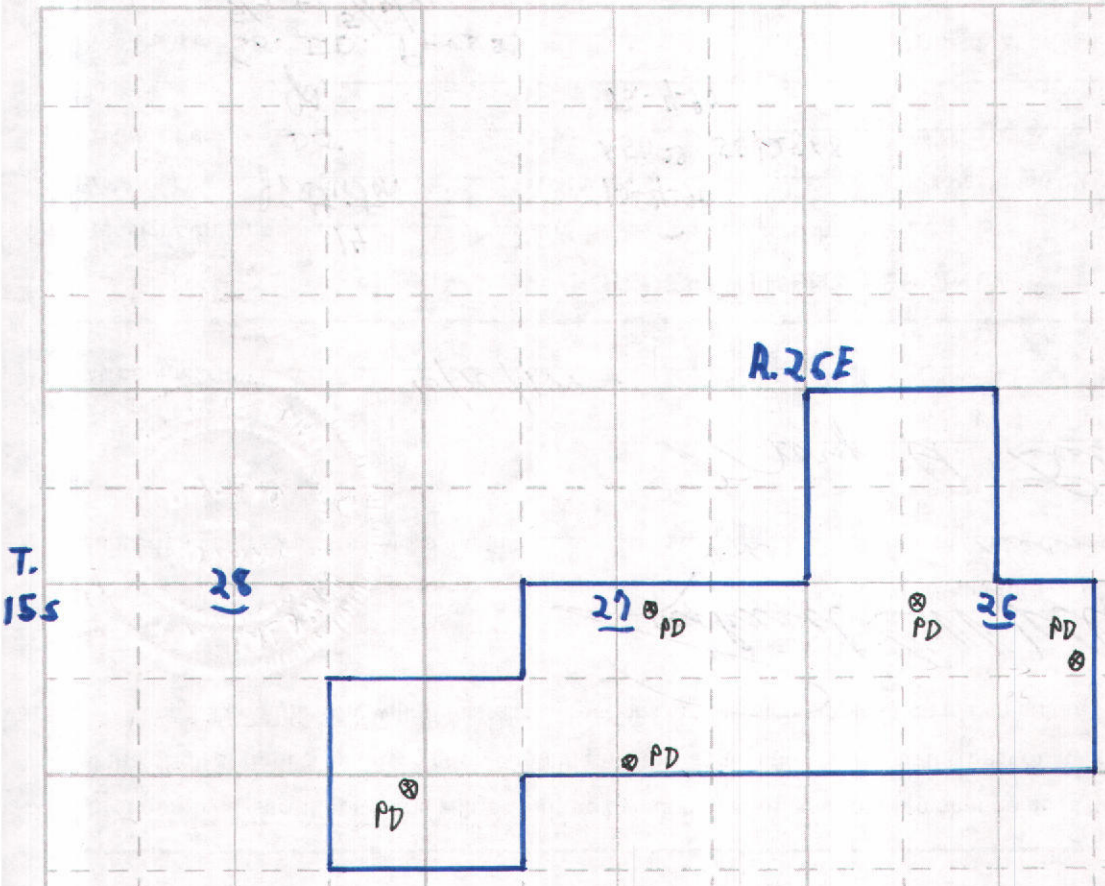
Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

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



MICROFILMED
MAY 18 1992

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


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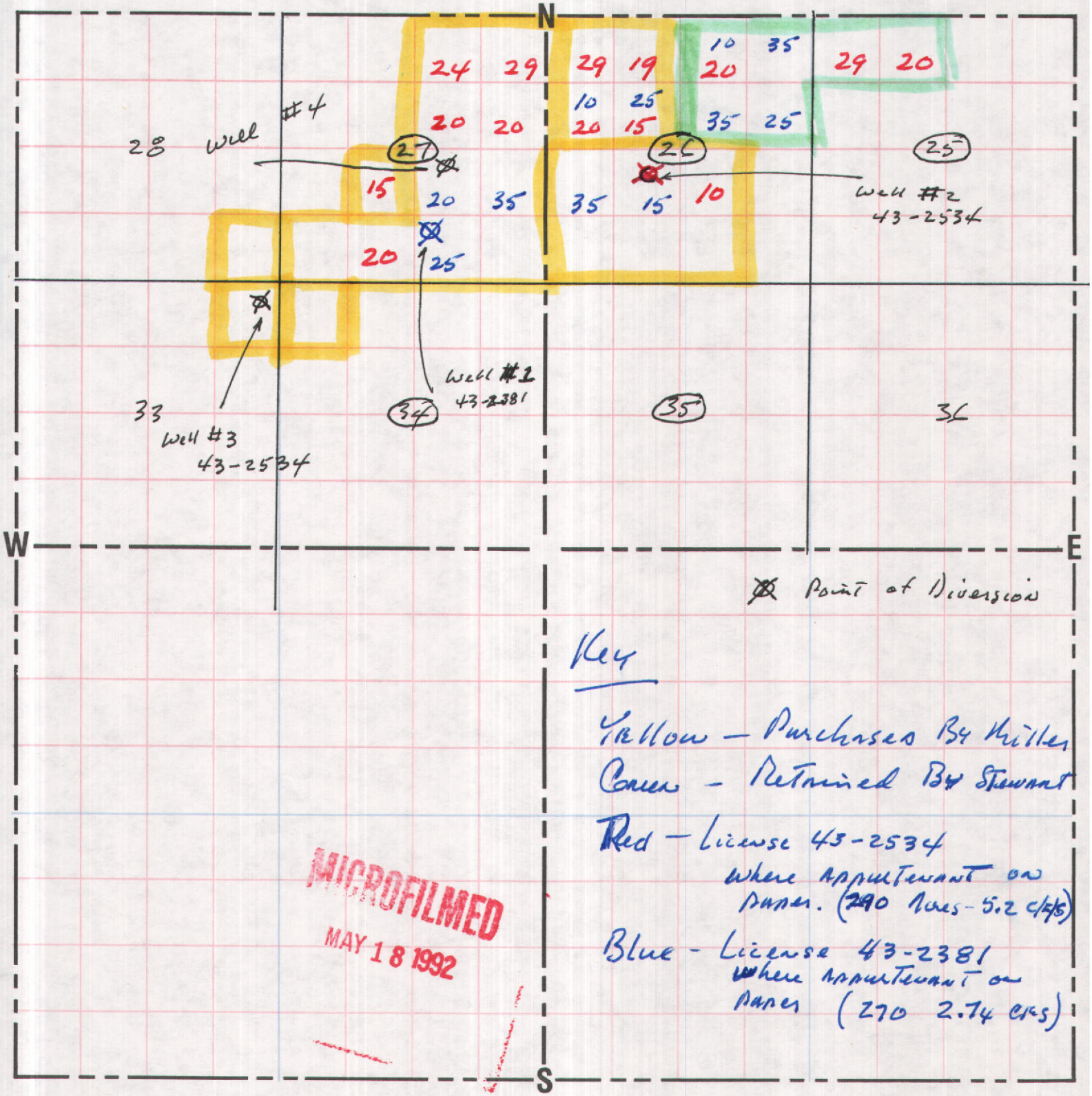

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EXHIBIT B

Richard L. Miller

T. 15 S, R. 26 E Bh

SCALE FOR SECTION, 660 Ft.=1 Inch { Each side large blue squares = 20 chains, 80 rods, 1320 feet; area of square 40 acres.
Each side small red squares = 5 chains, 20 rods, 330 feet; area of square 2½ acres.



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MAY 18 1992

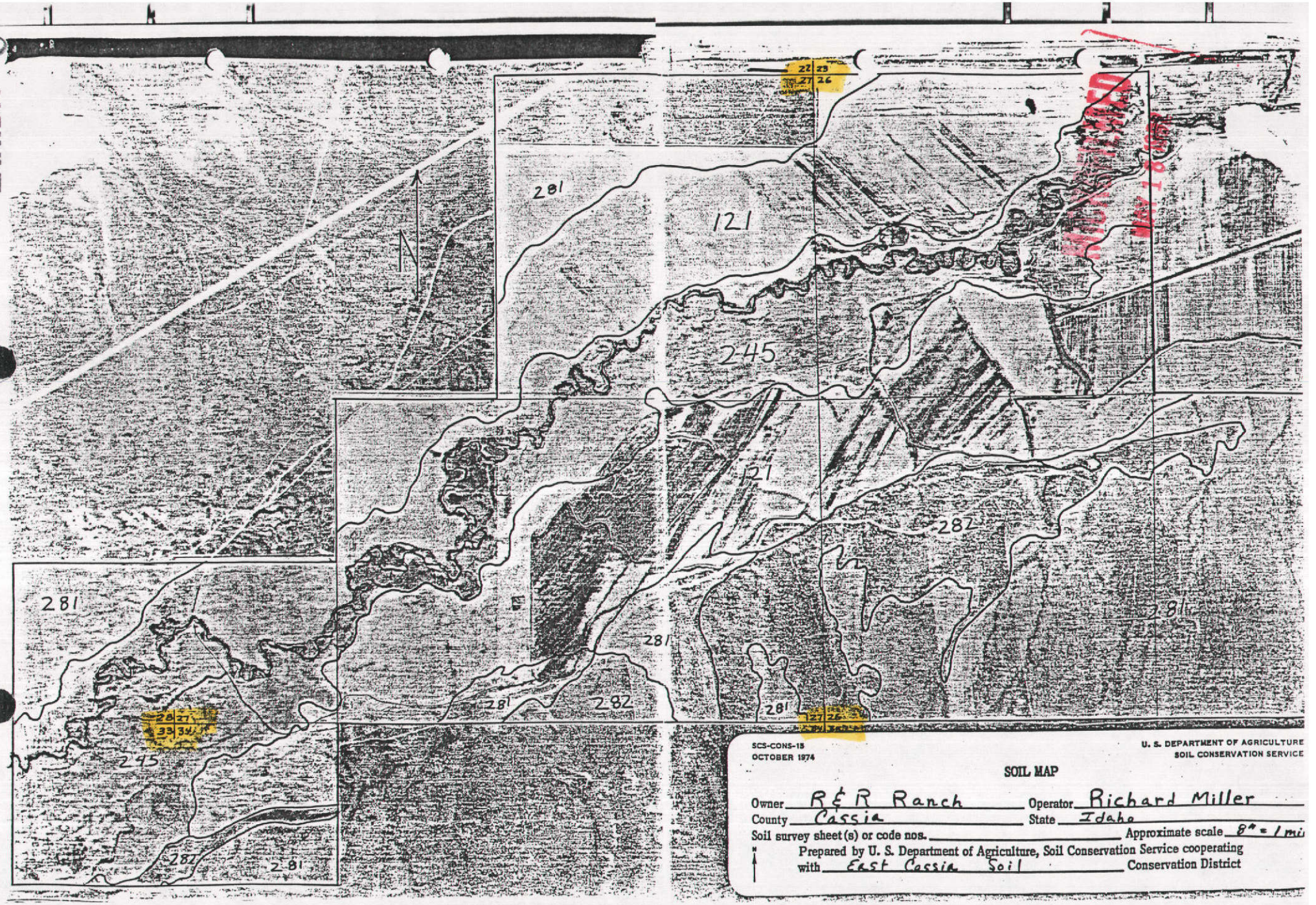
SCALE FOR QUARTER SECTION, 330 Ft.=1 Inch { Each side large blue squares = 10 chains, 40 rods, 660 feet; area of square 10 acres.
Each side small red squares = 2.5 chains, 10 rods, 165 feet; area of square .625 of 1 acre.

PRONTO LAND MEASURE 660-330 MAP SHEET

PRONTO LAND MEASURE
P.O. Box 3219, Flint, MI 48502
Phone (313) 235-4950

EXHIBIT B

EXHIBIT C



SCS-CONS-15
OCTOBER 1974

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SOIL MAP

Owner R & R Ranch Operator Richard Miller

County Cassia State Idaho

Soil survey sheet(s) or code nos. _____ Approximate scale 8" = 1 mi

Prepared by U. S. Department of Agriculture, Soil Conservation Service cooperating with East Cassia Soil Conservation District

POOR QUALITY

RECEIVED
JAN 2 1976
Department of Water Resources
Southern District Office

Transfer No. 1921

Application No. 43-2534

RECEIVED
NOV 10 1975
Department of Water Resources
Southern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

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

Name of applicant Halan B. Jensen Phone 678-2248 (office) 678-8112 (home)

Post office address 2227 Overland Avenue, Burley, Idaho 83318

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree to _____ (Name)
      in case of _____ vs _____
      dated _____ in _____ (Name of court) county of _____
   b. License No. 43-2534 issued by the Idaho Department of Water Resources
   c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
   Purchased from Vincent B. Tobin
3. Source of water Ground Water tributary to _____
4. Date of priority July 2, 1962
5. Water is used for the following purposes:
   amount 5.20 for Irrigation purposes from March 15 to Nov. 15
   amount _____ for _____ purposes from _____ to _____
   amount _____ for _____ purposes from _____ to _____
   (month/day — both dates inclusive)
6. Total amount of water under right: a. 5.20 cubic feet per second
   &/or
   b. _____ acre feet per annum
7. Location of original point of diversion is NE ¼ of SW ¼ of Section 26
   Township 15S Range 26E, B.M., in Cassia County
   Additional points of diversion, if any SW¼NE¼, Sec. 18, T. 15S, R. 27E, B.M. The water diverted within Sec. 18 is injected into the Raft River within the SW¼NE¼, Sec. 7, T. 15S, R. 27E, B.M. in exchange for water diverted from the Raft River within the SE¼SW¼, Sec. 22, T. 15S, Rge. 26E, B.M.
8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	26E	25					20	29											49
		26		20			19	29	20	15						10			113
		27	29	24	20	20					15			20					128

MICROFILMED
MAY 18 1992

Total number of acres to be irrigated 290

POOR QUALITY

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum

2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

a. Amount of water to be diverted 5.20 c.f.s. &/or _____ acre feet

b. Point(s) of diversion NE ¼ NE ¼, Section 33 Township 15S
Range 26E, B.M., Cassia County
Additional points NE¼SW¼, Sec. 26, Twp. 15S, Rge. 26E

c. Description of diverting works well, pump and distribution ditches

d. Describe the reasons for applying for a change in the point(s) of diversion
Desire to discontinue the present exchange with the Raft River

2. Change in place of use NO CHANGE

a. Describe the lands or place of use to which the right will be transferred:

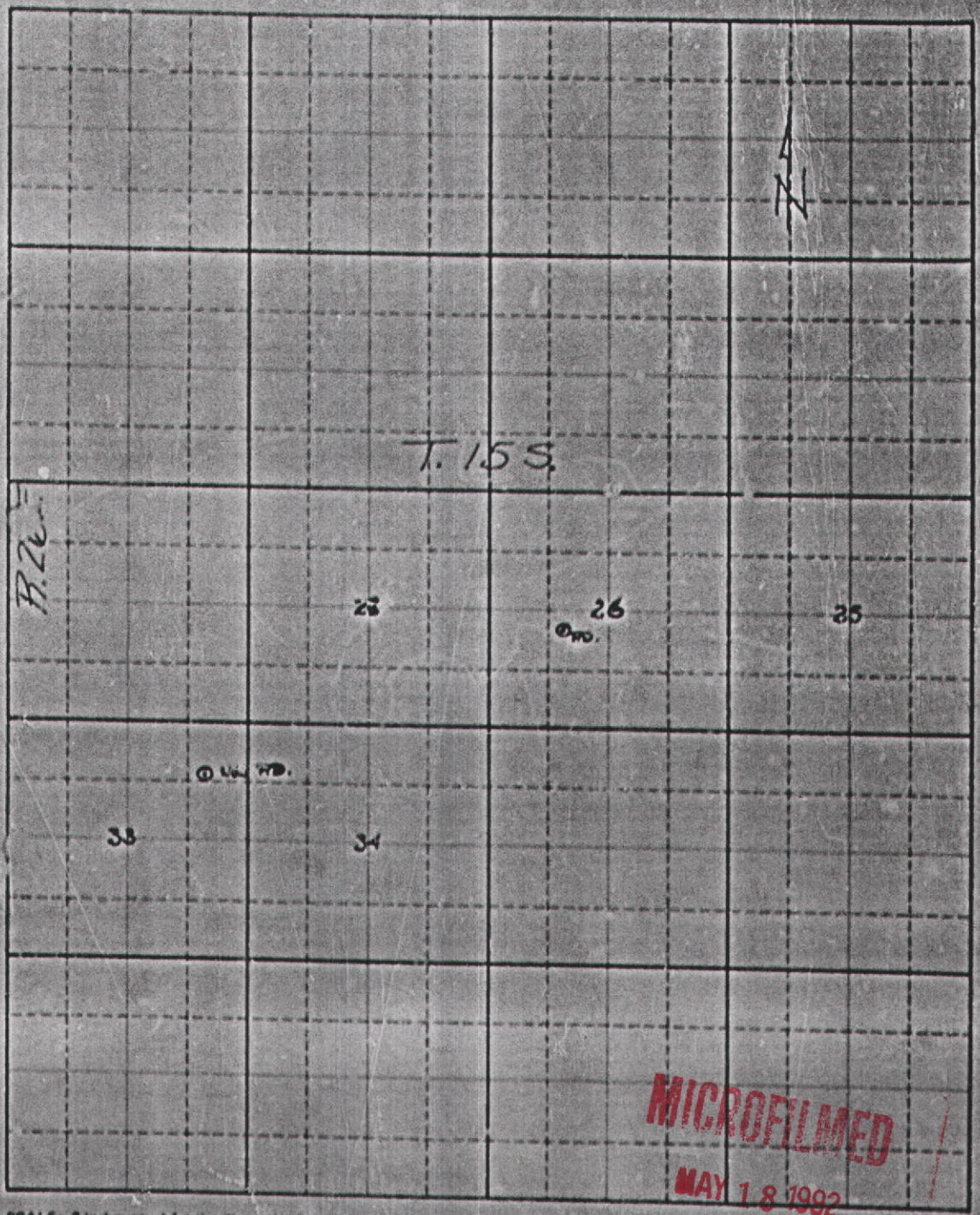
TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

MICROFILMED
MAY 18 1992

Total number of acres to be irrigated _____

POOR QUALITY

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



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

MICROFILMED
MAY 18 1992

POOR QUALITY

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 30107/43-2534 Priority July 2, 1962 (late proof) Amount 5.20 cfs

THIS IS TO CERTIFY, that VINCENT B. TOBIN

of Point Reyes Station, California, has complied with the terms and conditions of Permit No. 30107/43-2534 issued pursuant to Application for Permit dated August 18, 1961, and has submitted proof to the Department of Water Administration on July 8, 1968, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity of 5.20 cfs and that the water has in fact been applied to a beneficial use; a right to the use of water from a ground water source tributary of _____, is hereby confirmed in the following amounts:

Amount 5.20 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 5.20 cfs of water be diverted at any one time, said waters to be diverted within the NE¼SW¼, Sec. 26, T.15S, R.26E, B.M. and SW¼NE¼, Sec. 18, T.15S, R.27E, B.M. The water diverted within Sec. 18 is injected into the Raft River within the SW¼SE¼, Sec. 7, T.15S, R.27E, B.M. in exchange for water diverted from the Raft River within the SE¼SW¼, Sec. 27, T.15S, R.26E, B.M. in the county of Cassia; and that the amount of water so diverted and to which such right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can actually be beneficially used and shall not exceed 1,160 acre feet per year or 4.0 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	26E	25					20	29											49
		26		20			19	29	20	15						10			113
		27	29	24	20	20					15			20					128

Total number of acres irrigated 290

This license is subject to the agreement entered into on the 16th day of May, 1969, between the licensee and protestants with the exception that the Dept. of Water Admin. does not recognize by virtue of the license any water right other than that of the licensee, and that Article 7 of the agreement is binding only upon the licensee, the protestants, and their successors in interest and not upon the Dept. of Water Admin.

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 4 day of February, 19 72.

Director

MICROFILMED MAY 18 19

1 2534

POOR QUALITY

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

January 24, 1972

FILE COPY

Mr. Vincent B. Tobin
Point Reyes Station,
California 94956

Dear Mr. Tobin:

A representative of this Department has made an examination of the works covered by your Permit No. 30107/43-2534 and has found the following:

Quantity of water diverted: 5.20 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 5.20 c.f.s.

The maximum quantity of water diverted shall not exceed 1,160 acre feet per year.

Beneficial use: Irrigation of 290 acres within the N½NW¼ (49), Sec. 25; NW¼NE¼ (20), NW¼ (83), NW¼SE¼ (10), Sec. 26; NE¼ (93), E½SW¼ (35), Sec. 27; Twp. 15S, Rge. 26E, B.M.

Point of diversion: NE¼SW¼, Sec. 26, T.15S, Rge.26E, B.M. and SW¼NE¼, Sec. 18, T.15S, R.27E, B.M. The water diverted within Sec. 18 is injected into the Raft River within the SW¼SE¼, Sec. 7, T.15S, R.27E, B.M. in exchange for water diverted from the Raft River within the SE¼SW¼, Sec. 27, T.15S, R.26E, B.M.

The priority date established is: July 2, 1962 (late proof)

This license is subject to the agreement entered into on the 16th day of May, 1969, between the licensee and protestants with the exception that the Dept. of Water Admin. does not recognize by virtue of the license any water right other than that of the licensee, and that Article 7 of the agreement is binding only upon the licensee, the protestants and their successors in interest and not upon the Dept. of Water Admin.

A fee totaling $33.00 must be received within 30 days from the date of this letter in order that we can issue you a Water License as set forth above. If you do not concur with these findings, please contact us.

Sincerely,

Bobby D. Fleenor

BOBBY D. FLEENOR
Assistant Director

FILE COPY

BDF:DR
cc: Jack A. Barnett
520 Idaho Bldg, Boise, Idaho

MICROFILMED
MAY 18 1992

POOR QUALITY

2381

State of Idaho
License and Certificate of Water Right

Water License No. 0-22825 Amount 2.74 second feet

Water District No. Priority June 2, 1952

THIS IS TO CERTIFY that RICHARD H. SMITH of Logan, Utah, made application for a permit to appropriate the public waters of the State of Idaho, dated June 2, 1952; that Permit No. 0-22825 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.74 second feet, was issued thereunder on August 16, 19 54, showing that said works were completed on the 5th day of June, 19 54; and that on the 5th day of June, 19 54,

RICHARD H. SMITH of Logan, State of Utah, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well ~~or diversion~~ (subterranean flow), for the purpose of irrigation, under Use Permit No. 0-22825 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 9 of Licenses at page 5318, on the 16th day of August, 19 54;

The right hereby confirmed dates from June 2, 19 52;

The Point of Diversion is located in the SW ¼ SE ¼, Sec. 27, Tp. 15 S., R. 26 E., B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.74 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S.	26 E.	27	SE¼ NE¼	25	1
			NE¼ SE¼	30	35
			NW¼ SE¼	25	25
			SW¼ SE¼	30	25
			SE¼ SE¼	10	1
		26	NE¼ NE¼	30	35
			NW¼ NE¼	10	10
			SW¼ NE¼	30	35
			SE¼ NE¼	25	25
			NE¼ SW¼	30	15
			NW¼ SW¼	30	35
			SW¼ NW¼	30	10
			SE¼ NW¼	30	25
			Number of Acres Actually Irrigated - -		-270

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 16th day of August, 19 54.

(SEAL)

PARK R. KULP
State Reclamation Engineer.

43 2381

MICROFILMED MAY 18 1992

POOR QUALITY

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 0-22825

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

1. Name of applicant Richard H. Smith, Box 287, Logan, Utah

2. Source of water supply: Subterranean from well

3. Location of point of diversion: Is in the SW¼ SE¼ of Section 27

T. 15 S. R. 26 E. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: Well is 12" diameter by 215' deep cased to bottom. H=18', draw down unknown, according to gage, draw down was 30'. 12" bowls. 8" by 140' column. 40 hp U. S. Motor 220 V., 98 A., No. 918728. Layne Bowler Pump No. 18586. No protection, no curb. Pump and motor rest on casing. Delivery is to the South through an 8" by 14' pipe into an irrigation ditch to field s by gravity.

5. Water is used for: Irrigation

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

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

SE¼ NE¼ and SE¼ Section 27;

NE¼, S½ NW¼, N½ SW¼ Section 26;

Twp. 15 South, Range 26 East, B. M.

See the map.

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

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

Remarks:

MICROFILMED
MAY 18 1992

Inspection made in company with Marlin Booth who is buying place under contract

This examination was made on the 21 day of July, 19 34

(Signed) E. N. Humphrey Examiner

22825

POOR QUALITY

R-26E.



Subdivisions = 11

Area = 270 acres

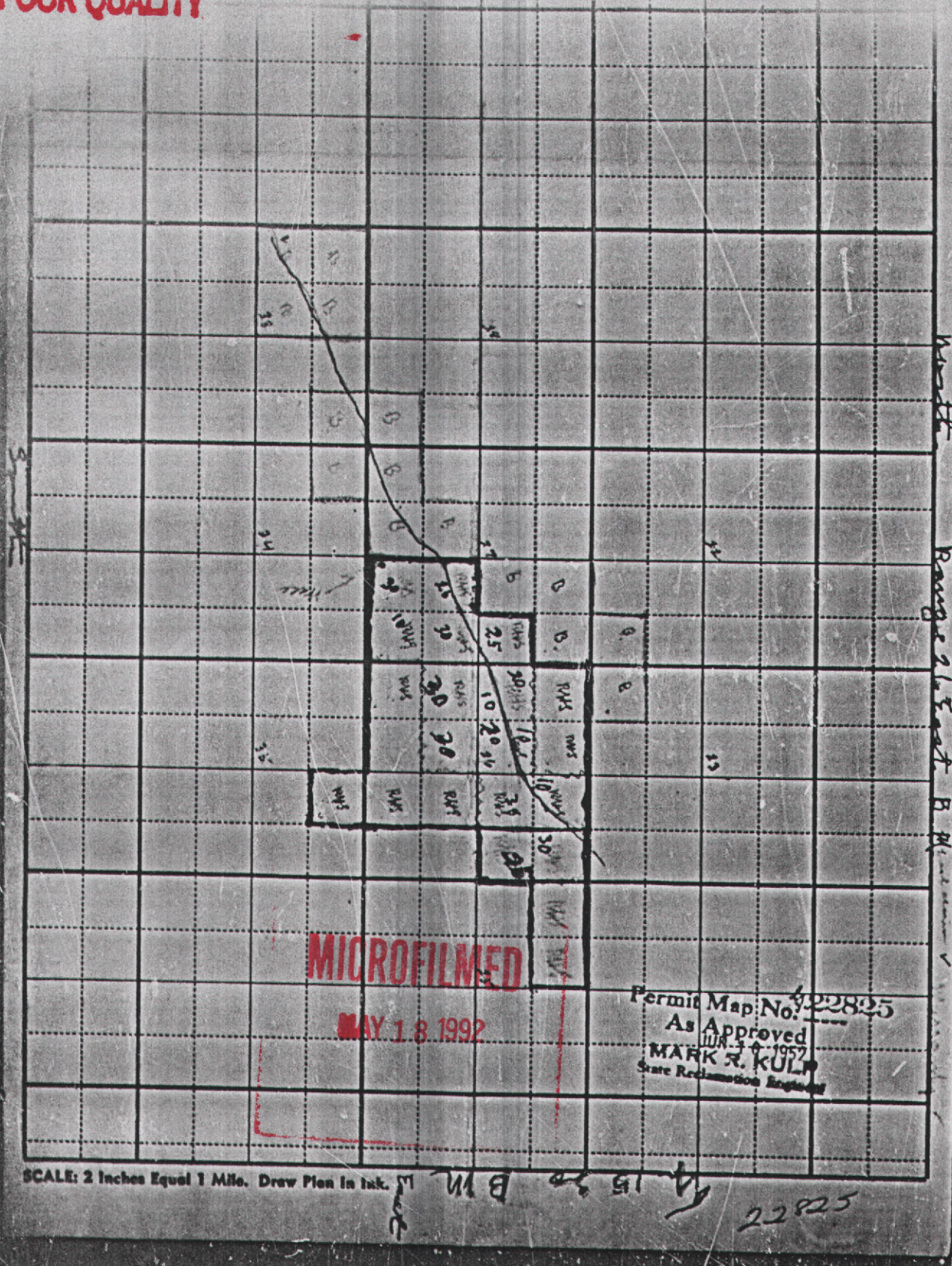
Q = 137 inches (sparking meter)

T = 66 °F.

MICROFILMED
MAY 18 1992

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

POOR QUALITY



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 June 10, 1953
The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before June 10, 1954

Witness my hand this 10th day of June, 1952

MARK R. KULP
State Reclamation Engineer

IN TESTIMONY WHEREOF, We, LEN JORDAN, 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 10th day of June, 19 52

Countersigned:

STATE OF IDAHO

(SEAL)

By IRA H. MASTERS
Secretary of State.

By LEN JORDAN
Governor

MICROFILMED MAY 18 1992

12

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15 S.	26 E.	27				25									30	25	30	10	120
		26	30	10	30	25			30	30	30	30							215
											Total Number of Acres to be Irrigated - -								335

Permit No. G-22825

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that RICHARD H. SMITH of Logan, County of Cache, and State of Idaho, the holder of Permit No. G-22825, issued upon Application No. G-30573, bearing date of priority of June 2, 1952, authorizing the diversion of Three (3) second feet of the waters of a well (subterranean flow) County of Cassia, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.74 second feet of the waters of said well; that the point of diversion of said waters is in the SE¼SE¼ Section 27, Township 15 South, Range 26 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE¼ NE¼ and SE¼ Section 27; NE¼, S½NW¼, N½SW¼ Section 26; Township 15 South, Range 26 East, B.M.

Witness my hand this 16th day of August, A. D. 1954.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of works made June 5, 1954.
Certificate of Completion of works issued August 16, 1954.

2.74 C.F.S.
Pg. 5318

POOR QUALITY

January 14, 1964

Re: License No. G-22825
Permits No. G-30107; G-30124

See Letter in G-30124

Vincent B. Tobin
Bridge, Idaho

Dear Mr. Tobin:

We received your letter inquiring about your water rights.

License No. G-22825, issued to Richard H. Smith, for 2.74 c.f.s., priority of June 2, 1952, from well in SW¼SE¼, Sec. 27, to irrigate 270 acres in NE¼SE¼, W½SE¼, Sec. 27; NE¼, N½SW¼, S½NW¼, Sec. 26, T. 15 S., R. 26 E.

Permit No. G-30107, Vicent B. Tobin, for 6.0 c.f.s., filed August 21, 1961, from well in NW¼SW¼, Sec. 26, to irrigate 300 acres in NE¼, E½NW¼, Sec. 26; E½NW¼, NW¼SE¼, Sec. 25, T. 15 S., R. 26 E.

Permit No. G-30124, Vincent B. Tobin, for 8.0 c.f.s. filed August 25, 1961, from well in NE¼NE¼, Sec. 33, to irrigate NE¼NE¼, Sec. 33; NW¼NW¼, Sec. 34; SE¼SE¼, Sec. 28; NE¼, NE¼SW¼, S½SW¼, W½SE¼, Sec. 27; NW¼NE¼, N½NW¼, Sec. 26, T. 15 S., R. 26 E.

The last two permits noted above are probably in the files of William A. Parsons, Attorney at Law, Burley.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

22825

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

Notice is hereby given that at 1:00 P.M., on the 5th day of June, 1954, at Malta, County of Cassia, State of Idaho, before J. Henry Thompson, Notary Public, proof will be submitted of the completion of works for the diversion of three cubic feet per second of the waters of Well in the SW¼SE¼ Section 27, Twp. 15 S., Range 26 E., B.M., and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 22825 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Richard H. Smith, 143 East 3rd, Logan, Utah.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is three cubic feet per second.

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

4. The place where said water is used is SE¼NE¼ and SE¼ Section 27; NE¼, S½NW¼ and N½SW¼ Section 26; Tp. 15 South, Range 26 East, Boise Meridian.

5. The date of priority which said user is prepared to establish is June 2, 1952.

MARK R. KULP,
State Reclamation Engineer.

Published in Burley Herald May 6-13-20-27, 1954.

Affidavit of Publication. The Burley Herald-Bulletin

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
COUNTY OF CASSIA } ss.

Junior W. Ross, first being duly sworn, deposes and says: That he is the printer of The Burley Herald and/or The Burley Bulletin, a weekly newspaper published at Burley, in the County of Cassia, State of Idaho; that the said newspaper has a general circulation in said county, and that the said newspaper is published weekly and has been continuously and uninterruptedly published in said county, not less frequently than once a week, during a period of seventy-eight consecutive weeks immediately prior to the first publication of the printed notice herein referred to;

That said newspaper at all times herein mentioned, has been a newspaper of general circulation, made up of at least four pages of at least five columns each, printed from typed matter or sterotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated May 6, 1954, and ending with the issue dated May 27, 1954.

Junior W. Ross

Subscribed and sworn to before me this 28th day of May, 1954.

Hazel G. Woodall

Notary Public in and for the State of Idaho,
Residing at Burley, Idaho.

My Commission Expires June 4, 1955

22825

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

Notice is hereby given that at 1:00 P.M., on the 5th day of June, 1954, at Malta, County of Cassia, State of Idaho, before J. Henry Thompson, Notary Public, proof will be submitted of the completion of works for the diversion of three cubic feet per second of the waters of Well in the SW¼SE¼ Section 27, Twp. 15 S., Range 26 E., B.M., and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 22825 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Richard H. Smith, 143 East 3rd, Logan, Utah.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is three cubic feet per second.

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

4. The place where said water is used is SE¼NE¼ and SE¼ Section 27; NE¼, S½NW¼ and N½SW¼ Section 26; Tp. 15 South, Range 26 East, Boise Meridian.

5. The date of priority which said user is prepared to establish is June 2, 1952.

MARK R. KULP,
State Reclamation Engineer.
Published in Burley Herald May 6-13-20-27, 1954.

Affidavit of Publication. The Burley Herald-Bulletin

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
COUNTY OF CASSIA } ss.

Junior W. Ross, first being duly sworn, deposes and says: That he is the printer of The Burley Herald and/or The Burley Bulletin, a weekly newspaper published at Burley, in the County of Cassia, State of Idaho; that the said newspaper has a general circulation in said county, and that the said newspaper is published weekly and has been continuously and uninterruptedly published in said county, not less frequently than once a week, during a period of seventy-eight consecutive weeks immediately prior to the first publication of the printed notice herein referred to;

That said newspaper at all times herein mentioned, has been a newspaper of general circulation, made up of at least four pages of at least five columns each, printed from typed matter or sterotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for ...four... consecutive weeks, commencing with the issue dated .May..6..., 19.54.., and ending with the issue dated .May..6 , 19.54...

Junior W. Ross

Subscribed and sworn to before me this 28th day of May, 19.54

Hazel G. Hirdsdall

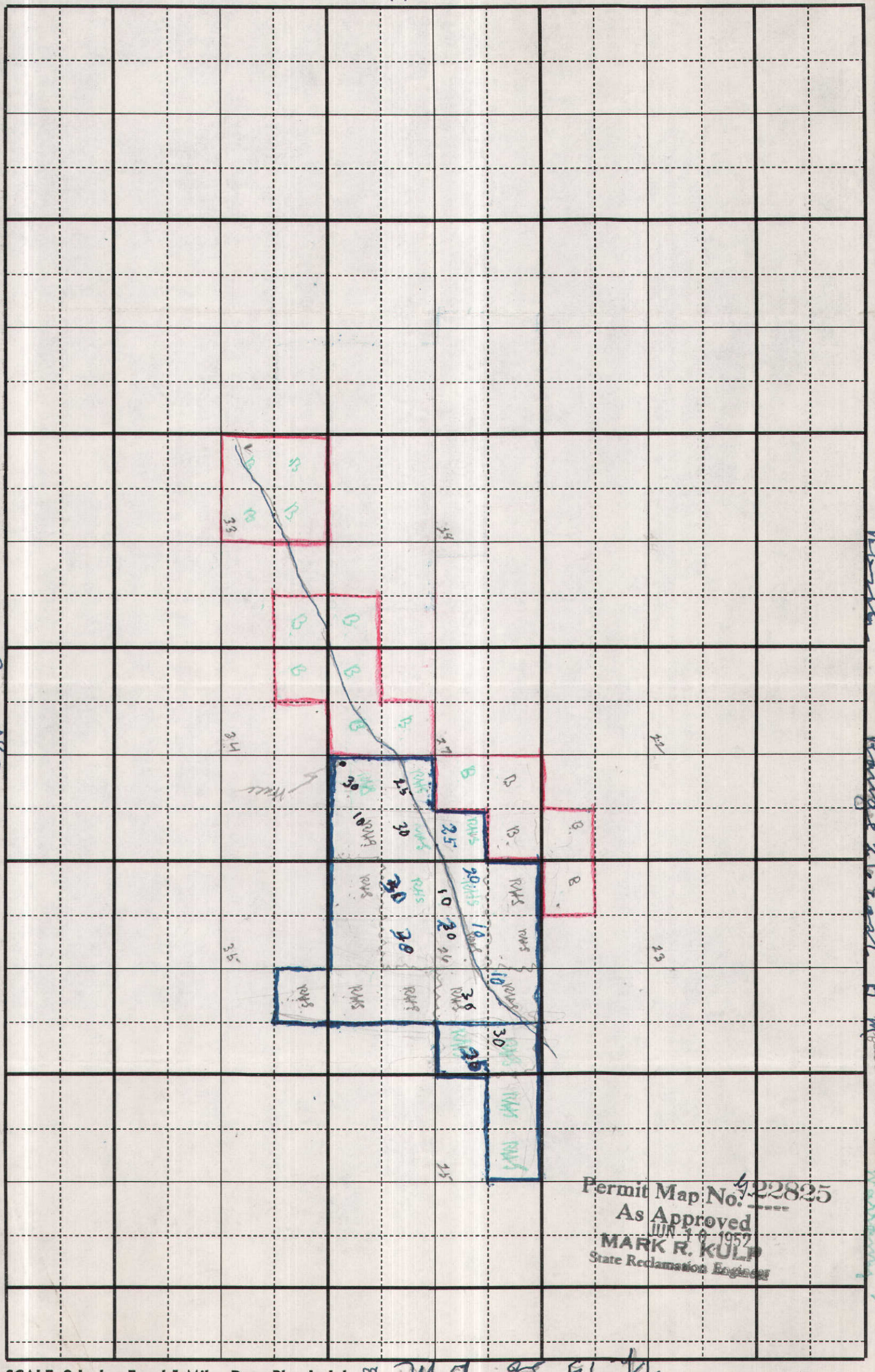
Notary Public in and for the State of Idaho,
Residing at Burley, Idaho.

22825

My Commission Expires June 4, 1955

NAME OF APPLICANT Richard H. Smith West

Form No. 0



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

22825

Form 222
1-87

Page 1 of 14

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3832

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Richard L. Miller Phone 880 645-2416

Post Office address 6500 S. 1600 W., Hyrum, UT 84319

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
   ☐ Change nature of use ☐ Change period of use ☒ Other Record P/U as presently irrigated
2. Describe the reason for the proposed changes One well went dry this year - a replacement well is needed.

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

1.

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
43-02381 / A43-02381	6-2-1952	2.74 cfs	Irrig.	4-1 to 11-1
43-02534 / A43-02534	7-2-1962	5.20 cfs	"	4-1 to 11-1
A43-10069	5-20-1977	0.94 cfs	"	4-1 to 11-1
				to

2. Total amount of water being transferred 7.94 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW SE	NE NW	SW SE	26	15S	26E	Cassia	
	NW SW	NW SW	SE SE	27	"	"	"	
	NE	NE	NE	33	"	"	"	

5. Lands irrigated or place of use: SRBA Claims - No Change

	Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
				NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
43-2381	15S	26E	26							10	25	15	35	19	35		35	25		199
			27													35	26			71
																				270
43-2534	15S	26E	26					19	29	20	15						10			93
			27	29	24	20	20					15		20	20					148
			28																9	9
			33	20																20
				34				20												

RECLAIMED
MAY 18 1992

Total acres 295 20 290

PART 1

6. General Information:

a. Description of diversion system 4 or 5 connected wells, pumps, sprinkler

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

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

Unknown - ~~land~~ wells were sold with the portion of the farm I bought in 1995. These wells have only been used on my land since that time. The old land has been in government programs (not farmed) for several years.

d. Remarks:

After transfer, licensed land will be the same as land under related SRBA claims.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

_____

MAY 18 1992

Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree No. _____ Decreed to _____
      in case of _____ vs. _____
      dated _____ in _____ county of _____
   b. License No. 43-02381 issued by the Idaho Department of Water Resources.
   c. Claim No. _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☐ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water Groundwater tributary to _____
4. Date or priority 6/2/1952
5. Water is used for the following purpose:
   amount 2.74 cfs for Irrig. purposes from _____ to _____
   (cfs/ac-ft)
   amount _____ for _____ purposes from _____ to _____
   (cfs/ac-ft)
   amount _____ for _____ purposes from _____ to _____
   (cfs/ac-ft)
6. Total amount of water under right 2.74 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	27	15S	26E	Cassia	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
15S	26E	26	35	10	35	25			10	25	15	35			~~35~~	~~20~~	~~35~~		~~190~~
		27													35	20	25		80

RECEIVED
MAY 18 1992

Total acres 270

9. Describe any other water rights used for the same purpose as described above
   43-02534

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
Yes If yes, describe Some of the ground in Sec. 26 has not been irrigated since before 1995.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

MICROFILMED
MAY 18 1992

Total acres _____

Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

   a. Decree No. _____ Decreed to _____

   in case of _____ vs. _____

   dated _____ in _____ county of _____

   b. License No. _____ issued by the Idaho Department of Water Resources.

   c. Claim No. A43-02381 on file with the Idaho Department of Water Resources.

   d. Transfer No. _____ which produced this right.

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

   ☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 6-2-1952

5. Water is used for the following purpose:

   amount 2.74 cfs (cfs/ac-ft) for Irrig. purposes from 4-1 to 11-1

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

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

6. Total amount of water under right 2.74 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	SW	26	15S	26E	Cassia	
	NW SW	NW SW	SE SE	27	"	"	"	
	NE	NE	NE	33	"	"	"	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
15S	26E	26							10	25	15	35	19	35		35	25		199
		27													35	20	~~25~~ 16		~~80~~ 71

RECEIVED
MAY 18 1992

Total acres 270

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

A43-02534, A43-10069

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

MICROFILMED
MAY 18 1992

Total acres _____

 Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree No. _____ Decreed to _____
      in case of _____ vs. _____
      dated _____ in _____ county of _____
   b. License No. 43-02534 issued by the Idaho Department of Water Resources.
   c. Claim No. _____ on file with the Idaho Department of Water Resources.
   d. Transfer No. 1921 & 2220 which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☐ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water Groundwater tributary to _____
4. Date or priority 7-2-1962
5. Water is used for the following purpose:
   amount 5.2 cfs (cfs/ac-ft) for Irrig. purposes from 3-15 to 11-15
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 5.2 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	26	15S	26E	Cassia	
		SW	NE	27	"	"	"	
		NE	NE	33	"	"	"	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
15S	26E	25					20	29											49
		26		20			19	29	20	15						10			113
		27	29	24	20	20					15		20						128

MAY 18 1992

Total acres 290

9. Describe any other water rights used for the same purpose as described above
   43-02381

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
Yes If yes, describe Some land in Sec. 25 & 26 has not been irrigated with this right since before 1975.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

AMENDED
MAY 18 1992

Total acres _____

 Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree No. _____ Decreed to _____
      in case of _____ vs. _____
      dated _____ in _____ county of _____
   b. License No. _____ issued by the Idaho Department of Water Resources.
   c. Claim No. 43-02534 on file with the Idaho Department of Water Resources.
   d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☐ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water Groundwater tributary to _____
4. Date or priority 7-2-1962
5. Water is used for the following purpose:
   amount 5.2 cfs (cfs/ac-ft) for Irrig. purposes from 3-15 to 11-15
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 5.2 cubic feet per second and/or 1160 acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	SW	26	15S	26E	Cassia	
	NW SW	NW SW	SE SE	27	"	"	"	
	NE	NE	NE	33	"	"	"	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
15S	26E	26					19	29	20	15						10			93
		27	29	24	20	20					15		20	20					148
		28																9	9
		33	20																20
		34						20											

MAY 18 1992

Total acres 290

9. Describe any other water rights used for the same purpose as described above
   43-02381, 43-10069

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

MICROFILMED
MAY 18 1992

Total acres _____

Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree No. _____ Decreed to _____
      in case of _____ vs. _____
      dated _____ in _____ county of _____
   b. License No. _____ issued by the Idaho Department of Water Resources.
   c. Claim No. A43-10069 on file with the Idaho Department of Water Resources.
   d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☐ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water Groundwater tributary to _____
4. Date or priority 5-20-1977
5. Water is used for the following purpose:
   amount 7.94 cfs (cfs/ac-ft) for Irrig. purposes from 4-1 to 11-1
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 7.94 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	SW	26	15S	26E	Cassia	
	NW SW	NW SW	SE SE	27	"	"	"	
	NE	NE	NE	33	"	"	"	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
15S	26E	26					22	40	30	35	40	40	40	40		40	40		
		27	40	24	18	25					22		20	35	40	34	40	40	
		28																25	
		33	25																
		34						30											

RECEIVED
MAY 18 1992

Total acres 195

9. Describe any other water rights used for the same purpose as described above
   A43-02534, A43-02381

PART 2

Transfer No. _____

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

_____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

RECEIVED
MAY 18 1992

Total acres _____

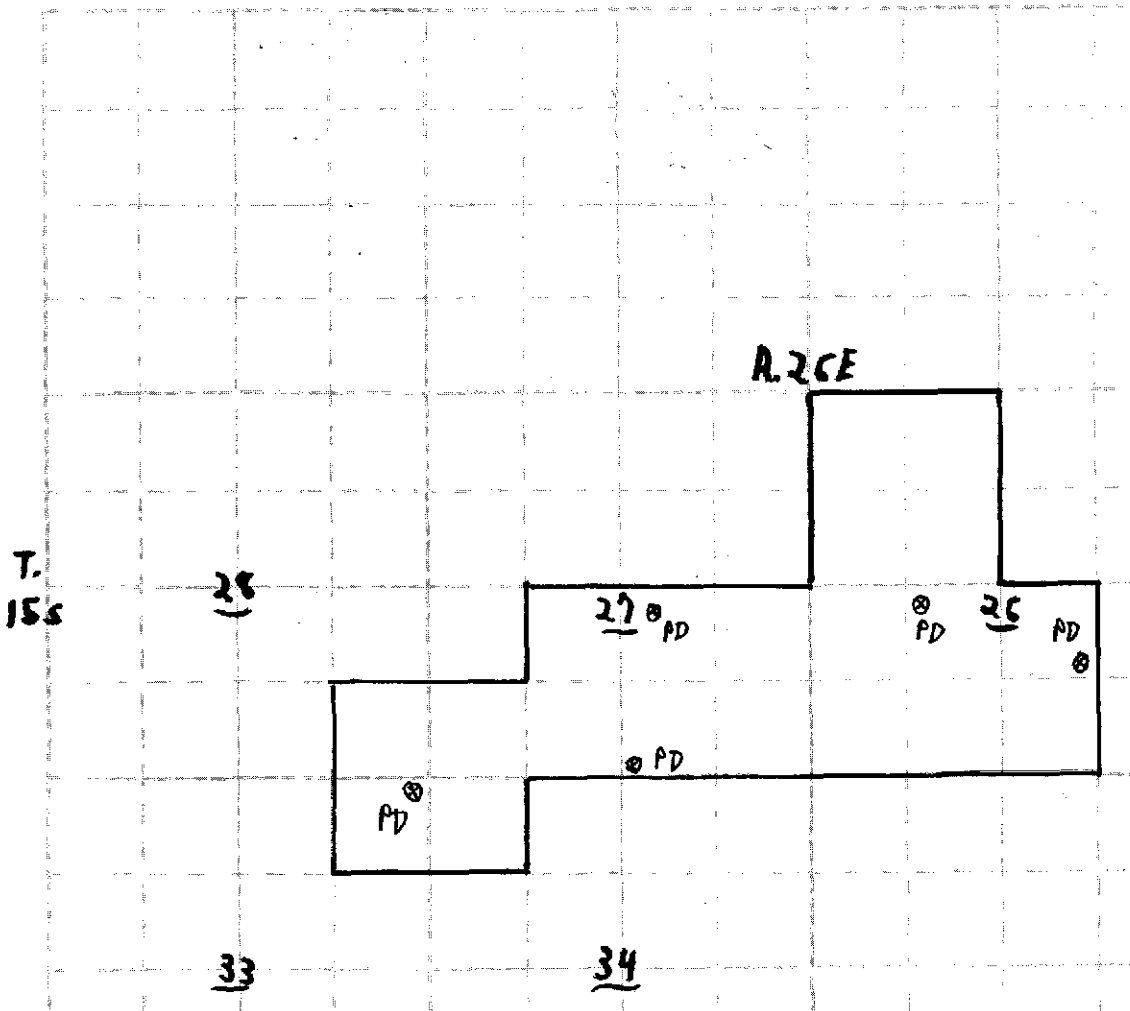
Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

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



MICROFILMED
MAY 18 1992

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

Transfer No. _____

PART 3

B. CHANGES IN NATURE OF USE

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

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

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

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Richard C. Miller
(Signature of Applicant)

Subscribed and sworn to before me this 4th day of December, 19 90.

Mary A. Baldwin
(Notary Public)

My commission expires 10/16/1992

FOR DEPARTMENT USE ONLY

Transfer contains 14 pages and 2 attachments

Received by JE Stanton Date 12-4-90 Protest filed by _____

Prelim. check by DJ Fee $50.00 50/2868 _____

Receipted by QA Date 12-4-90 _____

Published in So. ID. Press Copies of protest forwarded by _____

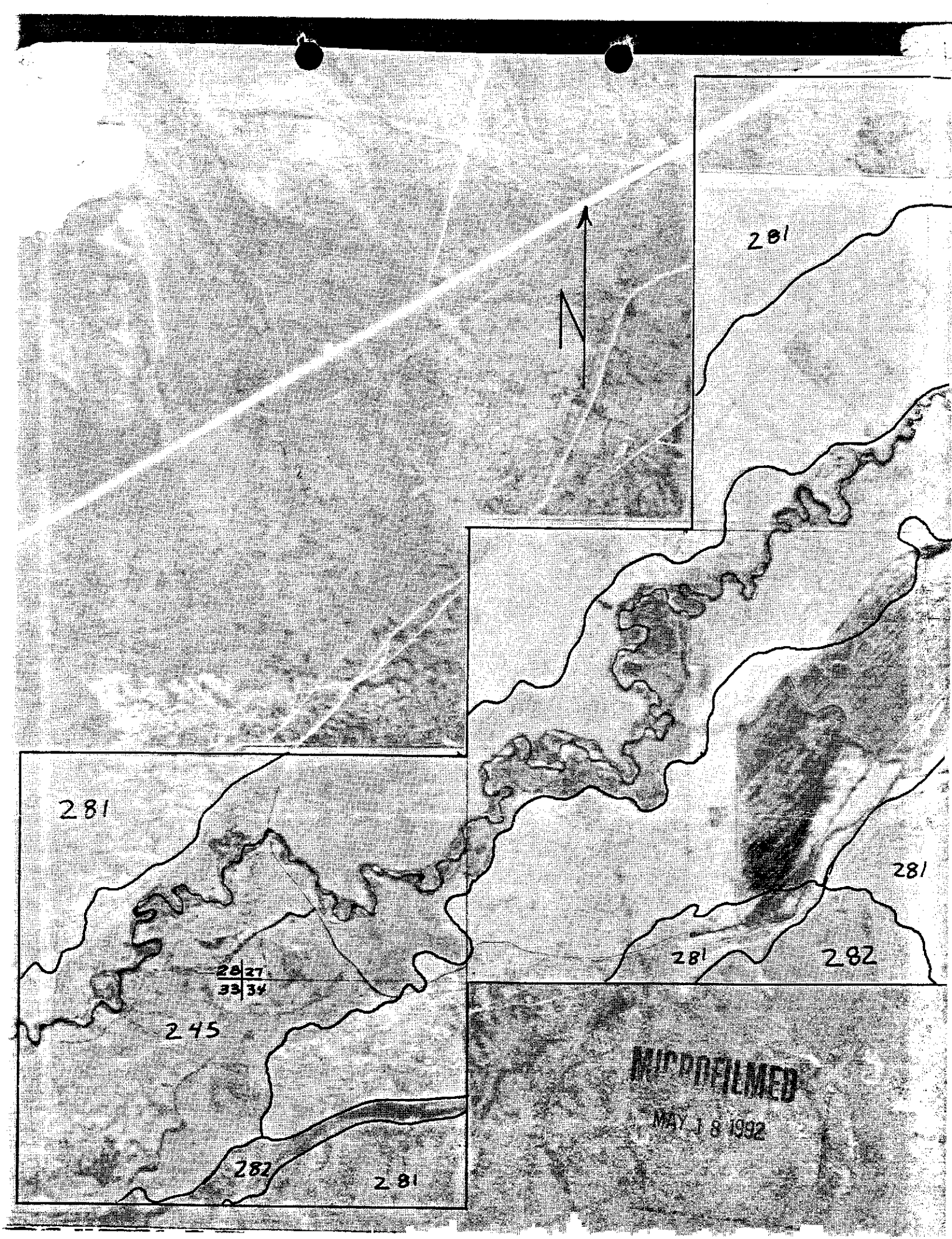
Pub. dates 5/10 + 5/17/91 Hearing held by _____ Date _____

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

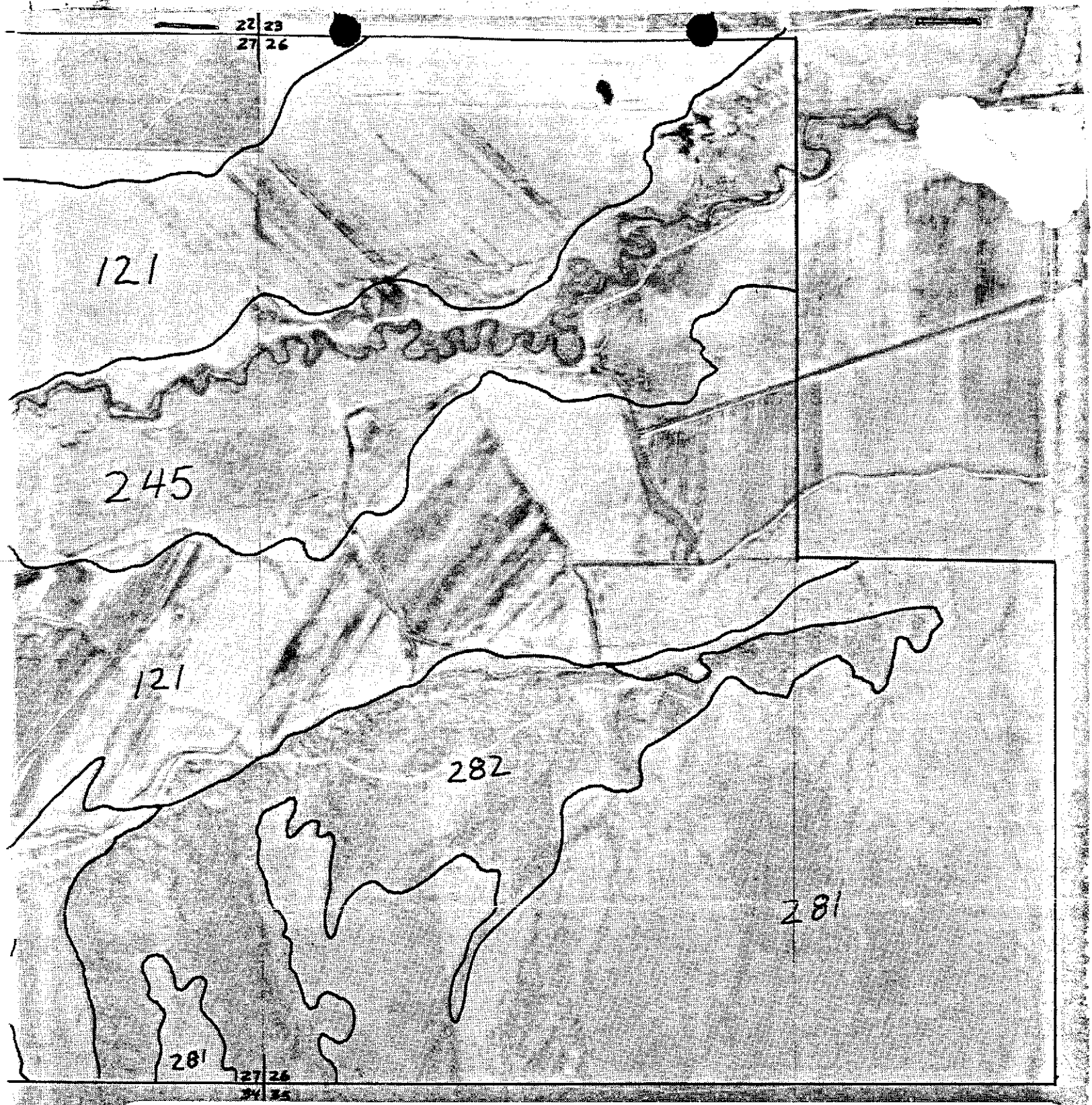
_____ rec'd. _____ by Lk

Copy of transfer sent to lien holder _____

MAR 18 1992



MICROFILMED
MAY 18 1992



SCS-CONS-15
OCTOBER 1974

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SOIL MAP

Owner R & R Ranch Operator Richard Miller

County Cassia State Idaho

Soil survey sheet (s) or code nos. _____ Approximate scale 8" = 1 mile

N

Prepared by U. S. Department of Agriculture, Soil Conservation Service cooperating with East Cassia Soil Conservation District

199039

WARRANTY DEED

REID S. STEWART and RUTH O. STEWART, husband and wife,

grantorS of Logan, County of Cache, State of Utah, hereby CONVEYxxxxxxxxxx or GRANT and WARRANT to

RICHARD L. MILLER and SONJA W. MILLER, husband and wife, as to an undivided seventy percent (70%) interest, and RAYMOND G. COGGINS and DIXIE LEE COGGINS, husband and wife, as to an undivided thirty percent (30%) interest,

granteeS of
for the sum of Ten Dollars and other good and valuable consideration,
the following described tractS of land in Cassia County, State of ~~Utah~~ Idaho:

Township 15 South, Range 26 East, Boise Meridian:

Section 26: The Northwest Quarter, the Southwest Quarter, and the West Half of the Southeast Quarter.

Section 27: The East Half, the South Half of the Southwest Quarter, and the Northeast Quarter of the Southwest Quarter.

Section 28: The Southeast Quarter of the Southeast Quarter.

Section 33: The Northeast Quarter of the Northeast Quarter.

Section 34: The Northwest Quarter of the Northwest Quarter.

TOGETHER with all wells, well rights, and permits and all water rights appurtenant thereto and used in connection therewith, including any water allocated to said land from Raft River.

WITNESS, the handsS of said grantorsS, this 5th day of May A.D. 1976.

Signed in the presence of

Reid S. Stewart

Ruth O. Stewart

STATE OF UTAH
County of Cache } ss.

On the 5th day of May, A.D. 1976, personally appeared before me

REID S. STEWART and RUTH O. STEWART, husband and wife,

the signerS of the within instrument, who duly acknowledged to me that they executed the same.

L. Brent Hogan
Notary Public

Commission expires: 6-3-79
Residing in Rupert, Idaho

RECORDING DATA

Entry No. Fee $

RECORDED ☐ INDEXED ☐ ☐
PLATTED ☐ ABSTRACTED ☐
COMPARED ☐ DELIVERED ☐

Nov 26 10 AM 1973
FILED
CASSIA COUNTY, IDAHO
FRANK
Recorded
FEE 3.00

Richard L. Miller
203

LAND TITLE COMPANY

MICROFILMED
MAY 18 1992

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia, STATE OF IDAHO } ss.

Monique Jones being first duly sworn, deposes and says that She is the Clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of The South Idaho Press for — consecutive weeks, commencing with the issue dated May 10 19 91, and ending with the issue dated May 10, 19 91. Monique Jones

RECEIVED
MAY 28 1991
Department of Water Resources
Southern Region

STATE OF IDAHO
COUNTY OF CASSIA }

On this 23 day of May in the year of 1991, before me, a Notary Public, personally appeared Monique Jones, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and adknowledged to me that he executed the same.

Dolores Mabey
Notary Public for Idaho
Residing at Burley ID
My commission expires: 5/4/93

Cost of Publication: 137.16
Notary Fee: .50
Total Cost: 137.66

OK
MB
6-24-91

91-206

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NOS. 43-02381, A43-02381, 43-02534, A43-02534, A43-10069

Notice is hereby given that Richard L. Miller of Hyrum, UT has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

WATER RIGHT AS RECORDED

Water right No. 43-02381
Basis of right: License
Source: groundwater
Priority Date: 6/2/1952
Amount of water: 2.74 cfs
Water use: irrigation
Point(s) of diversion: SW1/4SE1/4, S27, T15S, R26E; Cassia County.
Place of use: 270 acres within NE1/4, S1/2NW1/4, N1/2SW1/4, S26, T15S, R26E; NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, S27, T15S, R26E.

WATER RIGHT AS RECORDED

Water right No. A43-02381
Basis of right: Snake River Basin Adjudication Claim based on Beneficial Use
Source: groundwater
Priority Date: 6/2/1952
Amount of water: 2.74 cfs
Water use: irrigation
Point(s) of diversion: NW1/4NE1/4SW1/4, S26, T15S, R26E; NW1/4NW1/4SE1/4, S27, T15S, R26E; SW1/4SW1/4SE1/4, S27, T15S, R26E; NE1/4NE1/4NE1/4, S33, T15S, R26E; Cassia County.
Place of use: 270 acres within S1/2NW1/4, SW1/4, W1/2SE1/4, S26, T15S, R26E; NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, S27, T15S, R26E.

WATER RIGHT AS RECORDED

Water right No. 43-02534
Basis of right: License, Transfer Nos. 1921, 2220
Source: groundwater
Priority Date: 7/2/1962
Amount of water: 5.2 cfs
Water use: irrigation
Point(s) of diversion: NE1/4SW1/4, S26, T15S, R26E; SW1/4NE1/4, S27, T15S, R26E; NE1/4NE1/4, S33, T15S, R26E; Cassia County.
Place of use: 290 acres within N1/2NW1/4, S25, T15S, R26E; NW1/4NE1/4, NW1/4, NW1/4SE1/4, S26, T15S, R26E; NE1/4, E1/2SW1/4, S27, T15S, R26E.

WATER RIGHT AS RECORDED

Water right No. A43-02534
Basis of right: Snake River Basin Adjudication Claim based on Beneficial Use.
Source: groundwater
Priority Date: 7/2/1962
Amount of water: 5.2 cfs
Water use: irrigation
Point(s) of diversion: NW1/4NE1/4SW1/4, S26, T15S, R26E; NW1/4NW1/4SE1/4, S27, T15S, R26E; SW1/4SW1/4SE1/4, S27, T15S, R26E; NE1/4NE1/4NE1/4, S33, T15S, R26E; Cassia County.
Place of use: 290 acres within NW1/4, NW1/4SE1/4, S26, T15S, R26E; NE1/4, NE1/4SW1/4, SW1/4SW1/4, SE1/4SW1/4, S27, T15S, R26E; SE1/4SE1/4, S28, T15S, R26E; NE1/4NE1/4, S33, T15S, R26E; NW1/4NW1/4, S34, T15S, R26E.

WATER RIGHT AS RECORDED

Water right No. A43-10069
Basis of right: Snake River Basin Adjudication Claim based on Beneficial Use
Source: groundwater
Priority Date: 5/20/1977
Amount of water: 7.94 cfs
Water use: irrigation
Point(s) of diversion: NW1/4NE1/4SW1/4, S26, T15S, R26E; NW1/4NW1/4SE1/4, S27, T15S, R26E; SW1/4SW1/4SE1/4, S27, T15S, R26E; NE1/4NE1/4NE1/4, S33, T15S, R26E; Cassia County.
Place of use: 795 acres within NW1/4, SW1/4, W1/2SE1/4, S26, T15S, R26E; NE1/4, NE1/4SW1/4, SW1/4SW1/4, SE1/4SW1/4, SE1/4, S27, T15S, R26E; SE1/4SE1/4, S28, T15S, R26E; NE1/4NE1/4, S33, T15S, R26E; NW1/4NW1/4, S34, T15S, R26E.

TO BE CHANGED AS FOLLOWS

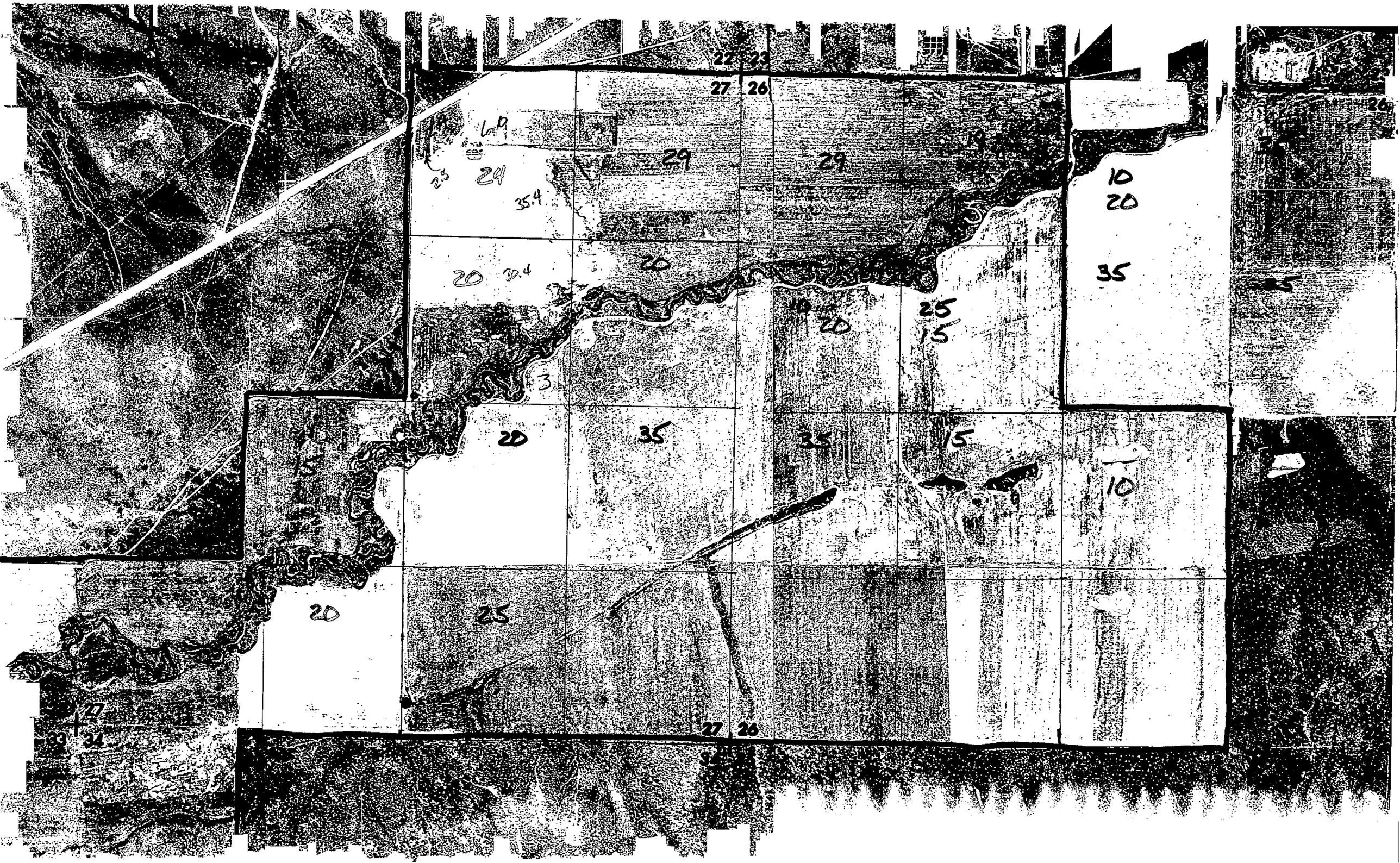
Water right No.: 43-02381/A43-02381 Amount: 2.74 cfs
Water right No.: 43-02534/A43-02534 Amount: 5.20 cfs
Water right No.: A43-10069 Amount: 7.94 cfs
Total amount being transferred: 7.94 cfs
Source: groundwater
Point of diversion: NW1/4NE1/4SW1/4, S26, T15S, R26E; SE1/4NW1/4SE1/4, S26, T15S, R26E; NW1/4NW1/4SE1/4, S27, T15S, R26E; SW1/4SW1/4SE1/4, S27, T15S, R26E; NE1/4NE1/4NE1/4, S33, T15S, R26E; Cassia County.
Place of use for Water Right No. 43-02381: 270 acres within S1/2NW1/4, SW1/4, W1/2SE1/4, S26, T15S, R26E; NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, S27, T15S, R26E.
Place of use for Water Right No. A43-02381: No change
Place of use for Water Right No. 43-02534: 290 acres within NW1/4, NW1/4SE1/4, S26, T15S, R26E; NE1/4, NE1/4SW1/4, SW1/4SW1/4, SE1/4SW1/4, S27, T15S, R26E; SE1/4SE1/4, S28, T15S, R26E; NE1/4NE1/4, S33, T15S, R26E; NW1/4NW1/4, S34, T15S, R26E.
Place of use for Water Right No. A43-02534: No change

any protest against approval of the application for transfer must be filed with the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before May 27, 1991.

/s/ R. Keith Higginson, Director

Published in the South Idaho Press on May 10 and 17, 1991.


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TR. MILLER
43-2381, A43-2381
43-2534, A43-2534

15526E

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE STREET EAST
TWIN FALLS, IDAHO 83301

5318

State of Idaho
License and Certificate of Water Right

Water License No. G-22825 Amount 2.74 second feet

Water District No. Priority June 2, 1952

THIS IS TO CERTIFY that RICHARD H. SMITH

of Logan, Utah , made application for a permit to appropriate the public waters of the State of Idaho, dated June 2 , 1952 ; that Permit No. G-22825 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.74 second feet, was issued thereunder on August 16 , 1954 , showing that said works were completed on the 5th day of June , 1954 ; and that on the 5th day of June , 1954 ,

RICHARD H. SMITH

of Logan , State of Utah , made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well (subterranean flow) , for the purpose of irrigation , under Use Permit No. G-22825 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 9 of Licenses at page 5318 , on the 16th day of August , 1954 ;

The right hereby confirmed dates from June 2 , 1952 ;

The Point of Diversion is located

in the SW ¼ SE ¼, Sec. 27 , Tp. 15S. , R. 26 E., B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.74 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S.	26 E.	27	~~SE¼ NE¼~~	~~25~~	--
			NE¼ SE¼	30	35
			NW¼ SE¼	25	20
			SW¼ SE¼	30	25
			~~SE¼ SE¼~~	~~10~~	--
		26	NE¼ NE¼	30	35
			NW¼ NE¼	10	10
			SW¼ NE¼	30	35
			SE¼ NE¼	25	25
			NE¼ SW¼	30	15
			NW¼ SW¼	30	35
			SW¼ NW¼	30	10
			SE¼ NW¼	30	25
			Number of Acres Actually Irrigated	- -	- -270

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 16th day of August , 1954 .

MARK R. KULP

State Reclamation Engineer.

(SEAL)

43 2381

5317

State of Idaho
License and Certificate of Water Right

Water License No. 21052 Amount 1.4 second feet

Water District No. Priority May 11, 1949

THIS IS TO CERTIFY that JERRY B. HATCH

of Blackfoot, Idaho , made application for a permit to appropriate the public waters of the State of Idaho, dated May 11 , 19 49 ; that Permit No. 21052 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.4 second feet, was issued thereunder on August 16 , 19 54 , showing that said works were completed on the 19th day of October , 19 53 ; and that on the 19th day of October , 1953 ,

JERRY B. HATCH

of Blackfoot , State of Idaho , made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well ~~xxtributaryxof~~ (subterranean flow) , for the purpose of irrigation and domestic use , under Use Permit No. 21052 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 9 of Licenses at page 5317 , on the16thday of August , 1954 ;

The right hereby confirmed dates from May 11 , 19 49 ;

The Point of Diversion is located

in the NE ¼ NE ¼, Sec. 4 , Tp. 2 S., R. 34 E., B. M. Bingham County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
2 S.	34 E.	4	$NE\frac{1}{4}$ $NE\frac{1}{4}$	10	25
			$SE\frac{1}{4}$ $NE\frac{1}{4}$	30	35
			$NE\frac{1}{4}$ $SE\frac{1}{4}$	10	10
			$SE\frac{1}{4}$ $SE\frac{1}{4}$	20	20
			Number of Acres Actually Irrigated	- -	90

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 16th day of August , 1954 .

MARK R. KULP
State Reclamation Engineer.

(SEAL)

G-22825

43-2381

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G-30573
Permit No. G- 22825
District No.

1. Name of Applicant: RICHARD H. SMITH

   Postoffice address: Logan County: Cache State: Utah

2. Quantity of water claimed:

   (a) Rate of withdrawal in cubic feet per second. Three (3) or Idaho Miners' inches 150 or gallons per minute.

   (b) Annual withdrawal in acre feet per annum

3. Source of water supply: Subterranean spring tapped by well

4. Location of point of diversion or well is in the SW ¼ of the SE ¼ of Section 27 Twp. 15 S. , Rge. 26 E. , B. M., County of Cassia

5. Water is to be used for: Irrigation

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

   (a) Point of use of water is in the ¼ of the ¼ of Section , Twp. Rge. , B. M.

   (b) Waste water or sewage effluent is to be returned to at a point in the ¼ of the ¼ of Section , Twp. , Rge. , B. M.

7. Kind of works: 12" pipe- well drilled 215 ft. deep on land to be irrigated

8. Estimated cost of works: $ 7,000.00

9. (a) Is reservoir to be used? Not at present

   (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 one month 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 excepting winter flood rights from Raft River.

   (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: Pump was installed and electricity connected May 6, 1952

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.

RICHARD H. SMITH *Applicant.*

By *Agent.*

Date of first receipt at Department of Reclamation: 9:00 A. M. June 2, 1952

Returned to applicant for correction: June 2, 1952

Corrected application received: June 9, 1952

Approval of State Reclamation Engineer

The number of this permit is G-22825

Recorded in Book 81 Page 22825 Approved June 10, 1952

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 August 10, 1952 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 June 10, 1953

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before June 10, 1954

Witness my hand this 10th day of June, 1952

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, 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 10th day of June, 1952.

Countersigned:

STATE OF IDAHO

(SEAL)

By LEN JORDAN
Governor

By IRA H. MASTERS
Secretary of State.

12.

Twp.	Range	Sec.	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	Totals
15 S.	26 E.	27				25									30	25	30	10	120
		26	30	10	30	25			30	30	30	30							215
											Total Number of Acres to be Irrigated - -								335

Permit No. G-22825
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that RICHARD H. SMITH of Logan, County of Cache, and State of ~~Idaho~~ Utah, the holder of Permit No. G-22825, issued upon Application No. G-30573, bearing date of priority of June 2, 1952, authorizing the diversion of Three (3) second feet of the waters of a well (subterranean flow) County of Cassia, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of Works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.74 second feet of the waters of said well; that the point of diversion of said waters is in the SW¼SE¼ Section 27, Township 15 South, Range 26 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE¼ NE¼ and SE¼ Section 27; NE¼, S½NW¼, N½SW¼ Section 26; Township 15 South, Range 26 East, B.M.

Witness my hand this 16th day of August, A. D. 1954.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made June 5, 1954.
Certificate of Completion of Works issued August 16, 1954.

LICENSE ISSUED FOR 2.74 SEC. FT.
Pg. 5318

Form 238-7
8/90

NOV

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 27 1993
Department of Water Resources

USE TYPEWRITER OR BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

Page 1 of 2

KC

1. WELL OWNER

Name Richard L. Miller

Address 6500 S. 1600 W. Hyrum UT. 84319

Drilling Permit No. 43-92-S-0031

Water Right Permit No. 43-2381; 2534

2. NATURE OF WORK

☐ New well ☐ Deepened ☑ Replacement
☐ Well diameter increase
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

☐ Domestic ☑ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☑ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☑ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.250 inches	16 inches	+ 0 feet	600 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☑ Yes ☐ No
Was a packer or seal used? ☐ Yes ☑ No
Perforated? ☑ Yes ☐ No
How perforated? ☐ Factory ☑ Knife ☑ Torch ☐ Gun
Size of perforation .250 inches by 6 inches

Number		From		To	
25	perforations	70	feet	210	feet
574	perforations	215	feet	598	feet
_____	perforations	_____	feet	_____	feet

Well screen installed? ☐ Yes ☑ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter ___ Slot size ___ Set from _____ feet to _____ feet
Diameter ___ Slot size ___ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☑ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 19' Material used in seal: ☐ Cement grout ☑ Bentonite ☑ Puddling clay ☐ _____
Sealing procedure used: ☐ Slurry pit ☑ Temp. surface casing ☑ Overbore to seal depth
Method of joining casing: ☐ Threaded ☑ Welded ☐ Solvent Weld ☐ Cemented between strata
Describe access port 1½" pipe welded at 30' To 16"

6. LOCATION OF WELL

Sketch map location must agree with written location.

N / W / E / S

Subdivision Name _____

Lot No. _____ Block No. _____

County Cassia

NE ¼ SW ¼ Sec. 26, T. 15 N ☐ S ☑ R. 26 E ☑ W ☐

7. WATER LEVEL

Static water level 71 feet below land surface.
Flowing? ☐ Yes ☑ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature 78 °F. Quality clear, odorless
Describe artesian or temperature zones below.

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Bore Diam.	Depth From	Depth To	Material	Water Yes	Water No
16	0	8	Topsoil		
	8	20	cemented gravel		
	20	30	clay w/ rocks + gravel		
	30	45	cemented gravel		
	45	70	clay w/ sand + gravel		
	70	72	gravel	✓	
	72	98	clay + coarse sand	✓	
	98	114	clay + gravel		
	114	125	cemented gravel		
	125	132	coarse sand + gravel	✓	
	132	152	clay + gravel		
	152	154	cemented ash + gravel		
	154	185	Sticky Brown clay		
	185	193	sand + gravel	✓	
	193	198	Sticky Brown clay w/gravel		
	198	235	grey ash w/gravel		
	235	253	cemented grey ash w/black gravel		
	253	270	Sticky Brown clay		
	270	279	Green Clay		
	279	305	Green clay w/small gravel		
	305	307	consolidated grey ash		
	307	315	Green clay + small gravel		
	315	318	gravel	✓	
	318	333	Green clay + gravel		
	333	336	Brown clay		
	336	341	Consolidated grey ash		
	341	343	Sticky brown clay		
	343	347	consolidated grey ash		
	347	379	Sticky grey clay		
	379	380	consolidated grey ash		
	380	385	grey clay		
	385	398	cons. grey ash		
	398	399	grey clay		
	399	402	cons. grey ash		
	402	409	grey clay		
	409	411	cons. grey ash		

10. continued on page #2

Work started 24 sep. 92 finished 5 apr. 93

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Stan Lloyd Drilling Firm No. 294

Address HC-61, Box 1510 Date 4/6/93

Signed by (Firm Official) F. Stanley Lloyd

and

(Operator) W. M. L.

Form 238-7
8/90

Page # 2 of 2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

RECEIVED
APR 27 1993
Department of Water Resources

USE TYPEWRITER OR BALLPOINT PEN

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Richard L. Miller

Address

Drilling Permit No. 43-92-S-0021

Water Right Permit No. 43-2381, 2534

2. NATURE OF WORK

☐ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
_____ inches	_____ inches +	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☐ No
Was a packer or seal used? ☐ Yes ☐ No
Perforated? ☐ Yes ☐ No
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☐ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter ___ Slot size ___ Set from _____ feet to _____ feet
Diameter ___ Slot size ___ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth _____ Material used in seal: ☐ Cement grout
☐ Bentonite ☐ Puddling clay ☐ _____
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☐ Overbore to seal depth
Method of joining casing: ☐ Threaded ☐ Welded ☐ Solvent Weld ☐ Cemented between strata
Describe access port _____

6. LOCATION OF WELL

Sketch map location must agree with written location.

N / W / E / S

Subdivision Name _____

Lot No. _____ Block No. _____

County Cassia

NE ¼ SW ¼ Sec. 26, T. 15 N ☐ S ☒ R. 26 E ☒ W ☐

7. WATER LEVEL

Static water level _____ feet below land surface.
Flowing? ☐ Yes ☐ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____
Describe artesian or temperature zones below.

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Bore Diam.	Depth From	Depth To	Material	Water Yes	Water No
16	411	449	sticky grey clay		
	449	452	clay + gravel		
	452	455	cons. grey ash + gravel		
	455	466	grey clay + gravel		
	466	471	sticky clay		
	471	484	cons. grey ash		
	484	489	sticky brown clay w/gravel		
	489	492	clay w/sand + gravel	✓	
	492	498	sticky clay + small gravel		
	498	501	sandy clay + gravel		
	501	503	sticky grey clay + small gravel		
	503	511	sticky grey clay		
	511	537	cons. grey ash		
	537	550	sticky green clay		
	550	553	cons. grey ash		
	553	557	sticky grey clay		
	557	577	grey clay + gravel		
	577	584	cons. grey ash		
	584	592	sticky grey clay		
	592	601	cons. grey ash		

10.

Work started 24 Sep. 92 finished 5 Apr. 93

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Stan Lloyd Drilling Firm No. 294

Address HC-61, Box 1510 Date 4/6/93

Signed by (Firm Official) F. Stanley Lloyd

and

(Operator) _____

ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE COPY TO THE DEPARTMENT

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 4, 1992

RE: Transfer of Water Right Nos. 43-2381, 43-2584 and A43-10069

John A. Rosholt
Rosholt, Robertson & Tucker
Box 1906
Twin Falls, ID 83303-1906

Dear Mr. Rosholt:

We acknowledge receipt of your letter requesting the withdrawal of the above referenced transfer application. No further action will be taken on the application, however, the original will be retained by our office.

Sincerely,

SHARLA CURTIS
Water Resource Agent

cc: Richard L. Miller

MICROFILMED
MAY 18 1992

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN O. FITZGERALD
D. BERNARD ZALEHA

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83702-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

April 29, 1992

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APR 30 1992
Department of Water Resources

Mr. Tim Luke
Water Resources Specialist
Department of Water Resources
1301 North Orchard, Statehouse Mail
Boise, Idaho 83720

Re: Water Rights Nos. 43-2381, 43-2534 Transfer for Application No. 43-10069

Dear Mr. Luke:

Thanks for your call of April 20, 1992 concerning the above Transfer.

We request that the Transfer be withdrawn and not processed further. You may return the original to Mr. Miller or myself.

Please continue to consider my April 3, 1992 letter on this subject as a protest of Mr. Stewart's claim to the water rights he sold to Mr. Miller in 1976.

Thank you.

Respectfully submitted,

John A. Rosholt
JOHN A. ROSHOLT

JAR:le
04219207.JAR

ROUTED
MAY 18 1992

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN O. FITZGERALD
D. BERNARD ZALEHA

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
BOISE, IDAHO 83702
TELEPHONE (208) 336-0700
FAX (208) 334-6034

RECEIVED
APR 6 1992
Department of Water Resources

April 3, 1992

Mr. Tim Luke
Water Resources Specialist
Department of Water Resources
1301 North Orchard, Statehouse Mail
Boise, Idaho 83720

Re: Water Rights Nos. 43-2381, 43-2534 Transfer for Application No. 43-10069

Dear Mr. Luke:

As you know, this office represents Richard L. Miller, of Hyrum, Utah, in regard to the above mentioned rights. This letter is an attempt to answer the questions you pose in your December 27, 1991 letter to Mr. Miller on the subject.

Mr. Miller purchased 960 acres from Mr. Reid S. Stewart in May of 1976 (Exhibit A). Paragraph 3 gave possession to Mr. Miller in 1976. While the above referenced water rights were then being used only on the portion of the ranch purchased by Mr. Miller, the two wells were only yielding about 5.0 c/f/s for use, rather than the licensed total of 7.94 c/f/s. Mr. Miller says that at the time of the sale, Mr. Stewart advised him that only 5.0 c/f/s was available from the wells, although the full 7.95 c/f/s had been pumped during the previous five years. Mr. Miller says that the contract identified one solution in Paragraph 12 of the Agreement. There was also an approved transfer for Right No. 43-2534 for Mr. Harlan Jensen, who was a predecessor owner of Mr. Stewart. (Exhibit X). After taking possession, Mr. Miller drilled Well No. 3, as authorized by the transfer, in the NENE of Section 33. Well No. 4 was apparently drilled NWSE of Section 27, although the transfer put it in the NESW of Section 26, (the same location as the original license). However, a Driller's Report was filed with the Idaho Department of Water Resources showing the location of Well No. 4. (Exhibit Y).

Exhibit B shows where the water was to be appurtenant for the 7.94 c/f/s. Exhibit C is a soils map of the acres Mr. Miller purchased. Exhibit D is an Affidavit of

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MAY 18 1992

Richard Vance Udy indicating that the water from wells No. 1 and No. 2 was not used on the land retained by Mr. Stewart after the sale in 1976.

License No. 43-2381 for 2.74 c/f/s showed the water appurtenant to 105 acres in the NE¼ of Section 26 on the property retained by Mr. Stewart. The point of diversion was in the SW¼ SE¼ of Section 27. It's identified on Exhibit B as Well No. 1.

License No. 43-2534 for 5.2 c/f/s showed 49 acres in the N½ NW¼ of Section 25 and 20 acres in the NWNE of Section 26, appurtenant to the property retained by Mr. Stewart. The point of diversion is in the NESW of Section 26. It's sometimes referred to as Well No. 2.

Together the rights show water appurtenant to 174 acres on the 240 acres of the original farm retained by Mr. Stewart. However, water from neither right has been used on the property retained by Mr. Stewart since he sold to Mr. Miller in 1976. The Idaho Department of Water Resources' computer printouts show Mr. Stewart has claimed the use of License No. 43-2381 on 105 acres in the NE¼ of Section 26. Mr. Miller will contend Mr. Stewart has not used water from 43-2381 since prior to 1976. The printouts also show Mr. Stewart's claimed use of water for 69 acres under right 43-2534. Mr. Miller will contend that Mr. Stewart has not used water from 43-2534 since prior to 1976. Mr. Miller will contend that he has used all of the water from both rights on the lands that he purchased since 1976, and that Mr. Stewart has forfeited his right to use any of either right on the property he retained in Sections 25 and 26.

Mr. Miller will also claim that he complied with the Sales Contract provisions by drilling wells No. 3 and 4 in 1977. As shown on Exhibit B, Well No. 3 is in the NENE of Section 33. Well No. 4 is in the NWSE of Section 27.

At present, from the four wells, Mr. Miller irrigates a total of 795 acres with a diversion of 7.94 c/f/s, the same total diversion rate authorized under Water Right Numbers 43-2534 and 43-2381. A recent report on Mr. Miller's wells is attached as Exhibit E.

Mr. Miller's SRBA claims seek adjudication of the 7.95 c/f/s to 795 acres, all of which have been irrigated since 1977. It's 235 acres more than the total acres licensed under 43-2381 and 43-2534. Mr. Miller has claimed the use on land he purchased from Mr. Stewart.

Mr. Stewart's claim to 5.2 c/f/s and 290 acres of Right No. 43-02534 appears most interesting to the extent it claims water rights on Mr. Miller's property. (See

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Exhibit A). All of Mr. Stewart's claims to waters licensed under 43-2381 and 43-2534 are especially interesting if it can be shown that he has not been delivered water from either right since 1976.

As I understand, Mr. Miller was advised at the Idaho Department of Water Resources that in addition to filing claims 43-2381, 43-2534, 43-00120 and 43-02167, he should file a Transfer Application to reflect what has been occurring since 1977. Mr. Miller listed all points of diversions and all acres under the above referenced transfer and his adjudication claims. As an apparent security move, Mr. Miller was also encouraged to file SRBA Claim A43-10069 to cover all water diverted and all acres irrigated, a total of 795.

It is unlikely that Mr. Stewart will execute a transfer so as to save the Transfer Application. We ask that you retain the Transfer Application, together with this letter and information in the files pertaining to Mr. Miller's adjudication claims. You may also consider this letter as a protest of Mr. Stewart's adjudication claims to any water represented by 43-2381 and 43-2534.

In summary, Mr. Miller will contend that his expanded use is permissible. A similar situation has recently been validated by the Adjudication Court in the case of Idaho v. Dickon, Timjon, dba Hillcreek Properties, and Tuthill, dba P.U. Ranch, Ltd., Case No. 39576 decided July 30, 1991 in which the Court held such an expansion valid because the water diverted was not increased over the amount authorized by the licenses. (Exhibit G).

Even though Mr. Miller will contend that all 795 acres are entitled to water under the original licenses 43-2381 and 43-2534, in any event any acres will be validated by 42-1416B(1). In addition, Idaho Department of Water Resources Adjudication Memo No. 16B dated May 9, 1991 would seem to validate the Miller expansion, even though in a critical groundwater area. (Exhibit H).

Call me with questions.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

JAR:le
03319201.JAR
Enclosures

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MAY 18 1992

Exhibit A

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MAY 1 8 1992

EXHIBIT A

CONTRACT FOR THE SALE OF REAL AND PERSONAL PROPERTY

AND ESCROW AGREEMENT

THIS AGREEMENT, made and entered into at Logan, Cache County, Utah, the 5th day of May, 1976, by and between REID S. STEWART and RUTH O. STEWART, husband and wife, of Logan, Cache County, Utah, hereinafter referred to and designated as Seller, and RICHARD L. MILLER and SONJA W. MILLER, husband and wife, as to an undivided seventy percent (70%) interest, and RAYMOND G. COGGINS and DIXIE LEE COGGINS, husband and wife, as to an undivided thirty percent (30%) interest, hereinafter referred to and designated as Buyer.

WITNESSETH:

1. For the consideration and on the terms and conditions herein set forth, the Seller agrees to sell and the Buyer agrees to purchase that certain real and personal property located in Cassia County, Idaho, and more particularly described as follows:

REAL PROPERTY:

Township 15 South, Range 26 East, Boise Meridian:

Section 26: The Northwest Quarter, the Southwest Quarter, and the West Half of the Southeast Quarter.

Section 27: The East Half, the South Half of the Southwest Quarter, and the Northeast Quarter of the Southwest Quarter.

Section 28: The Southeast Quarter of the Southeast Quarter.

Section 33: The Northeast Quarter of the Northeast Quarter.

Section 34: The Northwest Quarter of the Northwest Quarter.

TOGETHER with all wells, well rights, and permits and all water rights appurtenant thereto and used in connection therewith, including any water allocated to said land from Raft River.

PERSONAL PROPERTY:

6,240 feet of ten-inch aluminum main line sprinkler pipe with valves.

780 feet of eight-inch aluminum main line sprinkler pipe with valves.

1,500 feet of six-inch aluminum main line [illegible]

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MAY 18 1992

EXHIBIT A

The provision on Exhibit "A" hereto relating to a bridge on said property is a part of this Agreement as fully as though set forth herein verbatim.

2. The Buyer agrees to pay for said real and personal property [redacted] principal and interest payable in lawful money of the United States of America, strictly within the following times, to-wit:

(a) [redacted] cash down upon the execution and delivery of this Agreement, the receipt of which is hereby acknowledged by the Seller;

(b) [redacted] on or before June 6, 1976;

(c) [redacted] on December 1, 1976;

(d) [redacted] on January 2, 1977;

(e) The balance of the purchase price remaining after the payments enumerated in paragraphs 2(a), (b), (c), and (d) above shall be paid as follows: [redacted] on January 2, 1978 and [redacted] on the second day of each January thereafter until January 2, 1989, at which time the then unpaid principal balance, together with accrued interest, shall be paid in full. Buyer may not pay any annual installment prior to the due date thereof without giving Seller thirty (30) days written notice of his intent so to do. No installment may be paid under any circumstances sooner than ten (10) days prior to its due date.

(f) Any installment payment not paid on the due date thereof shall bear interest from the due date thereof until paid at the rate of ten percent (10%) per annum until paid.

(g) The purchase price herein provided shall be allocated among the items of personal property and land as provided on Exhibit "A" attached hereto. The down payment herein provided shall be applied entirely to the personal property described in this Contract, and each subsequent payment shall be applied to the personal property until that portion of the purchase price allocated to personal property is paid in full.

3. Possession of said premises shall be delivered to Buyer on May 7, 1976, such possession to continue unless terminated as set forth in this Agreement.

4. The installment payment due June 6, 1976 shall be applied wholly to principal, leaving an unpaid principal balance of [redacted]. Interest shall be charged and paid from May 7, 1976 on all unpaid portions of said [redacted] at the rate of eight and one-fourth percent (8-1/4%) per annum. Each payment, after the June 6, 1976 payment, made by the Buyer on the purchase price shall be applied first to interest accrued to the date of payment, second to interest if any on delinquent sums as provided in paragraph 2(f) herein, and the balance to reduction of principal. Subject only to the exception noted in paragraph 2(e) herein, Buyer may not prepay any part of the purchase price at any time during the life of this Contract. THE ANNUAL PERCENTAGE INTEREST RATE ON THIS CONTRACT IS 8-1/4% ON THE UNPAID BALANCE OF THE PURCHASE PRICE. IN ADDITION, THIS CONTRACT IS TO BE PLACED IN ESCROW WITH WALKER BANK AND TRUST COMPANY, LOGAN, UTAH, AND BUYER SHALL BE OBLIGATED TO PAY ONE-HALF OF ALL ESCROW FEES AND CHARGES AND ONE-HALF OF THE ATTORNEY'S FEES INCURRED IN PREPARATION OF THIS AGREEMENT. NO OTHER FINANCE CHARGES WILL BE CHARGED TO THE BUYER.

RELEASED

MAY 18 1992

OLSON, HOGGAN & SORENSON
ATTORNEYS AT LAW
88 WEST CENTER
LOGAN, UTAH 84321
(801) 752-1551

9. Seller represents that all real property taxes and water assessments on said premises are paid through December 31, 1975. Buyer agrees to pay all real property taxes and water assessments levied against said real property from and after January 1, 1976 and, in addition thereto, to pay all assessments of every kind and nature which are or which may be assessed or levied against said property from and after May 7, 1976, and to hold Seller harmless from any loss, damage, demand, or claim of any kind arising from Buyer's refusal, failure, or neglect so to do.

10. In the event Buyer shall default in payment of any insurance premiums, taxes, or assessments as herein provided, the Seller may, at Seller's option, pay said taxes, insurance premiums, or assessments, or either of them; and if Seller elects so to do, then the Buyer agrees to repay the Seller upon demand all such sums so advanced and paid by Seller, together with interest thereon from the date of payment of said sums at the rate of 1% per month until paid. The grace period provided in paragraph 17 herein shall commence the date such demand is made, and failure to pay according to said demand within said time shall make available to Seller all remedies against Buyer provided in said paragraph.

11. In the event there are any liens or encumbrances against said premises other than those herein provided for or referred to, or in the event any liens or encumbrances other than herein provided for shall hereafter accrue against the same by acts or neglect of the Seller, then the Buyer, at Buyer's option, may pay and discharge the same; and upon presentation to the Escrow Holder of a receipt showing payment, Buyer shall receive credit on the amount then remaining due hereunder, and, thereafter, the payments provided in paragraph 2(e) herein may, at the option of the Buyer, be suspended until such time as such suspended payments shall equal any sums advanced as aforesaid; provided, however, that no such credits shall be given until the Escrow Holder has been presented with a receipt showing payment by or in behalf of Buyer of the account for which credit is claimed.

12. Buyer agrees that they will not commit or suffer to be committed any waste, spoilage, or destruction in or upon said premises. The Buyer agrees to complete the drilling of a well on the property under the existing well permit within the time provided in said permit or any subsequent order or directive of the State of Idaho so as to keep said permit from expiring. The Seller agrees to provide Buyer with a copy of the permit issued by the State of Idaho for the drilling of such well within fifteen (15) days from the date of this Agreement.

13. It is agreed that time is the essence of this Agreement.

14. It is understood that the Seller has an option from Harlan B. Jonsen and Bette J. Jensen, and their successors, to purchase all of the real property and a part of the personal property herein described; that said option is exercisable on or before August 31, 1977; that the Seller will exercise said option on or before August 31, 1977 and will enter into an agreement with the said Jensens, or their successors or assigns, to purchase said property on the terms and conditions provided in said option. It is expressly understood and agreed that the payments [illegible]

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MAY 18 1992

understood and agreed that if for any reason Seller should fail or neglect to exercise said option to purchase said property, that all sums theretofore paid by the Buyer and expended by the Buyer in digging and developing the well mentioned in paragraph 12 herein shall be refunded to the Buyer on written demand and shall constitute a claim against the Seller jointly and severally and against the estates of Sellers until paid, and all sums so paid shall bear interest from the date paid by the Buyer until repaid to the Buyer at the rate of eight and one-fourth percent (8-1/4%) per annum. In the event Seller exercises said option to purchase said property and enters into a contract of sale with the said Jensens and thereafter defaults on the same, the Buyer, at Buyer's option, may remedy any such default by the Seller and receive credit on this contract for any sums so paid in remedying such default, and thereafter, the payments provided in paragraph 2(c) herein may be suspended until the amount so suspended equals the amount expended by the Buyer in rectifying such default. The Seller agrees to notify Buyer in writing of each payment made by the Seller to said Jensens, including money paid upon the exercise of said option and subsequent installment payments made on Seller's contract with said Jensens.

15. Concurrent with the execution and delivery of this Agreement, Seller agrees to execute in favor of Buyer a Warranty Deed to the real property and a Bill of Sale to the personal property described in paragraph 1 of this Agreement, which said Deed and Bill of Sale, together with the original of this Agreement, shall be deposited with WALKER BANK AND TRUST COMPANY, Logan, Utah, which Bank is hereby designated as the Escrow Holder. Seller further agrees to deposit with the Escrow Holder, prior to payment in full of the purchase price herein provided, a policy of title insurance in the amount of $ covering the real property sold hereunder. Upon payment in full of the purchase price and upon Buyer's compliance with all remaining terms, provisions, and conditions of this Agreement, the Escrow Holder is authorized to deliver said Warranty Deed, Bill of Sale, and title insurance policy to the Buyer. Seller agrees to convey to Buyer a marketable title to said real and personal property free and clear of all liens, defects, and encumbrances, except such liens, defects, and encumbrances as might accrue against said property by reason of the acts or neglect of the Buyer, or such encumbrances as are herein provided for.

16. The down payment herein provided for shall be paid direct to the Seller. All other payments made by the Buyer on the purchase price shall be paid to the Escrow Holder, which Escrow Holder is hereby designated as the agent of the Seller to receive said payments and to remit the same to the Seller or to the Seller's order in writing. Each of the parties agree to pay one-half of the cost of all escrow fees and charges and one-half of the cost of preparing this Agreement.

17. In the event of failure to comply with the terms hereof by the Buyer or upon Buyer's failure to make payments, whether of principal, interest, insurance premiums, taxes, or assessments, when the same shall become due (or within thirty (30) days thereafter,) or if Buyer abandons the said property or in any other way breaches this Agreement, or if the said property aforesaid is

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MAY 18 1992

199039

WARRANTY DEED

REID S. STEWART and RUTH O. STEWART, husband and wife,

grantorS of Logan, County of Cache, State of Utah, hereby CONVEY~~and WARRANT~~ or GRANT and WARRANT to

RICHARD L. MILLER and SONJA W. MILLER, husband and wife, as to an undivided seventy percent (70%) interest, and RAYMOND G. COGGINS and DIXIE LEE COGGINS, husband and wife, as to an undivided thirty percent (30%) interest,

grantee S of
for the sum of Ten Dollars and other good and valuable consideration,
the following described tract S of land in Cassia County, State of ~~Utah~~ Idaho:

Township 15 South, Range 26 East, Boise Meridian:

Section 26: The Northwest Quarter, the Southwest Quarter, and the West Half of the Southeast Quarter.

Section 27: The East Half, the South Half of the Southwest Quarter, and the Northeast Quarter of the Southwest Quarter.

Section 28: The Southeast Quarter of the Southeast Quarter.

Section 33: The Northeast Quarter of the Northeast Quarter.

Section 34: The Northwest Quarter of the Northwest Quarter.

TOGETHER with all wells, well rights, and permits and all water rights appurtenant thereto and used in connection therewith, including any water allocated to said land from Raft River.

WITNESS, the handS of said grantorS, this 5th day of May A.D. 1976.

Signed in the presence of

Reid S. Stewart

Ruth O. Stewart

STATE OF UTAH
County of Cache } ss.

On the 5th day of May, A.D. 1976, personally appeared before me

REID S. STEWART and RUTH O. STEWART, husband and wife,

the signerS of the within instrument, who duly acknowledged to me that the y executed the same.

L. Bret Hogan
Notary Public

Commission expires: MAY 18 1992
Residing in

RECORDING DATA

Entry No. Fee $

RECORDED ☐ INDEXED ☐ ☐
PLATTED ☐ ABSTRACTED ☐
COMPARED ☐ DELIVERED ☐

Nov 28 10 [illegible] 203

CASSIA [illegible] IDAHO
FRANK [illegible]

FEE 3.00

Richard Miller

199039

LAND TITLE COMPANY

Exhibit B

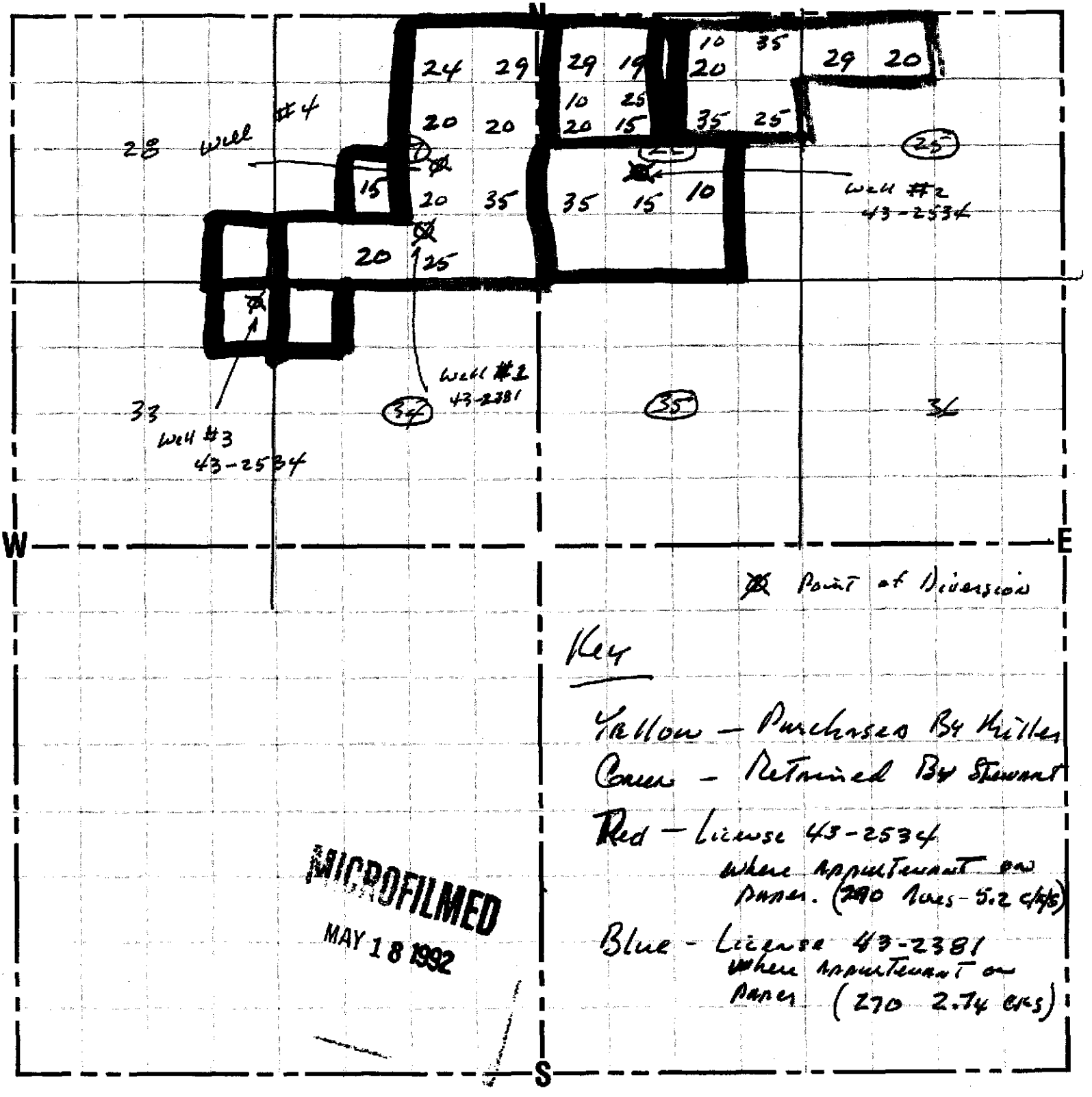
MICROFILMED
MAY 18 1992

EXHIBIT B

Richard L. Miller

T. 15 S, R. 26 E 13a

SCALE FOR SECTION, 660 Ft.=1 Inch { Each side large blue squares = 20 chains, 80 rods, 1320 feet; area of square 40 acres. Each side small red squares = 5 chains, 20 rods, 330 feet; area of square 2½ acres.



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MAY 18 1992

SCALE FOR QUARTER SECTION, 330 Ft.=1 Inch { Each side large blue squares = 10 chains, 40 rods, 660 feet; area of square 10 acres. Each side small red squares = 2.5 chains, 10 rods, 165 feet; area of square .625 of 1 acre.

PRONTO LAND MEASURE 660-330 MAP SHEET

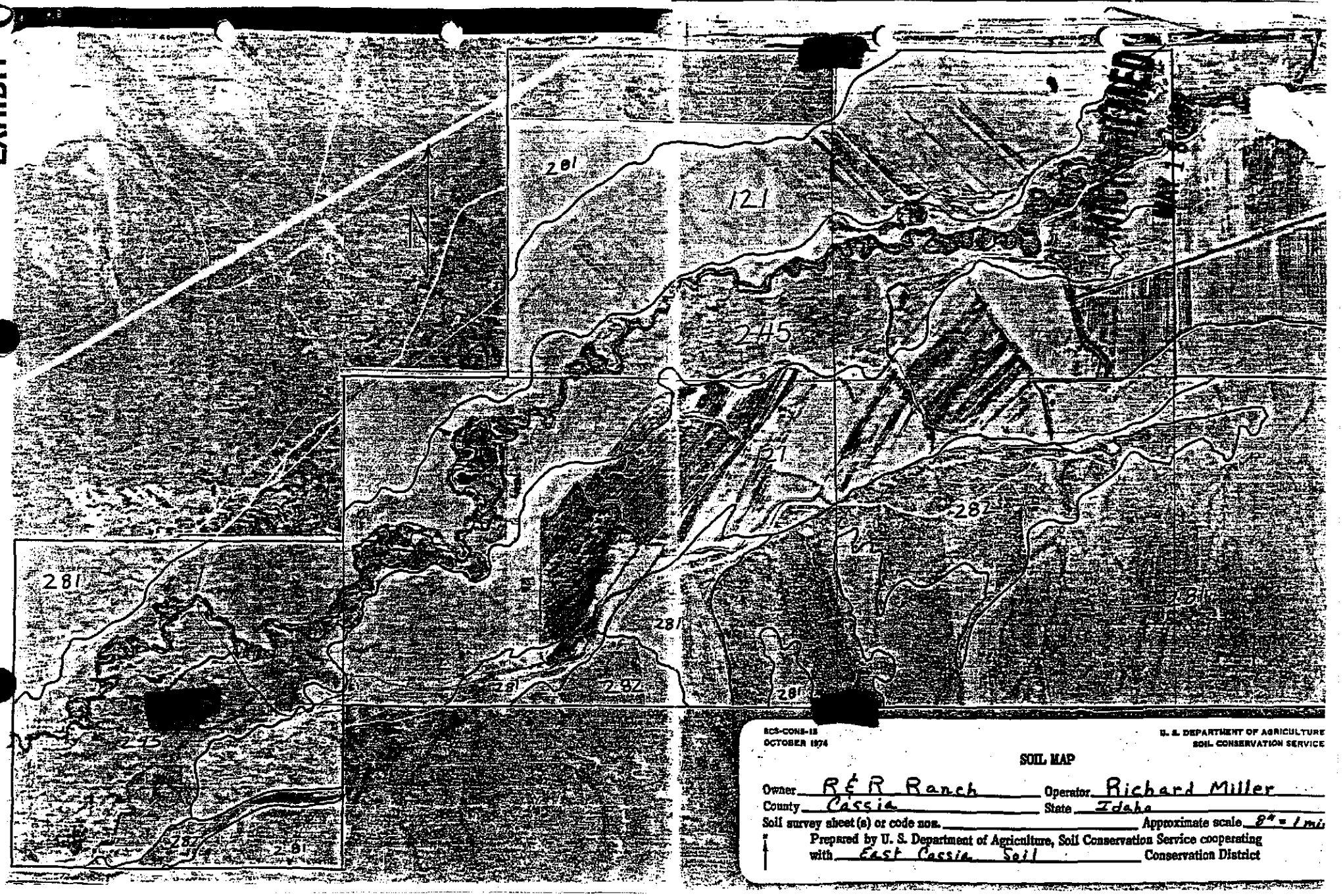
PRONTO LAND MEASURE
P.O. Box 3219, Fl[illegible]
Phone (313) [illegible]

EXHIBIT B

Exhibit C

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MAY 18 1992

EXHIBIT C



SCS-CONS-15
OCTOBER 1974

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SOIL MAP

Owner R & R Ranch Operator Richard Miller
County Cassia State Idaho
Soil survey sheet (s) or code nos. _____ Approximate scale 8" = 1 mi
Prepared by U. S. Department of Agriculture, Soil Conservation Service cooperating with East Cassia Soil Conservation District

Exhibit D

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MAY 18 1992

EXHIBIT D

IN THE MATTER OF:)
)
)
)
)

AFFIDAVIT

State of Idaho)
)
County of _____)

I, Richard Lance Udy being first duly sworn, deposes and says: I, Richard Lance Udy, resided in Bridge, Idaho close to the land Richard Miller purchased from Reid Stewart. I also did some work on the farm. Water right #43-2381 & 43-2534 with the points of diversion locations on the above mentioned farm were exclusively utilized on that farm. The water was pumped into a main line and then run into sprinkler pipe for use on that property. The water was utilized this way prior to the sale to Richard Miller during the sale and after his purchase in May 1976.

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MAY 18 1992

Lance Udy
(signature)

AFFIDAVIT of P.O.U.

Subscribed and sworn to before me this 29th day of January 19 92.

Barbara Anderson
(notary public)

Residing at Albion, Idaho

My commission expires 7-23-93

EXHIBIT D

Exhibit E

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EXHIBIT E
A43-
02381

Richard.

Here is a brief report on your irrigation systems we inspected this past year. if you have any more questions please feel free to contact me.

#2 Pump test # 28016

This pump will need to improve the pressure and also the flow as they are both to low to do what you need to do. We can also improve pump plant efficiency

Existing	Proposed
877.3 GPM	945 Gpm ≥ 1000 GPM
245.76ft	282.9ft
50.78%	70%
79.34kw	71.95kw

Pump test # 28011

This pump also has to low of a pressure and the first 1150ft of 10" main line is to small for the flow we have. we will need to replace it with 12" PVC. By doing this we could reduce 8.62 ft of head. The efficiency could also be improved

#1

Existing	Proposed
1694.8 GPM	1694.8GPM
247.34 ft	279.72 ft
64.67%	69.77%
122.12 kw	128 kw

Pump # 28016 and 28011 are one system.

Pump Test # 28018

This pump needs more pressure and the offence can be improved

#3

Existing	Proposed
725.9 GPM	725.9 GPM
187.7 ft	214.02 ft
34.02%	70%
72.67 kw	41.8 kw

Pump # 28028

This pump has to have more pressure and increased flow. The efficiency can be improved as well To increase flow and pressure requires more kw put by combining it with pump # 28018 we can help defer the cost of the improvements.

#4

Existing	Proposed
381.7 GPM	700 GPM — new
216.93 ft	252.17 ft
39.27%	69%
30.72 kw	48.19 kw

Call me are stop in if you have any questions.

Jerry Udy

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EXHIBIT E
Nell Lewis 41-
43-

Rafter River Electric /

Exhibit F

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4 wells A-43-10069 795 Ac

7.94 cfs

EXHIBIT F

SCALE FOR SECTION, 660 Ft.=1 Inch { Each side large blue squares
Each side small red squares =

SCALE FOR SECTION, 660 Ft.=1 Inch { Each side large blue squares = 20 chains, 80 rods, 1320 feet; area of square 40 acres.
Each side small red squares = 5 chains, 20 rods, 330 feet; area of square 2½ acres.

N

W

E

S

28

27

26

33

34

24 40 40 22 126

18 25 30 35 108

22 34 40 40 40 40 216

25 20 35 40 40 40 40 40 280

35 30 65

795

EXHIBIT F

SCALE FOR QUARTER SECTION, 330 Ft.=1 Inch { Each side large blue squa
Each side small red squar

SCALE FOR QUARTER SECTION, 330 Ft.=1 Inch { Each side large blue squares = 10 chains, 40 rods, 660 feet; area of square 10 acres.
Each side small red squares = 2.5 chains, 10 rods, 165 feet; area of square .625 of 1 acre.

PRONTO LAND MEASU

PRONTO LAND MEASURE 660-330 MAP SHEET

PRONTO LAND MEASURE
P.O. Box 3219, Flint, MI 48502
Phone (313) 233-7950

Exhibit G

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RE: Big Lost - Expansion of use presumption - 42-1416 - does not include expansion of amt. diverted.
cc - JAR / GDS / BMS / JER / JOF / JRS

EXHIBIT G

RECEIVED
JUL 3 1 1991
Department of Water Resources

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

In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System	Case No. 39576
The State of Idaho, ex rel. R. Keith Higginson in his official capacity as director of the Idaho Department of Water Resources, Petitioner, vs. DICKON, a California corporation, TIMJON, a California corporation, dba HILLCREEK PROPERTIES, and RICHARD A. TUTHILL, dba P.U. RANCH, LTD., Respondents.	**MEMORANDUM DECISION RE: PETITION FOR PRELIMINARY INJUNCTION**

State of Idaho's Petition for Preliminary Injunction, Granted. State's Request for Civil Penalties, Denied.

Phillip J. Rassier, Deputy Attorney General, State of Idaho, appearing on behalf of Petitioner.

Kent W. Foster, Holder, Kidwell, Hahn and Crapo, Idaho Falls, Idaho, appearing on behalf of Respondents.

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EXHIBIT C

BACKGROUND

The Idaho Department of Water Resources (IDWR), seeks injunctive relief prohibiting Respondents from diverting water in excess of two licensed water rights pending the issuance of a decree adjudicating rights to both surface and ground water in the Big Lost River Basin.

On January 31, 1991, IDWR filed its petition seeking a preliminary injunction pursuant to I.R.C.P. 65(a) and (e). The Respondents filed a Motion To Dismiss or, in the Alternative, for Change of Venue. After hearing, both motions were denied. The parties subsequently advised the court of their agreement to submit the issues on stipulated facts, which have been filed.

The issue presented is whether the Respondents may continue to divert ground water in excess of two licensed water rights, Nos. 34-2332 and 34-7079. Decreed surface water rights belonging to Respondents are not at issue here. Therefore, any argument on the merits about their decreed surface water rights are not necessary for the resolution of the instant petition and will not be addressed.

FACTS

Water right License Number 34-2332 authorizes a diversion rate of 2.9 cfs for use on 145 acres located in Section 21, Township 5N, Range 26E, B.M., Butte County. (Stipulation of Facts, No. 11.) License Number 34-7079 authorizes a diversion rate of

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2.76 cfs for supplemental use on the same 145 acres. However, it includes conditions specifying that the total rate of diversion under the two licenses (Nos. 34-7079 and 34-2332) "Shall not exceed that required to efficiently irrigate the land; and 2) the maximum volume per year diverted under the license shall not exceed 435 acre feet or 3.0 acre feet per acre, when combined with License No. 34-2332." (Stipulation of Facts, No. 12, emphasis added.)

Respondents filed a transfer application in 1985 seeking a change in the place of use of Licenses 34-2332 and 34-7079 under I.C. § 42-222. On December 4, 1985, IDWR approved the transfer (Transfer Number 3214) with the conditions that:

> 1. The rate of diversion and annual volume of rights 34-7079 and 34-2332 when combined, shall not exceed 2.90 cfs or 435 acre feet per annum.
>
> 2. No more than 2.90 cfs or 435 acre feet per annum shall be injected into the Moore Canal.
>
> 3. The rate of re-diversion from Timberdome Canal may be subject to a conveyance loss assessment.
>
> 4. Approval of this transfer does not constitute a right to use privately owned conveyance facilities.

Stipulation of Facts, No. 16

Respondents neither contested nor appealed the conditions placed on the transfer (Stipulation of Facts, No. 15) and fully acknowledge timely service of a copy of the transfer and conditions (Stipulation of Facts, No. 24).

In October, 1989, Respondents applied to IDWR for a drilling permit to deepen the "Moss well" which was the source of water for

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both licensed rights. IDWR issued Drilling Permit Number 34-89-E-085. Respondents subsequently decided to drill a new well rather than deepen the existing "Moss well". IDWR advised Respondents that their drilling permit (No. 34-89-E-085) could be used to drill a replacement well but required that the old well be abandoned. IDWR further advised that if use of both the old and the new wells was necessary to provide the authorized diversion amount, a transfer application to add the second point of diversion would be required.

On May 22, 1990, Respondents filed a transfer application to add the second point of diversion. This application is being held pending the resolution of this case or Respondents' decision whether or not to abandon the old Moss well. (Stipulation of Facts, Nos. 21 and 22).

The record further shows that Respondents filed two claims in the Snake River Basin Adjudication (S.R.B.A.) for rights to divert water from the Moss well, at 362.5 acre feet per annum or 2.5 acre feet per acre. (Stipulation of Facts, No. 25; Appendix, Exhibit A & B to Petition for Preliminary Injunction). Subsequently, Respondents filed amended SRBA claims for rights to divert 5.66 cfs from the Moss well rather than the 2.90 cfs authorized by Transfer Number 3214. (Stipulation of Facts, No. 28). The amended claims increase the irrigated acreage from the Moss well to 264 acres and the annual volume of consumptive use to 924 acre

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feet per annum, or 3.5 acre feet per year. The amended claims were filed as accomplished transfers under I. C. § 42-1416A. (Appendix, Exhibits A & B to Petition for Preliminary Injunction.)

In addition to the amended claim, Respondents simultaneously filed a new claim for 2.34 cfs, reflecting a claimed expansion of the amount of water authorized to be diverted from the Moss well under License Nos. 34-2332 and 34-7079, declaring an April 1, 1980 priority date. (Stipulation of Facts, No. 29.) Respondents now assert that this new claim for 2.34 cfs is in error and that the correct amount should be the difference between the approximate 6.0 cfs they claim was historically produced by the Moss well and the 5.66 cfs set forth in their amended adjudication claim. (Stipulation of Facts, No. 29.)

On July 2, 1990, Respondents advised IDWR of their intent to divert a total of 8.0 cfs from both the Moss well and the newly drilled second well (Moss wells). (Stipulation of Facts, No. 30.)

On July 13, 1990, IDWR issued a cease and desist order prohibiting Respondents from diverting water from the two wells in excess of the 2.9 cfs authorized by Transfer Number 2314. (Stipulation of Facts, No. 16 & 34.) Respondents did not, and have not, complied with the cease and desist order from the date of issuance. (Stipulation of Facts, No. 35.)

Under I. C. § 42-352, IDWR further prays for an order against Respondents for a civil penalty of up to one hundred

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dollars ($100) per diversion for each calendar day following service of the cease and desist order on July 14, 1990. (Petition for Preliminary Injunction, P. 6, paragraph 24.)

Injunctive Relief

IDWR seeks a preliminary injunction pursuant to I.R.C.P. 65(a) and (e). The Department also alleges entitlement to the preliminary injunction under I. C. § 42-231, 42-351 and 42-1805(9).

Respondents challenge IDWR's entitlement to injunctive relief on two procedural grounds. First, they question the ability of IDWR to seek such relief as a part of the Snake River Basin Adjudication. Respondents allege that an action for injunction short-circuits the S.R.B.A. process and promotes piecemeal adjudication of water rights. Second, Respondents argue that the preliminary injunction would destroy, rather than preserve, the status quo as it exists for the water rights in question and that the state suffers no injury if this dispute awaits resolution as part of the S.R.B.A..

IDWR possesses well-defined responsibilities and authority over the appropriation of ground water in Idaho. (Idaho Ground Water Act, I. C. § § 42-226-42-237(h)). The Director of IDWR is required to, "do all things reasonably necessary or appropriate to protect the people of the state from depletion of ground water resources contrary to public policy expressed in this Act." I. C. § 42-231. The Director is required to sue to enjoin the illegal

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opening or excavation of wells or join in any action that might result in depletion of ground water resources of the state in a manner contrary to the Act. I. C. § 42-237(f). Similarly, the Director may issue cease and desist orders and subsequently seek injunctive relief for illegal diversion from a natural watercourse or a ground water source. I. C. § 42-351.

In this action, the Director seeks to enforce the cease and desist order previously issued against the Respondents by this court's entry of a preliminary injunction.

Injunctive relief to enforce IDWR cease and desist orders, under I.R.C.P. 65(e), has been approved in Idaho. Olson v. Bedke, 97 Idaho 825, 555 P.2d 156 (1976). This court will, therefore, analyze the request under I.R.C.P. 65(e).[1]

This court finds that IDWR is entitled to an injunction under I.R.C.P. 65(e)(1) because it appears the Department is entitled to the relief demanded, and such relief is required to restrain Respondents from continuing to divert water in excess of their licenses. Further, it is found that under I.R.C.P. 65(e)(2) the continued diversion of water by Respondents in excess of their licenses constitutes irreparable injury to the state because it is

[1] It should be noted that the Department also asserts entitlement to injunctive relief under I. C. § 42-351(5) which sets forth an entirely different burden of proof than I.R.C.P. 65(e). Because IDWR is entitled to relief under I.R.C.P. 65(e), this court declines to address the conflict between I.R.C.P. 65(e) and I. C. § 42-351(5).

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an act which directly contravenes state water law and the express terms and conditions their licenses.

IDWR has the right to seek injunctive relief either as a part of the Snake River Basin Adjudication or in an independent action in Butte County. This court has previously ruled that where a water user has filed a claim in the S.R.B.A., they become a party in that action. Where acts surrounding an S.R.B.A. claimed water right are sought to be enjoined by IDWR, it is entirely proper for the relief to be sought in the S.R.B.A.. The S.R.B.A. neither changes nor terminates the Director's responsibilities over the appropriation of ground water in the state of Idaho. The Director must proceed to enjoin illegal diversion; and, where the transgressor is a party in the S.R.B.A., jurisdiction lies with this court to entertain the Director's petition.

To include such injunctive actions in the S.R.B.A. does not create piecemeal adjudication. Notwithstanding the S.R.B.A., the Director has a right to seek this relief. Whatever the outcome of the action for injunction, the water claimant still proceeds with its claim in the S.R.B.A. One advantage to having injunctive actions in the S.R.B.A. is the avoidance of possibly inconsistent rulings which may occur if the court in the usual county of venue hears the matter.

This case is not unlike that of State ex rel. Tappan v. Smith, 92 Idaho 451, 444 P.2d 412 (1968). There, a petition was

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filed for an injunction against landowners to stop withdrawl of ground water from a well. Respondents in that action had previously filed an application for change of point of diversion and place of use. That application was pending while the petition for injunction was litigated. As part of the injunctive action, the trial court attempted to adjudicate the application. The Supreme Court found it was error for the trial court to attempt such an adjudication while it still could be heard by the agency. Similarly, here, this court may entertain a petition for injunction, notwithstanding the pendency of Respondents' S.R.B.A. claim. That claim will be fully resolved following the filing of the Director's Report and any subsequent Objections and Responses. While Respondents argue that a decision on this injunction may dispose of all, or part, of their S.R.B.A. claim, the situation is no different than that in State ex rel. Tappan. Therefore, the court clearly has the authority to proceed on the Director's petition in this case.

Respondents further argue that injunctive relief is improper because it would destroy rather than preserve the status quo. Respondents argue that the status quo is represented by their claimed thirty-year diversion, which exceeds their licenses. This court finds that the status quo is represented by the lawfully licensed quantity of water Respondents may divert. Therefore, to allow them to divert in excess of their lawful water right would

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constitute a change in the status quo. Preservation of the status quo requires Respondents to divert no more water than that to which they are lawfully entitled under their licenses.

Respondents' Water Right

The critical issue in this case is the quantity of water to which Respondents are entitled from what has been called the Moss wells. This issue can only be resolved after determining the quantity of water to which Respondents are entitled under the terms of their two licenses, their approved Transfer Application and their S.R.B.A. claim to additional water as an expansion of use pursuant to I. C. § 42-1416.

Licensed Right Nos. 34-2332 and 7079 and Transfer Application No. 3214

Respondents purchased the Moss well in 1985. Two licensed rights had been issued prior to purchase. Licensed right No. 34-2332, issued in 1959, was for 2.9 cfs to be supplemental to a decreed water right for the irrigation of 145 acres. Licensed right No. 34-7079, issued in 1975, was for 2.76 cfs for supplemental use on the same 145 acres. This second right (34-7079) was conditioned on the holder not drawing more water than was necessary for the irrigation of the 145 acres up to a maximum of 435 acre feet between, or in combination with, water right No. 34-2332.

The approved transfer application No. 3214, issued in 1985, was to cover the requested change in place of use of water taken under rights 34-2332 and 34-7079. Respondents' Transfer Applica-

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tion requested only that their rights, in combination, were for 2.9 cfs, up to a maximum of 435 acre feet. In granting the transfer application, IDWR attached certain conditions, including: 1) the combination of water taken under rights 34-2332 and 34-7079 would not exceed 2.9 cfs or 435 acre feet; 2) no more than 2.9 cfs or 435 acre feet could be placed into the Moore Canal; 3) the rate of rediversion from Timberdome Canal may be subject to a conveyance loss assessment; and 4) approval of the transfer did not constitute a right to use privately owned conveyance facilities.

Further evidence of Respondents' water right exists in their claims filed in the Snake River Basin Adjudication. Claims No. A34-07079 and A34-02332 relate to the Moss wells and only claim 362.5 acre feet of water. Respondents have amended these claims and now claim 924 acre feet for the Moss wells under the accomplished transfer statute, I. C. § 42-1416(A). Another amended claim for the Moss wells claims an expansion of use for the two licensed rights, Nos. 34-2332 and 34-7079, for a total of 5.66 cfs. Notwithstanding these licenses, the transfer application and claims and amended claims in the S.R.B.A., Respondents were diverting a combined rate of 8.0 cfs from the Moss wells in the summer of 1990.

In reviewing its licensed rights, transfer application and original S.R.B.A. claim, Respondents argue that IDWR and the documentation pertaining to these rights is all wrong. Respondents claim that they were mistaken when, in Transfer Application No.

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3214, they only requested a diversion rate of up to a maximum of 435 acre feet. Respondents vehemently argue that IDWR was incorrect in placing conditions on Transfer Application No. 3214, restricting it to a combined diversion rate of 2.9 cfs or 435 acre feet. In fact, Respondents have gone so far as to say that this restriction constitutes an illegal taking of their property, notwithstanding the fact that the Transfer Application granted to them exactly what their application requested. Finally, Respondents claim that they were wrong when they mistakenly filed their original S.R.B.A. claims for these rights requesting 362.5 acre feet.

Respondents' water right for the Moss wells is governed by the two licenses which existed in 1985 when they purchased the original well. Right 34-2332 was limited to 2.9 cfs. Right 34-7079 was restricted to 2.76 cfs on the condition that in combination with right 34-2332 no more than 435 acre feet would be diverted. Transfer Application No. 3214 contains the same restrictions. Respondents clearly understood this in making the Transfer Application in the first place because they only filed for those amounts. Respondents now assert that not only were they mistaken when they filed the Transfer Application, but their failure to notice the restriction when the application was approved was an oversight and one which any applicant, and every applicant, was likely to make. This is simply not credible.

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Respondents' Transfer Application clearly evidences an intent to request a change in place of use of a right to 2.9 cfs or 435 acre feet, which they were allowed to divert under rights No. 34-2332 and 34-7079. Respondents never saw an error in the conditions in the Transfer Application and never proceeded with an appeal of or challenge to those conditions. Respondents have used the water out of the Moss wells continuously since the transfer application was approved, a period of now over six years without dispute. And even when filing a claim in the S.R.B.A., Respondents never claimed the right to divert water in excess of the original two water rights governing the Moss wells. The amended S.R.B.A. claims were only made after the instant dispute was raised by the Department of Water Resources.

This court finds that Respondents' right to divert from the Moss wells is governed by Water License Nos. 34-2332 and 34-7079, as well as Transfer Application No. 3214. This right is limited to a combined diversion rate or 2.9 cfs or 435 acre feet per annum. Respondents' claim that the licenses or approved Transfer Application with its conditions were in error or constitute a taking of its property are without merit.

Expansion of Use Under I. C. § 42-1416

Respondents also claim in this action, and in one amended claim in the S.R.B.A., that the quantity of water which they have diverted from the Moss wells has been expanded to approximately 8.0

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cfs under the expansion of use statute, I. C. § 42-1416(2). Respondents have suggested that raising this issue is premature in light of the pendency of the Snake River Basin Adjudication. However, in determining IDWR's entitlement to a preliminary injunction, this court must determine that the Department is likely to prevail on the issue of the amount of water Respondents can divert form the Moss wells. The answer to this is certainly clear with respect to the licenses and Transfer Application discussed above. However, to determine the likelihood that the Department will prevail, the expansion of use issue must be addressed.

I. C. § 42-1416(2) provides, in pertinent part:

> In any basin-wide adjudication, the following shall apply:
>
> (2) Expansion of the use after acquisition of a valid unadjudicated right in violation of the mandatory permit requirements shall be presumed to be valid and have created a water right with a priority date as of the completion of the expansion, in the absence of injury to other appropriators.

The issue presented is whether the term "expansion of the use" means an increase in the quantity of water diverted. Applying the rules of statutory interpretation, this court answers the question emphatically in the negative.

The law governing statutory interpretation is well settled. The court must first look to the four corners of the statute and give plain, ordinary and common meaning to its terms. Effect must be given to every word, clause and sentence in order to implement

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all provisions of the statute and to avoid rendering any portion inoperative, superfluous, void or insignificant. Ordinarily, the language of the statute is conclusive, and a presumption exists that the plain words of a statute express the intent of the legislature. It is this legislative intent which governs the court's interpretation of a statute. Sweitzer v. Dean, 118 Idaho 568, 798 P.2d 27 (1990); Credit Bureau of Lewiston-Clarkston, Inc. v. Idaho First National Bank, 117 Idaho 29, 784 P.2d 885 (1989); Roe v. Hopper, 90 Idaho 22, 408 P.2d 161 (1965).

Here, even if the term "expansion of the use" could be considered ambiguous, no legislative history exists which sheds light on its meaning. Neither party, nor the court, have found any definition or statement by the legislature for this term nor do any cases exist construing the statute.

The plain language of I. C. § 42-1416(2) allows a water user to claim an "expansion of the use" of a validly existing water right that has yet to be adjudicated. "Use", when used as a noun, has been defined as: "continued or repeated exercise or employment; a method or manner of using something; habitual or customary practice and accustomed or usual procedure". Webster's Third New International Dictionary (1990).

The word "use" appears several places in Idaho water statutes. I. C. § 42-101 speaks of providing for the "use" of Idaho's waters and recognizes and confirms the right to the "use"

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of any water in the state. It further provides that right to the "use" of public waters which will be or have been allotted or beneficially applied, and the right to continue the "use" of any such waters shall not be denied. I. C. § 42-108 and 42-222 contemplate that a person may make application to change the point of diversion, period of "use" or the nature of "use" or, within limitations, transfer water to other land. I. C. § 42-1416(A) allows a person entitled to the "use" of water to make a change in point of diversion, place of "use", period of "use" or nature of "use" of all or a part of the water. Significantly, I. C. § 42-1416(A)(2) states that,

> To the extent that the provisions of this section and § 42-1416, I. C. are both applicable to the same water right, the two sections shall be applied conjunctively, if possible, but this section shall not be construed to limit the provisions of § 42-1416, I. C.

All of these provisions engage the term "use" in the context of every aspect of a water right except the quantity of water. Expansion of use may very well include changes in the point of diversion, place of use, period of use and the nature of the use. This is consistent with the common meaning of the term "use" where it describes the method or manner of using something. The common meaning of the word "use", however, does not include the object being used. It only covers how it is being used. The same is true of the statute here.

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"Expansion of the use" as that term is used in I. C. § 42-1416 does not mean an expansion of the amount of water to which a user is entitled. To hold otherwise would be contrary to existing Idaho water law. Such a change in Idaho water law is so significant that it is presumed the legislature would have clearly stated such an intention if it existed. Unless the legislature specifically and unequivocally includes the right to increase the quantity of water to which one is entitled under I. C. § 42-1416, this court will not engraft such an interpretation onto the statute.

Respondents' claim to 8.0 cfs per annum from the Moss wells under the expansion of use language in I. C. § 42-1416 is without merit. Therefore, Respondents' right to divert water from the Moss wells remains 2.9 cfs or 435 acre feet per annum under the terms of its licenses and transfer application.

Estoppel

Respondents finally contend that IDWR should be estopped from seeking injunctive relief because of prior representations it made to water users.

The Director notified water users in the Big Lost River Basin of IDWR's policy for water management, pending a determination in rights in the S.R.B.A.. These letters and memoranda were sent in February, April and May, 1990. The May 7, 1990, memorandum states:

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> Various uses of water without a valid recorded right have been brought to my attention during the past year. IDWR's response has been to issue administrative orders to "cease and desist" use of water if either no water right is of record with the Department or if the only record is an unapproved application. This continues to be IDWR's policy where no valid right to use water is evident, and IDWR will seek injunctions and civil fines as necessary to enforce the administrative orders.
>
> Stipulation of Facts, No. 26.

Recognizing that some rights in the basin had changed either because of authorized expansions under I.C. § 42-1416 or changes in point of diversion under I.C. § 42-1416A, the Director notified claimants that:

> IDWR will not seek to prevent use of ground water where the right to use the water is based upon a claim unless:
>
> (1) The claim is obviously without merit because the use clearly did not commence prior to the required dates or the use was obviously expanded after the statutory deadline.
>
> (2) The rate of diversion exceeds the rate of the right which is claimed is expanded or transferred.
>
> (3) Documented evidence exists that the claimed use by itself or in conjunction with the use of other claimed uses is directly and significantly injuring another valid right or rights.
>
> Stipulation of Facts, No. 26.

Respondents argue that these statements by the Director should estop IDWR from proceeding in this court for injunctive relief, arguing that the Department is committed to wait for the

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resolution of Respondents' water right in the Snake River Basin Adjudication.

Reviewing the conditions set out in the Director's letter, it is clear that condition number 2 fully applies. As such, the Director is following through with his announced policy by seeking an injunction in this case. As this court has already found, Respondents' diversion from the Moss wells exceeds the rate set forth in their two licensed rights and transfer application. Therefore, Respondents' claim for estoppel is denied.

Civil Penalties

IDWR requests civil penalties be assessed against Respondents under I.C. § 42-352. This section provides that the Director of IDWR may impose a civil penalty against anyone who wilfully violates his cease and desist order. The statute also allows the Director to seek court enforcement of such penalties.

IDWR's Petition, however, discloses that the Director has not imposed a civil penalty against Respondents. Therefore, this court lacks jurisdiction to enforce or set a civil penalty under I.C. § 42-352. The request is premature and is denied.

CONCLUSION

Respondents' diversion of nearly 8.0 cfs from the Moss wells clearly exceeds the 2.9 cfs or 435 acre feet allowed under their licensed rights and under the terms of their transfer application. Their increased rate of diversion is not an expansion of use under

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I.C. § 42-1416. This statute in no way allows a water user to expand or increase the quantity of water diverted under a valid unadjudicated water right. Respondents' diversion of water in excess of their right is also in contravention of the cease and desist order issued by IDWR.

Pursuant to I.R.C.P. 65(e)(1), a preliminary injunction shall issue prohibiting Respondents from diverting water from the Moss wells in excess of their licensed right. IDWR has established that it is entitled to the relief demanded. The Respondents shall be restrained from continuing to divert from the Moss wells in excess of their rights.

To the extent Respondents are claiming entitlement in the S.R.B.A. to more water than is allowed under their licenses, based on a claim of appropriation by beneficial use, said claim will be resolved in the S.R.B.A. after filing of a Director's Report.

IDWR's request for civil penalties for Respondents' wilfull failure to follow the Director's cease and desist order is premature and denied.

This Memorandum Decision constitutes the court's Findings of Fact and Conclusions of Law herein.

Counsel for the Petitioner shall prepare an order reflecting the court's decision, submitting copies to counsel and the court for review and entry.

IT IS SO ORDERED.

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DATED this 30 day of July, 1991.

DANIEL C. HURLBUTT, JR.
District Judge

CERTIFICATE OF MAILING

The undersigned certifies that on the 30th day of July, 1991, she caused to be mailed, or hand delivered, a copy of the foregoing MEMORANDUM DECISION RE: PETITION FOR PRELIMINARY INJUNCTION to:

Phillip J. Rassier
Deputy Attorney General
State of Idaho
1301 N. Orchard
Boise, ID 83706-2237

Kent W. Foster
Holder, Kidwell, Hahn and Crapo
P. O. Box 50130
Idaho Falls, ID 83405

Mary A. Carroll

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Exhibit H

ADJUDICATION MEMO #16B

TO: Adjudication Bureau Staff
FROM: Lynne Krogh-Hampe
DATE: May 9, 1991
RE: The Presumptions and Permissible Place of Use

Adjudication Memos #16 and 16A set forth IDWR's interpretation of the first two presumptions of Idaho Code §42-1416 for purposes of claims-taking; they describe the claims to which the presumptions apply. This memo sets forth IDWR's interpretation of the presumptions for purposes of claim review. This memo describes how those claims should be investigated and recommended, but does not change memos 16 and 16A. This memo also describes how claims should be recommended that include a permissible place of use, and how a permissible place of use works together with the presumptions.

A. THE FIRST PRESUMPTION

Idaho Code §42-1416(1) sets forth the following rebuttable presumption:

> The holders of previously adjudicated water rights shall be presumed to have validly applied all water to beneficial use on the lands being irrigated at the time of basin-wide adjudication with no change in the priority dates of the original rights.

Ambiguity in Decree

The presumption may be applied to determine the decreed place of use where the decree is ambiguous as to the place of use. Some of the old decrees determine the diversion rate and the lands owned by the claimant, without describing the irrigated acreage by forty acre tract, and without a general finding as to the diversion requirement (from which at least the total number of irrigated acres could be determined). Under the general rules as to an ambiguity in a decree, it would be necessary to determine the acreage actually irrigated at the time of the decree from other pleadings or evidence in the prior case, or from evidence outside the court files as to use at the time of the prior case. Due to the difficulty of obtaining such evidence, IDWR has generally assumed, absent contradictory evidence, that the water right is appurtenant to all of the described lands equally. Using the first presumption, it will be assumed that, absent contradictory evidence, the decreed place of use is that portion of the original tract of land that is currently irrigated.

For example, a water user may have been decreed a right to 12 inches of water, and the decree describes the water user's lands as 3 quarter-quarters, and the claimant claims 12 acres within the 120 acre tract as the place of use. If no other

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EXHIBIT H

rights, and the diversion volume field should be left blank. Diversion volume for surface water rights is not required to be determined solely due to the second presumption. Where there are overlapping surface and ground water rights, then the total diversion volume for the ground water rights only should be determined and stated in the remarks for the ground water rights only.

The total consumptive use for both rights should also be determined and stated in remarks for both rights, regardless of source, and the consumptive use field should be left blank.

The standard remark set forth above should continue in the following form: "... A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF _____ AF, AND A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF _____ AF. The remark should state the total combined volumes, not the volume per acre.

Place of use

With irrigation claims, the place of use to be recommended on each claim is the total irrigated acreage under both claims, but the original claim should include a remark limiting use of the right to irrigation of the original number of acres in the place of use, and the expansion claim should include a remark limiting use of the right to irrigation of the number of expansion acres in the place of use. The remark should be in the following form: "THIS RIGHT IS LIMITED TO THE IRRIGATION OF ___ ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON."

C. CRITICAL GROUND WATER (GW) EXPANSION

As noted above, neither of the presumptions apply to expansions in use of GW rights in a critical GW area (CGWA) occurring after designation of the CGWA. However, Idaho Code §42-1416B(1) provides as follows:

> Within any critical ground water area designated pursuant to section 42-233a, Idaho Code, a claim to the expanded use of a ground water right, which use was expanded in violation of the mandatory permit requirements, may be decreed in a general water rights adjudication if the expansion occurred after the designation of the critical ground water area, before the commencement of the adjudication, and before the enactment of this section. The priority date for the right decreed shall be June 30, 1985.

That section goes on to provide "water will be deemed to be unavailable to fill the rights for expanded use" unless there is a water management program to limit average annual water withdrawals from the aquifer to no more than the average annual recharge to the aquifer.

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This statute works basically the same as the second presumption, EXCEPT that:

a. it applies to decreed rights as well as to licenses and beneficial use rights (including posted notice rights),

b. the claimant need only show that the expansion occurred prior to commencement (this information may already be available from our aerial photography), and

c. it results in a priority date of June 30, 1985.

If an expansion claim is to be recommended, then the "R" record for the expansion claim should include the following remark, "THIS RIGHT IS AN EXPANSION OF RIGHT NO. (original right) PURSUANT TO IDAHO CODE 42-1416B." If the expansion claim is to be recommended, the the "R" record for the original claim should include the following remark, "RIGHT NO. (expansion right) IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1416B." The amounts and place of use should be determined in the same manner as for an expansion pursuant to the second presumption, and the claims should include the same remarks.

The original claim should in addition include the following remark, "UNLESS WATER HAS BEEN DEEMED AVAILABLE TO FILL THE EXPANSION RIGHT AS PROVIDED BY IDAHO CODE 42-1416B, THEN THE APPROPRIATOR MUST, BY MARCH 1 OF EACH YEAR, IDENTIFY IN WRITING TO IDWR THE PARTICULAR ___ ACRES TO BE IRRIGATED DURING THE IRRIGATION SEASON PURSUANT TO THIS RIGHT." The reason for this is that, until water is deemed available to fill the expansion right, the original right will have a permissible place of use, and there will not be sufficient rights to irrigate the entire permissible place of use (see the discussion as to remarks for permissible place of use claims below).

D. PERMISSIBLE PLACE OF USE

There are two general types of permissible place of use claims. The first category is the "multiple rights" situation, where the claimant has several rights for several parcels, but the water is distributed through one system to the entire tract, and the entire tract has appurtenant water rights.

For example, the claimant has an 80 acre tract, and a license for 80 inches of water with a 1940 priority. The claimant has another 80 acre tract, with a license for 80 inches of water with a 1950 priority. The claimant files two claims, one for each license, but claims the full 160 acres as the place of use of each water right. So long as each right is limited to irrigation of 80 acres within the 160 acre tract in a single irrigation season, then there is no expansion (although there is a change in place of use, which should be analyzed for any potential injury).

The second category is the single right situation, where the claimant has one water right that is rotated from year to year to different tracts. For example, a claimant has a 160

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acre tract, and a license for 40 inches of water for 40 acres with a 1940 priority, moves the wate right from forty to forty each year, and claims the license for the entire 160 acre tract. Again, so long as the right is effectively limited to irrigation of any 40 acres within the 160 acre tract in a single irrigation season, then there is no expansion (although there is a change in place of use, which should be analyzed for any potential injury).

A permissible place of use may be recommended in the adjudication where the claimant can show that water diverted pursuant to the rights to be recommended has in fact been used in the manner claimed, and was first used in that manner prior to commencement of the adjudication, so long as the change does not result in injury (or can be conditioned to prevent injury) and so long as the right can be conditioned to prevent an expansion.

Combined diversion volume for ground water rights and combined consumptive use for all rights should be determined and stated in remarks rather than individually in the diversion volume and consumptive use fields. (If none of the rights are from ground water, then combined diversion volume need not be determined.) If there are not sufficient rights to cover the entire place of use, then diversion volume and consumptive use should be determined based on the total number of acres that may be irrigated in a single season within the place of use, rather than the total number of acres in the permissible place of use. If there are surface rights that overlap multiple ground water rights, then the total diversion volume for the ground water rights only should be determined and stated in the remarks for the ground water rights only.

The place of use would be the entire permissible place of use, but each right would be conditioned to limit the right to the original number of acres irrigated under each right within that place of use. The recommendation would include a remark in the following form: "THIS RIGHT IS LIMITED TO THE IRRIGATION OF __ ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON." Where there are not sufficient rights to irrigate the entire permissible place of use, then the recommendation should also include a remark requiring written notice to IDWR of the particular acres to be irrigated pursuant to the water right by the beginning of each irrigation season. The remark should be in the following form: "THE APPROPRIATOR MUST, BY MARCH 1 OF EACH YEAR, IDENTIFY IN WRITING TO IDWR THE PARTICULAR __ ACRES TO BE IRRIGATED DURING THE IRRIGATION SEASON PURSUANT TO THIS RIGHT."

Note that the discussion in this part D is limited to a claim to a permissible place of use that does not include an expansion. In most instances, however, the claim will be either an expansion claim or a permissible place of use combined with an expansion. A list of examples follows which illustrates how

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permissible PU claims, expansion claims or expansion/permissible PU claims should be recommended.

E. SUPPLEMENTAL RIGHTS

Rights are supplemental when they are for the same purpose at the same place of use, they are from different sources, and the total amount of the rights (diversion rate, diversion volume, or consumptive use) add up to more than the total that can be beneficially used on the place of use. (Where multiple rights used for the same purpose at the same place of use are from the same source, then the total amounts should not add up to more than the total that can be beneficially used on the place of use.)

For example, a claimant might have a right to 40 inches of surface water for the irrigation of 40 acres, but because the surface water right is not always deliverable under the surface right priority, the claimant obtains another right to 40 inches of ground water for the irrigation of the same 40 acres. The claimant cannot beneficially use more than 40 inches of water and may not divert more than 40 inches of water, but may choose whether to divert all of it from surface water, all from ground water, or part from each.

The recommendation of supplemental rights should include a remark noting that the rights are used in combination, which will limit a future transfer of one of the rights separate from the other. A remark should also be included limiting combined use of the rights to the total amounts that can be beneficially used on the place of use, and noting the total combined irrigated acreage. The remark should be in the following form: THIS RIGHT IS USED IN COMBINATION WITH RIGHT NO. _____, AND USE OF BOTH RIGHTS COMBINED IS LIMITED TO A TOTAL DIVERSION RATE OF _____ CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF _____ AF (where one or more of the rights is from ground water), A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF _____ AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF __ ACRES (40 acres in the example above).

With supplemental rights, the total consumptive use for both (all) rights should be determined and stated in remarks for each right, rather than determining the individual consumptive use for each right and stating it in the consumptive use field. With multiple ground water rights, the total diversion volume for the ground water rights only should be determined and stated in remarks for each right, and the fields for diversion volume should be left blank. Where there is only one ground water right, the diversion volume should be stated for that right in the diversion volume field, unless the diversion volume for the ground water right is the same as the total diversion volume for all rights that is stated in the remarks.

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Exhibit X

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2018 MAY 18 AM

EXHIBIT X

3210

RECEIVED
JAN 2 1976
Department of Water Resources
Southern District Office

Transfer No. 1921

Application No. 43-2534

RECEIVED
NOV 10 1975
Department of Water Resources
Southern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

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

Name of applicant Halan B. Jensen Phone 678-2248 (office) 678-8112 (home)

Post office address 2227 Overland Avenue, Burley, Idaho 83318

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree to _____ (Name)
      In case of _____ vs _____
      dated _____ in _____ (Name of court) county of _____
   b. License No. 43-2534 issued by the Idaho Department of Water Resources
   c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
   Purchased from Vincent B. Tobin
3. Source of water Ground Water tributary to _____
4. Date of priority July 2, 1962
5. Water is used for the following purposes:
   amount 5.20 for Irrigation purposes from March 15 to Nov. 15
   amount _____ for _____ purposes from _____ to _____
   amount _____ for _____ purposes from _____ to _____ (month/day — both dates inclusive)
6. Total amount of water under right: a. 5.20 cubic feet per second &/or
   b. _____ acre feet per annum
7. Location of original point of diversion is NE ¼ of SW ¼ of Section 26
   Township 15S Range 26E, B.M., in Cassia County
   Additional points of diversion, if any SW¼NE¼, Sec. 18, T. 15S, R. 27E, B.M. The water diverted within Sec. 18 is injected into the Raft River within the SW¼SE¼, Sec. 7, T. 15S, R. 27E, B.M. in exchange for water diverted from the Raft River within the SE¼SW¼, Sec. 27, T. 15S, Rge. 26E, B.M.
8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	26E	25					20	29											49
		26		20			19	29	20	15						10			113
		27	29	24	20	20					15			20					128

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Total number of acres to be irrigated 290

EXHIBIT X

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum

2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

a. Amount of water to be diverted 5.20 c.f.s. &/or _____ acre feet

b. Point(s) of diversion NE ¼ NE ¼, Section 33, Township 15S
Range 26E, B.M., Cassia County
Additional points NE¼SW¼, Sec. 26, Twp. 15S, Rge. 26E

c. Description of diverting works well, pump and distribution ditches

d. Describe the reasons for applying for a change in the point(s) of diversion
Desire to discontinue the present exchange with the Raft River

2. Change in place of use NO CHANGE

a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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Total number of acres to be irrigated _____

3. Remarks _____

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Harlan B. Green
(Signature of applicant)

Subscribed and sworn to before me this 6th day of November, 19 75

Marcia L. Brown
(Notary public)

My commission expires 8-10-79

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 1921/43-2534, and said application is hereby APPROVED.

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

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

Witness my hand this 22 day of January, 19 76

FOR DEPARTMENT USE ONLY

Received by MB Date 11-6-75

Prelim. check by BF Fee 30.00

Receipted by MB #365 Date 11-6-75

Published in South Idaho Press

Pub. dates 11-18 & 11-25-75

Watermaster recommendation requested on _____ rec'd.

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for (approval) denial

by MB

MAY 18 1992

Exhibit Y

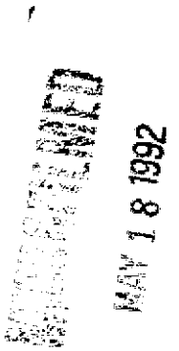


EXHIBIT Y

USE TYPEWRITER OR BALLPOINT PEN

DEPARTME[illegible] WATER RESOURCES

WELL DR[illegible]ER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

MAY 12 1978

Department of Water Resources

1. WELL OWNER

Name Richard Miller

Address Hyrum, Utah

Owner's Permit No. 43-2534

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Other (specify type)

☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 16 inches Total depth 300 feet

Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
.250 inches	16 inches	+ 1 feet	134 feet
.250 inches	12¾ inches	125 feet	300 feet
____ inches	____ inches	____ feet	____ feet
____ inches	____ inches	____ feet	____ feet
____ inches	____ inches	____ feet	____ feet

Was casing drive shoe used? ☒ Yes ☐ No

Was a packer or seal used? ☒ Yes ☐ No

Perforated? ☒ Yes ☐ No

How perforated? ☐ Factory ☐ Knife ☒ Torch

Size of perforation ¼ inches by ⅝ inches

Number		From	To
660	perforations	20 feet	298 feet
____	perforations	____ feet	____ feet
____	perforations	____ feet	____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name ____

Type ____ Model No. ____

Diameter ____ Slot size ____ Set from ____ feet to ____ feet

Diameter ____ Slot size ____ Set from ____ feet to ____ feet

Gravel packed? ☐ Yes ☐ No Size of gravel ____

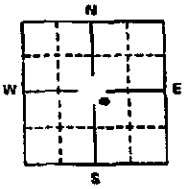
Placed from ____ feet to ____ feet

Surface seal depth 20 Material used in seal: ☐ Cement grout ☒ Puddling clay ☐ Well cuttings

Sealing procedure used: ☐ Slurry pit ☒ Temporary surface casing ☒ Overbore to seal depth

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name ____

Lot No. ____ Block No. ____

County Cassia

NW ¼ SE ¼ Sec. 27, T. 15 ☐ S ☒ N, R. 26 ☒ E ☐ W

7. WATER LEVEL

Static water level 13 feet below land surface

Flowing? ☐ Yes ☒ No G.P.M. flow ____

Temperature ____ °F. Quality ____

Artesian closed-in pressure ____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☒ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Drawdown	Hours Pumped
450	160 ft.	3

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
	0	1	Topsoil		
	1	7	Clay		
	7	15	Sandy clay		
	15	17	Gravel	x	
	17	18	Cemented Gravel		
	18	27	Sandy gravel + boulders		
	27	29	Cemented gravel		
	29	31	Gravel		
	31	34	Cemented Gravel		
	34	47	Sand + Gravel		
	47	49	Cemented Gravel		
	49	56	Sandy clay + boulders		
	56	62	Sandstone		
	62	75	Cemented gravel		
	75	84	Clay + gravel		
	84	86	Cemented gravel		
	86	95	Sandy clay + gravel		
	95	104	Sandstone		
	104	106	Cemented gravel		
	106	134	Soft cemented gravel		
	134	137	Cemented boulders		
	137	148	Soft cemented gravel		
	148	160	Sandstone		
	160	178	Cemented gravel		
	178	181	Bluish green clay		
	181	220	Clay + gravel		
	220	222	Cemented boulders		
	222	234	Sandy clay + gravel		
	234	237	Cemented boulders		
	237	244	Sandy clay + gravel		
	244	268	Cemented gravel		
	268	275	Sandy clay + gravel		
	275	277	Gravel sand + clay		
	277	300	Bluish green sandy clay		

10.

Work started 3/1/78 finished 4/13/78

11. DRILLERS CERTIFICATION

Firm Name Reel Well Drilling Firm No. 200

Address Stone, Idaho Date 4/17/78

Signed by (Firm Official) Steve Reel

and

(Operator) Steve Reel

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EXHIBIT Y

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN O. FITZGERALD
D. BERNARD ZALEHA

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1020 MAIN STREET, SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 334-6034

RECEIVED
JAN 30 1992
Department of Water Resources

January 29, 1992

Mr. Tim Luke
Water Resources Specialist
Department of Water Resources
1301 North Orchard, Statehouse Mail
Boise, Idaho 83720

Re: Richard L. Miller - Transfer Appl. 3832

Dear Mr. Luke:

The purpose of this letter is to officially request an extension of time until April 1, 1992 to respond to the information that you requested in your letter of December 27, 1991 to Richard L. Miller. I was contacted only recently and I'll need some time to review the information.

I would appreciate confirmation of the extension. Please sign the enclosed copy of this letter and return it for my file. If there is a problem, please advise. Thank you.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

By Tim Luke
Idaho Department of Water Resources

JAR:le
01299203.JAR
Enclosure

Allowed 60 day extension on return copy of this letter. TJL 1-30-92

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MAY 18 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 27, 1991

Richard L. Miller
6500 S. 1600 W.
Hyrum, UT 84319

Re: Transfer Application No. 3832/Water Right No.s 43-2381, 43-2534 & SRBA Claim No. A43-10069

Dear Mr. Miller:

This office has received the above referenced transfer application from our regional office in Twin Falls. As you may recall, this transfer requested to add a point of diversion (i.e.; add a groundwater well) to the above referenced rights.

Our Twin Falls office has conducted a field inspection of the rights and has collected information concerning the location and ownership of irrigated acreage under the rights. The ownership documentation clearly shows that Reid Stewart has retained ownership for a portion of land to which the rights were originally licensed and made appurtenant. The transfer application which you have submitted does not acknowledge this land ownership split. It appears that you are seeking to transfer a portion of the rights from land which you do not own. Moreover, Mr. Stewart has filed adjudication claims for the land which he has retained. Both you and Mr. Stewart have claimed the full licensed diversion rates on adjudication claims.

The purpose of this letter is to inform you that the transfer application is presently unacceptable. Before we can further consider the proposed change, you must obtain consent from Mr. Stewart or amend the transfer application by showing the proper ownership splits. If Mr. Stewart is in fact retaining partial ownership of the rights, then you obviously can not seek any change which shows that you have full possessory interest in both rights. Your acreage under the right and proportionate rate of diversion appurtenant to that acreage should be shown on an amended transfer.

The Department will hold your transfer application for 30 days to allow you time to submit the requested information. Failure to comply with this request may result in the Department taking action to deny the application. Please contact this office if you have questions concerning this matter.

Sincerely,

Tim Luke
Sr. Water Resource Spec.

cc: Reid Stewart

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MAY 18 1992

Richard L. Miller
1/4

Form 222a
6/78

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: D. J.

1. Right number 43-2381, -2534 ~~43-2381, -2534, -10069~~ Applicant Miller, Richard

2. Type of right: ☐ Decree ☑ License ☑ Claim

3. Purpose of transfer: ☐ Change point of diversion ☑ Add diversion point(s) ☐ Change place of use
   ☑ Other Rearrange P/U

4. Check:
   a. ☑ Source ☑ Priority ☑ Amount ☑ Purpose ☑ Period of use
   b. ☑ Description of original point of diversion.
   c. ☑ Description of original place of use.

5. Amount of land &/or water transferred:
   a. ☑ All of right.
   b. ☐ Part of right *(NOTE! Part B should be filled in only if part of the right is owned by the applicant).*
   c. ☑ Check description of point(s) of diversion.
   d. ☑ Check description of place of use.
   e. ☑ Check map (shows p.d. and p.u. after transfer).
   f. ☑ Check for correct signature, notarization, and fee.
   g. ☑ Check proof of ownership of right &/or land from which water is transferred.
   h. ☑ Check for expansion in use of right. Comments SRBA expansion claim included in transfer, all of licensed rts included despite lack of proof of ownership + competing claims
   i. ☐ Check for existing water rights from same source, on land water is being transferred to.
      Right number(s) _____
   j. ☑ Is use within a Watermaster District? ☐ Yes ☑ No
      If yes, what district? _____

RECEIVED
DEC 17 1991
Department of Water Resources

FINAL PROCESSING REVIEW BY: ~~J.M.~~

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

RECOMMENDED ACTION

1. ☑ Approve
2. ☐ Deny
3. Conditions* Approve in part per attached analysis.
4. By Karen O'Hahn Date 12/17/91

* *All uses within Watermaster Districts require special conditions.*

Richard Miller Transfer

WR/SRBA 43-2381/A43-2381

Recommendations:

Approve in part for 165 acres, 1.67 cfs, & diversion volume of 578 acre feet (@3.5 AFA/ac) which is appurtenent according to ownership proof.

43-2534/A43-2534

Recs:

Approve in part for 221 acres, 3.96 cfs, & div. vol. of 884 AFA (@ ~~4~~ 4.0 AFA/ac as licensed

/A43 10069

Recs:

Withhold approval of this apart from recognizing added pt of diversion.

See attached SRBA verification reports for 43-2381 & -2534, as well as ASCS photo

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MAY 18 1992

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NOS. 43-02381, A43-02381, 43-02534, A43-02534, A43-10069

Notice is hereby given that Richard L. Miller of Hyrum, UT has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

WATER RIGHT AS RECORDED

Water right No. 43-02381
Basis of right: License
Source: groundwater
Priority Date: 6/2/1952
Amount of water: 2.74 cfs Water use: irrigation
Point(s) of diversion: SW1/4SE1/4, S27, T15S, R26E; Cassia County.
Place of use: 270 acres within NE1/4, S1/2NW1/4, N1/2SW1/4, S26, T15S, R26E; NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, S27, T15S, R26E.

WATER RIGHT AS RECORDED

Water right No. A43-02381
Basis of right: Snake River Basin Adjudication Claim based on Beneficial Use
Source: groundwater
Priority Date: 6/2/1952
Amount of water: 2.74 cfs Water use: irrigation
Point(s) of diversion: NW1/4NE1/4SW1/4, S26, T15S, R26E; NW1/4NW1/4SE1/4, S27, T15S, R26E; SW1/4SW1/4SE1/4, S27, T15S, R26E; NE1/4NE1/4NE1/4, S33, T15S, R26E; Cassia County.
Place of use: 270 acres within S1/2NW1/4, SW1/4, W1/2SE1/4, S26, T15S, R26E; NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, S27, T15S, R26E.

WATER RIGHT AS RECORDED

Water right No. 43-02534
Basis of right: License, Transfer Nos. 1921, 2220
Source: groundwater
Priority Date: 7/2/1962
Amount of water: 5.2 cfs Water use: irrigation
Point(s) of diversion: NE1/4SW1/4, S26, T15S, R26E; SW1/4NE1/4, S27, T15S, R26E; NE1/4NE1/4, S33, T15S, R26E; Cassia County.
Place of use: 290 acres within N1/2NW1/4, S25, T15S, R26E; NW1/4NE1/4, NW1/4, NW1/4SE1/4, S26, T15S, R26E; NE1/4, E1/2SW1/4, S27, T15S, R26E.

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WATER RIGHT AS RECORDED

Water right No. A43-02534
Basis of right: Snake River Basin Adjudication Claim based on Beneficial Use.
Source: groundwater

Priority Date: 7/2/1962
Amount of water: 5.2 cfs Water use: irrigation
Point(s) of diversion: NW1/4NE1/4SW1/4, S26, T15S, R26E; NW1/4NW1/4SE1/4, S27, T15S, R26E; SW1/4SW1/4SE1/4, S27, T15S, R26E; NE1/4NE1/4NE1/4, S33, T15S, R26E; Cassia County.
Place of use: 290 acres within NW1/4, NW1/4SE1/4, S26, T15S, R26E; NE1/4, NE1/4SW1/4, SW1/4SW1/4, SE1/4SW1/4, S27, T15S, R26E; SE1/4SE1/4, S28, T15S, R26E; NE1/4NE1/4, S33, T15S, R26E; NW1/4NW1/4, S34, T15S, R26E.

WATER RIGHT AS RECORDED

Water right No. A43-10069
Basis of right: Snake River Basin Adjudication Claim based on Beneficial Use
Source: groundwater
Priority Date: 5/20/1977
Amount of water: 7.94 cfs Water use: irrigation
Point(s) of diversion: NW1/4NE1/4SW1/4, S26, T15S, R26E; NW1/4NW1/4SE1/4, S27, T15S, R26E; SW1/4SW1/4SE1/4, S27, T15S, R26E; NE1/4NE1/4NE1/4, S33, T15S, R26E; Cassia County.
Place of use: 795 acres within NW1/4, SW1/4, W1/2SE1/4, S26, T15S, R26E; NE1/4, NE1/4SW1/4, SW1/4SW1/4, SE1/4SW1/4, SE1/4, S27, T15S, R26E; SE1/4SE1/4, S28, T15S, R26E; NE1/4NE1/4, S33, T15S, R26E; NW1/4NW1/4, S34, T15S, R26E.

TO BE CHANGED AS FOLLOWS

Water right No.:	43-02381/A43-02381	Amount:	2.74 cfs
Water right No.:	43-02534/A43-02534	Amount:	5.20 cfs
Water right No.:	A43-10069	Amount:	7.94 cfs

Total amount being transferred: 7.94 cfs

Source: groundwater
Point of diversion: NW1/4NE1/4SW1/4, S26, T15S, R26E; SE1/4NW1/4SE1/4, S26, T15S, R26E; NW1/4NW1/4SE1/4, S27, T15S, R26E; SW1/4SW1/4SE1/4, S27, T15S, R26E; NE1/4NE1/4NE1/4,S33, T15S, R26E; Cassia County.
Place of use for Water Right No. 43-02381: 270 acres within S1/2NW1/4, SW1/4, W1/2SE1/4, S26, T15S, R26E; NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, S27, T15S, R26E.

Place of use for Water Right No. A43-02381: No change

Place of use for Water Right No. 43-02534: 290 acres within NW1/4, NW1/4SE1/4, S26, T15S, R26E; NE1/4, NE1/4SW1/4, SW1/4SW1/4, SE1/4SW1/4, S27, T15S, R26E; SE1/4SE1/4, S28, T15S, R26E;NE1/4NE1/4, S33, T15S, R26E; NW1/4NW1/4, S34, T15S, R26E.

Place of use for Water Right No. A43-02534: No change

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Any protest against approval of the application for transfer must

be filed with the Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before May 27, 1991.

R. Keith Higginson, Director

Published in South Idaho Press on 5/10 & 5/17/91

MICROFILMED
MAY 18 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

26-Apr-1991

SOUTH IDAHO PRESS
PO BOX 190
BURLEY ID 83318

Gentlemen:

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

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

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

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED
MAY 18 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

26-Apr-1991

RICHARD L MILLER
6500 S 1600 W
HYRUM UT 84319

Re: Application for Transfer Nos. 43-02381, A43-02381, 43-02534, A43-02534, A43-10069

Dear Mr. Miller:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office will be advertising the application in the South Idaho Press on 5/10 & 5/17/91. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

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

Very truly yours,

Douglas Jones, E. I. T.
Water Resources Engineering Specialist

DJ:MB

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MAY 18 1992

Form 235-1
7/90

Drilling Permit No. 43-90-5-030
Water Right Permit No. 43-02281, 2534, Pending Transfer
Injection Permit No. _____

Department of Water Resources
Southern Region Office

DEC - 4 1990

RECEIVED

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT

1. **Applicant (please print)** Richard L. Miller

2. **Mailing Address** 6500 S. 1600 W., Hyrum, UT 84319

Telephone 645-2416

(X) Well Owner ( ) Well Operator ( ) Other, specify _____

3. **Proposed well location** NW 1/4 SE 1/4, or Gov't Lot No. _____

Sec. 26, Twp. 15S, Rge. 26E, County Cassia

Street Address of Well Site _____

Lot, block and subdivision _____

4. **Proposed use of well:**

( ) Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diverstion rate of 0.04 cfs and a diversion volume of 2500 gpd.

(X) Non-Domestic: Any beneficial use not included within the definition of domestic.

( ) Injection

( ) Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____

5. **Well construction information:**

A. (X) New well ( ) Deepen ( ) Replace - See Condition 9

B. Proposed Surface Diameter 16" Proposed Maximum Depth 250'

C. Anticipated bottom hole temperature:

(X) 85°F or less (Cold water well)
( ) 85°F to 212°F (Low temp. geothermal well)
( ) 212° or more (Geothermal well)

MICROFILMED
MAY 18 1992

6. **Construction Start Date** Within 60 days

7. **Anticipated Well Driller** Probably Stan Lloyd
NOTE: The actual well driller must be identified prior to drilling.

8. **Applicant's signature** Richard L. Miller Date 12-4-90

Title _____
(Owner, Firm Representative, Other)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is Approved. Date 12/4/90.

If approved, this permit authorizes the constuction or modification of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

Signature of Authorized Department Representative

MANAGER, SOUTHERN REGION
Title

Receipt No. 012868 Receipted by JD Fee $200. Date 12-4-90

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MAY 18 1992

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension is good for 60 days beyond the above extension approval date.

Drilling permit No. 43-90-S-030

Water right No. _____

REQUEST FOR EXPEDITED ISSUANCE OF A DRILLING PERMIT

Richard L. Miller, Applicant, requests issuance of a drilling permit prior to approval of a water right to withdraw water from the well.

The request is made for the following reason(s):

I need to have the well available for the next irrigation season.

Applicant understands that the drilling permit does not constitute a water right and does not authorize diversion or use of water from the well.

Applicant acknowledges that by accepting a drilling permit and commencing construction he accepts all risk that the well may not ultimately be approved for use.

Date 12-4-90

Signature Richard L. Miller

Applicant

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MAY 18 1992

USE TYPEWRITER OR BALLPOINT PEN

DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

MAY 12 1978
Department of Water Resources

1. WELL OWNER

Name Richard Miller

Address Hyrum, Utah

Owner's Permit No. 43-2534

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Other (specify type)

☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 16 inches Total depth 300 feet

Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
.250 inches	16 inches +	1 feet	234 feet
.250 inches	13¾ inches	225 feet	300 feet
____ inches	____ inches	____ feet	____ feet
____ inches	____ inches	____ feet	____ feet
____ inches	____ inches	____ feet	____ feet

Was casing drive shoe used? ☒ Yes ☐ No

Was a packer or seal used? ☒ Yes ☐ No

Perforated? ☒ Yes ☐ No

How perforated? ☐ Factory ☐ Knife ☒ Torch

Size of perforation ¼ inches by 8 inches

Number		From	To
660	perforations	20 feet	298 feet
____	perforations	____ feet	____ feet
____	perforations	____ feet	____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name ____

Type ____ Model No. ____

Diameter ____ Slot size ____ Set from ____ feet to ____ feet

Diameter ____ Slot size ____ Set from ____ feet to ____ feet

Gravel packed? ☐ Yes ☐ No Size of gravel ____

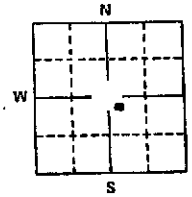
Placed from ____ feet to ____ feet

Surface seal depth 20 Material used in seal: ☐ Cement grout ☒ Puddling clay ☐ Well cuttings

Sealing procedure used: ☐ Slurry pit ☒ Temporary surface casing ☒ Overbore to seal depth

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name ____

Lot No. ____ Block No. ____

County Cassia

NW ¼ SE ¼ Sec. 27, T. 15 ☒ S, R. 26 ☐ E/W

7. WATER LEVEL

Static water level 13 feet below land surface

Flowing? ☐ Yes ☒ No G.P.M. flow ____

Temperature ____ °F. Quality ____

Artesian closed-in pressure ____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☒ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Drawdown	Hours Pumped
450	160 ft.	3

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
	0	1	Topsoil		X
	1	7	Clay		X
	7	15	Sandy clay		X
	15	17	Gravel	X	
	17	18	Cemented Gravel		X
	18	27	Sandy gravel + boulders	X	
	27	29	Cemented gravel		X
	29	31	Gravel	X	
	31	34	Cemented Gravel		X
	34	47	Sand + Gravel	X	
	47	49	Cemented Gravel		X
	49	56	Sandy clay + boulders	X	
	56	62	Sandstone		X
	62	75	Cemented gravel		X
	75	84	Clay + gravel	X	
	84	86	Cemented gravel		X
	86	95	Sandy clay + gravel	X	
	95	104	Sandstone		X
	104	106	Cemented gravel		X
	106	134	Soft cemented gravel		X
	134	137	Cemented boulders		X
	137	148	Soft cemented gravel		X
	148	160	Sandstone		X
	160	178	Cemented gravel		X
	178	181	Bluish green clay		X
	181	220	Clay + gravel		X
	220	222	Cemented boulders		X
	222	234	Sandy clay + gravel	X	
	234	237	Cemented boulders		X
	237	244	Sandy clay + gravel	X	
	244	258	Cemented gravel		X
	258	275	Sandy clay + gravel	X	
	275	277	Gravel sand stone		X
	277	300	Bluish green sandy clay		X

10.

Work started 3/1/78 finished 4/13/78

11. DRILLERS CERTIFICATION

Firm Name Reel Well Drilling Firm No. 350

Address Stone, Idaho Date 4/17/78

Signed by (Firm Official) Steve Reel

and

(Operator) Steve Reel

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ADDITIONAL SHEETS IF NECESSARY

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Richard Miller
P. O. Box 172
Hyrum, UT 84319

25-Sep-1990

RE: Transfer application to change well location

Dear Mr. Miller,

Enclosed is a partially completed application for transfer of a water right filled to add and change the points of diversion of the groundwater rights. You will note some differences between the water right record and SRBA claim data in your records.

These differences are centered around the possessory interest in the land to which the water rights are appurtenant. The Part 2's, Item B3, for each right show which land is owned by you. The remaining land is owned by someone else and will retain the water appurtenant to it unless otherwise specified in the warranty deed for the land transaction. The amount of water remaining on the land is proportional to the amount of land owned by you to which the water right is appurtenant. This amount is indicated on Part 1, Items B1 and B2. This is the limit to the amount of water that may be pumped from the ground from all wells combined.

There are several items in the transfer that need to be completed before it is acceptable for filing. These items are indicated with a red 'x' in the left margin, and are explained below. Part 1: Item A2 - please describe the reason for changing the water rights. Item B4 - identify, at least to 40 acre tract, the planned well location, refer to the map in Part 3 and mark the new location on the map. Item B6a - describe the diversion system, include water application method (e.g. handlines, pivots, etc.). Item B6b,c - if you are planning to shift water from lands it was appurtenant indicate whether there is a lien, deed, mortgage, or contract holder and what will become of the land now irrigated if the change is approved. Part 2: Item 2 - attach proof of ownership for the land, e.g. title insurance report, warranty deed, tax notice. Item 10 - no/yes on five years of non-use. Part 3: Item A - after adding the new well's location to the map show the mainline system interconnecting the wells and the locations of valves and lateral lines. If the wells are not interconnected then some changes in the transfer application will need to be made to accurately describe the system. We may need to get together to iron out the details if the wells are not interconnected.

Finally, be sure to sign the form in front of a notary public, have it notarized and return the form with the correct fee, $50.00.

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This transfer is the simplest, most straight forward I could develop with the information available to me. Once you sign and return the form to the Department it is YOUR application, please make sure the information is complete and accurate. Once this transfer is approved you should amend your adjudication claims to reflect these changes. Ultimately you may need to make a transfer of the adjudication claim, A43-10069, to add the new point of diversion to the claim.

If you have any questions please contact us.

Sincerely,

Douglas Jones

Douglas Jones, EIT
Water Resources Engineering Specialist

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MAY 18 1992

Miller, Richard 12/4

Applicant owns
221 of 290 ac
= .762%

28028
X20
42475404

X 5.2 cfs = 3.96 cfs

@200GPM
= 1.7 cfs

USE 50 hp @1765 rpm
R-6231-04-324 RZ17437
Wellinc
T7896
10KH Load

S26 3.83

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MAY 18 1992

POOR QUALITY

RECEIVED
JAN 8 1975
Department of Water Resources
Southern District Office

Transfer No. 1921
Application No. 43-2334

RECEIVED
NOV 10 1975
Department of Water Resources
Southern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

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

Name of applicant Halen B. Jensen Phone 678-2248 (office) 678-8112 (home)

Post office address 2227 Overland Avenue, Burley, Idaho 83318

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
   a. Decree to _____ (Name)
      In case of _____ vs _____
      dated _____ in _____ (Name of court) county of _____
   b. License No. 43-2334 issued by the Idaho Department of Water Resources
   c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
   Purchased from Vincent R. Tobin
3. Source of water Ground Water tributary to _____
4. Date of priority July 2, 1962
5. Water is used for the following purposes:
   amount 5.20 for Irrigation purposes from March 15 to Nov. 15
   amount _____ for _____ purposes from _____ to _____
   amount _____ for _____ purposes from _____ to _____ (month/day – both dates inclusive)
6. Total amount of water under right: a. 5.20 cubic feet per second
   &/or
   b. _____ acre feet per annum
7. Location of original point of diversion is _____ ft. _____ % of _____ of Section 26
   Township 15S Range 26E, B.M., in _____ Cassia County
   Additional points of diversion, if any SW¼SW¼, Sec. 18, T. 15S, R. 27E, B.M. The water diverted within Sec. 18 is injected into the Raft River within the NE¼NE¼, Sec. 7, T. 15S, R. 27E, B.M. in exchange for water diverted from the Raft River within the SE¼SE¼, Sec. 22, T. 15S, Rge. 26E, B.M.
8. Limit of area or place of use:

TWP	RANGE	SEC.	NW¼				NE¼				SW¼				SE¼				TOTAL
				NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S	26E	25					20	29											49
		26		20			19	29	20	15						10			113
		27	29	24	20	20					15			20					128

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Total number of acres to be irrigated 290

POOR QUALITY

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water a. _____ cubic feet per second
   &/or
   b. _____ acre feet per annum

2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
   Range _____, B.M., _____ County
   Additional points _____

3. Place of use

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

   a. Amount of water to be diverted 5.20 c.f.s. &/or _____ acre feet

   b. Point(s) of diversion NE ¼ NE ¼, Section 33 Township 15S
   Range 26E, B.M., Cassia County
   Additional points NE¼SW¼, Sec. 26, Twp. 15S, Rge. 26E

   c. Description of diverting works well, pump and distribution ditches

   d. Describe the reasons for applying for a change in the point(s) of diversion
   Desire to discontinue the present exchange with the Raft River

2. Change in place of use NO CHANGE

   a. Describe the lands or place of use to which the right will be transferred

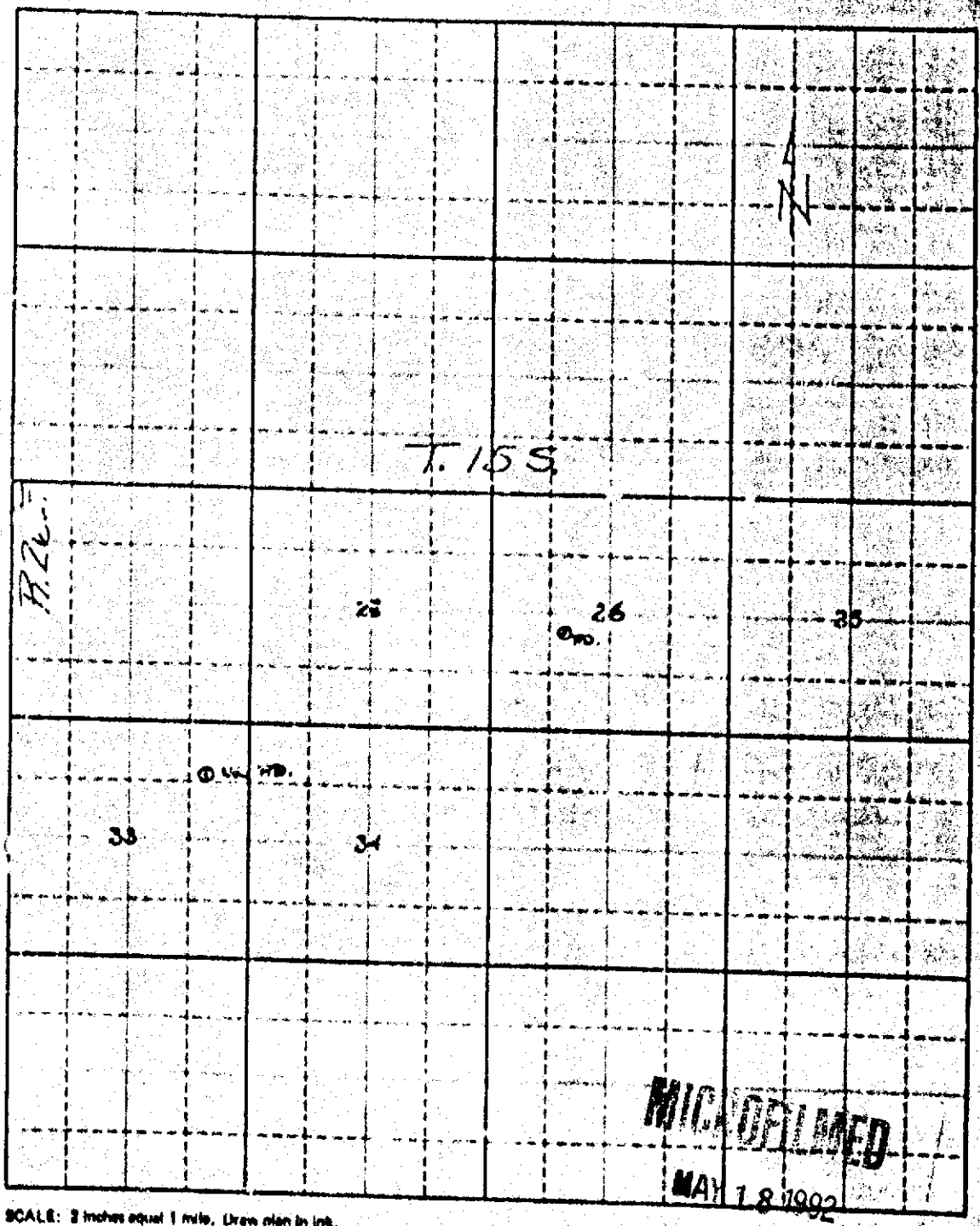
TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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Total number of acres to be irrigated _____

POOR QUALITY

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



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MAY 18 1992

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

POOR QUALITY

State of Idaho

Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 30107/43-2534 Priority July 2, 1962 (late proof) Amount 5.20 cfs

THIS IS TO CERTIFY, that VINCENT B. TOBIN

of Point Reyes Station, California, has complied with the terms and conditions of Permit No. 30107/43-2534 issued pursuant to Application for Permit dated August 18, 1961 and has submitted proof to the Department of Water Administration on July 8, 1968 that he has applied water to a beneficial use, an examination by the Department indicates that the works have a capacity of 5.20 cfs and that the water has in fact been applied to a beneficial use; a right to the use of water from a ground water source tributary of _____, is hereby confirmed in the following amounts:

Amount 5.20 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 5.20 cfs of water be diverted at any one time, said waters to be diverted within the NE¼SW¼, Sec. 26, T.15S, R.26E, B.M. and SW¼NE¼, Sec. 18, T.15S, R.27E, B.M. The water diverted within Sec. 18 is injected into the Raft River within the SW¼SE¼, Sec. 7, T.15S, R.27E, B.M. in exchange for water diverted from the Raft River within the SE¼SW¼, Sec. 27, T.15S, R.26E, B.M. in the county of Cassia; and that the amount of water so diverted and to which such right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can actually be beneficially used and shall not exceed 1,160 acre feet per year or _____ 4.0 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NW¼				NE¼				SW¼				SE¼				TOTAL
			NW¼	NE¼	SW¼	SE¼	NW¼	NE¼	SW¼	SE¼	NW¼	NE¼	SW¼	SE¼	NW¼	NE¼	SW¼	SE¼	
15S	26E	25					20	29											49
		26		20			10	29	20	15						10			113
		27	29	24	20	20					18			20					129

Total number of acres irrigated 290

This license is subject to the agreement entered into on the 16th day of May, 1969, between the licensee and protestants with the exception that the Dept. of Water Admin. does not recognize by virtue of the license any water right other than that of the licensee, and that Article 7 of the agreement is binding only upon the licensee, the protestants, and their successors in interest and not upon the Dept. of Water Admin.

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 4 day of February, 19 72.

Director

1 - 2531

POOR QUALITY

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

January 24, 1972

FILE COPY

Mr. Vincent B. Tobin
Point Reyes Station,
California 94956

Dear Mr. Tobin:

A representative of this Department has made an examination of the works covered by your Permit No. 30107/43-2534 and has found the following:

Quantity of water diverted: 5.20 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 5.20 c.f.s.

The maximum quantity of water diverted shall not exceed 1,160 acre feet per year.

Beneficial use: Irrigation of 290 acres within the N½NW¼ (49), Sec. 25; NW¼NE¼ (20), NW¼ (83), NW¼SE¼ (10), Sec. 26; NE¼ (93), E½SW¼ (35), Sec. 27; Twp. 15S, Rge. 26E, B.M.

Point of diversion: NE¼SW¼, Sec. 26, T.15S, Rge.26E, B.M. and SW¼NE¼, Sec. 18, T.15S, R.27E, B.M. The water diverted within Sec. 18 is injected into the Raft River within the SW¼SE¼, Sec. 7, T.15S, R.27E, B.M. in exchange for water diverted from the Raft River within the SE¼SW¼, Sec. 27, T.15S, R.26E, B.M.

The priority date established is: July 2, 1962 (late proof)

This license is subject to the agreement entered into on the 18th day of May, 1969, between the licensee and protestants with the exception that the Dept. of Water Admin. does not recognize by virtue of the license any water right other than that of the licensee, and that Article 7 of the agreement is binding only upon the licensee, the protestants and their successors in interest and not upon the Dept. of Water Admin.

A fee totaling $33.00 must be received within 30 days from the date of this letter in order that we can issue you a Water License as set forth above. If you do not concur with these findings, please contact us.

Sincerely,

Bobby D. Fleenor

BOBBY D. FLEENOR
Assistant Director

FILE COPY

MICROFILMED
MAY 1 8 1972

BDF:DR
cc: Jack A. Barnett
520 Idaho Bldg., Boise, Idaho

2381

State of Idaho
License and Certificate of Water Right

Water License No. 0-22825

Water District No.

Amount 2.74 second feet

Priority June 2, 1952

THIS IS TO CERTIFY that RICHARD H. SMITH of Logan, Utah, made application for a permit to appropriate the public waters of the State of Idaho, dated June 2, 1952; that Permit No. 0-22825 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.74 second feet, was issued thereunder on August 16, 1954, showing that said works were completed on the 5th day of June, 1954; and that on the 5th day of June, 1954,

RICHARD H. SMITH of Logan, State of Utah, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well (subterranean flow), for the purpose of irrigation, under Use Permit No. 0-22825 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 9 of Licenses at page 5318, on the 16th day of August, 1954.

The right hereby confirmed dates from June 2, 1952.

The Point of Diversion is located in the SW ¼ SE ¼ Sec. 27, Tp. 15S., R. 26 E., B. M. Cassia County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.74 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S.	26 E.	27	SE¼ NE¼	25	
			NE¼ SE¼	30	35
			NW¼ SE¼	25	20
			SW¼ SE¼	30	25
			SE¼ SE¼	10	
		26	NE¼ NE¼	30	35
			NW¼ NE¼	10	10
			SW¼ NE¼	30	35
			SE¼ NE¼	25	25
			NE¼ SW¼	30	15
			NW¼ SW¼	30	35
			SW¼ NW¼	30	10
			SE¼ NW¼	30	25
			Number of Acres Actually Irrigated		270

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

WITNESS the seal and signature of the State Reclamation Engineer, Idaho, this 16th day of August, 1954.

MARK R. KULP
State Reclamation Engineer

(SEAL)

MICROFILMED
MAY 18 1992

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 0-22825

Proof is for Completion of works & Beneficial Use In Water District No.

1. Name of applicant Richard H. Smith, Box 287, Logan, Utah

2. Source of water supply: Subterranean from well

3. Location of point of diversion: Is in the SW¼ SE¼ of Section 27

T. 15 S., R. 26 E., County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: Well is 12" diameter by 215' deep cased to botton. H=15', draw down unknown, according to gage, draw down was 30'. 12" bowls. 8" by 140' column. 40 hp U. S. Motor 220 V., 98 A., No. 918728. Layne Bowler Pump No. 18586. No protection, no curb. Pump and motor rest on casing. Delivery is to the South through an 8" by 1ft' pipe into an irrigation ditch to field s by gravity.

5. Water is used for: Irrigation

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

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

SE¼ NE¼ and SE¼ Section 27;

NE¼, S½ NW¼, N½ SW¼ Section 26;

Twp. 15 South, Range 26 East, B. M.

See the map.

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

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

Remarks:

MICROFILMED
MAY 18 1992

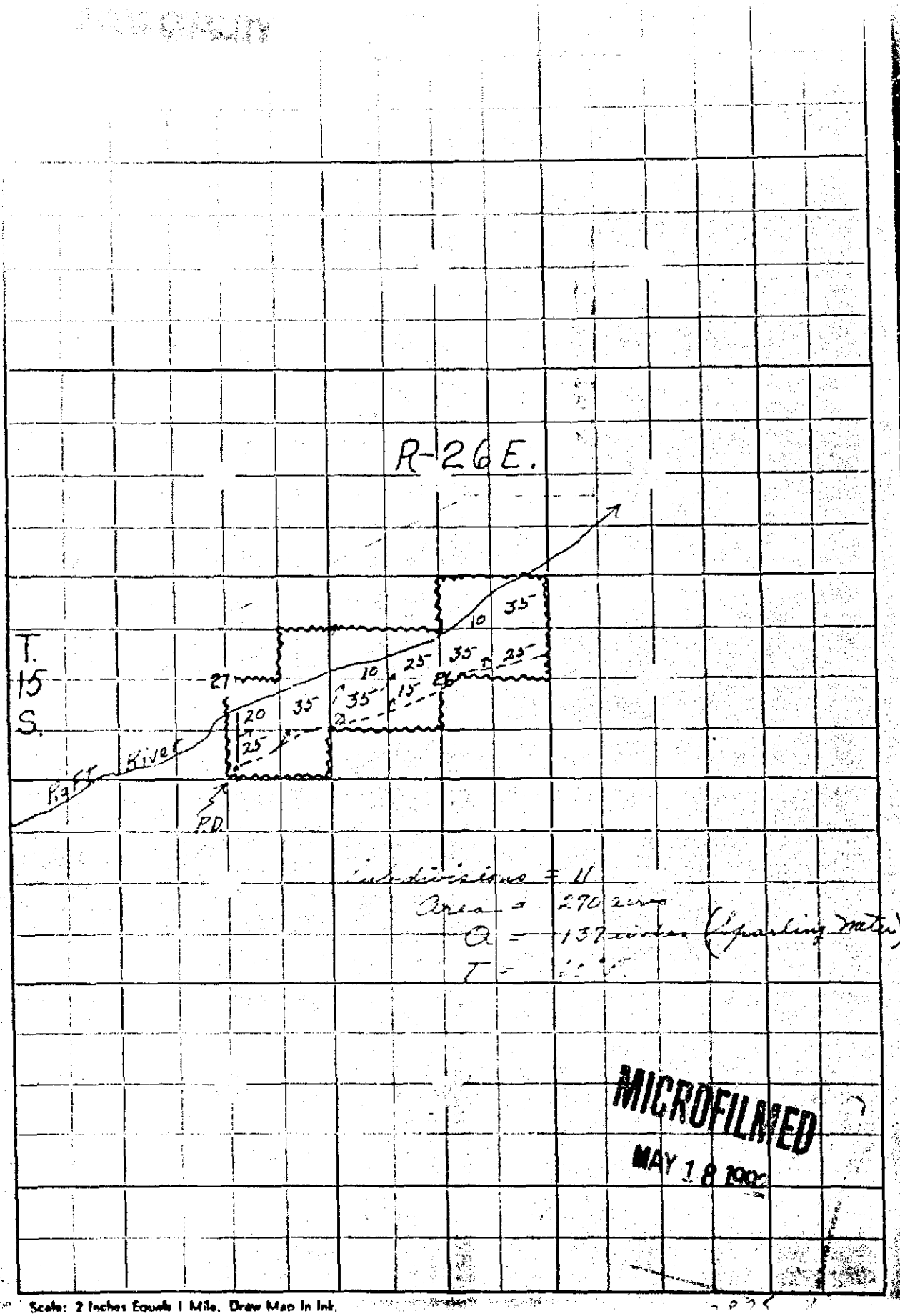
Inspection made in company with Marlin Smith who is buying place under contract

This examination was made on the 21 day of July 19 53

(Signed) C. N. Humphrey

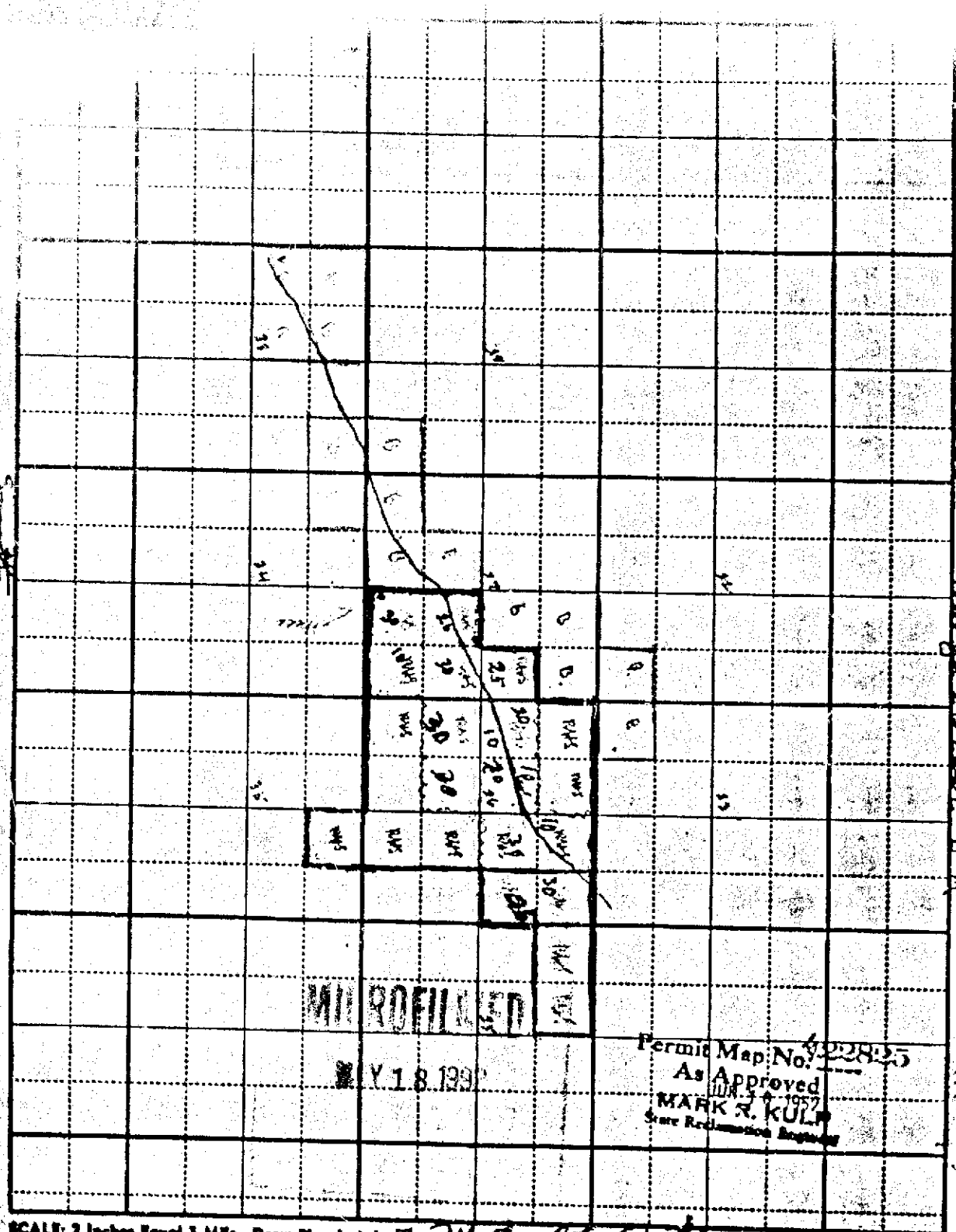
Examiner

22825



MICROFILMED
MAY 18 1990

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



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

22825

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 June 10, 1953

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before June 10, 1954

Witness my hand this 10th day of June, 1952

MARK R. KULP
State Reclamation Engineer

IN TESTIMONY WHEREOF, We, LEN JORDAN, 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 10th day of June, 19 52

Countersigned:

(SEAL)

By IRA H. MASTERS
Secretary of State.

STATE OF IDAHO

By LEN JORDAN
Governor

MICROFILMED
MAY 18 1992

12.

Twp.	Range	Sec.	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	Totals
15 S.	26 E.	27				25									30	25	30	10	120
		26	30	10	30	25			30	30	30	30							215
Total Number of Acres to be Irrigated - -																			335

Permit No. G-22825

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that RICHARD H. SMITH of Logan, County of Cache, and State of Idaho, the holder of Permit No. G-22825, issued upon application No. G-30573, bearing date of priority of June 2, 1952, authorizing the diversion of Three (3) second feet of the waters of a well (subterranean flow) County of Cassia, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.74 second feet of the waters of said well; that the point of diversion of said waters is in the [illegible] Section 26, Township 15 South, Range 26 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE¼ NE¼ and SE¼ Section 27; NE¼, S½NW¼, N½SW¼ Section 26; Township 15 South, Range 26 East, B.M.

Witness my hand this 16th day of August, A. D. 1954.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of works made June 5, 1954.
Certificate of Completion of works issued August 16, 1954.

[illegible]

43-2381

December 1, 1981

Mr. Richard Hull
P. O. Box 1048
Burley, ID 83318

Dear Mr. Hull:

In response to our telephone conversation, I have researched our records for water rights appurtenant to the following lands:

T. 15 S., R. 26 E.

Sec. 26: SW¼, NW¼, W½SE¼
27: NE¼, E½SW¼, SW¼SW¼, SE¼
28: SE¼SE¼
33: NE¼NE¼
34: NW¼NW¼

Our records show on file the following rights:

License 43-2381 issued to Richard H. Smith for 2.74 cfs, priority date of June 2, 1952, from a groundwater source in the SW¼SE¼, Sec. 27, T. 15 S., R. 26 E. for irrigation of 270 acres:

T. 15 S., R. 26 E.

Sec. 26: NE¼, N½SW¼, S½NW¼
27: N½SE¼, SW¼SE¼

Transfer 2220 of License 43-2534 in the name of Reid S. &/or Ruth O. Stewart for 5.2 cfs of groundwater with points of diversion in the NE¼NE¼, Sec. 33, NE¼SW¼, Sec. 26, SW¼NE¼, Sec. 27, T. 15 S., R. 26 E. for irrigation of 290 acres:

T. 15 S., R. 26 E.

Sec. 25: N½NW¼
26: NW¼NE¼, NW¼, NW¼SE¼
27: NE¼, E½SW¼

MICROFILMED
MAY 18 1992

Protested Application for Permit 43-7032 in the name of Raft River Rural Electric Co-Operative, Inc., filed September 1, 1971, for 50 cfs from groundwater sources for power generation and irrigation of 1280 acres:

T. 15 S., R. 26 E.

Sec. 23: All
26: All

I did not locate a valid water right appurtenant to the lands you identified in Sections 28, 33, and 34. Our records do show, however, that these lands were covered by the following lapsed permit:

Permit G-30124 (lapsed) — in the name of Vincent B. Tobin filed August 25, 1961, for 8 cfs from a groundwater source with point of diversion in the NE¼NE¼, Sec. 33, T. 15 S., R. 26 E. for irrigation of 530 acres:

T. 15 S., R. 26 E.

Sec. 33: NE¼NE¼
34: NW¼NW¼
28: SE¼SE¼
27: NE¼, NE¼SW¼, S½SW¼, W2SE¼
26: NW¼NE¼, N½NW¼

Your inquiry as to License 10346/43-2167 from Raft River is as follows:

License 10346/43-2167 issued to Joseph Henry Howes, priority date of May 25, 1914, from Raft River with point of diversion in the SW¼SW¼, Sec. 27, T. 15 S., R. 26 E. for domestic use and irrigation of 80 acres:

T. 15 S., R. 26 E.

Sec. 26: SW¼NE¼, SE¼NW¼

Although your inquiry pertained mainly to groundwater sources, I might add that there are decreed rights from Raft River. In the decree of Albion-Idaho Land Co., vs. Jobe Adams, et al., dated October 18, 1928, Transfer No. 669 removed water off portions of the first above described lands.

Enclosed are copies of 43-2381, 43-2167, 43-2534 and 43-7032. I have also included a copy of Transfer No. 669. The fee for the enclosed copies is $3.75 which you may remit to this office.

MAY 18 1992

If you have any questions or need additional assistance, please do not hesitate to contact me.

Sincerely,

Roberta Garrett
Records Supervisor

RG:rg

Enclosures

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

Notice is hereby given that at 1:00 P.M., on the 5th day of June, 1954, at Bridge, County of Cassia, State of Idaho, before Louis C. Hickman, Notary Public, proof will be submitted of the completion of works for the diversion of three cubic feet per second of the waters of Well in the SW¼SE¼ Section 27, Twp. 15 S., Range 26 E., B.M., and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 22825 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Richard H. Smith, 143 East 3rd, Logan, Utah.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is three cubic feet per second.

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

4. The place where said water is used is SE¼NE¼ and SE¼ Section 27; NE¼, S½NW¼ and N½SW¼ Section 26; Tp. 15 South, Range 26 East, Boise Meridian.

5. The date of priority which said user is prepared to establish is June 2, 1952.

5/6/54

MARK R. KULP,
State Reclamation Engineer.

Published in Burley Herald May 6-13-20-27, 1954.

MICROFILMED
MAY 18 1992

March 23, 1965

COPY

RE: License No. G-22825
Richard H. Smith

Ida E. Tobin, Treasurer
The Condor Company
Bridge, Idaho

Dear Mrs. Tobin:

Enclosed is the copy of the above numbered water license you requested.

Also enclosed is departmental receipt No. G-9162 in the amount of $1.00 covering the fee.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. copy of license
receipt

22825

March 18 '65

Mr. Ralph W. Thomas
State Reclamation Engineer.

Dear Mr. Thomas!

I wish to thank you for your prompt reply regarding the water license No. G-22825 for which you said you would furnish a copy of the license. Well in SW¼SE¼ Section 27, T. 15S., R. 26E., B M.

Please find enclosed ck # 151 drawn on the D. L Evans Bk. Albion, Idaho for the amount of $1.00.

Thank you kindly Mr. Thomas

Very truly yours,
The Condor Co
Ida E. Tolen Treas

Bridge, Idaho

22825

March 16, 1965

COPY

Re: License No. G-22825
Richard H. Smith

Ida E. Tobin, Treasurer
The Condor Company
Bridge, Idaho

Dear Mrs. Tobin:

You were furnished details of the water license No. G-22825 in our letter dated January 14, 1964, which covers the well in the SW¼SE¼, Sec. 27, T. 15 S., R. 26 E., B. M.

We can furnish a copy of the license for a fee of $1.00.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

22825

March 15,1965

RECEIVED
MAR 16 1965
Department of Reclamation

Mr. Carl E Tappen
Department of Reclamation
107 State House
Boise, Idaho

Dear Mr. Tappen:

About two years ago I wrote to you about some well permits and you very graciously informed me about what I wished to know.

Now I am coming to you again for advice and help. I am unable to locate a well permit for a well which was on some land we bought in 1958, or rather my son bought it, from Mr. Richard H. Smith of Logan, Utah.

The description as I find it here is as follows:
Near the corner, at the southwest of the SW¼ of the SE¼ Section 27, Township 15 South, Range 26 East Boise Meridian.

Near the Southwest corner perhaps would be better, of the SW¼ of the SE¼, Section 27, etc.

This permit may have been misplaced during the period when the Condor Compony was formed in the year 1962. It was in the name Mr. Richard S. Smith, bought by Vincent B. Tobin and later placed in the Condor Co., so I really do not know whose name it really is in.

No doubt a duplicate well permit and whatever other papers are neccessary for our records. The well has been in use for many years.

Again I wish to thank you for any assistance which you can give me as well as for past favors.

Very truly,

The Condor Company
By Ida E. Tobin, Treas.

22825

January 14, 1964

Re: License No. G-22825
Permits No. G-30107; G-30124

See Letter in G-30124

Vincent B. Tobin
Bridge, Idaho

Dear Mr. Tobin:

We received your letter inquiring about your water rights.

License No. G-22825, issued to Richard H. Smith, for 2.74 c.f.s., priority of June 2, 1952, from well in SW¼SE¼, Sec. 27, to irrigate 270 acres in NE¼SE¼, W½SE¼, Sec. 27; NE¼, N½SW¼, S½NW¼, Sec. 26, T. 15 S., R. 26 E.

Permit No. G-30107, Vicent B. Tobin, for 6.0 c.f.s., filed August 21, 1961, from well in NW¼SW¼, Sec. 26, to irrigate 300 acres in NE¼, E½NW¼, Sec. 26; E½NW¼, NW¼SE¼, Sec. 25, T. 15 S., R. 26 E.

Permit No. G-30124, Vincent B. Tobin, for 8.0 c.f.s. filed August 25, 1961, from well in NE¼NE¼, Sec. 33, to irrigate NE¼NE¼, Sec. 33; NW¼NW¼, Sec. 34; SE¼SE¼, Sec. 28; NE¼, NE¼SW¼, S½SW¼, W½SE¼, Sec. 27; NW¼NE¼, N½NW¼, Sec. 26, T. 15 S., R. 26 E.

The last two permits noted above are probably in the files of William A. Parsons, Attorney at Law, Burley.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

22825

August 17, 1954

RE: Permit No. G-22825

Mr. Richard H. Smith
Box 287
Logan, Utah

Dear Mr. Smith:

We enclose Certificate of Completion of Works also License and Certificate of Water Right issued under Permit No. G-22825 confirming your right to the use of 2.74 second feet of water from your well in the $SW\frac{1}{4}SE\frac{1}{4}$ Section 27, Township 15 South, Range 26 East B.M. with priority of June 2, 1952, for irrigation on land in the $N\frac{1}{2}SE\frac{1}{4}$ and $SW\frac{1}{4}SE\frac{1}{4}$ of Section 27; and the $NE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$ and $S\frac{1}{2}NW\frac{1}{4}$ Section 26, same Township and Range.

We also enclose departmental receipt No. 26839 for $27.00 paid in connection with completion of works and beneficial use proofs.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

22825

CACHE VALLEY SEED & PRODUCE CO.

Blue Tag Grimm and
Native Common Alfalfa,
Alsike, Red & Sweet Clover
Crested Wheat Grass

"MOUNTAIN KING SEEDS"

Potatoes, Seed Grain and Bags

North Dakota
Nebraska Certified and
Commercial Cache Valley
Bliss Potatoes

Warehouse and Cellar
78 South Sixth West St.

LOGAN, UTAH Aug. 9-54

143 EAST 3rd NORTH St.
PHONE: Logan 851

Mr. Mark R. Kulp
Dept of Reclamation
Boise, Idaho.

Gentlemen:-

Thanks for your interest in my well. Herewith is check for the fees due. Please mail certificate of completion of works, and license.

Will you please mail papers for me to make application for a well in Section 25.

Yours truly,

Richard H. Smith

Box 287 Logan Utah.

RECEIVED
AUG 11 1954
Department of Reclamation

4 22825

22825

We give no Warranty, Express or Implied, as to Description, Quality, Productiveness or any other matter of any seed we Sell, and we will not be in any way Responsible for the crop. C.V.S.&P.Co.

August 2, 1954

RE: Permit No. G-22825

Mr. Richard H. Smith
Box 287
Logan, Utah

Dear Mr. Smith

I made inspection on your well as required by law, on June 21, 1954, in company with Marlin Booth, who says he is operating the place. It is a good well and was delivering 137 inches of water. Measurement was made through a standard Sparling Meter.

A Certificate of Completion of Works and License can be issued for 137 inches of water (or 2.74 second feet) upon receipt of the statutory fees. These amount to $5.00 for Certificate of Completion of Works and $22.00 License fee, the latter being at the rate of $2.00 for each 40 acre subdivision in which the land is located.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

22825

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

REPORT OF ENGINEER

PERMIT NO. G-22825

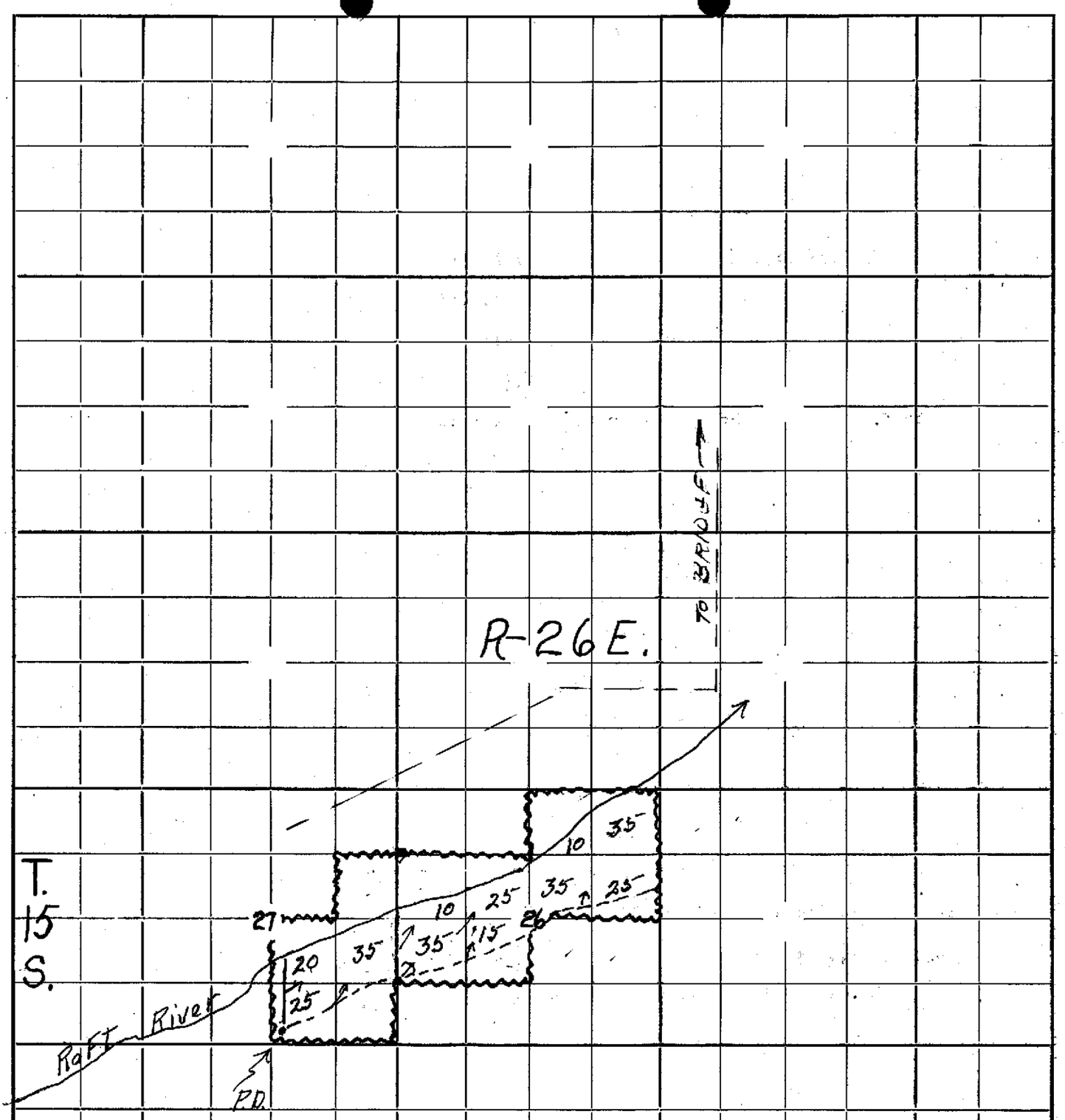
REPORT ON PROOF OF Completion of Works & Beneficial Use

RICHARD H. SMITH, Box 287, Logan, Utah

2.7 cfs
SMRK

Apr. 30 cfs.

270 acres
11-40's



Subdivisions = 11
Area = 270 acres
Q = 137 inches (Sparling meter)
T = 60°F.

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

22825

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-22825

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

1. Name of applicant Richard H. Smith, Box 287, Logan, Utah

2. Source of water supply: Subterranean from well

3. Location of point of diversion: Is in the SW¼ SE¼ of Section 27

T. 15 S. R. 26 E. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: Well is 12" diameter by 215' deep cased to bottom. H=18', draw down unknown, according to gage, draw down was 30'. 12" bowls. 8" by 140' column. 40 hp U. S. Motor 220 V., 98 A., No. 918728. Layne Bowler Pump No. 18586. No protection, no curb. Pump and motor rest on casing. Delivery is to the South through an 8" by 11' pipe into an irrigation ditch to field s by gravity.

5. Water is used for: Irrigation

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

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

SE¼ NE¼ and SE¼ Section 27;

NE¼, S½ NW¼, N½ SW¼ Section 26;

Twp. 15 South, Range 26 East, B. M.

See the map.

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

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

Remarks:

Inspection made in company with Marlin Booth who is buying place under contract.

This examination was made on the 21 day of July, 19 54

(Signed) E. N. Humphrey Examiner.

22825

INSTRUCTIONS TO EXAMINERS

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

RECEIVED
JUL 24 1954
Department of Reclamation

Richard H. Smith
Box 287, Logan, Utah

Permit No. G-22825

Examination for Completion of Works and Beneficial Use

County Cassia

27 - 15S. - 26E

Q = 3.0 c.f.s.

S = Well.

P.O. = SW.SE., Sec. 27, T. 15S. - R. 26E

Use = Irrigation

2.0 ac.

129 ft. for 300 cf. 137°
60°F.

Priority = June 2, 1952
Due = June 10, 1954

215' x 12" Cast Steel
H = 18' dd. = unk
gage reads 60' = Lift
30' = dd.
12" bowls
140' x 8" Col. stages = unk.

U.S. Motor 40 hp.
220V 98 amps. # 918728

Layne B. Pump 18586

no protect. Pump & motor

Report

D pumping plant panel.

Wire meter 240V.
19729495

8" del. 14' pipe to D. into ditch

Marlin H. Booth.

June 25, 1954

RE: Permit No. G-22825

Mr. Richard H. Smith
Box 287
Logan, Utah

Dear Mr. Smith:

Since writing you on June 8, we have received from the Burley Herald Bulletin, affidavit of publication in connection with your proof of completion of works and beneficial use on Permit No. G-22825.

This completes your proof but before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

22825

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

Notice is hereby given that at 1:00 P.M., on the 5th day of June, 1954, at Malta, County of Cassia, State of Idaho, before J. Henry Thompson, Notary Public, proof will be submitted of the completion of works for the diversion of three cubic feet per second of the waters of Well in the SW¼SE¼ Section 27, Twp. 15 S., Range 26 E., B.M., and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 22825 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Richard H. Smith, 143 East 3rd, Logan, Utah.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is three cubic feet per second.

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

4. The place where said water is used is SE¼NE¼ and SE¼ Section 27; NE¼, S½NW¼ and N½SW¼ Section 26; Tp. 15 South, Range 26 East, Boise Meridian.

5. The date of priority which said user is prepared to establish is June 2, 1952.

MARK R. KULP,
State Reclamation Engineer.

Published in Burley Herald May 6-13-20-27, 1954.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
COUNTY OF CASSIA } ss.

James M. Ross, first being duly sworn, deposes and says: That he is the printer of The Burley Herald and/or The Burley Bulletin, a weekly newspaper published at Burley, in the County of Cassia, State of Idaho; that the said newspaper has a general circulation in said county, and that the said newspaper is published weekly and has been continuously and uninterruptedly published in said county, not less frequently than once a week, during a period of seventy-eight consecutive weeks immediately prior to the first publication of the printed notice herein referred to;

That said newspaper at all times herein mentioned, has been a newspaper of general circulation, made up of at least four pages of at least five columns each, printed from typed matter or sterotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated May 6, 1954, and ending with the issue dated May 27, 1954.

James M. Ross

Subscribed and sworn to before me this 28th day of May, 1954.

22825

J. Henry Thompson
Notary Public in and for the State of Idaho,
Residing at Burley, Idaho.

My Commission Expires June 4, 1955

June 8, 1954

Permit No G-22825

Mr. Richard H. Smith
Box 287
Logan, Utah

Dear Mr. Smith:

We acknowledge receipt of the depositions of yourself and two witnesses in proof of completion of works and beneficial use on Permit No. G-22825.

However, the affidavit of publication is a necessary part of these proofs. The Burley Herald Bulletin was instructed to send you this and if you have not received it, we suggest that you take the matter up with them at once in order that your proofs may be completed.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

22825

Form 16.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 8 1954
Department of Reclamation

Permit No. G-22825

Proof of Application of Water to Beneficial Use and Completion of Works

Deposition of Holder

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

Ans. Richard H. Smith, Logan, Utah, -farmer, Box 287 Logan , Utah.

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

Ans. none

Ques. 3 State number and date of permit, and date of priority you propose to establish under the permit.

Ans. G-22825, June 10-1952. --- June-2-1952.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. subterranean well-SW corner of SW¼SE¼ Sec 27 Twp 15 So.R 26 EBM.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined.

Ans. private ditch, 6 second feet,
215 feet deep-well- with 12" steel casing.
14 feet depth to water.
8 inch discharge pipe.
with a weir.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. irrigation and domestic use-

SW¼SE¼ Sec 27, --- 30 acres
NW¼SE¼ " " --- 25 "
NE¼SE¼ " " --- 30 "
SE¼SE¼ " " --- 10 "
SE¼NE¼ " " --- 25 "

all cultivated land.

Sec-26-Twp 15 S.R 26EBM.

NW¼SW¼ --- 30 acres
NE¼SW¼ --- 30 acres
SE¼NW¼ --- 20 acres
NE¼ NW¼ --- 10 acres
NW¼NE¼ --- 10 acres
NE¼NE¼ --- 30 acres
SE¼NE¼ --- 25 acres
SW¼NE¼ --- 30 acres
SW¼NW¼ --- 30 acres

22825

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. .....

.....

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

Ans. .....

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

Ans. .....

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. since 1952.

40 acres grain in 1952 100 acres in hay and grain.

100 cares grain in 1953 in 1954. remaining land to be developed.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. none applied so far.

(Sign) Richard H. Smith

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Malta, County of Cassia, State of Idaho, on this 5 day of June, A. D. 1954,

Henry Thompson

My commission expires January-25-1957.

22825

Form 17.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-22825

Proof of Application of Water to Beneficial Use and Completion of Works

Deposition of Witness

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

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

Ans. Alvin Newbold, 61, Bridge, Idaho. -- Bridge, Idaho.

Ques. 2. Are you acquainted with Richard H. Smith, the holder of Permit No. G-22825? How long have you known him and where does he reside?

Ans. 10 years
Logan, Utah.

Ques. 3. Have you read or heard read said Permit No. G-22825, and are you familiar with its provisions and conditions?

Ans. yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Subteraanean well, driven-
Sw conrer SW¼SE¼ Sec 27 Twp 15 S.R.26 EBM.

private ditch.

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

Ans. 6 second feet. -2½ second feet.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. 2½ second feet.
measured with a weir.

22825

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use. Irrigation and domestic use.

Sec-27-Twp15S R 26EBM

Ans. SW¼SE¼---30 acres
NW¼SE¼---25 "
NE¼SE¼---30 "
SE¼SE¼---10 "
SE¼NE¼---25 "

Sec. 26-Twp15sR26EBM.

NW¼SW¼---30 acres
NE¼SW¼---30 "
SW¼NW¼---30 "
SE¼NW¼---20 "
NE¼NW¼---10 "
NW¼NE¼---10 "

NE¼NE¼---30 acres
SE¼NE¼---25 "
SW¼NE¼---30 "

All cultivated land.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what etxent.

Ans. .....

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. clay loam
two irrigations for hay and grain crops

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. no

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. since 1952.
I have been on the place.
about 100 acres of grain, this year and last year.

(Signed) Alvin Arrowood

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Malta, County of Cassia, State of Idaho, on this 5 day of June, A. D. 19 54.

J. Henry Thompson
Notary Public.

My commission expires January-25-1957.

22825

Form 17.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G-22825

Proof of Application of Water to Beneficial Use and Completion of Works

Deposition of Witness

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

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

Ans. W. Lester Hawkins, 55, Bridge, Idaho. Bridge, Idaho.

Ques. 2. Are you acquainted with Richard H. Smith, the holder of Permit No. G-22825? How long have you known him and where does he reside?

Ans. about ten years. His address is Logan, Utah.

Ques. 3. Have you read or heard read said Permit No. G-22825, and are you familiar with its provisions and conditions?

Ans. yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Subterranean well- southwest corner of SW.SE.Sec 27 Twp 15So.R 26EBM

private ditch.

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

Ans. 300 inches- 125 inches or 2½ second feet.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. 2½ second feet, with a three foot weir.

22825

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use. All in Sec 26-Twp15-S.

Ans. Irrigation and domestic use.

SW¼SE¼ Sec 27-Twp-15-S.R 26--30 acres
NW¼ SE¼ Sec 27 " " "--25 "
NE¼SE¼ " " " " "--30 "
SE¼SE¼ " " " " "--10 "
SE¼NE¼ " " " " "--25 "

NW¼SW¼ ---30 acres
NE¼S ¼ ---30 " SW¼NE¼--30 acres
SW¼NW¼ ---30 "
SE¼NW¼ ---20 "
NE¼NW¼ ---10 "
NW¼NE¼ ---10 " (all cultivated
NE¼NE¼ ---30 " land).
SE¼NE¼ 0--25 "

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what etxent.

Ans.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. clay loam
two irrigations for hay and grain.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. no

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. since 1952-
been on the place-
about 100 acres of grain- this place is being developed and
some alfalfa is being planted this year-1954.

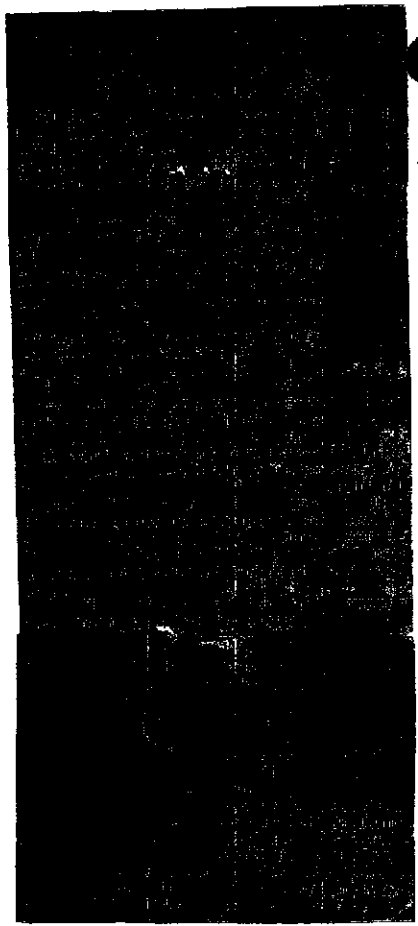
(Signed) W Lester Hawkins

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Malta, County of Cassia, State of Idaho, on this 5 day of June, A. D. 1954.

J Henry Thompson
Notary Public.

My commission expires January-25-1957

22825



AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
COUNTY OF CASSIA } ss.

Junior W. Ross, first being duly sworn, deposes and says: That he is the printer of The Burley Herald and/or The Burley Bulletin, a weekly newspaper published at Burley, in the County of Cassia, State of Idaho; that the said newspaper has a general circulation in said county, and that the said newspaper is published weekly and has been continuously and uninterruptedly published in said county, not less frequently than once a week, during a period of seventy-eight consecutive weeks immediately prior to the first publication of the printed notice herein referred to;

That said newspaper at all times herein mentioned, has been a newspaper of general circulation, made up of at least four pages of at least five columns each, printed from typed matter or sterotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for ...four... consecutive weeks, commencing with the issue dated .May..6..., 19.54.., and ending with the issue dated .May..6.., 19.54...

Junior W. Ross

Subscribed and sworn to before me this 28th day of May, 19.54

Hazel G. Waddell

Notary Public in and for the State of Idaho,
Residing at Burley, Idaho.

22825

...mission Expires June 4, 1955

May 18, 1954

RE: Permit No. G-22825

Burley Herald-Bulletin
Burley
Idaho

Gentlemen:

Please make the following changes in Notice for Proof of Completion of Works and Beneficial Use on Permit No. G-22825 of Richard H. Smith which has appeared in your issues of May 6 and May 13.

Please change the place to Malta instead of Bridge and the Notary Public to J. Henry Thompson instead of Louis C. Hickman, making the first four lines read, "Notice is hereby given that at 1:00 P.M. on the 5th day of June, 1954, at Malta, County of Cassia, State of Idaho, before J. Henry Thompson, Notary Public", etc.

Please make these changes in your two subsequent issues and have the affidavit of publication show the change.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

22825

May 18, 1954

RE: Permit No. G-22825

Mr. J. Henry Thompson, Notary Public
Malta
Idaho

Dear Mr. Thompson:

There has been some confusion in connection with proofs of completion of works and beneficial use to be made by Mr. Richard H. Smith of Logan Utah on Permit No. G-22825.

According to notice now being published in the Burley Herald-Bulletin this proof was set to be made at Bridge before Louis C. Hickman, Notary Public, but it now develops that Mr. Hickman resides at Logan, Utah, and at Mr. Smith's request we have changed the place for making the proof to Malta and have suggested you, as notary public.

If this is not convenient for you, please let us know by return mail.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

22825

May 18, 1954

RE: Permit No. G-22825

Mr. Richard H. Smith
Box 287
Logan, Utah

Dear Mr. Smith:

Reference is made to your letter of May 17, from which it is evident that the notice now being published in the Burley Herald-Bulletin is wrong.

The notice which you sent in stated that the proofs were to be made in Bridge, Idaho, and you later gave us the name of Mr. Louis C. Hickman as the Notary Public before whom the proofs are to be made.

It now appears that Mr. Hickman resides in Logan, Utah, and your letter askes permission to make the proofs at Burley or Malta, before a Notary Public there.

We are accordingly writing the Burley Herald-Bulletin requesting that the notice be changed, that the proofs will be made at Malta before Mr. J. Henry Thompson, Notary Public and trust that this arrangement will be satisfactory to you.

If not, please wire the newspaper at once to discontinue publication awaiting further advice.

This department does not make a field inspection until after the proofs have been made. The depositions of yourself and two witnesses should state the amount from your own personal knowledge.

The permit calls for 3 cubic feet per second and if the proofs and actual measurement shows a less amount, license can only be issued for the amount shown; and if a larger amount is developed later on, it will have to be covered by a new application.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

22825

Chief Clerk

A:hll

CACHE VALLEY SEED & PRODUCE CO.

Blue Tag Grimm and
Native Common Alfalfa,
Alsike, Red & Sweet Clover
Crested Wheat Grass

"MOUNTAIN KING SEEDS"

Potatoes, Seed Grain and Bags

North Dakota
Nebraska Certified and
Commercial Cache Valley
Bliss Potatoes

Warehouse and Cellar
78 South Sixth West St.

143 EAST 3rd NORTH St.
PHONE: Logan 351

LOGAN, UTAH May 17-54

RECEIVED
MAY 18 19
Department of Reclamation

Dept of Reclamation
Mark R. Kulp Engineer
Boise Idaho.

Dear Mr. Kulp:-

Referring again to my permit No.22825 will it be permissable without any change in notice now being published in the Burley Herald Bulletin, for me to take the two witnesses to Burley or Malta and go before a Notary there instead of having to take them to Logan Utah to appear before Louis C. Hickman? I can do this if it will cause further complications however these men live at Bridge and are buisy therefore they would rather go to Malta or Burley to make deposition.

Another question; I have been under the impression that you or someone from your office would come to my land at the appointed day to measure the flow of water also to inspect the land and ditches where the water is being used. From your letter I take it that I am to get the flow of water measured also make declaration with these witnesses. Please advise full proceture.

I understand your office or some other state or federal government engineers measured the flow of water from my well last summer. Do you have any record of this measurement?

If upon present measurement we find that the flow of water is under the 3 ft per second. Can we establish priority for 3ft of water and later change the pump to bring the flow up to the 3 ft.?

Please excuse me for troubling you so much but I wish to have everything clear and up to your requirements.

Thanks, R H Smith

Box 287 Logan Utah

We give no Warranty, Express or Implied, as to Description, Quality, Productiveness or any other matter of any seed we Sell, and we will not be in any way Responsible for the crop. C.V.S.&P.Co.

1

22825

May 13,1954

RE: Permit No. 22825

Burley Herald-Bulletin
Burley
Idaho

Gentlemen:

Your post card of May 3 acknowleged receipt of the legal notice for Richard H. Smith, which you stated would appear in your issue of May 6.

To date, we have not received a copy of that issue and would appreciate receiving same.

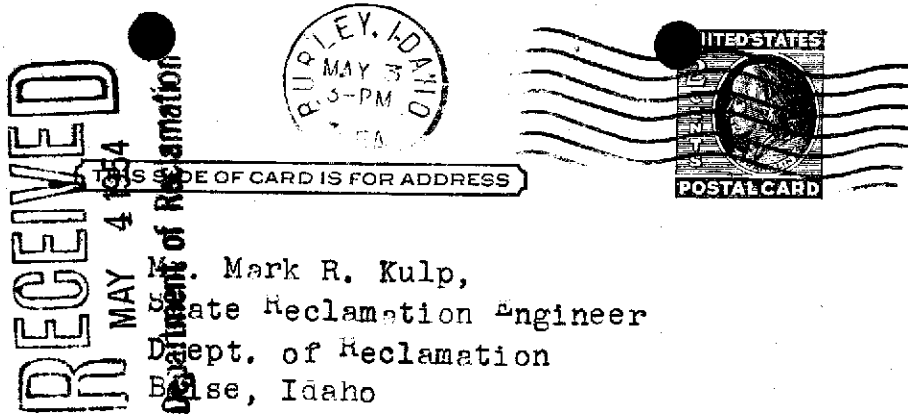
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

22825


RECEIVED
MAY 4 1954
Department of Reclamation
BURLEY, IDAHO
MAY 3
5-PM
THIS SIDE OF CARD IS FOR ADDRESS
UNITED STATES
POSTAL CARD
Mr. Mark R. Kulp,
State Reclamation Engineer
Dept. of Reclamation
Boise, Idaho
22825

Burley, Idaho
May [redacted], 1954

Dear Mr. Kulp:

This is to acknowledge the receipt of two legals, one for Richard H. Smith and the other for Nelson & True, Inc., the latter runs May 4-11-18-25, 1954, Burley Bulletin and the former in Burley Herald, May 6-13-20-28, 1954. Thanks.

22825

Very truly yours,
The Burley Herald-Bulletin
By Mrs. Hazel G. Woodall

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Re: Permit No. 22825 BOISE, IDAHO

Date: May 1, 1954

Burley Herald-Bulletin

Burley, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to June 5, 1954 the date set for proof, the expense of the publication to be paid by the applicant, Richard H. Smith of 143 East 3rd St. Logan, Utah, to whom you should furnish proof of publication on or prior to the date set for proof. (Or Box 287)

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer
By

Chief Clerk

22825

May 1, 1954

RE: Permit No. 22825

Mr. Richard Smith
Box 287
Logan, Utah

Dear Mr. Smith:

In accordance with your reply to our letter of April 29th, we have completed the notice for Completion of Works and Beneficial Use proof on Permit No. 22825 to show that these proofs are to be made before Louis C. Hickman and that the land described is the same as it appears in your original application and permit.

A copy of the notice is being sent today to the Burley Herald Bullitin with instructions to publish it once a week for four weeks prior to June 5, 1954, and to send you the affidavit of publication together with statement of costs.

This is in ample time for the four weeks publication prior to the date set for proof although the notice could have been sent in sooner if it had not been necessary to make so many corrections in it as originally submitted.

We enclose the necessary forms of deposition to be used in making these proofs and at the time set you should appear before Mr. Hickman, Notary Public, together with two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br

Enc.

22825

April 29, 1954

RE: Permit No. 22825

Mr. Richard M. Smith
Box 287
Logan, Utah

Dear Mr. Smith:

We have your letter of April 27th, and note that your notice for Completion of Works and Beneficial Use on Permit No. 22825 should include the land as originally described in your application.

However, your notice does not give the name of the Notary Public before whom these proofs are to be made. We note that your signature has been acknowledged by Louis C. Hickman (or is it Nickman) and perhaps the proofs are to be made before him.

We shall await your advice before sending the notice to the newspaper for publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br

22825

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

MARK R. KULP, RECLAMATION ENGINEER

LEN JORDAN
GOVERNOR

BOISE

April 29, 1954

RECEIVED
MAY 1 1954
Department of Reclamation

RE: Permit No. 22825

Mr. Richard H. Smith
Box 287
Logan, Utah

Dear Mr. Smith:

We have your letter of April 27th, and note that your notice for Completion of Works and Beneficial Use on Permit No. 22825 should include the land as originally described in your application.

However, your notice does not give the name of the Notary Public before Whom these proofs are to be made. We note that your signature has been acknowledged by Louis C. Hickman (or is it Nickman) and perhaps the proofs are to be made before him.

We shall await your advice before sending the notice to the newspaper for publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By Jeanne L. Anderson
Chief Clerk

A:br

Logan vitals Apr 30-54

Please, I will make proofs before Louis C. Hickman

22825 Please mail notice to newspaper at Burley Idaho. now

Yours truly
Richard H Smith

CACHE VALLEY SEED & PRODUCE CO.

Blue Tag Grimm and
Native Common Alfalfa,
Alsike, Red & Sweet Clover
Crested Wheat Grass

"MOUNTAIN KING SEEDS"

Potatoes, Seed Grain and Bags

North Dakota
Nebraska Certified and
Commercial Cache Valley
Bliss Potatoes

Warehouse and Cellar
78 South Sixth West St.

LOGAN, UTAH April 27-54

143 EAST 3rd NORTH St.
PHONE: Logan 851

Mark R. Kulp
Idaho State Engineer
Boise Idaho.

Dear Sir:-

In reference to my permit No.22825 and your letter of April 19-54 in which you inclose blank for me to use in ammending my application for to include Section 25 in land to be irrigated from my well covered by this permit, please strike Sec. 25 from my application and publish it as it appears on my original application.

Please answer at once so I will know that you have sent it to Burley for publication.

Yours truly,

Richard H Smith Box 287 Logan Utah.

RECEIVED
APR 28 1954
Department of Reclamation

22825

We give no Warranty, Express or Implied, as to Description, Quality, Productiveness or any other matter of any seed we Sell, and we will not be in any way Responsible for the crop. C.V.S.&P.Co.

April 19, 1954

RE: Permit No. 22825

Mr. Richard H. Smith
Box 287
Logan, Utah

Dear Mr. Smith:

We have your notice for proof of completion of works and beneficial use on Permit No. 22825 to be made June 5, 1954, together with authorization to have it published in a Burley newspaper.

In checking this notice we note that you describe the place of use as Section 26, 27, and 25, Township 15 South, Range 26 East B.M.

This description must be more specific as to subdivision, section, township, and range. The permit describes the $SE\frac{1}{4}$ $NE\frac{1}{4}$, and the Southeast Quarter Section 27; the Northeast quarter, $S\frac{1}{2}$ $NW\frac{1}{4}$ and $N\frac{1}{2}$ $SW\frac{1}{4}$ Section 26 but nothing in Section 25.

If there has been a change in the place of use, an application for amendment should be filed for in this department before your proof is made. This application may be made on the form enclosed.

We shall await your further advice before sending the notice to the newspaper for publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

22825

Form No. 11

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 7-54

(P. O.) Box 287 Logan Utah

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

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

Richard H Smith

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

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

_____

Engineer.

22825

Form 36

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

Notice is hereby given that at ~~I. P. M.~~ M., on the 5th day of June, 1954, at Bridge, County of Cassia State of Idaho, before Louis C. Hickman, Notary Public, proof will be submitted of the completion of works for the diversion of three cubic feet per second of the waters of Well / [redacted] No. 22825 in the SW¼ SE¼ Section 27, Twp. 15 S., Range 26 E., B.M. and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 22825 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Richard H. Smith 143 East 3nd Logan Utah

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use, in accordance with the plans accompanying the application for such permit, is three cubic feet per second.

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

4. The place where said water is used is / [redacted] SE¼ NE¼ and SE¼ Section 27; NE¼, S½NW¼ and N½SW¼ Section 26; Tp 15 South Range 26 East Boise Meridian Idaho

5. The date of priority which said user is prepared to establish is June 2. 1952.

[redacted] Richard H. Smith
Claimant

MARK R. KULP
State Reclamation Engineer

INDIVIDUAL ACKNOWLEDGMENT

STATE OF UTAH } ss
County of Cache }

On the 9th day of Jun A.D. 1954, personally appeared before me Richard H. Smith the signer of the within instrument, who duly acknowledged to me that he executed the same.

Louis C. Hickman
Notary Public

Commission expires: 18 July 1954
Residing in Logan, Utah

HICKMAN ABSTRACT CO.
Logan, Utah

22825

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

April 1, 1954

Mr. Richard H. Smith
Box 287
Logan, Utah

Dear Sir:

We enclose herewith blank notice for proof of completion of works and application of water to beneficial use under your Permit No. ~~G-22825~~. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This proof must be submitted before a Notary Public or other officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is not later than ~~June 10, 1954~~.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

22825

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

Permit No. G-22825 Date June 13, 1952

We enclose herewith the above numbered permit. BE SURE AND NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the State Reclamation Engineer, on the fourth page.

Mr. Richard H. Smith
Box 287
Logan, Utah

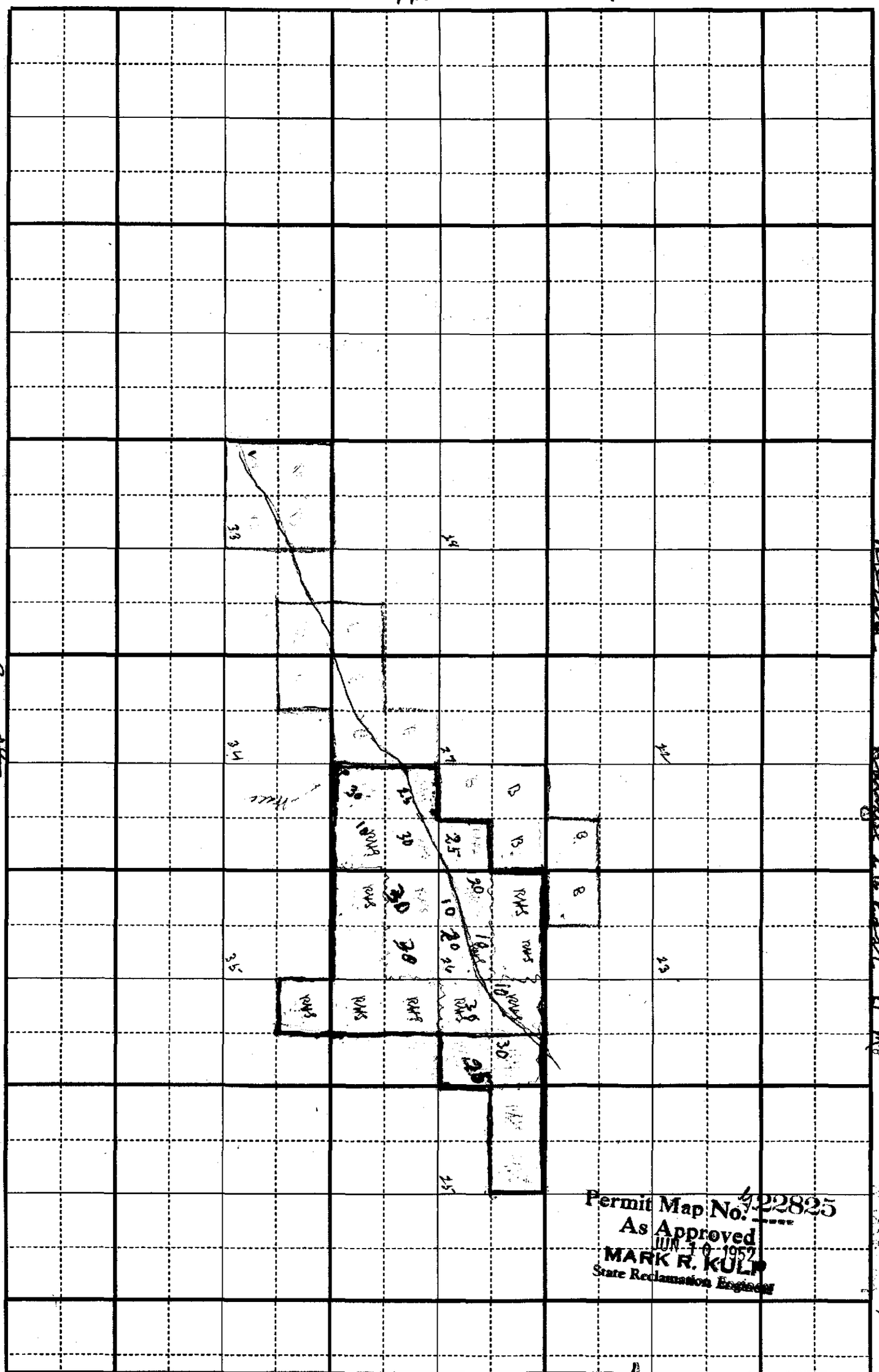
MARK R. KULP
State Reclamation Engineer

Enc. Departmental receipt No. 24533 for $5.50 filing fee.

22825

NAME OF APPLICANT West Richard H. Smith

Form No. 0



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

T 15 S R 8 E M.D.B.

22825

June 3, 1952

Mr. Richard R. Smith
Box 287
Logan, Utah

Dear Mr. Smith:

We acknowledge receipt of your letter of May 31, 1952, enclosing application for permit to appropriate 3 second feet of subterranean water, accompanied by your check for $5.50.

We return the application in order that you may answer Questions 7, 8, and 13.

You also failed to enclose the duplicate sketch maps showing the location of the well and the land to be irrigated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

22825

CACHE VALLEY SEED & PRODUCE CO.

Blue Tag Grimm and
Native Common Alfalfa,
Alsike, Red & Sweet Clover
Crested Wheat Grass

"MOUNTAIN KING SEEDS"

Potatoes, Seed Grain and Bags

North Dakota
Nebraska Certified and
Commercial Cache Valley
Bliss Potatoes

Warehouse and Cellar
78 South Sixth West St.

LOGAN, UTAH May 31-52

143 EAST 3rd NORTH St.
PHONE: Logan 851

Mr. Mark R. Kulp
Boise Idaho.

Dear Sir:-

Herewith is application for filing on water from well which I previously notified you we had completed and tested. We expect to begin pumping in about 10 days.

Yours truly,

R H Smith

Box 287

RECEIVED
JUN 2 1952
Department of Reclamation

22825

We give no Warranty, Express or Implied, as to Description, Quality, Productiveness or any other matter of any seed we Sell, and we will not be in any way Responsible for the crop. C.V.S.&P.Co.

April 23, 1952

Mr. Richard H. Smith
Box 287
Logan, Utah

Dear Mr. Smith:

If we understand correctly your letter of April 21, 1952, you wish to file an application for permit to appropriate water from the well which you have drilled on the SW¼ SE¼ Section 27, Township 15 South, Range 26 East, S.L.M.

We therefore enclose a form of application for permit to appropriate subterranean water from a well together with the pamphlet giving regulations and instructions in regard to filing same.

When this application is approved, it will be signed by the proper State Officials and sent you as a use permit under which you may proceed with the construction of the work described in the application.

In order to complete your water right, proofs of completion of works and application of the water to beneficial use are required. The time required for making these proofs should be indicated under Question 10.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

22825

CACHE VALLEY SEED & PRODUCE CO.

Blue Tag Grimm and
Native Common Alfalfa,
Alsike, Red & Sweet Clover
Crested Wheat Grass

Warehouse and Cellar
78 South Sixth West St.

"MOUNTAIN KING SEEDS"

Potatoes, Seed Grain and Bags

North Dakota
Nebraska Certified and
Commercial Cache Valley
Bliss Potatoes

143 EAST 3rd NORTH St.
PHONE: Logan 851

LOGAN, UTAH April 21-52

Mr. Mark R Kulp
Idaho State Engineer
Boise Idaho.

Dear Sir:-

I wish to report my 12" inch well which we tested April 11& 12th .It is 215 ft deep From the first test we estimate it will produce about 1200 Gal.

Please mail blanks and instructions for filing this water. The well is located in the SW¼ of the SE¼ of Sec.27 TP 15 Range 26 E of Boise Meridian Idaho.

Yours truly,
Richard H. Smith

Box 287 Logan Utah

RECEIVED
APR 23 1952
Department of Reclamation

22825

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