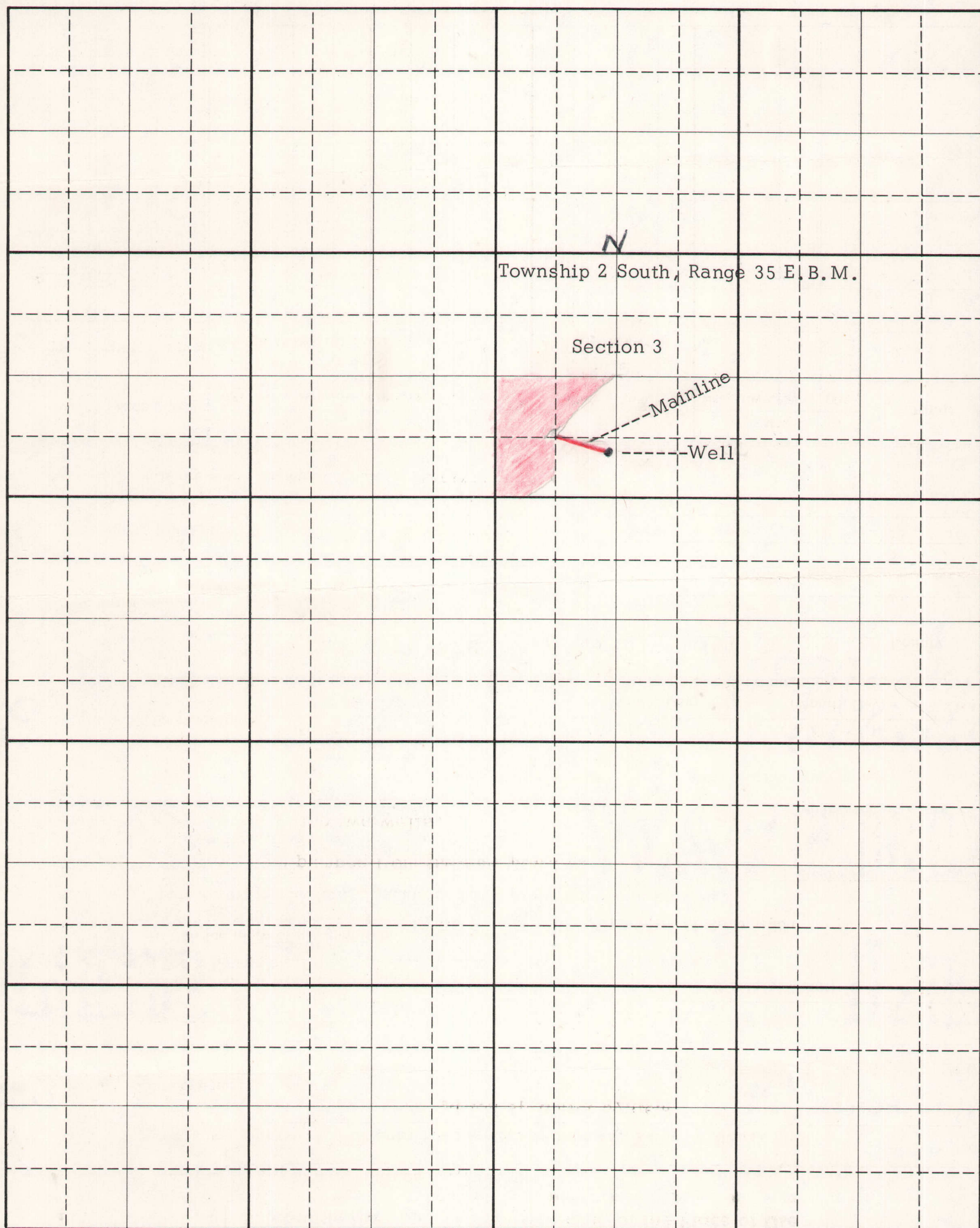




SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

APPROVED

January 15, 1969

Re: Permit No. G-29839

Earl Malm
Route 3
Blackfoot, Idaho 83221

Dear Mr. Malm:

A representative of this department has made an examination of the works covered by your permit G-29839 and has found the following:

Quantity of water diverted: 2.0 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 2.0 c.f.s.

Purpose of use: Irrigation of 104 acres in N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 3; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 2 S, R. 35 E, B.M.

The priority date established is: August 21, 1961 (late proof).

A fee totaling \$ 13.00 must be received within 30 days from the date of this letter in order that we can issue you the Certificate of Completion of Works and the License and Certificate of Water Right as described above.

Very truly yours,

Dean R. Reynolds
Field Examiner

DRR:dj

*The maximum quantity diverted shall not exceed 364 acre feet per season.

29839

January 15, 1969

Re: Permit No. G-29839

Earl Malm
Route 3
Blackfoot, Idaho 83221

Dear Mr. Malm:

A representative of this department has made an examination of the works covered by your permit G-29839 and has found the following:

Quantity of water diverted: 2.0 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 2.0 c.f.s.

Purpose of use: Irrigation of 104 acres in N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 3; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 2 S, R. 35 E, B.M.

The priority date established is: August 21, 1961 (late proof).

A fee totaling \$ 13.00 must be received within 30 days from the date of this letter in order that we can issue you the Certificate of Completion of Works and the License and Certificate of Water Right as described above.

Very truly yours,

Dean R. Reynolds
Field Examiner

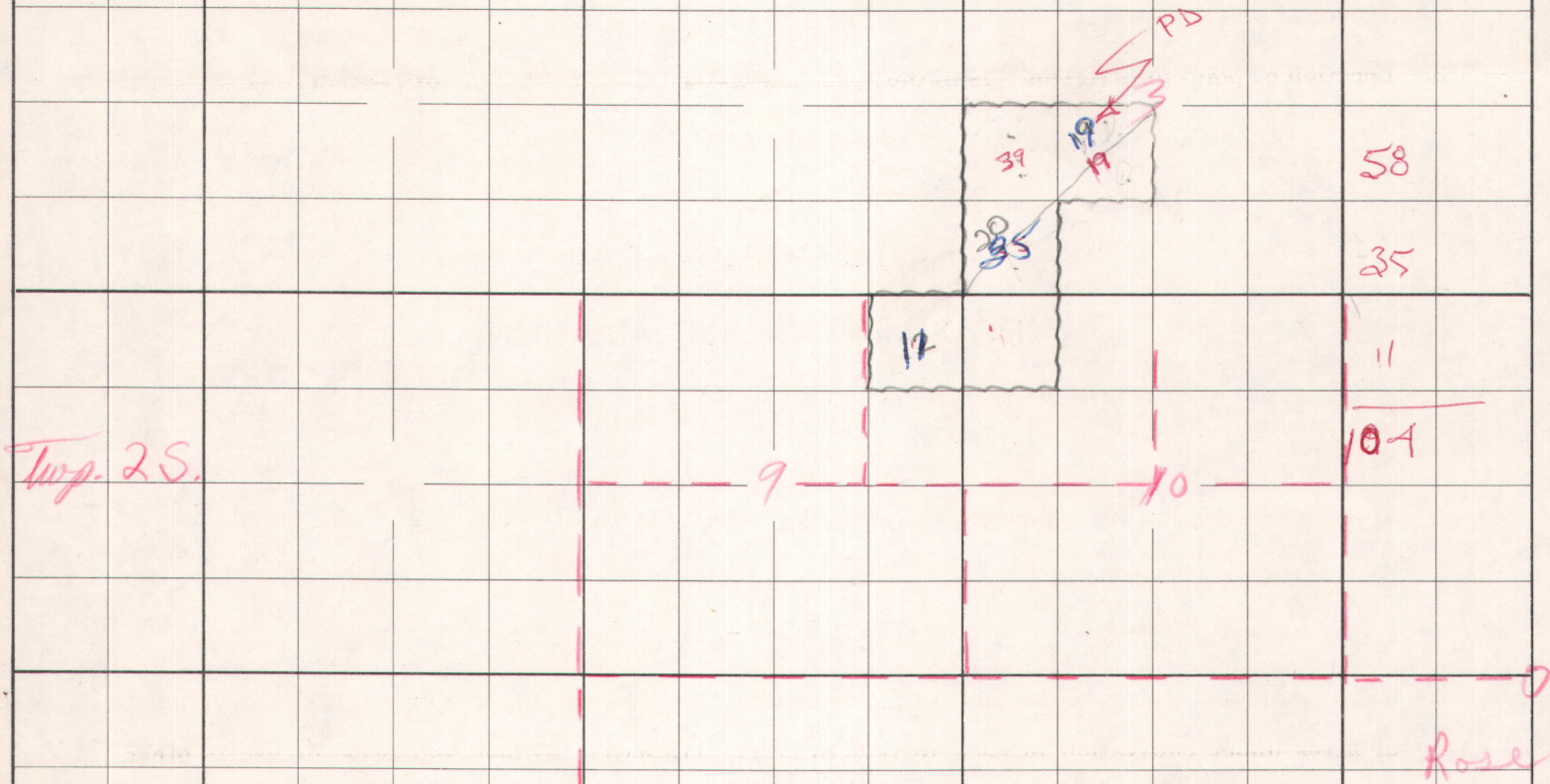
DRR:dj

*The maximum quantity diverted shall not exceed 364 acre feet per season.

29839

Age 35E

1 1/2



AREA - 104 ACRES ESTIMATED

SUBD - 4

Q - 2 C.F.S.

VOL = 364 AC-FT / SEASON

PRIORITY = (LATE PROOF - AUG. 21, 1961)

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

Notice is hereby given that at 10 a.m., on the 23 day of August, 1966, at Blackfoot, County of Bingham, State of Idaho, before H. William Furchner, Notary Public, at (address) 178 W. Judicial, proof will be submitted of the completion of works for the diversion of 2 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-29839, 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 is Earl Malm, Route 3, Blackfoot, 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 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 cubic feet per second.

4. The point of diversion of said water is in NE1/4 SW1/4 Sec. 3, Twp. 2 South, Rge. 35, EBM.

5. The place where said water is used is N1/2 SW1/4, SW1/4 SW1/4 Sec. 3, NE1/4 NE1/4 Sec. 9, and NW1/4 NW1/4 Sec. 10, all in Twp. 2 South, Rge. 35, EBM.

6. The date of priority which said user is prepared to establish is June 19, 1961.

R. Keith Higginson, Deputy
State Reclamation Engineer
July 22 - 29 - Aug. 5 - 1966

12

RECEIVED
AUG 25 1966

Department of Reclamation

AFFIDAVIT of PUBLICATION

County of Bingham }
State of Idaho } ss.

I, Drury R. Brown do solemnly

swear that I am the publisher of The Blackfoot News which is a daily newspaper of general circulation published each day except Saturday and Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1933, approved March 11, 1933, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: Friday of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was, published in said

Friday issue of said newspaper 4 consecutive weeks, the first publication having been made on the 22nd day of July, 1966,

and the last publication having been made on the

12th day of August, 1966; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

Drury R. Brown

Subscribed and sworn to before me this 12th

day of August, 1966

Margaret Blunt

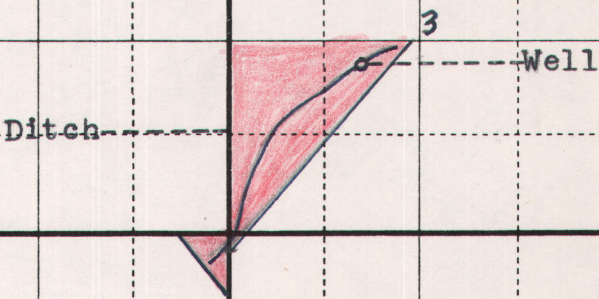
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
January 10th, 1967.

2983.9

NAME OF APPLICANT.....EARL MA... , ROUTE #3, BLACKFOOT, ID...

Form No. 0

TOWNSHIP TWO SOUTH, RANGE THIRTY-FIVE,
EAST OF THE BOISE MERIDIAN



Permit Map No. 29839
As Approved
GEO. N. CARTER JUN 21 1961
Reclamation Engineer

Identification No. 35 2668
Transfer No. 1813

STATE OF IDAHO
DEPARTMENT OF RECLAMATION **APPROVED**

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

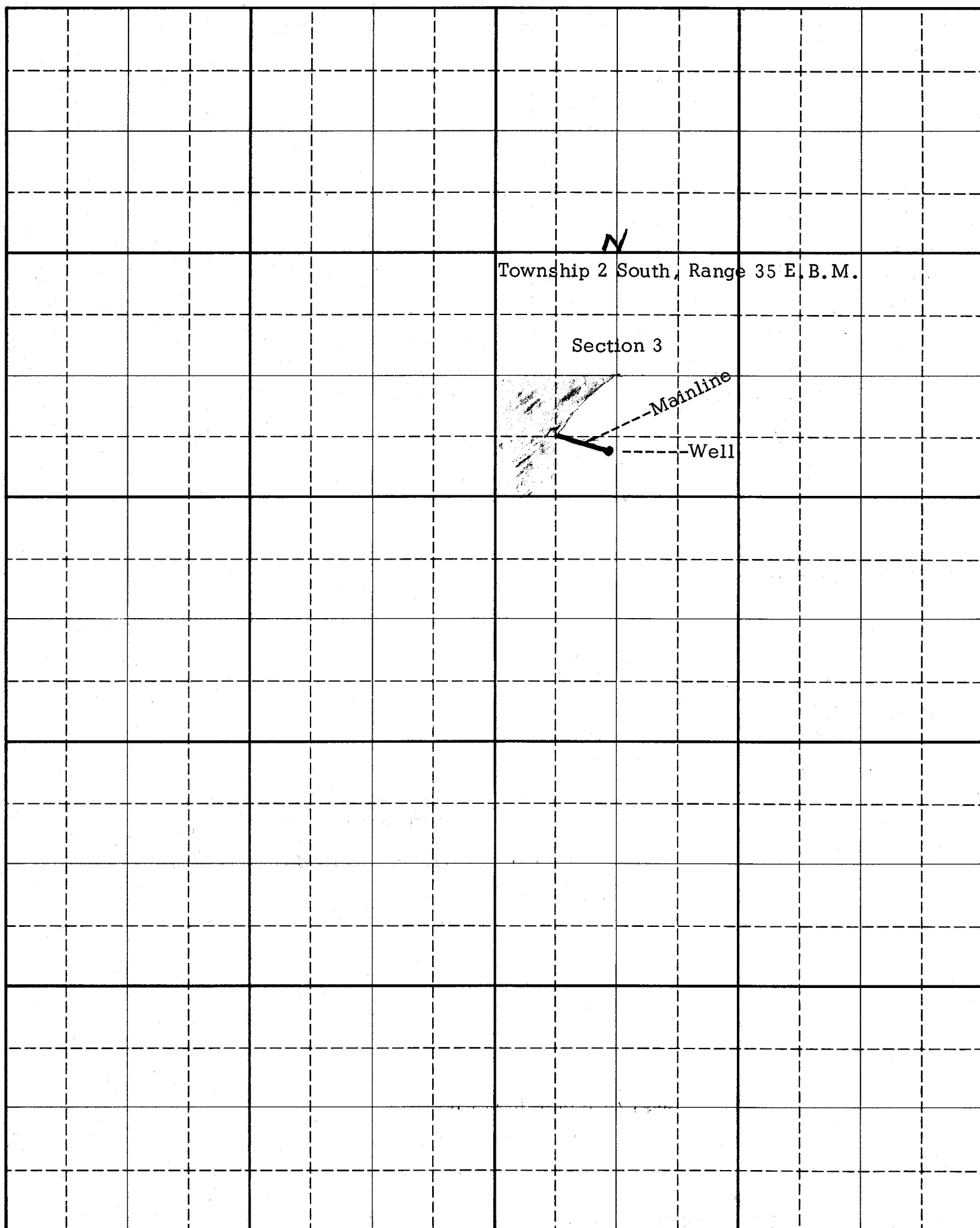
1. Name of Right Holder James W. Burkman
Post office address Route 1 - Box 36, Blackfoot, Idaho 83221
2. Right obtained by:
a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court. County of _____
G-29839/
b. License No. 35-2668 issued by the State of Idaho, Department of Reclamation.
3. Source of water ground water tributary to _____
(Name of stream or source)
4. Date of Priority August 21, 1961
5. Amount of water a. 2.0 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for Irrigation from April 1 to October 31
(Month, Day) (Month, Day)
7. Original location of point of diversion is NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3,
Township 2 S, Range 35 E, B.M., in Bingham County;
Additional points of diversion, if any _____

8. Lands presently irrigated or 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 $\frac{1}{4}$	
2S	35 E	3									19	39	35						93
		9	11																11

Total number of acres presently irrigated 104

35 2668



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

9. If applicant was not the original holder of this right explain how it was acquired: By purchase
from Wilma Malm, surviving widow and distributee of the estate of Earl Malm,
deceased

10. CHANGE IN POINT OF DIVERSION

ALLOW: 1.86 cfs

- a. Quantity to be diverted at new point: 2.0 c.f.s. and/or _____ acre feet
- b. New point of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, Township 2 S
_____, Range 35 E, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: _____
By well, and pumps and irrigation sprinkler system
- d. Is water to be conveyed to the lands previously irrigated? Yes X No _____
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:
Water can be pumped from the new point of diversion more economically
than by operating two wells.
- f. Do you intend to make the transfer permanent? Yes
- g. Do you intend to abandon completely the old point of diversion? Yes
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

~~NO CHANGE~~

- a. Describe the new lands on which you wish to use your right.

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 $\frac{1}{4}$	
<u>2 S.</u>	<u>35 E</u>	<u>3</u>									<u>19</u>	<u>39</u>	<u>35</u>						<u>93</u>

Total number of acres to be irrigated 93

35 2668

- b. Do you intend to make the transfer permanent? Yes
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:
No, we are abandoning only lands in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 2 South,
Range 35 E.B.M.
- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: None
- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

James W. Burkman
 (signature of applicant)

Subscribed and sworn to before me this 23rd day of October, 19 73

William F. Leach
 (notary public)

My commission expires January 31, 1974.

**ACTION OF STATE RECLAMATION ENGINEER
 AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 35-2668,
 and said application is hereby APPROVED.

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

- (1) The maximum rate of diversion shall not exceed 1.86 cfs for the irrigation of
93 acres.
- (2) A measuring device of a type approved by this Department shall be permanently
installed and maintained as part of the diverting works.

Witness my hand this 27 day of March, 19 74.

R. Keith Higginson
 R. KEITH HIGGINSON, Director
 Idaho Department of Water Administration

FOR DEPARTMENT USE ONLY

Received by <u>MB</u>	Date <u>10-25-73</u>	Protest filed by:	Date
Prelim. check by <u>NCY</u>	Date <u>10/30/73</u>		
Fee received by <u>MB</u>	Date <u>10/26/73</u>	Fee <u>\$30.00</u>	<u>Receipt # 12606</u>
Approved for publication by <u>CW</u>	Date <u>11/28/73</u>		
Published in <u>Blackfoot Times</u>	Dates <u>11/15 + 11/22/73</u>		
Hearing held			
Watermaster Recommendation sent			

NOV 28 1973

Department of Water and Irrigation
Boise, Idaho

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

} ss.

I, David Mark Brown do solemnly

**NOTICE OF
PROPOSED CHANGE
OF WATER RIGHT**

Notice is hereby given that James W. Burkman, Route No. 1, Box 36, Blackfoot, Idaho, has applied to the Dept. of Water Administration for a change of the point of diversion and place of use of License No. 35-2668. The right is recorded as follows:

Amount: 2.0 cfs

Priority: August 21, 1961

Point of Diversion:

NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, T. 2S, R. 35E, B.M. Bingham County; the water is used for irrigation purposes of 104 acres within the N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 2S, R. 35E, B.M.

**TO BE CHANGED AS
FOLLOWS:**

The water will be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, T. 2S, R. 35E, B.M. Bingham County; and will be used for the irrigation of 93 acres within the N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, T. 2S, R. 35E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before December 3, 1973.

R. KEITH HIGGINSON
Director

(3614)

Pub.: 11-15, 22

I, David Mark Brown do solemnly swear that I am the Publisher of The Blackfoot News which is a daily newspaper of general circulation published each day except Saturday and Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1933, approved March 11, 1933, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: Friday of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was, published in said

Friday issue of said newspaper 2 consecutive

weeks, the first publication having been made on

the 15th day of November, 19 73.

and the last publication having been made on the

22nd day of November, 19 73; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

David Mark Brown

Subscribed and sworn to before me this 26th

day of November, 19 73

Patricia H. Johnson

Notary Public for the State of Idaho,

Residing at Blackfoot, Idaho

My commission expires

~~June 1, 1974~~

October 20, 1975

35 2668

WATER LICENSE

Water License No. G-29839 Priority August 21, 1961 Amount 2.0 c.f.s.
(late proof)

THIS IS TO CERTIFY, that EARL MALM

of Blackfoot, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 19, 1961; that Permit G-29839 was issued pursuant to said application; that the proposed works were completed on or about 1961, with a storage/or carrying capacity of 2.0 c.f.s., said works consisting of well, gas engine, pump, concrete diversion works, and earth ditches and that on August 23, 1966, proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 364 acre feet per season, with a maximum rate of diversion of 2.0 cubic feet per second of the waters of ground water source, tributary of _____, for the purpose of irrigation from April 1 to October 31; and for _____ from _____ to _____; and for _____ from _____ to _____; and that the use of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is located in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, T. 2 S, R. 35 E, B.M., and other additional points _____, in the County of Bingham; and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 364 acre feet per year.

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 $\frac{1}{4}$	
<u>2 S</u>	<u>35 E</u>	<u>3</u>									<u>19</u>	<u>39</u>	<u>35</u>						<u>93</u>
		<u>9</u>	<u>11</u>																<u>11</u>

Total number of acres irrigated 104

The right to the use of the water 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

23rd day of January, 19 69.

R. Keith Higgins
State Reclamation Engineer

35 2668

J 29839

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

Application No. G- 37851
Permit No. G- 29839
District No.

1. Name of Applicant: Earl Malm
Postoffice address: Route #3, Blackfoot County: Bingham State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second 2 or Idaho
Miners' inches or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Irrigation well, with 15" diameter and 130 feet in depth
4. Location of point of diversion or well is in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3
Twp. 2 So. , Rge. 35 E. , B.M., County of Bingham
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: Turbine pump with gasoline motor and irrigation ditches from well over the lands to be irrigated.
8. Estimated cost of works: \$ 3,000.00
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) 2 (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) 2 (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks:

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

Earl Malm *Applicant.*

By s/ H. William Furchner *Agent.*
Furchner & Stufflebeam
Attorneys for Applicant

Date of first receipt at Department of Reclamation: 8:00 A.M. June 19, 1961

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-29839

Recorded in Book 105 Page 29839 Approved June 21, 1961

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 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 December 21, 1963

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 June 21, 1966

Witness my hand this 21st day of June, 1961

s/ GEO. N. CARTER
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 21st day of June, 1961.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS
Secretary of State.

By s/ ROBERT E. SMYLLIE
Governor

12.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2 So.	35 E	3 9 10	10						.6		20	40	35						95 10 .6
																		TOTAL	105.6

USE FOR 2.0 SEC. FT.
LEASE PAGE NO. 29839

March 29, 1974

Re: Transfer No. 35-2668

James W. Burkman
Route #1, Box 36
Blackfoot, Idaho 83221

Dear Mr. Burkman:

Enclosed is a copy of your approved Application for Transfer of Water Right No. 35-2668. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your transfer. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg

Enclosures

cc: H. William Furchner

Enclosure

35 2668

FROM Ron Carlson

DATE March 25, 1974

TO File

SUBJECT APPLICATION FOR TRANSFER OF WATER RIGHT No. 35-2668

We received this date authorization from the owners to allow the abandonment of the 11 acres within Sec. 9, T. 2S, R. 35E, B.M. Therefore, I recommend the above referenced transfer be approved subject to the following conditions:

- (1) That the quantity be reduced to 1.86 cubic feet per second.
- (2) A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

*Barb:
Send copy of transfer
to ATTORNEY.
du*

35 SIGNATURE
2668

RECEIVED

Law Offices

FURCHNER, MARTSCH & BAKER

MAR 25 1974

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

178 W. JUDICIAL STREET
BLACKFOOT, IDAHO 83221

Department of Water Administration
Eastern District Office
AREA CODE 208
985-2310
P. O. BOX 752

March 22, 1974

Mr. Ronald Carlson
Assistant District Engineer
Department of Water Administration
State of Idaho
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Transfer and Abandonment of Water Right
License No. 35-2668

Dear Mr. Carlson:

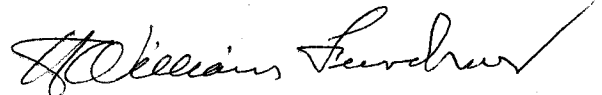
We have obtained and enclose herewith the abandonment of Water License No. G-29839 for eleven acres located in the Northeast quarter of Section 9, Township 2 South, Range 35, East of the Boise Meridian, so that the entire water right may be transferred under the application of Mr. James W. Burkman dated October 23, 1973.

When this has been completed will you please forward it to us so that we may close our file on the same.

Thanks for your patience in waiting for this.

Very truly yours,

FURCHNER, MARTSCH & BAKER



H. William Furchner

HWF:ec
Encls.

35 2668

RECEIVED

MAR 25 1974

ABANDONMENT OF WATER RIGHT

Department of Water Administration
Eastern District Office

THIS IS TO CERTIFY, That we, WILMA MALM, surviving widow of Earl Malm, Deceased, of Route 1, Box 277, Blackfoot, Idaho, and H. FRANCIS STECH and ROSANNE STECH, husband and wife, of Route 1, Blackfoot, Idaho, do hereby certify that we have abandoned that certain water right described in Water License No. G-29839 with priority of August 21, 1961, issued by the Department of Water Administration of the State of Idaho for 11 acres located in the Northeast Quarter of Section 9, Township 2 South, Range 35 E.B.M. in Bingham County, Idaho, and consent that the entire water right of 2 cubic feet per second authorized by said license shall attach to the lands in the Southwest Quarter of Section 3, Township 2 South, Range 35 E.B.M. as described in the said license.

IN WITNESS WHEREOF, we have hereunto set our hands this 29th day of January, 1974.

Wilma Malm
Wilma Malm

H. Francis Stech
H. Francis Stech

Rosanne Stech
Rosanne Stech

STATE OF IDAHO)
) ss.
County of Bingham)

On this 22nd day of March, 1974, before me, the undersigned Notary Public in and for said State, personally appeared WILMA MALM, a widow, and H. FRANCIS STECH and ROSANNE STECH, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

William S. Sweeney
Notary Public for Idaho
Residing at Blackfoot, Idaho
My Commission Expires:

Jan. 31, 1978

March 8, 1974

Re: Application for Transfer of Water Right No. 35-2668 BURKMAN

Mr. H. William Furchner
Attorney at Law
178 W. Judicial
Blackfoot, Idaho 83221

Dear Mr. Furchner:

The processing of Mr. Burkman's application for transfer has been delayed since December 3, 1973, because he wishes to transfer the water from 11 acres that are not recorded as being in his ownership. On January 29, 1974, you indicated in a telephone conversation with personnel at this office that Mrs. Malm would sign the appropriate papers to allow this transfer to take place. These documents have not been received to date. You should be aware that if Mrs. Malm does agree to drop the 11 acres, it will be necessary to reduce the rate of diversion to 1.86 c.f.s. to comply with the 0.02 c.f.s. per acre limitation, unless information has been supplied to justify the higher than normal rate of diversion.

I believe that it is in the interest of all concerned to complete the processing of the change of the point of diversion, as this application proposes, prior to the beginning of the irrigation season. If authorization has not been received within the next 15 days from Mrs. Malm to remove the 11 acres from the application, it will be approved to merely change the location of the point of diversion.

If you have any questions concerning this matter, do not hesitate to contact me.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

35 2668

XXXXXXXXXXXXXXXXXXXX

1515 Lincoln Road

February 6, 1974

RE: Application for Transfer No. 35-2668 - Burkman

Mr. H. William Furchner
Attorney at Law
178 W. Judicial
Blackfoot, Idaho 83221

Dear Mr. Furchner:

We held Mr. Burkman's transfer (No. 35-2668) in our files for an additional week as you requested on January 29, 1974.

Please let us know as soon as possible, what action you and Mr. Burkman have decided upon, so we can complete processing of this transfer.

Very truly yours,

RONALD D. CARLSON
Assistant to the
District Engineer

RDC:cb

35 2668

DATE 1/29/74FILE 35-2668NAME OF PARTY WILLIAM FURCHNEREMPLOYEE RDC

TELECON

RE:

Mr. Furchner said he would
contact the owner of the 11
acres and get him to
abandon the portion of License
35-2668 covering this ground.
He asked me to hold this
transfer for another week.

35 2668

1515 Lincoln Road

January 9, 1974

Mr. H. William Furchner
Attorney at Law
178 W. Judicial
Blackfoot, ID 83221

Dear Mr. Furchner:

During our conversation earlier this week you indicated Mr. Burkman would be willing to have the quantity of water on his Application for Transfer reduced. This would leave the point of diversion for the 11 acres unchanged from the original license. However, when the 2.0 c.f.s. for which License No. 35-2668 was issued is prorated, Mr. Burkman would be allowed 1.79 c.f.s. By getting authorization from the owner of the 11 acres to transfer the other 0.21 c.f.s., Mr. Burkman could have the full 1.86 c.f.s. allowed by the Idaho Code. This amounts to a difference of 31 gallons per minute. This may be more water than will be used, but I wanted you to be aware that the way this is handled does make a difference.

Please let me know as soon as possible which direction Mr. Burkman wishes to take on this matter.

Very truly yours,

RONALD CARLSON
Assistant to the District Engineer

RC:mb

35 2668

1515 Lincoln Road

December 6, 1973

Re: Application for Transfer #35-2668 James W. Burkman

Mr. H. William Furchner
Attorney at Law
178 W. Judicial Street
Blackfoot, ID 83221

Dear Mr. Furchner:

The above referenced application for transfer has been advertised and protests have not been received during the 10 day period following publication. However, final action cannot be taken without the information concerning ownership of the 11 acres in Sec. 9, T. 2S, R. 35E, B.M., as requested in our letter of November 5, 1973. If obtaining this information is going to involve a long delay, it would be possible to finalize the change in the point of diversion, as requested in this application, and leave the land list unchanged for the time being.

I would be happy to aid you in any way possible in resolving this matter, and would appreciate being informed of its present status.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

35 2668

12/5/73

35-2668

(TRANSFER)

NAME OF PARTY

Assessor's Office Bingham Co.

EMPLOYEE

NCY

RE:

I CALLED TO CHECK ON THE OWNERSHIP
of the 11 ACRES IN THE NE $\frac{1}{4}$ NE $\frac{1}{4}$
SEC 9 T25 R35E THAT ARE REMOVED
FROM THIS LICENSE BY THE PROPOSED
TRANSFER. I WAS TOLD THAT MR. BURKMAN
was not the owner of record of
any land in the NE $\frac{1}{4}$ of SEC 9
But did own land in SEC 10 & 3.
The extreme NE $\frac{1}{4}$ NE $\frac{1}{4}$ is RECORDED
as owned by Earl Malm.

35 2668

XXXXXXXXXXXXXXXXXXXX 1515 Lincoln Road

November 9, 1973

Re: Application for Permit No. 35-7348 LaMar Whyte
Application for Transfer of Water Right No. 35-2668 James W. Burkman

The Blackfoot News
P. O. Box 70
Blackfoot, ID 83221

Gentlemen:

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

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

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

NORMAN C. YOUNG
District Engineer

Bill submitted 11-28 by MB

NCY:mb
Enc: Legal Notice (2)

35 2668

MB
**NOTICE OF
PROPOSED CHANGE
OF WATER RIGHT**

Notice is hereby given that James W. Burkman, Route No. 1, Box 36, Blackfoot, Idaho, has applied to the Dept. of Water Administration for a change of the point of diversion and place of use of License No. 35-2668. The right is recorded as follows:

Amount: 2.0 cfs
Priority: August 21, 1961
Point of Diversion:
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, T. 2S, R. 35E, B.M. Bingham County; the water is used for irrigation purposes of 104 acres within the N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 2S, R. 35E, B.M.

**TO BE CHANGED AS
FOLLOWS:**

The water will be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, T. 2S, R. 35E, B.M. Bingham County; and will be used for the irrigation of 93 acres within the N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, T. 2S, R. 35E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before December 3, 1973.

R. KEITH HIGGINSON
Director

(3614)
Pub.: 11-15, 22

35-2668

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that James W. Burkman, Route #1 Box 36, Blackfoot, Idaho, has applied to the Dept. of Water Administration for a change of the point of diversion and place of use of License No. 35-2668. The right is recorded as follows:

Amount: 2.0 cfs Priority: August 21, 1961

Point of Diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, T. 2S, R. 35E, B.M. Bingham County;

The water is used for irrigation purposes of 104 acres within the N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 2S, R. 35E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, T. 2S, R. 35E, B.M. Bingham County; and will be used for the irrigation of 93 acres within the N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, T. 2S, R. 35E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before December 3, 1973.

R. KEITH HIGGINSON

Director

Published in the Blackfoot News, Blackfoot, Idaho on November 15 and November 22, 1973.

35 2668

OK
Ncy
11/8/73

AW-J
AW-L
AW-K

1515 Lincoln Road

November 5, 1973

Re: Application for Transfer No. 35-2668

Mr. H. William Furchner
Attorney at Law
178 W. Judicial Street
Blackfoot, ID 83221

Dear Mr. Furchner:

This office is in receipt of your letter of November 1, 1973 conveying photocopies of several instruments showing ownership of Mr. & Mrs. James W. Burkman to the property to which the above referenced right is appurtenant. Land in Section 9, Township 2S, Range 35E, B.M. is not covered by the warranty deed from Mr. & Mrs. Stech to Mr. & Mrs. Burkman. It is the ownership of this 11 acres in Section 9 with which the Department is particularly concerned because the above referenced water right is being removed from this property by the proposed transfer. Because the right is real property appurtenant, in part, to the land licensed in Section 9, the Department cannot approve the transfer without evidence that the Burkmans own the property from which the right is to be removed, or have the permission of the actual owners. Please provide this information to this office at your earliest convenience, as final action cannot be taken without it.

You expressed concern in your letter of November 1, 1973, that a warranty deed conditioned by a contract of purchase would not be adequate to show ownership. I believe that, for the Department's purposes, such a deed is adequate proof of ownership.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

35 2668

NORMAN C. YOUNG
District Engineer

NCY:mb

Law Offices

FURCHNER, MARTSCH & BAKER

178 W. JUDICIAL STREET

BLACKFOOT, IDAHO 83221

November 1, 1973

H. WILLIAM FURCHNER

JAMES L. MARTSCH

DWIGHT E. BAKER

AREA CODE 208

785-2310

P. O. BOX 752

RECEIVED

NOV 2 1973

Norman D. Young
District Engineer
Department of Water Administration
1515 Lincoln Road
Idaho Falls, Idaho 83401

Department of Water Administration
Eastern District Office

Re: Application for Transfer of Water Right No. 35-2668

Dear Mr. Young:

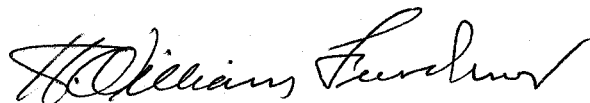
In reference to the above transfer and for your records, we enclose herewith a photocopy of the recorded deed from H. Francis Stech and wife to James W. Burkman and wife, a copy of Schedule A taken from the title insurance policy issued to the Burkmans referring to a contract of sale from the license holder, Earl Malm and his wife, Wilma Malm, to Verl R. Hatch and wife, who thereafter conveyed their purchasers' interest in the land to the Stechs, who have now conveyed the purchasers' interest to Mr. Burkman. We also enclose a photocopy of the Decree in the Estate of Earl G. Malm, establishing his death and vesting of the vendors' interest under the said contract in his wife, Wilma Malm.

As you can see from these instruments, Mr. Burkman's right is a purchaser's right from the license holder and it may be that before the transfer is completed, your regulations will require that the final deed be issued by Mrs. Malm to the Burkmans. On the other hand, there have been many permits issued to purchasers under contract.

However this may be, we will appreciate advice from your office as to the transfer or the holding of the application until final payment has been completed.

Very truly yours,

FURCHNER, MARTSCH & BAKER



H. William Furchner

Encls:
HWF:fb

35 2668

4081

173297

WARRANTY DEED

For Value Received H. FRANCIS STECH and ROSANNE STECH, husband and wife,
of Bingham County, Idaho,

the grantors , do hereby grant, bargain, sell, and convey unto JAMES W. BURKMAN and
DOREEN H. BURKMAN, husband and wife, of Bingham County, Idaho,

the grantees , the following described premises, to-wit: .

Beginning at the Northwest corner of Section 10, Township 2 South, Range 35, East
Boise Meridian, in Bingham County, Idaho; thence South 235 feet; thence North
42°17' East 322 feet, more or less, to a point 220 feet East of the point of beginning;
thence West 220 feet to the point of beginning; and

Beginning at the Southwest corner of Section 3, Township 2 South, Range 35, East
Boise Meridian, in Bingham County, Idaho; thence East 220 feet; thence North
42°17' East 2541 feet; thence North 770 feet to the North line of the Southwest
quarter of Section 3; thence West 1940 feet to the West quarter corner of Section 3;
thence South 2640 feet, more or less, to the point of beginning;

Together with the irrigation well and pump installed therein and located upon said
premises and all ground water rights appurtenant to said premises.

Subject to a certain agreement of sale of the said premises and other adjacent lands
dated July 16, 1968, by Earl Malm and Wilma Malm, husband and wife, as vendors,
and Verl R. Hatch and Bonnie J. Hatch as purchasers, which said contract has been
assigned by said purchasers to the grantors above named and which has an unpaid
balance of \$6,790.81 which the grantees above named hereby assume and agree to
pay, together with interest thereon, all as specified in the aforesaid contract.

Subject also to reservations contained in Federal Patents and State Deeds, all
existing rights-of-way for public roads and utility lines, and subject to all existing
building, zoning and other regulations of use.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees ,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantees , that they are the owners in fee simple of said premises; that said
premises are free from all incumbrances except as hereinabove set forth and that they will warrant and
defend the same from all lawful claims whatsoever.

Dated: March 28, 1973

H. Francis Stech
Rosanne Stech 173297

STATE OF IDAHO, COUNTY OF BINGHAM
On this 29th day of March, 1973,
before me, a notary public in and for said State, personally
appeared
H. FRANCIS STECH and ROSANNE STECH
Husband and Wife,
known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.
[Signature]
Notary Public
Residing at Blackfoot, Idaho
Comm. Expires Jan 31, 1974

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed for record at
the request of
at _____ minutes past _____ o'clock m.,
this _____ day of _____,
19 _____, in my office, and duly recorded in Volume _____
of the Official Records.
BINGHAM TITLE & TRUST CO.
Ex-Officio Recorder
By _____ Deputy.
Fees \$
Mail to:

INSTRUMENT NO.

SCHEDULE A

Total Fee for Title Search, Examination
and Title Insurance \$ _____

Amount \$ 8,000.00

Policy No. B 341663
Order No. 14081

Effective Date **April 2, 1973 at 9:00 A.M.**

Insured

JAMES W. BURKMAN and DOREEN H. BURKMAN,
husband and wife

1. Title to the estate or interest covered by this policy at the date hereof is vested in:
JAMES W. BURKMAN and DOREEN H. BURKMAN, husband and wife.'

2. The estate or interest in the land described or referred to in Schedule C covered by this policy is:
An equitable estate created under an unrecorded contract of sale dated July 16, 1968, executed by Earl Malm and Wilma Malm, husband and wife, as vendors, to Verl R. Hatch and Bonnie J. Hatch, husband and wife, as vendees, as disclosed by Instrument recorded March 21, 1973, as Instrument No. 178922, records of said County; the interest of Earl Malm now held of record by Wilma Malm by said Instrument; vendees interest now held of record by James W. Burkman and Doreen H. Burkman, husband and wife, by Instrument recorded March 30, 1973, as Instrument No. 179297, records of said County.

H. William Furchner
FURCHNER, MARTSCH & BAKER
P. O. BOX 752
BLACKFOOT, IDAHO 83221
TELEPHONE: 208 - 785-2310
ATTORNEYS FOR: Surviving Spouse

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM
MAGISTRATE DIVISION

ESTATE OF

EARL G. MALM,

Deceased.)

CASE NO. 280

DECREE ESTABLISHING TITLE TO COMMUNITY PROPERTY
IN SURVIVING SPOUSE

On this 21st day of March, 1973, at the courtroom of this Court at Blackfoot, Bingham County, Idaho, pursuant to notice, the petition of Wilma Malm of Blackfoot, Idaho, for a decree establishing title to community property of herself and her deceased husband, Earl G. Malm, came on regularly for hearing and it having been proved to the Court that the said Earl G. Malm died intestate at Idaho Falls, Idaho, on the 16th day of November, 1972, and was, at the time of his death and for many years prior thereto, a resident of Bingham County, Idaho; that the said Earl G. Malm and Wilma Malm intermarried on the 5th day of July, 1921, and from said date until the date of death of said decedent were husband and wife, and lived together as such in Bingham County, Idaho, until the death of said deceased; that during coverture of said Earl G. Malm and Wilma Malm, they purchased with community funds and as community property the following described property situated in the County of Bingham, State of Idaho, to-wit:

REAL PROPERTY

E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, T. 2 S., R. 36, E.B.M., Bingham County, Idaho

PERSONAL PROPERTY

25 head Hereford cows
1 Hereford bull

State of Idaho registered brand:



DECREE

-1-

35 2005

1962 Chevrolet 4-door sedan, Id. #21839S 187941

1950 Chevrolet pickup, Id. #5HRA 1888

1959 Aerohead Trailer, 15 ft. length by 8 ft. wide,
Id. #A15N39370, Idaho Title #1136816

Seller's interest in Contract of Sale of real property to Francis Stech escrowed at Idaho Bank & Trust Co., Blackfoot, Idaho with a remaining principal balance due at date of death in the sum of \$6,988.52 and payable in monthly payments of \$84.00.

Savings account #3-337471-7 at Idaho Bank & Trust Co.,
Blackfoot, Idaho

Savings account #3-337531-8 at Idaho Bank & Trust Co.,
Blackfoot, Idaho

Checking account #3-022516-9 at Idaho Bank & Trust Co.,
Blackfoot, Idaho

That the entire purchase price of all of said property was paid by said deceased and Wilma Malm with their community funds and no part thereof was the separate property or funds of said deceased or said Wilma Malm, and that they held title to all of said property until the death of said deceased as community property and not in any respect as the separate property of either said Earl G. Malm or his said wife, Wilma Malm.

NOW, THEREFORE, on motion of the attorney for said petitioner,

IT IS ORDERED, ADJUDGED AND DECREED that at the times and in the manner hereinabove particularly specified and during coverture of said Earl G. Malm and his surviving widow, Wilma Malm, they purchased with community funds and as community property all of the property above described which was at all times from the date of purchase to the date of death of said Earl G. Malm the community property of said purchasers and that during all of said time were husband and wife and lived together as such. That said deceased and said Wilma Malm duly intermarried on the 5th day of July 1921, and were at all times residents of Idaho and at the time of his death, said deceased was a resident of the County of Bingham, State of Idaho; that upon the death of said Earl G. Malm, title to all of said described property vested in his surviving widow, Wilma Malm, as survivor of said marital community and under the laws of the State of Idaho.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that due and legal notice of this hearing has been given as required by law and the order of this Court and that the same is established of record in this Court.

DATED and DONE in Open Court this 21st day of March, 1973.

EUGENE L. McCOY

Eugene L. McCoy, Magistrate

-2-

DECREE

35 2668

1515 Lincoln Road

October 30, 1973

Re: Application for Transfer of Water Right No. 35-2668

H. William Furchner
Attorney at Law
178 W. Judicial Street
Blackfoot, ID 83221

Dear Mr. Furchner:

Attached herewith is departmental receipt No. 12606 in the amount of \$30.00 for the above referenced application which was received in this office on October 25, 1973.

Before final action can be taken on the application for transfer, we will need a copy of the deed conveying the property to Mr. Burkman.

If the 11 acres in Sec. 9, T. 2^s, R. 35E, B.M. are dropped from the license as a result of this transfer, the diversion rate for the remaining 93 acres would exceed the statutory limit of 0.02 c.f.s. per acre. It will be necessary for Mr. Burkman to supply this office with a justification for the higher rate of diversion or we will reduce the rate of diversion under the license to 1.86 c.f.s. We accept as justification statements from the Soil Conservation Service or other soil experts that the higher rate of diversion is actually necessary because of very coarse soils or unusual irrigation systems.

If you have any questions concerning this matter, do not hesitate to contact this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

Attachment

35 2668

Law Offices

FURCHNER, MARTSCH & BAKER

178 W. JUDICIAL STREET

BLACKFOOT, IDAHO 83221

H. WILLIAM FURCHNER

JAMES L. MARTSCH

DWIGHT E. BAKER

October 23, 1973

AREA CODE 208

785-2310

P. O. BOX 752

RECEIVED

OCT 25 1973

Department of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Department of Water Administration
Eastern District Office

Re: Amendment and Transfer of Water License No. 35-2668
James W. Burkman, Route 1, Box 36, Blackfoot, Idaho

Gentlemen:

We enclose herewith the Application for Transfer of Water Right of James W. Burkman, together with our check in payment of the transfer fee in the amount of \$30.00.

When this transfer is completed, will you please return the approval to us for Mr. Burkman.

Very truly yours,

FURCHNER, MARTSCH & BAKER



H. William Furchner

Encls:
HWF:fb

35-2668

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor

Statehouse — Annex 2
Boise, Idaho 83707
(208) 384-2215

R. Keith Higginson
Director

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

July 10, 1973

Re: License No. G-29839/35-2668
Permit No. 35-7084

Mr. H. William Furchner
Furchner, Martsch, & Baker
P. O. Box 752
Blackfoot, Idaho 83221

Dear Mr. Furchner:

We received the application for amendment submitted in behalf of James W. Burkman in connection with License No. G-29839(new #35-2668).

However, since the change is being requested on a licensed right, an Application for Transfer is necessary. We are enclosing a partially completed application for your use. You may submit the completed application along with a \$30.00 filing fee to our Eastern District Office at 240 South Holmes, Idaho Falls, Idaho.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/DR:jc
Enc: App. for transfer w/instructions
App. for amendment

35 2668

Law Offices

FURCHNER, MARTSCH & BAKER

178 W. JUDICIAL STREET
BLACKFOOT, IDAHO 83221

July 5, 1973

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

RECEIVED
JUL 6 1973
Department of Water Administration
P. O. BOX 752
AREA CODE 208
785-2310

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

Re: License No. G-29839 and
Permit No. 35-7084, both
owned and held by James W. Burkman

Dear Mr. Higginson:

We are enclosing herewith the application for amendment of the above license, originally issued to Mr. Earl Malm, who is now deceased.

The lands to which the license is appurtenant and the licensed water right have been purchased by Mr. Burkman and are now owned and held by him. He desires to abandon the well described in the license, and to increase the capacity of the well covered by Permit No. 35-7084 which will produce sufficient irrigation water for both the lands described in the permit and in the license.

Will you please prepare the appropriate notice for publication and advise us of the fee to be paid for making this change, which we will promptly forward to you.

Very truly yours,

FURCHNER, MARTSCH & BAKER


H. William Furchner

Encl:
HWF:fb

35 2668

January 23, 1969

Re: Permit No. G-29839

Mr. Earl Malm
Route 3
Blackfoot, Idaho 83221

Dear Mr. Malm:

Enclosed you will find your Water License issued on the
above numbered permit.

Also enclosed is departmental receipt No. 2549 in the
amount of \$13.00 covering the fees.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosures

29839

RECEIVED

EARL W. CORY
Attorney at Law
BLACKFOOT, IDAHO

JAN 20 1969

Department of Reclamation

January 17th
1969

RECEIVED	
DATE	
BY	
APPROPRIATE	
✓	APPROPRIATE
	DIST
	ADJ
	INVESTIGATION
	FILE
	RECORD
	REPLY
	OFFICE

Mr. Dean R. Reynolds
Field Examiner
Department of REclamation
107 State House
Boise, Idaho 83701

Dear Sir:

Re: Permit No. G-29839

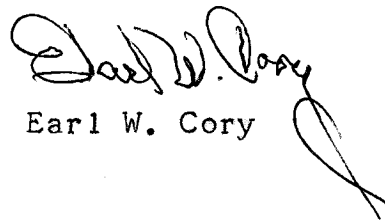
Your letter of January 15th, 1969 addressed to Mr. Earl Malm, Route 3, Blackfoot, Idaho, has been handed to me for a reply.

We are enclosing herewith Mr. Malm's check in the sum of \$13.00 as per your letter.

Please forward Certificate of Completion of Works, the License and Certificate of Water Right directly to me and I will see that they are delivered to Mr. Malm.

Thanking you for your cooperation in this matter and with kindest regards, I remain

Yours very truly,


Earl W. Cory

EWC:aj

29839

January 15, 1969

Re: Permit No. G-29839

Earl Malm
Route 3
Blackfoot, Idaho 83221

Dear Mr. Malm:

A representative of this department has made an examination of the works covered by your permit G-29839 and has found the following:

Quantity of water diverted: 2.0 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 2.0 c.f.s.

Purpose of use: Irrigation of 104 acres in N¹/₂SW¹/₄, SW¹/₄SW¹/₄,
Sec. 3; NE¹/₂NE¹/₄, Sec. 9, T. 2 S, R. 35 E, B.M.

The priority date established is: August 21, 1961 (late proof).

A fee totaling \$ 13.00 must be received within 30 days from the date of this letter in order that we can issue you the Certificate of Completion of Works and the License and Certificate of Water Right as described above.

Very truly yours,

Dean R. Reynolds
Field Examiner

DRR:dfj

*The maximum quantity diverted shall not exceed 354 acre feet per season.

29839

January 15, 1969

Re: Permit No. G-29839

Earl Malm
Route 3
Blackfoot, Idaho 83221

Dear Mr. Malm:

A representative of this department has made an examination of the works covered by your permit G-29839 and has found the following:

Quantity of water diverted: 2.0 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 2.0 c.f.s.

Purpose of use: Irrigation of 104 acres in N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 3; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, T. 2 S, R. 35 E, B.M.

The priority date established is: August 21, 1961 (late proof).

A fee totaling \$ 13.00 must be received within 30 days from the date of this letter in order that we can issue you the Certificate of Completion of Works and the License and Certificate of Water Right as described above.

Very truly yours,

Dean R. Reynolds
Field Examiner

DRR:dj

*The maximum quantity diverted shall not exceed 364 acre feet per season.

29839

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-29839 ✓

REPORT ON PROOF OF Completion of Works & Beneficial Use

19

Temp. 25.

58

35

11

10-4

Re

AREA - 104 ACRES ESTIMATED

SUBD + ~~A~~

Q - 2 C.I.S.

$$VOL = 36.1 \text{ AC-Ft / Season}$$

PRIORITY = Late Proof - Aug. 21, 1961

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

Permit No. G-29839 ✓

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Earl Malm ✓

2. Source of water supply: Irrigation well ✓

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

T. 2 S ✓ R. 35 E, B.M. ✓ County of Bingham ✓

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

INTERNATIONAL HARVESTER GAS ENGINE # U264
1879 U.S. HOLLOSHAFT WRT GEAR DRIVE 24 P. 1723708
DRAINING PUMP # 1258, 8" DISCHARGE 3'
INTO CONCRETE DIVERSION WORKS - THROUGH EARTH
DITCHES, GRAVITY IRRIGATION

5. Water is used for: Irrigation ✓

6. 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):

~~NE 1/4, S. 9, T. 2 S, R. 35 E, B.M.~~ NE 1/4, SW 1/4, S. 3, ✓

NE 1/4, S. 9, T. 2 S, R. 35 E, B.M.

NW 1/4, S. 10, T. 2 S, R. 35 E, B.M.

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

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

Remarks: NOT IN OPERATING CONDITION 9-18-67

he Malm CONTACTED 3-27-68 SYSTEM

REBUILT & BEING USED FOR LIVESTOCK

Sparking meter measurement 200 Gal in
100 Sec 2.0 cfs

(IRRIGATION REQUIREMENT = 3.5 AC-FT/ACR/SEASON)
only 4 subdivisions not 5

This examination was made on the _____ day of July, 1968

(Signed) Dean Reynolds Examiner.

29839

D. J. Platt
#4

2:00 P.M.

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.

Earl Malm — well, pump, ditch — 785 183 A
Route #3 — 15" 130'
Blackfoot, Idaho
Permit No. G-29839 ✓ NOTE →

Examination for Completion of Works & Beneficial Use

County Bingham ✓

Quantity: 2 C.F.S. ✓ Sec. 3 T. 2S R. 35 E, B.M.

35-
Source: Irrigation well ✓

P.D.: NE 1/4 SW 1/4, S. 3, T. 2 S, R. 35 E, B.M.

Use: Irrigation ✓

Extension:

Protest:

Completion of Works:

Other Rights:

Filed: June 19, 1961

Due: June 21, 1966

Made August 23, 1966

PRIORITY = AUG. 21, 1961 (LATE PROOF)

INTERNATIONAL HARVESTER
V 264 # 1879

US VERTICAL HOLLOWSHAFT
GEAR DRIVE TO A
DAMING PUMP
1258

8" DISCHARGE 3'
INTO CONCRETE OUTLET
BOX - THROUGH EARTH
DITCHES

PROPANE GAS STORAGE
TANK # K 2084

NOT IN OPERATING
CONDITION - GROUND
NOT BEING FARMED.
9-18-67 DR.

29839

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

Notice is hereby given that at 10 a.m., on the 23 day of August, 1966, at Blackfoot, County of Bingham, State of Idaho, before H. William Furchner, Notary Public, at (address) 178 W. Judicial, proof will be submitted of the completion of works for the diversion of 2 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-29839, 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 is Earl Malm, Route 3, Blackfoot, 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 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 cubic feet per second.

4. The point of diversion of said water is in NE1/4 SW1/4 Sec. 3, Twp. 2 South, Rge. 35, EBM.

5. The place where said water is used is N1/2 SW1/4, SW1/4 SW1/4 Sec. 3, NE1/4 NE1/4 Sec. 9, and NW1/4 NW1/4 Sec. 10, all in Twp. 2 South, Rge. 35, EBM.

6. The date of priority which said user is prepared to establish is June 19, 1961.

R. Keith Higginson, Deputy
State Reclamation Engineer
July 22 - 29 - Aug. 5 - 10

September 15, 1966

Re: Permit No. G-29839

Earl Malm
Route #3
Blackfoot, Idaho

Dear Mr. Malm:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Blackfoot News all submitted in proof of completion of works and general use on Permit No. G-29839.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try to contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

M. Russell Bosch
Office Manager

MRS:rw

29839

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho
Permit No. G-29839

RECEIVED
AUG 25 1966
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: _____

Earl Malm, Route 3, Blackfoot, Idaho. I am a farmer and livestock raiser,
and my post office address is Route 3, Blackfoot, 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: _____

Permit No. G-29839; approval date of June 21, 1961; date of priority
of June 19, 1961.

Ques. 4. State source of water supply: Subterranean flow.
Give location of point of diversion, showing subdivision, section, township and range
Irrigation well located in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, Twp. 2 South, Rge. 35, EBM.

Ques. 5. Describe your works of diversion: Irrigation well, turbine pump and
butane motor discharging water into irrigation ditch.
; state amount of water they are capable of con-

veying from point of diversion to place of use: 100-150 inches Give name of canal or ditch

or other works by which water is conducted to such place of use: Ditches as shown

on plat ; if a well, state depth of well: 130 feet ; depth and size of
casing 5 feet of casing, 15" casing depth to water: 100 feet ; if pump is used,
into lava rock;
state discharge of pump: 110-120" ; tell how it was measured or determined _____

by estimate ; if sprinkler irrigation, give number and size
of nozzles and operating pressure: _____

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:

Township 2 South, Range Thirty-five, East Boise Meridian, in Idaho:

Section Three: NE $\frac{1}{4}$ SW $\frac{1}{4}$ 18a; NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40a; SW $\frac{1}{4}$ SW $\frac{1}{4}$ 20a;

Section Nine: NE $\frac{1}{4}$ NE $\frac{1}{4}$ 3a.

Sec 10 NW 1/4

29839

no log

D

State nature of all improvements which have been made as a direct result of said use:
None.

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: Well drilled by Paul Vollmer, Aberdeen, 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:
Used for irrigation.

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: Crop season 1961 - Time used since first use:
1962, 1963, 1964, 1965 and 1966 crop seasons.

Ques. 10. Describe all other water rights appurtenant to same place of use:
No other water for lands in Section Three.
Peoples Canal water for NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, but cannot get it on the
3 acre tract which is watered with well.

(sign) *Carl Malin*

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
Blackfoot, County of Bingham,
State of Idaho, on this 23rd day of August, A. D. 1966.

My commission expires: January 31, 1970

William L. ...
Notary Public for State of Idaho
Residing at Blackfoot, Idaho

29839

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-29839

* * * * *

RECEIVED
AUG 25 1966

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:

Nathan Young, 65 years of age, residing at Route 1, Blackfoot,

Idaho. I am retired.

Ques. 2 Are you acquainted with Earl Malm, the holder of
Permit No. G-29839? How long have you known him and where does he reside?

Yes. I have known Mr. Malm ten years, he resides on Route 3, Blackfoot,
Idaho.

Ques. 3. Have you read or heard said Permit No. G-29839 read, and are you familiar
with its provisions and conditions: Yes Yes. No. No.

Ques. 4. State source of water supply: Subterranean water

Give location of place of diversion, showing subdivision, section, township and range

Irrigation well located in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, Twp. 2 South, Rge. 35, EBM.

Describe works for conveying water to place of use: Butane motor, turbine pump.

Ditches, as shown on the plat.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 150 inches, 3sec. ft. How much water have you seen being so
conveyed? 100-150 inches

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

Twp. 2 South, Rge. 35, EBM:

Sec. 3: NE $\frac{1}{4}$ SW $\frac{1}{4}$ 18a; NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40a; SW $\frac{1}{4}$ SW $\frac{1}{4}$ 20a.

Sec. 9: NE $\frac{1}{4}$ NE $\frac{1}{4}$ 3a.

29839

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

Used for irrigation.

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.

The soil is lava ash and requires one inch to the acre for proper irrigation.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? None.

Ques. 10. When did you first see this water used? Crop season of 1966.

Other times you have seen such use: None.

(Signed):

Nathan Young

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

Blackfoot, County of Bingham, State of Idaho, on this 23rd day of August, A. D. 19 66.

William R. Church

Notary Public for the State of Idaho

Residing Blackfoot, Idaho

My commission expires : January 31, 1970

29839

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-29839

* * * * *

RECEIVED
AUG 25 1966

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:

Merrill J. Morgan, 53 years of age, residing at Route 2, Blackfoot,

Idaho. I am a farmer and livestock raiser.

Ques. 2 Are you acquainted with Earl Malm, the holder of
Permit No. G-29839? How long have you known him and where does he reside?

Yes. I have known Earl Malm 15 years, he resides on Route 3, Blackfoot,
Idaho.

Ques. 3. Have you read or heard said Permit No. G-29839 read, and are you familiar
with its provisions and conditions: Yes Yes. No. _____

Ques. 4. State source of water supply: Subterranean water.

Give location of place of diversion, showing subdivision, section, township and range
Irrigation well located in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, Twp. 2 South, Rge. 35, EBM.

Describe works for conveying water to place of use: Butane motor, turbine pump.

Ditches, as shown on the plat.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 3 second feet How much water have you seen being so
conveyed? 100 - 150 inches.

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

Twp. 2 South, Rge. 35, EBM:

Sec. 3: NE $\frac{1}{4}$ SW $\frac{1}{4}$ 18a; NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 a; SW $\frac{1}{4}$ SW $\frac{1}{4}$ 20a;

Sec. 9: NE $\frac{1}{4}$ NE $\frac{1}{4}$ 3 a.

29839

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.

The land is lava ash soil and water required for profitable cultivation is an inch to the acre.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? None.

Ques. 10. When did you first see this water used? 1963 crop season and each crop season since that time.
Other times you have seen such use: Crop seasons of 1964, 1965 and 1966.

(Signed):

Merrill Wiggins

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 _____

Blackfoot, County of Bingham, State of Idaho, on this 23rd day of August, A. D. 1966.

W. William Revickman

Notary Public for the State of Idaho

Residing Blackfoot, Idaho

My commission expires: January 31, 1970

29839

RECEIVED
AUG 25 1966

Department of Reclamation

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

Notice is hereby given that at 10 a.m. on the 23 day of August, 1966, at Blackfoot, County of Bingham, State of Idaho, before H. William Furchner, Notary Public (address) 178 W. Judicial, will be submitted of the completion of works for the diversion of 2 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-29839 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 is Earl Malm, Rockwell, Blackfoot, Idaho.

2. Said 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 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 2 cubic feet per second.

4. The point of diversion of said water is in NE 1/4 SW 1/4 Sec. 3, Twp. 2 South, Rge. 25, EBM.

5. The place where said water is used is N 1/2 Sec. 4, SW 1/4 Sec. 3, NE 1/4 Sec. 9, and NW 1/4 NE 1/4 Sec. 10, all in Twp. 2 South, Rge. 25, EBM.

6. The date of publication of said user is prepared to publish is June 19, 1966.

R. Keith Higginson, Deputy
State Reclamation Engineer
July 22 - 29 - Aug. 5 - 1966

AFFIDAVIT of PUBLICATION

County of Bingham
State of Idaho

} ss.

I, Drury R. Brown do solemnly

swear that I am the publisher of The Blackfoot News which is a daily newspaper of general circulation published each day except Saturday and Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1933, approved March 11, 1933, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: Friday of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was, published in said

Friday issue of said newspaper 4 consecutive weeks, the first publication having been made on the 22nd day of July, 1966,

and the last publication having been made on the

12th day of August, 1966; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me this 12th

day of August, 1966

Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
January 10th, 1967.

2983.9

LAW OFFICES
FURCHNER, ANDERSON & BEEBE
178 W. JUDICIAL STREET
BLACKFOOT, IDAHO 83221

H. WILLIAM FURCHNER
J. BLAINE ANDERSON
ARNOLD T. BEEBE
DWAIN H. STUFFLEBEAM

AREA CODE 208
785-0840
785-2310
P.O. BOX 752

August 24, 1966

RECEIVED
AUG 25 1966

Department of Reclamation

Mr. R. Keith Higginson, Deputy
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Re: Permit No. G-29839
Earl Malm
Route 3
Blackfoot, Idaho

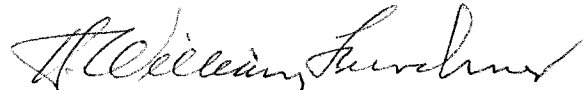
Dear Mr. Higginson:

We enclose herewith the depositions of the holder above-named and witnesses making final proof on the above permit, together with the affidavit of publication of the notice.

If you find these to be in order will you please file the same and notify us of approval thereunder, subject to the final field examination to be made by your office.

Very truly yours,

FURCHNER, ANDERSON & BEEBE


H. William Furchner

HWF:ec
Encls.

29839

July 13, 1966

Re: Permit No. G-29839

Earl Malm
Route #3
Blackfoot, Idaho

Dear Mr. Malm:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-29839. The proofs are to be made at _____ o'clock _____, on the 23 day of August, 19 66. before H. William Furchner Notary Public.

As of this date, we have mailed the Notice to the Blackfoot News, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION

Very truly yours,

R. KEITH HIGGINSON, Deputy
State Reclamation Engineer

Encl.

cc: Notary

29839

RECEIVED
15 1966

10/1/63

NOTICE OF PROOF OF COMPLETION OF WORKS

and
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

Notice is hereby given that at ~~10 A. M.~~, on the 23 day of August, 1966 at Blackfoot, County of Bingham, State of Idaho, before H. William Furchner, Notary Public, at (address) _____, proof will be submitted of the completion of works for the diversion of 2 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. C-29839, 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 is Earl Malm, Route 3, Blackfoot, 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 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 _____ cubic feet per second.

4. The point of diversion of said water is in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, Twp. 2 South, Rge. 35, EBM.

5. The place where said water is used is N $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9, and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10, all in Twp. 2 South, Rge. 35, EBM.

6. The date of priority which said user is prepared to establish is June 19, 1961.

R. Keith Higginson, Deputy

State Reclamation Engineer

29839

July 15, 1966

Re: Permit No. G-29839

Blackfoot News
Blackfoot, Idaho

Gentlemen:

Enclosed you will find a legal notice which we wish to have published for four consecutive weeks prior to August 23, 1966. The expense of the publication is to be paid by Earl Malm of Route #3, Blackfoot, Idaho to whom you should furnish proof of publication on or prior to the above date.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the notice for checking at least one week prior to the first publication.

Very truly yours,

R. KEITH HIGGINSON, Deputy
~~/CARR/EL/TAPPAN/~~
State Reclamation Engineer

Enclosure

29839

RECEIVED
JUL 15 1966

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 14, 1966

(P. O.) Blackfoot, Idaho

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published
at my expense in the The Blackfoot News, of ✓
Blackfoot, Idaho, Published in
the county in which the works are situated.

Carl Mahan

(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)

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

Engineer

29839

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G - 29839 - Earl Malm

April 4, 1966

Furchner & Stufflebeam
Attorneys at Law
Box 671
Blackfoot, Idaho

Gentlemen:

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G- 29839 are due not later than **June 21, 1966**

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 within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list, which has been recorded in this department. If changes have been made and no amendments are on record, we advise you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least FORTY (40) DAYS BEFORE THE 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; 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 two 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,

STATE RECLAMATION ENGINEER

Enc. Form 36 and 11

cc: Earl Malm
Route #3
Blackfoot, Idaho

29839

June 30, 1961

Re: Permit No. G-29839
Earl Malm

Furchner & Stufflebeam,
Attorneys at Law,
Box 671,
Blackfoot, Idaho.

Attention: H. William Furchner

Gentlemen:

We enclose Permit No. G-29839 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-6082 which was issued covering payment in the amount of \$5.25 for the filing fee of the above mentioned permit.

Very truly yours,

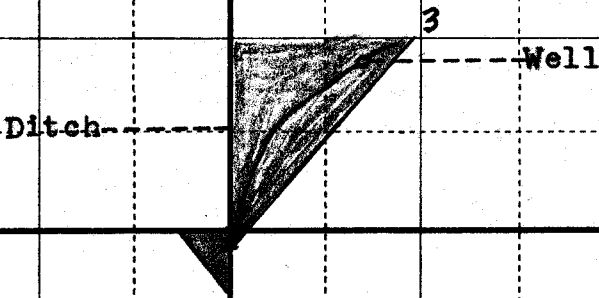
GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:pak

29839

TOWNSHIP TWO SOUTH, RANGE THIRTY-FIVE,
EAST OF THE BOISE MERIDIAN



Permit Map No. 29839
As Approved
GEO. N. CARTER JUN 21 1961
Reclamation Engineer

LAW OFFICES
FURCHNER AND STUFFLEBEAM
116 N. E. MAIN STREET
BLACKFOOT, IDAHO

H. WILLIAM FURCHNER
DWAIN H. STUFFLEBEAM

June 16, 1961

RECEIVED
JUN 19 1961
Department of Reclamation

Mr. Geo. N. Carter
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Dear Mr. Carter:

We are returning the signed permit returned
to us by your letter of June 14, 1961, for Earl Malm,
Route 3, Blackfoot, Idaho.

Very truly yours,

FURCHNER AND STUFFLEBEAM

H. William Furchner
EB

HWF:ec
Encls.

29839

June 14, 1961

Re: Application for Permit
Earl Malm

Furchner & Stufflebeam
Attorneys at Law
Box 671, Blackfoot, Idaho

Attn: H. William Furchner

Dear Mr. Furchner:

Returned herewith is the application for permit
with your attached check for \$5.25 filing fee.

Kindly sign the application and return for
processing.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. application

29839

H. WILLIAM FURCHNER
DWAIN H. STUFFLEBEAM

LAW OFFICES
FURCHNER AND STUFFLEBEAM
116 N. E. MAIN STREET
BLACKFOOT, IDAHO
June 13, 1961

RECEIVED
JUN 14 1961
Department of Reclamation

Geo. N. Carter
State Reclamation Engineer
Department of Reclamation
State House
Boise, Idaho

Dear Mr. Carter:

We are forwarding the application for permit of
Mr. Earl Malm together with out check in the amount of
\$5.25.

When the permit has been issued will you please
return it to us for the applicant.

Very truly yours,

FURCHNER AND STUFFLEBEAM

H. William Furchner

H. William Furchner

HWF:ed
Encls.

29839

EARL W. CORY

Attorney at Law

P. O. Box 248

Blackfoot, Idaho 83221



Mr. Dean R. Reynolds
Field Examiner
Department of Reclamation
107 State House
Boise, Idaho 83701

