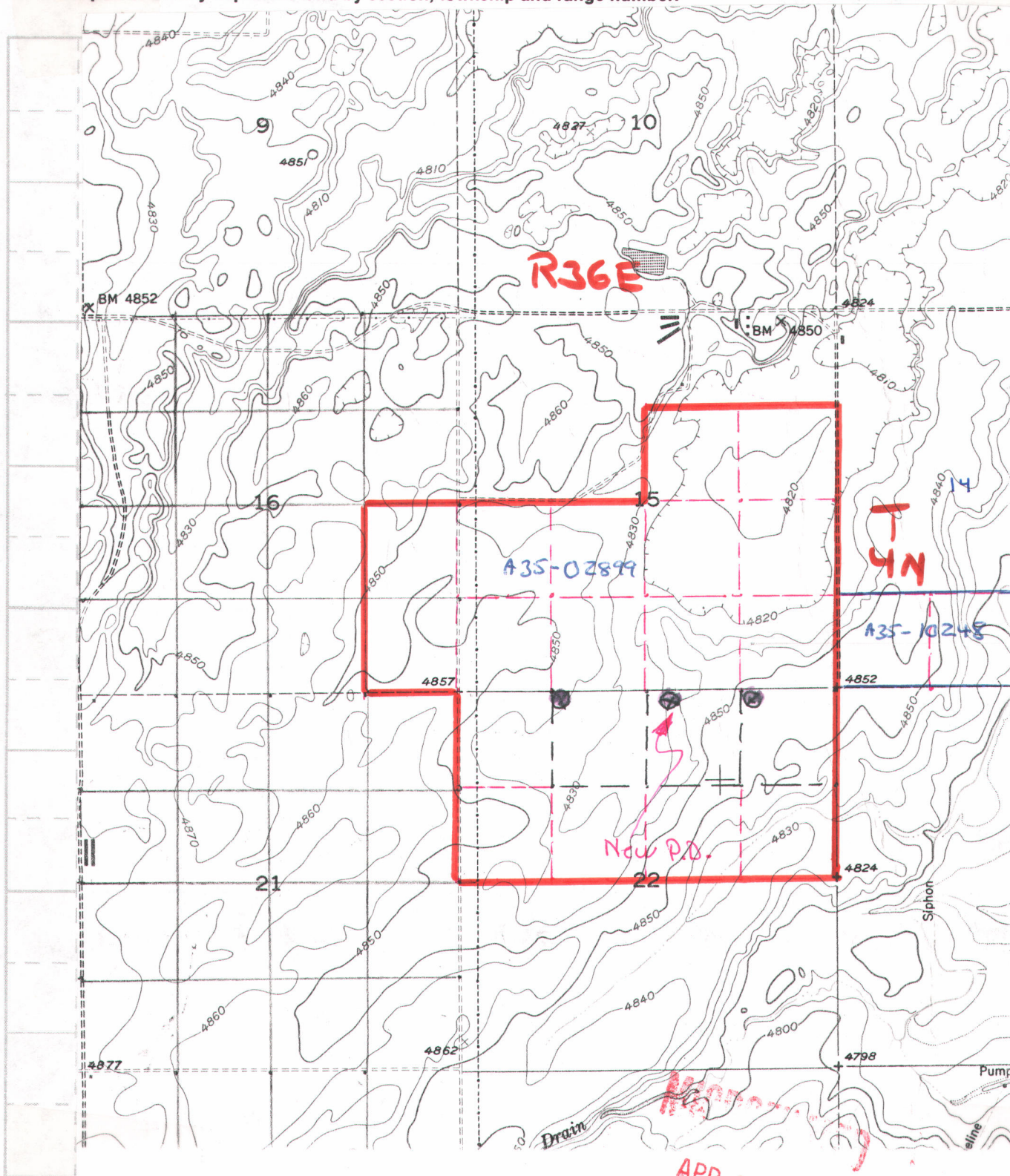


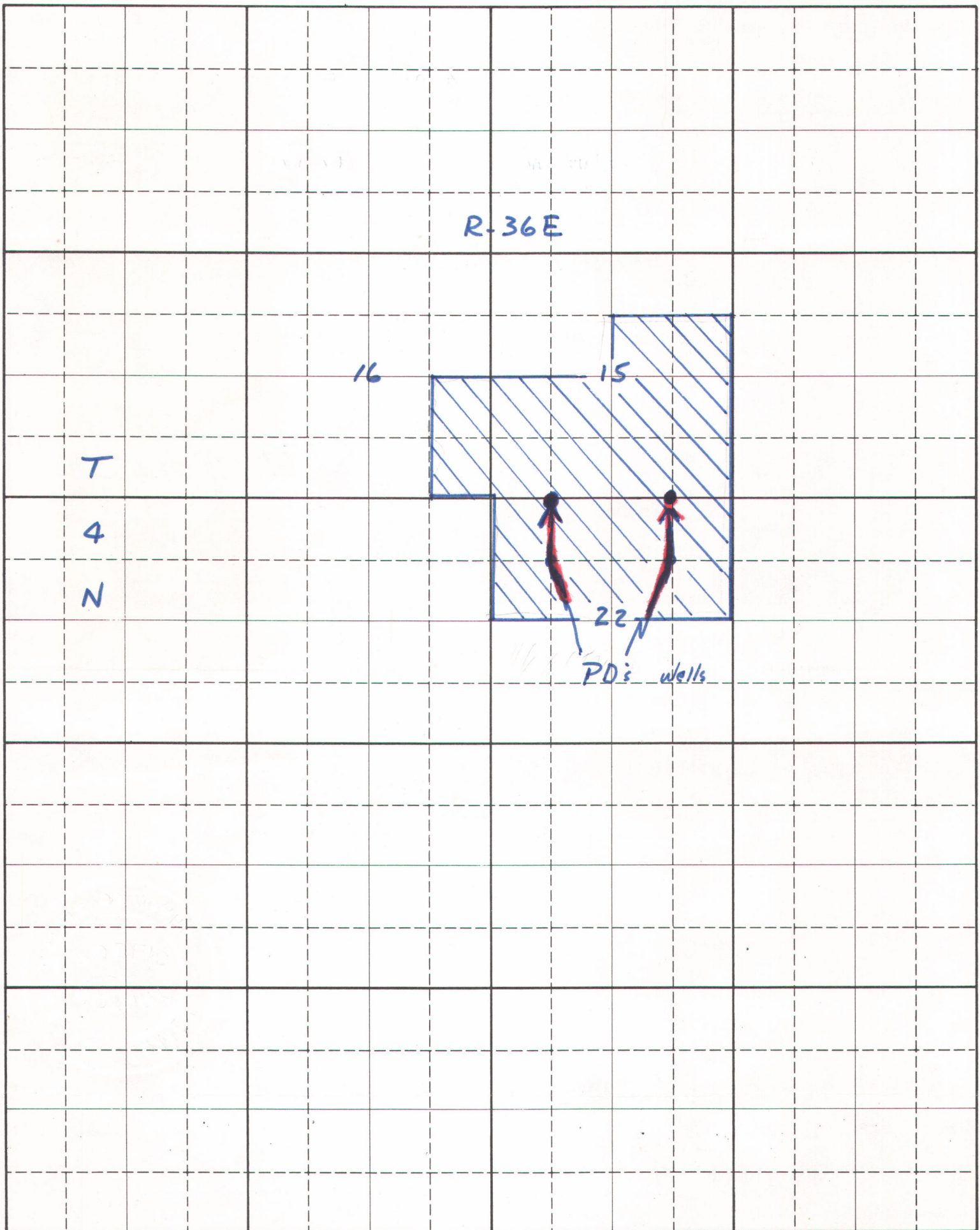
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

The Jefferson Star
Rigby, Idaho

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Jefferson)

I, Christine Fee
of the Jefferson Star, published weekly at
Rigby, Jefferson County, Idaho, do
solemnly swear that the

Proposed Change
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in
any supplement issue thereof for two
consecutive issues, the first publication
having been made on Nov 10
and the last publication having been made
on Nov 17.
Further, that said newspaper is one of
general circulation in said county; that it is a
legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide
subscribers living within the county of
publication; and that it has been
continuously and uninterruptedly published
in said county during a period of seventy-
eight consecutive weeks prior to the first
publication of the said notice.

On this 18 day of November
in the year of 1993, before me, a Notary
Public, personally appeared

Christine Fee,

known or identified to me to be the person
whose name subscribed to the within
instrument, and being by me first duly
sworn, declared that the statements therein
are true, and acknowledged to me that she
executed the same.

Capital Foster
Notary Public of Idaho

Residing at 1032 N. 1100 E. - Shelley ID

My commission expires March 8, 1999

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 4245

Notice is hereby given that Allan M.
Cook, Idaho Falls, ID, has applied to the
Department of Water Resources to add
a point of diversion of the waters of a
groundwater source. The rights sought
to be changed are evidenced by claims
and recorded as follows:

CLAIM NO. A35-02899
AMOUNT: 9.40 cfs
PRIORITY: 2/20/1953
POINT(S) OF DIVERSION: NWNENE
SEC 22 T04N R36E; NWNENW SEC
22 T04N R36E, B.M. JEFFERSON
COUNTY

The water is used from April 1 to
November 1 to irrigate 800 acres within
the S1/2NE S1/2 SEC 15 E1/2SE SEC 16
N1/2 SEC 22, B.M.

CLAIM NO. A35-10248
AMOUNT: .60 cfs
PRIORITY: 5/23/1934
POINT(S) OF DIVERSION: NWNENE
SEC 22 T04N R36E; NWNENW SEC
22 T04N R36E, B. M. JEFFERSON
COUNTY

The water is used from April 1 to
November 1 to irrigate 30 acres within
the S1/2SW SEC 14 T04N R36E, B.M.

TO BE CHANGED AS FOLLOWS:
Only 9.40 cfs will be diverted from the
NWNENE SEC 22 T04N R36E;
NWNENW SEC 22 T04N R36E; NWNENE
SEC 22 T04N R36E, B.M. JEFFER-
SON COUNTY and used to irrigate 830
acres within the S1/2SW SEC 14 T04N
R36E (A35-10248); S1/2NE S1/2 SEC
15 T04N R36E, E1/2SE SEC 16 T04N
R36E, N1/2 SEC 22 T04N R36E (A35-
02899) B.M.

Any protests against the proposed
change must be filed with the applicant
and with the Idaho Department of Water
Resources, 900 N. Skyline Dr., Idaho
Falls, ID, 83402, on or before
November 29, 1993.

R. Keith Higginson
Director

Published in the Jefferson Star,
Rigby, Idaho, Nov. 10 and 17, 1993.

RECORDED

APR 08 1994

This permit to be held in "status
quo" until the N²NE⁴, Sec. 15,
can be irrigated in order to have
it included in B.L.M. final
certification.

Thereafter an other field exam.
is needed and may entail \$4.00
more fee.

J.E. Garner

and Morgan present

G.N.C. 11/20/59

by [Signature]

East well
250 hp W.S. motor
440V, #1060285

Peerless
#72204
RECEIVED
MAY 20 1958

Department of Reclamation

[D] Control Panels
& N. 4

Conc. floor 10' x 16'
Sheet metal house
7' high

10" dia to East into
closed line N-S.

250 x 110 x 70 x 55 = 225' "
317
60
377
350
allow 27' dia

h = 317' on E. well (measured)
225' = East well

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.

INSTRUCTIONS TO EXAMINERS

J. E. Garner
Rexburg, Idaho

E1 66715
Wood

Permit No. G-23786

Done me at farm at 11 AM,

Examination for C/W & Beneficial Use

County Jefferson

158.22 - 4N. - 36E.

Q2 13.6 a.s. 13.6
50
6800

S2 Wells

AD. & N2NE. "22 } 4N. - 36E.
NW. SW., Sec. 15

Use = Irrigation & Domestic

#1 = 324' x 20" h = 300' 3/4" x 10" @ 40#
3/16" w/glass

#2 = 420' x 20" h = 317' "

Filed - Feb. 20, 1953

Done - Feb. 27, 1958

21 - 1/4 mi Sprinkler

Laterals = 3 1/2" & 7/32"

Conc. base 8' x 8'

[D] Panel Type SP 1003-3

2300V, 60cy. 3 Ph.
Class 8940

Canvas cover to protect
against sun on Panel.

Byron Jackson Submersible
Pump 16 CK L. 55 S 16

2100 gpm
477 Hd. Ft
Motor 300
Size 10"
Type H
1750 RPM.

10" dia. to West into
Closed buried steel line

N. South.

2034
2034
428

R-36E.

TO ROBERTS

T.
4
N.

300 hp.
Submersible
P.D.

P.D.

Subdivisions = 20

Area = 800 acres.

Q = $\frac{236'' \text{ East well} + 234'' \text{ West ''}}{470 \text{ inches}}$
9.4 cfs.

800
470
330

need P.D. amendment

Land amendment

Application for Amendment
**To Permit to Appropriate the Public Waters
of the State of Idaho, No. G-23786**

Comes now J.E. Garner, and represents to the State Reclamation Engineer of the State of Idaho.

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G-23786, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ Section 15, S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 14, N $\frac{1}{2}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22, Twp. 4.N. Range 36.E. B.M.

making a total of 1080 acres.

That an additional amount of water ~~is not~~ asked for, and that the rights of others will not be adversely affected by such change.

Signed at Boise Idaho, this 13th, day of February, 19 57.

J.E. Garner

Date of receipt at office of Department of Reclamation February 13, 1957

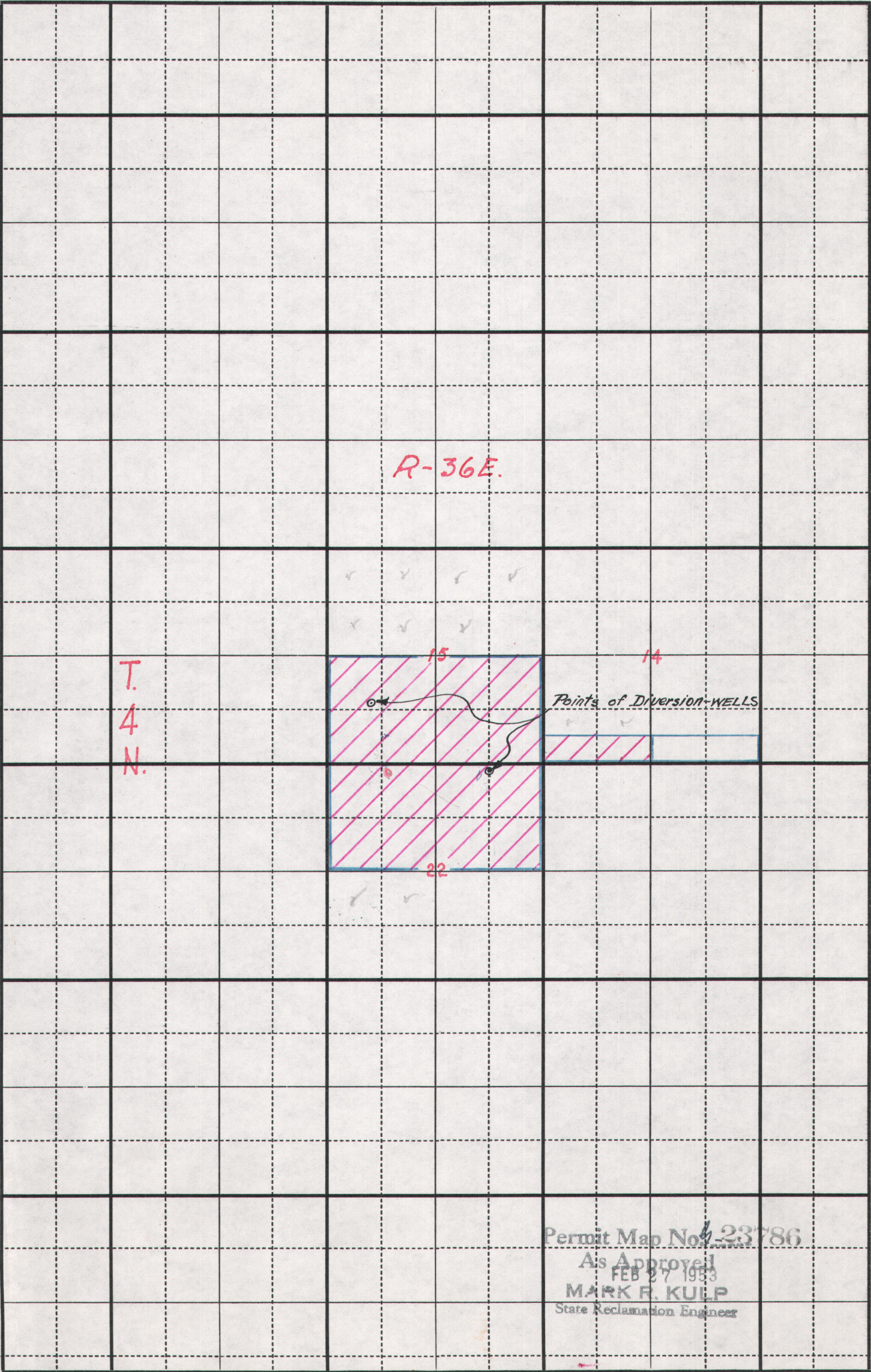
APPROVAL OF STATE RECLAMATION ENGINEER

I, MARK R. KULP, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. G-23786. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

extra copy

Mark R Kulp

State Reclamation Engineer



23786

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4245 (PART)
WATER RIGHT NO. 35-02899

This is to certify that: **ALLAN M COOK**
PO BOX 51822
IDAHO FALLS ID 83405

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	9.40 CFS	3200.0 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
Totals		9.40 CFS	3201.2 AF

SOURCE

GROUNDWATER

Priority: 02/20/1953

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 22, Township 04N, Range 36E
NWNE , Sec. 22, Township 04N, Range 36E
NENW , Sec. 22, Township 04N, Range 36E
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	36E	14	SWSW 20	SESW 10		30
		15	SWNE 40	SENE 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			400
		16	NESE 40	SESE 40		80
		22	NENE 40	NWNE 40	SWNE 40	
			SENE 40	NENW 40	NWNW 40	
			SWNW 40	SENW 40		320
Total number of acres irrigated:						830

PLACE OF USE: DOMESTIC, same as IRRIGATION use

RECEIVED

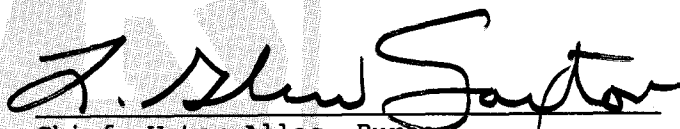
APR 08 1994

TRANSFER NO. 4245 (PART)
WATER RIGHT NO. 35-02899

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4245 shall not exceed 9.40 cfs.
8. Snake River Basin Adjudication Claim No. 35-10248 is also changed under Transfer No. 4245 and is represented on a separate transfer approval.
9. Right No. 35-02899 is limited to the irrigation of 800 acres in the place of use described above in a single irrigation season.

Dated this 14th day of March, 1994


Chief, Water Alloc. Bureau

APR 08 1994

Page 1 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4245

RECEIVED

JAN 24 1994

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources

Name of applicant

Allan M. CookMobile - 528-5109Phone 529-9222

Post Office address

P.O. Box 51822 Idaho Falls, ID83405

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes The capacity of my wells is
down 50% and I need a new point of diversion to continue
irrigating my licensed ground. Our well is now saving in &
I want to move away from this site.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- | | | | | |
|------------------|----------------------|-------------|-------------------|----------------------------|
| <u>35-02899</u> | <u>Feb. 20, 1953</u> | <u>9.40</u> | <u>Irrigation</u> | <u>4-1</u> to <u>10-31</u> |
| <u>A35-10248</u> | <u>May 23, 1934</u> | <u>0.60</u> | <u>Irrigation</u> | <u>4-1</u> to <u>10-31</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 9.40 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	NE	22	4N	36E	Jefferson	original well
	NW	NE	NW	22				original well
		NW	NE	22				"NEW WELL"

5. Lands irrigated or place of use:

Twp.	Rge.	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	
4N	36E	14											20	10					30
4N	36E	15			40	40					40	40	40	40	40	40	40	40	400
		16													40			40	80
		22	40	40	40	40	40	40	40	40									320

Total acres 830

PART 1

6. General Information:

a. Description of diversion system

3 wells and pumps to sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? **N.A.** Yes No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N.A. - only adding at P.D.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____

19 _____

APR 08 1994

RECEIVED

AJ5812NP
SELECTION-FILE: SKAGGS-856117

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS SUMMARY REPORT

DATE: 03/10/94
PAGE: 1

AJ-NUMBER:
A35-10248

CURRENT OWNER:
ALLAN M. COOK
COUNTY: JEFFERSON
SOURCE: GROUNDWATER
WATER USE:
IRRIGATION

PRIORITY DATE:
05-23-1934

STAGE:
LICENSE

TRIBUTARY:

DIVERSION RATE:
0.560
0.600

DIVERSION VOLUME:

PERIOD FROM: PERIOD TO:
04/01 11/01

TOTAL:

POINT OF DIVERSION:

Twp	Rge	Sec	Tract	Lot
04N	36E	22	NW NE NE	
			NW NE NW	

PLACE OF USE LEGAL DESCRIPTION FOR: IRRIGATION

NE								NW								SW								SE								
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM			
04N	36E	14	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	30.0			
																												30.0				

TOTAL ACRES

REMARKS: THIS CLAIM IS FOR A PORTION OF LICENSE 35-02050. THE P/D'S ARE
THE SAME WELLS DOCUMENTED IN A35-02899. THE FLOW RATE IN THIS
CLAIM IS BASED ON 0.02 CFS PER ACRE.

APR 08 1994

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 35-02899

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 11/01	9.40 CFS
DOMESTIC	to	
	Totals	9.40 CFS

SOURCE

GROUNDWATER

Priority: 02/20/1953

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 22, Township 04N, Range 36E
 NWNE , Sec. 22, Township 04N, Range 36E
 NENW , Sec. 22, Township 04N, Range 36E
 NWNW , Sec. 22, Township 04N, Range 36E
 JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N 36E 15	SWNE ✓ 40	SENE ✓ 40	NESW ✓ 40	
	NWSW ✓ 40	SWSW ✓ 40	SESW ✓ 40	
	NESE ✓ 40	NWSE ✓ 40	SWSE ✓ 40	400
	SESE ✓ 40			
16	NESE ✓ 40	SESE ✓ 40		80
22	NENE ✓ 40	NWNE ✓ 40	SWNE ✓ 40	
	SENE ✓ 40	NENW ✓ 40	NWNW ✓ 40	
	SWNW ✓ 40	SENW ✓ 40		320
		Total number of acres irrigated:		800

PLACE OF USE: DOMESTIC, same as IRRIGATION useCONDITIONS/REMARKS:

1. P/D N1/2NE & N1/2NW, S22, T4N, R36E.
2. TRANS. 2231.

APR 08 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-02899 issued by the Idaho Department of Water Resources.
- c. Claim No. A35-02899 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority Feb. 20, 1953

5. Water is used for the following purpose:

amount 9.40 cfs for Irrigation purposes from 4-1 to 11-01
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 9.40 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	NE	22	4N	36E	Jefferson	
	NW	NE	NW					
		NW	NE					

8. Lands irrigated or place of use:

Twp.	Rge.	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	
4N	36E	15			40	40					40	40	40	40	40	40	40	40	400
		16													40			40	80
		22	40	40	40	40	40	40	40	40									320

APR 08 1994

Total acres 800

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
2. Point(s) of Diversion: _____
3. Lands irrigated or place of use: _____

Lot	1/4	1/4	1/4	1/4	Sec.	Twp.	Rge.	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	Totals
Local name for diversion																				

Lot	1/4	1/4	1/4	1/4	Sec.	Twp.	Rge.	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	Totals
Local name for diversion																				

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
2. Point(s) of Diversion: _____
3. Lands irrigated or place of use: _____

Lot	1/4	1/4	1/4	1/4	Sec.	Twp.	Rge.	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	Totals
Local name for diversion																				

Lot	1/4	1/4	1/4	1/4	Sec.	Twp.	Rge.	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	Totals
Local name for diversion																				

Total acres _____

APR 08 1994

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. A35-10248

STAGE: LICENSE

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE
IRRIGATION	04/01 to 11/01	0.56 CFS

SOURCE

GROUNDWATER

Priority: 05/23/1934

LOCATION OF POINT(S) OF DIVERSION: NWNENE , Sec. 22, Township 04N, Range 36E
NWNENW , Sec. 22, Township 04N, Range 36E
JEFFERSON County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
04N	36E	14	SWSW 20 ✓	SESW 10 ✓		30
Total number of acres irrigated:						30

CONDITIONS/REMARKS:

1. THIS CLAIM IS FOR A PORTION OF LICENSE 35-02050. THE P/D'S ARE THE SAME WELLS DOCUMENTED IN A35-02899. THE FLOW RATE IN THIS CLAIM IS BASED ON 0.02 CFS PER ACRE.

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

11/03/93 13:07:28
Page 2

Water right number - R35-10248 Prefix Translation: RESEARCH

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
04N	36E	22	SW NE		38.0	01	IRRIGATION	(51) JEFFERSON
04N	36E	22	SE NE		39.0	01	IRRIGATION	(51) JEFFERSON
04N	36E	22	NE NW		40.0	01	IRRIGATION	(51) JEFFERSON
04N	36E	22	NW NW		40.0	01	IRRIGATION	(51) JEFFERSON
04N	36E	22	SW NW		40.0	01	IRRIGATION	(51) JEFFERSON
04N	36E	22	SE NW		37.0	01	IRRIGATION	(51) JEFFERSON

Total Acres: 826.0

- - - Diversion Means - 2 WELLS/PUMPS/ SPRINKLER SYSTEM
- - - Non-Irrigation Use - NONE
- - - Other Rights for Same Use - 35-02899

Remarks
USE OF THIS RIGHT WITH RIGHT NO. 35-02899 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.40 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3304 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 2478 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 826 ACRES IN A SINGLE IRRIGATION SEASON.
RIGHT NO. 35-02899 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 26 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS AN EXPANSION OF RIGHT NO. 35-02899 PURSUANT TO IDAHO CODE 42-1416(2).

Old Water Right Numbers
No Old Water Right Numbers Found

Conditions of Approval
No Conditions of Approval found.

Decree Plaintiff - - - + - - - Decree Defendant - - - + - - Decree Date - +
00/00/0000

Comments
Date: 07/24/1992 User Id: DCARLSON Subject: COPIED FROM REMARKS
THIS CLAIM IS FOR A PORTION OF LICENSE 35-02050. THE P/D'S ARE THE SAME WELLS DOCUMENTED IN A35-02899. THE FLOW RATE IN THIS CLAIM IS BASED ON 0.02 CFS PER ACRE.
Date: 07/24/1992 User Id: DCARLSON Subject: EXPANSION CLAIM /// NOT 35-02050
THIS RIGHT IS AN EXPANSION OF 35-02899

Audit Fields - - +
00/00/00

APR 08 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4245

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A35-10248 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____3. Source of water Groundwater tributary to _____4. Date or priority 5-23-1934

5. Water is used for the following purpose:

amount 0.60 cfs for Irrigation purposes from 4-1 to 11-01
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.60 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	NE	22	4N	36E	Jefferson	
	NW	NE	NW					

8. Lands irrigated or place of use:

Twp.	Rge.	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	
4N	36E	14											20	10					30

Total acres 30

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? no If yes, describe _____

_____, If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1.	amount	for	purposes from	to
	(cts/ac-ft)			
	amount	for	purposes from	to
	(cts/ac-ft)			
	amount	for	purposes from	to
	(cts/ac-ft)			

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total acres

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1.	amount	for	purposes from	to
	amount	for	purposes from	to
	amount	for	purposes from	to
	amount	for	purposes from	to

2. Point(s) of Diversion:

[illegible]

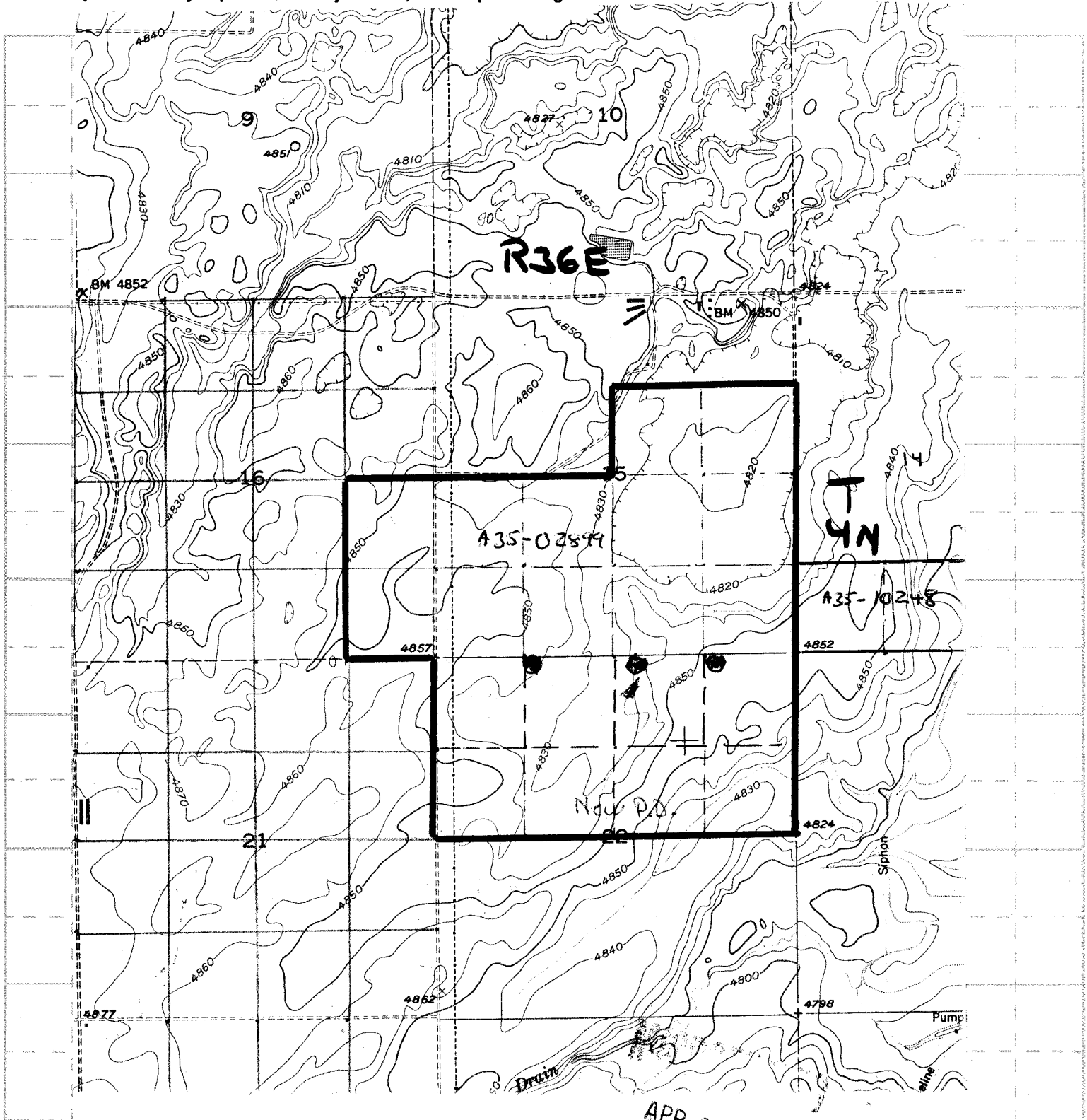
3. Lands irrigated or place of use:

[illegible]

Total acres

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



B. CHANGES IN NATURE OF USE

1 New Nature of Use

Amount
(cfs/ac-ft)

Hours/days/year

Period of Use

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Alan M. Clark

(Signature of Applicant)

Subscribed and sworn to before me this

4th

day of

November

, 19 *83*

BETTY J. THOMPSON, NOTARY PUBLIC

RESIDING AT IDAHO FALLS, IDAHO

My commission expires: 6-30-94

Betty J. Thompson
(Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains *8* pages and *8* attachments

Received by

HUT

Date

11-4-93

Prelim. check by

HUT EOI 1287

Date

11-4-93

Published in

Jefferson Star

Pub. dates *November 11 & 18 - 1993*

Watermaster recommendation requested on

rec'd.

by

ETC

Copy of transfer sent to lien holder

APR 08 1994

PART 3

DAVID KINGHORN
JEFFERSON COUNTY ASSESSOR
P. O. BOX 538
RIGBY, ID 83442

IMPORTANT NOTICE — THIS IS NOT A BILL

PARCEL NO. RP 04N36E147050 A

TAX CODE 54-00

LOTS / ACRES

34.000 AC
6.000 AC

MARKET VALUE

12,288

40.000

12,288*

ADDRESS CORRECTION REQUESTED

CATEGORY DESCRIPTION

1 IRRGTD AG
19 WASTE

PRESORTED
FIRST CLASS MAIL
U. S. POSTAGE PAID
RIGBY, ID 83442
PERMIT NO. P-001

1992
TAXPAYERS
VALUATION

ASSESSMENT NOTICE

Taxes are based on the valuation
listed on this statement

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 29, 1992

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PREVIOUS NUMBER RPR0502103 T
S1/2S1/2SW1/4,
SEC 14, TWP 4, NORTH
RGE 36 E8M

Mail To:
GARNER, M.K. & REED
% COOK, ALLEN M.
ROUTE 4 BOX 89 MILL ROAD
IDAHO FALLS, IDAHO 83401

DAVID KINGHORN
JEFFERSON COUNTY ASSESSOR
P. O. BOX 538
RIGBY, ID 83442

IMPORTANT NOTICE — THIS IS NOT A BILL

PARCEL NO. SC 04N36E167200 A

TAX CODE 23-00

LOTS / ACRES

80.000 AC

MARKET VALUE

31,360

80.000

31,360*

ADDRESS CORRECTION REQUESTED

CATEGORY DESCRIPTION

1 IRRGTD AG

PRESORTED
FIRST CLASS MAIL
U. S. POSTAGE PAID
RIGBY, ID 83442
PERMIT NO. P-001

1992
TAXPAYERS
VALUATION

ASSESSMENT NOTICE

Taxes are based on the valuation
listed on this statement

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NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 29, 1992

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KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PREVIOUS NUMBER
E1/2SE1/4; SEC 16,
TWP 4 NORTH RGE 36 E8M
CATEGORY 57
EQUITIES IN STATE LAND

Mail To:
GARNER, REED & MORGAN
% COOK, ALLEN M.
ROUTE 4 BOX 89, MILL ROAD
IDAHO FALLS, IDAHO 83401

RECORDED

APR 08 1994

DAVID KINGHORN
JEFFERSON COUNTY ASSESSOR
P. O. BOX 538
RIGBY, ID 83442

IMPORTANT NOTICE — THIS IS NOT A BILL

PARCEL NO. RP 04N36E150750 A

PRESORTED
FIRST CLASS MAIL
U. S. POSTAGE PAID
RIGBY, ID 83442
PERMIT NO. P-001

ADDRESS CORRECTION REQUESTED

TAX CODE 54-00

CATEGORY DESCRIPTION	LOTS / ACRES	MARKET VALUE
1 IRRGTD AG	408.000 AC	156,656
5 DRY GRAZING	24.370 AC	731
32 RURAL IMP ON AG	←	60,074
	432.370	217,461*

1992
TAXPAYERS
VALUATION

ASSESSMENT NOTICE

Taxes are based on the valuation
listed on this statement

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 29, 1992

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS
83444

PROPERTY ADDRESS 2456 E 400 N
PREVIOUS NUMBER RPR0502106 T
S1/2; NE1/4; LESS TAX 1,
SEC 15, TWP 4 NORTH RGE 36 EBM
Mail To:
GARNER, M.K. & REED
% COOK, ALLEN M.
ROUTE 4 BOX 89 MILL ROAD
IDAHO FALLS, IDAHO 83401

DAVID KINGHORN
JEFFERSON COUNTY ASSESSOR
P. O. BOX 538
RIGBY, ID 83442

IMPORTANT NOTICE — THIS IS NOT A BILL

PARCEL NO. RP 04N36E220000 A

PRESORTED
FIRST CLASS MAIL
U. S. POSTAGE PAID
RIGBY, ID 83442
PERMIT NO. P-001

ADDRESS CORRECTION REQUESTED

TAX CODE 54-00

CATEGORY DESCRIPTION	LOTS / ACRES	MARKET VALUE
1 IRRGTD AG	295.000 AC	110,920
5 DRY GRAZING	16.000 AC	480
19 WASTE	9.000 AC	
	320.000	111,400*

1992
TAXPAYERS
VALUATION

ASSESSMENT NOTICE

Taxes are based on the valuation
listed on this statement

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 29, 1992

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PREVIOUS NUMBER RPR0502105
N1/2; SEC 22,
TWP 4 NORTH RGE 36 EBM

A

Mail To:
GARNER, M.K. & REED
% COOK, ALLEN M.
ROUTE 4 BOX 89 MILL ROAD
IDAHO FALLS, IDAHO 83401

APR 08 1994

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant J. E. Garner Estate Phone 356-6918

Post office address 64 North 4th East, Rexburg, Idaho 83440

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to (Name) in case of vs dated in county of (Name of court)

b. License No. 35- 2899 issued by the Idaho Department of Water Resources

c. Claim No. on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
3. Source of water ground water tributary to
4. Date of priority 2/20/53
5. Water is used for the following purposes:

amount 9.40 for Irrigation purposes from Apr. 1 to Nov. 1

amount for purposes from to

amount for purposes from to (month/day – both dates inclusive)
6. Total amount of water under right: a. 9.40 cubic feet per second &/or N center line b. acre feet per annum
7. Location of original point of diversion is N½ XX¼ of NE¼ ¼ of Section 22 Township 4N Range 36E, B.M., in Jefferson County
Additional points of diversion, if any North center N½NW¼, Sec. 22, T. 4N R. 36E
8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
**4N	36E	15			40	40					40	40	40	40	40	40	40	40	400
		22	40	40	40	40	40	40	40	40	40	40							400

1.	Amount of water:	a.	cubic feet per second	&/or	b.	acre feet per annum	
2.	Point of diversion	$\frac{1}{4}$	$\frac{1}{4}$	%	Section	Township	County
	Range					, B.M.,	
	Additional points						

P.	RANGE	SEC.	NE¼								NW¼								SW¼							
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SE¼	SW¼				
TOTALS																										

1. Change in point of diversion

NO CHANGE

a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet

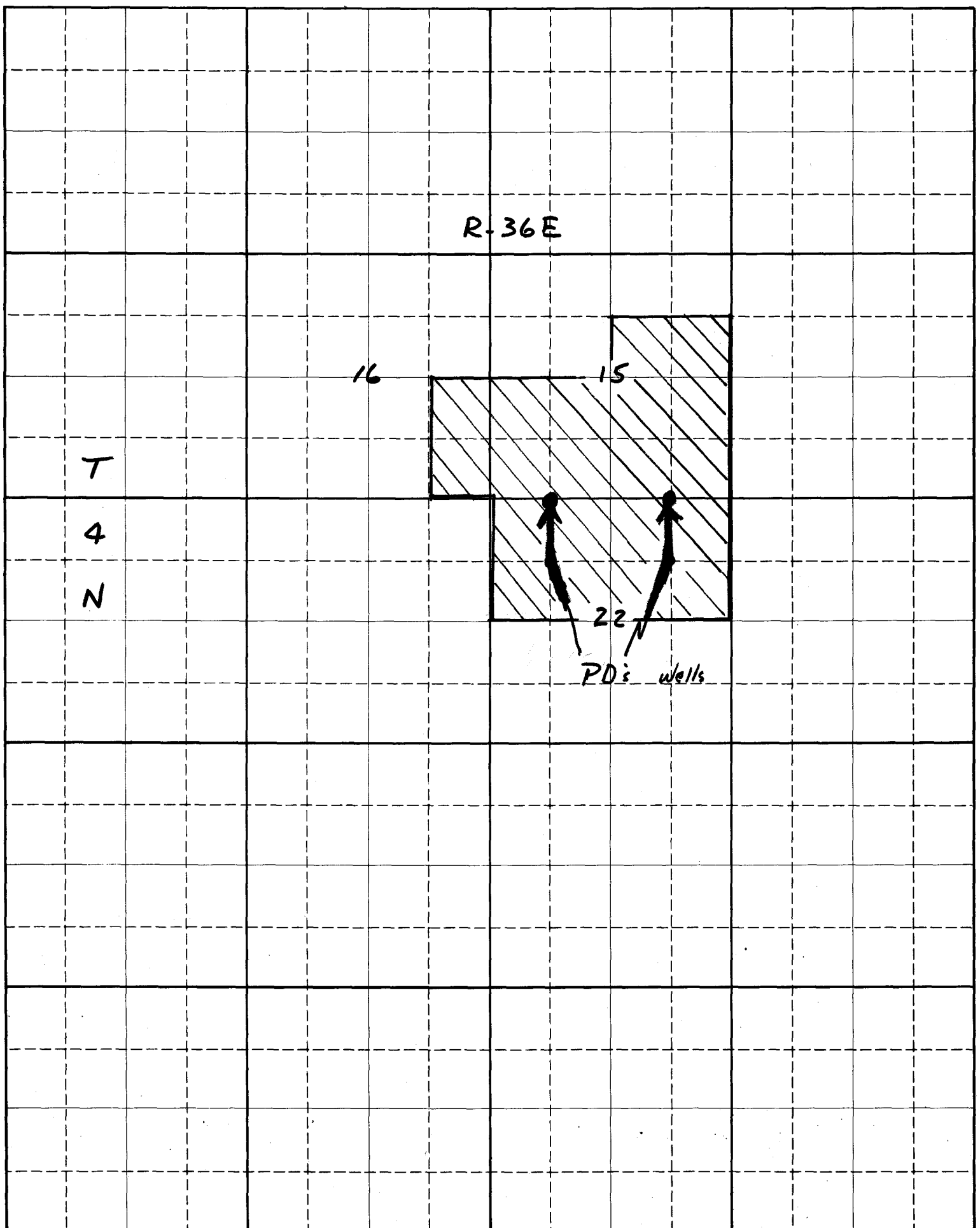
b. Point(s) of diversion _____ ¼ _____ ¼ _____ Township _____ County _____ Range _____, B.M., _____ Additional points _____

Describe the reasons for applying for a change in the point(s) of diversion

[illegible]

008

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

Received by OW Date 3-27-78 Prelim. check by BMC Fee \$30.00
Received by OW Date 3-27-78
Published in Friday Star
Pub. dates Apr. 13-1978
Watermaster recommendation requested on N.H.
rec'd.
by BMC Recommended for approval denial
Hearing held by _____ Date _____
Copies of protest forwarded by _____
Protest filed by _____

FOR DEPARTMENT USE ONLY

NORMAN C. YOUNG
Administrator, Resources Admin. Div.
Norman C. Young

Witness my hand this 19TH day of May, 19 80

1. Approval of said application is subject to the following limitations and conditions:
2. Denial of said application is for the following reasons:
This is to certify that I have examined Application for Transfer of Water Rights No. 35-2899 and said application is hereby approved
and said application is hereby approved

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

My commission expires 10-10-81

Sharon (Sharon)
(Notary public)

Subscribed and sworn to before me this 23RD day of March, 19 78

W. William Farmer
W. William Farmer
Administrators (Signature of applicant)

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

3. Remarks

Affidavit of Publication

THE RIGBY STAR

RECEIVED

APR 18 1978

Department of Water Resources
Eastern District Office

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

NOTICE IS HEREBY GIVEN that J. E. Garner Estate, Rexburg, Idaho, has applied to the Department of Water Resources for a change in the place of use of the waters of ground-water sources. The right sought to be changed is evidenced by License NO. 35-2899 and is recorded as follows:

Amount: 9:40 cfs. PRIORITY: 2-20-53. POINTS OF DIVERSION: N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 22, T. 4N, R. 36E, B.M., Jefferson County.

The water is used to irrigate 800 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 15, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 22, T. 4N, R. 36E, B.M.

**TO BE CHANGED
AS FOLLOWS**

The water will be used to irrigate 800 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 15, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 16, N $\frac{1}{2}$, Sec. 22, T. 4N, R. 36E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, on or before April 24, 1978.

C. Stephen Allred
Director

Published in the Rigby Star, Rigby, Idaho, on April 6 and April 13, 1978.

STATE OF IDAHO,

County of Jefferson

ss

I, Kent Stevens, do solemnly swear that I am the Editor of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated Section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said publication as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the

Sixth day of April, 1978

and the last publication on the

Thirteenth day of April, 1978

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth; and that there are at least two hundred bonafide subscribers in Jefferson County.

Kent Stevens
Editor

Subscribed in my presence and sworn to before me this Thirteenth day of April, 1978.
[SEAL]

Erlyn M. Fletcher
Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires Non-Exper, 19

Publication Fee: \$ 15.60

State of Idaho License and Certificate of Water Right

Water License No.
G-23786

Amount
9.4 c.f.s.

Water District No.

Priority
Feb. 20, 1953

THIS IS TO CERTIFY that J. E. GARNER

of Rexburg, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated February 20, 19 53 ; that Permit No. G-23786 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 9.4 second feet, was issued thereunder on September 21, 19 61, showing that said works were completed on the 27th day of February, 19 58 ; and that on the 27th day of February, 19 58 ,

J. E. GARNER

of Rexburg, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of two wells, a tributary of subterranean flow, for the purpose of irrigation & domestic use, under Use Permit No. G-23786 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 11 of Licenses at page 7166, on the 21 day of September, 1961 ;

The right hereby confirmed dates from February 20, 1953 ;

The Point of Diversion is located North center line N $\frac{1}{2}$ NE $\frac{1}{4}$, North center line N $\frac{1}{2}$ NW $\frac{1}{4}$, in the $\frac{1}{4}$ $\frac{1}{4}$, Sec. 22, Tp. 4 N, R. 36 E., B. M. Jefferson County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 9.4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
14 N.	36 E	15	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
		22	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	40

Total number of acres to be irrigated: 800

(SEAL)

RALPH W. THOMAS

Deputy State Reclamation Engineer.

State of Idaho
License and Certificate of Water Right

Water License No. G-23786

Amount 9.4 c.f.s.

Water District No.

Priority Feb. 20, 1953

THIS IS TO CERTIFY that J. E. GARNER
of Rexburg, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 20, 1953; that Permit No. G-23786
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
9.4 second feet, was issued thereunder on September 21, 1961, showing that said works
were completed on the 27th day of February, 1958; and that on the 27th
day of February, 1958,

J. E. GARNER

of Rexburg, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of two wells
, a tributary of subterranean flow, for the purpose of irrigation & domestic
use, under Use Permit No. G-23786 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
11 of Licenses at page 7166, on the 21 day of September, 1961;
The right hereby confirmed dates from February 20, 1953;
The Point of Diversion is located North center line $N\frac{1}{2}NE\frac{1}{4}$, North center line $N\frac{1}{2}NW\frac{1}{4}$,
in the $\frac{1}{4}$ $\frac{1}{4}$, Sec. 22, Tp. 4 N, R. 36 E., B. M. Jefferson County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 9.4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
14 N.	36 E	15	$SE\frac{1}{4} NE\frac{1}{4}$	40	40
			$SW\frac{1}{4} NE\frac{1}{4}$	40	40
			$NE\frac{1}{4} SE\frac{1}{4}$	40	40
			$NW\frac{1}{4} SE\frac{1}{4}$	40	40
			$SW\frac{1}{4} SE\frac{1}{4}$	40	40
			$SE\frac{1}{4} SE\frac{1}{4}$	40	40
			$NE\frac{1}{4} SW\frac{1}{4}$	40	40
			$NW\frac{1}{4} SW\frac{1}{4}$	40	40
			$SW\frac{1}{4} SW\frac{1}{4}$	40	40

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
21st day of September, 1961.

RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. G-27129 Amount 1.08 c.f.s.
Water District No. Priority Nov. 19, 1957

THIS IS TO CERTIFY that E. P. MESSNER
of Twin Falls, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 19, 19 57 ; that Permit No. G-27129
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.08 second feet, was issued thereunder on September 21, 19 61, showing that said works
were completed on the 20th day of January, 19 61 ; and that on the 20th
day of January, 19 61 ,

E. P. MESSNER
of Twin Falls, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of 2 wells
, a tributary of subterranean flow, for the purpose of irrigation and
domestic use, under Use Permit No. G-27129 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
11 of Licenses at page 7165, on the 21 day of September, 19 61 ;
The right hereby confirmed dates from November 19, 19 57 ;
The Point of Diversion is located 2 points
in the NW 1/4 NE 1/4, Sec. 26, Tp. 11 S., R. 17 E., B. M. CountyTwin Falls
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 1.08 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S	17 E	26	NE 1/4 NE 1/4	40	34
			NW 1/4 NE 1/4	40	37
			SW 1/4 NE 1/4	40	34
			SE 1/4 NE 1/4	40	25
			Total number of acres to be irrigated:		130

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
21st day of September, 19 61 .

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

27-2104
35-2899

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 31561
Permit No. G- 23786
District No.

1. Name of Applicant: J. E. GARNER
Postoffice address: Rexburg County: Madison State: Idaho
2. Quantity of water claimed: 13.60 cubic feet per second
(a) Rate of withdrawal in cubic feet per second. 13.60 or Idaho
Miners' inches 680 or gallons per minute.
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean flow (Wells)
On the North Center line of N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 22, and
4. Location of point of diversion or well is in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15
Twp. 4 N , Rge. 36 E , B.M., County of Jefferson
5. Water is to be used for: Irrigation and domestic purposes
6. If for municipal, industrial or recreational purposes, give:
(a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
(b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Wells, pumps and ditches or (probable sprinkler system)
8. Estimated cost of works: \$ 10,000.00
9. (a) Is reservoir to be used?
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is five years.
11. If applicant is a corporation, give:
I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
(b) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks:

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

J. E. GARNER Applicant.
By Agent.

Date of first receipt at Department of Reclamation: 11 A.M. February 20, 1953

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-23786
Recorded in Book 84 Page 23786 Approved Feb. 27, 1953
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before April 27, 1953 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.
One-fifth of the work above specified to be completed on or before August 27, 1955
The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before February 27, 1958
Witness my hand this 27th day of February, 1953

MARK R. CULP State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 27th day of February, 19 53

Countersigned: STATE OF IDAHO
(SEAL) By IRA H. MASTERS, Secretary of State. By LEN JORDAN, Governor

12.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4 N	36 E	14											20	20					40
		15									40	40	40	40	40	40	40	40	320
		22	40	40	40	40	40	40	40	40	40								320
Total Number of Acres to be Irrigated																		680	
APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. G-23786																			
Comes now J. E. Garner, and represents to the State Reclamation Engineer of the State of Idaho. That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. -23786, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as foll NE¼NE¼, W¼NE¼, NW¼, and the S¼ Section 15, S¼SW¼ Section 14, N¼ Section 22, all in Twp. 4 N. Range 36 E. aking a total of 960 acres. That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change. Signed at Idaho Falls, this 4th day of August, 1956.																			
J. E. GARNER																			
ate of receipt at office of Department of Reclamation August 6, 1956.																			
APPROVAL OF STATE RECLAMATION ENGINEER , Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application or amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-23786. This approval constitut new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a art, and said application is approved only insofar as the rights of others will not be adversely affected thereby.																			
MARK R. KULP State Reclamation Engineer																			

Application for Amendment
To Permit to appropriate the Public Waters
of the State of Idaho, No. G-23786

Comes now J. E. Garner, and represents to the State Reclamation Engineer of the State of Idaho. That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-23786, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows: NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ Section 15; S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 14; N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22, Twp. 4 N. Range 36 E.B.M., making a total of 1080 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Boise Idaho, this 13th day of February, 1957.

/s/ J. E. Garner

Date of receipt at office of Department of Reclamation
February 13, 1957.

APPROVAL OF STATE RECLAMATION ENGINEER

I, MARK R. KULP, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-23786. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ Mark R. Kulp
State Reclamation Engineer

Recorded in the Department of Reclamation
February 26, 1957.

Application for Amendment
POINT OF DIVERSION
Permit No. G-23786

Comes now J. E. GARNER and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-23786.

That the point of diversion is described in said Permit as being located: North Center line of the N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 22, and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 4 North, Range 36 E., B. M.

That he now requests that the point of diversion be changed to a point located: North Center line of each of the N $\frac{1}{2}$ NE $\frac{1}{4}$, and the N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 22, Township 4 North, Range 36 E., B. M.

That the reason for desiring to make such change is as follows: Relocation of well from the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, to the north center line of the N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 22.

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

Signed at Rexburg, Idaho, this 18th day of September, 1961.

s/ J. E. GARNER

Date of Receipt at Department of Reclamation September 19, 1961

APPROVAL OF STATE RECLAMATION ENGINEER

I, RALPH W. THOMAS, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-23786. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ RALPH W. THOMAS,
Deputy State Reclamation Engineer

Recorded: September 19, 1961

Application for Amendment
To Permit to Appropriate the Public Waters
of the State of Idaho, No. G-23786

Comes now J. E. Garner, and represents to the State Reclamation Engineer of the State of Idaho. That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G-23786, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows: NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ Section 15; S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 14; N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22, Twp. 4 N. Range 36 E.B.M., making a total of 1080 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Boise Idaho, this 13th day of February, 1957.

/s/ J. E. Garner

Date of receipt at office of Department of Reclamation
February 13, 1957.

APPROVAL OF STATE RECLAMATION ENGINEER

I, MARK R. KULP, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. G-23786, This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ Mark R. Kulp
State Reclamation Engineer

Recorded in the Department of Reclamation
February 26, 1957.

Application for Amendment
POINT OF DIVERSION
Permit No. G-23786

Comes now J. E. GARNER and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G-23786.

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That the reason for desiring to make such change is as follows: Relocation of well from the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, to the north center line of the N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 22.

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

Signed at Rexburg, Idaho, this 18th day of September, 1961.

s/ J. E. GARNER

Date of Receipt at Department of Reclamation September 19, 1961

APPROVAL OF STATE RECLAMATION ENGINEER

I, RALPH W. THOMAS, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. G-23786. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ RALPH W. THOMAS,
Deputy State Reclamation Engineer

Recorded: September 19, 1961

Form 23-7
W.R.
DMD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

USE TYPEWRITER OR
BALLPOINT PEN

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

1. WELL OWNER

Name ALLEN COOK
Address 2681 W 175 Idaho Falls 83309
Drilling Permit No. 35-93-E-0118-000
Water Right Permit No. 35-02899

2. NATURE OF WORK

- ☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase ☐ Modification
☐ Abandoned (describe abandonment or modification procedures
such as liners, screen, materials, plug depths, etc. in lithologic
log, section 9.)

3. PROPOSED USE

- ☐ Domestic ☒ Irrigation ☐ Monitor
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

- ☒ Rotary ☒ Air ☐ Auger ☐ Reverse rotary
☐ Cable ☐ Mud ☐ Other _____
(backhoe, hydraulic, etc.)

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____
Thickness Diameter From To
.250 inches 18 inches + 12" feet 18 feet
.250 inches 16 inches 320 feet 420 feet
_____ inches _____ inches _____ feet _____ feet

Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☒ Yes ☐ No
How perforated? ☐ Factory ☐ Knife ☒ Torch ☐ Gun
Size of perforation? 3/8 inches by 5 inches

Number From To
1900 perforations 340 feet 420 feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet

Well screen installed? ☐ Yes ☒ No
Manufacturer _____ Type _____
Top Packer or Headpipe _____
Bottom of Tailpipe _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet

Surface seal depth 18' Material used in seal: ☐ Cement grout
☒ Bentonite ☐ Puddling clay ☐ _____

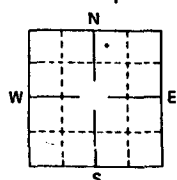
Sealing procedure used: ☐ Slurry pit
☐ Temp. surface casing ☒ Overbore to seal depth

Method of joining casing: ☐ Threaded ☒ Welded
☐ Solvent Weld ☐ Cemented between strata

Describe access port 2" ACCESS

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County Bonwill

Address of Well Site _____
(give at least name of road)

NW 1/4 NE 1/4 Sec. 22 T. 4 N ☐ or S ☐
R. 36 E ☐ or W ☐

7. WATER LEVEL

Static water level 307 feet below land surface.
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____
Describe artesian or temperature zones below.

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
20	0	1'	Dirt		
20	1'	18'	Rock		
18	18'	127'	Rock		
18	127'	138'	CLAY		
18	138	300	LAUA ROCK		
18	300	320	HARD ROCK		
18	320	420	LOOSE FRACTURED ROCK		

RECEIVED

JUN 23 1997

Department of Water Resources

RECEIVED

JUN 13 1997

Department of Water Resources
Eastern Region

10.

Work started Nov 15, 93 finished Dec 1, 93

11. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.

Vollmer Well Drilling
Firm Name _____ Firm No. 383

Address PO Box 2 Alderley 9D Date Dec 18, 93
83310

Signed by Drilling Supervisor _____
and

(Operator) Remy Vollmer
(if different than the Drilling Supervisor)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 15, 1994

ALLAN M COOK
PO BOX 51822
IDAHO FALLS ID 83405-1822

RE: Transfer of Water Right Nos. A35-10248 and 35-02899

Dear Water Right Holder(s):

Enclosed are copies of your approved Applications for Transfer of the above referenced water rights (Transfer No. 4245 (PARTS)). Please be sure to thoroughly review the "CONDITIONS/REMARKS:" as listed on the transfer.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jim Johnson', written over a horizontal line.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

MEMORANDUM

TO: FILES 35-02899 & A35-10248

FROM: PAM SKAGGS/^{CS}STATE OFFICE

SUBJECT: TRANSFER NO. 4245

DATE: March 10, 1994

=====

Transfer No. 4245 was filed to add a point of diversion under Water Right No. 35-02899 and SRBA Claim No. A35-10248, reflecting a single combined system and place of use.

The combined system irrigates a total of 830 acres with each right limited to its respective total acres per season and a combined maximum rate of diversion limited to the recorded capacity of the system.

The additional well brings the system to a total of three wells and conditions regarding drilling permit requirements, overlapping rights and multiple points of diversion were added to standard transfer conditions.

The transfer approval was prepared separately for the water right and the SRBA claim with a remark referring to the other approval. The approved version of the claim will be stored under an X prefix on the AJ database pending update, while the approved water right version will replace the existing record on the WR database.

TRANSFER REVIEW SHEET

Transfer # 4245

Date Reviewed 03-10-94 28

Right(s) 35-02899

A35-10248 (Expansion Claim to 35-02899)

B:Change P/D (C) Add P/D D:Change P/U E:Change Nature of Use
F:Change Period of Use G:Other H:Change P/D & Add P/D
I:Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership NA - P/U covered by 92 tax notices

Transfer ✓ All of Right Portion of Right (Part B)

Resulting Split(s) NONE

Check Transfer Against Right

C/4.0

- (1) ✓ Priority (2) ✓ Use (3) Season (4) ✓ Rate (5) Volume
(6) ✓ Source (7) P/D (8) P/U (9) NA Proof/Owner (10) ✓ Map
(11) Water District (12) NONE Pertinent Conditions (13) NO Expansion

- (2) Carry DOM - incidental
(3) Reduce Lday to standard 4-1 to 10-31
(5) No VOL on License or Claim (2899) $800 \times 4 = (3200) < 9.4 \times 214 \times 1.9835 = 3990$
 $(10248) 30 \times 4 = (120) < .6 \times " \times " = 254.7$
(7) Add 3rd well - identify 3 specific locations on License
(8) Combined/Single system show 830 Acre P/U

Single System, P/D + P/U Capacity 9.4 cfs

Transfer Remarks PP/U (2899) 800 (10248) 30, T07, W B4 - Cross Ref. to other approval

Conditions 046, R31, T07, T09, T08, T17

Database/Processing Notes T Files - Separate XFER Approvals
Copy the SRBA Claim to an X version & copy to AT when approved

Database updated 3-16-94 28

WR0749NP
No. T35-02899

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/10/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ALLAN M COOK PO BOX 51822 IDAHO FALLS ID 83405 (208) 529-9222	02/20/1953	IRRIGATION DOMESTIC	04-01 10-31 01-01 12-31	9.40 CFS 0.04 CFS	3200.00 AFA 1.20 AFA
TOTAL DIVERSION:					9.40 CFS	3201.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 9.40 CFS

Point(s) of Diversion: T04N R36E S22 NENE NWNENENWJEFFERSON County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE					
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
04N	36E	14	:														20	10	:						30.0
04N	36E	15	:				40	40	:					40	40	40	40	:	40	40	40	40	:		400.0
04N	36E	16	:						:										:	40			40	:	80.0
04N	36E	22	:	40	40	40	40	:	40	40	40	40	:						:						320.0
TOTAL ACRES																							830.0		

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: JEFFERSON

Other Water Rights with Same Point(s) of Diversion and Source:
35-02899 T35-10248

Other Water Rights Listing Overlapping Place(s) of use:
35-02050 35-02625 35-02666 35-02899 35-08107 T35-10248

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- R31 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- T17 - Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

WR0749NP
No. T35-02899

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/10/94
PAGE: 2

Remarks: The total instantaneous diversion of water from all points of diversion under Transfer No. 4245 shall not exceed 9.40 cfs. Snake River Basin Adjudication Claim No. 35-10248 is also changed under Transfer No. 4245 and is represented on a separate transfer approval. Right No. 35-02899 is limited to the irrigation of 800 acres in the place of use described above in a single irrigation season.

Dates: App. Received: Priority Date: 02/20/1953
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 09/21/1961

Misc: Water District Number: Field Exam Fee:

Comments: Date: 03/10/1994 User-ID: SKAGGS Subject: TRANSFER NO. 4245
Transfer No. 4245 was filed to add a point of diversion (total 3) under Right No. 35-02899 and SRBA Claim No. 35-10248, reflecting a single common system. The approved version of Claim No. 35-10248 will be stored under an X prefix on the AJ database pending update.

Date: 03/10/1994 User-ID: SKAGGS Subject: TRANSFER NO. 2231
Transfer No. 2231 was filed to change the place of use under Right No. 35-02899. Approved 05-19-80.

Audit: 03/10/94 SKAGGS

ACTION REQUIRED

FROM: H.W. Jones - Eastern

TO: Pam Skaggs & Jim Johnson - Boise

I have tried to stay with WR data base numbers & etc on this transfer but claim A35-10248 would not conform. Applicant originally claimed A35-10248 was a portion of license 35-02050. Adj. review rejected that and recommended 35-02050 go to Idaho Fish & Game Dept. in its entirety. A35-10248 was then recommended as an expansion claim with added ground (26 acres) but no extra water. I recommend we use the land list found under R35-02899 for 826 acres as the Place of use. Also for R35-10248. Limits are described under remarks for both rights.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: DRM

1. Right number R35-02899/-10248 Applicant Allan M. Cook
2. Type of right: ☐ Decree ☒ License ☒ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☐ Check proof of ownership of right &/or land from which water is transferred. N/A
 - h. ☒ Check for expansion in use of right. Comments N/A SELF LIMITING
* SUBJECT TO REVIEW BY SRBA!! SEE ATTACHED "R" RECORDS
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) 35-02050? (SRBA REVIEW REQ'D) 35-08107?
 - j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____

4. By RDC Date 1/19/94

The Jefferson Star
Rigby, Idaho

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Jefferson)

I, Christine Fee
of the Jefferson Star, published weekly at
Rigby, Jefferson County, Idaho, do
solemnly swear that the

Proposed Change
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in
any supplement issue thereof for two
consecutive issues, the first publication
having been made on Nov 10
and the last publication having been made
on Nov 17.
Further, that said newspaper is one of
general circulation in said county; that it is a
legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide
subscribers living within the county of
publication; and that it has been
continuously and uninterruptedly published
in said county during a period of seventy-
eight consecutive weeks prior to the first
publication of the said notice.

On this 18 day of November
in the year of 1993, before me, a Notary
Public, personally appeared

Christine Fee

known or identified to me to be the person
whose name subscribed to the within
instrument, and being by me first duly
sworn, declared that the statements therein
are true, and acknowledged to me that she
executed the same.

Capital Foster
Notary Public of Idaho

Residing at 1032 N. 1100 E. - Shelley ID

My commission expires March 8, 1999

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 4245

Notice is hereby given that Allan M.
Cook, Idaho Falls, ID, has applied to the
Department of Water Resources to add
a point of diversion of the waters of a
groundwater source. The rights sought
to be changed are evidenced by claims
and recorded as follows:

CLAIM NO. A35-02899

AMOUNT: 9.40 cfs

PRIORITY: 2/20/1953

POINT(S) OF DIVERSION: NWNENE
SEC 22 T04N R36E; NWNENW SEC
22 T04N R36E, B.M. JEFFERSON
COUNTY

The water is used from April 1 to
November 1 to irrigate 800 acres within
the S1/2NE S1/2 SEC 15 E1/2SE SEC 16
N1/2 SEC 22, B.M.

CLAIM NO. A35-10248

AMOUNT: .60 cfs

PRIORITY: 5/23/1934

POINT(S) OF DIVERSION: NWNENE
SEC 22 T04N R36E; NWNENW SEC
22 T04N R36E, B. M. JEFFERSON
COUNTY

The water is used from April 1 to
November 1 to irrigate 30 acres within
the S1/2SW SEC 14 T04N R36E, B.M.

TO BE CHANGED AS FOLLOWS:

Only 9.40 cfs will be diverted from the
NWNENE SEC 22 T04N R36E;
NWNENW SEC 22 T04N R36E; NWNENE
SEC 22 T04N R36E, B.M. JEFFER-
SON COUNTY and used to irrigate 830
acres within the S1/2SW SEC 14 T04N
R36E (A35-10248); S1/2NE S1/2 SEC
15 T04N R36E, E1/2SE SEC 16 T04N
R36E, N1/2 SEC 22 T04N R36E (A35-
02899) B.M.

Any protests against the proposed
change must be filed with the applicant
and with the Idaho Department of Water
Resources, 900 N. Skyline Dr., Idaho
Falls, ID, 83402, on or before
November 29, 1993.

R. Keith Higginson

Director

Published in the Jefferson Star,
Rigby, Idaho, Nov. 10 and 17, 1993.

APR 08 1994

IDWR Employee Issuing Verbal: _____
Verbal Issued Date: _____ Time: _____

Expedited **APPLICATION FOR DRILLING PERMIT** Expedited
(For the Construction of a Well)

Permit Approved 11-04-93

ADDENDUM TO DRILLING PERMIT 35-93-E-118

1. APPLICATIONS, AS NECESSARY, ARE ON FILE SEEKING AUTHORIZATION TO USE THE WELL FOR THE PURPOSE FOR WHICH IT IS BEING DRILLED.
2. THERE ARE NO APPARENT REASONS THAT THE PENDING APPLICATIONS WILL NOT BE APPROVED AUTHORIZING USE OF THE WELL.
3. THE APPLICANT HAS REQUESTED BY LETTER THROUGH HIS AGENT THAT EXPEDITED APPROVAL IS NEEDED FOR IMMEDIATE CONSTRUCTION.
4. THE DRILLING PERMIT IS CONDITIONED TO SHOW THAT THERE IS NO AUTHORIZATION FOR DIVERSION AND USE OF WATER UNTIL THE WATER RIGHT APPLICATION IS APPROVED.
5. THE APPLICANT BY ACCEPTING THIS DRILLING PERMIT AND COMMENCES CONSTRUCTION ACKNOWLEDGES THAT HE ACCEPTS ALL RISK THAT THE WELL MAY NOT BE APPROVED FOR USE.

APR 18 1994

Drilling Permit No. 35-93-E-118

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXPEDITED ISSUANCE OF A DRILLING PERMIT

Allan M. Cook, Applicant, requests issuance of a drilling permit prior to approval of a pending Application for Permit or Application for Transfer on file with this department. The request is made for the following reasons:

I NEED TO HAVE THE WELL OPERATING FULLY AT
THE BEGINNING OF THE IRRIGATION SEASON NEXT
YEAR, AS I HAVE HAD A WELL FAILURE. ADEQUATE
HEAD TIME WITH THE DIFFICULTY IN GETTING A
DRILLER IS IMPORTANT. ONE IS AVAILABLE NOW. HE
HAS NOT BEEN AVAILABLE FOR SEVERAL MONTHS.

Applicant acknowledges that by accepting a drilling permit and commencing construction he accepts all risk that the well may not ultimately be approved for use.

3 Nov 93 Allan M. Cook
Date Signature

05-Nov-1993

JEFFERSON STAR
PO BOX 37
RIGBY ID 83442

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before November 29, 1993.

Yours truly,


Rita Bodell
Senior Secretary

Encl.

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4245

Notice is hereby given that Allan M. Cook, Idaho Falls, ID, has applied to the Department of Water Resources to add a point of diversion of the waters of a groundwater source. The rights sought to be changed are evidenced by claims and recorded as follows:

CLAIM NO. A35-02899 AMOUNT: 9.40 cfs

PRIORITY: 2/20/1953

POINT(S) OF DIVERSION: NWNENE SEC 22 T04N R36E; NWNENW SEC 22 T04N R36E, B.M. JEFFERSON COUNTY

The water is used from April 1 to November 1 to irrigate 800 acres within the S1/2NE S1/2 SEC 15 E1/2SE SEC 16 N1/2 SEC 22, B.M.

CLAIM NO. A35-10248 AMOUNT: .60 cfs

PRIORITY: 5/23/1934

POINT(S) OF DIVERSION: NWNENE SEC 22 T04N R36E; NWNENW SEC 22 T04N R36E, B.M. JEFFERSON COUNTY

The water is used from April 1 to November 1 to irrigate 30 acres within the S1/2SW SEC 14 T04N R36E, B.M.

TO BE CHANGED AS FOLLOWS:

Only 9.40 cfs will be diverted from the NWNENE SEC 22 T04N R36E; NWNENW SEC 22 T04N R36E; NWNE SEC 22 T04N R36E, B.M. JEFFERSON COUNTY and used to irrigate 830 acres within the S1/2SW SEC 14 T04N R36E (A35-10248); S1/2NE S1/2 SEC 15 T04N R36E, E1/2SE SEC 16 T04N R36E, N1/2 SEC 22 T04N R36E (A35-02899) B.M.

Any protests against the proposed change must be filed with the applicant and with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, on or before November 29, 1993.

R. Keith Higginson
Director

Published in the Jefferson Star on November 11 & 18, 1993.

RECEIVED
JAN 11 1994

APR 18 1994

05-Nov-1993

ALLAN M COOK
PO BOX 51822
IDAHO FALLS ID 83405

RE: Application for Transfer of a Water Right No. 4245

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your permit for a water right transfer. This office is currently in the process of advertising the application in the Jefferson Star on 11-11 & 18-93. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a transfer is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,


Harold W. Jones _{rb}
Water Right Supervisor

HWJ:rb

NOV 11 1993
AIR 02364

INTER-DEPARTMENT MEMO — 1

FROM Jim Johnson

DATE 5-19-80

TO File

SUBJECT Ownership

The county Assessor's office today confirmed per telecon that Wayne Robinson owns the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 22, Twp. 4N, Rge. 36E.

MICROFILMED

SIGNATURE

May 20, 1980

J. E. Garner Estate
64 North 4th East
Rexburg, Idaho 83440

Dear Mr. Garner,

RE: Transfer of Water Right No. 35-2899

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 2231). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:mr

Enclosure

215-01003

TO WHOM IT MAY CONCERN:

This is to affirm that I, Wayne Robinson, did not receive any of the water under license #35-2899 when I purchased the North 1/2 of the SW $\frac{1}{4}$, Section 22, T4N, Range 36, EBM from the J.E. Garner Estate .

Dated this 30 day of April, 1980.

BY Wayne Robinson

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

April 26, 1978

RE: Application for Transfer No. 35-2899

J. E. Garner Estate
64 North 4th East
Rexburg, Idaho 83440

Gentlemen:

During our final review of the above referenced application it was determined proof of ownership will have to be provided for the 80 acres in the N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 22, Township 4 North, Range 36 East, B.M.

The Department will accept a copy of either a warranty deed or a signed sales contract as verification of ownership. We respectfully request you give this matter your immediate attention since the application will be in form for final action when the Department receives the requested information.

Respectfully submitted,

ERNEST M. CARLSEN
Water Resource Agent

EMC:cw

RECEIVED
MAY 1 1978

March 31, 1978

RE: Application for Transfer No. 35-2899 GARNER
Application for Permit No. 31-7296 PLACE
31-7297 "

The Rigby Star
P.O. Box 37
Rigby, ID 83442

Gentlemen:

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

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

Bill submitted 4-18-78 by Cal

RDC:CD

Enclosures: Legal Notices (3)

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 35-2899

Notice is hereby given that J. E. Garner Estate, Rexburg, Idaho, has applied to the Department of Water Resources for a change in the place of use of the waters of ground-water sources. The right sought to be changed is evidenced by License No. 35-2899 and is recorded as follows:

AMOUNT: 9.40 cfs PRIORITY: 2-20-53

POINTS OF DIVERSION: $N\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$, Sec. 22, T. 4N, R. 36E, B.M.,
Jefferson County.

The water is used to irrigate 800 acres within the $S\frac{1}{2}NE\frac{1}{4}$, $S\frac{1}{2}$, Sec. 15, $N\frac{1}{2}$, $N\frac{1}{2}SW\frac{1}{4}$, Sec. 22, T. 4N, R. 36E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate 800 acres within the $S\frac{1}{2}NE\frac{1}{4}$, $S\frac{1}{2}$, Sec. 15, $E\frac{1}{2}SE\frac{1}{4}$, Sec. 16, $N\frac{1}{2}$, Sec. 22, T. 4N, R. 36E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before April 24, 1978.

C. STEPHEN ALLRED

Director

Published in the Rigby Star, Rigby, Idaho, on April 6 and April 13, 1978.

*me-l
me-l*

March 30, 1978

RE: Application for Transfer No. 35-2899

J. E. Garner Estate
64 North 4th East
Rexburg, ID 83440

Gentlemen:

Attached herewith is Departmental receipt No. 9900 in the amount of \$30.00 for the above referenced application for transfer.

Very truly yours,

COLLEEN WRAY
Secretary

CW:CD

Attachment



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

March 9, 1978

RE: Transfer No. 35-2897

J. E. Garner Estate
64 North 4th East
Rexburg, Idaho 83440

Dear Morgan:

Please find enclosed the application for transfer of permit No. 35-2899. As the court has named three of you as administrators, it will be necessary for all three of you to sign the transfer in the presence of a notary public. Please sign and return with the statutory filing fee of \$30.00 for further processing.

If you have any questions concerning this matter, please contact me.

Very truly yours,


LOY H. JOHNSON
Senior Resource Agent

LHJ:cw

Enclosure

P.S. Please enclose a copy of the court order naming the administrators.
Thanks.

ENCLOSURE

TRANSFER ANALYSIS SHEET

1. Source	<u>ground water.</u>	Name	_____
2. Right Being Transferred		Right No.	<u>35-2899</u>
a.	☐ Decree	Transfer No.	_____
	☒ License		
	☒ Use		
b.	☒ Priority		
c.	☒ Location - Original P.D.		
d.	☒ " - Original P.U.		
e.	☐ " - New P.D.		
f.	☒ " - New P.U.		
g.	☒ Amount		
	☒ All		
	☐ Part		
3.	<u>YES.</u> Proof of Ownership of Right		
	Comment <u>original owner. (See #7.)</u>		
4.	<u>No.</u> Expansion of Right		
	Comment _____		
5.	☒ Map		
6.	☒ Signature		
7.	☒ Fee		
8.	Watermaster's Comments _____		
9.	Comments <u>Wayne Robinson has filed an application covering the same lands the water is being transferred from. Etc.</u>		
10.	Initial Review by <u>Ernest M Carlson.</u>	Date	<u>5/27/78.</u>
11.	Recommended Action		
	☒ Approve		
	☐ Deny		
	☐ Conditions _____		
BY	<u>Ernest Carlson.</u>	DATE	<u>5/19/80</u>
	<u>See memo to file about ownership</u>		
			<u>4/3/80.</u>
			<u>Copy Sent</u>

This permit be to hold in the
"Guo" until the N.M.T. Survey
can be irrigated in order to have
it included in B.L.M. final
certification.

Thereafter an other field exam,
is needed and may entail \$4.00
more fee.

J.E. Garner

and Morgan present

E.N.C. 12/5/57

by SF

Fees received 9-13-61

Garner did not claim irrigation
of any part of N^2NE^4 Sec. 15
in response to letter of 9-13-61

B.L.M. issued patent to Garner
for N^2NE^4 , SW^4NE^4 Sec. 15. Then the
report of examination showed
only a small part of $NWNE$ irrigated
and none in $NENE$.

Certificates issued as shown on Ref
Engr. report dated 5-14-58 -

December 11, 1963

Re: Permit No. G-23786; G-27757

J. E. Garner
Rexburg, Idaho

Dear Mr. Garner:

This is in reply to your letter of December 9, 1963,

Permit No. 20834 which you mentioned was relinquished, however, you have a licensed permit No. G-23786 for two wells with 9.4 c.f.s. of water. These wells are located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 4 N., Range 36 E.

Two wells are shown on Permit No. G-27757. They are located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, of Section 15 and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 4 N., Range 36 E. The latter is apparently the same well as the one on Permit No. G-23786 in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22. This would make a total of three wells in Sections 15 and 22.

Your application for permit No. G-27757 was received February 2, 1959, was approved February 17, 1959 and proof is due February 17, 1964.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

D. L. RHODES, Assistant
State Water Rights Clerk

DLR:ew

J 23786

September 19, 1961

Re: Permit No. G-23786

Mr. J. E. Garner
Rexburg, Idaho

Dear Mr. Garner:

Enclosed are the Applications for Amendment to the points of diversion and land list, Certificate of Completion of Works and License and Certificate of Water Right issued on Permit No. G-23786.

Also enclosed is departmental receipt No. G-6556 in the amount of \$2.00 covering fees for recording the amendments. Receipt No. G-6528 for \$45.00 for the fees for certificates was mailed to you on September 13th.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. amendments
certificates
receipt (1)

23786

RECEIVED
SEP 19 1961

Application for Amendment

POINT OF DIVERSION

Department of Reclamation

Permit No. G-23786

Comes now J. E. GARNER and represents to the State Reclamation Engineer of the State of Idaho:

That he is (are) the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-23786.

That the point of diversion is described in said Permit as being located: North Center line of the N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 22, and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 4 North, Range 36 E. B. M.

That he now requests that the point of diversion be changed to a point of each located: North Center line of the N $\frac{1}{2}$ NE $\frac{1}{4}$ and the N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 22, Township 4 North, Range 36 E. B. M.

That the reason for desiring to make such change is as follows:

Relocation of well from the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, to the North center line of the N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 22.

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

Signed at Reynolds, Idaho, this 18th day of September, 1961.

J. E. Garner

Date of Receipt at Department of Reclamation September 19, 1961

APPROVAL OF STATE RECLAMATION ENGINEER

Ralph W. Thomas, Deputy

I, ~~J. E. Garner~~, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-23786. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded in Book 84 of
Permits, at Page 23786
September 19, 1961

23786

Ralph W. Thomas
Deputy
State Reclamation Engineer

Application for Amendment

• LAND LIST

Permit No. G-23786

RECEIVED

SEP 19 1961

Department of Reclamation

Comes now J. E. GARNER, and represents
to the STATE RECLAMATION ENGINEER of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the
State of Idaho, No. G-23786, and requests that the list of lands to be irrigated,
as described in said permit, be changed to read as follows:

Sec. 15 all, S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 14; N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 22, Twp. 4 N., R. 36 E. B. M.

_____, making a total of _____ acres.

That an additional amount of water is not asked for, and that the rights of others
will not be adversely affected by such change.

Signed at Rush, Idaho this 18th day of September, 1961

J. E. Garner

Date of receipt at office of Department of Reclamation September 19, 1961

APPROVAL OF STATE RECLAMATION ENGINEER
Ralph W. Thomas, Deputy

I, ~~W. W. Thomas~~, State Reclamation Engineer of the State of Idaho, hereby approve
the above and foregoing application for amendment to Permit to appropriate the Public
Waters of the State of Idaho, No. G-23786. This approval constitutes a new permit
and is issued as an amendment to the original permit, to which it refers, and of which
it becomes a part, and said application is approved only insofar as the rights of others
will not be adversely affected thereby.

Recorded in Book 84 of
Permits, at Page 23786
September 19, 1961

23786

Ralph W. Thomas
Deputy
State Reclamation Engineer

September 13, 1961

Re: Permit No. G23786

Mr. J. E. Garner,
Rexburg, Idaho.

Dear Mr. Garner:

After writing the attached letter, the writer was referred to a memorandum that Mr. Carter attached to the file stating you wish to show acreage irrigated on the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 15, in order to show irrigated acreage in connection with your filing for desert land entry with the Bureau of Land Management.

If you have irrigated any part of the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 15 since Mr. Humphrey made his inspection, which was May 14, 1958, give us the acreage irrigated on each 40-acre tract (N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 15), and we will show same on your license as being irrigated.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

RWT:pmk

N 23786

September 13, 1961

Re: Permit No.G23786

Mr. J. E. Garner,
Rexburg, Idaho.

Dear Mr. Garner:

The writer has prepared the enclosed amendments for your signature to comply with the requirements of the copy of the enclosed office letter dated June 23, 1958. Two amendments are required before we can issue a state license on Permit No. G-23786. One is to change the point of diversion of well location from the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, to the North center line of the N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 22, Township 4 North, Range 36 E. B. M. The amendment to the land list is required to include the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, which you have irrigated and was not included in the original land list.

Upon receipt of the enclosed amendments, properly signed, and a fee of \$2.00 for recording, the Department of Reclamation will issue you a license for 9.4 cubic feet per second on Permit No.G-23786.

We are also enclosing Departmental Receipt No. G-6528 for the \$45.00 amount due as stated in our letter of June 23, 1958.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

Encl.

RWT:pmk

cc: W. Lloyd Adams and
Mary Smith, Attorneys
Rexburg, Idaho

J 23786

June 23, 1958

Re: Permit No. G-23786
J. E. Garner

W. Lloyd Adams & Mary Smith
Attorneys
Rexburg, Idaho

Attention: Mary Smith

Dear Miss Smith:

Our field engineer's report on his inspection of the completion of works and application of water to beneficial use under the terms of Permit No. G-23786, J. E. Garner, Rexburg, Idaho, shows that two wells located on the North Center line of the $N\frac{1}{2}NE\frac{1}{4}$ and in the $NE\frac{1}{4}NW\frac{1}{4}$ of Section 22, Township 4 North, Range 36 East, are capable of conveying 470 miners' inches (9.4 c.f.s.) of water for irrigation of 800 acres. The record of the permit lists the location of the west well in the $NW\frac{1}{4}SW\frac{1}{4}$ of Section 15, and does not include the 40 acres of which are irrigated in the $SE\frac{1}{4}NE\frac{1}{4}$ of Section 15. It is therefore necessary that the permit be amended. We enclose applications for amendment to the point of diversion and land list for this purpose.

Upon receipt of the amendments, mentioned above, and the statutory fees, totalling \$45.00, we will issue the Certificate of Completion of Works (for which the fee is five dollars) and the License and Certificate of Water Right (fee, forty dollars--based at the rate of two dollars for each 40-acre subdivision) confirming the right with priority of February 20, 1953, to the use of 9.4 second feet of subterranean water, with the points of diversion on the North center line of $N\frac{1}{2}NE\frac{1}{4}$ and in the $NE\frac{1}{4}NW\frac{1}{4}$ of Section 22, for irrigation of 800 acres in the $S\frac{1}{2}NE\frac{1}{4}$, $S\frac{1}{2}$ of Section 15, $N\frac{1}{2}$ and $N\frac{1}{2}SW\frac{1}{4}$ of Section 22, Township 4 North, Range 36 East, B.M.

Very truly yours,

E. N. HUMPHREY, Deputy
and Acting State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

23786

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

Permit No. G-23786This proof is for C/W & Beneficial Use

In Water District No. _____

1. Name of applicant J. E. Garner, Rexburg, Idaho2. Source of water supply: Subterranean Flow (Wells)On the North Center line of N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 22, and3. Location of point of diversion: is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15T. 4 N R. 36 E. County of Jefferson4. Describe works as they exist, giving dimensions and capacities of same: h = 31.7' - measured East well250 hp. U.S. Motor #1060285 Peerless Turbine 72204300 hp. Submersible Byron Jackson #338265Spec. says 2100 gpm 477 T.O.H.5. Water is used for: Irrigation and domestic purposes6. State whether or not water has been turned into works of diversion: yes

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):

(Amdmt) Township 4 North, Range 36 East.Section 15 - NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ Section 14 - S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22 - N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ a total of 1080 acres.See map.

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

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

Remarks: _____

Crops are hay-grain-potatoesall sprinkler. 21 lines. Standard 60-40with 4" - 1/4 mile laterals main line 10" - 8" - 6"buried steel. 3/16" single nozzlessaw Mr. GarnerThis examination was made on the 14 day of May, 1958(Signed) E. N. Humphrey Examiner.23786

East well

250 hp U.S. Motor

#140V, #1060000

Peerless
#72204
RECEIVED
MAY 30 1958

Department of Reclamation

[D] Control Panels
to N. 4

Conc. floor 10' x 16'

Sheet metal house

7' high

10" del to East into

closed line N-S

250 x 110 x 70 x 550 = 250

317
60
377

350
allow 27' dia

6-311 on E. well (measured)
225" = East well

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.

Permit No. 0-23786

Done on 26 Jan at 11 AM,
Examination for C/N & Beneficial Use

County Jefferson

158.22 - 4N. - 36E.

P. 13.6 a.c.s. 13.6
50
6800

2- Wells

NW. SW., Sec. 15
R.D. 22 NE. 22 } 4N. - 36E

Use irrigation & Domestic

#1 = 324' x 20" h = 300' 3/4" w/gp @ 40"

#2 = 420' x 20" h = 317'

Filed - Feb. 20, 1953

Done - Feb. 27, 1958

21 - 4 mi Sprinkler

Laterals

Sprinklers = 3' x 1/6" & 7' x 1/32"

[D] Panel Type

2300V, 60 cy. 3 Ph.
Class 8940

Cable cover to protect
against him on Panel.

Byron Jackson Substation
Pump 16 CK L. 5516

2100 gpm

477 Hd. Ft

Motor 300

Size 10"

Type H

1750 RPM

10" dia. to West

Closed buried steel line

N. South

237
250
250

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-23786

REPORT ON PROOF OF Completion of Works & Beneficial Use

J. E. Garner, Rexburg, Idaho

Appl. 13.60

~~0/11..~~

Sub 20
acres 800

J. H. C. S.

E. N. H.

amendment needed

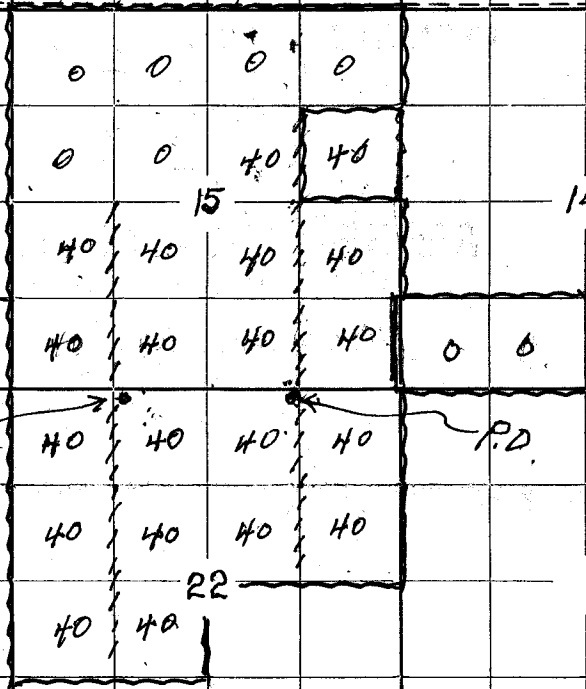
R-36E.

TO ROBERTS

T.
4
N.

300 hp
Submersible
P.D.

P.D.



Subdivisions = 20

Area = 800 acres.

Q = $\frac{236'' \text{ East well} + 234'' \text{ West well}}{470 \text{ inches}}$
9.4 cfs.

Well P.D. amendment

Land amendment

March 31, 1958

Re: Permit No. G-23786

Mr. J. E. Garner
Rexburg
Idaho

Dear Mr. Garner:

This acknowledges receipt of the depositions of Holder and two witnesses and the affidavit of publication in The Rigby Star in proof of completion of works and beneficial use under Permit No. G-23786.

Before a permit can be licensed, the law requires that a field examination be made by an engineer from this department. At this time we cannot say just when this will be made but our field engineer will contact you prior to the time he is to make the inspection so that you can arrange to accompany him.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls

cc: W. Lloyd Adams and Mary Smith
Attorneys At Law
Rexburg, Idaho
Attn: Mary Smith

23786

March 27, 1958

Re: Permit No. G-23785

W. Lloyd Adams and Mary Smith
Attorneys At Law
Rexburg, Idaho

Attention: Mary Smith

Dear Madam:

This will acknowledge receipt of the Deposition of Holder and two witnesses in connection with the J. E. Garner Permit No. G-23786.

However, we are writing you in regard to Permit No. G-23785, also in the name of Mr. Garner, which you state in your letter of March 26th that Mr. Garner intends to abandon said permit for the reason that he is not in a position to make Completion of Works and Beneficial Use on same at this time.

We are enclosing herewith, a form of relinquishment and if you have Mr. Garner sign same, relinquishing this permit, it will save Mr. Garner and this department time in going through the cancellation procedure.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw
Encls. Relinquishment Form

23786

LAW OFFICES
W. LLOYD ADAMS
AND
MARY SMITH
REXBURG, IDAHO

RECEIVED
MAR 27 1958
Department of Reclamation

March 26, 1958

Mrs. Edna P. Rutledge, Chief Clerk
Department of Reclamation
Boise, Idaho

Re: Permit #G-23786

Dear Mrs. Rutledge:

I am enclosing herewith the Deposition of Two Witnesses in the above matter, together with the Deposition of the holder, J. E. Garner.

I am sorry, I was a little delayed in securing the Affidavit of Publication, and did not get these mailed sooner.

In going into the matter further, I find that in regards to Permit No. G-23785 Mr. Garner says he has to abandon that at the present time and is not in a position to go on with the matter. That at some later date he would like to re-apply. } Note

If there is anything further that I should do, please let me know. Thank you for the many considerations and kindnesses that you have extended to me.

Yours very truly,

Mary Smith
Mary Smith

rv

Enclosures

J 23786

Affidavit of Publication

THE RIGBY STAR

RECEIVED
MAR 27 1958
Department of Reclamation

STATE OF IDAHO,
County of Jefferson ss.

Hope B Jones
I, *Hope B Jones*, do solemnly swear that I am the printer of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county, for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for

Four consecutive issues thereof; first publication having been made on the

23rd day of *January*, 19*58*

and last publication on the

13th day of *February*, 19*58*

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches depth; and that there are at least two hundred bona fide subscribers in Jefferson County.

Hope B Jones

Subscribed in my presence and sworn to before me this *24th*

day of *March*, 19*58*

(SEAL)

Mary Smith

Notary Public for the State of Idaho,
Residence and P. O. Address: Rigby, Idaho.
My commission expires _____, 19____

Publication Fee: \$ *PK*

23786

NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that 2:00 p.m., on the 27th day of February, 1958, at Rexburg, County of Madison, State of Idaho, before Mary Smith, Notary Public, at Rexburg, Idaho, proof will be submitted of the completion of works for the diversion of 13.60 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-23786 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are J. E. Garner, Rexburg, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 13.60 cubic feet per second.

3. The use to which said water has been applied is Irrigation and Domestic purposes, and the amount applied to beneficial use is 13.60 cubic feet per second.

4. The point of diversion of said water is On North Center of N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 22 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 4 North, Range 36 East.

5. The place where said water is used is NE $\frac{1}{4}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ Section 15; S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 14; N $\frac{1}{2}$ & N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 22, Township 4 North, Range 36 East.

6. The date of priority which said user is prepared to establish is February 20, 1953.

MARK R. KULP,

State Reclamation Engineer

(Pub. Jan. 23-30, Feb. 6-13, 1958)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAR 27 1958
Department of Reclamation

Permit No. G-23786

Proof of Application of Water to Beneficial Use

and Completion of Works Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. ☒ J. E. Garner, Rexburg, Idaho. Livestock and farming.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. ☒ G-23786, February 20, 1953. Propose priority February 20, 1953.

Ques. 4. State source of water supply, and give exact location of point of diversion.

Ans. ☒ Subterranean flow (wells). ^{Well No. 1} On the North Center line of N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 22, and North Center line of N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 22, Township 4 North, Range 36 East, Boise Meridian.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Well No. 1 (N. center line N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 22) Depth of well, 324 ft.;
Depth and size of casing 15' x 20", depth to water 300 ft., Discharge of pump 10". Measured and determined by Office. Sprinkler - R. Bird 330 - No. and size of nozzles and operating pressure 3/16 @ 40 lbs.
Well No. 2: Depth of well 420'; Depth and size of casing 20" x 12';
Depth to water 317', discharge of pump 10" measured and determined by Office. Sprinkler - R. Bird 330 - no. and size of nozzles and operating pressure 3/16 @ 40 lbs.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. ☒ NE $\frac{1}{4}$ NE $\frac{1}{4}$; W $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$; S $\frac{1}{2}$ Sec. 15; S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 14; N $\frac{1}{2}$ & N $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 22, Township 4 North, Range 36 East, Boise Meridian. S $\frac{1}{2}$ of Sec. 15 and N $\frac{1}{2}$ Sec. 22 have actually been irrigated & also SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15. The remainder will be irrigated as soon as we can clear it. It is all cultivated land and we have had to clear every acre to place it under cultivation. As a result of the use we have grown crops on said cleared acreage as above designated. We have also built two potato cellars and a pump house.

23786

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. None

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 13.60 cubic feet per second.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Well No. 1 grew a crop in 1956 and both wells in 1957

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. None

(Sign)

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Rexburg, County of Madison, State of Idaho, on this 27th day of February, A. D. 1958.

Mary Smith

My commission expires June 25, 1959.

23786

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAR 27 1958
Department of Reclamation

Permit No. G-23786

Proof of Application of Water to Beneficial Use
Deposition of Witness ^{and Completion of Works}

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. John D. Parkinson, 47, Rexburg, Idaho, farmer. Address:
Rexburg, Idaho

Ques. 2. Are you acquainted with J. E. Garner, the holder of Permit No. G-23786? How long have you known him and where does he reside?

Ans. I have known him for more than 20 years. He resides at
Rexburg, Idaho.

Ques. 3. Have you read or heard read said Permit No. G-23786, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. The water supply is from wells and conveys the water by pump and
sprinkler system. Well No. 1 is located on aprox. the center line of
N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 22, and Well No. 2 is located on aprx. the North center line
of N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 22, all in Township 4 N., Range 36 E.B.M.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 13.60 cfs. I have seen the pumps working at full capacity.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. Discharge of pumps 10" each. Measured by Orifice.

A 23786

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Used for irrigation on NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{4}$ Sec. 15; S $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, N $\frac{1}{4}$ and N $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 22, T 4 N., R 36 E.B.M. It is cultivated land and S $\frac{1}{4}$ Sec. 15, N $\frac{1}{4}$ Sec. 22, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15, have been irrigated. The remainder is being cleared. Mr. Garner has grown irrigated crops on the cleared land and built two potatoe cellars and a pump house. He is clearing the remainder of the land as rapidly as possible.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. None.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Sandy soil and will require 13.60 cfs for profitable cultivation.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have been to Mr. Garner's property above described many times during the last three years and have watched the construction of his wells, the clearing of his land and the use of the water from the wells on the land for irrigation.

(Signed)

John D. Parkinson

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Rexburg, County of Madison, State of Idaho, on this 27th day of February, A. D. 1958.

Mary Smith

Notary Public.

My commission expires June 25, 1959.

23286

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAR 27 1958
Department of Reclamation

Permit No. G-23786

Proof of Application of Water to Beneficial Use
Deposition of Witness *and Completion of Works*

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Karl C. Klingler, 66, Rexburg, Idaho, Mgr. Business Development
Department of the Rexburg Division of the Utah Power & Light Co.,
Rexburg, Idaho.

Ques. 2. Are you acquainted with J. E. Garner, the
holder of Permit No. G-23786? How long have you known him and where does
he reside? I have known him 55 years and he resides at Rexburg, Idaho.

Ans. _____

Ques. 3. Have you read or heard read said Permit No. G-23786, and are you
familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for con-
veying water from point of diversion to place of use. on aprx.

Ans. Subterranean flow (wells). Well No. 1/N. center line of N $\frac{1}{2}$ NE $\frac{1}{4}$
on aprx.
Sec. 22, and Well No. 2/N. center line of N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 22, Township 4 N.,
R 36 E.B.M. Water conveyed by pump and sprinkler system.

Ques. 5. How many second feet of water do you estimate said works will safely con-
duct to place of use, and how much water have you seen being so conveyed?

Ans. Works will safely conduct to place of use 13.60 cfs. I have seen
the pumps working at full capacity.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons
per minute have you seen the pump deliver, and how did you measure or estimate the
amount?

Ans. Discharge of pumps 10" each. Measured by Orifice.

L 23786

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation use, on NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ Sec. 15; S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 14, N $\frac{1}{2}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 22, Township 4 N., R 36 E.B.M. It is cultivated land and S $\frac{1}{2}$ Sec. 15, N $\frac{1}{2}$ Sec. 22, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 15, have been irrigated. The remainder is being cleared. Mr. Garner has grown crops on the cleared land and built two potatoe cellars and a pump house.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what etxent.

Ans. None

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Sandy soil - sagebrush. The entire acreage to be placed under cultivation will require 13.60 cfs. for profitable cultivation.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have been out to Mr. Garner's a great many times during the last two years as I have been particularly interested as manager of the Business Development department for my company. I have seen the wells under construction, and the land being cleared, and I have also seen the cleared land under cultivation and the crops that he has grown and harvested thereon.

(Signed)

Carl C. Klingler

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Rexburg, County of Madison, State of Idaho, on this 27th day of February, A. D. 1958..

Mary Smith

Notary Public.

My commission expires June 25, 1959.

23286

March 20, 1958

Re: Permit No. G-23786
J. E. Garner

Mary Smith
Attorney At Law
Rexburg, Idaho

Dear Mrs. Smith:

According to the publication notice sent to the Rigby Star, Mr. J. E. Garner, Rexburg, Idaho, and his two witnesses were to appear before you at 2:00 P. M. on February 27, 1958, to complete the Depositions of Proof of Completion of Works & Beneficial Use on Permit No. G-23786.

To date these depositions of proof have not been received in this department. We will require these proofs in order that Mr. Garner's permit remain valid.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge (Mrs.)
Chief Clerk

EPR:lw
cc: Mr. J. E. Garner

16 23786

January 27, 1958

RE: Permit Nos. G-23785 & G-23786
J.E. Garner

Rigby Star
Rigby, Idaho

Gentlemen:

Please mail us a copy of the Legal Publications on Permit numbers
G-23785 & G-23786, in the name of J.E. Garner.

Your acknowledgment received in this department January 20th, states
that the first publication would be in your January 23rd issue.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge (Mrs.)
Chief Clerk

R:vm

23786

January 20, 1958

RE: Permit Nos. G-23785 & G-23786

W. Lloyd Adams
and
Mary Smith
Attorneys

Attention: Mary Smith

Dear Madam:

Enclosed the depositions to be completed on the above captioned Permits, in the name of J.E. Garner, which are to be made before you, as Notary Public, at 2:00 P.M. on the 27th day of February.

In completing the enclosed depositions, it is very important that the Permit holder and his two disinterested witnesses, who are familiar with the terms and the work done thereunder, execute the depositions before you, as Notary, at the time, date and place as advertised in the publication Notice. The signatures of the holder and witnesses, and, your Notary seal are essential.

When returning the depositions to this office, please be sure to include the affidavit of publication.

Very truly yours,

MARK R. KILP
State Reclamation Engineer
by

Edna P. Rutledge (Mrs)
Chief Clerk

R:vm
Encl.
cc. J.E. Garner

23786

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: January 16, 1958

Re: Permit No. G-23786

Rigby Star
Rigby, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **February 27, 1958** the date set for proof, the expense of the publication to be paid by the applicant, 's Attorney, Mary Smith of Rexburg, Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw

23786

Only one authorization mailed in, and it is
on file in File G-23785

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that 2:00 P., M., on the 27th day of February,
1958, at Rexburg, County of Madison, State of Idaho,
before Mary Smith, Notary Public, at (address) Rexburg
Idaho, proof will be submitted of the completion
of works for the diversion of 13.60 cubic feet per second of underground
water from a well, and of the application to beneficial use of said water,
in accordance with the terms and conditions of Permit No. G-23786 heretofore
issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding
said permit are J. E. Garner, Rexburg, Idaho

2. Said works of diversion will be fully completed on the date set for
such completion, and the amount of water which said works are capable of con-
veying to the place of use is 13.60 cubic feet per second.

3. The use to which said water has been applied is Irrigation and
Domestic purposes, and the amount applied to beneficial use is
13.60 cubic feet per second.

4. The point of diversion of said water is On North Center of N $\frac{1}{2}$ NE $\frac{1}{4}$ of
Section 22 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 4 North, Range 36 East.

5. The place where said water is used is NE $\frac{1}{4}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ Section
15; S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 14; N $\frac{1}{2}$ & N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22, Township 4 North, Range 36 East.

6. The date of priority which said user is prepared to establish is
February 20, 1953.

A 23786

MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JAN 2 6 1958
Department of Reclamation

Date: January 16, 1958

Re: Permit No. G-23786
J.E. Garner.
Rigby Star
Rigby, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to February 27, 1958 the date set for proof, the expense of the publication to be paid by the applicant, 's Attorney, Mary Smith of Rexburg, Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw

Received Jan 18, 1958
Publication dates Jan 23-30 - Feb 6, 13, 20, 27
The Rigby Star
Harold B. Jones *A 23786*

January 16, 1958

Re: Permit Nos. G-23785 and G-23786
J. E. Garner

Law Offices
W. Lloyd Adams & Mary Smith
Redburg, Idaho

Attention: Mary Smith

Dear Miss Smith:

As per your request, we are mailing publication notices to the Rigby Star, Rigby, Idaho, as of this date, in connection with the copies of the publication notices enclosed herewith.

We are mailing you, under separate cover, Applications for Permit to appropriate subterranean water and also surface water, Forms 3 and 1.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw
Encls.

A 23786

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

RE: Permit No. ~~G-23785 & G-23786~~

Date ~~December 1, 1957~~

J.E. Garner
Rexburg, Idaho

Dear Sir:

The date for proofs of completion of works and application of water to beneficial use, as set out under the terms of Permit No. ~~G-23785 & G-23786~~ are due not later than February 27, 1958.

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper with the county.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least forty (40) days before the above mentioned date, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed on, for what purpose it is used, the point or points of diversion and the location of use or the lands which are irrigated--all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with Forms 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named and before the notary public, as advertised in the publication notice.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

Enclosures

23786

4-279

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Land Office
P. O. Box 2237
Boise, Idaho

RECEIVED
APR 12 1957
Department of Reclamation

April 10, 1957

(Date)

Mr. Reed E. Garner

NOTICE OF ALLOWANCE

Rexburg

Idaho

Sir:

Your Desert Land Entry, Serial No. Idaho 07388
(Kind of application or entry)
Receipt No. 375266, for NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 15,
Township 4 N., Range 36 E., Boise

Meridian, containing 280 acres, has this day been allowed, subject to your further compliance with law and regulations applicable thereto. In correspondence relating to this entry, always refer to the serial number.

The above entry is allowed subject to any valid existing rights, and to ~~rights-of-way for the Utah Power and Light Company on the NW $\frac{1}{4}$ (05864)~~ and the W $\frac{1}{2}$ NW $\frac{1}{4}$ (06784). The land is subject to a right-of-way for the ~~Idaho Power Company (055068) on the W $\frac{1}{2}$ NW $\frac{1}{4}$.~~

Very respectfully,

Nolan F. Keil
Nolan F. Keil
Manager

cc: DRM, I-3
State Recl. Engr., Boise
R.M.
Lands Officer

23786

March 15, 1957

Re: Permit No. G-23786
J. E. Garner

W. Lloyd Adams & Mary Smith
Attorneys
Rexburg, Idaho

ATTENTION: Mary Smith

Dear Miss Smith:

Re: your letter of March 11, 1957, this is to inform you that Mr. J. E. Garner was in our office on February 13, 1957, at which time he amended Permit No. G-23786 to read as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ of Section 15; S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 14; N $\frac{1}{2}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 22; all in Township 4 North, Range 36 East B.M.

You will see on the photostatic copy of the amendment enclosed, that the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 22 has been amended. Same has been recorded in the Department of Reclamation.

There is no way in which Mr. Garner can obtain additional water to that which is shown on the permit. A permit cannot be amended to increase the water filed on. Therefore, if Mr. Garner finds that there is not an adequate amount of water on his present well (up to the amount as shown on the permit) to water his said land, he can file an application for permit which will bring his water right up to and including one inch per acre for all the land he intends to irrigate.

We hope this will answer your inquiry.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:als

Enc.

M 23786

LAW OFFICES
W. LLOYD ADAMS
AND
MARY SMITH
REXBURG, IDAHO

RECEIVED
MAR 12 1957
Department of Reclamation

March 11, 1957

State Reclamation Engineer
Bureau of Reclamation
Boise, Idaho

Permit No. G 23786
J. E. Garner

Dear Sir:

As I understand, Mr. Garner amended the above numbered permit at one time and he would now, if possible, like to amend it again to include the $N\frac{1}{2}SW\frac{1}{4}$ of Section 22, Township 4 North, Range 36 E.B.M., and also include in the amendment an additional amount of water to cover this eighty acres.

If this can be done, I would appreciate it very much if you would send me the necessary papers and also, if possible, send me a copy of the other amendment. If he is permitted to amend his application, Mr. Garner plans to install a larger motor on his pump and dig his well a little deeper which would permit him to draw an additional amount of water to take care of this eighty acres. In the event you permit him to again amend his application, he plans to have this additional eighty acres under irrigation this spring and I think would be in a position to submit his proof then, although he has until February 27, 1958, to do so.

Any consideration you can give us will be greatly appreciated.

Yours very truly,

Mary Smith
Mary Smith

23786

rs

February 26, 1957

Re: Permit No. G-23786

Mr. J. E. Garner
Rexburg
Idaho

Dear Mr. Garner:

We enclose Application for Amendment to Permit No. G-23786 which has changed the list of lands as listed in the original permit to read as follows: NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ S $\frac{1}{2}$ Section 15; S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 14; N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22, Township 4 North, Range 36 East B.M.

This amendment has been approved by the State Reclamation Engineer and is recorded in conjunction with Permit No. G-23786 in the Department of Reclamation in Book 84 of Permits at Page 23786. It should now be attached to the original permit to which it refers and of which it becomes a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

ER:nls
Enclosure

23786

To Permit to appropriate the Public Waters
of the State of Idaho, No. G-23786

Comes now J.E. Garner, and represents to the State Reclamation Engineer of the State of Idaho.

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-23786, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ Section 15, S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 14, N $\frac{1}{2}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22, Twp. 4.N. Range 36.E. B.M.

making a total of 1080 acres.

That an additional amount of water is needed for, and that the rights of others will not be adversely affected by such change.

Signed at Boise Idaho, this 10th day of February, 1957.

J.E. Garner

Date of receipt at office of Department of Reclamation February 13, 1957

APPROVAL OF STATE RECLAMATION ENGINEER

I, MARK R. KULP, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-23786. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

extra copy

Mark R Kulp

Application for Amendment
To Permit to Appropriate the Public Waters
of the State of Idaho, No. G-23786

Comes now J.E. Garner, and represents to the State Reclamation Engineer of the State of Idaho.

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G-23786, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$ Section 15, S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 14, N $\frac{1}{2}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22, Twp. 4.N. Range 36.E. B.M.

making a total of 1080 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Boise Idaho, this 13th, day of February, 1957.

J.E. Garner

Date of receipt at office of Department of Reclamation February 13, 1957

APPROVAL OF STATE RECLAMATION ENGINEER

I, MARK R. KULP, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. G-23786. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

G 23786

Mark R Kulp

August 14, 1956

RE: Permit No. G-23786

Mr. James J. Kelly
Range and Forestry Consultant
Idaho Falls, Idaho

Dear Mr. Kelly:

We enclose herewith Amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-23786 in the name of J. E. Garner.

This Amendment has been approved and recorded in this Department.

We also enclose departmental receipt No. G-2063 for the \$2.00 in payment for the two copies of the Amendment, one of which has been certified, which we have sent to the Bureau of Land Management.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R: cu
Enc.

J 23786

August 14, 1956

RE: Permit No. G-23786

Idaho District Land Office
P. O. Box 2237
Boise, Idaho

Gentlemen:

We are enclosing two copies of Permit No. G-23786, one of which has been certified, to be used in connection with the Reed Garner, Desert Land Application L-07388.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:cu
Enc.

CC: Mr. James J. Kelly
Smith-Hart Building
Idaho Falls, Idaho

23786

JAMES J. KELLY

Range and Forestry Consultant

IDAHO FALLS, IDAHO

Office:
Smith-Hart Building
RESIDENCE:
302 12th STREET

August 4, 1956

PHONES:
OFFICE 5446
RESIDENCE 4561-J

State Department of Reclamation

Boise, Idaho

Mr. Roy W. Thompson

RECEIVED
AUG 6 1956
Department of Reclamation

Dear Mr. Thompson:

In response to your letter of July 27, 1956 there is enclosed the executed amendment of J.E. Garner. Also enclosed is a check for \$2.00 as payment for transmitting a certified and uncertified copy of the water permit to the Bureau of Land Management. When sending these copies to the B.L.M. please refer them to the Fred Garner, Desert Land Application, I-07388.

The well location on the original permit is correct and my description was in error in my letter of July 25, 1956.

Thanking you for your prompt and courteous action in this case, I remain

Very Truly Yours
James J. Kelly

A 23786

To Permit to Appropriate the Public Waters
of the State of Idaho, No. G-23786

RECEIVED
AUG 6 1956
Department of Reclamation

Comes now J.E. Garner, and represents to the State
Reclamation Engineer of the State of Idaho.

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of
Idaho, No. G-23786, and requests that the list of lands to be irrigated, as described in said
permit, be changed to read as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and the S $\frac{1}{2}$ Section 15, S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 14,
N $\frac{1}{2}$ Section 22, all in Twp. 4.N, Range 36.E. B.M.

making a total of 960 acres.

That an additional amount of water is not asked for, and that the rights of others will not be ad-
versely affected by such change.

Signed at Idaho Falls this 4th day of August, 1956
J.E. Garner

Date of receipt at office of Department of Reclamation August 6, 1956

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve
the above and foregoing application for amendment to Permit to Appropriate the Public Waters of
the State of Idaho, No. G-23786. This approval constitutes a new permit and is issued as an
amendment to the original permit, to which it refers, and of which it becomes a part, and said appli-
cation is approved only insofar as the rights of others will not be adversely affected thereby.

23786

Mark R. Kulp
State Reclamation Engineer

July 27, 1956

RE: Permit No. G-23786

Mr. James J. Kelly
Smith-Hart Building
Idaho Falls, Idaho

Dear Mr. Kelly:

We are in receipt of a letter from you dated July 25, 1956, requesting Amendment to the land list of the lands described in the above captioned Permit in the name of J. E. Garner of Rexburg, Idaho, to include in addition to the lands stated in the Permit Application, NW¹/₄, W¹/₂NE¹/₄, NE¹/₂NE¹/₄, Section 15, Township 4 North, Range 36 East.

You state that there is sufficient water that can be pumped from the well to irrigate this additional land from the Garner well located in the SW¹/₂SE¹/₄, Section 15, Township 4 North, Range 36 East.

We are enclosing herewith an Application for Amendment which describes and includes the additional lands that you wish to add to the lands as shown in the original Permit. Mr. Garner should sign this Amendment and return to this Department.

Our records show that Mr. Garner applied for wells located in the NW¹/₄SW¹/₄, Section 15 and a well in the center of the NE¹/₂NE¹/₄ of Section 22 near the North boundary line.

Our records do not disclose that Mr. Garner has a well in the SW¹/₂SE¹/₄ of Section 15. Providing Mr. Garner has changed the location of his well from the original points as shown in the application the same should be amended on the form enclosed.

Please have the same completed and return to this Department after which the land list will be amended to comply with your letter of July 25, 1956.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:cu
Enc.

23786

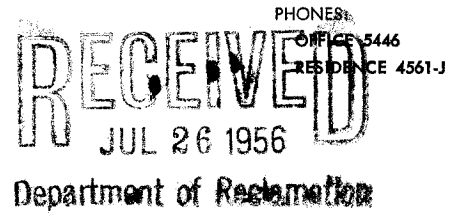
JAMES J. KELLY

Range and Forestry Consultant

IDAHO FALLS, IDAHO

Office:
Smith-Hart Building
RESIDENCE:
302 12th STREET

July 25, 1956



State of Idaho
Department of Reclamation
Boise, Idaho

Dear Sir:

Mr. J. E. Garner, Rexburg, Idaho wishes to amend his water permit G 23786 approved 2/27/53 to include the following described U.S. land which has been applied for under the Desert Land Act.

T.4N, R.36E, B.M. Sec. 15, NW⁴, W²NE⁴, NE⁴NE⁴ - Jefferson County.

There is sufficient water to irrigate this land from the Garner well in the SW⁴SE⁴, Sec. 15, T.4N, R.36E, by employing 1/2 Miners Inch per acre to the U.S. land applied for. The land is being irrigated by sprinkler.

If there is anything else required to effect this amendment please so notify this office immediately. Otherwise, this letter shall constitute the amendment.

Respectfully yours
James J. Kelly

#23786

SEE LETTER OF TRANSMITTAL IN FILE FOLDER No. G-23785

June 7, 1956

Re: Permit No. G-23786

Mr. W. Lloyd Adams
Attorney at Law
Rexburg, Idaho

Dear Mr. Adams:

We have your letter of June 6, 1956, stating that Mr. J. E. Garner is prepared to make proofs of completion of works and beneficial use on his Permit No. G-23786.

Before these proofs are made, the statutes require publication of a notice once a week for four weeks in a county newspaper. This notice should be made in duplicate on Form 36, enclosed, setting the time and place and naming the notary public before whom the proofs are to be made.

The proofs may be made at any place convenient for you and your two witnesses but the date must be set far enough ahead to allow for four weeks publication.

Both copies of Form 36 to be returned to this department together with Form 11 which is your authorization for us to have the notice published at your expense in the designated county newspaper.

We shall then send a copy of the notice to the newspaper with instructions in regard to publishing and shall send you the forms of deposition to be executed by yourself and two disinterested witnesses in making these proofs.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR
Enc.
cc: J.E. Garner

23786

LAW OFFICES
W. LLOYD ADAMS
AND
MARY SMITH
REXBURG, IDAHO

RECEIVED
JUN 7 1956
Department of Reclamation

June 6,
1956

State Reclamation Engineer
Bureau of Reclamation
Boise, Idaho

Permit No. G23786
J. E. Garner

Dear Sir:

Mr. J. E. Garner, holder of the above numbered permit is now ready to submit completion of works and beneficial use of water. I would appreciate it very much if you would send me the necessary blanks.

Yours very truly,

Mary Smith

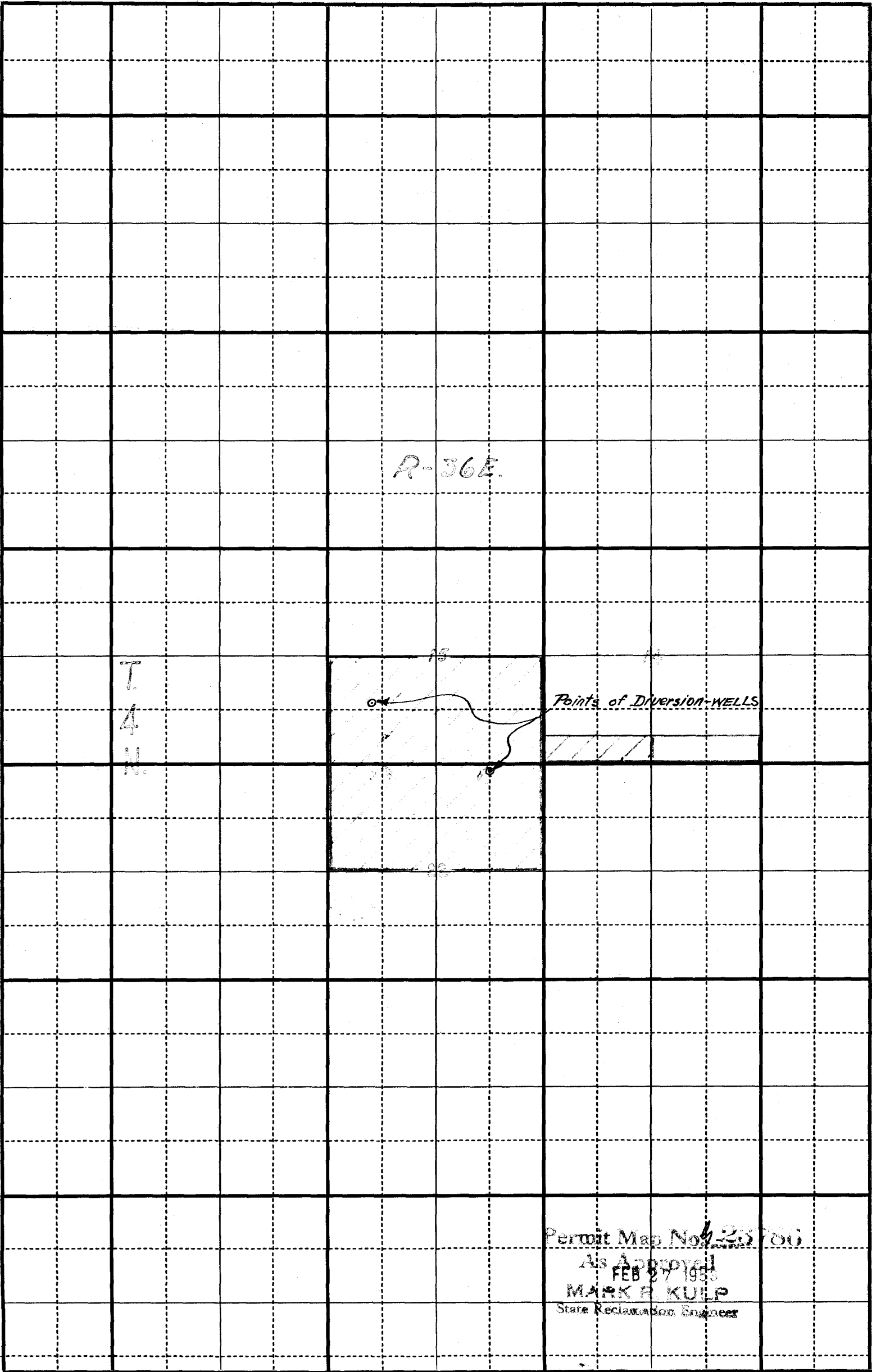
Mary Smith

S

13.60 cfs

Prosp due 2-27-58

23786



NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that 2:00 p.m., on the 27th day of February, 1958, at Rexburg, County of Madison, State of Idaho, before Mary Smith, Notary Public, at Rexburg, Idaho, proof will be submitted of the completion of works for the diversion of 13.60 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-23786 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are J. E. Garner, Rexburg, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 13.60 cubic feet per second.

3. The use to which said water has been applied is Irrigation and Domestic purposes, and the amount applied to beneficial use is 13.60 cubic feet per second.

4. The point of diversion of said water is On North Center of $N\frac{1}{2}NE\frac{1}{4}$ of Section 22 and the $NW\frac{1}{4}SW\frac{1}{4}$ of Section 15, Township 4 North, Range 36 East.

5. The place where said water is used is $NE\frac{1}{4}NE\frac{1}{4}$; $W\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}$, $S\frac{1}{2}$ Section 15; $S\frac{1}{2}SW\frac{1}{4}$ of Section 14; $N\frac{1}{2}$ & $N\frac{1}{2}SW\frac{1}{4}$, Section 22, Township 4 North, Range 36 East.

6. The date of priority which said user prepared to establish is February 20, 1953.

MARK R. KULP,

State Reclamation Engineer

(Pub. Jan. 23-30, Feb. 6-13, 1958)