

# **STARTING LEFT SIDE OF FILE**

SCANNED  
MAR 05 2008

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4384  
WATER RIGHT NO(S). 45-02406/45-02661

This is to certify that: **ANDERSON FARMS INC**  
**RT 2 BOX 2431**  
**BURLEY ID 83318**

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| Right No. 45-02406 :  |                      |                       |                      |
| IRRIGATION            | 04/01 to 10/31       | 1.87 CFS              | 480.0 AF             |
| Priority: 02/11/1952  |                      |                       |                      |
| Right No. 45-02661 :  |                      |                       |                      |
| IRRIGATION            | 04/01 to 10/31       | 0.82 CFS              | 276.0 AF             |
| Priority: 07/11/1961  |                      |                       |                      |
| TOTAL:                |                      | 2.69 CFS              | * 720.0 AF           |

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 28, Township 13S, Range 23E  
CASSIA County

Right No. 45-02406 :

PLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 13S                              | 23E        | 28         | NWSW 40      |              |              | 40           |
|                                  |            | 29         | SENE 40      | NESE 40      |              | 80           |
| Total number of acres irrigated: |            |            |              |              |              | * 120        |

Right No. 45-02661 :

PLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 13S                              | 23E        | 28         | NESW 30      | NWSW 9       | SWSW 30      | 69           |
| Total number of acres irrigated: |            |            |              |              |              | * 69         |

CONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 45A.

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TRANSFER NO. 4384  
WATER RIGHT NO(S). 45-02406/45-02661

CONDITIONS/REMARKS:

2. A totalizing measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
4. The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- \* 8. Right Nos. 45-02406 and 45-02661 are limited to a combined total of 180 irrigated acres and a combined total diversion volume of 720.0 af in a single irrigation season.

Dated this 2<sup>nd</sup> day of September, 1994.

J. Glen Saylor  
Chief, Water Alloc. Bureau

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Total acres \* 180

**PART 1**

6. General Information:

a. Description of diversion system Well (existing old hole), pump to be installed,  
mainline to sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes N/A No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:  
N/A

d. Remarks:

**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\_\_\_\_.

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**PART 2****A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 45-02406

STAGE: **DECREED**

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| IRRIGATION            | to                   | 1.87 CFS              |
| DOMESTIC              | to                   |                       |
|                       | Totals               | 1.87 CFS              |

SOURCE

GROUNDWATER

Priority: 02/11/1952

LOCATION OF POINT(S) OF DIVERSION:NWSE , Sec. 3, Township 14S, Range 23E  
CASSIA CountyPLACE OF USE: IRRIGATION

| <u>TWN RGE SEC</u> | <u>ACRES</u> | <u>ACRES</u>                     | <u>ACRES</u> | <u>TOTAL</u> |
|--------------------|--------------|----------------------------------|--------------|--------------|
| 13S 23E 28         | NWSW 40      |                                  |              | 40           |
| 29                 | SENE 40      | NESE 40                          |              | 80           |
|                    |              | Total number of acres irrigated: |              | 120          |

PLACE OF USE: DOMESTIC, same as IRRIGATION useCONDITIONS/REMARKS:RECORDED  
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**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
 in case of \_\_\_\_\_ vs. \_\_\_\_\_  
 dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. 45-02406 issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other \_\_\_\_\_

3. Source of water Groundwater tributary to \_\_\_\_\_

4. Date or priority 2-11-1952

5. Water is used for the following purpose:

amount 1.87 cfs for Irrig. purposes from 4-1 to 10-31  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for Dom. purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

6. Total amount of water under right 1.87 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | ¼ | ¼         | ¼         | Sec.     | Twp.       | Rge.       | County        | Local name for diversion |
|-----|---|-----------|-----------|----------|------------|------------|---------------|--------------------------|
|     |   | <u>NW</u> | <u>SE</u> | <u>3</u> | <u>14S</u> | <u>23E</u> | <u>Cassia</u> |                          |
|     |   |           |           |          |            |            |               |                          |
|     |   |           |           |          |            |            |               |                          |

8. Lands irrigated or place of use:

| Twp.       | Rge.       | Sec.      | NE ¼ |      |      |           | NW ¼ |      |      |      | SW ¼      |           |           |      | SE ¼      |      |      |      | Totals.   |
|------------|------------|-----------|------|------|------|-----------|------|------|------|------|-----------|-----------|-----------|------|-----------|------|------|------|-----------|
|            |            |           | NE ¼ | NW ¼ | SW ¼ | SE ¼      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼      | NW ¼      | SW ¼      | SE ¼ | NE ¼      | NW ¼ | SW ¼ | SE ¼ |           |
| <u>13S</u> | <u>23E</u> | <u>28</u> |      |      |      |           |      |      |      |      | <u>36</u> | <u>40</u> | <u>36</u> |      |           |      |      |      | <u>40</u> |
|            |            | <u>29</u> |      |      |      | <u>40</u> |      |      |      |      |           |           |           |      | <u>40</u> |      |      |      | <u>80</u> |
|            |            |           |      |      |      |           |      |      |      |      |           |           |           |      |           |      |      |      |           |
|            |            |           |      |      |      |           |      |      |      |      |           |           |           |      |           |      |      |      |           |
|            |            |           |      |      |      |           |      |      |      |      |           |           |           |      |           |      |      |      |           |
|            |            |           |      |      |      |           |      |      |      |      |           |           |           |      |           |      |      |      |           |

Total acres 120

9. Describe any other water rights used for the same purpose as described above 45-02661, 0586, 0587, 0588

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

No If yes, describe \_\_\_\_\_

### B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | 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 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

### C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | 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 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

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## PART 2

TRANS NO. 4384

## A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 45-02661

STAGE: DECREED

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| IRRIGATION            | 03/15 to 11/15       | 0.82 CFS              |

SOURCE

GROUNDWATER

Priority: 07/11/1961

LOCATION OF POINT(S) OF DIVERSION:SWSE , Sec. 28, Township 13S, Range 23E  
CASSIA CountyPLACE OF USE: IRRIGATION

| <u>TWN</u>                       | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 13S                              | 23E        | 28         | NESW 30      | NWSW 9       | SWSW 30      | 69           |
| Total number of acres irrigated: |            |            |              |              |              | 69           |

CONDITIONS/REMARKS:

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 4384

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 2

(Attach one copy for each right)

## A. DESCRIPTION OF RIGHT AS RECORDED

## 1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. 45-02661 issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

## 2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☐ Other \_\_\_\_\_3. Source of water Groundwater tributary to \_\_\_\_\_4. Date or priority 7-11-1961

## 5. Water is used for the following purpose:

amount 0.82 cfs for Irrig. purposes from 3-15 to 11-15  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 0.82 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     | SW  | SE  | 28   | 13S  | 23E  | Cassia |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

## 8. Lands irrigated or place of use:

| Twp. | Rge. | 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 |        |
| 13S  | 23E  | 28   |        |        |        |        |        |        |        |        | 30     | 9      | 30     |        |        |        |        |        | 69     |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 699. Describe any other water rights used for the same purpose as described above 45-02406, 0586, 0587, 0588

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

No

If yes, describe \_\_\_\_\_

### B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | 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 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

### C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

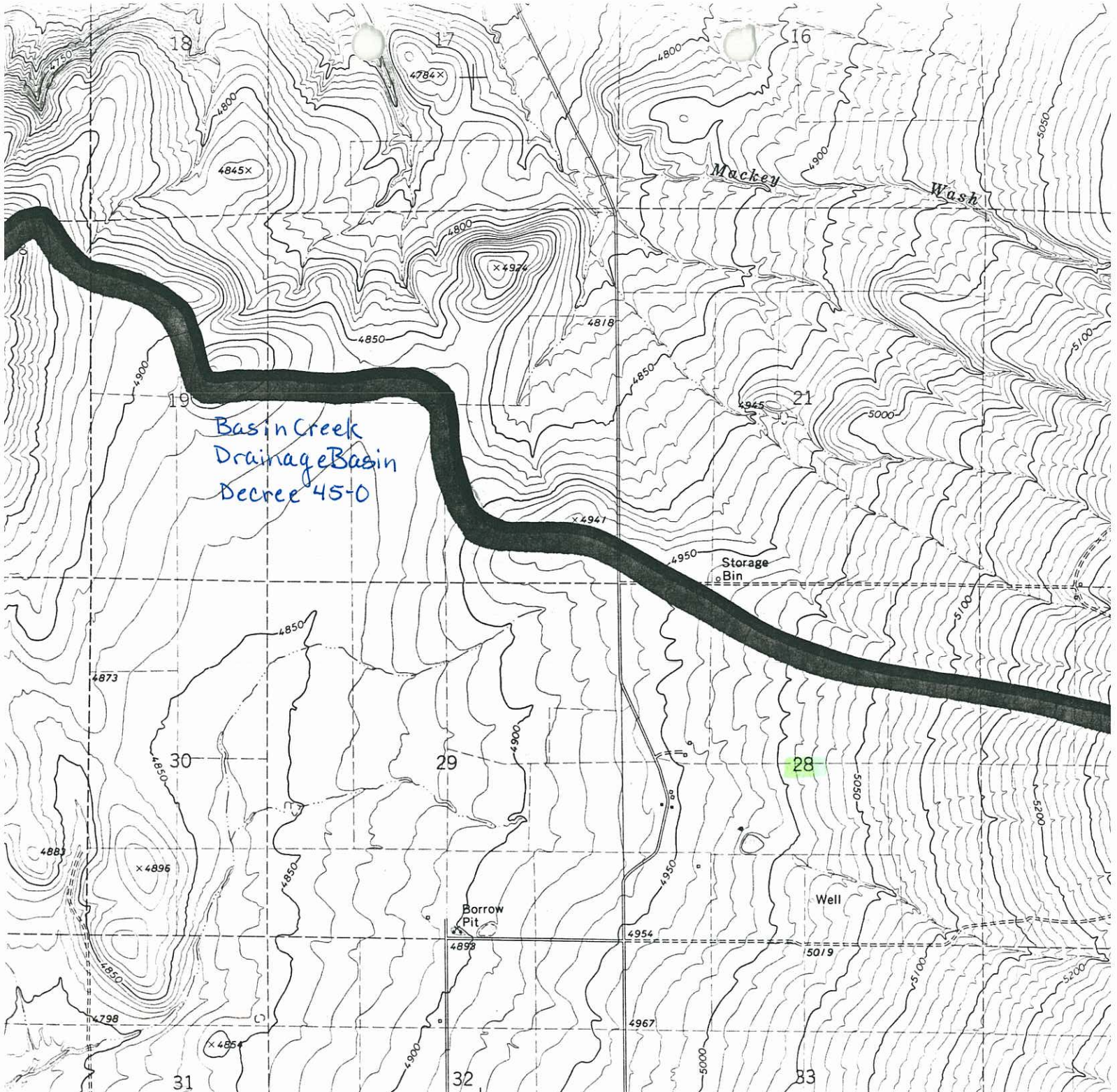
| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | 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 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

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Total acres \_\_\_\_\_



2 E. (BASIN) R. 23 E. 3268 III NE  
SCALE 1:24000  
0 1 MILE  
2000 3000 4000 5000 6000 7000 FEET  
0 1 KILOMETER

CONTOUR INTERVAL 10 FEET  
DATUM IS MEAN SEA LEVEL



ROAD CLASSIFICATION  
Secondary highway, all weather, Light-duty road  
hard surface ————— improved surf  
Unimproved road, fair or dry weather - - - - -  
○ State Route

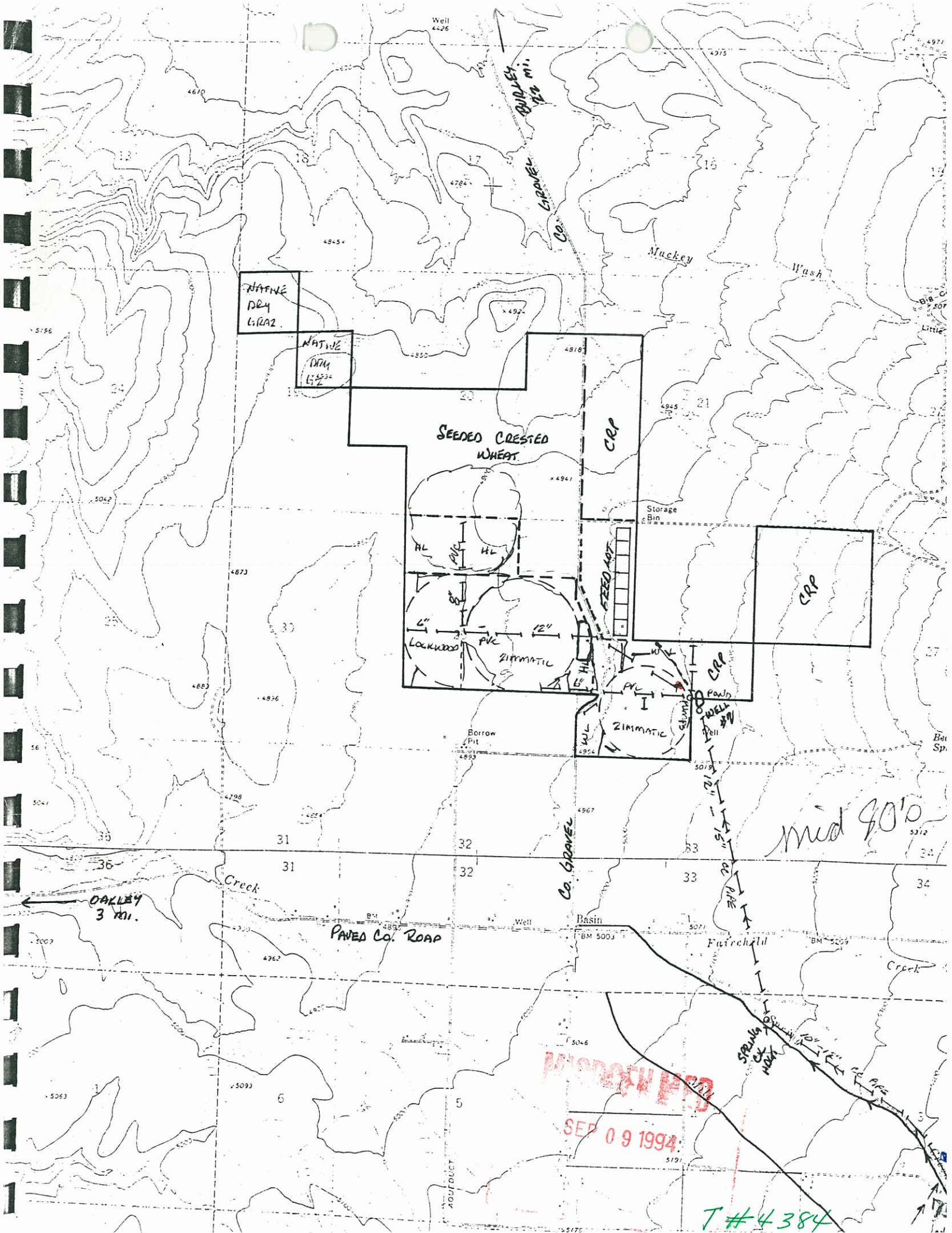
MARION  
SEP 09 1994

MARION  
N4215-

CONFORMS WITH NATIONAL MAP ACCURACY STANDARDS  
PUBLISHED BY THE U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D. C. 20242  
A COMPLETE LIST OF MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

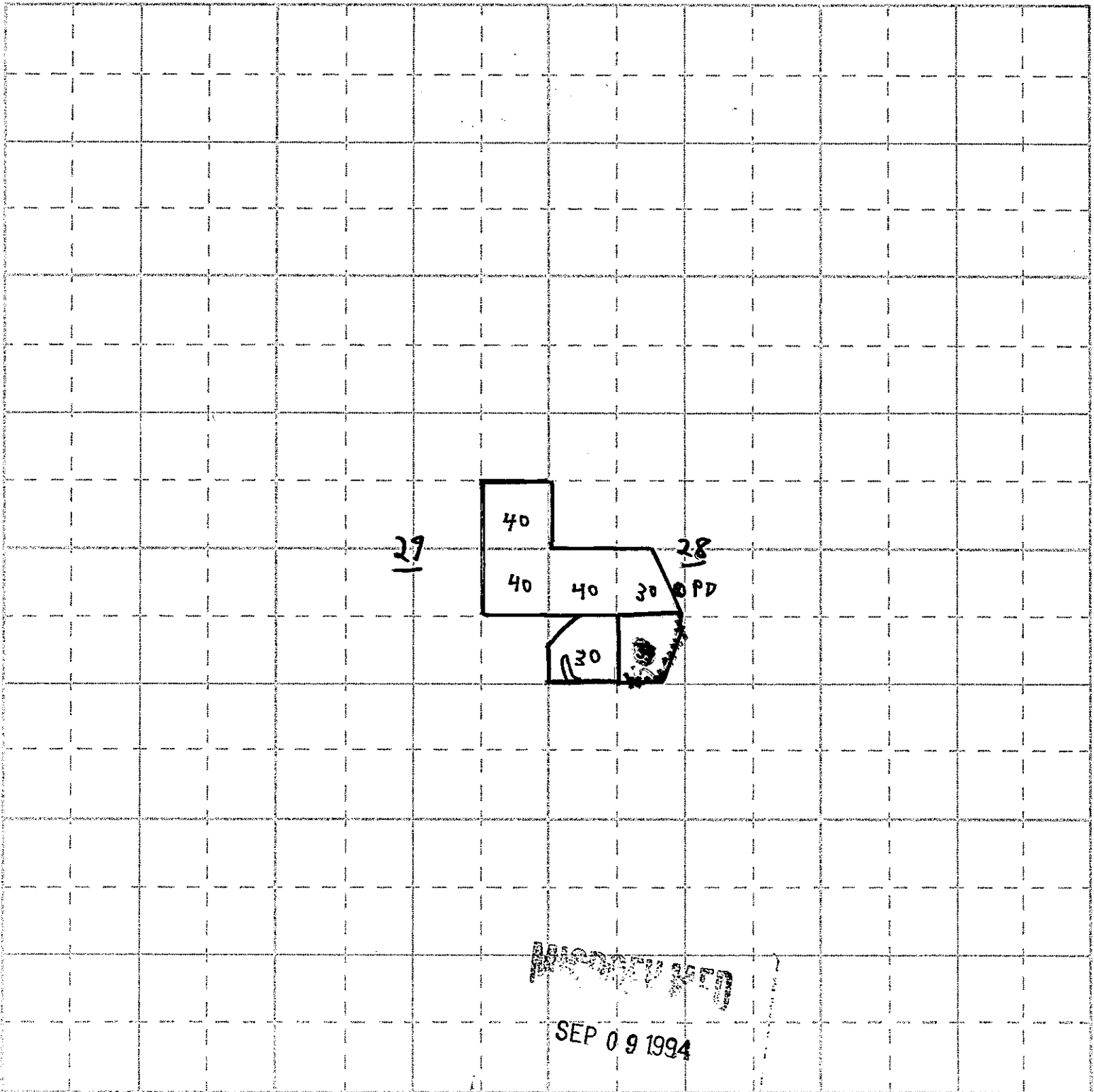
T#4384

AMS 3268 IV



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

**A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**



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**PART 3****B. CHANGES IN NATURE OF USE**

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use  |
|---|-------------------|-----------------------|-----------------|----------------|
|   |                   |                       |                 | _____ to _____ |
|   |                   |                       |                 | _____ to _____ |

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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 willful misrepresentations made in this application may result in voiding its approval.

[Signature]  
(Signature of Applicant)

Subscribed and sworn to before me this 11<sup>th</sup> day of March, 19 94.

Mary A. Baldwin  
(Notary Public)

My commission expires 10/16/1998

**FOR DEPARTMENT USE ONLY**

Transfer contains 8 pages and 6 attachments

Received by J. F. Stanton Date 3-11-94 Protest filed by None

Prelim. check by MTS Fee \$50.00 5016631

Receipted by [Signature] Date 3-14-94

Published in So. Cal. Press Copies of protest forwarded by N/A

Pub. dates 7/25 + 8/1/94 Hearing held by N/A Date \_\_\_\_\_

Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by [Signature]

Copy of transfer sent to lien holder \_\_\_\_\_

**RECEIVED**  
SEP 6 1994

**RECEIVED**

**JUN 15 1994**  
Department of Water Resources  
Southern Region Office

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

| WP                                    | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|---------------------------------------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|                                       |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 35                                    | 23E   | 20   |     |     |     |     |     |     |     |     |     |     | 33  |     |     | 33  |     |     | 66     |
|                                       |       | 28   |     |     |     |     |     |     |     | 29  | 32  | 35  | 37  |     |     |     |     |     | 133    |
|                                       |       | 29   |     | 33  | 33  | 40  | 33  |     |     | 33  | 33  |     |     | 40  | 33  |     |     |     | 278    |
|                                       |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 477    |
|                                       |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
| 35                                    | 23E   | 28   |     |     |     |     |     |     |     | 30  | 40  | 30  |     |     |     |     |     |     | 100    |
|                                       |       | 29   |     |     |     | 40  |     |     |     |     |     |     |     | 40  |     |     |     |     | 80     |
|                                       |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 180    |
|                                       |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
| 135                                   | 23E   | 28   |     |     |     |     |     | 4   |     | 30  | 37  | 30  |     |     |     |     |     |     | 101    |
|                                       |       | 29   |     |     |     | 20  |     |     |     |     |     |     |     | 39  | 15  |     |     |     | 74     |
|                                       |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
| Total number of acres to be irrigated |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 477    |

Analysis: <sup>GW Decreed</sup> Licenses + <sup>surface</sup> decrees cover 199 acres.

System presently irrigates 477 acres. = 140% increase

Licensed 2.69 cfs from groundwater.

Decreed 3.5 cfs from Basin Cr. drainage.

0.65"/ac. for 477 ac. available at maximum flow.

SEP 09 1994

T # 4384

230174

FOR VALUE RECEIVED, H &amp; E INC., an Idaho Corporation

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto ANDERSON FARMS, INC., an Idaho Corporation  
Address: Rt. #2, Box 2431, Burley, Idaho 83318  
grantee, the following described real estate, to-wit:

AUG 26 1994

Department of Water Resource  
Southern Region Office

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

TOGETHER WITH all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto.

SUBJECT TO:

SEE ATTACHED EXHIBIT "B"

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, and their heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this 8<sup>th</sup> day of April, 1994

H &amp; E INC., an Idaho Corporation

By: Robert L. Bedke  
Robert L. Bedke

PRESIDENT

ATTEST: Carol L. Bedke

CAROL L. BEDKE

SECRETARY

STATE OF IDAHO

County of Cassia

On this 8<sup>th</sup> day of April, 1994  
before me, a Notary public in and for said State, personally

appeared ROBERT L. BEDKE  
CAROL L. BEDKE

known to me to be the President and Secretary of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation and acknowledged to me that such corporation executed the same

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

TERRY ROBERTS  
NOTARY PUBLIC  
STATE OF IDAHO

Residing at Burley, Idaho

My Commission Expires 11-30-97

Idaho

My commission expires

6-30-97

Burley

SEP 09 1994

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

- Section 19: Lot 1 (NW $\frac{1}{4}$ NEX) and the SE $\frac{1}{4}$ NEX  
Section 20: SE $\frac{1}{4}$ NEX; SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$  and the SE $\frac{1}{4}$ SW $\frac{1}{4}$   
Section 21: SW $\frac{1}{4}$ NW $\frac{1}{4}$ ; W $\frac{1}{4}$ SW $\frac{1}{4}$   
Section 28: W $\frac{1}{4}$ NW $\frac{1}{4}$ ; W $\frac{1}{4}$ SW $\frac{1}{4}$ ; NE $\frac{1}{4}$ SW $\frac{1}{4}$  and the NW $\frac{1}{4}$ SE $\frac{1}{4}$  EXCEPT the following described parcel:

Beginning at the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 28, said point marked by a 5/8 inch rebar; thence South 0°02' East (Basis of Bearing) along section line for 10.70 feet to a 1/4 inch rebar which shall be the Point of Beginning; Thence South 88°40'47" East for 490.61 feet to a 1/4 inch rebar on centerline of a county road; Thence South 54°52'09" West along said county road centerline for 599.47 feet to a 1/4 inch rebar on section line; Thence North 0°02' West along said section line for 356.36 feet to the Point of Beginning.

EXCEPTING THEREFROM the following described parcel of land:

Beginning at the Southwest corner of said Section 28, said corner marked by a 5/8" rebar; Thence North 0°02'00" West along section line for 1316.56 feet to a 1/4" rebar, said rebar lying South 0°02'00" East for 10.70 feet from the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; Thence South 88°40'07" East for 313.96 feet to a 1/4" rebar which shall be the Point of Beginning; Thence North 00°37'13" East for a distance of 1348.96 feet to a 1/4" rebar; Thence South 89°27'28" East for a distance of 183.99 feet to a 1/4" rebar on the approximate centerline of a county road; Thence South 21°47'38" East along the approximate centerline of said county road for a distance of 324.41 feet to a 1/4" rebar; Thence South 11°13'53" East along the approximate centerline of said county road for a distance of 217.58 feet to a 1/4" rebar; Thence South 01°32'50" East along the approximate centerline of said county road for a distance of 123.16 feet to a 1/4" rebar; Thence South 13°07'24" West along the approximate centerline of said county road for a distance of 614.48 feet to a 1/4" rebar;

-Continued-

SEP 09 1994

Thence South 22°54'21" West along the approximate centerline of said county road for a distance of 124.91 feet to a 1/2" rebar;  
Thence North 88°40'07" West for a distance of 176.65 feet to the Point of Beginning.

Section 29: ~~NE~~, ~~N~~~~X~~~~SE~~, ~~E~~~~N~~~~W~~ and the ~~NE~~~~X~~~~SW~~

PARCEL NO. 2:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 28: ~~SE~~~~X~~~~SW~~

PARCEL NO. 3:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 27: ~~W~~~~X~~~~N~~~~W~~

Section 28: ~~E~~~~X~~~~NE~~

PARCEL NO. 4:

Easement for Well, Ditch, and/or Pipeline as created in Instrument No. 153543, between Edward McIntosh and Alta McIntosh, husband and wife, and H & E, an Idaho corporation, dated July 17, 1983 and recorded July 27, 1983 as Instrument No. 153543 on Film No. 158, records of Cassia County, Idaho, on, under and across the following lands:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 28: A parcel of land formed with a radius of 20 feet with the center thereof being the well owned by H & E and together with a strip of land 30 feet in width from said well North to the North boundary line of the ~~SW~~~~X~~~~SE~~ of said Section 28, and extending South to the South boundary line of said Section 28.

PARCEL NO. 5:

An Easement for the purpose of conveying water from a well located in Section 3, Township 14 South, Range 23 East of the Boise Meridian, as created in Instrument entitled Joint Use, Operation and Maintenance Agreement, between Tommy C. Gorringer, Carl Gorringer & Sons, a partnership and H & E, Inc., an Idaho corporation, dated July 12, 1983 and recorded July 20, 1983 as Instrument No. 153544 on Film No. 158, records of Cassia County, Idaho, on, under and across the following lands:

RECORDED

SEP 09 1994

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 33: SWXSEX, SEXSEX

TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 34: NWXNW, SWXNW, SEXNW, NWXSEX

Section 41: NEXNEX

PARCEL NO. 6:

A permanent and perpetual easement and right of way to construct, reconstruct, operate, remove, repair and maintain an underground irrigation pipeline, as created in Instrument entitled Easement from Oakley Highway District, to H & E, Inc., an Idaho corporation, dated July 17, 1983 and recorded July 20, 1983 as Instrument No. 153545 on Film No. 158, records of Cassia County, Idaho, in, over, across and through the following described property:

(a) A thirty (30) foot strip of ground extending East and West across the public road that exists or that may exist between the Northeast Quarter Southeast Quarter (NEXSEX) of Section 29, Township 13 South, Range 23 East, Boise Meridian, and the Northwest Quarter Southwest Quarter (NWXSW) of Section 28, Township 13 South, Range 23 East, Boise Meridian.

(b) A Thirty (30) foot strip of ground extending North and South across the public road that exists or may exist in the Southwest Quarter Southeast Quarter (SWXSEX) of Section 33, Township 13 South, Range 23 East, Boise Meridian.

PARCEL NO. 7:

Easement for the purpose of installing, maintaining, repairing and/or replacing a pipeline for the purpose of conveying water, as created in Instrument entitled Easement for Pipeline, between LeRoy Fairchild, a single man, Ruth Fairchild, a widow, and H & E Inc., an Idaho corporation, dated July 12, 1983 and recorded July 20, 1983 as Instrument No. 153546 on Film No. 158, records of Cassia County, Idaho, on, under and across the following lands:

TOWNSHIP 13 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 28: SEXSW

Section 33: NWXNEX, SWXNEX, NWXSEX

MICROFILMED

SEP 09 1994

EXHIBIT "B"

Taxes subsequent to the year 1993, a lien, but not yet due or payable.

Power Line Easement from Herschel Bedke and Ethel Bedke, his wife, to Idaho Power Company, a corporation, dated May 24, 1961, recorded July 5, 1961, as Instrument No. 2378 on Film No. 7, records of Cassia County, Idaho, granting to said corporation a right of way and easement for erection and maintenance of an electric transmission line over and across the SW~~1~~NW~~1~~ of Section 28, Township 13 South, Range 23, East Boise Meridian. (Parcel No. 1)

Power Line Easement from H & E. Inc., to Idaho Power Company, a corporation, dated October 19, 1977, recorded January 20, 1978, as Instrument No. 104348 on Film No. 114, records of Cassia County, Idaho, granting to said corporation a right of way and easement for erection and maintenance of an electric transmission line over and across the NW~~1~~SW~~1~~ of Section 28, Township 13 South, Range 23, East Boise Meridian. (Parcel No. 1)

Effect, if any, of Assignment of Mineral, Oil and Gas, and/or Geothermal Resource Lease(s) with Acceptance and Assumption attached, from Steven W. Davis and Karen M. Davis, spouse, to Bridger Energy Associates, dated November 24, 1981 and recorded March 11, 1982 as Instrument No. 141700 on Film No. 148, records of Cassia County, Idaho. (Affects the E~~1~~NW~~1~~ of Section 28, Township 13 South, Range 23 E.B.M. and additional property not included herein)

Terms and Conditions contained in Easement for Well, Ditch and/or Pipeline between Howard McIntosh, contracting as and with his sole and separate property, and H & E, Inc., an Idaho corporation, dated July 17, 1983, and recorded July 20, 1983, as Instrument No. 153543, on Film No. 158, records of Cassia County, Idaho. (Parcel No. 1)

Terms and Conditions contained in Joint Use, Operation and Maintenance Agreement between Tommy C. Gorringer, a married man, contracting with his sole and separate property, and Carl Gorringer & Sons, a partnership, and H & E, Inc., an Idaho corporation, dated July 12, 1983, and recorded July 20, 1983, as Instrument No. 153544 on Film No. 158, records of Cassia County, Idaho. (Parcel No. 1)

Terms and Conditions contained in Easement between Oakley Highway District, and H & E, Inc., an Idaho corporation, dated July 17, 1983, and recorded July 20, 1983, as Instrument No. 153545 on Film No. 158, records of Cassia County, Idaho. (Parcel No. 1)

-Continued-

SEP 09 1994

Terms and Conditions contained in Easement for Pipeline between LeRoy Fairchild, a single man, and Ruth Fairchild, a widow, and H & E, Inc., an Idaho corporation, dated July 12, 1983, and recorded July 20, 1983, as Instrument No. 153546 on Film No. 158, records of Cassia County, Idaho. (Parcels No. 1 & 2)

Any loss or damage by reason of the failure of the spouse of Tommy C. Gorringer to join in the execution and acknowledgement of Joint Use, Operation and Maintenance Agreement dated July 12, 1983 and recorded July 20, 1983 as Instrument No. 153544 on Film No. 158, records of Cassia County, Idaho.

Lack of right of access to and from the land. Right of access to and from the land, if any, is not established of record and assurance of such right of access is excluded from coverage. Lot 1 (NW $\frac{1}{4}$ NEX) and SE $\frac{1}{4}$ NEX of Section 19; W $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 27; and E $\frac{1}{2}$ NEX of Section 28, all in Township 13 South, Range 23 East of the Boise Meridian.

LAND TITLE & RECORDS  
REQUEST OF  
257  
J. M. JENSEN  
RECORDER  
FEE DEPUTY  
LAND TITLE & RECORDS  
SEP 08 1983

230174

RECORDED

SEP 09 1994

SEP 09 1994

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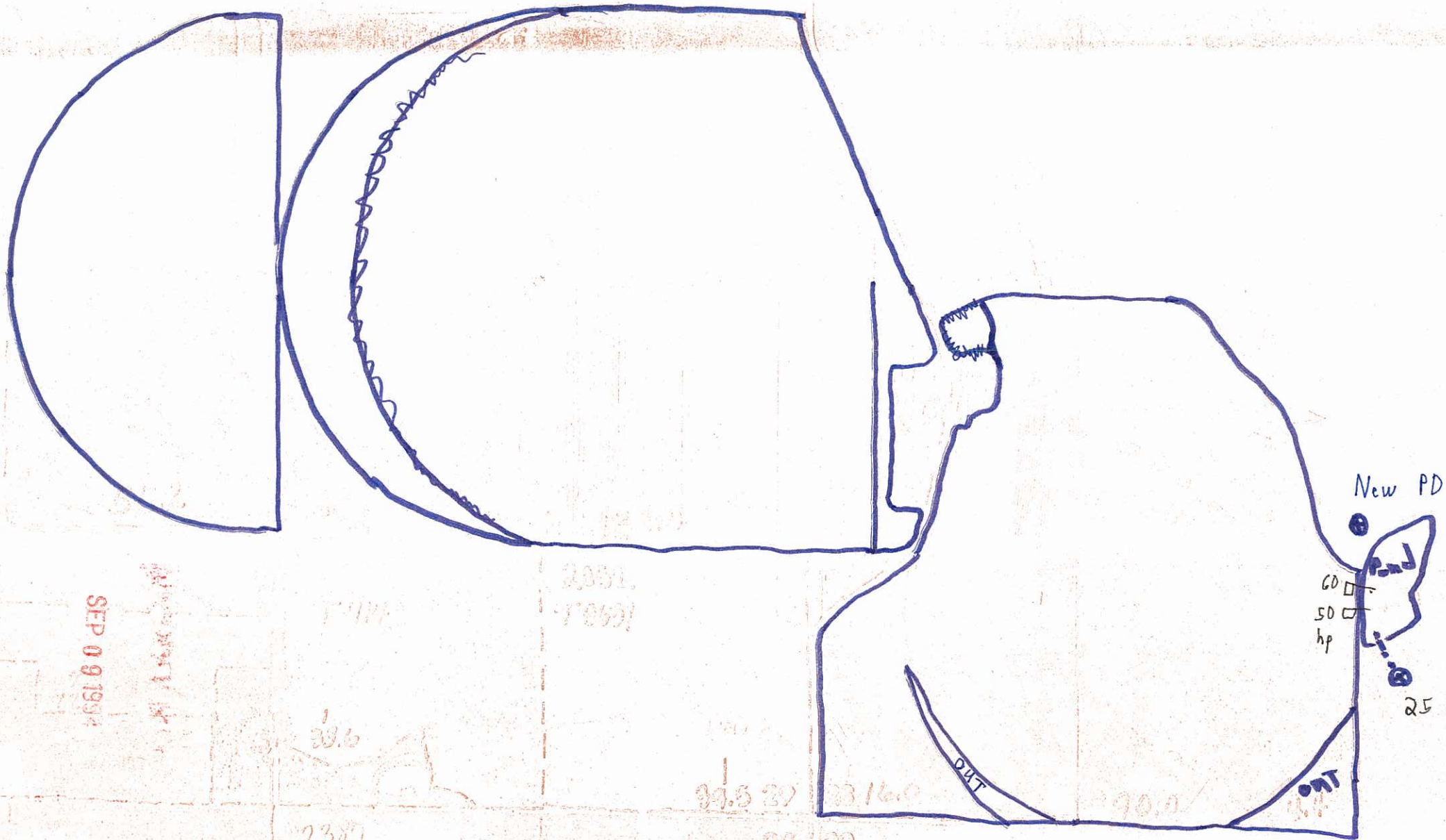


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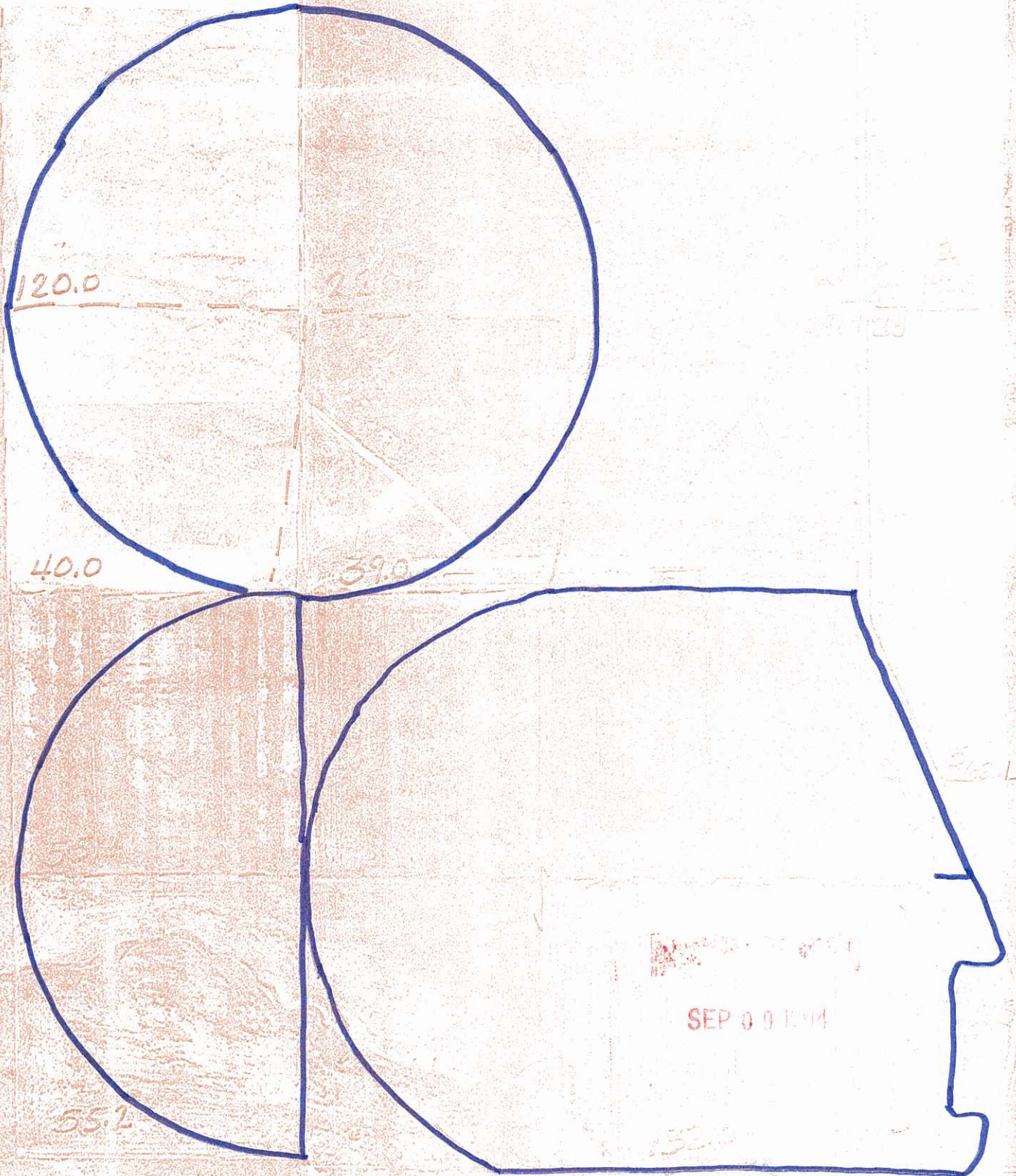
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See p-28

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T#4384

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO

IN AND FOR THE COUNTY OF CASSIA

IN THE MATTER OF THE GENERAL )  
 DETERMINATION OF THE RIGHTS )  
 TO THE USE OF THE SURFACE AND )  
 GROUNDWATERS OF MILL CREEK, )  
 WARM SPRINGS, SPRING CREEK AND )  
 THEIR TRIBUTARIES, COMMONLY )  
 CALLED BASIN CREEK DRAINAGE )  
BASIN )

CIVIL NO. 11125  
 PROPOSED FINDING OF WATER  
 RIGHTS

SEP 09 1994

The above-entitled cause was initiated under provisions of Section 42-1406, Idaho Code, by the submission of a petition from seventeen [17] water users in the Basin Creek Drainage Basin, requesting that the Department of Water Resources [formerly the Department of Water Administration, and hereinafter called Department] obtain authority from the Court to prepare a proposed finding of water rights in the Basin Creek Drainage Basin.

Pursuant to Section 42-1407, Idaho Code, R. Keith Higginson, former Director of the Department, petitioned the Court on January 15, 1974, for an order of authorization for the commencement of an adjudication of water rights in the Basin Creek Drainage Basin.

An order was signed on March 18, 1974, by District Judge Sherman J. Bellwood, authorizing the Department to commence an investigation and determination of the various rights to the use of surface and groundwaters of Basin Creek Drainage Basin, such waters lying or being used within Cassia County, Idaho.

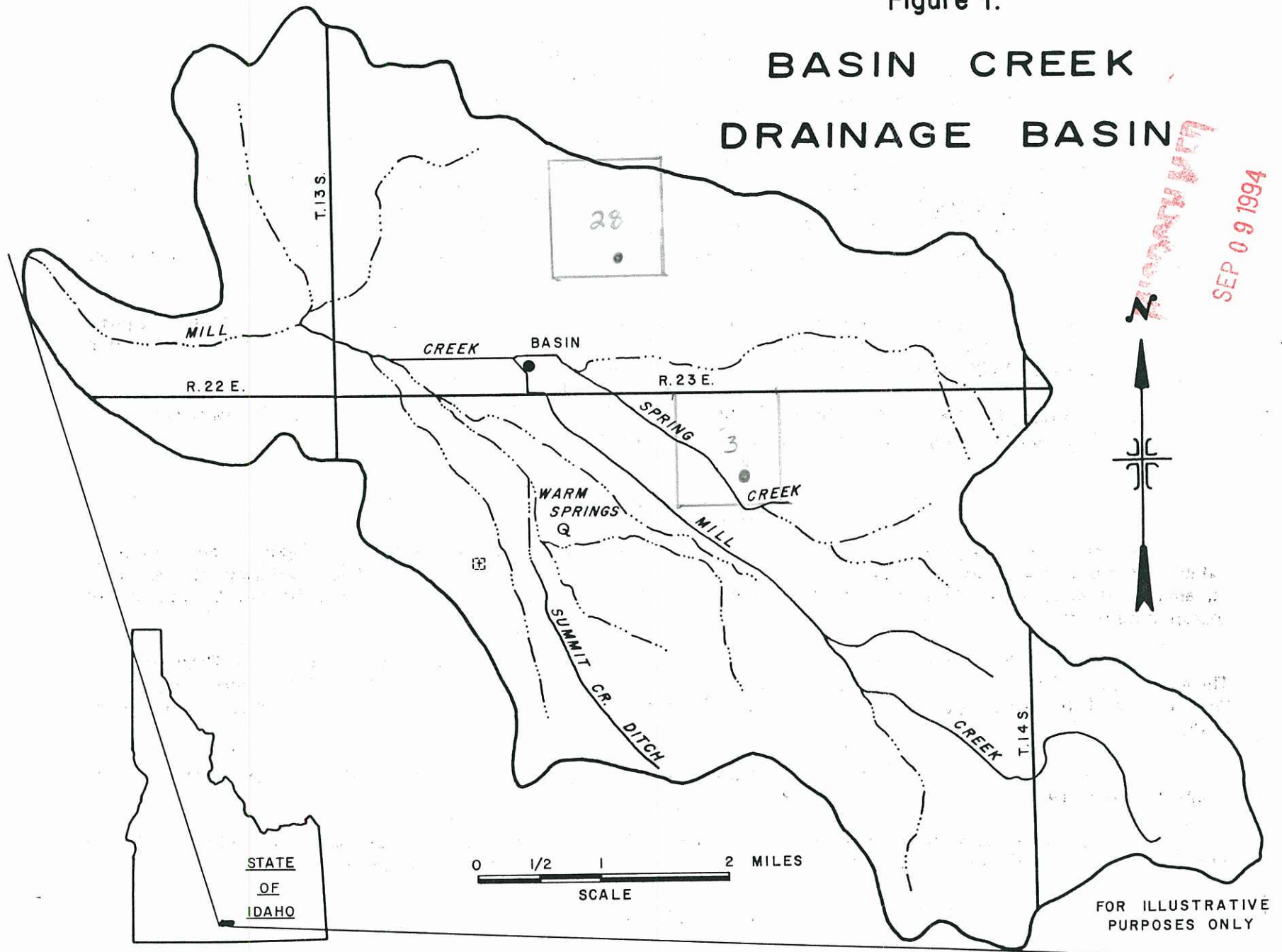
An order of joinder signed on November 22, 1974, made approximately 57 land owners and possible water users party to the adjudication. About 184 claims to water rights were submitted to the Department.

Based upon the claims submitted, the files and records of the Department and the Court, and examination of the ditches, lands irrigated and other uses of water within Basin Creek Drainage Basin, the Department of Water Resources submits these findings of fact, conclusions of law, and Listing of Water Rights, in which the following definitions apply:

- a. "Department" means the Idaho Department of Water Resources [formerly the Department of Water Administration].

Figure 1.

# BASIN CREEK DRAINAGE BASIN



AUG 30, 1979

## LISTING OF RIGHTS - BASIN CREEK

PAGE 25

\*INDICATES TOTAL\*

SOURCE: GROUNDWATER

| RIGHT<br>NUMBER | NAME AND<br>ADDRESS                                                                                                                                                                                                                           | PRIORITY<br>DATE | USE                   | USE PERIOD<br>FROM TO | MAX AMOUNT<br>MAX RATE                        | DIVERSION<br>POINT    | PLACE OF USE<br>AND ACREAGE                                                                               | BASIS FOR<br>RIGHT |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-----------------------|-----------------------|-----------------------------------------------|-----------------------|-----------------------------------------------------------------------------------------------------------|--------------------|
| 45-0637         | MC INTOSH, ALBERT M. &<br>MC INTOSH, MAURETTA<br>OAKLEY, IDAHO 83346<br>REMARKS: POINT OF INJECTION<br>INTO WARM SPRINGS: NENW, S.9,<br>T.14S & R.23E. POINT OF<br>RE-DIVERSION BY EXCHANGE FROM<br>MILL CREEK: SWSW, S.32, T.13S<br>& R.23E. | 4/ 1/1912        | IRRIGATION            | 3/15 11/15            | --- AFA<br>.02 CFS                            | NENW S 9<br>T14S R23E | SENE( 7) NESE(10)<br>LOT 2( 6)<br>LOT 3(12)<br>S31 T13S R23E<br>*35*                                      | BENEFICIAL<br>USE  |
| 45-0650         | STEVENSON, MILDRED<br>OAKLEY, IDAHO 83346                                                                                                                                                                                                     | 4/ 1/1934        | DOMESTIC              | 1/ 1 12/31            | 1.20 AFA<br>.04 CFS                           | SWSW S 3<br>T14S R23E | SWSW<br>S 3 T14S R23E                                                                                     | BENEFICIAL<br>USE  |
| 45-0669         | HARPER, MAYO &<br>HARPER, MARY E.<br>OAKLEY, IDAHO 83346                                                                                                                                                                                      | 4/ 1/1945        | DOMESTIC              | 1/ 1 12/31            | 1.20 AFA<br>.04 CFS                           | SENE S 4<br>T14S R23E | SENE<br>S 4 T14S R23E                                                                                     | BENEFICIAL<br>USE  |
| 45-0630         | BEDKE, NELLIE B.<br>OAKLEY, IDAHO 83346                                                                                                                                                                                                       | 2/28/1948        | DOMESTIC              | 1/ 1 12/31            | 1.20 AFA<br>.04 CFS                           | NWSE S32<br>T13S R23E | NWSE<br>S32 T13S R23E                                                                                     | BENEFICIAL<br>USE  |
| 45-0609         | WELLS, CLAUDE &<br>WELLS, MARGARET<br>OAKLEY, IDAHO 83346                                                                                                                                                                                     | 2/19/1949        | DOMESTIC              | 1/ 1 12/31            | 1.20 AFA<br>.04 CFS                           | NESE S 5<br>T14S R23E | NESE<br>S 5 T14S R23E                                                                                     | BENEFICIAL<br>USE  |
|                 |                                                                                                                                                                                                                                               |                  | STOCKWATER            | 1/ 1 12/31            | 2.70 AFA<br>.05 CFS<br>*3.90*AFA<br>*.05*CFS  |                       | SAME AS OTHER USE                                                                                         |                    |
| 45-2405         | GORRINGE, CARL &<br>GORRINGE, MILDRED S.<br>OAKLEY, IDAHO 83346                                                                                                                                                                               | 2/11/1952        | IRRIGATION            | 3/15 11/15            | --- AFA<br>1.87 CFS                           | NWSE S 3<br>T14S R23E | SWNE(22) SWNW(40)<br>SENE(33)<br>LOT 2( 2)<br>LOT 3( 8)<br>LOT 4(18)<br>S 3 T14S R23E<br>*123*            | LICENSE            |
| 45-2406         | H. & E., INC.<br>OAKLEY, IDAHO 83346                                                                                                                                                                                                          | 2/11/1952        | IRRIGATION            | 3/15 11/15            | --- AFA<br>1.87 CFS                           | NWSE S 3<br>T14S R23E | SWNW( 4) NESW( 5)<br>NWSW(37)<br>S28 T13S R23E<br>SENE(20) NESE(39)<br>NWSE(15)<br>S29 T13S R23E<br>*120* | LICENSE            |
| 45-0627         | BEDKE, NELLIE B.<br>OAKLEY, IDAHO 83346                                                                                                                                                                                                       | 7/28/1955        | STOCKWATER            | 1/ 1 12/31            | 4.10 AFA<br>.07 CFS                           | NWSE S32<br>T13S R23E | NWSW<br>S29 T13S R23E<br>NWSE SWSE<br>S32 T13S R23E<br>NWSE<br>S32 T13S R23E<br>NWSW<br>S29 T13S R23E     | BENEFICIAL<br>USE  |
|                 |                                                                                                                                                                                                                                               |                  | STOCKWATER<br>STORAGE | 1/ 1 12/31            | 10.00 AFA<br>--- CFS<br>*4.10*AFA<br>*.07*CFS |                       |                                                                                                           |                    |

SEP 09 1994

State of Idaho  
License and Certificate of Water Right

Water License No. G-22604

Amount 1.87 c.f.s.

Water District No.

Priority February 11, 1952

THIS IS TO CERTIFY that HERSCHEL BEDKE  
of Oakley, Idaho, made application for a permit to appropriate the  
public waters of the State of Idaho, dated February 11, 1952; that Permit No. G-22604  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
1.87 second feet, was issued thereunder on October 23, 1957, showing that said works  
were completed on the 13th day of February, 1957; and that on the 13th  
day of February, 1957, HERSCHEL BEDKE

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  
, a tributary of subterranean, for the purpose of Irrigation and domestic  
use, under Use Permit No. G-22604 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  
10 of Licenses at page 6153, on the 23rd day of October, 1957;  
The right hereby confirmed dates from February 11, 1952;

The Point of Diversion is located  
in the NW 1/4 SE 1/4, Sec. 3, Tp. 14 S, R. 23 E, B. M. County Cassia

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 1.87 cubic feet per second.

Description and location of use:

| Twp.                              | Range | Sec.     | Forty-acre Tract                                | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|-----------------------------------|-------|----------|-------------------------------------------------|----------------------------------|---------------------------------|
| 13 S.                             | 23 E. | 28<br>29 | NW 1/4 SW 1/4<br>SE 1/4 NE 1/4<br>NE 1/4 SE 1/4 | 40<br>40<br>40                   | 40<br>40<br>40                  |
| Total number of acres irrigated - |       |          |                                                 | - - - - -                        | 120                             |

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 October, 1957.

/s/ Mark E. Kulp  
State Reclamation Engineer.

(SEAL)

# APPLICATION FOR PERMIT

## To Appropriate the Subterranean Waters of The State of Idaho

Application No. G-30346  
Permit No. G- 22604  
District No.

1. Name of Applicant: HERSCHEL BEDKE  
Postoffice address: Oakley County: Cassia State: Idaho
2. Quantity of water claimed:
  - (a) Rate of withdrawal in cubic feet per second. Four (4) or Idaho  
Miners' inches 200 or gallons per minute.
  - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean flow (two wells)
4. Location of point of diversion or well is in the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 3  
Twp. 14 S. , Rge. 23 E. , B.M., County of Cassia
5. Water is to be used for: Irrigation and domestic purposes.
6. If for municipal, industrial or recreational purposes, give:
  - (a) Point of use of water is in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp.  
Rge. , B.M.
  - (b) Waste water or sewage effluent is to be returned to  
at a point in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp. , Rge. , B.M.
7. Kind of works: Wells, pumps and ditches.
8. Estimated cost of works: \$ 10,000.00
9. (a) Is reservoir to be used?  
(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 Five(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: 80 inches or Basin Creek water right for NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 28, and NE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 29; Other lands have no water right.
  - (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.

Remarks:

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

HERSCHEL BEDKE

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 2:30 P. M. February 11, 1952

Re'turned to applicant for correction:

Corrected application received:

## Approval of State Reclamation Engineer

The number of this permit is G-22604

Recorded in Book 81 Page 22604 Approved February 14, 1952

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 April 14, 1952

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 August 14, 1954

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before February 14, 1957

Witness my hand this 14th day of February, 1952.

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho, and IRA H. MASTERS, 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 February, 1952

Countersigned:

STATE OF IDAHO

(SEAL) IRA H. MASTERS

By Secretary of State.

By LEN JORDAN Governor

12.

| Twp.  | Range | Sec.                                            | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | Totals |
|-------|-------|-------------------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|       |       |                                                 | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 13 S. | 23 E. | 20                                              |     |     |     | 40  |     |     |     |     | 40  | 40  |     | 40  | 40  | 40  | 40  | 320 |        |
|       |       | 21                                              |     |     |     |     |     | 40  |     |     |     | 40  | 40  |     |     |     |     | 120 |        |
|       |       | 28                                              |     |     |     |     | 40  | 40  |     |     | 40  | 40  | 40  |     |     | 40  |     | 240 |        |
|       |       | 29                                              | 40  | 40  | 40  | 40  | 40  |     | 40  |     | 40  |     |     | 40  | 40  |     |     | 360 |        |
|       |       | Total Number of Acres to be Irrigated - - 1,040 |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Permit No. G-22604

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that HERSCHEL BEDKE of Oakley, County of Cassia, and State of Idaho, the holder of Permit No. G-22604, issued upon Application No. G-30346 bearing date of priority of February 11, 1952, authorizing the diversion of 4.0 second feet of the waters of subterranean flow from two wells County of Cassia, State of Idaho, for irrigation and domestic 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 1.87 second feet of the waters of subterranean flow from a well that the point of diversion of said waters NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 3, Township 14 South, Range 23 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> Section 28, SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> Section 29, Township 13 South, Range 23 East, B.M., a total of 120 acres. Proof of Completion of Works made: February 13, 1957

Witness my hand this 23rd day of October, A.D. 1957

/s/ Mark R. Kulp  
State Reclamation Engineer

Proof of Completion of Works made: February 13, 1957  
Certificate of Completion of Works issued: October 23, 1957.

LICENSE ISSUED FOR 1.87 SEC. FT.

Page 6/53

**STARTING  
RIGHT  
SIDE OF  
FILE**

**MEMORANDUM**

**TO:** FILE 45-2406  
**FROM:** VAULT  
**RE:** TRANSFER # 5765 , 66132  
**DATE:** 2-27-01

=====

**Original Transfer Application, Form and correspondence regarding the above  
referenced Transfer is located within:**

**FILE #** 45-02405



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

September 6, 1994

ANDERSON FARMS INC  
RT 2 BOX 2431  
BURLEY ID 83318

RE: Transfer of Water Right Nos. 45-02406 and 45-02661

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 4384). Please be sure to thoroughly review the "CONDITIONS/REMARKS:" as listed on the transfer.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', written over the typed name.

JIM JOHNSON, Manager  
Water Right Permits Section

JJ:dc

Enclosure

RECEIVED  
SEP 9 1994

SEP 09 1994

**MEMORANDUM**

**TO:** FILE NOS. 45-02406 & 45-02661

**FROM:** PAM SKAGGS/<sup>CS</sup>STATE OFFICE

**SUBJECT:** TRANSFER NO. 4384

**DATE:** August 30, 1994

=====

Transfer No. 4384 was filed to change the point of diversion under rights 45-02406 and 45-02661 from two separate wells to another existing well.

The transfer proposes to divert both rights from a single well, pump directly to a mainline, commingle with surface rights and apply through pressurized sprinklers to a large place of use. The place of use of these two rights overlap in a single QQ, limiting the total irrigated acres under these combined rights to 180 acres and 720.0 af combined diversion volume in an single irrigation season. This limiting condition is applied to avoid the appearance of expansion under this transfer.

These groundwater rights were decreed in 1987 with watermaster control (Water District 45-A) and measuring device conditions. Other recommended conditions include irrigation overlap, groundwater/surface water supplemental use and standard transfer conditions.

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TRANSFER REVIEW SHEETTransfer # 4384Date Reviewed 8-30-94  
28Right(s) 45-0240645-02661

Decreed Rts - 45-0

(B) Change P/D   C: Add P/D   D: Change P/U   E: Change Nature of Use  
 F: Change Period of Use   G: Other   H: Change P/D & Add P/D  
 I: Change P/D & P/U   J: Add P/D & Change P/U

Proof of Ownership NA - Deed covers all Acres 4-94Transfer ✓ All of Right Portion of Right (Part B)Resulting Split(s) NONE

## Check Transfer Against Right

C/4.0

(1) ✓ Priority (2) ✓ Use (3) Season (4) ✓ Rate (5) Volume(6) ✓ Source (7) P/D (8) P/U (9) NA Proof/Owner (10) ✓ Map
 (11) 45A Water District (12) Yes Pertinent Conditions (13) NO Expansion  
 Measuring Device (8) per decree Limit + VOL/180 Acres
(3) Reduce standard season 4-1 to 10-31(5) Standard VOL = 120 x 4 = 480 afa + 69 x 4 = 276 afa < Vol(7) Change P/D to single existing well(8) No Change - 9 acres overlap in NW8W, Sec 28 - limited to 40 Acres since no dev't. lots in sec.(11) Included in Decree of Basin Creek drainage basin which composes WD 45AExisting Well - Oakley-Kenyon CGWA
GW/surface supplemental - Used together in a combined system  
Appears to be irrigating more acres than authorized per region review -  
Condition with limits.
Transfer Remarks Combined Irr 180 Acres/720 afaConditions R04, R19, R31, 803, T07, T08, T09Database/Processing Notes T files both rightsSpecial edit \* Acres/limit combined total (edit WR2 Remarks when approved)

Database Updated 9-6-94 28

-Anderson.H.S.

WR0749NP  
No. T45-02406

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 08/30/94  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                           | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|--------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | ANDERSON FARMS INC<br>RT 2 BOX 2431<br>BURLEY ID 83318<br>(208) 678-4433 | 02/11/1952       | IRRIGATION | 04-01 10-31           | 1.87 CFS          | 480.00 AFA          |
| TOTAL DIVERSION: |                                                                          |                  |            |                       | 1.87 CFS          | 480.00 AFA          |

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T13S R23E S28 NESW CASSIA County

Place of use Legal Description for: IRRIGATION

| NE          |     |    |   | NW   |      |      |      | SW |      |      |      | SE   |   |      |      |      |      |   |      |      |      |      |       |      |
|-------------|-----|----|---|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|-------|------|
| T           | R   | S  |   | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | :     | SUM  |
|             |     |    |   | Lt   | Ac   | Lt   | Ac   |    | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |   | Lt   | Ac   | Lt   | Ac   |       |      |
| 13S         | 23E | 28 | : |      |      |      |      | :  |      |      |      |      | : |      | 40   |      |      | : |      |      |      |      | :     | 40.0 |
| 13S         | 23E | 29 | : |      |      |      | 40   | :  |      |      |      |      | : |      |      |      |      | : |      | 40   |      |      | :     | 80.0 |
| TOTAL ACRES |     |    |   |      |      |      |      |    |      |      |      |      |   |      |      |      |      |   |      |      |      |      | 120.0 |      |

Pou County: CASSIA

Other Water Rights Listing Overlapping Place(s) of use:

45-00534 45-00586 45-00587 45-00588 45-02406 45-02661 T45-02661

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 45A.
- R19 - A totalizing measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
- R31 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
- 803 - The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks: Right Nos. 45-02406 and 45-02661 are limited to a combined total of 180 irrigated acres and a combined total diversion volume of 720.0 af in a single irrigation season.

Dates: App. Received: 03/11/1994 Priority Date: 02/11/1952  
Proof Due Date: Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date:

WR0749NP  
No. T45-02406

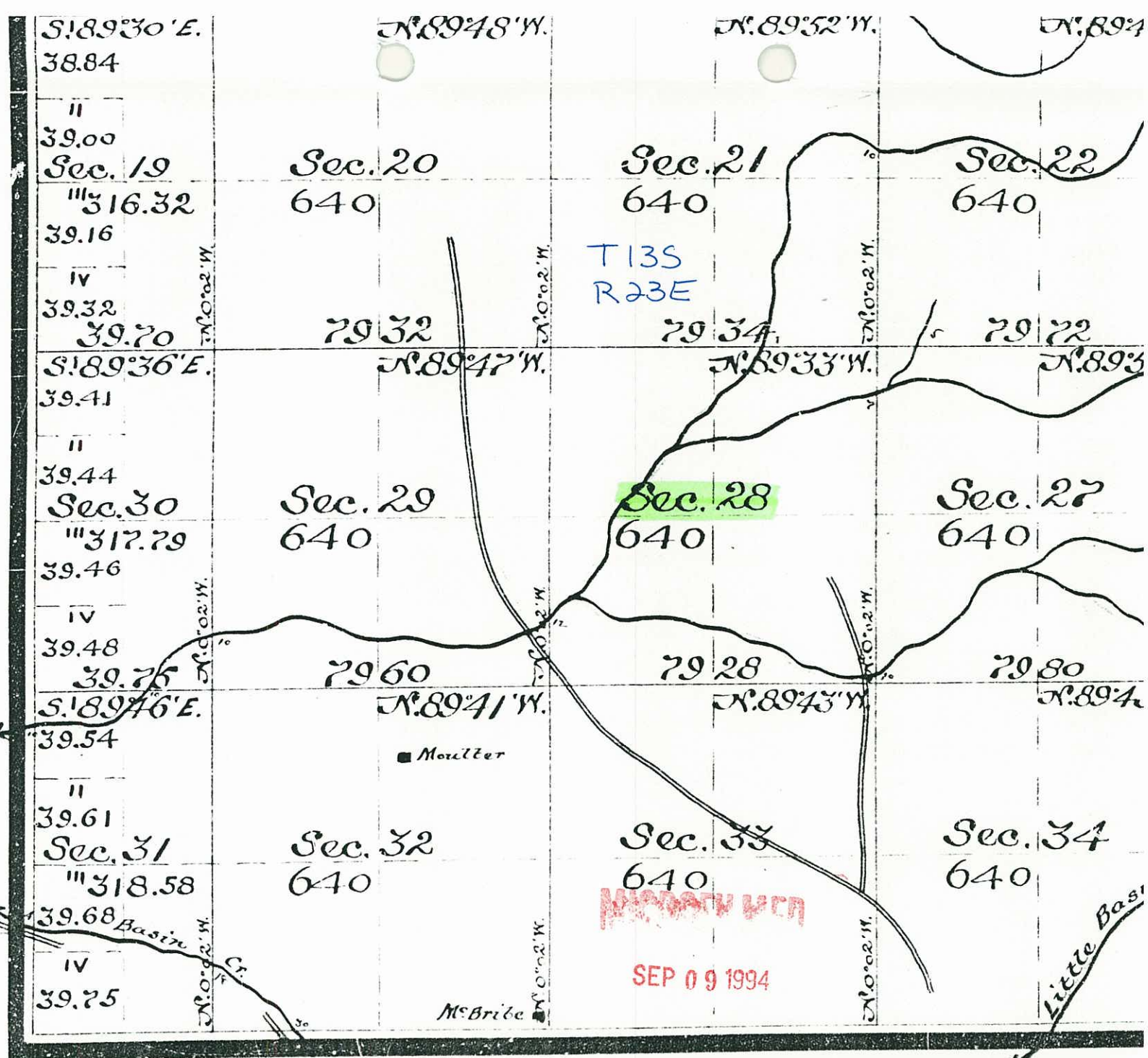
IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 08/30/94  
PAGE: 2

Misc: Water District Number: 45A Field Exam Fee:

Comments: Date: 07/11/1994 User-ID: BALDWIN Subject: TRANSFER NO. 4384  
T# 4384 filed on 3/11/94 proposes to change point of diversion.  
Two (2) wells are being abandoned in favor of a better well which  
is an old existing hole.  
Rights in this transfer are 45-02406 & 45-02661.

Audit: 07/11/94 BALDWIN 08/30/94 PSKAGGS



T13S R23E  
Sec 28 - No Lots

Total Number of Acres 21,117.9

# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

### TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: MTS

1. Right number 45-02406 Applicant Anderson Farms, Inc  
45-02661

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. Need

h. ☒ Check for expansion in use of right. Comments Groundwater rights cover 189 acres  
current P/U = 477 acres. See memo dated 6-15-94

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) \_\_\_\_\_

j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No

If yes, what district? N/A

FINAL PROCESSING REVIEW BY: ADP

1. Watermaster recommendation requested on N/A Received on \_\_\_\_\_

2. Is transfer published correctly? ☒ Yes ☐ No

3. Protest received? ☐ Yes ☒ No

#### RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions\* TØ9

4. By ADP Date 8/26/94



**Eastern Idaho  
Agricultural Credit Association**

Burley Office  
P.O. Box D - 1358 Albion Avenue  
Burley, Idaho 83318  
208/678-9402

August 25, 1994

Department of Water Resources  
Southern Region  
222 Shoshone Street East  
Twin Falls, Idaho 83301  
Attn: Mel Schulte

U S G E I V

**AUG 26 1994**  
Department of Water Resource  
Southern Region Office

RE: Proof of ownership for Anderson Farms, Inc.

Dear Mr. Schulte:

I have been asked by Trent Anderson, President of Anderson Farms, Inc., to send you a copy of the recorded Deed for his farm located in Cassia County, Idaho. Therefore, please find enclosed the requested copy. If you have questions concerning the legal description, due to the quality of the copy in certain areas, I would be happy to assist you.

Sincerely,  
Eastern Idaho A.C.A.

Jerry L. Olson  
Loan Officer

Enclosure: (1)

cc: Trent Anderson

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SEP 09 1994



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
Governor

17-Aug-1994

R. KEITH HIGGINSON  
Director

R TRENT ANDERSON  
ANDERSON FARMS INC  
RT 2 BOX 2431  
BURLEY ID 83318

RE: APPLICATION FOR TRANSFER NO. 4384 (45-02406, 45-02661)

## SECOND REQUEST

Dear Mr. Anderson:

Legal advertising has been completed on the above referenced application with no protests filed against the application.

As requested in our correspondence of July 12, 1994 evidence of ownership of the land to which the water is appurtenant such as copies of deeds, tax records, etc. and/or a notarized statement from any lien holder on the property must be included in the file prior to the file being forwarded to our State Office for approval.

This office will continue to hold the file until the requested information is received.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

A handwritten signature in cursive script that reads 'Mel Schulte'.

Mel Schulte  
Water Right Agent

MS:MB

MAILED

SEP 09 1994

NOTICE OF PROPOSED CHANGE OF  
WATER RIGHT NOS. 45-02406,  
45-02661

# OUTH IDAHO PRESS BURLEY, IDAHO AFFIDAVIT OF PUBLICATION

Notice is hereby given that  
ANDERSON FARMS, INC. of Burley,

ID have applied to the  
Department of Water Resources  
to change the Point of  
Diversion for the following  
described water right(s)  
pursuant to Section 42-222 of  
IDAHO CODE and further  
described as Transfer No. 4384.

The purpose of this change is  
to move water rights to a  
different well with a more  
stable water supply and abandon  
two other wells.

## WATER RIGHT AS RECORDED:

Water Right No. 45-02406  
Basis: License  
Date of Priority: 02/11/1952  
Source: groundwater  
Amount: 1.87 cfs  
Use: irrigation from 04/01 to  
10/31 & domestic  
Point of Diversion: NWSE, S3,  
T14S, R23E; Cassia County.  
Place of Use: 120 acres within  
NWSW, S28, T13S, R23E; SENE,  
NESE, S29, T13S, R23E; Cassia  
County.

## WATER RIGHT AS RECORDED:

Water Right No. 45-2661  
Basis: License  
Date of Priority: 07/11/1961  
Source: groundwater  
Amount: 0.82 cfs  
Use: irrigation from 03/15 to  
11/15  
Point of Diversion: SWSE, S28,  
T13S, R23E; Cassia County.  
Place of use: 69 acres within  
N1/2SW, SWSW, S28, T13S, R23E;  
Cassia County.

Claims have been filed in the  
Snake River Basin Adjudication.

WATER RIGHT NOS. 45-02406 and  
45-02661 TO BE CHANGED by  
moving point of diversion to  
SENESEW, S28, T13S, R23E; Cassia  
County with same places of use.

Any protest against approval of  
the proposed change of water  
right application must be filed  
with the Department of Water  
Resources, Southern Region, 222  
Shoshone Street East, Twin  
Falls, ID 83301 together with a  
protest fee of \$25.00 on or  
before August 11, 1994. The  
protestant must also send a  
copy of the protest to the  
applicant.

R. Keith Higginson, Director

Published in the South Idaho Press on July  
25 and August 1, 1994.

first duly sworn, deposes and says that she is the General Manager  
ress, a daily newspaper published at Burley, Idaho, in the county  
e paper is of general circulation therein. Deponent further states  
ice attached hereto was duly published according to law in the  
e South Idaho Press for one consecutive week(s), commencing  
July 25 1994, and ending with the issue  
July 25, 1994.

Kary D Miller

day of August in the year of 1994 before me, a Notary Public,  
Kary Miller, known or identified to  
se name is subscribed to the within instrument, and being by me first duly  
statements therein are true, and acknowledged to me that he executed the

Kelly Solomon  
Notary Public for Idaho

Residing at Burley, ID

My commission expires: May 23, 1997

70.20

.50

70.70

OK  
mb  
8/17/94

U U E G E I V E U

AUG 12 1994

Department of Water Resources  
Southern Region Office

SEP 09 1994

**SOUTH IDAHO PRESS  
BURLEY, IDAHO  
AFFIDAVIT OF PUBLICATION**

County of Cassia  
STATE OF IDAHO

) ss  
)

Kary D. Miller, being first duly sworn, deposes and says that she is the General Manager of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of The South Idaho Press for one consecutive week(s), commencing with the issue dated July 25, 1994, and ending with the issue dated Aug 1, 1994.

Kary D Miller

STATE OF IDAHO )  
COUNTY OF Cassia )

On this 9th day of August in the year of 1994 before me, a Notary Public, personally appeared Kary Miller, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Kelly Solomon

Notary Public for Idaho

Residing at Burley, ID

My commission expires: May 23, 1997

Cost of Publication 70.20  
Notary Fee .50  
Total Cost 70.70.

OK  
mb  
8/17/94

REGISTERED

**AUG 12 1994**

Department of Water Resources  
Northern Region Office

RECEIVED

SEP 09 1994

NOTICE OF PROPOSED CHANGE OF  
WATER RIGHT NOS. 45-02406,  
45-02661

Notice is hereby given that ANDERSON FARMS, INC. of Burley, ID have applied to the Department of Water Resources to change the Point of Diversion for the following described water right(s) pursuant to Section 42-222 of IDAHO CODE and further described as Transfer No. 4384.

The purpose of this change is to move water rights to a different well with a more stable water supply and abandon two other wells.

WATER RIGHT AS RECORDED:

Water Right No. 45-02406  
Basis: License  
Date of Priority: 02/11/1952  
Source: groundwater  
Amount: 1.87 cfs  
Use: irrigation from 04/01 to 10/31 & domestic  
Point of Diversion: NWSE, S3, T14S, R23E; Cassia County.  
Place of Use: 120 acres within NWSW, S28, T13S, R23E; SENE, NESE, S29, T13S, R23E; Cassia County.

WATER RIGHT AS RECORDED:

Water Right No. 45-2661  
Basis: License  
Date of Priority: 07/11/1961  
Source: groundwater  
Amount: 0.82 cfs  
Use: irrigation from 03/15 to 11/15  
Point of Diversion: SWSE, S28, T13S, R23E; Cassia County.  
Place of use: 69 acres within N1/2SW, SWSW, S28, T13S, R23E; Cassia County.

Claims have been filed in the Snake River Basin Adjudication.

WATER RIGHT NOS. 45-02406 and 45-02661 TO BE CHANGED by moving point of diversion to SENESW, S28, T13S, R23E; Cassia County with same places of use.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before August 11, 1994. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson, Director

Published in South Idaho Press  
on 7/25 & 8/1/94.

SEP 09 1994



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
Governor

13-Jul-1994

R. KEITH HIGGINSON  
Director

SOUTH IDAHO PRESS  
PO BOX 190  
BURLEY ID 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

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.

Very truly yours,

Mary Baldwin  
Sr. Secretary

Enclosure

RECEIVED 1994

SEP 09 1994

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NOS. 45-02406, 45-02661

Notice is hereby given that ANDERSON FARMS, INC. of Burley, ID have applied to the Department of Water Resources to change the Point of Diversion for the following described water right(s) pursuant to Section 42-222 of IDAHO CODE and further described as Transfer No. 4384.

The purpose of this change is to move water rights to a different well with a more stable water supply and abandon two other wells.

WATER RIGHT AS RECORDED:

Water Right No. 45-02406

Basis: License

Date of Priority: 02/11/1952

Source: groundwater

Amount: 1.87 cfs

Use: irrigation from 04/01 to 10/31 & domestic

Point of Diversion: NWSE, S3, T14S, R23E; Cassia County.

Place of Use: 120 acres within NWSW, S28, T13S, R23E; SENE, NESE, S29, T13S, R23E; Cassia County.

WATER RIGHT AS RECORDED:

Water Right No. 45-2661

Basis: License

Date of Priority: 07/11/1961

Source: groundwater

Amount: 0.82 cfs

Use: irrigation from 03/15 to 11/15

Point of Diversion: SWSE, S28, T13S, R23E; Cassia County.

Place of use: 69 acres within N1/2SW, SWSW, S28, T13S, R23E; Cassia County.

Claims have been filed in the Snake River Basin Adjudication.

WATER RIGHT NOS. 45-02406 and 45-02661 TO BE CHANGED by moving point of diversion to SENESW, S28, T13S, R23E; Cassia County with same places of use.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before August 11, 1994. The protestant must also send a copy of the protest to the applicant.

R. Keith Higginson, Director

Published in South Idaho Press on 7/25 & 8/1/94.

RECORDED  
SEP 09 1994



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
Governor

12-Jul-1994

R. KEITH HIGGINSON  
Director

R TRENT ANDERSON  
ANDERSON FARMS INC  
RT 2 BOX 2431  
BURLEY ID 83318

Re: Application for Transfer No. 4384, (45-02406, 45-02661)

Dear Mr. Anderson:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office has scheduled advertising the application in the South Idaho Press for 7/25 & 8/1/94. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Before we can forward your application to our state office for approval we must include in the file evidence of ownership of the land to which the water is appurtenant such as copies of deeds, tax records, etc. and/or a notarized statement from any lien holder on the property.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Mel Schulte  
Water Right Agent

MS:MB

RECEIVED

SEP 09 1994

INTER-DEPARTMENT MEMO

TO: Anderson Farms Transfer App.

SUBJECT: Field Inspection

FROM: Jim Stanton

DATE: 6-15-94

In April I visited this property. Armed with aerial photos, I determined what was actually irrigated; my findings are covered in a separate sheet. While the applicant has a right to irrigate 199 acres, he actually irrigates 477 acres. Since his desire is to only change the P/D, the transfer is only made out to accomplish this.

I looked at both old wells, which run into a pond on the east side of the farm. The surface rights also run into the pond, so all rights are co-mingled for pressurizing into sprinklers. The new well (actually an old existing hole) will be pumped directly into the mainline instead of going into the pond. Rights will still co-mingle in the mainline.

The transfer should be conditioned to limit groundwater pumping to 4 AFA for the licensed acreage of 180 acres (720 AFA). I'm not sure that there is that much groundwater available here, as pumping levels decline as the season progresses. Applicant hopes the new well will

(X) For your information hold up longer into the \_\_\_\_\_  
season. signature

( ) Response required

SEP 09 1994

T # 4384

October 23, 1957

Re: Permit No. G-22604  
Herschel Bedke

Mr. Herman E. Bedke  
Attorney At Law  
P. O. Box 204  
Burley, Idaho

Dear Mr. Bedke:

Enclosed is the Certificate of Completion of Works and the License and Certificate of Water Right issued to Herschel Bedke under Permit No. G-22604 confirming the right with priority of February 11, 1952, to his use of 1.87 second feet of subterranean water with the point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 3, Township 14 South, Range 23 East, B.M., for irrigation of 120 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 28; SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 29, Township 13 South, Range 23 East, B.M.

Enclosed also is departmental receipt #G-2935 for \$11.00, issued as receipt of the five dollar fee for the Certificate of Completion of Works and six dollars for the License fee.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

EPR:nls  
Enc.

G-22604

RECEIVED  
OCT. 8 1957  
Department of Reclamation

HERMAN E. BEDKE  
ATTORNEY AT LAW  
POST OFFICE BOX 204  
BURLEY, IDAHO

*Keene 4/1/02*

1416 OVERLAND AVENUE  
TEL. ORCHARD 8-2401

October 7, 1957

State of Idaho  
Department of Reclamation  
Boise, Idaho

Attention of Mr. Mark R. Kulp  
State Reclamation Engineer

Re: Permit No. G-22604  
Herschel Bedke

Gentlemen:

Enclosed find check for \$11.00 for the Certificate  
of Completion of Works on the above captioned permit.

This is in accordance with your letter of Sept.  
26th, 1957.

Very truly yours,

*Herman E. Bedke*  
Herman E. Bedke

HEB/ic  
Enclosure: ck., \$11.

*G-22604*

September 26, 1957

Re: Permit No. G-22604  
Herschel Bedke

Mr. Herman E. Bedke  
Attorney At Law  
P. O. Box 204  
Burley, Idaho

Dear Mr. Bedke:

Our field engineer's report on the inspection of the completion of construction work and application of water to beneficial use under the terms of Permit No. G-22604, Herschel Bedke, Route # 1, Oakley, Idaho, shows that his well is capable of conveying  $93\frac{1}{2}$  miner's inches (1.87 c.f.s.) of water for irrigation of 120 acres. This permit is now entitled to the Certificate of Completion of Works and the License and Certificate of Water Right.

Upon receipt of the statutory fees, total of \$11.00, we will issue to Mr. Bedke the Certificate of Completion of Works (for which the fee is five dollars) and the License (six dollars--based at the rate of two dollars for each 40-acre subdivision) confirming the right with priority of February 11, 1952, to his use of 1.87 second feet of subterranean water with the point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 3, Township 14 South, Range 23 East, B.M., for irrigation of 120 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 28 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 29, Township 13 South, Range 23 East, B.M.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

EPR:nls

G-22604

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

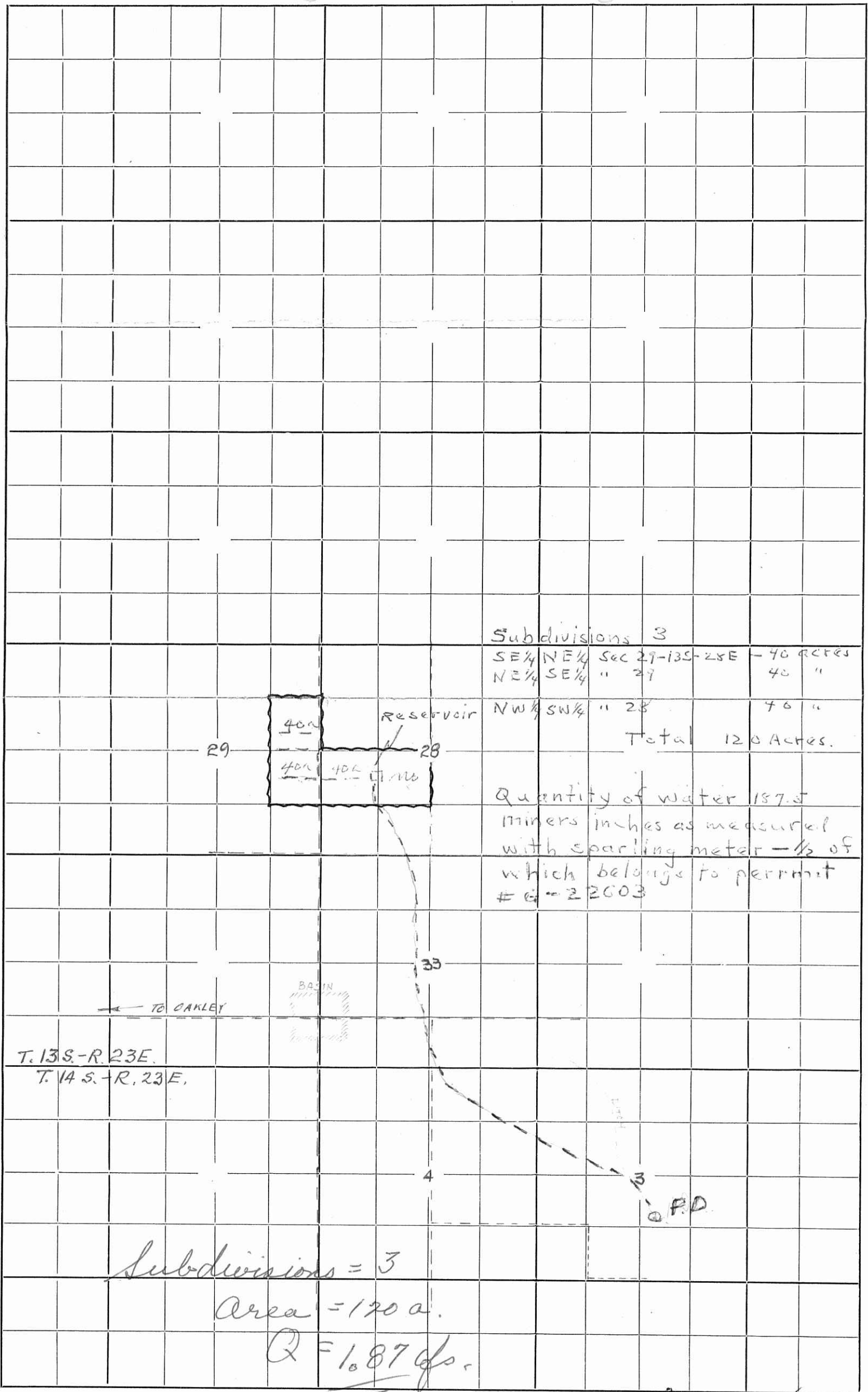
PERMIT NO. G-22604

REPORT ON PROOF OF Completion of Works & Beneficial Use

Herschel Bedke, Route #1, Oakley, Idaho

app. 4cfs  
Sub. 3  
acw. 120

1.87 cfs  
max



Subdivisions 3

|               |                |            |
|---------------|----------------|------------|
| SE 1/4 NE 1/4 | Sec 29-13S-28E | 40 Acres   |
| NE 1/4 SE 1/4 | " 29           | 40 "       |
| NW 1/4 SW 1/4 | " 28           | 40 "       |
| Total         |                | 120 Acres. |

Quantity of water 187.5  
miners inches as measured  
with sparkling meter - 1/3 of  
which belongs to permit  
# G-22603

T. 13 S. - R. 23 E.  
T. 14 S. - R. 23 E.

Subdivisions = 3  
Area = 120 a.  
Q = 1.87 cfs.

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

## REPORT OF ENGINEER

Permit No. G-22604

This proof is for Completion of Works & Beneficial Use In Water District No. \_\_\_\_\_

1. Name of applicant Herschel Bedke

2. Source of water supply: Subterranean flow from a well

3. Location of point of diversion: Is in the NW<sup>1</sup>SE<sup>1</sup> of Section 3

T. 14 S R. 23 E. B. C County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same. Drilled well 200' deep - Pump: Peerless #154855, 8" discharge, Pumping lift 125' (average for season 150') - Motor G.E. RW409025 - P75-440V-73 Amps RPM 1770 - Meter G.E. 30 674843 - Demand 30 x 20  
Housed & concrete pump base

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):

60 acres in NW<sup>1</sup>SW<sup>1</sup> of Sec. 28., 40 acres in NE<sup>1</sup>SE<sup>1</sup> of Sec. 29., 20 acres in SE<sup>1</sup>NE<sup>1</sup> of Sec. 29., all in Twp. 13 S., Rge. 23 E., B.M.

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

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

Remarks: \_\_\_\_\_

In Proof owner says 1/2 of water is to go to  
# G-22603

This examination was made on the 3 day of July, 1957

(Signed)

James M. Carr

Examiner.

G-22604

Herschel Bedke  
Route #1, Oakley, Idaho

Permit No. G-22604

Examination for Completion of Works & Beneficial Use

County Cassia

*3-14 S. - 23 E.*

*Q = 4.0 c.f.s.*

*S = Well*

*P.D. = NW. SE., Sec. 3, T. 14 S. - R. 23 E.*

*Use = Irrigation & Domestic*

*Filed = Feb. 11, 1952*

*Due = Feb. 14, 1957*

---

### 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  
AUG 22 1957

Department of Reclamation

February 20, 1957

RE: Permit No. G-22604

Mr. Herman E. Bedke  
Attorney at Law  
Post Office Box 204  
Burley, Idaho

Dear Mr. Bedke:

We acknowledge receipt of the depositions of Mr. Herschel Bedke, the holder of the Permit and also two witnesses, also affidavit of publication in The Oakley Herald, all submitted in proof of completion of works and beneficial use on Permit No. G-22604.

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 Mr. Herschel Bedke 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

EPR  
cc: Mr. Herschel Bedke  
Route #1  
Oakley, Idaho

*G-22604*

HERMAN E. BEDKE  
ATTORNEY AT LAW  
POST OFFICE BOX 204  
BURLEY, IDAHO

GEM BUILDING  
TELEPHONE ORCHARD 8-2401

February 14, 1957

**RECEIVED**  
FEB 15 1957  
Department of Reclamation

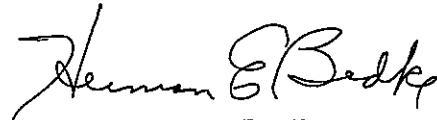
State of Idaho  
Department of Reclamation  
Boise, Idaho

RE: Permit No. G-22604

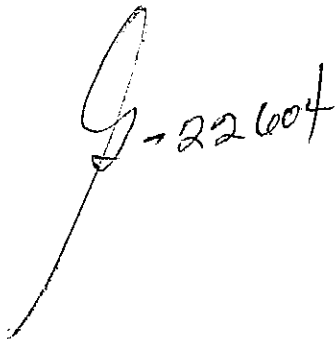
Gentlemen:

Please find enclosed Deposition of two witnesses and Deposition of Holder in Completion of Works in the above Permit No. Also find enclosed the Affidavit of Publication in the Oakley Herald.

Yours truly,

  
Herman E. Bedke

HEB/c



STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RECEIVED  
FEB 1 5 1957  
Department of Reclamation

Permit No. G-22604

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. Hershel Bedke, Oakley, Idaho, Farmer, Route # 1, 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.

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

Ans. G-22604--February 11, 1952--February 14, 1952.

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

Ans. Subterranean Well--NW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 3, Township 14 South, Range 23, E.B.M.

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. Subterranean Well, 204 feet deep, cased with 12 inch casing 204 feet with pump; 8 inch column, 10 inch bowls, 160 feet deep, with 75 hp. electric motor and 8 inch discharge. Depth to water 100 ft. average. 4 cubic feet per second measured at discharge by a scale.

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. Irrigation--40 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 28, 20 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 28, 40 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 29, 20 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 29, all in Township 13 South, Range 23, E.B.M.

45 acres newly cultivated. Remaining water used as supplement to existing water.

G-22604

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

Ans. No power

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

Ans. 1 inch per acre of land irrigated.

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. Permit was originally issued

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

Ans. Cropping season of 1952 through 1956, inclusive. The entire output of the well used 1/2 time on rotation, the same well is under permit # G-22603 and affiant claims 1/2 of the water pumped.

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. The holder owns 80 inches of decreed water of Basin Creek and 20 inches in Bedke Spring, but such water fluctuates and by mid-summer has been reduced to such an extent as supplemental water is necessary to effectively irrigate the land.

(Sign)

Ferschel Bedke

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 Burley, County of Cassia,

State of Idaho, on this 13th day of February, A. D. 1957,

Herman E. Bedke

My commission expires 6/23/57

G-22604

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

**RECEIVED**  
FEB 15 1957  
Department of Reclamation

Permit No. G-22604

## Proof of Application of Water to Beneficial Use

### Deposition of Witness and Completion of Works

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. Percy Christensen, 53, Oakley, Idaho, farming, Route # 1  
Oakley, Idaho.

Ques. 2. Are you acquainted with Herschel Bedke, the holder of Permit No. G-22604? How long have you known him and where does he reside?

Ans. Yes--16 years--Oakley, Idaho

Ques. 3. Have you read or heard read said Permit No. G-22604, 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. Subterranean Well, NW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 3, T. 14 S. R. 23, E. B. M.  
Well 204 feet deep cased with 12 inch casing 204 feet with  
pump 8 inch column, 10 inch bowls, 160 feet deep, with 75 hp  
electric motor and 8 inch discharge--open 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. 4 second ft.--4 second feet

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. 4 cubic feet per second--in the early part of the season  
and then well diminishes but the average throughout the season

is approximately 3 cubic feet per second. Saw it measured at  
Discharge.

*G-22604*

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--40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 28, 20 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 28, 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Sec. 29, 20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 29, all in Township 13 South, Range 23, E.B.M.  
45 acres newly cultivated. Remaining water used as supplement to existing water.

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

Ans. No power

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. Brush ground of 45 acres requiring 45 inches of water.  
Remaining 30 inches used as supplemental water.

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. cropping seasons of 1952 through 1956 inclusive. The entire output of the well used 1/2 time on rotation, and have seen all 120 acres above described irrigated with the water.

(Signed) Percy Christensen

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 Burley, County of Cassia, State of Idaho, on this 13th day of February, A. D. 19 57.

Herman E. Bedke

Notary Public.

My commission expires June 23, 1957

J-22604

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RECEIVED  
FEB 15 1957  
Department of Reclamation

Permit No. G-22604

**Proof of Application of Water to Beneficial Use**

**Deposition of Witness and Completion of Works**

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. Elden Fairchild, 46, Oakley, Idaho, Farmer, Oakley, Idaho

Ques. 2. Are you acquainted with Herschel Bedke, the holder of Permit No. G-22604? How long have you known him and where does he reside?

Ans. Yes, 40 years--Oakley, Idaho

Ques. 3. Have you read or heard read said Permit No. G-22604, 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. Subterranean Well, NW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 3, T. 14 S. R. 23, E.B.M.  
Well 204 feet deep cased with 12 inch casing 204 feet with  
pump 8 inch column, 10 inch bowls, 160 feet deep, with 75 hp  
electric motor and 8 inch discharge--open 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. 4 second feet--4 second feet

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. 4 cubic feet per second--in the early part of the season  
and then well diminishes but the average throughout the season  
is approximately 3 cubic feet per second. Saw it measured at  
Discharge.

G-22604

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--40 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Sec. 28, 20 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 28, 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Sec. 29, 20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 29, all in Township 13 South, Range 23, E.B.M.  
45 acres newly cultivated. Remaining water used as supplement to existing water.

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

Ans. No Power

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. Brush ground of 45 acres requiring 45 inches of water.  
Remaining 30 inches used as supplemental water.

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. Cropping seasons of 1952 through 1956 inclusive, the entire output of the well used 1/2 time on rotation, and have seen all 120 acres above described irrigated with the water.

(Signed) Elden Fairchild

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 Burley, County of Cassia, State of Idaho, on this 13th day of February, A. D. 19 57.

Herman E. Bedke  
Notary Public.

My commission expires June 23, 1957

G-22604

# 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

Jan. 10, 17, 24, 31, 1957

19

Charles Brown

Subscribed and sworn to before me this 2

February, 1957.

Wallace A. Hale

Notary Public.

Notary Public residing at Oakley, Idaho  
My commission expires May 20, 1960

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

Notice is hereby given that at 2.00 P. M., on the 13th day of February, 1957, at Burley, County of Cassia, State of Idaho, before Herman E. Bedke, Notary Public, proof will be submitted of the completion of works for the diversion of 1.5 cubic feet per second of underground waters from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-2260 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 Herschel Bedke, 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 is 4 cubic feet per second.

3. The use to which said water has been applied is irrigation & Domestic purposes, and the amount applied to beneficial use is 1.5 cubic feet per second.

4. The point of diversion of said water is NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Sec. 3 Twp. 14 South Rge. 23 E. B. M.

5. The place where said water is used is N  $\frac{1}{2}$  SW  $\frac{1}{4}$  Sec. 28, N  $\frac{1}{2}$  SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Sec. 29, All in Twp. 13 S. Rge. 23 E. B. M.

6. The date of priority which said user is prepared to establish is February 11, 1952.

MARK R. KULP

State Reclamation Engineer

First publication January 10, 1957,  
Fourth publication January 31, 1957

RECEIVED  
FEB 15 1957  
Department of Reclamation

G-22604

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RE: Permit No. G-22604  
Herschel Bedke

Date: January 7, 1957

Oakley Herald  
Oakley, Idaho

Gentlemen:

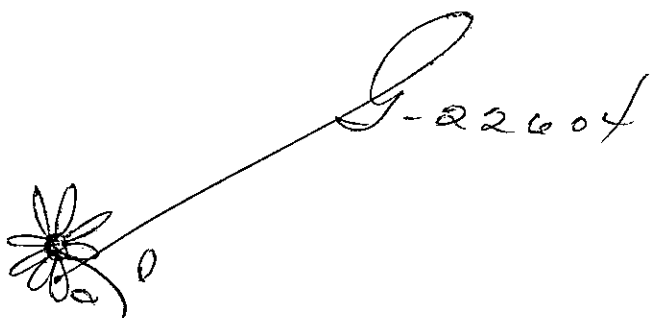
Enclosed you will find notice for publication once a week for four consecutive weeks prior to **February 13th, 1957** the date set for proof, the expense of the publication to be paid by the applicant, **Att'y - Herman E. Bedke** of **Burley Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

 G-22604

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

Notice is hereby given that at 2:00 P<sup>c</sup> M., on the 13th  
day of February, 1957, at Burley, County  
of Cassia, State of Idaho, before Herman E. Bedke, Notary Public, proof will be submitted of the completion  
of works for the diversion of 1.5 cubic feet per second of underground  
waters from a well, and of the application to beneficial use of said water, in  
accordance with the terms and conditions of Permit No. G-22604 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 Herschel Bedke, 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 is 4 cubic feet per second,

3. The use to which said water has been applied is Irrigation &  
Domestic purposes, and the amount applied to beneficial use is  
1.5 cubic feet per second.

4. The point of diversion of said water is NW<sup>1</sup>SW<sup>1</sup>, Sec. 3 Twp. 14 South  
Rge. 23 E.B.M.

5. The place where said water is used is N<sup>1</sup>SW<sup>1</sup>, Sec. 28, N<sup>1</sup>SE<sup>1</sup>, SE<sup>1</sup>NE<sup>1</sup>  
Sec. 29, All in Twp. 13 S. Rge. 23 E.B.M.

6. The date of priority which said user is prepared to establish is  
February 11, 1952.

MARK R. KULP  
State Reclamation Engineer

*G-22604*

January 7, 1957

RE: Permit No. G-22604  
Herschel Bedke

Mr. Herman E. Bedke  
Attorney at Law  
Post Office Box 204  
Burley, Idaho

Dear Mr. Bedke:

We have your letter of December 31, 1956, enclosing notice for Completion of Works and Beneficial Use proof on Permit No. G-22604, in the name of Herschel Bedke, to be made before you as Notary Public, on or before February 13th, 1957.

We shall send a copy of the Notice to the Oakley Herald, with instructions to publish it once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of Costs.

At the time set, you should contact Mr. Bedke, the Permit holder, to appear before you together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the enclosed depositions.

Very truly yours,

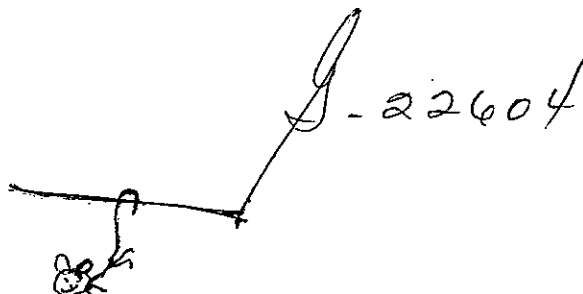
MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

EPR:evm  
Encl.

cc. none Notary & Att'y same

G-22604



HERMAN E. BEDKE

ATTORNEY AT LAW  
POST OFFICE BOX 204  
BURLEY, IDAHO

GEM BUILDING  
TELEPHONE ORCHARD 8-2401

December 31, 1956

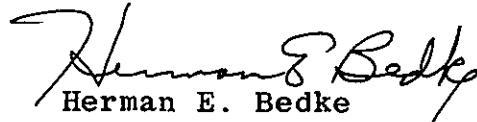
RECEIVED  
JAN 2 1957  
Department of Reclamation

State Reclamation Engineer  
State House  
Boise, Idaho

Dear Sir:

Please find enclosed the letter of authorization for publication and duplicate copies of Form 36 in regards to Permit # G-22604. Also find enclosed, the duplicate copy omitted in permit # 22603. Please file the same properly.

Yours truly,

  
Herman E. Bedke

HEB/c

G-22604

RECEIVED  
JAN 2 1957  
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Oakley, Idaho

(P. O.) December 31, 1956

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

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

Oakley Herald

of

Oakley, Idaho

published in

the county in which the works are situated.

Herschel Bedke

(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.

G-22004

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

RECEIVED  
JAN 2 1957  
Department of Reclamation

Notice is hereby given that at 2:00 P. M., on the 13th  
day of February, 19 57, at Burley, County  
of Cassia, State of Idaho, before  
**Herman E. Bedke, Notary Public**, proof will be submitted of the completion  
of works for the diversion of 1.5 cubic feet per second of underground  
waters from a well, and of the application to beneficial use of said water, in  
accordance with the terms and conditions of Permit No. G-22604 hereto-  
fore 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 Herschel Bedke, 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 is 4. cubic feet per second.

3. The use to which said water has been applied is Irrigation & Domestic  
purposes, and the amount applied to beneficial use is  
1.5 cubic feet per second.

4. The point of diversion of said water is NW 1/4 of Sec 3, T. 2  
14 South, Range 23, E.B.M.

5. The place where said water is used is N 1/2 of Section 29  
North half, Southeast Quarter, and Southeast quarter Northeast  
quarter in Section 29, all in Township 13 South, Range 23, E.B.M.

6. The date of priority which said user is prepared to establish is  
February 14, 1952

G-22604  
State Reclamation Engineer

XX

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

December 5, 1956

Mr. Herschel Bedke  
Oakley, Idaho

Dear Sir:

We enclose herewith blank notice for proof of completion of works and application of water to beneficial use under your Permit No. G-22604. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This proof must be submitted before a Notary Public or other officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is not later than February 14, 1957.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

*[Handwritten signature]* G-22604

S T A T E   O F   I D A H O

D E P A R T M E N T   O F   R E C L A M A T I O N

B O I S E

Permit No. G-22604

Date February 21, 1952

We enclose herewith the above numbered permit. BE SURE AND  
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the  
State Reclamation Engineer, on the fourth page.

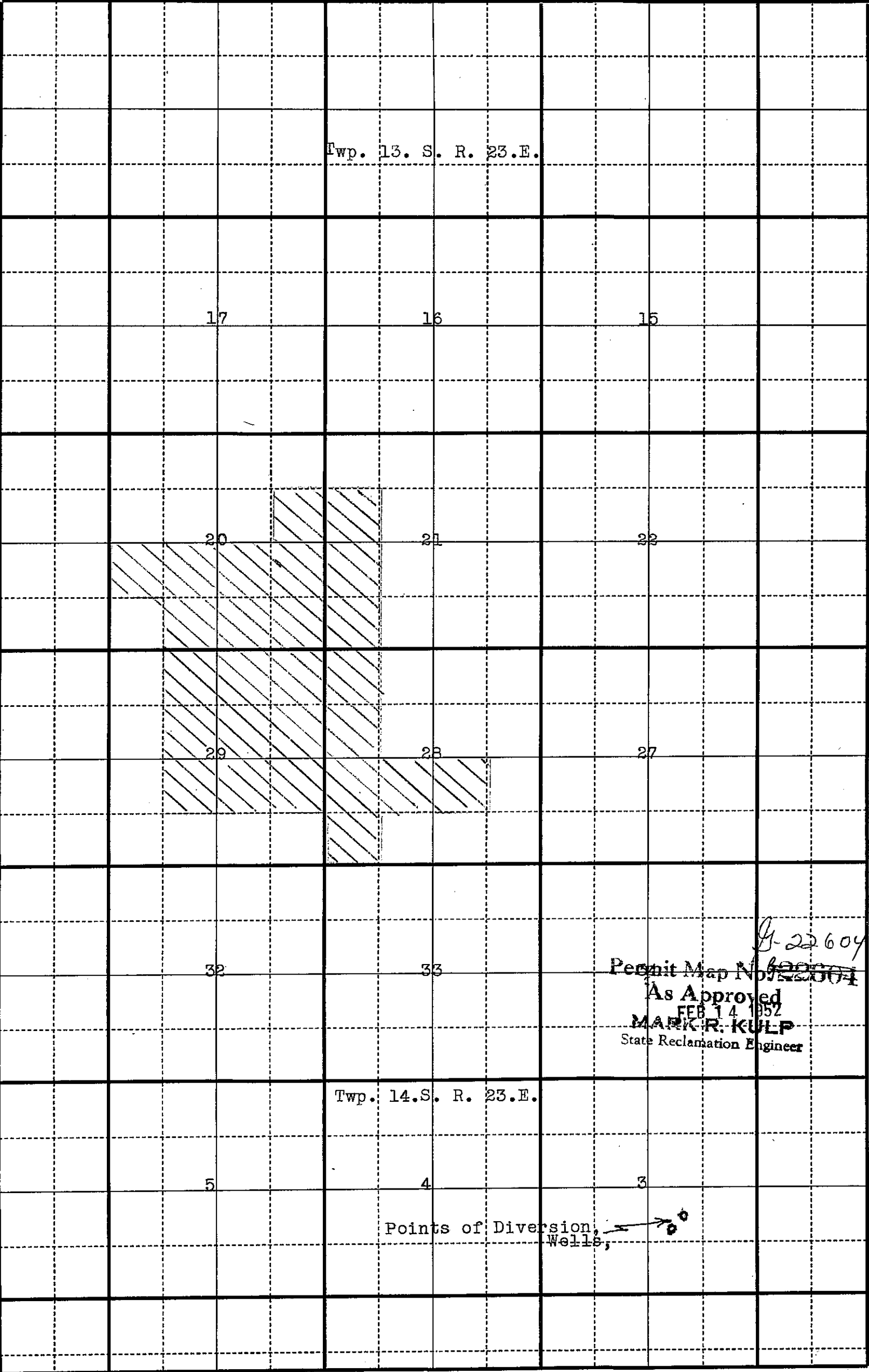
Mr. Herschel Bedke  
Oakley  
Idaho

MARK R. KULP  
State Reclamation Engineer

Enc. Departmental receipt No. 24173 for \$5.75 filing fee.

*G-22604*

□



NOTICE OF PROOF OF  
COMPLETION OF WORKS

and

APPLICATION OF WATER  
TO BENEFICIAL USE

Notice is hereby given that at 2.00 P. M., on the 13th day of February, 1957, at Burley, County of Cassia, State of Idaho, before Herman E. Sedke, Notary Public, proof will be submitted of the completion of works for the diversion of 1.5 cubic feet per second of underground waters from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-2260, 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 Herschel Sedke, 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 is 4 cubic feet per second.

3. The use to which said water has been applied is irrigation & Domestic purposes, and the amount applied to beneficial use is 1.5 cubic feet per second.

4. The point of diversion of said water is NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 3 Twp. 14 South Rge. 23 E. B. M.

5. The place where said water is used is N $\frac{1}{2}$ SW $\frac{1}{4}$  Sec. 28, N $\frac{1}{2}$ SE $\frac{1}{4}$ , E $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 29, All in Twp. 13 S. Rge. 23 E. B. M.

6. The date of priority which said user is prepared to establish is February 11, 1952.

MARK R. KULP

State Reclamation Engineer

First publication January 10, 1957,

Fourth publication January 31, 1957