

6392 v. 1

Ronald G. Holtman, Malta, Idaho

ground water

See 26

NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21, T. 13 S, R. 27 E, B. M.,

Cassia County ^{PERMIT} EXOT. 21 - MIDSECTION

Water is used for ^(p. 1) irrigation ^(p. 1) 20 insects east line ^(p. 1) 100 ft. & down.

Quantity of water claimed: Permit 6.4 cfs Depositions 6.4 cfs

Type of measuring device installed or method of measurement and general description of diversion works. 12" pump, 300 HP "Superior" natural gas engine, 24" well casing, 250' depth of well, 10" dia. steel pipe and open ditches.

Land to be irrigated or place of use: TWP. RGE. SEC.	Description

13 S.	27 E	20	SE $\frac{1}{4}$	160 acres
		21	S $\frac{1}{2}$ SW $\frac{1}{4}$	80 acres
		29	E $\frac{1}{2}$ NE $\frac{1}{4}$	60 acres

Total acreage 300 acres (320A)

Filed:	March 5, 1956	Made:	June 11, 1969
Due:	June 11, 1969	Priority:	March 5, 1956

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and acreage covered by subdivision; also show land covered on the map.

43 2437

ACRIVEST, INC.

P.O. Box 196, 500 WINDING BROOK DRIVE, GLASTONBURY, CONNECTICUT 06033 (203) 659-3701

RECEIVED	OFFICE OF CLERK OF SUPERIOR COURT CLERK OF SUPERIOR COURT	SECTION CLERK OF SUPERIOR COURT CLERK OF SUPERIOR COURT
OCT - 9 1986		

September 30, 1986

RECEIVED

OCT 14 1986

Department of Reclamation
State of Idaho
Boise, ID 83720

Department of Water Resources

Re: Loan No. 95974-H, VIM
Permit #'s 43-4026, 43-4001,
43-4027, 43-4028, 43-4029,
43-2368, 43-4030, 43-4030,
43-4031, 43-4032, 43-2438,
43-2436, 43-2442, 43-4006,
43-2437

Gentlemen:

This loan has been paid in full. Therefore, we wish to inform you that we are no longer interested in water permit numbers referenced above, as described in Mortgage Deed dated November 9, 1970, given by Vista Land Company, et al.

Said mortgage was recorded in the Public Records of Cassia County in File #67, as Instrument #53715.

Sincerely,

Jean Wright

Jean Wright
Administrative Assistant

jw

cc: Ag-Land Mortgage

UNRECORDED

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor

R. Keith Higginson
Director

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

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

January 4, 1974

Re: Transfer Nos. 43-2442, 43-4006, 43-2437

Vista Land Company
Malta,
Idaho 83342

Gentlemen:

Enclosed is a copy of your approved Application for Transfer of Water Right as referenced above. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your transfer. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg

Enclosures

cc: Jack A. Barnett
520 Idaho Bldg.
Boise, Idaho 83702

43 2437

September 11, 1972

Re: Permit No. 26225/43-2437

CO
Mr. Ronald G. Holtman
Malta,
Idaho 83342

Dear Mr. Holtman:

Enclosed herewith is your Water License issued on the above referenced permit.

Sincerely,

P
BOBBY D. FLEENOR
Assistant Director

Y
BDF:DR
Enc: License

cc: Jack A. Barnett
Vern Roberts
Enc: Copy of license

43 2437

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

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



R. Keith Higginson
Director

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

August 24, 1972

Mr. Ronald G. Holtman
Malta,
Idaho 83342

Dear Mr. Holtman:

A representative of this Department has made an examination of the works covered by your Permit No. 26225/43-2487 and has found the following:

Quantity of water diverted: 7.10 cfs

Amount of water that can be recognized as beneficially used under

Idaho law: 5.56 cfs

The maximum quantity diverted shall not exceed 1.112 acre
feet per season.

Beneficial use: Irrigation of 278 acres within the SE 1/4 (160), Sec.

20; S 1/2 SW 1/4 (79), Sec. 21; NE 1/4 NE 1/4 (30), Sec. 29; Twp. 13 S,

Rge. 27 E, B.M.

Point of diversion: NE 1/4 Sec. 20, Twp. 13 S, Rge. 27 E, B.M.

The priority date established is: March 5, 1956

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

cc: Jack A. Barnett

43 2437

JACK A. BARNETT

CONSULTANT

520 IDAHO BUILDING - BOISE, IDAHO

Phone 344-1541

GROUND-WATER HYDROLOGY • WATER RIGHTS • GEOLOGIC ENGINEERING

Department of Water Administration

May 23, 1972

Mr. Bobby Fleenor
Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho

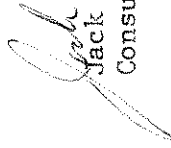
Dear Bob:

We are most interested in acquiring patent to a well under water right #G---26225. Proof on this well was submitted sometime back. An erroneous measurement was made last summer of the discharge of the well.

That has been clarified, and the well was recently measured. We are awaiting the licensing of the well so that additional loan commitments can be obtained.

We would very much appreciate a prompt licensing, and an indication from you as to when you feel the license will be forthcoming.

Sincerely,


Jack A. Barnett
Consultant

JAB:blk

43 2437

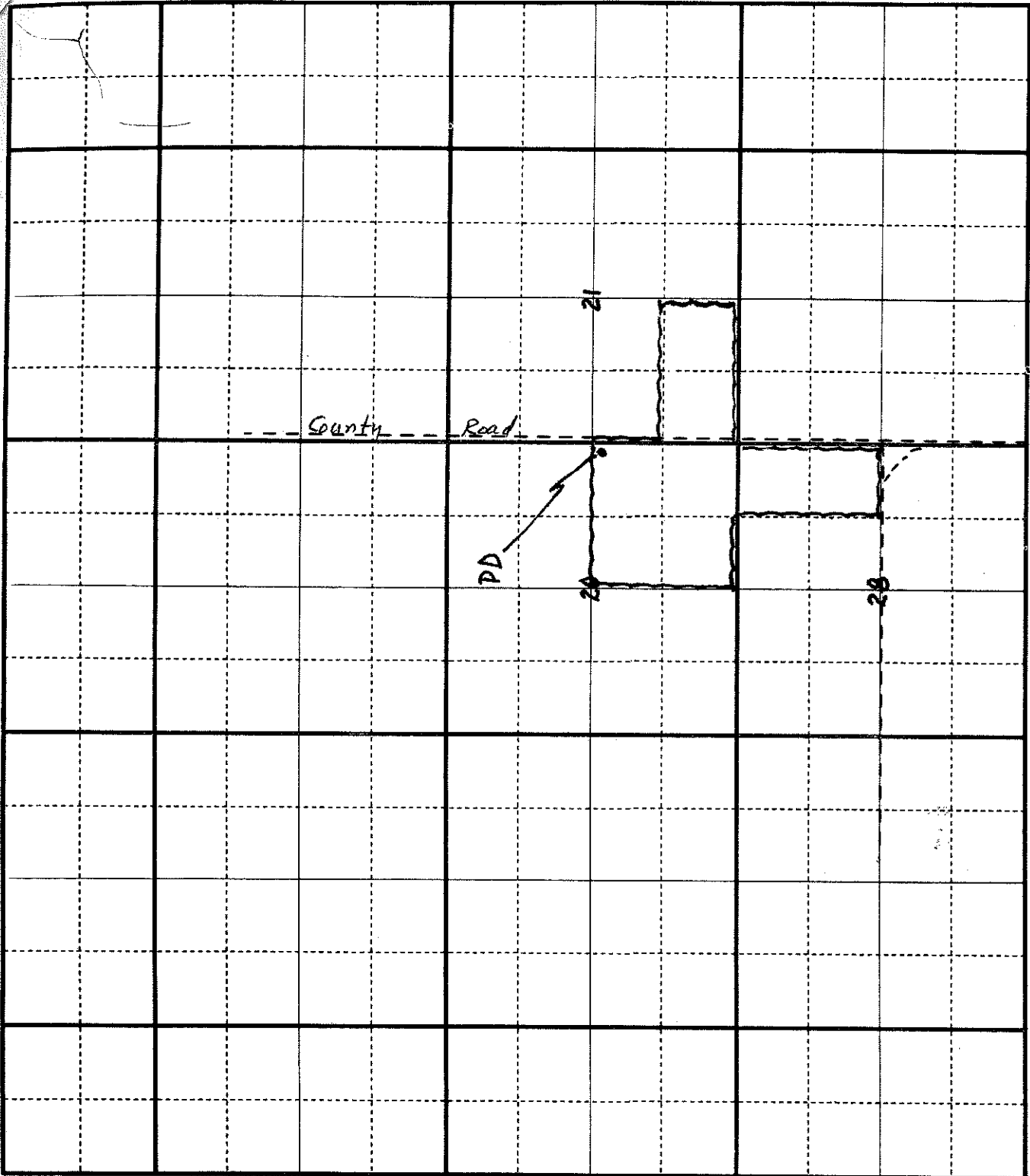


Diagram of System

43 2437
County Road
24 28 21

98% size

T 13 S R 27 E

18 17
9 20
A D526
24.2

B
29.4
13.9

D
25.5

E
29.5

L
16.5

M
19.5

9 20
0 29
E
14.7

D
20.5

A' D465
12.4 7.3
B
18.6
D
7.3
E
18.6

D464
K
34.4
J
35.4

D319
A
120.1

E
37.6
L
18.9
M
19.6

EE
14.5
GG
21.1

FF
11.8
HH
18.6

Feed Lot Area

W
88.3

D328
V
98.7

D
7.5
F
8.9
K
10.9
N
24.4

D328 A
B
12.8
G
8.4
J
8.1
I
23.0
H
7.5

17 16
20 21
Hdgens Area
D359

U
35.9
T
36.2

20 21
29 28
43 2

DATE OF EXAM May 4, 1972

ACREAGE

Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE

Irrigation	Q = _____ c.f.s.	V = _____	AF/Ann. from _____ to _____
Domestic	Q = _____ c.f.s.	V = _____	AF/Ann. from _____ to _____
Livestock	Q = _____ c.f.s.	V = _____	AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no _____

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

Exchange? yes _____ no _____

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

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

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

Total Q measured _____ Method of measurement _____

Total Q recommended _____ Meter No. _____ Type _____ Condition _____

Total V recommended _____

Recommended Amendments:

P.D. _____

Place of Use _____

Other _____

None _____

MEASUREMENT CALCULATION:

Measured by pygmy currentmeter approximately 40' downstream of discharge pipe. Q = 7.10 cfs.

SYSTEM DESCRIPTION:

Natural Gas Engine, Gearhead and Pump, open ditches

REMARKS:

Re-exam - owner did not agree with amount.

Examiner's Signature Loyce Johnson & Clayton Ramsey Date 5/4/72

Checked by _____ Date _____

Approved by _____ Date _____

$$\mathbb{E} \left[\frac{1}{n} \sum_{i=1}^n \left(\frac{1}{\sqrt{2\pi}} \exp \left(-\frac{1}{2} \left(\frac{X_i - \mu}{\sigma} \right)^2 \right) \right) \right] = \frac{1}{\sqrt{2\pi}}$$

No.	of	Sheets.	Comp. by	Chk. by
0	10	20	.60	.50
				.75

43 2435

Richard
 JMS
 2/1/2014
 S. B.
 JMS

Source of supply Ground water
a tributary of _____
Location of P.D.(s) NE-E Sec 20

Water is used for IRRIGATION
Quantity of water found 3.134 CFS
How was the measurement made? Pycnometer

Measurement calculations _____

→ $Q = 3.134 \text{ CFS}$
 $Vol = 24 \times 210 \times 3.134 = 1316.2 \text{ ac-ft}$
→ $Vol = 4 \times 278 = 1112 \text{ ac-ft}$
allow yr

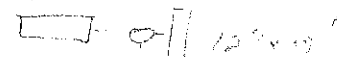
Acreage irrigated 278
Sub div. 7

Diversion works description and diagram

Johns two pump

needs amended P.D. No

Pump motor

 12" x 10'

12" x 1/4 mi

12" x 1/5 mi to open ditch

Indicate area irrigated in each subdivision on the map.

Total acreage irrigated 278

If water is used for purposes other than irrigation, fully describe how the water is used and what is done with it after the use.

NONE

Who represented the permit holder at the examination?

PAUL FRANKLIN, Vista Land Co.

Recommended allowance for licensing 3.134 CFS

Description of required amendments. Comments.

The left side of pipe in sec 21 has a pipe and ditch in the middle so that it irrigates two separate square fields.

Report checked? _____

Examination date 24 June 1970

Signature

[Signature]

AKD 7/8/70

43 2437

CONVERSATION MEMORANDUM

NAME OF PARTY

S. Barnett

EMPLOYEE

P. M. Barber

FILE

43-2437

RE:

Mr. Barnett wanted to know if this quitclaim would be an adequate assignment of the water right - it is the wrong number & I told him that it would've worked if the number was correct & he had no other problem of title

— He asked about reforming the deed by writing in the ~~check~~ correct number & initialing the correction & giving an affidavit — I said I doubted it would be acceptable & that either an assignment or a new deed was preferable

15th of June 1870

Asociación Provisoria Comunal

Asociación Provisoria Comunal

Acquired from Wm. J. Jones
By Wm. J. Jones, made this 10th day of June, 1969, between

RONALD G. HOLTMAN and SUSAN HOLTMAN, husband and wife, of Malta, Cassia County,

State of Idaho, the parties of the first part, and JAMES H. BELL, JR., of Bountiful, Davis County, State of Utah, the party of the second part, witnesseth: That the party of the first part, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars to him in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quitclaim unto the party of the second part and to his heirs and assigns, all that certain parcel of land situate, lying, and being in Cassia County, State of Idaho, bounded and particularly described as follows, to-wit:

The Southeast quarter of Section 20; the Northeast quarter of the Northeast quarter and the Southeast quarter of the Northeast quarter of Section 29; and the Southwest quarter of the Southwest quarter and the Southeast quarter of the Southwest quarter of Section 21; all located in Township 13 South, Range 27 East, Boise Meridian, obtained pursuant to Deseret Land Entry No. I 07000.

Together with a well located in the Northeast corner of the Northeast quarter of the Southeast quarter of Section 20, Township 13 South, Range 27 East of the Boise Meridian.

Also, Together with an irrigation pump set on an irrigation well located on the foregoing well-site, together with all the attachments and appurtenances thereunto belonging including, but not limited to; well casings, concrete diversion boxes, headgates, etc., located thereon and all water which may be produced from said well under and by virtue of State of Idaho permit number 25225.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof. To have and to hold all and singular the premises, together with the appurtenances, unto the party of the second part and to his heirs and assigns forever.

IN WITNESS WHEREOF the parties of the first part have hereunto set their hands the day and year first above written.

STATE OF IDAHO)
COUNTY OF Cassia) ss: _____

On this 10th day of June, in the year 1969, before me
Gene Baxter, personally appeared RONALD G.

HOLTMAN and SUSAN HOLTMAN, husband and wife, known to me to be the persons

6. In case of failure to faithfully perform the terms and covenants herein set forth, the defaulting party shall pay all costs, expenses and reasonable attorney's fees resulting from the enforcement of this agreement or any right arising out of such breach.

7. The terms and covenants of this agreement are binding on the heirs, executors, administrators, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have signed their names the day, month and year first above written.

James C. H. H. H.
James C. H. H. H.
LESSORS
James C. H. H. H.
LESSEE

January 12, 1971

Re: Permit Nos: 43-2436
43-2437
43-2438

Mr. Rod Moore
Connecticut Mutual Life Insurance Co.
312 13th Avenue South
Nampa, Idaho

83651

Dear Rod:

Previously, the Department advised you that Permit Nos. 43-2436, 43-2437 and 43-2438 would be licensed within a day or two. Following our conversation, we were contacted by Mr. Jack Barnett of the Intermountain Water Service, and an agent of Vista Land Company. Mr. Barnett raised additional questions concerning the license and asked for verification of our licensing proposal. The results of our investigation conclude that we can issue licenses for Permit Nos. 43-2436 and 43-2438. These licenses will be issued the week of January 11 - 15, 1971. Permit No. 43-2437 is to be re-investigated. Mr. Barnett contends, and after a personal, on-sight investigation, we would agree, that the field examiner may have failed to identify the total discharge practiced under this permit. If this is true, we would hope to issue a license under Permit No. 43-2437 for a quantity greater than the 3.134 cubic feet per second indicated in our previous communications.

We will supply you and Mr. Vern Roberts of Burley, Idaho with copies of the licenses when they are issued.

We are sorry for any inconvenience we have caused you.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DDM:CM

cc: Mr. Vern Roberts,
Land, Title, and Escrow, IMC.
Post Office Box # 177
Burley, Idaho

43 2437

MEMO

Dated January 6, 1971

From Don McEldowney

The permit holder and their agent, Jack Barnett, complained that the examiner did not measure the full discharge during a field examination in the fall of 1970. I observed that the discharge is split into two different directions with the discharge pipe coming to surface over one-half mile away. I would suggest that the examiner verify that he has measured full discharge.

43 2437

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

December 16, 1970

Re: Your Number 6847

Mr. Vern Roberts, Manager
LAND TITLE AND ESCROW, INC.
P.O. Box 177
Burley, Idaho 83318

Dear Mr. Roberts:

Please be advised that we have received and recorded your assignments filed in connection with claims to a water right nos. 43-4026, 43-4027, 43-4028, 43-4029, 43-4030, 43-4031, 43-4032, and 43-4006. We have also placed a copy of your letter of November 25, 1970 with the following water licenses: 43-2368 and 43-2442.

Please be advised that permit nos. 43-2436, 43-2437, and 43-2438 are, as of this date, not yet licensed and valid permits. In order to control these permits, it will be necessary for you to file a formal assignment in connection with these documents. A copy of your letter of November 25, 1970 will also be placed in these files for whatever purpose it may serve, and we will make every attempt to contact you in case of a major problem. However, the only way that you can be certain of receiving this type of assurance is by means of a formal assignment on the non-perfected permits.

If we can assist you further, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

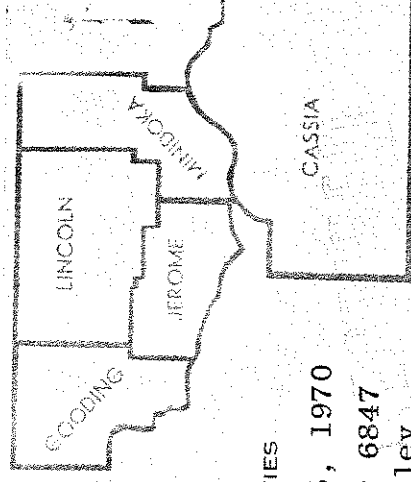
Enc: two copies of the assignment

43 2437

Land Title and Escrow, Inc.

COMPLETE SERVICE

— 5 IDAHO COUNTIES



November 25, 1970

REFER TO: # 6847

OFFICE: Burley

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

Re: Malta Milling Company;
Vista Land Company; and
Interstate Feeders, Inc.

Gentlemen:

You will find enclosed Assignment of Claim of Use Permit Nos. 43-4026, 43-4027, 43-4028, 43-4029, 43-4030, 43-4031, 43-4032 and 43-4006 executed by the above referred to corporations to be filed in your office.

Will you please return two copies of the enclosed Assignment to this office. These copies should show that this assignment has been filed with your office.

Also given as collateral security in connection with this loan to Connecticut Mutual Life Insurance Company under their loan No. 95974-H, are the following Water License Nos: 43-2436, 43-2437, 43-2438, 43-2368 and 43-2442.

If for any reason these water licenses should become in jeopardy of being canceled or forfeited, would you please notify the Connecticut Mutual Life Insurance Company whose address is: 140 Garden Street, Hartford, Connecticut 06115.

Thank you for your courtesy in this matter.

Very truly yours,

LAND TITLE AND ESCROW, INC.

Vern Roberts, Manager

VR/bv
encls.

cc: Salvatore J. Mastandrea
Connecticut Mutual Life Ins. Co.

BOX 17: BURLEY, IDAHO 83318
PHONE 78-3524
BOX 36 JEROME, IDAHO 83338
PHONE 24-4842

43 243

August 21, 1970

Re: Permit No. 43-2437 (G-26225)

Mr. Ronald G. Holtman
Malta,
Idaho 83342

Dear Mr. Holtman:

A representative of this department has made an examination of the works covered by your Permit No. 43-2437 and has found the following:

Quantity of water diverted: 3.134 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 3.134 c.f.s.

The maximum quantity diverted shall not exceed 1112 acre feet per season.

Beneficial Use: Irrigation of 278 acres within the SE $\frac{1}{4}$ Sec. 20; S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 21; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29, T. 13 S., R. 27 E., B.M.

The priority date established is : March 5, 1956

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Very truly yours,

C. Stephen Allred
Deputy Director

CSA:kh

cc. Intermountain Water Service
Attn: Jack Barnett
6700 Emerald
Boise, Idaho

*Do not issue license
until we hear from Jack
Barnett. Need new measurement
43 2437 Done - 10-14-70*

July 30, 1970

Re: Permit No. 43-2437

Mr. Jack Barnett
% Intermountain Water Service
8700 Emerald
Boise, Idaho

Dear Mr. Barnett:

Please find enclosed the copies that you requested by telephone on July 30, 1970.

If we can be of any further assistance, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

ENCLOSURES

43-2437
43-2437
26225

RECEIVED
MAY 24 1968
Department of Reclamation

A S S I G N M E N T

For value received, I hereby assign all of ~~my~~ ^{the} right, title and interest of the Estate of Charles Montgomery & Eva Montgomery / in and to Permit to Appropriate the Public Waters of the State of Idaho, Permit

No. G 26225 to RONALD G. HOLTMAN

Address: Malta, Idaho

*

ESTATE OF CHARLES MONTGOMERY
& EVA MONTGOMERY, Deceased.

Permit Holder

By  JAMES ANNEST,
~~wife of~~ ^{Permit Holder} ADMINISTRATOR OF ESTATE OF
CHARLES & EVA MONTGOMERY, Deceased

STATE OF IDAHO)

County of Cassia) : ss

On this 23rd day of May, 1968, before me, a Notary

Public for the State of Idaho, residing at Burley, Idaho
personally appeared JAMES ANNEST/Montgomery, as evidenced by attached
(original & 1 copy) Letters of Administration & Oath,
known to me to be the person whose name is subscribed to the within

instrument and duly acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial

Seal, the day and year in this certificate first above written.


Notary Public
Residing at Burley, Idaho

My commission expires: January 14, 1972

Note:

* If fractional part of permit is to be assigned, the fractional part of the land to which the assigned fraction is appurtenant should be described by legal subdivisions.

43-27437
26225

July 7, 1969

Re: Permit No. G-26225/43-2437

Ronald G. Holtman
Malta,
Idaho

Dear Mr. Holtman:

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

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

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

Very truly yours,

Donald W. McElDowney
Appropriation Examiner

DWM:DR

*Encl. - 2/12/69
G-26225
JWB*

*Citation Made
June 24, 70*

43-2437
26225

RECEIVED

JUN 21 1969

Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Identification No. _____

Permit No. G-26225/43-2437
2437

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Ronald G. Holtman
b) Post Office Address Malta, Idaho
2. Permit Number G-26225/43-2437
3. Date of Priority that you are prepared to establish March 5, 1956
4. a) Source from which water was appropriated a groundwater source
b) Location of the point of diversion: NE 1/4 of S 10 Section 21 OK DEC 12-69
Township 13 So., Range 27 East Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied: year around or
amount 6.4 cfs. for irrigation purposes from during irrigation season incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)

b) Total amount appropriated _____ cfs and/or acre feet per annum

- c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Johnson Pump Co. - Burley & Twin Falls, Idaho

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: None

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

None

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 12" pump, 300 h.p. "Superior" natural gas engine, 24" well casing, 250' depth of well, 10" dia. steel pipe and open ditches.

- b) Describe the type and size of measuring device which you have installed at your point of diversion: _____

none

- c) Give well drillers name and address and date the well was completed _____

Kent Holtman March 10, 1965

26225

43-2437

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

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

[illegible]

Total number of acres irrigated ~~300~~ 300

10. Remarks:

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

10 June 1969
(Date)

Ronald E. Dutton
(Signature)
Jay L. Bingham

State of Idaho ss.
County of Chase

On this 11th day of June, 1969, personally appeared before me the
signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

My commission expires August 1971

Donald M. Rowan
 Notary Public residing at 1836 Miller
Bentley, Idaho

June 12, 1969

Re: Permit No. G-26225/43-2437

Ronald G. Holtman
Matta,
Idaho

Dear Mr. Holtman:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for permit G-26225/43-2437.

Before a license can be issued you must submit an affidavit of publication to this department. The affidavit of publication may be obtained from the South Idaho Press, Box 190, Burley, Idaho. (see copy of enclosed letter) upon payment of the bill of publication.

Prior to the issuance of the license a field examination must also be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system. If someone other than yourself should be contacted by the examiner, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DRR:DR

Enc: Copy of letter to newspaper

26225
43-2437

June 12, 1969

Re: Permit No. G-26225/43-2437
Ronald G. Holtman

South Idaho Press
Box 190
Burley, Idaho 83318

Gentlemen:

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

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

The expense of the publication is to be paid by Ronald G.,

Holtman, Malta, Idaho

to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DRR:DR

Enc: Legal notice
cc: Ronald G. Holtman

NOTE: The permit holder is required to obtain an affidavit of publication from the above referenced newspaper and to submit it to the Department at once.

26225
43-2437

69-155

NOTICE OF EXISTING
WATER PERMIT

Notice is hereby given that Ronald G. Holtman, Malta, Idaho, has received an approved permit No. G-26225/43-2437 issued by the Idaho State Reclamation Department authorizing the diversion of 6.4 cubic feet per second of water from a groundwater source, subject to all prior rights. The priority to be established under this permit is March 5, 1956 and the permit was approved March 8, 1956.

Water is to be diverted by wells, pumps and ditches from a point within the center of Section 21, T. 13 S., R. 27 E, B.M.; point at which the mid-section line of Sec. 20 intersects the East boundary line of Sec. 20, T. 13 S, R. 27 E, B.M., Cassia County, to be used for irrigation and domestic purposes, in the SE $\frac{1}{4}$, Sec. 20; S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 21; E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 29, T. 13 S, R. 27 E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before June 11, 1969. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the South Idaho Press,
Burley, Idaho, on June 19 and June
26, 1969.

RECEIVED

696711

NOTICE OF EXISTING WATER PERMIT

Department of Reclamation

Notice is hereby given that

has received an approved permit No.

G-26225/43-2437

issued by the Idaho State Reclamation Department authorizing the

diversion /storage of 6.4 cubic feet per second 4444/feet/per/annum //

subject to all prior rights. The priority to be established under this permit is

March 5, 1956 and the permit was approved March 8, 1956

Water is to be diverted by wells, pumps and ditches.

from a point within the center of Section 21, T. 13 S., R. 27 E., B. M.:

point at which the mid-section line of Sec. 20 intersects the East boundary line of Sec. 20, T. 13 S., R. 27 E., B. M., Cassia County to be used for irrigation and domestic purposes

in the SE $\frac{1}{4}$, Sec. 20; S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 21; E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 29, T. 13 S., R. 27 E., B. M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before June 11, 1962. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the South Idaho Press, Burley, Idaho on
June 19 and June 26, 1969

State Reclamation Engineer:

Permit No. G-26225/43-2437

You are hereby authorized to have the attached notice published at my expense in

the South Idaho Press of Burley, Idaho

published in the county in which the works are situated.

(Signature)

(Searpy)

(Date)

26225
43-2437

BEFORE THE STATE RECLAMATION ENGINEER

OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-26225/43-2437)
ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER
in the name of Ronald G. Holtman)
Malta, Idaho)

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

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

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

WHEREAS, Permit No. G-26225/43-2437 was issued previous to that date;

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

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

Dated this 7th day of April, 1969.

R. KEITH HIGGINSON
State Reclamation Engineer

by Jack A. Barnett
JACK A. BARNETT
Deputy State Reclamation Engineer

26225
43-2437

1742 Overland Avenue
P. O. Box 686
Burley, Idaho 83318

JAMES ANNEST
Attorney at Law

Area Code 208
678-7783

M E S S A G E

R E P L Y

TO
Mr. M. Russell Bosch
Administrative Assistant
Department of Reclamation
Statehouse, Annex 2
Boise, Idaho 83707

DATE June 4, 1968

Re: Permit G 26225 - Assignment
Your letter, June 3, 1968

Dear Mr. Bosch:

We appreciate your alertness in dis-
covering my typing error.

Enclosed, again, are the original and
a copy of the assignment of the above per-
mit (now corrected) from the Charles
Montgomery Estate to Ronald G. Holtman.

Yours very truly,

JAMES ANNEST, Attorney
& Administrator of Estate

By (Mha) Ruth Lombard
Secretary

rl Encls.
SIGNED

DATE June 11, 1968

Department of Reclamation

Dear Mr. Annest:

Enclosed herewith are the letters
of administration and oath along
with the assignment you submitted to this
office under Permit G-26225. We are
retaining a copy of our files.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw
SIGNED

43-2437
26225

April 1, 1969

Re: Permit No. G-26225/43-2437

Ronald G. Holtman
Malta, Idaho

Dear Mr. Holtman:

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

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department, stating that you have been issued a permit and are now submitting proof of beneficial use. Previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

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

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:tg
Enc: order
proof due notice
proof package
advertising package

26225
43-2437

April 1, 1969

Re: Permit No. G-26225/43-2437

Ronald G. Holtman
Malta, Idaho

Dear Mr. Holtman:

One of the conditions of the approval of your permit was that proof of application of the water to Beneficial use be submitted to this office on or before

June 11, 1969.

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

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

R. Keith Higgins

State Reclamation Engineer

Enclosure: Proof form

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

POD Form 3811 Apr. 1967

RECEIVED
APR 11 1968

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

POST MARK OF
DELIVERING OFFICE

APR 11 1968
IDAHO

INSTRUCTIONS: Show name and address below and
complete instructions on other side where applicable.
Moisten gummed ends, attach and fold firmly to back
of article. Print on front of article RETURN
RECEIPT REQUESTED.

NAME OF SENDER

RETURN
TO

STREET AND NO. OR P.O. BOX

Department of Reclamation

Room #2 Statehouse

POST OFFICE, STATE, AND ZIP CODE Boise, Idaho 83707

525225 /

June 3, 1968

James Annest
Attorney at Law
P.O. Box 536
Burley, Idaho 83318

Dear Mr. Annest:

Returned herewith are the papers you submitted for recording under Permit G-25225. Our records indicate permits for Charles and Eva Montgomery under numbers 26225 and 26226 and not the number you requested. Please correct your assignment form and return for recording.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

C
O
P
Y

43-2437
26225

MEMO-LETTER

1742 Overland Avenue
P. O. Box 686
Burley, Idaho 83318

JAMES ANNEST
Attorney at Law

MAY 24 1968

Area Code 208
678-7783

M E S S A G E

R E F I L Y

Department of Reclamation

TO Department of Reclamation

State House
Boise, Idaho

Attn: Mr. McElDowney

DATE *26-2-26* May 23, 1968

Re: Permit G 25225, Estate of Charles
& Eva Montgomery

Gentlemen: Enclosed is assignment in
duplicate of the above permit to Ronald
G. Holtman together with original and
copy of my Letters of Administration &
Oath as administrator of the above estate.

Please let me have confirmation as soon
as this assignment is approved.

Yours very truly,

James Annest
SIGNED-encs. JAMES ANNEST, Attorney.

DATE

SIGNED

4/3-24/87

THIS COPY FOR PERSON ADDRESSED

FORM AVAILABLE FROM GRAYBAR CO., INC.
882 THIRD AVE., BURLYN 32, N. Y.

26225

14

IN THE PROBATE COURT

OF CASSIA COUNTY, STATE OF IDAHO

IN THE MATTER OF THE ESTATE OF

CHARLES MONTGOMERY & EVA MONTGOMERY, } LETTERS OF ADMINISTRATION AND OATH
husband and wife, }
Deceased.

STATE OF IDAHO, }

COUNTY OF CASSIA } ss.

JAMES ANNEST

is hereby appointed Administrator

of the estate of CHARLES MONTGOMERY & EVA MONTGOMERY, husband and wife, deceased.

WITNESS:

VERN CARTER, Ex-Officio

Clerk of the Probate Court of the County of Cassia, State of Idaho, with the
seal thereof affixed, the 23rd day of March, A.D. 1964.

By order of the Court.

VERN CARTER, Ex-Officio Clerk.

STATE OF IDAHO, }

COUNTY OF CASSIA } ss.

I, JAMES ANNEST, do solemnly swear that I will perform, according
to law, the duties of Administrator of the estate of CHARLES MONTGOMERY & EVA
deceased. MONTGOMERY, husband and wife,

Subscribed and sworn to before me, this 23 day of March, A.D. 1964.

State of Idaho } ss.
County of Cassia }I hereby certify that the foregoing
instrument is a full true and correct
copy of the original on file in this
office.

MAR 23 1964

Dated

VERN CARTER
Probate Judge

VERN CARTER, Probate Judge.

No. Filed

, 19, Clerk.

Recorded in Book

Page

43-2437

26215

April 30, 1965

RE: Permit No. G-26225
Charles A. Montgomery

Bureau of Land Management
Box 2237
Boise, Idaho

Gentlemen:

Enclosed is an Extension of Time on Permit No. G-26225 in the
name of Charles A. Montgomery.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Dule
Chief Clerk

ERM:mr

Enc. extension of time

cc: James Amest, Attorney at Law
Box 107, Burley, Idaho

G-26225

April 30, 1965

RE: Permit No. G-26225
Charles A. Montgomery

James Amnest
Attorney at Law
Box 107
Burley, Idaho

Dear Mr. Amnest:

Enclosed is an Extension of Time on the above numbered permit.

Very truly yours,

CARL R. TARRAN
State Reclamation Engineer
BY

(Mrs.) Edna P. Rule
Chief Clerk

BFR:mr

Enc. Extension of Time

G26225

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

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

WHEREAS, Permit No. G-26225, in the name of Charles A. Montgomery, requires proofs of completion of works and beneficial use to be made on or before March 8, 1961; and,

WHEREAS, said Permit was issued in connection with Desert Land Entry Idaho Serial #07000; and,

WHEREAS, Applicant was prevented from proceeding with construction pending allowance of said Desert Land Entry, which was not allowed until June 11, 1964;

NOW, THEREFORE, An Extension of Time is allowed for Completion of Works and Beneficial Use Proofs on Permit No. G-26225 to June 11, 1969, or the length of time applicant was prevented from proceeding pending allowance of his Desert Land Entry and a similar extension is allowed for every other act required under the terms and conditions of Permit No. G-26225.

Signed at Boise, Idaho, this 30th day of April, 1965.

Reuben Thomas
Deputy State Reclamation Engineer

G-26225



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

1: YES
Idaho 0700 0

Land Office
P. O. Box 2237
Boise, Idaho

JUN 11 1964

RECEIVED
JUN 12 1964
NOTICE OF ALLOWANCE

Hells of
Charles A. Montgomery
Paul, Idaho

Department of Reclamation

Dear Mr. Montgomery:

Your Desert Land Entry, Serial No. Idaho 07000,
Receipt No. 347409, for SEE Sec. 20; SEE Sec. 21;

SW 1/4 Sec. 29, Section ---,

Township 13 S., Range 27 E., Boise Meridian, Idaho,
containing 320 acres, has this day been allowed, subject
to any valid existing rights and your further compliance with laws
and regulations applicable thereto. In correspondence relating to
this entry, always refer to the serial number shown above.

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

NE 1/4 Sec. 20, SW 1/4 Sec. 21 subject to right-of-way for
reservoir and ditch, BLM-046533.

Sincerely yours,

6. 46725
(Signed) Orval G. Hadley
Orval G. Hadley
Acting Land Office Manager

cc: State Recl. Engr. ✓

826235

October 4, 1963

Re: Permit No. G-26225
Charles A. Montgomery

James Amnest
Attorney at Law
P. O. Box 107
Burley, Idaho

Dear Mr. Amnest:

Enclosed is the Application for Amendment to the
point of diversion which has been recorded in this office.

Two copies have been forwarded to the office of
the Bureau of Land Management as per copy of attached letter.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

ENCLOSURE

Enc. application for
amendment
copy of amendment
to the point of diversion

26225

October 4, 1963

Re: Permit No. 4-26225
Charles A. Montgomery

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

Gentlemen:

Enclosed are two copies of an application for amendment to the point of diversion on the above numbered permit, which is in connection with Desert Land Entry No. 07000, in the name of Charles A. Montgomery.

Very truly yours,

CARL E. ZAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Pule
Chief Clerk

Encl:

Two copies amendment

cc: James Annest
Attorney at Law
Box 107, Burley, Idaho

1826225

James Annest

ATTORNEY AT LAW
1742 OVERLAND AVENUE
BURLEY, IDAHO 83318
AREA CODE 208 PHONE 678-7783
POST OFFICE BOX 686

RECEIVED
OCT 4 1963

Department of Reclamation

September 25, 1963

Ralph Thomas
Department of Reclamation
107 Statehouse
Boise, Idaho

Re: Your letter of September 18, 1963

Dear Mr. Thomas:

In response to the inquiry which you have made concerning Mr. Charles A. Montgomery, please be advised that the middle initial of Mr. Montgomery should be "A", and that that should appear on both the permit and the application for amendment. Thank you for calling this matter to our attention.

Yours very truly,

James Annest

JAMES ANNEST
Attorney at Law

JA:kb

826225

September 10, 1963

Re: Permit No. G-26225 - Charles ^AK. Montgomery
G-26221 - Lester Thompson

James Amnest
Attorney at Law
Box 107
Burley, Idaho

Dear Mr. Amnest:

The application for amendment to point of diversion of Permit No. G-26225 shows Charles A. Montgomery, whereas the Permit shows Charles R. Montgomery. Kindly notify this office promptly of the correct middle initial.

The application of Lester Thompson to amend the point of diversion to the center of Section 9, has been approved however Mr. Thompson notified this office that the ~~SW 1/4~~ Sec. 9, is correct location of his well. As that location is described in the permit, no amendment to the point of diversion is necessary.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:HW

G26225
G26221

Application for Amendment

POINT OF DIVERSION

Permit No. _____

Comes now _____ Charles Montgomery _____ and
represent _____ to the State Reclamation Engineer of the State of Idaho:

That he is (are) the owner _____ and holder _____ of Permit to appropriate the Public
Waters of the State of Idaho, No. _____.

That the point _____ of diversion is described in said Permit as being located:

That _____ he _____ now requests that the point _____ of diversion be changed to a point _____

located: At center Section 21, Township 13 South, Range 27, E. B. M.

to be applied upon the S&SW4 of said Section 21, Twp. 13 S., Rge. 27 E.B.M.
2nd point of diversion at the point at which the mid-section line of Sec. 20
intersects the East boundary line of said Sec. 20, Twp. 13 S., Rge. 27 E.B.M.
which waters shall be applied upon the SW4 of Sec. 20 & the NW4 of Sec. 29,
all in Twp. 13 S., Rge. 27 E.B.M. REASON FOR DESIRING TO MAKE CHANGE: Change
in plan of irrigation from surface irrigation to circular sprinkling system.

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

Signed at Nurley, Idaho, this 13th day of September,
19 63.


JAMES ANNETT,
Attorney for applicant.

Date of Receipt at Department of Reclamation September 16, 1963

APPROVAL OF STATE RECLAMATION ENGINEER

Ralph W. Thomas, Deputy

I, GEORGE W. COLEMAN, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE
the above and foregoing application for amendment to Permit to appropriate the Public
Waters of the State of Idaho, No. 0-26225. This approval constitutes a new permit
and is issued as an amendment to the original permit, to which it refers and of which
it becomes a part, and said application is approved only insofar as the rights of others
will not be adversely affected thereby.

s/ RALPH W. THOMAS

Recorded in Book 93 of
Permits, at Page 20225
October 1, 19 63

Deputy
State Reclamation Engineer

26225

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

Department of Reclamation

WHEREAS, Permit No. G-26225, in the name of Charles R. Montgomery, was issued in connection with Desert Land Entry, Idaho Serial No. 07000; and,

WHEREAS, applicant has been prevented from proceeding with construction because said Desert Land Entry has not been allowed.

NOW, THEREFORE, Statutory proof requirements on Permit No. G-26225 are extended until the Desert Land Entry has been allowed, and the proper date of commencing work can be established

This office should be notified promptly of final action in regard to the Desert Land Entry.

Signed at Boise, Idaho, this 15th day of February,
1961.

Geo. H. Carter

State Reclamation Engineer

26225

February 16, 1961

Re: Permit Nos. 0-26221, 0-26222, 0-26223, 0-26224, 0-26225,
0-26226, 0-26227, 0-26228, 0-26229, 0-26230
0-26231, 0-26232, 0-26233, 0-26234, 0-26235
0-26236, 0-26237, 0-26238, 0-26239, 0-26240

C. T. Lowe & Kales N. Lowe
Attorneys at Law
Barley, Idaho

Attn: James Amnest

Dear Mr. Amnest:

We enclose Extensions of Time for an indefinite period on all permit numbers listed above, which are in connection with desert land entries. Permits 0-26234 and 0-26235, in the name of Lester Thompson, are permits for the appropriation of water to desold lands and for this reason no extension can be granted beyond the five years allowed under the law.

This office should be notified promptly of final action in regard to the desert land entries.

Very truly yours,

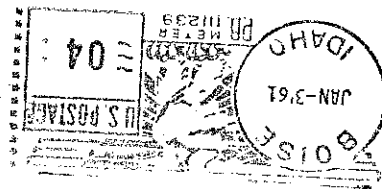
CHD. H. CAMPER
State Reclamation Engineer

Sy:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

ATW

Enc. 17 extensions

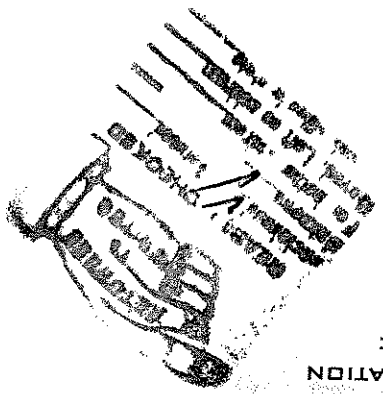


Charles R. Montgomery

Paul, Idaho

Handwritten signature

L



AFTER FIVE DAYS RETURN TO
DEPARTMENT OF RECLAMATION
ROOM 107, STATE HOUSE
BOISE, IDAHO

Handwritten: 026005

Handwritten: Not for use in Montgomery

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

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G-26225 - Charles A. Montgomery
G-26226 Eva Montgomery

Date: Jan. 3, 1961

Lester Thompson
Idaho, Idaho

Dear Sir:

The date for proofs of Completion of Works and Application of Water to Benefi-
cial Use, as set out under the terms of Permit No. G- 26225 are due not later
than March 8, 1961. 0- 26226

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

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

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

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

Very truly yours,

GEO. N. CARTER
STATE RECLAMATION ENGINEER

Enclosures 36 - 11 - 2 sets

cc: Charles A. Montgomery, Paul, Idaho
Eva Montgomery, Paul, Idaho

see 225

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

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G-26225 - Charles R. Montgomery Date: Jan. 3, 1961
G-26226 Eva Montgomery

Lester Thompson
Malta, Idaho

Dear Sir:

The date for proofs of Completion of Works and Application of Water to Benefi-
cial Use, as set out under the terms of Permit No. G- 26225 are due not later
than March 6, 1961. G- 26226

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

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

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

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

Very truly yours,

GEO. N. CARTER
STATE RECLAMATION ENGINEER

Enclosures 36 - 11 - 2 sets

cc: Charles R. Montgomery, Paul, Idaho
Eva Montgomery, Paul, Idaho

826225

Permit No. *D-26225*

Mr. Lester Thompson
Malta
Idaho

See letter of Transmittal under File No. G-26221 under
date of March 12, 1936.

Also see letter to the Idaho District Land Office under
same date and file number.

D-26225

R-27E.

D.E. IDAHO 07000

T. 13 S.

9

16

20

21

29

28

Points of Diversion - WELLS = 0

Permit Map No. 9-26925

As Approved

MARK R. KULP

1958

State Reclamation Engineer

526225

Identification No.

43-2442, 43-4006, **43-2437**

Transfer No. **1681**

Should questions arise during the processing of this application please contact:

JACK A. BARNETT
520 Idaho Bldg.
Boise, Idaho 83702
344-1541

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPLICATION FOR TRANSFER OF WATER RIGHT

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

APPROVED

1. Name of Right Holder Vista Land Company

Post office address Malta, Idaho

2. Right obtained by: **Two licensed and one constitutional use right.**

a. Decree to N/A in Case of

(Name)

vs.

Dated

in

(Name of Court)

Court. County of

b. License No. Well #16=43-2442; Well #17=43-4006 (T-1570); and Well #18-43-2437 issued by the State of Idaho, Department of Reclamation.

3. Source of water Underground water tributary to

(Name of stream or source)

4. Date of Priority Well #16=3-5-56; Well #17=4-29-52; and Well #18=3-5-56

5. Amount of water a. 15.77 c.f.s. and/or Well #16=7.21 cfs; Well #17=3 cfs; and Well #18=5.56 cfs

b. acre feet/annum

6. Water is used for from to

(Well #16) (Month, Day)

7. Original location of point of diversion is SE 1/4 NE 1/4 of Section 16,

Township 13S, Range 27E, B.M., in Cassia County;

Additional points of diversion, if any Well #17, NE 1/4, Section 17, T13S, R 27E;

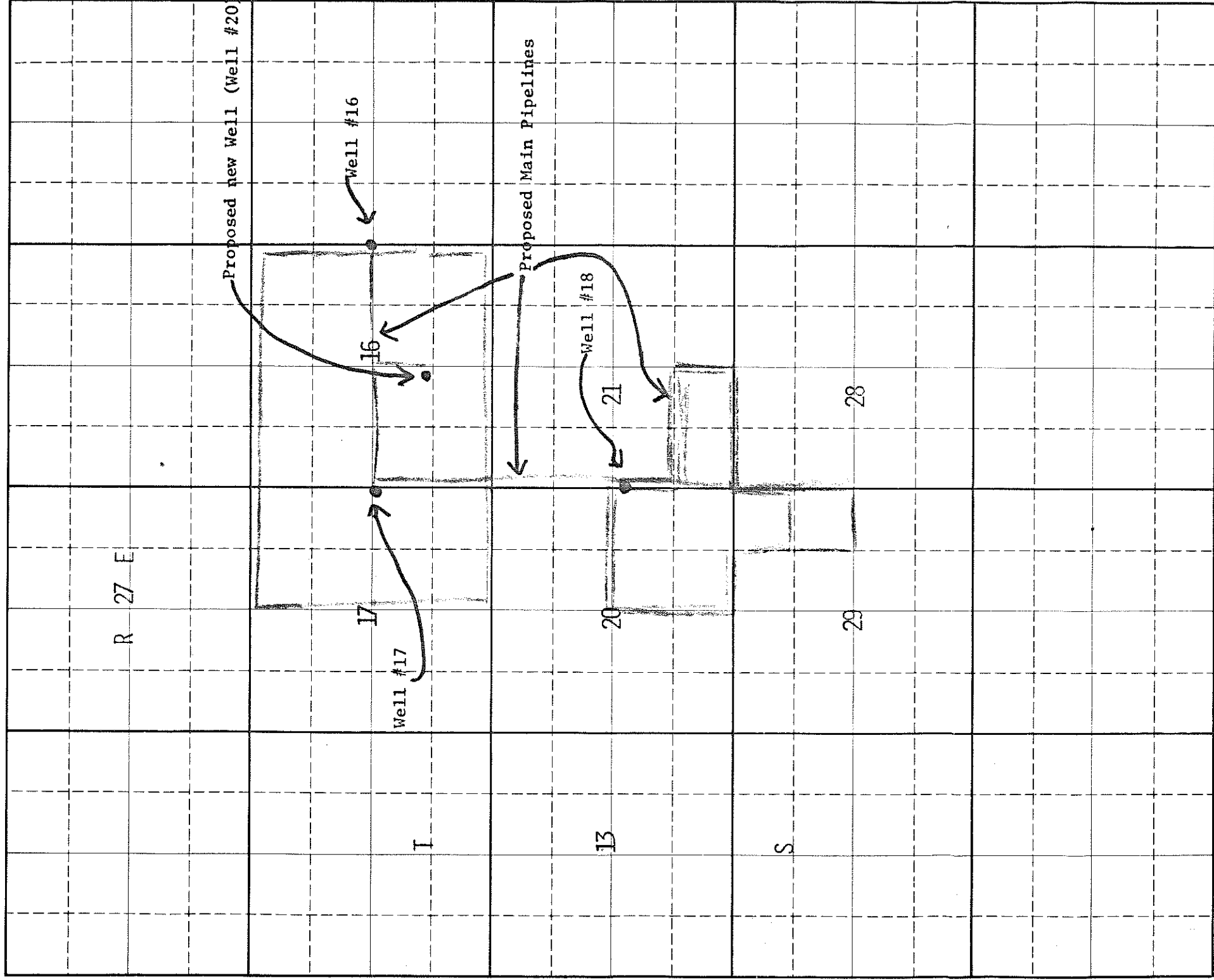
Well #18, NE 1/4, Section 20, T 13S, R 27E.

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTALS
			NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	
<u>Well #16</u>															
<u>13S</u>	<u>27E</u>	<u>16</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>640</u>
<u>Well #17</u>															
<u>13S</u>	<u>27E</u>	<u>20</u>	<u>40</u>	<u>40</u>											<u>80</u>
<u>13S</u>	<u>27E</u>	<u>17</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>			<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>320</u>
<u>Well #18</u>															
<u>13S</u>	<u>27E</u>	<u>20</u>													
<u>13S</u>	<u>27E</u>	<u>21</u>							<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>160</u>
<u>13S</u>	<u>27E</u>	<u>29</u>	<u>39</u>												<u>79</u>
															<u>39</u>

Total number of acres presently irrigated 1318

43 2437



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

43-4006 - Lands to be irrigated as right is presently on file. (Well #17)

43-2442 - Lands to be irrigated as right is presently on file. (Well #16)

43-2437 - Lands to be irrigated as right is presently on file. (Well #18)

Location of lands to be irrigated in the future by all three rights.

9. If applicant was not the original holder of this right explain how it was acquired: All lands and rights have been acquired by purchase.

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new points: 15.77 c.f.s. and/or _____ acre feet
- b. New points of diversion: NE 1/4 SW 1/4, Section 16, Township 13S
Range 27E, B.M. and the three existing wells described in Paragraph 7.
- c. Description of method of diversion and conveyance from new points of diversion: Deep well, vertical turbine pump and pipelines.

- d. Is water to be conveyed to the lands previously irrigated? Yes ☒ No _____
(For the most part)
- If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

This land was first developed by PEWITT-THOMPSON, INC. as a part of a much larger farm. There were many wells on the larger farm that could be diverted to most of the land that are the subject of this transfer. Several years ago, VISTA LAND CO. bought most of the PEWITT-THOMPSON holdings in the immediate area, but not all of the holdings. Some ability to move (Con't on Appendix A)

- f. Do you intend to make the transfer permanent? Yes _____

- g. Do you intend to abandon completely the old point of diversion? No _____

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTALS
			NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	NE 1/4	NW 1/4	SW 1/4	
13S	27E	16	40	40	40	40	40	40	40	40	40	40	40	40	640
		17	40	40	40	40			40	40	40	40	40	40	320
		20										40	40	40	160
		21								40	40				80
		29	40		40	40									80

Total number of acres to be irrigated 1280

b. Do you intend to make the transfer permanent? Yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

No. Only the NE $\frac{1}{4}$ NEW $\frac{1}{4}$ Section 17, which has been traded for the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17 with the BLM and the N $\frac{1}{2}$, NE $\frac{1}{4}$, Section 20, which has been converted to a feed lot.

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: None

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

[Signature] (signature of applicant) JAN 11-30-73
Subscribed and sworn to before me this 8th day of November, 1973.

[Signature]
(notary public)

My commission expires July 1, 1974.
Residing at Hyrum, Cache County, Utah.

ACTION OF STATE RECLAMATION ENGINEER AND CERTIFICATE OF TRANSFER

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2442, 43-4006 & 43-2437
and said application is hereby APPROVED

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

Subject to the condition that this approval does not validate the water right as claimed under 43-4006. Measuring devices of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 3 day of January, 19 74.

[Signature]
Director
~~STATE OF IDAHO ENGINEER~~
Idaho Dept. of Water Administration

FOR DEPARTMENT USE ONLY

Received by me Date 11-21-73 Protest filed by: _____ Date _____

Prelim. check by me Date 11-21-73

Fee received by me Date 11-21-73 Fee \$ 31.00 # 13355

Approved for publication by _____

Published in South Idaho Press Dates 12-11 & 12-18-73

Hearing held _____

Watermaster Recommendation sent _____ 43 2437

Appendix A

water from various wells to various lands at the time of purchase. Within the last few weeks, Vista Land Co. has sold all of the company's irrigated land holdings (more than 3,000 acres) except the land listed in this transfer application. This means an additional loss of ability to move water from various wells to various lands.

In addition, Vista Land Company recognizes that, in the past, there has been an important amount of water lost in long dirt ditch and long irrigation runs in flood irrigation practices.

With the remaining irrigated land owned by Vista Land Co., and described herein, it is proposed to significantly improve the irrigation efficiencies. This will be done in part with the purchase of sprinkler systems and the use of gated pipe and shorter irrigation runs. It will also be done, in part, with the advantages of tying 4 wells together in a pipe-system, so that water can be diverted quickly and without loss to any of the lands from any of the wells when the crops demand water. To accomplish this, it will be necessary to drill the new, 4th well, which is proposed herein.

It is proposed by this transfer to merge, so to speak, all of the rights so that water from 1, 2, 3, or 4 wells can be used on any of the land as water is required.

This is not intended to be an enlargement over existing rights. There will not be more acres irrigated than present rights allow. We expect that less water will be needed, or water diverted will be placed to a more productive or efficient use. (The application calls for the irrigation of 1,280 acres, and existing rights

Appendix A

Page 2

are to irrigate 1,318 acres. Vista Land Co. is not intending to loose the right to irrigate the additional 38 acres by this transfer application and may in the future, make addition transfer applications that will include the use of this additional 38 acres of water right).

43 2437

WHEN LICENSES ARE ISSUED, BE CERTAIN THAT COPIES
ARE SENT TO:

Mr. Vern Roberts
Land, Title, and Escrow, Inc.
Post Office Box # 177
Burley, Idaho 83318

Donald W. McEldowney

43 2437

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 26225/43-2437 Priority March 5, 1956 Amount 5.56 cfs

THIS IS TO CERTIFY, that RONALD G. HOLTMAN
of Malta, Idaho, has complied with the terms and conditions of Permit
No. 26225/43-2437 issued pursuant to Application for Permit dated March 5, 1956,
and has submitted proof to the Department of Water Administration on June 11, 1969,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 7.10 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 5.56 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 5.56 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20, Twp. 13 S, Rge. 27 E, 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 1,112 acre feet per year or
4.0 acre feet per acre.

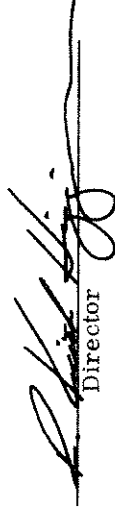
Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$		NW $\frac{1}{4}$		SW $\frac{1}{4}$		SE $\frac{1}{4}$		TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	
13 S	27 E	20							40	40	40
		21					40	39			79
		29	39								39

Total number of acres irrigated 278

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 7 day of
September, 19 72.


Director

APPLICATION FOR PERMIT

43-2437

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G-34119

Permit No. G-26225

District No.

A. see letter 4-25-63 from Annet

1. Name of Applicant:

CHARLES E. MONTGOMERY

Postoffice address:

Paul

County:

Minidoka

State: Idaho

2. Quantity of water claimed: 6.4 cubic feet per second

(a) Rate of withdrawal in cubic feet per second 6.4 or Idaho

Miners' inches 320

or gallons per minute.

(b) Annual withdrawal in acre feet per annum

3. Source of water supply: Subterranean Flow (Wells)

SE 1/4 Sec. 9; SE 1/4 Sec. 16; SE 1/4 Sec. 21

4. Location of point of diversion or well is in the SE 1/4 of the NE 1/4 of Section 28

Twp. 13 S., Rge. 27 E., B.M., County of Cassia

5. Water is to be used for:

Irrigation and domestic purposes.

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

(a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.

Rge. , B.M.

(b) Waste water or sewage effluent is to be returned to

at a point in the 1/4 of the 1/4 of Section , Twp.

, Rge. , B.M.

7. Kind of works: Wells, Pumps, and Ditches.

8. Estimated cost of works: \$ 7,000.00

9. (a) Is reservoir to be used?

(b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is Five (5) years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation:

(b) Amount of capital stock: \$

(c) Amount paid in: \$

(c) Names and addresses of directors:

II. The financial resources of the applicant are (a) Cash on hand: \$

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

(b) (cubic feet per second, inches or gallons per minute) is for new lands.

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.

Date of first receipt at Department of Reclamation: 3:00 P.M. March 5, 1956

Returned to applicant for correction:

Corrected application received:

The number of this permit is G-26225
Recorded in Book 93 Page 26225 Approved Mar. 8, 1956

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____ and to continue diligently and uninterruptedly to completion, Work to begin on or before _____ May 8, 1956 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 September 8, 1958

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before March 8, 1961

Witness my hand this 5th day of March, 1956

IN TESTIMONY WHEREOF, We, ROBERT E. SMITH, Governor of the State of Idaho, and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 8th day of March, 1956.

STATE OF IDAHO

By ROBERT E. SMITH
Governor

12.

[illegible]

Application for Amendment
POINT OF DIVERSION
Permit No. G-26225

Comes now CHARLES A. MONTGOMERY and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G-26225

that the point of diversion is described in said Permit as being located: SE¹/₄ Sec. 26, Twp. 13 S., Rge. 27 E., B. 14. W. SE¹/₄ Sec. 21, Twp. 13 S., Rge. 27 E., B. 14. W. SE¹/₄ Sec. 9, Twp. 13 S., Rge. 27 E., B. 14. W.

That he now requests that the points of diversion be changed to a point located At center Section 21, Township 13 South, Range 27 E., B. N.; 2nd point of diversion at the point at which the mid-section line of Section 20, intersects the East boundary line of said Sec. 20, Twp. 13 S., Rge. 27 E., B. N.

Reason for desiring to make change: Change in plan of irrigation from surface irrigation to circular sprinklin system.

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

Signed at Burley, Idaho, this 13th day of September, 1963.

s/ JAMES ANNEST
Attorney for applicant

Date of Receipt at Department of Reclamation: September 16, 1963

APPROVAL OF STATE RECLAMATION ENGINEER

I, RALPH W. THOMAS, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriately the Public Waters of the State of Idaho, No. G-26265. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Recorded: October 4, 1963

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

WHEREAS, Permit No. G-26225, in the name of Charles A. Montgomery, requires proofs of completion of works and beneficial use to be made on or before March 8, 1961; and,

WHEREAS, said Permit was issued in connection with Desert Land Entry Igano Serial #07000; and,

WHEREAS, Applicant was prevented from proceeding with construction pending allowance of said Desert Land Entry, which was not allowed until June 11, 1964;

NOW, THEREFORE, An Extension of Time is allowed for Completion of Works and Beneficial Use Proofs on Permit No. G-26225 to June 11, 1969, or the length of time applicant was prevented from proceeding pending allowance of his Desert Land Entry and a similar extension is allowed for every other act required under the terms and conditions of Permit No. G-26225.

Signed at Boise, Idaho, this 30th day of April, 1965.

/s/ RALPH W. THORLAS
Deputy State Reclamation Engineer

(SEAL)

LICENSE ISSUED FOR _____
 LICENSE PAGE NO. 5 OF SEC. FT.

See letter of administration and Oath in File naming James Annest administrator of Charles Montgomery and Eva Montgomery Estate.

A S S I G N M E N T

For value received, I hereby assign all of the right, title and interest of the Estate of Charles Montgomery and Eva Montgomery in and to Permit to appropriate the Public Waters of the State of Idaho, Permit No. G-26225 to RONALD G. HOLTMAN of Malta, Idaho.

/s/ ESTATE OF CHARLES MONTGOMERY & EVA MONTGOMERY, Dec eased.

By /s/ JAMES ANNEST,
Administrator of Estate of Charles
and Eva Montgomery, Deceased.

State of Idaho)
 : ss
County of Cassia)

On this 23rd day of May, 1968, before me, a Notary Public for the State of Idaho, residing at Burley, Idaho, personally appeared James Annest, Administrator of Estate of Charles and Eva Montgomery, as evidenced by attached (original and 1 copy) Letters of Administration & Oath, known to me to be the persons whose name is subscribed to the within instrument and duly acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

(S E A L)

/s/ RUTH J. N. LAMBERT
Notary Public residing at Burley, Idaho.

My commission expires: January 14, 1972

**SOUTH IDAHO PRESS
BURLEY, IDAHO**

JUL 7 1969

RECEIVED

AFFIDAVIT OF PUBLICATION

Department of Reclamation

County of Cassia,)
STATE OF IDAHO) ss.

Ruth Chambers, being first

duly sworn, deposes and says that ⁵he is the ~~Bookkeeper~~ of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for 2 consecutive weeks, commencing with the issue dated June 19, 1969, and ending with the issue dated June 26, 1969.

Ruth Chambers

Subscribed and sworn to before me this 26th day of June 1969.

Edith Houttatt Notary Public

Cost of Publication \$11.75
Notary Fee
Total Cost

My commission expires October 23, 1971

69-155

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Ronald G. Holtman, Malts, Idaho, has received an approved permit No. G-26225/43-2437 issued by the Idaho State Reclamation Department authorizing the diversion of 6.4 cubic feet per second of water from a groundwater source, subject to all prior rights. The priority to be established under this permit is March 5, 1956 and the permit was approved March 8, 1956.

Water is to be diverted by wells, pumps and ditches from a point within the center of Section 21, T. 13 S., R. 27 E., B.M.: point at which the mid-section line of Sec. 20 intersects the East boundary line of Sec. 20, T. 13 S., R. 27 E., B.M., Cassia County, to be used for irrigation and domestic purposes, in the SE 1/4, Sec. 20, S 1/2 SW 1/4, Sec. 21; E 1/2 NE 1/4, Sec. 29, T. 13 S., R. 27 E., B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before June 11, 1969. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the South Idaho Press,
Burley, Idaho, on June 19 and June 26, 1969.

A3-2437
26225