

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 45-7173A
 Date Received: 3/14/1989
 Receipt No: S006545
 Received By:

AMENDED

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

AMENDED

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: 04/02/1974

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township Range Section 1/4 of 1/4 of 1/4 Lot
 15S 22E 30 NW NW

County Type
 CASSIA

5. Description of diverting works:
 WELL , PUMP, PIPELINE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.18	
STOCKWATER	01/01	12/31	0.11	
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
 0.18 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
15S	21E	25	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
			SW	SE	DOMESTIC	
			NW	NE	STOCKWATER	
			SW	NE	STOCKWATER	
			SE	NE	STOCKWATER	
			SE	NW	STOCKWATER	
			NE	SW	STOCKWATER	
			SE	SW	STOCKWATER	
			NE	SE	STOCKWATER	
			NW	SE	STOCKWATER	
			SW	SE	STOCKWATER	
SE	SE	STOCKWATER				

15S	21E	36			Section Acres	191
			NE	NE	STOCKWATER	
			NE	NE	IRRIGATION	24
					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 for the well in Section 30 only, at the amount measured during the field exam in 1982. This right is limited to 194 acres (as licensed) within the place of use described above. (The other wells in Section 25 will be claimed as Beneficial Use with a 1948 priority date. See 45-13648.)

LAND IN SECTION 30 OWNED BY BLM, WHICH 1 OF THE WELLS IS LOCATED ON. WATER RIGHT-OF-WAY LEASED BY CLAIMANT.
 A45-07173A & A45-07173B COMBINED INTO THIS CLAIM, SAME PRIORITY DATE.
 OWNERSHIP & ADDRESS CHANGE RECEIVED ON 6/19/1992.
 MITCHELL SOLD TO MR & MRS AUSTIN.
 12/7/1992 RVW.

15. Basis of Claim: License

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.

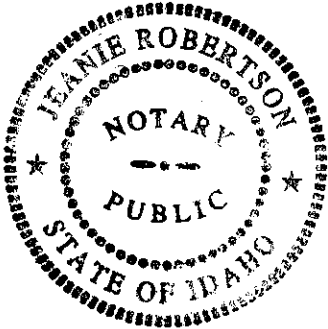
Signature of Claimant(s): [Signature] Date: 27 January 2004

State of Idaho)
County of Twin Falls) SS.

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

[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 45-7173A
 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: 04/02/1974

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	22E	30	NW	NW	CASSIA	
15S	21E	25	SE	SW	CASSIA	
15S	21E	25	SE	NE	CASSIA	

5. Description of diverting works:

5 WELLS (3 ARTESIANS), PUMPS, PIPELINE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	2.37	
STOCKWATER	1/01	12/31	0.11	
DOMESTIC	1/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:



IDAHO DEPARTMENT OF WATER RESOURCES
 SOUTHERN REGION
 1341 FILLMORE ST STE 200
 TWIN FALLS ID 83301-3380
 (208) 736-3033

DIRK KEMPTHORNE
 GOVERNOR

RECEIVED
 OCT 11 2002
 KARL J DREHER
 DIRECTOR

Department of Water Resources
 Southern Region

CHANGE IN ADDRESS

Water Right Number(s): 45-151, 45-7451, 45-7452 *closed (permit)*
45-7173A, 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	By: <i>[Signature]</i>
Date: <u>10/11/02</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: **A45-07173A**
Date Received: 3/14/1989
Receipt No: S006545
Received By: _____

Owner Change

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

- 1. Name: CARL AUSTIN
Address: P O BOX 116 208-436-5939
OAKLEY ID 83346
AND/OR
Name: BARBARA AUSTIN
Address: P O BOX 116 208-436-5939
OAKLEY ID 83346

2. Date of Priority: APR 2, 1974

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	21E	25	SE	NE	NE		CASSIA
	22E	30	SE	SW	SW	(2 wells)	CASSIA
			NW	NW	NW		CASSIA

5. Description of diverting works:
5 WELLS (3 ARTESIANS), PUMPS, PIPELINE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.370		
STOCKWATER	01/01	12/31	0.110		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is _____ Acre Feet Per Annum

9. Non-irrigation uses:
D/1 HOUSE, S/UP TO 500 BEEF STOCK

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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			
			SW	SE		DOMEST				
			SE	SE		IRR	37.0			
			Section Acres							198.0
					30	SW	NW		IRR	5.0
Section Acres							5.0			
		36	NE	NE		IRR	3.0			
			NW	NE		IRR	1.0			
Section Acres							4.0			
Total Acres							207.0			

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:
A45-10248, A45-00151

14. Remarks:

LAND IN SECTION 30 OWNED BY BLM, WHICH 1 OF THE WELLS IS LOCATED ON. WATER RIGHT-OF-WAY LEASED BY CLAIMANT. A45-07173A & A45-07173B COMBINED INTO THIS CLAIM, SAME PRIORITY DATE.

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

15. Basis of Claim: LICENSE

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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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Seal

Notary Public

Residing at _____

My Commission Expires _____

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MAR 08 1993

Date: 12/07/92

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: A45-07173A
Date Received: 3/14/1989
Receipt No: S006545
Received By: W

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

208-436-5939

1. Name: MORRIS W. MITCHELL
Address: P.O. BOX 48
OAKLEY, ID

83346

2. Date of Priority: APR 02, 1974

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	SE	NE	CASSIA
	22E	30	SE	SW	CASSIA
			NW	NW	CASSIA

5. Description of diverting works:
5 WELLS (3 ARTESIANS), PUMPS, PIPELINE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.370		
STOCKWATER	01/01	12/31	0.110		
DOMESTIC	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE, S/UP TO 500 BEEF STOCK

A45-07173A

Page 1

Date: 03/14/89

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MAR 08 1993

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			
			SW	SE		DOMEST				
			SE	SE		IRR	37.0			
									Section Acres	198.0
									IRR	5.0
									Section Acres	5.0
						IRR	3.0			
						IRR	1.0			
						Section Acres	4.0			
						Total Acres	207.0			

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:
A45-10248, A45-00151

14. Remarks:

LAND IN SECTION 30 OWNED BY BLM, WHICH 1 OF THE WELLS IS LOCATED ON. WATER RIGHT-OF-WAY LEASED BY CLAIMANT. A45-07173A & A45-07173B COMBINED INTO THIS CLAIM, SAME PRIORITY DATE.

15. Basis of Claim: LICENSE

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): *Donald D. Peters* Date: 3/14/89
_____ Date: _____

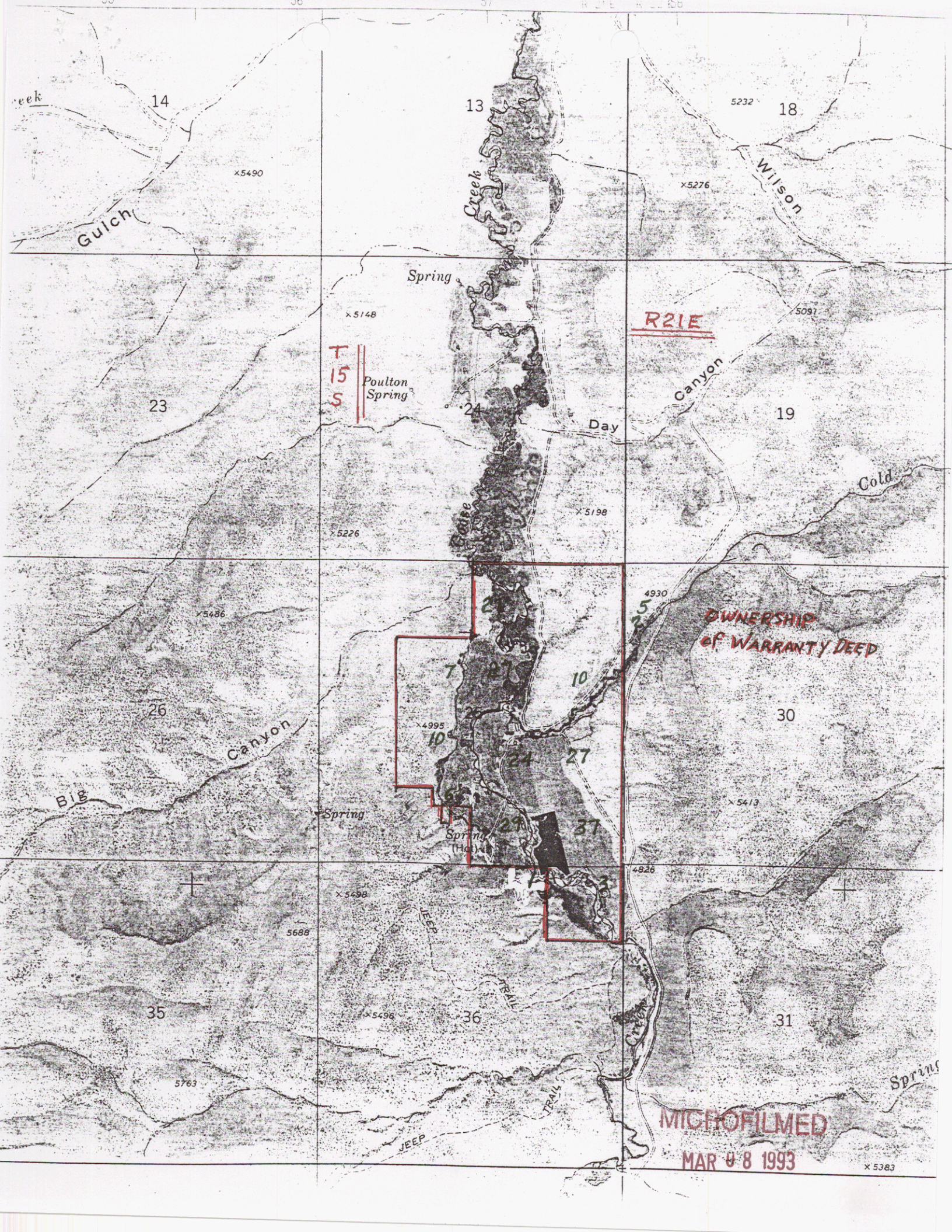
State of Idaho)
County of TF) SS.

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

Seal

Residing at TF
My Commission Expires 5/94

MICROFILMED
MAR U 8 1993



14
x5490
Gulch

13
Creek

18
5232
Wilson

23

T
15
S
Poulton Spring

R21E

Day

Canyon

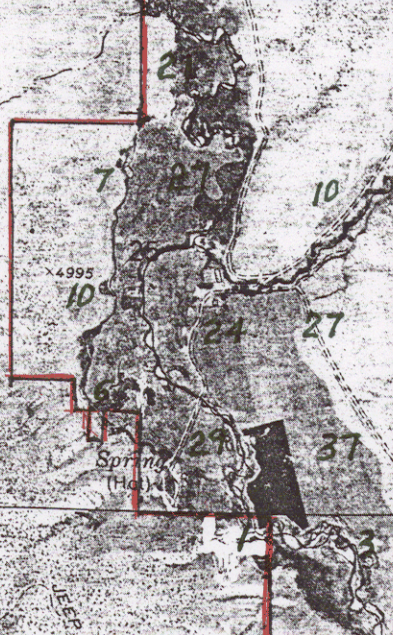
19

Cold

26

Canyon

OWNERSHIP
of WARRANTY DEED



BIG

Spring

Spring
(H.C.)

4826

35

36

31

JEEP TRAIL

MICROFILMED
MAR 08 1993

x5383



NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

JUN 19 1992

DATE OF CLOSING: 6/9/92

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 _____, _____, _____
Lot _____, Block _____, Subdivision/Townsite _____, _____
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
~~IN YOKERN CA. 93527~~
Oakley, Idaho, 83346

New Telephone Number: ~~(619) 577-4665~~ 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 V. 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
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

MICROFILMED
MAR 08 1993

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

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

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

JUN 19 1992

TOWNSHIP 15 SOUTH, RANGE 21 EAST, BOISE MERIDIAN

Department of Water Resources Southern Region Office

Section 14: SW 1/4, NW 1/4 SE 1/4

Section 15: E 1/2 SE 1/4

Section 22: NE 1/4 NE 1/4, S 1/4 N 1/4

Section 25: SE 1/4 NW 1/4, NE 1/4 SW 1/4, E 1/2 N 1/4 SE 1/4 SW 1/4, E 1/2 SW 1/4 NE 1/4 SE 1/4 SW 1/4 and SE 1/4 NE 1/4 SE 1/4 SW 1/4

Section 36: NE 1/4 NE 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 300 DEPUTY SM

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 to 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, Trustee

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.

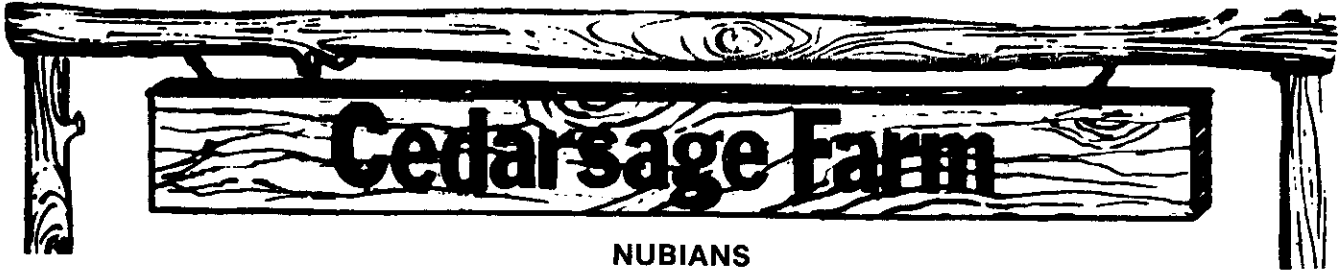
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certification first above written.

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

Richard S. Harper Notary Public for Idaho

MICROFILMED

MAR 08 1993



NUBIANS

CARL and BARBARA AUSTIN & FAMILY

~~7155 Alford Road • Nyokom, California 93527 • (619) 877-4665~~

P.O. BOX 116, Oakley, Idaho 83346

RECEIVED

JUN 18 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

Encl:

New Property Owner forms

Copy of deed with legal description

MICROFILMED

MAR 08 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 08 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

November 16, 1992

R. KEITH HIGGINSON
DIRECTOR

Morris W. Mitchell
P.O. Box 48
Oakley, ID 83346

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim No. A45-07173B

Dear Mr. Mitchell:

Our office is currently reviewing records of claims in your area to prepare for recommendations in the Snake River Basin Adjudication. Our records indicate that you may have contacted our office concerning the claim noted above. However, the claim was not completed.

There may be several reasons why the claim was not completed. You may have chosen not to complete the processing, which is your right. However, we are trying to avoid errors on our part and would appreciate a response if you feel that you wish to claim the right in question.

We have included a summary of the right; please review this report. If you wish further information about the right or the claim process, please call our office at (208) 327-7935. If we do not receive a response by December 16, 1992, we will assume that you have no further interest in the right listed above. Thank you for your cooperation.

Sincerely,

Helen Harrington-Thornton
Helen Harrington-Thornton
Senior Water Resource Agent
Adjudication Bureau

HHT:hht:south

Enclosure:

Summary of Water Right

MICROFILMED

MAR 08 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: 45-7173A

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:

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

DATE: 25 May 2004 SIGNATURE: 
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

RIGHT NUMBER: 45-7173A
 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: 0.180 CFS
 76.500 AFY

TRIBUTARY:

USE OF THE 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.

USE OF THIS RIGHT WITH RIGHT NO. 45-13648 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.11 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 6.7 AF FOR STOCKWATER USE AND A TOTAL COMBINED DIVERSION RATE OF 0.04 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1.2 AF FOR DOMESTIC USE.

PRIORITY DATE: 04/02/1974

POINT OF DIVERSION:

T15S R22E S30 NENWNW Lot 1 Within CASSIA County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.180 CFS
		76.50 AFY
STOCKWATER	01/01 12/31	0.110 CFS
		6.70 AFY
DOMESTIC	01/01 12/31	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	NESE 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	NENE	T15S R21E S25	NWNE
T15S R21E S25	SWNE	T15S R21E S25	SENE
T15S R21E S25	SENE	T15S R21E S25	NESE
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	SENE
---------------	------

05/21/2004

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

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 194 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

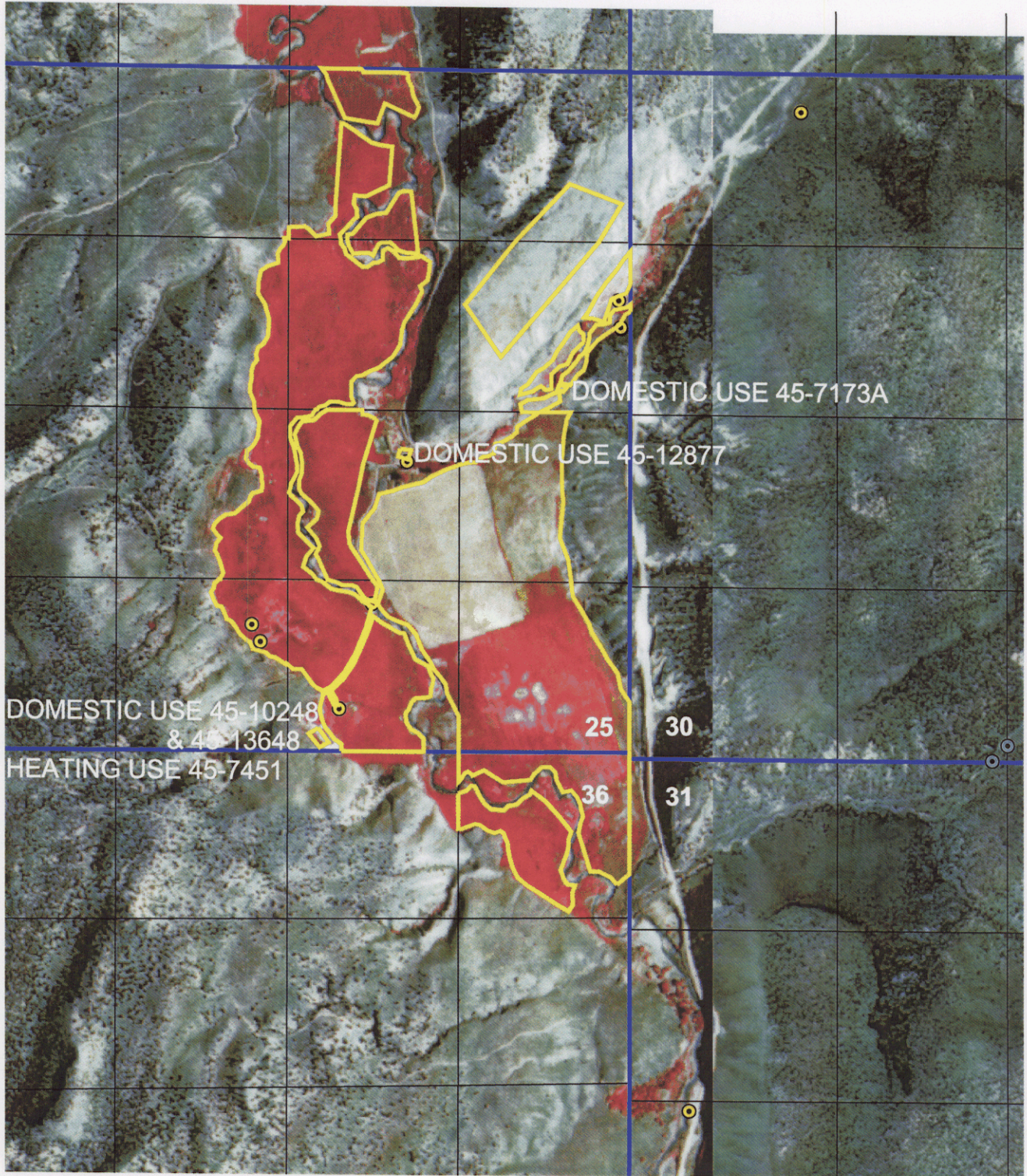
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: License

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



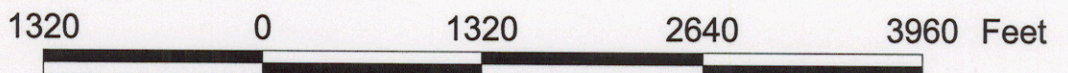
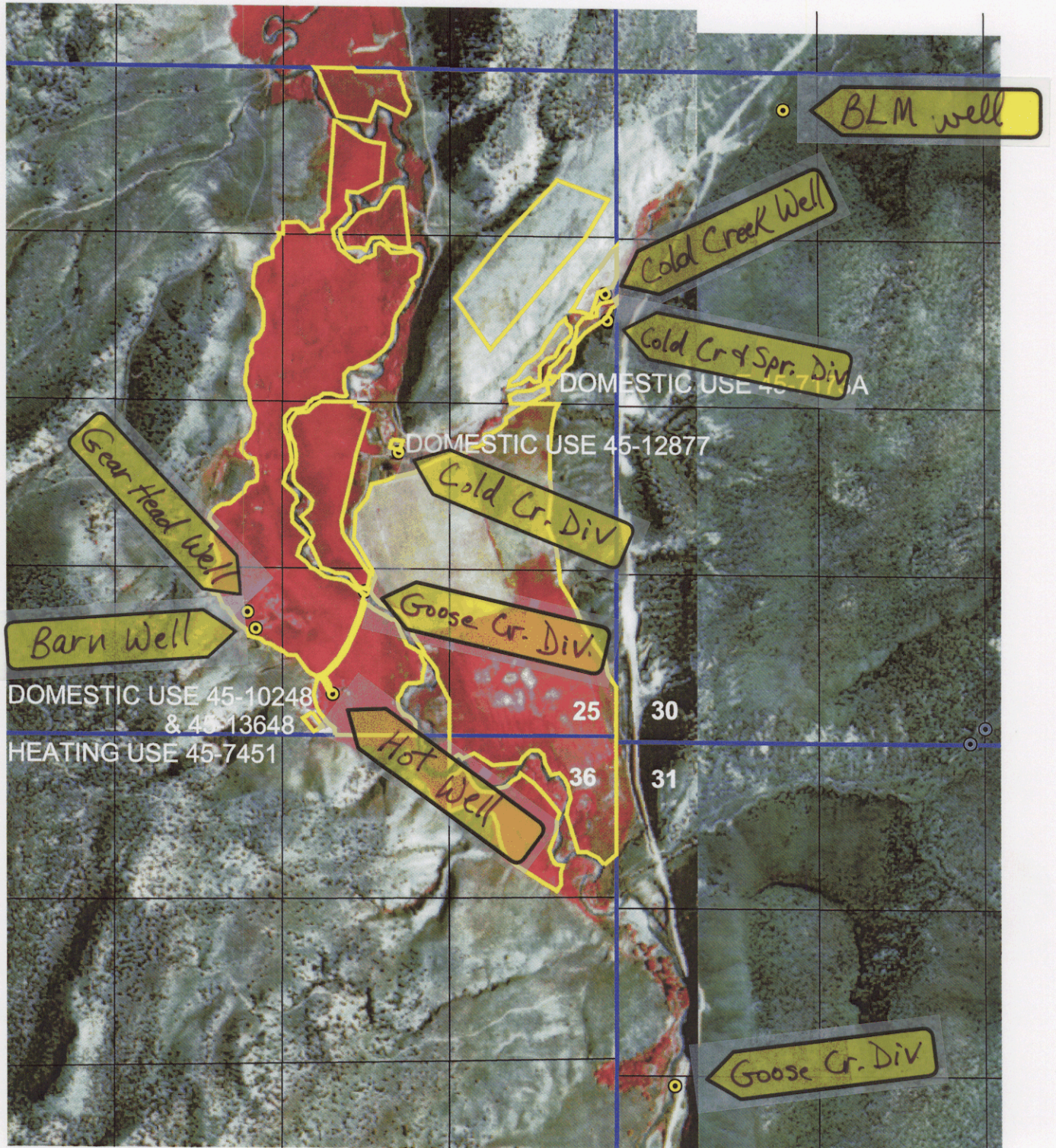
1320 0 1320 2640 3960 Feet

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
- 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 45-7173A 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.

Remarks:

1. Quantity USE OF THE 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.
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. 45-13648 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.11 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 6.7 AF FOR STOCKWATER USE AND A TOTAL COMBINED DIVERSION RATE OF 0.04 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1.2 AF FOR DOMESTIC USE.
4. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 194 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-7173A V1

Comments:

1. JROBERTS 10/28/2002 Basis of Recommendation

Comment: Recommendation is based on licenses 45-7173A & B, which this claim actually represents. Since 215 irrigated acres were found per GIS, this right will be limited to the 207 licensed acres within a 215 ac PPU.

2. jroberts 2/4/2004 New Recommendation

Comment: Claim was amended to cover only the well in Section 30, for the amount measured during the field exam for that well. Right will be limited to the 194 licensed acres (for that part of the system described during the field exam on all of the wells and licensed as part A) within the 215 acre ppu. (This claim or recommendation does not match license 45-7173A.) Volume was calculated as diversion rate of 0.18 cfs X 425 AF (volume per cfs in 215 day irrigation season, per license).

3. jroberts 5/20/2004 NOE

Comment: Tweaked pou per our discussion in my office, same 215 acres. Clarified pou for domestic use from this well.

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: 45-7173A

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:

I ask that the map be used as corrected for use & total acreage as per office conference on 14 May 2004

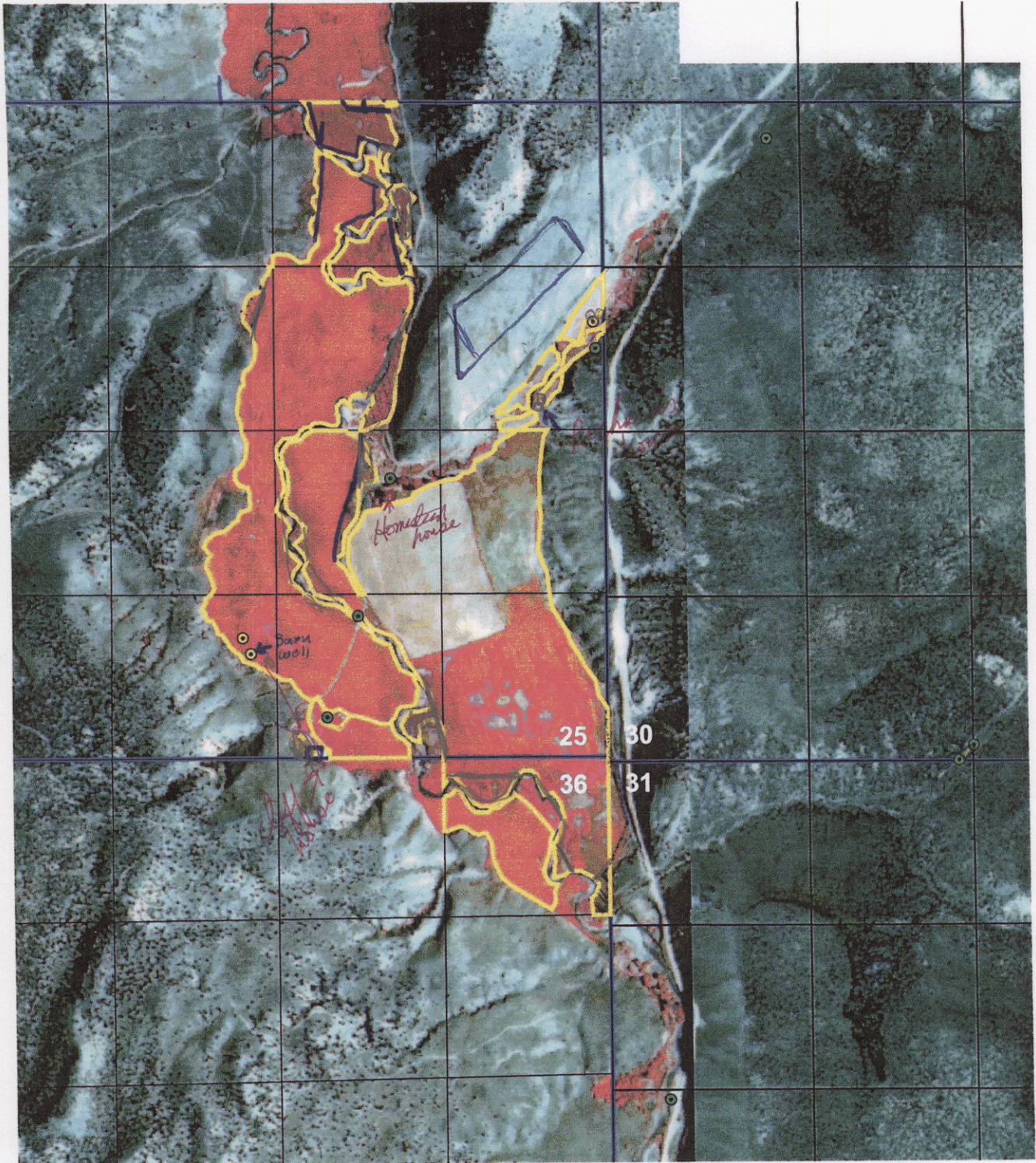
3. Give a brief explanation as to why you disagree with these portions:

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



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.

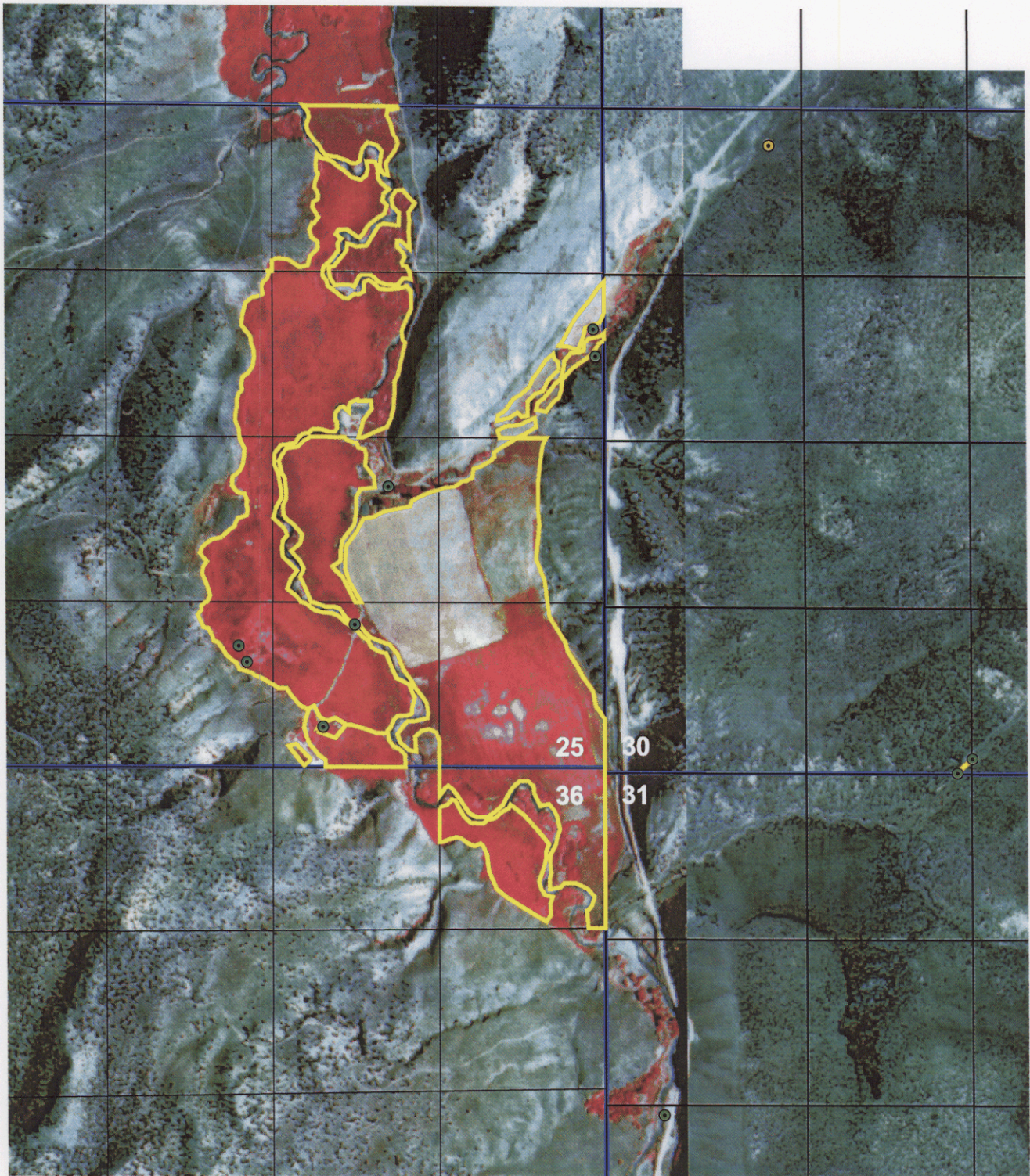
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 194 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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
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Code.

EXPLANATORY MATERIAL: License

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



1320 0 1320 Feet

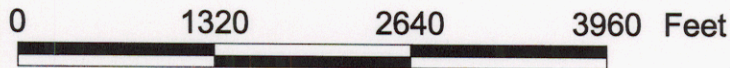
- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

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



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

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



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
Water Right Report 45-7173

WATER RIGHT NUMBER: 45-7173

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MORRIS W MITCHELL PO BOX 48 OAKLEY, ID 83346 (208)436-5939

Priority Date: 04/02/1974
Basis: License
Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	2.130 CFS	679.00 AF
STOCKWATER	1/01 to 12/31	0.110 CFS	6.70 AF
DOMESTIC	1/01 to 12/31	0.040 CFS	1.20 AF
	<u>Total Diversion:</u>	2.130 CFS	686.90 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	<i>only</i>	Sec. 30,	Twp 15S,	Rge 22E, B.M.
CASSIA County					
GROUND WATER	SE1/4NE1/4		Sec. 25,	Twp 15S,	Rge 21E, B.M.
CASSIA County					
GROUND WATER	SE1/4SW1/4		Sec. 25,	Twp 15S,	Rge 21E, B.M.
CASSIA County					

Place of Use
IRRIGATION Within CASSIA County

T15S R21E S25	NWNE	21.0	T15S R21E S25	SWNE	27.0
T15S R21E S25	SENE	10.0	T15S R21E S25	SENE	7.0
T15S R21E S25	NESW	4.0	T15S R21E S25	SESW	2.0
T15S R21E S25	NESE	27.0	T15S R21E S25	NWSE	21.0
T15S R21E S25	SWSE	29.0	T15S R21E S25	SESE	37.0
T15S R21E S36	NENE	3.0	T15S R21E S36	NWNE	1.0
T15S R22E S30	SWNW	5.0			

Total Acres: 194

DOMESTIC Within CASSIA County
T15S R21E S25 SWSE

STOCKWATER same as IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 45-7173

Conditions of Approval:

1. R25 This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.

Remarks:

Comments:

Dates and Other Information:

Licensed Date: 9/16/1985
 Decreed Date:
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number:
 Judicial District:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-7173A V1

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.

Remarks:

1. Quantity USE OF THE 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. 45-13648 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.11 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 6.7 AF FOR STOCKWATER USE AND A TOTAL COMBINED DIVERSION RATE OF 0.04 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1.2 AF FOR DOMESTIC USE.
4. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 194 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

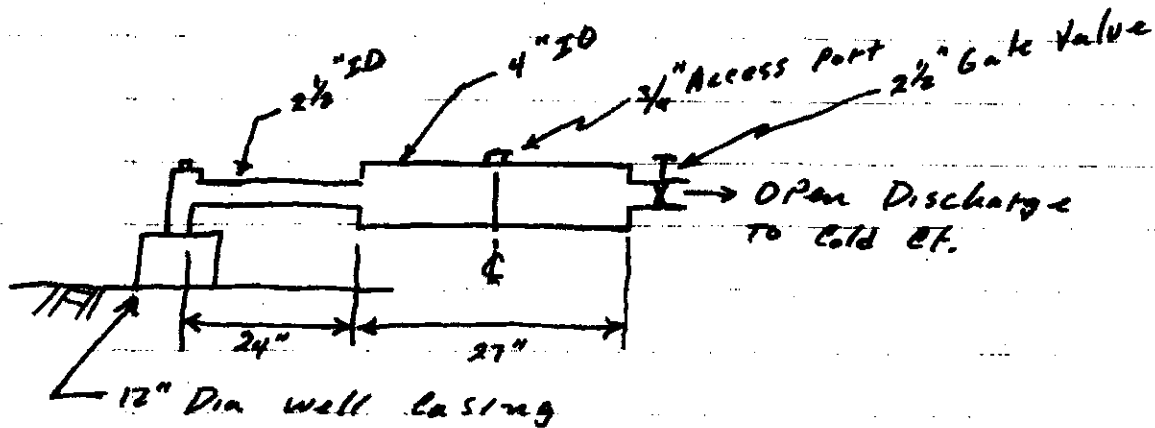
Comments:

1. JROBERTS 10/28/2002 Basis of Recommendation
 Comment: Recommendation is based on licenses 45-7173A & B, which this claim actually represents. Since 215 irrigated acres were found per GIS, this right will be limited to the 207 licensed acres within a 215 ac PPU.

2. jroberts 2/4/2004 New Recommendation
 Comment: Claim was amended to cover only the well in Section 30, for the amount measured during the field exam for that well. Right will be limited to the 194 licensed acres (for that part of the system described during the field exam on all of the wells and licensed as part A) within the 215 acre ppu. (This claim or recommendation does not match license 45-7173A.) Volume was calculated as diversion rate of 0.18 cfs X 425 AF (volume per cfs in 215 day irrigation season, per license).

Well #1

45-7173



Pump: 5HP Submersible Set at 200 ft

Well: 12" casing at surface

water level: 113 ft (Reported by owner)

Water Measurement:

An Annubar Access Port was provided as required. However, no 4" Annubar was available for this exam.

Water was measured Volumetrically using a bucket with .728 ft³ Capacity & Time. 3 Cumulative measurements were made

Flow:
$$\frac{(.728 \text{ ft}^3)(3)}{12 \text{ sec}} = \underline{\underline{0.18 \text{ cfs}}}$$

Remove dom.
cause this well
does not supply
the house water?

#1

Sec. 30

MICROFILMED



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

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

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 207 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

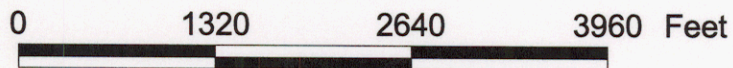
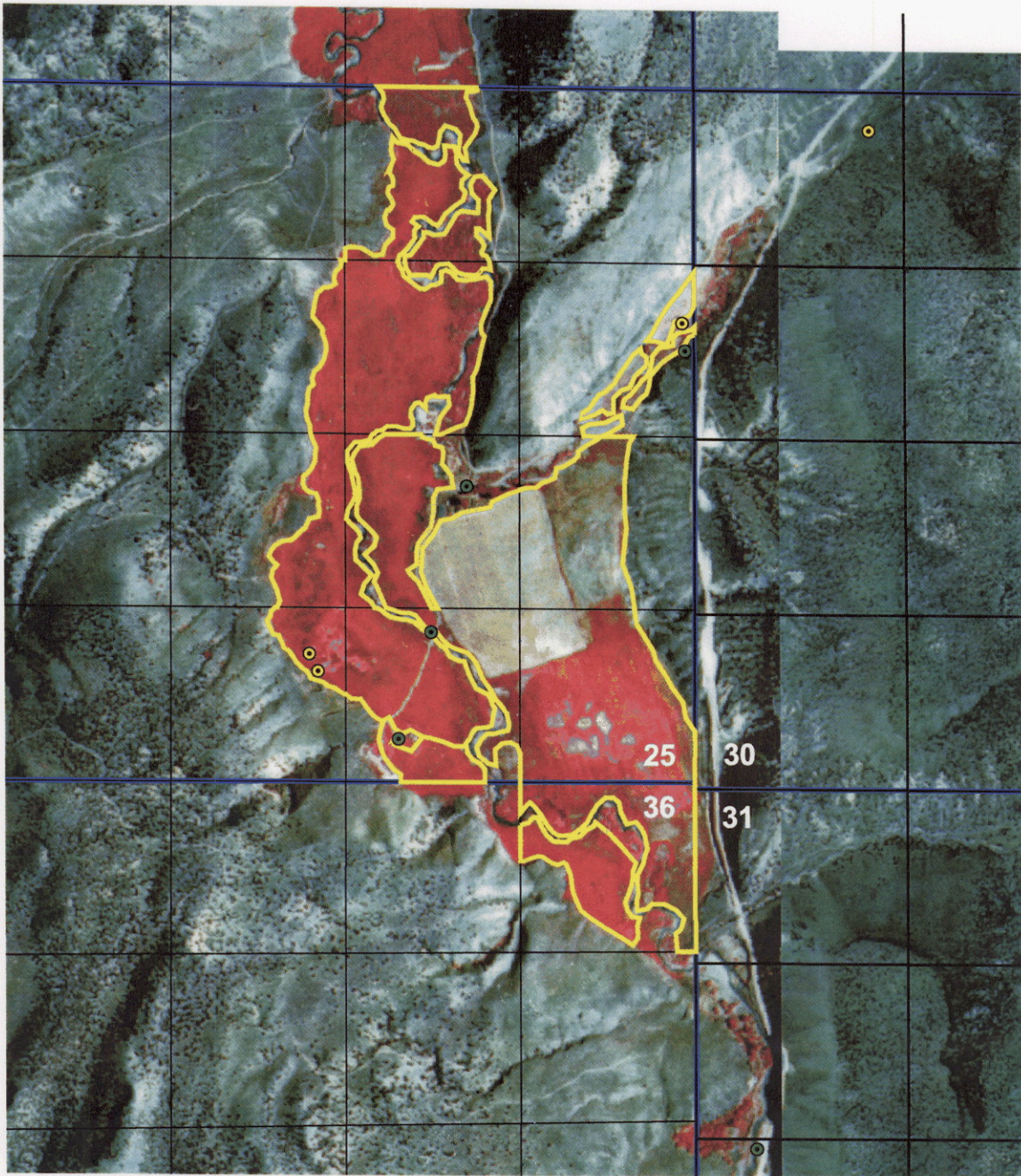
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 45-7173A, & 45-7173B.

45-7173A



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



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

September 30, 2002

CARL & BARBARA AUSTIN
PO BOX 116
OAKLEY ID 83346

RE: Adjudication Claims #45-151 [REDACTED] & 45-10248

Dear Mr. & Mrs. Austin,

I am currently reviewing the adjudications claims for your property and I have a few questions. (This is the next step in the adjudication process, the first step being the initial claim filing back in the late 80's, by Morris Mitchell. I will review the claims and make a recommendation to the court for the final decree.) I noticed that 45-151 (diversions from Goose & Cold Creeks) and 45-10248 (artesian well) were each for 215 acres of irrigation. Then 45-7173A (five wells) was for only 207 irrigated acres. **Are there 207 acres or 215 total acres irrigated? Is the artesian well claimed under 45-10248 also one of the wells later licensed under 45-7173?**

Also, 4 of the claimed acres under these rights are on BLM ground. **Are you irrigating land on BLM? Do you have an agreement with them?** Usually the BLM objects to rights recommended on BLM ground and either wants the water rights split, part in the name of BLM, or they require you to stop irrigating BLM acres. I just wanted to make sure you were aware of this before I made any recommendations. You can **amend** the claims and drop these 4 acres if you prefer.

If you would like to come into the office and discuss these matters the next time you plan a trip to Twin Falls, please call ahead and set up an appointment to be sure I am available to meet with you.

If you have any questions, feel free to give me a call at the office.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent



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

October 29, 2002

CARL AUSTIN
PO BOX 93
OAKLEY ID 83346

RE: 20440

Dear Mr. Austin,

I did some checking on this old right that you found. The paperwork that you supplied was actually a copy of old **permit #20440**, which later became known as 45-2255. The process was never completed and put to beneficial use, so eventually the permit was cancelled in 1971. (I have enclosed copies of some correspondence I found in our files for your information.) In 1974 a new permit was applied for on the same wells and this was eventually licensed as 45-7173. Based on this information, amending your claim on these wells for an earlier priority date would not be advisable.

Please feel free to call in you have any questions.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 45-2255

WATER RIGHT NUMBER: 45-2255

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NEWEL P BAKER
	BURLEY, ID 83318

Priority Date:
 Basis:
 Status: Cancelled

<u>Source</u>	<u>Tributary</u>
---------------	------------------

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
-----------------------	-----------------------	-----------------------	----------------------

Total Diversion:

Location of Point(s) of Diversion

Place of Use

Conditions of Approval:

Remarks:

Comments:

Dates and Other Information:

January 22, 1951

Re: Permit No. 20440

Mr. Howell J. Baker
1429 Burton Street
Burley, Idaho

Dear Mr. Baker:

We enclose your Application for Amendment to Permit No. 20440, changing the points of diversion or the location of your three wells to the SE¹/₄ NE¹/₄, NW¹/₄ SW¹/₄ and SW¹/₄ SW¹/₄ Section 25, Township 15 South, Range 21 East, B.M., which has been approved by the State Reclamation Engineer and duly recorded.

We also enclose Certificate of Completion of Works issued under this Permit for the diversion of six (6) second feet of water from the above described three wells, for the irrigation of land in the NE¹/₄, SE¹/₄, NW¹/₄, NE¹/₄ SW¹/₄ and SE¹/₄ Section 25, and the NE¹/₄ NW¹/₄ Section 26, Township 15 South, Range 21 East, B.M.

A copy of Notice of Beneficial Use Proof to be made under this Permit on February 26, 1951, before Reid Swarley, Notary Public, has been sent to the Burley Bulletin with instructions to publish it once a week for four consecutive weeks prior to that date and to send you the Affidavit of Publication, together with statement of costs.

The necessary forms to be executed by yourself and two witnesses in making this proof and also Beneficial Use Proof under Permits Nos. 20606, 21278 and 21279, were handed you when in the office recently, and at the time set, you should appear before Mr. Stanley with two disinterested witnesses who are familiar with the terms of the Permits and the works done thereunder for the purpose of executing the depositions.

We also enclose Departmental Receipt No. 23006 for the \$20.00 fees in connection with Completion of works proofs on Permits Nos. 20440, 20606, 21278 and 21279.

Very truly yours,

MARK W. KULP
State Reclamation Engineer
By

Chief Clerk

With
Enc.

1951

Re: Permits Nos. 20440 and 21279

Mr. Hovel P. Baker
1638 Barton Avenue
Barley, Idaho

Dear Mr. Baker:

We return your deposition and also the depositions of your two witnesses, submitted in Proof of Beneficial Use under Permits Nos. 20440 and 21279 for the reason that the land on which the water has been used is not described by legal subdivision, Section, Township and Range as called for in Question 6 of your own depositions and Question 7 of the depositions of your two witnesses.

We return Certificates of Completion of Works issued under these Permits which should be kept in your own files.

Affidavits of Publication are required in connection with all your Beneficial Use Proofs. The Minidoka County News was instructed to send you Affidavits of Publication for the Permits located in Minidoka County and the Barley Herald Bulletin for those located in Cassia County. If you have not received them, we suggest that you take the matter up with these newspapers.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hb
Enc.

April 9, 1961

Re: Permits Nos. 20440 and 21279

Mr. Newel P. Baker
1459 Burton Avenue
Burley, Idaho

Dear Mr. Baker:

Under date of March 8, 1961, we returned the depositions of yourself and two witnesses, submitted in Proof of Beneficial Use under the above numbered Permits, in order that you might complete same by giving the land description as called for in Question 6 of your own deposition and Question 7 of the depositions of your two witnesses.

We also called attention to the fact that the Affidavits of Publication were necessary to complete these proofs. If you have not received these Affidavits from the Minidoka County News and the Burley Herald Bulletin, it is important that you take the matter up with them at once.

Very truly yours,

MARK R. FULP
State Reclamation Engineer
By

Chief Clerk

z:bb

April 12, 1951

Re: Permits Nos. 20440, 21278, 21279 and 20804

Mr. Novel P. Baker
1480 Burton Avenue
Burley, Idaho

Dear Mr. Baker:

We acknowledge receipt of the Affidavits of Publication in connection with Beneficial Use Proofs under the above numbered Permits.

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

We cannot say just when this examination will be made as this Department has but one Field Engineer who makes examinations all over the State.

However, he will try to contact you at the time the examination is made so that arrangements may be made to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bb

ley Herald-Bulletin

ON

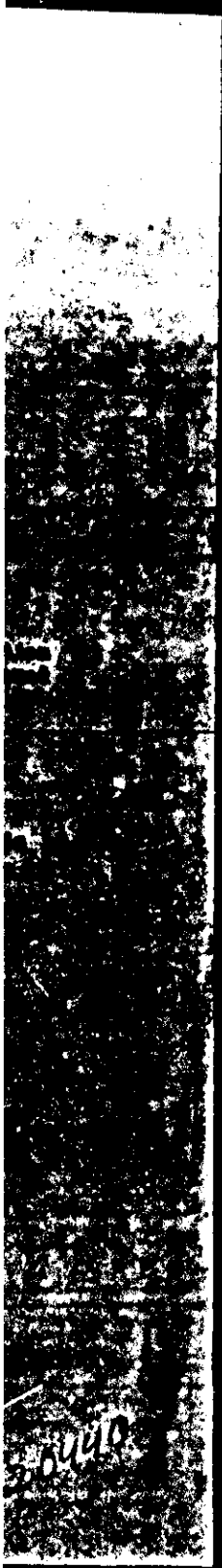
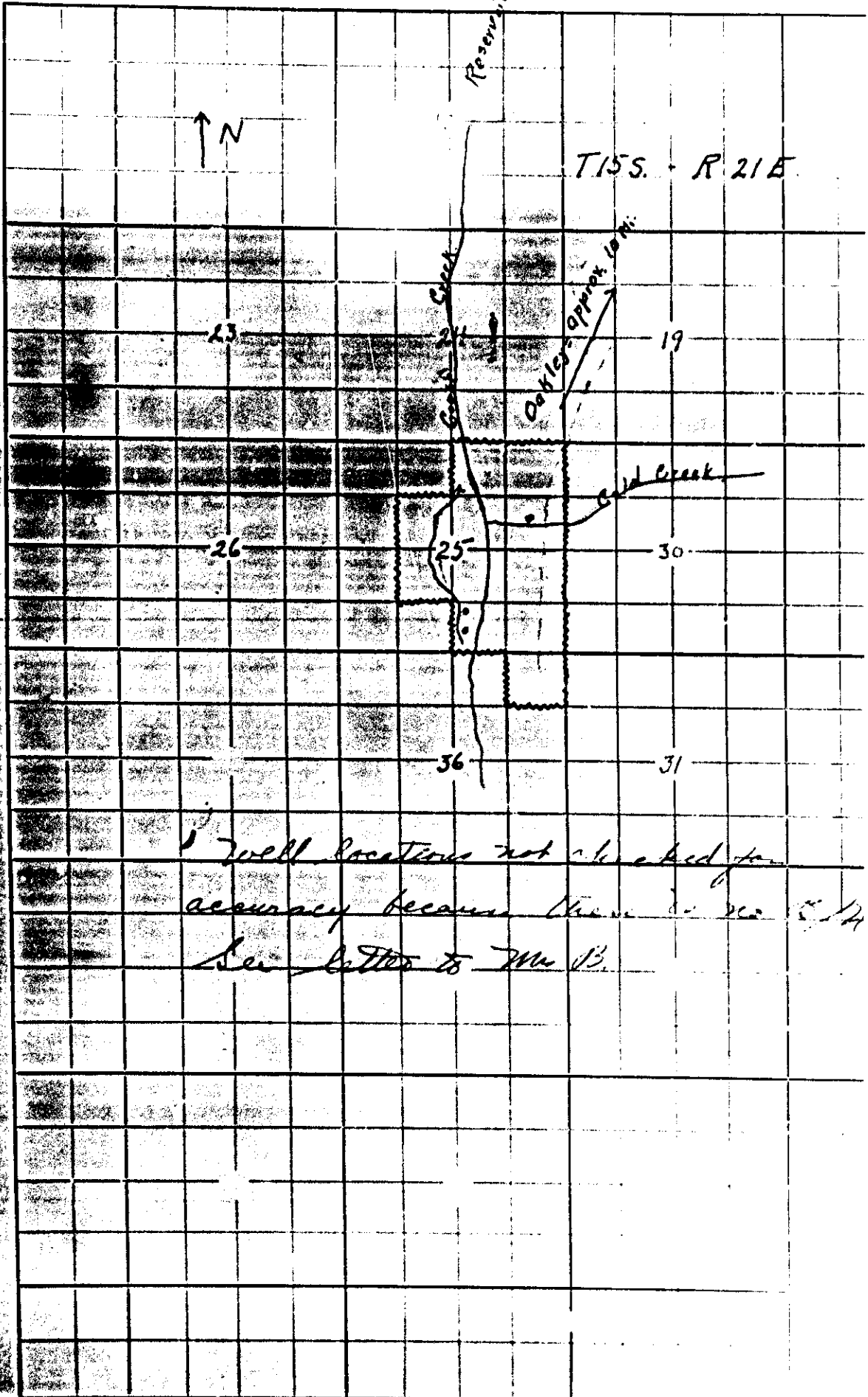
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STATE OF IDAHO
DEPARTMENT OF RECLAMATION
1936 IDAHO
REPORT OF ENGINEER

Permit No. 20440

This proof is for Beneficial use

In Water District No.

Name of applicant: *Small Baker, 4457 Burton Avenue, Boise, Idaho*

Source of water supply: *Underground from three wells*

Location of water diversion: *In the NE 1/4, SE 1/4, & SW 1/4 of Section 25*

County: *Blaine*

Describe briefly in your own words the nature and purpose of the proposed work: *Small*

well with a pump and a 2 inch pipe to the house. The water is used for domestic purposes. The well is located in the NE 1/4, SE 1/4, & SW 1/4 of Section 25, Blaine County, Idaho. The water is used for domestic purposes. The well is located in the NE 1/4, SE 1/4, & SW 1/4 of Section 25, Blaine County, Idaho. The water is used for domestic purposes.

Water used for: *Irrigation*

State whether or not water has been turned into works of diversion:

Give the local subdivisions of land to be irrigated, if proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation)

NE 1/4, SE 1/4, & SW 1/4 of Section 25

NE 1/4 of Section 25

Blaine 15 South Range 21 East 1/4

Underground water is used for domestic purposes. The water is used for domestic purposes. The well is located in the NE 1/4, SE 1/4, & SW 1/4 of Section 25, Blaine County, Idaho. The water is used for domestic purposes. The well is located in the NE 1/4, SE 1/4, & SW 1/4 of Section 25, Blaine County, Idaho. The water is used for domestic purposes.

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

What large stream would the water here appropriated finally reach?

The water is used for domestic purposes. The well is located in the NE 1/4, SE 1/4, & SW 1/4 of Section 25, Blaine County, Idaho. The water is used for domestic purposes. The well is located in the NE 1/4, SE 1/4, & SW 1/4 of Section 25, Blaine County, Idaho. The water is used for domestic purposes.

This examination was made on the

day of *June* 19 *37*

(Signed) *W. H. Hargreaves*

20440

June 15, 1959

Re: Permit No. 20410.

Mr. Merrill P. Baker
Burley, Idaho

Dear Mr. Baker:

I have tried several times to contact you and make inspection for above permit, but without success. You will remember you told me it was not ready to inspect in either 1951 or 1952.

Recently Mr. Carter, State Reclamation Engineer, asked me the status of this permit and why a report had not been made.

I called on both Friday and Saturday to contact you by phone but was again unable to reach you, but inasmuch as I was working south of Burley I went on down and made inspection without you.

I found the three walls mentioned in the permit, but I did not find any water seeping out of two of the walls and water flowing from the third one was not being put to beneficial use.

I did not check for accuracy of legal description for points of diversion, but I believe the two walls on the west are probably in the same forty.

Since there is no beneficial use, a license will not be issued in connection with above permit.

If you feel this report is incorrect in any detail and that a license should be issued it will be necessary for you to accompany me on an inspection, very soon and point out the beneficial use being made of the water.

If you wish another inspection please contact me at once so that we can agree on a date for making same.

Yours truly,

WED. H. CARTER
State Reclamation Engineer

By:

E. H. HUMPHREY, Deputy
State Reclamation Engineer

EM:ew

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Statehouse Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director
Water Rights Administration
Water Resource Investigation
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

IN THE MATTER OF CANCELLATION OF PERMIT)
TO APPROPRIATE THE PUBLIC WATERS OF THE)
STATE OF IDAHO NO. 20440/45-2255)
IN THE NAME OF Newel P. Baker)
_____)
_____)

ORDER OF CANCELLATION

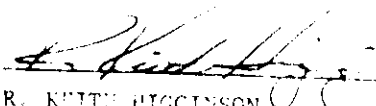
WHEREAS, the permit holder has failed to submit adequate proof of beneficial use of water ; and,

WHEREAS, on February 16, 1971, notice was sent to the holder of said permit to appear before the Director of the Department of Water Administration on or before March 28, 1971, to show cause why said permit should not be cancelled; and,

WHEREAS, the holder of said permit has failed to comply with the requirements of said permit and has not shown adequate cause why such permit should not be cancelled.

IT IS THEREFORE ORDERED and Permit 20440/45-2255 is hereby CANCELLED.

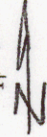
Dated this 7th day of May, 19 71.


R. KEITH HIGGINSON
Director

0900, 29 April 1948 priority date

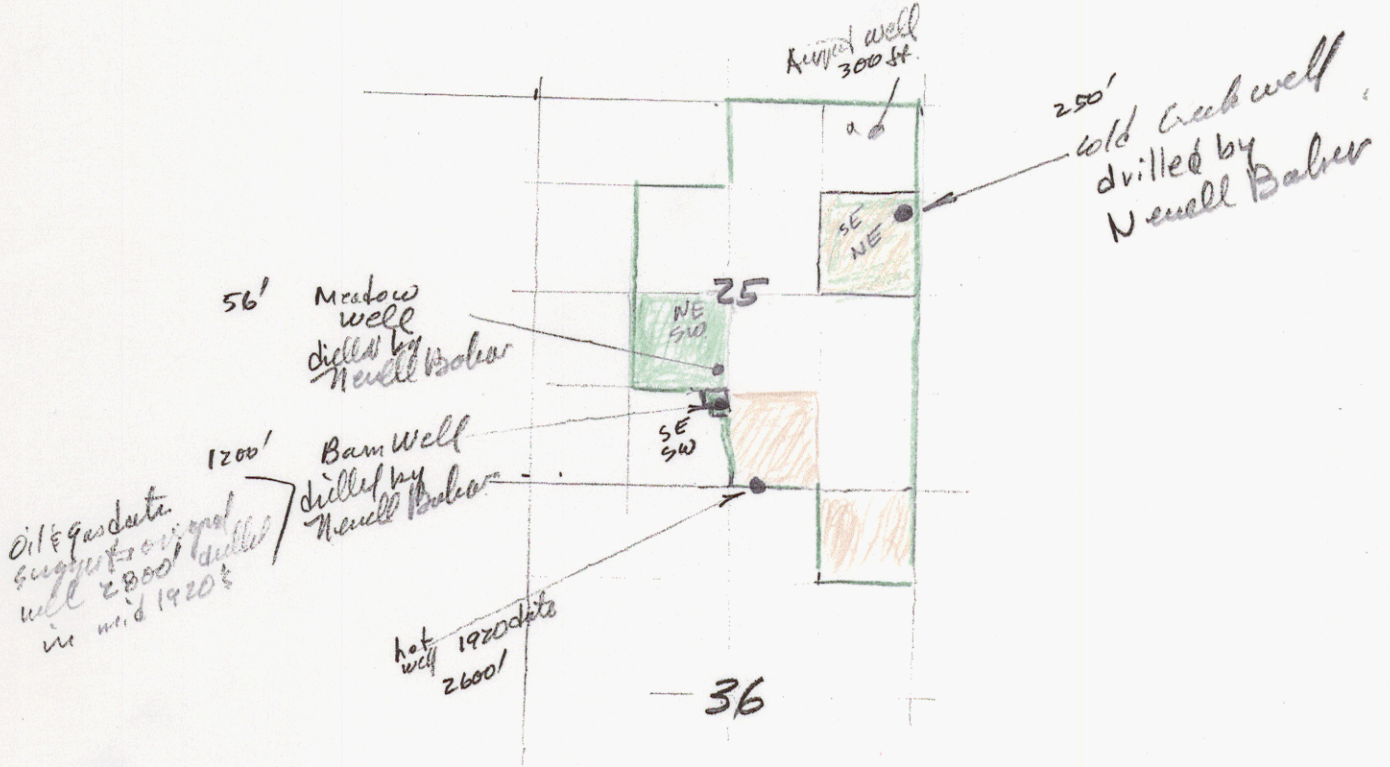
2 cfs each well

Approved to irrigate 440 acres



- original filing
- amended filing

Amended filing {
 SE 1/4 NE 1/4
 NE 1/4 SW 1/4
 SE 1/4 SW 1/4



Note: The original 1948 filing covered the deep well by the house.

APPLICATION FOR PERMIT To appropriate the Public Waters of the State of Idaho

APPLICATION No. 23081
PERMIT No. 20440
DISTRICT No.

1. Name of Applicant: NEWEL P. BAKER

Postoffice address: Burley

County: Cassia

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (b) Treasury stock:
- (d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: Six (6) - 2 from each well

cubic feet per second.

3. Source of water supply: Subterranean (3 wells)

which is a tributary of Will flow into Goose Creek

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36; and SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25 , T. 15 S. , R. 21 E. , B.M., County of Cassia

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the

of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 10,000 per well- Total \$30,000

8. Kind of works: Wells, pumps and ditches

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is Five (5) years.

13. The time required for the complete application of the water to the proposed use is Six (6) additional years

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 215 inches from Goose Creek early water, which is inadequate, and the water herein applied for is to be supplemental.

16. (a) Is reservoir to be used? **No** If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

NEWEL P. BAKER Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. April 29, 1948

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 20440

Recorded in Book 73 Page 20440 Approved May 12, 1948

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

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

Work to begin on or before July 12, 1948

and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before November 12, 1950

The whole of said work to be completed on or before May 12, 1953

Beneficial use of water appropriated in accordance herewith, to be made on or before May 12, 1959

WITNESS My hand this 12th day of May, 1948

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS

and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 12th day of May, 1948

Countersigned:

(SEAL)

By J. D. "CY" PRICE

Secretary of State.

STATE OF IDAHO

By C. A. ROBINS

Governor.

REMARKS: Location of points of diversion or of wells is as follows: One well in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36; One well in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25; and one well in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25; in Twp. 15 South, Range 21 East, B. M.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3.	21 E.	25	40	40	40	40													
		36	40						40	40									
<p>Total Number of Acres to be Irrigated - - - 440</p>																			

APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. 20440.

Comes now Newel P. Baker and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 20440; That the points of diversion are described in said Permit as being located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36; SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, Twp. 15 S., Range 21 E., B.M.; That he now requests that the point of diversion be changed to a point located SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, Twp. 15 S., Range 21 E., B.M. That his reasons for desiring to make such change are as follows: The latter locations have been found more desirable. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk. Signed at Boise, Idaho, this 17th day of Jan., 1951.

Date of receipt at Department of Reclamation Jan. 17, 1951.

NEWEL P. BAKER

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 20440. This approval constitutes a new permit and is issued as an amendment to the original permit to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

MARK R. KULP
State Reclamation Engineer

Permit No. 20440
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that NEWEL P. BAKER of Burley, County of Cassia, and State of Idaho, the holder of Permit No. 20440, issued upon Application No. 28081 bearing date of priority of April 29, 1948, authorizing the diversion of Six (6) second feet of the waters of three wells (subterranean flow) County of Cassia, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use Six (6) second feet of the waters of said wells; that the points of diversion of said waters are in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, Township 15 South, Range 21 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 25, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, Township 15 South, Range 21 East, B.M.

Witness my hand this 18th day of January, A. D. 1951.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made January 17, 1951.
Certificate of Completion of Works made January 18, 1951.

Log for claim A45-07173A

Spatial Dynamics MWY

3/1/00

T	R	SEC	QQ	Acres Claimed	Acres Found	COMMENT
15	21	25	NENE	21	5	
15	21	25	NWNE	27	17	
15	21	25	SWNE	10	27	
15	21	25	SENE	7	17	
15	21	25	SENE	7	6	
15	21	25	SENW	10	11	
15	21	25	NESW	6	6	
15	21	25	SESW	27	28	
15	21	25	NESE	24	26	
15	21	25	NWSE	29	32	
15	21	25	SWSE	37	33	
15	21	25	SESE	3	33	
15	21	36	NENE	1	17	
15	21	36	NWNE	5	8.1	
15	22	30	SWNW		32.4	
					+ 2.1	
Totals:				207	217.2	

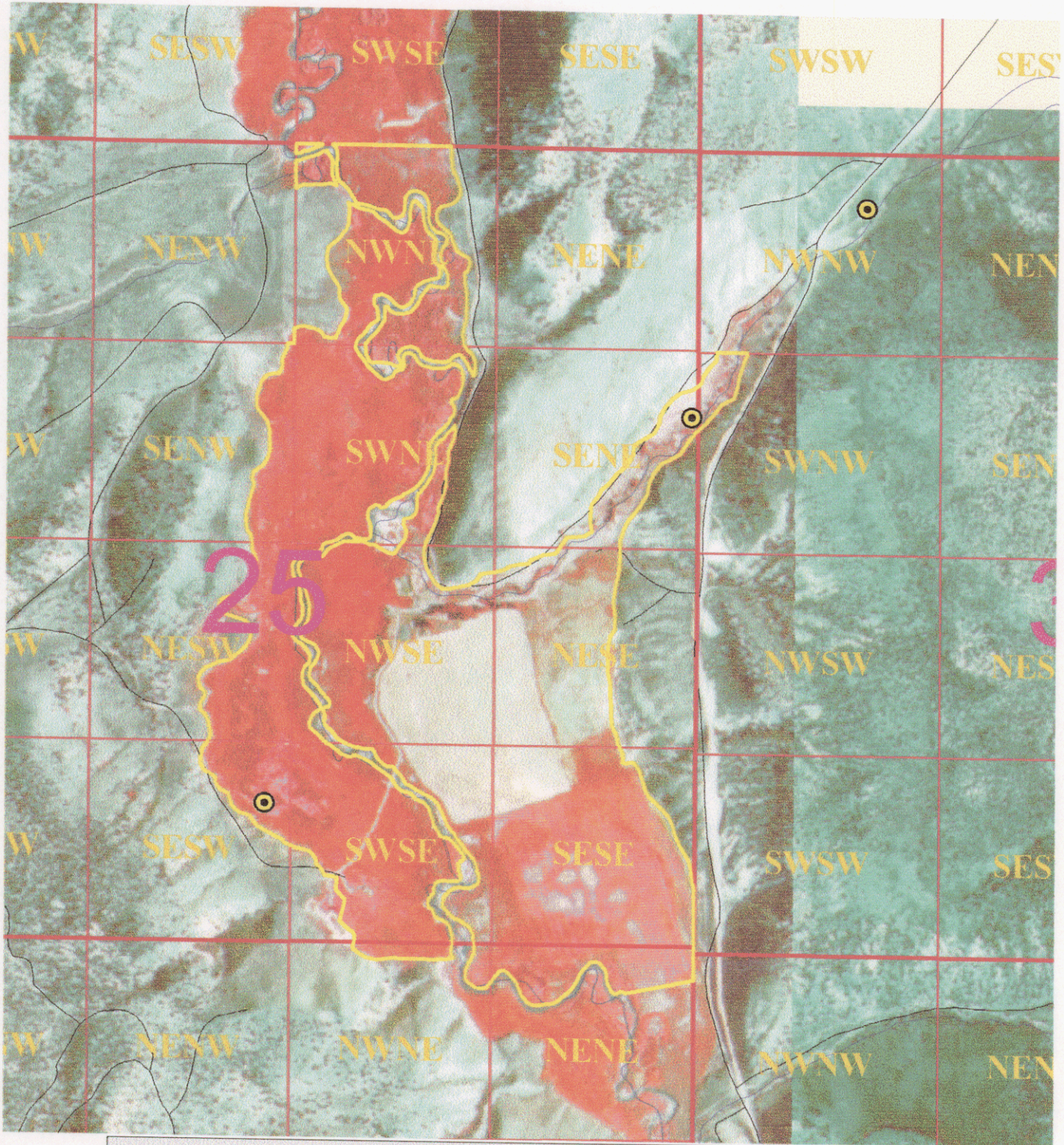
discrepancy from lic. & claims for
 Sec 25 = 11 Ac. (8 extra acres)
 (5 found so)

- limit to 20% w/in 225 Ac. ppu for all if BEM removed
 & or reduce entire A/B to 20% Ac. ?







* this is a comb. of A & B of lic. 45-07173

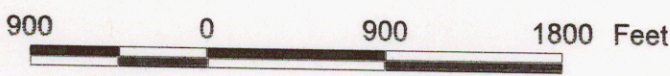
}	A =	
	B =	.24 cfs, 45.5 AF; 13 Ac.
		<u>2.13 cfs, 686.9 AF; 194 Ac.</u>
		<u>2.37 cfs, 732.4 AF, 207 Ac.</u>

Townships , 15S21E, 15S22E



Legend

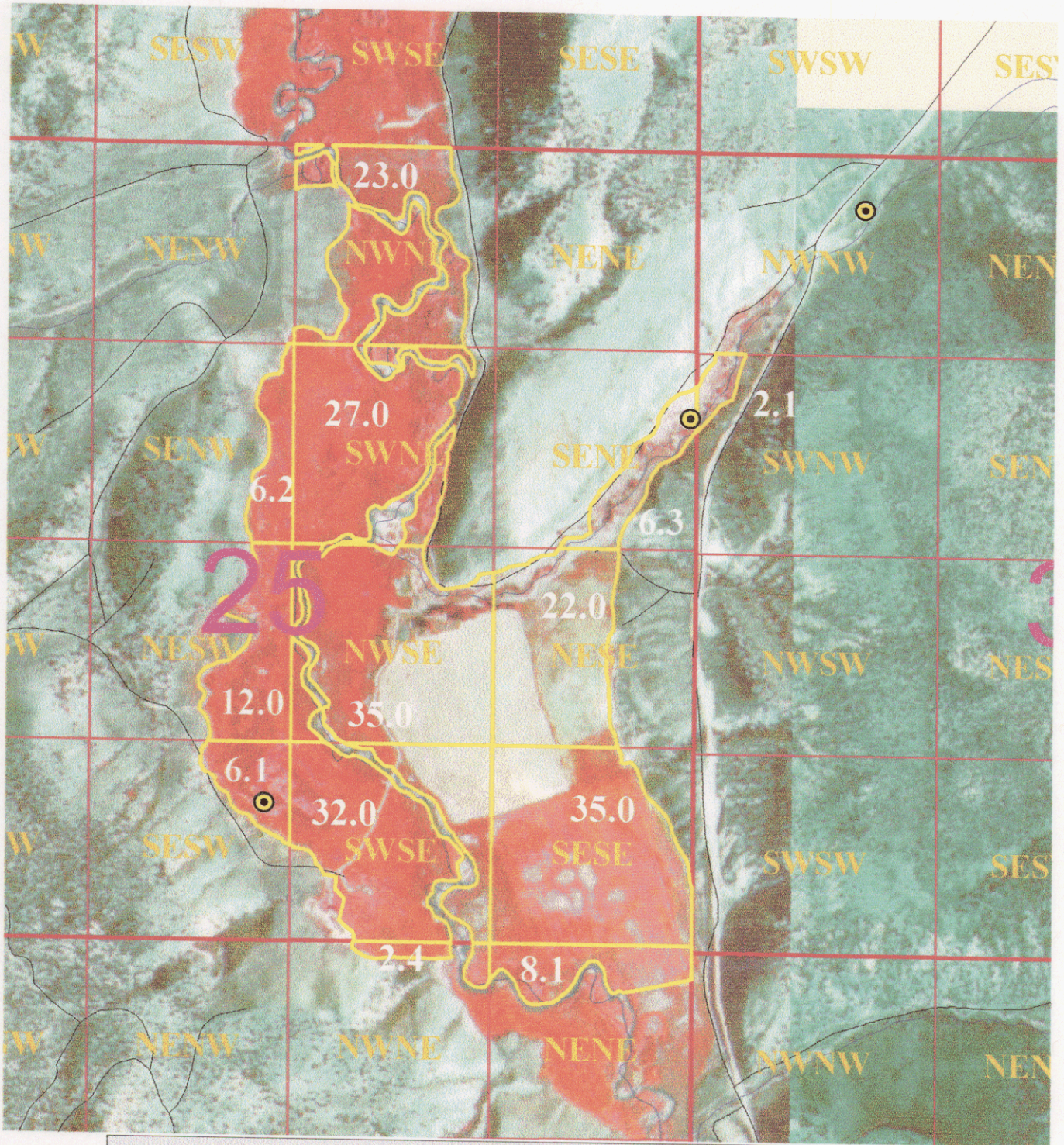
	Irrigated Area		Section line		Roads
	Place of Diversion		Quarter Section Line		Streams and canals









Water Right Claim Number A45-07173A

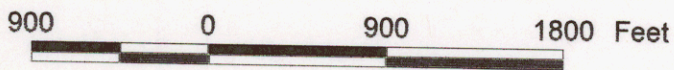
03/01/2000

Townships , 15S21E, 15S22E



Legend

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



AJ5809NP
No. A45-07173A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/21/00
PAGE: 25

Remarks: TO MR & MRS AUSTIN. 12/7/1992 RVW.

Dates: Exam Made Date: Verified Date:

Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 03/14/89 WHITE 12/07/92 WORSTELL 03/30/95 POST-STD

**State of Idaho
Department of Water Resources**

WATER RIGHT LICENSE

License of Water Right No. 45-7173A Priority April 2, 1974 Amount 2.13 cfs

THIS IS TO CERTIFY, that Morris W. Mitchell
of Oakley, Idaho, has complied with the terms and conditions of Permit
No. 45-7173A issued pursuant to Application for Permit dated April 2, 1974,
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 2.13 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
Irrigation	from <u>April 1</u>	to <u>November 1</u>	at <u>2.13</u> cfs and	<u>679.0</u> acre feet
Stockwater	from <u>January 1</u>	to <u>December 31</u>	at <u>0.11</u> cfs and	<u>6.7</u> acre feet
Domestic (1 Unit)	from <u>January 1</u>	to <u>December 31</u>	at <u>0.04</u> cfs and	<u>1.2</u> acre feet

(both dates inclusive)

Subject, however, to the condition that no more than 2.13 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
686.9 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30,
Twp 15S, Rge 22E; SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, in the County of Cassia
Twp 15S, Rge 21E

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15S	21E	25		21	27	10				7	4			2	27	21	29	37	185
		36	3	1															4
15S	22E	30						5											5
15S	21E	25															D		

D = domestic use

Total number of acres irrigated 194

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CONDITIONS OF APPROVAL

- a. 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.
- b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.
- c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28TH day of AUGUST, 19 85.

Acting for the Director Norman C. Young

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**State of Idaho
Department of Water Resources**

WATER RIGHT LICENSE

License of Water Right No. 45-7173B Priority April 2, 1974 Amount 0.24 cfs

THIS IS TO CERTIFY, that Morris W. Mitchell
of Oakley, Idaho

, has complied with the terms and conditions of Permit
No. 45-7173B issued pursuant to Application for Permit dated April 2, 1974,

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 0.24 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
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>0.24</u> cfs and	<u>45.5</u> acre feet
_____	from _____ to _____	at _____ cfs and	_____
_____	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.24 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
45.5 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25,
Twp 15S, Rge 21E in the County of Cassia

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15S	21E	25									6			4			3		13

Total number of acres irrigated 13

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CONDITIONS OF APPROVAL

- a. 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.
- b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.
- c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28TH day of August, 19 85.

Acting for the Director *Norman C. Young*

WLS

45-7073-48-7451
Exam. 5/15/52
Base map copied from
Dunsmuir Aerial Photo
17-62-55, 10/5/50 Flight

24 19
25 30



45-7073-48-7451
Dunsmuir Aerial Photo
17-62-55, 10/5/50 Flight
NAME, Buttkhaus & 1.66c outhouse
to well.

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State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

DEC 8 1982

Department of Water Resources

45-7173

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 - 10AM	JS	Owner called & requested exam will file proof at exam time

EXAMINATION

Date 7/15/82 Accompanied by Motors Mitchell Total Q measured 2.37 cfs
 If source is surface water, estimate total flow of source
 Methods of measurement See Attachments Meets Permit requirements? Yes

Measurement calculations:
 Well #1 - 1.8 cfs — 0.18 } From attachments
 Well #2 - 0.64 cfs — 0.64 }
 Well #3 - 1.31 cfs — 1.31 }
 Well #4 - 0.24 cfs — 0.24 } independent of rest of system.
2.37 cfs

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
Well #1	5	unknown	unknown	unknown	unknown	Access Port 1 1/2" ID Pipe	OK	See Attachment
Well #2	10	G.E.	CA10023	Peerless	unknown	Access Port 1 1/2" ID Pipe	OK	See Attachment
Well #3	10	G.E.	DN	Barkley	7701314	Access Port 1 1/2" ID Pipe	OK	See Attachment
Well #4		None	None	None	None	None	OK	See Attachment

System Description Wells 1 & 2 Comingle with Cold Check. Well 3 Comingles with Water Pump Goose Check. Comingled water is relifted by two pumps on a common mainline & pumped to silt tanks.
 Well 4 irrigates a small acreage independent of other wells.
 *Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

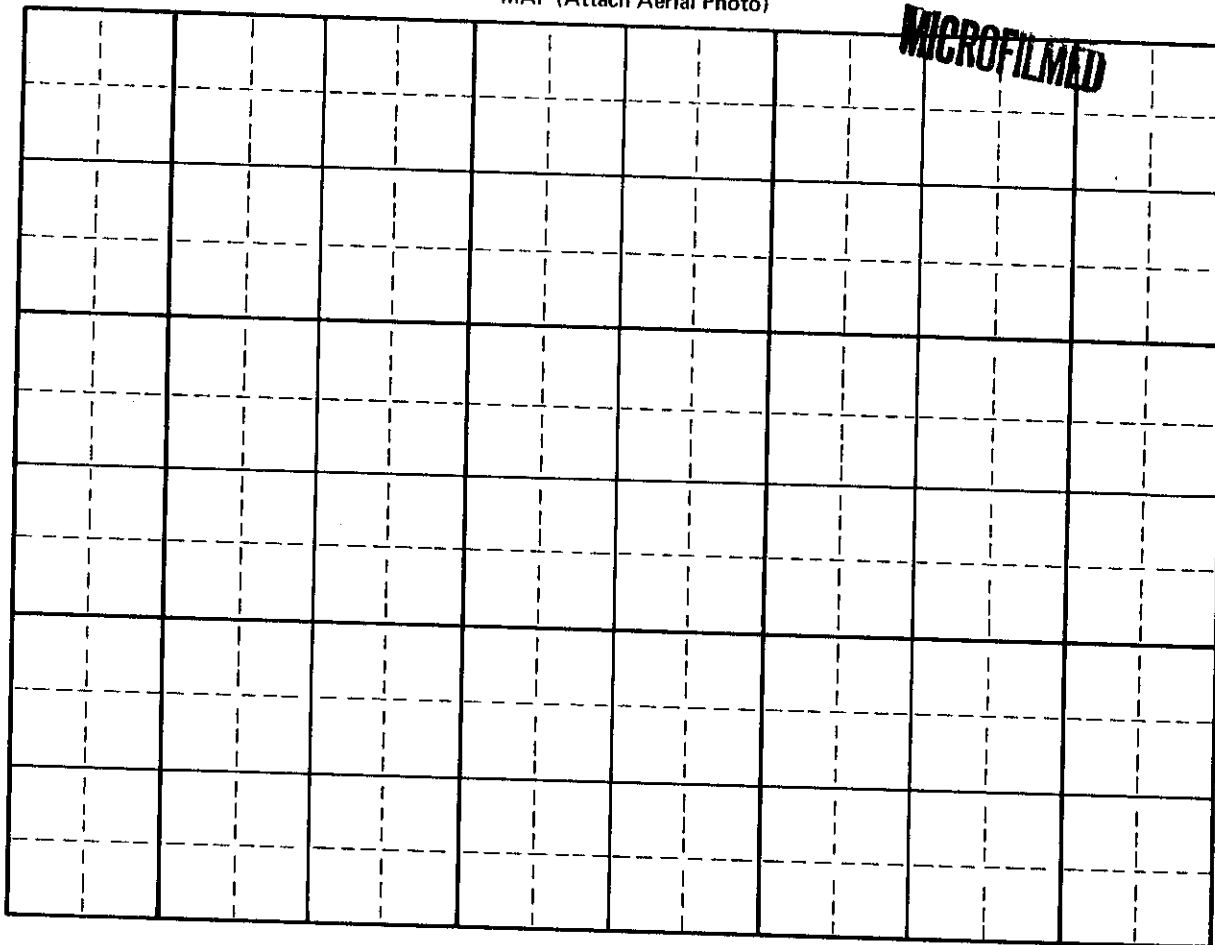
USE	Irrigation requirement =	3.5 V (214 days)	AFA/Acre
Irrigation V	Q (cfs) 2.13-A	V (afa) 679.0-A	FROM TO
Stockwater V (500 Beef Cattle (max))	2.37-0.24-B	724.5	45.5-B 4/1 V 11/1 V
Domestic (HDD) USE (1 home)	.11 V	6.72	6.7 11/1 V 12/31 V
	.04 V	1.20 V	11/1 V 12/31 V

amend uses - total amt.
 will not exceed amt.
 under permit
 Total 2.37 732.42

Remarks Wells 1, 2, & 3 comply with Access Port requirement. Well measured by means other than bromat/Bagle-eye because a 4" Annubar was not available for exam.
 It is recommended that the Access Port/MD requirement be waived for well #4 because 1) The well flows only .24 cfs, 2) The discharge pipe is on 4" ID, 3) The well serves a small acreage independent of other wells under the permit.
 Part A V = 2.13 x 1.9835 x 214 = 904.1 AF
 Part B V = 0.24 x 1.9835 x 214 = 101.4 AF
 V = 194 x 3.5 = 679.0
 V = 13 x 3.5 = 45.5 AF

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SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: #1-NW NW Sec 30 T15S R22E; #2-SE NE Sec 25 T15S R21E;
 #3 & #4 - SE SW Sec 25 T15S R21E

Place(s) of Use Well No. 4 independent of rest of system - license individually.

TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS	
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%		
15S	21E	25		21	27	10					7	10			6	27	24	29	37	(198) 50%
		30	3	1							5									4
		30																		5
Part A -																				
15S	21E	25		21	27	10				7	4			2	27	21	29	37	185	
Part B - Well No. 4																				
		15S-21E-25									6			4		3				13
																			207	

Recommended Amendments:

- Change P.D. as reflected above
- Change P.U. as reflected above
- Add P.D. as reflected above
- Add P.U. as reflected above
- None
- Other Add Domestic use

Examiner's Signature Loren O. Hulman Date 7/15/82
 Checked by Larry A. Blau Date 8-2-82
 Approved by Ray Walker Date 7-25-85