

**STARTING
RIGHT
SIDE OF
FILE**

2005 MAY 13 AM 4:24

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

In Re SRBA)
Case No. 39576)
Subcases: See Attached Exhibit A
(BASIN 45 DISALLOWED CLAIMS)
FINAL ORDER DISALLOWING
WATER RIGHT CLAIMS

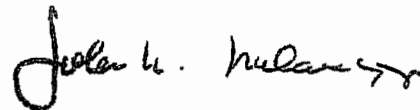
On September 7, 2004, the Idaho Department of Water Resources filed its *Director's Report for Irrigation & Other, Reporting Area 10 IDWR Basin 45* recommending that the water right claims listed on Exhibit A be dismissed. No objections were filed to these recommendations and the time for filing objections has expired.

THEREFORE IT IS ORDERED AND ADJUDGED that the water right claims listed on Exhibit A are hereby **disallowed with prejudice** and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED May 13, 2005



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A - DISALLOWED CLAIMS

Subcase Nos:

45-00082B	45-02572	45-10256
45-00089B	45-04000	45-10338
45-00166C	45-04001	45-10496
45-00208	45-04002	45-10509
45-00218	45-04005	45-10560
45-00234	45-04006	45-10561
45-00240A	45-04007	45-10563
45-00243	45-04008	45-10638
45-00249A	45-04014	45-10775
45-00272	45-04028	45-10814
45-00277D	45-04029	45-10886
45-00279A	45-04030	45-10909
45-00292	45-04037	45-10910
45-00294A	45-04046	45-10911
45-00304	45-04048D	45-10921
45-00306	45-04049	45-10944
45-00307E	45-04068	45-10962
45-00320C	45-04081A	45-10969
45-00326B	45-04121	45-11108
45-00329A	45-04143	45-11141
45-00434	45-04151	45-11211
45-00435A	45-04167	45-11216
45-00522	45-04168	45-11587
45-00526A	45-04175	45-11958
45-00528A	45-04185	45-11959
45-00544A	45-04197	45-11960
45-00583A	45-04204	45-11971
45-00629A	45-04235	45-12408
45-00664A	45-04240	45-12452
45-00689A	45-04251A	45-12553
45-00694E	45-04251B	45-12555
45-00708D	45-04251C	45-12886
45-02003	45-04252A	45-12892
45-02004	45-04252B	45-12907
45-02016	45-04252C	45-12910
45-02017	45-04253	45-13633
45-02020	45-04256	45-13634
45-02026	45-04271	45-13635
45-02028B	45-04272	
45-02028C	45-07084A	
45-02036	45-07096	
45-02042	45-07161C	
45-02065	45-07168	
45-02066	45-07261B	
45-02078	45-07319	
45-02079	45-07376	
45-02091	45-07553	
45-02109	45-07580	
45-02352A	45-10104	
45-02508A	45-10230	

(Subcase list: B45DIS)
5/13/05

SCANNED
NOV 09 2005

CERTIFICATE OF MAILING

I certify that a true and correct copy of the FINAL ORDER
DISALLOWING WATER RIGHT CLAIMS was mailed on May 12, 2005,
with sufficient first-class postage to the following:

PLEASANTVIEW WATER USERS
ASSN INC
RR 1 BOX 10
DECLO, ID 83323
Phone: 208-654-2101

CHURCH OF JESUS CHRIST OF
LATTER DAY SAINTS
REAL ESTATE DIVISION
50 E NORTH TEMPLE, 12 FL 3
SALT LAKE CITY, UT 84150-6312
Phone: 801-240-4656

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HEPWORTH FAMILY LTD
PARTNERSHIP
668 S 800 W
BURLEY, ID 83318
Phone: 208-678-5790

MC CAIN FOODS USA INC
Represented by:
JOSEPHINE P. BEEMAN
409 WEST JEFFERSON STREET
BOISE, ID 83702
Phone: 208-331-0950

GLEN DALE FARMS INC
ATTN: RON GRAVES
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BOISE, ID 83707
Phone: 208-336-2110

CHATBURN BROTHERS INC
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ALBION, ID 83311
Phone: 208-673-6661

LAMBERT PRODUCE CO INC
C/O CORY KING
203 E 1100 S
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Phone: 208-678-2668

AMBER ACRES
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C/O JERRY LEE
2931 N 4700 E
MURTAUGH, ID 83344
Phone: 208-432-5248

H & E INC
C/O ROBERT BEDKE
RT 1
OAKLEY, ID 83346
Phone: 208-862-3475

MASON CATTLE CO
C/O T J MASON
3085 N 4500 E
MURTAUGH, ID 83344
Phone: 208-432-5533

DORA A DROZ
CONSERVATOR FOR INA DROZ
PO BOX 222
TOPANGA, CA 90290
Phone: 213-455-1971

BRUCE BEAN FARMS INC
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

ORE-IDA FOODS INC
PO BOX 10
BOISE, ID 83707
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FINAL ORDER DISALLOWING WATER RIGHT CLAIMS

Page 1
5/13/05

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FINAL ORDER DISALLOWING WATER RIGHT CLAIMS

Page 3
5/13/05

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(Certificate of mailing continued)

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FINAL ORDER DISALLOWING WATER RIGHT CLAIMS

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WARREN YADON
206 N 840 E
DECLO, ID 83323-6031

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Page 4
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FINAL ORDER DISALLOWING WATER RIGHT CLAIMS

Page 5
5/13/05

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DECLO, ID 83323
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J R SIMPLOT COMPANY
999 MAIN STREET ST STE 1300
PO BOX 27
BOISE, ID 83707
Phone: 208-336-2110

RECEIVED

AUG 10 1989

Department of Water Resources
Southern Region Office

R E L I N Q U I S H M E N T

TO WHOM IT MAY CONCERN:

I hereby relinquish to the State of Idaho,
Application for Transfer of
all my right, title and interest in and to Permit to Appropriate
the Public Waters of the State of Idaho, No. 45-2352.

Signed at Twin Falls this 10 day
of Aug, 19 89.

Gabson H. Allie
~~Permit Holder~~ Applicant/Licensee

ATTEST:

J. F. Stanton

MICROFILMED

AUG 22 1989

(45-2352)

11/1/84 Transfer

Filed late - 1984

MICROFILMED

AUG 22 1989

11/1/84 Transfer 45-2352

Filed 11/23/84

Orig. App returned Dec, 84

Cost in Attorney's office

Copied Filed 5/31/85 w/ Request
to Process

8/6/85 -

CO dat notice given that
will hold App while
Parties look for solution

11/26/85 - Notice to

Parties that we will proceed
w/ Processing **MICROFILMED**

Denial - **AUG 22 1989**

11/27/85 Memo in file

Parsons Sats hold advertising
- Ad not printed

Transfer No. 3586
Water Right No. 45-2352STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of UseName of applicant JACK ALLRED Phone 208-678-0850
Post Office address BURLEY, IDAHO 83318

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
- b. License No. 45-2352(2177) issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

PURCHASE OF LAND3. Source of water GROUND WATER tributary to _____4. Date of priority OCT 24, 1950

5. Water is used for the following purposes:

amount 2.2 CFS for IRRIGATION purposes from MARCH 1 to OCTOBER 31
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 2.2 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7Township 12S Range 23E, B.M., in CASSIA County

Additional points of diversion, if any _____

8. Lands irrigated or 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 $\frac{1}{4}$	
12S	23E	7	40	40	40	40									40			40	240
12S	23E	18	40	40	40	40									40	40	40	40	320
12S	22E	13	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
12S	22E	14	40	40	40	40									40	40	40	40	320
12S	22E	12	40	40	40	40									40	40	40	40	160

AUG 22 1989

Total number of acres to be irrigated 1680

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? NO If yes, describe: _____

REMARKS

B. DESCRIPTION OF PORTION RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 2.2 cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7 Township 12S
Range 23E, B.M., 23E BIRCH CANYON County
Additional points _____
3. 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 $\frac{1}{4}$	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
- a. Amount of water to be diverted 2.2 c.f.s. &/or _____ acre feet
- b. Description of diverting works _____
WELL, TURBINE PUMP, PIPE & DITCH SYSTEM
- c. Describe the reasons for the proposed changes IRRIGATE OTHER LANDS
(Right is being transferred to Vance, Inc.)
2. Change in point of diversion
- Point of diversion NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26 Township 12S
Range 23E, B.M., CASSIA County
Additional points _____
3. Change in place of use
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
NO AFFECT - AS LAND HAS OTHER
RIGHTS
- REGISTERED**
- AUG 22 1989

D. REMARKS

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

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

Subscribed and sworn to before me this

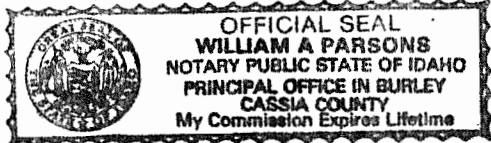
19

day of

MAY

, 19

83



Adh. Allen

(Signature of Applicant)

William A. Parsons

(Notary Public)

My commission expires _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____ and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19_____.

FOR DEPARTMENT USE ONLY

Received by <u>J.S.</u>	Date <u>11-23-84</u>	Protest filed by _____
Prelim. check by _____	Fee <u>50⁰⁰</u>	_____
Receipted by <u>C.W.</u>	Date <u># 35839</u>	_____
Published in _____	Copies of protest forwarded by _____	
Pub. dates _____	Hearing held by _____ Date _____	
Watermaster recommendation requested on _____	Recommended for _____ approval _____ denial _____	
_____ rec'd. _____	by <i>Microfilmed</i>	

AUG 22 1985

c. Describe the lands and use to which the right will be transferred:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12S	23E	27	40	40	40	40	40	40	40	40									320
12S	23E	22													40	40	40	40	160

Total number of acres to be irrigated 480

- Describe any other water rights used for the same purpose as described above. ~~_____~~
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



MICROFILMED
AUG 22 1983





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

August 6, 1985

RE: Application for Transfer of license 45-2352, Jack Allred

William A Parsons
Parsons, Smith, Stone & Fletcher
Box 910
Burley, ID 83318

Dear Mr. Parsons:

As requested, I met with Jack Allred and Bill Anderson on July 31, 1985, who explained the intent of Mr. Allred's application for transfer of license 45-2352.

Mr. Allred indicated that the license was not encumbered by mortgage when he purchased the property and that he had, therefore, agreed to transfer it to unirrigated land owned by VANCO Inc. as described in the application.

The problem that arises is that license 45-2352 is one of many overlapping rights appurtenant to the Allred property, and the transfer, as proposed, would result in a net increase in acres irrigated under water rights.

Section 42-222 of the IDAHO CODE prohibits enlargements of water rights when changing the point of diversion or place of use.

In order to successfully transfer water rights from the Allred property to the VANCO property, all rights would have to be removed from a land area equal to the new land area to be placed under irrigation.

At this point, I can only suggest that you review the proposal to supply water to the VANCO property with all the parties concerned to see if a solution within the constraints of 42-222 can be found.

MICROFILMED

AUG 22 1985

August 6, 1985

William A Parsons

Page 2

In the meantime, we will hold Mr Allred's application for 60 days to allow for your review and possible withdrawal or amendment of the proposed change.

Please contact me if I can provide any assistance or additional information.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

cc:Jack Allred
Bill Anderson

AUG 22 1985



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

RECEIVED

JUL 2 1985

Department of Water Resources
Southern District Office

July 7, 1985

RE: Application for Transfer of Water Right No. 45-2352

William A. Parsons
Parsons, Smith, Stone & Fletcher
Box 910
Burley, ID 83318

Dear Bill:

Per our telephone conversation, you returned a copy of the transfer application to me. In reviewing this matter, I also requested Jim Stanton of our Twin Falls office to send me a copy of the correspondence with which he returned the application to you (see copy attached).

As you can see, the reason for returning the application was because of other water rights appurtenant to the lands from which Rt. 45-2352 was being removed. At this point, we are at the same impasse as we were on December 7, 1984. Therefore, before we can proceed, we need to resolve the overlap.

Since the Twin Falls office is more conveniently located for you, perhaps it would be advisable for you to contact them. If I can be of any assistance, please let me know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

cc: Jim Stanton

MICROFILMED

AUG 22 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

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Statehouse
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Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

cc: ✓ Jim Stanton

RECEIVED
JUL 10 1985
Department of Water Resources
Southeast District Office

MICROFILMED

AUG 22 1989

PARSONS, SMITH, STONE & FLETCHER

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

ATTORNEYS AT LAW
137 WEST 13TH STREET
BURLEY, IDAHO 83318

P. O. BOX 910
TELEPHONE
(208) 678-8382

May 30, 1985

RECEIVED

JUN 2 1985

Mr. Jim Johnson
Department of Water Resources
State of Idaho
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources
Statehouse Office

RE: 45-2352

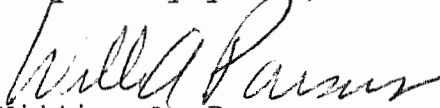
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What I know is that I do not have the original and the best I can do is supply a true copy and ask that you process it as a lost transfer application. This is the application that was filled out at the time the companion case, i.e., 45-2254 was processed.

I can do no better than this and ask that you process it so that the Vanco and First Security can complete their water rights agreement at the earliest possible time.

Very truly yours,


William A. Parsons

WAP:rt

cc: Idaho Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Morgan W. Richards, Jr.

MICROFILMED

AUG 22 1989

Transfer No. _____

Water Right No. 45-2352

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant JACK ALLEN Phone 208-678-0850
Post Office address BURLEY, IDAHO 83318

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____ (Name)

in case of _____ VS _____

dated in _____ in _____ (Name of court) county of _____

b. License No. 45-2352(2167) issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

PURCHASE OF LAND3. Source of water GROUND WATER tributary to _____4. Date of priority OCT 24, 1950

5. Water is used for the following purposes:

amount 2.2 CFS for IRRIGATION purposes from MARCH 1 to OCTOBER 31

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____ (month/day — both dates inclusive)

6. Total amount of water under right: a. 2.2 cubic feet per secondb. _____ &/or
acre feet per annum7. Location of original point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7Township 12S Range 23E, B.M., in CASSIA County

Additional points of diversion, if any _____

8. Lands irrigated or 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 $\frac{1}{4}$	
12S	23E	7	40	40	40	40									40			40	240
12S	23E	18	40	40	40	40									40	40	40	40	320
12S	22E	13	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
12S	22E	14	40	40	40	40									40	40	40	40	320
12S	22E	12	40	40	40	40									40	40	40	40	160

Total number of acres to be irrigated 1680

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years

from _____ NO

If yes, _____

If yes, _____

MICROFILMED

AUG 22 1989

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 2.2 cubic feet per second
b. _____ &/or _____ acre feet per annum
2. Point of diversion SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7 Township 12S
Range 23E, B.M., 237 BIRCH CREEK County
Additional points _____
3. 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 $\frac{1}{4}$	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
 - a. Amount of water to be diverted 2.2 c.f.s. &/or _____ acre feet
 - b. Description of diverting works WELL, TURBINE PUMP, PIPE & DITCH SYSTEM
 - c. Describe the reasons for the proposed changes IRRIGATE OTHER LANDS
(Right is being transferred to Kansas, Inc.)

2. Change in point of diversion

Point of diversion NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26 Township 12S
Range 23E, B.M., CASSIA County
Additional points _____

3. Change in place of use
 - a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
 - b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
NO AFFECT - AS LAND HAS OTHER RIGHTS

MICROFILMED

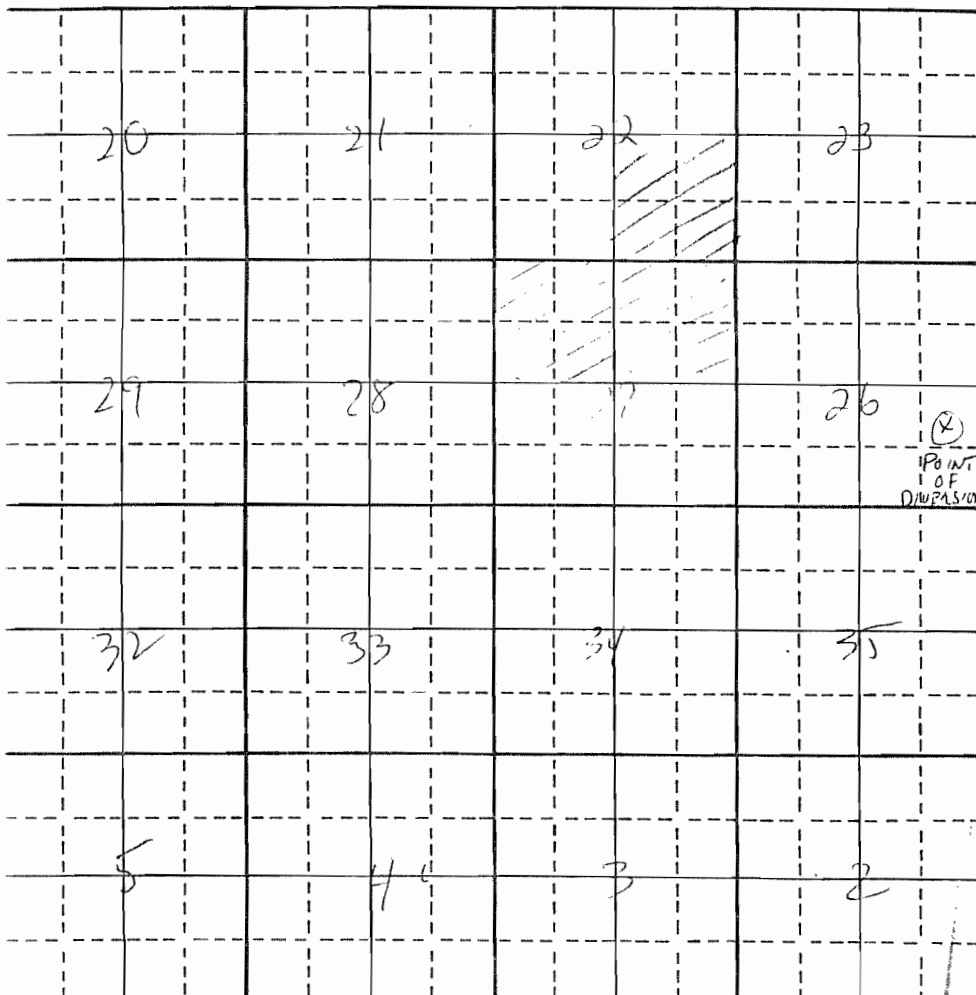
AUG 22 1969

c. Describe the lands and place of use to which the right will be transferred:

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
17S	23E	27	40	40	40	40	40	40	40	40									320
12S	23E	22													40	40	40	40	160

Total number of acres to be irrigated 480

- Describe any other water rights used for the same purpose as described above. ~~XXXXXXXXXXXXXXXXXXXX~~
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



MICROFILME
AUG 22 1989

D. REMARKS

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

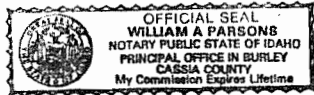
I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this

19

day of

may, 1983
(Signature of Applicant)



William A. Parsons
(Notary Public)

My commission expires _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Protest filed by _____
Prelim. check by _____ Fee _____
Receipted by _____ Date _____
Published in _____
Pub. dates _____
Watermaster recommendation requested on _____
_____ rec'd. _____

Copies of protest forwarded by _____
Hearing held by _____ Date _____
Recommended for approval _____ denial _____
by _____

MICROFILMED

AUG 22 1989

PARSONS, SMITH, STONE & FLETCHER

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

ATTORNEYS AT LAW
137 WEST 13TH STREET
BURLEY, IDAHO 83318

P. O. BOX 910
TELEPHONE
(208) 678-8382

May 30, 1985

RECEIVED
MAY 31 1985

Mr. Jim Johnson
Department of Water Resources
State of Idaho
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources

RE: 45-2352

Dear Jim:

I guess I don't know what happened to the original application for the transfer under the above number. Apparently it has bounced between Boise and Twin Falls, and in a recent conversation somebody said it might have ended up back here.

What I know is that I do not have the original and the best I can do is supply a true copy and ask that you process it as a lost transfer application. This is the application that was filled out at the time the companion case, i.e., 45-2254 was processed.

I can do no better than this and ask that you process it so that the Vanco and First Security can complete their water rights agreement at the earliest possible time.

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William A. Parsons
William A. Parsons

WAP:rt

cc: Idaho Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Morgan W. Richards, Jr.

MICROFILMED

AUG 22 1989



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

December 7, 1984

William Parsons
Attorney at Law
137 West 13th St.
Burley, Idaho 83318

Re: Application for Transfer of Water Right 45-2352

Dear Mr. Parsons:

We are returning the above-referenced transfer application.

The land irrigated under this right has additional groundwater rights appurtenant to it, and all of these rights must be transferred in order to avoid an expansion of water rights.

Mr. Allred has the option of transferring all of these rights or of re-submitting the above referenced transfer as originally filed. In the latter case, we will deny the transfer. If he decides to do neither, we will refund the \$50.00 filing fee.

If you have questions concerning this matter, please feel free to contact this office.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

LOH:JES:marya

Encl:

MICROFILMED

AUG 22 1989

Identification No. 45-2352 / 21767

Transfer No. 1563

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

RECEIVED
JUL 1 1968
Department of Reclamation
APPROVED

1. Name of Right Holder ALBERT ANDERSON & SONS CO.
Post office address Oakeley, Idaho

2. Right obtained by:
a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court. County of _____.

b. License No. 21767 issued by the State of Idaho, Department of Reclamation.

3. Source of water subterranean tributary to _____
(Name of stream or source)

4. Date of Priority October 24, 1950

5. Amount of water a. 2.2 c.f.s. and/or
b. _____ acre feet/annum

6. Water is used for Irrigation from March 1 to October 31
(Month, Day) (Month, Day)

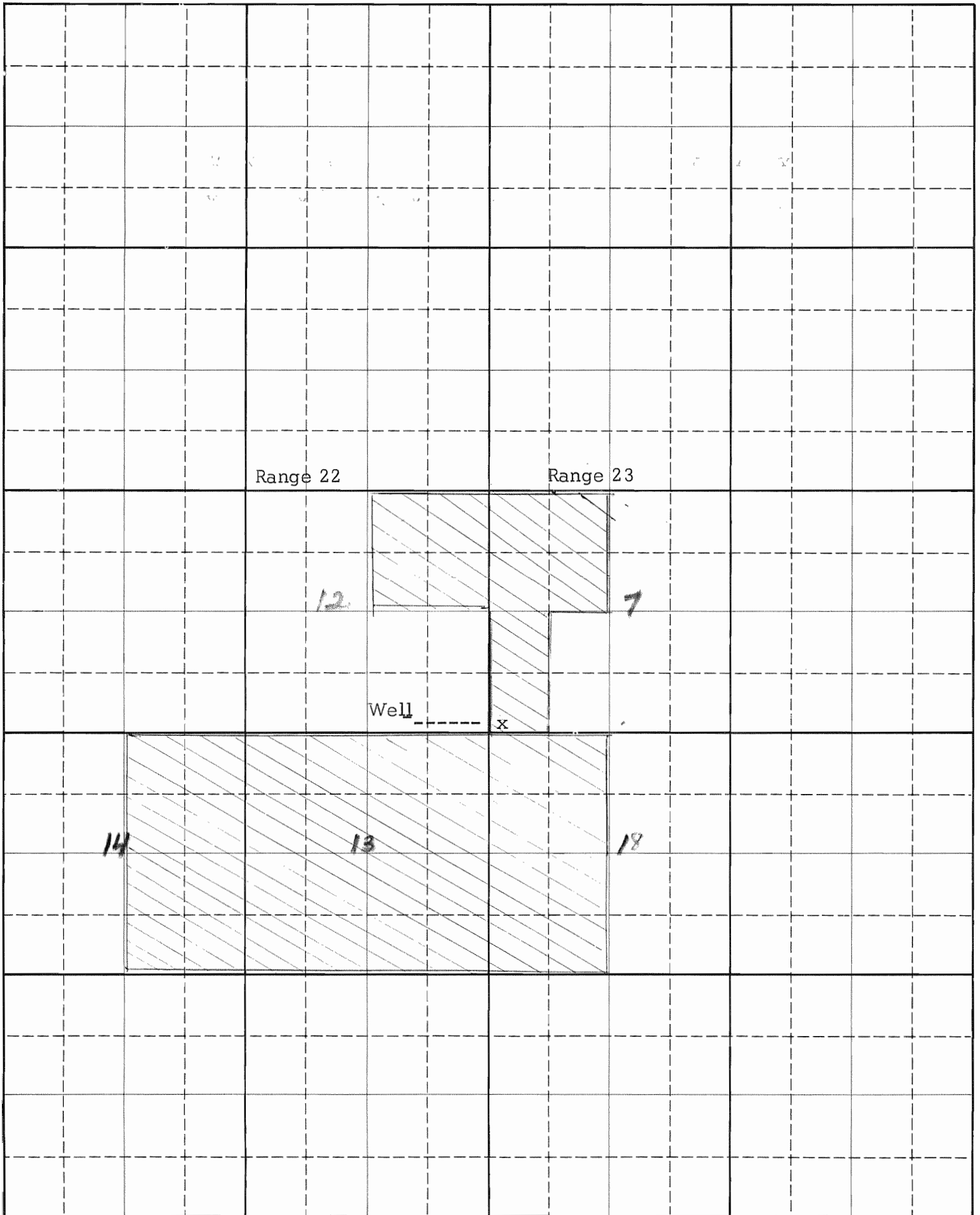
7. Original location of point of diversion is SE 1/4 SE 1/4 of Section 2,
Township 13 S, Range 22 E, B.M., in Cassia County;
Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
13 S	22 E	2				40									40			30	110

Total number of acres presently irrigated 110

45-2352



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. If applicant was not the original holder of this right explain how it was acquired:

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 2.2 c.f.s. and/or acre feet
- b. New point of diversion: SW 1/4 SW 1/4, Section 7, Township 12 S, Range 23 E, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: by means of a well, turbine pump, piep and ditch system
- d. Is water to be conveyed to the lands previously irrigated? Yes No X
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:
Well is no longer used due to failure of the well casing
- f. Do you intend to make the transfer permanent? yes
- g. Do you intend to abandon completely the old point of diversion? yes
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
12 S	23 E	7	X	X	X	X									X			X	240
12 S	23 E	18	X	X	X	X									X	X	X	X	320
12 S	22 E	13	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	640
12 S	22 E	14	X	X	X	X									X	X	X	X	320
12 S	22 E	12	X	X	X	X													160

Total number of acres to be irrigated 1680

15 22

45 12352

b. Do you intend to make the transfer permanent? yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:
yes

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: 90 inches of water from the wells located in Sections 13 and 14 of Township 12 S, Range 22, E., B.M.

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Albert Anderson & Son Co
By: Albert Anderson
(signature of applicant)

Subscribed and sworn to before me this 27 day of June, 1968
[Signature]
(notary public)

My commission expires Feb 20, 1970

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

APPROVED

This is to certify that I have examined Application for Transfer of Water Rights No. 1563,
and said application is hereby APPROVED.

- 1. Approval of said application is subject to the following limitations and conditions:
That no more than 440 acre-feet be withdrawn from the well in any one season until such time as reviewed by the district court.
That a measuring device capable of measuring the water diverted and recording the total in acre-feet or gallons of water.
- 2. Denial of said application is for the following reasons: _____

Witness my hand this 23 day of January, 1969.

[Signature]
State Reclamation Engineer

For Department Use Only

Received by _____ Date _____

Protest filed by: _____

Date _____

Prelim. check by _____ Date _____

Fee Received by _____ Date _____ Fee \$ _____

Approved for publication by _____

Published in _____ Dates _____

Hearing held _____

RECOMMENDED FOR APPROVAL RD CSH

Final date for hearing _____

~~That no more water be diverted from this well than
the beneficial uses irrigation requirements of~~

1. that a measuring device be installed
2. That this transfer in no way confirms any right which may have been established, but until such time as the right is confirmed by the District court, the transfer allows ~~the~~ Claim to a water right 45-4011 to be modified and a replacement well drilled

45 2352

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Ruth Chambers, being first

duly sworn, deposes and says that she is the
Business Manager of the South Idaho
Press, a daily newspaper published at Bur-
ley, Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice attached hereto was duly published
according to law in the regular editions of

The South Idaho Press for 2
consecutive weeks, commencing with the issue
dated Sept. 12 1968, and ending
with the issue dated Sept. 19, 1968.

Ruth Chambers

Subscribed and sworn to before me
this 19th day of September
1968.

Edith Rauert Notary Public

Cost of Publication \$10.75

Notary Fee

Total Cost

RECEIVED

OCT 4 1968

Department of Reclamation

NO. 68-163

**NOTICE OF PROPOSED
TRANSFER OF WATER RIGHT**

Notice is hereby given that Al-
bert Anderson & Sons Co. of Oak-
ley, Idaho has applied to the State
Reclamation Engineer of the
State of Idaho for a certificate
authorizing them to change the
point of diversion and place of
use of the waters of a subter-
ranean source as follows: Amount:
2.2 cubic feet per second. Priority:
October 24, 1950; Point of diver-
sion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Town-
ship 13 S., Range 22 E.B.M. Place
of Use: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ SE $\frac{1}{4}$, Sec.
2, T. 13 S., R. 22 E.B.M.

To Be Transferred To

Point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$,
Section 7, Township 12 S., Range
23 E.B.M. Place of Use: NE $\frac{1}{4}$, E $\frac{1}{4}$
SE $\frac{1}{4}$, Sec. 7; NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18,
T. 12 S., R. 23 E.B.M. All of Sec.
13, E $\frac{1}{4}$, Sec. 14; NE $\frac{1}{4}$, Sec. 12, T.
12 S., R. 22 E.B.M.

And that on the 30th day of
September, 1968, at 10:30 o'clock
A.M. at Department of Reclama-
tion, Statehouse—Annex 2, at
Boise, Idaho 83707, before the
State Reclamation Engineer, or
his authorized agent, the oppor-
tunity will be given to any and
all persons to appear and present
for his consideration any reason
or reasons why a certificate
should not be issued authorizing
such transfer.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the South Idaho
Press September 12, 19, 1968

65 235

State of Idaho
License and Certificate of Water Right

Trans. # 1563

Water License No. 21767 / 45-2352

Amount 2.2 second feet

Water District No.

Priority October 24, 1950

THIS IS TO CERTIFY that VANNESS ANDERSON
of Oakley, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated October 24, 1950; that Permit No. 21767
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.2 second feet, was issued thereunder on August 23, 1956, showing that said works
were completed on the 19th day of November, 1954; and that on the 19th
day of November, 1954,

VANNESS ANDERSON

of Oakley, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well,
~~underground~~ (subterranean flow), for the purpose of irrigation

, under Use Permit No. 21767 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
9 of Licenses at page 5772, on the 23rd day of August, 1956;

The right hereby confirmed dates from October 24, 1950;

The Point of Diversion is located

in the SE 1/4 SE 1/4, Sec. 2, Tp. 13 S., R. 22 E., B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 S.	22 E.	2	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	<u>30</u>
			Total Number of Acres Actually Irrigated - 110		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
23rd day of August, 1956.

MARK R. KULP
State Reclamation Engineer.

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. 21766 Amount 3.0 second feet
Water District No. Priority October 24, 1950

THIS IS TO CERTIFY that VANNESS ANDERSON
of Oakley, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated October 24, 1950; that Permit No. 21766
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
3.0 second feet, was issued thereunder on August 23, 1956, showing that said works
were completed on the 19th day of November, 1954; and that on the 19th
day of November, 1954,

VANNESS ANDERSON
of Oakley, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
~~partially open~~ (subterranean flow), for the purpose of irrigation use
, under Use Permit No. 21766 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
9 of Licenses at page 5771, on the 23rd day of August, 1956;
The right hereby confirmed dates from October 24, 1950;
The Point of Diversion is located

in the SE 1/4 SE 1/4, Sec. 2, Tp. 13 S R. 22 E, B. M. Cassia County
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 3.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 S.	22 E.	1	SW 1/4 NW 1/4	40	40
			NW 1/4 SW 1/4	40	40
			SW 1/4 SW 1/4	40	40
		11	NE 1/4 NE 1/4	40	30
			Total Number of Acres Actually Irrigated - - 150		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
23rd day of August, 1956.

(SEAL) MARK R. KULP
State Reclamation Engineer.

Nº 21767
45-2352

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

APPLICATION No. 29478
PERMIT No. 21767
DISTRICT No.

1. Name of Applicant: VANNESS ANDERSON

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:

- (a) Cash on hand:
(c) Bonds to be issued:
(b) Treasury stock:
(d) Other resources:

2. Quantity of water claimed: 160 inches or 3.20 cubic feet per second.

water is obtained.

3. Source of water supply: A well from which subterranean / which is a tributary of

4. Location of point of diversion: 100 ft. E. and 30 ft. S. feet distant from the Northwest
of the SW $\frac{1}{4}$ NE $\frac{1}{4}$
corner of Section 11, T. 13 S., R. 22 E., B.M., and is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$
of Section 11, T. 13 S., R. 22 E., B.M., County of Cassia

5. Water is to be used for Irrigation purposes.

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: \$ 4,000.00 to \$7,500.00

8. Kind of works: A well pumping water in small ditches for irrigation

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 Applicant has ~~never~~ made application to have the property
described in Paragraph 14 set aside as a homestead. When that has been done applicant can then, within
a few months, complete his well.

13. The time required for the complete application of the water to the proposed use is One 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: The said lands are entirely arid
and have no water right whatsoever.

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.

VANNESS ANDERSON *Applicant.*

By _____ Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. October 24, 1950

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21767
Recorded in Book 78 Page 21767 Approved October 31, 1950
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 he 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 December 31, 1950 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 April 30, 1953
The whole of said work to be completed on or before October 31, 1955
Beneficial use of water appropriated in accordance herewith, to be made on or before October 31, 1956

WITNESS My hand this 31st day of October, 1950

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho,
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 31st
day of October, 19 50.
Countersigned:
(SEAL) By J. D. "CY" PRICE
Secretary of State.

STATE OF IDAHO
By C. A. ROBINS
Governor.

REMARKS: Applicant has made an application to the Department of Interior, Bureau of Land Management to have all of the property described in Paragraph 14 hereof set aside for homestead entry. When said land has been so set aside, applicant is in a position to immediately commence to dig his well and to have all of his property described in Paragraph 14 levelled and in a position to be irrigated.

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 $\frac{1}{4}$	
13 S.	22 E.	11 2			x													40	
						x									x		x	120	
																		160	
Total Number of Acres to be Irrigated -																			
APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. 21767 Comes now Vanness Anderson 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. 21767. That the point of diversion is described in said permit as being located SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, T 13 S - R 22 E, B.M. That he now requests that the point of diversion be changed to a point 40' east and 150' north of the SW corner of SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, T 13 S - R 22 E, B.M. and is in said SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2. That his reasons for desiring to make such change are as follows: That the well site here is more practical to economically produce and distribute water. 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, this 13 day of July 1954. VANNESS ANDERSON Date of receipt at Department of Reclamation July 13, 1954. 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. 21767. 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. 21767
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that VANNESS ANDERSON of Oakley, County of Cassia, and State of Idaho, the holder of Permit No. 21767, issued upon Application No. 29478 bearing date of priority of October 24, 1950, authorizing the diversion of 3.2 second feet of the waters of a well (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 2.2 second feet of the waters of said well; that the point of diversion of said waters is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, Township 13 South, Range 22 East, B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: E $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2, Township 13 South, Range 22 East, B.M.

Witness my hand this 23rd day of August, A. D. 1956.

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made November 19, 1954
Certificate of Completion of Works issued August 23, 1956.

LICENSE ISSUED FOR 2.2 SEC. FT.
Page 5772

MEMORANDUM

TO: FILE 45-02352A ^{Disallowed} (Per SRBA Records)
FROM: PAM SKAGGS
RE: TRANSFER # 5094/60516
DATE: 6/10/97

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 45-02254.

WITHDRAWN

11-03-2005

SCANNED
NOV 09 2005

**STARTING
LEFT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 22, 1988

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

William A. Parsons
P.O. Box 910
Burley, ID 83318

Re: Application for transfer 45-2352, Jack Allred

Dear Mr. Parsons:

The application for transfer was filed in 1984. Upon review, it was determined that the proposed change would result in an enlargement of water rights because it would remove License 45-2352 from lands on which it overlapped with other water rights and make it the sole right on new lands. Enlargement of water rights by transfer is prohibited by IDAHO CODE Section 42-222.

In order to place new unirrigated land under irrigation by transferring existing water rights, the complete package of rights on the old place of use must be moved on an acre-for-acre basis so that the number of acres under existing rights does not increase.

After being informed of the problem with the proposed transfer, your office requested that we suspend processing of the application pending a new agreement among the parties involved. We have since held the application without action.

A listing of the water rights on the present place of use of license 45-2532 is enclosed.

We will continue to hold the application until May 1, 1988 to allow time for the applicant to determine whether or not to proceed with the application.

If we can be of any further assistance, please let us know.

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

LH
Encl

RECEIVED

AUG 22 1989



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 22, 1988

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

William A. Parsons
P.O. Box 910
Burley, ID 83318

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Dear Mr. Parsons:

The application for transfer was filed in 1984. Upon review, it was determined that the proposed change would result in an enlargement of water rights because it would remove License 45-2352 from lands on which it overlapped with other water rights and make it the sole right on new lands. Enlargement of water rights by transfer is prohibited by IDAHO CODE Section 42-222.

In order to place new unirrigated land under irrigation by transferring existing water rights, the complete package of rights on the old place of use must be moved on an acre-for-acre basis so that the number of acres under existing rights does not increase.

After being informed of the problem with the proposed transfer, your office requested that we suspend processing of the application pending a new agreement among the parties involved. We have since held the application without action.

A listing of the water rights on the present place of use of license 45-2532 is enclosed, together with the current application for transfer form in case an amended application is filed.

We will continue to hold the application until May 1, 1988 to allow time for the applicant to determine whether or not to proceed with the application.

In regard to license 45-2254, the license was divided by Transfer No. 3134 and VANCO's portion, 1.71 cfs/600 acre ft. per annum, was made appurtenant to 150 acres within the SW1/4 Sec 23 T12S R 23E, with point of diversion in the NESE Sec. 26 T12S R 23E.

If we can be of any further assistance, please let us know.

Very Truly yours,

MICROFILMED

AUG 22 1988

Loren O. Holmes, P. E.
Southern Region Manager

FROM

LH

DATE

11/27/85

TO

Allied Transfer File -

SUBJECT

T/c with Bill Parsons.

Parsons requests we hold processing
of the transfer because a new arrangement
is being worked on - Hold Advertisements

MICROFILMED

AUG 22 1989

SIGNATURE

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 45-2352

Notice is hereby given that Jack Allred of Burley, Idaho has applied to the Department of Water Resources for a change of place of use and point of diversion of a right from a groundwater source. The right sought to be changed is evidenced by License No. 45-2352 and is recorded as follows:

Amount: 2.2 cfs

Priority: October 24, 1950

Point of Diversion: SWSW, Sec. 7, T12S, R23E, B.M., Cassia County

The water is used for irrigation of 1680 acres from March 1 to October 31 within the NE1/4, E1/2SE1/4, Sec. 7; NE1/4, SE1/4, Sec. 18, T12S, R23E; Sec. 13; NE1/4, SE1/4, Sec. 14; NE1/4, Sec. 12, T12S, R22E.

TO BE CHANGE AS FOLLOWS:

Amount: 2.2 cfs

Point of Diversion: NESE, Sec. 26, T12S, R23E, B.M., Cassia County

Place of Use: N1/2, Sec. 27; SE1/4, Sec. 22, T12S, R23E for irrigation of 480 acres

Any protest against the approval of the above proposed change of the right described above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301 on or before _____.

A. KENNETH DUNN
Director

Published in Wood River Journal on _____.

MICROFILMED

AUG 22 1989



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

November 26, 1985

William A. Parsons
Attorney at Law
P. O. Box 910
Burley, Idaho 83318

Re: Application for Transfer of Water License No. 45-2352
Jack Allred

Dear Mr. Parsons:

Having received no reply regarding Mr. Allred's application for transfer, we are proceeding with action on the application.

Notice of the application will be published in the South Idaho Press.

Upon completion of the advertising and protest period, the application will be forwarded to the director for final action.

As the application now stands, this office will recommend denial due to the problem of overlapping water rights referred to in previous correspondence.

If you have questions, please feel free to contact this office.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

MICROFILMED

AUG 22 1989

STATE OF IDAHO
Department of Water Resources

Nº 35839

Boise, Idaho, Nov. 23, 1984

RECEIVED
FROM MOFFATT, THOMAS, BARNETT & BLANTON of Boise
ONE HUNDRED and 00/100 100.00 DOLLARS

FOR

TRANSFER

45-2254 \$
45-2352 \$

TOTAL - - - \$ 100.00

Cheryl Wilcox

MICROFILMED
AUG 1984

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: JF Stanton

1. Right number 45-2352 Applicant ALLRED, Jack
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred. None in file
 - h. ☒ Check for expansion in use of right. Comments Due to other rights on original P/U not being transferred, this transfer is an expansion of irrigated acre.
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) Application 45-7572 & 7573 (surface water)
 - j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny
3. Conditions* _____

4. By _____ Date _____

RECEIVED
AUG 14 1989

Department of Water Resources



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

August 6, 1985

RE: Application for Transfer of license 45-2352, Jack Allred

William A Parsons
Parsons, Smith, Stone & Fletcher
Box 910
Burley, ID 83318

Dear Mr. Parsons:

As requested, I met with Jack Allred and Bill Anderson on July 31, 1985, who explained the intent of Mr. Allred's application for transfer of license 45-2352.

Mr. Allred indicated that the license was not encumbered by mortgage when he purchased the property and that he had, therefore, agreed to transfer it to unirrigated land owned by VANCO Inc. as described in the application.

The problem that arises is that license 45-2352 is one of many overlapping rights appurtenant to the Allred property, and the transfer, as proposed, would result in a net increase in acres irrigated under water rights.

Section 42-222 of the IDAHO CODE prohibits enlargements of water rights when changing the point of diversion or place of use.

In order to successfully transfer water rights from the Allred property to the VANCO property, all rights would have to be removed from a land area equal to the new land area to be placed under irrigation.

At this point, I can only suggest that you review the proposal to supply water to the VANCO property with all the parties concerned to see if a solution within the constraints of 42-222 can be found.

MICROFILMED

AUG 22 1985

August 6, 1985

William A Parsons

Page 2

In the meantime, we will hold Mr Allred's application for 60 days to allow for your review and possible withdrawal or amendment of the proposed change.

Please contact me if I can provide any assistance or additional information.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

cc:Jack Allred
Bill Anderson

MICROFILMED

AUG 22 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

July 7, 1985

RE: Application for Transfer of Water Right No. 45-2352

William A. Parsons
Parsons, Smith, Stone & Fletcher
Box 910
Burley, ID 83318

Dear Bill:

Per our telephone conversation, you returned a copy of the transfer application to me. In reviewing this matter, I also requested Jim Stanton of our Twin Falls office to send me a copy of the correspondence with which he returned the application to you (see copy attached).

As you can see, the reason for returning the application was because of other water rights appurtenant to the lands from which Rt. 45-2352 was being removed. At this point, we are at the same impasse as we were on December 7, 1984. Therefore, before we can proceed, we need to resolve the overlap.

Since the Twin Falls office is more conveniently located for you, perhaps it would be advisable for you to contact them. If I can be of any assistance, please let me know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

cc: Jim Stanton

MICROFILMED
AUG 22 1989

PARSONS, SMITH, STONE & FLETCHER

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

ATTORNEYS AT LAW
137 WEST 13TH STREET
BURLEY, IDAHO 83318

P. O. BOX 910
TELEPHONE
(208) 678-8382

May 30, 1985

RECEIVED
MAY 31 1985

Mr. Jim Johnson
Department of Water Resources
State of Idaho
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources

RE: 45-2352

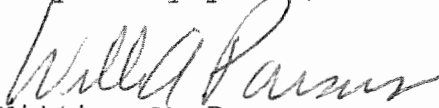
Dear Jim:

I guess I don't know what happened to the original application for the transfer under the above number. Apparently it has bounced between Boise and Twin Falls, and in a recent conversation somebody said it might have ended up back here.

What I know is that I do not have the original and the best I can do is supply a true copy and ask that you process it as a lost transfer application. This is the application that was filled out at the time the companion case, i.e., 45-2254 was processed.

I can do no better than this and ask that you process it so that the Vanco and First Security can complete their water rights agreement at the earliest possible time.

Very truly yours,


William A. Parsons

WAP:rt

cc: Idaho Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Morgan W. Richards, Jr.

MICROFILMED

AUG 22 1989



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

December 7, 1984

William Parsons
Attorney at Law
137 West 13th St.
Burley, Idaho 83318

Re: Application for Transfer of Water Right 45-2352

Dear Mr. Parsons:

We are returning the above-referenced transfer application.

The land irrigated under this right has additional groundwater rights appurtenant to it, and all of these rights must be transferred in order to avoid an expansion of water rights.

Mr. Allred has the option of transferring all of these rights or of re-submitting the above referenced transfer as originally filed. In the latter case, we will deny the transfer. If he decides to do neither, we will refund the \$50.00 filing fee.

If you have questions concerning this matter, please feel free to contact this office.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

LOH:JES:marya

Encl:

MICROFILMED

AUG 22 1989

WATER RIGHT NUMBER 45-2352

OWNER LAST NAME	-	ANDERSON
OWNER LAST NAME	-	ALBERT ANDERSON & SONS CO.

OWNER LAST NAME - ALBERT ANDERSON & SONS CO.

ADDRESS LINE 1 -

ADDRESS LINE 3 -

SOURCE - GROUNDWATER

STAGE - LICENSE

TOTAL DIV. VOLUM

DIVERSION POINT

FROM - 03-01 TO

115

DEGREE NAME -

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CHWNR LAST NAME - ANDERSON

OWNER LAST NAME - ALBERT ANDERSON &

[illegible]

ADDRESS LINE 1

SOURCE - GRINDWATER

STAGE - LICENSE	STATUS
2020-2021	ON CONSUMERS

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DIVERSION MEANS -

1. **Introduction**
 2. **Background**
 3. **Methodology**
 4. **Results**
 5. **Discussion**
 6. **Conclusion**
 7. **References**
 8. **Appendix**
 9. **Index**
 10. **Table of Contents**
 11. **Abstract**
 12. **Keywords**
 13. **Summary**
 14. **Notes**
 15. **References**
 16. **Appendix**
 17. **Index**
 18. **Table of Contents**
 19. **Abstract**
 20. **Keywords**
 21. **Summary**
 22. **Notes**
 23. **References**
 24. **Appendix**
 25. **Index**
 26. **Table of Contents**
 27. **Abstract**
 28. **Keywords**
 29. **Summary**
 30. **Notes**
 31. **References**
 32. **Appendix**
 33. **Index**
 34. **Table of Contents**
 35. **Abstract**
 36. **Keywords**
 37. **Summary**
 38. **Notes**
 39. **References**
 40. **Appendix**
 41. **Index**
 42. **Table of Contents**
 43. **Abstract**
 44. **Keywords**
 45. **Summary**
 46. **Notes**
 47. **References**
 48. **Appendix**
 49. **Index**
 50. **Table of Contents**
 51. **Abstract**
 52. **Keywords**
 53. **Summary**
 54. **Notes**
 55. **References**
 56. **Appendix**
 57. **Index**
 58. **Table of Contents**
 59. **Abstract**
 60. **Keywords**
 61. **Summary**
 62. **Notes**
 63. **References**
 64. **Appendix**
 65. **Index**
 66. **Table of Contents**
 67. **Abstract**
 68. **Keywords**
 69. **Summary**
 70. **Notes**
 71. **References**
 72. **Appendix**
 73. **Index**
 74. **Table of Contents**
 75. **Abstract**
 76. **Keywords**
 77. **Summary**
 78. **Notes**
 79. **References**
 80. **Appendix**
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 82. **Table of Contents**
 83. **Abstract**
 84. **Keywords**
 85. **Summary**
 86. **Notes**
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 88. **Appendix**
 89. **Index**
 90. **Table of Contents**
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 97. **Index**
 98. **Table of Contents**
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 105. **Index**
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 108. **Keywords**
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 113. **Index**
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 115. **Abstract**
 116. **Keywords**
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 121. **Index**
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 177. **Index**
 178. **Table of Contents**
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 182. **Notes**
 183. **References**
 184. **Appendix**
 185. **Index**
 186. **Table of Contents**
 187. **Abstract**
 188. **Keywords**
 189. **Summary**
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 191. **References**
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 193. **Index**
 194. **Table of Contents**
 195. **Abstract**
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 200. **Appendix**
 201. **Index**
 202. **Table of Contents**
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 205. **Summary**
 206. **Notes**
 207. **References**
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 209. **Index**
 210. **Table of Contents**
 211. **Abstract**
 212. **Keywords**
 213. **Summary**
 214. **Notes**
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 217. **Index**
 218. **Table of Contents**
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 222. **Notes**
 223. **References**
 224. **Appendix**
 225. **Index**
 226. **Table of Contents**
 227. **Abstract**
 228. **Keywords**
 229. **Summary**
 230. **Notes**
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 233. **Index**
 234. **Table of Contents**
 235. **Abstract**
 236. **Keywords**
 237. **Summary**
 238. **Notes**
 239. **References**
 240. **Appendix**
 241. **Index**
 242. **Table of Contents**
 243. **Abstract**
 244. **Keywords**
 245. **Summary**
 246. **Notes**
 247. **References**
 248. **Appendix**
 249. **Index**
 250. **Table of Contents**
 251. **Abstract**
 252. **Keywords**
 253. **Summary**
 254. **Notes**
 255. **References**
 256. **Appendix**
 257. **Index**

FROM Gary

TO Darlene

SUBJECT

DATE

15-74

RECEIVED

JUL 16 1974

Department of Water Resources

I made an exam on this permit 45-2352. I found they had transferred the point of diversion to the location as indicated. There is a measuring device installed "Badger Meter". The meter was not working at the time I made the exam. If you need any more assistance, please feel free to contact me.

GF:lt



SIGNATURE

FROM Darlene

TO Bob Haynes

SUBJECT License/Transfer # 45-2352

DATE 7/3/74

HELP! The attached Order was found in the above subj file when the girls were microfilming; you will note that the Order is "unsigned".

Asked Keith about this matter and he requested that another field exam be made before we do anything about the un-issued order. Am also attaching a copy of the approved transfer for your review.

Please have another exam done and if the required measuring device is not installed, please return the order with your exam so we can take "delayed" action.

If you should need any further information from our file here, please do not hesitate to call.

Thanks for your assistance.

SIGNATURE

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Darlene

TO Mr. Higginson

SUBJECT Transfer No. 45-2352

DATE 3/20/74

The attached order was found recently when Mary was micro-filming.
Should this order have been issued? What now?

IT HAS BEEN SO LONG
SOMEONE FROM DISTRICT OFFICE
OUGHT TO RE CHECK IN FIELD
BEFORE WE DO ANYTHING.
PKH

MICROFILMED

SIGNATURE

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF Water License)
)
No. 45-2352 in the name of ALBERT)
)
ANDERSON & SONS)
_____)

ORDER

WHEREAS, Albert Anderson and Sons are the record holders of Water License No. 45-2352 providing for the diversion of 2.2 cubic feet per second of water for irrigation of 110 acres of land in Sec. 2, Twp. 13 S, Rge. 22 E, B.M.; and,

WHEREAS, on July 1, 1968, the license holder applied to the Department of Water Administration (formerly the Department of Reclamation) to change the point of diversion and place of use of said water right; and,

WHEREAS, on January 23, 1969, said application was approved subject to certain conditions, one of which required the installation and maintenance of a metering device to record the rate of flow and volume produced by the well at the new location; and,

WHEREAS, on February 1, 1971, and at previous times, the applicants were advised of that condition of approval and the necessity of compliance with that condition of approval; and,

WHEREAS, on February 1, 1971, the applicants were ordered to cease present diversion under Water Right No. 45-2352 from the well in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, Twp. 12 S, Rge. 23 E, B.M., and were further notified that failure to meet that requirement prior to the 1971 irrigation season would result in action to rescind approval of change of water right application No. 45-2352 and an order closing said well being issued; and,

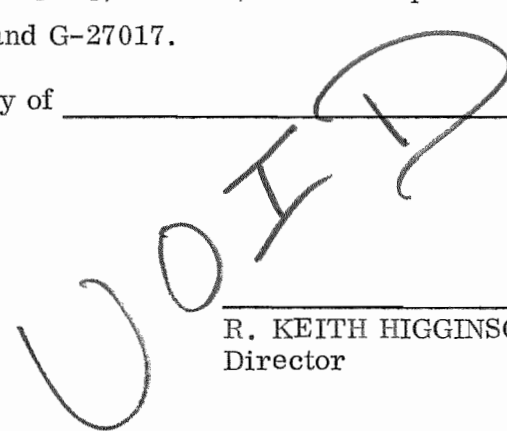
WHEREAS, on June 23, 1971, at 3:00 p.m., an employee of the Department of Water Administration observed said well being utilized without a meter having been installed pursuant to the order dated February 1, 1971; and,

WHEREAS, Section 42-237a, Idaho Code, authorizes the Director of the Department of Water Administration to prohibit the illegal use of any well; and,

WHEREAS, said well is located within the boundaries of a critical groundwater area;

NOW, THEREFORE, IT IS ORDERED and approval of change of water right application No. 45-2352 be and is hereby RESCINDED and the well in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, Twp. 12 S, Rge. 23 E, B.M. is restricted to limit the amount of water diverted from this well to less than 9.2 cubic feet per second of water when combined with that diverted from wells located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14 and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, both in Twp. 12 S, Rge. 22 E, B.M., under water licenses No. 45-2390 and G-27017.

Dated this _____ day of _____, 1971.



R. KEITH HIGGINSON
Director

RECORDED

45-2352

There was no measuring device
installed 9/15/70 J.C.

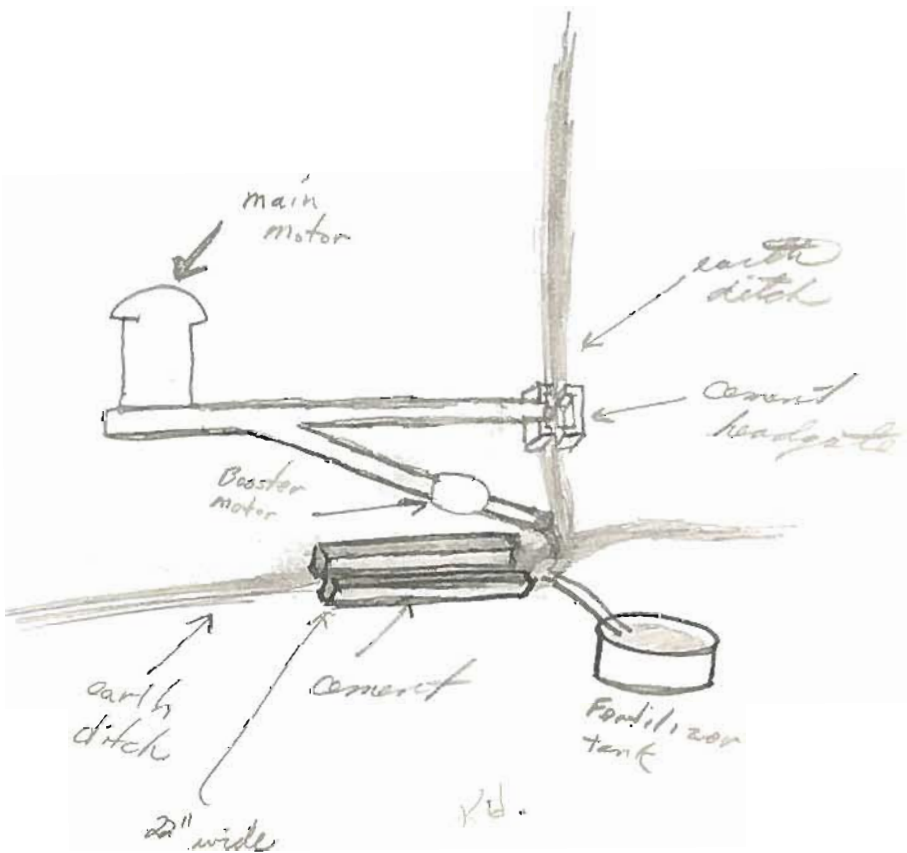
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

Transfer No. 1563
~~XXXXXXXXXX~~
Identification No. 45-2352/21767

REPORT ON PROOF OF measuring device

Westinghouse
400 H.P
1-34V8195
Johnson Pump



1. 103, R. 23 E

T 12 S, R. 22 E

MAP SHOWS LAND AS THE LICENSE
WAS CHANGED TO

Road

Road

Road

P.D.

13

14

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. Transfer No. 1563; Ident. No. 45-2352/21767

This proof is for... measuring device In Water District No.

1. Name of applicant... Albert Anderson & Sons Co., Oakley, Idaho

2. Source of water supply: ground water
(changed to) - SW $\frac{1}{4}$ SW $\frac{1}{4}$ 7

3. Location of point of diversion: Is in the (licensed) - SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2
12 S 23 E
T. 13 S R. 22 E County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same:

5. Water is used for: irrigation

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

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

(licensed) - Sec. 2, T. 13 S, R. 22 E	SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$	110 acres
(changed to) - Sec. 7, T. 12 S, R. 23 E	NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$	240 acres
18	E $\frac{1}{2}$	320
13 12 S 22 E	all	640
14	E $\frac{1}{2}$	320
12	NE $\frac{1}{4}$	160
		1680 TOTAL

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

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

Remarks: special exam. to see if measuring device was installed

No measuring device installed

This examination was made on the 15 day of Sept, 1920

(Signed) Fred E. Smith Examiner.

45 2352

mjs
9-22-70

There was no measuring device
installed. 9/15/70 J.E.

Transfer No. 1563
Identification No. 45-2352/21767
Permit No. _____

ASCS
SGS

: Burley
: Burley

Examination for measuring device _____

County Cassia

Quantity: 2.2 c.f.s. Sec. 2 T. 13 S. R. 22 E - licensed
Sec. 7, T. 12 S, R. 23 E - changed to

Source: ground water

P.D.: SE $\frac{1}{4}$ SE $\frac{1}{4}$ - licensed
SW $\frac{1}{4}$ SW $\frac{1}{4}$ - changed to

Use: irrigation

Extension:

Protest:

Completion of Works:

Other Rights:

Filed:

Due:

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

2352

February 5, 1971

Mr. Albert Anderson & Sons
Oakley,
Idaho 83346

Gentlemen:

On January 23, 1969 this office authorized changes in the points of diversion and the place of use of water under water license 45-2352 and claim 45-4011. The approval of changes was conditioned upon several items, one of which was that a measuring device capable of measuring the amount of water diverted in acre feet or gallons of water be installed and maintained on the well in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, T. 12 S., R. 23 E.B.M.

Personnel from this office have visited the well site on several occasions and have determined that this condition has not been met. This office feels that the two years which have elapsed since approval of the change application is sufficient within which to have complied with this requirement.

You are hereby ordered and prohibited from diverting any water from the well until such time as you have satisfactorily shown to this department that you have complied with the provisions under which the change of point of diversion to said well in Section 7 were authorized.

You are further notified that unless said measuring device is installed previous to the 1971 irrigation season, this office will proceed to rescind approval of authority to make said change and order closing of the well.

Very truly yours,

R. KEITH HIGGINSON
Director

45 2352

RKH:cc

cc: Mr. A. B. Nelson

MEMO

To: Steve Allred

From: Ken Dunn *AED*

Subject: Albert Anderson well, Permit Nos. 45-4011 and 45-2352

Date: June 25, 1971

The Albert Anderson well was visited on June 23, 1971 at approximately 3:00 p.m. Inspection was made by Brent Claiborn, a field examiner for the department. Mr. Claiborn observed the pump operating without a measuring device as required in the transfer of the water right.

The well is located in the SWSW, Sec. 7; Twp. 12S, Rge. 2~~5~~E, B.M., Cassia County.

45 2352

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse — Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

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

February 1, 1971

Mr. Albert Anderson & Sons
Oakley,
Idaho 83346

Gentlemen:

On January 23, 1969 this office authorized changes in the points of diversion and the place of use of water under water license 45-2352 and claim 45-4011. The approval of changes was conditioned upon several items, one of which required that a measuring device capable of measuring the amount of water diverted in acre feet or gallons of water be installed and maintained on the well in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, T. 12 S., R. 23 E.B.M.

Personnel from this office have visited the well site and have been unable to determine that this condition has been met. This office feels that the time elapsed since approval of the change application, almost two years, is sufficient within which to have complied with this requirement.

You are hereby ordered to cease any present diversions of water from the well within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, T. 12 S., R. 23 E., and are further prohibited from diverting any water from that well until such time as you have satisfactorily shown to this department that you have complied with the provisions under which the change of point of diversion to said well in Section 7 were authorized.

You are further notified that unless said measuring device is installed previous to the 1971 irrigation season, this office will proceed to rescind approval of authority to make said change and an order closing the well will be issued.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:cc

cc: Mr. A. H. Nielson

45 2352

January 24, 1969

C
O
P
Y

Albert Anderson & Sons
Oakley
Idaho 83346

Gentlemen:

We enclose a copy of your approved transfers of water right Nos. 45-2352/21767 and 45-4011, in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Also enclosed is Departmental Receipt No. 1079 for \$40.00 and No. 2532 for \$2.00 covering the fees.

Very truly yours,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:mjl

Enclosures: Copy of approved transfers

Departmental Receipt Nos. 1079
2532

45 2352

January 13, 1969

C
O
P
Y

Mr. A. H. Nielsen
Attorney-at-Law
P. O. Box 367
Burley, Idaho 83318

Re: Albert Anderson Application for Transfer of Water Right

Dear Mr. Nielsen:

To date, we have not received the \$2.00 recording fee for transfers of water right nos. 1562 and 1563.

Very truly yours,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:mjl

cc: Albert Anderson
Oakley, Idaho 83346

45 2352

December 17, 1968

C
O
P
Y

Mr. A. H. Nielson
Attorney-at-Law
P. O. Box 367
Burley, Idaho 83318

Dear Mr. Nielson:

To date, we have not received the \$2.00 recording fee
for Transfer of Water Right Nos. 1562 and 1563.

Upon receipt of this fee, the certificates will be
issued.

Very truly yours,

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:mjl

45 2352

RECEIVED

NOV 7 1968

C.S.A.

Nelly

NIELSON, NIELSON & NIELSON

ATTORNEYS AND COUNSELORS AT LAW

P. O. BOX 367

BURLEY, IDAHO 83318

Department of Reclamation

AREA CODE 208

TELEPHONE 678-5574

ADONIS H. NIELSON
NORMAN H. NIELSON
GORDON S. NIELSON

November 6, 1968

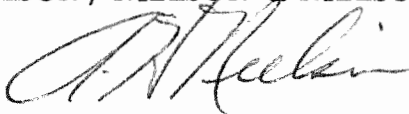
Mr. Robert W. Hamilton
Bureau of Reclamation
State of Idaho
State House Annex 2
Boise, Idaho 83707

On October 29, 1968, you wrote our office about some of the Albert Anderson & Sons wells.

Mr. Albert Anderson is now in our office and he tells us he is coming to Boise to discuss the matter with you. He says he can tell you better than he can explain it on paper, so you can expect him in the near future.

Very truly yours,

NIELSON, NIELSON & NIELSON



A. H. Nielson

AHN:nw

45 2352

RECEIVED

OCT 4 1968

NIELSON, NIELSON & NIELSON

ATTORNEYS AND COUNSELORS AT LAW

P. O. BOX 367

BURLEY, IDAHO 83318

Department of Reclamation

AREA CODE 208

TELEPHONE 678-5574

ADONIS H. NIELSON
NORMAN H. NIELSON
GORDON S. NIELSON

October 3, 1968

Donald W. McEldowney
Department of Reclamation
State of Idaho
Statehouse - Annex 2
Boise, Idaho 83707

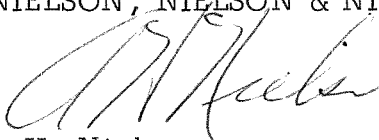
Re: Albert Anderson & Sons Co.
Application for Transfer

Dear Mr. McEldowney:

As you requested, we are sending the affidavits of publication
in the above entitled matter.

Very truly your,

NIELSON, NIELSON & NIELSON



A.H. Nielson

AHN:nw
Encl.

15 2052

August 30, 1968

Re: Application for Transfer

Albert Anderson & Sons Co.
Oakley, Idaho 83346

Gentlemen:

We have mailed the notice of proposed transfer of water right to the South Idaho Press, Burley, Idaho, to be published once a week for two consecutive weekly issues, September 5 and September 12, 1968.

Please furnish the Department of Reclamation with an affidavit of publication on or prior to September 23, 1968.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg

45 2352

August 30, 1968

Re: Application for Transfer
Albert Anderson & Sons Co.

South Idaho Press
Burley, Idaho 83318

Gentlemen:

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

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

The expense of the publication is to be paid by Albert Anderson & Sons Co., Oakley, Idaho, to whom you should furnish an affidavit of publication on or prior to September 23, 1968.

Very truly yours,

Donald W. McEldoney
Appropriation Examiner

DWM:tg

Enc: Legal Notice

45 2352

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Albert Anderson & Sons Co. of Oakley, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing them to change the point of diversion and/or place of use of the waters of a subterreanean source as follows:

Amount: 2.2 cubic feet per second. Priority: October 24, 1950

Point of diversion: SE $\frac{1}{4}$ ~~SE~~ $\frac{1}{4}$, Section 2, Township 13 S., Range 22 E., B.M.

Place of Use: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 2, T. 13 S., R. 22 E., B. M.

To Be Transferred To

Point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 12 S., Range 23 E., B. M.

Place of Use: NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 7; NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 18, T. 12 S., R. 23 E., B. M.,

All of Sec. 13, E $\frac{1}{2}$, Sec. 14; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T. 12 S., R. 22 E., B. M.

NO. 68163

NOTICE OF PROPOSED
TRANSFER OF WATER RIGHT

Notice is hereby given that Albert Anderson & Sons Co. of Oakley, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing them to change the point of diversion and place of use of the waters of a subterreanean source as follows: Amount: 2.2 cubic feet per second. Priority: October 24, 1950. Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 13 S., Range 22 E. B.M. Place of Use: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 2, T. 13 S., R. 22 E. B.M.

To Be Transferred To

Point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 12 S., Range 23 E. B.M. Place of Use: NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 7; NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 18, T. 12 S., R. 23 E. B.M. All of Sec. 13, E $\frac{1}{2}$, Sec. 14; NE $\frac{1}{4}$, Sec. 12, T. 12 S., R. 22 E., B.M.

And that on the 23rd day of September, 1968, at 10:30 o'clock A.M., at Department of Reclamation, Statehouse—Annex 2, at Boise, Idaho 83707, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the South Idaho
Press September 12, 19, 1968

2nd corrected proof

RECEIVED

SEP 9 1968

45 235 Department of Reclamation

And
Depart
at Boise
or his au
appear an
should no

Published

August 6, 1968

Re: Transfer forms

Albert Anderson & Sons, Co.
Oakley,
Idaho

Gentlemen:

On June 6, 1968 the Department of Reclamation forwarded to you two completed transfer forms for your review and signature. As of this date we have not heard from you concerning these transfers.

If the transfers were acceptable to you and there has been some delay please notify us. If, however, they were not acceptable please make any notations and return to us. Either way, the department would appreciate hearing from you.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

45 3352

NIELSON, NIELSON & NIELSON

ATTORNEYS AND COUNSELORS AT LAW

P. O. BOX 367

BURLEY, IDAHO 83318

ADONIS H. NIELSON
NORMAN H. NIELSON
GORDON S. NIELSON

June 28, 1968

RECEIVED
AREA CODE 208
TELEPHONE 678-5574

JUL 1 1968

Department of Reclamation

Department of Reclamation
State of Idaho
State House-Annex 2
Boise, Idaho 83707

Gentlemen:

At the request of Albert Anderson & Sons Company, we are sending two applications for the transfer of water rights. These, as you will remember, were prepared partly by you and finished by the secretary of the applicant. We are, also, sending a check for \$40.00 payment of these applications.

If there is any additional information you require, would you please let us know as we would be anxious to furnish what information we can. Thank you.

Very truly yours,

NIELSON, NIELSON & NIELSON



A. H. Nielson

AHN:nw
Enc.

45 2352

652

June 6, 1968

C
O
P
Y

Albert Anderson & Sons, Co.
Oakley,
Idaho

Dear Mr. Anderson:

The Department of Reclamation has received the claim to water rights that you are proposing to submit. All nine (9) claims appear to be in order; however, before the department can proceed with the claims to water rights we will require a \$10.00 fee for each. Therefore, in order to initiate your claim procedures we will require a check totalling \$90.00 to be forwarded to the department.

Enclosed are two partially prepared applications for transfer for water right. The transfers which you received assistance with during your recent visit to the Department of Reclamation has been partially completed. Please review all the information carefully and make sure that the transfers propose your intent exactly. Upon completing the transfers by a notarized signature, you may return each to the department for processing. Please note that applications for transfer must be accompanied by a \$20.00 application fee for each. A check totalling \$40.00 for the two proposed transfers is requested.

Please feel free to contact us if we may be of further assistance.

Very truly yours,

45 2352

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: Applications for transfer (2)

See 21766

October 30, 1967

Mr. A. H. Nielson
Nielson & Nielson
Attorneys at Law
Burley, Idaho

Dear Mr. Nielson:

As I promised in our recent phone conversation, I am forwarding to you details relating to the water rights on file in the name of Anderson Brothers, around Section 7, T. 12 S., R. 23 E. You will recall that this is the site of a well that was drilled in the Critical Ground Water Area without a permit.

By transfer two rights were combined and this well has been authorized as one of 3 points of diversion under the 2 rights. The enclosed plat perhaps will help to illustrate the rights as we understand them.

The well in question in Section 7 is located by the red dot as close as we can tell. Section 7 and all of the sections in this tier are only a half mile wide and this leads to confusion in land descriptions. The rights that were combined by the transfer are evidenced by licenses and permits Nos. G-27017 and G-22355. On the plat I have indicated in green the areas that were originally licensed to be irrigated under Permit G-27017. The well produced 6.0 c.f.s. and is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T. 12 S., R. 22 E. The water was used for the irrigation of 640 acres. The land licensed under G-22355 is indicated in red. This license allows for the diversion of 3.2 c.f.s. of water from a well in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, T. 12 S., R. 22 E., to irrigate 480 acres. The transfer application provides for the irrigation of all of the land inside of the irregular blue line from all 3 wells. The production from the 3 wells is not to exceed 9.2 c.f.s. It is our understanding that the 3 wells may produce as much as 11.0 c.f.s.

Earlier this year in our meeting here in the office, Mr. Anderson stated that he might wish to transfer a portion of a water right, established 15 years or more ago, from a well located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, T. 12 S. R. 22 E. Mr. Anderson did not give the total amount of acres that this well might have irrigated, but indicated at one time the production was around 3.2 c.f.s. Right to the use of water from this well could be placed on record

21767

Page 2 - Continued - A. H. Nielson

by filing of a claim in our office and I have enclosed several claim forms for your files.

C
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Y

You indicated that there are two other rights which might be involved in some future transfer. It has been stated that production of water has declined since the establishing of the rights associated with a well in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T. 13 S., R. 22 E. The first, License and Permit No. 21766, I have indicated in orange, and it is licensed for 3.0 second feet to irrigate 150 acres. The second Permit and License, which is in blue, has been given the No. 21767, and is for 2.2 second feet to irrigate 110 acres.

You will find also enclosed a copy of a well log for the well drilled in Section 7. You indicated that there is a feeling by your client that the water is coming from a source different from the water in other wells in the Critical Ground-Water Area. The earth material encountered and the water levels observed are what would be expected in this locality from what we have learned from other well logs and know of the hydrology of the area. We would be happy to discuss this point with you in the future.

Very briefly, I would like to mention another item we discussed over the phone. There has been action recently on a water application in the name of Matthew Brothers that may be of interest to you or your clients. They purchased a permit that has not been developed from Mr. Grover Ward to drill a well in the canyon above the new well of the North Oakley Water Company. They had attempted to amend that permit to allow the diversion of this water from two wells, many miles to the north, one existing, and one to be drilled. The existing well is owned and operated by Anderson-Martin Farms and has been the subject of our previous correspondence. Because of the hydrology of the area and the distance involved this amendment has been denied. If there is additional information concerning this you may need, please feel free to call on us.

Following my recent letter about the water rights on the Anderson-Martin Farms we received a phone call from Mr. Anderson. He ask if we would give him an opportunity to go over the use of water in the field. We have agreed to do this and expect to visit both the land included in the Anderson-Martin Farms and the Anderson farm around Section 7. We are intending to do this on the afternoon of the 14th, or the morning of the 15th of November. We will firm up the exact time as our plans for that week become more definite.

21767

Page 3 - A. H. Nielson

Therefore the deadline in our last letter before we intended to act on some of these matters is extended . Anderson Brothers have been sent a copy of this letter for their files.

Very truly yours,

JACK A. BARNETT, Deputy
State Reclamation Engineer

JAB:ew

cc: Anderson & Martin
Oakley, Idaho

21767

C
O
P
Y

August 28, 1956

RE: Permits Nos. 21766 and 21767

Mr. Vanness Anderson
Oakley
Idaho

Dear Mr. Anderson:

We enclose Certificate of Completion of Works also License and Certificate of Water Right issued on Permit No. 21766 confirming your right to the use of 3.0 second feet of the waters of a well, located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, Township 13 South, Range 22 East, B.M., with priority of October 24, 1950, for irrigation of land in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 1; and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, Township 13 South, Range 22 East, B.M.

We also enclose departmental receipt No. G-2049 for the \$13.00 completion of works and license fees.

We also enclose Certificate of completion of Works also License and Certificate of Water Right confirming your right to the use of 2.2 second feet of the waters of a well located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, Township 13 South, Range 22 East, B.M., with priority of October 24, 1950, for irrigation of land in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 2, Township 13 South, Range 22 East, B.M., issued under Permit No. 21767.

Also enclosed is departmental receipt No. G-2050 for the \$11.00 completion of works and license fees.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.

21767

May 18, 1956

Re: Permit Nos. 21766 and 21767

Mr. Vaness Anderson
Oakley, Idaho

Dear Mr. Anderson:

We do not wish to seem persistent in this matter but we do wish to bring to your attention again the fact that the Certificate of Completion of Works and License on each of the above captioned Permits can be issued upon receipt of the fee of each.

On Permit No. 21766 the completion of works fee is \$5.00 and the License fee is \$8.00 or a total of \$13.00 on this Permit.

On Permit No. 21767 the completion of works fee is \$5.00 and the License fee \$6.00 or a total of \$11.00 on this Permit, making a total on both Permits of \$24.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR

21767

February 7, 1956

RE: Permit No. 21767

Mr. Vanness Anderson
Oakley
Idaho

Dear Mr. Anderson:

We are still awaiting receipt of the \$5.00 completion of works fee and also the \$6.00 License fee, about which we wrote you on October 13, 1955.

Upon receipt of this total of \$11.00, we can issue you a Certificate of Completion of Works and License for 2.2 second feet of water from your well in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, Township 13 South, Range 22 East, B.M., for irrigation of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 2, same Township and Range.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

hll

21767

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

~~December 27~~, 195~~5~~

Re: Permit No. 21767

To Mr. Vanness Anderson
Burley, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 21767
to Appropriate the Public Waters of the State of Idaho, have not been complied with as to

Completion of works October 31, 1955

you are hereby notified in compliance with Sec. 42-311, Idaho code that said Permit No. 21767
is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from
date of this notice why said Permit should not be cancelled.

Said Permit No. 21767 claims the use of 3.2 cubic feet per second of the
waters of a well with point of diversion located
in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, Twp. 13 South, Range 22 East, B. M., and
was approved October 31, 1950

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the
27th day of December, 195~~5~~

Mark R. Kulp.

State Reclamation Engineer.

By _____ Assistant.

see receipt on 21766

21767

✓
October 13, 1955

RE: Permit No. 21767

Mr. Vanness Anderson
Oakley
Idaho

Dear Mr. Anderson:

The report of our field engineer on examination for completion of works and beneficial use on Permit No. 21767 shows that your well in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, Township 13 South, Range 22 East, B.M. has been used to irrigate 110 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2 of said Township and Range.

A Certificate of Completion of Works and License can, therefore, be issued for 110 inches or 2.2 second feet of water upon receipt of the statutory fees amounting to \$5.00 for completion of works and \$6.00 license fee or a total of \$11.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

21767

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 21767

REPORT ON PROOF OF Completion of works & Beneficial Use

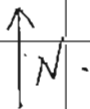
VANNESS ANDERSON, Oakley, Idaho

2.2 cfs
max

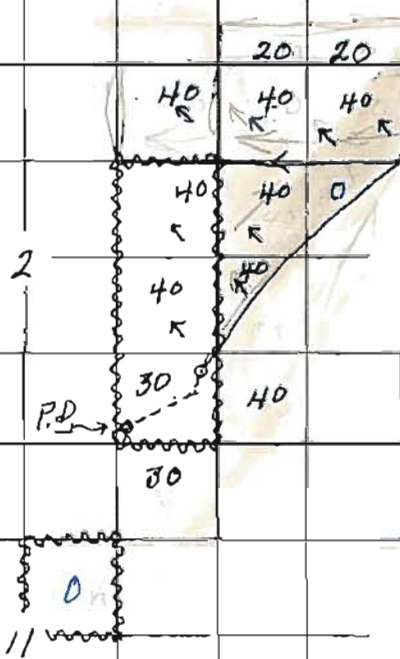
app. 3.2 cfs

110 acres
3-40's

T13S. R. 22E.



T=62°F
allow 266
1350
116



200 ft. to
reference

Subdivisions = 3
Area = 110 acres
Q = 110 inches.

6" leftover
considerable irreg.
land not included.

266" = Total Q
T = 62°F

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 21767

This proof is for Completion of works & Beneficial use In Water District No. _____

1. Name of applicant Vanness Anderson, Oakley, Idaho
2. Source of water supply: Subterranean from a well
3. Location of point of diversion: Is in the SE¹₄ SE¹₄ of Section 2
T. 13 S. R. 22 E. County of Cassia
4. Describe works as they exist, giving dimensions and capacities of same: Well is 465' deep by 18" diameter, cased 200'. 5 stage 15" bowls, 12" column 390' long. U. S. Motor, 300 hp serial No. 978587. Layne Turbine pump serial No. 27427. Concrete curbing no protection. 8' by 14" delivery pipe into a large deep concrete delivery box to fields by gravity.

5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes

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

SW¹₄ NE¹₄ Section 11;

SE¹₄ NE¹₄, NE¹₄ SE¹₄, SE¹₄ SE¹₄ Section 2;

Twp. 13 South, Range 22 East, B. M.

See the map

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

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

Remarks: Crops are Hay, grain & potatoes.

This examination was made on the 29 day of July, 1933

(Signed) E. N. Humphrey Examiner.

21767

C. E. Harting Paul
where safety number
6' L.

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
SEP 13 1955

Department of Reclamation

Vanness Anderson

Oakley, Idaho

Ray A.

Permit No. 21767

Albert Anderson,

Examination for Completion of works

and Beneficial Use

County Cassia

31 13. 34 E.

2 13. 22 E.

6.4 cfs. well.

P.D. = NE NW 5.31, 13. 34 E.

500 yd am 1 M. 32 d.

262¹⁶ on 544 ft. 92

18" 465' end 200'

370' = h l = 380'

5 stage 15" 6" 0

12" col. 390'

45. motor 300 hp
978587 440V. 360A
1800

Rayne Turb 27427

Cone. Currb. 7' x 7'

14" del. 8' into

Cone del. box

10' x 6' x 8' h.

Hartley M. D.
made filing

Oct 26 - 50.

c/w = Oct 31 - 55

B/u = Oct 31 - 57

July 22, 1955

RE: Permits Nos. 21766 & 21767

Mr. Vanness Anderson
Oakley
Idaho

Dear Mr. Anderson:

I intend to make inspection in connection with
your two permits on Friday afternoon, July 29.

Please be prepared to accompany me on this inspection.

I shall try to contact you by phone the evening
before but in case I cannot get you, I will drive directly
to your residence.

I hope to be there somewhere between 1:00 and 2:00.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

21767

February 5, 1955

RE: Permits Nos. 21766 and 21767

C
O
P
Y

Mr. Charles Brown
C/o Oakley Herald
Oakley, Idaho

Dear Mr. Brown:

Thank you very much for your letter of February 3 enclosing
affidavits of publication in connection with the above numbered
Permits in the name of Vanness Anderson.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

21767

✓
February 5, 1955

RE: Permits Nos. 21766 and 21767

C
Mr. Harley M. McDowell
519 Idaho Building
Boise, Idaho

O
Dear Mr. McDowell:

This morning's mail brings us a very courteous letter from Mr. Brown of the Oakley Herald enclosing affidavits of publication in connection with the above numbered permits in the name of Vanness Anderson.

P
This completes the proof but before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

Y
We cannot tell just when this examination will be made but our field engineer will try and contact Mr. Anderson at the time he makes the examination 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:hl1
cc

Mr. Vanness Anderson

21767

Affidavit of Publication

I, Charles Brown, being first duly sworn on oath, say:

That I am the publisher and printer of THE OAKLEY HERALD, which is a newspaper of general circulation in Cassia County, Idaho, and which has been continuously and uninterruptedly published at said place during a period of more than 78 consecutive weeks prior to the final publication of the Notice

herein mentioned; that a Notice

of which the attached clipping is a copy, was published in the regular issue of said newspaper for 4 consecutive weeks, to-wit, on October 7, 14, 21, 28, 19 54

Charles Brown,

Subscribed and sworn to before me this 30th day of October, 19 54.

Wallace A. Hale

Notary Public.

Notary Public residing at Oakley, Idaho
My commission expires May 20, 1955

NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A.M., on the 19th day of November, 1954, at Boise, County of Ada, State of Idaho, before Harley M. McDowell, Notary Public, proof will be submitted of the completion of works for the diversion of 3.2 cubic feet per second of the waters of subterranean source and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 21767 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Vanness Anderson, Oakley, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is 3.2 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 3.2 cubic feet per second.

4. The place where said water is used is SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, T. 13 S.—R. 22 E. B. M. and the well is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, Twp. 13 S., Rge. 22 E., B.M.

5. The date of priority which said user is prepared to establish is October 24, 1950.

MARK R. KULP

State Reclamation Engineer

First publication October 7, 1954,

Fourth publication October 28, 1954

21767

January 31, 1955

RE: Permits Nos. 21766 and 21767

Oakley Herald
Oakley
Idaho

Gentlemen:

On October 5, 1954, we sent you two notices for publication on Permits Nos. 21766 and 21767 in the name of Vanness Anderson which we understand from the copy sent us, were published from October 7 to October 28, 1954 inclusive.

In our letter sending you these notices we requested that you send affidavits of publication to Mr. Vanness Anderson of Oakley.

Mr. Anderson has made his proofs in accordance with the published notices but the affidavits of publication are necessary to complete his proofs.

Since we have been unable to obtain these affidavits from Mr. Anderson or Mr. Harley M. McDowell, his agent, we would appreciate it very much if you would send to this Department an affidavit of publication in connection with each of these notices.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hl1
cc

Mr. Harley M. McDowell

21767

December 29, 1954

✓
RE: Permit Nos. 21766 - 21767

Mr. Harley M. McDowell
519 Idaho Building
Boise, Idaho

Dear Mr. McDowell:

On December 7 you handed us depositions of Vanness Anderson and two witnesses in proof of Completion of Works and Beneficial Use on Permits Nos. 21766 - and 21767.

The affidavits of publication in the Oakley Harold which are a necessary part of these proofs did not accompany the proofs, but we understood that these would be submitted later.

To date the affidavits have not been received and we can not accept the proofs without the affidavits.

The Oakley Harold was instructed to send these affidavits to Mr. Anderson and if he is interested in keeping these Permits in good standing it is important that the matter be given prompt attention.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.

21767

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 21767

**Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Holder**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. My name is Vanness Anderson; residence, Burley, Idaho; occupation, farming and agriculture; postoffice address, Oakley, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Acting as an individual.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. The number of my permit is 21767, date of permit 10/30/50 and date of priority, 10/24/50.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. The source of my water supply is a drilled well to raise subterranean water; point of diversion about 40' east and 150' north of the SW corner of SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T 13 S - R 22 E., B.M. and is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Works consist of a 165' well, lift 380', 18" casing, burbine type pump and 300 h.p. motor. There are two main ditches for distribution, 1 $\frac{1}{2}$ miles long, 2' bottom, 2 $\frac{1}{2}$ ' deep, 3-4' top. The discharge from the pump is estimated at 325 miner's inches. I estimate this from my experience with irrigation water and having seen pumps measured.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. The water is used for irrigation in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, 40 acres; NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, 40 acres; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, 40 acres. The area has all been cultivated, there is no natural meadowland production and all improvements have been made as a direct result of this use by irrigation from the water provided by this source. The improvements consist of well cost, \$8,000, pump and 300 h.p. motor, \$17,000, preparation of seed bed \$6,635; ditching, \$300 fencing \$1,500; These improvements were made in connection with Permit #21766 and a little less than half the cost will be allocated to this particular permit. The subdivision described as SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11 was erroneously included and has not been irrigated and is no part of this application.

21767

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Irrigation only.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. In my opinion, it requires at least 1 miner's inch to the acre for proper use on the land. In fact, many times on row crop land we need more than this amt.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. I am the person who originally applied for this permit and to whom it was issued.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. The well was drilled here in 1953 and this diversion for beneficial use was actually first made to produce an agricultural crop in 1954. Clearing this land and actual initiation of works began in the period immediately after allowance of desert entry to which this water was applied.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. There have been no other waters diverted or used on these lands and no other waters have been used for beneficial use of the agricultural production described herein. However, this permit is used from the same source on different lands in connection with permit #21766.

(Sign)

Warren Anderson

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed

and sworn to before me, at my office in Boise, County of Ada,

State of Idaho, on this 19 day of November, A. D. 1954.

Harley W. Donald

My commission expires 10/11/55

21767

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21767

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. My name is W.F. Speckman; age, 56; residence, Oakley, Idaho; occupation, hardware dealer and agriculture; postoffice address, Oakley, Idaho.

Ques. 2. Are you acquainted with Vanness Anderson, the holder of Permit No. 21767? How long have you known him and where does he reside?

Ans. I have known him for over 30 years and know that he resides in Burley, Idaho.

Ques. 3. Have you read or heard read said Permit No. 21767, and are you familiar with its provisions and conditions?

Ans. Yea.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. The source of the water is subterranean raised through a drilled well. Place of diversion, SW corner of SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T 13 S - R 22 E., B.M. Works consist of a drilled well, turbine type pump and motor and gravity irrigation system.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. I estimate that said works will safely convey 300 miner's inches of water and have seen this much so conveyed.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. I have seen the pump deliver what I would consider 300 miner's inches and base this on my experience in agriculture over a long period of time.

21767

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation on the following described lands: 40 acres in SE1/4, Sec. 2; 40 acres in NE1/4, Section 2; 40 acres in SE1/4, Sec. 2, T 13 S - R 22 E., B.M. There is no natural meadow and all improvements listed before as pump and motor, well and land development are as a direct result of said use.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Irrigation only.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The land is a sandy clay loam suitable for row cropping. I estimate the amount of water now in use (about 1 miner's inch to the acre) to be the minimum required for profitable irrigation and cultivation.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I live in Oakley, Idaho and have farm land in this vicinity and have had occasion to see the land development contained at least once a month since the time of first works. I have seen this water applied to beneficial use, as provided under the permit.

(Signed)

W. F. Speckman

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Boise, County of Ada, State of Idaho, on this 19 day of November, A. D. 1954

Harley L. L. G. D. D.

Notary Public.

My commission expires 10/11/55

21767

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21767

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. My name is P. G. Clark; age, 53; residence, 8 miles northeast of Oakley; occupation, farming; postoffice address, Oakley, Idaho.

Ques. 2. Are you acquainted with Vanness Anderson, the holder of Permit No. 21767? How long have you known him and where does he reside?

Ans. I have known him for over 30 years and know that he now resides at Burley, Idaho.

Ques. 3. Have you read or heard read said Permit No. 21767, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. The source of the water supply is subterranean water raised through a drilled well located in the SW corner of SE $\frac{1}{4}$ Sec. 2, T 13 S - R 22 E., B.M. Works consist of 465' well with a lift of 280', 18" casing, turbine type pump and 300 h.p. motor, 2 ditches.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. I estimate said works will safely conduct to place of use 300 miner's inches and have seen this amount so conveyed.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. I have seen the pump deliver about 300 miner's inches of water. This is estimated by my experience in seeing water measured and in being familiar with irrigation works.

21767

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water used for irrigation on Section 2, SE¹NE¹, 40 acres; NE¹SE¹, 40 acres, SE¹SE¹, 40 acres, T 13 S - R 22 E., B.M. There is no natural meadow land and all improvements including well, pump and motor and distribution works have been made as a direct result of said use.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. None.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The land is very high production, row crop land which can be economically farmed and I believe that the amount of water now being used on the land or approx. 1 Miner's inch to the acre would be the least required for profitable irrigation.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I live about a mile northeast of this land and have occasion to see it almost every day. I have seen it almost since the time the water was filed upon so have witnessed the entire development of this project.

(Signed)

P. J. Clark

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Boise, County of Ada, State of Idaho, on this 19 day of November, A. D. 1954.

Harley H. L. S. Howell

Notary Public.

My commission expires 10/11/55

21767

October 12, 1954

RE: Permit No. 21767

Oakley Herald
Oakley
Idaho

Gentlemen:

We have checked the notices of Vanness Anderson appearing in your issue of October 7 and find the following error in the notice on Permit No. 21767:

The date of priority as given in Paragraph 5 should be October 24, 1950 and not 1954.

Please make this correction in your subsequent issues.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

21767

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A. M., on the 19
day of November, 19 54, at Boise, County of
Ada State of Idaho, before Harley M. McDowell, Notary Public,
proof will be submitted of the completion of works for the diversion of 3.2
cubic feet per second of the waters of subterranean source
and of the application to beneficial use of said water, in accordance with the
terms and conditions of Permit No. 21767 heretofore issued by the Department
of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation
holding said permit are Vanness Anderson, Oakley, Idaho

2. Said works of diversion will be fully completed on the date set for
such completion, and the amount of water which said works are capable of conveying
to the place of use, in accordance with the plans accompanying the application for
such permit, is 3.2 cubic feet per second.

3. The use to which said water has been applied is irrigation
purposes, and the amount applied to beneficial use is
3.2 cubic feet per second.

4. The place where said water is used is SW¹/₄ NE¹/₄, Section 11; SE¹/₄ NE¹/₄,
NE¹/₄ SE¹/₄, SE¹/₄ SE¹/₄, Section 2, T 13 S - R 22 E, B.M. and the well is located in the
SE¹/₄ SE¹/₄ Section 2, Twp. 13 S., Rge. 22 E., B.M.

5. The date of priority which said user is prepared to establish is
October 24, 1950.

MARK R. KULP

State Reclamation Engineer

21767

✓
October 6, 1954

RE: Permits No. 21766
No. 21767 ✓

Mr. Harley M. McDowell
519 Idaho Building
Boise, Idaho

Dear Mr. McDowell:

We have sent to the Oakley Herald notice for proof of Completion of Works and Beneficial Use to be made on the above numbered permits in the name of Vanness Anderson November 19, 1954, with instructions to publish once a week for four weeks prior to that date and to send Mr. Anderson the affidavits of publication together with statements of costs.

We enclose the forms of deposition to be used in making these proofs.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br
Encls.

21767

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Oakley, Idaho

(P. O.) July 28, 1954

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

The Oakley Herald of Oakley, Idaho published in
the county in which the works are situated.

Vaunness Anderson

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

21767

July 19, 1954

RE: Permits Nos. 21766, 21767

Mr. Harley M. McDowell
519 Idaho Building
Boise, Idaho

Dear Mr. McDowell:

We return the applications of Mr. Vanness Anderson for amendment to the points of diversion in the above numbered Permits, which have been approved by the State Reclamation Engineer and recorded in this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

Enc.

21767

March 22, 1951

Re: Permit No 21767

Messrs. Nielson & Nielson
Attorneys at Law
Burley, Idaho

Attention- Mr. A. H. Nielson

Dear Mr. Nielson:

In reply to your letter of March 21st, 1951, we enclose a form of application for amendment to the point of diversion, or location of the well, as described in Permit No. 21767, of Mr. Vanness Anderson.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Chief Clerk

Encls.

21767

NIELSON & NIELSON
ATTORNEYS AND COUNSELORS AT LAW

BURLEY, IDAHO
March 21, 1951

A. H. NIELSON
N. H. NIELSON

RECEIVED
MAR 22 1951
Department of Reclamation

State Reclamation Engineer
State of Idaho
Boise, Idaho

Gentlemen:

Vanness Anderson of Burley, Idaho, has been issued by your department, Permit No. 21767, covering a well to be dug in the Southwest Quarter of the Northeast Quarter of Section Eleven, Township Thirteen South, Range Twenty-two, East Boise Meridian, located in Cassia County, Idaho.

This property Mr. Anderson had made application for Desert Land Entry to the Department of Interior, Bureau of Land Management.

Mr. Anderson now finds that a previous application was made prior to the filing of his application for the said Southwest Quarter of the Northeast Quarter of the said Section Eleven.

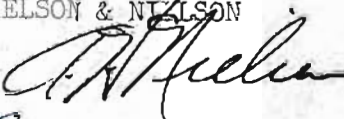
Mr. Anderson would now like to amend his application for Permit No. 21767 to cover a well located approximately 25 feet Northeast from the Southwest corner of the Northeast Quarter of the Northeast Quarter of Section Eleven, Township Thirteen South, Range Twenty-two, East Boise Meridian, located in Cassia County, Idaho.

Would you please send us the necessary application blanks to make such change.

Very truly yours,

NIELSON & NIELSON

By



A. H. Nielson

AHN:ew

21767

November 7, 1950

Re: Permits No. 21766 and 21767

Messrs. Nielson and Nielson
Attorneys at Law
Burley, Idaho

ATT: Mr. A. H. Nielson

Dear Mr. Nielson:

We enclose Permits Nos. 21766 and 21767 in the name of Vanness Anderson, together with Departmental Receipts Nos. 22767 and 22768 for the \$5.75 filing fees on each.

Since it is uncertain when the homestead filings on these lands will be approved by the Bureau of Land Management, we have allowed the maximum of five years within which to make Completion of Works Proof, or until October 31, 1955. Of course, if the works are completed in less time, the proof can be made at any time prior to the above date.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

21767

NAME OF APPLICANT

Vanessa Anderson,

Form No. 0

2

4671
6

1

Sections Two and Eleven, Township Thirteen South, East Boise Meridian.

Twp. 13.S. R.22.E

Permit Map No. 21767

As approved
OCT 31 1950MARK R. KULP
State Reclamation Engineer

SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

**NOTICE OF PROOF OF
COMPLETION OF WORKS
and
APPLICATION FOR WATER
TO BENEFICIAL USE**

Notice is hereby given that at 10 A.M., on the 19th day of November, 1954, at Boise, County of Ada, State of Idaho, before Harley M. McDowell, Notary Public, proof will be submitted of the completion of works for the diversion of 3.2 cubic feet per second of the waters of subterranean source and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 21767 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Vanness Anderson, Oakley, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is 3.2 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 3.2 cubic feet per second.

4. The place where said water is used is SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, T. 13 S.—R. 22 E. B. M. and the well is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, Twp. 13 S., Rge. 22 E., B.M.

5. The date of priority which said user is prepared to establish is October 24, 1954.

MARK R. KULP

State Reclamation Engineer

First publication October 7, 1954

Fourth publication October 28, 1954