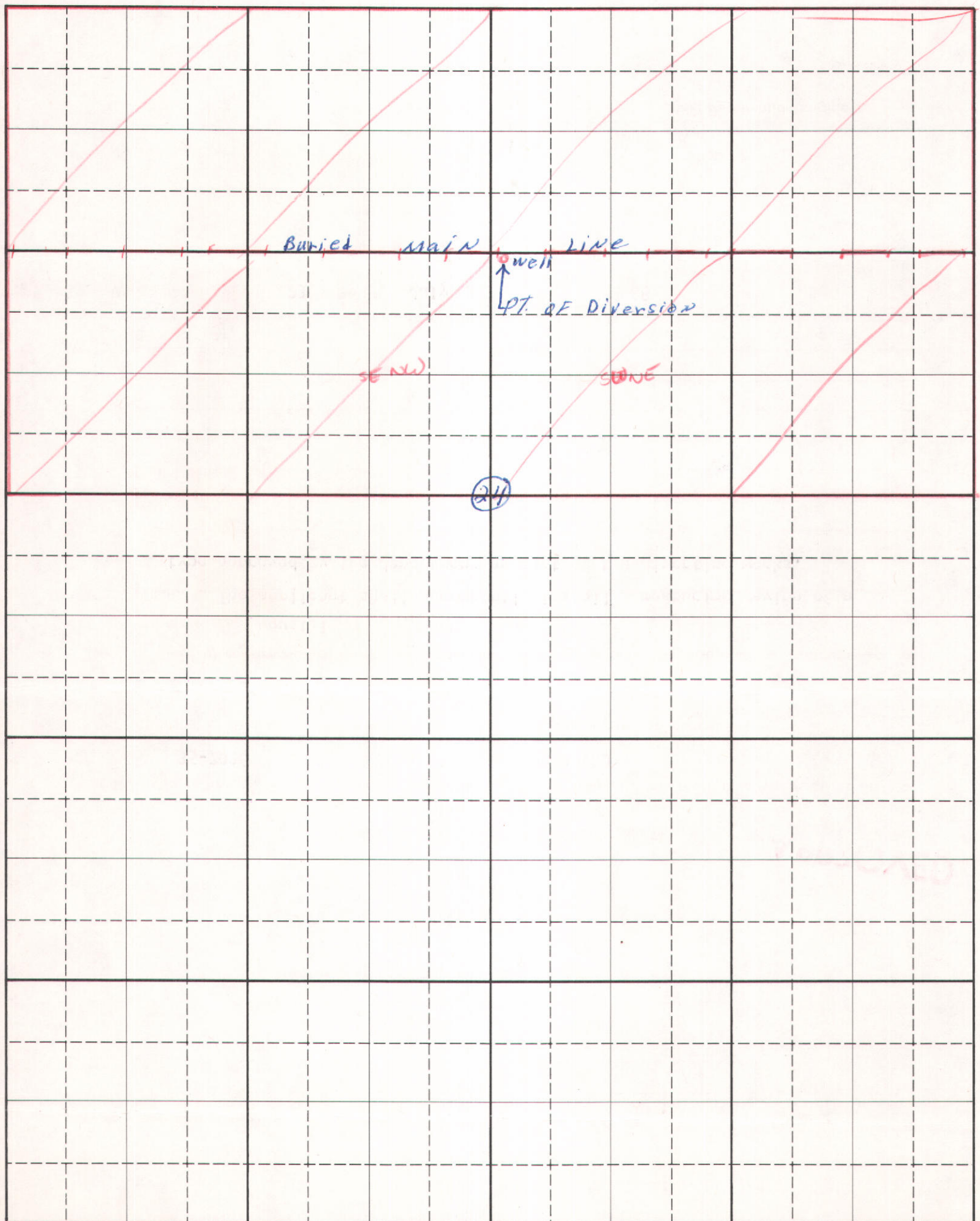


11. Map of proposed project:



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.

Larry E. Ruler
(Applicant)

357026

RECEIVED
JUL 2 1968
Department of Reclamation

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

Thursday

~~XXXX~~ issue of said newspaper 2 consecutive

weeks, the first publication having been made on

the 20th day of June, 1968,

and the last publication having been made on the

27th day of June, 1968, 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 27th

day of June, 1968.

Kay Hays
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires

~~XXXXXX~~ Jan. 10, 1972

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Larry E. Wheeler, Box 80, Route #5, Blackfoot, Idaho has on May 28, 1968 applied for permit to divert 6.4 cubic feet per second of water from a subterranean source under application No. 35-7026. Water will be diverted by a well, pump, motor, sprinklers within the SW1/4NE1/4, sec. 24, T. 2-S, R. 32-E, B.M., Bingham County and is to be used from April 1 to November 1 for irrigation in the N1/2, sec. 24, T. 2 S, R. 32 E, B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Blackfoot News, Blackfoot, Idaho, on June 20 and June 27.
(751)
Pub. June 20, 27.

new sub. 7-8-68

35-7026

Identification No. _____

Permit No. 35-7026

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
FEB 22 1972

Department of Water Administration

1. a) Name of Permit Holder LARRY E. WHEELER
b) Post Office Address Route #5, Box 80, Blackfoot, Idaho
2. Permit Number 35-7026
3. Date of Priority that you are prepared to establish February 26, 1969
4. a) Source from which water was appropriated Subterranean source
b) Location of the point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24
Township 2 South, Range 32 East Boise Meridian, Other points of diversion: None

5. a) The amount of water and use to which the water has been applied:
amount 4.8 cfs for irrigation purposes from April 1 to Dec. 1 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 4.8 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: Rate of flow measured by Agricultural Services, Inc., of Blackfoot, Idaho, by using measuring device to compute volume of water.

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: Not applicable
b) Describe the agreement or understanding by which you take water from the works: Not applicable

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 20 h.p. electric motor and turbine pump, 10" column in 18" diameter hole. Total depth of well 224 feet with lift of 160 feet. Water distributed through sprinkler system.
b) Describe the type and size of measuring device which you have installed at your point of diversion: Badger Magnetic Drive Irrigation Meter with meter size of nominal pipe of 10 inches.
c) Give well drillers name and address and date the well was completed C. L. WILLIAMS, Route #4, Blackfoot, Idaho. Well completed in 1966.

35 7026

RECEIVED

FEB 10 1972

Department of Water Administration

January 24, 1972

Mr. R. Keith Higginson, Director
Department of Water Administration
State House--Annex 2
Boise, Idaho 83707

Re: Larry E. Wheeler
Permit No. 35-7026

Dear Mr. Higginson:

The above matter had been handled by J. Blaine Anderson, who is now with the Federal Court at Boise. As a result of Mr. Anderson's move, the above matter has been turned over to me.

Mr. Wheeler now has, what we feel is, a proper measuring device, which should enable the Department of Water Administration to grant Mr. Wheeler a license. In reading the file, it would appear to me that Mr. Wheeler's permit has expired as of April 1, 1971, for the reason that he failed to have installed and inspected the proper water measuring device.

At this time, we would like to perfect Mr. Wheeler's license. We would, of course, like to qualify under Mr. Wheeler's old permit and file our Proof of Beneficial Use. This would be the simplest and most direct approach for us. However, it may be necessary to apply for a new permit.

Would you please inform me as to the proper approach we should take to complete the license application for Mr. Wheeler?

Sincerely yours,

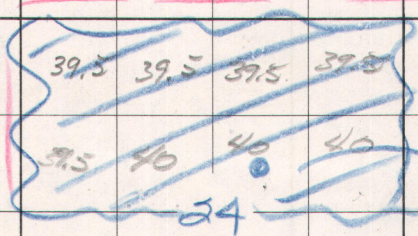
FURCHER, MARTSCH & BAKER

Dwight E. Baker

DEB:km

25 7026

E. 30 E.



TO
MORELAND
(11 mi.)

TO
RIVERSIDE
(13 mi.)

Area = 317.5 acres

Qc 4.6 cfs

$V = 3.5 \times 317.5 = \underline{1460 \text{ A.F.}}$

Acres Reg = 3.5

Priority - June 10, 1968
late proof

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 35-7026 Priority May 3, 1969 Amount 4.95 cfs

THIS IS TO CERTIFY, that LARRY E. WHEELER
of Blackfoot, Idaho, has complied with the terms and conditions of Permit
No. 35-7026 issued pursuant to Application for Permit dated May 28, 1968,
and has submitted proof to the Department of Water Administration on February 22, 1972,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 4.95 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 4.95 cfs for Irrigation from April 1 to Nov. 1 (both dates inclusive)

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

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

Subject, however, to the condition that no more than 4.95 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 24, Twp. 2 S, Rge. 32 E, B.M.

in the county of Bingham; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1,113 acre feet per year or _____
3.5 acre feet per acre.

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 $\frac{1}{4}$	
2 S	32 E	24	40	40	40	40	40	39	39	40									318

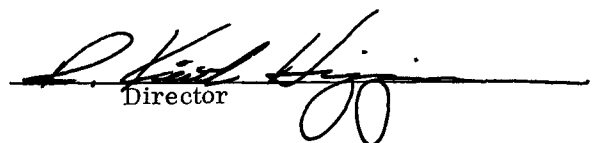
Total number of acres irrigated 318

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

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 12 day of

March, 19 73.


Director

35 7026

LICENSE ISSUED FOR 4.95 SEC. F.
LICENSE PAGE NO. _____

Identification No. 35-7026

Application No. 42554

LAPSED
Reinstated
8-27-69

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant Larry E. Wheeler
Box 80
post office address Route 5, Blackfoot, Idaho
2. Source of water supply Deep Well which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 24 Township 2S
Range 32 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. 6.4 cubic feet per second and/or
b. _____ acre feet per annum will be stored.
5. Water will be used for the following purposes:
Irrigation (Agricultural) purpose from April 1 to November 1 (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. 200 H.P. Turbine pump with U.S. Motor
Steel burried mainline 924' of 10", 2740' 8" and 1560' 6" together with 12 4"
laterals 1320' each.

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

c. Proposed well diameter is 18" inches; proposed depth of well is 224 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 1 years. Well drilled in 1966 and used for irrigation purposes in 1967
b. Estimated construction cost is \$ 30,000.00.
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: _____

35-7026

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

[illegible]

Total number of acres to be irrigated 320

c. Describe any other water rights used for the same purposes.

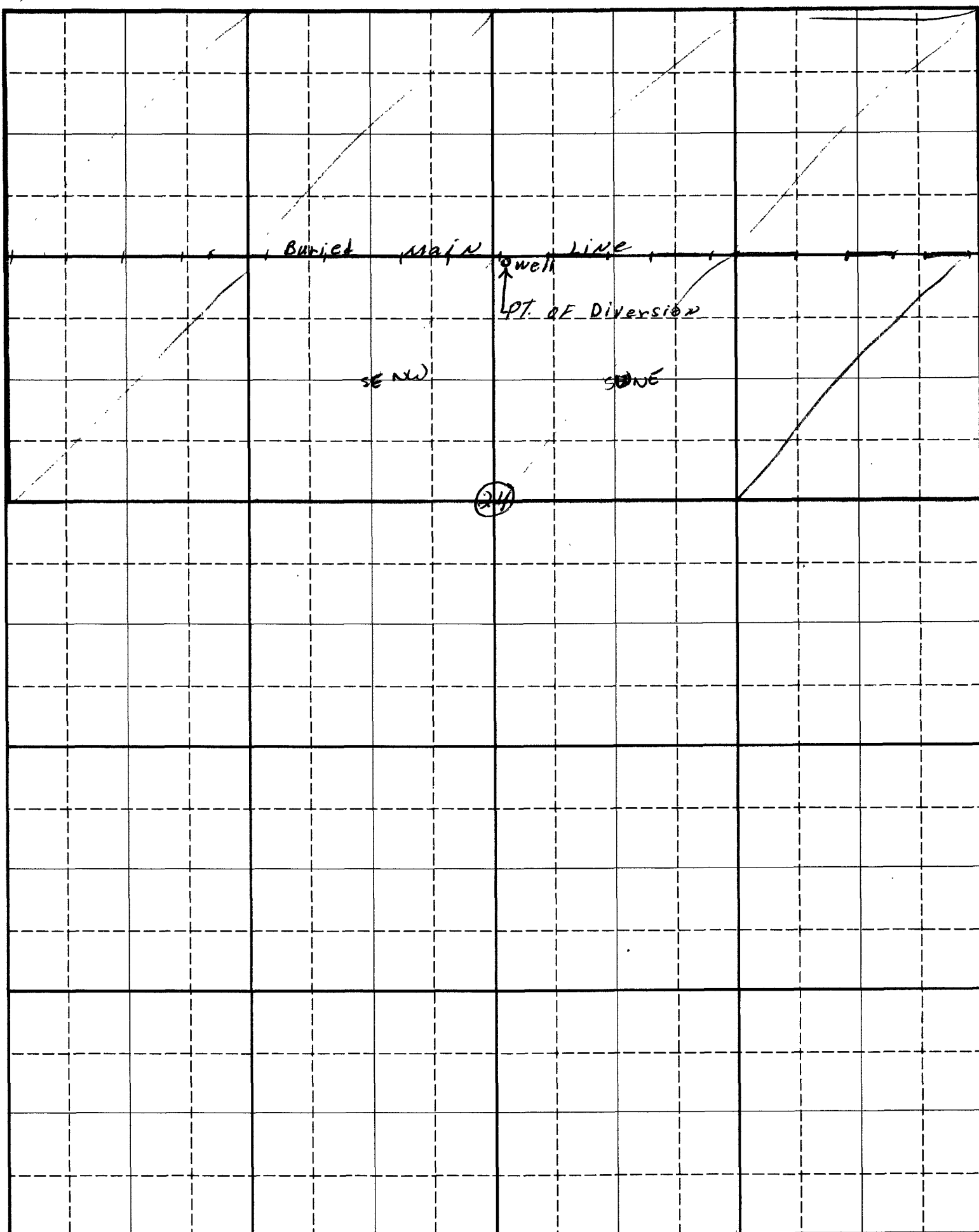
9. a. Who owns the property at the point of diversion Larry Wheeler

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

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:



S. [REDACTED]

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.

Larry E. Ruler
(Applicant)

35-7026

Received by ej Date 5/29/68 Time 9:00 AM
Preliminary check by DeW Fee \$ 50.00
Received by ej Date 5/29/68
Publication prepared by DeW Date 6-6-68
Published in Blackfoot News
Publication dates 6-20 & 27-68
Publication approved DeW Date 6-14-68
Priority reduced to 6-10-68 Reason late proof

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for ☒ approval ☐ denial by DeW

ACTION OF STATE RECLAMATION ENGINEER

APPROVED

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-7026, and said application is hereby APPROVED.

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

- SUBJECT TO ALL PRIOR WATER RIGHTS.
- Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 1969.
- Other: The applicant shall permanently install a measuring device of a type approved by the department as part of the diverting works.

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

Witness my hand this 23 day of July, 1968.

R. Kirk Higgins
State Reclamation Engineer

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

Thursday

~~XXXX~~ issue of said newspaper 2 consecutive

weeks, the first publication having been made on

the 20th day of June, 1968,

and the last publication having been made on the

27th day of June, 1968, 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 27th

day of June, 1968.

Notary Public
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires

~~XXXXXX~~ Jan. 10, 1972

NOTICE OF APPLICATION FOR WATER

Whereas, the undersigned, Drury R. Brown, Box 80, Route 1, Blackfoot, Idaho has on May 27, 1968 applied for permit to divert 1.1 cubic feet per second of water from a subterranean source under application No. 354706. Water will be diverted by a well, pump and motor, sprinklers with their 1/4 NE 1/4, sec. 24, T. 23 N. R. 30 E. B.M. Bingham County and is to be used from April 1st to November 1st for irrigation in the NE 1/4, sec. 24, T. 23 N. R. 30 E. B.M.

and that this application was filed with the Bingham County Engineer at Blackfoot, Idaho on the 27th day of June 1968.

Pub. June 20, 21.

will sub. 7-8-68

35-7026

March 13, 1973

Re: Permit No. 35-7026

Mr. Larry E. Wheeler
Route 5, Box 80
Blackfoot, Idaho 83221

Dear Mr. Wheeler:

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

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Copy of license

35 7026

February 21, 1973

Mr. Larry E. Wheeler
Route 5, Box 80
Blackfoot, Idaho 83221

Dear Mr. Wheeler:

A representative of this Department has made an examination of the works covered by your Permit No. 35-7026 and has found the following:

Quantity of water diverted: 4.95 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 4.95 cfs

The maximum quantity diverted shall not exceed 1,113 acre feet per year.

Beneficial use: Irrigation of 318 acres within the N $\frac{1}{2}$ of Sec. 24,
Twp. 2S, Rge. 32E, B.M.

Point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 24, Twp. 2S, Rge. 32E, B.M.

Priority date established: May 3, 1969

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
cc: Mr. Dwight E. Baker
Attorney at Law

35 7026

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder Larry E. Wheeler
Post office address Route 5, Box 80, Blackfoot, Idaho Phone 684-4182
Person to contact Phone

2. Source of water supply: Groundwater [X] Surface water []
(name spring, stream, etc.)
Tributary to

3. Water will be used for the following purposes:
Amount 6.4 c.f.s. for irrigation
AF/Annum (nature of use)
Period of Use: from April 1 to November 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. 35-7026
Examination for b/u

4. Total amount to be appropriated:
Max Rate of Diversion 6.4 cubic feet per second and annual volume AF/Annum.

5. Location of Point(s) of Diversion:
Township 2S N/S, Range 32E E/W, B.M., Section 24, Subdivision SW 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: 200 hp electric motor, pump, sprinklers

Measuring device required: yes [X] no []

6. Lands to be irrigated or place of use.

Table with 20 columns: TWP., RANGE, SEC., NE 1/4 (4 sub-columns), NW 1/4 (4 sub-columns), SW 1/4 (4 sub-columns), SE 1/4 (4 sub-columns), TOTALS. Row 1: 2S, 32E, 24, 40, 40, 40, 40, 40, 40, 40, 40, 40, 35, 7026, 320.

35 7026

No photo coverage

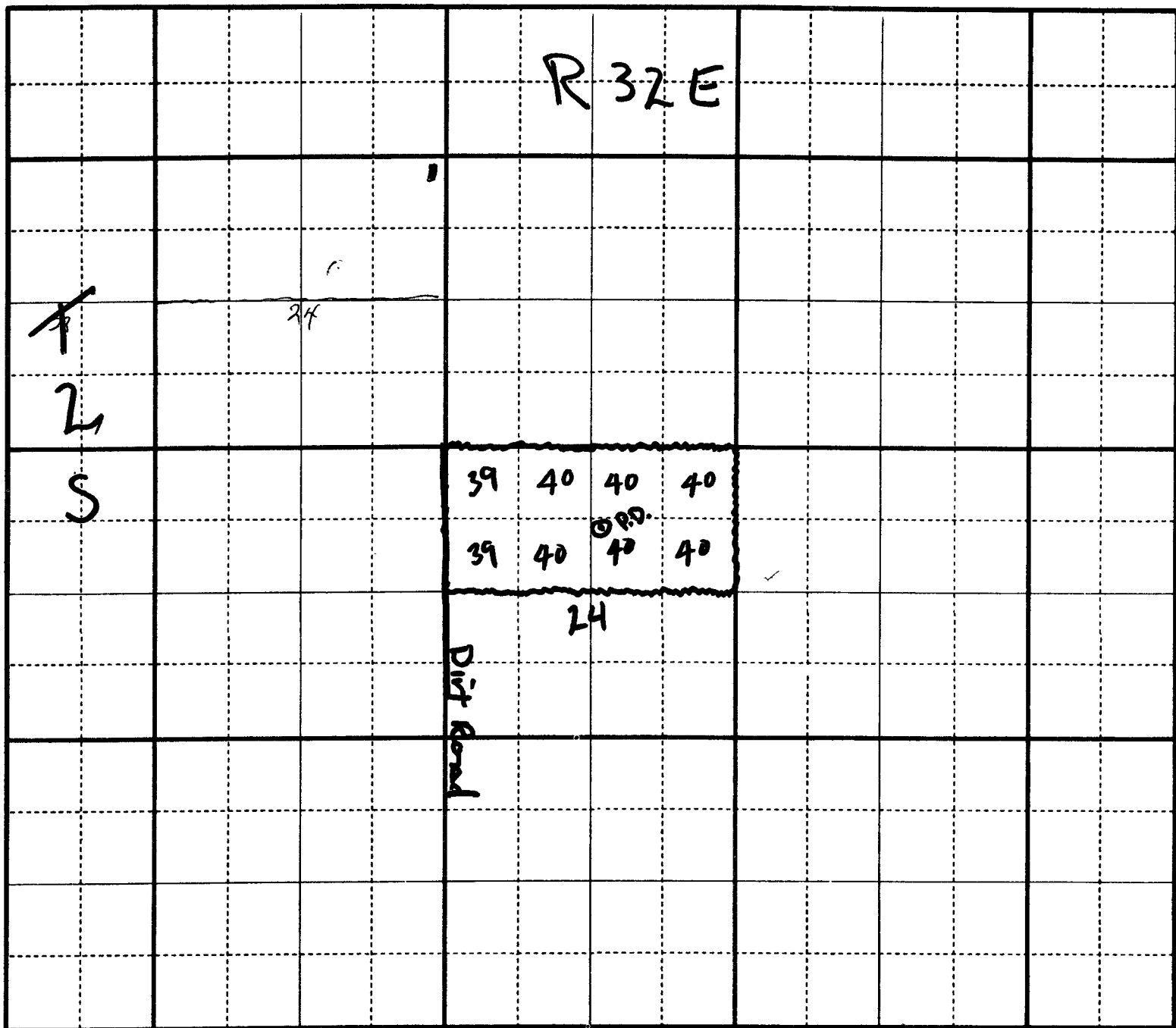
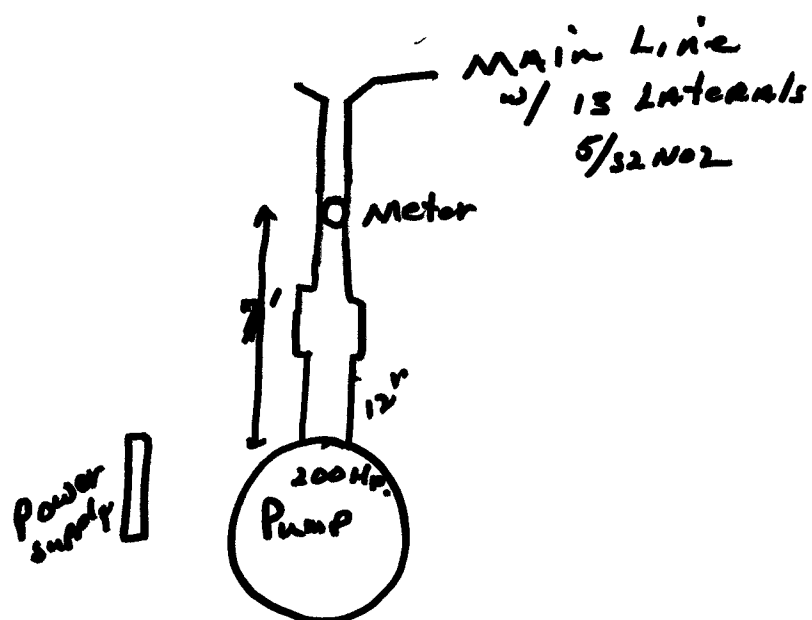


Diagram of System



① Aerial photo or
sketch - where
are locations & coverage
from ?

No photo coverage
used Speedo. to compute
Average. ASCS Agrees
Desert entry

DATE OF EXAM Sept 20, 1972

ACREAGE
Found 318
Recommended 318

Irrigation Requirement 3.5 Ac Ft/Ac

USE 6.36
Irrigation Q = 4.95 c.f.s. V = 1113 AF/Ann. from April 1 to Nov 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

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

Exchange? yes _____ no ☒

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

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

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

Total Q measured 4.95 cfs ✓ Method of measurement Badger

Total Q recommended 4.95 cfs Meter No. M0405298 Type Rite Condition New

Total V recommended 1113 AF/Ann

Recommended Amendments:

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

MEASUREMENT CALCULATION:

$$1000 \text{ gal in } .45 \text{ min} = \frac{2222 \text{ gal}}{\text{min}} = 4.95 \text{ cfs.}$$

$\frac{448.8 \text{ gal/min}}{90 \text{ cfs}}$

SYSTEM DESCRIPTION:

U.S. MOTORS 200 HP. Ser# 1273673
Layne & Bowler Pump NO Ser NO

$$4.95 \times 1.923 \times 2.5 = 2410.9 \text{ A-F} > 1113$$

REMARKS:

System & land shown by owner.

Used Speeds to compute Acreages, ASCS Agree.

Examiner's Signature William Rhoads Date Sept 20, 1972

Checked by Norman C. Young, P.E. Date 12-7-72

Approved by _____ Date _____

Law Offices

FURCHNER, MARTSCH & BAKER

178 W. JUDICIAL STREET
BLACKFOOT, IDAHO 83221

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

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

February 20, 1973

Bobby D. Fleenor
Assistant Director
State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

RECEIVED
FEB 21 1973
Department of Water Administration

RE: Larry E. Wheeler - Permit No. 35-7026

Dear Mr. Fleenor:

It has just come to our attention that Mr. Wheeler has not yet received his license regarding the above referenced permit.

We have in our file an order regarding this permit number dated March 15, 1972, which indicates that the Department received a Proof of Beneficial Use on February 22, 1972, and we are advised that a field examination was made on or about September 1, 1972.

However, Mr. Wheeler apparently has not received any confirmation that the tests run on the field examination were acceptable to the Department, and he apparently has not received any indication that his license is in order.

Would you please advise at your earliest convenience the appropriate steps that we should take to complete this license application.

Very truly yours,

Furchner, Martsch & Baker

Dwight E. Baker
Dwight E. Baker

DEB/cb

cc: Larry Wheeler

25 7026

March 13, 1972

Re: Permit No. 35-7026

Mr. Larry E. Wheeler
Route 5, Box 80
Blackfoot, Idaho 83221

Dear Mr. Wheeler:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed please find an Order which advances the priority under this permit.

Before a license can be issued, a field examination must be made by a representative from 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 someone other than you should be contacted by the examiner, please advise our District Office at 240 South Holmes, Idaho Falls, Idaho.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosure

cc: Dwight E. Baker
Furchner, Martsch & Baker
178 W. Judicial St., Blackfoot

bc: Eastern District Office
Enc: Copy of Order
Field exam report

35 7026

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF Permit No. 35-7026)
in the name of LARRY E. WHEELER)
_____)

ORDER

WHEREAS, on May 28, 1968, Larry E. Wheeler applied to the Department of Water Administration (formerly the Department of Reclamation) for a permit to appropriate 6.4 cubic feet per second of water from a ground water source within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, Twp. 2S, Rge. 32E, B.M., Bingham County, to be used for irrigation purposes within the N $\frac{1}{2}$ of Sec. 24, Twp. 2S, Rge. 32E, B.M.; and,

WHEREAS, on July 23, 1968, the Department approved said application and issued Permit No. 35-7026 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before August 1, 1969; and the applicant permanently install a measuring device of a type approved by the Department as part of the diverting works; and,

WHEREAS, on August 14, 1969, the Department received the required proof of beneficial use affidavit from the permit holder; and,

WHEREAS, on August 27, 1969, the Department issued a reinstatement order which advanced the priority under Permit No. 35-7026 to June 10, 1968; and,

WHEREAS, on October 14, 1970, the permit holder was informed that his proof of beneficial use affidavit was not acceptable due to failure to install a permanent measuring device, and was ordered to show cause on or before November 14, 1970, why said permit should not be cancelled; and,

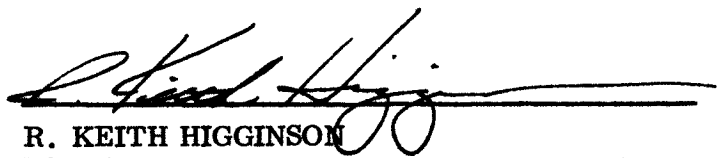
WHEREAS, on November 23, 1970, the permit holder indicated that the measuring device would be installed, and the Department granted the permit holder until April 1, 1971, to submit an acceptable proof of beneficial use affidavit; and,

WHEREAS, on February 22, 1972, the Department received such proof of beneficial use affidavit; and,

WHEREAS, Section 42-218a of the Idaho Code provides that in the event that proof of beneficial use is submitted after the deadline set forth by the Department, the priority date of such permit shall be advanced the same number of days that said proof is late;

IT IS, THEREFORE, HEREBY ORDERED that the priority under Permit No. 35-7026 be advanced to May 3, 1969.

Dated this 13 day of March, 1972.


R. KEITH HIGGINSON
Director

CSA:DR

25 7026

Law Offices

FURCHNER, MARTSCH & BAKER

178 W. JUDICIAL STREET
BLACKFOOT, IDAHO 83221

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

February 18, 1972

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

Department of Water Administration

Bobby D. Fleenor
Assistant Director
State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Re: Larry E. Wheeler
Permit No. 35-7026

Dear Mr. Fleenor:

On behalf of the above permit holder, we enclose herewith his executed Proof of Application of Water to Beneficial Use. Please pardon the condition of the original - our copy machine went a little haywire and we therefore enclose a copy thereof in case some of application is not legible.

We assume now the field examination may take place.

Thank you for your cooperation in this matter.

Very truly yours,

FURCHNER, MARTSCH & BAKER

Dwight E. Baker
Dwight E. Baker

Encls:
DEB:fb

25 7026

Identification No. _____

Permit No. 35-7026

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder LARRY E. WHEELER
b) Post Office Address Route #5, Box 80, Blackfoot, Idaho
2. Permit Number 35-7026
3. Date of Priority that you are prepared to establish February 26, 1969
4. a) Source from which water was appropriated Subterranean source
b) Location of the point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24
Township 2 South, Range 32 East Base Meridian, Other points of diversion: None
5. a) The amount of water and use to which the water has been applied:
amount 4.8 cfs for irrigation purposes from April 1 to Dec. 1 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 4.8 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: Rate of flow measured by Agricultural Services, Inc., of Blackfoot, Idaho, by using measuring device to compute volume of water.
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 work by which the water is conducted to the place of use: Not applicable
b) Describe the agreement or understanding by which you take water from the works: Not applicable
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 20 h.p. electric motor and turbine pump, 10" column in 18" diameter hole. Total depth of well 224 feet with lift of 160 feet. Water distributed through sprinkler system.
b) Describe the type and size of measuring device which you have installed at your point of diversion: Badger Magnetic Drive Irrigation Meter with meter size of nominal pipe of 10 inches.
c) Give well drillers name and address and date the well was completed C. L. WILLIAMS, Route #4, Blackfoot, Idaho. Well completed in 1966.

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

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2 S.	32	24	40	40	40	40	40	40	40	40									320

Total number of acres irrigated 320

10. Remarks:

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

February 18, 1972
(Date)

(Signature)

State of IDAHO)
County of Bingham) ss.

On this 18th day of February, 19 72, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that ~~they~~ executed the same.

Helei Jay Bischoff
Notary Public residing at Blackfoot, Idaho
My Commission Expires: October 10, 1973

~~My commission expires~~

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION**

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder LARRY E. WHEELER
b) Post Office Address Route #5, Box 80, Blackfoot, Idaho
2. Permit Number 35-7026
3. Date of Priority that you are prepared to establish February 26, 1969
4. a) Source from which water was appropriated Subterranean source
b) Location of the point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24
Township 2 South, Range 32 East Boise Meridian, Other points of diversion: None
5. a) The amount of water and use to which the water has been applied:
amount 4.8 cfs for irrigation purposes from April 1 to Dec. 1 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 4.8 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: Rate of flow measured by Agricultural Services, Inc., of Blackfoot, Idaho, by using measuring device to compute volume of water.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: Not applicable
b) Describe the agreement or understanding by which you take water from the works: Not applicable
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 200 h.p. electric motor and turbine pump, 10" column in 18" diameter hole. Total depth of well 224 feet with lift of 160 feet. Water distributed through sprinkler system.
b) Describe the type and size of measuring device which you have installed at your point of diversion: Badger Magnetic Drive Irrigation Meter with meter size of nominal pipe of 10 inches.
c) Give well drillers name and address and date the well was completed C. L. WILLIAMS, Route #4, Blackfoot, Idaho. Well completed in 1966.

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

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	
2 S.	32	24	40	40	40	40	40	40	40	40									320

Total number of acres irrigated 320

10. Remarks:

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

February 18, 1972
(Date)

arry C. Zeller
(Signature)

State of IDAHO)
County of Bingham) ss.

On this 18th day of February, 19 72, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he ~~stock (s)~~ executed the same.

Helen Fay Bischoff
Notary Public residing at Blackfoot, Idaho
My Commission Expires: October 10, 1973

~~My commission expires~~

February 14, 1972

Re: Permit No. 35-7026 - Larry E. Wheeler

Mr. Dwight E. Baker
Furchner, Martsch & Baker
P.O. Box 752
Blackfoot, Idaho 83221

Dear Mr. Baker:

Please forgive our late reply to your letter of January 24, 1972.

We are enclosing a proof of beneficial use affidavit to be completed in connection with this permit. As proof of beneficial use was due on or before April 1, 1971, the priority under the permit will be advanced the same number of days that said proof is late.

Upon receipt of the proof affidavit, the Department will schedule a field examination which must be made before a water license can be issued.

If we may be of further assistance, please advise.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosure

35 7026

Law Offices

FURCHNER, MARTSCH & BAKER

178 W. JUDICIAL STREET
BLACKFOOT, IDAHO 83221

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

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

February 9, 1972

Mr. R. Keith Higginson
Director
Department of Water Administration
State House - Annex 2
Boise, Idaho 83707

Re: Larry E. Wheeler
Permit No. 35-7026

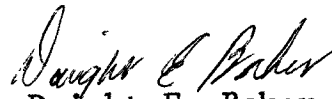
Dear Mr. Higginson:

We have not yet received a reply to our enclosed letter of January 24, 1972, regarding Larry E. Wheeler's Proof of Beneficial Use.

Would you please follow this matter up so that we can take the necessary steps prior to the beginning of the irrigation season?

Sincerely yours,

FURCHNER, MARTSCH & BAKER


Dwight E. Baker

DEB:km
Encl.

35 7026

January 24, 1972

Mr. R. Keith Higginson, Director
Department of Water Administration
State House--Annex 2
Boise, Idaho 83707

Re: Larry E. Wheeler
Permit No. 35-7026

Dear Mr. Higginson:

The above matter had been handled by J. Blaine Anderson, who is now with the Federal Court at Boise. As a result of Mr. Anderson's move, the above matter has been turned over to me.

Mr. Wheeler now has, what we feel is, a proper measuring device, which should enable the Department of Water Administration to grant Mr. Wheeler a license. In reading the file, it would appear to me that Mr. Wheeler's permit has expired as of April 1, 1971, for the reason that he failed to have installed and inspected the proper water measuring device.

At this time, we would like to perfect Mr. Wheeler's license. We would, of course, like to qualify under Mr. Wheeler's old permit and file our Proof of Beneficial Use. This would be the simplest and most direct approach for us. However, it may be necessary to apply for a new permit.

Would you please inform me as to the proper approach we should take to complete the license application for Mr. Wheeler?

Sincerely yours,

FURCHER, MARTSCH & BAKER

Dwight E. Baker

DEB:km

35 7026

Law Offices

FURCHNER, [REDACTED] & MARTSCH

H. WILLIAM FURCHNER

178 W. JUDICIAL STREET

BLACKFOOT, IDAHO 83221

AREA CODE 208

785-2310

JAMES L. MARTSCH

P. O. BOX 752

Dwight E. Baker

January 24, 1972

Mr. R. Keith Higginson, Director
Department of Water Administration
State House--Annex 2
Boise, Idaho 83707

Re: Larry E. Wheeler
Permit No. 35-7026

Dear Mr. Higginson:

The above matter had been handled by J. Blaine Anderson, who is now with the Federal Court at Boise. As a result of Mr. Anderson's move, the above matter has been turned over to me.

Mr. Wheeler now has, what we feel is, a proper measuring device, which should enable the Department of Water Administration to grant Mr. Wheeler a license. In reading the file, it would appear to me that Mr. Wheeler's permit has expired as of April 1, 1971, for the reason that he failed to have installed and inspected the proper water measuring device.

At this time, we would like to perfect Mr. Wheeler's license. We would, of course, like to qualify under Mr. Wheeler's old permit and file our Proof of Beneficial Use. This would be the simplest and most direct approach for us. However, it may be necessary to apply for a new permit.

Would you please inform me as to the proper approach we should take to complete the license application for Mr. Wheeler?

Sincerely yours,

FURCHER, MARTSCH & BAKER

Dwight E. Baker
Dwight E. Baker

DEB:km

35 7026

REPORT OF EXAMINER

PERMIT NO. 35-7026

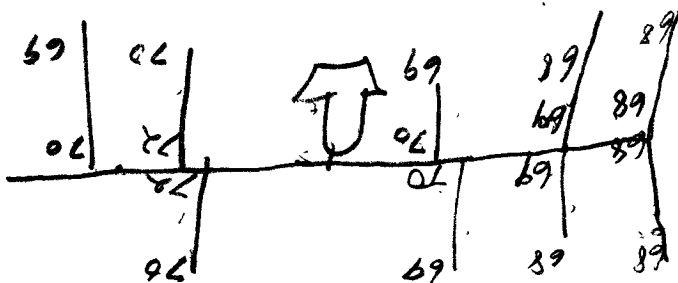
REPORT ON PROOF OF Larry E. Wheeler

No Photo

11/64 30.05 800000

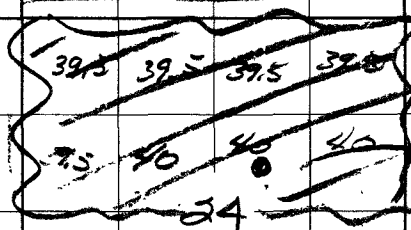
70165 = 7.11 gal/min / 288 X

Avg = 70/65



25 7026

E 30 E



TO
WISCONSIN
11 mi.

TO
RIVER
(13 mi.)

Area = 317.5 acres

Qc = 4.6 cfs

V = 3.5 x 317.5 = 1460 A.F.

Acres Reg = 3.5

Priority - June 10, 1968
late proof

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. 35-7026

This proof is for 6.4 cfs PROOF - 4.8 cfs In Water District No.

1. Name of applicant Larry E. Wheeler, Route 5, Box 80, Blackfoot, Idaho

2. Source of water supply: ground-water

3. Location of point of diversion: Is in the SW 1/4 NE 1/4 of Section 24

T. 2 S R. 32 E County of Bingham

4. Describe works as they exist, giving dimensions and capacities of same:

PERMIT - 200 HP turbine pump w/U.S. Motor Steel buried mainline, 924' of 10",
2740' of 8", 1560' of 6" together with 12-4" laterals, 1320' each,
well dia. 18", depth 224'.

PROOF - 200 HP electric motor & tubine pump, 10" column in 18" diameter hole.

Total depth of well 224' with lift of 160'. Water distributed through
sprinkler system. METER - pressure gauge

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion:

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number
of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other
than irrigation):

PERMIT - N 1/2, Sec. 24, T. 2 S, R. 32 E, B. M. 320 acres

PROOF - same

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

288 Nozzles 1/64" 30w Rainbird
70 lbs AVE. = 7.11 gpm
7.11 gpm x 288 = 2047 gpm
2047 ÷ 448 = 4.6 G.F.S

No measuring device installed & examination

This examination was made on the 23 day of June, 1920

(Signed) F. O. Examiner.

35 7026

KD 7/9/20

Plat ✓
g

ASCS OFFICE - Blackfoot
SCS OFFICE - Blackfoot

Permit No. 35-7026

Examination for b/u - Larry E. Wheeler

County Bingham

Quantity: 6.4 cfs Sec. 24 T. 2S R. 32E

Source: ground-water

P.D.: SW $\frac{1}{4}$ NE $\frac{1}{4}$

Use: irrigation

~~Extension:~~

~~Protest:~~

~~Comments:~~

~~Other Remarks:~~

Filed: 5-28-68 Made: 8-14-69

Due: 8-1-69 Priority: 6-10-68

Draw: CHY: gpb

RB

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

25 7026

February 17, 1971

Re: Permit No. 35-7026
Larry E. Wheeler

Furchner & Anderson
178 W. Judicial Street
Blackfoot, Idaho 83221

Attention: Mr. J. Blaine Anderson

Dear Mr. Anderson:

The proof of beneficial use of water submitted through your office on August 12, 1969, to which you referred in your recent letter, was not acceptable, since the terms of the permit were not met in that a measuring device was not installed. The failure, by Mr. Wheeler, to install a measuring device was verified by a field examination made on June 23, 1970. Mr. Wheeler was then given until November 14, 1970, to show cause why his permit should not be cancelled and held null and void. On November 23, 1970, we received correspondence which indicated that the meter would be installed; therefore, Mr. Wheeler was granted until April 1, 1971, to resubmit his proof of beneficial use of water. Enclosed with this letter is a copy of our November 25, 1970 correspondence and another proof form for your use. This form should be completed and submitted by April 1, 1971, indicating that a measuring device has been installed.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF/kh

Enclosure

35-7026

Law Offices

FURCHNER & ANDERSON

178 W. JUDICIAL STREET
BLACKFOOT, IDAHO 83221

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

H. WILLIAM FURCHNER
J. BLAINE ANDERSON
JAMES L. MARTSCH

February 10, 1971

R. Keith Higginson, Director
Department of Water Administration
Statehouse -- Annex 2
Boise, Idaho 83707

Re: Larry E. Wheeler
Permit No. 35-7026

Dear Mr. Higginson:

Your certified mail letter of January 29 directed to Mr. Wheeler advising of final proof to be made on or before April 1, 1971, has been referred to us.

Please be advised that final proof affidavit was submitted to your office through this office under date of August 12, 1969. Mr. Wheeler has the measuring device available for installation as required, but due to weather and muddy conditions, cannot reach his pump at this time. It will be installed just as soon as these conditions permit.

Sincerely,

FURCHNER, ANDERSON & MARTSCH


Blaine Anderson

JBA:mj

35 7026

INSTRUCTIONS TO DELIVERING EMPLOYEE



Show to whom, date, and
address where delivered



Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

22484

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)

FEB 1 - 1972

Larry E. Wheeler

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Luven Wheeler

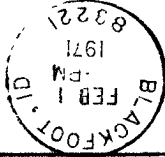
35-7026

35 7026

68-10-1148-10

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

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



INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moistened gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**

RETURN



NAME OF SENDER

STREET AND NO. OR P.O. BOX

DEPARTMENT OF WATER RESOURCES

STATEHOUSE - ANNEX #2

BOISE, IDAHO 83707

POST OFFICE, STATE, AND ZIP CODE

35 2026

January 29, 1971

CERTIFIED MAIL

#22484

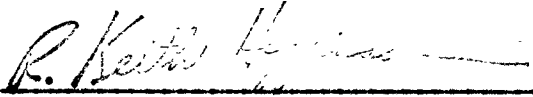
Re: Permit No. 35-7026

C
Larry E. Wheeler
Route 5, Box 80
Blackfoot, Idaho 83221

O
Dear Mr. Wheeler:

Please be advised that proof of application of water to beneficial use must be submitted to the Department on or before April 1, 1971, in connection with the above referenced permit.

P
Enclosed please find a proof affidavit for your use in this matter.

Y


R. KEITH HIGGINSON
Director

RKH:DR

Enc: Proof affidavit

35 7026

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF VACATING THE ORDER TO SHOW)	)	
CAUSE ISSUED ON Permit No. 35-7026 IN THE)	)	ORDER
NAME OF LARRY E. WHEELER)	)	
_____)	)	

WHEREAS, Larry E. Wheeler, Blackfoot, Idaho, applied to the Department of Water Administration (formerly the Department of Reclamation) on May 28, 1968, for a permit to appropriate the public waters of the State of Idaho; and,

WHEREAS, the application proposed the diversion of 6.4 cubic feet per second of the waters of a ground water source with a point of diversion located in the SW $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 24, T. 2S, R. 32E, B.M., Bingham County, with the place of use located in the N $\frac{1}{2}$ of Sec. 24, T. 2S, R. 32E, B.M.; and,

WHEREAS, on July 23, 1968, Permit No. 35-7026 was approved with the conditions that an adequate measuring device of a type approved by the Department be installed and that proof of application of the water to beneficial use be submitted on or before August 1, 1969; and,

WHEREAS, on June 2, 1969, the permit holder was notified by certified mail that he was required to submit proof of application of the water to beneficial use and was instructed as to the steps to be taken to make that proof; and,

WHEREAS, proof of beneficial use was not received on or before August 1, 1969, and the permit lapsed; and,

WHEREAS, on August 14, 1969, the required proof was received and the permit was reinstated and the priority advanced to June 10, 1968; and,

WHEREAS, on October 14, 1970, the permit holder was informed that his proof of application of water to beneficial use was not acceptable due to failure to install a permanent measuring device, and was ordered to show cause on or before November 14, 1970, why Permit No. 35-7026 should not be cancelled; and,

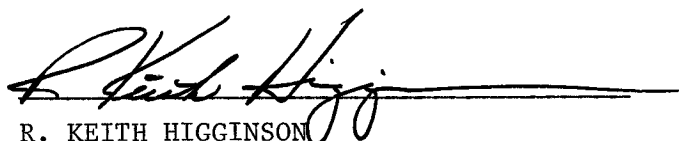
WHEREAS, on November 23, 1970, the permit holder indicated the measuring device would be installed; and,

35 7026

WHEREAS, the Department granted the permit holder until April 1, 1971, to submit an acceptable proof of application of water to beneficial use;

THEREFORE, IT IS HEREBY ORDERED that the order to show cause on or before November 14, 1970, be vacated.

Dated this 30th day of NOVEMBER, 1970.


R. KEITH HIGGINSON
Director

BDF:DR

35 7028

November 25, 1970

Re: Permit No. 35-7026

Mr. Larry E. Wheeler
Route 5, Box 80
Blackfoot, Idaho 83221

Dear Mr. Wheeler:

We received your recent letter indicating that the required measuring device will be installed.

Since the first proof of application of the water to beneficial use in connection with your Permit No. 35-7026 was not acceptable due to the lack of a measuring device, which you now have agreed to install, you are granted until April 1, 1971 to submit another proof. Another proof of application of water to beneficial use form is enclosed for your convenience.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

Enclosure

35 7026

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



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

October 14, 1970

Re: Permit No. 35-7026

Mr. Larry E. Wheeler
Route 5, Box 80
Blackfoot, Idaho 83221

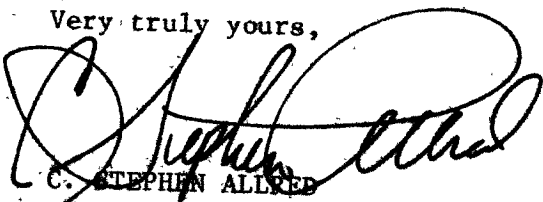
Dear Mr. Wheeler:

Our letter to you dated August 27, 1969, indicated that the proof of completion of works and application of water to beneficial use which you submitted in connection with your Permit No. 35-7026 was unacceptable, due to the fact that you had failed to install a permanent water measurement device. Such device was required to be installed as a condition of the issuance of the permit pursuant to Sections 42-203, 42-701 and 42-237a of the Idaho Code.

You are, therefore, hereby ordered to show cause before the Director of the Department of Water Administration on or before November 14, 1970, why Permit No. 35-7026 should not be cancelled and held null and void for failure to comply with the provisions of Section 42-311, Idaho Code.

You should be aware that, in the event the permit is cancelled due to your failure to show reasonable cause on or before the above date, continued diversion of water would be without permit and subject to legal action.

Very truly yours,


C. STEPHEN ALLRED
Deputy Director

CSA:DR

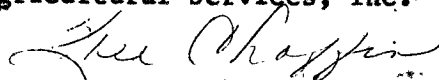
CERTIFIED MAIL NO. 30293

35-7026

Department of Water Administration
April 1

This meter has been ordered and will be installed before the pump is turned on.

Agricultural Services, Inc.



INSTRUCTIONS TO DELIVERING EMPLOYEE



Show to whom, date, and address where delivered



Deliver ONLY to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Now always required)

CERTIFIED NO.

30293

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)

10-15-2

35 7026

35-7026

October 14, 1970

Re: Permit No. 35-7026

Mr. Larry E. Wheeler
Route 5, Box 80
Blackfoot, Idaho 83221

Dear Mr. Wheeler:

Our letter to you dated August 27, 1969, indicated that the proof of completion of works and application of water to beneficial use which you submitted in connection with your Permit No. 35-7026 was unacceptable, due to the fact that you had failed to install a permanent water measurement device. Such device was required to be installed as a condition of the issuance of the permit pursuant to Sections 42-203, 42-701 and 42-237a of the Idaho Code.

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You should be aware that, in the event the permit is cancelled due to your failure to show reasonable cause on or before the above date, continued diversion of water would be without permit and subject to legal action.

Very truly yours,

C. STEPHEN ALLRED
Deputy Director

CSA:DR

CERTIFIED MAIL NO. 30293

50 1020

Identification No. _____

Permit No. 35-7026

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION**

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

14

late

1. a) Name of Permit Holder Larry E. Wheeler *Department of Reclamation*
 b) Post Office Address Route 5, Box 80, Blackfoot, Idaho
2. Permit Number 35-7026
3. Date of Priority that you are prepared to establish May 28, 1968
4. a) Source from which water was appropriated Subterranean source
 b) Location of the point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24
 Township 2 South, Range 32 East Boise Meridian, Other points of diversion: None
5. a) The amount of water and use to which the water has been applied:
 amount 4.8 cfs for irrigation purposes from April 1 to Dec. 1 incl.
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)
 amount _____ for _____ purposes from _____ to _____ incl.
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)
 amount _____ for _____ purposes from _____ to _____ incl.
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)
 b) Total amount appropriated 4.8 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: Rate of flow measured by Agricultural Services, Inc., Blackfoot, Idaho, by computation of rate of flow from pressure lift and number of nozzles operated.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
 a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: Not applicable
 b) Describe the agreement or understanding by which you take water from the works: Not applicable
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 200 h.p. electric motor and turbine pump, 10 inch column in 18 inch diameter hole. Total depth of well 224 feet with lift of 160 feet. Water distributed through sprinkler system.
 (b) Describe the type and size of measuring device which you have installed at your point of diversion: Pressure gauge
 c) Give well drillers name and address and date the well was completed C. L. Williams, Route 4, Blackfoot, Idaho. Well completed in 1966.

84AM TYPED

12-2-69

JNB

*exam made
6-23-70
Kt*

35-7026

*W.D.
JNB*

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

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	
2 So.	32	24	40	40	40	40	40	40	40	40									320✓

Total number of acres irrigated 320✓

10. Remarks: _____

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

August 12, 1969✓
(Date) Jerry C. Schubert
(Signature)

State of IDAHO)
County of Bingham) ss.

On this 12th day of August, 1969, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public residing at Blackfoot, Idaho

My commission expires January 31, 1970✓

RECORDED
AUG 14 1969
Bingham County, Idaho

August 27, 1969

Re: Permit No. 35-7026

Larry E. Wheeler
Route 5, Box 80
Blackfoot, Idaho

Dear Mr. Wheeler:

Enclosed please find an order REINSTATING the above referenced permit.

This office is in receipt of your affidavit setting forth proof of application of water to beneficial use under Permit No. 35-7026. You have stated that you have not installed a measuring device as required under your permit. As you may be aware, before we can issue a license, we are required by law to conduct an inspection to determine the amount of beneficial use that has been made under the permit. To accomplish this, we would require the use of the measuring device set forth under the terms of your permit.

In the event that we were to make the inspection and the measuring device was not installed, our probable course would be to deny the proof of application of water to beneficial use and the permit would lapse.

I would appreciate hearing from you as soon as possible as to your intentions regarding the installation of a measuring device. Please indicate what type and when you intend to install that device.

If you have any questions, please contact this office.

Very truly yours,

C. STEPHEN ALLRED, Assistant
State Reclamation Engineer

CSA:DR
Enc: Order
Information letter

cc: Furchner & Anderson

NOTE: Enclosed is departmental receipt #3550 in the amount of \$1.00 covering the copies.

35-7026

BEFORE THE STATE RECLAMATION ENGINEER
OF THE
STATE OF IDAHO

IN THE MATTER OF REINSTATEMENT OF PERMIT)
NO. 35-7026 in the name of LARRY E. WHEELER)

ORDER

WHEREAS, Larry E. Wheeler, Blackfoot, Idaho, applied to the Department of Reclamation on May 28, 1968, for a permit to appropriate the public waters of the State of Idaho; and,

WHEREAS, the application proposed the diversion of 6.4 cubic feet per second of the waters of a groundwater source with a point of diversion located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, T. 2S, R. 32E, B.M., Bingham County with the place of use located in the N $\frac{1}{2}$ of Sec. 24, T. 2S, R. 32E, B.M.; and,

WHEREAS, on July 23, 1968, Permit No. 35-7026 was approved with the conditions that an adequate measuring device of a type approved by the Department of Reclamation be installed and that proof of the application of the water to beneficial use be submitted on or before August 1, 1969; and,

WHEREAS, on June 2, 1969, the permit holder was notified by certified mail that he was required to submit proof of the application of the water to beneficial use and was instructed as to the steps to be taken to make that proof; and,

WHEREAS, the required proof was not received on August 1, 1969; and,

WHEREAS, the Department of Reclamation informed the permit holder on August 1, 1969, that the permit had lapsed for failure to submit proof of beneficial use; and,

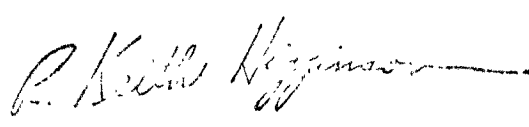
WHEREAS, on August 14, 1969, the Department of Reclamation received the required proof of beneficial use; and,

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

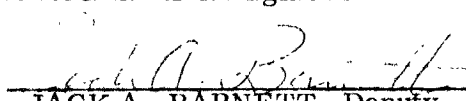
WHEREAS, the permit holder has provided a reasonable showing as to why the permit should be reinstated;

THEREFORE, IT IS HEREBY ORDERED that Permit No. 35-7026 be REINSTATED and the priority reduced to June 10, 1968.

Dated this 27th day of Aug, 1969.



R. KEITH HIGGINSON
State Reclamation Engineer

By 

JACK A. BARNETT, Deputy
State Reclamation Engineer

35-7026

Law Offices

FURCHNER & ANDERSON

178 W. JUDICIAL STREET

BLACKFOOT, IDAHO 83221

August 12, 1969

AREA CODE 208

785-2310

BOX 752

H. WILLIAM FURCHNER

J. BLAINE ANDERSON

JAMES L. MARTSCH

RECEIVED

AUG 14 1969

R. Keith Higginson
State Reclamation Engineer
State House - Annex 2
Boise, Idaho 84707

Department of Reclamation

Re: Permit No. 35-7026
Larry E. Wheeler
Blackfoot, Idaho

Dear Mr. Higginson:

I am writing this letter for my partner, J. Blaine Anderson, due to his absence for about a week.

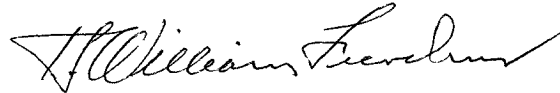
The above named permit holder came to Mr. Anderson for assistance in making the final proofs on the above permit pursuant to the notice of June 2, 1969, and on June 13, 1969, Mr. Anderson wrote to your office requesting copies of the permit and map because Mr. Wheeler had been unable to supply him with them.

Due to our inadvertence and an excess amount of work here in the office lately, the proofs were not completed and sent in to your office prior to August 1st. We do request, however, that the permit be reinstated with the appropriate advance in the date of priority.

We have now completed the proofs for Mr. Wheeler and enclose the same herewith together with our check for \$1.00 which is in payment of your charge for furnishing the copies of the permit.

Very truly yours,

FURCHNER & ANDERSON



H. William Furchner

Encls:
HWF:fb

35-7026

August 1, 1969

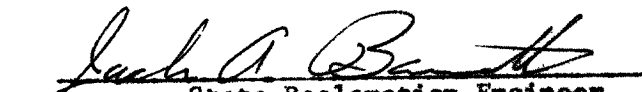
Re: Permit No. 35-7026

Larry E. Wheeler
Route 5, Box 80
Blackfoot, Idaho

Dear Mr. Wheeler:

You are hereby notified that under the provisions of Section 42-218a, Idaho Code, Permit 35-7026 has lapsed.

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


Deputy State Reclamation Engineer
JACK A. BARNETT

JAB:DR

Form 7

35-7026

June 17, 1969

C
O
P
Y

Mr. J. Blaine Anderson
Furchner & Anderson
Attorneys-at-Law
178 W. Judicial Street
Blackfoot, Idaho 83221

Re: Permit No. 35-7026
Larry E. Wheeler, Blackfoot, Idaho

Dear Mr. Anderson:

Enclosed please find a copy of the above-referenced permit as requested by your letter of June 13, 1969.

Also enclosed is a set of proof forms. There is a \$1.00 fee for these copies which you may remit at your earliest convenience.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:mjl

Enclosures

35-7026

Law Offices

FURCHNER & ANDERSON

178 W. JUDICIAL STREET
BLACKFOOT, IDAHO 83221

June 13, 1969

H. WILLIAM FURCHNER
J. BLAINE ANDERSON
JAMES L. MARTSCH

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

RECEIVED

JUN 16 1969

Department of Reclamation

R. Keith Higginson
State Reclamation Engineer
State House - Annex 2
Boise, Idaho 84707

Re: Permit No. 35-7026
Larry E. Wheeler, Blackfoot, Idaho

Dear Sir:

Will you please immediately furnish to this office a true copy of the above numbered permit and map. Apparently Mr. Wheeler has misplaced his copy.

If there is any charge for furnishing the copies, please bill this office and we will promptly remit.

Very truly yours,

FURCHNER & ANDERSON

Blaine Anderson
Blaine Anderson

JBA:fb

cc: Larry E. Wheeler
Route 4, Box 80
Blackfoot, Idaho

*P.S. - Please also
include a set of
final proof forms.
JBA*

35-7026

INSTRUCTIONS TO DELIVERING EMPLOYEE



Show to whom, date, and
address where delivered



Deliver **ONLY**
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

①

Larry F. Wheeler

210.33

②

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

Steven A. Wheeler

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

JUN 6 - 1969

③

35-7026

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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



**POSTMARK OF
DELIVERING OFFICE**

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**

**RETURN
TO**

NAME OF SENDER

Dep

STREET AND NO. OR P.O. BOX

Annex # 2 Statehouse

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

655-16-71548-10

POD Form 3811 Apr. 1967*

June 2, 1969

Re: Permit No. 35-7026

Larry E. Wheeler
Route 5, Box 80
Blackfoot, Idaho

Dear Mr. Wheeler:

One of the conditions of the approval of your permit
35-7026 was that proof of application of the water to
beneficial use be submitted to this office on or before _____
August 1, 19 69.

Enclosed is an affidavit form which must be used to submit
this proof. You may request an extension of time provided the
delay is for reasonable cause as indicated in Section 42-204, ICA.

Either the proof or a request for extension 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.



State Reclamation Engineer

RKh:tg

Enclosure: Proof form

July 26, 1968

Re: Permit No. 35-7026

Larry E. Wheeler
Route 5, Box 80
Blackfoot, Idaho 83221

Dear Mr. Wheeler:

We enclose a copy of your approved application for permit 35-7026
in which we direct your attention to the limitations and conditions as given
on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosures: Copy of application
Receipt No. 941 for \$50.00

35-7026

**NOTICE OF APPLICATION
FOR WATER**

Notice is hereby given that ~~Larry E. Wheeler, Box 80, Route #5, Blackfoot, Idaho has on May 28, 1968 applied for permit to divert 6.4 cubic feet per second of water from a subterranean source under application No. 35-7026. Water will be diverted by a well, pump, motor, sprinklers within the SW1/4NE1/4, sec. 24, T. 2 S., R. 32 E., B.M., Bingham County and is to be used from April 1 to November 1 for irrigation in the N1/2, sec. 24, T. 2 S., R. 32 E., B.M.~~

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON

State Reclamation Engineer
Published in the Blackfoot
News, Blackfoot, Idaho, on June
~~20 and June 27.~~

(751)

Pub. June 20, 27.

35-7026

June 6, 1968

Re: Application No. 35-7026
Larry E. Wheeler

The Blackfoot News
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 can not publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, 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 same has been paid.

(Do not sign this letter)
Signature of claimant

Very truly yours,

Donald W. McElDowney
Appropriation Examiner

DWM:ks

Enclosure: legal notice

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Larry E. Wheeler, Box 80, Route #5, Blackfoot,
Idaho has on May 28, 1968
applied for permit to divert ~~state~~ 6.4 cubic feet per second ~~Acres/Year~~
of water from a subterranean source
under application No. 35-7026. Water will be diverted by a well, pump,
motor, sprinklers within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 24, T. 2 S, R.
32 E, B.M., Bingham County
and is to be used from April 1 to November 1 for irrigation
in the NE $\frac{1}{4}$, sec. 24, T. 2 S, R. 32 E, B.M.

Any protest against this application must be filed with the Department of
Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Blackfoot Times, Blackfoot, Ida.
Shelley Pioneer, Shelley, Idaho, 83274
on June 13 and June 20.

35-7026