

1920

29	28
----	----

388

+ 40

10x

P.A.

74

04

40

D-277

7

20

20th

40

4

40

40

Handwritten signature: *X. M. O.*

30X

35-2732

50	29
51	32

29	28
32	33

SEC. 29

Cope Drilling & Pump Co.)
Tide Falls Tide

356-3116

732

Permit No. G-31711 / 35-2732

Name of Applicant Richard A. Egbert and E. Max Phillips, Rexburg, Idaho

Source of Water Subterranean 583 Tetonian, Idaho

a tributary of

Location of P.D. SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, T. 4 N, R. 36 E, B.M., Jefferson Co.

Water is used for Irrigation

Quantity of water claimed: Permit 15.2 c.f.s. Depositions 10.4 c.f.s.

Type of measuring device installed or method of measurement and general description

of diversion works well, pump, sprinkler system.

430'x20", H - 273', Q - 15.2 c.f.s. (Cope Well Drilling)

510 nozzles, 48#

TWP.	RGE.	SEC.

4 N	36 E	29	$W_{\frac{1}{2}}^1 N E_{\frac{1}{4}}^1$, $SE_{\frac{1}{4}}^1 N E_{\frac{1}{4}}^1$, $E_{\frac{1}{2}}^1 N W_{\frac{1}{4}}^1$, $S_{\frac{1}{2}}^1$
-----	------	----	--

30	$W_{\frac{1}{2}}NE\frac{1}{4}, SE\frac{1}{4}$
----	---

[illegible][illegible]

Date filed:	February 4, 1964	Total acreage	deps - 520 acres
Proof due:	February 7, 1969		permit - 760 acres

Proof made: July 26, 1968

Priority: February 4, 1964

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and

acreage covered by subdivision; also show land covered on the map.

None

35-2732

Affidavit of Publication

THE RIGBY STAR

RECEIVED

AUG 21 1968

Department of Reclamation

STATE OF IDAHO }
County of Jefferson } ss.

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 4th day of July, 1968

and the last publication on the

25th day of July, 1968

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 a least two hundred bona fide subscribers in Jefferson County.

Hope B Jones

Subscribed in my presence and sworn to before me this 12

day of August, 1968
(SEAL)

B. H. Harnum
Notary Public for the State of Idaho,
Residence and P. O. Address, Rigby, Idaho.

My commission expires _____, 19____

Publication Fee: \$_____

MY COMMISSION EXPIRES JULY 15, 1969

NOTICE OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL Use

Notice is hereby given that on July 26, 1968, at Rexburg, County of Madison, State of Idaho, before notary public Mary Smith, 30 S. 2nd West, Rexburg, Idaho, proof will be submitted of the completion of works for the diversion of 15.2 c.f.s. of the waters of a subterranean source, and the application to beneficial use of said water, in accordance with the terms and conditions of permit G-31711, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Richard A. Egbert and E. Max Phillips, Rexburg, Idaho.

2. Said works of diversion will be fully completed on the date for such

completion, and the amount of water which said works are capable of conveying to the place of use is 15.2 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 15.2 c.f.s.

4. The point of diversion of said water is SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, T. 4 N, R. 36 E, B.M., Jefferson County.

5. The place where said water is used is W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 29; W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 30, T. 4 N, R. 36 E, B.M.

6. The date of priority which said user is prepared to establish is February 4, 1964.

R. KEITH HIGGINSON
State Reclamation Engineer
Publish July 4, 11, 18, 25, 1968.

531711

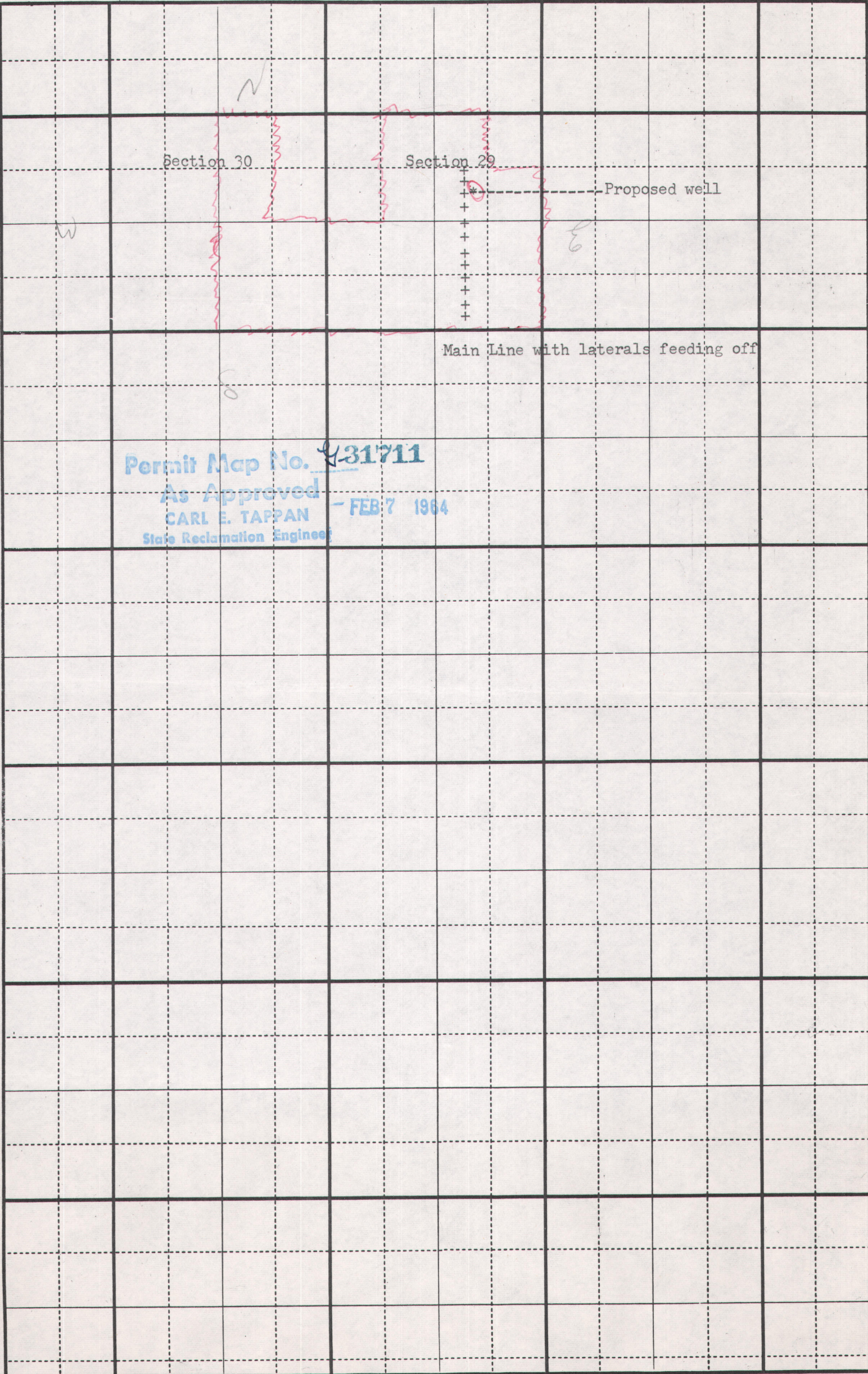
**NOTICE OF COMPLETION OF
WORKS AND APPLICATION OF
WATER TO BENEFICIAL Use**

Notice is hereby given that on July 26, 1968, at Rexburg, County of Madison, State of Idaho, before notary public Mary Smith, 30 S. 2nd West, Rexburg, Idaho, proof will be submitted of the completion of works for the diversion of 15.2 c.f.s. of the waters of a subterranean source, and the application to beneficial use of said water, in accordance with the terms and conditions of permit G-31711, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Richard A. Egbert and E. Max Phillips, Rexburg, Idaho.
 2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 15.2 cubic feet per second.
 3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 15.2 c.f.s.
 4. The point of diversion of said water is SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, T. 4 N, R. 36 E, B.M., Jefferson County.
 5. The place where said water is used is W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 29; W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 30, T. 4 N, R. 36 E, B.M.
 6. The date of priority which said user is prepared to establish is February 4, 1964.
- R. KEITH HIGGINSON
State Reclamation Engineer
Publish July 4, 11, 18, 25, 1968.

NAME OF APPLICANT Richard A. Egbert and E. Max Phillips

Form No. 0



31711

State of Idaho
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 31711/35-2732 Priority Feb. 4, 1964 Amount 5.68 cfs

THIS IS TO CERTIFY, that Richard A. Egbert & E. Max Phillips
of Rexburg, Idaho, have ~~xxx~~ complied with the terms and conditions of Permit
No. 31711/35-2732 issued pursuant to Application for Permit dated February 4, 1964,
and has submitted proof to the Department of Water Administration on July 26, 1968,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 5.68 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u> from <u>April 1</u> to <u>Nov. 1</u> at <u>5.68</u> cfs and <u>1,435 acre feet or</u> <u>3.5 af per acre</u>			
_____ from _____ to _____ at _____ cfs and _____			
_____ from _____ to _____ at _____ cfs and _____			

(both dates inclusive)

Subject, however, to the condition that no more than 5.68 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1,435 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 29,
Twp. 4 N, Rge. 36 E, B.M. in the County of Jefferson

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4 N	36 E	29	40	40	40	10				40	40			40	40	40	40	40	410

Total number of acres irrigated 410

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 5 day of
March, 19 74.

Director

35-2732

Cope Drilling and
Pump Co.
P.O. #1196
Idaho Falls, Idaho

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 39825
Permit No. G- 31711
District No.

1. Name of Applicant: Richard A. Egbert and E. Max Phillips
Postoffice address: Rexburg County: Madison State: Idaho 83660
2. Quantity of water claimed: 15.2 cu.ft. per second = 760 Inches
 (a) Rate of withdrawal in cubic feet per second or Idaho
 Miners' inches or gallons per minute
 (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 29
 Twp. 4 No. , Rge. 36 E. , B.M., County of Jefferson
5. Water is to be used for: Irrigation
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: Drilled well
8. Estimated cost of works: \$ 46,000.00
9. (a) Is reservoir to be used? No
 (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) 15.2 (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.

Richard A. Egbert and E. Max Phillips
Applicant.

By s/ E. Max Phillips Agent.

Date of first receipt at Department of Reclamation: 8:00 A.M. February 4, 1964

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-31711

Recorded in Book 111 Page 31711 Approved February 7, 1964

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 and to continue deligently 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 7, 1966

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before February 7, 1969

Witness my hand this 7 day of February, 1964 s/ CARL E. TAPPAN
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, 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 7th day of February, 1964.

Countersigned: STATE OF IDAHO

(SEAL) By s/ ARNOLD WILLIAMS Secretary of State. By s/ ROBERT E. SMYLLIE 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	29	40	40	40		40		40		40	40	40	40	40	40	40	40	520
4 N	36 E	30	40	40											40	40	40	40	240
															TOTAL				760

LICENSE ISSUED FOR 5268
LICENSE PAGE NO.

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
STATE OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

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

March 6, 1974

Re: Permit No. 31711/35-2732

Richard A. Egbert -and-
E. Max Phillips
Rexburg, Idaho 83440

Gentlemen:

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

Sincerely,

BOBBY D. FLEENOR
Assistant Director

jfr

Enclosure

35-2732

INTER-DEPARTMENT MEMO — 1

RECEIVED

DATE Feb. 28, 1974

FROM Mechelle

MAR 1 1974

TO Darlene

Department of Water Administration

SUBJECT LICENSING FEE

Today we received the licensing fee for Permit No. 35-2732 in the name of Richard A. Egbert & E. Max Phillips, in the amount of \$27.00, Receipt No. 12761.

35-2732 Mechelle
SIGNATURE

February 25, 1974

Re: Permit No. 31711/35-2732

Richard A. Egbert & E. Max Phillips
Rexburg, Idaho 83440

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 31711/35-2732 and has found the following:

Quantity of water diverted: 5.68 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 5.68 cfs

The maximum quantity of water diverted shall not exceed 1,435 acre feet per season.

Beneficial use: For irrigation of 410 acres within the SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, Twp. 4 N, Rge. 36 E

Point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, Twp. 4 N, Rge. 36 E, B.M.

The priority date established is: February 4, 1964

A fee totaling \$ 27.00 must be received within 30 days from the date of this letter in order that we can issue you a Water License as set forth above.

If you do not concur with these findings, please contact this office within the 30 day period.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

jfr

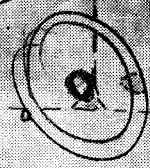
35-2732

20 21
29 28

38.8

40

P.A.



40

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40

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D-277

40

40

SEC. 29

40

40

30 29
31 32

Not irrigating Aug 12-71

Source of supply Ground water
a tributary of SW 1/4 sec 29 T4N R36E
Location of P.D.(s) SW 1/4 sec 29 T4N R36E
Water is used for Irrigation
Quantity of water found Excellent
How was the measurement made? pit & tube
Measurement calculations

Season of use Apr Nov 1

Division works description and diagram
GE Motor 300 HP
440 Volts 1770 RPM
Nº RHT 407006
No data plate on
Peerless pump. ~~440 Volts~~
~~440 Volts~~
16" Main line

Indicate area irrigated in each subdivision on the map. **410**
Total acreage irrigated

If water is used for purposes other than irrigation, fully describe how the water is used and what is done with it after the use.

16" laterals carry the water
5/32" Noz 512 Noz 50 psi Aug.
512 Noz x 4.98 gal/Noz = 2549 gal = 5.68 cts
448.8 gal
cts

3.5 Ad/Ad x 410 Ad = 1435 Ad/Ann
Who represented the permit holder at the examination?
Orville Albertson

Recommended allowance for licensing 5.68 cts
Description of required amendments. Comments. None

Report checked? Jan 7, 1974 John Henshaw
Examination date Aug 15, 1973
Signature William Rhoads

Cope Drilling & Pump Co.)
Idaho Falls, Idaho
276

356-3116

Name of Applicant Richard A. Egbert and E. Max Phillips, Rexburg, Idaho

Source of Water Subterranean 583. Tetonia, Idaho

a tributary of

Location of P.D. SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, T. 4 N, R. 36 E, B.M., Jefferson Co.

Water is used for Irrigation

Quantity of water claimed: Permit 15.2 c.f.s. Depositions 10.4 c.f.s.

Type of measuring device installed or method of measurement and general description of diversion works well, pump, sprinkler system.

430'x20', H - 273', Q - 15.2 c.f.s. (Cope Well Drilling)

510 nozzles, 48#

Land to be irrigated or place of use:
TWP. RGE. SEC.

4 N	36 E	29	$W_{\frac{1}{2}NE}^{\frac{1}{4}}$, $SE_{\frac{1}{4}NE}^{\frac{1}{4}}$, $E_{\frac{1}{2}NW}^{\frac{1}{4}}$, $S_{\frac{1}{2}}$
-----	------	----	--

		30	$\text{W} \angle \text{NE } \frac{1}{4}, \text{SE } \frac{1}{4}$
--	--	----	--

Date filed:	February 4, 1964	Total acreage	deps - 520 acres
Proof due:	February 7, 1969		~~permit - 760 acres~~
Proof made:	July 26, 1968		
Priority:	February 4, 1964		

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and acreage covered by subdivision; also show land covered on the map.

None

[illegible]

35-2732

September 2, 1968

Re: Permit No. G-31711
Richard A. Egbert & E. Max Phillips

Mary Smith
Attorney at Law
30 South Second West
Rexburg, Idaho 83440

Dear Miss Smith:

We acknowledge receipt of the depositions and affidavit of publication in the
Rigby Star submitted as proof of com-
pletion of works and beneficial use on Permit G-31711.

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

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg

*examined
typed
G 31711*

RECEIVED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

AUG 21 1968

Boise, Idaho

Department of Reclamation

Permit No. G 31711

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF WITNESS

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:

A. J. Justin, 48, 630 12th Street, Idaho Falls, Idaho, Irrigation Dept.
Manager for Snake River Equipment, Idaho Falls, Idaho

E.
Ques. 2 Are you acquainted with Max Phillips & Richard A. Egbert, the holder of
Permit No. G 31711? How long have you known him and where does he reside?

Richard A. Egbert, 5 or 6 years. Tetonia, Idaho.
E. Max Phillips 5 or 6 years. Rexburg, Idaho

Ques. 3. Have you read or heard said Permit No. G 31711 read, and are you familiar
with its provisions and conditions: Yes Yes No.

Ques. 4. State source of water supply: Subterranean

Give location of place of diversion, showing subdivision, section, township and range
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, Township 4 N., R 36 E. B. M.

Describe works for conveying water to place of use: Pump & Sprinkler system.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 10.4 cfs How much water have you seen being so
conveyed?

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ Sec. 29, T. 4 N. R 36 E. B. M.
about 520 acres.

B 31711

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Ques. 8. (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.

This is a sandy loam soil and would require the full 10.4 cfs
for profitable cultivation.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No.

Ques. 10. When did you first see this water used? 1964

Other times you have seen such use: Each irrigation season since then.

(Signed):

* * * * *

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 26th day of July, A. D. 19 68

Nary Smith

Notary Public for the State of Idaho

Residing Rexburg, Idaho

My commission expires June 25, 1971.

B31711

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho
Permit No. G 31711

RECEIVED
AUG 21 1968
Department of Reclamation

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: _____
Richard A. Egbert, Tetonia, Idaho; farming, Tetonia, Idaho.
E. Max Phillips, Rexburg, Idaho; farmer & insurance agent, Rexburg, Idaho.

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

Ques. 3. State number, approval date of permit, and date of priority: _____
G 31711, February 7, 1964, February 4, 1964

Ques. 4. State source of water supply: Subterranean
Give location of point of diversion, showing subdivision, section, township and range
SW 1/4 Sec. 29, Township 4 North, Range 36 East, Boise Meridian.

Ques. 5. Describe your works of diversion: Well, pump and sprinkler system.
_____; state amount of water they are capable of conveying from point of diversion to place of use: 10.4 cfs; 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 430'; depth and size of casing 20' depth, 20" size; depth to water 273'; if pump is used, state discharge of pump: 15.2 cfs; tell how it was measured or determined _____
by Cope Well Drilling; if sprinkler irrigation, give number and size of nozzles and operating pressure: 510 nozzles - 48 lbs.

Ques. 6. State for what purpose water is used: irrigation
(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

W 1/2 NE 1/4, SE 1/4 NE 1/4, E 1/2 NW 1/4, S 1/2, Sec. 29, Twp. 4 N.
R 36 E. B. M. About 520 acres under irrigation.

proof submitted on
520 acres and
10.4 cfs.

Cope Drilling & Pump Co.

631711

State nature of all improvements which have been made as a direct result of said use:

Dry farm land has been converted to irrigated land .

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: Cope Drilling & Pump Co., Idaho Falls, Idaho.

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

Ques. 8: 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:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: spring 1964 - 15.2 cfs - Time used since first use:

Irrigation seasons of 1965, 1966, 1967 and 1968

Ques. 10. Describe all other water rights appurtenant to same place of use: _____

None

(sign) *E. Max Phillips*
Richard A. Egbert

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 26th day of July, A. D. 19 68.

Mary Smith

My commission expires: June 25, 1971

631711

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G 31711

RECEIVED
AUG 21 1968
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF WITNESS

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:

J. E. Garner, 86, Rexburg, Idaho; farming, Rexburg, Idaho.

Ques. 2 Are you acquainted with Richard A. Egbert & E. Max Phillips the holder of Permit No. G31711? How long have you known him and where does he reside?

Richard A. Egbert, 45 years. Tetonia, Idaho
E. Max Phillips, 22 years. Rexburg, Idaho.

Ques. 3. Have you read or heard said Permit No. 31711 read, and are you familiar with its provisions and conditions: Yes Yes No.

Ques. 4. State source of water supply: Subterranean

Give location of place of diversion, showing subdivision, section, township and range
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, Township 4 N., R. 36 E. B. M.

Describe works for conveying water to place of use: Pump and sprinkler system.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 10.4 cfs How much water have you seen being so conveyed? 10.4 cfs

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

About 520 acres in W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 29; W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 30
Township 4 North, R. 36 E. B. M.

G31711

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Ques. 8. (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.

At one ;time it was dry farm land and is sandy loam soil with some
clay. It requires the full 15.2 cfs for profitable cultivation.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No.

Ques. 10. When did you first see this water used? In the spring of 1964 and
Other times you have seen such use: Several times each irrigation season
since then - 1965, 1966, 1967 and 1968

(Signed):

J. E. Garner

* * * * *

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 26th day of July, A. D. 1968

Mary Smith

Notary Public for the State of Idaho

Residing Rexburg, Idaho

My commission expires 6 25-71

831711

Affidavit of Publication

THE RIGBY STAR

RECEIVED
JUL 21 1968

STATE OF IDAHO }
County of Jefferson } ss.

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

24 Consecutive issues thereof; first publication having been made on the 4th day of July, 1968

and the last publication on the

25th day of July, 1968

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 12

day of August, 1968
(SEAL)

[Signature]
Notary Public for the State of Idaho,
Residence and P. O. Address, Rigby, Idaho.

My commission expires _____, 19____

Publication Fee: \$_____

MY COMMISSION EXPIRES JULY 15, 1969

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

Notice is hereby given that on July 26, 1968, at Rexburg, County of Madison, State of Idaho, before notary public Mary Smith, 30 S. 2nd West, Rexburg, Idaho, proof will be submitted of the completion of works for the diversion of 15.2 c.f.s. of the waters of a subterranean source, and the application to beneficial use of said water, in accordance with the terms and conditions of permit G-31711, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Richard A. Egbert and E. Max Phillips, Rexburg, Idaho.

2. Said works ~~of diversion~~ will be fully completed ~~on the~~ date for such

completion, and the amount of water which said works are capable of conveying to the place of use is 15.2 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 15.2 c.f.s.

4. The point of diversion of said water is SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, T. 4 N, R. 36 E, B.M., Jefferson County.

5. The place where said water is used is W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 29; W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 30, T. 4 N, R. 36 E, B.M.

6. The date of priority which said user is prepared to establish is February 4, 1964.

R. KEITH HIGGINSON
State Reclamation Engineer
Publish July 4, 11, 18, 25, 1968.

531711

MARY SMITH
W. LLOYD ADAMS

Attorneys at Law

30 SOUTH SECOND WEST
REXBURG, IDAHO 83440
PHONE: 208 - 356-5493

August 19, 1968

RECEIVED

AUG 21 1968

Department of Reclamation

Mr. Donald W. McEldowney
Appropriation Examiner
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. McEldowney:

Re: Permit No. G-31711
Richard A. Egbert & E. Max Phillips

We were finally able to locate the Affidavit of Publication pertaining to the above numbered permit. I am enclosing herewith the Affidavit of Publication, Deposition of Holder and Deposition of Witnesses. You will notice that they were only able to submit proof for about 520 acres and 10.4 c.f.s. of water.

Yours very truly,

Mary Smith
Mary Smith

rs

Enclosures

B 31711

July 30, 1968

Re: Permit No. G-31711
Richard A. Egbert & E. Max Phillips

Mary Smith
Attorney At Law
30 South Second West
Rexburg, Idaho 83440

Dear Miss Smith:

Your letter of July 29, 1968, concerning the above referenced permit leaves us somewhat confused. On June 25, 1968, we sent the legal notice to the Rigby Star to be published four times before July 26, 1968. Also we are enclosing a copy of a clipping we received from the newspaper.

Perhaps a closer search of their records would turn up the missing affidavit of publication. If we can be of further assistance to your clients in this matter, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DJ

Enc: Copy of newspaper clipping

G 31711

MARY SMITH
W. LLOYD ADAMS

Attorneys at Law

30 SOUTH SECOND WEST
REXBURG, IDAHO 83440
PHONE: 208 - 356-5493

July 29, 1968

RECEIVED

JUL 30 1968

Department of Reclamation

Mr. Donald W. McEldowney
Appropriation Examiner
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. McEldowney:

Re: Permit No. G-31711
Richard A. Egbert & E. Max Phillips

When Mr. Phillips checked with the Rigby Star for the Affidavit of Publication pertaining to the above numbered permit, they informed him they have never had it for publication. I would appreciate it very much if you would check your records and let me know just where this notice was sent for publication.

Mr. Phillips received the Deposition for Witnesses and Deposition of Holder. The witnesses appeared and we would like to mail in the Depositions but of course, we need the Affidavit of Publication.

Yours very truly,

Mary Smith
Mary Smith

rs

631711

Re: Permit No. G-31711

June 25, 1968

Richard A. Egbert
E. Max Phillips
Rexburg, Idaho 83440

Gentlemen:

This acknowledges receipt of the notice of intent to make proof of completion of works and application of water to beneficial use for permit No. G-31711.

We have mailed the notice to the Rigby Star to be published once a week for four consecutive weeks prior to July 26, 1968, which is the hearing date when the permit holder Richard A. Egbert and E. Max Phillips and two disinterested witnesses must appear before Mary Smith, notary public, to complete the enclosed depositions. The witnesses must be familiar with the works and permit.

After the hearing, the depositions and an affidavit of publication must be submitted to this office. The affidavit may be obtained from the newspaper when the advertising bill is paid by R. A. Egbert and E. M. Phillips. Be sure all the forms have the notary's seal and are signed. Please feel free to contact us if we may be of any assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

Enc: Depositions

cc: Notary

631711

June 25, 1968

Re: Permit No. G-31711
Richard A. Egbert and E. Max Phillips

Rigby Star
Rigby, Idaho 83442

Gentlemen:

Enclosed is a legal notice which we wish to have published for four consecutive weeks prior to July 26, 1968. The expense of the publication is to paid by Richard A. Egbert and E. Max Phillips, Rexburg, Idaho 83440,

to whom you should furnish the affidavit of publication on or before the above date. Please acknowledge receipt of this notice by furnishing this office with a tear sheet for checking prior to the first publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

Enc: legal notice

631711

RECEIVED

Form 11

JUN 21 1968

Department of Reclamation

(This completed form authorizes the Department of Reclamation to publish the required notice at your expense.)

State Reclamation Engineer:

You are hereby authorized to have the attached notice published at my expense in the Rigby Star of Rigby, Idaho 83442; published in the county in which the works are situated.

E. Max Phillips
(signature)
Richard T. Egbert
Rexburg, Idaho
(address)
June 20, 1968
(date)

In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer when proof is for completion of works.

I hereby certify that the facts set forth in the attached notice are true.

Engineer

b3 1711

**NOTICE OF COMPLETION OF
WORKS AND APPLICATION OF
WATER TO BENEFICIAL Use**

Notice is hereby given that on July 26, 1968, at Rexburg, County of Madison, State of Idaho, before notary public Mary Smith, 30 S. 2nd West, Rexburg, Idaho, proof will be submitted of the completion of works for the diversion of 15.2 c.f.s. of the waters of a subterranean source, and the application to beneficial use of said water, in accordance with the terms and conditions of permit G-31711, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Richard A. Egbert and E. Max Phillips, Rexburg, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 15.2 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 15.2 c.f.s.

4. The point of diversion of said water is SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, T. 4 N, R. 36 E, B.M., Jefferson County.

5. The place where said water is used is W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 29; W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 36, T. 4 N, R. 36 E, B.M.

6. The date of priority which said user is prepared to establish is February 4, 1964.

R. KEITH HIGGINSON

State Reclamation Engineer

Publish July 4, 11, 18, 25, 1968.

RECEIVED

JUN 27 1968

NOTICE OF PROOF OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE Department of Reclamation

Notice is hereby given that on July 26, 1968, at Rexburg,
County of Madison, State of Idaho, before notary public (name & address) _____
Mary Smith, 30 S. 2nd West, Rexburg, Idaho, proof will be
submitted of the completion of works for the diversion of 15.2 c.f.s. of the waters
of a subterranean source, and the application to beneficial use of said water,
in accordance with the terms and conditions of permit G-31711, heretofore issued by
the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Richard A. Egbert and E. Max
Phillips, Rexburg, Idaho.
2. Said works of diversion will be fully completed on the date for such completion,
and the amount of water which said works are capable of conveying to the place of use is
15.2 cubic feet per second.
3. The use to which said water has been applied is _____
irrigation purposes, and the amount applied to beneficial
use is 15.2 c.f.s.
4. The point of diversion of said water is SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, T. 4 N, R. 36 E,
B.M., Jefferson County.
5. The place where said water is used is W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 29;
W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 30, T. 4 N, R. 36 E, B.M.
6. The date of priority which said user is prepared to establish is _____
February 4, 1964.

R. KEITH HIGGINSON

State Reclamation Engineer

G31711

MARY SMITH
W. LLOYD ADAMS

RECEIVED

JUN 21 1968

Attorneys at Law

Department of Reclamation
30 SOUTH SECOND WEST
BOISE, IDAHO 83440
PHONE: 208 - 356-5493

June 20, 1968

Mr. Donald W. McEldowney
Appropriation Examiner
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. McEldowney:

Re: Permit No. G-31711
Richard A. Egbert & E. Max Phillips

I am enclosing the Notice of Proof of Completion of Works, together with the publication authorization signed by Mr. Egbert and Mr. Phillips. Any date you set for the hearing will be fine with me.

Yours very truly,

Mary Smith
Mary Smith

rs

Enclosures

631711

June 6, 1968

C
O
P
Y

Re: Permit No. G-31711
Richard A. Egbert & E. Max Phillips

Mary Smith
Attorney At Law
30 South Second West
Rexburg, Idaho 83440

Dear Miss Smith:

Pursuant to your letter of June 4, 1968, we are forwarding forms for proof of completion of works and beneficial use for the above referenced permit.

If we can be of further help, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

Enc: Forms 36A, 36 & 11

B 31711

MARY SMITH
W. LLOYD ADAMS

Attorneys at Law

30 SOUTH SECOND WEST
REXBURG, IDAHO 83440
PHONE: 208 - 356-5493

RECEIVED

JUN 5 1968

June 4, 1968

Department of Reclamation

Department of Reclamation
107 State House
Boise, Idaho 83701

Gentlemen:

Richard A. Egbert and E. Max Phillips
are ready to submit proof of completion of works
and application to beneficial use under Permit
No. G31711.

I would appreciate it if you would send
me the necessary blanks for them.

Yours very truly,

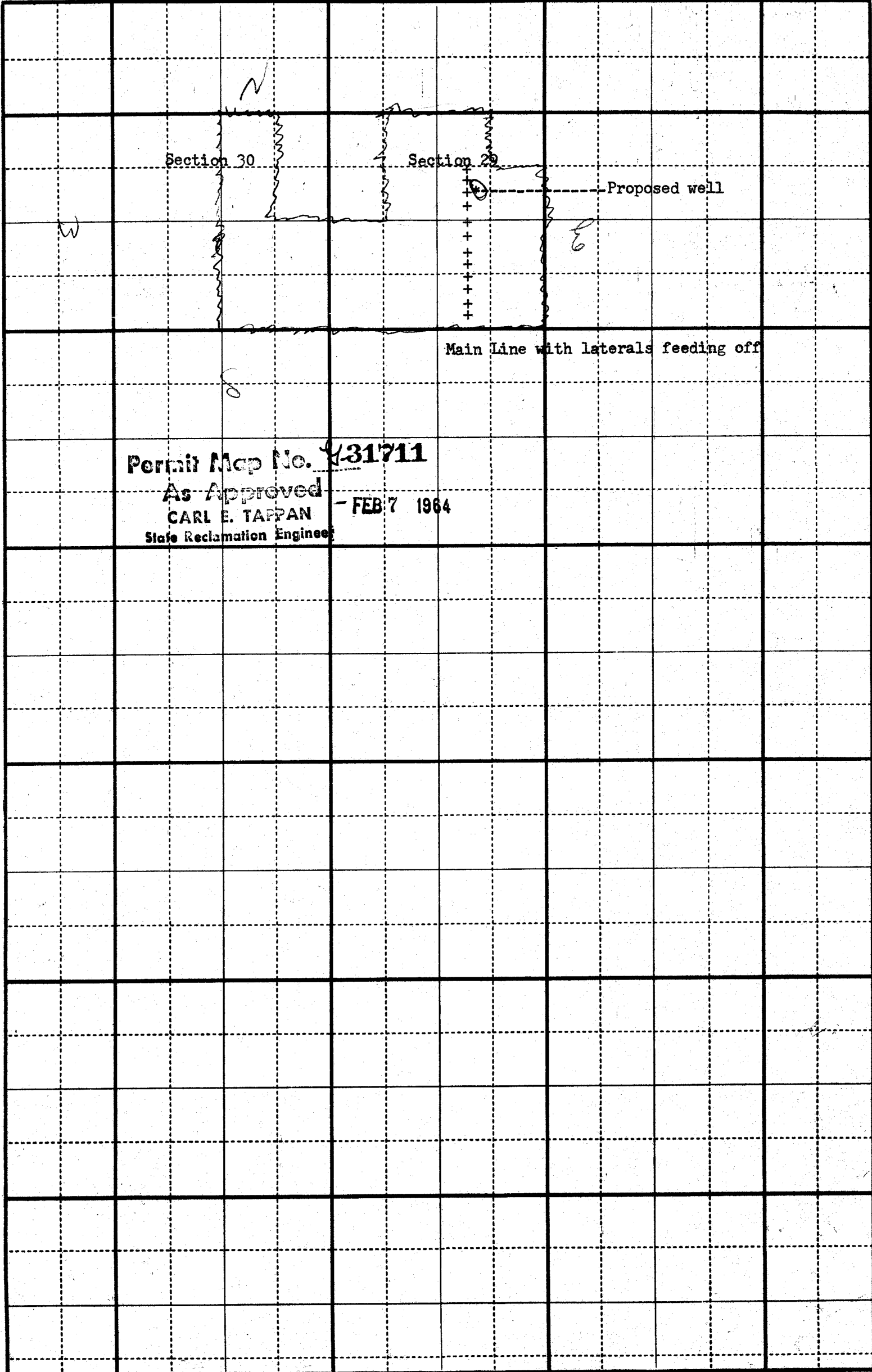
Mary Smith
Mary Smith

rs

B 31711

NAME OF APPLICANT Richard A. Egbert and E. Max Phillips

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

31711

January 29, 1964

RE: Application for Permit
Richard A. Egbert & E. Max Phillips

Cope Drilling and Pump Company
Box 1196
Idaho Falls, Idaho

Gentlemen:

Returned herewith is the application for permit with attached
check for \$8.75 signed by E. Max Phillips.

The point of diversion under 4 is shown as NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29
whereas the maps show the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29.

Kindly correct and return.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

Enc. application
check

131711