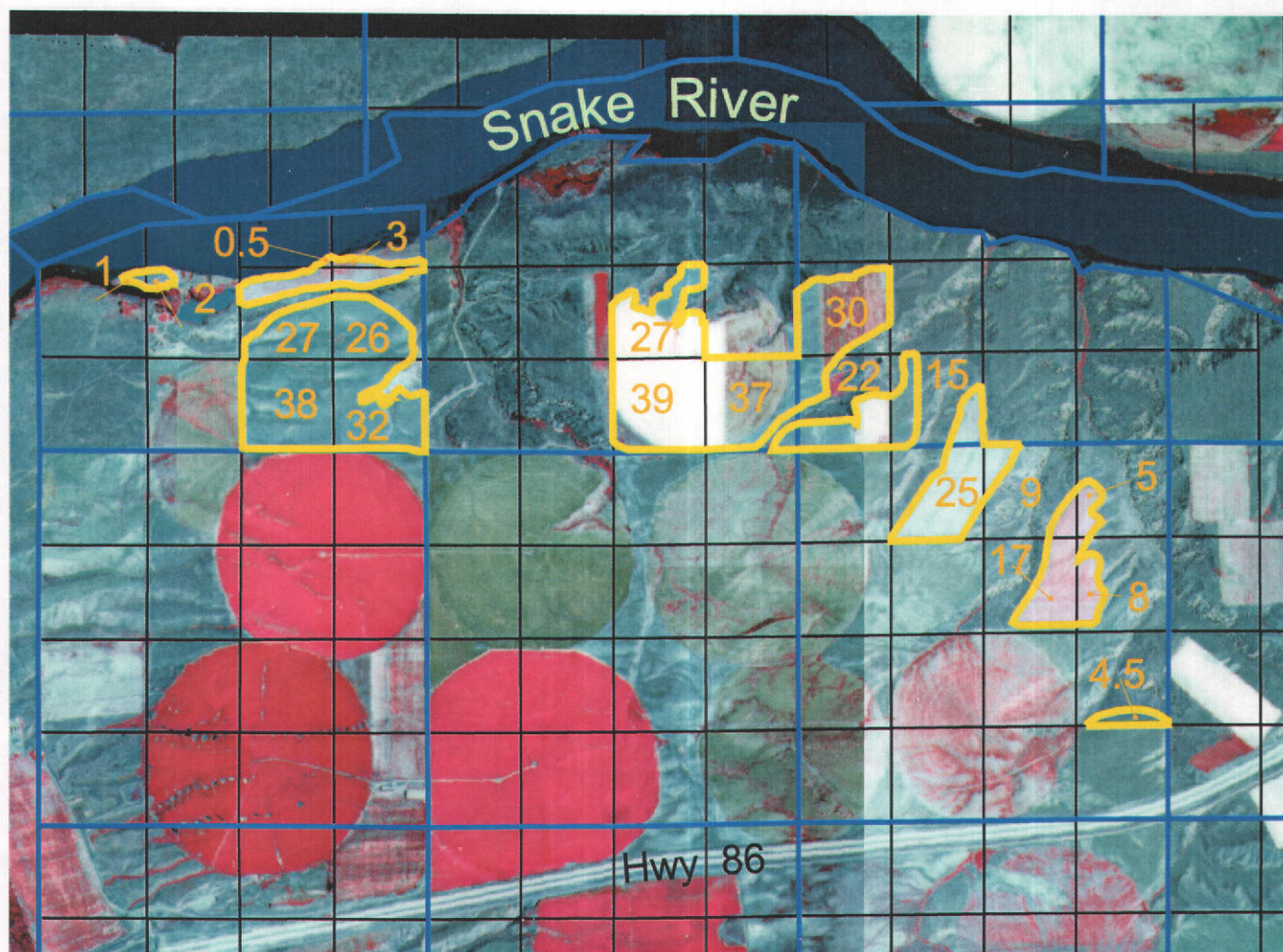


IDAHO DEPARTMENT OF WATER RESOURCES

T #5558 43-02481,-02567A,-02597



SECTIONS 19, 20, 21, and 28
T09S, R27E



-  Recommended Place of Use
-  Recommended Point of Diversion
-  Section Lines
-  Quarter/Quarter Lines

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GIS PLACE OF USE PRESENTATION
1987 NAPP PHOTOGRAPHY
DATA ENTRY: 25 SEPT 1999
BY: GLS

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Ruth Chambers, being first

duly sworn, deposes and says that ^{She}he is the

Bookkeeper 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 2 consecutive weeks, commencing with the issue dated August 27, 1970, and ending with the issue dated September 3, 1970.

Ruth Chambers

Subscribed and sworn to before me
this 3rd day of September
1970.

Edith Rausadt Notary Public

Cost of Publication 11.25

Notary Fee _____

Total Cost _____

My commission expires October 23, 1971

RECEIVED

SEP 18 1970

Department of Water Administration

dg
OK
9-22-70

70-237

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Francis M. Fenstermaker, Heglar Route, American Falls, Idaho, has received an approved Permit No. G-32876-43-2481 issued by the Idaho Department of Water Administration authorizing the diversion of 12.2 cubic feet per second of water from a ground-water source. The priority to be established under this permit is May 10, 1966 and the permit was approved May 12, 1966.

Water is to be diverted by well and pumps from a point within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, T. 9S, R. 28E, B.M., Cassia County, to be used for irrigation in the W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20; W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21; N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28; T. 9S, R. 28E, B.M.

Proof of the application of the water to beneficial use was submitted to the Department on June 8, 1970. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

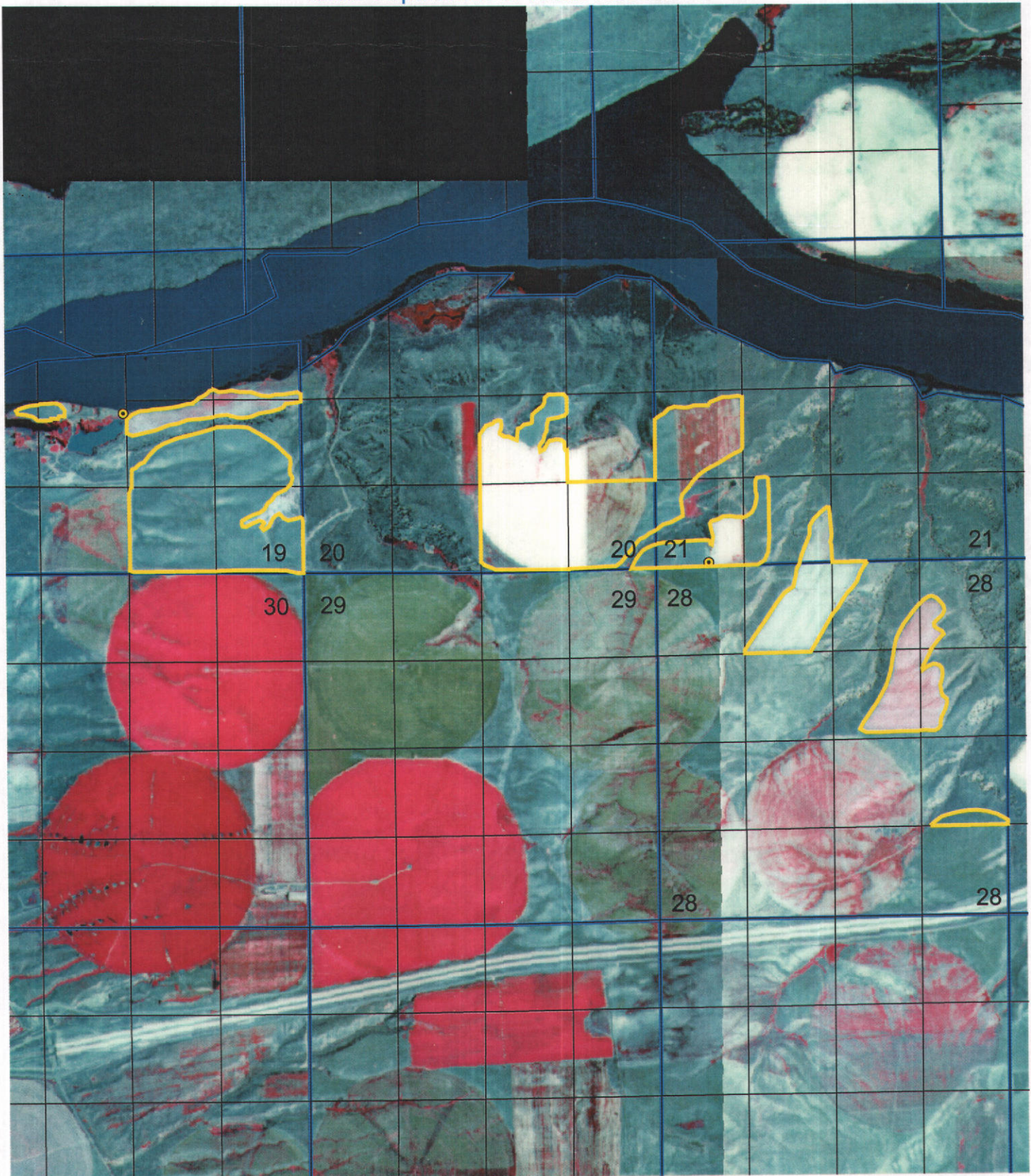
R. KEITH HIGGINSON,
Director
Idaho Dept. of Water
Administration

Published in the South Idaho Press, Burley, Idaho, on August 27 and September 3, 1970.

32876
181



Idaho Department of Water Resources



TWP 09S, RNG 28E,
SECTIONS 19, 20, 21, & 28

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

TRANSFER # 5558
43-02481, 43-02567A, 43-02597

MICROFILMED
Gis Field Map
1987/1988 Napp Photography
Jeanie Robertson
Field Exam Date : June 1994



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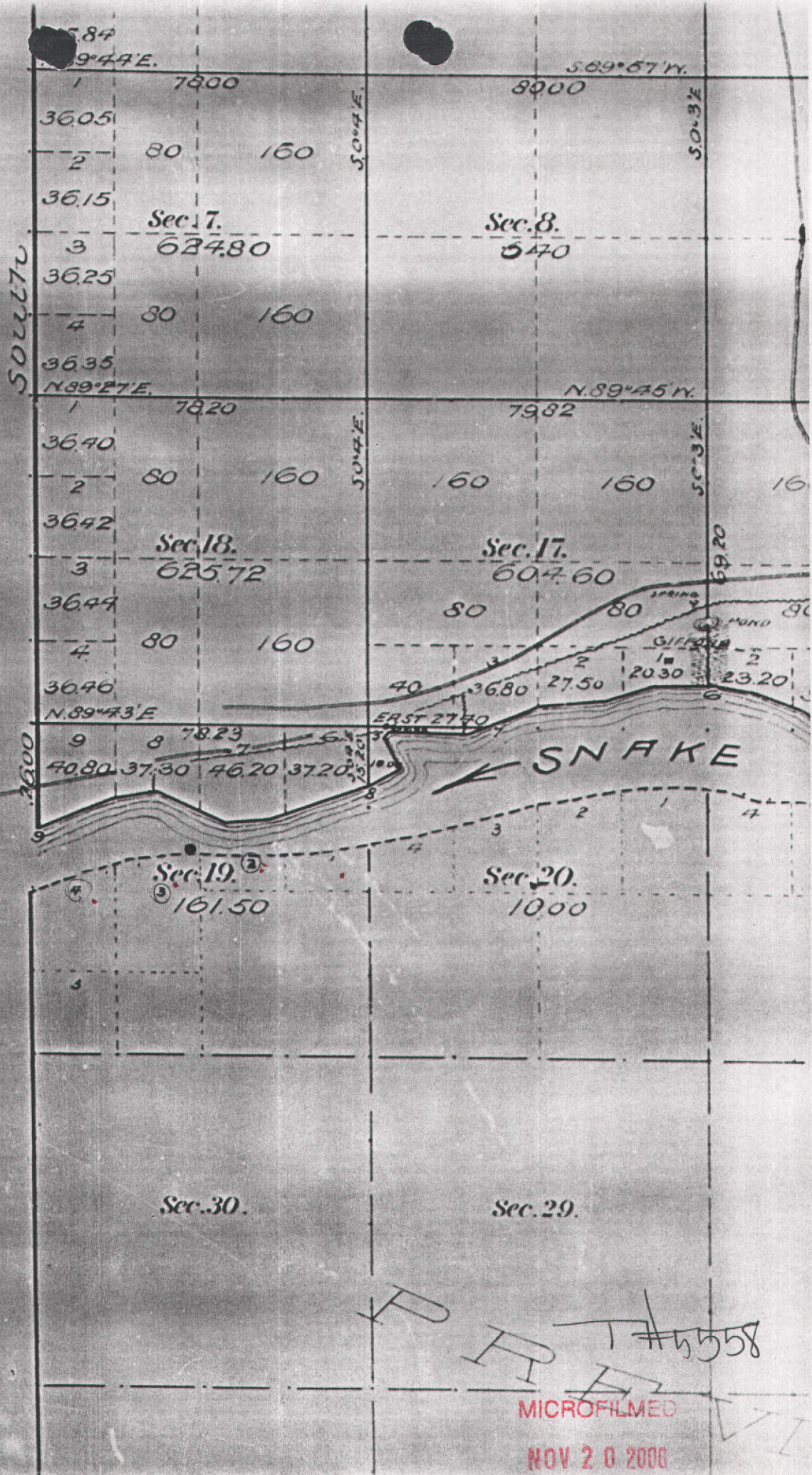
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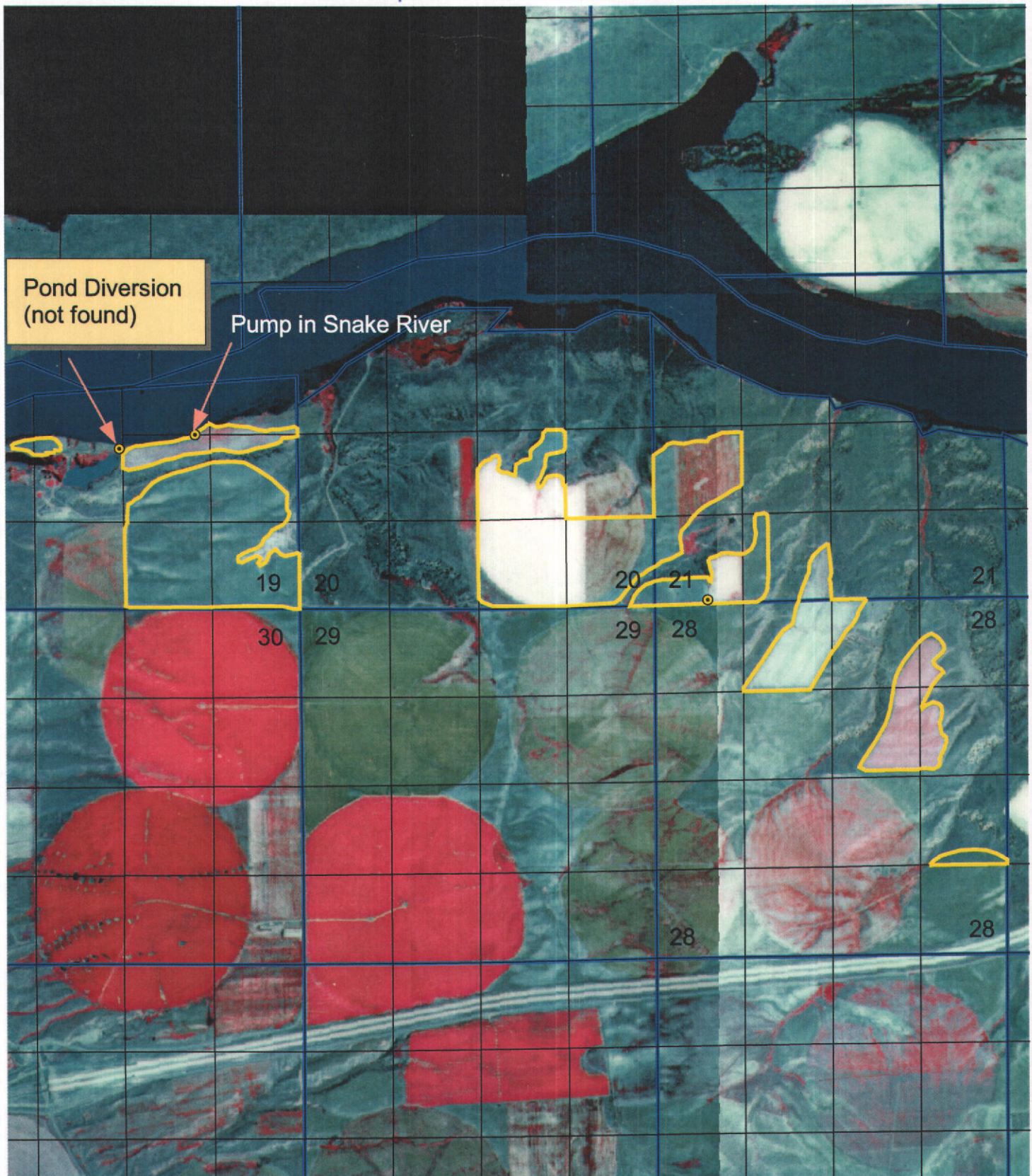
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TWP 09S, RNG 28E,
SECTIONS 19, 20, 21, & 28

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

TRANSFER # 5558
43-02481, 43-02567A, 43-02597

Gis Field Map
1987/1988 Napp Photography
Jeanie Robertson
Field Exam Date : June 1994

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measured
3.98 cfs

record rate
3.54 cfs

Webb Basin Real Estate
June 1994 Well Measurements
A43-02567B...et.al.

Sec 21, T09S, R28E
SW SW SW $\frac{1}{4}$

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NOV 20 2000

Well #5

T#5558

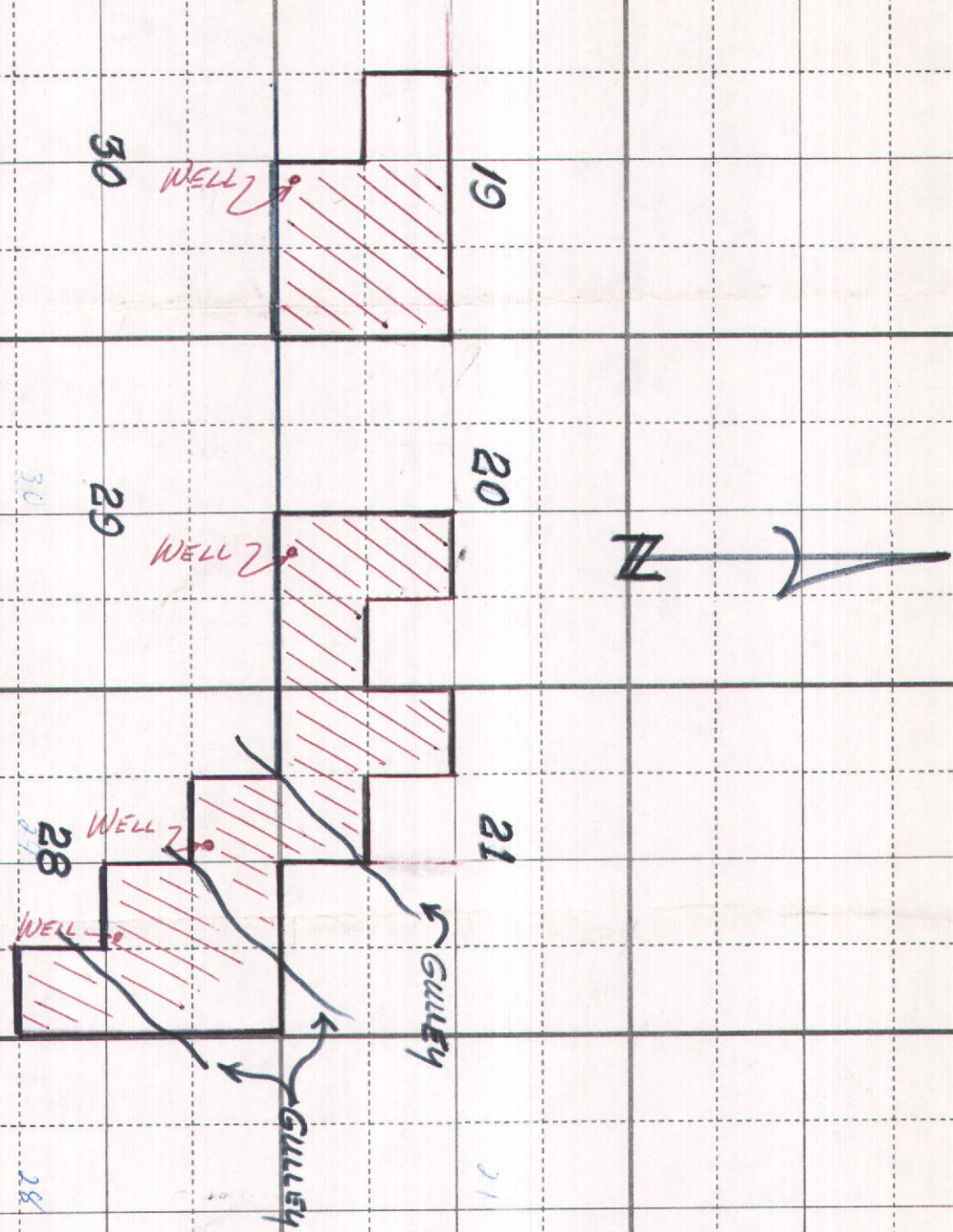


Webb Basin Real Estate
 June 1994 Well Measurements
 A43-02567B...et.al.

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 NOV 20 2000

Spring
 River Pump

T# 5558



T95

Irrigation to be by
Sprinkler System

As Approved
CARL E. TAPPAN
State Reclamation Engineer
Permit MCP 116-1111-121966
32876

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
43-02567			00/00/0000	/Z			WR
43-02567A	EVANS GRAIN AND ELEVATOR CO	C	08/26/1963	L/	GROUNDWATER	IRR	WR
43-02567B	RIVIERA FARMS	C	08/26/1963	L/	GROUNDWATER	IRR	WR

A43-02567	SPLIT RIGHT - SEE A & B	C	08/26/1963	/Z	GROUNDWATER	IRR	AJ
					SPLIT RIGHT		
A43-02567A	EVANS GRAIN & ELEVATOR CO	C	08/26/1963	L/	GROUNDWATER	IRR	AJ
A43-02567B	WEBB BASIN REAL ESTATE LLC	C	08/26/1963	L/	GROUNDWATER	IRR	AJ

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WATER RIGHT NUMBER	NAME	CFS
43-02567	RIGHT SPLIT INTO PARTS A & B THROUGH TRANSFER 5558.	
43-02567A	EVANS GRAIN AND ELEVATOR CO	1.00
43-02567B	RIVIERA FARMS	5.00

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TRANSFER OF WATER RIGHT

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 43-02481 :			
IRRIGATION	04/15 to 11/01	3.54 CFS	872.0 AF
Priority: 05/10/1966			
Right No. 43-02567A :			
IRRIGATION	04/01 to 10/31	1.00 CFS	424.5 AF
Priority: 08/26/1963			
	TOTAL:	4.54 CFS	1296.5 AF

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
09S	28E	19	Lot 2 (SWNE)	0.5	Lot 3 (NESW)	2	NENE	26	
			NWSE	31	SWSE	38	SESE	32	129.5
		20	NWSE	27	SWSE	39	SESE	37	103
		21	NWSW	30	SWSW	22	SESW	15	67
		28	NENE	5	NWNE	9	SWNE	17	
			SENE	8	NENW	25	NENE	4.5	68.5
			Total number of acres irrigated:						368

Chief, Water Allocation Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
	)	
FOR TRANSFER NO. 5558 IN THE	)	PRELIMINARY ORDER
	)	GRANTING PARTIAL
NAME OF EVANS GRAIN AND	)	APPROVAL OF APPLICATION
	)	
ELEVATOR COMPANY	)	
_____	)	

This matter, having come before the Department of Water Resources ("department") in the review of an application for transfer, the department makes the following Findings of Fact, Conclusions of Law and Preliminary Order:

FINDINGS OF FACT

1. On July 25, 1935, the department issued License No. **43-02597** to Herbert Yox authorizing the diversion of 0.8 cubic feet per second ("cfs") of water from springs to be used for irrigation of 40 acres of land located in parts of Sec. 19, T9S, R28E, B.M. The springs are located within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, T9S, R28E, B.M. and the priority of use is August 27, 1931.

2. On October 7, 1969, the department issued License No. **43-02567** to J. T. Robinson and Sons Company authorizing the diversion of 6.0 cfs of groundwater for irrigation purposes with a priority of August 26, 1963. The location of the 3 wells are within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29 and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, T9S, R28E, B.M. and the water is to be used on 1,583 acres of land. **Transfer No. 1686** was approved on October 23, 1973, in the name of Riviera Farms Inc. adding an additional well within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T9S, R28E, B.M. **Transfer No. 2142** was approved on November 15, 1977, adding another well in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, T9S, R28E, B.M.

3. On December 28, 1973, the department issued License No. **43-02481** to Masaki M. Kuwana authorizing the diversion of 3.54 cfs of groundwater for irrigation of 218 acres of land located within parts of sections 20, 21 and 28, T9S, R28E, B.M. The well is located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, T9S, R28E, B.M. and the priority of use is May 10, 1966.

4. On May 24, 1999, Evans Grain and Elevator Company ("applicant") filed Application for **Transfer No. 5558** in connection with the above described water rights. The application proposes to change the place of use of License Nos. **43-02481**, **43-02597** and of 1.0 cfs of License No. **43-02567** to 368 acres of land located within sections 19, 20, 21 and 28, T9S, R28E, B.M.

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5. Field examination of the places of use by the department found that there are no diverting works or distribution system from springs described under License No. **43-02597**. This right was licensed for a diversion system that involved a dam with ditches.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides in pertinent part as follows:

"All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to beneficial use for which is was appropriated. ..."

2. In the case of Jenkins v. State of Idaho, et al., the court held that the director of the department has jurisdiction to determine the issues of forfeiture.

3. Evidence obtained by department personnel substantiates that there are no diverting works or distribution system from springs in the licensed location and that water has not been diverted under License No. **43-02597**. Consequently the right has been forfeited.

4. The department should not approve the part of the application which involves License No. **43-02597**.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Transfer 5558 in the name of Evans Grain and Elevator Company be **PARTIALLY APPROVED** for part of License No. **43-02567** and for all of License No. **43-02481** subject to the following conditions:

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

6. The period of use for the irrigation described in this approval for Right 43-02481 may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 11/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

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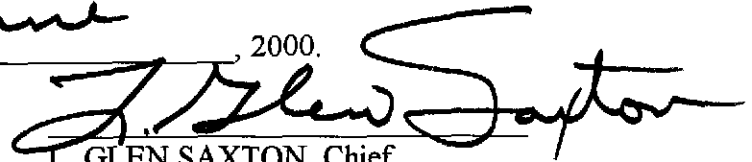
NOV 20 2000

7. The period of use for the irrigation described in this approval for Right 43-02567A may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

8. Right 43-02481 is limited to the irrigation of 218 acres within the place of use described above in a single irrigation season.

IT IS FURTHER HEREBY ORDERED that approval of the portion of the application for transfer of License No 43-02597 for diversion of water from springs is **DENIED**, and that License No. 43-02597 has been **FORFEITED** for failure of the right holder to apply water under the license to beneficial use for a continuous period of five (5) or more years. The license is of no further force nor effect.

Dated this 28th day of June, 2000.


L. GLEN SAXTON, Chief
Water Allocation Bureau

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NOV 20 2000

DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED

MAY 24 1999

APR 30 2000

PART 1

Department of Water Resources

Department of Water Resources
Southern RegionName of applicant EVANS GRAIN & ELEVATOR CO Phone (801) 476-0277Post Office address PO BOX 3765 OGDEN, UT. 84409

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 MOVE IRRIGATED RIGHTS OFF OF
BLM LAND, ALSO DESCRIBE ACTUAL IRRIGATED LANDS

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
GW	<u>43-02481</u>	<u>05-10-1966</u>	<u>3.54 cfs</u>	<u>Irrigation</u>	<u>4/1</u> to <u>10/31</u>
GW	<u>43-02567A</u>	<u>08-26-1963</u>	<u>1.00 "</u>	<u>" "</u>	<u>"</u> to <u>"</u>
Spring	<u>43-02597</u>	<u>08-27-1931</u>	<u>0.80 "</u>	<u>" "</u>	<u>"</u> to <u>"</u>

2. Total amount of water being transferred 5.34 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water GROUNDWATER / SPRING tributary to SNAKE RIVER
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>3</u>		<u>NE</u>	<u>SW</u>	<u>19</u>	<u>09S</u>	<u>28E</u>	<u>CASSIA</u>	<u>SPRINGS</u>
		<u>SW</u>	<u>SW</u>	<u>21</u>	<u>09S</u>	<u>28E</u>	<u>" "</u>	<u>ADDD2924 GPS TAG @ WELL</u>

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	
<u>09S</u>	<u>28E</u>	<u>19</u>			<u>0.5</u>	<u>3</u>					<u>2</u>	<u>1</u>			<u>26</u>	<u>27</u>	<u>38</u>	<u>32</u>	<u>129.5</u>
					<u>LOT 2</u>	<u>LOT 1</u>					<u>LOT 3</u>	<u>LOT 4</u>							
		<u>20</u>													<u>27</u>	<u>39</u>	<u>37</u>		<u>103</u>
		<u>21</u>									<u>30</u>	<u>22</u>	<u>15</u>						<u>67</u>
		<u>28</u>	<u>5</u>	<u>9</u>	<u>17</u>	<u>8</u>	<u>25</u>				<u>MICROFILMED</u>				<u>4.5</u>				<u>68.5</u>

Total acres 368

PART 1

6. General Information:

a. Description of diversion system _____

SPRING IS PUMPED IN COMMON PIPELINE NETWORK CONNECTED
WITH WELL ; FROM WELL TO PIPELINE

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X (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:

LAND OWNED BY BLM WILL NOT BE IRRIGATED
ANY LONGER, WATER WILL BE MOVED TO
APPLICANT'S LAND

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

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PART 2

TRANS NO. 5558

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 43-02481

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 11/01	3.54 CFS	872.0 AF

SOURCE

GROUNDWATER

Priority: 05/10/1966

LOCATION OF POINT(S) OF DIVERSION:SWSW , Sec. 21, Township 09S, Range 28E
CASSIA CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	28E	20	NESE 15	NWSE 28	SWSE 40	121
			SESE 38			
		21	NWSW 30	SWSW 24	SESW 14	68
		28	NWNE 9	NENW 20		29
Total number of acres irrigated:						218

CONDITIONS/REMARKS:

MICROFILMED

NOV 20 2000

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 43-02567

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	6.00 CFS

SOURCE

GROUNDWATER

Priority: 08/26/1963

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 29, Township 09S, Range 28E
 NWSE , Sec. 29, Township 09S, Range 28E
 SESE , Sec. 30, Township 09S, Range 28E
 SWNW , Sec. 31, Township 09S, Range 28E
 CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	28E	19	SESW 39			39
		28	NWNW 35	SWNW 40	SENW 36	
			NESW 36	SESW 40	NWSE 39	
			SWSE 6			232
		29	NENE 40	NWNE 29	SWNE 40	
			SENE 40	NENW 33	NWNW 39	
			SWNW 39	SENW 40	NESW 40	
			NWSW 39	SWSW 39	SESW 40	
			NWSE 40	SWSE 40		538
		30	NENE 39	NWNE 39	SWNE 40	
			SENE 39	NENW 37	SWNW 30	
			SENW 34	NESW 40	NWSW 39	
			SWSW 35	SESW 40	NESE 38	
			NWSE 39	SWSE 40	SESE 37	566
		31	NENE 30	NWNE 33	NENW 39	
			NWNW 38			140
		32	NENE 7	NWNE 11	NENW 13	
			NWNW 24			55
		33	NWNE 2	NENW 5	NWNW 6	13
Total number of acres irrigated:						1583

CONDITIONS/REMARKS:

THIS RIGHT HAS BEEN SPLIT AS FOLLOWS:

A43-02567A 368 AC 1 CFS EVANS GRAIN & ELEVATOR

A43-02567B 1913 AC 5 CFS WEBB BASIN REAL ESTATE LLC

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5/4/99 jr

NOV 20 2008

PART 2

Transfer No. 5558

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 1.00 cfs for Irrigation purposes from 4/1 to 10/31
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

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

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

PART 2

TRANS NO. 5558

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 43-02597

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	to	0.80 CFS

SOURCE

SPRING

Priority: 08/27/1931

LOCATION OF POINT(S) OF DIVERSION:NWSE , Sec. 19, Township 09S, Range 28E
CASSIA CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	28E	19	Lot 3(NESW) 20	NESE 15	NWSE 5	40
Total number of acres irrigated:						40

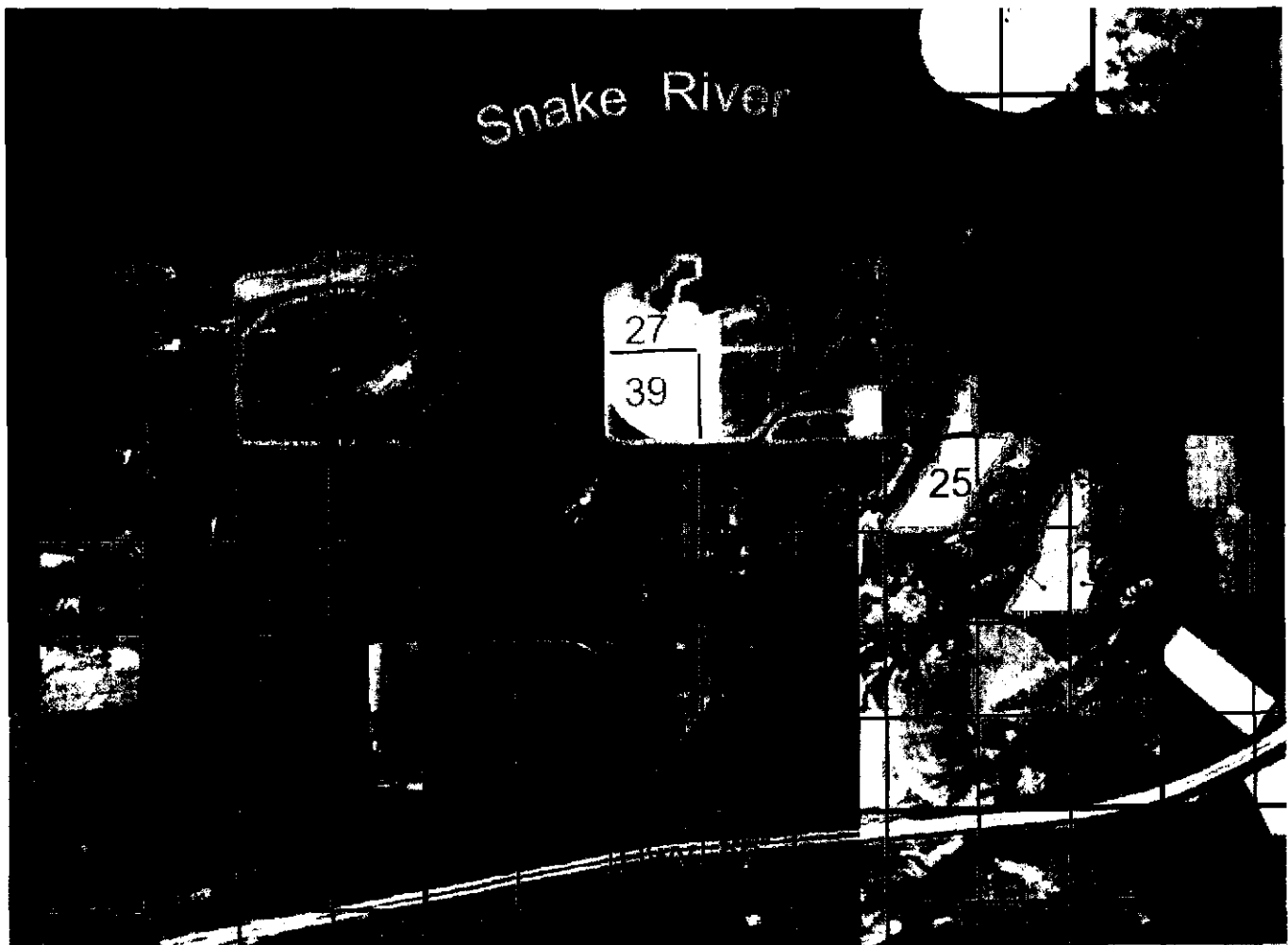
CONDITIONS/REMARKS:

MICROFILMED

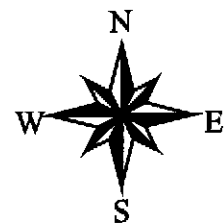
NOV 20 2000

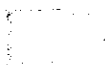
IDAHO DEPARTMENT OF WATER RESOURCES

T #5558 43-02481,-02567A,-02597



SECTIONS 19, 20, 21, and 28
T09S, R27E



-  Recommended Place of Use
-  Recommended Point of Diversion
-  Section Lines
-  Quarter/Quarter Lines

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NOV 20 2000

GIS PLACE OF USE PRESENTATION
1987 NAPP PHOTOGRAPHY
DATA ENTRY: 25 SEPT 1999
BY: GLS

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

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

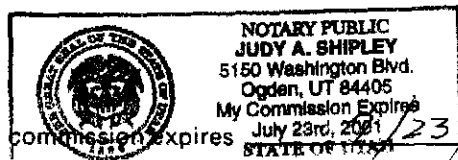
3. Describe effects on other water uses resulting from the proposed change:

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.

X Robert H. [Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 20th day of May, 19 99.



Judy A. Shipley
(Notary Public)

My commission expires 7/23/2001

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 5 attachments

Received by 24 May 1999 Date GLS Protest filed by None

Prelim. check by GLS Fee \$100 5022171

Receipted by " Date GLS

Published in Sq. 20 Press Copies of protest forwarded by

Pub. dates 10/18 & 10/25/99 Hearing held by Date

Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial

rec'd. by AD

Copy of transfer sent to lien holder

MICROFILMED

NOV 20 2000

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

- Adjudication Claim No(s).:**

A43-02481 A43-02597
one(1) CES OF A43-02567

- AND**

- OR**

- 3. Name and Address of Former Owner/Claimant**

POE Investments

PO Box 3765, Ogden UT 84409

- Evans Grain & Elevator Co.

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

PO Box 376

City, State and ZIP Code

Ogden, UT 84407

New Telephone Number

(801) 476-0277

- 1/1/98

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ **Number of homes** _____ **Other uses** _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. **Signature of New Owner
or Claimant(s)**

Grand Ledge - Sec 1 Treas Evans Grain & ELEVATOR

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

Nov 2 11 2000



5150 WASHINGTON BLVD.
P.O. BOX 3765
OGDEN, UTAH 84409
PHONE (801) 476-0277
FAX (801) 476-0066

RECEIVED

SEP 18 1998

Department of Water Resources
Southern Region

It is hereby resolved that the following named people will continue their appointments as officers and directors of Evans Grain & Elevator Co., a Utah S-Corporation:

Robert P. Evans - President, Director and Chairman of the Board

Mary H. Evans - Vice-President, Director

Brad Kapple - Secretary/Treasurer, Director

As officers, these individuals have signing authority on all necessary documentation as it relates to the business of Evans Grain & Elevator Co.

Authorized this 2nd day of January 1998

By: *Robert P. Evans*
Robert P. Evans - President
and majority stock holder

MICROFILMED

NOV 20 1998

WARRANTY DEED

THIS INDENTURE, made this 10 day of August, 1998, between P. O. E. INVESTMENTS, a partnership, consisting of Warren P. Powers, Duane L. Ottenstroer and Robert P. Evans of Box 3765, Ogden, Utah 84409, ("Grantor"), and EVANS GRAIN & ELEVATOR CO., whose address is Box 3765, Ogden, Utah 84409, ("Grantee").

W I T N E S S E T H:

The Grantor for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold and by these presents does grant, bargain and sell, convey and confirm unto the Grantee, and to the successors and assigns of Grantee forever, all of the following described real estate situated in the County of Cassia, State of Idaho, to-wit:

That property more particularly described on Exhibit A attached hereto and made a part hereof by reference. Exhibit A describes water rights hereby conveyed and certain easements.

SUBJECT TO: Accruing taxes, levies and assessments, easements and restrictions of record.

TOGETHER with all and singular the tenements, hereditaments and appurtenances and water rights thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits

LAWYERS
BURLEY, IDAHO

1 thereof, and all estate, right, title and interest in and to
2 said property as well in law as in equity of the Grantor.

3 TO HAVE AND TO HOLD, all and singular the above-
4 mentioned and described premises, together with appurtenances
5 unto the Grantee and to the successors and assigns of Grantee
6 forever.

7 The Grantor shall and will warrant and by these
8 presents will forever defend the said premises in the quiet and
9 peaceable possession of the Grantee, and the successors and
10 assigns of Grantee against all and every person and persons
11 whomsoever lawfully claiming the same, except as aforesaid.

12 IN WITNESS WHEREOF, the Grantor has executed this
13 Deed the day and year first above written.

14 P.O.E. INVESTMENTS

15 BY Warren P. Powers

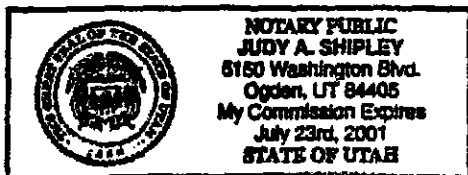
16 BY Duane L. Ottenstroer

17 BY Robert P. Evans

18 STATE OF UTAH)
19) ss
20 County of WEBER)

21 On this 10th day of August, in the year 1998,
22 before me, the undersigned, a Notary Public in and for said
23 State, personally appeared WARREN P. POWERS, DUANE L.
24 OTTENSTROER and ROBERT P. EVANS, known or identified to me to
25 be the partner or partners of the partnership of P.O.E.
26 INVESTMENTS, and the partner or one of the partners who

1 subscribed said partnership name to the foregoing instrument,
2 and acknowledged to me that they executed the same in said
3 partnership name.



Judy A. Shipley
Notary Public for Utah
Residing at *Ogden, Utah*
My Commission Expires: *7/23/01*

P. J. S. & J. M. S. S. C., LLP
LAWYERS
BURLEY, IDAHO

1
2 EXHIBIT A TO WARRANTY DEED

3 TOWNSHIP 9 SOUTH, RANGE 28 EAST OF THE BOISE
4 MERIDIAN, CASSIA COUNTY, IDAHO

5 Section 19: Lots 2, 3, and the SE $\frac{1}{4}$

6 Section 20: W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$

7 Section 21: W $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$

8 Section 28: NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$

9 AND

10 [REDACTED] That part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township
11 [REDACTED] 9 South, Range 28 East of the Boise Meridian,
lying within the following described property:

12 [REDACTED] Beginning at the East $\frac{1}{4}$ section corner of
13 [REDACTED] Section 28 of T. 9 S., R. 28 E., B.M., said
corner marked by a U.S. GLO iron pipe with brass
14 [REDACTED] cap which shall be the Point of Beginning;

15 [REDACTED] THENCE South 00 degrees 32 minutes 23 seconds
16 [REDACTED] West along the East line of Section 28 for a
distance of 2091.98 feet;

17 [REDACTED] THENCE along a non-tangent curve to the right
18 [REDACTED] for a distance of 2803.04 feet to the East line
of Section 28; said curve having a radius of
19 [REDACTED] 1124.51 feet with a central angle of 142°49'10"
with a long chord bearing North 00 degrees 32
20 [REDACTED] minutes 25 seconds East for a distance of
2131.68 feet;

21 [REDACTED] THENCE South 00 degrees 33 minutes 53 seconds
22 [REDACTED] West along the East line of Section 28 for a
distance of 39.70 feet to the Point of
Beginning.

23 AND sometimes also described as:

24 Beginning at the E $\frac{1}{4}$ section corner of Section
25 28, Township 9 South, Range 28 East, Boise
Meridian, said corner marked by a U.S. GLO iron
26 pipe with brass cap; Thence South 00°32'23" West

1 along the East line of Section 28 for a
2 distance of 1335.08 feet to the NE corner
3 of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 28 which
shall be the POINT OF BEGINNING;

4 Thence South 00°32'23" West along the East
line of Section 28 for a distance of 756.90
feet;

5 Thence along a non-tangent curve to the right
6 for a distance of 1079.81 feet to a point on the
North line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$, said curve having a
7 radius of 1124.51 feet with a central angle of
55°01'05" with a long chord bearing of North
43°21'37" West for a distance of 1038.80 feet;

8 Thence North 89°52'19" East along said North
9 line for a distance of 720.35 feet to the POINT
OF BEGINNING.

10 AND TOGETHER WITH AND INCLUDING the following easements:

11 EASEMENT NO. 1:

12 A perpetual non-exclusive twenty (20) foot wide
13 easement for the installation, replacement, and
14 repair of an underground irrigation pipeline for
the delivery of water from a well located in the
15 Southwest Quarter Southwest Quarter Southwest
Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 21, Township 9
16 South, Range 28 E., B.M. to the Southeast
Quarter (SE $\frac{1}{4}$) of Section 19, Township 9 South,
Range 28 E., B.M., which easement is
particularly described as:

17 Beginning at the Northwest corner of the
18 Northeast Quarter (NE $\frac{1}{4}$) of Section 29, Township
9 South, Range 28 East, Boise Meridian, thence
19 East 100 feet along the section line of said
Section 29 to the True Point of Beginning;
20 Thence South 20 feet; thence West 100 feet to
the East boundary of the Northwest Quarter (NW $\frac{1}{4}$)
21 of Section 29, Township 9 South, Range 28 East,
Boise Meridian; thence continuing West 2,640
22 feet, more or less to the West boundary of the
Northwest Quarter (NW $\frac{1}{4}$) of said Section 29;
23 thence continuing West 100 feet in the Northeast
Quarter (NE $\frac{1}{4}$) of Section 30, Township 9 South,
24 Range 28 East, Boise Meridian; thence North 20
feet to the North section line of said Section
25 30; thence East along the North boundaries of
the section lines of said Sections 29 and 30,
26 2,840 feet, more or less, to the Point of

Beginning.

EASEMENT NO. 2:

A perpetual non-exclusive easement for roadway purposes from the County road to a roadway in the Southeast Quarter (SE¼) of Section 19, Township 9 South, Range 28 East, Boise Meridian, Cassia County, Idaho, and such easement particularly described as follows:

A thirty foot (30') wide strip of ground having a center line described as beginning at the Southeast corner of Section 19, Township 9 South, Range 28 East, Boise Meridian, said corner marked by a 5/8 inch rebar with cap dated 1996; thence South 00°05'48" West for a distance of 133.03 feet to the Point of Beginning; thence North 25°51'15" West for a distance of 79.93 feet; thence North 51°40'38" West for a distance of 75.40 feet; thence North 69°53'51" West for the South section line of said Section 19, Township 9 South, Range 28 East Boise Meridian, being the terminus point of the center line of the easement.

3.54 cfs, 0.80 cfs
WATER RIGHTS

A43-02481 and A43-02597 and
One (1) cfs from Water Right No. A43-02567.

1.00 cfs

$$\sum = \frac{5.34}{0.02} = 26720$$

0.725 in/20.

RECORDED AT THE REQUEST OF
CASSIA COUNTY, IDAHO
COUNTY CLERK
SEP 15 1990
251885
FILED
303

State of Idaho

Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 32876/43-2481 Priority May 10, 1966 Amount 3.54 cfs

THIS IS TO CERTIFY, that MASAKI M. KUWANA
of Declo, Idaho, has complied with the terms and conditions of Permit
No. 32876/43-2481 issued pursuant to Application for Permit dated May 10, 1966,
and has submitted proof to the Department of Water Administration on June 8, 1970,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 3.54 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 15</u> to <u>Nov. 1</u>	at <u>3.54</u> cfs and	<u>872 acre feet or</u> <u>4.0 af per acre</u>
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 3.54 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
872 acre feet per year, said waters to be diverted within the SW¹/₄SW¹/₄ of Sec. 21,
Twp. 9 S, Rge. 28 E, B. M. in the County of Cassia

Description and location of place of use:

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	
9 S	28 E	20													15	28	40	38	121
		21									30	24	14						68
		28		9			20												29

Total number of acres irrigated 218

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28 day of
December, 19 73.

Director

43 2481

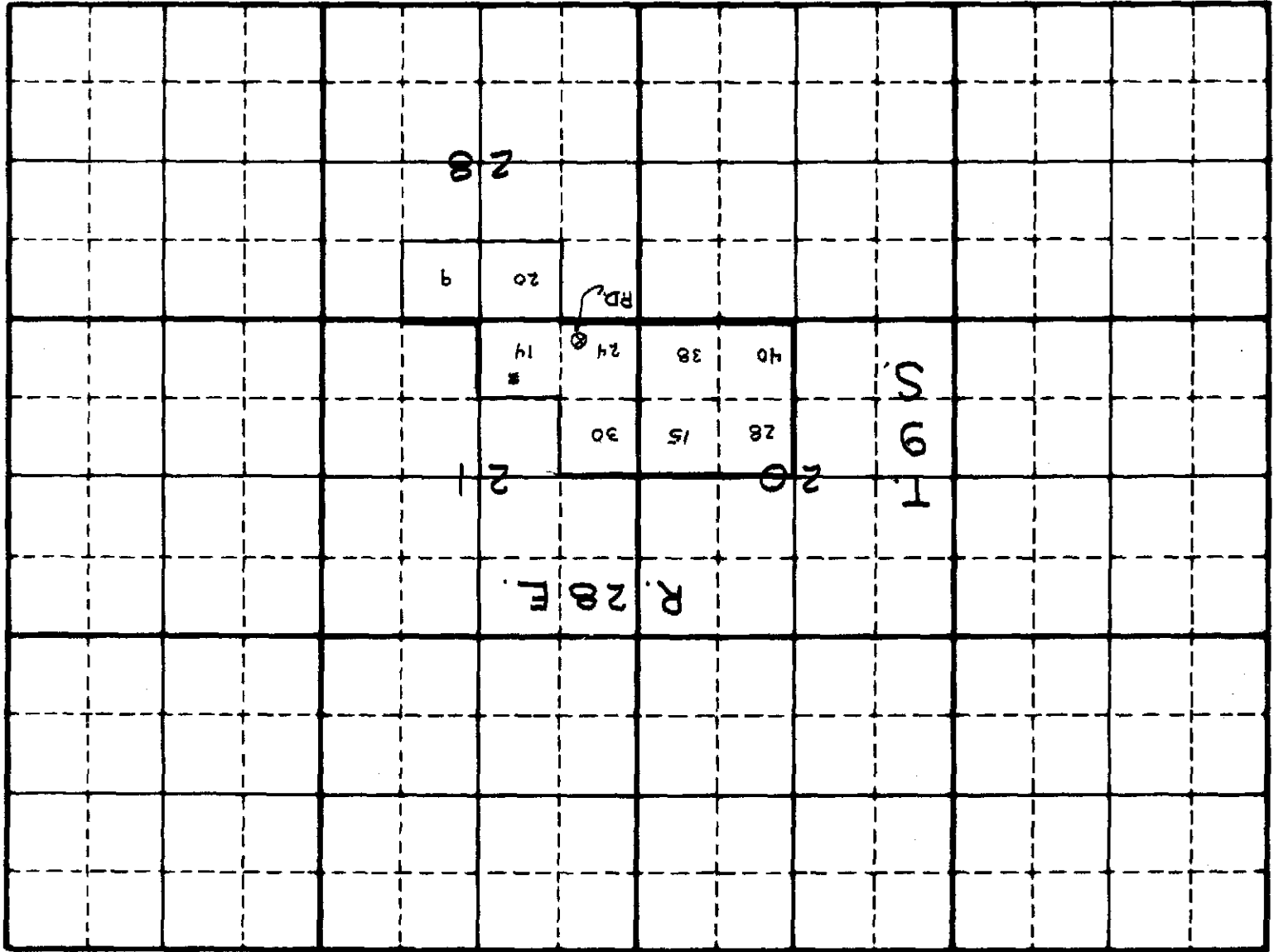
APPLICATION FOR AMENDMENT

Permit No. 43-2481

Comes now Masaki M. Kuwana of (address) _____

00 2481

(Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Twin Falls Office this 14 day of November 19 73
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Department of Water Administration, hereby approve the above application for amendment for Permit No. 32876/43-2481.

Witness my hand this 28 day of December, 19 73.

(Signature)
Director

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Francis M. Fenstermaker

ASSIGNMENT OF PERMIT

Masaki M. Kuwana

I, Francis M. Fenstermaker, hereby assign to Masaki M. Kuwana,
of Box 43, Declo, Idaho Name 43-2481
Address

CHECK ONE

- ☒ All my right, title, and interest, in and to Permit No. 43-2481
to appropriate the public waters of the State of Idaho.
- ☐ The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the State
of Idaho. (Give that portion of the permit being assigned by describing
the land list and the point of diversion - describe by acreage within
each 40-acre subdivision.)

Made this 30th day of November, 19 71.

Francis M. Fenstermaker
Permit Holder

Jessie E. Fenstermaker
Wife of Permit Holder

State of Idaho)
County of Minidoka) ss.

On this 30th day of November, 19 71, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Ollie B. Kester
Notary Public residing at
Rupert Idaho

My commission expires 9-12-74

43 2481

Grandas.

We need this signet to file
with the Reclamation.

Bill

43 2500

STATE OF IDAHO

IN THE MATTER OF THE APPLICATION)
FOR WATER PERMIT FOR FRANCIS M.)
FENSTERMAKER.)

REQUEST FOR EXTENSION

COMES NOW the above-named applicant and requests the time for proof of application of water to beneficial use and the above-entitled matter be extended from the 15th day of July, 1970, through and including the 15th day of September, 1970, on the grounds and for the reasons that counsel was unable to contact the applicant until July 10, 1970, to obtain necessary information to file an amendment and to sign the amendment papers. That said application of water for beneficial use has been completed and has been used for a period in excess of two years and said request for extension is needed in order to insure proper proof of such application of beneficial use and the request for extension is not unreasonable.

GOODMAN, DUFF & CHISHOLM

Address: P. O. Box 61
Corner Fremont & G St.
Rupert, Idaho

Pursuant to the foregoing application for extension and good cause appearing therefrom,

IT IS HEREBY ORDERED that the time for making proof of beneficial use be, and the same is hereby extended from the 15th day of July, 1970, to and including September 15, 1970.

R. Keith Higginson
State Reclamation Engineer

43.2421
32476

**STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION**

APPLICATION FOR AMENDMENT

Permit No. G-32876/43-2481

Comes now Francis M Fenstermaker of (address) _____

Heglar Route, American Falls, 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-32876/43-2481, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, T. 9 South, R. 28 E., B.M. Other points of diversion none

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

mo. - day mo. - day

For Irrigation purposes from April 15 to Nov. 1 (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

3. Place of use or land to be irrigated:

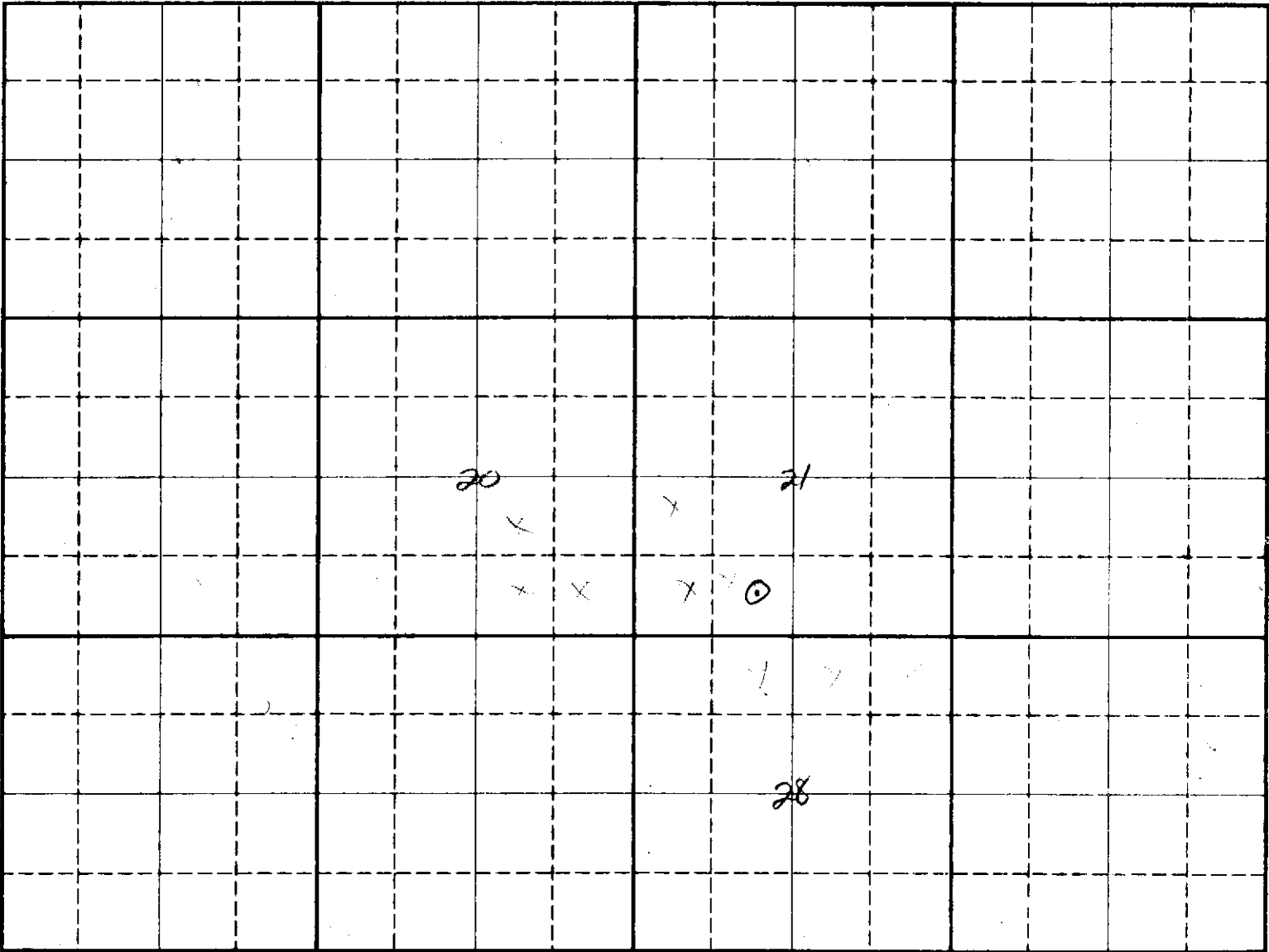
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9S	28 E	21										X	X	X					120
		20														30	40	40	110
		28	40	40			40												120

Total number of acres to be irrigated

350

*43-2481
32876*

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Burley, Idaho, this 10th day of July, 19 70.

Francis M. Fenstermaker
(signature)

ACTION OF STATE RECLAMATION ENGINEER

I, C. STEPHEN ALLRED, Deputy Director, ~~State Reclamation Engineer~~ of the State of Idaho,
Dept. of Water Administration

hereby _____
approve the above application for amendment for permit No. 43-2481.

Witness my hand this 7th day of August, 19 70

Stephen Allred
State Reclamation Engineer

Rec'd
Aug 10 1970
J. R.

DEPARTMENT OF RECLAMATION

STATE OF IDAHO

-0-

IN THE MATTER OF THE APPLICATION) PERMIT NO. G-328706/43-2481
FOR WATER PERMIT FOR FRANCIS M.)
FENSTERMAKER) REQUEST FOR EXTENSION

-0-

COMES NOW the above-named applicant and requests the time for proof of application of water to beneficial use and the above-entitled matter be extended from the 12th day of May, 1970, through and including the 15th day of July, 1970, on the grounds and for the reasons that applicant has been unable to obtain the well log and other necessary information for filing of final proof and it is anticipated that it will be at least 15 days before said information can be obtained from the driller. That said application of water for beneficial use has been completed and has been used for a period in excess of two years and said request for extension is needed in order to insure proper proof of such application of beneficial use and the request for extension is not unreasonable.

DATED this 28th day of April, 1970.

GOODMAN, DUFF & CHISHOLM

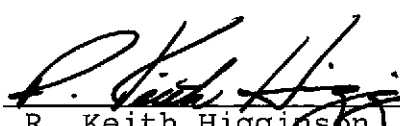
By 
Larry R. Duff
Attorney for Applicant

Address: P. O. Box 61
Corner Fremont & G St.
Rupert, Idaho

ORDER

Pursuant to the foregoing application for extension and good cause appearing therefrom,

IT IS HEREBY ORDERED that the time for making proof of beneficial use be, and the same is hereby, extended from the 12th day of may, 1970, to and including July 15, 1970.


R. Keith Higgins
State Reclamation Engineer

43-2481
32876

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-32876/43-2481)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

in the name of Francis M. Fenstermaker,)

Heglar Route, American Falls, Idaho)

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law;
and,

WHEREAS, these changes raised questions as to the procedures to be followed by
holders of permits issued prior to the effective date of the amendments, May 31, 1967;
and,

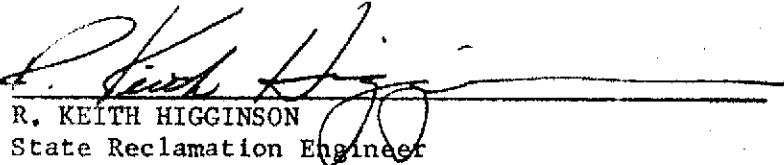
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. G-32876 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are
hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42,
Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit
holders expense for two weekly issues in the official newspaper of
the county in which the point of diversion lies.

Dated this 23rd day of FEBRUARY, 1970.

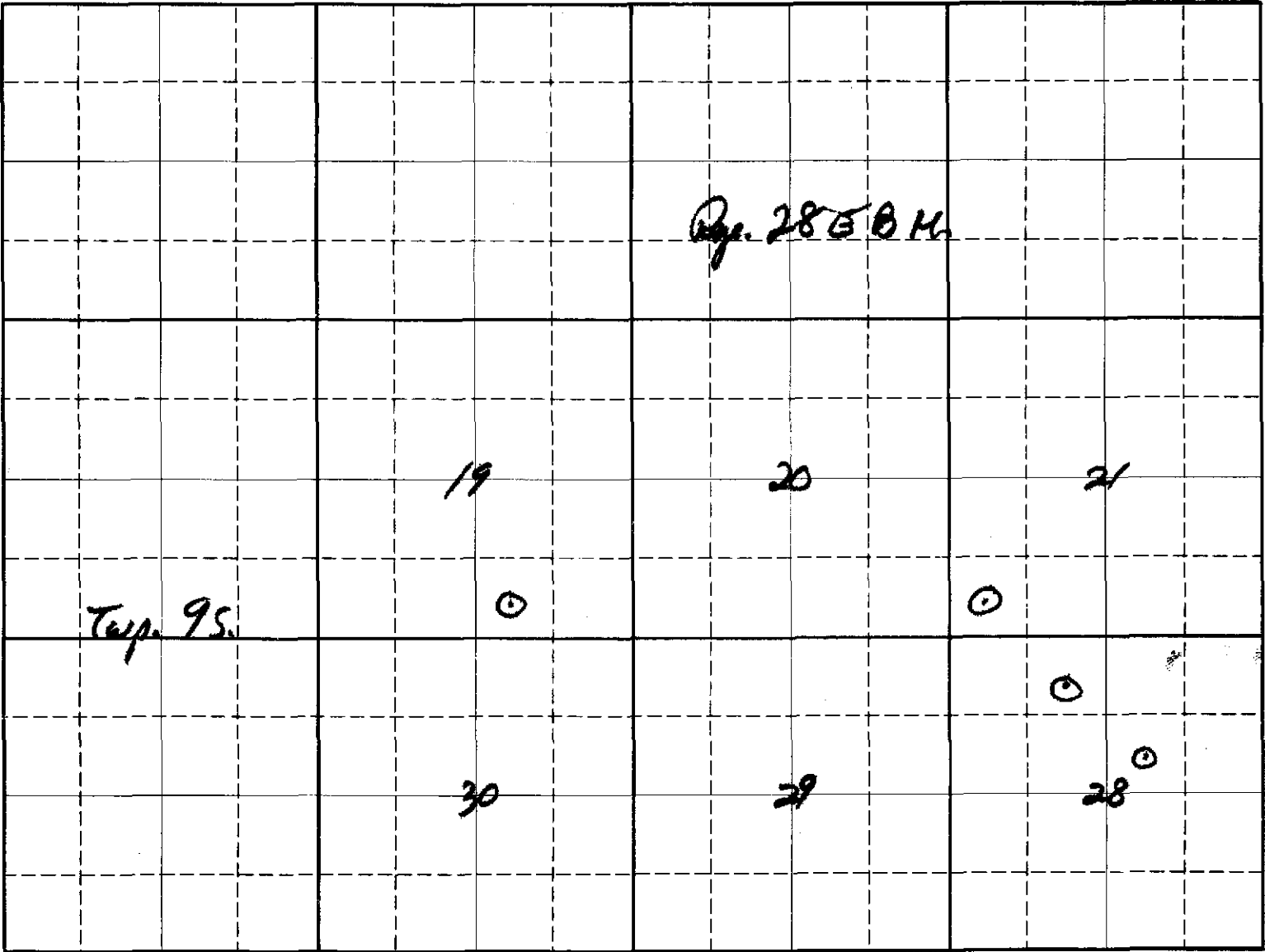

R. KEITH HIGGINSON
State Reclamation Engineer

43-2481
32876

5.00 fac received.

632876

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Burley Idaho, this 20 day of July, 1968.

Francis M. Feathermaker
(signature)

ACTION OF STATE RECLAMATION ENGINEER

I, R. KEITH HIGGINSON, State Reclamation Engineer of the State of Idaho, hereby approve the above application for amendment for permit No. G-32876.

Witness my hand this 6th day of August, 19 68

R. Keith Higgins
State Reclamation Engineer

G32876

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

ASSIGNED TO: Masaki M. Kuwana
Box 43
Declo, Idaho 83323

Application No. G- 41047
Permit No. G- 32876
District No.

1. Name of Applicant: Francis M. Fenstermaker
Postoffice address: Heglar Route County: Cassia State: Idaho
American Falls,
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second 12.2 or Idaho
Miners' inches 610 or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20;
NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 28
SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28 all in
Twp. 9 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 Same as point of diversion
NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to Used on irrigated property
at a point in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Drilled and cased well with line drive electric pumps
8. Estimated cost of works: \$ 100,000.00 for four wells and pumps
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
years. Four
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 - no permits
 - (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) 610 (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks: Water to be developed to irrigate additional land presently owned by the applicant/

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

/s/ FRANCIS M. FENSTERMAKER Applicant.

By Agent.

Date of first receipt at Department of Reclamation: May 10, 1966 9:00 A.M.

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 32876

Recorded in Book 115 Page 32876 Approved May 12, 1966

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 deligently and uninterrupedly 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 May 12, 1968

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 May 12, 1970

Witness my hand this 12th day of May, 1966

/s/ CARL E. TAPPAN
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and LOUIS E. CLAPP, 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 12th day of May, 1966.

Countersigned:

STATE OF IDAHO

(SEAL)

By /s/ LOUIS E. CLAPP
Secretary of State.

By /s/ ROBERT E. SMYLIE
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	
9 S	28 E	19	Lots 2 and 3																240
		20																	120
		21																	120
		28	x	x	x	x	x											240	
Total number of acres to be irrigated:																			720
See application for amendment, point of diversion in file: SW ¹ / ₄ SE ¹ / ₄ , Section 19, T 9 S., R 28 E.,B.M.																			
Other points of diversion: SW ¹ / ₄ SW ¹ / ₄ , Section 21, T 9 S., R 28 E.,B.M. NE ¹ / ₄ NW ¹ / ₄ , Section 28, SW ¹ / ₄ NE ¹ / ₄ , Section 28, T 9 S., R 28 E.,B.M.																			

LICENSE ISSUED FOR 3.54 SEC. FT.
LICENSE PAGE NO.

LICENSE ISSUED FOR 3,54 SEC. FT.
LICENSE PAGE NO.

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Ruth Chambers, being first

duly sworn, deposes and says that she is the

Bookkeeper 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 2 consecutive weeks, commencing with the issue dated August 27, 1970, and ending with the issue dated September 3, 1970.

Ruth Chambers

Subscribed and sworn to before me

this 3rd day of September

1970.

Edith Raustadt Notary Public

Cost of Publication 11.25

Notary Fee

Total Cost

My commission expires October 23, 1971

70-222

NOTICE OF EXISTING WATER PERMIT
Notice is hereby given that Francis M. Fenstermaker, Heglar Route, American Falls, Idaho, has received an approved Permit No. G-32876-43-2481 issued by the Idaho Department of Water Administration authorizing the diversion of 12.2 cubic feet per second of water from a ground-water source. The priority to be established under this permit is May 10, 1966 and the permit was approved May 12, 1966.

Water is to be diverted by well and pump located on the land of the State of Idaho, T. 9S, R. 28E, S. 14N, in Cassia County, to be used for irrigation of the Y 1/4 SE 1/4, SE 1/4 SE 1/4, SW 1/4 SW 1/4, SE 1/4 SW 1/4, Sec. 21; N 1/4 NE 1/4, NE 1/4 NW 1/4, Sec. 28; T. 9S, R. 28E, S. 14N.

Proof of the application of the water to beneficial use was submitted to the Department on June 8, 1966. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINS, Director
Idaho Dept. of Water
Administration

Published in the South Idaho Press, Burley, Idaho, August 27 and September 3, 1970.

32876
181

Identification No. _____

Permit No. G-32876

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION**

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

JUN 8 1970 *sk*

Department of Reclamation

1. a) Name of Permit Holder Francis M. Fenstermaker
 b) Post Office Address Heglar Route, American Falls, Idaho
2. Permit Number G-32876
3. Date of Priority that you are prepared to establish May 10, 1966
4. a) Source from which water was appropriated subterranean
 b) Location of the point of diversion: SE 1/4 SW 1/4, Section twenty-one
Township 9 South, Range 28 East Boise Meridian, Other points of diversion:

5. a) The amount of water and use to which the water has been applied:
 amount 400 inches for irrigation purposes from May 1 to Nov. 1 incl.
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)
 amount _____ for _____ purposes from _____ to _____ incl.
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)
 amount _____ for _____ purposes from _____ to _____ incl.
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)
 b) Total amount appropriated 400 inches ✓ cfs and/or acre feet per annum
 c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: measured by Clarence Bishop, well
driller- May 28, 1968
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
 a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____

 b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 780 foot well, first 450 feet
20" casing, next 200 feet 16 inch casing remaining 130 feet
200 hp electric pump, land sprinkler irrigated

 ✓b) Describe the type and size of measuring device which you have installed at your point of diversion: Orifice meter

 c) Give well drillers name and address and date the well was completed Clarnee
Bishop, Burley, Idaho, completed May 28, 1970

Exam typed 4-13-71. (CR)

*43-2481
32876*

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9 S	28	20														✓ _{30A}	✓ _{40A}	✓ _{40A}	✓
9 S	28	21										✓ _{40A}	✓ _{30A}	✓ _{25A}					
9 S	28	28	✓ ₅	✓ _{10A}			✓ _{30A}	✓											

10. Remarks: We pay taxes on T9 R28 Sec 20 NE ¼ SW ¼
B.L.M. claims ownership but we have been unable
to get Cassia County to take it off tax roll.
Total number of acres irrigated 245 acres ✓

The above information is a true statement of the extent to which the above numbered permit has been developed.

May 18, 1970
(Date)

Francis M. Fenstermaker
(Signature)

State of IDAHO)
County of Minidoka) ss.

On this 18th day of May, 19 70, personally appeared before me the
signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Larry R. Bluff
Notary Public residing at Rupert, Idaho

My commission expires 9-1-70



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 26, 2000

EVANS GRAIN & ELEVATOR CO
PO BOX 3765
OGDEN UT 84409

RE: TRANSFER OF WATER RIGHTS 43-02481/43-02567A (Transfer 5558)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Rights for the above referenced water rights (Transfer 5558). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

for *Kay Walker*
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

NOV 20 2000

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of July, 2000 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: TRANSFER OF WATER RIGHTS 43-02481/43-02567A
(Transfer 5558)

EVANS GRAIN & ELEVATOR CO
PO BOX 3765
OGDEN UT 84409


Karl Lynn Townsend
Secretary

MICROFILMED

NOV 28 2000

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED

NOV 20 2000

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 29, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

EVANS GRAIN & ELEVATOR CO
PO BOX 3765
OGDEN UT 84409

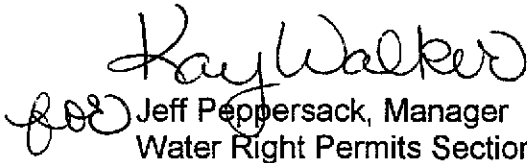
RE: Preliminary Order in the Matter of Application for Transfer 5558

Dear Permit Holder(s):

The accompanying order is a "**preliminary order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-327-7940.

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

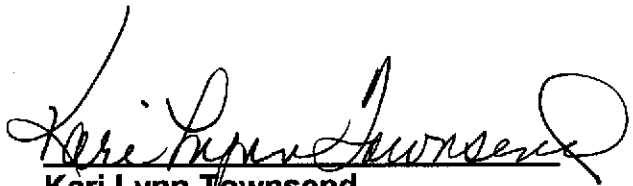
NOV 20 2000

CERTIFICATE OF MAILING

I hereby certify that on the **29th** day of **June, 2000**, I mailed a true and correct copy, certified, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

RE: Preliminary Order in the Matter of Application for Transfer 5558

**EVANS GRAIN & ELEVATOR CO
PO BOX 3765
OGDEN UT 84409**


**Kari Lynn Townsend
Secretary**

MICROFILMED

NOV 20 2000

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

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MICROFILMED

NOV 20 2000

FINAL ORDER

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- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
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The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
NOV 20 2000

TRANSFER REVIEW SHEET

(10-99)

Transfer # 5558Date Reviewed 4-19-2000Right(s) 43-02481 43-02567 43-02597
☒ WRQ/Split Summary
 ☒ Pending SRBA Status
 ☒ Run POU Comparison Report

B:Change P/D C:Add P/D

D:Change P/U

E:Change Nature of Use

F:Change Period of Use

G:Other

H:Change P/D & Add P/D

I:Change P/D & P/U

J:Add P/D & Change P/U

Proof of Ownership Warranty Deed
 Transfer ☒ 43-02481 All of Right
 ☒ 43-02567 Portion of Right

 Resulting Split(s) 43-02567A & 43-02567B

Check Transfer Against Recorded Right:

 Standard Season 3/15 to 11/15
 Standard Volume ^{CU} 3.014.0 FHR

- (1) ☒ Priority (2) ☒ Use (3) ☒ W61 Season/W61 (4) ☒ Rate (5) ☒ OVER Volume
 (6) ☒ Source (7) ☒ P/D (8) ☒ P/U (9) ☒ Proof/Owner (10) ☒ Map
 (11) ☒ OL Water District (12) ☒ NO Pertinent Conditions (13) ☒ NO Expansion

OGW Dist
West Water msmt. Dist.

Advertised?
 Fee?
 Notary?
 Court costs?

BLM land Release rec'd. 6/26/00

 Transfer Remarks W61 (both rts), W84, 067, R64

 Conditions T07, T08, T09, W27

Database/Processing Notes

Standard

Non-Standard ☒
copy T's to X's - delete T's

 "T" Files Update Complete fw Approval Form fw Transfer Memo

 Database Updated Following Approval fw Memo/Form Files Deleted

7/25/2000

43-02567

$$V = \frac{5175.0 \text{ AF}}{1583 \text{ ac}} = 3.3 \text{ AF/AC}$$

$$6.0 \times 1.9835 \times 201 = 2392.1$$

for (VDR)

43-02567A

$$368 \text{ ac} \times 3.3 = 1203.0 \text{ AF}$$

$$1.0 \times 1.9835 \times 214 = 424.5$$

43-02567B

$$1215 \text{ ac} \times 3.3 = 3972.$$

$$\frac{5175.0}{5.0 \text{ cfs}} = 1035.0$$

$$5.0 \times 1.9835 \times 214 = 2122.3$$

DR limits

System

$$368 \times 4 = 1472. \leftarrow \text{limit to}$$

when combined

$$\text{Lic } 43-02481 = 872. \quad 872.$$

$$43-02567A = 1203 \quad 424.5$$

$$2075. \quad 1296.5$$

use less than above



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

In Reply Refer To:

7250 (SRWR) (931)

June 26, 2000

Allen Merritt, Manager
Southern Regional Office
Idaho Department of Water Resources
State of Idaho
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

**RE: Transfer No.: 5558, Evan's Grain & Elevator Co.
43-02481, 43-02567A and 43-02597**

Dear Mr. Jones:

By this letter I state that I have the authority to act on behalf of the United States, Dept. of Interior, Bureau of Land Management (U.S.D.I., BLM), with myself as its agent, to the matters discussed herein. I understand that Evan's Grain & Elevator Co. wishes to transfer water under rights 43-02481, 43-02567A, and 43-02597 from the federal public property to land which it owns as private property. The federal public property legal land description is as follows:

T09S R28E S20 NESE 15.0 acres
15.0 acres TOTAL to be transferred off of public land.

I understand that the Idaho Dept. of Water Resources (I.D.W.R.) cannot complete such a transfer of water under a water right without the notarized consent of the landowner where the water right describes land not owned by the transfer applicant.

On behalf of the United States and the U.S.D.I., BLM, my notarized signature below provides the necessary consent to facilitate the transfer, which will result in the discontinuance of water being applied to federal public land. The United States' non-opposition to the application for transfer does not represent recognition by the United States of the claim elements nor their validity.

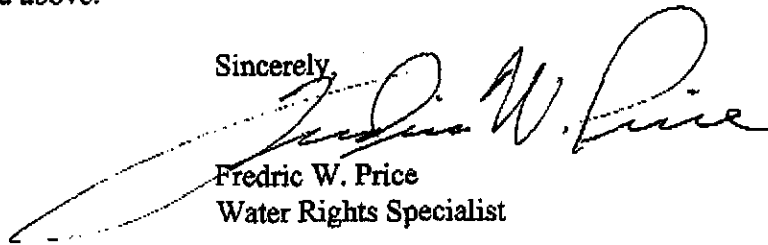
Transfer No.: 5558
Evan's Grain & Elevator Co.

MICROFILMED

REDISCOVER YOUR PUBLIC LANDS MAY 20 2000

If there are questions regarding any statements above, please do not hesitate to contact me at 373-3831 or at the address provided above.

Sincerely,



Fredric W. Price
Water Rights Specialist

cc:

Kay Walker, IDWR-State Office
Steve Davis, BLM-Burley

Transfer No.: 5558
Evan's Grain & Elevator Co.

REDISCOVER YOUR PUBLIC LANDS

NOV 20 2000

SUBSCRIBED and SWORN to before me this 26th day of June, 2000.

STATE OF IDAHO)

) ss:

COUNTY OF ADA)

On this 26th day of June, 2000, personally came before me, a notary public in and for said County and State, the within-named FREDRIC W. PRICE, to me personally known to be the identical person(s) described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

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



Notary public in and for the
State of Idaho,
County of Ada

Residing at Kuna, ID

My commission expires: 11-17-2004

Transfer No.: 5558

Evan's Grain & Elevator Co.

REDISCOVER YOUR PUBLIC LANDS MICROFILMED

NOV 20 2000

Walker, Kay

From: Merritt, Allen
Sent: Monday, May 15, 2000 9:19 AM
To: Walker, Kay
Subject: RE: Transfer 5558 - Evans Grain & Elevator Co.

I called BLM and left a message for Fred Price to prepare a release.

As soon as I talk with him directly I'll let you know.

Allen

-----Original Message-----

From: Walker, Kay
Sent: Monday, May 15, 2000 8:38 AM
To: Merritt, Allen
Cc: Walker, Kay
Subject: Tranfer 5558 - Evans Grain & Elevator Co.

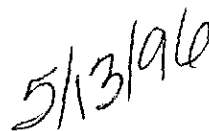
Hi, Allen. I am working on the above transfer and found that we don't have a release from the BLM for the land they are removing water from. Pam says we have to have the release before further action on the transfer application. The land water is being moved off of is located in the NESE, S20, Twp. 9S, Rge. ~~27E~~ ^{28E}. Could you please check regional file and see if the release may be there; or request a release from BLM and send it up to me? Thanks! Kay

*6-23-2000
Requested land release
from Fred Price - in
person - this day -
said he would
send to Allen & cc: to me*

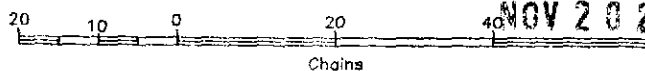
MICROFILMED

NOV 20 2000

WALCOTT



NOV 20 2000



Memorandum

To: Transfer File #5558

CC: A43-02597

From: Jeanie Robertson

Date: 06/06/00

Re: Spring

I initially visited this property in June of 1994 when it was owned by P.O.E. Investments. They showed me their irrigation system and the location of the wells, etc. This spring was never mentioned then and no diversion works were observed from the "pond". The spring has a priority date of 1931 with the licensing field exam done in 1933. The map and field exam report showed an earthen dam with head gates at either end and irrigation ditches to a field and lawns. When I again visited the property in February of 2000, I specifically looked for any sign of diversion works from this pond but found nothing. The field mentioned in the licensing exam is now irrigated from a pump in the Snake River, which is actually leased storage water from Water District 01. I recommend disallowal of this right based on non-use between June 1994 and February 2000.

Non-Use Doc

MICROFILMED

NOV 20 2000

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 04/18/00

TIME: 16:10:53

PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
43-02481	KUWANA, MASAKI M.	C	05/10/1966	L/	GROUNDWATER	IRR	WR
T43-02481	EVANS GRAIN & ELEVATOR CO	C	05/10/1966	L/	GROUNDWATER	IRR	WR

A43-02481	EVANS GRAIN & ELEVATOR CO	C	05/10/1966	L/	GROUNDWATER	IRR	AJ

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 04/18/00

TIME: 16:11:05

PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
43-02567	RIVIERA FARMS	C	08/26/1963	L/	GROUNDWATER	IRR	WR
T43-02567A	EVANS GRAIN & ELEVATOR CO	C	08/26/1963	L/	GROUNDWATER	IRR	WR
					SPRING		
T43-02567B	WEBB BASIN REAL ESTATE LLC	C	08/26/1963	L/	GROUNDWATER	IRR	WR

A43-02567	SPLIT RIGHT - SEE A & B	C	08/26/1963	/2	GROUNDWATER	IRR	AJ
					SPLIT RIGHT		
A43-02567A	EVANS GRAIN & ELEVATOR CO <i>1.0 cfs</i>	C	08/26/1963	L/	GROUNDWATER	IRR	AJ
A43-02567B	WEBB BASIN REAL ESTATE LLC <i>5.0 cfs</i>	C	08/26/1963	L/	GROUNDWATER	IRR	AJ

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 04/18/00

TIME: 16:11:16

PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
43-02597	YOX, HERBERT	C	08/27/1931	L/	SPRING	IRR	WR	
T43-02597	EVANS GRAIN & ELEVATOR CO	C	08/27/1931	L/	GROUNDWATER	IRR	WR	
					SPRING			
A43-02597	EVANS GRAIN & ELEVATOR CO	C	08/27/1931	L/	SPRING	IRR	AJ	
R43-02597	EVANS GRAIN & ELEVATOR CO	C	08/27/1931	/I	SPRING	IRR	AJ	

Water Right Number - R43-02597

Prefix Translation: RESEARCH

Old (D) Number - 17555

+ - - - - Last Name - - - - + - - - - First Name - - - - + - - - - Address - - - - -

*** C - CURRENT OWNER ***
EVANS GRAIN & ELEVATOR CO

1 - PO BOX 3765
2 -
3 -

State- UT Zip- 84409

City- OGDEN
Phone - 801-476-0277

*** O - ORIGINAL OWNER ***
P O E INVESTMENTS

1 - 2300 OVERLAND
2 -
3 -

State- ID Zip- 83318

City- BURLEY
Phone - 208-678-1116

+ - - Priority Date - - + - - - - Region - - - - + - - - - Stage - - - - + - - - - Status - - - - +
08/27/1931 17 SOUTHERN I - DISALLOWED

+ - - - - Source - - - - - + - - - - - Tributary - - - - -
SPRING SNAKE RIVER

+ - - - - Point of Diversion - - - - - Diversion Name - - - - -

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name
09S	28E	19	NE NE SW	3	(31)	CASSIA	

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31		0.800	

+ - - Total Div. Rate - - + - - Total Div. Volume - - + - - Total Div. Capacity - - + - - Total Consumptive Use - - + - - KW Usage - - +
0.800

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
09S	28E	19	NE SW	3	3.0	01	01	IRRIGATION	(31) CASSIA
09S	28E	19	NE SE		30.0	01	01	IRRIGATION	(31) CASSIA
09S	28E	19	NW SE		20.0	01	01	IRRIGATION	(31) CASSIA
09S	28E	19	SW SE		40.0	01	01	IRRIGATION	(31) CASSIA
09S	28E	19	SE SE		35.0	01	01	IRRIGATION	(31) CASSIA
09S	28E	20	NE SW		12.0	01	01	IRRIGATION	(31) CASSIA
09S	28E	20	SE SW		4.0	01	01	IRRIGATION	(31) CASSIA
09S	28E	20	NE SE		15.0	01	01	IRRIGATION	(31) CASSIA
09S	28E	20	NW SE		28.0	01	01	IRRIGATION	(31) CASSIA
09S	28E	20	SW SE		40.0	01	01	IRRIGATION	(31) CASSIA
09S	28E	20	SE SE		38.0	01	01	IRRIGATION	(31) CASSIA
09S	28E	21	NW SW		30.0	01	01	IRRIGATION	(31) CASSIA
09S	28E	21	SW SW		22.0	01	01	IRRIGATION	(31) CASSIA
09S	28E	21	SE SW		14.0	01	01	IRRIGATION	(31) CASSIA
09S	28E	28	NW NE		9.0	01	01	IRRIGATION	(31) CASSIA
09S	28E	28	NE NW		20.0	01	01	IRRIGATION	(31) CASSIA
09S	28E	28	NE SE		8.0	01	01	IRRIGATION	(31) CASSIA

368.0

Water right number - R43-02597

Prefix Translation: RESEARCH

- + - - Diversion Means - PUMP IN SPRING TO COMMON PIPELINE NETWORK CONNECTED TO WELL
- + - - Non-Irrigation Use - NONE
- + - - Other Rights for Same Use - A43-2481, A43-02567A

+ - - - - - Remarks - - - - - +

GEN NO BENEFICIAL USE FOUND.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - +
00/00/0000

+ - - Audit Fields - 02/22/00 JROBERTS

+ - - - - - Comments - - - - - +

Date: 02/22/2000 User Id: JROBERTS Subject: COPIED FROM REMARKS
2 P/D IN NWSESE, S30, T9S, R28E.

PERMISSIBLE PLACE OF USE.

43-07052 1543 ACRES
43-07047 160 ACRES
A43-10841 130 ACRES (EXPANSION)
2281 ACRES IRRIGATED UNDER SYSTEM.
43-02568 COVERED BY 43-07052
43-07088A COVERED BY 43-07052 & 43-07046

GRAIN & ELEVATOR OF 368 ACRES WITH THIS RIGHT, A43-02481 & 1 CFS OF A43-02567 (PART A). 5/4/99 jr

OTHER RIGHTS: THE FOLLOWING LICENSES HAVE BEEN COMBINED INTO A
43-07046 190 ACRES
43-02597 40 ACRES (SPRING)
43-02481 218 ACRES

43-02567 COVERED BY 43-07052
43-02579 COVERED BY 43-07052
43-07088A COVERED BY 43-07052 & 43-07046
SYSTEM SPLIT BY OWNERSHIP CHANGE FROM POE INVESTMENTS TO EVANS

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 02/22/2000	Old Judicial District	-
Claim Received Date	- 04/08/1993	Last Amended Date	- 03/24/1993	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- S015590	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	- C
		Name Connector	-	Notice of Error Flag	-

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM	
		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac			
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac				
T09S R28E S 19																			
A4302481	GROUNDWATE :															30	20	40	35 : 128
T4302481	GROUNDWATE :			02-0	01-3							03-2	04-1			26	27	38	32 : 129
4302567	GROUNDWATE :														39				: 39
A4302567A	GROUNDWATE :											03-3				30	20	40	35 : 128
T4302567A	GROUNDWATE :			02-0	01-3							03-2	04-1			26	27	38	32 : 129
A4302567B	GROUNDWATE :														39				: 39
T4302567B	GROUNDWATE :														39				: 39
A4302568	GROUNDWATE :														39				: 39
A4302579	GROUNDWATE :														39				: 39
4302597	SPRING :											03-20				15	5		: 40
A4302597	SPRING :											03-3				30	20	40	35 : 128
T4302597	GROUNDWATE :			02-0	01-3							03-2	04-1			26	27	38	32 : 129
A4307046	GROUNDWATE :														39				: 39
A4307047	GROUNDWATE :														39				: 39
4307052	GROUNDWATE :														39				: 39
A4307052	GROUNDWATE :														39				: 39
A4307088A	GROUNDWATE :														39				: 39
A4310841	GROUNDWATE :														39				: 39
T09S R28E S 20																			
4302481	GROUNDWATE :															15	28	40	38 : 121
A4302481	GROUNDWATE :										12				4	15	28	40	38 : 137
T4302481	GROUNDWATE :															27	39	37	: 103
A4302567A	GROUNDWATE :										12				4	15	28	40	38 : 137
T4302567A	GROUNDWATE :															27	39	37	: 103
A4302597	SPRING :										12				4	15	28	40	38 : 137
T4302597	GROUNDWATE :																27	39	37 : 103
T09S R28E S 21																			
3507991	GROUNDWATE :	9	5																: 14
A3507991	GROUNDWATE :	9	5																: 14
4302481	GROUNDWATE :											30	24	14					: 68
A4302481	GROUNDWATE :											30	22	14					: 66
T4302481	GROUNDWATE :											30	22	15					: 67
A4302567A	GROUNDWATE :											30	22	14					: 66
T4302567A	GROUNDWATE :											30	22	15					: 67
A4302597	SPRING :											30	22	14					: 66
T4302597	GROUNDWATE :											30	22	15					: 67

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
T09S R28E S 28																		
4302481	GROUNDWATE :			9				20										29
A4302481	GROUNDWATE :			9				20								8		37
T4302481	GROUNDWATE :	5	9		17	8		25								4		68
4302567	GROUNDWATE :								35	40	36		36		40		39	232
A4302567A	GROUNDWATE :			9				20								8	6	37
T4302567A	GROUNDWATE :	5	9		17	8		25								4		68
A4302567B	GROUNDWATE :									40	36		36	40	40	40	39	346
T4302567B	GROUNDWATE :									40	36		36	40	40	40	39	346
4302568	GROUNDWATE :								35	40	36		36		40		39	232
A4302568	GROUNDWATE :									40	36		36	40	40	40	39	346
4302579	GROUNDWATE :								35	40	36		36		40		39	232
A4302579	GROUNDWATE :									40	36		36	40	40	40	39	346
A4302597	SPRING :			9				20								8		37
T4302597	GROUNDWATE :	5	9		17	8		25								4		68
4307046	GROUNDWATE :								35								34	69
A4307046	GROUNDWATE :									40	36		36	40	40	40	39	346
4307047	GROUNDWATE :													40				80
A4307047	GROUNDWATE :									40	36		36	40	40	40	39	346
4307052	GROUNDWATE :									40	36		36		40		39	232
A4307052	GROUNDWATE :									40	36		36	40	40	40	39	346
A4307088A	GROUNDWATE :									40	36		36	40	40	40	39	346
A4310841	GROUNDWATE :									40	36		36	40	40	40	39	346

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 43-02481

STAGE: LICENSE

BENEFICIAL USE

PERIOD OF USE

DIVERSION RATE

ANNUAL
VOLUME

IRRIGATION

04/15 to 11/01

3.54 CFS

872.0 AF

Not on trans.

SOURCE

TRANS= 4/1 to 10/31

GROUNDWATER

Priority: 05/10/1966

LOCATION OF POINT(S) OF DIVERSION:

SWSW¹/₄, Sec. 21¹/₄, Township 09S¹/₄, Range 28E
CASSIA County

PLACE OF USE:

IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---	---	---	:	---	---	---	---	:	---	---	---	---	---	:	---	---	---	---	:	---	---	---	---	---	:	---
09S	28E	20	✓					:						:					:	15	28	40	38	:	121.0	
09S	28E	21	✓					:						:		30	24	14	:					:	68.0	
09S	28E	28	✓			09		:		20				:					:					:	29.0	
																							TOTAL ACRES		218.0	

95 28E 19

CONDITIONS/REMARKS:

Change & PPU—

368

Describe any other water rights used for the same purpose as described above:

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:

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

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 43-02567 *A*

STAGE: LICENSE ✓

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE
----------------	---------------	----------------

IRRIGATION ✓	04/01 to 10/31 ✓	~~6.00~~ CFS 1.0
--------------	------------------	----------------------------

SOURCE

GROUNDWATER ✓

Priority: 08/26/1963 ✓

LOCATION OF POINT(S) OF DIVERSION:

SWSW, S21, 9S, 28E
~~SWSW, Sec. 29, Township 09S, Range 28E~~
~~NWSE, Sec. 29, Township 09S, Range 28E~~
~~SESE, Sec. 30, Township 09S, Range 28E~~
~~SWNW, Sec. 31, Township 09S, Range 28E~~
 CASSIA County

PLACE OF USE:

IRRIGATION

				NE				NW				SW				SE				
				NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
09S	28E	19	✓												39					39.0
09S	28E	28	✓						35	40	36	36			40		39	06		232.0
09S	28E	29		40	29	40	40	33	39	39	40	40	39	39	40		40	40		538.0
09S	28E	30		39	39	40	39	37		30	34	40	39	35	40	38	39	40	37	566.0
09S	28E	31		30	33			39	38											140.0
09S	28E	32		07	11			13	24											55.0
09S	28E	33			02			05	06											13.0
																				TOTAL ACRES
																				1583.0

9S 28E, S20 & 21 — ppu = 368 ac

CONDITIONS/REMARKS:

1. TRANS. 1686 & 2142.
2. 2 P/D IN SESE, S30, T9S, R28E.

Describe any other water rights used for the same purpose as described above:

on lic.

$$V = 5175 \text{ AF} / 1583 \text{ ac} = 3.3 \text{ AF/AC}$$



RECEIVED

MAY 12 2000

Department of Water Resources

5150 WASHINGTON BLVD.
P.O. BOX 3765
OGDEN, UTAH 84409
PHONE (801) 476-0277
FAX (801) 476-0066

Idaho Department of Water Resources
Attn: Kay Walker
P.O. Box 83720
Boise, Idaho 83720-0098

May 9, 2000

Dear Ms. Walker:

Glen Jensen spoke with you today and asked me to send you the following request pertaining to our application for transfer of water rights Nos. 43-02481, 43-02567 and 43-02597:

Evans Grain & Elevator Co., owner of farm land in Cassia County, requests that the 4 acres be applied to land in the NW Qtr of the SW Qtr of Section 19 Township 9 South Range 28 EBM.

*NWSE - per map submitted 5/11/2000
(NWSW is Gov't land)*

Thank you for your help with this matter. If you have any questions you can call me at (801) 476-0277.

Sincerely,

Brad Kapple, Secretary/Treasurer
Evans Grain & Elevator Co.

MICROFILMED
NOV 20 2000



RECEIVED

MAY 11 2000

Department of Water Resources

Idaho Department of Water resources
P.O. Box 83720
Boise Idaho 83720 - 0098

May 10, 2000

ATTN; Kay Walker

RE: Application for Transfer of Water Right Nos. 43-02481,
43-02567 and 43-02597

Dear Kay

Attached is a photo copy of the Evans Grain Farm. I have outlined the area in Section 19 to cover the four acres required in the water right transfer. I hope that this fills the need and that the transfer can be completed.

Thank you for your assistance in this matter. If you have any further questions please give me a call.

Sincerely


Glen W. Jensen

MICROFILMED

NOV 20 2000



RE/MAX Keystone Realty Group

1200 Overland Avenue
Burley, Idaho 83318
Office: (208) 678-1116
Fax: (208) 678-0476

Each Office Independently Owned and Operated



BIRD REFUGE

4

9.6

1656

T1687

5

101.5

24 19

25

30

CRP 89-98

⑧

59.5

CRP 89-98

⑧

19.0

7

61.6

2

2.9

19 20

29

30

3

5.8

4

8.0



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 24, 2000

EVANS GRAIN & ELEVATOR CO
PO BOX 3765
OGDEN UT 84409

RE: Application for Transfer of Water Right Nos. 43-02481, 43-02567 &
43-02597

Gentlemen:

In a review of the above referenced application for transfer I found that we do not have all the information needed in order to process this transfer. Enclosed, for your convenience, is a copy of the transfer application.

Please note that we have documentation that shows you as the owners of all the lands identified on page 1, part B5, except for lands identified in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 1) and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 4), Section 19, Twp. 9S, Rge. 28E. I have highlighted these lands on the transfer application for your information. I called the Cassia County Assessor's office to find out if you did own this property and was told that the lands in question are owned by a government agency. If you wish to include these lands on your transfer application, we need some type of documentation that states the owner of the property has given you permission to transfer your water rights to that property.

Please submit documentation regarding the use of the above lands within thirty (30) days from the date of this letter. If you can't get a release of these lands from the agency that owns them, you may submit a request to put these 4 acres on lands that you do own. Please be very specific in your request advising where these 4 acres should be transferred to (including a 40-acre tract description, Section, Township and Range description) and submit documentation that you either own the land or have authority to utilize it.

If you have any questions in regard to this matter, please feel free to contact me.

Sincerely,

Ray Walker

KAY WALKER
Sr. Water Resource Agent

MICROFILMED

NOV 28 2000

Enclosure: Copy of Transfer Application No. 5558

5/9
4 ac. will be applied
on NWSE, S19, 4S, 28E
see telecon w/ Glen Jensen.
Letter coming to document.
kw
(678-1116)
Glen Jensen called -
will be sending
in a letter telling
where those 4 ac
should be - will
remove from Federal
ground. probably to
land owned in
Sec 30.
kw
5/8/2000

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED

APR 3 2000

MAY 24 1999

PART 1

Department of Water Resources

Department of Water Resources
Southern Region

Name of applicant

EVANS GRASS & ELEVATOR CO

Phone

(801) 476-0277

Post Office address

PO BOX 3765

OGDEN, UT.

84409

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 MOVE IRRIGATED RIGHTS OFF OF
BLM LAND, ALSO DESCRIBE ACTUAL IRRIGATED LANDS

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
43-02481	05-10-1966	3.54 cfs	Irrigation	4/1 to 10/31
43-02567A	08-26-1963	1.00 "	" "	" to "
43-02597	08-27-1931	0.80 "	" "	" to "

2. Total amount of water being transferred 5.34 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water GROUNDWATER / SPRING tributary to SNAKE RIVER
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
3		NE	SW	19	09S	28E	CASSIA	SPRING
		SW	SW	21	09S	28E	" "	A0002924 GPS TAG @ WELL

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	
09S	28E	19			~~0.5~~ 3							~~1~~ 1				~~26.27~~ 38	~~32~~	129.5	
					LOT 2	LOT 1						LOT 3	LOT 4						
		20														~~27.99~~ 37		103	
		21										~~30.22~~ 22						67	
		28			~~5.9~~ 7.8	~~2.5~~										~~4.5~~		68.5	

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Total acres

36.8

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Evans & Lewis

TRANSFER NO.

5558

1. Right number(s)

43-02481-25679-2597

2. Type of right

☐ Decree ☒ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer

☐ Change P/D ☐ Add P/D ☒ Change P/U
☒ Change W/U ☐ Change Source ☐ Split Right
☒ Other: Combine / Split Rights

4. Check Existing Right:

☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments:

5. Check Proposed Right for amount of land &/or water transferred:

Also see attached memo for more analysis information

a.

☒

All of right

b.

☒

Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)

c.

☒

Description of point(s) of diversion

d.

☒

Description of place of use

e.

☒

Map showing P/D & P/U after transfer

f.

☒

Correct notarized signature and \$100 fee

g.

☒

Proof of ownership of right &/or land from which water is transferred

h.

☒

Expansion in use of right - Comments:

i. Existing rights from same source, on land water is being transferred to; right number(s):

3. V SRBA claim(s) - Comments (NOTE: Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain)

k. — Comment letters _____ Yes _____ No
If yes _____ Water District #
_____ Lienholder, others, see #2
_____ below for name and address

INITIAL ALLOCATION REVIEW BY QOS
SREA SUPERVISOR REVIEW BY STR
PUBLICATION REVIEW BY

DATE Aug 1 Sept 1999
DATE 3/28/00
DATE

1. Legal Notice electronically sent to DWR03::VAULT Yes

2. COMMENT LETTERS Copy of Pg 1 to AJ ☒ Yes 10/4/99

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es):

3. Transfer published correctly? Yes No

4. Affidavit of publication received? Yes No

5. Protests received? Yes No; Acknowledgement sent? Yes

6. Copies made for Region file (see attached supplemental page)? Yes

RECOMMENDED ACTION

1. ✓ Approve

2. Deny due to

3. Conditions (special conditions in Water Districts)

Also see attached memo for recommendation dated:

4. By

Date _____

RECEIVED

APR 30 2000

Department of Water Resources

MEMO

FROM: Allen Merritt

DATE: March 29, 2000

TO: Transfer File No. 5558

Water Right(s): 43-02481 groundwater
43-02567A groundwater
43-02597 spring

In the Name of: Evans Grain & Elevator Co

SUBJECT: Review and Recommendation

This transfer's main purpose is to record a change in place of use by moving irrigated land off of BLM property at the request of the BLM and also consolidate right on land that has been split off from a much larger farm due to sale of property. The rights involved are both groundwater and one from a spring. These rights are intended to be placed into a 368 acre PPU.

Georgia data entered the "T" records and interpreted the purpose to include listing both sources on all the rights. I do not agree with that interpretation of the transfer. If this was the intent it was not clearly stated on the application. I have corrected the "T" records to reflect the original sources of the rights and corresponding points of diversion.

Another potential issue with right 43-02597 is that the right was licensed from a spring. The only diversion found by SRBA is from a pump in the Snake River (Back water from Minidoka Dam – Lake Walcott). On 12/17/99 I contacted Water District 01 and talked with Tony and Lyle and they confirmed that the only water delivered to the pump in the river is leased storage water. In looking at the original field exam for license 43-02597 the spring involved a dam with ditches. This system does not exist today. I have requested that Jeanie revisit the issue of the spring. She has re-visited the site and concludes that right 43-02597 be disallowed.

In light of the forgoing I recommend that right 43-02597 be removed from this transfer and that the point of diversion from the spring also be removed.

Recommendation

I recommend that the transfer be approved with the following modifications:

<u>Rights</u>	<u>Amount</u>	Source is Ground Water Point of Diversion within SESWSW S21, T09S, R28E
43-02481	3.54 cfs	
43-02567A	1.00 cfs	
Total	4.54 cfs	

Place of Use as listed on Application

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I recommend that the transfer approval be subject to the following conditions:

- Subject to SRBA.
- No new wells authorized to be drilled under this approval.
- When rights are combined they are limited to 1296.5 afa. ($872 + (1.0 \times 214 \times 1.9835)$) for irrigation of 368 acres.
- When rights are combined with other surface water rights they are limited to 4.0 afa/acre.

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Memorandum

To: Transfer file # 5558
CC: A43-02481, A43-02567A, A43-02597
From: Jeanie Robertson
Date: 03/29/00
Re: A43-02597 (system for spring)

I spoke with Mr. Glenn Jensen about this spring. He said the spring comes up in the southeast corner of the pond and is the sole source of water for the pond. The pond is then diverted to irrigate approximately 14 acres and 2 domestic lawns. It is not tied in with the other system or the groundwater pumps on the property.

I visited the property on February 10, 2000 and I found no diversion from the pond or irrigation system. The 14 acre field in question appears to only be irrigated from the pump in the Snake River. Based on this observation, I recommend A43-02597 be disallowed and not included in this transfer.

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NOV 20 2000

MEMO

FROM: Allen Merritt

DATE: December 20, 1999

TO: Transfer File No. 5558

Water Right(s):	43-02481	groundwater
	43-02567A	groundwater
	43-02597	spring

In the Name of: Evans Grain & Elevator Co

SUBJECT: Review and Recommendation

This transfer's main purpose is to record a change in place of use by moving irrigated land off of BLM property at the request of the BLM and also consolidate right on land that has been split off from a much larger farm due to sale of property. The rights involved are both groundwater and one from a spring. These rights are intended to be placed into a 368 acre PPU.

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MICROFILMED

NOV 20 2000

Memorandum

To: Transfer file #5558
CC: A43-02481, A43-02567A, A43-02597
From: Jeanie Robertson 
Date: 12/15/99
Re: Adjudication Review of Proposed Transfer

I visited this property in June of 1994 and took photographs, made sketches of the system, and measured the wells. (The property was then owned by P.O.E. Investments.) I also worked with Georgia and the applicants during the initial filing process for this transfer in creating the shape-file for their irrigated lands.

This transfer proposes to move 15 acres from BLM land (NESE of Section 20, T9S, R27E) to the applicants land and co-mingle water from one well and a spring associated with Licenses 43-02481, part A of 43-02567 (well), and 43-02597 (spring) .

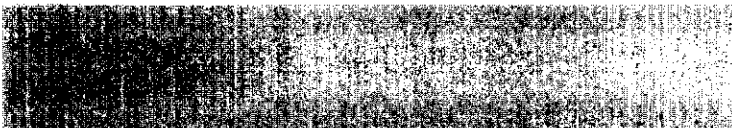
The adjudication claims were based on the licenses and claimed in a larger Permissible Place of Use of 2281 acres, which combined many licenses. P.O.E. sold 368 acres and licenses 43-02481 (3.54 cfs on 218 acres), 43-02597 (.8 cfs on 40 acres), and 1 cfs from part A of 43-02567 (originally 6 cfs on 1583 acres.)

In 1994, I measured 3.98 cfs from the well, which was licensed for 3.54 cfs. The total diversion rate requested of 5.34 cfs on 368 acres ($5.34 / 368 \text{ ac} = .014 \text{ cfs/ac}$) is less than an inch per acre. The system would probably be capable of producing the rate requested after modifications, once the transfer was approved.

From the aerial photos, I was able to verify that the 15 acres being moved from BLM ground were indeed irrigated in 1987. There were also some lands irrigated in Section 28, which were not claimed. This transfer would resolve those problems.

I recommend approval of this transfer and intend to make my recommendations of the associated adjudication claims accordingly.

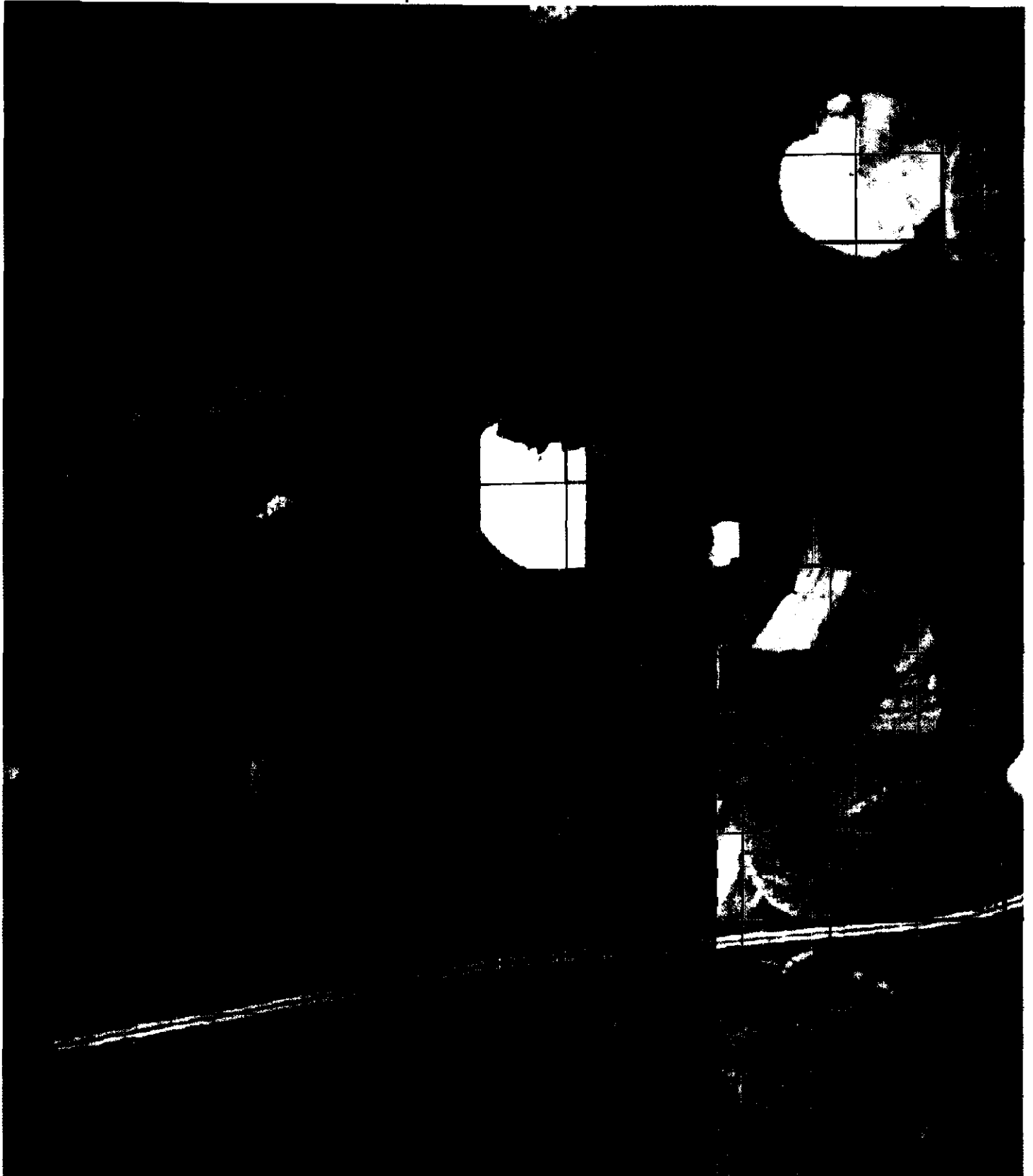
The attached GIS map shows where the irrigated/recommended acres will be if the transfer is approved.



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NOV 20 2000

Idaho Department of Water Resources



TWP 09S, RNG 28E,
SECTIONS 19, 20, 21, & 28

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

TRANSFER # 5558
43-02481, 43-02567A, 43-02597

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Gr Field Map

1987/1988 Napp Photography

Donnie Robertson

Field Exam Date : June 1994

0 1320 2640 3960 Feet



H

584
344 E.

589 57 N.

3605

80

160

3615

Sec. 7.

624.80

Sec. 8.

6470

3625

3640

80

160

3652

Sec. 16.

625.72

Sec. 17.

505.60

3666

80

160

40

3680

27.50

2030

23.20

SNAKE

Sec. 19.

161.50

Sec. 20.

10.00

Sec. 30.

Sec. 29.

558

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NOV 20 2006

FILE PROGRESS SUMMARY

APPLICANTS

FILE PROGR

To Van Grien &
Evolution

WATER RIGHT NO.

43-02481
43-02567a

43-02597

[illegible]

**SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION**

RECEIVED

OCT 27 1999

Department of Water Resources
Southern Region

County of Cassia)
) ss
STATE OF IDAHO)

Ruth Holmes, being first duly sworn, deposes and says that she is the Legals 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 2 consecutive week(s), commencing with the issue dated October 18 1999 and ending with the issue dated October 25 1999.

Ruth Anne Holmes

STATE OF IDAHO)
COUNTY OF)
Cassia)

On this 25th day of October in the year of 1999 before me, a Notary Public, personally appeared Ruth Holmes, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Laura K. Burns

Notary Public for Idaho

Residing at: Rupert, Idaho

My commission expires: 6-28-2000

Cost of Publication 90.00

Affidavit Fee 5.00

Total Cost 95.00

*Errors noted
MB
11/3/99*

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NOV 20 2000

99-412

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

Notice is hereby given that two applications have been filed with the Department of Water Resources for changes to water rights as described below.

Transfer No. 5558 by EVANS GRAIN & ELEVATOR CO., PO BOX 3765; OGDEN UT 84409 requests to correctly record points of diversion and place of use along with discontinuing irrigation of 15 acres within NESE, S20 located on BLM land. Previously recorded points of diversion include a spring within S19 and five wells within Sections 21, 29, 30 & 31 for irrigation of 1583 acres within Sections 19-21 inclusively and Sections 28-33 inclusively, all T09S, R28E; Cassia County using the following listed rights:

Right No.	Priority	Amt (cfs)
43-02481	05/10/1966	3.54
43-02567	08/26/1963	6.00
43-02597	08/27/1931	0.80

The applicants wish to divert a combined total of 5.34 cfs of co-mingled water from a spring within Lot 3 (NESW), S19 and one well within SWSW, S21 for irrigation of 368 acres within Sections 19, 20, 21 & 28, all T09S, R28E; Cassia County using rights 43-02481, and 1.00 cfs of 43-02567 which will be designated as 43-02567A. **43-0257**

Transfer No. 5564 by Pickett Ranch & Sheep Co., 1650 S 568 W; OAKLEY ID 83346 requests to record a permissible place of use for Right No. 45-07047A (4.31 cfs) recorded with priority date of 02/26/1970 and Right No. 45-07221A (2.20 cfs) with priority date of 01/07/1975 diverted from groundwater within SESE, S04 for irrigation of 325.5 acres within Sections 3 & 4. The applicants wish to irrigate a 325.5 acre permissible place of use within a 448 acre farm within Section 04, all T12S, R21E; Cassia County by diverting a combined total of 4.81 cfs from the same well listed above.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200; Twin Falls ID 83301 together with a protest fee of \$25.00 on or before November 5, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed change. (Each transfer requires a separate protest.) The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on October 18 and 25, 1999.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

October 8, 1999

**ATTN LEGALS DEPT
SOUTH IDAHO PRESS
230 E MAIN ST
BURLEY ID 83318**

Ladies and 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 required publication dates. 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 Baldwin
Administrative Assistant

Enclosure

MICROFILMED

NOV 20 2000

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43-02597	08/27/1931	0.80

The applicants wish to divert a combined total of 5.34 cfs of co-mingled water from a spring within Lot 3 (NESW), S19 and one well within SWSW, S21 for irrigation of 368 acres within Sections 19, 20, 21 & 28, all T09S, R28E; Cassia County using rights 43-02481, 43-02597, and 1.00 cfs of 43-02567 which will be designated as 43-02567A.

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Karl J. Dreher, Director

Published in the South Idaho Press on 10/18 & 10/25/99.

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NOV 20 2000

MEMO TO FILE

FROM: Georgia Satterlee
DATE: 25 September 1999
RE: T#5558, 43-02481,-02567A,-02597

The enclosed transfer filed by Evans Grain and Elevator Co. was generated because BLM made a call to public property (approximately 15 acres) being irrigated. Despite the BLM issue, the actual irrigated land needed to be clarified, especially since the review/recommendation for irrigation claims in Basin 43 is pending.

The specific BLM land which the irrigation will be discontinued: 15 acres in NESE $\frac{1}{4}$ Section 20, T9S, R27E. BLM requests the land NOT to be watered and that the applicants move the irrigation rights to their own land. Consequently, the application for transfer was filed.

The actual irrigated acres under the name of Evans Grain and Elevator Co. is approximately 368 acres. Originally the farm covered over 1500 acres under the name of POE Investments. POE Investments retained the northern portion of the farm and the corporation changed its name to Evans Grain and Elevator Co. The rest of the farm has been sold to Webb Basin Real Estate LLC.

The only well associated with this land is located in the SWSW $\frac{1}{4}$ of Section 21. The surface water pump is located in Lot 3, NESW $\frac{1}{4}$ of Section 19. Both sections being in T09S, R28E.

No new diversion points requested. All irrigated acres were verified and agreed to by the applicant via the GIS map.

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NOV 20 2000

T # 5558

mem 18

5/20/99



Georgie,

Steve Davis called
and wanted to know

if Glen Jensen had been in
regarding that transfer for 'Evans
Grain & Elevator' to remove BLM
land from their claims. & told him
yes and that you had mailed it
to Evans Grain & Elevator for signing.
He asked that we fax him a copy
when we get the signed copy &
check back.

FAX #: 677-6699

TH

Jessie

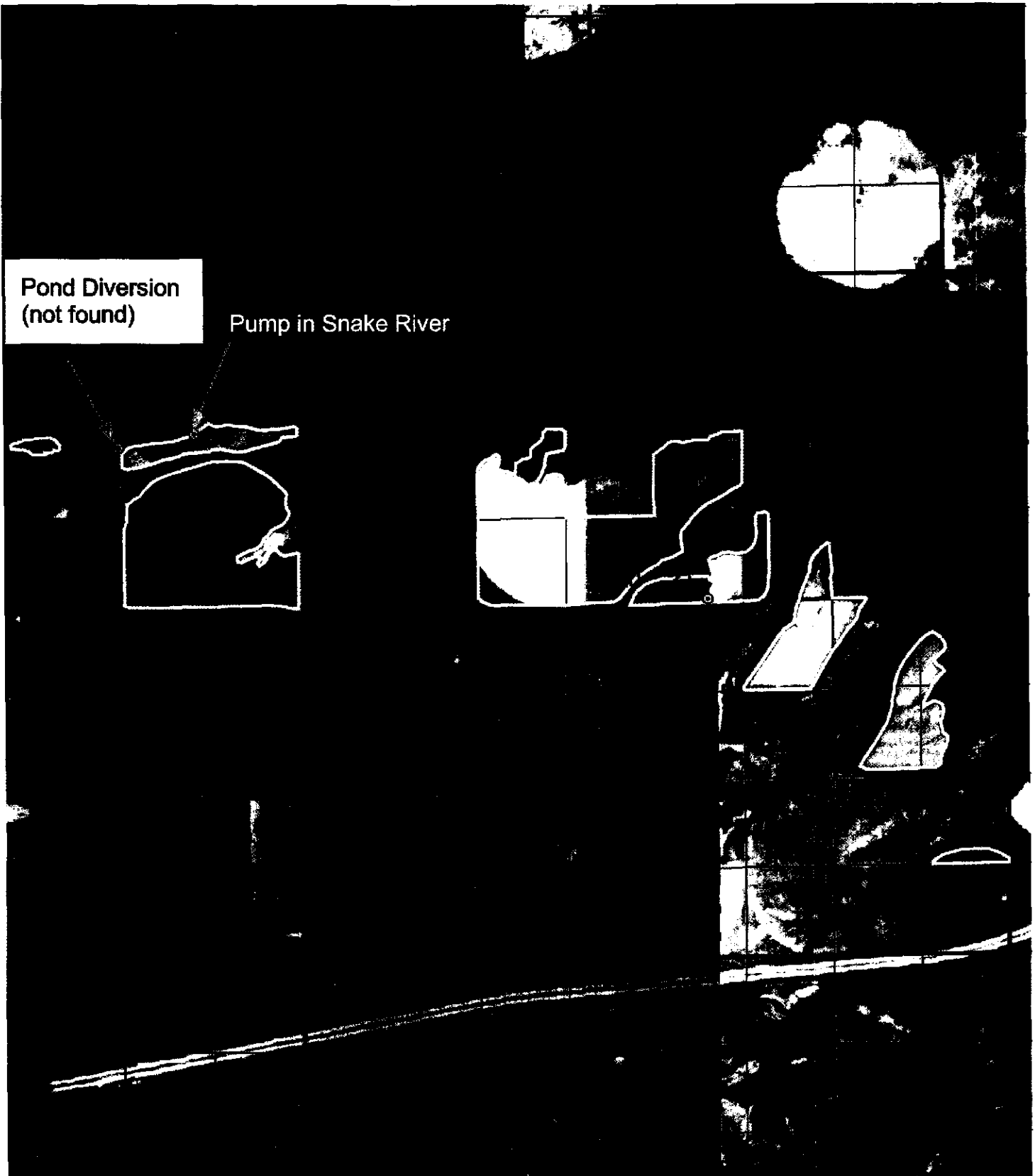
Sent application to Steve Davis
24 May 1999

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NOV 20 2000

T # 5558

Idaho Department of Water Resources



TWP 09S, RNG 28E,
SECTIONS 19, 20, 21, & 28

0 1320 2640 3960 Feet

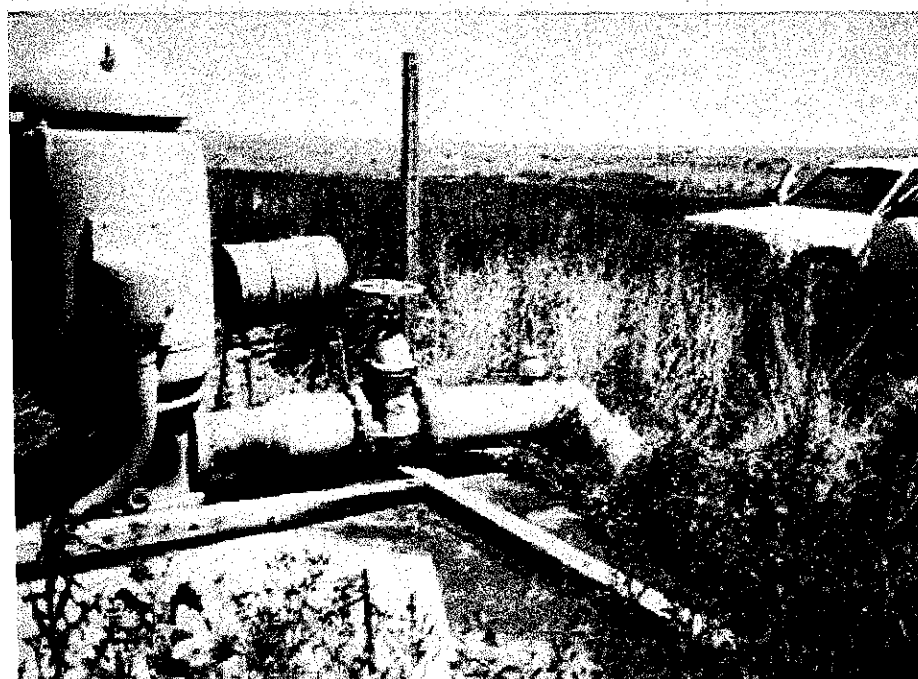
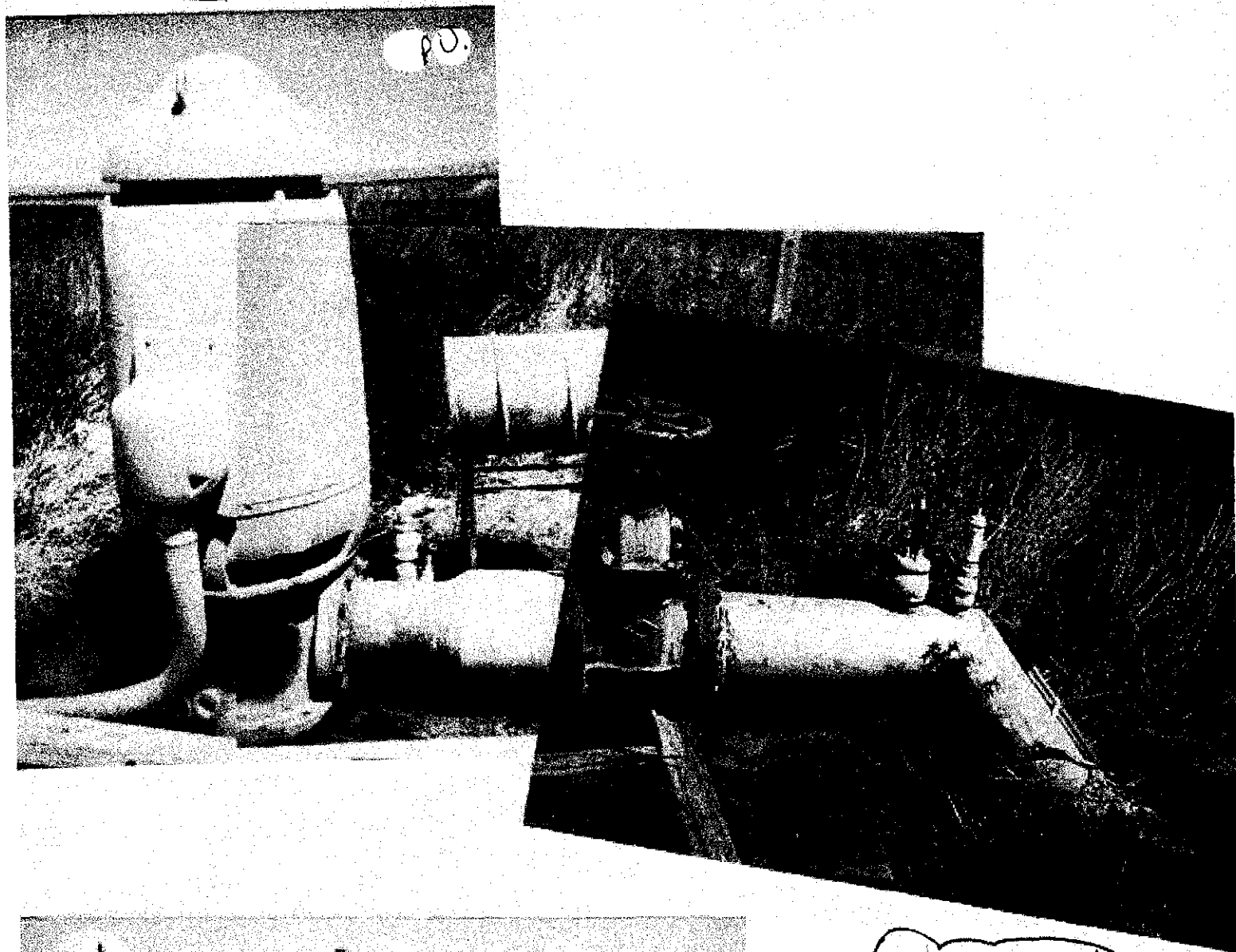
- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

TRANSFER # 5558
43-02481, 43-02567A, 43-02597

Gis Field Map
1987/1988 Napp Photography
Jeanie Robertson
Field Exam Date : June 1994



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JUN 20 2003



measured
3.98 cfs

record rate
3.54 cfs

Webb Basin Real Estate
June 1994 Well Measurements
A43-02567B...et.al.

Sec 21, T09S, R28E
SW SW SW 1/4

Well #5

T#5558

MODE SELECT
INPUT

OUTER DIAMETER
12.0957 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.2520 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
9.553 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

06-30 12:1600 *R
+002.70 % AI2

MODE SELECT
T0 CHECK

0435.1 MMSEC
100.46 % T0

1. 06-30 12:1600 *R
+ 1.784E 3GPM
2. 06-30 12:1700 *R
+ 1.961E 3GPM
3. 06-30 12:1700 *R
+ 1.905E 3GPM
4. 06-30 12:1700 *R
+ 1.798E 3GPM
5. 06-30 12:1700 *R
+ 1.716E 3GPM
6. 06-30 12:1700 *R
+ 1.798E 3GPM

DAMPING SET
20 SEC

7. 06-30 12:2000 *R
+ 1.647E 3GPM
8. 06-30 12:2000 *R
+ 1.755E 3GPM
9. 06-30 12:2000 *R
+ 1.741E 3GPM

$$\frac{\sum V}{9} = \frac{1789 \text{ gpm}}{450} = \underline{\underline{3.98 \text{ cfs}}}$$

T-#5558

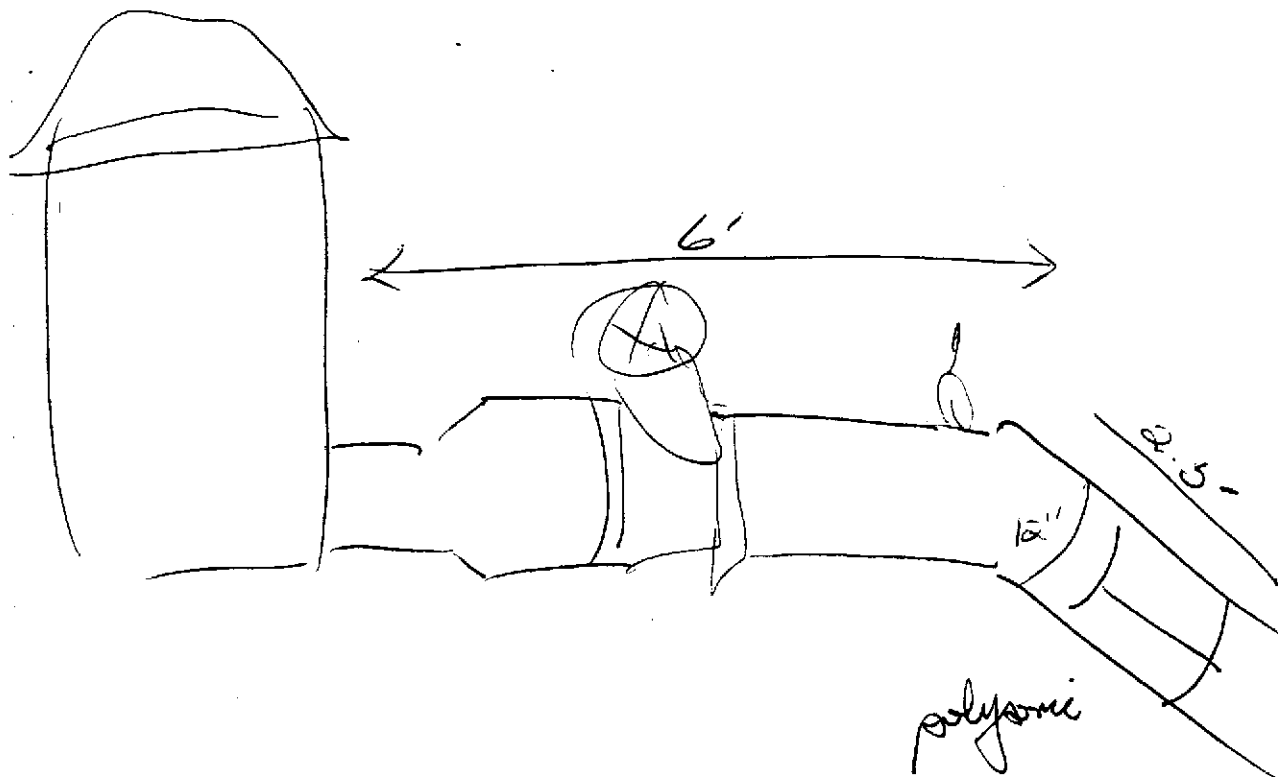
P.O.E. Investments Well #5-

(Jude's Well 5/20/68)
pole # 2075

LB pump
serial # 44539

U.S. Motor 200 h.p.
1087531

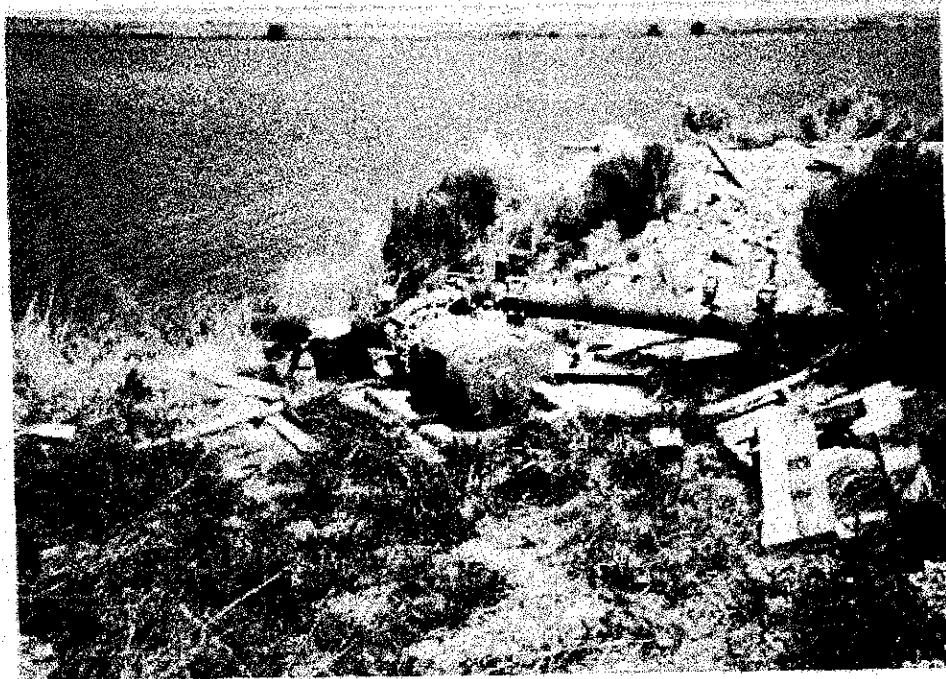
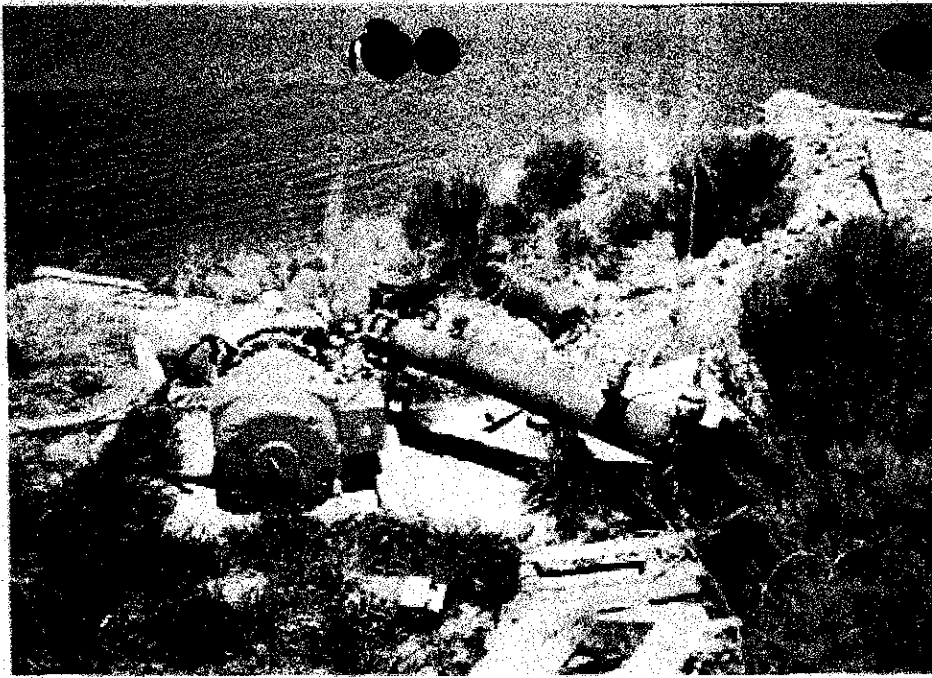
GPS A0002924



4 pictures
all #5, - 6, 7, 8, 9

MICROFILMED
NOV 28 2001

T#5558



Webb Basin Real Estate
June 1994 Well Measurements
A43-02567B...et.al.

Spring
River Pump

T#5558

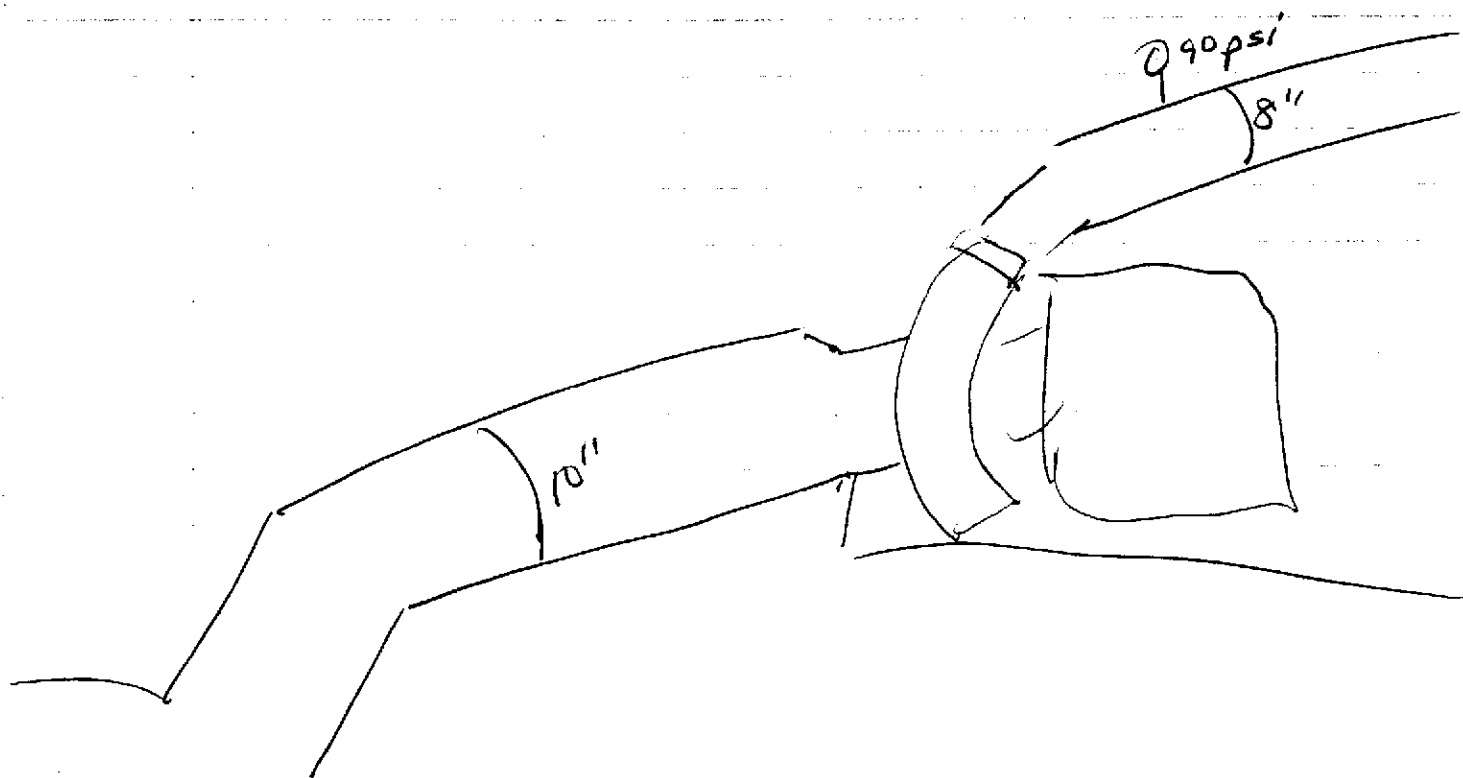
MICROFILMED
NOV 20 1998

P.O.E. River Pump (not in use) pole #2024

Marathon Electric hp 125
serial # 41159570-2/18-02

Berkeley Pump
ser # G-230394
model # B5EXPBH
imp. diameter 15.50"

90 psi



river

MICRO

2 pictures

roll 5 - 10, 11

T # 5558

August 28, 1980

U.S. Department of Agriculture
Farmers Home Administration
2211 Overland Avenue
Burley, ID 83318

Gentlemen,

Receipt of your letter of August 15, 1980, is hereby acknowledged and placed in file. Enclosed is the signed copy of your letter verifying acknowledgement as requested.

If we can be of further assistance, please feel free to call me at 334-4123.

Sincerely,

Robyn Hampe
Chief Clerk
Water Allocations

enclosure

MICROFILMED
NOV 20 2000

RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

AUG 26 1980

2211 Overland Avenue
Burley, Idaho 83318

Department of Water Resources

State of Idaho, Department of
Water Administration
614 State Street, Capital Building
Boise, Idaho 83707

August 15, 1980

Dear Sirs:

Again we wish to advise that Masaki M. Kuwana and Ida Belle Kuwana, husband and wife, of Heglar Route; American Falls, Cassia County, Idaho have again obtained financial assistance from this Agency. In doing so, they have again pledged Water Permit G-32876/43-2481 as additional security to the real estate mortgage.

We request that a note of this second pledging be placed in the files concerning this permit regarding the transaction. This would go along with our letter to you dated October 26, 1978 which you now have in their Water Permit File.

Please sign the enclosed copy of this letter and return same to this office as acknowledgment of the request; said copy to be used in our files on this account.

Sincerely,

THOMAS J. NEWTON
County Supervisor

"The above letter has been placed in the files in connection with Permit Number G-32876/43-2481. Priority date of May 10, 1966."

8/27/80
(Date)

Thomas J. Newton
(Name and Title)

cc: Southern District Office
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Farmers Home Administration is an Equal Opportunity Lender.
Complaints of discrimination based on race, sex, religion,
national origin or marital status should be sent to:
Secretary of Agriculture, Washington, D. C. 20250

MICROFILMED
NOV 20 2000

2211 Overland Avenue
Burley, Idaho 83318

State of Idaho, Department of
Water Administration
614 State Street, Capital Building
Boise, Idaho 83707

August 15, 1980

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Sincerely,

THOMAS J. NEWTON
County Supervisor

"The above letter has been placed in the files in connection with Permit Number G-32876/43-2481. Priority date of May 10, 1966."

8-28-80
(Date)

Robyn Hanger Chief Clerk
(Name and Title)

cc: Southern District Office
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

MICROFILMED
NOV 20 2000

November 3, 1978

U.S. Department of Agriculture
Farmers Home Administration
2211 Overland Avenue
Burley, ID 83318

Gentlemen:

Re: Water Right License No. 32876/43-2481 *file*

Receipt of your letter of October 26, 1978, is hereby acknowledged and placed in file. Enclosed is the signed copy of your letter verifying acknowledgment as requested.

Water right No. 32876/43-2481 is a licensed right and has a priority date of May 10, 1966.

If we can be of further assistance, please feel free to contact us.

Sincerely,

Roberta Garrett
Records Supervisor

Enclosure

MICROFILMED

RECEIVED

NOV 16 1978

UNITED STATES DEPARTMENT OF AGRICULTURE

FARMERS HOME ADMINISTRATION

Burley, Idaho 83318

Department of Water Resources

RECEIVED

NOV 16 1978

Department of Water Resources
Burley, Idaho

State of Idaho, Department of Water Administration
Statehouse
Boise, Idaho 83707

October 26, 1978

Dear Sirs:

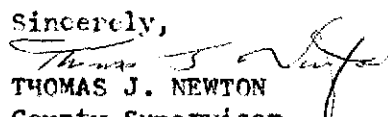
This is to advise that Masaki M. and Ida Belle Kuwana, husband and wife, of Helgar Route, American Falls, Cassia County, Idaho, have obtained financial assistance from this Agency. In doing so, they have pledge Water Permit G-32876, State number 43-2481, as additional security for the assistance as it pertains to the real estate also pledged security.

We request that a note be placed in the files concerning this permit regarding this transaction. When a permit is pledged as additional security, the holders (the Kuwanas in this instance) agree not to assign, transfer or make any changes in the permit which would be adverse to the interest of Farmers HOME Administration without advising FmHA, in writing, of changes requested and also obtaining written permission from FmHA to make said changes.

We are also requesting information as to the priority date of this permit. Have they made final proof to obtain the permanent license for this water and Permit?

Please sign the enclose copy of this letter and return same to the office as acknowledgement of the request for our files.

Sincerely,


THOMAS J. NEWTON
County Supervisor

"The above letter has been placed in the files in connection with Permit Number G-32876."

(Date)

(Name and Title)

cc: Southern District Office
1041 Blue Lakes Blvd., North
Twin Falls, Idaho

RECEIVED

File 43-2481
RECEIVED
UNITED STATES DEPARTMENT OF AGRICULTURE

FARMERS HOME ADMINISTRATION
2211 Overland Avenue
Burley, Idaho 83318

NOV 2 1978

Department of Water Resources

State of Idaho, Department of Water Administration
Statehouse
Boise, Idaho 83707

October 26, 1978

Dear Sirs:

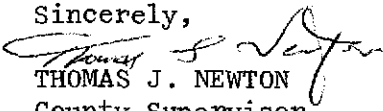
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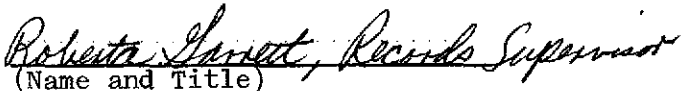
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THOMAS J. NEWTON
County Supervisor

"The above letter has been placed in the files in connection with Permit Number G-32876."

11/3/78
(Date)


(Name and Title) Roberta Smart, Records Supervisor

cc: Southern District Office
1041 Blue Lakes Blvd., North
Twin Falls, Idaho

Farmers Home Administration is an Equal Opportunity Lender.
Complaints of discrimination based on race, sex, religion,
national origin or marital status should be sent to:
Secretary of Agriculture, Washington, D. C. 20250

RECORDED

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse — Annex 2
Boise, Idaho 83720
(208) 384-2190



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

January 2, 1974

Re: Permit No. 32876/43-2481

Masaki M. Kuwana
Box 43
Declo, Idaho 83323

Dear Mr. Kuwana:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been recorded and the Department's records changed.

We are also enclosing a copy of the Water License issued on the above referenced permit and a copy of the approved amendment for this permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

jfr

Enclosures

43 2481

DEPARTMENT OF WATER ADMINISTRATION

FIELD REPORT

RECEIVED

NOV 15 1973

1. Name of permit holder Francis M. Fenstermaker
 Post office address Heglar Route, American Falls, Idaho Phone
 Person to contact Phone

2. Source of water supply: Groundwater ☒ Surface water ☐
 (name spring, stream, etc.)
 Tributary to

3. Water will be used for the following purposes:

Amount 12.2 c.f.s. for irrigation
 AF/Annum (nature of use)

Period of Use: from Apr. 15 to Nov. 1
 (mo.-day) inclusive (mo.-day)

Amount c.f.s. for
 AF/Annum (nature of use)

Period of Use: from to
 (mo.-day) inclusive (mo.-day)

Amount c.f.s. for
 AF/Annum (nature of use)

Period of Use: from to
 (mo.-day) inclusive (mo.-day)

Other uses:

4. Total amount to be appropriated:

Max Rate of Diversion 12.2 cubic feet per second and annual volume AF/Annum.

5. Location of Point(s) of Diversion:

Township 9S N/S, Range 28E E/W, B.M., Section 21, Subdivision SE 1/4 SW 1/4, Cassia
 County

Township N/S, Range E/W, B.M., Section , Subdivision 1/4 1/4,
 County

Township N/S, Range E/W, B.M., Section , Subdivision 1/4 1/4,
 County

Other Points of Diversions:

Description of diverting works: 780' well, first 450', 20" casing, next 200', 16" casing, re-
maining 130', 200 hp electric pump, land sprinkler irrigated.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

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	
9S	28E	21									40	40	40						120
		20													30	40	40		110
		28	40	40			40												120

TOTAL ACREAGE

350

Permit No. G-32876/43-2481
 b/u
 Examination for

**T
9
S**

Diagram of System

$$111 \text{ H}^{1/4} \text{ @ } 65 \text{ psi.} = 111(4.65) = 512$$

$$52 \text{ H } (9/64) @ 55 \text{ psi} = 52(4.22) = 220$$

$$20.14(9/64)(20 \text{ psi}) = 20(9.80) = 144$$

$$112 \text{ H}(9/64) @ 75 \text{ psi} = 112(5.00) = 560$$

$$11 H\left(\frac{9}{64}\right) @ 35 \text{ psi} = 11 (5.35) = \underline{59}$$

$$1595 \text{ Gpm} = 3.54 \text{ cfs}$$

DATE OF EXAM 11-14-73

ACREAGE
Found 218
Recommended 218

Irrigation Requirement 4.0 Ac Ft/Ac

USE
Irrigation Q= 3.54 c.f.s. V= 872 AF/Ann. from April 15 to Nov-1
Domestic Q= _____ c.f.s. V= _____ AF/Ann. from March 15 to Nov-1
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no ✓

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 3.54 c.f.s. Method of measurement Pitot Tube

Total Q recommended 3.54 c.f.s. Meter No. ✓ Type ✓ Condition Good

Total V recommended 872.0 Ac Ft/Ann

Recommended Amendments:

P.D. S.W.S.W., Sec. 21, 9S-28E
Place of Use SE 1/4, Sec. 20, W 1/2 SW 1/4, SE SW, Sec. 21, NW NE 1/4, N ENW, Sec. 28
Other NO T. 9S- R. 28 E.
None NO

MEASUREMENT CALCULATION:

Q = See Diagram of System.
Volume = (IRR Req 4.0)(218 Acres) = 872.0 Ac Ft/ANN

SYSTEM DESCRIPTION:

U.S Motors 200Hp # 1118675 LAYNE & BOWLER VERTICAL Pump.

REMARKS:

Examiner's Signature Sam Sanderburg Date 11-16-73

Checked by Michael L. Stuck Date 12-3-73

Approved by _____ Date _____

STATE OF IDAHO

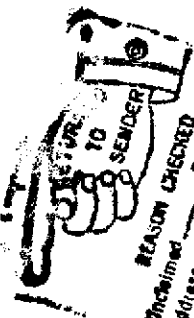
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707



☒ Moved, left no address
☒ No such number
☒ Moved, not forwardable
☐ Addressee unknown



Reason checked
Addressee unknown
Insufficient address
No such street
No such office or shop

Mr. Francis M. Fenstermaker
Heglar Route
American Falls, Idaho 83211

Forwarded by
JUN 23 1973
Department of Water Administration



43 2481

June 22, 1973

*Resent to:
Go attorney at
Resent
6-27-73
dr*

Mr. Francis M. Fenstermaker
Heglar Route
American Falls, Idaho 83211

Dear Mr. Fenstermaker:

A representative of this Department has made an examination of the works covered by your Permit No. 32876/43-2481 and has found the following:

Quantity of water diverted: 3.54 cfs

Amount of water that can be recognized as beneficially used under
Idaho law: 3.54 cfs

The maximum quantity diverted shall not exceed 970 acre feet per year.

Beneficial use: Irrigation of 277 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$,
Sec. 20; SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21; NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28; Twp. 9S,
Rge. 28E, B.M.

Point of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 21, Twp. 9S, Rge. 28E, B.M.

Priority date established: May 10, 1966

The lands found being irrigated by our examiner differ from those described under your permit, therefore, it will be necessary to amend the permit before a water license can be issued. We are enclosing a partially completed application for amendment for your use in this matter. Please sign the application and return it to this office with a \$10.00 filing fee within 20 days of the date of this letter in order that we may issue your water license as set forth above.

If you do not concur with these findings or have any questions, please contact us within the 20-day period.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Amendment form

43 2481

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

WATER DISTRICT NO. 01

P. O. Box 697
Idaho Falls, Idaho 83401
522-5404



ARTHUR L. LARSON
Watermaster

RECEIVED

July 19, 1971

Department of Water Administration

Mr. Donald W. McEldowney
Appropriation Supervisor
Idaho Department of Water Administration
Boise, Idaho 83707

Dear Don:

Have received your letter of July 16, 1971 relative to inquiries directed to your department regarding a 500 acre foot storage allotment to Francis Fenstermaker, and some sort of alleged documents signed by Henry Eagle pertaining to same.

I do not know of a Francis Fenstermaker, but suspect the property in question has been operated by William Lott. If this is so, then our records indicate that since 1967 he has applied for, and received 500 acre feet of storage water annually. There are no documents or certificates of any kind, that I am aware of, that have ever been issued for this type of water supply.

Usually, near the beginning of the irrigation season, a letter is mailed to the stored water renters reminding them that if they are anticipating using their usual amount in the coming season to please arrange for it by advance payment. There has always been sufficient stored water offered for rental to satisfy these requests, although in a short year the rental committee would no doubt scrutinize the requests carefully and allocate available stored water to those with the most need and longest term of use.

Very truly yours,

Art Larson
Arthur L. Larson

43 2481

CONVERSATION MEMORANDUM

FILE 01 Water District
7-19-71

NAME OF PARTY Art Larson

EMPLOYEE Don McEldowney

RE: Lease and rental of storage water from 01 - both inside and outside District
boundaries. In response to my letter, Mr. Larson advised District 01 has been
renting 500 acre feet of storage from Palisades Reservoir since 1967 to William
Lott for use in Raft River. He state no application form or other documents are
used. Art advised all reservoirs have excess water that are rented each year on
a one-year renewable basis. Art will send us a letter to confirm this conversation.

43 2481

August 12, 1971

Re: Permit No. 43-2481 - William Lott

Kester Realty
723 3rd Street, South
Post Office Box #676
Rupert, Idaho 83350

ATTENTION: Donald L. Kester, Broker

Dear Mr. Kester:

Previously, the Department advised you as to a permit issued in Raft River in connection with a Lott property. Reference is also made in your previous inquiries dated June 29, 1971, about 500 acre feet of storage rented from Water District 01. We have received a response from Mr. Art Larson, Watermaster of that district, advising that there is no official documentation that the rental is made from the district on the yearly basis and re-newed upon payment of fees and at the will of the district. The Department would question somewhat the authority to make rentals of water outside of district boundaries. The Raft River Area covered by the ground water permit and your inquiries is not within the district boundaries for district 01.

We understand that this practice of renting has been taking place for a number of years and may, some time in the future be subject to review by this agency as to continue practices.

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

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cm

43 2481

* FARM AND
RANCH LOANS

* SALES

* APPRAISALS



KESTER REALTY

723 3rd ST. SOUTH

PHONE 436-4657

D. L. KESTER
DRILLING CO.

Free Estimates On
Pumps And Wells

Member
Idaho Association Realtors

Box 676

Rupert, Idaho 83350

Member
National Association Realtors

32876
32876 43-2481

June 29, 1971

RECEIVED

JUL 1 1971

State of Idaho
Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Department of Water Administration

Subject: Water Right or Water License Number
Property of Mrs. William N. Lott
Raft River, Cassia County, Idaho

Gentlemen:

I have an Agreement to Purchase on the following described property and need to know the conditions of the water rights, to-wit:

Township 9 South, Range 28 East, of the Boise Meridian,
Cassia County, State of Idaho.

Section 19; Lots 2 and 3 and Southeast Quarter;

Section 20; The Northwest Quarter of the Southeast
Quarter, South Half of the Southeast Quarter;

Section 21; West Half of the Southwest Quarter,
Southeast Quarter of the Southwest Quarter;

Section 28; Northeast Quarter, Northeast Quarter of the
Northwest Quarter, Northeast Quarter of the Southeast
Quarter.

I am in receipt of a well log dated 5/25/68, signed by C. D. Bishop, License #107. Work was started March 1968 and completed April, 1968 but location of well was omitted. From information I have, I think the well is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, Township 9 South, Range 28 East Boise, Meridian, Cassia County, Idaho.

I need to know how much ground water was filed on and the location where ground water is to be used.

It is also my understanding that 500 acre-feet of storage water is rented each year from Water District No. 01 by Mrs. Lott. I Would like to know condition surrounding this lease.

I would appreciate this information at the earliest possible date. Thanking you.

Sincerely yours,
Donald L. Kester
Donald L. Kester, Broker

43 2481

July 16, 1971

Re: Permit No. 43-2481 - Francis M. Fenstermaker

Art Larson
Watermaster #01
Box 697
Idaho Falls, Idaho

Dear Art:

We have been contacted by a lending agency in connection with water rights for a ranch in Cassia County, T. 9S, R. 28E, B.M. The lands are in the SE $\frac{1}{4}$ of Section 19, the SE $\frac{1}{4}$ of Section 20, and part of the SW $\frac{1}{4}$, Section 21 and NE $\frac{1}{4}$ of Section 28 and all of the other grounds of Section 28. The property was originally under the name of Francis Fenstermaker and is now being considered for purchase by another party. The inquiries, in addition to ground water appropriations, cover a 500 acre foot storage right, the water from which is being leased to them under a contract from Water District #01.

Could you please supply us with information concerning this lease arrangement so we could advise the lending institution. The documents that he referred to are signed by Henry Eagle. Possibly you have renewed these documents or some such transaction.

Your assistance in clarifying this issue is greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/bb

43-2481

July 16, 1971

Re: Permit No. 43-2481

Don Kester
P. O. Box 676
Rupert, Idaho

Dear Mr. Kester:

We are enclosing an assignment form and also a copy of Permit No. 43-2481. We appreciate your telephone call in supplying us with the additional information so that we were able to find the permit in question.

At present, the Department has a field examination pending. It should be completed either this year or in the next irrigation season.

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

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/bb

Enc: Copy of Permit
Assignment form

43 2481

October 8, 1970

Re: Permit No. G-32876/43-2481

Mrs. Francis M. Fenstermaker
Heglar Route
American Falls, Idaho 83211

Dear Mrs. Fenstermaker:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

Before a license can be issued, a field examination must be made by a representative from this Department.

We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination. If someone other than yourself should be contacted, please advise.

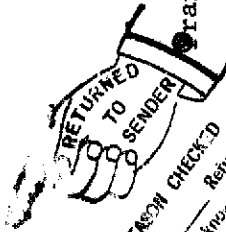
Very truly yours,

Dorian Clay,
Appropriation Examiner

DC:DG

43-2481
32876

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Statehouse - Annex 2
Boise, Idaho 83737



Francis M. Fenstermaker

Hagle

American Falls, Idaho 83211

RECEIVED

AUG 21 1970

Department of Water Administration

☒ Moved, left no address
☐ No such number
☐ Moved, not forwardable
☐ Addressee unknown



STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

August 19, 1970

Re: Permit No. G-32876/43-2481

Mrs. Francis M. Fenstermaker
Heglar Route
American Falls, Idaho 83211

Dear Mrs. Fenstermaker:

The legal notice for the above referenced permit is being published in the South Idaho Press of Burley, Idaho at the expense of William N. Lott on August 27 and September 3, 1970.

Please find enclosed a copy of revised legal notice that is to be published. It was necessary to change the notice, as an amendment to the permit was made on August 4, 1970.

You will be required to submit an affidavit of publication to this department. The affidavit may be obtained from the South Idaho Press upon payment of the bill of publication.

If you have any questions, please advise.

Very truly yours,

Dorian Clay,
Appropriation Examiner

DC/DG

ENCLOSURE

cc: William N. Lott
1726 Mountain View Drive
Boise, Idaho

43-2481
32876

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Francis M. Fenstermaker, Heglar Route,
American Falls, Idaho, has received an approved Permit No.
G-32876/43-2481 issued by the Idaho Department of Water Administration author-
izing the diversion ~~storage~~ of 12.2 cubic feet per second ~~addl/feet~~
~~per/Annum~~ of water from a ground-water source.

The priority to be established under this permit is May 10, 1966
and the permit was approved May 12, 1966.

Water is to be diverted by well and pumps
from a point within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, T. 9S, R. 28E, B.M., Cassia County,
to be used for irrigation
in the W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20; W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21; N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 28; T. 9S, R. 28E, B.M.

Proof of the application of the water to beneficial use ^{was} ~~is~~ sub-
mitted to the Department on ~~or before~~ June 8, 1970. Any protests
against the issuance of the license for the above referenced permit should
be filed with the Idaho Department of Water Administration within ten (10)
days of the last date of publication of this notice or prior to the licensing
of the permit. Licensing may commence prior to the date beneficial use proof
is due without further notice.

R. KEITH HIGGINSON, Director
Idaho Dept. of Water Administration

Published in the South Idaho Press, Burley, Idaho,
on August 27 and September 3, 1970.

32876
43-2481

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

August 19, 1970

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Heglar Route
American Falls, Idaho 83211

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If you have any questions, please advise.

Very truly yours,

Dorian Clay,
Appropriation Examiner

DC/DG
ENCLOSURE

cc: William N. Lott
1726 Mountain View Drive
Boise, Idaho

43-2481
32876

August 19, 1970

Re: Permit No. G-32876/43-2481

South Idaho Press
Box 190
Burley, Idaho 83118

Gentlemen:

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

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

The expense of the publication is to be paid by William N. Lott, 1726 Mtn. View Dr., Boise, Idaho, to whom you should furnish an affidavit of publication.

Very truly yours,

Dorian Clay,
Appropriation Examiner

DC/DG
Enc: legal notice

43-2481
32876

NOTICE OF EXISTING WATER PERMIT

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American Falls, Idaho, has received an approved Permit No.
G-32876/43-2481 issued by the Idaho Department of Water Administration auth-
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~~per/annum~~ of water from a ground-water source.

The priority to be established under this permit is May 10, 1966
and the permit was approved May 12, 1966.

Water is to be diverted by well and pumps
from a point within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, T. 9S, R. 28E, B.M., Cassia County,
to be used for irrigation
in the W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20; W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21; N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 28; T. 9S, R. 28E, B.M.

Proof of the application of the water to beneficial use ^{was} ~~is/for/pe~~ sub-
mitted to the Department on ~~at/before/~~ June 8, 1970. Any protests
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days of the last date of publication of this notice or prior to the licensing
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is due without further notice.

R. KEITH HIGGINSON, Director
Idaho Dept. of Water Administration

Published in the South Idaho Press, Burley, Idaho,
on August 27 and September 3, 1970.

32876
43-2481

WILLIAM T. GOODMAN
LARRY R. DUFF
DONALD J. CHISHOLM

Goodman, Duff and Chisholm

ATTORNEYS AT LAW
FREMONT AND G STREETS
BOX 61
RUPERT, IDAHO 83350
July 14, 1970

AREA CODE 208
TELEPHONE NOS.
436-4774
436-4775
436-4288

RECEIVED

JUL 16 1970

Department of Water Administration

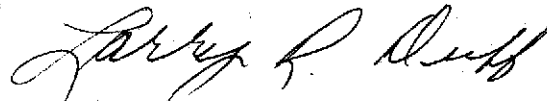
R. Keith Higginson, Director
Idaho Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Higginson:

Enclosed please find a Request for Extension in the matter
of the Application for Water Permit for Francis M. Fenstermaker.

Very truly yours,

GOODMAN, DUFF & CHISHOLM



Larry R. Duff

LRD:KH
Encl.

43-2481
32876

NOTICE: This completed form authorizes the Idaho Department of Reclamation to publish a required legal notice at YOUR expense.

State Reclamation Engineer
Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the South Idaho Press of Burley, Idaho, as required under the Rules and Regulations of the Idaho Department of Reclamation and the Laws of the State of Idaho. My complete billing address is William N. Lott, 1726 Mountain View Drive, Boise, Idaho. Dated this 14th day of July, 19 70.

William N. Lott
Signature

Title

43-2481
32876

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Francis M. Fenstermaker, Heglar Route, American Falls, Idaho, has received an approved permit No. G-32876/43-2481 issued by the Idaho State Reclamation Department authorizing the diversion ~~storage~~ of 12.2 cubic feet per second ~~/acre/feet/yr/annum~~ of water from a ground-water source subject to all prior rights. The priority to be established under this permit is May 10, 1966 and the permit was approved May 12, 1966. Water is to be diverted by well and pump from a point within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21; NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 9 S, R. 28 E, B. M., Cassia County, to be used for irrigation in the SE $\frac{1}{4}$, Lots 2 & 3, Sec. 19; W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20; SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 21; NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T. 9 S, R. 28 E, B. M.

Proof of the application of the water to beneficial use is to be submitted to the department on or before . Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the South Idaho Press, Burley, Idaho, on and .

43-2481
32876

August 10, 1970

Re: Permit No. G-32876/43-2481

C
Mr. Francis M. Fenstermaker
Haglar Route
American Falls, Idaho 83211

O
Dear Mr. Fenstermaker:

Enclosed please find a copy of the APPROVED application for amendment in connection with the above referenced permit.

P
We acknowledge receipt of your affidavit submitted as proof of beneficial use for permit 43-2481. Before a license can be issued, a field examination must be made by a representative from this Department. However, before we can schedule your permit for a field examination, it will be necessary for notice of your permit to be published in the South Idaho Press at Burley, Idaho.

Y
We are enclosing a copy of the legal notice for your review. We will need your signature as authorization for the Department to have this notice published at your expense. Please sign the authorization and return it to this office as soon as possible.

If you have any questions regarding this matter, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

Enc: Copy of amendment
Advertising package

43-2481
32876

June 24, 1970

Re: Permit No. G-32876/43-2481
Francis M. Fenstermaker

Mr. Larry R. Duff
GOODMAN, DUFF & CHISHOLM
Box 61
Rupert, Idaho 83350

Dear Mr. Duff:

We are in receipt of the proof of beneficial use affidavit submitted in connection with the above referenced permit. However, there are discrepancies between the affidavit and permit as follows:

	<u>Affidavit</u>	<u>Permit</u>
Point of diversion:	SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21, T. 9S, R. 28E	SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21; NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28; T. 9S, R. 28E
Land irrigated:	W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21	SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 21

If the affidavit is indeed correct, it will be necessary to file an application for amendment to amend the permit. We are enclosing an amendment form for your use in this matter; there is a \$5.00 filing fee requirement when submitting amendment applications.

43-2481
32876

Page 2

Mr. Larry R. Duff

Re: 43-2481

June 24, 1970

As to the publishing of the legal notice for this permit, we have not received the authorization to publish which was mailed to Mr. Fenstermaker on February 27, 1970. We are herewith enclosing an authorization form for you to complete if you so desire.

May we hear from you by return mail regarding the enclosed matters. Your cooperation is most appreciated, please advise if you have any questions.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

Enc: Application for Amendment
Authorization form

32876
43-2481

June 2, 1970

C
Re: Permit No. G-32876/43-2481 - Francis M. Fenstermaker

O
Mr. Larry R. Duff
GOODMAN, DUFF AND CHISHOLM
Box 61
Rupert, Idaho 83350

P
Dear Mr. Duff:

Enclosed please find a signed copy of the approved extension of time in connection with the above referenced permit.

We are also enclosing correspondence that was forwarded to the permit holder on February 27, 1970, and returned to the Department marked "not forwardable - address expired".

Y
We would appreciate being advised as to the current address of Mr. Fenstermaker in order that we may forward future correspondence.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

Enc: Copy of extension
Corr. of 2-27-70

43-2481
32876

WILLIAM T. GOODMAN
LARRY R. DUFF
DONALD J. CHISHOLM

Goodman, Duff and Chisholm

ATTORNEYS AT LAW
FREMONT AND G STREETS
BOX 61
RUPERT, IDAHO 83350

May 18, 1970

AREA CODE 208
TELEPHONE NOS.
436-4774
436-4775
436-4246

RECEIVED

JUN 8 1970

Department of Reclamation

Department of Reclamation
State of Idaho
Statehouse
Boise, Idaho

In re: Permit No. G-32876

Gentlemen:

Enclosed please find the proof of application of water to beneficial use on Permit No. G-32876. We had originally asked that time be extended on this an additional 60 days, however, due to the fact that we did not obtain some of the information until this last month, we ask that this be extended sufficient time for the setting of proof as provided by the statute.

Also would you please see that the billings in this matter are made directly to our office for the publications.
Thank you.

Very truly yours,

GOODMAN, DUFF & CHISHOLM

Larry R. Duff

LRD:KH
Encl.

32876
43-2481

WILLIAM T. GOODMAN
LARRY R. DUFF
DONALD J. CHISHOLM

Goodman, Duff and Chisholm

ATTORNEYS AT LAW
FREMONT AND G STREETS
BOX 61
RUPERT, IDAHO 83350

April 29, 1970

AREA CODE 208
TELEPHONE NOS.
436-4774
436-4775
436-4246

RECEIVED

Department of Reclamation

Mr. R. Keith Higginson
State Reclamation Engineer
Department of Reclamation
Statehouse Annex 2
Boise, Idaho 83707

Dear Mr. Higginson:

Enclosed please find a Request for Extension and proposed Order in the matter of the application for water permit for Francis M. Fenstermaker.

Would you please sign the same and return a copy to us.
Thank you.

Very truly yours,

GOODMAN, DUFF & CHISHOLM

Larry R. Duff
Larry R. Duff

LRD:KH
Encl.

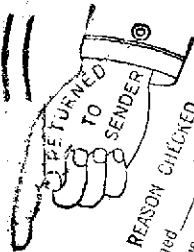
32876
43-2481

INFORMATION

BOISE ANNEX 2

BOISE, IDAHO 83707

*Returned to sender
address appeared*



REASON CHECKED

Unclaimed

Addressee unknown

Insufficient Address

No such street

Do not retail in this area

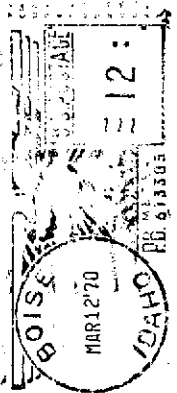
Mr. Francis M. Fenstermaker

Regular Route

American Falls, Idaho

83211

- ☐ Moved, left no address
- ☐ No such number
- ☒ Moved, not forwardable
- ☐ Addressee unknown



43.2481
32876

AFTER FIVE DAYS RETURN TO
DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83207

RECEIVED
MAR 4 1970

Department of Reclamation
CERTIFIED MAIL
NO. 21646
RETURN RECEIPT REQUESTED

Reason Checked

☐ Undelivered
☐ Addressee unknown
☐ Insufficient address
☐ No such street
☐ No such office in city
☐ Do not know to whom

☐ Returned to sender
☒ Mailed
☐ Moved, left no address
☐ No such number
☐ Moved, not forwardable
☐ Addressee unknown

Refused by Francis W. Fenstermaker
Number Leglar Route
American Falls, Idaho 83211

*Recent regular
mail on 3-11-70
Dorlene Reick*

MAR 12 1970

*43-2481
32876*

BOISE
FEB 27 1970
IDAHO

February 27, 1970

Re: Permit No. G-32876/43-2481

Mr. Francis M. Fenstermaker
Heglar Route
American Falls, Idaho

Dear Mr. Fenstermaker:

One of the conditions of the approval of your permit
G-32876/43-2481 was that proof of application of the water to
beneficial use be submitted to this office on or before _____
May 12, 19 70.

Enclosed is an affidavit form which must be used to submit
this proof. You may request an extension of time provided the
delay is for reasonable cause as indicated in Section 42-204, ICA.

Either the proof or a request for extension must be received
by this department on or before the above mentioned date, otherwise
the permit will lapse and be of no further force or effect.

R. Keith Higginson

State Reclamation Engineer

Enclosure: Proof form

RKH:tg

cc: Larry R. Duff
GOODMAN and DUFF
Fremont and G Streets
Box 61
Rupert, Idaho 83350

CERTIFIED MAIL #21646

Form 5

43-2481
32876

February 27, 1970

Re: Permit No. G-32876/43-2481

Francis M. Fenstermaker
Heglar Route
American Falls, Idaho

Dear Mr. Fenstermaker:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department; previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply it upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Order
Advertising package

32876
43-2481

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Francis M. Fenstermaker, Heglar Route, American Falls, Idaho, has received an approved permit No. G-32876/43-2481 issued by the Idaho State Reclamation Department authorizing the diversion ~~storage~~ of 12.2 cubic feet per second ~~/acre/feet/ft/annum~~ of water from a ground-water source subject to all prior rights. The priority to be established under this permit is May 10, 1966 and the permit was approved May 12, 1966.

Water is to be diverted by well and pump from a point within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21; NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 9 S, R. 28 E, B. M., Cassia County, to be used for irrigation in the SE $\frac{1}{4}$, Lots 2 & 3, Sec. 19; W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20; SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 21; NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T. 9 S, R. 28 E, B. M.

Proof of the application of the water to beneficial use is to be submitted to the department on or before May 12, 1970. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the South Idaho Press, Burley, Idaho, on _____ and _____.

*See retyped
publication
8-10-70
43-2481
32876*

January 21, 1970

Re: Permit No. G-32876/43-2481

Larry R. Duff
GOODMAN & DUFF
Fremont & G Streets, Box 61
Rupert, Idaho 83350

Dear Mr. Duff:

We are in receipt of your letter of January 15, 1970, with regard to the above referenced permit. Be informed that this permit is presently in the name of Francis Fenstermaker.

We are enclosing an assignment form which must be signed by Mr. Fenstermaker assigning this permit to Mr. Lott. Upon receipt of this form we shall be able to accept the final proof on this permit from Mr. Lott.

Pursuant to your request, we are enclosing forms with which to submit proof of beneficial use. Also enclosed is a copy of the permit and the amendment.

If we may be of further assistance, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Assignment form
Copy of permit
Copy of amendment
Proof package

43-2481
32876

WILLIAM T. GOODMAN
LARRY R. DUFF
DONALD J. CHISHOLM
ASSOCIATE

Goodman and Duff
ATTORNEYS AT LAW
FREMONT AND G STREETS
BOX 61
RUPERT, IDAHO 83350
January 15, 1970

AREA CODE 208
TELEPHONE NOS.
436-4774
436-4775
436-4246

RECEIVED

JAN 20 1970

Department of Reclamation

Department of Reclamation
State of Idaho
Boise, Idaho

In re: Permit No. G-32876 - William N. Lott
Gentlemen:

Mr. Lott has requested that we proceed with filing of proof of beneficial use on the above Water Permit. It is our understanding that the same should be completed by May 12, 1970.

We would appreciate it if you would forward to us a photocopy of his application for permit, together with the necessary forms for completion of proof.

Thank you.

Very truly yours,
GOODMAN, DUFF & CHISHOLM

Larry R. Duff
Larry R. Duff

LRD:KH

43-2481
32876

August 21, 1968

RE: Permit G-32876

Francis M. Fenstermaker
Heglar Route
American Falls, Idaho 83211

Dear Mr. Fenstermaker:

Enclosed herewith is an approved copy of your application for amendment which has been recorded under the above referenced permit.

Departmental Receipt No. W-393 in the amount of \$5.00 was issued. This amount covers the recording fee.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

8 32876

May 17, 1966

Re: Permit No. **G-32876**

Francis M. Fenstermaker
Baglar Route
American Falls, Idaho

Dear Mr. Fenstermaker:

We enclose Permit No. **G-32876** 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-10330**
8.00
which was issued covering payment in the amount of \$
for the filing fee of the above mentioned permit.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

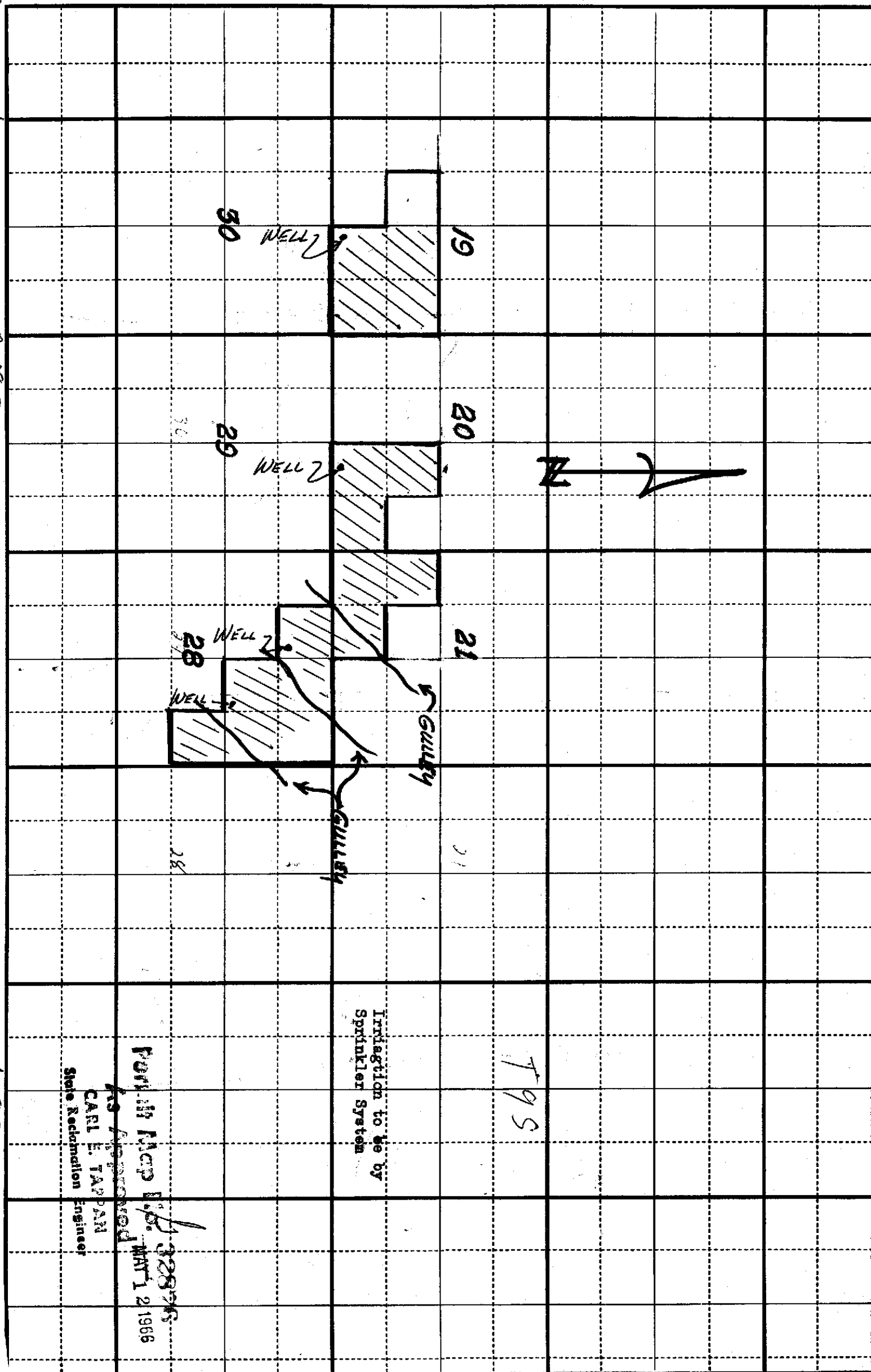
MRB:ejw
Enc. permit
receipt

32876

827 E

R. 28 E

T 8 S



Irrigation to be by
Sprinkler System

As Approved
CARL E. TAPPAN
State Reclamation Engineer

PORTLAND, ORE. 12/28/65
MAY 1 2 1966