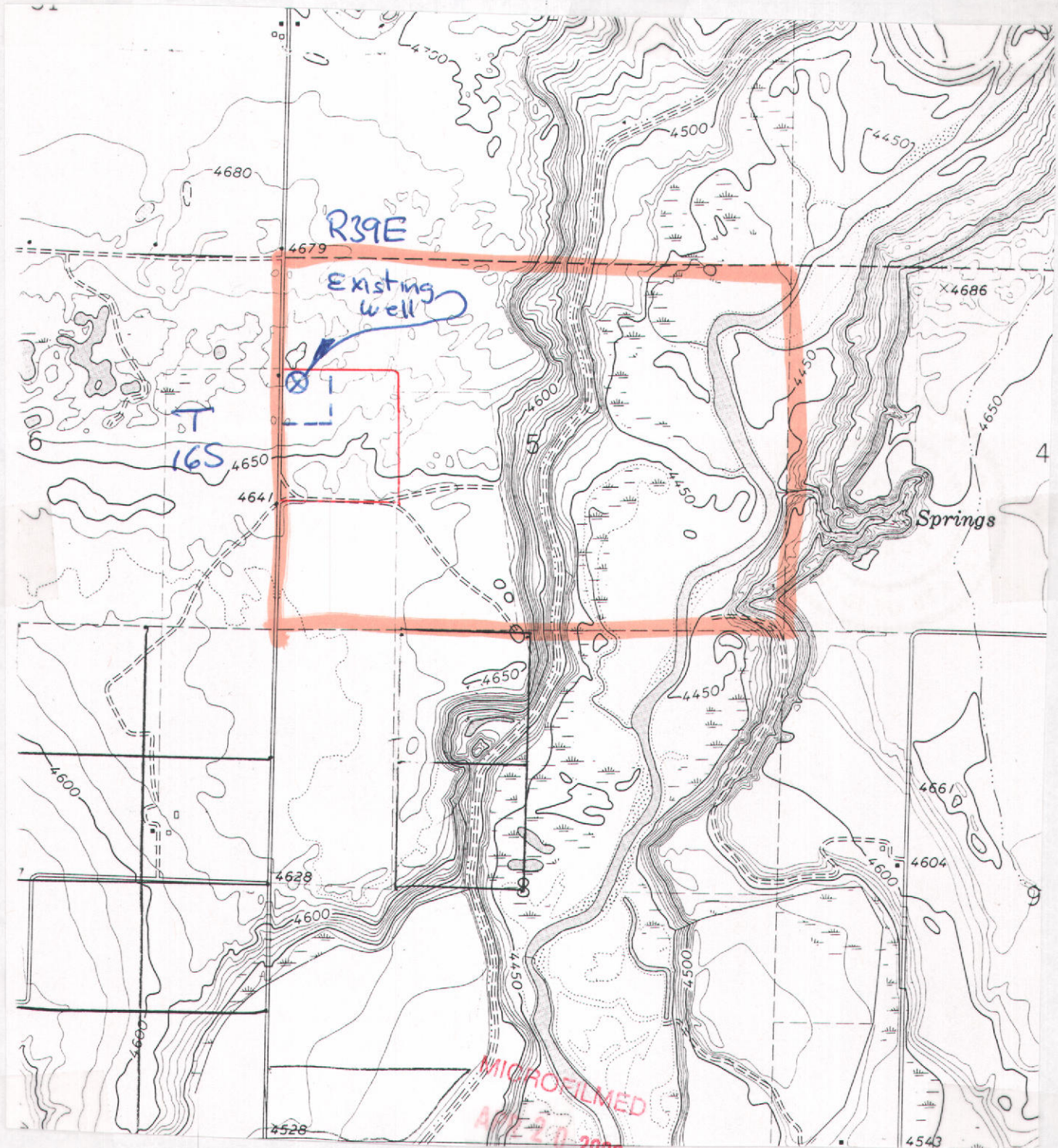


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



Nº 1751

RECEIVED

JUN 29 1970

Department of Reclamation

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

SS.

County of Franklin

Shayne R. Bell

being duly sworn,

deposes and says:

That he is the *Co-publisher* of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

May 14, 19 *70*, and ending

with the issue of *May 21*, 19 *70*

Shayne R. Bell

Fees, \$ *11.73*

Subscribed and sworn to before me this *1st* day

of *June*, 19 *70*.

ReAnn D. Giddis

Notary Public, Residing at Preston, Idaho

My Commission Expires *11 March*, 19 *74*

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that W. D. Beers, 962 Windsor St., Salt Lake City, 5, Utah has received an approved permit No. G-32557/13-2268 issued by the Idaho State Reclamation Department authorizing the diversion of 1.0 cubic feet per second of water from a groundwater source subject to all prior rights. The priority to be established under this permit is October 11, 1965 and the permit was approved October 14, 1965. Water is to be diverted by drain tile with manholes and gates from a point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 16 S, R. 38 E, Lots 4, 5, 6, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, T. 16 S, R. 39 E, B. M., Franklin County to be used for irrigation in the SE $\frac{1}{4}$, Sec. 1, T. 16 S, R. 38 E;

SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 6, T. 16 S, R. 39 E., B. M. Proof of the application of the water to beneficial use is to be submitted to the department on or before October 14, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation
Engineer

Published in the Preston Citizen, Preston, Idaho on May 14 and May 21, 1970.

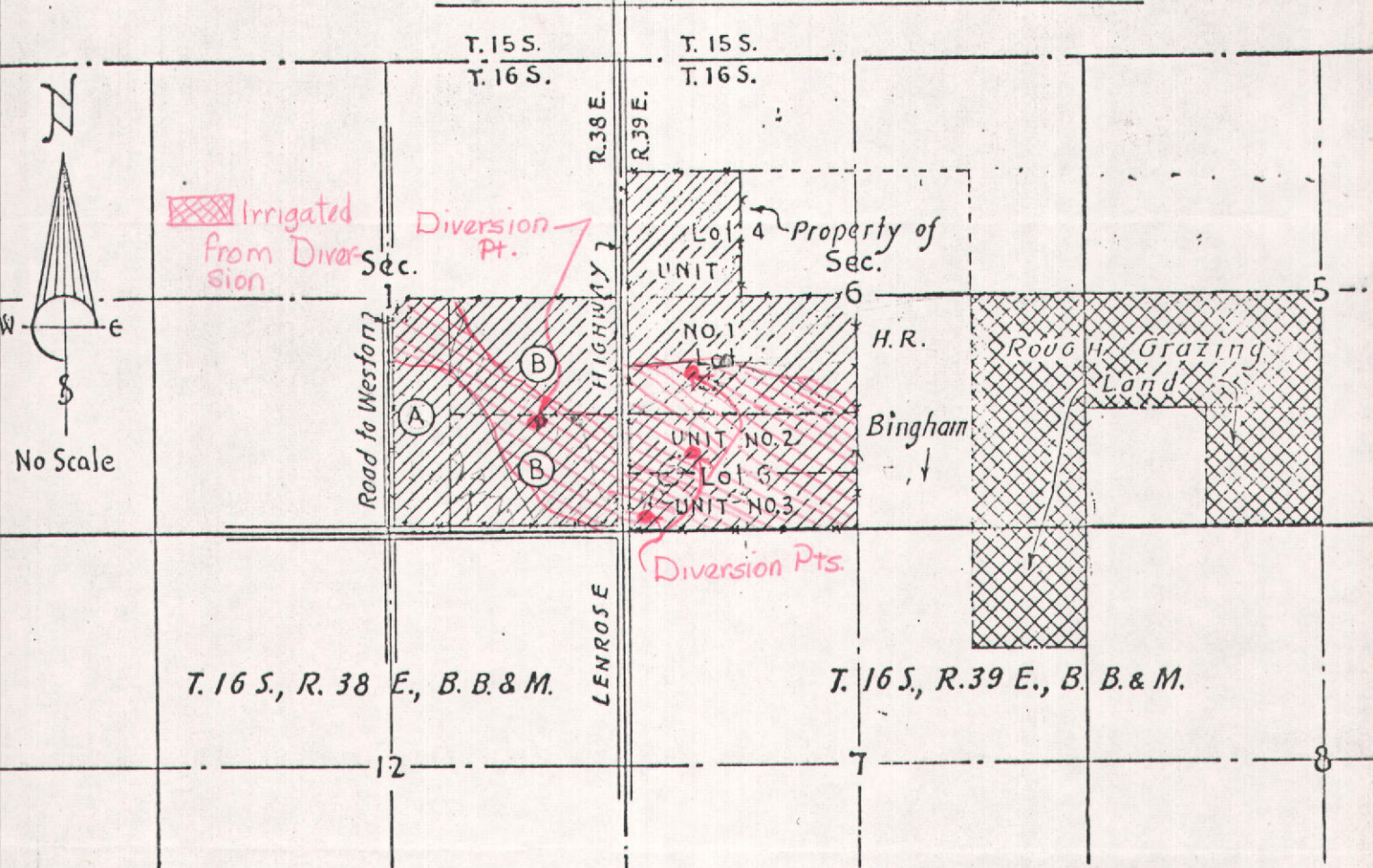
Legal No. 1751-Pub. May 14, 21, 1970.

*dy
OK
6-29-70*

32557

13-2268

MAP SHOWING THE
BEERS INC. RANCH
NEAR WESTON, FRANKLIN COUNTY, IDAHO.



LEGEND

DESCRIPTION	SYMBOL	AREA
FOLDER NO. I - S.E. 1/4 Sec. 1, T. 16 S., R. 38 E., B. B. & M.		
Permit "A" Modesto Tomasi (Improved)		40 Acres
" " "B" Walfer C. Burrell (")		120 "
Area Total - FOLDER No. I		160 "
FOLDER NO. II - Section 6, T. 16 S., R. 39 E., B. B. & M.		
Unit 1 - Thomas W. Comish (improved - see Folder)		106.3 Acres
Unit 2 - H. B. Maughn (" " ")		37.3 "
Unit 3 - John F. Reeder (" " ")		37.3 "
Area Total - FOLDER No II		180.9 "
FOLDER NO. III See Details in Folder No II		

13 2268

R 38E

13 2268

R 39E

T
16
5

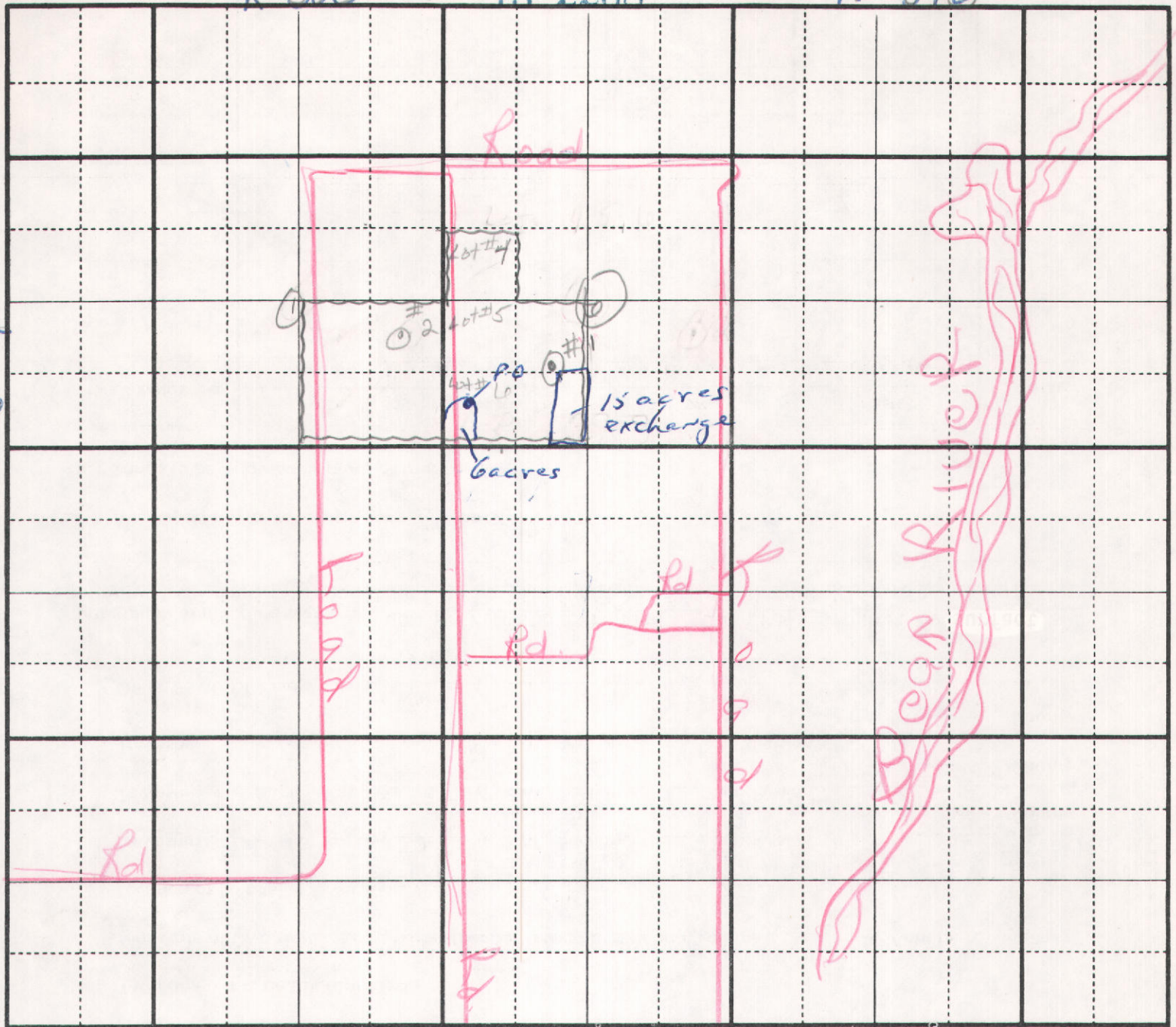
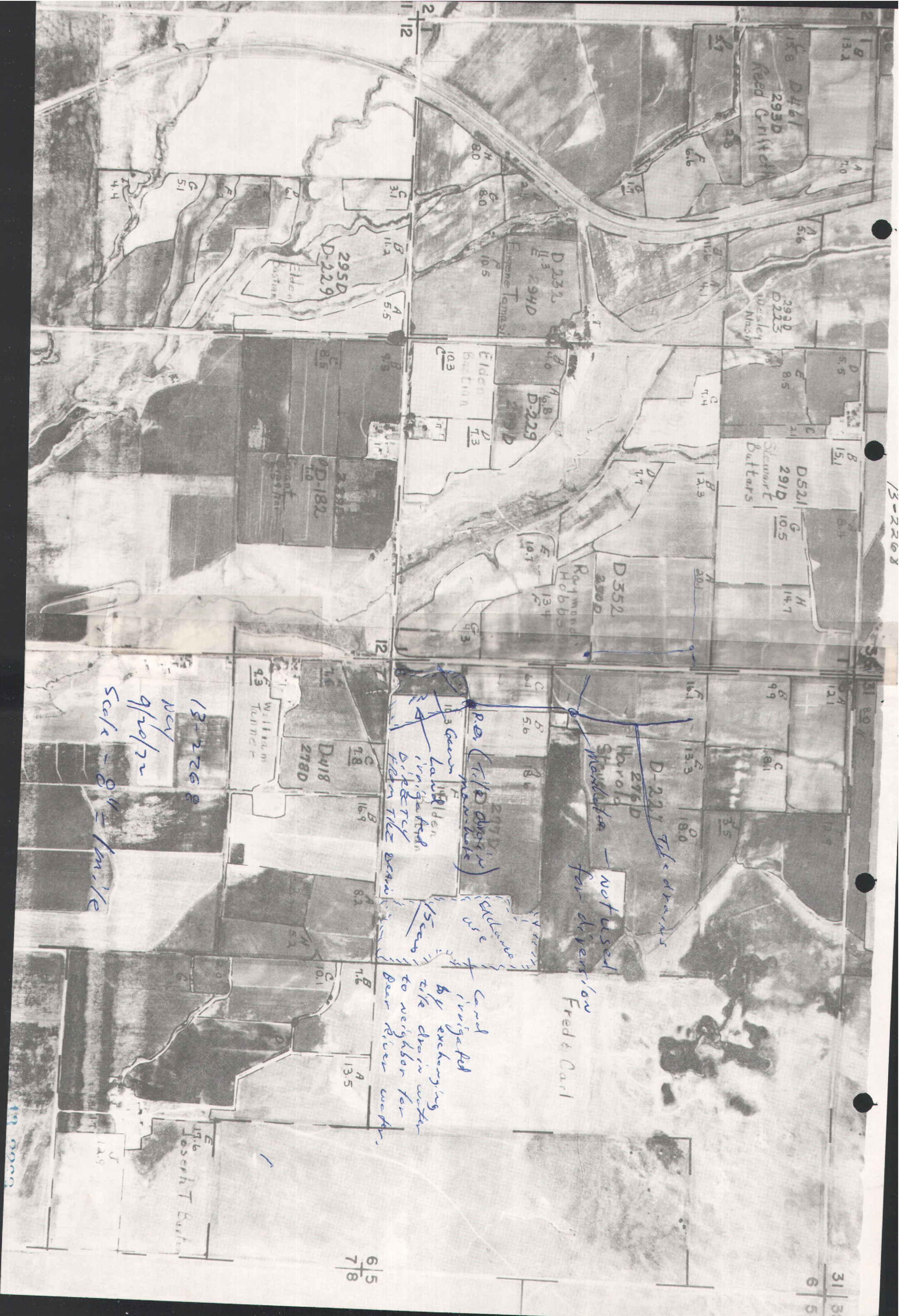


Diagram of System

UCF
9/20/72



The Sumner G. Margetts & Co., Inc. method of

Tile Underdrainage

reclaims water-logged bottom lands in a once-over operation.

A thousand feet per day—that's the average laid by a tile drainage machine designed, developed and perfected by the late Sumner G. Margetts, a leading Utah civil and consulting engineer, and manufactured in the company shops at Layton, Utah.

In an all-inclusive, once-over operation, the novel invention—the only one of its type in the world—excavates trench, lays pipe or tile to grade and alignment and applies a gravel filter completely over, under and around the pipe. This it does at less cost and with far less time and labor requirements than ordinary trenching and hand-laying methods.

Powered by Cummins Diesel, the track-type machine trenches to an eight-foot maximum depth, works in up to eight inches of frost and handles any type of sub-soil conditions from clay gumbo to slimes and quicksand.

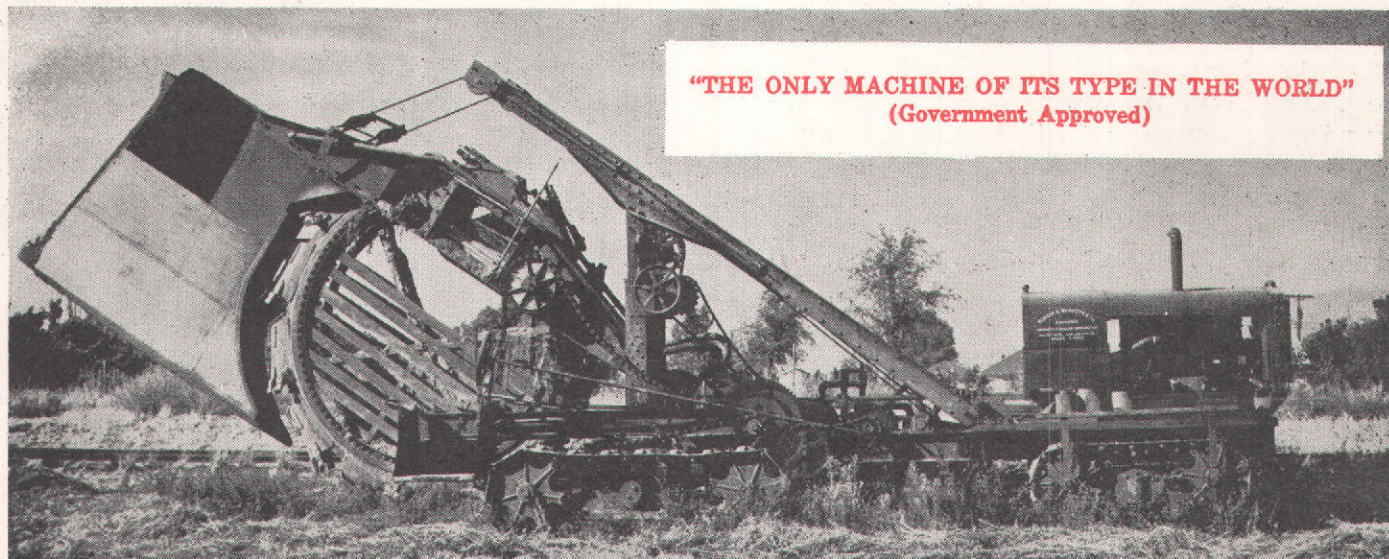
One man of a three-man crew works in a steel crib positioned behind the 12-foot excavating wheel (see cut). Lengths of tile or pipe handed down to him are placed in the bottom of the trench, then a hydraulic plunger pushes the length into position to join it with the section previously laid for a precision fit and alignment. Crushed gravel, flowing down from

a gravity feed chute at the rear of the crib, encases the line in a four-inch envelope as the machine travels along.

This filter envelope prevents fine particles of sand and silt from entering the drain tile, stabilizes unstable soil conditions and provides passageways for the water to flow along the pipe until it can enter at the joints. Desilting boxes are located at changes in grade or at points where the line switches direction. Pipe sizes laid range from six to fifteen inches in diameter. Three types are handled: butt-end, bell and spigot, and tongue and groove.

Underdrainage projects completed to date include water-logged farm lands, subdivision and industrial sites, airports, road and borrowpit drainage, and water and outfall sewer line excavations. Lands too swampy to support a man or an animal have been ready for plowing within 15 days from the time the underdrainage line was installed.

Sumner G. Margetts & Company, Inc., headquartered at 204 Felt Building, Salt Lake City, has been working closely with soil conservation districts throughout Utah and southeastern Idaho, and is making efforts to become acquainted with all areas having acute drainage problems.



Top—Machine to dig trench, lay pipe and apply gravel filter in one operation is invention of the late Sumner G. Margetts. Device is manufactured at Layton shop.

At left—Arnold Anderson lowers length of clay pipe to Jack Stephens working in crib at bottom of trench. Hydraulic ram will insure precision fit and alignment.



At right—Gravel for filter envelope is dumped into gravity feed chute. Crew installed 8200 feet of pipe to lower water table at the Industrial Center in Salt Lake.

32557

NAME OF APPLICANT

*W.D. 962 Windsor St
Salt Lake City Utah*

Form No. 0

T. 16 S. R. 39 E.

T. 15 N.

T. 16 S. R. 39 E.

Lot 6

SE 1/4 Sec 1

Lot 5

Lot 4

T. 16 S. R. 39 E. B.M.

T. 16 S. R. 39 E. B.M.

Drainage Weber Ranch 16.

*Lot 13 To Be Drained
L2 L1*



0 - Manholes with gates to control sub-water.

Permit Map No. 32557

As Approved

CARL E. TAPPAN
State Reclamation Engineer

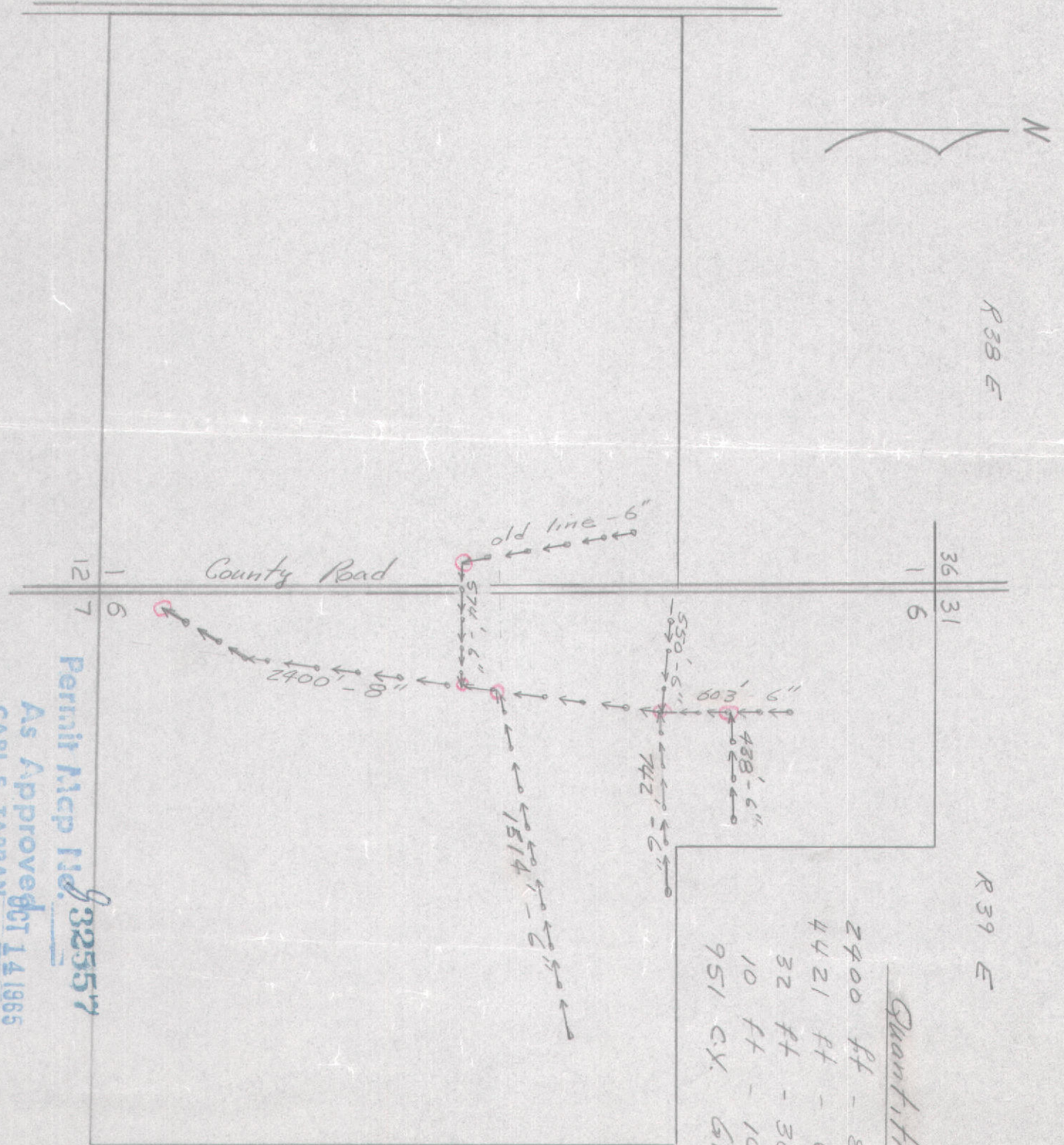
OCT 14 1985

OFFICE

*L4 - 31.6
5 - 34.6
6 - 35.6*

W. D. Beers
 Tile Drainage System
 Franklin County, Idaho
 Scale 1" = 660' approx.

T 16 S



Quantities
 2400 ft - 8" tile
 4421 ft - 6" tile
 32 ft - 36" CMP, Tared
 10 ft - 10" CMP
 951 cu. Gravel

OFFICE

Permit Map No. 32557
 As Approved Oct 14 1965
 CARL E. TAPPAN
 State Reclamation Engineer

32.557

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5587
WATER RIGHT NO. 13-02268

This is to certify that: **DUNES DAIRY**
C/O MELVIN ROBERTS
1539 W HWY 36
PRESTON ID 83263

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.14 CFS	24.2 AF
STOCKWATER	01/01 to 12/31	0.28 CFS	35.2 AF
COMMERCIAL	01/01 to 12/31	0.28 CFS	35.2 AF
Totals		0.42 CFS	59.4 AF

SOURCE
GROUNDWATER

Priority: 10/11/1965

LOCATION OF POINT(S) OF DIVERSION: NWSW, Sec. 5, Township 16S, Range 39E
FRANKLIN County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
16S	39E	5	NWSW	6.9		6.9
Total number of acres irrigated:						6.9

PLACE OF USE: STOCKWATER, same as IRRIGATION use

PLACE OF USE: COMMERCIAL, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

MICROFILMED

APR 20 2000

TRANSFER NO. 5587
WATER RIGHT NO. 13-02268

CONDITIONS OF APPROVAL AND REMARKS

3. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Commercial use is for a dairy.

Dated this 19th day of April, 2000.

J. Glen Saylor
Chief, Water Allocation Bureau

MICROFILMED
APR 20 2000

#100 fee

Page

1

of

5

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No.

3587

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

DEC 17 1999

PART 1

Department of Water Resources

Name of applicant Dunes Dairy c/o Melvin Roberts Phone 208-852-2514

Post Office address 1539 W. Hyway 36 Preston, ID 83263

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☒ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes We are building a dairy and want to transfer a portion of our water right to cover that use and also to irrigate 6.9 adjacent acres.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>13-02268</u>	<u>10/11/1965</u>	<u>0.28 cfs</u>	<u>Commercial</u>	<u>1-1</u> to <u>12-31</u>
		<u>0.28 cfs</u>	<u>Stockwater</u>	<u>1-1</u> to <u>12-31</u>
		<u>0.14 cfs</u>	<u>Irrigation</u>	<u>4-01</u> to <u>11-01</u>

2. Total amount of water being transferred 0.42 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	5	16S	39E	Franklin	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16S	39E	5									C/S								
											6.9								6.9

MICROFILMED

APR 20 2000

T5587

Total acres 6.9

PART 1

6. General Information:

a. Description of diversion system Well pump to 850 cow dairy and
irrigation of 6.9 acres adjacent

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

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

d. Remarks:

See dairy worksheet where 35.2 af diversion volume is
required. For the Prosten area this requires 14.1 acres of irrigated
ground to be sacrificed to fill this need.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____

MICROFILMED

APR 20 2000

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 13-02268

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.42 CFS	73.5 AF

SOURCE

GROUNDWATER

Priority: 10/11/1965

LOCATION OF POINT(S) OF DIVERSION: Lot 6 (SWSW), Sec. 6, Township 16S, Range 39E
FRANKLIN County

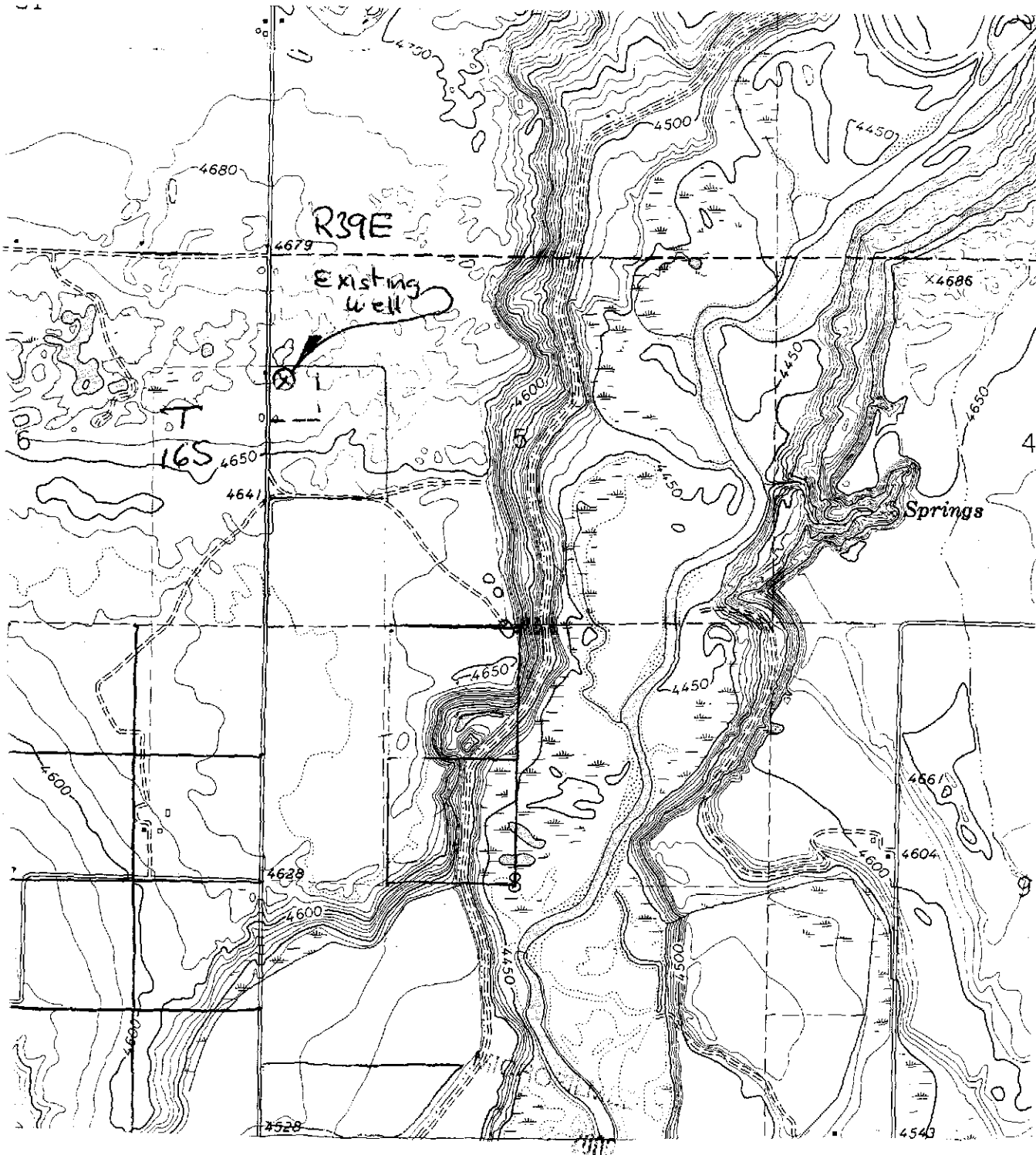
PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
16S	39E	6	Lot 6 (SWSW)	6	SESW 15	21
Total number of acres irrigated:						21

CONDITIONS/REMARKS:MICROFILMED
APR 20 2000

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

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



PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>Commercial/Dairy</u>	<u>0.28 cfs</u>		<u>1-1</u> to <u>12-31</u>
				to

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

See attached dairy sheet

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

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

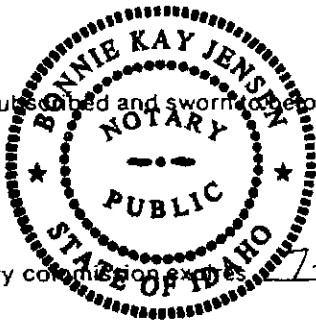
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 28th day of October, 19 99.

Melvin S. Roberts
(Signature of Applicant)

Bonnie Kay Jensen
(Notary Public)

My commission expires 7-7-2000



FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and _____ attachments

Received by HwJ Date 11-2-99 Protest filed by _____

Prelim. check by HwJ Fee \$100 _____

Receipted by HwJ #E025437 Date 11-3-99 _____

Published in Preston Citizen Copies of protest forwarded by _____

Pub. dates 11-11-99 & 11-18-99 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by RLC

Copy of transfer sent to lien holder _____

MICROFILMED

APR 20 2000

State of Idaho
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 32557/13-2268 Priority Oct. 11, 1965 Amount 0.42 cfs

THIS IS TO CERTIFY, that BEERS, INC.
of Salt Lake City, Utah, has complied with the terms and conditions of Permit
No. 32557/13-2268 issued pursuant to Application for Permit dated October 11, 1965,
and has submitted proof to the Department of Water Administration on November 16, 1970,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.42 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u> from <u>April 1</u> to <u>Nov. 1</u> at <u>0.42</u> cfs and			<u>73.5 acre feet or</u>
			<u>3.5 af per acre</u>
from _____ to _____ at _____ cfs and			
from _____ to _____ at _____ cfs and			
(both dates inclusive)			

Subject, however, to the condition that no more than 0.42 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
73.5 acre feet per year, said waters to be diverted within Lot # 6 of Sec. 6,
Twp. 16 S, Rge. 39 E, B.M. in the County of Franklin

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16 S	39 E	6											6	15					21
													(lot 6)						

Total number of acres irrigated 21

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 11th day of
December, 19 73.

Director

13-2268

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

ASSIGNMENT OF PERMIT

I, W.D. Beers ^{executor of last will of} W.D. Beers, hereby assign to Beers, Inc.,
of 1303 Desert Bldg Salt Lake City Utah 84111,
Name:
Address:

CHECK ONE

☒ All my right, title, and interest, in and to Permit No. G-3257/13-2268
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and
to Permit No. G-3257/13-2268 to appropriate the public waters of the State
of Idaho. (Give that portion of the permit being assigned by describing
the land list and the point of diversion - describe by acreage within
each 40-acre subdivision.)

Made this 24 day of November, 1970.

W.D. Beers by:
W.D. Beers (executor)
Permit Holder

Deceased
Wife of Permit Holder

State of ~~Idaho~~ Utah)
County of Salt Lake) ss.

On this 24th day of November, 1970, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Granville Cross
Notary Public residing at Salt
Lake City, Utah

My commission expires May 10, 1973

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Administration

1. a) Name of Permit Holder Mr. D. Beers (demand) held as trustee for Beers, Inc.
b) Post Office Address 1303 Desert Building - Salt Lake City, Utah 84111
2. Permit Number 9-32557/13-2268
3. Date of Priority that you are prepared to establish October 11, 1965
4. a) Source from which water was appropriated Lot 6
b) Location of the point of diversion: Lot 6 East 1/4 S.W. 1/4, Section 6
Township 16 S., Range 39 E Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:
amount 0.211 for Irrigation purposes from April 20 to October 1 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount 0.211 for Stock water purposes from October 1 to December 30 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 1.0 cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: See letter attached - from Wendell H Smith - Consulting Engineer.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: Not applicable owned by permit holder.
in middle of field
b) Describe the agreement or understanding by which you take water from the works: Not applicable
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) comes from subterranean tile drain. brought to surface and conveyed by irrigation ditch
irrigation ditch and sprinkler pipe.
b) Describe the type and size of measuring device which you have installed at your point of diversion: over a 90° V notch weir

- c) Give well drillers name and address and date the well was completed Tile drain was
installed by Douglas Stewart of the Sumner G. Margella
& Company, Inc. - work was completed in 1965. See attached
affidavit of publication. In 1956, the Margella Co, Inc. dug a
drain trench of 1700 ft and installed a six inch drain tile over West Field.
In 1965, the same company dug a drain trench of 6821 feet over East Field
and installed 2400 ft of eight inch drain tile and 4421 feet of six
inch drain tile. The complete drainage system is capable of developing
one second foot of water at the height of the irrigation season.

Examined
1-29-71
Typed
C.M.

13 2268

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use Stock water - spring & fall:

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
16	39	6																	
		1																	

Total number of acres irrigated Approximately 10 acres

10. Remarks:

W.D. Beers transferred land and all rights related to land, including use of surface water to Beers, Inc in exchange for the stock of that company. See letter & deed attached.

The above information is a true statement of the extent to which the above numbered permit has been developed.

11-9-70
(Date)

W.D. Beers
(Signature)
Pres. Beers Inc.

State of Utah
County of Salt Lake ss.

On this Ninth day of November, 1970, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Grace G. Cross
Notary Public residing at
Salt Lake City, Utah

My commission expires May 10, 1973

D

1303 Desert Bldg.
Salt Lake City, Utah
84111

40716

32557

District No.

- ✓

Remarks: The works will act as drainage system part time. During dry season gates and manholes will be closed to raise subwater to proper elevation

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 s/ W. D. Beers Applicant.
962 Windsor St.,
Salt Lake City, Utah Agent.

Date of first receipt at Department of Reclamation: 8:00 A.M. October 11, 1965

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 32557
Recorded in Book 114 Page 32557 Approved October 14, 1965

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before
Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before April 14, 1968

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before October 14, 1970

Witness my hand this 14th day of October, 1965 s/ RALPH W. THOMAS, Deputy
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 14th day of October, 1965

Countersigned: STATE OF IDAHO
(SEAL) By s/ ROBERT E. SMYLIE Governor
By s/ ARNOLD WILLIAMS Secretary of State.

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	
16 S	38 E	1													40	35	5	20	100
16 S	39 E	6							L.4 31		20	L.5 34	L.6 35	20					140
																		TOTAL	240

LICENSE ISSUED FOR 42 SEC. FT.
LICENSE PAGE NO. 1

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-32557/13-2268)

in the name of W. D. Beers, 962 Windsor)

Street, Salt Lake City 5, Utah)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law;
and,

WHEREAS, these changes raised questions as to the procedures to be followed by
holders of permits issued prior to the effective date of the amendments, May 31, 1967;
and,

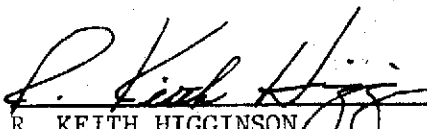
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 13-2268 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are
hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42,
Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit
holders expense for two weekly issues in the official newspaper of
the county in which the point of diversion lies.

Dated this 22ND day of APRIL, 1970


R. KEITH HIGGINSON
State Reclamation Engineer

RKH/DG

32557
13-2268

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

Wayne R. Bell

being duly sworn,

deposes and says:

That he is the *Co-publisher* of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

May 14

, 19 *70*, and ending

with the issue of

May 21

, 19 *70*

Wayne R. Bell

Fees, \$ *11.73*

Subscribed and sworn to before me this *1st* day

of *June*, 19 *70*.

William R. Giddes

Notary Public, Residing at Preston, Idaho

My Commission Expires *11 March*, 19 *74*

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that W. D. Beers, 962 Windsor St., Salt Lake City, Utah has received an approved permit No. G-32557/132 issued by the Idaho State Reclamation Department authorizing the diversion of 1.0 cfs feet per second of water from a groundwater source subject to all prior rights. The priority to be established under this permit is October 11, 1965 and the permit was approved October 11, 1965. Water is to be diverted by drain tile with manholes and gates from a point within the NE 1/4, Sec. 1, T. 16 S, R. 38 E, Lots 4, 5, 6, E 1/2 SW 1/4, Sec. 6, T. 16 S, R. 39 E, B. M., Franklin County to be used for irrigation in the SE 1/4, Sec. 1, T. 16 S, R. 38 E;

SW 1/4 NW 1/4, SW 1/4, Sec. 6, T. 16 S, R. 39 E, B. M. Proof of the application of the water to beneficial use is to be submitted to the department on or before October 14, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. SMITH HIGGINSON
State Reclamation
Engineer

Published in the Preston Citizen, Preston, Idaho on May 14 and May 21, 1970.

Legal No. 1751-Pub. May 14, 21, 1970.

*id
OK
6-24-70*

32557

13-2262



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

April 20, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DUNES DAIRY
C/O MELVIN ROBERTS
1539 W HWY 36
PRESTON ID 83263

RE: Water Right 13-02268 (Transfer 5587)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5587). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Camela S. Skaggs
for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of **April, 2000** I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 13-02268 (Transfer 5587)

**DUNES DAIRY
C/O MELVIN ROBERTS
1539 W HWY 36
PRESTON ID 83263**


**Kari Lynn Townsend
Secretary**

MICROFILMED
APR 20 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. **A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below.**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

CERTIFICATE OF SERVICE

All documents intended to be part of the Department record in connection with a preliminary order shall be served upon the representatives of each party of record. Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service by the following or similar certificate.

I HEREBY CERTIFY (swear or affirm) that I have this day of _____, served the foregoing (name(s) of document(s)) upon all parties of record in this proceeding, (by delivering a copy thereof in person: (list names)) (by mailing a copy thereof, properly addressed with postage prepaid, to: (list names)).
(Signature)

MICROFILMED

APR 26 2000

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when (a) the petition for reconsideration is disposed of; or (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

RIGHT TO HEARING

Pursuant to Section 42-1701A(3), Idaho Code, unless the right to a hearing before the Department is otherwise provided by statute, any person aggrieved by any decision, determination, order, or action of the Department or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the Department, who is aggrieved by a denial or conditional approval ordered by the Department, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Department to contest the denial or conditional approval upon filing with the Department, within fifteen (15) days after receipt of the denial or conditional approval, a written permission stating the grounds for contesting the action by the director and requesting a hearing.

APPEAL OF FINAL ORDER TO DISTRICT COURT

If a preliminary order becomes final, any party aggrieved by the final order or orders previously issued in the case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which (a) a hearing was held, or (b) the final agency action was taken, or (c) the party seeking review of the order resides, or (d) the real property or personal property that was the subject of the agency action is located. The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. See Sections 67-5270 through 67-5273, Idaho Code.

**Change in Nature of Use Evaluation
Transfer 5587/Dunes Dairy**

Pam Skaggs

04-19-2000



Water Right 13-02268

	Rate	Acres	Div. Vol.	C.U. Vol.
Before Transfer	0.42 cfs	21.0	73.5 afa	52.5 afa
After Transfer	0.14 cfs	6.9	24.2 afa	17.3 afa
	0.28 cfs	14.1 out/dairy	35.2 afa	35.2 afa
Totals	0.42 cfs	6.9 & dairy	59.4 afa	52.5 afa

No expansion occurs through this transfer. A reduction of diversion volume occurs through the change in nature of use.

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APR 10 2000

TRANSFER REVIEW SHEET

(10-99)

Transfer # 5587

Date Reviewed 04-15-2000

Right(s) 13-02268

☒ WRQ/Split Summary NA SRBA Status ☒ Run POU Comparison Report

overlaps w/ Twin Lakes Canal Co. PDU rts.

B:Change P/D C:Add P/D

D:Change P/U

E:Change Nature of Use

F:Change Period of Use

G:Other

H:Change P/D & Add P/D

I:Change P/D & P/U

J:Add P/D & Change P/U

Federal Land Bank predecessor of Farm Credit per HWS -4-18-00

Proof of Ownership Farm Credit Services Lienholder letter of Agreement 11-01-99.

'99 Tax Notice shows Federal Land Bank C/O Roberts owns original - Clarify current owner name for approval. ☒ Ownership of Dairy/IRR site under Transfer.

Transfer ☒ All of Right ☐ Portion of Right

Resulting Split(s) None - only uses

Check Transfer Against Recorded Right:

Standard Season 4-1 to 10-31

Standard Volume 3.5 / 2.5

(1) ☒ Priority (2) ☐ Use (3) ☐ Season/W61 (4) ☒ Rate (5) ☐ Volume

(6) ☒ Source (7) ☐ P/D (8) ☐ P/U (9) ☒ Proof/Owner (10) ☒ Map

FCS agrees

(11) NA Water District (12) NO Pertinent Conditions (13) NO Expansion

Not supplemental GW

(2) 14.1 Acres Out for dairy uses / Stock + COMM

(3) Allow yr. round for dairy uses.

(5) IRR = 24.2 afa STOCK + COMM = 35.2 afa ea. Total = 59.4 afa

(7) Change P/D

(8) Change P/U - No land app. occurs - all water ponded + evaporates per HWS + app. 4-18-00

Not supplemental - No Twin Lake Canal Co. Shares associated with acres per HWS + 4-18-00 applicant.

Dairy Requires $35.2 \text{ afa} / 2.5 \text{ afa} = 14.1 \text{ acres out} = 6.9 \text{ acres IRR remain}$

$3.5 \times 6.9 = 24.2 \text{ afa}$ $2.5 \times 14.1 = 35.2 \text{ afa COMM + STOCK}$

Existing well per app. / Only DOM well under 13-95-E-00016-000 found in Sec 5 for applicant. Different AG listed.

Transfer Remarks Comm use for a dairy.

Conditions 046, 01M, 081, R43, T07, T08

Database/Processing Notes

Standard ☒ Non-Standard ☐

T file

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒ Change eval. table

Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

04-19-2000

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM				
		NE		NW		SW		SE		NE		NW		SW		SE						
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac					
T16S R39E S 5	Proposed P/U	c/s + IRR																				
NO MATCHES FOR THIS POU IN AJ-POU																						
1300896B	MINK CREEK :																	:				
1300901	MINK CREEK :																	:				
1300946A	DEEP CREEK - Twin Lakes Canal Co.					5903.1 Acres w/in 33,920 Acre PPU												:				
1300946B	DEEP CREEK :	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640
1300974	BEAR RIVER :																	:				
11302268	GROUNDWATE :																	:	6			
1307048	BEAR RIVER :																	:	39			
1307481	DEEP CREEK :	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	640
NO MAPPING INFO AVAILABLE																						

T16S R39E S 6

Original P/U

NO MATCHES FOR THIS POU IN AJ-POU

1300896B	MINK CREEK :	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
1300901	MINK CREEK :	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
1300946B	DEEP CREEK :	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	640
1302173	SPRINGS :	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	20	50
1302268	GROUNDWATE :	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	30	21
1302289	MINK CREEK : T L C C / For Stor. / 12,715.1 w/in 12,279	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	10	42
1307105	PONDS :	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	42
1307481	DEEP CREEK :	40	40	40	40	:	40	40	40	40	:	40	40	40	40	:	40	640

Permit

NO MAPPING INFO AVAILABLE

No shares associated with land being dried up per HWS + applicant.
4-17-00

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE	DESC	SYSTEM
13-02268	BEERS INC.	C		10/11/1965	L/	GROUNDWATER	IRR		WR
T13-02268	DUNES DAIRY	C		10/11/1965	L/	GROUNDWATER	IRR		WR
							COMMER		
							STOCK		

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

11-2-99

T5587

TRANSFER ANALYSIS SHEET RECEIVED

INITIAL REVIEW BY:

HWT

DEC 17 1999

Department of Water Resources

1. Right number 13-02268 Applicant Dunes Dairy2. Type of right: ☐ Decree ☒ License ☐ Claim3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Other Change Nature of use

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☐ Period of useb. ☒ Description of original point of diversion.c. ☐ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☒ All of right.b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).c. ☒ Check description of point(s) of diversion.d. ☒ Check description of place of use.e. ☒ Check map (shows p.d. and p.u. after transfer).f. ☒ Check for correct signature, notarization, and fee. will be sent - okg. ☒ Check proof of ownership of right &/or land from which water is transferred. will be senth. ☒ Check for expansion in use of right. Comments NAi. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) _____

j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No

If yes, what district? _____

Send copy to
Jody Williams

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Is transfer published correctly? ☒ Yes ☐ No3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve2. ☐ Deny

3. Conditions* _____

4. By RDC Date 12/8/99

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

Robert W. Marshall

being duly sworn,

deposes and says:

That he is the Publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said

newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

11/10

, 1999, and ending

with the issue of

11/17

19

99

Robert W Marshall

Fee \$

54.55

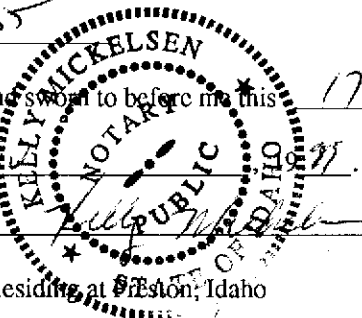
Subscribed and sworn to before me this

17

day

of

Notary Public



Notary Public, Residing at Preston, Idaho

My Commission Expires

8/14

1999

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T5587

Notice is hereby given that Dunes Dairy, % Melvin Roberts, 1539 W Highway 36, Preston ID 83263, has applied to the Department of Water Resources to change the point of diversion, to change the place of use and to

change the nature of use of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 13-02268

Source: Groundwater

Amount: 0.42 cfs

Priority: 10/11/1965

Point(s) of Diversion: SWSW (Lot 6) SEC 6 T16S R39E, FRANKLIN COUNTY

The water is used for irrigation of 21 acres within SEC 6 T16S R39E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to dry up 14.1 acres of irrigated ground to supply water for an 850 cow dairy. He will also irrigate the remaining 6.9 acres adjacent to the dairy in the NWSW SEC 5 T16S R39E from an existing well at that location.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before November 22, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Legal No. 4907 - Publish Nov. 10 and 17, 1999.

MICROFILMED

APR 2 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 3, 1999

DUNES DAIRY
% MELVIN ROBERTS
1539 W HIGHWAY 36
PRESTON ID 83263

RE: Application for Transfer #5587

Dear Applicant:

This office is currently in the process of advertising the application in the Preston Citizen on November 11 and 18, 1999. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED

APR 20 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 3, 1999

JODY L WILLIAMS ESQ
KRUSE LANDA & MAYCOCK LLC
50 W BROADWAY 8TH FLOOR
SALT LAKE CITY UT 84101

RE: Applications for Transfer #5587

Dear Jody:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is Nov 29, 1999, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,


Harold W. Jones
Water Right Supervisor

HWJ: sc

Enc.

MICROFILMED

APR 20 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 3, 1999

PRESTON CITIZEN
PO BOX 472
PRESTON ID 83263

Dear Publisher:

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

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

Please send the affidavit of publication and publication billing to this office before November 29, 1999.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.



MICROFILMED
APR 20 2000

**NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5587**

Notice is hereby given that Dunes Dairy, % Melvin Roberts, 1539 W Highway 36, Preston ID 83263, has applied to the Department of Water Resources to change the point of diversion, to change the place of use and to change the nature of use of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 13-02268 Source: Groundwater
Amount: 0.42 cfs Priority: 10/11/1965
Point(s) of Diversion: SWSW (Lot 6) SEC 6 T16S R39E, FRANKLIN COUNTY
The water is used for irrigation of 21 acres within SEC 6 T16S R39E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to dry up 14.1 acres of irrigated ground to supply water for an 850 cow dairy. He will also irrigate the remaining 6.9 acres adjacent to the dairy in the NWSW SEC 5 T16S R39E from an existing well at that location.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before November 22, 1999. The protestant must also send a copy of the protest to the applicant.

**KARL J. DREHER
Director**

Published in the Preston Citizen on November 11 and 18, 1999.

MICROFILMED

APR 20 2000

RICHARD L UMBEL
FRANKLIN COUNTY ASSESSOR
39 W ONBIDA
PRESTON ID 83263

ASSESSMENT NOTICE

2651.00

RETURN SERVICE REQUESTED

CATEGORY DESCRIPTION

Tax Code
LOTS/ACRES

22

MARKET VALUE

1999

Taxes are based on the
valuation listed on this statement

FOR ANY QUESTIONS
PLEASE NOTIFY THE
ASSESSOR'S OFFICE BEFORE

05 DRY GRAZING	23.43	937	
19 WASTE	4.00		
01 IRRGTD AGRICUL	233.20	157,410	
TOTALS	260.63*	158,347*	PARCEL #
			2651.00

E2SE4, E2SW4, LOTS 4, 5,
6

6-16-39
INST # 177399

PROPERTY ADDRESS

PRIOR YEAR

CURRENT YEAR

Mail To:

VALUE:

158,347

158,347

FEDERAL LAND BANK
% ROBERTS, MELVIN S.
1539 WEST HIWAY 36
PRESTON, ID 83263-5170

TAX:

1,968.06

1,968.05

DO NOT PAY ESTIMATE

See back for details.

MICROFILMED

APR 20 2000



Farm Credit Services

RECEIVED

NOV 01 1999

Department of Water Resources
Eastern Region

102 North State
P.O. Box 386
Preston, Idaho 83263
208/852-2145
FAX 208/852-2149

October 29, 1999

Mr. Harold W. Jones
IDWR
900 N Skyline Dr., Ste. A
Idaho Falls, ID 83402-1718

Dear Mr. Jones:

Farm Credit Services currently has a lien against the property in question for the transfer of water Melvin Roberts is requesting. We are aware of the transfer request and agree with the proposed change.

If you have any questions, please feel free to contact us at the number above.

Sincerely,

Christine Larsen
Financial Specialist

STATE OF IDAHO)
)ss.
County of Franklin)

On October 29, 1999, before me personally appeared Christine Larsen, known to me to be an authorized agent of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same as its free act and deed; and on oath stated that she was authorized to execute said instrument.



Notary Public for the State of Idaho
Residing at ~~Western Idaho~~ PRESTON, IDAHO
My commission expires ~~12/16/2001~~ 12/16/2002

FILE NUMBER _____ example
 REVIEWER _____ jes

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE _____ 750
 NUMBER OF NONMILKING CATTLE _____ 100
 IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES;
 IF ANAEROBIC, ENTER ZERO _____ 4.0
 EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) _____ 4
 ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF
 SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH C _____ 1
 NUMBER OF MILKINGS PER DAY _____ 3

CALCULATIONS

DIVERSION RATE FOR STOCKWATER (CFS):

MILKING CATTLE @35 GPD/HD _____ 0.48
 MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * _____ 0.52
 NONMILKING CATTLE @12 GPD/HD _____ 0.02
 NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * _____ 0.02
 TOTAL (BASED UPON ROUNDED NUMBERS) _____ 0.54

DIVERSION VOLUME (AFA):

STOCKWATER
 MILKING CATTLE @35 GPD/HD _____ 29.4
 MILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * _____ 32.0
 NONMILKING CATTLE @12 GPD/HD _____ 1.3
 NONMILKING CATTLE (NUMBER OF CATTLE ROUNDED UP) * _____ 1.3
 TOTAL (BASED UPON ROUNDED NUMBERS) _____ 33.3

COMMERCIAL

WASHING OF BULK TANK AND RELATED EQUIPMENT _____ 0.5
 PARLOR FLOOR AND MILKHOUSE FLOOR _____ 0.1
 CATTLE WASHING BASED UPON METHOD OF WASHING _____ 1.3
 TOTAL _____ 1.9

TOTAL DIVERSION VOLUME _____ 35.2

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER
 MILKING _____ 4.6
 NONMILKING _____ 0.0
 TOTAL _____ 4.6

COMMERCIAL _____ 1.9

TOTAL CONSUMPTIVE USE _____ 6.5

* NUMBER OF CATTLE ROUNDED UP TO AGREE WITH EXISTING TABLES.

THEORETICAL FLOW RATE ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3
PUMP HORSEPOWER (HP) _____	7.50	0.00	0.00
LIFT (FT) _____	50	0	0
DISCHARGE PRESSURE (PSI) _____	40	0	0
FRICTION LOSSES (FT) _____	0.0	0.0	0.0

CALCULATIONS

THEORETICAL FLOW RATE (CFS) * _____	0.32	0.00	0.00
DIVERSION VOLUME (AFA) ** _____	234.9	0.0	0.0

* PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

** DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE
 THEORETICAL FLOW RATE ASSUMING PUMP RUNS CONTINUOUSLY EVERY
 DAY OF THE YEAR.

T5587

December 14, 1973

Re: Permit No. 32557/13-2268

Beers, Inc.
Attn: H. Gardner Beers, President
4985 South 938 East
Salt Lake City, UT 84117

Dear Mr. Beers;

Enclosed herewith is a copy of the Water License issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

jr

13-2268

Beers., Inc.
4984 South 938 East
Salt Lake City, Utah 84117
7 December 1973

Mr. R. Keith Higginson, Director
Dept. of Water Administration
Statehouse- Annex 2
Boise, Idaho 83720

Re: Permit No. 32557/13-2268

Dear Sir,

It is requested that you issue a water right license with a rate of diversion of 0.42 cubic feet of water per second.

At such time as we can develop additional land for irrigation, we will file for an additional permit.

We appreciate your interest and patience.

Sincerely,



H. Gardner Beers,

PE

President Beers Inc.

RECEIVED
DEC 29 1973
Department of Water Administration

13-2268

September 18, 1973

Re: Permit No. 32557/13-2268

Beers, Inc.
Attn: H. Gardner Beers, President
4985 South 938 East
Salt Lake City, Utah 84117

Dear Mr. Beers:

We received your recent letter concerning your objection to the rate of diversion in connection with the above referenced permit.

You could be correct in your statement that the right to the use of the water should be vested in the land that produces it. The difficulty here, however, is that a license can be issued only to the extent that the water has been beneficially used.

Our examiner found that you were irrigating 21 acres of land. At the rate of 1 miners inch of water per acre, which is the maximum allowable rate of diversion, a license could be issued for 0.42 cubic feet per second of water.

If you intend to continue to develop more land, upon which the water can be used, you must file for an additional permit.

Please let us know if you agree with our proposed license with a rate of diversion of 0.42 cubic feet of water per second, so a water right license may be issued.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

EDF:jc

RECEIVED

SEP 4 1973

BEERS INC.
4985 SOUTH 938 EAST
SALT LAKE CITY, UTAH 84117
Department of Water Administration

R. KEITH HIGGINS DIRECTOR
STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
STATE HOUSE ANNEX 2
BOISE, IDAHO 83707

Dear Sir;

I received a copy of your ruling on the application for water rights for the water developed for the property of Beers Inc. near Weston, Idaho, Permit No. 32557/13-2268.

When the drainage systems were installed a number of manholes were located along the drainage lines in order that the adjoining land could be watered by pumping for surface irrigation or by dropping stop logs into the manholes to sub-irrigate the adjoining land. Division would be made in Section 7, Center of Lot 5. Section 6, and 2 divisions in Lot 6. Section 6, T 16 S; Range 39E. Possible area to be irrigated is 140 acres.

It would appear to me that the right to use all of this water should be vested in the land that produces it.

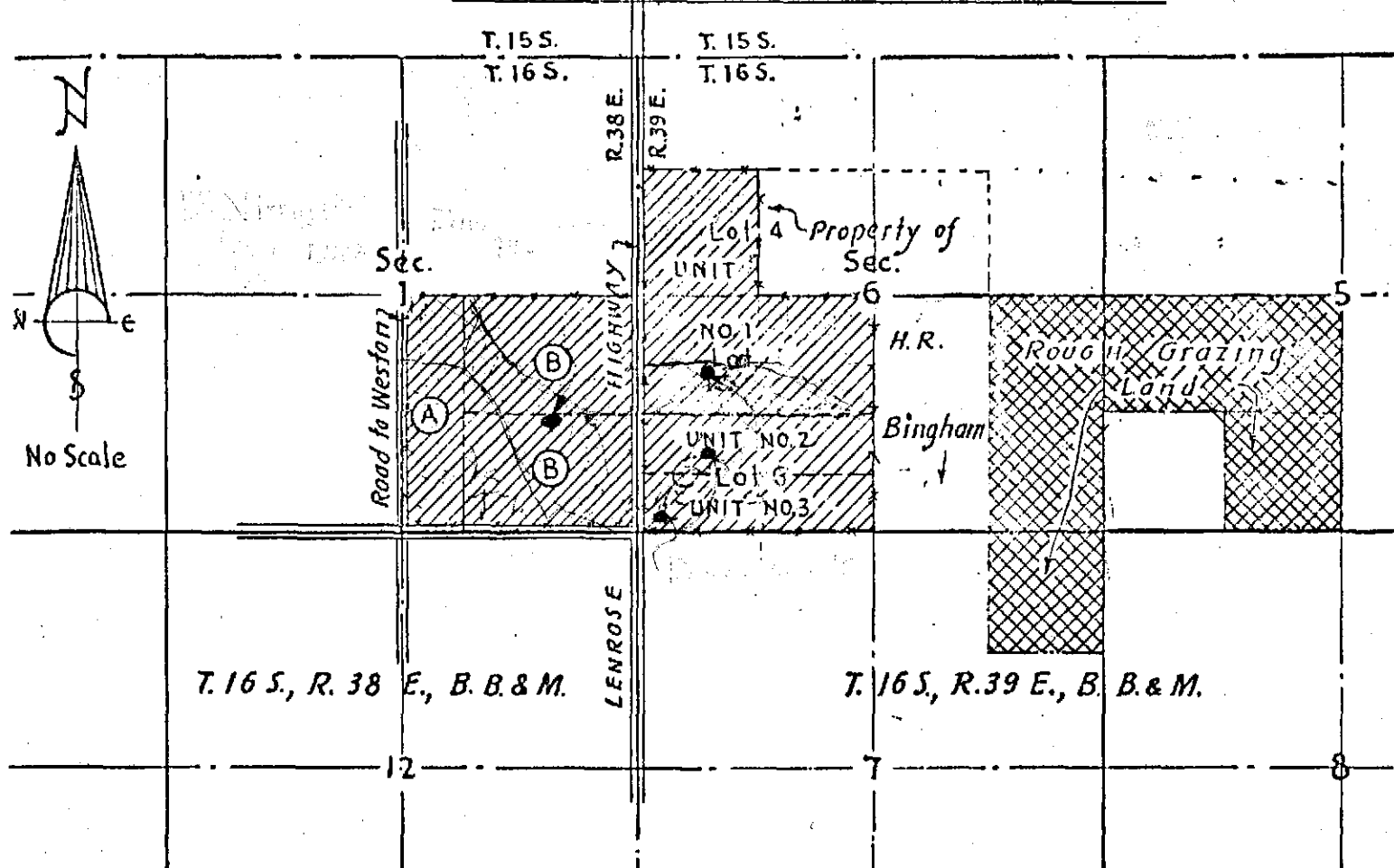
For this reason I urge you to award up to 7 cubic foot/second requested in our application for this water.

Sincerely



H. GARDNER BEERS, PE.
PRESIDENT BEERS INC.

MAP SHOWING THE
BEERS INC. RANCH
 NEAR WESTON, FRANKLIN COUNTY, IDAHO.



LEGEND

DESCRIPTION	SYMBOL	AREA
FOLDER NO. I - SE 1/4, Sec. 1, T. 16 S., R. 38 E., B. B. M.		
Permit "A" Modesto Tomasi (Improved)		40 Acres
" " "B" Walter C. Burrell (")		120 "
Area Total - FOLDER No. I		160 "
FOLDER NO. II - Section 6, T. 16 S., R. 39 E., B. B. M.		
Unit 1 - Thomas W. Comish (improved - see Folder)		106.3 Acres
" Unit 2 - H. B. Maughn (" " ")		37.3 "
" Unit 3 - John F. Reeder (" " ")		37.3 "
Area Total - FOLDER No II		180.9 "
FOLDER NO. III See Details in Folder No II	13 2268	

DATE 6/4/73FILE 13-2268NAME OF PARTY Mr. WatsonEMPLOYEE Bob FleenorRE: Licensing of Permit 13-2268 in the name of
Beers, Inc.

Mr. Watson, attorney for permittee and from
Salt Lake City, requested that we hold proposed
license until applicant can have system measured.

They feel license should be for a greater Q -

He also asked that correspondence be sent to

Beers, Inc.

% Mrs. Leonard Beers

4984 So. 938th East

Salt Lake City, Utah 84117

May 21, 1973

Beers, Inc.
1303 Deseret Bldg.
Salt Lake City, Utah 84111

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 82557/13-2268 and has found the following:

Quantity of water diverted: 0.17 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 0.17 cfs

The maximum quantity diverted shall not exceed 73 acre feet per year.

Beneficial use: Irrigation of 21 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, Twp. 16S, Rge. 39E, B.M.

Point of diversion: Lot 6 of Sec. 6, Twp. 16S, Rge. 39E, B.M.

Priority date established: October 11, 1965

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

13 2268

DEPARTMENT OF WATER ADMINISTRATION

FIELD REPORT

1. Name of permit holder Beers, Incorporated
 Post office address 1303 Deseret Building, Salt Lake City, Utah Phone _____
 Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
 (name spring, stream, etc.)
 Tributary to _____

3. Water will be used for the following purposes:

Amount 0.211 c.f.s. for irrigation
 _____ AF/Annum (nature of use)

Period of Use: from April 20 to October 1
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. G-32557/13-2268
 Examination for Beneficial Use

4. Total amount to be appropriated:

Max Rate of Diversion 1.0 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Lots 4,5,6, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec.6, T. 16S, R. 39E, B.M.
 Township 16S N/S, Range 38E E/W, B.M., Section 1, Subdivision NE $\frac{1}{4}$ SE $\frac{1}{4}$ Franklin
 County
 Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____
 County
 Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____
 County

Other Points of Diversions: _____

Description of diverting works: comes from subterranean the drain brought to surface and
conveyed by irrigation ditch irrigation ditch and sprinkler pipe

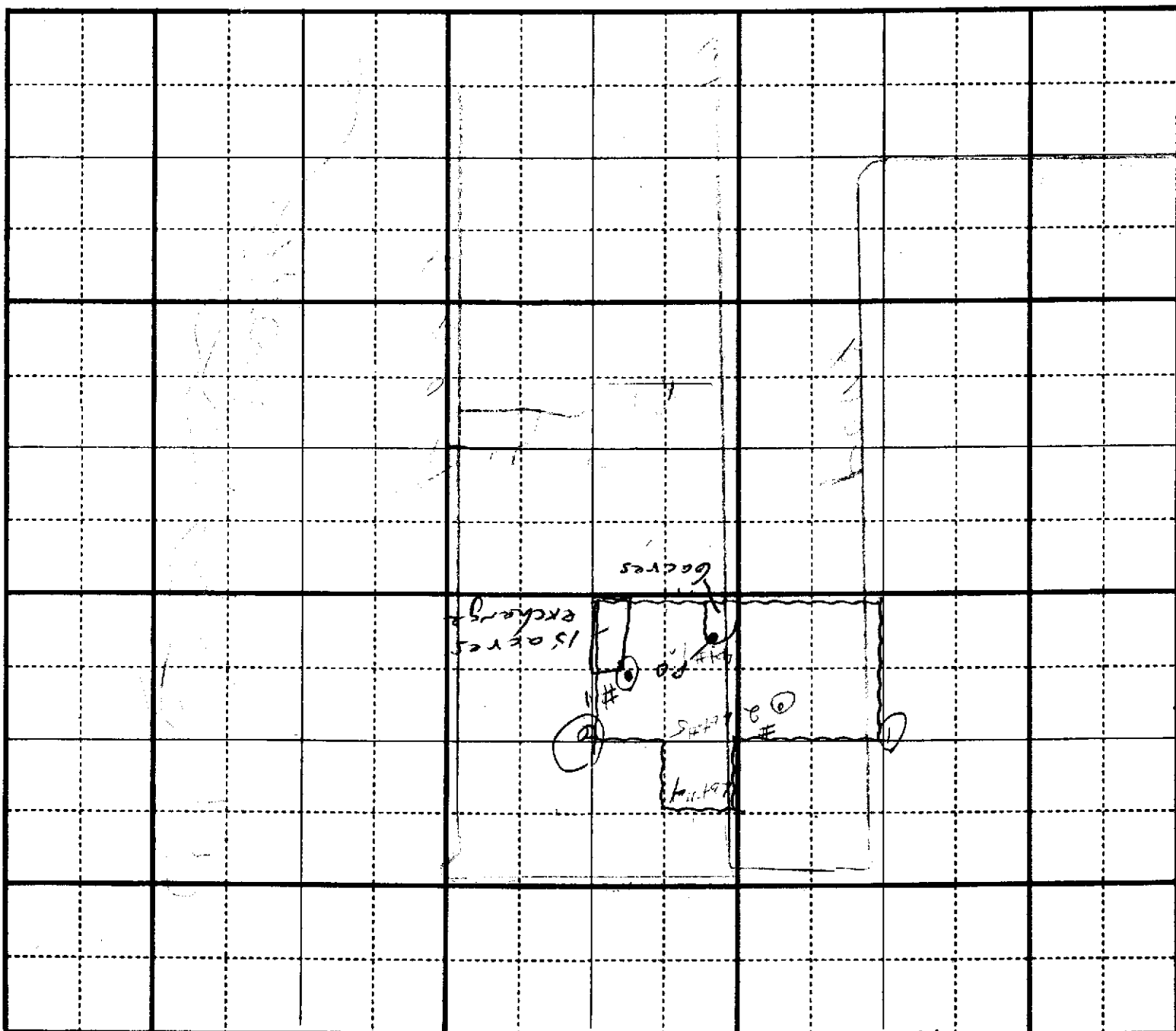
Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16S	38E	1													40	35	5	20	100
16S	39E	6							L.4		20	34	35	20					140
									31				L.5	L.6					

9/20/72
NCH

Diagram of System



R 392

13 2268

R 382

5
16
7

13-2268

31
6

5
78



DATE OF EXAM Sept 20, 1972

ACREAGE
Found 21
Recommended 21

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q = 0.42 c.f.s. @ 1" per 63 @ 32-1/2 AF/Ann. from 4/20 to 14/1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes ✓ no _____

Name source exchanged with: IRRIGATION canal from Bear River
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection:
twp. 16 N/S, Rge 39 E/W, B.M., Sec. 6, Sub. 10 1/4 6 1/4 FRANKLIN County

Point of exchange:
twp. 16 N/S, Rge 39 E/W, B.M., Sec. 6, Sub. SE 1/4 SW 1/4 FRANKLIN County

Total Q measured 0.168 cfs Method of measurement Calibrated container & stopwatch

Total Q recommended 0.17 cfs Meter No. _____ Type _____ Condition _____

5/ Total V recommended 55 A-F (0.17 cfs for 16 day season)

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ✓ note: Renter did not remember of any stock water usage. All surrounding land is irrigated from canals. This usage is supplemental & could only take word of renter as to where it had been used.

MEASUREMENT CALCULATION:

Rough measurement - filled 2 1/2 gal bucket in 2 sec. from out fall of tile about 100 feet downstream from manhole diversion point. This would be 75 gpm $\approx$ 0.168 cfs - undoubtedly varies with season (higher during heavier irrig. periods).

SYSTEM DESCRIPTION:

Buried tile drains (see aerial photo for approx. location. Water can be brought to surface thru 3" dia. CMP manholes by closing valves in tile mainline. Discharge by gravity to existing irrigation ditches, only one manhole used in this method. Could pump but has not been done.

REMARKS:

System shown by Eldon Portion (renter) very limited use made of this water. Neighbor in NE 1/4 NE 1/4 Sec 12 T16S R20E uses most of time. Water causes him a problem during winters. He would object to licensing this permit if notified.

Examiner's Signature Norman C. Young, P.E. Date 9/20/72

Checked by William R. Rhoads Date Oct. 11, 1972

Approved by _____ Date _____

December 4, 1970

Re: Permit No. G-32557/13-2268

Beers, Inc.
1303 Deseret Bldg.
Salt Lake City, Utah 84111

Gentlemen:

Please find enclosed a copy of the permit sheet and the assignment in connection with the above referenced permit.

Before a license can be issued, a field examination must be made by a representative from this Department.

We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination. If someone other than yourself should be contacted, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: copy of assignment
copy of permit sheet

13 2268

PAUL H. RAY (1893-1967)
S. J. QUINNEY
A. H. NEBEKER
ALBERT R. BOWEN
W. J. O'CONNOR, JR.
C. PRESTON ALLEN
MARVIN J. BERTOCH
ALONZO W. WATSON, JR.
RAMON M. CHILD
STEPHEN B. NEBEKER
HUGH C. GARNER
L. RIDD LARSON
DON B. ALLEN
MERLIN O. BAKER
STEPHEN H. ANDERSON
CLARK P. GILES
JAMES W. FREED
THOMAS A. QUINN
JAMES L. WILDE
M. JOHN ASHTON
HERBERT C. LIVSEY
WILLIAM A. MARSHALL

RAY, QUINNEY & NEBEKER

ATTORNEYS AT LAW
SUITE 400 DESERET BUILDING
SALT LAKE CITY, UTAH 84111

TELEPHONE
364-7742

November 30, 1970

Mr. Dorian Clay
Appropriation Examiner
Department of Water Administration
Annex to State House
Boise, Idaho 83707

Re: Permit No. G-32557/13-2268

Dear Mr. Clay:

The form of assignment of permit sent with your letter of November 17, 1970, has been completed, notarized and is returned herewith. This, I believe, should serve to effect the transfer.

We appreciate your assistance and your understanding of the delays.

Yours very truly

Alonzo W. Watson, Jr.
Alonzo W. Watson, Jr.

AWW/j
Enc.

13-2268

WARRANTY DEED

This Indenture made this 20th day of November, 1965, by and between W. D. BEERS, of Salt Lake County, State of Utah, Party of the First Part, and BEERS, INC., a Utah corporation, Party of the Second Part,

WITNESSETH:

That the said Party of the First Part, for and in consideration of the sum of One Hundred Dollars (\$100.00) and other good and valuable consideration to him in hand paid by said Party of the Second Part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain and sell, convey and confirm unto said Party of the Second Part and to its successors and assigns forever, all the following described real estate situate in Franklin County of the State of Idaho, to-wit:

Southeast quarter of Section 1, Township 16 South, Range 38 East of Boise Meridian;

Lots 4, 5 and 6, and East half of Southeast quarter and East half of Southwest quarter of Section 6, Township 16 South, Range 39 East of Boise Meridian, containing 260.63 acres.

North half of Southwest quarter and Southeast quarter of Southwest quarter of Section 5, Township 16 South, Range 39 East of Boise Meridian.

Northeast quarter of Northeast quarter of Section 7, Township 16 South, Range 39 East of Boise Meridian.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity of said Party of the First Part. To have and to hold all and singular the above mentioned and described premises, together with the appurtenances, unto the Party of the Second Part and to its successors and assigns forever. And the said Party of the First Part and his heirs, the said premises in the quiet and peaceable possession of said Party of the Second Part, its successors and assigns, against the said Party of the First Part and his heirs, and against all and every person and persons whomsoever lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

W. D. Beers

Alonzo H. Watson, Jr.

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On this 29th day of November, 1965, before me Ramon M. Child, a Notary Public in and for Salt Lake County, State of Utah, personally appeared W. D. BEERS, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.

of Ramon M. Child.
NOTARY PUBLIC
Residing in Salt Lake City, Utah

Seal

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

Wayne D. Bell

being duly sworn,

deposes and says:

That he is the Co. publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Water is developed for irrigation and to protect livestock

Such notice was published in the issue beginning with

May 14, 19 70, and ending

with the issue of May 21, 19 70

Wayne D. Bell

Fees, \$ 11.73

Subscribed and sworn to before me this 1st day

of June, 19 70

Reuben D. Giddens

Notary Public, Residing at Preston, Idaho

My Commission Expires 11 March, 19 74

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that W. D. Beers, 962 Windsor St., Salt Lake City, 5, Utah has received an approved permit No. G-32557/13-2268 issued by the Idaho State Reclamation Department authorizing the diversion of 1.0 cubic feet per second of water from a groundwater source subject to all prior rights. The priority to be established under this permit is October 11, 1965 and the permit was approved October 14, 1965. Water is to be diverted by drain tile with manholes and gates from a point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 16 S, R. 38 E, Lots 4, 5, 6, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 6, T. 16 S, R. 39 E, B. M., Franklin County to be used for irrigation in the SE $\frac{1}{4}$, Sec. 1, T. 16 S, R. 38 E;

SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 6, T. 16 S, R. 39 E., B. M. Proof of the application of the water to beneficial use is to be submitted to the department on or before October 14, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation
Engineer

Published in the Preston Citizen, Preston, Idaho on May 14 and May 21, 1970.
Legal No. 1751-Pub. May 14, 21, 1970.

November 17, 1970

Re: Permit No. G-32557/13-2268 - W. D. Beers

Mr. Alonzo W. Watson, Jr.
RAY, QUINNEY & NEBEKER
Suite 400, Deseret Bldg.
Salt Lake City, Utah 84111

Dear Mr. Watson:

We are in receipt of the proof of beneficial use that you have submitted in the behalf of W. D. Beers, and find it to be acceptable. However, in order for the name to be changed to Beers Incorporated on the above referenced permit, the Administrator of the Estate will have to make the necessary assignment of the permit. We are enclosing this department's assignment form for your use in this matter.

If we may be of any further assistance in this matter, please feel free to contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enc: assignment form

13 2268

PAUL H. RAY (1893-1967)
S. J. QUINNEY
A. H. NEBEKER
ALBERT R. BOWEN
W. J. O'CONNOR, JR.
C. PRESTON ALLEN
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JAMES W. FREED
THOMAS A. QUINN
JAMES L. WILDE
M. JOHN ASHTON
HERBERT C. LIVSEY
WILLIAM A. MARSHALL

RAY, QUINNEY & NEBEKER

ATTORNEYS AT LAW
SUITE 400 DESERET BUILDING
SALT LAKE CITY, UTAH 84111

TELEPHONE
364-7742

November 9, 1970

Mr. Dorian Clay
Appropriation Examiner
Department of Water Administration
Annex to State House
Boise, Idaho 83707

Re: Permit No. G-32557/13-2268

Dear Mr. Clay:

I previously called you concerning the filing of "Proof of Application of Water to Beneficial Use" on the above designated permit and informed you that Mr. W. Leonard Beers, who was undertaking to prepare and submit the proof, was in the hospital.

Mr. W. Leonard Beers is the son of W. D. Beers, and since the death of W. D. Beers is the president of Beers, Inc. Beers, Inc. is a Utah corporation that owns the farm lands in the State of Idaho upon which the water developed under the referred to permit is used. Such property was transferred to Beers, Inc. for shares of its capital stock. Consequently, the permit after it is perfected should be in the name of Beers, Inc. rather than W. D. Beers. Enclosed is a copy of the deed from W. D. Beers to Beers, Inc. Also enclosed is the proof of application signed by W. Leonard Beers for Beers, Inc. before a notary public. There is attached to the proof of application a letter from Wendell H. Smith, the consulting engineer who made the water measurement set forth under question No. 5 of the proof of application. It is hoped that with the proof of application and the copy of the deed, you will be able to establish the right of Beers, Inc. to such permit.

I appreciate your help and the applications for extension of time sent with your letter of October 13. It is my understanding

13 2268

2--Mr. Dorian Clay

November 9, 1970

that if the proof of application is lodged with you prior to November 18th, it will be unnecessary to file for an extension of time. In the event the proof of application is not in proper order or you need further information concerning the transfer to the corporation, would you please let me know.

Yours very truly

Alonzo W. Watson, Jr.

Alonzo W. Watson, Jr.

AWW/j
Encs.

13 2268

November 4, 1970

Re: Permit No. G-32557/13-2268 - W. D. Beers

Mr. Alonzo W. Watson, Jr.
RAY, QUINNEY & NEBEKER
Suite 400, Deseret Bldg.
Salt Lake City, Utah 84111

Dear Mr. Watson:

Pursuant to your letter of October 6, 1970, please find enclosed an Application for Extension of Time for your use in connection with the above referenced permit.

Please be advised that the extension of time request must be received by this office on or before November 18, 1970, otherwise the permit will lapse and be of no further force or effect.

We are also enclosing an affidavit to be used in the submission of proof of application of water to beneficial use, in the event you wish to submit the proof at this time.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: App. for Ext. of Time
B/U affidavit

13 2268

October 13, 1970

Re: Permit No. G-32557/13-2268

Mr. W. D. Beers
1303 Deseret Bldg.
Salt Lake City, Utah 84111

Dear Mr. Beers:

As requested by your attorney, Mr. Alonzo W. Watson, Jr., please find enclosed this department's application for an extension of time form.

If we may be of any further assistance, please advise.

Very truly yours,

Dorian Clay,
Appropriation Examiner

DC/DG

Enc: extension of time

13 2268

PAUL H. RAY (1893-1967)
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HERBERT C. LIVSEY
WILLIAM A. MARSHALL

RAY, QUINNEY & NEBEKER
ATTORNEYS AT LAW
SUITE 400 DESERET BUILDING
SALT LAKE CITY, UTAH 84111

TELEPHONE
364-7742

October 6, 1970

R. Keith Higginson, Director
Department of Water Administration
State House Annex 2
Boise, Idaho 83701

Re: Permit No. G32557/13-2268

Dear Sir:

This letter is sent to confirm in writing the information transmitted to your office today concerning proof of application to beneficial use in the form of an affidavit. It was reported that W. D. Beers, Jr., who had undertaken to prepare the affidavit and accomplish some preliminary work with regard to its completion, was in the hospital, and therefore the affidavit could not be filed by the required date of October 14, 1970. It was suggested that if the affidavit were submitted within sixty days after the above referred to date, there would be compliance with the law.

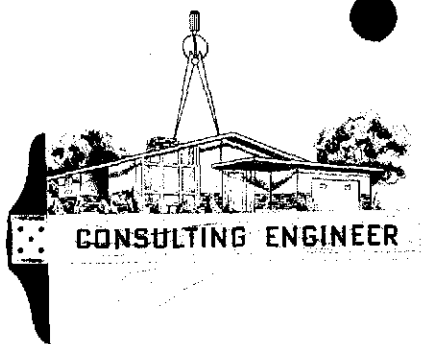
It is believed that this can be done; however, it would be appreciated if you could provide the undersigned with an application for an extension of time in the event that such a request becomes necessary.

Yours very truly

Alonzo W. Watson, Jr.
Alonzo W. Watson, Jr.

AWW/j

13 222113



PHONE 852-0686

WENDELL H. SMITH

ROUTE 2

PRESTON, IDAHO 83263

Registered Idaho - Utah - Wyoming

Oct. 2, 1970

Plans

Beers Inc.
Mr. W. L. Beers, Manager
Mr. Elden L. Bastian
Weston, Idaho

Specifications

Dear Mr. Bastian:

Cost Estimates

The following information on a water measurement requested by you is hereby presented for your use.

Water Supply

The measurement was taken at the end of a drain tile in Section 6, T 16S, R 39E, B.M., Franklin County, Idaho.

Drainage

The measurement was made Sept. 30, 1970 at 6 P.M.

Paving

The reading was 0.37 of a foot over a 90° V-notch weir. The discharge over the weir at this reading was 0.211 cubic feet per second.

Dams

The water markings in the pipe indicate that ^{the} tile pipe discharges more water at certain times of the year.

Sewerage

Very truly yours,

Wendell H. Smith
Wendell H. Smith

Airports

Engineering Reports

Investigations

13 2268

INSTRUCTIONS TO DELIVERING EMPLOYEE



Show to whom, date, and
address where delivered



Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

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

CERTIFIED NO.

1

W. Beersby

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

AUG 7 1978

SHOW WHERE DELIVERED *(only if requested)*

13 2268

13-2268

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



PERMIT FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE \$300 -

POSTMARK
DELIVERING OFFICE



INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**

**RETURN
TO**

NAME OF SENDER

Dept. of Water Administration

STREET AND NO. OR P.O. BOX

STATEHOUSE - Annex 2

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho

83707

July 31, 1970

Re: Permit No. G-32557/13-2268

Mr. W. D. Beers
1303 Deseret Bldg.
Salt Lake City, Utah 84111

Dear Mr. Beers:

One of the conditions of the approval of your Permit No. G-32557/13-2268 was that proof of application of the water to beneficial use be submitted to this office on or before October 14, 1970.

Enclosed is an affidavit form which must be used to submit proof of beneficial use. You may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended.

Either the proof affidavit or a request for extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

R. Keith Higginson

Director

Enc: Proof affidavit
RKH:DR

CERTIFIED MAIL

#22036

13 2268

BEERS, INC.
1303 Deseret Building
SALT LAKE CITY, UTAH 84111

RECEIVED

6-25-70

Memo from **W. LEONARD BEERS**

Mr. Donald W. Mc Eldowney
Department of Reclamation
Appropriation Supervisor
State of Idaho Reclamation
Dept.

Dear Mr. Mc Eldowney,

Enclose please find our
affidavit of publication in the
Preston Citizen.

Trusting that this will
meet with your approval
I am,

Sincerely
W. Leonard Beers.

13 2268

June 29, 1970

Re: Permit No. G-32557/13-2268

Mr. W. D. Beers
1303 Deseret Bldg.
Salt Lake City, Utah 84111

Dear Mr. Beers:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit. Since proof of beneficial use of the water is not required until October 14, 1970, the Department will notify you sixty days in advance of this date as to further requirements. We wish to advise you, however, that if you have fulfilled the requirements under the permit you may submit proof anytime prior to the above date.

Very truly yours,

Donald W. McElowney
Appropriation Supervisor

DWM/DG

32557
13-2268

June 22, 1970

Re: Permit No. G-32557/13-2268

Mr. W. D. Beers
962 Windsor St.
Salt Lake City, Utah 84111

Dear Mr. Beers:

As of this date we have not yet received the affidavit of publication to be submitted in connection with the above referenced permit. Proof of beneficial use is not required until October 14, 1970; however, many newspapers do not keep copies of these advertisements in their files. We, therefore, recommend that you obtain this affidavit from the Preston Citizen, Box 389, Preston, Idaho and submit it to the Department as soon as possible. This insures that when you are ready to submit proof of beneficial use there will be no unnecessary delay or added expense.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

32557
13-2268

May 4, 1970

Re: Permit No. G-32557/13-2268

Preston Citizen
Box 389
Preston, Idaho 83263

Gentlemen:

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

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

The expense of the publication is to be paid by W. D. Beers,
962 Windsor St., Salt Lake City, Utah 84111,
to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldeaney
Appropriation Supervisor

DEM/DG
Enc: legal notice

32557
13-2268

May 4, 1970

Re: Permit No. G-32553/13-2268

Beers, Inc.
1303 Deseret Bldg.
Salt Lake City, Utah 84111

ATTN: W. D. Beers

Dear Mr. Beers:

The legal notice for the above referenced permit is being published in the Preston Citizen, Preston, Idaho on May 14 and May 21, 1970.

You will be required to submit an affidavit of publication to this department. The affidavit may be obtained from the above mentioned newspaper upon payment of the bill of publication.

Thanking you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

32557
13-2268

RECEIVED
MAY 4 1970

Department of Reclamation

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that W. D. Beers, 962 Windsor St., Salt Lake City,
5, Utah has received an approved permit No.
G-32557/13-2268 issued by the Idaho State Reclamation Department authorizing the
diversion ~~of water~~ of 1.0 cubic feet per second ~~at the feet per second~~
of water from a groundwater source
subject to all prior rights. The priority to be established under this permit is
October 11, 1965 and the permit was approved October 14, 1965.
Water is to be diverted by drain tile with manholes and gates
from a point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 16 S, R. 38 E, Lots 4, 5, 6, E $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 6, T. 16 S, R. 39 E, B. M., Franklin County
to be used for irrigation
in the SE $\frac{1}{4}$, Sec. 1; T. 16 S, R. 38 E; SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 6, T. 16 S, R. 39 E.,
B. M.

Proof of the application of the water to beneficial use is to be submitted to the
department on or before October 14, 1970. Any protests against
the issuance of a license for the above referenced permit should be filed with the
Department of Reclamation within ten (10) days of the last date of publication of
this notice or prior to the licensing of the permit. Licensing may commence prior
to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Preston Citizen, Preston, Idaho on
May 14 and May 21, 1970.

State Reclamation Engineer:

Permit No. 13-2268

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

(Signature)

(Address)

(Date)

W. D. Beers

962 Windsor St

Salt Lake City, Utah

4-30-70

32557
13-2268

April 23, 1970

Re: Permit No. G-32557/13-2268

Mr. W. D. Beers
962 Windsor St.
Salt Lake City 5, Utah

Dear Mr. Beers:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department; previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply it upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: order
advertising package

32557
13-2268

Doug Stewart says: "FOR LAND'S SAKE ---IF PROPERTY IS WORTH OWNING---SURELY,
IT DESERVES THE BEST"

USE OUR " P D Q" (POSITIVE DRAIN QUICK) SYSTEM

CALL - - DOUG. EM 3-3330 or EL 5-6944 SALT LAKE CITY, UTAH

The following prices are for UTAH, SALT LAKE, DAVIS, WEBER, CACHE, BOX ELDER
Counties in Utah and Fairview Area, Idaho:

Excavate trench, lay 6 inch pipe with gravel	0 to 5	feet deep @ 75¢ per foot
" " " 6 " " " " " " 5 to 6	" " @ 85¢ " "	
" " " 6 " " " " " 6 to 7	" " @ 95¢ " "	
" " " 6 " " " " " 7 to 7-1/2	" " @ 99¢ " "	

For excavation & laying 8 inch; 10 inch; 12 inch and 15 inch pipe, ADD 5¢; 9¢;
12¢ and 15¢ per foot to the above prices, (pipe lengths to be 3 feet or less).
Grade & alignment will be maintained as required by Government Specifications to-
gether with applying filter gravel around pipe & "pressure" testing each pipe to
insure against pipe failure. We also furnish 2 men with machine (operator & pipe
layer). (If desired we will contract the complete drainage job).

OWNER will furnish the following Items (Materials): pipe, manholes & will
furnish & place gravel (6 cubic yards per 100 feet for 6" pipe) in hopper of the
machine, as it moves along, together with backfilling the trench. Pipe & gravel to
be placed 6 feet to the right of the staked line, beginning at the outlet. Owner
will furnish 2 or more men to hand pipe & to place gravel in hopper of machine. (A
farm tractor with a front-end hydraulic loader is used to place gravel in hopper &
can also be used to back-fill trench). If unstable ground is to be drained or
crossed over, the Owner will furnish & place posts or timbers for machine to travel
on. Standard connection charge is twenty-nine dollars per connection. Cost for
the installation of corrugated manholes is fifty-dollars each to a depth of 5 feet;
an additive charge of twelve-dollars per foot for depths greater than 5 feet. Mov-
ing charge on jobs to be thirty-seven dollars.

The above UNIT PRICES do not include the excavation of solid rock, large gravel,
hardpan and/or soils which cannot be cut by trenching machine.

Ask us about "SUMP-PUMP" DRAINAGE --- it really PAYS

Work methods approved by Government Agency Offices

WE DO DRAINAGE FOR: AIRPORTS-SUBDIVISIONS, AND INDUSTRIAL BUILDING SITES.
HOSPITALS, SCHOOLS, CHURCH SITES AND WELFARE STAKE FARMS
State or County road drainage combined with borrow-pit
drainage. Outfall sewer excavation & water line excavation.
Concrete ditch-lining..Complete Sprinkler Irrigation.

FOR: CANAL CLEANING-OPEN DRAIN CLEANING - NEW CANALS OR DITCHES WE HAVE:

GRADALL MOBILE EXCAVATOR - Model 2460
7/8 Yd., fully operated, @ \$18.00 per hour
5/8 Yd., fully operated, @ \$15.00 per hour

FOR: LAND LEVELING WORK WE HAVE:

TD-18 Tractors, with 12 foot dozers and 12 Yd.
Carryall and 55 foot BE GE LAND-PLANE and 3 Tooth
Ripper or Sub-Soiler. We furnish tractor with
attachments @ \$15.00 per hour.

For additional information call: Frank Bodily - Layton 376 2461 or Earl Bodily -
Layton 376 3093; Eldon Stock-Home- HU 5-0241

"WASTED WATER AND LAND MEANS WASTED MONEY"

Call us - - - we drain RIGHT for you

-Over-

32557

The Sumner G. Margetts & Co., Inc. method of

Tile Underdrainage

reclaims water-logged bottom lands in a once-over operation.

A thousand feet per day—that's the average laid by a tile drainage machine designed, developed and perfected by the late Sumner G. Margetts, a leading Utah civil and consulting engineer, and manufactured in the company shops at Layton, Utah.

In an all-inclusive, once-over operation, the novel invention—the only one of its type in the world—excavates trench, lays pipe or tile to grade and alignment and applies a gravel filter completely over, under and around the pipe. This it does at less cost and with far less time and labor requirements than ordinary trenching and hand-laying methods.

Powered by Cummins Diesel, the track-type machine trenches to an eight-foot maximum depth, works in up to eight inches of frost and handles any type of sub-soil conditions from clay gumbo to slimes and quicksand.

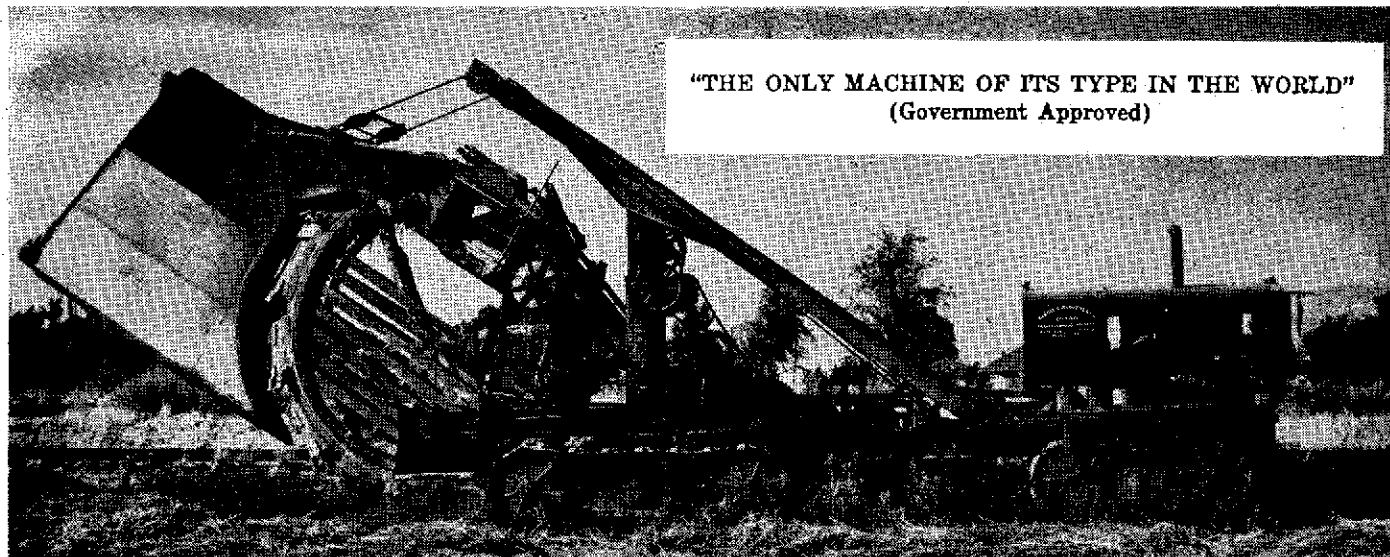
One man of a three-man crew works in a steel crib positioned behind the 12-foot excavating wheel (see cut). Lengths of tile or pipe handed down to him are placed in the bottom of the trench, then a hydraulic plunger pushes the length into position to join it with the section previously laid for a precision fit and alignment. Crushed gravel, flowing down from

a gravity feed chute at the rear of the crib, encases the line in a four-inch envelope as the machine travels along.

This filter envelope prevents fine particles of sand and silt from entering the drain tile, stabilizes unstable soil conditions and provides passageways for the water to flow along the pipe until it can enter at the joints. Desilting boxes are located at changes in grade or at points where the line switches direction. Pipe sizes laid range from six to fifteen inches in diameter. Three types are handled: butt-end, bell and spigot, and tongue and groove.

Underdrainage projects completed to date include water-logged farm lands, subdivision and industrial sites, airports, road and borrowpit drainage, and water and outfall sewer line excavations. Lands too swampy to support a man or an animal have been ready for plowing within 15 days from the time the underdrainage line was installed.

Sumner G. Margetts & Company, Inc., headquartered at 204 Felt Building, Salt Lake City, has been working closely with soil conservation districts throughout Utah and southeastern Idaho, and is making efforts to become acquainted with all areas having acute drainage problems.



"THE ONLY MACHINE OF ITS TYPE IN THE WORLD"
(Government Approved)



Top—Machine to dig trench, lay pipe and apply gravel filter in one operation is invention of the late Sumner G. Margetts. Device is manufactured at Layton shop.

At left—Arnold Anderson lowers length of clay pipe to Jack Stephens working in crib at bottom of trench. Hydraulic ram will insure precision fit and alignment.



At right—Gravel for filter envelope is dumped into gravity feed chute. Crew installed 8200 feet of pipe to lower water table at the Industrial Center in Salt Lake.

October 22, 1965

Re: Permit No. G-32557

M. D. Beers,
962 Windsor St.,
Salt Lake City, Utah

Dear Mr. Beers:

We enclose Permit No. G-32557 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-9878 which was issued covering payment in the amount of \$ 5.00 for the filing fee of the above mentioned permit.

Very truly yours,

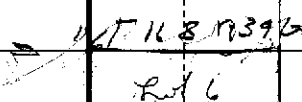
CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl,
EPR:pmk

32557

Form No. 0



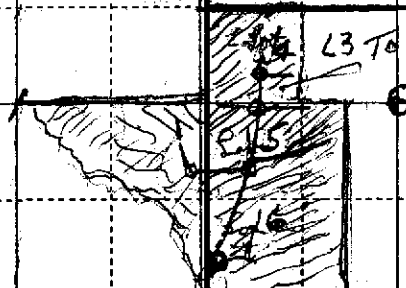
27-14 Sec 1

45

484

T. 16 S. 21 N.	Ran 90	38 E. 10 M	+ 163	R 39 E 10 M
Drainage W	EBB	10 M	6	drained

L3 To BC Drainage



- Manholes with gates to control sub-water.

Permit Map No. 32557

As Approved

CARL E. TAPPAN
State Reclamation Engineer

OCT 14 1986

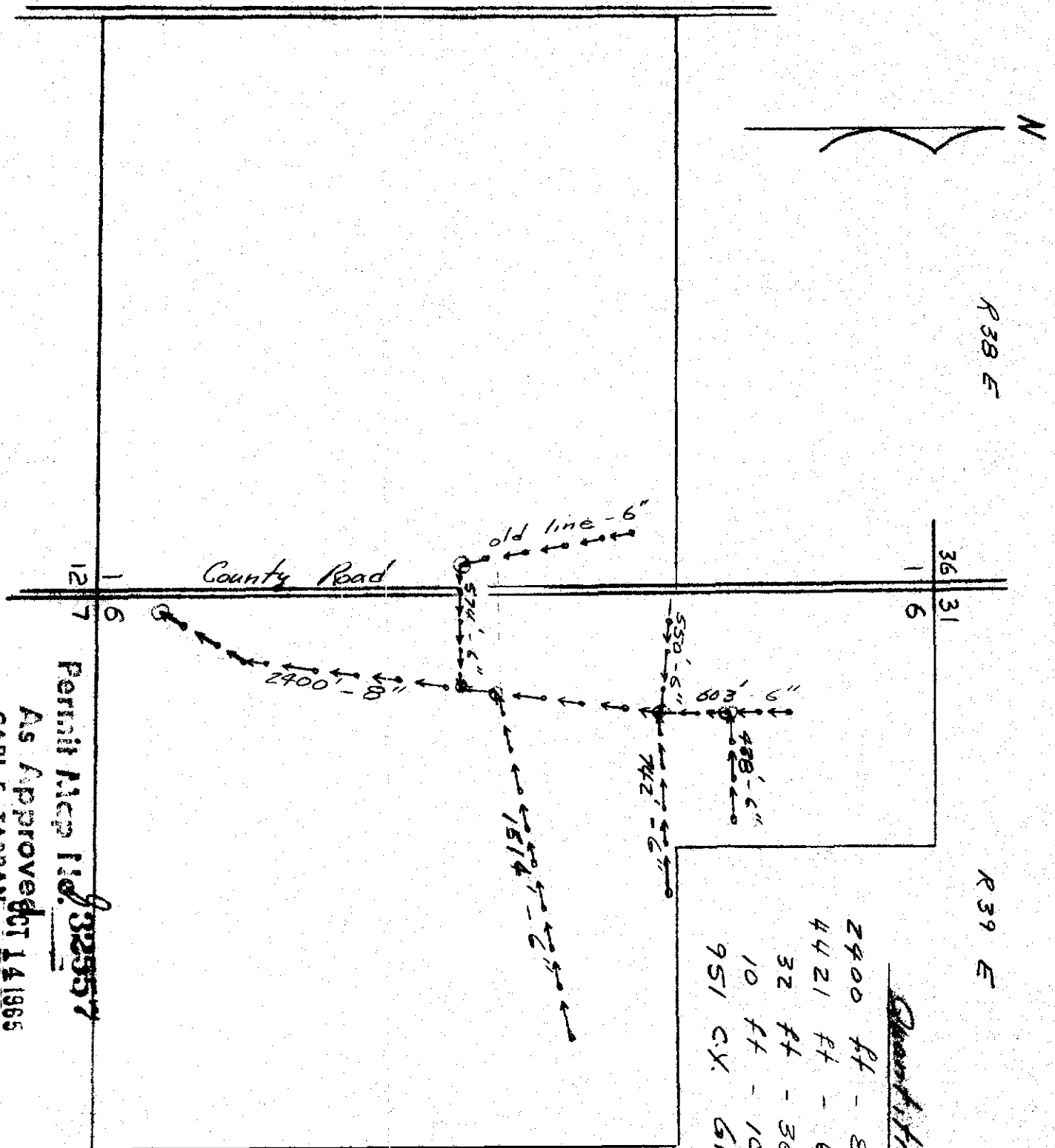
OFFICE

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

34557

W. D. Beers
 Tile Drainage System
 Franklin County, Idaho
 Scale 1" = 660' approx.

T 16 S



R 38 E

R 39 E

Quantities

- 2400 ft - 8" tile
- 4421 ft - 6" tile
- 32 ft - 36" CMP, Tared
- 10 ft - 10" CMP
- 951 cu. Gravel

Permit No. 32357

As Approved OCT 14 1965
 CARL E. TAPPAN
 State Reclamation Engineer

OFFICE

2255

Idaho

R.E. Donicht

5-25-65

W. D. Beers - Tile Drain ACP#48

Data: Attached Profile Survey and Plan Map

Soils: Sandy loam over 60" deep and sandy loam over sand.

Previous survey with observation wells shows water funning south.

Since the profile itself appears to be the aquifer a Relief Type of drain will be constructed.

For this year it is recommended that 2000' - 8" tile be run in a northerly direction with west cross lines @ 10+10 or midpoint 572' - 6" tying into the existing drain in field across N-S country road and @ station 20+00 600' - 6" tile. See plan map attached.

The following year three lines are proposed as shown in green pencil on the plan map. 1600' - 6" tile running easterly from sta. 10+00, 800' - 6" tile running easterly @ about sta. 17+00, and 800' - 6" tile - 400' running north and 400' running easterly.

3 man holes will be constructed at this time 1 - 5'X36" CMP bituminus coated with 6" cone base @ sta. 0+00 ditch outlet of line
2 - 8'X36" CMP @ Station 5+72 outlet of existing tile line. Station 10+00 becoming 0+00 for this line.

The manholes may use an 8" armco 101 or equal headgate to regulate sub in years of low water. These are the main 8" line man holes.

The 8" mainline size was decided on because of the installation existing west across the road and because of the slope it would seem that in future years more laterals may be required as water could come to the surface between the proposed lateral lines if so a 6" mainline would probably prove inadequate. Also th is was concurred with by Doug Stewart, Engineer for Summner Margetts, who are to do the job, as 7.0 foot depth is maximum tile laying depth with around 600' - 6.5' best operating depth. It is readily noted that about 12.0' of elev. occurs between the west lateral lines and water noted on the surface in several places

32552

along and between the proposed lines.

Gravel pack increased to 12" from usual 4" because of light textured placement soil.

Sept 28 1965
Salt Lake City,
962 Windsor St
Utah

Department of Reclamation
of State Reclamation Engineer
Capitol Bldg
Boise Idaho

RECEIVED

OCT 4 1965

Department of Reclamation

Dear Sir: In response to my letter Aug 25 1963 I ask if it was necessary to file on drainage water as I expect to use it on the lower part of tract and in reply you sent me the necessary papers to make a filing and for me to fill them out and return them to your office. I enclose them and trust they are filled out properly as follows

- 1st Application for ~~the~~ Description of water check 226-59 attached
- 2nd Duplicate forms now filled out
- 3rd Filing of layout and 2 permits

4 As I was not a Drainage Engineer The Department of US of soils had numerous holes dug over the tract so the the water surface below the surface of the ground could be measured. then one of these engineers R E Donficht made a study and report (see attached report) and laid out a drainage plan

- 1) We then let a contract for special gravel deliver along sub-drainage to be dug
 - 2) Let a contract to furnish 8" and 6" tile pipe ^{delivered} along trench
 - 3) Let contract to dig ^{trench} and lay pipe. I had to furnish 8 men 2 backhills down to man in trench and 1 to place gravel in hopper of digging machine
 - 4) Install 4 boxes with gates to control drainage
 - 5) When work was all done we backfill trench
- The job cost \$1259.47 up to date
Trust the job will be successful and
it is draining now

Yours truly
WV Deet

32557

Salt Lake City Utah
Oct 6 1965

Attention of Mr Ralph W Thomas
Deputy State ~~Engineer~~ Reclamation Engineer
Room 107 State House
Boone Utah 83701

Dear Mr Thomas: I received your letter of Oct 4 1965. Thank you.
I have signed the corrected application on Page 3 as
directed. I enclose my check for 5⁰⁰ filing fee and enclose map
showing location of land to be drained and showing
location in dotted line the location of the location
of the dam. The other papers in trust that they are
necessary to clearly set forth the picture.

I thank you very much for helping me in
the application and trust every thing is OK

Yours Truly
W D Deen

RECEIVED

OCT 11 1965

Department of Reclamation

30557

October 4, 1965

RE: Application for Permit

W. D. Beers
962 Windsor Street
Salt Lake City 5, Utah

Dear Mr. Beers:

Returned herewith is your application for permit with \$5.00 filing fee and an application I prepared from information you furnished, with maps.

Kindly check the application I prepared, correct as necessary, sign on page 3 and return with the filing fee and maps. The drains should be shown as proposed during the next four years.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

Enc. application, check

32557