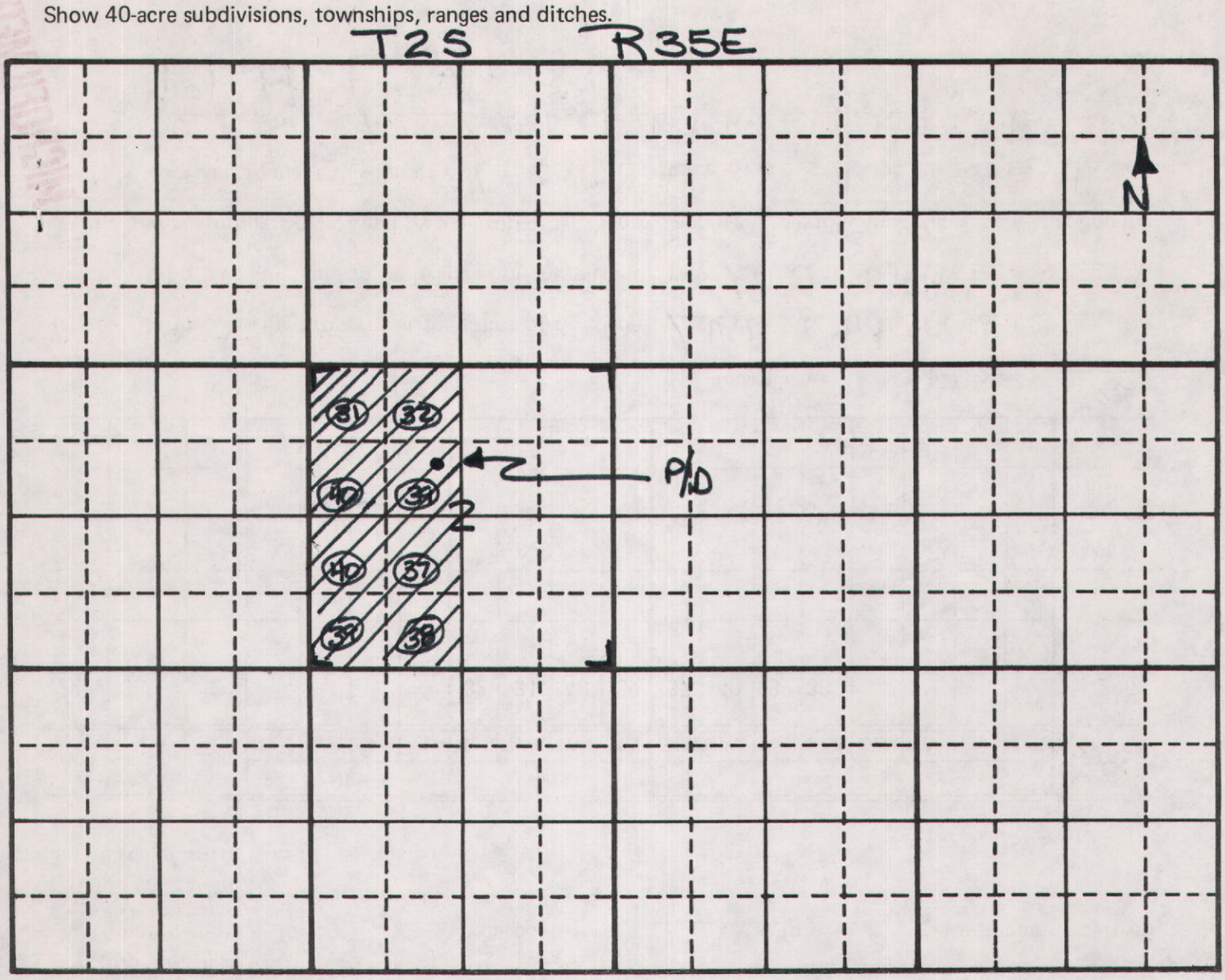
Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

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

Signed at Laval Whitehead, this 29 day of Nov, 1981.

Laval Whitehead
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by Jim Fee = $20.00 Receipted by sgs Date 1-19-82 #21703

Publication prepared by N/A Date _____ Published in _____

Publication dates _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, of the Department of Water Resources hereby APPROVE the above Application for Amendment of Permit No. 35-7263.

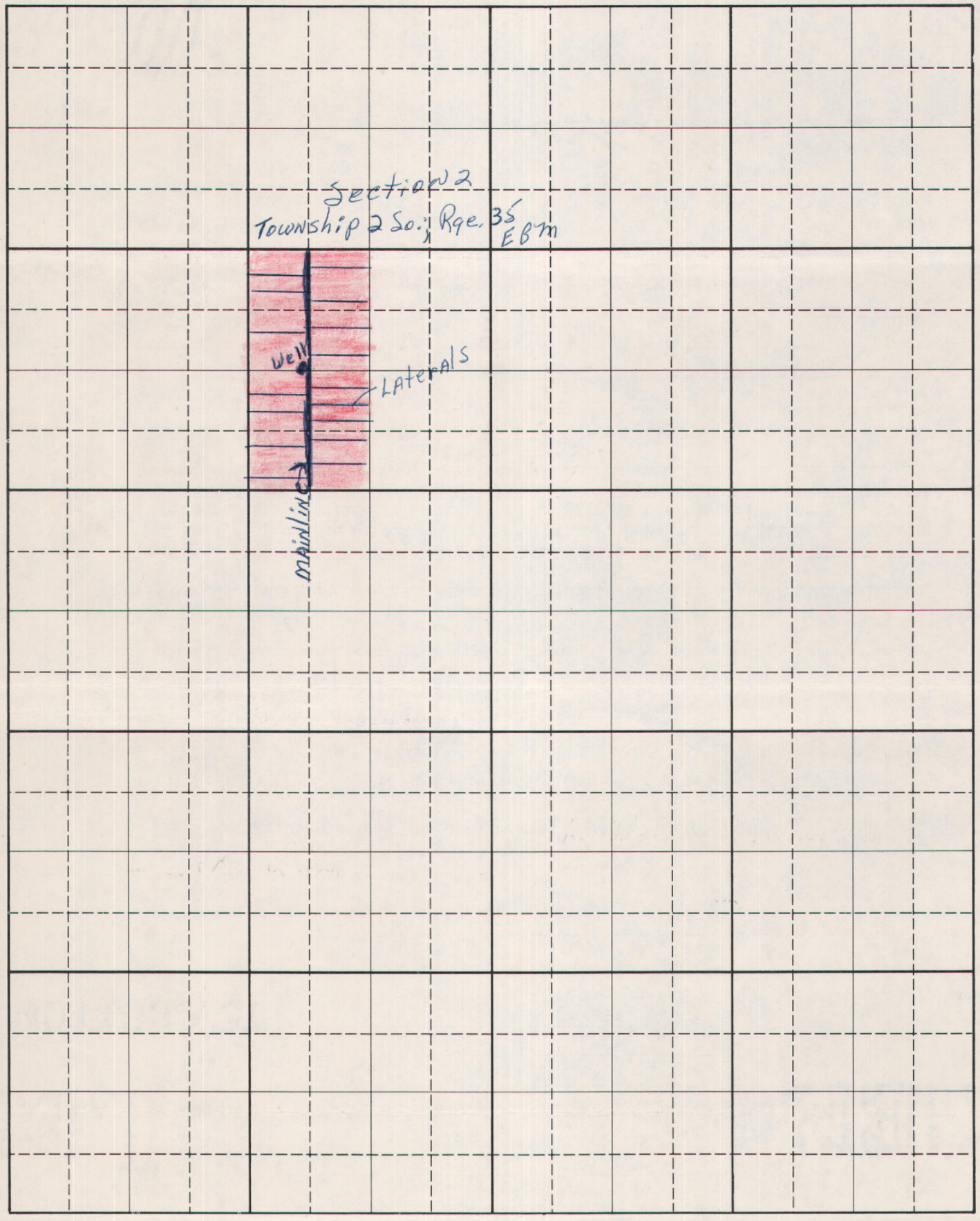
Witness my hand this 26th day of February, 19 82.

Norman C Young
For the Director

JJ.
Drr

MICROFILMED

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.

Edward Brinn
Edith Brinn

By: H. William Furchner
(Applicant) H. William Furchner, their attorney

Of: FURCHNER, MARTSCH & BAKER
P. O. Box 752, Blackfoot, Idaho 83221

Address All Communications to: Furchner, Martsch & Baker at above address.

35 7283

RECEIVED
DEC 1 1972
Department of Water Administration
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham)
) ss.
State of Idaho)

I, Drury R. 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: Friday of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was, published in said Friday issue of said newspaper 2 consecutive weeks, the first publication having been made on the 23rd day of November, 19 72, and the last publication having been made on the 30th day of November 19 72; 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.

Drury R. Brown

Subscribed and sworn to before me this 30th day of November, 19 72

Patricia A. Johnson
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
~~November 20, 1975~~
October 20, 1975

for

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Edward and Edith Brinn, 4880 So. 3 Fountains Drive, Murray, Utah, have on 11-15-72 submitted Application No. 35-7263 for a permit to appropriate 6.4 cubic feet per second of water from a ground-water source by means of well and pump within the SW¼NW¼, Sec. 2, T. 2S, R. 35E, B.M., Bingham County; to be used from Apr. 1 to Dec. 1 for the irrigation of 320 acres within the W½, Sec. 2, T. 2S, R. 35E, 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 Administration, 240 South Holmes, Idaho Falls, Idaho, 83401, on or before December 11, 1972.

R. KEITH HIGGINSON
Director

(3241)
Pub.: 11-23, 30

31

35 7263

R. 35 E.

T. 2 S.

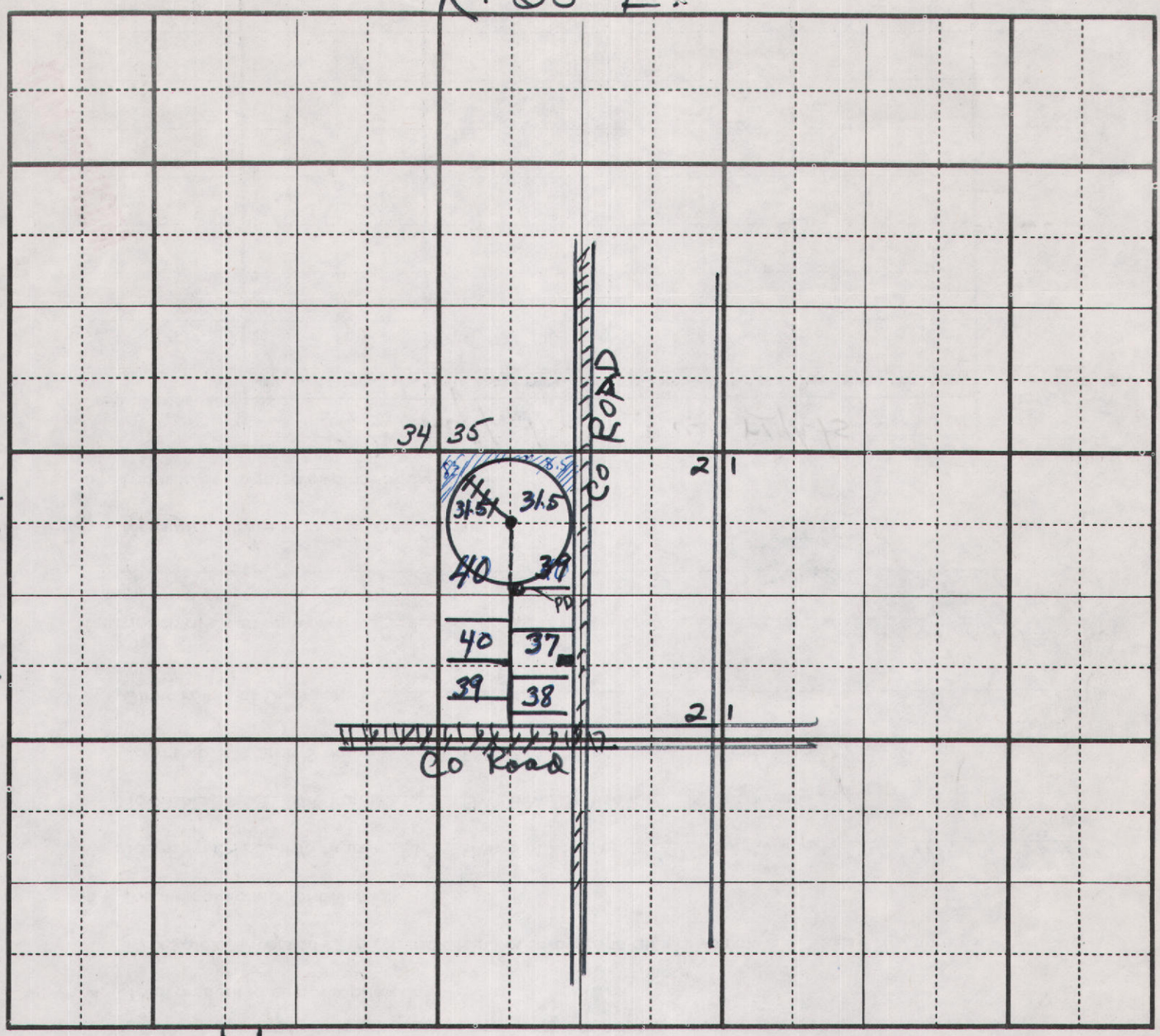
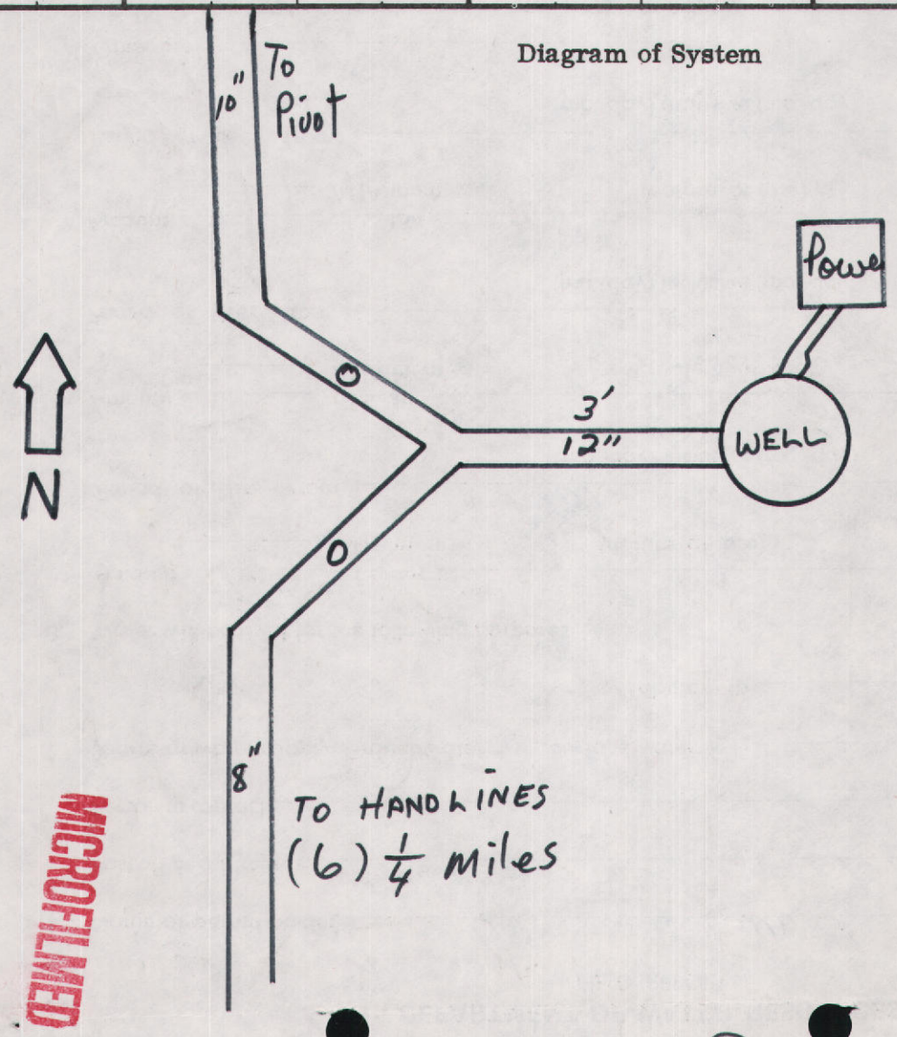


Diagram of System

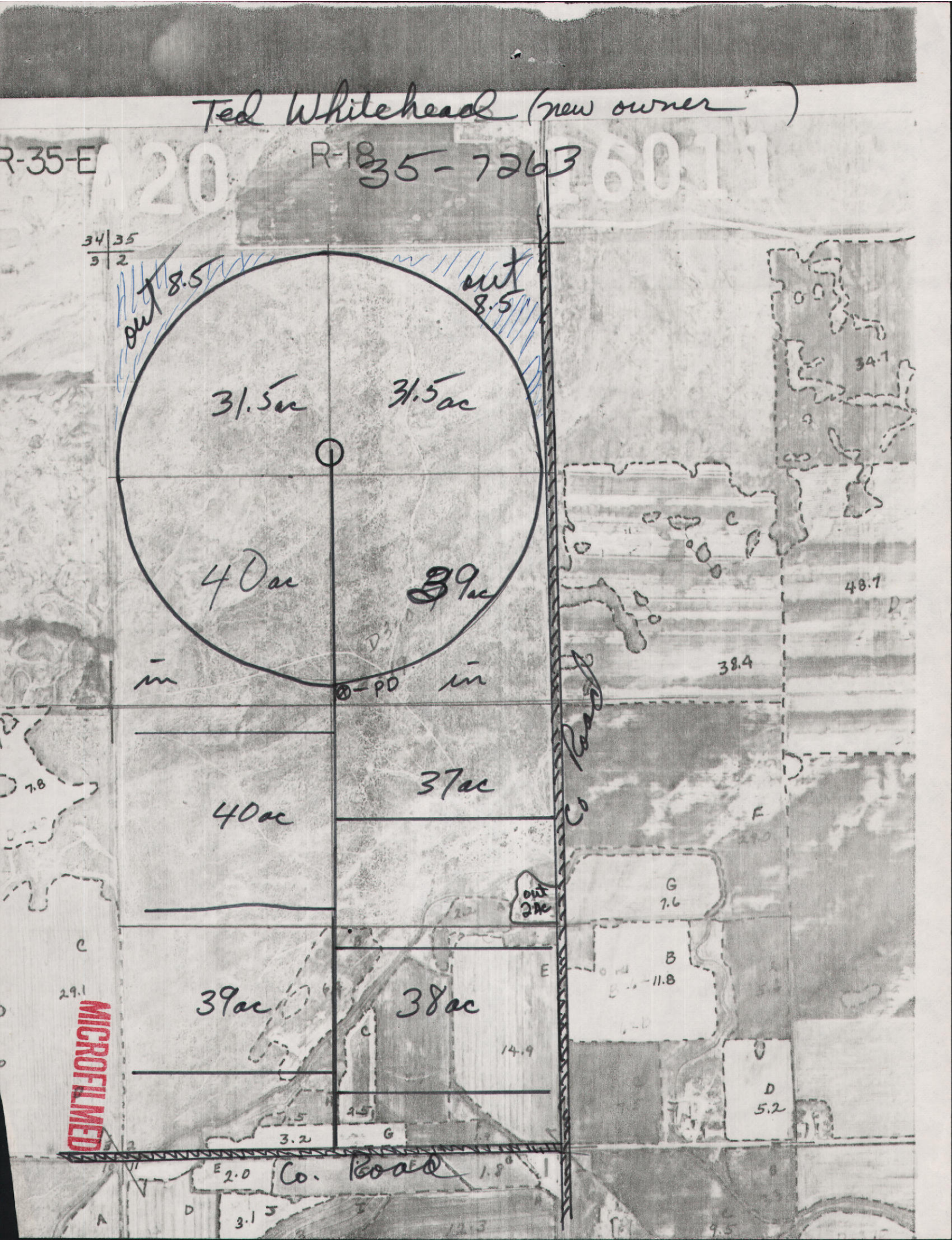


MICROFILMED

R. P. 11-27-79

Ted Whitehead (new owner)

R-35-E 20 R-18 35-7263 6011



MICROFILMED

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

(late proof)

License of Water Right No. 35-7263 Priority December 14, 1972 Amount 4.47 cfs

THIS IS TO CERTIFY, that LaVal Whitehead

of Blackfoot, Idaho, has complied with the terms and conditions of Permit No. 35-7263 issued pursuant to Application for Permit dated November 15, 1972, and has submitted proof to the Department of Water Resources on January 30, 1978, 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 4.47 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
Irrigation	from April 1 to November 1	at 4.47 cfs and	1036.0 acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 4.47 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 1036.0 acre feet per year, said waters to be diverted within the SE¼NW¼, Section 2, Twp. 2S, Rge. 35E in the County of Bingham

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2S	35E	2					32	31	40	39	37	40	39	38					296

Total number of acres irrigated 296

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre for the lands above.

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 26th day of February, 19 82.

For the Director

MICROFILMED

Form 211
•2/80

Ident. No. 35-7263

RECEIVED
DEC 8 1981
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

<LICENSING>

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Edward Brinn & Edith Brinn Phone _____

of (address) Murray, UT , and represents to the

Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 35-7263 , and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE ¼ NW ¼, Section 2 , Township 2S , Range 35E , B.M., County of Bingham . Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 4.47 for Irrigation purposes from April 1 to Nov 1 (both dates inclusive)
(cfs or acre feet per annum)

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

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

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

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2S	35E	2					32	31	40	39	37	40	39	38					296

Total number of acres to be irrigated = 296

4. a. Who owns the property at the point of diversion? LaVal Whitehead

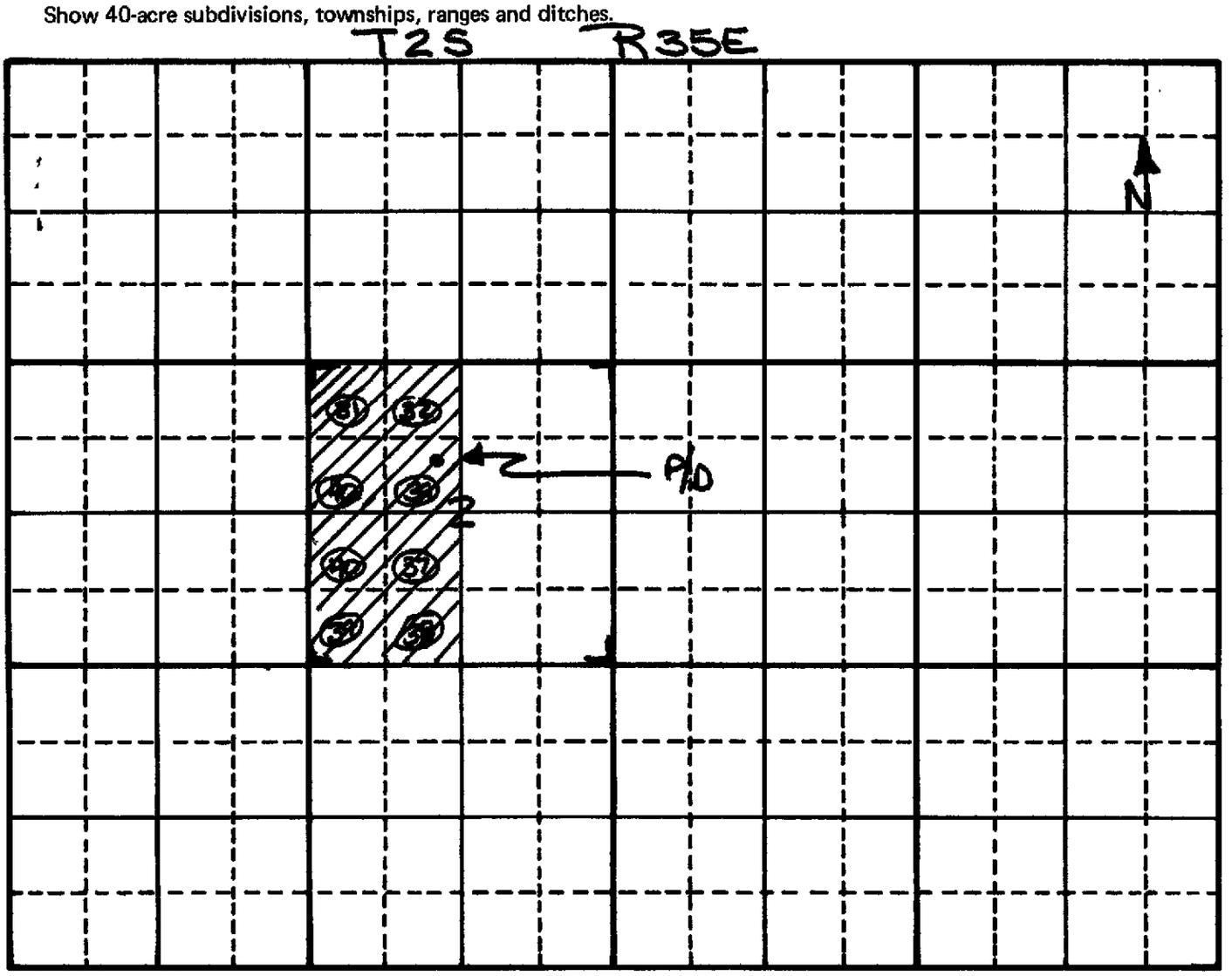
b. Who owns the land to be irrigated or the place of use? LaVal Whitehead

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Ed + Edith Brinn Have Sold this Property to LaVal Whitehead R#1 Box260 Blackfoot, Idaho 83221

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

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

Signed at La Val Whitehead, this 29 day of January, 1981.

(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by [illegible] Fee = $20.00 Receipted by [illegible] Date 1-19-82 # 21703

Publication prepared by [illegible] Date _____ Published in _____

Publication dates _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, of the Department of Water Resources hereby APPROVE the above Application for Amendment of Permit No. 35-7263.

Witness my hand this 26th day of February, 19 82.

For the Director

JJ.

Dmr

MICROFILMED

State of Idaho

Department of Water Resources

ASSIGNMENT OF PERMIT

RECEIVED

FEB 16 1982

Department of Water Resources

I, Edward & Edith Brinn, hereby assign to LaVal Whitehead

of Route #1, Box 260, Blackfoot, ID 83221
Address

CHECK ONE

[XX] All my right, title, and interest in and to Permit No. 35-7263 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. 35-7263 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 11th day of Feb., 1982.

X Edward A Brinn
Permit Holder

Edith C Brinn
Spouse of Permit Holder

State of ~~Idaho~~ UTAH)
) ss.
County of SALT LAKE)

On this 11 day of FEB., 1982, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Seal

Notary Public residing at Summit County

My commission expires:
11-3-82

MICROFILMED

Identification No. 35 7263

Application No. _____

Assigned to:
LaVal Whitehead
Rt. 1, Box 260
Blackfoot, ID 83221
2/16/1982

APPROVED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant EDWARD BRINN and EDITH BRINN, husband and wife

   post office address 4880 So. 3 Fountains Drive, Murray, Utah 84107

2. Source of water supply (Subterranean flow) Groundwater which is a tributary of _____

3. a. Location of point of diversion is (SE-corner of) SW ¼ of NW ¼ of Section 2 Township 2 So.
   Range 35 E. 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 _____ ¼
   of _____ ¼ of Section _____ Township _____ Range _____ B.M. _____

4. Water will be used for the following purposes:
   Amount 6.4 cfs for irrigation purpose from April 1 to December 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 6.4 cubic feet per second and/or
   b. _____ acre feet per annum.

6. Proposed diverting works:
   a. Description of ditches, flumes, pumps, headgates, etc. Irrigation well 20 inch diameter, approximately 250 feet deep to be cased to lava rock. 300 h.p. electric motor and turbine pump. One mile mainline pipe with 16, 4-inch laterals, ¼ mile long each.

   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 _____ (Mo. Day) to _____ (Mo. Day) inclusive.

   c Proposed well diameter is _____ inches; proposed depth of well is _____ 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: _____ ¼ of _____ ¼ 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: _____

35 7283

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

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2 So.	35 E	2					40	40	40	40	40	40	40	40					320

Total number of acres to be irrigated 320

c. Describe any other water rights used for the same purposes as described above. Applicants own 71 shares of stock in New Lavaside Ditch Company which is greatly insufficient for irrigation of the above lands. The stock will be transferred to other lands upon completion of the well and application of its water to irrigation of the above-described lands.

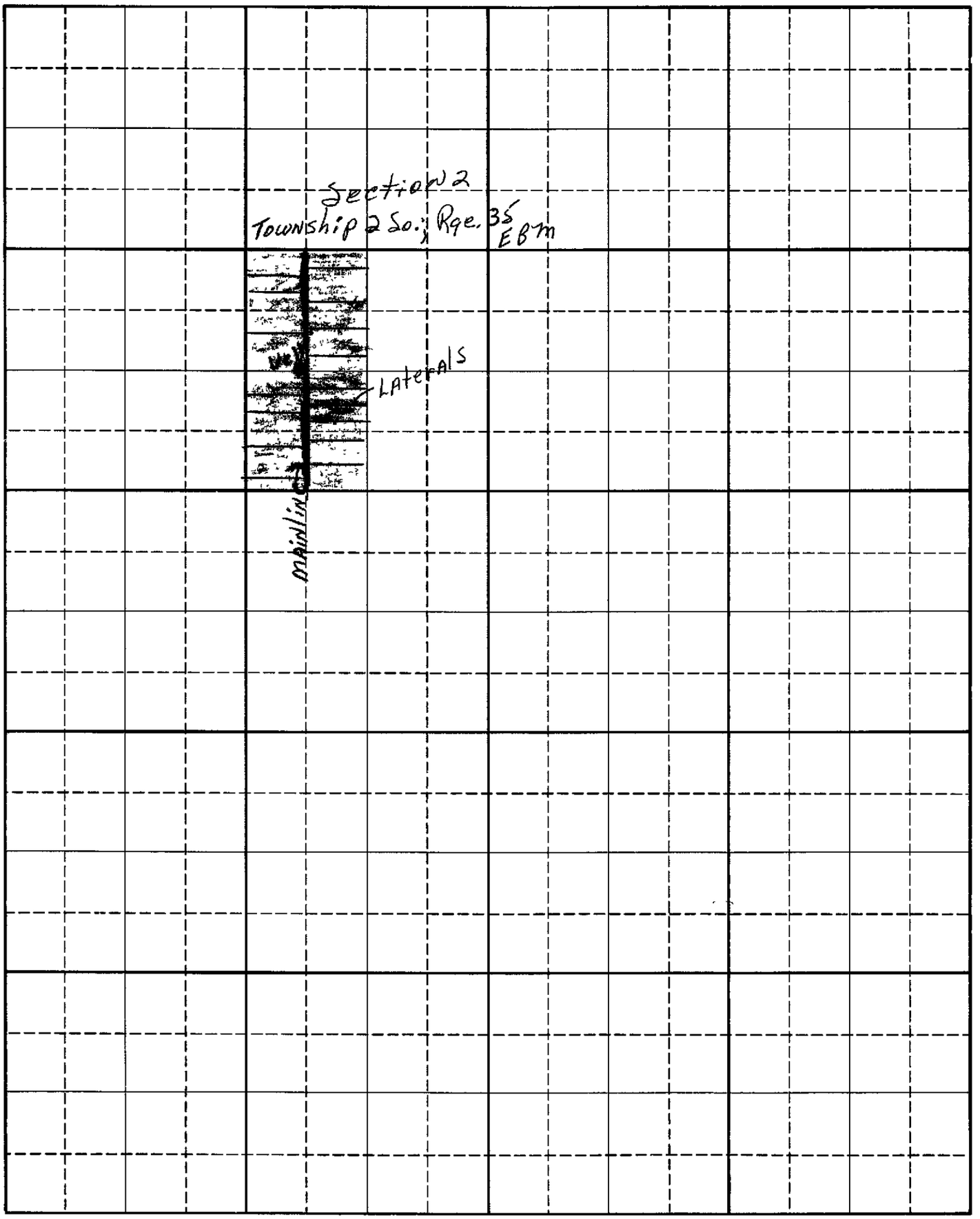
9. a. Who owns the property at the point of diversion Applicants

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

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.

Edward Brinn
Edith Brinn

By: H. William Furchner
(Applicant) H. William Furchner, their attorney

Of: FURCHNER, MARTSCH & BAKER
P. O. Box 752, Blackfoot, Idaho 83221

Address All Communications to: Furchner, Martsch & Baker at above address.

35 7283

Proposed Priority 11/15/1972

35 7263

Received by [illegible] Date 11-1-72 Time 8:00 A

Preliminary check by [illegible] Fee $ 85.00

Receipted by [illegible] Date 11-15-72 # 7031

Publication prepared by [illegible] Date 11-16-72

Published in Blackfoot News, Blackfoot, Ida.

Publication dates 11-23+30-72

Publication approved [illegible] Date 12/11/72

Priority ~~reduced to~~ 11-15-72 Reason

Protests filed by: N/A

Copies of protests forwarded by

Hearing held by Date

Recommended for (approval) denial by [illegible]

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-7263, 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 January 1, 19 78.

   c. Other: Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.
   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 3rd day of January 19 73.

[illegible]
Director

RECEIVED
JAN 15 1982
Department of Water Resources

AGREEMENT OF SALE

THIS AGREEMENT, Made and entered into this 12 day of March 1979, by and between EDWARD H. BRINN and EDITH C. BRINN, hereinafter referred to as Vendors, and LA VAL A. WHITEHEAD and CAROLE L. WHITEHEAD, husband and wife, hereinafter referred to as Purchasers.

WITNESSETH:

That the said Vendors, in consideration of the covenants and agreements on the part of the said Purchasers, hereinafter contained, agree to sell and convey unto the said Purchasers, and the Purchasers agree to buy, all the certain real and personal property particularly described as follows, to wit:

Lots 3 and 4, the south one-half of the northwest quarter and the southwest quarter of Section 2 in Township 2 South, Range 35, EBM Bingham County, Idaho (being the entire westerly one-half of said Section 2).

Together with all tenaments and appurtenances thereunto belonging and appertaining, including the water rights, consisting of 71 shares of the capital stock of the New Lavaside Ditch Company, a corporation, and ditch rights of way used for the irrigation thereof;) barns, two laborer's houses, 200 hp G.E. motor and pump.

Also, together with all irrigation equipment (8-1/4 mile 3" hand lines, valves, pipes and one Pierce 1280' irrigation circle) upon the above premises.

Personal property (Junk located on the premises),

NOTE: WHITEHEADS ARE CONTRACT BUYERS PER TELECON WITH COUNTY ASSESSOR DRT 1-22-82

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 35-7263)
) ORDER OF REINSTATEMENT
IN THE NAME OF EDWARD BRINN & EDITH BRINN)
)

WHEREAS, on November 15, 1972, Edward Brinn and Edith Brinn filed with the Department of Water Resources an application of permit to appropriate 6.40 cubic feet per second of groundwater to be diverted within the SW¼NW¼, Sec. 2, Twp. 2S, Rge. 35E, B.M., Bingham County, to be used for irrigation purposes; and,

WHEREAS, on January 3, 1973, the Department approved said application and issued Permit No. 35-7263 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before January 1, 1978; and,

WHEREAS, on October 31, 1977, the Department notified the permit holders by certified mail that proof of beneficial use of water was due and instructed the permit holders as to the steps to be taken to make said proof; and,

WHEREAS, on January 11, 1978, the Department notified the permit holders that Permit No. 35-7263 had lapsed for failure to submit proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

WHEREAS, the permit holders have provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use of water;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 35-7263 be REINSTATED and the priority advanced to December 14, 1972.

Dated this 13 day of February, 1978.

Bobby D. Fleenor

BOBBY D. FLEENOR
Chief, Operations Bureau

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Address All Correspondence to Attorney —

Item	Initial	Date	
(1)	D	11-2-72	Application No. 35-7263 Name Brinn
(2)	D	11-2-72	Check: ☐ Signature ok if Mr Furchner supplies copy of power of attorney within 30 Days Advise ☑ Point of Diversion ☐ Quantity of Water and Period of Use should be 4-1/11-1 ☑ Description of Diverting Works ☑ Time required for C/W and application of water to B/U ☑ Place of Use ☑ Map ☐ Fee $85.00 Return App. need $85 - only $50 sent Source Should be Groundwater
(3)	NCY	11/3/72	Send copies to: ☐ Idaho State Health Department N.A ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	"	"	☐ Request Special Use Permit from U.S.F.S. N.A ☐ Request Easement from B.L.M.
(5)	RWT	12/11	In form for advertising No Yes
(6)	RWT	12/11	Affidavit of Publication received yes
(7)	RWT	12/11	Final date for protests 12/11/72 Protests received: yes ____ no X
(8)		N/A	Date and Place of hearing ____ Decision reached at hearing ____
(9)		N/A	Located within Water District No. ____
(10)	RWT	12/11	Critical groundwater area: yes ____ no X
(11)			Groundwater levels: ☐ Decline (comment) ____ ☒ Stable (comment) WB #24 Snake River Basalt ☐ Increasing (comment) ____
(12)	NCY	11/17/72	Comments: Accept irrig season 4-1 to 12-1 for permit. Evaluate power records at time of licensing to set season
(13)	RWT	12/11	Action recommended: ☒ Approve Priority 11-15-72 ☐ Deny Reason for Reduction ____
	RWT	12/11	See attached sheet for conditions of approval
			No conditions for approval
(14)	RWT	12/11	District Eastern By R. M. Turnipseed Date 12/11/72 Title Water Resource Adm.

35 7263

AFFIDAVIT of PUBLICATION

County of Bingham)
) ss.
State of Idaho)

I, Drury R. 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: Friday of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was, published in said Friday issue of said newspaper 2 consecutive weeks, the first publication having been made on the 23rd day of November, 19 72, and the last publication having been made on the 30th day of November 19 72.; that said notice was published in the regular and entire issue of every number of the paper 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 30th day of November, 19 72

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
~~XXXXXXXX~~
October 20, 1975

for

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Edward and Edith Brinn, 4880 So. 3 Fountains Drive, Murray, Utah, have on 11-15-72 submitted Application No. 35-7263 for a permit to appropriate 6.4 cubic feet per second of water from a ground-water source by means of well and pump within the SW¼NW¼, Sec. 2, T. 2S, R. 35E, B.M., Bingham County; to be used from Apr. 1 to Dec. 1 for the irrigation of 320 acres within the W½, Sec. 2, T. 2S, R 35E, 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 Administration, 240 South Holmes, Idaho Falls, Idaho, 83401, on or before December 11, 1972.

R. KEITH HIGGINSON
Director

(3241)
Pub.: 11-23, 30

31

35 7263

March 4, 1982

RE: Permit No. 35-7263

LaVal Whitehead
Route #1, Box 260
Blackfoot, ID 83221

Dear Mr. Whitehead:

Enclosed herewith is a copy of your Water Right License issued on the above referenced permit along with a copy of your approved application for amendment. Also enclosed is Departmental Receipt No. 21703 in the amount of $20.00.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosures

MICROFILMED

February 23, 1982

RE: Permit No. 35-7263

LaVal Whitehead
Route #1, Box 260
Blackfoot, ID 83221

Dear Mr. Whitehead:

This is to acknowledge receipt of the assignment conveying the above referenced permit to you. This assignment has been recorded and the Department's records changed accordingly.

Enclosed for your records is a copy of the permit. Please note the conditions of approval on the fourth page.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

February 1, 1982

RE: Permit No. 35-7263

Edward Brinn
4880 So. 3 Fountain Dr.
Murray, UT 84107

Dear Mr. Brinn:

Enclosed is an assignment of permit form which you need to sign before a notary public. This assignment conveys ownership of Permit No. 35-7263 to LaVal A. Whitehead who now is buyinggthe land which the permit covers.

The Department is in the process of issuing a water right license to Mr. Whitehead. Please return the signed form on or before February 20, 1982. If we have not heard from you by then, we will have no other alternative but to lapse the permit.

If you have any questions please let me know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

December 14, 1981

RE: PermitNo. 35-7263

LaVal Whitehead
Route #1, Box 260
Blackfoot, ID 83221

Dear Mr. Whitehead:

Thank you for returning the licensing amendment for Permit No. 35-7263. We cannot, however, complete the license process until an assignment of permit is received which assigns permit ownership from Mr. and Mrs. Brinn to you. This is required because in Idaho a water permit is considered personal property and is not conveyed in the sale of land unless it is identified in the contract of sale.

Therefore, if your contract does show the permit being sold with the farm there please provide us a copy. If it does not then have Mr. and Mrs. Brinn sign the enclosed assignment form.

We will hold your check and amendment here until January 10, 1982. If we have not heard from you by then, we will have no alternative but to cancel the permit.

If you have any questions or if I can be of any assistance, please let me know.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure Assignment form

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
(208) 334-4440

November 18, 1981

RE: Permit No. 35-7263

Edward Brinn & Edith Brinn
4880 So. 3 Fountain Dr.
Murray, UT 84107

Dear Mr. and MRs. Brinn:

A representative of this Department made an examination of the works covered by your Permit No. 35-7263 and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 4.47 cfs Source: groundwater

The maximum quantity diverted shall not exceed 1036.0 acre feet per year.

Point of diversion: SE¼NW¼, Sec. 2, Twp. 2S, Rge. 35E, Bingham County

Beneficial use: Irrigation of 296 acres within the W½, Sec. 2, Twp. 2S, Rge. 35E

Priority date established: December 14, 1972 (late proof)

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,

This right when combined with all other rights shall provide normore than 0.02 cfs per acre nor more than 3.5 afa per acre for the lands above.

JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

LAVAC WHITEHEAD

PH. 785-4511

Dewhite Baker
IDAHO FALLS

4880 S 3 THREE FOUNTAINS PL
141 MURRAY UTAH
84107

Ted Wadsworth
1:30 Thursday

320 M.D. - in account

DEPARTMENT OF WATER RESOURCES
FIELD REPORT

1. Name of permit holder Edward Brian for Edith Brinn

Post office address 4880 So. 3 Fountain Dr., Murray, UT 84107 Phone [redacted]

Person to contact _____ Phone 785 4511

2. Source of water supply: Groundwater ☐ Surface water ☐ _____
(name spring, stream, etc.)

Tributary to _____

RECEIVED
FEB 15 1978
Department of Water Resources
Eastern District Office

3. Water will be used for the following purposes:

Amount 6.4 c.f.s. for Irrig.
_____ AF/Annum (nature of use)

Period of Use: from 4/01 to 10/01
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 35-7263
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 6.4 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 2 N/S, Range 35 E/W, B.M., Section 2, Subdivision SE ¼ NW ¼ Box Elder County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ ¼ _____ ¼ _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ ¼ _____ ¼ _____ County

Other Points of Diversions: _____

Description of diverting works: 220' deep, 20" dia. cased 120' to lava, 200 hp elec. motor & turbine pump, 1¼ mile of 10" laterals & ½ mile of 8" mainline pipe, 2 miles of 3" al. laterals; 256 nozzles, w/9/64" aper.

Measuring device required: yes ☐ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2S	3E	2					39.40	40	40	39.40	39.40	40	39.40	38.40					320

TOTAL ACREAGE 320

MICROFILMED

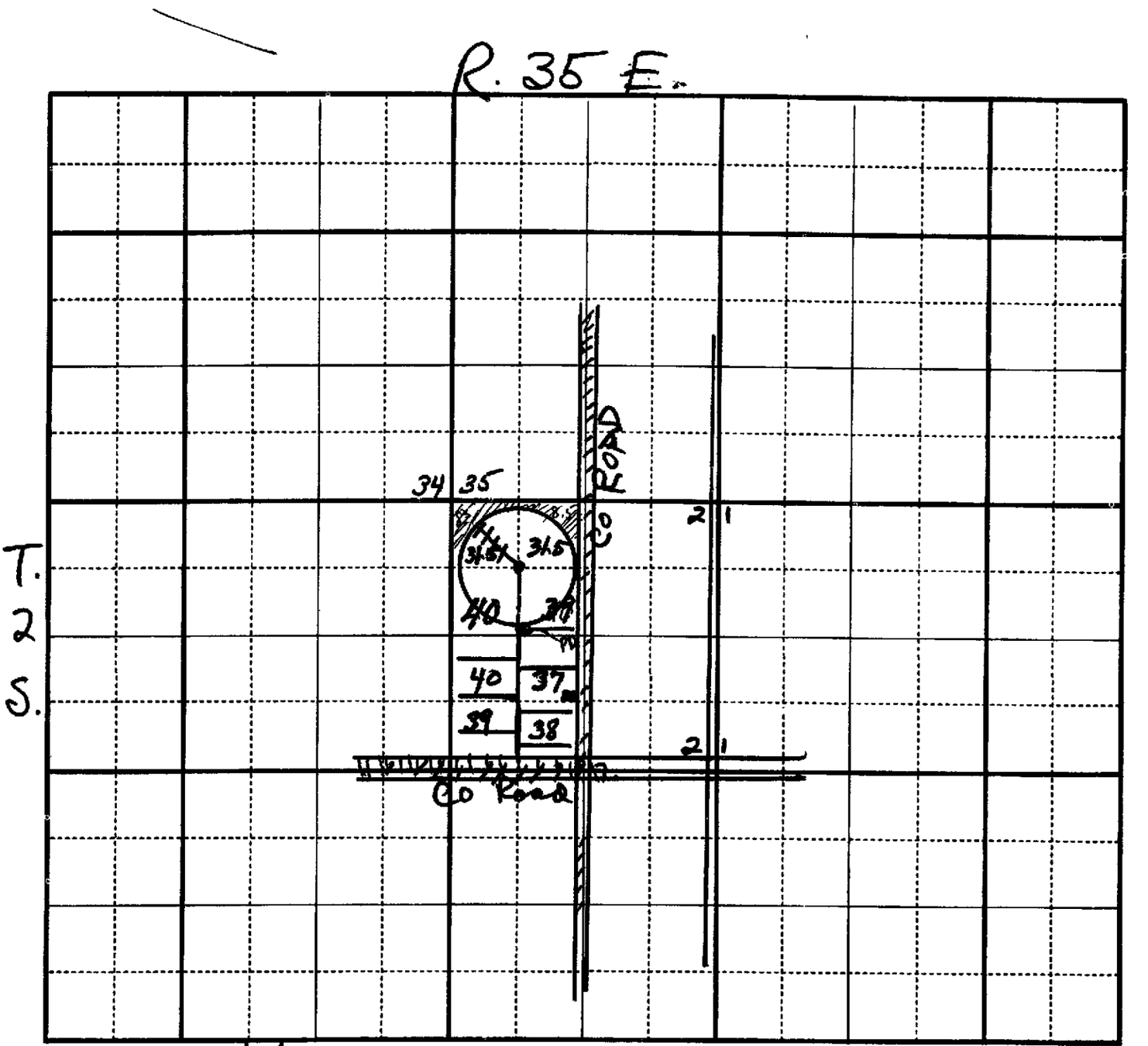
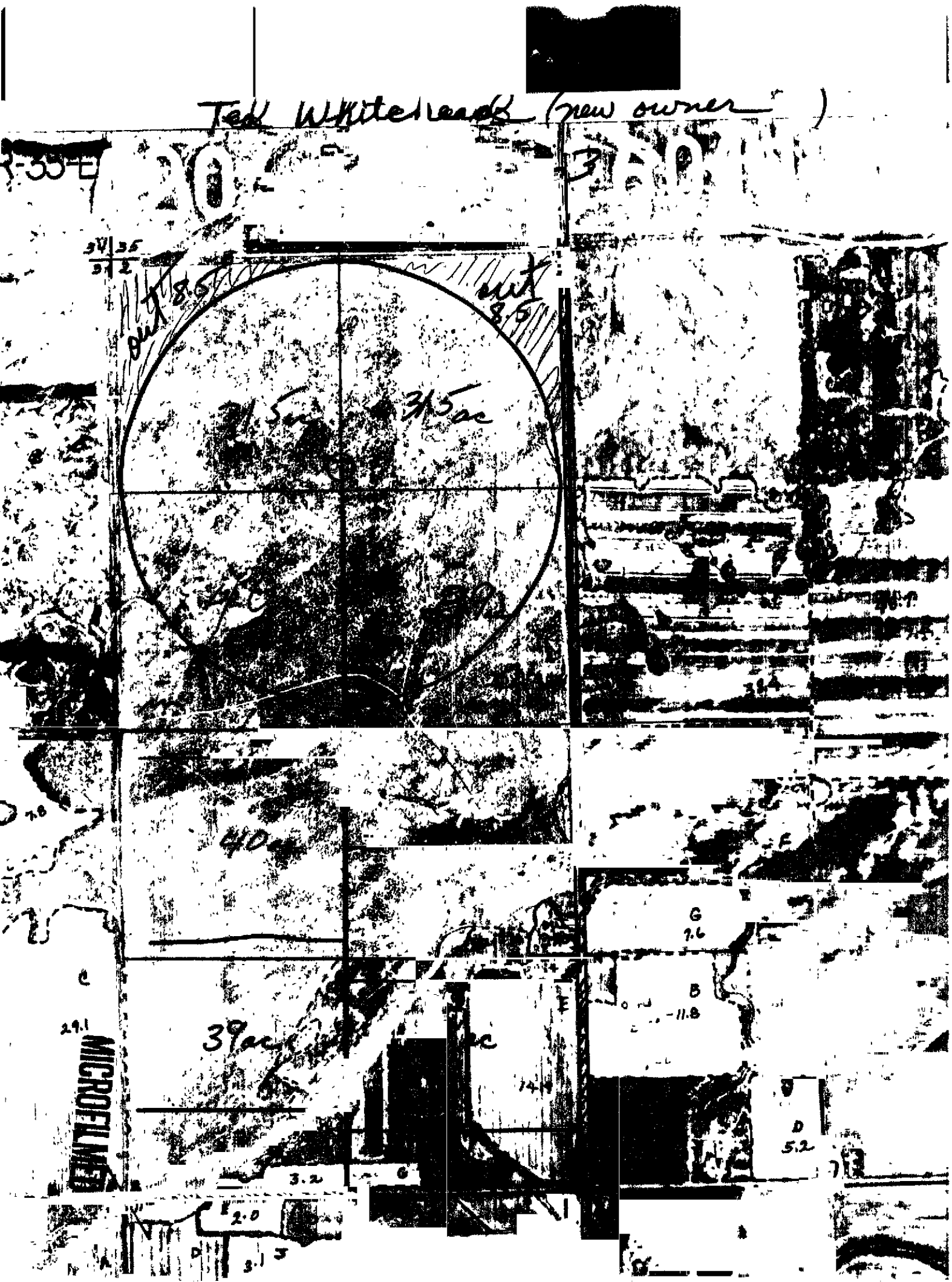


Diagram of System

MICROFILMED

R.P. 11-27-79

Ted Whitehead (new owner)



MICROFILMED

DATE OF EXAM 5-29-79

ACREAGE
Found 296 ✓
Recommended 296 ✓

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q= 4.47 ✓ c.f.s. V= 1036 ✓ AF/Ann. from Apr 1 to Nov 1
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 ✓

Name source: ____
twp.____ N/S, Rge____ E/W, B.M., Sec.____, Sub.____ ¼____ ¼____ County

Exchange? yes____ no ✓

Name source exchanged with: ____
twp.____ N/S, Rge____ E/W, B.M., Sec.____, Sub.____ ¼____ ¼____ County

Point of injection: N/A
twp.____ N/S, Rge____ E/W, B.M., Sec.____, Sub.____ ¼____ ¼____ County

Point of exchange: N/A
twp.____ N/S, Rge____ E/W, B.M., Sec.____, Sub.____ ¼____ ¼____ County

Total Q measured 4.47 cfs OR Method of measurement ANNUBAR -10.020"

Total Q recommended 4.47cfs Meter No 67-C Type Eagle Eye Condition New

Total V recommended 1036 AF/YR

Recommended Amendments:

P.D. ____
Place of Use ____
Other ____
None NONE

MEASUREMENT CALCULATION:
Pivot - ANNUBAR READING - 7.75" = 1076 = 2.40 CFS TOTAL CFS = 4.47 CFS (Q capacity)
HANDLINE READING - 15.75" = 929 gpm = 2.07 CFS
V = 4.47 X 1.9835 X 214 = 1897.37 AF/YR > 3.5 X 296 = 1036 ✓ AF/YR

SYSTEM DESCRIPTION:
Motor - G.E. Tri Clad 200 hp Model 5K6278XHIA, SN. CJJ 314121
Pump - Layne + Bowler V.T. S.N. 44988
Pivot - Pierce Circle Master SN 2100 800 15058 - 1300' Radius

REMARKS: System shown By MR. Whitehead (NEW OWNER)
24 ACRES OUT FOR ROAD R.O.W. & Pivot CORNERS

Examiner's Signature Rodney A Parker Date 11-27-79
Checked by Anthony R. Hoglowski Date 4-17-80
Approved by Rolyn Date 10/6/81

35-2056 Unnamed lake
No Overlapping rights
Jim 1/20/82

MICROFILMED

February 13, 1978

Re: Permit No. 35-7263

Edward & Edith Brinn
4880 South 3 Fountain Dr.
Murray, Utah 84107

Dear Mr. & Mrs. Brinn:

Enclosed is an Order of Reinstatement; please note that the priority has been advanced to December 14, 1972 for this permit no. 35-7263.

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

MICROFILMED

Identification No. _____

Permit No. _____

RECEIVED

JAN 30 1978

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Edward Brinn and Edith Brinn, husband and wife.

   b) Post Office Address 4880 South 3 Fountain Drive, Murray, Utah, 84107

2. Permit Number 35 7263

3. Date of Priority that you are prepared to establish November 15, 1972.

4. a) Source from which water was appropriated Ground Water.

   b) Location of the point of diversion: SE corner of SW¼ ¼ NW ¼, Section 2,

   Township 2 South, Range 35, East Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:

   Amount 6.4 cfs (cfs and/or acre-feet per annum) for irrigation purposes from April 1 (Month-Day) to November 1 (Month-Day) incl.

   Amount _____ (cfs and/or acre-feet per annum) for _____ purposes from _____ (Month-Day) to _____ (Month-Day) incl.

   Amount _____ (cfs and/or acre-feet per annum) for _____ purposes from _____ (Month-Day) to _____ (Month-Day) incl.

   b) Total amount appropriated 6.4 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: Ames Irrigation Service, Twin Falls, Idaho,

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: Not applicable.

   b) Describe the agreement or understanding by which you take water from the works: not applicable.

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) Irrigation well, approximately 220 feet deep, 20-inch diameter, cased 120 feet to lava; equipped with 200 h.p. General Electrict motor and turbine pump. One-fourth mile of 10" and one-half mile of 8" mainline pipe. Two miles of 3-inch al. laterals; 256 nozzles, with 9/64" aper.

   b) Describe the type and size of measuring device which you have installed at your point of diversion:

   10 inch, in-line type meter, Micrometer

   c) Give well driller's name and address and the date the well was completed: Carmen Well Drilling, Blackfoot, Idaho.

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: Not applicable.

Exam typed 2/10/78 by [illegible]

MICROFILMED

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2 So	35E	2					40	40	40	40	40	40	40	40					320

Total number of acres irrigated 320

10. Remarks: The canal water formerly used on these lands is no longer used for irrigation thereof.

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

January 16, 1978.
(Date)

Edith C R Brimm
Edward H Brimm
(Signature)

State of Utah.)
) ss.
County of Salt Lake.)

On this 24th day of January, 19 78, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that ~~he/she~~ (they) executed the same.

Mary E Anderson
Notary Public residing at Salt Lake City
Salt Lake County, Utah 84115

My commission expires March 15, 1980

Law Offices
FURCHNER & MARTSCH
178 W. JUDICIAL STREET
BLACKFOOT, IDAHO 83221

H. WILLIAM FURCHNER
JAMES L. MARTSCH
ALAN L. HENNEBOLD

AREA CODE 208
785-2310
P. O. BOX 752

RECEIVED
JAN 30 1978
Department of Water Resources

January 26, 1978

C. Stephen Allred
Director
Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Permit No. 35-7263

Dear Sir:

We enclose herewith final proof on the above permit. The delay in filing this proof has resulted from an oversight here in our office and request is hereby made for a reinstatement of the permit pursuant to Section 42-218a, Idaho Code.

Upon the filing of this proof and reinstatement of the permit, will you kindly advise this office of those facts.

Very truly yours,

FURCHNER & MARTSCH

H. William Furchner

H. William Furchner

Encl:
HWF:fb

cc: Edward Brinn

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

January 10, 1978

Edward Brinn & Edith Brinn
4880 So. 3 Fountains Dr.
Murray, Utah 84107

Dear Mr. & Mrs. Brinn:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 35-7263 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 October 31, 1977 .

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.

138053

October 31, 1977 CERTIFIED MAIL

Re: Permit No. 35-7263

Edward Brinn & Edith Brinn
4880 So. 3 Fountains Dr.
Murray, Idaho 84107

Dear Mr. & Mrs. Brinn:

One of the conditions of approval of your water Permit No. 35-7263 (see last page of your approved 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 January 1, 1978. Enclosed is an affidavit form which must be used to submit the required proof of 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.

C. Stephen Allred

C. STEPHEN ALLRED
Director

CSA:jfr

Enc: Proof affidavit

CONVERSATION MEMORANDUM

DATE January 30, 1975

FILE 35-7262

NAME OF PARTY La Val Whitehead

EMPLOYEE Loy H. Johnson LHJ

RE: After two failures of getting correspondence from Mr. Whitehead in regard to filing an application on the log submitted by John Carman and drilled by B. Wray, I called "Val" Whitehead and talked to his wife. She informed me that the well was drilled on his aunts place. A permit No. 35-7263, has been filed in the name of Edward and Edith Brinn for a well located in the SW¼NW¼, Sec. 2, T. 2S, R. 35E. She did not know of any other well on the property. Whitehead is leasing and farming the W½, Sec. 2, T. 2S, R. 35E from Brinn.

Evidently, the location on the well log is wrong. The well drillers report has been changed to correspond with the permit.

XXXXXXXXXXXXXXXXX

1515 Lincoln Road

October 18, 1973

COPY

Mr. Val Whitehead
Route #1
Blackfoot, Idaho 83221

Dear Mr. Whitehead:

We have received a well drillers report indicating that a well was drilled for you in the NW¼SW¼, Sec. 2, T. 2S, R. 35E, B.M., Bingham County.

A review of our records indicates that you have not filed an application for a permit to appropriate the public water of the State of Idaho. Since March 25, 1963, an application has been required prior to construction of a well and a valid permit must be obtained before ground water may be diverted. The only exception to this requirement is a well drilled for stock-watering or single family household use and water used for all other purposes, including irrigation of one-half acre of land in connection with the household use where the total use does not exceed 13,000 gallons of water per day.

If you have already filed an application, which we over-looked in the review of our records, please advise us of the number of the application or the name under which the application was filed. However, if you have not yet filed the required application, you should do so as soon as possible. You may obtain the forms upon request from this office.

Very truly yours,

LOY H. JOHNSON
Water Resource Supervisor

LHJ:cw

Dont recall any other information than this LHJ 11/23/73
" NCY/11/26/73

No Permit filed as of 11/23/73 - Cw - 1/9/74 - RB.

USE PEN, RITER OR BALL POINT PEN

Department of Water Administration

WELL DRILLER'S REPORT

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

1. WELL OWNER Edward and Edith Brinn

Name Val Whitehead

Address 4880 S. 3 Fountain Drive Jan Route #1 Blackfoot Murray, Utah 84107

Owner's Permit No. 35-7263

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test

☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☒ Cable ☐ Rotory ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 18 inches Total depth 247 feet

Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
250 inches	18 inches	+ 1 feet	117 feet
____ inches	____ inches	____ feet	____ feet
____ inches	____ inches	____ feet	____ feet
____ inches	____ inches	____ feet	____ feet
____ inches	____ inches	____ feet	____ feet

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation ____ inches by ____ inches

Number	From	To
____ perforations	____ feet	____ feet
____ perforations	____ feet	____ feet
____ perforations	____ feet	____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name ____

Type ____ Model No. ____

Diameter ____ Slot size ____ Set from ____ feet to ____ feet

Diameter ____ Slot size ____ Set from ____ feet to ____ feet

Gravel packed? ☐ Yes ☒ No Size of gravel ____

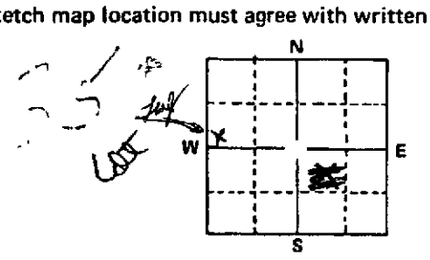
Placed from ____ feet to ____ feet

Surface seal? ☒ Yes ☐ No To what depth 20 feet

Material used in seal ☒ Cement grout ☐ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.



County Bingham

NW ¼ SW ¼ Sec. 2, T. 2 N/S, R. 35 E/W

7. WATER LEVEL

Static water level 110 feet below land surface

Flowing? ☐ Yes ☒ No G P M. flow ____

Temperature ____ ° F. Quality ____

Artesian closed-in pressure ____ p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

8 WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
20	0	110			X
	0	1	Topsoil		X
	1	30	Gray Basalt		X
	30	60	Black Basalt		X
	60	70	Brown Ash & Gravel		X
	70	85	Clay & Gravel		X
	85	100	Tan Clay		X
	100	110	Gray Clay & Gravel	–	
	110	132	Gray Basalt		X
	132	140	Black Cinders	–	
	140	165	Black Basalt	–	
	165	205	Gray Basalt		X
	205	215	Red Basalt	–	
	215	240	Gray Basalt		X
	240	247	Black & Red Cinders	–	

10.

Work started 12-20-12 finished 1-26-13

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is true to the best of my knowledge.

Carman Drilling 228

Driller's or Firm's Name Number

285 Parsons Blackfoot

Address

B. Kay 6-7-13

Signed By Date

USE ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

January 5, 1973

Re: 35-7263

Edward Brinn and Edith Brinn,
Husband and wife
4880 So. 3 Fountains Drive
Murray, Utah 84107

Dear Mr. and Mrs. Brinn:

Enclosed is a copy of your approved Application for Permit No. 35-7263. 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.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosures

35 7263

RECOMMENDED

CONDITIONS OF APPROVAL

1. [X] A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

[ ] Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.

2. [X] Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.

[ ] Maximum rate of diversion shall not exceed _____ c.f.s.

[ ] Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.

[ ] Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.

[ ] Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.

[ ] The proposed well shall not be drilled within _____ feet of another well.

[ ] The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

[ ] The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.

[ ] This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.

[ ] Other: _____

_____

_____

35 7263

BK

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Edward and Edith Brinn, 4880 So 3 Fountains Drive, Murray, Utah, have on 11-15-72 submitted Application No. 35-7263 for a permit to appropriate 6 4 cubic feet per second of water from a ground-water source by means of well and pump within the SW¼NW¼, Sec 2, T. 2S, R. 35E, B.M., Bingham County, to be used from Apr 1 to Dec. 1 for the irrigation of 320 acres within the W½, Sec 2, T 2S, R. 35E, 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 Administration, 240 South Holmes, Idaho Falls, Idaho, 83401, on or before December 11, 1972.

R KEITH HIGGINSON
Director

(3241)
Pub . 11-23, 30

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
240 So. Holmes
Idaho Falls, Idaho 83401
(208) 523-7186

R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

November 17, 1972

Re: Application No. 35-7262 - Nathan Hale
35-7263 - Edward & Edith Brinn
35-7264 - Lloyd R. Merrill
Claim No. 35-4022 - Vern R. Duffin

The Blackfoot
P.O. Box 70
Blackfoot, ID 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 ample time for you to submit us a galley proof for our 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 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. In order to receive payment, the following certification must appear on the bill:

> "I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

_____
(signature of claimant)

Very truly yours,

Norman C. Young
District Engineer

Bill submitted to Boise Office
12-01-72
[illegible]

NCY:BA
Enc: Legal notices (4)

35 7263

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Edward and Edith Brinn, 4880 So. 3 Fountains Drive, Murray, Utah

have ~~has~~ on 11-15-72 submitted Application No. 35-7263

for a permit to appropriate 6.4 cubic feet per second ~~acre feet per annum~~

of water from a ground-water source

by means of well and pump

within the SW¼NW¼, Sec. 2, T. 2S, R. 35E, B.M., Bingham County;

to be used from Apr. 1 to Dec. 1

for the irrigation of 320 acres

within the W½, Sec. 2, T. 2S, R. 35E, 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 Administration, 240 South Holmes, Idaho Falls, Idaho, 83401 on or before December 11, 1972.

R. KEITH HIGGINSON

Director

Published in the Blackfoot News, Blackfoot, Idaho

on November 23 and November 30, 1972

35 7263

NC4

November 15, 1972

Mr. W. William Furchner
Furchner, Martsch & Baker
178 W. Judicial Street
Blackfoot, ID 83221

Dear Mr. Furchner:

Attached herewith is departmental receipt No. 7031 in the amount of $85.00 for the application for permit you recently submitted to this office in behalf of Edward and Edith Brinn.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA

Attachment

35 7263

Law Offices

FURCHNER, MARTSCH & BAKER

178 W. JUDICIAL STREET
BLACKFOOT, IDAHO 83221

AREA CODE 208
785-2310
P. O. BOX 752

H. WILLIAM FURCHNER
JAMES L. MARTSCH
DWIGHT E. BAKER

November 14, 1972

RECEIVED
NOV 15 1972
Department of Water Administration
Eastern District Office

State of Idaho
Department of Water Administration
Eastern District Office
240 South Holmes Avenue
Idaho Falls, Idaho 83401

Attention: Norman C. Young
District Engineer

Re: Application for Water Permit
Edward and Edith Brinn

Dear Mr. Young:

We again enclose herewith the water application of Mr. and Mrs. Edward Brinn together with our check in the amount of $85.00 in payment of the statutory filing fee and the Power of Attorney of Mr. and Mrs. Brinn.

With respect to the irrigation season shown in the application, you are advised that there are times when farmers in this area will want to run their irrigation systems as late as December 1st for the sprinkling of crops planted in the fall and we have therefore left that date unchanged.

Very truly yours,

FURCHNER, MARTSCH & BAKER

H. William Furchner

H. William Furchner

Encls:
HWF:fb

35 7263

STATE OF IDAHO

OFFICE OF STATE RECLAMATION ENGINEER

POWER OF ATTORNEY

RECEIVED
NOV 15 1972
Department of Water Administration
Eastern - District Office

The undersigned owner (s) of Permit (Application) No. _____ of the State Reclamation Engineer of the State of Idaho hereby nominates and appoints H. William Furchner, whose address is P.O. Box 752, Blackfoot, Idaho 83221 as attorney-in-fact with full authority to act for and on behalf of the undersigned in all matters pertaining to Application or Permit. Such acts shall include, but not be limited to the filing of applications, receiving of all notices, the signing and filing of applications for extension of time and for amendment of said Permit, and the submission of proofs of completion of works and beneficial use of water.

Dated this 6th day of November, 1972.

Edward Brinn

Edith Brinn

State of ~~Idaho~~ UTAH)
: ss
County of Salt Lake)

On this 10th day of November 19 72, personally appeared before me the signer (s) of the above instrument, who duly acknowledged to me that he (she)(they) executed the same.

Harriet Rich Chase

(SEAL)

Notary Public for Utah
Residing at ~~Murray, Utah~~ Centerville Utah

My commission expires:
My commission expires Oct 29, 1973

35 7263

November 3, 1972

Mr. H. William Furchner
Furchner, Martsch & Baker
Attorneys-at-Law
Blackfoot, ID 83221

Dear Mr. Furchner:

The application for permit that you submitted on behalf of Edward and Edith Brinn has been forwarded to this office for processing.

We find that there are several changes that will need to be made before processing can begin, and we are therefore returning the application and check No. 92-63 in the amount of $50 to you.

1. Your signature on page three must be accompanied by a power of attorney signed by both of the applicants.

2. The source of supply has been changed to ground water.

3. The Department normally considers the irrigation season for the Blackfoot area to be April 1 to November 1. Either reduce the requested period to this, or provide us with justification for the later irrigation season.

4. The statutory filing fee for 6.4 c.f.s. is $85.

Please make the necessary changes, return the application to this office with the proper filing fee, and we will be happy to continue processing.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:ba

Enc: app. for per. (old)
check #92-63 ($50)
apps. for per. w/inst.
power of atty.

35 7263 35 7263

RECEIVED

NOV 3 1972

Department of Water Administration
Eastern District Office

INTER-DEPARTMENT MEMO — 1

FROM E. J.

DATE November 2, 1972

TO Norm

SUBJECT Application in the name of Edward and Edith Brinn

Enclosed herewith please find application in name of Edward Brinn and check No. 92-63 in the amount of $50.00 drawn on the account of Furchner, Martsch and Baker.

On the staff analysis sheet Don has listed several items that need attention.

35 7263

SIGNATURE

Law Offices

FURCHNER, MARTSCH & BAKER

178 W. JUDICIAL STREET

BLACKFOOT, IDAHO 83221

AREA CODE 208

785-2310

P.O. BOX 752

H. WILLIAM FURCHNER

JAMES L. MARTSCH

DWIGHT E. BAKER

October 30, 1972

RECEIVED

NOV 1972

Department of Water Administration

R. Keith Higginson
Department of Water Administration
State House
Boise, Idaho 83702

Re: Application for Water Permit
Edward and Edith Brinn

Dear Mr. Higginson:

We enclose herewith the water application of Mr. and Mrs. Edward Brinn together with our check in the amount of $50.00 in payment of the filing fee.

When the application has been approved, will you kindly forward the same to us for the applicants.

Very truly yours,

FURCHNER, MARTSCH & BAKER

H. William Furchner

Encls:
HWF:fb

RECEIVED

NOV 3 1972

Department of Water Administration
Eastern District Office

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