

BEFORE THE STATE RECLAMATION ENGINEER

In the Matter of)
Permit No. G-24654 :
)

Order of Reinstatement

.....

WHEREAS, Permit No. G-24654 was cancelled by the State Reclamation Engineer on August 6, 1965, for the reason that the owners had failed to pay the statutory fees for license of water right totalling \$23.00, and

WHEREAS, We are now advised by the Attorney General of the State of Idaho that such cancellation was in violation of the authority of this Department and the provisions of Section 42-311, Idaho Code,

NOW THEREFORE, The State Reclamation Engineer on his own motion does hereby rescind the cancellation of Permit No. G-24654 and said Permit is in all respects reinstated and restored to its former condition and priority.

Dated this 23rd day of March, 1966.

Carl E. Tappan
CARL E. TAPPAN
State Reclamation Engineer

G-24654

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

April 9, 1965

Re: Permit No. G- 24654

To Claude G. Brower and O. Elwood Manwaring
Route #1
Blackfoot, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. G- 24654 to Appropriate the Public Waters of the State of Idaho, have not been complied with as to _____
Non-payment of statutory fees, totaling \$23.00

YOU ARE HEREBY notified in compliance with Sec. 42-234, Idaho Code that said Permit No. G- 24654 is hereby held for cancellation.

YOU ARE HEREBY required to show cause before the State Reclamation Engineer on or before sixty days from date of this notice why said Permit should not be cancelled.

SAID PERMIT NO. G- 24654 claims the use of 6.4 cubic feet per second of the Subterranean Waters a well with point of diversion located NW 1/4 Sec. 32., Twp. 2 S., Rge. 32 E.B.M.
and was approved January 18, 1954.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office at Boise, Idaho, the 9th day of April, 1965.

Ralph Thomas, Deputy
State Reclamation Engineer

Well 252' x 18"
165' To water
Measured depth to water in the well to
water level in division box 167.8'
Pump: Berkeley #541012
10' of 10" dia. to ext concrete
division box

Motor U.S. 979277 - 150 HP
440V 180 Amp
1600 RPM

Meter # GE 33 008 473
PO 28547X
K_n = 24
Demand dial = 0.56
136 Kwh written on dial

Sprinkler to East 80
2 1/4" w/ 4" laterals
Nozzles
30 Rainbird
3/16" + 1/4"
Main 1/4" + 300' = 6"

Booster Pump + Motor
Pump Peerless 184051
RPM 3450 - 90
Horizon Cal

Form 23
Motor - Marathon Electric
P 30 - 4K 32VOTDA
Model # 4K 32VOTDA

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

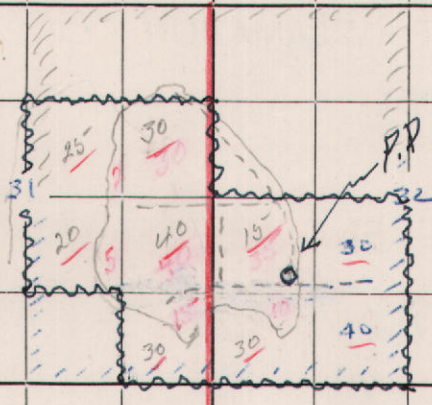
PERMIT NO. 9-24654

REPORT ON PROOF OF _____

R-32 E

1370' = 137"

T
2
S



550a
150a
60a
190a
190a
260a
190" = 44"
44"
234"

T
3
S

6

5

4

subdivisions 9

Land Irrigated 260a.

$Q = 5.2$ c.f.s.

As measured with Sparling
meter at one of the gated
outlets of the concrete
division box at the well

B.V. $Q = 234$ inches
4.68 c.f.s.

c/w = 5.2 c.f.s.

5 Res - 500 in
1 min + 31 1/2 sec.

60
31 1/2

91 1/2 sec.

91 1/2 500 5.46
45 75
425 0
36 60
57 00
52 90

5.45

50

27 25 0

+ 2 1/2" for waste

27 5"

Measured depth to
water 190 - 23.7 = 166.3'
+ 1 1/2' = 167.8' = Total.

Bower + Mannaring

Bower + Mannaring

Permit No. 24654

Examination for 9/10 + Beneficial Use

County Bingham

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.

To Permit to appropriate the Public Waters
of the State of Idaho, No. G-24654

Comes now CLAUDE G. BROWER and L. J. THATCHER, and represent to the State Reclamation Engineer of the State of Idaho.

That ^{we} ~~he~~ are the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-24654, and request that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

SW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31;

NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32;

All in Township 2 South, Range 32 East, B. M.

making a total of _____ acres.

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

Signed at Blackfoot, Idaho this 17th day of September, 19 58.

Date of receipt at office of Department of Reclamation Sept. 19, 1958

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-24654. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded: October 3, 1958
in Book 87 of Permits at Page 24654

G. N. Carter
State Reclamation Engineer

G-24654

January 25, 1954

RE: Permit No. G24654

Mr. O. Elwood Manwaring
Route 1
Blackfoot, Idaho

Dear Mr. Manwaring:

We enclose permit No. G-24654 in the name of yourself and Claude Brower and 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-394 for the \$6.50 filing fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

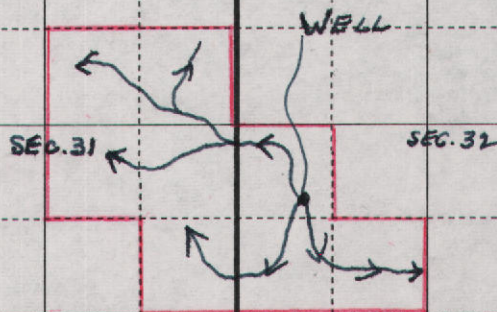
Well log in Well log file
[Signature]

G-24654

NAME OF APPLICANT O. Elwood Manwaring, and Claude Brower

Form No. 0

T. 2 S. R. 32 E Boise Mer.



Permit Map No. 24654

As Approved
JAN 18 1954
MARK R. KULP
State Reclamation Engineer

Legal Notice

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

NOTICE IS HEREBY GIVEN That 10:00 a.m., on the 4th day of September, 1958, at Blackfoot, County of Bingham, State of Idaho, before H. William Ruchner, Notary Public, at Blackfoot, Idaho, proof will be submitted of the completion of works for the diversion of 6.4 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-24634 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 Claude G. Brower and O. Elwood Manwaring, Route No. 1, 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 6.4 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 6.4 cubic feet per second.

4. The point of diversion of said water is NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32, Twp. 2 S., Rge. 32 EBM.

5. The place where said water is used is S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31; NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 32, Twp. 2 S., Rge. 32 EBM.

6. The date of priority which said user is prepared to establish is January 13, 1954.

GEO. N. CARTER,
State Reclamation Engineer.
Pub. Aug. 8; 15, 22, 29, 1958.

State of Idaho
License and Certificate of Water Right

Water License No. G-24654

Amount 4.68

Water District No. _____

Priority January 13, 1954

THIS IS TO CERTIFY that L. J. THATCHER
of Pocatello, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated January 13, 1954; that Permit No. G-24654
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
5.2 second feet, was issued thereunder on March 23, 1966, showing that said works
were completed on the 4th day of September, 1958; and that on the 4th
day of September, 1958, L. J. Thatcher

of Pocatello, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a
well, a tributary of subterranean flow, for the purpose of irrigation
under Use Permit No. G-24654 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

13 of Licenses at page 8453, on the 23 day of March, 1966;

The right hereby confirmed dates from January 13, 1954;

The Point of Diversion is located

in the NW 1/4 SW 1/4, Sec. 32, Tp. 2S, R. 32E, B. M. Bingham County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 4.68 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
2S	32E	31	SE 1/4 NE 1/4	40	30
			SW 1/4 NE 1/4	40	25
			NE 1/4 SE 1/4	40	40
			NW 1/4 SE 1/4	40	20
			SE 1/4 SE 1/4	40	30
		32	NE 1/4 SW 1/4	40	30
			NW 1/4 SW 1/4	40	15
			SW 1/4 SW 1/4	40	30
			SE 1/4 SW 1/4	40	40
			Total number of acres to be irrigated:		260

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

23rd day of March, 1966.

/s/ R. KEITH HIGGINSON
Assistant, State Reclamation Engineer.

(SEAL)

35 231

Assigned to S. J. Thatcher
Post Office - Idaho
35-2365

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

~~O. Elwood Manwaring~~
~~Rt. 1, Blackfoot, Idaho~~

Application No. G- 32461
Permit No. G- 24654
District No.

1. Name of Applicant: O. ELWOOD MANWARING and CLAUDE BROWER
Postoffice address: Rt. 1. Blackfoot County: Bingham State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second. 6.4 or Idaho
Miners' inches 320 or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean to be raised through a drilled well
4. Location of point of diversion or well is in the NW 1/4 of the SW 1/4 of Section 32
Twp. 2 S. , Rge. 32 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 1/4 of the 1/4 of Section , Twp.
Rge. , B.M
 - (b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.
7. Kind of works: Drilled well, to be cased, and equipped with turbine type pump.
8. Estimated cost of works: \$ 11,000.00
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 Four (4) 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) 6.4 (cubic feet per second, inches or gallons per minute) is for new lands.

Notated
L. L. ... at ...
Idaho ... by order of
State ... Engineer
dated ...
See ...
in ...

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.

By O. Elwood Manwaring Agent.

Returned to applicant for correction:

Corrected application received:

The number of this permit is G-24654

Recorded in Book 87 Page 24654 Approved January 18, 1954

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 March 18, 1954 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 January 18, 1956

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before **January 18, 1958**

Witness my hand this 18th day of January, 1954

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho,
and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 18th
day of January, 1954.

Countersigned:

STATE OF IDAHO

(SEAL)

By IRA H. MASTERS

Secretary of State.

By LEN JORDAN

Governor

12.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2 S.	32 E.	31			40	40									40	40		40	200
		32									40	40	40					120	
APPROVAL OF STATE RECLAMATION ENGINEER																			
I, E. N. HUMPHREY, Deputy State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work and beneficial use under Permit to appropriate the Public Waters of the State of Idaho, No. G-24654 to January 18, 1959.																			
Witness my hand this 25th day of November, 1957																			
/s/ E. N. Humphrey Deputy State Reclamation Engineer																			
Recorded: November 25, 1957.																			

A S S I G N M E N T

✓ FOR VALUE RECEIVED, We, O. Elwood Manwaring and Ella N. Manwaring, husband and wife, hereby assign all of our right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. G-24654, to L. J. Thatcher, of Pocatello, Bannock County, Idaho.

IN WITNESS WHEREOF, we have hereunto set out hands this 16th day of September, 1958.

/s/ O. Elwood Manwaring
/s/ Ella N. Manwaring

STATE OF IDAHO)
County of Bingham)ss

On this 16th day of September, in the year 1958, before me, H. William Furchner, a Notary Public in and for the State of Idaho, personally appeared O. Elwood Manwaring and Ella N. Manwaring, 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.

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

(SEAL)
My commission expires:
January 31, 1962.

/s/ H. William Furchner
Notary Public for Idaho, residing at
Blackfoot, Idaho

Filed for record in the
Department of Reclamation October 3, 1958
GEO. N. CARTER
State Reclamation Engineer

Application for Amendment
To Permit to Appropriate the Public Waters
of the State of Idaho, No. G-24654

Comes now CLAUDE G. BROWER and L. J. THATCHER, and represent to the State Reclamation Engineer of the State of Idaho. That they are the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G-24654, and request that the list of lands to be irrigated, as described in said permit, be changed to read as follows: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31; NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32; All in Township 2 South, Range 32 East, B.M., making a total of acres. That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Blackfoot, Idaho, this 17th day of September, 1958

/s/ Claude Brower

Date of receipt at office of Department of Reclamation
Sept. 19, 1958

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. G-24654. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ Geo. N. Carter
State Reclamation Engineer

Recorded: October 3, 1958
in Book 87 of Permits at Page 24654
DEPARTMENT OF RECLAMATION

QUITCLAIM DEED

✓ See Quitclaim Deed assigning L. J. Thatcher of Pocatello, Idaho all of right, title and interest, of permit No. G-24654.

/s/ CLAUDE G. BROWER
Permit Holder

LOIS BROWER
Wife of Permit holder.

Recorded: March 23, 1966.

CERTIFICATE OF COMPLETION OF WORKS ✓

✓
TO ALL WHOM IT MAY CONCERN:

This is to certify that L. J. Thatcher, of Pocatello, County of Bannock, and State of Idaho, the holder of Permit No. G-24654 issued upon application No. G-32461 bearing date of priority of January 13, 1954, authorizing the diversion of 6.4 second feet of waters of a well County of Bingham, State of Idaho for irrigation purposes has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of works of diversion set out and described in said permit; that said works are adequate for diverting and conveying to the place of intended use 5.2 second feet of waters if a well from subterranean flow that the point of diversion of said waters NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, T 2 S., R 32 E., B.M. and that the lands proposed to be irrigated by the use or place of use of said water are described as follows to wit; SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 31; NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, T 2 S., R 32 E., B.M.

Witness my hand this 23rd day of March, 1966. -

/s/ R. KEITH HIGGINSON,
Assistant State Reclamation Engineer

Proof of Completion of Works made: 4th September, 1958.

Recorded March 24th, 1966.

LICENSE ISSUED FOR 4.68 SEC. FT.
LICENSE PAG. NO. 8453.



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

July 16, 1987

RE: Water Right Nos. 35-7672, 35-2421, 35-2365 & 35-7819

CIGNA
Attn: Bob Tippet
8100 Emerald St., Suite 130
Boise, ID 83704

Dear Mr. Tippet:

This letter is written in response to your telephone request of July 15 regarding the status of the above referenced water rights.

Right 35-7672 - Licensed water right in the amount of 3.25 cubic feet per second (cfs) from a groundwater source in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, Twp 2S, Rge 32E. This right is for the irrigation of 160 acres in the NW $\frac{1}{4}$ of Sec. 32, and stockwater purposes. The date of priority is February 9, 1977.

Right 35-2421 - Licensed water right in the amount of 2.64 cfs from a well in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, Twp 3S, Rge 32E. This right is for the irrigation of 230 acres in the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 5. The date of priority is April 29, 1955.

Right 35-2365 - Licensed water right in the amount of 4.68 cfs from a well in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, Twp 2S, Rge 32E. This right is for the irrigation of 260 acres in the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31; SW $\frac{1}{4}$, Sec. 32. The date of priority is January 13, 1954.

Right 35-7819 - This right is still in the permit stage and is in the name of Connecticut General Life Insurance Co. The permit is in good standing. The proof of beneficial use was submitted in

July 16, 1987
Page 2

August of 1982 and the examination fee was submitted in June of 1986. The next step will be for our office to make a field examination of the system developed under this permit and prepare it for licensing.

If you have any further questions, please feel free to contact either this office or our Eastern Regional Office in Idaho Falls.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker".

KAY WALKER
Technical Records Specialist,

KW:sc

April 25, 1966

Mr. Vern E. Herzog, Jr.
Zener & Herzog
Law Offices
Box 1412
Pocatello, Idaho 83201

Dear Mr. Herzog:

In reply to your letter of April 19, 1966 as to lands and water rights of Larry J. and Mildred I. Thatcher, our records indicate the following:

Permit No. G-25650, License Page No. 6859
Holder: L.J. Thatcher and Cluade G. Brown
Quantity: 2.64 c.f.s.
Priority: April 29, 1955
Point of Diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, T. 3 S., R. 32 E., B.M.
Land List: NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 5, T. 3 S., R. 32 E., B.M.

Permit No. G-24654, License Page No. 8453
Holder: L.J. Thatcher
Quantity: 4.68 c.f.s.
Priority: January 13, 1954
Point of Diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, T. 2 S., R. 32 E., B.M.
Land List: S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31; SW $\frac{1}{4}$, Sec. 32, T. 2 S., R. 32 E., B.M.

Our records do not indicate any other filings for the lands in question.

Please contact us if we may be of any further assistance.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:mr

J 201654

BEFORE THE STATE RECLAMATION ENGINEER

In the Matter of)
Permit No. G-24654)
)

Order of Reinstatement

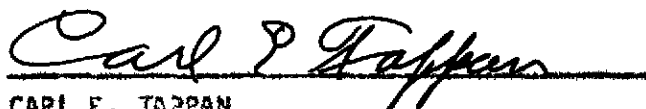
.....

WHEREAS, Permit No. G-24654 was cancelled by the State Reclamation Engineer on August 6, 1965, for the reason that the owners had failed to pay the statutory fees for license of water right totalling \$23.00, and

WHEREAS, We are now advised by the Attorney General of the State of Idaho that such cancellation was in violation of the authority of this Department and the provisions of Section 42-311, Idaho Code,

NOW THEREFORE, The State Reclamation Engineer on his own motion does hereby rescind the cancellation of Permit No. G-24654 and said Permit is in all respects reinstated and restored to its former condition and priority.

Dated this 23rd day of March, 1966.



CARL E. TAPPAN
State Reclamation Engineer

G-24654

March 24, 1966

RE: Permit No. G-24654

Mr. H. William Furchner
Attorney at Law
Blackfoot, Idaho

Dear Mr. Furchner:

We are enclosing a copy of Attorney General's opinion prepared by William D. Collins from which you can see that we have been advised that the department has no authority to cancel a permit for failure to submit fees when due. Because of this ruling we are also forwarding an order reinstating Permit No. G-24654 together with a certificate and license of water right and departmental receipt No. G-10232 in the amount of \$23.00. You should also be advised that the records of this department were endorsed to show L. J. Thatcher as the sole owner of said permit and license.

We trust that this is satisfactory and regret any delay or inconvenience which may have been caused by our waiting for the Attorney General's opinion.

Very truly yours,

R. KEITH HIGGINSON, Assistant
State Reclamation Engineer

RKH:ejw

Encl: Order of reinstatement (2)
License
Certificate
Receipt
Attorney General's opinion (copy)

24654



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

BOISE

March 22, 1966

ALLAN G. SHEPARD
ATTORNEY GENERAL

RECEIVED
MAR 23 1966

Department of Reclamation

Mr. R. Keith Higginson
Assistant State Reclamation Engineer
107 Statehouse
B U I L D I N G

Dear Mr. Higginson:

We have your letter of February 28, 1966, requesting an opinion from this office on the following questions:

- (1) Is there any statutory authority for this office to cancel a permit for non-payment of fees?
- (2) Once a permit has been cancelled, does the State Reclamation Engineer have jurisdiction to reinstate or must appeal be taken to the District Court in the manner prescribed?

The Department of Reclamation has the authority to cancel permits with respect to surface water as distinguished from ground water by virtue of Idaho Code, Section 42-311, and with respect to ground water by virtue of Idaho Code, Sections 42-239, and 42-311. Idaho Code, Section 42-311 sets forth both the circumstances and the manner by which a permit can be cancelled at the instance of the Department of Reclamation and is set out for reference below:

"Whenever the department of reclamation shall deem it advisable to clear the records of its office of permits, the owners of which have failed or neglected to comply with the law and the requirements of said permits as to the date of commencing of work or the filing of bond thereunder, or the completion of one-fifth of the construction work within one-half the time allowed for the completion of such construction work, or the final completion of such construction work, and has reason to believe that any permit or permits are subject to cancelation (sic) as in this chapter provided,

24654

March 22, 1966

the department shall prepare and mail by registered mail to the holder of each permit which it believes subject to cancelation (sic) and which it desires to cancel a notice fully describing the permit in question, with the date of issuance thereof, point or points of diversion, and setting forth in clear and concise manner the reasons why the cancelation (sic) of said permit is proposed. Said notice shall be mailed to the last known post-office address of the holder of said permit and shall require said permit holder to show cause before the department of reclamation on or before a date therein set, which shall be not less than thirty days from the mailing of said notice, why said permit should not be canceled.

"Any party aggrieved by the decision of the department under the provisions of this section may appeal to the district court in the manner provided in sections 42-306--42-308.

"On failure to appear and make such showing on or before the date set or on failure, in the opinion of the department, to make sufficient showing, said permit may be canceled. In lieu of the mailing of said notice by registered mail, service of the same may be made as provided by the laws of Idaho for the service of a summons in civil actions."

The answer to your first question simply depends on what interpretation is given to the phrase: "failed or neglected to comply with the law and requirements of said permits as to the date of commencing of work or to the filing of bond thereunder, or the completion of one-fifth of the construction work within one-half the time allowed for the completion of such construction work, or the final completion of such construction work." This phrase can be construed two different ways. In one light, the words "law" and "requirements" can be considered as modifying the four enumerated conditions, i.e., failure to comply with the "law" as to the four conditions or failure to comply with the "requirements" as to the four conditions would each be ground for canceling the permit. In like manner, the four conditions could be considered as modifying only the word "requirement," i.e., a permit could be

J24654

canceled (1) where the "law" had not been complied with in general and (2) where the holder had failed to comply with the "requirements" as to the four conditions. Both interpretations result in a redundant usage of the words "law" and "requirements." Failure to comply with the "law" in each interpretation would necessarily result in failure to comply with the "requirements" as to the four conditions. Therefore, no preference can be made of one interpretation over the other on the mere basis that one is redundant and the other is not.

Section 42-311 is an amended form of an Act which was originally enacted in 1909. Two subsequent amendments to the 1909 Act have left it substantially unchanged. The title of that Act provided as follows:

"Providing a means and manner for the cancelation and voiding of permits to appropriate the public waters of the State of Idaho in cases wherein the permit holder fails to comply with the requirements of his permit as to the date of commencing work or the filing of bonds, or the completion of one-fifth of the construction within one-half the time allowed for the completion of the whole, or the final completion of the construction work, repealing Section 3256 of the Civil Code of the revised codes of Idaho and declaring an emergency." Idaho Session Laws, 1909, p. 299, §7.

I should be noted that the title makes no mention of a right to cancel for failure to comply with the general permit laws. In fact, the title implies that only four enumerated conditions will be covered in the body of the Act and constitute grounds for the cancellation of a permit. In this regard, attention should be called to the requirements of the Idaho Constitution, section 16, art. III, which provides as follows:

"Unity of Subject and Title. - Every act shall embrace but one subject in matters connected therewith, which subject shall be expressed in the title such act shall be void only as to so much thereof as shall not be embraced in the title."

This Section of the Idaho Constitution would void any subject included in the body of an act which was not included in the title.

J24634

Mr. R. Keith Higginson

-4-

March 22, 1966

In face of the ambiguity of the wording of Section 42-311, Idaho Code, and the provisions in the Idaho Constitution, requiring every subject in an act to be incorporated in the title, we feel constrained to conclude that the Department of Reclamation would not have the authority to cancel a permit where the holder failed to comply with any general requirement of the permit laws. Admittedly, this construction will produce an incongruous result in certain cases where failure to comply with the permit laws may be more substantial than failure to comply with the enumerated conditions specified in Section 42-311; however, this conclusion would in no way restrict the Department of Reclamation's authority to refuse to issue a license or a permit for failure to comply with the general permit laws or the authority of the State Auditor to make a claim or file suit for the recovery of any unpaid fees under Idaho Code, Section 67-1008.

In reference to your second question, there is no statutory authority in the Department of Reclamation to reinstate a permit after it has been canceled. The Legislature has specifically provided that anyone feeling aggrieved by the cancellation of a permit, must appeal such to the District Court within the prescribed period. However, this assumes that the Department of Reclamation properly canceled the permit in the first place. If the Department of Reclamation acted in excess of its authority in canceling a permit, that act would be a nullity and without any legal import and only a ministerial act by the Department would be needed to reinstate the permit.

Very truly yours,

FOR THE ATTORNEY GENERAL



WILLIAM D. COLLINS
Assistant Attorney General

WDC:js

204654

February 28, 1966

C
O
P
Y

Attorney General
Room 227, Statehouse
Boise, Idaho
Attention: Mr. William D. Collins

Dear Sir:

We are referring to you for opinion matters as outlined in letters to H. William Furchner dated January 24, 1966, and his reply dated January 25, 1966. These letters raise the following questions:

- (1) Is there any statutory authority for this office to cancel a permit for non-payment of fees?
- (2) Once a permit has been cancelled does the State Reclamation Engineer have jurisdiction to re-instate or must appeal be taken to the District Court in the manner prescribed?

We are also enclosing copies of previous opinions of Attorney Generals which touch on this point.

Your advise in this matter will be most beneficial.

Very truly yours,

R. KEITH HIGGINSON, Assistant
State Reclamation Engineer

RKH:ejw

824654

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

H WILLIAM FURCHNER
J BLAINE ANDERSON
ARNOLD T BEEBE
DWIN H STUFFLEBEAM

February 18, 1966

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

RECEIVED
FEB 21 1966

Department of Reclamation

Carl E. Tappan
State Reclamation Engineer
Department of Reclamation
107 Statehouse
Boise, Idaho 83701

Re: Permit No. 24654

Dear Mr. Tappan:

We would very much appreciate a reply to my letter of January 25, relative to the above permit.

A pending sale of the land to which the water right is appurtenant is ready to be closed and all parties are waiting upon your decision.

Very truly yours,

FURCHNER, ANDERSON & BEEBE



H. William Furchner

HWF:kh

f 24654

LAW OFFICES
FURCHNER, ANDERSON & BEEBE

178 W. JUDICIAL STREET
BLACKFOOT, IDAHO 83221

H WILLIAM FURCHNER
J BLAINE ANDERSON
ARNOLD T BEEBE
DWAYN H STUFFLEBEAM

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

January 25, 1966

JAN 26 1966

Department of Reclamation

Carl E. Tappan
State Reclamation Engineer
Department of Reclamation
107 Statehouse
Boise, Idaho 83701

Re: Permit No. 24654

Dear Mr. Tappan:

This letter is in reply to the letter of January 24, 1966, from your office over the signature of R. K. Higginson, Assistant Engineer, relative to the above permit.

Apparently, the initial failure on the part of the permit holders to pay the final fee of \$23.00 required for issuance of the final license for the above permit was due to the death of Claude G. Brower several years ago and also to the illness of Mr. L. J. Thatcher, the other permit holder. I am not entirely sure what did cause their failure to pay this fee, but they were both very good and conscientious business men and I am sure that this failure was a pure oversight.

I have examined Section 42-311 of the Idaho Code and find that it grants authority to the Department of Reclamation to cancel permits where the owners or holders of the permit have failed to perform certain required acts, such as commencing work, filing of bond and completion of construction work. There is no provision whatever authorizing cancellation of the permit after final proofs have been submitted and approved simply for failure to pay the required fee for issuance of the license. The issuance of the license is a purely ministerial act on the part of the Department of Reclamation, and while I am sure the license is properly withheld until the fee is paid, I am equally sure that it must be issued when the fee is tendered.

I am, consequently, returning herewith our check in the amount of \$23.00 and the copy of the recorded deed from Mr. and Mrs. Claude G. Brower to Mr. Thatcher and again request that the license be issued.

J 24654

Carl E. Tappan
State Reclamation Engineer

-2-

January 25, 1966

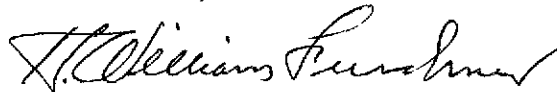
May we request that you refer this specific matter with all of the facts pertaining thereto to the Attorney General for his advice. We feel sure that you will be advised that the license should issue.

If the license is not issued, there will be no alternative for us but to proceed by writ of mandate through a District Court to compel the issuance of the license. This procedure would be expensive for us and inconvenient to you and I feel sure that you will be advised it is entirely unnecessary and that you have full authority to reinstate the permit and to issue the license as we request.

We will appreciate your very early attention to this request, since a sale of the property is pending and it is necessary for us to obtain this license in order to comply with the requirements of the sale.

Very truly yours,

FURCHNER, ANDERSON & BEEBE



H. William Furchner

HWF/mt
Encls.

824654

RECEIVED
JAN 18 1966

RECEIVED
JAN 26 1966

Department of Agriculture

Department of Reclamation

Quitclaim Deed

BY 108 to 159

THIS INDENTURE, Made this 6th day of April,
in the year of our Lord one thousand nine hundred and sixty-one, between

CLAUDE G. BROWER and LOIS BROWER, husband and wife,

of Blackfoot, County of Bingham,
State of Idaho, the parties of the first part, and

L. J. THATCHER,

of the County of Bannock,
State of Idaho, the party of the second part.

WITNESSETH That the said parties of the first part, for and in consideration of the sum
of TEN and No/100 - - - - - DOLLARS,
lawful money of the United States of America, to then in hand paid by the said party
of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, re-
lease and forever QUITCLAIM, unto the said party of the second part, and to his
heirs and assigns, all those certain lots, pieces or parcels of land, situate,
lying and being in the County of Bingham, State of
Idaho, bounded and particularly described as follows, to-wit:

The East half of Section Thirty-one, and the
West half of Section Thirty-two, in Township Two
South, of Range Thirty-two, East of the Boise
Meridian, and the North half of Section Five,
in Township Three South, of Range Thirty-two,
East of the Boise Meridian.

Together with all pumping and irrigation
equipment located thereon and used for the
irrigation thereof.

24654

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the part y of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, The said part les of the first part have hereunto set their hands and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

(Seal)
(Seal)
(Seal)
(Seal)

STATE OF IDAHO

County of Bingham

ss.

On this 12 day of April in the year 19 61, before me
the undersigned, a Notary Public

in and for said State, personally appeared CLAUDE G. BROWER and LOIS
BROWER, husband and wife,
known to me to be the person s whose names are subscribed to the within instrument,
and acknowledged to me that t he y 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.

Notary Public for the State of Idaho.

Residing at Blackfoot, Idaho

Correctly
7/20/8/62

QUITCLAIM DEED	
No.	51512
TO	
Dated	19
STATE OF IDAHO	
County of	ss.
I hereby certify that this instrument was filed for record at request of Claude G. Brower and Lois Brower at 15 minutes past 4 o'clock P. M., this 3rd day of April, A. D. 1961 in my office, and duly recorded in Book 128 of at page 159	
By	Marie J. Randall Deputy.
Fees, \$.	1.50
Mail to	
Ex-Officio Recorder.	

24654

January 24, 1966

RE: Permit No. 24654

Mr. H. William Furchner
Attorney at Law
P. O. Box 752
Blackfoot, Idaho

Dear Mr. Furchner:

We have your letter of January 17, 1966, with regard to cancelled permit No. 24654, in the names of Claude G. Brower and L. J. Thatcher. We are returning your check in the amount of \$23.00 and the copy of deed dated April 6, 1961 by which Claude G. Brower and wife conveyed certain property and pumping equipment to L.J. Thatcher. Your records should show that you received notice on November 5, 1958, that the license fee of \$23.00 was due in connection with this permit and also that you were notified by letter dated April 9, 1965, that the permit would be cancelled within 60 days for failure to pay the fee. I am sending copies of these two letters for your records.

This permit was cancelled under the provisions of Section 42-311, I.C.A. and we have been advised by the Attorney General that there is no provision in the code for reinstatement except through appeal to the District Court as the section provides.

If Mr. Thatcher wishes to refile on this well, forms will be sent upon request. We will be happy to discuss this matter with you if you should desire.

Very truly yours,

R. KEITH HIGGINSON, Assistant
State Reclamation Engineer

RKH:ejw
Encl: copies of letters (2)
check
deed

24654

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

January 17, 1966

RECEIVED
JAN 18 1966

Dept. of Reclamation

Ralph W. Thomas, Deputy
State Reclamation Engineer
DEPARTMENT OF RECLAMATION
107 Statehouse
Boise, Idaho

Re: Permit No. G-24654

Dear Mr. Thomas:

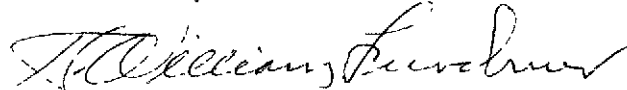
Mr. L. J. Thatcher, holder of the above permit, suffered a paralytic stroke some time ago and it has just come to my attention that the above permit is held for cancellation for his failure to pay the license fee of \$23.00, which I assumed he had paid long ago.

We enclose our check for the amount of this fee and shall appreciate your issuing the license at this time since the proofs necessary for the license were made long ago. The License should be issued only to Mr. L. J. Thatcher since the former permit holder, Claude G. Brower, has quitclaimed all of his interest in the land to Mr. Thatcher as evidenced by the enclosed copy of the Quitclaim Deed which was recorded here in Bingham County, May 3, 1961.

Thank you.

Very truly yours,

FURCHNER, ANDERSON & BEEBE



H. William Furchner

HWF:kh

Encl.

824654

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

* * * * *

IN THE MATTER OF CANCELLATION OF PERMIT)
TO APPROPRIATE THE PUBLIC WATERS OF THE)
STATE OF IDAHO NO. G-24654)

ORDER OF CANCELLATION

WHEREAS, Permit No. G-24654 lapsed through failure of the holder to make proof of completion of works within the time specified in the Permit, to-wit:
Non-payment of statutory fees, totaling \$23.00, and

WHEREAS, due notice was given the holder of said Permit that such proof would be due on the date above mentioned, and

WHEREAS, on April 9, 1965 notice was sent to the holder of said Permit to appear before the State Reclamation Engineer on or before _____ days to show cause why such Permit should not be cancelled, and

WHEREAS, the holder of said Permit has failed to comply with the said requirements, and that no showing has been made as to completion of the works under said Permit.

IT IS THEREFORE, hereby ordered that Permit No. G-24654 be and the same is hereby cancelled and held for naught.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Department, at Boise, Idaho, this 6th day of August 19 65.

Ralph W. Thomas, Deputy
STATE RECLAMATION ENGINEER

G 24654

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Deliver *ONLY* to
addressee

☐ Show address where
delivered

(Additional charges required for these services)

RECEIPT

Received the numbered article described on other side.

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

Claude L. Browne

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Betty Browne

DATE DELIVERED

☒ SHOW WHERE DELIVERED *(only if requested)*

APR 10 1965

C85-16-71548-5-F GPO

G24654

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



1 STRIKE 1
GIVE
PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$3.00
AMERICAN CANCELS
POSTMARK OF
DELIVERING OFFICE

INSTRUCTIONS Fill in items below and complete instructions on other side, if applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article. RETURN RECEIPT REQUESTED

RETURN TO

REGISTERED NO

NAME OF SENDER

Department of Reclamation

CERTIFIED NO

STREET AND NO OR P O BOX

19529

Room 107 Statehouse

INSURED NO

CITY, ZONE AND STATE

Boise, Idaho 83702

C 24654

POD Form 3811 Apr 1962

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

April 9, 1965

Re: Permit No. G- 24654

To Claude G. Brower and O. Elwood Manwaring
Route #1
Blackfoot, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. G- 24654 to appropriate the Public Waters of the State of Idaho, have not been complied with as to _____

Non-payment of statutory fees, totaling \$23.00

YOU ARE HEREBY notified in compliance with Sec. 42-234, Idaho Code that said Permit No. G- 24654 is hereby held for cancellation.

YOU ARE HEREBY required to show cause before the State Reclamation Engineer on or before sixty days from date of this notice why said Permit should not be cancelled.

SAID PERMIT NO. G- 24654 claims the use of 6.4 cubic feet per second of the Subterranean Waters a well with point of diversion located NW 1/4 Sec. 32., Twp. 2 S., Rge. 32 E.B.M. and was approved January 18, 1954.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office at Boise, Idaho, the 9th day of April, 1965.

 Deputy
State Reclamation Engineer

April 9, 1965

RE: Permit No. G-24654
Claude G. Brower &
L. J. Thatcher

W. William Furchner
Attorney at Law
Blackfoot, Idaho

Dear Mr. Furchner:

Enclosed is a pre-cancellation notice on above noted permit for failure to pay the fees due and also a copy of the letter sent to you.

Kindly notify owners of the land if the property has been sold.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RWT:er

cc: Claude G. Brower
P. O. Box 667
Blackfoot, Idaho

Encl. copy of letter dated November 5, 1958

G 24654

G 24654

November 5, 1958

Re: Permit No. G-24654
Claude G. Brower - L. J. Thatcher

Mr. E. William Furchner
Attorney At Law
Blackfoot, Idaho

Dear Mr. Furchner:

Our field engineer's report on his inspection of the completion of works and beneficial use of the water under the terms of Permit No. G-24654 shows that the works are capable of conveying 260 miners inches (5.2 c.f.s.) for irrigation of 260 acres.

The amount of water on the license is governed by the number of acres and method of application. From the report and Mr. Brower's sworn statements it appears that 190 acres are gravity irrigated, for which the maximum allowed by law is 190 inches, and that 70 acres are sprinkler irrigated with two lateral lines that use 44 inches. Accordingly, even though the well output of 5.2 c.f.s., the license can be issued for only 234 inches or 4.68 c.f.s. The Certificate of Completion of Works can be issued for the full output of the pump; if later on it is put on additional land a supplemental proof can be made under this permit.

Upon receipt of the statutory fees, totaling \$23.00, we will issue the Completion of Works for the diversion of 5.2 second feet of subterranean water and the License and Certificate of Water Right confirming the right to the use of 4.68 second feet, with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, for irrigation of 260 acres in the SW $\frac{1}{4}$ Section 32, 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 31, Township 2 South, Range 32 East, B.M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:nls

24654

G 2465

Well 252' x 18"

Measured depth to water in the well to
water level in division box 167.8'
Pump: Berkeley #541012
10' of 10" dia. to ext concrete
division box

Motor U.S. #979277 - 150 HP
440V 180 Amp
1600 RPM

Motor #GE 33008 473
PO 28547X

K₁ = 2.4
Demand dial = 0.56
136 KW written on door

Spec. Aler to East 80

2 1/4" x 1 1/4" Latex 15

15022' 05

30 Rainbird

3/16" + 1/64

Main 1/4" + 300' = 6"

Booster Pump + Motor
Pump Peerless 184051
RPM 3455 - 94
Horizontal

Form 23

Motor - Marathon Electric
P 30' 4K 220TDA
Model # 4K 220TDA

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

REPORT OF ENGINEER

PERMIT NO. 9-24654

REPORT ON PROOF OF _____

R. 32 E

137" = 137"

T
2
S



550
150
600
1900' *gains*
900'
2600'

190"
234"

T
3
S

6

5

4

subdivisions 9
Land Irrigated 2600'

$Q = 5.2$ C.F.S.
As measured with Sparling
meter at one of the gated
outlets of the concrete
division box at the well

B.V. $Q = 234$ inches
4.68 cfs.

c/w = 5.2 cfs.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-24654

This proof is for W + Beneficial Use

In Water District No. _____

1. Name of applicant Brower & Thatcher

2. Source of water supply: Subterranean to be raised through drilled well

3. Location of point of diversion: Is in the NW 3/4 of Sections 31 + 32

T. 2 S R. 32 E County of Bingham

4. Describe works as they exist, giving dimensions and capacities of same: Drilled well 252' x 18"
reported depth to water 165' (Measured Water to Water 167.8') Pump: Berkeley #541012
Motor U.S. #979277-150R - Motor GE #33 008 413, Service #0 28547X; Sprinkler
system - Booster Pump Peerless #154051 Horizontal, Motor Marathon - 30 HP #VH3247016
The pump well water is pumped into a 48' x 5' concrete box from which it is
turned 2 ways into ditches or pumped into a sprinkler system.

5. Water is used for: Irrigation of farm crops

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):

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

8. What large stream would the water here appropriated finally reach? None

Remarks: The 2-26-58 inspection was performed with the assistance
of Claude G. Brower. The E 1/2 NW 1/4 Sec. 32 is sprinkled while
the remainder of the farm is irrigated from ditches. The water
is pumped from the concrete division box into the sprinkler line.

This examination was made on the 26 day of Sept., 1958

(Signed) Claude G. Brower

Examiner.

G24654

Bower + Manning

Bower + Manning

5 Res - 500 in

1 m. in + 31 1/2 sec.

60' -
31' -
91' 1/2 sec. 165.46
91 1/2 572.75 165.46
425.0
366.0
572.90

5.4350
272.50 11.11111111
+ 2 1/2" 200 11.11111111
275"

Measured depth
water 195 - 23.7 = 166.3'
+ 1 1/2 = 167.8' = 167.8"

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.

Examination for 9/16 + Beneficial Use
County Bingham

Permit No. 24634

October 3, 1958

Re: Permit No. G-24654

Mr. H. William Furchner
Attorney At Law
Blackfoot, Idaho

Dear Mr. Furchner:

Reference is made to your letter of October 1, 1958 in regard to Permit No. 24654.

After carefully noting the contents, and upon a recheck, we think we may have misunderstood the conditions relative to the assignment.

Since Mr. and Mrs. Manwaring have merely assigned an undivided interest in the permit to L. J. Thatcher, that would, of course, leave the permit in the name of Claude C. Brower and L. J. Thatcher jointly. Herewith we return the assignment as same is recorded in the Department of Reclamation.

In view of those circumstances, we can accept Mr. Brower's signature on the application for amendment, and the proofs.

We return the application for amendment, which has been approved and recorded in this department.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

E. H. Humphrey
Deputy

ENH:nls
Enc.

P.S. Enclosed is departmental receipt #G-3590 for 50¢ issued as receipt of the fee for recording the assignment.

G2465

H. WILLIAM FURCHNER
ATTORNEY AND COUNSELLOR AT LAW
BLACKFOOT, IDAHO

October 1, 1958

RECEIVED
OCT 2 1958
Department of Reclamation

Mr. Geo. N. Carter
State Reclamation Engineer
Attention: E. N. Humphrey, Deputy
Boise, Idaho

Re: Permit No. G-24654

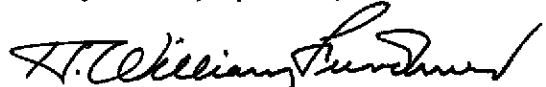
Dear Sir:

This will acknowledge receipt of your letter of September 23rd relative to the above permit. Apparently I have failed to explained the situation sufficiently to enable you to understand the assignment of the above permit.

Mr. and Mrs. O. Elwood Manwaring have sold their undivided interest in the lands described in the permit to Mr. L. J. Thatcher and the assignment of the water permit is merely a part of this sale and transfer. There is no intent to transfer a specific part of the land or a specific part of the water for any designated portion of the land.

The result intended by the parties is that the undivided interest of the Manwarings in the land and the water be transferred to Mr. Thatcher. With that in view it appears to me that the assignment we have forwarded to you is proper since the conveyance is for all the right, title and interest of the Manwarings in the water permit to Mr. Thatcher and the application for amendment simply corrects the description of the land irrigated under the permit.

Very truly yours,



H. William Furchner

HWF:ec
Encls.

September 23, 1958

Re: Permit No. G-24654

Mr. H. William Furchner
Attorney At Law
Blackfoot, Idaho

Dear Mr. Furchner:

Permit No. G-24654 is in the names of O. Elwood Manwaring and Claude G. Brower, with Mr. Manwaring signing as agent. All proofs were submitted in the name of Claude G. Brower, which is irregular.

An Amendment was submitted in the names of Claude G. Brower and L. J. Thatcher and an Assignment of interest by Manwaring to Thatcher.

The Assignment of interest by Manwaring must state the percent of interest being transferred and the lands to which it is appurtenant.

Inasmuch as the permit is in the names of Manwaring and Brower, Brower's name should also be on the Assignment or there should be a document that shows Mr. Brower gives his consent to the transfer.

After the Assignment is made, an application for amendment to place of use will then be in order.

We herewith return both the Assignment and Amendment that were sent in.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

E. N. Humphrey
Deputy

EHN/nls
Enc.

2465

H. WILLIAM FURCHNER
ATTORNEY AND COUNSELLOR AT LAW
BLACKFOOT, IDAHO

September 22, 1958

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

Re: Permit No. G-24654

Dear Sir:

I enclose herewith Assignment from O. Elwood Manwaring and wife to L. J. Thatcher in connection with the above permit.

/ Also enclosed please find 50¢ in coin for recording the Assignment.

Very truly yours,



H. William Furchner

HWF:ec
Encls.

G24654

September 22, 1958

Re: Permit No. G-24654
O. Elwood Manwaring, Claude Brower

Mr. Claude G. Brower
P. O. Box 667
Blackfoot, Idaho

Dear Mr. Brower:

This acknowledges receipt of the Deposition of Holder and two Witnesses and the Affidavit of Publication in The Daily Bulletin in proof of completion of works and beneficial use under Permit No. G-24654.

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:nls

cc: H. William Furchner
Attorney At Law
Blackfoot, Idaho

G 2465

H. WILLIAM FURCHNER
ATTORNEY AND COUNSELLOR AT LAW
BLACKFOOT, IDAHO

September 17, 1958

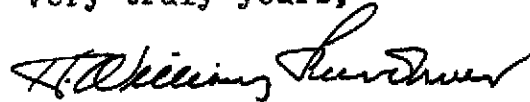
RECEIVED
SEP 19 1958
Department of Reclamation

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

Dear Mr. Carter:

I enclose herewith Application for Amendment to
Permit No. G-24654 as requested by your letter of date
September 16th which has been signed by Mr. Claude G.
Brower.

Very truly yours,


H. William Furchner

HWF:ec
Encl.

G-24654

A
**To Permit to appropriate the Public Waters
of the State of Idaho, No. G-24654.....**

Comes now CLAUDE G. BROWER and L. J. THATCHER, and represent to the State Reclamation Engineer of the State of Idaho.

That ^{are} ~~he is~~ the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-24654, and request that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

SW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31;

NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32;

All in Township 2 South, Range 32 East, B. M.

making a total of _____ acres.

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

Signed at Blackfoot, Idaho this 17th day of September, 1958.

Date of receipt at office of Department of Reclamation Sept. 19, 1958

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-24654. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded: October 3, 1958
in Book 87 of Permits at Page 24654

G. N. Carter G-24654
State Reclamation Engineer

✓

September 16, 1958

Re: Permit No. G-24654

Mr. H. William Furchner
Attorney at Law
Vlackfoot, Idaho

Dear Mr. Furchner:

We acknowledge receipt of your letter of September 11, enclosing depositions of Claude G. Brower and two witnesses, also affidavit of publication in the Blackfoot Daily Bulletin, all submitted in proof of Completion of Works and Beneficial Use under Permit No. G-24654.

We note that these proofs include a portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, Township 2 South, Range 32 East, B. M. in the list of lands irrigated under this permit, and since this is not included in the original permit it will be necessary to amend the land list to include this additional acreage.

We enclose a form of application for amendment herewith, which should be promptly executed and returned to this department for approval and record.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

A
Encl.

G-24654

H. WILLIAM FURCHNER
ATTORNEY AND COUNSELLOR AT LAW
BLACKFOOT, IDAHO

September 11, 1958

RECEIVED
SEP 15 1958
Department of Reclamation

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

Re: Permit No. G-24654
O. Elwood Manwaring and
Claude G. Brower

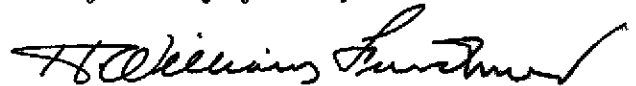
Dear Mr. Carter:

We are enclosing herewith the affidavits of the holders and witnesses in proof of the above water permit, together with the affidavit of publication of the notice.

When these matters have been checked by your office I would appreciate a statement as to the completion of the proof, subject, of course, to final field inspection.

You will note from the proofs that the permit holders are irrigating a portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 32, Twp. 2 South, Range 32, E.B.M., which was unknown to me until the proofs were taken. Will you therefore please send me the appropriate form for the amendment of the permit.

Very truly yours,



H. William Furchner

HWF:ee
Enclosures

G-24654

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

✓
Permit No. G-24654

Proof of Application of Water to Beneficial Use

and Completion of Works

Deposition of Holder

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

Ans. Claude G. Brower, 1095 Lansing St., Blackfoot, Idaho. P. O. Box 667.

I am a farmer and real estate broker.

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

Ans. ---

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

Ans. Permit No. G-24654, dated Jan. 18, 1954, with priority of Jan. 13, 1954.

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

Ans. Subterranean flow, with well located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 32, Twp. 2 South, Range 32, East of Boise Meridian, in Bingham County, Idaho.

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

Ans. 18-inch well, 205 feet deep, with water level at 165 feet from surface of land. Cased with 18-inch, i.d., pipe about 50 feet. Equipped with 150 h.p. electric motor and turbine pump, with discharge of 275 miners inches, by estimate--not measured with instruments. Water discharged into ditches running over the lands to be irrigated, to the South, West and East from the well. Each of main ditches carries full flow of the well. A sprinkler system is also used on approximately 60 acres of NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 32, Twp. 2 So., R.32, E.B.M. 25 h.p. elec. motor.

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

Ans. Water is all used for irrigation of the lands described in the permit in Twp. 2 So., R. 32, E.B.M., as follows: Sec. 31--SW $\frac{1}{4}$ NE $\frac{1}{4}$ -25a; SE $\frac{1}{4}$ NE $\frac{1}{4}$ -30a; NW $\frac{1}{4}$ SE $\frac{1}{4}$ -20a; NE $\frac{1}{4}$ SE $\frac{1}{4}$ -40a; SE $\frac{1}{4}$ SE $\frac{1}{4}$ -30a. Sec. 32--NW $\frac{1}{4}$ SW $\frac{1}{4}$ -15a; NE $\frac{1}{4}$ SW $\frac{1}{4}$ -30a; SW $\frac{1}{4}$ SW $\frac{1}{4}$ -30a; SE $\frac{1}{4}$ SW $\frac{1}{4}$ -40a. All of the land is cultivated. Improvements include a dwelling house and three tenant houses. Steel granary.

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

Ans. -----

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

Ans. About one inch per acre.

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

Ans. Interest of undersigned and O. Elwood Manwaring by original permit.

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

Ans. We have used the waters from this well for irrigation of said lands and production of crops each year from 1954-1958, inclusive.

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

Ans. none.

(Sign) *Claude L. ...*

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 4th day of September, A. D. 1958.

My commission expires January 31, 1962.

H. William ...
Notary Public for Idaho, residing
at Blackfoot, Idaho.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-24654

Proof of Application of Water to Beneficial Use

Deposition of Witness and Completion of Works

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

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

Ans. Ray Kesler, age 40 years, South Broadway, Blackfoot, Idaho.

I am a merchant.

Ques. 2. Are you acquainted with Claude G. Brower, the holder of Permit No. G-24654? How long have you known him and where does he reside?

Ans. Yes. I have known him about 15 years, he resides at Blackfoot, Idaho.

Ques. 3. Have you read or heard read said Permit No. G-24654, and are you familiar with its provisions and conditions?

Ans. Yes.

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

Ans. Subterranean flow, with well located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 32,

Twp. 2 South, Range 32, East of Boise Meridian, in Bingham County, Idaho.

Water is discharged from pump at well into ditches running over the land to be irrigated into the South, West, and East.

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

Ans. 5 5/10ths cubic feet per second, based on estimate from observation.

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

Ans. Same amount, based on estimate from observation.

G24654

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

Ans. Water is all used for irrigation of the lands described in the permit in Twp. 2 So., R. 32, E.B.M., as follows: Sec. 31--SW $\frac{1}{4}$ NE $\frac{1}{4}$ -25a;

SE $\frac{1}{4}$ NE $\frac{1}{4}$ -30a; NW $\frac{1}{4}$ SE $\frac{1}{4}$ -20a; NE $\frac{1}{4}$ SE $\frac{1}{4}$ -40a; SE $\frac{1}{4}$ SE $\frac{1}{4}$ -30a. Sec. 32--NW $\frac{1}{4}$ SW $\frac{1}{4}$ -15a;

1. NE $\frac{1}{4}$ SW $\frac{1}{4}$ -30a; SW $\frac{1}{4}$ SW $\frac{1}{4}$ -30a; SE $\frac{1}{4}$ SW $\frac{1}{4}$ -40a. All of the land is cultivated. Improvements include a dwelling house and three tenant houses, Steel granary.

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

Ans. None.

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

Ans. Land is a lava ash soil and requires about one inch per acre for proper cultivation.

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

Ans. None

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

Ans. I have seen the water from the well above-described used for irrigation of the lands above-described and crops produced thereon during the past 5 consecutive crop seasons.

(Signed)

Ray Kessler

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 4th day of September, A. D. 1958.

William R. Anderson

Notary Public.

My commission expires January 31, 1962. for State of Idaho
Residing at Blackfoot, Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-24654

Proof of Application of Water to Beneficial Use

Deposition of Witness and Completion of Works

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

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

Ans. Clayton V. Price, age 44 years, 1182 So. Meridian Street, Blackfoot,
Idaho. I am a farmer and carpenter.

Ques. 2. Are you acquainted with Claude G. Brower, the
holder of Permit No. G-24654? How long have you known him and where does
he reside?

Ans. Yes. I have known him about 7 years, he resides at Blackfoot,
Idaho.

Ques. 3. Have you read or heard read said Permit No. G-24654, and are you
familiar with its provisions and conditions?

Ans. Yes.

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

Ans. Subterranean flow, with well located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 32,
Twp. 2 South, Range 32, East of Boise Meridian, in Bingham County, Idaho.
Water is discharged from pump at well into ditches running over the
land to be irrigated to the South, West and East.

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

Ans. 5 5/10ths cubic feet per second, based on estimate from observa-
tion.

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

Ans. Same amount, based on estimate from observation.

G24654

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

Ans. Water is all used for irrigation of the lands described in the permit in Twp. 2 So., R. 32, E.B.M., as follows: Sec. 31--SW $\frac{1}{4}$ NE $\frac{1}{4}$ -25a;

SE $\frac{1}{4}$ NE $\frac{1}{4}$ -30a; NW $\frac{1}{4}$ SE $\frac{1}{4}$ -20a; NE $\frac{1}{4}$ SE $\frac{1}{4}$ -40a; SE $\frac{1}{4}$ NE $\frac{1}{4}$ -30a; Sec. 32--NW $\frac{1}{4}$ SW $\frac{1}{4}$ -15a;

NE $\frac{1}{4}$ SW $\frac{1}{4}$ -30a; SW $\frac{1}{4}$ SW $\frac{1}{4}$ -30a; SE $\frac{1}{4}$ SW $\frac{1}{4}$ -40a; All of the land is cultivated.

~~Improvements include a dwelling house and three tenant houses. Steel granary.~~

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

Ans. None

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

Ans. Land is a lava ash soil and requires about one inch per acre for proper cultivation.

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

Ans. None.

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

Ans. I have seen the water from the well above-described used for irrigation of the lands above-described and crops produced thereon during the past 5 consecutive crop seasons.

(Signed)

Clayton V. Price

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 4th day of September
A. D. 1958.

H. William Lundberg

Notary Public.

for State of Idaho

My commission expires January 31, 1962.

Residing at Blackfoot, Idaho

AFFIDAVIT OF PUBLICATION

County of Bingham

State of Idaho

} ss

I, Marjorie Flint, do solemnly

swear that I am the principal clerk of The Daily Bulletin, 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 8th day of August, 1958 and the last publication having been made on the

29th day of August, 1958; 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 the notice was published in the newspaper and not in a supplement.

Marjorie Flint

Subscribed and sworn to before me this 7

day of Sept, 1958

Donald J. Davis
Notary Public for the State of Idaho
Residing at Blackfoot, Idaho

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

NOTICE IS HEREBY GIVEN That 10:00 a.m., on the 4th day of September, 1958, at Blackfoot, County of Bingham, State of Idaho, before H. William Furchner, Notary Public, at Blackfoot, Idaho, proof will be submitted of the completion of works for the diversion of 6.4 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-24654 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 Claude G. Brower and O. Elwood Manwaring, Route No. 1, 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 6.4 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 6.4 cubic feet per second.

4. The point of diversion of said water is NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32, Twp. 2 S., Rge 32 EBM.

5. The place where said water is used is S $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31; NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 32, Twp. 2 S., Rge. 32 EBM.

6. The date of priority which said user is prepared to establish is January 13, 1954.

GEO. N. CARTER,
State Reclamation Engineer
Pub. Aug 8, 15, 22, 29, 1958.

XXXXXXXXXX

August 6, 1958

Re: Permit No. G-24654
Claude G. Brower &
O. Elwood Manwaring

H. William Furchner
Attorney At Law
Blackfoot, Idaho

Dear Mr. Furchner:

This acknowledges the Notice of Proof of Completion of Works and Beneficial Use under Permit No. G-24654, in the name of Claude G. Brower and O. Elwood Manwaring. Final proof is to be made before you, as Notary, on the 4th day of September, at 10:00, at Blackfoot, Idaho.

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

It is important that the enclosed depositions be executed by the permit holder and his two disinterested witnesses, who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. 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, that your 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,

GEN. N. CARTER
State Reclamation Engineer
By

Mrs. Edna P. Rutledge
Chief Clerk

EPR:lw

Encls. (3)

cc: Claude G. Brower &
O. Elwood Manwaring
Blackfoot, Idaho

G-24654

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

DEPARTMENT OF RECLAMATION
Boise, Idaho

Re: Permit No. G-24654
Claude G. Brower &
Elwood Manwaring

Date: August 6, 1958

Daily Bulletin
Blackfoot, Idaho

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to September 4, 1958 the date set for proof; the expense of the publication is to be paid by the applicant's Attorney

H. William Furchner of Blackfoot, 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,

GEO. N. CARTER
State Reclamation Engineer
By

Mrs. Edna P. Rutledge
Chief Clerk

** 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.

EPR:lw
Encls.

G-24654

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

Notice is hereby given that 10:00 A., on the 14th day of September,
1958, at Blackfoot, County of Bingham, State of Idaho,
before H. William Puchner, Notary Public, at (address) Blackfoot,
Idaho, proof will be submitted of the completion
of works for the diversion of 6.4 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-24654 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 Claude G. Brower & O. Elwood Manwaring, Route # 1, 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 con-
veying to the place of use is 6.4 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
6.4 cubic feet per second.

4. The point of diversion of said water is NW 1/4 Sec. 32, Twp. 2 S.,
Rge. 32 E.B.M.

5. The place where said water is used is S 1/2 NW 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4 Sec.
31, NW 1/4 SW 1/4, S 1/2 SW 1/4 Sec. 32, Twp. 2 S., Rge. 32 E.B.M.

6. The date of priority which said user is prepared to establish is
January 13, 1954.

RECEIVED
JUL 30 1958

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

RECEIVED
AUG 6 1958

(Date) July 27, 1958 Department of Reclamation

Route #1

Address

Blackfoot, Idaho

City

State

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Daily Bulletin of Blackfoot Idaho published in the county in which the works are situated.

Claude G. Brower

O. Elwood Manwaring

By

Attorney

(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

G24654

*Typed over -
on one Form 36
which received*

RECEIVED
JUL 30 1958

Department of Reclamation

RECEIVED
AUG 6 1958

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 4th day of September, 1958, at Blackfoot Bingham, State of Idaho, before H. William Furchner, Notary Public, proof will be submitted of the completion of works for the diversion of 6.4 cubic feet per second of underground waters from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-24654 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Claude G. Brower,
0. Elwood Manwaring, ^ Route #1, 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 6.4 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 6.4 cubic feet per second.

4. The point of diversion of said water is in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 32, Township 2 South, Range 32 E.B.M. in Bingham County Idaho.

5. The place where said water is used is the South half of the NE $\frac{1}{4}$, the North half of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 31; the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the South half of the SW $\frac{1}{4}$ of Section 32, all in Township 2 South Range 32, E.B.M. in Bingham County Idaho

6. The date of priority which said user is prepared to establish is January 13, 1954.

State Reclamation Engineer

G24654

~~XXXXXXXX~~

August 4, 1958

e: Permit No. G-24654
Claude G. Brower &
O. Elwood Manwaring

Mr. H. William Furchner
Attorney At Law
Blackfoot, Idaho

Dear Mr. Furchner:

This will acknowledge receipt of your letter of August 1, 1958 enclosing the sworn statement of O. Elwood Manwaring, showing the true name of the other applicant on Permit No. G-24654 as Claude G. Brower.

We will correct our records accordingly.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Mrs. Edna P. Rutledge
Chief Clerk

EPR:lw

P. S. We enclosed the Notice of Proof of Completion of Works & Beneficial Use, (Form 36 and Form 11) in our letter to you of July 31st, and requested that they be returned to this department, however they were not enclosed in your letter of August 1st.

H. WILLIAM FURCHNER
ATTORNEY AND COUNSELLOR AT LAW
BLACKFOOT, IDAHO

August 1, 1958

RECEIVED
AUG 4 1958

Department of Reclamation

State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Gentlemen:

I am returning herewith the ~~sworn~~ statement of
O. Elwood Manwaring, showing the true name of the other
applicant on Permit No. G-24654.

Very truly yours,



H. William Furchner

HWF:ee
Enclosures

G-24654

RECEIVED
AUG 1 1958
Department of Reclamation

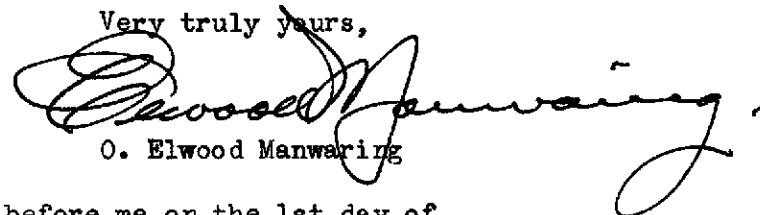
Blackfoot, Idaho
August 1, 1958

State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Gentlemen:

This is to certify that one of the holders of water permit number G-24654 is Claude G. Brower, and that his name appears as one of the applicants on the said permit, that his name has been incorrectly entered on the records of the Department of Reclamation as Claude E. Brower.

Very truly yours,


O. Elwood Manwaring

Subscribed and sworn to before me on the 1st day of August, 1958.


Notary Public in the State of Idaho
Residing at Blackfoot, Idaho

My commission expires:
January 31st, 1962

G-24654

XXXXXXXXXX

July 31, 1958

Re: Permit No. G-24654
Claude E. Brower
O. Elwood Manwaring

Mr. H. William Furchner
Attorney At Law
Blackfoot, Idaho

Dear Mr. Furchner:

We acknowledge receipt of the Notice of Proof of Completion of Works and Application of Water to Beneficial Use in connection with Permit No. G-24654.

We are returning same for the reason that our records show one of the applicant's to be Claude E. Brower, and the notice states it as Claude G. Brower.

If Claude G. Brower is correct, we will require a notarized statement changing same so that we may correct our records. If Claude E. is correct, please change the Notice of Publication accordingly and return to this department.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer
By

Mrs. Edna P. Rutledge
Chief Clerk

EPR:lw
Encls. (1) Form 36
(1) Form 11

G24654

December 3, 1957

Re: Permit No. G-24654

Mr. Claude G. Brower
Route # 1
Blackfoot, Idaho

Dear Mr. Brower:

Enclosed is the approval of the Deputy State Reclamation Engineer for an extension of time for proofs of completion of works and beneficial use under the terms of Permit No. G-24654 to January 18, 1959. This extension was recorded in the Department of Reclamation in Book 87 of Permits at Page 24654 and should now be attached to the original permit to which it refers and of which it becomes a limitation.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

G-24654

Permit No. G-24654

Application for Extension of Time
FOR COMPLETION OF WORKS

RECEIVED
NOV 25 1957
Department of Reclamation

Claude B. Brauer of Blackfoot

State of Idaho, being first duly sworn, upon his oath deposes and says:

He is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. G-24654

Under the terms and conditions of said permit, construction work thereunder was required to be
completed by Jan 18, 1958.

That he has heretofore performed the following work described under said permit.....

Well has been drilled and pump and
motor installed and have been pumping
and using water for the past four summers.

costing \$ 11,800⁰⁰

That he is unable to complete the remainder of the work within the required time, for the fol-
lowing reasons, to-wit:

The work has all been completed. I overlooked
the date to file final proof.

WHEREFORE, He asks that the ~~Commissioner~~ ^{State} Reclamation ^{Engineer} extend the time for the comple-
tion of works under said permit to January 18, 1959

Subscribed and sworn to before me this 22 day of Nov, 1957,

My commission expires Nov 8/58

Notary Public.

Date of receipt at office of Department of Reclamation November 25, 1957

APPROVAL OF ~~Commissioner~~ ^{STATE} RECLAMATION ^{ENGINEER}

I, E. N. HUMPHREY ~~Commissioner~~ ^{Deputy State} Reclamation ^{Engineer} of the State of Idaho, hereby extend the time for the com-
pletion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. G-24654 to

January 18, 1959

Witness my hand this 25th day of November, 1957

G-24654

E. N. Humphrey
Deputy State Reclamation Engineer

November 19, 1957

Re: Permit No. G-24654

Mr. Claude Brower
46 West Bridge
Blackfoot, Idaho

Dear Mr. Brower:

In reply to your letter of November 8, 1957 in which you requested an extension of time for filing of final proofs on the above captioned permit. The statutes state that five years is the maximum time for making final proofs on any underground water filing.

Your application for Permit was filed on January 13, 1954, and approved January 18, 1954, therefore we can allow you one more year, or to January 18, 1959 for makin final proofs. Please fill out the enclosed application for extension of time, stating your reasons for requesting said extension and return to this department.

Upon receipt of the application made out in due form, the additional year will be granted you.

Very truly yours,

MA K R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw
Encls (1) Extension of Time

= 24654

RECEIVED
NOV 12 1957

November 8, 1957

Department of Reclamation

Mr. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Re: Permit #G-24654

Dear Mr. Kulp:

I would like to request an extension of time on filing final proof on the above captioned permit until the pumping season next year, sometime after June 1,

If this extension is impossible, we could have the power turned on now and check the flow.

Sincerely,


Claude Brower

CB/ac

O. Elwood Manwaring & Claude Brower
6,4 c.f.s. Filed: 1-13-54 Due: 1-18-58
asked for 4 years.
Approval date:
1-18-54

G24654

S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

RE: Permit No. G-24654

Date November 1, 1957

O. Elwood Manwaring
and Claude Brower
Route #1
Blackfoot, Idaho
Dear Sir:

The date for proofs of completion of works and application of water to beneficial use, as set out under the terms of Permit No. G-24654 are due not later than January 18, 1958.

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

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

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

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer

Enclosures

G-24654

January 25, 1954

RE: Permit No. G24654

Mr. O. Elwood Manwaring
Route 1
Blackfoot, Idaho

Dear Mr. Manwaring:

We enclose permit No. G-24654 in the name of yourself and Claude Brower and 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-394 for the \$6.50 filing fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

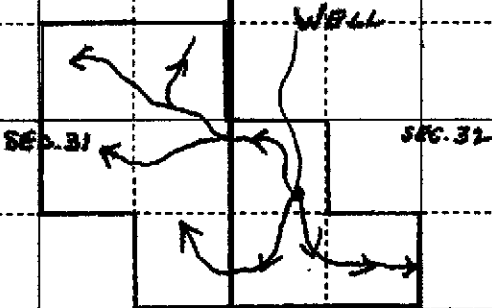
Chief Clerk

A:hl

Well - in Well known to
[Signature]

G24654

T. 2 S. R. 32 E. Boise Mer.



Permit Map No. 4-24654
As Approved
JAN 18 1954
MARK R. KULP
State Reclamation Engineer

Legal Notice

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

NOTICE IS HEREBY GIVEN That 10.00 a.m., on the 11th day of September, 1954, at Blackfoot, County of Blaine, State of Idaho, before H. William Richter, Notary Public, at Blackfoot, Idaho, proof will be submitted of the completion of works for the diversion of 6.4 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. 6339, 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 Claude G. Brower and O. L. Wood, Manufacturing, Route No. 1, 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 6.4 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 6.4 cubic feet per second.

4. The point of diversion of said water is NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32, Twp. 2 S., Rge. 32 EBM.

5. The place where said water is used is S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31; NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32, Twp. 2 S., Rge. 32 EBM.

6. The date of priority which said user is prepared to establish is January 13, 1954.

GEO. N. CARTER,
State Reclamation Engineer.
Pub. Aug. 8, 15, 22, 29, 1953.

Legal Notice

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

NOTICE IS HEREBY GIVEN That 10.00 a.m., on the ~~11th~~ day of September, 1954, at Blackfoot, County of Bligham, State of Idaho, before H. William Rulander, Notary Public, at Blackfoot, Idaho, there will be submitted to the completion of works for the diversion of 6.4 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. 6-2304 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 Claude G. Brower and O. L. Wood, Manwaring, Route No. 1, 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 6.4 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 6.4 cubic feet per second.

4. The point of diversion of said water is NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32, Twp. 2 S., Rge. 32 EBM.

5. The place where said water is used is S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 32, Twp. 2 S., Rge. 32 EBM.

6. The date of priority which said user is prepared to establish is January 13, 1954.

GEO. N. CARTER,
State Reclamation Engineer.
Pub. Aug. 8, 15, 22, 29, 1953.