

**STARTING
RIGHT
SIDE OF
FILE**

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 2313 IN THE)
NAME OF ORE-IDA FOODS, INC.)
_____)

PRELIMINARY ORDER

FINDINGS OF FACT

1. On August 9, 1962, the Department of Water Resources ("Department") issued License No. 45-02549 to Ore-Ida Foods, Inc. as follows:

Source:	Groundwater
Priority:	May 1, 1957
Rate of diversion:	3.64 cubic feet per second ("cfs")
Point of diversion:	SE1/4SE1/4 and SW1/4SW1/4 Section 9, T12S, R21E, B.M.
Use:	Irrigation
Place of use:	200 acres within Section 9, T12S, R21E, B.M

2. On May 3, 1979, Ore-Ida Foods, Inc. ("applicant") filed Application for Transfer No. 2313 ("T2313") with the Department seeking to change the point of diversion from the SESE and SWSW Section 9, T12S, R21E, B.M. to the SWSW and NWSW Section 9, T12S, R21E, B.M. The application also sought to change the place of use of water within Section 9, T12S, R21E, B.M.

3. The Department advertised the application which was not protested but held the application without action, since the place of use shown on the application overlapped the place of use of Permit No. 45-07068.

4. On July 27, 1995, the department issued License No. 45-07068A to David Beck. The place of use of License No. 45-07068A has been changed so that it does not overlap the proposed place of use for T2313.

5. David and Susan Beck have filed Snake River Basin Adjudication claims on both License No. 45-02549 and License No. 45-07068A claiming ownership of the lands and water right licenses without any overlap in the place of use.

CONCLUSIONS OF LAW

1. Ore-Ida Foods, Inc. does not own the lands or the water rights to which T2313 applies.

2. The Department should void T2313, since the applicant no longer owns the lands or water rights proposed for change under the application and, since the applicant is not entitled to a transfer changing a water right that it does not own.

ORDER

IT IS THEREFORE HEREBY ORDERED that Application for Transfer No. 2313 filed in the name of Ore-Ida Foods, Inc. is **VOID** and will not be further considered by the Department.

Dated this 17th day of August, 2000.

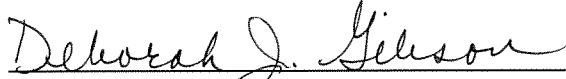

L. GLEN SAXTON, Chief
Water Allocation Bureau

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of August, 2000, the above and foregoing document was served upon the following by placing a copy of the same in the United States Mail, postage prepaid and properly addressed to the following:

ORE-IDA Foods, Inc.
P.O. Box 10
Boise, ID 83701

Allen D. Merritt
Southern Region Manager
Idaho Dept. of Water Resources
1341 Fillmore St., Ste 200
Twin Falls, ID 83301



Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

RECEIVED

AUG 11 2000

Form No. 42-222

Transfer No. 2313

Department of Water Resources

Water Right No. RECEIVED

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 ORE-IDA FOODS, INC. Phone 336-6124

Post office address P. O. Box 10, Boise, ID 83720

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to (Name) in case of VS dated in county of

b. License No. 45-2549 T2313 t of Water Resources
c. Claim No. ent of Water Resources

2. If applicant is not the original holder of the deed or other evidence of ownership of the land, the applicant must acquire and attach a copy of the deed or other evidence of ownership of the land. Never Processed Recommend VOID

3. Source of water Groundwater tributary to

4. Date of priority May 1, 1957

5. Water is used for the following purposes:

amount 3.64 cfs for irrigation purposes from 4-1 to 11-1
amount for purposes from to
amount for purposes from to (month/day — both dates inclusive)

6. Total amount of water under right: a. 3.64 cubic feet per second &/or b. acre feet per annum

7. Location of original point of diversion is SW 1/4 of SW 1/4 of Section 9 Township 12S Range 21E, B.M., in Cassia County
Additional points of diversion, if any SE 1/4 SE 1/4, Sec. 9, Twp. 12S, Rge. 21E

8. Lands 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	
12S	21E	9									40			40		40	40	40	200

Total number of acres to be irrigated 200

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

Permit No. 45-7068

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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. cubic feet per second
&/or
b. acre feet per annum
2. Point of diversion $\frac{1}{4}$ $\frac{1}{4}$, Section Township
Range , B.M., 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 $\frac{1}{4}$	

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

1. Change in point of diversion
- a. Amount of water to be diverted

3.64

 c.f.s. &/or acre feet
- b. Point(s) of diversion

SW

 $\frac{1}{4}$

SW

 $\frac{1}{4}$, Section

9

 Township

12S

Range

21E

, B.M.,

Cassia

 County
Additional points

NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, Twp. 12S, Rge. 21E
- c. Description of diverting works

Deep wells, turbine pumps mainline, circular sprinkler
- d. Describe the reasons for applying for a change in the point(s) of diversion

changed location of well to be able to develop full licensed amount

2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

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	21E	9									30	25	25	30		30	30	30	200

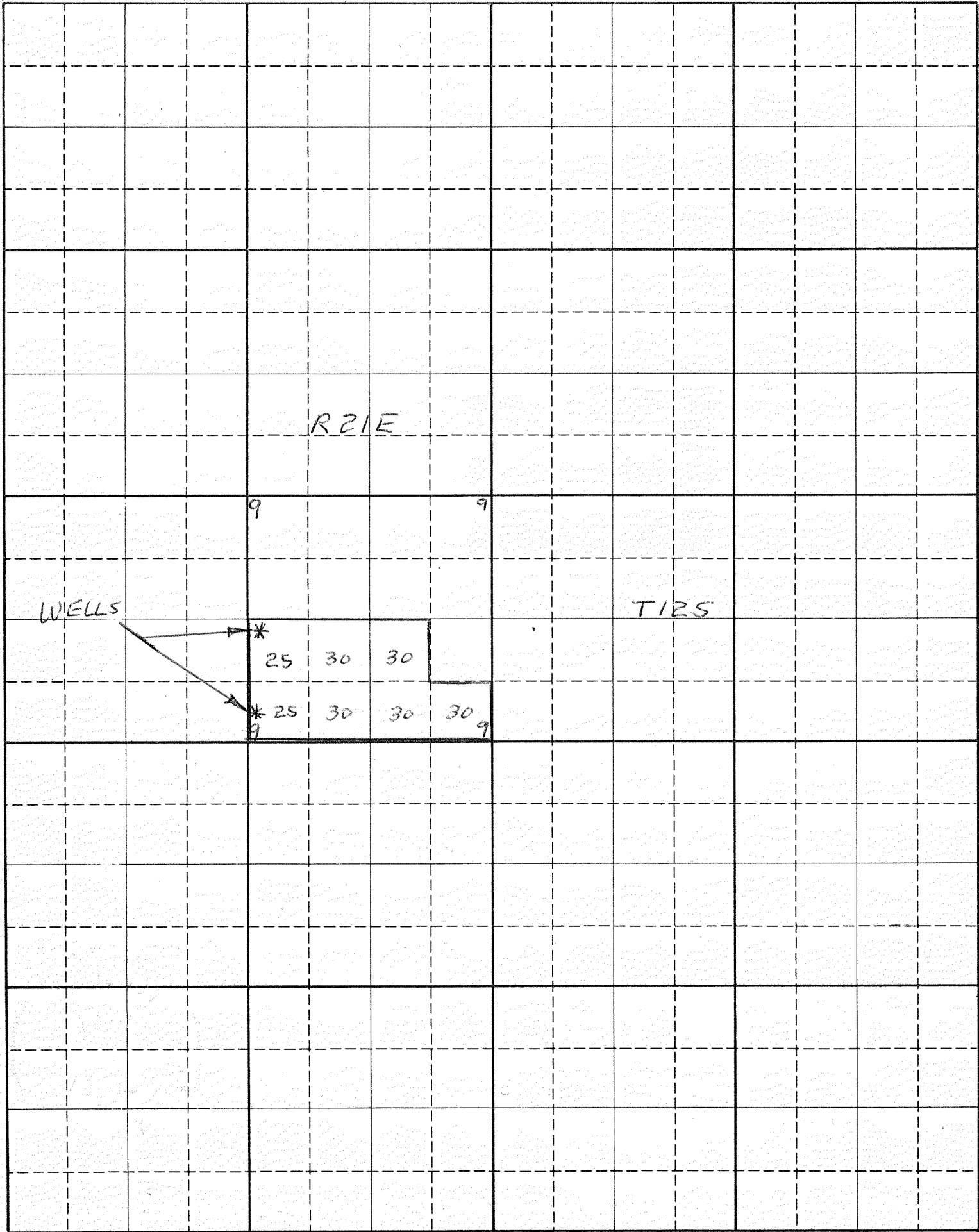
Total number of acres to be irrigated

200

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3. 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.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

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4. Remarks _____

I hereby assert that no one will be injured by such change and 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.

Ore-Ida Foods Inc.
By David L Moore
Mr. Ag. Representative
(Signature of applicant)

Subscribed and sworn to before me this 3rd day of May, 19 79.

Lyle Glen Saylor
(Notary public)

My commission expires 11-25-82

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 *sq* Date 5-3-1979
Prelim. check by *JP* Fee \$35⁰⁰ #13310
Receipted by *sq* Date 5-3-1979
Published in *South Idaho Press*
Pub. dates 5/15 & 5/22/79
Watermaster recommendation requested on _____
_____ rec'd. _____

Protest filed by _____

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

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State of Idaho
License and Certificate of Water Right

Water License No. G-26872 Amount 3.64 c.f.s.
Water District No. Priority May 1, 1957

THIS IS TO CERTIFY that MEZ McMURRAY - Assignee - ORE-IDA FOODS, Inc.
of Burley, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 1, 19 57 ; that Permit No. G-26872
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
3.64 second feet, was issued thereunder on August 9, 19 62, showing that said works
were completed on the 5th day of January, 19 62 ; and that on the 5th
day of January, 1962 ,

ORE-IDA FOODS, Inc.
of Burley, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of two wells
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-26872 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
12 of Licenses at page 7387, on the 9 day of August, 19 62 ;
The right hereby confirmed dates from May 1, 1957 ;

The Point of Diversion is located SE¹/₄SE¹/₄, SW¹/₄SW¹/₄
in the 1/4 1/4, Sec. 9, Tp. 12 S, R. 21 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 3.64 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12 S	21 E	9	NW ¹ / ₄ SE ¹ / ₄	40	40
			SW ¹ / ₄ SE ¹ / ₄	40	40
			SE ¹ / ₄ SE ¹ / ₄	40	40
			NE ¹ / ₄ SW ¹ / ₄	40	40
			SE ¹ / ₄ SW ¹ / ₄	40	40
			Total number of acres to be irrigated:		200

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
9th day of August, 19 62 .

(SEAL)

RALPH W. THOMAS
Deputy State Reclamation Engineer.

45 2549

45-2549
G-26872

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

Application No. G-34783
Permit No. G-26872
District No.

Harley M. McDowell
Box 2161
Boise, Idaho

1. Name of Applicant: MEZ MCMURRAY
Postoffice address: 1734 Oakley, Burley County: Cassia State: Idaho
2. Quantity of water claimed: 200 miner's inches
(a) Rate of withdrawal in cubic feet per second. 4.0 or Idaho
Miners' inches 200 or gallons per minute.
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the SE SE 1/4 of the SW 1/4 of Section 9
Twp. 12 S , Rge. 21 E , B.M., County of Cassia
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
(a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.
(b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.
7. Kind of works: 2 drilled wells to be cased and equipped with turbine type pumps and motors.
8. Estimated cost of works: \$15,000
9. (a) Is reservoir to be used? No
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
(b) (cubic feet per second, inches or gallons per minute) is for new lands.

Assigned to One-Ida Foodst
P.O. Box 60
Ontario
Ore

Remarks:

Idaho as herein set forth.

/s/

Date of first receipt at Department of Reclamation: 11:40 A.M., May 1, 1957

Returned to applicant for correction:

Corrected application received:

The number of this permit is G26872

Recorded in Book 95 Page 26872 Approved May 14, 1957

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

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

Work to begin on or before

and to continue diligently and uninterruptedly to completion.

unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before November 14, 1959

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

Witness my hand this 14th day of May, 1957

/s/ MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho,
and JAS. H. YOUNG, 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 14th
day of May, 1957.

Countersigned:

STATE OF IDAHO

(SEAL)

By /s/ JAS. H. YOUNG

By /s/ ROBERT E. SMYLIE

Governor

Secretary of State.

12.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
12 S	21 E	9	40	40	40	40										40		200	
ASSIGNMENT ✓ For value received, I hereby assign all my right, title, and interest in and to Permit to Appropriation Public Waters of the State of Idaho, No. G-26872 to J. O. McMURRAY of 1734 Oakley Ave., Burley, Idaho /s/ Mez McMurray Permit Holder /s/ Sadie McMurray Wife of Permit Holder State of Idaho) : ss. County of Cassia) On this 14th day of January, 1960, before me, a Notary Public for the State of Idaho, residing at Burley, Idaho, personally appeared Mez McMurray and Sadie McMurray known to me to be the person whose name is subscribed within the instrument, and duly acknowledged to me that they executed the same. In witness whereof, I have hereunto set my hand and affixed my Notarial seal, the day and year in first certificate first above written. /s/ Betty Critchfield Notary Public, residing at Burley, Idaho My commission expires Aug. 5, 1961 Received at Department of Reclamation: January 18, 1960 Recorded* January 19, 1960																			

A S S I G N M E N T

For value received, I hereby assign all my right, title, and interest in and to Permit to appropriate the Public Waters of the State of Idaho, No. G-26872 to LeFawn Grigg, 1534 Hansen Avenue, Burley, Idaho.

/s/ J. O. McMurray
Permit Holder

/s/ Virginia H. McMurray
Wife of Permit Holder

State of Idaho)
:
County of Ada)

On this 15 day of March, 1960, before me, a Notary Public for the State of Idaho, residing at Boise, Idaho, personally appeared J. O. & Virginia H. McMurray, husband and wife, known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand and affixed my Notarial seal, the day and year in this certificate first above written.

/s/ Wanek Stein
Notary Public, residing at

My commission expires 12/12/61

Recorded: March 18, 1960

A S S I G N M E N T

For value received, I hereby assign all of my right title and interest in and to Permit to appropriate the Public Waters of the State of Idaho, No. G-26872 to IDAHO INDUSTRIES, Inc., P. O. Box 474, Burley, Idaho

LeFawn Grigg
Permit Holder

Golden T. Grigg
Husband of Permit Holder

STATE OF IDAHO)
:
County of Ada)

On this 24 day of February, 1961, before me, a Notary Public for the State of Idaho, residing at Boise, Idaho, personally appeared LeFAWN & GOLDEN GRIGG, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

My commission expires 10/11/63

s/ HARLEY M. McDOWELL
Notary Public, Residing at
Boise, Idaho

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, No. G-26872

Comes now IDAHO INDUSTRIES, Inc. 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. G-26872, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 9, T. 12 S., R. 21 E., B. M., Idaho - making a total of 200 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Burley, Idaho, this 24 day of February, 1961.

IDAHO INDUSTRIES
T.
By: Golden/Grigg

Date of receipt at office of Department of Reclamation: March 1, 1961

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to the Permit to appropriate the Public Waters of the State of Idaho, No. G-26872. 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.

s/ GEO. N. CARTER
State Reclamation Engineer

Recorded March 4, 1961

Application for Amendment
POINT OF DIVERSION
Permit No. G-26872

Comes now Idaho Industries, Inc. and represents to the State Reclamation Engineer of the State of Idaho: is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G-26872. That the point of diversion are described in said Permit as being located: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, T 12 S - R 21 E., B.M., Idaho.

That he now requests that the point of diversion be changed to a point located SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, T 12 S - R 21 E., B.M., Idaho

That the reason for desiring to make such change is as follows: More feasible well site. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Burley, Idaho, this 3 day of March 1961
Idaho Industries, Inc.
/s/ Golden T. Grigg

Date of Receipt at Department of Reclamation: March 10, 1961

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, 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. G-26872. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it be a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby

/s/ GEO. N. CARTER
State Reclamation Engineer

Recorded in Book 95 of
Permits, at Page 26872
March 14, 1961

A S S I G N M E N T

For value received, I hereby assign my right, title, and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. G-26872 to Ore-Ida Foods, Inc., P. O. Box 60, Ontario, Oregon.

s. Idaho Industries, Inc.

Golden T. Grigg
Permit Holder

State of Idaho)
) ss
County of Ada)

On this ____ day of May, 1961, before me, a Notary Public for the State of Idaho, residing at Boise, Idaho, personally appeared GOLDEN GRIGG, known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

My commission expires 10/11/63
seal

Harley M. McDowell
Notary Public, Residing at
Boise, Idaho

Permit No. G-26872
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that MEZ McMURRAY - Assignee - ORE-IDA FOODS, INC. of Burley, County of Cassia, and State of Idaho, the holder of Permit No. G-26872, issued upon Application No. G-34783, bearing date of priority of May 1, 1957, authorizing the diversion of 4.0 second feet of waters of two wells, 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 3.64 second feet of the waters of two wells from subterranean flow; that the point of diversion of said waters SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 12 S., R. 21 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

200 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, T. 12 S., R. 21 E., B. M.

Witness my hand this 9th day of August, A. D. 1962.

s/ RALPH W. THOMAS,
Deputy State Reclamation Engineer

Proof of Completion of Works Made: January 5, 1962.

LICENSE ISSUED FOR 3.64 SEC. FT.

Page 7387

**STARTING
LEFT
SIDE OF
FILE**

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

ORE-IDA Foods, Inc.

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

MICROFILMED
OCT 23 2000

8/18/00

Postmark
Here

dg

Name (Please Print Clearly) (To be completed by mailer)

Street, Apt. No.; or PO Box No.

P.O. Box 10

City, State, ZIP+ 4

Boise, ID 83701

PS Form 3800, July 1999

See Reverse for Instructions

7099 3220 0006 2688 1027



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

DIRK KEMPTHORNE
GOVERNOR

August 16, 2000

KARL J. DREHER
DIRECTOR

ORE-IDA Foods, Inc.
P.O. Box 10
Boise, ID 83701

Re: Transfer No. 2313

Dear Water Right Holder(s):

The Department of Water Resources (the department) has issued the enclosed preliminary order. Pursuant to Section 67-5243, Idaho Code, it can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at (208)327-7953.

Sincerely,

Deborah Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures

Cc: Regional Office

MICROFILMED

OCT 23 2000

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the Department of Water Resources (Department) pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after a) the service date of a preliminary order, b) the service date of a denial of a petition for reconsideration from this preliminary order, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

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OCT 23 2000

RECEIVED

AUG 11 2000

Department of Water Resources

MEMO

FROM: Allen Merritt
TO: Transfer File No. 2313
In the name of: Ore-Ida Foods, Inc.

DATE: August 8, 2000

Water Right(s): 45-02549

SUBJECT: Review and Recommendation

This transfer was filed back in 1979 by Ore-Ida Foods, Inc. but never finalized. The transfer was processed without protest but held. In a recent effort to clean out old files it was pulled and reviewed. Apparently it was held due to an overlap with at that time permit 45-07068.

Since 1979 lots of things have happened. The permit has been licensed. 45-07068A appears to be the important part and it appears there is no overlap with 45-02549 as it is currently recorded. The overlap would only occur under the proposed T2313. Also the ownership of the lands has changed from Ore-Ida Foods to David Beck. I called the Cassia County Assessor today and confirmed that Beck currently owns the property.

Under the SRBA Beck is the current claimant and claims rights 45-02549 and 45-07068A as licensed without the overlap.

Recommendation

I recommend that this transfer be **Voided** since the applicant no longer owns the property.

MICROFILMED
OCT 23 2000

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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OCT 23 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: Joe Stanton

1. Right number 45-2549 Applicant ORE-IDA FOODS, INC.
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. N/A
- h. ☒ Check for expansion in use of right. Comments No expansion
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) Permit 45-7068 does not cover see memo
- j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: LZ

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* Void
See Memo 8/8/2000

4. By _____ Date _____

* All uses within Watermaster Districts require special conditions.

see memo 5-11-99

RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM

Kay Walker

NOV 12 1987

DATE

11-9-1987

TO

Loren Holmes

Department of Water Resources
Southern Region Office

SUBJECT

Rt. 45-2549 - Ore-Ida Foods, Inc.

What is the status of Transfer
#2313 ? We don't have anything
in our file but a copy of the
transfer app. filed in 1979.

MICROFILMED

OCT 23 2000

Kay

SIGNATURE

INTER-DEPARTMENT MEMO — 1

FROM

Loren Holmes

DATE

4/8/82

TO

File 45-2549 & File 45-7068

SUBJECT

Conversation with Jim Phelps, Ore-Ida Foods.

I explained the overlap to Mr Phelps & suggested that
The license on 45-7068 be issued with a Condition
That no more than .02 cfs Per Acre be diverted on
overlapping lands - to which he agreed.

He also provide proof of ownership of the lands
affected by the transfer.

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OCT 23 2000

LH

SIGNATURE



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans

Governor

A. KENNETH DUNN

~~XXXXXXXXXXXX~~
Director

1041 Blue Lakes Blvd. North

Twin Falls, Idaho 83301

(208) 734-3578

March 4, 1982

Ore-Idaho Foods, Inc.
P. O. Box 10
Boise, Idaho 83701

Re: Application for Amendment 45-7068
Application for Transfer of Water Right No. 45-2549

Gentlemen:

In reviewing our files, I find that we are holding an application for transfer of water right, License 45-2549, filed in this office May 3, 1979. Copies of the application and permit 45-7068, with which it is associated are enclosed.

It appears that two items need to be resolved before the Department can take further action on the application.

- 1) A showing that the applicant either has title to the land from which the water right is to be removed or has title to the water right itself, must be submitted for inclusion in the file.
- 2) The question of what to do about an overlap with permit 45-7068 which would result from the transfer needs to be resolved.

The transfer application proposes to remove license 45-2549 from a portion of the land on which it was originally licensed and make it appurtenant to 50 acres within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T12S, R21E. This land is also described as part of the place of use under Permit 45-7068, and the change would result in more than the statutory maximum of .02 cfs per acre of total water rights on the 50 acre tract.

A licensing examination on Permit 45-7068 is pending, so if you desire, you may request that the license not be issued on the overlapping 50 acres. Another option would be to amend Permit 45-7068 to change the overlapping acreage to some other land irrigated under the same water system.

Please advise this office of your wishes regarding the overlapping water rights and submit the necessary supporting information for the transfer application. We will continue to hold your application awaiting your reply.

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OCT 23 2000

Page 2
March 4, 1982

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

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

Encl:

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OCT 23 2000

SOUTH IDAHO PRESS
BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
STATE OF IDAHO) ss.

JANET PARKER being first
duly sworn, deposes and says that She is the

CLERK 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 two
consecutive weeks, commencing with the issue

dated 5/15 1979, and ending
with the issue dated 5/22, 1979

Janet Parker
Subscribed and sworn to before me

this 24 day of May
1979.

Ray Woods Notary Public
Cost of Publication 13.53
Notary Fee 13.53
Total Cost 13.53

RECEIVED

MAY 25 1979

Department of Water Resources
Southern District Office

79-129

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
NO. 45-2549

Notice is hereby given that Ore-Ida Foods, Inc.,
of Boise, Idaho, has applied to the Department of
Water Resources for a change of the point of
diversion and place of use of the waters of a
ground water source. The right sought to be
changed is evidenced by License No. 45-2549 and
is recorded as follows:

Amount: 3.64 cfs, Priority: May 1, 1957, Point
of Diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, Twp.
12S, Rge. 21E, B.M., Cassia County.

The water is used for the irrigation of 200 acres
within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, Twp. 12S, Rge. 21E.

TO BE CHANGED AS FOLLOWS

The applicants proposed to divert 3.64 cfs
within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, Twp.
12S, Rge. 21E, B.M. The water will be used on 200
acres described within the SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, Twp. 12S, Rge.
21E.

Any protest against the approval of the above
proposed change of the water rights must be filed
with the Idaho Department of Water Resources,
1041 Blue Lakes Blvd. North, Twin Falls, Idaho
83301, on or before June 11, 1979.

C. STEPHEN ALLRED
Director

Published in the South Idaho Press on May 15
and 22, 1979.

MICROFILMED
OCT 23 2000

May 9, 1979

South Idaho Press
Box 190
Burley, Idaho 83318

Re: Notice of Proposed Change of Water Right No. 45-2549 - Ore Ida Foods, Inc.

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. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

MICROFILMED

OCT 23 2000

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 45-2549

Notice is hereby given that Ore-Ida Foods, Inc., of Boise, Idaho, has applied to the Department of Water Resources for a change of the point of diversion and place of use of the waters of a ground water source. The right sought to be changed is evidenced by License No. 45-2549 and is recorded as follows:

Amount: 3.64 cfs

Priority: May 1, 1957

Point of Diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, Twp. 12S, Rge. 21E, B.M.,
Cassia County.

The water is used for the irrigation of 200 acres within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, Twp. 12S, Rge. 21E.

TO BE CHANGED AS FOLLOWS

The applicants propose to divert 3.64 cfs within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, Twp. 12S, Rge. 21E, B.M. The water will be used on 200 acres described within the SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, Twp. 12S, Rge. 21E.

Any protest against the approval of the above proposed change of the water rights must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301, on or before June 11, 1979.

C. STEPHEN ALLRED
Director

Published in South Idaho Press May 22 and May 29, 1979.

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OCT 23 2000

INTER-DEPARTMENT MEMO --- 1

FROM Jim Stanton

DATE 5-8-79

TO File

SUBJECT Overlap Between Transferred License 45-2549 & Amended Permit 45-7068

As approved as filed, the transfer of License 45-2549 will overlap with Permit 45-7068 in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 9 T. 12S R. 21E. The 50 acres on the transferred license is now covered by the permit so that said 50 acres will have about 1 $\frac{1}{2}$ "/acre if the permit is licensed as now filed. Permit should be adjusted at licensing time to avoid this overlap.

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OCT 23 2000



SIGNATURE

MEMORANDUM

Date: April 21, 1995
From: Jim Johnson
To: File
Subject: Application for Transfer no. 2313

=====

In reviewing right 45-07068 for licensing I discovered copy of an application for transfer filed on right 45-02549 that had not yet been approved. I called Jim Stanton in southern region and he confirmed that the original was still in the file and that final regional office review was not complete.

The apparent reason for delay was a lack of showing of ownership of the water right and conflicting overlap with permit 45-07068. Jim did find, in his file, a telecon memorandum written by Loren Holmes that Loren had been contacted by the applicant and that Loren was satisfied the applicant's showing of proof of ownership. However, the overlap question was not addressed in the file.

The conflicting water right overlap in the transfer right 45-02549 was with permit 45-07068 also being described on the same land. Before the transfer could be processed further the place of use needed to be changed to remove the overlap. To date this has not been done. Once the transfer had been change it would have to be re-advertized. I see no reason not to proceed with changing the place of the proposed transfer, re-advertize it and send it to the state office for approval.

I recommend amending the place of use identified on right 45-02549 to the NE1/4 of Section 9.

5-14-99
Transfer 2313 still pending
at Southern Region office.
New property owners, Corey
Spinner will pursue a
withdrawal from One Ada.
CB

AUG 09 1995

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OCT 23 2000

(Copy from file 45-07068)

OK 68

RECEIVED

APR 3 1990

RECEIVED

APR 2 1990

Department of Water Resources

Department of Water Resources
Southern Region Office

The drilling permit for this well
deepening job was obtained by:

JAMES E. PHELPS

MANAGER

COMPANY FARMS & TRANSPORTATION

ORE-IDA FOODS, INC.

P.O. Box 10

BOISE, IDAHO 83707

This was obtained in the Boise office by
Mr. Phelps.

In filing this report I find that
the legal description is wrong.

The one on this report is correct for the well.

Rex A. Weck

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OCT 23 2000

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name CARE-IDA FOODS, INC.
P.O. BOX 10
Address BOISE, IDAHO 83707
DAILING PERMIT # 45-89-Z-005
Owner's Permit No. A 45-02549 OK

2. NATURE OF WORK

☐ New well ☒ Deepened ☐ Replacement
☐ Well diameter increase
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____
Thickness _____ inches Diameter _____ inches + _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
Was casing drive shoe used? ☐ Yes ☐ No
Was a packer or seal used? ☐ Yes ☐ No
Perforated? ☐ Yes ☐ No
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation _____ inches by _____ inches
Number _____ From _____ To _____
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
Well screen installed? ☐ Yes ☐ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth _____ Material used in seal: ☐ Cement grout
☐ Bentonite ☐ Puddling clay ☐ _____
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing
☐ Overbore to seal depth
Method of joining casing: ☐ Threaded ☐ Welded ☐ Solvent
Weld
☐ Cemented between strata
Describe access port _____

7. WATER LEVEL

Static water level 340 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ OF. Quality _____
Describe artesian or temperature zones below.

8. WELL TEST DATA

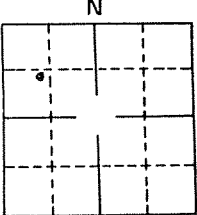
☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
12	920	945	REDDISH-BROWN RHYOLITE		
	945	965	FIRM TAN CLAY, STICKY		
	965	981	BLACK RHYOLITE		
	981	1090	FIRM TAN CLAY, SOME GRAVEL		
	1090	1097	COARSE GRAVEL AND CLAY-FIRM		
	1097	1125	FIRM REDDISH-BROWN CLAY		
	1125	1130	CRUMBLY BLACK ROCK		
	1130	1183	TAN CLAY-THIN GRAVEL STRATAS		
	1183	1190	TAN + RED SHALE, MIXED		
	1190	1238	TAN SHALE-THIN GRAVEL STRATAS		
	1238	1302	FIRM MULTI-COLORED SHALE		
	1302	1368	TAN SHALE - GRAVEL STRATAS		
	1368	1374	REDDISH-BROWN SHALE		
	1374	1410	FIRM GRAVEL, SOME SHALE		
	1410	1424	TAN - BROWN SHALE, STICKY		
10	1424	1458	RED + BLACK RHYOLITE - BROKEN		
	1458	1464	MULTI-COLORED RHYOLITE - BROKEN		
	1464	1475	HARD, BROKEN RHYOLITE VERY ABRASIVE STALLED OUT OPEN HOLE		

6. LOCATION OF WELL

Sketch map location must agree with written location.

County _____
Subdivision Name _____
Lot No. _____ Block No. _____
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OCT 23 2000

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.
Firm Name WEECH WELL DRILLING Firm No. 210
Address BURLEY, IDAHO Date 3/3/90
Signed by (Firm Official) Rexa Weech
and
(Operator) SAME

Department of Water Resources

Work started 12/4/89 finished 2/28/90

SW 1/4 NW 1/4 Sec. 10, T. 12, S. 12 R. 21 W. 1

August 9, 1962

Re: Permit No. G-26872
 G-28579

Ore-Ida Foods, Inc.
Box 474
Burley, Idaho

Gentlemen:

Enclosed are Certificates of Completion of Works and
Licenses and Certificates of Water Right issued on the above
numbered permits.

Also enclosed is departmental receipt No. G-7242 in
the amount of \$36.00 covering fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. certificates (4)
receipt

26872

August 2, 1962

Re: Permit No. G-26872; G-28579

Vannoss Anderson, Vice-President
Ore-Ida Foods, Inc.
Box 474, Burley, Idaho

Dear Mr. Anderson:

Returned herewith is your check in the amount of \$54.00 which is supposed to be the statutory fees for certificates under permits shown above, with your photo copies of the two letters. No amendment was received under Permit No. G-26872. At bottom of the letter in regard to that permit, the fees are shown as \$15.00 if the land is restricted to that shown on the permit.

The total fee, without amendments, is \$15.00 plus \$21.00 or \$36.00. The total fee, with one amendment is \$33.00, plus \$1.00, plus \$21.00 or \$55.00.

Kindly return a check for the proper amount, so we will be sure what you desire.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. check \$54.00

26872

State of Idaho
DEPARTMENT OF RECLAMATION

Boise, Idaho

July 27, 1962

Re: Permit No. G-26872

Vanness Anderson, Vice President
Ore-Ida Foods, Inc.
Box 474
Burley, Idaho

Dear Mr. Anderson:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-26872 shows the well^s is (are) capable of conveying 182 miner's inches, or 3.64 c.f.s. of water for the irrigation of 521 acres.

Upon receipt of the statutory fees, totaling \$ 33.00, which consists of a Completion of Works fee of \$5.00 and License and Certificate of Water Right fee of \$28.00 - based at the rate of \$2.00 for each 40-acre subdivision - we will issue the Certificate of Completion of Works and the License and Certificate of Water Right confirming the right, with priority of May 1, 1957 to the use of 3.64 second feet of subterranean water with the point of diversion in the SW¹/₄, SE¹/₄, Sec. 9 for irrigation of 521 acres in the SE¹/₄, NW¹/₄, SW¹/₄, SE¹/₄, Sec. 9, T. 12 S., R. 21 E., B.M.

Since your permit does not include the S¹/₂NE¹/₄, NW¹/₄, W¹/₂SW¹/₄, NE¹/₄SE¹/₄, Sec. 9 it will be necessary to amend the land list on the permit if you want the extra land included in the license. Complete the enclosed form, submit it with the above mentioned statutory fees, plus an additional fee of \$1.00 for recording the amendment, to this office and the Certificate of Completion of Works and License and Certificate of Water Right will be issued as shown above.

If you do not want the extra land included, the statutory fees will total \$15.00 and the land list will be restricted to the lands shown on the permit which are actually irrigated.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. amendment form

26872

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-26872

Ore-Ida Foods, Inc.
Box 474, Vanness Anderson Vice-Pres.
Burley, Idaho

REPORT ON PROOF OF Completion of Works & Beneficial Use

26872

77.1
77.7
77.8

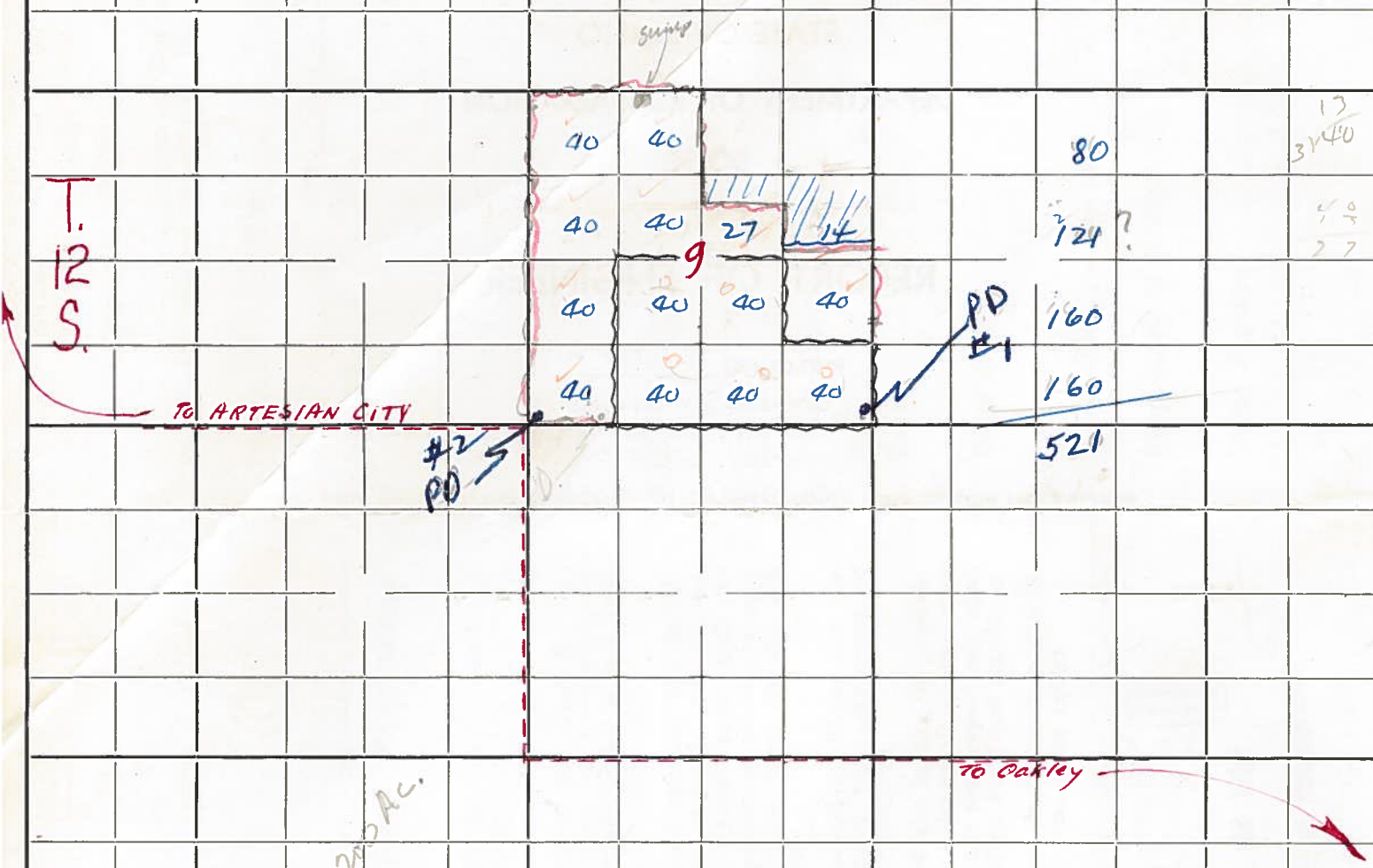
#1 3 Rev. 4 Min 14 Sec.

$$\begin{array}{r} 240 \\ 250 \overline{) 300} \end{array} \quad 1.18 \times 105 = 1.24 \text{ or } 62 \text{ inches}$$

#2 5 Rev. 3 Min 24 Sec.

$$\begin{array}{r} 60 \\ 180 \\ 24 \overline{) 300} \end{array} \quad 2.45 \times 98 = 2.40 \text{ or } 120 \text{ inches}$$

R.-21E.



$$\begin{array}{r} \#1 = 1.24 \times 62 \\ \#2 = 2.40 \times 120 \\ \hline 3.64 \times 182 \end{array}$$

Subdivisions

AREA

Q

5
14

521

3.64 cfs or 182 inches

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-26872This proof is for Completion of Works & Beneficial Use In Water District No. _____1. Name of applicant Ore-Idaho Foods, Inc., Vanness Anderson, Vice Pres., Burley, Idaho2. Source of water supply: subterranean3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9T. 12 S. R. 21 E. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: #1 100 HP US Motor #1129631, Layne-Barker Pump #25239 (675 GPM @ 475' @ 1720 RPM) 8" discharge reduced to 6" OD steel pipe 550' south into open ditch. #2 - 200 HP GE Motor #TTJ617001, Layne Barker Pump #27375 (1200 GPM @ 480' @ 1770 RPM) 10" discharge East into open ditch.

5. Water is used for: irrigation6. 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):

S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, T. 12 S., R. 21 E., B. M.

Amend land list to include S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, & NE SE SEC 9, 12S, 21E.

No Amend

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

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

Remarks: Mr. Jake Huxby and Le Page Layton - Ditch Riders alongMeasured by Sparling Meter. #1 3 Rev 4 Min 14 Sec.#2 5 Rev 3 Min 24 Sec.This examination was made on the 12th day of July, 1962

(Signed)

Loren Johnson

Examiner.

26872

Ore-Ida Foods, Inc.
Vanness Anderson, Vice-Pres.
Box 474, Burley, Idaho
Permit No. G-26872

Completion of Works
Examination for and Beneficial Use

County Cassia

Sec. 9 T. 12S R. 21E 1/4

Quantity: 4.0 c.f.s.

Source: Wells

SE, SE, } Sec. 9, T. 12S. - R. 21E 1/4
P.D.: SW, SW, }

Use: Irrigation

Filed: May 1, 1957

Due: May 14, 1962

Extension:

Completion of Works:

Other Rights: none

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
JUL 24 1962

Department of Reclamation

26872

January 23, 1962

Re: Permit No. C-26872, C-28802, C-28850,
C-28851, C-28852

Ore-Ida Foods, Inc.
Box 474
Burley, Idaho

Continuation:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Harald-Bulletin, all submitted in proof of completion of works and beneficial use on Permit No. C-26872, C-28802, C-28850, C-28851, C-28852

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

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR: ~~mt~~

cc. Harley M. McDowell

26872

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-26872

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. Ore-Ida Foods, Inc.; Box 474, Burley, Idaho; frozen food processing; postoffice address, same. by Wanness Anderson, vice-president.

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. See above.

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

Ans. Permit G-26872; date of permit 5/14/57; date of priority, 5/1/57.

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

Ans. 2 drilled wells. SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T12S-R21E., B.M., Idaho.

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 of diversion consist of well in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, 1095' deep, 200' static water level Cased 200' with 20" casing. produces 125", equipped with 200 hp pump & mtr. with 10" column. Well in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 9, 1500' deep, water stands 210', equipped with 100 hp pump & mtr. with 8" column. Cased 100' with 20" casing. Produces 60". Tested with test pump. These pump directly into a canal which disperses the water to the place of use.

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. This is all cultivated land and all improvements were made as a direct result of said use. Water is used for the irrigation of the following described lands: T12S-R21E, Sec. 9, SW $\frac{1}{4}$ SE $\frac{1}{4}$, 39 acres; SE $\frac{1}{4}$ SE $\frac{1}{4}$, 39 acres; NW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres; SE $\frac{1}{4}$ SW $\frac{1}{4}$, 39 acres; NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres.

Ques. 6-a If this is a ground water permit, give name and address of person that drilled the well.

Ans. E. T. McClure, Kimberly, Idaho.

26872

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. All the water now being used is necessary for this purpose.

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. Original holder Mez McMurray. Permit acquired by assignment.

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

Ans. Water has been used completely on the place of use. Development was started in 1957 and has been continuous.

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. None.

Ore-Ida Foods, Inc.

(Sign) By.

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 5th day of January, A. D. 19 62,

Harley M. McDowell
Harley M. McDowell

My commission expires 10/11/63

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-26872

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. Albert Schaufelberger; age, 46; residence, Burley, Idaho; occupation, manager, Idaho Power Co., Burley District; postoffice address, 2200 Conant Drive, Burley, Idaho.

Ques. 2. Are you acquainted with Ore-Ida Foods, Inc. by Vanness Anderson, the holder of Permit No. G-26872? How long have you known him and where does he reside?

Ans. I have known him 6 years and know he resides in Burley, Idaho.

Ques. 3. Have you read or heard read said Permit No. G-26872, 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. Source of water is two points of diversion, one in SE $\frac{1}{4}$ SE $\frac{1}{4}$ and one in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T12S-R21E., B.M., Ida. Well in SW $\frac{1}{4}$ SW $\frac{1}{4}$ is 1095' deep, cased 200'; well in SE $\frac{1}{4}$ SE $\frac{1}{4}$ is 1500' deep cased 100'. Water is placed in a canal and distributed to place of use.

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 works will safely convey 200" of water. I have seen about 185" 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. 185" total. This is an estimate from my past experience.

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. Irrigation only. All cultivated land and all improvements made as a direct result of said use. Lands irrigated are as follows: 40 acres in each of the subdivisions of S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, T12S-R21E., B.M., Ida.

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. Land is silty clay loam. All water being used is necessary.

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. Development has been started in 1957 and has been continuous. As manager of the Burley office of Idaho Power Co. I have serviced and installed these pumps and checked the equipment numerous times and have seen the water being put to beneficial use.

(Signed) _____

Albert Schaufelberger

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 5th day of January, A. D. 1962.

Harley M. S. Jewell

Notary Public.

My commission expires 10/11/63

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-26872

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. Phyllis Butterfield; age, 47; residence Heyburn, Idaho; occupation, accountant; postoffice address, Heyburn, Idaho.

Ques. 2. Are you acquainted with Ore-Ida Foods, Inc. by Vanness Anderson, the holder of Permit No. G-26872? How long have you known him and where does he reside?

Ans. I have known him 6 years. He resides at Burley, Idaho.

Ques. 3. Have you read or heard read said Permit No. G-26872, 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. Pts. of diversion are SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T12S-R21E., B.M., Ida. These wells are drilled to 1095' and 1500' and are cased 200' and 100'. Well in SW $\frac{1}{4}$ SW $\frac{1}{4}$ is equipped with 200 hp pump and well in SE $\frac{1}{4}$ SE $\frac{1}{4}$ with 100 hp pump. Distribution is through a canal.

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. 200". I have seen about 185" 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. 185". This is an estimate from having seen the production of other pumps.

26872

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. This water is used for irrigation. There is no natural meadow land and all improvements have been made as a direct result of said use. Lands irrigated are as follows: all the land in S¹/₄SE¹/₄, NW¹/₄SE¹/₄, E¹/₂SW¹/₄, Sec. 9, T12S-R21E.

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. This is a lava ash soil, very fertile when cultivated. All the water being used is necessary for profitable 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. 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 have seen this development since it started in 1957. I have seen it several times per year.

(Signed)

Phyllis Butterfield

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 5th day of January, A. D. 1962

Henry M. Samuel

Notary Public.

My commission expires 10/11/63

LEGAL NOTICE

NOTICE OF PROOF OF COMPLETION OF WORK

and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 3:30 P.M. on the 5th day of January, 1962, at Boise, County of Ada, State of Idaho, before Harley M. McDowell, Notary Public, at 329 Idaho Bldg., Boise, Idaho, proof will be submitted of the completion of works for the diversion of 4.0 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-26872, 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 is Ore-Ida Foods, Inc., P.O. Box 60, Ontario, Oregon.

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 is 4.0 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 4.0 cubic feet per second.

4. The point of diversion of said water is SE1/4SE1/4, SW1/4SW1/4, Sec. 9, T12S-R21E., B.M., Idaho.

5. The place where said water is used is SE1/4SE1/4, NW1/4SE1/4, E1/2SW1/4, Sec. 9, T12S-R21E., B.M., Idaho.

6. The date of priority which said user is prepared to establish is May 1, 1957.

GEO. N. CARTER
State Reclamation Engineer
Published in Herald Bulletin
Dec. 8, 15, 22, 29, 1961.

Affidavit of Publication

The Herald-Bulletin

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

COUNTY OF CASSIA

ss.

Carl Jones, first being duly sworn, deposes and says: That he is the printer of The Herald-Bulletin, a daily newspaper published at Burley in the County of Cassia, State of Idaho; that the said newspaper has a general circulation in said county, and that the said newspaper is published daily and has been continuously and uninterruptedly published in said county, not less frequently than once a week, during a period of seventy-eight consecutive weeks immediately prior to the first publication of the printed notice herein referred to;

That said newspaper at all times herein mentioned, has been a newspaper of general circulation, made up of at last four pages of at least five columns each, printed from typed matter or stereotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for 4 consecutive weeks, commencing with the issue dated Dec 8, 1961, and ending with the issue dated Dec 29, 1961.

Subscribed and sworn to before me this 2 day of Jan, 1962.

Charity Nelson
Notary Public in and for the State of Idaho
Residing at Burley, Idaho

26872

December 4, 1961

Re: Permit No. G-26872; G-28402; G-28403; G-28550
G-28551; G-28552; G-28553; G-28578
G-28579; G-28580; G-28741; G-29078
G-29523; G-29536; G-29541; G-29542
Ore-Ida Foods, Inc.

The Burley Herald
Burley, Idaho

Gentlemen:

To date we have not received tear sheets or copies on the above numbered permits, which notice of publication was mailed to you on November 17th.

Would you please mail such copies to this office as soon as possible for checking purposes.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

H. PETRI
Water Rights Clerk

HP:ew

26872

1200
6-28-61

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Re: Permit No. G-26872
Ore-Ida Foods, Inc.

Date: Nov. 17, 1961

The Herald,
Burley, Idaho

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **January 5, 1962** the date set for proof; the expense of the publication is to be paid by the ~~applicant~~

Idaho Land and Appraisal Service of **Box 2161, Boise, Idaho** to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the first publication.**

Very truly yours,



GEO. N. CARTER
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.

26872

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

November 17, 1961

DEPOSITIONS ARE OF NO VALUE

UNLESS AFFIDAVIT OF PUBLICATION

IS ATTACHED

Re: Permit No. **G-26872**
~~Cresida Foods, Inc.~~

Mr. Harley M. McDowell,
Box 2161
Boise, Idaho.

Dear Mr. McDowell:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. **G-26872**, in the name of ~~Cresida Foods, Inc.~~ Final Proof is to be made before you, as Notary on the 5th day of January, 1962, at 3:30 o'clock p.m., at 329 Idaho Bldg., Boise, Idaho.

As of this date we have mailed the Notice to the Herald, Burley, Idaho with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions, (Holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

Rule
(Mrs.) Edna F. Rutledge
Chief Clerk

Encl.

EPR:Pk
cc: Applicant

26872

A2 ILO-14
(Rev., April, 1960)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Land Office
P. O. Box 2237
Boise, Idaho

RECEIVED
AUG 8 1961
Department of Reclamation

August 2, 1961

Memorandum

Burley

To: District Manager,

From: Manager, Land Office, Boise, Idaho

Subject: Land status changes

The following action has been taken and noted on the status records in the BLM Land Office:

<u>Serial No.</u>	<u>Name</u>	<u>Action Taken</u>
I- <u>011352</u>	<u>LeFawn Grigg</u>	<u>T. 12 S., R. 21 E., Sec. 9.</u>
		<u>Application withdrawn in</u>
		<u>entirety. Case closed.</u>

Donald I. Bailey
Manager

26872

Permit G-26872

RECEIVED
JAN 11 1961
Department of Reclamation

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

Notice is hereby given that at 3:30 P. M., on the 5th day of January 1962, at Boise, County of Ada, State of Idaho, before Harley M. McDowell, Notary Public, at (address) 329 Idaho Bldg. Boise, Idaho, proof will be submitted of the completion of works for the diversion of 4.0 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-26872, 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 is Ore-Ida Foods, Inc., PO Box 60, Ontario, Oregon
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 is 4.0 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 _____ cubic feet per second.
4. The point of diversion of said water is S1SE1, SW1SW1, Sec. 9, T12S-R21E, B.M., Ida.
5. The place where said water is used is S1SE1, NW1SE1, E1SW1, Sec. 9, T12S-R21E, B.M., Ida.
6. The date of priority which said user is prepared to establish is 5/1/57

Geo. H. Carter
State Reclamation Engineer

26872

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 27, 1961

(P. O.) Burley, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

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

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

Lewis Co.
Ore-Ida Foods, Inc.

by Harley W. Macbrugh, agent

IDAHO LAND & APPRAISAL SERVICE WILL GUARANTEE PAYMENT OF PUBLICATION. PLEASE SEND STATEMENT AND AFFIDAVIT TO US AT PO BOX 2161, BOISE, IDAHO.

(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.

26872

May 22, 1961

RE: G-25766, G-26872, G-27069, G-27935, G-28466,
G-28550, G-28551, G-28552, G-28553, G-28554,
G-28578, G-28579, G-28580, G-28588, G-28589,
G-28741, G-28892, G-29069, G-29078, G-29091,
G-29523, G-29536, G-29537, G-29541, G-29542

Harley M. McDowell
Box 2161
Boise, Idaho

Dear Mr. McDowell:

Enclosed are assignments on the above numbered permits to Ore-Ida Foods, Inc. The assignments have been recorded in this office.

Departmental receipts G-5943, \$4.00; G-5944, \$6.00; G-5945, \$6.50; G-5946, \$4.00, covering the fees for recording the permits, have been mailed to you.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. assignments

26872

April 27, 1961

RE: Permit No. G-26872
Idaho Industries, Inc.

Benoit & Benoit
Attorneys
Twin Falls Bank & Trust Building
Twin Falls, Idaho

Attention: Edward L. Benoit

Dear Mr. Benoit:

In answer to your letter of April 26, 1961, Permit No. G-26872 has been assigned to Idaho Industries, Inc. The permit shows points of diversion in the SE $\frac{1}{4}$ ST $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, Township 12 South, Range 21 East.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Deputy State Reclamation Engineer

RWT:mr

26872

RECEIVED

APR 27 1961

Department of Reclamation

LAW OFFICES
BENOIT & BENOIT
TWIN FALLS BANK & TRUST BLDG.
TWIN FALLS, IDAHO

HARRY BENOIT
EDWARD L. BENOIT

April 26, 1961

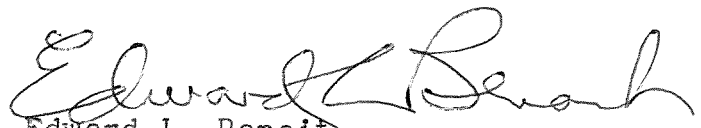
State Reclamation Engineer
State House
Boise, Idaho

Dear Sir:

Please advise permit number of well in Southeast Quarter of the Southeast Quarter of Section Nine, Township Twelve South, Range Twenty-one E.B.M. in Cassia County. The applicant is McMurray Land and Livestock Company of Burley.

Very truly yours,

BENOIT & BENOIT


Edward L. Benoit

ELB:elm

G-26465 Assignee
26872 Idaho Industries, Inc.

PD SE¹/₄ SE¹/₄, SW⁴ SW⁴ Sec. 9 - 12 S - 21 E

26872

March 14, 1961

RE: Permit No. G-26872
Idaho Industries

Harley M. McDowell
Box 2161
Boise, Idaho

Dear Mr. McDowell:

Enclosed is amendment to the point of diversion on Permit No. G-26872 in the name of Idaho Industries which has been recorded in this office.

Also enclosed is departmental receipt No. G-5762 in the amount of \$1.00 for the fee for recording the amendment.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. amendment
receipt

26872

Application for Amendment

POINT OF DIVERSION

Permit No. G-26872

RECEIVED
MAR 10 1961

Department of Reclamation

Comes now Idaho Industries, Inc. and
represent s to the State Reclamation Engineer of the State of Idaho:

That he is (~~xxx~~) the owner and holder of Permit to appropriate the Public
Waters of the State of Idaho, No. G-26872.

are
That the point_s of diversion ~~is~~ described in said Permit as being located:

SE1/4, SE1/4, Section 9, T 12 S - R 21 E., B.M., Idaho.

That he now requests that the point of diversion be changed to a point
located: SE1/4, SW1/4, Section 9, T 12 S - R 21 E., B.M., Idaho

That the reason for desiring to make such change is as follows:

More feasible well site.

That no one will be injured by such change, and that such change will be made
at Permit Holder's own risk.

Signed at Burley, Idaho, this 3 day of March 1961

Idaho Industries, Inc.

By. Golden T. May

Date of Receipt at Department Of Reclamation: March 10, 1961

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, 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. G-26872. 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.

Recorded in Book 95 of
Permits, at Page 26872
March 14, 1961

Geo. N. Carter
State Reclamation Engineer

26872

March 6, 1961

Re: Permits No. G-26872; G-28550; G-28551; G-28552; G-28553;
G-28554; G-28588; G-28589; G-28892; G-29069
G-29078 - Idaho Industries, Inc.

Permits No. G-28990; G-28993-G-28994 - Cottonwood Canal Co.

Mr. Harley M. McDowell
P. O. Box 2161
Boise, Idaho

Dear Mr. McDowell:

We enclose the completed assignments and amendments
on the above numbered permits to the Idaho Industries, Inc. and
Cottonwood Canal Co., which have been recorded in this office.

Receipt No. G-5735 is enclosed covering the fees
of \$21.00.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

cc: Idaho Industries, Inc.
P. O. Box 474, Burley, Idaho

Cottonwood Canal Co.
P. O. Box 474, Burley, Idaho

Enc. assignments and amendments

26872

APPLICATION FOR AMENDMENT

PERMIT TO APPROPRIATE THE PUBLIC WATERS

OF THE STATE OF IDAHO, No. . G-26872

Comes now Idaho Industries, Inc. , 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. . G-26872 . . . , and requests that the list of lands to be irrigated,
as described in said permit, be changed to read as follows:

. S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sect. 9
. T. 12 S. - R. 21 E., B.M., Idaho
.
.
.
.
.
.
. making a total of . 200 acres.

That an additional amount of water is not asked for, and that the rights of others
will not be adversely affected by such change.

Signed at . . . Burley, Idaho . . this . . . 24 day of . . February . . 19 61
Idaho Industries, Inc.

By. . . *Gail H. Carter* . . .

Date of receipt at office of Department of Reclamation

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, 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. 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.

26872 *Gail H. Carter*

February 10, 1961

RE: Permit No. G-26872
License G-26213

King, Miller, Anderson, Nash & Yerke
Attorneys and Counselors at Law
American Bank Building
Portland 5, Oregon

Gentlemen:

Enclosed is departmental receipt No. G-5661 in the amount of
\$3.50 for the fee for making copies of Water License No. G-26213
and Permit No. G-26872.

The copies were mailed to you previously.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. receipt

26872

February 10, 1961

Re: Permit No. G-26872
License G-26213

King, Miller, Anderson, Nash & Yerke
Attorneys and Counselors at Law
American Bank Building
Portland 5, Oregon

Gentlemen:

Enclosed herewith are copies of the permit and Water License which fit as far as the points of diversion and only partially as to the land to be irrigated.

The fee for the copy of Water License is \$1.50 and the fee for the copy of the Permit is \$2.00 or a total of \$3.50. You enclosed a check for \$3.00. Kindly remit the \$0.50 due.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

RT:
EPR:ew

Enc. license & permit

26213
26872

26872



ROBERT E. SMYLLIE
Governor

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
GEO. N. CARTER, STATE RECLAMATION ENGINEER
BOISE

RECEIVED
FEB 1 0 1961
Department of Reclamation

February 7, 1961

Re: Permit No. G-26872
License G-26213

RECEIVED
FEB 8 1961
ANS'D

King, Miller, Anderson, Nash & Yerke
Attorneys and Counselors at Law
American Bank Building
Portland 5, Oregon

Gentlemen:

Enclosed herewith are copies of the permit and Water License which fit as far as the points of diversion and only partially as to the land to be irrigated.

The fee for the copy of Water License is \$1.50 and the fee for the copy of the Permit is \$2.00 or a total of \$3.50. You enclosed a check for \$3.00. Kindly remit the \$0.50 due.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By: *Edna P. Rule*
(Mrs.) Edna P. Rule
Chief Clerk

PLEASE RECEIPT
AND RETURN

RT:
EPR:ew

Enc. license & permit

26872

December 6, 1956

Re: Permit Nos. 24268, 21775, (25691)

Mr. J. N. Marshall, Assistant Loan Agent
John Hancock Mutual Life Insurance Co.
Hasbrouck Building
Idaho Falls, Idaho

Dear Mr. Marshall,

In answer to your letter of October 4, 1956 in which you state:

"In checking our records recently regarding permits we are interested in as mortgagee, we found that several cases had a situation where the proof of completion of works and beneficial use of water have been made but the field inspection was lacking. In the meantime the date for filing such proof had passed.

We assume there is no danger of cancellation of these permits. However, we wish to have you verify this fact."

The Department of Reclamation makes field inspections in connection with all permits before issuing licenses. Field inspections are made subsequent to receiving proofs in this Department. Due to the numerous inspections to be made, there is quite a delay in some instances where a license is held up after proofs have been submitted by the Permit holder awaiting the field inspection report.

Providing the Permit holder completes the requirement of fulfilling the terms of the Permit, and files with the Department, Completion of Works and also Beneficial Use Proof, a permit cannot be cancelled by the Department except where fraud is evident.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:nls

24268
25691

February 7, 1961

Re: Permit No. G-26872
License G-26213

King, Miller, Anderson, Nash & Yerke
Attorneys and Counselors at Law
American Bank Building
Portland 5, Oregon

Gentlemen:

Enclosed herewith are copies of the permit and Water License which fit as far as the points of diversion and only partially as to the land to be irrigated.

The fee for the copy of Water License is \$1.50 and the fee for the copy of the Permit is \$2.00 or a total of \$3.50. You enclosed a check for \$3.00. Kindly remit the \$0.50 due.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

RT:
EPR:ew

Enc. license & permit

26872

March 18, 1960

RE: Permit No. G-28374
Willis Whittle
G-26872
J. O. McMurray

Harley M. McDowell
Box 2161
Boise, Idaho

Dear Mr. McDowell:

Enclosed are assignments of the above mentioned permits which have been recorded in this office.

Also enclosed is departmental receipt No. G-4705 in the amount of \$1.00 for payment of the .50 recording fee for each of the assignments.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr
Enc. assignments
receipt

26872

25

January 19, 1960

RE: Permit No. G-26872
Mez McMurray

Harley M. McDowell
Box 2161
Boise, Idaho

Dear Mr. McDowell:

Enclosed is the assignment of Permit No. G-26872 to J. O. McMurray from Mez McMurray. Also enclosed is departmental receipt No. G-4568 for payment of the \$.50 fee for recording the assignment.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR:mr
cc to J. O. McMurray
1734 Oakley Ave., Burley, Idaho
Enc. assignment
receipt

26872

RECEIVED
MAY 31, 1957
Department of Reclamation

Application for Amendment

POINT OF DIVERSION

Permit No. G-25784

Comes now J. O. Knudson
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. G-25784.

That the point of diversion is described in said Permit as being located:

NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, Township 17 North, Range 3 E.B.M.

That he now requests that the point of diversion be changed to a point located: N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 15 Township 17 North Range 3 E.B.M.

That the reason for desiring to make such change is as follows:

Mistake in Application

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at McCall this 28 day of May, 1957

/s/ J. O. Knudson

Date of Receipt at Department of Reclamation: May 31, 1957

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. G-25784. 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.

/s/ Mark R. Kulp

State Reclamation Engineer

Recorded in Book _____ of
Permits, at Page _____
_____, 196

J 25784

February 10, 1961

RE: Permit No. G-26872
License G-26213

King, Miller, Anderson, Nash & Yerke
Attorneys and Counselors at Law
American Bank Building
Portland 5, Oregon

Gentlemen:

Enclosed is departmental receipt No. G-5661 in the amount of
\$3.50 for the fee for making copies of Water License No. G-26213
and Permit No. G-26872.

The copies were mailed to you previously.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr
Enc. receipt

26213
26872

May 27, 1957

Re: Permit No. G-26872
Mez McMurray

Harley M. McDowell
Box 2161
Boise, Idaho

Dear Sir:

We enclose Permit No. G-26872 together with two copies, one of which is certified, in the name of Mez McMurray and 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. G-2594 issued as receipt of payment of the \$3.75 filing fee and \$2.00 for the extra copies.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:lw
Encls.

26872

NAME OF APPLICANT Mez. ~~WKE~~ McMurray

Form No. 0

T 12 S - R 21 E., B.M.

Sec 9

well

well

Permit Map No. 9-26872
As Approved MAY 14 1957
MARK R. KULP
State Reclamation Engineer

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

26872

NOTICE OF PROOF OF
COMPLETION OF WORK

APPLICATION OF WATER TO
BENEFICIAL USE

Notice is hereby given that at 3:30 P.M., on the 5th day of January, 1962, at Boise, County of Ada, State of Idaho, before Harley M. McDowell, Notary Public, at 329 Idaho Bldg., Boise, Idaho, proof will be submitted of the completion of works for the diversion of 4.0 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-26872, 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 is Oreda Foods, Inc., P.O. Box 60, Ontario, Oregon.

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 is 4.0 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 4.0 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 9, T12S-R21E, B.M., Idaho.

5. The place where said water is used is SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 9, T12S-R21E, B.M., Idaho.

6. The date of priority which said user is prepared to establish is May 1, 1957.

GEO. N. CARTER
State Reclamation Engineer
Published in Herald Bulletin
Dec. 8, 15, 22, 29, 1961.