

NOT TO SCALE

JULY or AUG 1978

NEX4 NEX4 Sec. 25 T4N R25E

23 24
26 25

A-502
Boyd Burnett
5-2-7

13.1

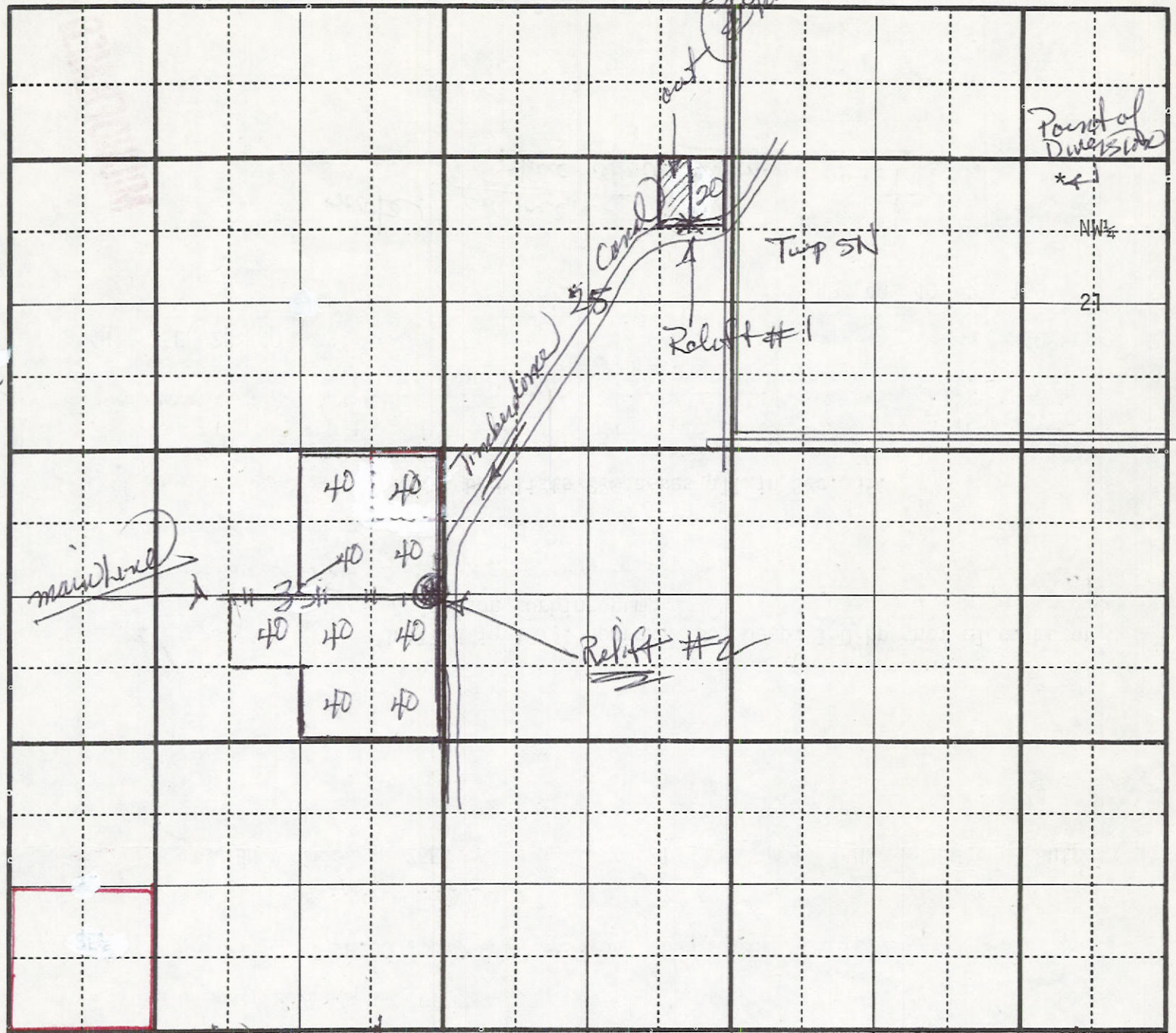
J-20

3

Sec J-21

MICROFILMED

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Point of Diversion

North

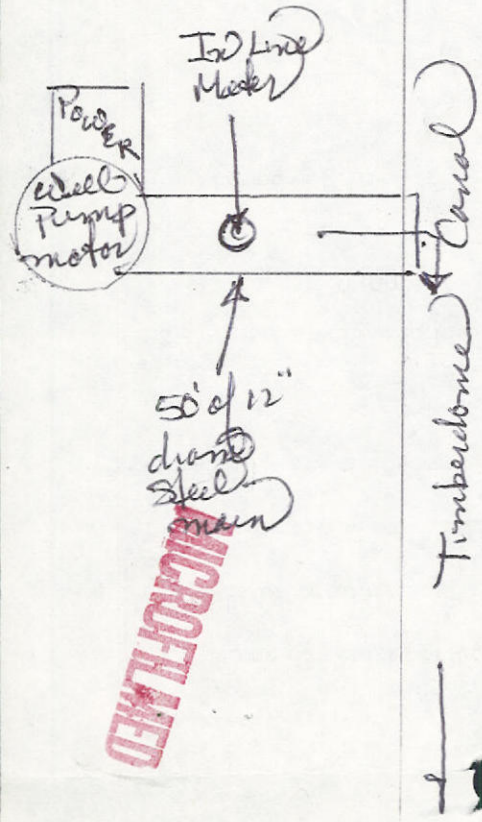
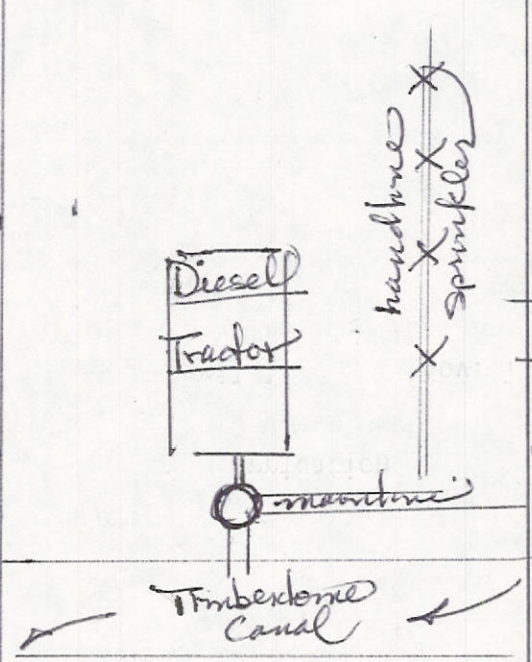
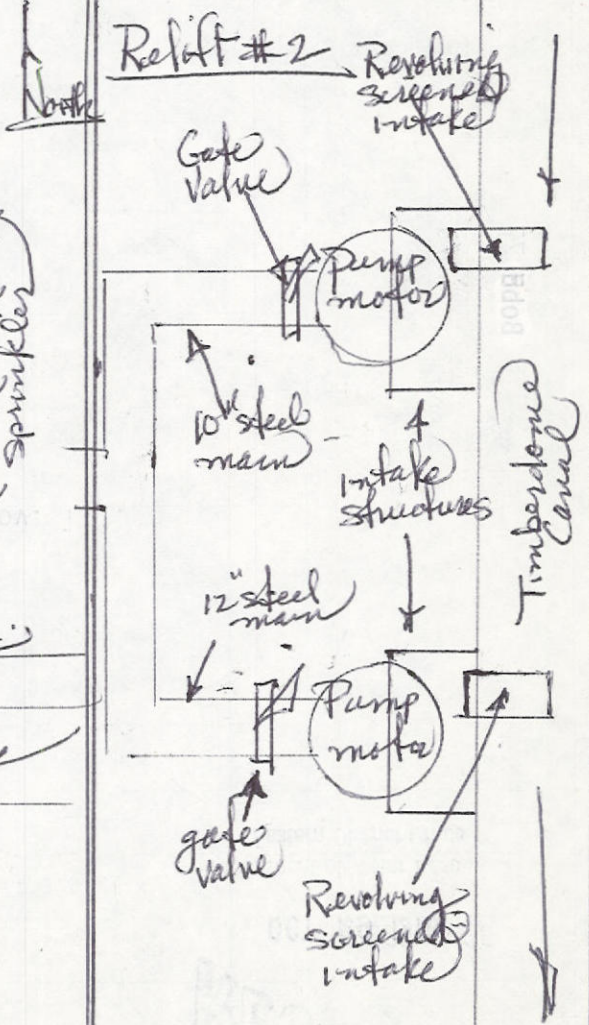


Diagram of System

Relift #1



ARK
4/27/79



Transfer No. 3025
Water Right No. 34-7077

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Farmers Home Administration Phone 527-3486
Post Office address P.O. Box 656, Arco, Idaho 83213

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
 - b. License No. 34-7077 issued by the Idaho Department of Water Resources
 - c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water ground water tributary to _____
4. Date of priority 9-05-74

5. Water is used for the following purposes:
amount 8 cfs for Irrigation purposes from April 1 to November 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 8 cfs cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NW ¼ of NW ¼ of Section 21
Township 5 N Range 26 E, B.M., in Butte County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4 N	25 E	25	20																20
		35	40	40	40	40					40				40	40	40	40	360

MICROFILMED

Total number of acres to be irrigated 380

9. Describe any other water rights used for the same purpose as described above License #34-7120
with 12-17-75 Priority, 2 cfs

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

SECRET

- [illegible]

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
 This tract is not being irrigated, it is a sagebrush hillside.

D. REMARKS

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

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

John L. Johnson for Jim Hill
(Signature of Applicant)

Subscribed and sworn to before me this 5th day of March, 1984

Esther M. Coater
(Notary Public)
In and for the State of Idaho

My commission expires Lifetime

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 34-7077 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. No more than 200 acres may be irrigated per annum and the maximum rate of diversion shall not exceed 0.02 cfs per acre at the points of rediversion located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25 and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, Twp 4N, Rge 25E.
2. This right when combined with Right 34-7120 shall not exceed 9.26 cfs.

Witness my hand this 11th day of June, 19 84

D. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by CW Date 3-22-84 Protest filed by _____
Prelim. check by CFR Fee \$50.00 _____
Receipted by BP Date 3/22/84 #33482 _____
Published in Arco Advertiser Copies of protest forwarded by _____
Pub. dates 4/11 & 4/18/84 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial
_____ rec'd. by EMC Jim Doo

RECEIVED

MAR 11 1982

MAR 20 1984

DEED IN SATISFACTION OF MORTGAGE INDEBTEDNESS

FOR VALUE RECEIVED
Eastern District Office

BOYD E. BURNETT AND SANDRA P. BURNETT, HUSBAND AND WIFE,

herein referred to as Grantors, hereby grant, bargain, sell, and convey unto the UNITED STATES OF AMERICA, acting through the Farmers Home Administration, United States Department of Agriculture, herein referred to as Grantees, the following described real property, with tenements, hereditaments, and appurtenances, to wit:

See attached legal description.

Grantors herein acknowledge that the property described herein is subject to a mortgage in favor of Grantees and said mortgage is in default and subject to foreclosure. That this deed is executed and given in full satisfaction of said mortgage and is intended as a conveyance, absolute in legal effect as well as in form, of the title to said premises to the second party and not as a mortgage, trust conveyance, or security of any kind, and that possession of said premises is hereby surrendered to said party; and that in executing this deed the Grantor is not acting under any misapprehension as to the effect thereof, nor under any duress, undue influence, or misrepresentation by the second party, or its agent, or attorney:

DATED February 1, 19 82

Boyd B. Burnett
BOYD B. BURNETT
Sandra P. Burnett
SANDRA P. BURNETT

STATE OF IDAHO)
) ss:
County of BUTTE)

On this 1st day of February, 1982, before me, a Notary Public in and for said County and State, personally appeared Boyd B. Burnett and Sandra P. Burnett, his wife, to me known to be the identical individual(s) as described in and who executed the within and foregoing instrument and whose name(s) are subscribed thereto, and acknowledged to me that he signed, sealed, and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above mentioned.

Sarah J. Ellis
Notary Public in and for the State
of Idaho
Residing at Arco, Idaho
My Bond expires July 15, 1984

Until a change is requested, all tax statements shall be sent to the following address:

NOTIFIED

ATTACHMENT TO FMHA-ID-465-1, Boyd B. and Sandra P. Burnett, February 1, 1982,
Legal Description Continued:

TOWNSHIP 3 NORTH, RANGE 25 EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO

Section 2: Lots 3 and 4

PARCEL 1:

TOWNSHIP 4 NORTH, RANGE 25 EAST BOISE MERIDIAN, BUTTE COUNTY, IDAHO

Section 25: NE $\frac{1}{4}$ NE $\frac{1}{4}$

PARCELS 2 AND 3:

TOWNSHIP 4 NORTH, RANGE 25 EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO

Section 35: SE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL 4:

TOWNSHIP 5 NORTH, RANGE 26 EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO

Section 21: That portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, bounded by Highway 93A on the Northeast, County Road on Northwest and Moore Canal on South.

TOGETHER With all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including, but not limited to the following:

State of Idaho Water License No. G-25647 reissued as No. 34-2328; AND, Water Permit Numbers 34-7096, 34-7097, 34-7077, 34-70120.

TOGETHER With all irrigation equipment of every kind and character and additions thereto, and replacements thereof, now owned and used in the irrigation of the above premises.

BBB SPB

MICROFILMED

Affidavit of Publication

I, Donald L. Cammack.....
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco,
Idaho, since March, 1909, do solemnly swear that
a copy of this notice, per clipping attached, was
published weekly in the regular and entire issue
of said newspaper, and not in any supplement
thereof,

for 2..... consecutive weeks, commencing with

the issue dated April 12, 1984.....

and ending with the issue dated.....

April 19, 1984



Subscribed and sworn to before me this

.....20th day of April....., 1984..


Notary Public

Residence: Arco, Idaho.

My commission expires.....Life....., 19.....

RECEIVED

APR 23 1984

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 34-7077

Notice is hereby given that Farmers
Home Administration, Arco, Idaho has
applied to the Dept. of Water Resources for
a change in the place of use of the waters of a
groundwater source. The right sought to be
changed is evidenced by License No. 34-7077
and is recorded as follows:

AMOUNT: 8 cfs

PRIORITY: 9-5-1974

POINT OF DIVERSION: NW¼NW¼ Sec.
21, T. 5N, R. 26E, B.M. Butte County.

The water is used to irrigate 380 acres
within the NE¼NE¼ Sec. 25, E½,
NE¼SW¼ Sec. 35, T. 4N, R. 25E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate 380 acres
within the E½, E½SW¼ Sec. 35, T. 4N, R.
25E, B.M.

Any protests against the above proposed
change of water right must be filed with the
Dept. of Water Resources, 150 Shoup Ave.
Suite 15, Idaho Falls, Idaho 83401, on or
before April 30, 1984.

A. KENNETH DUNN
Director

Published in the Arco Advertiser on 4-11 & 4-
18-84.

MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 34-7077 Priority September 5, 1974 Amount 8.0 cfs

THIS IS TO CERTIFY, that Farmers Home Administration
of Arco, Idaho, has complied with the terms and conditions of Permit
No. 34-7077 issued pursuant to Application for Permit dated September 5, 1974,
and has submitted proof to the Department of Water Resources on October 21, 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 9.26 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>8.0</u> cfs and	<u>600.0</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 8.0 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
600.0 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Twp.
5N, Rge. 26E in the County of Butte

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	25E	25	20																20
		35	40	40	40	40					40				40	40	40	40	360

Total number of acres irrigated 380

No more than 200 acres may be irrigated per annum and the maximum rate of diversion
shall not exceed 0.02 cfs per acre at the points of rediversion located within
the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25 and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, Twp. 4N, Rge. 25E.
This right when combined with Right 34-7120 shall not exceed 9.26 cfs.

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
as described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4th day of

April, 19 83.

Director

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT C.F.S.
Orginial Permit	34-7077	Boyd B. Burnett	8.0 cfs
Full Assignment	34-7077	Farmers Home Admin.	8.0 cfs

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State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

MAR 25 1982

Department of Water Resources
Eastern District Office

I, BOYD B. BURNETT, hereby assign to USDA, FARMERS HOME ADMINISTRATION
of P.O. BOX 656, ARCO, IDAHO 83213
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 34-7096; 34-7097; 34-7077; 34-70120
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 9th day of March, 19 82.

Boyd B. Burnett
Permit Holder

Boyd B. Burnett
Spouse of Permit Holder

State of Idaho)
County of BUTTE) ss.

On this 9th day of March, 19 82, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (~~she~~) (they) executed the same.

Sharon J. B. B.
Notary Public residing at
Arco, ID 83213

eal

My commission expires:
Lifetime My Bond expires: July 15, 1984

Original Assignment in
file 34-7096

RECEIVED

APPLICATION FOR AMENDMENT

MAY 16 1977

Department of Water Resources
Eastern District Office

Permit No. 34-7077

Comes now Boyd B. Burnett of (address)

Moore, ID, 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. 34-7077, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21 Twp. 5N
Rge. 26E, B.M., County of Butte. Other points of diversion:

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

Amount 8.0* for irrigation purposes from Apr. 1 to Nov. 1 (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre feet per annum)

3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated	400
---------------------------------------	-----

Water diverted under 34-7077 and 34-7120 shall not result in a combined diversion exceeding 8.0 c.f.s.

MICROFILMED

A hand-drawn map on a grid. The map shows a coastline with a dashed line. A large area is shaded with diagonal lines. The map includes labels: "R 26 E" at the top, "75" on the left, "26" and "25" in the middle, and "35" and "36" at the bottom. A small shaded area is also present in the top right corner.

CHIEF, OPERATIONS BUREAU

DDF
File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

POWER OF ATTORNEY

The undersigned holder(s) of Permit / Application No. 34-7077 of the
Department of Water Resources of the State of Idaho hereby nominates Federal Land Bank
, whose address is Blackfoot, Idaho
as attorney-in-fact, with full authority to act for and on behalf of the undersigned in all
matters pertaining to the above numbered permit or application. Such acts shall include,
but not be limited to, the filing of application, receiving of all notices, the signing and
filing of applications for extension of time and for amendments of said permits, and the
submission of proofs of completion of works and beneficial use of water.

Dated this 12 day of November, 19 75.

Boyd B. Barnett

STATE OF IDAHO)
County of BOONEVILLE) ss.

On this 12th day of NOVEMBER, 19 75, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Ronald D. Carlson
Notary Public
Residing at FIRTH, IDAHO

My Commission expires:

2/14/78

RECEIVED

Identification No. 34 7077

Application No. _____

POWER OF ATTORNEY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

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

APPROVED

1. Name of applicant Boyd B. Burnett Phone: 527-3026
post office address Moore, Idaho
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 21 Township 5N
Range 26E B.M. Butte 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. Water will be used for the following purposes:
Amount 8.0 for Irrig. 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. 8.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 150 HP pump motor. Water to be
pumped into Moore Canal and re-pumped for sprinkler irrigation at place of
use.

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 150 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 \$ 63,000.00.
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: _____

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	25E	25	40																40
"	"	35													40	40	40	40	160

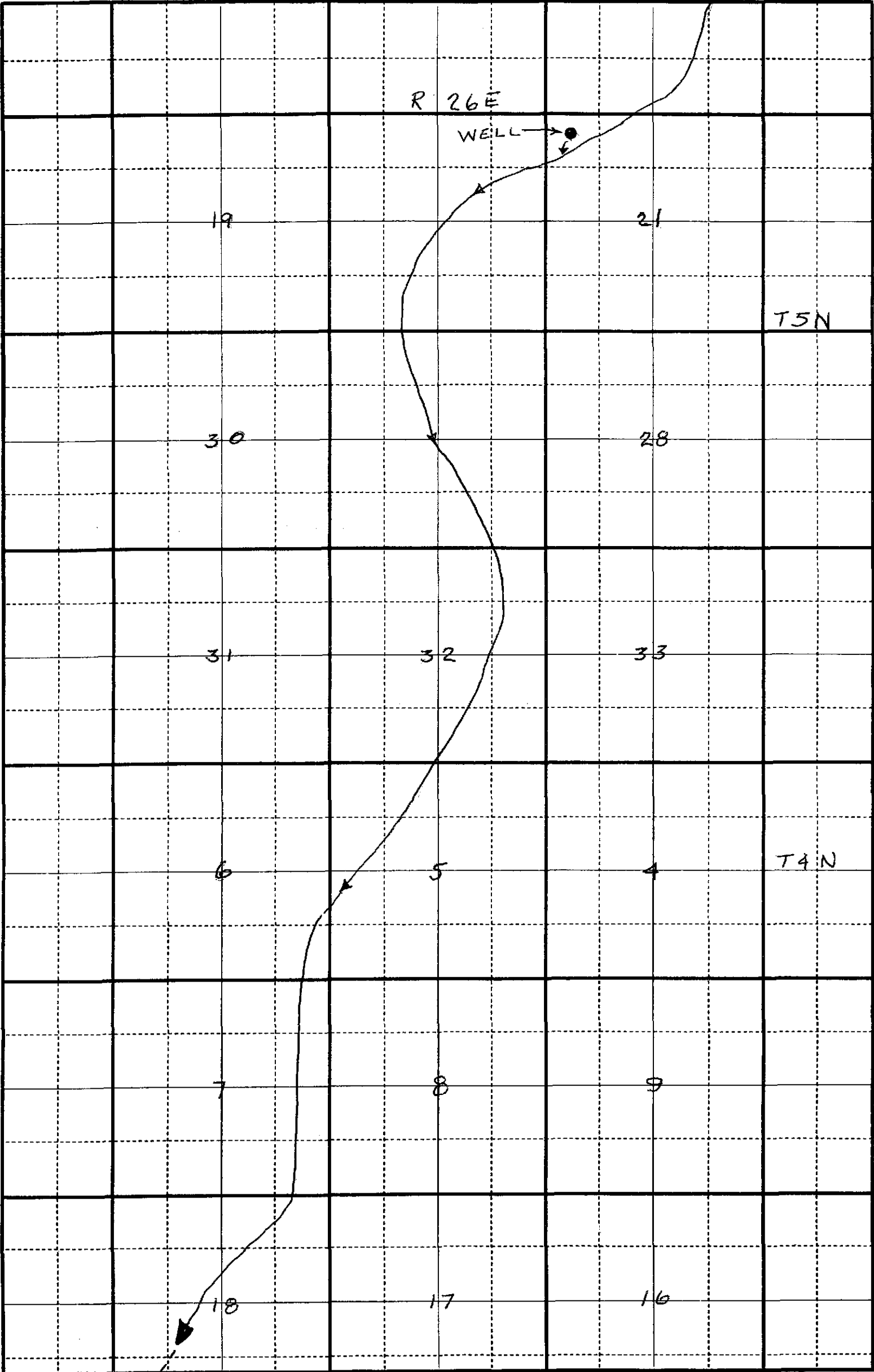
Total number of acres to be irrigated 200

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

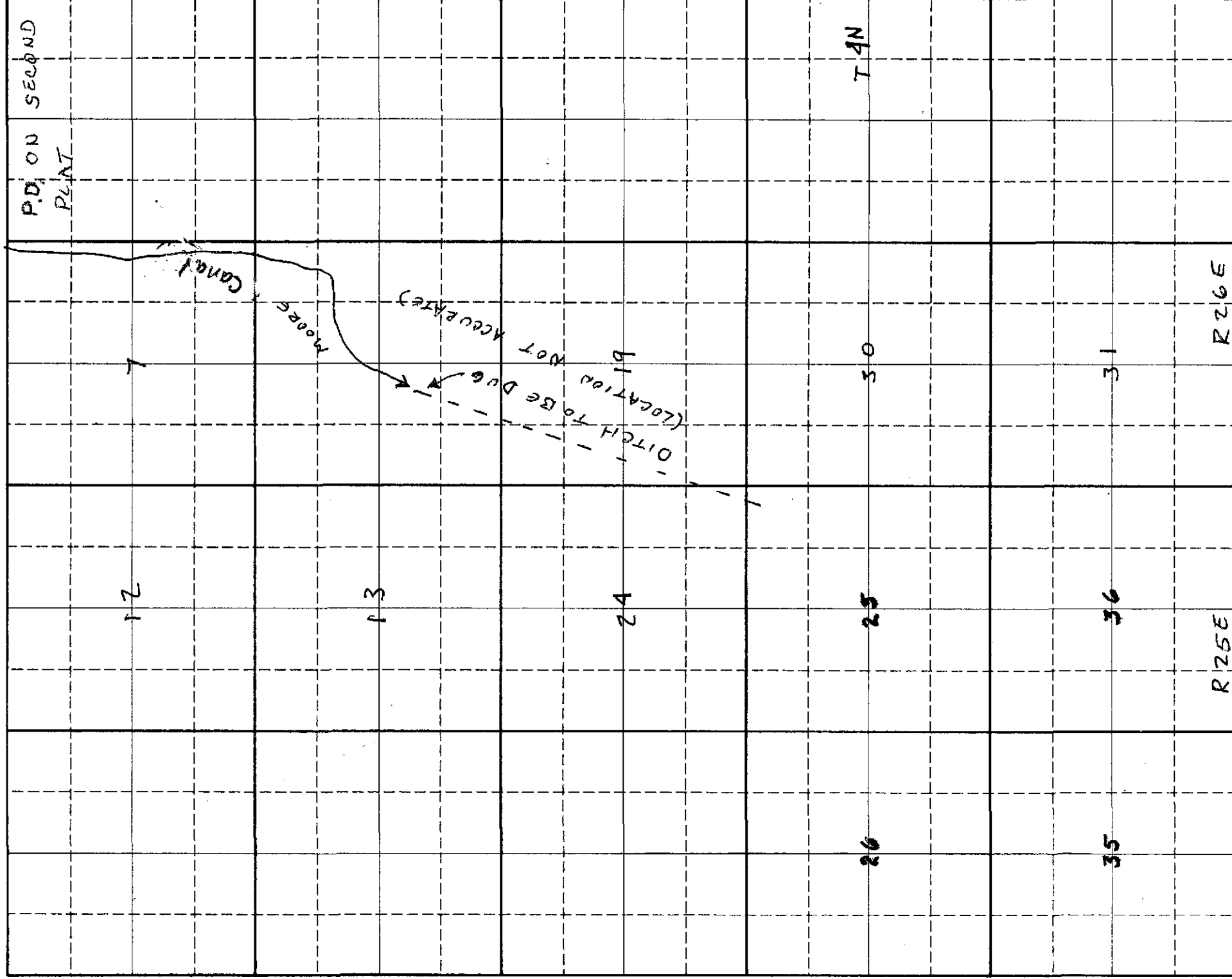
9. a. Who owns the property at the point of diversion Applicant
- b. Who owns the land to be irrigated or place of use Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks Applicant has an agreement with the canal company to use the canal for a conveyance system. He will be assessed the same as other users on the canal.

Applicant has requested a diversion rate of 8.0 cfs for the irrigation of 200 acres to compensate for an estimated delivery loss of 50% in the 8 miles of ditch required between the point of diversion and place of use.



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.

David B. Burnett
(Applicant)

Proposed Priority 9-05-1974

Received by MB Date 9-5-74 Time 2:00 p.m.
Preliminary check by RDC Fee \$ 95.00
Receipted by MB Date 9-05-74 # 13045
Publication prepared by MB Date 9-6-74
Published in Arco Advertiser
Publication dates Sept 12 & 19, 1974
Publication approved CB Date 10/2/74
Priority reduced to _____ Reason _____

Protests filed by: Stephen B. King, A. Etzel
Moore, Big Lost River Brigg. Dist.

Copies of protests forwarded by MB 9/17/74 & 9/25/74
Hearing held by _____ Date _____
Recommended for approval denial by RDC BDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

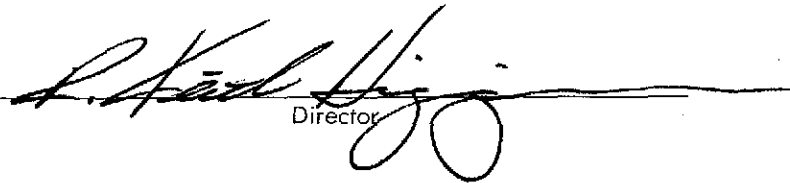
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 34-7077, and said application is hereby APPROVED.

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 March 1, 19 80.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained at the point of diversion and at the point of redirection of water from the Moore Canal. (2) The rate of redirection of water from the Moore Canal shall not exceed 4.00 cfs.

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

Witness my hand this 21 day of _____ March 19 75.


Director

① Meas. devices ^{and maintained} shall be installed at the P.D. and at the point of re diversion of water from the Moore Canal. ~~The maximum~~

rate of diversion

② The ~~maximum~~ rate of re diversion of water from the Moore Canal shall not exceed 4.00 cfs.

RECEIVED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No.

34-7077 Burnett

☒ 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

LF 9-5-74

(1) " "

In form to receipt

(2) " "

NA

Send Copies to:

☒ Idaho State Health Department
☒ Idaho Fish and Game Department
☒ Bureau of Land Management

(3) " "

NA

☒ Request Special Use Permit from U.S.F.S.
☒ Request Easement from B.L.M.
☒ Request Information from Applicant

(4) " "

In form for advertising

(5) " "

Platted on Map No. _____

(6) " "

Located within Water District No. _____

(7) " "

Critical groundwater area: yes _____ no ☒

(8) " "

Groundwater levels:

_____ Declining, ☒ Stable, _____ Increasing

(comment) +1
23 cdb1

(9) " "

Other rights on the same place of use NO

(10) " "

Comments: No other ground water rights on
this land.

(11) MB 10-2-74

Affidavit of Publication received(date) Oct. 2, 1974

(12) " "

Final date for protests Sept 30, 1974
Protests received: yes ☒ no _____

(13) RDC 3/18/75

All requested information received from agencies or
applicant: yes _____ no _____

(14) " "

Action recommended:

☒ Approve _____ Deny

9/5/74 Proposed Priority

Reason for Reduction _____

☒ Measuring device required

☒ See attached sheet for other conditions of
approval

_____ No special conditions for approval

(15) District E By RDC Date 3/18/75

MICROFILMED

Affidavit of Publication

I Le Ella Cammack, of the Arco Advertiser, a weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1909, do solemnly swear that a copy of this notice, per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof,

for 2 consecutive weeks, commencing with

the issue dated Sept. 12, 1974

and ending with the issue dated Sept. 19, 1974

Le Ella Cammack

Subscribed and sworn to before me this

30th day of Sept, 19 74

O. F. Jones
Notary Public

Residence: Arco, Idaho.

My commission expires Nov 6, 1975

RECEIVED

SEP 2 1974

Department of Water Resources
Boise, Idaho 83726

PUBLIC NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Boyd B. Burnett, Moore, Idaho has on 9-5-74 submitted Application No. 34-7077 for a permit to appropriate 8.0 cubic feet per second of water from a ground-water source by means of well and pump and rediverted through the Moore diversion, within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21, T. 5N, R. 26E, B.M., Butte County; to be used from Apr. 1 to Nov. 1 for the irrigation of 200 acres within the NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 25, SE $\frac{1}{4}$, Sec. 35, T. 4N, R. 25E, 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 Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before September 30, 1974.

R. KEITH HIGGINSON
Director

Published in the Arco Advertiser, Arco, Idaho on September 12 and September 19, 1974. CB

MICROFILMED

Page 1 of 31

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5609/67029

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant Cannon Shellev Property Limited Partnership, Everett T. Acor, Jr., and Kurt P. Acor Phone (208) 523-0620
Post Office address P.O. Box 50130, Idaho Falls, ID 83405

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other reconfigure water rights on land
2. Describe the reason for the proposed changes To divide water rights to conform to division of land as a result of sale of land by Acors to Cannon.

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

1.	Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
	34-00256 ✓ 13659	06/01/1889	0.970	Irrigation	04-15 to 10-15
	34-00416 ✓ 13641	06/01/1896	1.000	Irrigation	04-15 to 10-15
	34-00618 ✓	09/01/1884	3.200	Irrigation	04-15 to 10-15
	34-02330B ✓	06/01/1977	1.750	Irrigation	04-15 to 10-15
	34-02426E ✓ 13643	04/06/1982	1.260	Irrigation	04-15 to 10-15
	34-07077 ✓	09/05/1974	8.000	Irrigation	04-15 to 10-15
	34-07080B ✓	09/23/1974	5.330	Irrigation	04-15 to 10-15
	34-07092 ✓	01/14/1975	12.00	Irrigation	04-15 to 10-15
	34-07120 ✓	12/17/1975	2.000	Irrigation	04-15 to 10-15
	34-07121A ✓	01/09/1976	0.460	Irrigation	04-15 to 10-15
	34-07121B ✓	01/09/1976	3.740	Irrigation	04-15 to 10-15
	34-12376 ✓	06/01/1977	1.250	Irrigation	04-15 to 10-15

2. Total amount of water being transferred 40.26 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Big Lost River - 34-00256, 34-00416 and 34-00618 tributary to sinks
Source of water Groundwater - all others tributary to sinks

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE	SE	4	5N	26E	Butte ✓	Moore Diversion for 34-00256, 34-00416 and 34-00618 ✓
	SE	NW	SE	29	5N	26E	Butte ✓	Harold Babcock well for 34-02330B and 34-12376 ✓
	SW	SE	NE	32	5N	26E	Butte ✓	North McAfee well for 34-02426B and 34-07121B ✓
	SW	NE	SE	32	5N	26E	Butte ✓	South McAfee well for 34-07080B and 34-07121A ✓
3	NE	NE	NW	5	4N	26E	Butte ✓	Niederer wells (2) for 34-07092 ✓
	NW	NW	NW	21	5N	26E	Butte ✓	Burnett well for 34-07077 and 34-07120 ✓

SUPPORT DATA

IN FILE # 36-13659

T 5609/67029



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 27, 1989

Juel Aikele
Rt. #1
Moore, ID 83255

RE: Transfer of Water Right #34-7077 Owned by Everett T. Acor,
Jr.

Dear Mr. Aikele:

The Department Water Resources recently received a proposal for a seasonal pumping agreement with the Big Lost River Irrigation District. I have consulted our records, and do not find a corresponding application for transfer in our files.

Please be advised that prior to diverting and delivering water as proposed under the seasonal pumping agreement, you must file an application for transfer with the Department of Water Resources, and obtain approval of the transfer. Use of water as proposed by the seasonal pumping agreement without approval by the Department of Water Resources is an illegal use of water under the Idaho Code § 42-351, and could result in a cease and desist order, substantial monetary penalties, and injunctive actions by the Department.

Respectively,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc. Big Lost Irrigation District
Mackay, Idaho 83251

Eastern

WATER RIGHT NUMBER 34-7077

OWNER LAST NAME - BURNETT
OWNER LAST NAME - U.S. DEPT. OF AGRI.
ADDRESS LINE 1 - FARMERS HOME ADMINISTRATION
ADDRESS LINE 3 - P.O. BOX 656
SOURCE - GROUNDWATER
STAGE - LICENSE
TOTAL DIV. VOLUME - 600.00 AFA
DIVERSION POINT - NWNW 21 05N 26E LOT
NENE 25 04N 25E LOT
SENE 35 04N 25E LOT
FROM - 04-01 TO - 11-01
USE - IRRIGATION

FIRST NAME - BOYD
FIRST NAME - ORIG OWNER -
ADDRESS LINE 2 -
CITY - ARCO
TRIBUTARY OF -
PRIORITY - 09-05-1974
COUNTY - BUTTE
WATER DIST. -
DLE/CAREY ACT -
RIGHT BASIS -
0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
TOTAL DIV. RATE - 8.0000 -CFS
USE DIV. RATE - 8.0000 CFS
USE DIV. VOLUME - 600.00 AFA
PLACE OF USE - TWN 04N RNG 25E SEC 35
TRACT NENE LOT AC 40
TRACT SWNE LOT AC 40
TRACT NESW LOT AC 40
TRACT NWSE LOT AC 40
TRACT SESE LOT AC 40
TRACT NWNE LOT AC 40
TRACT SENE LOT AC 40
TRACT NESE LOT AC 40
TRACT SWSE LOT AC 40
TRACT SESW LOT AC 20
TOTAL ACRES 380

DECREE NAME -
REMARKS - THIS RT. WHEN COMBINED WITH RT. 34-7120 SHALL NOT EXCEED 9.26
CFS. NO MORE THAN 200 AC. MAY BE IRRIGATED/ANNUUM & THE MAX. RATE
OF DIVERSION SHALL NOT EXCEED 0.02 CFS/AC. AT THE PTS. OF
REDIVERSION.
TRANS. 3025.
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE - 09-05-1974 PERMIT/DENIED - 03-21-1975 PROTESTED -
PROOF MADE - P FLD EXAM - COND. OF APPROVAL - 16
DIVERSION MEANS - WELL, PUMPS & SPRINKLERS.

ORIG OWNER -
STATE - ID ZIP CODE - 83213
DATE -
HEARING -
OLD NO. -

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E SWATER RIGHT
DATA ENTRY LOG

<u>Initials</u>	<u>Date</u>	<u>Item</u>
		Original form entered
		Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Signed
		Transfer Approved
<u>da</u>	<u>4-17-79</u>	Keypunched by State Office
<u>RC</u>	<u>4-6-82</u>	<u>Assignment coded & entered</u>
<u>D.W.</u>	<u>4/28/82</u>	<u>License update</u>
<u>D.W.</u>	<u>6/29/84</u>	<u>TRANS. 3025 entered</u>

June 13, 1984

RE: Transfer of Water Right No. 34-7077

Farmers Home Administration
Box 656
Arco, ID 83213

Gentlemen:

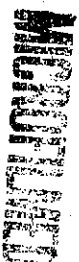
Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3025). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

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

DRT:sc

Enclosure



NOT TO SCALE

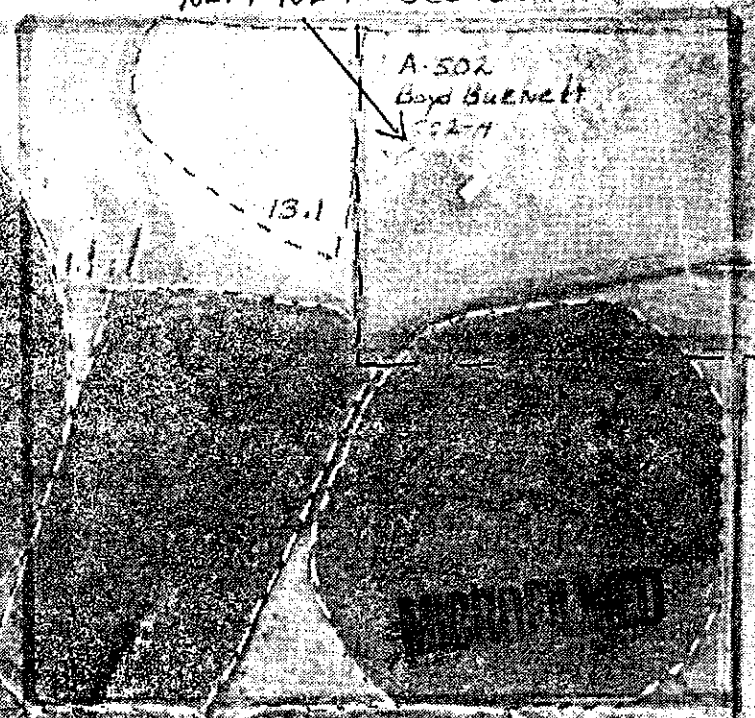
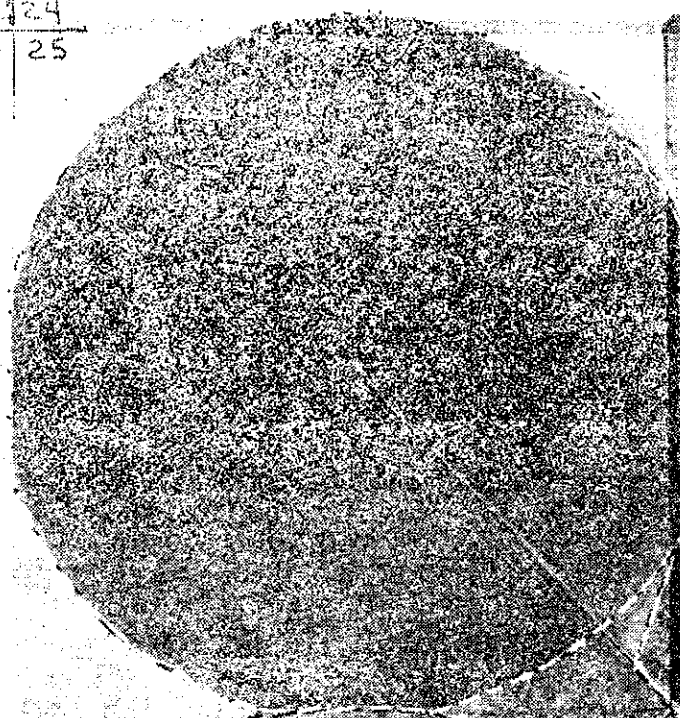
JULY or AUG 1978

NEX4 NEX4 Sec. 25 TAN R25E

23 24
26 25

J-20
3

Sec J-21



Big Lost River Irrigation District

P. O. Box 205
MACKAY, ID 83251

June 14, 1989

RECEIVED
JUN 16 1989

Department of Water Resources

Mr. Norman Young
Idaho Dept. Water Resources
Statehouse Mail
Boise, Id. 83720

Dear Norm:

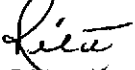
Enclosed for your records is a copy of a "Seasonal Pumping Application" on the Bud Acor well that is to be used on the Juel Aikele farm. It is my understanding that Juel was advised by Ron Carlsen to complete a temporary "Transfer of a water right" for this well to be used, and so far we I know Juel agreed to do this.

In 1984 on May 31, the head of the Big Lost River had 2,700 CFS and on May 31, 1989 there was 337 CFS: this information seems to sum up how much of a drought caused by lack of snow in this valley this year. 1984 was considered a good year. The records will attest to the fact that we are in our 4th drought year, with depletion of both surface and ground water (as they are really one-from the snow melt).

Your moderation and understanding of these problems being experienced by the farmers of this valley is something desperately needed. We have been on very early rights and the highest right on was one day of 6/1/1889 and we are now dropping back again. The well waters are truly responsible, not only for being a vehicle for water in delivery, but also in keeping the farmers going as 90% of our surface water percolates to the underground.

Thank you Norm for your time and consideration.

Yours Truly,



Rita M. Lundy
Assistant Secretary-treasurer

CC: Chairman Willard O. Bell
Arco, Id. 83213

P.S. Norm, the Directors have not approved this application yet as they will not meet again until the first week in July.

BIG LOST RIVER IRRIGATION DISTRICT
Mackay, Idaho 83251

SEASONAL PUMPING AGREEMENT

BLRID WELL #

DATED June 10, 1989

CO-OP # 276

I.D.W.R. License # 34-7077 appurtenant to the following lands:

NE 1/4, SE 1/4, NE 1/4 SW 1/4, SEC 25 T4N R25E BM

1. Everett T. Acor Jr., hereby request permission to pump approx. 400" measured inches of pump water into the district water system at that point of diversion known as (Burnett well) 1 mile north of Moore, Id west of the hi-way on the edge of the Moore canal. and receive 400 miner's inches of water, less shrink, from the district system through the ditch or canal with its point of diversion at the Moore canal. This well water will be delivered to Tuel Rikala to irrigate said lands located at Sec. 30 & 31, Twp. 4N, Rge. 26 EBM.

In consideration of this privilege, I agree to each and every one of the following terms and conditions:

1. I covenant and warrant that I have full right and title to pump said water from a well located on the NW 1/4 NW 1/4 of Section 21, Township 5N North, Range 26E, EBM, and agree to pump such water and discharge the same at my expense into the MOORE ditch or canal of the district system at the following designated point: _____

Same as above (Burnett well site)

2. I will provide and maintain at my own expense suitable methods, structures, drops and protective works to prevent erosion of the ditch or canal at the point where the pump water enters the district system.

3. I will provide and maintain at my own expense a suitable measuring device of a type approved by the Dept. of Water Resources of the State of Idaho for each location to measure the pump water delivered to the district and to measure the water received by me at the point of delivery, and also at the point of diversion.

4. Water shall be delivered to me only during such time as I am actually delivering pump water to the district system and water is available at the desired point of diversion specified above, and a user or users, including myself, then entitled to that much water from the district system can use such pumped water as part of the water right to which such user or users may be entitled.

5. If the amount of pump water delivered to the district by me is at any time less than the amount to be delivered by me as specified hereinabove, the water delivered to me shall be reduced proportionately.

6. I acknowledge that the usual rate of shrink in the canal or ditch between such point of diversion and my desired point of delivery is variable and that wetting the ditch and periodic fluctuations each add to the amount of shrinkage at various

SEASONAL PUMPING AGREEMENT

Page Two.

times and agree to bear my proportionate amount of all shrinkage loss.

7. I covenant and warrant that I own an adequate ditch right and right of way in the canal and ditches through which I expect to have this water delivered.

8. I agree to promptly pay the ditchrider charges and assessments for the water delivered to me and any additional charges or expense incurred by the district for measuring and recording the water I deliver to the district.

9. If the water received from the district under this exchange is placed on land not otherwise assessed as irrigable land for the operation and maintenance fund of the district, I agree that it may be so assessed for such year and to promptly pay such assessment (including toll) at the same time as ordinary operation and maintenance assessments and tolls are usually payable, and if I fail to so pay, I agree to pay all costs of collection by the district, including reasonable attorney's fees.

10. Time is of the essence and this agreement may be terminated by the district at its option immediately without notice upon any failure or default in performance of any of the terms, conditions or covenants hereof.

11. I agree to hold the district harmless from any damage or claims for damages by reason of this arrangement and agree that neither the district nor any of its directors, officers, agents or employees shall be responsible in damages for any failure of water delivery occasioned by any circumstances not reasonably within the control of the district.

12. If I feel that at any time I am not receiving water to which I am entitled, I agree to give the district written notice thereof at the office in Mackay, Idaho, not later than the end of the next business day and shall not make any claims for damages unless such notice shall have so been given.

13. I agree that proper maintenance of ditches and canals requires that the water be turned out of the same periodically and agree that the district in its usual course of maintenance at the same or separate times may periodically dry up each and every canal involved in this agreement.

14. I acknowledge that this is a permissive arrangement for the season of 1989, beginning on June 10 date. This agreement is for irrigation exchange (a common practice) within the boundaries of the Big Lost River Irrigation District only. It does not establish any adverse prescriptive or other use right, nor is it approved for any season except in the year shown above. In any event,

SEASONAL PUMPING AGREEMENT

Page Three.

this agreement terminates on October 15th of said year.

1.) Measuring device:

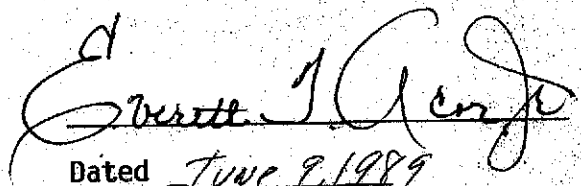
Type

Ditchrider approval

2.) Inspected for pump quantity

Watermaster approval

Signature of applicant



Dated June 9, 1989

Approved by Board Action

Minutes dated _____

Big Lost River Irrigation District
(not valid until completed)

Signature of Chairman

Dated _____

Attest:

Signature of Secty-treas.

Dated _____

106 100% DIVIDEND CAPITAL LTD. INC.
Boise, Idaho



25



Mr. Norm Young
I.D.W.R.
STATEHOUSE MAIL
BOISE, ID. 83720



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET
G. F. RAMSEY

INITIAL REVIEW BY: MAR 22 1984

1. Right number 34-7077 Applicant FARMERS HOME ADMINISTRATION
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
☒ Description of original point of diversion.
☒ Description of original place of use.
5. Amount of land &/or water transferred:
☒ All of right.
b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
☒ Check description of point(s) of diversion. No change
☒ Check description of place of use.
☒ Check map (shows p.d. and p.u. after transfer).
☒ Check for correct signature, notarization, and fee.
☒ Check proof of ownership of right &/or land from which water is transferred.
h. ☒ Check for expansion in use of right. Comments None per review
of field exam
☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) 34-7120
j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? X

Requested by
G. F. RAMSEY
MAR 22 1984

FINAL PROCESSING REVIEW BY: _____

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

RECOMMENDED ACTION

- ① ☒ Approve
2. ☐ Deny
3. Conditions* Note: Conditions of approval should be the same ones identified on the license.

RECEIVED
MAY 04 1984

4. By Ernest Carlson Date April 30, 1984

5-16-84 - See license for conditions
* All uses within Watermaster Districts require special conditions.

Department of Water Resources

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 34-7077

Notice is hereby given that Farmers Home Administration, Arco, Idaho has applied to the Dept. of Water Resources for a change in the place of use of the waters of a groundwater source. The right sought to be changed is evidenced by License No. 34-7077 and is recorded as follows:

AMOUNT: 8 cfs

PRIORITY: 9/5/1974

POINT OF DIVERSION: NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 21, T. 5N, R. 26E, B.M.
Butte County.

The water is used to irrigate 380 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25, E $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, T. 4N, R. 25E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate 380 acres within the E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 35, T. 4N, R. 25E, B.M.

Any protests against the above proposed change of water right must be filed with the Dept. of Water Resources 150 Shoup Ave. Suite 15, Idaho Falls, Idaho, 83401, on or before April 30, 1984.

A. KENNETH DUNN

Director

Published in the Arco Advertiser on 4/11 & 4/18/84

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 34-7077

Notice is hereby given that Farmers Home Administration, Arco, Idaho has applied to the Dept. of Water Resources for a change in the place of use of the waters of a groundwater source. The right sought to be changed is evidenced by License No. 34-7077 and is recorded as follows:

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PRIORITY: 9-5-1974

POINT OF DIVERSION: NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 21, T. 5N, R. 26E, B.M. Butte County.

The water is used to irrigate 380 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25, E $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, T. 4N, R. 25E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used to irrigate 380 acres within the E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 35, T. 4N, R. 25E, B.M.

Any protests against the above proposed change of water right must be filed with the Dept. of Water Resources, 150 Shoup Ave. Suite 15, Idaho Falls, Idaho 83401, on or before April 30, 1984.

A. KENNETH DUNN
Director

Published in the Arco Advertiser on 4-11 & 4-18-84

MICROFILMED

April 20, 1983

RE: Permit No. 34-7077

Farmers Home Administration
P.O. Box 656
Arco, ID 83213

Gentlemen:

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

Sincerely,



JIM JOHNSON
Water Distribution Supervisor

JJ:kw
Enclosure

RECEIVED



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

January 11, 1983

RE: Permit No. 34-7077 (Boyd B. Burnett)

Farmers Home Administration
P.O. Box 656
Arco, ID 83213

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 34-7077, and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 8.0 cfs Source: groundwater

The maximum quantity diverted shall not exceed 600.0 acre feet per year.

Point(s) of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21, Twp. 5N, Rge. 26E, Butte County

Beneficial use: Irrigation of 380 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25; NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 35; Twp. 4N, Rge. 25E

Priority date established: September 5, 1974

Conditions (if any): 1) No more than 200 acres may be irrigated per annum and the maximum rate of diversion shall not exceed 0.02 cfs per acre at the point of rediversion located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25 and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35; Twp. 4N, Rge. 26E. 2) This right when combined with 34-7120 shall not exceed 9.26 cfs.

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JOHNSON

Water Distribution Supervisor

BJ:kw

MICROFILMED

REC

no
actual
photo

Department of Water Resources
Eastern District Office

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	25E	25	40																40
		35													40	40	40	40	160
			note: <u>enclosed</u> <u>plate of use amendment</u>																

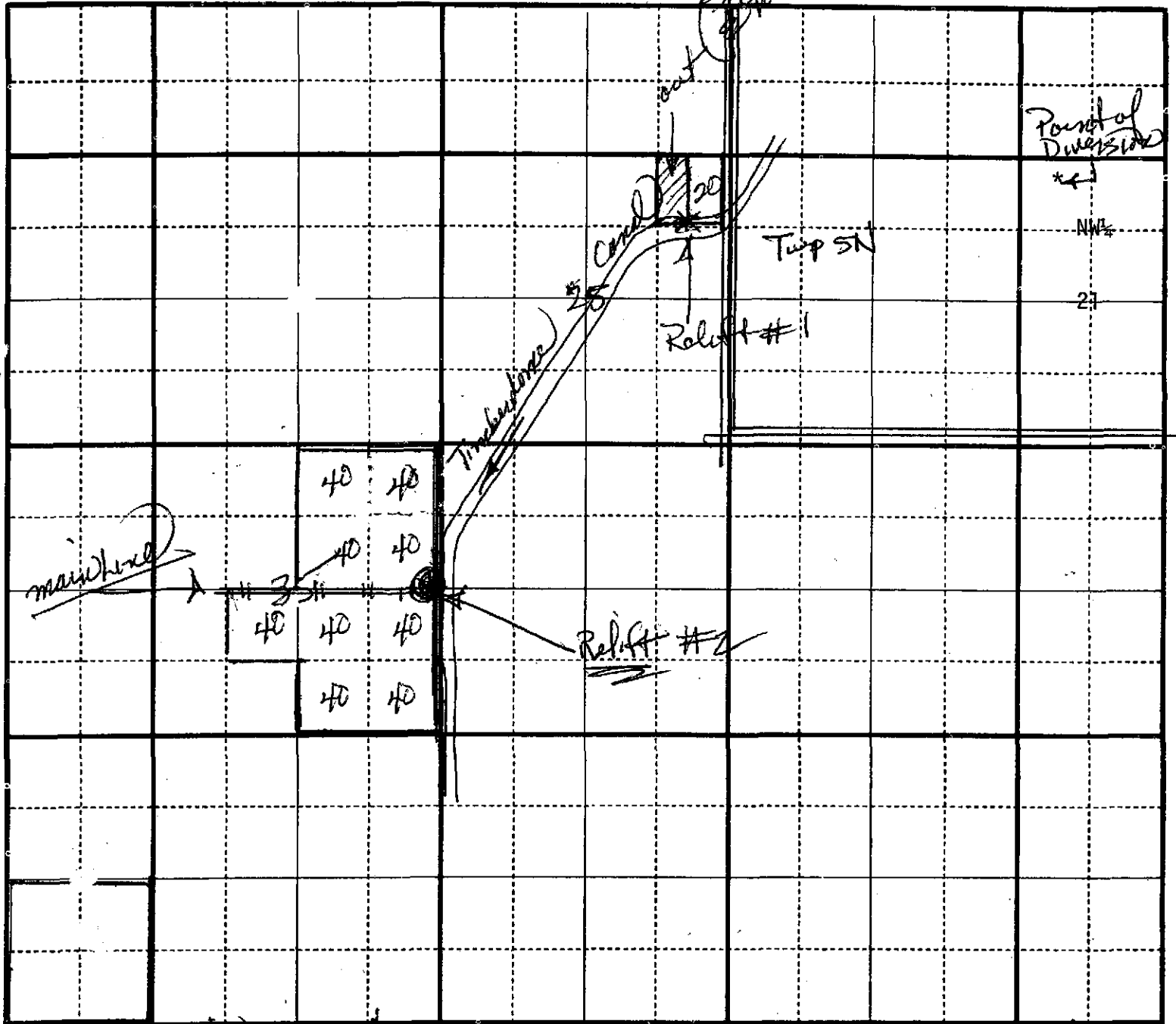
TOTAL ACREAGE _____ **200**

MICROFILMED

Rge. 25E

Rge. 26E

T
W
P
N



Point of Diversion

North

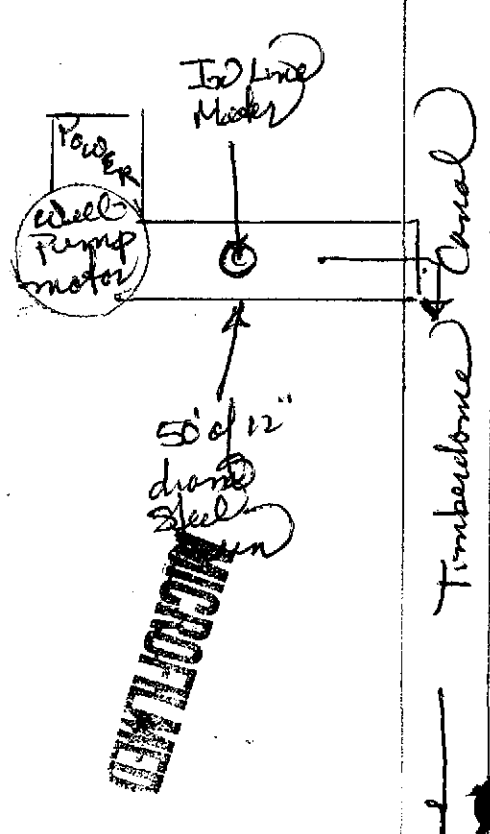
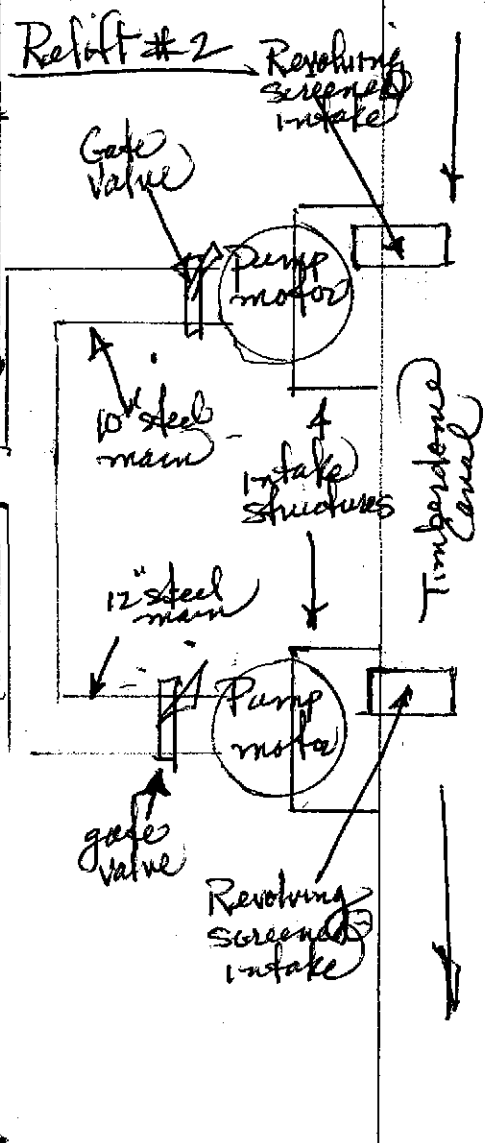
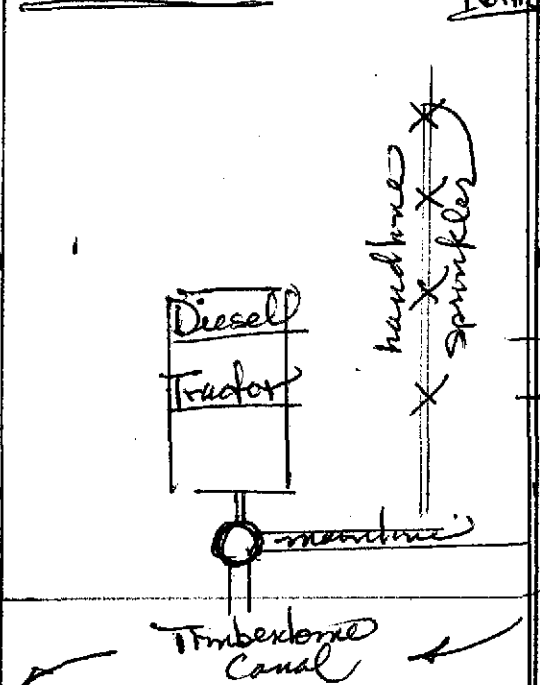


Diagram of System
Relift #1



ARR
2/27/79

DATE OF EXAM 8/8/78

ACREAGE
Found 380 ✓
Recommended 380 ✓ 200 ac/annum

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q = 7.60 c.f.s. V = 1140 ✓ AF/Ann. from April 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 X no _____

Name source Timberdome Canal conveys some Big Lost River
twp. 5N N/S, Rge 26E E/W, B.M., Sec. 21, Sub. NW 1/4 NW 1/4 Butte 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 9.26 Method of measurement In Line Meter

Total Q recommended 7.60 Meter No. 75-12-122 Type Clometer Condition good

Total V recommended 1140 AF/yr

Recommended Amendments:

P.D. _____
Place of Use _____
Other None

MEASUREMENT CALCULATION:

Measured 0.1AF in 47 sec, 435.6 cu ft ÷ 47 = 9.26 cfs capacity
Area = 0.23 ac = 0.23 x 360 = 82.8 cfs
 $V = \frac{200}{10} \times 30 = 600$ AF/yr ✓ $1.9835 \times 215 \text{ days} \times 7.60 \text{ cfs} = 3241.0 \text{ AF/yr}$

SYSTEM DESCRIPTION:

Groundwater is pumped & discharged into the Timberdome Canal at point of diversion
and shifted from canal in (NENE of Sec 25 & SENE of Sec 35) by two separate lift
stations. All acreage is sprinkled. A total of 2 1/4 mi laterals & 4 1/2 mi laterals used.
See Reverse side for description of works of diversion & redirection.

REMARKS:

System shown & described by Boyd Burnett.
See back for recommended conditions

Examiner's Signature Anthony R. Kozlowski Date 2/27/79

Checked by John DeLashay Date 3/7/79

Approved by Robyn Tolyn 10/27/82 Date 1/26/81

* See Overlap review in license 34-7120
overlap review attached

Although the Timberdone canal is owned by the Big Lost River Improvement District (Note: Canal ownership is presently being contested by the courts), no shrinkage is charged by the district to water users that use this conveyance. There are 8 members in the canal including Boyd Burnett. The Big Lost Improvement district (an organization consisting of a series of canals maintained & regulated to deliver Big Lost River water) that has been stored in Mackay Reservoir does not maintain or regulate water in the Timberdone canal. The Timberdone canal may be thought of as a shared private conveyance which serves its membership primarily in the conveyance of groundwater which are injected into the canal (either by the valley where geologic factors are more favorable to the occurrence of groundwater. A small amt. of Big Lost River stored water is also conveyed by the canal).

Recommended
Recommender

The license should
question this

from time to time or season to season
be conditioned to read: "The amt. license may be subject to a shrinkage discount of 10%, to be determined by the Timberdone water users association."

Works of diversion - Groundwater is diverted by a 150 H.P. General Electric Tri-clad induction pump motor. SK504X41A5 with a Tekston Vertical turbine pump #29211. Water is conveyed thru 56' of 12" steel main to point where it is open discharged into the timberdone canal.

Relift #1 - (NENE SEC 25) - Portable tractor with P.T.O. to a Berkley centrifugal pump. S/n - 6145 mfn - H1845 cas with 9" intake & 8" discharge leads to headline sprinkler.

Relift #2 (SENE SEC 35) consists of 2 pumps & motors.

A) GE. Tri-clad induction pump motor (150 H.P.) mfn - SK6277X41A S/n - APT118135 with Aurora Verti Line turbine pump. 3P885845

B) 150 H.P. G.E. Tri-clad induction pump motor mfn - SK6277X41A S/n - CHT 331146 with an Aurora Verti-Line turbine pump. S/n - 3N676288 type - 14R4H.

These pumps lift water from the Timberdone Canal into east-west buried mainline. Average irrigated with 1-1/4 mi wheel line & 4 1/2 mi - wheel lines.

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

April 15, 1982

RE: Permits No. 34-7096, 34-7097, 34-7077 and 34-7120

USDA, Farmer's Home Administration
P.O. Box 656
Arco, ID 83213

Dear Sirs:

This office acknowledges receipt of the Assignment of the above referenced permits to you.

Enclosed for your records are copies of the permits. Be sure to note the special conditions of approval on the fourth page that identify requirements necessary for developing the permits into licensed water rights.

If you have any questions on this matter, please feel free to contact us.

Sincerely,

ROBYN CARLSON
Chief Clerk

RC:kw
Enclosures

RECORDED

June 6, 1977

Re: Permit No's. 34-7120 and 34-7077

Boyd B. Burnett
Moore, Idaho
83255

Dear Mr. Burnett:

We acknowledge receipt of the affidavit submitted on Permit No. 34-7077.
We are returning the affidavit however, as you have already filed proof on that permit.

We acknowledge receipt of the affidavit submitted as proof of beneficial use
for the above referenced permit, No. 34-7120.

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 examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Idaho Falls.

Sincerely,

JANICE RENK
Water Rights Bureau

/jr

RECEIVED

June 6, 1977

C Re: Permit No's. 34-7129 and 34-7077

O Boyd B. Burnett
Moore, Idaho
83255

P Dear Mr. Burnett:

P Enclosed are copies of the approved applications for amendments issued on the above referenced permits.

Sincerely,

Y BOBBY D. FLEENOR
Chief, Operations Bureau

BDF:JFR

Encl.

MICROFILMED

October 28, 1976

Re: Permit No. 34-7077

Boyd Burnett
Moore, Idaho
83255

Dear Mr. Burnett:

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

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 examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Idaho Falls.

Sincerely,

JANICE RENK
Water Rights Bureau

/jr

RECEIVED

OCT 21 1976

Department of Water Resources
Eastern District Office

Identification No. _____

Permit No. 34-7077

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Boyd Burnett
b) Post Office Address Moore, Idaho
2. Permit Number 34-7077
3. Date of Priority that you are prepared to establish 9-05-74
4. a) Source from which water was appropriated well
b) Location of the point of diversion: NW 1/4 NW 1/4, Section 21
Township 5N, Range 26E Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
Amount 8.0 cfs 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 _____ 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:
Through approx 8 mi through the Moore Canal, Big Lost Irrigation District-
Note drawing on permit
b) Describe the agreement or understanding by which you take water from the works: Applicant draws 50%
of water diverted to compensate for delivery loss.
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) Drilled in 1974, depth approx 180', motor: 150 HP General
Electric and Johnson turbine pump
b) Describe the type and size of measuring device which you have installed at your point of diversion: McCrometer flow meter 12"
c) Give well driller's name and address and the date the well was completed: C. Boyd Lambert, Mackay, Idaho
Nov 1974
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: None

10/25/74

RECEIVED

OCT 25 1976

Department of Water Resources

October 22, 1976

RE: Permit No. 34-7077 BOYD B. BURNETT

Mr. Blair W. Archibald
Federal Land Bank Association
P.O. Box 72
Blackfoot, Idaho 83221

Dear Mr. Archibald:

This is to inform you that proof of beneficial use has been received on the above referenced permit. Because the proof shows an expansion of the permit, it may be necessary for Boyd Burnett to file another application to cover the additional 120 acres.

Issuance of a water license is contingent upon a field exam which is conducted by this Department.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CN

cc: IDWR - State Office

RECEIVED

March 24, 1975

Re: Permit No. 34-7077

Mr. Boyd Burnett
Moore,
Idaho 83255

Dear Mr. Burnett:

Enclosed is a copy of your approved Application for Permit No. 34-7077. 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.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Ron Carlson

March 19, 1975
RECEIVED

TO Bob

MAR 21 1975

Department of Water Resources

SUBJECT APPLICATION NO. 34-7077

The applicant has applied for 2 inches per acre to allow a 50% transportation loss. He should be required to install and maintain measuring devices at his pump and at his point of diversion from the Moore Canal.

MICROFILMED



SIGNATURE

March 18, 1975

RE: Application for Permit No. 34-7077

Mr. Boyd B. Burnett
Moore
Idaho 83255

Dear Mr. Burnett:

This is to notify you that all of the protests against the above referenced application have been withdrawn. Therefore, final action can now be taken.

If you have any questions, please contact us.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:mb

MICROFILMED

March 18, 1975

RE: Application for Permit No. 34-7077

C
O
P
Y
Mr. Stephen B. King
Moore
Idaho 83255

Dear Mr. King:

The Department is in receipt of your written notice withdrawing your protest against the above referenced application. Since it appears at this time that all objections to this application have been resolved, the Department will continue the processing.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:mb

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

1515 Lincoln Road

IDAHO FALLS, IDAHO 83401

March 13, 1975

RECEIVED
MAR 18 1975

Department of Water Resources
Eastern District Office

RE: Application for Permit No. 34-7077

Mr. Stephen B. King
Moore,
Idaho 83255

Dear Mr. King:

The Department is now in the process of scheduling hearings in this area. In reviewing the files we find that all of the protests against the above referenced application filed in the name of Boyd B. Burnett have been withdrawn except the one you submitted.

In the letter submitted by the Big Lost Irrigation District they indicate that Mr. Burnett has made provisions with them to make whatever enlargements in the canal that are necessary to carry the additional amount of water he requested to appropriate.

It appears that this agreement may possibly resolve your objections. Also, because there is considerable time and expense involved in conducting water right hearings, please contact me within the next 10-days if you do not wish to continue your protest. If we do not hear from you we will assume that you still object to the granting of this permit and will proceed with scheduling a hearing in the matter.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Ronald D. Carlson

RONALD D. CARLSON
District Engineer

RDC:CW

Dear Sir: March 16, 1975

In view of the above information and having conferred with Mr. Burnett to my satisfaction I hereby withdraw my objections and protests. Thank you for consideration yours truly Stephen B. King

Idaho Water Dept. of
Water Resources.

moore Idaho
Sept 12, 1974

RECEIVED
SEP 16 1974

Department of Water Resources
Eastern District Office

Dear Sirs:

I wish to bring to your attention the fact that there are different individuals filing on water here in Lost River Valley from ground (wells) and flood waters (such as 1974 water) these things you are aware of but : are you aware that to drill a well and file on it to be pumped into the present system of canals to be used at the end of the system poses a very serious problem??

The problem of ditch capacity and ditch rights should be brought to light. Right now there are times when many of us can not have our water when we need it because of lack of room in the canals to serve enough of us at one time.

This permit applied for by Boyd Burnett for 8.0 cubic feet of water from a pump and re-directed through Moore Division is a sample. Till there is adequate ditch room for these new rights I object.
yours Truly
Stephen B. King
moore, Idaho

1515 Lincoln Road

March 13, 1975

RE: Application for Permit No. 34-7077

Mr. Stephen B. King
Moore,
Idaho 83255

Dear Mr. King:

The Department is now in the process of scheduling hearings in this area. In reviewing the files we find that all of the protests against the above referenced application filed in the name of Boyd B. Burnett have been withdrawn except the one you submitted.

In the letter submitted by the Big Lost Irrigation District they indicate that Mr. Burnett has made provisions with them to make whatever enlargements in the canal that are necessary to carry the additional amount of water he requested to appropriate.

It appears that this agreement may possibly resolve your objections. Also, because there is considerable time and expense involved in conducting water right hearings, please contact me within the next 10-days if you do not wish to continue your protest. If we do not hear from you we will assume that you still object to the granting of this permit and will proceed with scheduling a hearing in the matter.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:CW

MICROFILMED

February 13, 1975

RE: Application for Permit No. 34-7077 BOYD B. BURNETT

Big Lost River Irrigation District
P.O. Box 205
Mackay, ID 83251

Gentlemen:

This is to acknowledge receipt of the withdrawal of protest against the above referenced application.

If you have any questions, please contact this office.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

MICROFILMED

VERNON E. WARNER
President
Division No. 5, Leslie

JAMES S. BABCOCK
Secretary-Treasurer
Division No. 3, Moore

RICHARD C. ROTHWELL
Director
Division No. 4, Leslie

J. DOYLE JENSEN
Director
Division No. 2, Moore

ARTHUR W. QUIST
Director
Division No. 1, Arco

Big Lost River Irrigation District

Phone 588-2231 — P. O. Box 205
Mackay, Idaho 83251

RECEIVED
SEP 16 1974

Department of Agriculture
Irrigation Division

September 24, 1974

Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

To Whom it may Concern:

Published in the Arco Advertiser on September 12, and September 19, 1974
is a notice of application for Water Permit # 34 7077 for Boyd Burnett.

The Directors of the Big Lost River Irrigation District wish to protest
the granting of this application on the following grounds:

- 1) There have been no arrangements made for the transmission
of said water through the facilities of the Big Lost River
Irrigation District to place of use.
- 2) The pump location is stated as Section 21 Township 5 north
Range 26 and that said water would be re-diverted through
the Moore diversion. The Moore diversion is located in the
SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4 Township 5 north Range 25, this is approximately
2 miles upstream from the stated location of the well.

Your consideration of this protest is respectfully requested.

Vernon E. Warner
James S. Babcock
Richard C. Rothwell
Arthur W. Quist
J. Doyle Jensen

Vernon E. Warner- President

James S. Babcock- Secretary-Treasurer

Richard C. Rothwell

Arthur W. Quist

J. Doyle Jensen

MICROFILMED

VERNON E. WARNER
President
Division No. 5, Leslie

JAMES S. BABCOCK
Secretary-Treasurer
Division No. 3, Moore

RICHARD C. ROTHWELL
Director
Division No. 4, Leslie

J. DOYLE JENSEN
Director
Division No. 2, Moore

ARTHUR W. QUIST
Director
Division No. 1, Arco

Big Lost River Irrigation District

Phone 588-2231 — P. O. Box 205

Mackay, Idaho 83251

RECEIVED

FEB 12 1975

Department of Water Resources
Eastern District Office

February 5, 1975

RECEIVED

FEB 6 1975

Department of Water Resources
Eastern District Office

Department of Water Resources
State House
Boise, Idaho 83720

To whom it may concern:

We are withdrawing our letter of protest written to you in December, 1974 re: the Boyd Burnett "Notice of Application for Water permit" in which it was stated that the water would be rediverted through the Moore diversion. Mr. Burnett has submitted application 34-7077 to us which now states the Moore Canal and has spoken to us and made arrangements for this water transmission.

Yours truly,

Rita
Rita M. Lundy
Assistant Secretary-treasurer
for the Board of Directors

ATTEST:

Vernon E. Warner
James S. Babcock
J. Doyle Jensen
Arthur W. Quist
out of town

Vernon E. Warner

James S. Babcock

J. Doyle Jensen

Arthur W. Quist

Richard C. Rothwell

RECEIVED

February 13, 1975

RE: Application for Permit No. 34-7077

Mr. Boyd B. Burnett
Moore
Idaho 83255

Dear Mr. Burnett:

Enclosed please find a copy of the withdrawal of protest letter which was submitted to this office on February 12, 1975, from the Big Lost River Irrigation District.

If you have any questions, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:ME'

Enclosure

MICROFILMED

February 6, 1975

RE: Application for Permit No. 34-7077

Ms. Rita M. Lundy
Assistant Secretary-Treasurer
Big Lost River Irrigation District
P.O. Box 205
Mackay, Idaho 83251

Dear Ms. Lundy:

Please find enclosed the letter you submitted to this office February 5, 1975. Since the original protest was signed by all of the members of the Board of Directors, we feel that it is necessary for one of them to sign the letter withdrawing the protest. It would be preferable if all of the members signed the letter.

If you would return this letter to our office with the appropriate signature(s) we will be happy to accept it as a withdrawal of protest against the above referenced application.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:cw

Enclosure

MICROFILMED

December 24, 1974

RE: Application for Permit No. 34-7077

Mr. Boyd B. Burnett
Moore,
Idaho 83255

Dear Mr. Burnett:

This letter is to notify you that Mr. A. Etsel Moss visited our office on December 20, 1974 and formally withdrew his protest against the approval of your application for permit No. 34-7077.

At this time, the protest filed by the Big Lost River Irrigation District has not been withdrawn and the Department will be obligated to schedule a hearing on this matter in the near future if the protest remains unresolved.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:cw

cc: IDWR - State Office

MICROFILMED

RECEIVED
DEC 20 1974

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

December 20, 1974

TO WHOM IT MAY CONCERN:

I hereby withdraw my protest against application for permit No. 34-7077
in the name of Etsel Moss.

A. Etsel Moss

RECEIVED
DEC 20 1974

RECEIVED

SEP 19 1974

Department of Water Resources
EASLEY JUDICIAL OFFICE

I WISH TO PROTEST APPLICATION
FOR PERMIT # 34 7077 SUBMITTED
BY BOYD B. BURNETT TO APPROPRIATE
8.0 CFS FROM GROUND WATER, TO BE
CONVEYED TO HIS PLACE OF USE BY
THE EXISTING CANAL SYSTEM OF
MOORE CANAL. UNLESS THIS CANAL
IS ENLARGED IT DOES NOT HAVE THE
CAPACITY TO CARRY AN ADDITIONAL
8.0 CFS. THE CANAL COMPANY DOES
NOT WANT TO BE OBLIGATED TO ENLARGE
THE CANALS AT COMPANY EXPENSE.

A. E. Lee Moss
Moore Sdn.
Box 102

RECORDED

September 30, 1974

Re: Application for Permit No. 34-7075 Quist
" " " No. 34-7077 Burnett
" " " No. 34-7078 Soelberg

Arco Advertiser
Box "C"
Arco, ID 83213

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with each of the above referenced applications. The legal notices were to have been published in your paper on September 12 and September 19, 1974, (Quist application published on August 22 and August 29, 1974).

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION RESOURCE

EASTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Huggins
Director

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

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

September 25, 1974

Re: Application for Permit No. 34-7077 BOYD B. BURNETT

Board of Directors
Big Lost River Irrigation District
P.O. Box 205
Mackay, Idaho 83251

Gentlemen:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer
RDC:MB

September 25, 1974

Re: Application for Permit No. 34-7077

Mr. Boyd B. Burnett
Moore
Idaho 83255

Dear Mr. Burnett:

Please find enclosed a copy of an additional protest filed against the issuance of a permit pursuant to the above referenced application.

If you have any questions, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

Enclosure
bc: IDWR - State Office

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION RESOURCES EASTERN DISTRICT OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

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

September 17, 1974

Re: Application for Permit No. 34-7077 Burnett

Mr. A. Etsel Moss
Box 102
Moore, ID 83255

Dear Mr. Moss:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

DEPARTMENT OF WATER ADMINISTRATION RESOURCES
EASTERN DISTRICT OFFICE

Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

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

September 17, 1974

Re: Application for Permit No. 34-7077 Burnett

Mr. Stephen B. King
Moore
Idaho 83255

Dear Mr. King:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit; partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer
RDC:MB

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION RESOURCES

EASTERN DISTRICT OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

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

September 17, 1974

Re: Application for Permit No. 34-7077

Mr. Boyd B. Burnett
Moore
Idaho 83255

Dear Mr. Burnett:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 34-7077. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required. (Section 42-202, Idaho Code)

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

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

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

Enc: Copy of Protest(s)

XXXXXXXXXXXXXXXXXXXXX RESOURCES

September 6, 1974

Re: Application for Permit No. 34-7077 Burnett

The Arco Advertiser
Box "C"
Arco, Idaho 83213

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
Acting District Engineer

RDC:MB

Enc: Legal Notice (1)

Bill submitted 10-2-74 by MB

RECEIVED
OCT 10 1974

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Boyd B. Burnett

Moore, Idaho

has on 9-5-74 submitted Application No. 34-7077
for a permit to appropriate 8.0 cubic feet per second ~~acre feet per annum~~
of water from a ground-water source
by means of well and pump and rediverted through the Moore diversion,
within the NW1/4, Sec. 21, T. 5N, R. 26E, B.M., Butte County;

to be used from Apr. 1 to Nov. 1
for the irrigation of 200 acres

within the NE1/4, Sec. 25, SE1/4, Sec. 35, T. 4N, R. 25E, 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 Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before _____
September 30, 1974

R. KEITH HIGGINSON

Director

Published in the Arco Advertiser, Arco, Idaho

on September 12 and September 19, 1974.

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