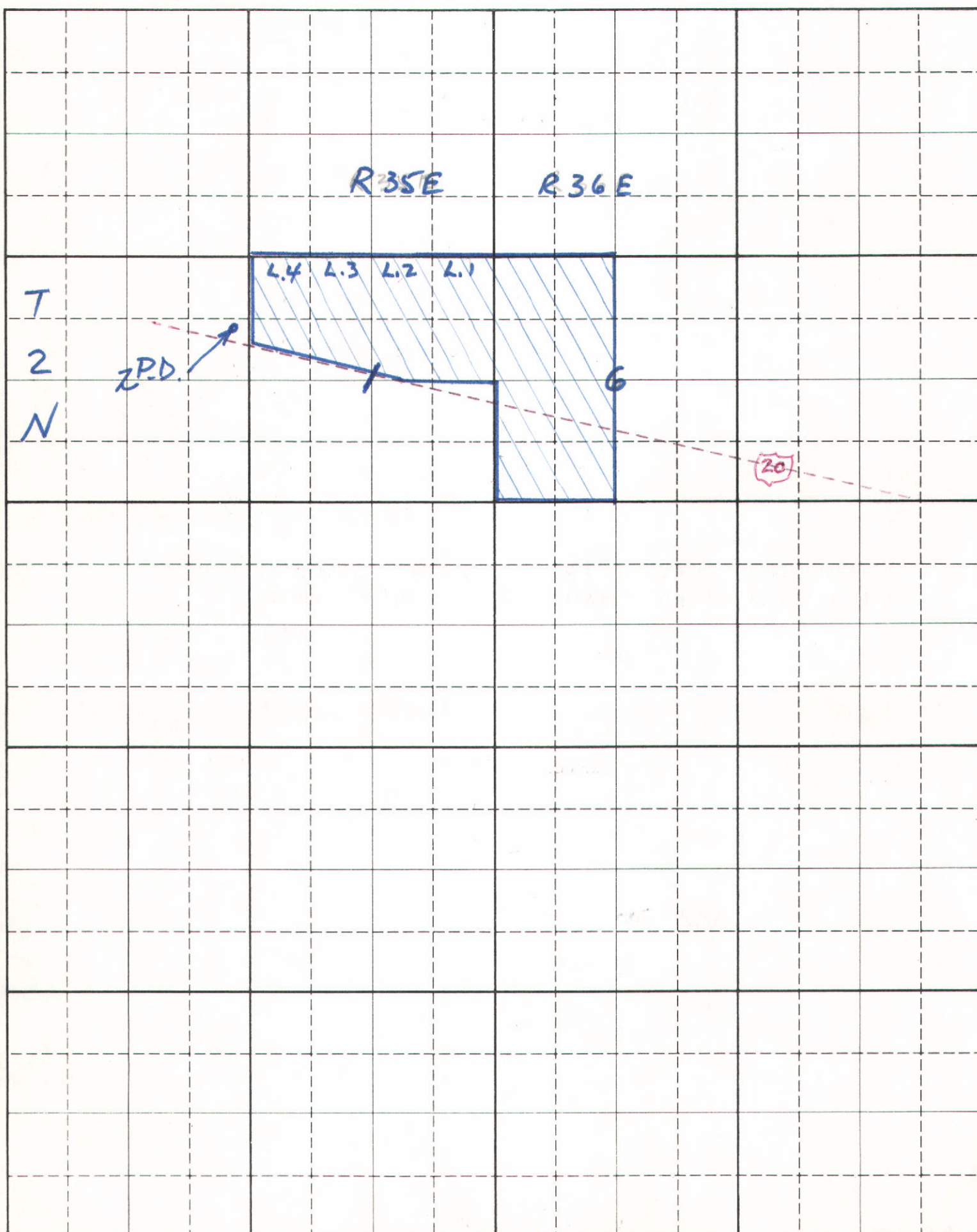


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

William James McCallough Jr.
(Applicant)

Proof of Publication

The Post-Register

RECEIVED

JUL 21 1975
Department of Water Resources
Eastern District Office

State of Idaho, }
County of Bonneville } ss.

I, E. F. McDermott, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 10th day of July, 1975, last publication having been made on the 17th day of July, 1975, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 18th day of July, 1975

Karensdale
Notary Public

My commission expires April 5, 1979

B10, 1M

NOTICE OF APPLICATION FOR WATER PERMIT
Notice is hereby given that William James McCullough, Jr., Idaho Falls, Idaho has on 7-2-75 submitted Application No. 35-7521 for a permit to appropriate 10.0 cubic feet per second of water from a ground-water source by means of well and pump within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, T. 2N, R. 35E, B.M., Bonneville County; to be used from Apr. 1 to Nov. 1 for the irrigation of 569 acres within the N $\frac{1}{2}$, Sec. 1, T. 2N, R. 35E; W $\frac{1}{2}$, Sec. 6, T. 2N, R. 36E, 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 July 28, 1975.
R. KEITH HIGGINSON
Director
Published in the Post-Register Idaho Falls, Idaho on July 10 and July 17, 1975.

MICROFILMED

T3N
T2N

16.4

R 36E

Sec 6

Road

POINT OF
DIVERSION

Sec 1

R 35E

E-351
(E-29)
40.5

35-7521

MAR 06 1981

MICROFILMED

L-1

L-2

L-3

L-4

Road →

124.8

123.4

185.6

10.5

12

25

25

25

25

36

39

35

39

36

39

35

39

36

40

14

19

14

4

17

37

Road



35-7521

MICROFILMED

MAR 06 1987

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-7521

Priority: July 31, 1975

Amount:

5.79 CFS

1774.5 AF

This is to certify, that MORGAN GARNER

64 N. 4TH E.

REXBURG, ID 83440

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated July 2, 1975, and has submitted proof to the Department of Water Resources on August 31, 1978, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 5.79 cfs of water from a **GROUNDWATER** source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	04/01 to 11/01	5.79 cfs	1774.5 af

LOCATION OF POINT OF DIVERSION(S): SENE, Sec. 2, Township 2N, Range 35E
Bonneville County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
2N	35E	1	LOT 1(NENE)25	LOT 2(NWNE)25	SWNE 35	SENE 39	
			LOT 3(NENW)25	LOT 4(NWNW)25	SWNW 36	SENW 39	249
2N	36E	6	NENW 39	NWNW 38	SWNW 36	SENW 40	
			NESW 23	NWSW 28	SWSW 37	SESW 17	258

Total number of acres irrigated: 507

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. 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 license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 23rd day of FEBRUARY, 1987.

Acting for the

Director



RECORDED

WATER RIGHT SPLIT
SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	35-7521	William James McCullough, Jr.	10.0 cfs
Full Assignment	35-7521	Morgan Garner	10.0 cfs

RECEIVED
JAN 10 1964

RECEIVED

State of Idaho
Department of Water Resources

RECEIVED

AUG 1 1984

ASSIGNMENT OF PERMIT

AUG 1 1984

Department of Water Resources
Eastern District Office

I, WILLIAM JAMES MCCULLOUGH, hereby assign to MORGAN GARNER
of REXBURG IDAHO 83440
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 35-7521
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 1 day of August, 19 84.

William James McCullough
Permit Holder

none
Spouse of Permit Holder

State of Idaho)
County of Bonneville) ss.

On this 1st day of August, 19 84, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

William Day
Notary Public residing at
Idaho Falls

My commission expires:
6-15-85

RECEIVED

IN THE MATTER OF PERMIT NO. 35-7521)
IN THE NAME OF WILLIAM JAMES MCCULLOUGH, JR.) ORDER OF REINSTATEMENT

Chief, Operations Bureau

Identification No. 35 7521

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)

- 1 Name of applicant William James McCullough, Jr. Phone 522-7092
post office address Rt. #4, Box 425, Idaho Falls, Idaho
- 2 Source of water supply ground water which is a tributary of _____
- 3 a Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 2 Township 2N
Range 35E B M Bonneville 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 10.0 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 10.0 cubic feet per second and/or
b _____ acre feet per annum
- 6 Proposed diverting works
a Description of ditches, flumes, pumps, headgates, etc Well, pump, sprinkler system

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 24 inches, proposed depth of well is 350 feet
- 7 a Time required for the completion of the works and application of the water to the proposed beneficial use
is 3 years
b Estimated construction cost is \$ 200,000.
- 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 _____

RECEIVED

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

Handwritten note: All 4000

TWP	RANGE	SEC	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	NE 1/4	NW 1/4	SW 1/4	SE 1/4
	2N	35E	1	L 1/4 30	40	40	L 3/4 30	L 1/4 30	25	30	37	40	37	40				255
	2N	36E	6				40	40	40	40	37	40	37	40				314
TOTALS																		

Total number of acres to be irrigated 569

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

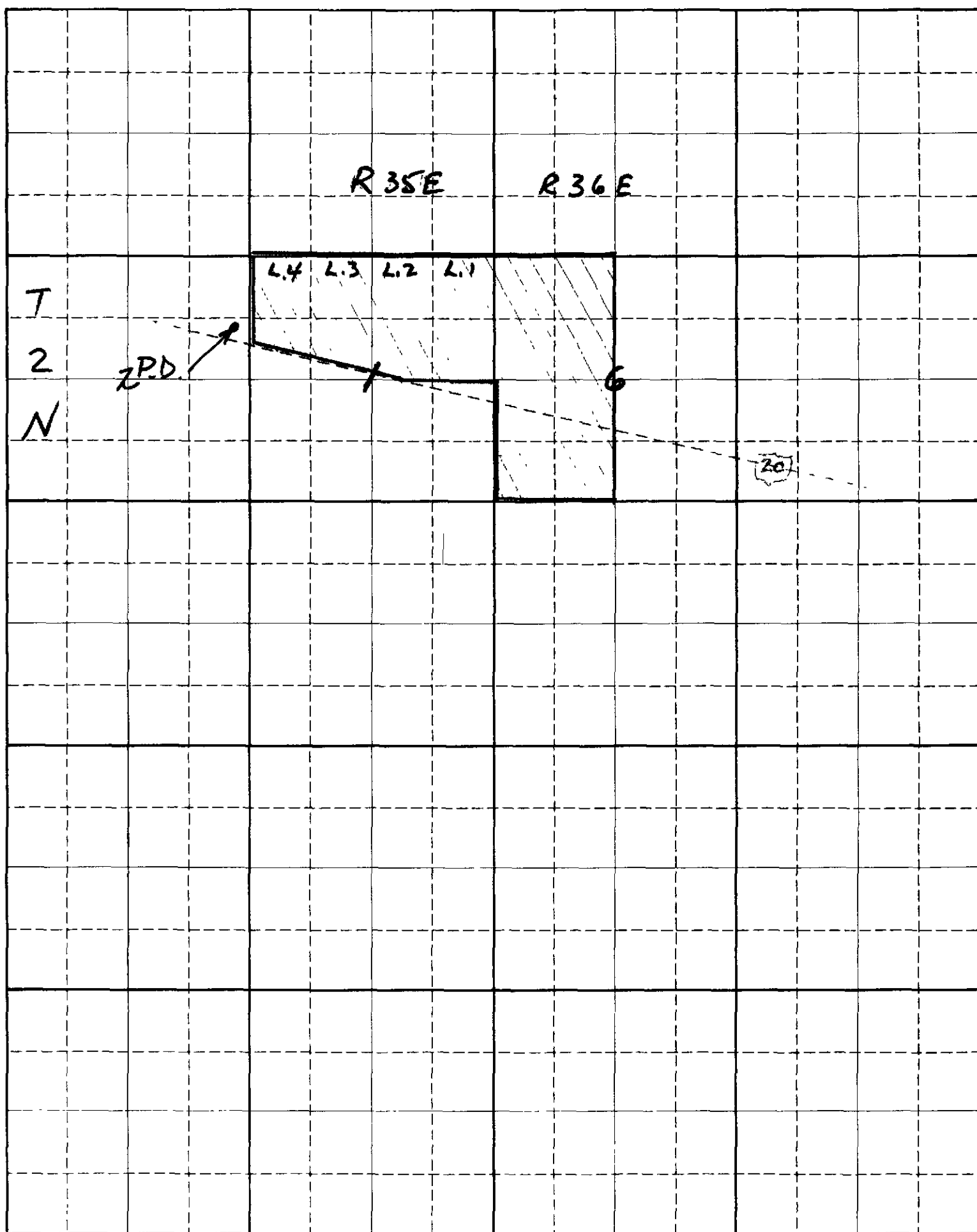
b. Who owns the land to be irrigated or place of use Applicant

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

Eric W. H. Hough Jr.
(Applicant)

Proposed Priority 7-02-1975

Received by WJL Date 7-02-75 Time 8:40 AM
Preliminary check by WR Fee \$ 115.00
Received by WJL Date 7-02-75 # 1518
Publication prepared by MB Date 7-3-75
Published in The Out Register
Publication dates July 10 & 17, 1975
Publication approved MB Date 7-01-75
Priority reduced to _____ Reason _____
Protests filed by _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by ROC JHJ

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. 35-7521, 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 August 1, 19 78.

c Other A measuring device of a type approved by this Department 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 30 day of July, 19 75.

Director

Proof of Publication The Post-Register

JUL 11 1975
Department of Water Resources
Eastern District Office

State of Idaho, }
County of Bonneville } ss.

I, E. F. McDermott, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 10th day of July, 1975, last publication having been made on the 17th day of July, 1975, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 19th day of July, 1975

Karl J. Halcio
Notary Public

My commission expires April 5, 1976

B10, 1M

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that William James McCullough, Jr., Idaho Falls, Idaho has on 7-2-75 submitted Application No. 35-7521 for a permit to appropriate 100 cubic feet per second of water from a ground water source by means of well and pump within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, T. 2N, R. 35E, B.M., Bonneville County, to be used from Apr. 1 to Nov. 1 for the irrigation of 569 acres within the NE $\frac{1}{4}$, Sec. 1, T. 2N, R. 35E, W $\frac{1}{2}$, Sec. 6, T. 2N, R. 36E, 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 July 28, 1975.

R. KEITH HIGGINSON
Director

Published in the Post-Register Idaho Falls, Idaho on July 10 and July 17, 1975



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL DIAZ
Governor

A. KENNETH DUNN
Director

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

February 26, 1987

MORGAN GARNER
64 N. 4TH E.
REXBURG, ID 83440

RE: Permit No. 35-7521

Dear Permit Holder(s):

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MAR 10 1987



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83721
(208) 334-4440

January 28, 1987

RE: Permit No. 35-7521

Morgan Garner
64 N. 4th E.
Rexburg, ID 83440

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

If you do not concur with the information shown on the draft license, please advise the Department within ten (10) days. If you have any questions, please let us know; otherwise, the license will be issued as identified on the draft copy.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED

MAR 06 1987

10 day

(late proof)

6. Beneficial Use	Period of Use From	To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Irrigation ✓	4-1 ✓	11-1 ✓	5.79 cfs	1774.5 ✓ AF

Allowable Maximums: 5.79 cfs ✓ 1774.5 acft ✓

8. Place(s) of Use ☒

[illegible]

Approved in State Office by K. Walker

Date 12/12/86

1. Measurement Calculations

a) Field Measurement Calculations (include theoretical capacities and system capacity)

$$Q = \frac{8.8 (H_0)(\text{ft})}{8.8 (600)(.93)} = \frac{2.31 (\text{psi}) + 1.1 \text{ ft}}{2.31 (10) + 500} = 9.39 \text{ ft}$$

Manometer: 2.9" $\approx$ 7.8 cfs Monometer reading

$Q = VA$; $V = 7.8 \times 0.32 = 2.5 \text{ ft}^3/\text{sec}$

$A = \pi \left(\frac{15.5}{2} \right)^2 \times \frac{\text{ft}}{\text{ft}} = 1.32 \text{ ft}^2$

$Q = 2.5 \text{ ft}^3/\text{sec} \times 1.32 \text{ ft}^2 = 3.30 \text{ cfs}$

Flowmeters: 2600 gpm $\times \frac{1 \text{ cfs}}{144 \text{ gpm}} = 5.79 \text{ cfs}$

Permit: 10.0 cfs
 $507 \text{ ac} \times .02 \text{ cfs/ac} = 10.14 \text{ cfs}$

b) Volume Calculations for Irrigation:
 Recommended 5.79 cfs by system capacity OK

c) Volume Calculations for Other Uses: None
 $V_a = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 507 \times 3.5 = 1774.5$
 $V_{dr} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 5.79 \times 214 \times 1.9835 = 2457.7$
 $V = \text{Smaller of } V_a \text{ and } V_{dr} = 1774.5$

2. Overlap Review

- a) Other water rights with same place of use: None ✓
 b) Other water rights with same point of diversion: None ✓
 c) Analysis:

SEP 12 1963

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Water Resource

Permit No. 35- 7521

Phone No. 356-6919

1. Owner: Morgan K Garner Phone No. 356-6918
Current Address: 64 N 4th E, Rexburg
2. Accompanied by: Kay R. Garner EXAM. DATE: 7-8-86
Address: Rt 9 Box 309 A I-F. Phone No. 523-8393
Relationship to Permit Holder: Son
3. Source: groundwater tributary to N/A

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
1	General Elect	600	CKJ 306025	Johnston	?
2	U.S. Motors	800	1409419	Johnston	Not on Plate

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
 Pump to Booster (Not in operation, No Motor) to
 18 20 lines 32 birds per line 1/2 with 9/64"
 1/2 with 5/32" nozzles, 50.5" circ. mainline
 with 1/4" walls yields 15 9/16" I.D. Well #2
 can be used with well #1, but is not usually
 operated in this manner - (separated by gate valve)

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Cox Meter		Cox		120388	13-18	
Manometer			—	1	46"	
Flow meter	Totalizing	McCrometer	?	76-14-2010	—	

7. Measurements $15 \frac{9}{16}''$ id ☐ Additional data/computation sheets attached
-
- ~~26.3~~ - ~~23.5~~ = Flowmeter = 2600 gpm
- 26.7 - 23.8 = 2.9"

10 psi = operating pressure

8. Point(s) of Diversion: Indicate Method of Determination *U.S. G.S. Topo*

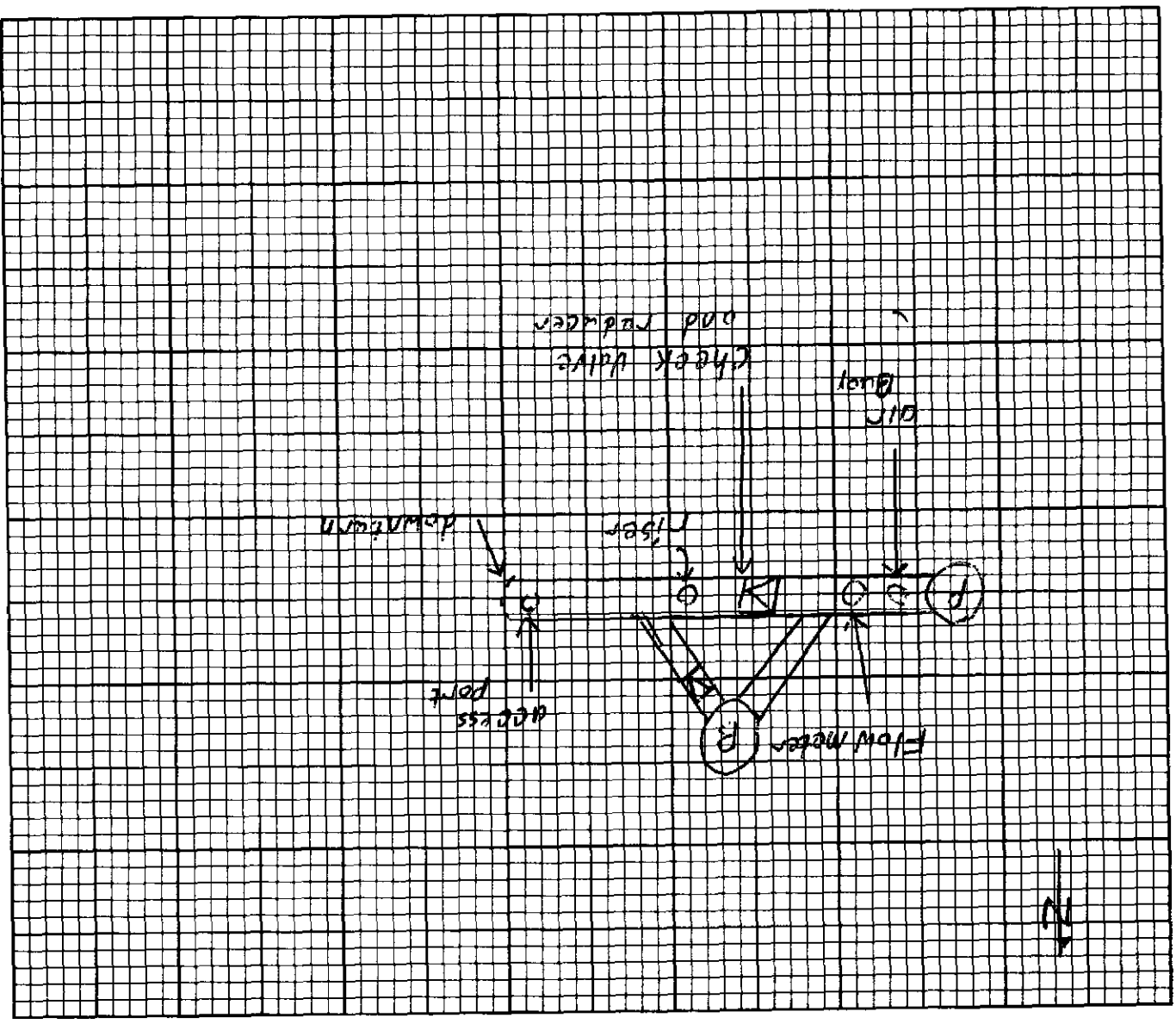
[illegible]

9. Place(s) of Use: Irrigation - give acres served by system at time of exam.
Indicate Method of Determination Aeros Aerial Photo

[illegible]

10. Other water rights on these lands None
11. Other water right diverted from same p.d. None

12. Diversion and Delivery System Diagram: Indicate all major components and distances between components. Indicate ditch size/p.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/p.d. bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached
☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks Mc Crowmeter has been in operation before 1978. Another well can be flow to this system if needed, but is hardly ever used, as in this manner lift is somewhere near 500' according to Mr. Garner. Well #1 and #2 are separated by a gate valve

15. Recommended Amendments
☐ Change P.D. as reflected above
☐ Change P.U. as reflected above
☐ Add P.D. as reflected above
☐ Add P.U. as reflected above
☒ None
☐ Other

16. Examiner's/Consultant's Signature John R. Crumham Date 7-16-86
Consultant's License Number _____
IDWR Director's Authorization to Conduct _____
Beneficial Use Examination _____
Date _____
CONSULTANT SEAL

T3N
T2N

16.4

Sec 6

38

40

19

38

36

14

14

17

31

Road 10.5

R36E

R35E

E-351
E-29

SEC 1

36

123.4

Road

POINT OF
DIVERSION

FILED
MAR 06 1981

8.05"

4W =

E

T

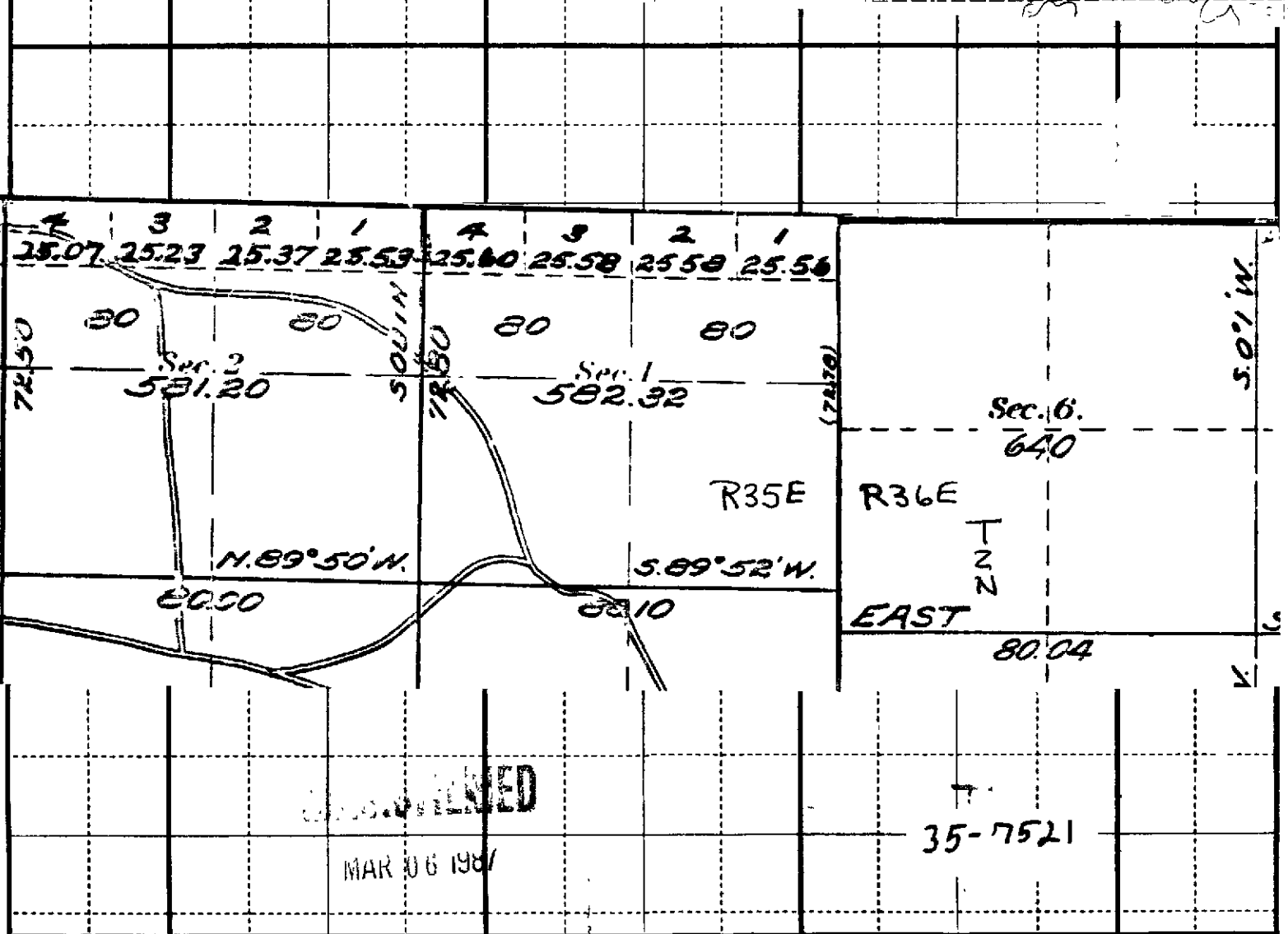
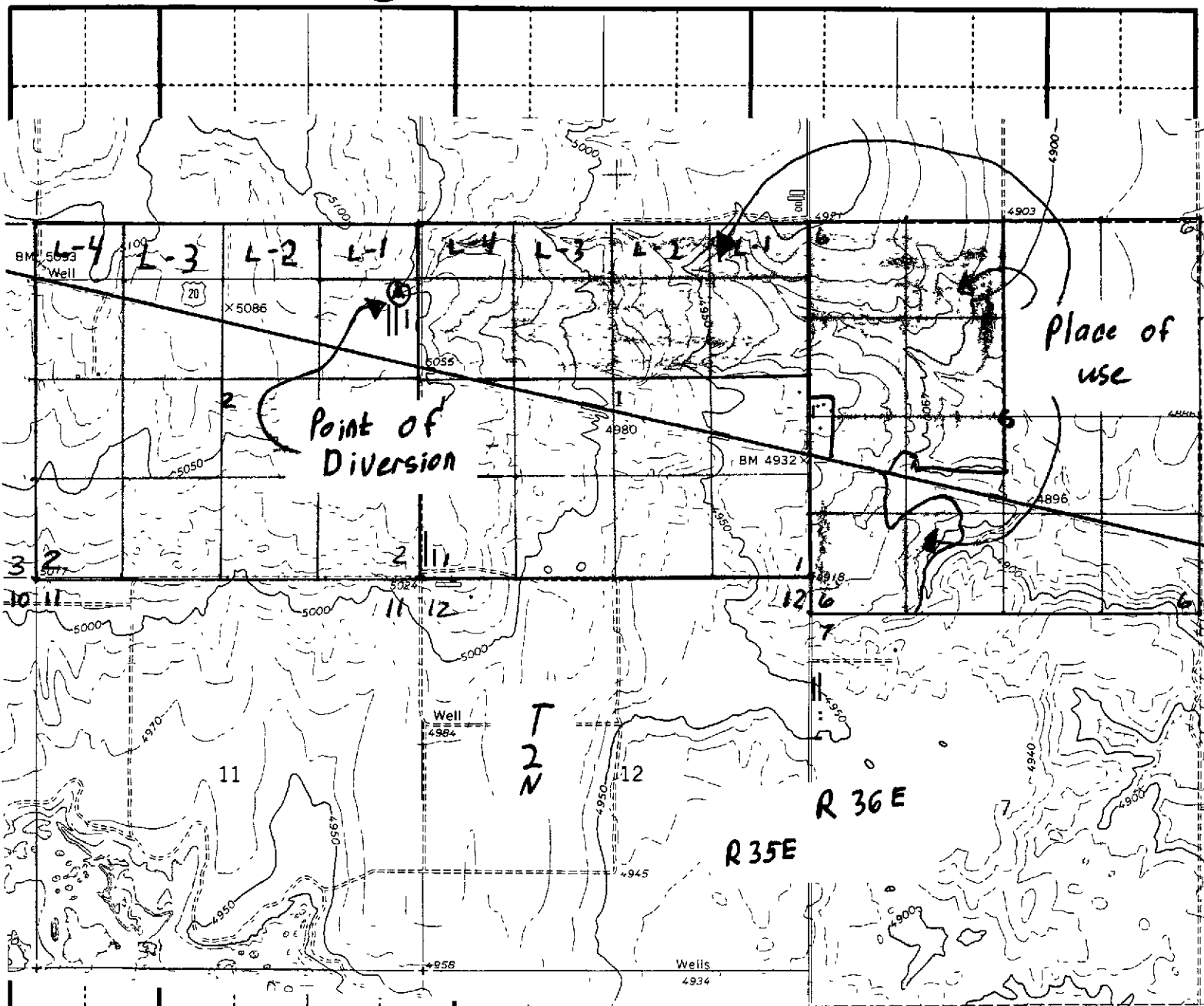
NAME OF APPLICANT

Morgan Garner

35

7521
72+

Form No. 0



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

CONVERSATION MEMORANDUM

DATE 11 SEPT 1986

FILE 35-7521

NAME OF PARTY Kay R. Garner

EMPLOYEE Keith C. Wilson *KCW*

RE: SYSTEM CAPACITY: In phone conversation with Mr. Garner today he indicated that the 2500-2600 gpm was consistant with the number of lines that they were operation. He felt that in 1987 or 1988 they would need to replace the bowls(system installed approx.1975) and then he felt that they would get 3000 gpm from the system.

MICROFILMED

MAR 06 1987

FROM KEITH C. WILSON

DATE 11 SEPT 1986

TO FILE 35-7521

SUBJECT SYSTEM CAPACITY

@ 5.79 cfs (2600 gpm) 18 - $\frac{1}{4}$ mile lines would deliver 144.4 gpm/line which is consistant with an average of 150 gpm/ $\frac{1}{4}$ mile line.

$$Q = \frac{HP(8.814)(Eff.)}{Head + (PSI \times 2.308)} \quad EFF. = \frac{Q(Head + (PSI \times 2.308))}{HP(8.814)}$$

Q = 5.79cfs
Head = 550 ft.
PSI = 10psi
HP = 600 hp

$$EFF. = 0.627 = \underline{62.7\%}$$

I tapped the mainline for the exam at the "best" but not "ideal" location for the Halls Flow Meter. I believe that the mainline flowed full but the flow was not laminar and, therefore, accounted for the difference between the McCrometer and Halls Flow Meter readings.

Keith C. Wilson
SIGNATURE

MAINTAINED

MAR 06 1987



35-7521

FILED

MAR 06 1981



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

July 1, 1986

Morgan Garner
64 N. 4th E.
Rexburg, Idaho 83440

Dear Mr. Garner:

Attached herewith is Departmental receipt no. 39738 in
the amount of \$325.00 for your Exam Fee.

Thank you for your prompt attention.

Sincerely,

Michele Davis
Office Secretary

Attachment

RECEIVED

MAR 6 1987

RECEIVED

JUL 3 1986

OK
C.S.

For Office Use Only
Fee Received \$325.00
Date 6-24-86
Receipt # 39738
Receipt by MD
Sent to S.O. 6-27-86 7-1

RECEIVED

JUN 24 1986

Department of Water Resources
Eastern District Office

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

1. Permit No. 35-7521

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE: \$325.00

- ☐ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Morgan K. Garner

3. Post Office Address: 647 N. 4th St.

Refring, Idaho 83440 Telephone No. 356-6918

4. Source of Water: Well

5. Extent of Use:

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 569 100 A.F. (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted 10 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

* MAY 1975

8. Person to contact to accompany the department representative during the field examination:

Kay K. Garner
(Name)

Rt. #9 Box 309A - Idaho Falls, ID 83401 - 523-893
(Address) (Telephone Number)

- ☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

Date 6-19-86

Signature of Permit Holder (and title, if appropriate) Morgan K. Garner JUN 24 1986

* As per ~~some~~ telecon with Kay Garner 6-26-86 C.S.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720

35-7521
GARNER, MORGAN
REXBURG, ID 83440

138571

April 30, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

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MARCH 1987

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

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MAR 06 1967

August 9, 1984

RE: Permit No. 35-7521

Morgan Garner
Rexburg,
Idaho 83440

Dear Permit Holder:

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the special conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

In reviewing the permit, we find that the requirement for submitting proof of construction of works and application of water to beneficial use has been met. The next step towards licensing of the permit will be for our regional office to examine your water right system.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:sc
Enclosures

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AUG 14 1984

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? ✓
2. Notary? ✓
3. ☒ a. Full Assign?
b. Partial Assign?
4. "No assignment" condition on permit? NO
5. Commencement of works received? ✓ proof in file
6. Affidavit of Residency required? NO

1. Type Permit Summary sheet ✓
2. Coding sheet ✓
3. Acknowledgement letter type #1a
4. Copy to region ✓

Date: 8-6-84

Employee: K. Walker

UNFILED



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

September 18, 1978

William James McCullough, Jr.
Route 4, Box 425
Idaho Falls, ID 83401

Dear Mr. McCullough:

Re: Permit No. 35-7521, 35-7741, & 35-7528

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,

RITA FLECK
Water Rights

Enc: Reinstatement Order on Permit No. 35-7521

MICROFILMED

8/78

SEP 11 1978
Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
**PROOF OF APPLICATION
OF WATER TO BENEFICIAL USE**

1. a) Name of permit holder William James McCullough, Jr.
b) Post office address Route #4, Box 425, Idaho Falls, Idaho
2. Permit number 35-7521
3. Date of priority that you are prepared to establish 7-2-75
4. a) Source from which water was appropriated ground water
b) Location of the point of diversion: SE ¼ NE ¼, Section 2
Township 2N, Range 35E Boise Meridian. Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
Amount 10.0 cfs for purposes from Apr 1 to Nov 1 incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)
Amount for purposes from to incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)
Amount for purposes from to incl.
(cfs &/or acre-feet per annum) (month-day) (month-day)
b) Total amount appropriated 10.0 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:
Self
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 of 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):
Well, pump and sprinkler system

b) Describe the provision for making a measurement which you have at your point of diversion: (i.e., installed measuring device, access port, other)
McCrometer water meter

MICROFILMED

9/15/78 *ny*

My commission expires

6/15/81

Notary Public
Residing at Idaho Falls, Idaho

signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

On this 31st day of August, 1978, personally appeared before me the
County of Bonneville
State of Idaho
} ss.
}

(Date)

8/31/78

(Signature)

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

10. Remarks:

Total number of acres irrigated 569

T	R	SEC.	NE%	NW%	SE%	SW%	NE%	NW%	SE%	SW%	NE%	NW%	SE%	SW%	NE%	NW%	SE%	SW%	TOTAL
2N	35E	1	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	255
2N	36E	6																	314

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

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:

c) Give well driller's name and address and the date the well was completed:



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:

Storehouse

Boise, Idaho 83720

(208) 384-2215

August 8, 1978

William James McCullough, Jr.
Route 4, Box 425
Idaho Falls, ID 83401

Dear Mr. McCullough:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 35-7521 has lapsed since you have not notified us that you have completed the project by the date required on your permit. You were provided forms for that purpose in our notice to you dated May 31, 1978.

Your permit cannot be reinstated unless you submit the proof of beneficial use affidavit, enclosed, or show other reasonable cause why the permit should be reinstated within 60 days from the date of this lapse notice.

C. STEPHEN ALLRED
Director

CSA:jfr

Encl.

MICROFILMED



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

May 31, 1978

CERTIFIED MAIL

158332

Re: Permit No. 35-7521

William James McCullough, Jr.
Route 4, Box 425
Idaho Falls, Idaho 83401

Dear Mr. McCullough:

One of the conditions of approval of the above referenced water right permit was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before August 1, 1978. The enclosed affidavit form is the document you must complete and submit as the proof of application of water to beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

Janice Renk

JANICE RENK
Water Rights

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Proof affidavit

July 31, 1975

Re: Permit No. 35-7520 & 35-7521

William James McCullough, Jr.
Route 4, Box 425
Idaho Falls, ID 83401

Dear Mr. McCullough:

Enclosed is a copy of your approved Application for Permit No. ³⁵⁻⁷⁵²⁰~~35-7521~~ . 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 your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

RECEIVED
JUL 31 1975
WATER RIGHTS
DIVISION

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

William James M'Callough Jr

Item Initial Date

Application No. _____

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

(1) JMJ 7/27/75

In form to receipt yes

(2) ~ ~

Send Copies to:

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

(3) ~ ~

- Request Special Use Permit from U.S.F.S.
- NA Request Easement from B.L.M.
- Request Information from Applicant

(4) .. ~

In form for advertising yes

(5) ~ ~

Platted on Map No. 2N, 35E - 2N, 36E

(6) ~ ~

Located within Water District No. No Water Dist.

(7) ~ ~

Critical groundwater area: yes no ☒

(8) ~ ..

Groundwater levels:

Declining, Stable, Increasing

(comment) No near obs wells

(9) ~ ~

Other rights on the same place of use None

(10) ~ ~

Comments: No conflicting water rights

(11) MB 7-21-75

Affidavit of Publication received(date) July 21

(12) MB 7-28-75

Final date for protests July 28, 1975

Protests received: yes no X

(13) RDC 7/28/75

All requested information received from agencies or applicant: yes no

(14)

Action recommended:

☒ Approve

Deny

7/2/75 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 7/28/75

30, 1975

Dept.

July 3, 1975

RE: Application for Transfer No. 35-2622 McCullough
" " " No. 35-2863 "
Application for Permit No. 35-7520 "
" " " No. 35-7521 "

The Post Register
P.O. Box 1800
Idaho Falls, ID 83401

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
District Engineer

Bill submitted 7-21-75 by MB

RDC:MB

Enc: Legal Notices (4)

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**NOTICE OF APPLICATION FOR
WATER PERMIT**

Notice is hereby given that William James McCullough, Jr., Idaho Falls, Idaho has on 7-2-75 submitted Application No. 35-7521 for a permit to appropriate 100 cubic feet per second of water from a ground-water source by means of well and pump within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, T. 2N, R. 35E, B.M., Bonneville County, to be used from Apr. 1 to Nov. 1 for the irrigation of 569 acres within the N $\frac{1}{2}$, Sec. 1, T. 2N, R. 35E, W $\frac{1}{2}$, Sec. 6, T. 2N, R. 36E, 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 July 28, 1975.

R. KEITH HIGGINSON
Director

Published in the Post-Register Idaho Falls, Idaho on July 10 and July 17, 1975

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that William James McCullough, Jr.,

Idaho Falls, Idaho

has on 7-2-75 submitted Application No. 35-7521

for a permit to appropriate 10.0 cubic feet per second ~~work of fast open channel~~

of water from a ground-water source

by means of well and pump

within the SE 1/4, Sec. 2, T. 2N, R. 35E, B.M., Bonneville County;

to be used from Apr. 1 to Nov. 1

for the irrigation of 569 acres

within the N 1/2, Sec. 1, T. 2N, R. 35E; W 1/2, Sec. 6, T. 2N, R. 36E, 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 July 28, 1975.

R. KEITH HIGGINSON

Director

Published in the Post Register, Idaho Falls, Idaho

on July 10 and July 17, 1975

CW
MB-A
MB-A