

## LAND LIST ATTACHMENT

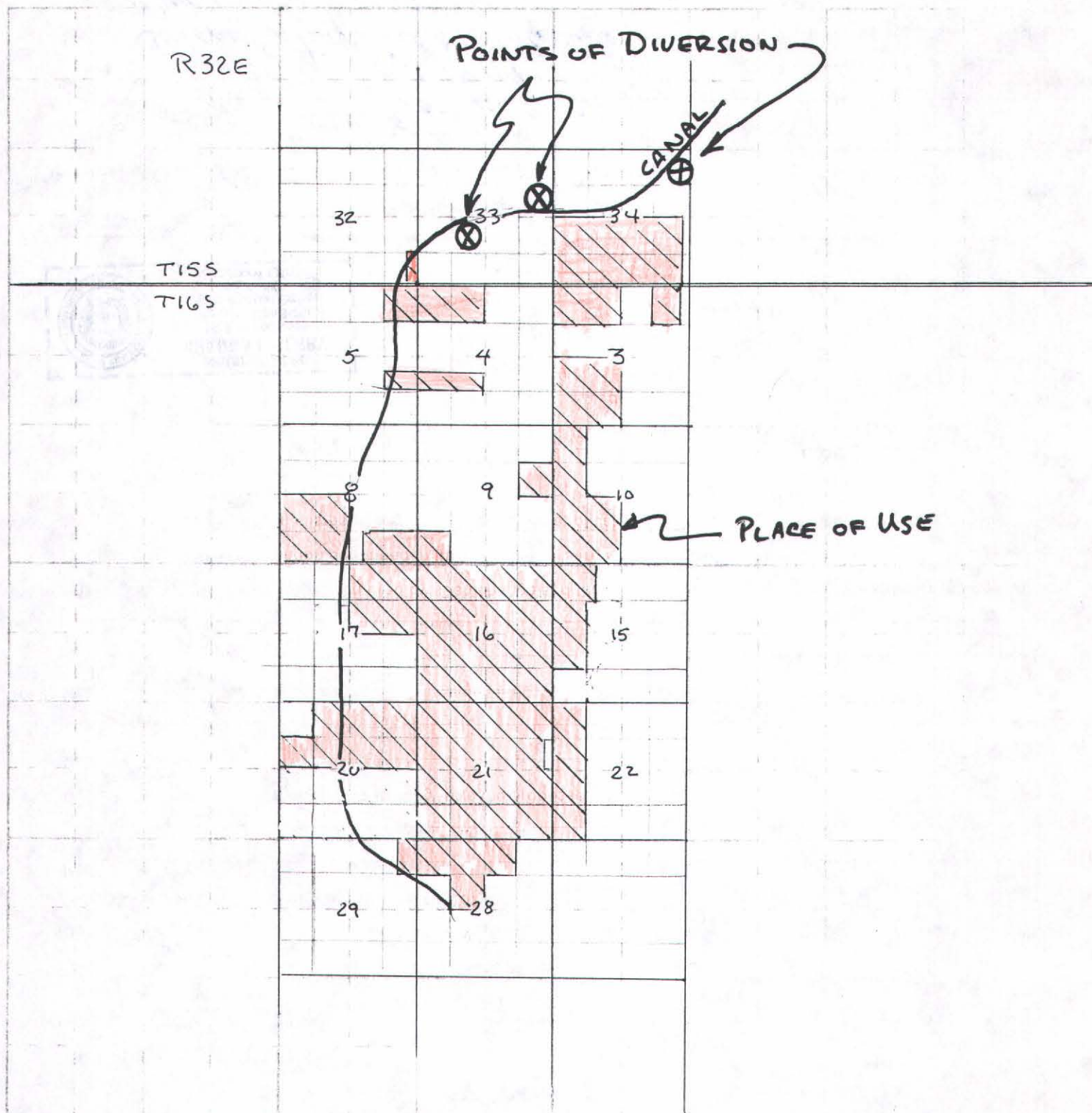
Description and location of place of use:

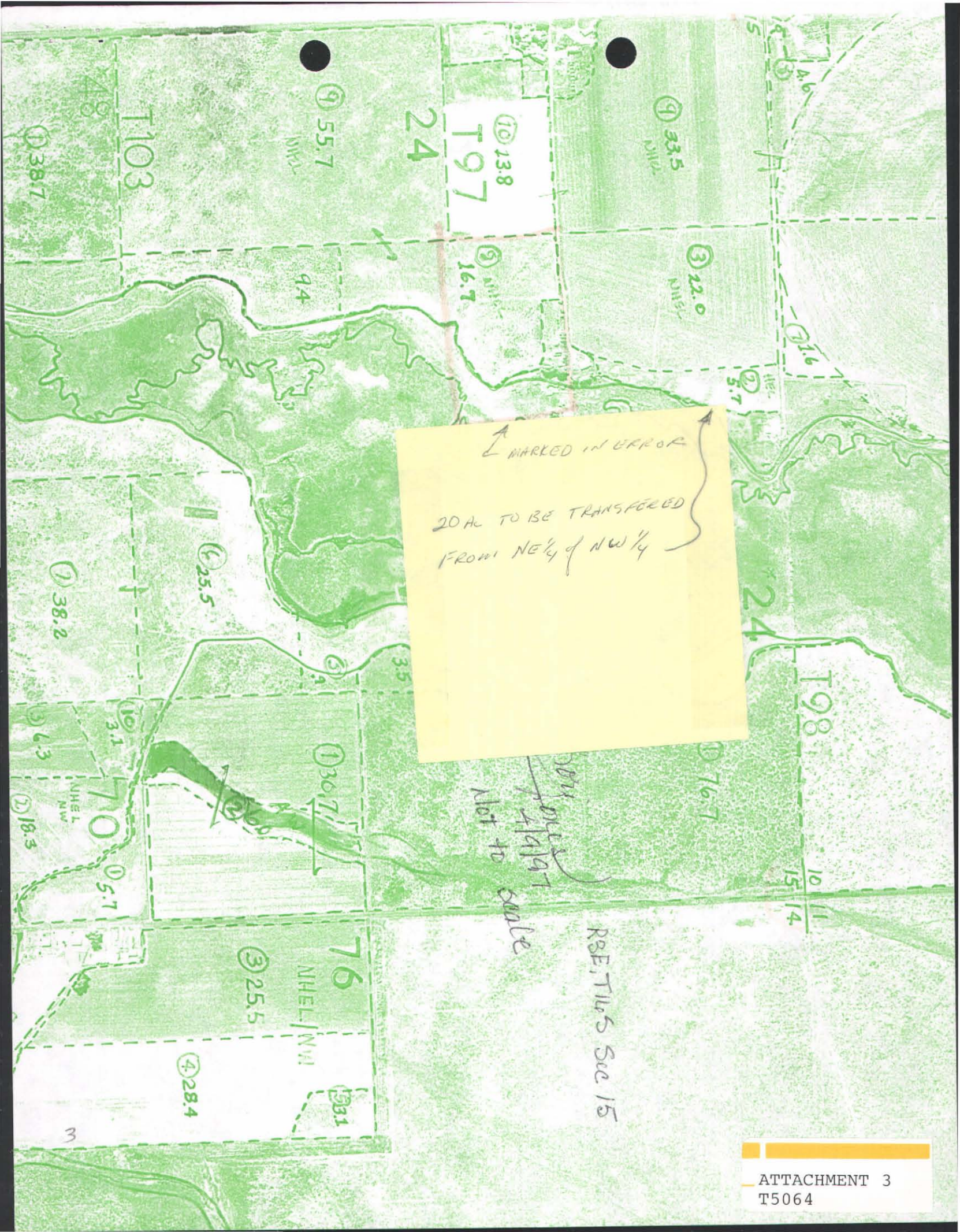
| TWP. | RANGE | SEC. | NE 1/4 |        |        |        | NW 1/4          |                 |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|------|-------|------|--------|--------|--------|--------|-----------------|-----------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4          | NW 1/4          | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 15S  | 32E   | 32   |        |        |        |        |                 |                 |        |        |        |        |        |        |        |        | 10     | 10.0   |        |
|      |       | 34   |        |        |        |        |                 |                 |        |        | 39     | 39     | 39     | 39     | 30     | 39     | 39     | 31     | 295.0  |
| 16S  | 32E   | 3    | 33     |        |        |        | 34 <sup>3</sup> | 34 <sup>4</sup> |        |        | 40     | 40     | 40     | 40     |        |        |        |        | 261.0  |
|      |       | 4    |        |        |        |        | 36 <sup>3</sup> | 36 <sup>4</sup> |        |        | 20     | 20     |        |        |        |        |        |        | 112.0  |
|      |       | 5    | 35     |        |        |        |                 |                 |        |        |        |        |        |        | 20     |        |        |        | 55.0   |
|      |       | 8    |        |        |        |        | 40              | 40              | 40     | 40     | 40     | 40     | 40     | 40     |        |        | 17     | 40     | 217.0  |
|      |       | 9    |        |        |        | 40     |                 |                 |        |        |        |        | 40     |        |        |        |        |        | 80.0   |
|      |       | 10   |        |        |        |        |                 | 40              | 39     |        | 40     | 40     | 40     | 40     |        |        |        |        | 239.0  |
|      |       | 15   |        |        |        |        | 7               | 35              | 40     |        |        | 40     |        |        |        |        |        |        | 122.0  |
|      |       | 16   | 40     | 40     | 40     | 40     | 40              | 40              | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 640.0  |
|      |       | 17   | 40     | 30     | 38     | 40     |                 |                 |        |        |        |        |        |        |        |        |        |        | 148.0  |
|      |       | 20   | 40     | 40     | 40     | 40     | 40              |                 | 38     | 40     |        |        |        |        |        |        |        |        | 278.0  |
|      |       | 21   | 40     | 40     | 40     | 30     | 40              | 40              | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 630.0  |
|      |       | 22   |        |        |        |        |                 | 40              | 40     |        |        | 40     | 40     |        |        |        |        |        | 160.0  |
|      |       | 28   |        | 40     |        |        | 38              | 35              |        | 40     |        |        |        |        |        |        |        |        | 153.0  |
|      |       | 29   | 21     |        |        |        |                 |                 |        |        |        |        |        |        |        |        |        |        | 21.0   |
|      |       |      |        |        |        |        |                 |                 |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |                 |                 |        |        |        |        |        |        |        |        |        |        |        |
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|      |       |      |        |        |        |        |                 |                 |        |        |        |        |        |        |        |        |        |        |        |
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|      |       |      |        |        |        |        |                 |                 |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |                 |                 |        |        |        |        |        |        |        |        |        |        |        |
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|      |       |      |        |        |        |        |                 |                 |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |                 |                 |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |                 |                 |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |                 |                 |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |                 |                 |        |        |        |        |        |        |        |        |        |        |        |
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|      |       |      |        |        |        |        |                 |                 |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |                 |                 |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |                 |                 |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres irrigated 3421.0 ac

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.





↑ MARKED IN ERROR  
20 AC TO BE TRANSFERRED  
FROM NE 1/4 of NW 1/4

by order  
4/19/97  
lot to state

RSE, T14S Sec 15



20 AC TO BE TRANSFERRED  
FROM NE 1/4 of NW 1/4

20 AC  
4/9/97  
lot to state

RSE, T14S Sec 15



(Continued)

II. The financial resources of the applicant are: (a) Cash on hand: \$ 3,528.03

(b) Treasury stock: \_\_\_\_\_ (c) Bonds to be issued: no

(d) Other resources: \_\_\_\_\_

12. The land to be irrigated is described in the following tabulation:

(Give irrigable acreage in each 40-acre subdivision)

[illegible]

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:\_\_\_\_\_

The waters, including storage waters of Curlew Creek

(a) 24 (Cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

(b) \_\_\_\_\_ (cubic feet per second, inches or gallons per minute) is for new lands.

33630

T 15S

T 16 S

THIS PHOTO COPY IS NOT TO BE  
1970 FLIGHT

27

#2

P.D

RAZE

PD

32 33

Lot 1 54 Lot 4 Lot 3

IN

33 34

4 3rd Lot 4 Lot 3

IN

34 35

Lot 1 32

IN

OUT

out out

A 78.5

271.6

26.3

266A

C 22.5

266B

out out

[illegible]

A hand-drawn diagram consisting of a horizontal dashed line. On the left side, there are several small vertical tick marks. In the middle section, there are some faint handwritten notes, possibly "out" and "Bread". On the far right, the word "out" is written and circled. The entire drawing is done in pencil or light ink on a piece of paper with faint grid lines.

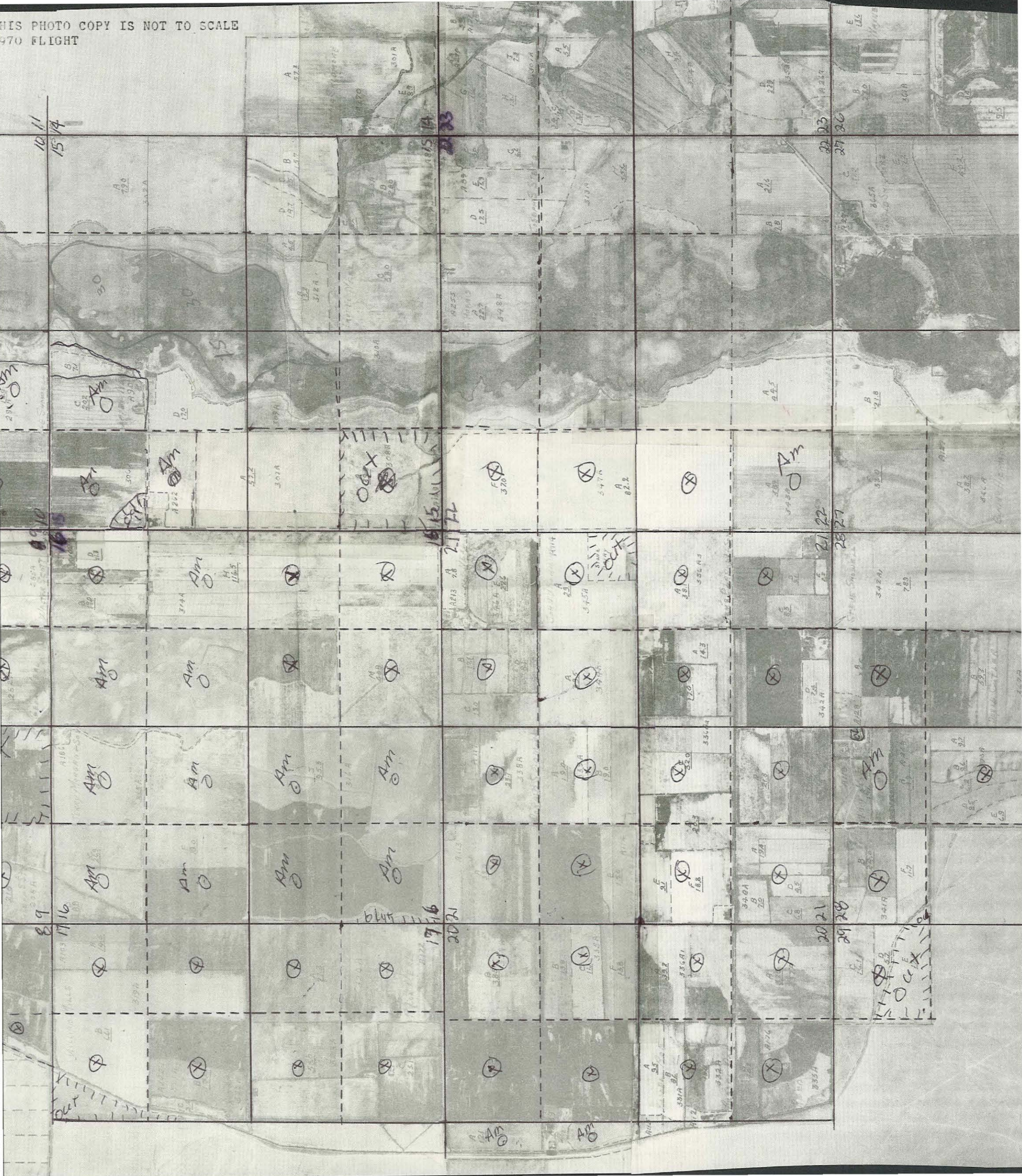
Handwritten annotations on the aerial photograph include:

- 'x' marks in the upper left and center.
- 'out' written in the center.
- '40' circled in the upper right.
- '22nd' written in the lower right.
- A dashed line running horizontally across the middle of the image.

AM  
40

Am 25.4. 40





#2 RECEIVED MAY 15 1969

REPORT OF WELL DRILLER  
State of Idaho

Department of Reclamation

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER: Delmore Conal Co  
Name STONE IDAHO  
Address 17-2068

Owner's Permit No. 2-33630  
NATURE OF WORK (check): Replacement well ☐  
New well ☒ Deepened ☐ Abandoned ☐

Water is to be used for: irrigation

METHOD OF CONSTRUCTION: Rotary ☐ Cable ☒  
Dug ☐ Other ☐

(explain)

CASING SCHEDULE: Threaded ☐ Welded ☒  
"Diam. from 0 ft. to 400 ft.  
"Diam. from      ft. to      ft.  
"Diam. from      ft. to      ft.  
"Diam. from      ft. to      ft.  
Thickness of casing: 5/16" Material:

Steel ☒ concrete ☐ wood ☐ other ☐

(explain)  
PERFORATED? Yes ☒ No ☐ Type of  
perforator used: TENCH

Size of perforations: 3/4 to 1" by 6 "  
perforations from 60 ft. to 400 ft.  
perforations from      ft. to      ft.  
perforations from      ft. to      ft.  
perforations from      ft. to      ft.

WAS SCREEN INSTALLED? Yes ☐ No ☒

Manufacturer's name       
Type      Model No.       
Diam.      Slot size      Set from      ft. to      ft.  
Diam.      Slot size      Set from      ft. to      ft.

CONSTRUCTION: Well gravel packed? Yes ☐  
No ☐ size of gravel      Gravel  
placed from      ft. to      ft. Surface seal  
provided? Yes ☐ No ☐ To what depth?  
ft. Material used in seal:     

Did any strata contain unusable water? Yes ☐  
No ☒ Type of water:       
Depth of strata      ft. Method of sealing  
strata off:     

Surface casing used? Yes ☐ No ☒  
Cemented in place? Yes ☐ No ☐

Locate well in section

|  |  |  |
|--|--|--|
|  |  |  |
|  |  |  |
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|  |  |  |
|  |  |  |

LOCATION OF WELL: County Oneida  
NE 1/4 Sec. 33 T. 15 N. R. 32 E/W

Use other side for additional remarks

Size of drilled hole: 20" Total  
depth of well: 400 Standing water  
level below ground: 60' Temp.  
Fahr.      ° Test delivery: 3600 gpm  
or 8 cfs Pump? ☐ Bail ☐  
Size of pump and motor used to make test:  
12" 60 LPM 300 HP MOTOR  
Length of time of test: 10 Hrs.      Min.  
Drawdown: 147 ft. Artesian pressure: ft.  
above land surface Give flow      cfs  
or      gpm. Shutoff pressure:  
Controlled by: Valve ☐ Cap ☐ Plug ☐  
No control ☐ Does well leak around casing?  
Yes ☐ No ☐

| DEPTH     |     | MATERIAL         | WATER<br>YES OR NO |
|-----------|-----|------------------|--------------------|
| FROM      | TO  |                  |                    |
| FEET FEET |     |                  |                    |
| 0         | 10  | Top Soil to clay |                    |
| 10        | 20  | clay             |                    |
| 20        | 30  | clay             |                    |
| 30        | 40  | clay             |                    |
| 40        | 50  | clay             |                    |
| 50        | 60  | clay             |                    |
| 60        | 70  | clay             |                    |
| 70        | 80  | clay             |                    |
| 80        | 90  | clay             |                    |
| 90        | 100 | clay             |                    |
| 100       | 110 | clay             |                    |
| 110       | 120 | clay             |                    |
| 120       | 130 | clay             |                    |
| 130       | 140 | clay             |                    |
| 140       | 150 | clay             |                    |
| 150       | 160 | clay             |                    |
| 160       | 170 | clay             |                    |
| 170       | 180 | clay             |                    |
| 180       | 190 | clay             |                    |
| 190       | 200 | clay             |                    |
| 200       | 210 | clay             |                    |
| 210       | 220 | clay             |                    |
| 220       | 230 | clay             |                    |
| 230       | 240 | clay             |                    |
| 240       | 250 | clay             |                    |
| 250       | 260 | clay             |                    |
| 260       | 270 | clay             |                    |
| 270       | 280 | clay             |                    |
| 280       | 290 | clay             |                    |
| 290       | 300 | clay             |                    |
| 300       | 310 | clay             |                    |
| 310       | 320 | clay             |                    |
| 320       | 330 | clay             |                    |
| 330       | 340 | clay             |                    |
| 340       | 350 | clay             |                    |
| 350       | 360 | clay             |                    |
| 360       | 370 | clay             |                    |
| 370       | 380 | clay             |                    |
| 380       | 390 | clay             |                    |
| 390       | 400 | clay             |                    |

Work started: 12/28/68  
Work finished: 1/30/69  
Well Driller's Statement: This well was  
drilled under my supervision and this report  
is true to the best of my knowledge.  
Name: WAYMON YARBROUGH  
Address: PO-BOX 541  
Signed by: Waymon Yarbrough  
License No. 196 Date: 3/26/69

33630  
17-2068

REPORT OF WELL DRILLER  
State of Idaho

#1 no RECEIVED

MAY 15 1969

Department of Reclamation

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:

Name Dilmore Canal Co.

Address STONE IDAHO

17-2068

Owner's Permit No. 33630

NATURE OF WORK (check): Replacement well ☐

New well ☒ Deepened ☐ Abandoned ☐

Water is to be used for: irrigation

METHOD OF CONSTRUCTION: Rotary ☐ Cable ☒

Dug ☐ Other ☐ (explain)

CASING SCHEDULE: Threaded ☐ Welded ☒

20 "Diam. from 0 ft. to 402 ft.

"Diam. from    ft. to    ft.

"Diam. from    ft. to    ft.

"Diam. from    ft. to    ft.

Thickness of casing:    Material:   

Steel ☒ concrete ☐ wood ☐ other ☐

(explain)

PERFORATED? Yes ☒ No ☐ Type of

perforator used: TCCH

Size of perforations: 3/8 " by 7 "

perforations from 60 ft. to 402 ft.

perforations from    ft. to    ft.

perforations from    ft. to    ft.

perforations from    ft. to    ft.

WAS SCREEN INSTALLED? Yes ☐ No ☒

Manufacturer's name   

Type    Model No.   

Diam.    Slot size    Set from    ft. to    ft.

Diam.    Slot size    Set from    ft. to    ft.

CONSTRUCTION: Well gravel packed? Yes ☐

No ☒ size of gravel    Gravel

placed from    ft. to    ft. Surface seal

provided? Yes ☐ No ☐ To what depth?

   ft. Material used in seal:   

Did any strata contain unusable water? Yes ☐

No ☒ Type of water:   

Depth of strata    ft. Method of sealing

strata off:   

Surface casing used? Yes ☐ No ☐

Cemented in place? Yes ☐ No ☐

Locate well in section

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

LOCATION OF WELL: County Oneida

SE 1/4 NE 1/4 Sec. 33 T. 15 N/S R. 32 E/W

Size of drilled hole: 20 Total

depth of well: 402 Standing water

level below ground: 60 Temp.   

Fahr.    Test delivery: 2700 gpm

or    cfs Pump? ☒ Bail ☐

Size of pump and motor used to make test:

10" COOLEN 300 HP MOTOR

Length of time of test: 15 Hrs.    Min.

Drawdown: 237 ft. Artesian pressure: ft.

above land surface    Give flow    cfs

or    gpm. Shutoff pressure:   

Controlled by: Valve ☐ Cap ☐ Plug ☐

No control ☐ Does well leak around casing?

Yes ☐ No ☐

DEPTH MATERIAL WATER

FROM TO YES OR NO

FEET FEET

1 15 20 Soil & Clay

25 Clay

40 Gravel

50 Clay

65 Gravel water

70 Clay

80 Gravel

70 Clay Brown

75 Gravel

115 Clay

111 Sand Stone

120 Clay

125 Gravel

135 Clay

140 Sandstone

130 Gravel

155 Sand Stone

140 Gravel

170 Clay

180 Clay

201 Sticky clay

220 Sandy clay

230 Sticky clay

240 Sand stone

245 Sand & Gravel

272 Clay

280 Sand stone

290 Clay sandy

300 Sandstone

310 Clay

320 Sandy & clay

325 Reddish & Sand. & clay

340 Blue clay

355 Black clay

360 Reddish & Sand

370 Blue clay

375 Hard sand Gravel & Sand

385 Hard sand stone

Work started: Dec 3/1968

Work finished: Dec 23/68

Well Driller's Statement: This well was

drilled under my supervision and this report

is true to the best of my knowledge.

Name: Waymon Yonbrough

Address: PO Box 541 Bailey Lake

Signed by:   

License No. 96 Date: May 12/69

Use other side for additional remarks

33630

17-2068

5-385 Hard sandstone  
85-395 Sandy Brown  
45-2100 Sandstone

33630  
17-2008

~~APPLICANT~~  
DELMORE CANAL CO  
STONE, IDAHO

DEEP WELL  
CASED

DEEP WELL  
CASED

P.D.

P.D.

P.D.

TOWNSHIP 15 SOUTH RANGE 32 EAST BOISE NM

TOWNSHIP 16 SOUTH

DEEP WELL  
CASED

NORTH

SCALE: 1" = 1000'

OK

APPROVED  
JUL 7 1967  
33630  
STATE RECLAMATION ENGINEER

33630

~~APPLICANT~~  
DELMORE CANAL CO  
STONE, IDAHO

DEEP WELL  
CASED

DEEP WELL  
CASED

32

33

34

TOWNSHIP 15 SOUTH

RANGE 32 EAST BOISE M.

TOWNSHIP 16 SOUTH

5

4

3

DEEP WELL  
CASED

8

9

10

NORTH

17

16

15

SCALE: 1" = 1000'

20

21

22



29

28

27

ONEIDA COUNTY,  
IDAHO.

Department of the Interior  
September 14, 1911  
Approved subject to all  
valid existing rights.

*P. K. Adams*  
First Assistant Secretary.

Scale 1 in = 1000 feet

Scale 1 in = 1000 feet

Burham. I, with do hereby certify that I am President of the Bratt  
Irrigation Company Limited, that E. W. Deussen who subscribed the ac-  
companying affidavit, is the Chief Engineer of the said company; that  
the map and by the accompanying field notes, was made under  
authority of the Company; that the Company is duly authorized by its  
articles of incorporation to construct the said Canal, ditches, laterals  
and reservoirs upon the location shown upon this map; that the  
said map, was adopted by the Company, by resolution of its Board  
of Directors on 17<sup>th</sup> day of Aug. 1910, as the definite location of the said  
Canal, ditches, laterals and reservoir described as follows: - Beginning  
at Station 0 which is head of said Canal System and which bears  
S 63° 30' W. 400 feet from the center corner of Section 13, T. 15 S., R. 32  
E. which is the terminus more or less southerly 9.56 miles to Station  
100 feet from the S.E. corner of said Canal, and which bears S 89° 04' W.  
no lake or lake bed, stream or stream bed, is used for the said  
Canal, ditches, lateral and reservoir, except as shown on this map;  
and that the map has been prepared to be filed for the approval of the  
Secretary of the Interior in order that the Company may obtain the  
rights of sections 18 to 21, inclusive, of the act of Congress approved the  
Sept. 3, 1891 Entitled "an act to repeal timber culture laws and for other  
purposes," and Section 2 of the act approved May 11, 1898; and I further  
certify that the right of way herein described is desired for the  
said purpose of Irrigation.

Attest:

President of the Poatl Irrigation Company Limited.

Abraham Smith

Secretary.  $\frac{1}{3}$  H. S. L.  $\frac{1}{3}$

T. 15 S. R. 32 E. BM

T. 16 S. R. 32 E. B. M.

Sta 310 → 1100 feet

375 feet Westerly to SE Cor. Sec 33

This angle in the field measured only 88°15' but has been made go on this map thinking that the corner was out. But it appears from the other corners that the

Area covered by Reservoir - 304.12 acres  
Capacity of Reservoir - 6610 acre-feet  
Maximum depth of Reservoir - 43.5 feet  
Average depth of Reservoir - 24.7 feet

Sta 232+23.5  
625 feet South  
to SW Corner  
of Section 33

Dem Sit

Sta 237+34.4  
1523 Northwily  
to NE Corner of  
Section 23

Sta 168+58.7  
2150 feet Northerly  
to N.E. Corner 2<sup>nd</sup>  
Section 23

Sta 279+37.9  
+0.28 ft East Wasterly  
to S.W. Corner of  
Section 23

Sta 172+7 p.e  
4878.4 feet Westerly  
to N.W. Corner of  
Section 26

Sta 55+64.4  
1573.8 feet Westerly  
to N.W. Corner of  
Section 34

Sta 177  
250 feet  
200 feet  
Sta 183+00

Sta 360 + 82.5  
171 feet Westwardly  
to S.W. Corner of  
Section 26

Limited.

Secretary J. N. Sigler

Area covered by Reservoir - 30 1/2 acres.  
Capacity of Reservoir - 6610 acre-feet.  
Maximum depth of Reservoir - 45 feet.  
Average depth of Reservoir - 24 feet.

Don Site

T. 15 S. R. 32 E. B.M.  
T. 16 S. R. 32 E. B.M.

This angle in the field measured only 88°15' but has been made 90 on this map thinking that the corner was out. But it appears from the other corners that the lines only make an angle of 88°15' with each other.

Sta 298+40  
+1100 feet  
375 feet Westerly to SE Cor. Sec 33

Sta 232+23.5  
625 feet South to SW Corner of Section 33

Sta 26+57

Sta 340+72 940.6 feet  
Easterly to S.W. Corner of Section 5

Sta 37+00  
45 feet Westerly to SE Corner of Section 4

Lateral No. 2

Sta 45+25 feet  
Southerly to SE Corner of Section 9

Sta 395+00 - 1965  
feet Easterly to S.E. Corner of Sec 5

Intersect of lateral at Sta 394+50 bears N. 87° 00' W. 1005 feet from the S.W. Corner of Section 9

Sta 453+83 - 3187  
Easterly to SE Corner of Section 17

Sta 494+00 4008 feet

Sta 425+50 3700 feet

Sta 475+00

Lateral No. 3

Sta 505 bears N 89°30' W  
7740 feet from the SE Corner of Section 21

Terminus of Canal

State of Utah }  
County of Cache } S.3.

33630

J. W. Jensen, being duly sworn, says he is the Chief Engineer of the Great Irrigation Company, Limited that the Survey of said Company Canal, ditches, and laterals, described as follows beginning at Station which is head of said canal system, which bears N 26°30' W. 4 feet from the Center corner of section 13, T. 15 S. R. 32 E. B.M. thence running more or less southerly 9.56 miles to Station which is the terminus of said canal and which bears 89°04' 7740 feet from the North East Corner of section 21, T. 16 S. R. 32 E. B.M. Right of way being asked for over the following tracts of land, in accordance with the accompanying file notes, being a total of 4.1 miles, more or less: S.E. 1/4 of S.E. 1/4 section 27, T. 15 S. R. 32 E. B.M.; also N.W. 1/4 of N.E. 1/4 of section 34 T. 16 S. R. 32 E. B.M.; also the S.W. 1/4 of the N.E. 1/4 and the S.E. 1/2 of section 33 T. 16 S. R. 32 E. B.M.; also the S.E. 1/4 of S.E. 1/4 of section 32 T. 15 S. R. 32 E. B.M.; also S.E. 1/4 of S.E. 1/4 of section 5 T. 16 S. R. 32 E. B.M.; also N.E. 1/4 and S.W. 1/4 of S.E. 1/4 of section 8, T. 16 S. R. 32 E. B.M.; also S.E. 1/4 N.W. 1/4 and the East 1/2 of the S.W. 1/4 of section 17, T. 16 S. R. 32 E. B.M.; also the E 1/2 of the W 1/2 of section 20, T. 16 S. R. 32 E. B.M. was made by him as Chief Engineer of the Company and under its authority. Commenced on 15 day of Aug. 1907, and ending on 28 day of June 1910, and that the Survey of said Canal, ditches, laterals and reservoir accurately represents a proper grade for the flow of water, and accurately represents a level line which is the proposed water-line of the said reservoir, etc.

33530

hold 20 days

May 12, 1967

Re: Application No. G-41845

Delmore Canal Company, Limited  
Stone, Idaho

ATTENTION: Ross Anderson

Dear Mr. Anderson:

Returned herewith is your application to appropriate the subterranean waters of the State of Idaho No. G-41845 and receipt No. G-11591 in the amount of \$10.75.

Before your application can be considered for allowance or disallowance, you must complete statement no. 12 of the application, which relates to the land list of the lands to be irrigated. This part of the application must be filled out in detail showing both the total acres irrigated in each section and the total irrigated acres for the application.

You are required to reply within 20 days from the date of this letter. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney  
Water Rights Clerk

DWM:nw

Enclosure: App. & Receipt No. G-11591

33630

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

|                                    |                          |
|------------------------------------|--------------------------|
| IN THE MATTER OF APPLICATION FOR ) |                          |
| TRANSFER NO. 5064 FILED IN THE )   |                          |
| NAME OF DELMORE CANAL CO. C/O )    | <b>PRELIMINARY ORDER</b> |
| RUSSELL ROE )                      |                          |
| _____ )                            |                          |

This matter having come before the Idaho Department of Water Resources (department), the department makes the following Findings of Fact, Conclusions of Law and Order:

**FINDINGS OF FACT**

1. On April 15, 1997, Delmore Canal Co. c/o Russell Roe (applicant) filed application for transfer No. 5064 (application) with the department proposing a change in the place of use of water right license No. 17-02068.

2. The application was subsequently protested by Tom Wilcock, Russell K. Boyer and Clyron W. Mills stating that Russell Roe, the president of Delmore Canal Co. (company) did not have approval of the Board of Directors of the company to file the application.

3. A review of the By-Laws of the Delmore Water Users Association shows that a quorum of the stockholders is required to transact business of the company.

4. On September 3, 1997, the department advised Russell Roe that the department would reject the application, since the by-laws of the company require a quorum to conduct business such as filing the application for transfer with the department.

**CONCLUSIONS OF LAW**

1. Section 42-108, Idaho Code, provides in pertinent part as follows:

... if the right to the use of such water, or the use of the diversion works or irrigation system is represented by shares of stock in a corporation, or if such works or system is owned and/or managed by an irrigation district, no change in the point of diversion, place of use, period of use, or nature of use shall be made or allowed without the consent of such corporation or irrigation district.

2. The department should deny the application, since the applicant has not shown that the application was filed in compliance with the by-laws of the company.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Transfer No. 5064 filed in the name of Delmore Canal Co. c/o Russell Roe is **DENIED.**

Dated this 2<sup>nd</sup> day of January, 1998.



L. GLEN SAXTON, Chief  
Water Allocation Bureau

[illegible]

**PART 1**

## 6. General Information:

a. Description of diversion system THREE WELLS WITH OPEN DISCHARGE TO CANALb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes X 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:

NONE ON LAND LIST CORRECTION, FOR CHANGES IN PLACE OF USE GROUND WILL NOT BE IRR.

d. Remarks:

**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 \_\_\_\_\_

**PART 2****A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 17-02068

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       | 15.45 CFS             | 6547.0 AF            |

SOURCE

GROUNDWATER

Priority: 05/04/1967

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 33, Township 15S, Range 32E  
 NESW , Sec. 33, Township 15S, Range 32E  
 NENE , Sec. 34, Township 15S, Range 32E  
 ONEIDA 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> |
|------------|------------|------------|-----------------|-----------------|--------------|-----------------|--------------|--------------|
| 15S        | 32E        | 32         | SESE 10         |                 |              |                 |              | 10           |
|            |            | 34         | NESW 39         | NWSW 39         |              | SWSW 39         |              |              |
|            |            |            | SESW 39         | NESE 30         |              | NWSE 39         |              |              |
|            |            |            | SWSE 39         | SESE 31         |              |                 |              | 295          |
| 16S        | 32E        | 3          | NENE 33         | Lot 3 (NENW) 34 |              | Lot 4 (NWNW) 34 |              |              |
|            |            |            | NESW 40         | NWSW 40         |              | SWSW 40         |              |              |
|            |            |            | SESW 40         |                 |              |                 |              | 261          |
|            |            | 4          | Lot 3 (NENW) 36 | Lot 4 (NWNW) 36 |              | NESW 20         |              |              |
|            |            |            | NWSW 20         |                 |              |                 |              | 112          |
|            |            | 5          | Lot 1 (NENE) 35 | NESE 20         |              |                 |              | 55           |
|            |            | 8          | SWSE 17         | SESE 40         |              |                 |              | 57           |
|            |            | 9          | SENE 40         | SWSW 40         |              |                 |              | 80           |
|            |            | 10         | NWNW 40         | SWNW 39         |              | NESW 40         |              |              |
|            |            |            | NWSW 40         | SWSW 40         |              | SESW 40         |              | 239          |
|            |            | 15         | NENW 27         | NWNW 35         |              | SWNW 20         |              | 82           |
|            |            | 16         | NENE 40         | NWNE 40         |              | SWNE 40         |              |              |
|            |            |            | SENE 40         | NENW 40         |              | NWNW 40         |              |              |
|            |            |            | SWNW 40         | SENW 40         |              | NESW 40         |              |              |
|            |            |            | NWSW 40         | SWSW 40         |              | SESW 40         |              |              |
|            |            |            | NESE 40         | NWSE 40         |              | SWSE 40         |              |              |
|            |            |            | SESE 40         |                 |              |                 |              | 640          |
|            |            | 17         | NENE 40         | NWNE 30         |              | SWNE 38         |              |              |
|            |            |            | SENE 40         | NENW 40         |              | NWNW 40         |              |              |
|            |            |            | SWNW 40         | SENW 40         |              |                 |              | 308          |
|            |            | 20         | NENE 40         | NWNE 40         |              | SWNE 40         |              |              |
|            |            |            | SENE 40         | NENW 40         |              | NWNW 40         |              |              |
|            |            |            | SWNW 38         | SENW 40         |              |                 |              | 318          |
|            |            | 21         | NENE 40         | NWNE 40         |              | SWNE 40         |              |              |
|            |            |            | SENE 30         | NENW 40         |              | NWNW 40         |              |              |

Water Right No. 17-02068

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> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
|                                  |            | SWNW       | 40           | SEnw         | 40           |              |
|                                  |            | NWSW       | 40           | SWSW         | 40           |              |
|                                  |            | NESE       | 40           | NWSE         | 40           |              |
|                                  |            | SESE       | 40           |              |              | 630          |
| 22                               |            | NWNW       | 40           | SWNW         | 40           |              |
|                                  |            | SWSW       | 40           |              |              | 160          |
| 28                               |            | NWNE       | 40           | NENW         | 38           |              |
|                                  |            | SEnw       | 40           |              |              | 153          |
| 29                               |            | NENE       | 21           |              |              | 21           |
| Total number of acres irrigated: |            |            |              |              |              | 3421         |

CONDITIONS/REMARKS:

## LAND LIST ATTACHMENT

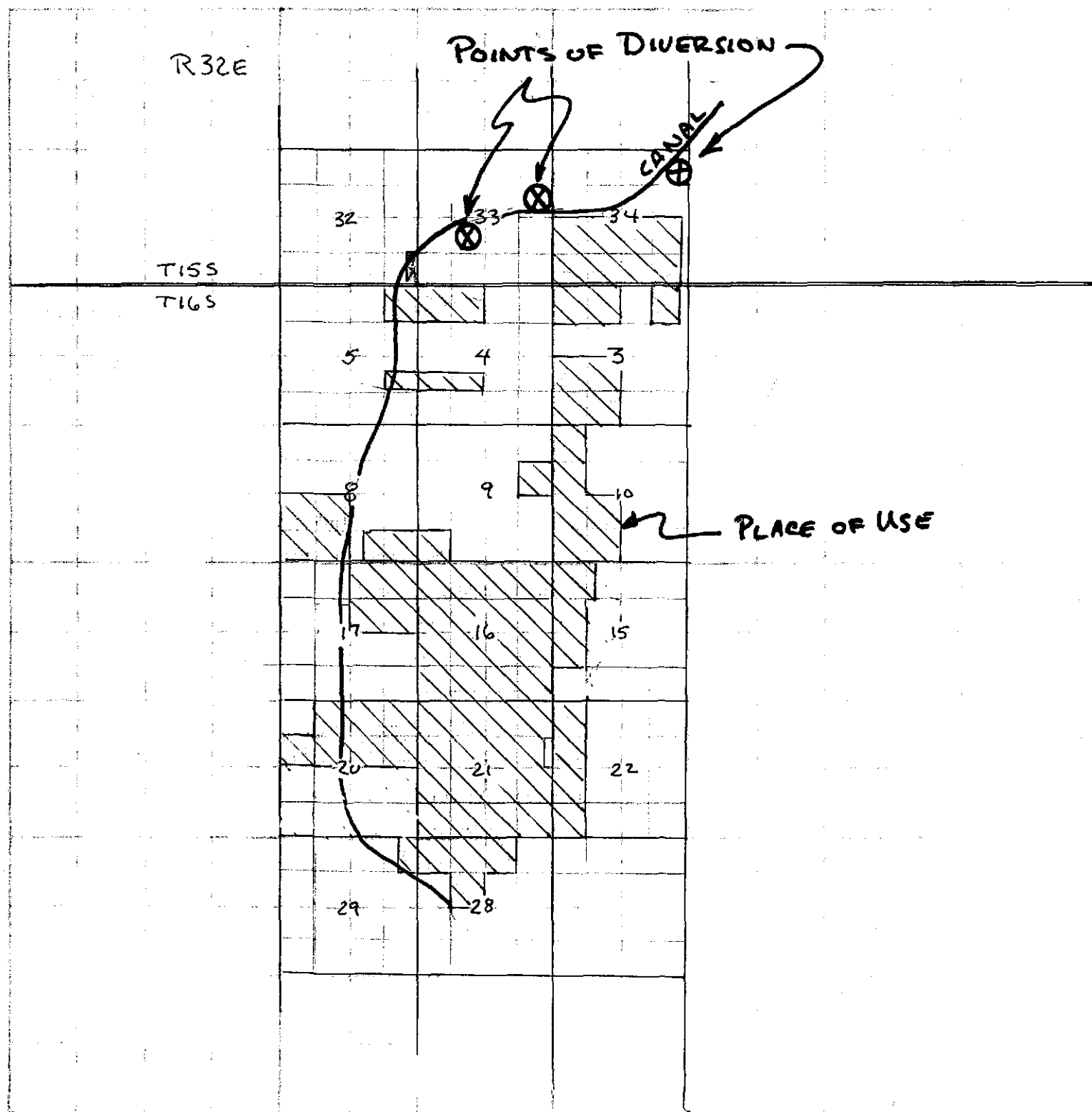
Description and location of place of use:

[illegible]

Total number of acres irrigated 3421.0 ac

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<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | to            |
|   |                   |                       |                 | to            |

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

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

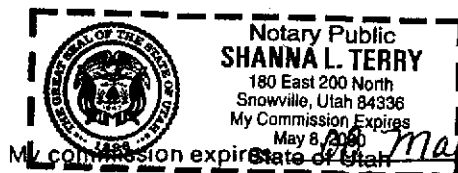
\_\_\_\_\_

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 10th day of April, 19 97.

Russell Roe  
(Signature of Applicant) President



Shanna L. Terry  
(Notary Public)

My commission expires May 8, 2000

**FOR DEPARTMENT USE ONLY**

Transfer contains 6 pages and 6 attachments

Received by \_\_\_\_\_ Date \_\_\_\_\_ Protest filed by \_\_\_\_\_

Prelim. check by \_\_\_\_\_ Fee \$100 F023107

Receipted by \_\_\_\_\_ Date 4-15-1997

Published in Idaho Enterprise & Statewide Copies of protest forwarded by \_\_\_\_\_

Pub. dates May 1 and 8, 1997 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

JUMU V\_ View Usg\_Dtl\_Linq Mtr\_rdg\_his

CSS

04-04-1997

S04730

## METERED USAGE HISTORY

09:51:51

Service ID 166874149 001 200 + 20 HP PUMP

Site Addr 2355 W BLACK PINE RD PUMP STONE ID 83252

Agrmt #

## Usage Details

| No      | R | S | Cyc | Read Date/Dys | Src  | KW | KWH | Usg  | KWH  | Usg | Invoice Amt |
|---------|---|---|-----|---------------|------|----|-----|------|------|-----|-------------|
| 01      |   |   | 01  | 03-31-1997    | 31 S | 0  | 0   | 2538 | 0    |     |             |
| 03      |   |   | 01  | 02-28-1997    | 29 I | 0  | 0   | 2538 | 0    |     |             |
| 02      |   |   | 01  | 01-30-1997    | 31 S | 0  | 0   | 2538 | 0    |     |             |
| 01      |   |   | 01  | 12-30-1996    | 33 S | 0  | 0   | 2538 | 0    |     |             |
| 12      |   |   | 01  | 11-27-1996    | 29 S | 0  | 0   | 2538 | 0    |     |             |
| 11      | C |   | 01  | 10-29-1996    | 29 S | 0  | 0   | 2538 | 0    |     | 15.63       |
| 10      |   |   | 01  | 09-30-1996    | 33 S | 0  | 0   | 2538 | 0    |     | 23.57       |
| 09      |   |   | 01  | 08-28-1996    | 28 I | 0  | 0   | 2538 | 0    |     | 27.35       |
| 08      |   |   | 01  | 07-31-1996    | 33 I | 0  | 0   | 2538 | 0    |     | 32.23       |
| 07      |   |   | 01  | 06-28-1996    | 29 I | 15 | 24  | 2538 | 2560 |     | 248.87      |
| 06      |   |   | 01  | 05-30-1996    | 29 I | 26 | 42  | 2522 | 160  |     | 22.62       |
|         | 0 |   |     | 05-01-1996    | I    | 0  |     | 2521 |      |     |             |
| 10      |   |   | 01  | 10-02-1995    | 31 I | 0  | 0   | 2521 | 0    |     |             |
| Average |   |   |     |               |      |    | 33  |      | 1360 |     |             |

IAA005 View successful.

+

RECEIVED

 Deposited in the Office of the  
 Eastern Region

S04730

SERVICE AGREEMENT INVOICE HISTORY

09:29:44

Agmt # 62335946 001 001 DELMORE CANAL CO  
Svc Descr 200 + 20 HP PUMP  
Site Addr 2355 W BLACK PINE RD PUMP STONE ID 83252

## ----- Agreement Information -----

Con Date 05-01-1996 Discon Date 10-29-1996  
Rate Sched 07APSV010L.011 IDAHO IRRIGATION & PUMPING SERVICE, BPA

## ----- Invoice History -----

| Seq | Rsn | Period  | Inv Date   | Invoice Amount | Type | Bill? | Crtd By | LstUpdBy |
|-----|-----|---------|------------|----------------|------|-------|---------|----------|
| 16  |     | 11 1996 | 10-31-1996 | 15.63          | REG  | Y     | S09716  | JB02PR   |
| 15  |     | 10 1996 | 10-05-1996 | 23.57          | REG  | Y     | SYSTEM  | JB02PR   |
| 14  |     | 08 1996 | 08-28-1996 | 27.35          | REG  | Y     | CNVRSN  | CNVRSN   |
| 13  |     | 08 1996 | 07-31-1996 | 32.23          | REG  | Y     | CNVRSN  | CNVRSN   |
| 12  |     | 07 1996 | 06-28-1996 | 248.87         | REG  | Y     | CNVRSN  | CNVRSN   |
| 11  |     | 06 1996 | 05-30-1996 | 22.62          | REG  | Y     | CNVRSN  | CNVRSN   |
| 10  |     | 02 1996 | 09-30-1995 | 0.03           | REG  | Y     | CNVRSN  | CNVRSN   |
| 9   |     | 02 1996 | 08-31-1995 | 0.07           | REG  | Y     | CNVRSN  | CNVRSN   |
| 8   |     | 02 1996 | 07-31-1995 | 126.25         | REG  | Y     | CNVRSN  | CNVRSN   |
| 7   |     | 02 1996 | 06-30-1995 | 0.13           | REG  | Y     | CNVRSN  | CNVRSN   |
| 6   |     | 02 1996 | 05-31-1995 | 0.09           | REG  | Y     | CNVRSN  | CNVRSN   |

IAA005 View successful.

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S04730

SERVICE AGREEMENT INVOICE HISTORY

09:29:24

Agmt # 62335946 001 002 DELMORE CANAL CO  
Svc Descr 200 HP PUMP  
Site Addr 7510 S 24000 W STONE ID 83252

## ----- Agreement Information -----

Con Date 05-01-1996 Discon Date 10-29-1996  
Rate Sched 07APSV010L.011 IDAHO IRRIGATION & PUMPING SERVICE, BPA

## ----- Invoice History -----

| Seq | Rsn | Period  | Inv Date   | Invoice Amount | Type | Bill? | Crt'd By | LstUpdBy |
|-----|-----|---------|------------|----------------|------|-------|----------|----------|
| 10  |     | 11 1996 | 10-31-1996 | 15.63          | REG  | Y     | S09716   | JB02PR   |
| 9   |     | 10 1996 | 10-02-1996 | 23.57          | REG  | Y     | S09716   | JB02PR   |
| 8   |     | 08 1996 | 08-28-1996 | 3003.22        | REG  | Y     | CNVRN    | CNVRN    |
| 7   |     | 08 1996 | 07-31-1996 | 1318.55        | REG  | Y     | CNVRN    | CNVRN    |
| 6   |     | 08 1996 | 07-19-1996 | 3263.74        | REG  | Y     | CNVRN    | CNVRN    |
| 5   |     | 07 1996 | 06-28-1996 | 3571.02        | REG  | Y     | CNVRN    | CNVRN    |
| 4   |     | 06 1996 | 05-30-1996 | 2405.65        | REG  | Y     | CNVRN    | CNVRN    |
| 3   |     | 11 1995 | 11-01-1995 | 15.94          | REG  | Y     | CNVRN    | CNVRN    |
| 2   |     | 10 1995 | 10-02-1995 | 22.71          | REG  | Y     | CNVRN    | CNVRN    |

IAA005 View successful.

JUMU V\_ View Usq\_Dtl\_inq Mtr\_rdg\_his

----- CSS ----- 04-04-1997  
 S04730 METERED USAGE HISTORY 09:52:03

Service ID 167427363 001 200 HP PUMP  
 Site Addr 7510 S 24000 W STONE ID 83252  
 Agrmt #

| Usage Details |   |   |     |               |     |     |    |     |       |       |     |             |
|---------------|---|---|-----|---------------|-----|-----|----|-----|-------|-------|-----|-------------|
| No            | R | S | Cyc | Read Date/Dys | Src | KW  | KW | Usq | KWH   | KWH   | Usq | Invoice Amt |
| 14            | C |   | 01  | 10-29-1996 29 | I   | 0   |    | 0   | 490   |       | 0   | 15.63       |
| 10            |   |   | 01  | 09-30-1996 33 | I   | 0   |    | 0   | 490   |       | 0   | 23.57       |
| 09            |   |   | 01  | 08-28-1996 28 | I   | 101 |    | 162 | 490   | 54240 |     | 3003.22     |
| 08            |   |   | 01  | 07-31-1996 12 | I   | 100 |    | 160 | 151   | 24160 |     | 1318.55     |
| 08            |   |   | 01  | 07-19-1996 21 | I   | 182 |    | 146 | 29652 | 68560 |     | 3263.74     |
| 07            |   |   | 01  | 06-28-1996 29 | I   | 182 |    | 146 | 28795 | 70320 |     | 3571.02     |
| 06            |   |   | 01  | 05-30-1996 29 | I   | 183 |    | 146 | 27916 | 53040 |     | 2405.65     |
|               | 0 |   |     | 05-01-1996    | I   | 0   |    |     | 27253 |       |     |             |
| 10            |   |   | 01  | 10-02-1995 31 | I   | 0   |    | 0   | 27253 |       | 0   |             |
| 09            |   |   | 01  | 09-01-1995 29 | I   | 188 |    | 150 | 27253 | 41760 |     |             |
| 08            |   |   | 01  | 08-03-1995 34 | I   | 192 |    | 154 | 26731 | 96320 |     |             |
| 07            |   |   | 01  | 06-30-1995 28 | I   | 191 |    | 153 | 25527 | 69680 |     |             |
| 06            |   |   | 01  | 06-02-1995 29 | I   | 195 |    | 156 | 24656 | 57920 |     |             |
| Average       |   |   |     |               |     |     |    | 153 |       | 59556 |     |             |

IAA005 View successful.

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S04730

SERVICE AGREEMENT INVOICE HISTORY

09:30:53

Agmt # 62335946 001 003 DELMORE CANAL CO  
Svc Descr 200 HP PUMP  
Site Addr 7490 S 24000 W STONE ID 83252

## ----- Agreement Information -----

Con Date 05-01-1996 Discon Date 10-29-1996  
Rate Sched 07APSV010L.011 IDAHO IRRIGATION & PUMPING SERVICE, BPA

## ----- Invoice History -----

| Seq | Rsn | Period  | Inv Date   | Invoice Amount | Type | Bill? | Crt'd By | LstUpdBy |
|-----|-----|---------|------------|----------------|------|-------|----------|----------|
| 9   |     | 11 1996 | 10-31-1996 | 15.63          | REG  | Y     | S09716   | JB02PR   |
| 8   |     | 10 1996 | 10-02-1996 | 23.57          | REG  | Y     | S09716   | JB02PR   |
| 7   |     | 08 1996 | 08-28-1996 | 3116.22        | REG  | Y     | CNVRN    | CNVRN    |
| 6   |     | 08 1996 | 07-31-1996 | 4834.51        | REG  | Y     | CNVRN    | CNVRN    |
| 5   |     | 07 1996 | 06-28-1996 | 3728.39        | REG  | Y     | CNVRN    | CNVRN    |
| 4   |     | 06 1996 | 05-30-1996 | 2531.84        | REG  | Y     | CNVRN    | CNVRN    |
| 3   |     | 11 1995 | 11-01-1995 | 15.94          | REG  | Y     | CNVRN    | CNVRN    |
| 2   |     | 10 1995 | 10-02-1995 | 22.71          | REG  | Y     | CNVRN    | CNVRN    |

IAA005 View successful.

JUMU V\_ View Usg\_Dtl\_inq Mtr\_rdg\_his

CSS

04-04-1997

S04730

## METERED USAGE HISTORY

10:00:13

Service ID 167704277 001 200 HP PUMP

Site Addr 7490 S 24000 W STONE ID 83252

Agrmt #

| Usage Details |   |    |            |      |          |     |         |      |      | Invoice Amt |     |             |
|---------------|---|----|------------|------|----------|-----|---------|------|------|-------------|-----|-------------|
| Mo            | K | S  | Cyc        | Read | Date/Dyc | Src | KW      | KWH  | Use  | KWH         | Usg | Invoice Amt |
| 11            | 0 | 01 | 10-29-1996 | 29   | I        |     | 0       | 7522 | 0    |             | 0   | 15.63       |
| 10            |   | 01 | 09-30-1996 | 33   | I        |     | 0       | 7522 | 0    |             | 0   | 23.57       |
| 09            |   | 01 | 08-28-1996 | 28   | I        |     | 105     | 168  | 7522 | 56640       |     | 3116.22     |
| 08            |   | 01 | 07-31-1996 | 33   | I        |     | 105     | 168  | 7168 | 97440       |     | 4834.51     |
| 07            |   | 01 | 06-28-1996 | 29   | I        |     | 105     | 168  | 6559 | 72320       |     | 3728.39     |
| 06            |   | 01 | 05-30-1996 | 29   | I        |     | 105     | 168  | 6107 | 55840       |     | 2531.84     |
|               | 0 |    | 05-01-1996 |      | I        |     | 0       |      | 5758 |             |     |             |
| 10            |   | 01 | 10-02-1995 | 31   | I        |     | 0       |      | 5758 |             | 0   |             |
| 09            |   | 01 | 09-01-1995 | 29   | I        |     | 105     | 168  | 5758 | 44000       |     |             |
| 08            |   | 01 | 08-03-1995 | 34   | I        |     | 105     | 168  | 5483 | 101600      |     |             |
| 07            |   | 01 | 06-30-1995 | 28   | I        |     | 105     | 168  | 4848 | 37760       |     |             |
| 06            |   | 01 | 06-02-1995 | 29   | I        |     | 105     | 168  | 4612 | 69600       |     |             |
| 09            |   | 01 | 09-01-1994 | 28   | I        |     | 105     | 168  | 4177 | 31840       |     |             |
|               |   |    |            |      |          |     | Average | 168  |      | 63004       |     |             |

IAA005 View successful.

+



24

⑩ 138  
T97

⑨ 33.5  
NW 1/4

③ 22.0  
NW 1/4

⑤ 16.7  
NW 1/4

⑨ 55.7  
NW 1/4

9.4

T103

① 38.7

20 AC TO BE TRANSFERRED  
FROM NE 1/4 of NW 1/4

24

T98

⑦ 76.7  
NW 1/4

① 30.7  
NW 1/4

76

NW 1/4

③ 25.5

④ 28.4

⑦ 71.0  
NW 1/4

① 38.2

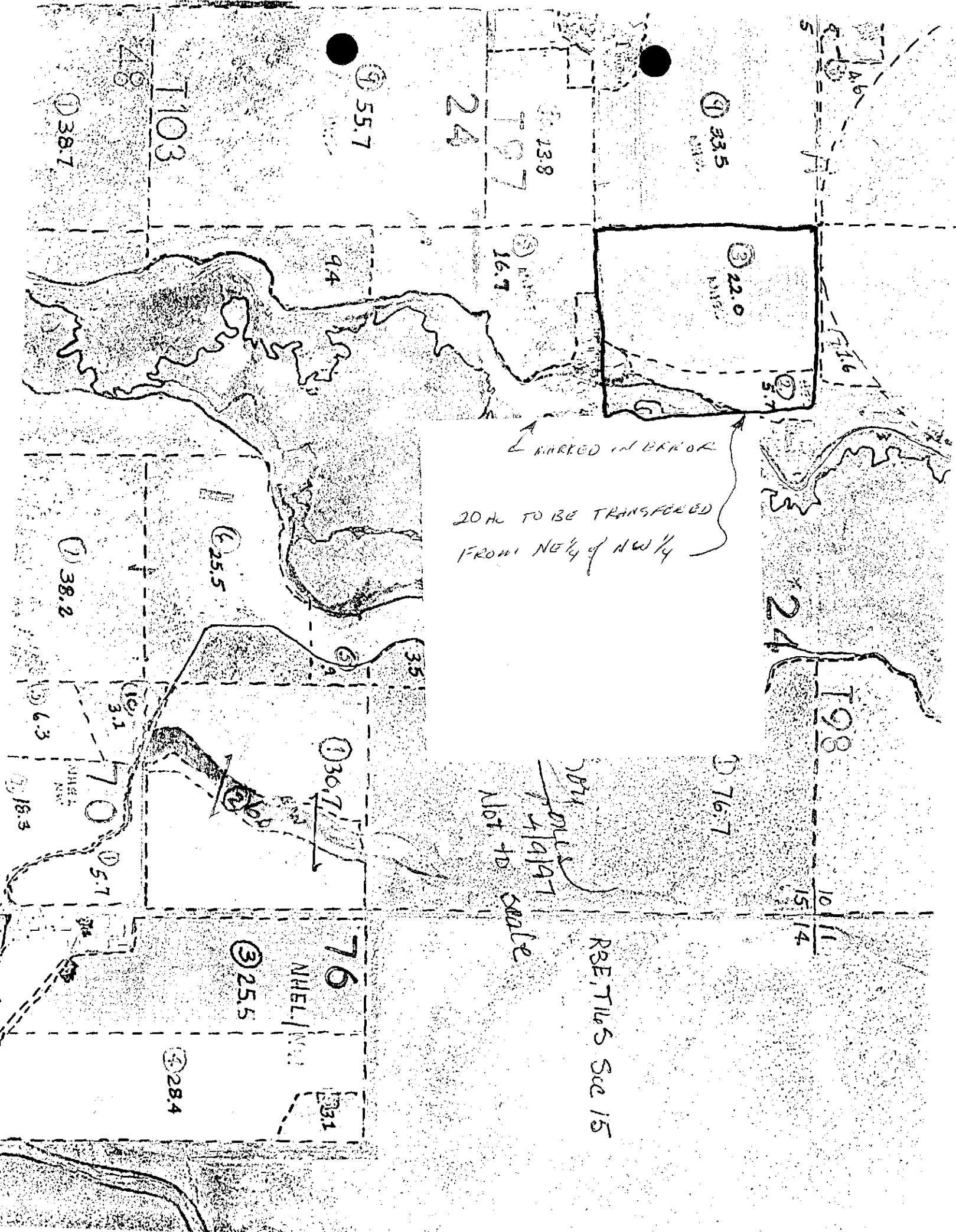
④ 25.5

② 6.3

⑤ 5.7

10 11  
15 14

R&E T14S Sec 15



④ 18.4

③ 54.7

18 17  
19 20

T110

57  
MHE/100

② 25.1

⑤ 24.6

⑦ 7.3

⑧ 8.5

⑨ 11.2

⑦ 16.2

T111

① 12.0

② 15.6

③ 18.8

76  
MHE/100

① 37.6

④ 39.2

T112

93 ④

T109

③ 6.0

⑤ 5.9

Not to Scale

414147

① 122.0

SEC 30, R32E, T14S

29

③ 3

# State of Idaho



## Department of State.

LOUIS E. CLAPP

I, ~~ARNOLD W. WILKINS~~, Secretary of State of the State of Idaho and custodian of the Seal of said State, do hereby certify that the annexed is a full, true and complete transcript of Original Articles of Incorporation of DELMORE CANAL

COMPANY, LTD., received and filed in this office on the 14th day of October, 1911 at 10:00 o'clock A. M., and Amendment thereto, received and filed in this office on the 22nd day of July, 1963 at 8:00 o'clock A. M., as appears of record in this office.

*IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Idaho.*

*Done at Boise City, the Capital of Idaho, this*  
8th day of August A.D.,  
19 66.



*Louis E. Clapp*  
Secretary of State.

THIS CERTIFICATE IS  
ALL I HAVE BEEN ABLE TO  
FIND RELATING TO THE  
ARTICLES OF INCORPORATION  
FOR THE DELMORE CANAL Co.

THE SEC. of STATE OFFICE  
AT BOISE TELLS ME THEY  
HAVE NOTHING ON FILE BUT  
THE ARTICLES OF THE  
ORIGINAL Co. - PRATT ~~IRRI~~  
IRRIGATION Co. - COPY INCLUDED.

RECEIVED

Dep. Sec. of State  
Bureau of Records

"a" Pul  
Pratt's Exhibit  
for identification

ARTICLES OF INCORPORATION

OF THE

PRATT IRRIGATION COMPANY, LIMITED.

---oOo---

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, citizens of the United States, being desirous of forming a corporation for the purposes hereinafter mentioned, under ~~the~~ in pursuance of the provisions of the laws of the State of Idaho, do for said purposes associate ourselves together and enter into the following agreement and articles of incorporation:

I.

The name of this corporation and the corporate title under which it will transact its business is "Pratt Irrigation Company, Limited" and its corporate seal shall be so marked.

II.

This corporation shall continue and endure for a period of fifty years unless sooner dissolved or disincorporated according to law.

III.

The purposes and objects of this corporation are to deal in lands and waters in the State of Idaho, to buy, bond, lease, rent, or otherwise acquire lands, realty or personal property, and to sell, bond, lease, mortgage, convey in trust or hypothecate realty or personal property, and to sell, bond, lease, mortgage, convey in trust or hypothecate the same for themselves or others, and to act as agents, trustee, assignees, receiver, guardian, conservator, executor or administrator, in the care, custody, protection, sale, rental, lease, bonding or hypothecating of the same; to advance money for the purchase or improvement of lands, or for the rental or purchase of water rights, or use of water. In its corporate name to acquire legal or

(1)

equitable rights in land or water, or real or personal property, by location, purchase, judgment or decree of court, or otherwise, and generally to acquire rights in lands or improvements and personal property, in the ordinary course of business. To deal in personal property, and the buying and selling of the same. To acquire water rights and the use of water by location, purchase, rental, bond, lease mortgage, deed of trust, decree of court or otherwise, and as such property may be acquired in the ordinary course of business. To deal in water rights, water locations, the use of water, canals, water ways conduits, ditches, flumes, or other conveyances, and to buy, sell, lease bond, rent or otherwise acquire and dispose of the same, or interest in the same. To construct canals, ditches, waterways, and to sell or purchase stock in the same, or rent, lease, bond or otherwise dispose of the same. To establish, construct or purchase dams, reservoirs, pumping plants, power stations, and sell or rent water for the power for mechanical, agricultural, domestic, city, town, village or community or individual purposes, and generally to use the water or the rights acquired in ~~the~~ a commercial way, and to buy, sell and deal in the same in the ordinary course of business. To take title to lands, or other realty or personal property, as trustee, agent or in any fiduciary capacity or relation, for individuals, companies, associations or syndicates, and to improve or work the same. To bond, lease, sell, mortgage or incumber by trust deed or otherwise any realty or personal property that the company may become possessed of itself, or in acting in the capacity of agent, trustee, or in any other fiduciary relation. To conduct canals and waterways over the public or state or other lands, and to have the public lands segregated under the Carey Act, and to supply, sell, lease or rent water for the same and to rent water from its canal or waterway, or to sell stock or other interests in the same. And further, to do all things within

corporate power necessary to carry on its business as a land and irrigation company.

IV.

The principal place of the general business of this corporation shall be at Stone, Oneida County, Idaho, and branch places of business and other offices may be established elsewhere within the State of Idaho, and within the United States.

V.

The names of the incorporators and their respective places of residence, and the shares of stock subscribed and paid for by each, are as follows, to-wit:

| NAME.              | RESIDENCE.            | NO. SHARES.          | VALUE.            |
|--------------------|-----------------------|----------------------|-------------------|
| M. W. Pratt,       | Salt Lake City, Utah, | <u>3,995</u>         | <u>\$3,995.00</u> |
| Wm. Anderson,      | Logan, Utah,          | <u>3,995</u>         | <u>\$3,995.00</u> |
| Abraham Smith,     | Smithfield, Utah, —   | <u>4,000</u> — — — — | <u>\$4,000.00</u> |
| Jacob Jorgensen,   | King, Utah,           | <u>3,995</u> — — — — | <u>\$3,995.00</u> |
| <u>Thos W. Roe</u> | <u>Stone, Idaho</u>   | <u>20</u>            | <u>\$20.00</u>    |

VI.

The capital stock of this corporation is One Hundred Thousand (\$100,000.00) Dollars, divided into One Hundred Thousand (100,000) shares, of the par value of One (\$1.00) each.

Sixteen Thousand (16,000) shares of the stock hereby subscribed for is fully paid, the balance of the stock subscribed, Eighty-four Thousand (84,000) shares, is divided among the stockholders as follows, to-wit:

|                   |               |                |
|-------------------|---------------|----------------|
| M. W. Pratt -     | <u>21,000</u> | shares,        |
| Wm. Anderson -    | <u>21,000</u> | shares,        |
| Abraham Smith -   | 21,000        | shares,        |
| Jacob Jorgensen - | 21,000        | shares,        |
|                   |               | <u>shares.</u> |

IX.

✓ The term of office of the directors and other officers, (except the term of those herein appointed) shall be for one year and until their successors are elected and qualified.

Any officer of the corporation except directors, may be removed from office by a majority vote of the stockholders voting in favor of such removal.

A director or any other officer may be removed from office for cause by a vote of the majority of the outstanding capital stock at a meeting held ~~for~~ after previous notice of the time and place of such meeting, and of the intention to propose such removal, said meeting to be called and notice thereof to be given in the manner prescribed by law of the State of Idaho for special meetings of the stockholders for that purpose.

Notice need not be given of the holdings of general annual stockholder's meetings.

In case of vacancy in any office by reason of death, resignation or removal, the vacancy may be filled by the Board of Directors for the unexpired term.

Any officer may resign by filing his resignation with the Board of Directors, and upon the acceptance of the same by the Board of Directors said resignation shall become effective. In case the Board of Directors shall neglect to act upon the resignation within twenty days after its receipt by the President, the resignation shall become effective and the office shall be declared vacant.

X.

✓ The first annual meeting for the election of Directors and the transaction of all such other business as may properly come before the meeting, shall be held at the general office of the corporation at Stone, Oneida County, Idaho, on the second Tuesday in June, 1910, at

STATE OF UTAH, }  
COUNTY OF CASH, } ss.

On this 22nd. day of November, 1909, before me a Notary Public  
in and for said County and State, personally appeared Abraham Smith,  
Jacob Jorgensen, Wm. Anderson, and M. W. Pratt,

known to me to be the persons whose names are subscribed to the within  
instrument, and acknowledged to me that they executed the same.

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

*My commission expires* George H. Smith  
Oct 15 - 1911 Notary Public

STATE OF IDAHO, }  
COUNTY OF Oneida } ss.

On this 21<sup>st</sup> day of December, 1909, before me, a  
~~Notary Public~~ Clerk District Court in and for said County and State, personally appeared  
Thos W. Roe

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.

John J. Evans  
Clerk District Court



State of Idaho  
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 33630/17-2068 Priority May 4, 1967 Amount 15.45 cfs

THIS IS TO CERTIFY, that DELMORE CANAL COMPANY, LTD.  
of Stone, Idaho, has complied with the terms and conditions of Permit  
No. 33630/17-2068 issued pursuant to Application for Permit dated May 4, 1967,  
and has submitted proof to the Department of Water Administration on June 6, 1973,  
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 15.45 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>15.45</u> cfs and | <u>6,547 acre feet or</u><br><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 15.45 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  
6,547 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 33;  
NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 34; Twp. 15 S, Rge. 32 E, B. M. in the County of Oneida

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 |        |
| See Land List Attachment |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|                          |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|                          |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|                          |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|                          |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres irrigated \_\_\_\_\_

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 12 day of  
May, 19 74.

Director

17-2068

LAND LIST ATTACHMENT

[illegible]

Total number of acres irrigated 3,421

17-2048



Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.

[illegible]

That no one will be injured by such change, and that such change will be made at permit holders own risk.

State of Utah )  
County of Box Elder ) ss

Delmore Canal Co. By George H. Neal  
e. 24th April, 1974 (signature)

MY COMMISSION EXPIRES SEPT. 15, 1973

R. KEITH HIGGINSON, Director of the Department of Water Administration,

hereby approve the above application for amendment for Permit No. 33630/17-2068.

Witness my hand this 14 day of May, 19 74

Director

17-2064

# Affidavit of Publication

State of Idaho  
County of Oneida, ss.

*Norma Champney* being first duly sworn on her oath, states: That she is *clerk*

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

That said Idaho Enterprise was at all of the times of publication of said notice a newspaper of general circulation made up of at least four pages of at least five columns each, printed from type matter or stereotyped forms of at least seventeen and three fourths inches depth, and said newspaper during all of the times of publication aforesaid had more than 200 bonafide subscribers thereto living within the county of Oneida in which said newspaper was published at regular intervals not less frequently than once a week.

That the annexed notice was published per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for ... successive weekly issues thereof the date of the first publication being the *15* day of *Oct.* 19*70* the date of the last publication being the *22* day of *Oct.* 19*70*.

*Norma Champney*

Subscribed and sworn to before me this *7th* day of

*December* 19*70*

*Daniel O'Brien*

Notary Public, residing at Malad, Idaho

My Commission expires the *6* day of *August*, 19*72*

Costs: *51* lines at 13c per line first insertion \$*6.63*

*21* lines tabulated at 20c per line \$*4.20*

10c per line each subsequent insertion \$*7.20*

TOTAL \$*18.03*

(Rates for legal notices are fixed by Idaho law)

## NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that *Delmore Canal Company, Ltd.,* Stone, Idaho, has received an approved Permit No. G-33630/17-2068 issued by the Idaho State Reclamation Department authorizing the diversion of 24.0 cubic feet per second of water from a ground water source. The priority to be established under this permit is May 4, 1967, and the permit was approved July 5, 1967.

Water is to be diverted by wells, pumps and motors from a point within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 33; NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 34, T. 15S, R. 32E, B.M., Oneida County, to be used for irrigation in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 32, S $\frac{1}{2}$ , Sec. 33, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ , Sec. 34, T. 15S, R. 32E, B.M.; N $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 3, N $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 4, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 5, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 8, E $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , Sec. 9, W $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 10, SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , Sec. 16, E $\frac{1}{2}$ , Sec. 17, E $\frac{1}{2}$ , Sec. 20, all of Sec. 21, W $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 22, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 29, T. 16S, R. 32E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department of Reclamation on or before July 5, 1973. Any protest against the issuance of the license for the above referenced permit should be filed with the Department within ten 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 Idaho Enterprise, Malad City, Idaho, on October 15 and October 22, 1970.

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-33630/17-2068 )

in the name of DELMORE CANAL COMPANY, LTD. )

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,

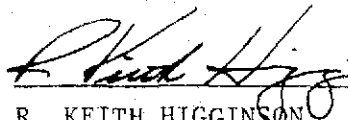
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice  
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. G-33630 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 22<sup>ND</sup> day of JUNE, 1970.

  
R. KEITH HIGGINSON  
State Reclamation Engineer

33630  
17-2068

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
APPLICATION FOR AMENDMENT

Permit No. G-33630

Comes now the Delmore Canal Company  
and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G-33630, and requests that the permit be changed as follows:

1. Place of use or land to be irrigated: \_\_\_\_\_

2. Point of diversion: NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Sec. 33, T. 15 S., R. 32 E., B.M.  
Other points of diversion NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Sec. 34, Twp. 15 S., R. 32 East, Boise Meridian  
and SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  Sec. 33, Twp. 15 S., R. 32 East, Boise Meridian

3. Period and nature of use:

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates incl.)  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates incl.)  
For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates incl.)

4. Other: \_\_\_\_\_

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Stone this \_\_\_\_\_ day of July, 19 68

DELMORE CANAL COMPANY, LIMITED

By X *Ross L. Anderson*  
(signature) President

Date of receipt at office of Department of Reclamation July 8, 19 68.

ACTION OF STATE RECLAMATION ENGINEER

I, R. KEITH HIGGINSON, State Reclamation Engineer of the State of Idaho, hereby approve the above application for amendment for Permit No. G-33630.

Witness my hand this 22nd day of July, 19 68.

*R. Keith Higginson*  
State Reclamation Engineer

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

Ross Anderson  
Stone, Idaho

Application No. G- 41845  
Permit No. G- 33630  
District No.

1. Name of Applicant: **Delmore Canal Company, Ltd.**  
Postoffice address: **Stone** County: **Oneida** State: **Idaho**
2. Quantity of water claimed:  
(a) Rate of withdrawal in cubic feet per second **24.0** or Idaho  
Miners' inches or gallons per minute  
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: **Subterranean**
4. Location of point of diversion or well is in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section  
(See under remarks for points of diversion)  
Twp. , Rge. , B.M., County of
5. Water is to be used for: **irrigation**
6. If for municipal, industrial or recreational purposes, give:  
(a) Point of use of water is in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp.  
Rge. , B.M.  
(b) Waste water or sewage effluent is to be returned to  
at a point in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp. , Rge. , B.M.
7. Kind of works: **Three deep wells, cased, with pumps and motors**
8. Estimated cost of works: \$ **50,000.00**
9. (a) Is reservoir to be used? **no**  
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is  
years. **5**
11. If applicant is a corporation, give:  
I. (a) Date and place of incorporation:  
(b) Amount of capital stock: \$ (c) Amount paid in: \$ **132,640.00**  
(d) Names and addresses of directors: **Ross Anderson, Stone, Idaho; George Neal, Stone, Idaho; Bert Eliason, Jr. Downey, Idaho and Lyle Steed, Stone, Idaho and Russel P. Roe, Stone, Idaho**  
II. The financial resources of the applicant are (a) Cash on hand: \$ **3,558.03**  
(b) Treasury stock: (c) Bonds to be issued:  
(d) Other resources: **Amount of Capitol Stock subscribed \$132,640.00**
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: **The waters, including storage waters of Curlew Creek.**  
(a) **24.0** (cubic feet per second, ~~inches or gallons per minute~~) of the water herein applied for is to be supplemental to the existing water rights.  
(b) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks: Points of Diversion: Well No. 1: NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, Sec. 34, T 15 S., R 32 E., B.M.  
Well No. 2: SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, Sec. 33, T 15 S., R 32 E., B.M.  
Well No. 3: Lot 1, Sec. 5, T 16 S., R 32 E., B.M.

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

/s/ ROSS ANDERSON, President for Applicant.

By DELMORE CANAL COMPANY, LIMITED Agent.

Date of first receipt at Department of Reclamation: May 4, 1967 8:00 A.M.

Returned to applicant for correction:

Correction application received: June 16, 1967 8:00 A.M.

## Approval of State Reclamation Engineer

The number of this permit is G— 33630

Recorded in Book 117 Page 33630 Approved July 5, 1967

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

Bond in the sum of \$ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before ~~July~~ January 5, 1970

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 July 5, 1973

Witness my hand this 5th day of July, 1967.

/s/ R. KEITH HIGGINSON  
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, DON SAMUELSON, Governor of the State of Idaho, and PETE T. CENARRUSA, Secretary of State of the State of Idaho, have caused this instrument to be executed in the named of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 5th day of July, 1967.

Countersigned:

STATE OF IDAHO

(SEAL)

By /s/ DON SAMUELSON

Governor

By /s/ PETE T. CENARRUSA

Secretary of State

12.

| Twp.                                   | Range | Sec. | NE <sup>1</sup> / <sub>4</sub> |                                |                                |                                | NW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | SW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | SE <sup>1</sup> / <sub>4</sub> |                                |                                |                                | Totals        |
|----------------------------------------|-------|------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|---------------|
|                                        |       |      | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> |               |
| 15 S                                   | 32 E  | 34   |                                |                                | 40                             |                                |                                |                                | 40                             | 40                             | 40                             | 40                             | 40                             | 40                             | 40                             | 40                             | 40                             | 40                             | 440           |
| 16 S                                   | 32 E  | 3    | 33                             | 33                             |                                |                                | 34                             | 35                             |                                |                                | 40                             | 40                             | 40                             | 40                             |                                | 40                             | 40                             |                                | 375           |
|                                        |       | 4    | 35                             | 36                             |                                |                                | 36                             | 36                             |                                |                                |                                |                                |                                |                                | 40                             |                                | 40                             | 40                             | 263           |
|                                        |       | 5    |                                |                                |                                |                                | 37                             |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                | 37            |
|                                        |       | 8    |                                |                                |                                | 40                             |                                |                                |                                |                                |                                |                                |                                |                                | 40                             |                                |                                | 40                             | 120           |
|                                        |       | 9    | 40                             | 40                             | 40                             | 40                             |                                |                                | 40                             | 40                             | 40                             | 40                             | 40                             | 40                             | 40                             | 40                             | 40                             | 40                             | 560           |
|                                        |       | 10   |                                |                                |                                |                                |                                | 40                             | 40                             |                                |                                |                                |                                |                                |                                |                                |                                |                                | 80            |
|                                        |       | 15   |                                |                                |                                |                                |                                |                                |                                |                                | 40                             |                                |                                |                                |                                |                                |                                |                                | 40            |
|                                        |       | 16   | 40                             |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                | 40                             | 40                             | 40                             | 40                             | 200           |
|                                        |       | 17   | 40                             | 40                             | 40                             | 40                             |                                |                                |                                |                                |                                |                                |                                |                                | 40                             | 40                             | 40                             | 40                             | 320           |
|                                        |       | 20   | 40                             | 40                             | 40                             | 40                             |                                |                                |                                |                                |                                |                                |                                |                                | 40                             | 40                             | 40                             | 40                             | 320           |
|                                        |       | 21   | 40                             | 40                             | 40                             | 40                             | 40                             | 40                             | 40                             | 40                             | 40                             | 40                             | 40                             | 40                             | 40                             | 40                             | 40                             | 40                             | 600           |
|                                        |       | 22   |                                |                                |                                |                                |                                | 40                             | 40                             |                                | 40                             |                                |                                |                                |                                |                                |                                |                                | 120           |
|                                        |       | 28   |                                | 40                             |                                |                                |                                | 40                             |                                | 40                             |                                |                                |                                |                                |                                |                                |                                |                                | 160           |
|                                        |       | 29   | 40                             |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                | 40            |
| 15 S                                   | 32 E  | 33   |                                |                                |                                |                                |                                |                                |                                |                                | 25                             | 15                             | 40                             | 40                             | 40                             | 40                             | 40                             | 40                             | 280           |
|                                        |       | 32   |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                | 10                             | 10                             | 10            |
| Total number of acres to be irrigated: |       |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                | 3965.00 ACRES |

LICENSE ISSUED FOR 54 SEC. FT.  
LICENSE PAGE NO.

## Application for Amendment

Comes now the Delmore Canal Company and represents to the State Reclamation Engineer of the State of Idaho That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho: No. G-33630 and requests that the permit be changed as follows:

2. Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 33, T 15 S., R 32 E., B.M.

Other points of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 34, T 15 S., R 32 East, B.M. and SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 33, T 15 S., R 32 E., B.M.

That no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Stone, this \_\_\_\_ day of July, 1968.

DELMORE CANAL COMPANY, LTD.

By /s/ ROSS JR. ANDERSON.  
President

Date of receipt at office of Department of Reclamation: July 8, 1968.

## ACTION OF STATE RECLAMATION ENGINEER

I, R. Keith Higginson, State Reclamation Engineer of the State of Idaho, hereby approve the above application for amendment for Permit No. G-33630.

Witness my hand this 22nd day of July, 1968.

/s/ R. KEITH HIGGINSON  
State Reclamation Engineer

Address all communications to:

Ross Anderson

P. O. Stone, Idaho

## APPLICATION FOR PERMIT

TO APPROPRIATE THE SUBTERRANEAN WATERS OF THE STATE OF IDAHO

Application No. G 41845

Permit No. G 33630

Water District No.

1. Name of applicant: DELMORE CANAL COMPANY, LIMITED

Post office address Stone County Oneida State Idaho

2. Quantity of water claimed: 24 c.f.s.

3. Source of water supply: Subterranean

4. Location of point of diversion or well is in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section  
(See under Remarks for points of Diversion)  
Twp. , Rge. , B.M., County of

5. Water is to be used for: Irrigation

6. If for domestic, municipal, industrial or recreational purposes give:

(a) Point of use of water is in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section  
Twp. , Rge. , B.M.

(b) Waste water or sewage effluent is to be returned to  
at a point in the  $\frac{1}{4}$  of the  $\frac{1}{4}$  of Section , Twp. , Rge. , B.M.

7. Kind of Works: Three Deep Wells, cased, with pumps and motors

8. Estimated cost of works: \$ 50,000.00

9. (a) Is reservoir to be used? No

(b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is  
five years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation:

(b) Amount of capital stock \$ (c) Amount paid in: \$ 11,326.40<sup>00</sup>

(d) Names and addresses of directors: Ross Anderson, Stone, Idaho  
George Neal, Stone, Idaho  
Bert Eliason Jr., Downey, Idaho  
Lyle Steed, Stone, Idaho  
~~Walter S. Satt~~, Stone, Idaho

Russel P. Rol

33630

(Continued)

II. The financial resources of the applicant are: (a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

amt of capital stock sub. to 132, 000<sup>00</sup>

12. The land to be irrigated is described in the following tabulation:

(Give irrigable acreage in each 40-acre subdivision)

[illegible]

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

The waters, including storage waters of Curlew Creek

(a) 24 (Cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

(b) \_\_\_\_\_ (cubic feet per second, inches or gallons per minute) is for new lands.

33630

~~APPLICANT~~  
DELMORE CANAL CO  
STONE, IDAHO

DEEP WELL  
CASED

DEEP WELL  
CASED

TOWNSHIP 15 SOUTH RANGE 32 EAST BOISE M.

TOWNSHIP 16 SOUTH

DEEP WELL  
CASED

NORTH

SCALE: 1" = 1000'

33630

~~APPLICANT~~  
DELMORE CANAL CO.  
STONE, IDAHO

DEEP WELL  
CASED

DEEP WELL  
CASED

TOWNSHIP 15 SOUTH RANGE 32 EAST BLISE M  
TOWNSHIP 16 SOUTH

DEEP WELL  
CASED

NORTH

SCALE: 1" = 1000'

33630

Remarks:

Points of Diversion are located as follows:

Well No. 1: NE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 34, Twp. 15 S., R. 32 East, Boise Meridian

Well No. 2: SE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 33, Twp. 15 S., R. 32 East, Boise Meridian

Well No. 3: Lot 1, Sec. 5, Twp. 16 S., R. 32 East, Boise Meridian

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.

DELMORE CANAL COMPANY, LIMITED

Ross Anderson  
President                      Applicant

By \_\_\_\_\_, Agent

Address all communications to:

Ross Anderson  
Stone, Idaho  
P. O.

## APPLICATION FOR PERMIT

TO APPROPRIATE THE SUBTERRANEAN WATERS OF THE STATE OF IDAHO

Application No. G. 41845

Permit No. G. 33630

Water District No. \_\_\_\_\_

1. Name of applicant: DELMORE CANAL COMPANY, LIMITED

Post office address Stone County Oneida State Idaho

2. Quantity of water claimed: 24 c.f.s.

3. Source of water supply: Subterranean

4. Location of point of diversion or well is in the \_\_\_\_\_  $\frac{1}{4}$  of the \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_  
(See under Remarks for points of Diversion)  
Twp. \_\_\_\_\_, Rge. \_\_\_\_\_, B.M., County of \_\_\_\_\_

5. Water is to be used for: Irrigation

6. If for domestic, municipal, industrial or recreational purposes give:

(a) Point of use of water is in the \_\_\_\_\_  $\frac{1}{4}$  of the \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_

Twp. \_\_\_\_\_, Rge. \_\_\_\_\_, B.M.

(b) Waste water or sewage effluent is to be returned to \_\_\_\_\_

at a point in the \_\_\_\_\_  $\frac{1}{4}$  of the \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_, Twp. \_\_\_\_\_, Rge. \_\_\_\_\_, B.M.

7. Kind of Works: Three Deep Wells, cased, with pumps and motors

8. Estimated cost of works: \$ 50,000.00

9. (a) Is reservoir to be used? No

(b) Capacity of reservoir: \_\_\_\_\_

10. The time required for the completion of such work and complete application of the water to the proposed use is  
five years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation: \_\_\_\_\_

(b) Amount of capital stock \$ \_\_\_\_\_ (c) Amount paid in: \$ 1132.640<sup>00</sup>

(d) Names and addresses of directors: Ross Anderson, Stone, Idaho

George Neal, Stone, Idaho

Bert Eliason Jr., Downey, Idaho

Lyle Steed, Stone, Idaho

~~Robert Steed~~, Stone, Idaho

*Russel P. Rol*

33630

Remarks:

Points of Diversion are located as follows:

Well No. 1: NE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 34, Twp. 15 S., R. 32 East, Boise Meridian

Well No. 2: SE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 33, Twp. 15 S., R. 32 East, Boise Meridian

Well No. 3: Lot 1, Sec. 5, Twp. 16 S., R. 32 East, Boise Meridian

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.

DELMORE CANAL COMPANY, LIMITED

Ross Anderson  
President Applicant

By \_\_\_\_\_, Agent

33630

Approval of State Reclamation Engineer

33630

The number of this permit is G

33630

JUL 5 1967

Recorded in Book

117

Page

Approved

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 before

One-fifth of the work above specified to be completed on or before January 5, 1970

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made

on or before July 5, 1973

Witness my hand this 5th day of July

19

67

*R. Keith Higgins*  
State Reclamation Engineer

IN TESTIMONY WHEREOF, We DON SAMUELSON, Governor of the State of Idaho,

and PETE T. CENARRUSA, 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 5th day of July, 19 67.

Countersigned:

STATE OF IDAHO

By

*Pete T. Cenarrusa*  
Secretary of State

By

*Don Samuelson*  
Governor.

33630

No. G

PERMIT

Date of first receipt at office of State Reclamation Engineer

May 4, 1967 8:00 A.M.

Returned to applicant for correction

Corrected application received

June 16, 1967 8:00 A.M.

Fees, \$ 10.75

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or Fraction

Thereof .25

33630

Address all communications to:

Ross Anderson

P.O. Stone, Idaho

## APPLICATION FOR PERMIT

TO APPROPRIATE THE SUBTERRANEAN WATERS OF THE STATE OF IDAHO

Application No. G

41845

Permit No. G

33630

Water District No.

1. Name of applicant: DELMORE CANAL COMPANY, LIMITED

Post office address Stone County Oneida State Idaho

2. Quantity of water claimed: 24 c.f.s.

3. Source of water supply: Subterranean

4. Location of point of diversion or well is in the ¼ of the ¼ of Section

(See under Remarks for points of Diversion)

Twp., Rge., B.M., County of

5. Water is to be used for: Irrigation

6. If for domestic, municipal, industrial or recreational purposes give:

(a) Point of use of water is in the ¼ of the ¼ of Section

Twp., Rge., B.M.

(b) Waste water or sewage effluent is to be returned to

at a point in the ¼ of the ¼ of Section, Twp., Rge., B.M.

7. Kind of Works: Three Deep Wells, cased, with pumps and motors

8. Estimated cost of works: \$ 50,000.00

9. (a) Is reservoir to be used? No

(b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is

five years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation:

(b) Amount of capital stock \$

(c) Amount paid in: \$

(d) Names and addresses of directors:

Ross Anderson, Stone, Idaho

George Neal, Stone, Idaho

Bert Eliason Jr., Downey, Idaho

Lyle Steed, Stone, Idaho

Russel P. Rol, Stone, Idaho

Russel P. Rol

33630

(Continued)

II. The financial resources of the applicant are: (a) Cash on hand: \$ 3,528.03

(b) Treasury stock: \_\_\_\_\_ (c) Bonds to be issued: no

(d) Other resources: \_\_\_\_\_

12. The land to be irrigated is described in the following tabulation:

(Give irrigable acreage in each 40-acre subdivision)

[illegible]

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:\_\_\_\_\_

The waters, including storage waters of Curlew Creek

(a) 24 (Cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

(b) \_\_\_\_\_ (cubic feet per second, inches or gallons per minute) is for new lands.

33630

Remarks:

Points of Diversion are located as follows:

Well No. 1: NE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 34, Twp. 15 S., R. 32 East, Boise Meridian

Well No. 2: SE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 33, Twp. 15 S., R. 32 East, Boise Meridian

Well No. 3: Lot 1, Sec. 5, Twp. 16 S., R. 32 East, Boise Meridian

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.

x Boss Anderson  
Applicant

By \_\_\_\_\_, Agent

33630

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, a, & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

DELMORE CANAL COMPANY

C/O RUSSELL ROE

11066 S 25500 W

STONE ID 83252

4a. Article Number

P 326 991 604

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

1-5-98

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

*Official Business*



PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE, \$300



Print your name, address and ZIP Code here

- DEPARTMENT OF WATER RESOURCES  
1301 N. ORCHARD ST.  
BOISE, ID 83706-2237

JR 17-02068  
KARILYNN

P 326 991 604

US Postal Service

# Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

|                                                             |    |
|-------------------------------------------------------------|----|
| Sent to <b>TELMORE CANAL CO.</b><br><b>90 RUSSELL ROE</b>   |    |
| Street & Number<br><b>11066 S 25500 W</b>                   |    |
| Post Office, State, & ZIP Code<br><b>STONE ID 83252</b>     |    |
| Postage                                                     | \$ |
| Certified Fee                                               |    |
| Special Delivery Fee                                        |    |
| Restricted Delivery Fee                                     |    |
| Return Receipt Showing to Whom & Date Delivered             |    |
| Return Receipt Showing to Whom, Date, & Addressee's Address |    |
| <b>TOTAL Postage &amp; Fees</b>                             | \$ |
| Postmark or Date<br><br><b>12.98</b>                        |    |

WR 17-02068

PS Form 3800, April 1995

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for selected optional services (See front).

1. If you want receipt postmarked, stick the gummed stub to the right of the address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (*no extra charge*).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make an inquiry.



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

December 2, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

DELMORE CANAL COMPANY  
C/O RUSSELL ROE  
11066 S 25500 W  
STONE ID 83252

RE: Water Right 17-02068

Dear Water Right Holder(s):

The enclosed Preliminary Order is being sent for your information.

If you have any questions in this matter you may call our office at 208-327-7900.

Sincerely,

Kari Lynn Townsend

/k

Enclosures

**CERTIFICATE OF MAILING**

I hereby certify that on the 2nd day of January, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER to the person(s) listed below:

**Water Right 17-02068**

DELMORE CANAL COMPANY  
C/O RUSSELL ROE  
11066 S 25500 W  
STONE ID 83252

  
Kari Lynn Townsend  
Secretary

## **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 twenty-one (21) 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 twenty-one (21) 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.

### **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. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

### CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

### 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.

Section 67-5246(5), Idaho Code, provides as follows:

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.

### APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this 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:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. 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. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

T # 5064

INITIAL REVIEW BY: HWT

1. Right number 17-02068 Applicant Delmore Canal
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Other \_\_\_\_\_
4. Check:
  - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
  - b. ☒ 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. who is Russell Bar
  - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
  - h. ☐ Check for expansion in use of right. Comments \_\_\_\_\_
  - i. ☒ 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? \_\_\_\_\_

RECEIVED

SEP 18 1997

Department of Water Resources

FINAL PROCESSING REVIEW BY: \_\_\_\_\_

1. Watermaster recommendation requested on \_\_\_\_\_ Received on \_\_\_\_\_
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☐ Approve
2. ☒ Deny
3. Conditions\* \_\_\_\_\_

4. By [Signature] Date AD 30 4-29-97  
Copy 30 4-30-97



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

September 15, 1997

CLYRON W MILLS  
DAVID L EVANS ATTORNEY  
137 E 50 S  
MALAD CITY ID 83252

RE: Application for Transfer No. 5064 DELMORE CANAL CO.

Dear Protestant:

This is to advise you that the above referenced application has been rejected.

If you have any questions, please call our office.

Sincerely,

*Harold W. Jones*  
Harold W. Jones <sup>rb</sup>  
Water Right Supervisor

HWJ/rb  
enc



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

September 15, 1997

RUSSELL K BOYER  
10101 S 21000 W  
STONE ID 83252

RE: Application for Transfer No. 5064 DELMORE CANAL CO.

Dear Protestant:

This is to advise you that the above referenced application has been rejected.

If you have any questions, please call our office.

Sincerely,

  
Harold W. Jones  
Water Right Supervisor

HWJ/rb  
enc



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

September 15, 1997

TOM WILCOCK  
PO BOX 662  
SNOWVILLE UT 84336

RE: Application for Transfer No. 5064 DELMORE CANAL CO.

Dear Protestant:

This is to advise you that the above referenced application has been rejected.

If you have any questions, please call our office.

Sincerely,

*Harold W. Jones*  
Harold W. Jones *rb*  
Water Right Supervisor

HWJ/rb  
enc



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

SEPTEMBER 3, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

DELMORE CANAL CO  
C/O RUSSELL ROE  
11066 S 25500 W  
STONE ID 83252

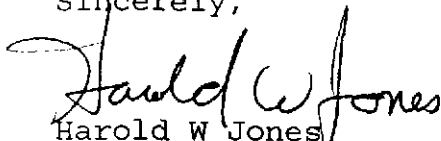
Mr. Roe:

I have received a copy of the By-Laws of the Delmore Water Users Association. Under Article 2, Section 5, the by-laws state that a majority of the membership of the canal board is required for quorum of any meeting. A majority of this quorum is required to decide on specific issues.

Since transfer application #5064 in the name of Delmore Canal has been protested by a majority of the canal board, this application cannot be considered valid.

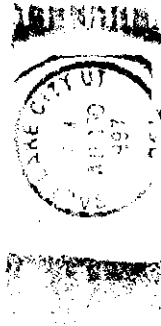
At this time the application is rejected and future Delmore Canal Company applications will only be accepted if they are in accordance with the canal by-laws.

Sincerely,

  
Harold W Jones  
Water Rights Supervisor

HWJ:sc

R. Boyer  
10101 S. 21000 W.  
Stora Id. 83252



Dept of Water Resources

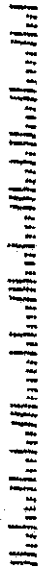
Attn: Harold Jones

900 N. Skyline Dr.

Idaho Falls, Idaho

83402 -1718

83402/1718



**RECEIVED**

**SEP 02 1997**

**Department of Water Resources  
Eastern Region**

Dear Mr. Jones:

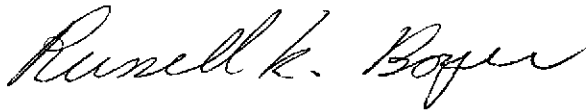
I was finally able to get a copy of the Delmore's By-Laws. I'm very sorry for taking so long. Please feel free to call me if you need anything else. I can be reached at these numbers.

Russell Boyer 208-698-3354

Mobile 801-279-5426

Jr. Anderson 208-698-3399

Thank You,

A handwritten signature in cursive script that reads "Russell K. Boyer". The signature is written in dark ink and is positioned above the printed name.

RUSSELL BOYER

BY-LAWS OF THE DELMORE WATER USERS ASSOCIATION.

ART..1..

- Sec 1. The ANNUAL MEETING of the stockholders of this company shall be held at the principal place of business of the Company-The Delmore Sahaol House, Delmore, Idaho, on the second Saturday in March, each year.
- Sec.2. SPECIAL MEETINGS of the stockholders may be called at the principal office of the Company at any time by resolution of The Board of Directors, or upon request of stockholders holding one-third (1/3) of the outstanding stock of the Company.
- Sec 3. NOTICE OF MEETINGS?written or printed, for every regular or special meeting of the stockholders, shall be prepared and mailed to each stockholder not less than fourteen (14) days before such meeting. Such notice shall state the object or objects of said meeting.
- Sec.4. A QUORUM, at any meeting of the stockholders, shall consist of a majority of the voting stock of the Company, represented in person or duly authorized proxy. A majority of such quorum shall decide any question that may come before the meeting. In the absence of a quorum those present may adjourn from day to day, or time to time; such adjournments, and the reasons therefor, being recorded in the journals of the proceedings, but until a quorum is secured, may transact no business.
- Sec.5. At the annual meetings of the stockholders the following shall be the order of business;-
1. Roll Call.
  2. Proof of notice of meeting.
  3. Report of the President.
  4. Report of Treasurer.
  5. Report of Secretary.
  6. Report of Committee's
  7. Appointment of tellers of election.
  8. Election of Directors.
  9. Miscellaneous business.
- At all meetings of the stockholders all questions shall be determined by a stock vote.
- Sec.6. All proxies shall be in writing, and filed with the Secretary.
- All proxies shall be voted in the name of the principals.

Sec 7.

THE ELECTION OF DIRECTORS, shall be at the annual meeting of the stockholders. The election shall be by ballot, and each stockholder shall have the right to vote either in person or by proxy the number of shares of stock held by him for as many persons as there are to be Directors elected; or to calculate said shares and give one candidate as many votes as the number of Directors multiplied by the number of his shares of stock shall equal, or to distribute them on the same principal among as many candidates as he shall think fit, and such Directors shall not be elected in any other way. A person must be a stockholder in his own right to be qualified to hold the office of Director.

ARTICLE. 2 DIRECTORS.

Sec.1.

All the corporate powers shall be are hereby vested in and shall be exercised by the Board of Directors. Express powers and <sup>upon</sup> authority are conferred ~~by~~ the Board of Directors, to borrow upon the credit and responsibility of the Corporation, such sums of money as they may deem necessary and proper for the purposes and interests of the corporation, in such form and for such time as they think proper; and to pledge and mortgage the irrigation system of the corporation, and any and all water rights and other estate real or personal, belonging to the corporation, as security for the payment of such loans, which loans shall not exceed One Thousand (\$1000.00) Dollars, except as authorized by resolution of the stockholders of the Company assembled in regular or special meeting duly called for such purpose. The Board of Directors shall from time to time fix the compensation of the employees of the Corporation.

Sec.2.

The regular meeting of the Board of Directors shall be held at the office of the Company, at Delmore, Idaho, on the second Saturday each month. It may be held anywhere within the District other than the schoolhouse, as the Directors may elect. No notice of this meeting will be given.

Sec.3.

SPECIAL MEETINGS of the Board of Directors, to be held at the principal place of business at Delmore, Idaho, may be called at any time by the President, or any two (2) ~~members~~ of the Board, or may be held at any time or place other than as above stated, without notice, by unanimous consent of the members of the Board,

or if all are present at the meeting when such business is done, consent for the holding of such meeting, shall be entered upon the minuted book of the Corporation and signed by all Directors.

Sec.4. NOTICES of special meetings shall be mailed by the secretary to each member of the Board not less than five (5) days before any such meeting, and shall state the purposes thereof.

Sec 5. A QUORUM, at any meeting shall consist of a majority of the entire membership of the Board. A majority of such quorum shall decide any question that may come before the meeting. A minority of the Board at any regular or special meeting may, in the absence of a quorum adjourn to a later date, but must enter the reason for such adjournment on their minutes, but may not transact any business until a quorum has been secured.

Sec.6. OFFICERS OF THE COMPANY shall be elected by the Board by ballot, at their first meeting after the election of Directors each year. If any office becomes vacant during the year, the Board shall fill the same for the unexpired term.

Sec.7. THE ORDER OF BUSINESS at any regular or special meeting of the Board of Directors shall be:

1. Reading and disposal of any unapproved minutes.
2. Reports of officers and committees.
3. Unfinished business.
4. New business.
5. Adjournment.

### ARTICLE 3 OFFICERS.

Sec.1. THE OFFICERS OF THE COMPANY shall be:

A President  
A First Vice-President  
A Second Vice-President  
A Secretary.  
~~XXXXX~~ A Treasurer.

who shall hold office for one year (1), and shall hold office until their successors are elected and qualified.

3  
Sec.2. THE PRESIDENT shall preside at all meetings of the Directors and stockholders; shall have general supervision of the affairs of the company; shall sign or countersign all certificates, contracts or other instruments of the company as authorized by the Board of Directors; shall make reports to the Directors and stockholders and shall perform all such duties as are incident to his office, or are properly required of him by the

.In the absence of the Presidents the Vice-Presidents shall exercise all his functions.

Sec.3.

THE SECRETARY shall issue the required notice of meetings, shall keep full minutes of all meetings of the stockholders or Directors, with the time and place of holding same, whether regular or special, and if special, its object, how authorized, and the notice thereof given. Such record shall embrace every act done, who were present and who were absent, and if requested by any stockholder or Director, the time when he entered the meeting, the obtained leave of absence therefrom, and on similar request the protest of any stockholder or Director to any action or proposed action must be entered in full; shall have charge of the seal and the corporate books, shall sign with the President such instruments as require signature; shall perform all duties incident to his office or that may properly be required of him by the Board of Directors.

Sec.4.

THE TREASURER shall have custody of all monies and securities of the company and shall keep regular books of account, and balance the same each month. He shall sign or countersign all instruments that require his signature, shall perform all duties incident to his office, or are properly required of him by the Board, and shall give bond for the faithful performance of his duties in such sum and with such securities as may be required by the Board of Directors.

Art 1V. DIVIDENDS AND FINANCE.

Sec.1.

The monies of the Company shall be deposited in the name of the Company in such banks or trust companies as the Board of Directors shall designate, and shall be drawn out only on orders signed by the President and Secretary, which shall be authorization for the Treasurer to pay the same, by check or otherwise.

ART V. DISTRIBUTION OF WATER.

Sec 1.

The Board of Directors shall prepare a schedule and therein designate the time during which each stockholder and water user shall be entitled to use water, and the quantity he shall be entitled to use. Such schedule shall be entered in the "Book of Minutes" and shall be subject to the inspection

of all stockholders. Such schedule shall be prepared not later than the first day of April of each year. Each stockholder shall be notified at the beginning of each season of the time when he shall be entitled to use water and the quantity he shall be entitled to use during the irrigation season, and if the schedule shall be changed during the irrigation season, he shall be notified of such change. Any stockholder who shall use water of this irrigation system except at the time designated in the notice, or who shall use a greater quantity than that designated in the notice, shall be fined in the sum of not to exceed One Hundred (\$100.00) Dollars, for each such offense, and shall not be entitled to use any water until such fine is paid.

ART VI. SEAL.

Sec.1. THE CORPORATE SEAL of the Company shall consist of two (2) concentric circles between which is to be inscribed the following;

Delmore Canal Company, Limited.

Delmore, Idaho.

and within the inner circle the words,

Corporate Seal.

and such seal as impressed on the margin hereof is adopted as the Corporate seal of the Corporation.

ART VI. ADDITIONAL BY-LAWS.

Sec.1. THE BOARD OF DIRECTORS may adopt additional by-laws in conformity with these by-laws, and as they may also be adopted by the stockholders of the corporation.

ART VIII. STOCK.

Sec.1. CERTIFICATES OF STOCK shall be issued to each holder of stock in numerical order, from the stock certificate book, which shall be signed by the President and Secretary and sealed by the Secretary with the corporate seal of the Company. A record of such certificate shall be kept on the stub thereof.

5  
Sec.2. TRANSFERS OF STOCK shall be made only on the books of the Company, and before a new certificate is issued the old certificate must be surrendered for cancellation. The stock books of the Company shall be closed for transfers ten (10) days before election and dividend days.

State of Idaho.

SS.

County of Oneida)

We, the undersigned, Directors of the Delmore ~~Company~~

President.

1st Vice President

2nd VicePresident

Secretary.

Treasurer.

We, the above named and signed Directors hereby certify that

INWITNESS WHEREOF the President and Secretary of

President

Secretary.

State of Idaho. ) SS.

County of Oneida )

On this                      day of

Notary Public.

My Commission expires

16 August 1997

Idaho State Dept. of Water Resources  
900 N. Skyline Dr.  
Idaho Falls, ID 83402

Mr Jones,

I am returning the transfer cancellation paper you sent me unsigned. This is not my application for transfer of water even if my name was on it, it does not affect me in any way nor does it affect the water right of any other stockholder in the Delmore Canal Company. It is simply a matter of a person putting water he owns on a piece of ground that would be growing sagebrush and tumbleweeds if it didn't have water.

If you want this application for transfer canceled, contact the people who applied for it and will benefit from it. Curtis Morgan - Morgan Farm, Stone, Idaho and Vard Neal, Stone, Idaho who also pumps canal water through sprinklers.

I see no difference in this transfer being approved than for, any other farmer who uses his water where it is needed most to improve their crops and their livelihood. It's hard enough trying to make a living farming without this kind of hassle.

In talking to Ronald Skidmore this morning, he denied protesting this transfer and said he had no objection to Morgan's transferring the water. I don't know where the discrepancy is but there seems to be one.

Respectfully yours,



Russell P. Roe  
11066 S. 25500 W.  
Stone, Idaho 83252

**RECEIVED**  
**AUG 19 1997**  
Department of Water Resources  
Eastern Region

IN THE MATTER OF )  
APPLICATION FOR TRANSFER )  
NUMBER 5064 )  
IN THE NAME OF )  
Delmore Canal Co. )  
\_\_\_\_\_ )

WITHDRAWAL

I hereby withdraw Application for Transfer number 5064  
and ask that it be voided from the Idaho Department of Water  
Resources records.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_.

Signature: \_\_\_\_\_



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

AUGUST 14, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

DELMORE CANAL CO  
C/O RUSSELL ROE  
11066 S 25500 W  
STONE ID 83252

Mr. Roe:

It appears from your August 11, 1997, letter and our follow up telephone conversation that since the majority of canal board member oppose transfer application #5064, the application is now no longer valid.

I've enclosed a withdrawal form which I need you to sign, date and return to me.

Sincerely,

Harold W Jones  
Water Rights Supervisor

Enclosure

HWJ:sc

11 August 1997

Department of Water Resources  
Eastern District Office  
900 N. Skyline Dr.  
Idaho Falls, Idaho 83402-1718

Dear Mr. Jones,

In reply to your letter of August 7, 1997 concerning the duties and powers of the president of the Delmore Canal Company. There is a ruling body of five (5) directors, elected by the stockholder's at the annual meeting in March, one vote for each share of water owned, Of which I own twelve (12) shares, the least in the company. In order to change policy, three of the directors, or a majority must approve of it and that's the way things are done to this day and anyone who has accused me of using my position to make change doesn't know what they are talking about.

The matter you are writing about must be about Morgan Farm's asking me if I had any objection to them using their own water on a piece of leased ground and to which your office gave it's approval. I didn't and still don't have any objection and told them so but didn't know my name and office would be used on their fileing for this transfer. I'd appreciate knowing who my accuser is but guess that is to much to expect.

I do not have access to a copy of the By-laws of the company, you need to get them from the company secretary; Gale Neal - Stone, Idaho 83252. Phone: (208) 698-3567. You can contact him, I don't want to be accused of taking over his job.

It's a sad commentary in today's world when a couple of grown men with a chip on their shoulder and a personal dislike for me can involve the State Water Board and stir up so much trouble instead of coming to me and talk it over like men.

Yours truly,

*Russell P. Roe*

Russell P. Roe Pres.  
Delmore Canal Co.  
11066 S. 25500 W.  
Stone, Idaho 83252

**RECEIVED**

**AUG 12 1997**

Department of Water Resources  
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

AUGUST 7, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

DELMORE CANAL COMPANY  
C/O RUSSELL ROE  
11066 S 25500 W  
STONE ID 83252

Mr. Roe:

This office has received notice that questions the authority of the president of the Delmore Canal to apply for a change in status of the canal's water right.

I need a copy of your canal's by-laws that demonstrate that the president of the canal can act independently of the canal board members in proposing a change.

I will need a reply in writing within 15 days of this letter with copies of the by-laws. If you have any questions, please let me know.

Sincerely,

Harold W Jones  
Water Rights Supervisor

HWJ:sc



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

EASTERN REGION  
May 27, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

RUSSELL K BOYER  
10101 S 21000 W  
STONE ID 83252

RE: Application for Transfer No. 5064

Dear Mr. Boyer:

This letter acknowledges receipt of the protest filed by you against the above referenced application for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute enlargement in the use of the original right?
3. Is the change consistent with the conservation of water resources within the state of Idaho?
4. Does the change conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question.

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

Respectfully submitted,

*Harold W. Jones*  
HAROLD W. JONES  
Water Rights Supervisor

HWJ/rb

cc: IDWR - State Office



# State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION  
May 27, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

TOM WILCOCK  
PO BOX 662  
SNOWVILLE ID 84336

RE: Application for Transfer No. 5064

Dear Mr. Wilcock:

This letter acknowledges receipt of the protest filed by you against the above referenced application for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

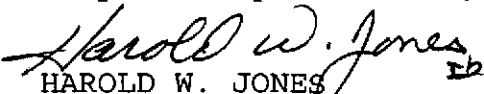
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2. Does the change constitute enlargement in the use of the original right?
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4. Does the change conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question.

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

Respectfully submitted,

  
HAROLD W. JONES  
Water Rights Supervisor

HWJ/rb

cc: IDWR - State Office



# State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION  
May 27, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

CLYRON W. MILLS  
C/O DAVID L. EVANS ATTORNEY  
137 E 50 S  
MALAD CITY ID 83252

RE: Application for Transfer No. 5064

Dear Mr. Evans:

This letter acknowledges receipt of the protest filed by you against the above referenced application for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute enlargement in the use of the original right?
3. Is the change consistent with the conservation of water resources within the state of Idaho?
4. Does the change conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question.

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

Respectfully submitted,

  
HAROLD W. JONES  
Water Rights Supervisor

HWJ/rb

cc: IDWR - State Office

RECEIVED

3/98

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
NOTICE OF PROTEST

RECEIVED

MAY 16 1997

Department of Water Resources

Department of Water Resources  
Eastern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Proposed Change of a Water Right No. T5064
2. Name of protestant Clyron W. Mills
3. Protestant's representative for service (If different than protestant)  
David L. Evans, Attorney at Law
4. Service mailing address 137 E. 50 S., Malad City, Idaho 83252
5. Service telephone no. 208-766-2201
6. Basis of protest (including statement of facts and law upon which the protest is based)  
See attached Exhibit "A".

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? A statement in writing that clearly shows what parcels of land are being omitted from the current place of use and the new parcel where the ground water will be used and a commitment in writing that the water rights to protestants property will not be affected or modified in any manner whatsoever.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 15th day of May, 19 97.

Clyron W. Mills  
PROTESTANT

David L. Evans  
PROTESTANT'S REPRESENTATIVE

**NOTE:**

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

**INSTRUCTIONS**

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. \_\_\_\_\_ in the name of \_\_\_\_\_" or "Application for Transfer No. \_\_\_\_\_ in the name of \_\_\_\_\_."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

**FOR DEPARTMENT USE ONLY**

Received by HWT Date 5-16-97 Time 1:33 pm  
\$25.00 fee Received by HWT # EO28230 Date 5-16-97

|                                          |                         |                     |
|------------------------------------------|-------------------------|---------------------|
| Post-It™ brand fax transmittal memo 7671 |                         | # of pages <u>2</u> |
| To <u>DAVID EVANS</u>                    | From <u>J. THOMPSON</u> |                     |
| Co. <u>410 SHARER</u>                    | Co.                     |                     |
| Dept.                                    | Phone #                 |                     |
| Fax #                                    | Fax #                   |                     |

## **EXHIBIT "A"**

The Notice of Proposed Change of a Water Right as set forth in the Idaho Enterprise on May 1<sup>st</sup> and 8<sup>th</sup>, 1997, indicates that the Applicant, Delmore Canal Company, intends to modify the place of use pertaining to acreage owned by the Protestant, Clyron W. Mills. The Protestant is a stockholder of Delmore Canal Company, and hence, the Applicant has no right to change the place of use of the ground water in question from that subject property of the Protestant which is located in Section 20, Township 16 South, Range 32 East, Boise Meridian.

# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

### NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Transfer # 5064 - Delmore Canal
2. Name of protestant Russell K. Boyer
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 10101 S. 21000 W. Stone ID. 83252
5. Service telephone no. 208-698-3354 or 801-279-5426

6. Basis of protest (including statement of facts and law upon which the protest is based)

Under the law #42-222 this transfer of water on the Delmore Canal will injure my water rights and other stock holders that do not have their property on the list of currently irrigated lands. This Application #5064 of transfer was not done with consent of all the Board of Directors. It was done for the personal gain of one board member.  
(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? A new and amended water transfer with a correct land list of all land that is currently being watered with Delmore Canal & pump water that was not on the application #5064.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 15 day of May, 19 97.

Russell K. Boyer  
PROTESTANT

PROTESTANT'S REPRESENTATIVE

Ronald Skidmore Treasurer Delmore Canal Co.  
Spale Neal Sec.  
Mike Stued Vice President

**NOTE:**

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

---

**INSTRUCTIONS**

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. \_\_\_\_\_ in the name of \_\_\_\_\_" or "Application for Transfer No. \_\_\_\_\_ in the name of \_\_\_\_\_."
  2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
  3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
  4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
  5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
  6. Specifically describe the nature of the protest.
  7. Describe the relief being sought by the protestant.
- 

**FOR DEPARTMENT USE ONLY**

Received by HWT Date 5-19-97 Time 10:52 am  
\$25.00 fee Receipted by HWT # EQ23240 Date 5-19-97

George G Neal

---

Burr Withock

Vard Neal

W. Allen Neal

Jess Shovell

Ross F Anderson

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
NOTICE OF PROTEST**

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Transfer 5064 - Delmore Canal
- ✓ 2. Name of protestant Tom Wilcock
3. Protestant's representative for service (If different than protestant)  
\_\_\_\_\_
- ✓ 4. Service mailing address P.O. Box 662 Snowville ut. 84336
- ✓ 5. Service telephone no. 801-872-8241
6. Basis of protest (including statement of facts and law upon which the protest is based)  
(42-222 Provided no other water rights are injured.) As a  
stock holder in the Delmore which holds water rights # 17-02068  
I have irrigated in the SE 1/4 of Sec 20 since I bought the  
ranch. I see now it is not under right # 17-02068 and I believe  

(additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? A new application done by the Board  
to bring all the previous irrigated ground under permit  
# 17-02068 and to forget watering new ground.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 13 day of May, 19 97.

Tom Wilcock  
PROTESTANT

\_\_\_\_\_  
PROTESTANT'S REPRESENTATIVE

**NOTE:**

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

---

**INSTRUCTIONS**

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. \_\_\_\_\_ in the name of \_\_\_\_\_" or "Application for Transfer No. \_\_\_\_\_ in the name of \_\_\_\_\_."
  2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
  3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
  4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
  5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
  6. Specifically describe the nature of the protest.
  7. Describe the relief being sought by the protestant.
- 

**FOR DEPARTMENT USE ONLY**

Received by HWT Date 5-13-97 Time 10:05 AM  
\$25.00 fee Receipted by HWT # E02321C Date 5-13-97

May 13, 1997

my own irrigated acreage would be hurt.  
I believe the B.L.M. ground being abandoned  
should be transferred to ground that has been  
irrigated for 75 years or longer. All the ground in  
the SE  $\frac{1}{4}$  of sec. 20 has been irrigated this long.

Furthermore the officers of the Delmore  
that signed the transfer application had no  
authority to do so from the Directors. It was  
done for apparent beneficial gain by a very few.

This change is an attempt to irrigate  
ground that had a cease and desist order on it.

This application should be disregarded on  
several grounds of which I've named just a few.

Thanks  
Tom Wilcox

Stockholder  
Delmore Canal Co.

#

2313

**AFFIDAVIT OF PUBLICATION**

STATE OF IDAHO )

) ss.

COUNTY OF ONEIDA )

Kristine D. Smith, begin duly sworn, deposes and says: That she is the publisher of *THE IDAHO ENTERPRISE*, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said newspaper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; 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 newspaper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said newspaper 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 1, 19 97, and ending with the issue of May 8, 19 97.

Kristine D. Smith

STATE OF IDAHO )

COUNTY OF ONEIDA )

On this 16 day of May in the year of 1997, before me, Theresa Nieffenegger, a Notary Public, personally appeared Kristine D. Smith, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Theresa Nieffenegger  
Notary public for Idaho  
Residing at Malad City, Idaho  
My commission expires: Jan 13, 2001

**PUBLIC NOT****NOTICE OF PROPOSED  
CHANGE OF A WATER RIGHT  
NO. T5064**

Notice is hereby given that Delmore Canal Co., c/o Russel Roe, 11066 S. 25500 W. Stone, ID 83252 has applied to the Department of Water Resources to change place of use of the right listed below. The right sought to be changed is evidenced by a license and recorded as follows: License No.: 17-02068

Source: groundwater

Amount: 15.45 cfs

Priority: 05/04/1967

Point (s) of Division: SENE NESW  
SEC 33 NENE SEC 34 T15S  
R32E, B.M.

The water is used for irrigation of 3,421 acres from 04/01 to 11/01 within SEC 32, 34, T15S, R32E, B.M.; SEC 3, 4, 5, 8, 9, 10, 15, 16, 17, 20, 21, 22, 28, 29, T16S, R32E, B.M.

**TO BE CHANGED AS  
FOLLOWS:**

The applicant intends to modify acreage in SEC 8, 15, 17, 20, T16S, R32E, B.M. The modified acres are in the SW1/4 AND S1/2SE1/4 SEC 8, (217 acres); N1/2NW1/4, SWNW, NWSW, SEC 15, (122 acres); NE 1/4 SEC 17, 9 (148 acres); S1/2NW1/4 NENW SEC 20 (278 acres), T16S, R32E, B.M. The total irrigated acres for the Delmore Canal Co. remains at 3,421 acres.

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 May 19, 1997. The protestant must also sent a copy of the protest to the applicant.

KARL J. DREHER  
Director

Published in the Idaho Enterprise  
on May 1 & 8, 1997.

RECEIVED  
MAY 14 1997

Department of Water Resources  
Eastern Region

# The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040

## LEGAL ADVERTISING INVOICE

Amount Due

\$57.12

|                                                                                                                     |                                                      |                  |                |
|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|------------------|----------------|
| Account Number/Trans. #                                                                                             | Identification                                       |                  |                |
| 100564                                                                                                              | Notice of Proposed Change of a Water Right No. T5064 |                  |                |
| Ordered By                                                                                                          | P.O. Number                                          | Rate             | Run Dates      |
| Rita Bodell                                                                                                         |                                                      | NT               | May 1, 8, 1997 |
| Rita Bodell<br>STATE OF IDAHO<br>Department of Water Resources<br>900 N. Skyline Drive<br>Idaho Falls ID 83402-1718 |                                                      | Estimated Inches | Real Inches    |
|                                                                                                                     |                                                      | # Affidavits     | Legal Number   |
|                                                                                                                     |                                                      | 1                | 7555           |

RB

### LEGAL NOTICE

#### NOTICE OF PROPOSED CHANGE OF WATER RIGHTS T5064

Notice is hereby given that Delmore Canal Co., c/o Russell Roe, 11066 S. 25500 W. Stone, ID 83252 has applied to the Department of Water Resources to change place of use of the right listed below. The right sought to be changed is evidenced by a license and recorded as follows:

License No: 17-02068 Source: groundwater  
Amount: 15.45 cfs Priority: 05/04/1967  
Point(s) of Diversion: SENE NESW SEC 33  
NENE SEC 34 T15S R32E, B.M.

The water is used for irrigation of 3,421 acres from 04/01 to 11/01 within SEC 32, 34, T15S, R32E, B.M.; SEC 3, 4, 5, 8, 9, 10, 15, 16, 17, 20, 21, 22, 28, 29, T16S, R32E, B.M.

#### TO BE CHANGED AS FOLLOWS:

The applicant intends to modify acreage in SEC 8, 15, 17, 20, T16S, R32E, B.M. The modified acres are in the SW1/4 AND S1/2SE1/4 SEC 8, (217 acres); N1/2NW1/4, SWNW, NWSW, SEC 15, (122 acres); NE1/4 SEC 17, (148 acres); NE1/4, S1/2NW1/4 NENW SEC 20 (278 acres), T16S, R32E, B.M. The total irrigated acres for the Delmore Canal Co. remains at 3,421 acres.

Any protests against approval of the proposed change must be filed with the Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25.00 on or before May 19, 1997. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director  
Pub. May 1 & 8, 1997

(7555)

JANICE HILDRETH

, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two

☒ consecutive weekly

single

☐ consecutive daily

☐ odd skip

insertion(s) beginning with the issue of

May 1

1997

and ending with the issue of

May 8

1997

*Janice Hildreth*

STATE OF IDAHO )

ss.

COUNTY OF ADA )

On this 8th day of May in the year of 1997

, before me, a Notary Public, personally appeared JANICE HILDRETH known or identified

to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

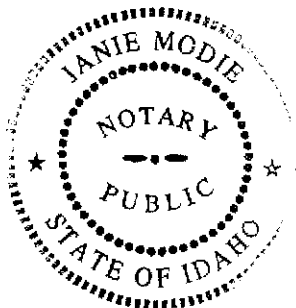
*Janice Modie*

Notary Public for Idaho  
Residing at:

Boise, Idaho

My commission expires:

5/03



# Affidavit of Publication

## NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T5064

Notice is hereby given that Delmore Canal Co., c/o Russell Roe, 11066 S 25500 W. Stone, ID 83252 has applied to the Department of Water Resources to change place of use of the right listed below. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 17-02068 Source: groundwater  
Amount: 15.45 cfs Priority: 05/04/1967  
Point(s) of Diversion: SENE NESW SEC 33 NENE SEC 34 T15S R32E, B.M.

The water is used for irrigation of 3,421 acres from 04/01 to 11/01 within SEC 32, 34, T15S, R32E, B.M.; SEC 3, 4, 5, 8, 9, 10, 15, 16, 17, 20, 21, 22, 28, 29, T16S, R32E, B.M.

### TO BE CHANGED AS FOLLOWS:

The applicant intends to modify acreage in SEC 8, 15, 17, 20, T16S, R32E, B.M. The modified acres are in the SW¼ and S½ SE¼ SEC 8, (217 acres); N½ NW¼, SWNW, NWSW, SEC 15, (122 acres); NE¼ SEC 17, (148 acres); NE¼, S½NW¼ NENW SEC 20 (278 acres), T16S, R32E, B.M. The total irrigated acres for the Delmore Canal Co. remains at 3,421 acres.

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 May 19, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

PUBLISH: May 1 and 8, 1997

OF IDAHO  
COUNTY OF TWIN FALLS } SS.

No 29334

Ruby Aufderheide being first duly sworn upon oath, depose that I am principle clerk of the TIMES-NEWS, published daily, at Idaho, and do solemnly swear that a copy of the notice of advertisement, as per attached, was published in the regular and entire issue of said newspaper, and not in any part thereof, for TWO consecutive Weeks, beginning with the issue dated 5-1, 19 97, and ending with the issue dated 5-8, 19 97.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Sunday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

IDAHO  
COUNTY OF TWIN FALLS

8th day of May in the year of 1997, before me, Ruby Aufderheide, a Notary Public for Idaho, personally appeared Ruby Aufderheide, identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho  
Residing at Twin Falls, Idaho.  
My commission expires: 5/19/2000

TRIBUNE PUBLISHING COMPANY, INC.  
The Lewiston Morning Tribune  
505 C St., P.O. Box 957  
Lewiston, Idaho 83501  
(208) 743-9411

## LEGAL ADVERTISING INVOICE

Date 05/08/97 INVOICE NO. 142296  
Account No. 446600  
Description 142296NOTICEOFPROPOSED  
Times 2 Lines 25  
Tab. Lines \_\_\_\_\_  
RECEIVED  
MAY 12 1997  
Department of Water Resources  
Eastern Region

SOLD TO: IDAHO DEPT. OF WATER RESOURCES  
900 N. SKYLINE  
IDAHO FALL ID 83402

\$ 75.00

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.  
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.  
County of Nez Perce

Karen Lewis, being duly sworn, deposes and says, I am  
the Legal Clerk of the Tribune Publishing Company, a corporation  
organized and existing under and by virtue of the laws of the  
State of Idaho, publishers of the LEWISTON MORNING TRIBUNE,  
a newspaper of general circulation published at Lewiston, Nez Perce County,  
Idaho; That the said Lewiston Morning Tribune is an established newspaper  
and has been published regularly and issued regularly at least once a day  
for more than 21 consecutive years next immediately preceding the first  
publication of this notice, and has been so published uninterrupted for  
said period; that the 142296NOTICEOF attached hereto and which is made  
a part of this affidavit was published in the said Lewiston Morning Tribune,  
2 time(s). Publication being on 05/01, or once a WEEK  
for 2 consecutive WEEKS, the first publication thereof being on  
the 05/01/97, and the last publication thereof being on  
the 05/08/97, and said 142296NOTICEOF was so published in the  
regular and entire issue of said newspaper and was not in a supplement  
thereof and was so published in every issue and number of the said  
paper, during the period and times of publication as set forth above.

SUBSCRIBED AND SWORN BEFORE ME THIS THE \_\_\_\_\_

day of \_\_\_\_\_ 1997

Notary Public in and for the State of Idaho,  
residing at Lewiston, therein  
Commission Expires \_\_\_\_\_

142296

### NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T5064

Notice is hereby given that Delmore Canal Co., c/o Russell Roe, 11066 S 25500  
W. Stone, ID 83252 has applied to the Department of Water Resources to change  
place of use of the right listed below. The right sought to be changed is evidenced  
by a license and recorded as follows:

License No. 17-02068 Source: groundwater  
Amount: 15.45 cfs Priority: 05/04/1967

Point(s) of Diversion: SENE NESW SEC 33 NEME SEC 34 T15S R32E, B.M.

The water is used for irrigation of 3,421 acres from 04/01 to 11/01 within SEC  
32, 34, T15S, R32E, B.M.; SEC 3, 4, 5, 8, 9, 10, 15, 16, 17, 20, 21, 22, 28, 29, T16S,  
R32E, B.M.

#### TO BE CHANGED AS FOLLOWS

The applicant intends to modify acreage in SEC 8, 15, 17, 20, T16S, R32E, B.M.  
The modified acres are in the SW1/4 AND S1/2SE1/4 SEC 8, (217 acres); N1/  
2NW1/4, SWNW, NWSW, SEC 15 (122 acres); NE1/4 SEC 17 (148 acres); NE1/4,  
E1/2NW1/4 NENW SEC 20 (278 acres), T16S, R32E, B.M. The total irrigated  
acres for the Delmore Canal Co. remains at 3,421 acres.

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 May 19, 1997. The protestant must  
also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in the Lewiston Morning Tribune on May 1 & 8, 1997.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

April 28, 1997

RUSSELL ROE  
DELMORE CANAL CO  
11066 S 25500 W  
STONE ID 83252

RE: Notice of Application for Transfer No. 5064

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application for transfer of water right 17-02068. This office is currently in the process of advertising the application in the Idaho Enterprise & statewide on May 1 & 8, 1997. 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.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a transfer is issued, you will be sent a copy. A typical processing time for an unprotested application is about twelve weeks.

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

Sincerely,

  
Harold W. Jones  
Water Right Supervisor

HWJ/rb



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

April 25, 1997

CLASSIFIED ADS  
LINDA PORTER  
IDAHO STATESMAN  
PO BOX 40  
BOISE ID 83707

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

Dear Publisher:

Enclosed you will find a legal notice which we wish to have 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 May 19, 1997.

Yours truly,

*Rita Bodell*  
Rita Bodell  
Secretary

Enc.

*Filed H-25-97*

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT  
NO. T5064

Notice is hereby given that Delmore Canal Co., c/o Russell Roe, 11066 S 25500 W. Stone, ID 83252 has applied to the Department of Water Resources to change place of use of the right listed below. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 17-02068                      Source: groundwater  
Amount: 15.45 cfs                      Priority: 05/04/1967  
Point(s) of Diversion: SENE NESW SEC 33 NENE SEC 34 T15S R32E, B.M.

The water is used for irrigation of 3,421 acres from 04/01 to 11/01 within SEC 32, 34, T15S, R32E, B.M.; SEC 3, 4, 5, 8, 9, 10, 15, 16, 17, 20, 21, 22, 28, 29, T16S, R32E, B.M.

TO BE CHANGED AS FOLLOWS:

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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 May 19, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER  
Director

Published in the Idaho Statesman on May 1 & 8, 1997.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

April 25, 1997

CLASSIFIED ADS  
KAREN LEWIS  
LEWISTON MORNING TRIBUNE  
PO BOX 957  
LEWISTON ID 83501

PHILIP E. BATT  
GOVERNOR

KARL J. DREIER  
DIRECTOR

Dear Publisher:

Enclosed you will find a legal notice which we wish to have 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 May 19, 1997.

Yours truly,

Rita Bodell  
Secretary

Enc.

*Filed 4-25-97*

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT  
NO. T5064

Notice is hereby given that Delmore Canal Co., c/o Russell Roe, 11066 S 25500 W. Stone, ID 83252 has applied to the Department of Water Resources to change place of use of the right listed below. The right sought to be changed is evidenced by a license and recorded as follows:

License No.: 17-02068                      Source: groundwater  
Amount: 15.45 cfs                      Priority: 05/04/1967  
Point(s) of Diversion: SENE NESW SEC 33 NENE SEC 34 T15S R32E, B.M.

The water is used for irrigation of 3,421 acres from 04/01 to 11/01 within SEC 32, 34, T15S, R32E, B.M.; SEC 3, 4, 5, 8, 9, 10, 15, 16, 17, 20, 21, 22, 28, 29, T16S, R32E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to modify acreage in SEC 8, 15, 17, 20, T16S, R32E, B.M. The modified acres are in the SW1/4 AND S1/2SE1/4 SEC 8, (217 acres); N1/2NW1/4, SWNW, NWSW, SEC 15, (122 acres); NE1/4 SEC 17, (148 acres); NE1/4, S1/2NW1/4 NENW SEC 20 (278 acres), T16S, R32E, B.M. The total irrigated acres for the Delmore Canal Co. remains at 3,421 acres.

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 May 19, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER  
Director

Published in the Lewiston Morning Tribune on May 1 & 8, 1997.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

April 25, 1997

CLASSIFIED ADS  
RUBY AUSDERHEIDE  
TIMES NEWS  
PO BOX 548  
TWIN FALLS ID 83303

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

Dear Publisher:

Enclosed you will find a legal notice which we wish to have 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 May 19, 1997.

Yours truly,

Rita Bodell  
Secretary

Enc.

*Filed 4-25-97*

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KARL J. DREHER  
Director

Published in the Times News on May 1 & 8, 1997.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

April 25, 1997

CLASSIFIED ADS  
IDAHO ENTERPRISE  
PO BOX 205  
MALAD CITY ID 83252

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

Dear Publisher:

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

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Please send the affidavit of publication and publication billing to this office before May 19, 1997.

Yours truly,

*Rita Bodell*  
Rita Bodell  
Secretary

Enc.

*Filed 4-25-95*

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NO. T5064

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KARL J. DREHER  
Director

Published in the Idaho Enterprise on May 1 & 8, 1997.

May 14, 1974

Re: Permit No. 17-2068'

Delmore Canal Company, Ltd.  
Stone,  
Idaho 83280

Gentlemen:

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

We are also enclosing a copy of the approved amendment along with Receipt #14432 in the amount of \$10.00.

Sincerely,

BOBBY D. FLEENOR  
Assistant Director

ta

Enclosures

17-2068

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION  
STATE OFFICE



Cecil D. Andrus  
Governor

R. Keith Higginson  
Director

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

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

April 15, 1974

Delmore Canal Company, LTD.  
Stone,  
Idaho 83280

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 33630/17-2068 and has found the following:

Quantity of water idverted: 15.45 cfs

Amount of water that can be recognized as beneficially used under  
Idaho law: 15.45 cfs

The maximum quantity dverted shall not exceed 6,547 acre feet per year.

Beneficial use: For irrigation of 3,421 acres (See Land List Attachment).

Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 33; NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 34; Twp. 15 S,  
Rge. 32 E, B.M.

Priority date established: May 4, 1967

The land being irrigated was found by our examiner to differ from that listed under your permit, therefore, it will be necessary for you to amend the permit before a water license can be issued. We are enclosing a partially completed application for amendment for your use. Please sign the application and return it to this office with a \$10.00 filing fee within 20 days of the date of this letter in order that we may issue a water license as set forth above.

If you do not concur with these findings or have any questions, please contact this office within the 20 day period.

Sincerely,

*Bobby D. Fleenor*

BOBBY D. FLEENOR  
Assistant Director

jfr

Enclosure

17-2068

May 8, 1974

Re: Permit No. 33630/17-2068

Delmore Canal Company, LTD.  
Stone,  
Idaho 83280

Dear Sirs:

On April 15, 1974 we forwarded an application for amendment to you and requested that you amend your permit prior to issuance of a water license. As of this date, we have not heard from you regarding this matter. Please submit the application for amendment along with the \$10.00 filing fee within 10 days so that we may issue a water license on the above referenced permit.

If you do not concur with these findings or have any questions, please contact this office within the 10 day period in order to keep the permit in good standing.

Sincerely,

BOBBY D. FLEENOR  
Assistant Director

BDF:JFR

17-2068

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION  
STATE OFFICE



Cecil D. Andrus  
Governor

R. Keith Higginson  
Director

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

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

April 15, 1974

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Stone,  
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Sincerely,

BOBBY D. FLEENOR  
Assistant Director

jfr

Encl;

17-2068

## FIELD REPORT

1. Name of permit holder Delmore Canal Company, Ltd.

Post office address Stone, Idaho 83280

Phone ~~600~~ 26 1973

Person to contact

~~Department of Water Administration~~  
Eastern District Office

2. Source of water supply: Groundwater ☒ Surface water ☐

(name spring, stream, etc.)

Tributary to

3. Water will be used for the following purposes:

Amount 24 c.f.s. for irrigation  
           AF/Annum (nature of use)

Period of Use: from April 1 to Nov. 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: \_\_\_\_\_

4. Total amount to be appropriated:

Max Rate of Diversion 24 cubic feet per second and annual volume \_\_\_\_\_ AF/Annum.

5. Location of Point(s) of Diversion:

Township 15S N/S, Range 32E E/W, B.M., Section 33, Subdivision SE NE ¼ NE SW ¼, Oneida  
County

Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section 34, Subdivision NE ¼ NE ¼, Oneida  
County

Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W, B.M., Section \_\_\_\_\_, Subdivision \_\_\_\_\_ ¼ \_\_\_\_\_ ¼, \_\_\_\_\_  
County

Other Points of Diversions:

Description of diverting works: 200 hp electric motor, 16" bowls pump, 20" casing, well is 400' deep.  
Water is discharged into canal and distribution system of Company.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

\* ~~Map~~ attached. *land list*

[illegible]

17-20 TOTAL ACREAGE





THIS PHOTO COPY IS NOT TO SCALE  
70 FLIGHT



1766 2954

Countersigned:

STATE OF IDAHO

(SEAL)

By /s/ DON SAMUELSEN

Governor

By /s/ PETE T. CENARRUSA

Secretary of State

12.

| Twp. | Range | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |                   |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------------------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |                   |
| 15 S | 32 E  | 34   |        |        | 40     |        |        |        | 40     | 40     | 40     | 40     |        |        | 40     | 40     | 40     | 40     | 40     | DXH-3LL-94        |
| 16 S | 32 E  | 3    | 33     | 33     |        |        | 34     | 35     |        |        | 40     | 40     | 40     | 40     |        | 40     | 40     |        | 375    | DXH-3LL-94        |
|      |       | 4    | 35     | 36     |        |        | 36     | 36     |        |        |        |        |        |        | 40     |        | 40     | 40     | 253    | DXH-3LL-135       |
|      |       | 5    |        |        |        |        | 37     |        |        |        |        |        |        |        |        |        |        |        | 37     | DXH-3LL-135       |
|      |       | 6    |        |        |        | 40     |        |        |        |        |        |        |        |        | 40     |        |        | 40     | 120    | DXH-3LL-135 + 137 |
|      |       | 7    | 40     | 40     | 40     | 40     |        |        | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 560    | " " " + 137       |
|      |       | 8    |        |        |        |        | 40     | 40     |        |        |        |        |        |        |        |        |        |        | 60     | DXH-3LL-92        |
|      |       | 9    |        |        |        |        |        |        |        |        |        |        | 40     |        |        |        |        | 40     | 40     | " " "             |
|      |       | 10   |        |        |        |        |        |        |        |        |        |        |        |        | 40     | 40     | 40     | 40     | 200    | DXH-3LL-137       |
|      |       | 11   | 40     |        |        |        |        |        |        |        |        |        |        |        | 40     | 40     | 40     | 40     | 320    | " " " + 139       |
|      |       | 12   | 40     | 40     | 40     | 40     |        |        |        |        |        |        |        |        | 40     | 40     | 40     | 40     | 320    | " " " + 139       |
|      |       | 13   | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 600    | " " " "           |
|      |       | 14   |        |        |        |        | 40     | 40     |        |        | 40     |        |        |        |        |        |        |        | 120    | DXH-3LL-90        |
|      |       | 15   |        | 40     |        |        | 40     |        | 40     |        |        |        |        |        |        |        |        |        | 160    | DXH-3LL-139       |
|      |       | 16   | 40     |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 40     | 40     | " " "             |
| 15 S | 32 E  | 33   |        |        |        |        |        |        |        |        | 25     | 15     | 40     | 40     | 40     | 40     | 40     | 40     | 250    | DXH-3LL-135       |
|      |       | 32   |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 10     | 10     | " " "             |

Total number of acres to be irrigated:

3865.00 ACRES

DXH-3LL-96 } canal  
" " 76 }



Permit # 17-2068

17-2068

Ross Anderson  
 Kyle Steele  
 Lots 165

15.5  
 450  
 7750  
 420  
 49750

15.5  
 450  
 7750

DATE OF EXAM 8/15/73

Flow measurements on  
8/15/73 by NCH +  
RDC

ACREAGE  
Found 3,421  
Recommended 3421

LAND List reviewed by  
Bill Rhoads on 3/26/74.

Irrigation Requirement 4.0 Ac Ft/Ac

USE

Irrigation Q = 15.45 c.f.s. V = 6895 AF/Ann. from Apr to Nov  
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 X

Name source exchanged with: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ County

Point of injection: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ County

Point of exchange: \_\_\_\_\_  
twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ County

Total Q measured 15.45 cts Method of measurement Sparkling & Weirs

Total Q recommended 15.45 cts Meter No. 61016 Type Sparkling Condition Good

Total V recommended 225 days x 1.9835 x 15.45 cts =  
6895 AF/Ann

Recommended Amendments:

P.D. \_\_\_\_\_  
Place of Use X \_\_\_\_\_  
Other \_\_\_\_\_  
None \_\_\_\_\_

MEASUREMENT CALCULATION:

East well - 0.01 A-F in 70 sec = 4.85 cts  
Middle well - 1.55 ft on 3 ft Rectangular weir = 4.08 cts (suppressed)  
West well - 1.78 ft on 3 ft Rectangular weir = 6.52 cts  
TOTAL 15.45 cts

SYSTEM DESCRIPTION:

East well - 200 hp Holostruff elec SN. HC1029753  
Layne & Bouler - S.N. D23684 2550 gpm @ 250'  
Middle well - 200 hp Holostruff elec SN. HC1029754  
Layne & Bouler - S.N. D23685 2550 gpm @ 250'  
West well - 200 hp Holostruff elec SN. C1005075  
Layne & Bouler pump - S.N. D23686 3150 gpm @ 190'

REMARKS:

Wells pump into Delmore Canal  
System & Land shown by George Neil Stone Id.

Examiner's Signature William Rhoads Date MAR 28, 1974

Checked by Ralph Carlson Date 3/28/74

Approved by \_\_\_\_\_ Date \_\_\_\_\_

17-2068

June 19, 1973

Re: Permit No. G-33630/17-2068

Delmore Canal Company, Ltd.  
Stone,  
Idaho 83280

Gentlemen:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a water license can be issued, a field examination must be made by a representative of 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 exam so that you may show him the system.

If you have any questions regarding the field exam, please contact our Eastern District Office at 240 South Holmes, Idaho Falls, Idaho.

Sincerely,

D. Darlene Reich  
Water Rights Supervisor

DDR:jc

17 2068

E. L. SCOTT  
ATTORNEY AT LAW  
26 COURT STREET  
MALAD CITY, IDAHO 83252  
TELEPHONE 766-4000

RECEIVED  
JUN 6 1973  
June 5, 1973

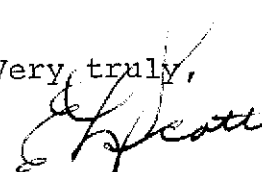
STATE OF IDAHO  
Department of Water Administration  
614 State St.  
Statehouse Annex II  
Boise, Idaho 83707

Re: Permit No. 33630/17-2068  
Delmore Canal Company, Ltd.

Gentlemen:

Please find enclosed the "Proof of Application of Water to Beneficial Use" in connection with the above-identified Permit.

Very truly,

  
E. L. Scott

ELS:eh  
encl:

JUN 21 1973

**STATE OF IDAHO**  
**DEPARTMENT OF RECLAMATION**

**PROOF OF APPLICATION OF WATER TO BENEFICIAL USE**

**RECEIVED**  
**JUN 6 1967**

1. a) Name of Permit Holder DELMORE CANAL COMPANY, LTD.  
b) Post Office Address STONE, IDAHO 83280
2. Permit Number 33630/17-2068
3. Date of Priority that you are prepared to establish MAY 4, 1967
4. a) Source from which water was appropriated SUBTERRANEAN  
b) Location of the point of diversion: NE 1/4 SW 1/4, Section 33  
Township 15 S., Range 32 EAST, Boise Meridian, Other points of diversion: NE 1/4 NE 1/4 SEC. 34, T. 15 S. R. 32 EAST, B.M. and SE 1/4 NE 1/4 SEC. 33, T. 15 S., R. 32 EAST, B.M.
5. a) The amount of water and use to which the water has been applied:  
amount 24 c.f.s. for IRRIGATION purposes from APRIL 1 to SEPT. 15 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)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ incl.  
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)  
b) Total amount appropriated 24 c.f.s. 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: LAYNE & BOWLER PUMP CO. made measurement by discharging into a concrete catch box and quantity of water measured through weir.
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: \_\_\_\_\_  
b) Describe the agreement or understanding by which you take water from the works: \_\_\_\_\_
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) 200 H.P. Electric motor, 16" bowls pump, 20" casing, well is 400' deep. Water is discharged into canal and distribution system of Company.  
b) Describe the type and size of measuring device which you have installed at your point of diversion: Concrete catch box equipped w/ weir.  
c) Give well drillers name and address and date the well was completed Raymond Yarborough  
Snowville, Utah.  
Well was completed in May, 1967

17 2068

JUN 18/1967

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use \_\_\_\_\_

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

[illegible]

Total number of acres irrigated 3965.0

10. Remarks: \_\_\_\_\_

6/5/73  
(Date)

George H. M. Africa  
(Signature)

State of Idaho )  
County of Oneida ) ss.

On this 5<sup>th</sup> day of June, 19 73, personally appeared before me the  
signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at Malad Idaho

My commission expires 5/19/75

Countersigned:

STATE OF IDAHO

(SEAL)

By /s/ DON SAMUELSON

Governor

By /s/ PETE T. CENARRUSA

Secretary of State

12.

| 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 $\frac{1}{4}$ |              |
| 15 S                                   | 32 E  | 34   |                  |                  | 40               |                  |                  |                  | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 440          |
| 16 S                                   | 32 E  | 3    | 33               | 33               |                  |                  | 34               | 35               |                  |                  | 40               | 40               | 40               | 40               |                  | 40               | 40               |                  | 375          |
|                                        |       | 4    | 35               | 36               |                  |                  | 36               | 36               |                  |                  |                  |                  |                  |                  | 40               |                  | 40               | 40               | 263          |
|                                        |       | 5    |                  |                  |                  |                  | 37               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 37           |
|                                        |       | 8    |                  |                  |                  | 40               |                  |                  |                  |                  |                  |                  |                  |                  | 40               |                  |                  | 40               | 120          |
|                                        |       | 9    | 40               | 40               | 40               | 40               |                  |                  | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 560          |
|                                        |       | 10   |                  |                  |                  |                  |                  | 40               | 40               |                  |                  |                  |                  |                  |                  |                  |                  |                  | 80           |
|                                        |       | 15   |                  |                  |                  |                  |                  |                  |                  |                  | 40               |                  |                  |                  |                  |                  |                  |                  | 40           |
|                                        |       | 16   | 40               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 40               | 40               | 40               | 40               | 200          |
|                                        |       | 17   | 40               | 40               | 40               | 40               |                  |                  |                  |                  |                  |                  |                  |                  | 40               | 40               | 40               | 40               | 320          |
|                                        |       | 20   | 40               | 40               | 40               | 40               |                  |                  |                  |                  |                  |                  |                  |                  | 40               | 40               | 40               | 40               | 320          |
|                                        |       | 21   | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 40               | 600          |
|                                        |       | 22   |                  |                  |                  |                  |                  | 40               | 40               |                  |                  | 40               |                  |                  |                  |                  |                  |                  | 120          |
|                                        |       | 28   |                  | 40               |                  |                  |                  | 40               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 160          |
|                                        |       | 29   | 40               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 40           |
| 15 S                                   | 32 E  | 33   |                  |                  |                  |                  |                  |                  |                  |                  | 25               | 15               | 40               | 40               | 40               | 40               | 40               | 40               | 280          |
|                                        |       | 32   |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 10               | 10           |
| Total number of acres to be irrigated: |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 365.00 ACRES |

17 2966

**SENDER: Be sure to follow instructions on other side**

**PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)**  
*(Additional charges required for these services)*

☐ Show to whom, date and address  
where delivered

☐ Deliver ONLY  
to addressee

**RECEIPT**

*Received the numbered article described below*

REGISTERED NO.

~~24453~~

CERTIFIED NO.

24453

INSURED NO.

5/6/73

DATE DELIVERED

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

1 *Delmar Canal Co.*

2 SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

*By George Neal*

SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

3

17 2068

U.S. POSTAL SERVICE  
OFFICIAL BUSINESS

NO ID  
PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE, \$389



1973

*Postmark of Delivering Office*

**SENDER INSTRUCTIONS**

Print in the space below your name, address, including ZIP Code.



- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.



**RETURN  
TO**

17 2068

**DEPARTMENT OF WATER ADMINISTRATION  
STATEHOUSE • ANNEX #2  
BOISE, IDAHO 83707**

May 1, 1973      CERTIFIED MAIL # 24453

Re: Permit No. 33630/17-2068

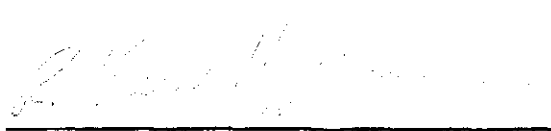
Delmore Canal Company, Ltd.,  
Stone, Idaho 83280

Gentlemen:

One of the conditions of approval of your water Permit No. 33630/17-2068 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before July 5, 1973. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an 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  
cc: Ross Anderson  
Stone, Idaho

17 2068

December 10, 1970

Re: Permit No. G-33630/17-2068

Mr. George Neal  
DELMORE CANAL CO.  
Stone, Idaho 83280

Dear Mr. Neal:

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 July 5, 1973, 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. McEldowney  
Appropriation Supervisor

DWM/DG

17 2068

November 23, 1970

Re: Permit No. G-33630/17-2068

Mr. George Neal  
Delmore Canal Co.  
Stone, Idaho 83280

Dear Mr. Neal:

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 July 5, 1973 however, many newspapers do not keep copies of these advertisements in their files. We, therefore, recommend that you obtain this affidavit from the Idaho Enterprise, Malad City, 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:CM

17 2068

September 30, 1970

Re: Permit No. G-33630/17-2068

Mr. George Neal  
Delmore Canal Co.  
Stone, Idaho 83280

Dear Mr. Neal:

The legal notice for the above-referenced permit is being published in the  
Idaho Enterprise, Malad City, Idaho on October 15  
and October 22, 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.

Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM/DG

17-2068  
33630

September 30, 1970

Re: Permit No. G-33630/17-2068

Idaho Enterprise  
P.O. Box 205  
Malad City, Idaho 83252

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 to 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 Water Administration immediately.

The expense of the publication is to be paid by George Neal, Delmore Canal Co., Stone, Idaho, to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney  
Appropriation Supervisor

DWM/DG  
Enc: legal notice

17-2068

33630

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Delmore Canal Company, Ltd., Stone, Idaho, has received an approved Permit No. G-33630/17-2068 issued by the Idaho State Reclamation Department authorizing the diversion of 24.0 cubic feet per second of water from a ground water source. The priority to be established under this permit is May 4, 1967, and the permit was approved July 5, 1967.

Water is to be diverted by wells, pumps and motors from a point within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 33; NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 34, T. 15S, R. 32E, B.M., Oneida County, to be used for irrigation in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 32, S $\frac{1}{2}$ , Sec. 33, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ , Sec. 34, T. 15S, R. 32E, B.M.; N $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 3, N $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 4, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 5, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 8, E $\frac{1}{2}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , Sec. 9, W $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 10, SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , Sec. 16, E $\frac{1}{2}$ , Sec. 17, E $\frac{1}{2}$ , Sec. 20, all of Sec. 21, W $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 22, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 29, T. 16S, R. 32E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department of Reclamation on or before July 5, 1973. Any protest against the issuance of the license for the above referenced permit should be filed with the Department within ten 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 Idaho Enterprise, Malad City, Idaho, on October 15  
and October 22, 1970.

Permit No. G-33630/17-2068

State Reclamation Engineer:

You are hereby authorized to have the above notice published at my expense in the Idaho Enterprise of Malad City, Idaho; published in the county in which the works are situated.

Delmore Canal Co. by George Nafra Stone Idaho  
(Signature) (Address)

SEP 17 1970  
(Date)

17-2068

33630

June 22, 1970

Re: Permit No. G-33630 (New No. 17-2068)

Helmore Canal Company, Ltd.  
Stone  
Idaho 83280

Gentlemen:

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 them upon request at any time.

Very truly yours,

Dorian Clay  
Appropriation Examiner

DC:DR  
Enc: Order  
Advertising package

17-2068  
33630

July 30, 1968

RE: Permit G-33630

The Delmore Canal Company  
E. L. Scott Attorney at Law  
26 Court Street  
Malad City, Idaho 83252

Dear Mr. Scott:

Enclosed herewith is a copy of the amendment you submitted to this office for the Delmore Canal Company. This amendment has been recorded under the above referenced permit and the original copy placed in our files.

Also enclosed is Departmental Receipt No. W-329 in the amount of \$5.00. This amount covers the recording fee.

Very truly yours,

M. RUSSELL BOSCH  
Administrative Assistant

MRB:efw

Enclosures

33630

REPORT OF WELL DRILLER  
State of Idaho

#2 RECEIVED

MAY 10 1969

Department of Reclamation

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER: Dalmore conal con  
Name STONE IDAHO  
Address 17-2068

Driller's Permit No. 33630

NATURE OF WORK (check): Replacement well ☐  
New well ☒ Deepened ☐ Abandoned ☐

Water is to be used for: irrigation

METHOD OF CONSTRUCTION: Rotary ☐ Cable ☒  
Dug ☐ Other ☐

(explain)

CASING SCHEDULE: Threaded ☐ Welded ☒

50" Diam. from 0 ft. to 400 ft.

"Diam. from     ft. to     ft.

"Diam. from     ft. to     ft.

"Diam. from     ft. to     ft.

Thickness of casing: 5/16" Material:

Steel ☒ concrete ☐ wood ☐ other ☐

(explain)

PERFORATED? Yes ☒ No ☐ Type of

perforator used: TENCH

Size of perforations: 3/8" by 6"

perforations from 60 ft. to 400 ft.

perforations from     ft. to     ft.

perforations from     ft. to     ft.

perforations from     ft. to     ft.

WAS SCREEN INSTALLED? Yes ☐ No ☒

Manufacturer's name

Type     Model No.    

Diam.     Slot size     Set from     ft. to     ft.

Diam.     Slot size     Set from     ft. to     ft.

CONSTRUCTION: Well gravel packed? Yes ☐

No ☐ size of gravel     Gravel

placed from     ft. to     ft. Surface seal

provided? Yes ☐ No ☐ To what depth?

    ft. Material used in seal:    

Did any strata contain unusable water? Yes ☐

No ☒ Type of water:    

Depth of strata     ft. Method of sealing

strata off:    

Surface casing used? Yes ☐ No ☒

Cemented in place? Yes ☐ No ☐

Locate well in section

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

Sec.

LOCATION OF WELL: County Oneida

NE \* SE \* Sec. 33 T. 15 N. S. R. 32 E. W

Size of drilled hole: 20" Total  
depth of well: 400 Standing water  
level below ground: 60' Temp.  
Fahr.     Test delivery: 3600 gpm  
or 8 cfs Pump? ☐ Bail ☐

Size of pump and motor used to make test:

12" POLARIS 30-HP MOTOR

Length of time of test: 10 Hrs.     Min.

Drawdown: 147 ft. Artesian pressure:     ft.

above land surface     Give flow     cfs

or     gpm. Shutoff pressure:    

Controlled by: Valve ☐ Cap ☐ Plug ☐

No control ☐ Does well leak around casing?

Yes ☐ No ☐

DEPTH MATERIAL WATER

FROM TO YES OR NO

FEET FEET

0 10 top soil & silt    

10 20 fine sand & silt    

20 30 fine sand & silt    

30 40 fine sand & silt    

40 50 fine sand & silt    

50 60 fine sand & silt    

60 70 fine sand & silt    

70 80 fine sand & silt    

80 90 fine sand & silt    

90 100 fine sand & silt    

100 110 fine sand & silt    

110 120 fine sand & silt    

120 130 fine sand & silt    

130 140 fine sand & silt    

140 150 fine sand & silt    

150 160 fine sand & silt    

160 170 fine sand & silt    

170 180 fine sand & silt    

180 190 fine sand & silt    

190 200 fine sand & silt    

200 210 fine sand & silt    

210 220 fine sand & silt    

220 230 fine sand & silt    

230 240 fine sand & silt    

240 250 fine sand & silt    

250 260 fine sand & silt    

260 270 fine sand & silt    

270 280 fine sand & silt    

280 290 fine sand & silt    

290 300 fine sand & silt    

300 310 fine sand & silt    

310 320 fine sand & silt    

320 330 fine sand & silt    

330 340 fine sand & silt    

340 350 fine sand & silt    

350 360 fine sand & silt    

360 370 fine sand & silt    

370 380 fine sand & silt    

380 390 fine sand & silt    

390 400 fine sand & silt    

400 410 fine sand & silt    

410 420 fine sand & silt    

420 430 fine sand & silt    

430 440 fine sand & silt    

440 450 fine sand & silt    

450 460 fine sand & silt    

460 470 fine sand & silt    

470 480 fine sand & silt    

480 490 fine sand & silt    

490 500 fine sand & silt    

500 510 fine sand & silt    

510 520 fine sand & silt    

520 530 fine sand & silt    

530 540 fine sand & silt    

Work started: 12/28/68

Work finished: 1/30/69

Well Driller's Statement: This well was

drilled under my supervision and this report

is true to the best of my knowledge.

Name: WAYMON YARBROUGH

Address: PO-BOX 541

Signed by: Waymon Yarbrough

License No. 196 Date: 2/26/69

Use other side for additional remarks

# REPORT OF WELL DRILLER State of Idaho

#1 no RECEIVED

MAY 15 1969

Department of Reclamation

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

## WELL OWNER:

Name Wilmore Canal Co.

Address STONE IDAHO

Owner's Permit No. 17-2668

NATURE OF WORK (check): Replacement well ☐

New well ☒ Deepened ☐ Abandoned ☐

Water is to be used for: irrigation

METHOD OF CONSTRUCTION: Rotary ☐ Cable ☒

Dug ☐ Other ☐

(explain)

CASING SCHEDULE: Threaded ☐ Welded ☒

30"Diam. from 0 ft. to 402 ft.

"Diam. from    ft. to    ft.

"Diam. from    ft. to    ft.

"Diam. from    ft. to    ft.

Thickness of casing:    Material:   

Steel ☒ concrete ☐ wood ☐ other ☐

(explain)

PERFORATED? Yes ☒ No ☐ Type of

perforator used: TCACH

Size of perforations: 3/8" by 7"

perforations from 60 ft. to 402 ft.

perforations from    ft. to    ft.

perforations from    ft. to    ft.

perforations from    ft. to    ft.

WAS SCREEN INSTALLED? Yes ☐ No ☒

Manufacturer's name   

Type    Model No.   

Diam.    Slot size    Set from    ft. to    ft.

Diam.    Slot size    Set from    ft. to    ft.

CONSTRUCTION: Well gravel packed? Yes ☐

No. ☒ size of gravel    Gravel

placed from    ft. to    ft. Surface seal

provided? Yes ☐ No ☐ To what depth?

   ft. Material used in seal:   

Did any strata contain unusable water? Yes ☐

No. ☒ Type of water:   

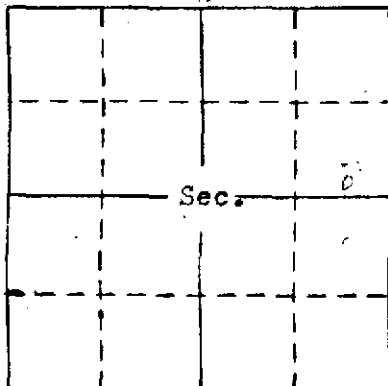
Depth of strata    ft. Method of sealing

strata off:   

Surface casing used? Yes ☐ No ☐

Cemented in place? Yes ☐ No ☐

Locate well in section



LOCATION OF WELL: County Oncida

SE 1/4 NE 1/4 Sec. 33 T. 15 N/S R. 32 E/W

Use other side for additional remarks

Size of drilled hole: 20 Total

depth of well: 402 Standing water

level below ground: 60 Temp.   

Fahr.    Test delivery: 2700 gpm

or    cfs Pump? ☒ Bail ☐

Size of pump and motor used to make test:

10" COOLEN 300 HP 11670P

Length of time of test: 16 Hrs.    Min.

Drawdown: 237 ft. Artesian pressure: ft.   

above land surface    Give flow    cfs

or    gpm. Shutoff pressure:   

Controlled by: Valve ☐ Cap ☐ Plug ☐

No control ☐ Does well leak around casing?

Yes ☐ No ☐

DEPTH MATERIAL WATER

FROM TO YES OR NO

FEET FEET

1 5 Yellow clay   

5 10 Yellow clay   

10 15 Yellow clay   

15 20 Yellow clay   

20 25 Yellow clay   

25 30 Yellow clay   

30 35 Yellow clay   

35 40 Yellow clay   

40 45 Yellow clay   

45 50 Yellow clay   

50 55 Yellow clay   

55 60 Yellow clay   

60 65 Yellow clay   

65 70 Yellow clay   

70 75 Yellow clay   

75 80 Yellow clay   

80 85 Yellow clay   

85 90 Yellow clay   

90 95 Yellow clay   

95 100 Yellow clay   

100 105 Yellow clay   

105 110 Yellow clay   

110 115 Yellow clay   

115 120 Yellow clay   

120 125 Yellow clay   

125 130 Yellow clay   

130 135 Yellow clay   

135 140 Yellow clay   

140 145 Yellow clay   

145 150 Yellow clay   

150 155 Yellow clay   

155 160 Yellow clay   

160 165 Yellow clay   

165 170 Yellow clay   

170 175 Yellow clay   

175 180 Yellow clay   

180 185 Yellow clay   

185 190 Yellow clay   

190 195 Yellow clay   

195 200 Yellow clay   

200 205 Yellow clay   

205 210 Yellow clay   

210 215 Yellow clay   

215 220 Yellow clay   

220 225 Yellow clay   

225 230 Yellow clay   

230 235 Yellow clay   

235 240 Yellow clay   

240 245 Yellow clay   

245 250 Yellow clay   

250 255 Yellow clay   

255 260 Yellow clay   

260 265 Yellow clay   

265 270 Yellow clay   

Work started: Dec 3/1968

Work finished: Dec 23/68

Well Driller's Statement: This well was drilled under my supervision and this report is true to the best of my knowledge.

Name: Waymon Harbough

Address: PO Box 541 Buhl, Ark

Signed by:   

License No. 76 Date: May 12/69

33630

17-2068

385 Hard sandstone

395 Sandy brown

400 Sandstone

22630  
172068

DEEP H  
CASED

~~APPLICANT~~  
DELMORE CANAL CO.  
STONE, IDAHO

DEEP WELL  
CASED

DEEP WELL  
CASED

32

33

34

TOWNSHIP 15 SOUTH

TOWNSHIP 16 SOUTH

RANGE 32 EAST BASE M.

5

4

3

DEEP WELL  
CASED

8

9

10

NORTH

17

16

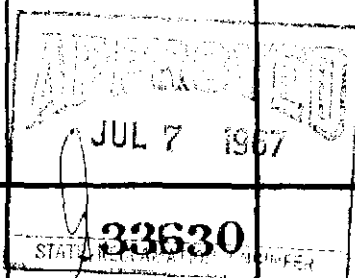
15

SCALE: 1" = 1000'

20

21

22



29

28

27

First Chairman Secretary

I hereby certify that I am President of the Smith  
and Swensen who subscribes the ac-  
tion of the Chief Engineer of the said company; that  
the said ditch and laterals, as accurately represented  
on any field notes, was made under  
the authority of the company is duly authorized by its  
Board of Directors to construct the said Canal, ditch, lateral  
location shown upon this map, that the  
laterals as represented on this map are by said  
company, by resolution of its Board  
May, 1910, at the definite location of the said  
reservoir described as follows: - beginning  
at said Canal System and which bears  
in the center corner of section 13, T. 55, R. 32  
more or less southerly 9.56 miles to station  
of said Canal, and which bears 89° 04' W.  
of section 21, T. 16 S., R. 32 E. (3.31 mi.) and  
stream or stream bed, as used for the said  
reservoir except as shown on this map;  
and prepared to be filled for the purpose of the  
in order that the company may obtain the  
inclusive of the act of Congress may obtain the  
act to replant timber culture laws and for other  
of the act approved May 11, 1898; and further  
of way herein described is desired for the  
location.

President of the Bath Irrigation Company Limited  
Abraham Smith

Secretary *D H Sigler*  
33 11

Sto 298 + 10  
→ 1100 feet  
Sto 310 10  
3, 4 feet Westward 1 SE Cor Se

This is also in the field map. It was only 88'15 but has been made to 90 on this map thinking that the corners was out but it appears from the other corners that the lines only make an angle of 88'15 with each other.

Sta 340+72 140.5 feet  
Easterly to S.W. Corner  
of Section 15

45 feet W. early to S.E.  
Corne. of Section 4

Area covered by Reservoir 30712 acres  
Capacity of Reservoir - 6610 acre-feet  
Maximum depth of Reservoir - 4.5 feet  
Average depth of Reservoir - 24. feet

Dam Site

to 232 + 23.5  
62.5 feet 50  
to S. 1. Corner  
of Section 3

5A 57+00

early to SE  
ne. of Section 4

Sta 237+5  
152.5 Northwly  
to NE Corner of  
Section 23

Sta 168+58.7  
21501 feet Northwesterly  
to N.E. Corner 2 ft  
Section 23

Sta 279+57.9  
4028+ feet Wastarly  
to S.W. Corner of  
Section 23

Sta 172+70.2  
4878.4 feet Westerly  
to NW Corner of  
Section 26

Star 108 cm

Sta 179  
250 feet  
240 feet  
Sta 183+00

Sto 55 + 644.  
1373.8 feet Westwardly  
to N. W. Corner of  
Section 34

9 to 360 + 25  
17, feet West  
to S. V. Corner  
Section 20

Mbin. Canal

Sub 26+5

1100 feet  
5' for the

S. R. 32 E. 34 N.  
5 37

This is in the  
field map, read only  
88'15 but has been made  
10 on this map thinking  
it the corner was off  
the map shows the  
lines only make an angle  
88'15 with each other

SN 5700

45 feet W. to 5 E.  
Corner of Section 4

SN 34072 405 feet  
Easterly to 5 N. Corner  
of Section 5

Lot 10 B  
Ink of lateral at 39+50  
N. 100 feet from the S. corner  
of Section 4  
SN 45-25 105 feet  
South to S. Corner

State of Utah  
County of Garfield

33-686

Mr. J. W. Smith, being the owner, says he is the chief  
of the company, and that the survey  
was made by him, and is correct as follows:  
The survey was made by him, and is correct as follows:  
The survey was made by him, and is correct as follows:

(Continued)

II. The financial resources of the applicant are: (a) Cash on hand: \$ 3,558.03

(b) Treasury stock: \_\_\_\_\_ (c) Bonds to be issued: None

(d) Other resources: City of Miami

12. The land to be irrigated is described in the following tabulation:

(Give irrigable acreage in each 40-acre subdivision)

[illegible]

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:\_\_\_\_\_

The waters, including storage waters of Curlew Creek

(a) 24 (Cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

(b) \_\_\_\_\_ (cubic feet per second, inches or gallons per minute) is for new lands.

33630

March 8, 1968

Re: Permit No. G-33630  
Delmore Canal Co.

C  
O  
P  
Y  
  
J. L. Scott  
Attorney at Law  
26 Court Street  
Lafayette City, Idaho

Dear Mr. Scott:

We are in receipt of your letter of February 28, 1968 on the above referenced permit.

Pursuant to your request we are forwarding an application for amendment for the point of diversion. Please be advised that there exists a \$5.00 application fee for the amendment.

Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney  
Appropriation Examiner

DWM:ks

Enclosure: Application for amendment

33630

RECEIVED  
FEB 28 1968

Department of Reclamation

E. L. SCOTT  
ATTORNEY AT LAW  
26 COURT STREET  
MALAD CITY, IDAHO  
TELEPHONE NO. \*766-4000

February 28, 1968

State of Idaho  
Department of Reclamation  
107 Statehouse  
Boise, Idaho

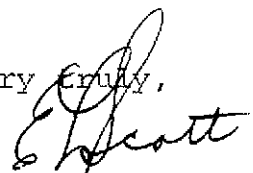
Re: Permit No G 33630  
Delmore Canal Co.

Gentlemen:

After drilling a test hole, the holders of the above permit are desirous of changing the location of the point of diversion of Well No. 3 to the NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Section 33, Township 15 South, Range 32 East, Boise Meridian, and would like to have their Permit amended to show this change.

Please send me necessary forms and instructions with which to accomplish this.

Very truly,

  
E. L. Scott

ELS:eh

33630

August 1, 1967

RE: Permit No. G-33630  
Delmore Canal Co., Ltd.

Ross Anderson  
Stone, Idaho

Dear Mr. Anderson:

We enclose Permit No. G-33630 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. <sup>G-11591</sup>~~G-33630~~ which was issued covering payment in the amount of \$ <sup>10.75</sup>~~10.00~~ for the filing fee of the above mentioned permit.

Very truly yours,

M. RUSSELL BOSCH  
Office Manager

MRB:ejw

Enclosures

33630

INTER-DEPARTMENT MEMO-1

DATE 6-27-67

FROM Don Mc

TO Don Watts

SUBJECT App. G 41845

33630

This application is for Supplemental rights, however,

The following permits are involved.

G 33127

G-26560 - 6176

G 27252 - 7937

G 33415

G 30203

G 27758 - 7434

G 25044 - 7433

G 27251 - 8014

G 32383 -

G 27600

These are all from  
Subterranean Source

Don Mc  
SIGNATURE

33630

E. L. SCOTT  
ATTORNEY AT LAW  
28 COURT STREET  
MALAD CITY, IDAHO  
TELEPHONE NO. 1766-4000

RECEIVED  
JUN 16 1967

Department of Reclamation

June 15, 1967

33630  
State of Idaho  
Department of Reclamation  
107 State House  
Boise, Idaho 83701

Mr. Donald W. McEldowney  
Water Rights Clerk

Re: Application No. G-41845  
Delmore Canal Co. Ltd.

Dear Mr. McEldowney:

I am again enclosing the above identified application.  
I have made certain corrections which I hop is sufficient  
now for the issuance of the Permit.

Thanking you kindly, I remain,

Very truly,  
*E. L. Scott*

33630

June 9, 1967

Re: Application for Permit No. G-41845  
Delmore Canal Company, Limited

E. L. Scott  
Attorney At Law  
26 Court Street  
Malad City, Idaho 83252

Dear Mr. Scott:

We are returning again the application of Delmore Canal Co., Ltd.

We wish to thank you for completing Section 12 of the application; however, there now exist many discrepancies between the lands listed under Section 12 and the map you have submitted with the application.

Please assist us in clarifying this matter.

Very truly yours,

Donald W. McEldowney  
Water Rights Clerk

DWM:dj

Enc: App. returned

33630

33630

E. L. SCOTT  
ATTORNEY AT LAW  
26 COURT STREET  
MALAD CITY, IDAHO  
TELEPHONE NO. 1766-4000

RECEIVED  
JUN 8 1967  
Department of Reclamation

June 7, 1967

State of Idaho  
Department of Reclamation  
107 State House  
Boise, Idaho 83701

Re: Application No. G-41845

Gentlemen:

Please find Application No. G-41845 which is being resubmitted for approval on behalf of the Delmore Canal Company, Mr. Ross Anderson, President. Please issue the Permit and oblige.

Thanking you kindly, I remain,

Very truly,  
*E. L. Scott*

33530

33630

33530

May 12, 1967

Re: Application No. G-41845

Delmore Canal Company, Limited  
Stone, Idaho

ATTENTION: Ross Anderson

Dear Mr. Anderson:

Returned herewith is your application to appropriate the subterranean waters of the State of Idaho No. G-41845 and receipt No. G-11591 in the amount of \$10.75.

Before your application can be considered for allowance or disallowance, you must complete statement no. 12 of the application, which relates to the land list of the lands to be irrigated. This part of the application must be filled out in detail showing both the total acres irrigated in each section and the total irrigated acres for the application.

You are required to reply within 20 days from the date of this letter. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney  
Water Rights Clerk

DWM:rw

Enclosure: App. & Receipt No. G-11591

33630