

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

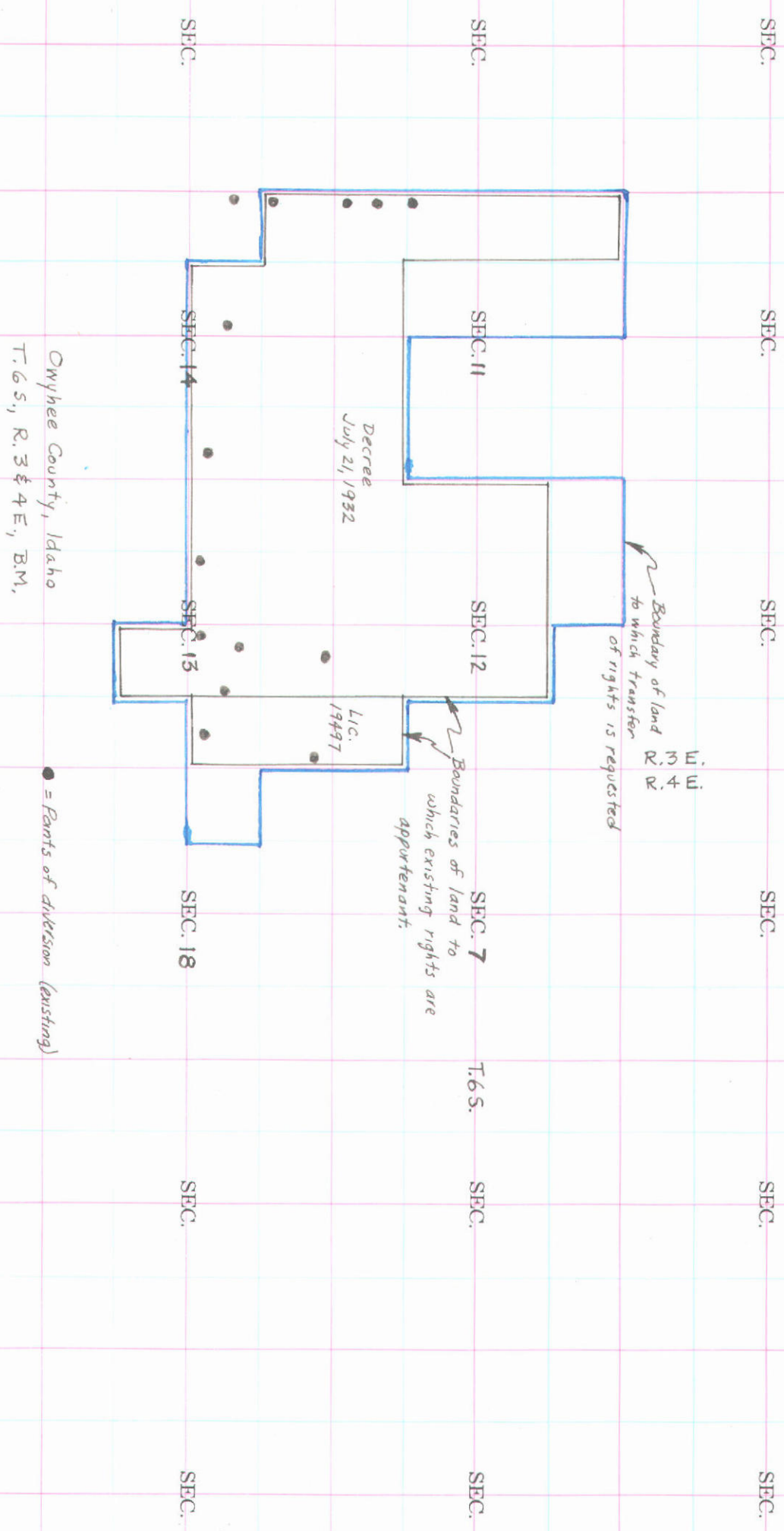
Notice is hereby given that Tate Dairy, Incorporated of Rt. No. 5, Boise, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing them to change the place of use of the waters of Subterranean Source as follows: Amount 11.21 cubic feet per second. Priority January 18, 1922, April 1, 1922, April 25, 1944. Point of diversion: Sections 11, 12, 13, 14 Township 6 S., Range 3 E., B. M.. Place of use: $W\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}-SW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$ Section 11; $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$, $W\frac{1}{2}-SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$ Section 12; $NE\frac{1}{4}$, $NW\frac{1}{4}$, $NW\frac{1}{4}-SE\frac{1}{4}$ Section 13; $NE\frac{1}{4}$, $N\frac{1}{2}-NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$ Section 14, Township 6 South, Range 3 East, B. M.

To Be Transferred To

Place of Use: $NW\frac{1}{4}$, $SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$ Section 11; $NW\frac{1}{4}$, $SW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$ Section 12; $NE\frac{1}{4}$, $NW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$ Section 13; $NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$ Section 14, all in Township 6 South, Range 3 East, B. M. and the $SW\frac{1}{4}NW\frac{1}{4}$ Section 18, Township 6 South, Range 4 East, B. M.

And that on the 23rd day of May, 1958, at 10:00 o'clock A. M., at Room 107, Statehouse, Boise, Idaho before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

MARK R. KULP,
State Reclamation Engineer
(May 8 — 15)



TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
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	Neiswanger, Louis C.	0.2		57-0185
910	Tate Dairy	0.2	0	57-0185A

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STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 910

THIS IS TO CERTIFY, That Tate Dairy, Incorporated, of Route No. 5, Boise, Idaho, is the owner of and using a certain water right for 11.21 cubic feet per second of the subterranean waters of the Shoofly Artesian Basin, with priority of January 18, 1922, April 1, 1922, April 25, 1944, decreed to Walter J. Hinton, et al., and Louis C. Weiswanger, by Judge Charles F. Koelsch of the Third Judicial District of the State of Idaho, in and for the County of Ada, in the case of

WALTER J. HINTON, et al.,
Plaintiffs

vs.

LOUIS C. WEISWANGER,
Defendant

1949
57-218
said decree bearing date of July 21, 1932 and obtained by virtue of License No. 14947, issued to Arthur W. Bolts by the Department of Reclamation of the State of Idaho, dated February 23, 1948 and being appurtenant to the following described lands, to-wit:

N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ in Section 11
S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ in Section 12
NE $\frac{1}{4}$, NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ section 13
NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14
All in Township 6 South, Range 3 East, B. M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume No. 5 of Decrees, at Page 690.

That the said license has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume No. 7 of Licenses at Page 4394.

That said Tate Dairy, Incorporated, has become the owner of the said water right by purchase.

And that now, upon the application of the Tate Dairy, Incorporated, through John P. Tate, Director, of Rt. 5, Boise, Idaho, for a certificate of transfer of water right made before the State Reclamation Engineer of the State of Idaho and the said application has been granted the right to the use of 11.21 cubic feet per second of the flow of the Shoofly Artesian Basin upon the above described lands is hereby abandoned and the lands to be irrigated under such right and to which the water right hereby confirmed, shall become appurtenant by this certificate for irrigation and domestic purposes are described as follows, to-wit: -

MICROFILMED

NW $\frac{1}{4}$, SW $\frac{1}{4}$ and the S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 11; NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12; and the NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{2}$ SE $\frac{1}{4}$, Section 13, and the NE $\frac{1}{4}$, NW $\frac{1}{4}$ and the SE $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 14, all in Township 6 South, Range 3 East, B. M., and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 6 South, Range 4 East, B. M.

That the said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

.20 cubic feet per second, with priority of January 16, 1922
10.01 cubic feet per second, with priority of April 1, 1922
1.0 cubic feet per second, with priority of April 25, 1944

That the water right hereby transferred has heretofore been conducted to the first above described lands through wells from subterranean source, with points of diversion in Sections 11, 12, 13 and 14, Township 6 South, Range 3 East, B. M.

That the water right hereby transferred will hereafter be conducted to the last above described lands, with no change in points of diversion.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 1st day of July, 1952.

GEO. N. CARTER
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of

Tate Dairy, Incorporated,
By John P. Tate, Director,
Route 5, Boise, Idaho

ORDER GRANTING TRANSFER

NO. 910

For a Transfer of Water Right
in Water District No. 66
County of Owyhee, State of
Idaho

WHEREAS, On the 8th day of May, 1958, at the Department of Reclamation, of the State of Idaho, at Boise, Idaho, this matter of the application of the Tate Dairy, Incorporated, through John P. Tate, as Director, of Boise, Idaho, for a transfer of water right came on regularly for hearing, pursuant to the published notice in due and statutory form; and

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more efficient beneficial use and that no one will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 1st day of July, 1958.

GEORGE W. CARTER
State Reclamation Engineer

57-CW

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA.
(Removed from the County of Owyhee.)

WALTER J. HINTON, MYRTLE E.
HINTON, WENZEL TURNER, MARY
TURNER, WILLIAM I. TURNER,
MARY A. TURNER, STATE OF IDAHO,
(Successor to Fred A. Bailey,
deceased and Hazel D. Bailey),
JAMES O. BALL, LAVINA M. BALL,
YONACIO BADIOLA and ANDRESSA
BADIOLA,

Plaintiffs,

vs.

LOUIS C. NEISWANGER,

Defendants.

1400
District Court, Owyhee County, Idaho

Date Filed Dec 14, 1922

By M. A. Lewis Clerk

Deputy

DECREE

Trans #910 for
all rights under decree

Finding of fact and conclusions of law having heretofore been
filed herein, IT IS ORDERED, ADJUDGED AND DECREED:

1

That the waters herein decreed and allotted are subterranean waters
subject to appropriation by the several parties hereto under the laws of the
State of Idaho. That the water flowing from the artesian wells, being the
means of diversion employed by the several parties, is derived from the same
source and the supply of said wells constitutes one interdependent and connected
source of supply, and such water and said wells are hereby drawn within the
jurisdiction of this court for beneficial uses under and pursuant to the terms
of this decree.

11

57 0185

That the defendant Louis C. Neiswanger be, and he is hereby, awarded
the use of ten miners' inches of the water of the Shoo-Fly Artesian Basin,
flowing from artesian wells located on his land hereinafter described, said
quantity of water to be measured at said wells, and with priority dating from
January 18, 1922, for use upon and appurtenant to the following described
lands in Owyhee County, State of Idaho:

Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Section
Eleven (11); Southeast Quarter of the Northwest Quarter and
West Half of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$), Section
Fourteen (14), in Township Six (6) South, Range Three (3)
East, B. M.

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA.
(Removed from the County of Owyhee.)

WALTER J. HINTON, MYRTLE E.
HINTON, WENZEL TURNER, MARY
TURNER, WILLIAM I. TURNER,
MARY A. TURNER, STATE OF IDAHO,
(Successor to Fred A. Bailey,
deceased and Hazel D. Bailey),
JAMES O. BALL, LAVINA M. BALL,
YGNACIO BADIOLA and ANDRESSA
BADIOLA,

Plaintiffs,

vs.

LOUIS C. NEISWANGER,

Defendants.)

Case No. 1400
District Court Owyhee County Idaho
Date filed - Dec. 14, 1932
W. A. LEWIS
Clerk

D E C R E E

Finding of fact and conclusions of law having heretofore been
filed herein, IT IS ORDERED, ADJUDGED AND DECREED:

1

That the waters herein decreed and allotted are subterranean waters
subject to appropriation by the several parties hereto under the laws of the
State of Idaho. That the water flowing from the artesian wells, being the
means of diversion employed by the several parties, is derived from the same
source and the supply of said wells constitutes one interdependent and connected
source of supply, and such water and said wells are hereby drawn within the
jurisdiction of this court for beneficial uses under and pursuant to the terms
of this decree.

11

That the defendant Louis C. Neiswanger be, and he is hereby, awarded
the use of ten miners' inches of the water of the Shes-Fly Artesian Basin,
flowing from artesian wells located on his land hereinafter described, said
quantity of water to be measured at said wells, and with priority dating from
January 18, 1922, for use upon and appurtenant to the following described
lands in Owyhee County, State of Idaho:

Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Section
Eleven (11); Southeast Quarter of the Northwest Quarter and
West Half of the Northeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$), Section
Fourteen (14), in Township Six (6) South, Range Three (3) East, B.M.

That the plaintiff Walter J. Hinton be, and he is hereby, awarded the use of 150.8 miners' inches of the water of the Shoe-Fly Artesian Basin, flowing from artesian wells located on his land hereinafter described, said quantity of water to be measured at said wells, and with priority dating from April 1, 1922, for use upon and appurtenant to the following described lands in Owyhee County, State of Idaho:

South Half of the Northwest Quarter ($S\frac{1}{2}$ NW $\frac{1}{4}$), Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}$ NE $\frac{1}{4}$), West Half of the Southeast Quarter ($W\frac{1}{2}$ SE $\frac{1}{4}$), Section Twelve (12), West Half of the Northeast Quarter ($W\frac{1}{2}$ NE $\frac{1}{4}$), Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}$ SE $\frac{1}{4}$), Section Thirteen (13), Township Six (6) South, Range Three (3) East, B.M.

1V

That the plaintiff Wenzel Turmes be, and he is hereby, awarded the use of 66.5 miners' inches of the water of the Shoe-Fly Artesian Basin, flowing from artesian wells located on his land hereinafter described, said quantity of water to be measured at said wells, and with priority dating from April 1, 1922, for use upon and appurtenant to the following described lands in Owyhee County, State of Idaho:

South Half of the Southwest Quarter ($S\frac{1}{2}$ SW $\frac{1}{4}$), Section Eleven (11), North Half of the Northwest Quarter ($N\frac{1}{2}$ NW $\frac{1}{4}$), Section Fourteen (14), Township Six (6) South, Range Three (3) East, B.M.

That the plaintiff William I. Turner be, and he is hereby, awarded the use of 69.2 miners' inches of the water of the Shoe-Fly Artesian Basin, flowing from artesian wells located on his land hereinafter described, said quantity of water to be measured at said wells, and with priority dating from April 1, 1922, for use upon and appurtenant to the following described lands in Owyhee County, State of Idaho:

West Half of the Northwest Quarter ($W\frac{1}{2}$ NW $\frac{1}{4}$), Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}$ SW $\frac{1}{4}$), Section Eleven (11), Township Six (6) South, Range Three (3), East, B.M.

VI

That the plaintiff State of Idaho, as successor to Fred A. Bailey, deceased, and Hazel D. Bailey, be, and it is hereby, awarded the use of 95 miners' inches of the waters of the Shoe-Fly Artesian Basin, flowing from artesian wells located on its land hereinafter described, said quantity of

water to be measured at said wells, and with priority dating from April 1, 1922, for use upon and appurtenant to the following described lands in Owyhee County, State of Idaho:

Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4} SE\frac{1}{4}$), Section Eleven (11), East Half of the Northeast Quarter ($E\frac{1}{2} NE\frac{1}{4}$), Section Fourteen (14), Township Six (6) South, Range Three (3) East, B.M.

Vii

That the plaintiff James O. Ball be, and he is hereby, awarded the use of 57.5 miners' inches of the water of the Shoe-Fly Artesian Basin, flowing from artesian wells located on his land hereinafter described, said quantity of water to be measured at said wells, and with priority dating from April 1, 1922, for use upon and appurtenant to the following described lands in Owyhee County, State of Idaho:

West Half of the Southwest Quarter ($W\frac{1}{2} SW\frac{1}{4}$), Section Twelve (12); West Half of the Northwest Quarter ($W\frac{1}{2} NW\frac{1}{4}$), Section Thirteen (13), Township Six (6) South, Range Three (3) East B.M.

Viii

That the plaintiff Walter J. Hinton, as successor to the plaintiffs Ignacio Badiola and Andresa Badiola, be, and he is hereby, awarded the use of 61.5 miners' inches of the water of the Shoe-Fly Artesian Basin, flowing from artesian wells located on his land hereinafter described, said quantity of water to be measured at said wells, and with priority dating from April 1, 1922, for use upon and appurtenant to the following described lands in Owyhee County, State of Idaho:

East Half of the Southwest Quarter ($E\frac{1}{2} SW\frac{1}{4}$), Section Twelve (12); East Half of the Northwest Quarter ($E\frac{1}{2} NW\frac{1}{4}$), Section Thirteen (13), Township Six (6) South, Range Three (3) East, B.M.

LX

A miners' inch of water shall be deemed equivalent to one-fiftieth of a cubic foot per second; all rights herein decreed and allotted are decreed for beneficial use only, and none of the parties hereto, his agents or employees, or his successors in interest, shall have the right to permit a well to flow or to use water therefrom in excess of the amount actually required for beneficial use. The duty of water for irrigation purposes on the lands of the several parties hereto is hereby fixed and determined at one miners' inch per acre.

C E R T I F I C A T E

STATE OF IDAHO)
 : ss.
County of Owyhee)

I, J. H. NETTLETON, Clerk of the District Court of the Third Judicial District, of the State of Idaho, in and for the County of Owyhee, do hereby certify and declared, that the within and foregoing is a full, true and correct copy of Decree in Case No. 1400—Walter J. Hinton, et al., Plaintiff, vs. Louis C. Neiswanger, Defendant, as same appears on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 4th day of February, 1935.

(SEAL)

/s/ J. H. Nettleton
Clerk of the District Court,
in and for the County of
Owyhee, State of Idaho.

July 14, 1958

Re: Transfer of Water Right No. 910
Tate Dairy, Incorporated

Mr. Keith E. Anderson
Engineer-Geologist
6932 Westfield Place
Boise, Idaho

Dear Mr. Anderson:

We are enclosing herewith, Certificate of Water Right
Transferred Right No. 910, in the name of Tate Dairy,
Incorporated, which is self explanatory.

We also enclose departmental receipt No. G-3462, which was
issued covering payment in the amount of one dollar.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Mrs. Edna P. Rutledge
Chief Clerk

EPR:lw
Encls. (1)

RECEIVED

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Owyhee } ss.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 14th day of May, 1958, and the last publication being on the 15th day of May, 1958;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes
PUBLISHER.

Subscribed and sworn to before me this 20 day of May, 1958.

Leon A. Hawes
NOTARY PUBLIC.

My commission expires 9-10-60

(SEAL)

INDEXED



ROBERT E. SMYLLIE
Governor

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

June 25, 1958

Re: Transfer of Water Right
Tate Dairy, Incorporated

Tate Dairy, Incorporated
Route # 5,
Boise, Idaho

Attention: Mr. John P. Tate

Dear Mr. Tate:

Relative to the Application for Transfer of Water Right, in the name of the Tate Dairy, Incorporated, for 11.21 cubic feet per second of subterranean water, in the Shoofly Artesian Basin, Owyhee County, Idaho.

Upon the receipt of the Affidavit of Publication from the Owyhee Nugget, at Marsing, Idaho, and a fee of one dollar for recording the transfer in this department, a Certificate of Transfer will be issued you.

Very truly yours,

E. N. HUMPHREY
Deputy State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RECEIVED
JUN 27 1958
R. W. Thompson

June 25, 1958

Re: Transfer of Water Right
Tate Dairy, Incorporated

Tate Dairy, Incorporated
Route # 5,
Boise, Idaho

Attention: Mr. John P. Tate

Dear Mr. Tate:

Relative to the Application for Transfer of Water Right, in the name of the Tate Dairy, Incorporated, for 11.21 cubic feet per second of subterranean water, in the Shoofly Artesian Basin, Owyhee County, Idaho.

Upon the receipt of the Affidavit of Publication from the Owyhee Nugget, at Marsing, Idaho, and a fee of one dollar for recording the transfer in this department, a Certificate of Transfer will be issued you.

Very truly yours,

E. N. HUMPHREY
Deputy State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:lw

**NOTICE OF PROPOSED
TRANSFER OF WATER
RIGHT**

Notice is hereby given that Tate Dairy, Incorporated of Rt. No. 5, Boise, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing them to change the place of use of the waters of Subterranean Source as follows: Amount 11 21 cubic feet per second Priority January 18, 1922, April 1, 1922, April 25, 1944 Point of diversion. Sections 11, 12, 13, 14 Township 6 S., Range 3 E., B. M. Place of use: $W\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}-SW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$ Section 11; $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$, $W\frac{1}{2}-SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$ Section 12; $NE\frac{1}{4}$, $NW\frac{1}{4}$, $NW\frac{1}{4}-SE\frac{1}{4}$ Section 13; $NE\frac{1}{4}$, $N\frac{1}{2}-NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$ Section 14, Township 6 South, Range 3 East, B. M.

To Be Transferred To

Place of Use: $NW\frac{1}{4}$, $SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$ Section 11; $NW\frac{1}{4}$, $SW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$ Section 12; $NE\frac{1}{4}$, $NW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$ Section 13; $NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$ Section 14, all in Township 6 South, Range 3 East, B. M. and the $SW\frac{1}{4}NW\frac{1}{4}$ Section 18, Township 6 South, Range 4 East, B. M.

And that on the 23rd day of May, 1958, at 10:00 o'clock A. M., at Room 107, Statehouse, Boise, Idaho before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

MARK R. KULP,
State Reclamation Engineer
(May 8 - 1958)

**NOTICE OF PROPOSED
TRANSFER OF WATER
RIGHT**

Notice is hereby given that Tate Dairy, Incorporated of Rt. No. 5, Boise, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing them to change the place of use of the waters of Subterranean Source as follows: Amount 11.21 cubic feet per second. Priority January 18, 1922, April 1, 1922, April 25, 1944. Point of diversion: Sections 11, 12, 13, 14 Township 6 S., Range 3 E., B. M.. Place of Use: $W\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}-SW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$ Section 11; $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$, $W\frac{1}{2}-SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$ Section 12; $NE\frac{1}{4}$, $NW\frac{1}{4}$, $NW\frac{1}{4}-SE\frac{1}{4}$ Section 13; $NE\frac{1}{4}$, $N\frac{1}{2}-SW\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$ Section 14, Township 6 South, Range 3 East, B. M.

To Be Transferred To

Place of Use: $NW\frac{1}{4}$, $SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$ Section 11; $NW\frac{1}{4}$, $SW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$ Section 12; $NE\frac{1}{4}$, $NW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$ Section 13; $NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$ Section 14, all in Township 6 South, Range 3 East, B. M. and the $SW\frac{1}{4}NW\frac{1}{4}$ Section 18, Township 6 South, Range 4 East, B. M.

And that on the 23rd day of May, 1958, at 10:00 o'clock A. M., at Room 107, Statehouse, Boise, Idaho before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

MARK R. KULP,
State Reclamation Engineer
(May 8 — 15)

May 12, 1958

RE: Transfer of Water Right
Tate Dairy, Incorporated

The Owyhee Nugget
Marsing, Idaho

Gentlemen:

We acknowledge a copy of a Legal Publication "Notice of Proposed transfer of water right", which was published in your May 8th issue.

Upon checking same, we find the following errors in the first paragraph:

Line 15 - reading: "of Use: $W\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}$ " and should read-
of Use: ~~$W\frac{1}{2}NE\frac{1}{4}$~~ , $NW\frac{1}{4}$

Line 21 - reading: " $SW\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$ Section 14," and should
read: $NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$ Section 14,"

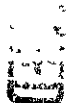
Please make the corrections in your subsequent issue (May 15th) and
mail us a copy for our checking and files.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

WT:vm



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Proposed Transfer of Water Right
Re: Tate Dairy, Incorporated

Date: **May 5, 1958**

Owyhee Nugget
Marsing, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for two consecutive weeks prior to **May 23, 1958** the date set for hearing, the expense of the publication to be paid by the applicant, **'s Attorney - Keith Anderson** of **6932 Westfield Pl., Boise, Idaho**, to whom you should furnish proof of publication on or prior to the date set for hearing.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. EULP

State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:lw
Encls.

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Tate Dairy, Incorporated of
Rt. # 5, Boise, Idaho has applied to the State Reclamation Engineer of the
State of Idaho for a certificate authorizing them to change the ~~point of diversion~~
~~and/or~~ place of use of the waters of Subterranean Source as follows:

Amount: 11.21 cubic feet per second. Priority: January 18, 1922 April 1, 1922

Point of diversion: 2 1 Section 11, Township 6 S., Range 1 E., B. M.

Place of Use:

NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11; S $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 12; NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13; NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14,
 Township 6 South, Range 3 East, B. M.

To Be Transferred To

~~POINT OF DEVIATION~~

Place of Use: NW $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 11; NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 12; NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{2}$ SE $\frac{1}{4}$ Section 13; NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{2}$ NW $\frac{1}{4}$ Section 14, all
in Township 6 South, Range 3 East, B. M. and the SW $\frac{1}{2}$ NW $\frac{1}{4}$ Section 18, Township
6 South, Range 4 East, B. M.

And that on the 23rd day of May, 1958, at 10:00 o'clock A M.,
at Room 107, Statehouse, Boise, Idaho before the State Reclamation Engineer, or
his authorized agent, the opportunity will be given to any and all persons to
appear and present, for his consideration any reason or reasons why a certificate
should not be issued authorizing such transfer.

MARK R. KULP
State Reclamation Engineer

NOTICE OF PROPOSED TRANSFER

Notice is hereby given that
Tate has been approved of Rt
No. 5 B. C. 1110 has applied
to the State Reclamation Engineer of the State of Idaho for
a certificate authorizing them
to change the place of use of the
waters of Sootman an Source
as follows: Amount 11.21 cubic
feet per second. Priority Janu-
ary 18, 1922, April 1, 1922, April
25, 1944. Point of diversion:
Sections 11, 12, 13, 14 Township
6 S. Range 3 E., B. M. Place
of use: $W\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}$,
 $SW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$ Sec-
tion 11, $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$, $W\frac{1}{2}$ -
 $SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$
Section 12, $NE\frac{1}{4}$, $NW\frac{1}{4}$, $NW\frac{1}{4}$ -
 $SE\frac{1}{4}$ Section 13, $NE\frac{1}{4}$, $N\frac{1}{2}$ -
 $NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$ Section 14,
Township 6 South, Range 3
East, B. M.

To Be Transferred To

Place of Use: $NW\frac{1}{4}$, $SW\frac{1}{4}$,
 $S\frac{1}{2}SE\frac{1}{4}$ Section 11; $NW\frac{1}{4}$,
 $SW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$,
 $SE\frac{1}{4}SE\frac{1}{4}$ Section 12; $NE\frac{1}{4}$,
 $NW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$ Section 13;
 $NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$
Section 14, all in Township 6
South, Range 3 East, B. M. and
the $SW\frac{1}{4}NW\frac{1}{4}$ Section 13, Town-
ship 6 South, Range 4 East, B.
M.

And that on the 23rd day of
May, 1958, at 10:00 o'clock A.
M., at Room 107, Statehouse,
Boise, Idaho before the State
Reclamation Engineer, or his
authorized agent, the opportu-
nity will be given to any and all
persons to appear and present,
for his consideration any reason
or reasons why a certificate
should not be issued authorizing
such transfer.

MARK R. KULP,
State Reclamation Engineer

May 2 - 1958

Application For Transfer of Water Right

RECEIVED
MAY 2 1958

STATE OF IDAHO

County of Ada

SS.

Department of Reclamation

Tate Dairy, Inc., by John P. Tate, Director

, being first duly sworn, deposes and says:

That his name is John P. Tate; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Route 5, Boise, Idaho

Jan. 18, 1922 (decree)
April 1, 1922 (decree)
April 25, 1944 (lic.)

That he is the owner and using a certain water right bearing dates of priority of underground for 11.21 cubic feet per second of the waters of Shoofly artesian basin

County of Owyhee, State of Idaho, decreed to Walter J. Hinton et al and Louis C. Neiswanger by decree of Judge Chas. F. Koelsch of the Third Judicial District of the State of Idaho, in and for the county of Ada, in the case of Walter J. Hinton et al vs. Louis C. Neiswanger, said decree bearing date of July 21, 1932

and (or) obtained by virtue of License No. 19497 to Arthur W. Boltz issued by the State Department of Reclamation of the State of Idaho, dated February 23, 1948, bearing date of April 25, 1944)

for the purpose of irrigating the following described lands situate, lying and being in Water District

No. --- in the County of Owyhee and State of Idaho, to-wit: in sec. 11 the W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$; in sec. 12 the S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ NE $\frac{1}{4}$; in sec. 13 the NE $\frac{1}{4}$, NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$; in sec. 14 the NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$; all in Township 6 South, Range 3 East, Boise Meridian.

and is the ~~person~~ representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i.e. by purchase of the above described lands and appurtenant water rights as per abstract of title of said water right hereto attached and made a part of this statement; artesian basin

That said waters are now diverted from said ~~reservoir~~ in the --- of Sections 11, 12, 13, and 14, Township 6 South, Range 3 East, B. M., and conducted to the above described lands through farm ditches as per map herewith and of this affidavit made a part.

CHANGE IN PLACE OF USE

That affiant and petitioner desires to abandon the use of 11.21 cubic feet per second of ~~can~~ water upon the above described land, and to convey and use same upon the following tract,

situate lying and being in the County of Owyhee and State of Idaho, to-wit: in sec. 11 the NW $\frac{1}{4}$, SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$; in sec. 12 the NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$; in sec. 13 the NE $\frac{1}{4}$, NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$; in sec. 14 the NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$; all in Township 6 South, Range 3 East, B.M.; and in sec. 18 the SW $\frac{1}{4}$ NW $\frac{1}{4}$ in Township 6 South, Range 4 East, B.M.

That reasons for desiring to make such transfer are as follows: Applicant has purchased and intends to operate as a single unit all of the lands to which earlier rights were appurtenant (by decree and license), plus additional contiguous land, and desires transfer of existing rights to entire area of ownership.

That he intends to divert and convey said 11.21 second feet of water to the tract of land last above described in the following manner and as per map accompanying this application: through farm ditches from flowing or pumped artesian wells.

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

CHANGE IN POINT OF DIVERSION

~~That affiant desires to change the point of diversion of said waters from the point above described to a point located in $\frac{1}{4}$ of $\frac{1}{4}$ of Section _____, Township _____, Range _____, and thereafter conduct same to the above described land through the _____ ditch, as per map appended.~~

~~That his reasons for desiring to make such change are as follows:~~

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

John P. Tate x
Applicant.

Subscribed and sworn to before me this 12th day of May, 1958

Vere T. Fowler
Notary Public.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Aquifers in Shoofly artesian basin

Where is the diversion point located? Wells in sections 11, 12, 13, and 14, T. 6 S., R. 3 E., B.M.

Through what ditch is it now conducted? Farm ditches

How much land is now irrigated by the water sought to be transferred? Approximately 560 acres

Give the description: parts of the following: in sec. 11 the NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$; in sec. 12 the S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ NE $\frac{1}{4}$; in sec. 13 the NE $\frac{1}{4}$, NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$; in sec. 14 the NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$, all in Township 6 South, Range 3 East, B.M.

What is the total amount of water in inches, or second feet, dedicated to said land?.....11.21 cfs.....

What kind of crops are being raised?.....Irrigated hay, grains, pasture.....

How much water per acre is now required to irrigate said land? One miner's inch flow per acre.

What will be the effect on the land now irrigated, if the use of water on it is discontinued? Land

would revert to desert condition and no crops could be grown.

Give location of new point of diversion, if change is to be made No change

Through what ditch will it be conducted after transfer? Farm ditches

How much water will be required per acre to irrigate the land to which this water is transferred? One

miner's inch flow per acre

Do you claim any other water right for the land from which you seek to abandon the use of this water? No.

If so, give amount, date and source

Is there any other water right for the land to which you seek to make this transfer? If so, give amount,

date and source No. (Application being filed separately for supplemental water appropriation)

Signed John P. Tate x
Applicant.

STATE OF IDAHO,

County of _____ } ss.

I, _____, Watermaster of _____

Water District No. _____, County of _____, State of Idaho, whose postoffice address

is _____, have read or heard read the foregoing affidavit and petition

of _____, and, of my own knowledge, believe the same to be true

as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized;

and I hereby endorse my approval of said petition, and request that the State Reclamation Engineer

issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of

transfer prayed for) for the following reasons: _____

Watermaster, District No. _____

Dated at _____, Idaho, this _____ day of _____, 19 _____

Name of Applicant Tate Dairy, Incorporated Route 5, Boise, Idaho

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

T.6S.

SEC.

SEC. 7

SEC. 18

Boundary of land
to which transfer
of rights is requested

W 1/4
N 1/4
R. 3 E

SEC. 12

SEC. 11

Decree
July 21, 1932

LIC
19497

Boundaries of land to
which existing rights are
appurtenant.

SEC. 13

SEC. 14

• = Points of division (existing)

Owyhee County, Idaho
T.6S., R.3E.4E., B.M.