

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

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

Mary Summer, being first

duly sworn, deposes and says that she is the

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

The South Idaho Press for twice

consecutive weeks, commencing with the issue

dated Dec. 23 1980, and ending

with the issue dated Dec. 30, 1980.

Mary Summer
Subscribed and sworn to before me

this 7th day of January
1981.

Norma McPeters Notary Public

Cost of Publication 14.56

Notary Fee _____

Total Cost 14.56

NOTARY PUBLIC RESIDING AT
RUPERT, IDAHO. MY COMMISSION
EXPIRES JUNE 21, 1981

NO. 43-2444

Notice is hereby given that Tender-Leon Ranches, Inc., has applied to the Department of Water Resources for a change of place of use and to add diversion point of a groundwater source. The right sought to be changes is evidenced by License No. 43-2444 and is recorded as follows: AMOUNT: 4.92 cfs. PRIORITY: May 10, 1956, POINT OF DIVERSION: SW¹/₄SW¹/₄, Sec. 7, T14S, R27E, B.M., Cassia County, The water is used for irrigation of 304 acres from April 1 to November 1. Within the SE¹/₄NE¹/₄, Sec. 12, T14S, R26E; S¹/₂NW¹/₄, SW¹/₄, Sec. 7, T14S, R27E, B.M. RIGHT TO BE CHANGED: AMOUNT: 4.92 cfs POINT OF DIVERSION: SW¹/₄SW¹/₄, Sec. 7; SW¹/₄SW¹/₄, Sec. 6, T14S, R27E; NE¹/₄NW¹/₄, Sec. 26; SW¹/₄NE¹/₄, Sec. 36, T13S, R26E, B.M. PLACE OF USE: S¹/₂NW¹/₄SW¹/₄, Sec. 7, T14S, R27E; N¹/₂, Sec. 36, T13S, R26E, for irrigation of 304 acres.

Any protest against the approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blv. North, Twin Falls, Idaho 83301, on or before January 16 1981.

C. STEPHNE ALLRED
Director

Published in the South Idaho Press on December 30, January 6, 1981.

ok macy
1/8/81 **MICROFILMED**

JAN 30 2001

R. 26 E.

13 2444

R. 27 E.

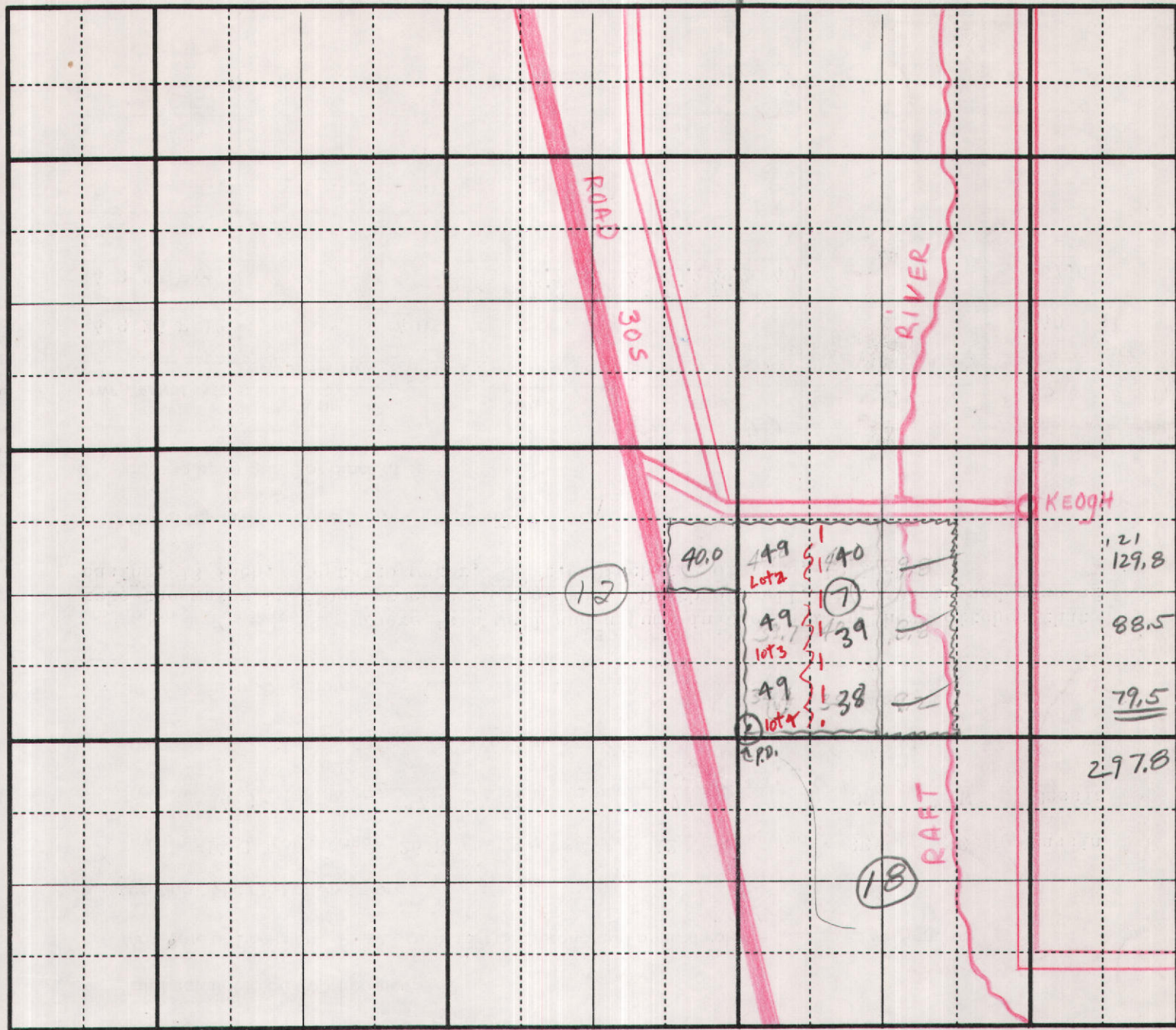


Diagram of System





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 4

consecutive weeks, commencing with the issue

dated July 20 1968, and ending

with the issue dated Aug 20, 1968

Ruth Chambers

Subscribed and sworn to before me

this 21st day of August

1968.

Edith Rautadt Notary Public

Cost of Publication \$25.65

Notary Fee _____

Total Cost _____

My commission expires October 23, 1971

RECEIVED

SEP 10 1968

Department of Reclamation

NO. 68-124

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

Notice is hereby given that on August 30, 1968, at Burley, County of Cassia, State of Idaho, before notary public (name and address) A. H. Nielson, Fouts Building, 1320 1/2 Overland Avenue, Burley, Idaho, proof will be submitted of the completion of works for the diversion of 6.15 c.f.s. of the waters of a subterranean source, and the application to beneficial use of said water, in accordance with the terms and conditions of permit G-26352, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Waymon Dee Yarbrough, Box 541, Burley, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.15 cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 6.15 c.f.s.

4. The points of diversion of said water are in the SE 1/4 NE 1/4, sec. 12, T. 14 S. R. 26 E and Lot 4 (SW 1/4 SW 1/4), sec. 7, T. 14 S. R. 27 E, B.M., Cassia County.

5. The place where said water is used is the SE 1/4 NE 1/4, sec. 12, T. 14 S. R. 26 E; Lot 2 (SW 1/4 NW 1/4), SE 1/4 NW 1/4, E 1/2 SW 1/4, Lot 3 and 4 (W 1/2 SW 1/4), sec. 7, T. 14 S. R. 27 E, B.M.

6. The date of priority which said use is prepared to establish is May 10, 1956.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the South Idaho Press July 30, August 6, 13, 20, 1968

26352

June 8, 1964

Re: Permit Nos. G-26221; G-26227; G-26230
G-26231; G-26441; G-26352
G-26494; G-26482; G-26485

U. S. Bureau of Land Management
P. O. Box 2237
Boise, Idaho

Gentlemen:

The following extensions of time have been recorded on the above numbered permits:

G-26221, Lester Thompson, Desert Land Entry No. 07004, to May 27, 1969.

G-26227, Lillian Thompson, Desert Land Entry No. 06993, to February 14, 1969.

G-26230, Clark W. Ward, Desert Land Entry No. 06997, to May 22, 1969.

G-26231, Vaudis J. Ward, Desert Land Entry No. 06999, to May 22, 1969.

G-26441, R.J. Harper, Desert Land Entry No. 07271, to August 29, 1968.

G-26352, Waymon Dee Yarbrough, Desert Land Entry No. 07212, to May 22, 1969.

G-26494, Viola Gertrude Temple, Desert Land Entry No. 07424, to August 28, 1968.

G-26482, in the name of Evertt T. Johnson, Desert Land Entry No. 07394, to April 22, 1969

Page Two 0 - Bureau of Land Management.

G-26485, Della May Johnson, Desert Land Entry No. 07395, to
April 22, 1969.

All these extensions have been recorded in this office.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

WHEREAS, Permit No. G-26352, in the name of Waymon Dee Yarbrough, was issued in connection with Desert Land Entry, Idaho Serial No. 07212; and,

WHEREAS, applicant has been prevented from proceeding with construction pending allowance of said Desert Land Entry which is under suspension pending the outcome of an appeal.

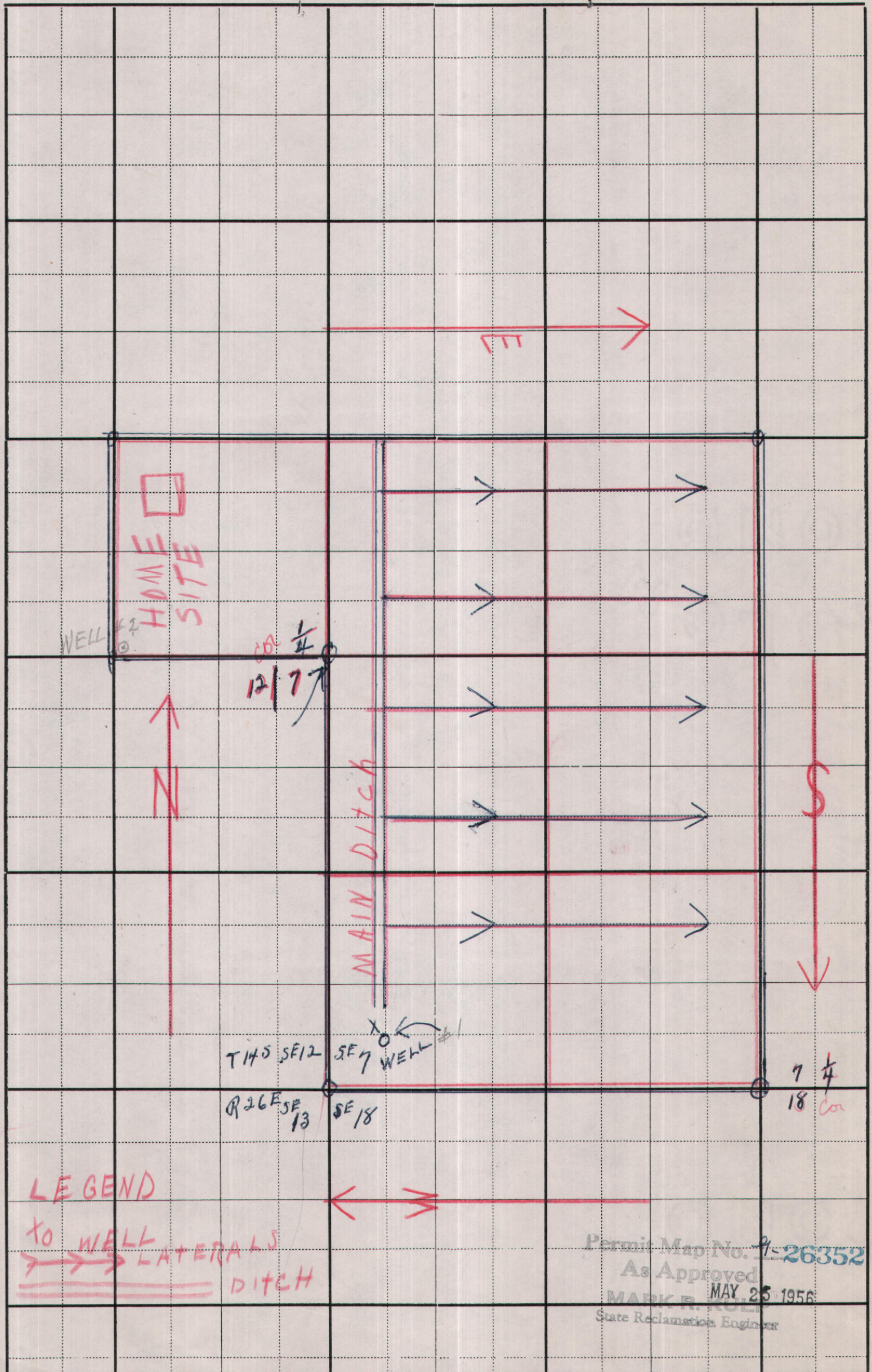
NOW, THEREFORE, statutory proof requirements on Permit No. G-26352 are extended until the Desert Land Entry has been allowed and the proper date of commencing work can be established.

This office should be notified promptly of the outcome of the appeal.

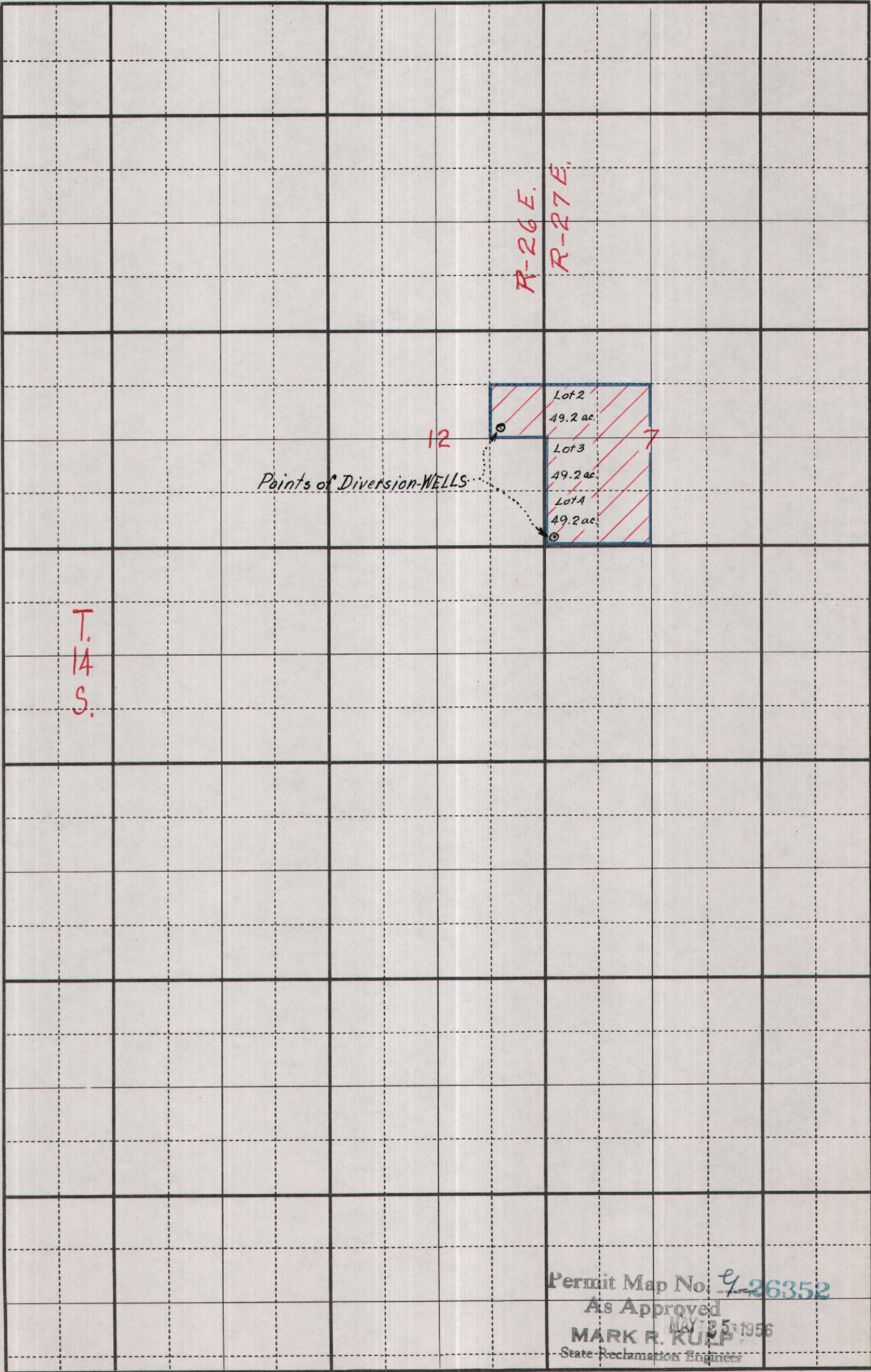
Signed at Boise, Idaho, this 17th day of April, 1961.

State Reclamation Engineer

26352



S 26352



BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR)
TRANSFER NOS. 2500 AND 2501 FOR)
WATER RIGHT NOS. 43-2371 AND)
43-2444 IN THE NAME OF TENDER LEAN)
RANCHES, INC.)

ORDER TO SHOW CAUSE

WHEREAS, on December 8, 1980 Tender Lean Ranches, Inc. filed Applications for Transfer of Water Right Nos. 43-2371 and 43-2444 to add additional points of diversion and to change the places of use of water on irrigated lands; and,

WHEREAS, beginning on March 13, 1981 the Department has corresponded periodically with representatives of the Applicant to establish (1) the validity of the water rights on the lands from which the water rights are proposed to be removed, (2) the authority of the Applicant to remove the water rights from certain lands as proposed, and (3) the validity of the proposed irrigation system; and,

WHEREAS, via correspondence from representatives of the Applicant, concerns of the Department regarding the validity of the water rights with respect to some of the lands have been resolved, but issues remain unresolved regarding (1) the validity of water right no. 43-2444 as used on the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, Township 14 South, Range 46 East, and (2) the likelihood of enlargement of the two water rights if

MICROFILMED

JAN 30 2001

the proposed transfers are approved because the places of use as requested are unrealistically small portions of irrigable tracts; and,

WHEREAS, representatives of the Applicant have failed to respond in a timely and substantive manner regarding these two unresolved issues; and,

WHEREAS, pursuant to the provisions of Section 42-222, Idaho Code, the Director of the Department of Water Resources is empowered to deny Applications for Transfer of Water Rights for which the proposed change would result in an enlargement in use of the original right;

IT IS, THEREFORE, ORDERED that the applicant show cause before the Director of the Department of Water Resources on or before August 5, 1985 why Applications for Transfer Nos. 2500 and 2501 of Water Right Nos. 43-2371 and 43-2444, should not be Denied.

Witness my hand this 6th day of June, 1985.



L. GLEN SAXTON
Chief, Operations Bureau

DET

MICROFILMED
JAN 30 2001

If any questions arise during the processing of this application, please contact:

Sheri Chapman
921 S. Orchard, Suite N
Boise, ID 83705
344-6690

Transfer No. 2501

Application No.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

RECEIVED

DEC 8 1990

Department of Water Resources
Southern District Office

Name of applicant Tender-Lean Ranches, Inc. Phone 645-2322

Post office address Malta, Idaho 83342

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)

b. License No. 43-2444 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Purchase of land, irrigation facilities and wells to which water is appurtenant and from which water is derived.

3. Source of water Ground Water tributary to _____

4. Date of priority May 10, 1956

5. Water is used for the following purposes:

amount 4.92 for Irrigation purposes from April 1 to November 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day -- both dates inclusive)

6. Total amount of water under right: a. 4.92 cubic feet per second
&/or
acre feet per annum

7. Location of original point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7
Township 14 South Range 27 East, B.M., in Cassia County
Additional points of diversion, if any None

8. Lands irrigated or place of use:

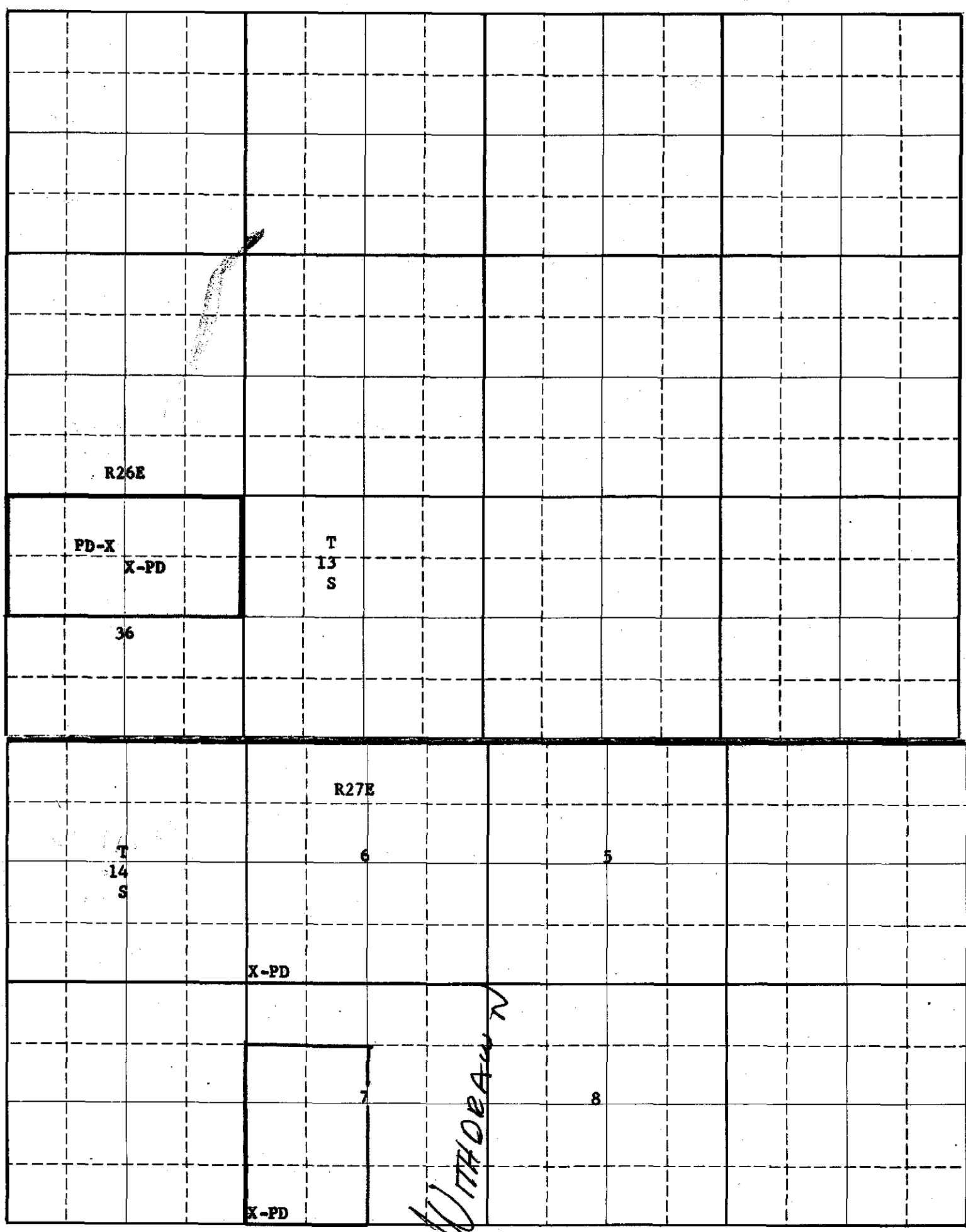
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14S	26E	12				40													40
14S	27E	7						49	40	39	49	49	38						264

Total number of acres to be irrigated 304

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JAN 30 2001

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

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JAN 30 2001

3. Remarks See Attachment A

I hereby assert that no one will be injured by such change and 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.

Tender Jean Kanche duc
12-10-80
(Signature of applicant)

Subscribed and sworn to before me this 5th day of December, 1980

Andrew W. Beckstead
(Notary public)

My commission expires 2-1-81

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 _____.

1. Approval of said application is subject to the following limitations and conditions:

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

Witness my hand this _____ day of _____, 19 _____

FOR DEPARTMENT USE ONLY

Received by maria Date 12-8-80

Prelim. check by gt Fee 50.00 # 16712

Receipted by maria Date 12/10/80

Published in South Lake Press

Pub. dates 12/23 + 12/31/80

Watermaster recommendation requested on _____

_____ rec'd. _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for _____ approval _____ denial _____

by _____

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JAN 30 2001

ATTACHMENT A

Because of a complex change in irrigation management, installation of modern sprinkler equipment, and new irrigation practices, some of the land previously irrigated has been removed from farming. Therefore, the farm ground previously receiving a beneficial application of water is no longer practical to irrigate or crop. Using high resolution aerial photographs, the appropriate scales, planimeter techniques and ground correlation, it is possible to determine exactly how much previously irrigated ground no longer receives water for crop production. Therefore, the applicant wishes to transfer that portion of his water right to lands which may be irrigated beneficially, producing crops as originally done under license 43-2444.

MICROFILMED
JAN 30 2001

STATE OF IDAHO)
) ss.
County of Cassia)

On this 30 day of January, 1977, before me the undersigned Notary Public in and for said State personally appeared Lamond Keller and Jack H. Hill known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

(SEAL)

George Stanton
Notary Public
Residing at Malta, Idaho
My Commission Expires: 7-31-77

STATE OF ~~UTAH~~)
) ss.
County of Cassia)

On this 31 day of January, 1977, before me the undersigned Notary Public in and for said State personally appeared James H. Bell, Jr. known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

(SEAL)

George Stanton
Notary Public
Residing at Malta, Idaho
My Commission Expires: 7-31-77

STATE OF ~~UTAH~~)
) ss.
County of Cassia)

On this 31 day of January, 1977, before me the undersigned Notary Public in and for said State personally appeared Carroll James known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

(SEAL)

George Stanton
Notary Public
Residing at Malta, Idaho
My Commission Expires: 7-31-77

Tenderlean Ranches Inc.

P.O. Box 128

Malta, Idaho 83342

Department of Water Resources
Southern District Office

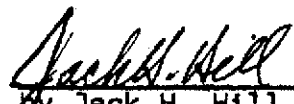
December 8, 1980

Department of Water Resources
State of Idaho
Boise, Idaho

To Whom It May Concern;

L. B. Keller is authorized to sign for the
corporation in regards to all water rights and
transfers of rights.

Tenderlean Ranch Inc.


By Jack H. Hill
Title; Secretary

MICROFILMED

JAN 30 2001

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

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

Mary Sumner, being first
duly sworn, deposes and says that she is the

Clerk of the South Idaho
Press, a daily newspaper published at Bur-
ley Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice attached hereto was duly published
according to law in the regular editions of

The South Idaho Press for twelve
consecutive weeks, commencing with the issue
dated Dec. 23 1980, and ending
with the issue dated Dec. 20, 1980.

Mary Sumner

Subscribed and sworn to before me

this 7th day of January
1981.

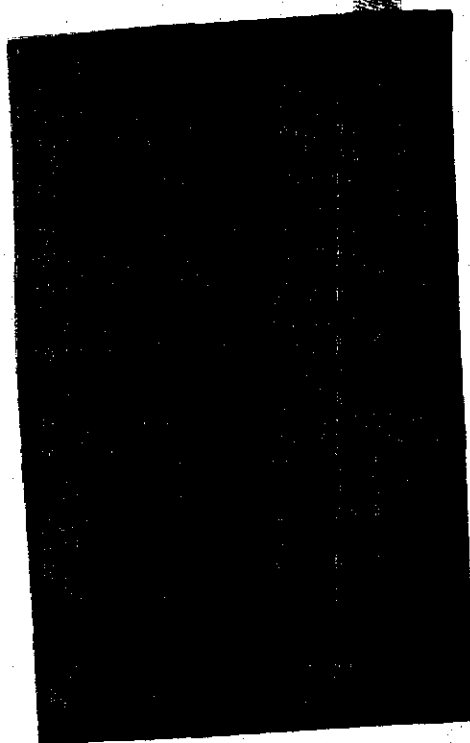
Norma M. Peterson Notary Public

Cost of Publication 14.56

Notary Fee _____

Total Cost 14.56

NOTARY PUBLIC RESIDING AT
RUPERT, IDAHO. MY COMMISSION
EXPIRES JUNE 21, 1981



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1/8/81 MICROFILMED
JAN 30 2001

State of Idaho
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 26352/43-2444 Priority May 10, 1956 Amount 4.92 cfs

THIS IS TO CERTIFY, that ARLO P. LLOYD
of Almo, Idaho, has complied with the terms and conditions of Permit
No. 26352/43-2444 issued pursuant to Application for Permit dated May 10, 1956,
and has submitted proof to the Department of Water Administration on August 30, 1968,
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 4.92 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
<u>Irrigation</u> from <u>April 1</u> to <u>Nov. 1</u> at <u>4.92</u> cfs and <u>1,064 acre feet or</u> <u>3.5 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 4.92 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
1,064 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 7,
Twp. 14 S, Rge. 27 E, B. M. in the County of Cassia

Description and location of place of use:

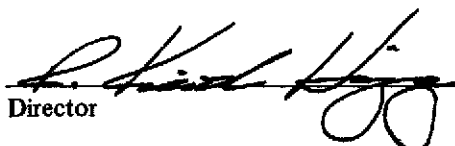
Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14 S	26 E	12				40													40
14 S	27 E	7							49	40	39	49	49	38					264
									(lot 2)			(lot 3)	(lot 4)						

Total number of acres irrigated 304

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 24 day of
June, 19 74.


Director

MICROFILMED

43-2444

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

ASSIGNED TO: Arlo P. Lloyd
Almo, ID 83312
June 21, 1974

Application No. G-34249
Permit No. G- 26352
District No.

Waymon Dee Yarbrough
Box 766
Malta, Idaho

1. Name of Applicant: WAYMON DEE YARBROUGH
Postoffice address: Box ⁵⁴¹ ~~766~~, Malta County: Cassia State: Idaho
2. Quantity of water claimed: 6.15 c.f.s.
 - (a) Rate of withdrawal in cubic feet per second. 6.15 or Idaho
Miners' inches 307.6 or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean flow from two drilled wells
Well #1-SW Corner of Lot 4 (SW¹/₄SW¹/₄) of Sec. 7, Twp. 14 S., Rge. 27 E., B.M.
Well #2-Approx. 300 Ft. NE of the SW Corner
4. Location of point of diversion or well is in the SE ¹/₄ of the NE ¹/₄ of Section 12
Twp. 14 S., Rge. 26 E., B.M., County of Cassia
5. Water is to be used for: Irrigation and domestic
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the ¹/₄ of the ¹/₄ of Section, Twp.
Rge., B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the ¹/₄ of the ¹/₄ of Section, Twp., Rge., B.M.
7. Kind of works: Turbine pump, ditches for flood irrigation
8. Estimated cost of works: \$ 15,000
9. (a) Is reservoir to be used?
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks: This filing is in connection with a Desert Land Entry, Application No. 07212 filed with the State Bureau of Land Management, Boise, Idaho.

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

WAYMON YARBROUGH Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 11:30 A.M. May 10, 1956

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-26352

Recorded in Book 93 Page 26352 Approved May 25, 1956

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 July 25, 1956 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before November 25, 1958

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before May 25, 1961

Witness my hand this 25th day of May, 1956

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and JAS. H. YOUNG, 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 25th day of May, 1956.

Countersigned:

STATE OF IDAHO

(SEAL)

By JAS. H. YOUNG
Secretary of State.

By ROBERT E. SMYLLIE
Governor

12.

Twp.	Range	Sec.	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	Totals
			NE ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	NE ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	NE ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	NE ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	
14 S	26 E	12	(40)				40
14 S	27 E	7		Lot 2 49.2 40	40 Lot 3 Lot 4 49.2 49.2 40		267.6
					Total No. Acres		307.6
			STATE OF IDAHO DEPARTMENT OF RECLAMATION				
			WHEREAS, Permit No. G-26352, in the name of Waymon Dee Yarbrough, was issued in connection with Desert Land Entry, Idaho Serial No. 07212; and,				
			WHEREAS, applicant has been prevented from proceeding with construction pending allowance of said Desert Land Entry which is under suspension pending the outcome of an appeal.				
			NOW, THEREFORE, statutory proof requirements on Permit No. G-26352 are extended until the Desert Land Entry has been allowed and the proper date of commencing work can be established.				
			allowed 5/17/64 This office should be notified promptly of the outcome of the appeal.				
			Signed at Boise, Idaho, this 17th day of April, 1961.				
			/s/ GEO. N. CARTER State Reclamation Engineer				
			(SEAL)				

LICENSE ISSUED FOR 492-26352-1
L. N. C. 1961

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

✓ WHEREAS, Permit No. G-26352, in the name of Waymon Dee Yarbrough, requires proofs of completion of works and beneficial use to be made by some indefinite time, due to delay in approval of Desert Land Entry, Idaho 07212; and,

WHEREAS, Applicant was prevented from proceeding with construction pending allowance of said Desert Land Entry, which was not allowed until May 22, 1964.

NOW, THEREFORE, An Extension of Time is allowed for Completion of Works and Beneficial Use Proofs on Permit No. G-26352, to May 22, 1969, or the length of time applicant was prevented from proceeding pending allowance of his Desert Land Entry and a similar extension is allowed for every act required under the terms and conditions of Permit No. G-26352.

Signed at Boise, Idaho, this 8th day of June, 1964.

s/ RALPH W. THOMAS
Deputy State Reclamation Engineer



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

RECEIVED

FEB 13 2001

Department of Water Resources

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 12, 2001

PETER J. GRUSH
2025 S HIGHWAY 81
MALTA, ID 83342

Re: Application for Transfers Nos. 43-2444, 43-2580 etc.

Dear Mr. Grush:

This office acknowledges receipt of your request to withdraw the above referenced application.

This action classifies the Application as null, void and of no further consideration by the Idaho Department of Water Resources.

A request for refund of the initial filing fee has been submitted to our Fiscal Section; a refund will be sent directly to you.

Enclosed are the following for your information and records:

- 1) Copy of the refund memorandum sent to our State Office.
- 2) The original unnumbered application.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

James Stanton
Senior Water Right Agent

JS:aeb

Enclosures
Cc: IDWR, Boise

MICROFILMED
MAR 05 2001

MEMO

TO: Fiscal Section

Date: 2-2-01

FROM: Jim Stanton

RE: Refund of Filing Fee, Peter Grush

On 1-18-00, Mr. Grush filed an application for a water transfer. Receipt #S022753 was issued in the amount of \$100. The applicant has withdrawn the application prior to advertising, so we should be able to refund the filing fee. His address is 2025 S Hwy 81, Malta, ID, 83342. Thanks.

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MAR 05 2001

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FEB 09 2001

Department of Water Resources
Southern Region

8/2000

REQUEST FOR WITHDRAWAL OF APPLICATION FOR ^{Transfer}~~PERMIT~~

RECEIVED

FEB 13 2001

Department of Water Resources

To: State of Idaho Department of Water Resources
1341 Fillmore Street
Suite 200
Twin Falls, ID 83301-3380

Gentlemen:

I/We wish to withdraw Application for ^{Transfer}~~Permit~~ to Appropriate the Public Waters of the
State of Idaho, No. Filed 1-18-00 on Afs 43-24447 T43-2580E

The application is filed in the name of Peter Jr/or Sylvia Grush

Dated this 7 day of Feb., 2001

x Peter J. Grush
(Signature of Applicant)

Owner
(Title)

2025 S. Hwy 81, Malaga, ID 83342
(Address)

MICROFILMED

MAR 05 2001

APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED
PART 1

JAN 18 2000

Department of Water Resources
Southern Region

Name of applicant Peter J. v/or Sylvia Grush

Phone _____

Post Office address _____

RECEIVED

FEB 13 2000

Department of Water Resources

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 Create PPU

2. Describe the reason for the proposed changes Both farms have been in CRP for the last 10 years, and are now being put back into production under a linear pivot. The Lloyd well can run the whole system, with the Harris Ag. well as a backup.

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>43-02444</u>	<u>5-10-1956</u>	<u>4.92/1046.8</u>	<u>Irrig.</u>	<u>4-1</u> to <u>11-1</u>
<u>43-02580E</u>				to
				to
				to

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

3. Source of water Groundwater tributary _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	<u>SW</u>	<u>SW</u>	<u>SW</u>	<u>7</u>	<u>14S</u>	<u>27E</u>	<u>Blaine</u>	
	<u>"</u>	<u>"</u>	<u>"</u>	<u>18</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>14S</u>	<u>27E</u>	<u>7</u>							<u>49</u>	<u>49</u>	<u>39</u>	<u>49</u>	<u>49</u>	<u>39</u>					<u>261</u>
									<u>172</u>			<u>173</u>	<u>174</u>						
		<u>18</u>					<u>39</u>	<u>49</u>	<u>38</u>	<u>33</u>	<u>33</u>	<u>22</u>							<u>204</u>
								<u>171</u>											

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MAR 05 2001

PART 1

6. General Information:

a. Description of diversion system Two connected wells, motors, pumps, booster on the Lloyd well,
mainline to linear pivot sprinkler

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

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

d. Remarks:

WITHDRAWN

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 _____

MICROFILMED

MAR 05 2001

TRANSFER _____

WITHDRAWN

[illegible]

MAR 05 2001

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

PART 2

(Attach one copy for each right)

1. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. 43-02444 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which created this right.

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

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 5-10-1956

5. Water is used for the following purpose:

amount 4.92 cfs for Irrig. purposes from 4-1 to 11-1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 4.92 cubic feet per second and/or 1064.0 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
4		SW	SW	7	14S	27E	Cassia	

8. Lands irrigated or place of use: 1) As licensed 2) Historic P/A

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	
14S	26E	12				40													40
	27E	7						49	40	39	49	49	38						264
																			304
14S	27E	7						47.2	37.7	37.2	47.3	47.2	37.1						261.7
								47.2			47.2	47.2	37.1						

Total acres 261.7

9. Describe any other water rights used for the same purpose as this right.

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

Yes If yes, describe Land was in CAP from about 1988 thru 1999.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

Lot	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	

WITHDRAWN

Total acres _____

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

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

2. Point(s) of Diversion:

Lot	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	

MICROFILMED

MAR 05 2001

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

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

WITHDRAWN

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MAR 05 2001

PART 3**8. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
				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:

WITHDRAWN

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.

Peter J. Grud

(Signature of Applicant)

Subscribed and sworn to before me this 5th day of January, 10 2000.

J. F. Stanton

(Notary Public)

My commission expires 10-25-2000

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by J. F. Stanton Date 1-18-00

Protest filed by _____

Prelim. check by _____ Fee \$100.5022753Receipted by ge Date 1-18-00

Published in _____

Copies of protest forwarded by _____

Pub. dates _____

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

MICROFILMED

MAR 05 2001

RECEIVED

DEC - 6 2000

Department of Water Resources
Southern Region

8/2000

REQUEST FOR WITHDRAWAL OF APPLICATION FOR PERMIT

RECEIVED

FEB 13 2001

Department of Water Resources

To: State of Idaho Department of Water Resources
1341 Fillmore Street
Suite 200
Twin Falls, ID 83301-3380

Gentlemen:

I/We wish to withdraw Application for ^{Transfer}~~Permit~~ to Appropriate the Public Waters of the
State of Idaho, No. Filed 1-18-00 on Rt. 43-02580A.

The application is filed in the name of Peter J. &/or Sylvia Grush.

Dated this 6th day of December, 2000.

Peter J. Grush
(Signature of Applicant)

(Title)

2025 S Hwy 81, Malto, ID 83342
(Address)

MICROFILMED

MAR 05 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____
RECEIVED
JAN 18 2000
Department of Water Resources
Southern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Peter J. &/or Sylvia Grush Phone 645-2361
Post Office address 2025 S Hwy 81, Malta, ID 83342

RECEIVED
FEB 13 2001
Department of Water Resources

PURPOSE OF TRANSFER

- ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☒ Other Split right

2. Describe the reason for the proposed changes Original place of use has been in CRP for the last 10 years, and is being put back into production. It was flooded, but will be sprinkled with pivots. Water will be moved from dry corners & converted to stockwater use so 1500 heifers can be added to an existing dairy operation.

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>43-02580D</u>	<u>7-13-1964</u>	<u>0.09/13.3</u>	<u>Stockwater</u>	<u>1-1</u> to <u>12-31</u>

2. Total amount of water being transferred 0.09 cubic feet per second 1/3 acre-feet per annum.
3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	<u>SW</u>	<u>SW</u>	<u>NW</u>	<u>1</u>	<u>14S</u>	<u>2E</u>	<u>Cassia</u>	<u>Existing stock well</u>
	<u>NE</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>Backup well - Exact location uncertain</u>
	<u>SE</u>	<u>NW</u>	<u>NW</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</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>14S</u>	<u>2E</u>	<u>1</u>							<u>S</u>	<u>S</u>									

WITHDRAWN
12-06-2000

MICROFILMED
MAR 05 2001

PART 1

6. General Information:

a. Description of diversion system Existing well serves existing dairy on this property. An irrigation well will be drilled if a pending transfer is approved, and will also serve as a backup stockwater well.

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

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Land will be dried up & not farmed.

RECEIVED

FEB 13 2001

Department of Water Resources

WITHDRAWN

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____.

MICROFILMED

MAR 05 2001

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 43-02580A

STAGE: LICENSE

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	03/15 to 11/15	5.28 CFS	924.0 AF

SOURCE

GROUNDWATER

Priority: 07/13/1964

LOCATION OF POINT(S) OF DIVERSION:SWSW , Sec. 18, Township 14S, Range 27E
CASSIA CountyPLACE 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	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
-----																-----	
14S 27E 18 :																264.0	
																TOTAL ACRES 264.0	

CONDITIONS/REMARKS:

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? Yes If yes, describe:Has been in CRP program for the last 10 years.

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 Lease w/purchase option

MICROFILMED

MAR 05 2001

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

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 0.07 cfs for Irrig. purposes from 3-15 to 11-15
 (cfs/ac-ft) 13.3 AFA for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: As licensed

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	
14S	27E	18									4.4								4.4

WITHDRAWN

Total acres _____

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

1. amount 5.17 cfs for Irrig. purposes from 3-15 to 11-15
 (cfs/ac-ft) 1038.4 AFA for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: As licensed

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	
14S	27E	18					40	41	45	40	35.6	38	20						259.6
							41	42											

MICROFILMED
MAR 05 2001

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	Stockwater	0.09/13.3	95 needed	1-1 to 12-31
				to

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

None

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

Should have no effect.**WITHDRAWN**

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.

Peter J. Grush

(Signature of Applicant)

Subscribed and sworn to before me this 5th day of January, 2000.J. E. Horton

(Notary Public)

My commission expires 10-25-2000

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by J. E. Horton Date 1-18-00 Protest filed by _____Prelim. check by _____ Fee \$100. 5022753Receipted by JS Date 1-18-00

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

MICROFILMED

MAR 05 2001

MEMO

TO: File

DATE: 2/9/2000

FROM: J E STANTON

SUBJECT: License 43-02444

This license is for 4.92 cfs on 304 acres. Part of the licensed p/u is the SE/NE Sec. 12 T. 14S R. 26E. This tract is shown as dry on the 1986-87 GIS map. The right was claimed by Harris Ag for the full flow rate on 267 acres in Sec. 7 T. 14S R. 27E only. Todd Harris told me that the land in Sec. 12 was in CRP when they bought the Sec. 7 land, but that the Sec. 12 has been out of CRP for a couple of years. There are no SRBA claims in Sec. 12. I checked with the Cassia County assessor, who told me that all of Sec. 12 is federal land. Our microfilm records show that all of this ground was a desert entry, which was allowed by the BLM in 1964 to Waymon Yarbrough. He later sold the land to Stan & Arlo Lloyd, & assigned the permit to them. The licensing exam was done in 1971. In 1972, the land in Sec. 12 was removed from the DLE by the BLM. We issued the license in 1974 that included the land in Sec. 12. But since Sec. 12 had already been removed from the DLE, it could not have been legally farmed after 1972. It therefore appears that the right to farm this land has been lost thru at least 27 years of continuous non-use. That leaves 264 licensed acres as the only allowable place of use. My preliminary GIS work found 261.7 acres in Sec. 7; Jeannie has not worked up this property yet. Unless one of us finds additional acres being farmed in this tract, the place of use under this right should be limited to this amount. An application for transfer has been filed on this right, so I have had to investigate this situation as part of the transfer review.

MICROFILMED

MAR 05 2001



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**

January 7, 2000

Todd Harris
2655 E 1400 S
Malta, ID
83342

Dear Mr. Harris;

Per our conversation, enclosed is a GIS map of your property southeast of the Grush dairy. I have drawn a red line around the 40 that I was asking about, which is between the land shown in solid green and Hwy. 81. I am trying to get a little history on this land to find out when it was last irrigated. Although this 40 is licensed with a 1956 priority, it was not included when your SRBA claim was filed in 1989. It is also not covered by Mr. Grush's transfer application.

Thank you for your assistance in this matter.

Regards,

James E. Stanton
Sr. Water Resource Agent

MICROFILMED

MAR 05 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 1301 North Orchard Street Boise, Idaho 83706-2237 • (208) 334-4440

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

March 21, 1988

RE: Water Right Nos. 43-2368/2436/2438/2444/2371/4029/4030/4031/4032/
4027/4001/4028

Richard F. Goodson
Hawley, Troxell, Ennis & Hawley
P.O. Box 1617
Boise, ID 83701

Dear Mr. Goodson:

We are in receipt of your Notice of Lienholder's Interest concerning the above referenced water rights and have placed a copy in each of the files.

We cannot, however, guarantee that Connecticut General Life Insurance Co. will receive further correspondence pertaining to the water rights because the recorded ownership of these rights will not be changed in the Department's computer records.

If you have any questions, please let us know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

MICROFILMED
JAN 30 2001

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

ROBERT I. TROXELL
JESS B. HAWLEY, JR.
JOHN T. HAWLEY, P.A.
THOMAS A. MILLER
M. NEAL NEWHOUSE
CRAIG L. MEADOWS
JOSEPH D. MCCOLLUM, JR.
WAYNE B. SLAUGHTER, JR.
GARY D. BABBITT, P.A.
P. CRAIG STORTI
MERLYN W. CLARK
RICHARD F. GOODSON, P.A.
CARL W. HARDER
PHILLIP M. BARBER
DONALD E. KNICKREHM
EDWIN V. APEL, JR.
EUGENE A. RITTI
KAREN L. LANSING
RICHARD G. SMITH
JOHN F. KURTZ, JR.
ROBERT S. ERICKSON

NICHOLAS G. MILLER
BRENT F. LLOYD
JOHN MCCOY, JR.
ALBERT P. BARKER
DON A. OLOWINSKI
JOHN T. HAWLEY, JR.
RONALD E. BUSH
STEVEN W. BERENTER
CATHY R. SILAK
KENNETH C. HOWELL
RITA L. BERRY
MICHAEL M. STODDARD
JOSEPH P. LANGFIELD
SUSAN D. MINER
KEVIN J. BEATON
PATRICK V. COLLINS
ANDREA M. POGUE
CHRIS F. ODE
DAVID A. CHANNER*

*ADMITTED TO PRACTICE
IN TEXAS ONLY

ONE CAPITAL CENTER
SUITE 701
POST OFFICE BOX 1617
BOISE, IDAHO 83701

TELEPHONE
(208) 344-6000

TELECOPIER
(208) 342-3829

RECEIVED

FEB 18 1988

PAUL B. ENNIS
(1915-1982)

POCATELLO OFFICE
125 NORTH GARFIELD
POST OFFICE BOX 4167
POCATELLO, IDAHO 83205

TELEPHONE
(208) 233-0845

Department of Water Resources

February 17, 1988

State of Idaho
Department of Water Resources
State Office
1301 North Orchard Street
Boise, Idaho 83706

Re: Connecticut General Life Insurance Company
Sale to C. McGee Harris, et al
(Norman Bros Farms & Tenderlean Ranch No. 1)

Gentlemen:

We write as attorneys for Connecticut General Life Insurance Company. Our client has recently sold certain real property located in Cassia County, Idaho to C. McGee Harris, Janet G. Harris, Wade G. Harris, Renae Harris, Todd D. Harris and Cindy Harris. As part of the security for the repayment of the remaining balance of the purchase price for said property our client has been granted a mortgage on the real property which was sold together with the water rights appurtenant thereto. We would like the Department of Water Resources to place a copy of the enclosed Notice of Lienholder's Interest in the file for each one of the listed water licenses and statutory claim to a water right. In order to accomplish this I am enclosing twelve (12) copies of the Notice of Lienholder's Interest.

Please acknowledge receipt of the Notice of Lienholder's Interest and the fact that you will incorporate it in the applicable water right files.

Thank you very much for your anticipated cooperation.

Very truly yours,

Richard F. Goodson

Richard F. Goodson

RFG/vk
Enclosures
cc: Robert M. Tippet (w/Enc.)

MICROFILMED
JAN 20 1988

RECEIVED
FFR 18 1988

Department of Water Resources

NOTICE OF LIENHOLDER'S INTEREST

TO: The Department of Water Resources,
State of Idaho:

YOU ARE HEREBY NOTIFIED that C. MCGEE HARRIS and JANET G. HARRIS, husband and wife, WADE G. HARRIS and RENE HARRIS, husband and wife, and TODD D. HARRIS and CINDY HARRIS, husband and wife, whose pertinent mailing address is HC70, Box 3280, Soda Springs, Idaho 83276, has mortgaged to Connecticut General Life Insurance Company the real property located in Cassia County, Idaho which is entitled to receive irrigation water pursuant to the following listed Water Licenses and Claims to a Water Right:

1. Water License Nos.
43-2368; and
43-2436; and
43-2438; and
26352/43-2444; and
G-22500/43-2371
2. Claim to a Water Right Nos.
43-4029; and
43-4030; and
43-4031; and
43-4032; and
43-4027; and
43-4001; and
43-4028

Please notify Connecticut General Life Insurance Company of any notices, objections, petitions, or any other documents or matters which may be filed in connection with the above listed water licenses and claims to a water right, at the following address:

Connecticut General Life Insurance Company
c/o CIGNA Investments, Inc.
Regional Agricultural Investment Operations
8100 Emerald St., Suite 130
Boise, Idaho 83704

DATED this 17th day of February, 1988.

HAWLEY TROXELL ENNIS & HAWLEY

By Richard F. Goodson
Richard F. Goodson
P.O. Box 1617
Boise, Idaho 83701
Telephone: (208) 344-6000

Attorneys for Connecticut
General Life Insurance
Company

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JAN 30 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

August 1, 1985

RE: Applications for Transfer of Water Right Nos. 43-2371 & 43-2444

Thomas A. Miller
Hawley Troxell Ennis & Hawley
P.O. Box 1716
Boise, ID 83701

Dear Mr. Miller:

The Department hereby acknowledges the withdrawal of Applications for Transfer No. 2500 and No. 2501 for Water Right Nos. 43-2371 and 43-2444 in the name of Tender Lean Ranches, Inc.

The Department also hereby acknowledges that Connecticut General Life Insurance Company is the successor in interest to Tender Lean Ranch No. 1 and in that capacity, is authorized to withdraw said transfer applications.

The Quitclaim Deed showing land ownership has been placed in the appropriate water right files. However, there is no formal provision to record said ownership change, as in Idaho a licensed water right is considered real property and proof of right ownership is evidenced by the ownership of the property.

If we can be of further assistance, please let us know.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

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JAN 30 2001

ROBERT L. TROXELL
JESS B. HAWLEY, JR.
JACK HAWLEY, P.A.
THOMAS A. MILLER
M. NEAL NEWHOUSE
CRAIG L. MEADOWS
JOSEPH D. MCCOLLUM, JR.
WAYNE B. SLAUGHTER, JR.
GARY D. BABBITT, P.A.
R. CRAIG STORTI
MERLYN W. CLARK
RICHARD F. GOODSON, P.A.
CARL W. HARDER
PHILLIP M. BARBER
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EDWIN V. APEL, JR.
EUGENE A. RITTI
KAREN L. LANSING
RICHARD G. SMITH
JOHN F. KURTZ, JR.
LINDA L. HOLDEMAN
BRENT F. LLOYD
JOHN MCGOWN, JR.
ALBERT P. BARKER
JOHN T. HAWLEY, JR.
DON A. OLOWINSKI
J. CHARLES HEPPWORTH
NICHOLAS G. MILLER
RONALD E. BUSH
STEVEN W. BERENTER
CATHY R. SILAK
KENNETH C. HOWELL

HAWLEY TROXELL ENNIS & HAWLEY
ATTORNEYS AND COUNSELORS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ONE CAPITAL CENTER
POST OFFICE BOX 1817
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PAUL B. ENNIS
(1918-1982)

POCATELLO OFFICE
125 NORTH GARFIELD
POST OFFICE BOX 4167
POCATELLO, IDAHO 83205

TELEPHONE
(208) 233-0845

July 25, 1985

RECEIVED
JUL 25 1985

HAND CARRIED

Department of Water Resources

Department of Water Resources
State Office
450 West State Street
Boise, Idaho 83702

Re: Applications for Transfer of Water Right
Licenses No's 43-2371 and 43-2444 -
Tender Lean Ranch No. 1, Inc. - Connecticut
General Life Insurance Company as successor
in interest to

Gentlemen:

Your July 1, 1985 letter signed by David R. Tuthill, Jr. addressed to Tender Lean Ranches, Inc., and the enclosed Order to Show Cause in the Matter of Applications for Transfer Nos. 2500 and 2501 for Water Right Nos. 43-2371 and 43-2444 in the Name of Tender Lean Ranches, Inc., has been referred to me for response as attorney for Connecticut General Life Insurance Company ("Connecticut General") which is the successor in interest to Tender Lean Ranch No. 1, Inc., also called Tender Lean Ranches, Inc.

Enclosed are copies of Quitclaim Deed dated January 24, 1985 from Tender Lean Ranch No. 1, Inc., to Connecticut General, recorded February 21, 1985, Film No. 170, Instrument No. 167164, Deed Records of Cassia County, Idaho.

You will notice that the enclosed deed expressly transfers the above referenced water licenses together with the lands described therein to Connecticut General.

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JAN 30 2001

HAWLEY TROXELL ENNIS & HAWLEY

Dept. of Water Resources
July 25, 1985
Page 2

Connecticut General, as successor in interest to the applicant for transfer, requests that the Applications for Transfer be deemed withdrawn. Please let me know if you need anything further to close your files.

Kindly return a file-stamped copy of this letter to complete our files. Thank you for your consideration.

Yours truly,

HAWLEY TROXELL ENNIS & HAWLEY


By: Thomas A. Miller

TAM:jw
Enc.

cc Connecticut General Life Insurance Company
c/o CIGNA - Hartford
Tippett Land & Mortgage Company
Boise & Pasco offices

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JAN 30 2001

167164

EXED

QUITCLAIM DEED

THIS INSTRUMENT made effective the ~~27th~~ day of January, 1985, between TENDER LEAN RANCH NO. 1, INC., an Idaho corporation, the "Grantor", and CONNECTICUT GENERAL LIFE INSURANCE COMPANY, a Connecticut corporation, the "Grantee", whose current address is c/o CIGNA Capital Advisers, Inc., 2710 Stemmons Freeway, 910 Tower North, Dallas, Texas 75207-2246.

WITNESSETH that:

WHEREAS, Grantee is Plaintiff and Grantor is the primary Defendant in a foreclosure action in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Cassia, Case No. 136736-83, herein called the "foreclosure action", involving the real and personal property located in Cassia County, Idaho, hereinafter described, herein called the "Subject Property"; and

WHEREAS, Grantor, Grantee and other Defendants in the foreclosure action entered into a Settlement Agreement effective September 12, 1984, wherein, among other things, the parties thereto agreed (a) to a stipulated settlement of the foreclosure action and (b) that Grantor would convey to Grantee upon request Grantor's right to redeem the Subject Property; and

WHEREAS, pursuant to said agreement and to the related stipulation filed in the foreclosure action, the above-mentioned Court on November 7, 1984, entered its Judgment and Decree of Foreclosure and Order of Sale therein, which was recorded on November 7, 1984, as Instrument No. 164875, in the office of the Recorder of Cassia County, Idaho; and

WHEREAS, Grantee became the purchaser of the Subject Property at Sheriff's foreclosure sale duly noticed and held in connection with the foreclosure action on December 11, 1984, at the front door of the Cassia County Court House, at Burley,

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JAN 30 2001

Idaho, as evidenced by the Sheriff's Certificate of Sale therein dated and recorded on December 11, 1984, as Instrument No. 165601, Film 169, in the office of the Recorder of Cassia County, Idaho;

NOW, THEREFORE, in consideration of the premises and other valuable consideration, the Grantor does hereby convey, release, remise and forever quitclaim unto the Grantee all of the Grantor's right, title and interest in and to the Subject Property and Grantor hereby expressly waives its right to redeem the Subject Property within one year of the date of said Sheriff's foreclosure sale as referred to in said Sheriff's Certificate of Sale, or otherwise.

The real and personal property hereinbefore referred to as the Subject Property is situate in Cassia County, Idaho, particularly described on EXHIBIT 1, consisting of three pages, attached hereto and made a part hereof.

IN WITNESS WHEREOF, the Grantor has duly executed this instrument as of the 24th day of January 1985.

TENDER LEAN RANCH NO. 1, INC.

ATTEST:

Jack H. Hill
Jack H. Hill, Secretary

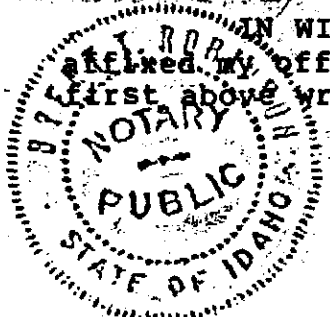
By

L. B. Keller
L. B. Keller, President

STATE OF IDAHO)
) ss.
County of Cassia)

On this 24th day of January, 1985, before me, a notary public in and for said state, personally appeared L. B. KELLER, known or identified to me to be the President of TENDER LEAN RANCH NO. 1, INC., the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Brent T. Robinson
Notary Public for Idaho
Residing at Rupert, Idaho
My commission expires on Life, 198

QUITCLAIM DEED - 2

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JAN 30 2001

Real Property

All that certain real property situated in the County of Cassia, State of Idaho, to wit:

PARCEL NO. 1:

TOWNSHIP 14 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 7: Lots 2, 3 and 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$

PARCEL NO. 2:

TOWNSHIP 14 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 6: Lots 4, 5, 6 and 7

Section 7: Lot 1

Together with all and singular the buildings, of steel or other construction, structures, granaries, fences, pipes, pipelines, tanks, dams, reservoirs, pumps, pumping equipment and all other improvements and fixtures now or hereafter on or in said property, and any and all water and water rights (including those water rights appurtenant or to become appurtenant to, or pertaining to said lands, or any of them, covered or evidenced by, but not limited to, Water Licenses Nos. 26352/43-2444 and G-22500/43-2371), ditches and ditch rights, flumes, aqueducts, canals, appropriations, franchises, and all other rights and privileges owned by the Grantor, or belonging to, or with, leading to, connected with, or usually had or enjoyed in connection with the said property, or any part thereof, whether or not hereinabove expressly mentioned or described, and all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

EXHIBIT 1

(page 1 of 3 pp.)

MICROFILMED

JAN 30 2001

Personal Property

All those certain goods and chattels now located on the real property above described or on adjoining or adjacent lands or used in connection with the irrigation of the above-described lands, together with all feedlot yard equipment and facilities located on said lands, also together with all fixtures and facilities located on said land and also together with all steel buildings and granaries located thereon and being in the possession of the Grantor in the County of Cassia, State of Idaho, including but not limited to the following:

IRRIGATION EQUIPMENT

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>SERIAL NO.</u>
<u>WELL #1</u>		
One	150 h.p. U.S. motor with turbine pump	J1414119 None
One	60 h.p. General Electric motor with hydro pump (Booster A)	LL465E02 14417
One	40 h.p. NewMan motor with hydro pump (Booster B)	J1227505 12583
<u>WELL #2</u>		
One	60 h.p. General Electric motor with Wintroath turbine pump	YJJ1014004 8364
One	60 h.p. A.C. motor	51-307-680
850 ft.	10 inch aluminum mainline	
1,350 ft.	8 inch aluminum mainline	
1,600 ft.	6 inch aluminum mainline	
100 ft.	4 inch aluminum mainline	
1,980 ft.	10 inch buried PVC mainline	
2,640 ft.	12 inch buried PVC mainline	
1,300 ft.	10 inch tar & wrap buried steel mainline	
800 ft.	8 inch tar & wrap buried steel mainline	
810 ft.	6 inch tar & wrap buried steel mainline	
15,360 ft.	Twelve 3 inch x 1/4 mile handlines	

EXHIBIT 1

(page 2 of 3 pp.)

MICROFILMED

JAN 30 2001

Together with any and all allied equipment, by way of example, but not limited to: Electrical panels, control boxes, wiring, pipes, valves, elbows, couplers, flanges, reducers, plugs, risers and sprinklers and together also with any and all other irrigation equipment which may hereafter be acquired or used by Grantor in connection with or as a part of such irrigation facilities or equipment, including all such items that may be acquired hereafter as replacements or substitutes for any of the items of property hereinabove described or referred to.

FEEDLOT EQUIPMENT

1500 feet of concrete feed bunks, corrals, self feeders, troughs, granaries.

STEEL BUILDINGS AND GRANARIES

One 40 ft. x. 50 ft. steel building.
One 1,500 bushel capacity granary
One 3,000 bushel capacity granary
One 4,500 bushel capacity granary

Together with any and all additions and replacements or substitutes for any of the items of personal property hereinabove described or referred to.

167164

RECORDED AT THE REQUEST OF
DWD FILE # 83000
FILM 170
FEB 21 2 33 PM '85
CASSIA COUNTY, IDAHO
FRANK B. KEARNS
RECORDER
FEEDLOT EQUIPMENT
K.E. H. J. G.

EXHIBIT 1
(page 3 of 3 pp.)

MICROFILMED
JAN 30 2001

Presented to and plotted for me
this 27th day of Feb. 1985
CALVIN G. HEINER
Assessor Cassia County
By RM
Deputy



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

November 23, 1984

Mr. Jack A. Barnett, P.E.
Higginson-Barnett, Consultants
106 West 500 South, Suite 101
Bountiful, UT 84010

Re: Applications for Transfer Nos. T2500 and T2501, Tenderlean Ranches, Inc.

Dear Mr. Barnett:

The purpose of this letter is to inquire regarding the status of your investigation regarding the above-referenced applications for transfer. As you recall, we had requested that November 1, 1984 be the target date for response.

As indicated in my letter dated September 24, 1984, our next step in the processing of these applications will be to mail the Order to Show Cause why the applications should not be denied. If we have not heard from you by December 15, 1984, we will assume that no further response is forthcoming and will proceed with this next action.

If your investigation is merely requiring more time than you had anticipated, please advise and we can renegotiate the target date for response.

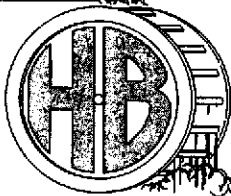
Sincerely,

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

DRT/lrs

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JAN 30 2001



HIGGINSON - BARNETT, CONSULTANTS

106 West 500 South, Suite 101
Bountiful, Utah 84010
(801) 292-4662

43-2371

RECEIVED

OCT 5 1984

October 2, 1984

Department of Water Resources

Mr. David R. Tuthill, Jr. ^{DRT}
Supervisor, Water Allocation Section
Statehouse
Boise, Idaho 83720

Dear Dave:

I appreciate your response to my inquiry concerning Transfers T2500 and T2501 in the name of Tenderlean Ranches. I will make every effort to be responsive by November 1, 1984. I am currently discussing the issues with the Tenderlean owners.

Sincerely,

Jack A. Barnett, P.E.

cc: Mr. James H. Bell

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JAN 30 2001

R. Keith Higginson, P.E.

Jack A. Barnett, P.E.

INTER-DEPARTMENT MEMO — 1

FROM Dave Tuthill

DATE September 24, 1984

TO T2500 (43-2371) and T2501 (43-2444)

SUBJECT

All correspondence for T2500 and T2501 can be found in file T2501 (43-2371).

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JAN 30 2001

SIGNATURE

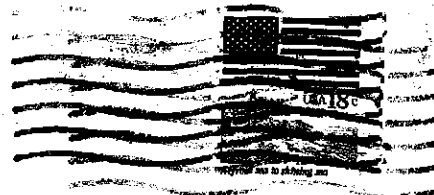
HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

ONE CAPITAL CENTER

POST OFFICE BOX 1617

BOISE, IDAHO 83701



State of Idaho
Department of Water Resources
550 West State Street
Boise, Idaho 83702

*State
House*

MICROFILMED

JAN 30 2001

October 1, 1981

Mr. Richard F. Goodson
Attorney & Counselor
P. O. Box 1617
Boise, Idaho 83701

RE: License Nos. 43-2444 and 43-2371

Dear Mr. Goodson:

This office acknowledges receipt of your letter dated September 16, 1981 in which you requested notification of any forthcoming applications for transfer, etc. on the above referenced licensed water rights. Per your request we will attempt to notify your office when such correspondence is received.

You should be aware of two currently pending applications for transfer Nos. 2500 and 2501 (copies enclosed). These applications have been advertised and are currently being held pending some additional information via consultant Sheryl L. Chapman. We will notify you of our proposed action before final action is taken on these two applications.

Sincerely,

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

DRT:jg

Enclosure

MICROFILMED

Dave

HAWLEY TROXELL ENNIS & HAWLEY
ATTORNEYS AND COUNSELORS

RECEIVED

SEP 21 1981

Department of Water Resources

ONE CAPITAL CENTER
POST OFFICE BOX 1617
BOISE, IDAHO 83701

TELEPHONE
(208) 344-6000

ROBERT I. TROXELL
JESS B. HAWLEY, JR.
PAUL B. ENNIS
JOHN T. HAWLEY
THOMAS A. MILLER
M. NEAL NEWHOUSE
CRAIG L. MEADOWS
ROBERT L. BILOW
JOSEPH D. MCCOLLUM, JR.
WAYNE B. SLAUGHTER, JR.
GARY D. BABBITT
P. CRAIG STORTI
MERLYN W. CLARK
RICHARD F. GOODSON
CARL W. HARDER
PHILLIP M. BARBER
EDWIN V. APEL, JR.
KAREN L. LANSING
EUGENE A. RITTI
RICHARD G. SMITH
JOHN F. KURTZ, JR.
P. MARK THOMPSON
LINDA L. HOLDENMAN

September 16, 1981

State of Idaho, Department of Water Resources
550 West State Street
Boise, Idaho 83702

Re: State of Idaho water licenses nos. 43-2444 and
43-2371

Gentlemen:

We write as attorneys for Connecticut General Life Insurance Company which has recently made a loan to Tender Lean Ranch No. 1, Inc. As part of the security for said loan Tender Lean Ranch No. 1, Inc. mortgaged to Connecticut General the real property which it owns in Cassia County, Idaho together with the water and water licenses appurtenant to said land. For your information and file I am enclosing an original and one copy of a letter approved by Tender Lean Ranch No. 1, Inc. notifying you of said mortgage and authorizing you to advise Connecticut General Life Insurance Company of any and all information or request which may be filed in connection with the above referenced water licenses. Would you please place the original of said letter dated September 1, 1981 in file no. 43-2444 and the enclosed copy of said letter in file no. 43-2371. If any request for information, petition for change of place of use, or any protests, etc. are filed with you in connection with the above referenced water licenses, please so advise Connecticut General Life Insurance Company at the address provided in said letter of September 1, 1981.

If you have any questions concerning this matter please give me a call. Thank you in advance for your usual time and consideration.

Very truly yours,

Richard F. Goodson

Richard F. Goodson

Encl.

cc: Tippet Land & Mortgage Company, Boise
Tippet Land & Mortgage Company, Kennewick

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JAN 30 2001

RECEIVED

September 1, 1981

SEP 21 1981

Department of Water Resources

State of Idaho
Department of Water Resources
450 West State Street
Boise, Idaho 83702

RE: State of Idaho Water Licenses Nos. 43-2444 and
43-2371

Gentlemen:

The purpose of this letter is to advise you that Tender Lean Ranch No. 1., Inc., the owner of the real property upon which the water provided for in State of Idaho Water Licenses Nos. 43-2444 and 43-2371 is applied and appurtenant has mortgaged said real property, together with its interest in and to said water licenses to Connecticut General Life Insurance Company, of 910 Stemmons Tower North, Dallas, Texas 75207. You are hereby authorized and directed to notify Connecticut General Life Insurance Company at the above stated address of any and all information, documentation or requests which you may receive in connection with said water licenses.

You are specifically advised that Water Licenses Nos. 43-2444 and 43-2371 may not be transferred or assigned to any party unless Connecticut General Life Insurance Company authorizes said assignment or transfer.

Thank you for your time and consideration in this matter. If you have any questions concerning this matter, please contact our office.

HAWLEY TROXELL ENNIS & HAWLEY

By Richard F. Goodson
Richard F. Goodson

Attorneys for Connecticut General
Life Insurance Company

APPROVED this 8 day of September, 1981.

ATTEST:

Jack M. Hill
Secretary

TENDER LEAN RANCH NO. 1., INC.

By L. B. Keller
Name: L. B. KELLER
Title: President
(a duly authorized officer)

MICROFILMED

JAN 30 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: J. P. Stanton

1. Right number 43-2444 Applicant Tender Lean Ranches, Inc.
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments P/U LOCATED WITHIN
RAFT RIVER CGWA
NONE
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) NONE
 - j. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: Loren

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

RECOMMENDED ACTION

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

TRANSFER
WITHDRAWN 7-25-85

4. By Loren O. Holmes Date 7-20-81



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

December 12, 1980

South Idaho Press
Box 190
Burley, Idaho 83318

Re: Notice of Proposed Change of Water Right No. 43-2444 and 43-2371

Gentlemen:

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

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

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

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

MICROFILMED

JAN 30 2001

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 43- 2444

Notice is hereby given that Tender-Lean Ranches, Inc., has applied to the Department of Water Resources for a change of place of use and to add diversion point of a groundwater source. The right sought to be changed is evidenced by License No. 43-2444 and is recorded as follows:

Amount: 4.92 cfs

Priority: May 10, 1956

Point of Diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, T14S, R27E, B.M., Cassia County

The water is used for irrigation of 304 acres from April 1 to November 1. within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T14S, R26E; S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 7, T14S, R27E, B.M.

RIGHT TO BE CHANGED:

Amount: 4.92 cfs

POINT OF DIVERSION SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec.7; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T14S, R27E; NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26; SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T13S, R26E., B.M.

Place of Use: S $\frac{1}{4}$ NW $\frac{1}{4}$ ^{SW $\frac{1}{4}$} Sec. 7, T14S, R27E; N $\frac{1}{2}$ ^{SW $\frac{1}{4}$} , Sec. 36, T13S, R26E, for irrigation of 304 acres.

Any protest against the approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301, on or before January ~~8~~ ¹⁶, 1981.

C. STEPHEN ALLRED
Director

Published in South Idaho Press on ~~December 23~~ and December 30, 1980. ^{Jan 6, 1981}

MICROFILMED

JAN 9 1981

Called
Correction
1/22/80

NO. 43-2444

Notice is hereby given that Tender-Lean Ranches, Inc., has applied to the Department of Water Resources for a change of place of use and to add diversion point of a groundwater source. The right sought to be changes is evidenced by License No. 43-2444 and is recorded as follows: AMOUNT: 4.92 cfs. PRIORITY: May 10, 1956, POINT OF DIVERSION: SW¹/₄SW¹/₄, Sec. 7, T14S, R27E, B.M., Cassia County, The water is used for irrigation of 304 acres from April 1 to November 1. Within the SE¹/₄NE¹/₄, Sec. 12, T14S, R26E; S¹/₂NW¹/₄, SW¹/₄, Sec. 7, T14S, R27E, B.M. RIGHT TO BE CHANGED: AMOUNT: 4.92 cfs POINT OF DIVERSION: SW¹/₄SW¹/₄, Sec. 7; SW¹/₄SW¹/₄, Sec. 6, T14S, R27E; NE¹/₄NW¹/₄, Sec. 26; SW¹/₄NE¹/₄, Sec. 36, T13S, R26E, B.M. PLACE OF USE: S¹/₂NW¹/₄SW¹/₄, Sec. 7, T14S, R27E; N¹/₂, Sec. 36, T13S, R26E, for irrigation of 304 acres.

Any protest against the approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blv. North, Twin Falls, Idaho 83301, on or before January 9, 1981.

C. STEPHNE ALLRED
Director

Published in the South Idaho Press on December 23, 30, 1980.

ok
mayer
1/6/81

NO. 43-2444

Notice is hereby given that Tender-Lean Ranches, Inc., has applied to the Department of Water Resources for a change of place of use and to add diversion point of a groundwater source. The right sought to be changes is evidenced by License No. 43 2444 and is recorded as follows: AMOUNT: 4.92 cfs. PRIORITY: May 10, 1956, POINT OF DIVERSION: SW¹/₄SW¹/₄, Sec. 7, T14S, R27E, B.M., Cassia County, The water is used for irrigation of 304 acres from April 1 to November 1. Within the SE¹/₄NE¹/₄, Sec. 12, T14S, R26E; S¹/₂NW¹/₄, SW¹/₄, Sec. 7, T14S, R27E, B.M. RIGHT TO BE CHANGED: AMOUNT: 4.92 cfs POINT OF DIVERSION: SW¹/₄SW¹/₄, Sec. 7; SW¹/₄SW¹/₄, Sec. 6, T14S, R27E; NE¹/₄NW¹/₄, Sec. 26; SW¹/₄NE¹/₄, Sec. 36, T13S, R26E, B.M. PLACE OF USE: S¹/₂NW¹/₄SW¹/₄, Sec. 7, T14S, R27E; N¹/₂, Sec. 36, T13S, R26E, for irrigation of 304 acres.

Any protest against the approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blv. North, Twin Falls, Idaho 83301, on or before January 16, 1981.

C. STEPHNE ALLRED
Director

Published in the South Idaho Press on December 30, January 6, 1981

MICROFILMED

JAN 27 1981

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

Goodman, Duff and Chisholm

ATTORNEYS AT LAW
717 7TH STREET
BOX 61
RUPERT, IDAHO 83350
June 24, 1974

AREA CODE 208
TELEPHONE NO.
436-4774

RECEIVED

Department of Water Administration

State of Idaho
Department of Water Administration
614 State Street
Statehouse Annex 2
Boise, Idaho 83702

Re: Permit 26352/43-2444

Gentlemen:

Enclosed please find the assignment of the
Yarbrough water permit to Arlo Lloyd.

Thank you.

Very truly yours,

GOODMAN, DUFF & CHISHOLM

Donald J. Chisholm
Donald J. Chisholm

DJC:rg
Encl.

MICROFILMED

June 27, 1974

Re: Permit No. 26352/43-2444

Arlo P. Lloyd
Almo,
Idaho 83312

Dear Mr. Lloyd:

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

Enclosed is a copy of the water license issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jfr

Enclosure

cc: Goodman, Duff & Chisholm

Encl: License & Receipt #14532

MICROFILMED

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

Goodman, Duff and Chisholm

ATTORNEYS AT LAW
717 7TH STREET
BOX 61
RUPERT, IDAHO 83350

AREA CODE 208
TELEPHONE NO.
436-4774

May 29, 1974

RECEIVED

State of Idaho
Department of Water Administration
614 State Street
Statehouse Annex 2
Boise, Idaho 83702

Re: Permit 26352/43-2444
Waymon Yarbrough - Arlo Lloyd

Permit
#14532

Gentlemen:

Enclosed is our check for \$19.00 for payment of the license fee mentioned in the above caption.

We have written to Mr. Yarbrough and requested that he stop at my office for execution of the assignment form enclosed in your letter of April 17, 1974.

Very truly yours,

GOODMAN, DUFF & CHISHOLM

Donald J. Chisholm
Donald J. Chisholm

DJC:mm
Enc.

RECEIVED

April 17, 1974

*Resent
5-17-74*

Re: Permit No. 26352/43-2444 - Waymon Dee Yarbrough

Stan Loyd & Arlo Loyd
Albion, *Almo*
Idaho 83311 *Idaho 83312*

Gentlemen:

We have been advised by Mr. Yarbrough that you now own the land covered under the above referenced permit. Please be advised that the Department is prepared to issue a water license for this permit as follows:

Quantity: 4.92 cfs

Source: well

Point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, Twp. 14 S, Rge. 27 E, B.M.

Beneficial use: Irrigation of 304 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, Twp. 14 S, Rge. 26 E, B.M. and S $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 7, Twp. 14 S, Rge. 27 E, B.M.

Priority date established: May 10, 1956

In order to have this license issued in your name, it would be necessary for Mr. Yarbrough to assign the permit to you. We have enclosed an assignment form for your consideration.

We wish also to advise you that there is a \$19.00 licensing fee due. Therefore, if you are interested in acquiring this water right, please submit the required fee to this office on or before May 13, 1974. *May 31, 1974*

If you should have any questions regarding this matter, please contact us before the above mentioned date.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

cc: Mr. Waymon Dee Yarbrough
Stone, Idaho

43-2444

W.D. Yarbrough
Stone Idaho
85280



State Engineers of Idaho
Department of Water Admin.
State Office
614 State Street
Statehouse - Annex 2
Boise, Idaho 83720 43-2444

A3-1144

W.D. Yarbrough
Stone, Idaho

RECEIVED

APR 16 1934

Department of Water Administration

Dear Sir.

About the desert entry land, and the water
that was to be proved up on. The land has
been sold and I do not feel obligated to
pay this fee as I have no concern in the
land as of now. However if there is any
papers I should sign so that the buyers
can prove up on this matter I will be
glad to do so. The owners are now
Mr. Stan Loyd, & Mr. Arlo Loyd, Albion Idaho.

43-2444

Sincerely,
W. D. Yarbrough

April 3, 1974 CERTIFIED MAIL

#31893

Re: Permit No. 26352/43-2444

Waymon Dee Yarbrough
c/o Nielson, Nielson & Nielson
P. O. Box 367
Burley, Idaho 83318

Dear Mr. Yarbrough:

It appearing to the Department of Water Administration that the terms and conditions of Permit No. 26352/43-2444 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit licensing fee in the amount of \$19.00

, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before May 13, 1974, why said permit should not be cancelled.

Permit No. 26352/43-2444 claims the use of 6.15 cubic feet per second of water from a ground water source,

the point of diversion was to be located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 7,

Twp. 14 S, Rge. 27 E, B.M.

and the permit was approved May 25, 1956.

R. Keith Higginson

R. KEITH HIGGINSON
Director

43-2444

August 3, 1973

Waymon Dee Yarbrough
Burley, Idaho 83318

Dear Mr. Yarbrough:

A representative of this department has made an examination of the works covered by your Permit No. ~~26352/43-2444~~ and has found the following:

Quantity of water diverted: 4.92 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 4.92 cfs

The maximum quantity of water diverted shall not exceed 1,064 acre feet per season.

Beneficial Use: Irrigation of 304 acres within the SE1/4NE1/4 (40), Sec. 12, Twp. 14 S, Rge. 26 E, B.M. & S1/2NW1/4, SW1/4 (264), Sec. 7, Twp. 14 S, Rge. 27 E, B.M.

The priority date established is : May 10, 1956

A fee totaling \$ 19.00 must be received within 30 days from the date of this letter in order that we can issue you a Water License as set forth in this letter.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg

43 2444

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

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

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

May 30, 1972

Re: Permit No. 43-2444

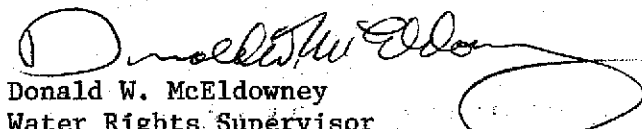
Waymon Dee Yarbrough
Box 766
Malta, Idaho

Dear Mr. Yarbrough:

The Department has received a Desert Land Entry No. I-07212 status change from the Bureau of Land Management in connection with the above referenced permit.

If you have not refiled or do not plan to refile on your desert land entry, please sign and return the enclosed relinquishment form so that the Department may clear its records. If, however, you plan to refile, please advise the Department so that we may note this fact on your permit.

Very truly yours,


Donald W. McEldowney
Water Rights Supervisor
State Office

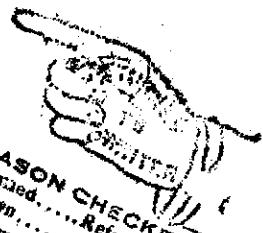
DWM:CR

Enc: Relinquishment form

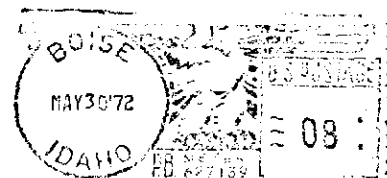
43 2444

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Warehouse — Annex 2
Boise, Idaho 83707


REASON CHECKED
Uncollected.....Refused.....
Unknown.....
Insufficient address.....
Moved, Left no address.....
No such office in state.....
Do not remain in this category

*Order long
expired*



Waymon Dee Yarbrough
Box 766
Malta, Idaho 83342

RECEIVED
JUN 1 1972

Department of Water Administration

43 2444



MEASURED JUNE 25-1968

MICROMETER



Q = 5.00 *ds*

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

26352

Dean Reynolds

107 STATEHOUSE
BOISE, IDAHO 83701
PHONE 344-5811 EXT. 511

150 HP US
31. 4119
1 d B VTP
D18524

SW SWSE-7
14524E

96352

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

OR 660 LLOYD - ELBA CALL 628-4321
ABOUT WELL NEED MEASUREMENT OF OTHER WELL

1. Name of permit holder Waymon Dee Yarbrough
Post office address Box 766, Malta, Idaho Phone _____
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ Subterranean flow from two drilled wells. (name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:

Amount 6.15 c.f.s. for Irrigation
_____ AF/Annum (nature of use)

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

Amount 6.15 c.f.s. for Domestic
_____ 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: _____

Permit No. G-26352/43-2444
Examination for B U

4. Total amount to be appropriated:

Max Rate of Diversion 6.15 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 14 S N/S, Range 26 E E/W, B.M., Section 12, Subdivision SE $\frac{1}{4}$ NE $\frac{1}{4}$, Cassia County
Township 14 S N/S, Range 27 E E/W, B.M., Section 7, Subdivision SW $\frac{1}{4}$ SW $\frac{1}{4}$, Cassia County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Other Points of Diversions: _____

Description of diverting works: There is a well and a pump in the well and head ditches that take the water by flood process to the land. Depth of well, 550. Depth and size of casing, 18 inch. Depth to water, 91 ft. Discharge of pump, 10 inch.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14 S	26 E	12				40													40
14 S	27 E	7							L. 2 49.2	40	40	L. 3 49.2	L. 4 49.2	40					267.6

R. 26 E.

13 2444

R. 27 E.

T.
14
S.

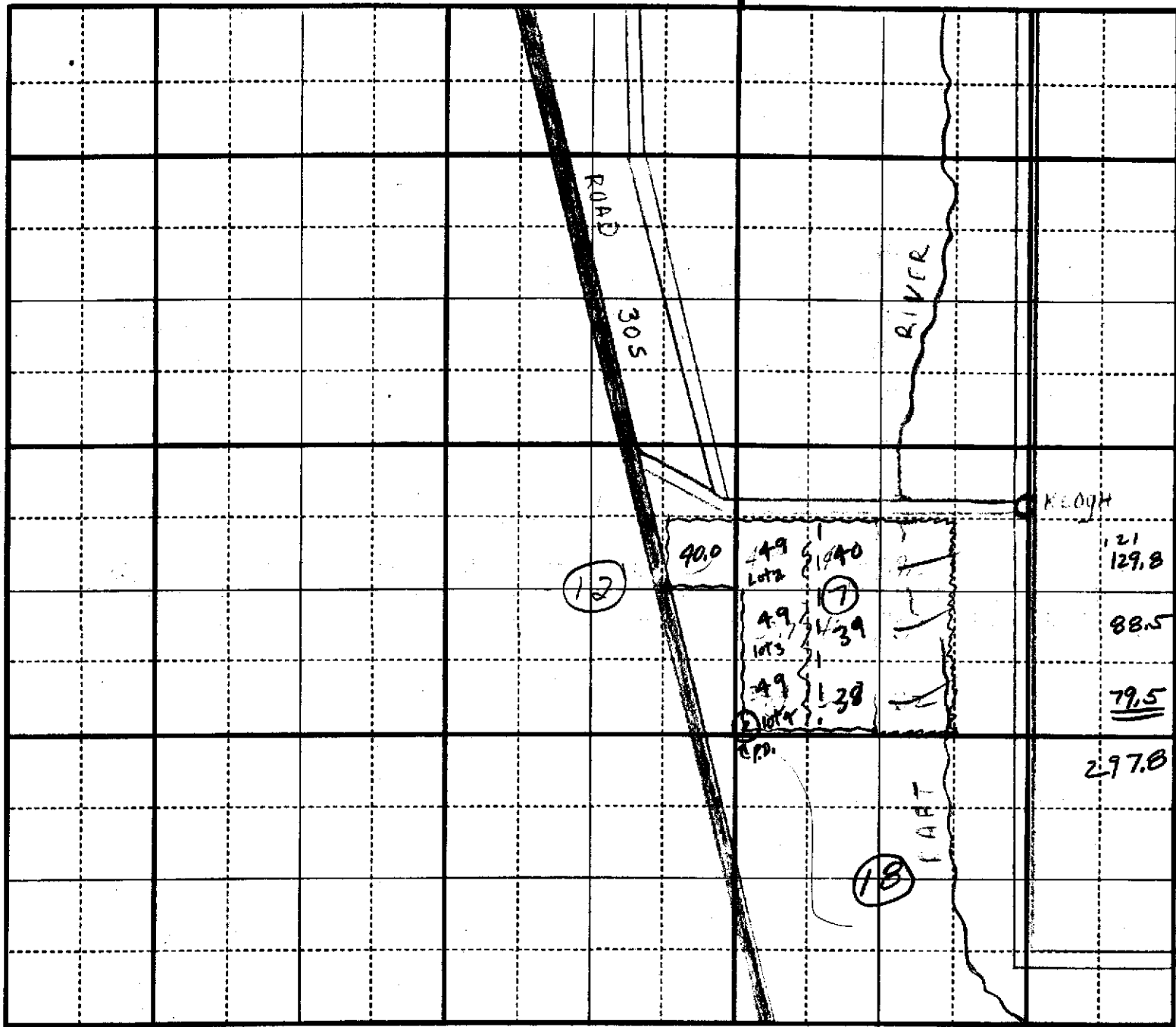


Diagram of System

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

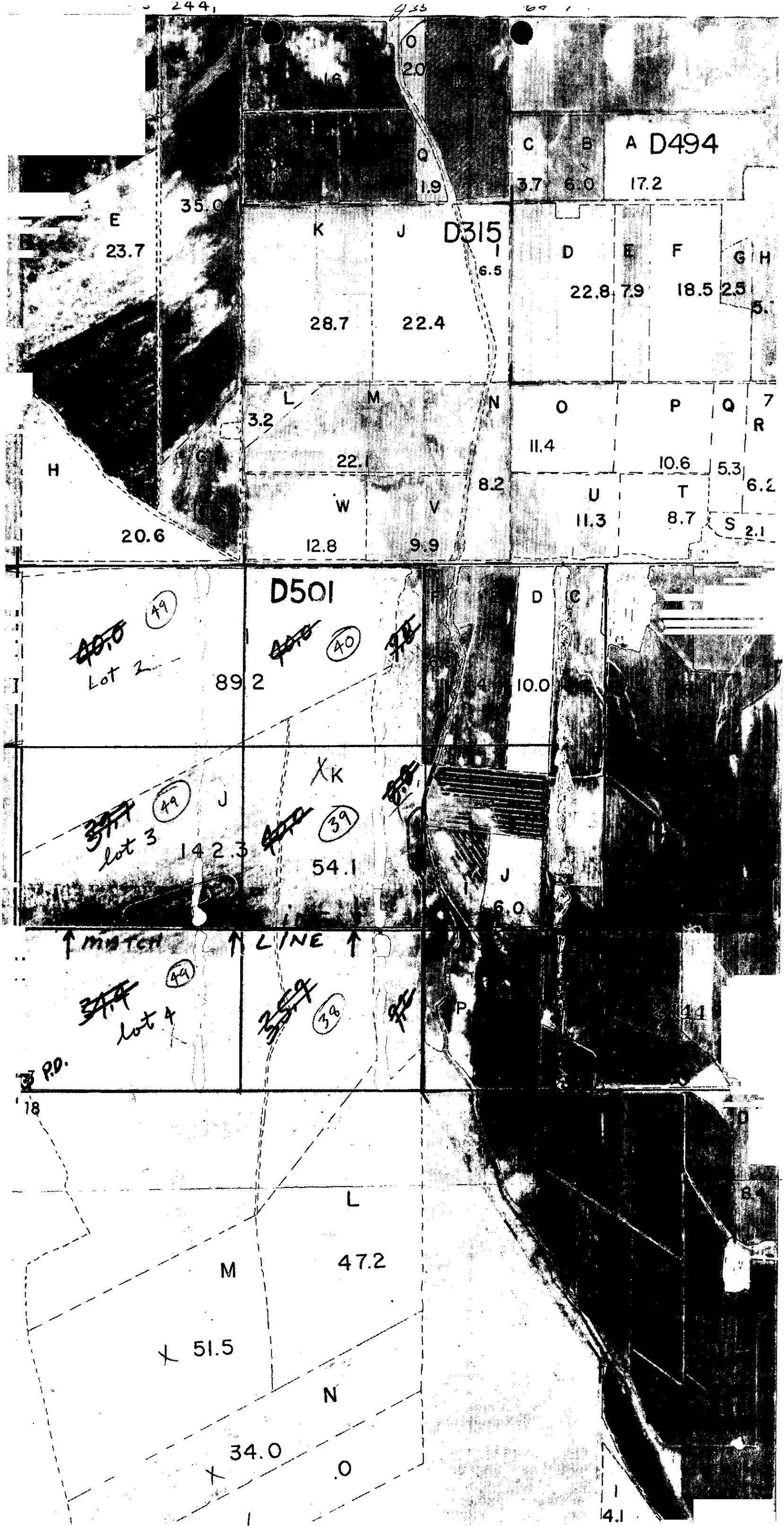
WELL

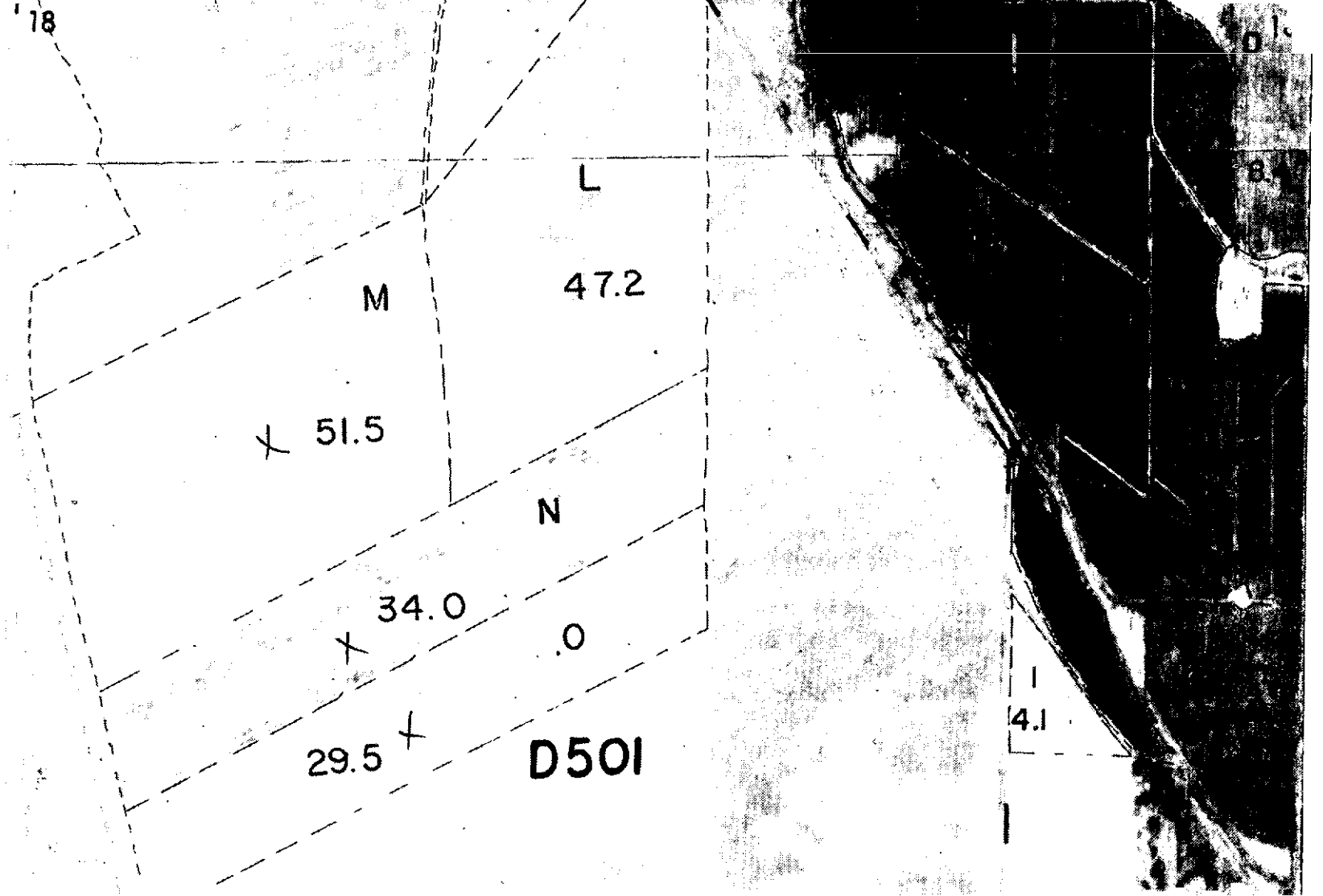
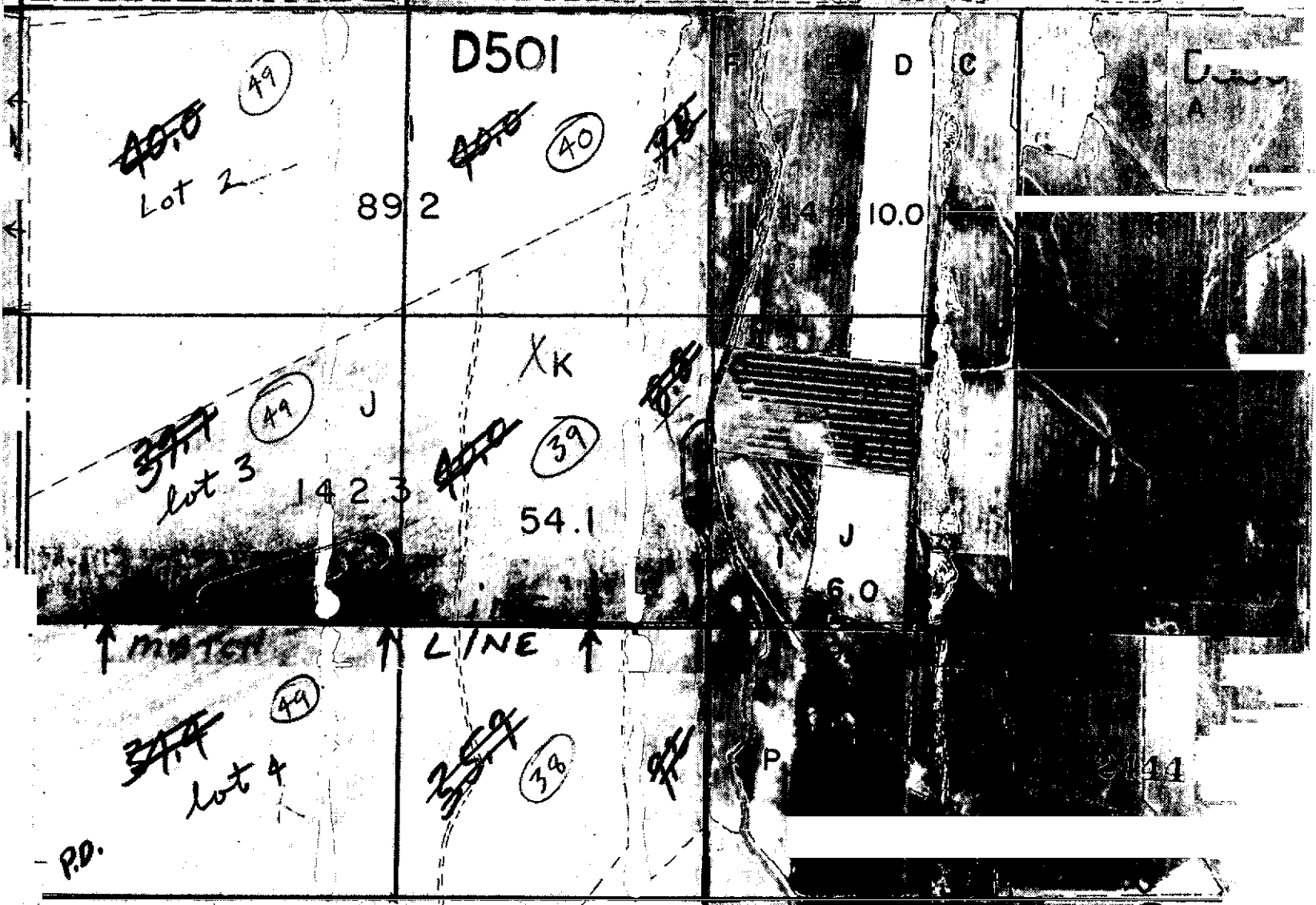
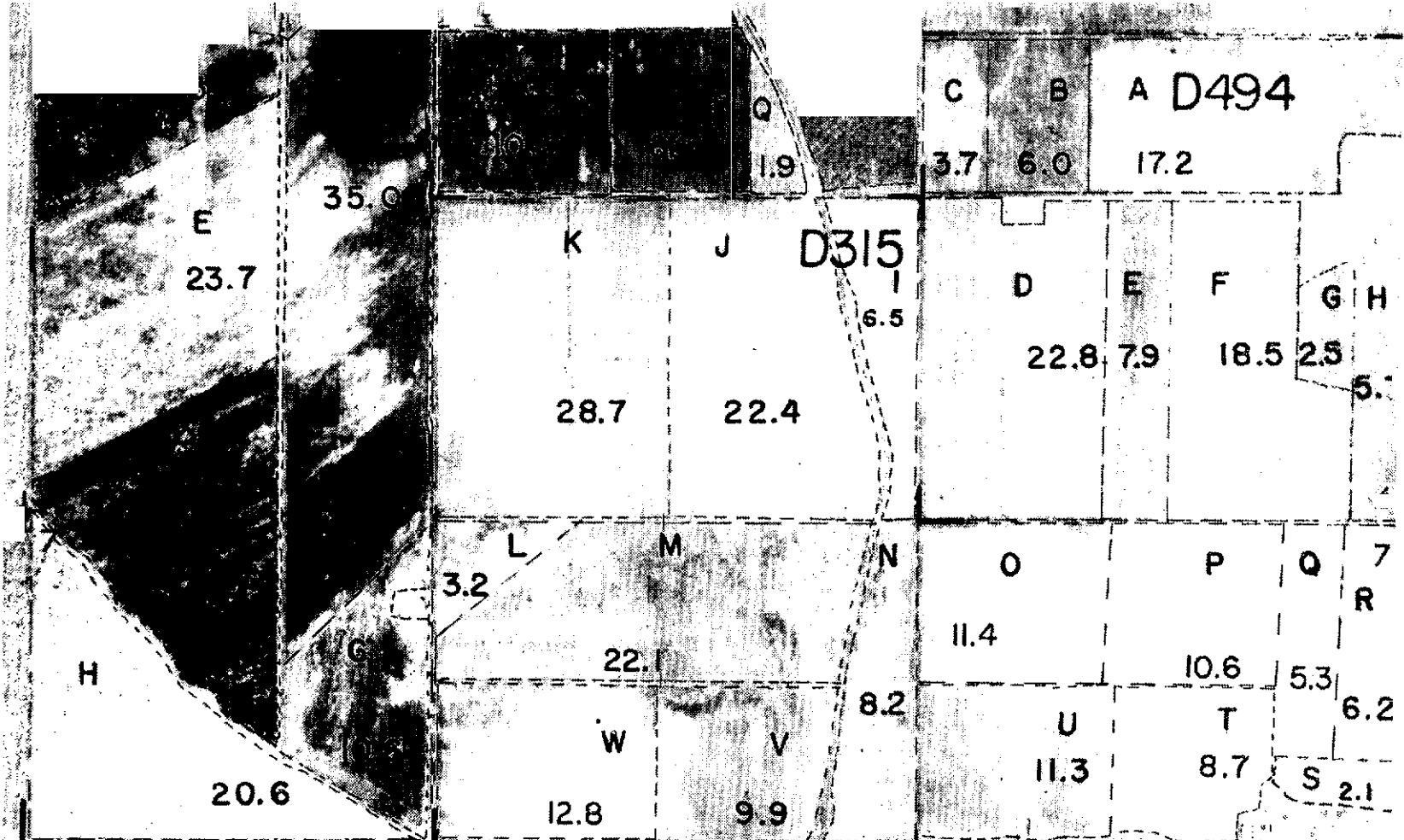
River at WAYMON D. YARBROUGH

246"

43 2444

Chk. by





DATE OF EXAM JULY 19, 1971

ACREAGE
Found 297.8 A.
Recommended 297.8 A.

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 4.92 c.f.s. V = 2106 AF/Ann. from APR. 1 to NOV. 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

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

Exchange? yes _____ no X

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 4.92 cfs Method of measurement PRM

Total Q recommended 4.92 cfs Meter No. R-378 Type PRM Condition GOOD

Total V recommended 1042 AF/ANN

Recommended Amendments:

P.D. 14S, 27E, SEC. 7 SW 1/4 SW 1/4, ONLY!
Place of Use ~~ADD TESTED, SEC. 1 N 1/2 SW 1/4, SEC. 16 N 1/2 SW 1/4~~ No, JUL
Other _____
None _____

MEASUREMENT CALCULATION:

$$(4.92)(2)(214) = 2106 \text{ AF/SEASON}$$

$$(297.8)(3.5) = 1042 \text{ AF/SEASON}$$

SYSTEM DESCRIPTION:

W.S. MOTORS HOLLOSHAFT, 150 HP, 460 VOLT, 1800 RPM, SER# J14119
LAYNE + BOWLER VERTILINE, 2475 GPM @ 145 FT., SER# D18524

REMARKS:

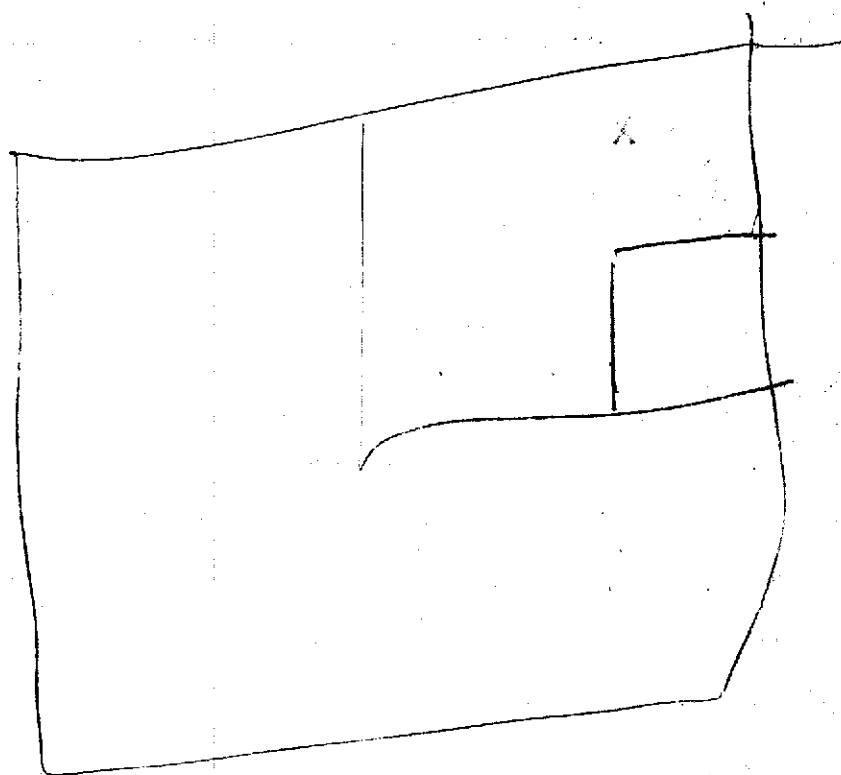
MR. ORLO LLOYD ACCOMPANIED ME ON THE
EXAM.

THIS EXAM WAS DONE JOINTLY WITH 43-2580

Examiner's Signature Burt A. Chaborn Date JUL 20, 1971

Checked by [signature] Date 8-2-71

Approved by _____ Date _____



LAKE & GARDEN, 1000 10th St, S.W., DIST. 4
LAKE & GARDEN, 1000 10th St, S.W., DIST. 4

RECEIVED

SEP 10 1968

NIELSON, NIELSON & NIELSON

ATTORNEYS AND COUNSELORS AT LAW

P.O. BOX 367

BURLEY, IDAHO 83318

Department of Reclamation

AREA CODE 208

TELEPHONE 878-1574

ADONIS H. NIELSON
NORMAN H. NIELSON
GORDON S. NIELSON

September 9, 1968

Office of Reclamation Engineer
State of Idaho
Capitol Building
Boise, Idaho

Re: Permit No. G-26352

Gentlemen:

We are sending the deposition of the holder and the depositions of the witnesses in the above entitled matter, together with the affidavit of publication.

We believe you will find them all in order.

Very truly yours,

NIELSON, NIELSON & NIELSON



A. H. Nielson

AHN:nw
Encl.

20352

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-26352

RECEIVED

SEP 10 1968

Department of Reclamation

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

DEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address: My names is
Wymon D. Yarbrough, I reside at Burley, Idaho, Box 541, I am a well driller by occupation

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

Ques. 3. State number, approval date of permit, and date of priority: G-26352
date of priority May 10, 1956. 5-25-56

Ques. 4. State source of water supply: Well
Give location of point of diversion, showing subdivision, section, township and range
Cassia County, Idaho Lot 4 or SW $\frac{1}{4}$ SW $\frac{1}{4}$ 7 14 S. 27 E., B.M.

Ques. 5. Describe your works of diversion: There is a well and apump in the well
and head ditches that take the water by _____; state amount of water they are capable of con-
flood process to the land
veying from point of diversion to place of use: 308 inches; Give name of canal or ditch
or other works by which water is conducted to such place of use: all ditches are on the land
_____; if a well, state depth of well 550; depth and size of
casing 18 inch; depth to water 91 feet; if pump is used,
state discharge of pump: 10 inch; tell how it was measured or determined by orifice
flow; if sprinkler irrigation, give number and size
of nozzles and operating pressure: flood irrigation used

Ques. 6. State for what purpose water is used: irrigation
(If for irrigation, name each subdivision in which used and number of acres in
each subdivision that have actually been irrigated with said water:
SE $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 12, T. 14 S., R. 26, E.B.M. Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Lot
3 and 4 (W $\frac{1}{2}$ SW $\frac{1}{4}$), Sec. 7, T. 14 S., R. 27. E.B.M.

Exam typed 4-13-71. (ce)

26352

Lloyd Bros & Wymon D. Yarbrough

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: I drilled the first part of the well and the Lloyd Bros. of Elba, Idaho, drilled the last portion of the well.

irrigation only

I was the original applicant

There has been irrigated in 1968 240 acres has been irrigated.

Ques. 10. Describe all other water rights appurtenant to same place of use: There is
not any other water available except the water from the said well mentioned in this
deposition

(sign)

* * * * *

Burley

County of

Cassia

State of Idaho, on this 30th day of August, A. D. 1968.

My commission expires: 2-20-70

Notary Public for Idaho
Residing at Burley, Idaho

26352

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-26352

RECEIVED

SEP 10 1968

Department of Reclamation

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

DEPOSITION OF WITNESS

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

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

Eldon N. Chandler, I am 42 years of age, I reside at Rupert, Minidoka County, Idaho

Rt.#1, by occupation I am contractor and builder.

Ques. 2 Are you acquainted with Waymon D. Yarbrough, the holder of
Permit No. G-26352? How long have you known him and where does he reside?

I have known him for 13 or 14 years

Ques. 3. Have you read or heard said Permit No. G-26352 read, and are you familiar
with its provisions and conditions: Yes X No.

Ques. 4. State source of water supply: Well

Give location of place of diversion, showing subdivision, section, township and range

Cassia County, Idaho Lot 4 or SW $\frac{1}{4}$ SW $\frac{1}{4}$ 7 14 S. 27 E., B.M.

Describe works for conveying water to place of use: There is well, pump and
head ditches that convey the water to the land by gravity.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 250 inches How much water have you seen being so
conveyed? 250 inches

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

SE $\frac{1}{4}$ NE $\frac{1}{4}$. Sec. 12, T. 14 S., R. 26 E.B.M. Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Lot 3,
and 4 (W $\frac{1}{2}$ SW $\frac{1}{4}$) Sec. 7, T. 14 S., R 27 E.B.M.

26352

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

All used for irrigation

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

The land was dry land before the well was drilled and water was placed thereon and there could not be any crops raised. Now it would take approximately 5/8 of inch per acre to raise p rofitable crops.

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

If so, in what way and to what extent? I have no interest of any kind or nature in the ownership

Ques. 10. When did you first see this water used? Early in the spring of 1968.

Other times you have seen such use: Since that time I have been on the place four or five times and have seen the water being used on the above described land.

(Signed):

Eldon N. Chandler

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

Burley, County of Cassia, State of Idaho, on this 30th day of August, A. D. 1968

A. N. Hulen

Notary Public for the State of Idaho

Residing Burley, Idaho

My commission expires 2-20-70

26352

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-26352

* * * * *

RECEIVED

SEP 10 1968

Department of Reclamation

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

DEPOSITION OF WITNESS

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

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

My name is Wells Hepworth, I am 62 years of age, I reside at Elba, Cassia County, Idaho
and I am a retired farmer and rancher.

Ques. 2 Are you acquainted with Waymon D. Yarbrough, the holder of

Permit No. G-26352? How long have you known him and where does he reside?

know for 13 years
I have know him for 13 years.

Ques. 3. Have you read or heard said Permit No. G-26352 read, and are you familiar
with its provisions and conditions: Yes X No.

Ques. 4. State source of water supply: Well

Give location of place of diversion, showing subdivision, section, township and range
Cassia County, Idaho Lot 4 or SW $\frac{1}{4}$ SW $\frac{1}{4}$ 7 14 S. 27 E.B.M.

Describe works for conveying water to place of use: Well, pump, head ditches
and other ditches taking the water by gravity to the place of use.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 250 inches How much water have you seen being so
conveyed? 250 inches

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

SE $\frac{1}{4}$ NE $\frac{1}{4}$. Sec. 12, T. 14 S., R. 26, E.B.M. Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$. Lot
3 and 4 (W $\frac{1}{2}$ SW $\frac{1}{4}$) Sec. 7, T. 14 S., R. 27, E.B.M.

26352

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

All for irrigation

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

The land was entirely dry land and was not capable of growing crops and until the water was placed on the land. It would take about 5/8 inch per acre for profitable cultivation

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

If so, in what way and to what extent? I do not have any interest whatever kind or nature in the land or the water.

Ques. 10. When did you first see this water used? During the year 1967 I saw the pump being tested and the water used on the land.

Other times you have seen such use: During the year 1968 a number times, at least 12 times, I have seen the water being used on the land. I have been there many times, I was interested in seeing how the well developed,

(Signed):

Wells Heworth

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

Burley, County of Cassia, State of Idaho, on this 30th day of August, A. D. 1968

RT Nelson

Notary Public for the State of Idaho
Residing Burley, Idaho

My commission expires 2-20-70

26352

RECEIVED

SEP 10 1968

Department of Reclamation

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 4

consecutive weeks, commencing with the issue

dated July 30 1968, and ending

with the issue dated Aug 20, 1968

Ruth Chambers

Subscribed and sworn to before me

this 21st day of August

1968.

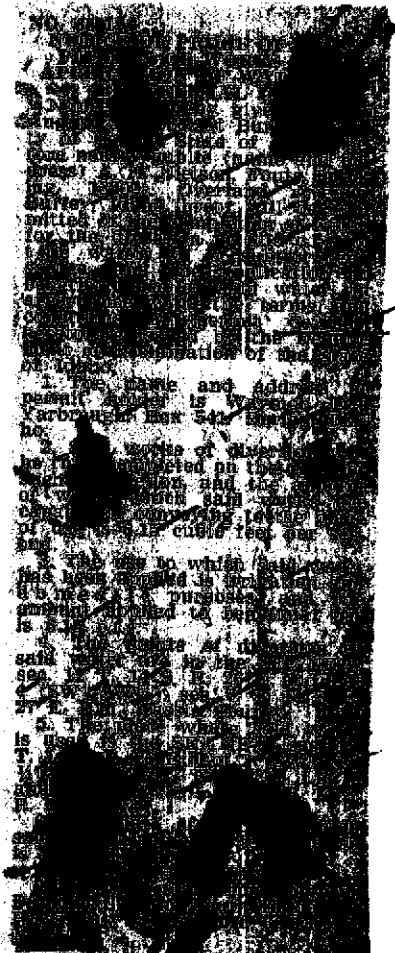
Edith Rautadt Notary Public

Cost of Publication \$25.65

Notary Fee

Total Cost

My commission expires October 23, 1971



26352

September 17, 1968

Re: Permit No. G-26352

Waymon Dee Yarbrough
Box 541
Burley, Idaho 83318

Dear Mr. Yarbrough:

We acknowledge receipt of the depositions and affidavit of publication in the South Idaho Press submitted as proof of completion of works and beneficial use on Permit No. G-26352.

Before a water license can be issued, a field examination must be made by a representative of this department. We cannot tell just when this examination will be made, but our field examiner will try to contact you at the time he makes the examination so that you may show him the system.

Very truly yours,

Donald W. McElidowney
Appropriation Examiner

DWM:dj

26352

July 23, 1968

Re: Permit No. G-26352
Waymon Dee Yarbrough

South Idaho Press
Burley, Idaho 83318

Gentlemen:

Enclosed is a legal notice which we wish to have published for four consecutive weeks prior to August 30, 1968. The expense of the publication is to paid by Waymon Dee Yarbrough, Box 541, Burley, Idaho

to whom you should furnish the affidavit of publication on or before the above date. Please acknowledge receipt of this notice by furnishing this office with a tear sheet for checking prior to the first publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

Enc: legal notice

26352

Re: Permit No. G-26352

July 23, 1968

Waymon Dee Yarbrough
Box 541
Burley, Idaho 83318

Dear Mr. Yarbrough:

This acknowledges receipt of the notice of intent to make proof of completion of works and application of water to beneficial use for permit No. G-26352.

We have mailed the notice to the South Idaho Press to be published once a week for four consecutive weeks prior to August 30, 1968, which is the hearing date when the permit holder Waymon Dee Yarbrough

and two disinterested witnesses must appear before A. H. Nielson, notary public, to complete the enclosed depositions. The witnesses must be familiar with the works and permit.

After the hearing, the depositions and an affidavit of publication must be submitted to this office. The affidavit may be obtained from the newspaper when the advertising bill is paid by Waymon Dee Yarbrough. Be sure all the forms have the notary's seal and are signed. Please feel free to contact us if we may be of any assistance.

Very truly yours,

Donald W. McKelowney
Appropriation Examiner

DWM:dj

Enc: Depositions

cc: Notary

26352

NO. 68-124

**NOTICE OF PROOF OF COM-
PLETION OF WORKS AND
APPLICATION OF WATER TO
BENNEFICIAL USE**

Notice is hereby given that on August 30, 1968, at Burley, County of Cassia, State of Idaho, before notary public (name and address) A. H. Nielson, Fouts Building, 1320 1/2 Overland Avenue, Burley, Idaho, proof will be submitted of the completion of works for the diversion of 6.15 c.f.s. of the waters of a subterranean source, and the application to beneficial use of said water, in accordance with the terms and conditions of permit G-26352, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Waymon Dee Yarbrough, Box 541, Burley, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 6.15 cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 6.15 c.f.s.

4. The points of diversion of said water are in the SE 1/4 NE 1/4, sec. 12 T. 14 S. R. 26 E and Lot 4 (SW 1/4 SW 1/4), sec. 7, T. 14 S. R. 27 E. B.M., Cassia County.

5. The place where said water is used is the SE 1/4 NE 1/4, sec. 12, T. 14 S. R. 26 E; Lot 2 (SW 1/4 NW 1/4), SE 1/4 NW 1/4, E 1/2 SW 1/4, Lot 3 and 4 (W 1/2 SW 1/4), sec. 7, T. 14 S. R. 27 E. B.M.

6. The date of priority which said use is prepared to establish is May 10, 1956.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the South Idaho
Press July 30, August 6, 13, 20,
1968

26352

NIELSON, NIELSON & NIELSON

ATTORNEYS AND COUNSELORS AT LAW

P. O. BOX 367

BURLEY, IDAHO 83318

July 10, 1968

ADONIS H. NIELSON
NORMAN H. NIELSON
GORDON S. NIELSON

AREA CODE 208
TELEPHONE 678-5574

RECEIVED

JUL 11 1968

Department of Reclamation

Department of Reclamation
State of Idaho
107 State House
Boise, Idaho 83701

Re: Permit No. G-26352
Waymon Dee Yarbrough, Box 541
Burley, Idaho

Gentlemen:

In the above matter and at the request of Waymon Yarbrough, we are sending Form No. 36 and Form No. 11. The hearing can be held before me on a date in August which you may set.

We think everything else is complied with.

Sincerely yours,

NIELSON, NIELSON & NIELSON



A. H. Nielson

AHN:nw
Encl.

24352

RECEIVED
JUN 30 1968

(This completed form authorizes the Department of Reclamation to publish the required notice at your expense.)

State Reclamation Engineer:

You are hereby authorized to have the attached notice published at my expense in the South Idaho Press of Burley, Idaho; published in the county in which the works are situated.

William Lee J. J. J. J.
(signature)

PO Box 541 Burley Idaho
(address)

24 June 1968
(date)

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

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

Engineer

26352

RECEIVED
JUL 11 1966
Department of Reclamation
JUN 28 1966
Department of Reclamation

**NOTICE OF PROOF OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Notice is hereby given that on August 30, 1968 at Burley,
County of Cassia, State of Idaho, before notary public (name & address) A. H. Nielson
Fouts Building, 1320 1/2 Overland Avenue, Burley, Idaho, proof will be
submitted of the completion of works for the diversion of 6.15 c.f.s. of the waters
of a subterranean source, and the application to beneficial use of said water,
in accordance with the terms and conditions of permit G-26352, heretofore issued by
the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Waymon Dee Yarbrough, XXXXXX
XXXXXX XXXXXX Box 541, Burley, Idaho.

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

3. The use to which said water has been applied is irrigation and domestic
purposes, and the amount applied to beneficial
use is 6.15 c.f.s.

4. The point^S of diversion of said water is/are in the SE 1/4 NE 1/4, sec. 12, T. 14 S,
R. 26 E and Lot 4 (SW 1/4 SW 1/4), sec. 7, T. 14 S, R. 27 E, B.M., Cassia County.

5. The place where said water is used is the SE 1/4 NE 1/4, sec. 12, T. 14 S, R. 26 E;
Lot 2 (SW 1/4 NW 1/4), SE 1/4 NW 1/4, E 1/4 SW 1/4, Lot 3 and 4 (W 1/4 SW 1/4), sec. 7, T. 14 S, R. 27 E, B.M.

6. The date of priority which said user is prepared to establish is May 10, 1956

R. KEITH HIGGINSON
State Reclamation Engineer

26352

June 28, 1968

Re: Permit No. G-26352

Waymon Dee Yarbrough
Box 541
Burley, Idaho 83318

Dear Mr. Yarbrough:

We have received the Forms 36 and 11 for making proof of completion of works and beneficial use of water under Permit No. G-26352; however, before we can process the proof, the Form 36 must be completed as requested in the Form 36A that we sent with Form 36.

We are enclosing another Form 36A to assist you in completing Form 36 correctly and completely. If you have any questions, please contact us.

Please be advised we will need a written request to change your address to Burley, Idaho. Please submit the request along with the completed Forms 36 and 11.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DJ

Enc: Forms 36A, 36 & 11

36352

S T A T E O F I D A H O

D E P A R T M E N T O F R E C L A M A T I O N

WHEREAS, Permit No. G-26352, in the name of WAYMON DEE YARBROUGH, requires proofs of completion of works and beneficial use to be made by some indefinite time, due to delay in approval of Desert Land Entry, Idaho 07212; and,

WHEREAS, Applicant was prevented from proceeding with construction pending allowance of said Desert Land Entry, which was not allowed until May 22, 1964.

NOW, THEREFORE, An Extension of Time is allowed for Completion of Works and Beneficial Use Proofs on Permit No. G-26352, to May 22, 1969, or the length of time applicant was prevented from proceeding pending allowance of his Desert Land Entry, and a similar extension is allowed for every act required under the terms and conditions of Permit No. G-26352.

Signed at Boise, Idaho, this 8th day of June, 1964.

Deputy State Reclamation Engineer

26352

June 8, 1964

Re: Permit Nos. G-26221; G-26227; G-26230
G-26231; G-26441; G-26352
G-26494; G-26482; G-26485

U. S. Bureau of Land Management
P. O. Box 2137
Boise, Idaho

Gentlemen:

The following extensions of time have been recorded on the above numbered permits:

G-26221, Lester Thompson, Desert Land Entry No. 07004, to May 27, 1969.

G-26227, Lillian Thompson, Desert Land Entry No. 06993, to February 14, 1969.

G-26230, Clark W. Ward, Desert Land Entry No. 06997, to May 22, 1969.

G-26231, Vaudis J. Ward, Desert Land Entry No. 06999, to May 22, 1969.

G-26441, R.J. Harper, Desert Land Entry No. 07271, to August 29, 1968.

G-26352, Waymon Dee Yarbrough, Desert Land Entry No. 07212, to May 22, 1969.

G-26494, Viola Gertrude Temple, Desert Land Entry No. 07424, to August 28, 1968.

G-26482, in the name of Everett T. Johnson, Desert Land Entry No. 07394, to April 22, 1969

Page Two - Bureau of Land Management.

G-26485, Della May Johnson, Desert Land Entry No. 07395, to
April 22, 1969.

All these extensions have been recorded in this office.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Fule
Chief Clerk

ER:ew

June 9, 1964

Re: Permit No. G-26352

Waymon Dee Yarbrough
Box 766
Malta, Idaho

Dear Sir:

Enclosed is an Extension of Time on the above numbered permit to May 22, 1969, which has been recorded in this office.

A copy of this extension has been mailed to the Bureau of Land Management.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. extension

26352



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Land Office
P. O. Box 2237
Boise, Idaho

IN REPLY REFER TO:

L:VSS
Idaho 07212

MAY 22 1964

NOTICE OF ALLOWANCE

Waymon Yarbrough
P.O. Box 84
Declo, Idaho

Dear Mr. Yarbrough:

Your Desert Land Entry Idaho 07212, Serial No. 347749, SE 1/4 Sec. 12, T. 14 S., R. 26 E.; Lots 2, 3, & 4, SE 1/4, E 1/2 SW 1/4, for 7 Section 14 S., Range 27 E., Boise Meridian, Idaho, containing 307.06 acres, has this day been allowed, subject to any valid existing rights and your further compliance with laws and regulations applicable thereto. In correspondence relating to this entry, always refer to the serial number shown above.

SE 1/4 Sec. 12 subject to Raft River Rural Electric Corporation right-of-way Idaho 01495. Subject to State Highway right-of-way (Map #126) on SE 1/4 Sec. 12.

Subject to the Act of July 17, 1914 which may require the reservation of all oil and gas deposits to the United States.

Sincerely yours,

(Signed) Orval G. Badley
Orval G. Badley
Acting Land Office Manager

c.c. State Recl. Engr.

26352

May 6, 1964

Re: Permit No. G-26352

Waymon Dee Yarbrough
P. O. Box 84
Declo, Idaho

Dear Mr. Yarbrough:

Thanks for your letter in regard to your well
and Desert Land Entry.

The Bureau of Land Management informs me that
your entry has not been allowed. You were only allowed to
enter the land to prove the water was available to irrigate
the land. Also, that you must make prompt proof of the well
or your entry will be cancelled.

You should attend to this matter with the
Bureau of Land Management at the earliest possible time.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

26352

Declo Idaho,
PO BOX 84,

Dear Sir,

Yes we do have the Permit to go ahead on the desert Land we have our well juest ~~about~~ finished our well, as to their~~g~~ proof of w Water, when the issued the permits through the bureau of Land Management w we rec our permit and went ahead with it,

Thank you

Waymon Yarbrough,

PO BOX 84,

Declo Idaho,

Our Permit No to the Land is Idaho 07212,

RECEIVED
MAY 6 1964

Department of Reclamation

G-26352

Entry not allowed
Only entry to drill well

B26352

May 1, 1964

RE: Permit No. G-26352

Waymon Yarbrough
Box 84
Declo, Idaho

Dear Mr. Yarbrough:

Upon checking our records in response to your telephone call last evening we find that the number of your permit is G-26352.

Our records also show that on April 17, 1961 you were granted an indefinite extension of time in which to make proofs on your wells do to the fact that your desert land entry application was being held in suspension pending the outcome of an appeal.

If your desert entry has been approved this department should be notified promptly.

If you wish a copy of your permit the fee for such copy would be \$1.75.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RR

G26352

April 18, 1961

Re: Permit No. G-26352
Waymon D. Yarbrough

Parsons and Snow
Attorneys at Law
137 West 13th St.
Burley, Idaho

Gentlemen:

We enclose an indefinite Extension of Time on Permit
No. G-26352, in the name of Waymon D. Yarbrough, which has been
recorded in this office.

Please notify this office promptly of the outcome of this
appeal.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. extension

26352

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

WHEREAS, Permit No. G-26352, in the name of Waymon Dee Yarbrough, was issued in connection with Desert Land Entry, Idaho Serial No. 07212; and,

WHEREAS, applicant has been prevented from proceeding with construction pending allowance of said Desert Land Entry which is under suspension pending the outcome of an appeal.

NOW, THEREFORE, statutory proof requirements on Permit No. G-26352 are extended until the Desert Land Entry has been allowed and the proper date of commencing work can be established.

This office should be notified promptly of the outcome of the appeal.

Signed at Boise, Idaho, this 17th day of April, 1961.

State Reclamation Engineer

B26352

PARSONS & SNOW
ATTORNEYS AND COUNSELLORS AT LAW
137 WEST 13TH STREET
BURLEY, IDAHO
ORCHARD 8-8382

WILLIAM A. PARSONS
PETER G. SNOW

April 14, 1961

RECEIVED
APR 17 1961
Department of Reclamation

P. O. BOX 545

Mr. George M. Carter
State Reclamation Engineer
State of Idaho Department of Reclamation
Boise, Idaho

Re: Waymon D. Yarbrough, Permit No. G-26352

Dear Mr. Carter:

Mr. Yarbrough recently retained this office to represent his interests involving matters including the above captioned permit. The application for such permit was made by Mr. Yarbrough for use upon land for which he had filed application for Desert Land Entry by application Serial No. 07212 with the United States Department of Interior Bureau of Land Management.

Mr. Yarbrough's application for a permit to make desert land entry upon Lots 2, 3, 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 14 South, Range 27, EBM, upon which land your permit No. G-26352 was granted for the appropriation of subterranean waters, has not been granted for the reason that a protest was filed against the classification of such land as suitable for Desert Land Entry. This protest was dismissed by determination of the United States Department of Interior, Bureau of Land Management dated September 5, 1957. However, such dismissal has been appealed and no final determination has been made of the protest.

For this reason, Mr. Yarbrough has been prevented from proceeding with his work for the application of water to beneficial use upon such land and cannot, of course, publish notice of intention to file proof of application of water to beneficial use under such permit.

By reason of the foregoing premises and pursuant to Idaho Code

S26352

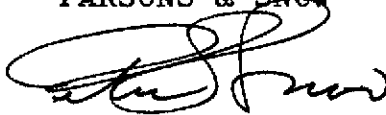
*O.K. to grant Indefinite
Extension of Time for Proof.
Geo H. Carter 4-17-61*

Mr. George N. Carter
April 14, 1961
Page 2

Section 42-204 (1), as amended, we, as Mr. Yarbrough's legal representatives, for an on his behalf, make application for an extention of time in which to commence and to complete work for the application of water to beneficial use under Permit No. G-26352.

Yours truly,

PARSONS & SNOW



Peter G. Snow

PGS:cl

G26352

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G- 26352

Date: Feb. 28, 1961

Waymon Dee Yarbrough
Box 766, Malta, Idaho

Dear Mr. Yarbrough:

The date for proofs of Completion of Works and Application of Water to Beneficial Use, as set out under the terms of Permit No. G- 26352 are due not later than **May 25, 1961.**

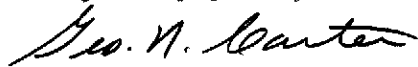
Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken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

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

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

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

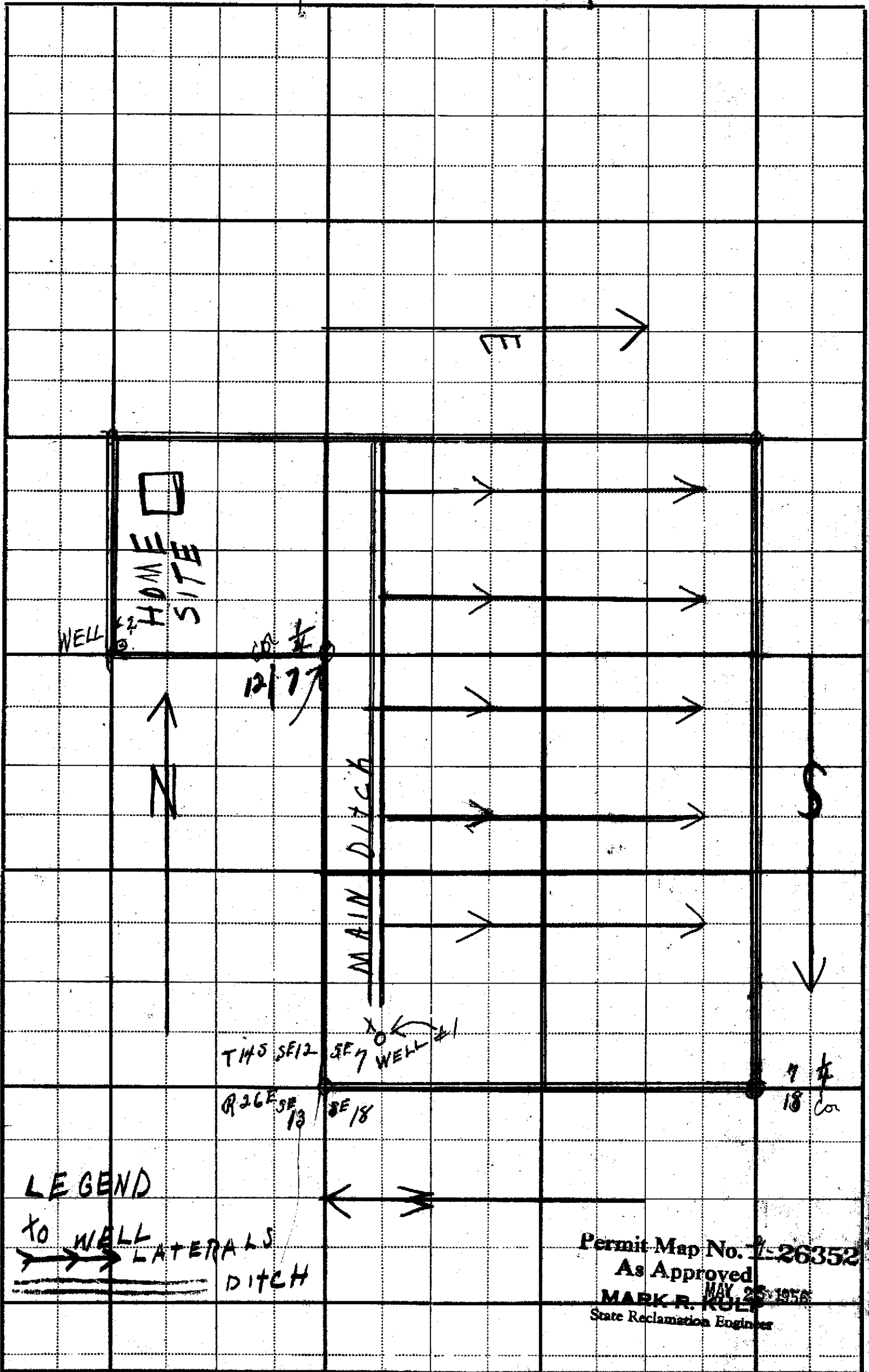
Very truly yours,

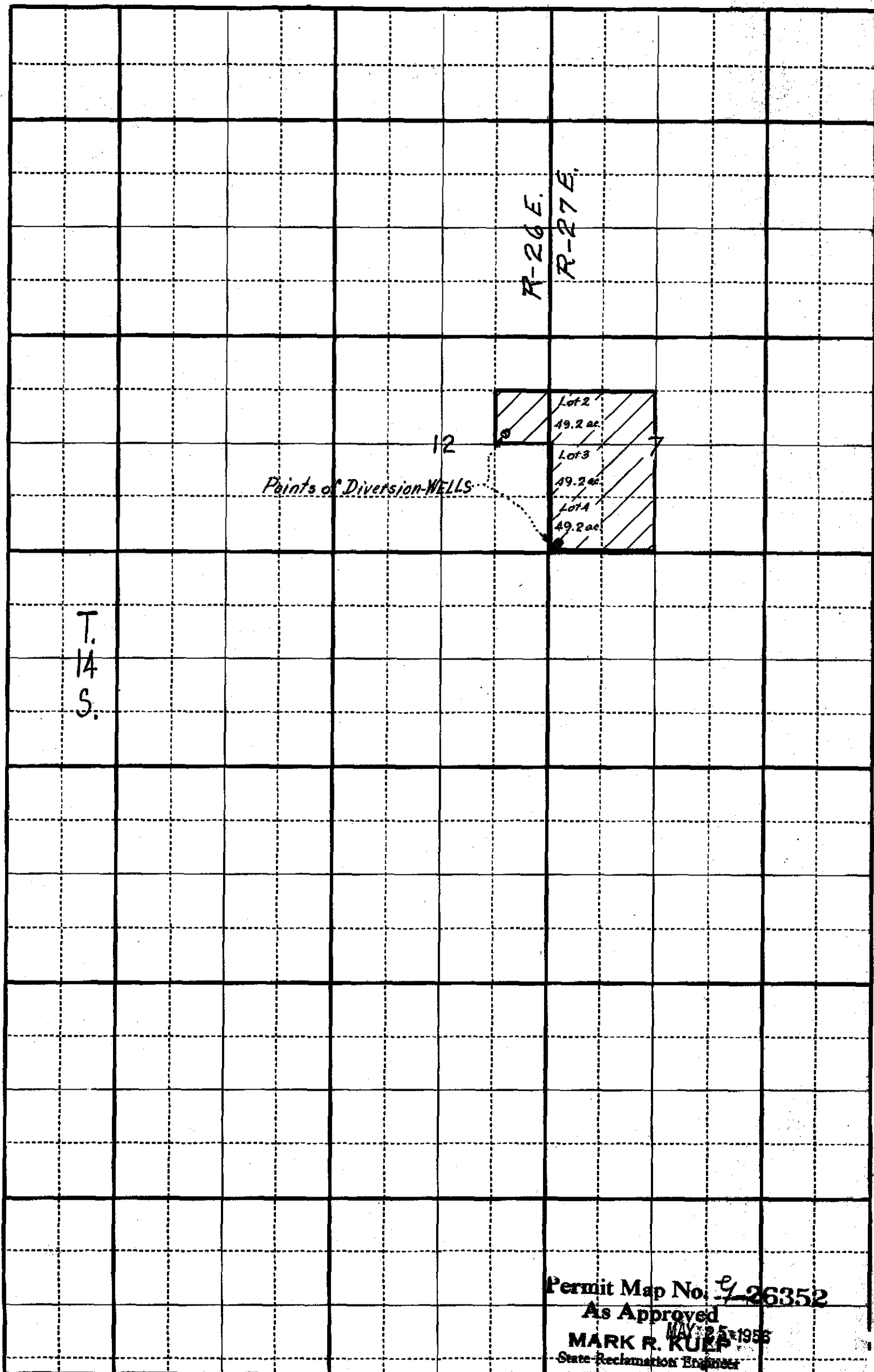


GEO. N. CARTER
State Reclamation Engineer

Enclosures Form 36 - 11

B26352





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

26352

7/67

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Idaho Land Office
P.O. Box 2237
Boise, Idaho 83701

May 23, 1972

Memorandum

To: District Manager, I-2
From: Land Office Manager
Subject: Land status changes

RECEIVED

MAY 30 1972

Department of Water Administration

The following action has been taken and noted on the status records in the BIM Land Office:

<u>Serial No.</u>	<u>Name</u>	<u>Action Taken</u>
<u>I-07212</u>	<u>Wayman Yarbrough</u>	<u>T.14S. R.26E. - S&NE Sec 12</u> <u>Cancelled from D.E.</u> <u>I-07212.</u>

Permit No G 26 352

43 2444

May 31, 1956

RE: Permit No. G-26352

Idaho District Land Office
Box 2237
Boise, Idaho

Gentlemen:

We enclose two copies of Permit No. G-26352 of Waymon Dee Yarbrough, one of which has been certified, to be used in connection with his desert land entry filing filed in your office.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.

cc - Mr. Waymon Dee Yarbrough
Box 766
Malta, Idaho

G26352

May 31, 1956

RE: Permit No. G-26352

Mr. Waymon Dee Yarbrough
Box 766
Malta, Idaho

Dear Mr. Yarbrough:

We enclose Permit No. G-26352 and direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

By this same mail, we are also sending two copies of this Permit, one certified, to the Idaho District Land Office to be used in connection with a Desert Land Entry filing filed in that office.

You will recall the departmental receipt for \$8.50 which includes \$6.50 filing fee and \$2.00 for the extra copies, was handed you when in the office.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.

G26352

RELINQUISHMENT

TO WHOM IT MAY CONCERN:

I hereby relinquish to the State of Idaho,
all my right, title and interest in and to Permit to Appropriate
the Public Waters of the State of Idaho, No. _____.

Signed at _____ this _____ day
of _____ 19____.

Permit Holder

ATTEST:

43 2444

ACT
IONN OWNER LAST NAME - YARBROUGH
N OWNER LAST NAME - LLOYD
NFIRST NAME - WAYMON DEE
FIRST NAME - ARLO P.

ORIG OWNER - 0

CITY - ALMO

STATE - ID ZIP CODE - 83312

N SOURCE - GROUNDWATER

N STAGE - LICENSE

PRIORITY - 05-10-1956 COUNTY - CASSIA TOTAL DIV. RATE - 4.9200CFS

N TOTAL DIV. VOLUME - 1064.00 AFA

N DIVERSION POINT - SWSW 07 14S 27E

N FROM - 04-01 TO - 11-01 USE - IRRIGATION

USE DIV. RATE - 4.9200CFS USE DIV. VOLUME - 1064.00 AFA

N USE - IRRIGATION

PLACE OF USE - TWN 14S RNG 26E SEC 12 TRACT SENE

AC 40

N USE - IRRIGATION

PLACE OF USE - TWN 14S RNG 27E SEC 07 TRACT SWNW LOT 02

AC 49 TRACT SENW AC 40

N
N
N
N

TRACT NESW

AC 39 TRACT NWSW LOT 03 AC 49

TRACT SWSW LOT 04 AC 49 TRACT SESW AC 38

OLD NO. - 26352

