

Twp 8S., Rge 14 E., B.M.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Claim No. 36-4117
RECEIVED
JUN 16 1983
Department of Water Resources
Southern District Office

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Box Canyon Livestock Inc.

(Name of Claimant)

Rt. 1, Wendell, Idaho, 83355

(Mailing Address)

Telephone No. 536-2381

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) Mar. 15, 1955

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

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Groundwater tributary to _____

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

	(Both dates inclusive)		
	(Mo., Day)	(Mo., Day)	
Quantity <u>1.50</u> (cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	Period of Use From <u>Mar. 15</u>	To <u>Nov. 15</u>
Quantity <u>675 gal/min</u>	Use <u>Irrigation</u>	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

- (4) 675 gal/min TOTAL QUANTITY USED.
(cfs, gpd, AFA)

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

NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25 Twp. 8S Rge. 14E B.M., County of Gooding

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 15 H.P. pump delivering to gravity ditches which irrigate the lands

15 H.P. U.S. Motor, Serial 234297, 1800 rpm, Type CFU pumping 675 gallons/minute
Pump by Layne Bowler Corp. Serial 20672

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

T	R	SEC.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
8S	14E	25							7	2	11	35	12	2					69

No. of acres 69

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

NOTE: Include here the type and number of stock watered: _____

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

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(8) Remarks _____

[illegible]

Scale: 2 inches equal 1 mile.

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

State of Idaho

County of

Handling

} ss.

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

Box Canyon Lifesport Inc
by Deborah Hines
(Claimant)

Sworn to before me this 15th day of

Notary Public
Residing at _____

Wendell Baker

My commission expires _____

Life Term

FOR DEPARTMENT USE ONLY

Received by maria

Date _____

Exception filed by:

Forwarded to

Date _____

Prelim. check by

Date _____

claimant by: _____

\$~~220~~00 fee received by 0220

Date _____

Published in

Dates

Reading C. leader

6/24 F 7 1/8

6/17/81 #18664

Twp 8S., Rge 14 E., B.M.



IN THE MATTER OF:

State of Idaho

County of _____

RECEIVED

JUN 16 1981

Department of Water Resources
AFFIDAVIT Southern District Office

Frederick Prip being first duly sworn,
deposes and says: The well was dug in 1955
by Eaton Well Drillers in Wendell as
noted by Earle Nielson for
Joe Hansen, Box Canyon Livestock
Shanghae. The property in question in
1970 from Joe Hansen.

Frederick Prip
Signature

Subscribed and sworn to before me this 15th day of June 1981.

James Hill
Notary Public

Residing at Wendell, Idaho

My commission expires Life Term

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AFFIDAVIT of PUBLICATION

RECEIVED

COPY OF NOTICE

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

36-4117

BOX CANYON LIVE-STOCK, INC.
RT. 1, WENDELL, ID 83355
Source: GROUNDWATER
Priority Date: 03/15/1955
Amount: 1.50 CFS
Diversion Point: NWSW Sec 25 T 08S R 14E, GOODING Co.
Use: IRRIGATION (1.50 CFS) from 03/15 to 11/15
Place of Use: SWNW SENW NESW NWSW SWSW SESW Sec 25 T 08S R 14E FOR 69 ACRES
Diversion Means: WELL & PUMP

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

/s/ A. KENNETH DUNN
Director

Pub: 6-24, 7-1, 1981

State of Idaho, }
County of Gooding. } SS.

JUL 6 1981

Department of Water Resources
Southern District Office

Gary Gooding, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 24 day of June

1981, and the date of the last publication was on the 1

day of July, 1981.

Subscribed and sworn to before me this 1

day of July, 1981.
(SEAL)

ok
man

Cindy Davis
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 40

Number of Insertions 2

Lines tabular at 16 .42 6.72-

Lines straight at 24 .32 7.68

Subsequent lines at 40 .21 8.40

TOTAL COST 22.80

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight 21c
7 pt. per line, tabular 315c
7 pt. per line, successive
insertions 15c

Nº 2821

37305

MICROFILMED

AFFIDAVIT of PUBLICATION RECEIVED

(Paste Here)

Noting Claims to Water Rights

State of Idaho, }
County of Gooding. } SS.

JUL 6 1981

Department of Water Resources
Southern District Office

TITLE OF NOTICE

#36-4117

PLAINTIFF-ATTORNEY

DEFENDANT

PLAINTIFF

Department of Water Resources
BILL TO

Jerry Good, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 24 day of June 1981, and the date of the last publication was on the 1 day of July 1981

Subscribed and sworn to before me this 1

day of July, 1981.
(SEAL)

ok mwp

Cindy Davis
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

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Nº 2821

37305

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

September 13, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Box Canyon Dairy
Attn: Scott Haig
PO Box 140
Wendell, ID 83335

Re: Transfer No. 5500 involving Water Rights 36-04117 & 36-02535
Point Of Diversion: T08S R14E Sec 25 NWNWSW (36-04117)
Point Of Diversion: T08S R14E Sec 15 SWSW (36-02535)

Dear Mr. Haig:

This letter is a follow up to our phone conversation of September 13, 1999 regarding the above transfer and points of diversion. You will recall that IDWR had identified some problems related to water right 36-04117. Specifically, measurements that staff made in 1995 and 1996 showed that the number of acres irrigated and amount of water diverted from the well in Section 25 exceeded the amounts authorized by the water right. It appears that Transfer Application No. 5500 sufficiently addresses this problem by moving a portion of right 36-02535 to the well in Section 25. IDWR appreciates the fact that you have recognized this problem and have taken steps to correct it.

The purpose of my contacting you was to advise you that the rate of diversion from the well in section 15 for the remaining portion of right 36-02535, if the transfer is approved, will be reduced to 0.71 cubic feet per second (cfs). The original licensed rate of diversion was 1.42 cfs. You should be aware that unless the pumping plant and/or system at the section 15 well is modified, Box Canyon Dairy may potentially be at risk in the future of exceeding the 0.71 cfs diversion rate under the remaining portion of right 36-02535.

Enforcement of rate of diversion for ground water rights is one of a number of issues that is presently being reviewed by the Department as it develops water management rules. I am not sure how this issue will ultimately be resolved. However, I did feel that it is appropriate to advise you of the issue while the transfer application is now being processed.

Please do not hesitate to contact me if you have questions concerning this matter. Thank you again for your continued cooperation.

Sincerely,

Tim Luke

Cc: Jeff Martin, North Snake Ground Water Dist.
IDWR Southern Region
Pam Skaggs, IDWR



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

FILE -
WR #36-
04117

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 10, 1999

Micheal H. Felton
PO Box 589
Buhl, ID 833160

Re: Your Letter of November 8, 1999 and Request for Information

Dear Mr. Felton,

I received your letter of November 8th requesting a copy of application for transfer and "the letter IDWR most likely sent to Box Canyon Dairy regarding" water right 36-04117. Please find enclosed a copy of water right transfer no. 5500 that was filed with the department. The copy of the application in our files here at the state office included a number of attachments filed by the applicant. Some of the attachments were photographs of diversion facilities and places of use. There were also several topographic map and ASCS photocopies that had little or no information on them, or did not reproduce well. Please note that the enclosed copy does not include the photographs or all of the map attachments.

I am not certain what "letter" you may be referring to in you correspondence but I noticed that the transfer application contained a number of attachments, including one department letter and one department memo concerning the need for the transfer application. I further note that the one attached letter was addressed to you. I suspect one of these documents may be what you are seeking. I could find no other relevant letters in our water right files here at our state office. Perhaps our Twin Falls office has additional correspondence concerning this matter.

Your letter to me states that you plan to send the attached documents to Dr. Charles Brockway so that he can respond to my letter that was sent to Scott Haag of Box Canyon Dairy on September 13, 1999. Please note that my letter to Mr. Haag did not request a reply. I am therefore not expecting any reply but I would be happy to address any questions or provide any assistance.

Respectfully,

Tim Luke
Water Distribution

Cc: Scott Haag, Box Canyon Dairy

MEMORANDUM

TO: FILE 36-04117

FROM: PAM SKAGGS

RE: TRANSFER # 5500

DATE: 9/7/99

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 36-02535.

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

1. WELL OWNER

Name Box Canyon Livestock
Address P.O. Box 181 *ret of*
Drilling Permit No. ~~47-93-5-079~~ 36-4117-12
Water Right Permit No. 36-4117

7. WATER LEVEL

Static water level 27 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature 65 °F. Quality _____
Describe artesian or temperature zones below.

2. NATURE OF WORK

- ☐ New well ☒ Deepened ☐ Replacement
☐ Well diameter increase ☐ Modification
☐ Abandoned (describe abandonment or modification procedures such as liners, screen, materials, plug depths, etc. in lithologic log, section 9.)

3. PROPOSED USE

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

4. METHOD DRILLED

- ☒ Rotary ☒ Air ☐ Auger ☐ Reverse rotary
☐ Cable ☐ Mud ☐ Other _____
 (backhoe, hydraulic, etc.)

5. WELL CONSTRUCTION

Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____

Thickness Diameter From To

_____ inches _____ inches + _____ feet _____ feet

_____ inches _____ inches _____ feet _____ feet

_____ inches _____ inches _____ feet _____ feet

Was casing drive shoe used? ☐ Yes ☐ No
Was a packer or seal used? ☐ Yes ☐ No
Perforated? ☐ Yes ☐ No

How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation? _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☐ No
 Manufacturer _____ Type _____

Top Packer or Headpipe _____
Bottom of Tailpipe _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet

Surface seal depth ____ Material used in seal: ☐ Cement grout
☐ Bentonite ☐ Puddling clay ☐

Sealing procedure used: ☐ Slurry pit
☐ Temp. surface casing ☐ Overbore to seal depth

Method of joining casing:

☐ Solvent Weld

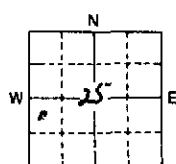
☐ Threaded ☐ Welded

☐ Cemented between strata

Describe access port

6. LOCATION OF WELL

Sketch map location **must** agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County Gooding NW 1/4 SW 1/4 Sec. 25 T. 8 N ☐ E ☒
S ☒ R. 14 W ☐

8. WELL TEST DATA

- ☐
- Pump
- ☐
- Bailer
- ☐
- Air
- ☐
- Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

[illegible]

10.

Work started May 12/92 finished May 13/92

11. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Eaton Dilling Firm No. 26

Address Wendell Date 5-26-92

Signed by Drilling Supervisor *[Signature]*

and Bail Caputo
(Operator) (if different than the Drilling Supervisor)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

JULY 13, 1981

BOX CANYON LIVESTOCK, INC.
RT. 1
WENDELL ID 83355

RE: Claim No. 36-4117

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

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

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,


LOREN O. HOLMES
Southern Region Supervisor

Enclosure

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NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

36-4117-

BOX CANYON LIVESTOCK, INC.

RT. 1, WENDELL, ID 83355

Source: GROUNDWATER

Priority Date: 03/15/1955

Amount: 1.50 CFS

Diversion Point: NWSW Sec 25 T 08S R 14E, GOODING Co.

Use: IRRIGATION (1.50 CFS) from 03/15 to 11/15

Place of Use: SWNW SENW NESW NWSW SWSW SESW Sec 25 T 08S R 14E
FOR 69 ACRES

Diversion Means: WELL & PUMP

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

A. KENNETH DUNN

Director

Published 6/24 & 7/1/81.



LEGAL (257) GALLEY lc

**NOTICE OF CLAIMS
TO WATER RIGHTS**

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STOCK, INC.

RT. 1, WENDELL, ID 83355

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25 T 08S R 14E, GOODING
Co.

Use: IRRIGATION (1.50
CFS) from 03/15 to 11/15

Place of Use: SWNW SENW

NESW NWSW SWSW SESW

Sec 25 T 08S R 14E FOR 69

ACRES

Diversion Means: WELL &
PUMP

Any exception to any
claim of water right may be
filed with the Director of the
Idaho Department of Water
Resources, 1041 Blue Lakes
Bldg. North, Twin Falls,
Idaho 83301.

/s/ A. KENNETH DUNN
Director

PUB: 6-24; 7-1, 1981

RECEIVED
JUN 24 1981

*sd
marya
6/24/81*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

JUNE 17, 1981

Gooding County Leader
P.O. Box 56
Gooding, Idaho 83330

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JULY 10, 1981.

Yours truly,

Mary A. Hill
Secretary

Encl.

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State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: T. G. Blau

Right Number 36-4117 Applicant BOX CANYON LIVESTOCK, INC.

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
 - ☒ Claim published correctly.
 - ☒ Exceptions processed. None
- By Adm Date 7/13/81

STATE OFFICE PROCESSING:

- ☒ Claim review complete.
- By Maureen Date 7/15/81