

RECEIVED

NOV 30 1978

Department of Water Resources
Eastern District Office

Affidavit of Publication

THE RIGBY STAR

STATE OF IDAHO,

County of Jefferson

ss

I, Karl Hanosky
Publisher 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 publication as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the

Sixteenth day of November, 19 78

and the last publication on the

Twenty-Third day of November, 19 78

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.

Karl S. Hanosky
Publisher

Subscribed in my presence and sworn to before me this Twenty-Third day of November, 19 78.

[SEAL]

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

My commission expires 7-15, 19 81

Publication Fee: \$ 11.48

NOTICE OF PROPOSED AMENDING
OF WATER PERMIT

NOTICE IS HEREBY GIVEN that Permit No. 35-7177 in the name of Brownings, Inc. was issued for the diversion of 2.22 c.f.s. of water from a ground-water source with the point of diversion within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, T. 4N, R. 37E, B.M., Jefferson County; to be used for the irrigation of 400 acres from May 1 to Oct. 30 within the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 29, W $\frac{1}{2}$, Sec. 32, T. 4N, R. 37E, B.M.

The permit holder now proposes to amend Permit No. 35-7177, changing the amount of diversion to 1.38 c.f.s. and the point of diversion to within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, T. 4N, R. 37E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before December 4, 1978.

C. Stephen Allred
Director

Published in The Star, November 16 and 23, 1978.

87-

RECEIVED

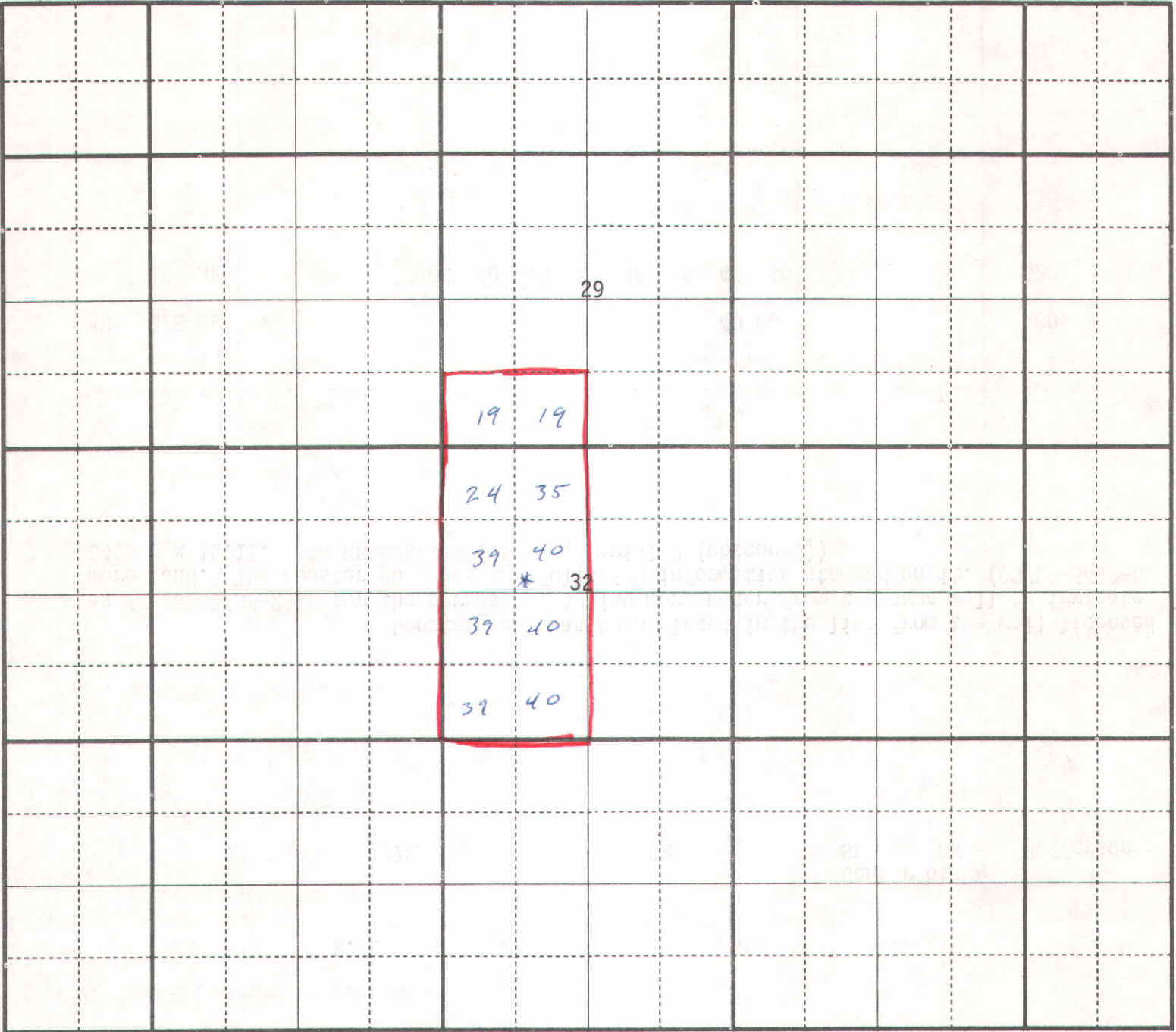
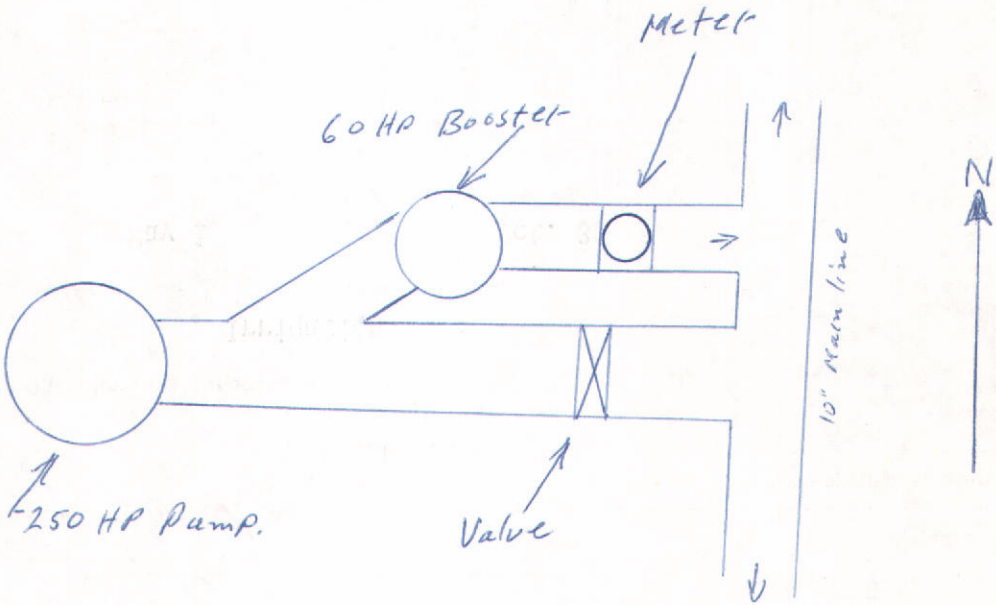
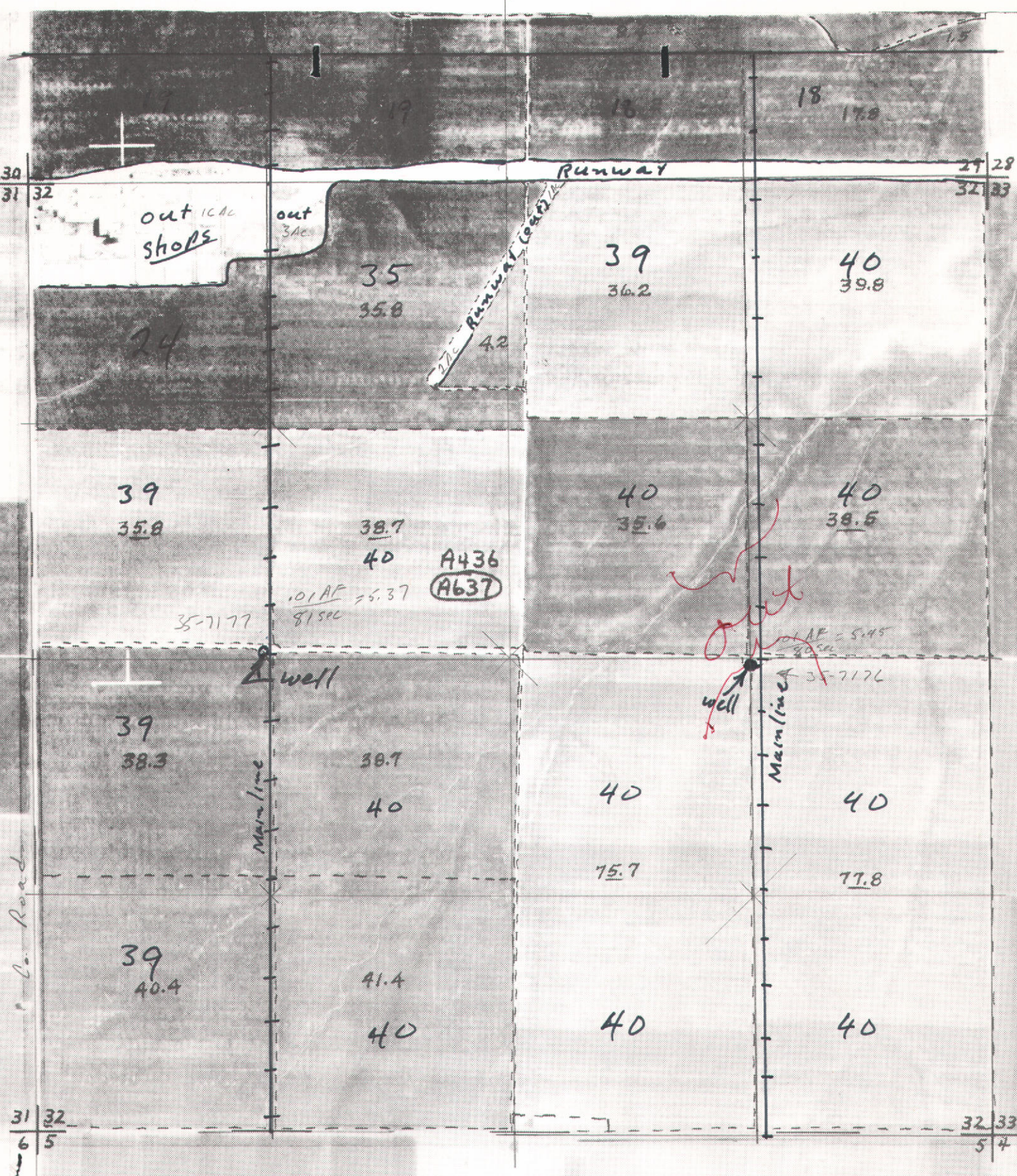


Diagram of System





LH
2/2/77

"NOT TO SCALE"

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7177 Priority (late proof)
July 10, 1971 Amount 1.38 cfs

THIS IS TO CERTIFY, that BROWNINGS, INC.

of Idaho Falls, Idaho, has complied with the terms and conditions of Permit
No. 35-7177 issued pursuant to Application for Permit dated June 18, 1971,
and has submitted proof to the Department of Water Resources on August 22, 1976,
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 5.38 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>May 1</u> to <u>October 30</u> at <u>1.38</u> cfs and <u>498 acre feet</u>		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 1.38 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
498 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, Twp. 4N,
Rge. 37E, 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	37E	29											19	19					38
		32					35	24	39	40	40	39	39	40					296

Total number of acres irrigated 334

The total rate of diversion and volume of water diverted under this right when
combined with License No. 35-2416 shall not exceed 5.38 cfs nor 1253 acre feet
per annum.

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 18 day of
December, 19 78

Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR AMENDMENT OF A PERMIT

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

Comes now Brownings, Inc.

of (address) Idaho Falls, Idaho, 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. 35-7177, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 4N, Range 37E, B.M.,
County of Jefferson. Other points of diversion: _____

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

Amount 1.38 for Irrigation purposes from May 1 to Oct. 30 (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: NO CHANGE

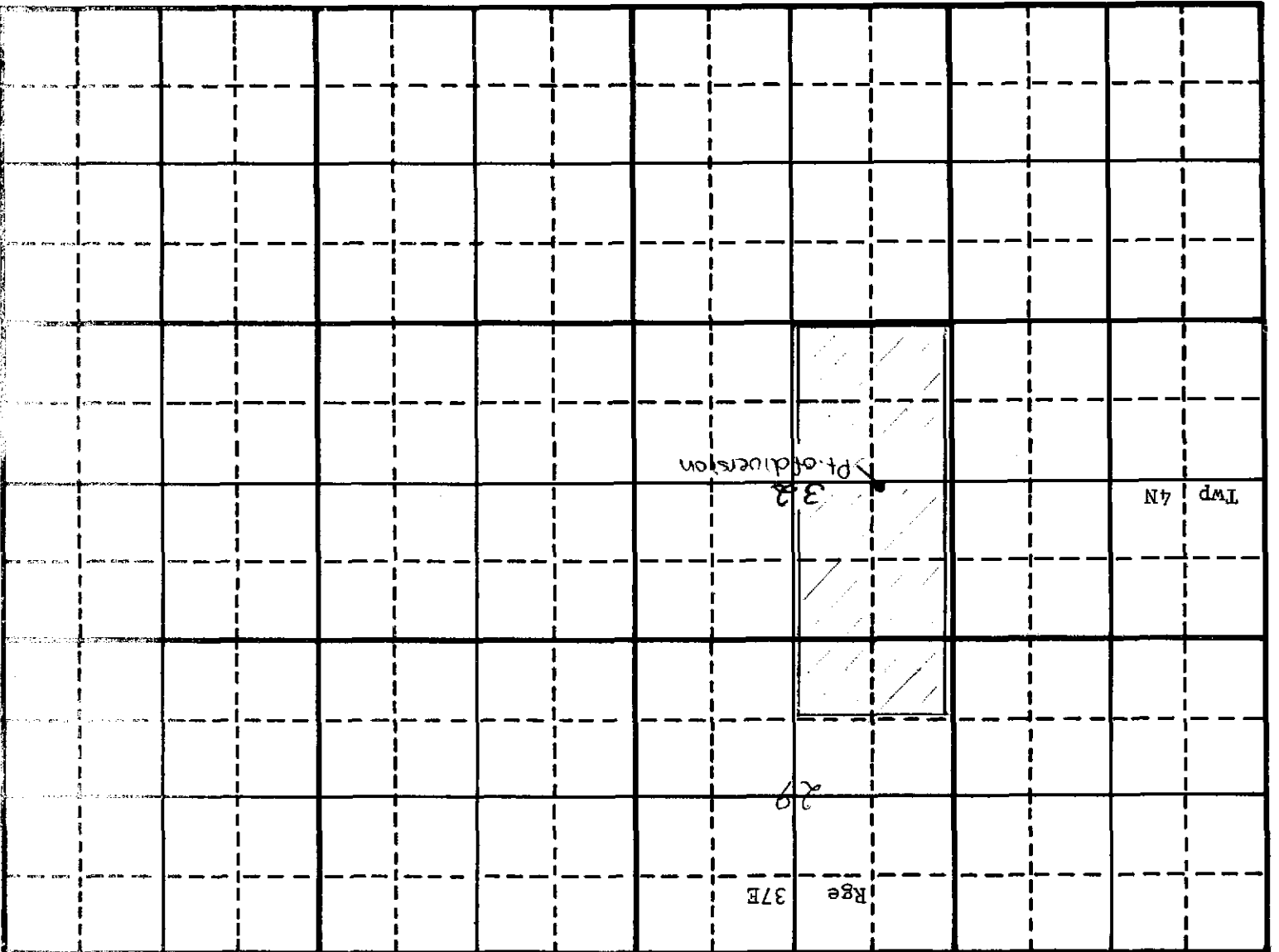
TWP	RGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated = _____

4. a. Who owns the property at the point of diversion? Browning's Inc.*
- b. Who owns the land to be irrigated or the place of use? Browning's Inc.*
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: *Browning's Inc. owns the place of diversion and the lands irrigated, but has sold the same under a contract of sale to Ivan L. Ashment of Idaho Falls, Idaho. The license should be issued in the name of Browning's Inc., so that when a deed is issued by it to Mr. Ashment, the water right will pass to the latter as purchaser.

RECORDED

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



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

Signed at

, this

day of

, 19

BROWNING'S, INC.

(Signature) BY Its President

FOR DEPARTMENT USE ONLY

11.9.78
11.1.78

Preliminary check by SM Fee \$20.00 #11587

Received by Date 11/7/78

Publication prepared by Date 11/9/78

Published in RISE STAR

Publication dates Nov 16 & 23, 1978

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Approve the above Application for Amendment for Permit No. 35-7177

Witness my hand this 18

December

Director

[Signature]

RECEIVED

NOV 30 1978

Department of Water Resources
Eastern District Office

Affidavit of Publication

THE RIGBY STAR

STATE OF IDAHO,

County of Jefferson

ss

I, Karl Hanosky, do solemnly swear that I am the
Publisher 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
publication as per clipping attached, was published in said newspaper in the
regular and entire issue thereof, and not in any supplement issue thereof,
for 2 consecutive issues thereof; first publication having been made on the

Sixteenth day of November, 19 78

and the last publication on the

Twenty-Third day of November, 1978

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.

Karl Hanosky
Publisher

Subscribed in my presence and sworn to before me this Twenty-Third
day of November, 1978.

[SEAL]

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

My commission expires 7-15, 19 81

Publication Fee: \$ 11.48

RECEIVED

NOTICE OF THE AMENDING OF WATER PERMIT

NOTICE IS HEREBY GIVEN that
Permit No. 35-7177, in the name of
Karl Hanosky, Inc., was issued for the
diversion of 2.22 c.f.s. of water from a
ground-water source with the point of
diversion within the SE1/4NW1/4, Sec. 32,
T. 4N, R. 37E, B.M., Jefferson County, to
be used for the irrigation of 400 acres
from May 1 to Oct. 30 within the
SE1/4NW1/4, Sec. 28, W1/2, Sec. 32, T. 4N,
R. 37E, B.M.

The permit holder now proposes to
amend Permit No. 35-7177, changing the
amount of diversion to 1.38 c.f.s. and the
point of diversion to within the
SW1/4NW1/4, Sec. 32, T. 4N, R. 37E,
B.M.

Any protest to the proposed amending
of the permit must be filed with the Idaho
Department of Water Resources, 1515
Landing Road, Idaho Falls, Idaho, 83401
before December 4, 1978.

C. Stephen Allred
Director

Published in Rigby Star, November 16 and

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 35-7177

IN THE NAME OF BROWNING, INC.

ORDER OF REINSTATEMENT

WHEREAS, on June 18, 1971, Brownings, Inc., filed with the Department of Water Resources (formerly the Department of Water Administration) an application for permit to appropriate 2.22 cubic feet per second of groundwater within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, Twp. 4N, Rge. 37E, B.M., Jefferson County, to be used for irrigation purposes; and,

WHEREAS, on August 18, 1971, the Department approved said application and issued Permit No. 35-7177 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before August 1, 1976; and,

WHEREAS, on June 1, 1976, the Department notified the permit holder by certified mail that proof of construction of works was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on August 6, 1976, the Department notified the permit holder that Permit No. 35-7177 had lapsed for failure to submit the required proof of beneficial use of water; and,

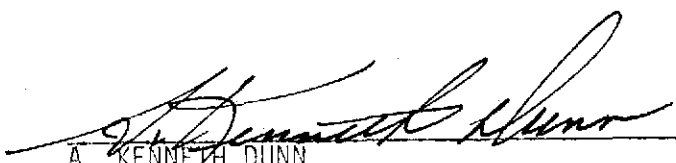
WHEREAS, on August 23, 1976, the Department received the required proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 35-7177 be REINSTATED and the priority advanced to July 10, 1971.

Dated this 8 day of September, 1976.


A. KENNETH DUNN

Administrator, Operations Division

Identification No. 35-7177
Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant Brownings, Inc., formerly J. Ed Browning & Son, Inc.
post office address Roberts, Idaho
Ground Water
2. Source of water supply _____ which is a tributary of _____
3. a. Location of point of diversion is Center of W $\frac{1}{2}$ SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 32 Township 4N
Range 37E 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 _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M.
4. Quantity to be appropriated:
a. 2.22 cubic feet per second and/or
b. _____ acre feet per annum will be stored.
5. Water will be used for the following purposes:
Irrigation purpose from May 1 to October 30 (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Drilled Well, turbine
pump, sprinkler system

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

c. Proposed well diameter is _____ inches; proposed depth of well is _____ 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 \$ Completed.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(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: _____

35-7177

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

400 Total number of acres to be irrigated

c. Describe any other water rights used for the same purposes.

9. a. Who owns the property at the point of diversion
Brownings, Inc.

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

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	Booster Pump without additional gallons per minute	applies water on the land set forth
-------------	--	-------------------------------------

A hand-drawn map on a grid. The grid consists of 10 columns and 10 rows. A solid line runs vertically through the center, and a solid line runs horizontally through the center. A dashed line runs vertically through the center, and a dashed line runs horizontally through the center. A dashed line labeled '29' runs diagonally from the top right towards the center. A dashed line labeled '32' runs diagonally from the bottom right towards the center. A label 'Existing Well & Pump' is written in the bottom right quadrant. There are several 'X' marks on the grid, and a small dot is located near the intersection of the dashed lines '29' and '32'.

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.

J. E. Barron Jr.
(Applicant)

35-7177

35-71177

Received by W. N. Date 6-18-71 Time 10:01 AM

Preliminary check by 0 Fee \$ 45.00

Received by W. N. Date 6-21-71 File # 6682

Publication prepared by CR Date 7-1-71

Published in Rigby Star

Publication dates 7-8 & 7-15-71

Publication approved W. N. Date 6-21-71

Priority reduced to Reason

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by W. N.

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-71177, 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 August 1, 1976.

c. Other: The permit holder shall permanently install and maintain as part of the diverting works a measuring device at the point of diversion of a type approved by this Department.

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

Witness my hand this 18th day of August, 1971.

Director
State Reclamation Engineer

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 said attached notice, advertisement or publication as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for

Two Consecutive issues thereof; first publication having been made on the

8th day of July, 1971
and the last publication on the

15th day of July, 1971

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 bona fide subscribers in Jefferson County.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Brownings, Inc., Roberts, Idaho has on June 18, 1971 submitted Application No. 35-7177 for a permit to appropriate 2.22 cubic feet per second of water from a ground water source by means of well and pump within the (center of W $\frac{1}{4}$) SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, T. 4N, R. 37E, B.M., Jefferson County to be used from May 1 to Oct. 30 for the irrigation of 400 acres within the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 29; NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, T. 4N, R. 37E, B.M..

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho 83707, on or before July 26, 1971.

R. KEITH HIGGINSON
Director

(Published in the Rigby Star, Rigby, Idaho on July 8 and July 15, 1971)

Hope B. Jones

Subscribed in my presence and sworn to before me this 29th

day of July, 1971
(SEAL)

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

My commission expires _____, 19____

Publication Fee: \$_____

MY COMMISSION EXPIRES JULY 15, 1973

35-7177

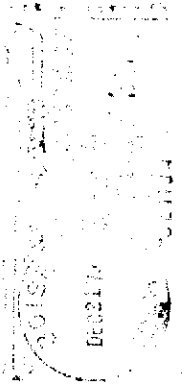
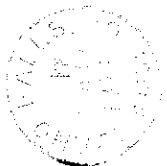
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Statehouse
Boise, Idaho 83720

RECEIVED
DEC 15 1973
Department of Water Resources

RECEIVED

PRECORP
FIRST-CLASS

Brownings, Inc.
Idaho Falls, ID 83401



December 21, 1978

Re: Permit No. 35-7177

Brownings, Inc.
Idaho Falls
Idaho 83401

Gentlemen:

Enclosed herewith is a copy of the water right license issued on the above referenced permit along with a copy of the approved application for amendment for this permit.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

cc: Petersen, Moss & Olsen

*Re-permit 12-29-78
P.O. Box 497*

RECEIVED

November 9, 1978

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

Re: Amendment of Permit No. 35-7177 - BROWNINGS, INC.

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 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.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

Bill submitted 12/1/78 by dh

RDC:dh

Enclosure: 1 legal

MICROFILMED

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 35-7177 in the name of Brownings, Inc. was issued for the diversion of 2.22 c.f.s. of water from a ground-water source with the point of diversion within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, T. 4N, R. 37E, B.M., Jefferson County; to be used for the irrigation of 400 acres from May 1 to Oct. 30 within the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 29, W $\frac{1}{2}$, Sec. 32, T. 4N, R. 37E, B.M.

The permit holder now proposes to amend Permit No. 35-7177, changing the amount of diversion to 1.38 c.f.s. and the point of diversion to within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, T. 4N, R. 37E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before December 4, 1978.

C. STEPHEN ALLRED
Director

Published in the Rigby Star, Rigby, Idaho on November 16 and 23, 1978.

24
MICROFILMED

November 8, 1978

Mr. Reed L. Moss, Attorney
Petersen, Moss & Olsen
485 "E" Street
Idaho Falls, Idaho 83401

Dear Sir:

Re: Application for Amendment - Brownings, Inc.

Attached herewith is Departmental receipt No. 11587 in the amount of \$20.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

RECEIVED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

November 2, 1978

Mr. Reed L. Moss, Attorney
Petersen, Moss & Olsen
485 "E" Street
Idaho Falls, Idaho 83401

Dear Sir:

The Department finds it necessary to return the application for amendment of permit No. 35-7177, as it was not accompanied by the necessary filing fee. Please return the application for amendment to our office with the statutory filing fee of \$20.00, at which time we will be glad to begin the necessary processing.

Respectfully submitted,

Ernest Carlson

ERNEST M. CARLSEN
Water Resource Analyst

EMC:dh

Enclosure

SORRY FOR THE OVERSIGHT. ENCLOSED IS OUR CHECK IN THE AMOUNT OF \$20.00 TO COVER THE FILING FEE. THANK YOU FOR YOUR PATIENCE.

RLM

RECEIVED NOV 3 1978

MICROFILMED

November 15, 1978

Re: Permit No. 35-7177

Brownings, Inc.
P.O. Box 497
Idaho Falls, Idaho 83401

Gentlemen:

On September 29, 1978, we forwarded an amendment to you to be completed to amend this permit to correspond with the findings of the field examiner so that we could issue this license.

As of this date, we have not received this amendment.

If we do not receive this amendment within fifteen (15) days, we will assume you no longer have any interest in this permit and cancellation proceedings will begin.

If you have any questions, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:lr

NOT RECORDED

Re: Permit No. 35-7177

Dear Sirs:

MICROFILMED

RECEIVED

SEP 10 1976

Phone _____
Department of Water Resources
Eastern District Office
Phone _____

Person to contact J. E. Browning, Jr.

3. Water will be used for the following purposes:

Other uses: _____

Permit No. 35-7177
Examination for b/u

Max Rate of Diversion 2.22 cubic feet per second and annual volume _____ AF/Annum.

Location of Point(s) of Diversion:

		Center of $W\frac{1}{2}$		
Township	4N N/S, Range 37E E/W, B.M., Section 32	SE $\frac{1}{4}$	NW $\frac{1}{4}$	Jefferson County
Township	_____ N/S, Range _____ E/W, B.M., Section _____	_____ $\frac{1}{4}$	_____ $\frac{1}{4}$	_____ County
Township	_____ N/S, Range _____ E/W, B.M., Section _____	_____ $\frac{1}{4}$	_____ $\frac{1}{4}$	_____ County

Other Points of Diversions: _____

Description of diverting works: A booster pump has been placed in the line from the well licensed as #G-25582/35-2416 for the purpose of taking more water from the same well to irrigate more land. The booster pump has the following information stamped on it. (GOULD-5449-6, 3405 8 x 10.12, 2500 HEAD 86, 10775 RPM, Serial # (obscured))

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

400

12/16 41

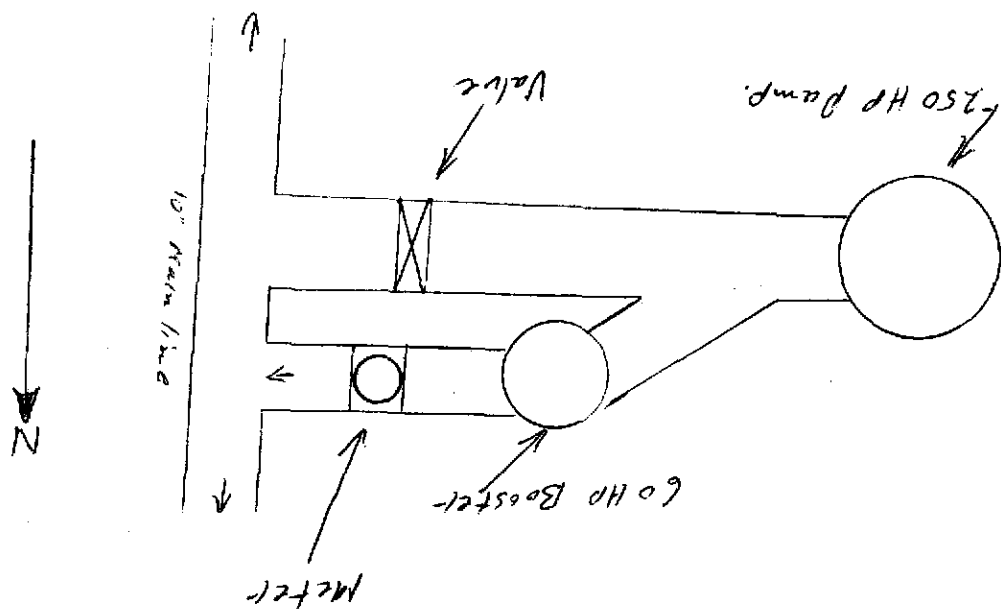


Diagram of System

19 24 35 39 40 41

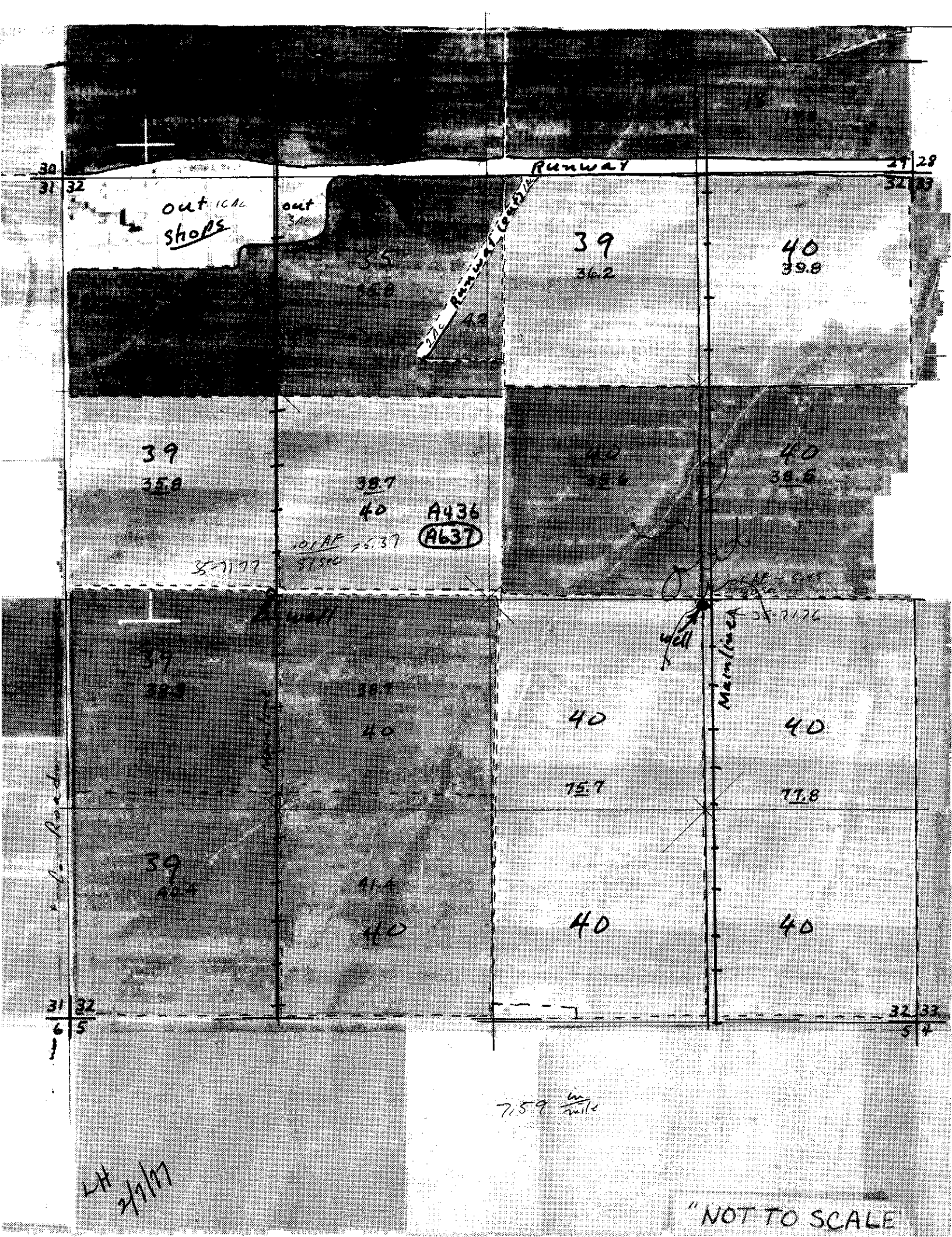
29

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	37E	29										19	19						38
		32					35	24	39	40	40	39	39	40					296

NOT FILMED

Examinee's land recommendations.

Total number of acres irrigated 334



30 31 32 27 28 32

out 1CAL shops

out 3AC

Runway

Runway

39
36.2

40
39.8

39
35.8

38.7
40

A436
A637

101AF 55.37
87500

35-7177

39
38.8

38.7
40

40

40

75.7

77.8

39
40.4

41.4

40

40

40

31 32
6 5

32 33
5 4

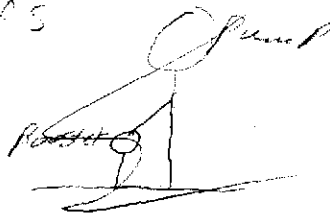
7.59 miles

LH 2/1/77

"NOT TO SCALE"

East well $\frac{.01 AF}{80 sec} = 5.45 cfs$

Meter - McCrometer
76-10-2143



Pump - Johnston Vertical SN JT1007

Motor - Westinghouse 250 HP

~~76-10-2143~~

style 388 P 53260I

SN 2-5V8131

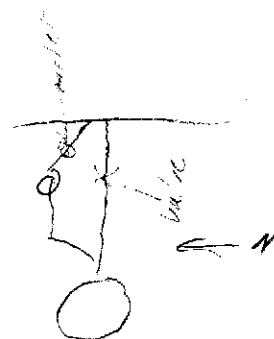
Discharges East to N-S Mainline 10 in.

Booster - 10 inch Goulds Pump 8x10.12 size
SN 3406
w/ Westinghouse 60 HP motor
SN 474B850G43.

West well Meter # 76-10-2146.

Pump - Fairbanks-Morse Pomona
No Nameplate

Motor - 250 HP Fairbanks-Morse
TYPE 27KVN.



Booster 8x10.12 Goulds Pump #3405
with Westinghouse 60 HP motor # obscured.

Disch E to N-S Mainline 10"

DATE OF EXAM 8-24-76

ACREAGE
Found 334
Recommended 334

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 1.38 c.f.s. V = 500.9 AF/Ann. from May 1 to Oct 30
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 ☒

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

Exchange? yes _____ no ☒

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

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

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

Total Q measured 5.38 Method of measurement In-line meter

Total Q recommended 1.38 Meter No. 76-10-2146 Type McClrometer Condition OK

Total V recommended 500.9 AF/Ann. (1169 when Combined with 35-2416)

Recommended Amendments:

P.D. ☒ S w 1/4 NW 1/4 Sec 22 T 4N R 37E
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:

$$.01 \text{ AF/sec} = \frac{435.6}{81} = 5.38 \text{ cfs}$$

5.38 - Capacity this exam.

4.00 Capacity of line 35-2416 $V = (1.38)(1.9835)(183) = 500.9 < (3.5)(334) = 1169$

1.38 Recommended Q.

$$V = (1.38)(1.9835)(182) = 498.1$$

SYSTEM DESCRIPTION:

Pump: Fairbanks-Morse Pump - 110 Number Plate
Motor: 250 HP Fairbanks Morse Type 27 Kun
Booster: 8x10-12 Goulds Pump with 60 HP Westinghouse motor
Number plate obscured.
Discharge to N-S 10" mainline

REMARKS:

System & land shown by Farm Manager.

Examiner's Signature Laura O. Halmer Date 2-7-77

Checked by Anthony R. Kozlowski Date 2/9/77

Approved by _____ Date _____

September 9, 1976

Re: Permit No's. 35-7177 & 35-7176

Brownings, Inc.
Box #97
Idaho Falls, Idaho 83401

Gentlemen:

We acknowledge receipt of the affidavits submitted as proofs of beneficial use for the above referenced permits. Enclosed are two Orders of Reinstatement; please note that the priorities have been advanced to July 10, 1971.

Before licenses can be issued, field examinations 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 systems.

If you have any questions regarding these exams, please contact our Regional Office in Idaho Falls.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JFR

Enclosures

RECEIVED

AUG 23 1976

Department of Water Resources
Eastern District Office

Identification No. _____

Permit No. 35-7177

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Brownings, Inc.
b) Post Office Address P.O. Box 497, Idaho Falls, Idaho 83401
2. Permit Number 35-7177
3. Date of Priority that you are prepared to establish 6-21-71
4. a) Source from which water was appropriated Ground water
b) Location of the point of diversion: SE ¼ NW ¼, Section 32
Township 4 North, Range 37 East Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
Amount 2.22 cfs for Irrigation purposes from May 1 to Oct 30 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 2.22 cfs 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) A booster pump has been placed in the line from the well licensed as #G-25582/35-2416 for the purpose of taking more water from the same well to irrigate more land. The booster pump has the following information stamped on it. (see attached) GOULD-5449-6 3405 8 X 10.12 measuring 2500 HEAD 86 up to 3,000 10775 RPM Serial # (obscured) ear
b) Describe the type and size of measuring device which you have installed at device is a micrometer flow meter with a gallons per minute which has been installed the booster pump.
c) Give well driller's name and address and the date the well was completed: Unknown

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

Exam typed 9-10-78

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.	37E	29											X	X					80
		32					X	X	X	X	X	X	X	X					320

Total number of acres irrigated 400

10. Remarks: The booster pump designed to increase the water supply in amounts sufficient to irrigate an additional 80 acres. However, the water is applied to the entire 400 acres and may be considered supplemental for the 320 acres already irrigated under the existing license.

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

August 20, 1976

(Date)

Eugene R. Waller
(Signature)

State of Idaho)
) ss.
County of Bonneville)

On this 20th day of August, 19 76, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Scott H. Venter
Notary Public residing at Idaho Falls, Idaho

My commission expires January 15, 1978

Exam typed _____ by _____



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

August 6, 1976

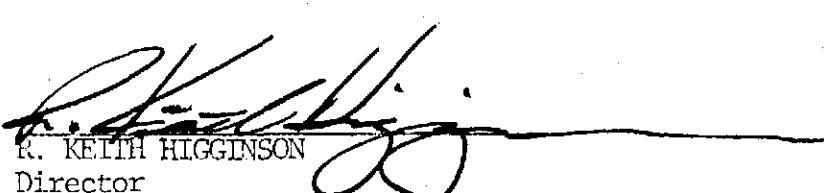
Re: Permit No's. 35-7176 and 35-7177

Brownings, Inc.
Roberts,
Idaho 83444

Gentlemen:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No's. 35-7176 and 35-7177 have lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within 60 days from the date of the notice of lapsing.


R. KEITH HIGGINSON
Director

RKH:jfr

June 1, 1976

CERTIFIED MAIL

BY 6/18

Re: Permit No. 35-7176 & 35-7177

Brownings, Inc.
Roberts,
Idaho 83444

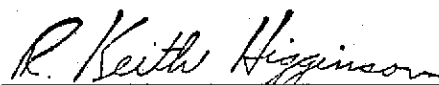
Gentlemen:

35-7176 &
35-7177

One of the conditions of approval of your water Permit No. _____ (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before AUGUST 1, 1976. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

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

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


R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit (3)



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

August 23, 1971

Re: Permit No. 11-7021
17-7013
29-7064
33-7010

35-7176
35-7177
74-7013

Norman C. Young
STATE OF IDAHO
DEPT. OF WATER ADMINISTRATION
240 South Holmes
Idaho Falls, Idaho 83401

Dear Norm:

Please find enclosed copies of the above referenced permits which have been approved
by this office.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:CR

Enc: Copies

35-7177

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

August 23, 1971

Re: Permit No. 35-7177

Brownings, Inc.
Roberts,
Idaho 83444

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 35-7177. We direct your attention to the conditions of approval as listed on the fourth page.

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

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:cr

Enclosures

35-7177

July 28, 1971

Re: Application No. 35-7176 - Brownings, Inc.

" " 35-7177 - " "

Rigby Star
P.O. Box 37
Rigby, Idaho 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 July 8 and July 15, 1971.

Your cooperation in this matter is most appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

35-7177

July 1, 1971

Re: Application No. 35-7176 - Brownings, Inc.
35-7177 - " "

The Rigby Star
P.O. Box 37
Rigby, Idaho 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 our review before publication.

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

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Enclosures

*Bill submitted
8-4-71
de*

35-7177

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Brownings, Inc., Roberts, Idaho

has on June 18, 1971 submitted Application No. 35-7177
for a permit to appropriate 2.22 cubic feet per second ~~acres feet per annum~~
of water from a ground water source
by means of well and pump

within the (center of W $\frac{1}{4}$) ~~SE $\frac{1}{4}$~~ NW $\frac{1}{4}$, Sec. 32, T. 4N, R. 37E, B.M., Jefferson County

to be used from May 1 to Oct. 30

for the irrigation of 400 acres

within the ~~S $\frac{1}{2}$~~ SE $\frac{1}{4}$, Sec. 29; NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 32, T. 4N, R. 37E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before July 26, 1971.

R. KEITH HIGGINSON

Director

Published in the Rigby Star, Rigby, Idaho

on July 8 and July 15, 1971.

35-7177

June 22, 1971

C
Mr. John Corless
Federal Land Bank Association
Box 30
Idaho Falls, Idaho 83401

O
Dear Mr. Corless:

Please be advised that the Department has received two applications for ground water appropriation filed by Browning, Inc. The applications each provide for 2.22 cubic feet per second of water to benefit each additional 80 acres of ground.

P
Our processing time will require approximately six to eight weeks following which we will be able to make final analysis of these applications.

If you have any questions in this matter, please contact us.

Very truly yours,

Y
Donald W. McKelowney
Appropriation Supervisor

DWM:cr

35-7177