>	from <u>January 1</u> to <u>December 31</u> at <u>0.16</u> cfs and <u>n/a</u>		
	from _____ at _____ cfs and _____		
	from _____ at _____ cfs and _____		

Subject, however, to the condition that no more than 0.16 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed n/a acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, Twp 15S, Rge 21E in the County of Cassia

Description and location of place of use:

Twp.	Range	Section	NEED TO BE FILLED IN																Totals
			NEW	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 $\frac{1}{4}$	
<u>15S</u>	<u>21E</u>	<u>25</u>																	

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, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26TH day of MARCH, 19 84.

Acting for the Director Norman E. Young

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

45-7451
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
<input type="checkbox"/> Appointment letter mailed:			
<input type="checkbox"/> Telephone call made: (List Telephone No. used)			
<input checked="" type="checkbox"/> Appointment scheduled for: (Date, time, location)	7/15/82 - 10 AM	JS	Owner called & requested exam. will file proof at exam time.

EXAMINATION

Date 7/15/82 Accompanied by Morris Mitchell Total Q measured 0.16 CFS
 If source is surface water, estimate total flow of source _____
 Methods of measurement Volumetric Meets Permit requirements? Yes

Measurement calculations: Bucket Capacity: 0.728 ft³
3 measurements were made & total time accumulated. Time = 143 sec

$$\frac{(0.728)(3)}{14} = 0.16 \text{ cfs } \checkmark \text{OK}$$

$$\text{Volume} = (16)(1.485)(365) \Rightarrow 115.8 \text{ AFA } \checkmark \text{OK}$$

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	NA	NA						Atmospheric - flowing

System Description 10" dia well supplies 110°F water to house, pool, bath house, & greenhouse. Drinking water is supplied to house from a different well under permit 45-7173

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

RECOMMENDED AMOUNTS

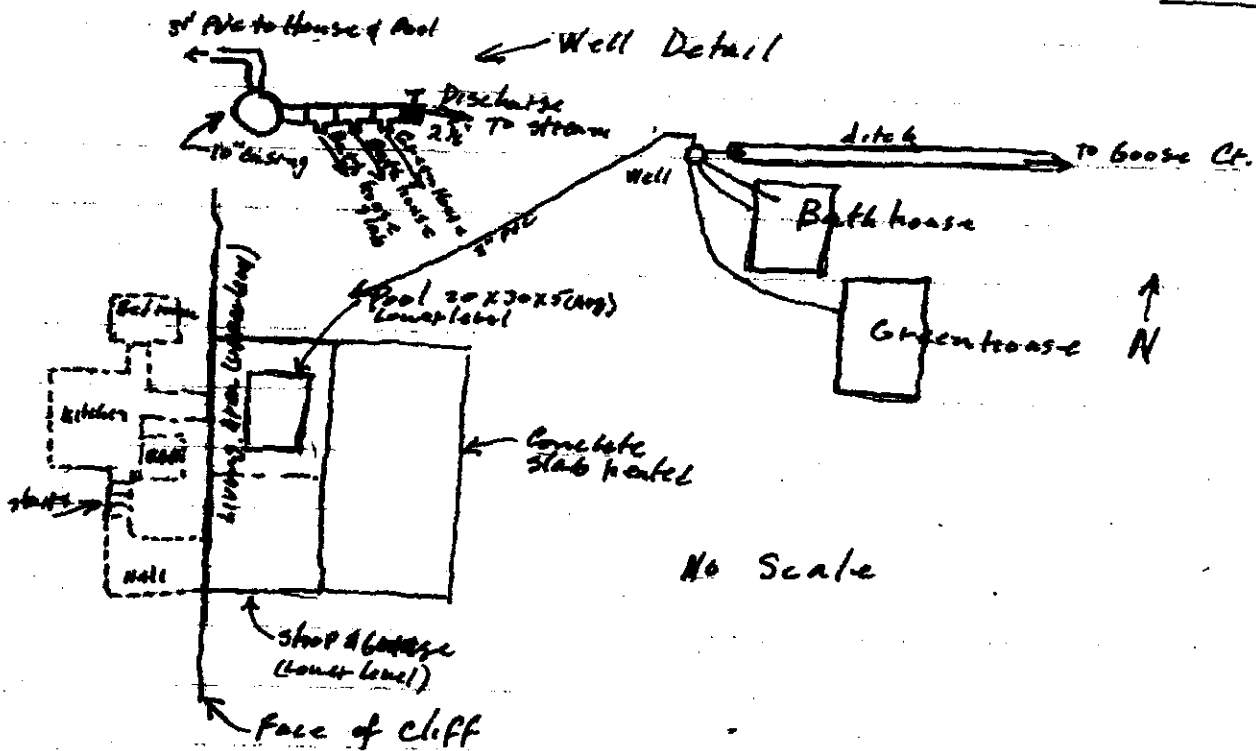
USE	Irrigation requirement =		AFA/Acre	
	Q (cfs)	V (afa)	FROM	TO
<input checked="" type="checkbox"/> Heating	0.06	45.4	11 ✓	12/81 ✓
Recreation (pool)	1.0	78.4	11	12/81
(pool listed under heating use on permit)				
Total	0.16 ✓ OK	N/A ✓ OK	115.8	

Remarks

MICROFILMED

Hot well

45-7451



No Scale

Water Measurement: Total flow of well with discharge to stream open. Bucket Capacity = 7.28 Ft³

$$\frac{(7.28)(3)}{145\text{sec}} = \underline{\underline{.16\text{ cfs VOK}}}$$

Home: 1000 ft² underground, 1600 ft² Brick & Concrete Construction

Pool: 20'x30'x5' (avg) ⇒ 3000 ft³

Bathhouse: 12'x12' with 8'x8'x3' Pool

Greenhouse: Aestox 20'x40'

MICROFILMED

45-7451 Calculation of water requirement.

Parameters for heating Requirement Calculations:

House: $e = .28$ Area = 2600 ft^2

$S = 110^\circ\text{F}$

Outside design temp = -20°F ~ Assumed $\Rightarrow T = 90^\circ\text{F}$

inside " " = 70°F

Design heat Load: $E = eTA = (.28 \times 20) \times (2600) = 65520 \text{ Btu/hr}$

$\Delta T = 110 - 90 = 20^\circ\text{F}$

Flow Required: $W = \frac{E}{500 \Delta T} = \frac{65520}{(500)(20)} = 655 \text{ gpm} = 0.01 \text{ cfs}$

$$\begin{array}{r} .014 \\ 448 \overline{) 6.5500} \\ \underline{448} \\ 20700 \\ \underline{20728} \\ 720 \end{array}$$

Allow .02 cfs ✓

Greenhouse: $e = 1.11$ ~ poor insulation Area = 800 ft^2

$E = (1.11 \times 20) \times (800) = 79920 \text{ Btu/hr}$

$W = \frac{79920}{(500)(20)} = 7.99 \text{ gpm} \Rightarrow \underline{.02 \text{ cfs}}$ ✓

Bathhouse: Allow .02 cfs ✓

MICROFILMED

Pool: 3000 ft^3 ; Assume 3 changes of water in 24 hrs

$\frac{(3000)(3)}{(24)(60)} = \underline{.0125 \text{ cfs}}$ ✓ $\frac{9000}{86400}$

pool = 0.10

bathhouse = 0.02

Total water Requirement = .16 cfs

greenhouse = 0.02

house = 0.02

0.16

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Morris W. Mitchell Phone 436-4839 (mobile)
862-3816
Post office address Box 48 Oakley, ID, 83346

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

3. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 25 Township 15S
Range 21E B.M. Cassia County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount 0.20 for Heating purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 0.20 for Commercial purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.20 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing flowing well and pipelines

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 10 inches; proposed depth of well is 2600 feet.

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

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 25 Township 15S

Range 21E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

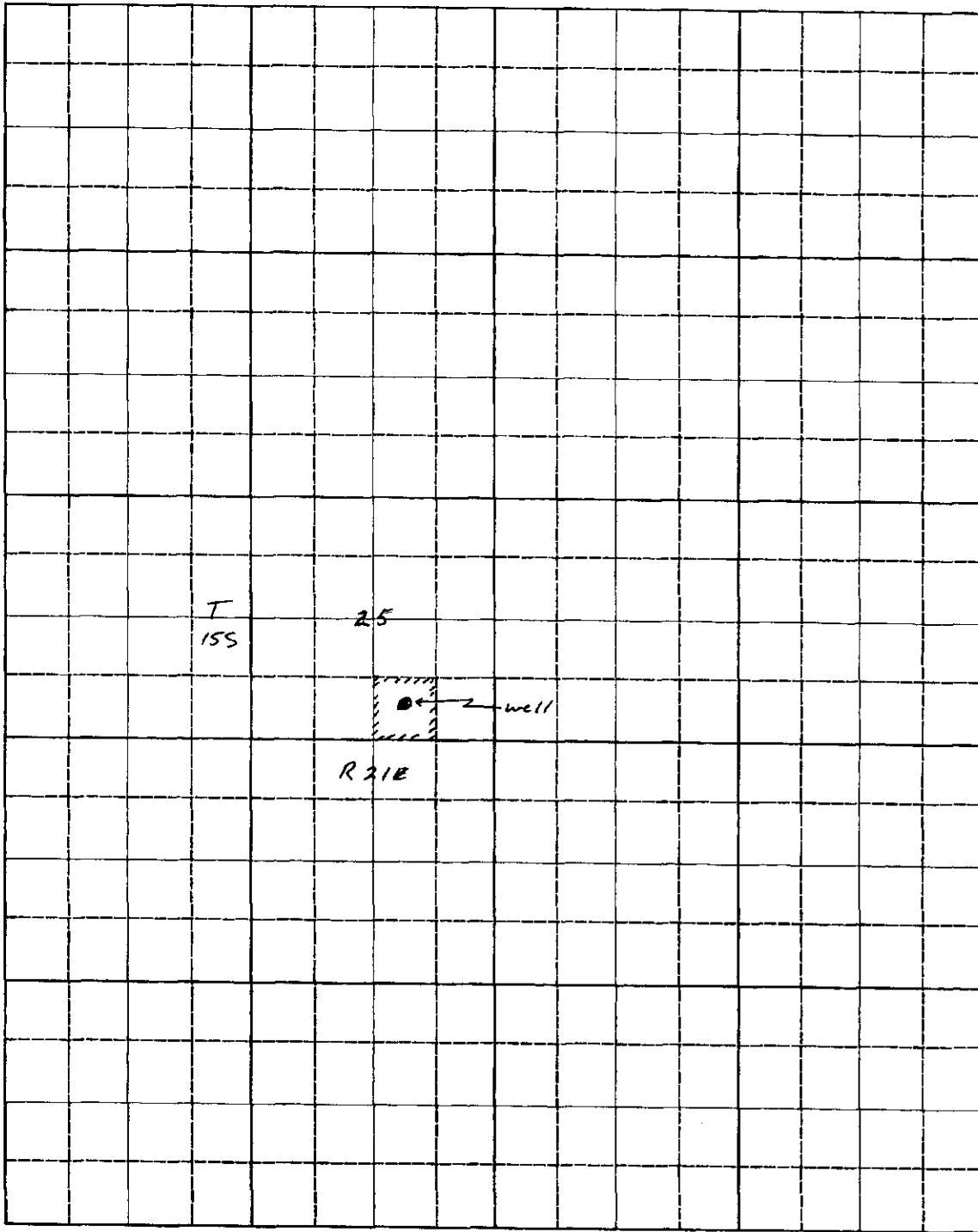
(3) List number of each kind of livestock to be watered _____

(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: Heating: heating home, greenhouse,
and swimming pool. Commercial: Alcohol production.

MICROFILMED

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.

Daniel D. [Signature]
(Applicant)

Proposed Priority 10/1/80

Received by LHB Date 10-1-80 Time 10-1-80

Preliminary check by ADM Fee \$ 30⁰⁰/₁₀₀

Received by LHB Date 10-1-80 # 16612

Publication prepared by maxpa Date 10/2/80

Published in south side press

Publication dates 10/1 + 10/2/80

Publication approved maxpa Date 10/4/80

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date: _____

Recommended for approval denial by LH RL

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 45-7451, and said application is hereby approved.

1. Approval of said application is subject to the following limitations and conditions:
 - a. SUBJECT TO ALL PRIOR WATER RIGHTS.
 - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 19 86.
 - c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
 - d. Other: Return flow if discharged to a subsurface system must be authorized by a separate injection well permit, and return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.

Witness my hand this 7th day of January, 19 81.

J. Glen Saylor
Chief, Division of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 16, 2004

CARL AUSTIN
PO BOX 93
OAKLEY ID 83346

RE: Adjudication Claims (Amended 45-7173A & 45-10248, New 45-13648)

Dear Mr. Austin,

I finally got back to your claims and I have amended two previous and created one new claim. I amended 45-7173A to reflect only the well in Section 30, which was **not** on the old permit (#20440) from 1948 that was eventually cancelled. I used the measurement information from the field exam to calculate the diversion rate. (No charge for amendments.)

I also amended 45-10248 to increase the diversion rate as you requested on that well, and changed the season of use to 3/15 – 11/15, the standard for your area. In the Remarks, you stated that the well was drilled 3-15-1920 and that was your requested priority date, but then you stated that it was **put to beneficial use on 6/21/1921**. The date put to use is more appropriate so I changed the priority date on the amended version also. If you disagree, simply cross out the date, put the new one, initial, and sign. (Again, no charge.)

I created a new claim (45-13648) for the other three wells on which you wished to claim earlier priorities. I tried to combine the elements and rates, from the three paper claims you submitted, into this one claim. As for the Barn Well, you mentioned possibly wanting a 1926 date (when it was drilled) but I felt it was more appropriate to have the 1948 date of when it was put to use and originally “permitted” to Baker. If you wish to pursue the earlier date on this well, an additional claim will be needed to split it out. Otherwise, a \$50.00 filing fee will be required for this new claim.

Please feel free to call if you have any questions. You can bring the paperwork over or mail it in, along with the \$50.00 filing fee, whichever you prefer.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

10/28/02
01/13/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-10248
NAME AND ADDRESS: BARBARA V AUSTIN
PO BOX 93
OAKLEY ID 83346
CARL F AUSTIN
PO BOX 93
OAKLEY ID 83346

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.160 CFS
78.080 AFY
PRIORITY DATE: 03/15/1920
POINT OF DIVERSION: T15S R21E S25 SWSWSE Within CASSIA County

re-done

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.160 CFS
STOCKWATER	01/01 12/31	78.08 AFY 0.110 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T15S R21E S25	NWNE	18.0	T15S R21E S25 SWNE 28.0
T15S R21E S25	SENE	5.0	T15S R21E S25 SENW 6.0
T15S R21E S25	NESW	11.0	T15S R21E S25 SESW 6.0
T15S R21E S25	NESE	21.0	T15S R21E S25 NWSE 29.0
T15S R21E S25	SWSE	32.0	T15S R21E S25 SESE 35.0
T15S R21E S36	NENE	24.0	
<u>STOCKWATER Within CASSIA County</u>			
T15S R21E S25	NWNE		T15S R21E S25 SWNE
T15S R21E S25	SENE		T15S R21E S25 SENW
T15S R21E S25	NESW		T15S R21E S25 SESW
T15S R21E S25	NESE		T15S R21E S25 NWSE
T15S R21E S25	SWSE		T15S R21E S25 SESE
T15S R21E S36	NENE		

215 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-151, 45-7173A, & 45-10248.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 75 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

01/13/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 45-10248 V1

WATER RIGHT NUMBER: 45-10248 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARBARA V AUSTIN PO BOX 93 OAKLEY, ID 83346 (208)436-1562
Current Owner	CARL F AUSTIN PO BOX 93 OAKLEY, ID 83346 (208)436-1562
Original Owner	MORRIS W MITCHELL PO BOX 48 OAKLEY, ID 83346 (208)436-5939

Priority Date: 03/15/1920
 Basis: Beneficial Use
 Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.160 CFS	78.08 AF
STOCKWATER	01/01 to 12/31	0.110 CFS	
	<u>Total Diversion:</u>	0.160 CFS	78.08 AF

Location of Point(s) of Diversion
 GROUND WATER SW1/4SW1/4SE1/4 Sec. 25, Twp 15S, Rge 21E, B.M.
 CASSIA County

Place of Use
 IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S 21E 25		18.0	28.0	5.0				6.0	11.0			6.0	21.0	29.0	32.0	35.0	191.0
15S 21E 36	24.0																24.0

Total Acres: 215

STOCKWATER

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-10248 V1

15S 21E 25	X	X	X	X	X	X	X	X	X	X
15S 21E 36	X									

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-151, 45-7173A, & 45-10248.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 75 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. JROBERTS 10/28/2002 Basis of Recommendation
 Comment: Changed the priority date to the first day of irrigation season, standard season of use, limited acres to 75 (those north of the well and west of the creek) within a 215 ac PPU per GIS. Well was later licensed under 45-7451 for heating purposes and diversion rate of .16 cfs was allowed.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND/OR
 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

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	10/28/2002 10:59:00 AM	JROBERTS			Active
POD	10/28/2002 10:59:33 AM	JROBERTS			Active
Source	10/28/2002 11:01:10 AM	JROBERTS			Active
POU	10/28/2002 11:04:23 AM	JROBERTS			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-10248 V1

Use	10/28/2002 11:06:58 AM	JROBERTS	Active	
Season	10/28/2002 11:08:36 AM	JROBERTS	Active	
Quantity	10/28/2002 11:10:54 AM	JROBERTS	Active	
Summary		10/28/2002	JROBERTS	Active
Quantity	10/28/2002 11:30:24 AM	JROBERTS	Active	

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	1/13/2003 8:27:57 AM	jroberts	Edited shape boundary
Priority Date	10/28/2002 10:59:01 AM	JROBERTS	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Evidence submitted was a newspaper article stating the drilling began in January of 1920. Recommending the first day of irrigation season of 1920 as when first put to beneficial use.
POD	10/28/2002 10:59:33 AM	JROBERTS	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	10/28/2002 10:59:51 AM	JROBERTS	Edited point location
POD	10/28/2002 11:00:07 AM	JROBERTS	Edited PLS
Source	10/28/2002 11:01:11 AM	JROBERTS	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - From evidence in file, letters and newspaper article describing well.

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 45-10248 V1

POU	10/28/2002 11:04:24 AM	JROBERTS	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 8 - Evidence suggests water originally irrigated about 75 acres, north of the well and west of the creek. System has since been tied together with other wells and creek to irrigate entire 225 acres. Will limit right to 75 ac within 225 ac PPU.
POU	10/28/2002 11:04:55 AM	JROBERTS	Edited shape boundary
POU	10/28/2002 11:05:27 AM	JROBERTS	Edited PLS
Use	10/28/2002 11:06:59 AM	JROBERTS	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Information in file and applied with GIS.
Season	10/28/2002 11:08:36 AM	JROBERTS	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 45-10248 V1

Summary	10/28/2002 11:23:24 AM	JROBERTS	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
Quantity	10/28/2002 11:30:24 AM	JROBERTS	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Well also licensed under 45-7451. Description for Question 10 - 488 af/cfs in 246 day irrigation season X 0.16 cfs = 78.08 AFA
POU	1/10/2003 3:48:54 PM	jroberts	Edited shape boundary
POU	1/10/2003 3:49:14 PM	jroberts	Edited PLS
POU	1/10/2003 4:56:22 PM	jroberts	Edited PLS
POU	1/10/2003 4:41:19 PM	jroberts	Edited PLS
POU	1/10/2003 4:40:57 PM	jroberts	Edited shape boundary
Quantity	10/28/2002 11:10:54 AM	JROBERTS	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Well also licensed under 45-7451. Description for Question 10 - 75 ac X 4 AF/ac = 300 AFA

22 October 2002

To Whom it May Concern

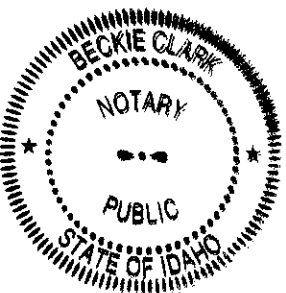
ORIGINAL

RECEIVED

OCT 22 2002

Department of Water Resources
Southern Region

1. My name is Glen Elson. I am 86 years old. My father owned the ranch now owned by Carl & Barbara Austin when the deep well was drilled that is situated in front of the main ranch house. This is the well drilled in 1919 and reported on in the Oakley Herald in 1920.
2. Although only 4 years old at the time I still remember the excitement when the big flow of water was struck. The water blew out of the well higher than the top of the derrick on the rig.
3. My father told me on various occasions that the flow from the well was in excess of 100 inches.
4. As noted in the Oakley Herald newspaper at that time, the water was immediately put to beneficial use.
5. When originally put to use the water was spread down hill to the north to both flood the adjacent meadows & to help fill the main ditch that runs part the well & delivers water for the length of the property going north, on the west side of the creek.
6. The crop at the time the well went into use was hay. In subsequent years the land was variously in grass-clover hay, grass hay, potatoes, sugar beets, wheat and barley. For a while the ranch included a small dairy as well.



Subscribed and sworn to before me in my presence, this 22 day of October 2002, a Notary Public in and for the County of Cassia State of Idaho

Beckie Clark
(Signature) Notary Public

My commission expires 23 June 2005

Glen Elson
Glen Elson
Oakley, Idaho

Log for claim A45-10248

Spatial Dynamics MWY

3/1/00

T	R	SEC	QQ	Acres Claimed	Acres Found	COMMENT
15	21	25	NWNE	21	23	
15	21	25	SWNE	27	27	
15	21	25	SENE	10	6.3	
15	21	25	SENW	7	6.2	
15	21	25	NESW	10	12	
15	21	25	SESW	6	6.1	
15	21	25	NESE	27	22	
15	21	25	NWSE	24	35	
15	21	25	SWSE	29	32	
15	21	25	SESE	37	35	
15	21	36	NENE	11	29	
15	21	36	NWNE	1	4.2	
15	22	30	SWNW	5	2.1	
Totals:				215	239.9	

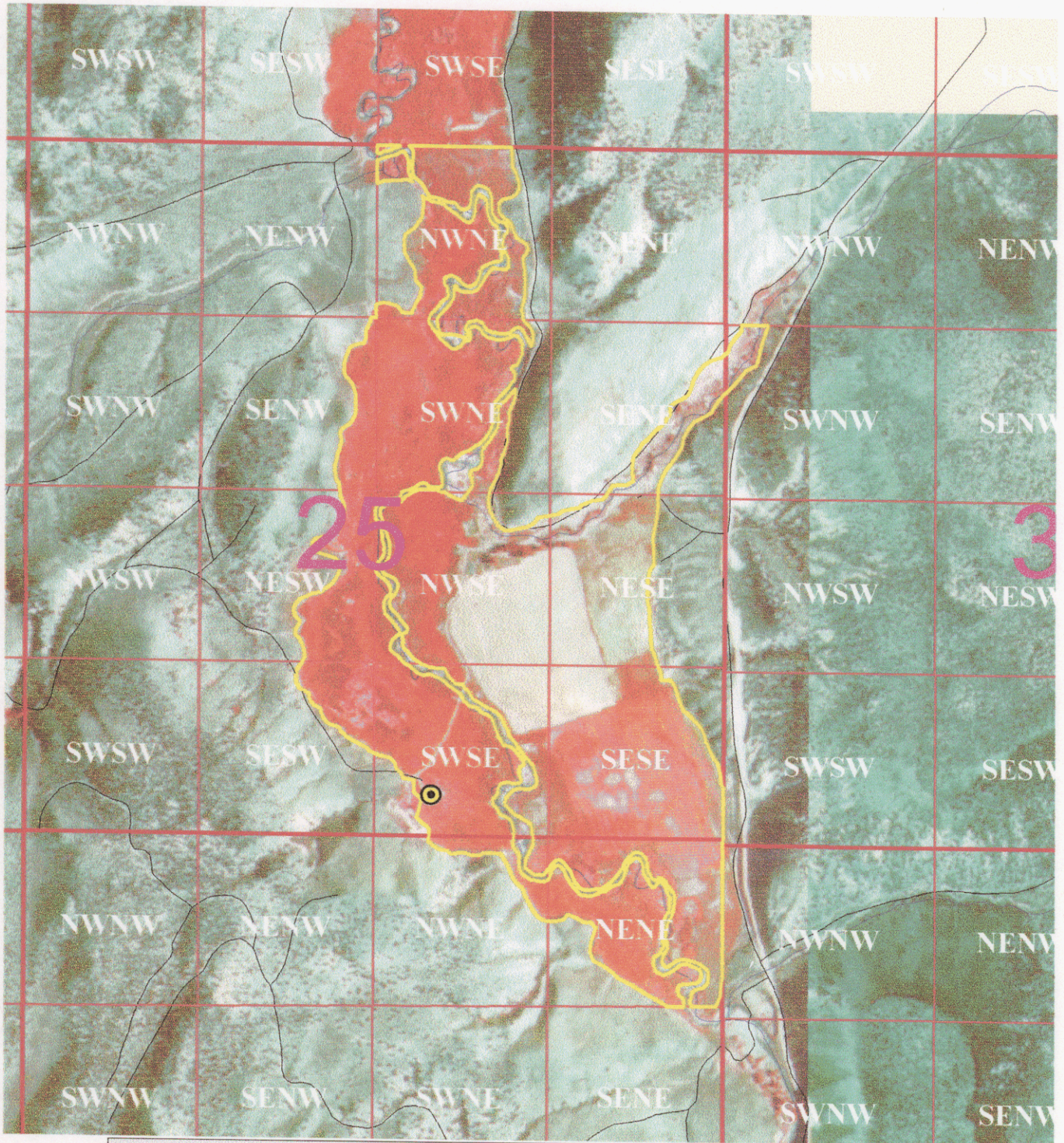
same well as -745
 rec. as increased acres 207?

- letter (EP) states water was used north of well and west of creek - GIS shows this to be about 74.5 A.
 - limit it to 74.5 A. w/in 205 A. PPU







Water Right Claim Number A45-10248

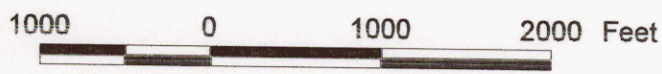
03/01/2000

Townships , 15S21E, 15S22E



Legend

	Irrigated Area		Section line		Roads
	Place of Diversion		Quarter Section Line		Streams and canals









Water Right Claim Number A45-10248

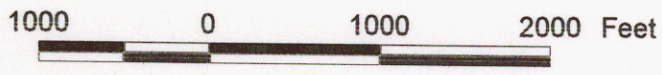
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Townships , 15S21E, 15S22E



Legend

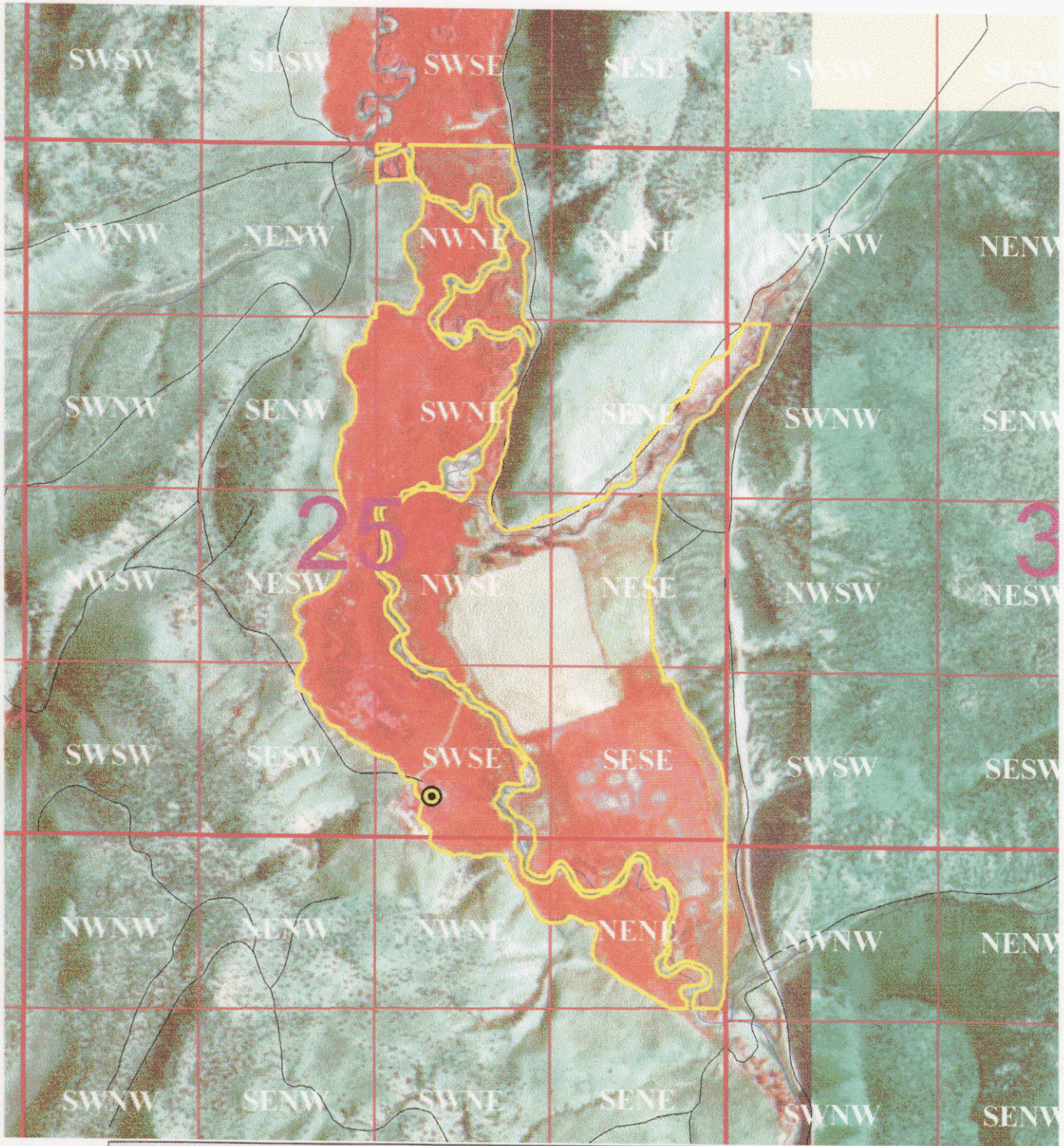
	Irrigated Area		Section line		Roads
	Place of Diversion		Quarter Section Line		Streams and canals









Water Right Claim, Number A45-10248

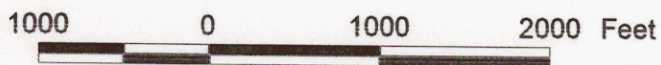
03/01/2000

Townships , 15S21E, 15S22E

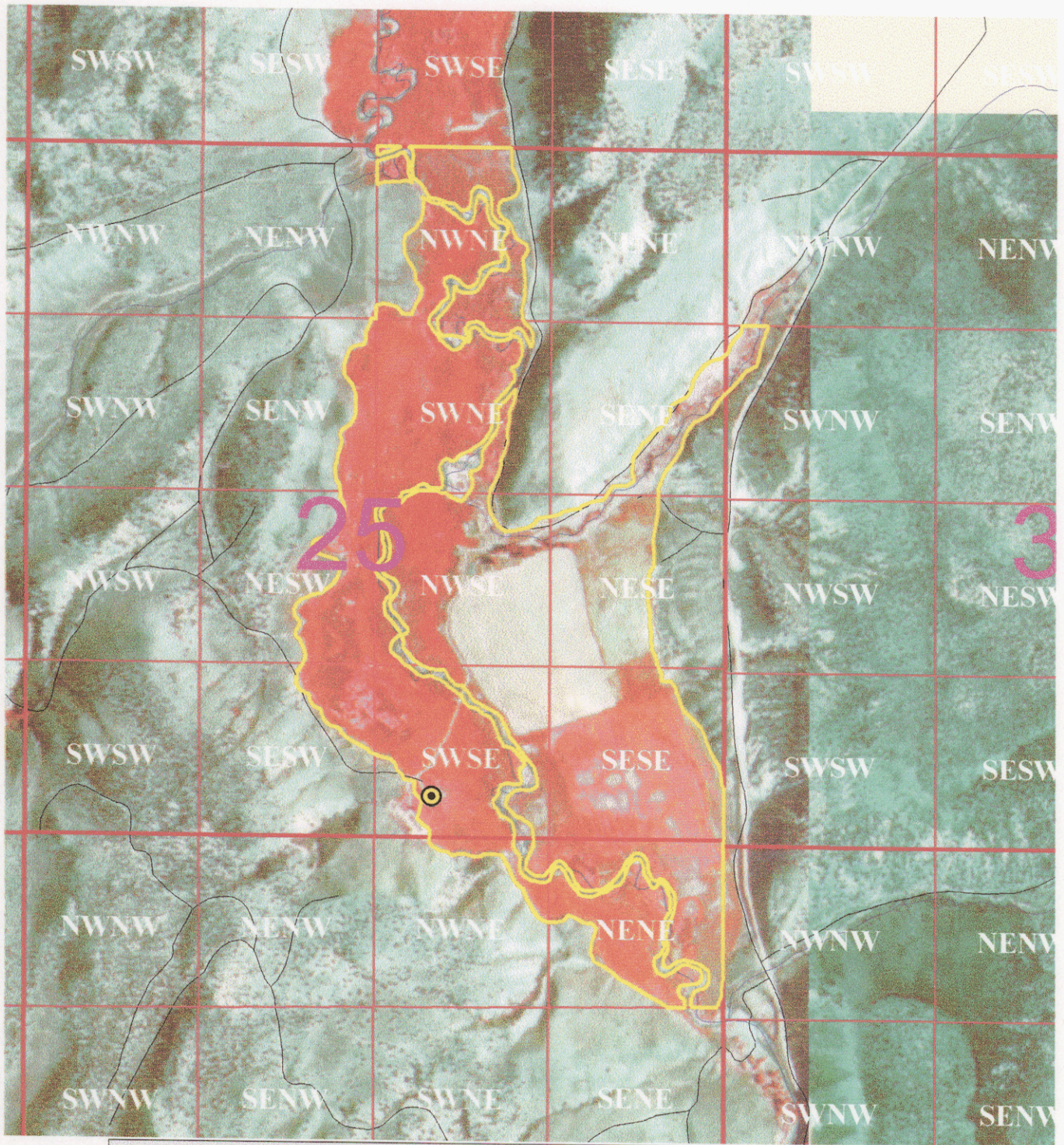


Legend







	Irrigated Area		Section line		Roads
	Place of Diversion		Quarter Section Line		Streams and canals

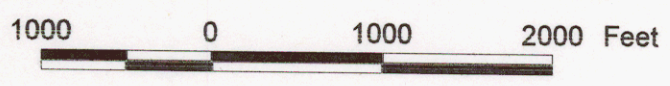


Townships , 15S21E, 15S22E

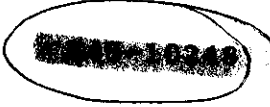


Legend

	Irrigated Area		Section line		Roads
	Place of Diversion		Quarter Section Line		Streams and canals



SD-0604-2 Township: 15S Range: 21E Section: 25

S	L	Water	Name	O	Tract:	SE	Lot:	Max # Records	39
E	O	Right No.	Last, First	W	S	Priority	Use		
L	T			N	T	Date	Code	Desc	
					G				
-	-	-	-	-	-	-	-	-	-
-	NESE	A45-07173A	MITCHELL, MORRIS W	O	27	L	04/02/1974	01	IRR
-			AUSTIN, CARL	C				04	STOCK
-	NESE		AUSTIN, BARBARA	C				43	DOMEST
-			MITCHELL, MORRIS W	O	27	S	01/01/1920	01	IRR
-			AUSTIN, CARL	C				04	STOCK
-	NESE	A45-00151	AUSTIN, BARBARA	C					
-			MITCHELL, MORRIS W	O	27	D	02/21/1925	01	IRR
-	NWSE	R45-07173B	AUSTIN, CARL	C				04	STOCK
-			COMBINED RIGHT	C	3		04/02/1974	01	IRR
-	NWSE	A45-10248	MITCHELL, MORRIS W.	O					
-			MITCHELL, MORRIS W	O	24	S	01/01/1920	01	IRR
-			AUSTIN, CARL	C				04	STOCK
-	NWSE	A45-07173B	AUSTIN, BARBARA	C					
-			COMBINED RIGHT	O	3		04/02/1974	01	IRR
-	NWSE	A45-07173A	MITCHELL, MORRIS W.	O					
-			MITCHELL, MORRIS W	O	24	L	04/02/1974	01	IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

See A45-00151 for copy
of 87 ASCS photo

"DO NOT FILM"