

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

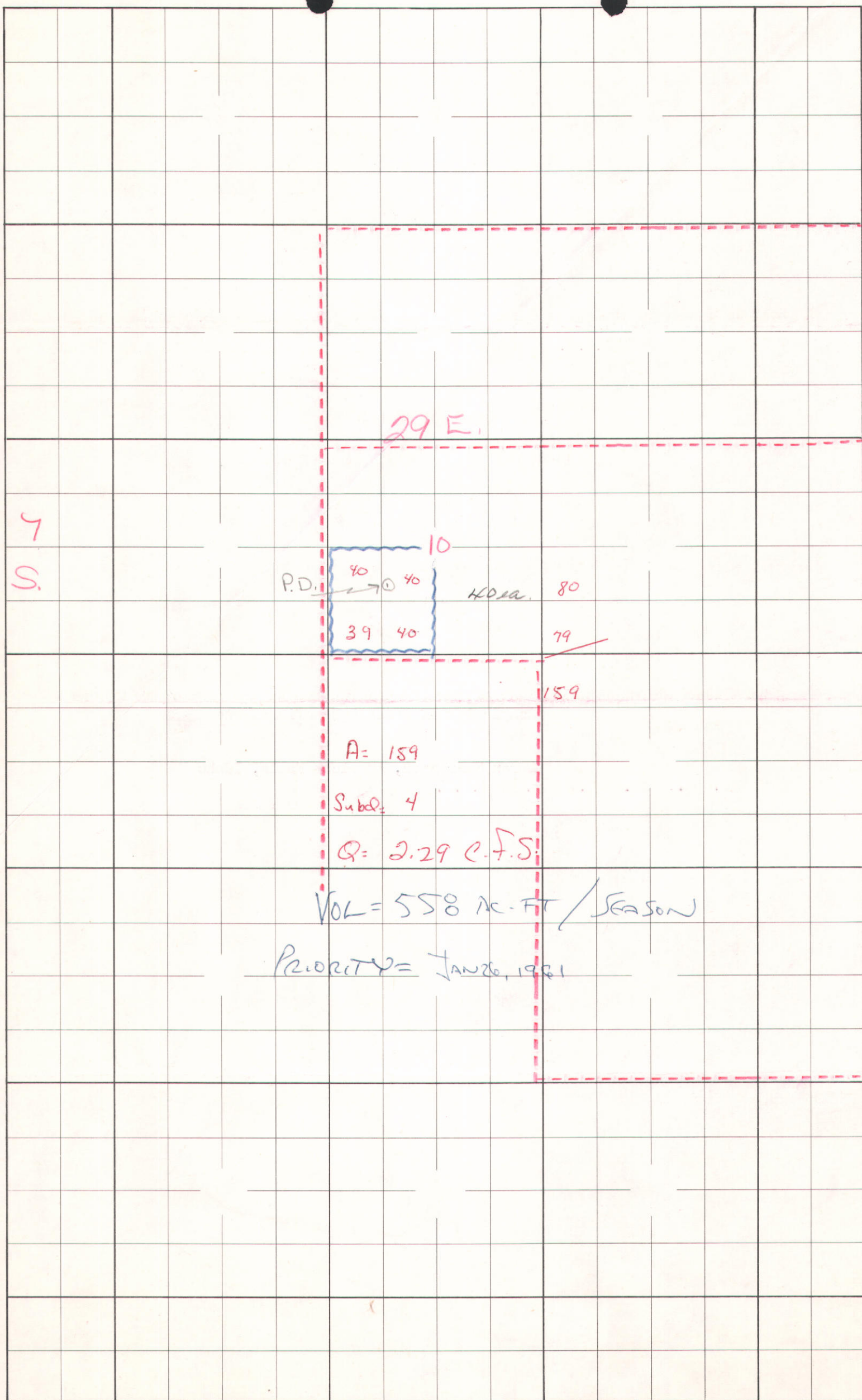
35-2638

assigned

Application No. G- 37359
 Permit No. G- 29360
 District No.

1. Name of Applicant: Loren Sherbenou
 Postoffice address: American Falls County: Power State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second 3.2 or Idaho
 Miners' inches or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean flow
4. Location of point of diversion or well is in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 10
 Twp. 7 So., Rge. 29 E, B.M., County of Power
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. P.D.
 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: Deep well turbine pump with sprinkling system
8. Estimated cost of works: \$ 25,000
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) 3.2 (cubic feet per second, inches or gallons per minute) is for new lands.







Sherbenou - E. Weisenberger
29360 (Present owner)

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.

Loren Sherbenou
American Falls, Idaho

226-2073

Permit No. G-29360

Examination for Completion of Works & Beneficial Use

County Power

Sec. 10 T. 7S R. 29 E

Quantity: 3.20 CFS

Source: SUBTERRANEAN FLOW

P.D.: NESW, S. 10, 7S. - 29E.

Use: IRRIGATION

Extension: -

Protest: -

Completion of Works: -

Other Rights: NONE

Filed: January 26, 1961

Due: January 30, 1966

Made: July 1st, 1965

Sept 20-22-65
198-11/64"
42# mg.

25 1/2' x 18"

35' x 16"

22' x 14"

118' x 12"

35-

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF POWER. } ss.

Phyllis Ringe

being first duly sworn
on oath, states:

That she is the principal clerk of the printer

of the Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said County; that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for 4 successive weekly issues thereof, the date of the first publica-

tion being the 3rd day of June, 1965

the date of last publication being the

24th day of June, 1965

(Signed) Phyllis Ringe

Subscribed and sworn to before me this

1st day of July, 1965

Notary Public, residing at American Falls, Idaho.

My Commission expires the

(SEAL)

8th day of December, 1966

Legal Notice

Published in the Power County Press
June 3, 10, 17, and 24th, 1965

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

Notice is hereby given that at 2:00 p. m., on the 1st day of July 1965, at Aberdeen, County of Bingham, State of Idaho, before Elmer Isaak, Notary Public, at Canal Co. office, proof will be submitted of the completion of works for the diversion of 3.2 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-29360, 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 Loren Sherbenau, American Falls, 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 3.2 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 3.2 cubic feet per second.

4. The point of diversion of said water is NE 1/4 SW 1/4 of Section 10, Township 7 South, Range 29 E. B. M.

5. The place where said water is used is SW 1/4 of Section 10, Township 7 South, Range 29 E. B. M.

6. The date of priority which said user is prepared to establish is January 26, 1961.

Carl E. Tappan
State Reclamation Engineer

29360

WATER LICENSE

Water License No. G-29360 Priority January 26, 1961 Amount 2.29 c.f.s.

THIS IS TO CERTIFY, that Loren Sherbenou - Assignee - CECIL WEISENBURGER
of American Falls, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated January 26, 1961; that Permit G-29360 was issued pursuant
to said application; that the proposed works were completed on or about May 1961,
with a storage/or carrying capacity of 2.29 c.f.s., said works consisting of
well, motor, pump and sprinkler system; and that on July 1, 1965,
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 558
acre feet per season, with a maximum rate of diversion of 2.29 cubic feet per second of the waters
of ground water, 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 Recla-
mation 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. 10, T. 7 S, R. 29 E, B.M., and
other additional points _____, in the County of
Power; 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 558 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 $\frac{1}{4}$	
7 S	29 E	10									40	40	39	40					159

Total number of acres irrigated 159

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

7th day of April, 1969

F. Kirk Hight
State Reclamation Engineer

35 2638

29360

APPLICATION FOR PERMIT

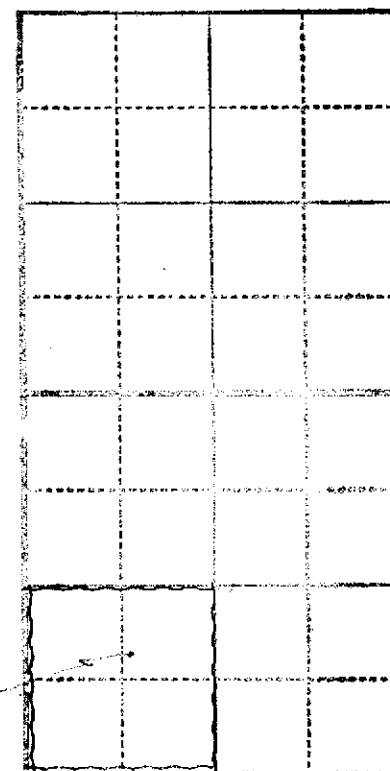
To Appropriate the Subterranean Waters of The State of Idaho

35-2638

assigned

Application No. G- 37359
Permit No. G- 29360
District No.

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Postoffice address: American Falls County: Power State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second 3.2 or Idaho
Miners' inches or gallons per minute
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Twp. 7 So., Rge. 29 E, B.M., County of Power
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. 10.
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: Deep well turbine pump with sprinkling system
8. Estimated cost of works: \$ 25,000
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.
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 - 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:
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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) 3.2 (cubic feet per second, inches or gallons per minute) is for new lands.



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.

s/ Loren Sherbenou

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. January 26, 1961

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 29360

Recorded in Book 103

Page 29 360

Approved

January 30, 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 **July 30, 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 January 30, 1966

Witness my hand this 30th

day of January, 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 30th
day of January, 1961

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

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	
7 So.	29 E	10			40 40 40 40		160
<u>ASSIGNMENT OF PERMIT</u> I, Loren Sherbenou, hereby assign to Cecil Weisenburger of American Falls, Idaho, All of my right title and interest in and to Permit No. G-29360 to appropriate the public waters of the State of Made this _____ day of _____, 19____. /s/ LOREN SHERBENOU, Permit Holder PAULINE SHERBRNOU, Wife of Permit Holder State of Washington) County of Grant) ss. On this 13th day of March, 1969, personally appeared before me, the signers of the above instrument who duly acknowledged to me that they executed the same. /S/ DICK D. LUDEMAN, Notary Public residing at Quincy, Washington My commission expires: 3-15-71 LICENSE ISSUED FOR <u>2.29</u> SEC. FT. LICENSE PAG NO. _____							

December 23, 1968

Re: Permit No. G-29360

Loren Sherbenou
American Falls, Idaho

Dear Mr. Sherbenou:

A representative of this department has made an examination of the works covered by your permit G-29360 and has found the following:

Quantity of water diverted: 2.29 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 2.29 c.f.s.*

Purpose of use: Irrigation of 159 acres in SW¹/₄, Sec. 10,

T. 7 S, R. 29 E, B.M.

The priority date established is: January 26, 1961.

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. Schnaible
Reclamation Engineering Administrator

DRS:dj

*The maximum quantity diverted shall not exceed 558 acre feet per season.

29360

35-2638

has paid

April 7, 1969

Re: Permit Nos. G-29360 & G-31040

Mr. Cecil Weisenburger
American Falls,
Idaho 83211

Dear Mr. Weisenburger:

Enclosed you will find your Water Licenses issued on the
above numbered permits.

Also enclosed is departmental receipt No. 2652 in the
amount of \$26.00 covering the fees.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosures

29360

RECEIVED

MAR 19 1969

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
ASSIGNMENT OF PERMIT

Department of Reclamation

I, Loren Sherbenou, hereby assign to Earl W. Wendenburg
of Am Fork Idaho Name
Address

CHECK ONE

☒ All my right, title, and interest, in and to Permit No. 629360 to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho. (Give that portion of the permit being assigned by describing the land list and the point of diversion - describe by acreage within each 40-acre subdivision.)

Made this _____ day of _____, 19 _____.

Loren Sherbenou

Permit Holder

Pauline Sherbenou

Wife of Permit Holder

State of Idaho)

County of Grant)

ss.

On this 13th day of MARCH, 19 69, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Richard Rudeman

Notary Public residing at Sumner

My commission expires 3-15-71

29360

March 24, 1969

RE: Permit No. G-29360

Cecil Weisenburger
Route #1
American Falls, Idaho 83211

Dear Mr. Weisenburger:

Enclosed herewith is a copy of the assignment
which was submitted to this department for recording.
The original has been placed in our files.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

29360

C
O
P
Y

February 26, 1969

Re: Permit No. G-29360

Cecil Weisenburber
American Falls, Idaho

Dear Mr. Weisenburger:

5 Please find enclosed the Department's Form for submitting an assignment.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:TG

Enc: assignment form

29360

29360

RECEIVED

FEB 24 1969

Feb. 21, 1969

Department of Reclamation

Department of Reclamation
Statehouse
Boise, Idaho

	CHIEF	
	DEPUTY CHIEF	
✓	ASST. DIR.	
	DIST.	
	ADJ.	
	INFORMATION	
	PLANNING	
	RECORDS	
	TRAINING	
	LEGAL	
	GENERAL	

Att: Donald W. Mc Eldowney,

In regards to your letter
of Feb. 18 that is enclosed.

I would like the license
issued in my name but
the Department form that you
state is needed to fill out was
not in with the letter. Would
you please send me one and
I will fill it out.

Thank you,

Cecil Weisenburger

American Falls, Idaho

29360

CECIL WEISENBURGER
Route 1
American Falls, Idaho 83211



FRANKLIN D. ROOSEVELT
U.S. POSTAGE

State of Idaho
Department of Reclamation
Waterhouse - Annex 2

Col. Donald W. McElhenny Boise, Idaho 83707

29360

February 18, 1969

Re: Permit No. G-29360

Cecil Weisenburger
American Falls, Idaho

Dear Mr. Weisenburger:

You noted on the fee letter sent to Mr. Sherbenou also of American Falls, that you are now the new owner of the lands indicated in this letter. We are, therefore, wondering if you wish to have the license issued in your name. We have enclosed the Department's form for your use in this matter.

If you wish, however, for the license to remain in Mr. Sherbenou's name, please inform the Department and we will have the license out to as soon as we receive word as to your decision.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg
Enc: assignment form

29360

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

February 18, 1969

Re: Permit No. G-29360

Cecil Weisenburger
American Falls, Idaho

Dear Mr. Weisenburger:

You noted on the fee letter sent to Mr. Sherbenou also of American Falls, that you are now the new owner of the lands indicated in this letter. We are, therefore, wondering if you wish to have the license issued in your name. We have enclosed the Department's form for your use in this matter.

If you wish, however, for the license to remain in Mr. Sherbenou's name, please inform the Department and we will have the license out to as soon as we receive word as to your decision.

Very truly yours,

A handwritten signature in black ink, reading "Donald W. McEldowney".

Donald W. McEldowney
Appropriation Examiner

DWM:tg
Enc: assignment form

29360

February 10, 1969

Re: Permit No. G-29360

Loren Sherbenou
American Falls, Idaho

Dear Mr. Sherbenour

It appearing to the State Reclamation Engineer that the terms and conditions of Permit G-29360 to appropriate the public waters of the State of Idaho, have not been complied with as to failure to submit licensing fees of \$13.00

you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the State Reclamation Engineer on or before March 24, 1969 why said permit should not be cancelled.

Permit G-29760 claims the use of 3.2 cubic feet per
second of water
of water. The point of diversion was to be located
NE4SW4, Sec. 10, T. 7 S, R. 29 E, B. M., Power County

and the permit was approved

State Reclamation Engineer

RKH:tg

Less Post
Office

29360

✓ DPK

December 23, 1968

Re: Permit No. 3-29360

Loren Sherbenou
American Falls, Idaho

Dear Mr. Sherbenou:

A representative of this department has made an examination of the works covered by your permit 3-29360 and has found the following:

Quantity of water diverted: 2.29 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 2.29 c.f.s.*

Purpose of use: Irrigation of 159 acres in SW 1/4, Sec. 10,
T. 7 S., R. 29 E., N. 4.

The priority date established is: January 26, 1961.

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. Schnaible
Reclamation Engineering Administrator

DRS:dfj

*The maximum quantity diverted shall not exceed 552 acre feet per season.

29360

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

December 23, 1968

Department of Reclamation

Re: Permit No. G-29360

Loren Sherbenou
American Falls, Idaho

Dear Mr. Sherbenou:

A representative of this department has made an examination of the works covered by your permit G-29360 and has found the following:

Quantity of water diverted: 2.29 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho Law: 2.29 c.f.s.*

Purpose of use: Irrigation of 159 acres in SW $\frac{1}{4}$, Sec. 10,
T. 7 S. R. 29 E. B.M.

The priority date established is: January 26, 1961.

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. Schnaible

Dean R. Schnaible
Reclamation Engineering Administrator

DRS:dj

*The maximum quantity diverted shall not exceed 558 acre feet per season.

29360

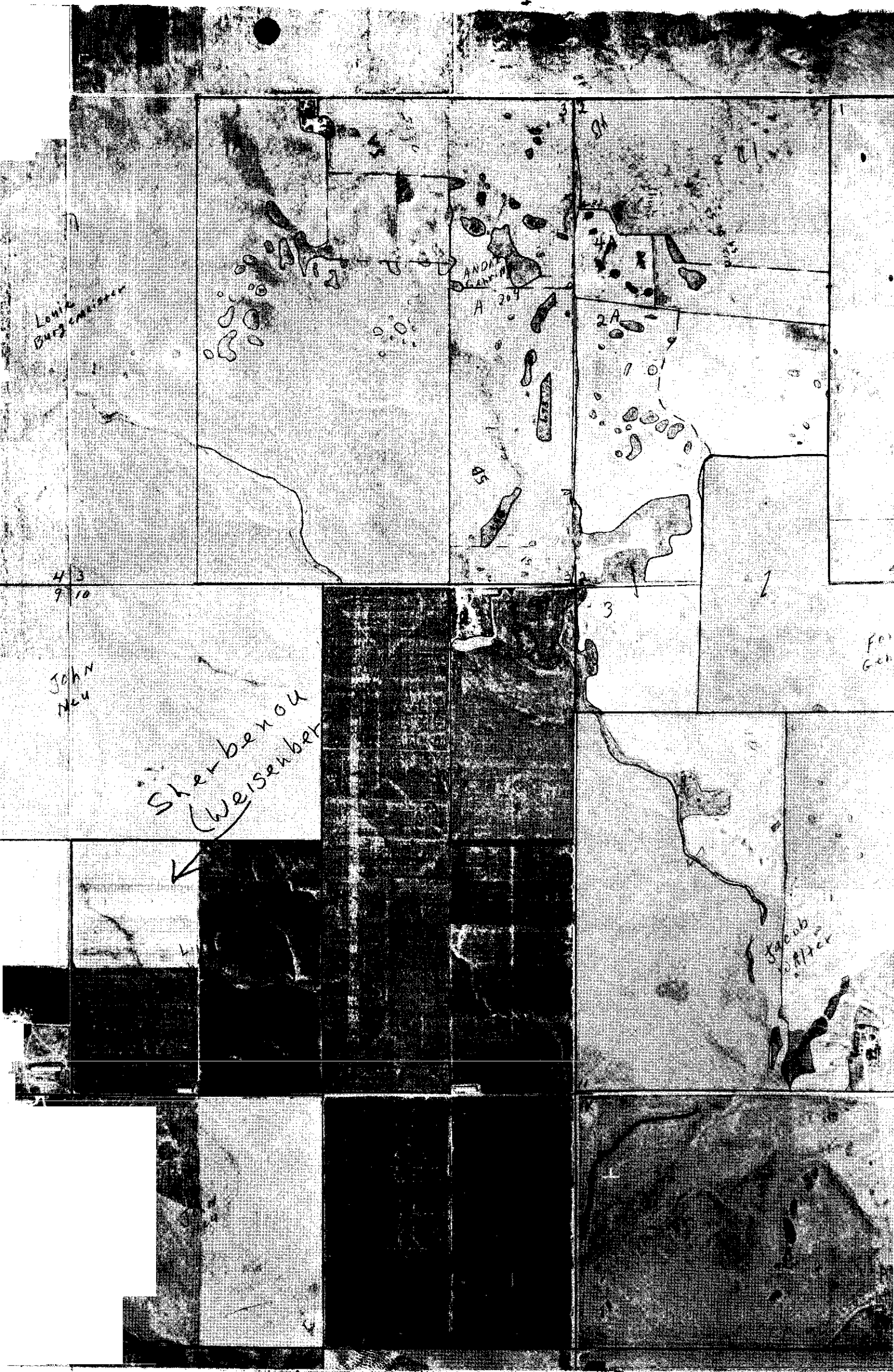
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-29360

REPORT ON PROOF OF Completion of Works & Beneficial Use

Loren Sherbenou, American Falls, Idaho



Sherbenou - E. Weisenberger
29360 (Present owner)

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

Permit No. G-29360

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

1. Name of applicant Loren Sherbanou

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the NE 1/4 SW 1/4 of Section 10
T. 7 S R. 29 E. B. M. County of Power

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

U.S. Motor 150 H.P. 1233464 - Berkeley 01471 10" discharge
to underground - Gate Valve at pump. 56 # at pump
6 x 1/4 mile laterals with 30WS Rainbird heads & 5/8
nozzles. 33 per lateral.

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):

SW 1/4 Sec. 10., Twp. 7 S., Rge. 29 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: 54.3 # at per nozzle San 198 nozzles.

$$\frac{5.19 \times 198}{448.8} = 2.29 \text{ C.F.S.}$$

No one was present.

IRRIGATION REQUIREMENT = 3.5 AC-FT / SEASON

This examination was made on the June day of 1968

(Signed) Dean Reynolds

Examiner.

12-20-68

29260

Plat
X.H.

Sept 20, 1964
Loren Sherbenou
American Falls, Idaho
221-2073
Permit No. G-29360
25' x 18"
35' x 16"
23' x 14"

Examination for Completion of Works & Beneficial Use

County Power 118' x 12"
Quantity: 3.20 cfs Sec 10 T. 7S. R. 29 E. 1/4
35-
250'

Source: SUBTERRANEAN FLOW

P.D.: NESW, S. 10, 7S. - 29E.

Use: IRRIGATION

Extension: -

Protest: -

Completion of Works: -

Other Rights: NONE

Filed: JANUARY 26, 1961

Due: JANUARY 30, 1966

Made: July 1st, 1965

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.

M E M O R A N D U M

October 5, 1966

TO: R. KEITH HIGGINSON
State Reclamation Engineer

FROM: ROBERT W. HAMILTON
Supervisor of Water Distribution

SUBJECT: Bickett Complaint of Baldwin Well

A written protest was received from John R. Coleman, Attorney for Mr. Harvey Bickett, in which they stated the Baldwin Brothers were transferring water from an artesian well, License No. G-29372, to lands down Silver Creek which were not covered by their license.

On September 22, 1966, the Baldwins called at the office to talk over the problem. The terms of their license were discussed and when asked if they had been transferring water to lands not covered by their license, they admitted they had, but said they would not use water on these lower lands in the future. They said all the users in the area were transferring water. We advised them they would have to get a new permit for the well and give the land description of the lower lands or drill a new well.

On the 23rd day of September, I met Mr. Coleman at Shoshone and he and Reid Newby, Watermaster, Water District Nos. 7-AB and 11-AB, accompanied me to Mr. Bickett's place at Picabo, Idaho. Mr. Bickett protested the use of water from artesian wells of the area on other lands down Silver Creek. He was informed that the Department would not deny permits for wells on those grounds, but we would stop use of water on lands being irrigated with waters designated to other lands under a license or permit right. He also protested the issuing of a license to the Baldwins under Permit No. G-29372. When asked why he did not protest the proof of beneficial use, he said the Department would have given the Baldwins an extension of time because that was the way he got his land in when licensing his wells. He said Baldwins only had irrigated 60 acres and were licensed 7.44 c.f.s. on their flowing well. We then looked at the Baldwin property, which they were levelling at the time. Brush showed over much of the area, and it appeared that the land had not been cropped. He was told we could not do much now that the license had been issued, and Mr. Coleman said he was going to look into the possibility of having the courts deny the license. Mr. Watts was contacted upon return to the office, and he said that water had been run through the sage brush to promote grass growth. Mr. Bickett also said he intended to try to prevent the transportation of water from the area and also have the wells decreed to hold his artesian pressure. Mr. Coleman felt this could be done, but it was pointed out they would limit the development of the ground water basin in the area.

Mr. Newby was instructed not to allow the Baldwins to divert any well water from Silver Creek at the lower ranch.

29360

PARRY, ROBERTSON & DALY

LAWYERS

FIDELITY BANK BUILDING

P. O. BOX 525

TWIN FALLS, IDAHO 83301

R. P. PARRY
T. M. ROBERTSON
JOHN H. DALY
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
W. ALLEN WILLIS
FRED D. DECKER

RECEIVED
SEP 16 1966
Department of Reclamation

TELEPHONE
(208) 733-3722

September 15, 1966

Hon. R. Keith Higginson
State Reclamation Engineer
Statehouse
Boise, Idaho

Dear Mr. Higginson:

I am writing this letter to you on behalf of our client, Mr. Harvey Bickett of Gooding, Idaho. Mr. Bickett owns ranch and dry farm land in Blaine County, Idaho, near Gannett, Idaho. On this land Mr. Bickett has four artesian wells, for the purpose of this letter described as follows:

Well No. 1

25929

Located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, Township 1 South, Range 19 East of the Boise Meridian producing 3 second feet of water with a priority date of 8/16/55. ✓

Well No. 2

27101

Located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 1 South, Range 19 East of the Boise Meridian producing 1.5 cubic feet per second with priority date of September 30, 1957. ✓

Well No. 3

27512

Located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, Township 1 South, Range 19 East of the Boise Meridian producing 2.5 cubic feet per second with a priority date of 7/29/58. ✓

Well No. 4

27913

Located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Township 1 South, Range 19 East of the Boise Meridian producing ~~3 cubic feet~~ 2.98 per second with a priority date of June 3, 1959. ✓

Under date of January 27, 1961, a permit to appropriate ground water was issued to Mr. Harold J. Lucke for 7.6 cubic feet of water per second with a point of diversion at the NW $\frac{1}{4}$ NE $\frac{1}{4}$.

29360

SEP 16 1966

Department of Reclamation

Hon. R. Keith Higginson

Page 2

September 15, 1966

Section 20, Township 1 South, Range 19 East of the Boise Meridian. It is my understanding that license number G-29372 for 7.44 cubic feet per second has been issued for this permit. The water under the license is to be used upon the NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 21, in Township 1 South, Range 19 East of the Boise Meridian, Blaine County, Idaho.

This right has been transferred by Mr. Lucke to Mr. Don W. Baldwin and Wayne Baldwin of Picabo, Idaho. When the well, the subject of license number G-29372, is opened and flowing water, the operation of this well causes the flow from the wells of Mr. Bickett to continually drop until such time as some of his wells are completely dry.

At the present time, the well owned by the Baldwins is being allowed to flow. The water therefrom is flowing into the channel of Silver Creek and is not being used on the land to which the same is appurtenant. Our client, Mr. Bickett, has a crop of fall wheat planted and is unable to irrigate the same from his wells by reason of the fact that the Baldwin well is being allowed to flow at this time.

This letter is to protest the operation of the Baldwin well at any time when such operation decreases the flow of the Bickett wells and further to protest the operation of the Baldwin well when water therefrom is not used upon land to which the same is appurtenant. It is, therefore, requested that your office give this matter immediate consideration and order that the Baldwin well be shut off so that further crop damage to our client, Mr. Bickett, will not occur.

If we may be of any assistance to you in furnishing factual information in connection with this matter, please contact me. Your prompt consideration of this matter will be greatly appreciated.

Sincerely yours,

John R. Coleman
JOHN R. COLEMAN

JRC:sn

cc: Mr. Harvey Bickett

29360

July 23, 1965

Re: Permit No. G-29360

Loren Sherbenou
American Falls, Idaho

Dear Mr. Sherbenou:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the BOYER COUNTY PRESS, all submitted in proof of completion of works and beneficial use on Permit No. G-29360.

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 and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

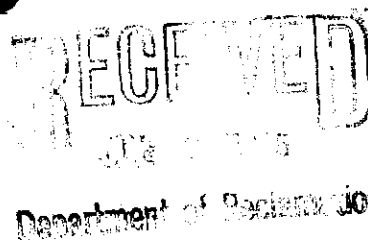
EPR:

29360

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-29360 ✓



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: _____

Loren Sherbenou, occupation-farmer, residence and address is American Falls,
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-29360, approval date January 30, 1961, priority date-January 26, 1961

Ques. 4. State source of water supply: underground from a deep well

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

NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 7 South, Range 29 East, Boise Meridian.

Ques. 5. Describe your works of diversion: deep well turbine pump with a
sprinkler system.

_____ ; state amount of water they are capable of conveying from point of diversion to place of use: 3.2 second ft ; Give name of canal or ditch
at least or other works by which water is conducted to such place of use: _____

_____ ; if a well, state depth of well 360 feet ; depth and size of
25 $\frac{1}{2}$ ft of 18", 35 ft of 16",
casing 23 ft of 14", 118 ft of 12" ; depth to water 250 feet ; if pump is used,
state discharge of pump: _____ ; tell how it was measured or determined _____

_____ ; if sprinkler irrigation, give number and size
of nozzles and operating pressure: 198 nozzles size 11/64 at 42 lbs 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:

the entire 160 acres of the SW $\frac{1}{4}$ has been irrigated with the

sprinkler system

Loren Sherbenou

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

the farm was dry farmed before the water was put on.

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: Cushman and Johnson, Blackfoot, 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: _____ - Time used since first use:

The entire amount of the water was used in May of 1961. The entire amount of water has been used through each irrigation season since that time.

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

None

(sign) Loren Sherburne

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

Aberdeen, County of Bingham
State of Idaho, on this 1st day of July, A. D. 19 65.

[Signature]
Notary Public

My commission expires: December 8, 1966

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

RECEIVED
JUN 8 1965
Department of Reclamation

Permit No. G-29360

* * * * *

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:

Allan Townsend, age 21, occupation- student, present address is
American Falls, Idaho

Ques. 2 Are you acquainted with Loren Sherbenou, the holder of
Permit No. G-29360? How long have you known him and where does he reside?

I have known him one month and he resides at American Falls, Idaho

Ques. 3. Have you read or heard said Permit No. G-29360 read, and are you familiar
with its provisions and conditions: Yes XXXXX No.

Ques. 4. State source of water supply: underground

Give location of place of diversion, showing subdivision, section, township and range
NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 7 South, Range 29 East. Boise Meridian

Describe works for conveying water to place of use: deep well turbine pump.
main line and laterals - all into a sprinkler system.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: at least 3.2 second feet How much water have you seen being so
conveyed? I have seen this water being used.

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

the sprinkler system irrigates the entire 160 acres

29360

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.
clay loam soil, slightly rolling and will require almost an inch to the acre 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? None

Ques. 10. When did you first see this water used? June 2, 1965 and all during the month of June, 1965
Other times you have seen such use:

(Signed): Allen Townsend

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

Aberdeen, County of Bingham, State of Idaho, on this 1st day of July, A. D. 1965

Notary Public for the State of Idaho
Residing Aberdeen, Idaho

My commission expires December 8, 1966

JUL 2 1965
Department of Reclamation

* * * * *

DEPOSITION OF WITNESS

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

American Falls, Idaho

Since 1957 and he lives near American Falls, Idaho

Ques. 4. State source of water supply: underground from well ✓

Location is is the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 7 South, Range 29 E.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
 to place of use: at least 3.2 second ft How much water have you seen being so
 conveyed? I have seen at least 160 miners inches used - this was estimated.

The sprinkler system irrigates the entire 160 acres of the SW $\frac{1}{4}$

29360

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 clay loan and is gently rolling. It will need about
an inch to the acre for good 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? None

Ques. 10. When did you first see this water used? Summer of 1963
Other times you have seen such use: During that irrigation season and each
irrigation season since that time.

(Signed):

Charles Henderson

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

Aberdeen, County of Bingham, State of Idaho, on
this 1st day of July, A. D. 1965

Edna Lamb

Notary Public for the State of Idaho
Residing Aberdeen, Idaho

My commission expires December 8, 1966

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF POWER. } ss.

Phyllis Rince being first duly sworn
on oath, states:

That she is the principal clerk of the printer
of the Power County Press, a newspaper of general circulation
in Power County, Idaho, published weekly at American Falls
in said County; that said newspaper has been published in said
County uninterruptedly and continuously for over seventy-
eight consecutive weeks, prior to the first publication of the
annexed notice or advertisement:

That the annexed notice or advertisement was published as
per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for 6
successive weekly issues thereof, the date of the first publica-

tion being the 3rd day of June, 1965

the date of last publication being the

24th day of June, 1965

(Signed) Phyllis Rince

Subscribed and sworn to before me this

1st day of July, 1965

Elmer Smith
Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL)

8th day of December, 1966

Legal Notice

Published in the Power County
Press
June 8, 10, 17, and 24th, 1965

NOTICE OF PROOF OF COM-
PLETION OF WORKS AND
APPLICATION OF WATER TO
BENEFICIAL USE

Notice is hereby given that at
2:00 p. m., on the 1st day
of July 1965, at Aberdeen,
County of Bingham, State of
Idaho, before Elmer Isaak, Not-
ary Public, at Canal Co. office,
proof will be submitted of the
completion of works for the di-
version of 3.2 cubic feet per
second of underground water
from a well, and of the appli-
cation to beneficial use of said
water, in accordance with the
terms and conditions of Permit
No. G-29360, heretofore issued
by the Department of Reclama-
tion of the State of Idaho.

1. The name and postoffice
address of the person or cor-
poration holding said permit is
Loren Sherbenau, American
Falls, 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 3.2 cubic
feet per second.

3. The use to which said water
has been applied is irrigation,
purposes, and the amount ap-
plied to beneficial use is 3.2
cubic feet per second.

4. The point of diversion of
said water is NE 1/4 SW 1/4
of Section 10, Township 7 South,
Range 29 E. B. M.

5. The place where said water
is used is SW 1/4 of Section
10, Township 7 South, Range
29 E. B. M.

6. The date of priority which
said user is prepared to estab-
lish is January 26, 1961.

Carl E. Tappan, Notary
State of Idaho

29360

(office yellow copy)

Re: Permit No. **G-29360**
Loren Sherbenou

May 25, 1965

**Mr. Loren Sherbenou,
American Falls, Idaho.**

Dear Mr. Sherbenou:

This acknowledges the Notice of Proof of Completion of Works and Application of water to Beneficial Use under Permit No. **G-29360**. The proofs are to be made at **2:00** o'clock **P.M.**, on the **1st** day of **July**, 19**65**, before **Elmer Isack, Canal Co. Office, Aberdeen, Idaho**, Notary Public.

As of this date, we have mailed the Notice to the **Power County Press** **American Falls,**, 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,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk
cc: Notary

29360

Re: Permit No. G-29360
Loren Sherbenou

Date: May 25, 1965

Power County Press,
American Falls, Idaho.

Gentlemen:

Enclosed you will find Notice for Publication, once a week
for four consecutive weeks prior to July 1, 1965
the date set for proof; the expense of the publication is to be paid
by the applicant Loren Sherbenou
of American Falls, Idaho to whom you should
furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this
office with a copy or tear sheet of the first publication. **

Very truly yours,

Carl E. Tappan
CARL E. TAPPAN
State Reclamation Engineer

** If the first copy is not received in this office for checking
purposes and errors appear in subsequent issues, it is possible
that re-publication of corrected copy will be at your own expense

29360

NOTICE OF PROOF OF COMPLETION OF WORKS

RECEIVED 1/63
MAY 25 1965

and
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

Notice is hereby given that at 2:00P. M., on the 1st day of July 1965, at Aberdeen, County of Bingham, State of Idaho, before Elmer Isaak, Notary Public, at (address) _____, proof will be submitted of the completion of works for the diversion of 3.2 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-29360, 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 Loren Sherbenou, ~~American~~ American Falls, 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 3.2 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 3.2 cubic feet per second.
4. The point of diversion of said water is NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 7 South, Range 29 E.B.M.
5. The place where said water is used is SW $\frac{1}{4}$ of Section 10, Township 7 South, Range 29 E.B.M.
6. The date of priority which said user is prepared to establish is January 26, 1961.

CARL E. TAPPAN

State Reclamation Engineer

29360P



Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) May 24, 1965

(P. O.) American Falls, 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 Power County Press of American Falls, Idaho published in the county in which the works are situated.

(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

29360

February 10, 1961

Re: Permit No. G-29360

Loren Sherbenou,
American Falls, Idaho.

Dear Mr. Sherbenou:

We enclose Permit No. G-29360 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-5584 which was issued covering payment in the amount of \$5.75 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

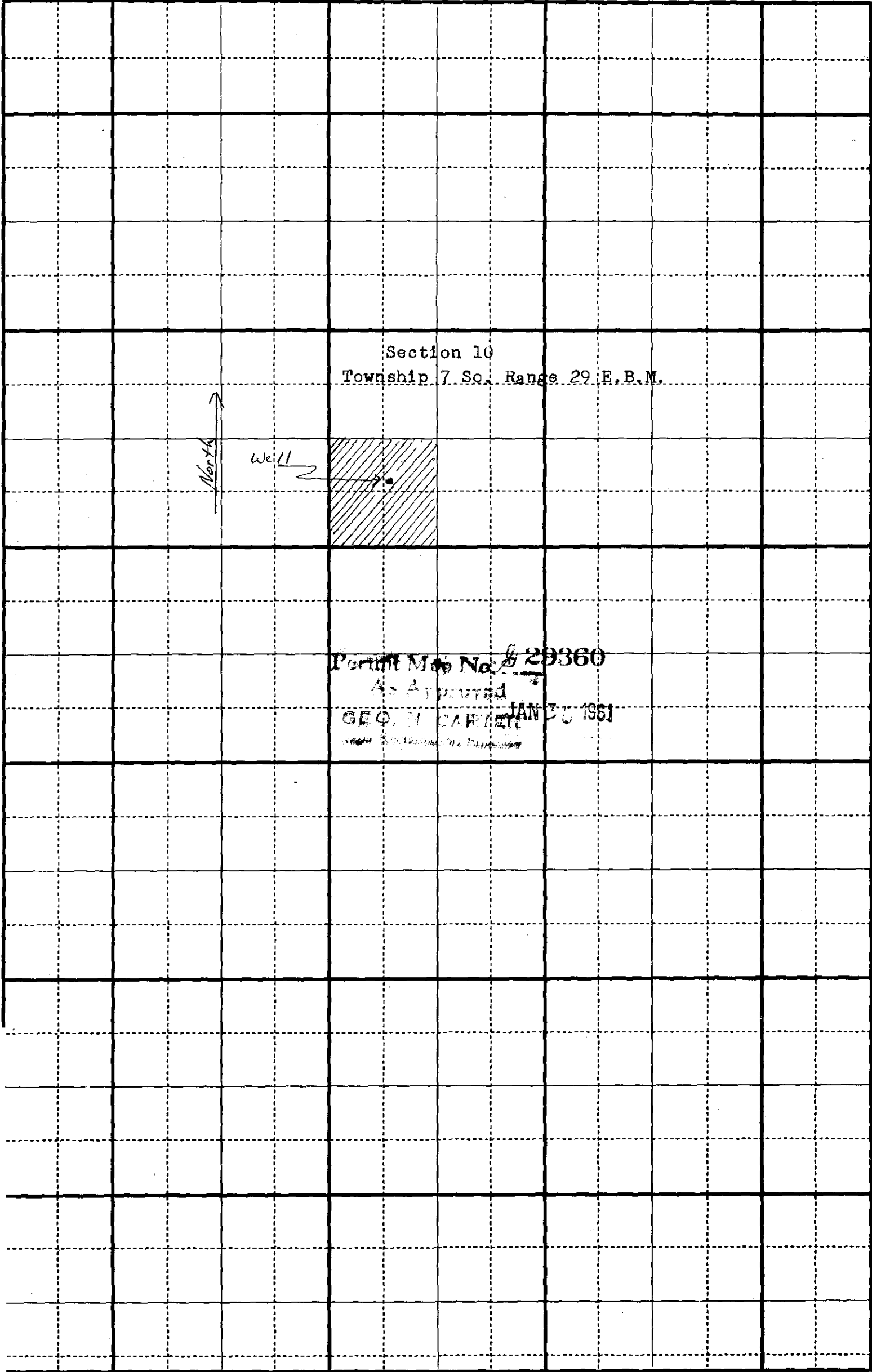
(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:pak

29360

NAME OF APPLICANT Ernest Sherbenou

Form No. 0



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

29360

LAW OFFICES OF
MURPHY, SCHWARTZ & CUNNINGHAM

JACK M. MURPHY
FRED A. SCHWARTZ
JAMES M. CUNNINGHAM

RECEIVED
JAN 24 1961
Department of Reclamation

TWIN FALLS, IDAHO
313 SHOSHONE STREET NORTH
REDWOOD 3-4961

SHOSHONE, IDAHO
JOURNAL BUILDING
TUCKER 6-7602

HAILEY, IDAHO
111 EAST CROY
TELEPHONE 47

Shoshone, Idaho
January 23, 1961

State Reclamation Engineer
Boise, Idaho

Re: Application for Permit
Cleora N. Murphy

Gentlemen:

Enclosed is Application for Permit of Cleora
N. Murphy. If you will advise what the filing
fees are, we will promptly remit same.

Very truly yours,

MURPHY, SCHWARTZ & CUNNINGHAM

By

Jack M. Murphy

NH
Encl.

29357