

Affidavit of Publication

THE RIGBY STAR

STATE OF IDAHO
County of Jefferson

ss.

I, Hope B. Jones, do solemnly swear that I am the printer of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes annotated section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that said attached notice, advertisement or publication as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for

Consecutive issues thereof; first publication having been made on the

1st day of January, 1970

and the last publication on the

8th day of January, 1970

And affiant further says that at the times herein mentioned said news paper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth; and that there are at least two hundred bona fide subscribers in Jefferson County.

Hope B Jones

Subscribed in my presence and sworn to before me this 13th

day of February, 1970
(SEAL)

Notary Public for the State of Idaho,
Residence and P. O. Address, Rigby, Idaho.

My commission expires _____, 19____

Publication Fee: \$ 2.00

MY COMMISSION EXPIRES JULY 15, 1973

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Ball Brothers, Box 485, Lewisville, Idaho, has received an approved permit No. G-32277 issued by the Idaho State Reclamation Department authorizing the diversion of 6.4 cubic feet per second of water from a ground-water source, subject to all prior rights. The priority to be established under this permit is March 15, 1965 and the permit was approved March 19, 1965. Water is to be diverted by well and sprinkling system from a point within the SW 1/4 NE 1/4, Sec. 12, T. 7 N, R. 36 E, B. M., Jefferson County to be used for irrigation in the NE 1/4, SE 1/4, Sec. 12, T. 7 N, R. 36 E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the department on or before March 19, 1970. 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 Rigby Star, Rigby, Idaho, on January 1, 1970 and January 8, 1970.

RECEIVED
FEB 16 1970
Department of Reclamation

32277

31-2419

T 7 N

Road

SEC 12

P.D.

Q measured 5.55 cts
Q recommended 5.55 cts
Volume 980 AF/Ann
Acreage
Found 280
recommended 280
Subdv. 8
Amendments
☐ None
☒ P.D. Correct to reflect SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 12
☐ Place of use
☐ _____

2 1
11 12

1 6
12 7

A3
A240

A.D.

11 12
14 13

12 7
13 18

D
17.4

C
2.5

E
47.3

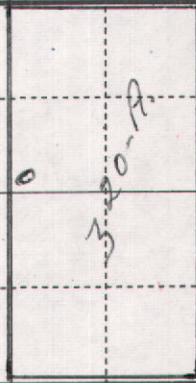
NAME OF APPLICANT

C. LEAVITT GROVER

Form No. 0

SW 1/4 of NE 1/4 -

Sec 12, T7N, R36E, M



Permit Map No. 32277
As Approved
CARL E. TAPPAN
State Reclamation Engineer
MAR 19 1965

Jefferson

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 32277/31-2419 Priority April 23, 1965 Amount 5.6 cfs

THIS IS TO CERTIFY, that MUTUAL OF NEW YORK
of New York, New York, has complied with the terms and conditions of Permit
No. 32277/31-2419 issued pursuant to Application for Permit dated March 15, 1965,
and has submitted proof to the Department of Water Resources on April 27, 1970 (late proof),
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 5.6 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>Nov. 1</u>	at <u>5.6</u> cfs and	<u>980 acre feet or</u>
	from _____ to _____	_____ cfs and	<u>3.5 af per acre</u>
	from _____ to _____	_____ cfs and	_____
	(both dates inclusive)		

Subject, however, to the condition that no more than 5.6 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
980 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 12,
Twp. 7 N, Rge. 36 E, B.M. in the County of Jefferson

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7 N	36 E	12	35	35	35	35									35	35	35	35	280

Total number of acres irrigated 280

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 18 day of
September, 19 76.

Director

3/- 2419

ASSIGNED TO: Mutual of New York
Broadway at 55th Street
New York, New York 10019

Assigned to Brooklyn at 604-2222
New York, New York 10019
BOY BROTHERS
Box 405, Lewisville,
Idaho 83431

- LICENSE ISSUED FOR 5.6 SEC. 5

✓

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

s/ C. Leavitt Grover *Applicant.*

By _____ *Agent.*

Date of first receipt at Department of Reclamation: 3:30 P.M. March 15, 1965

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 32277.

Recorded in Book 113 Page 32277 Approved March 19, 1965

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

One-fifth of the work above specified to be completed on or before **September 19, 1967**

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before March 19, 1970

Witness my hand this 19th day of March, 1965

s/ CARL E. TAPPAN
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho,
and ARNOLD WILLIAMS, 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 19th
day of March, 19 65.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

By S/ ROBERT E. SMYLLIE
Governor

12.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				
7 N.	36 E.	12	40	40	40	40												40	40	40	40	320

RECEIVED

SEP 15 1976

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT

Permit No. 32277/31-2419

Comes now Mutual of New York of (address)

Broadway at 55th Street, New York, N.Y. 10019, and represents to the Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 32277/31-2419, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12 Twp. 7 N
Rge. 36 E, B. M., County of Jefferson. Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)
NO CHANGE

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre feet per annum)

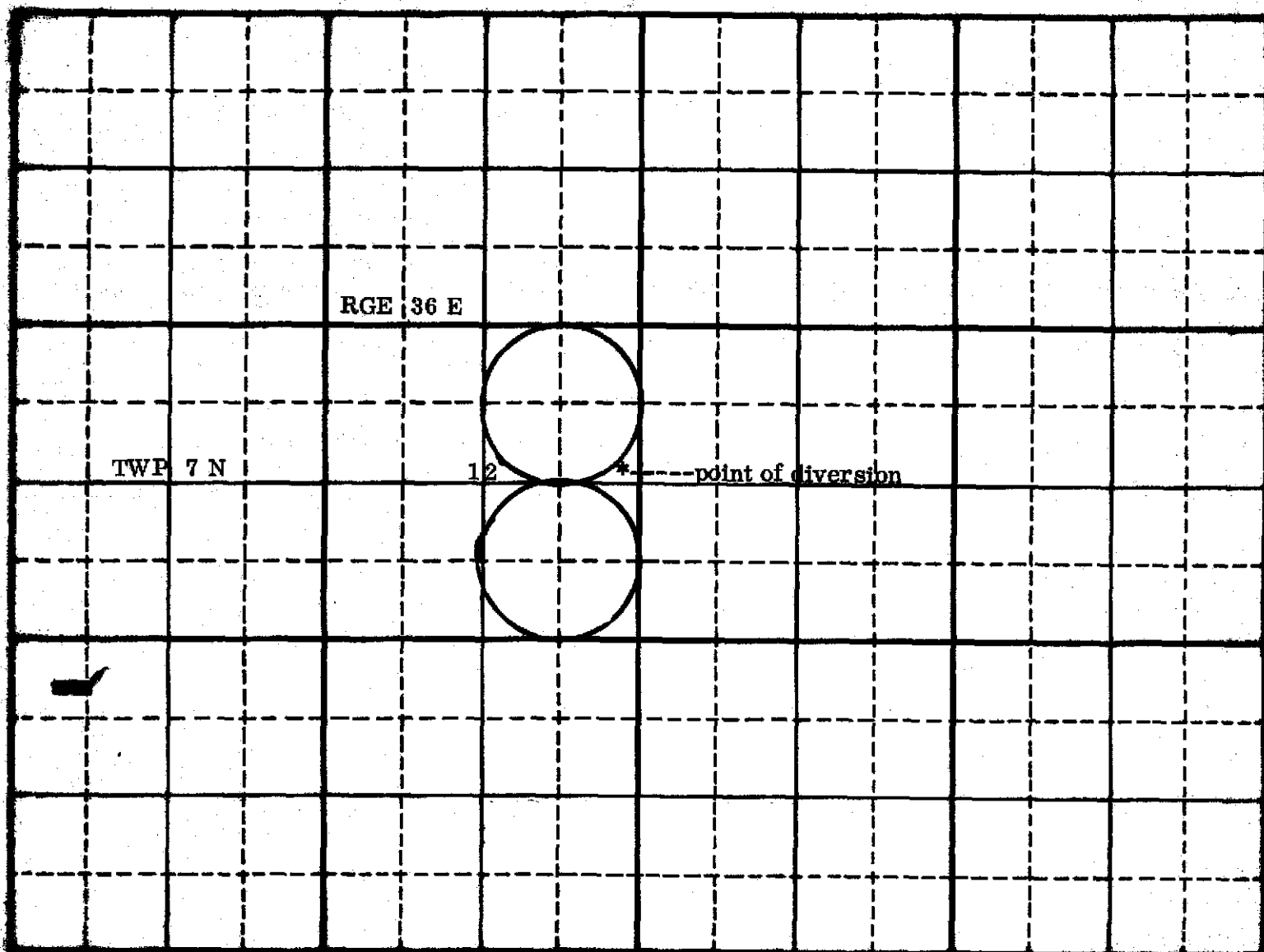
3. Place of use or land to be irrigated: NO CHANGE

[illegible]

Total number of acres to be irrigated

UNCLASSIFIED

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

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

Signed at Idaho Falls, Idaho, this 13 day of September, 19 76.

Bruce L. McCandl
Bruce L. McCandl (signature)
Asst Vice-President

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, R. KEITH HIGGINSON, Director of the Department of Water Resources
hereby approve the foregoing application for amendment for Permit No. 32277/31-2419.

Witness my hand this 18 day of September, 19 76.

R. Keith Higginson
Director

RECEIVED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

ASSIGNMENT OF PERMIT

Department of Reclamation

Ball Brothers,
I, We A Partnership, hereby assign to Mutual of New York,
Name

of Broadway at 55th Street, New York, New York 10019

Permit G32277 aka application ~~Address~~ G40422 & Appl. G40866 aka Permit G32702, &
Appl. G40867 aka Permit G32704, & Permit G33990 aka License G26110.

CHECK ONE

☒ All my right, title, and interest, in and to Permit No. (See above)
to appropriate the public waters of the State of Idaho.

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

Made this 27th day of February, 19 70.

BALL BROTHERS, A Partnership

William Ball
Permit Holder

Partner

Leland W. Ball
Ronald Ball
Wife of Permit Holder Partner

State of Idaho)
County of Jefferson) ss.

On this 27th day of February, 19 70, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Orin B. Young
Notary Public residing at _____
Lewisville, Idaho

My commission expires 10-24-70

3 2277

31-2419

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

ASSIGNMENT OF PERMIT

I, C. Leavitt Grover, hereby assign to RAIL REDEVELOPMENT
of P. O. Box 1485, Lewisville, Idaho
(address)

CHECK ONE

☒ All my right, title, and interest, in and to Permit No. G 32277
to appropriate the public waters of the State of Idaho.

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

Made this 3rd day of November, 1969.

C. Leavitt Grover
Permit Holder

Anna C. Grover
Wife of Permit Holder

washington
State of Idaho
County of Valle Valle) ss.

On this 3rd day of November, 1969, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Ira Mae Romm
Notary Public residing at
Burbank Heights Wash.

My commission expires Jan 25, 1971.

32277
91-2419

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-32277/31-2419)

in the name of BALL BROTHERS)

ORDER OF REINSTATEMENT

WHEREAS, on March 15, 1965, C. Leavitt Grover applied to the Department of Reclamation for a permit to appropriate 6.4 cubic feet per second of water from a ground water source to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T. 7N, R. 36E, B.M., Jefferson County, Idaho, for the irrigation of 320 acres of land in Sec. 12, T. 7N, R. 36E, B.M.; and,

WHEREAS, on March 19, 1965, the Department of Reclamation issued Permit No. G-32277/31-2419 with the condition that the whole of said work and proof of the application of the water to beneficial use be submitted to the Department on or before March 19, 1970; and,

WHEREAS, Permit No. G-32277/31-2419 was brought under the requirements of Chapter 2, Title 42 of the Idaho Code as amended by the 1967 session of the Idaho Legislature on August 1, 1968; and,

WHEREAS, on November 3, 1969, C. Leavitt Grover assigned said permit to Ball Brothers, Lewisville, Idaho; and,

WHEREAS, on January 2, 1970, the permit holder was notified by certified mail that he was required to submit proof of beneficial use and was instructed as to the steps to be taken to make that proof; and,

WHEREAS, the required proof of beneficial use was not received on or before the due date; and,

WHEREAS, on April 6, 1970, the Department of Reclamation notified the permit holder that the permit had lapsed for failure to submit proof of beneficial use; and,

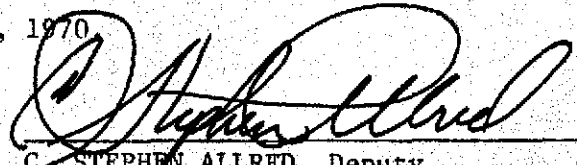
WHEREAS, the required proof of beneficial use was received on April 27, 1970; and,

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

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

THEREFORE, IT IS HEREBY ORDERED that Permit No. G-32277/31-2419 be REINSTATED and the priority be reduced to April 23, 1965.

Dated this 28th day of April, 1970


C. STEPHEN ALLRED, Deputy
State Reclamation Engineer

32277

31-2419

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

APR 27 1970

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

1. a) Name of Permit Holder Ball Bros.
b) Post Office Address Lewisville, Idaho 83431
2. Permit Number G-32277/31-2419
3. Date of Priority that you are prepared to establish 3/15/65
4. a) Source from which water was appropriated subterranean
b) Location of the point of diversion: SW 1/4 NE 1/4, Section 12
Township 7 N, Range 36 E, Boise Meridian, Other points of diversion:

5. a) The amount of water and use to which the water has been applied:

amount 6.4 cfs for irrigation purposes from April 1 to Oct. 31 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 6.4 cfs cfs and/or acre feet per annumc) 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: measured by Mel Brown Col. Idaho 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: private system

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

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean

source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) well 20" x 225', cased 20" to 15' 16" from 60' to 160', static water level 108'b) Describe the type and size of measuring device which you have installed at your point of diversion: no measuring device

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

Frandsen Bros., Blackfoot, Idaho

32277

31-2419

~~of use — irrigation only~~

:uois

Total number of acres irrigated 320

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

(Date)

(Signature)

On this 16th

My commission expires 10-24-70

~~My commission expires - 10-21-70~~

RECEIVED
for
FEB 16 1965
Department of Transportation

SS.

And affiant further says that said attached notice, advertisement or publication as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for

the last publication on the
 _____ day of _____, 1970

Hopie B Jones

in my presence and sworn to by
February, 1970

My commission expires _____, 19____.

Publication Fee: \$ 100

MY COMMISSION EXPIRES JAN. 15, 1974

32277

31-2419

September 20, 1976

Re: Permit No. 32277/31-2419

Mutual of New York
Broadway at 55th Street
New York, New York 10019

Gentlemen:

Enclosed for your records is a copy of the Water License issued on the above referenced permit along with a copy of the approved application for amendment.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

ddr

Enc: Copy of license
Copy of amendment

cc: Ball Brothers
P.O. Box 485
Lewisville, ID 83431

Utah Mortgage & Loan
P.O. Box 460
Idaho Falls, ID 83401

Enc: Receipt No. 5838

- **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
- ☐ Show to whom and date delivered..... 15¢
- ☐ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY.
- ☐ Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY.
- ☐ Show to whom, date, and address of delivery 85¢

Mutual of N.Y.

2. ARTICLE ADDRESSED TO: 31-2419
 Mutual of N.Y. at 55th Street
 Broadway, New York, N.Y. 10019
 New York, New York 10019

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO. 1, INSURED, NO.
	32644

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

[Signature]

4. DATE OF DELIVERY

SEP 1 - 1976

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

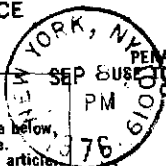
UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.



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

RADIO CITY

STANDARD
U.S. MAIL



RETURN
TO



DEPT. OF JUSTICE

WASHINGTON, D.C. 20530

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☐ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ RESTRICTED DELIVERY.
 Show to whom and date delivered..... 65¢
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO: 31-2419

Ball Brothers
 P.O. Box 485
 Lewisville, ID 83431

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	32645	

(Always obtain signature of addressee or agent)

I have received the article described above.

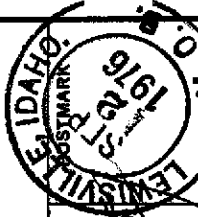
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS



UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

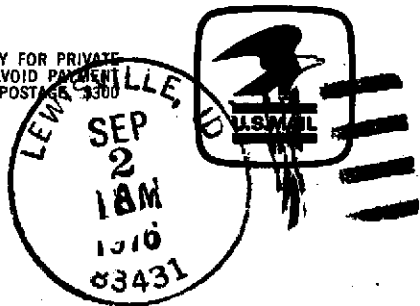
- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**



**DEPARTMENT OF WATER RESOURCES
STATE HOUSE
BOISE, IDAHO 83720**

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





STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

September 1, 1976

CERTIFIED MAIL

#32644

Re: Permit No. 32277/31-2419

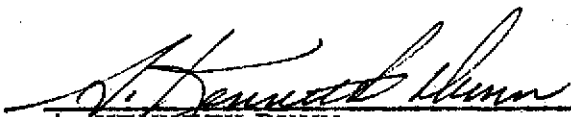
C
Mutual of New York
Broadway at 55th Street
New York, New York 10019

O
Gentlemen:

P
Y
On June 10, 1976, we requested that you amend the above referenced permit to correct the location of the point of diversion. You were advised that when such an amendment was submitted, the water license could be issued. We have failed to receive said amendment application and, as a result, are unable to issue the license.

Therefore, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, Permit No. 32277/31-2419 is hereby held for cancellation for failure to complete the permit as required, and you are ordered to show cause before the Director of the Department of Water Resources on or before October 1, 1976, why said permit should not be cancelled.

Permit 32277/31-2419 claims the use of 6.4 cfs of water from a ground water source and the permit was approved March 19, 1965.


A. KENNETH DUNN
Administrator, Operations Division

cc: Ball Brothers
P. O. Box 485

Lewisville, ID 83431

CERTIFIED MAIL

#32645



July 29, 1976

Re: Permit No. 32277/31-2419

**Mutual of New York
Broadway at 55th Street
New York, New York 10019**

Gentlemen:

On June 10, 1976, we forwarded an application for amendment and requested that you amend the above referenced permit prior to issuance of a license. As of this date we have not heard from you regarding this matter.

Please submit the amendment application and \$10.00 filing fee within 10 days of the date of this letter in order that we might issue the water right license.

Sincerely,

**BOBBY D. FLEENOR
Chief, Water Rights**

BDF:DR

**cc: Ball Brothers
P.O. Box 485
Lewisville, ID 83431**

June 10, 1976

Mutual of New York
Broadway at 55th Street
New York, New York 10019

Re: Permit No. 32277/31-2419

Gentlemen:

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

Quantity of water diverted: 5.6 cfs Source: ground water
Amount of water that can be recognized as beneficially used under
Idaho law: 5.6 cfs
The maximum quantity diverted shall not exceed 980 acre feet, or
3.5 af per acre, per year.
Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, Twp. 7 N, Rge. 36 E, B.M.
Beneficial use: Irrigation of 280 acres within the E $\frac{1}{2}$ of Sec. 12,
Twp. 7 N, Rge. 36 E, B.M.
Priority date established: April 23, 1965

Our field report indicates that the well is situated in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 12, whereas the permit lists the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 12. Therefore, it will be necessary to amend the permit before a water license can be issued. Enclosed is a partially completed application for amendment for your use in this matter.

Please sign the application and return it to this office along with a \$10.00 filing fee within 30 days in order that we may issue the license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enc: Application for amendment
cc: Ball Brothers
P.O. Box 485, Lewisville, ID 83431

Righty Exchange

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-32277/31-2419

This proof is for b/u In Water District No. _____1. Name of applicant Ball Brothers, Box 485, Lewisville, Idaho 834312. Source of water supply: groundwater3. Location of point of diversion: Is in the SW 1/4 NE 1/4 of Section 12T. 7 N R. 36 E County of Jefferson4. Describe works as they exist, giving dimensions and capacities of same: wall 20" x 225',
cased 20" to 15' - 16" from 60' to 160', static water level 108'GE 250 Hp motor Ser # CBJ323163Layne & Bowler Ser # D126502 1/4 mile center pivots5. Water is used for: irrigation6. State whether or not water has been turned into works of diversion: yes

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

T. 7 N, R. 36 E, Sec. 12 E 1/2 320 acresNE 1/4SE 1/4NE 1/4 NW 1/4 SW 1/4 SE 1/4 NE 1/4 NW 1/4 SW 1/4 SE 1/435 35 35 35 35 35 35 35 = 280 Ac.

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

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

Remarks: _____

$$Q = \frac{(8.8)(250 \text{ hp})(.70)}{(108' + 159')} = 5.55 \text{ cfs}$$

Lift $\nearrow$

$$[2.31 \text{ ft head/psi} \times 60 \text{ psi Avg}] + 20' \text{ To Noz}$$

$$V = 280 \text{ Ac} \times 3.5 \text{ Af/Ac} = 980 \text{ Af/Ann}$$

This examination was made on the 16 day of June, 1975(Signed) Bill Rhoads Examiner.Checked. Loren O'Halloran Dec 19, 1975

ASCS : Rigby
SCS : Rigby

Permit No. G-32277/31-2419

Examination for.....B/U.....Ball Brothers.....

County.....Jefferson.....

Sec. 12 T. 7N R. 36E

Quantity: (permit) 6.4 cfs (proof) same

Sources: groundwater

P.D.: SW $\frac{1}{4}$ NE $\frac{1}{4}$

Use: irrigation

Filed: March 15, 1965 MADE: April 27, 1970

Due: March 19, 1970 PRIORITY: April 23, 1965

Extension:

Completion of Works:

Other Rights:

INSTRUCTIONS TO EXAMINERS

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

2 pivots
high voltage 440 Volts
to move both pivots
JF 9/6/72
no meter

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-32277/31-2419

REPORT ON PROOF OF B/U - Ball Brothers

RECEIVED

PR

T 7 N

Road

SEC 12

RD

Q measured

5.55 cts

Q recommended

5.55 cts

Volume

980 A/A/Ann

Acresage

Found

280

recommended

280

Subdv.

8

Amendments

☐ None

☒ P.D. Correct to reflect SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 12

☐ Place of use

☐

Permit # 9930

February 12, 1973

RE: Permit No. 31-2419

Utah Mortgage and Loan
P. O. Box 420
Idaho Falls, Idaho 83401

Gentlemen:

Enclosed is a copy of the above referenced permit per your request to our Eastern District Office. I am also enclosing copies of two assignments of which may be of interest to you.

The fee for these copies is \$3.00 which you may remit at your convenience.

If we can be of further assistance to you please feel free to contact us.

Very truly yours,

(Mrs.) ELEANOR J. WOODS
Records Supervisor

EJW:a

Enclosure

31 2419

April 28, 1970

Re: Permit No. G-32277/31-2419

Ball Brothers
Ronald J. Ball
Box 485
Lewisville, Idaho 83431

Gentlemen:

Enclosed please find an order reinstating the above referenced permit. You will note that the priority under this permit has been reduced to April 23, 1965.

We acknowledge receipt of your affidavit submitted as proof of beneficial use for permit G-32277/31-2419. 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 so that you may show him the system. If someone other than you should be contacted by the examiner, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Order of Reinstatement
cc: Idaho Land & Appraisal Service

3 2277
31-2419

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE -- ANNEX 2
BOISE, IDAHO 83707

April 6, 1970

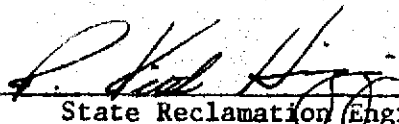
Re: Permit No. G-32277/31-2419

Ronald J. Ball
BALL BROTHERS
Box 485
Lewisville, Idaho 83431

Dear Mr. Ball:

You are hereby notified that under the provisions of Section 42-218a, Idaho Code, Permit G-32277/31-2419 has lapsed.

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



State Reclamation Engineer
R. KEITH HIGGINSON

RKH:DR

Form 7

32277
31-2419

February 17, 1970

Re: Permit No. G-32277/31-2419

Ronald J. Ball
BALL BROTHERS
Box 485
Lewisville, Idaho 83431

Dear Mr. Ball:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit. Since proof of beneficial use of the water is not required until March 19, 1970; the Department will notify you sixty days in advance of this date as to further requirements. We wish to advise you, however, that if you have fulfilled the requirements under the permit you may submit proof anytime prior to the above date.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

32277
31-2419

February 11, 1970

Re: Permit No. G-32277/31-2419

Ronald J. Ball
BALL BROTHERS
Box 485
Lewisville, Idaho 83431

Dear Mr. Ball:

As of this date we have not yet received the affidavit of publication to be submitted in connection with the above referenced permit. Proof of beneficial use is not required until March 19, 1970, however, many newspapers do not keep copies of these advertisements in their files. We, therefore, recommend that you obtain this affidavit from the Rigby Star, Rigby, Idaho, and submit it to the Department as soon as possible. This insures that when you are ready to submit proof of beneficial use there will be no unnecessary delay or added expense.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

32277

31-2419

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

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

635-16-71543-10

Apr. 1967

POD Form 3811

NAME OF SENDER

STREET AND NO. OR P.O. BOX

Annex # 2 State use

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

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

RETURN TO

1970

A.M.

3

JAN

POSTMARK OF
DELIVERING OFFICE

INSTRUCTIONS TO DELIVERING EMPLOYEE



Show to whom, date, and
address where delivered



Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

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

CERTIFIED NO.

21501

1

Ronald G. Ball

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

W. E. Young

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

3

32277

31-2419

January 2, 1970

CERTIFIED MAIL

Re: Permit No. G-32277/31-2419

21501

Ronald J. Ball
BALL BROTHERS
Box 485
Lewisville, Idaho 83431

Dear Mr. Ball:

One of the conditions of the approval of your permit G-32277/31-2419 was that proof of application of the water to beneficial use be submitted to this office on or before March 19, 1970.

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 Higginson

State Reclamation Engineer
R. KEITH HIGGINSON

Enclosure: Proof form

JMB

Form 5

32277
31-2419

December 22, 1969

Re: Permit No. 32277 - Ball Brothers

Rigby Star
134 West Main
Rigby, Idaho 83442

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 cannot 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 I. Ball,
Ball Brothers, Box 485, Lewisville, Idaho 83431,
to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Legal Notice (1)

32277
31-2419

December 8, 1969

Re: Permit No. G-32277/31-2419

Ronald J. Ball
BALL BROTHERS
Box 485
Lewisville, Idaho 83431

Dear Mr. Ball:

The legal notice for the above referenced permit is being published in the Rigby Star, Rigby, Idaho, on January 1 and January 8, 1970.

You will be required to submit an affidavit of publication to this department. The affidavit may be obtained from the above mentioned newspaper upon payment of the bill of publication.

Thanking you for your cooperation in this matter.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

32277
31-2419

RECEIVED

DEC 3 1989

NOTICE OF EXISTING WATER PERMIT

Department of Reclamation

Notice is hereby given that Ball Brothers, Box 485, Lewisville, Idaho,

has received an approved permit No.

G-32277 issued by the Idaho State Reclamation Department authorizing the diversion ~~storage~~ of 6.4 cubic feet per second ~~acre feet per annum~~ of water from a ground-water source

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

March 15, 1965 and the permit was approved March 19, 1965

Water is to be diverted by well and sprinkling system

from a point within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T. 7 N, R. 36 E, B. M.,

Jefferson County

to be used for irrigation

in the E $\frac{1}{2}$, Sec. 12, T. 7 N, R. 36 E, B. M.

Proof of the application of the water to beneficial use is to be submitted to the department on or before March 19, 1970. 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 Rigby Star, Rigby, Idaho, on
December 19 and December 26, 1969

State Reclamation Engineer:

Permit No. G-32277

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

Ball Bros. General Bldg
(Signature)

Lewisville, Idaho
(Address)

December 2, 1969

(Date)

32277
31-2419

December 1, 1969

Re: Permit No. G-32277/31-2419

Ronald J. Ball
BALL BROTHERS
Box 485
Lewistown, Idaho 83431

Dear Mr. Ball:

We are in receipt of the assignment form from C. Leavitt Grover assigning the above referenced permit to you. The name of Ball Brothers has been placed on the permit in our files.

We are enclosing a copy of the permit along with a copy of the assignment. Also enclosed please find the order modifying this permit and the advertising authorization for you to sign and return.

Your prompt attention to the above matter would be greatly appreciated. Please be informed that Mrs. Edna P. Rule retired in 1965.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Copy of permit - assignment
Order - Advertising package

32277
31-2419

C
O
P
Y

November 20, 1969

Re: Permit No. G-32277/31-2419 - C. Leavitt Grover

Ronald J. Ball
BALL BROTHERS
Lewisville, Idaho 83431

Dear Mr. Ball:

Enclosed is a copy of our letter of October 20, 1969, to which we never received an answer. It is imperative that we obtain a reply within 30 days from the date of this letter.

We are again enclosing a blank assignment form to be signed by Mr. Grover and his wife. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Copy of our letter 10-20-69 w/enclosure
Blank assignment form

32277
31-2419

Ball Bros.
Our Brand
Potatoes

PHONE 754-4652 • 754-4651
POTATOES -- SHEEP -- LAMBS
LEWISVILLE, IDAHO

November 12, 1969

RECEIVED
NOV 16 1969

26 mgs

State of Idaho
Dept. of Reclamation
107 State House
Boise, Idaho

Department of Reclamation

Attn: Mrs. Edna P. Rule

Dear Mrs. Rule:

We are inclosing the signed "Assignment of Permit", which should make it possible for you to now transfer permit No. 32277 to Ball Brothers of Lewisville, Idaho.

We will be in need of this assignment as soon as you can get it out to us.

Thanking you, we are

Yours very truly,

BALL BROTHERS

BY Ronald J. Ball
PARTNER

RJB;oby
Encl. I- assignment

32277
31-2419

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

November 3, 1969

Re: Permit No. G-32277 (New No. 31-2419)

C. Leavitt Grover
1260 Idaho Avenue
Idaho Falls, Idaho

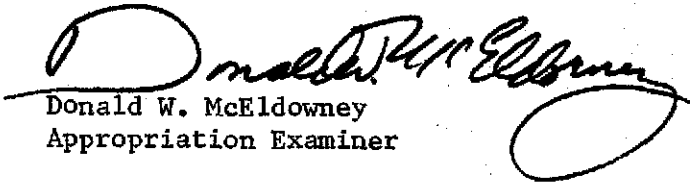
Dear Mr. Grover:

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:JMB

Enc. Order - Advertising package

cc. Ronald J. Ball, Ball Brothers, Lewisville, Idaho

32277
31-2419

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-32277)
in the name of C. Leavitt Grover,)
1260 Idaho Avenue, Idaho Falls, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

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

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

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

WHEREAS, Permit No. G-32277 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 20th day of October, 1969.


R. KEITH HIGGINSON
State Reclamation Engineer

32277
31-2419

November 3, 1969

Re: Permit No. G-32277 (New No. 31-2419)

C. Leavitt Grover
1260 Idaho Avenue
Idaho Falls, Idaho

Dear Mr. Grover:

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:JMB

Enc. Order - Advertising package

cc. Ronald J. Ball, Ball Brothers, Lewisville, Idaho

32277
31-2419

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-32277)
in the name of C. Leavitt Grover,)
1260 Idaho Avenue, Idaho Falls, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

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

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

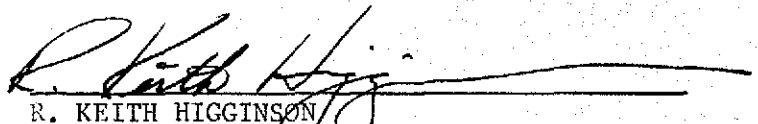
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. G-32277 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 20th day of October, 1969.


R. KEITH HIGGINSON
State Reclamation Engineer

32277
31-2919

October 20, 1969

Re: Permit No. G-32277 - C. Leavitt Grover

Ronald J. Ball
Ball Brothers
Lewisville, Idaho 83431

Dear Mr. Ball:

In checking through our files, we found your letter of April 19, 1966, copy enclosed, in which you state you now own the land covered by the above referenced permit.

However, before we can change this permit into the name of Ball Brothers, we must have a signed and notarized assignment form from Mr. Groves and his wife. A blank assignment form is enclosed for your convenience.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. blank assignment form

cc/enc. C. Leavitt Grover
1260 Idaho Avenue
Idaho Falls, Idaho 83401

32277
31-2419

April 20, 1966

Re: Permit No. G-32277

Mr. Ronald J. Ball,
Ball Brothers,
Lewisville, Idaho.

Dear Mr. Ball:

Returned find all the papers sent to this department with your letter of April 19. Also enclosed is an assignment form, which should be completed and signed by Mr. Grover and his wife before a Notary. This will put the permit into the name of Ball Brothers.

There is a fee of .50¢ for recording the assignment.

Very truly yours,

DONALD J. WATTS
Office Engineer

Encl.- Permit No. G-32277
Letter of 3-26-65
Assignment Form

DJW:pmk

832277

Ball Bros.
Our Brand
Potatoes

PHONE SK 4-6511
POTATOES
SHEEP
LEWISVILLE, IDAHO
LAMBS

April 19, 1966

RECEIVED
APR 20 1966

Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
107 State House
Boise, Idaho

Attn: Mrs. Edna P. Rule

Dear Mrs. Rule:

We have purchased the Leavitt Grover farm at Hamer, Idaho. The well has been drilled on this property under permit No. G 32277.

We are inclosing all papers covering the permit issued to C. Leavitt Grover. We would like this permit transferred to BALL BROTHERS of Lewisville, Idaho, as we are now the owners of the C. Leavitt Grover property.

Should there be any further charges for this transfer, please let us hear from you.

Thanking you, we are

Yours very truly,

BALL BROTHERS

BY

Frank J. Ball

rjb;oby
Incl. Well permit No. G-32277

32277

March 26, 1965

Re: Permit No. **G-32277**

Mr. C. Leavitt Grover,
1260 Idaho Ave.,
Idaho Falls, Idaho.

Dear Mr. Grover:

We enclose Permit No. **G-32277** in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

~~XXXXXXXXXXXX~~
We also enclose Departmental Receipt No. **G-9257**
which was issued covering payment in the amount of \$ **4.50**
for the filing fee of the above mentioned permit ~~was given to~~
you while in our office.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk

G32277

NAME OF APPLICANT C. LEAVITT GROVER

Form No. 0

SW 1/4 of NE 1/4 -

Sec 12, T 7 N, R 36 E B, M

320-A

Project No. 232277
As Approved
CARL E. TAPPAN
State Reclamation Engineer

MAR 19 1965

Jefferson

232277