

55  
180  
35  
85

R 28 E

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79

81

33

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40

39

40

34

35

VILLAGE OF SUBLETT

T 12, S  
T 13 S

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13

S

146

384

4

38

38

38

40

40

28

P.D.

3

2

Subdivisions 11

AREA 384

3.36 cts or 168 acres

# 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 January 4, 1965 and

ending with the issue dated January 25 1965

Vern A. Miller

Subscribed and sworn to before me this

27th day of January, 1965

Mary A. Sain Notary Public

Cost of Publication MY COMMISSION EXPIRES 1 = 4 = 67

Notary Fee \_\_\_\_\_

Total Cost \_\_\_\_\_

RECEIVED  
FEB 1 1965

Department of Reclamation

65-2

### NOTICE OF PROOF OF COMPLETION OF WORK and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A.M. on the 27th day of January, 1965, at Office of Annest & Hibbert Burley, Idaho, County of Cassia, State of Idaho, before James Annest, Notary Public, at 1742 Overland Avenue, Burley, Idaho, proof will be submitted of the completion of works for the diversion of 5 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. G-28404, 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 FRED J. RIGBY, Sublett Route Malta, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 5 cubic feet per second.

3. The use to which said water has been applied is irrigation, purposes, and the amount applied to beneficial use is 5 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 3 Twp. 13 S., Rge. 28 East, Boise Meridian.

5. The place where said water is used is Part of NW $\frac{1}{4}$ NE $\frac{1}{4}$  (abt. 5 acres) and SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$  and SE $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 3, all in Twp. 13 S., Range 28, E.B.M., and the SE $\frac{1}{4}$  of Section 33, Twp. 22 S., Rge. 28 E.B.M.

6. The date of priority which said user is prepared to establish is Jan. 22, 1960.

CARL E. TAPPAN  
State Reclamation Engineer  
Published in the Burley Herald-Bulletin January 4, 11, 18, 25, 1965.

28404

RECEIVED  
JAN 12 1965

10/1/63

## NOTICE OF PROOF OF COMPLETION OF WORKS

and  
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

64-329

Notice is hereby given that at 10 A. M., on the 20th day of January  
1965, at Burley, Idaho, County of Cassia, State of Idaho,  
 before James Annest, Notary Public, at (address) 1742 Overland  
Avenue, Burley, Idaho, proof will be submitted of the completion of works for  
 the diversion of 5 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. G 28404, heretofore issued by the Department of Reclamation of the  
 State of Idaho.

- The name and postoffice address of the person or corporation holding said permit is Fred J. Rigby, Sublett Route, Malta, Idaho
- Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 5 cubic feet per second.
- The use to which said water has been applied is irrigation, purposes, and the amount applied to beneficial use is 5 cubic feet per second.
- The point of diversion of said water is SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 3, Twp. 13 S., Rge 28, East, Boise Meridian
- The place where said water is used is Part of NW $\frac{1}{4}$ NE $\frac{1}{4}$  (abt 5 acres) and  
~~SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$~~ , <sup>Sec. 3,</sup> all in Twp. 13 S.,  
Range 28, E.B.M., and the SE $\frac{1}{4}$  of Section 33, Twp. 12 S., Rge 28, E.B.M.
- The date of priority which said user is prepared to establish is Jan. 22, 1960

~~XXXXXXXXXX~~

CARL E. TAPPAN

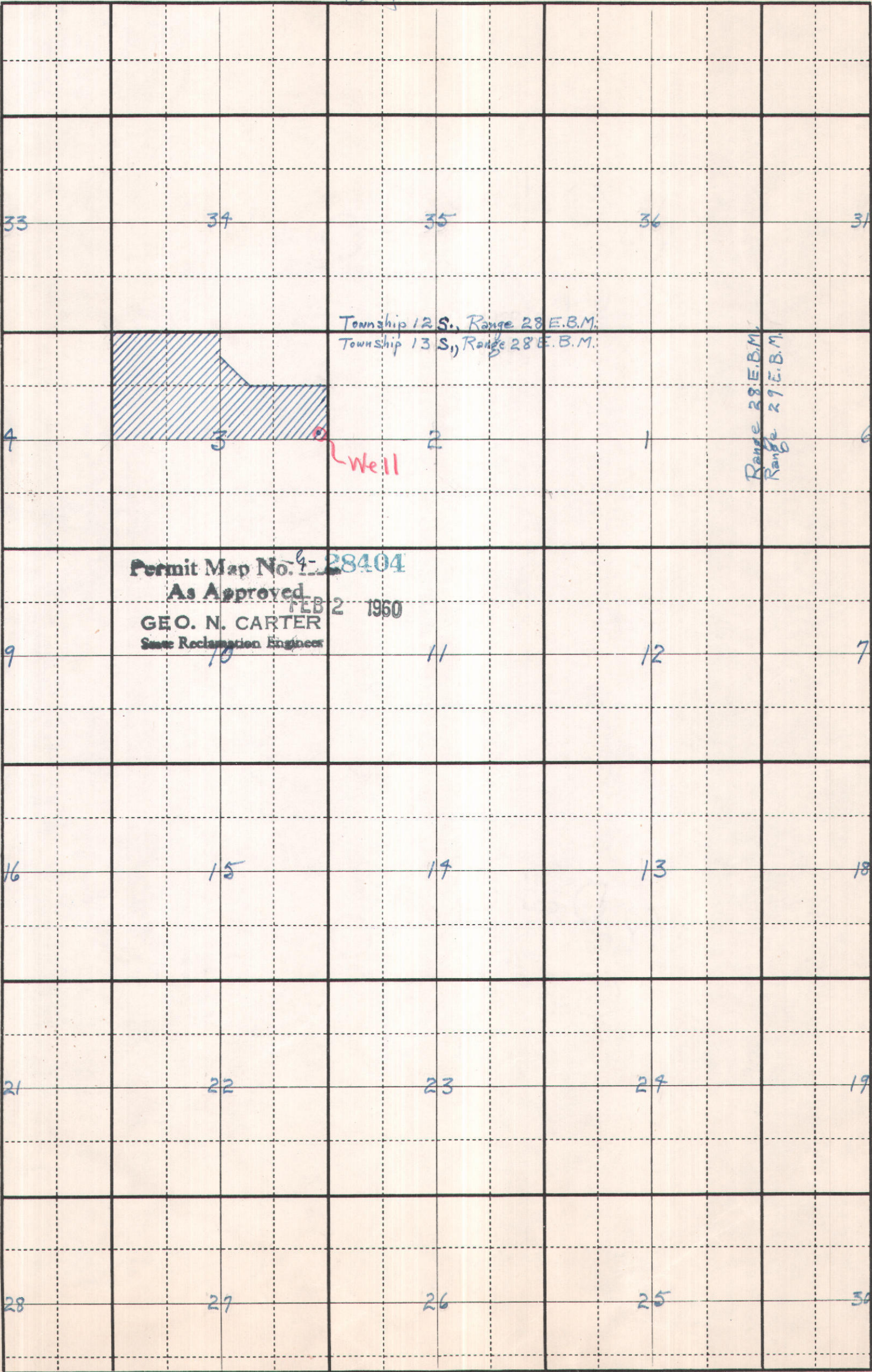
State Reclamation Engineer

*Published in the Burley Herald-Bulletin*  
*December 21, 28, 1964 January 4, 11, 1965*

20400

NAME OF APPLICANT Fred Rigby

Form No. 0



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

28404

State of Idaho  
License and Certificate of Water Right

Water License No. G-28404 Amount 3.36 c.f.s.  
Water District No. \_\_\_\_\_ Priority Jan. 22, 1960

THIS IS TO CERTIFY that FRED J. RIGBY  
of Malta, Idaho, made application for a permit to appropriate the  
public waters of the State of Idaho, dated January 22, 1960, 19 60; that Permit No. G-28404  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
3.36 second feet, was issued thereunder on July 12,, 19 66, showing that said works  
were completed on the 27th day of January, 19 65; and that on the 27th  
day of January, 19 65, FRED J. RIGBY

of Malta, State of Idaho, made proof to the satisfaction of the  
State Reclamation Engineer of Idaho, of the right to use the waters of a well  
, a tributary of subterranean flow, for the purpose of irrigation  
, under Use Permit No. G-28404 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  
13 of Licenses at page 8522, on the 12 day of July, 19 66;  
The right hereby confirmed dates from January 22,, 19 60;

The Point of Diversion is located  
in the SE 1/4 NE 1/4, Sec. 3, Tp. 13 S, R. 28 E, B. M. County Cassia  
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 3.36 cubic feet per second.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract                       | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|------|-------|------|----------------------------------------|----------------------------------|---------------------------------|
| 12 S | 28 E  | 33   | E 1/2 SE 1/4                           | 80                               | 80                              |
|      |       |      | NW 1/4 SE 1/4                          | 40                               | 38                              |
|      |       |      | SW 1/4 SE 1/4                          | 40                               | 39                              |
| 13 S | 28 E  | 3    | NW 1/4 NE 1/4                          | 5                                | 5                               |
|      |       |      | SW 1/4 NE 1/4                          | 40                               | 40                              |
|      |       |      | SE 1/4 NE 1/4                          | 40                               | 28                              |
|      |       |      | NE 1/4 NW 1/4                          | 40                               | 38                              |
|      |       |      | NW 1/4 NW 1/4                          | 40                               | 38                              |
|      |       |      | SW 1/4 NW 1/4                          | 40                               | 38                              |
|      |       |      | SE 1/4 NW 1/4                          | 40                               | 40                              |
|      |       |      | Total number of acres to be irrigated: |                                  | 384                             |

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  
12th day of July, 19 66.

(SEAL)

S/ R. Keith Higginson  
Deputy State Reclamation Engineer.

43 2486

State of Idaho  
License and Certificate of Water Right

Water License No. 21643 Amount 2.72 c.f.s.  
Water District No. Priority Sept. 17, 1954

THIS IS TO CERTIFY that MARTIN F. SANDERS - Assignee - Allen & Thelma Sexton of Burley, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 7, 1950, 1950; that Permit No. 21643 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 5.6 second feet, was issued thereunder on September 9, 1955, showing that said works were completed on the 3rd day of August, 1955; and that on the 21st day of September, 1965, ALLEN SEXTON & THELMA SEXTON

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 a well, a tributary of subterranean flow, for the purpose of irrigation & domestic use, under Use Permit No. 21643 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 13 of Licenses at page 8521, on the 12 day of July, 1966;

The right hereby confirmed dates from September 17, 1954;

The Point of Diversion is located in the SW 1/4 SE 1/4, Sec. 14, Tp. 12 S, R. 26 E, B. M. County Cassia

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 2.72 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 | 26 E  | 14   | NW 1/4 SW 1/4                          | 40                            | 30                           |
|      |       |      | N 1/2 SE 1/4                           | 80                            | 80                           |
|      |       |      | SW 1/4 SE 1/4                          | 40                            | 31                           |
|      |       |      | SE 1/4 SE 1/4                          | 40                            | 40                           |
|      |       |      | Total number of acres to be irrigated: |                               | 181                          |

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 12th day of July, 1966.

(SEAL) S/ R. Keith Higginson Deputy State Reclamation Engineer.

## State of Idaho

## License and Certificate of Water Right

Water License No. G-28404 Priority January 22, 1960 Amount 3.36 c.f.s.

THIS IS TO CERTIFY that FRED J. RIGBY

of Malta, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated January 22, 1960; that Permit No. G-28404 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 3.36 second feet, was issued thereunder on July 12, 1966, showing that said works were completed on the 27th day of January, 1965; and that on the 27th day of January, 1965 FRED J. RIGBY

of Malta, 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 a well

a tributary of subterranean flow for the purpose of irrigation, under Use Permit No. G-28404 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 13 of Licenses, at Page 8522, on the 12th day of July, 1966.

The right hereby confirmed dates from January 22, 1960.

The Point of Diversion is located

in the SE 1/4 NE 1/4, Sec. 3, Twp. 13 S R. 28 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 3.36 cubic feet per second.

Description and location of use:

| Twp.                                   | Range | Section | Forty-Acre Tract | No. Acres Described in Permit | No. Acres Actually Irrigated |
|----------------------------------------|-------|---------|------------------|-------------------------------|------------------------------|
| 12 S                                   | 28 E  | 33      | E 1/2 SE 1/4     | 80                            | 80                           |
|                                        |       |         | NW 1/4 SE 1/4    | 40                            | 38                           |
|                                        |       |         | SW 1/4 SE 1/4    | 40                            | 39                           |
| 13 S                                   | 28 E  | 3       | NW 1/4 NE 1/4    | 5                             | 5                            |
|                                        |       |         | SW 1/4 NE 1/4    | 40                            | 40                           |
|                                        |       |         | SE 1/4 NE 1/4    | 40                            | 28                           |
|                                        |       |         | NE 1/4 NW 1/4    | 40                            | 38                           |
|                                        |       |         | NW 1/4 NW 1/4    | 40                            | 38                           |
|                                        |       |         | SW 1/4 NW 1/4    | 40                            | 38                           |
|                                        |       |         | SE 1/4 NW 1/4    | 40                            | 40                           |
| Total number of acres to be irrigated: |       |         |                  |                               | 384                          |

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 12th day of July, 1966.

R. Keith Higgins  
Deputy State Reclamation Engineer.

State of Idaho

LICENSE AND CERTIFICATE  
OF WATER RIGHT

Water License No. G-28404

To Fred J. Rigby  
Malta, Idaho

Source of Supply a well

Cassia

County

Amount 3.36 Sec. Ft.

Point of Diversion SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 3,

T. 13 S., R. 28 E., B.M.

Place of Use SE $\frac{1}{4}$ , Sec. 33, T.

12 S., R. 28 E., B.M.: NW $\frac{1}{4}$ NE $\frac{1}{4}$ ,

S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , Sec. 3, T. 13 S.,

R. 28 E., B.M.

Purpose Irrigation

Date of Priority January 22, 1960

Recorded July 12, 1966

in Book 13 of Licenses, Page 8522

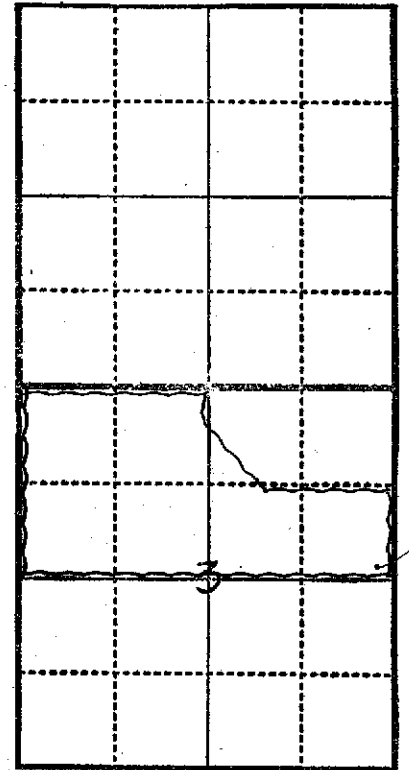
43-2486

# APPLICATION FOR PERMIT

## To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36380  
Permit No. G- 28404  
District No.

1. Name of Applicant: **Fred J. Rigby**  
Postoffice address: **Sublett Rte., Malta** County: **Cassia** State: **Idaho**
2. Quantity of water claimed: **5 cubic feet per second**  
(a) Rate of withdrawal in cubic feet per second **5** or Idaho  
Miners' inches **250** or gallons per minute  
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: **Well - subterranean**
4. Location of point of diversion or well is in the **SE**  $\frac{1}{4}$  of the **NE**  $\frac{1}{4}$  of Section **3**  
Twp. **13 S.**, Rge. **28 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: **Drilled and cased well with pump and motor**
8. Estimated cost of works: **\$ 12,000.00**
9. (a) Is reservoir to be used?  
(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: **16 shares of stock in the Sublett Irrigation Company**  
(a) **5** (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) (cubic feet per second, inches or gallons per minute) is for new lands.



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/ Fred J. Rigby

***Applicant.***

By

**Agent.**

Date of first receipt at Department of Reclamation: 9:00 A.M. January 22, 1960

Returned to applicant for correction:

**Corrected application received:**

### Approval of State Reclamation Engineer

The number of this permit is G— 28404

Recorded in Book **100** Page **28404** Approved **February 2, 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 **August 2, 1962**

The whole of the said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before **February 2, 1965**

Witness my hand this **2nd** day of **February, 1960**

#/ GEO. N. CARTER  
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, 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 2nd  
day of February, 1960

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

By s/ ROBERT E. SMYLER  
Governor

*Secretary of State.*

**12.**

| Twp.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Range  | Sec. | NE <sup>1</sup> / <sub>4</sub> |                                |                                |                                | NW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | SW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | SE <sup>1</sup> / <sub>4</sub> |                                |                                |                                | Totals |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |        |      | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> |        |
| 13 S.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 28 EBM | 3    | 5                              | 40                             | 40                             |                                | 40                             | 40                             | 40                             | 40                             |                                |                                |                                |                                |                                |                                |                                | 245                            |        |
| Application for Amendment<br>LANDLIST<br>Permit No. G-28404                                                                                                                                                                                                                                                                                                                                                                                                                                 |        |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
| Comes now FRED RIGBY and represents to the State Reclamation Engineer of the State of Idaho:                                                                                                                                                                                                                                                                                                                                                                                                |        |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
| That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-28404, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:                                                                                                                                                                                                                                                             |        |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
| Include the SE <sup>1</sup> / <sub>4</sub> of Section 33, Twp. 12, Range 28 E., B. M. and Line #13 should be amended to read: 24 shares of stock in the Sublett Irrigation Company, making a total of 405 acres.                                                                                                                                                                                                                                                                            |        |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
| That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.                                                                                                                                                                                                                                                                                                                                                           |        |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
| Signed at Burley, Idaho, this 7th day of December, 1964.                                                                                                                                                                                                                                                                                                                                                                                                                                    |        |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
| s/ FRED RIGBY                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |        |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
| Date of receipt at office of Department of Reclamation: December 11, 1964                                                                                                                                                                                                                                                                                                                                                                                                                   |        |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
| APPROVAL OF STATE RECLAMATION ENGINEER                                                                                                                                                                                                                                                                                                                                                                                                                                                      |        |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
| I, RALPH W. THOMAS, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-28404. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby. |        |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
| s/ RALPH W. THOMAS, Deputy<br>State Reclamation Engineer                                                                                                                                                                                                                                                                                                                                                                                                                                    |        |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |
| Recorded: December 23, 1964                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |        |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |        |

Permit No. G-28404

## CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that FRED J. RIGBY of Malta, County of Cassia, and State of Idaho, the holder of Permit No. G-28404, issued upon Application No. G-36380 bearing date of priority of January 22, 1960 authorizing the diversion of 5.0 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 3.36 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 3, T. 13., R. 28 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: SE $\frac{1}{4}$ , Sec. 33, T. 12 S., R. 28 E., B.M.; NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , Sec. 3, T. 13S., R. 28 E., B.M.

Proof of Completion of Works Made: January 27, 1965  
Witness my hand this 12th day of July, A.D. 1966

S/ R. Keith Higginson  
Deputy State Reclamation Engineer

LICENSE ISSUED FOR 3.36 SEC. FT.  
LICENSE PAGE NO. 8522.

# Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that ..... FRED. J. RIGBY .....  
 of ..... Malta ..... , County of ..... Cassia ..... , and State of  
 ..... Idaho ..... , the holder ..... of Permit No. G-28404 ..... , issued upon  
 Application No G-36380 . bearing date of priority of ... January. 22., 1960 authorizing the  
 diversion of ..... 5.0 ..... second feet of waters of ..... a well .....

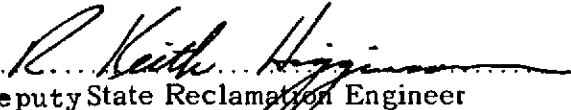
County of ..... Cassia ..... , State of Idaho, for ..... irrigation  
 purposes, has ..... fully complied with the provisions of the laws of the State of Idaho  
 relating to the proof of completion of the works of diversion set out and described in said  
 Permit; that said works are adequate for diverting and conveying to the place of intended  
 use ..... 3.36 ..... second feet of the waters of ..... a well from  
 ..... subterranean flow;

that the point of diversion of said waters ... SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 3, T. 13 S., R. 28 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: ..... SE $\frac{1}{4}$ , Sec. 33, T. 12 S., R. 28 E., B.M.; .....  
 ..... NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , Sec. 3, T. 13 S., R. 28 E., B.M. ....

Proof of Completion of Works Made: January 27, 1965

Witness my hand this ... 12th ... day of ... July ..., A. D. 19 66

  
 Deputy State Reclamation Engineer

28404

Permit No. G-28404

**Certificate of Completion  
of Works**

Dated July 12, 19 66

Stream a well

County Cassia

Amount 3.36 c.f.s.

Date of Priority January 22, 1960

Recorded in Book 100

of Permits, page 28404

July 12, 1966

RE: Permit No. G-28404

Fred J. Rigby  
Sublett Route  
Malta, Idaho

Dear Mr. Rigby:

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-10362 in the amount of \$27.00 covering the fees.

Very truly yours,

  
M. Russell Bosch  
Office Manager

MRB:mr

Enc. certificates, receipt

28404

ROBERT E. SMYLIE  
Governor



STATE OF IDAHO

DEPARTMENT OF RECLAMATION  
107 STATE HOUSE  
BOISE, IDAHO 83701

CARL E. TAPPAN  
State Reclamation Engineer

RECEIVED  
JUL 1 1966

Department of Reclamation

RE: G-28404

June 6, 1966

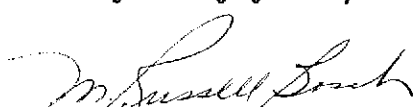
Fred J. Rigby  
Sublett Route  
Malta, Idaho

Dear Mr. Rigby:

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-28404 shows the well ~~is~~ ~~is~~ capable of conveying 168 miner's inches, or 3.36 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 \$ 27.00 , we will issue the Certificate of Completion of Works for 3.36 c.f.s. and the License and Certificate of Water Right for 3.36 c.f.s. confirming the right, with priority of January 22, 1960 , to the use of subterranean water with the point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 3, T. 13 S., R. 28 E., B.M. for irrigation of 384 acres in the SE $\frac{1}{4}$ , Sec. 33, T. 12 S., R. 28 E., B.M.; NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , Sec. 3, T. 13 S., R. 28 E., B.M.

Very truly yours,

  
M. Russell Bosch  
Office Manager

MRB:mr

28404

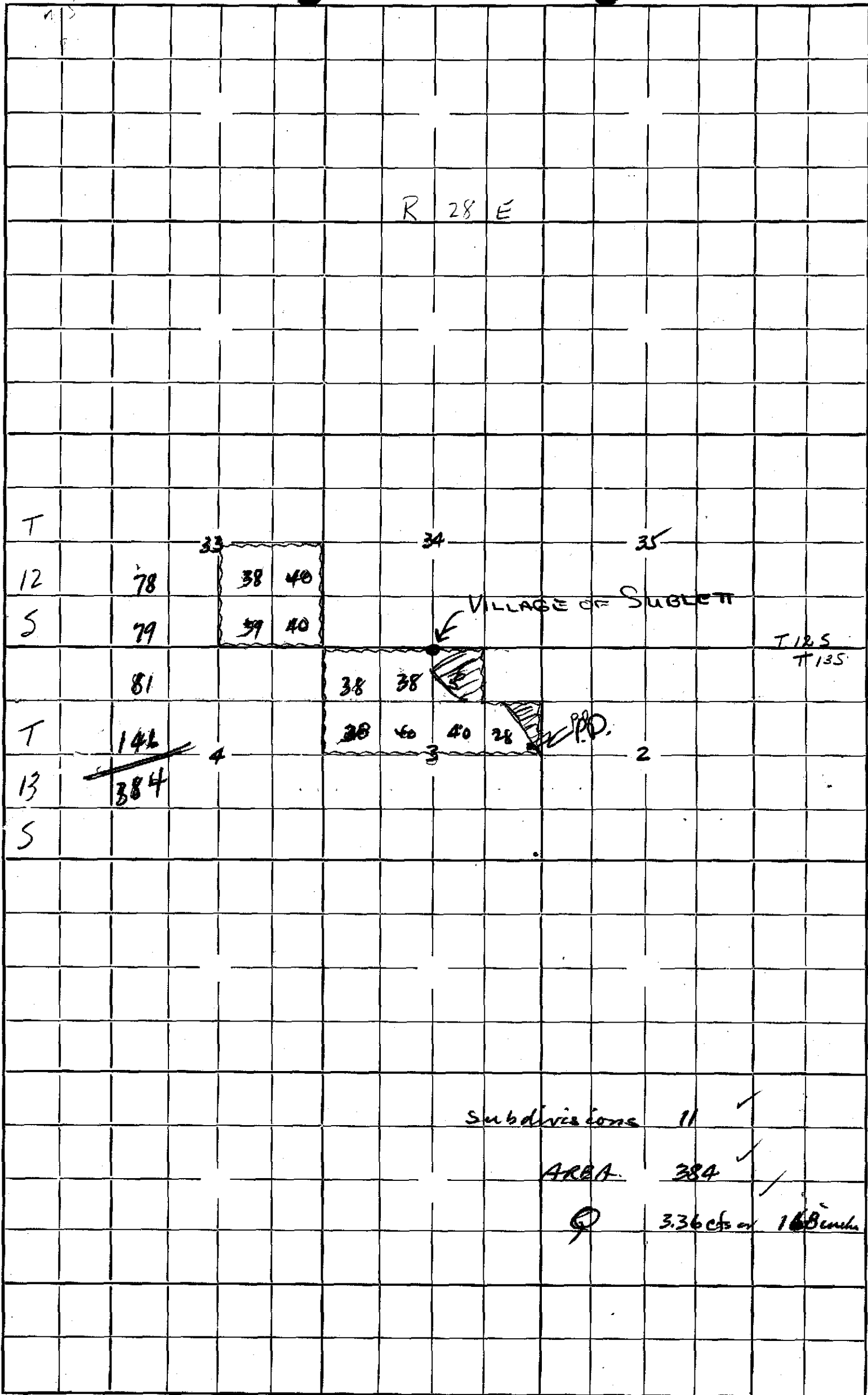
STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

PERMIT NO. G-28404

REPORT ON PROOF OF Completion of Works & Beneficial Use

Fred J. Rigby, Sublette Route, Malata, Idaho



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

28404

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO  
**REPORT OF ENGINEER**

Permit No. G-28404

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

1. Name of applicant Fred J. Rigby
2. Source of water supply: Subterranean
3. Location of point of diversion: Is in the SE 1/4 NE 1/4 of Section 3  
T. 13 S R. 28 E.B.M. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: 125 HP  
Westinghouse Motor #2-518106, Peerless Pump #192878  
12" x 9' discharge to a 3' dia x 12' high tower and 150' x 12"  
pipe to East into a concrete pipe with slide gate controller.

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, S 1/4 NE 1/4, NW 1/4 Sec. 3., Twp. 13 S., Rge. 28 E.B.M.

SW 1/4 Sec. 13., Twp. 12 S., Rge. 28 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 Fred Rigby at my

This is also supplemental to their Sublett Irrigation  
Co water.

Spurting Meter 5 Rev 2' - 20" x 1/4" = 3.36 cfs.

This examination was made on the 27<sup>th</sup> day of May, 1966

(Signed)

Lester Johnson

Examiner.

5-21-20" = 3.36

Fred J. Rigby  
Sublette Route  
Malta, Idaho

Permit No. 9-28404

Examination for Completion of Marks & Beneficial Use

County: Cassia

Sec. 3 T. 138 R. 28 EBM

Quantity: 5.0

Source: Well

P.D.: SENE - 3-13S-28E

Use: Irrigation

Filed: 22 Jan 60

Due: 2 Feb. 65

Extension: 1.27.65

Protest: —

Completion of Work: —

Other Rights: —

# 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.

RECEIVED  
JUN 6 1966

Department of Reclamation

16 1/2  
17 5/8

10 1/8

3.10

1M April 1962

March 30, 1965

Re: Permit No-28404

Fred J. Rigby  
Sublett Route  
Malta, Idaho

Dear Mr. Rigby:

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: 6-28404.

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,

GEO. N. CARTER  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule  
Chief Clerk

EPR:  
cc: James Annett  
Attorney at Law  
686 Box  
Burley, Idaho

28404

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

Permit No. G-28404

\* \* \* \* \*

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

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:

ARTHUR SCHORZMAN, BURLEY, IDAHO, farmer, 1400 Miller Avenue,

Burley, Idaho.--has land in Sublette area.

Ques. 2. Are you acquainted with FRED J. RIGBY, the holder of Permit No. G-28404 ? How long have you known him and where does he reside?

about 20 years - resides on Sublette Road, Malta, Idaho

Ques. 3. Have you read or heard said Permit No. G-28404 read, and are you familiar with its provisions and conditions: Yes: x No:       

Ques. 4. State source of water supply: Sublett Irrigation Co. & deep well

State place of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 3. Twp. 13 S., Range 28, E.B.M.

Describe works for conveying water to place of use: open ditches from cased-in deep well

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 5 cu. ft. per second How much water have you seen being so conveyed: the same

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

about 5 acres of NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,

and SE $\frac{1}{4}$ NW $\frac{1}{4}$ , all in Sec. 3, Twp. 13 S., Range 28 E.B.M., and SE $\frac{1}{4}$  of Sec. 33,

Twp. 12 S., Range 28, E.B.M., Cassia County, Idaho

*28404*

Ques. 7. If for power or other purposes than irrigation, state how water has been used: none

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: mountain loam, black soil - 2 acre feet

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: none

Ques. 10. When did you first see this water used: Spring of 1960  
Other times you have seen such use: each year since as I operate the farmland adjoining Mr. Rigby and our wells are close by.

(Signed) Arthur Schorzman

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 \_\_\_\_\_ day of \_\_\_\_\_, A. D., 196\_\_\_\_.

John L. Smith  
Notary Public for State of Idaho  
Residing: Burley, Idaho

My commission expires: June 14, 1968

LAW OFFICES OF  
**ANNEST & HIBBERT**  
ATTORNEYS AT LAW  
1742 OVERLAND AVENUE  
POST OFFICE BOX 698  
BURLEY, IDAHO

JAMES ANNEST  
S. H. HIBBERT

TELEPHONE  
678-7783  
AREA CODE 208

February 19, 1965

**RECEIVED**  
MAR 22 1965

Department of Reclamation

Mr. Ralph W. Thomas, Deputy  
State Reclamation Engineer  
Department of Reclamation  
107 State House  
Boise, Idaho 83701

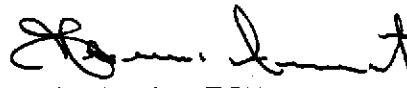
Re: Permit No. G-28404, Fred J. Rigby

Dear Mr. Thomas:

In compliance with your request to Mr. Rigby in a letter dated February 1, 1965, for a different witness than Mr. Olsen, we are enclosing Deposition of Witness, Form 17A, signed by Mr. Arthur Schorzman.

We hope that this satisfactorily takes care of the matter.

Yours very truly,



JAMES ANNEST,  
Attorney at Law.

rl  
Encl.

28404

March 3, 1965

Re: Permit No. G-28404

C  
O  
P  
Y  
  
Fred J. Rigby  
Sublett Route  
Malta, Idaho

Dear Mr. Rigby:

We have not received the deposition of a disinterested witness in regard to your proofs of use of the water from your well. The form was sent to you February 1st with notice that Ross Olsen could not be accepted as a disinterested witness.

Kindly have form completed at your earliest convenience and file it in this office.

Very truly yours,

RALPH W. THOMS, Deputy  
State Reclamation Engineer

RT:ew

28404

February 1, 1965

Re: Permit No. G-28404

Fred J. Rigby  
Sublett Route  
Malta, Idaho

Dear Mr. Rigby:

The Attorney General's Office says that Mr. Ross Olsen is not a disinterested witness so could not qualify for your proof of use of water from the well.

Enclosed is blank form for deposition of witness. Get some one not selling you part of the land under contract for sale.

Very truly yours,

RALPH W. THOMAS, Deputy  
State Reclamation Engineer

RT:sw

Enc. deposition of  
witness

28404



STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RECEIVED  
FEB 1 1965

Department of Reclamation

Permit No. \_\_\_\_\_

\* \* \* \*

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

\* \* \* \* \*

DEPOSITION OF HOLDER

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

Fred J. Rigby, Sublett Route, Malta, Idaho, farmer

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a 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 you propose to establish under the permit; G28404, February 2, 1960, January 22, 1960.

Ques. 4. State source of water supply: Underground.  
Give location of point of diversion, showing subdivision, section, township and range:

SE $\frac{1}{4}$  NE $\frac{1}{4}$  of sec. 3, Twn 13 S., Range 28, EBM, Cassia County, Idaho.

Ques. 5. Describe your works of diversion: Drilled and cased well with open ditches.

\_\_\_\_\_ ; state amount of water they are capable of conveying from point of diversion to place of use 5 cu.ft.per <sup>sec. (or 250 miner's inches)</sup> Give name of canal or ditch

or other works by which water is conducted to such place of use: Sublett Irrigation Co.

and deponent's <sup>private ditches</sup> \_\_\_\_\_ ; if a well, state depth of well 405 ft. ; depth and size of casing:

300 ft. of 16 inch casing ; depth to water 130 ft. ; if pump is used,

state discharge of pump: 5 cu.ft.per <sup>sec.</sup> tell how it was measured or determined: Flow meter.

\_\_\_\_\_ ; if sprinkler irrigation, give number and size of nozzles and

operating pressure: \_\_\_\_\_

Ques. 6. State for what purpose water is used: Flood irrigation of crops.

If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water : Part of NW $\frac{1}{4}$  NE $\frac{1}{4}$  (abt.

5 acres) and SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and SE $\frac{1}{4}$  NW $\frac{1}{4}$ ,

all in Sec. 3, Twp. 13 S., Range 28, E.B.M., and SE $\frac{1}{4}$  of Sec. 33, Twp. 12 S.

Range 28, E.B.M., Cassia County, Idaho.

State nature of all improvements which have been made as a direct result of said use:

Land leveled, ditches relocated, additional land brought under irrigation.

*F. J. Rigby*

282404

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: Clarence D. Bishop, 732 W. 20, Burley, Idaho

Ques. 7. If for other than irrigation purposes, state purpose and how used:

Ques. 8. What is the minimum amount of water required for the purpose specified above:

5 cu. ft. per sec.

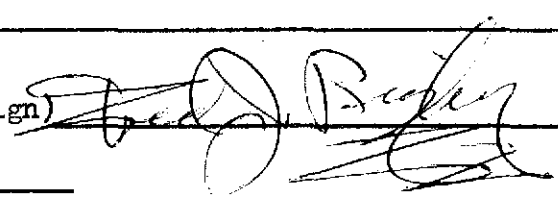
Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Ques. 10. State when and in what amount the water diverted under above mentioned permit has been first used: April 1, 1960, 5 cu. ft. <sup>per second</sup> Time used since first use:

1960 irrigation season and every irrigation season since.

Ques. 11. Describe all other water rights appurtenant to same place of use:

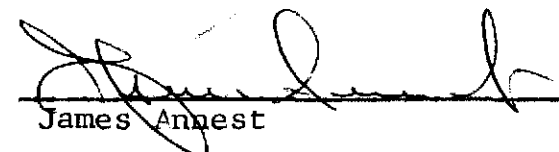
24 shares of stock in the Sublett Irrigation Company.

(sign) 

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 27th day of January, A.D. 1965.

  
James Annett

My Commission expires: \_\_\_\_\_

RECEIVED  
FEB 1 1965

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

Department of Reclamation

Permit No. \_\_\_\_\_

\*\*\*\*\*

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

*Deposition of Witnesses*

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:

Ross Olsen, age 56, Sublett Route, Malta, Idaho, farmer.

Ques. 2. Are you acquainted with Fred J. Rigby, the holder of  
Permit No. G28404? How long have you known him and where does he reside:

42 yrs, Sublett, Idaho.

Ques. 3. Have you read or heard said Permit No. G28404 read, and are you familiar  
with its provisions and conditions: Yes: X No: \_\_\_\_\_

Ques. 4. State source of water supply: Underground.

State place of diversion: SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec 3, Twn 13 S., Range 28., E.B.M., Cassia  
County, Idaho

Describe works for conveying water to place of use: drilled cased well with pump  
and pipeline and open ditches.

Ques. 5. How many second feet of water do you estimate said works will safely conduct  
to place of use: 5 cu. ft. per sec. How much water have you seen being so  
conveyed: 5 cu. ft. per sec.

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

Part of NW $\frac{1}{4}$  NE $\frac{1}{4}$  (abt 5 acres) and SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  NW $\frac{1}{4}$ ,

SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and SE $\frac{1}{4}$  NW $\frac{1}{4}$ , all in Sec. 3, Twp. 13 S., Range 28, E.B.M., and

SE $\frac{1}{4}$  of Sec. 33, Twp. 12 S., Range 28, E.B.M., Cassia County, Idaho.

28404

Ques. 7. If for power or other purposes than irrigation, state how water has been 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:

Dry land, 5 cu. ft. per sec.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: Contract seller of SE $\frac{1}{4}$  of Sec. 33, Twp. 12 S.,

Range 28 E.B.M., Cassia County, Idaho.

Ques. 10. When did you first see this water used: April, 1960.

Other times you have seen such use: Every irrigation season since 1960 and  
including 1960.

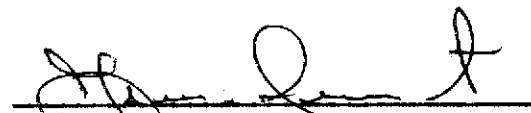
(Signed)



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 27th day of January,

A. D., ~~1964~~ 1965.

  
James Annest  
Notary Public for State of Idaho

Residing: Burley, Idaho

My commission expires: \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Permit No. \_\_\_\_\_

\* \* \* \* \*

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of

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:

Asiel Aaron Zollinger, age 47, Sublett Route, Malta, Idaho, farmer.

Ques. 2. Are you acquainted with Fred J. Rigby, the holder of  
Permit No. G28404? How long have you known him and where does he reside:

42 yrs, Sublett, Idaho.

Ques. 3. Have you read or heard said Permit No. G28404 read, and are you familiar  
with its provisions and conditions: Yes: X No: \_\_\_\_\_

Ques. 4. State source of water supply: Underground.

State place of diversion: SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 3, Twn 13 S., Range 28, E.B.M., Cassia  
County, Idaho.

Describe works for conveying water to place of use: Drilled cased well with pump  
and pipeline and open ditches.

Ques. 5. How many second feet of water do you estimate said works will safely conduct  
to place of use: 5 cu. ft. per sec. How much water have you seen being so  
conveyed: 5 cu. ft. per sec.

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

Part of NW $\frac{1}{4}$  NE $\frac{1}{4}$  (about 5 acres) and SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  NW $\frac{1}{4}$ ,

NW $\frac{1}{4}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and SE $\frac{1}{4}$  NW $\frac{1}{4}$ , All in Sec. 3 Twp. 13 S., Range 28,

E.B.M., and SE $\frac{1}{4}$  of Sec. 33, Twp. 12 S., Range 28, E.B.M., Cassia

County, Idaho.

Ques. 7. If for power or other purposes than irrigation, state how water has been 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:

Dry land, 5 cu. ft. per sec.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent: NONE.

Ques. 10. When did you first see this water used: June, 1960

Other times you have seen such use: Every irrigation season since 1960  
and including 1960.

(Signed)

Paul Aaron Zolinger

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 27th day of January,

A. D., ~~1962~~ 1965.

James Anhest

Notary Public for State of Idaho

Residing: Burley, Idaho

My commission expires:                                 

28404

LAW OFFICES OF  
**ANNEST & HIBBERT**  
ATTORNEYS AT LAW  
1742 OVERLAND AVENUE  
POST OFFICE BOX 686  
BURLEY, IDAHO

JAMES ANNEST  
S. H. HIBBERT

TELEPHONE  
678-7783  
AREA CODE 208

January 29, 1965

RECEIVED  
FEB 1 1965

Department of Reclamation

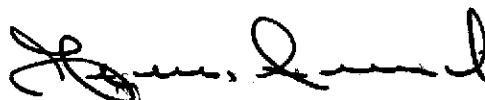
Mr. Carl E. Tappan  
State Reclamation Engineer  
Department of Reclamation  
107 State House  
Boise, Idaho 83701

Re: Permit No. G-28404, Fred J. Rigby

Dear Mr. Tappan:

Please find enclosed the Deposition of above Holder and Deposition of witnesses, Ross Olsen and Asiel A. Zollinger, for Proof of Application of Water to Beneficial Use, Forms 16, and 17A, for the above permit, together with Affidavit of Publication to cover the hearing upon the same.

Yours very truly,



JAMES ANNEST,  
Attorney at Law.

JA:rl  
Encls.

28404

January 12, 1965

Re: Permit No. G-28404  
Fred J. Rigby

Herald Bulletin  
Legal Adversiting  
Burley, Idaho

Gentlemen:

On the new notice mailed to us we have the following  
correction:

Paragraph 5, Line 5, SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, Sec. 3, should read  
SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, Sec. 3.

Would you please sent us a copy of the publication after  
this correction has been made.

Very truly yours,

CARL E. TAPPAN  
State Reclamation Engineer

By:

H. PETRI  
Head of Section  
State Water Rights & Records

HP:ew

28404

January 12, 1965

Re: Permit No. G-28404  
Fred J. Rigby

The Editor  
Burley Herald Bulletin  
Burley, Idaho

Dear Sir:

We received your letter of January 11, 1965, stating that your thermo-fax copy of the original sent to you showed these forties had been crossed off, and for that reason you should not be held responsible.

We are enclosing a copy of the original sent to your office showing the check mark of each of these forties with the permit record of this office indicating that these forties were to be included. It is therefore not understood how these four forties were eliminated from the notice as submitted.

If any further information is available from your office please advise.

Very truly yours,

CARL E. TAPPAN  
State Reclamation Engineer

By:

H. PETRI  
Head of Section  
State Water Rights & Records

HP:ew

P. S. The above is the reason we ask for a tear sheet of the first publication immediately, to eliminate problems such as this.

28404

RECEIVED  
JAN 12 1963

10/1/63

## NOTICE OF PROOF OF COMPLETION OF WORKS

and  
APPLICATION OF WATER TO BENEFICIAL USE

64-329

Notice is hereby given that at 10 A. M., on the 20th day of January 1965, at Burley, Idaho, County of Cassia, State of Idaho, before James Annest, Notary Public, at (address) 1742 Overland Avenue, Burley, Idaho, proof will be submitted of the completion of works for the diversion of 5 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. G 28404, 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 Fred J. Rigby, Sublett Route, Malta, Idaho
2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 5 cubic feet per second.
3. The use to which said water has been applied is irrigation, purposes, and the amount applied to beneficial use is 5 cubic feet per second.
4. The point of diversion of said water is SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 3, Twp. 13 S., Rge 28, East, Boise Meridian
5. The place where said water is used is Part of NW $\frac{1}{4}$ NE $\frac{1}{4}$  (abt 5 acres) and SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$ , all in Twp. 13 S., Range 28, E.B.M., and the SE $\frac{1}{4}$  of Section 33, Twp. 12 S., Rge 28, E.B.M.
6. The date of priority which said user is prepared to establish is Jan. 22, 1960  
~~January 22, 1960~~

CARL E. TAPPAN

State Reclamation Engineer

*Published in the Burley Herald-Bulletin  
December 21, 28, 1964 January 4, 11, 1965*

28404

January 11, 1965

RECEIVED  
JAN 12 1965

Department of Reclamation

State of Idaho  
Department of Reclamation  
Room 107, Statehouse  
Boise, Idaho

Dear Mr. Tappan,

The corrected copy of Notice of Proof of Completion of Works and Application of Water to Beneficial Use, for Fred J. Rigby, Sublett Route, Malta, Idaho, has been corrected and is being published.

We are enclosing a thermo-fax copy of the first copy sent to us for printing. You will notice that we printed as a legal the exact copy sent to us. You will also notice that some of the description has been marked through, with a pencil.

You stated in your letter that we should be responsible for the cost of the first two publications, due to the fact that it was our error. We are sure when you see the thermo-fax copy, you will agree, we were not in error, and should not be held responsible for the cost.

We are enclosing a copy of the new Notice of Proof now being published for your approval.

Thank you for the advertising.

Yours truly,

*Joy Cagle*  
Joy Cagle  
Herald-Bulletin  
Legal Department

28404

December 28, 1964

Re: Permit No. G-28404  
Fred J. Rigby

Burley Herald Bulletin  
Burley, Idaho

Gentlemen:

We received your tear copy this morning and find that an error has been made in the description of the "place where said water is used"

This will necessitate re-advertising the legal notice for four consecutive issues starting with January 4th.

We are enclosing a new Notice of Publication made up in proper form with the new dates, and ask that you republish.

We feel this should be readvertised without expense to the applicant, as the notice mailed to you was correct.

Thank you.

Very truly yours,

CARL E. TAPPAN  
State Reclamation Engineer

By:

H. PETRI  
Head of Section  
State Water Rights & Records

HP:ew

Enc. New Notice of Publication

28404

December 27, 1964

Re: Permit No. G-28404  
Fred J. Rigby

Mr. James Annest  
Attorney at Law  
1742 Overland Avenue  
Burley, Idaho

Dear Mr. Annest:

Upon receiving a tear sheet on the Notice of Publication of the above numbered permit, in the name of Fred J. Rigby, found an error had been made in the land description which necessitates readvertising. Consequently a new date for making proof has been set for January 27th, at 10 A. M.

If this should be unsatisfactory to you or your client, please notify the paper of the proper date and let us know immediately the change in date for our records.

Very truly yours,

CARL E. TAPPAN  
State Reclamation Engineer

By:

H. PETRI  
Head of Section  
State Water Rights & Records

HP:ew

cc: Fred J. Rigby  
Sublett Route  
Malta, Idaho

28404

December 23, 1964

Re: Permit No. G-28404  
Fred Rigby

Annest & Hibbert  
Attorneys at Law  
P. O. Box 686  
Burley, Idaho

Dear Sirs:

Enclosed is the Application for amendment to the land list and to the amount of shares shown in the Sublett Irrigation Company, which has been recorded in this office.

Also enclosed is departmental receipt No. G-9037, in the amount of \$1.00 covering the fee.

Very truly yours,

CARL E. TAPPAN  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule  
Chief Clerk

EPR:ew

Enc. amendment  
receipt

cc: Fred Rigby  
Sublette Route  
Malta, Idaho

28404

December 22, 1964

Re: Permit No. G-28404  
Fred J. Rigby

Burley Herald Bulletin  
Burley, Idaho

Gentlemen:

On December 11th we mailed you a Notice of Publication on the above numbered permit requesting a copy or tear sheet be mailed to us for checking purposes on the first publication.

To date we have not received such copy and ask that one be mailed into this office as soon as possible.

Very truly yours,

CARL E. TAPPAN  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule  
Chief Clerk

EPR:ew

C  
O  
P  
Y

284104

December 11, 1964

RE: Permit G-28404  
Fred J. Rigby

James Annett  
Attorney at Law  
P. O. Box 666  
Burley, Idaho

Dear Mr. Annett:

Receipt is acknowledged for the Notice of Proof of Completion of Works and Application of Water to Beneficial Use and the Application for Amendment for the above referenced permit.

No further action can be taken on the amendment until we receive the \$1.00 recording fee.

Very truly yours,

CARL E. TAPPAN  
State Reclamation Engineer

M. RUSSELL BOSCH  
Assistant, State Water Rights & Records

MRB:ot

28404

RECEIVED  
DEC 12 1964  
U.S. DEPARTMENT OF AGRICULTURE

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) December 10, 1964

(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 Burley-Herald Bulletin of  
Burley, Idaho published in the  
county in which the works are situated.



(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

25464

**RECEIVED**  
DEC 11 1964

10/1/63

## NOTICE OF PROOF OF COMPLETION OF WORKS

Department of Reclamation

and

## APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A. M., on the 20th day of January 1965, at Office of JAMES Annest & Hibbert, Burley, Idaho, County of Cassia, State of Idaho, before James Annest, Notary Public, at (address) 1742 Overland Avenue, Burley, Idaho, proof will be submitted of the completion of works for the diversion of 5 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. G 28404, 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 Fred J. Rigby, Sublett Route, Malta, Idaho
2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 5 cubic feet per second.
3. The use to which said water has been applied is irrigation, purposes, and the amount applied to beneficial use is 5 cubic feet per second.
4. The point of diversion of said water is SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 3, Twp. 13 S., Rge 28, East, Boise Meridian
5. The place where said water is used is Part of NW $\frac{1}{4}$ NE $\frac{1}{4}$  (abt 5 acres) and SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$ , all in Twp. 13 S., Range 28, E.B.M., and the SE $\frac{1}{4}$  of Section 33, Twp. 12 S., Rge 28, E.B.M.
6. The date of priority which said user is prepared to establish is JAN 22 1960  
August 2, 1962

CARL E. TAPPAN

State Reclamation Engineer

28404/H

Re: Permit No. G-28404  
Fred J. Rigby

Date: Dec. 11, 1964

Burley Herald Bulletin,  
Burley, Idaho.

Gentlemen:

Enclosed you will find Notice for Publication, once a week  
for four consecutive weeks prior to January 20, 1965  
the date set for proof; the expense of the publication is to be paid  
by the applicant's attorney, James Arnest  
of 1742 Overland Avenue, 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

28404

Re: Permit No. **G-28404**  
**Fred J. Rigby**

Dec. 11, 1964

**Mr. James J. Jenson,**  
**Attorney at Law,**  
**1742 Overland Avenue,**  
**Merley, Idaho.**

Dear Mr. Jenson:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. **G-28404**, in the name of **Fred J. Rigby**. Final Proof is to be made before you, as Notary on the **10th** day of **January**, 19 **65**, at **10:00** o'clock **A.M.**, at **1742 Overland Avenue, Merley**, Idaho.

As of this date, we have mailed the Notice to the **Merley Herald Bulletin**, **Merley, 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

28404

Application for Amendment

LAND LIST

Permit No. G 28404

RECEIVED  
DEC 11 1964

Department of Reclamation

Comes now FRED RIGBY, and represents  
to the STATE RECLAMATION ENGINEER of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the  
State of Idaho, No. G 28404, and requests that the list of lands to be irrigated,  
as described in said permit, be changed to read as follows:

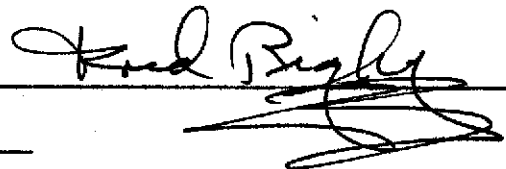
Include the SE $\frac{1}{4}$  of Section 33, Twp. 12, Range 28, E.B.M.

and Line #13 should be amended to read: 24 shares of stock  
in the Sublett Irrigation Company

, making a total of 405 acres.

That an additional amount of water is not asked for, and that the rights of others  
will not be adversely affected by such change.

Signed at Burley, Idaho this 7th day of December, 1964.



Date of receipt at office of Department of Reclamation December 11, 1964

APPROVAL OF STATE RECLAMATION ENGINEER

RALPH W. THOMAS, Deputy  
I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve  
the above and foregoing application for amendment to Permit to appropriate the Public  
Waters of the State of Idaho, No. G-28404. This approval constitutes a new permit  
and is issued as an amendment to the original permit, to which it refers, and of which  
it becomes a part, and said application is approved only insofar as the rights of others  
will not be adversely affected thereby.

Recorded in Book 100 of  
Permits, Page 28404  
December 23, 1964

Deputy  
State Reclamation Engineer

28404

LAW OFFICES OF  
**ANNEST & HIBBERT**  
ATTORNEYS AT LAW

1742 OVERLAND AVENUE  
POST OFFICE BOX 686  
BURLEY, IDAHO

JAMES ANNEST  
S. H. HIBBERT

TELEPHONE  
678-7783  
AREA CODE 208

December 10, 1964

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

*no fee*  
DEC 11 1964  
Department of Reclamation

Re: Permit No. G-28404, Fred J. Rigby

Dear Mr. Tappan:

Enclosed is an original and signed copy of Mr. Rigby's Application for Amendment, Land List, Permit No. G 28404, and form No. 36, Notice of Proof of Completion of Works and Application of Water to Beneficial Use, in duplicate, together with Form No. 11.

The form for publication should be received by the Herald-Bulletin not later than Friday morning, December 18th for publication beginning Monday, December 21st, as this is their deadline for legal publications.

Yours very truly,

*James Annest*  
JAMES ANNEST  
Attorney at Law

JA:rl  
Encls.

28404

December 4, 1964

RE: Permit No. G-28404  
Fred J. Rigby

Annest & Hibbert  
Attorneys at Law  
Box 686  
Burley, Idaho

Attention: Ruth Lambert

Dear Mrs. Lambert:

Enclosed is a supply of forms to amend the place of use under permits. One form to be used for each application.

Forms 10 are not used except to prove beneficial use of water after proof has been made of completion of works. Both proofs are made at the same time for all permits claiming subterranean water. Mr. Moon's Form 10 were returned to him with Forms 36 to be completed.

Very truly yours,

RALPH W. THOMAS  
Deputy State Reclamation Engineer

RWT:mr

Enc. amendment forms

28404

LAW OFFICES OF  
**ANNEST & HIBBERT**  
ATTORNEYS AT LAW  
1742 OVERLAND AVENUE  
POST OFFICE BOX 686  
BURLEY, IDAHO

JAMES ANNEST  
S. H. HIBBERT

TELEPHONE  
678-7783  
AREA CODE 208

December 3, 1964

AIRMAIL

RECEIVED  
DEC 4 1964  
U.S. DEPT. OF RECLAMATION

Office of Carl E. Tappan  
State Reclamation Engineer  
Department of Reclamation  
State House  
Boise, Idaho

Re: Permit No. G-28404, Fred J. Rigby

Gentlemen:

Mr. Rigby has received notice in your letter of December 1, 1964, that he must submit proofs of Completion of Works not later than February 2, 1965, and you sent him Form No. 36 and Form 11.

However, Mr. Rigby needs to amend his Application for Permit to show some additional land. Could you send us the proper amendment forms so that we could take care of this on Monday, December 7th.

Also, is it necessary for him to submit Form 10, Notice for Publication, Notice of Proof Application of Water to Beneficial Use, as was done for C. Eugene Moon, #G-32014, recently. If so, please send these forms also.

Yours very truly,

ANNEST & HIBBERT

By (Mrs) Ruth Lundberg  
Secretary

r1

28404

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G- 28404

Dec. 1, 1964

Fred J. Rigby  
Sublette Route  
Malta, Idaho

Dear Mr. Rigby:

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G- 28404 are due not later than February 2, 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 Form 36 and 11

28404

February 16, 1960

Re: Permit No. G-28404

Mr. Fred J. Rigby,  
Sublett Rte.,  
Malta, Idaho.

Dear Mr. Rigby:

We enclose Permit No. G-28404 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-4580 which was issued covering payment in the amount of \$6.00 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

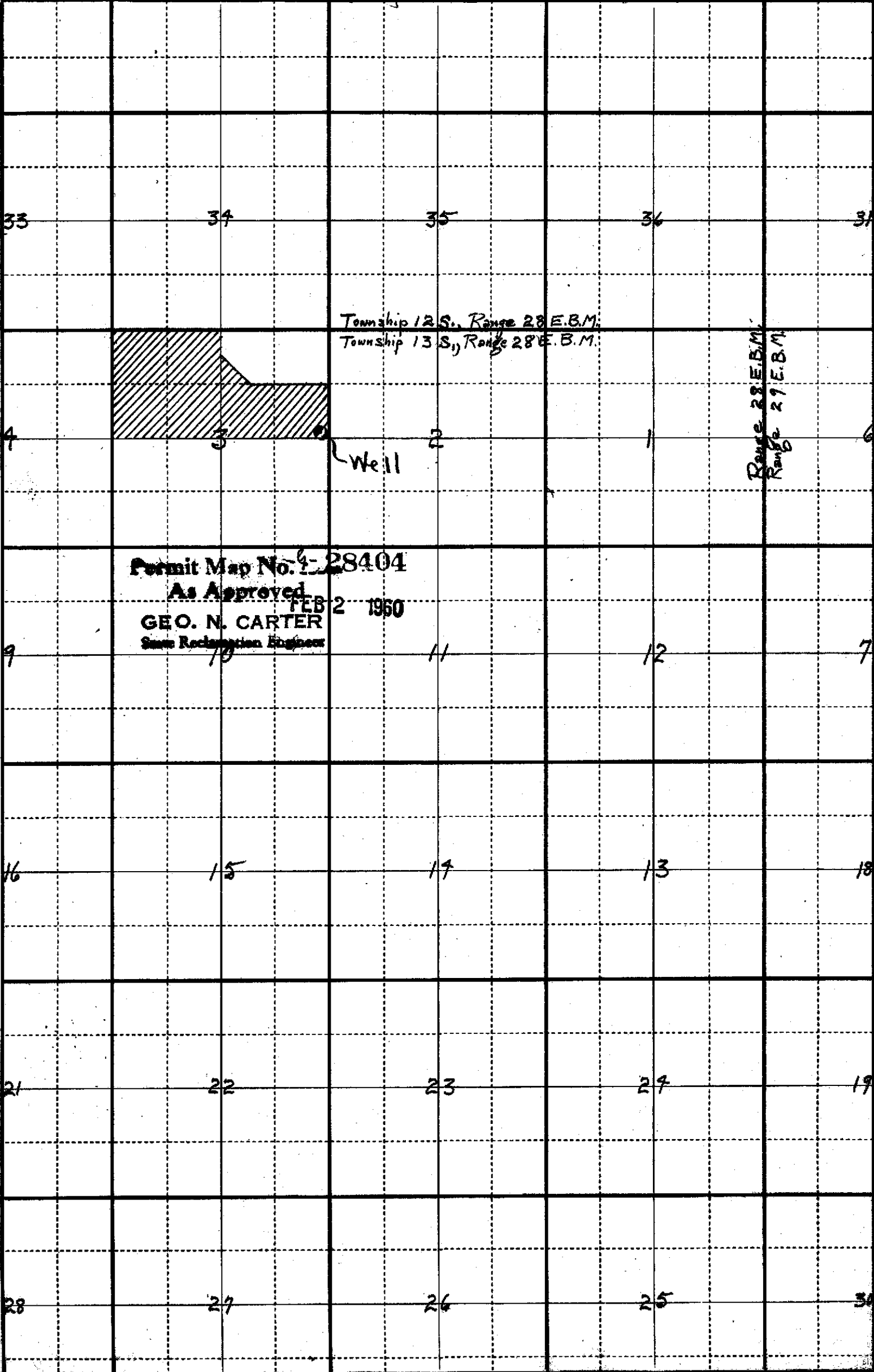
(Mrs.) Edna P. Rule  
Chief Clerk

Encl.  
EPR:pak

28404

NAME OF APPLICANT Fred Rigby

Form No. 0



Permit Map No. 28404  
As Approved  
FEB 2 1960  
GEO. N. CARTER  
State Reclamation Engineer

## LEGAL NOTICES

64-329

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

Notice is hereby given that at 10 A.M., on the 20th day of January 1965, at Office of Annest & Hibbert, Burley, County of Cassia, State of Idaho, before James Annest, Notary Public at 1742 Overland Avenue, Burley, Idaho, proof will be submitted of the completion of works for the diversion of 5 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. C-28404, 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 Fred J. Rigby, Sublett Route, Malta, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 5 cubic feet per second.

3. The use to which said water has been applied is irrigation, purposes, and the amount applied to beneficial use is 5 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 3, Twp. 13 S., Rge 28, East, Boise Meridian.

5. The place where said water is used is Part of NW $\frac{1}{4}$ NE $\frac{1}{4}$  (abt 5 acres) and SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 3, all in Twp. 13 S. Range 28, E.B.M., and the SE $\frac{1}{4}$  of Section 33, Twp. 12 S., Rge 28, E. B. M.

6. The date of priority which said user is prepared to establish is Jan. 22, 1960.

CARL E. TAPPAN

State Reclamation Engineer  
Published in the Burley Herald-Bulletin December 21, 28, 1964,  
January 4, 11, 1965. 22404

## LEGAL NOTICES

65-2

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

Notice is hereby given that at 10 A.M., on the 27th day of January, 1965, at Office of Annest & Hibbert, Burley, Idaho, County of Cassia, State of Idaho, before James Annest, Notary Public, at 1742 Overland Avenue, Burley, Idaho, proof will be submitted of the completion of works for the diversion of 5 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. C-28404, 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 FRED J. RIGBY, Sublett Route Malta, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 5 cubic feet per second.

3. The use to which said water has been applied is irrigation, purposes, and the amount applied to beneficial use is 5 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ NE $\frac{1}{4}$ , of Sec. 3 Twp. 13 S., Rge. 28 East, Boise Meridian.

5. The place where said water is used is Part of NW $\frac{1}{4}$ NE $\frac{1}{4}$  (abt. 5 acres) and SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$  and SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 3, all in Twp. 13 S., Range 28, E.B. M., and the SE $\frac{1}{4}$  of Section 33, Twp. 12 S., Rge. 28 E.B.M.

6. The date of priority which said user is prepared to establish is Jan. 22, 1960.

CARL E. TAPPAN

State Reclamation Engineer  
Published in the Burley Herald-Bulletin January 4, 11, 18, 25, 1965. 22404