

RECEIVED

NOV 21 1972

Proof of Publication

The Post-Register

Department of Water Administration
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 9th day of November, 1972, last publication having been made on the 16th day of November, 1972, 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 17th day of November, 1972

Karl H. Hae
Notary Public

My commission expires April 5, 1975

B10, 1M

LEGAL NOTICE
NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that Lee Shelton, Route 5, Box 256, Idaho Falls, Idaho has on 11-3-72 submitted Application No. 35-7260 for a permit to appropriate 2.4 cubic feet per second of water from a ground-water source by means of well and pump within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 3N, R. 37E, B.M., Bonneville County; to be used from Apr. 1 to Nov. 1 for the irrigation of 140 acres within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 23, T. 3N, R. 37E, 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 November 27, 1972.

R. KEITH HIGGINSON
Director

Published in the Post-Register, Idaho Falls, Idaho on November 9 and November 16, 1972.

35 7260

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N

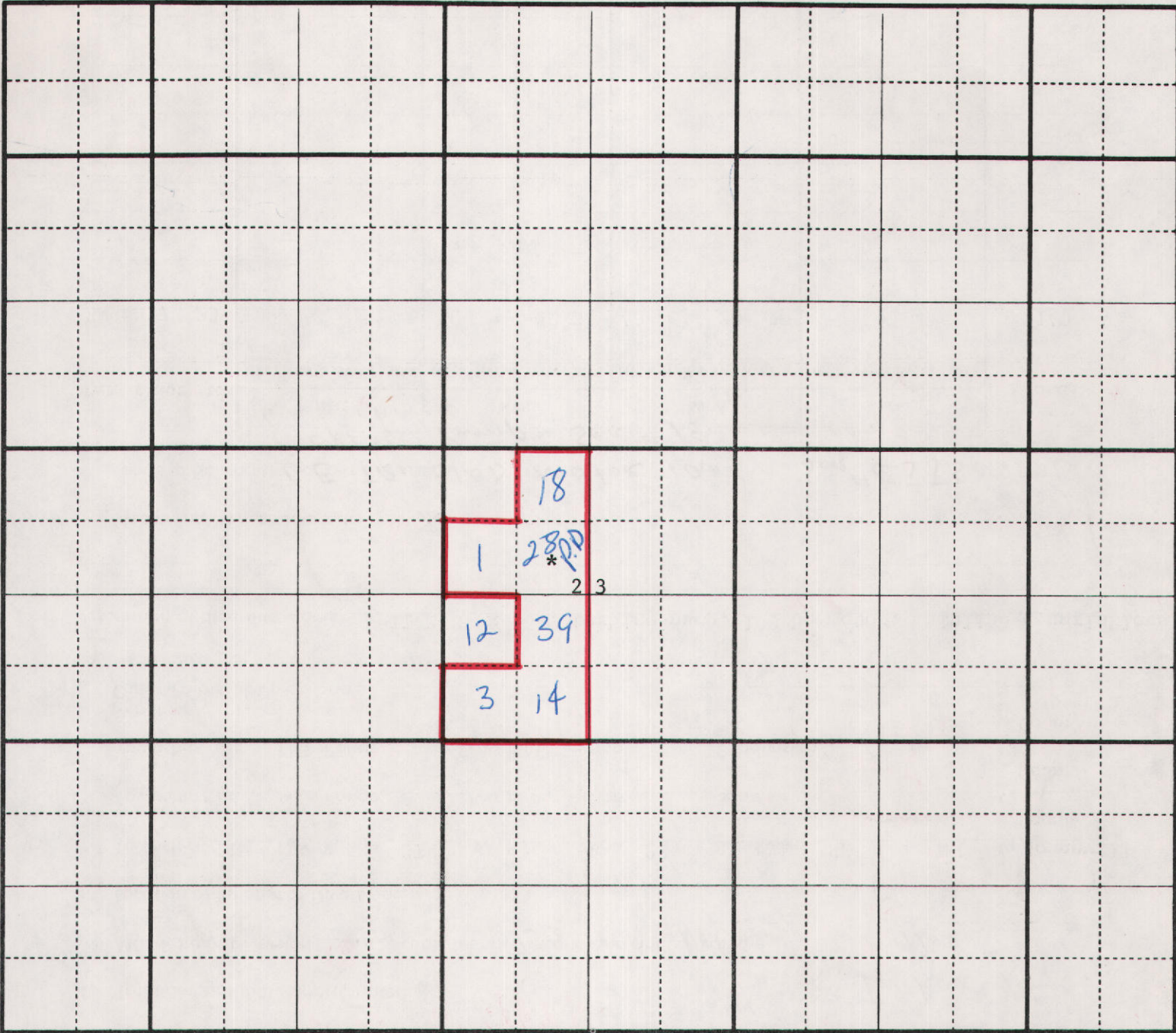
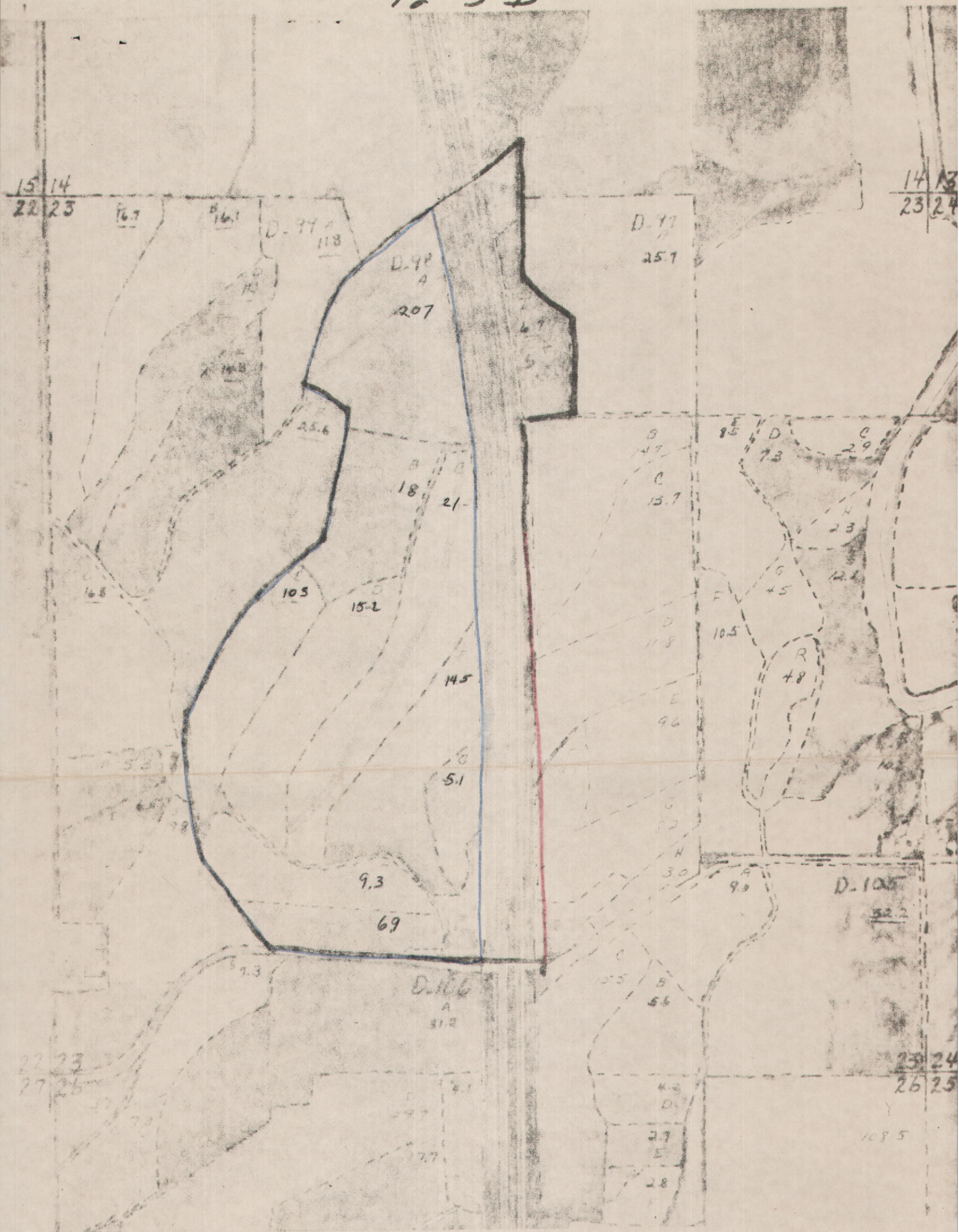


Diagram of System

12-3-B



35-7260

27.7

15 14

22 23

21.5

D 16.4

C 7.5

D 11.1

E 14.5

H 1.9

I 13.2

G

39.4

L 1.0

M 4.7

N 3.6

O 5.1

P 3.3

22 23

27 26

D-99

(D-91)

B 7.4

A 11.6

D-98

(D-90)

18

21.7

B 5.6

P.D. 6

28

F 33.4

39

G 47.1

14

3

Not included
in permit

WPP

35-7260

"NOT TO SCALE"

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69616

This is to certify that: D BRAD REED
2050 W 81 N
IDAHO FALLS ID 83402
(208)522-1390

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
35-7254	AJC/License	10/12/1972	2 67 cfs	592 0 af		148 0	GROUND WATER
35-7260	AJC/License	11/03/1972	2 22 cfs	460 0 af		115 0	GROUND WATER

Purpose of Transfer (Changes Proposed)

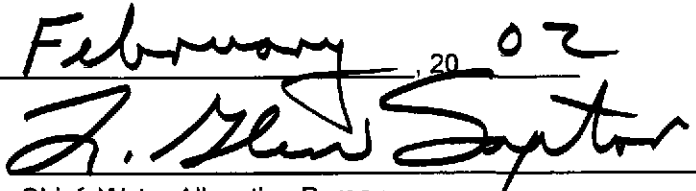
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
35-7254	NO	NO	NO	YES	NO	NO
35-7260	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
35-7254	35-7254	2.67 cfs	592.0 af	148.0	263.0		N/A	N/A	N/A	N/A
35-7260	35-7260	2 22 cfs	460.0 af	115.0	263.0		N/A	N/A	N/A	N/A
TOTALS		4.89 cfs	1052.0 af	N/A	263.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 19th day of February, 2002


Chief, Water Allocation Bureau

MICROFILMED

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WATER RIGHT NO. 35-7254
As Modified by Transfer No. 69616

In accordance with the approval of Transfer No. 69616, Water Right No. 35-7254 is now described as follows.

Right Holder: ANITA T REED And
D BRAD REED
2050 W 81 N
IDAHO FALLS ID 83402

Priority Date: 10/12/1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/01	2.67 CFS	592.0 AF
			2.67 CFS	592.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWNW Sec. 23 Twp 03N Rge 37E	BONNEVILLE County
GROUND WATER	NESENW Sec. 23 Twp 03N Rge 37E	BONNEVILLE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	37E	23					32.0	40.0	39.0	38.0	40.0	40.0	21.0	13.0					263.0

Total Acres: 263

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 35-7254 and 35-7260 shall not exceed 4.89 cfs, nor total combined annual volume of 1052 0 af.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. Right 35-7254 is limited to the irrigation of 148.0 acres within the place of use described above in a single irrigation season.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a prony date earlier than the date of this approval.

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SEP 21 1982

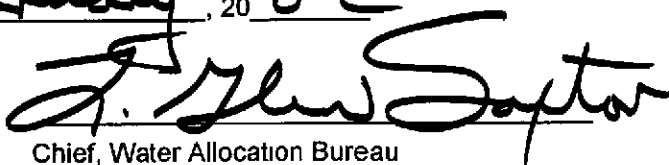
WATER RIGHT NO. 35-7254
As Modified by Transfer No. 69616

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources

Dated this 19th day of February, 20 02


Chief, Water Allocation Bureau

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JUL 20 2004

WATER RIGHT NO. 35-7260
As Modified by Transfer No. 69616

In accordance with the approval of Transfer No. 69616, Water Right No. 35-7260 is now described as follows.

Right Holder: D BRAD REED And
 ANITA T REED
 2050 W 81 N
 IDAHO FALLS ID 83402

Priority Date: 11/03/1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	2.22 CFS	460.0 AF
			2.22 CFS	460.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWNW Sec. 23 Twp 03N Rge 37E	BONNEVILLE County
GROUND WATER	NESENW Sec. 23 Twp 03N Rge 37E	BONNEVILLE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 37E 23					32.0	40.0	39.0	38.0	40.0	40.0	21.0	13.0					263.0

Total Acres: 263

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Rights 35-7254 and 35-7260 shall not exceed 4.89 cfs, nor total combined annual volume of 1052.0 af.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. Right 35-7260 is limited to the irrigation of 115.0 acres within the place of use described above in a single irrigation season
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval

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WATER RIGHT NO. 35-7260
As Modified by Transfer No. 69616

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19th day of February, 2002


Chief, Water Allocation Bureau

MICROFILMED

State of Idaho
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 35-7260 Priority Nov. 3, 1972 Amount 2.22 cfs

THIS IS TO CERTIFY, that LEE SHELTON
of Idaho Falls, Idaho, has complied with the terms and conditions of Permit
No. 35-7260 issued pursuant to Application for Permit dated November 3, 1972,
and has submitted proof to the Department of Water Administration on July 9, 1973,
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 2.22 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>Nov. 1</u>	at <u>2.22</u> cfs and	<u>402.5 acre feet or</u>
	from _____ to _____	at _____ cfs and	<u>3.5 af per acre</u>
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 2.22 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
402.5 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 23,
Twp. 3 N, Rge. 37 E, B. M. in the County of Bonneville

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3 N	37 E	23					18		1	28	39	12	3	14					115

Total number of acres irrigated 115

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

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 25 day of
February, 19 74.

Director

35-7260

Receipt # 12746

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Department of Water Administration
Eastern District Office

APPLICATION FOR AMENDMENT

Permit No. 35-7260

Comes now Lee Shelton of (address) _____

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 35-7260, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NO CHANGE $\frac{1}{4}$ $\frac{1}{4}$, Sec. Twp.

Rge. _____, B.M., County of _____. Other points of diversion:

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

NO CHANGE

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

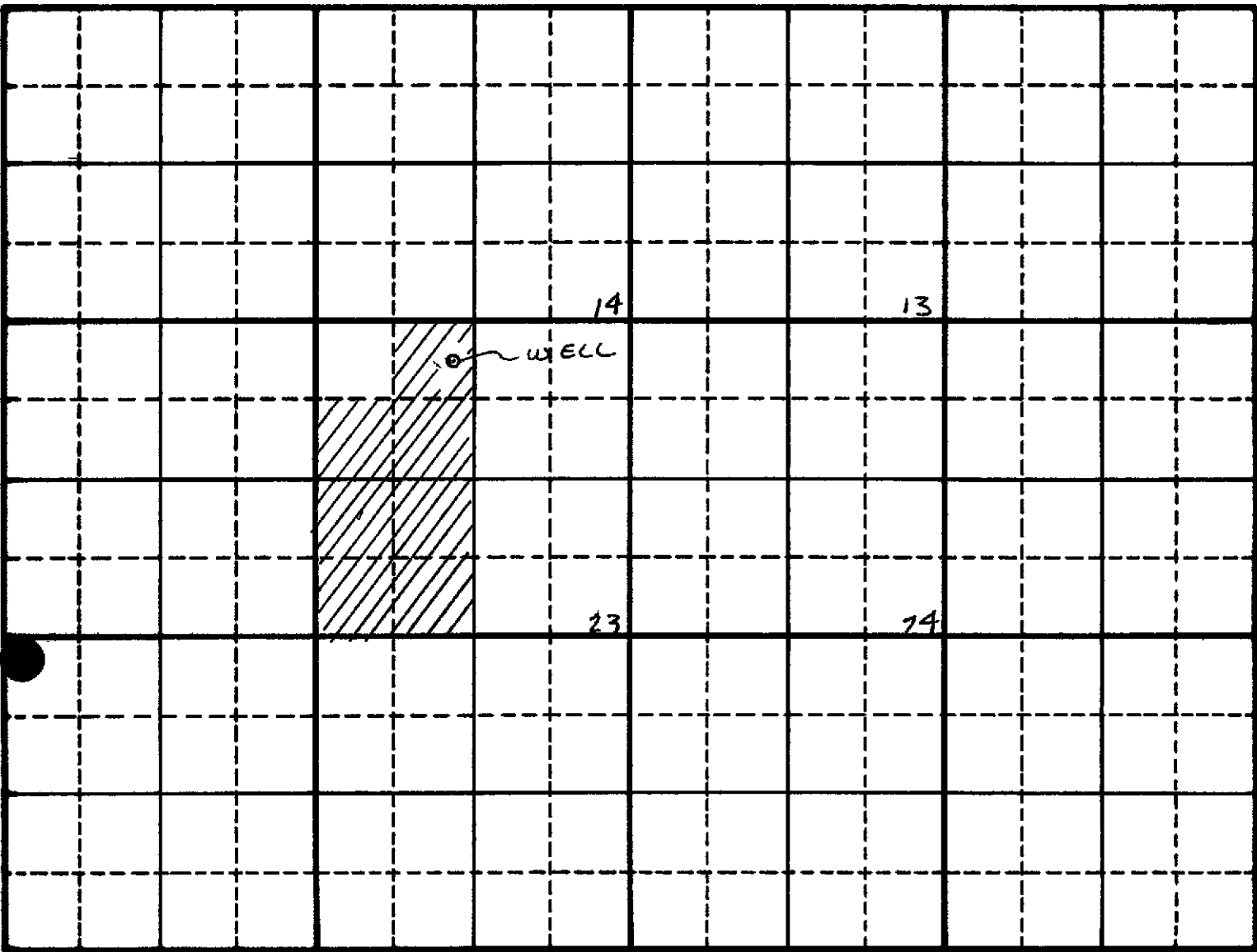
[illegible]

Total number of acres to be irrigated

115

35-7240

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 holders own risk.

Signed at IDAHO FALLS, this 20 day of FEBRUARY, 19 74.

Lee Shelton
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Department of Water Administration, hereby approve the above application for amendment for Permit No. 35-7260.

Witness my hand this 25 day of February, 19 74.

R. Keith Higginson
Director

35 7260

Identification No. _____

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPROVED

LICENSE ISSUED FOR 22 DEC. 81.
 LICENSE PAGE NO. 22 DEC. 81.

APPLICATION FOR PERMIT

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

1. Name of applicant Lee Shelton
 post office address Route 5, Box 256, Idaho Falls, Idaho 83401
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 NW $\frac{1}{4}$ of Section 23 Township 3N
 Range 37E 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 2.4 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. 2.4 cubic feet per second ~~and/or~~
 b. _____ acre feet per annum.
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. electric pump and sprinkler

- 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 16 inches; proposed depth of well is 300 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 \$ 8,000.
8. Description of proposed uses:
 a. If water is **not** for irrigation: N.A.
 (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: _____

35 7260

9. 4. 1991

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

[illegible]

Total number of acres to be irrigated 140

c. Describe any other water rights used for the same purposes as described above. _____
124 inches from Shattuck Irrigation Canal

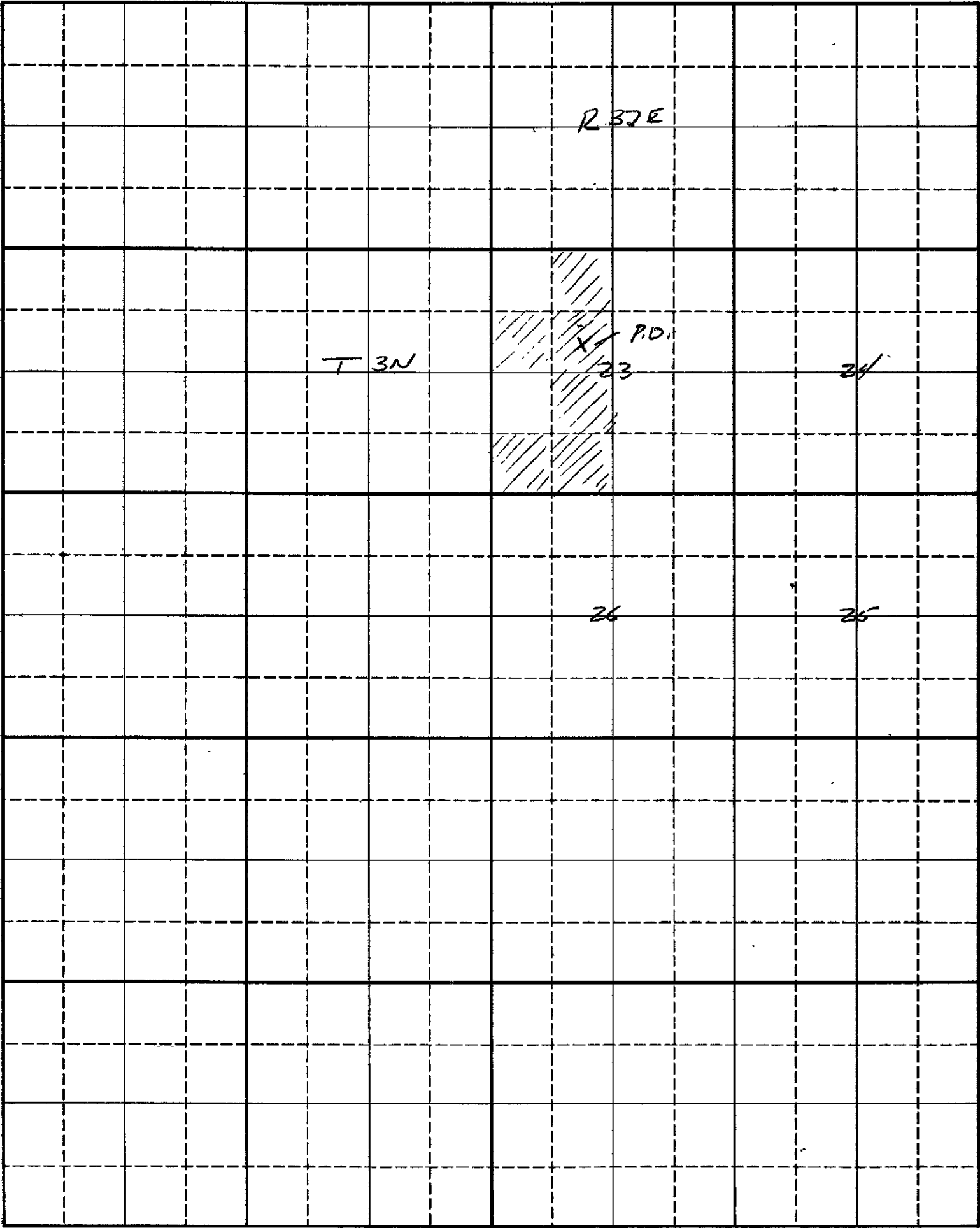
9. a. Who owns the property at the point of diversion Applicant

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.

Lee Sheltan
(Applicant)

35 7260

Received by Ba Date 11-03-72 Time 3:30 pm
 Preliminary check by Rust Fee \$ 45.00
 Receipted by Ba Date 11-03-72 # 725
 Publication prepared by Ba Date 11-03-72
 Published in Post Register, Idaho Falls
 Publication dates 11-09 + 16-72
 Publication approved NCY Date 11-27-72
 Priority ~~reduced~~ to 11-03-72 Reason —

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by NCY D BDF

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. 35-7260, 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 December 1, 1977.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

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

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

Witness my hand this 12th day of December, 1972.

P. Keith Higin
 Director

State law requires that this report be filed with the Director, Department of Water Administration within 90 days after the completion or abandonment of the well.

Name Lee Shelton
Address R F D #5 Idaho Falls, Idaho
Owner's Permit No. 35-7260

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning)

☐ Domestic ☒ Irrigation ☐ Test
☐ Municipal ☐ Industrial ☐ Stock

☒ Cable ☐ Rotory ☐ Dug ☐ Other

Diameter of hole 16 inches Total depth 278 feet
Casing schedule: ☒ Steel ☐ Concrete

Thickness		Diameter		From		To	
250	inches	16	inches	+ 1	feet	60	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

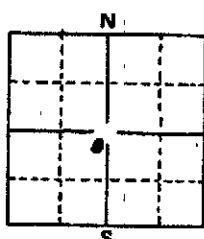
Well screen installed? ☐ Yes ☒ No
 Manufacturer's name _____

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 58 feet
Material used in seal ☒ Cement grout ☐ Puddling clay

Sketch map location must agree with written location.



County Bonneville

NE ¼ SW ¼ Sec. 23, T. 3 N. 37 E. 37

Static water level 220 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

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
------------------	-----------	--------------

[illegible]

Work started 3-8-73 finished 4-11-73

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

Andrew Well Drilling Contractors 5

Driller's or Firm's Name	Number
--------------------------	--------

1268 East 17th St. Idaho Falls, Idaho

Address 101 Audubon Ave

Ultra Andrew WRP 6-11-73

Signed By _____ Date _____

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>NCY</u>	<u>11/3/72</u>	Application No. <u>35-7260</u> Name <u>Sheeton, Lee</u>
(2)	<u>"</u>	<u>"</u>	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for C/W and application of water to B/U ☒ Place of Use ☒ Map ☒ Fee ☒ <u>County</u>
(3)	<u>"</u>	<u>"</u>	Send copies to: ☐ Idaho State Health Department ☒ <u>N.A.</u> Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	<u>"</u>	<u>"</u>	☒ <u>N.A.</u> Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)	<u>"</u>	<u>"</u>	In form for advertising <u>Yes</u>
(6)	<u>ba</u>	<u>11-27-72</u>	Affidavit of Publication received <u>11-21-72</u>
(7)	<u>"</u>	<u>"</u>	Final date for protests <u>11-27-72</u> Protests received: yes <u> </u> no <u>✓</u>
(8)	<u>"</u>	<u>"</u>	Date and Place of hearing <u> </u> Decision reached at hearing <u> </u>
(9)	<u>NCY</u>	<u>11-23-72</u>	Located within Water District No. <u>N.A.</u>
(10)	<u>"</u>	<u>"</u>	Critical groundwater area: yes <u> </u> no <u>X</u>
(11)	<u>"</u>	<u>"</u>	Groundwater levels: ☐ Decline (comment) <u> </u> ☒ Stable (comment) <u>Snake River Draft</u> ☐ Increasing (comment) <u> </u>
(12)	<u>"</u>	<u>"</u>	Comments: <u>This is an already irrigated area. The Shattuck Butte Canal is</u>
(13)	<u>"</u>	<u>"</u>	<u>ditching because of the Freeway causing</u> <u>problems with delivery & waste water disposal!</u> Action recommended: ☒ Approve Priority <u>11-3-72</u> ☐ Deny Reason for Reduction <u> </u>
	<u>"</u>	<u>"</u>	☒ See attached sheet for conditions of approval ☐ No conditions for approval
(14)	<u>"</u>	<u>"</u>	District <u>Eastern</u> By <u>Roman C. Young</u> Date <u>11-27-72</u> Title <u>Dist. Engr.</u>

Proof of Publication

The Post-Register

1972

POSTED TO THE REGISTRATION
SECTION FOR 1972

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 consoli-
dation, for more than seventy-eighty (78) weeks and said Post-Register having been published contin-
uously and uninterruptedly from the date of such consolidation, up to and including the last publica-
tion of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was pub-
lished in said Post-Register for two consecutive weeks, first publication having been made
on the 9th day of November, 1972, last publication
having been made on the 16th day of November, 1972, 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 17th day of November, 1972

Karl S. Hae
Notary Public

My commission expires April 5, 1975

B10, 1M

LEGAL NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that
Lee Shelton, Route 5, Box 256,
Idaho Falls, Idaho has on 11-3-72
submitted Application No. 35-
7280 for a permit to appropriate
2.4 cubic feet per second of wa-
ter from a ground water source
by means of well and pump
within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T.
3N, R. 37E, B.M., Bonneville
County; to be used from Apr. 1
to Nov. 1 for the irrigation of 140
acres within the NE $\frac{1}{4}$ NW $\frac{1}{4}$,
S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 23, T. 3N, R. 37E, B.M.

If issued, this permit will be
subject to all prior water rights.
Protests against the granting of
this permit must be filed with
the Idaho Department of Water
Administration, 240 South
Holmes, Idaho Falls, Idaho,
83401 on or before November 27,
1972.

R. KEVIN HEDGINS
Director

Published in the Post-Regis-
ter, Idaho Falls, Idaho on No-
vember 9 and November 16,
1972.

25 7280

RECOMMENDEDCONDITIONS OF APPROVAL

D ☒ 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.

D ☒ 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: _____

ACKNOWLEDGEMENT

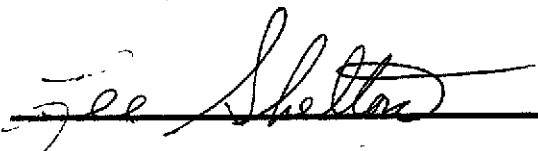
Date: November 3, 1972

Re: Application No. 35-7260

I hereby acknowledge that, even though I was assisted by employees of the
Idaho State Department of ^{Water Admin.} ~~Reclamation~~ in the preparation of Application No.
35-7260, all responsibility with regard to the accuracy and completeness
of the information contained therein rests with me.

35 7260

Signed:



Applicant

MEMORANDUM

TO: FILE 35-7269
FROM: VAULT
RE: TRANSFER # 69616
DATE: 12-28-01

=====

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

FILE # 35-7254

**MICROFILMED
FEB 25 2002**

NOTICE OF LIENHOLDER'S INTEREST

TO DEPARTMENT OF WATER RESOURCES

1515 Lincoln Road

Idaho Falls, Idaho 83401

Date September 22, 1978

FmHA Loan No. 43-01

Borrower R. Lee Shelton

Amount of Loan \$137,840.00

The above borrower has mortgaged his ranch unit to the Farmers Home Administration as security for a bonafide loan in the amount stated. In our opinion, the loan is for purposes that will further the borrower's operations.

The property mortgaged to the Farmers Home Administration comprises of Approx. 842 acres in Bonneville & Jefferson County, Idaho and is described as follows:

See photo of attached mortgage

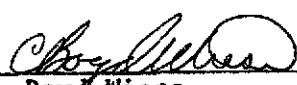
August 2, 1978 - (J)

The mortgage covering these lands was recorded August 4, 1978 - (B) as Instrument No: 193624(J) 546821(B), in the records of Bonneville & Jefferson County, State of Idaho.

The borrower, in consideration for the loan, has pledged his Water Permit No: 35-7260, 35-7586 and 35-7605, which are used in connection with the above described property.

Will you please Note this mortgage in your records and advise of promptly of any action or development that might adversely affect the borrower or the Farmers Home Administration's position as lienholder.

We will notify your office promptly upon satisfaction of lien or termination of the loan.


C. Boyd Wiese
County Supervisor
FARMERS HOME ADMINISTRATION
P.O. Box 1783
Idaho Falls, Idaho 83401

Receipt of the above notice is acknowledged. You will be notified of any action taken by this office which may adversely affect either the interest of the Farmers Home Administration or the Borrower. Please sign and send the copy of this notice to Farmers Home Administration. An envelope is enclosed for your convenience.

Department of Water Resources

DATE: _____

BY _____
TITLE: _____

MICROFILMED

Re-record for Additional description
REAL ESTATE MORTGAGE FOR IDAHO

546821-Bonneville
193624 Jefferson

THIS MORTGAGE is made and entered into by R. LEE SHELTON and LOIS SHELTON, husband
and wife

residing in Bonneville County, Idaho, whose post office address is
Route 5 Box 370 Idaho Falls, Idaho, 83401,
herein called "Borrower," and:

WHEREAS Borrower is indebted to the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, herein called the "Government," as evidenced by one or more promissory note(s) or assumption agreement(s), herein called "note," which has been executed by Borrower, is payable to the order of the Government, authorizes acceleration of the entire indebtedness at the option of the Government upon any default by Borrower, and is described as follows:

<u>Date of Instrument</u>	<u>Principal Amount</u>	<u>Annual Rate of Interest</u>	<u>Due Date of Final Installment</u>
8-2-78	\$137,840.00	3%	8-2-1985
8-2-78	\$116,930.00	8%	8-2-2018

And the note evidences a loan to Borrower, and the Government, at any time, may assign the note and insure the payment thereof pursuant to the Consolidated Farm and Rural Development Act, or Title V of the Housing Act of 1949;

And it is the purpose and intent of this instrument that, among other things, at all times when the note is held by the Government, or in the event the Government should assign this instrument without insurance of the note, this instrument shall secure payment of the note; but when the note is held by an insured holder, this instrument shall not secure payment of the note or attach to the debt evidenced thereby, but as to the note and such debt shall constitute an indemnity mortgage to secure the Government against loss under its insurance contract by reason of any default by Borrower

NOW, THEREFORE, in consideration of the loan(s) and (a) at all times when the note is held by the Government, or in the event the Government should assign this instrument without insurance of the payment of the note, to secure prompt payment of the note and any renewals and extensions thereof and any agreements contained therein, including any provision for the payment of an insurance or other charge; (b) at all times when the note is held by an insured holder, to secure performance of Borrower's agreement herein to indemnify and save harmless the Government against loss under its insurance contract by reason of any default by Borrower, and (c) in any event and at all times to secure the prompt payment of all advances and expenditures made by the Government, with interest, as hereinafter described, and the performance of every covenant and agreement of Borrower contained herein or in any supplementary agreement, Borrower does hereby grant, bargain, sell, convey, mortgage, and assign unto the Government the following property situated in the State of Idaho,

County(ies) of Jefferson and Bonneville :

As per attached Exhibit A.

Subject to: Mortgage given by R. LEE SHELTON and LOIS SHELTON, husband and wife to THE FEDERAL LAND BANK OF SPOKANE, a corporation, Dated April 22, 1974 and Microfilmed as Instrument No. 468325 on September 20, 1974, given to secure the sum of \$95,000.00 and interest and future advances if provided for in the Mortgage, records of Bonneville County, Idaho.

Subject to: Financing Statement with R. LEE SHELTON and LOIS SHELTON, husband and wife as Debtors and THE FEDERAL LAND BANK OF SPOKANE as the Secured Party, filed as Instrument No. 468324 on September 20, 1974, records of Bonneville County, Idaho.

Subject to: Mortgage given by R. LEE SHELTON and LOIS SHELTON, husband and wife to THE FEDERAL LAND BANK OF SPOKANE, a corporation, Dated March 22, 1976 and Microfilmed as Instrument No. 493632 on March 26, 1976, given to secure the sum of \$60,000.00 and interest and future advances if provided for in the Mortgage, records of Bonneville County, Idaho.

EXHIBIT A
Page 1

JEFFERSON COUNTY:

TRACT 1:

Township 4 North, Range 35 East of the Boise Meridian, Jefferson County, Idaho

Section 19: Lots 3 and 4.
E 1/2 SW 1/4.
NW 1/4 SE 1/4.
Section 30: Lot 1.
NE 1/4 NW 1/4.

Township 4 North, Range 34 East of the Boise Meridian, Jefferson County, Idaho

Section 24: SE 1/4 SE 1/4.

TRACT 2:

Township 4 North, Range 35 East of the Boise Meridian, Jefferson County, Idaho

Section 19: Lots 1 and 2.
SE 1/4 NW 1/4.
W 1/2 NE 1/4.

Township 4 North, Range 34 East of the Boise Meridian, Jefferson County, Idaho

Section 24: SE 1/4 NE 1/4.
NE 1/4 SE 1/4.

TRACT 3:

Township 4 North, Range 35 East of the Boise Meridain, Jefferson County, Idaho

Section 30: Lot 2.
SE 1/4 NW 1/4.

BONNEVILLE COUNTY:

Beginning at a point on the Section line S89°29'E 240 feet from the North 1/4 Corner of Section 23, Township 3 North, Range 37 East of the Boise Meridian; thence South 495.5 feet; thence S51°20'E 377 feet; thence S0°42'W 589 feet; thence West along the 16th line 533 feet, more or less to the SW Corner of the NW 1/4 NE 1/4 of said Section 23; thence South along the 1/4 line 3277.5 feet, more or less to the North side of a County Road; thence N85°45'W along the North side of said County Raod, 1329 feet; thence N37°55'W 638.5 feet; thence N4°43'W 921 feet; thence North 30°25'East 691 feet; thence North

STATE OF IDAHO)
County of Bonneville) ss

I hereby certify that this instrument was recorded & filed in the office of the County Clerk of Bonneville County, Idaho, on this 8th day of February, 1928, at 6.00 P.M.

DELOYC BODLEY County Clerk

By _____

Register of _____

546821

EXHIBIT A

Page 2

N47°55'E 669 feet; thence N11°40'E 803 feet; thence N60°10'W 319 feet; thence N17°40'E 525 feet; thence N45°15'E 283.5 feet; thence N45°55'E 220 feet; thence N53°25'E 402 feet to the North line of Section 23; thence N54°09'E 575 feet; thence South 341 feet to the point of beginning.

Being a part of the SE 1/4 SW 1/4 and the SW 1/4 SE 1/4 of Section 14, Township 3 North, Range 37 East of the Boise Meridian, also part of the NW 1/4 NE 1/4 and the NE 1/4 NW 1/4 and the S 1/2 NW 1/4 and the SW 1/4 of Section 23 above Township and Range.

EXCEPTING THEREFROM: Parcel #26-E-1, Parcel #26-E-2, Parcel #26-E-3, deeded to the State of Idaho. Said above parcels being right of way for Interstate Highway Project No. I-15-3 (3) 117 Highway Survey.

ALSO EXCEPTING THEREFROM: Beginning at a point 400 feet West along the North Right of Way of Payne-Osgood Road from where said road intersects with the West Right of Way of Interstate No. 15; thence North 150 feet; thence West 200 feet; thence South 150 feet to the West right of way of said road; thence East 200 feet to the point of beginning.

ALSO EXCEPTING THEREFROM: that part East of Interstate No. 15.

Together with all water rights appurtenant thereto including but not limited to the following:

1. Water Permit No. 35-7260
2. Water Permit No. 35-7586
3. Water Permit No. 35-7605

Together with all pumps, motors and sprinkler equipment including but not limited to the following:

JEFFERSON COUNTY:

5280' of Buried Mainline (steel)

10 4" x 1360' Handlines

26 10" x 50' Portable Mainlines

26 4" x 1360' Handlines

Pump and Motor: 600-HP, GE No. DLJ 423029

250 HP Westinghouse #7604 and any replacements thereof; all of which are hereby declared to be appurtenant thereto.

BONNEVILLE COUNTY:

14 4" 1/4 mile pipe (leased prop.) 2,000' 12" mainline, buried

5 4" 1/4 mile pipe 1,000' 5" mainline, buried

1,800' 8" mainline, buried

Pump: Serial No. HJJ829104 125 HP., and any replacements thereof, all of which are hereby declared to be appurtenant thereto.

Subject to: Financing Statement with R. LEE SHELTON and LOIS SHELTON, husband and wife as Debtors and THE FEDERAL LAND BANK OF SPOKANE, a corporation as the Secured Party, filed as No. 11555 on June 1, 1976, records of Jefferson County, Idaho.

STATE OF IDAHO)
County of Bonneville) ss
I hereby certify that the within in-
strument was recorded - in the
County of Bonneville Idaho on the 11th day of
August 1907.

193671
Microfilm No. _____
2nd Day August 19 78
At 2:33 O'Clock P.M.
Robert J. Barnes
Jefferson Co. Recorder
Fee \$5.00 kls Deputy
Recorded At request of
OK Jones

(8) To keep the property insured as required by and under insurance policies approved by the Government delivered to, and retained

(9) To maintain improvements in good repair and make repairs required by the Government; operate the property in a good and husbandmanlike manner, comply with such farm conservation practices and farm and home management plans as the Government from time to time may prescribe, and not to abandon the property, or cause or permit waste, lessening or impairment of the security covered hereby, or, without the written consent of the Government, cut, remove, or lease any timber, gravel, oil, gas, coal, or other minerals except as may be necessary for ordinary domestic purposes.

(10) To comply with all laws, ordinances, and regulations affecting the property.

(11) To pay or reimburse the Government for expenses reasonably necessary or incidental to the protection of the lien and priority hereof and to the enforcement of or the compliance with the provisions hereof and of the note and any supplementary agreement (whether before or after default), including but not limited to costs of evidence of title to and survey of the property, costs of recording this and other instruments, attorneys' fees, trustees' fees, court costs, and expenses of advertising, selling, and conveying the property.

(12) Neither the property nor any portion thereof or interest therein shall be leased, assigned, sold, transferred, or encumbered, voluntarily or otherwise, without the written consent of the Government. The Government shall have the sole and exclusive rights as mortgagee hereunder, including but not limited to the power to grant consents, partial releases, subordinations, and satisfaction, and no insured holder shall have any right, title or interest in or to the lien or any benefits hereof.

(13) At all reasonable times the Government and its agents may inspect the property to ascertain whether the covenants and agreements contained herein or in any supplementary agreement are being performed.

(14) The Government may extend and defer the maturity of and renew and reamortize the debt evidenced by the note or any indebtedness to the Government secured hereby, release from liability to the Government any party so liable thereon, release portions of the property from and subordinate the lien hereof, and waive any other rights hereunder, without affecting the lien or priority hereof or the liability to the Government of Borrower or any other party for payment of the note or indebtedness secured hereby except as specified by the Government in writing.

(15) If at any time it shall appear to the Government that Borrower may be able to obtain a loan from a production credit association, a Federal land bank, or other responsible cooperative or private credit source, at reasonable rates and terms for loans for similar purposes and periods of time, Borrower will, upon the Government's request, apply for and accept such loan in sufficient amount to pay the note and any indebtedness secured hereby and to pay for any stock necessary to be purchased in a cooperative lending agency in connection with such loan.

(16) Default hereunder shall constitute default under any other real estate, or under any personal property or other security instrument held or insured by the Government and executed or assumed by Borrower, and default under any such other security instrument shall constitute default hereunder.

(17) SHOULD DEFAULT occur in the performance or discharge of any obligation in this instrument or secured by this instrument, or should any one of the parties named as Borrower die or be declared an incompetent, a bankrupt, or an insolvent, or make an assignment for the benefit of creditors, the Government, at its option, with or without notice, may: (a) declare the entire amount unpaid under the note and any indebtedness to the Government hereby secured immediately due and payable, (b) for the account of Borrower incur and pay reasonable expenses for repair or maintenance of and take possession of, operate or rent the property, (c) upon application by it and production of this mortgage, without other evidence and without notice of hearing of said application, have a receiver appointed for the property, with the usual powers of receivers in like cases, (d) foreclose this instrument as provided herein by law, (e) require Borrower to surrender to the Government any and all abstracts of title then owned by Borrower covering all or any part of the property, and (f) enforce any and all other rights and remedies provided herein or by present or future law.

(18) The proceeds of foreclosure sale shall be applied in the following order to the payment of: (a) costs and expenses incident to enforcing or complying with the provisions hereof, (b) any prior liens required by law or a competent court to be so paid, (c) the debt evidenced by the note and all indebtedness to the Government secured hereby, (d) inferior liens of record required by law or a competent court to be so paid, (e) at the Government's option, any other indebtedness of Borrower owing to or insured by the Government, and (f) any balance to Borrower. At foreclosure or other sale of all or any part of the property, the Government and its agents may bid and purchase as a stranger and may pay the Government's share of the purchase price by crediting such amount on any debts of Borrower owing to or insured by the Government, in the order prescribed above.

(19) Borrower agrees that the Government will not be bound by any present or future State laws, (a) providing for valuation, appraisal, homestead or exemption of the property, (b) prohibiting maintenance of an action for a deficiency judgment or limiting the amount thereof or the time within which such action may be brought, (c) prescribing any other statute of limitations, (d) allowing any right of redemption or possession following any foreclosure sale, or (e) limiting the conditions which the Government may by regulation impose, including the interest rate it may charge, as a condition of approving a transfer of the property to a new Borrower. Borrower expressly waives the benefit of any such State laws. Borrower hereby relinquishes, waives, and conveys all rights, inchoate or consummate, of descent, dower and curtesy.

(20) If any part of the loan for which this instrument is given shall be used to finance the purchase, construction or repair of property to be used as an owner-occupied dwelling (herein called "the dwelling") and if Borrower intends to sell or rent the dwelling and has obtained the Government's consent to do so (a) neither Borrower nor anyone authorized to act for him will, after receipt of a bona fide offer, refuse to negotiate for the sale or rental of the dwelling or will otherwise make unavailable or deny the dwelling to anyone because of race, color, religion, sex, or national origin, and (b) Borrower recognizes as illegal and hereby disclaims, and will not comply with or attempt to enforce any restrictive covenants on the dwelling relating to race, color, religion, sex, or national origin.

(21) This instrument shall be subject to the present regulations of the Farmers Home Administration, and to its future regulations not inconsistent with the express provisions hereof.

(22) Notices given hereunto shall be sent by certified mail, unless otherwise required by law, addressed, unless and until some other address is designated in a notice so given, in the case of the Government to Farmers Home Administration, United States Department of Agriculture, at Boise, Idaho 83702, and in the case of Borrower to him at the address shown in the Farmers Home Administration Finance Office records (which normally will be the same as the post office address shown above).

(23) **WAIVER: THE BORROWER ACKNOWLEDGES AND AGREES THAT IF HE DEFAULTS A NONJUDICIAL FORECLOSURE SALE OF THE PROPERTY MAY BE CONDUCTED WITHOUT A HEARING OF ANY KIND AND WITHOUT NOTICE BEYOND THE PUBLICATION OF THE NOTICE OF SALE. THE BORROWER HEREBY WAIVES ANY RIGHTS HE MAY HAVE TO ANY SUCH HEARING AND NOTICE. NEVERTHELESS, THE REGULATIONS OF THE FARMERS HOME ADMINISTRATION IN EFFECT AT THE TIME SUCH FORECLOSURE IS STARTED MAY PROVIDE FOR NOTICE AND A MEETING AND THE GOVERNMENT WILL FOLLOW THESE REGULATIONS.**

(24) At the option of the Government this mortgage may be foreclosed by action or advertisement as provided by statute, and Borrower hereby irrevocably vests in the Government the statutory power of sale and constitutes and appoints the Government his agent and attorney in fact to sell the property, after due notice, at public auction to the highest bidder, for cash or secured credit at the option of the Government, and to give the purchaser a warranty deed binding upon Borrower and all claiming under him.

(25) Borrower has assigned or waived or will immediately on request of the Government, assign or waive in favor of the Government all grazing privileges, permits, licenses, or leases appurtenant to or used in connection with said land, and Borrower further covenants and agrees to produce renewals thereof prior to their expiration and to pay all fees and charges and to perform all acts and do all things necessary to keep and preserve all said grazing rights and renewals thereof, and in the event of the failure of Borrower to do any of these things the Government may do so on behalf of Borrower, including advancing such sums as may be necessary for this purpose, and such funds advanced shall be secured by this instrument.

(26) If any provision of this instrument or application thereof to any person or circumstances is held invalid, such invalidity will not affect other provisions or applications of the instrument which can be given effect without the invalid provision or application, and to that end the provisions hereof are declared to be severable.

IN WITNESS WHEREOF, Borrower has hereunto set Borrower's hand(s) and seal(s) this 2nd day of

August, 19 78.

R. Lee Shelton
R. Lee Shelton

Lois Shelton
Lois Shelton

ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF Jefferson

ss:

On this 2nd day of August, in the year of 1978, before me, the undersigned,

a Notary Public in and for said State, personally appeared R. Lee and Lois Shelton, husband and wife

known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged

to me that they executed the same as their free act and deed for the uses, purposes and consideration herein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the said date.

NOTARIAL SEAL)

Osborn R. Jones
Notary Public, residing at Rigby, Idaho

My commission expires life

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
STATE OFFICE



Cecil D. Andrus
Governor
R Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

February 26, 1974

Re: Permit No. 35-7260

Mr. Lee Shelton
Route 5, Box 256
Idaho Falls, Idaho 83401

Dear Mr. Shelton:

Enclosed herewith is a copy of the water license issued on the above referenced permit.

We are also enclosing a copy of the approved amendment for this permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

jfr

Enclosure

35-7260

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
STATE OFFICE



Cecil D. Andrus
Governor
R Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

February 7, 1974

Re: Permit No. 35-7260

Mr. Lee Shelton
Route 5, Box 256
Idaho Falls, Idaho 83401

Dear Mr. Shelton:

A representative of this Department has made an examination of the works covered by your Permit No. 35-7260 and has found the following;

Quantity of water diverted: 2.22 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 2.22 cfs

The maximum quantity diverted shall not exceed 402.5 acre feet per year.

Beneficial use: For irrigation of 115 acres within the SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, Twp. 3 N, Rge. 37 E

Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, Twp. 3 N, Rge. 37 E, B.M.

Priority date established: November 3, 1972

The place of use found by our examiner differs from that listed under your permit, therefore, it will be necessary for you to amend the permit before a water license can be issued. We are enclosing a partially completed application for amendment for your use. Please sign the application and return it to this office with a \$10.00 filing fee within 20 days of the date of this letter in order that we may issue a water license as set forth above.

If you do not concur with these findings, please advise us within 20 days of the date of this letter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

jfr

Enclosure

35-7260

RECEIVED
JUL 18

522849

JUL 18 1973

Department of Water Administration
Eastern District Office

3. Water will be used for the following purposes:

Other uses: _____

- Other Points of Diversions: _____

6 Lands to be irrigated or place of use

[illegible]

35-7260

TOTAL ACREAGE

140

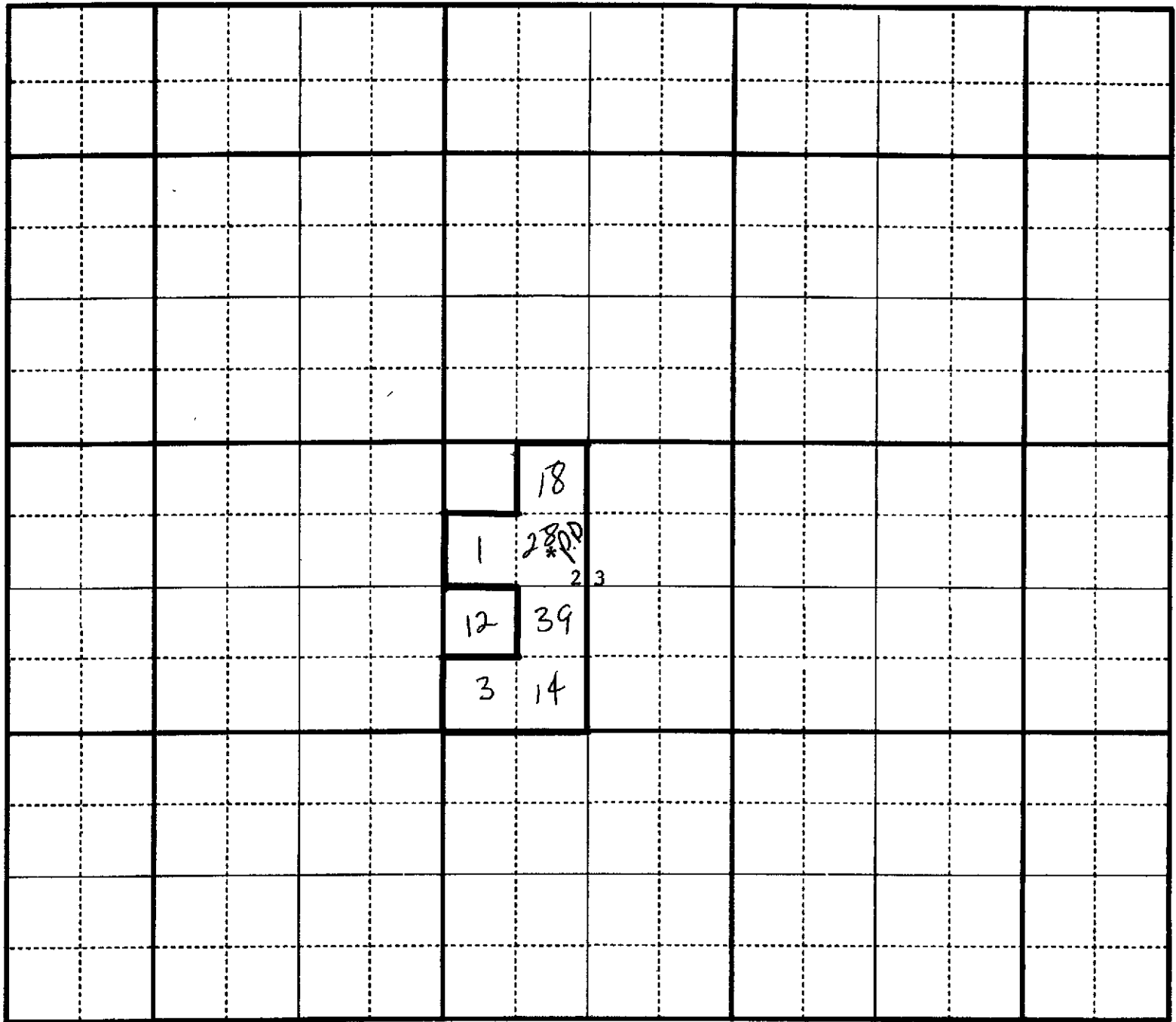
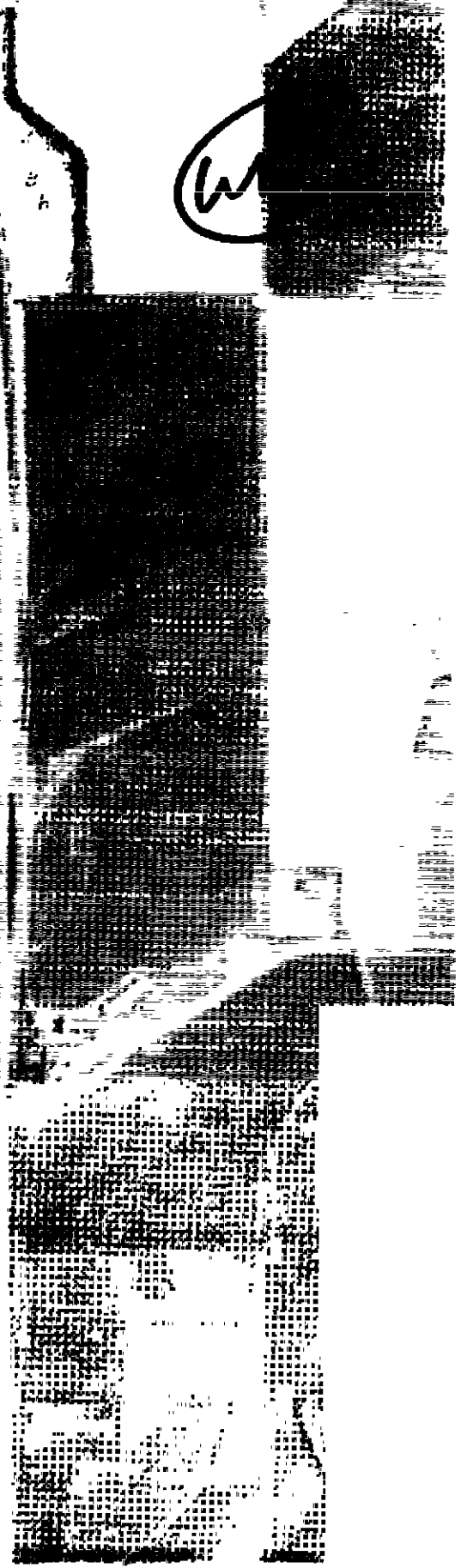
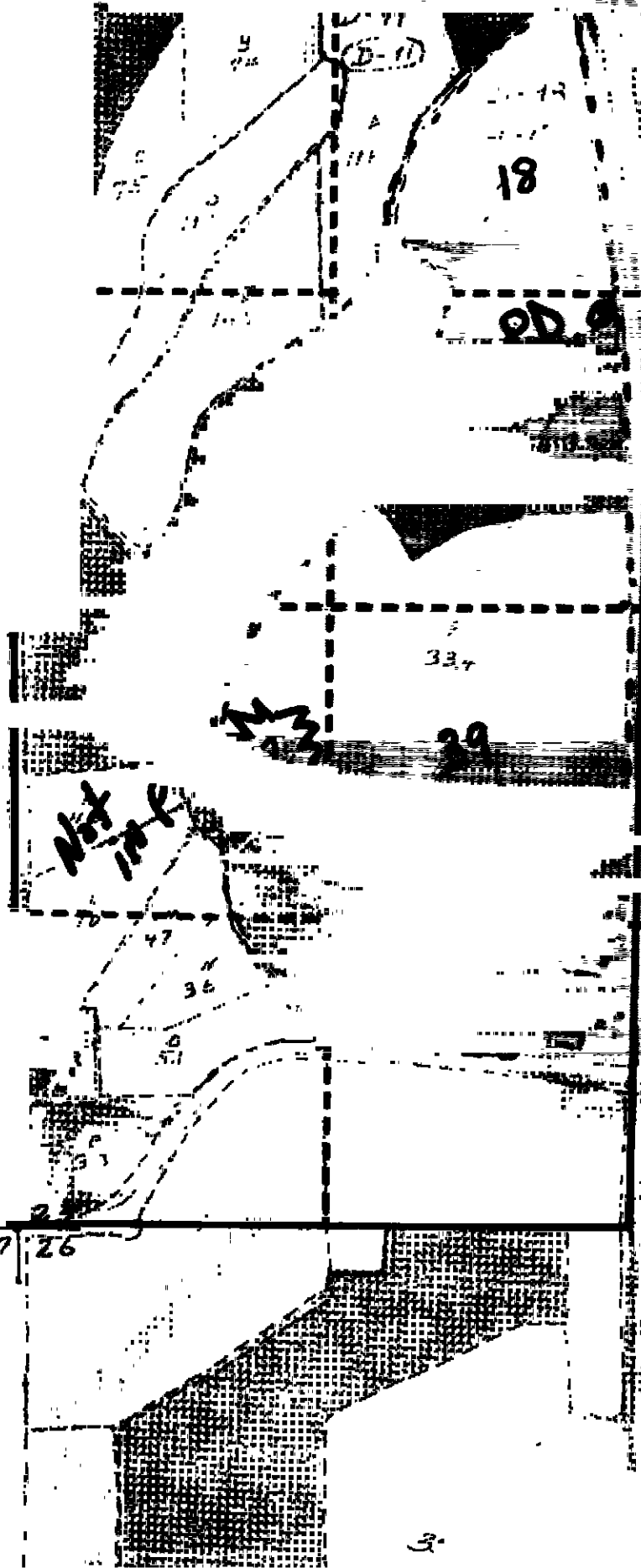
T
3
N

Diagram of System

35-7260



DATE OF EXAM Aug 1, 1973

ACREAGE
Found 115
Recommended 115

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 2.22 c.f.s. V = 403 AF/Ann. from Apr to Nov
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

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

Exchange? yes _____ no X

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

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

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

Total Q measured 2.22 cfs Method of measurement In Line Meter

Total Q recommended 2.22 cfs Meter No 73-8-126 Type McCrometer Condition New

Total V recommended 403 AF/Ann

Recommended Amendments:

P.D. _____
Place of Use X Also DAC NW 1/4 SW 1/4 Sec 23
Other _____
None _____

MEASUREMENT CALCULATION:

1000 gal/min = 2.22 cfs
115 Ac x 3.5 AF/Ac = 402.5 AF/Ann

SYSTEM DESCRIPTION:

GE TRI-CLAD Motor 100 HP Ser #EJJ502196
Perless Pump Ser #78841
6" discharge
2 1/4 mile laterals 5/32 No2

REMARKS:

System & land shown by Lee Shelton, owner.

Examiner's Signature William Choood Date Sept 24, 1973

Checked by John Ferebauer Date Jan 28, 1974

Approved by _____ Date _____

July 17, 1973

Re: Permit No. 35-7260

Lee Shelton
Route #5, Box 256
Idaho Falls, Idaho 83401

Dear Mr. Shelton:

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 exam, please contact our Eastern District Office at 240 South Holmes, Idaho Falls.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:jc

35 7260

Identification No. _____

Permit No. 35-7260

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

JUL 9 1973

Department of Water Administration

1. a) Name of Permit Holder Lee Shelton
b) Post Office Address Route #5, Box 256, Idaho Falls, Idaho

2. Permit Number 35-7260

3. Date of Priority that you are prepared to establish 11-03-72

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

b) Location of the point of diversion: SE 1/4 NW 1/4, Section 23
Township 3N, Range 37E Boise Meridian, Other points of diversion: _____

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

amount 2.4 cfs for irrigation purposes from Apr. 1 to Nov. 1 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

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

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

b) Total amount appropriated 2.4 cfs 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: Snake River Equipment by system design and installed measuring device.

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: N. A.

b) Describe the agreement or understanding by which you take water from the works: _____
N. A.

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 (278 Ft. X 16") turbine pump, 100 hp motor, mainline and sprinklers.

b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
McCrometer in-line meter

c) Give well drillers name and address and date the well was completed _____
Andrew Well Drilling Co. Spring 1973

IDAHO DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE
240 S. HELMS
IDAHO FALLS, IDAHO 83401

Exam typed 7-17-73 by jc

35 7260

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

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

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	37E	23					10		20	30	40		20	20					140

Total number of acres irrigated 140

10. Remarks:

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

July 5, 1973 (Date) Lee Speltz (Signature)

State of IDAHO)
County of Bonneville ss.

On this 5th day of July, 1973, personally appeared before me the
signer of of the above instrument, who duly acknowledged to me that he (~~she~~) (~~they~~) executed the same.

Norman C. Young
Notary Public residing at IDAHO Falls, IDAHO

My commission expires 6/10/75

January 5, 1973

Re: 35-7260

Lee Shelton
Box 256, Route 5
Idaho Falls, Idaho 83401

Dear Mr. Shelton:

Enclosed is a copy of your approved Application for Permit No. 35-7260. 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

Enclosure

35 7260

LEGAL NOTICE *3w*

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lee Shelton, Route 5, Box 256, Idaho Falls, Idaho has on 11-3-72 submitted Application No. 35-7260 for a permit to appropriate 2.4 cubic feet per second of water from a ground-water source by means of well and pump within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 3N, R. 37E, B.M., Bonneville County; to be used from Apr 1 to Nov. 1 for the irrigation of 140 acres within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 23, T. 3N, R. 37E, 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 November 27, 1972.

R. KEITH HIGGINSON
Director

Published in the Post-Register, Idaho Falls, Idaho on November 9 and November 16, 1972.



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

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse, Annex 2
Boise, Idaho 83707
(208) 384-3315
Eastern District Office
240 South Holmes Ave.
Idaho Falls, ID 83401

November 3, 1972

Re: Application No. 35-7260 - Lee Shelton
35-7261 - Wayne S. Landon

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 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

NCY:BA
Enc: Legal notices (2)

Bill submitted to Boise

11-21-72

ba

35 7260

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lee Shelton, Route 5, Box 256, Idaho Falls,

Idaho

has on 11/3/72 submitted Application No. 35-7260

for a permit to appropriate 2.4 cubic feet per second ~~XXXXXX~~

of water from a ground-water source

by means of well and pump

within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T. 3N, R. 37E, B.M., Bonneville County;

to be used from Apr. 1 to Nov. 1

for the irrigation of 140 acres

within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 23, T. 3N, R. 37E, 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 November 27, 1972.

R. KEITH HIGGINSON

Director

Published in the Post Register, Idaho Falls, Idaho

on November 9 and November 16, 1972

35 7260

Nay