

7/2008

RECEIVED

FEB 08 2016

Department of Water Resources
Eastern Region

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, and 42-222, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

Matter being protested Application for Transfer No.80619 in the name of Chad Rindlisbacher

Name of protestant Blair Palmer

Protestant's Representative for service (If different than protestant)

Service mailing address 4029 West 500 South Malad City, Idaho 83252

Service telephone no. 435-279-7049 Email Address: blair.palmer@orbitalatk.com

Basis of protest (including statement of facts and law upon which the protest is based)
Application for Transfer No. 80619 has the potential to affect the correct place of use and the division of use of Water Right No. 15-4023. Water Right No. 15-4023 is shared water right between the members of the Rotation Crop Growers Group, (see attached water back file for 15-4023) and this proposed transfer has the potential to affect the division and correct place of use of water right 15-4023. This proposed transfer would allow Mr. Rindlisbacher to divert all, or a portion of, 1.97 cfs from the points of diversion identified in water rights no. 15-7312 or 15-4023, affecting how the water from 15-4023 is divided between the Group and the potential misuse of 15-4023 on an incorrect place of use. Water Right No. 15-4023 is a statutory claim at this point, and adding this transfer will only add more confusion to the division of water within the Group and more confusion regarding the correct place of use. I request that this transfer be denied until adjudication can take place which will identify the division of the water between the Group and allocation to the correct place of use for each user. (additional pages may be attached to describe nature of the protest)

What would resolve your protest? A legal binding use agreement identifying how the water and well will be divided between the two current users of 15-4023. Within this use agreement, it should also grant booth users an access easement to allow day to day maintenance and any more involved maintenance that may be required of the well, pump, piping accessories.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 7th day of February, 2016.

Protestant Blair Palmer

Protestant's Representative

Receipt - E041804

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that ROTATION CROP GROWERS WELL <sup>JOEL PALMER
GEO PALMER
MELVIN RICHARDS</sup>
(name of claimant)

of HOLBROOK STAR ROUTE MARADID, claims a right to the diversion and beneficial use of
(mailing address)

the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) WELL
tributary to _____

- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>2.4 CFS</u>	Use	<u>Irri.</u>	Period of Use: From	<u>MAY 1</u>	To	<u>OCT 1</u>
Amount	_____	Use	_____	Period of Use: From	_____	To	_____
Amount	_____	Use	_____	Period of Use: From	_____	To	_____
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)				(both dates inclusive)

- (3) Total quantity of water claimed: 2.4 cubic feet per second, or 624 acre feet per annum, and/or 1080 gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 4-1941 (NEVER FILED ON)

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)

NE 1/4 SW 1/4, Sec. 23 Twp. 14S Rge. 35E. B. M. County of ONEIDA

Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. RICHARD RUNS SPRINKLER, GEORGE PALMER RUNS INTO OPEN DITCH. PALMER EST. INTO AN OPEN DITCH.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

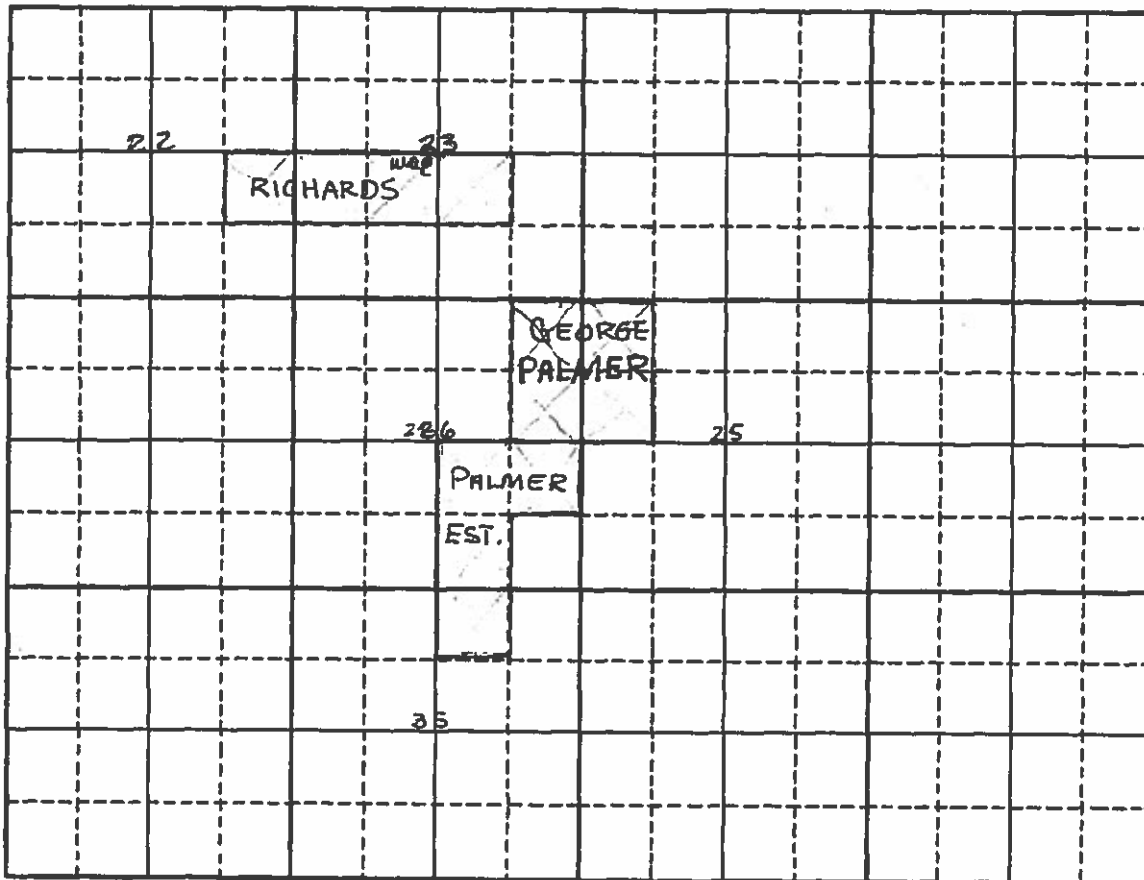
	T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
				NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
MELVIN RICHARDS	14S	35E	22													40				40
	14S	35E	23									40	40			40				120
GEO PALMER			26	40																80
			25					40	40											80
PALMER ESTATE			26													40	40	40		120
			35	40																40
Total No. of acres																				480

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

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(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Blaine) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 27 day of September, 1928.

George A. Palmer
Claimant

John F. [Signature]
Notary Public

Residing at Blaine, Idaho

My commission expires 6-15-19

For Department Use Only

Received by <u>PA</u>	Date <u>2-27-28</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>PA</u>	Date <u>3-27-28</u>			
\$10.00 fee received by <u>PA</u>	Date <u>3-27-28</u>			
Approved for publication by <u>my</u>	<u>3-27-28</u>			
Published in <u>Blaine Enterprise</u>				
Dates <u>77 Nov 9 & 16, 1928</u>				

IN THE MATTER OF:)

CLAIM TO WATER RIGHTS)

AFFIDAVIT

State of Idaho)
County of Oneida)

Jenkin L. Palmer being first duly sworn,

deposes and says: That the water from the underground well situated on the northeast quarter of the SW quarter, Section 23, Township 14, South 35, East Boise Meridian, is used on lands to the east and south of the point of diversion, including approximately 120 acres of Melvin Richards' property, 100 acres of George Palmer's property and 145 acres of the W. H. Palmer Estate. Properties have been utilized to produce crops since its original drilling in April of 1941 to the present time.

Further, there was a joint venture of the Rotation Crop Growers Association including Dr. Thomas Richards, Henry Stayner, Lawrence Jones, W. H. Palmer, and Joseph Palmer, 1/5 undivided interest. In later years, Mr. Stayner's and Mr. Jones' property was sold to Dr. Richards and Joseph Palmer, thus owning 2/5 Dr. Richards, and 2/5 Joseph Palmer, and W. H. Palmer 1/5. The water is apportioned according to the amount of ownership within the group.

Although the above lands described to be irrigated by said well are greater than the capacity, all of the owners of the well have additional irrigation property to implement the amount of water derived from the well.

Jenkin L. Palmer
(signature)

Subscribed and sworn to before me this 26th day of January, 1978.

Janice Ingle
(Notary Public)

Residing at Boise Idaho:
My Commission Expires _____:

MICROFILMED

IN THE MATTER OF:)

CLAIM TO WATER RIGHTS)

AFFIDAVIT

State of Idaho
County of Oneida

Melvin M. Richards

being first duly sworn.

deposes and says: That the water from the underground well situated on the northeast quarter of the ~~SW~~ quarter, Section 23, Township 14, South 35, East Boise Meridian, is used on lands to the east and south of the point of diversion, including approximately 120 acres of Melvin Richards' property, 100 acres of George Palmer's property and 145 acres of the W. H. Palmer Estate. Properties have been utilized to produce crops since its original drilling in April of 1941 to the present time.

Further, there was a joint venture of the Rotation Crop Growers Association including Dr. Thomas Richards, Henry Stayner, Lawrence Jones, W. H. Palmer, and Joseph Palmer, 1/5 undivided interest. In the later years, Mr. Stayner's and Mr. Jones' property was sold to Dr. Richards and Joseph Palmer, thus ~~owning~~ owning 2/5 Dr. Richards, and 2/5 Joseph Palmer, and W. H. Palmer 1/5. The ~~water is apportioned according to the amount of ownership~~ water is apportioned according to the amount of ownership within the group.

Although the above lands described to be irrigated by said well are greater than the capacity, all of the owners of the well have additional irrigation property to implement the amount of water derived from the well.

Dr. Melvin M. Richards
(Signature)

Subscribed and sworn to before me this 24 day of February, 1978.

Pat S. Stettin
(Notary Public)

Residing at Pocatello, Idaho
My Commission Expires Oct 1978

RECORDED

IN THE MATTER OF:
CLAIM TO WATER RIGHTS

AFFIDAVIT

State of Idaho
County of Oseida

George A. Palmer being first duly sworn,

deposes and says: That the water from the underground well situated on the northeast quarter of the SW quarter, Sectioned 23, Township 14, South 35, East Boise Meridian, is used on lands to the east and south of the point of diversion, including approximately 120 acres of Melvin Richards' property, 100 acres of George Palmer's property and 145 acres of the W. H. Palmer estate. Properties have been utilized to produce crops since its original drilling in April of 1941 to the present date.

Further, there was a joint venture of the Rotation Crop Growers Association including Dr. Thomas Richards, Henry Stayner, Lawrence Jones, W. H. Palmer, and Joseph Palmer, 1/5 undivided interest. In later years, Mr. Stayner's and Mr. Jones' property was sold to Dr. Richards and Joseph Palmer, thus owning 2/5 Dr. Richards, and 2/5 Joseph Palmer, and W. H. Palmer 1/5. The water is apportioned according to the amount of ownership within the group.

Although the above lands described to be irrigated by said well are greater than the capacity, all of the owners of the well have additional irrigation property to implement the amount of water derived from the well.

George A. Palmer
(Signature)

Subscribed and sworn to before me this 23 day of February, 1948.

Lawrence F. Cronin
(Notary Public)

Residing at Malheur, Idaho
My Commission Expires 6-15-50

NOTARY PUBLIC

IN THE MATTER OF:)

AFFIDAVIT

State of Idaho
County of Seida

being first duly sworn,

deposes and says: Being I am a son of
Henry Stagner, who originally had
interest in irrigation well drilled
on NW quarter of SW quarter, Sect. 23
Township 14, Se. 35, E Base Meridian, I am
personally acquainted with and have
knowledge of the fact that the
interest owned by my father was
sold to Joseph Palmer.

The above said well was completed
in April of 1941 and was used by
members of the Rotation Crop Growers
Inc. from that date and by the
original owners and those who they
have sold it to since that date.

J. Stagner
(signature)

Subscribed and sworn to before me this 26 day of Feb, 1978

(Notary Public)

Residing at _____
My Commission Expires _____

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Log. of 14" Well Drilled by Charles B
Gardner

for
Rotation Crop Growers Inc:
Joe Palmer, W. H. Palmer, Fred Jones Jr.
Henry Stayner, Thomas M. Alchambers-

From	0 ft.	to	2 ft.	soil.
"	2	"	25	" Clay.
"	25	"	67	" Clay yellow
	67		80	gravel (dry)
	80		158	gravel (Perforated below 90')
	158		177	Clay yellow -
	177		186	gravel (Perf.)
	186		198	Clay -
	198		201	gravelly clay (Perf)
	201		209	gravel (Perf)
	209		212	Clay -
	212		231	gravel (Perf)
	231		241	Clay yellow
	241		244	gravel (Perf)
	244		251	Clay -

Well cased with 14 inch Double Hand
Red steel casing. Perforated with
wells perforator at all gravel strata
below 90 feet.
Drilling completed in April 1941

AFFIDAVIT OF PUBLICATION

State of Idaho
County of Oneida, ss.

Willie J. Davis being first duly sworn on h.c. oath, states: That he is Secretary of the Idaho Enterprise, a newspaper of general circulation in Oneida County, Idaho published weekly at Malad, in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That said Idaho Enterprise was at all of the times of publication of said notice a newspaper of general circulation made up of at least four pages of at least five columns each, printed from type matter or stereotyped forms of at least seventeen and three fourths inches depth, and said newspaper during all of the times of publication aforesaid had more than 200 bonafide subscribers thereto living within the county of Oneida in which said newspaper was published at regular intervals not less frequently than once a week.

That the annexed notice was published per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof the date of the first publication being the 9 day of March, 1978 the date of the last publication being the 16 day of March, 1978.

Subscribed and sworn to before me this 23 day of March, 1978.

James H. Funderburg
Notary Public, residing at Malad, Idaho

My Commission expires the day of, 19.....

Costs:

34 lines at 23c per line first insertion \$ 7.82

..... lines tabulated at 34½c per line \$ 5.10

15c per line each subsequent insertion \$

TOTAL \$ 12.92

(Rates for legal notices are fixed by Idaho law)

LEGAL NOTICES

NOTICE OF CLAIM TO A WATER RIGHT NO. 15-4023

NOTICE IS HEREBY GIVEN that Rotation Crop Growers Well, Malad, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.40 cubic feet per second of water from a ground-water source with point of diversion in the NE¼SW¼, Sec. 23, T. 14S, R. 35E, B.M., Oneida County.

The water is claimed to be used from May 1 to Oct. 1 for the irrigation of 480 acres with a priority of April, 1941; the place of use is within the NE¼SE¼, Sec. 22, N¼SW¼, NW¼SE¼, Sec. 23, W¼NW¼, Sec. 25, E¼NE¼, N¼SE¼, SW¼SE¼, Sec. 28, NW¼NE¼, Sec. 35, T. 14S, R. 35E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
Director

Published in the Idaho Enterprise, Malad City, Idaho on March 9 and March 16, 1978.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

March 28, 1978

RE: Claim to a Water Right No. 15-4023

Rotation Crop Growers Well
Holbrook, Star Route,
Malad City, Idaho 83252

Gentlemen:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

ROC: CW

Enc: Copy of Claim

RECEIVED
MARCH 29 1978
IDaho Falls

March 1, 1978

RE: Claim to a Water Right No. 15-4023 ROTATION CROP GROWERS WELL

Idaho Enterprise
P.O. Box 205
Malad City, ID 83252

Gentlemen:

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

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

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

Bill submitted _____ by _____

*Bill not certified
3-27-78 CW*

RDC:CD

Enclosures: Legal Notice

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NOTICE OF CLAIM TO A WATER RIGHT

NO. 15-4023

Notice is hereby given that Rotation Crop Growers Well,
Malad, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 2.40 cubic feet per second ~~XXXXXX~~
of water from a ground-water source

with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, T. 14S, R. 35E, B.M.,
Oneida County

The water is claimed to be used from May 1 to Oct. 1 for the
irrigation of 480 acres

with a priority of April 1, 1941;
the place of use is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23,
W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 25, E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, T. 14S,
R. 35E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
~~XXXXXXXXXXXXXXXXXXXX~~
R. KEITH HIGGINSON

Director

Published in the Idaho Enterprise, Malad City, Idaho
on March 9 and March 16, 1978

RECORDED

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R-
D.