

Proof of Publication

The Post-Register

JUN 1968
Department of Reclamation

State of Idaho,
County of Bonneville } ss.

I, E. F. McDermott, first being duly sworn, depose and say: That I am the Principal Clerk of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post-Register, a newspaper of general circulation, published daily, except Saturday, at Idaho Falls, Idaho; said Post-Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the 1st day of November, 1931, and each of said newspapers having been published continuously and uninterruptedly, prior to consolidation, for more than seventy-eighty (78) weeks and said Post-Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post-Register for two consecutive weeks, first publication having been made on the 6th day of June, 1968, last publication having been made on the 13th day of June, 1968, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, this 14th day of June, 1968

Karelda
Notary Public

My commission expires April 5th, 1971

NOTICE OF APPLICATION FOR WATER
NOTICE IS HEREBY GIVEN that Top-
hill Farms, Inc., O. Box 271, Roberts,
Idaho has on May 14, 1968 applied for
permit to divert 1.4 cu. feet per second
of water from a subterranean source
under application No. 35-7025. Water will
be diverted by a well, pump, motor,
pipe, and sprinklers within the NE 1/4 SW 1/4,
sec. 2, T. 3 N., R. 36 E., B.M., Bonne-
ville County and is to be used from
May 1 to October 15 for irrigation in
Lot 1 (NE 1/4 NW 1/4), sec. 3, T. 3 N., R.
36 E. and SE 1/4 SW 1/4, sec. 34, T. 4 N., R.
36 E., B.M.
Any protest against this application
must be filed with the Department of
Reclamation within ten days from the
last date of publication of this notice.
R. KEITH HIGGINSON
State Reclamation Engineer
Pub: June 6 and June 13, 1968.

bill submitted 6-25-68

35-7025

Proof of Publication
The Post-Register

RECEIVED
JUN 24 1968
Department of Reclamation

State of Idaho, }
County of Bonneville } ss.

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Subscribed and sworn to before me, this 14th day of June, 19 68

Karel Hae
Notary Public

My commission expires April 5th, 19 71

NOTICE OF APPLICATION FOR WATER
NOTICE IS HEREBY GIVEN that Top-
hill Farms, Inc., P. O. Box 207, Roberts,
Idaho has on May 14, 1968 applied for
permit to divert 1.6 cu. feet per second
of water from a subterranean source
under application No. 35-7025. Water will
be diverted by a well, pump, motor,
pipe, and sprinklers within the NE $\frac{1}{4}$ SW $\frac{1}{4}$,
sec. 2, T. 3 N., R. 36 E., B.M., Bonne-
ville County and is to be used from
May 1 to October 15 for irrigation in
Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), sec. 3, T. 3 N., R.
36 E. and SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 34, T. 4 N., R.
36 E., B.M.
Any protest against this application
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last date of publication of this notice.
R. KEITH HIGGINSON
State Reclamation Engineer
Pub: June 6 and June 13, 1968.

dup

35-7025

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Department of Reclamation

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Subscribed and sworn to before me, this 14th day of June, 1968

E. F. McDermott
Karl S. Hale
Notary Public

My commission expires April 5th, 1971

NOTICE OF APPLICATION FOR WATER
NOTICE IS HEREBY GIVEN that Top-hill Farms, Inc., P. O. Box 207, Roberts, Idaho has on May 14, 1968 applied for permit to divert 1.5 cu. feet per second of water from a subterranean source under application No. 35-7025. Water will be diverted by a well, pump, motor, pipe, and sprinklers within the NE1/4SW1/4, sec. 2, T. 3 N. R. 36 E. B.M. Bonneville County and is to be used from May 1 to October 15 for irrigation in Lot 1 (NE1/4NE1/4), sec. 3, T. 3 N. R. 36 E and SE1/4SE1/4, sec. 34, T. 4 N. R. 36 E. B.M.
Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.
R. KEITH HIGGINSON
State Reclamation Engineer
Pub: June 6 and June 13, 1968.

chp.

35-7025

35-7025

3. F. 3

WATER LICENSE

Water License No. 35-7025 Priority May 14, 1968 Amount 280 acre feet per seasonTHIS IS TO CERTIFY, that TOPHILL FARMS, INC.

of Roberts, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 14, 1968; that Permit 35-7025 was issued pursuant to said application; that the proposed works were completed on or about 1963 and 1965 with a storage/or carrying capacity of 6.96 c.f.s., said works consisting of well, motor, pump, underground pipe and sprinkler/ system; and that on October 25, 1968

proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 280 acre feet per season, with a maximum rate of diversion of 1 miners inch per acre or 1.6 c.f.s. of the waters of underground water, tributary of _____,

for the purpose of irrigation from May 1 to October 15;

and for _____ from _____ to _____; and for

_____ from _____ to _____; and that the use

of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is

located in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, T. 3 N, R. 36 E, B.M., and

other additional points _____, in the County of

Bonneville;

and that the amount of water to which such right is

entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially

used for said purposes and shall not exceed 280 acre feet per year or when combined with license 33450

shall not exceed 2797 acre feet per season

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 $\frac{1}{4}$	
3 N	36 E	3	40																40
4 N	36 E	34															40		40

Total number of acres irrigated 80

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

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

13th day of January, 1969.

R. Keith Higgins
State Reclamation Engineer

35-7025

RECEIVED
OCT 10 1968
Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

State of Idaho)
County of Bonneville)

Gale W. Clement of Lewisville
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says that the following information is true and correct to the best of his knowledge:

Secretary of Tophill Farms, Inc., a corporation, the

1. That he is the owner or duly authorized agent of the owner of Permit No. 35-7025

2. State source of water supply Subterranean well

3. The point of diversion of the water is NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, Twp. 3N., Rge. 36, E.B.M.,
in Bonneville County, Idaho.

4. State for what purpose water is used Irrigation

5. The amount of water used is 1.6 c.f.s. (state in what manner the quantity of water was determined and the qualifications of the person making such determination) Affiant determined this from actual user by the owner of the water in the irrigation of the following described lands.

6. State the place of such use, and if for irrigation the description by legal subdivisions of the land so irrigated NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 3, Twp. 3N, Rge. 36, E.B.M., in Bonneville County, Idaho; and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 34, Twp. 4 N. Rge. 36 E.B.M., in Jefferson County, Idaho.

7. Give description of works by which water is conducted to such place of use including the name of any canal or stream used to carry the water 600 h.p turbine pump and electric motor; 10", 8" and 6" steel mainline pipe; and 2 strings, $\frac{1}{2}$ mile each of 4" aluminum lateral pipe, complete with risers, couplers and nozzles.

8. The relation or understanding upon which the right to take water from the works is based is Our right to take the water is based upon actual user of the water for the beneficial use of all the above described lands.

9. List all other water rights appurtenant to same place of use None.

10. The date of priority to be established is May 14, 1968

11. Remarks Actually the owner corporation has used the water from this well through the above described works for the irrigation of the said Bonneville County lands each irrigation season commencing with the year 1963, and for the irrigation of said Jefferson County lands commencing with irrigation season of 1965, & continuing through each irrigating season thereafter to and including this year, 1968.

Gale W. Clement
(signature)

Subscribed and sworn to before me this 25th day of October, 19 68.

[Signature]
(notary public)

My commission expires November 1st, 19 69 Residing at Idaho Falls, Idaho

Identification No. 35-7025
Application No. 42515

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant Tophill Farms, Inc.
post office address P.O. Box #207 Roberts, Idaho
2. Source of water supply Subterranean well ~~which is tributary of~~
3. a. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 2 Township 3 N
Range 36 E B.M. Bonneville 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. 1.6 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 15 (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. 600 h.p. turbine pump and electric motor; 10", 8" and 6" steel mainline pipe; and 2 strings, 1/4 mile each, of 4" aluminum lateral pipe, complete with risers, couplers and nozzles.
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 20 inches; proposed depth of well is 590 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 \$ 56,000.00 (installed)
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: _____

35-7025

[illegible]

8

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

Applicant

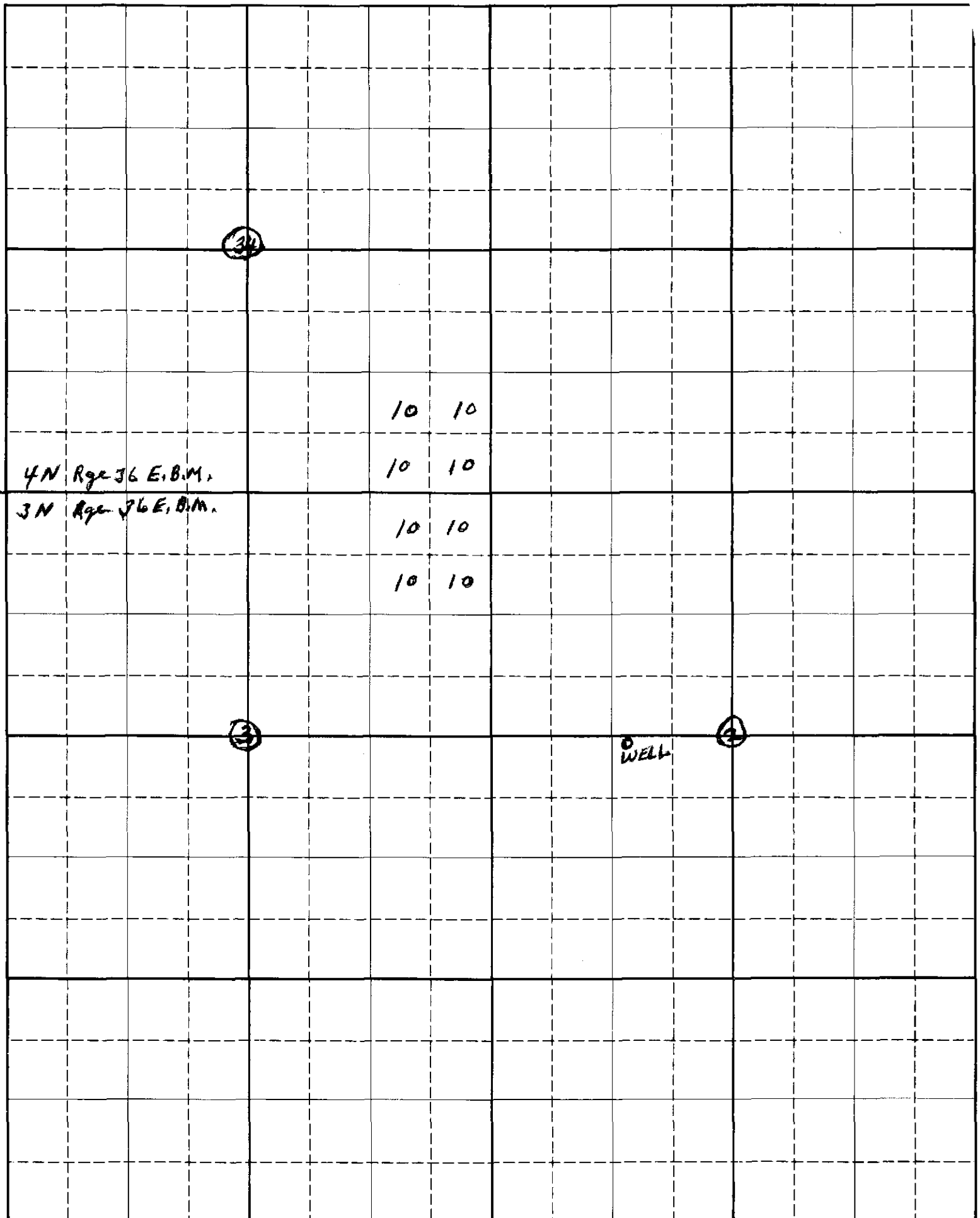
Applicant

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

11. Map of proposed project:



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.

TOPHILL FARMS, INC.

By *Lyle W. Clement*
(Applicant)

SECRETARY

35-70025

State Reclamation Engineer

Witness my hand this 23 day of July 19 68.

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

type approved by the department as part of the diverting works.

c. Other: The applicant shall permanently install a measuring device of a

before July 1, 1973.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

Idaho No. 35-7025, and said application is hereby APPROVED

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF STATE RECLAMATION ENGINEER

APPROVED

Recommended for approval denial by

Hearing held by Date

Copies of protests forwarded by

Protests filed by: Y1022

Priority reduced to Reason

Publication approved Date 6-4-68

Publication dates 6-6-68 6-13-68

Published in 1st Edition

Publication prepared by Date 5-28-68

Received by Date 5/14/68

Preliminary check by Fee \$25.00

Received by Date 5-14-68 Time 8:14 PM

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State of Idaho,
County of Bonneville

ss.

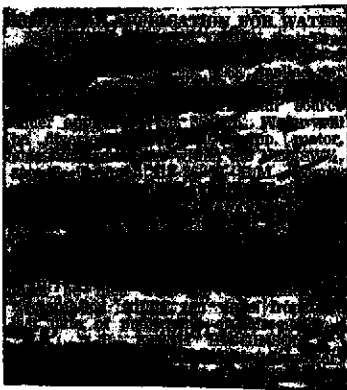
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Kareskula
Notary Public

My commission expires April 5th, 1971



bill submitted 6-25-68

35-7025

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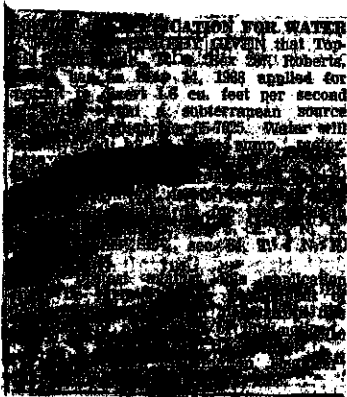
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Karel H. H. H.
Notary Public

My commission expires April 5th, 1971.



dup

35-7025

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The Post-Register

RECEIVED
JUN 24 1968
Department of Reclamation

State of Idaho, }
County of Bonneville } ss.

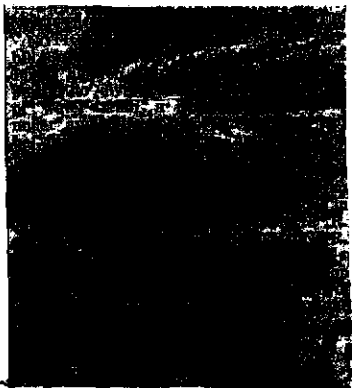
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Subscribed and sworn to before me, this 14th day of June, 1968

E. F. McDermott
Karl S. Hall
Notary Public

My commission expires April 5th, 1971



dup.

35-7025

December 24, 1970

Re: Permit No. 35-7025

ST. CLAIR, ST, CLAIR, HILLER & BENJAMIN
320 A
Idaho Falls, Idaho 83401

ATTENTION: Robert W. St. Clair

Dear Mr. St. Clair:

We are enclosing a copy of our letter of January 13, 1969. The letter referenced that the original water license was mailed as indicated in the letter to Tophill Farms, Incorporated, Post Office Box #207, Roberts, Idaho, 83444.

The department retains only a copy of the license for re-production purposes. If we can assist you further, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cm

Enc: above referenced copy

35-7025

December 3, 1970

Re: Permit No. 35-7025 - Tophill Farms, INC.

C ST. CLAIR, ST. CLAIR, HILLER & BENJAMIN
First Security Bank Building
Post Office Box # 29
Idaho Falls, Idaho 83401

ATTENTION: Robert W. St. Clair

O Dear Mr. St. Clair:

Pursuant to your letter of October 15, 1970, please find enclosed a copy of
Tophill's license to water.

P If you have any questions on the matter, please contact us.

Very truly yours,

Y Donald W. McEldowney
Appropriation Supervisor

DWM:cm

Enc: copy of Permit No. 35-7025

35-7025

LAW OFFICES
ST. CLAIR, ST. CLAIR, HILLER & BENJAMIN
FIRST SECURITY BANK BUILDING
P. O. BOX 29
IDAHO FALLS, IDAHO 83401
TELEPHONE 522-2350

ROBERT W. ST. CLAIR
GILBERT C. ST. CLAIR
MORTON B. HILLER
WILLIS B. BENJAMIN

October 15, 1970

CLENCY ST. CLAIR (1871-1957)
PAUL T. PETERSON (1892-1967)

Donald W. McEldowney, Esq.
Appropriation Examiner
State of Idaho
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

35-7025
Re: Permit No. ~~35-7024~~
Tophill Farms, Inc.

Dear Don:

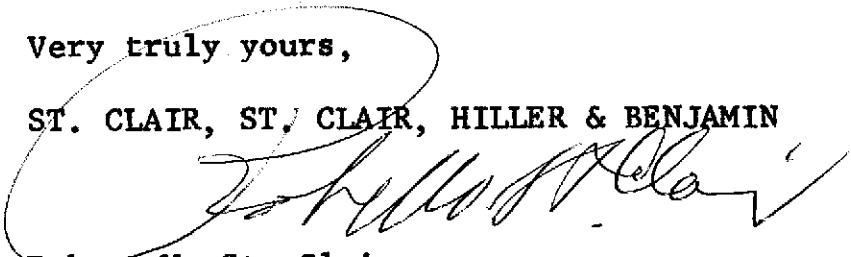
You will recall that in proving up on this permit your Department issued a Memorandum Decision, under date of December 19, 1968, removing the condition of the installation of a measuring device and further providing that a license be issued confirming the right under such permit to no additional rate of diversion greater than that previously licensed under permit G-33450 and that an additional 280 acre-feet per year when combined with that license under permit G-33450 shall not exceed a total diversion of 2517 acre-feet per year.

We are advised by Tophill that it has not yet received the intended license on this permit, and we will appreciate your sending that license to us for Tophill at your earliest convenience.

With kindest regards, I am

Very truly yours,

ST. CLAIR, ST. CLAIR, HILLER & BENJAMIN


Robert W. St. Clair

RWS/css
cc Tophill Farms, Inc.

35-7025

January 13, 1969

Re: Permit No. 35-7025

Tophill Farms, Inc.
P.O. Box 207
Roberts, Idaho 83444

Gentlemen:

Enclosed you will find your Water License issued on the
above numbered permit.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosure

35-7025

January 13, 1969

Re: Permit No. 35-7025

Tophill Farms, Inc.
P. O. Box 207
Roberts, Idaho

Gentlemen:

A representative from this department made an examination of your works covered by Permit No. 35-7025. The ~~rate~~ of diversion for this permit is the same rate of diversion as covered under License 33450. A total of 280 acre feet per season will be allowed under this Permit; however, the quantity shall not exceed ~~2,517~~ **2797** acre feet per season when combined with License No. 33450.

The water is used for irrigation of 80 acres of ground located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 34, T. 4 N, R. 36 E, B.M. and the NE $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 3, T. 3 N, R. 36 E, B.M.

If you disagree with the findings, please advise within 10 days. Otherwise, a license will be issued showing the findings as set forth in this letter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks
enclosure: none

35-7025

CONFIRMED USING EXAM REPORT WITH G-33450 & BY CORRECTING

W.R. BOY AVEARY BE THAT IF ASCE OFFICE (P/1522-6250)

Source of supply Sutterton
a tributary of _____
Location of P.D.(s) NE SW SEC 2 SW 36E
BONNERVILLE CO.

Water is used for IRRIGATION

Quantity of water found 6.96 cfs.

How was the measurement made? SPECKLE NOZ. SIZE - PRESSURE

Measurement calculations _____

528 5/32" DANBINA 30 @ 70 lbs

(528000) (5.93 gpm) = 6.96 cfs.
448.8 gpm

LIC. for 460 cfs well already increased to full rate of div
Vol. not to exceed 280 Ac/ft/season
(3.5 x 80) AS

Diversion works description and diagram

600 HP WFTINGHOUSE ELEC

WATER #1 - SV. 050

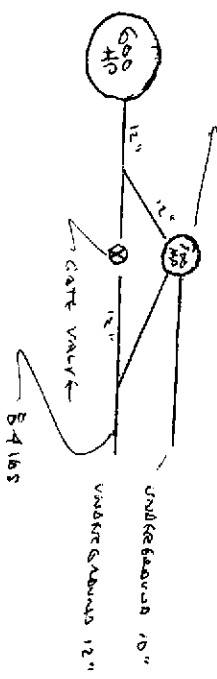
JOHNSTON V.T.P. #10 1981

12" DISCHARGE THROUGH

UNDERGROUND PIPE -

SPRINKLER DISTRIBUTION

(NOT RECONSTRUCTION REGION)



Indicate area irrigated in each subdivision on the map.

Total acreage irrigated 80 ACRES

If water is used for purposes other than irrigation, fully describe how the water is used and what is done with it after the use.

Who represented the permit holder at the examination?
G-33450 & BOY AVEARY

Recommended allowance for licensing 1.06 cfs. 280 Ac/ft/yr

Description of required amendments. Comments.
NOTE G-33450

THE 80 ACRES COVERED BY THIS PERMIT
IS NOT COVERED BY ANY OTHER WATER
RIGHT - THAT THE WATER FROM
THE WELL WITHIN THE BOUND SEC 2 SW 36E
IS ALREADY COVERED UNDER PERMIT
G-33450 - THAT WATER LIC WILL BE
USED ALSO UPON THIS LAND - THAT THE
QUANTITY PRODUCED FROM THIS WELL WILL
NOT EXCEED 6.96 cfs. ALSO
BECAUSE ADDITIONAL WATER OF MORE THAN 6.96 cfs IS NOT
PRODUCED - UNDER NOT REQUIRING A WATERING DISTRICT
REPORT CHECKED? 12-5-68 DR

Examination date 12-5-68

Signature Don Reynolds

THE EXAM IS COMPLETE AND SO ARE THE TERMS/CONDITIONS
AS PER 1306. ST. CLAUSE 12-6-1968 DEARE
DR

December 19, 1968

Re: Permit No. 35-7025

Tophill Farms, Inc.
P.O. Box 207
Roberts, Idaho 83444

Gentlemen:

Enclosed you will find a memorandum decision issued by the State Reclamation Engineer. The reasons are set forth in this decision for removal of the condition requiring the installation of a measuring device on the above numbered permit.

We will now proceed to license this permit.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosure

cc. St. Clair, St. Clair & Hiller
Attn: Robert W. St. Clair
Hasbrouck Bldg., Box 29
Idaho Falls, Idaho 83401

35-7025

RECEIVED

NOV 19 1968

LAW OFFICES
ST. CLAIR, ST. CLAIR & HILLER

HASBROUCK BUILDING
P. O. BOX 29
IDAHO FALLS, IDAHO 83401
TELEPHONE 522-2350

Department of Reclamation

ROBERT W. ST. CLAIR
GILBERT C. ST. CLAIR
MORTON B. HILLER
WILLIS B. BENJAMIN

November 18, 1968

CLENCY ST. CLAIR (1871-1957)
PAUL T. PETERSON (1892-1967)

Steve Allred
Assistant State Reclamation Engineer
Department of Reclamation
State of Idaho
Statehouse - Annex 2
Boise, Idaho 83707

Re: Permit: 35-7025
Tophill Farms, Inc.

Dear Mr. Allred:

Thank you for your letter of November 12, 1968, and in accordance therewith, I got in touch with Gale W. Clement, Secretary of Tophill Farms and read him the contents of your letter.

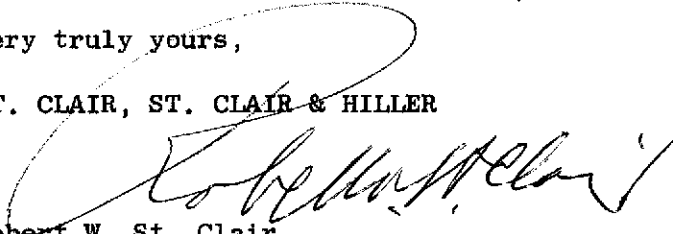
Mr. Clement advised that the equipment has not been modified; that the well is still producing at least the amount of water it did in August of 1967; and that his corporation prefers not to install a measuring device.

He requested us to write you to have your Department issue the license on this permit without the necessity of re-examination or installation of a measuring device.

Thanking you for your kind attention, we are,

Very truly yours,

ST. CLAIR, ST. CLAIR & HILLER


Robert W. St. Clair

RWS/jc
cc:Tophill Farms, Inc.

35-7025

BEFORE THE STATE RECLAMATION ENGINEER
OF THE
STATE OF IDAHO

IN THE MATTER OF LICENSING OF PERMIT
NO. 35-7025; TOPHILL FARMS, INC.)

MEMORANDUM DECISION

On May 14, 1968, Tophill Farms, Inc. submitted an application to appropriate the public waters of the State of Idaho. It proposed the diversion of 1.6 cubic feet per second of ground water for the irrigation of 80 acres located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3, Township 3 North, Range 36 East, B. M., and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, Township 4 North, Range 36 East, B. M. The application was approved on July 23, 1968, with the condition that the applicant permanently install a measuring device, of a type approved by the department, as part of the diverting works. Proof of application of water to beneficial use was submitted on October 28, 1968. A measuring device had not been installed at that time.

Application for permit 35-7025 was filed to cover excess lands which the field examination indicated were irrigated under the same system as that licensed under permit G-33450, but which could not be licensed under that permit. An additional examination for permit 35-7025 is not necessary since the examiners report for G-33450 gives the information necessary for licensing permit 35-7025. That examination indicated that the rate of diversion for the irrigation system was 6.96 cubic feet per second, which was fully licensed under G-33450. Permit 35-7025 could not be licensed for any additional rate of diversion, however, the license could allow for additional volume of water to be diverted through the system to the lands under permit 35-7035. The volume applied should not exceed 2517 acre-feet per season when combined with license G-33450.

Since the distribution system under both licensed permit G-33450 and permit 35-7025 is one complete system installed previous to permit 35-7025 being issued; and in that the installation of a measuring device would be difficult and expensive and was not required for the original installation; and since the department does not need an additional measurement to license permit 35-7025, the requirement

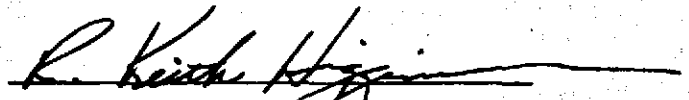
35-7025

of a measuring device should be removed from permit 35-7025.

After considering the applicant's request for removal of that condition requiring the installation of a measuring device, and for the licensing of permit 35-7025 the State Reclamation Engineer finds:

1. That the applicant not be required to install a measuring device as part of the diversion works under permit 35-7025.
2. That a license be issued confirming the right under permit 35-7025 to no additional rate of diversion greater than that previously licensed under permit G-33450; however, that an additional 280 acre-feet per year, or when combined with that licensed under permit G-33450 shall not exceed a total diversion of 2517 acre-feet per year.

Dated this 19th day of December, 1968.


R. KEITH HIGGINSON
State Reclamation Engineer

CSA:DS:kh

35-7025

November 12, 1968

Re: Permit No. 35-7025

St. Clair, St. Clair & Hiller
Hasbrouck Bldg., Box 29
Idaho Falls, Idaho 83401

Attn: Robert W. St. Clair

Dear Mr. St. Clair:

As I discussed with you by phone on November 8, 1968, I feel that we could relieve the requirement of a measuring device if the amount being produced at the point of diversion under 35-7025 produces the same amount of water as it did in August, 1967, when G-33450 was licensed for 719 acres. At that time, our examiner found that the well in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, Township 3 North, Range 36 East, B. M., was producing 6.96 cubic feet of water per second.

It appears that the equipment has not been modified, and we would be willing to license 35-7025 upon that basis. That would mean that we did not have to measure the water and, therefore, would not have to have a measuring device.

The new license would not call for a greater rate of diversion but would allow for the irrigation of the additional acreage.

I would appreciate hearing from you on this matter as soon as possible. If you have any questions please contact me.

Very truly yours,

C. Stephen Allred Assistant
State Reclamation Engineer

CSA:kh

cc. Tophill Farms, Inc.
P.O. Box 207
Roberts, Idaho

35-7025

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NOV 8 1968

LAW OFFICES
ST. CLAIR, ST. CLAIR & HILLER

HASBROUCK BUILDING
P. O. BOX 29
IDAHO FALLS, IDAHO 83401
TELEPHONE 522-2350

Department of Reclamation

ROBERT W. ST. CLAIR
GILBERT C. ST. CLAIR
MORTON B. HILLER

CLENCY ST. CLAIR (1871-1957)
PAUL T. PETERSON (1892-1967)

WILLIS B. BENJAMIN

November 7, 1968

Steve Allred
Assistant State Reclamation Engineer
Department of Reclamation
State of Idaho
Statehouse - Annex 2
Boise, Idaho 83707

Re: Permit: 35-7025
Tophill Farms, Inc.

Dear Mr. Allred:

The other day on behalf of Tophill Farms, Inc. we forwarded to your Department completed form 6, Proof of Application of Water to Beneficial Use, in connection with the above numbered Water Permit.

Thereafter, on or about November 1st, we received a copy of Donald W. McEldowney's October 29th, 1968, letter to Tophill Farms, Inc. advising that before the proof is acceptable the department requires advice as to the type, and size of measuring device installed at the point of diversion.

Yesterday in talking with Mr. Gale W. Clement, Secretary of the corporation, we learned that there is no measuring device at the point of diversion. Mr. Clement also advised that the well on this permit and the irrigation system pertaining to the 80 acres described in the permit is part of a major irrigation sprinkling system which was not required to have a measuring device; that the major system and the other lands irrigated therefrom have been in use for some time; that although the system affecting this permit was in operation since 1963 and 1965 on the 80 acres described therein, there was no existing water permit therefor; that as a consequence it was necessary in the year 1968 to apply for and receive permit number 35-7025 for those additional 80 acres; that the same merely constituted a supplemental filing for their completed system and that although 1.6 c.f.s. is asked for under this permit the well is fully capable of producing and does produce much more water and is also used in connection with watering other lands under the major system.

same well as 33450

35-7025

Steve Allred
Re: Tophill Farms, Inc.

-2-

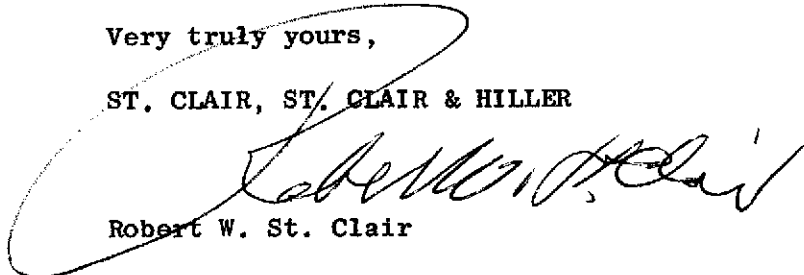
November 7, 1968

Based upon the foregoing reasons Mr. Clement has requested us to ask your department for a waiver of the measuring device and that your department accept the proof submitted on form 6.

Thanking you for your kind attention, we are

Very truly yours,

ST. CLAIR, ST. CLAIR & HILLER



Robert W. St. Clair

RWS:jcj
cc: Tophill Farms, Inc.

35-7025

October 29, 1968

Re: Permit No. 35-7025
Tophill Farms, Inc.

Tophill Farms, Inc.
P. O. Box 207
Roberts, Idaho

Attention: Mr. Gale W. Clement, Secretary

Gentlemen:

Please be advised that the Department of Reclamation has received your affidavit submitted as proof of beneficial use on the above referenced permit. However, before the proof is acceptable the department requires that you advise us as to the type, and size of measuring device which you have installed at your point of diversion.

As you will recall, this requirement was a condition of approval of your original application. Your prompt attention to this matter is appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks
cc: Robert W. St. Clair
St. Clair, St. Claff & Hiller
Hassbrouck Building, Box 29
Idaho Falls, Idaho 83401

35-7025

RECEIVED

OCT 28 1968

LAW OFFICES
ST. CLAIR, ST. CLAIR & HILLER

HASBROUCK BUILDING
P. O. BOX 29
IDAHO FALLS, IDAHO 83401
TELEPHONE 522-2350

Department of Reclamation

ROBERT W. ST. CLAIR
GILBERT C. ST. CLAIR
MORTON B. HILLER
WILLIS B. BENJAMIN

October 25, 1968

CLENCY ST. CLAIR (1871-1957)
PAUL T. PETERSON (1892-1967)

Donald W. McEldowney, Appropriation Examiner
State of Idaho - Department of Reclamation
107 State House
Boise, Idaho 83701

Re: Permit: 35-7025 - Tophill Farms, Inc.

Dear Don:

Enclosed please find Form #6, Proof of Application of Water to Beneficial Use, in the above mentioned permit.

We trust that you will cause the Department to issue a license at your earliest convenience.

Kindest regards,

Robert W. St. Clair
Robert W. St. Clair

RWS/jc
Encl.

35-7025

October 17, 1968

Re: Permit No. 35-7025
Tophill Farms, Inc.

Mr. Robert St.Clair, Attorney
Box 29
Idaho Falls, Idaho

Dear Mr. St.Clair:

Enclosed is a copy of the approved application for permit No. 35-7025.
Also enclosed are four (4) copies of fee letters for Clement-Jackson, Inc.

Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

enclosure: Copy of application
Copies of fee letters (4)

35-7025

July 26, 1968

Re Permit No. 35-7025

Tophill Farms, Inc.
P. O. Box 207
Roberts, Idaho 83444

Gentlemen:

We enclose a copy of your approved application for permit 35-7025
in which we direct your attention to the limitations and conditions as given
on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosures: Copy of application
Receipt No. 880 for \$25.00

35-7025

May 28, 1968

Re: Application No. 35-7025
Tophill Farms, Inc.

The Post Register
Idaho Falls,
Idaho 83401

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 date. If you can not publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, 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 same has been paid.

(Do not sign this letter)

Signature of claimant

Very truly yours,

Donald W. McElDowney
Appropriation Examiner

DWM:ks

Enclosure: Legal Notice

6/4

NOTICE OF APPOINTMENT FOR PUBLICATION
Tophill Farms, Inc., P. O. Box 207, Roberts, Idaho, on May 24, 1968 applied for permit to divert 1.0 cu. feet per second of water from a subterranean source under application No. 35-7025. Water will be diverted by a well pump motor, pipe, and sprinklers within the NE 1/4, sec. 2, T. 2 N., R. 36 E., B.M., Bonanza County and is to be used from May 1 to October 15 for irrigation in Lot 1 (NE 1/4, sec. 2, T. 2 N., R. 36 E. and SE 1/4, sec. 2, T. 2 N., R. 36 E., B.M.).
Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.
R. KEITH HIGGINSON
State Reclamation Engineer
Pub: June 6 and June 13, 1968.

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Tophill Farms, Inc., P. O. Box 207,
Roberts, Idaho has on May 14, 1968
applied for permit to divert ~~store~~ ^{1.6} cubic feet per second ~~1000 feet~~
of water from a subterranean source
under application No. 35-7025. Water will be diverted by a well, pump,
motor, pipe, and sprinklers within the NE¹/₄SW¹/₄, sec. 2, T. 3 N, R. 36
E, B.M., Bonneville County
and is to be used from May 1 to October 15 for irrigation
in Lot 1 (NE¹/₄NE¹/₄), sec. 3, T. 3 N, R. 36 E and SE¹/₄SE¹/₄, sec. 34,
T. 4 N, R. 36 E, B.M.

Any protest against this application must be filed with the Department of
Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Post Register
Post Falls, Idaho
on June 6 and June 13.

35-7025