

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
STATE OF IDAHO) ss.

Mary Summers 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 two
consecutive weeks, commencing with the issue
dated December 29 1983, and ending
with the issue dated January 5 1984

Mary Summers
Subscribed and sworn to before me
this 11 day of Jan
1984

Kenneth Dunn Notary Public

Cost of Publication \$ 35.75

Notary Fee

Total Cost \$ 35.75

83-388

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
No. 43-2301

Notice is hereby given that Warr Brothers, partnership, of Malta, Idaho has applied to the Department of Water Resources for a change of point of diversion from a groundwater source. The right sought to be changed is evidenced by License No. 43-2301 and is recorded as follows:

Amount: 0.84 cfs

Priority: 6-4-1947

Point of Diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32, T14S, R27E, B.M., Cassia County

The water is used for domestic and irrigation of 55 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 32, T14S, R27E

TO BE CHANGED AS FOLLOWS:

Amount: No change

Point of Diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T14S, R27E, B.M., Cassia County

Place of Use: No change

Any protest against the approval of the above proposed change must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301 on or before January 16, 1984.

A. Kenneth Dunn, Director

No. 43-2289

Notice is hereby given that Warr Brothers, partnership of Malta, Idaho has applied to the Department of Water Resources for a change of point of diversion from a groundwater source. The right sought to be changed is evidenced by License No. 43-2289 and is recorded as follows:

Amount: 0.26 cfs

Priority: April 13, 1943

Point of Diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32, T14S, R27E, B.M., Cassia County

The water is used for domestic and irrigation of 13 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32, T14S, R27E

TO BE CHANGED AS FOLLOWS:

Amount: No change

Point of Diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T14S, R27E, B.M., Cassia County

Place of Use: No change

Any protest against the approval of the above proposed change must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301 on or before January 16, 1984.

A. Kenneth Dunn, Director

Published in the South Idaho Press on December 29, 1983 and January 5, 1984.

MICROFILMED

Transfer No. 2978

Water Right No. 43-2289

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

APPROVED

Name of applicant Warr Bros. Partnership Phone 645-2485
Post Office address Malta, ID 83342

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)
- b. License No. 43-2289 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
purchase of land & water

3. Source of water Groundwater tributary to _____

4. Date of priority 4-13-1943

5. Water is used for the following purposes:

amount 0.26 cfs for irrig. & dom. purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 0.26 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32
Township 14S Range 27E, B.M., in Cassia County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14S	27E	32			13														13

Total number of acres to be irrigated 13

9. Describe any other water rights used for the same purpose as described above _____
43-2301

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

MICROFILMED

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County
- Additional points _____

3. Place of use:

[illegible]

Total number of acres to be irrigated _____

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

1. General Information

- a. Amount of water to be diverted 0.26 c.f.s. &/or _____ acre feet
- b. Description of diverting works Well & pump
- c. Describe the reasons for the proposed changes Old well no longer provides sufficient water

2. Change in point of diversion

Point of diversion SW ¼ NW ¼, Section 33 Township 14S
Range 27E, B.M., Cassia County
Additional points _____

3. Change in place of use No Change

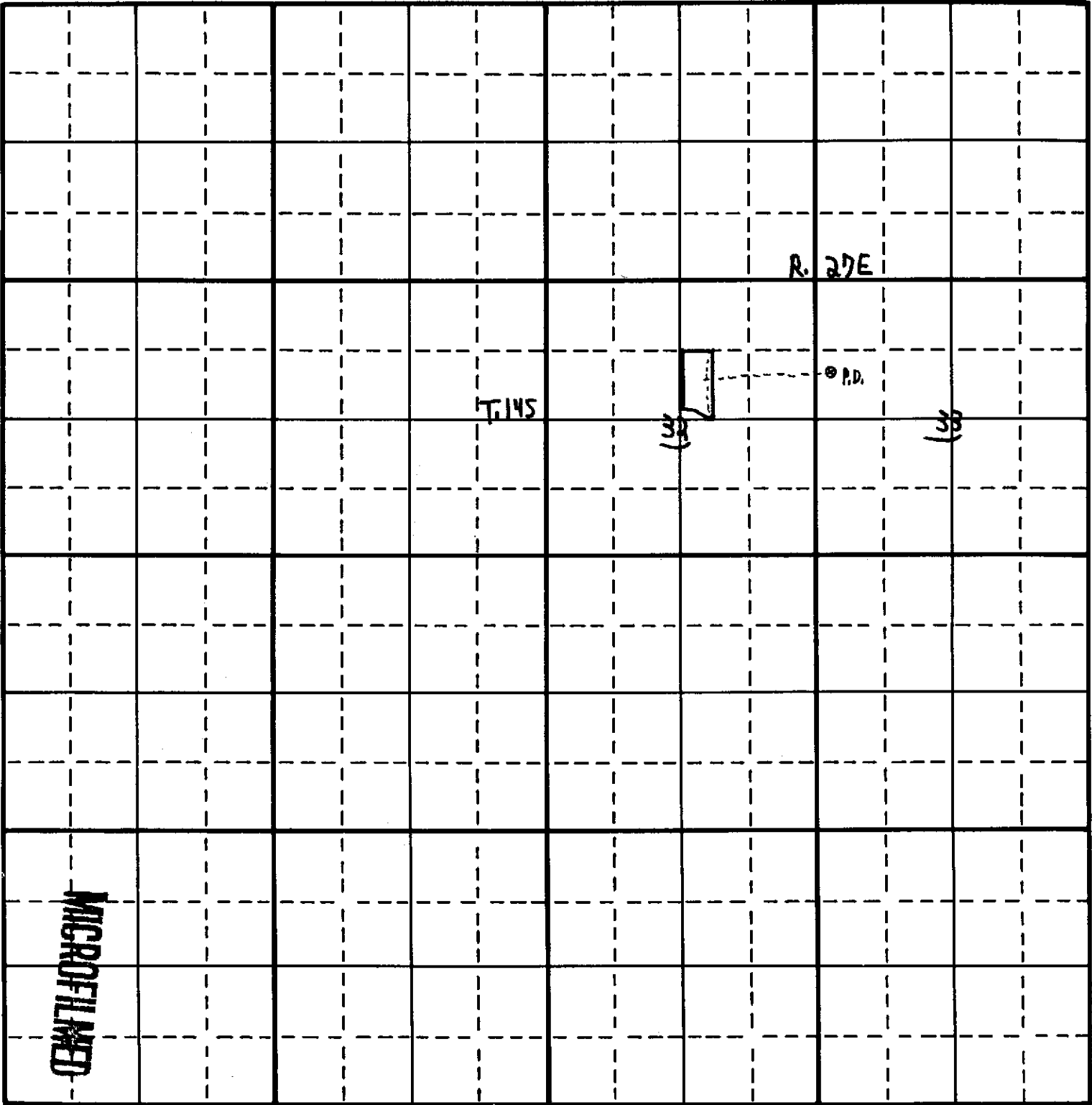
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____. No _____. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

c. Describe the lands and 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	

Total number of acres to be irrigated _____

4. Describe any other water rights used for the same purpose as described above. _____
none
5. 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.



MICROFILMED

D. REMARKS

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 willfull misrepresentations made in this application may result in voiding its approval.

Olene Warr
(Signature of Applicant)

Subscribed and sworn to before me this 12 day of December, 1983

Loren O Halmer
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

43-2289

This is to certify that I have examined Application for Transfer of Water Rights No. _____
and said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this 6th day of April, 19 84

L. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>JA</u>	Date <u>12-12-83</u>	Protest filed by _____
Prelim. check by <u>ADm</u>	Fee <u>\$50.00</u>	_____
Receipted by <u>JA</u>	Date <u>12-12-83</u> # <u>33949</u>	_____
Published in <u>South Idaho Press</u>	Copies of protest forwarded by _____	
Pub. dates <u>12/29 + 1/5/84</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on _____	Recommended for <u>approval</u> denial	
_____ rec'd. _____	by <u>Jim</u>	

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
STATE OF IDAHO) ss.

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

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

The South Idaho Press for two
consecutive weeks, commencing with the issue
dated December 22 1983, and ending
with the issue dated January 5 1984

Mary Summers

Subscribed and sworn to before me
this 11 day of Jan
1984

Richard May Notary Public

Cost of Publication \$ 35.75

Notary Fee

Total Cost \$ 35.75

83-388

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT

No. 43-2301

Notice is hereby given that Warr Brothers, part-
nership, of Malta, Idaho has applied to the Depart-
ment of Water Resources for a change of point of
diversion from a groundwater source. The right
sought to be changed is evidenced by License No.
43-2301 and is recorded as follows:

Amount: 0.84 cfs

Priority: 6-4-1947

Point of Diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 32, T14S,
R27E, B.M., Cassia County

The water is used for domestic and irrigation of
55 acres within the W $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32, T14S,
R27E

TO BE CHANGED AS FOLLOWS:

Amount: No change

Point of Diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T14S,
R27E, B.M., Cassia County

Place of Use: No change

Any protest against the approval of the above
proposed change must be filed with the Idaho
Department of Water Resources, 1041 Blue Lakes
Blvd. North, Twin Falls, Idaho, 83301 on or before
January 16, 1984.

A. Kenneth Dunn, Director

No. 43-2289

Notice is hereby given that Warr Brothers, part-
nership of Malta, Idaho has applied to the Depart-
ment of Water Resources for a change of point of
diversion from a groundwater source. The right
sought to be changed is evidenced by License No.
43-2289 and is recorded as follows:

Amount: 0.26 cfs

Priority: April 13, 1943

Point of Diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32, T14S,
R27E, B.M., Cassia County

The water is used for domestic and irrigation of
13 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32, T14S,
R27E

TO BE CHANGED AS FOLLOWS:

Amount: No change

Point of Diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T14S,
R27E, B.M., Cassia County

Place of Use: No change

Any protest against the approval of the above
proposed change must be filed with the Idaho
Department of Water Resources, 1041 Blue Lakes
Blvd. North, Twin Falls, Idaho, 83301 on or before
January 16, 1984.

A. Kenneth Dunn, Director

Published in the South Idaho Press on December
29, 1983 and January 5, 1984.

MICROFILMED

State of Idaho

License and Certificate of Water Right

Water License No. 19399
 Water District No. _____

Amount 0.26 second foot
 Priority April 13, 1943

THIS IS TO CERTIFY that JOHN EDGAR EKLUND
 of Bridge, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated April 13, 1943; that Permit No. 19399
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 2 second feet, was issued thereunder on June 21, 1943, showing that said works
 were completed on the 3rd day of June, 1943; and that on the 10th
 day of August, 1943,

JOHN EDGAR EKLUND

of Bridge, 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
 (subterranean), a tributary of _____, for the purpose of irrigation and
 domestic use, under Use Permit No. 19399 of the State Reclamation Engineer
 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 Licenses, at page 4210, on the 20th day of March, 1944;

The right hereby confirmed dates from April 13, 1943;

The Point of Diversion is located
 in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32, Tp. 14 S., R. 27 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 0.26 second foot
 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
22/45	27 E. 14 S.	32 27 E.	W $\frac{1}{2}$ NE $\frac{1}{4}$ E $\frac{1}{2}$ NW $\frac{1}{4}$	80 80	13 -
Total Number of Acres Actually Irrigated -				-	13

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
 Commissioner of Reclamation, affixed at Boise, Idaho,
 this 20th day of March, 1944

(SEAL)

JAMES SPOFFORD
 Commissioner of Reclamation
 State Reclamation Engineer

State of Idaho
License and Certificate of Water Right

Water License No. 18734 Amount 0.66 second foot
Water District No. Priority February 15, 1939

THIS IS TO CERTIFY that LLOYD CALLENDER
of Rathdrum, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 15, 1939; that Permit No. 18734
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
One (1) second feet, was issued thereunder on February 23, 1940, showing that said works
were completed on the 13th day of February, 1940; and that on the 24th
day of February, 1943,
LLOYD CALLENDER

of Rathdrum, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of an unnamed
stream, a tributary of, for the purpose of irrigation and stock watering
, under Use Permit No. 18734 of the Commissioner 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 7
of Licenses, at page 4211, on the 25th day of March, 1944;
The right hereby confirmed dates from February 15, 1939;

The Point of Diversion is located
in the NE 1/4 NW 1/4, Sec. 34, Tp. 52 N., R. 5 W., B. M. Kootenai 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 0.66
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
52 N.	5 W.	34	NE 1/4 NW 1/4	10	8
			SW 1/4 NW 1/4	20	10
			SE 1/4 NW 1/4	20	15
			Total Number of Acres Actually Irrigated - 33		

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.

State Reclamation Engineer
WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 25th day of March, 1944

JAMES SPOFFORD
Commissioner of Reclamation
State Reclamation Engineer

(SEAL)

19399
No. 73-5289

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

Application No. 26895
Permit No. 19399
District No.

1. Name of Applicant: JOHN EDGAR EKLUND

Postoffice address: Bridge

County: Cassia

State: Idaho

I. If applicant is a corporation, give:

(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: \$100.00

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources: Land valued at \$3000; 1 \$25. Government Defense Bond

2. Quantity of water claimed: Two (2) cubic feet per second.

3. Source of water supply: Well from subterranean water, Maltawhilly a tributary of

4. Location of point of diversion: 75 feet Northeast feet distant from the S W
of the W $\frac{1}{2}$ NE $\frac{1}{4}$ of
corner of Section 32, T. 14 S., R. 27 E., B. M., and is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$
of Section 32, T. 14 S., R. 27 E., B. M., County of Cassia

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B. M., in the of Section , T. , R. , B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B. M., in the
of Section , T. , R. , B. M.

7. Estimated cost of works: \$ 800.00 already expended

8. Kind of works: Well, pump and ditch

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width feet; height feet;

11. Ditch: Width at bottom 1 feet; width at water line 1 $\frac{1}{2}$ feet; depth of water 1 feet;
dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is Six months years. (Now complete as can be made)

13. The time required for the complete application of the water to the proposed use is No additional years.
(Water has been applied)

14. The land to be irrigated is described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? No If so, fill in (b) and (c) below.
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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.

JOHN EDGAR EKLUND

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. April 13, 1943

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 19399

Recorded in Book 70 Page 19399 Approved April 14, 1943

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 Now complete

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before Now complete

The whole of said work to be completed on or before October 14, 1943

Beneficial use of water appropriated in accordance herewith, to be made on or before October 14, 1943

Witness my hand this 14th day of April, 1943

JAMES SPOFFORD

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. BOTTOLFSEN, Governor of the State of Idaho,

and GEO. H. CURTIS, 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 14th

day of April, 1943.

STATE OF IDAHO

Countersigned:

(SEAL)

By GEO. H. CURTIS

Secretary of State.

By C. A. BOTTOLFSEN

Governor

Remarks: Applicant since approximately April 15, 1922, has been pumping water and has used said water in irrigating the E $\frac{1}{2}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 32, Township 14 South, Range 27 East, Boise Meridian, in Cassia County, Idaho; that applicant is the owner of the land described in this application; that underlying the Malta Valley, in which this land is located, is a subterranean basin; that there are a number of wells pumping water to irrigate the land in the vicinity of this

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

14 S.

27 E.

32

40 40

40

40

160

REMARKS (Continued) land; that, as heretofore set out, the well is located upon applicant's own land; that water is pumped from the well by means of a power-driven pump, is placed in a ditch, and is then run through the ditch to irrigate applicant's land; that applicant does not have any more work to do to make a beneficial application of the said water.

PERMIT NO. 19399
Certificate of Completion of Works

To All Whom it May Concern:

This is to certify that JOHN EDGAR EKLUND, of Bridge, County of Cassia, and State of Idaho, the holder of Permit No. 19399, issued upon Application No. 26895, bearing date of priority of April 13, 1943, authorizing the diversion of Two (2) second feet of the waters of a well (subterranean), 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 Two (2) second feet of the waters of said well; that the point of diversion of said waters is located 75 feet Northeast from the Southwest corner of the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 32, Township 14 South, Range 27 East, B. M., and in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 32, Township 14 South, Range 27 East, B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: West half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$) and East half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 32, Township 14 South, Range 27 East, B.M.

Witness my hand this 21st day of June, A. D. 1943.

JAMES SPOFFORD
State Reclamation Engineer

Proof of completion of works made June 3, 1943
Certificate of Completion of Works issued June 21, 1943

LICENSE ISSUED FOR 2.26 SEC. FT.

P. 4210

April 6, 1984

RE: Transfer of Water Right No. 43-2289

Warr Bros. Partnership
Malta,
Idaho 83342

Gentlemen:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 2978).

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: ADM

1. Right number 43-2289 Applicant Warr Bros. Partnership
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Other _____

4. Check:

- ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- ☒ Description of original point of diversion.
- ☒ Description of original place of use.

5. Amount of land &/or water transferred:

- ☒ All of right.
- ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- ☒ Check description of point(s) of diversion.
- ☒ Check description of place of use.
- ☒ Check map (shows p.d. and p.u. after transfer).
- ☒ Check for correct signature, notarization, and fee.
- ☒ Check proof of ownership of right &/or land from which water is transferred. N/A
- ☒ Check for expansion in use of right. Comments N/A P/D change

☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) None

☒ Is use within a Watermaster District? ☐ Yes ☒ No

If yes, what district? _____

FINAL PROCESSING REVIEW BY: ADM

☒ Watermaster recommendation requested on N/A Received on _____

2. Is transfer published correctly? ☒ Yes ☐ No

☒ Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

☒ Approve

2. ☐ Deny

3. Conditions* etc

By ADM Date 2/7/84 FEB 09 1984

RECEIVED

Department of Water Resources

* All uses within Watermaster Districts require special conditions.

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 43-2289

Notice is hereby given that Warr Brothers, partnership of Malta, Idaho has applied to the Department of Water Resources for a change of point of diversion from a groundwater source. The right sought to be changed is evidenced by License No. 43-2289 and is recorded as follows:

Amount: 0.26 cfs

Priority: April 13, 1943

Point of Diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32, T14S, R27E, B.M., Cassia County.

The water is used for domestic and irrigation of 13 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32, T14S, R27E

TO BE CHANGED AS FOLLOWS:

Amount: No change

Point of Diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T14S, R27E, B.M., Cassia County

Place of Use: No change

Any protest against the approval of the above proposed change must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301 on or before Jan. 16, 1984.

A. KENNETH DUNN - Director

Published in South Idaho Press on Dec. 29, 1983 and Jan. 5, 1984.

MICROFILMED

ADM
OK
12-20-83



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

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

December 20, 1983

South Idaho Press
Box 190
Burley, Idaho 83318

Re: Notice of Proposed Change of Water Right No. 43-2301 and
No. 43-2289

Gentlemen:

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

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

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

Sincerely,

Mary A. Newby
Sec/Office Coord.

Encl:

MICROFILMED

March 21, 1944

Re: Permit No. 19399

Mr. A. H. Nielson
Attorney at Law
Barley, Idaho

Dear Mr. Nielson:

We enclose herewith License and Certificate of Water Right issued under the above numbered permit, confirming the right of John Edgar Eklund to the use of 0.26 second foot of water from a well (subterranean) diverted in the SW¹/₄ NE¹/₄ Section 32, Township 14 South, Range 27 East, B.M., with priority of April 13, 1943, for the irrigation of 13 acres in the W¹/₂ NE¹/₄ Section 32, Township 14 South, Range 27 East, B.M.

We also enclose Departmental Receipt No. 18511 for the \$4.00 fee paid by you in connection with this final proof.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

A
encs.

19399

A. H. NIELSON
ATTORNEY AND COUNSELOR AT LAW
BURLEY, IDAHO

March 17, 1944



Department of Reclamation
State of Idaho
Boise, Idaho

Gentlemen:

Re: Permit No. 19399
John Edgar Eklund

I am sending my check of \$4 to
pay the statutory fee, as requested by your
letter of January 15th, in the above en-
titled matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "A. H. Nielson". The signature is fluid and cursive.

A. H. Nielson

AHN:ws
Enc. ck.

19399

✓
January 15, 1944

Re: Permit No. 19399

Mr. A. H. Nielson
Attorney at Law
Burley, Idaho

Dear Mr. Nielson:

We now have on file the report of our Field Engineer on examination for beneficial use under Permit No. 19399, in the name of John Edgar Eklund.

This report shows that Mr. Eklund is irrigating 13 acres in two forty-acre subdivisions, namely the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, Township 14 South, Range 27 East.

Therefore, upon receipt of the statutory fee of \$4.00, a license will be issued for 0.26 of a second foot of subterranean water.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

A

19399

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

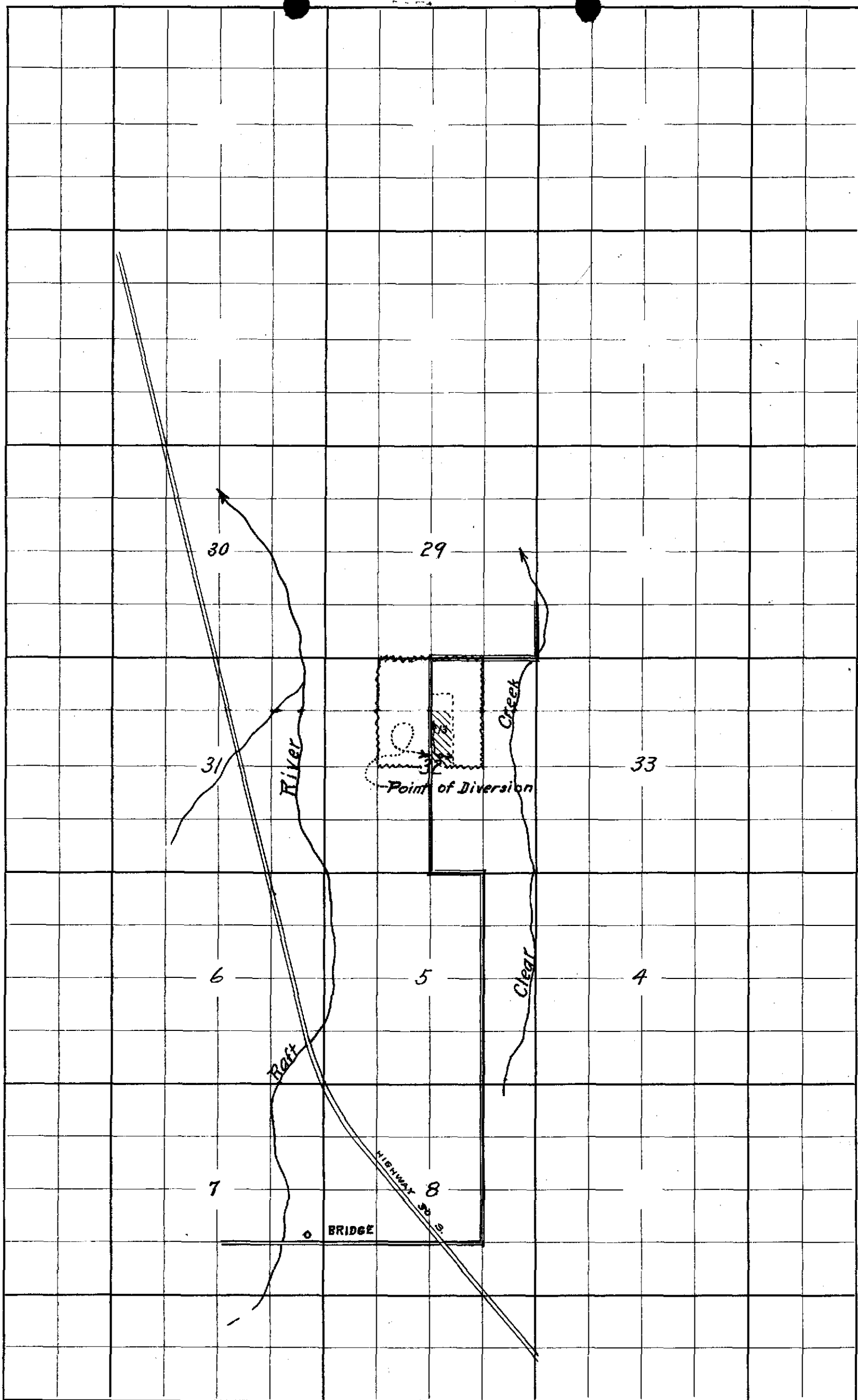
REPORT OF ENGINEER

PERMIT NO. 19399

REPORT ON PROOF OF Beneficial use

130. in 240's

CH.
PMT. → .26 cfs.
for 4"



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

19399

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19399

This proof is for Beneficial use

In Water District No.

1. Name of applicant John Edgar Eklund, Bridge, Idaho

2. Source of water supply Well (subterranean)

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32

T. 14 S. R. 27 E. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: A dug Well 9'X9'X 25'

deep; concrete side walls down 21ft, and thence reduced to 3ft. diameter.

Pumping equipment includes a Parma Water Lifter, and "T" model Ford

Engine power plant.

Ditches average 1 $\frac{1}{2}$ feet wide and 1 foot deep.

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 for other than irrigation): W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 32, Twp. 14 South, Range 27 East, B. M.

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

8. What large stream would the water here appropriated finally reach? None

Remarks:

Water table was 15ft. below ground surface at this date.

This examination was made on the 29th. day of September, 1943

(Signed) Fred J. Tolman

Examiner.

19399

63a

John Edgar Eklund
Bridge, Idaho

Permit No. 19399

Examination for Beneficial use

County Cassia

A. H. Nielson
215 Broadway

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 a 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.

August 17, 1943

Re: Permit No. 19399

Mr. A. H. Nielson
Attorney at Law
Burley, Idaho

Dear Mr. Nielson:

We acknowledge receipt of your letter of August 11th, enclosing deposition of the holder, depositions of two witnesses, and affidavit of publication from the Oakley Herald, all in connection with beneficial use proof under the above numbered permit, in the name of John Edgar Eklund.

We note what you say in regard to the number of acres irrigated. Before final action can be taken, the law requires that a field examination be made by an engineer from this Department, and when this examination is made, our engineer will report as to the actual acreage on which this water has been beneficially used.

We cannot say just when this examination will be made, since this Department has but one field engineer, who makes examinations all over the State. However, Mr. Tolman, Field Engineer for this Department, will try and contact Mr. Eklund at the time he makes the examination, so that he may arrange to show him over the ground.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

A

Chief Clerk

19399

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION
OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A. M. on the 10th day of August, 1943, at Burley, County of Cassia, State of Idaho, before A. H. Nielson, a Notary Public, proof will be submitted of the application to beneficial use of two cubic feet per second of the waters of irrigation well in accordance with the terms and conditions of Permit No. 19399 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are John Edgar Eklund, Bridge, Cassia County, Idaho.

The use to which said water has been applied is irrigation.

The amount applied to beneficial use is two cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) The following described real estate located in Cassia County, State of Idaho, to-wit: The West Half of the Northeast Quarter, the East Half of the Northwest Quarter of Section thirty-two, Township Fourteen South, Range Twenty-seven, East Boise Meridian.

The name of the canal or ditch or other works by which said water is conducted to such place of use is No name. Ordinary irrigation ditch.

The right to take water from such works is based upon Permit No. 19399.

The source of supply from which such water is diverted is well from subterranean water located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32, Twp. 14 S., R. 27, E. B. M., in Cassia County, Idaho.

The date of priority which said user is prepared to establish is April 13, 1922.

19399
JAMES SPOFFORD,
Commissioner of Reclamation.

First publication July 8, 1943,
Fourth publication July 29, 1943

Affidavit of Publication

RECEIVED

AUG 14 1943

Department of Reclamation

I, Charles Brown, being first duly sworn on oath, say:

That I am the publisher and printer of THE OAKLEY HERALD, which is a newspaper of general circulation in Cassia County, Idaho, and which has been continuously and uninterruptedly published at said place during a period of more than 78 consecutive weeks prior to the final publication of

the

herein mentioned; that a

of which the attached clipping is a copy, was published in the regular issue of said newspaper for

4 consecutive weeks, to-wit, on
July 8, 15, 22 and 29

19*43*

Charles Brown.

Subscribed and sworn to before me this

day of,

July

19

43

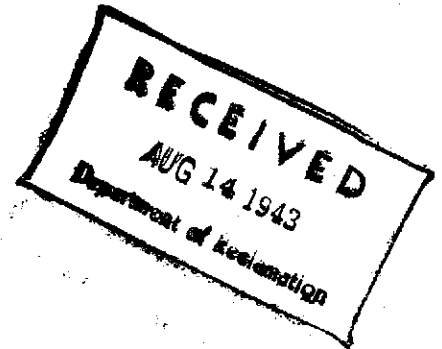
Notary Public.

Notary Public in and for the State of Idaho
Residing in Oakley, Cassia County, Idaho
My Commission expires Jan. 19, 1945

19399

A. H. NIELSON
ATTORNEY AND COUNSELOR AT LAW
BURLEY, IDAHO

August 11, 1943



State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Dear Sir: Re: Permit No. 19399
 John Edgar Eklund

I am sending a deposition of witnesses Loyal S. Hale and Julius B. Fairchild together with a deposition of the holder.

The two witnesses were brought before me at the date set for the hearing by Mr. Eklund. No other persons whatever appeared in regard to this matter.

You will notice from the depositions made that beneficial use of water has only been made on twenty acres of the 160 owned by Mr. Eklund. From statements first made by Mr. Eklund it was my impression that there had been a continuous use of this water upon the entire forty acres.

I am also sending the affidavit of Charles Brown, the publisher of the Oakley Herald.

Is there any other or further information you need in passing upon the matter?

Very truly yours,

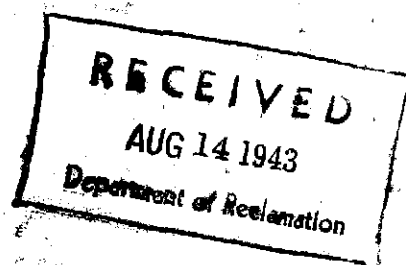
A handwritten signature in cursive script, appearing to read "A. H. Nielson".

A. H. Nielson

AHN:ws
Encs.

19399

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 19399

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. John Edger Eklund, Bridge, Cassia County, Idaho, farmer at Bridge, Cassia County, Idaho.

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. I am acting for no one except myself.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 19399. Date of priority, April 15, 1922.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Subterranean well located 75 feet northeast from the southwest corner of the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 32, Twp. 14 S., R. 27, E.B.M.

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.

Ans. My diversion works consist of a pump operated by a gasoline-propelled motor and is capable of conveying two second feet of water from the point of diversion to the land irrigated; that said water is conveyed by a ditch constructed by myself and wholly upon my own property which does not have any name.

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. Water is used for irrigation upon 40 acres--20 acres of which is located in the W $\frac{1}{2}$ NE $\frac{1}{4}$ and 20 acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 32, Twp. 14 S., R. 27, E.B.M. located in Cassia County, Idaho; that from the year 1922 until approximately the year 1931 20 acres was irrigated in the W $\frac{1}{2}$ of the above described property; that the full 40 acres was irrigated for two years; that after the year 1931 a drought occurred and I was unable to pump water. Now however there is being irrigated 20 acres in the W $\frac{1}{2}$ from the said subterranean well; there is no natural meadow on my land and that all

Ques. 7. If for other than irrigation purposes, state how applied, amount of horse power generated, etc.

Ans. All for irrigation.

(6 continued) improvements to the said land are due to the use of irrigation water.

19399

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

Ans. 1 cubic foot of water is the minimum required to water 40 acres of my property located as above described.

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. I purchased this land from my brother, Richard Eklund, who received a patent for desert land from the U.S. Government.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used. During the years 1922, 1923, 1924, 1925, I irrigated 20 acres of land in the W¹/₂NE¹/₄ of Sec. 32, Twp. 14 S., R. 27, E.B.

Ans. In Cassia County, Idaho, from the said well; that during the years 1926 and 1927 I irrigated the said 20 acres, together with an additional 20 acres of land located in the E¹/₂NW¹/₄ of said section; that during the years 1928, 1929 and 1930 I irrigated the said 20 acres in the W¹/₂ of said land; that since about 1931 there has been a drought and I have been unable to irrigate until 1943; that now I am irrigating 20 acres in the said W¹/₂NE¹/₄ of said land; that I have diverted two second feet of water as was necessary (be-

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. low)

Ans. No other water whatever has been used upon said land, to-wit, my lands located in Section Thirty-two, Township Fourteen South, Range Twenty-seven, East Boise Meridian.

10.(Cont.) to irrigate during the times I have mentioned.

(Sign) John Edgar Eklund

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

subscribed and sworn to before me, at my office in Burley, County of Cassia,

State of Idaho, on this 10th day of August, A.D. 1943.

Notary Public for Idaho, residing at Burley, Idaho.

My commission expires February 20, 1946

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 19399

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. Julius B. Fairchild, 62, residing at Heyburn, Minidoka County, Idaho. Carpenter and farmer.

Ques. 2. Are you acquainted with John Edgar Eklund, the holder of Permit No. 19399? How long have you known him and where does he reside?

Ans. Yes. I have known John Edgar Eklund all his life. I came to Oakley, Cassia County, Idaho, in the year 1881, and since his birth have been well acquainted with John Edgar Eklund.

Ques. 3. Have you read or heard read said Permit No. 19399, 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. Water supply is obtained from a subterranean well located approximately 75 feet northeast from the Southwest corner of the West Half of the Northeast Quarter of Section 32, Township 14 South, Range 27, E.B.M. in Cassia County, Idaho.

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. My best judgment is that I have seen conveyed and estimate the works will safely conduct two second feet.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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.

That said water is used for the purposes of irrigation; that approximately 40 acres belonging to John Edgar Eklund and located in the $W\frac{1}{2}NE\frac{1}{4}$ and the $E\frac{1}{2}NW\frac{1}{4}$ of Sec. 32, Twp. 14 S., R. 27 E.B.M., located in Cassia County, Idaho, has been irrigated from said subterranean well; that I have seen water running on the crops located in the $W\frac{1}{2}$ and have seen that crops have been grown on approximately 20 acres in the $E\frac{1}{2}$ of the above described land; this land is not a natural meadow, and prior to the use of water on the land I know of my own knowledge that it was desert land and grew only sagebrush. There have been improvements by the use of irrigation

19399

water; that at the times I visited at the John Edgar Eklund place there was a house and barns on the property.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Not used for any purpose except irrigation and domestic use.

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

The John Edgar Eklund farm has good irrigatable land. The land
Ans. ~~is rich and is subject to being reclaimed, and it is my estimate~~
that two second feet are sufficient to profitably cultivate the said
~~40 acres of land on the said John Edgar Eklund farm.~~

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

That I had been over the land now owned by John Edgar Eklund before
Ans. ~~it was filed on~~ and know that it was then a desert and covered
with sagebrush; that, if I remember correctly, during the year 1927 I was
first on the Eklund farm; that at that time I noticed the water being used
and that the land had been in cultivation for several years. I noticed then
approximately 20 acres being cultivated; that since 1927 I have been on the
said land approximately twelve times (Signed) Julius B. Brundage
and have seen the use of the water from
the well upon the land.

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley, County of Cassia,
State of Idaho, on this 10th day of August, A. D. 1943.

Julius B. Brundage
Notary Public.

My commission expires Feb. 20, 1946

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 19399

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. Loyal S. Hale, 50, residing at Oakley, Cassia County, Idaho.

Farmer; that from the year 1926 until the year 1935, both inclusive, I lived within a mile of the property upon which the hereinafter water is used.

Ques. 2. Are you acquainted with John Edgar Eklund, the holder of Permit No. 19399? How long have you known him and where does he reside?

Ans. Yes. I have known him all my life. The said John Edgar Eklund now resides at Oakley, Cassia County, Idaho, and at Bridge, Cassia County, Idaho.

Ques. 3. Have you read or heard read said Permit No. 19399, 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. Source of water supply is a well. Water pumped by gasoline engine; that the place of diversion of said well is located approximately 75 feet northeast from the Southwest corner of the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 32, Twp. 14 S., R. 27, E.B.M. in Cassia County, Idaho; that said water is conveyed from the point of diversion to the place of use by an irrigation ditch dug in the earth.

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. Two second feet.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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.

Said water is used for irrigation purposes and has been ~~used~~
Ans. ~~being~~ used on approximately 20 acres in each of the following described portions of land, to-wit: E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 32, Twp. 14 S., R. 27, E.B.M., located in Cassia County, Idaho; that there has been irrigated from said subterranean well 20 acres in the W $\frac{1}{2}$ and 20 acres in the E $\frac{1}{2}$ of said land described above. Said lands have been cultivated. There is no natural meadow there; that prior to the use of said water the land was desert and only sagebrush grew thereon; that because of the use of said water grain and alfalfa has been grown. The alfalfa has been used for hay; that without the use of water pumped from the well no crops whatever could be grown on said land; that water is now being used on 20 acres in the said W $\frac{1}{2}$ NE $\frac{1}{4}$; that during the years 1926 and 1927 water was used on the entire 40 acres.
19399

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. No water used except for irrigation and domestic uses.

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

Ans. As heretofore stated, there has been approximately 40 acres of land reclaimed, said land being good farming land and well adapted to irrigation, and it is my opinion that there is sufficient water pumped from said subterranean well to profitably cultivate 40 acres of land belonging to the said John Edgar Eklund.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

No interest whatever. For two years I did rent the said property from John Edgar Eklund, the owner; that was during the years 1926 and 1927. Since that time I have not and do not now have any interest whatever in the land or anything pertaining to said land.

Ques. 10. 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. In the year 1924 I was first on said property. At that time water was being pumped from the well to irrigate the land; that the land surrounding the portion being cultivated is desert and only sagebrush grows thereon; Since that time, with the exception of a period during extreme drought, crops have been raised each year upon at least 20 acres of said land belonging to the said John Edgar Eklund (Signed) *Loyal S. Hale*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley, County of Cassia, State of Idaho, on this 10th day of August A.D. 1943.

[Signature]
Notary Public.

My commission expires Feb. 20, 1946.

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, July 31, 1943

Re: Permit No. 19399
John Edgar Eklund

Mr. A. H. Nielson
Notary Public
Burley, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 19399.

DEPOSITION OF PERMIT HOLDER, DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On August 10, 1943, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Burley, Idaho before A. H. Nielson, Notary Public.

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly.

JAMES SPOTFORD
Commissioner of Reclamation
State Reclamation Engineer

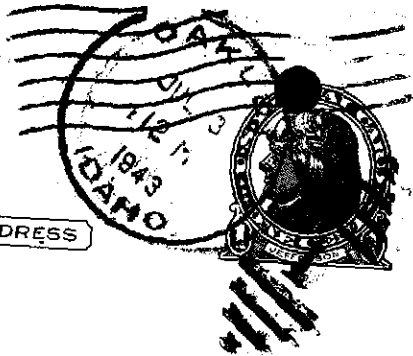
The Oakley Herald

Charles Brown, owner
Oakley, Cassia County, Idaho

July 2, 1943

Thanks for notice for Publication of
John Edgar Eklund, which was
received today. Copy of first
publication will be sent next
week.

Charles Brown.
19399



THIS SIDE OF CARD IS FOR ADDRESS

Hon. James Spofford
Commissioner of Reclamation
Capital
Boise, Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 19399 Date: July 1, 1943

Oakley ^{Herald}
Oakley, Idaho

Gentlemen:-

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **August 10, 1943** the date set for proof, the expense of the publication to be paid by the applicant, **John Edgar Eklund, Bridge, Idaho** to whom you should furnish proof of publication on or prior to date for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

JAMES SPOFFORD
~~Commissioner of Reclamation~~
State Reclamation Engineer

19399

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at **10** A. M. on the **10th** day of **August** . . . , 19**43** . . .
 at **Burley**, County of **Cassia**, State of Idaho, before
A. H. Nielson, a Notary Public, proof will be submitted of the
 application to beneficial use of **two** cubic feet per second of the waters of **irrigation**
well in accordance with the terms and conditions of Permit No. **19399** . . .
 heretofore issued by the **State Reclamation Engineer** of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
John Edgar Eklund, Bridge, Cassia County, Idaho

The use to which said water has been applied is **irrigation**

The amount applied to beneficial use is **two cubic feet per second**

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) **The following described real estate located in Cassia**
County, State of Idaho, to-wit: The West Half of the Northeast Quarter,
the East Half of the Northwest Quarter of Section Thirty-two, Township
Fourteen South, Range Twenty-seven, East Boise Meridian.

The name of the canal or ditch or other works by which said water is conducted to such place
 of use is **No name, Ordinary irrigation ditch**

The right to take water from such works is based upon Permit No. **19399**

The source of supply from which such water is diverted is **well from subterranean**
water located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32, Twp. 14 S., R. 27, E.B.M., in
Cassia County, Idaho.

The date of priority which said user is prepared to establish is **April 13, 1922.**

JAMES SPOFFORD

Commissioner of Reclamation.

19399

June 21, 1943

Re: Permit No. 19399
John Edgar Eklund

Mr. A. H. Nielson
Attorney at Law
Burley, Idaho

Dear Mr. Nielson:

This will acknowledge receipt of your letter of June 16th, enclosing Affidavit in proof of completion of works under the above numbered permit; and also enclosing notice in duplicate, and authorization to publish same in the Oakley Herald, in connection with beneficial use proof under the same permit.

We are enclosing Certificate of Completion of Works issued under this permit to appropriate two (2) second feet of subterranean water from a well in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 14 South, Range 27 East, B.M., Cassia County, for irrigation purposes; also Departmental Receipt No. 19113 for the statutory fee of \$5.00 in connection with this proof.

A copy of the notice will be sent to the Oakley Herald, with instructions to publish same for four consecutive weeks prior to August 10th, the date set for proof.

About ten days prior to that date depositions, consisting of one for the holder and one for each of two witnesses, will be sent to you, as Notary Public before whom the proofs is to be made, so that you will have them in ample time for the proof.

On the date set, Mr. Eklund, together with two disinterested witnesses, who are familiar with the terms of the permit, and the works constructed thereunder, should appear at your office for the purpose of executing the depositions.

Very truly yours,

JAMES SPOTFORD
State Reclamation Engineer
By

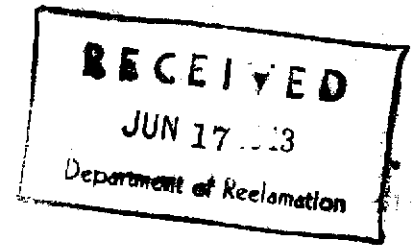
Chief Clerk

A
Encls.

19399

A. H. NIELSON
ATTORNEY AND COUNSELOR AT LAW
BURLEY, IDAHO

June 16, 1943



Department of Reclamation
Boise, Idaho

Gentlemen:

I am sending for John Edgar Eklund of Bridge, Idaho, Form No. 6 covering Permit No. 19399; also two notices for publication--Form No. 10 and Form No. 11 requesting that the notice be published in the Oakley Herald, and my check for \$5 fee.

The date has been placed far enough ahead, I believe, and has been set for August 10, 1943.

If there is any other or further information or instruments necessary to make this proper filing, would you let me know?

Thank you.

Very truly yours,

A handwritten signature in cursive script, appearing to read "A. H. Nielson".

A. H. Nielson

AHN:ws
Encs.

19399

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 3, 1943

(P. O.) Bridge, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Oakley Herald of Oakley, Idaho, published in
the county in which the works are situated.

John Edgar Eklund.

(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.

19399

Permit No. 19399

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Cassia

} ss.

John Edgar Eklund, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 19399, and that his postoffice address is Bridge, Cassia County, State of Idaho.

Second: That the name of the stream from which said water is to be directed is Water not obtained from stream but from pumping operation.

Third: That the point of diversion of said water is 75 feet northeast from the southwest corner of the W¹/₄NE¹/₄, Sec. 32, Twp. 14 S., R. 27, E.B.M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by October 14, 1943.

Fifth: That the use for which said water is intended is irrigation and domestic use.

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: Well, pump and ditch.
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam feet, length of dam at top feet, length of dam at bottom feet. Material used in construction

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width feet, height feet.

(d) Conduit ditch width at bottom 1 feet, width at water line 1 1/2 ft.

(State whether ditch, flume or pipe.)

feet, depth of water feet; diameter of pipe inches, average grade per mile is feet. Length of conduit is miles.

Seventh: That said works are capable of conducting to the place of intended use 2 cubic second feet of water.

Eighth: That water appropriated under said permit is available for 160 acres of land described as follows: East Half of the Northwest Quarter, West Half of the Northeast Quarter, Section Thirty-two, Township Fourteen South, Range Twenty-seven, East Boise Meridian, located in Cassia County, Idaho.

Ninth: Remarks: That since approximately April 15, 1922, the undersigned has been pumping water and has used said water in irrigating portions of the above described land.

John Edgar Eklund
(Sign here)

Subscribed and sworn to before me this 3d day of June, 1943.

My commission expires Feb. 20, 1946

Notary Public.

19399

May 3, 1943

Re: Permit No. 19399
John Edgar Eklund

Mr. A. H. Nielson
Attorney at Law
Burley, Idaho

Dear Mr. Nielson:

We are enclosing herewith the above numbered permit, in the name of John Edgar Eklund, and also Departmental Receipt No. 19087 for the \$5.00 filing fee. Be sure and note the limitations and conditions of same as given under approval of the State Reclamation Engineer on the fourth page.

Inasmuch as the works are already completed, and the water has been beneficially applied, the proofs can of course be made at once, but we are allowing six months time within which to make the proofs, so that there will be ample time.

Form No. 6, or the affidavit in connection with proof of completion of works, is to be executed before a Notary Public, and returned to this Department, with the statutory fee of \$5.00, and upon receipt thereof a Certificate of Completion of Works will be issued.

Before making the final or beneficial use proof, the law requires that a notice be published for four consecutive weeks in a newspaper in the county where the water is diverted. This notice should be made out in duplicate on Form No. 10. The time and place should be designated, and also the name of the Notary Public, or other officer authorized by law to administer oaths, before whom the proof will be made. The date should be set at least six weeks in advance of the time the notice is returned to this Department, in order to allow ample time for publication.

Form No. 11 should also be filled out, authorizing us to have the notice published at the expense of the permit holder in the newspaper that he may designate. Upon return of Form 11 and both copies of Form 10, to this Department, we shall send the notice to the newspaper with instructions in regard to publishing same.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer

By

Chief Clerk

A
Encl.

19399

John Edgar Ehlund

TWP. 14.S. R-27.E.



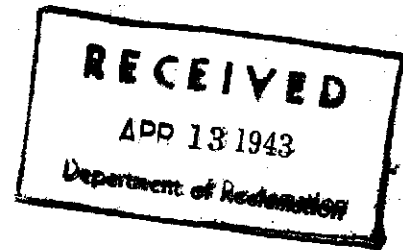
Well Location.

Permit Map No. 19399

As Approved
APR 14 1943
JAMES SPOFFORD
State Reclamation Engineer

A. H. NIELSON
ATTORNEY AND COUNSELOR AT LAW
BURLEY, IDAHO

April 10, 1943



State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen:

I am sending the application of John Edgar Eklund for a permit to appropriate the waters of a well located upon his own premises.

His address is Bridge, Cassia County, Idaho.

I am sending my check for \$5.25 to cover the cost of filing the application.

If this application is deficient in any respect, would you notify me and I will see that any deficiencies are completed.

Very truly yours,

A. H. Nielson

AHN:ws
Encs. 2

19399

April 6, 1943

Mr. A. H. Nielson
Attorney at Law
Burley, Idaho

Dear Mr. Nielson:

Complying with your request of April 5th,
we are enclosing herewith an application
for permit to appropriate the public waters
of the State of Idaho; and also rules and regu-
lations in regard to filing same.

One form is all that is required- as this ap-
plication, when approved and signed by the
proper state officials, constitutes your use
permit.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer

By

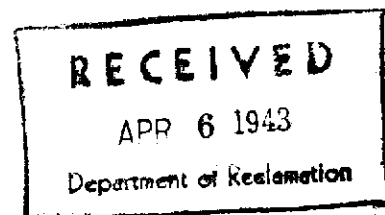
Chief Clerk

A
Encls.

19399

A. H. NIELSON
ATTORNEY AND COUNSELOR AT LAW
BURLEY, IDAHO

April 5, 1943



Commissioner of Reclamation
State of Idaho
Boise, Idaho

Dear Sir:

Would you please send me sufficient applications for permit to appropriate the public waters of the State to make one filing?

Thank you.

Very truly yours,

A. H. Nielson

AHN:ws

19399

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A. M. on the 10th day of August, 1943, at Burley, County of Cassia, State of Idaho, before A. H. Nielson, a Notary Public, proof will be submitted of the application to beneficial use of two cubic feet per second of the waters of irrigation well in accordance with the terms and conditions of Permit No. 19399 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are John Edgar Eklund, Bridge, Cassia County, Idaho.

The use to which said water has been applied is irrigation.

The amount applied to beneficial use is two cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) The following described real estate located in Cassia County, State of Idaho, to-wit: The West Half of the Northeast Quarter, the East Half of the Northwest Quarter of Section thirty-two, Township Fourteen South, Range Twenty-seven, East Boise Meridian.

The name of the canal or ditch or other works by which said water is conducted to such place of use is No name. Ordinary irrigation ditch.

The right to take water from such works is based upon Permit No. 19399.

The source of supply from which such water is diverted is well from subterranean water located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32, Twp. 14 S., R. 27, E. B. M., in Cassia County, Idaho.

The date of priority which said user is prepared to establish is April 13, 1922.

JAMES SPOFFORD,
Commissioner of Reclamation.

First publication July 8, 1943.

Fourth publication July 29, 1943

akley, Cassia County, Idaho

Rakley Eklund
July 8 - 1943