

TWP. 1N RANGE 35E COUNTY Bingham SCALE: 1" = 1 MILE

36 31 32 33 34 35 36 31

LEGEND

● - Applicant

○ - IRRIG

● - Domestic

1 6 5 4 3 2 6

12 7 8 9 10 11 12 7

13 18 17 16 15 14 13 18

24 19 20 21 22 23 24 19

25 30 29 28 27 26 25 30

36 31 32 33 34 35 36 31

1 6 5 4 3 2 1 6

35-7154

NOTICE OF APPLICATION
FOR PERMIT TO
APPROPRIATE THE
PUBLIC WATERS
OF THE
STATE OF IDAHO

R. KEITH HIGGINSON
Director

Pub.: 10-8, 15
(2518)

Notice is hereby given that Matsuura Brothers, 1132 East Walker, Blackfoot, Idaho, have on September 29, 1970, submitted Application No. 35-7154 to appropriate the public waters of a ground water source.

The application proposes a maximum diversion and appropriation of 5.5 cubic feet per second of water to be diverted by well, pump and sprinkler system within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20, T. 1N, R. 35E, B.M. Bingham County, and is to be used within the E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 17; E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20; T. 1N, R. 35E, B.M. for the irrigation of 280 acres from April 1 to Oct. 1.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, on or before October 26, 1970.

RECEIVED

NOV 2 1970

Department of Water Administration

AFFIDAVIT of PUBLICATION

County of Bingham
State of Idaho

} ss.

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 Saturday and 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 8th day of , 19, and the last publication having been made on the

day of , 19; 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

day of , 19

Ray Dayton
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
June 1, 1969.

35-7154

R 35 E

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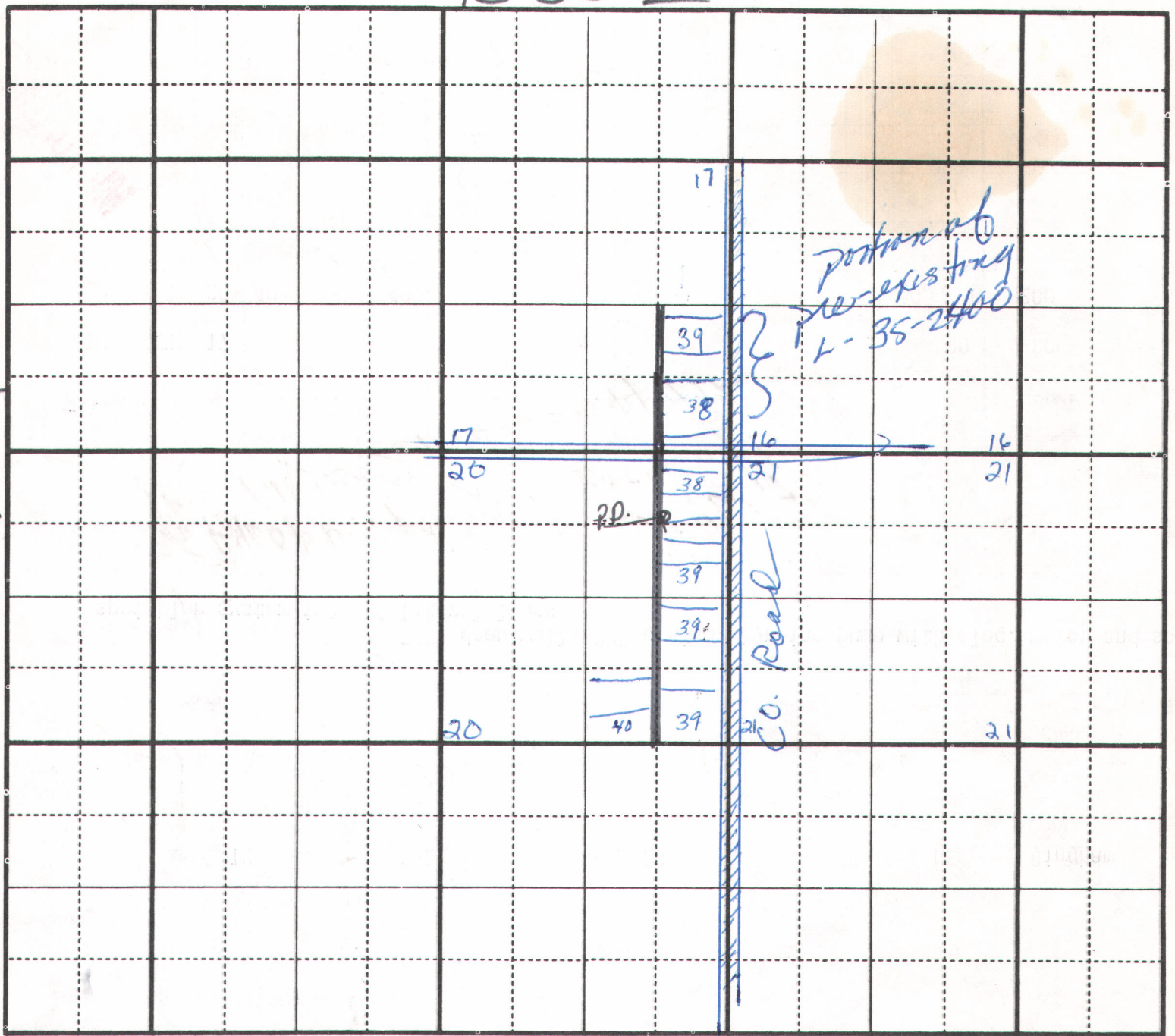
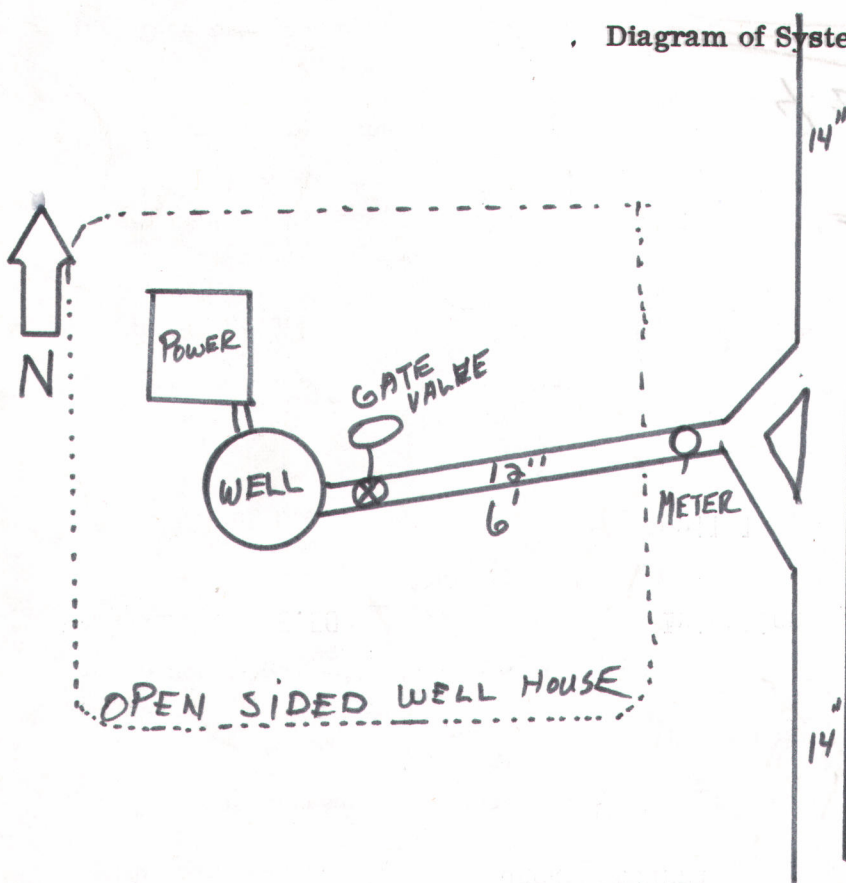


Diagram of System



MICROFILMED

R.P. 11-28-79

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Co. Road

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MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

(late proof)

License of Water Right No. 35-7154 Priority November 20, 1970 Amount 4.29 cfs

THIS IS TO CERTIFY, that Matsuura Brothers
of Blackfoot, Idaho, has complied with the terms and conditions of Permit
No. 35-7154 issued pursuant to Application for Permit dated September 29, 1970,
and has submitted proof to the Department of Water Resources on December 2, 1976,
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 8.91 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	<u>from April 1 to October 1</u>	<u>at 4.29 cfs and</u>	<u>952.0 acre feet</u>
_____	<u>from _____ to _____</u>	<u>at _____ cfs and</u>	_____
_____	<u>from _____ to _____</u>	<u>at _____ cfs and</u>	_____

(both dates inclusive)

Subject, however, to the condition that no more than 4.29 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
952.0 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20,
Twp. 1N, Rge. 35E in the County of Bingham

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1N	35E	17													39			38	77
		20	38			39									39		40	39	195

Total number of acres irrigated 272

This right when combined with all other rights shall provide no 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 30 day of
November, 19 81.

Acting for the Director

Norma C Young

7

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 35-7154)
IN THE NAME OF MATSURRA BROTHERS)
_____)

ORDER OF REINSTATEMENT

WHEREAS, on September 29, 1970, the Maturra Brothers filed with the Department of Water Resources (formerly the Department of Water Administration) an application for permit to appropriate 5.50 cubic feet per second of groundwater to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, Twp. 1N, Rge. 35E, B.M., Bingham County, to be used for irrigation purposes; and,

WHEREAS, on December 7, 1970, the Department approved said application and issued Permit No. 35-7154 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before December 1, 1975; and,

WHEREAS, on January 27, 1976, the Department extended the time within which to submit proof of beneficial use to December 1, 1976, and reinstated and advanced the priority of the permit to November 19, 1970; and,

WHEREAS, on September 30, 1976, 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 December 1, 1976, the permit automatically lapsed for failure to submit proof of beneficial use of water; and,

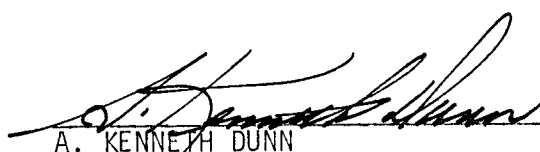
WHEREAS, on December 2, 1976, the Department received the required proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 35-7154 be REINSTATED and the priority advanced to November 20, 1970.

Dated this 8 day of December, 1976.


A. KENNETH DUNN
Administrator, Operations Division

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXTENSION OF TIME

Department of Water Resources

State of Idaho)
County of Bingham)

Permit No. 35-7154

Tom Matsuura of Matsuura Brothers 1132 E. Walker St., Blackfoot
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to
Appropriate the Public Waters of the State of Idaho No. 35-7154.

That under the terms and conditions of said permit, work thereunder was required
to be completed on or before December 1, 19 75.

That he has heretofore performed the following work described under said permit:
Drilled well, installed pump and electric motor, developed sprinkler
system therewith and applied water to beneficial use

Costing \$ 22,000

That he is unable to complete the remainder of the work within the required time for
the following reasons, to-wit: He has not permanently installed a measuring
device of a type approved by the Dept. of Water Resources. This cannot
be done until the system is turned on in the spring of 1976.

Wherefore, he asks that the Department of Water Resources extend the time for the
completion of obligations under said permit to June 1, 19 76.

Tom Matsuura
(signature) *

Subscribed and sworn before me this 19th day of January, 19 76.

seal

Notary Public residing at
Blackfoot, Idaho

My commission expires 7-1-1977

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Administrator, Operations Division

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED
and the time within which to submit proof of beneficial use under Permit No. 35-7154
be extended to December 1, 1976. IT IS FURTHER ORDERED that the permit be REINSTATED
and the priority be advanced to November 19, 1970, pursuant to Section 42-218a of the
Idaho Code.
Witness my hand this 27 day of January, 19 76.

A. Kenneth Dunn
X

A. KENNETH DUNN

Administrator, Operations Division

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available
through the Department of Water Resources, State Capitol, Boise, Idaho 83720.

Identification No. 35-7154
Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

APPROVED

1. Name of applicant Matsuura Brothers
post office address 1132 E. Walker Blackfoot, Idaho 83221
2. Source of water supply Well which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 20 Township 1 N
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 _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M.
4. Quantity to be appropriated:
a. 5.5 cubic feet per second and/or
b. _____ acre feet per annum will be stored.
5. Water will be used for the following purposes:
Irrigation purpose from April 1st to October 1st (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Well with pump for sprinkler system
Deep well turbine w/ electric motor & sprinkler pipe

b. Height of storage dam None feet; active reservoir capacity None acre feet; total reservoir
capacity _____ acre feet; materials used in storage dam: _____

c. Proposed well diameter is 22 inches; proposed depth of well is 535 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 \$ 8,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

35-7154

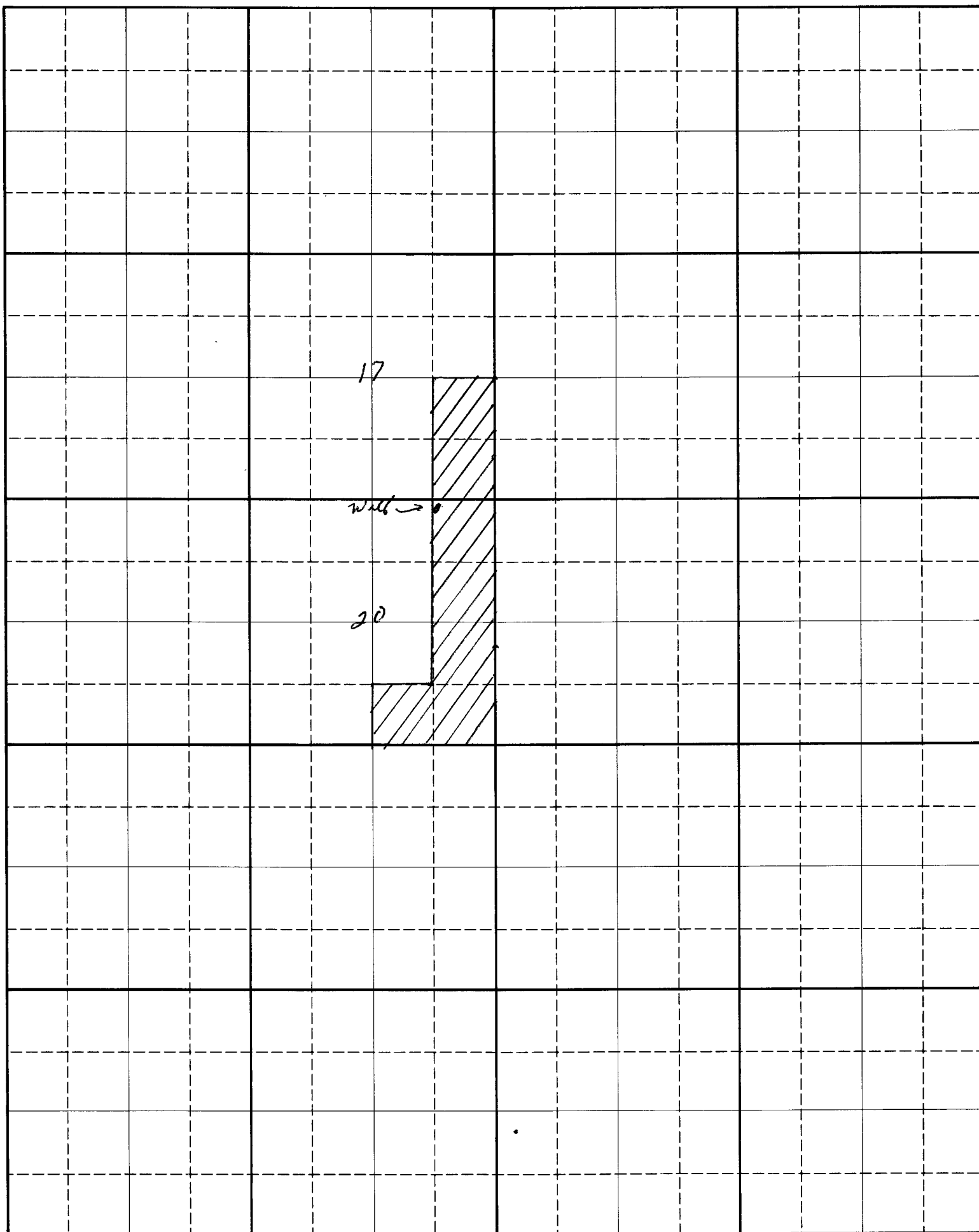
35-7154

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

TWP.	RANGE	SEC.	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	NE1/4	NW1/4	SW1/4	SE1/4
1 N	35	17													X			
1 N	35	20	X												X			
TOTALS															X			
																</		

11. Map of proposed project:

T S 1 N R 35 EBM



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.

Matthew D. B. - Jack Mathews
(Applicant)

35-7154

35-7154

Received by 4 Date 9-29-70 Time 8:00 AM
Preliminary check by 723 Fee \$ 45.00
Received by 4 Date 9-29-70
Publication prepared by dr Date 10-1-70
Published in Blackfoot News
Publication dates 10-8 & 10-15, 1970
Publication approved dr Date 11-5-70
Priority reduced to _____ Reason _____
Protests filed by: _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by W. J. & B. D. 244

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-7154, 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, 19 75.

c. Other: The permit holder shall permanently install and maintain as part of the diverting works a measuring device of a type approved by the department.

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

Witness my hand this 7th day of December 19 70.

State Reclamation Engineer

DEPARTMENT OF WATER ADMINISTRATION

STAFF ANALYSIS

Application No. 35-7154 Name Matsuura Brothers
 Source ground water
 Point of Diversion NENE, Sec. 20, T. 1N, R. 35E, B.M., Bingham County
 Quantity 5.5 Use irrigation Period April 1 - Oct. 1
 Quantity Use Period
 Quantity Use Period
 Well Size Diameter 22 Proposed Depth 535 Feet
 Use 280 acres
 Date Forwarded 10-2-70 Date Returned 10-13-70 Received by Dum

COMMENTS: WATER TABLE IS STABLE (W.R. #18).
A NUMBER OF IRRIGATION WELLS ARE
LOCATED IN THE AREA BUT NO INFORMATION
IS AVAILABLE FOR YIELD OR DRAWDOWN.

RECOMMENDED:

Applied: Qty. 5.5 Use IRR. Period 4/1-10/1 AF/A 3.5 AF 980
 Qty. Use Period AF/A AF
 Qty. Use Period AF/A AF
 Maximum: Qty. 5.6 Use IRR. Period 4/1-11/1 AF/A 3.5 AF 980
 Qty. Use Period AF/A AF
 Qty. Use Period AF/A AF

ACTION: Approved X Denied

Conditions of approval or reason for denial:

INVESTIGATION By Norman C. Young Title W.R. Engineer
 Date Oct. 12, 1970

35-7154

TWP. 1N RANGE 35E COUNTY Bingham SCALE: 1" = 1 MILE

36 31 32 33 34 35 36 31

LEGEND

- - Applicant
- - WOLF
- - Domestic

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35-7154

NOTICE OF HEARING

56

(2518)

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and the last publication having been made on the

..... day of, 19.....; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me this

day of 1 January 1970

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
June 1, 1969.

33-7154

20 September 1993

RECEIVED

SEP 23 1993

Department of Water Resources

TO: Jim Johnson

FROM: Ernest Carlsen *EMC*

RE: Changing license 35-07154

Because the Department has historically been reluctant to amend licenses I need some guidance on how to proceed with possibly getting the above license changed.

Based on my conversations with the license holders and researching IDWR water right and adjudication records it appears the following is a synopsis of what has happened.

- > The licensed POU for 35-02400 included the E1/2SE S17 T01N R35E.
- > Ownership of E1/2SE S17 changed around 1969.
- > In 1970 the new owner included the E1/2SE S17 on permit application 35-7154 for 5.50 cfs on 280 acres indicating on the application there were no other rights appurtenant to the POU.
- > Coinciding with the change in ownership the well under 35-02400 ceased to provide irrigation water for the E1/2SE S17.
- > Without benefit of a transfer, during this time period the well under 35-02400 was used to initiate irrigation of land in the S1/2NE S17.
- > The permit holder for 35-07154 submitted proof of beneficial use for 5.50 cfs on 280 acres.
- > Results of the licensing exam on 35-07154, conducted 28 July 1979, show 272 acres irrigated with 5.44 cfs for a recommended rate of diversion.
- > Overlap review done at the state office determined the rate of diversion for 35-07154 should be reduced because of an overlap with 35-02400. Consequently the license was issued for only 4.29 cfs.
- > Present owners of POU under 35-07154 did not claim any portion of 35-02400 in the SRBA.
- > The entire rate of diversion is claimed under A35-02400. Claiming an accomplished transfer in the POU from the E1/2SE to S1/2NE S17.



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

December 3, 1981

RE: Permit No. 35-7154

Matsuura Brothers
1132 E. Walker St.
Blackfoot, ID 83221

Gentlemen:

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

Enclosure

NOTED
DEC 10 1981



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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

October 14, 1981

RE: Permit No. 35-7154

Matsukra Brothers
1132 E. Walker St.
Blackfoot, ID 83221

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. ~~35-7154~~, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 4.29 cfs Source: groundwater

The maximum quantity diverted shall not exceed 952.0 acre feet per year.

Point(s) of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, Twp. 1N, Rge. 35E

Beneficial use: Irrigation of 272 acres within the E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 17; E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20; Twp. 1N, Rge. 35E

Priority date established: November 20, 1970 (late proof)

Conditions (if any): This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

Tran Sec 17

DEPARTMENT OF WATER RESOURCES
FIELD REPORT

RECEIVED

1. Name of permit holder Matsurra Brothers DEC 13 1976
Post office address 1132 East Walker, Blackfoot, ID 83221 Phone 785-1482
Person to contact Jack Matsurra Eastern District Office Phone 785-2948

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

3. Water will be used for the following purposes:

Amount 5.50 c.f.s. for Irrigation
_____ AF/Annum (nature of use)

Period of Use: from April 1 to Oct. 1
(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. 35-7154
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 5.50 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 1N N/S, Range 35E E/W, B.M., Section 20, Subdivision NE 1/4 NE 1/4, Bingham County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County

Other Points of Diversions: _____

Description of diverting works: 535' deep well, 20" casing, turbine pump with elec. motor and spr
sprinkler system into 14 lateral lines

Measuring device required: yes ☒ no ☐

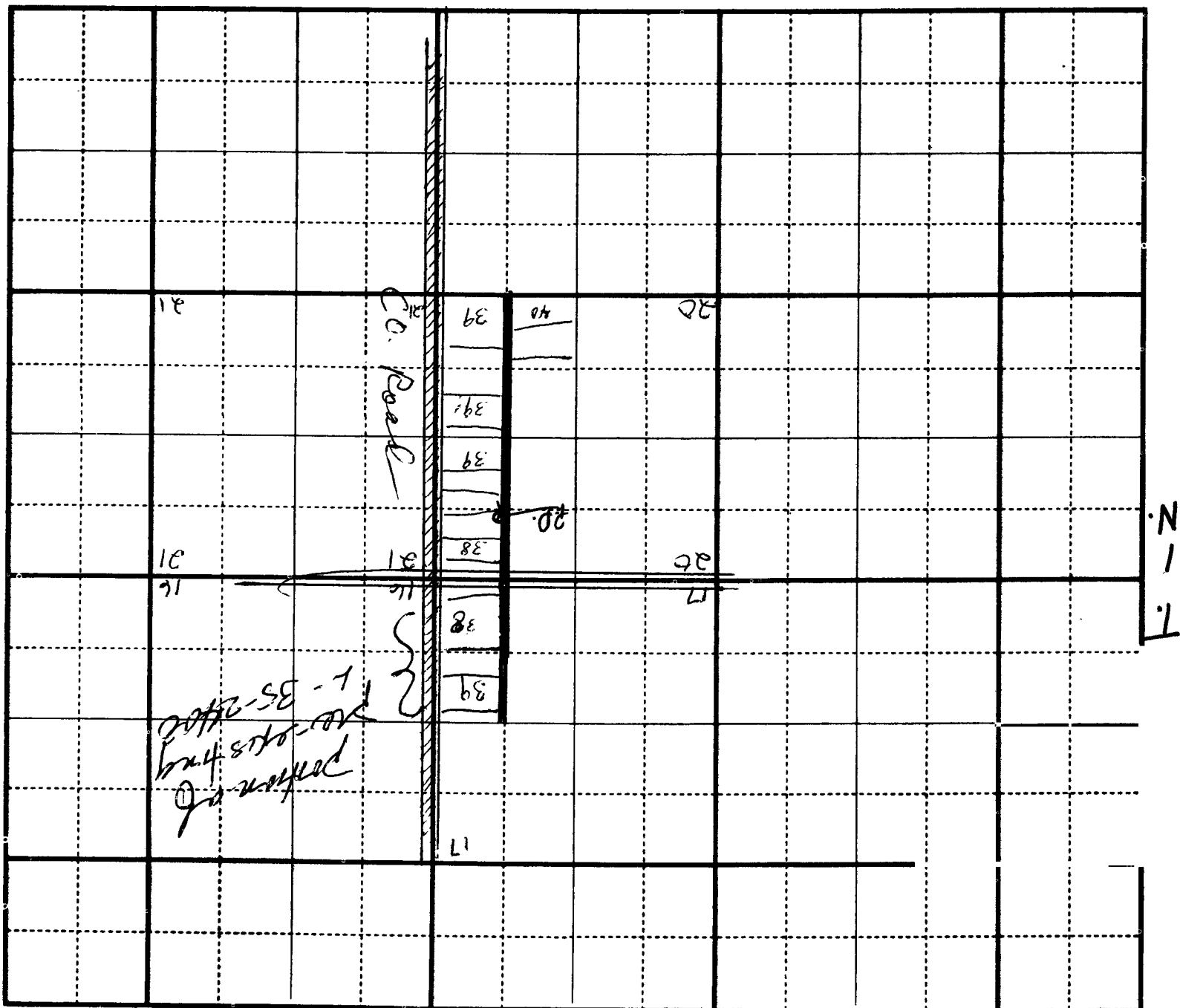
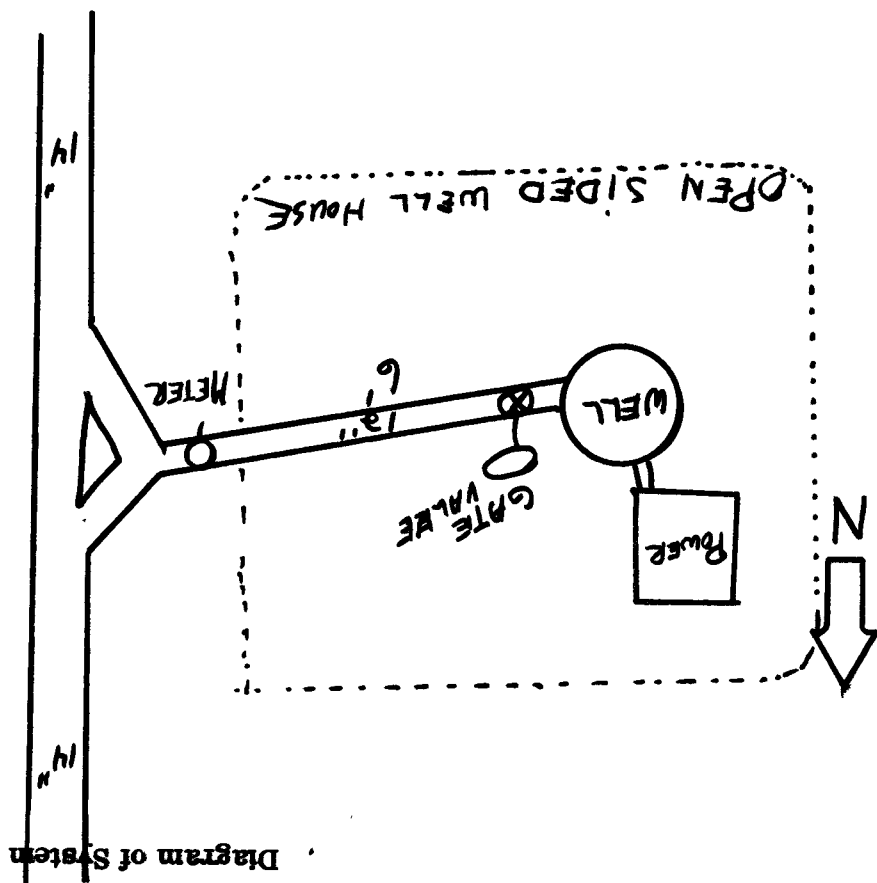
6. Lands to be irrigated or place of use.

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	
1N	35E	17													40			40	80
		20	40			40									40		40	40	200

RECEIVED

62-12-11 R.P.

RECEIVED



R 35 E

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77.5

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DATE OF EXAM 7-28-79

ACREAGE
Found 272 ✓
Recommended 272 ✓

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 4.29 4.29 c.f.s. V = 952.00 ✓ AF/Ann. from Apr. 1 to Nov. 1
Domestic Q = 5.44 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. 1/4, Sub. 1/4 County

Exchange? yes no ✓

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

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

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

Total Q measured 4000 gpm = 8.91 cfs ✓ Method of measurement IN LINE METER

Total Q recommended 5.44 cfs Meter No. 10493 Type ROCKWELL Condition GOOD ✓

Total V recommended 952.00 AF/YR

Recommended Amendments:

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

MEASUREMENT CALCULATION:
 $Q = \text{TIMED READING} = 1000 \text{ gal in } 15 \text{ sec} = 4000 \text{ gpm} = 8.91 \text{ cfs}$ CAPACITY
 $V = 5.44 \times 1.9836 \times 272 = 2309.1 \text{ AF/YR}$
 $4.29 \times 1.9836 \times 272 = 2309.1 \text{ AF/YR}$
 $4.29 \times 1.9836 \times 272 = 2309.1 \text{ AF/YR}$
* See overlap review for reduction in total cfs.

SYSTEM DESCRIPTION:

MOTOR - U.S. High Thrust 400 hp SN 51423804 TYPE H.U.
PUMP - LAYNE & BOWLER V.T. SN. 44719
METER - ROCKWELL FLOW CONTROL-10493
12" & 14" MAIN LINE, 14 1/2 mile wheel lines

REMARKS:

L-35-2400 overlaps 77a in E 1/2 of 17.
contributes 1.17 cfs to lands covered by
this filing 272a x .02 cfs = 5.44 - 1.17 =

Examiner's Signature Edmund A. Parker Date 11-28-79

Checked by Anthony R. Kozlowski Date 3-9-80

Approved by Rolyn Date 10/6/81

Overlap Review attached

State of Idaho
License and Certificate of Water Right

Water License No. G-25396

Amount 4.04 c.f.s.

(FY

N

Overlap Review for 35-7154

License 35-2400

P/D

NWSE Sec 17

P/U

the only overlapping

Tracts are Sec 17

NESE 40ac

SESE 40ac

80ac

$$\frac{4.04 \text{ cfs}}{267} = .015 \text{ cfs/ac}$$

This right 35-7154

P/D

NENE Sec 20

P/U

Sec 17

NESE 39ac

SESE 38ac

77ac

$$\text{Allow } .02 \text{ cfs/ac} \quad 195 \times .02 = 3.9 \text{ cfs}$$

$$\text{Allow up to } .02 \text{ cfs/ac} \quad \frac{77 \times .005}{272} = \frac{+.39}{4.29 \text{ cfs} = \text{max allowed when combined}}$$

No Overlap for P/D

Overlap for P/U but equals .02 cfs/ac

RC

10/7/81

✓ Det

MICROFILMED

(SEAL)

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

December 8, 1976

Re: Permit No. 35-7154

Matsurra Brothers
1132 East Walker
Blackfoot, Idaho 83221

Gentlemen:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed is an Order of Reinstatement; please note that the priority has been advanced to November 20, 1970.

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

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

Sincerely,

JANICE RENK
Water Rights

Encl.

Identification No. _____

Permit No. 35-7154

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

DEC 2 1970
Department of Water Resources

1. a) Name of Permit Holder Matsurra Brothers
b) Post Office Address 1132 East Walker, Blackfoot, Idaho, 83221
2. Permit Number 35-7154
3. Date of Priority that you are prepared to establish November 19, 1970
4. a) Source from which water was appropriated Deep Well
b) Location of the point of diversion: NE 1/4 NE 1/4, Section 20
Township 1 North, Range 35 E.B.M. Boise Meridian, Other points of diversion: None
5. a) The amount of water and use to which the water has been applied:
Amount 5.5 Cu Ft Sec for Irrigation purposes from 4/1/ to 10/1/ 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 5.5 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: see 7(b) 253,670,000 gallons 1976
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:
NA
b) Describe the agreement or understanding by which you take water from the works:
NA
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) Deep Well, 535 feet, 20 inch casing, turbine pump with electric motor, and sprinkler system into 14 lateral lines
b) Describe the type and size of measuring device which you have installed at your point of diversion: 12 inch Rockwell flow Control
c) Give well driller's name and address and the date the well was completed:
Jack Cushman Drilling & Pump Company
1405 South Broadway, Blackfoot, Idaho
Completed: February 10, 1969
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
NA

Exam typed 12/8/70

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

[illegible]

Total number of acres irrigated _____

10. Remarks: _____

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

(Date)

Materon Bro.
By Jack Materon
(Signature)

State of Idaho)

) ss.

County of Bingham)

On this 30th day of November, 19 76, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at Bluff, Idaho

My commission expires - 1979

September 30, 1976

CERTIFIED MAIL

138002

Re: Permit No. 35-7154

Matsurra Brothers
Tom Matsurra
1132 E. Walker St.
Blackfoot, Idaho 83221

Gentlemen:

One of the conditions of approval of your water Permit No. 35-7154 (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 December 1, 1976. 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.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

cc: Michael K. Ferrin, 156 W. Judicial St., Blackfoot, ID

June 8, 1976

Michael K. Ferrin
156 West Judicial St.
Box 591
Blackfoot, Idaho 83221

Dear Mr. Ferrin:

Enclosed is a copy of Permit No. 35-7154 along with a proof of beneficial use form and instructions. Proof is due on or before December 1, 1976.

Sincerely,

JANICE ROHM
Secretary, Water Rights

jr

Enclosures

STUFFLEBEAM AND FERRIN

DWAIN H. STUFFLEBEAM
MICHAEL K. FERRIN

ATTORNEYS AT LAW
156 WEST JUDICIAL STREET
P. O. Box 501
BLACKFOOT, IDAHO 83221

TELEPHONE (208) 785-0325

June 4, 1976

State of Idaho
Department of Water Resources
Boise, ID 83707

RE: Glenn Matsuura, Permit No. 35-7154

Gentlemen:

The Matsuuras have installed a water measuring device. The installation of said device was completed and the water flow was measured on May 31, 1976.

Please send me the necessary forms and a photocopy of the permit so that we may make proof of application of water to beneficial use so that a license can be issued to Matsuura Brothers.

Thank you.

Very truly yours,



Michael K. Ferrin
Attorney at Law

MKF:vt

January 30, 1976

Re: Permit No. 35-7154

Matsuura Brothers
1132 E. Walker
Blackfoot, Idaho 83221

Gentlemen:

Enclosed is a copy of the extension of time, which has been approved. Also included on the extension of time is an Order of Reinstatement; please note that the priority has been advanced to November 19, 1970.

The time within which to submit proof of beneficial use of water has been extended to December 1, 1976.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:JFR

Enclosure

cc: Michael Ferrin, Attorney
156 W. Judicial St.
Blackfoot, ID 83221

STUFFLEBEAM AND FERRIN

DWAIN H. STUFFLEBEAM
MICHAEL K. FERRIN

ATTORNEYS AT LAW
156 WEST JUDICIAL STREET
P. O. Box 591
BLACKFOOT, IDAHO 83221

TELEPHONE (208) 785-0325

January 19, 1976

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

RE: Permit No. 35-7154 Matsuura Brothers

Gentlemen:

Enclosed is Matsuura Brothers Application for Extension of
Time to file Proof of Beneficial Use, and our check for \$1.25 *rec'd 1/23/76*
to cover costs of copies previously sent (directed to Marcia
L. Brown).

Would you please let us know as soon as possible if the
application is in order.

Thank you.

Very truly yours,

Michael K. Ferrin
Attorney at Law

MKF:tb
Enclosures

December 15, 1975

Mr. Michael K. Ferrin
Stufflebeam and Ferrin
P.O. Box 591
Blackfoot, Idaho 83221

RE: Permit 35-7154
Matsuura Brothers

Dear Mr. Ferrin:

Please find enclosed extension of time and beneficial use forms as requested in your letter of December 10th. Also enclosed is a copy of the lapse letter sent to Matsuura Brothers on December 5, 1975.

I am returning the check in the amount of \$4.00 issued by your firm as it is in excess of the amount due. Please send your remittance in the amount of \$1.25 to cover cost of copies enclosed.

If we can be of further assistance, please advise.

Sincerely,

Marcia L. Brown
Records Supervisor

mlb

STUFFLEBEAM AND FERRIN

DWAIN H. STUFFLEBEAM
MICHAEL K. FERRIN

ATTORNEYS AT LAW
156 WEST JUDICIAL STREET
P. O. BOX 591
BLACKFOOT, IDAHO 83221

TELEPHONE (208) 785-0325

December 10, 1975

State of Idaho
Department of Water Resources
State House
Boise, ID 83720

RE: Permit No. 35-7154

Gentlemen:

Our client Matsuura Brothers, at 1132 East Walker Street, Blackfoot, Idaho, has given us your notification that the above permit has lapsed.

I am sure this is due to an oversight on the part of the Matsuura Brothers since they have applied the water under the permit to beneficial use for the required period of time.

Would you please send this office a copy of the permit. I am enclosing our check for \$4.00 to cover what I think the fee will be. Also, would you forward us the necessary forms which I believe consist of:

1. A proof of application of water to beneficial use
2. Application for extension of time

Thank you.

Very truly yours,


Michael K. Ferrin
Attorney at Law

MKF/vt

Enclosure



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

Statehouse
Boise, Idaho 83720
(208) 384-2215

R. Keith Higginson
Director

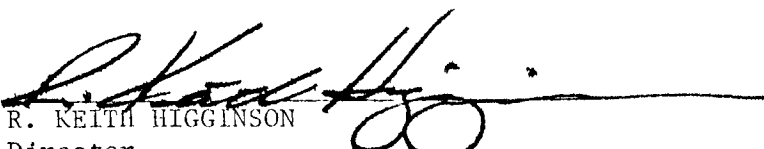
December 5, 1975

Matsuura Brothers
1132 E. Walker
Blackfoot, Idaho 83221

Gentlemen:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 35-7154 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.


R. KEITH HIGGINSON
Director

RKH:jg

WATER RESOURCE BOARD:

John F. Straiff
Chairman
Franklin Jones
Member

George L. Yost
Vice Chairman
M. Reed Hansen
Member

Donald R. Kramer
Secretary
Scott W. Reed
Member

Edwin C. Schlender
Member
Joseph H. Nettleton
Member

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.

**PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300**



**RETURN
TO**



● SENDER: Complete items 1, 2, and 3.

Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
- ☒ Show to whom and date delivered..... 15¢
- ☐ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY.
- ☐ Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY.
- ☐ Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

UNITED STATES GOVERNMENT

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

278721

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee☐ Authorized agent

Jack D. Turner

DATE OF DELIVERY

DEC 3 - 1975

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S

INITIALS



October 1, 1975

CERTIFIED MAIL

27874

Re: Permit No. 35-7154

Matsuura Brothers
1132 E. Walker
Blackfoot, Idaho 83221

Gentlemen:

One of the conditions of approval of your water Permit No. 35-7154 (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 _____. 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.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

RECEIVED
OCT 1 1975
IDAHO DEPT. OF AGRICULTURE

December 11, 1970

Re: Permit No. 35-7154

Matsuura Brothers
1132 E. Walker
Blackfoot, Idaho 83221

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 35-7154. 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:kh

Enclosures: Copy of permit
Receipt No. 5187 for \$45
2 informational letters

35-7154

October 28, 1970

Re: Application No. 35-7154 - Matsuura Brothers
Claim No. 35-4012 - John Zimmerman

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

Gentlemen:

Would you please submit affidavits of publication and certified bills in connection with the above referenced items. The legal notices were to have been published in your paper on October 8th and 15th, 1970.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

35-7154

NOTICE OF APPLICATION
FOR PERMIT TO
APPROPRIATE THE
PUBLIC WATERS
OF THE
STATE OF IDAHO

Notice is hereby given that Matsuura Brothers, 1132 East Walker, Blackfoot, Idaho, have on September 29, 1970, submitted Application No. 35-7154 to appropriate the public waters of a ground water source.

The application proposes a maximum diversion and appropriation of 5.5 cubic feet per second of water to be diverted by well, pump and sprinkler system within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20, T. 1N, R. 35E, B.M., Bingham County, and is to be used within the E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 17; E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20; T. 1N, R. 35E, B.M. for the irrigation of 280 acres from April 1 to Oct. 1.

Any permit issued pursuant to this application will be subject to ALL PRIOR WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest against this application must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, on or before October 26, 1970.

R. KEITH HIGGINSON
Director

Pub.: 10-8, 15
(2518)

35-7154

October 1, 1970

Re: Claim No. 35-4012 - John Zimmerman
Application No. 35-7154 - Matsuura Brothers

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

Gentlemen:

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

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication 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,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Legal notices (2)

Bill submitted 11-5-70 By dr

35-7154

1
NOTICE OF APPLICATION FOR PERMIT 1

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Notice is hereby given that Matsuura Brothers, 1132 East Walker,
Blackfoot, Idaho, have on September 29, 1970, has/ on/
submitted Application No. 35-7154 to appropriate the public waters of
a ground water source

~~the/ proposed/ uses/ are/~~

The application proposes a maximum diversion and appropriation of 5.5
cubic feet per second ~~acre/feet~~ of water to be diverted by well, pump and
sprinkler system within the NE¹/₄NE¹/₄ Sec. 20,
T. 1N, R. 35E, B.M., Bingham County,

and is to be used within the E¹/₂SE¹/₄, Sec. 17; E¹/₂NE¹/₄, E¹/₂SE¹/₄, SW¹/₄SE¹/₄, Sec. 20;
T. 1N, R. 35E, B.M. for the irrigation of 280 acres from April 1 to Oct. 1

Any permit issued pursuant to this application will be subject to ALL PRIOR
WATER RIGHTS and subject to the CONTROL OF A STATE WATERMASTER. Any protest
against this application must be filed with the Idaho Department of Water Adminis-
tration on or before October 26, 1970.

Statehouse, Boise, Idaho,

R. KEITH HIGGINSON
Director

Published in the Blackfoot News, Blackfoot, Idaho,
on October 8 and October 15, 1970.

Kid.

35-7154