



EXHIBIT "B"



EXHIBIT "C"



EXHIBIT "D"



EXHIBIT "E"



EXHIBIT "F"



EXHIBIT "G"



EXHIBIT "H"



EXHIBIT "I"



EXHIBIT "J"



EXHIBIT "K"



EXHIBIT "L"



EXHIBIT "M"

SOUTH IDAHO PRESS
BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
STATE OF IDAHO) ss.

MARGE BARENDREGT being first

duly sworn, deposes and says that she is the

Clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for two (2) consecutive weeks, commencing with the issue

dated Nov 19 1987, and ending

with the issue dated Nov 26 1987

Marge Barendregt

Subscribed and sworn to before me

this 4th day of Dec

1987
Doris Maby Notary Public

Cost of Publication 29.04

Notary Fee .50

Total Cost 29.54

RECEIVED

DEC 7 1987

Department of Water Resources
Southern Region Office

87-553

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
No. 43-2499

Notice is hereby given that Joseph J. Newman of Declo, ID has applied to the Department of Water Resources for a change of place of use of groundwater rights.

The right sought to be changed is evidenced by License No. 43-2499 and is recorded as follows:

Amount: 4.45 cfs

Priority: August 12, 1960

Point of Diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, T10S, R26E, (Newman Pumps No. 1 and No. 2) Cassia County; 2 miles East of the Idaho Home Road Exit on I80 N.

Used for irrigation of 237 acres within NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 35, T10S, R26E.

TO BE CHANGED AS FOLLOWS

Amount: No change

Point of Diversion: No change

Used for irrigation of 360 acres within NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 35, T10S, R26E.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, ID 83301 on or before December 7, 1987.

R. Keith Higginson, Director

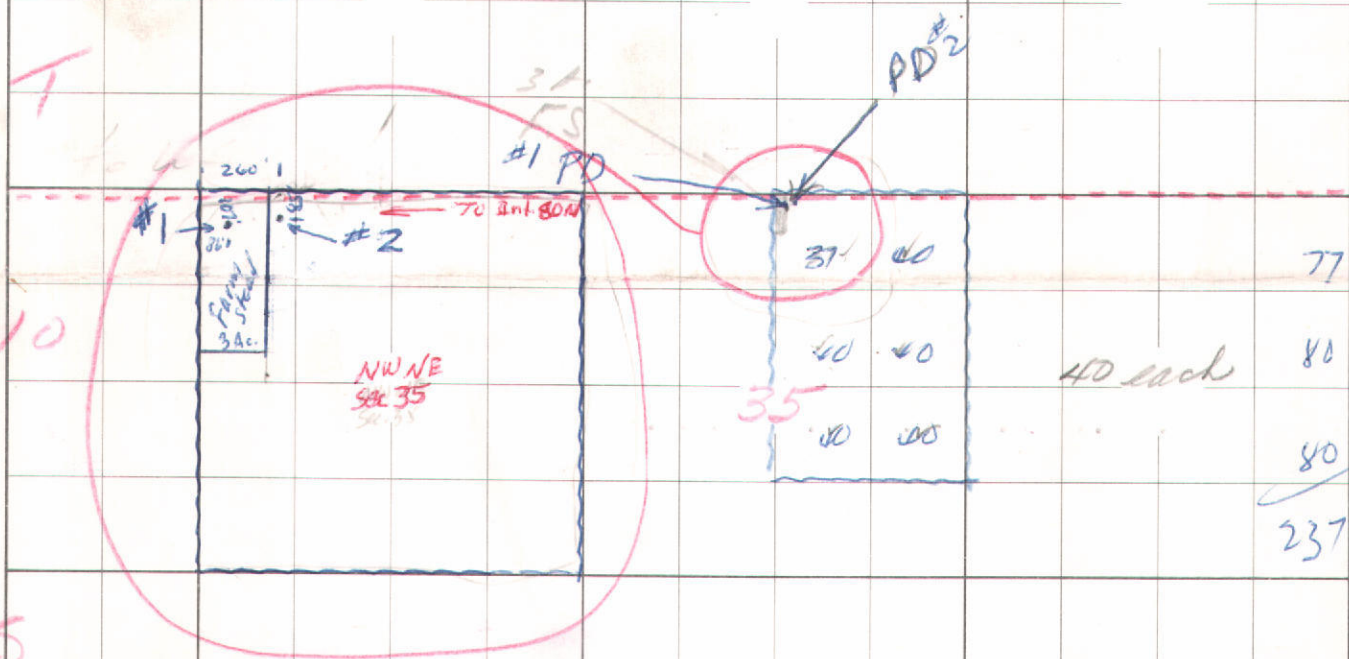
Published in the South Idaho Press on November 19 and 26, 1987. 33

OK
MB
12/8/87

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JUL 17 1989

R 26 F



Subdivision	6
-------------	---

AREA. 237 acres.

Allow Q 4.45 cfs or 222 inches

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

Joseph J. Newman ✓
Star Route
Declo, Idaho
Permit No. G-28921 ✓

6x5-2439
Friday
697' x 16"
x 182'

Examination for Completion of Works & Beneficial Use

County Cassia ✓

Quantity: 4.45 cfs Sec. 35 T10S R. 26 EBM

Source: well

P.D.: NW 1/4 NE 1/4
S35, 310 D, 26 E

Use: Irrigation

Extension: —

Protest: —

Completion of Works: —

Other Rights: None

Filed: Aug. 5, 1960

Due: Aug. 11, 1965

Made: Aug. 18, 1965

Priority: August 12, 1960

advised 9/13/66
at 150 SE PUC. sec. 35
Ralph Dauter
drilled original well
375' deep.

Jack Alexander
son in law of Dauter
cleaned 9/1/66 and
deepened 20'-8"
total depth. 579'
Dug 14 50 yds. 2 16.66
top of 12" casy even with
top of concrete base.
SW side. to be equipped
with a 6" pump 9/1/66
by Tommy Shogren
L & B. T. F.

Carl Dauter

#2 Pump

16.1 x 82.52 = 1326.355

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AUG 19 1965

The Burley Herald-Bulletin

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
STATE OF IDAHO) ss.

Vern A. Miller, being first

duly sworn, deposes and says that he is the

General Manager of Burley Herald-Bulletin, a weekly newspaper published at Burley, Idaho, in the county aforesaid, and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular weekly editions of Burley Herald-Bulletin for

Four (4) consecutive weeks, commencing with the issue dated July 26, 1965 and

ending with the issue dated August 16, 1965

Subscribed and sworn to before me this

11th day of July, 1965

Luth Churchman Notary Public

My Commission Expires Feb. 18, 1969

Cost of Publication _____

Notary Fee _____

Total Cost _____

LEGAL NOTICES

NOTICE OF PROOF OF
COMPLETION OF WORKS
and
APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10:00 A.M., on the 18th day of August 1965, at Burley, County of Cassia, State of Idaho before Thomas H. Church, Notary Public at Room 203 Gem Building, proof will be submitted of the completion of works for the diversion of 4.45 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G28921, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Joseph P. Newman, Star Route, Declo, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 4.45 cubic foot per second.

3. The use to which said water has been applied is agricultural irrigation, purposes and the amount applied to beneficial use is 4.45 cubic feet per second.

4. The point of diversion of said water is NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 35, Twp. 10S. Rge. 26 EBM.

5. The place where said water is used is 40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, all in Sec. 35 Twp. 10S., Range 26 EBM.

6. The date of priority which said user is prepared to establish is August 5, 1960.

CARL E. TAPPAN
State Reclamation Engineer
Published in the Burley Herald-Bulletin July-26, Aug-2, 9, 16, 1965.

28921

RECEIVED
JUL 15 1965

ASSIGNMENT

Department of Reclamation

For value received, I hereby assign all of my right, title and interest in and to Permit to appropriate the Public Waters of the State of Idaho, No. 028921 to JOE NEWMAN of Star Route, Declo, Idaho

* _____

Rex Cole
Permit Holder
REX COLE

Helga Scott Cole
Wife of Permit Holder
(Mrs.) REX COLE

STATE OF IDAHO
County of Cassia) ss

On this 6th day of July, 1965, before me, a Notary Public for the State of Idaho, residing at Willcox, Arizona personally appeared Rex Cole and Helga Scott Cole are known to me to be the person s whose names is subscribed to the within instrument and duly acknowledged to me that They executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

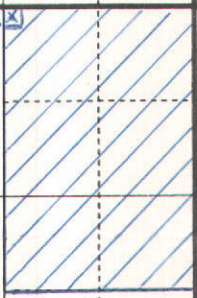
Francis Stephens
Notary Public
Residing at Willcox, Arizona

My commission expires: 3/26/68

* If fractional part of permit is to be assigned, the fractional part of the land to which the assigned fraction is appurtenant should be described by legal subdivisions

NAME OF APPLICANT Rex A. Cole

Form No. 0

Well → 
Section 35
Township 10 S.
Range 26 E



Permit Map No. 9-28921
As Approved **AUG 11 1960**
GEO. N. CARTER
State Reclamation Engineer

Page 1 of 6
Should questions arise during
the processing of this applica-
tion please contact:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3450

APPLICATION FOR TRANSFER OF WATER RIGHT

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

PART 1

APPROVED

Name of applicant Joseph J. Newman Phone 208-349-5774
Post Office address Star Route, Box 79, Declo, ID 83323

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 _____
2. Describe the reason for the proposed changes To redistribute an existing water right over
different land from that originally described.

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 |
|-----------------|-----------------|-----------------------|-------------------|-----------------------------|
| <u>43-2499</u> | <u>10/12/60</u> | <u>4.45</u> | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 4.45 cubic feet per second and/or unspecified acre-feet per annum.
3. Source of water Ground Water tributary to N/A
4. Point(s) of Diversion: 2 points

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	NE	35	10S	26E	Cassia	Well #1
	NE	NW	NE	35	10S	26E	Cassia	Well #2

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	26E	35	29.6	29.6	29.6	29.6									29.6	29.6	29.6	29.6	237

Total acres 237

PART 1

6. General Information:

a. Description of diversion system Two deep wells with interconnected mainlines. Two pivot

systems for irrigation of cropland.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes ☒ No. If yes, provide a notarized statement in the space provided for lien, deed of trust, mortgage or contract agreeing to the proposed changes.

MICROFILMED

9861 7 1 70P

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: Apportion of the land will no longer be irrigated. This transfer reallocates the

water formerly appurtenant to these lands.

d. Remarks: N/A

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2499

And said application is hereby APPROVED

1. The Director maintains jurisdiction of this transfer up to five (5) years for the purpose of determining potential interference with and the protection of existing

rights, both junior and senior, in the vicinity of the transferred point of diversion.

2. The use of water on the lands to which the above referenced water rights were

appurtenant is hereby abandoned and failure to put the water to beneficial use within

five (5) years of the date of the approval of this transfer on the new land identified

under item B.5 shall constitute loss or forfeiture of the water rights.

Witness my hand this

10 day of July

Chief, Water Alloc. Bureau

J. Mark Saylor

19 89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 43-2499 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Ground Water tributary to _____

4. Date or priority August 12, 1960

5. Water is used for the following purpose:

amount 4.45 for Irrigation purposes from unspecified to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.45 cubic feet per second and/or unspecified acre-feet per annum.

7. Point(s) of Diversion: (2)

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	35	10S	26E	Cassia	N/A

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	26E	35	40	37	40	40									40	40			237

Total acres 237

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

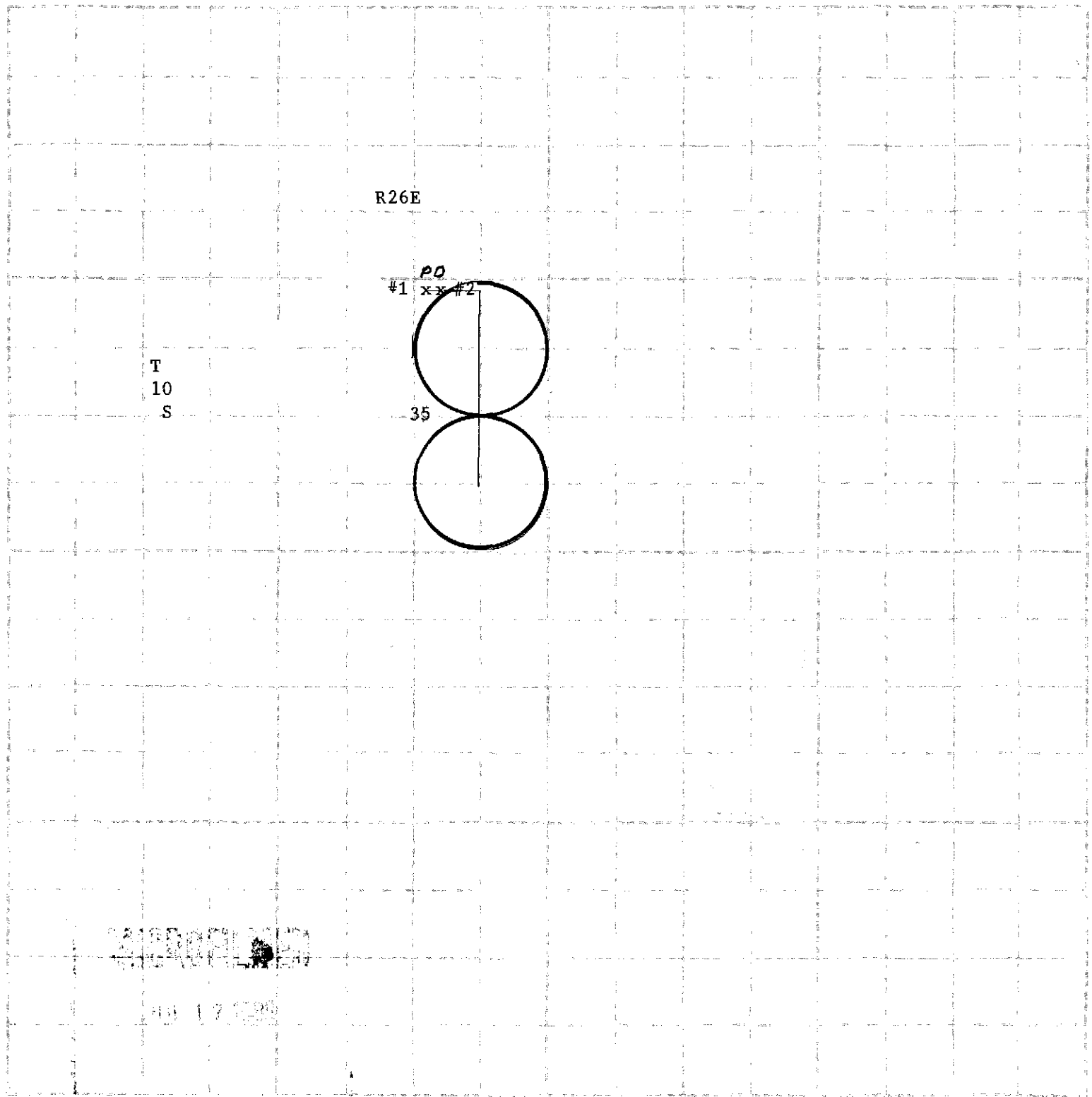
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use

Amount (cfs/ac-ft)

Hours/days/year

Period of Use

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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JUL 17 1989

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 willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant)

day of

1988

(Notary Public)

My commission expires 5-13-91

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by M. Baldwin

Date 4/18/88

Fee 50.00 5000.116

Date 4/21/88

Prelim. check by Gordon

Date 4/21/88

Received by 5000.116

Date 4/21/88

Published in So. Ill. Press

Date 7/21 & 7/28/88

Watermaster recommendation requested on 1/14

rec'd.

by Gary

Copy of transfer sent to lien holder

Recommended for ☒ approval ☐ denial

Hearing held by Date

Copies of protest forwarded by

UNCONSOLIDATED TAX NOTICE AND RECEIPT
CASSIA COUNTY TAX COLLECTOR
SHIRLEY POVLSEN, COURTHOUSE
BURLEY, ID 83318

MARKET VALUE TAX CODE AREA PARCEL NUMBER BILL NUMBER
35,491 17-00 RP03107-A A 6556

11/2SE 35-10-26

24,800
10,691

80.000 NEWMAN, JOSEPH J
& NEWMAN, URSULA J
STAR RT
DEULO, ID 83325

DELINQUENT CERT.

COUNTY	.002126	75.46	FULL
SCH DIST 151	.005984	212.38	TAX
RAFT RIV FI	.000168	5.96	PEN.
RAFT RIVER HWY	.001524	54.10	SUB TOT.
FLOOD DIST #15	.000452	16.04	INT.
			TOT.
			1ST INS
			TAX
			PEN.
			SUB TOT.
			INT.
			TOT.
			2ND INS
			TAX
			PEN.
			SUB TOT.
			INT.
			TOT.
TOTAL	.010254	363.94	

YOUR CANCELLED CHECK IS YOUR RECEIPT

HM=HOMEDOWNER HO=HARDSHIP L=LAND I=IMPROVEMENTS P=PERSONAL AC=ACRES WAC=WASTE LT

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

REAL PROPERTY 1987 RP03107-A A
NEWMAN, JOSEPH J
NEWMAN, URSULA J 6556

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

REAL PROPERTY 1987 RP03107-A
NEWMAN, JOSEPH J
& NEWMAN, URSULA J

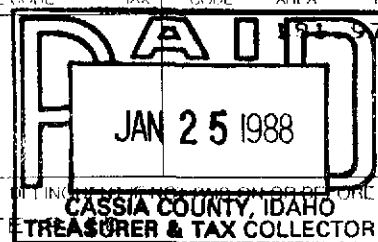
SPECIAL CODE	TAX	CODE	AREA	TAX	2ND INSTALLMENT
			181.97		181.97 17-00
			PEN		2nd
			SUB TOT		4C
			INT		
			TOT		

PERSONAL CHECKS SUBJECT TO BANK CLEARANCE
MAKE CHECKS PAYABLE TO

CASSIA COUNTY TAX COLLECTOR
COURTHOUSE
BURLEY, ID 83318

SPECIAL CODE	TAX	CODE	AREA	TAX	TOTAL TAX
			363.94		363.94
			PEN		
			SUB TOT		
			INT		
			TOT		

SPECIAL CODE	TAX	CODE	AREA	TAX	1ST INSTALLMENT
					181.97
			PEN		3.64
			SUB TOT		185.61
			INT		1.54
			TOT		187.15



DELINQUENT IF NOT PAID ON OR BEFORE JUNE 20, 1988
DATE PAID
PAID BY
CHECK #
CASH

DELINQUENT IF NOT PAID ON OR BEFORE DECEMBER 20, 1988
DATE PAID
PAID BY
CHECK #
CASH

CASSIA COUNTY TAX COLLECTOR 1987				TAXING DISTRICT	RATE	AMOUNT	
SEN, COURTHOUSE				COUNTY	.002126	178.64	FULL
ID 83318 REAL PROPERTY				SCH DIST 151	.005984	502.78	TAX
				RAFT RIV FIRE	.000168	14.12	PEN.
				BURLEY HIGHWAY	.001555	130.66	SUB TOT.
				FLOOD DIST #15	.000452	37.98	INT.
							TOT.
							1ST II
							TAX
							PEN.
							SUB TOT.
							INT.
							TOT.
							2ND
							TAX
							PEN.
							SUB TOT.
							INT.
							TOT.
				TOTAL	.010285	901.68	

100,162
 M- 16,142
 NE1/4
 84,020* S 35 T 10 R 26
 51,735
 48,427
 AC 1.500
 C 158.500
 DELINQUENT CERT
 NEWMAN, JOSEPH J
 & NEWMAN, URSULA J
 STAR RT.
 DECLD, ID 83323

YOUR CANCELLED CHECK IS YOUR RECEIPT
 HM=HOMEOWNER HD=HANDSHIP L=LAND I=IMPROVEMENTS P=PERSONAL AC=ACRES WAC=WASTE L

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT
 REAL PROPERTY 1987 RP03107-B A
 NEWMAN, JOSEPH J
 & NEWMAN, URSULA J 5557

SPECIAL CODE	TAX	CODE	AREA	TAX	1ST INSTALLMENT
2	18.75		432.09		450.84
					PEN
					SUB TOT
					INT
					TOT

25-00
2nd
4C

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAY
 REAL PROPERTY 1987 RP03107-B
 NEWMAN, JOSEPH J
 & NEWMAN, URSULA J

SPECIAL CODE	TAX	CODE	AREA	TAX	TOTAL TAX
92	37.50		364.18		901.68
					PEN
					SUB TOT
					INT
					TOT

PERSONAL CHECKS SUBJECT TO BANK CLEARANCE
 MAKE CHECKS PAYABLE TO
 CASSIA COUNTY TAX COLLECTOR
 COURTHOUSE
 BURLEY, ID 83318

DELINQUENT IF NOT PAID ON OR BEFORE
 DATE PAID
 PAID BY
 JUNE 20, 1988
 CHECK #
 CASH

SPECIAL CODE	TAX	CODE	AREA	TAX	1ST INSTALLMENT
92	18.75		432.09		450.84
					PEN 9.02
					SUB TOT 459.86
					INT 3.78
					TOT 463.64

JAN 25 1988
 CASSIA COUNTY, IDAHO
 TREASURER & TAX COLLECTOR
 DECEMBER 2
 CHECK #
 CASH

194305

WARRANTY DEED

For Value Received

LEE POULSEN, as Trustee of the IVAN E. SCHRENK FAMILY TRUST,
and CARL EDWARD SCHRENK, individually

the grantor s. do hereby grant, bargain, sell and convey unto

JOSEPH J. NEWMAN and URSULA J. NEWMAN, husband and wife
Star Route, Box 79 - Declo, Idaho 83323

the grantee s. the following described premises, to-wit:

TOWNSHIP 10 SOUTH, RANGE 26 EAST, BOISE MERIDIAN
Section 35: S½SE¼

ALL IN CASSIA COUNTY, STATE OF IDAHO.

STATE OF IDAHO)
COUNTY OF CASSIA) ss.

On this 23RD day of March, 1988, before me, the undersigned, a Notary Public in and for said State, personally appeared LEE POULSEN, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee for the Ivan E. Schrenk Family Trust, and acknowledged to me that she executed the same as such Trustee.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Richard S. Harper
Notary Public for Idaho
Residing at: Burley, Idaho
Comm. Expires: 2/20/92

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee s. their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s. that they are the owners in fee simple of said premises; that said premises are free from all incumbrances except as above described, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: March 23, 1988

Lee Poulsen, Trustee
LEE POULSEN, as Trustee of the
IVAN E. SCHRENK FAMILY TRUST

Carl Edward Schrenk
CARL EDWARD SCHRENK, Individually

STATE OF IDAHO, COUNTY OF CASSIA:

On this 23rd day of March, 1988, before me, a notary public in and for said State, personally appeared

CARL EDWARD SCHRENK,

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Richard S. Harper
Residing at Burley, Idaho. Comm. Expires 2/20/92

CASSIA COUNTY ABSTRACT

FEE \$30.00

REORDER

CASSIA COUNTY, IDAHO

FRANK B. NEARNS

MAR 23 11 07 AM '88

FILM

197

RECORDED AT THE RECORDS OF

CASSIA COUNTY ABSTRACT

1:94305

RECEIVED

AUG 13 1988

Department of Water Resources
Snake River District Office

SOUTH IDAHO PRESS
BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,

STATE OF IDAHO

) ss.
)

MARGE BARENDREGT being first

duly sworn, deposes and says that She is the

Clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for two (2) consecutive weeks, commencing with the issue

dated July 21 1988, and ending

with the issue dated July 28 1988

Marge Barendregt

Subscribed and sworn to before me

this 3rd day of Aug

1988

Robert Mahy Notary Public

Cost of Publication 29.92

Notary Fee 1.50

Total Cost 30.42

88-288

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT

NO. 43-2499

Notice is hereby given that Joseph J. Newman has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE:

Water right No. 43-2499

Basis of right: License

Source: Groundwater

Priority Date: August 12, 1960

Amount of water: 4.45 cfs

Water use: Irrigation Point(s) of diversion: NW1/4NE1/4, Sec. 35, T10S, Cassia County Place of use: 237 acres within NE1/4, N1/2SE1/4, Sec. 35, T10S, R26E.

TO BE CHANGED AS FOLLOWS

Water right No.: 43-2499

Amount: 4.45 cfs

Total amount being transferred: 4.45 cfs

Source: Groundwater

Point of diversion: NW1/4NW1/4NE1/4, NE1/4NW1/4NE1/4, Sec. 35, T10S, R26E; Cassia County; 1 mile NE of Horse Butte.

Place of use: 237 acres within E1/2, Sec. 35, T10S, R26E.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 2148 4th Ave East, Twin Falls, ID 83301 on or before August 8, 1988.

R. Keith Higginson, Director

Published in South Idaho Press on July 21 and 28, 1988.

OK
IN

RECEIVED

MAY 17 1989

W I T H D R A W A L

Department of Water Resources

TO WHOM IT MAY CONCERN:

I hereby withdraw Application for Transfer no. 3365, which proposed irrigation of 360 acres with water right no. 43-2499.

Signed at Burles, Idaho,
this 16 day of May, 19 89.

Joseph J. Hanna
Applicant

ATTEST:

[Signature]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3365APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Joseph J. Newman Phone (208) 349-5774Post Office address Star Route, Box 79, Declo, Idaho 83323

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 _____
2. Describe the reason for the proposed changes Applicant seeks to install more effecient irrigation system by replacing surface irrigation with low pressure pivot irrigation systems. To accomplish this, it is essential to extend the place of use to adjacent parcels of land held by applicant under purchase options.

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

1. Right Number G28921/43-2499 Priority 08-12-60 Amount 2.225 CFS Nature of Use Irrigation Period of Use Apr. 01 to Nov. 01
4.45
2. Total amount of water being transferred 2.225 cubic feet per second and/or 4.45 acre-feet per annum.
3. Source of water subterranean tributary to _____
4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE		35	10S	26 EBM	Cassia	Newman Pumps No. 1 and No. 2

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	26 EBM	35	30	30	30	30	30	30	30	30					30	30	30	30	360

Total acres 360

PART 1

6. General Information:

a. Description of diversion system The diversion system consists of 2 irrigation wells. One well has a 50hp turbine pump with 40hp booster. Second well has 150hp turbine pump with 2, 40hp boosters. First well is 12 inch well drilled 600ft in depth; second well is 16 inch drilled 700ft in depth.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: The affect upon the lands now being irrigated will be substantially unchanged and the bulk of said lands will continue to be irrigated from the same source. Approximately 57 acres of the existing lands, which are located in the pivot corners and outside of the pivot circles - cont'd

d. Remarks: *See attached continuation -

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Witness my hand this _____ day of _____, 19 _____

PART 1

Page 2 of 6 - Cont'd.

6. General Information: Cont'd.

- (c) will be converted to dry land and seeded to dry land grasses to prevent erosion. The waters which are presently being used to irrigate the lands which will become dry will become part of the waters sought to be transferred herein.
- (d) and other related irrigation problems. (2) The system sought to be installed will conserve water and electrical energy efficient in that they are low pressure systems, they will conserve cost of labor and in most instances, have proved to result in more effective and productive operation of farm lands. (3) Applicant has been informed by irrigation experts that no more than one-half ($\frac{1}{2}$) inch of water per acre will be required to fully irrigate and mature any of the crops which are grown in this area. Under the proposed transfer, the land sought to be irrigated will have available to them, approximately .61 inches of water per acre.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. N/A Decreed to N/A
in case of N/A vs. N/A
dated N/A in N/A county of N/A
- b. License No. G28921 / 43-2499 issued by the Idaho Department of Water Resources.
- c. Claim No. N/A on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice *attached ☐ Warranty Deed ☐ Other _____
as Exhibit "A"

3. Source of water subterranean tributary to _____

4. Date or priority 08-12-60

5. Water is used for the following purpose:

amount 4.45 CFS for Irrigation purposes from Apr. 01 to Nov. 01
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.45 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE		35	10S	26 EBM	Cassia	Newman Pumps No. 1 and No. 2

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	26E	35	40	37	40	40									40	40			237

Total acres 237

9. Describe any other water rights used for the same purpose as described above N/A

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	14 EBM	35	30	30	30	30	30	30	30	30					30	30	30	30	360
							(Added	Lands)									(Added	Lands)	

Total acres 360

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

R. 14 EBM

T
10
S

Wells
#1* #2*

Section 35



EXHIBIT "B"



EXHIBIT "C"



EXHIBIT "D"

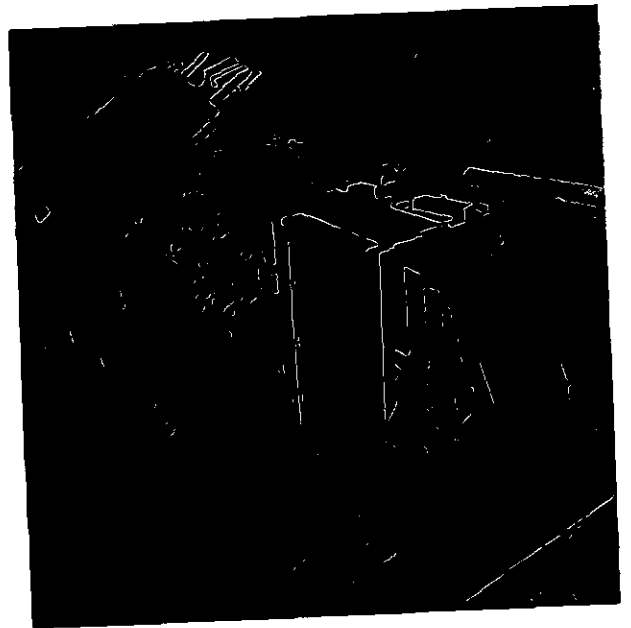


EXHIBIT "E"

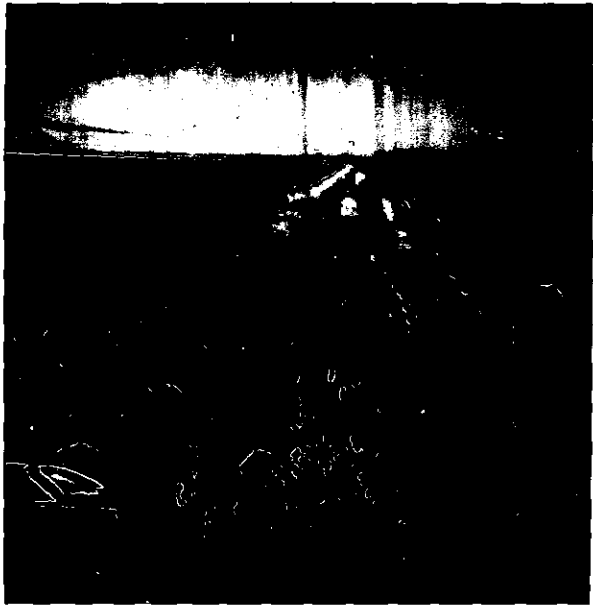


EXHIBIT "F"

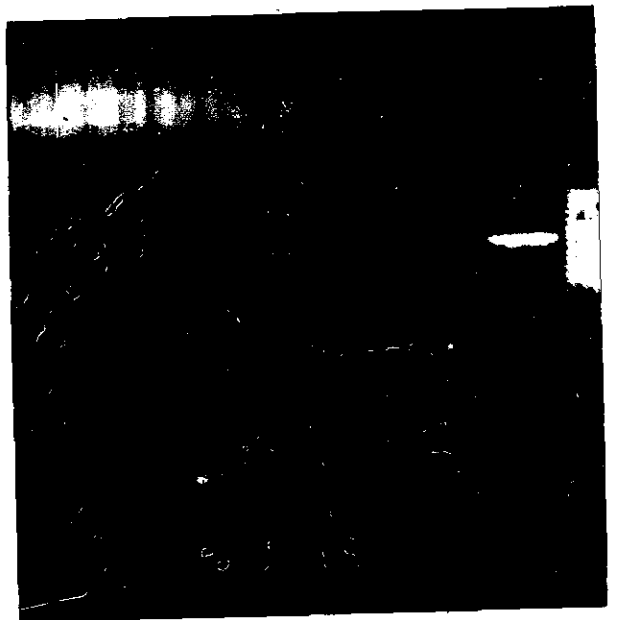


EXHIBIT "G"

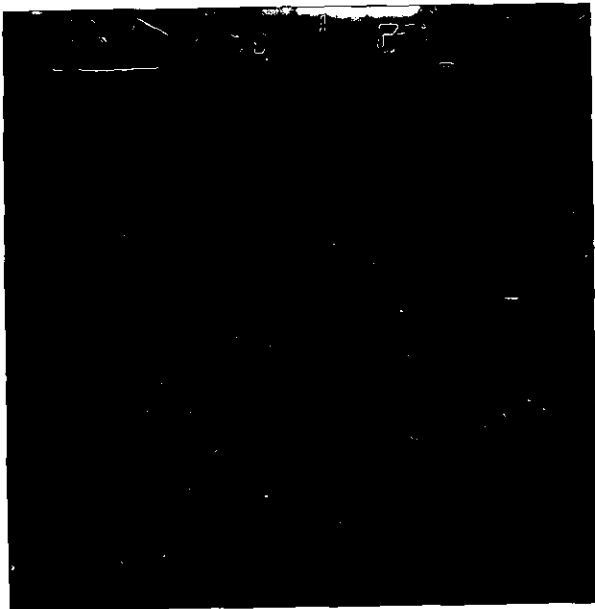


EXHIBIT "H"



EXHIBIT "I"



EXHIBIT "J"



EXHIBIT "K"

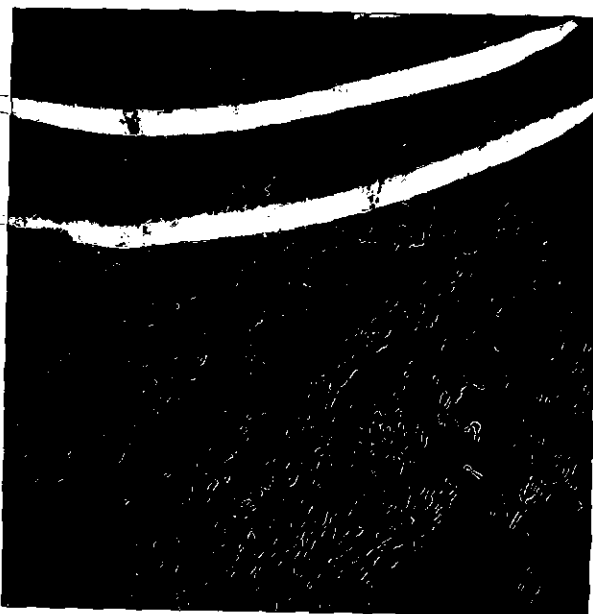


EXHIBIT "L" .

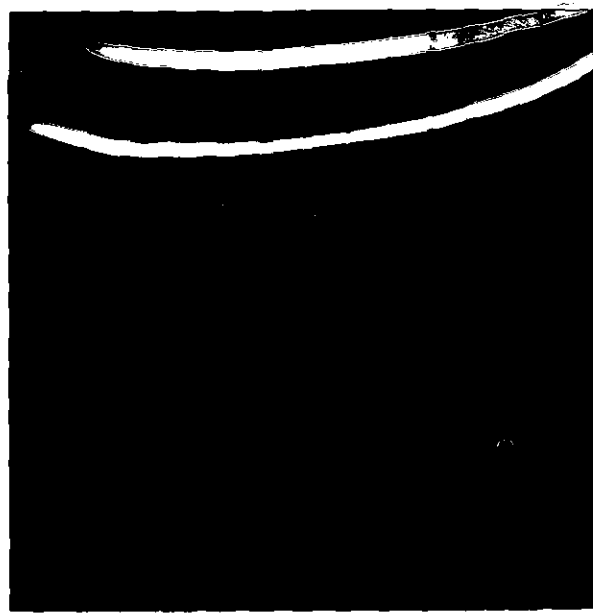


EXHIBIT "M"

OPTION TO PURCHASE

In consideration of the payment by NELMAN, JOSEPH AND NEWMAN, URSILLA, hereinafter referred to as Optionee, in the amount of \$ 100.00 (One Hundred Dollars and No/100-----DOLLARS), receipt of which is hereby acknowledged, IVAN E. SCHRENK FAMILY TRUST, LEE POULSON, TRUSTEE, hereinafter referred to as Optionor, grants to Optionee an option to purchase the real property situated in the City of _____, County of CASSIA, State of IDAHO, described as NW1/4, SECTION 35, Township 10S, RANGE 25 EBM, containing 160 acres +/-, and SW1/4SE1/4, and SE1/4SE1/4, SECTION 35, TOWNSHIP 10S, RANGE 26 EBM, containing 80 acres +/-, for a PURCHASE PRICE OF \$ 36,000.00 (Thirty Six Thousand Dollars and No/100-----DOLLARS), upon the following TERMS and CONDITIONS:

- 1- OPTIONEE needs to acquire any and all water necessary to farm said property into irrigated farming practices.
- 2- OPTIONEE to bear all costs and expenses, unless otherwise negotiated with OPTIONOR(Ivan E. Schrenk Family Trust).
- 3- Any and all farm work practices now being done or to be done will be reimbursed to the Optionor, if this option is exercised on or before January 1, 1988 and at custom farm rates, custom to farm practices.

ENCUMBRANCES: In addition to any encumbrances referred to above, Optionee shall take title to the property subject to: 1) Real Estate Taxes not yet due and 2) Covenants, conditions, restrictions, reservations, rights, rights of way and easements of record, if any, which do not materially affect the value or intended use of the property.

The amount of any bond or assessment which is a lien shall be ☐ paid, ☐ assumed by N/A

EXAMINATION OF TITLE: Fifteen (15) days from date of exercise hereof are allowed the Optionee to examine the title to the property and to report in writing any valid objections thereto. Any exceptions to the title which would be disclosed by examination of the records shall be deemed to have been accepted unless reported in writing within said 15 days. If Optionee objects to any exceptions to the title, Optionor shall use all due diligence to remove such exceptions at his own expense within 60 days thereafter. But if such exceptions cannot be removed within the 60 days allowed, all rights and obligations hereunder may, at the election of the Optionee, terminate and end, and the option payment shall be returned to Optionee, unless he elects to purchase the property subject to such exceptions.

EVIDENCE OF TITLE. Evidence of Title shall be in the form of ☒ a policy of title insurance, ☐ other: _____ to be paid for by OPTIONOR

CLOSE OF ESCROW: Within 30 days from exercise of the option, or upon removal of any exceptions to the title by the Optionor, as provided above, whichever is later, both parties shall deposit with an authorized escrow holder, to be selected by the Optionee, all funds and instruments necessary to complete the sale in accordance with the terms and conditions hereof.

POSSESSION: Possession shall be delivered to Optionee: ☒ Upon recordation of the deed. ☐ After recordation, but not later than N/A Unless Optionor has vacated the premises prior to recordation of the deed, Optionor agrees to pay Optionee \$ _____ per day from recordation to date possession is delivered and to leave this sum in escrow, to be disbursed to the persons entitled thereto on the date possession is delivered.

PRORATIONS: Rents, taxes, premiums on insurance acceptable to Optionee, interest and other expenses of the property to be prorated as of recordation of deed. Security deposits, advance rentals or considerations involving future lease credits shall be credited to Optionee.

MAINTENANCE: Until possession is delivered Optionor agrees to maintain heating, sewer, plumbing and electrical systems and any built-in appliances and equipment in normal working order, to keep the roof watertight and to maintain the grounds.

NOTICES: By acceptance hereof, Optionor warrants that he has no notice of violations relating to the property from City, County or State agencies.

TIME: Time is of the essence of this agreement.

EXPIRATION OF OPTION: If not exercised, this option shall expire Jan. 1 1988 days from date and Optionor shall be released from all obligations hereunder and all of Optionee's rights hereunder, legal or equitable, shall cease and the consideration hereinabove received for by Optionor shall be retained by Optionor.

EXERCISE OF OPTION: The option shall be exercised by mailing or delivering written notice to the Optionor prior to the expiration of this option and by an additional payment, on account of the purchase price, in the amount of

\$ _____ (DOLLARS) for account of Optionor to the authorized escrow holder referred to above, prior to the expiration of this option.

Notice, if mailed, shall be by certified mail, postage prepaid, to the Optionor at the address set forth below, and shall be deemed to have been given upon the day following the day shown on the postmark of the envelope in which such notice is mailed.

In the event the option is exercised, the consideration hereinabove received for by Optionor ☒ shall ☐ shall not be credited upon the purchase price.

BROKERAGE FEE: Upon execution of this option the Optionor agrees to pay to N/A the Agent in this transaction, the sum of \$ N/A (DOLLARS) and in the event the option is exercised, Optionor agrees to pay Agent the additional sum of \$ N/A (DOLLARS) for services rendered. This agreement shall not limit the rights of Agent provided for in any listing or other agreement which may be in effect between Owner and Agent. In the event legal action is instituted to collect this fee, or any portion thereof, the Optionor agrees to pay the Agent a reasonable attorney's fee and all costs in connection with such action.

Lee Poulson Trustee Optionor
Carl Schrenk Optionor

DATED Sept. 21, 1987
Joseph Newman Optionee
Optionee

P.O. Box 71 Hazelton, Idaho 83335 Address

829-5746 Phone

Carl Schrenk 828-654-2510 Agent

By _____ Agent's Phone _____

EXERCISE OF OPTION

To: _____, Optionor

I hereby exercise the option set forth on the reverse hereof.

I have opened an escrow and deposited the sum of \$ 100. - with:

Name _____

Address _____

Dated: _____, 19 _____

Joseph J. J. J. J. Sept. 21, 1987
Optionee

RECEIPT

Optionor acknowledges receipt of the exercise of the option

this 21 day of Sept, 19 87

Carl Schreiner
Optionor

CONSOLIDATED TAX NOTICE AND RECEIPT

CASSIA COUNTY TAX COLLECTOR
SHIRLEY POWLSEN, COURTHOUSE
BURLEY, ID 83318

1986

REAL PROPERTY

MARKET VALUE 123,422 TAX CODE AREA 25-00 PARCEL NUMBER RP03107-9 BILL NUMBER A 6523

HM - 16,142
107,280#

L 74,995
I 48,427

MAC 1.500
AC 158.500

NEWMAN, JOSEPH J
& NEWMAN, URSULA J
STAR RT
DECLD, ID 83323

DELINQUENT CERT

TOTAL

.009276

1,025.16

1,025.16

YOUR CANCELLED CHECK IS YOUR RECEIPT
HM=HOMEOWNER HD=HARDSHIP L=LAND I=IMPROVEMENTS P=PERSONAL AC=ACRES WAC=WASTE LT=LOTS

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

REAL PROPERTY 1986 RP03107-B A
NEWMAN, JOSEPH J
& NEWMAN, URSULA J 6523

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT

REAL PROPERTY 1986 RP03107-B A
NEWMAN, JOSEPH J
& NEWMAN, URSULA J 6523

SPECIAL CODE	TAX	CODE	AREA	TAX	ADJUSTMENT
92	15.00			512.58	

JUN 19 1987

2nd
4C

CASSIA COUNTY TAX COLLECTOR
COURTHOUSE
BURLEY, ID 83318

CASSIA COUNTY TAX COLLECTOR
COURTHOUSE
BURLEY, ID 83318

DELINQUENT IF NOT PAID ON OR BEFORE

JUNE 20, 1987

DATE PAID
PAID BY

CHECK #
CASH

SPECIAL CODE	TAX	CODE	AREA	TAX	ADJUSTMENT
92	30.00			995.16	

JUN 26 1987

SPECIAL CODE	TAX	CODE	AREA	TAX	ADJUSTMENT
92	15.00			512.58	

CASSIA COUNTY TAX COLLECTOR
COURTHOUSE
BURLEY, ID 83318

DELINQUENT IF NOT PAID ON OR BEFORE

DECEMBER 20, 1986

DATE PAID
PAID BY

CHECK #
CASH

CONSOLIDATED TAX NOTICE AND RECEIPT

1986

CASSIA COUNTY TAX COLLECTOR
SHIRLEY POWLSEN, COURTHOUSE
BURLEY, ID 93318

MARKET VALUE

50,366

TAX CODE AREA

17-00

RP03107-A

PARCEL NUMBER

A

BILL NUMBER

6522

NI/2SE 35-10-26

L 36,540
P 13,826

80.000 NEWMAN, JOSEPH J
E NEWMAN, URSULA J
STAR RT
DECL0, ID 83323

DELINQUENT CERT.

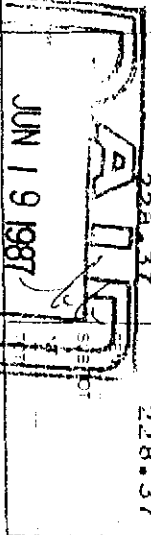
YOUR CANCELLED CHECK IS YOUR RECEIPT
HM=HOMEOWNER HD=HARDSHIP L=LAND I=IMPROVEMENTS P=PERSONAL AC=ACRES WAC=WASTE LT=LOTS

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT
REAL PROPERTY 1986 RP03107-A A
NEWMAN, JOSEPH J
E NEWMAN, URSULA J 6522

SPECIAL CODE	TAX	CODE	AREA	TAX	2ND INSTALLMENT
				228.37	228.37

17-00

2nd
4C



PERSONAL CHECKS SUBJECT TO BANK CLEARANCE
CASSIA COUNTY IDAHO
EASUSERS & TAX COLLECTOR
COURTHOUSE
BURLEY, ID 83318

DELINQUENT IF NOT PAID ON OR BEFORE
DATE PAID
PAID BY
JUNE 20, 1987
CHECK #
CASH

TAXING DISTRICT	RATE	AMOUNT	RECEIPT
COUNTY	.001855	93.44	FULL PAYMENT
SCH DIST 151	.005317	267.80	
RAFT RIV FIRE	.000102	5.14	
RAFT RIVER HWY	.001194	60.14	
FLOOD DIST #15	.000600	30.22	
TOT.			
1ST INSTALLMENT			
TAX		228.37	
PEN.			
SUB TOT.			
INT.			
TOT.			
2ND INSTALLMENT			
TAX		228.37	
PEN.			
SUB TOT.			
INT.			
TOT.			

TOTAL

.009068

455.74

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH YOUR PAYMENT
REAL PROPERTY 1986 RP03107-A A
NEWMAN, JOSEPH J
E NEWMAN, URSULA J 6522

SPECIAL CODE	TAX	CODE	AREA	TAX	TOTAL TAX
				456.74	456.74

17-00

FULL
4C



PERSONAL CHECKS SUBJECT TO BANK CLEARANCE
CASSIA COUNTY IDAHO
EASUSERS & TAX COLLECTOR
COURTHOUSE
BURLEY, ID 83318

DELINQUENT IF NOT PAID ON OR BEFORE
DATE PAID
PAID BY
DECEMBER 20, 1986
CHECK #
CASH

OF WATER

IDAHO DEPARTMENT OF WATER RESOURCES											PAGE 0035	
WATER RIGHTS BY PLACE OF USE											06/28/1987	
TOWNSHIP	RNG	SEC	TRACT	LOT	ACRES	USES	WATER RIGHT NUMBER	LAST NAME	OWNER STAGE	PRIORITY DATE	SOURCE OF WATER	
10S	26E	32	NE1/2	09	01		43-7182	HEGLAR RANCH, INC.	C	P	08-31-1982	GROUNDWATER
			NE1/4	40	01.04		43-7045	IDAHO LIVESTOCK PR	C	P	06-29-1976	GROUNDWATER
			NE1/4	40	01.04		43-7045	SKAGGS	C	P	06-29-1976	GROUNDWATER
			SE1/4	20	01.04		43-7045	IDA SIX 5 RANCH	C	P	06-29-1976	GROUNDWATER
			SE1/4	20	01.04		43-7045	SKAGGS	C	P	06-29-1976	GROUNDWATER
		33	NE1/2	39	01		43-2359	ANDERSON	C	L	12-01-1950	GROUNDWATER
			NE1/2	24	01		43-7182	PETERSON	C	P	08-31-1982	GROUNDWATER
			SE1/2	32	01		43-7182	HEGLAR RANCH, INC.	C	P	08-31-1982	GROUNDWATER
			SE1/2	21	01		43-2359	IDAHO LIVESTOCK PR	C	P	08-31-1982	GROUNDWATER
			NE1/4	30	01		43-7182	ANDERSON	C	L	12-01-1950	GROUNDWATER
			NE1/4	30	01		43-7182	PETERSON	C	P	08-31-1982	GROUNDWATER
			SE1/4	30	01		43-7182	HEGLAR RANCH, INC.	C	P	08-31-1982	GROUNDWATER
			SE1/4	13	01		43-7182	IDAHO LIVESTOCK PR	C	P	08-31-1982	GROUNDWATER
			NE1/2	14	01		43-2359	HEGLAR RANCH, INC.	C	P	08-31-1982	GROUNDWATER
			NE1/2	15	01		43-2360	IDAHO LIVESTOCK PR	C	L	12-01-1950	GROUNDWATER
			NE1/2	37	01		43-2360	ANDERSON	C	L	11-27-1950	GROUNDWATER
			SE1/2	39	01		43-2360	SKAGGS	C	L	11-27-1950	GROUNDWATER
			SE1/2	39	01		43-2360	MORRIS	C	L	11-27-1950	GROUNDWATER
			SE1/2	39	01		43-2360	SKAGGS	C	L	11-27-1950	GROUNDWATER
		34	NE1/4	38	01		43-2359	ANDERSON	C	L	12-01-1950	GROUNDWATER
			SE1/4	39	01		43-2359	PETERSON	C	L	12-01-1950	GROUNDWATER
			SE1/4	19	01		43-2359	ANDERSON	C	L	12-01-1950	GROUNDWATER
			SE1/4	01	01		43-2360	PETERSON	C	L	12-01-1950	GROUNDWATER
			SE1/4	25	01		43-2360	MORRIS	C	L	11-27-1950	GROUNDWATER
			SE1/4	43			43-2572	SKAGGS	C	L	11-27-1950	GROUNDWATER
		35	NE1/2	40	01		43-2499	STR E OF IDAHO	C	L	10-25-1963	GROUNDWATER
			NE1/2	37	01		43-2499	COLE	C	L	08-12-1960	GROUNDWATER
			NE1/2	37	01		43-2499	NEWMAN	C	L	08-12-1960	GROUNDWATER
			SE1/2	40	01		43-2499	COLE	C	L	08-12-1960	GROUNDWATER
			SE1/2	40	01		43-2499	NEWMAN	C	L	08-12-1960	GROUNDWATER
			SE1/2	40	01		43-2499	COLE	C	L	08-12-1960	GROUNDWATER
			SE1/2	40	01		43-2499	NEWMAN	C	L	08-12-1960	GROUNDWATER

K16

PRICE OF WATER

TOWNSHIP		RNG	SEC	TRACT	LOT	ACRES	USES	WATER RIGHT NUMBER	LAST NAME	OWNER STAGE CODE	PRIORITY DATE	SOURCE OF WATER	
105	26E	35	NESE		40	01		43-2499	COLE	C	L	08-12-1960	GROUNDWATER
			NESE		40	01		43-2499	NEWMAN COLE	C	L	08-12-1960	GROUNDWATER
		36	NESE		38	01,43		43-2370	PRESTON	C	L	11-10-1951	GROUNDWATER
			NESE		40	01		43-2466	WERNER	C	L	03-10-1958	GROUNDWATER
			NESE		40	01,43		43-2370	PRESTON	C	L	11-10-1951	GROUNDWATER
			NESE		40	01		43-2466	WERNER	C	L	03-10-1958	GROUNDWATER
			SENE		40	01,43		43-2370	PRESTON	C	L	11-10-1951	GROUNDWATER
			SENE		40	01		43-2466	WERNER	C	L	03-10-1958	GROUNDWATER
			SENE		40	01,43		43-2370	PRESTON	C	L	11-10-1951	GROUNDWATER
			SENE		40	01		43-2466	WERNER	C	L	03-10-1958	GROUNDWATER
			NESE		40	01,43		43-2370	PRESTON	C	L	11-10-1951	GROUNDWATER
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			SENE		40	01		43-2466	WERNER	C	L	03-10-1958	GROUNDWATER
			SENE		40	01,43		43-2370	PRESTON	C	L	11-10-1951	GROUNDWATER
			SENE		40								

/ 43-2499

that HENRY M. COLE - Assignee - JOSEPH J. NEWMAN
of Idaho, made application for a permit to appropriate the
waters of the Snake River, dated August 12, 1960; that the State Reclamation Engineer of Idaho, at that time, was of the opinion that the completion of works, with a carrying capacity of 4.45 cubic feet per second, was issued thereunder on January 11, 1967, showing that said works were completed on the 18th day of August, 1965; and that on the 18th day of August, 1965,

JOSEPH J. NEWMAN

of Idaho, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of 2 wells, a tributary of subterranean flow, for the purpose of irrigation, under Use Permit No. G-28921 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 14 of Licenses at page 8658, on the 11 day of January, 1967;

The right hereby confirmed dates from August 12, 1960;

The Point of Diversion is located 2 points

in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, Tp. 10 S R. 26 E, B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 4.45 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
10 S	26 E	35	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	37
			S $\frac{1}{2}$ NE $\frac{1}{4}$	80	80
			N $\frac{1}{2}$ SE $\frac{1}{4}$	80	80
			Total number of acres to be irrigated:		237

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

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

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)

) ss.

STATE OF IDAHO)

MARGE BARENDREFF being first

duly sworn, deposes and says that she is the

Clerk

of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for two (2)

consecutive weeks, commencing with the issue

dated Nov 19 1987, and ending

with the issue dated Nov 26 1987

Marge Barendreff

Subscribed and sworn to before me

this 4th day of Dec.

1987

Dolores Maby

Notary Public

Cost of Publication 29.04

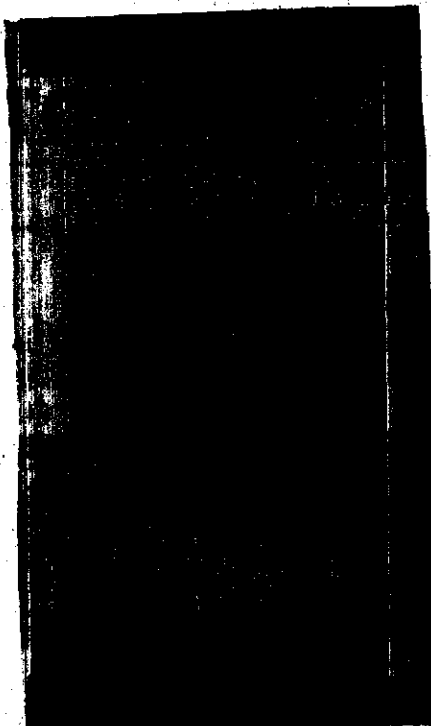
Notary Fee .50

Total Cost 29.54

RECEIVED

DEC 7 1987

Department of Water Resources
Southern Region Office



OK
MB
12/8/87

JUL 17 1989

● **Connecticut Mutual Life** INSURANCE COMPANY, SINCE 1846

140 Garden Street, Hartford, Connecticut 06115 Tel: (203) 727-6500

Mortgages - Agricultural

RECEIVED

March 12, 1980

MAR 17 1980

Department of Water Resources

Department of Reclamation
State of Idaho
Boise, Idaho

Re: Water Permit No. G-36909
Loan No. 91865-H

Please pull
28921
43-2499

Gentlemen:

This loan has been paid in full. Therefore, we wish to inform you that we are no longer interested in water permit number G-36909 as described in Mortgage Deed dated August 25, 1960, given by Rex L. Cole.

Said mortgage was recorded in the Public Records of Cassia County, in Book 51, Page 531.

Sincerely,

Jean Wright

Jean Wright
Agricultural Investment Division

jw

cc: Ag-Land Mortgage Company

*OK to
file jc*

CM

RECEIVED
JUL 17 1980

State of Idaho
License and Certificate of Water Right

Water License No. G-28921

Amount 4.45 c.f.s.

Water District No.

Priority August 12, 1960

THIS IS TO CERTIFY that REX L. COLE - Assignee - JOSEPH J. NEWMAN
of Declo, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 5, 1960; that Permit No. G-28921
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4.45 second feet, was issued thereunder on January 11, 1967, showing that said works
were completed on the 18th day of August, 1965; and that on the 18th
day of August, 1965, JOSEPH J. NEWMAN

of Declo, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of 2 wells
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-28921 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
14 of Licenses at page 8638, on the 11 day of January, 1967;
The right hereby confirmed dates from August 12, 1960;
The Point of Diversion is located 2 points

in the NW 1/4 NE 1/4, Sec. 35, Tp. 10 S R. 26 E, B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 4.45 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
10 S	26 E	35	NE 1/4 NE 1/4	40	40
			NW 1/4 NE 1/4	40	37
			S 1/2 NE 1/4	80	80
			N 1/2 SE 1/4	80	80
			Total number of acres to be irrigated:		237

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

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

11th day of January, 1967.

/s/ R. KEITH HIGGINSON
State Reclamation Engineer.

(SEAL)

43 2499

State of Idaho
License and Certificate of Water Right

Water License No. 27572

Amount 1.32 c.f.s.

Water District No.

Priority September 9, 1958

THIS IS TO CERTIFY that IRA C. PARKE of Albion, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 9, 1958; that Permit No. 27572 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.32 second feet, was issued thereunder on September 18, 1959, showing that said works were completed on the 15th day of September, 1959; and that on the 8th day of September, 1964, IRA C. PARKE of Albion, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Asher Canyon Creek, a tributary of sink, for the purpose of irrigation and stock water, under Use Permit No. 27572 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 14 of Licenses at page 8637, on the 9 day of January, 1967; The right hereby confirmed dates from September 9, 1958; The Point of Diversion is located in the SW 1/4 NE 1/4, Sec. 14, Tp. 12 S, R. 25 E, B. M. Cassia County That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.32 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12 S	25 E	14	SW 1/4 NW 1/4	10	4
			NE 1/4 NE 1/4	8	8
			NW 1/4 NE 1/4	30	32
			SE 1/4 NE 1/4	20	22
			Total number of acres to be irrigated:	66	

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 9th day of January, 1967.

/s/ R. KEITH HIGGINSON
State Reclamation Engineer.

(SEAL)

State of Idaho

License and Certificate of Water Right

Water License No. G-28921 Priority August 12, 1960 Amount 4.45 c.f.s.

THIS IS TO CERTIFY that REX L. COLE - Assignee - JOSEPH J. NEWMAN

of Declo, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 5, 1960; that Permit No. G-28921 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 4.45 second feet, was issued thereunder on January 11, 1967, showing that said works were completed on the 18th day of August, 1965; and that on the 18th day of August, 1965 JOSEPH J. NEWMAN

of Declo, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of 2 wells

a tributary of subterranean flow for the purpose of irrigation, under Use Permit No. G-28921 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 14 of Licenses, at Page 8638, on the 11th day of January, 1967.

The right hereby confirmed dates from August 12, 1960.

The Point of Diversion is located 2 points in the NW 1/4 NE 1/4, Sec. 35, Twp. 10 S, R. 26 E, B.M. Cassia County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 4.45 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
10 S	26 E	35	NE¼ NE¼	40	40
			NW¼ NE¼	40	37
			S½ NE¼	80	80
			N½ SE¼	80	80
			Total number of acres to be irrigated:		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 11th day of January, 1967.

R. Keith Higgins
State Reclamation Engineer.

State of Idaho

LICENSE AND CERTIFICATE
OF WATER RIGHT

Water License No.	G-28921
To	Joseph J. Newman Declo, Idaho
Source of Supply	2 wells
County	Cassia
Amount	4.45
Sec. Ft.	
Point of Diversion	NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, T. 10 S., R. 26 E., B.M.
Place of Use	NE $\frac{1}{4}$, NW $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 35, T. 10 S., R. 26 E., B.M.
Purpose	irrigation
Date of Priority	August 12, 1960
Recorded	January 11, 1967
in Book	14 of Licenses, Page 8638

Rex L. Cole
Star Route
Declo, Idaho

43-2499

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36909
Permit No. G- 28921
District No.

Assigned to Rex L. Cole
Star Route Declo
Idaho

1. Name of Applicant: Rex L. Cole

Postoffice address: Star Rte., Declo, County: Cassia State: Idaho

2. Quantity of water claimed:

(a) Rate of withdrawal in cubic feet per second 4.45 or Idaho
Miners' inches or gallons per minute 2000

(b) Annual withdrawal in acre feet per annum

3. Source of water supply: Deep well

4. Location of point of diversion or well is in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 35
Twp. 10 S, Rge. 26 E, B.M., County of Cassia

5. Water is to be used for: Irrigation

6. If for municipal, industrial or recreational purposes, give:

(a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section, Twp.
Rge., B.M.

(b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section, Twp., Rge., B.M.

7. Kind of works: Well, pump and ditches

8. Estimated cost of works: \$

9. (a) Is reservoir to be used? No

(b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation:

(b) Amount of capital stock: \$

(c) Amount paid in: \$

(d) Names and addresses of directors:

II. The financial resources of the applicant are (a) Cash on hand: \$

(b) Treasury stock:

(c) Bonds to be issued:

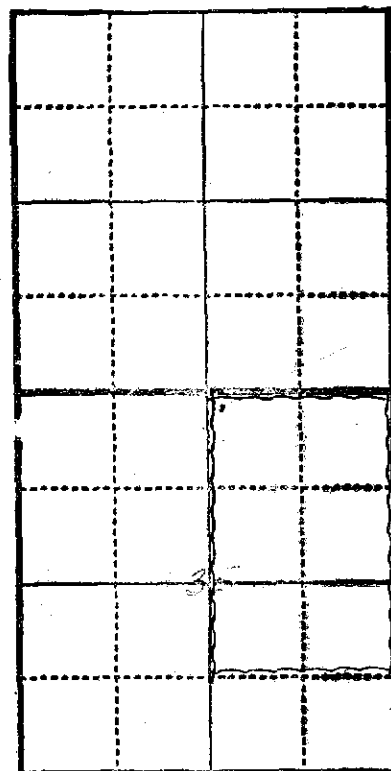
(d) Other resources:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

(b) 2000 GPM (cubic feet per second, inches or gallons per minute) is for new lands.



Remarks: The well is completed and the pump is on and our estimation of water capacity is between 1800 and 2000 gallons per minute

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.

s/ Rex L. Cole Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. August 5, 1960

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G- 28921

Recorded in Book 102

Page 28921

Approved August 11, 1960

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before

and to continue diligently and uninterruptedly to completion, unless

temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before February 11, 1963

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before August 11, 1965

Witness my hand this 11th day of August, 1960

s/ GEO. N. CARTER
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 11th day of August, 1960

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

Secretary of State.

By s/ ROBERT E. SMYLLIE
Governor

12.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
10 S	26 E	35	40	40	40	40									40	40			240
----- ASSIGNMENT -----																			
For value received, I hereby assign all of my right, title and interest in and to Permit to appropriate the Public Waters of the State of Idaho, No. G-28921 to JOE NEWMAN of Star Route, Declo, Idaho.																			
s/ REX COLE Permit Holder																			
s/ HELGA SCOTT COLE Wife of Permit Holder																			
STATE OF ARIZONA)) ss County of Cochise)																			
On this 6th day of July, 1965, before me, a Notary Public for the State of Arizona, residing at Willcox, Arizona personally appeared Rex Cole and Helga Scott Cole known to me to be the persons whose names are subscribed to the within instrument and duly acknowledged to me that they executed the same.																			
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.																			
s/ FLORENCE STEPHENS Notary Public Residing at Willcox, Arizona																			
My commission expires: 3/26/68																			

Permit No. G-28921
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that REX L. COLE - Assignee - JOSEPH J. NEWMAN of Declo, County of Cassia, and State of Idaho, the holder of Permit No. G-28921, issued upon Application No. G-36909, bearing date of priority of August 12, 1960, authorizing the diversion of 4.45 second feet of waters of a well County of Cassia, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 4.45 second feet of the waters of 2 wells from subterranean flow; that the point of diversion of said waters NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, T. 10 S., R. 26 E., B.M. and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 35, T. 10 S., R. 26 E., B.M.

Proof of Completion of Works Made: August 18, 1965

Witness my hand this 11th day of January, A. D. 1967

/s/ R. KEITH HIGGINSON
State Reclamation Engineer

LICENSE ISSUED FOR 4.45 SEC. FT.
LICENSE PAGE NO. 8638:



Highway 24
P.O. Box 797
Rupert, Idaho 83350
Phone (208) 436-0436

EXHIBIT "N"

October 22, 1987

To Whom It May Concern:

The three-quarter mile proposed center pivot on Joe Newman's farm located in Cassia County Section 35, Township 10 South Range 26 East, irrigating 123 acres under each center pivot and would be designed to distribute no more than 675 GPM per pivot.

This GPM would result in an application rate of .61 inches per acre per application which is ample water to raise all crops in this region under center pivots with proper rotation and general irrigation practices.

SPRINKLER SHOP VALLEY, INC.

Dan Duffin

Vice-President

JUL 17 1989

STAFF ANALYSIS SUPPLEMENT

1) Water District None Basin # 43

2) Local Description: (of one ?/D)

☐

At the above street address

☐

_____ miles N/S _____ and _____ miles E/W _____
of _____ (City or landmark).

☒

Other (describe): 2 Miles East of The
Idaho Road Exit on
I 80 N

RECEIVED

OCT 23 1987

October 23, 1987

Department of Water Resources
Northern Region

TO: THE DIRECTOR OF DEPARTMENT OF WATER RESOURCES

Re: Statement of reasons for request for partial transfer
of water rights

By the attached application for partial transfer of use of water rights, Mr. Joseph Newman seeks to transfer approximately one-half ($\frac{1}{2}$) of the use of his waters to lands held by him under purchase options. The lands are adjacent to his existing farm lands. The application for partial transfer of his waters is sought to enable applicant Newman to more effectively and efficiently develop a modernized irrigation system. The plan will utilize the same quantum of water that has been used by him over the years to irrigate the lands which were described in the application and permit and, ultimately, the certificate of water right number 62891. Mr. Newman desires to replace the antiquated surface irrigation methods with low pressure center pivot systems. The following information is furnished to provide the Department with more adequate information to enable the Department to determine the feasibility of the request for transfer.

I - FACTUAL BACKGROUND OF APPLICATION:

Joe Newman and his family moved to the Malta area in March of 1961. They had acquired, by purchase, the lands now operated by them. The lands are located in Township 10S, Section 35, Range 26 E.B.M. The water supply for said lands is evidenced by Certificate of Water Right, number G28921.

The water right is for 4.45 cubic feet per second. It is derived from an underground source. It is appropriated through two (2) wells located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, Twn.10S, Range 26, E.B.M.

The existing irrigation system was substantially developed at the date of purchase. It was in its present condition, minus some problems which are referred to in paragraph III hereafter. Newman did construct two (2) waste water recovery systems. These prevented water wasting to neighbors and, secondly, provide supplementation of the water supply.

Approximately forty-one (41) acres were improved by the installation of gated pipe, but throughout, all the lands were irrigated by surface irrigation.

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Modern economic conditions, and farming practices have so materially changed since the Newmans' acquired their property in 1961, they have determined that if they are to survive as farmers they must do at least two things: (1) they must develop a more effecient irrigation system; and, (2) it is necessary that they expand their farming holdings to accomodate the cost of modernization.

The Newman objective set forth above can be accomplished without developing additional water, without adverse environmental or community impact. Most importantly, the proposed development of the additional arid lands, which are now of minimal value, would result in a taxable benefit to the State and the County.

The Newmans have acquired options on lands adjacent to them in order to facilitate or effectuate their plan.

Copies of the Option Agreements are attached as Exhibit "A" and incorporated in this statement.

II - DESCRIPTION OF EXISTING IRRIGATION SYSTEM:

The existing irrigation system consists of two (2) wells. Waters are distributed across the lands through irrigation ditches, and through approximately forty-one (41) acres through gated pipe. As indicated above, a waste water recovery system was installed by Newmans. It is utilized to supplement the existing supply. Exhibit "B" and Exhibit "C" attached are photographs of the two (2) diversion wells located on the Newmans' property.

Exhibit "B" is powered by a 50 horsepower pump. Exhibit "C" is powered by a 150 horsepower pump. The tail water system is photographed in Exhibit "D" and "E". The system shown in Exhibit "D" is a five (5) horsepower pump, and Exhibit "E" is a seven and one-half (7½) horsepower pump. A typical example of the irrigation ditch systems are demonstrated in Exhibits "F" and "G" attached.

III - PROBLEMS ENCOUNTERED WITH EXISTING SYSTEM, NECESSITATING MODERNIZATION:

We have alluded above to certain problems encountered by the Newmans with their present farming system, which have required and necessitated modernization of their entire farming practices and irrigation system.

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JUL 17 1989

Director of Department of Water Resources
October 23, 1987
Page 3

In an effort to be brief, it is sufficient to point out that material changes have occurred in the agricultural industry in the last ten to fifteen years. Low commodity prices at the farm as compared to increasing overhead, particularly in costs of labor, power, custom work, chemical application, fuel, equipment, and management have virtually dictated the demise of antiquated farming practices and procedures, including the continued wasteful irrigation by flood application methods. The existing method of irrigation imposed upon the operator results in wasteful methods of tillage, inaccurate irrigation application and timing. In general, is is ineffective, wasteful, and uneconomic.

The point of beginning is their irrigation system. It is no longer feasible to pump water which ultimately is wasted through the inefficient use of water by surface irrigation. It is nearly impossible to obtain help sufficient to properly irrigate crops in the presence of an infestation of gophers and other rodents which block corrugates and water passage-ways, or which bore holes into irrigation ditches.

In the Raft River area the activities of the gophers on surface irrigated fields such as the Newmans is well illustrated by photographs, Exhibits "H", "I", "J", "K", and "L". Exhibit "H" demonstrates the rodent condition in the Newman yard. Exhibit "I" shows the filling of corrugates in an alfalfa field by rodents. Exhibit "J" shows activities of rodents in grain fields. Exhibit "K" is similar to Exhibit "I", and Exhibit "L" is similar to Exhibit "J". No adequate labor is available to clear the corrugates in the midst of the summer to enable the water to pass under surface irrigation to the end of the field. In short, although an abundance of water is applied to the land, the irrigation of the land is inefficient, wasteful, and uneconomic; crop production is lost, income is lost, and the overall effect is the depletion of the operational resources.

Upon installation of the proposed systems, the facilities shown by Exhibits "E" and "D" will be eliminated. There will be an immediate power saving derived from the elimination of the waste water pumps.

Additionally, irrigationists have determined that, under the proposed center pivot irrigation application, the horsepower needed to produce the amount of water for the operation of the systems can be reduced by nearly thirty-six percent (36%).

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JUL 17 1989

Director of Department of Water Resources
October 23, 1987
Page 4

Although Newmans are unable at this point to determine the exact saving that may be derived from the installation of center pivot systems, it is believed that a substantial saving could be realized in power costs for at least two reasons: (1) the irrigation pumps will not be required to operated at the same hourly level as under the existing system; and, (2) it is contemplated that if this system can be installed, it will be a low pressure system, which is designed as an energy efficient system.

It is anticipated that the operation will become more efficient, and although a more effective application of water will be realized, up to seventy-five percent (75%) of the cost of labor for irrigation will be saved. Studies have shown that under center pivot irrigation that labor hours per acre average one-half hours per acre as compared to nearly two hours per acre where gated pipe is used, and more where open ditch irrigation is used.

Newmans will achieve more efficient use of the water. Irrigation will be more timely and less wasteful. They may avoid certain farming and tillage practices, such as corrugation, custom chemical application, etcetera, required under present irrigation practices. Their water right is sufficient to accomodate this improved procedure through low pressure sprinkler irrigation as compared to surface irrigation.

IV - THE PROPOSED CHANGES:

As indicated in the application for partial transfer of water rights, Newman proposes to transfer one-half ($\frac{1}{2}$) of the waters used under his right to the NW $\frac{1}{4}$ of Section 35, and to the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 35. These properities are described in the Option Agreement which is attached as Exhibit "A".

Upon transfer of the water right, Newmans propose to install three (3) circle pivot systems which will utilize the water developed from Newman wells 1 and 2 under Certificate of Water Right, number G28921 for the operation of the three (3) center pivots. Newmans will need only .61 inches per acre to irrigate his lands as extended, as compared to at least 1 inch per acre under the existing system. The sufficiency of the water for the adequate irrigation of these properties under the low pressure center pivot systems has been established. For verification of the above information we have attached as Exhibit "N" a letter from Dan Duff, President of the Sprinkler Shop, Valley Inc., of Paul

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Director of Department of Water Resources
October 23, 1987
Page 5

Each pivot is contemplated to irrigate 123 acres, making a total of 369 acres, according to Duffin. Newman contemplates that the pivots will irrigate approximately 120 acres, and plans his operation based upon 120 acres. The corners of his existing lands will be converted to dry land. And, of the 237 existing acres, approximately 57 acres will be located in the corners. Based upon this determination, although it is necessary for Newman to change the place of use to approximately 180 acres of other land, only 123 acres will be additional land to be irrigated under the proposed change. It should be understood, however, that no additional water will be required to irrigate the additional lands because of the efficiency of the proposed system. The dry land which Newman proposes to irrigate is photographed in Exhibit "M", attached. This land is directly adjacent to the Newman property and is part of the NW $\frac{1}{4}$ of Section 35. The 57 acres of corners will be seeded to dry land grasses and farmed as grass land.

V - JUSTIFICATION:

The objective of the Newmans in undertaking to modernize their system, as indicated above, can only be economically justified if full utilization of the water right can be accomplished. The cost of development is not economically feasible on the existing farm unit. Additional lands must be added.

Therefore, favorable approval of the application for change in place of use is respectfully requested.

Yours very truly,

James Annest

JA:nh
Enclosures

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JUL 17 1989

GER USA



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

November 9, 1987

South Idaho Press
Box 190
Burley, ID 83318

Re: Transfer 43-2499

Gentlemen:

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

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

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary A. Baldwin
Sec/Office Coord.

Encl:

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JUL 17 1989

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 43-2499

Notice is hereby given that Joseph J. Newman of Declo, ID has applied to the Department of Water Resources for a change of place of use of groundwater rights.

The right sought to be changed is evidenced by License No. 43-2499 and is recorded as follows:

Amount: 4.45 cfs

Priority: August 12, 1960

Point of Diversion: NW1/4NE1/4, Sec. 35, T10S, R26E, (Newman Pumps No. 1 and No. 2) Cassia County; 2 miles East of the Idahome Road Exit on I80 N.

Used for irrigation of 237 acres within NE1/4, N1/2SE1/4, Sec. 35, T10S, R26E.

TO BE CHANGED AS FOLLOWS

Amount: No change

Point of Diversion: No change

Used for irrigation of 360 acres within NE1/4, NW1/4, SE1/4, Sec. 35, T10S, R26E.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, ID 83301 on or before December 7, 1987.

R. Keith Higginson, Director

Published in South Idaho Press on 11/19 & 11/26/87.

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JUL 17 1989

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT**

No. 43-2499

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Amount: 4.45 cfs
Priority: August 12, 1960
Point of Diversion: NW 1/4, NE 1/4, Sec. 35, T10S, R26E, (Newman Pumps No. 1 and No. 2) Cassia County, 2 miles East of the Idaho-Road Exit on 180 N.
Used for irrigation of 237 acres within NE 1/4, NW 1/4, SE 1/4, Sec. 35, T10S, R26E.
TO BE CHANGED AS FOLLOWS
Amount: No change
Point of Diversion: No change
Used for irrigation of 360 acres within NE 1/4, NW 1/4, SE 1/4, Sec. 35, T10S, R26E.

Any protest against approval of the proposed change of water right application must be filed with the Department of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, ID 83301 on or before December 7, 1987.
R. Keith Higginson, Director
Published in the South Idaho Press on November 19 and 26, 1987.

RECEIVED

NOV 19 1987

Department of Water Resources
Southern Region Office

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JUL 17 1989

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JUL 14 1987

OK
11/19/87



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

November 20, 1987

Joseph J. Newman
Star Route, Box 79
Declo, ID 83323

Dear Mr. Newman:

This office acknowledges receipt of application for transfer of water right No. 43-2499.

Publication of legal notice of the application is set for November 19 & 26 and the final date for receiving protests is December 7, 1987.

Some small errors were identified on the application during our initial review. Because these were minor and did not alter the intent of the application, they were corrected by pen & ink here rather than returning the application. A copy with corrections highlighted is enclosed.

Please be advised that the application will be subject to denial by the Director because the change in place of use of the water right from 237 acres to 360 acres constitutes an enlargement in the use of the water right which is prohibited by Section 42-222 of the IDAHO CODE.

Although it is possible to irrigate additional acres without increasing the diversion rate, an additional component of the water right, the annual consumptive use, must also be considered in evaluating the transfer.

The annual consumptive use is the quantity of water which must be pumped from the groundwater to produce a crop in an average year. This includes the consumptive crop requirement which is water consumed by the crop through evapotranspiration and not returned to the drainage basin.

An annual consumptive use of 3 acre-feet per acre is recognized by the department as reasonable in the northern Raft River Valley. The consumptive crop requirement for alfalfa near Rupert averages 24.9 inches or 3.1 acre-feet per acre.

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JUL 17 1988

Each new acre placed under irrigation requires an increment of consumptive crop requirement and is deemed to place an additional appropriative burden on the public waters. Therefore, expansion of the place of use by a transfer is not allowed.

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

Very Truly yours,

Loren O. Holmes, P. E.
Southern Region Manager

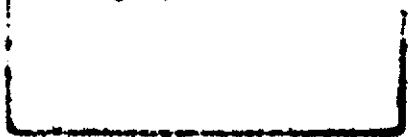
LOH:mb

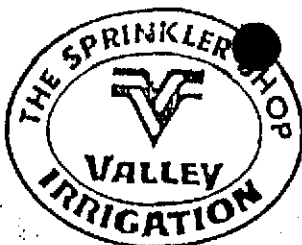
enclosure

cc: James Annest w/enclosure

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JUL 17 1989





Highway 24
P. O. Box 797
Phone (208) 436-0436

RUPERT, IDAHO 83350

December 8, 1987

JOE NEWMAN

Formula for Water Application (Inches):

$$\frac{\text{Well Capacity (G.P.M.)}}{\text{Field Size (Acres)}} \times \frac{\text{Rotation Time (Hours)}}{453} = \text{Rate of Application}$$

Formula for Joe Newman:

$$\frac{667 \text{ G.P.M.}}{123 \text{ Acres}} \times \frac{24 \text{ (Hours)}}{453} = .28 \text{ Inches (Application)}$$

PCU - Use Yale

Potatoes	.293 Inches per Day	5.52 G.P.M./Acres
Alfalfa	.262 Inches Per Day	4.94 G.P.M./Acres
Small Grain	.217 Inches Per Day	4.09 G.P.M./Acres

Based on United States Dept. Of Agriculture Conservation Service, Zone III
(See Chart)

Each Pivot			G.P.M./Acres
1/3 Potatoes - 41 Acres	.293 PCU	5.52 G.P.M./Acres	226.32
2/3 Grain - 82 Acres	.217 PCU	4.09 G.P.M./Acres	335.38
			561.70

Net Application 561.70 G.P.M. x 85% Irr. Efficiency = 660.82 Gross

(Note) Application Rate can be set for each crop under a given pivot by
adjusting the rotation time.

$$\frac{(453) \text{ (Acres)} \text{ (PCU)}}{(\text{Freq}) \text{ (Hr)} \text{ (Irr Eff)}} = \text{G.P.M.}$$

$$\text{Potatoes} \quad \frac{(453) \text{ (41)} \text{ (.293)}}{(1) \text{ (24)} \text{ (.85)}} = 266 \text{ G.P.M.}$$

$$\text{Grain} \quad \frac{(453) \text{ (82)} \text{ (.217)}}{(1) \text{ (24)} \text{ (.85)}} = 395.13 \text{ G.P.M.}$$

Single Pivot

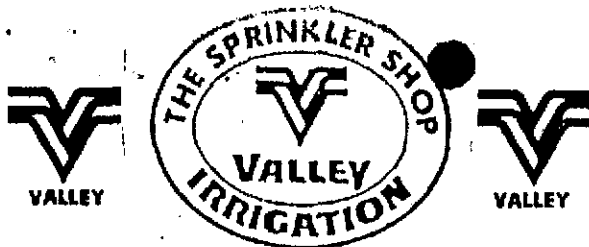
Potatoes 41 Acres @ 266 G.P.M.
Grain 82 Acres @ 395 G.P.M.
661 Total G.P.M.

661 G.P.

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JUL 17 1989

'Rest easy, It's a Valley'



Highway 24
P. O. Box 797
Phone (208) 436-0436

RUPERT, IDAHO 83350

Single Pivot - Hay & Grain

$$\frac{\text{Hay}}{\begin{array}{ccc} (453) & (41) & (.262) \\ (1) & (24) & (.85) \end{array}} = 238 \text{ G.P.M.}$$

$$\frac{\text{Grain}}{\begin{array}{ccc} (453) & (82) & (.217) \\ (1) & (24) & (.85) \end{array}} = 395 \text{ G.P.M.}$$

Single Pivot

Hay 41 Acres @ 238 G.P.M.
Grain 82 Acres @ 395 G.P.M.
633 Total G.P.M.

633 G.P.M./1.40 CF

The Pivot Sprinkler Packages are set @ 667 G.P.M./1.48 CF

Our highest demand with proposed rotation is 661 G.P.M./1.46 CF

(Note) See chart for Irrigation Efficiency

Moderate Climate

Average Maximum
Temperature 80°F to 90°F
Average Humidity 60%
Irrigation Efficiency 90%

Hot Climate

Average Maximum
Temperature 90°F to 100°F
Average Humidity 50%
Irrigation Efficiency 85%

$$\text{GPM/Acre} = \frac{\text{Inches per Day}}{.053 \text{ (factor)}}$$

EXAMPLE

Corn: Moderate Climate = .26 inches/day

$$\text{GPM/Acre} = \frac{.26}{.053} = 4.9 \text{ GPM/Acre}$$

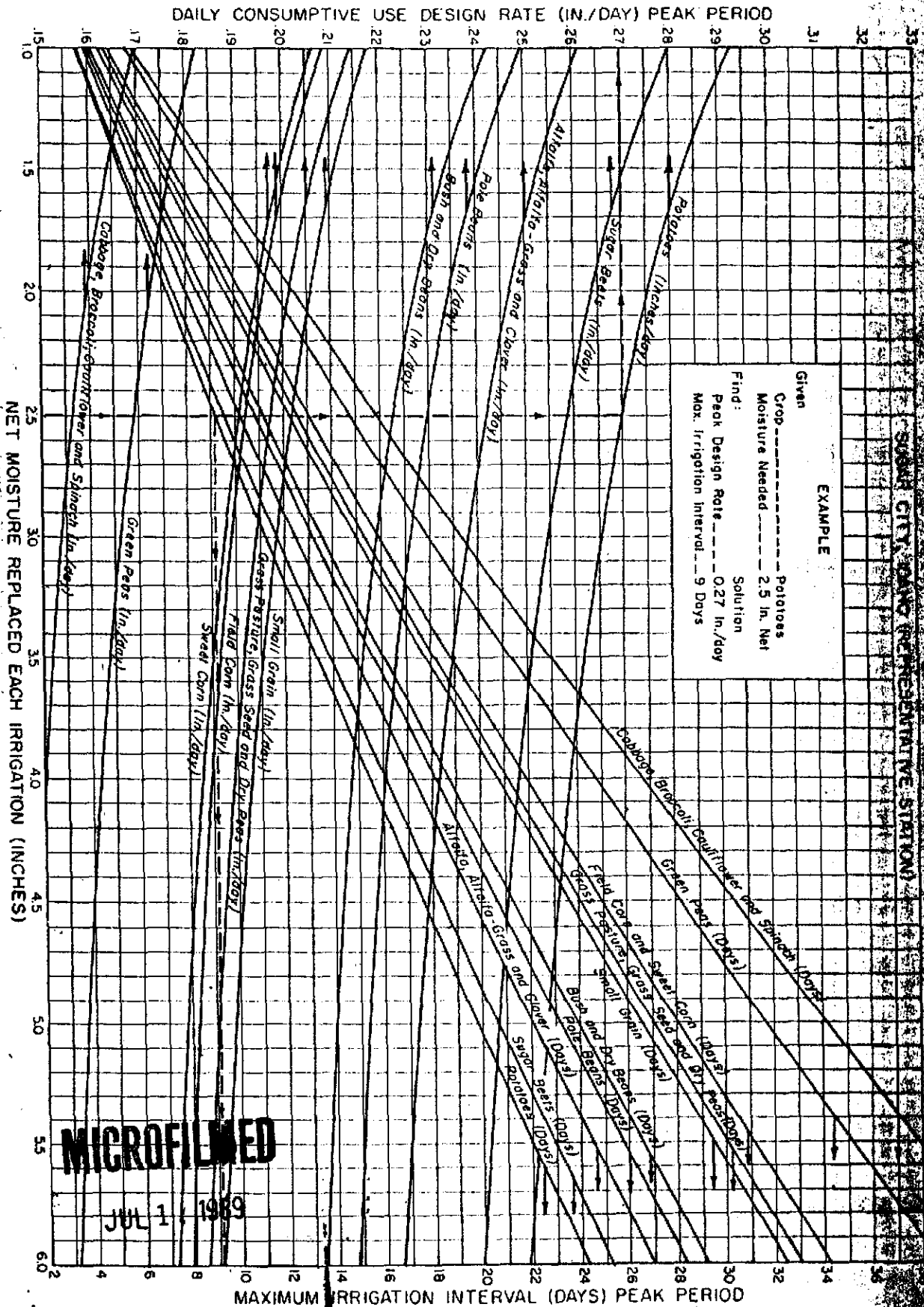
The Peak Consumptive Use Period is the number of days the crop consumes water above 85% of peak usage.

FIG 4. Typical Peak Consumptive Use Period

Crop	Peak Consumptive Use Period (Days)
Alfalfa	100-165 (depending on location)
Corn	45
Cotton	35-55 (depending on location)
Grass	155-200 (depending on location)
Wheat	30
Potatoes	45
Barley	30
Sugar Beets	65
Sorghum	45
Soybeans	50

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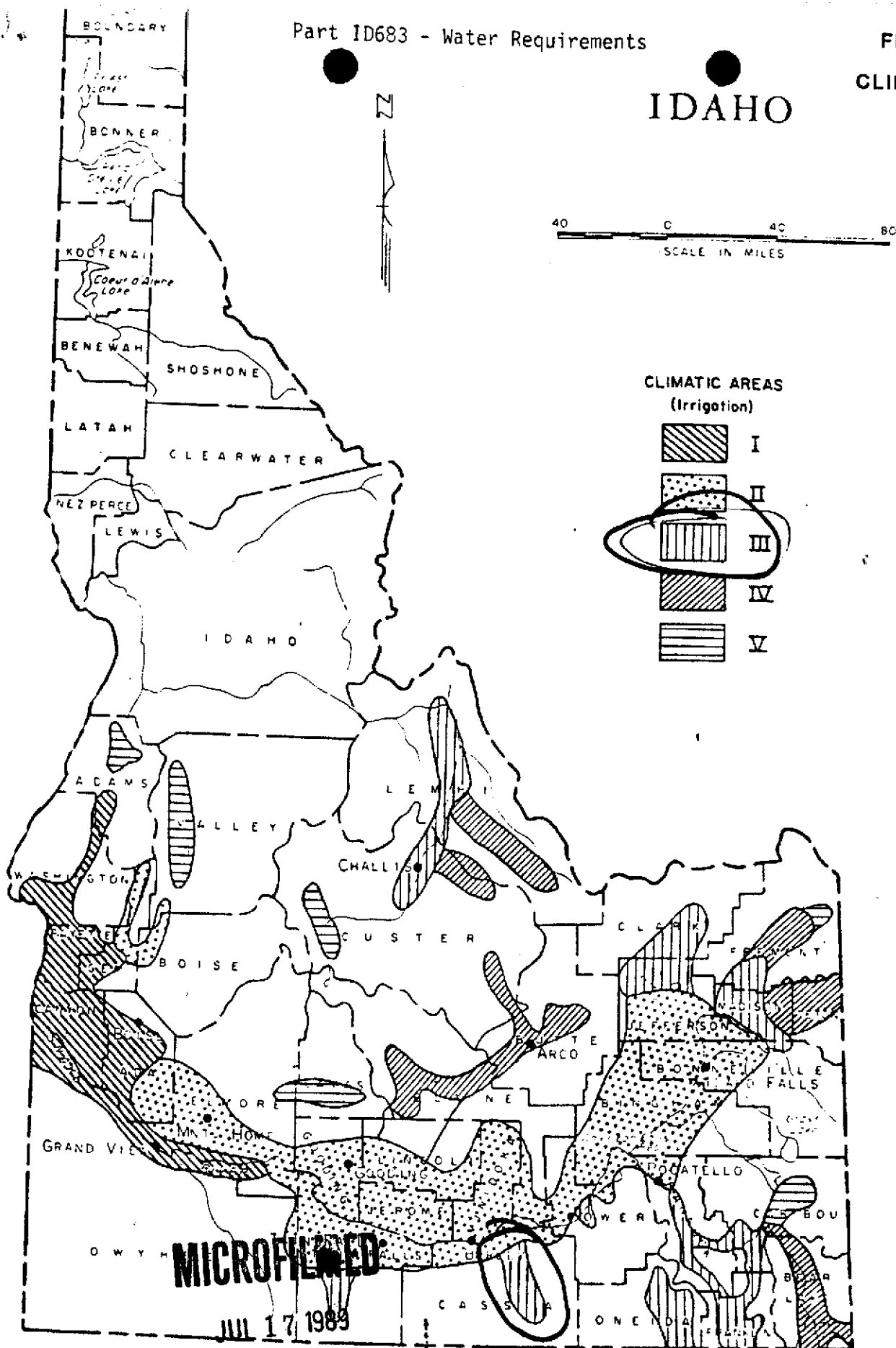
JUL 17 1989



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JUL 1 1989

APR 11



Subpart C - Consumptive Use Requirements

Table 683-2.--ESTIMATED SEASONAL AND MONTHLY CONSUMPTIVE USE OF CROPS
FOR CLIMATIC AREA III

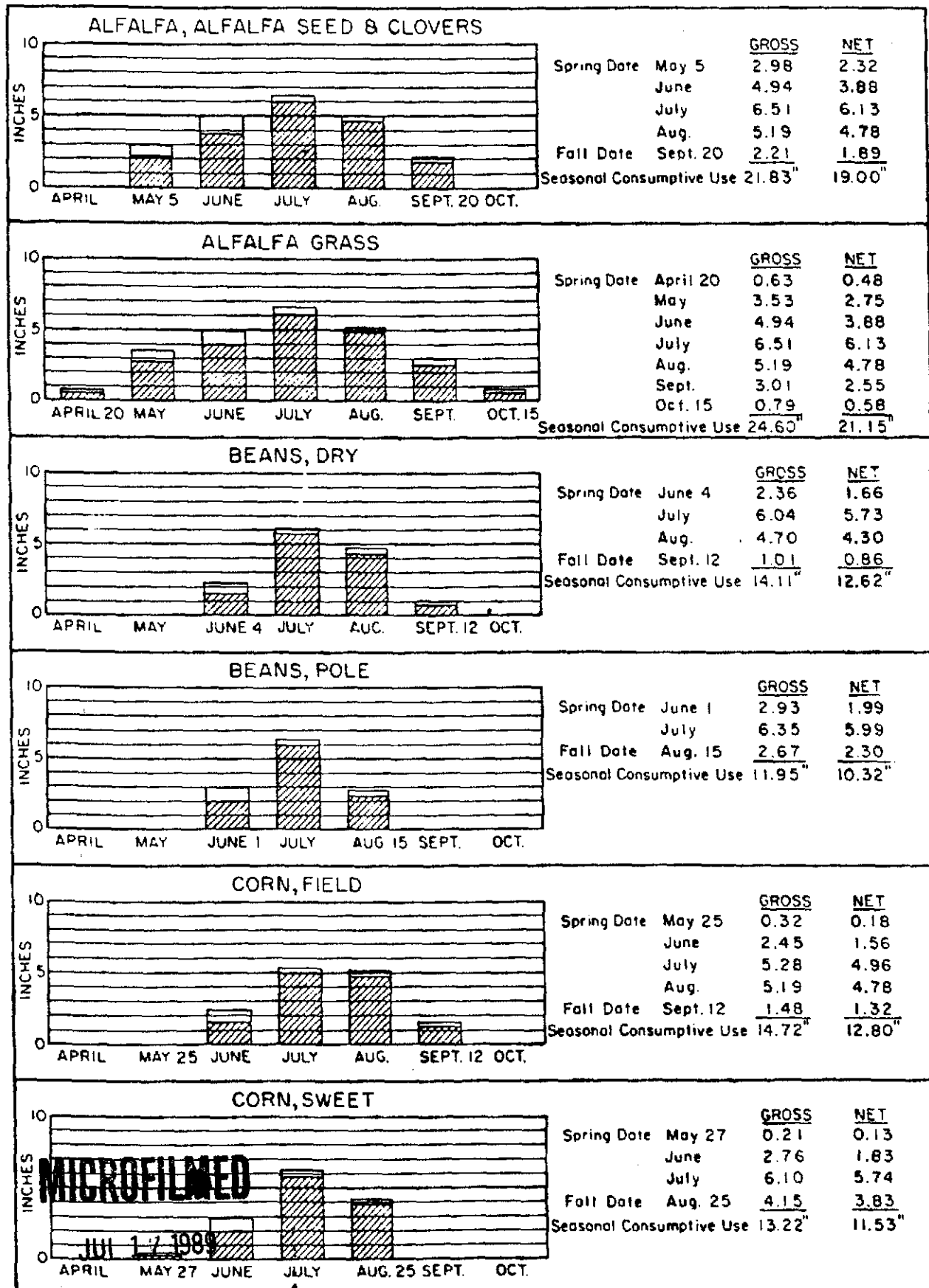
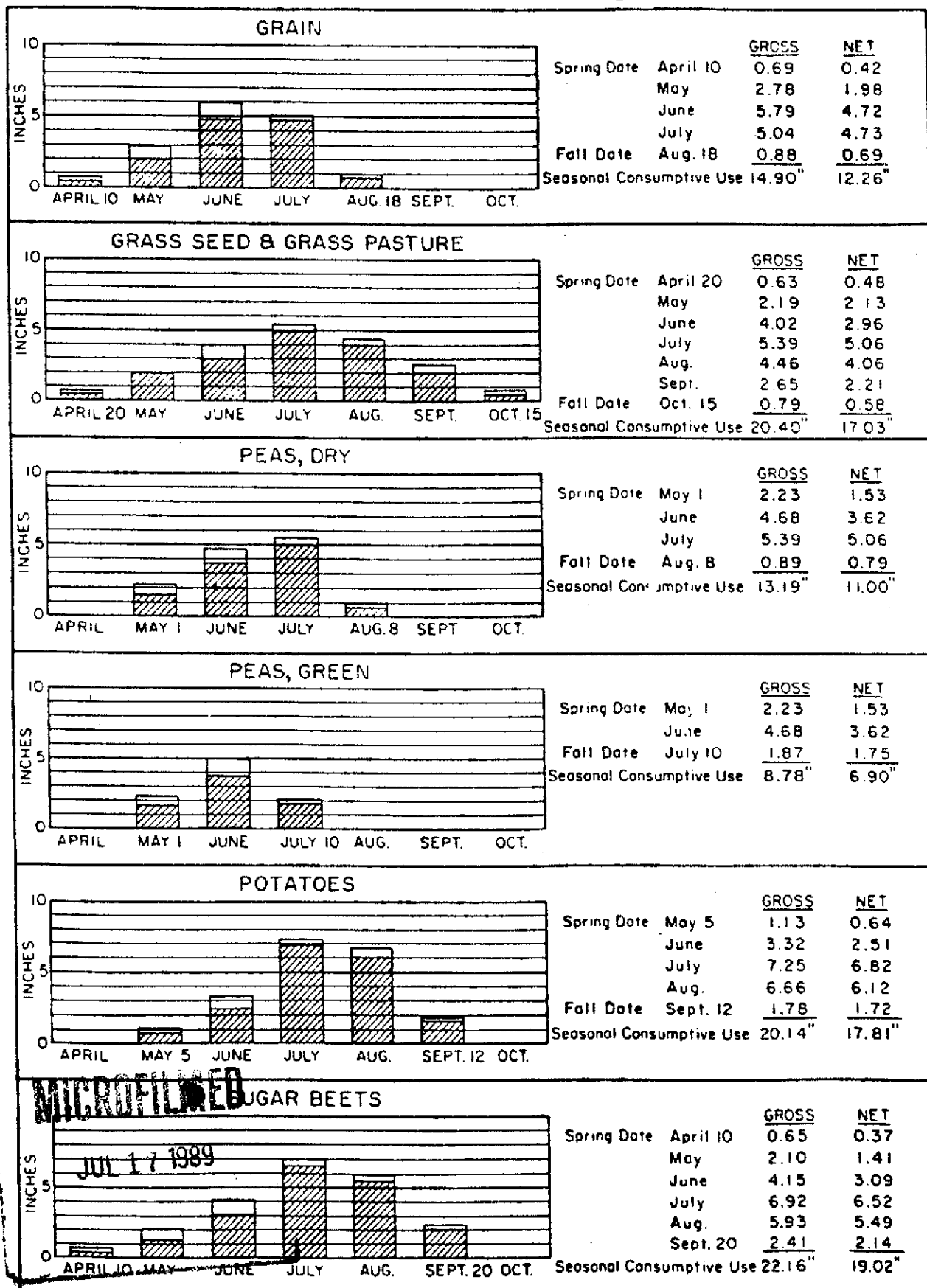
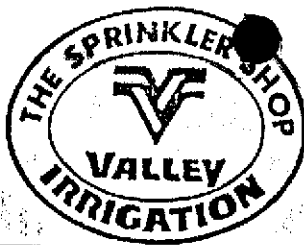


Table 683-2.--ESTIMATED SEASONAL AND MONTHLY CONSUMPTIVE USE OF CROPS
FOR CLIMATIC AREA III





Highway 24
P. O. Box 797
Phone (208) 436-0436

RUPERT, IDAHO 83350

December 8, 1987

JOE NEWMAN

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Formula for Joe Newman:

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Based on United States Dept. Of Agriculture Conservation Service, Zone III
(See Chart)

Each Pivot			G.P.M./Acres
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Net Application 561.70 G.P.M. x 85% Irr. Efficiency = 660.82 Gross

(Note) Application Rate can be set for each crop under a given pivot by adjusting the rotation time.

$$\frac{(453)}{(\text{Freq})} \frac{(\text{Acres})}{(\text{Hr})} \frac{(\text{PCU})}{(\text{Irr Eff})} = \text{G.P.M.}$$

$$\text{Potatoes} \quad \frac{(453)}{(1)} \frac{(41)}{(24)} \frac{(.293)}{(.85)} = 266 \text{ G.P.M.}$$

$$\text{Grain} \quad \frac{(453)}{(1)} \frac{(82)}{(24)} \frac{(.217)}{(.85)} = 395.13 \text{ G.P.M.}$$

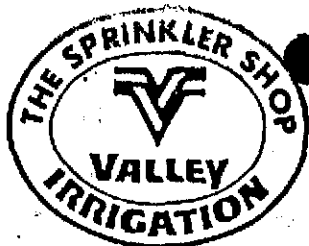
Single Pivot
Potatoes 41 Acres @ 266 G.P.M.
Grain 82 Acres @ 395 G.P.M.
661 Total G.P.M.

661 G.P.M.

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JUL 17 1989

'Rest easy, It's a Valley'



Highway 24
P. O. Box 797
Phone (208) 436-0436

RUPERT, IDAHO 83350

Single Pivot - Hay & Grain

$$\begin{array}{r} \text{Hay} \\ (453) \quad (41) \quad (.262) \\ (1) \quad (24) \quad (.85) \end{array} = 238 \text{ G.P.M.}$$

$$\begin{array}{r} \text{Grain} \\ (453) \quad (82) \quad (.217) \\ (1) \quad (24) \quad (.85) \end{array} = 395 \text{ G.P.M.}$$

Single Pivot

Hay 41 Acres @ 238 G.P.M.
Grain 82 Acres @ 395 G.P.M.
633 Total G.P.M.

633 G.P.M./1.40 CF

The Pivot Sprinkler Packages are set @ 667 G.P.M./1.48 CF

Our highest demand with proposed rotation is 661 G.P.M./1.46 CF

(Note) See chart for Irrigation Efficiency

Moderate Climate

Average Maximum
Temperature 80°F to 90°F
Average Humidity 60%
Irrigation Efficiency 90%

Hot Climate

Average Maximum
Temperature 90°F to 100°F
Average Humidity 50%
Irrigation Efficiency 85%

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JUL 17 1989

$$\text{GPM/Acre} = \frac{\text{Inches per Day}}{.053 \text{ (factor)}}$$

EXAMPLE

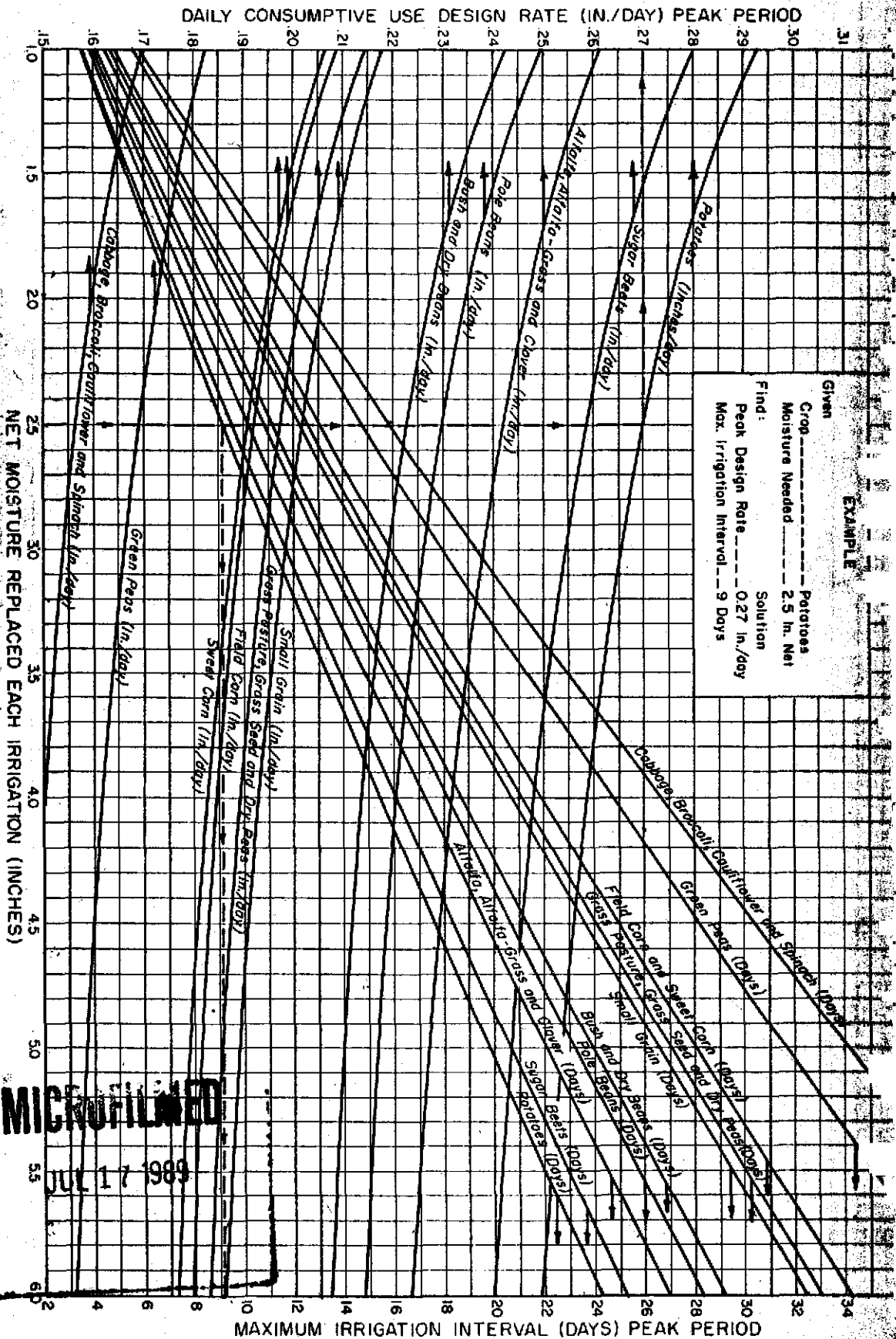
Corn: Moderate Climate = .26 Inches/day

$$\text{GPM/Acre} = \frac{.26}{.053} = 4.9 \text{ GPM/Acre}$$

The Peak Consumptive Use Period is the number of days the crop consumes water above 85% of peak usage.

FIG 4. Typical Peak Consumptive Use Period

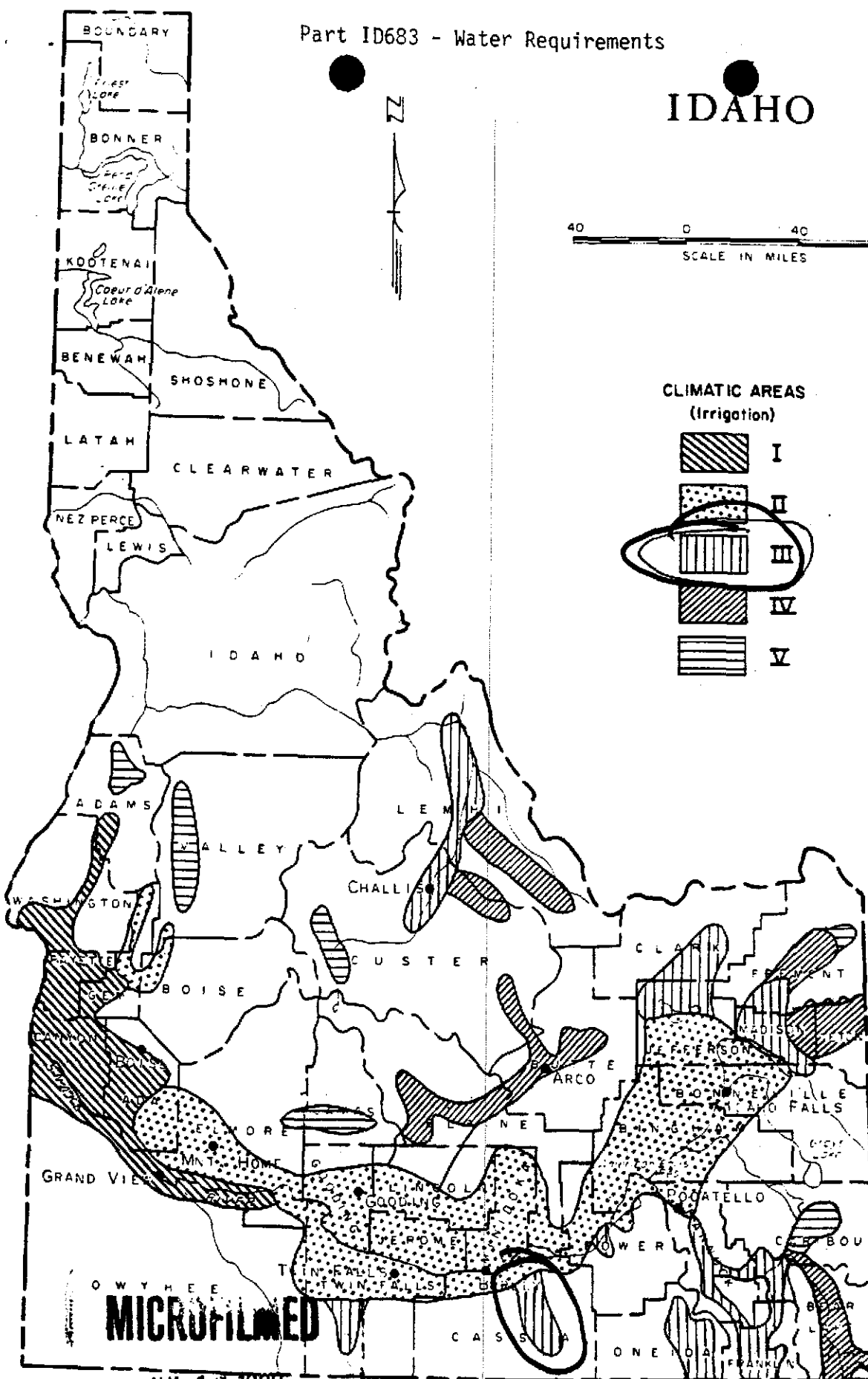
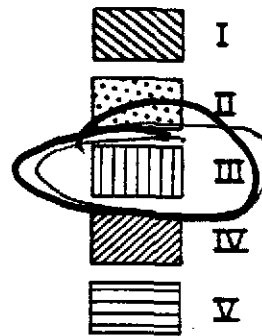
Crop	Peak Consumptive Use Period (Days)
Alfalfa	100-165 (depending on location)
Corn	45
Cotton	35-55 (depending on location)
Grass	155-200 (depending on location)
Wheat	30
Potatoes	45
Barley	30
Sugar Beets	65
Sorghum	45
Soybeans	50



IDAHO

40 0 40 80
SCALE IN MILES

CLIMATIC AREAS (Irrigation)



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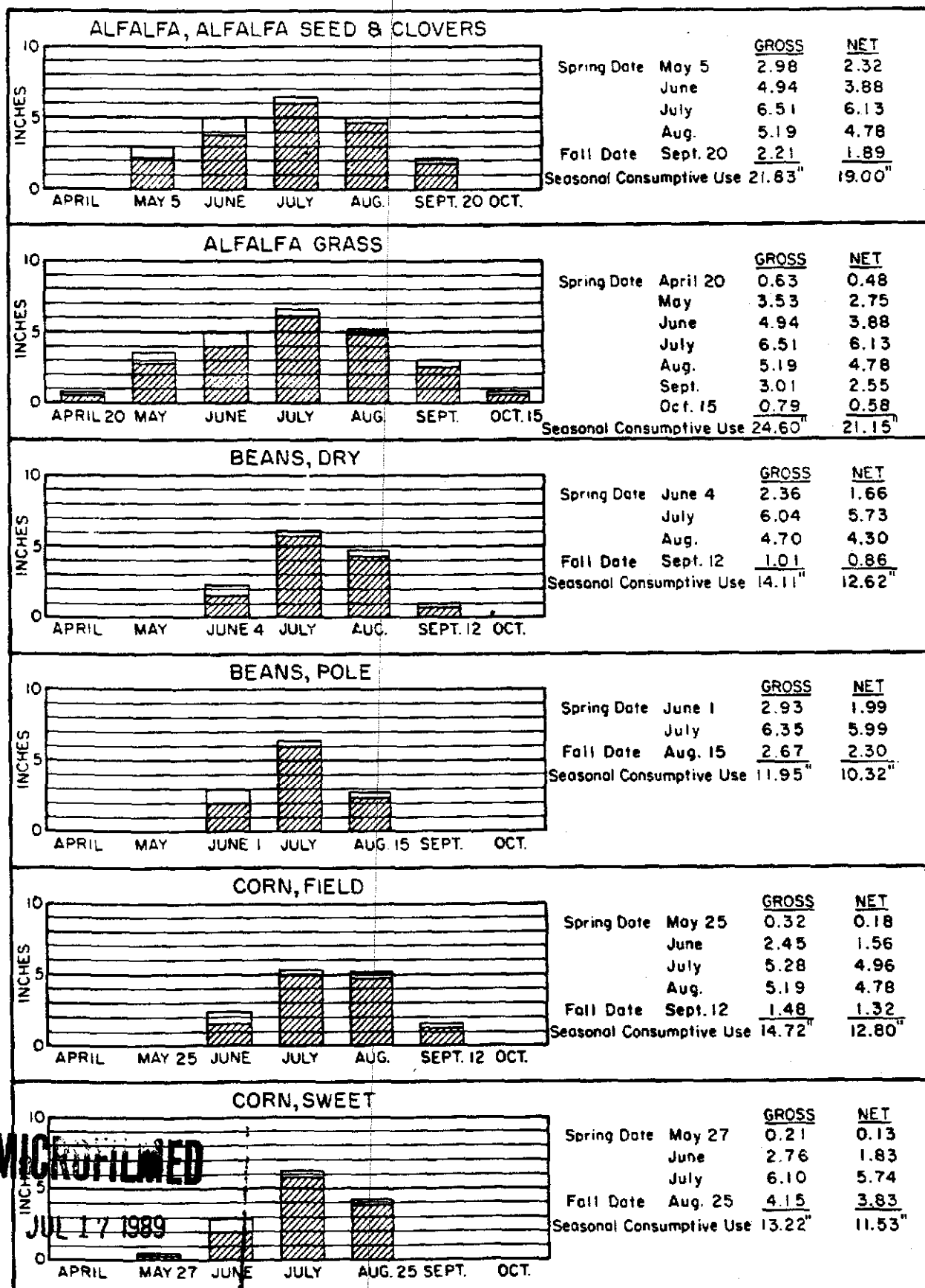
JUL 17 1989

ID683-6

ID210-VI-IDIG, February 1985)

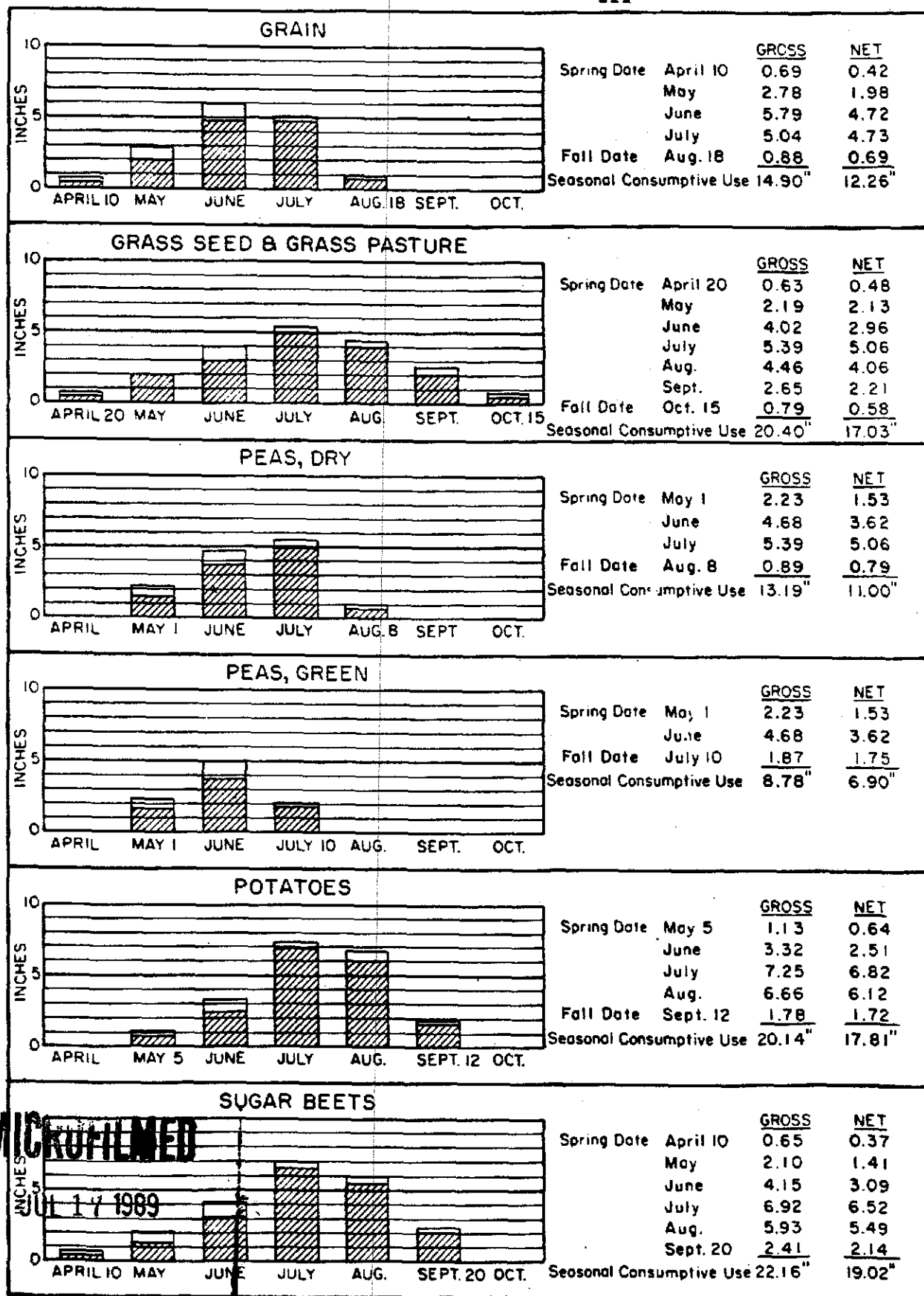
Subpart C - Consumptive Use Requirements

Table 683-2.--ESTIMATED SEASONAL AND MONTHLY CONSUMPTIVE USE OF CROPS
FOR CLIMATIC AREA III



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JUL 17 1989

Table 683-2.--ESTIMATED SEASONAL AND MONTHLY CONSUMPTIVE USE OF CROPS
FOR CLIMATIC AREA III

LAW OFFICE OF
JAMES ANNEST
ATTORNEY AND COUNSELOR AT LAW
AREA CODE 208 PHONE 678-7783

1742 OVERLAND AVENUE
BURLEY, IDAHO 83318
POST OFFICE BOX 686

December 9, 1987

RECEIVED

DEC 15 1987

Department of Water Resources
Southern Region Office

Loren Holmes, Manager
Southern Region
Department of Water Resources
2148 4th Ave. East
Twin Falls, Idaho 83301

Dear Mr. Holmes:

The subject of this letter is supplemental statement of reasons and response to your letter of November 20, 1987.

After receiving your letter of November 20, 1987, I requested information from the Soil Conservation Service at Burley, Idaho, and additional information from Mr. Dan Duffin, Vice-President of the Sprinkler Shop, Inc., with whom Mr. Newman has been working with in regard to updating and revision of his irrigation system.

At my request, Mr. Duffin has prepared a statement showing the water requirements of the revised system of irrigation based upon the consumptive use data furnished by the Soil Conservation Service. A copy of that report is attached for your review.

As you will note, the report provides the formula for determining rate of application in gallons per minute. As you can tell, from Paragraph 2 of the report, the machines are designed to apply .293 net inches of water in a twenty-four (24) hour period of time. This is the peak use for potatoes, the heaviest crop consumer of water.

The peak consumptive use in the Yale area where Mr. Newman's farm is located, for the three crops which Mr. Newman may grow is set forth in Paragraph 3 of the report. Based upon the planned rotation, which Mr. Newman anticipates using on his land, whether he rotates between grain and hay, or grain, hay and potatoes, the maximum average daily application is 660.82 gallons gross. This equates to 5.37 gallons per minute, per acre under the entire pivot. The planned farming methods contemplate a rotation of crops which would have no more than one-third of the pivot in high consumptive use crop, and the other two-thirds in grain.

The irrigation equipment which Mr. Newman proposes to install upon the lands has a capability enabling the operator to set the amount of gallons per minute, per acre, which the operator

MICROFILMED

JUL 17 1989

Loren Holmes
December 9, 1987
Page 2

intends to apply upon each crop with correlative equipment to modify the volume of water when the equipment reaches the area at which the crop changes.

The total system requirements, therefore, for potatoes and grain based upon the United States Department of Agriculture, Soil Conservation Service zone free charts which are attached to the report, demonstrate that the gallons per minute, per acre is gross 5.37 and this equates to a total gallons needed over each pivot of 660.82 gallons per minute.

As you can see from the report, the water available to each pivot from the existing water right of Mr. Newman, which we are asking the department to authorize a change of use for, would allow under the proposal 667.5 gallons per pivot, if all pivots were operated at the same time. It is highly unlikely in the operation of the farm that all pivots will operate at the same time at all times.

In any event, the amount of water which will be used per pivot is 1.46 c.f.s. or 1,971 gallons for all three proposed pivot systems. Mr Newman's water right is 4.45 c.f.s. or 2,002.5 gallons.

As you can discern, this is well within the existing water rights of Mr. Newman.

Yours very truly,



James Annest
JA:ks

Enclosures

MICROFILMED
JUL 17 1989

MEMORANDUM

DATE: 20-Nov-1987

FROM: Loren Holmes *LH*

TO: Glen Saxton

SUBJECT: Transfer 43-2499, Newman

Attached is an advance copy of a transfer we are processing and will be recommending for denial.

Some time prior to filing the application, Mr Newman visited the office to research his water right. At that time he was advised that the right could not be expanded by transfer.

Some time later, Mr. Annest, the applicant's attorney, called me and we discussed the limitations on transfers.

Mr. Newman and Mr. Annest came to the office together to file the application. Given the past history of contact with the applicant and his attorney, we accepted the application for processing.

The applicant has an option to buy the additional land which expires in January and wants a finding on the transfer before he decides whether to buy or not. Therefore, expedited final processing of the application is requested.

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JUL 17 1989



4. Assuming the proposed crop rotation of $\frac{1}{3}$ potatoes and $\frac{2}{3}$ spring grain is a continuation of past practice, the following comparative consumptive use would occur:

	<u>Total Acres</u>	<u>Acres (Grain)</u>	<u>Mean CU* (feet)</u>	<u>Acres (Potatoes)</u>	<u>Mean CU* (feet)</u>	<u>Total CU (acre-ft)</u>
Prior irrigation	237	158	2.28	79	2.95	593
Proposed irrigation	360	240	2.28	120	2.95	<u>901</u>

901 - 593 = 308 additional acre-feet
consumptively used

* R.G. Allen & C.E. Brockway, Estimating Consumptive Irrigation Requirements for Crops in Idaho,
August 1983.

MAILED
JUL 17 1983

5. The irrigation of an additional 123 acres will result in the evapotranspiration of an additional 308 acre-feet of water from the Raft River hydrologic basin. The ^{extra} water might be withdrawn from the groundwater aquifer. If the system is more efficient, however, water that would have either percolated back into the groundwater, or drained from the

appurtenant land, will no longer be available to satisfy other water rights, particularly rights with priority earlier than the date of this transfer application.

6. The points of diversion for license no. 43-2499 are located within the boundaries of the Raft River Critical Groundwater Area (RRCGA).

7. In the order establishing the RRCGA, the Director found that withdrawal of water within the Raft River basin was exceeding the recharge to the basin, and that further appropriation or use of water would injure existing water right holders.

MICROFILMED

JUL 17 1969



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

March 15, 1988
MICROFILMED

JUL 17 1989

James Annest
1742 Overland Avenue
P.O. Box 686
Burley, ID 83318

Re: Transfer No. [REDACTED] Water Right No. 43-2499

Dear Mr. Annest:

On January 21, 1988, you and your client, Joseph J. Newman, visited with me in my office regarding the above transfer. Right No. 43-2499 irrigates 237 acres. The transfer proposes irrigation of 360 acres with the same right, a substantial enlargement.

I told you and your client that the Department would probably reject the transfer because it proposes enlargement of irrigation which is prohibited under Idaho Code § 42-222.

We discussed several possible alternatives to avoid rejection, including: (1) reducing the proposed irrigated acres by subtracting out the corners at the edges of the circles; (2) petitioning the Department to modify the Raft River Critical Groundwater Area boundaries; and (3) proposing the cultivation of a less water consumptive crop. You decided, following our discussion, that pursual of the less water consumptive crop alternative was the most attractive option. You agreed that Mr. Newman would supply information showing that more highly water consumptive crops were grown in the past than the crops that Mr. Newman proposes to grow in the future. You also agreed that ASCS would certify, over a period of ten years, the various crops that Mr. Newman grew. Finally, I told you that the proposal may not be viewed favorably because it might create unmanageable administration problems.

I have held the transfer pending receipt of the information. In the meantime, the Department has received a report that your client may be stringing the equipment for installation of the circular systems. While your client is not prevented from irrigating the lands under Water Right No. 43-2499 with new equipment, he is expressly forbidden from irrigating additional lands as proposed under the transfer. Irrigation of lands not listed as the place of use under License No. 43-2499 will not be permitted unless the transfer is approved.

Furthermore, I do not desire to hold the application for transfer without action. I will finalize an order denying the application for transfer if the documentation is not received within thirty (30) days of the date of this letter.

Sincerely,



GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Southern

MICROFILMED

JUL 17 1989



STAFF ANALYSIS SUPPLEMENT

1) Water District Basin # 45³

2) Local Description: (of one P/O)

☐ At the above street address

☒ 1 miles N/S NE and miles E/W
of Horse Butte (City or landmark).

☐ Other (describe)

MICROFILMED

JUL 1 1989

Sherl L. Chapman

CONSULTANT

410 S. ORCHARD / SUITE 144 / BOISE, IDAHO 83705 / PHONE 344-6690

RECEIVED

APR 28 1988

Department of Water Resources
Boise Region Office

April 14, 1988

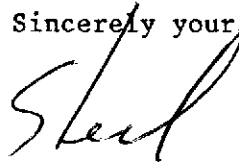
Mr. Loren Holmes
Idaho Department of Water Resources
2148 4th Avenue E
Twin Falls, Idaho 83301

Dear Loren:

Enclosed you will find an application for transfer in behalf of
Mr. Joe Newman.

If you have any questions on the application, please don't
hesitate to contact me.

Sincerely yours,



Sherl L. Chapman
Consultant

SLC:kje
enclosure
cc:Mr. Joe Newman

RECEIVED

JUL 17 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

11-Jul-1988

Sherl L. Chapman
410 S. Orchard
Suite 144
Boise, ID 83705

Re: Application for Transfer No. 43-2499

Dear Mr. Chapman:

The Department of Water Resources acknowledges receipt of the Application for Transfer on behalf of your client, Joseph J. Newman.

This office will be advertising the application in the South Idaho Press on 7/21 and 7/28/88. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Enclosed please find your receipt No. S000116 for the amount of \$50.00.

Please feel free to contact this office if you have any questions regarding this procedure.

MICROFILMED

JUL 17 1989

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

Enclosure

cc: James Annest, Attorney



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

11-Jul-1988

South Idaho Press
Box 190
Burley, ID 83318

Re: Notice of Proposed Change, Newman, 43-2499

Gentlemen:

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

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

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

MICROFILMED

JUL 17 1989

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 43-2499

Notice is hereby given that Joseph J. Newman has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

Water right No. 43-2499

Basis of right: License

Source: Groundwater

Priority Date: August 12, 1960

Amount of water: 4.45 cfs

Water use: Irrigation

Point(s) of diversion: NW1/4NE1/4, Sec. 35, T10S, Cassia County

Place of use: 237 acres within NE1/4, N1/2SE1/4, Sec. 35, T10S, R26E.

TO BE CHANGED AS FOLLOWS

Water right No.: 43-2499

Amount: 4.45 cfs

Total amount being transferred: 4.45 cfs

Source: Groundwater

Point of diversion: NW1/4NW1/4NE1/4, NE1/4NW1/4NE1/4, Sec. 35, T10S, R26E; Cassia County; 1 mile NE of Horse Butte.

Place of use: 237 acres within E1/2, Sec. 35, T10S, R26E.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 2148 4th Ave East, Twin Falls, ID 83301 on or before August 8, 1988.

R. Keith Higginson, Director

Published in South Idaho Press on 7/21 & 7/28/88

MICROFILMED

JUL 17 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: J. J. Stanton

1. Right number 43-2499 Applicant NEWMAN, Joseph J.
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:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ 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).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments no expansion provided short pivots are used. standard pivots constitute an expansion
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) none
 - j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: J. H.

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* _____

4. By Larry O. Halmer Date 9/2/88

RECEIVED
SEP 08 1988

INTER-DEPARTMENT MEMO — 1

FROM

LH

DATE

9/2/89

TO

File 43-2499

SUBJECT

On its face, this is a routine non-expansive transfer. However, it would require center pivots with a radius of 1281 feet instead of the usual 1320 to irrigate the 237 Acres.

Inspection of this place should be made after approval of the transfer to verify compliance with the water right.

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JUL 17 1989

SIGNATURE

MEMORANDUM

TO: File no. 43-2499
FROM: Gary Spackman
DATE: March 9, 1989
RE: Transfer no. 3450

Transfer no. 3450 proposes a change in the place of use and the addition of a point of diversion under water right 43-2499. The point of diversion now authorized falls within the Raft River critical ground water area. Mr. Newman previously proposed an enlargement of acres from 237 acres to 360 acres. His initial argument was that he will increase the efficiency of the system, and not use as much water. After attempting several approaches to his proposal, Mr. Newman has apparently decided that he will only irrigate 237 acres, and develop two circles instead of three.

I notice on this transfer that he has proposed irrigation of 29.6 acres per quarter circle. While I'm certain that a circular system can be ~~designed to irrigate~~ the land as proposed, the attempt to keep the number of acres within the 237 acre limit may underestimate full development. If a normal circle is placed on the land, it will irrigate 33 acres per quarter circle. If Mr. Newman irrigates an additional three and a half acres per quarter circle, a total of 265 acres will be irrigated. The transmittal letter should clearly inform Mr. Newman that irrigation of each circle will be limited to 118.4 acres apiece. He should also be informed that the department will conduct a field examination of his system, and that any excesses in irrigated acreage or in flow rates from the amount authorized by the transfer could prompt administrative enforcement action.

The regular conditions for transfer, including the language regarding abandonment on the land previously irrigated should be imposed. In addition, the following condition should be typed on the transfer: A measuring device or flow measurement port capable of accepting department measuring equipment shall be installed at each point of diversion.

RECORDED

JUL 17 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 9, 1989

Joseph J. Newman
Star Rt. Box 79
Delco, ID 83323

RE: Transfer of water right no. 43-2499: transfers nos. 3365 & 3450

Dear Mr. Newman:

In October of 1987, you filed a transfer with the department proposing to develop three circular systems, and irrigate 360 acres with a water right that previously only authorized irrigation of 237 acres. The transfer was recommend for denial. I discussed the transfer with you in person on one occasion, and also with your attorney, Mr. James Annest, on numerous occasions. Questions about the transfer were never resolved.

I recently received a transfer in your name for the same water right which proposes development of two circles instead of three, and limits total irrigation to 237 acres. I assume, by filing the second transfer, that you have abandoned the previous proposal for development of three circles. I have enclosed a withdrawal form that will clarify the record. If you would sign the form withdrawing the initial application for transfer, we can proceed with administrative consideration of the latest transfer which you filed.

Sincerely,

Gary Spackman, Manager
Water Right Permits Section

Enclosure

cc: Southern Region

RECORDED

JUL 17 1989

MEMORANDUM

TO: FILE

FROM: Jim Johnson

DATE: February 26, 1989

RE: APPLICATION FOR TRANSFER REVIEW

Oct 23, 1987	Application for Transfer No. 3365 received.
Dec 21, 1987	Application received in State office.
Dec 24, 1987	Draft Order prepared to Deny Application.
Dec 28, 1987	Draft Order forwarded to Norm & Keith for review.
Jan 18, 1988	Memo to Gary from Phil.
Mar 15, 1988	Letter to James Annest by Gary.
Sep 08, 1988	Application for Transfer No. 3450 received.
Sep 14, 1988	Application forwarded to Gary by Jim.

RECOMMENDATION:

Request withdraw of Application for Transfer No. 3365

CONDITIONS OF APPROVAL:

<<T02>> The Director maintains jurisdiction of this transfer up to five (5) years for the purpose of determining potential interference with and the protection of existing rights, both junior and senior, in the vicinity of the transferred point of diversion.

<<T05>> The use of water on the lands to which the above referenced water right(s) were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5)

years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water right(s).

RECEIVED
JUL 14 1983

JUL 14 1983



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

July 13, 1989

RE: Transfer of Water Right No. 43-2499

Joseph J. Newman
Star Route, Box 79
Declo, ID 83323

Dear Mr. Newman:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3450). Be sure to note any conditions of approval on the second page.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over the typed name and title.

JIM JOHNSON
Water Rights Supervisor

JJ:hm

Enclosure



JUL 17 1989



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: LF

1. Right number 43-2499 Applicant NEWMAN, Joseph J.
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:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use *Not specified in license*
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ 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).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments Expands P/U from 237
TO 360 Acres
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) No other Rights
 - j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: ADM

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

RECOMMENDED ACTION

1. ☐ Approve
2. ☒ Deny
3. Conditions* _____

4. By ADM Date 12/17/87
Department of Water Resources

RECEIVED
DEC 21 1987

LAW OFFICE OF
JAMES ANNEST
ATTORNEY AND COUNSELOR AT LAW
AREA CODE 208 PHONE 678-7783

1742 OVERLAND AVENUE
BURLEY, IDAHO 83318
POST OFFICE BOX 686

RECEIVED

JAN 11 1988

Department of Water Resources
Southern Region Office

RECEIVED
JAN 15 1988

December 31, 1987

Loren Holm
Department of Water Resources
Southern Region
2148 4th Avenue E
Twin Falls, ID 83301

Dear Mr. Holm:

Enclosed please find a copy of the Agreement signed by
the trustees of the Ivan E. Schrenk Family Trust, and extending
the option of Joseph J. Newman to purchase those properties
referred to in his Application for Change of Use, for an
additional six (6) months.

Will you please include this document with the other papers
filed on behalf of Mr. Newman.

Yours very truly,

James Annest
James Annest /KS/
JA:ks

Enclosure

43-2499

December 29, 1987

To Whom It May Concern:

Subject - Option to Purchase Dated September 21, 1987.

Be it known by all parties concerning the Ivan E. Schrenk Family Trust that I, JOSEPH J. NEWMAN express a desire to continue with said options for an additional 6 months to complete details on purchase of said property from Ivan E. Schrenk Family Trust.

Signed

Joseph J. Newman

Joseph J. Newman

Signed

Ursula J. Newman by Joseph J. Newman
her agent

Ursula J. Newman

December 29, 1987

On this date I/We extend the option to purchase betwee Ivan E. Schenk Family Trust.

Signed

Lee Poulson

Lee Poulson - Trustee

Signed

Carl Schrenk

Carl Schrenk - Trustee

RECEIVED

JAN 11 1988

Department of Water Resources
Southern Region Office

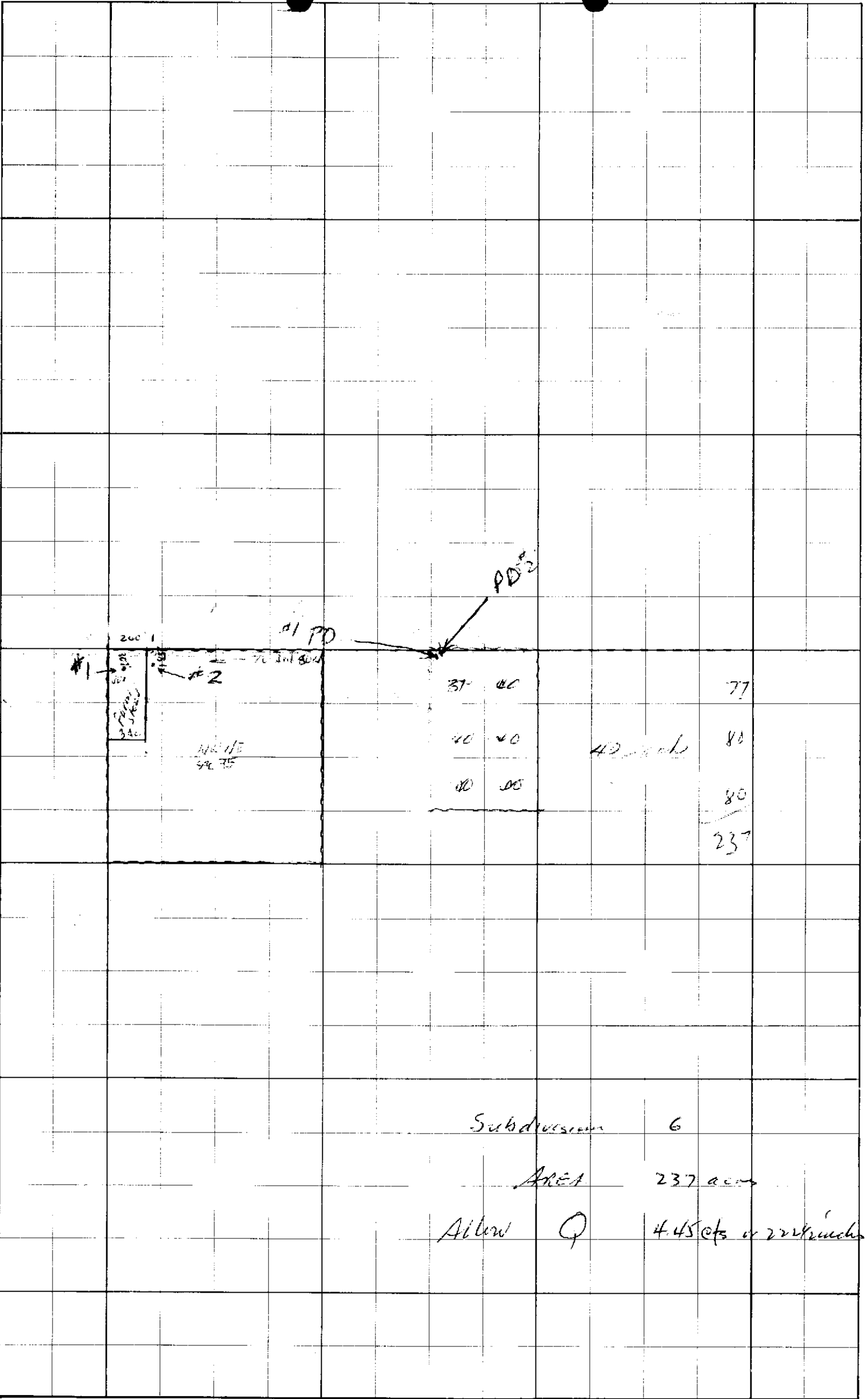
43-2499

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-28921 ✓

REPORT ON PROOF OF Completion of Works & Beneficial Use



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

REPORT OF WELL DRILLER
State of Idaho

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:

Name Joseph Newman

Address Star Rt. Declo, Idaho

Owner's Permit No. C-28921

NATURE OF WORK (check): Replacement well ☐

New well ☐ Deepened ☒ Abandoned ☐

Water is to be used for: Irrigation

METHOD OF CONSTRUCTION: Rotary ☐ Cable ☒

Dug ☐ Other ☐

(explain)

CASING SCHEDULE: Threaded ☐ Welded ☒

12" Diam. from 0 ft. to 579 ft.

"Diam. from ft. to ft.

"Diam. from ft. to ft.

"Diam. from ft. to ft.

Thickness of casing: Wall thickness Material:

Steel ☒ concrete ☐ wood ☐ other ☐

(explain)

PERFORATED? Yes ☒ No ☐ Type of

perforator used: Wells perforator

Size of perforations: 3 " by 2 "

175 perforations from 465 ft. to 500 ft.

165 perforations from 430 ft. to 465 ft.

65 perforations from 400 ft. to 430 ft.

 perforations from ft. to ft.

WAS SCREEN INSTALLED? Yes ☐ No ☒

Manufacturer's name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

CONSTRUCTION: Well gravel packed? Yes ☐

No. ☐ size of gravel Gravel

placed from ft. to ft. Surface seal

provided? Yes ☐ No ☐ To what depth?

 ft. Material used in seal:

Did any strata contain unusable water? Yes ☐

No. ☐ Type of water:

Depth of strata ft. Method of sealing

strata off:

Surface casing used? Yes ☒ No. ☐

Cemented in place? Yes ☐ No ☒

Locate well in section

		✓	

CATION OF WELL: County Cassia
NW NE Sec. 35 T. 10S N/S R. 26 E

Use other side for additional remarks

Size of drilled hole: 12" Total
depth of well: 579 Standing water
level below ground: 210 ft. Temp.
Fahr. ° Test delivery: 600 gpm

or cfs Pump? ☐ Bail ☐

Size of pump and motor used to make test:

8" pump & diesel engine

Length of time of test: 5 Hrs. Min.

Drawdown: 25 ft. Artesian pressure: ft.

above land surface Give flow cfs

or gpm. Shutoff pressure:

Controlled by: Valve ☐ Cap ☐ Plug ☐

No control ☐ Does well leak around casing?

Yes ☐ No ☐

DEPTH	MATERIAL	WATER
FROM TO		YES OR NO
FEET FEET		

28921

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that REX L. COLE - Assignee - JOSEPH J. HEWMAN
 of Declo, County of Cassia, and State of
 Idaho, the holder of Permit No. G-28921, issued upon
 Application No. G-36909, bearing date of priority of August 12, 1960, authorizing the
 diversion of 4.45 second feet of waters of a well

County of Cassia, State of Idaho, for irrigation
 purposes, has fully complied with the provisions of the laws of the State of Idaho
 relating to the proof of completion of the works of diversion set out and described in said
 Permit; that said works are adequate for diverting and conveying to the place of intended
 use 4.45 second feet of the waters of 2 wells from
 subterranean flow;

that the point of diversion of said waters NW1/4, Sec. 35, T. 10 S.,
 R. 26 E., B.M.

and that the lands proposed to be irrigated by the use or place of use of said water are
 described as follows, to-wit: NE1/4, NW1/4, Sec. 35, T. 10 S.,
 R. 26 E., B.M.

Proof of Completion of Works Made: August 18, 1965

Witness my hand this 11th day of January, A. D. 1967.

R. Keith Higgins
 State Reclamation Engineer

Permit No. G-28921

**Certificate of Completion
of Works**

Dated January 11, 1967

Stream 2 wells

Cassia

County

4.45 c.f.s.

Amount

Date of Priority August 12, 1960

Recorded in Book 102

of Permits, page 28921

January 11, 1967

RE: Permit No. G-28921

Joseph J. Newman
Star Route
Declo, Idaho

Dear Mr. Newman:

Enclosed are the Certificate of Completion of Works and
License and Certificate of Water Right on the above
numbered permit.

Also enclosed is departmental receipt No. G-11094 in
the amount of \$17.00 covering the fees.

Very truly yours,


M. Russell Bosch
Office Manager

MRB:mr

Enc. certificates, receipt

28921

XXXXXXXXXX

November 8, 1966

RE: Permit No. G-28921

Joseph J. Newman
Star Route
Declo, Idaho

Dear Mr. Newman:

Our field examiner's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-28921 shows the well(s) ~~xxx~~ (are) capable of conveying 222.5 miner's inches, or 4.45 c.f.s. However, due to the limitations of your permit, we can only allow the amount of water originally requested, the amount of water actually used beneficially, or 1 (one) miner's inch per irrigated acre.

Upon receipt of the statutory fees, totaling \$ 17.00, we will issue the Certificate of Completion of Works for 4.45 c.f.s. and the License and Certificate of Water Right for 4.45 c.f.s. confirming the right, with priority of August 12, 1960, to the use of subterranean water with the points of diversion in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35 for irrigation of 237 acres in NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 35, T. 10 S, R. 26 E, E.M.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:nw

28921

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G-28921

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Joseph J. Newman

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the NW 1/4 NE 1/4 of Section 35

T. 10 S R. 26 E.B.M. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: #1: 50 HP US Motor
#3450828, Layne & Bowler Pump #D14558-10 RLM: 600 GPM @ 250' @ 1770 R
6" discharge into concrete spill box and open ditches

#2: 150 HP GE Motor #RTJ 40800V, Layne & Bowler Pump
#27090-14 KHH-2000 GPM @ 250' @ 1770 RPM- 10" Gate Valve
at flange to 10" discharge pipe to concrete spill box and open ditches

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NW 1/4, NE 1/4 Sec. 35, Twp. 10 S., Rge. 26 E.B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mr. Joe Newman along

Permission granted to use both wells to make full use
of amount of filing

#1: Orificer Method 6" ID Pipe- 5" orifice 28 pg = 650 GPM = 1.4 cfs

#2: Cox Flow Meter "ID: 82.52 x 11.6 x 10.6 = 3.85 cfs
4.5 cfs 4.65 cfs 2.30"

This examination was made on the 30th day of September, 1966

(Signed) Loye Johnson Examiner.

Joseph J. Newman
Star Route
Declo, Idaho
Permit No. G-28921

645-2439
Friday
6:17 PM

Examination for Completion of Works & Beneficial Use

County Cassia Sec. 35 T. 108 R. 26 E. BM

Quantity: 4.45 cfs

Source: well

P.D.: NW 1/4 NE 1/4
S 35, T 108, R 26 E

Use: Irrigation

Extension: —

Protest: —

Completion of Works: —

Other Rights: None

Filed: Aug. 5, 1960

Due: Aug. 11, 1965

Made: Aug. 18, 1965

Priority: August 12, 1960

OK'd 3/16/66
Ralph Blunk
375' deep

200' deep
200' deep
200' deep

200' deep
200' deep
200' deep

200' deep
200' deep
200' deep

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

August 16, 1966

Re: Permit G-28921

Mr. Lloyd J. Webb
Church, Webb & Church
Attorneys at Law
Gem Building
Burley, Idaho

Dear Mr. Webb:

This is to acknowledge receipt of your letter and petition of Joseph J. Newman with regard to Permit No. G-28921. Since it appears that the two wells in question are both located within the 40-acre subdivision indicated in the legal notice published in the Burley-Herald Bulletin prior to taking of depositions of proof, and since you indicate that no more water is to be taken from the two wells combined than the 4.45 c.f.s. approved in the original permit, you are hereby authorized to recondition and equip the original well and use the water from it on the lands under said permit.

It does not appear to us necessary to republish the legal notice nor take new proofs due to the inclusion or use of water from the second well.

Very truly yours,

R. KEITH HIGGINSON, Deputy
State Reclamation Engineer

RKH:ew

IN THE MATTER OF THE APPLICATION OF)
JOSEPH J. NEWMAN TO THE DEPARTMENT)
OF RECLAMATION OF THE STATE OF IDAHO)
Application No: G 36909)
Permit No: G 28921)
Original Applicant: Rex L. Cole)

PETITION FOR FULL
UTILIZATION OF WATER.

STATE OF IDAHO)
) ss.
County of Cassia)

JOSEPH J. NEWMAN, Being first duly sworn, deposes and states the following in support of his request for full utilization of subterranean waters subject to Department of Reclamation permit:

1. Under the application and permit numbers set out above, Rex L. Cole applied for the appropriation of subterranean waters diverted in the Northwest quarter of the Northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirty-five (35), Township Ten (10) South, Range Twenty-six (26) EBM. in Cassia County, State of Idaho.

2. On the 11th day of August, 1960, the State Department of Reclamation Engineer, acting by authority granted by the laws of this state, approved the application and issued a permit for the appropriation of waters diverted at the said place in the amount of 4.45 cubic feet per second, or 222 $\frac{1}{2}$ miner's inches.

3. On the 6th day of July, 1965, Rex L. Cole assigned all right, title and interest in the waters appropriated and the permit for their appropriation as set out above to the affiant. The assignment was confirmed by Carl E. Tappan, State Reclamation Engineer.

4. During the irrigation season of the year 1965, the original well drilled upon the subject property and through which the waters were appropriated became unuseable and application was made to the Department of Reclamation for permission to drill a new well and for the abandonment of the original well. That application was approved by the State Reclamation Engineer on the 17th day of June, 1965, and permission was granted for the appropriation and diversion of subterranean waters covered by the permit through another well situated in the same forty acre tract, some 170 feet East of the original well.

5. In the month of May, 1966, measurements were made by affiant of water pumped by the new well, and it was determined that the water pumped was that permitted by the permit, in the amount of 4.45 cubic feet per second, or 222½ miner's inches. Proof of completion of works and application of water to beneficial use was submitted August 18, 1965, and approved by the State Department of Reclamation, subject to measurement of the flow of the well. The well was made available for inspection and measurement by the Department of Reclamation, but was not measured.

6. Water which can be pumped from the new well is now substantially less than the amount approved by the Department of Reclamation, and for which the permit was issued. Measurement made by the affiant on the 11th day of August, 1966, revealed that 3.27 cubic feet per second, or 163½ miner's inches were being pumped from the well. The well is being pumped at its present capacity.

7. The amount of water which can be pumped from the existing well is substantially less than needed for the irrigation of land placed under the well, based upon the permit and the measured flow at the beginning of the 1966 irrigation season.

8. It is believed by the affiant that by reconditioning the original well and placing it back into use the affiant will be able to appropriate and divert the amount of water authorized by the permit in this case, and it is his desire that he be permitted by the Department of Reclamation to use the old well in conjunction with the presently authorized well in the achievement of the appropriation and diversion of not more than the amount of water authorized by the permit in this case.

WHEREFORE, The affiant prays that the State Reclamation Engineer authorize and permit him to recondition the original well drilled upon the subject real property and use it in conjunction with the use of the presently authorized well to achieve the appropriation and diversion of waters authorized by the permit in this case.

JOSEPH J. NEWMAN

SUBSCRIBED AND Sworn to before me this 12th day of August, 1966.

LLOU J. WEBB

Notary Public for Idaho,
Residing at Burley, Idaho

RECEIVED
AUG 15 1966

Department of Reclamation

IN THE MATTER OF THE APPLICATION OF)
JOSEPH J. NEWMAN TO THE DEPARTMENT)
OF RECLAMATION OF THE STATE OF IDAHO)
Application No: G 36909)
Permit No: G 28921)
Original Applicant: Rex L. Cole)

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UTILIZATION OF WATER.

STATE OF IDAHO)
) ss.
County of Cassia)

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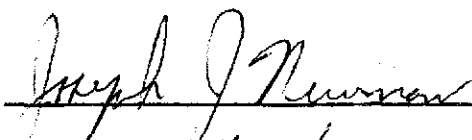
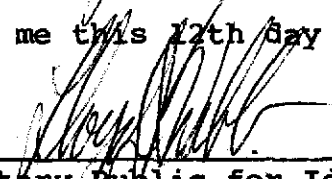
6. Water which can be pumped from the new well is now substantially less than the amount approved by the Department of Reclamation, and for which the permit was issued. Measurement made by the affiant on the 11th day of August, 1966, revealed that 3.27 cubic feet per second, or 163½ miner's inches were being pumped from the well. The well is being pumped at its present capacity.

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Notary Public for Idaho,
Residing at Burley, Idaho

Mr. Carl E. Tappan

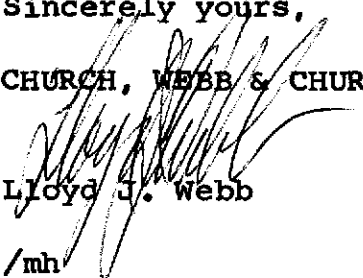
-2-

August 12, 1966

never measured the flow from the well. I understand that arrangements were made for this in May of this year, and then Mr. Newman was unable to be present at the agreed time. He states that no further visitation was arranged by your people. If the license could issue on the basis of his proof submitted or upon that basis together with additional proof as to the flow in May of this year, we would be most gratified. If, however, you will require measurement by your staff, we certainly request that this be deferred until next spring when a more accurate reflection of the capacity of the well may be achieved. Will you advise us whether the license can issue now or whether inspection by your staff will be required?

Sincerely yours,

CHURCH, WEBB & CHURCH


Lloyd J. Webb

/mh

Enc: (2)

28921

THOMAS H. CHURCH
PETER K. CHURCH
Lloyd J. Webb

WEBB
CHURCH AND CHURCH
ATTORNEYS AT LAW
GEM BUILDING - 13TH ST. & ALBION AVENUE
BURLEY, IDAHO

P. O. BOX 228
TELEPHONE: 878-9088

August 12, 1966

RECEIVED
AUG 15 1966

Department of Reclamation

Mr. Carl E. Tappan
State Reclamation Engineer
107 State House
Boise, Idaho

Re: Joseph J. Newman - Permit No. G28921

Dear Mr. Tappan:

I enclose a petition for consideration by you to authorize Mr. Newman to open the original well for which this permit was issued as a supplementary water source to enable him to pump up to his permitted capacity. I understand that he has contacted your office and received some indication that such a request might receive favorable consideration if the circumstances are appropriate. His description of the circumstances would certainly seem to fit a situation where such a petition should be allowed. In May when he measured the flow from the new well he was pumping the full amount by the permit, but now he is able to pump substantially less water. He has 240 acres under cultivation and needs the full amount allowed by the permit. He believes that by some renovation of the old well he can put it back in service on a limited basis and that the two wells together could pump the needed amount. We certainly request your favorable consideration to this petition. If any other information is needed, please advise. Mr. Newman certainly wishes to make it clear that he is making no attempt to appropriate additional water. He is simply trying to get the water for which his permit was issued. Federal Drought funds are available to assist him in the renovation of the other well at present if he can acquire your permission for its reuse. He would have no intention of using it hereafter except when the primary water source is inadequate. In other words, he would anticipate using the old well only at the end of each summer.

Mr. Newman is also concerned about the issuance of a license for the well and upon the application and permit. I understand that the only factor existing to prevent that is that your office has

28921

September 1, 1965

Re: Permit No. **G-28921**

Joseph J. Newman
Star Route
Declo, Idaho

Dear Mr. Newman:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the ~~BURLEY HERALD-BULLETIN~~, all submitted in proof of completion of works and beneficial use on Permit No. **G-28921**

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

28921

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-10-2004 BY 60322 UCBAW

Department of

County of Cassia,)
STATE OF IDAHO) ss.

Vern A. Miller, being first

duly sworn, deposes and says that --he is the

General Manager of Burley Herald-Bulletin, a weekly newspaper published at Burley, Idaho, in the county aforesaid, and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular weekly editions of Burley Herald-Bulletin for

Four (4) consecutive weeks, commencing
with the issue dated July 26, 1965 and

ending with the issue dated August 16, 1965

Subscribed and sworn to before me this

11th day of July, 1965

Ruth Chambers Notary Public

My Commission Expires Dec. 18, 1969

Cost of Publication _____

Notary Fee _____

Total Cost _____

NOTICE IS HEREBY GIVEN THAT
10:00 A.M. on the 15th day of
August, 1926, at the City of
of Cassia, State of Idaho, before
Thomas J. Church, Notary Public,
at Room 10, Main Building, there
will be a meeting of the commis-
sion of water for the diversion of
4.45 cubic feet per second of un-
derground water from a well, and
of the application to beneficial
use of said water, in accordance
with the terms and conditions of
Permit No. 10321, heretofore is-
sued by the Department of Agricul-
ture and the Board of Water
1. The name and postoffice ad-
dress of the person or persons
holding the permit is Joseph H.
Newman, near Ebutz, Idaho, this
ho.
2. Said works of diversion will
be fully completed on the date
for such completion, and the
amount of water which said
works are capable of conveying
to the place of use is 4.45 cubic
feet per second.
3. The use to which said water
has been applied is agricultural ir-
rigation, purposes and the amount
applied to the place of use is 4.45
cubic feet per second.
4. The point of diversion of said
water is NW 1/4, NE 1/4, Sec. 16, Twp.
10S. Rge. 20E. NE 1/4, Twp.
10S. Rge. 20E. NE 1/4, Twp.
5. The place where said water
is used is NE 1/4, Sec. 16, Twp.
40 acres in NE 1/4, Sec. 16, Twp.
SW 1/4, NE 1/4, Sec. 16, Twp.
40 acres in NE 1/4, Sec. 16, Twp.
in NW 1/4, Sec. 16, Twp.
10S. Rge. 20E. NE 1/4, Twp.
6. That the person or persons
said use is Joseph H. Newman,
this is witness my hand and
seal this 5th day of August, 1926.
CARL E. TAPPAN
Notary Public, State of Idaho
Published in the Burley Herald-
Bulletin on August 2, 1926, p. 10,
1926.

28921

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-28921

* * * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address: Joseph J. Newman,
Cassia County, Idaho; Farmer; Star Route, Declo, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business
(if foreign corporation, give name of postoffice of statutory agent), your
position with reference to same, and your authority for appearing in its behalf:

Ques. 3. State number, approval date of permit, and date of priority: _____
G-28921 - August 11, 1960 - August 5, 1960

Ques. 4. State source of water supply: Subterranean Well
Give location of point of diversion, showing subdivision, section, township and range
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, Twp. 10 South, Range 26 EBM, Cassia County, Idaho.

Ques. 5. Describe your works of diversion: Well, pump and ditches.
_____; state amount of water they are capable of con-
veying from point of diversion to place of use: 4.45 cfs; Give name of canal or ditch
or other works by which water is conducted to such place of use: not named
_____; if a well, state depth of well 697 ft.; depth and size of
casing 697 ft. of 16" casing; depth to water 182 ft.; if pump is used,
state discharge of pump: 246 miners' inches; tell how it was measured or determined Layne
& Bowler Test (Twin Falls, Idaho); if sprinkler irrigation, give number and size
of nozzles and operating pressure: _____

Ques. 6. State for what purpose water is used: Agricultural Irrigation
(If for irrigation, name each subdivision in which used and number of acres in
each subdivision that have actually been irrigated with said water:
40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres in
SE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; and 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; all in Section
Thirty-five (35), Township Ten (10) South, Range Twenty-six (26) EBM.

Joseph J. Newman

State nature of all improvements which have been made as a direct result of said use:
Ditches, (head & drainage); headgates, culverts, pond for collecting run-off water, concrete structure built in pond in which sump pump is situated to pump waste water, and a pipeline to boost water back into ditches for re-use.

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: Boley, Henry, & Weech, Murtaugh, Idaho.

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

Ques. 8: If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

The appurtenant land was purchased on contract of sale and well permit was assigned by original holder (Rex Cole), to undersigned holder.

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: Irrigation Season of 1960- Time used since first use:

Each cropping season since 1960

Ques. 10. Describe all other water rights appurtenant to same place of use: NONE

(sign) Joseph J. McEwan

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Burley, County of Cassia

State of Idaho, on this 18th day of August, A. D. 1965.

Thomas H. Church
Notary Public for Idaho,
Residing at Burley, Idaho

My commission expires: 6-17-68

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-28921

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Continuation of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

Dennis Warner, 26, Cassia County, Idaho; Farmer; Star Route, Declo, Idaho.

Ques. 2 Are you acquainted with Joseph J. Newman, the holder of Permit No. G-28921? How long have you known him and where does he reside? 20 years.

Star Route, Declo, Idaho (Cassia County)

Ques. 3. Have you read or heard said Permit No. G28921 read, and are you familiar with its provisions and conditions: Yes XX No.

Ques. 4. State source of water supply: Subterranean Well

Give location of place of diversion, showing subdivision, section, township and range
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 35, Twp. 10 South, Range 26 EBM, Cassia County, Idaho

Describe works for conveying water to place of use: Well, pump & ditches

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 4.45 cfs How much water have you seen being so conveyed? 4.45 cfs

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; and 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; all in Section Thirty-five, Township Ten (10) South, Range Twenty-six (26) EBM.

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Silt Loam - 1/2" to 5/8" per acre.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?

If so, in what way and to what extent? NO.

Ques. 10. When did you first see this water used? 1960

Other times you have seen such use: Continuously each year since 1960

(Signed):

Rennier Werner

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley

_____, County of Cassia, State of Idaho, on

this 18th day of August, A. D. 19 65

Thomas H. Church

Notary Public for the State of Idaho

Residing Burley, Idaho

My commission expires June 17, 1968

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Portneuff Silt Loam 5/8" To acre

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? NOBE

Ques. 10. When did you first see this water used? 1960

Other times you have seen such use: Each season since 1960

(Signed):

Philip F. Wheeler

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Barley

 , County of Cassia, State of Idaho, on this 18 day of August, A. D. 1965

Thomas A. Church

Notary Public for the State of Idaho

Residing Barley, Idaho

My commission expires June 17, 1968

CHURCH AND CHURCH

ATTORNEYS AT LAW

GEM BUILDING - 13TH ST. & ALBION AVENUE
BURLEY, IDAHO

THOMAS H. CHURCH
PETER K. CHURCH

P. O. BOX 444
TELEPHONE: 678-9088

August 18, 1965

State Department of Reclamation
Box 107 State House
Boise, Idaho

Re: Permit No. G-28921 - Joseph J. Newman (formerly Rex Cole)

Dear Sir:

Enclosed herewith please find deposition of holder, and depositions of witnesses, together with Affidavit of Publication furnished by the Herald Bulletin, a newspaper printed here in Cassia County, pertaining to Proof of Application of Water to Beneficial Use and Completion of Works, on the above-captioned permit, which depositions were taken before me in my office this date.

Very truly yours,

CHURCH & CHURCH

T. H. Church
T.H. Church

/mh

Enc: (4)

28921

RECEIVED
JUN 10 1968

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) **July 16, 1965**

(P. O.) Burley, Idaho

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published
at my expense in the Herald Bulletin of
Burley, Idaho Published in
the county in which the works are situated.

Joseph J Newman

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

Engineer

28921

RECEIVED
JUL 19 1965

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

Notice is hereby given that at 10:00 M., on the 18th day of August 1965, at Burley, County of Cassia, State of Idaho before Thomas H. Church, Notary Public, at (address) Room 203 Gem Building, proof will be submitted of the completion of works for the diversion of 4.45 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 628921, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Joseph J. Newman, Star Route, Declo, Idaho

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 4.45 cubic feet per second.

3. The use to which said water has been applied is agricultural irrigation, purposes and the amount applied to beneficial use is 4.45 cubic feet per second.

4. The point of diversion of said water is NW¹NE¹ Sec. 35, Twp. 10S., Rge. 26E. 10M.

5. The place where said water is used is 40 acres in NE¹NE¹; 40 acres in NW¹NE¹; 40 acres in SW¹NE¹; 40 acres in SE¹NE¹; 40 acres in NE¹SE¹; 40 acres in NW¹SE¹, all in Sec. 35 Twp. 10S., Range 26 E. 10M.

6. The date of priority which said user is prepared to establish is August 5, 1960.

CARL E. TAPPAN

State Reclamation Engineer

28921

Re: Permit No. **G-28921**
Joseph J. Newman

Date: **July 19, 1965**

**Burley Herald Bulletin,
Burley, Idaho.**

Gentlemen:

Enclosed you will find Notice for Publication, once a week
for four consecutive weeks prior to August 18, 1965
the date set for proof; the expense of the publication is to be paid
by the applicant 's attorney, Thomas H. Church
of Box 444, Burley, Idaho to whom you should
furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this
office with a copy or tear sheet of the first publication. **

Very truly yours,

Carl E. Tappan
CARL E. TAPPAN
State Reclamation Engineer

** If the first copy is not received in this office for checking
purposes and errors appear in subsequent issues, it is possible
that re-publication of corrected copy will be at your own expense

Re: Permit No. G-28921
Joseph J. Newman

July 19, 1965

Mr. Thomas H. Church,
Attorney at law,
Box 444,
Burley, Idaho.

Dear Mr. Church:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-28921, in the name of Joseph J. Newman, as Notary on the 18th day of August, 19 65, at 10:00 o'clock A.M., at Room 203 Gas Building, Burley, Idaho.

As of this date, we have mailed the Notice to the Boise Bulletin Burley, Idaho, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk
cc: Applicant

28921

THOMAS H. CHURCH
PETER K. CHURCH

CHURCH AND CHURCH
ATTORNEYS AT LAW
GEM BUILDING - 13TH ST. & ALBION AVENUE
BURLEY, IDAHO

July 16, 1965

P. O. BOX 444
TELEPHONE: 678-9088

RECEIVED
JUL 19 1965

Department of Reclamation

State Dept. of Reclamation
Box 107 State House
Boise, Idaho

Re: Well Permit No. G28921 - (Rex Cole, assigned to Joseph J.
Newman)

Gentlemen:

Enclosed please find Form No. 36 in duplicate, and Form No. 11,
concerning the intention to put in proof of completion of works
on the above-captioned permit no. Please furnish the necessary
proof forms to this office.

Very truly yours,

CHURCH & CHURCH

T. H. Church

T.H. Church

/mh

Enclosures

28921

RECEIVED

JUL 15 1966

ASSIGNMENT Department of Reclamation

For value received, I hereby assign all of my right, title and interest in and to Permit to appropriate the Public Waters of the State of Idaho, No. 026921 to JOE NEWMAN of Star Route, Declo, Idaho

Rex Cole
Permit Holder
REX COLE

Walter Scott Cole
Wife of Permit Holder

STATE OF IDAHO
County of Blaine

On this 6th day of July, 1966, before me, a Notary Public for the State of Idaho, residing at Blaine, Idaho, personally appeared Rex Cole and Walter Scott Cole are known to me to be the person s whose names is subscribed to the within instrument and duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereinto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

Florence Stephens
Notary Public
Residing at Blaine, Idaho

My commission expires: 3/26/68

* If fractional part of permit is to be assigned, the fractional part of the land to which the assigned fraction is appurtenant should be described by legal subdivisions.

July 16, 1965

RE: Permit G-28921
Assignment

Thomas H. Church
Gem Building
13th Street & Albion Ave.
Burley, Idaho

Dear Mr. Church:

Enclosed herewith is assignment of the above
numbered permit which has been recorded in this office.

Also enclosed is departmental receipt No.
G-9476 covering the \$.50 charge for recording the assign-
ment and the \$1.75 fee for making a photocopy of the
permit.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

(Mrs.) EDNA P. RULE
Chief Clerk

EPR:ct
Enc. assignment
photocopy of permit G-28921
departmental receipt No. 9476, \$2.25

THOMAS H. CHURCH
PETER K. CHURCH

CHURCH AND CHURCH
ATTORNEYS AT LAW
GEM BUILDING - 13TH ST. & ALBION AVENUE
BURLEY, IDAHO

P. O. BOX 444
TELEPHONE: 678-9088

July 14, 1965

RECEIVED
JUL 15 1965

State Department of Reclamation
State House
Boise, Idaho

Department of Reclamation

Re: Well Permit No. G 28921 - Rex Cole

Gentlemen:

Pursuant to our telephone conversation of this date, enclosed herewith please find assignment of the above-captioned well permit, duly executed. Also enclosed find our check in the amount of \$2.25, which represents the 75¢ charge for the recording of the assignment and \$1.50 for the copy of the well permit which you agreed to forward this date.

Thank you.

Very truly yours,

CHURCH & CHURCH


T.H. Church

/mh

Enc: (2)

28921

July 14, 1965

RE: Permit No. G-28921
Rex L. Cole

Church and Church
Attorneys at Law
Box 444
Burley, Idaho

Gentlemen:

Enclosed is a photo copy of the above numbered permit which
you requested by phone earlier today.

The fee for the copy is \$1.50. There is a fee of \$0.50 for
recording an assignment, making a total of \$2.00 that you may
remit to this office.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:MR

Enc. copy of permit

A S S I G N M E N T

For value received, I hereby assign all of my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. G28921 to JOE NEWMAN of Star Route, Declo, Idaho

* _____

X _____
Permit Holder
REX COLE

X _____
Wife of Permit Holder
(Mrs.) REX COLE

STATE OF IDAHO)
 : ss
County of)

On this _____ day of _____, 19____, before me, a Notary Public for the State of Idaho, residing at _____ personally appeared _____ are known to me to be the person _____ whose name _____ is subscribed to the within instrument and duly acknowledged to me that _____ he _____ executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

Notary Public
Residing at _____

My commission expires: _____

* If fractional part of permit is to be assigned, the fractional part of the land to which the assigned fraction is appurtenant should be described by legal subdivisions

June 17, 1965

RE: Permit G-28921
Rex Cole

Joe Newman
Star Route
Declo, Idaho

Dear Mr. Newman:

As indicated by the telephone call with you today we are confirming the right for you to drill a new well within the same 40 acre subdivision and to abandon the present one. You realize you cannot exceed the amount of water claimed by the original permit which is 4.45 cubic feet per second or 222½ miners inches.

The proofs are due on your permit August 11, 1965 and we are enclosing forms 36 and 11 for your use.

Since the permit is still in the name of Rex Cole we are also enclosing an assignment form for you to send to him at Route 3, Box 66, Wilcox, Arizona. You may have to send \$1.00 with your letter asking that he sign the form since the form has to be notarized.

After you receive the assignment back, fill out the forms 36 & 11 and return them all to this office.

There is a \$.50 recording fee for assignments.

If you have any further questions feel free to write.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

CET:ct
Enc. forms 36 & 11
information sheet
assignment form

I sold this property about six years
ago and have no interest in it now.
I have forgotten the names of the people
who bought it from me.

Rex L. Cole
Rt. 3 Bx 66
Willcox, Arizona

RECEIVED
JUN 11 1965

Department of Reclamation

28921

AFTER FIVE DAYS RETURN TO
DEPARTMENT OF RECLAMATION
ROOM 107, STATE HOUSE
BOISE, IDAHO 83701

L-28921

See attached letter

Rex L. Cole
~~Star Route~~
Dalia, Idaho
Route
Willcox, Oregon



28921

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G- 28921

June 1, 1965

Rex L. Cole
Spar Route
Declo, Idaho

Dear Mr. Cole:

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G-28921 are due not later than **Aug. 11, 1965**

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list, which has been recorded in this department. If changes have been made and no amendments are on record, we advise you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least FORTY (40) DAYS BEFORE THE MENTIONED DATE, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point, or points, of diversion; and the location of use or the lands which are irrigated -- all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with two Forms 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named, and before the notary public, as advertised in the publication notice.

Very truly yours,

Carl E. Tappan

State Reclamation Engineer

Enclosures Forms 36 and 11

28921

August 31, 1960

RE: Permit No. G-28921
Rex L. Cole

David R. Mead, Assistant Manager
Utah Mortgage Loan Corporation
Box 571
Twin Falls, Idaho

Dear Mr. Mead:

Enclosed is departmental receipt No. G-5180 in the amount of \$1.00 for the fee for making a copy of the above mentioned permit, which was mailed to you previously.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr
Enc. receipt



ESTABLISHED 1892

UTAH MORTGAGE LOAN CORPORATION

LOGAN, UTAH

BRANCH OFFICE
TWIN FALLS, IDAHO
P. O. BOX 571
233 SHOSHONE ST. N.
PHONE
REDWOOD 3-7680

Department of Reclamation August 29, 1960

State of Idaho
Department of Reclamation
State House,
Boise, Idaho

Attn: Mrs. E. P. Rule, Chief Clerk

Dear Mrs. Rule:

Enclosed is our check for \$1.00 to cover the cost of a copy of the Well Permit that you sent us on the Rex L. Cole farm (Permit No. G 28921) located in Cassia County, Idaho.

We want to thank you very much for your help and cooperation and now that we have a copy of the well permit in hand, we will be able to proceed with the closing of this mortgage loan.

Thank you again.

Sincerely yours,

UTAH MORTGAGE LOAN CORPORATION

David R. Mead, Assistant Manager
Twin Falls Branch Office

DRM/jr
Enclosure

IN REPLYING REFER TO
NO. T-Application - Rex L. Cole

28921

August 26, 1960

RE: Permit No. G-28921
Rex L. Cole

Utah Mortgage Loan Corporation
Box 571
Twin Falls, Idaho
David R Mead, Assistant Manager

Dear Mr. Mead:

Enclosed is a copy of the front and back of the permit which we are mailing to Mr. Cole today.

The fee for a complete copy is \$1.50 and we believe that a fee of \$1.00 for this partial copy is fair. Kindly remit \$1.00 to this office.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

RT:EPR:ar
Enc. copy of permit

28921-2



ESTABLISHED 1892

RECEIVED
AUG 2 6 1960

Department of Reclamation

UTAH MORTGAGE LOAN CORPORATION

LOGAN, UTAH

BRANCH OFFICE
TWIN FALLS, IDAHO
P. O. BOX 571
233 SHOSHONE ST. N.
PHONE
REDWOOD 3-7680
August 25, 1960

State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen:

We are in the process of closing a long term mortgage loan to Mr. Rex Cole, Star Route, Declo, Idaho. Mr. Cole's farm is located in

The Northeast Quarter and the North Half of the Southeast Quarter of Section 35 Township 10 South Range 26 East of the Boise Meridian, Cassia County, Idaho

Mr. Cole applied for a permit the first part of August, 1960 and received word from you that the permit should be forthcoming within three weeks.

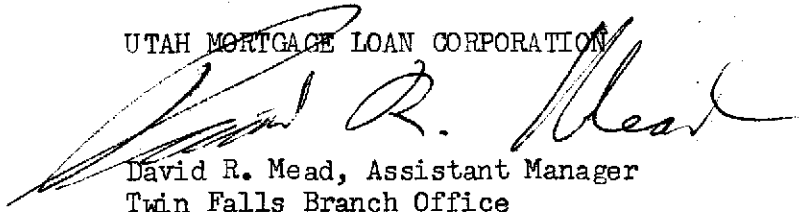
We are unable to completely close and disburse the funds of this loan until the permit is issued and we are wondering if we might ask you to send us a copy of the permit. All that we really need is a copy of the front and back of said permit.

Your help in making it possible for Mr. Cole to receive his funds from the loan right away is greatly appreciated.

Thank you.

Sincerely yours,

UTAH MORTGAGE LOAN CORPORATION


David R. Mead, Assistant Manager
Twin Falls Branch Office

DRM/jr

IN REPLYING REFER TO
NO. T-Application - Rex Cole

28921

August 22, 1960

Re: Permit No. G-28921

Mr. Rex L. Cole,
Star Route,
Declo, Idaho.

Dear Mr. Cole:

We are enclosing Permit No. G-28921 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-5108, which was issued covering payment in the amount of \$6.00 for the filing fee of the above mentioned permit, together with a .25¢ refund.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

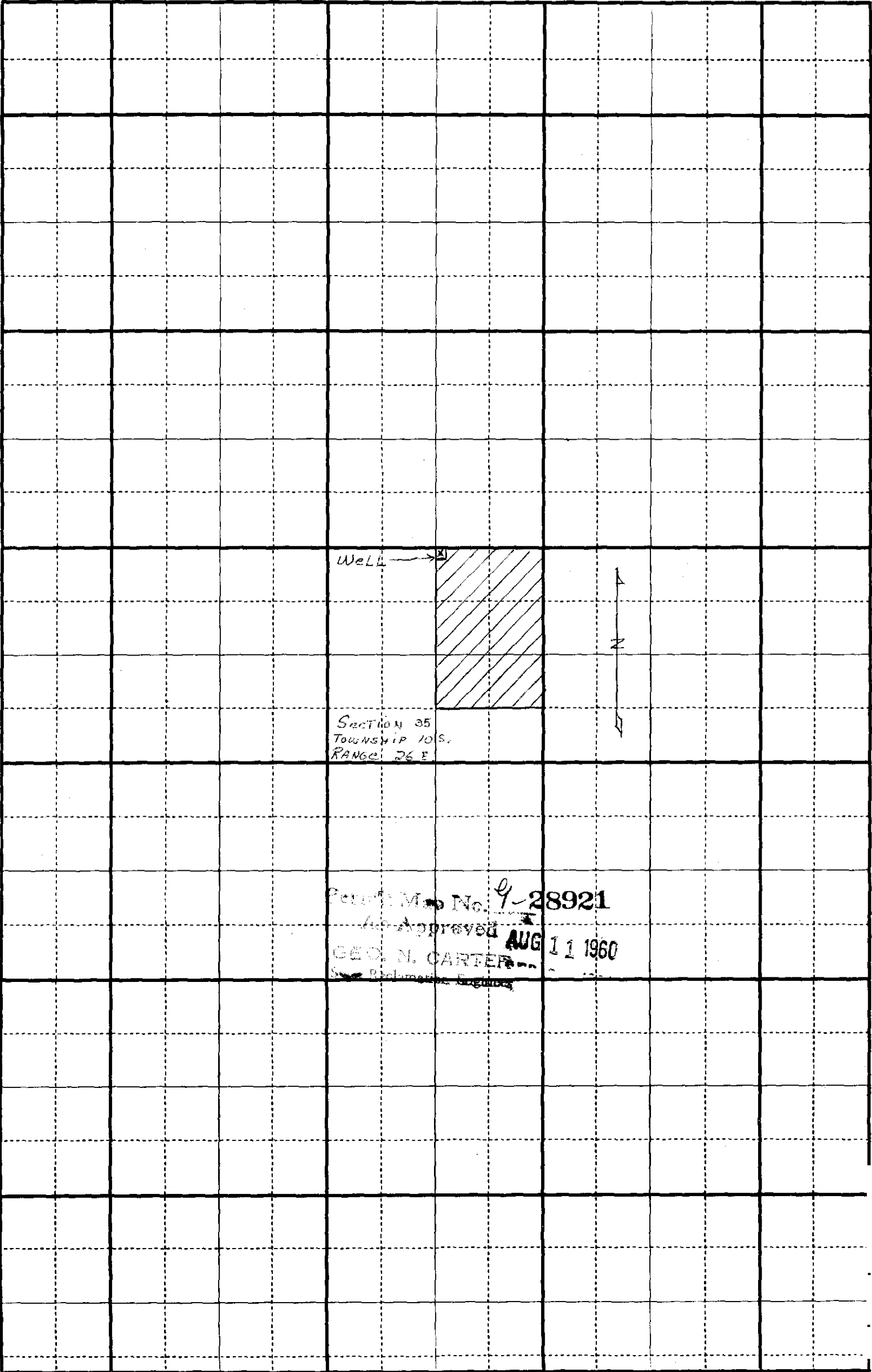
Encl.

EPR:pmk

cc: Utah Mortgage Loan Corp.,
Twin Falls, Idaho
Attn: David R. Mead

NAME OF APPLICANT Rex Cole

Form No. 0



Petition Map No. 9-28921
As Approved **AUG 11 1960**
GEO. N. CARTER
Survey Professional Engineer

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

28921

August 5, 1960

Re: Application No. G-36909

Mr. Rex L. Cole
Star Route
Declo, Idaho

Dear Mr. Cole:

Your application for permit has been assigned No. G-36909. The application will be processed in regular order and the approved permit should be sent to you in about three weeks.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS
Office Engineer

RT:ew

cc: Utah Mortgage Loan Corp.
Branch Office
Twin Falls, Idaho

Attn: David R. Mead