

Affidavit of Publication

THE RIGBY STAR

RECEIVED

DEC 13 1973

Department of Water Administration
Eastern District Office

STATE OF IDAHO, }
County of Jefferson } ss.

I, Hope B. Jones, do solemnly swear that I am the printer of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated Section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said newspaper as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for ~~consecutive~~ consecutive issues thereof; first publication having been made on the

15th day of November, 1973

and the last publication on the

22nd day of November, 1973

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth, and that there are at least two hundred bonafide subscribers in Jefferson County.

Hope B Jones

Subscribed in my presence and sworn to before me this 12th

day of Dec, 1973
(SEAL)

Notary Public for the State of Idaho,
Residence and P. O. Address, Rigby, Idaho.

My commission expires _____, 19____

Publication Fee: \$1845

MY COMMISSION EXPIRES JULY 15, 1977

NOTICE OF APPLICATION FOR PERMITS

Notice is hereby given that Burton Phillips, Phillips Farms, Inc., and Richard Egbert, Route No. 1, Tetonia, Idaho have on 11/7/73 applied to the Idaho Department of Water Administration for permits to appropriate 33.20 cubic feet per second of water from ground-water sources by means of wells and pumps; to be used from April 1 to November 1 for the irrigation of 1900 acres.

Permit No. 35-7349 Amount: 19.20 cfs. Point of Diversion: NW 1/4 NW 1/4, NW 1/4 SW 1/4, Sec. 35, T. 4N, R. 35E, B.M. Jefferson County, Place of Use: 960 acres within the E 1/2, Sec. 34; Sec. 35, T. 4N, R. 35E, B.M.

Permit No. 35-7350, Amount: 6.0 cfs, Point of Diversion: SW 1/4 SE 1/4, Sec. 25, T. 4N, R. 35E, B.M. Jefferson County, Place of Use: 300 acres within the S 1/2 Sec. 25, T. 4N, R. 35E, B.M.

Permit No. 35-7351 Amount: 8.0 cfs, Point of Diversion: SE 1/4 NW 1/4, Sec. 33, T. 4N, R. 35E, B.M. Jefferson County, Place of Use: 640 acres within the S 1/2 NE 1/4, S 1/2 NW 1/4, SE 1/4, Sec. 32; W 1/2, Sec. 33, T. 4N, R. 35E, B.M.

If issued, these permits will be subject to all prior water rights. Protests against the granting of any or all of the permits must be filed with the Idaho Department of Water Administration 1515 Lincoln Road, Idaho Falls, Idaho 83401, on or before December 3, 1973.

R. KEITH HIGGINSON
Director

Published in The Rigby Star, Rigby, Idaho on November 15 and November 22, 1973.

35 7349

Form 238-7
1979

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

USE TYPEWRITER OR
BALLPOINT PEN

1. WELL OWNER Name <u>Egbert + Philips</u> Address <u>Roberts</u> Owner's Permit No. _____		7. WATER LEVEL Static water level <u>485</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ OF. Quality _____																																																																																																																																					
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____		8. WELL TEST DATA ☐ Pump ☐ Bailor ☐ Air ☐ Other _____ <table border="1"><thead><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>		Discharge G.P.M.	Pumping Level	Hours Pumped																																																																																																																																	
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3. PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)		9. LITHOLOGIC LOG <table border="1"><thead><tr><th>Hole Diam.</th><th>Depth From</th><th>To</th><th>Material</th><th>Water Yes</th><th>No</th></tr></thead><tbody><tr><td>20</td><td>0</td><td>12</td><td>Clay + Top Soil</td><td> </td><td> </td></tr><tr><td> </td><td>12</td><td>25</td><td>Broken Gray Basalt</td><td> </td><td> </td></tr><tr><td> </td><td>25</td><td>70</td><td>Hard Gray</td><td> </td><td> </td></tr><tr><td> </td><td>70</td><td>73</td><td>Gray cinders</td><td> </td><td> </td></tr><tr><td> </td><td>73</td><td>94</td><td>Hard Gray Basalt</td><td> </td><td> </td></tr><tr><td> </td><td>94</td><td>113</td><td>Broken Gray Basalt</td><td> </td><td> </td></tr><tr><td> </td><td>113</td><td>118</td><td>Gray cinders</td><td> </td><td> </td></tr><tr><td> </td><td>118</td><td>124</td><td>Red cinders</td><td> </td><td> </td></tr><tr><td> </td><td>124</td><td>127</td><td>Broken Gray cinders</td><td> </td><td> </td></tr><tr><td> </td><td>127</td><td>235</td><td>Broken Gray</td><td> </td><td> </td></tr><tr><td> </td><td>235</td><td>272</td><td>Hard Gray</td><td> </td><td> </td></tr><tr><td> </td><td>272</td><td>290</td><td>Orange clay</td><td> </td><td> </td></tr><tr><td> </td><td>290</td><td>370</td><td>Gray Basalt - Broken</td><td> </td><td> </td></tr><tr><td> </td><td>370</td><td>370</td><td>Hard + Gray</td><td> </td><td> </td></tr><tr><td> </td><td>370</td><td>405</td><td>Broken Gray</td><td> </td><td> </td></tr><tr><td> </td><td>405</td><td>495</td><td>Gray Pencil</td><td> </td><td> </td></tr><tr><td> </td><td>495</td><td>505</td><td>Broken Cinder</td><td> </td><td> </td></tr><tr><td> </td><td>505</td><td>590</td><td>Gray Basalt + sand</td><td> </td><td> </td></tr><tr><td> </td><td>590</td><td>595</td><td>Broken Gray clay in situ</td><td> </td><td> </td></tr><tr><td> </td><td>595</td><td>635</td><td>Gray solid</td><td> </td><td> </td></tr><tr><td> </td><td>635</td><td>655</td><td>Broken clay in situ</td><td> </td><td> </td></tr></tbody></table>		Hole Diam.	Depth From	To	Material	Water Yes	No	20	0	12	Clay + Top Soil				12	25	Broken Gray Basalt				25	70	Hard Gray				70	73	Gray cinders				73	94	Hard Gray Basalt				94	113	Broken Gray Basalt				113	118	Gray cinders				118	124	Red cinders				124	127	Broken Gray cinders				127	235	Broken Gray				235	272	Hard Gray				272	290	Orange clay				290	370	Gray Basalt - Broken				370	370	Hard + Gray				370	405	Broken Gray				405	495	Gray Pencil				495	505	Broken Cinder				505	590	Gray Basalt + sand				590	595	Broken Gray clay in situ				595	635	Gray solid				635	655	Broken clay in situ		
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4. METHOD DRILLED ☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☒ Cable ☐ Dug ☐ Other _____		10. Work started <u>4-1-78</u> finished <u>10-21-78</u>																																																																																																																																					
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ Thickness _____ Diameter _____ From _____ To _____ Inches _____ inches _____ feet _____ feet Inches _____ inches _____ feet _____ feet Inches _____ inches _____ feet _____ feet Was casing drive shoe used? ☐ Yes ☒ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches Number _____ From _____ To _____ perforations _____ feet _____ feet perforations _____ feet _____ feet perforations _____ feet _____ feet Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Model No. _____ Type _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>19</u> Material used in seal: ☒ Cement grout ☐ Pudding clay ☐ Well cuttings Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☐ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between struts Describe access port _____		11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were compiled with at the time the rig was removed. Firm Name <u>Barrett Drilling</u> Firm No. <u>23</u> Address <u>Box 55K Basalt</u> Date <u>12-6-78</u> Signed by (Firm Official) <u>L. M. Barrett</u> and <u>James Barrett</u>																																																																																																																																					
6. LOCATION OF WELL Sketch map location must agree with written location. <u>35</u>  Subdivision Name _____ Lot No. _____ Block No. _____ Does not exist																																																																																																																																							

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECORDED
JUL 10 1977
OK
Department of Water Resources

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Betty K. Phillips Farms, Inc., &/or Richard A. Egbert
b) Post Office Address Tetonia, Idaho
2. Permit Number 35-7349 Part
3. Date of Priority that you are prepared to establish 11-7-73
4. a) Source from which water was appropriated ground water
b) Location of the point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35
Township 4N, Range 35E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 9.60 for irrigation purposes from Apr. 1 to Nov. 1 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 9.60 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: _____
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) 20" x 610', 800 hp pump, 250 booster
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
c) Give well driller's name and address and the date the well was completed: LaMar Barrus, Shelley, Idaho
Apr 11, 1977
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

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EXHIBIT 2

STATE OF IDAHO

NOTICE!!! THIS IS A LICENSING AMENDMENT

JUN 10 1980

APPLICATION FOR AMENDMENT OF A PERMIT

Department of Water Resources

To change the point of diversion and/or the place of use.

Comes now Betty K. Phillips Farms Inc. & Richard Egbert Phone _____
of (address) Rt. 1, Tetonia, Idaho 83452, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho

No. 35-7349, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NW 1/4 SE 1/4, Section 35, Township 4N, Range 35E, B.M.,
County of Jefferson. Other points of diversion: NW NE 1/4, Sec. 35, Twp. 4N,
Rge. 35E.

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 9.60 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

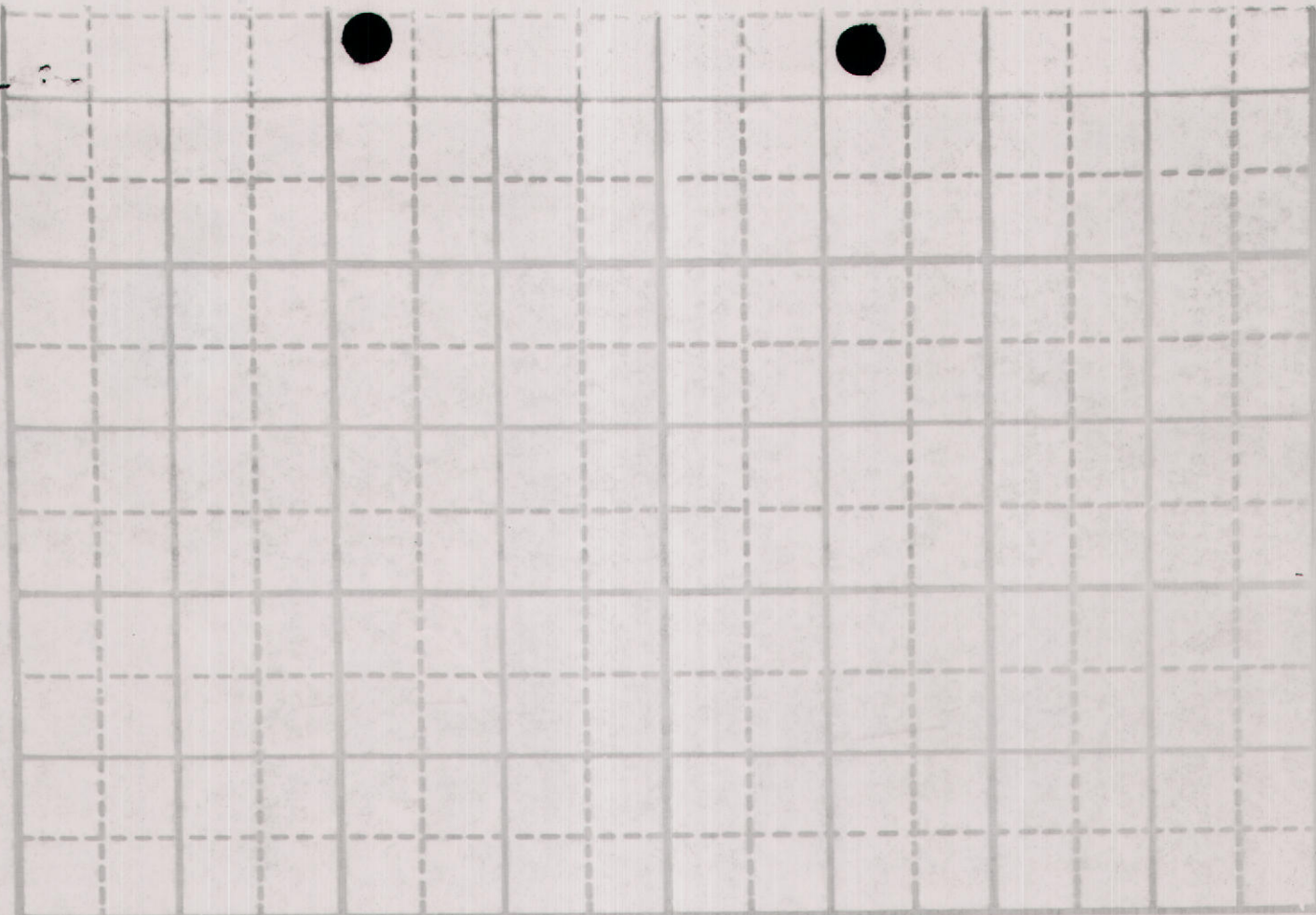
3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	35E	35	40	40	40	40	40			40	40			40	40	40	40	40	480

Total number of acres to be irrigated: 480

4. a. Who owns the property at the point of diversion? Richard Egbert, Betty K. Phillips
b. Who owns the land to be irrigated or the place of use? Same
c. If the property is owned by a person other than the applicant, describe the arrangement.

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Scale: 2 inches equal 1 mile.

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

Signed at Rehburg, this 5 day of June, 1950.

Richard E. Ebert

(Signature)

Betty K. Phillips

FOR DEPARTMENT USE ONLY

Preliminary check by jm Fee = \$20.00

Received by jm Date June 23, 1950 # 101-11

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, C. STEPHEN ALLRED, of the Department of Water Resources hereby

APPROVE the above referenced Amendment for Permit No. 35-7341.

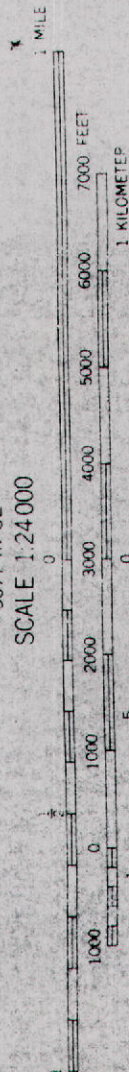
Witness my hand this 24 day of June

at Rehburg

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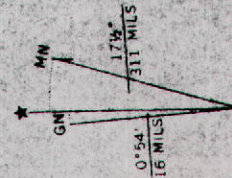
QUADRANGLE LOCATION



CONTOUR INTERVAL 10 FEET
DATUM IS MEAN SEA LEVEL

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS

UTM GRID AND 1964 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



PERSON CO
EVILLE CO

450 000 FFET

Geological Survey

rom aerial
964

an datum
a system

and ticks,

5

49-1

1781-502

26

Col. 115

72

11/18

Latent/Sec. #0

Lead

Total 730

2

5063

1

1

★

GN

1

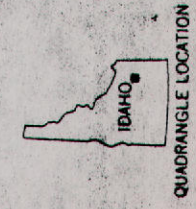
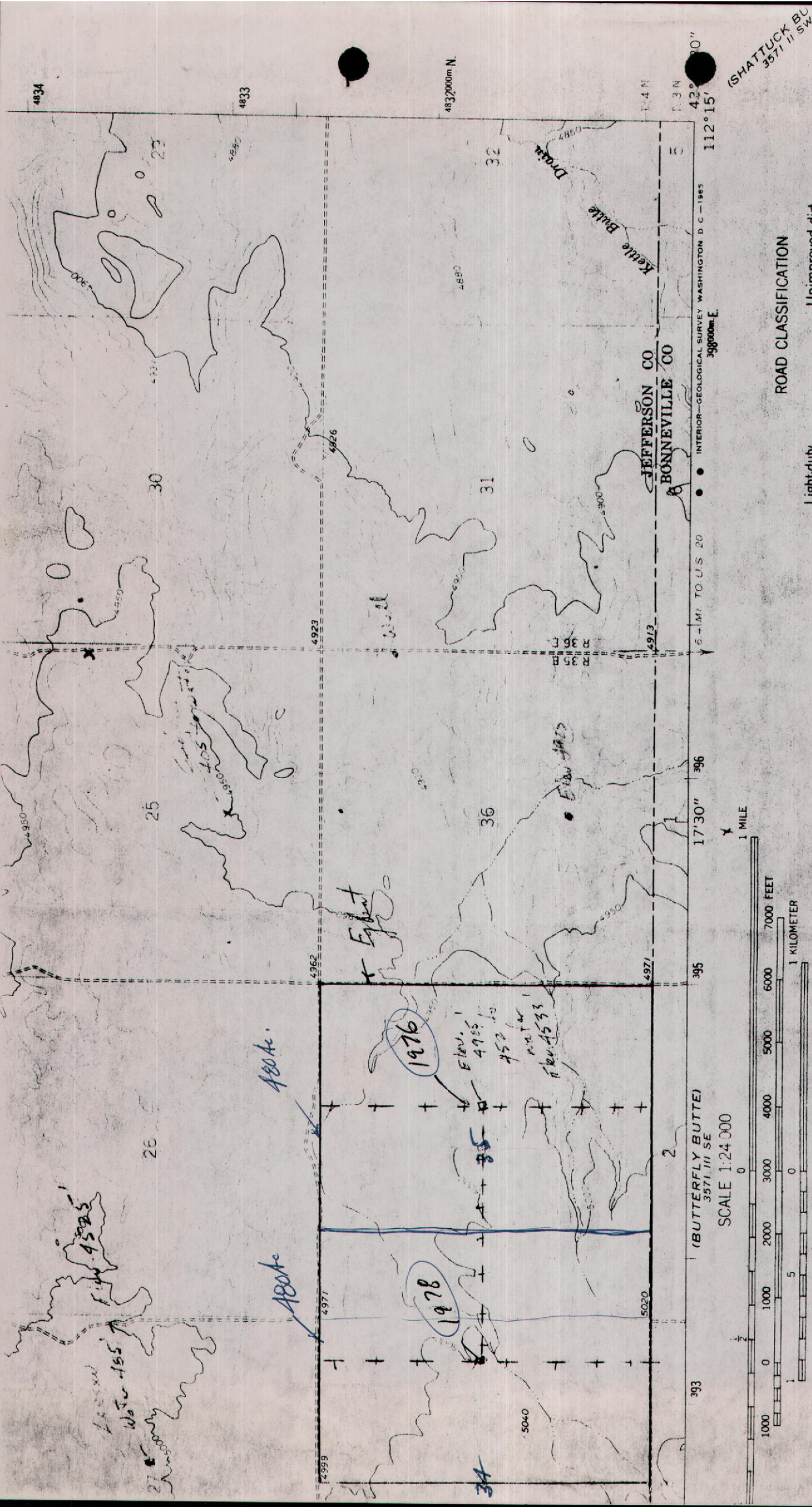
0.34
16 MILS

10

1

GRID AND 1964
CINATION AT CEN

GENERATION



KETTLE BUTTE NE, IDAHO

N4337.5-W11215/7.5

1964

AMS 3571 III NE-SERIES V893

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D. C. 20242
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

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8
1407

27 | 26

9418
9695

→ K12

well & Pump

K13

8
443.7

34 | 25
3 | 2

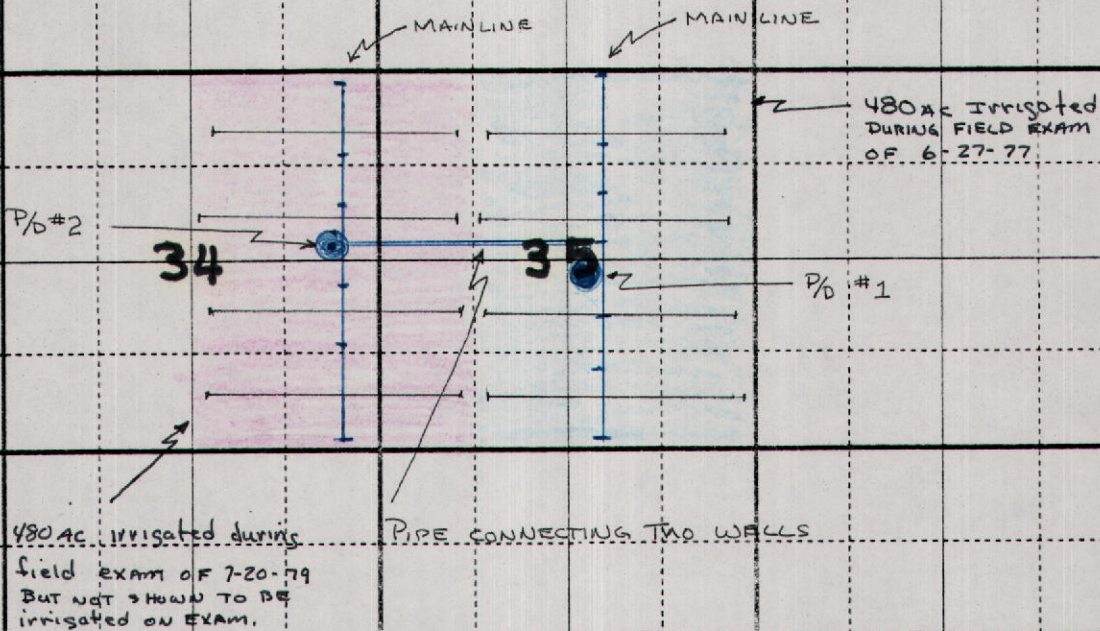
mainline

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J-13

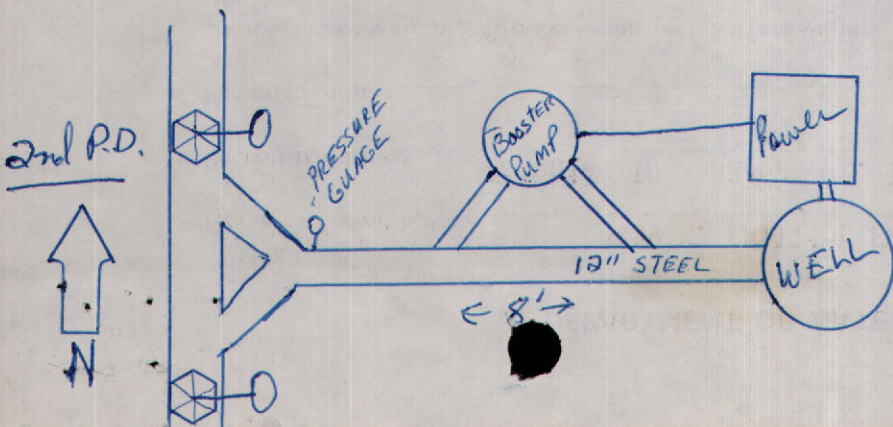
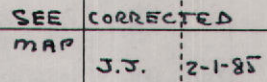
NOT TO SCALE

MAP SHOWING CORRECT LOCATION OF
POINTS OF DIVERSION



THIS MAP WAS PREPARED TO CORRECTLY SHOW THE LOCATIONS OF THE P/D'S.
THE FIELD EXAM INCORRECTLY LOCATED P/D #2 IN THE NW NE SEC 35.

Jim J. 2-1-85



EMC
6/27/77

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7349 Priority July 20, 1979 Amount 13.94 cfs

THIS IS TO CERTIFY, that Betty K. Phillips Farms Inc. & Richard A. Egbert
of Tetonia, Idaho, has complied with the terms and conditions of Permit
No. 35-7349 issued pursuant to Application for Permit dated November 7, 1973,
and has submitted proof to the Department of Water Resources on July 20, 1979,
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 13.94 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
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>November 1</u>	at <u>13.94</u> cfs and	<u>3360.0</u> acre feet
_____	from _____ to _____	at _____ cfs and	_____
_____	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 13.94 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
3360.0 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34;
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35; Twp 4N, Rge 35E in the County of Jefferson

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N	35E	34	40	40	40	40									40	40	40	40	320
		35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

Total number of acres irrigated 960

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CONDITIONS OF APPROVAL

a. 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.

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

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 1st day of October, 19 85.



Director

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

IN THE MATTER OF WATER RIGHT NO.	)	
35-7349 IN THE NAME OF BETTY K.	)	
PHILLIPS FARMS, INC. & RICHARD EGBERT	)	ORDER

WHEREAS, on December 24, 1980 the Department issued License 35-7349 and on April 12, 1985 issued an Amended License identified as 35-7349a; and,

WHEREAS, on April 12, 1985, the Director of the Department of Water Resources issued an order of reinstatement advancing the priority date of a portion of Permit 35-7349 from December 24, 1973 to September 27, 1984 pursuant to provisions of Section 42-218a, Idaho Code; and,

WHEREAS, upon the request of the right holder the Department has further reviewed the matter of licensing of this right; and,

WHEREAS, the right holder has provided the Department evidence that 960 acres were actually irrigated under this permit prior to the date that proof of beneficial use of water was due; and,

WHEREAS, the provisions of Section 42-218a authorize the Director to reinstate a permit upon finding that beneficial use occurred during the authorized period of development allowed by said permit; and,

WHEREAS, provisions of Section 42-218a require that the priority date be advanced to the date the proof of beneficial use statement was received; and,

WHEREAS, the proof of beneficial use was noted by a Department field examiner on July 20, 1979 satisfying the notice requirement for proof of beneficial use; and,

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WHEREAS, the Order of Reinstatement of April 12, 1985 advanced the priority date to the date that a second proof of beneficial use statement was received; and,

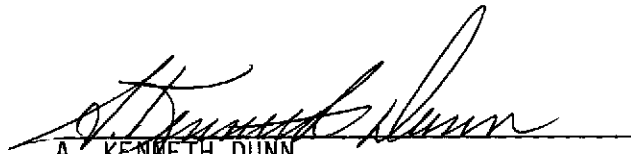
WHEREAS, the priority date of Right 35-7349, in accordance with the provisions of Section 42-218a, Idaho Code, should have been advanced to the date the Department field examiner noted beneficial use of water;

IT IS, THEREFORE, HEREBY ORDERED that the license issued December 24, 1980 and the amended license issued April 12, 1985 be Rescinded; and,

IT IS FURTHER ORDERED that the priority date of Right 35-7349 be amended to July 20, 1979; and,

IT IS FURTHER ORDERED that the license for Right 35-7349 be amended to include the water used and lands irrigated prior to the proof of beneficial use of water due date.

Dated this 1st day of October, 1985.


A. KENNETH DUNN
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO.
35-7349 IN THE NAME OF BETTY K.
PHILLIPS FARMS INC. &
RICHARD A. EGBERT

ORDER OF REINSTATEMENT

WHEREAS, on December 24, 1973 the Director of the Department of Water Resources issued Permit No. 35-7349 for irrigation of 960 acres using 19.2 cfs of water from a groundwater source; and,

WHEREAS, on June 10, 1977 the Department received Proof of Application of Water to Beneficial Use for the irrigation of 480 acres from the permit holder; and,

WHEREAS, on July 20, 1979 a Department employee conducted a field examination of lands irrigated under said permit and recommended that 480 acres be licensed; and,

WHEREAS, on December 24, 1980 the Director issued a water right license for right 35-7349; and,

WHEREAS, on July 5, 1984 the Department received documents provided by the permit holder which showed an additional 480 acres identified under said permit to have been irrigated prior to the date that proof of beneficial use of water was due; and,

WHEREAS, provisions of Section 42-218A, Idaho Code, authorize the Director to reinstate a permit, upon finding that beneficial use had occurred during the authorized period of development allowed by said permit; and,

MICROFILMED

WHEREAS, on September 27, 1984 the Department received a proof to beneficial use statement from the permit holder for the portion of the permit for which proof had not previously been submitted; and,

WHEREAS, provisions of Section 42-218A, Idaho Code, require that the priority date of the permit be advanced to the date the proof to beneficial use statement was received;

IT IS, THEREFORE, HEREBY ORDERED that the portion of Permit No. 35-7349 not previously licensed be reinstated; and,

It is Further Ordered that the priority date of said portion be advanced to September 27, 1984.

Dated this 12TH day of April, 1985.

for 
A. KENNETH DUNN
Director

State of Idaho

Department of Water Resources

AMENDED

AMENDED

WATER RIGHT LICENSE

License of Water Right No. 35-7349A Priority November 7, 1973 Amount 9.60 cfs

THIS IS TO CERTIFY, that Betty K. Phillips Farms Inc. & Richard A. Egbert
of Tetonia, Idaho, has complied with the terms and conditions of Permit
No. 35-7349 issued pursuant to Application for Permit dated November 7, 1973,
and has submitted proof to the Department of Water Resources on June 10, 1977,
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 13.9 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
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>November 1</u>	at <u>9.60</u> cfs and	<u>1680.0</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 9.60 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
1680.0 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34;
NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Twp 4N, Rge 35E in the County of Jefferson

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N	35E	35	40	40	40	40	40		40	40			40	40	40	40	40	40	480

Total number of acres irrigated 480

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CONDITIONS OF APPROVAL

- a. 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.
- b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.
- c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 12TH day of APRIL, 19 85.

for the Norman C Young
Director

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7349 Priority November 7, 1973 Amount 9.60 cfs

THIS IS TO CERTIFY, that BETTY K. PHILLIPS FARMS INC. & RICHARD A. EGBERT
of Tetonia, Idaho, has complied with the terms and conditions of Permit
No. 35-7349 issued pursuant to Application for Permit dated November 7, 1973,
and has submitted proof to the Department of Water Resources on June 10, 1977,
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 13.9 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>9.60</u> cfs and	<u>1680</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 9.60 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
1680 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, Twp. 4N,
Rge. 35E; NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 35, Twp. 4N, Rge. 35E, B.M. in the County of Jefferson

Description and location of place of use:

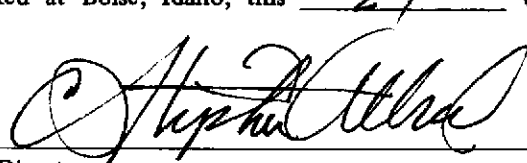
Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N	35F	35	40	40	40	40	40			40	40			40	40	40	40	40	480

Total number of acres irrigated 480

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 24 day of
December, 19 80.


Director

STATE OF IDAHO

RECEIVED

NOTICE!!! THIS IS A LICENSING AMENDMENT

JUN 16 1980

APPLICATION FOR AMENDMENT OF A PERMIT

Department of Water Resources

To change the point of diversion and/or the place of use.

Comes now Betty K. Phillips Farms Inc. & ^{Richard} Robert Egbert Phone _____
of (address) Rt. 1, Teton, Idaho 83452, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 35-7349, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NW 1/4 SE 1/4, Section 35, Township 4N, Range 35E, B.M.,
County of Jefferson. Other points of diversion: SE NE 34 *
NW NE 34, Sec. 35, Twp. 4N,
Rge. 35E.

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 9.60 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	35E	35	40	40	40	40	40			40	40			40	40	40	40	40	480

Total number of acres to be irrigated = 480

4. a. Who owns the property at the point of diversion? Richard Egbert. Betty K. Phillips
b. Who owns the land to be irrigated or the place of use? Same
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: _____

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

Scale: 2 inches equal 1 mile.

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

Signed at Reelburg, this 5 day of June, 1980.
Richard A. Egbert
(Signature)
Betty K. Phillips

FOR DEPARTMENT USE ONLY

Preliminary check by Jim Fee = \$20.00
Publication prepared by _____ Date _____
Publication dates _____
Received by ry Date June 23, 1980 # 16149
Published in _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, C. STEPHEN ALLRED, of the Department of Water Resources hereby
APPROVE the above referenced Amendment for Permit No. 35-7349.

Witness my hand this 24 day of _____ December, 1980.
Stephen Allred

RECEIVED
JUN 8 1977

JUN 8 1977

Permit No. 35-7349

Comes now Betty K. Phillips Farms, Inc. &/or Egbert of (address) _____

Tetonia, Idaho, and represents to the Director of
the Idaho Department of Water Resources:

1. Point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 35 Twp. 4N

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

NO CHANGE

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

(cfs or acre feet per annum)

3. Place of use or land to be irrigated: NO CHANGE

[illegible]

Total number of acres to be irrigated

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

35

new P.O.

R. 35 E

N
4
7

Scale: 2 inches equal 1 mile

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

Signed at Idaho Falls, this 8th day of June, 1977.

Richard A. Grant
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES
Administrator, Resources Administration Division
I, NORMAN C. YOUNG, Director of the Department of Water Resources
APPROVE the above application for amendment on Permit No. 35-7349.

Witness my hand this 21st day of June, 1977

Director
Administrator, Resources Administration Division

State of Idaho
Department of Water Resources

RECEIVED
JUN 8 1977

Department of Water Resources
Eastern District Office

ASSIGNMENT OF PERMIT

I, Burton Phillips Farms, Inc.
Richard Egbert, hereby assign to Betty K Phillips Farms, Inc.
of and Richard A. Egbert, Teton, Idaho
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 35-7349
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 8th day of June, 19 77

Betty K Phillips Farms, Inc. By Burton K. Phillips, Pres.
Richard A. Egbert
Permit Holder

Spouse of Permit Holder

State of Idaho

County of Teton

) ss.

On this 8th day of June, 19 77, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Reginald Gordon
Notary Public residing at
Idaho

My commission expires:

July 2, 1979

Identification No. 35 7349

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT **APPROVED**

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

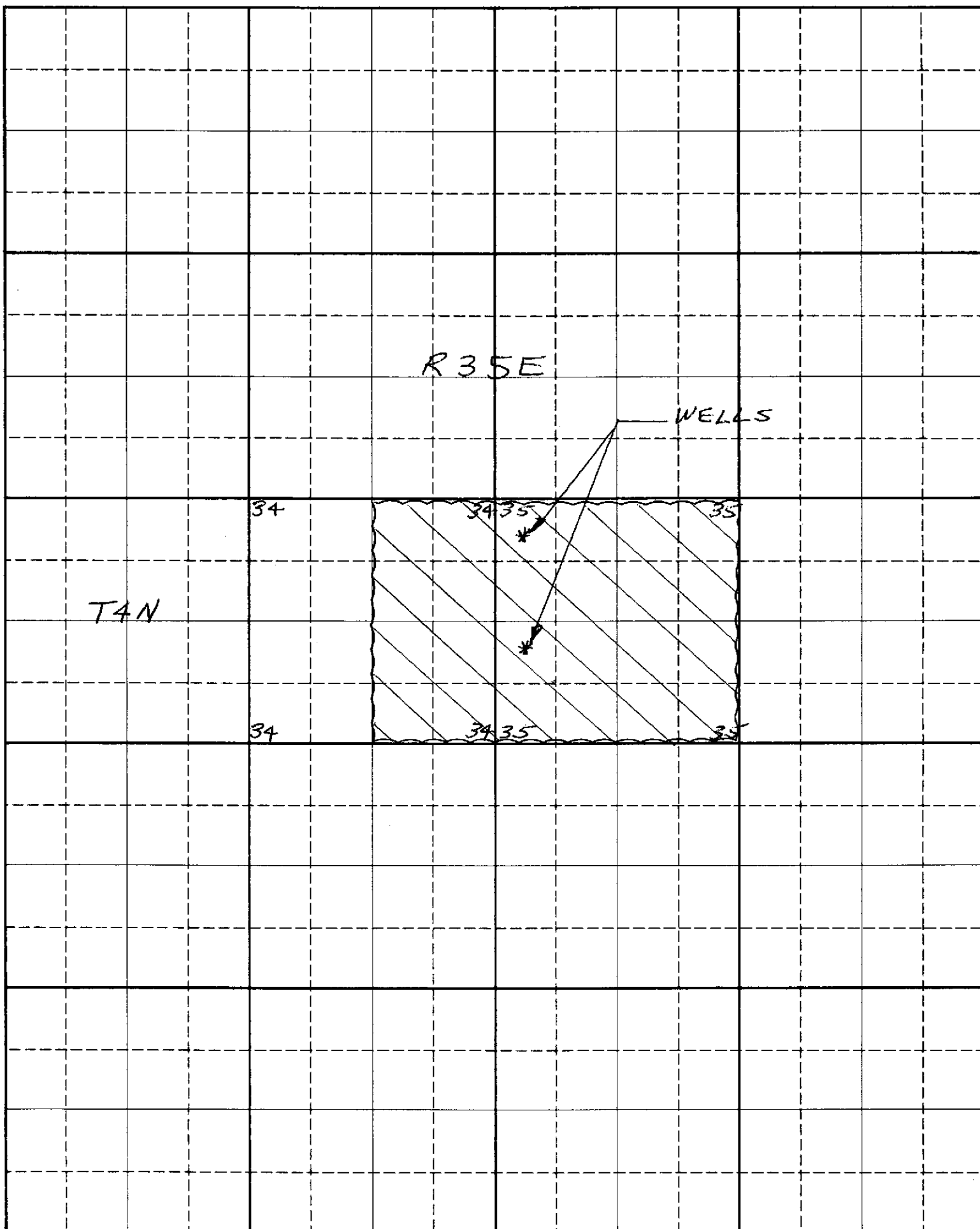
1. Name of applicant Burton Phillips, Phillips Farms, Inc. and Richard Egbert
post office address Route #1, Tetonia, Idaho 83452 Phone: 456-5641
2. Source of water supply groundwater which is a tributary of - - - -
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35 Township 4N
Range 35E B.M. Jefferson County; additional points of diversion if any: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 4N, R. 35E, B.M.
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 19.20 for irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or ~~acre-feet per annum~~)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 19.20 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Well, pump and sprinkler system.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 20 inches; proposed depth of well is 500 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ 200,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation: N. A.
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

35 7349

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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.

For Phillip H. Hensley
Buster K. Phillip Vice Pres
Richard H. Epler
(Applicant)

35 7349

Proposed Priority 11-7-1973

Received by MB Date 11-7-73 Time 12:10 PM

Preliminary check by YF Fee \$ 215.00

Receipted by MB Date 11-7-73 # 12620

Publication prepared by MB Date 11-8-73

Published in The High Star

Publication dates 11/15 + 11/22/73

Publication approved MB Date 12/13/73

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by NCY M DF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-7349, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 19 78.
- c. Other: A measuring device of a type approved by this department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 24th day of December 19 73.

R. Karl Hiji
Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<u>JF</u>	<u>11/7/73</u>	Application No. <u>35-7349</u> <u>Phillip Farms</u> <u>19.2 CFS</u>
(2)			☒ Source ☒ Point of Diversion ☒ County ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for B/U of water ☒ Place of Use or Acres Irrigated ☒ Map ☒ Signature ☒ Fee
(3)	<u>JF</u> <u>JF</u>	<u>11/7</u> "	In form to receipt <u>yes</u> Send Copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	<u>JF</u>	"	☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M. ☐ Request Information from Applicant
(5)	<u>JF</u>	"	In form for advertising <u>yes</u>
(6)	<u>N/A</u>		Located within Water District No. _____
(7)	<u>JF</u>	"	Critical groundwater area: yes _____ no ☒
(8)	<u>JF</u>	"	Groundwater levels: ☐ Decline (comment) <u>No close obs wells with</u> ☒ Stable (comment) <u>data available</u> <u>obs well at 4125E Maast shows</u> <u>no change spring 170 - spring '70</u> ☐ Increasing (comment) _____
(9)	<u>JF</u>	"	Comments: <u>Search of Eastern dist plate shows</u> <u>no conflicting groundwater rights</u>
(10)	<u>MB</u>	<u>12/13/73</u>	Affidavit of Publication received (date) <u>December 13, 1973</u>
(11)	<u>MB</u>	<u>12/3/73</u>	Final date for protests <u>December 3, 1973</u> Protests received: yes _____ no ☒
(12)	"	"	Date and Place of hearing <u>N.A.</u> Decision reached at hearing <u>N.A.</u>
(13)	<u>NCF</u>	<u>12/13/73</u>	All requested information received from agencies or applicant yes ☒ no _____
(14)	"	"	Action recommended: ☒ Approve Priority <u>12/17/73</u> ☐ Deny Reason for Reduction _____ ☒ Measuring device required ☐ See attached sheet for additional conditions of approval ☒ No additional conditions for approval
(15)	District <u>E</u>	By <u>NCF</u>	Date <u>12/13/73</u>

35 7349

Department of Water Administration
1973
Coy

Affidavit of Publication

THE RIGBY STAR

STATE OF IDAHO, }
County of Jefferson } ss.

I, Hope B. Jones, do solemnly swear that I am the printer of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated Section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said newspaper as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for consecutive issues thereof; first publication having been made on the

15th day of December, 1973

and the last publication on the

22nd day of November, 1973

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth, and that there are at least two hundred bonafide subscribers in Jefferson County.

Hope B. Jones

Subscribed in my presence and sworn to before me this 12th

day of Dec, 1973
(SEAL)

[Signature]

Notary Public for the State of Idaho,
Residence and P. O. Address, Rigby, Idaho.

My commission expires _____, 19____

Publication Fee: \$1845

Notice is hereby given that Burton Phillips, Phillips Farms, Inc., and Ed Egbert, Route No. 1, Teton, Idaho, have on 11/7/73 applied to the Department of Water Administration for permits to appropriate cubic feet per second of water from ground-water sources by means of wells and pumps; to be used from 1 to November 1, 1974.

Permit No. 35-7350, Amount: 300 cfs, Point of Diversion: SW 1/4 Sec. 25, T. 4N, R. 35E, B.M. Jefferson County, Place of Use: 300 acres within the S 1/2 Sec. 25, T. 4N, R. 35E, B.M.

Permit No. 35-7351 Amount: 640 cfs, Point of Diversion: SE 1/4 NW 1/4 Sec. 33, T. 4N, R. 35E, B.M. Jefferson County, Place of Use: 640 acres within the S 1/2 NE 1/4, S 1/2 NW 1/4, SE 1/4 Sec. 32; W 1/2 Sec. 33, T. 4N, R. 35E, B.M.

If issued, these permits will be subject to all prior water rights. Protests against the granting of any or all of the permits must be filed with the Idaho Department of Water Administration 1515 Lincoln Road, Idaho Falls, Idaho 83401, on or before December 3, 1973.

R. KEITH HIGGINSON
Director
Published in The Rigby Star, Rigby, Idaho on November 15 and November 22, 1973.

35 7349



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

RE: Water Right No. 35-7349

Richard A. Egbert
Tetonia,
Idaho 83462

Dear Mr. Egbert:

Enclosed is a copy of the license issued on the above referenced water right which reflects the agreement we reached in our meeting.

If you have any further questions on this matter, please let me know.

Sincerely,

A. KENNETH DUNN
Director

AKD:JJ:sc

Enclosure

cc: Ray Rigby

UNRECORDED

MEMORANDUM

TO: File 35-7349
FROM: Jim Johnson *Jim*
DATE: September 17, 1985
RE: Amended License & Amended Order of Reinstatement

As a result of correspondence sent to Mr. Egbert in efforts to license the remaining portion of this right, Mr. Rigby, attorney for Mr. Egbert, met with Ken Dunn and discussed proper action to be taken.

The meeting concluded with an agreement between all parties that only one license should be issued under this right with the priority date being advanced to the date on which the statement of beneficial use of water was first received and the license should include the lands irrigated (960 acres) and the irrigation system reflecting the rate of diversion applied to said irrigated land.

June 16, 1980
An order amending the priority date and license will be prepared. The place of use described on the amendment of permit received June 16, 1980 should be considered to include the 960 acres as shown originally on the permit.

Mr. Rigby, representing Mr. Egbert and I agreed that the date of priority would be advanced to the date of the Dept's second exam, which was to determine that a meter had been installed. During the second exam the examiner obviously saw that the additional 480 acres were irrigated. I have determined that an on site visit by the examiner satisfies the intent of proof of beneficial use. Priority of water right is advanced to July 20, 1979

A. H. Henshaw

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

June 4, 1985

RE: Water Right No. 35-7349

Richard A. Egbert
Tetonia,
Idaho 83462

Dear Mr. Egbert:

On April 12, 1985 the Department sent you correspondence regarding the above referenced water right and requested that you return a signed Application for Amendment of Permit and the \$20.00 filing fee so that a license could be issued for a portion of the said right.

To date, we have not received said amendment. It is a policy of the Department to allow an additional 15 days from this notice for receipt of the requested Amendment. If it is not received, the license cannot be issued and the permit will be cancelled pursuant to Section 42-219, Idaho Code.

If you have any questions on this matter, do not hesitate to contact us.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

MICROFILMED

April 12, 1985

Richard A. Egbert
Tetonia, Idaho
83462

RE: Water Right No. 35-7349

Dear Mr. Egbert:

I have reviewed your request that a water right license be issued for an additional 480 acres of water right No. 35-7349. The documentation you have provided is sufficient to establish that the additional acreage authorized under permit No. 35-7349 was developed during the authorized development period. Enclosed are an amended water right license designated 35-7349A for the part of the right previously licensed. This license has been amended to correctly show the location of the point of diversion of the well in Section 34, T. 4N, R. 35E.

Also enclosed is an order reinstating the second half of the water right designated as permit No. 35-7349.

The Order of Reinstatement formally establishes the existence of the portion of right 35-7349 which had not been previously licensed, and allows us to proceed with the licensing of this part of the water right.

The enclosed Application for Amendment for a Permit needs to be signed and returned with a \$20 filing fee. The reason the amendment is required is to include the location on one point of diversion (SE1/4NE1/4, Sec. 34, T4N, R35E), which is not identified on the original permit.

When the amendment is returned, a second license will be issued for irrigation of 480 acres with a priority date as of the date the proof of beneficial use was filed, September 26, 1984.

27

Please contact Dave Tuthill (334-4104) of this office if you have additional questions relative to this matter.

Sincerely,

A. KENNETH DUNN
Director

AKD:alw
Encl.

MICROFILMED

Form 220-7
1978



STATE OF IDAHO DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

USE TYPEWRITER OR
BALLPOINT PEN

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Leighert & Philips</u> Address <u>Roberts</u> Owner's Permit No. _____		7. WATER LEVEL Static water level <u>485</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ °F. Quality _____																																																																																																															
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____		8. WELL TEST DATA ☐ Pump ☐ Soller ☐ Air ☐ Other _____																																																																																																															
3. PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste disposal or injection ☐ Other _____ (specify type) _____		<table border="1"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>		Discharge G.P.M.	Pumping Level	Hours Pumped																																																																																																											
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4. METHOD DRILLED ☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☒ Cable ☐ Dig ☐ Other _____		9. LITHOLOGIC LOG <table border="1"> <thead> <tr> <th>Hole Class.</th> <th>Depth From</th> <th>To</th> <th>Material</th> <th>Notes</th> </tr> </thead> <tbody> <tr><td>20</td><td>0</td><td>12</td><td>Clay + Top Soil</td><td></td></tr> <tr><td>12</td><td>25</td><td>25</td><td>Broken Gray Basalt</td><td></td></tr> <tr><td>25</td><td>70</td><td>70</td><td>Hard Gray</td><td></td></tr> <tr><td>70</td><td>75</td><td>75</td><td>Gray cinders</td><td></td></tr> <tr><td>75</td><td>94</td><td>94</td><td>Hard Gray Basalt</td><td></td></tr> <tr><td>94</td><td>113</td><td>113</td><td>Broken Gray Basalt</td><td></td></tr> <tr><td>113</td><td>115</td><td>115</td><td>Gray cinders</td><td></td></tr> <tr><td>115</td><td>124</td><td>124</td><td>Red cinders</td><td></td></tr> <tr><td>124</td><td>127</td><td>127</td><td>Broken Gray cinders</td><td></td></tr> <tr><td>127</td><td>170</td><td>170</td><td>Broken Gray</td><td></td></tr> <tr><td>170</td><td>235</td><td>235</td><td>Hard Gray</td><td></td></tr> <tr><td>235</td><td>277</td><td>277</td><td>Orange clay</td><td></td></tr> <tr><td>277</td><td>290</td><td>290</td><td>Gray Basalt - Broken</td><td></td></tr> <tr><td>290</td><td>370</td><td>370</td><td>Hard Gray</td><td></td></tr> <tr><td>370</td><td>405</td><td>405</td><td>Broken Gray</td><td></td></tr> <tr><td>405</td><td>445</td><td>445</td><td>Gray sand</td><td></td></tr> <tr><td>445</td><td>505</td><td>505</td><td>Broken cinder</td><td></td></tr> <tr><td>505</td><td>580</td><td>580</td><td>Gray Basalt - sand</td><td></td></tr> <tr><td>580</td><td>595</td><td>595</td><td>Broken Gray clay inks</td><td></td></tr> <tr><td>595</td><td>635</td><td>635</td><td>Gray sand</td><td></td></tr> <tr><td>635</td><td>655</td><td>655</td><td>Broken clay inks</td><td></td></tr> </tbody> </table>		Hole Class.	Depth From	To	Material	Notes	20	0	12	Clay + Top Soil		12	25	25	Broken Gray Basalt		25	70	70	Hard Gray		70	75	75	Gray cinders		75	94	94	Hard Gray Basalt		94	113	113	Broken Gray Basalt		113	115	115	Gray cinders		115	124	124	Red cinders		124	127	127	Broken Gray cinders		127	170	170	Broken Gray		170	235	235	Hard Gray		235	277	277	Orange clay		277	290	290	Gray Basalt - Broken		290	370	370	Hard Gray		370	405	405	Broken Gray		405	445	445	Gray sand		445	505	505	Broken cinder		505	580	580	Gray Basalt - sand		580	595	595	Broken Gray clay inks		595	635	635	Gray sand		635	655	655	Broken clay inks	
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5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table border="1"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>250 inches</td> <td>20 inches</td> <td>0 feet</td> <td>18 feet</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> Was casing drive shoe used? ☐ Yes ☒ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches <table border="1"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Screen _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Screen packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>17</u> Material used in seal: ☒ Cement grout ☐ Mud ☐ Pudding clay ☐ Wall coating Sealing procedure used: ☐ Slurry pile ☐ Temp. surface casing ☐ Grout to fill depth ☐ Grout to fill depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Other _____ ☐ Connected between drives Describe casing part _____		Thickness	Diameter	From	To	250 inches	20 inches	0 feet	18 feet													Number	From	To										RECEIVED OCT 28 1978 Department of Water Resources WATER																																																																															
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6. LOCATION OF WELL Sketch map location must agree with written location. <u>3</u>  Section Name _____ Lot No. _____ Block No. _____ <u>deg 70 x 2</u>		10. WORK ORDER Work order <u>4-1-78</u> dated <u>10-21-78</u> 11. OPERATING INFORMATION Well owner's name _____ Firm Name <u>Barrett Drilling Inc. 23</u> Address <u>Box 588 Basalt</u> on <u>12-1-78</u> Signed by (Firm Official) <u>L. M. Barrett</u> and <u>Barrett Drilling Inc.</u>																																																																																																															

MEMORANDUM

TO: File 35-7349

FROM: Jim Johnson *Jim*

DATE: February 1, 1985

RE: Amended License 35-7349A

During the review of information submitted for reinstatement of part of the permit which was not licensed, an error was found in one of the two points of diversion location descriptions shown on the field report.

The correct points of diversion location should have been the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 34 and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 35, Twp 4N, Rge 35E.

A pre-licensing amendment would have been required even without the p/d error, therefore, no other adjustments were necessary to amend the license.

The number was changed on the amended license to show that there are two parts to the right.

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

MEMORANDUM

TO: Water Right File No. 35-7349

FROM: A. Kenneth Dunn, Director *AKD*

DATE: January 23, 1985

Mr. Egbert has requested that an additional 480 acres be licensed under this permit to provide a license for the full 960 acres covered by the water right permit.

There are various memorandums, letters and documents which attempt to determine facts and intent. Intent is difficult to document after the time data is collected.

The field examiner's report found a total diversion capacity of 13.94 cfs. The report further indicates land in the E 1/2 Section 34 and W1/2W1/2 Section 3 as being dry. The area found to be irrigated was 480 acres. The report dated July 20, 1979.

The Jefferson County ASCS office has provided a letter stating that their records show wheat and potatoes were planted on the land covered by permit No. 35-7349 in 1978. There is no documentation which discusses whether the full development had occurred by 1978.

The August 23, 1984 memo to the files from Jim Johnson describes the extent of development that was determined from review of U-2 photos. The 1977 photo shows the northern portion as irrigated and the southern portion being planted to winter wheat.

Ron Carlson's memo discusses what he recalls of the circumstances at the time the proof of beneficial use was originally filed. He recognizes the limitation of his recall and lack of detailed notes.

The applicant filed beneficial use documents for 480 acres and did not appeal the license issued for that amount. There is not complete information as to why the 480 acres was accepted. There is evidence that more than 480 acres was under irrigation. The system capacity was for the full 960 acre

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project was installed at the time of the field examination.

The applicant is entitled to a license for a total of 960 acres. The priority date for the additional 480 acres should be advanced to the date of beneficial use, September 27, 1984.

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

MEMO

TO: FILE

FROM: RON CARLSON

December 20, 1984

~~Mr. Robert R. Lee
Golden West Idaho Falls, Inc.
P.O. Box 488
Rexburg, ID 83440~~

← LETTER WAS NEVER
SENT.

~~Dear Bob:~~

Sometime ago Richard Egbert was in our office asking that License 35-7349 be expanded to cover the full 960 acres originally requested. We spent a considerable amount of time reviewing records with Mr. Egbert to determine if there was any possibility to make adjustments in his favor. We found none.

As I recall the situation as Mr. Egbert explained it to me in 1977, some questions had developed over the land located in Sec. 34 because of a dispute over the final disposition of Burton Phillips' Estate. Consequently, Richard Egbert only filed proof on 480 acres to prevent water rights from being established on the remainder of the project in case he was unable to acquire the land in Sec. 34. While my notes relative to his motives for only filing proof on half of the project are sketchy and my memory is probably faulty, the fact that Richard Egbert only filed proof on 9.6 cfs for 480 acres in Sec. 35, T. 4 N, R. 35E is a matter of record. I have included a copy of this proof which has been labeled "Exhibit 1". Later, Mr. Egbert amended his permit to show two wells located in the NW1/4SE1/4, NW1/4NE1/4, Sec. 35, T. 4N, R. 35E. A copy of this amendment has also been included and labeled "Exhibit 2". This amendment is consistent with the findings of the field examiner. Based upon this evidence, it seems clear that the applicant(s) only intended to prove beneficial use and receive a license for the 480 acres located in Sec. 35. If there were errors in licensing, they are limited to the accuracy of the well locations. We certainly are willing to correct these. There is, however, no basis for increasing License 35-7349 to cover the remaining 480 acres since no attempt at proving beneficial use has ever been made on more than 9.6 cfs and 480 acres.

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REPORT

CONCLUSIONS

Department of Public Information

- # MICROFILMED

STATE OF IDAHO

EXHIBIT 2

NOTICE!!! THIS IS A LICENSING AMENDMENT

JUN 10 1968

APPLICATION FOR AMENDMENT OF A PERMIT

Department of Water Resources

To change the point of diversion and/or the place of use.

Comes now Betty K. Phillips Farms Inc. & Robert Egbert Phone _____
of (address) Rt. 1, Tetonla, Idaho 83452, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 35-7349, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 4N, Range 35E, B.M.,
County of Jefferson. Other points of diversion: NWNE $\frac{1}{4}$, Sec. 35, Twp. 4N,
Rge. 35E.

2. Period and nature of use: (Irrigation, domestic, stockwatering, industrial, etc.)

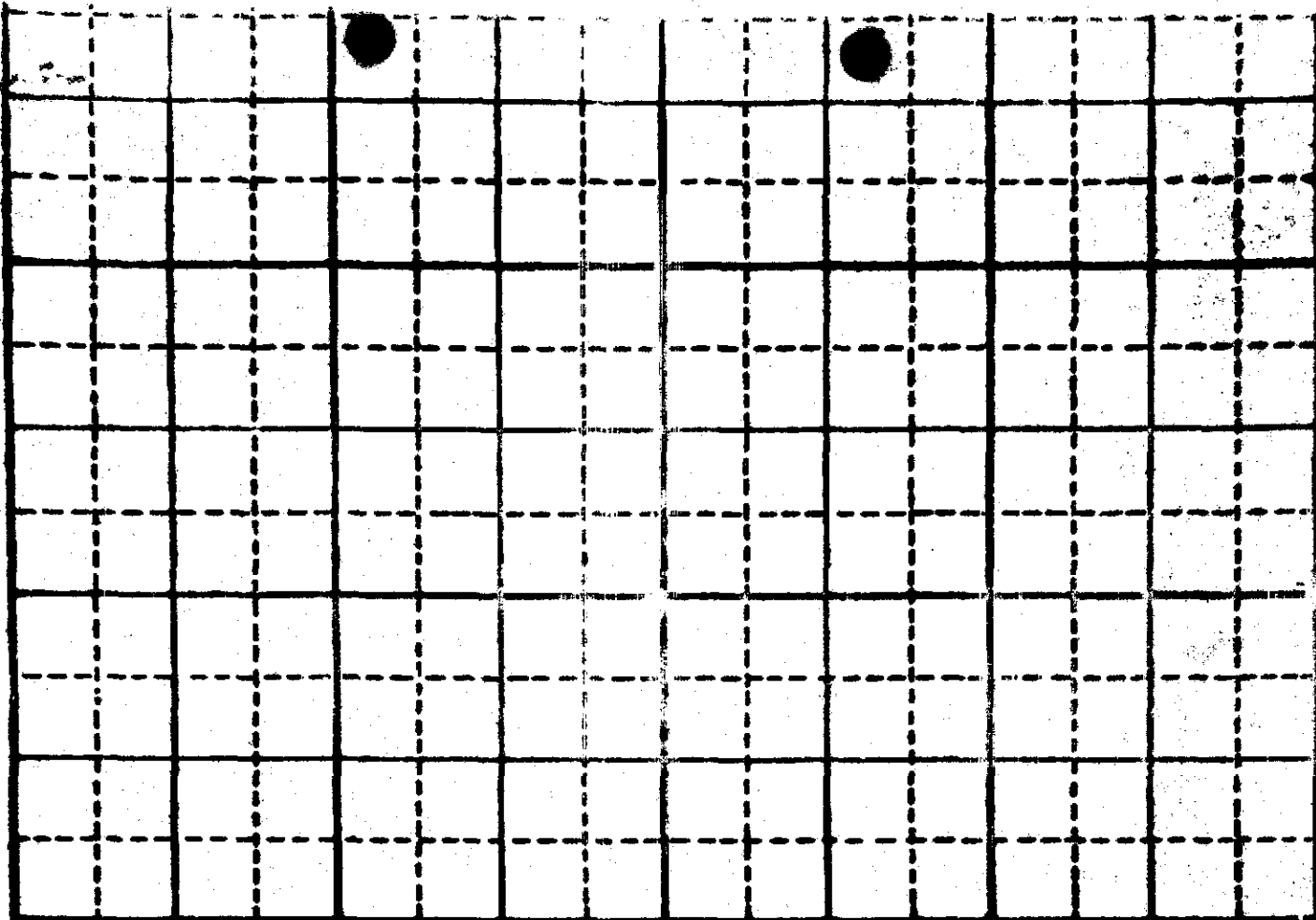
Amount 9.60 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	AREA					PERCENT					CROSS					TOTALS
			10	20	30	40	50	10	20	30	40	50	10	20	30	40	50	
4N	35E	35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	480

4. a. V. 10
b. 10
c. 10

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Scale: 2 inches equal 1 mile.

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

Signed at Rehoboth, this 5 day of June, 1980.

Richard A. Ellis
(Signature)
Richard A. Ellis

FOR DEPARTMENT USE ONLY

Preliminary check by ME Fee = \$20.00

Received by ME Date June 23, 1980

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

ACTING DIRECTOR OF THE NATIONAL ARCHIVES

I, _____, C. N. T. _____, hereby certify that the above information is true and correct.

MICROFILMED



GOLDEN WEST IDAHO FALLS, INC.

P.O. BOX 488

356-9318

REXBURG, IDAHO 83440

RECEIVED

November 30, 1984

DEC 7 1984

Department of Water Resources
Eastern District Office

Mr. Ron Carlson
Dept. of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83401

Dear Ron:

Mr. Richard Egbert has asked me to review the matter of his Water permit No. 35-7349 which he has discussed with representatives of your Department.

Mr. Egbert contends that the Field Examiner, Mr. Rodney L. Parker, made a mistake in his field report dated 7-20-79 and erroneously recommended a water right for only 480 acres instead of the 960 acres requested under the permit.

A review of our records shows that the pumps, mainline and handlines were all installed and in operation on the entire 960 acres at the time of the field examination. Two pumps were installed with boosters, one in the SE 1/4 NW 1/4 Sec. 35 and the other in the SE 1/4 NE 1/4 Sec. 34 both in T4N R 35 E. Each well's permit was for 9.6 cfs. (See map)

The field report by Mr. Parker shows that 19.20 cfs was applied for to irrigate 960 acres. He also shows the entire 960 acres in his diagram of the system and even shows a drawing of both pumping systems. Each of these serves a 480 acre parcel. His measurements show 7.64 cfs being pumped at the first well and 6.31 cfs at the 2nd well for a total of 13.95 cfs. However, he only recommends licensing for 9.6 cfs and states that a second point of diversion should be added in NW 1/4 NE 1/4 Sec. 35 T4N R 35 E.

There are two errors in his report. The 2nd point of diversion is in the west 480 acres and is located in the SE 1/4 NE 1/4 Sec. 34 not the NW 1/4 NE 1/4 Sec. 35. He was apparently confused and thought both points of diversion were in the 480 acres located in Sec. 35. Therefore, he only recommended licensing of 9.6 cfs for 480 acres. He should have recommended 13.95 cfs for 960 acres.

The subsequent Applications for Amendement of a Permit prepared by the Department of Water Resources for Mr. Egbert's signature perpetuated the error. Mr. Egbert assumed the Department was correct and that he was being licensed for the second 480 acres.

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GOLDEN WEST IDAHO FALLS, INC.

P.O. BOX 488

356-9318

REXBURG, IDAHO 83440

Page 2

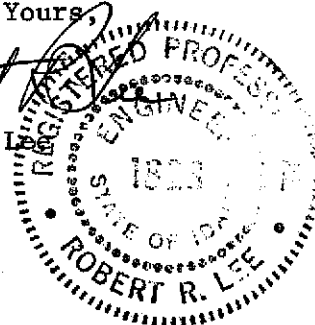
In summary, the field examiner should have recommended licensing of 13.95 cfs for the 960 acres instead of 9.6 cfs for 480 acres. The entire 960 acres was being irrigated with two wells at the time of the field examination and the water right should reflect that.

Sincerely Yours,

Robert R. Lew

cc: Richard Egbert
Tetonia, Idaho 83452

RRL/cj



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DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 35-7349.

Name(s) of Permit Holder: Richard Egbert

Post Office Address: Tetonia, Idaho 83452

Tel. No. 456-2645

Source of Water: Groundwater

Extent of Use: ☐ Domestic (number of households)

☐ Stockwater (number and type of stock)

☒ Irrigation 480 (acres) E 1/2 W 1/2, E 1/2 Sec 35

☐ Other T. 4N R 35E

SEP 27 1984

Department of Water Resources

Measuring Device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Access Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

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

7-27-1984 Date **MICROFILMED** Richard Egbert Signature of Permit Holder

PLACE
13 CENT
STAMP
HERE

RECEIVED

OCT 1 1984



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

PROFIT MEN

INTER-DEPARTMENT MEMO — 1

FROM Ernest

DATE Sept. 27, 1984

TO ~~Dave F.~~ → Jim - PLE proceed w/ reinstatement analysis.
We will have to obtain the proof card Dave

SUBJECT 35-7349, Richard Egbert.

from Ernie. Rec'd in State Off.
10-1-84

The late proof of beneficial use card you spoke of in your letter of Sept. 24, 1984 has been submitted by Senator Egbert. He has no explanation of why proof was only filed on 1/2 of the original permit. Would it be possible to proceed with consideration of reinstatement with the information Senator Egbert has already submitted now that he has filed beneficial use?

SIGNATURE



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

September 24, 1984

Honorable Richard Egbert
Tetonia,
Idaho 83452

Re: License No. 35-7349

Dear Senator Egbert:

This office has recently reviewed the above-referenced licensed water right with respect to the documentation that you have provided this summer, including your letter dated August 14, 1984.

At this point, we have made a determination that the Department has not made an error that would require amendment of License No. 35-7349. However, based on the documentation that you have provided, we do see justification for reinstatement of a portion of the water right which is not included under the license. The proof of beneficial use which you submitted regarding this water right, which was received on June 10, 1977, included only the 480 acres already licensed. To date we have not received proof on the remaining 480 acres under the original Permit No. 35-7349. The documentation you provided indicates that the additional 480 acres were irrigated prior to the original date when proof of construction of works and application of water to beneficial use was due, December 1, 1978.

Pursuant to a 1983 amendment to Section 42-218A, Idaho Code, "Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the Director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received." Therefore, based on the analysis made of your water right, it appears that if you now submit proof for the remaining acres, and provide an explanation why the proof was not originally submitted, the Department will review the unlicensed portion of the original permit as a candidate for reinstatement.

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Senator Richard Egbert
September 24, 1984
Page 2

Enclosed for your convenience, we have provided a Statement of Beneficial Use postcard. When this office receives the required information, we will continue processing the file.

Sincerely,

David R. Tuthill

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:ls

Enclosure

cc: Eastern Region

MICROFILMED

FROM

Ylin

DATE

8-27-84

TO

Dave T.

SUBJECT

- Fleenor returned this file to me.
(For some reason, Jim T. had given
the file to Fleenor).

- From info now available, it
appears that a late proof can be submitted
for the add'l acreage (42-218a) and a
second lic w/ a present day priority
issued for the add'l land.

SIGNATURE

2/2

INTER-DEPARTMENT MEMO — 1

FROM

DATE

TO

SUBJECT

- Error was not made by the Dept, but land was lying in the permit period.
- Let's discuss if you wish
- We need to get a copy of Ernie's corresp, however to which Egberts 8-14-84 letter apparently is responding.

✓ Now in
file
over

SIGNATURE

MEMORANDUM

TO: File 35-7349

FROM: Jim Johnson *ji*

DATE: August 23, 1984

RE: Review of U-2 Photos

Per request of Bob Fleenor I reviewed U-2 photos for years of 1976, 1977 and 1980 that showed lands within the E $\frac{1}{2}$, Sec. 34 and W $\frac{1}{2}$ W $\frac{1}{2}$, Sec. 35, Twp 4N, Rge 35E.

The 1976 photo showed that said land had not been developed.

The November, 1977 photo showed that land had been developed and the northern portion of said land was being irrigated at the time the photo was taken. The southern portion was being planted in what appears to be winter wheat.

The November, 1980 photo showed that crops had been grown in the entire area and the southern portion was in potatoes at the time the photo was taken.

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RECEIVED

AUG 15 1984

August 14, 1984

Department of Water Resources

A. Kenneth Dunn, Director
Department of Water Resources
Statehouse Mail
Boise, ID 83720

Dear Mr. Dunn,

I respectfully request that the Department conduct another field inspection of lands originally permitted under No. 35-7349 and to reconsider the circumstances resulting in the issuance of License 35-7349.

Though I am partly at fault for not thoroughly reviewing the documents sent to me prior to licensing, Department records reveal there was a serious error made by examining agent with regard to the locations of the points of diversion that were being used at the time, and the number of acres being irrigated.

I understand the Department has previously denied a similar request but the facts concerning the errors in the field exam were just recently discovered.

Sincerely yours,

Richard A. Egbert

Senator Richard Egbert
Tetonia, ID 83452

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MEMO TO FILE

8-3-84

Senator Egbert was in today. We went over all the paper. He stated that the ^{one of the} wells ~~are~~ not in the location as stated on the field form. One of the wells is in Section 34 not 35. Looked up the well logs and they confirm his claim. One well (Section 35 drilled in 73) The other well was drilled in 1978 (Sect 3 by Barnes Drilling. I gave a copy of both logs to Egbert. He stated that he will attempt to appeal the field form.

RECEIVED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

150 Shoup
Idaho Falls, Idaho 83401
(208) 625-7161

A. Kenneth Dunn
Director

July 26, 1984

Senator Richard Egbert
Tetonia, ID 83452

RE: Reissuing of License 35-7349

Dear Mr. Egbert,

In June of 1984 you furnished several documents to support your request for having the acreage under License 35-7349 increased. You may recall this additional acreage totaled 480 acres in the $W\frac{1}{2}W\frac{1}{2}$, Sec. 35, $E\frac{1}{2}$, Sec. 34, T. 4N, R. 35E, B.M. Based on a review of the information you provided, it is the Department's position that the appeal period to contest licensing has long since past and that no error was made by the Department in issuing the license for only 480 acres of land developed in Sec. 35, T. 4N, R. 35E.

To obtain a water right for the 480 acres developed subsequent to the issuance of License 35-7349 you should file an Application for Permit. For your convenience, enclosed is an Application that requests the appropriation of ground water for the irrigation of the 480 acres presently being irrigated without benefit of a water right. To file this Application simply sign it where indicated and return it to this office along with a check for \$220.00 as payment of the statutory filing fee.

Should you have any questions concerning the Application or the Department's findings concerning the licensing of 35-7349 feel free to contact me.

Respectfully Submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EMC/cz

Enc.

MICROFILMED

APPLICATION FOR PERMIT - ROUGH DRAFT

1. Name of Applicant Richard Ebert & Betty Phillips
 Address Tetonia Idaho 83452 Phone: _____

2. Source of water supply groundwater tributary of _____

3. a. Location of point of diversion is SE 1/4 of NE 1/4, Sec. 34 T. 4N

R. 35E B.M., Jefferson County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____

at a point in _____ 1/4 of _____ 1/4 of Sec. _____ T. _____ R. _____, B.M.

4. Amount 9.60 for irrigation purposes from 4/1 to 11/1

Amount _____ for _____ purposes from _____ to _____

Amount _____ for _____ purposes from _____ to _____

5. Total quantity to be appropriated: 9.60 c.f.s. and/or _____, acre ft.

6. Proposed diverting works: a. Well pump & sprinkler system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet:
 total reservoir capacity _____ acre feet, materials used in dam: _____

c. Period of year during which storage will occur _____

c. Proposed well dia. is _____ inches, proposed depth of well is _____ ft.

7. a. Time required for the completion of works and application of the water to the proposed beneficial use is 5 years. b. Estimated cost is \$ _____

8. a. If water is NOT for irrigation:

(1) Place of use: _____ 1/4 of _____ 1/4, Sec. _____ T. _____ R. _____ B.M.

(2) Amount of power to be generated: _____ hp under _____ feet of head.

(3) Number of each kind of livestock to be watered: _____

(4) Name of municipality to be served _____, or

no. of families to be supplied with domestic water _____

(5) If water is to be used for other purposes, describe: _____

b. If water is for irrigation, indicate acreage in each subdivision below:

T.	R.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
4N	35E	34	40	40	40	40									40	40	40	40	320
"	"	35						40	40			40	40						160

TOTAL NO. OF ACRES 480

c. Describe any other water rights used for the same purposes None

9. a. Who owns the property at the point of diversion Applicant **MICROFILMED**

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks: _____

FROM

Dave Tutthill

DATE 1/13/84

TO

Ernie Carlsen

SUBJECT

35-7349

Per our discussion, here are copies of
Senator Egbert's documentation for your response.
Plz send a cc of your letter to the state office file.
As I Indicated, Norm concurs with Glen's analysis.



SIGNATURE



● Analysis ●

- Proof due on 12-1-78
- Proof submitted 6-10-77 for irrig of 480 ac.
- Exam conducted 7-20-79 with Dept examiner accompanied by represent. of permit holder.
- Exam found
 - a) 480 being irrig and
 - b) The other 480 ac was not found to be irrig & specifically marked "dry" on the exam.
- Dept position should be as follows.
 - a) No error on part of Dept was made.
 - b) Under 42-219, Dept may issue lic for that portion of use in accordance w/permit
 - c) appeal period to contest lic has long since passed
 - d) a new app should be filed.

MICROFILMED

NCY concurs.
7/11/84

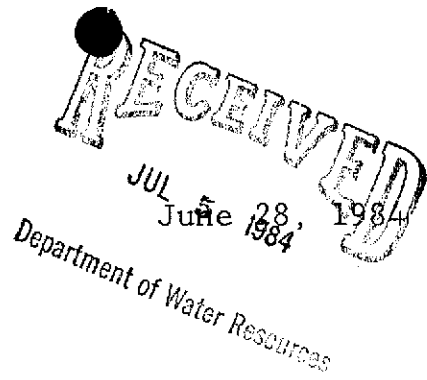
MS
7-10-84

M E M O

RE: #35-7349

To: File

From: ERNIE



The attached documents have been provided by Senator Dick Egbert to demonstrate that a total of 960 acres had been developed within the 5 years specified by permit 35-7349. The information is being submitted because the permit was licensed for only 480 acres. Department records basically show the following sequence of events leading to the licensing.

- 12-24-1973 Permit #35-7349 approved for the irrigation of 960 acres at a rate of 0.02 cfs/acre, proposed priority 11-7-1973, proof of beneficial use due 12-24-1978.
- 6-8-1977 Application to amend point of diversion submitted by Richard Egbert.
- 6-10-1977 Proof of Application of Water to Beneficial Use submitted by Betty K. Phillips Farms Inc. & Richard Egbert. Proof lists 480 irrigated acres.
- 7-20-1979 Licensing exam completed, determined 480 acres being irrigated. Exam sheet lists 960 acres under permit but notes that proof was filed on only 480 acres.
- 5-29-1980 Dept. sent letter to permit holders advising them of the licensing field exam results, identifying 480 acres.
- 6-16-1980 Dept. received licensing amendment to add a point of diversion. Again only 480 acres are identified on the permit.
- 12-24-1980 Dept. issued license for irrigation of 480 acres.

Although the record shows a normal progression of events, and it appears Senator Egbert should have definitely been aware of the reduced acreage, he now desires to have the second 480 acres examined and licensed under permit 35-7349. The documents he has provided do indicate the land was being irrigated in 1978. But is it possible to reinstate the permit or open the record to have the additional land inspected and licensed with the original priority?

Though a license was issued, can a second proof be submitted to reinstate the unlicensed portion of the permit with a reduced priority? Or is the only alternative to file another permit?



GOLDEN WEST IDAHO FALLS, INC.

P.O. BOX 1096

524-3203

IDAHO FALLS, IDAHO 83401

June 25, 1984

Idaho Dept of Water Resources
Idaho Falls, Idaho

RECEIVED
JUL 5 1984

Department of Water Resources

Gentlemen:

This is to certify that we installed the irrigation system as described in the attached contract for Richard Egbert in 1978. He has a 600 H.P. Pumping Pump and a 200 H.P. Booster Pump which together produce 3500 gpm. He irrigates 480 Acres with the system as shown on the attached map. If you have any questions please call.

Sincerely,

Robert R. Lee

---MICROFILMED

IRRIGATION PUMPS
& SPRINKLERS

ESTIMATE & AGREEMENT

STEEL, ALUMINUM PIPE
VALLEY SELF-PROPELLED
CIRCULARS

GEM STATE IRRIGATION, INC.

BOX 351

SOUTH YELLOWSTONE HWY.

REXBURG, IDAHO 83440

PHONE 356-9318

TO Senator Richard Egbert # 1474 <i>Egbert-Phillips Farms</i> <i>158 Harvard Ave. Rexburg</i>	DATE April 17, 1978	COMPLETION DATE
BID: WE HEREBY PROPOSE TO FURNISH MATERIAL AND LABOR TO COMPLETE THE WORK OUTLINED HEREIN FOR THE SUM OF: #		
DOLLARS \$		
PAYMENT TO BE MADE AS FOLLOWS 20% Down Payments as materials are delivered. Balance on start-up.		
WE HEREBY SUBMIT SPECIFICATIONS AND BID FOR:		

QUANTITY	STOCK NUMBER OR DESCRIPTION	AMOUNT
	OSGOOD PROJECT <i>2500 550</i>	
1	600 H.P. Pump to do ~~3600~~ <i>3500</i> GPM @ ~~535~~ <i>550</i> ' TDH (no motor) with 12" Column, 3 1/2" s 2 3/16" tube and shaft	
	Balanced impellers - ~~785~~ <i>785</i> ' TDH maximum @ <i>1800 gpm</i>	
1	Set pump	
1	Pump base and transformer pad	
1	~~250~~ <i>3500</i> H.P. Turbine booster to do ~~3600~~ <i>3500</i> GPM @ ~~200~~ <i>180</i> ' TDH	
1	Set booster pump	
1	600 H.P. panel, 3 phase, 440 volt with lightning arrestor, surge capacitor, phase failure, undervoltage relay, time delay relay, time clock, pressure switch	
1	600 H.P. Panel installation	
1	~~785~~ <i>785</i> H.P. Panel, 3 phase, 440 volt with lightning arrestor, surge capacitor, time delay relay, time clock	
1	~~785~~ <i>785</i> H.P. Panel installation	
2	Pump tie-ins	
25'	12" Bare steel for tie-in	
2	12" Check valves - non-slam	
1	12" Water meter	
	Misc. flanges, bolts, gaskets, etc.	
	Sub Total	\$60,500 00
30	4" x 1320' A & M laterals with 5/32 nozzles, Weather Tec heads with flow-control, 20 valve openers, 20 end plugs	\$45,810 00
	For rewound 600 H.P. motor, warranted for 1 year add:	\$14,750 00
30	4" x 50' Swinglines with elbow	\$2,250 00
	Grand Total	\$123,310 00
	<i>Deduction for L&B Pump and 200 H.P. Booster & Panel</i>	<i>-9,540.00</i>
		<i>\$113,770.00</i>

RECEIVED
JUL 5 1984
Department of Water Resources

MICROFILMED

TERMS: 10TH OF MONTH FOLLOWING DATE OF PURCHASE. Without grace for value received, I promise to pay to the order of Seller the above mentioned amounts, payable as hereinabove set forth. I agree that title to the merchandise hereinabove set forth shall at all times remain in the Seller's name, until this note is fully paid, and in if the same be placed with an attorney for collection or suit, I agree to pay a reasonable attorney's fee. If not paid at maturity, this note shall thereafter draw interest at the rate of 12% per annum until paid. Upon failure on the part of the purchaser to make payments, as herein specified, the Seller may repossess said property wherever found. Property shall not be moved from premises without consent of Seller.

3736
DATE 4/17/78
SIGNED Robert H. Bee

ACCEPTANCE OF BID
THE ABOVE SPECIFICATIONS TERMS AND CONTRACT ARE SATISFACTORY, AND I/WE HEREBY AUTHORIZE THE PERFORMANCE OF THIS WORK.
SIGNED Richard A. Egbert
DATE 4/20/78

S BID VOID AFTER 30 DAYS FROM DATE UNLESS ACCEPTED BY SIGNATURE AT RIGHT



United States
Department of
Agriculture

Agricultural
Stabilization and
Conservation Service

RECEIVED
JUN 26 1984
Department of Resources

To: Whom It May Concern:

From: Jefferson County ASCS Office

In Reply Refer to:

Subject: E2, Sec. 34; W2 W2 Sec, 35; T4N, R35EBM. Richard Egbert and Betty Phillips owners.

The above described ground, by ASCS records, does show that it was cultivated cropland with an irrigation system as early as 1978.

In 1978 ASCS has records showing that wheat and potatoes were planted on this ground. Also, the aerial maps which were flown in 1978 show the ground cultivated; show the well and pump, and shows the mainline and risers.

Attached is a photocopy of ASCS photo number J-13 with the above described tract outline.

Signed

Raye Chapman
County Executive Director

MICROFILMED



8
1467

27 26

AM 18
9695

well & Pump

8
442

mainline

34	35
3	2

MICROFILMED

J-13

NOT TO SCALE





State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

January 7, 1981

Betty K. Phillips Farms Inc. &
Richard Egbert
Rt. 1
Tetonia, Idaho 83452

Dear Sirs,

RE: License No. 35-7349

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

Also enclosed is a copy of the approved Application for Amendment along with Receipt No. 16149 in the amount of \$ 20.00 .

Sincerely,

JAN GROVER
JIM JOHNSON
Water Rights Supervisor

JG/kw
Enclosure

MICROFTI MFD



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

May 29, 1980

Betty K. Phillips Farms, Inc. &
Richard A. Egbert
Rt. 1
Tetonia, Idaho 83452

Dear Ms. Phillips, & Mrs. Egbert,

A representative of this Department made an examination of the works covered by your Permit No. 35-7349 on July 20, 1979, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 9.60 cfs Source: groundwater

The maximum quantity diverted shall not exceed 1,680 acre feet
per year.

Point of diversion: ²(NW $\frac{1}{4}$ SE $\frac{1}{4}$) NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, Twp. 4N, Rge. 35E, B.M.

Beneficial use: Irrigation of 480 acres within the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$, Sec. 35, Twp. 4N, Rge. 35E.

Priority date established: November 7, 1973.

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

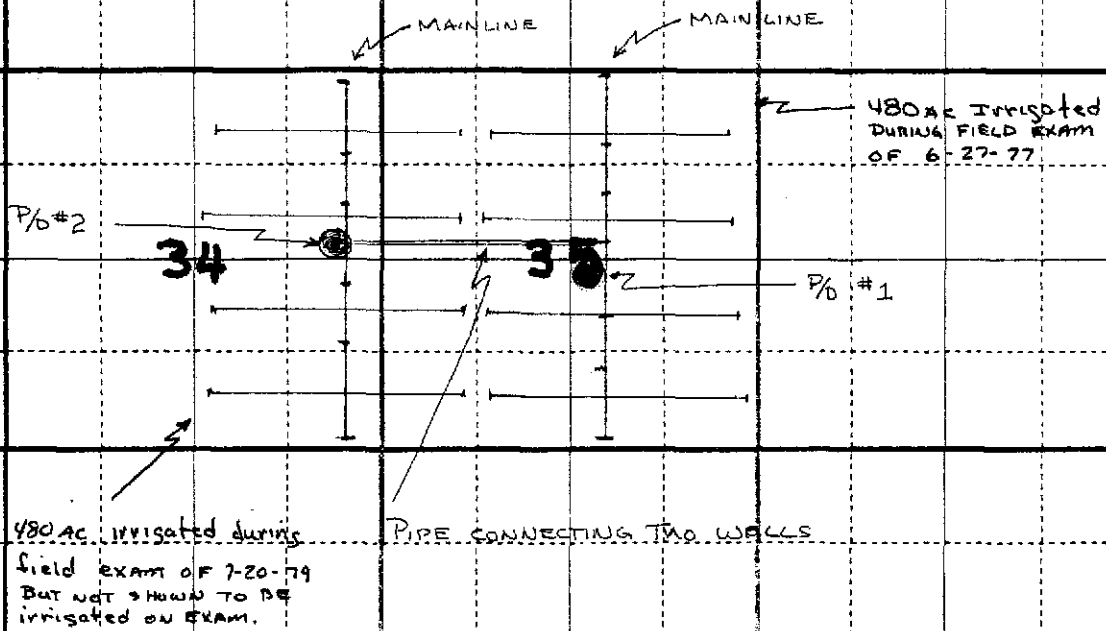
Sincerely,

JAN GROVER
Water Rights Supervisor

JG:j
Enclosure

MICROFILMED

MAP SHOWING CORRECT LOCATION OF POINTS OF DIVERSION



THIS MAP WAS PREPARED TO CORRECTLY SHOW THE LOCATIONS OF THE P/D'S.
THE FIELD EXAM INCORRECTLY LOCATED P/D #2 IN THE NWNE SEC 35.

Jim J. 2-1-85

DEPARTMENT OF WATER RESOURCES
FIELD REPORT

Call & check
on land desc

1. Name of permit holder Betty K. Phillips Farms, Inc. & Richard A. Egbert
Post office address Tetonia, ID 83452 Rt. 1
Person to contact _____
Phone 456-5641
RECEIVED
Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
Tributary to _____
JUN 22 1977
(name spring, stream, etc.)
Department of Water Resources
Eastern District Office

3. Water will be used for the following purposes:

Amount 19.20 c.f.s. for Irrigation
_____ AF/Annum (nature of use)

Period of Use: from Apr. 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: _____

Permit No. 35-7349
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 19.20 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 4N N/S, Range 35E E/W, B.M., Section 35, Subdivision NW $\frac{1}{4}$ SE $\frac{1}{4}$, Jefferson
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Other Points of Diversions: _____

Description of diverting works: 20" x 610', 800 hp pump, 250 booster

Measuring device required: yes ☒ no ☐ Do not have the type listed on the proof

6. Lands to be irrigated or place of use. Proof lists only 480 in Sec. 35.

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 $\frac{1}{4}$	
4N	35E	34	40	40	40	40									40	40	40	40	320
		35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

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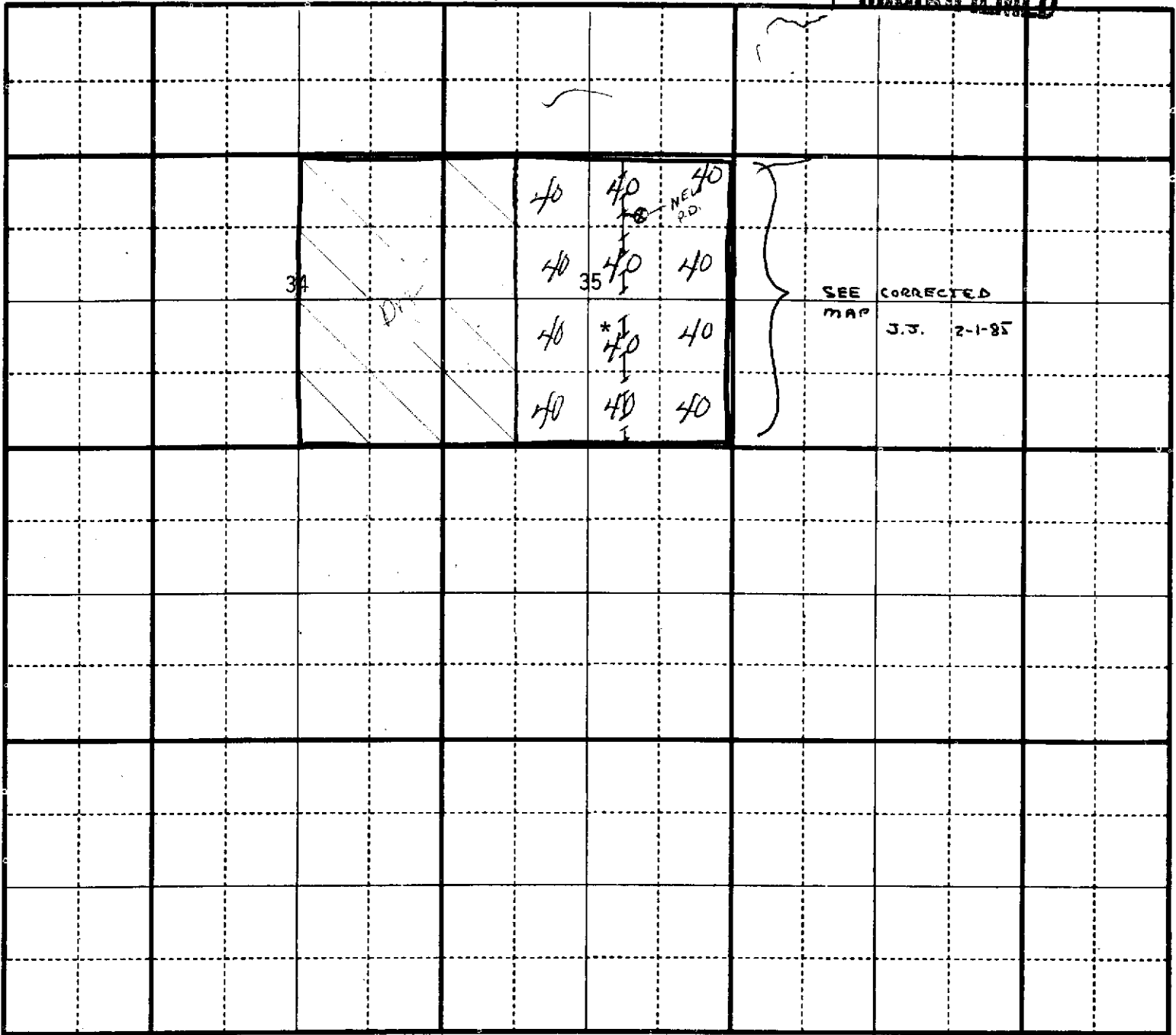
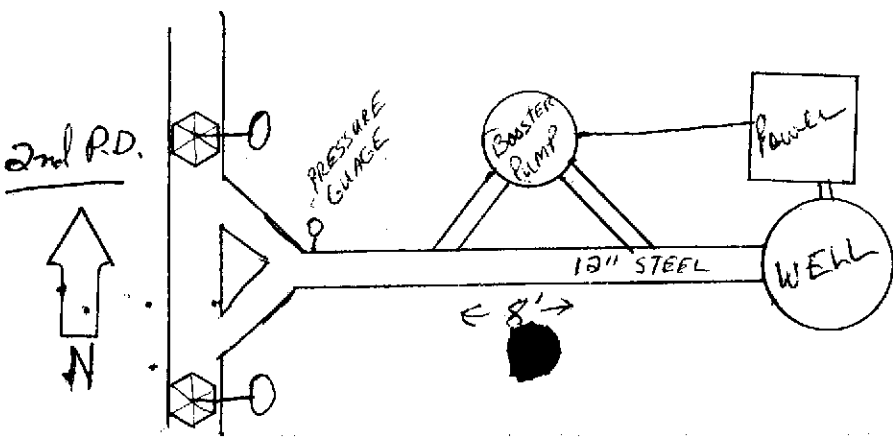
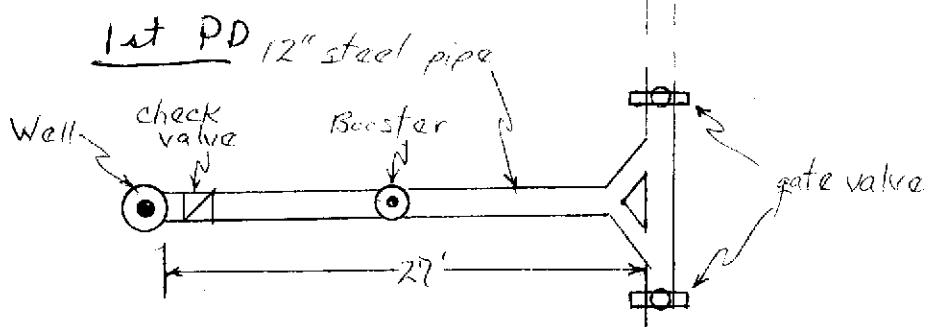


Diagram of System



EMC
6/27/97

DATE OF EXAM 7-20-79

ACREAGE
Found 480a
Recommended 480a

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 9.60 c.f.s. V = 1680 AF/Ann. from Apr 1 to Nov 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

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

Exchange? yes _____ no X

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

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

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

Total Q measured 13.94 cfs Method of measurement in line meter

Total Q recommended 9.60 cfs Meter No. 77-10-2017 Type MCrometer Condition STG
2ND PD - ANNULAR 12.000"

Total V recommended 1680 AF/yr

Recommended Amendments:

P.D. ✓ ADD NEW P.D. IN NW 1/4 NE SEC 35 T 4N Rge 35E B.M.
Place of Use _____
Other _____
None _____

V

MEASUREMENT CALCULATION:

1st PD TIMED FLOW = 50.1 AF IN 57 sec = $57 \sqrt{435.6} = 7.64 \text{ cfs}$ $V = 480a \times 3.5 = 1680 \text{ AF/yr}$
2ND PD. ANNULAR READING = 26" = 2830 gpm = 6.31 cfs
 $V = 1200 (3.85) \sqrt{26} = 2826.896 \text{ gpm} = 6.298 \text{ cfs} = 6.30$
 $< 9.60 \text{ cfs} \times 1.9835 \times 214 = 4074.9 \text{ AF/yr}$

SYSTEM DESCRIPTION:

200 HP, U.S. 3 phase motor, serial # 87-01586 w/ peerless turbine pump
no I.D. plate: 250 HP, G.E. 3 phase motor, serial # JMJ915112
peerless pump no I.D. Plate: 12 steel main extends 27 feet east of P.D.
to north south buried main. System operates 1/2 mile lines w/ 7/32 nozzels.
METER - MCROMETER 77-12-2017

Note!

2ND
PD. DESC.
ON REVERSE

REMARKS:

System shown By MR. Doug Holm

Examiner's Signature Robert L. Parker Date 7-20-79

Checked by Anthony R. Kojewski Date 5-1-80

Approved by _____ Date _____

MICROFILMED

2nd P.D.

Motor - U.S. Vertical H.T. 600hp ID. 5521257 5402026-1-400

Pump - Layne + Bowler Vertiline SN. 3P8 89611

Booster System - U.S. Vertical H.T. 200hp ID. No. C6340231-8704486

Pump - Aurora Vertiline - SN. U76-88730

file

INTER-DEPARTMENT MEMO — 1

FROM Ernie Carlsen *EMC*

DATE June 28, 1977

TO *Flernor*
~~Norm Young~~

SUBJECT Field Exam for Permit No. 35-7349 BETTY K. PHILLIPS & RICHARD A. EGBERT

On June 27, 1977, a field exam was attempted and no measuring device had been installed. This being one of the conditions of approval on the permit, a letter has been forwarded to the right holders notifying them that this requirement will have to be met before a field exam can be completed.

7-7-77

Mr Egbert called and will either install a mens device or
have system measured by an Engro
Bob F.

SIGNATURE



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

June 21, 1977

Re: Permit No's. 35-7349, 35-7350 and 35-7351

Betty K. Phillips Farms, Inc.
and Richard A. Egbert
Route 1
Tetonia, Idaho 83452

Dear Mrs. Phillips and Mr. Egbert:

We acknowledge receipt of the assignments conveying the above referenced permits to you. The assignments have been recorded in the department's records.

Enclosed is a copy of the approved application for amendment issued on Permit No. 35-7349. We also acknowledge receipt of the affidavit submitted on Permit No. 35-7349.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this exam 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 examination, please contact our Regional Office in Idaho Falls.

Sincerely,

Bobby D. Fleenor
BOBBY D. FLEENOR
Chief, Operations Bureau

BDF:JFR

Encl.

Identification No. _____

Permit No. _____

RECEIVED

JUN 10 1977

06

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Betty K. Phillips Farms, Inc., &/or Richard A. Egbert
b) Post Office Address Tetonia, Idaho

2. Permit Number 35-7349 Part

3. Date of Priority that you are prepared to establish 11-7-73

4. a) Source from which water was appropriated ground water

b) Location of the point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35

Township 4N, Range 35E Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:

Amount 9.60 for irrigation purposes from Apr. 1 to Nov. 1 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 9.60 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: _____

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) 20" x 610', 800 hp pump, 250 booster

b) Describe the type and size of measuring device which you have installed at your point of diversion: _____

c) Give well driller's name and address and the date the well was completed: _____

LaMar Barrus, Shelley, Idaho

April, 1977

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

6/21/77

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	35E	35	40	40	40	40	40			40	40			40	40	40	40	40	480

Total number of acres irrigated 480

10. Remarks: _____

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

Betty & Phillips Farms, Inc.
and Richard H. Ebert
By Richard H. Ebert (Signature)

(Date)

State of Idaho)
County of Ada) ss.

On this 10th day of June, 19 77, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (~~they~~) executed the same.

Cheney Woods
Notary Public residing at
Boise

My commission expires

6/15/77

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2190

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

December 27, 1973

Re: Permit Nos. 35-7349 35-7350 35-7351

Burton Phillips, Phillips Farms, Inc.
and Richard Egbert
Route 1
Tetonia, Idaho 83452

Gentlemen:

Enclosed are copies of your approved Application for Permit Nos. 35-7349, 35-7350, and 35-7351. We direct your attention to the conditions of approval as listed on the fourth page of each permit.

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

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg

Enclosures

35 7349

December 4, 1973

Re: Applications for Permit No. 35-7335 Int. Livestock Dev. Corp. (Correction)
35-7349 Phillips
35-7350
35-7351

Transfer of a Water Right No. 31-2361 Burkman

The Rigby Star
P. O. Box 37
Rigby, ID 83442

Gentlemen:

Would you please submit affidavits of publication and certified bills in connection with the above referenced applications. The legal notices were to have been published in your paper on November 15 and November 22, 1973

Your cooperation in this matter is greatly appreciated.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

35 7349

~~XXXXXXXXXXXXXXXXXXXX~~ 1515 Lincoln Road

November 9, 1973

Re: Application for Permit No. 35-7335 Int. Livestock Dev. Corp. (CORRECTION)
Application for Permit No. 35-7349 Burton Phillips, Phillips Farms, Inc.
35-7350 and Richard Egbert
35-7351
Application for Transfer of Water Right No. 31-2361 J. A. Terteling & Sons, Inc.

The Rigby Star
P. O. Box 37
Rigby, ID 83442

Gentlemen:

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

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

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

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

(signature of claimant) 35 7349

Very truly yours,

NORMAN C. YOUNG
District Engineer

Bill submitted _____ by _____

NCY:mb
Enc: Legal Notices (3)

35
7349

**NOTICE OF APPLICATION
FOR PERMITS**

Notice is hereby given that on Phillips, Phillips Farms, and Richard Egbert, Route No. 1, Idaho have on 11/7/73 applied to the Idaho Department of Water Administration for permits to appropriate 33.20 cubic feet per second of water from ground-water sources by means of wells and pumps; to be used from April 1 to November 1 for irrigation of 1900 acres.

Permit No. 35-7349 Amount: 19.20 cfs. Point of Diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 4N, R. 35E, B.M. Jefferson County, Place of Use: 960 acres within the E $\frac{1}{2}$, Sec. 34; Sec. 35, T. 4N, R. 35E, B.M.

Permit No. 35-7350, Amount: 6.0 cfs, Point of Diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, T. 4N, R. 35E, B.M. Jefferson County, Place of Use: 300 acres within the S $\frac{1}{2}$, Sec. 25, T. 4N, R. 35E, B.M.

Permit No. 35-7351 Amount: 8.0 cfs, Point of Diversion. SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T. 4N, R. 35E, B.M. Jefferson County, Place of Use: 640 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 32; W $\frac{1}{2}$, Sec. 33, T. 4N, R. 35E, B.M.

If issued, these permits will be subject to all prior water rights. Protests against the granting of any or all of the permits must be filed with the Idaho Department of Water Administration 1515 Lincoln Road, Idaho Falls, Idaho 83401, on or before December 3, 1973.

R. KEITH HIGGINSON
Director

Published in The Rigby Star, Rigby, Idaho on November 15 and November 22, 1973.

NOTICE OF APPLICATIONS FOR PERMITS

Notice is hereby given that the following persons, who are residents of the State of Idaho, Route #1, Tetonia, Idaho have on 11/7/73 applied to the Idaho Department of Water Administration for permits to appropriate 33.20 cubic feet per second of water from ground-water sources by means of wells and pumps; to be used from Apr. 1 to Nov. 1 for the irrigation of 1900 acres.

Permit No. 35-7349, Amount: 19.20 cfs, Point of Diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 4N, R. 35E, B.M. Jefferson County, Place of Use: 960 acres within the E $\frac{1}{2}$, Sec. 34; Sec. 35, T. 4N, R. 35E, B.M.

Permit No. 35-7350, Amount: 6.0 cfs, Point of Diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, T. 4N, R. 35E, B.M. Jefferson County, Place of Use: 300 acres within the S $\frac{1}{2}$, Sec. 25, T. 4N, R. 35E, B.M.

Permit No. 35-7351, Amount: 8.0 cfs, Point of Diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T. 4N, R. 35E, B.M. Jefferson County, Place of Use: 640 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 32; W $\frac{1}{2}$, Sec. 33, T. 4N, R. 35E, B.M.

If issued, these permits will be subject to all prior water rights. Protests against the granting of any or all of the permits must be filed with the Idaho Department of Water Administration, 1515 Lincoln Road, Idaho Falls, Idaho 83401, on or before December 3, 1973.

R. KEITH HIGGINSON

Director

Published in the Rigby Star, Rigby, Idaho on November 15 and November 22, 1973.

35 7349

Handwritten:
35-7349
35-7350
35-7351

1515 Lincoln Road

November 5, 1973

Mr. Burton Phillips
Phillip Farms, Inc.
Route #1
Tetonia, Idaho 83452

Dear Mr. Phillips:

Enclosed are the Application ~~for~~ Permit forms prepared as a result of your visit to this office on November 2, 1973. Please review them, make any necessary changes and return them to this office for processing. The applications will also have to be signed on page 3 by both an elected official of Phillip Farms, Inc. and by Mr. Richard Egbert. Note that the point of diversion has not been specified on the application that requests 8.0 c.f.s. If you will mark the location of the well or wells on the map of Item 11, we will type the information in the appropriate blank on page 1.

I am enclosing an instruction form which lists the required filing fees on page 4. We have appreciated working with you on the water rights for this development and we will be happy to assist you in any way, if possible, in the future.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

Enclosures