

RECEIVED

MAY 18 1977

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham)
State of Idaho) ss.

I, David Mark Brown do
solemnly

swear that I am the Publisher of
The Blackfoot News which is a daily newspaper of
general circulation published each day except Sunday
at Blackfoot, Bingham County, Idaho, said newspaper
having been so published at Blackfoot, aforesaid for
more than one year past; that said newspaper
heretofore complied with all the provisions of Chapter
154 of the Sessions Laws of Idaho of 1933, approved
March 11, 1933, and duly designated, pursuant to law, a
particular day of the week as the day on which legal
notices required by law or by the order of any Court of
competent jurisdiction within the State of Idaho shall
be published to-wit: Thurs of each week; that the
notice attached hereto and which is a part of this af-
fidavit and part of the proof of publication was,
published in said Thursday

..... issue of said newspaper 2 consecutive
wks, the first publication having been made on
the 28th day of April, 19 77,

and the last publication having been made on the
5th day of May, 19 77; that said

notice was published in the regular and entire issue of
every number of the paper as aforesaid during the
period and time of publication, and that notice was
published in the newspaper and not in a supplement.

Subscribed and sworn to before me this 6th
day of May, 19 77.

Patricia A. Johnson
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, ~~1976~~ 1980

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that J.
W. Vanderford, Inc., Aberdeen,
Idaho, has on 4-15-77 submitted

Application No. 35-7695, for a
permit to appropriate 4.80 cubic
feet per second of water from a
ground-water source by means
of well and pump within the
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 5S, R.
30E, B.M., Bingham County; to
be used from Apr. 1 to Nov. 1 for
the irrigation of 240 acres
within the NE $\frac{1}{4}$, Sec. 18,
S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 7, T. 5S, R. 30E,
B.M.

If issued, this permit will be
subject to all prior water rights.
Protests against the granting of
the permit must be filed with
the Idaho Department of Water
Resources, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401, on or
before May 16, 1977.

C. STEPHEN ALLRED
Director

(5080)
Pub.: 4-28; 5-5

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MINISTERIO DE LA SALUD



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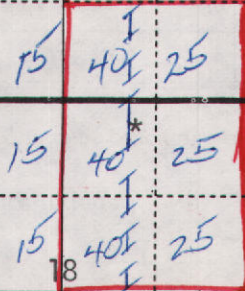
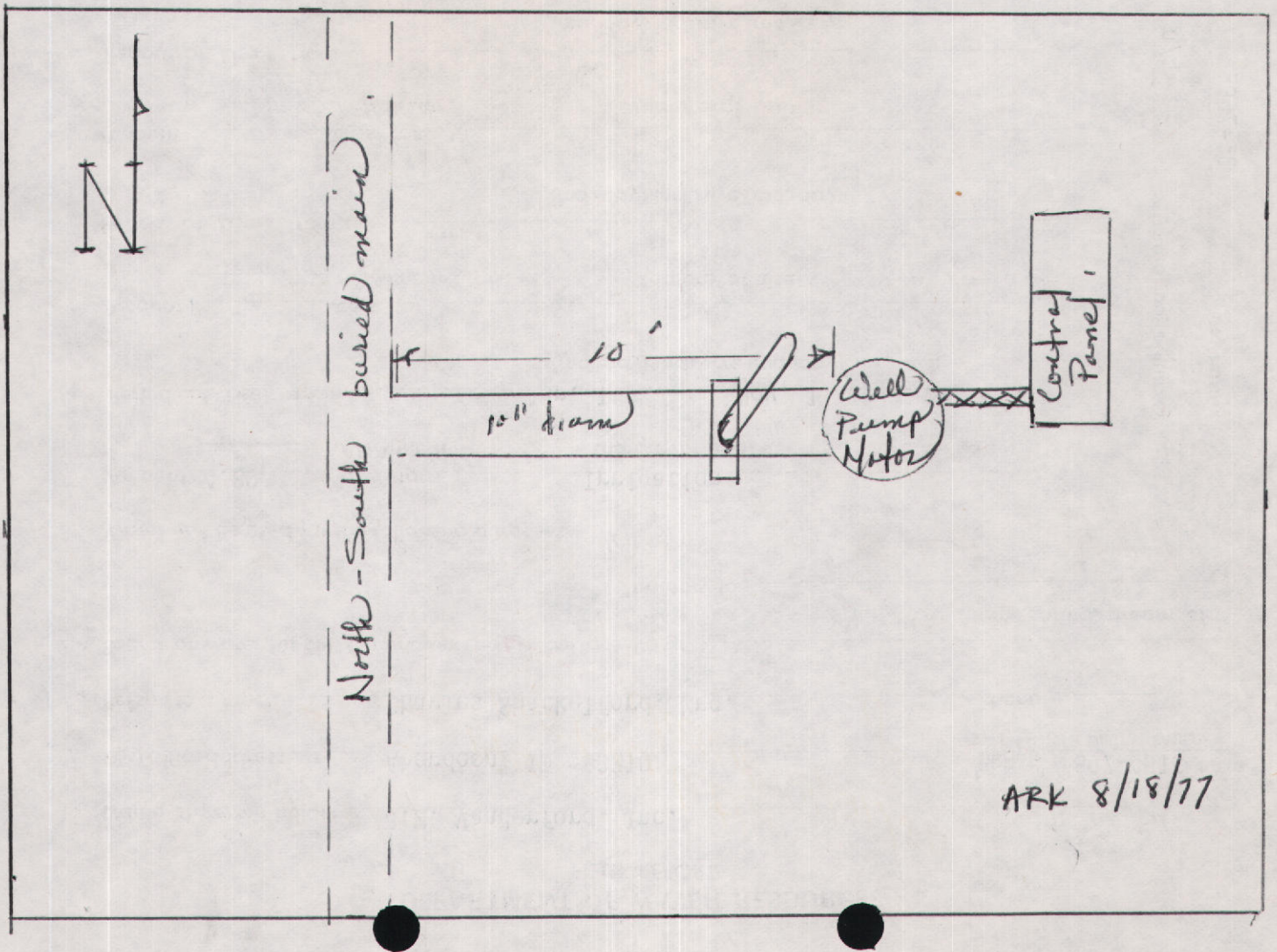


Diagram of System



WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	35-7695	J.W. Vanderford, Inc.	3.90
~~Full Assignment~~	~~35-7695~~	~~Margaret O'Haire~~	~~3.90~~
Full Assignment	35-7695	Charles J. Shackelford Carma J. Shackelford	3.90

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OCT 16 1990

NOTICE OF MORTGAGE

RECEIVED

OCT 5 1990

TO: State of Idaho
Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources

YOU ARE HEREBY NOTIFIED that the owner of the lands described in and benefitted by Water Right License No. 35-7695, namely, Margaret O'Haire, a single woman, has conveyed said lands and appurtenant water rights, including those evidenced by said license, to Charles J. Shackelford and Carma J. Shackelford, husband and wife, P.O. Box 212, Aberdeen, Idaho 83210, subject to a purchase money Mortgage, Security Agreement and Fixture Filing dated September 21, 1990, and recorded September 26, 1990, as Instrument No. 393015, in the office of the Recorder of Bingham County, Idaho.

You are hereby requested to send notices and correspondence concerning said license to said Margaret O'Haire, Mortgagee, as well as to Charles J. Shackelford and Carma J. Shackelford, husband and wife, Mortgagors and owners of the lands irrigated by and described in said Water License No. 35-7695, until such time as said Mortgage, Security Agreement and Fixture Filing have been satisfied and released of record.

DATED this 21st day of September, 1990.

Margaret O'Haire
Margaret O'Haire

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OCT 16 1990

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OCT 12 1990

Department of Water Resources

Charles J. Shackelford
Charles J. Shackelford

Carma J. Shackelford
Carma J. Shackelford

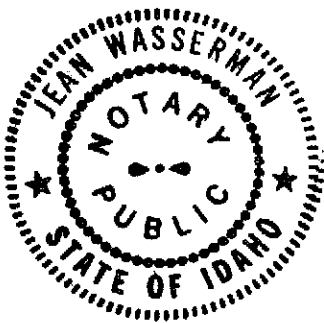
STATE OF IDAHO)

County of Ada)

ss.

On this 21st day of Sept., 1990, before me,
Jean Wasserman, the undersigned, a Notary
Public in and for said State, personally appeared MARGARET
O'HAIRE known or identified to me to be the person whose name is
subscribed to the foregoing instrument, and acknowledged to me
that she executed the same.

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



Jean Wasserman
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires 2/17, 1991

MICROFILMED

OCT 16 1990

RECEIVED
OCT 12 1990

Department of Water Resources

STATE OF IDAHO)
County of Bingham) ss.

On this 19th day of September, 1990, before me,
Pam A Muirbrook, the undersigned, a Notary
Public in and for said State, personally appeared CHARLES J.
SHACKELFORD, known or identified to me to be the person whose
name is subscribed to the foregoing instrument, and acknowledged
to me that he executed the same.

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

Pam A Muirbrook
Notary Public for Idaho
Residing at Arden, Idaho
My commission expires 2/12, 1996

STATE OF IDAHO)
County of Bingham) ss.

On this 19th day of September, 1990, before me,
Pam A Muirbrook, the undersigned, a Notary
Public in and for said State, personally appeared CARMA J.
SHACKELFORD, known or identified to me to be the person whose
name is subscribed to the foregoing instrument, and acknowledged
to me that she executed the same.

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

Pam A Muirbrook
Notary Public for Idaho
Residing at Arden, Idaho
My commission expires 2/12, 1996

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OCT 16 1990

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7695 Priority April 15, 1977 Amount 3.90 cfs

THIS IS TO CERTIFY, that J. W. VANDERFORD, INC., CHARLES SHACKELFORD, Manager
of Aberdeen, Idaho, has complied with the terms and conditions of Permit
No. 35-7695 issued pursuant to Application for Permit dated April 15, 1977,
and has submitted proof to the Department of Water Resources on June 29, 1977,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 3.95 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u>	at <u>3.90</u> cfs and	<u>682.5</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 3.90 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
682.5 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, Twp. 5S,
Rge. 30E, B.M. in the County of Bingham

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5S	30E	7															40	25	65
		18	25	40	40	25													130

Total number of acres irrigated 195

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28 of

May, 19 80.

Director

Identification No. 35 7695

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

Manager, Charles Shackelford

1. Name of applicant J.W. Vanderford, Inc. Phone: 397-4616
post office address Aberdeen, ID 83210

2. Source of water supply ground water which is a tributary of _____

3. a. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 18 Township 5S
Range 30E B.M. Bingham County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:

Amount 4.80 for irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 4.80 cubic feet per second and/or

b. Existing acre feet per annum.

6. ~~Proposed~~ diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, 200 hp motor, turbine pump
buried main line, 5 $\frac{1}{2}$ -mile wheel lines, 3 $\frac{1}{2}$ -mile hand lines

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____

Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is 18 inches; proposed depth of well is 450 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.

b. Estimated construction cost is \$50,000.00.

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____

(2) Amount of power to be generated: _____ hp under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

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

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5S	30E	18	40	40	40	40													160
		7															40	40	80

Total number of acres to be irrigated 240

c. Describe any other water rights used for the same purposes as described above. none

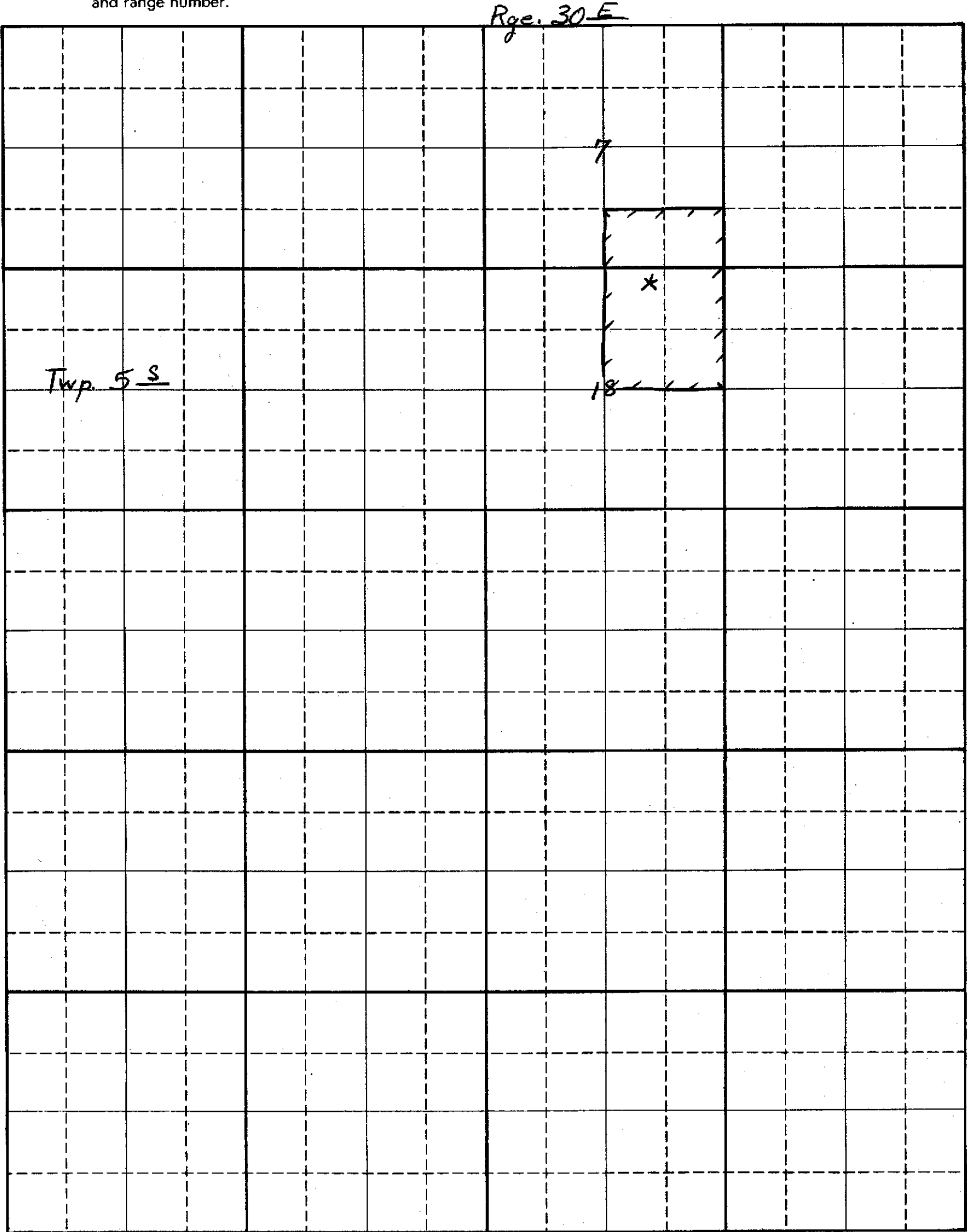
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

John W. Vandenberg
(Applicant)

Proposed Priority 4/15/77

Received by CW Date 4-15-77 Time 4:45p.

Preliminary check by 2AC Fee \$ 65.00

Receipted by CW Date 4-15-77 # 6539

Publication prepared by CW Date 4-22-77

Published in Blackfoot News

Publication dates April 28 & May 5 1977

Publication approved me Date 5-18-77

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by 2AC if

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-7695, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 82.

c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 13 day of June, 19 77.


Deputy Director

RECEIVED

MAY 13 1977

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham)
) ss.
State of Idaho)

I, David Mark Brown do
solemnly

swear that I am the Publisher of
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having been so published at Blackfoot, aforesaid for
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154 of the Sessions Laws of Idaho of 1933, approved
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particular day of the week as the day on which legal
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competent jurisdiction within the State of Idaho shall
be published to-wit: Thursday of each week; that the
notice attached hereto and which is a part of this af-
fidavit and part of the proof of publication was,
published in said Thursday

..... Issue of said newspaper 2 consecutive
wks, the first publication having been made on
the 28th day of April 19 77..

and the last publication having been made on the
5th day of May 19 77..; that said

notice was published in the regular and entire issue of
every number of the paper as aforesaid during the
period and time of publication, and that notice was
published in the newspaper and not in a supplement.

David Mark Brown

Subscribed and sworn to before me this 6th
day of May 19 77..

Patricia A. Johnson
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, ~~1977~~ 1980

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B.M.

If issued, this permit will be
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Protests against the granting of
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the Idaho Department of Water
Resources, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401, on or
before May 16, 1977.

STEPHEN ALLRED
Director

(3080)
Pub.: 4-28; 5-5

RDC
31

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

ROBERT I. TROXELL
JESS B. HAWLEY, JR.
JOHN T. HAWLEY, R.A.
THOMAS A. MILLER
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JULIA A. CROSSLAND
RICHARD B. BURLEIGH
RANDOLPH J. HILL
CRAIG G. TAYLOR
NICHOLAS J. WOYCHICK
CLIFFORD L. BROWN

FIRST INTERSTATE CENTER

SUITE 1000

POST OFFICE BOX 1817

BOISE, IDAHO 83701

TELEPHONE

(208) 344-6000

FAX

(208) 342-3829

M. NEAL NEWHOUSE
OF COUNSEL

PAUL B. ENNIS
(1916-1982)

POCATELLO OFFICE

125 NORTH GARFIELD

POST OFFICE BOX 4167

POCATELLO, IDAHO 83205

TELEPHONE

(208) 233-0845

January 21, 1991

State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

RECEIVED
JAN 22 1991

Department of Water Resources

Re: Water Right License No. 35-7695
Notice of Mortgage - Shackelford/O'Haire

Gentlemen:

Enclosed is original and a copy of our January 16, 1991 letter to you concerning Water Right License No. 35-7695, plus a copy of Satisfaction of Mortgage executed by Margaret O'Haire on January 17, 1991.

Will you please affix your filing/receipt stamp to the copy of the enclosed letter and return it to me in the stamped, self-addressed envelope provided.

Thank you for your consideration.

Yours truly,


Thomas A. Miller

jw
Encs.

MicroFILMED

JAN 28 1991

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

ROBERT I. TROXELL
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125 NORTH GARFIELD
POST OFFICE BOX 4167
POCATELLO, IDAHO 83205

TELEPHONE
(208) 233-0845

January 16, 1991

State of Idaho
Dept. of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

Re: Water Right License No. 35-7695 -- Charles J.
Shackelford and Carma J. Shackelford,
Owners/Margaret O'Haire, Mortgagee

Gentlemen:

Mr. and Mrs. Shackelford and Margaret O'Haire, our client, gave you a Notice of Mortgage dated September 21, 1990, which you received on October 5, 1990 and which presumably was filed in the file for License No. 35-7695.

That mortgage has been completely paid off and is being satisfied of record.

Therefore, please mark the Notice of Mortgage and any other portions of your record so as to reflect that Mrs. O'Haire no longer has any interest in the license or in the property to which it is appurtenant.

I am having her join in this letter to show her concurrence.

MICROFILMED

JAN 28 1991

HAWLEY TROXELL ENNIS & HAWLEY

State of Idaho
Dept. of Water Resources
January 16, 1991
Page 2

Please call me if you have any questions or need anything further.

Yours truly,

HAWLEY TROXELL ENNIS & HAWLEY


Thomas A. Miller

APPROVED:


Margaret O'Haire

cc: Mr. and Mrs. Charles J. Shackelford
P. O. Box 212
Aberdeen, ID 83210

MICROFILMED

JAN 28 1991

SATISFACTION OF MORTGAGE

KNOW ALL PERSONS that MARGARET O'HAIRE does hereby certify that a certain mortgage executed by CHARLES J. SHACKELFORD and CARMA J. SHACKELFORD, husband and wife, to MARGARET O'HAIRE, a single person, dated effective September 21, 1990, and recorded September 26, 1990, as Instrument No. 393015, Mortgage Records in the office of the Recorder of Bingham County, Idaho, together with the debt thereby secured, is fully paid, satisfied and discharged.

DATED this 17 day of JANUARY, 1991.

Margaret O'Haire
Margaret O'Haire

STATE OF IDAHO)
County of ADA) ss.

On this 17 day of JANUARY, 1991, before me, SUSAN BENCH, the undersigned, a Notary Public in and for said State, personally appeared MARGARET O'HAIRE, a single woman, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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

Susan Bench
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires 7/7, 1994

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

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October 19, 1990

RECEIVED
OCT 22 1990

Brenda Miller
Clerical Records Specialist
Idaho Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources

Re: Assignments of Water Right License No. 35-7695
Permit Nos. 35-7873 - 35-7876 - 35-7877

Dear Ms. Miller:

We are in receipt of your letter of October 12 returning file-stamped originals and copies of the above-identified documents.

On October 5 our messenger returned file-stamped copies of the assignment documents for our records. Even though you state in your letter "we have modified our computer records to indicate the changes of ownership", we prefer that you retain the original file-stamped assignment documents in your respective files numbers 35-7695, 35-7873, 35-7876 and 35-7877.

If you have any questions, please call me. Thank you for your consideration.

Yours truly,


Thomas A. Miller

TAM/jw
Encs.

MICROFILMED

JAN 28 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 12, 1990

RE: License No. 35-7695

Charles Shackelford
Carma J. Shackelford
P.O. Box 212
Aberdeen, ID 83210

Dear Mr. and Mrs. Shackelford:

We are in receipt of the correspondence concerning ownership of the above referenced water right license.

In Idaho, a licensed water right is considered real property and is acquired when the property to which it is appurtenant is purchased. Proof of owning the land is proof of owning the water right license, if the previous land owner did not exclude the water right from the sale. Therefore, we will place your correspondence in the file for future reference and have modified our computer records to indicate you as the present owners of the property.

Also, we are enclosing a copy of the Notice of Mortgage sent to our office from Thomas A. Miller, Attorney at Law.

If you have any questions, please let us know.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

Enclosure

MICROFILMED

OCT 16 1990

State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 12, 1990

RE: License No. 35-7695

Margaret O'Haire
8756 Clovis Drive
Boise, ID 83709

Dear Margaret:

We are in receipt of the correspondence concerning ownership of the above referenced water right license.

In Idaho, a licensed water right is considered real property and is acquired when the property to which it is appurtenant is purchased. Proof of owning the land is proof of owning the water right license, since you did not exclude the water right from the sale. Therefore, we will place your correspondence in the file for future reference and have modified our computer records to indicate you have assigned the water right to Charles J. and Carma J. Shackelford.

Also, we are enclosing a copy of the Notice of Mortgage sent to our office from Thomas A. Miller, Attorney at Law.

If you have any questions, please let us know.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

Enclosure

MICROFILMED

OCT 16 1990

HAWLEY TROXELL ENNIS & HAWLEY
ATTORNEYS AND COUNSELORS

ROBERT I. TROXELL
JESS B. HAWLEY, JR.
JOHN T. HAWLEY, P.A.
THOMAS A. MILLER
CRAIG L. MEADOWS
JOSEPH D. McCOLLUM, JR.
WAYNE B. SLAUGHTER, JR.
GARY D. BABBITT
P. CRAIG STORTI
MERLYN W. CLARK
RICHARD F. GOODSON
CARL W. HARDER
PHILLIP M. BARBER
DONALD E. KNICKREHM
EDWIN V. APEL, JR.
EUGENE A. RITTI
KAREN L. LANSING
JOHN F. KURTZ, JR.
ROBERT S. ERICKSON
NICHOLAS G. MILLER
JOHN McGOWN, JR.
ALBERT P. BARKER

DON A. OLOWINSKI
RONALD E. BUSH
STEVEN W. BERENTER
KENNETH C. HOWELL
RITA L. BERRY
MICHAEL M. STODDARD
JOSEPH P. LANGFIELD
SUSAN D. MINER
KEVIN J. BEATON
PATRICK V. COLLINS
CHRIS F. ODE
BRAD P. MILLER
STEVEN R. ORMISTON
WILLIAM J. DAVIS
JOHN B. HINTON
JULIA A. CROSSLAND
RICHARD B. BURLEIGH
RANDOLPH J. HILL
CRAIG G. TAYLOR
NICHOLAS J. WOYCHICK
CLIFFORD L. BROWN

FIRST INTERSTATE CENTER
SUITE 1000
POST OFFICE BOX 1617
BOISE, IDAHO 83701

TELEPHONE
(208) 344-6000

FAX
(208) 342-3829

M. NEAL NEWHOUSE
OF COUNSEL

PAUL B. ENNIS
(1916-1982)

POCATELLO OFFICE
125 NORTH GARFIELD
POST OFFICE BOX 4167
POCATELLO, IDAHO 83205

TELEPHONE
(208) 233-0845

October 4, 1990

RECEIVED
OCT 5 1990

HAND DELIVERED

State of Idaho
Department of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, Idaho 83720

Department of Water Resources

Re: Water Right License No. 35-7695
Water Permit Nos. 35-7873, 35-7876 & 35-7877

Gentlemen:

Enclosed herewith are duplicate originals (plus one copy) of Notice of Mortgage concerning Water Right License No. 35-7695 requesting you to send notices and correspondence in connection with said license to Margaret O'Haire, the Mortgagee, as well as to Mr. and Mrs. Charles J. Shackelford, the Mortgagors.

Also enclosed for filing are duly executed Assignments of Permits Nos. 35-7873, 35-7876 and 35-7877, whereby Margaret O'Haire sells and assigns her right, title and interest in and to said permits unto Charles J. Shackelford, et ux.

Please file stamp the originals and all copies of these documents and return to us the extra original and one copy of the Notice of Mortgage and two copies of each of the Assignments. Please file the originals which you retain in the appropriate files in your office.

If you have any questions concerning the filing of these documents, please call me.

RECEIVED

OCT 11 1990

Dept. of Water Resources
October 4, 1990
Page 2

Thank you for your prompt attention and consideration.

Yours truly,


Thomas A. Miller

TAM/jw
Encs.

cc: Margaret O'Haire (w/o Encs.)
Mr./Mrs. Charles J. Shackelford
(w/o Encs.)

MICROFILMED

OCT 16 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

May 28, 1980

J. W. Vanderford, Inc.
Charles Shackelford, Mgr.
Aberdeen, Idaho 83210

Dear Mr. Shackelford,

RE: License No. 35-7695

Enclosed is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

Jan Grover
JAN GROVER
Water Rights Supervisor

JG:mr
Enclosure

MICROFILMED

April 21, 1980

J. W. Vanderford, Inc.
Charles Shackelford, Mgr.
Abdrdeen, Idaho 83210

Dear Mr. Shackelford,

RE: Permit No. 35-7695

On February 19, and March 28, 1980 we forwarded letters to you requesting you amend the above referenced permit to correspond with the findings of our field examiner before issuring this license.

However, we have not received this amendment. Therefore, if we do not receive the amendment within 15 days, we will issue a license omitting the 40-acre tracts that would have been changed with the amendment.

A license will be issued as follows:

The amount, nature of use, period of use and point of diversion
will remain the same.
Place of use: ~~210~~ acres within the S₁SE₄, Sec. 7; NE₄, Sec. 18,
Twp. 5S, Rge. 30E, B. M.

If you have any questions, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:mr

MICROFILMED

March 28, 1980

Re: Permit No. 35-7695

J. W. Vanderford, Inc.
Charles Shakkelford, Manager
Aberdeen, ID 83210

Dear Mr. Shakkelford:

On February 19, 1980, we forwarded an amendment to you to be completed to amend this permit to correspond with the findings of the field examiner so that we could issue this license. As of this date, we have not received this amendment.

If we do not receive this amendment within fifteen (15) days, we will assume you no longer have any interest in this permit and cancellation proceedings will begin.

If you have any questions, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:J

MAILED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

February 19, 1980

J. W. Vanderford, Inc.
Charles Shackelford, Manager
Aberdeen, Idaho 83210

Dear Mr. Shackelford,

A representative of this Department made an examination of the works covered by your Permit No. 35-7695 on August 18, 1977, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 3.95 cfs Source: groundwater

The maximum quantity diverted shall not exceed 840 acre feet
per year.

Point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, Twp. 5S, Rge. 30E, B.M.

Beneficial use: Irrigation of 80 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 7
& 160 acres within the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 18, Twp. 5S,
Rge. 30E.

Priority date established: April 15, 1977.

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure

MICROFILMED

T.O. Vanderford.
35-7695

424
8/18/77 '61



T
5
S

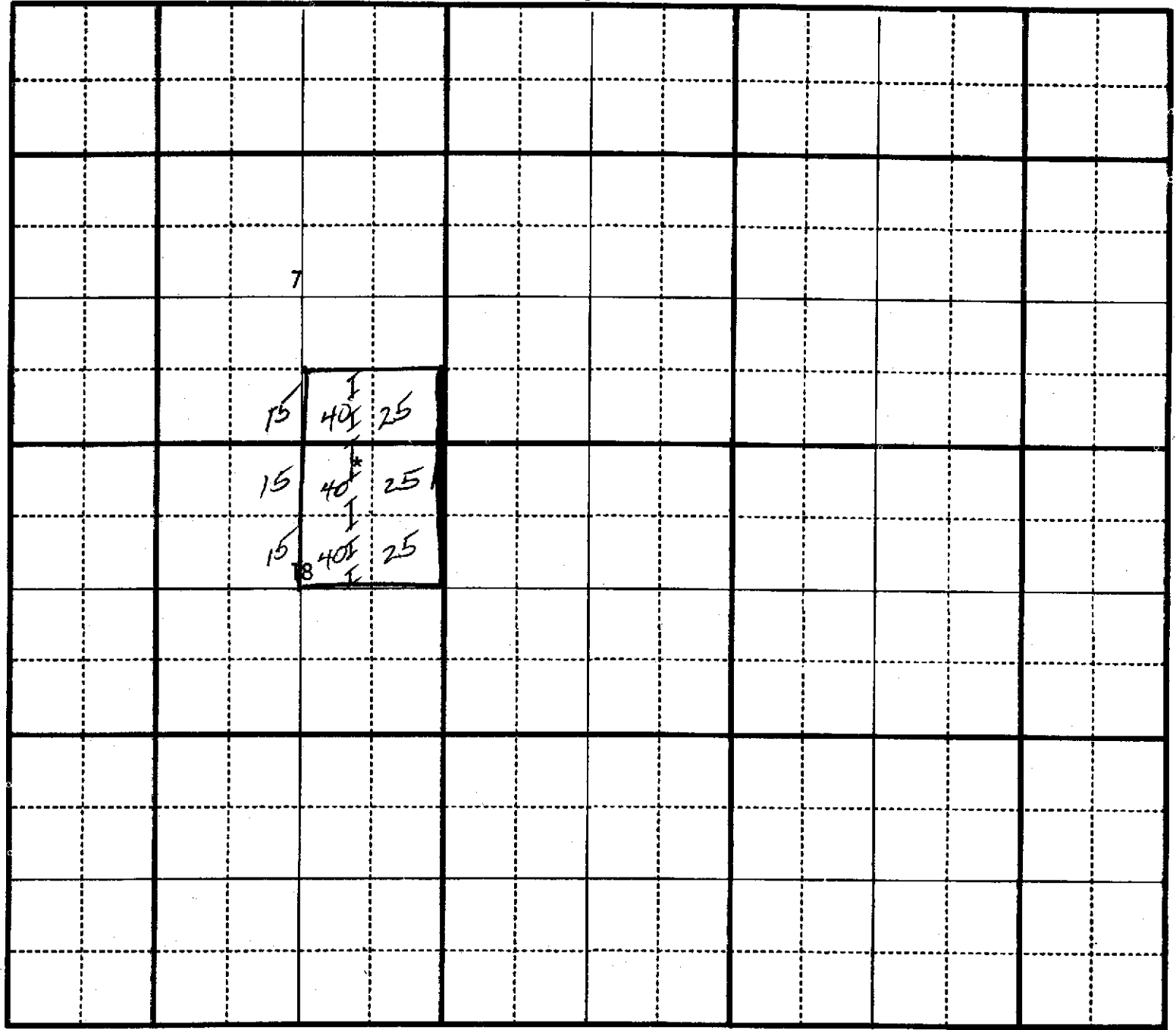
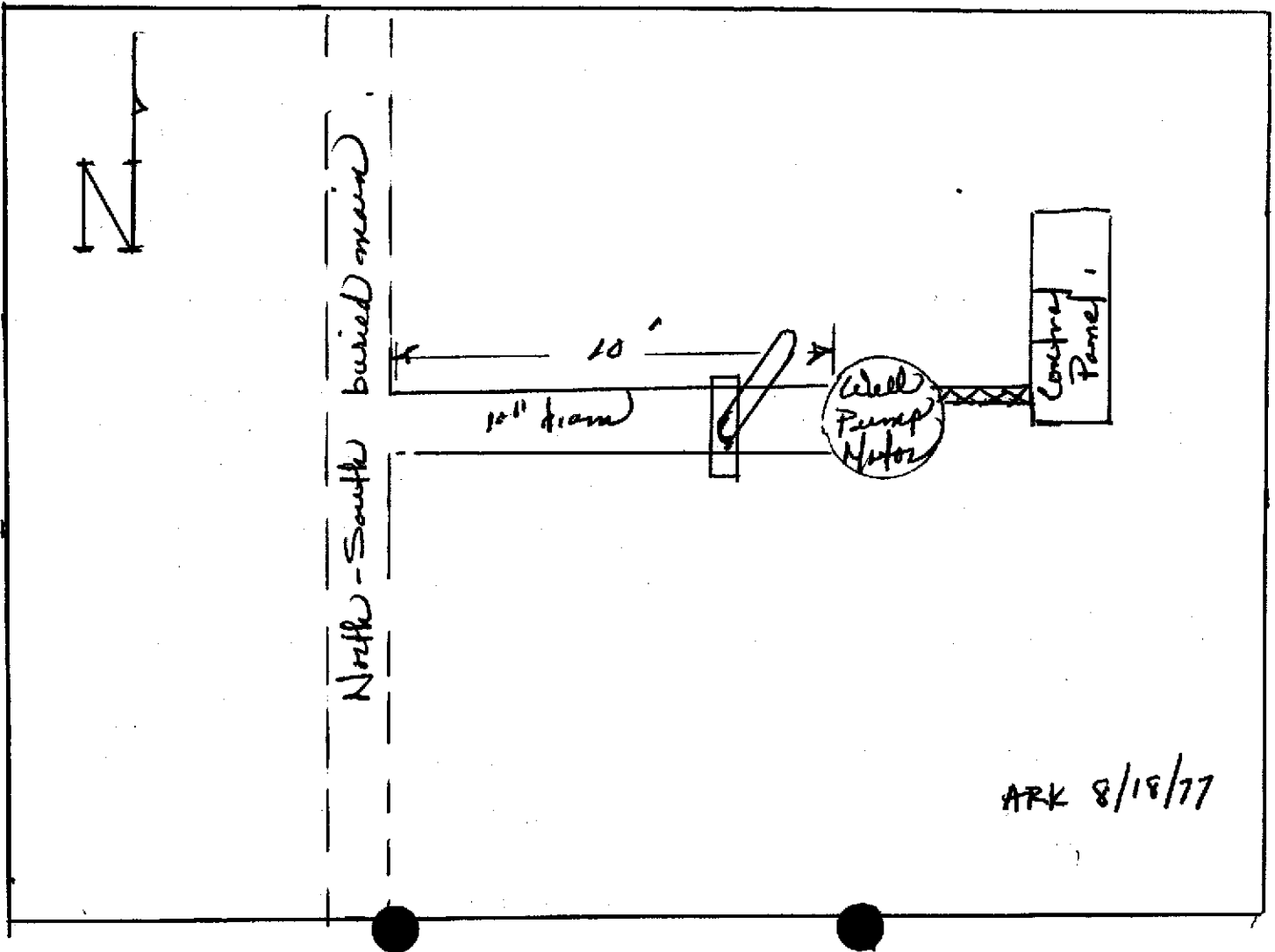


Diagram of System



DATE OF EXAM 8/18/77

ACREAGE
Found 240 ac ¹⁹⁵ (see letter dated 4/21/80)
Recommended 240 ac ¹⁹⁵ jo

Irrigation Requirement 3.5 ac Ac Ft/Ac

USE
Irrigation Q = 3.95 c.f.s. V = 840 AF/Ann. from April to Nov
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: n/a
Twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no X

Name source exchanged with: n/a
Twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: n/a
Twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: n/a
Twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 3.95 cfs Method of measurement Pitot Tube

Total Q recommended 3.95 cfs Meter No. n/a Type n/a Condition n/a
Total V recommended 840 AF/Ann no measuring device present

Recommended Amendments:

P.D. _____
Place of Use See Rough draft amendment
Other _____
None _____

MEASUREMENT CALCULATION:
Measured 1770.78 gpm, 1 cfs = 448.8 gpm, 1770.78
÷ 448.8 gpm = 3.95 cfs

V = 240 X 3.5 = 840 AF/Ann 215 X 1.9835 X 3.95 = 1684.49 AF/yr

SYSTEM DESCRIPTION:
Groundwater is diverted by a General Electric tw-clad,
3 ph, 300 H.P. mtr - 5K6287XH16A, S/N - LFI 1104112
and a Layre & Bowler vertical turbine pump #44783
Acres irrigated by 6 wheel moves 1/4 mi long &
2 1/4 mi short lines

REMARKS:

System shown & described by Mr. Shackelford,
Manager of Vanderford Irr.

Examiner's Signature Anthony R. Kozlowski Date 8/18/77

Checked by Ernest Carlson Date 2-02-78

Approved by _____ Date _____

July 25, 1977

Re: Permit Nos. 35-7695, 35-7694,
35-7693 & 35-7539

J. W. Vanderford
Aberdeen, ID 83210

Dear Mr. Vanderford:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Idaho Falls.

Sincerely,

JANICE RENK
Water Rights

RECEIVED
JUL 28 1977
IDAHO FALLS
IDAHO

RECEIVED

JUN 29 1977 *dy*

Department of Water Resources
Eastern District Office

Identification No. _____

Permit No. 35-7695

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder J.W. Vanderford, Inc.
b) Post Office Address Aberdeen, ID
2. Permit Number 35-7695
3. Date of Priority that you are prepared to establish 4-15-77
4. a) Source from which water was appropriated ground water
b) Location of the point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18
Township 5S, Range 30E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 4.80 for irrigation purposes from Apr. 1 to Nov. 1 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 4.80 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 18" x 450' well, 200 hp motor, wheel and hand lines
b) Describe the type and size of measuring device which you have installed at your point of diversion: In-line meter
c) Give well driller's name and address and the date the well was completed: Paul Vollmer
Aberdeen, Idaho
Fall, 1962
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

Exam by 7/22/77 *dy*

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9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

[illegible]

Total number of acres irrigated 240

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

June 29, 1977

(Date)

John W. Vanderford
(Signature)

(Signature)

State of Idaho)

) ss.

County of Bonneville)

On this 29th day of June, 1977, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.


Notary Public residing at _____
Idaho Falls, Idaho

My commission expires 6/15/81

June 15, 1977

Re: Permit No. 35-7693
35-7694
35-7695

J. W. Vanderford, Inc.
Aberdeen, ID 83210

Gentlemen:

Enclosed are copies of your approved Application for Permit Nos. 35-7693, 35-7694, and 35-7695. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at each point of diversion has been placed upon your permits. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF/cah

Enclosures

RECEIVED
JUN 16 1977

April 22, 1977

RE: Application for Permit No. 35-7692 HARMON
35-7693)
35-7694)
35-7695) VANDERFORD
35-7696)
35-7697 BOWERS

Blackfoot News
P.O. Box 70
Blackfoot, Idaho 83221

Gentlemen:

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

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 5-13-77 by me

RDC:CW

Enc: Legal Notice 6)

**NOTICE OF
APPLICATION FOR
WATER PERMIT**

Notice is hereby given that J. W. Vanderford, Inc., Aberdeen, Idaho, has on 4-15-77 submitted Application No. 35-7695, for a permit to appropriate 4.80 cubic feet per second of water from a ground-water source by means of well and pump within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 5S, R. 30E, B.M., Bingham County, to be used from Apr. 1 to Nov. 1 for the irrigation of 240 acres within the NE $\frac{1}{4}$, Sec. 18, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 7, T. 5S, R. 30E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before May 16, 1977.

C. STEPHEN ALLRED
Director

(5080)

Pub.: 4-28; 5-5

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that J. W. Vanderford, Inc.,
Aberdeen, Idaho

has on 4-15-77 submitted Application No. 35-7695
for a permit to appropriate 4.80 cubic feet per second ~~XXXXXX~~ acre feet per annum
of water from a ground-water source
by means of well and pump
within the NM NEL, Sec. 18, T. 5S, R. 30E, B.M., Bingham County;

to be used from Apr. 1 to Nov. 1
for the irrigation of 240 acres

within the NE $\frac{1}{4}$, Sec. 18, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 7, T. 5S, R. 30E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 16, 1977

C. STEPHEN ALLRED
XXXXXXXXXXXXXXXXXXXXX
R: KATH HIGGINSON

Director

Published in the Blackfoot News, Blackfoot, Idaho
on April 28 and May 5, 1977

MICROFILMED

the
the
J.H.H.

April 21, 1977

RE: Applications for Transfer No. 35-2387, 35-2425 and 35-2073

Applications for Permit No. 35-7693, 35-7694, 35-7695 and 35-7696

J. W. Vanderford
Aberdeen,
Idaho 83210

Gentlemen:

Attached herewith is departmental receipt No. 6539 and 6547 in the amount of \$280.00 for the above referenced applications.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Attachment

11/10/77

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Vanderford

GW Source
☒ Point of Diversion
☒ County
4.80 Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
240 Place of Use or Acres Irrigated
☒ Map
☒ Signature
65 Fee

(1) Emc 4/15/77

In form to receipt yes.

(2) " "

Send Copies to:

N/A

Idaho State Health Department
Idaho Fish and Game Department
Bureau of Land Management

(3) " "

N/A

Request Special Use Permit from U.S.F.S.
Request Easement from B.L.M.
Request Information from Applicant
Request Dam Safety Information

(4) " "

In form for advertising yes.

(5) " "

Platted on Map No. 5 S 30 E Basin 35

(6) " "

Located within Water District No. 35

(7) " "

Critical groundwater area: yes no X

(8) " "

Groundwater levels:

Declining, X Stable, Increasing

(comment) OB WELL 5 S 30 E 12 bba.

(9) " "

Other rights on the same place of use NONE

(10) " "

Comments: NONE

(11) me 5-13-77

Affidavit of Publication received (date) 5-13-77

(12) me 5-16-77

Final date for protests May 16-1977

Protests received: yes no

(13) RDC 5/18/77

All requested information received from agencies or applicant: yes no

(14) " "

Action recommended:

☒ Approve

Deny

4/15/77 Proposed Priority

Reason for Reduction

☒ Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

(15) District E

By RDC

Date 5/18/77

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Copy