

RECEIVED

OCT 4 1971

Department of Water Administration

is this is the
'dead files' - if so,
include it in
appropriate one

JPB

T. H. Church, Esquire
CHURCH, CHURCH & SNOW
Attorneys at Law
P.O. Box 216
Burley, Idaho 83318
Telephone: 678-9088

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT IN AND
FOR THE STATE OF IDAHO, COUNTY OF CASSIA

CHESTER I. BISHOP,

Appellant,

-vs-

R. KEITH HIGGINSON, Director
of State of Idaho Department
of Water Administration, and
STATE OF IDAHO DEPARTMENT OF
WATER ADMINISTRATION,

Respondents.

Civil Case No. _____

PETITION ON APPEAL

COMES NOW Appellant Chester I. Bishop and petitions the
court to reverse that certain order issued by R. Keith Higginson
Director of the Idaho Department of Water Administration issued
on the 10th day of September, 1971, wherein and whereby said Idaho
Department of Water Administration denied appellant's request for
extension of time for the completion of obligations under Idaho
Water permit No. G-24882/43-2408. In support of said petition,
Appellant respectfully shows:

1. That prior to June 26, 1968, the Appellant,
Chester I. Bishop, was and is now owner and holder of Idaho
water permit No. G-24882/43-2408; that said water permit was
obtained for the first instance to develop water to be used for
irrigation purposes on certain land situated in the County of

A grid with handwritten numbers and a red box. The grid is 10 columns wide and 10 rows high. The numbers are as follows:

Row	Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7	Col 8	Col 9	Col 10
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										

Handwritten numbers:

- Row 4, Col 5: 3 3
- Row 6, Col 5: 40
- Row 6, Col 6: 40 (with a blue arrow pointing to it)
- Row 7, Col 5: 40
- Row 7, Col 6: 40
- Row 8, Col 5: 40*
- Row 8, Col 6: 4

A red box highlights the area from Row 6 to Row 8, Col 5 to Col 6.

MAP TO ACCOMPANY APPLICATION FOR AMENDMENT TP PERMIT #24882

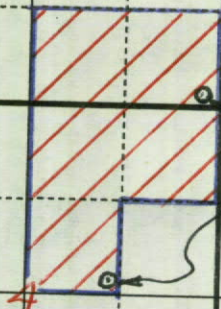
D.E.

R-27E.

33

T.13S-R-27E.

T.14S-R-27E.



Points of Diversion - WELLS.

NAME OF APPLICANT

DENNIS D. BIGGERS

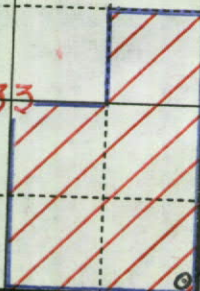
Form No. 0

D.E.

R-27E.

T.
13
S.

33



Point of Diversion - WELL

Permit Map No. 24882

As Approved

APR 27 1954

MARK R. KULP

State Reclamation Engineer

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

24882

WARNING

THE DESERT LAND ENTRY FOR THIS ~~PERMIT~~ HAS BEEN CANCELLED
License

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 24882/43-2408 Priority July 14, 1954 Amount 2.45 cfs

THIS IS TO CERTIFY, that CHESTER I. BISHOP
of Ontario, Oregon, has complied with the terms and conditions of Permit
No. 24882/43-2408 issued pursuant to Application for Permit dated April 23, 1954,
and has submitted proof to the Department of Water Resources on August 26, 1974 (late proof),
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 2.45 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>Nov. 15</u> at <u>2.45</u> cfs and	<u>800 acre feet or</u>	
	from _____ to _____ at _____ cfs and	<u>4.0 af per acre</u>	
	from _____ to _____ at _____ cfs and		

(both dates inclusive)

Subject, however, to the condition that no more than 2.45 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
800 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 4,
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	27 E	4	40	40	40														120
13 S	27 E	33														40	40		80

Total number of acres irrigated 200

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 29 day of
April, 19 75.

Director

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)

STATE OF IDAHO) ss.

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

The South Idaho Press for 2.....
consecutive weeks, commencing with the issue
dated *April 10* 19*75*, and ending
with the issue dated *April 17* 19*75*

Zelma Peterson
Subscribed and sworn to before me
this *17th* day of *April*
19*75*

Edith Rowlett Notary Public

Cost of Publication *12.95*

Notary Fee

Total Cost

My commission expires October 23, 1975

RECEIVED

APR 23 1975

Department of Water Resources

75-128

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Chester I. Bishop, 1203 Sears Drive, Ontario, Oregon has received an approved Permit No. 24882/43-2408 issued by the Idaho Department of Water Resources authorizing the diversion of 2.45 cubic feet per second of water from a ground water source. The priority to be established under this permit is July 14, 1954 and the permit was approved April 27, 1954.

Water is to be diverted by well from a point within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, Twp. 14S, Rge. 27 E, B.M., Cassia County to be used for the irrigation of 200 acres in the N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, Twp. 14S, Rge. 27 E, B.M. and S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 33, Twp. 13 S, Rge. 27 E, B.M.

Proof of the application of the water to beneficial use was submitted to the Department on August 26, 1974. Any protest against the issuance of the license for the above referenced permit should be filed with the Idaho Dept. of Water Resources, State Capitol, Boise, Idaho, 83720, within ten (10) days of the last date of publication of this notice.

R. KEITH HIGGINSON
Director

Published in the South Idaho Press at Burley, Idaho on April 10 and April 17, 1975.

UNRECORDED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 24882/43-2408)

in the name of CHESTER I. BISHOP)

ORDER OF REINSTATEMENT

WHEREAS, on April 23, 1954, Dennis D. Biggers applied to the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate 4 cfs of groundwater within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, Twp. 13S, Rge. 27E, B.M., Cassia County, to be used for irrigation and domestic purposes; and,

WHEREAS, on April 27, 1954, the Department approved said application and issued Permit No. 24882/43-2408 with the condition that one-fifth of the work be completed on or before October 27, 1956, and that the whole of said work and proof of beneficial use of water be made on or before April 27, 1959; and,

WHEREAS, on June 29, 1964, the Department extended the time within which to submit proof of beneficial use to June 26, 1969; and,

WHEREAS, on May 12, 1969, Dennis D. Biggers assigned all his right, title, and interest in and to Permit No. 24882/43-2408 to Chester I. Bishop; and,

WHEREAS, on June 10, 1969, the Department extended the time within which to submit proof of beneficial use to June 26, 1971; and,

WHEREAS, on June 4, 1973, the Department again extended the time within which to submit proof of beneficial use for said permit to June 26, 1974, and also advanced the priority under said permit to May 14, 1954; and,

WHEREAS, on April 1, 1974, the Department notified the permit holder that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on July 3, 1974, the Department notified the permit holder that Permit No. 24882/43-2408 had lapsed for failure to submit proof of beneficial use; and,

WHEREAS, on August 26, 1974, the Department received the required proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated; and,

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 24882/43-2408 be REINSTATED and the priority advanced to July 14, 1954.

Dated this 11 day of September, 1974.

JG


R. KEITH HIGGINSON
Director

MICROFILMED

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF Permit No. 43-2408)
in the name of CHESTER I. BISHOP)

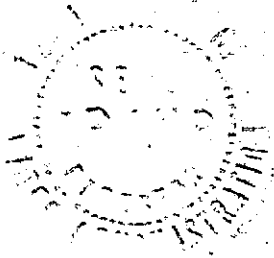
ORDER

On May 18, 1973, the District Court of the Fifth Judicial District for Cassia County issued its opinion in the case of Chester I. Bishop, Appellant, vs. R. Keith Higginson and the Idaho Department of Water Administration, Respondents. In that opinion, the court directed that this office grant an extension of time within which to file Proof of Completion of Works and Beneficial Use of Water under Permit No. 43-2408.

In compliance with the court's directive, IT IS ORDERED and Permit No. 43-2408 is hereby reinstated with its priority advanced to May 14, 1954, and the permit holder is hereby granted an extension of time within which to submit proof of beneficial use of water to June 26, 1974.

Dated this 4th day of June, 1973.


R. KEITH HIGGINSON
Director



43 2408

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR EXTENSION OF TIME

State of ~~XXXX~~ OREGON)
County of Malheur)

Department:
Permit No. G-24882/43-2408

CHESTER I. BISHOP of 1203 Sears Drive, Ontario
(name) (address)

State of Oregon, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. G-24882/43-2408

That under the terms and conditions of said permit, work thereunder was required to be completed on or before June 26, 19 71.

That he has heretofore performed the following work described under said permit:
Drilled a well; installed pump and motor; constructed ditches;
cleared brush; have raised crops on approximately 140 acres of
appurtenant ground and irrigated the same from said well.

Costing \$41,500.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Affiant applied for said water permit for the purpose of irrigating desert land entry designated as Idaho 05069; that on or about June 26, 1968, Affiant submitted Final Proof on the said Desert Land Entry; (See Attachment hereto)

WHEREFORE, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to one year after the date of the decision of the U.S. Department of the Interior, Bureau of Land Management, accepting the final proof submitted by affiant and allowing said Desert Land Entry.

Chester I. Bishop
(signature) CHESTER I. BISHOP

Subscribed and sworn before me this 23 day of Aug, 19 71.

Henry J. Whitford
(notary public)

My commission expires May 13-1974

ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

I, R. Keith Higginson, Director of the Idaho Department of Water Administration, State of Idaho, hereby deny the request for extension of time for the reason that it was not timely filed and the Department has no authority to reinstate a permit except upon a finding or error on the part of the Department.

Witness my hand this 10th day of September, 1971.

DENIED

R. Keith Higginson
Director

43 2408

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are obtainable through the Department of Water Administration, Statehouse-Annex 2, Boise, Idaho.

The U.S. Department of Interior, Bureau of Land Management filed a contest contesting this Affiant's right to receive patent on the Desert Land Entry after the submission of the final proof. The contest was filed on or about June 26, 1970. This Affiant, by and through his attorney, Thomas H. Church, of the lawfirm of Church, Church & Snow, filed an answer on or about the 17th day of July, 1970. That the hearing on the said contest is to be held on the 27th day of September, 1971. That by reason of the said contest, this Affiant has not caused all of the lands on the Desert Entry to be leveled and the irrigation system completed to irrigate on the said lands for the reason that if he were to do so, he would be required to expend large sums of money and time to complete the same, and under such conditions he does not feel that he can afford to expend such sums without knowing that the Desert Entry will be allowed and patent issued. That on or about the 29th of May, 1969, this Affiant applied for and received an extension of time within which to submit final proof of completion of works and beneficial use of the water produced in the well under permit No. 43-208. However, this Affiant applied to have the time extended for one year after the final decision of the U. S. Department of Interior, Bureau of Land Management, but the State Reclamation Engineer extended the time to June 26, 1971.

I received by certified mail from the State of Idaho, Department of Water Administration, a letter dated April 1, 1971, which advised me that I was to submit evidence of the extended development as proof of application of water to beneficial use under permit No. 43-208 to the said Department on or before June 26, 1971. Within a check after I received said notice, I forwarded said letter, together with the form for Proof of Application of Water and Beneficial Use which was enclosed with said letter, to Thomas H. Church, Attorney at Law, at Burley, Idaho, who had represented me in regard to the water permit and Desert Entry. I assumed that Mr. Church would forward to me a form for request for extension of time to put in proof on the water permit if the same were needed, as I did not know that I was in default on the matter until I received the letter of July 7, 1971, since I had advised the State of Idaho, Department of water Administration of the situation regarding my Desert Land Entry which I desire to irrigate with the water from the well drilled under the above perment number; that the government had not accepted my final proof on my Desert Land Entry; that the said permit would be automatically extended until final decision. In any event, I hereby respectfully apply for an extension of time in which to submit proof of completion of works and beneficial use under Section 42-218a of the Idaho Code, even though the priority date may be advanced in time equal to the number of days that this application is subsequent to the date set for proof, June 26, 1970.

43 2408

RECEIVED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

JUN 2 1969

APPLICATION FOR EXTENSION OF TIME

Department of Reclamation

Oregon
State of ~~Idaho~~)
County of _____)

Permit No. 43-2408

CHESTER I. BISHOP
(name)

of 1203 Sears Drive, Ontario
(address)

State of Oregon, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Waters of the State of Idaho No. 43-2408.

That under the terms and conditions of said permit, work thereunder was required to be completed by June 26, 1969.

That he has heretofore performed the following work described under said permit:
Drilled a well; installed pump and motor; constructed ditches;
cleared brush; have raised crops on approximately 140 acres of
appurtenant ground and irrigated the same from said well.

Costing \$ 41,500.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Affiant applied for said water permit for the purpose of irrigating desert land entry designated as Idaho 05069; that on or about June 26, 1968, affiant submitted Final Proof on the said Desert Land Entry; however, the U.S. Department of Interior, Bureau of Land Management has as yet failed to issue its decision

**see reverse

WHEREFORE, he asks that the State Reclamation Engineer extend the time for the completion of obligations under said permit to one year after the, 19 date of the decision of the U.S. Department of the Interior, Bureau of Land Management, accepting the final proof submitted by affiant and allowing said Desert Land Entry.

Subscribed and sworn to before me this 29 day of May, 1969.

C. I. Bishop
(signature)

[Signature]
(notary public)

My commission expires _____

MY COMMISSION EXPIRES
MARCH 15, 1970

Date of receipt at office of Department of Reclamation _____

ACTION OF STATE RECLAMATION ENGINEER

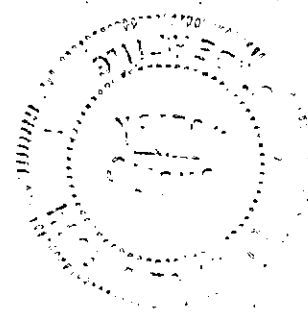
I, R. KEITH HIGGINSON, State Reclamation Engineer of the State of Idaho, hereby approve the above application for extension of time for Permit 43-2408 to June 26, 1971, subject to the condition that the amount of water developed shall be limited to the amount determined by inspection at the time of the approval of this application and to the capacity of the equipment installed upon the well at that time.

Witness my hand this 10th day of June, 19 69.

R. Keith Higgins
State Reclamation Engineer

* If other than the holder, Power of Attorney must be supplied

determining whether or not the said proof will be accepted and the patent granted. That because of the delay in issuing the decision, affiant has not levelled the balance of the ground, to-wit, approximately 180 acres, nor planted the same to crops so as to apply the water to beneficial use.



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
ASSIGNMENT OF PERMIT

MAY 12 1969

I, Dennis D. Biggers, hereby assign to Charter & Bishop, Department of Reclamation
of _____ Name
Address Ontario Oregon

CHECK ONE

☒ All my right, title, and interest, in and to Permit No. 93 2408
to appropriate the public waters of the State of Idaho.

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

Made this 5th day of May, 1969.

Dennis D. Biggers
Permit Holder

Chloe F. Biggers
Wife of Permit Holder

State of Idaho)
County of Twin Falls) ss.

On this 5th day of May, 1969, personally ap-
peared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

Margaret Wood
Notary Public residing at
Twin Falls Idaho

My commission expires June 14, 1972

24882

43-2408

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-24882/43-2408)

in the name of Chester L. Bishop)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

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

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

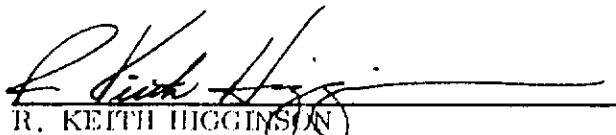
WHEREAS, on August 1, 1968, the Department of Water Administration adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. G-24882 was issued previous to that date;

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

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

Dated this 31ST day of July, 1970.


R. KEITH HIGGINSON
Director

RKH/DG

24882
43-2408

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

43-2408

Application No. G- 32700
 Permit No. G- 24882
 District No.

Dennis D. Biggers
 448 Main Ave. S.
 Twin Falls, Idaho

1. Name of Applicant: DENNIS D. BIGGERS
 Postoffice address: Twin Falls County: Twin Falls State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second. Four (4) or Idaho
 Miners' inches 200 or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean flow from a well
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 33
 Twp. 13 S. , Rge. 27 E. , B.M., County of Cassia
5. Water is to be used for: Irrigation and domestic purposes
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
 Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
 at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Well, pump and ditches
8. Estimated cost of works: \$5,000.00
9. (a) Is reservoir to be used?
 (b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is Five (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: To be filed in connection with a Desert Land Entry filed with the 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.

DENNIS D. BIGGERS Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 12:00 M. April 23, 1954

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-24882

Recorded in Book 88 Page 24882 Approved April 27, 1954

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 June 27, 1954 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 October 27, 1956

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before April 27, 1959

Witness my hand this 27th day of April, 1954

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, EDSON H. DEAL, Acting, Governor of the State of Idaho, and IRA H. MASTERS, 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 27th day of April, 1954.

Countersigned:

STATE OF IDAHO

(SEAL)

By IRA H. MASTERS
Secretary of State.

By EDSON H. DEAL
Acting 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	
13 S.	27 E.	33	40												40	40	40	40	200
APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. G-24882																			
Comes now DENNIS D. BIGGERS and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-24882. That the point of diversion is described in said permit as being located in the SE ¹ / ₄ SE ¹ / ₄ Section 33, Township 13 South, Range 27 East B.M. and the place of use of said water is described as being in the SE ¹ / ₄ NE ¹ / ₄ and SE ¹ / ₄ Section 33, Township 13 South, Range 27 East B.M. That he now requests that an additional point of diversion be added, located in the SW ¹ / ₄ NE ¹ / ₄ Section 4, Township 14 South, Range 27 East B.M. and that the land to be irrigated be changed to the S ¹ / ₂ SE ¹ / ₄ Section 33, Township 13 South, Range 27 East B.M. and the N ¹ / ₂ NE ¹ / ₄ and SW ¹ / ₄ NE ¹ / ₄ Section 4, Township 14 South, Range 27 East B.M. That his reasons for desiring to make such change are as follows: This permit is in connection with a desert land entry, which was not allowed as originally filed. That no one will be injured by such change, and that such change will be made at permit holder's own risk. Signed at Boise, this 21st day of May, 1954.																			
DENNIS D. BIGGERS																			
Date of receipt at Department of Reclamation May 21, 1954																			
APPROVAL OF STATE RECLAMATION ENGINEER																			
I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-24882. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.																			
MARK R. KULP State Reclamation Engineer																			

LICENSE SET BY 9-4-54 FOR 24 SEC. R.
LICENSE PAGE NO.

G-24882

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

✓ WHEREAS, Permit No. G-24882, in the name of DENNIS D. BIGGERS, requires proofs of completion of works and beneficial use to be made on or before April 27, 1959; and,

WHEREAS, said Permit was issued in connection with Desert Land Entry Idaho Serial #05069; and,

WHEREAS, Applicant was prevented from proceeding with construction pending allowance of said Desert Land Entry, which was not allowed until June 26, 1964;

NOW, THEREFORE, An Extension of Time is allowed for Completion of Works and Beneficial Use Proofs on Permit No. G-24882 to June 26, 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 other act required under the terms and conditions of Permit No. G-24882.

See ext. in file to 6-26-69.

Signed at Boise, Idaho, this 29th day of June, 1964.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

RECEIVED
OCT 4 1971
Department of Water Administration

T. H. Church, Esquire
CHURCH, CHURCH & SNOW
Attorneys at Law
P.O. Box 216
Burley, Idaho 83318
Telephone: 678-9088

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT IN AND
FOR THE STATE OF IDAHO, COUNTY OF CASSIA

CHESTER I. BISHOP,	:	
	:	
Appellant,	:	Civil Case No. _____
	:	
-vs-	:	
	:	
	:	<u>PETITION ON APPEAL</u>
R. KEITH HIGGINSON, Director	:	
of State of Idaho Department	:	
of Water Administration, and	:	
STATE OF IDAHO DEPARTMENT OF	:	
WATER ADMINISTRATION,	:	
	:	
Respondents.	:	

COMES NOW Appellant Chester I. Bishop and petitions the court to reverse that certain order issued by R. Keith Higginson Director of the Idaho Department of Water Administration issued on the 10th day of September, 1971, wherein and whereby said Idaho Department of Water Administration denied appellant's request for extension of time for the completion of obligations under Idaho Water permit No. G-24882/43-2408. In support of said petition, Appellant respectfully shows:

1. That prior to June 26, 1968, the Appellant, Chester I. Bishop, was and is now owner and holder of Idaho water permit No. G-24882/43-2408; that said water permit was obtained for the first instance to develop water to be used for irrigation purposes on certain land situated in the County of

1 Cassia, State of Idaho and on which real estate Appellant had
2 filed a desert land entry application; that the said desert land
3 application was designated as United States Department of
4 Interior, Bureau of Land Management number Idaho-05069; that
5 said desert land entry was for the following described real
6 property:

7 S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 33, Township 13 South, Range
8 27, E.B.M.; Lots 1 and 2 and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section
9 4 Township 14 South, Range 27, E.B.M.

10 2. That on or about June 26, 1968, Appellant submitted
11 final proof on the said desert land entry; that at that time the
12 Appellant had up to June 26, 1969 within which to put in final
13 proof of completion of works and beneficial use of the water
14 produced under said well permit; that by June 26, 1969, the United
15 States Department of Interior, Bureau of Land Management had not
16 issued a decision as to the rejection or allowance of the desert
17 land entry 05069, on which the water is to be used; that by
18 reason thereof the Appellant requested an extension of time
19 within which to submit final proof on the said water permit on
20 the grounds that the desert land entry was still pending; on the
21 application Appellant requested that the same be extended until
22 one year after the decision was rendered by the Department of
23 Interior; an extension was given by the State of Idaho Department
24 of Reclamation for one year; in May of 1969, the Department of
25 Interior had still not rendered a decision in regard to said
26 desert land entry and the Appellant again requested and received
27 an extension of time within which to submit final proof, which
28 extension was for a period of one year; in 1970 the time for
29 entry of final proof was again extended to June 26, 1971.

30 3. In the month of June, 1970, the United States of
31 America filed a contest against Appellant contesting the
32 allowance of the desert land entry Idaho-05069; in July of 1970,
an answer was filed to said contest by Appellant's attorney,

1 T. H. Church, of the lawfirm of Church, Church & Snow; that since
2 said time the matter has been pending and although it was noticed
3 up for hearing on two different occasions, the same has been
4 continued until November 29, 1971.

5 4. That on or about the 2nd day of April, 1971, the
6 Appellant received a letter by certified mail from R. Keith
7 Higginson, Director of the State of Idaho Department of Water
8 Administration, which advised appellant that final proof must be
9 submitted on or before June 26, 1971, and that Appellant should
10 submit the application enclosed or a request for extension of
11 time prior to June 26, 1971; that the Appellant forwarded the
12 said letter to his attorney, T. H. Church; that Appellant
13 expected his attorney to forward to him a request for extension
14 of time within which to submit final proof on the grounds and for
15 the reason that Appellant knew the United States had not
16 rendered the decision allowing the said desert land entry and
17 under the conditions it would not be economical, feasible or
18 advisable to expend more funds in order to develop the desert
19 land entry as a farm and use the available water from the well
20 and permit to beneficial use; that through mistake, said T. H.
21 Church failed to submit the said application for extension of time
22 prior to June 26, 1971.

23 5. On or about the 8th day of July, 1971, Appellant
24 received a notice from the State of Idaho, Department of Water
25 Administration that under the provisions of Section 42-218-A of
26 the Idaho Code, his water permit No. G-24882/43-2408 had lapsed
27 and further stated that the Department could not reinstate the
28 permit except upon showing of reasonable cause within 60 days
29 from the date of the notice. On or about the 17th day of July,
30 1971, Appellant's attorney, T. H. Church, made an application for
31 reinstatement of well permit and submitted the same to Respondent
32 R. Keith Higginson, a copy of which application is hereto attached

1 and marked Exhibit "A" and made a part hereof, the same as if
2 fully set out herein. On or about the 16th day of August, 1971,
3 Appellant's attorney received notice from respondent, R. Keith
4 Higginson, denying the application for reinstatement of well
5 permit, a copy of which said letter is hereto attached and marked
6 Exhibit "B" and made a part hereof the same as if fully set out
7 herein.

8 6. On or about the 23rd day of August, 1971, Appellant
9 filed with the State of Idaho, Department of Water Administration,
10 his application for extension of time within which to complete
11 construction and prove beneficial use of water. On or about
12 September 10, 1971, said application was denied, a certified copy
13 of said order of denial being hereto attached and marked Exhibit
14 "C" and made a part hereof, the same as if fully set out herein.

15 7. Section 42-218A of the Idaho Code provides as
16 follows:

17 "A permit upon which the proof of beneficial use
18 has not been submitted, or a request for extension
19 of time has not been received on or before the
20 date set for such proof, shall lapse and be of no
21 further force nor effect. Notice of said lapsing
22 shall be sent by the department to the applicant
23 at the address of record by regular mail provided:
24 that within sixty (60) days after such notice
25 of lapsing the department may, upon a showing of
26 reasonable cause, reinstate the permit with the
27 priority date advanced a time equal to the
28 number of days that said showing is subsequent to the
29 date set for proof. The original priority date
30 of a lapsed permit shall not be reinstated except
31 upon a showing of error or mistake of the department."
32 (emphasis added)

that the Appellant is informed and believes and upon such
information and belief alleges that under the circumstances that
reasonable cause to reinstate said permit as set out in Section
42-218-A of the Idaho Code has been shown, and further alleges
that his failure to request an extension of time prior to June
26, 1971 was due to the mistake, error and inadvertence of T. H.
Church, his attorney, and not the permit holder; that he intended
to make application for extension of time and desired that the

1 same be extended until such time as the contest on the desert land
2 entry was resolved so that he could forego the additional expense
3 to complete the development of the water right under said permit
4 and the irrigation of land covered by the desert entry.

5 WHEREFORE, Appellant prays that the order issued by
6 the respondents denying Appellant's application for extension of
7 time on permit No. G-24882/43-2408 be quashed and held for
8 naught; that the Respondents be requested to issue an order
9 granting the application for extension of time within which to
10 file proof of completion of works and beneficial use under said
11 water permit.

12 That the Appellant have and recover all of his costs
13 and disbursements of suit, and such other and further relief as
14 the court shall deem meet and proper under the circumstances.

15 CHURCH, CHURCH & SNOW

16
17 By: TS/ J. H. Church
18 T. H. Church
19 Attorney for Appellant
20

21 CERTIFICATE OF MAILING

22 I hereby certify that I mailed a true and correct copy of the
23 foregoing Petition on Appeal to R. Keith Higginson, Director of
24 the Idaho Department of Water Administration at Statehouse-Annex 2,
25 Boise, Idaho 83707, and to Phillip M. Barber, Assistant Attorney
26 General, at the Office of the Attorney General, Boise, Idaho
27 83707, by United States mail, postage prepaid, this 1st day of
28 October, 1971.
29
30
31
32

TS/ J. H. Church

RECEIVED

OCT 4 1971

Department of Water Administration

APPLICATION FOR REINSTATEMENT OF WELL PERMIT

STATE OF IDAHO)
) ss.
County of Cassia)

Re: Permit No. G-24882/43-2408

THOMAS H. CHURCH, of the law firm of CHURCH, CHURCH & SNOW, P.O. Box 216, Burley, Idaho, being first duly sworn, upon oath deposes and says:

That he is the attorney for Chester I. Bishop, whose address is 1203 Sears Drive, Ontario, Oregon; that said Chester I. Bishop is the holder of a permit to appropriate the public waters of the State of Idaho (Permit No. G-24882, also designated as 43-2408); that the said permit was originally issued for the purpose of irrigating certain lands that are described in Desert Land Entry, to-wit: Idaho 05070; that prior hereto the said permit holder had caused a well to be drilled on the premises; installed pump and motor; constructed ditches; cleared brush; raised crops and irrigated the said lands described in the desert land entry.

That on or about the 26th day of June, 1968, said Chester I. Bishop, in person and by and through this Affiant, his attorney, submitted proof on the desert land entry, but the U.S. Department of Interior, Bureau of Land Management since said date, to-wit: on or about the 26th day of June, 1970, filed a contest involving the above designated desert land entry; that the hearing on said contest has not been had but is now scheduled for hearing on the 27th day of September, 1971, a copy of which notice is attached hereto and made a part hereof.

That in the month of June, 1969, the permit holder, Chester I. Bishop, filed with the State of Idaho Department of Reclamation an application for extension of time within which to submit proof for beneficial use and completion of works of the said well under said permit No. G-24882/43-2408 and requested in

said application that the time be extended to one year from the time that the U.S. Department of Interior, Bureau of Land Management accepts the final proof submitted by the said Chester I. Bishop on said desert land entry.

That on or about the 10th day of June, 1969, the State Reclamation Engineer of the State of Idaho approved the application for extension of time for said permit to June 26, 1971; that this Affiant, as attorney for said Chester I. Bishop, fully expected the matter of the final proof of said desert land entry to be consummated by said date, but through no failure of said permit holder, Chester I. Bishop, the decision as to whether or not the said final proof of the desert land entry will be allowed has not been determined.

That under the circumstances, which includes the expending of a large amount of funds by the permit holder, Chester I. Bishop, this Affiant feels that the said application for reinstatement of said permit should be granted and this Affiant further avers that this application should also be treated as an application for an extension of time within which to submit final proof of beneficial use and completion of works on the said permit; that said extension of time should be granted for a period extending for one year after the final acceptance of the final proof on said desert land entry.

WHEREFORE, this Affiant prays on behalf of Chester I. Bishop that the State of Idaho Department of Reclamation reinstate said well permit No. G-24882/43-2408 and extend the time for completion of the obligations of said permit to one year from the time the said U.S. Department of Interior, Bureau of Land Management accepts the final proof submitted on the desert land entry, Idaho 05070.

51

THOMAS H. CHURCH

SUBSCRIBED AND SWORN to before me this 17th day of July, 1971.

(SEAL)

EXHIBIT "A" (Continued)

51

NOTARY PUBLIC FOR IDAHO
Residing at Burley, Idaho

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

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



R. Keith Higginson
Director

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

August 16, 1971

Mr. T. H. Church, Attorney
Church, Church & Snow
Attorneys at Law
1354 Albion Avenue
Burley, Idaho 83318

Re: Permit No. 43-2408 and 43-2409

Dear Mr. Church:

This is in response to your letter dated July 17, 1971, in which you referred to the permits held by Chester I. and Betty L. Bishop, number 43-2408 and 43-2409.

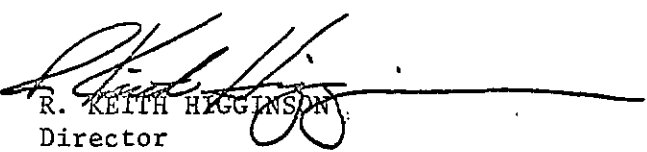
As you are probably aware, permit 43-2408 required that proof of construction of works and beneficial use of water be submitted to this office on or before June 26, 1971. Notice of this requirement was forwarded to Mr. Bishop by certified mail on April 1, 1971. The return receipt card indicates that his wife, Betty Bishop, received the notice. Since no request for an extension of time was received and the proof was not submitted, the application automatically lapsed. It is the policy of this office that we will not reinstate lapsed permits unless we can find that the Department made an error in its notices or other action.

In this case we will, however, accept a completed proof of beneficial use as satisfying the requirements of the permit and will reinstate it so that a license can be issued confirming the water use developed. However, this proof must be submitted within sixty days of the July 7 notice of lapsing.

With regard to permit 43-2409, proof of beneficial use is due on October 15, 1971. I am enclosing a form which we suggest be used by Mrs. Bishop to request an extension of time and in which she can describe the delays caused by the problems in obtaining approval from the Bureau of Land Management.

If you wish to discuss either of these matters with me, please let me know.

Very truly yours,


R. KEITH HIGGINSON
Director

RKE:pk

Enclosure

EXHIBIT "B"

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR EXTENSION OF TIME

State of ~~XXX~~ OREGON)
County of Malheur)

Permit No. G-24882/43-2408

CHESTER I. BISHOP of 1203 Sears Drive, Ontario
(name) (address)

State of Oregon, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. G-24882/43-2408

That under the terms and conditions of said permit, work thereunder was required to be completed on or before June 26, 19 71.

That he has heretofore performed the following work described under said permit:
Drilled a well; installed pump and motor; constructed ditches;
cleared brush; have raised crops on approximately 140 acres of
appurtenant ground and irrigated the same from said well.

Costing \$41,500.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Affiant applied for said water permit for the purpose of irrigating desert land entry designated as Idaho 05069; that on or about June 26, 1968, Affiant submitted Final Proof on the said Desert Land Entry; (See Attachment hereto)

WHEREFORE, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to one year after the date of the decision of the U.S. Department of the Interior, Bureau of Land Management, accepting the final proof submitted by affiant and allowing said Desert Land Entry.

Chester I. Bishop

(signature) CHESTER I. BISHOP

Subscribed and sworn before me this 23 day of Aug, 19 71.

Henry J. Whitford

(notary public)

My commission expires May 13-1974

ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

I, R. Keith Higginson, Director of the Idaho Department of Water Administration, State of Idaho, hereby deny the request for extension of time for the reason that it was not timely filed and the Department has no authority to reinstate a permit except upon a finding or error on the part of the Department.

Witness my hand this 10th day of September, 1971.

R. Keith Higginson
Director

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are obtainable through the Department of Water Administration, Statehouse-Annex 2, Boise, Idaho.

The U.S. Department of Interior, Bureau of Land Management filed a contest contesting this Affiant's right to receive patent on the Desert Land Entry after the submission of the final proof. The contest was filed on or about June 26, 1970. This Affiant, by and through his attorney, Thomas H. Church, of the lawfirm of Church, Church & Snow, filed an answer on or about the 17th day of July, 1970. That the hearing on the said contest is to be held on the 27th day of September, 1971. That by reason of the said contest, this Affiant has not caused all of the lands on the Desert Entry to be leveled and the irrigation system completed to irrigate on the said lands for the reason that if he were to do so, he would be required to expend large sums of money and time to complete the same, and under such conditions he does not feel that he can afford to expend such sums without knowing that the Desert Entry will be allowed and patent issued. That on or about the 29th of May, 1969, this Affiant applied for and received an extension of time within which to submit final proof of completion of works and beneficial use of the water produced in the well under permit No. 43-208. However, this Affiant applied to have the time extended for one year after the final decision of the U. S. Department of Interior, Bureau of Land Management, but the State Reclamation Engineer extended the time to June 26, 1971.

I received by certified mail from the State of Idaho, Department of Water Administration, a letter dated April 1, 1971, which advised me that I was to submit evidence of the extended development as proof of application of water to beneficial use under permit No. 43-208 to the said Department on or before June 26, 1971. Within a check after I received said notice, I forwarded said letter, together with the form for Proof of Application of Water and Beneficial Use which was enclosed with said letter, to Thomas H. Church, Attorney at Law, at Burley, Idaho, who had represented me in regard to the water permit and Desert Entry. I assumed that Mr. Church would forward to me a form for request for extension of time to put in proof on the water permit if the same were needed, as I did not know that I was in default on the matter until I received the letter of July 7, 1971, since I had advised the State of Idaho, Department of water Administration of the situation regarding my Desert Land Entry which I desire to irrigate with the water from the well drilled under the above perment number; that the government had not accepted my final proof on my Desert Land Entry; that the said permit would be automatically extended until final decision. In any event, I hereby respectfully apply for an extension of time in which to submit proof of completion of works and beneficial use under Section 42-218a of the Idaho Code, even though the priority date may be advanced in time equal to the number of days that this application is subsequent to the date set for proof, June 26, 1970.

The foregoing is a true and certified copy of the document on file at the Department of Water Administration.

Signed this 29 day of September, 1971.


Director



United States Department of the Interior

RECEIVED

IN REPLY REFER TO

I-05069

MAY 24 1977 I-05070

BUREAU OF LAND MANAGEMENT

District Office
Route #3, Box
Burley, ID 83318

DIRECTOR	
DEPUTY DIR.	
ADMIN.	
RESO. ANALYSIS	
OPER. BUREAU	
TECH. SER. DIV.	
PROJ. STUD. DIV.	
LEGAL	
FISCAL	
PERSONNEL	
FILES	

Department of Water Resources

May 24, 1977

Department of Water Resources
State Office
373 W. Franklin
Boise, Idaho 83702

Attention: Mr. Bob Fleenor

Dear Mr. Fleenor:

This is to inform you that the Chester I. and Betty L. Bishop Desert Land Entries which have Water Right License Nos. 24882/43-2408 and 24883/43-2409 tied to the land were canceled on December 10, 1973 by decision of the Secretary of the Interior. At that time the land was converted back to the Bureau of Land Management.

As discussed with you in our telephone conversation of May 18, 1977, you stated that a water right license stays with the person who owns the land. We now request that the above-referenced licenses be reissued to the Bureau of Land Management, Burley District Office, Burley, Idaho 83318.

We wish to thank you for your assistance in this matter.

Sincerely yours,

Nick James Cozakos

Nick James Cozakos
District Manager



June 6, 1977

Re: Permit No's. 43-2408 and 43-2409

Nick James Cozakos
District Manager, BLM
Route 3, Box 1
Burley, Idaho 83318

Dear Mr. Cozakos:

We acknowledge receipt of your letter asking that the above referenced licensed permits be assigned to the Bureau of Land Management. The Department has no procedure for changing the records of ownership on a water right license. These rights are considered to be appurtenant to the land to which they are licensed and are owned by the owner of that land.

We will, however, keep your letter in the files for future reference to present ownership.

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF:JFR



United States Department of the Interior

RECEIVED

REFER TO

I-05069

MAY 21 1977

I-05070

BUREAU OF LAND MANAGEMENT

District Office

Route #3, Box 1

Burley, ID 83318

Department of Water Resources

May 24, 1977

Department of Water Resources
State Office
373 W. Franklin
Boise, Idaho 83702

Attention: Mr. Bob Fleenor

Dear Mr. Fleenor:

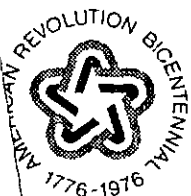
This is to inform you that the Chester I. and Betty L. Bishop Desert Land Entries which have Water Right License Nos. 24882/43-2408 and 24883/43-2409 tied to the land were canceled on December 10, 1973 by decision of the Secretary of the Interior. At that time the land was converted back to the Bureau of Land Management.

As discussed with you in our telephone conversation of May 18, 1977, you stated that a water right license stays with the person who owns the land. We now request that the above-referenced licenses be reissued to the Bureau of Land Management, Burley District Office, Burley, Idaho 83318.

We wish to thank you for your assistance in this matter.

Sincerely yours,

Nick James Cozacos
District Manager



RECEIVED

(Kind of entry and date)		(Serial No.)
Desert Land Application, (see 0/26/34 Sec. 7)		05069
(Name and address)		Idaho 05069
Dennis D. Fingers 443 Main Ave. So. Twin Falls, Idaho		<i>Assignee:</i> <i>Chester S. Bishop</i> <i>1213 Seam Ave. Fort-Bridgeline</i> <i>Centerville 91114 Presley, Idaho</i>
(Description of land)		
T. 13 S., R. 27 E., SE, Idaho Sec. 32 - <i>SW 1/4, SE 1/4, NW 1/4</i>		
T. 14 S., R. 27 E. RM Idaho Sw. 4 - <i>SW 1/4, SW 1/4, Lots 1 & 2</i>		
Cassia Co. 235 35 235 acres		
DATE	ACTION TAKEN	
April 23, 1954	Application filed in duplicate. Acct #78432 - \$50.00 - 1st. payment of 1/5. cc of SR to RA, DRM & DF.	
5-21-54	<i>Amended application filed.</i>	
AUG 17 1956	NOTIFIED OF PL 934; TO SECT. 715	
6-17-57	<i>Protest to class. filed by range user.</i>	
11-13-62	<i>Interim decision dated 11-13-62 approved the manager's proposed agricultural classification.</i>	
6-26-64	<i>Allowed.</i>	
7-14-65	<i>Annual proof acceptable for 3 years.</i>	
6-7-66	<i>Assignment to Chester S. Bishop approved.</i>	
4-30-68	<i>Proof ok for June 26, 1968 @ 9:00 a.m.</i>	
8-15-68	<i>Final proof filed.</i>	
8-12-70	CONTEST FILE TO HEARINGS EXAMINER	
5-17-71	<i>Hearing scheduled 7-14-71, 9 a.m., District Courtroom, Burley, Ida.</i>	
7-6-71	<i>Hearing rescheduled, 9/27/71, 9 a.m., District Courtroom, Burley, Ida.</i>	

MICROFILMED

DATE	ACTION TAKEN I-05069
July 12, 1971	Place of hearing changed to convene in Room No. 1, Extension Service Conference Room of the District Courthouse, Burley, Ida., 9/27/71 at 9:00 a.m.
10/17/1972	<i>Entry cancelled by Hearing Examiner's decision of October 12, 1972.</i>
3-24-77	<i>ENTRY CANCELLED PURSUANT TO 14 IRLA 62 (12-10-73) FOR REASON OF BAD FAITH & ENTRYMAN'S ASSIGNOR HAD, PRIOR TO ALLOWANCE OF ENTRY, ABANDONED ALL INTENT TO RECLAIM THE ENTRY FOR HIS OWN USE & BENEFIT. (REMOVED from State records 3/25/77, 8am) UN</i>

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

April 29, 1975

Re: Permit No. 24882/43-2408

Mr. Chester L. Bishop
Box 1203 Sears Drive
Ontario, Oregon 97914

Dear Mr. Bishop:

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

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

MICROFILMED

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

RECEIVED

SEP 17 1974

1. Name of permit holder Chester I. Bishop
Post office address P. O. Box 1203, Sears Dr., Ontario, OR
Person to contact _____
Department of Water Resources
Southern District Office
Phone _____

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

3. Water will be used for the following purposes:

Amount 4 c.f.s. for domestic
_____ AF/Annum (nature of use) No

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount 4 c.f.s. for irrigation
_____ AF/Annum (nature of use)

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

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

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

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 4 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 13S N/S, Range 27E E/W, B.M., Section 33, Subdivision SE $\frac{1}{4}$ SE $\frac{1}{4}$, Cassia
County

Township 14S N/S, Range 27E E/W, B.M., Section 4, Subdivision SW $\frac{1}{4}$ NE $\frac{1}{4}$, 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: 450' deep hole, 250' of 20" casing; 100 hp motor, pump 14" 3-stage bowls w/5' of suction 10" discharge; water transported by mainline & distributed by sprinklers.

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

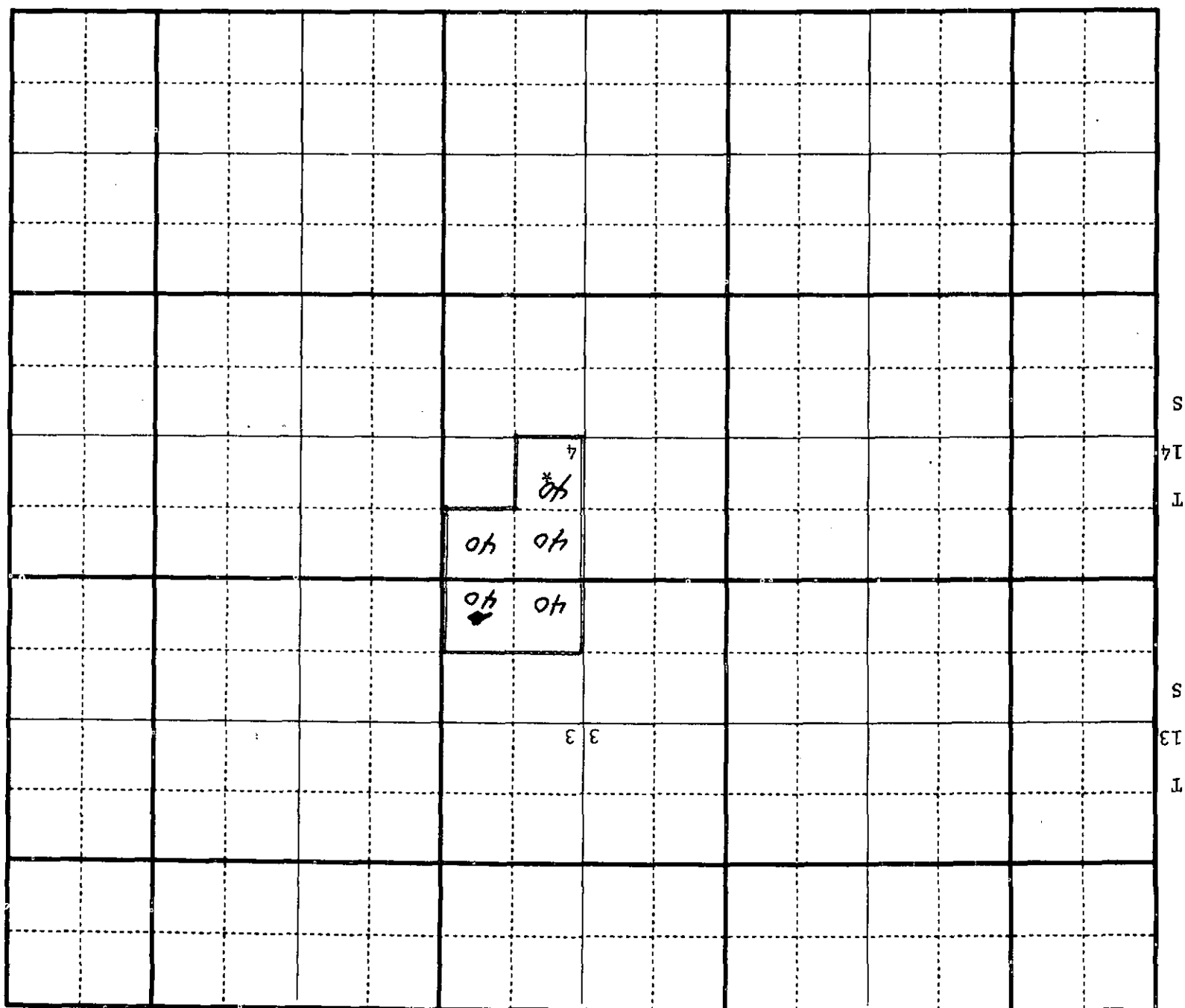
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
13S	27E	33															40	40	80
14S	27E	4	40	40	40														120

TOTAL ACREAGE

200

MICROFILMED

Diagram of System



DATE OF EXAM 9-25-74

ACREAGE

Found 200

Recommended 200

Irrigation Requirement 4.0 Ac Ft/Ac

USE

Irrigation Q = 2.45 c.f.s. V = 800 AF/Ann. from March-15 to Nov-15

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 ✓

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

Exchange? yes _____ no ✓

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

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

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

Total Q measured 2.45 c.f.s. Method of measurement Rate-Flow

Total Q recommended 2.45 c.f.s. Meter No. 743628 Type 12" Condition New

Total V recommended 800 Ac Ft/ANN.

Recommended Amendments:

P.D. ✓
Place of Use ✓
Other ✓
None ✓

MEASUREMENT CALCULATION:

$Q = 2.45 \text{ c.f.s.}$ $(900 \text{ gal/min}) \div (448.8 \text{ gal/min} \div 1 \text{ c.f.s.})$
 $V = 800 \text{ Ac Ft/ANN. (Irr Req) (Acres Irr)}$

SYSTEM DESCRIPTION:

Hollowshaft Motor 100 Hp. # J1413621
Booster Pump 3 Motor Berkley 7480623

REMARKS:

No Domestic use. Only Irrigation.
11) pd SW NE Sec. 4 145. 13 E.

Examiner's Signature Jany Sundenburg Date 9-26-74

Checked by Bob Doyles Date 10-28-74

Approved by _____ Date _____

Rota Flow

743628

900/gal/min

Hollow shaft

100 Hp

J1413621

Booster Pump & Motor

7480673

Berkley
r

Century

30 Hp

#284TC2

No Donerchi

4700

3800

900



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

March 31, 1975

Re: Permit No.'s 43-2408 & 43-2409

Chester I. & Betty L. Bishop
1203 Sears Drive
Ontario, Oregon 97914

Dear Mr. & Mrs. Bishop:

We have caused the legal notices for the above referenced permits to be published in the South Idaho Press on April 10, and April 17, 1975.

You will be required to submit affidavits of publication to this office. The affidavits may be obtained from the above mentioned newspaper upon payment of the publication fees. We have asked the newspaper to bill you direct.

Please submit the affidavits as soon as possible, so that we may continue licensing these permits.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

MICROFILMED

March 31, 1975

Re: Permit No.'s 43-2408 & 43-2409

South Idaho Press
Box 190
Burley, ID 83318

Gentlemen:

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

After sending us a galley proof for each publication, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you have not published the notice on the proposed dates, please contact this office immediately.

The expense of the publication is to be paid by: Chester I. & Betty L. Bishop
1203 Sears Drive
Ontario, OR 97914

to whom you should furnish affidavits of publication.

Very truly yours,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enc: (2) legal notices

RECORDED
INDEXED
MAY 1 1975
FBI - OREGON

NOTICE OF EXISTING WATER PERMIT

RECEIVED

MAR 19 1975

Notice is hereby given that Chester I. Bishop, 1203 Sears Drive,
Ontario, Oregon has received an approved Permit No.
24882/43-2408 issued by the Idaho Department of Water Resources auth-
 orizing the diversion ~~storage~~ of 2.45 cubic feet per second ~~acre-foot~~
~~per annum~~ of water from a ground water source.
 The priority to be established under this permit is ~~May 14, 1954~~ July 14, 1974
 and the permit was approved April 27, 1954.

Water is to be diverted by well
 from a point within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, Twp. 14 S, Rge. 27 E.B.M., Cassia County
to be used for ~~irrigation purposes~~ the irrigation of 200 acres
 in the N $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, Twp. 14 S, Rge. 27 E.B.M. and S $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33,
Twp. 13 S, Rge. 27 E.B.M.

Proof of the application of the water to beneficial use was ~~is to be~~
 submitted to the Department on ~~or before~~ August 26, 1974. Any protest
 against the issuance of the license for the above referenced permit should
 be filed with the Idaho Dept. of Water Resources, State Capitol, Boise, Idaho,
 83720, within ten (10) days of the last date of publication of this notice, ~~or~~
~~prior to the licensing of the permit. Licensing may commence prior to the date~~
~~beneficial use proof is due without further notice.~~

R. KEITH HIGGINSON

Director

Published in the South Idaho Press at Burley, Idaho
 on April 10 and April 17, 1975.

Permit No. 24882/43-2408

Director:

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

Chester I. Bishop
 (Signature) CHESTER I. BISHOP

1203 Sears Drive, Ontario, Oregon 97914
 (Address)

March 17, 1975
 (Date)

RECORDED

THOMAS H. CHURCH
PETER K. CHURCH
PETER G. SNOW
GEORGE GRANATA, JR.

CHURCH, CHURCH & SNOW
ATTORNEYS AT LAW
1354 ALBION AVENUE
BURLEY, IDAHO 83318

March 17, 1975

RECEIVED

MAR 19 1975

P. O. BOX 216
TELEPHONE 678-9088
Department of Water Resources
CODE 208

Bobby D. Fleenor
Chief, Water Rights
State of Idaho Dept. of
Water Resources
Statehouse
Boise, Idaho 83720

Re: Permits No. 24882/43-2408 - Chester I. Bishop
24883/43-2409- Betty L. Bishop

Dear Sir:

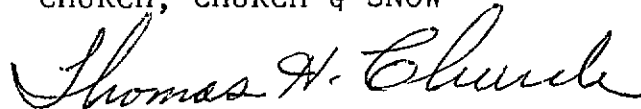
Enclosed please find Notice of Existing Water Permit of
Chester I. Bishop and Notice of Existing Water Permit of Betty L.
Bishop above mentioned.

Mr. and Mrs. Bishop are cognizant of the contents of your
letter of March 6, 1975, and are willing to pay the publication costs.

Please advise me also if there are any fees for the
issuance of the Water Permits so that we may send you the same
after publication.

Yours truly,

CHURCH, CHURCH & SNOW



THOMAS H. CHURCH

Attorney for Chester I. Bishop and
Betty L. Bishop

THC:cj
Enclosures

MICROFILMED

March 6, 1975

Re: Permits No. 24882/43-2408 - Chester I. Bishop
24883/43-2409 - Betty L. Bishop

Chester I. & Betty L. Bishop
1203 Sears Drive
Ontario, Oregon 97914

Dear Mr. & Mrs. Bishop:

A representative of this Department has made an examination of the works covered by the above referenced permits and has found the following:

Permit 24882/43-2408

Quantity of water diverted: 2.45 cfs Source: ground water

Amount of water that can be recognized as beneficially used under Idaho law: 2.45 cfs

The maximum quantity diverted shall not exceed 800 acre feet, or 4.0 acre feet per acre, per year.

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

Beneficial use: Irrigation of 200 acres within the N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, Twp. 14 S, Rge. 27 E, B.M. and S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 33, Twp. 13 S, Rge. 27 E, B.M.

Priority date established: *July* May 14, 1954

Permit 24883/43-2409

Quantity of water diverted: 6.57 cfs Source: ground water

Amount of water that can be recognized as beneficially used under Idaho law: 6.40 cfs

The maximum quantity diverted shall not exceed 1,280 acre feet, or 4.0 acre feet per acre, per year.

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Page 2
Chester I. & Betty L. Bishop
Re: 43-2408 & 43-2409
March 6, 1975

Permit 24883/43-2409 (con'd.)

Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, Twp. 13 S, Rge. 27 E, B.M.

Beneficial use: Irrigation of 320 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
Sec. 33; S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 34; Twp. 13 S, Rge. 27 E, B.M.

Priority date established: April 23, 1954

C
O
P
Y
It has been brought to our attention that notice of your permits has never been published in the newspaper as required by Rules of Practice and Procedure of the Department. We are, therefore, enclosing advertising authorizations for your signature. Please sign the authorizations and return them to this office as soon as possible in order that we may cause the legal notices to be published. You will note that the publications are to be made at your expense.

Upon payment of the publication costs, the newspaper is to furnish you affidavits of publication which must be submitted to the Department for our records. Upon receipt of the affidavits, the Department is prepared to issue water licenses as set forth in this letter.

If you do not concur with the findings of our examiner or have questions regarding the advertising, please contact us.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR
Enc: Adv Auth (2)

RECORDED
INDEXED

September 12, 1974

Re: Permit No. 24882/43-2408

Chester I. Bishop
P. O. Box 1203, Saars Drive
Ontario, Oregon 97914

Dear Mr. Bishop:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed is an Order of Reinstatement; please note that the priority has been advanced to July 14, 1954.

Before a 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 examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions concerning the field exam, please contact our Southern District Office in Twin Falls.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosure

cc: Thomas H. Church
Box 216
Burley, ID 83318

Please file

75-128

**NOTICE OF EXISTING WATER
PERMIT**

Notice is hereby given that Chester I. Bishop, 1203 Saars Drive, Ontario, Oregon has received an approved Permit No. 24882/43-2408 issued by the Idaho Department of Water Resources authorizing the diversion of 2.45 cubic feet per second of water from a ground water source. The priority to be established under this permit is July 14, 1954 and the permit was approved April 27, 1954.

Water is to be diverted by well from a point within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, Twp. 14S, Rge. 27 E, B.M., Cassia County to be used for the irrigation of 200 acres in the N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, Twp. 14S, Rge. 27 E, B.M. and S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 33, Twp. 13 S, Rge. 27 E, B.M.

Proof of the application of the water to beneficial use was submitted to the Department on August 26, 1974. Any protest against the issuance of the license for the above referenced permit should be filed with the Idaho Dept. of Water Resources, State Capitol, Boise, Idaho, 83720, within ten (10) days of the last date of publication of this notice.

R. KEITH HIGGINSON
Director

Published in the South Idaho Press at Burley, Idaho on April 10 and April 17, 1975.

NOT RECORDED
SEP 17 1974

RECEIVED
SEP 5 1974
Department of Water Resources
STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
AUG 26 1974
late
Department of Water Resources

1. a) Name of Permit Holder CHESTER I. BISHOP
b) Post Office Address Post Office Box 1203, Sears Drive, Ontario, Ore. 97914
2. Permit Number 24882/43-2408
3. Date of Priority that you are prepared to establish May 14, 1954
4. a) Source from which water was appropriated Subterranean
b) Location of the point of diversion: SW 1/4 NE 1/4, Section 4
Township 14 South, Range 27 East, Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
amount 4 c.f.s. for irrigation purposes from 4/15/74 to date incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 4 c.f.s. cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Layne Bowler Pump Company
Twin Falls, Idaho 83701 - made measurement by test pump
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) hole 450' deep; 250' of 20" casing; 100 h.p. motor; pump 14" 3-stage bowls w/5' of suction 10" discharge; water transported by mainline and distributed by sprinklers
b) Describe the type and size of measuring device which you have installed at your point of diversion: Muesco water meter
c) Give well drillers name and address and date the well was completed C.D. Bishop well driller; 732 W. 20th Street, Burley, Idaho 83318; well completed: 6/2/64

Exam typed 9/12/74 by fg

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8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use water has been used on premises for livestock watering

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

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	
13S	27EBM	23											40	40					80
14S	27EBM	4	40	40	40														120

Total number of acres irrigated 200

10. Remarks:

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

8-23-74
(Date)

Clark Bishop
(Signature)

State of Idaho
~~OREGON~~ ss.
County of Cassia

On this 23rd day of August, 1974, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Thomas H. Clumb
Notary Public residing at Ontario, Oregon ~~Burley Idaho~~
My Commission Expires: 6-18-74

My commission expires June 18, 1976

September 3, 1974

Re: Permit No. 24882/43-2408 - Chester I. Bishop

Thomas H. Church
Box 216
Burley, ID 83318

Dear Mr. Church:

Enclosed is the proof affidavit submitted by Chester I. Bishop in connection with the above referenced permit.

We note that in reviewing this proof affidavit, you have not affixed your notary seal as required. We cannot process this proof until this seal is affixed.

Please affix your seal and return the proof affidavit to this office as soon as possible, so that we may continue processing the proof affidavit.

Sincerely,

Mrs. Jan Grover
Secretary

JG
Enclosure

MICROFILMED

RECEIVED

AUG 26 1914

Department of Water Resources

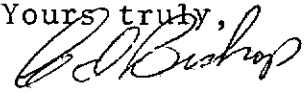
Mr. R. Keith Higginson, Director
State of Idaho
Department of Water Resources
614 State Street
Statehouse
Annex 2
Boise, Idaho 83707

Re: Permit No. 24882/43-2408
Chester I. Bishop

Dear Mr. Higginson:

I am enclosing herewith my Proof of Application of Water
To Beneficial Use. I trust that this is properly completed;
however, if there are any questions or deficiencies, please
advise.

Yours truly,



Chester I. Bishop

RECEIVED

July 10, 1974

Re: Permit No. 24882/43-2408 - Chester I. Bishop

Thomas H. Church
Attorney at Law
Box 216
Burley, ID 83318

Dear Mr. Church:

Pursuant to our telephone conversation of this date, enclosed is a proof of beneficial use of water form with instructions. Also enclosed is a copy of the above referenced permit to help you in completing this form.

Please be advised that this proof affidavit must be received 60 days from the date of the notice of lapsing which would be September 1, 1974.

If you have any further questions, or need any assistance in this matter, please contact us.

Sincerely,

Mrs. Jan Grover
Secretary

JG
Enclosures

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
STATE OFFICE

RESOURCES



Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2215

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

July 3, 1974

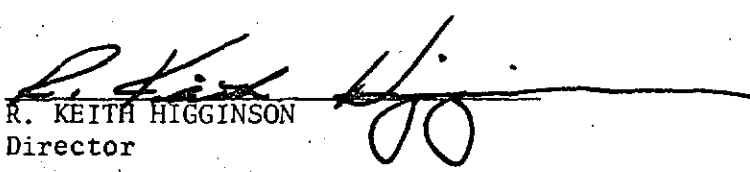
Re: Permit No. 24882/43-2408

Chester I. Bishop
1203 Sears Drive
Ontario, Oregon 97914

Dear Mr. Bishop:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit No. 43-2408 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within 60 days from the date of this notice of lapsing.


R. KEITH HIGGINSON
Director

43-2408

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

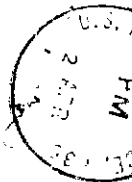
Postmark of Delivering Office

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.



- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.



PS Form 3811
June 1973

DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

43-2408

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐

Show address
where delivered

☐

Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

25235

①

Mr. C. D. Bishop

②

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

4-2-74

③

43-2408

April 1, 1974

CERTIFIED MAIL

#25235

Re: Permit No. 24882/43-2408

Chester I. Bishop
1203 Sears Drive
Ontario, Oregon 97914

Dear Mr. Bishop:

One of the conditions of approval of your water Permit No. 24882/43-2408 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before June 26, 1974. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

Enc: Proof affidavit

43-2408

RECEIVED

MAY 22 1973

Department of Water Administration

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR
CASSIA COUNTY.

CHESTER I. BISHOP,

Appellant,

vs.

R. KEITH HIGGINSON, Director of
Idaho Department of Water Ad-
ministration; and STATE OF
IDAHO DEPARTMENT OF WATER AD-
MINISTRATION;

Respondents.

Case No. 9636

OPINION

Appeal from action of the Department of Water Administration of the State of Idaho on September 10, 1971, denying appellants application for extension of time for the completion of obligations under water permit No. G-24882/43-2408. Although the appeal was set for trial, the parties are agreed upon the facts and each side submitted the case on motions for summary judgment. The parties are agreed that the decision is one of applying the applicable statutory law to the facts. The chronology, which is important, follows.

April 27, 1954

The water permit was issued to a stranger to these proceedings.

1963

Counsel advise the court that in 1963 the area to which the permit applied was declared to be a "critical ground water area" under the statute.

June 26, 1968

Appellant submitted final proof as a homestead entryman on his desert land entry. It is on this land that the permit water is to be applied. [The Bureau of Land Management, U.S. Department of Interior, has not to this day issued a decision rejecting or approving appellants desert land entry, and the matter now is pending on appeal by appellant

May 5, 1969

The water permit was assigned to appellant. [Proofs of application of water to beneficial use under the permit were due on or before June 26, 1969.]

May 29, 1969

Appellant applied for an extension of time for submitting proofs of application to beneficial use.

June 10, 1969

Respondents granted the application and extended the time to June 26, 1971.

July 7, 1971

Respondents notified appellant that the water permit had elapsed under §42-218a, I.C., and that the permit could not be reinstated except upon a showing of good cause within sixty days from this date.

July 17, 1971

Appellant applied, through his counsel, for reinstatement of the permit and for extension of time to submit final proofs of application to beneficial use.

August 16, 1971

Respondents notified appellant, among other things, as follows:

"In this case we will, however, accept a completed proof of beneficial use as satisfying the requirements of the permit and will reinstate it so that a license can be issued confirming the water use developed. However, this proof must be submitted within sixty days of the July 7 notice of lapsing." [Proofs are now due September 6, 1971.]

August 23, 1971

Appellant applied for an extension of time for submitting proofs, requesting, as before, that the time extend to one year after decision on the desert land entry.

September 10, 1971. Respondents "deny the request for extension of time for the reason that it was not timely filed and the Department has no authority to reinstate a permit except upon a finding of error on the part of the Department."

It is from this last order that appellant appealed on October 4th, 1971, the notice of appeal referring to "that certain decision issued by R. Keith Higginson on the 10th day of September, 1971, wherein and whereby he denied the request of Chester I. Bishop for an extension of time within which to submit proof of completion of works and beneficial use."

We are concerned here with the application of §§42-204, -218 and -218a, I.C.

§42-218, I.C., provides in part as follows:

"***upon a satisfactory showing being made by the permit holder, the department can extend the time for making such proof of beneficial use, but in no case shall such extension or extensions [emphasis supplied], including the original time granted, exceed the maximum prescribed in section 42-204. The department shall grant no extension unless the application therefor be filed with it prior to the date upon which the proof of beneficial use was required to be made under the original terms of the permit."

Ordinarily, under §42-204, I.C., but one extension for a period of no longer than five years beyond the date originally set for proofs can be granted. However, there are exceptions in the section, one of which follows:

"In cases where the applicant is prevented from proceeding with his work by his failure to obtain *** final approval or rejection from the federal government because of the pendency of *** matter within the jurisdiction of the United States, or by litigation of any nature which might bring his title to said water in question, the department *** upon proper showing of the existence of any such condition, and being convinced that said applicant is proceeding diligently and in good faith, shall extend the time so that the amount of time lost by such delays shall be added to the time given in the original permit for each and every action required."

§42-218a, I.C., provides as follows:

"A permit upon which the proof of beneficial use has not been submitted, or a request for extension of time has not been received on or before the date set for such proof, shall lapse and be of no further force nor effect. Notice of said lapsing shall be sent by the department to the applicant at the address of record by regular mail provided: that within sixty (60)

days after such notice of lapsing the department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof. The original priority date of a lapsed permit shall not be reinstated except upon a showing of error or mistake of the department."

Appellant has contended and shown throughout that his desert land entry is bogged down in litigation with the United States Department of Interior, and he still awaits "final approval or rejection from the federal government." Were he to complete the water development and application to beneficial use, certainly a rejection by the United States would "bring his title to said water in question." [As of August 23d, 1971, appellant had theretofore performed the following work described under said permit: drilled a well; installed pump and motor; constructed ditches; cleared brush; and raised crops on approximately 140 of the 320 acres, irrigating the same from said well. The cost was \$41,500.] Within the meaning of §42,204, I.C., I am of the opinion the appellant is effectively prevented from proceeding further with his work by his failure to obtain final approval or rejection of the desert land entry from the United States.

Therefore, if appellant is proceeding diligently and in good faith, he is entitled, upon timely applications, to time extensions so that the amount of time lost by the land entry delays shall be added to the time given in the original permit for each and every action required of him. (§42-204, I.C.)

By affidavit respondents expand the reasons for the September 10, 1971, denial. Affiant says "he was convinced that the plaintiff [sic] was not proceeding diligently." It would seem that respondents thought appellant was not proceeding diligently with the water work. However, those terms, as they appear in §42-204, must relate to diligence and good faith with respect to the litigation since the statute assumes "the applicant is prevented from proceeding with his work." I find nothing in the record which would indicate the appellant was not proceeding diligently and in good faith in his trials with the United States. The conclusion of the affiant is not supported by the record.

Now, are the applications for extensions by appellant timely? Respondents contend the August 23d, 1971, application which was denied by respondents was almost 2 months too late; that is to say, it was not filed prior to June 26, 1971, one date for the submission of proofs. However, on August 16, 1971, respondents reinstated the permit and extended the time for proofs to September 6, 1971. Before the latter date, and on August 23, 1971, appellant applied for extension of time, making substantially the same showing as before, i.e., the delays in receiving final approval or rejection of the desert land entry.

Respondents contend that §218a of Title 42, I.C., merely provides a grace period of up to 60 days for the appellant to submit proofs under the last date for proofs set by respondents. The statute does not read thus, nor can I find that meaning in the language. It seems to me the section simply permits appellant to apply for reinstatement within the 60 days, whereupon the respondents can exercise discretion on the issue of whether to reinstate the permit. In this case it was reinstated; additionally, respondents set a new date for proofs.

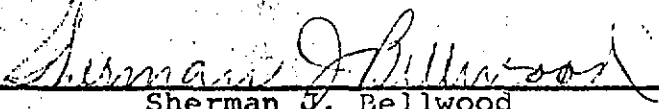
Under §42-218a, I.C., the reinstatement should have advanced the priority date of the permit. Under the statutory formula for advancement of priority date, the new priority would be 21 days after what would otherwise have been the priority date of the permit.

Respondents also expand by affidavit the reasons for denial of appellants application for extension of time by saying the denial was based on §42-233a, I.C., the area being "critical ground water area." I do not read the statute thusly. Applications for permits may be denied under the statute; but applications for extensions of time? No. The permit was in existence before the area was declared "critical."

In my opinion the appellant is entitled to judgment invalidating respondents' denial order of September 10, 1971, and directing the respondents to grant appellant an extension of time within which to file proof of completion of works and beneficial use under said permit

and in accordance with the views herein expressed, with costs to
appellant.

Dated May 18, 1973.


Sherman J. Bellwood
District Judge

cc: Mr. Thomas H. Church

Mr. Nathan W. Higer, Asst. Attorney General

43 2408

6-24882 - 43/2408

DENNIS D. BIGGERS

FILED APRIL 23, 1954

4.0 CFS P/O SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 33

200 ACRES SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 33 13527E

PERMIT ISSUED APRIL 27, 1954

PROOF DUE APRIL 27, 1959

AMENDMENT May 21, 1954

ADDED ADJACENT P/O SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 4 145 27E

LAND LIST CHANGED TO S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 33 135 27E

N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 4 145 27E

SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 4 145 27E

PROOF DUE NOTICE - 2/1/59 - EXT BY MAND - 2/10/59

EXTENSION - JUN 29 - 64 TO JUN 26, 1969
DLE GRANTED

Well log 7/5/67 - NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 33

MAY 12, 1969 - ASSIGNED TO CHESTER J. BISHOP

JUNE 2, 1969 - Request for extension of time

JUNE 10, 1969 - GRANTED EXTENSION TO JUNE 26, 1971

FOR ~~PROBING~~ ~~THE~~ THE WELL

PRODUCTION TURN UNDER

APRIL 1, 1971 - PROOF DUE NOTICE - CERTIFIED

Signed & Received by Betty Bishop

JULY 2, 1971 - NOTICE OF LAPSE

JULY 17, 1971 - ~~The~~ Letter request for reinstatement
Aug 18, 1971 - Reply letter - received B/H PROOF would reinstatement if we

AUG 24, 1971 - Request for extension

SEPT 10, 1971 - Denied extension request - sent by
certified mail - Received by
Mrs. Bishop

June 5, 1973

Re: Permit No. 43-2408

Chester I. Bishop
1203 Sears Drive
Ontario, Oregon 97014

Dear Mr. Bishop:

Enclosed please find an Order which approves the extension of time and reinstates Permit No. 43-2408. You will note that the priority has been advanced to May 14, 1974.

The time within which to submit proof of beneficial use has been advanced to June 26, 1974.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

jc
Enclosure

43 2408

September 29, 1971

Re: Permit No. G-24882/43-2408 - Chester I. Bishop

T. H. Church
1354 Albion Avenue
Burley, Idaho 83318

Dear Mr. Church:

We are enclosing three certified copies of the Denied application for extension of time submitted to the Department on August 24, 1971.

Fees for the certified copies will be \$4.50. If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cr

Enc: certified copies (3)

43 2408

THOMAS H. CHURCH
PETER K. CHURCH
PETER G. SNOW

CHURCH, CHURCH & SNOW
ATTORNEYS AT LAW
1354 ALBION AVENUE
BURLEY, IDAHO 83318

P. O. BOX 216
TELEPHONE 678-9088
AREA CODE 208

September 24, 1971

RECEIVED
SEP 27 1971
Department of Water Administration

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

Re: Permit No. G-24882/43-2408

Dear Mr. Higginson:

Would you please forward to this office three certified copies of the order denying the Application for Extension of Time in regard to the above permit.

Thank you.

Very truly yours,

CHURCH, CHURCH & SNOW

T. H. Church

T. H. Church

rmd

THC/rmd

43 2408

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.

☐

Show to whom, date and address
where delivered

☐

Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

23072

1

[Handwritten Signature]

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

13 2408

SHOW WHERE DELIVERED (*only if requested*)

3

9-1-57

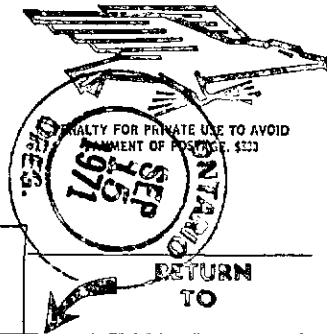
13-2408

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

POD Form 3811 Apr. 1965 7-65-10-71648-11

POSTMARK OF DELIVERING OFFICE

Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Moisten gummed ends and attach this card to back of article.



DEPARTMENT OF POSTS AND TELEGRAPHS

STATIONER

POSTAGE WILL BE PAID BY ADDRESSEE

43 2408

September 14, 1971

Re: Permit No. G-24882/43-2408

Mr. Chester I. Bishop
1203 Sears Drive
Ontario, Oregon 97914

Dear Mr. Bishop:

Enclosed please find a copy of the DENIED application for extension of time in connection with the above referenced permit. If you have any questions regarding this matter, please contact this office.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosure

cc: T. H. Church
Attorney-at-law

CERTIFIED MAIL # 23072

43 2408

September 10, 1971

Mr. T. H. Church
Church, Church & Snow
1354 Albion Avenue
Burley, Idaho 83318

Dear Mr. Church:

Enclosed is a copy of the request for extension of time filed by Mr. Chester I. Bishop in connection with his Permit 43 2408 which we have denied for the reason that it was not timely filed and that the Department has no authority to reinstate a permit except upon a finding of error on the part of the Department.

We regret that we have to take this position concerning this matter, but we feel that we have no other choice under the circumstances. If we were to reinstate every permit on which we received a request where the applicant failed to meet the statutory requirements we feel such action would violate the basis for the statutory appropriation of water.

If you have any further questions concerning this matter, please let me know.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:pk

cc: Chester I. Bishop

Enclosure

43 2408

CHURCH, CHURCH & SNOW

THOMAS H. CHURCH
PETER K. CHURCH
PETER G. SNOW

ATTORNEYS AT LAW
1354 ALBION AVENUE
BURLEY, IDAHO 83318

P. O. BOX 216
TELEPHONE 678-9088
AREA CODE 208

Mr. Keith Higginson
State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

RECEIVED
DEPARTMENT OF WATER ADMINISTRATION
BOISE, IDAHO

Re: Permit No. 43-2408 - Permit
to Appropriate Public Water

Dear Mr. Higginson:

Enclosed please find an Application for Extension of Time within which to submit final proof of completion of works and beneficial use on the above-numbered permit. I represent Mr. Bishop in this matter, and have no way of knowing at this time how long the government will take to issue a decision on the hearing scheduled for September 27, 1971, which hearing initiated as a contest by the Bureau of Land Management Department of Interior in regard to the Desert Land Entry 05069. In my opinion, it will take at least six months to a year before the same is finally determined, because it is very likely that upon the decision being made after the hearing, that one side or the other will appeal such decision. If it is adverse to Mr. Bishop, of course, we will appeal. Until the final decision is made, Mr. Bishop, under the circumstances, does not wish to go further with any development of the land and water systems. Therefore, we respectfully request that the extension of time be granted.

Very truly yours,

CHURCH, CHURCH & SNOW

T. H. Church
T. H. Church

THC/rmd
Enclosure

43 2408

X

August 16, 1971

Mr. T. H. Church, Attorney
Church, Church & Snow
Attorneys at Law
1354 Albion Avenue
Burley, Idaho 83318

Re: Permit No. 43-2408 and 43-2409

Dear Mr. Church:

This is in response to your letter dated July 17, 1971, in which you referred to the permits held by Chester I. and Betty L. Bishop, number 43-2408 and 43-2409.

As you are probably aware, permit 43-2408 required that proof of construction of works and beneficial use of water be submitted to this office on or before June 26, 1971. Notice of this requirement was forwarded to Mr. Bishop by certified mail on April 1, 1971. The return receipt card indicates that his wife, Betty Bishop, received the notice. Since no request for an extension of time was received and the proof was not submitted, the application automatically lapsed. It is the policy of this office that we will not reinstate lapsed permits unless we can find that the Department made an error in its notices or other action.

In this case we will, however, accept a completed proof of beneficial use as satisfying the requirements of the permit and will reinstate it so that a license can be issued confirming the water use developed. However, this proof must be submitted within sixty days of the July 7 notice of lapsing.

With regard to permit 43-2409, proof of beneficial use is due on October 15, 1971. I am enclosing a form which we suggest be used by Mrs. Bishop to request an extension of time and in which she can describe the delays caused by the problems in obtaining approval from the Bureau of Land Management.

If you wish to discuss either of these matters with me, please let me know.

Very truly yours,

R. KEITH HIGGINSON
Director

RKE:pk

Enclosure

2408

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse -- Annex 2

Boise, Idaho 83707

(208) 384-2215

EXHIBIT "B"



R. Keith Higginson
Director

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

July 7, 1971

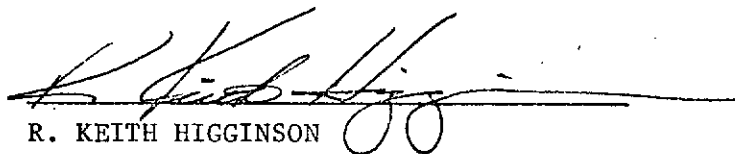
Re: Permit No. G-24882/43-2408

Chester L. Bishop
1203 Sears Drive
Ontario, Oregon 97914

Dear Mr. Bishop:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, Permit G-24882/43-2408 has lapsed.

You are further advised that the Department cannot reinstate the permit except upon a showing of reasonable cause within sixty days from the date of this notice of lapsing.


R. KEITH HIGGINSON
Director

RKH:DR

43 2408

EXHIBIT "A"

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.



Show to whom, date and address
where delivered



Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

22606

①

Chester Bishop

②

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Arthur Bishop

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED (*only if requested*)

4-2-71

③

43 2408

43-2408

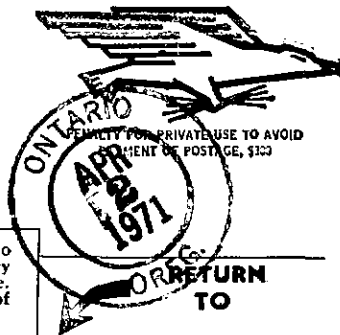
POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

655-16-7154B-11

POD Form 3811 Apr 1969

POSTMARK OF DELIVERING OFFICE

Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Moisten gummed ends and attach this card to back of article.



43 2408

EXHIBIT "A"

April 1, 1971

CERTIFIED MAIL *#22606*

Re: Permit No. G-24882/43-2408

Chester L. Bishop
1203 Sears Drive
Ontario, Oregon 97914

Dear Mr. Bishop:

One of the conditions of approval of your water Permit No. G-24882/43-2408 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before June 26, 1971. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

R. Keith Higginson

R. KEITH HIGGINSON
Director

Enc: Proof affidavit
dr

August 11, 1970

Re: G-24882/43-2408

Mr. Chester L. Bishop
1203 Sears Drive
Ontario, Oregon 97914

Dear Mr. Bishop:

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

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

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

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DG

Enc: order
advertising package

24882
43-2408

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Chester L. Bishop, 1203 Sears Dr., Ontario,
Oregon has received an approved Permit No.
G-24882/43-2408 issued by the Idaho Department of Water Administration author-
izing the diversion ~~storage~~ of 4.0 cubic feet per second ~~acre/feet~~
~~per/annum~~ of water from a ground water source.
The priority to be established under this permit is April 23, 1954
and the permit was approved April 27, 1954.

Water is to be diverted by well, pump, and ditches
from a point within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T. 13 S, R. 27 E, B. M., Cassia
County
to be used for domestic and irrigation purposes
in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 33, T. 13 S, R. 27 E, B. M.

Proof of the application of the water to beneficial use is to be sub-
mitted to the Department on or before June 26, 1971. Any protests
against the issuance of the license for the above referenced permit should
be filed with the Idaho Department of Water Administration within ten (10)
days of the last date of publication of this notice or prior to the licensing
of the permit. Licensing may commence prior to the date beneficial use proof
is due without further notice.

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

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

24882
43-240

subject to the condition that the amount of water developed shall be limited to the amount determined by inspection at the time of the approval of this application and ~~that~~ the capacity of the equipment installed upon the well at that time.

Limit to water developed and existing well.

2 up

1. enclosed field plans
- * determine amount of water produced from well.
2. Note serial number, type & size of equipment on well.

June 10, 1969

Re: Permit No. 43-2408

Chester L. Bishop
1203 Sears Drive
Ontario, Oregon 97914

Dear Mr. Bishop:

Enclosed please find a copy of the APPROVED application for extension of time; extending the time within which to submit proof of beneficial use for the above referenced permit to June 26, 1971. Please note the condition under which this extension of time is allowed.

The Department will notify you 60 days in advance of the proof of beneficial use due date.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DRR:DR

Enc: Copy of extension of time

24882
43-2408

1203 Sears Drive
Ontario, Oregon 97914
May 21, 1969

RECEIVED

JUN 2 1969

Department of Reclamation

Mr. Donald W. McEldowney
Appropriation Examiner
State of Idaho Department of Reclamation
Statehouse -- Annex 2
Boise, Idaho 83707

Re: Permit No. 43-2408

Dear Sir:

I am enclosing herewith my application for an extension of time within which to submit final proof on the above-captioned water permit. As is shown by the affidavit, at this time the matter of my desert entry is still pending, even though I submitted final proof in June of 1968.

Because of the uncertainty in the matter, I have not levelled and prepared all of the appurtenant ground in my desert entry for the beneficial use of water produced out of the well that was drilled on my property. If for any reason my entry is disallowed, it would seem fruitless to go to the added expense of levelling the balance of the ground so that the same could be irrigated. On the other hand, if my entry is allowed, I want to immediately level and prepare the balance of the ground so as to be able to beneficially use the water produced from the well drilled on my property.

Very truly yours,



Chester I. Bishop

CIB
Encl.

x

24882
43-2408

May 19, 1969

Re: Permit Nos. 43-2408 and 43-2409

Mr. T. R. Church
Church, Church, and Snow
1354 Albion Avenue
Burley, Idaho

Dear Mr. Church:

Please find enclosed forms to be used for requesting extensions of time for the above referenced permits. Please find also enclosed copies of the assignments that have been recorded in the Department's records. If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McElDowney
Appropriation Examiner

DWM:TG

Enc: copies of assignments
extension forms

24882
43-2408

CHURCH, CHURCH & SNOW

ATTORNEYS AT LAW
1354 ALBION AVENUE
BURLEY, IDAHO 83318

THOMAS H. CHURCH
PETER K. CHURCH
PETER, G. SNOW

P. O. BOX 216
TELEPHONE 678-9088
AREA CODE 208

MAY 1969

Department of Reclamation

May 9, 1969

State of Idaho
Department of Reclamation
614 State Street
Boise, Idaho 83702

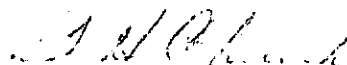
Re: Permit Number 43 2408 and Permit Number 43 2409

Gentlemen:

In regard to the above-captioned permits, please find enclosed herewith duly executed and notarized Assignments of Permit from Dennis and Phebe Biggers to Chester and Betty Bishop.

Very truly yours,

CHURCH, CHURCH & SNOW



T.H. Church

THC:bjm

bjm

Encls.

24882
43-2408

April 30, 1969

RE: Permit No. 43-2408 and 43-2409

Phebe Biggers
448 Main Avenue South
Twin Falls, Idaho 83301

Dear Mrs. Biggers:

Our records indicate that you have two permits that are still registered in your name. The first one is 43-2408 in the name of Dennis D. Biggers for 200 inches of water and issued April 23, 1954. The date set for proof on this permit is June 26, 1969. The other permit, 43-2409, is in the name of Phebe F. Biggers for 320 inches of water issued on April 23, 1954. The date set for proof on this well is October 15, 1969.

Since you no longer have the land you should assign the permits to Mr. Bishop in order that he can make proof on the wells if they are drilled and are being used. If the proofs are not made stating the water is used on the land for beneficial use as described in the permits they will be cancelled.

We are enclosing assignment forms for your use in case you desire to assign the permits to Mr. Bishop so he can make the proof.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

24882

43-2402

24882-24882

Certain

200 4/23/54 4/26/54
43-2408- Dennis D. Biggers
43-2409- Phoebe Biggers
320 4/22/54
10/5/57

8 Main Ave So
Twin Falls, Ida 83301

RECEIVED 1969

APR 25 1969

Department of Reclamation
Att of Water Permit Department
State House, Boise, Idaho 83701

Department of Reclamation

Dear Sirs!

Help Wanted! About 15 years ago Phoebe Biggers
and D D Biggers filed on some land near Malta Ida
Phoebe R 278-T13 Sec 33 SE $\frac{1}{2}$ of N - S $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec 33
Sec 34 N $\frac{1}{2}$ of SE $\frac{1}{4}$ SW $\frac{1}{4}$ of NW $\frac{1}{4}$

DD R 278 T 13 S $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec 33
N $\frac{1}{2}$ of NE $\frac{1}{4}$
SW $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec 4
T 14 R 21

Settlemen brought suit that government had
classified land wrong but after many suits and up
our capital we were told we could go on the land but
had to relinquish the land to Clarence Bishop of Burley Idaho
Of course the water permits which we got from you went with
the land. Here is our trouble he says he does not now
have the permit and wants us to fill out a relinquishment of
that permit but it looks like to me we should have
some designation as to the number of the permit which
was given to drill on that land and we hoped you might
be able to help us by supplying these permit numbers. These
permits should have been used about 5 years ago and we
have no land near Malta now. We'll appreciate any help
you can give and would like to be sure I am doing this
legally.

Very Truly
Phoebe Biggers

24882
43-2408

March 6, 1969

Re: Permit No. 43-2409 (G-24883)
Phebe F. Biggers

Mr. T. H. Church
Church, Church & Snow
Attorneys at Law
1354 Albion Avenue
Burley, Idaho 83318

Dear Mr. Church:

We are in receipt of your letter of February 21, 1969 in connection with the above referenced permit.

In researching the file for Permit No. G-24883, we have failed to find any indication of assignment or stipulations between the permit holder, Phebe F. Biggers, and any other party.

Also, as to your second letter of February 21, 1969, please be advised that Permit No. G-24882 has been renumbered to 43-2408. As you can see, Permit No. G-24883 has likewise been renumbered to 43-2409.

If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

enclosure: none

24 782

43-2408

FEB 24 1969

THOMAS H. CHURCH
PETER K. CHURCH
PETER G. SNOW

CHURCH, CHURCH & SNOW
ATTORNEYS AT LAW
1354 ALBION AVENUE
BURLEY, IDAHO 83318

Department of Reclamation

P. O. BOX 216
TELEPHONE 678-9088
AREA CODE 208

February 21, 1969

Donald W. McEldowney
Appropriation Examiner
State Department of Reclamation
107 Statehouse
Boise, Idaho 83701

Re: Dennis D. Biggers -- Water Permit

Dear Mr. McEldowney:

We received your letter of February 18, 1969, concerning the Dennis D. Biggers or Chester I. Bishop water permit. In your letter you refer to Permit No. 43-2408; our file reflects that the Permit Number originally given to Dennis D. Biggers was No. G-24882. Would you please advise me if you have changed the original numbers or if we are talking about two different permits.

Very truly yours,

CHURCH, CHURCH & SNOW

T. H. Church

THC:LS

24882

43-2408

February 13, 1969

Re; Permit No. 43-2408
Dennis D. Biggers

Mr. T. H. Church
Church, Church and Snow
Attorneys at Law
1354 Albion Avenue
Burley, Idaho 83318

Dear Mr. Church:

Thank you for your letter of January 22, 1969 concerning the above referenced permit. In researching our records we have not found an assignment recorded with the Department of Reclamation; therefore, our records indicated that the permit still belonged to Dennis D. Biggers. We are enclosing an assignment form for your use in having the permit assigned to Mr. Chester I. Bishop and securing Permit No. 43-2408.

As you are aware, proof of beneficial use is required on or before June 26, 1969. In order for the Department to send out the correct proof forms, it would be best if the assignment of this permit is submitted as soon as possible.

Your assistance in this matter is appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks

enclosure: Assignment form

24882
43-2408

RECEIVED

JAN 24 1969

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-24882

Department of Reclamation

Comes now DENNIS D. BIGGERS and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-24882.

That the point of diversion is described in said permit as being located in the $SE\frac{1}{4}SE\frac{1}{4}$ Section 33, Township 13 South, Range 27 East B.M. and the place of use of said water is described as being in the $SE\frac{1}{4}NE\frac{1}{4}$ and $SE\frac{1}{4}$ Section 33, Township 13 South, Range 27 East B.M.

That he now requests that an additional point of diversion be added, located in the $SW\frac{1}{4}NE\frac{1}{4}$ Section 4, Township 14 South, Range 27 East B.M. and that the land to be irrigated be changed to the $S\frac{1}{2}SE\frac{1}{4}$ Section 33, Township 13 South, Range 27 East B. M. and the $N\frac{1}{2}NE\frac{1}{4}$ and $SW\frac{1}{4}NE\frac{1}{4}$ Section 4, Township 14 South, Range 27 East B.M.

That his reasons for desiring to make such change are as follows:
This permit is in connection with a desert land entry, which was not allowed as originally filed.

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

Signed at Boise, this 21st day of May, 1954.

Dennis D. Biggers

Date of receipt at Department of Reclamation May 21, 1954

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-24882. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Mark R. Kulp
State Reclamation Engineer

alta

24882

43-2408

RECEIVED

Copy

JAN 24 1969

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Department of Reclamation

Whereas, Permit No. G24882, in the name of Dennis D. Biggers requires proofs of completion of works and beneficial use to be made on or before April 27 1959 and,

WHEREAS, said permit was issued in connection with Desert Land Entry Serial #05069; and,

WHEREAS, Applicant was prevented from proceeding with construction pending allowance of said Desert Land Entry, which was not allowed until June 26 1964;

Now, THEREFORE, An extension of Time is allowed for the completion of Works and Beneficial Use Proofs on Permit No G24882 to June 26 1969. or the length of time the applicant was prevented from proceeding pending allowance of his Desert Land Entry and a similar extension is allowed for every other act required under the terms and conditions of Permit No G-24882

Signed at Boise, Idaho, this 20th day of
June 1964.

Ralph Thomas
Deputy State Reclamation Engineer

Copy

RE; Permit No G24882
Dennis D. Biggers

Bureau of Land Management
Box 2237
Boise, Idaho
Gentlemen:

Enclosed is an extension of time on permit No G24882 Idaho
Serial #05069 in the name of Dennis D. Biggers

Very truly yours

Ralph Thomas
Deputy State Reclamation Engineer

24882
43-2408

RECEIVED

JAN 24 1969

CHURCH, CHURCH & SNOW

ATTORNEYS AT LAW
1354 ALBION AVENUE
BURLEY, IDAHO 83318

Department of Reclamation

P. O. BOX 216
TELEPHONE 678-9088
AREA CODE 208

THOMAS H. CHURCH
PETER K. CHURCH
PETER G. SNOW

January 22, 1969

Mr. Donald W. McEldowney
Appropriation Examiner
State Department of Reclamation
107 Statehouse
Boise, Idaho 83701

Re: D. D. Biggers Water Permit

Dear Mr. McEldowney:

Mr. Biggers forwarded your letter of October 8, 1968 in regard to the above-captioned matter to Mr. Chester I. Bishop who, in turn, brought the letter to me.

In 1966, Mr. Biggers transferred his desert entry, together with the water permit, to Mr. Chester I. Bishop. Mr. Biggers did have a water permit which is No. G-24882. The water permit was amended and also extended. I am herewith enclosing copies of both the applications and orders.

Very truly yours,

CHURCH, CHURCH & SNOW

T. H. Church

T. H. Church

THC:LS
Encl.

24882

43-2408

43-2408

24883

REPORT OF WELL DRILLER
State of IdahoReceived
Dept. of Reclamation
1-5-67

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

WELL OWNER:

Name Mr. Phelan Rogers
Address Twin Falls, IdahoOwner's Permit No. G-24883NATURE OF WORK (check): Replacement well ☐
New well ☒ Deepened ☐ Abandoned ☐Water is to be used for: irrigationMETHOD OF CONSTRUCTION: Rotary ☐ Cable ☒
Dug ☐ Other ☐

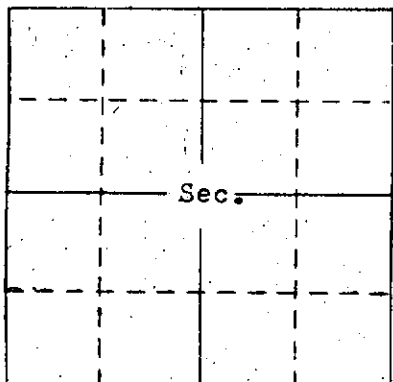
(explain)

CASING SCHEDULE: Threaded ☐ Welded ☒20" "Diam. from 0 ft. to 302 1/2 ft."Diam. from ft. to ft."Diam. from ft. to ft."Diam. from ft. to ft.Thickness of casing: 1/4 Material:Steel ☐ concrete ☐ wood ☐ other ☐

(explain)

PERFORATED? Yes ☒ No ☐ Type of
perforator used: MillsSize of perforations: 3/8 " by 3 "902 perforations from 69 ft. to 300 ft.perforations from ft. to ft.perforations from ft. to ft.perforations from ft. to ft.WAS SCREEN INSTALLED? Yes ☐ No ☐Manufacturer's name Type Model No. Diam. Slot size Set from ft. to ft.Diam. Slot size Set from ft. to ft.CONSTRUCTION: Well gravel packed? Yes ☐No. ☐ size of gravel Gravelplaced from ft. to ft. Surface sealprovided? Yes ☐ No ☐ To what depth? ft. Material used in seal: Did any strata contain unusable water? Yes ☒No. ☐ Type of water: WETDepth of strata ft. Method of sealingstrata off: Surface casing used? Yes ☐ No ☐Cemented in place? Yes ☐ No ☐

Locate well in section

LOCATION OF WELL: County CarrollE 1/2 NE 1/4 Sec. 34 T. 13 N/S R. 27 E/W

of NW 1/4

Use other side for additional remarks

Size of drilled hole: 20 Total
depth of well: 800 Standing water
level below ground: 69 Temp.
Fahr. ° Test delivery: 2880 gpm
or cfs Pump? ☐ Bail ☐
Size of pump and motor used to make test:Length of time of test: 5 Hrs. Min.Drawdown: 186 ft. Artesian pressure: ft.above land surface Give flow cfsor gpm. Shutoff pressure:Controlled by: Valve ☐ Cap ☐ Plug ☐No control ☐ Does well leak around casing?Yes ☐ No ☐

DEPTH MATERIAL WATER

FROM TO YES OR NO

FEET FEET

0 12 Soil12 17 gravel17 25 hard pan25 60 Red sandy clay some gravel60 70 Tan clay70 95 gray gravel & clay95 130 tan clay130 135 white clay135 160 brown sandy clay160 164 stitchy clay164 175 stitchy clay175 224 brown sandy clay224 239 stitchy clay239 307 gray soft sandstone307 335 brown hard clay & gravel335 392 white clay with grit392 412 gray solid sandstone412 430 peat gravel430 450 black clay450 535 black clay535 620 gray & brown clay620 642 gray & brown clay642 670 brown sandy clay with gravel670 690 green sandy clay with grit690 764 green sandstone with grit764 775 green clay some grit775 800 stitchy clayWork started: 5/20/64Work finished: 5/29/64Well Driller's Statement: This well was
drilled under my supervision and this report
is true to the best of my knowledge.Name: C. D. RogersAddress: 732 W. 20thSigned by: Phelan RogersLicense No. 107 Date: 5/29/64

24882

43-2408

REPORT OF WELL DRILLER
State of Idaho

Received
Dist. B. Belmont
1-5-67

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

43-2408

WELL OWNER:

Name D. D. Biggs
Address Twin Falls, Idaho

Owner's Permit No. G-24882

NATURE OF WORK (check): Replacement well ☐

New well ☐ Deepened ☐ Abandoned ☐

Water is to be used for: irrigation

METHOD OF CONSTRUCTION: Rotary ☐ Cable ☐

Dug ☐ Other ☐

(explain)

CASING SCHEDULE: Threaded ☐ Welded ☒

22" Diam. from 0 ft. to 60 ft.

18" Diam. from 40 ft. to 186'9" ft.

16" Diam. from 137 ft. to 304 ft.

16" Diam. from ft. to ft.

Thickness of casing: 1/4 Material:

Steel ☐ concrete ☐ wood ☐ other ☐

(explain)

PERFORATED? Yes ☒ No ☐ Type of

perforator used: rock

Size of perforations: 1/4" by 6"

perforations from 46 ft. to 304 ft.

perforations from ft. to ft.

perforations from ft. to ft.

perforations from ft. to ft.

WAS SCREEN INSTALLED? Yes ☐ No ☐

Manufacturer's name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

CONSTRUCTION: Well gravel packed? Yes ☐

No ☐ size of gravel Gravel

placed from ft. to ft. Surface seal

provided? Yes ☐ No ☐ To what depth?

 ft. Material used in seal:

Did any strata contain unusable water? Yes ☒

No ☐ Type of water:

Depth of strata ft. Method of sealing

strata off:

Surface casing used? Yes ☐ No ☐

Cemented in place? Yes ☐ No ☐

Locate well in section

LOCATION OF WELL: County Cassia

NE 1/4 SE 1/4 Sec. 33 T. 13 N/S R. 27 E/W

Use other side for additional remarks

Size of drilled hole: 22" Total
depth of well: 500 Standing water
level below ground: 47 ft Temp.
Fahr. ° Test delivery: 1800 gpm
or cfs Pump? ☐ Bail ☐

Size of pump and motor used to make test:

Length of time of test: 5 Hrs. Min.

Drawdown: ft. Artesian pressure: ft.

above land surface Give flow cfs

or gpm. Shutoff pressure:

Controlled by: Valve ☐ Cap ☐ Plug ☐

No control ☐ Does well leak around casing?

Yes ☐ No ☐

DEPTH		MATERIAL	WATER YES OR NO
FROM	TO		
FEET	FEET		

0	40	Loil	
40	50	Sand	
50	125	Sandy Clay	
105	113	Sandstone	
113	129	Clay	
129	235	Sandy Clay	
235	260	Sand	
260	300	Sandy Clay	
300	310	Clay	
310	312	Sandstone	
312	380	Sandy Clay	
380	415	Sandy Clay	
415	420	Sandstone	
420	457	Sandy Clay	
457	455	Clay	
455	457	Sandstone	
457	500	blue sandy Clay	

Work started: 5/15/64

Work finished: 6/2/64

Well Driller's Statement: This well was drilled under my supervision and this report is true to the best of my knowledge.

Name: C. D. Biggs

Address: 732 W 20th St, Twin Falls, Idaho

Signed by:

License No. 107 Date: 6/2/64

24882
43-2408

February 15, 1966

RE Permit No. G-24882, Dennis D. Biggers
G-24883, Phebe F. Biggers
G-26484, Lois Smith

Larry R. Duff
Duffin & Duff
Attorneys at Law
Box 61
Rupert, Idaho 83350

Dear Mr. Duff:

In reply to your inquiry of February 14, upon the completion of the statutory proofs in connection with Permits No. G-24882, G-24883, and G-26484 licenses will be issued for the amount of water actually put to use as determined by a field inspector from this department, but not to exceed the amount authorized by the permit.

The priority dates will be as stated in our letter of January 19 provided proofs are completed prior to the due date.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

Donald J. Watts
Office Engineer

DJW:mr

24882

June 29, 1964

RE: Permit No. G-24882

Dennis D. Biggers
448 Main Avenue South
Twin Falls, Idaho

Dear Mr. Biggers:

Enclosed is an extension of time for proof of completion of works and beneficial use of water under your permit to divert subterranean water for Desert Land Entry No. Idaho 05069 within the Raft River Valley.

Also enclosed is your application for permit to divert water for a Desert Land Entry within the Goose Creek Area, with attached check for \$8.50.

We presume you are no longer interested in the land in T. 12 S., R. 21 E., B. 11. now that your first entry has been allowed.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RJT:mr

Enc. extension
application
check

24882

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

WHEREAS, Permit No. G-24882, in the name of DENNIS D. BIGGERS, requires proofs of completion of works and beneficial use to be made on or before April 27, 1959; and,

WHEREAS, said Permit was issued in connection with Desert Land Entry Idaho Serial #05069; and,

WHEREAS, Applicant was prevented from proceeding with construction pending allowance of said Desert Land Entry, which was not allowed until June 26, 1964;

NOW, THEREFORE, An Extension of Time is allowed for Completion of Works and Beneficial Use Proofs on Permit No. G-24882 to June 26, 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 other act required under the terms and conditions of Permit No. G-24882.

Signed at Boise, Idaho, this 29th day of June, 1964.

Deputy State Reclamation Engineer

24882

June 29, 1964

RE: Permit No. G-24882
Dennis D. Biggers

Bureau of Land Management
Box 2237
Boise, Idaho

Gentlemen:

Enclosed is an extension of time on Permit No. G-24882, Idaho
Serial #05069, in the name of Dennis D. Biggers.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

Enc. extension

cc: Dennis D. Biggers

24882



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

IN REPLY REFER TO:

L:VSS
Idaho 05069

Land Office
P. O. Box 2237
Boise, Idaho

JUN 26 1964

RECEIVED

NOTICE OF ALLOWANCE

JUN 29 1964

Department of Reclamation

Dennis D. Biggers
448 Main St. South
Twin Falls, Idaho

Dear Mr. Biggers:

Your Desert Land Entry, Serial No. Idaho 05069,

Receipt No. 76492, for S. 36 Sec. 33, T. 14 S.,

R. 27 E.; Lots 1 & 2, S. 36 NE 1/4, Section 4,

Township 14 S., Range 27 E., Boise Meridian, Idaho,

containing 200.35 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.

24882
24882

Sincerely yours

Eugene E. Rabin

Eugene E. Rabin
Acting Land Office Manager

c.c. State Recl. Engr. ✓

24882

February 10, 1959

Re: Permit No. G-24882

STATUS OF PERMIT NO. G-24882
DENNIS D. BIGGERS
TWIN FALLS, IDAHO

Filed April 23, 1954 for 4 cubic feet per second from
subterranean flow, who filed Desert Entry on the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and
the SE $\frac{1}{4}$ of Section 33, Township 13 South, Range 27 East, B.M.

The Bureau of Land Management has not given Mr. Biggers
permission to go on said land and it is pending approval of
the Bureau of Land Management.

No action will be taken in regard to cancellation,
pending appeal or the approval of the Bureau of Land Management.

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

24882

February 10, 1959

Re: Permit No. G-24882

STATUS OF PERMIT NO. G-24882
DENNIS D. BIGGERS
TWIN FALLS, IDAHO

Filed April 23, 1954, for 4 cubic feet per second from subterranean flow, who filed Desert Entry on the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of Section 33, Township 13 South, Range 27 East, B.M.

The Bureau of Land Management has not given Mr. Biggers permission to go on said land and it is pending approval of the Bureau of Land Management.

No action will be taken in regard to cancellation, pending appeal or the approval of the Bureau of Land Management.

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

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

DEPARTMENT OF RECLAMATION

Boise, Idaho

RE: Permit No. G-24882

Date February 1, 1959

Dennis B. Biggers
448 Main Ave. South
Twin Falls, Idaho

Dear Sir:

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-24882 are due not later than April 27, 1959.

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

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

At the time we send the notice to the newspaper will 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

J 24882

✓
May 22, 1954

RE: Permits Nos. G-24882, G-24883

Mr. Dennis D. Biggers
448 Main Street
Twin Falls, Idaho

Dear Mr. Biggers:

We return your application for amendment to the point of diversion and land list in your permit No. G-24882; also, the application for amendment to the point of diversion and land list in Permit No. G-24883 of Phebe F. Biggers, which have been approved by the State Reclamation Engineer and recorded in this department.

By this same mail, we are sending two copies of each of these amendments to the Bureau of Land Management to be used in connection with desert land entries filed by you and Mrs. Biggers in that office.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

P 24882

May 22, 1954

RE: Permits Nos. G-24882, G-24883

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

Gentlemen:

We enclose two copies each of amendments to Permit No.
G-24882 in the name of Dennis D. Biggers and Permit No.
G-24883 in the name of Phebe F. Biggers.

These are to be used in connection with amended filings
for desert land entries.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.
cc Mr. Dennis D. Biggers

24882

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-24882

Comes now DENNIS D. BIGGERS and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-24882.

That the point of diversion is described in said permit as being located in the $SE\frac{1}{4}SE\frac{1}{4}$ Section 33, Township 13 South, Range 27 East B.M. and the place of use of said water is described as being in the $SE\frac{1}{4}NE\frac{1}{4}$ and $SE\frac{1}{4}$ Section 33, Township 13 South, Range 27 East B.M.

That he now requests that an additional point of diversion be added, located in the $SW\frac{1}{4}NE\frac{1}{4}$ Section 4, Township 14 South, Range 27 East B.M. and that the land to be irrigated be changed to the $S\frac{1}{2}SE\frac{1}{4}$ Section 33, Township 13 South, Range 27 East B. M. and the $N\frac{1}{2}NE\frac{1}{4}$ and $SW\frac{1}{4}NE\frac{1}{4}$ Section 4, Township 14 South, Range 27 East B.M.

That his reasons for desiring to make such change are as follows:
This permit is in connection with a desert land entry, which was not allowed as originally filed.

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

Signed at Boise, this 21st day of May, 1954.

Date of receipt at Department of Reclamation _____

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-24882. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

State Reclamation Engineer

24882

MAP TO ACCOMPANY APPLICATION FOR AMENDMENT TP PERMIT #24882

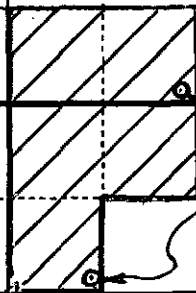
D.E.

R-27E

33

T.13S-R-27E

T.14S-R-27E



Points of Diversion - WELLS

May 1, 1954

RE: Permits Nos. G-24882 & G-24883

Idaho District Land Office
Federal Building
Boise, Idaho

Gentlemen:

At the request of Mr. Dennis Biggers we enclose Two copies of Permits Nos. G-24882 & G-24883, one of each of which have been certified, to be used in connection with Desert Land Entries made by Mr. Dennis Biggers and Phebe Biggers in your office.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br
Enc.
CC; Mr. Dennis Biggers

24882

May 1, 1954

RE: Permits Nos G-24882 & G-24883

Mr. Dennis D. Biggers
448 Main Ave S.
Twin Falls, Idaho

Dear Mr. Biggers:

We enclose Permits No. G-24882 in your own name and G-24883 in the name of Phebe Biggers and direct 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 sending two copies of each of these permits to the Idaho District Land Office to be used in connection with Desert Land Entries filed by you and Mrs. Biggers (one of each of which have been certified).

We also enclose departmental receipt No. G-524 for the \$16.25 filing fees.

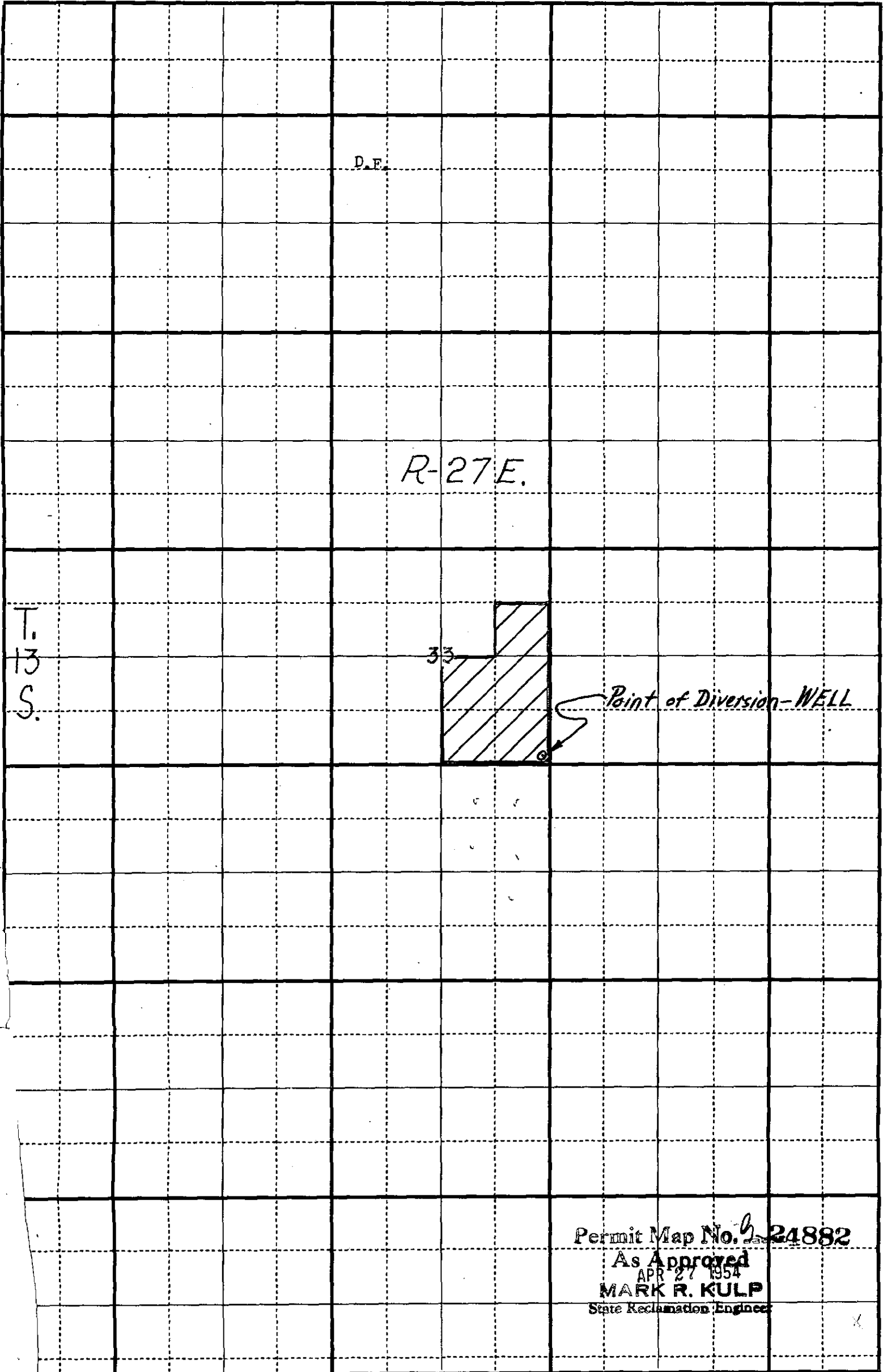
Very truly yours,

MARK R. KULF
State Reclamation Engineer
By

Chief Clerk

A:br
Enc.

G 24882



Permit Map No. 24882
As Approved
APR 27 1954
MARK R. KULP
State Reclamation Engineer